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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

SENATE—*Thursday, February 5, 2009*

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

PRAYER

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

The guest Chaplain offered the following prayer:

Good Morning. Let us pray.

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

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

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

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

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

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

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

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

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

STIMULUS PACKAGE

Mr. REID. Mr. President, let me say a few words about the pending legislation. I hear comments all the time that this is the greatest financial crisis since the Great Depression. I have asked myself: Well, is this worse than the Depression that started in 1928? The answer is no. That situation was worse than what we find ourselves in today. In that period of time, the stock market dropped 89 percent, with more than 25 percent of the population without work, and there were millions of others who were underemployed. It was an extremely difficult time in the history of our country. We do find ourselves in a very difficult position now, and we need to do what we can to work our way out of this situation so we don't have a depression but just a bad recession, and I am confident and hopeful we can do that.

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

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

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

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

President Obama has given the Congress a charge: Help America work our way out of the economic downturn we find ourselves in. Now, there isn't a Senator, Democratic or Republican, who doesn't acknowledge we have a tremendous problem, but the question is, How are we going to work through this problem? Of course, every one of us might suggest we could write a better bill. We all have an ego, and so we think we could do a better job than

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

President Obama and his people. But we are at a point now where we have, as I have indicated, 13 amendments pending—soon we will have 14—and I have no problem with that—but there comes a time when we need to work to complete the legislation.

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

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

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

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

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

RECOGNITION OF THE MINORITY LEADER

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

STIMULUS—DAY 3

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

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

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

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

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

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

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

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

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

Republicans remain committed to working with the President and with our friends on the other side to address this crisis. We agree something must be done, but it will require a lot more work. Today, Republicans will present in greater detail our ideas for making this stimulus work. Our friend and colleague, Senator MCCAIN, is here now to explain his proposal.

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

The ACTING PRESIDENT pro tempore. The Senator from Montana.

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

RESERVATION OF LEADER TIME

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

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

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

The assistant legislative clerk read as follows:

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

Pending:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. SANDERS. Thirty seconds.

Mr. MCCAIN. For 30 seconds.

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

Mr. BAUCUS. Senator, offer your amendment.

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

AMENDMENT NO. 364 TO AMENDMENT NO. 98

(Purpose: To propose a substitute)

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

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

The assistant legislative clerk read as follows:

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

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

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

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

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

jobs and stimulate our economy. The total cost is around $421 billion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

So if we really want to create jobs in America and attract capital and investment for the United States of America, we need to lower the corporate tax bracket. We need to have accelerated depreciation for capital investments for small businesses. We

need to assist Americans in need, there is no doubt about that. There are Americans who are wounded and are hurting today. It is not their fault.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority whip.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. MCCAIN. Will the Senator yield?

Mr. DURBIN. I yield for a question.

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

Mr. DURBIN. I thank the Senator.

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

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

Let me read what it says:

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

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

Mr. SANDERS. We would like some definitive time.

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

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

The PRESIDING OFFICER. The Senator from Arizona.

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Vermont.

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

As every American knows, we are losing huge numbers of jobs. What we are trying to do now on the floor of the Senate is do everything we can to prevent this country from falling into a deep depression. In the middle of all of this, in the middle of the greed and recklessness being shown by the major financial institutions of our country, at a time when the taxpayers of this country are spending $700 billion on a bailout, when the Fed is lending out trillions of dollars, what we see is many of those bankers are providing huge bonuses to themselves. They are furnishing their offices in lavish ways. They are buying jet planes. They are doing all of these things which suggest to me they do not know what world they are living in; they do not know what is going on in America.

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

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

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

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

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

Presumably Americans are unable to do these jobs.

The article continues:

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

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

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

The PRESIDING OFFICER. The Senator from Iowa.

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there objection?

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

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

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

Mr. SANDERS. I yield the floor.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Dakota is recognized.

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

Again, we are talking about a $1 trillion bill—$800 billion, up now into $900 billion. When you add in interest, it is $1.2 trillion and change. It seems as if

every amendment that has been offered—we have had a lot of Republican amendments that have attempted to cut out some of the wasteful spending, eliminate some of what I think is probably most egregious about the bill, none of which has been accepted, ironically. Ironically, the only amendments that have been accepted so far have not decreased the size of the bill. They have added to the size of the bill. This bill has gotten bigger.

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

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

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

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

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

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

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

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

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

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

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

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

It also, as was noted earlier, makes some changes with regard to the underlying bill where defense is concerned. We have some very serious needs. Senator MCCAIN mentioned this in his remarks and he talked about the defense spending in his bill. There is some, frankly, defense money in the Democratic proposal—about $10 billion—mostly for military construction projects, but there is no money for reset. We have serious needs out there. Senator MCCAIN's amendment adds $7 billion for reset, to repair military equipment and replace direct battle losses, including $6.5 billion for the Army, $600 million for the Marines, $62 million for the Navy, and $83 million for the Air Force, which adds money

for direct repair of military infrastructure and facilities. These are things that need to be done and can be done quickly that will put money to good use, that do create jobs and serve an important national purpose.

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

Unfortunately, much of the money in the Democratic proposal, as I said earlier, isn't going to get spent out for years. I offered an amendment last night not to fund new programs, assuming it was going to take new programs a long time to get implemented and up and running. That amendment was defeated. The point of all this is to do things that in the short term create jobs. So there is $45 billion in the McCain proposal for infrastructure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The lack of oversight in the financial markets in many ways fueled the subprime mortgage crisis and led to the failings of Wall Street. We saw rating agencies deficient and negligent in judgment and lacking independence, which in turn led to a poor assessment of bond rating risk. Investment banks

took advantage of this system reaping windfall profits through the creation of complex financial instruments, such as collateralized debt obligations, which hid underlying risk. All of this financial engineering did not provide opportunities and hope for working Americans.

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

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

We have seen a situation where Americans have to put off essential and important purchases, such as medicine, and they may have to defer education for their children. They have to make these very difficult choices. We have to make difficult choices. Spending on durable items, such as cars, appliances, and furniture has plunged at a rate of 22.4 percent last quarter.

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

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

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

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

I yield the floor.

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

Mr. BURR. Mr. President, I rise today to enthusiastically support the bill of my good friend and colleague

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

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

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

Senator THUNE did a great job of talking about the trillion dollar-plus on this bill—$900 billion plus in spending, at a very crucial time, plus interest, comes to about $1.2 trillion. I point out to my colleagues that several weeks ago, we appropriated $350 billion to the TARP. This week, I am convinced that this Senate and this Congress will hand to the President that $1.2 trillion spending bill. It is my understanding that appropriators plan to come to the floor in the next couple weeks with an omnibus spending bill of a trillion dollars. It is also my understanding that the Secretary of the Treasury will suggest to the President that the administration come back to the Congress in the very near future to ask for at least a half trillion dollars in additional TARP money, meaning that over a 60-day period this Congress could spend almost $3 trillion.

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

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

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

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

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

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

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

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

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

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

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

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

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

I remember when there was an energy bill in the Senate. We spent 3 weeks, not stalling but debating different types of solutions to the problem. That is what we are doing today, offering substitutes, offering amendments. But the die is cast. They are not going to be accepted. As NANCY

PELOSI, the Speaker of the House, said, and I think her remarks are embraced over here: We won; therefore, we have a right to do it exactly like we want to do it.

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

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

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

The Senator from Hawaii is recognized.

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

On January 26, 1941, the President of the United States, Mr. Roosevelt, issued a military order through General MacArthur calling upon Filipinos to volunteer to serve in the Army, to serve in the Navy, to serve in the Air Force, because the President sensed, correctly, that there was much instability and much violence in Asia. He felt the time had come for the United States to be prepared for any eventuality. As a result of that call, 470,000 Filipinos stepped forward and volunteered to serve in the military, under the command of General MacArthur.

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

Then we had Corregidor. The same thing.

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

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

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

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

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

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

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

I yield the floor.

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

Mr. GRAHAM. I thank the Chair.

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

Mr. GRAHAM. Absolutely.

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

Mr. GRAHAM. Yes.

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

Mr. GRAHAM. A long list.

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

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

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

Mr. GRAHAM. No.

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

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

The PRESIDING OFFICER. The Chair will do so.

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

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

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

The House did not get one Republican vote. Maybe every Republican is just crazy, but I don't think so. I think there are some Republicans in the House who understand we need a stimulus package and believe we have to do more than cut taxes. I believe we have to do more than cut taxes. But the reason you didn't get a Republican vote in the House is because NANCY PELOSI's attitude is: We won, we write the bill.

Well, let me tell you, this ain't about one party winning, this is about America. And America needs the Congress and the new President to be smart and work together. We are not being smart. We are spending money on things that have nothing to do with creating a job in the near term, and the spending will go on long after this economic crisis is solved. It is not smart to say no to an amendment that would stop the spending when the economy gets back on its feet.

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

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

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

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

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

This is not the way to spend $1 trillion. This will come back to bite everybody in this body because when we go to the public and say: We need money to get rid of toxic assets that are clogging up the banking system, they are going to say: Why should I give you a penny more; look what happened with TARP and look what happened in this monstrosity of a bill. And I think, quite frankly, we are going to need to go back.

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

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

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

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

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

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

Mr. GRAHAM. Yes.

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

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

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

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

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

Mr. GRAHAM. Yes.

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

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

I am here today——

Mrs. BOXER. Will the Senator yield?

Mr. GRAHAM. No, it is my time.

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

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

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

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

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

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

I yield the floor.

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

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

But, frankly, the main question is, how do we get people back to work? How do we get our economy moving? That is the question.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For transfers to persons who are receiving unemployment benefits the return on a dollar is higher. Transfers to people who are unemployed are most likely to be spent, not saved. The return on a dollar is between 80 cents and $2.20.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

What is the bigger problem? Medicare. That is the big problem. The Medicare trust fund is not going to last much longer, 6, 8, 9, 10 years, something like that. And what is causing such a problem? We have such a problem because health care costs in this country are rising at such a rapid rate, close to two times the rate of inflation.

And, as you know, we spend about twice as much per capita in health care in America than do people in other countries.

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

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

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

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

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

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

The concern here is about 49 million Americans who would get no reduction in their taxes, none. Who are they? Well, they are people who do not pay income taxes, who tend to be low-income people. The underlying bill before us reduces taxes for those people who work. It is payroll tax related. If you work, under the underlying bill, you are going to get a reduction in your taxes, your income taxes. You will get a check basically, if you do not pay income taxes. And if you work, you get a reduction in your income taxes.

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

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

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

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

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

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

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

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

The Senator from Tennessee is recognized.

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

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

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

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

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

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

How much money is this we are talking about spending? Well, the former

chairman of the Budget Committee, the Senator from New Mexico, Mr. Domenici, called me yesterday. He has been doing some figuring, and he figured it took from the beginning of the Republic when George Washington was the President until the early 1980s for the United States of America to pile up a cumulative debt of $850 billion.

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

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

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

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

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

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

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

It is ongoing. So let no one think the trillion dollars proposed to be spent is temporary. Let no one think it is about stimulus. I guess every time you spend a government dollar, there is a little bit of stimulus, I suppose. But I asked my staff working on appropriations to go over the $900 billion. Here is what they found. They said there is approximately $135 billion of spending that will directly create jobs, including building construction, road construction, locks and dams, environmental cleanup, and national cemetery repair. And only $53 billion of the $135 billion is spent in the next 18 months. If this is a bill about creating jobs this year, if that is the reason we are taking this extravagant debt and adding more to it than we spent in the entire New Deal in today's dollars, that is not very targeted. The bill is neither temporary nor targeted.

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

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

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

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

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

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

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

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

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

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

When we say fix housing first, we mean, to begin with, the $15,000 housing credit. If you want to buy a house

during the year 2009, you get a $15,000 tax credit. That is real money. You can put it in your pocket this year, if you buy a house.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

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

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

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

Ms. CANTWELL. Madam President, we are here today to find ways to inject capital, confidence, and construction into our economy. That is why I have worked so hard collaborating with Senator HATCH and Senator STABENOW who is now on the floor and I think

Senator HATCH may come at some point later today—and with Senator KERRY and many stakeholders across the country to develop what is an economic recovery and reinvestment opportunity that leverages the incredible potential of plug-in electric vehicles.

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

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

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

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

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

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

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

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

As President Obama said of the stimulus bill:

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

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

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

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

Ford, for example, announced that the cells for the battery system in its first series of plug-in hybrid production vehicles are going to be manufactured in Nersac. Now, Nersac is not some upper Midwest town. It is a city in France. I think they being manufactured in Nersac highlights the fact that if we do not act, our competitors will. In fact, if we look at this issue, in the United States we are already pretty far behind. The United States does lead in the research and development of lithium-ion battery technology over countries such as China, Korea, and Japan, but they are the countries that are actually commercializing and producing the product using this technology.

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

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

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

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

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

Ms. CANTWELL. Yes, I will.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Thank you.

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

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

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

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

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

And I want to emphasize that our amendment does not say which companies would produce this battery technology. We are simply saying we should have some of this manufacturing in the United States.

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

Ms. CANTWELL. Yes.

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

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

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

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

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

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

I thank the Presiding Officer and yield the floor.

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

Mr. COBURN. I thank the Chair.

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

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

We heard Senator ALEXANDER today talking about that it is not our money,

it is the taxpayers' money, and we are going to have to pay it back. Nobody alive in this room today will pay back any of this money. Their children and their grandchildren will pay back this money.

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

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

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

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

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

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

The idea that we can borrow more money we don't have to spend on more things we don't need and ignore the wisdom of the average American citizen on how best to spend their money is insane. Yet we have spent 2½ days—that is all we have spent so far on a $1 trillion bill, 2½ days—and have had 20 votes, and now we are told by the majority leader we need to hurry up. ''Hurry up'' is what got us in this trouble. We need a methodical explanation to the American people for every line that is in this bill—every line item. We need an explanation of why we are putting in Medicaid funds to bail out the States at twice the level of what the Governors actually asked for. Why would we do that? Because we know better. In our ultimate wisdom, we know better? And while we are talking about the States, the worst thing we can do is bail out the States because we will be transferring our wonderful illogic to the States and saying you don't have to be fiscally responsible. That is what we are going to be telling them, so that in the future, they won't put in a rainy day fund, as Oklahoma has, and plan for the future and control their spending increases. No, they will say: Don't worry about it; the Federal Government will come bail us out.

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

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

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

The President signed the children's health program. I am not opposed to a children's health program. I am not opposed to helping children get the health care they need. But this body rejected a way to do that which wouldn't have increased taxes $71 billion and would have covered every child. But, no, we are smarter than that because we want to tell people where they are going to get their health care and how they are going to get it. And then, when we can't afford it, do you know what we are going to do? We are going to ration it, just like every other country that has centralized control over their health care. Then what is going to happen to our cancer cure rates which are 50 percent

higher than anywhere else in the world? They are going to be the same as the rest of the world: They are going to go down. Now we have comparative effectiveness that we want to put through that says the Government—some Government bureaucrat is going to tell doctors how to practice medicine. That is in this too. We are going to have them tell us how to practice medicine. We forgot one thing on the way to the barn, and that is the practice of medicine is 40 percent art and 60 percent science and everywhere in the world, where they have a centralized government health care system, they have thrown out the art of medicine, which tends to deal with the whole person and how that interacts with the physical aspects of that person.

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

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

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

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

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

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

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

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

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

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

I spoke on the floor two nights ago using the corollary of treating symptoms versus treating disease. This bill treats symptoms; it doesn't treat disease. I know several colleagues are waiting to talk.

With that, I yield the floor.

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

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

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

The PRESIDING OFFICER. The Senator from Oklahoma is correct.

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there objection?

Mr. WICKER. Objection.

The PRESIDING OFFICER. Objection is heard.

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

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

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

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

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

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

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

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

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

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

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

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

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

yes, we did win the election, and the American people are overwhelmingly for this.

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

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

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

The PRESIDING OFFICER. Is there objection?

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

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

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. I object.

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

Mr. INHOFE. Yes.

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

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

Congress spends the money, will my friend acknowledge? It is Congress that spends the discretionary funds around here, and it is Congress that sets the spending on autopilot in terms of the mandatory spending. The President does not spend a penny without the consent of this Congress.

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

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

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

Let me make a couple comments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There has been a suggestion that if we close Guantanamo, there are some 17 military installations in the continental United States that would be able to accept some of these detainees and so that is where they would end up going. The problem with that is, I don't know of one Senator serving in here who wishes to say it is all right to go ahead and put them in Mississippi or put them in Iowa or put them, in my case, in Oklahoma. One of the 17 installations happens to be Fort Sill, located in Oklahoma. We don't want that. You don't want them in West Virginia. So there is no reason for us unnecessarily to target ourselves in this case.

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

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

That is not, however, where I am coming from on this amendment. I know for a fact, if we can get this voted on, it would pass. Those individuals who believe we should close GTMO are always very careful to say we have to figure out what we are going to do with the hard-core detainees down

there, because we can't turn them loose. You can't bring them back and try them in our court system because the rules of evidence in a tribunal are different. You can't read them their rights when you are apprehending them—apprehending a terrorist. It doesn't work. In a tribunal, hearsay evidence is admissible, but it is not in our court system. So that is something that wouldn't work.

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

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

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

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

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

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

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

To house or otherwise incarcerate any detainee described.

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

Mr. President, I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. ROCKEFELLER. So I am reinforcing the truth?

Mr. BAUCUS. That is correct.

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

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

Mr. INHOFE. Will the Senator yield?

Mr. ROCKEFELLER. No.

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

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

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

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

Mr. INHOFE. Will the Senator yield?

Mr. ROCKEFELLER. I will not.

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

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

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

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

If we are going to do this, we must spend every dollar so carefully. We must make sure every dollar we spend is stimulative. In fact, the bill before us, the underlying bill, one-third of it that is supposed to be stimulative is not going to be spent in the next 2 years. That means we would be spending money down the road to solve a

problem that may not even exist down the road, and we will be increasing the size of debt without the stimulative effect.

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

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

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

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

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

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

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

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

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

Mr. MCCAIN. I would like for my colleagues to conclude the debate, since

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

She said:

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

And hastily put together is what this program is.

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

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

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

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

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

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

The Democratic leadership in this Congress said only recently that this package should be targeted, temporary, and timely. I could not agree more. Unfortunately, as this package stands today, it could more accurately be described as slow, unfocused, and unending. Americans have real concerns over some of the spending contained in this package: $20 million for the removal of fish barriers; $70 million to support supercomputing activities for climate research; tens of millions to spruce up Government buildings in Washington, DC; $25 million to rehabilitate off-road ATV trails; $600 million for new Government vehicles; $150

million for honey bee insurance. The list goes on and on.

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

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

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

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

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

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

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

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

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

have been headed in the last 8 years. This recovery package changes that. The Cantwell-Hatch-Stabenow amendment is a very important addition to it.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I thank the Chair.

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

AMENDMENT NO. 364

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

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

Our new President recently told the Washington Post:

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

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

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

There is no doubt we are in a serious recession. There is widespread agreement that quick action is necessary to stop our economy's downward spiral.

The facts are conclusive and Democrats and Republicans all agree economic conditions are severe. Both commonly accepted definitions of ''recession'' have clearly been met, and we have seen a constant decline for all economic indicators.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

programs at a cost of well over $136 billion.

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

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

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

work from this bill and why this bill is so essential to our economy.

The bad news is that this bill is not being debated and these amendments are not being voted on in a vacuum. The reason why we are debating this bill is because we have about the worst economy that we have seen since the 1930s, at least the worst economy in more than a generation. That is without question. I know the Presiding Officer as well as others know how bad this is in our own States. I know from the people in Pennsylvania whom I talk to and the stories and accounts that I read about our economy, it is graphic. I won't go through all of it, obviously, but if you look at it from the unemployment rate, it is more than 7 percent nationally. Some projections are that if we don't take strong decisive action very soon, that number could go up to 10 percent—numbers we never would have imagined even 6 months ago. In Pennsylvania, our unemployment rate is a little less than that. As of December—the State numbers tend to lag by a month or so—we were about 6.7 percent, but a month earlier it was 6.2. In our State in November we lost more than 27,000 jobs. In December we lost another 27,000 jobs. We saw the numbers today on claims for unemployment, help for unemployment claims. The number is going way up: well over 650,000 people in this week's tally.

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

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

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

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

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

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

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

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

If we don't figure out a way to get this housing market back on track,

nothing we do in the name of economic stimulus will matter. It has to be our number one priority. If we can fix the problem—and the problem is housing—then we have a chance to fix our economy.

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

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

Here is how it works. American homeowners would be able to refinance their current mortgages or finance the purchase of a home for somewhere between 4 and 4.5 percent. Homeowners who hear about this proposal immediately begin to do the math. You can literally see their eyes light up as they realize how this will benefit them. Imagine saving $400 per month on a fixed-rate, 30-year mortgage. This will save $150,000 over the total term of their mortgage. That $400 a month will make a huge difference in the budgets of most families.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, Americans are hurting right now. So many have lost their jobs, lost their homes, and they need help. They need us. We have a role to

play here. We need to put confidence back into consumers across America so they can start getting back involved in the economy. They understand that a $1.2 trillion spending bill is not the answer. That is why we are seeing support of this bill go down in the polls each day.

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

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

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

I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

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

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

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

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 189

Mr. DEMINT. Mr. President, I wish to speak on my amendment that protects

religious freedom on college campuses. I start by asking unanimous consent to add Senator MIKE ENZI of Wyoming and Senator JIM BUNNING of Kentucky as cosponsors of amendment No. 189.

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

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

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

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

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

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

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

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

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

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

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

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

The people who wrote this bill want to create risk and liability and put a chilling effect on religious freedom in our country. The most important thing for us to consider is what is this nonsense doing in this bill in the first place? The courts have decided this issue. Religious groups have the same freedom as nonreligious groups. This has nothing to do with the economy and even less to do with stimulus.

Keep in mind, this bill did not write itself. Someone around here thinks it is a good idea to discriminate against people of faith, to deny them educational opportunities and access to public facilities. Someone is so hostile to religion that they are willing to stand in the schoolhouse door, like the infamous George Wallace, to deny people of faith from entering any campus building renovated by this bill.

This cannot stand. It is in hard times that our society most needs faith. It provides the light that no darkness can overcome. This provision is an attempt to extinguish that light from college campuses, from the lives of our youth.

In the words of the President today:

> Faith . . . can promote a greater good for all of us. Our varied beliefs can bring us together to . . . rebuild what is broken [and] to lift those who have fallen on hard times.

Our culture cannot survive without faith, and our Nation cannot survive without freedom. This provision is an assault against both. It is un-American, and it is unconstitutional, intolerant, and it is intolerable. It must be struck from the underlying bill.

I urge my colleagues to support my very simple amendment, a few lines that just strike this provision that has already been decided by the courts that has no place in this bill. I urge my colleagues to support it.

I reserve the remainder of my time. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is no time allocation.

Mr. BAUCUS. There is no time.

Mr. DEMINT. I yield all of it then.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. MCCAIN. Mr. President, can we propound the unanimous consent request? It has not been cleared.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first, I commend our good friend and colleague from Montana. He has been on the Senate floor it seems endlessly over the last several weeks with a number of bills—SCHIP and now this stimulus package and others. I commend him and his staff for the tremendous job they have been doing. It is a lot of hard work. They have been very patient with all of us. Senator INOUYE as well, and his staff on the Appropriations Committee. They have done a good job as well.

I have two amendments that will be offered at some point later today. I wish to take a couple minutes to describe each of them since we will have limited time during the series of votes that will occur to describe them in detail.

The first amendment I will be offering, along with Senator JOHN KERRY who offered to be a cosponsor of this amendment, involves the mitigation on foreclosure issue.

It was exactly 2 years ago the day after tomorrow that I held my first hearing as Chairman of the Banking Committee on the foreclosure issue. At that time we had a hearing on this issue. I warned at the time, as did several of my colleagues on the Committee, about the serious mounting problems with the threats to the residential mortgage market in the country and what this could likely do to our economy if we didn't put a tourniquet on this beginning hemorrhage in the residential mortgage market.

At that time, Martin Eakes, who is President and CEO of the Self-Help Credit Union and the Center for Responsible Lending, predicted at that hearing there would be over 2 million foreclosures in the United States. This

was in February of 2007. The reaction from the Mortgage Bankers Association and other industry groups was immediate and definitive that day. No way, they said. They accused Mr. Eakes of crying wolf and exaggerating the problem.

Well, the industry was half right. Mr. Eakes and the consumer advocates were very wrong. We weren't facing 2 million foreclosures. We now know we are facing 8 million foreclosures 2 years later. And of course we are all painfully aware of the condition of our economy today, the worst since the Great Depression, going back 80 years; and, unfortunately, getting worse every day, with 20,000 jobs a day being lost in our country, and somewhere between 9,000 and 10,000 homes being foreclosed.

When we wrote the TARP program in the fall of last year, one of the major provisions was to mitigate foreclosures. Regretfully, very little has been done on that issue, and today we still see the mounting foreclosures in our country. In fact, last summer, we passed the Hope for Homeowners legislation. This amendment I am offering today does two things: one, it makes it possible for the Hope for Homeowners bill to work better than we intended it would back in July by eliminating several provisions in that bill, or at least modifying, including lowering the future equity that homeowners must share from 50 percent to 25 percent of the original price; reduce the upfront and annual premiums charged to borrowers under that program; provide incentive payments to servicers who participate in the program; and allow for bulk sale of mortgages at discounts to promote a higher volume of loan modifications. Now, these ideas will increase participation, which has been almost nonexistent. With these modifications, there are many who believe we will see a substantial increase in people taking advantage of that program.

The second part of the amendment is one that would require within 15 days of the enactment of this legislation to develop a program in consultation with the Chair of the Federal Deposit Insurance Corporation, the Chair of the Federal Reserve Board, and the Secretary of HUD to develop a program to mitigate additional foreclosures. We would require and devote no less than $50 billion of the TARP fund—not of the stimulus package, of the TARP funding—to go to a loan modification program. And the program, I would point out, is expected to prevent at least 2 million foreclosures in the country.

The amendment does not dictate any particular loan modification plan. I think we owe the administration, which has committed to moving on this matter, the ability to develop the best plan they are able to. So I leave it up to them to decide how this can be done. I am particularly attracted to the plan Sheila Bair at FDIC has promoted, but I know there are other ideas. But at least here we would commit $50 billion of that $350 billion to do something that will require and mandate that we begin to deal with this problem.

I don't know of anyone who believes today that if we don't deal with the foreclosure problem we will not get to the bottom of our economic crisis. I have been saying it for 2 years. We had 30 hearings in the Banking Committee, of the 80 we held in meetings on this subject matter, and witness after witness, regardless of ideology or political stripe all said the same thing: We have to deal with the foreclosure issue.

Today, with 8 million homes in jeopardy, 9,000 a day being lost, we finally I think have to say with some certainty that if we are going to be using this next tranche of $350 billion, we have to dedicate $50 billion of it to foreclosure mitigation. So in addition to the modifications to the Hope for Homeowners, the amendment would also require that $50 billion be spent of the TARP program on this issue.

The second amendment I will be offering deals with executive compensation. Now, let me say right at the outset, this issue can be trivialized, if we are not careful. I think a lot of attention has been paid to this issue because, obviously, it is infuriating to people when they watch taxpayer money go into an institution and then they read where top executives walk away with multimillion dollar bonuses or contracts. It absolutely is more than infuriating to people when they read about it and hear about it. The problem is, if you don't do something about this, we are never going to be able to build the confidence and optimism people need to feel about the larger part of this program. So a tremendous amount of heat and understandable anger is focused on executive compensation.

Again, I emphasize that I think there are other issues we need to deal with, but in order to deal with and build some support for them, we have to deal with the executive compensation issues. This amendment does so. I realize this is painful for some, and I am not suggesting everyone who has been receiving bonuses or excessive compensation is necessarily an evil person at all. Quite the contrary, in many cases they are good people. But there needs to be a sense of reality that if you are literally dumping billions of dollars into these institutions to try to save them, when in many cases the very people who mismanaged these operations are walking away with millions of dollars in compensation. You can begin to understand why people in this country are so angry.

Let me describe a few of the major provisions regarding this. The amendment would ban bonuses, retention bonuses, and incentive compensation for some of the most senior employees at TARP recipient firms. It would authorize the Secretary of the Treasury to increase the number of executives ineligible for such compensation if he deems it to be in the public interest.

Secondly, this amendment is not only about the prospective TARP recipients, it also requires the Secretary of the Treasury to conduct a retroactive review of past bonus awards, retention awards, and other compensation that TARP recipients paid to employees. If the Secretary determines any payments were excessive and inconsistent with the purposes of TARP or otherwise contrary to public interest, the amendment directs the Treasury to seek to negotiate a reimbursement to the American taxpayer.

Currently, shareholders of public companies may offer proposals on executive compensation, but it takes an initiative by the shareholders. We apply that provision now to TARP recipients. Under this amendment, it would require the TARP recipient of the company to automatically put a proposal on these cash bonuses and compensation on its annual proxy statement to shareholders without requiring shareholders to make a prior request or formulate the proposal. Such proposals would call for an advisory shareholder vote on the company's executive cash compensation program. This ''say on pay'' vote would enable shareholders of TARP recipients to voice their views. And as the owners of the companies, I think they ought to be heard on these matters.

Thirdly, under the Emergency Economic Stabilization Act, we included a clawback requirement, which allows the TARP to recover any bonuses or incentive compensation paid to an executive based on reported earnings or other criteria later found to be materially inaccurate. This amendment expands the number of senior employees who would be subject to this clawback as well.

As former SEC Chairman Bill Donaldson wrote not that long ago, and I quote him:

> People with targets, and jobs dependent on meeting them, will probably meet their targets—even if they have to destroy the enterprise to do it.

This amendment ensures that isn't the case for companies receiving TARP funds. First, it would prohibit any compensation plan that would encourage the manipulation of reported earnings. It would also create a compensation committee composed entirely of independent directors—not only monitoring the objectivity of compensation awards but evaluating compensation plans and their potential risk to the financial health of the company. Finally, the amendment would require the chief executive officer of the TARP-receiving company and the chief

financial officer of the company to certify compliance with these requirements. We have required that under Sarbanes-Oxley, and I think in this area we ought to do it as well.

There will be those who think these are excessive, but unfortunately, what we have seen is excessive. If we are going to convince the American public that what we are trying to do is in their interest, then we have to be certain when it comes to these matters.

Again, I urge my colleagues to be supportive of this. It is broad, it is far reaching, it gives the Secretary additional powers, but it allows us to deal with these issues in a comprehensive fashion.

Unless we do this, I will tell you that I think it will become virtually impossible to get this Congress, either body, to support any additional funds of this nature that may very well be needed. Unless we start to calm the anger of the American public over how some of these dollars are being used, we are never going to succeed in that effort.

So while it is not a significant portion of the money overall, it is a significant cause of the lack of confidence, and therefore I urge my colleagues to support the amendment when it is offered. The first amendment is on housing, and this one is on executive compensation.

I apologize for taking a little longer. I know other Members wish to be heard.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I was going to respond to Senator DEMINT's amendment, but I see Senator THUNE on the floor, and we are trying to alternate from side to side. It will take me about 10 minutes, but I yield to him.

Mr. MCCAIN. If the Senator will yield to me for one comment. We are still working on a UC for setting up votes, and for the benefit of my colleagues, we think it is roughly sometime shortly after 4 p.m., but we haven't completed the unanimous consent agreement as yet. But for the information of colleagues, we are working on a series of 13 votes at least.

Thanks.

Mr. DURBIN. Mr. President, I ask Senator THUNE if he wants to proceed first.

Mr. THUNE. Mr. President, I guess my understanding is—and it wasn't locked in, in the form of a unanimous consent request—that we were going to ping-pong back and forth with speakers. I have an amendment I wish to speak to, if that is okay with the Senator from Illinois.

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

Mr. CHAMBLISS. Mr. President, does the Senator from Illinois wish to speak after Senator THUNE?

Mr. SCHUMER. No, I do.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that I be allowed to speak after whoever speaks on that side, after the next Democrat speaks.

Mr. BAUCUS. Frankly, Mr. President, I think the next speaker should be you.

Mr. CHAMBLISS. I will go with that.

Mr. BAUCUS. You are on. The Senator from Georgia.

Mr. CHAMBLISS. Well, no, Mr. President. First up is Senator THUNE.

Mr. President, if the Chair could tell us—I believe Senator THUNE is going now, then a speaker on the other side, and then I will go after that speaker.

Mr. BAUCUS. That will be fine.

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

AMENDMENT NO. 197

Mr. THUNE. Mr. President, I rise to speak today in support of my substitute amendment, which is No. 197. This amendment has been modeled after the substitute amendment that was offered by the Republicans in the House of Representatives.

I think the big question we have to ask, and the question before the House is, if we are serious about doing something for this economy to recover and to create jobs, what is the best and most effective way to do that? We have in front of us a proposal that emphasizes more heavily government spending and doing it through government programs. What I have chosen to offer to my colleagues here in the Senate is an opportunity to vote on something that does it in a different way. It allows the American people to spend the money that we use to infuse the economy with dollars that hopefully will grow the economy and create jobs.

Our Nation has lost millions of jobs over the last several months. Families are hurting and businesses are struggling to survive. As our Nation weathers this turbulent economic time, we do have this decision to make: Should the Congress take hundreds of billions of tax dollars and invest them in an expanded Federal Government or, on the other hand, should Congress return tax dollars directly into the economy in the form of tax relief, which will create jobs and economic opportunity?

The response the Democratic majority has put in front of us is to put more money into Federal agencies, to renovate Federal buildings, and buy new cars for Federal employees. I believe we ought to follow a different path and let the people of this country keep more of their hard-earned dollars and let them decide how best to spend, save, invest, and to turn this economy around.

People know better how to spend their money than unelected bureaucrats here in Washington, DC. And tax relief, not government spending—reductions in taxes for the American people—will create jobs and get us out of this recession. This is what President Kennedy knew, this is what President Reagan knew, this is what I believe the American public, with their lackluster response to the $1 trillion spending program in front of us, knows as well.

This substitute amendment does several things. It shifts, as I said, the focus from government spending to meaningful tax relief in four ways: First, it provides tax relief for individuals and families; second, tax relief for small businesses—the job creators in our economy; thirdly, it provides housing assistance; and, finally, it provides temporary assistance to those who are dealing with the current recession.

Now, first, the bill provides meaningful tax relief for working taxpaying families. Under the ''Making Work Pay Credit,'' the tax provision in the bill—the majority bill—7 million households are going to receive a check from the government that is larger than both their payroll tax and their income tax liability. In other words, rather than a one-time credit, what my amendment would do is reduce the lowest two marginal income tax rates for years 2009 and 2010. Essentially, the 10-percent rate would go down to 5 percent and the 5 percent rate will go down to 10 percent. This is a real tax reduction and will benefit all income taxpayers in this country.

In total, there are 100 million taxpayers who would receive, on average, tax relief of $1,250 per filer each year. Married couples could receive up to $3,400 in lower taxes each year.

Consumer spending accounts for 70 percent of our gross domestic product. As consumer spending declined for a record 6 months in 2008, it is no surprise that our economy contracted over the same period of time. If we want to spur consumer spending, we should not implement single shot policies like a one-time credit, and we certainly should not pour hundreds of billions of dollars into Government programs. Instead, the best way to stimulate consumer spending is an immediate meaningful reduction of marginal income tax rates.

With respect to small businesses, the second part of this bill focuses on small business tax relief. Small businesses, as I said, create up to 80 percent of all new jobs and represent 99 percent of the 27 million businesses in the United States. If we want to create new jobs, we should start with helping small business, not expanding Federal bureaucracies. This amendment expands small business bonus depreciation and expensing to encourage investment in this current year, which is when we need it the most. The amendment expands the net operating loss carryback period, permitting businesses to carry back their operating loss deductions for 5 years rather than 2.

Several of these provisions, granted, are included in the underlying bill. This amendment, however, provides an additional $47 billion of small business

tax relief. My amendment includes a new provision that would allow small businesses to deduct 20 percent of their business income. This provision significantly reduces the tax burden on small businesses which would allow them to continue to hire and retain hard-working Americans. This provision would also allow small businesses to maximize their earnings and increase in value, which will also give them better access to credit markets and another critical component to a recovery.

Small businesses are the backbone of our economy and, unbelievably, only 2 percent of the total in this bill, the underlying bill, the majority bill, is dedicated to tax relief for small businesses. The lack of small business incentives in this bill, in my judgment, is a serious flaw, and my amendment seeks to improve it substantially.

I also understand people are hurting on account of the economic downturn. Across America we have hard-working men and women who are being layed off because of no fault of their own. Today they are sitting at the kitchen table wondering how to make ends meet.

Earlier this year, Congress acted to extend unemployment insurance to provide a safety net for those who are in need. My amendment would extend the expanded unemployment insurance provisions through the end of this year. Additionally, the amendment would eliminate the income tax on unemployment insurance. This is an automatic increase in the real benefit of unemployment insurance to those who derive it. It never made sense to me that individuals would pay taxes to the Government to fund unemployment insurance and, once they are unemployed, receive the benefits and then have to pay taxes on the benefit as well. This amendment would correct that. It would also make health care more affordable for the self-employed and other families without employer-provided health insurance because, for the first time, this amendment would provide an above-the-line deduction for health insurance costs.

Finally, with respect to the housing market, this amendment addresses our housing market prices. The housing market is what led us into this recession. In fixing the housing market, we will help lead us out. My amendment would extend the $7,500 home buyer tax credit through December 31, 2009, while expanding the benefit to all primary residences. This amendment would eliminate the complicated recapture rules which currently require home buyers to pay the Government back if they claim this credit. In the end, this provision would help stimulate the faltering housing market and encourage responsible home ownership.

According to the Congressional Budget Office, there are some real issues associated with the decision we make about whether to stimulate the economy with Federal spending, with Government spending or with tax relief. I wish to read for you a couple things the CBO has said:

Reductions in Federal taxes [would] have most of their effects . . . in 2009 and 2010.

That is the very period we are targeting to provide the greatest economic stimulus and hope of job creation.

They also stated: ''Purchases of goods and services, either directly or in the form of grants to States and local government, would take years to complete.''

They go on, it will be ''difficult to properly manage and oversee a rapid expansion of existing programs.''

Finally, they say: ''[M]any of the larger projects initiated would take up to 5 to 7 years to complete.''

If we want to approach this problem with a solution that delivers assistance quickly, that is quick hitting, that gets money into the economy quickly, that creates jobs quickly, the way to go about doing that is not to have the Government spend the money, to have it come out of Washington, send our money to Washington, have the Government take more money out of the economy, and then decide how to spend it here. It is to get money into the hands of hard-working Americans and small businesses, where the real power for job creation exists.

Interestingly enough, this legislation, the amendment I offer, was run through an analysis that was used—it is a methodology that was developed by the President's chair of the Counsel of Economic Advisers. Her name is Dr. Christina Romer and Dr. Jared Bernstein, the adviser to the Vice President. This was a methodology they used back in 2007, that considers the multiplier effect of various policy decisions and fiscal decisions that are made by the Congress. What they suggested in that analysis is, if you reduce taxes on the American public, you get a 2.2 multiplier in terms of GDP. My amendment reduces taxes as a percentage of our gross domestic product by 2.8 percent. If you take that by their multiplier 2.2, you get 6.1 percent in GDP growth as a result of cutting taxes.

If you go on further, they suggest that for every 1 percent increase in GDP, you get three-quarters of a percentage change in jobs. So if you take the 6.1-percent growth in GDP and multiply it by .75 you get a 4.6-percent increase in the number of jobs. You take the full size of our workforce today, about 133,876,000 employees, and you plug in that 4.6-percent increase and you get a job growth increase—a job increase over the course of the next 2 years, as a result of making these changes in tax policy, of almost a 6.2-percent increase in jobs.

The proposal we have before us suggests they could get up to another 3 million jobs, perhaps, from this. But I suggest, if we can create double that amount, 6 million jobs, as a result of reducing taxes, it is a much better solution for our country to get our economy back on track and is also done at a lot less cost. The overall cost, according to CBO, of my amendment, is about $440 billion, compared to the $900 billion it will cost for the proposal the Democratic majority has in front of us; twice the jobs at half the cost. That sounds like a solution that makes a lot of sense. It makes a lot of sense to the American people, who understand clearly you do not send your money to Washington and hope the Government can spend it to create jobs. The way to create jobs is to get money back in the hands of the American people, back in the hands of small businesses. That is what will lead us to that growth in gross domestic product, the expanding economy and the job creation associated with that. Twice the jobs for half the cost. I hope my colleagues will support this amendment. It is a much better approach to dealing with what is a very serious economic crisis for this country. I think the American people believe that. I hope my colleagues in the Senate will support it as well.

Let me say, the cosponsors on this amendment are Senators KYL, DEMINT, JOHANNS, and HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise to discuss the stimulus proposal advanced by my friend and Republican colleague from Nevada, Senator ENSIGN. His plan is to have the Government provide fixed mortgages at 4 percent to all creditworthy Americans.

Senator ENSIGN has stated publicly he believes the Government should seek to help stabilize the housing market during these tumultuous times and, as my colleagues all know because I have been speaking about it for months and months, I completely agree 100 percent that we have to stabilize the housing market.

I have been told the Treasury, under the leadership of Secretary Geithner, is working on a plan to get mortgage rates down. It is a good idea. But the plan of Secretary Geithner is completely different from the plan offered by Senator ENSIGN and others. Geithner's plan is a plan—I haven't seen the details. I look forward to supporting it. But it is different from this plan which I must oppose in a very serious way.

Let's start from the beginning. We in Washington sometimes seem to forget that the root cause of the financial and economic turmoil we are now experiencing, and that is the worst most of us have ever seen, except those who lived during the Great Depression, is the inability of homeowners to make their mortgage payments on time. Whether it is because they lost their jobs or suffered unexpected medical costs or, as

was too often the case in recent years, because they were targeted by predatory mortgage lenders and given a loan they couldn't afford or because they reached too far on their own, there are a large number of homeowners who are staring into the abyss of foreclosure. Of course, all Americans know we are now facing potentially the worst economic crisis since Herbert Hoover was in office.

On the positive side, I wish to applaud my Republican colleagues, both for embracing the idea of a big stimulus proposal—this is certainly big—and for recognizing the critical importance of helping at-risk homeowners. Those are good. But when you look at the specifics of this plan, you know it is one you cannot support. I don't care whether your ideology is Republican or Democratic, liberal or conservative. Unfortunately, the proposal offered fails miserably at either stabilizing the housing market or at providing an effective stimulus. It does so at an unthinkably large cost and risk to the American economy.

The cost of this program is, to put it succinctly, through the roof. For fiscal conservatives to advocate it, I am quite surprised.

The Republican proposal is light on details, but it appears to offer all Americans who qualify for Fannie Mae and Freddie Mac conforming loans, an interest rate of 4 percent. This is very important. This is not just for new home purchases but also for refinancings as well. So anyone who owns a home can refinance at 4 percent, Freddie or Fannie-supported loans.

The bottom line is, this idea will be prohibitively expensive and may jeopardize the credit rating of the United States of America. It is that serious. The Republicans themselves say they will cap the program's cost at $300 billion—$300 billion for this one program. What does this even mean? Do they mean the total size is $300 billion? If that is so, it works out to about 2.5 percent of mortgages in America, giving only a tiny handful of Americans an enormous windfall. Mr. President, 2.5 percent get this break, 97.5 percent do not.

More likely the Republicans mean that the program's total losses will be $300 billion, a figure which can only be gotten by using the same Enron-style accounting that got us into this mess. This is not a realistic or even possible figure, when you consider how much risk the Government will end up shouldering. Currently, Fannie and Freddie have more than $5 trillion in outstanding conforming loans, all of which would qualify for refinancing under the Senator ENSIGN-Senator MCCONNELL plan. You can bet that most Americans who qualify will take this offer. Who wouldn't? After all, what homeowner out there would not refinance into a 4-percent mortgage?

So the Government would be the owner of over $5 trillion in mortgages. You are telling me anyone can guarantee that the Government would lose only $300 billion on this plan? If you believe that, I have a hedge fund I would like you to invest in called Madoff Securities, LLC.

Even if the Republican plan costs $300 billion, it recklessly exposes the country to enormous financial risk. No matter how rosy the estimates may be of how much this program will cost in the long run, the fact remains, in the short run, we have to come up with the money to finance these new mortgages, potentially more than $5 trillion. Where will the new money come from? From issuing new debt. Does anyone believe the United States, for this one program, can issue $5 trillion of new debt and not jeopardize the dollar, in the midst of the worst crisis in our lifetimes?

I believe as much as anyone in the strong creditworthiness of our country. We can and will repay all of our debts, and investors around the world know this. That is why U.S. debt is sold at a low rate. But add $5 trillion to the debt in a short period of time and see what happens. After 8 years of tax cuts, wars, adding another $5 trillion could break the back of the U.S. dollar. The odds are all too high that could happen. Do you know what then will happen? We will all be in a world depression immediately. This program cannot work.

If the Republican plan were able to reverse our housing slide, then it might make sense. But even at its goal, it fails. Why? It does not correctly identify the problem, which is that there is an oversupply of housing right now that is made worse each month by the glut of foreclosures occurring driving down home prices.

Now, you tell me, you are in your home, you pay your mortgage, you now have an absolute right to refinance at 4 percent, and you are staying in the same home. How does that reduce the glut of housing on the market? How?

Furthermore, it does not address the vast majority of homes at risk for foreclosure, the 70 percent that are underwater, where the amount owed on the mortgage exceeds the value. Underwater mortgages are high foreclosure risks no matter what the mortgage rate is. You can have a 4-percent rate, a 1-percent rate, an 8-percent rate, and if you do not have enough income to pay your mortgage, you are not going to pay it.

So the second problem or the third problem with this is it does not make it any better. If you owe $400,000 on a $300,000 home, as millions of American homeowners across the country do, you will not even qualify for this plan, you are not even eligible for refinancing. So it does not get at the problem. Not only does it cost a fortune, but it does not get at the problem because the proposal is vastly skewed toward refinancing rather than toward the purchase of new homes. It will not stimulate housing demand much at all. If you are a new homeowner, you may take advantage of the 4-percent rate or you may continue to wait and see if home prices bottom out. But if you are a current homeowner, you are going to refinance no matter what. Now, what about it has a stimulus?

Clearly, this is not a housing plan. It is a way to put money into people's pockets—something I am not against—through the refinancing of mortgages. But will this provide the economic shot in the arm we need to get our economy back on track? Unfortunately, there again, the answer is no. We know that most people, when given tax cuts during a downturn such as this, do not respond by spending money but by saving it and paying down their debt. The poor and the working class spend more of the tax cuts they receive; they are less likely to be able to use this program. The program targets its largesse at homeowners who hold mortgages of up to a value of $625,000, and the more expensive your home, up to that limit, the more money you get back. So, ironically, the people getting the most money back are the people less likely to spend and stimulate the economy. It is highly inefficient.

Furthermore, guess who is going to take a big slice of this money—the bank that would do the refinancing. Everyone knows points. We all, when we have gone for a mortgage, hate points. Points mean you have to pay $5,000, $10,000, whatever. So the final point is, while we are putting money in people's pockets, which is an admirable goal, we are letting every bank doing the refinancing take a big cut on points. If you have a $150,000 mortgage you are going to refinance, about $1,000, $2,000, $3,000, depending on the bank, will go to them. So even if this is not a housing stimulus, which we know it is not, even if it is a way to get money into people's pockets at a cost of at least $300 trillion and an immediate outlay of $5 trillion, why are we giving every bank in America that does the refinancing a cut? That makes no sense. It is done willy-nilly.

With all due respect, I wonder at the depth of the thinking that went into putting this proposal together. Perhaps if it were limited to first-time home buyers, perhaps if the bank's points were limited, perhaps if we would say there would be an income limitation because another problem with this is multimillionaires—this is another point: If you make $5 million a year, you get the reduced rate and the Federal Government pays for it. Do we want to give multimillionaires the ability to refinance? So perhaps if there were income limitations. So the nub of this idea might be supportable.

The way it is put together here on paper, because it costs so much, because it is not going to stimulate housing, because it is a very inefficient way to get money into the economy and get the economy going, because the banks take a cut, and because very wealthy people can apply for this, who do not need any help, it makes no sense to enact it now.

What I would suggest to my good friend from Nevada is this: Take the nub of this proposal and go back to the drawing board and refine it. The administration is coming up with a housing proposal next week. We will work on housing. We have to. And then you can have your proposal, we will see what their proposal is—which I believe is significantly different, although the intention, at least for home buyers, is to bring mortgage rates down—and maybe we can come up with an agreement or a compromise. But to vote for this plan now with its high cost, lack of an income limitation, money that goes to the banks right off the top, and lack of ability to move the housing market—this amendment should not and cannot pass.

So I would urge my Republican colleagues to come up with a new, better plan that gets to the root of the housing crisis, and then we can begin to work on solutions. We certainly need to tackle the problem. We need to tackle it on the demand and the supply side. But the demand side needs to be targeted at ways to boost new home purchases only, not extend refinancing to all of them. On the supply side, we need to adopt measures that will efficiently prevent foreclosures and reduce the excess supply of homes, enhance FHA-insured lending, bankruptcy reform, and the extension of FDIC loss mitigation.

I am confident we can come up with a good plan that is more targeted, less costly, and that will begin to get us out of the housing morass. I would hope that my colleagues again scrap this proposal, go back to the drawing board, and, after we finish the stimulus, work with us in a bipartisan way to produce that result.

I yield my remaining time back to my colleague from Montana, the chairman of the committee.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that at 4:30 this afternoon the Senate proceed to vote in relation to the amendments listed in this agreement and in the order listed; that no amendment be in order to any of the amendments covered under the agreement prior to a vote in relation thereto; that prior to each vote, there be 2 minutes of debate equally divided and controlled in the usual form; that after the first vote in the sequence, the succeeding votes be limited to 10 minutes each: McCain amendment No. 364, and that the amendment be modified with the change at the desk; Dorgan amendment No. 200; Feingold-McCain amendment No. 140; Dodd amendment No. 354; DeMint amendment No. 189; Harkin amendment No. 338; Dodd amendment No. 145; McCaskill amendment No. 125; Ensign amendment No. 353; McCaskill amendment No. 236, as modified, and that a further modification be in order if cleared by the managers; Thune amendment No. 197; Boxer amendment No. 363, as amended; and Barrasso amendment No. 326.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, it is not my intention to object. I simply wanted to engage in a brief colloquy with the leader.

It is my understanding, Mr. Leader, that it is your desire to move to a vote on those particular amendments you have outlined here this afternoon and this would not cut off the opportunity for Senators to continue to offer amendments. Myself and Senator SNOWE—we have developed, for example, a bipartisan proposal.

Mr. REID. Mr. President, there will be ample opportunity to offer amendments.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, I would propose to modify the unanimous consent agreement by noting that the time between now and 4:30 be equally divided.

The PRESIDING OFFICER. Does the Senator accept the modification?

Mr. REID. Yes.

The PRESIDING OFFICER. Without objection, the request is agreed to.

The modification to amendment No. 364 and amendment No. 363, as modified, are as follows:

MODIFICATION TO AMENDMENT NO. 364

DIVISION C—OTHER PROVISIONS

TITLE I—TAX PROVISIONS

SEC. 10001. REDUCTION IN SOCIAL SECURITY PAYROLL TAXES.

(a) IN GENERAL.—

(1) EMPLOYEE TAXES.—The table in section 3101(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''In the case of wages received during:	The rate shall be:
2009	3.1 percent
2010 or thereafter	6.2 percent''.

(2) SELF-EMPLOYMENT TAXES.—

(A) IN GENERAL.—The table in section 1401(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''In the case of a taxable beginning after:	And before:	Percent
December 31, 2008	January 1, 2010	9.3
December 31, 2009		12.40''.

(B) CONFORMING AMENDMENTS.—

(i) Section 164(f) of such Code is amended adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR 2009.—In the case of taxable years beginning after December 31, 2008, and before January 1, 2010, the deduction allowed

AMENDMENT NO. 363, AS MODIFIED

Insert at the appropriate place:

FINDINGS

The National Environmental Policy Act protects public health, safety and environmental quality;

When President Nixon signed the National Environmental Policy Act into law on January 1, 1970, he said that the Act provided the ''direction'' for the country to ''regain a productive harmony between man and nature'';

The National Environmental Policy Act helps to provide an orderly process for considering federal actions and funding decisions and prevents ligation and delay that would otherwise be inevitable and existed prior to the establishment of the National Environmental Policy Act.

SECTION 1

I. Adequate resources within this bill must be devoted to ensuring that applicable environmental reviews under the National Environmental. Policy Act are completed on an expeditious basis and that the shortest existing applicable process under the National Environmental Policy Act is utilized,

The PRESIDING OFFICER (Mrs. GILLIBRAND.) The Senator from Arizona is recognized.

Mr. MCCAIN. I will speak for a couple of minutes about what the Senator from Montana talked about, the Congressional Budget Office report today. Basically, it says that this present legislation before us, the stimulus package, would increase employment at that point in time by 1.3 million to 3.9 million jobs. I did the math on that, and 1.3 million jobs by the end of 2010 comes to $680,769 per job. If the most optimistic estimate of 3.9 million new jobs created between now and the last quarter of 2010, it is only $226,923 per job.

Interesting comments by the Congressional Budget Office, which says on page 5:

In principle, the legislation's long-run impact on output also would depend on whether it permanently changed incentives to work or save. However, according to CBO's estimates, the legislation would not have any significant permanent effects on these incentives.

They go on to say:

CBO estimates that by 2019 the Senate legislation would reduce GDP by 0.1 percent to 0.3 percent on net.

That is easy to understand because we will be paying interest on a huge debt of multitrillions of dollars as a result of this legislation.

As the CBO says:

To the extent that people hold their wealth as government bonds rather than in a form that can be used to finance private investment, the increased debt would tend to reduce the stock of productive capital. In economic parlance, the debt would crowd out private investment.

Again, what we are doing is mortgaging our children's and our grandchildren's futures.

The President today said:

They [talking about those of us who support my amendment] are rooted in the idea that tax cuts alone can solve all of our problems.

They are rooted in the idea that tax cuts alone can solve our problems. I urge someone to tell the President of the United States that we have $421 billion of tax cuts and spending in this proposal, and spending that is meaningful and creates jobs, not loaded down with porkbarrel projects and certainly not one that approaches over $1 trillion on future generations of Americans.

We ought to change Washington. We ought to change the way we are conducting this legislation, especially in partisan, nonconsultative fashion. If the leadership can peal off two or three Republicans, that is an accomplishment they will make, but it is not bipartisanship.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield 6 minutes to the chairman of the Appropriations Committee, the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, when we began this process in November, the Appropriations Committee worked with the incoming administration and our partners in the House to identify the primary goals for legislation that would help America regain its financial footing.

Based on those discussions, we identified one overwhelming priority—putting as many Americans as possible back to work as quickly as possible. We also identified two further fundamental priorities: assisting the States so they would not face insurmountable budget crises that would in turn force significant layoffs at a time when they are facing unprecedented demand for services; and making the right investments that will not simply create temporary jobs, but will repair and strengthen our physical and cyber infrastructure, so that this Nation has the foundation it needs to enable strong economic growth for years to come.

I have listened to the debate over the past 2 days, and I fear that we are losing sight of the key goal.

Several of my Republican colleagues have suggested that the measure pending before us will spend $888 billion and produce 3.5 million jobs, so that each job created costs $255,000.

However, they don't take into consideration how investments in roads, bridges, railroads and other mass transit systems will actually cut back on one of the most wasteful expenses that Americans deal with each and every day—traffic congestion.

According to the Texas Transportation Institute:

Gridlock costs the average peak period traveler almost 40 hours a year in travel delay, and costs the United States more than $78 billion each year. At a time when fuel is increasingly costly, traffic jams are wasting 2.9 billion gallons of gas every year.

Also, it is important to remember that the cost of labor when it comes to construction projects like roads and bridges is, I believe, around 15 percent. The rest of the budget goes for supplies like steel and concrete, the costs of acquiring rights-of-way, the drafting of plans and, of course, the costs of necessary planning and environmental impact studies.

Another form of construction contained in this bill is sewer repairs. Let me give a specific example. This bill recommends $125 million, to be matched at 100 percent with local funds from ratepayers, to continue implementation of the District of Columbia Water and Sewer Authority Long-term Control Plan.

The Water and Sewer Authority has identified up to 40 specific near-term activities that would create more than 250 jobs. Under the logic that is being used by some of the opponents of this bill, this would equate to some $500,000 per job. This is terribly misleading. What about the costs of tunneling, the cost of the pipes, the cost for all of the heavy equipment, insurance costs, and many more, I am sure.

With due respect to those who oppose this bill, the cost of a construction job is not the cost of labor. If we are to have an open and honest debate on the merits of this legislation, let us at least start with the facts.

Our objective here is not to create make-work jobs for 1 year having people count paperclips. Our goal is to create real jobs that will last for many years and that will in turn create more jobs. Our goal is to ensure that America will remain the strongest economy in the world for many years to come.

While our short-term tactic is to pass a bill that will have an immediate stimulative impact and help us through the current crisis, we must not lose sight of the fact that our short-term tactics can have a long term impact—rebuilding our infrastructure and adapting to new technologies today that put us back on track to being competitive in the global economy for generations to come.

Reinvesting in the infrastructure that underlies our Nation—roads, mass transportation, sewers and sidewalks—is not glamorous, but this investment puts Americans to work building for the future.

I stand by the original vision of this bill—create jobs, support State and local governments, and invest in our basic infrastructure. These are the priorities that will ensure that America emerges from this crisis stronger and better able to compete in the global economy.

During the past 2 days opponents of this bill have spoken about the primacy of tax cuts over all other policies. They have spoken of the need to cut spending on programs that create jobs now, good jobs, real jobs, jobs that preserve the environment, improve education, and lead us toward true energy independence.

And opponents of this bill have spoken about cutting programs that provide a lifeline to those who have been hit the hardest by this crisis.

One thought comes to my mind. This bill is about change, and their opposition is about simply responding to the biggest crisis since the Great Depression with more of the same.

More of the same hasn't worked for the past several years. It is time to act, and to pass this measure.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I remind my colleagues to support the McCain amendment on which I spoke earlier. I also rise to say a word about the Thune amendment which deserves our support. According to the economic models developed by the President's economic advisers, this proposal would create twice as many jobs for half the cost, about 6.2 million new jobs for $480 billion, as opposed to the alleged 3 to 4 million jobs for $888 billion under the Democratic proposal. One of the best parts is a 7-percentage-point rate cut for small businesses done exactly the way we did for corporations under the FSC/ETI bill. This would apply to businesses with fewer than 500 employees, precisely the kind of businesses that create jobs.

Finally, it contains a provision that expresses our policy that the United States should not increase its marginal income tax rates while the unemployment rate is above the level of 2008, and taxes should not be increased to pay for the impact this stimulus will have on the deficit which we know is large. That is precisely what caused the second half of the Great Depression and slowed down the economic recovery in Japan.

I urge colleagues to support the McCain amendment and the Thune amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. May I ask how much time remains?

The PRESIDING OFFICER. There is 6 minutes 4 seconds and 24 seconds.

The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I rise in support of the McCain amendment and in opposition to the underlying bill. I was listening to my friend from New York talk about the housing amendment that Senator ENSIGN has offered, and he now speaks in opposition to that, but he supports a proposal that is coming from the administration next week that aims to try and fix the housing issue. I ask my friend from New York, where was he last week when, as a member of the Finance Committee, he voted out the underlying bill that does absolutely nothing to fix the housing issue? What got us into the economic downturn we are in today is the housing crisis that got worse and worse and continues to get worse every day.

What they are now talking about doing from the Democratic side is proposing a housing fix next week, and the details of which are not known by anybody. They are also saying that we need to spend $800 billion, $900 billion, whatever the size of this bill is now, and we need to spend the $500 or so billion dollars that Secretary Geithner is going to come for relative to TARP III, plus whatever hundreds of billions of dollars are relative to the housing fix, plus the trillion dollars in the omnibus bill, which is laying out there, that we understand has already been approved and is going to be coming forward.

The American people ask one simple question: When is all of this spending going to stop? We have had many worthy amendments to this underlying bill. I commend the majority leader for allowing both sides to bring forward amendments. The problem is, as these amendments have come forward, the size of the bill has grown. That is the problem. The problem is, we are now seeing both sides of the aisle come forward with amendments that operate on a top-down basis, where we have the base bill that spent some $919 or $920 billion. The numbers are so astronomical we tend to forget, but it is right at $1 trillion. The amendments are seeking to reduce that number. Rather than doing that, which is a poor way to do business, the McCain amendment is a substitute for that base bill. It is a bottom-up approach to try to fix the crisis.

It does so with three simple components. First, the housing issue is what got us into this crisis. Unless we fix the housing issue, all of this $1 trillion the folks on the other side of the aisle are proposing to spend will be spent for naught. In the McCain amendment, we directly address the housing issue. The Isakson amendment is in there. There are other provisions relative to housing that are going to allow this market to turn itself around and the free market to operate. If we clear out this inventory of foreclosed homes as well as incentivize the purchase of other new homes, housing construction can begin once again.

Second, the McCain amendment is going to increase jobs. It is going to do so in a direct way. It will increase jobs by reducing the corporate tax rate from 35 percent to 25 percent. There will be more money in the pockets of corporations so they can expand their businesses, which will automatically create jobs. Again, there is nothing in the underlying bill that directly focuses on increasing jobs. The other thing from a tax standpoint in the McCain amendment, which is going to go toward stimulating the confidence of people as well as the market itself, is the temporary elimination of payroll taxes so that when every hard-working American gets their paycheck—whether it is weekly, biweekly, or monthly—it will be bigger. They will have more money in their pockets, which we know that they so desperately need.

Thirdly, there is a compassionate part to this bill. There is a large number of Americans out there today who have lost their jobs through no fault of their own. They are hard-working men and women who were doing a good job but, because of this crisis, they have lost their jobs. They need help, and they are looking to the Federal Government. There is an extension of unemployment benefits in the McCain amendment. That is the right thing to do.

Lastly, as we have talked about this bill, there is one issue that has not been talked about, one issue that has not been mentioned by the folks on the other side, and that is, here we are, once again, after raising the debt ceiling in recent months, once again we are seeing the debt ceiling raised by almost $1 trillion. What are we going to do next week when the Treasury Secretary's proposal comes down on TARP III and on housing which the Senator from New York mentioned? What are we going to do when the Omnibus appropriations bill comes down, either before the break for President's Day or afterwards? Will we have to raise the debt ceiling once again?

I go back to the question I asked at the start, which I hear time and time again from people in Georgia: Senator, when is the spending going to stop and there be some focus on trying to make sure we grow jobs as well as fix the housing issue?

I urge passage of the McCain amendment and opposition to the underlying bill.

I yield the floor.

The PRESIDING OFFICER. The majority has 24 seconds remaining.

Mr. BAUCUS. Madam President, I yield to the Senator from Michigan.

Mr. LEVIN. Madam President, I thank the Senator from Montana.

AMENDMENT NO. 140

Madam President, I oppose the Feingold amendment which would require that any allocation of funds in an appropriations bill have a prior authorization. There is only one authorization bill that passes here, and that is the Defense authorization bill. There are no other authorization bills that pass.

This amendment represents a massive shift of power to the executive branch. It is not a transparency amendment. We did that last year. This is a shift-of-power amendment which should be defeated.

Under this amendment, while all earmarks identified in the President's budget could be funded in our appropriations bills without authorization and not be subject to the proposed point of order, congressional projects that are not authorized would require a supermajority vote in order to be included in the legislation. This becomes more extreme because that disparate treatment of Presidential and congressional projects even applies when a Senator seeks to offer an amendment subject to a rollcall vote during debate on the Senate floor.

The President's budget each year includes many earmarks to direct spending for targeted projects. The President uses his budget to target Federal expenditures to local areas for projects he supports, most of which are not specifically authorized. Under this amendment, Congress would have to meet a higher standard, a super majority in the Senate, in order to do the same thing.

This amendment clearly weakens Congress's power of the purse. The vast amount of funding levels for programs in appropriations bills are the same as those in the President's budget. However, this amendment provides that if an allocation of some of the program funding is rejected on point of order, the overall program funding amount will be reduced, although it is just as likely, and probably more likely, that Congress merely intended to have the relevant agency allocate that funding, thereby keeping the overall funding amount the same instead of allocating it by congressional earmark. The amendment states over and over again that if the point of order is sustained, the unauthorized appropriations shall be stricken from the bill or amendment; and ''any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment shall be made.''

For example, assume that $100 million is allocated in the President's budget for a State assistance grant program, and an appropriations bill includes a provision to direct that $2 million of this funding go to a specific city or project. If the $2 million allocation is stricken, only $98 million would remain, so even if it were the intent of

Congress to provide $100 million for these grants, the funding would be decreased.

The requirement for prior authorization means that Congress could only allocate funds for projects if Congress were to take up every Congress authorization bills covering all Federal agencies and programs. In the absence of such authorization bills, all appropriations initiated in Congress would be ''unauthorized appropriations'' subject to a point of order. Congress would be able to appropriate funding for programs and priorities proposed by the President, but Congress would not be able to fund congressional programs or priorities that are not included in the President's budget, or even to shift funding between programs in the President's budget, because all such appropriations would be ''unauthorized.'' The result would be a serious weakening of Congress's power of the purse.

At present, the only Senate committee that enacts an authorization bill every Congress is the Armed Services Committee, which I am privileged to chair. So under this amendment, Congress would essentially severely weaken its power of the purse over all Federal agencies other than the Department of Defense.

It may be the intent of this amendment to force other Senate committees to go through the same process that the Armed Services Committee goes through to enact an authorization bill every Congress. But I want to warn my colleagues: this is not an easy process. The Armed Services Committee spends most of every year reviewing hundreds of programs and activities in the Defense budget on a line-by-line basis. Subcommittee and full committee hearings and markups take weeks. Our bill then generally consumes about 2 weeks of Senate floor time. There is nowhere near enough floor time available to enact every Congress the dozens of authorization bills that would be necessary to replicate this authorization process for all of the civilian agencies.

Moreover, as currently written, this amendment would very likely create a point of order against congressionally initiated Defense appropriations, even if those appropriations are specifically authorized in our bill. The reason is that the amendment provides that an appropriation is not considered to be authorized unless the authorization has already been enacted into law or passed by the Senate. There has not been a case in recent memory in which our Defense authorization bill has been enacted into law before the Senate took up the Defense appropriations bill.

While the amendment makes an exception for authorizations that have already passed the Senate, it makes no exception for authorizations that have already passed the House. That means that a point of order would lie against all House-initiated items, but none of the Senate funding items, in a Defense appropriations bill. If the Senate were to sustain the point of order, we would be in the position of sending a bill back to the House which funded all of our priorities and none of theirs—a bill that could not possibly be approved in the House.

The bottom line is that this amendment, if enacted, would make it difficult for Congress not only to establish its own spending priorities with regard to the civilian agencies and programs that are not subject to an annual authorization process, but even with regard to the Defense agencies and programs that are subject to such a process. This would include items on the unfunded priorities list submitted to Congress by the Joint Chiefs of Staff each year. This list, which in the past has included items like MRAPs and body armor, reflects the highest priorities of our uniformed military. Congress would place a major obstacle on itself from exercising the power of the purse, placing itself in the position of approving or disapproving programs in the President's budget without the power to establish its own priorities without a super majority.

In 2007, Congress passed meaningful ethics and lobbying reform which included strong earmark reform to ensure transparency in the process by providing greater disclosure and requiring information on earmarks to be available to the public online. These disclosures allow the public the opportunity to know where their tax dollars are being spent and will help ensure the quality of the projects which are funded.

The sponsors of this amendment have asserted that this amendment would build on and strengthen those reforms. But this amendment goes way beyond that and places extensive hurdles for congressionally directed spending. I don't believe that the executive branch has a monopoly on the wisdom of spending Federal dollars. I believe that the elected representatives of the people in Congress are often in a better position to decide where the people's money is spent than the administration's political appointees in Washington.

This is not a transparency amendment. We brought all earmarks into the full light of day in 2007. This amendment attacks the very heart of Congress's constitutional power of the purse. I urge my colleagues to vote against this extreme and unworkable measure that would enhance the spending power of the President and weaken the congressional power of the purse. It is not a transparency measure. It is an extreme power-shifting amendment.

AMENDMENT NO. 364

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 364 offered by the Senator from Arizona, Mr. MCCAIN.

Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Madam President, the stimulus package would be a disaster for our children and our grandchildren. According to CBO, it would create 1.3 million to 3.9 million jobs between now and the end of the year 2010. That is a huge expenditure. It has fundamental policy changes, and it is the biggest spending bill probably in the history of this country.

We have legislation which creates jobs, which cuts taxes and spends on infrastructure, more on Defense and the reset, and I believe that is the best for this country.

Madam President, we all know we have to stimulate this economy and create jobs. The question is how you do it: profligacy versus, I believe, a mature and responsible approach to reversing and saving our economy.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, it goes without saying we are now living in extraordinary times. This country has not seen a recession as bad as this—there are many people who have lost their jobs, as we have seen—since the Great Depression. Extraordinary times require extraordinary actions.

It is true no one knows exactly the precise prescription, how to get the economy back going again. But this underlying bill is certainly the best efforts of some of the brightest people to try to find that solution. Economists all say—all say—we need to do something like this to get us going.

With the gap between the real economy and the potential economy always about $1 trillion, if we do not pass this legislation, we will probably lose another $1 trillion. The underlying bill is much better than the alternative. The alternative is basically: Don't do it. If we do not do it, gosh, the jobs lost—what you see now, as bad as it is, is just going to pale in comparison to what otherwise is going to happen.

So I urge us to stick with the underlying bill, not adopt a substitute which has not been thought through, not aired, but, rather, let's stick with the program we think is going to work.

Madam President, I raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act.

Mr. MCCAIN. Madam President, I move to waive the applicable portion of the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 57, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—40

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bennett	Enzi	Risch
Bond	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	Lugar	Wicker
Cornyn	Martinez	
Crapo	McCain	

NAYS—57

Akaka	Feinstein	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Nelson (NE)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burris	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden

NOT VOTING—2

Gregg	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 40 and the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, the point of order is sustained, and the amendment falls.

AMENDMENT NO. 200

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 200 offered by the Senator from North Dakota.

The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I ask unanimous consent that the Dorgan amendment be temporarily set aside so the next vote will be on the Feingold-McCain amendment and Dorgan will be following that amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 140

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided. Who yields time?

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, this amendment establishes a new 60-vote point of order against unauthorized earmarks on appropriations bills and requires recipients of Federal funds to disclose their lobbying expenses. Opponents argue this point of order does nothing about so-called Presidential earmarks or earmarks on authorizing bills. I am happy to consider a proposal targeting those things, but taxpayers aren't going to buy the excuse that I voted against it because it wasn't tough enough.

Last year, President Obama said:

We can no longer accept the process that doles out earmarks based on a Member of Congress's seniority rather than the merit of the project. We can no longer accept an earmarks process that has become so complicated to navigate the municipality or nonprofit group has to hire high-priced D.C. lobbyists.

My colleagues, if we want to do something about earmarks, vote for this amendment.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator's time has expired. Who yields time in opposition?

Mr. BAUCUS. Mr. President, I yield the remaining time to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, we should keep in mind that there are no earmarks in this bill before the Senate. Therefore, this amendment is not relevant.

No. 2, we should keep in mind the Constitution gives the power of the purse to the Congress, and it is our job to use this power responsibly. We have already put procedures in place to make the process transparent and to hold Members accountable for their spending decisions.

But most importantly, we should keep in mind that if an item has not been authorized by September 1, 2009, and it is moneys that had been appropriated, that money is taken out. Keep in mind that, as of this moment, the Intelligence Committee has not had authorization bills for the last 3 years. The same goes for many other committees.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Mr. President, I understand all time has expired.

The PRESIDING OFFICER. Yes.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 65, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—32

Barrasso	Enzi	Lieberman
Bayh	Feingold	Martinez
Burr	Graham	McCain
Cantwell	Grassley	McCaskill
Chambliss	Hatch	Risch
Coburn	Hutchison	Sessions
Corker	Inhofe	Snowe
Cornyn	Isakson	Thune
Crapo	Johanns	Vitter
DeMint	Kaufman	Voinovich
Ensign	Kyl	

NAYS—65

Akaka	Durbin	Nelson (FL)
Alexander	Feinstein	Nelson (NE)
Baucus	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bennett	Inouye	Roberts
Bingaman	Johnson	Rockefeller
Bond	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown	Kohl	Shaheen
Brownback	Landrieu	Shelby
Bunning	Lautenberg	Specter
Burris	Leahy	Stabenow
Byrd	Levin	Tester
Cardin	Lincoln	Udall (CO)
Carper	Lugar	Udall (NM)
Casey	McConnell	Warner
Cochran	Menendez	Webb
Collins	Merkley	Whitehouse
Conrad	Mikulski	Wicker
Dodd	Murkowski	Wyden
Dorgan	Murray	

NOT VOTING—2

Gregg	Kennedy

The amendment (No. 140) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 200

Mr. BAUCUS. I believe under the previous order the Dorgan amendment recurs.

The PRESIDING OFFICER. That is correct. There is now 2 minutes equally divided prior to a vote in relation to amendment No. 200 offered by the Senator from North Dakota.

Mr. DORGAN. Mr. President, we have cleared this amendment on both sides. I ask unanimous consent that I be allowed to substitute amendment No. 138, as modified, requiring economic impact reports for my amendment No. 200 for purposes of the previous order.

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

AMENDMENT NO. 138, AS MODIFIED, TO AMENDMENT NO. 98

Mr. DORGAN. Mr. President, I ask that amendment No. 138, as modified, be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 138, as modified, to amendment No. 98.

The amendment is as follows:

(Purpose: To provide for reports on the use of funds made available under this Act and the economic impact made by the expending or obligation of such funds, and for other purposes)

Strike subtitle C of title XV of division A, and insert the following:

Subtitle C—Reports of the Council of Economic Advisers

SEC. 1541. REPORTS OF THE COUNCIL OF ECONOMIC ADVISERS.

(a) IN GENERAL.—In consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, the Chairperson of the Council of Economic Advisers shall submit to the Committees on Appropriations of the Senate and House of Representatives quarterly reports based on the reports required under section 1551 that detail the impact of programs funded through covered funds on employment, estimated economic growth, and other key economic indicators.

(b) SUBMISSION OF REPORTS.—

(1) FIRST REPORT.—The first report submitted under subsection (a) shall be submitted not later than 45 days after the end of the first full quarter following the date of enactment of this Act.

(2) LAST REPORT.—The last report required to be submitted under subsection (a) shall apply to the quarter in which the Board terminates under section 1521.

Subtitle D—Reports on Use of Funds

SEC. 1551. REPORTS ON USE OF FUNDS.

(a) SHORT TITLE.—This section may be cited as the ''Jobs Accountability Act''.

(b) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given under section 551 of title 5, United States Code.

(2) RECIPIENT.—The term ''recipient''—

(A) means any entity that receives recovery funds (including recovery funds received through grant, loan, or contract) other than an individual; and

(B) includes a State that receives recovery funds.

(3) RECOVERY FUNDS.—The term ''recovery funds'' means any funds that are made available—

(A) from appropriations made under this Act; and

(B) under any other authorities provided under this Act.

(c) RECIPIENT REPORTS.—Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from an agency shall submit a report to that agency that contains—

(1) the total amount of recovery funds received from that agency;

(2) the amount of recovery funds received that were expended or obligated to projects or activities; and

(3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including—

(A) the name of the project or activity;

(B) a description of the project or activity;

(C) an evaluation of the completion status of the project or activity; and

(D) an analysis of the number of jobs created and the number of jobs retained by the project or activity.

(d) AGENCY REPORTS.—Not later than 30 days after the end of each calendar quarter, each agency that made recovery funds available to any recipient shall make the information in reports submitted under subsection (c) publicly available by posting the information on a website.

(e) OTHER REPORTS.—The Congressional Budget Office and the Government Accountability Office shall comment on the information described in subsection (c)(3)(D) for any reports submitted under subsection (c). Such comments shall be due within 7 days after such reports are submitted.

Mr. DORGAN. Mr. President, this amendment is cosponsored by Senator INOUYE and Senator COCHRAN. It is a simple amendment. A voice vote will be satisfactory. I think it has been cleared on both sides.

It simply asks for reports about who is receiving this money we put out in an economic recovery program. Did you receive the money? How did you use the money? And how many jobs do you believe were created with the money? I hope the full Senate will agree with those objectives.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator is correct. We accept this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DORGAN. Mr. President, has amendment No. 200 been withdrawn?

The PRESIDING OFFICER. It has not.

AMENDMENT NO. 200 WITHDRAWN

Mr. DORGAN. I ask that amendment No. 200 be withdrawn.

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

VOTE ON AMENDMENT NO. 138, AS MODIFIED

Mr. DORGAN. Mr. President, I ask for a vote on amendment No. 138, as modified.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 138, as modified.

The amendment (No. 138), as modified, was agreed to.

AMENDMENT NO. 354

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate equally divided on Dodd amendment No. 354.

The Senator from Connecticut.

Mr. DODD. Mr. President, I may not need the full minute. This is the amendment dealing with executive compensation. There are a number of proposals. This is one that would set some limits, basically allowing for some reaching back if, in fact, TARP businesses are found to have violated various provisions of law. It would allow the Secretary to negotiate resources to come back if there has been excessive compensation.

I say to my colleagues, our colleague Senator VITTER in the Banking Committee made a point I wish to repeat. This is not the single most important issue. In fact, it could be trivialized. We all appreciate when we talk to our constituents about the TARP program, many of our constituents are so angry with what they see in executive compensation, it is difficult to have a conversation about the larger questions. We are trying to deal with this issue in a thoughtful way that does not impinge upon their ability to compensate people, but simultaneously we are not reading about compensation going to executives where billions of dollars have gone to those companies abusively.

This amendment is to deal with that particular problem. I urge my colleagues to support it.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. BAUCUS. Mr. President, I have no opposition to the amendment and again recommend its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 354.

The amendment (No. 354) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 189

The PRESIDING OFFICER. Pursuant to the previous order, the next amendment is DeMint amendment No. 189.

Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, are we considering the DeMint amendment?

The PRESIDING OFFICER. We are.

Mr. DEMINT. Mr. President, I encourage all my colleagues to listen for a moment. This is a very simple amendment that strikes some language that should not be in this massive spending bill. It is language that discriminates against religious freedom on college campuses.

Right now in the bill, any college campus that uses these funds to renovate a student center, a dorm, an auditorium, cannot allow prayer, any religious activity, or worship. This is not language that should be in this bill. This is an issue that has been decided by the courts.

Arbitrary language is going to create doubt and risk and liability which will put a chilling effect on religious freedom on campuses.

The only thing most of us need to know is that the ACLU opposes this amendment. Any freedom-loving American should know they should vote for this amendment if it is opposed by the ACLU.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, the provision in the bill states that Federal funds cannot be used to support facilities in which a substantial portion of the functions of the building are involved in a religious mission.

I say to the Senator from South Carolina, this language has been in the law for 40 years. It is the result of three Supreme Court decisions.

Mr. DEMINT. Will the Senator yield?

Mr. DURBIN. No, I won't. It was signed into law in the Higher Education Reauthorization Act signed by President Ronald Reagan, President George Herbert Walker Bush, and President George W. Bush.

The DeMint amendment is opposed by the Jesuit universities. We have struck a balance here helping religious schools on buildings that are not primarily for religious functions. We will continue doing that and continue honoring our Constitution's establishment clause.

I hope everyone will support me in opposing the DeMint amendment and stand by the language that has been time tested and approved by the Supreme Court in three separate decisions.

Mr. DEMINT. May I correct a mischaracterization?

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 189.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—43

Alexander	DeMint	McCain
Barrasso	Dorgan	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Conrad	Kyl	Voinovich
Corker	Lieberman	Wicker
Cornyn	Lugar	
Crapo	Martinez	

NAYS—54

Akaka	Feingold	McCaskill
Baucus	Feinstein	Menendez
Begich	Gillibrand	Merkley
Bennet	Hagan	Mikulski
Bingaman	Harkin	Murray
Boxer	Inouye	Nelson (FL)
Brown	Johnson	Pryor
Burris	Kaufman	Reed
Byrd	Kerry	Reid
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Sanders
Carper	Landrieu	Schumer
Casey	Lautenberg	Shaheen
Collins	Leahy	Snowe
Dodd	Levin	Stabenow
Durbin	Lincoln	Tester
Udall (CO)	Warner	Whitehouse
Udall (NM)	Webb	Wyden

NOT VOTING—2

Gregg Kennedy

The amendment (No. 189) was rejected.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 145

Mr. REID. Mr. President, I ask unanimous consent that Dodd amendment No. 145 be taken out of this tranche. We will arrange another time, with the assistance of the Republicans, to determine when to vote on this. What we are trying to do, Senator CONRAD wants to have another amendment go before this one, and Senator DODD has consented to do that.

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

Mr. BAUCUS. Mr. President, it is my understanding that Senator DODD wants his amendment to go in the next group of amendments.

Mr. REID. That is right.

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

Mr. REID. I thank the Chair.

AMENDMENT NO. 338—WITHDRAWN

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 338, offered by the Senator from Iowa, Mr. HARKIN.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I still believe we need a strong auto industry in this country. I think the best way to do that is to get people to buy cars. The best way to do that is to give low-income and moderate-income individuals and families the wherewithal to buy those cars. That is what this amendment was about.

However, I must say, in the current desire to reduce the size of the bill, I am going to ask unanimous consent to withdraw the amendment, but it will come back at some time in the future.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is withdrawn.

AMENDMENT NO. 125

Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 125, offered by the Senator from Missouri, Mrs. MCCASKILL.

The Senator from Montana.

Mr. BAUCUS. Mr. President, we are prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 125) was agreed to.

AMENDMENT NO. 353

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 353, offered by Senator ENSIGN.

Mr. ENSIGN. Will the chairman of the Finance Committee mind if I go second so I can answer any of the charges that may come out?

Mr. BAUCUS. I would rather the proponent go first.

Mr. ENSIGN. I would rather the chairman of the Finance Committee go first.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. I yield my time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. My colleagues, it is a great idea to help with housing. Listen to what the amendment of my friend from Nevada does. It costs between $300 billion and $1 trillion. Second, it applies to people of any income. Do you want to have the Federal Government spend its money to give a multimillionaire a break on their mortgage? Third, the banks take a cut. Every time there is a refinancing, there are points. If we want to give people money, don't let the banks take a cut. Fourth, it does nothing about the housing market because, A, most of it will go to refinancing—people who are in a home stay in the home—B, the people who really need help do not qualify because they do not get Fannie, Freddie, or FHA.

It doesn't help housing, it costs a fortune, it helps the banks, and it is one of the most expensive things before us. If you are a fiscal conservative, there is no way you can vote for this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, that is absolutely incorrect. The mortgage interest we target is between 4 and 4.5 percent. Right now in the market, it would be between 4 and 4.5 percent. We capped the program at $300 billion. It is impossible to do what the Senator from New York said because we put a cap on it. It could cost no more than that. The Treasury cannot authorize any more than that.

Regarding the second untruth he just spoke—this amendment is not just for millionaires. These are for homes that are not above the conforming loan limit, so it is no home over $729,000. Only homes under that would qualify for it.

We have over 600 organizations that build homes in this country—plumbers, cabinetmakers, homebuilders, and everything else—that support this amendment. This amendment will get the housing industry going in the country.

And it is not just about lowering interest rates—another untruth said by the Senator from New York. We also do foreclosure mitigation because we help modify loans for those homes that are underwater right now. There are tax credits for businesses to get the economy going. We fix housing first, and then we get the economy going.

I urge a ''yea'' vote on this amendment.

Mr. GRASSLEY. Mr. President, if Senator ENSIGN prevails on his amendment, I will seek to further amend his amendment. I would offer the Grassley amendment patch amendment. The amendment would be in identical form to my amendment adopted in the Finance Committee markup.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired.

Mr. BAUCUS. Mr. President, I make a point of order that the pending amendment violates section 302(f) of the Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. I move to waive the applicable provisions with respect to my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 35, nays 62, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—35

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bennett	Graham	Murkowski
Bond	Grassley	Risch
Brownback	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Specter
Cochran	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	Lugar	Wicker
Crapo	Martinez	

NAYS—62

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Gillibrand	Nelson (NE)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Bunning	Kerry	Schumer
Burris	Klobuchar	Shaheen
Byrd	Kohl	Snowe
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
DeMint	McCaskill	Webb
Dodd	Menendez	Whitehouse
Dorgan	Merkley	Wyden
Durbin	Mikulski	

NOT VOTING—2

Gregg	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 35, the nays are 62. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The majority leader is recognized.

Mr. REID. Mr. President, the vote has been reported?

The PRESIDING OFFICER. It has.

Mr. REID. Mr. President, for all Members, everyone should be advised we are going to be working late tonight. We have a lot of work to do. We are going to work to get a solution. We are going to work within the broad outline that President Obama has given us, a program that has the wide support of the American people.

If necessary, we are going to work through the night. I repeat, we are going to work until we get it done. There are a number of Senators working in good faith to try to come up with a proposal that will pick up a number of Republican votes. There are a number of Republicans working in that group—I do not know how many but as many as eight Republican Senators—trying to come up with a proposal they believe would improve this legislation.

As I have indicated to each of those Senators individually, we would be happy to take a look at this. If it is in keeping with what I believe everyone is trying to do; that is, to improve this legislation, of course we will take a look at it, and we will take a good positive look at it.

This legislation is very important. The reason we need to work through the night is, I cannot imagine what would happen to the financial markets tomorrow if it was reported that this bill would go down. This bill is not only important to our great country, it is important to the world. We are the largest economic machine in the world by far.

People a lot of times refer to Japan and the trouble they had in the 1990s. But, remember, their economy, even though theirs is the second largest economy in the world, it is a very small economy relatively speaking compared to ours. So around the world, everyone is looking at what we are going to do tonight.

I want to make sure everyone understands that everyone is working in good faith. This is a very large piece of legislation. I understand why people would want to change it, and certainly we are in the process of trying to do that with these multitude of amendments that have been offered.

We will finish this. We have about four votes left in this tranche. Then we will move on to others. On the Democratic side, we have more amendments lined up. I am sure the Republicans have more lined up on their side. But I would hope everyone would work in good faith to move forward on this legislation.

If at the end of the day people cannot vote for it, that is a decision people will have to make. But I want everyone within the sound of my voice to understand that what we do here is extremely important not only to the people in Las Vegas, Reno, and Nevada but all over this country and the financial capitals of the world.

The small towns all around the world are looking to see what we do. It is not a pleasant picture to think what would happen if this legislation, which was put together—I have used the term before—in good faith by President Obama and his people, is, in effect, turned down.

Now, we have never said you have to rubberstamp what we have done. That is why we started on Monday a process of amending this legislation. A lot of amendments have been offered. A lot of them have not been accepted or approved, but a number of them have. A couple of them that were approved I really did not like very much. But this is what the legislative process is about. Legislation is the art of compromise, consensus building. That is where we are. So it is 6:15 tonight. I would hope in the next 12 hours we can have a piece of legislation that we can feel good about after having worked on it for these many hours that we have.

I failed to say one thing. I extend my apologies to my friend. One of the things I wanted to say is, Senator MCCONNELL, the Republican leader, has been very open with me. We have had a number of meetings during today. He has been very understanding of some of the problems I have. I am understanding of some of the problems he has.

I want the RECORD to reflect he has been very cooperative. I appreciate that very much.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, let me add briefly, it strikes me that one of the core problems in spite of the new President's popularity with Americans is, there is a growing discontent among the public, as illustrated by the Gallup poll, which 4 or 5 days ago indicated roughly 53 percent of Americans thought this particular proposal was a good idea, and it is now down to 38 percent a mere 5 or 6 days later.

The American people have serious questions about the composition of this package. I think virtually everybody on our side of the aisle believes that some action by the Government is necessary. We have heard from a lot of economists who are thought of as conservative economists who think that action is necessary.

The question is not doing nothing versus doing something. The question is the appropriateness of an almost trillion dollar spending bill to address the problem. I agree with the majority leader. We ought to continue talking.

Hopefully, there is a way to restart the process in a way that would be more fundamentally bipartisan in nature. We hope that conclusion can be reached in a positive way for the American people sometime in the near future.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am probably different than most every Senator. I wish we could outlaw polls. I think they are one of the things that hurt the body politic. I don't believe in them. I don't watch what they say. I don't care about them. But I can read them. We were all present at a meeting yesterday where in-depth polling has been done on this. The polling for President Obama's package, as of yesterday, was approved by nearly 70 percent of the American people. I don't know what the Gallup poll is, but it should underscore what I said about polls. Everybody forget about the polls. Forget about them. Do what we think is good for the American people based on what we are hearing from constituents, constituents rich and poor, big businesses and small businesses. If we listen to them, we have to come forward with a robust package in keeping with the needs of the country.

I appreciate the comments of my friend, the Republican leader. We are all working to do the best we can. We have some disagreement as to what the right thing to do is. I hope we will not be determining what we do based on a poll.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. I know we would all rather be voting than talking. Republicans are no less interested in doing the right thing for the country than Democrats are. I don't question the motives of our friends on the other side of the aisle, and I know they don't question ours. We have some serious differences about what we ought to do. Those discussions have been ongoing, and we will continue them throughout the evening and maybe well into the weekend until we get some kind of consensus about what is the most appropriate thing to do to help jump-start our ailing economy.

Mr. REID. I have stated clearly and unequivocally that I believe those eight Republicans who are—I think that is the number; I haven't been in on the meetings—working very hard to try to come up with an alternate proposal, I appreciate that. Does that mean the other 33 Republican Senators aren't working in good faith? Of course they are. But I very much appreciate those Republicans who are openly trying to come up with something different. All of us are trying to do the right thing for the American people. There isn't a single Senator who has come to this floor who hasn't said that this economy is in deep trouble and we have to do something to fix it. My comment was, I hope we can do that. That is the reason I have said we have to work through the night. Because if we don't and the Friday financial markets look at us not having been able to accomplish anything, it is a bad day not only for America but the rest of the world.

AMENDMENT NO. 236, AS FURTHER MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 236, as modified, offered by the Senator from Missouri, Mrs. MCCASKILL.

The Senator from Montana.

Mr. BAUCUS. Mr. President, we are prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BAUCUS. Mr. President, I understand there is a further modification at the desk.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment (No. 236), as further modified, is as follows:

On page 3, line 22, strike ''2010'' and insert ''2011''.

On page 3, line 23, insert before the period ''and an additional $17,500,000 for such purposes, to remain available until September 30, 2011''.

On page 41, line 4, strike ''2010.'' and insert ''2012.''

On page 41, line 21, strike ''2010'' and insert ''2011''.

On page 47, line 8, strike ''2010'' and insert ''2011''.

On page 47, line 26, strike ''2010'' and insert ''2011''.

On page 60, line 4, strike ''2010.'' and insert ''2011, and an additional $3,000,000 for such purposes, to remain available until September 30, 2011.''.

On page 77, line 19, strike ''expended.'' and insert ''September 30, 2012, and an additional $10,000,000 for such purposes, to remain available until September 30, 2012.''.

On page 95, line 12, insert before the period ''and an additional $5,000,000 for such purposes, to remain available until September 30, 2012''.

On page 105, line 4, insert ''SEC. 505 OFFICE OF INSPECTOR GENERAL. For an additional amount for ''Treasury Office of Inspector General for Tax Administration'', $7,000,000 to remain available until September 30, 2012, for oversight and audit of programs, grants and activities funded under this title.''

On page 105, line 24, strike ''2010'' and insert ''2012''.

On page 116, line 21, strike ''2010.'' and insert ''2011, and an additional $7,400,000 for such purposes, to remain available until September 30, 2011.''.

On page 127, line 14, strike ''2010'' and insert ''2011''.

On page 137, line 8, strike ''2011.'' and insert ''2012, and an additional $15,000,000 for such purposes, to remain available until September 30, 2012.''.

On page 146, line 12, insert before the period ''and an additional $10,000,000 for such purposes, to remain available until September 30, 2012''.

On page 149, between lines 5 and 6, insert the following:

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $1,000,000, which shall remain available until September 30, 2011.

On page 214, line 19, strike ''2010'' and insert ''2011''.

On page 225, line 6, strike ''2010'' and insert ''2011''.

On page 226, line 23, strike ''2010'' and insert ''2011''.

On page 243, line 6 insert '', and an additional $12,250,000 for such purposes, to remain available until September 30, 2012'' before the colon.

On page 263, line 7, insert '', and an additional $12,250,000 for such purposes, to remain available until September 30, 2012'' before the colon.

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

Mr. BUNNING. May we understand what the modification is?

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, there was an omission of money for the inspector general at the IRS. The modification adds the money for the inspector general at the IRS.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 236, as further modified.

The amendment (No. 236), as further modified, was agreed to.

AMENDMENT NO. 197

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 197 offered by the Senator from South Dakota, Mr. THUNE.

Mr. THUNE. Mr. President, with my amendment we get more with less, more job creation at less cost. What this amendment would do is substitute the underlying bill with an amendment that consists primarily of tax relief for families and small businesses. Specifically the legislation would provide $444 billion of tax relief, more than the tax relief contained in the Senate stimulus bill. It provides $34 billion in spending which is $598 billion less than the underlying bill. According to the economic models developed by the President's economic advisers, this proposal would create twice as many jobs for half the cost. It would create 6.2 million new jobs at $480 billion, compared to the 3 million or so which, with the latest from CBO, may be a lot less than that under the Democratic proposal. I urge support for the amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator is correct. It is more for less—more tax breaks for upper income Americans, less tax breaks, in fact, no tax breaks for low-income Americans; 49 million Americans will get no tax benefit under this amendment, and 49 million Americans do get some tax benefits from the underlying bill. It eliminates the rest of the substitute—nothing for energy, nothing for education and the other parts of the bill. I urge rejection of the amendment.

I raise a point of order that the pending amendment violates section 311(a)(2)(b) of the Congressional Budget Act of 1974.

Mr. THUNE. Mr. President, I move to waive the applicable provisions under the Budget Act with respect to my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 37, nays 60, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—37

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Corker	Kyl	Wicker
Cornyn	Lugar	
Crapo	Martinez	

NAYS—60

Akaka	Feinstein	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Voinovich
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden

NOT VOTING—2

Gregg	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 37, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 363, AS FURTHER MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 363, as modified, offered by the Senator from California, Mrs. BOXER.

The Senator from Montana.

Mr. BAUCUS. Mr. President, just for the information of all Senators, these are two amendments that are paired: the Boxer amendment, which the Chair just stated, and also the Barrasso amendment No. 326. It is our understanding those two amendments will both be voice-voted. Senator BOXER will speak about her amendment, and Senator BARRASSO will speak about his. But the thought is, these are two paired amendments on roughly the same subject. We hope to have a voice vote on each.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much.

Mr. President, I thank my colleagues. I think I can explain this amendment in 2 minutes, and then we can take a voice vote.

I thank Senator BARRASSO. He and I have a little different view on the importance of the National Environmental Policy Act in relation to this bill. Late last night he offered an amendment to essentially pretty much waive the protections of that act from this bill. Needless to say, as the chairman of the Environment and Public Works Committee, I was concerned about the amendment. He and I have had extensive discussions, along with our staff, and we have reached an agreement on the way to proceed tonight.

So, Mr. President, I am going to begin by carrying that out by sending a modification of my amendment to the desk that Senator BARRASSO has approved. So if I might do that.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment (No. 363), as further modified, is as follows:

Insert at the appropriate place:

FINDINGS

1. The National Environmental Policy Act protects public health, safety and environmental quality: by ensuring transparency, accountability and public involvement in federal actions and in the use of public funds;

2. When President Nixon signed the National Environmental Policy Act into law on January 1, 1970, he said that the Act provided the ''direction'' for the country to ''regain a productive harmony between man and nature'';

3. The National Environmental Policy Act helps to provide an orderly process for considering federal actions and funding decisions and prevents ligation and delay that would otherwise be inevitable and existed prior to the establishment of the National Environmental Policy Act.

SECTION 1

1. Adequate resources within this bill must be devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act are completed on an expeditious basis and that the shortest existing applicable process under the National Environmental Policy Act shall be utilized.

2. The President shall report to the Senate Environment and Public Works Committee and the House Natural Resources Committee every 90 days until September 30, 2011, following the date of enactment on the status and progress of projects and activities funded by this act with respect to compliance with National Environmental Policy Act requirements and documentation.

Mrs. BOXER. OK. I also thank—in addition to Senator BARRASSO for working with me on drawing this up, I would say, perfecting this amendment—a lot of the groups out there who have been very worried and working and calling all my colleagues.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I ask unanimous consent for an additional minute, if I might.

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

Mrs. BOXER. Mr. President, I ask unanimous consent to have printed in the RECORD the list of these organizations, from the League of Conservation Voters to the American Lands Alliance; and there is even a group from Alaska that got involved.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Tiernan Sittenfeld; Legislative Director; League of Conservation Voters; tiernan_sittenfeld@lcv. org.

Marty Hayden; Vice President, Policy and Legislation Earthjustice; mhayden@earthjustice.org.

Pamela A. Miller; Arctic Program Director; Northern Alaska Environmental Center; Pam@northern.org.

Anna Aurilio; Director, Washington DC Office; Environment America; asquared@environmentamerica.org.

Randi Spivak; Executive Director; American Lands Alliance; randispivak@americanlands.org.

Mike Daulton; Legislative Director; National Audubon Society; MDaulton@audubon.org.

Emily Wadhams; Vice President for Public Policy; National Trust for Historic Preservation; emily_wadhams@nthp.org.

Will Callaway; Legislative Director; Physicians for Social Responsibility; wcallaway@PSR.ORG.

Colin Peppard; Federal Transportation Program Manager; Friends of the Earth; CPeppard@foe.org.

Sandra Schubert; Director of Government Affairs; Environmental Working Group; sschubert@ewg.org.

Sharon Buccino; Director, Land Program; Natural Resources Defense Council; sbuccino@nrdc.org.

Leslie Jones; General Counsel; The Wilderness Society; leslie_jones@tws.org.

Sara Kendall; DC Office Director; Western Organization of Resource Councils; sara@worc.org.

Mary Beth Beetham; Director of Legislative Affairs; Defenders of Wildlife; MBeetham@defenders.org.

Adam Kolton; Sr. Director, Congressional and Federal Affairs; National Wildlife Federation; Kolton@nwf.org.

Eli Weissman; Director of Government Relations; American Rivers; EWeissman@americanrivers.org.

Nat Mund; Legislative Director; Southern Environmental Law Center; nmund@selcdc.org.

Elizabeth Thompson; Legislative Director; Environmental Defense Fund; EThompson@edf.org.

Ann Mesnikoff; Washington Representative; Sierra Club; Ann.Mesnikoff@sierraclub.org.

Mike Clark; Interim Executive Director; Greenpeace; mike.clark@greenpeace.org.

Mrs. BOXER. I conclude by saying what I do in this amendment is to say that adequate resources within this bill must be devoted to ensuring that the applicable environmental reviews under NEPA are completed on an expeditious basis, and that we require a report every 90 days just to make sure these projects are moving forward with the protections of NEPA but no undue delays.

So with that, I would ask for a voice vote, if I might.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 363), as further modified, was agreed to.

AMENDMENT NO. 326

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 326, offered by the Senator from Wyoming, Mr. BARRASSO.

The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I appreciate the modifications of the amendment by Senator BOXER. The Boxer amendment rightly states that we should try to expedite NEPA. I appreciate the improvements she has made to that.

My amendment, which I urge Members to support, is amendment No. 326, offered by Senators ENZI and VITTER and CRAPO and RISCH and BENNETT and ROBERTS as well as myself. The amendment is a practical, moderate solution to a real problem, as every school, road, bridge or dam funded under this bill will require compliance with the National Environmental Policy Act.

The Congressional Budget Office and countless business leaders agree we must address NEPA in this legislation. My amendment would not waive NEPA, it would only require that it be completed in 9 months. I appreciate Senator BOXER's efforts to do this in an expeditious way. This amendment goes further and says 9 months. If projects are truly shovel ready, this should be no problem.

This amendment prevents bureaucratic delays and will put people to work. I am asking my colleagues to vote in favor of amendment No. 326 and I would appreciate a voice vote.

The PRESIDING OFFICER. Is there any further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 326) was rejected.

The PRESIDING OFFICER. As clarification, the Boxer amendment that was agreed to was as further modified.

The Senator from Oklahoma is recognized.

AMENDMENT NO. 176 TO AMENDMENT NO. 98

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendments be set aside to call up amendment No. 176.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 176.

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

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

The amendment is as follows:

(Purpose: To require the use of competitive procedures to award contracts, grants, and cooperative agreements funded under this Act)

On page 431, between lines 8 and 9, insert the following:

PROHIBITION ON NO-BID CONTRACTS AND EARMARKS

SEC. 1607. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant or cooperative agreement unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient.

Mr. COBURN. Mr. President, this is a straightforward amendment. What this amendment says is that all the money we are going to spend in this bill, the American taxpayers are going to get value.

I am not going to win the debate on this bill. We are going to spend somewhere between $750 billion and $1 trillion, but the one thing we ought to be able to assure the American people is that when we go to spend the money, they are going to get value for it. This is an amendment that says there will be competitive bidding on all the contracts, all the agreements so we get real value. As malodorous as this bill is in terms of the spending that is not going to produce the first job, the one thing we ought to make sure of is that the American taxpayer is protected.

What we know from 40 hearings in the Federal Financial Management Subcommittee is the biggest problem we have in the Government today, besides waste, fraud, and abuse, is the fact that many of the Government contracts, in violation of Federal law, are never competitively bid. That does a couple things. One is it puts people who are connected to the Government in line to get a contract that is not necessarily the best value for our country. Whether that is lobbying here or lobbying at the executive branch, what we know is that at least $50 billion a year right now is wasted because we don't do competitive bidding.

All this amendment says is that if you are going to spend the money, if it is greater than $25,000—which is what President Obama has asked us to do—you competitively bid it. You don't play favorites; you make sure we get great value.

So my hope is nobody can find a fault with this agreement and this amendment that would say in common sense: Everybody out there who is in business who is going to do something such as that, spend any significant amount of money, is going to get value for what they pay on their money. Every household is going to try to do that as they try to make decisions on how they spend money. So as we spend $900 billion on the items that can be let for contract, we ought to insist that there is competitive bidding.

What do we know right now in the Federal Government as far as waste where we have not competitively bid? Here is what we know. We spend as a government $64 billion a year on IT contracts—on IT contracts. The vast majority are not competitively bid. Some people may say: Well, that is no problem. Well, when you hear that 40 billion of them are in trouble, way outside the cost that we thought things were going to cost, what we see is the American taxpayer doesn't get any value when it comes to IT purchasing in the Federal Government. Whether that is the Pentagon, whether it is Homeland Security, whether it is the Small Business Administration, whether it is the Department of Energy, we get no value because 50 percent of the money we spend on IT ultimately gets wasted because we don't competitively contract it and competitively bid it.

Out of this $900 billion, there is somewhere around $400 billion of that which can, at one point or another, be competitively bid. To not competitively bid it says, first of all, we are not going to be able to spend it to create as many jobs as we would like if, in fact, we don't get value when we competitively bid it. So my hope is the chairman will consider this amendment take it under advisement. I would also relate that even in spite of the fact that sections 303 of the Federal Property and Administrative Act, 10 U.S. Code 2304 all require it, the Federal Government

doesn't do it. Last year, in the Consolidated Federal Funds Report, the Federal agencies issued $1.2 trillion in financial assistance in 2008.

Mr. President, $400 billion of that was in grants, so that means grants need to be competitively bid; $453 billion in contracts and $22 billion in direct loans. A large portion of that was never competitively bid.

I will shorten the time I spend on this amendment. I ask for its consideration, and I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

AMENDMENT NO. 359

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may call up amendment No. 359.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. UDALL] proposes an amendment numbered 359.

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

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

The amendment is as follows:

(Purpose: To expand the number of veterans eligible for the employment tax credit for unemployed veterans)

On page 485, strike lines 23 through 26, and insert the following:

(I) having been discharged or released from active duty in the Armed Forces during the period beginning on September 1, 2001, and ending on December 31, 2010, and

Mr. UDALL of New Mexico. Mr. President, as I rise today, our Nation is in the midst of a deep recession. Families across America are losing their homes and business owners are being forced to close doors. In my home State of New Mexico, local workforce solutions offices are besieged with calls from people who need help. Customer service centers are cutting jobs and parents can't pay for their kids' school lunches.

Our responsibility is to act, and we must do so with the accountability and oversight the American taxpayers deserve.

For months, I have been advocating for an economic recovery package that puts the American people first, one that is carefully targeted to create jobs and stabilize our economy by making the long-term investments economists have said we need now. For years we have neglected to make the needed investments in energy and in conservation, infrastructure, health care, and so much more. Today we have the opportunity to change course. We have the opportunity to make these necessary investments and help shore up our economy at the same time.

I wish to thank Chairman INOUYE and Chairman BAUCUS for their hard work in bringing this bill before us.

Make no mistake, the package we have before us is not perfect. There are many improvements that, after all the hours of work and all the hours of debate, could make it better. I rise to bring forth one more improvement we can make now.

Today I am offering an amendment which both helps address our current economic crisis and takes care of the very individuals who have been fighting for us: our veterans. My amendment, which I am proud to be joined in offering by the distinguished Senator from Louisiana, Ms. LANDRIEU, will help ensure that our veterans returning from Iraq and Afghanistan are remembered as we push for job creation in our country.

The current language in the substitute amendment provides a tax incentive to employers hiring veterans who have been discharged from the armed services in 2008, 2009, and 2010. I strongly applaud this amendment and thank Chairman BAUCUS for his leadership on this issue. However, the numbers show veterans discharged before the years included in the underlying language are also struggling to find employment. In fact, in September 2007, the Bureau of Labor Statistics reports that of those veterans who served in our military since September 2001, 6.1 percent were unemployed. As we know too well, since the study was completed in September of 2007, the economy has only worsened.

Therefore, I offer this amendment to expand the tax incentive to employers to include veterans discharged from the armed services between September 2001 and December 2010, including veterans of Operation Enduring Freedom and Operation Iraqi Freedom. Those soldiers leaving the military after serving in Iraq and Afghanistan, serving with great distinction and honor, are finding themselves back in a shrinking workforce. Yet we know from study after study that these men and women have substantial capabilities in technology, mathematics, management, crisis response, and so many other areas that are critical to employers. Expanding the tax incentive to cover employers who hire any veteran who has served since September 11 will help ensure that we do not leave these veterans out of our recovery package. It ensures that employers are encouraged to hire these men and women and put them back to work for our Nation.

The Iraq and Afghanistan Veterans of America are strongly supportive of this expansion. I urge my colleagues to join me in adopting it today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. It is Senator COBURN's time or another Republican amendment. Senator COBURN should be recognized; then Senator SANDERS after that.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 309

Mr. COBURN. Mr. President, first of all, let me thank the chairman for his kindness. I agree we should be going back and forth.

Whatever we do with this bill, we ought to determine what is most important and what is least important. When we take $900 billion and are about to spend it, we ought to do that in a way that again promotes value. We as a body oftentimes are resistant to make hard choices; I know that, but every family out there in our country today is making hard choices.

I found it peculiar, when this bill came to the floor, that it didn't include a prohibition that was in the House bill. Somewhat strange. What was in the House bill, which was passed by the House and agreed to by the House, was a prohibition on any funding to pay for aquariums, zoos, golf courses, swimming pools, stadiums, parks, theaters, art centers or highway beautification projects. Somehow, strangely, it was left out of the Senate bill.

So I ask unanimous consent that the pending amendment be set aside to call up my amendment No. 309.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 309.

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

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

The amendment is as follows:

(Purpose: To ensure that taxpayer money is not lost on wasteful and non-stimulative projects)

At the appropriate place, insert the following:

SEC. ___. LIMIT ON FUNDS.

None of the amounts appropriated or otherwise made available by this Act may be used for any casino or other gambling establishment, aquarium, zoo, golf course, swimming pool, stadium, community park, museum, theater, art center, and highway beautification project.

Mr. COBURN. What this amendment does is it prohibits stimulus funding to pay for casinos, museums, aquariums, zoos, golf courses, swimming pools, stadiums, parks, theaters, art centers or highway beautification projects. I am not necessarily against those, but if we are going to spend money, we ought to spend money on the highest priority things first, not the finer things that we can't afford.

We cannot afford to spend a penny on a museum right now with the trouble we are in. We cannot afford to spend a penny on a golf course with the trouble we are in. We cannot afford to spend a penny on theaters or art centers or highway beautification. Those are not a priority. Plus, most of those won't generate near the jobs as if we were spending it on something more substantive. There are billions of dollars in this bill for various grant programs for State and local governments, for supposedly local shovel-ready projects. How do we know that? Because the U.S. Conference of Mayors has a wish list of shovel-ready spending projects entitled Main Street Recovery Ready-to-Go Infrastructure Report. It includes billions in questionable and wasteful projects that should never be funded by the taxpayers, even if we had extra money—which we don't—and certainly should not be funded at this time, with the limited dollars we have and the way we are funding. We are not borrowing—no, we are stealing this money from our grandkids.

Mr. ROBERTS. Mr. President, will the Senator yield for a question?

Mr COBURN. I will.

Mr. ROBERTS. Mr. President, let me ask my distinguished friend and colleague from Oklahoma this. We all know we have to address the problems we face in our economy. It is becoming a crisis. The majority leader said that, the minority leader said that, and everybody who has offered an amendment has said that. But it seems to me we have fundamental differences with the President of the United States, who called some of our concerns picayunish in an op-ed in the Washington Post, and with our colleagues across the aisle, as to what constitutes an effective stimulus. The Senator from Oklahoma is introducing an amendment that I wish more Members could listen to—and they should because it would be in their best interest.

The Senator from Oklahoma is offering an amendment that introduces an overdue criteria not only regarding whether the mayors' wishlist, and the programs he is going to enunciate, fit the role of a stimulus, but public outrage? These are the kinds of things that become fodder on late night talk shows, and we could do that—we could sort of do a late night talk show. We could go back and forth and he would mention a project and I would say: Do you mean there is money going for that? But I will skip all that and congratulate the Senator regarding his amendment.

Can the economy be best revitalized through a massive and unprecedented increase in Government spending? Or is it better to pursue progrowth policies that put money more directly into the pockets of families and businesses?

There is no question, I can answer that. Putting money back in the pockets of American families and businesses stimulates the economy. When they have additional money in their pockets, they can use that money as they see fit—to save, to purchase a home or a car, to make an investment or hire workers. So I think what the Senator from Oklahoma is trying to do—I know what he is trying to do and what I am trying to do in asking him to yield, which is to urge my colleagues to take a hard look, please, at the spending in this bill. We have already asked you to do that. There have been many amendments to do that. Ask yourselves: Is this stimulative? Do the programs in this bill truly promote economic stimulus? Do they create jobs? Do they put meaningful dollars directly in the pockets of families and businesses to encourage the economic growth of our country, or does the bill simply spread the money around to many Federal programs, or Members' requests, in the hope that such spending will solve our economic problems?

If we cannot honestly demonstrate the stimulative effect of the programs in the bill, then it is clear to me that taxpayer dollars would be best spent elsewhere or, better yet, returned to the taxpayers.

With all due respect to President Obama, in the article he wrote for the Washington Post, the op-ed, these matters are not picayunish—they are not.

The economic stimulus mantra from last year—targeted, temporary, and timely—which should also apply to this year's effort, seems no longer to be the drumbeat of the majority. I don't know if the Senator is aware, but one estimate is that this bill would cost $2,700 for every man, woman, and child in the United States. While this bill is touted as creating or conserving jobs, some of the costs of the proposed job creation in the bill are truly astounding, not picayunish.

A program at the State Department would create 388 jobs at a cost of $524 million. There are others that create jobs that would cost $480,000 per job and $333,000 per job. I know the Senator from Oklahoma is interested in that because that is the very kind of thing he likes to bring up to make us adhere to our job responsibilities.

I know Oklahomans are outraged, and I know Kansans are outraged at this reckless spending, when the vast majority of them live within their means, pay their bills, and make their mortgage payments on time. Where is their benefit under this bill? Where is their $333,000 or $480,000 job?

Many constituents who have contacted me have said, ''Just send me a check.'' They are very concerned that their tax dollars are not being used wisely here and that this bill won't get the job done. That is what the Senator from Oklahoma is trying to accomplish.

The bill is not targeted. The appropriation portion of the bill spends taxpayer dollars on everything from smoking cessation programs, all-terrain vehicle trails, and $600 million to buy new cars for new Government employees.

Again, these matters are not picayunish. As the spending in this bill grows, it has become a honey pot for every conceivable special interest group in this unprecedented environment of national crisis. I am concerned that we are well on our way to federalizing State and local governments, as many elected officials are setting up what I call ''bucket commissions.'' Our Governor in Kansas is doing that, and others are as well. I know we have problems in Kansas, and I know they have problems in Ohio, and I know they have problems in Oklahoma. But they are coming to Washington to fill these buckets. People have actually lobbied for and want the projects the Senator from Oklahoma is talking about. If you want a new county jail, don't pass a bond issue; ask for it in the stimulus. If you want a Frisbee park—I am not making that up—don't ask local taxpayers to foot the bill; ask for it in the stimulus.

With this Federal honey pot and the lure that is now out there to come to Washington and make funding requests—and some requests do have merit; I won't quarrel with that. But this is not the right time or place for them. Another danger here is that Federal money too often becomes Federal control—Federal intervention further into the daily lives of Americans. You hear a lot about that back home.

To all of those who hear the siren song lure of coming to Washington and obtaining free stimulus money, with apologies to Homer:

Circe warned all those lured by the siren songs and to too many who ignored the warning and ended up on rocky shoals:
Once he hears to his heart's content, sails on a wiser man.
Like as Vlisses wandering men,
In red seas [or in the case of this stimulus, red ink] as they pass along.
Did stoppe their ears with wax as then,
Against the suttle Mermayds [or shall we say Senator's stimulus song.]
So shall their crafty filled talk,
Here after find no listing ear.
Like Circe, I byde them go back and walk,
And spend their words some other where.

Again, with apologies to Homer, with this siren stimulus song that we sing, those attracted by the lure will bring themselves and all taxpayers to rocky shoals.

We are currently in the throes of February cold, with only Valentine's Day as a respite. This bill will have its first effect amidst the winds of March. Those projects that my distinguished friend from Oklahoma is trying to bring to the attention of the Senate will come true in the winds of March. My colleagues and taxpayers all, beware of the Ides of March. Under this massive spending bill, the taxpayer

will become Caesar and the Government will become Brutus. ''Et tu, Senator Brutus''—a role no Senator should wish to play.

While some funding requests may be worthy of Federal dollars, such decisions should be made as part of the annual appropriations debate, rather than circumventing that important process by adding funding to a bill that is intended to provide short-term stimulus to the economy.

This bill is not timely, I say to my friend from Oklahoma. CBO estimates that only 15 percent of this stimulus package will be spent in 2009, and only another 37 percent spent in 2010. The remaining part will be spent in 2011 and beyond. That means that less than half of the money will be spent by the end of next year. This is not the immediate relief families and businesses desperately need now to help get the economy back on track. Rather than looking at more Federal spending and programs to fix our economy, we have tried to redirect this spending to tax relief. We need to return to families more of their hard-earned dollars and allow businesses to keep more of the money they earn, so they can reinvest and grow their businesses. This is particularly true of small business. Unfortunately, only $21 billion, or 3 percent of this bill, goes to small business. I know the Senator from Oklahoma certainly cares about small businesses. They are the Nation's job creators. How can we call this an economic stimulus bill, when only a fraction of this bill is going to help small businesses?

Mr. BAUCUS. Mr. President, I forgot what the question was.

Mr. ROBERTS. We had seven questions, and I am going to have one, and then I will cease and desist.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. He yielded for a question.

Mr. BAUCUS. Mr. President, I am trying to find a fair way to go back and forth here.

Mr. COBURN. Does the Senator have another question?

Mr. ROBERTS. Yes, I do. We have had before us—and more to come, I think—well-thought-out alternatives to meet the commonsense test. As I said before, we have had amendments to strip out billions in spending in the bill that will not stimulate the economy. It is my understanding that the Senator's amendment deals with smaller programs and, as I have indicated, the public reaction to these programs and these relative to the stimulus package are unbelievable, is that not true?

Mr. COBURN. That is true.

Mr. ROBERTS. We have and will have amendments to provide permanent tax relief for middle-income taxpayers. Is anything in there having to do with that?

Mr. COBURN. No.

Mr. ROBERTS. Basically, we have considered amendments to address the problems in the housing market, to fix housing first. Does anything on that list have anything to do with fixing the housing market?

Mr. COBURN. No.

Mr. ROBERTS. These suggestions would improve this bill. Can we improve it, I ask the Senator from Oklahoma, to provide the right incentives to stimulate the economy and create private sector jobs?

Mr. COBURN. Yes.

Mr. ROBERTS. Let us beware of the Ides of March and the siren songs of the stimulus, I say to the Senator from Oklahoma. I thank him for doing an outstanding job to warn the majority of the sand trap they are getting into with these projects. Would the Senator not agree?

Mr. COBURN. Yes.

The PRESIDING OFFICER. The Senator yielded for a question. The Senator from Oklahoma has the floor.

Mr. COBURN. Mr. President, I thank my fine friend from Kansas for those questions.

As I was saying before I was interrupted for a question, the U.S. Conference of Mayors has a wish list. I would do the same thing. But I want my colleagues to hear what is going across the legislatures of all the States right now: How much of this money can we get so we don't have to do the hard job in our legislature right now to make cuts we need to make? How much of this money can we get?

They just happened to have 31,000 requests totaling $73.2 billion. I thought the American people would like to hear what some of them are because I guarantee you, we will fund them. We are going to fund them. If this bill passes, we are going to fund them unless we accept this amendment.

How about $192.6 million for 12 projects directed to stadiums, including $150 million for a Metromover extension to Marlin Stadium in Miami, FL, where their average attendance is less than 45 percent, less than 16,000 fans? Is that a priority for the country right now? It is not a priority. Unless we agree to this amendment, that kind of stuff is going to get funded.

How about $87 million for 56 projects on paths? Right now, when we are stealing $1 trillion from our grandchildren, is it a priority for this country to build bicycle paths? Tell me that is a priority. Tell the American people that is a priority.

How about $700,000 to plant 1,600 trees along the sidewalks in Providence, RI? Is that a priority? Because once this bill moves out of here, it is out of your control, and the bureaucrats are going to grant it based on the pressure you put on them, not on a competitive basis but based on what greases the skids the most.

How about $500,000 for eco-friendly golf course improvements in Dayton, OH? We like that one?

How about $8.4 million for a brandnew polar bear exhibit at the zoo in Providence, RI? Is that really a priority? When we are in this kind of trouble, we are going to be building zoos? That is what the Senate says we should do with this money, allow zoos to be built?

I like this one: $6.1 million for corporate jet hangars in Fayetteville, AR. Those are the kinds of jobs we want to create? We want to create that kind of program?

How about $100,000 to rehabilitate a skateboard park in Alameda, CA? We are going to take $100,000 from our kids to rehabilitate a skateboard park. That is what the American people want us to do with this money to put people to work?

How about the Sunset View Dog Park in Chula Vista, CA? Just half a million dollars. That is on this list.

If we do not accept this amendment, then tons of this stuff is going to go through—low priority, not high priority job creating but everybody's wish list in the country. When they heard this bill was first coming, every city across this country said: Well, what can we get? When you run a country that way, you can expect to get these kinds of requests.

In this request is a new museum for Las Vegas, a mob museum. We will spend $50 million on a mob museum? That is really a priority right now for American citizens, especially their grandchildren who are still in the womb who are going to come out owing $500,000 as soon as they hit the ground? If we do not add this amendment to this bill, tons of stuff just like this is going to be included.

Let me tell you the other justification for this. One of the best functioning things we have is a library and museum grant-seeking body. They have done a wonderful job through the last few years, except when we earmark around them, which we do routinely every year. But they go through an ordered process.

What is going to happen is this is going to go around the ordered process again, and we are going to take away competitive grants. They are the only agency in the Federal Government that 100 percent follows up on every grant. They know the quality of the grants they give, and they never give another one if it was not quality. They make people pay back if it was not quality. There is nothing in this bill that will require us to get back the money from people who abuse the process.

In the next appropriations bill—probably the one that is coming in the next week or so—we are going to have well over $100 million for museums. I guarantee you, it is probably in the omnibus that is coming. I bet you we have $100 million in there in spite of this $900 billion bill. I guarantee you we have $100 million in it. Maybe by me

mentioning it we will not have it when it comes to the floor. I don't know.

There is nothing in here that would say, if you are a highly endowed museum, you cannot get this money. Are we going to give the same amount of money to any museum, even when several have $1 billion or $2 billion in endowment? There is no direction in this bill. None.

The golf course industry in the United States boasts approximately 12,000 golf courses. There is no prohibition in this bill that any of this money will not be spent building golf courses. Again, if you don't believe me, ask your 6-year-old grandchild: Do you think we ought to borrow your future to pay for a golf course in this country right now? There is no prohibition on that. It is going to happen. We all know it is going to happen.

To go back to the mayors' wish list: $5 million for golf course renovations in Shreveport, LA; $1.2 million for a new golf park restoration in Brockton, MA; $1.5 million to replace the golf clubhouse in Roseville, MN; $2.1 million for Forest Park and urban golf renovation in St. Louis; $3 million for golf clubhouse replacement in Lincoln, NE; $500,000 for an environmentally friendly golf course in Dayton, OH; and $3 million for renovation of a golf course building in Hawaii.

I know it is hard to put a bill such as this together, and I am not meaning to be overly critical, but I believe that unless we put a prohibition on what the money can go for, the money is going to go for low-priority items. I think it is reprehensible that we would not put a limit on the worst tendencies of local governments, the worst tendencies of State governments, and our own worst tendencies to spend money, especially when it is 100 percent borrowed; that we would not limit ourselves, that we would not put a choke chain on us to make sure we don't allow projects to go this way.

I have talked about this long enough. I appreciate the indulgence of the chairman.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 306, AS MODIFIED

Mr. SANDERS. Mr. President, I thank Senator GRASSLEY for his cosponsorship of this amendment. I ask unanimous consent to set aside the pending amendment so I may call up the Sanders-Grassley amendment No. 306 with the modification that I send to the desk.

The PRESIDING OFFICER. Is there objection? Does the Senator from North Dakota have an objection?

Mr. CONRAD. Reserving the right to object, is there an order that has been entered with respect to the offering of amendments?

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. There has been a general understanding, after Senator COBURN spoke on his amendment, Senator SANDERS would be able to call up his amendment. After Senator SANDERS, Senator CORNYN will call up his amendment. Then Senator FEINGOLD is after that, and then a Republican amendment after that.

I would like to, frankly, get a consent agreement fairly soon to at least vote on a small number of amendments—say, four, five amendments—get that out of the way, and while we are voting on those, we can figure out how we get the rest of the amendments processed.

Mr. CONRAD. Is it possible to get on this amendment train? Senator GRAHAM and I have an amendment. He is the lead, so it would be a Republican amendment.

Mr. GRASSLEY. I want to be right after the end of the list you just gave.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Vermont still has the floor. The Senator from Vermont has the floor.

Mr. CONRAD. I reserved the right to object. I will not object.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself, and Mr. GRASSLEY, proposes an amendment numbered 306, as modified, to amendment No. 98.

The amendment is as follows:

(Purpose: To require recipients of TARP funding to meet strict H–1B worker hiring standard to ensure non-displacement of U.S. workers)

At the appropriate place, insert the following:

SEC. ___. HIRING AMERICAN WORKERS IN COMPANIES RECEIVING TARP FUNDING.

(a) SHORT TITLE.—This section may be cited as the ''Employ American Workers Act''.

(b) PROHIBITION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, it shall be unlawful for any recipient of funding under title I of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343) or section 13 of the Federal Reserve Act (12 U.S.C. 342 et seq.) to hire any nonimmigrant described in section 101(a)(15)(h)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(h)(i)(b)) unless the recipient is in compliance with the requirements for an H–1B dependent employer (as defined in section 212(n)(3) of such Act (8 U.S.C. 1182(n)(3))), except that the second sentence of section 212(n)(1)(E)(ii) of such Act shall not apply.

(2) DEFINED TERM.—In this subsection, the term ''hire'' means to permit a new employee to commence a period of employment.

(c) SUNSET PROVISION.—This section shall be effective during the 2-year period beginning on the date of the enactment of this Act.

Mr. SANDERS. Mr. President, I thank Chairman BAUCUS and his staff for working with us on what I believe are significant improvements to the original amendment Senator GRASSLEY and I offered. This amendment has been cleared by both sides with a modification. This amendment, as modified, would simply require recipients of TARP funding to meet strict hiring standards to ensure nondisplacement of U.S. workers.

I thank Senator GRASSLEY for working with me on this amendment. I yield to him. If not, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second. The yeas and nays have not been ordered.

The Senator from Vermont still has the floor.

Mr. BAUCUS. I was wondering if we could voice vote this amendment.

Mr. SANDERS. Yes, that will be fine.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following amendments be called up for consideration: Coburn No. 176 and 309; Sanders No. 306, as modified; Cornyn No. 268; Feingold No. 486; Baucus-Grassley 404; Grassley 297; and Harkin 397; that no amendments be in order to the amendments prior to a vote in relation thereto; that the time until 8 p.m. be for debate with respect to these amendments; that at 8 p.m. the Senate proceed to a vote in relation to the amendments in the order listed, with 2 minutes equally divided for each side.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. Mr. President, that is very unfortunate. The reason for the objection is unfortunate because of the amendment Senator GRASSLEY and I are offering. We are going to have to work this out because I am not going to allow the quorum call to be called off until it is worked out.

This is about the Trade Adjustment Assistance benefits. Basically, at this time in our history, with a recession going on, with unemployment, it is extremely important that American workers who lose jobs on account of trade be given a break and they get some benefits, including health benefits.

The objection, I have been told, is basically because there are some Senators who want to tie this amendment—the Trade Adjustment Assistance amendment—to either passage of

or a date certain on which we would take up the Colombia Free Trade Agreement. I think that is not a good thing to do, and the reason is, the more the Colombia Free Trade Agreement is tied to Trade Adjustment Assistance, the more it will engender opposition to the Colombia Free Trade Agreement.

I personally favor the Colombia Free Trade Agreement, and I also very respectfully suggest that the circumstances under which that agreement could be brought up are a lot better if Trade Adjustment Assistance is already passed and into law because that will enable more people in the country, particularly folks who are concerned about being potentially laid off, to have some comfort here with the Trade Adjustment Assistance. Then it is easier for this Congress to bring up the Colombia Free Trade Agreement. I suspect the President is going to be bringing up free trade agreements. I respectfully say that he almost has to. Perhaps some of these may need to be negotiated, but clearly the United States of America is going to enter into free trade agreements, and the Colombia Free Trade Agreement, in my judgment, is one that should be agreed to and adopted.

So I say to my very good friend from Arizona, who I think is the one primarily objecting to this provision, that if he would withdraw his objection so we could at least get the Trade Adjustment Assistance passed, then I will work with him to find a way at an appropriate time, when the time is right, to bring up the Colombia Free Trade Agreement. But to tie it to a date or to make a connection is going to, with all due respect, make it more difficult for the Senator to accomplish his objectives.

Mr. President, without losing my right to the floor, I ask if the Senator from Arizona has a question—but without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wish to respond to Senator BAUCUS.

First, I think the staff on the majority and minority side are attempting to put together a tranche right now of perhaps six—four amendments, two on both sides?

Mr. BAUCUS. Eight amendments, including this one.

Mr. KYL. Well, I will complete my thought. They are trying to put together a list of at least four amendments that would be equally divided.

Mr. BAUCUS. Right, four and four.

Mr. KYL. And what I suggest is that we proceed on this basis and not try to interject the TAA process, because I think that will cause this to grind to a halt here. We can discuss, as I told you, the appropriate proceeding on TAA. I am certainly not trying to tie proceeding to TAA to a date certain to vote on Colombia, but I do think it is appropriate that a plan be worked out, with the President, as you have noted, and the Members of Congress who are concerned about this to try to find a way to go forward, as we originally did, so everyone can be assured that both Trade Adjustment Assistance and the Colombia Free Trade Agreement can proceed to a successful conclusion.

Now is not the time to negotiate that, and that is why I object to the idea of going forward with this at this time. In order to keep this process moving forward tonight, and get as many of the Democratic and Republican amendments up and voted on, I suggest we keep proceeding as we have been, in good faith, and not confuse it with this extraneous issue.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 176

Mr. BAUCUS. Mr. President, I move to table Coburn amendment, No. 176. I ask that be the pending amendment, and I move to table that amendment, the Coburn amendment, No. 176.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER (Mr. BURRIS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 1, nays 96, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—1

Voinovich

NAYS—96

Akaka	Boxer	Casey
Alexander	Brown	Chambliss
Barrasso	Brownback	Coburn
Baucus	Bunning	Cochran
Bayh	Burr	Collins
Begich	Burris	Conrad
Bennet	Byrd	Corker
Bennett	Cantwell	Cornyn
Bingaman	Cardin	Crapo
Bond	Carper	DeMint
Dodd	Kohl	Reid
Dorgan	Kyl	Risch
Durbin	Landrieu	Roberts
Ensign	Lautenberg	Rockefeller
Enzi	Leahy	Sanders
Feingold	Levin	Schumer
Feinstein	Lieberman	Sessions
Gillibrand	Lincoln	Shaheen
Graham	Lugar	Shelby
Grassley	Martinez	Snowe
Hagan	McCain	Specter
Harkin	McCaskill	Stabenow
Hatch	McConnell	Tester
Hutchison	Menendez	Thune
Inhofe	Merkley	Udall (CO)
Inouye	Mikulski	Udall (NM)
Isakson	Murkowski	Vitter
Johanns	Murray	Warner
Johnson	Nelson (FL)	Webb
Kaufman	Nelson (NE)	Whitehouse
Kerry	Pryor	Wicker
Klobuchar	Reed	Wyden

NOT VOTING—2

Gregg Kennedy

The motion was rejected.

FMAP INCREASE

Mr. REED. Mr. President, I thank the chairman of the Finance Committee, Senator BAUCUS, for his inclusion of an important provision regarding State eligibility for the FMAP increase in this bill. If it were not for this provision, my State of Rhode Island may not have been eligible for the relief because a State law effective on July 1, 2008 changed eligibility, but the change was not implemented until the Centers for Medicare and Medicaid Services, CMS, approved a waiver on October 1, 2008. The timing of the State's decision, not the approval date by CMS, should be the controlling factor.

I ask the chairman, does section 5001(f)(1)(C)(ii) of the bill specifically address this situation?

Mr. BAUCUS. Yes. That provision specifically addresses the unique circumstances of Rhode Island. It should not matter when CMS is able to make a change in a waiver. What matters here is that Rhode Island had clearly determined that it would make the eligibility change on July 1, 2008. The decision to do so was made well in advance of congressional consideration of an FMAP increase, so Rhode Island has not been trying to game the system. Under this provision, Rhode Island will certainly be eligible for the FMAP increase.

Mr. REED. I agree and again thank the chairman.

EMR TECHNOLOGY

Ms. STABENOW. Mr. President, as you know, H.R. 1 provides critical incentives for the adoption of meaningful EMR technology. Adoption of this technology is essential to improving care and reducing costs.

Michigan hospitals have been at the forefront of critical advances in health information technology such as e-prescribing and developing an Electronic Medical Record. In fact, its ambulatory sites have been paperless for almost 5

years. Many of my hospitals are spending significant resources in this difficult economic environment to convert their hospital records to electronic format and upgrade EMRs to contain Clinical Practice Guidelines.

Section 4201 (a)(1)(C) of the bill seeks to prevent double payments by excluding certain physicians who practice substantially in hospital settings and use hospital-owned EMR equipment. To clarify the intent of this section, the bill lists specific examples of hospital-based professionals to be excluded. This makes sense.

But I am concerned that this language may also inadvertently exclude many physician group practices associated with hospitals may not qualify for EMR incentives under H.R. 1. The way the provision is drafted may many outstanding medical groups such as the Billings Clinic in your great state from receiving incentive payments because they are classified as ''provider-based'' entities. Because of this designation, I am concerned that HHS may consider such professionals as ''Hospital-Based Eligible Professionals'' who are prohibited from receiving incentive payments under this section of the bill.

I am sure it is not our intent to exclude such physician group practices from incentives. I hope the Chairman will work with me and my staff to ensure that Congressional intent will be carried out and early champions of HIT are eligible for EMR incentives in the H.R. 1.

Mr. BAUCUS. Mr. President, I thank Senator STABENOW for raising this issue with me. It is not our intent to exclude those early EMR champions from HIT incentives in the Stimulus bill. My staff and I will work with you to clarify our intent, which is to reward early adopters of HIT like integrated health systems.

Ms. STABENOW. I thank the Chairman and look forward to working with him on this important issue.

INVESTING IN HOME AND COMMUNITY-BASED SERVICES

Mr. KOHL. Mr. President, I would like to briefly discuss the important subject of home- and community-based services for older adults and individuals with disabilities with my distinguished colleague Senator BAUCUS, who—along with Senator INOUYE—is doing a commendable job of leading the Senate's discourse on the American Recovery and Reinvestment Act.

Mr. BAUCUS. I thank the Senator. I would be pleased to enter into a colloquy with the Senator from Wisconsin on this subject.

Mr. KOHL. As you and many other Senators are aware, home- and community-based services, or HCBS, are critically important to millions of older and disabled Americans who rely on Medicaid, which today is our country's most important publicly financed system for nursing home care and home- and community-based services. But there is a critical difference in the legal status of these services. Under Federal law, nursing home services are a mandatory benefit that must be offered by all States to all individuals who meet stipulated eligibility criteria. In contrast, HCBS services are not a mandatory benefit. Rather, they are offered by States under waiver programs granted by the U.S. Department of Health and Human Services for limited time periods and for limited numbers of individuals.

States across the country have obtained multiple HCBS waivers over the last 20 or so years. These HCBS programs tend to be extremely popular, often because they provide a considerably wider array of nonmedical support services than are otherwise offered under the Medicaid statute.

The State of Wisconsin has invested a great deal of time and effort in their waiver programs, many of which have been very successful. Nevertheless, because waiver programs are capped in terms of the number of beneficiaries who can be enrolled, there has been substantial growth in the size of waiver waiting lists, which in Wisconsin reached an unacceptably high level of more than 11,000 people. Many other States also have large waiver waiting lists.

Concerned about the State's high level of unmet need, Wisconsin has embarked on a program to try to eliminate waiver waiting lists and also absorb the projected increase in demand for services during the next decade. This program is called Family Care, and it is a good example of how a State can take on the challenge of organizing long-term care services more cost-effectively. Other States are undertaking planning efforts as well. I am pleased to say that recent research has found that States that began expanding their HCBS programs in the mid-1990s experienced initial upfront costs as their level of services expanded, followed by a leveling off of costs—with the result that aggregate spending was controlled.

We have reached a critical juncture with regard to the development of HCBS services. In the context of the stimulus package we are now considering—which provides States with an additional $87 billion in Medicaid funding—I believe we should urge States not to reduce these popular and needed services but, rather, to maintain and strengthen them. Does the Senator from Montana concur?

Mr. BAUCUS. I thank the Senator for the question. My State is making an investment in home- and community-based services for individuals 60 years and older, and I applaud these efforts. In 2007, the legislature established the Older Montanans Trust Fund that will enable more individuals to access these services in the long run. As the population ages, there will be greater pressure on the long term care system, and States like Montana face additional challenges responding to the needs of seniors and individuals with disabilities in rural and frontier areas. I join the senior Senator from Wisconsin in urging my colleagues, along with State programs, to carefully monitor HCBS services and spending, not to reduce the commitment to these very valuable and needed services.

Mr. REID. Mr. President, I rise to discuss an amendment that I have filed to address some important renewable energy issues that should be resolved before the Congress sends the final economic recovery plan to the President.

I do not plan to force it to a vote because I have great confidence that we will be able to work out most, if not all, of these issues satisfactorily in conference and with the new administration. That is provided we can get enough votes to move this critical bill through the Senate.

As my colleagues know, the recession has hit every sector of the economy hard. The growing renewable energy industry is no exception. One recent headline was ''Dark Days for Green Energy.''

Solar, wind and even geothermal businesses are caught in the credit crunch. Installations have slowed, despite the extensions of important production and investment tax credits that we included in the Troubled Asset Relief Program and the promise of the new renewable and energy efficiency incentives and loan guarantee programs that we have included in the economic recovery legislation the Senate is debating now.

The number of investors for new renewable projects, like other industries, has dwindled due to the disruption in tax equity markets. So, to keep making progress toward a clean energy revolution, making our Nation and my home State of Nevada more energy independent and creating thousands of new jobs and sustainable economic growth, we need a temporary substitute for those tax credits and incentives.

My amendment is similar to the temporary DOE grant program included in the House-passed bill, which works in lieu of the investment tax credit. However, I have modified it to be certain that it also works for utility-scale solar and geothermal projects which take slightly longer than wind or other renewable energy production facilities to commence operation.

Clearly, this grant program will not and should not remove the strong preference of most project sponsors to use the traditional tax equity markets once those markets are reestablished and functioning. The grant option is less valuable to these investors than the investment or production tax credit because it does not fully replace

other tax benefits such as accelerated depreciation. But the grant program is a necessity in today's troubled market that will get renewable project developers through these difficult times, creating thousands of jobs in the course of months instead of years.

The amendment does a number of other things, including pushing and funding the Departments of Energy, Interior and other agencies to work together more constructively and more quickly to process renewable energy projects and related transmission permits on public lands. It also raises the cap to $2.5 billion on third-party financing for transmission capacity developments that the Western Area Power Administration and the Southwestern Power Administration are allowed to accept.

Lastly, the amendment includes a nod toward the problems faced by solar and other renewable technologies that might not easily fall into the two categories of guaranteed loan eligibility in the substitute, commercial vs. noncommercial. My amendment would add a new category of ''new or significantly improved'' technologies that would be eligible for the new loan guarantee program created in the underlying bill. This definition was part of the final rule for the title XVII loan guarantee program published in October 2007.

Nevadans and all Americans are eager to get back to work and clean energy investments are one of the best ways to ensure they can get back to work and prosper.

Nevadans pay billions of dollars every year in energy bills. Much of that money goes to other States or other countries in fuel costs and enriches them, but does not add equivalent and long-lasting value for Nevada or provide much help to diversify our economy or prepare for a safer and more affordable future.

Fortunately, this economic recovery plan, with the help of the new administration, is going to start the transformation of our national energy policy that Nevada needs to become a net exporter of clean renewable energy.

This bill will stimulate the economy in the short-term, but its energy spending will have long-term benefits for Nevada and the Nation.

The entire list of potential benefits to Nevada are too numerous to list, but at my and the President's strong urging, the economic recovery bill will, for example: accelerate renewable energy project and transmission line development; stimulate the growth of businesses making energy efficient and renewable energy products and services; improve energy efficiency of schools, hospitals, public buildings and low-income housing; maintain, repair and improve critical water supply and quality projects in urban and rural areas; promote conversion of vehicle fleets to clean and efficient alternative fuels to reduce oil consumption; and, enhance energy security at military installations through renewable energy and energy efficiency investments.

Some of the specific items currently in the bill and their benefits for Nevada:

A 3 year extension of the renewable energy production tax credit. The long-term extension of this tax credit is critical to ensure investment in Nevada's geothermal and wind energy potential. $3.25 billion in new borrowing authority for the Western Area Power Administration to finance and facilitate development of renewable energy transmission capacity. The new borrowing authority should facilitate access to Nevada's vast solar and geothermal resources. $22.1 million through the Weatherization Assistance Program, with changes to the income level percentage formula for determining the eligibility, an increase in the assistance level per dwelling unit, and an increase in the funding ceiling for worker training. $5.4 million through the State Energy Program for energy efficiency, conservation and renewable energy projects. A new Advanced Energy Investment Credit for facilities that manufacture advanced energy property like solar cells or mirrors, wind turbines, technology that can access geothermal deposits, or energy storage systems for electric and hybrid-electric vehicles. $1.6 billion in Clean Renewable Energy Bonds that Nevada's cities, counties, and electric cooperatives will be able to compete for to finance renewable energy and energy efficiency projects. A 2 year extension and expansion of the 10 percent energy efficiency tax credit for existing homes to 30 percent. Approximately $20 million for energy efficiency and conservation block grants for Nevada's communities. Hundreds of millions of dollars that will make military installations more energy efficient and more energy secure through greater use of renewable power and alternative fuel vehicles. $2 billion that Nevada's public housing agencies will be able to compete for so that they can invest in energy conservation. $1.6 billion that Nevada's hospitals and schools will be able to compete for so that they can invest in energy efficiency.

I should note that nothing is final until the Senate has had a chance to pass and conference this bill with the House and President Obama has signed it. Many Senators have filed or are considering amendments to cut some of these important energy programs. So we will have to see what happens.

But I am committed to making sure that the renewable energy business in Nevada and elsewhere continues to grow through this legislative package, the next energy bill and beyond. The economic, energy, environmental and national security benefits are just too important to my State, to the Nation and the world.

Mr. GRASSLEY. Mr. President, my friend from Montana referred to the CBO analysis of this bill. He rightly pointed to some proposals in the bill that will have some stimulative effect. The Chairman also talked about CBO's analysis of years 1 through 3—all relevant data. But we need to know what happens in years 4, 5, and years 6 through 10. I have asked that question because there is a reasonable fear that the spending might have a negative effect on the economy from years 4, 5 and so forth.

The spending might ''crowd out'' investment and that crowding out could adversely affect economic growth later.

It is kind of like the difference between a carbohydrate diet and a protein diet. Under this bill, there is a lot of carbohydrate-spending. The spending is like eating a sugary doughnut. It tastes good going down, but shortly thereafter the effect wears off and you are hungry again. In this case, we have a spending surge, but we might face the effects of too much spending with crowdout.

On our side, we would prefer a protein-type of stimulus. We want investment nourishment up front. Like protein, the economic body will become stronger after the investment stimulus is digested.

Now, I am not saying there shouldn't be any spending stimulus. What we need is a balanced stimulative diet. This bill's stimulus diet is too carb-oriented. It needs more protein investment stimulus.

I am afraid the detailed CBO analysis of years 4, 5 and 6 through 10 may confirm that this bill will show that we pay the price for a stimulus package that is too far tilted towards spending.

On the AMT patch point made by Senator DURBIN, I agree the AMT patch is not in the McCain admendment. As one who pushed for it in the Finance Committee, I agree the patch would be a good addition.

Senator MCCAIN would be glad to add the AMT patch. But I would ask my friends in the Democratic leadership a question. If the patch were added, would they support the bill?

They were supporters of the House bill and the Chairman's mark. Both documents did not contain the AMT patch. If we add the patch here, will they support Senator MCCAIN's amendment?

If Senator MCCAIN's amendment passes, I will seek to add the AMT patch in conference so that 24 million American families do not get hit with this stealth tax.

Mr. INOUYE. Mr. President, I rise to bring to the Senate's attention a compelling new report by the nonpartisan Congressional Budget Office, CBO,

The February 4, 2009, report, which was requested by President Obama's

nominee for Secretary of Commerce, Senator JUDD GREGG of New Hampshire, confirms what supporters of the Senate economic recovery package have said from the very beginning. The CBO has concluded that the American Recovery and Reinvestment Act would have an immediate and substantial impact on the U.S. economy, most notably in terms of job growth and GDP growth.

In crafting this legislation, our No. 1 priority has been putting the American people back to work. This report estimates that the recovery package, as reported out of the Senate Appropriations and Finance Committees, would create between 900,000 and 2.4 million new jobs in 2009, between 1.3 and 3.9 million jobs in 2010, and between 600,000 and 1.9 million jobs in 2011. These numbers would correspond to an unemployment rate reduction of 0.5 to 1.3 percent in 2009, 0.6 to 2.0 percent in 2010, and 0.3 to 1.0 percent in 2011.

Additionally, the report estimates that the legislation would grow the U.S. gross domestic product by 1.4 to 4.1 percent in 2009, 1.2 to 3.6 percent in 2010, and 0.4 to 1.2 percent in 2011.

I welcome this new data as further evidence of the job-creating potential of this economic recovery package. I believe this new analysis strongly reinforces the need for swift action by the Senate on the American Recovery and Reinvestment Act. This legislation will alleviate the painful effects of the current economic crisis by spurring real economic growth and putting millions of Americans back to work. I am confident that this body will respond with the urgency that this crisis demands of us.

Mr. CONRAD. Mr. President, during debate on H.R. 1, the Economic Recovery and Reinvestment Act of 2009, Senator CORNYN of Texas offered Senate amendment 277 to Senate amendment 98, an amendment in the nature of a substitute. Pursuant to section 312 of the Congressional Budget Act of 1974, Senate Budget Committee majority staff determined and advised the Senate Parliamentarian that the amendment violated the Senate pay-go rule, section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008. Consequently, a point of order was raised against the Cornyn amendment, and a motion to waive the point of order failed by a vote of 37 to 60.

Upon further review, committee staff concluded that the determination of a pay-go point of order was made in error—in fact, the amendment did not violate section 201. As chairman of the Committee, I regret the point of order was inadvertently raised in error.

HOSPICE

Mr. SPECTER. Mr. President, I seek recognition to support an amendment being offered by Senator SCHUMER to reverse a recent Centers for Medicare and Medicaid Services, CMS, regulation reducing payments to hospice service providers. This amendment is also cosponsored by Senators ROCKEFELLER, STABENOW, WYDEN and ROBERTS.

In October 2008, CMS finalized a rule that cut hospice reimbursement under Medicare. This reduction limits the ability of hospice providers to provide comprehensive, high quality end-of-life care to Medicare beneficiaries and their families. In 2008, an independent study from Duke University, clearly demonstrating the cost savings associated with hospice care, noted, ''Given that hospice has been widely demonstrated to improve quality of life of patients and family members . . . the Medicare program appears to have a rare situation whereby something that improves quality of life also appears to reduce costs.''

During the 110th Congress, in response this regulation, I introduced S. 3484, the Hospice Protection Act, to reverse the CMS regulation. The bill received bipartisan support and garnered thirty five cosponsors; however, we were not able to move the legislation forward. The economic stimulus legislation offers an opportunity to correct a misguided regulation that has put an estimated 3,000 individuals out of work. During these economic times the Federal Government should not be putting forth regulations that not only hurt beneficiaries but harm the workforce.

While this amendment provides a number of jobs, I am concerned that the amendment is not offset and the cost of the bill may increase the cost of the overall bill. As a cosponsor of this legislation, I will work to ensure that the cost of this amendment is paid for without increasing the cost of the bill. I encourage my colleagues to support this amendment and to work with the sponsor and cosponsors of this amendment to ensure its inclusion in the economic stimulus package.

ARMY CORPS OF ENGINEERS

Mr. President, I seek recognition to comment on my cosponsorship of an amendment to H.R. 1, the Economic Recovery Act, which would increase funding in the bill for the U.S. Army Corps of Engineers by $4.6 billion. I am cosponsoring this amendment, offered by Senator LANDRIEU, because the funding will support construction of critical infrastructure projects across the Nation. At the Port of Pittsburgh alone, there is over $580 million worth of shovel-ready lock and dam work that could be started in 6 months. These structures support the transportation of bulk commodities to industries that depend on them. Failure at any of these locks and dams would have dramatic economic consequences, as the Port of Pittsburgh generates over $13 billion in economic activity and supports over 200,000 jobs. Not only does the long-term modernization of these structures increase the economic competitiveness of domestic manufacturing industries, but they create immediate jobs in the construction industry. This is just one example of the type of economic stimulus that funding for the U.S. Army Corps of Engineers can provide. There are more examples across Pennsylvania and the Nation.

However, despite my cosponsorship of this amendment due to its potential for stimulus, I am not committed to voting for it without an offset. Since adopting this amendment would add $4.6 billion to the size of the bill and increase the national deficit, an offset to reduce spending elsewhere in the bill by an equal amount would be preferable. We should make every effort to identify offsets to reduce the total size of the economic recovery bill.

RESCISSION OF HIGHWAY FUNDS

Mr. President, I seek recognition to comment on my cosponsorship of an amendment to prevent Federal highway funds from being rescinded. SAFETEA-LU requires that $8.7 billion in unobligated contract authority balances held by States be rescinded on September 30, 2009. This rescission will cut Pennsylvania's road and bridge program by $380 million in fiscal year 2010. That is why I am cosponsoring an amendment offered by Senators BAUCUS and BOND to prevent this rescission from happening.

However, I am not committed to voting for this amendment if it does not contain an offset. Since preventing this rescission will add $8.7 billion in new budget authority, an offset is needed to make its budgetary impact neutral. We should make every effort to identify offsets to reduce the total size of the economic recovery bill.

BROWNFIELDS

Mr. President, I seek recognition to speak on an amendment I am offering to the American Recovery and Reinvestment Act of 2009. This amendment would provide $3 billion for the purpose of redeveloping Brownfields and neglected urban properties. The $3 billion would be equally divided between the EPA Brownfields Program, the Brownfields Economic Development Initiative at the Department of Housing and Urban Development and the Urban Development Action Grant Program, also at HUD.

In 2001, I cosponsored the Brownfield's Revitalization and Environmental Restoration Act. This legislation led to the creation of the EPA Brownfields Program, and a similar program at the Department of Housing and Urban Development.

Abandoned industrial sites are common blight on the landscape in many towns and cities across Pennsylvania and the nation. Turning these industrial sites into developments, either for residential or commercial use, provides an obvious benefit: an eyesore is replaced by a new community, and economic growth is generated.

Traditional lenders are reluctant to lend initial money to brownfield development projects for a number of reasons. Liability concerns, and the fact that the cleanup costs may exceed the property's actual value, are among them. By providing seed money that redevelopers are often unable to obtain from traditional sources, the Brownfield Program spurs development and economic growth in struggling regions throughout the country.

It is estimated that every $1 invested in brownfield redevelopment leads to $15 to $20 in economic activity. I am told an investment in traditional infrastructure yields about $1.56 for every $1 invested. The proposed economic stimulus legislation provides $100 million for Brownfield redevelopment. Of that amount, the Congressional Budget Office projects that 85% could be spent within the two year time frame.

This number is insufficient. I recently met with a Pennsylvania company specializing in brownfields redevelopment. This company alone has fifteen projects that could break ground within 120 days if granted approximately $280 million in support. These projects alone could create tens of thousands of jobs and billions of dollars in economic activity.

The Congressional Budget Office has estimated that 85 percent of the funding provided by the stimulus could be spent within the 2-year window. They base their figure off the historic spending patterns at the program.

In light of the economic benefit of these projects, I recommend that we provide $3 billion to these programs.

PROMPT PAY

Mr. President, I seek recognition on my amendment to remove the prompt pay provision from the calculation of Medicare Part B drug pricing.

The prompt pay discount is a discount from the pharmaceutical manufacturer to the wholesaler for prompt payment on prescription drugs. The current Medicare payment calculation requires that this prompt pay discount be included in the calculation of average sales price, which forms the basis for the Medicare drug reimbursement provided by the manufacturer. This effectively lowers the average sales price thus artificially lowering drug reimbursement to physicians. This amendment would remove the prompt pay discount from ASP, requiring CMS to reimburse physicians based on the price they actually pay for drugs without the inclusion of discounts.

The reduced payment for Medicare Part B drugs has adversely affected physicians since its implementation. This compounded with the current economic downturn. is resulting in cancer clinic closings and staff layoffs. It is estimated that in medical specialties that have the highest usage of Medicare Part B drugs, over 12,000 individuals are at risk of losing their jobs. This not only harms the economy, it hurts cancer care.

I am very concerned that the cost of the economic stimulus bill is growing too large. To ensure that this does not contribute to that growth I am offsetting the cost of this bill by reducing funds to the Office of the Secretary of Health and Human Services. After the estimated cost of this bill of $400 million, the Office of the Secretary will still receive $700 million to examine comparative clinical effectiveness. I encourage my colleagues to support this amendment.

Mr. KERRY. Mr. President, we all know how important this legislation is to the health of our Nation's economy. I commend the managers of this bill for focusing on job creation and projects that are focused on America's future. Large-scale infrastructure projects such as new schools and better roads and bridges will benefit all of us, but when it comes to the men and women tasked with building them, I believe we have a responsibility to ensure that those most in need of work are put at the front of the line.

That is why I introduced an amendment to express the sense of the Senate that, to the extent possible, contractors using funds made available through this act should hire individuals from vulnerable and underserved populations. By focusing on helping veterans, at-risk youth, low-income people, and those trying to start a new life for themselves through a reentry or career training program, we can not only help build the future economy, but we can help these individuals become sustainable and productive members of that economy. These populations have been most affected by the downturn in the economy the most—many have lost their homes in the housing crisis or have been laid off.

My amendment also encourages the State and local agencies that receive stimulus funds to look to local organizations such as labor unions, community groups, and faith-based organizations to help them find workers. These groups can serve as an invaluable partner in our effort to stimulate the economy. So I ask my colleagues as we debate this bill that they stay mindful of the people who need our help the most and support my amendment to ensure that we put America back to work.

AMENDMENT NO. 248

Mr. UDALL of Colorado. Mr. President, as part of the debate on the the American Economic Recovery Act, I filed amendment No. 248, which addresses development and management concerns for the Republican River, a river that runs through Colorado, Kansas, and Nebraska and is part of the South Platte River Basin. This bipartisan amendment is cosponsored by Senator BENNET.

This amendment was filed to address an issue in Colorado under the purview of the U.S. Bureau of Reclamation, BOR, in the same way that the drafters of the bill permitted funding for Arizona and California. If funding under the bill to the BOR can be directed to address concerns in California and Arizona and not be considered an earmark, then similarly, this direction to benefit the South Platte River Basin should not be considered an earmark.

As you know, the language of the bill suggests that $50 million of the funds provided in the bill may be transferred to the U.S. Department of the Interior for programs, projects and activities authorized by the Central Utah Project Completion Act—titles II–V of Public Law 102–575; $50 million of the funds provided under this heading may be used for programs, projects, and activities authorized by the California Bay-Delta Restoration Act, Public Law 108–361.

In this case, I feel it is important as the senior Senator for Colorado to insist that additional funding for the Bureau of Reclamation for important job-creating projects in the West ought to be handled in an evenhanded way.

Ms. SNOWE. Mr. President, I rise to speak to an amendment to the stimulus proposal with Senator FEINSTEIN and Senator KERRY that would increase tax incentives for energy efficiency and ensure that we invest in the area that can transform our energy policy. Given the state of our country, I believe that we must be resolute and visionary in our commitment to energy efficiency, an investment that provides both short-term benefits and long-term dividends. As a result, today I am offering an amendment that will facilitate a revolution toward energy-efficient buildings.

One inexcusable legacy of this housing crisis for our future generations will be that the vast majority of homes constructed over the last 10 years during the housing boom have been inefficient. While an inefficient vehicle purchased today may guzzle gasoline for an average of 10 years, an inefficient building will require elevated levels of energy for as long as 50 years. Therefore, whenever we create inefficient buildings, generations to come will be saddled with our wasteful energy decisions.

My amendment today would create and expand tax incentives for efficient buildings to levels that would equal the additional construction costs for the higher efficient buildings. The amendment would raise the tax credit for the construction of a new home from $2,000 to $5,000, a provision that the National Association of Home Builders estimates could provide 100,000 jobs. In fact, the association has written the Finance Committee stating that this amendment would ''provide much needed and meaningful expansions to two existing tax incentive programs that

are helping to improve residential energy efficiency in both new and existing homes.''

This amendment would build on Congress's landmark energy efficiency tax credits established in the 2005 Energy Policy Act and continue to foster the burgeoning energy efficiency industry to work for homeowners who are struggling with energy bills. Specifically this amendment would provide a $500 tax credit for individuals to become professional energy auditors, experts that can reduce our country's demand for oil, reduce carbon emissions, and save our struggling families money on their energy bills. In addition, a $200 tax credit is established for homeowners to hire these professional energy auditors and analyze the deficiencies of an existing home and propose investments that will save the taxpayer money. As we move forward with dedicating significant resources to energy efficiency in this legislation it is critical that we ensure that this funding is utilized effectively by a professional energy efficiency industry, and this amendment will accomplish this critical goal.

Finally, the amendment increases the tax credit for energy efficient commercial buildings by increasing the deduction from $1.80 per square foot to $3.00 per square foot. The original version of the commercial buildings tax deduction as passed by the Senate set the deduction to $2.25 per square foot, with the critical support of the current Finance chairman and ranking member. Adjusting for inflation, this corresponds to $3.00 per square foot today with partial compliance increased to $1.00 per square foot. These changes would return the deduction to viability as it was originally designed and ensure that commercial building developers are provided an adequate incentive to pursue energy efficiency.

We must not overlook that an exacerbating factor in the collapse of our economy was our exposure to the historic price of foreign oil. With estimates that every 1 percent increase in energy prices results in a .15 percent drop in aggregate consumer spending, clearly, the United States must address this situation with boldness, clarity, and foresight and invest in energy efficiency—the low-hanging fruit of a new energy era. We must seize this historic opportunity.

Two weeks ago, a New York Times editorial pointed out that we are an extremely energy inefficient economy—the 76th best country in the world. This must change if we are to retain our leadership in this world. It is a burden to our citizens as well as our small business, and unsurprisingly, the Chamber of Commerce wrote to Congress on January 14 indicating that energy efficiency should be our first priority. We have an opportunity to do that today, and I believe it is a serious absence in this recovery package.

ENERGY EFFICIENCY

Mr. President, I rise to speak to an amendment with Senators FEINSTEIN, BINGAMAN, and KERRY to improve upon the efficiency standards of residential tax credits. As a leader on energy efficiency tax credits, I am encouraged to see roughly $4.3 billion in incentives for the residential home energy efficient purchases through the 25C tax credit. As a longtime leader on efficiency, and as the one who spearheaded this landmark energy efficiency tax credits with Senator FEINSTEIN, I have strong concerns about the stimulus proposal, which must be overhauled to ensure that only the most efficient products qualify for this tax credit.

Of primary concern, the mark extends the 25C tax credit for residential property for an additional year through end of 2010 and raises the individual cap from $500 to $1500. However, the mark critically fails to overhaul the tax credits to reflect technological developments that have occurred since we passed this into law four years ago. Quite simply, during this period, products have become more energy efficient, yet the proposal fails to reflect this indisputable point. For example, as a result of technological change nearly all new windows, roughly 87 percent, now qualify for this credit. As a result, all of these windows will continue to receive a tax credit if this mark becomes law.

My amendment is very simple in that it raises efficiency levels to reduce the types of products to only the efficient residential property that is available today. I am pleased that Senator BINGAMAN, the chairman of the Energy Committee, as well as Senator FEINSTEIN, a longtime leader on transforming our energy policy, will make the tax credit more functional and reduce the overall score of the tax provision. As the sponsor of this provision in 2005, I can say that I believe this amendment returns the tax credit to the original intent of this committee when we enacted this credit into law in 2005. Without this amendment, I am concerned this tax credit will fail to facilitate a transformation to more energy efficient products that will cut energy demand and reduce carbon emissions.

I look forward to working with Chairman BAUCUS and Ranking Member GRASSLEY on this issue and appreciate their continued efforts to work with me on energy efficiency tax incentives.

Mr. BEGICH. Mr. President, America's fisheries are as important to our coastal communities as agriculture is to the Nation's breadbasket. From New England and the mid-Atlantic to the gulf coast and vast Pacific, America's fisheries contribute $185 billion to our Nation's wealth, help drive the economy of coastal communities, create jobs for harvesters and processing workers, and provides the Nation a source of healthy, sustainable—and tasty—seafood.

That is especially true in my home State, Alaska, which accounts for over 55 percent of the Nation's seafood landings, boasts 5 of the top 10 fishing ports in the Nation, and is the State's largest private sector employer, creating jobs that are spread from the largest cities to the smallest rural villages.

Alaska seafood can be found from the Nation's finest white tablecloth restaurants to your neighborhood fast food outlet. And Alaska has harvested this resource in a sustainable manner. Alaska stocks are managed under strict scientific guidelines. None of these species is considered overfished.

Fisheries elsewhere across our Nation face serious challenges from overfishing, habitat loss, climate change, and other factors, which is why Congress recently strengthened the conservation and management provisions in reauthorizing the Magnuson-Stevens Fisheries Conservation Act to end overfishing, reduce bycatch and improve science-based management of our fisheries.

Unfortunately, many of these provisions have not been implemented due to a lack of funding. Only a quarter of the species managed by the National Marine Fisheries Service have been fully assessed and provisions for the monitoring and enforcement of regulations are seriously lacking.

The amendment I propose today would provide and help fulfill the intent of Congress, the recommendations of the U.S. Commission on Ocean Policy, Pew Oceans Commission and others who called for action to protect our oceans and the bounty it provides our Nation.

It provides $39.8 million to help rebuild our Nation's fish stocks. Rebuilding the Nation's fisheries would generate approximately $19 billion in sales and create 27,600 jobs in the harvest sector and 295,000 jobs in the overall economy.

It would provide funding for bycatch monitoring, habitat assessment and other research relevant to climate change.

This amendment would provide an effective stimulus to our Nation's fishing industry and boost the economy of coastal communities from Maine to Alaska. I urge your support of this vital proposition.

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

The PRESIDING OFFICER (Mr. LAUTENBERG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we have a lot of amendments still pending. I have

made a decision in conjunction and in cooperation with the Republican leader that we are going to stop legislating tonight and come back tomorrow, come in at 10 o'clock. We will go immediately to the bill. There are a number of amendments pending. Other Senators want to offer amendments.

The main reason I look forward to tomorrow is there are a number of Republican Senators working with Democratic Senators trying to come up with an alternative proposal. Now, I hope something works out. I know everyone is trying in good faith to move this ball down the court. But I think we need the night and some time tomorrow to see if we can do that. There is paper floating back and forth that is becoming filled with numbers, and we all need to take a look at this.

The work done by the negotiators, as I indicated earlier—about eight Republicans, about the same number of Democrats, trying to work toward making this a better piece of legislation—is ongoing. If, in fact, we find tomorrow that we are spinning our wheels, cannot get something done, then we will file cloture and have a Sunday cloture vote.

Now, Mr. President, I am optimistic we can get something done, and I hope that, in fact, is the case. Everyone is going to have to give a little and understand that this is a process where we have to move this ball down the court. The Republican leader has indicated to me that if we get this out of here, we should go to conference. I agree with him. That takes a little bit of time, and I would hope we could complete this legislation tomorrow. I have hopes, and I am cautiously optimistic we can do that.

So I wish I had all the answers, but the answers are not here tonight. I think the answers have been coming forth more rapidly in the last few days. I think staying here later tonight would not benefit us. We have a number of amendments we could dispose of, but I think we are waiting for the big amendment that has been worked on now for all this week.

Mr. MCCONNELL. Mr. President, will the majority leader yield for an inquiry?

Mr. REID. I will be happy to.

Mr. MCCONNELL. Then am I correct in assuming we would continue to process other amendments tomorrow——

Mr. REID. Absolutely.

Mr. MCCONNELL. Because there are a number over here, and I understand you have some as well—while these discussions are going on?

Mr. REID. Yes. We will come in at 10 o'clock. The managers of the bill should be here. We will go directly to the legislation. There will be votes. We could have votes early in the morning because there are amendments right now pending that the manager on this side could move to table, setting up a string of votes. But the answer to the Republican leader is, yes, we will process amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

HEALTHY AMERICANS ACT

Mr. ALEXANDER. Mr. President, I cosponsored Senator WYDEN's and Senator BENNETT's Healthy Americans Act last year to support a legitimate bipartisan effort that combines ''private markets'' and ''universal access.'' I am willing to do so again this year, because health care reform is too big of an issue for one party to tackle on its own. Our only chance of achieving true, meaningful reform is if both parties work together.

However, I do have reservations about this legislation—I see it as a work in progress and would not vote for it in its current form. For example, the current budget figures are unrealistic. In order to maintain budget neutrality, as drafted, the bill would shift a new burden on middle-income Americans. We have not yet discovered a way to solve this problem without increasing the cost of the bill.

Another problem I have with the bill is that the mandated level of standard benefits is too high. As drafted, typically young, healthy Americans would be forced to pay for a richer level of coverage than they might now choose or possibly be able to afford.

I commend the efforts of Senators WYDEN and BENNETT to reach across party lines on this important issue, and look forward to working with both of them to further improve this proposal.

TRIBUTE TO JAMES PITCHFORD

Mr. BOND. Mr. President, today I would like to pay tribute to a staff member who left over the recess to pursue new opportunities.

James Pitchford—known to all of us as Pitch, is a hard-charging marine who will never cease and desist until told to do so when he is on a mission. And his mission is and always has been to serve his country, the men and women in the military, and his family.

As a former Wisconsin Air National Guardsmen, naval aviator, marine aviator, and current naval reservist, I am still trying to figure out when he's going to sign up for the Army and put a check in the final square.

Pitch served on my staff for 10 years. In that time, he was a tireless, and I do want to stress tireless, advocate for the men and women in uniform and the retirees and veterans that have served this Nation so valiantly.

He helped me establish a counter-improvised explosive device center at Fort Leonard Wood. This facility has saved lives and will continue to do so by providing critical training to Army personnel for countering explosives hazards and providing countermine working dogs that were not previously available.

He was a lead staffer on the National Guard Empowerment Act, a top priority for Senator LEAHY and me as co-chairs of the Senate National Guard Caucus. Provisions were enacted that strengthen the Guard's position within the Pentagon and its decisionmaking power.

He worked to improve health care for the Nation's service members and veterans, particularly those suffering from ''invisible injuries'' such as post-traumatic stress disorder and traumatic brain injury.

He worked to keep the F–15 and F/A–18 lines in operation, for the benefit of the Air Force, Navy, and St. Louis workers.

He was a strong advocate for military families, our heroes here at home, and particularly the Heroes at Home Program.

There is much more to Pitch's credit legislatively and in fighting or prodding the bureaucracy, depending on which was appropriate at the time.

In addition to Pitch's innumerable legislative endeavors, he was also a leader on the staff.

He took an interest in each and every staff member and mentored all of the young staff with whom he came into contact.

He actively recruited people to work in the office, and once here, actively recruited them to be members of the Armed Forces.

He took an interest in the personal lives of staff members and volunteered his time as office liaison to the Senate Chaplain's Office.

We are also grateful to Pitch's children, his son Benjamin and fraternal twin daughters, Olivia and Kate, of Wisconsin, who endured long separations from their father while he worked to serve the State of Missouri and the Nation as well as U.S. forces and military veterans.

Pitch feels strongly, and I agree, that small business owners should be encouraged to bring their innovative

technologies to our Nation's service men and women to reduce their risk of injury or death as they carry the fight to America's enemies. In his new life, he will continue to pursue this high priority in the private sector.

We are sorry to see Pitch go, but we thank him for his many years of service and wish him all the best in his many endeavors.

ADDITIONAL STATEMENTS

75TH ANNIVERSARY OF HOSTELLING INTERNATIONAL USA

• Mr. BINGAMAN. Mr. President, today I recognize the Hostelling International USA for 75 years of service to intercultural understanding and youth travel.

Hostelling International USA is a nonprofit organization founded in 1934 to promote hostels and hostel-related programs in the United States. Today hostels across the country host nearly 1 million overnight stays by both domestic and foreign travelers. In doing so, it promotes cultural exchange through travel, supports tourism in small and large communities throughout the country, and makes travel available on very limited funds.

Hostels make travel safe and affordable for young and old. Hostelling International boasts more hostel rooms than most hotel chains and offers a unique experience in friendly and varied surroundings. Instead of staying in a standardized hotel room every night, travelers in a hostel have the opportunity to share a meal and engage with fellow travelers from every nation and cultural tradition they can imagine. It is these shared experiences and the unexpected encounter that make hostelling such a unique and valuable experience for travelers across the country and around the world.

In my home State of New Mexico Hostelling International has operated hostels in Las Vegas, Silver City, Truth or Consequences, and Datil. Today their hostel in Taos offers travelers the opportunity to experience the majestic beauty of the New Mexico landscape and the unique culture of Taos pueblo, as well as a little celebrity sighting. These hostels have exposed New Mexico to a variety of travelers who, I am certain, will never forget their experiences in the Land of Enchantment.

I commend Hostelling International for their work in the last 75 years and hope that they look forward to at least another 75 years with an increasing number of hostels and travelers around the world.•

MESSAGE FROM THE HOUSE

At 12:34 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 738. An act to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 738. An act to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. Res. 28. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs.

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. Res. 30. An original resolution authorizing expenditures by the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Michele A. Flournoy, of Maryland, to be Under Secretary of Defense for Policy.

*Robert F. Hale, of Virginia, to be Under Secretary of Defense (Comptroller).

*Jeh Charles Johnson, of New York, to be General Counsel of the Department of Defense.

*William J. Lynn, III, of the District of Columbia, to be Deputy Secretary of Defense.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself, Mr. CASEY, and Mr. DURBIN):

S. 384. A bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Relations.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Mrs. MCCASKILL, Mr. SANDERS, Mr. WYDEN, Mr. CARPER, and Mr. DURBIN):

S. 385. A bill to reaffirm and clarify the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes; to the Select Committee on Intelligence.

By Mr. LEAHY (for himself, Mr. GRASSLEY, and Mr. KAUFMAN):

S. 386. A bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN:

S. 387. A bill to designate the United States courthouse located at 211 South Court Street, Rockford, Illinois, as the ''Stanley J. Roszkowski United States Courthouse''; to the Committee on Environment and Public Works.

By Ms. MIKULSKI (for herself, Mr. SPECTER, Mr. LEVIN, Mr. CRAPO, Mr. BOND, Mr. LIEBERMAN, Mr. REED, Mr. KERRY, Mr. ENZI, Ms. COLLINS, Mr. BENNETT, Mr. COBURN, Mr. WHITEHOUSE, Mr. BURR, Ms. SNOWE, Mr. LEAHY, Mr. CARPER, Mr. CARDIN, Mr. HATCH, and Mr. BARRASSO):

S. 388. A bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 389. A bill to establish a conditional stay of the ban on lead in children's products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO (for himself, Mr. REID, Mr. BAUCUS, and Mr. TESTER):

S. 390. A bill to expand the authority of the Secretary of the Air Force to convey certain relocatable military housing units to Indian tribes located in Idaho and Nevada; to the Committee on Armed Services.

By Mr. WYDEN (for himself, Mr. BENNETT, Mr. INOUYE, Mr. SPECTER, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. CRAPO, Mr. NELSON of Florida, Ms. STABENOW, Ms. CANTWELL, Mr. GRAHAM, Mr. ALEXANDER, and Mr. MERKLEY):

S. 391. A bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN:

S. Res. 28. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. SPECTER:

S. Res. 29. A resolution to limit consideration of amendments under a budget resolution; to the Committee on the Budget.

By Mr. KERRY:

S. Res. 30. An original resolution authorizing expenditures by the Committee on Foreign Relations; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the names of the Senator from Michigan (Ms. STABENOW), the Senator from North Dakota (Mr. DORGAN), the Senator from Louisiana (Mr. VITTER) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 298

At the request of Mr. ISAKSON, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 298, a bill to establish a Financial Markets Commission, and for other purposes.

S. 381

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 381, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian and the recognition by the United States of the Native Hawaiian government, and for other purposes.

S. RES. 20

At the request of Mr. VOINOVICH, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Indiana (Mr. LUGAR), the Senator from Idaho (Mr. CRAPO), the Senator from Georgia (Mr. ISAKSON) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

AMENDMENT NO. 114

At the request of Mr. BAYH, his name was added as a cosponsor of amendment No. 114 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 127

At the request of Mr. UDALL of Colorado, his name was added as a cosponsor of amendment No. 127 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 187

At the request of Mr. TESTER, his name was added as a cosponsor of amendment No. 187 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 189

At the request of Mr. DEMINT, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of amendment No. 189 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 196

At the request of Mr. UDALL of Colorado, his name was added as a cosponsor of amendment No. 196 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 197

At the request of Mr. THUNE, the names of the Senator from Utah (Mr. HATCH) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of amendment No. 197 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 199

At the request of Mrs. LINCOLN, the names of the Senator from Texas (Mr. CORNYN), the Senator from Washington (Mrs. MURRAY) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 199 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 216

At the request of Mr. SANDERS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 216 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 218

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 218 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 220

At the request of Mr. MENENDEZ, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 220 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 229

At the request of Mr. SCHUMER, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 229 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 233

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 233 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 234

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 234 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 235

At the request of Mr. UDALL of Colorado, his name was added as a cosponsor of amendment No. 235 intended to

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

AMENDMENT NO. 236

At the request of Mr. UDALL of Colorado, his name was added as a cosponsor of amendment No. 236 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 240

At the request of Mr. CRAPO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 240 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 243

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 243 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 250

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 250 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of amendment No. 250 intended to be proposed to H.R. 1, supra.

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 250 intended to be proposed to H.R. 1, supra.

AMENDMENT NO. 274

At the request of Ms. CANTWELL, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Ohio (Mr. BROWN), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Delaware (Mr. CARPER), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of amendment No. 274 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 275

At the request of Ms. STABENOW, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 275 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 281

At the request of Mr. BAYH, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of amendment No. 281 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 326

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 326 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 335

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 335 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 344

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 344 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 353

At the request of Mr. ENSIGN, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of amendment No. 353 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 359

At the request of Mr. UDALL of New Mexico, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 359 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself, Mr. CASEY, and Mr. DURBIN):

S. 384. A bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I am pleased today to announce the introduction of the Global Food Security Act of 2009. I would like to thank my friend Senator CASEY for lending his ideas and support to this bipartisan effort, and Senator DURBIN for his early cosponsorship. Finally, I want to thank the members of USAID's informal food security team, who advised us on the nature of food insecurity and possible legislative solutions.

As we know, food prices started a steep climb in the fall of 2007 and continued to increase during 2008. The increases pushed an additional 75 million people into poverty. While prices have abated somewhat, millions of people still face difficulty in food access and availability, and malnutrition rates in many parts of the world remain alarmingly high. The price crisis demonstrated that there are significant structural challenges to attaining global food security. The system is vulnerable to periodic disruptions that both expose and exacerbate deeper problems.

We live in a world where nearly one billion people suffer from chronic food insecurity. When droughts occur, hurricanes hit, or other disruptions arise—

creating transitory food insecurity the economic prospects of those living in or near poverty are gravely threatened. In fact, the World Food Program reports that 25,000 people die each day from malnutrition-related causes. Health experts advise us that a diverse and secure food supply has major health benefits, including increasing child survival, improving cognitive and physical development of children, and increasing immune system function including resistance to HIV/AIDS. Prolonged malnutrition in children results in stunting and cognitive difficulties that last a lifetime.

Food insecurity is a global tragedy, but it is also an opportunity for the United States. The United States is the indisputable world leader in agricultural production and technology. A more focused effort on our part to join with other nations to increase yields, create economic opportunities for the rural poor, and broaden agricultural knowledge could begin a new era in U.S. diplomacy. Such an effort could improve our broader trade relations and serve as a model for similar endeavors in the areas of energy and scientific cooperation. Achieving food security for all people also would have profound implications for peace and U.S. national security. Hungry people are desperate people, and desperation often sows the seeds of conflict and extremism.

The United States has always stood for big ideas—from the founding of the Republic on the basis of freedom to President Kennedy's vow to put a man on the moon. One of today's big ideas should be the eradication of hunger. We can bring America's dedication to science, innovation, technology, and education together to lead an effort devoted to overcoming the obstacles to food security.

The Global Food Security Act of 2009 is a 5-year authorization that seeks to provide solutions that will have the greatest effect. First, it creates a Special Coordinator for Global Food Security and puts that person in charge of developing a food security strategy. We call on the development of that strategy to take a whole-of-government approach and to work with other international donors, the NGO community, and the private sector. Addressing food security requires more than investing in agriculture; it also requires improvements in infrastructure, the development of markets, access to finance, and sound land tenure systems, to name just a few.

Second, the bill authorizes additional resources for agricultural productivity and rural development. U.S. foreign assistance for agriculture has declined by nearly 70 percent since the 1980s. Globally, only four percent of official development assistance from all donors is currently allocated for agriculture. This amounts to neglect of what should be considered one of the most vital sectors in the alleviation of poverty. Food shortages are likely to recur frequently if the United States and the global community fail to invest in agricultural productivity in the developing world.

Third, the bill improves the U.S. emergency response to food crises by creating a separate Emergency Food Assistance Fund that can make local and regional purchases of food, where appropriate. Funds can be used for emergency food and non-food assistance. The Government Accountability Office reports that it can often take four to six months from the time a crisis occurs until U.S. food shipments arrive. Our intention is to provide USAID with the flexibility to respond to emergencies more quickly in order to complement food aid programs in the U.S. Department of Agriculture.

World leaders must understand that over the long term, satisfying global demand for more and better food can be achieved only by increasing yields per acre. In the 1930s, my father, Marvin Lugar, produced corn yields of approximately 40 to 50 bushels per acre. Today, the Lugar farm yields about 150 bushels per acre on the same land in Marion County, Indiana. The Green Revolution saw the introduction of high yield seeds and improved agricultural techniques that resulted in a near doubling of cereal grain production per acre over 20 years. But more recently, food production has not kept pace with population increases. By 2050, it is projected that population growth will require another doubling of food production. Unless much greater effort is devoted to this problem, the world is likely to experience more frequent and intense food crises that increase migration, stimulate conflicts and intensify pandemics.

Moreover, the task of doubling food production is likely to be complicated by the effects of climate change. The important report by Sir Nicolas Stern estimated that a 2 degree celsius increase in global temperature will cut agricultural yields in Africa by as much as 35 percent. Thus, farmers around the world will be asked to meet the demands of global demographic expansion, even as they may be contending with a degrading agricultural environment that significantly depresses yields in some regions.

Increasing acreage under production will not satisfy the growth in food demand, and these steps come with serious environmental and national security costs. We need a second green revolution that will benefit developed and developing nations alike.

Recent studies have demonstrated that funds spent in agriculture can be up to twice as beneficial to economic growth as spending in other areas. It seems, therefore, that our overall foreign aid strategy would benefit from restoring agriculture programs to their former prominence. The bill increases funding for these programs in the first year by $750 million. The increase would reach $2.5 billion in year five. Because those who subsist on less than $1 a day spend at least half their incomes on food, according to the International Food Policy Research Institute, the bill highlights the need to focus on those living in extreme poverty.

In thinking about how to approach agricultural productivity, we tried to draw from the experience of U.S. land grant colleges and the contributions they have made to U.S. agriculture. The bill seeks to strengthen institutions of higher education in the areas of agriculture sciences, research and extension programs. Investments in human capital and institutional capacity are important to developing a robust agricultural sector.

Universities and research centers can play an important role in achieving technological advances that are appropriate to local conditions. As such, the bill calls for increasing collaborative research on the full range of biotechnological advances including genetically modified technologies.

I hope that our bill will begin a productive dialogue on how our government can be a more effective partner with NGOs and private actors in promoting food security. There is no good reason why nearly a billion people should be food insecure or that the world should have to endure the social upheaval and risks of conflict that this insecurity causes.

I look forward to working with colleagues to improve the U.S. and global efforts to alleviate food insecurity and advance agricultural knowledge and technology worldwide.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Mrs. MCCASKILL, Mr. SANDERS, Mr. WYDEN, Mr. CARPER, and Mr. DURBIN):

S. 385. A bill to reaffirm and clarify the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes; to the Select Committee on Intelligence.

Mr. AKAKA. Mr. President, I rise today to introduce the Intelligence Community Audit Act of 2009, with Senators CARPER, DURBIN, LAUTENBERG, MCCASKILL, SANDERS, and WYDEN. This legislation reaffirms and clarifies the authority of the Comptroller General of the United States, as head of the Government Accountability Office, GAO, to audit and evaluate the programs and activities of the Intelligence Community, IC.

Our bill is not new. I have introduced similar bills twice before. But today, as I reintroduce this bill, I share with many of my colleagues a renewed commitment to accountability. This legislation would be an important step in

that direction. GAO has well-established expertise that should be leveraged to improve the performance of the Intelligence Community. In particular, GAO could provide much needed guidance to the IC related to human capital, financial management, information sharing, strategic planning, information technology, and other areas of management and administration. By employing GAO's expertise to improve IC management and operations while carefully protecting sensitive information, this bill would reinforce the Intelligence Community's ability to meet its mission.

The Intelligence Community has faced greater demands and increased responsibilities over the past few years. It is Congress's responsibility to ensure that the IC carries out its critical functions effectively and consistent with congressional authorization. For too long, GAO's expertise and ability to engage in constructive oversight of the IC have been underutilized. This legislation would enhance, in a complementary manner, rather than detract from the work of the congressional intelligence committees. Dr. Marvin Ott, a former professional staff member on the Senate Select Committee on Intelligence, testified before my Subcommittee on Oversight of Government Management in February 2008 that the growth in the complexity, diversity, and size of the IC requires additional oversight resources. GAO is in a position to help. According to then-Comptroller General David Walker, who testified at the same hearing, GAO has the expertise and cleared personnel to increase the management oversight of the IC.

I also believe that safeguards need to be in effect to protect the IC's most sensitive information from unauthorized disclosure. Under this bill, only the Senate Select Committee on Intelligence, the House Permanent Select Committee on Intelligence, and the majority and the minority leaders of the Senate and the House of Representatives would be able to request reviews of intelligence sources and methods or covert actions. Results of an audit of this nature would be restricted to the original requester, the Director of National Intelligence, and the head of the relevant IC element. Employees of the GAO participating in these audits would be subject to the same penalties for unauthorized disclosure or use of sensitive information as their counterparts in the IC. There are additional mechanisms in place to keep this information secure.

Congress and GAO have a crucial role in ensuring that the IC elements are fulfilling their responsibilities of protecting this country. By removing the barrier to more comprehensive oversight, this bill will help improve our national security.

Mr. Presdient, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Intelligence Community Audit Act of 2009''.

SEC. 2. COMPTROLLER GENERAL AUDITS AND EVALUATIONS OF ACTIVITIES OF ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) REAFFIRMATION AND CLARIFICATION OF AUTHORITY; AUDITS OF INTELLIGENCE COMMUNITY ACTIVITIES.—Chapter 35 of title 31, United States Code, is amended by inserting after section 3523 the following:

''§ 3523a. Audits of intelligence community; audits and requesters

''(a) In this section, the term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(b) Congress finds that—

''(1) the authority of the Comptroller General to perform audits and evaluations of financial transactions, programs, and activities of elements of the intelligence community under sections 712, 717, 3523, and 3524, and to obtain access to records for purposes of such audits and evaluations under section 716, is reaffirmed for matters referred to in paragraph (2); and

''(2) such audits and evaluations may be requested by any committee of jurisdiction (including the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate), and may include matters relating to the management and administration of elements of the intelligence community in areas such as strategic planning, financial management, information technology, human capital, knowledge management, and information sharing (including information sharing by and with the Department of Homeland Security and the Department of Justice).

''(c)(1) The Comptroller General may conduct an audit or evaluation of intelligence sources and methods or covert actions only upon request of the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, or the majority or the minority leader of the Senate or the House of Representatives.

''(2)(A) Whenever the Comptroller General conducts an audit or evaluation under paragraph (1), the Comptroller General shall provide the results of such audit or evaluation only to the original requestor, the Director of National Intelligence, and the head of the relevant element of the intelligence community.

''(B) The Comptroller General may only provide information obtained in the course of an audit or evaluation under paragraph (1) to the original requestor, the Director of National Intelligence, and the head of the relevant element of the intelligence community.

''(3)(A) Notwithstanding any other provision of law, the Comptroller General may inspect records of any element of the intelligence community relating to intelligence sources and methods, or covert actions in order to conduct audits and evaluations under paragraph (1).

''(B) If in the conduct of an audit or evaluation under paragraph (1), an agency record is not made available to the Comptroller General in accordance with section 716, the Comptroller General shall consult with the original requestor before filing a report under subsection (b)(1) of such section.

''(4)(A) The Comptroller General shall maintain the same level of confidentiality for a record made available for conducting an audit under paragraph (1) as is required of the head of the element of the intelligence community from which it is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use as officers or employees of the intelligence community element that provided the Comptroller General or officers and employees of the Government Accountability Office with access to such records.

''(B) All workpapers of the Comptroller General and all records and property of any element of the intelligence community that the Comptroller General uses during an audit or evaluation under paragraph (1) shall remain in facilities provided by that element of the intelligence community. Elements of the intelligence community shall give the Comptroller General suitable and secure offices and furniture, telephones, and access to copying facilities, for purposes of audits and evaluations under paragraph (1).

''(C) After consultation with the Select Committee on Intelligence of the Senate and with the Permanent Select Committee on Intelligence of the House of Representatives, the Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an audit or evaluation under paragraph (1).

''(D) Before initiating an audit or evaluation under paragraph (1), the Comptroller General shall provide the Director of National Intelligence and the head of the relevant element with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records, and information of the element of the intelligence community shall be made available in conducting the audit or evaluation.

''(d) Elements of the intelligence community shall cooperate fully with the Comptroller General and provide timely responses to Comptroller General requests for documentation and information.

''(e) With the exception of the types of audits and evaluations specified in subsection (c)(1), nothing in this section or any other provision of law shall be construed as restricting or limiting the authority of the Comptroller General to audit and evaluate, or obtain access to the records of, elements of the intelligence community absent specific statutory language restricting or limiting such audits, evaluations, or access to records.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 31, United States Code, is amended by inserting after the item relating to section 3523 the following:

''3523a. Audits of intelligence community; audits and requesters.''.

By Mr. LEAHY (for himself, Mr. GRASSLEY, and Mr. KAUFMAN):

S. 386. A bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce with Senator GRASSLEY the Fraud Enforcement and Recovery Act, FERA, of 2009, a bipartisan bill that will reinvigorate our Nation's capacity to investigate and prosecute the kinds of financial frauds that have so severely undermined our economy and hurt so many hard working people in this country.

Our Nation is in the midst of its most serious economic crisis since the Great Depression. With each passing week, tens of thousands more Americans lose their jobs to layoffs, and many thousands have already lost their homes to foreclosure. We learn more and more each day about the causes of this debacle, and it is now clear that unscrupulous mortgage brokers and Wall Street financiers were among the principle contributors of this economic collapse.

As the crisis worsened last fall, I called upon Federal law enforcement to track down and punish those whose conduct went beyond mere negligence or incompetence and who were directly responsible for the corporate and mortgage frauds that helped make the economic downturn far worse than anyone predicted. With the new tools and resources in this bill, it will be easier to ensure that all of those responsible for these financial crimes are held accountable.

While the full scope of the fraud that triggered this economic crisis is still unknown, we have already learned a great deal about what went wrong. As banks and private mortgage companies relaxed their standards for loans, approving ever riskier mortgages with less and less due diligence, they created an environment that invited fraud. Private mortgage brokers and lending businesses came to dominate the home housing market, and these companies were not subject to the kind of banking oversight and internal regulations that had traditionally helped to prevent fraud. We are now seeing the results of this lax supervision and accountability.

In the last six years, suspicious activity reports alleging mortgage fraud that have been filed with the Treasury Department have increased more than tenfold, from about 5,400 in 2002 to more than 60,000 in 2008. In the last three years, the number of criminal mortgage fraud investigations opened by the FBI has more than doubled, and the FBI anticipates a new wave of cases that may double that number yet again. Despite the increase, the FBI currently has fewer than 250 special agents nationwide assigned to financial fraud cases. At current levels, they cannot even begin to investigate the more than 5,000 fraud allegations they receive from the Treasury Department each month.

Of course, the problem is not limited to mortgage frauds. As is so common in today's financial markets, home mortgages were packaged together and turned into securities that were bought and sold in largely unregulated markets on Wall Street. Here again, the environment invited fraud. As the value of the mortgages started to decline with falling housing prices, Wall Street financiers began to see these mortgage-backed securities unravel. Unfortunately, some were not honest about these securities, leading to even more fraud, and victimizing investors nationwide.

All of this fraud has contributed to an unprecedented collapse in the mortgage-backed securities market. In the past year, banks and financial institutions in the United States alone have suffered more than $500 billion in losses associated with the sub-prime mortgage industry. Some of our Nation's largest and most venerable financial institutions collapsed as a result. The list of publicly-traded companies that declared bankruptcy or have been taken over by the Federal Government because of the mortgage-backed securities market collapse include Fannie Mae, Freddie Mac, Bear Stearns, IndyMac, and Lehman Brothers.

As we take steps to make sure this kind of collapse cannot happen again, we must reinvigorate our anti-fraud measures and give law enforcement the tools and resources they need to root out fraud so that it can never again place our financial system at risk. Taxpayers, who bear the burden of this financial downturn, deserve to know that government is doing all it can to hold responsible those who committed fraud in the run-up to this collapse. This bill will do just that.

This bipartisan legislation begins by providing the resources needed for law enforcement to uncover and go after these frauds. The bill authorizes $155 million a year for hiring fraud prosecutors and investigators at the Justice Department for fiscal years 2010 and 2011. This includes $65 million a year for the FBI to bring on 190 additional special agents and more than 200 professional staff and forensic analysts to rebuild its ''white collar'' investigation program. With this funding, the FBI can double the number of its mortgage fraud task forces nationwide—from 26 to more than 50—that target fraud in the hardest hit areas in our Nation. This also includes $50 million a year for U.S. Attorneys' offices to staff those strike forces and $40 million for the criminal, civil, and tax divisions at the Justice Department to provide special litigation and investigative support to those efforts. The bill also authorizes $60 million a year for fiscal years 2010 and 2011 for investigators and analysts at the U.S. Postal Inspection Service and the Office of Inspector General for the Housing and Urban Development Department to combat fraud against Federal assistance programs and financial institutions.

Of course, the economic recovery legislation includes new appropriations of $75 million for FBI salaries and $2 million for the Inspector General for the Treasury Department, yet certainly far more needs to be done to address the full scope of these enforcement issues now and in the future.

The Fraud Enforcement and Recovery Act also makes a number of straightforward, important improvements to fraud and money laundering statutes to strengthen prosecutors' ability to combat this growing wave of fraud. Specifically, the bill amends the definition of ''financial institution'' in the criminal code in order to extend Federal fraud laws to mortgage lending businesses that are not directly regulated or insured by the Federal Government. These companies were responsible for nearly half the residential mortgage market before the economic collapse, yet they remain largely unregulated and outside the scope of traditional Federal fraud statutes. This change will apply the Federal fraud laws to private mortgage businesses like Countrywide Home Loans and GMAC Mortgage, just as they apply to federally insured and regulated banks.

The bill would also amend the major fraud statute to protect funds expended under the Troubled Asset Relief Program and the economic stimulus package, including any government purchases of preferred stock in financial institutions. The U.S. Government has provided extraordinary economic support to our banking system, and we need to make sure that none of those funds are subject to fraud or abuse. This change will give Federal prosecutors and investigators the explicit authority they need to protect taxpayer funds.

The legislation would amend the Federal securities statute to cover fraud schemes involving commodities futures and options, including derivatives involving the mortgage-backed securities that caused such damage to our banking system.

This bill will also strengthen one of the core offenses in so many fraud cases—money laundering—which was significantly weakened by a recent Supreme Court case. In United States v. Santos, the Supreme Court misinterpreted the money laundering statutes,

limiting their scope to only the ''profits'' of crimes, rather than the ''proceeds'' of the offenses. The Court's mistaken decision was contrary to Congressional intent and will lead to financial criminals escaping culpability simply by claiming their illegal scams had not made a profit. This erroneous decision must be corrected immediately, as dozens of money laundering cases have already been dismissed.

Lastly, FERA improves one of the most potent civil tools we have for rooting out waste and fraud in government—the False Claims Act. The effectiveness of the False Claims Act has recently been undermined by court decisions which limit the scope of the law and allow sub-contractors paid with government money to escape responsibility for proven frauds. The False Claims Act must quickly be corrected and clarified in order to protect from fraud the Federal assistance and relief funds expended in response to our current economic crisis.

The Federal Government has spent hundreds of billions of dollars to stabilize our banking system, and Congress will soon spend even more to restart our economic recovery. But to date, we have paid far too little attention to investigating and prosecuting the mortgage and corporate frauds that has so dramatically contributed to this economic collapse.

Congress should move quickly to pass this legislation so the American taxpayers can be confident that those who are criminally responsible for contributing to this economic disaster are caught and held fully accountable and to ensure that the money we are now spending to restore America is protected from fraud in the future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fraud Enforcement and Recovery Act of 2009'' or ''FERA''.

SEC. 2. AMENDMENTS TO IMPROVE MORTGAGE, SECURITIES, AND FINANCIAL FRAUD RECOVERY AND ENFORCEMENT.

(a) DEFINITION OF FINANCIAL INSTITUTION AMENDED TO INCLUDE MORTGAGE LENDING BUSINESS.—Section 20 of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting ''; or''; and

(3) by inserting at the end the following:

''(10) a mortgage lending business (as defined in section 27 of this title) or any person or entity that makes in whole or in part a federally-related mortgage loan as defined in 12 U.S.C. 2602(1).''.

(b) MORTGAGE LENDING BUSINESS DEFINED.—

(1) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by inserting after section 26 the following:

''§ 27. Mortgage lending business defined

''In this title, the term 'mortgage lending business' means an organization which finances or refinances any debt secured by an interest in real estate, including private mortgage companies and any subsidiaries of such organizations, and whose activities affect interstate or foreign commerce.''.

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''27. Mortgage lending business defined.''.

(c) FALSE STATEMENTS IN MORTGAGE APPLICATIONS AMENDED TO INCLUDE FALSE STATEMENTS BY MORTGAGE BROKERS AND AGENTS OF MORTGAGE LENDING BUSINESSES.—Section 1014 of title 18, United States Code, is amended by—

(1) striking ''or'' after ''the International Banking Act of 1978),''; and

(2) inserting after ''section 25(a) of the Federal Reserve Act'' the following: ''or a mortgage lending business whose activities affect interstate or foreign commerce, or any person or entity that makes in whole or in part a federally-related mortgage loan as defined in 12 U.S.C. 2602(1)''.

(d) MAJOR FRAUD AGAINST THE GOVERNMENT AMENDED TO INCLUDE ECONOMIC RELIEF AND TROUBLED ASSET RELIEF PROGRAM FUNDS.—Section 1031(a) of title 18, United States Code, is amended by—

(1) inserting after ''or promises, in'' the following: ''any grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance, including through the Troubled Assets Relief Program, an economic stimulus, recovery or rescue plan provided by the Government, or the Government's purchase of any preferred stock in a company, or''; and

(2) striking ''the contract, subcontract'' and inserting ''such grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance,''.

(e) SECURITIES FRAUD AMENDED TO INCLUDE FRAUD INVOLVING OPTIONS AND FUTURES IN COMMODITIES.—

(1) IN GENERAL.—Section 1348 of title 18, United States Code, is amended—

(A) in the caption, by inserting ''and commodities'' after ''**Securities**'';

(B) by inserting ''any commodity for future delivery, or any option on a commodity or a commodity for future delivery, or'' after ''any person in connection with'' ; and

(C) by inserting ''any commodity for future delivery, or any option on a commodity or a commodity for future delivery, or'' after ''in connection with the purchase or sale of''.

(2) CHAPTER ANALYSIS.—The item for section 1348 in the chapter analysis for chapter 63 of title 18, United States Code, is amended by inserting ''and commodities'' after ''Securities''.

(f) MONEY LAUNDERING AMENDED TO DEFINE PROCEEDS OF SPECIFIED UNLAWFUL ACTIVITY.—Section 1956(c) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking the period and inserting ''; and''; and

(2) by inserting at the end the following:

''(9) the term 'proceeds' means any property derived from or obtained or retained, directly or indirectly, through the commission of a specified unlawful activity, including the gross receipts of such specified unlawful activity.''.

(g) MAKING THE INTERNATIONAL MONEY LAUNDERING STATUTE APPLY TO TAX EVASION.—Section 1956(a)(2)(A) of title 18, United States Code, is amended by—

(1) inserting ''(i)'' before ''with the intent to promote''; and

(2) adding at the end the following:

''(ii) with the intent to engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or''.

SEC. 3. ADDITIONAL FUNDING FOR INVESTIGATORS AND PROSECUTORS FOR MORTGAGE FRAUD, SECURITIES FRAUD, AND OTHER CASES INVOLVING FEDERAL ECONOMIC ASSISTANCE.

(a) IN GENERAL.—

(1) AUTHORIZATION.—There is authorized to be appropriated to the Attorney General, to remain available until expended, $155,000,000 for each of the fiscal years 2010 and 2011, for the purposes of investigations, prosecutions, and civil proceedings involving federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) ALLOCATIONS.—With respect to fiscal years 2010 and 2011, the amount authorized to be appropriated under paragraph (1) shall be allocated as follows:

(A) Federal Bureau of Investigation: $65,000,000.

(B) The offices of the United States Attorneys: $50,000,000.

(C) The criminal division of the Department of Justice: $20,000,000.

(D) The civil division of the Department of Justice: $15,000,000.

(E) The tax division of the Department of Justice: $5,000,000.

(b) ADDITIONAL APPROPRIATIONS FOR THE POSTAL INSPECTION SERVICE.—There is authorized to be appropriated to the Postal Inspection Service of the United States Postal Service, $30,000,000 for each of the fiscal years 2010 and 2011 for investigations involving federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(c) ADDITIONAL APPROPRIATIONS FOR THE INSPECTOR GENERAL FOR THE HOUSING AND URBAN DEVELOPMENT DEPARTMENT.—There is authorized to be appropriated to the Inspector General of the Department of Housing and Urban Development, $30,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(d) USE OF FUNDS.—The funds authorized to be appropriated under subsections (a), (b), and (c), shall be limited to cover the costs of each listed agency or department for investigating possible criminal, civil, or administrative violations and for prosecuting criminal, civil, or administrative proceedings involving financial crimes and crimes against Federal assistance programs, including mortgage fraud, securities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs

(e) REPORT TO CONGRESS.—Following the final expenditure of all funds appropriated under this section that were authorized by subsections (a), (b), and (c), the Attorney General, in consultation with the United States Postal Inspection Service and the Inspector General for the Department of Housing and Urban Development, shall submit a joint report to Congress identifying—

(1) the amounts expended under subsections (a), (b), and (c) and a certification of compliance with the requirements listed in subsection (d); and

(2) the amounts recovered as a result of criminal or civil restitution, fines, penalties, and other monetary recoveries resulting from criminal, civil, or administrative proceedings and settlements undertaken with funds authorized by this Act.

SEC. 4. CLARIFICATIONS TO THE FALSE CLAIMS ACT TO REFLECT THE ORIGINAL INTENT OF THE LAW.

(a) CLARIFICATION OF THE FALSE CLAIMS ACT.—Section 3729 of title 31, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) LIABILITY FOR CERTAIN ACTS.—

''(1) IN GENERAL.—Subject to paragraph (2), any person who—

''(A) knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

''(B) knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved;

''(C) conspires to commit a violation of subparagraph (A), (B), (D), (E), (F), or (G) or otherwise to get a false or fraudulent claim paid or approved;

''(D) has possession, custody, or control of property or money used, or to be used, by the Government and knowingly delivers, or causes to be delivered, less than all of that money or property;

''(E) is authorized to make or deliver a document certifying receipt of property used, or to be used, by the Government and, intending to defraud the Government, makes or delivers the receipt without completely knowing that the information on the receipt is true;

''(F) knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the Government, or a member of the Armed Forces, who lawfully may not sell or pledge property; or

''(G) knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Government, or knowingly conceals, avoids, or decreases an obligation to pay or transmit money or property to the Government,

is liable to the United States Government for a civil penalty of not less than $5,000 and not more than $10,000, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note; Public Law 104–410), plus 3 times the amount of damages which the Government sustains because of the act of that person.

''(2) REDUCED DAMAGES.—If the court finds that—

''(A) the person committing the violation of this subsection furnished officials of the United States responsible for investigating false claims violations with all information known to such person about the violation within 30 days after the date on which the defendant first obtained the information;

''(B) such person fully cooperated with any Government investigation of such violation; and

''(C) at the time such person furnished the United States with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation,

the court may assess not less than 2 times the amount of damages which the Government sustains because of the act of that person.

''(3) COSTS OF CIVIL ACTIONS.—A person violating this subsection shall also be liable to the United States Government for the costs of a civil action brought to recover any such penalty or damages.'';

(2) by striking subsections (b) and (c) and inserting the following:

''(b) DEFINITIONS.—For purposes of this section—

''(1) the terms 'knowing' and 'knowingly' mean that a person, with respect to information—

''(A) has actual knowledge of the information;

''(B) acts in deliberate ignorance of the truth or falsity of the information; or

''(C) acts in reckless disregard of the truth or falsity of the information, and no proof of specific intent to defraud is required;

''(2) the term 'claim'—

''(A) means any request or demand, whether under a contract or otherwise, for money or property and whether or not the United States has title to the money or property, that—

''(i) is presented to an officer, employee, or agent of the United States; or

''(ii) is made to a contractor, grantee, or other recipient if the United States Government—

''(I) provides or has provided any portion of the money or property requested or demanded; or

''(II) will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded; and

''(B) does not include requests or demands for money or property that the Government has paid to an individual as compensation for Federal employment or as an income subsidy with no restrictions on that individual's use of the money or property; and

''(3) the term 'obligation' means a fixed duty, or a contingent duty arising from an express or implied contractual, quasi-contractual, grantor-grantee, licensor-licensee, fee-based, or similar relationship, and the retention of any overpayment.'';

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(4) in subsection (c), as redesignated, by striking ''subparagraphs (A) through (C) of subsection (a)'' and inserting ''subsection (a)(2)''.

Mr. KAUFMAN. Mr. President, as we struggle to restore growth and hope to our economy, we must continue to repair the weaknesses in our legal and regulatory system weaknesses that contributed to the crisis we face today. A lot of what has happened to our economy was the result of greed and incompetence. But too much of it can be traced to fraud, insider deals, and other acts that are illegal, and to actions that should be illegal.

That is why I am joining today with Senator LEAHY and Senator GRASSLEY to introduce the Fraud Enforcement and Recovery Act of 2009. As we survey the damage to every aspect of our economy from manufacturing to retail, from construction to services we can trace the origins of this disaster to the real estate market and the financing that drove a bubble that finally burst.

We now know that behind the explosion in housing values, and the explosion in the secondary market for mortgages, were misrepresentations, false reporting, insider deals, and other forms of fraud. Many of these actions clearly broke existing financial regulations and consumer protection laws. Others took place in so-called ''shadow'' financial markets that are outside of our existing laws.

The legislation we are introducing today will provide the Justice Department with the resources it needs to prosecute the crimes that played a part in precipitating the crisis we are now facing. The FBI has been overwhelmed by reports of mortgage fraud, now running at over ten times the pace of a few years ago.

The bill authorizes $155 million a year for hiring fraud prosecutors and investigators at the Justice Department for 2010 and 2011, including $65 million a year for 190 additional FBI special agents and more than 200 professionals to fight white collar crime.

In addition, this bill exposes some of the ''shadow'' financial systems to the fraud laws that apply today in the better regulated sectors of our banking industry. It also extends antifraud protections to the money we are sending out under the Troubled Asset Relief Program and the economic stimulus package. It also amends Federal securities laws to cover fraud schemes involving commodities futures and options, including so-called derivatives involving the mortgage-backed securities that caused such damage to our banking system.

Further, this legislation will strengthen one of the most effective tools to combat waste and fraud in government the False Claims Act. We will need these improvements so that we can protect the taxpayer dollars we are using to respond to the economic crisis.

I hope we can move this legislation quickly. It moves against the root causes of this economic crisis and improves protections for the taxpayer funds we are committing to fight it.

By Mr. DURBIN:

S. 387. A bill to designate the United States courthouse located at 211 South Court Street, Rockford, Illinois, as the ''Stanley J. Roszkowski United States Courthouse''; to the Committee on Environment and Public Works.

Mr. DURBIN. Mr. President, today I am pleased to introduce legislation to designate the United States Courthouse at 211 South Court Street, Rockford, IL, as the ''Stanley J. Roszkowski United States Courthouse.''

Stanley Roszkowski was raised in Royalton in southern Illinois, one of fifteen children. During World War II, he volunteered as a nose gunner on a B26 bomber, flying over 25 missions in Italy and Germany. After the war he went on to earn his B.A. from the University of Illinois and then his law degree, working as an appliance salesman

to pay for school and meeting his wife Catherine along the way.

When he moved to Rockford, he opened up a successful law practice and became involved in his community. He gave up this practice when President Carter appointed him to the bench, serving for the next 20 years as a Federal Judge in the Northern District of Illinois. He became known for running a business-like but relaxed courtroom, and was praised by his peers for being extremely knowledgeable, fair and objective, and a gentleman at all times, with a wide breadth of experience and an uncommon sense of decency. As one lawyer put it: ''You couldn't ask for a better trial judge.''

Nobody worked harder than Stanley Roszkowski to make the United States Courthouse in Rockford a reality. He spent 6 years commuting between Rockford and Chicago building up the case load at Rockford and becoming Rockford's first full time Federal judge. As far back as 1992, he was writing countless letters and paying numerous visits to federal officials in Washington, DC, to make his case. It took many years but he never gave up on his belief that if the Federal courts had a physical presence in Rockford, it would be welcomed and frequently used by the lawyers there. He turned out to be right, and I am pleased that Representative MANZULLO and I could work together to help secure the funding for it.

Whether in a bomber or on the bench, Stanley Roszkowski has dedicated his life to serving his country. I can think of no better way to honor his commitment than by naming this Federal courthouse, which he worked so tirelessly to see built, after him. I hope my colleagues will join me in enacting this tribute to him.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse, located at 211 South Court Street, Rockford, Illinois, shall be known and designated as the ''Stanley J. Roszkowski United States Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Stanley J. Roszkowski United States Courthouse''.

By Ms. MIKULSKI (for herself, Mr. SPECTER, Mr. LEVIN, Mr. CRAPO, Mr. BOND, Mr. LIEBERMAN, Mr. REED, Mr. KERRY, Mr. ENZI, Ms. COLLINS, Mr. BENNETT, Mr. COBURN, Mr. WHITEHOUSE, Mr. BURR, Ms. SNOWE, Mr. LEAHY, Mr. CARPER, Mr. CARDIN, Mr. HATCH, and Mr. BARRASSO):

S. 388. A bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers; to the Committee on the Judiciary.

Ms. MIKULSKI. Mr. President, today I rise to introduce a bill that is needed by small and seasonal businesses all over the nation. In 2005 I introduced and the Senate overwhelmingly passed legislation to keep these small and seasonal businesses alive. For many years they have relied on the H–2B visa program to meet these needs, but this year they can't get the temporary labor they need because they have been shut out of the H–2B visa program. That program lets them hire temporary foreign workers when no American workers are available.

So today, I join with my colleague Senator SPECTER to introduce legislation that provides a quick and temporary fix to the H–2B problem. The Save our Small and Seasonal Businesses Act of 2009 will help these employers by extending the H–2B returning worker exemption for three years. It does not raise the cap and keeps the limit at 66,000. I urge my colleagues to work with us to pass this legislation quickly to save these businesses and the thousands of American jobs they provide.

Many in this body know about the H–2B crisis—a real crisis to thousands of small and seasonal businesses who face a shortage of workers as they approach their seasons. These small businesses count on the H–2B visa program to keep their businesses afloat. But this year, because the cap was reached so early in the year, many of these businesses will be unable to get the seasonal workers that they need to survive.

Hitting the cap so early will have a great impact on Maryland. We have a lot of summer seasonal businesses in Maryland on the Eastern Shore, in Ocean City or working the Chesapeake Bay. Many of our businesses use the program year after year. They hire all the American workers they can find, but they need additional help to meet seasonal demands. Because the cap will be reached so early this year summer employers face a disadvantage. They can't use the program, so they can't meet their seasonal needs and many will be forced to limit services, lay-off permanent U.S. workers or, worse yet, close their doors.

These are family businesses and small businesses in small communities in Maryland. If the business suffers the whole community suffers. For seafood companies like J.M. Clayton, what they do is more than a business, it's a way of life. Started over a century ago and run by the great grandsons of the founder, J.M. Clayton works the waters of the Chesapeake Bay, supplying crabs, crabmeat and other seafood, including Maryland's famous oysters, to restaurants, markets, and wholesalers all over the nation. It is the oldest working crab processing plant in the world and by employing 70 H–2B workers the company can retain over 50 full time American workers.

But its not just seafood companies that have a long history on the Eastern Shore. It's companies like S.E.W. Friel Cannery, which began its business over 100 years ago when there were 300 canneries on the Eastern Shore. But now those others are gone and Friel's is the last corn cannery left. Ten years ago, when the cannery could not find local workers, it turned to the new H–2B visa Program. It has used the program every year since, and many workers are repeat users who come each year and then go home after the season. What's important is that having this help each year has not only allowed the company to maintain its American workforce, but it has paved the way for local workers to return to the cannery.

Now these employers can't just turn to the H–2B program whenever they want seasonal workers. First, employers must try to vigorously recruit U.S. workers. These businesses try to hire American workers—they would love to hire American workers. In fact, the H–2B program requires these businesses to prove that they have vigorously tried to recruit American workers. They have to advertise for American workers and give American workers a chance to apply. They have to prove to the Department of Labor that there are no U.S. workers available. Only after that are they allowed to fill seasonal vacancies with H–2B visa workers. The workers that they bring in often participate in the H–2B program year after year. They often work for the same companies. But they cannot and do not stay in the U.S. They return to their home countries, to their families and their U.S. employer must go through the whole visa process again the following year to get them back. That means an employer must prove again to the Department of Labor that they cannot get U.S. workers.

This legislative fix keeps that visa process in place. It's a short-term legislative fix to solve the immediate H–2B visa shortage. It does not take the place of comprehensive immigration reform.

This legislation is a temporary 3 year fix. It exempts returning seasonal workers from the cap. These are workers who have already successfully participated in the H–2B visa Program. They received a visa in one of the past 3 years and have returned home to their families after their seasonal employment with a U.S. company.

Everyone must still play by the rules. Employers must go through the

whole visa process, prove they need the seasonal help and only after that are returning employees exempt from the cap. Employees must be those who have left the U.S. and are requesting a new H–2B visa to come back for another season. This new system rewards those who have played by the rules, worked hard and successfully participated in the program. The bill gives a helping hand to businesses by allowing them to retain workers who they have already trained to do their seasonal jobs.

This is a quick and simple fix. It lasts three years. And it does not get in the way of comprehensive immigration reform.

I worked with my colleagues to get a bill with strong bi-partisan support. A bill that would work.

This bill is realistic. It provides a temporary solution because immediate action is needed to help these small and seasonal businesses stay in business. Yes—we need to help them now. Their seasons start soon. If they don't get seasonal workers this year, there may not be any businesses around next year to help.

Every member of the Senate who has heard from their constituents—whether they are seafood processors, landscapers, resorts, timber companies, fisheries, pool companies or carnivals—knows the urgency in their voices, knows the immediacy of the problem and knows that the Congress must act now to save these businesses. I urge my colleagues to join this effort, support the Save our Small and Seasonal Businesses Act, and push this Congress to fix the problem today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Save Our Small and Seasonal Businesses Act of 2009''.

SEC. 2. EXTENSION OF RETURNING WORKER EXEMPTION TO H–2B NUMERICAL LIMITATION.

(a) IN GENERAL.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A) is amended to read as follows:

''(A) Subject to subparagraphs (B) and (C), an alien who has already been counted toward the numerical limitation under paragraph (1)(B) during any 1 of the 3 fiscal years immediately prior to the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not again be counted toward such limitation for the fiscal year for which the petition is approved. Such an alien shall be considered a returning worker.''.

(b) EFFECTIVE DATE; 3-YEAR LIMITATION; SUNSET PROVISION.—The amendment made by subsection (a) shall—

(1) take effect as if enacted on December 1, 2008;

(2) apply only to petitions with an approved start date in fiscal year 2009, 2010, or 2011; and

(3) terminate on the date that is 3 years after the date of the enactment of this Act.

By Mr. BENNETT:

S. 389. A bill to establish a conditional stay of the ban on lead in children's products, and for 'other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BENNETT. Mr. President, I rise to introduce important legislation today.

Last year, this body passed the Consumer Product Safety Improvement Act. Overall, I think this was a good bill, and will contribute to improving our children's safety.

However, as is the case sometimes, we are now learning about some of the unintended consequences arising from that legislation. I've heard from Utahns who are very concerned that parts of the act are going to put them out of business and harm those that benefit from their products and services.

Next week, as part of the Consumer Product Safety Improvement Act, a new lead standard for products goes into effect. The act makes it illegal to sell products that contain more lead than the new standard allows—it classifies those products as banned hazardous substances. The new standard should help protect our children from the harmful effects of lead poisoning.

The act also requires manufacturers to use accredited third-party laboratories to certify the safety of their products made for children ages 12 and under. If you don't test the product, you can't sell it. This makes perfect sense.

But here's the problem: while resellers of those products are exempt from the testing requirements of the legislation, they are not exempt from the penalties associated with violating the act. Violations can result in criminal punishment of up to $250,000 and 5 years in prison, and civil liability up to $15 million. All of this is scheduled to go into effect on February 10th of this year—less than one week from today.

However, the Consumer Product Safety Commission understands there are problems associated with the act. I met with Acting Commissioner Nancy Nord last Friday about these issues. We discussed both the act's potential problems and the importance of maintaining public safety. That same day, her organization postponed the testing and certification requirements of the act for one year. They needed additional time to finalize the rules, and issue clearer guidance on how businesses should comply with the law. Congress gave them the discretion to do this.

However, and this is the problem, the Consumer Product Safety Commission doesn't have the discretion to postpone the actual standard—how much lead is legally allowable in certain products. So you have a situation where the agency is not enforcing the standard by requiring testing and certification while at the same time, the companies that have products in their inventory that exceed the lead standard are subject to both criminal and civil penalties. As one who ran his own business, I can tell you that this makes no sense.

The legislation that I introduce here today will remedy this seeming contradiction. My legislation gives the commission the authority, if it determines it's necessary, to also delay implementing the new lead standards until they have finalized the rules and begin to enforce the law. If the commission were to exercise those authorities, it would give both Congress and the Consumer Product Safety Commission enough time to really evaluate the effects of this legislation, particularly on our small businesses and thrift enterprises, and implement something that actually makes sense.

You must understand that I am not opposed to the new lead standards or keeping our children safe. My bill is not mandating a year delay; it's simply giving the commission that authority. In the meantime, we must craft some sort of compromise before this well-intended law wreaks havoc upon many of our small businesses and those in the thrift industry that serve the lower income in our country.

Let me explain some of the problems associated with the CPSIA.

Some of my constituents who are concerned about this bill are running small businesses out of their homes to supplement their family income during these difficult economic times. One constituent, Katie Erwin, recently wrote to my office to tell me her personal experience. She designs and makes baby dresses that are sold on the Internet. Her dresses require the use of many fabrics, buttons, snaps, and elastic materials. She has done her research into what her business will have to do after the CPSIA becomes law. Even though she uses only materials that have been proven to have safe lead content, she has to have her end product tested. Not just each dress, but each element of each dress. At $75 per test, one dress could end up costing $750. She told us that, in order to be compliant, the dresses would be so expensive that she'd never make a profit. And that is if she could even sell the more expensive dresses. Other small and home-based businesses tell the same story. Many fear going out of business, and don't know how to cope with the new enforcement.

The Ogden Rescue Mission in northern Utah has two thrift stores that have been around for decades selling used goods. The owner has made it clear that he will stop selling any children's products on February 10 because

he doesn't want to break the law or be held liable for inadvertently selling a now-illegal product. Companies risk losing their insurance if they accidentally sell an unsafe product. With the new standards required by the Consumer Product Safety Improvement Act, the chance of that happening is almost certain. I have to believe that larger thrift stores like Deseret Industries, the Salvation Army, and Goodwill Industries will all have similar concerns once the Act is fully understood and implemented.

Remember, these companies are going to be subject to criminal penalties and civilly liable for products they sell that exceed the standard, including the resellers whom the law exempts from the testing and certification requirements. Again, five years in prison, $250,000 in criminal penalties and $15 million in civil penalties.

At a time when we are debating how to stimulate the economy and keep businesses afloat, we should not overlook this problem that has the potential to cost our economy millions of dollars in litigation costs and many, many jobs if it is not implemented in the right way. During an economic downturn like the one we are experiencing, thrift stores and others that sell used goods are going to be more important than ever. Let's make sure they are able to serve our communities by providing the commission with the tools necessary to work out the problems associated with implementing the CPSIA.

I hope the Senate expeditiously considers my legislation. I think this approach makes sense, and will ultimately help the commission to better implement this law. I understand others may have different approaches to resolving the same problem, and I would invite a discussion of this issue during the coming weeks with my colleagues so we can fix it quickly before we do irreparable damage to businesses across the country.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 28—AUTHORIZING EXPENDITURES BY THE SENATE COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN submitted the following resolution; from the Committee on Indian Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 28

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Indian Affairs is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $1,449,343.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $2,546,445.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $1,083,838.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 29—TO LIMIT CONSIDERATION OF AMENDMENTS UNDER A BUDGET RESOLUTION

Mr. SPECTER submitted the following resolution; which was referred to the Committee on the Budget:

S. RES. 29

Resolved,

SECTION 1. LIMITATION ON CONSIDERATION OF AMENDMENTS UNDER A BUDGET RESOLUTION.

For purposes of consideration of any budget resolution reported under section 305(b) of the Congressional Budget Act of 1974—

(1) time on a budget resolution may only be yielded back by consent;

(2) no first degree amendment may be proposed after the 10th hour of debate on a budget resolution unless it has been submitted to the Journal Clerk prior to the expiration of the 10th hour;

(3) no second degree amendment may be proposed after the 20th hour of debate on a budget resolution unless it has been submitted to the Journal Clerk prior to the expiration of the 20th hour;

(4) after not more than 40 hours of debate on a budget resolution, the resolution shall be set aside for 1 calendar day, so that all filed amendments are printed and made available in the Congressional Record before debate on the resolution continues; and

(5) provisions contained in a budget resolution, or amendments to that resolution, shall not include programmatic detail not within the jurisdiction of the Senate Committee on the Budget.

SEC. 2. WAIVER AND APPEAL.

Section 1 may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under section 1.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to provide greater efficiencies to what I believe is a broken process for consideration of the budget resolution. The need for reform is based on the most recent consideration of the budget resolution on March 13, 2008, when the Senate conducted 44 stacked roll call votes in one day—the so-called ''vote-a-rama.'' With the 44 stacked votes, the frequent unavailability of amendment text in advance so there could be no analysis and preparation, the chamber full of Senators, the unusual noise level, the constant banging of the gavel by the Presiding Officer, the near impossibility of hearing even just the 2 minutes allotted for discussion, and consideration of matters entirely unrelated to the budget, I believe the process needs reform. The resolution I am introducing today is based on a proposal previously submitted by Senator ROBERT BYRD, whom most

would agree is our most-knowledgeable Senator on parliamentary procedure. The Byrd proposal seeks to correct these problems I have cited by imposing several new rules designed to foster greater transparency and efficiency on a budget resolution.

Under the budget rules, once all debate time has been used or yielded back, the Senate must take action to agree to or to dispose of pending amendments before considering final passage. This scenario creates a dizzying process of voting on numerous amendments in a stacked sequence, often referred to as a ''vote-a-rama.'' During the course of the ''vote-a-rama'', dozens of votes may occur with little or no explanation, often leaving Senators with insufficient information or time to deliberate and evaluate the merits of an issue prior to casting a vote. By consent, the Senate has typically allowed 2 minutes of debate, equally divided, prior to votes. However, the budget process does not require Senators to file their amendments prior to their consideration. In many instances, members are voting on amendments on which the text has never been made available. This difficult working environment is further compounded by a chamber full of Senators and the constant banging of the gavel by the presiding officer to maintain order. This unusual noise level makes it nearly impossible to hear the one minute of debate per side.

The Budget Act of 1974 outlines the many clearly defined rules for consideration of a budget resolution, including debate time and germaneness. Despite these rules, the Senate has often set aside these rules and found clever ways to circumvent the rules. To restore some order to the process, the resolution I am offering today would require first-degree amendments to be filed at the desk with the Journal Clerk prior to the 10th hour of debate. Accordingly, second-degree amendments must be filed prior to the 20th hour of debate. This legislation would require a budget resolution to be set aside for one calendar day prior to the 40th hour of debate. Doing so would allow all filed amendments to be printed in the RECORD allowing Senators, and their staff, an opportunity for review before debate on the resolution continues. To preserve the integrity of these new rules, debate time may only be yielded back by consent, instead of the current procedure whereby time may be yielded at the discretion of either side.

Another problem has been the subversion with the budget's germaneness rules by offering amendments to deal with authorization and substantive policy changes. It is important to remember that the Federal budget has two distinct but equally important purposes: the first is to provide a financial measure of Federal expenditures, receipts, deficits, and debt levels; and the second is to provide the means for the Federal Government to efficiently collect and allocate resources. To keep the debate focused, amendments to the budget resolution must be germane, meaning those which strike, increase or decrease numbers, or add language that restricts some power in the resolution. Otherwise, a point of order lies against the amendment, and 60 votes are required to waive the point of order. Yet, to circumvent this germaneness requirement and inject debate on substantive policy changes, Senators have offered Sense of the Senate amendments and deficit-neutral reserve fund amendments that include exorbitant programmatic detail.

A sense of the Senate amendment allows a Senator to force members to either support or oppose any policy position they seek to propose. An excerpt of an amendment to the FY09 budget resolution follows:

Vitter Amendment #4299:

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the leadership of the Senate should bring to the floor for full debate in 2008 comprehensive legislation that legalizes the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures and creates a regulatory pathway to ensure that such drugs are safe; (2) such legislation should be given an up or down vote on the floor of the Senate; and (3) previous Senate approval of 3 amendments in support of prescription drug importation shows the Senate's strong support for passage of comprehensive importation legislation.

The use of sense of the Senate amendments on the budget resolution has been discouraged in recent years because they have little relevance to the intended purpose of the budget resolution. As a result, it has become increasingly popular to offer deficit-neutral reserve fund amendments. Prior to the fiscal year 06 budget resolution, reserve funds were used sparingly. In fiscal year 07, 22 were included in the Senate resolution and 8 in the House resolution; in fiscal year 08, 38 were included in the Senate resolution and 23 in the conference report; and in fiscal year 09, 31 were included in the Senate resolution.

Deficit-neutral reserve funds—which are specifically permitted by section 301(b)(7) of the Budget Act of 1974—have an important functional use in the budget process, but do not require extensive programmatic detail to be useful. On the speculation that Congress may enact legislation on a particular issue—perhaps ''immigration,'' ''energy,'' or ''health care''—a reserve fund acts as a ''placeholder'' to allow the Chairman of the Budget Committee to later revise the spending and revenue levels in the budget so that the future deficit-neutral legislation would not be vulnerable to budgetary points of order. Absent a reserve fund, legislation which increases revenues to offset increases in direct spending would be subject to a Budget Act point of order because certain overall budget levels, total revenues, total new budget authority, total outlays, or total revenues and outlays of Social Security, or budgetary levels specific to authorizing committees and the appropriations committee, committee allocations, would be breached.

However, it is unnecessary to include extensive programmatic detail into the language of a deficit-neutral reserve fund for it to be useful at a later date. An excerpt of an amendment to the fiscal year 09 budget resolution demonstrates the unnecessary level of programmatic detail that I refer to:

Sessions Amendment #4231:

DEFICIT-NEUTRAL RESERVE FUND FOR BORDER SECURITY, IMMIGRATION ENFORCEMENT, AND CRIMINAL ALIEN REMOVAL PROGRAMS.

(a) In General.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of 1 or more committees, aggregates, and other appropriate levels in this resolution by the amounts authorized to be appropriated for the programs described in paragraphs (1) through (6) in 1 or more bills, joint resolutions, amendments, motions, or conference reports that funds border security, immigration enforcement, and criminal alien removal programs, including programs that—

(1) expand the zero tolerance prosecution policy for illegal entry (commonly known as ''Operation Streamline'') to all 20 border sectors;

(2) complete the 700 miles of pedestrian fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note);

(3) deploy up to 6,000 National Guard members to the southern border of the United States;

(4) evaluate the 27 percent of the Federal, State, and local prison populations who are noncitizens in order to identify removable criminal aliens;

(5) train and reimburse State and local law enforcement officers under Memorandums of Understanding entered into under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); or

(6) implement the exit data portion of the US-VISIT entry and exit data system at airports, seaports, and land ports of entry.

Voting on amendments that advocate substantive policy changes in the context of a budget debate are a subversion of the budget's germaneness requirements and clearly fall outside the jurisdiction of the Budget Committee. In many instances, the programmatic detail is of a controversial nature, such as a recent amendment to ''provide for a deficit-neutral reserve fund for transferring funding for Berkeley, CA, earmarks to the Marine Corps'', Coburn Amendment #4380.

To bring the focus back to the budget, my legislation states that ''provisions contained in a budget resolution, or amendments thereto, shall not include programmatic detail not within the jurisdiction of the Senate Committee on the Budget.'' It is my hope

that this language will bring about a change in practice in the Senate whereby Senators will avoid including excessive programmatic detail in their reserve fund amendments. Doing so will put the focus back on the important purposes of a budget resolution.

The provisions in my legislation may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members. Also, an affirmative vote of ⅗ of the Members of the Senate is required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

I commend the Chairman and Ranking Member of the Senate Budget Committee for their hard work in processing amendments to the budget resolution. Unfortunately, the process needs reforms to provide structure and to increase transparency and efficiency. The 44 roll call votes conducted in relation to S. Con. Res. 70 are the largest number of votes held in one session dating back to 1964, according to records maintained by the Senate Historical Office. The Senate cast more votes on the budget in one day than it had previously cast all year on various other issues. It is my hope that this resolution, modeled in part on a previous proposal by Senator BYRD, will lead us to a more constructive debate on the budget resolution.

SENATE RESOLUTION 30—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. KERRY submitted the following resolution; from the Committee on Foreign Relations; which was referred to the Committee on Rules and Administration:

S. RES. 30

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $4,291,761.00, of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $7,546,310.00, of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $3,214,017, of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

AMENDMENTS SUBMITTED AND PROPOSED

SA 364. Mr. MCCAIN (for himself, Mr. GRAHAM, Mr. THUNE, Mr. CHAMBLISS, and Mr. JOHANNS) proposed an amendment to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

SA 365. Mr. BROWN (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. VOINOVICH, Mr. CASEY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 366. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 367. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 368. Mr. GRASSLEY (for himself and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 369. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 370. Mr. VOINOVICH (for himself, Ms. STABENOW, Mr. LEVIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 371. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 372. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 373. Mr. GRASSLEY (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 374. Mr. INHOFE (for himself, Mrs. BOXER, Mr. BOND, Mr. VITTER, Mr. BARRASSO, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 375. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 376. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 377. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 378. Mr. CASEY (for himself, Mr. SPECTER, Mr. LEAHY, Mr. DODD, Mr. SCHUMER, Mr. KERRY, Mr. JOHNSON, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 379. Mr. HATCH submitted an amendment intended to be proposed to amendment

SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 380. Mr. GRASSLEY (for himself, Ms. MIKULSKI, and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 381. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 382. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 383. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 384. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 385. Mr. COBURN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 386. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 387. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 388. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 389. Mr. ALEXANDER (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 390. Ms. SNOWE (for herself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 391. Ms. SNOWE (for herself and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 392. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 393. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 394. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 395. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 396. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 397. Mr. HARKIN (for himself, Mr. THUNE, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 398. Mr. BAUCUS (for himself, Mr. BOND, Mr. VOINOVICH, Mr. BROWNBACK, Mr. SPECTER, Mr. SANDERS, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 399. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 400. Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 401. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 402. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 403. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 404. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 405. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 406. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 407. Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. DODD, Mr. KERRY, Mr. LIEBERMAN, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 408. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 353 proposed by Mr. ENSIGN (for himself, Mr. MCCONNELL, and Mr. ALEXANDER) to the amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 409. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 410. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 411. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 412. Mr. BINGAMAN (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 413. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 414. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 415. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 416. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 417. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 418. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 419. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 420. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 421. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 422. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE

(for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 423. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 424. Mr. GRASSLEY (for himself and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 425. Mr. ROCKEFELLER (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 426. Mr. SCHUMER (for himself, Mr. LAUTENBERG, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 427. Mr. DODD (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 428. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 429. Mr. BINGAMAN (for himself, Mr. MENENDEZ, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 430. Mr. UDALL, of New Mexico (for himself, Ms. MURKOWSKI, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 431. Mr. COCHRAN (for himself, Ms. LANDRIEU, Mr. VITTER, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 432. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 433. Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 434. Mr. BURR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 435. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 436. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 218 submitted by Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. BROWN, Ms. STABENOW, Mr. SANDERS, and Mr. REED) and intended to be proposed to the amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 437. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 218 submitted by Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. BROWN, Ms. STABENOW, Mr. SANDERS, and Mr. REED) and intended to be proposed to the amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 438. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 439. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 440. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 441. Mr. REID (for himself, Mr. ENSIGN, and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 442. Mr. BAUCUS (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 443. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 444. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table .

SA 445. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 446. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 447. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 448. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table .

SA 449. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 450. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 451. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 452. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 453. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table .

SA 454. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table .

SA 455. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table .

SA 456. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 457. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 458. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 459. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 460. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 461. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 462. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 463. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table .

SA 464. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 465. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 466. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 467. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 468. Mr. WYDEN (for himself, Ms. SNOWE, and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 469. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 470. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 471. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 472. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 473. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 474. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 475. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 476. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 477. Ms. SNOWE (for herself, Mr. GRASSLEY, and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H .R. 1, supra; which was ordered to lie on the table.

SA 478. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 479. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 480. Mr. BINGAMAN (for himself, Mrs. BOXER, Mr. WYDEN, Mr. KERRY, Mr. TESTER, Ms. STABENOW, Mr. UDALL, of New Mexico, Mr. BAUCUS, Mr. LEAHY, Mrs. MURRAY, Mr. SCHUMER, Mr. MERKLEY, Ms. CANTWELL, Mr. UDALL, of Colorado, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 481. Mrs. MCCASKILL (for herself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 482. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 483. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 484. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 485. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 486. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 487. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 488. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 489. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 490. Mr. FEINGOLD (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 491. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 492. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 493. Mr. DODD (for himself, Mr. LIEBERMAN, Mrs. MURRAY, Mr. MENENDEZ, Mr. DURBIN, Mr. KERRY, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 494. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 495. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 496. Mr. CARPER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 497. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 498. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 499. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 500. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 501. Mr. GRAHAM (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 502. Mr. BINGAMAN (for himself, Mr. MENENDEZ, Mr. DORGAN, Mr. BENNETT, Ms. MURKOWSKI, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 503. Mr. BINGAMAN (for himself, Mr. CARPER, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 504. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 505. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 506. Mrs. MCCASKILL (for herself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 507. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 508. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 509. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 510. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 511. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 512. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 513. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 514. Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 515. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 516. Mr. GRASSLEY (for himself and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 517. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 518. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 519. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 520. Mr. KOHL (for himself, Mr. HATCH, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 521. Mr. KOHL (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 522. Mrs. FEINSTEIN (for herself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 523. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 524. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 525. Mr. REID submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 526. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 364. Mr. MCCAIN (for himself, Mr. GRAHAM, and Mr. THUNE) proposed an amendment to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Recovery and Reinvestment Act of 2009''.

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

TITLE I—USE OF FUNDS

SEC. 101. RELATIONSHIP TO OTHER APPROPRIATIONS.

Each amount appropriated or made available in this Act is in addition to amounts

otherwise appropriated for the fiscal year involved. Enactment of this Act shall have no effect on the availability of amounts under the Continuing Appropriations Resolution, 2009 (division A of Public Law 110–329).

SEC. 102. PREFERENCE FOR QUICK-START ACTIVITIES.

In using funds made available in this Act for infrastructure investment, recipients shall give preference to activities that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds for activities that can be initiated not later than 120 days after the date of the enactment of this Act. Recipients shall also use grant funds in a manner that maximizes job creation and economic benefit.

SEC. 103. REQUIREMENT OF TIMELY AWARD OF GRANTS.

(a) FORMULA GRANTS.—Formula grants using funds made available in this Act shall be awarded not later than 30 days after the date of the enactment of this Act (or, in the case of appropriations not available upon enactment, not later than 30 days after the appropriation becomes available for obligation), unless expressly provided otherwise in this Act.

(b) COMPETITIVE GRANTS.—Competitive grants using funds made available in this Act shall be awarded not later than 90 days after the date of the enactment of this Act (or, in the case of appropriations not available upon enactment, not later than 90 days after the appropriation becomes available for obligation), unless expressly provided otherwise in this Act.

(c) ADDITIONAL PERIOD FOR NEW PROGRAMS.—The time limits specified in subsections (a) and (b) may each be extended by up to 30 days in the case of grants for which funding was not provided in fiscal year 2008.

SEC. 104. USE IT OR LOSE IT REQUIREMENTS FOR GRANTEES.

(a) DEADLINE FOR BINDING COMMITMENTS.—Each recipient of a grant made using amounts made available in this Act in any account listed in subsection (c) shall enter into contracts or other binding commitments not later than 1 year after the date of the enactment of this Act (or not later than 9 months after the grant is awarded, if later) to make use of 50 percent of the funds awarded, and shall enter into contracts or other binding commitments not later than 2 years after the date of the enactment of this Act (or not later than 21 months after the grant is awarded, if later) to make use of the remaining funds. In the case of activities to be carried out directly by a grant recipient (rather than by contracts, subgrants, or other arrangements with third parties), a certification by the recipient specifying the amounts, planned timing, and purpose of such expenditures shall be deemed a binding commitment for purposes of this section.

(b) REDISTRIBUTION OF UNCOMMITTED FUNDS.—The head of the Federal department or agency involved shall recover or deobligate any grant funds not committed in accordance with subsection (a), and redistribute such funds to other recipients eligible under the grant program and able to make use of such funds in a timely manner (including binding commitments within 120 days after the reallocation).

SEC. 105. PERIOD OF AVAILABILITY.

(a) IN GENERAL.—All funds appropriated in this Act shall remain available for obligation until September 30, 2010, unless expressly provided otherwise in this Act.

(b) REOBLIGATION.—Amounts that are not needed or cannot be used under title ____ of this Act for the activity for which originally obligated may be deobligated and, notwithstanding the limitation on availability specified in subsection (a), reobligated for other activities that have received funding from the same account or appropriation in such title.

SEC. 106. PROHIBITION ON USE OF RECOVERY AND REINVESTMENT FEDERAL FUNDS FOR LOBBYING AND POLITICAL CONTRIBUTIONS.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) RECOVERY AND REINVESTMENT ASSISTANCE.—The term ''recovery and reinvestment assistance'' means any funds made available to any recipient under this Act.

(2) LOBBYING EXPENDITURES.—The term ''lobbying expenditures'' has the meaning given under section 4911(c)(1) of the Internal Revenue Code of 1986.

(3) POLITICAL CONTRIBUTIONS.—The term ''political contributions'' means any contribution on behalf of a political candidate or to a separate segregated fund described in section 316(b)(2)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)(C)).

(b) PROHIBITION ON THE USE OF RECOVERY AND REINVESTMENT FUNDING.—Any recipient of funds under this Act and any subsidiary thereof may not use such funds for lobbying expenditures or political contributions.

SEC. 107. GUIDELINES FOR THE USE OF FUNDS.

(a) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Comptroller General and the Advisory Panel shall develop and publish corporate governance principles and ethical guidelines for recipients of emergency economic assistance including restrictions governing—

(1) the hosting, sponsorship, or payments for conferences and events;

(2) the use of corporate aircraft, travel accommodations, and travel expenditures;

(3) expenses relating to office or facility renovations or relocations; and

(4) expenses relating to entertainment, holiday parties, employee recognition events, or similar ancillary corporate expenses.

(b) INTERNAL REPORTING AND OVERSIGHT.—The Secretary of the Treasury shall publish suggested mechanisms for addressing noncompliance with the guidelines developed pursuant to subsection (a) through enhanced internal reporting and oversight requirements.

TITLE II—CONGRESSIONAL OVERSIGHT PANEL

SEC. 201. CONGRESSIONAL OVERSIGHT PANEL.

(a) ESTABLISHMENT.—There is established the Congressional Oversight Panel (in this section referred to as the ''Oversight Panel'') as an establishment in the legislative branch to coordinate and conduct oversight of covered funds to ensure the recovery and reinvestment goals and purposes of the Act are achieved through the use of covered funds, and to determine their impact in achieving the goals of this Act including stimulating the economy, creating and saving jobs, preventing home foreclosures and facilitating purchase of homes, and helping individual Americans and their communities who are most adversely affected by the economic crisis.

(1) REGULAR REPORTS.—

(A) IN GENERAL.—Regular reports of the Oversight Panel shall include the following:

(i) The rate of expenditure of covered funds by federal, state, and local government agencies and compliance with applicable ethical and legal provisions relating to the expenditure of covered funds.

(ii) Assessments of the impact of expenditures of covered funds on reducing unemployment, helping Americans prevent foreclosure of their homes and facilitate home purchases, stimulating the economy, and stabilizing financial markets and institutions.

(iii) The extent to which the activities of inspectors general, the Board, the Advisory Panel, the Comptroller General, and recipients of covered funds comply with and contribute to transparency and accountability in the use of covered funds.

(iv) An assessment of the effectiveness of tax cuts included in the Act on achieving the goals of stimulating the economy, achieving financial stability, and helping businesses and individual Americans adversely affected by the economic crisis.

(B) TIMING.—The reports required under this paragraph shall be submitted not later than 90 days after the first exercise by the Secretary of the authority under section 101(a) or 102, and every 90 days thereafter.

(2) SPECIAL REPORT ON RECOVERY AND REINVESTMENT.—The Oversight Panel shall submit a special report on the status and effects of expenditure of covered funds not later than July 20, 2009. The Oversight Panel shall analyze the current state of the economy and the effectiveness of the Act and provide recommendations regarding revision in the Act and uses of covered funds and measures to improve transparency and accountability.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Oversight Panel shall consist of 5 members, as follows:

(A) 1 member appointed by the Speaker of the House of Representatives.

(B) 1 member appointed by the minority leader of the House of Representatives.

(C) 1 member appointed by the majority leader of the Senate.

(D) 1 member appointed by the minority leader of the Senate.

(E) 1 member appointed by the Speaker of the House of Representatives and the majority leader of the Senate, after consultation with the minority leader of the Senate and the minority leader of the House of Representatives.

(2) PAY.—Each member of the Oversight Panel shall each be paid at a rate equal to the daily equivalent of the annual rate of basic pay for level I of the Executive Schedule for each day (including travel time) during which such member is engaged in the actual performance of duties vested in the Commission.

(3) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Oversight Panel who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on the Oversight Panel.

(4) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(5) QUORUM.—Four members of the Oversight Panel shall constitute a quorum but a lesser number may hold hearings.

(6) VACANCIES.—A vacancy on the Oversight Panel shall be filled in the manner in which the original appointment was made.

(7) MEETINGS.—The Oversight Panel shall meet at the call of the Chairperson or a majority of its members.

(c) STAFF.—

(1) IN GENERAL.—The Oversight Panel may appoint and fix the pay of any personnel as the Commission considers appropriate.

(2) EXPERTS AND CONSULTANTS.—The Oversight Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(3) STAFF OF AGENCIES.—Upon request of the Oversight Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Oversight Panel to assist it in carrying out its duties under this Act.

(d) POWERS.—

(1) HEARINGS AND SESSIONS.—The Oversight Panel may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Panel considers appropriate and may administer oaths or affirmations to witnesses appearing before it.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Oversight Panel may, if authorized by the Oversight Panel, take any action which the Oversight Panel is authorized to take by this section.

(3) OBTAINING OFFICIAL DATA.—The Oversight Panel may secure directly from any department or agency of the United States or any recipient of funds under this Act information necessary to enable it to carry out this section. Upon request of the Chairperson of the Oversight Panel, the head of that department or agency shall furnish that information to the Oversight Panel.

(4) REPORTS.—The Oversight Panel shall receive and consider all reports required to be submitted to the Recovery Independent Advisory Panel under this Act.

(e) FUNDING FOR EXPENSES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Oversight Panel such sums as may be necessary for any fiscal year, half of which shall be derived from the applicable account of the House of Representatives, and half of which shall be derived from the contingent fund of the Senate.

(2) REIMBURSEMENT OF AMOUNTS.—An amount equal to the expenses of the Oversight Panel shall be promptly transferred by the Secretary, from time to time upon the presentment of a statement of such expenses by the Chairperson of the Oversight Panel, from funds made available to the Secretary under this Act to the applicable fund of the House of Representatives and the contingent fund of the Senate, as appropriate, as reimbursement for amounts expended from such account and fund under paragraph (1).

TITLE III—ESTABLISHMENT OF RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD

SEC. 301. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given under section 551 of title 5, United States Code.

(2) BOARD.—The term ''Board'' means the Recovery Accountability and Transparency Board established in section 302.

(3) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Board.

(4) COVERED FUNDS.—The term ''covered funds'' means any funds that are expended or obligated—

(A) from appropriations made under this Act; and

(B) under any other authorities provided under this Act.

SEC. 302. ESTABLISHMENT OF THE RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD.

There is established the Recovery Accountability and Transparency Board to coordinate and conduct oversight of covered funds to prevent fraud, waste, and abuse.

SEC. 303. COMPOSITION OF BOARD.

(a) CHAIRPERSON.—

(1) CHAIR AND VICE CHAIR.—The President shall—

(A) appoint an individual as the Chairperson of the Board; and

(B)(i) designate the Deputy Director for Management of the Office of Management and Budget to serve as Vice-Chairperson of the Board; or

(ii) designate another Federal officer who was appointed by the President Vice-Chairperson of the Board and confirmed by the Senate.

(2) COMPENSATION.—

(A) DESIGNATION OF FEDERAL OFFICER.—If the President designates a Federal officer under paragraph (1), that Federal officer may not receive additional compensation for services performed as Chairperson or Vice-Chairperson.

(B) APPOINTMENT OF NON-FEDERAL OFFICER.—If the President appoints an individual as Chairperson under paragraph (1), that individual shall be compensated at the rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) MEMBERS.—The members of the Board shall include—

(1) the Inspectors General of the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Justice, Transportation, Treasury, and the Treasury Inspector General for Tax Administration;

(2) any other Inspector General as designated by the President from any agency that expends or obligates covered funds; and

(3) the Special Inspector General established by title V of this division.

SEC. 304. FUNCTIONS OF THE BOARD.

(a) FUNCTIONS.—

(1) IN GENERAL.—The Board shall coordinate and conduct oversight of covered funds in order to prevent fraud, waste, and abuse.

(2) SPECIFIC FUNCTIONS.—The functions of the Board shall include—

(A) reviewing whether the reporting of contracts and grants using covered funds meets applicable standards and specifies the purpose of the contract or grant and measures of performance;

(B) reviewing whether competition requirements applicable to contracts and grants using covered funds have been satisfied;

(C) auditing and investigating covered funds to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring;

(D) reviewing whether there are sufficient qualified acquisition and grant personnel overseeing covered funds;

(E) reviewing whether personnel whose duties involve acquisitions or grants made with covered funds receive adequate training; and

(F) reviewing whether there are appropriate mechanisms for interagency collaboration relating to covered funds.

(b) REPORTS.—

(1) QUARTERLY REPORTS.—The Board shall submit quarterly reports to the President and Congress, including the Oversight Panel and the Committees on Appropriations of the Senate and House of Representatives, summarizing the findings of the Board and the findings of inspectors general of agencies. The Board may submit additional reports as appropriate.

(2) ANNUAL REPORTS.—The Board shall submit annual reports to the Oversight Panel, the President, and the Committees on Appropriations of the Senate and House of Representatives, consolidating applicable quarterly reports on the use of covered funds.

(3) PUBLIC AVAILABILITY.—

(A) IN GENERAL.—All reports submitted under this subsection shall be made publicly available and posted on a website established by the Board.

(B) REDACTIONS.—Any portion of a report submitted under this subsection may be redacted when made publicly available, if that portion would disclose information that is not subject to disclosure under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act).

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—The Board shall make recommendations to agencies on measures to prevent fraud, waste, and abuse relating to covered funds.

(2) RESPONSIVE REPORTS.—Not later than 30 days after receipt of a recommendation under paragraph (1), an agency shall submit a report to the President, the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives, and the Board on—

(A) whether the agency agrees or disagrees with the recommendations; and

(B) any actions the agency will take to implement the recommendations.

SEC. 305. POWERS OF THE BOARD.

(a) IN GENERAL.—The Board shall conduct, supervise, and coordinate audits and investigations by inspectors general of agencies relating to covered funds.

(b) AUDITS AND INVESTIGATIONS.—The Board may—

(1) conduct its own independent audits and investigations relating to covered funds; and

(2) collaborate on audits and investigations relating to covered funds with any inspector general of an agency.

(c) AUTHORITIES.—

(1) AUDITS AND INVESTIGATIONS.—In conducting audits and investigations, the Board shall have the authorities provided under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) STANDARDS AND GUIDELINES.—The Board shall carry out the powers under subsections (a) and (b) in accordance with section 4(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(d) PUBLIC HEARINGS.—The Board may hold public hearings and Board personnel may conduct investigative depositions. The head of each agency shall make all officers and employees of that agency available to provide testimony to the Board and Board personnel. The Board may issue subpoenas to compel the testimony of persons who are not Federal officers or employees. Any such subpoenas may be enforced as provided under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(e) CONTRACTS.—The Board may enter into contracts to enable the Board to discharge its duties under this subtitle, including contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Board.

(f) TRANSFER OF FUNDS.—The Board may transfer funds appropriated to the Board for expenses to support administrative support services and audits or investigations of covered funds to any office of inspector general, the Office of Management and Budget, the General Services Administration, and the Panel.

SEC. 306. EMPLOYMENT, PERSONNEL, AND RELATED AUTHORITIES.

(a) EMPLOYMENT AND PERSONNEL AUTHORITIES.—

(1) IN GENERAL.—

(A) AUTHORITIES.—Subject to paragraph (2), the Board may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

(B) APPLICATION.—For purposes of exercising the authorities described under subparagraph (A), the term ''Chairperson of the Board'' shall be substituted for the term ''head of a temporary organization''.

(C) CONSULTATION.—In exercising the authorities described under subparagraph (A), the Chairperson shall consult with members of the Board.

(2) EMPLOYMENT AUTHORITIES.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under paragraph (1) of this subsection—

(A) paragraph (2) of subsection (b) of section 3161 of that title (relating to periods of appointments) shall not apply; and

(B) no period of appointment may exceed the date on which the Board terminates under section 321.

(b) INFORMATION AND ASSISTANCE.—

(1) IN GENERAL.—Upon request of the Board for information or assistance from any agency or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Board, or an authorized designee.

(2) REPORT OF REFUSALS.—Whenever information or assistance requested by the Board is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives, without delay, and to the Special Inspector General established by this division.

(c) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide the Board with administrative support services, including the provision of office space and facilities.

SEC. 307. INDEPENDENCE OF INSPECTORS GENERAL.

(a) INDEPENDENT AUTHORITY.—Nothing in this subtitle shall affect the independent authority of an inspector general to determine whether to conduct an audit or investigation of covered funds.

(b) REQUESTS BY BOARD.—If the Board requests that an inspector general conduct or refrain from conducting an audit or investigation and the inspector general rejects the request in whole or in part, the inspector general shall, not later than 30 days after rejecting the request, submit a report to the Board, the head of the applicable agency, and the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives. The report shall state the reasons that the inspector general has rejected the request in whole or in part.

SEC. 308. COORDINATION WITH THE COMPTROLLER GENERAL AND STATE AUDITORS.

The Board shall coordinate its oversight activities with the Special Inspector General established by this division and the Comptroller General of the United States and State auditor generals.

SEC. 309. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS.

(a) PROHIBITION OF REPRISALS.—An employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to the Board, an inspector general, the Special Inspector General established by this division, the Comptroller General, a member of Congress, or a the head of a Federal agency, or their representatives, information that the employee reasonably believes is evidence of—

(1) gross mismanagement of an agency contract or grant relating to covered funds;

(2) a gross waste of covered funds;

(3) a substantial and specific danger to public health or safety; or

(4) a violation of law related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

(b) INVESTIGATION OF COMPLAINTS.—

(1) IN GENERAL.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Special Inspector General established by this division or appropriate inspector general. Unless the inspector general determines that the complaint is frivolous, the inspector general shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the person's employer, the head of the appropriate agency, the Board, and the Special Inspector General established by this division.

(2) TIME LIMITATIONS FOR ACTIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the inspector general shall make a determination that a complaint is frivolous or submit a report under paragraph (1) within 180 days after receiving the complaint.

(B) EXTENSION.—If the inspector general is unable to complete an investigation in time to submit a report within the 180-day period specified under subparagraph (A) and the person submitting the complaint agrees to an extension of time, the inspector general shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the inspector general and the person submitting the complaint.

(c) REMEDY AND ENFORCEMENT AUTHORITY.—

(1) AGENCY ACTION.—Not later than 30 days after receiving an inspector general report under subsection (b), the head of the agency concerned or the Special Inspector General established by this division shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take 1 or more of the following actions:

(A) Order the employer to take affirmative action to abate the reprisal.

(B) Order the employer to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the employer to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency.

(2) CIVIL ACTION.—If the head of an agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under subsection (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the employer to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

(3) EVIDENCE.—An inspector general determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought in accordance with this subsection.

(4) JUDICIAL ENFORCEMENT OF ORDER.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

(5) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

SEC. 310. BOARD WEBSITE.

(a) ESTABLISHMENT.—The Board shall establish and maintain a user-friendly, public-facing website to foster greater accountability and transparency in the use of covered funds.

(b) PURPOSE.—The website established and maintained under subsection (a) shall be a portal or gateway to key information relating to this Act and provide connections to other Government websites with related information.

(c) CONTENT AND FUNCTION.—In establishing the website established and maintained under subsection (a), the Board shall ensure the following:

(1) The website shall provide materials explaining what this Act means for citizens. The materials shall be easy to understand and regularly updated.

(2) The website shall provide accountability information, including a database of findings from audits, inspectors general, and the Government Accountability Office.

(3) The website shall provide data on relevant economic, financial, grant, and contract information in user-friendly visual

presentations to enhance public awareness of the use of covered funds.

(4) The website shall provide detailed data on contracts awarded by the Government that expend covered funds, including information about the competitiveness of the contracting process, notification of solicitations for contracts to be awarded, and information about the process that was used for the award of contracts.

(5) The website shall include printable reports on covered funds obligated by month to each State and congressional district.

(6) The website shall provide a means for the public to give feedback on the performance of contracts that expend covered funds.

(7) The website shall be enhanced and updated as necessary to carry out the purposes of this subtitle.

(d) WAIVER.—The Board may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security.

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this title.

SEC. 312. TERMINATION OF THE BOARD.

The Board shall terminate on September 30, 2012.

TITLE IV—RECOVERY INDEPENDENT ADVISORY PANEL

SEC. 401. ESTABLISHMENT OF RECOVERY INDEPENDENT ADVISORY PANEL.

(a) ESTABLISHMENT.—There is established the Recovery Independent Advisory Panel.

(b) MEMBERSHIP.—The Panel shall be composed of 5 members who shall be appointed by the President.

(c) QUALIFICATIONS.—Members shall be appointed on the basis of expertise in economics, public finance, contracting, accounting, or any other relevant field.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Panel have been appointed, the Panel shall hold its first meeting.

(e) MEETINGS.—The Panel shall meet at the call of the Chairperson of the Panel.

(f) QUORUM.—A majority of the members of the Panel shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Panel shall select a Chairperson and Vice Chairperson from among its members.

SEC. 402. DUTIES OF THE PANEL.

The Advisory Panel shall make recommendations to the Congressional Oversight Panel, the Transparency and Accountability Board, the Special Inspector General, and the Comptroller General on actions they could take to ensure that covered funds accomplish the goals of stimulating the economy, creating and saving jobs, preventing home foreclosures, helping Americans most adversely affected by the economic crisis, and preventing prevent fraud, waste, and abuse relating to covered funds.

SEC. 403. POWERS OF THE PANEL.

(a) HEARINGS.—The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from any agency such information as the Panel considers necessary to carry out this subtitle. Upon request of the Chairperson of the Panel, the head of such agency shall furnish such information to the Panel.

(c) POSTAL SERVICES.—The Panel may use the United States mails in the same manner and under the same conditions as agencies of the Federal Government.

(d) GIFTS.—The Panel may accept, use, and dispose of gifts or donations of services or property.

SEC. 404. PANEL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Panel who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel. All members of the Panel who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Panel to perform its duties. The employment of an executive director shall be subject to confirmation by the Panel.

(2) COMPENSATION.—The Chairperson of the Panel may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Panel who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(B) MEMBERS OF PANEL.—Subparagraph (A) shall not be construed to apply to members of the Panel.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide the Board with administrative support services, including the provision of office space and facilities.

SEC. 405. TERMINATION OF THE PANEL.

The Panel shall terminate on September 30, 2012.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this title.

TITLE V—SPECIAL INSPECTOR GENERAL

SEC. 501. SPECIAL INSPECTOR GENERAL.

(a) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for the Recovery and Reinvestment Funds Program to prevent fraud, waste, and abuse of covered funds under this Act and to determine whether covered funds are achieving their intended purpose.

(b) PRESIDENT. APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—(1)(A) The head of the Office of the Special Inspector General for Recovery and Reinvestment Programs is the Special Inspector General for Recovery and Reinvestment (in this section referred to as the ''Special Inspector General''), who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) The nomination and appointment of the Special Inspector General shall be made on the basis of the nominee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(2) The appointment of the Special Inspector General shall be made on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) The nomination of an individual as Special Inspector General shall be made as soon as practicable after the implementation of activities and projects under this Act.

(4) The Special Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) For purposes of section 7324 of title 5, United States Code, the Special Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) The annual rate of basic pay of the Special Inspector General shall be the annual rate of basic pay for an Inspector General under section 3(e) of the Inspector General Act of 1978 (5 U.S.C. App.).

(c) DUTIES.—(1) It shall be the duty of the Special Inspector General to oversee the activities of inspectors general of federal agencies with respect to expenditure of funds under this Act and independently to conduct, supervise, and coordinate audits and investigations of the effectiveness of expenditures of covered funds in stimulating the economy, saving and creating jobs, and achieving the goals of this legislation, including establishment of the highest standards of transparency and accountability related to expenditure of covered funds.

(2) The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duty under paragraph (1).

(3) In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(d) POWERS AND AUTHORITIES.—(1) In carrying out the duties specified in subsection (c), the Special Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) The Special Inspector General shall carry out the duties specified in subsection

(c)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(3) The Office of the Special Inspector General for the Recovery and Reinvestment Act shall be treated as an office included under section 6(e)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) relating to the exemption from the initial determination of eligibility by the Attorney General.

(e) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—(1) The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) The Special Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) The Special Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4)(A) Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Special Inspector General, or an authorized designee.

(B) REPORTS.—Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall report the circumstances to the appropriate committees of Congress without delay.

(f) REPORTS.—(1) Not later than 60 days after the confirmation of the Special Inspector General, and every calendar quarter thereafter, the Special Inspector General shall submit to the appropriate committees of Congress a report summarizing the activities of the Special Inspector General during the 120-day period ending on the date of such report. Each report shall include, for the period covered by such report, a detailed statement of actions taken by Federal, State, and local agencies in allocating and expending covered funds, the purposes to which these funds are applied, an estimate of the number of jobs created through each allocation of covered funds, an assessment of the effectiveness of this Act and implementing actions in achieving the goals of stimulating the economy, saving and creating jobs, and upholding maximum transparency and accountability, and any other related subjects deemed appropriate by the Special Inspector General.

(2) Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(3) Any reports required under this section shall also be submitted to the Congressional Oversight Panel established under this division.

(g) FUNDING.—(1) Of the amounts made available to the Secretary of the Treasury under this Act, $50,000,000 shall be available to the Special Inspector General to carry out this section.

(2) The amount available under paragraph (1) shall remain available until expended.

TITLE VI—REPORTS OF THE COUNCIL OF ECONOMIC ADVISERS

SEC. 601. REPORTS OF THE COUNCIL OF ECONOMIC ADVISERS.

(a) IN GENERAL.—In consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, the Chairperson of the Council of Economic Advisers shall submit quarterly reports to the Committees on Appropriations of the Senate and House of Representatives that detail the estimated impact of programs funded through covered funds on employment, economic growth, and other key economic indicators.

(b) SUBMISSION.—The first report under subsection (a) shall be submitted not later than 15 days after the end of the first full quarter following the date of enactment of this Act. The last report required to be submitted under subsection (a) shall apply to the quarter in which the Board terminates under section 1521.

TITLE VII—OVERSIGHT AND AUDITS

SEC. 701. OVERSIGHT AND AUDITS.

(a) COMPTROLLER GENERAL OVERSIGHT.—

(1) SCOPE OF OVERSIGHT.—The Comptroller General of the United States shall not later than after the date of 30 days of enactment of this Act, commence ongoing oversight of the expenditures of covered funds and assessments of their effectiveness in achieving economic recovery and stimulation and assistance to those Americans adversely affected by the economic crisis including—

(A) the performance of the agencies receiving covered funds and the effect of their expenditures in improving infrastructure and creating jobs in such areas as transportation, public housing, environmental cleanup, public health, energy savings, and education;

(B) assessments of whether the expenditures under this Act have enhanced economic stability, reduced unemployment, prevented home foreclosures, and ameliorated disruption to the financial markets and the banking system;

(C) whether the Act has assisted American workers, created jobs, and protected taxpayers;

(D) the financial condition and internal controls over covered funds devoted to the recovery and reinvestment programs under this Act;

(E) effectiveness of the internal controls and systems used to achieve transparency and accountability;

(F) compliance with all applicable laws and regulations under this Act by the Federal and State agencies, their agents, and representatives;

(G) the efforts of the Federal Government to prevent, identify, and minimize conflicts of interest involving any agent or representative performing activities on behalf of or under the authority of this Act; and

(H) the incidence, or potential for waste, fraud, and abuse in the expenditure of funds under this Act.

(2) CONDUCT AND ADMINISTRATION OF OVERSIGHT.—

(A) GAO PRESENCE.—Secretaries of Federal Agencies and agents of all recipients of funds under this Act shall provide the Comptroller General with appropriate space and facilities in their offices as necessary to facilitate oversight of the expenditure of Recovery Act funds until the termination date established.

(B) ACCESS TO RECORDS.—To the extent otherwise consistent with law, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by recipients or oversight agencies of funds under this Act, or any vehicles established by the Secretary under this Act, and to the officers, directors, employees, independent public accountants, financial advisors, and other agents and representatives or any such vehicle at such reasonable time as the Comptroller General may request. The Comptroller General shall be afforded full facilities for verifying transactions and may make and retain copies of such books, accounts, and other records as the Comptroller General deems appropriate.

(C) REIMBURSEMENT OF COSTS.—The Treasury shall reimburse the Government Accountability Office for the full cost of any such oversight activities as billed therefor by the Comptroller General of the United States. Such reimbursements shall be credited to the appropriation account ''Salaries and Expenses, Government Accountability Office'' current when the payment is received and remain available until expended.

(3) REPORTING.—The Comptroller General shall submit reports of findings under this section, regularly and no less frequently than once every 60 days, to the appropriate committees of Congress, and the Special Inspector General for the Recovery and Reinvestment Program established under this Act on the activities and performance under this Act. The Comptroller may also submit special reports under this subsection as warranted by the findings of its oversight activities.

(b) COMPTROLLER GENERAL AUDITS.—

(1) ANNUAL AUDIT.—Federal agencies receiving funds under this Act shall annually prepare and issue to the appropriate committees of Congress and the public audited financial statements prepared in accordance with generally accepted accounting principles, and the Comptroller General shall annually audit such statements in accordance with generally accepted auditing standards. The Treasury shall reimburse the Government Accountability Office for the full cost of any such audit as billed therefor by the Comptroller General. Such reimbursements shall be credited to the appropriation account ''Salaries and Expenses, Government Accountability Office'' current when the payment is received and remain available until expended. The financial statements prepared under this paragraph shall be on the fiscal year basis prescribed under section 1102 of title 31, United States Code.

(2) AUTHORITY.—The Comptroller General may audit the programs, activities, receipts, expenditures, and financial transactions under this Act.

(3) CORRECTIVE RESPONSES TO AUDIT PROBLEMS.—Federal agencies shall—

(A) take action to address deficiencies identified by the Comptroller General or other auditor engaged under this Act; or

(B) certify to appropriate committees of Congress that no action is necessary or appropriate.

(c) INTERNAL CONTROL.—

(1) ESTABLISHMENT.—Federal and State agencies receiving funds under this Act shall

establish and maintain effective systems of internal control focused on recovery and reinvestment funds under this Act, consistent with the standards prescribed under section 3512(c) of title 31, United States Code, that provide reasonable assurance of—

(A) the effectiveness and efficiency of operations, including the use of the resources under this Act;

(B) the reliability of financial reporting, including financial statements and other reports for internal and external use; and

(C) compliance with applicable laws and regulations.

(2) REPORTING.—In conjunction with each annual financial statement issued under this section, federal and state agencies shall—

(A) state the responsibility of management for establishing and maintaining adequate internal control over financial reporting; and

(B) state its assessment, as of the end of the most recent year covered by such financial statement covering expenditure of funds under this Act, of the effectiveness of the internal control over financial reporting.

(d) REPORTS. AUDITS. SHARING OF INFORMATION.—Any report or audit required under this section shall also be submitted to the Congressional Oversight Panel established under this Act.

TITLE VIII—DISCLOSURE OF LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS

SEC. 801. DISCLOSURE OF LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.

The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

"SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

''(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

''(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

''(2) the amount of money paid as described in paragraph (1).

''(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.''.

TITLE IX—NATIONAL COMMISSIONS ON SOCIAL SECURITY SOLVENCY AND MEDICARE AND MEDICAID SOLVENCY

Subtitle A—National Commission on Social Security Solvency

SEC. 901. DEFINITIONS.

In this subtitle:

(1) CALENDAR DAY.—The term ''calendar day'' means a calendar day other than one in which either House is not in session because of an adjournment of more than 3 days to a date certain.

(2) COMMISSION.—The term ''Commission'' means the National Commission on Social Security Solvency established under section 902(a).

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Social Security.

(4) LONG-TERM.—The term ''long-term'' means a period of not less than 75 years beginning on the date of enactment of this Act.

(5) SOCIAL SECURITY.—The term ''Social Security'' means the program of old-age, survivors, and disability insurance benefits established under title II of the Social Security Act (42 U.S.C. 401 et seq.).

(6) SOCIAL SECURITY COMMISSION BILL.—The term ''Social Security commission bill'' means a bill consisting of the proposed legislative language provisions of the Commission introduced under section 903(a).

SEC. 902. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission on Social Security Solvency''.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the Social Security program for the following purposes:

(1) REVIEW.—Reviewing analyses of the current and long-term actuarial financial condition of the Social Security program.

(2) IDENTIFYING PROBLEMS.—Identifying problems that may threaten the long-term solvency of the Social Security program.

(3) ANALYZING POTENTIAL SOLUTIONS.—Analyzing potential solutions to problems that threaten the long-term solvency of the Social Security program.

(4) PROVIDING RECOMMENDATIONS.—Providing recommendations that will ensure the long-term solvency of the Social Security program and the provision of appropriate benefits.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive review of the Social Security program consistent with the purposes described in subsection (b) and shall submit the report required under paragraph (2).

(2) REPORT AND RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Commission holds its first meeting, the Commission shall submit a report on the long-term solvency of the Social Security program that contains a detailed statement of the findings, conclusions, and recommendations of the Commission to the President, Congress, and the Commissioner.

(B) APPROVAL OF REPORT.—The report of the Commission submitted under subparagraph (A) shall require the approval of not less than 12 members of the Commission.

(C) LEGISLATIVE LANGUAGE.—If a recommendation submitted under subparagraph (A) involves legislative action, the report shall include proposed legislative language to carry out such action.

(d) APPOINTMENT OF MEMBERS.—

(1) IN GENERAL.—

(A) MEMBERSHIP.—The membership of the commission shall not exceed 16 members appointed pursuant to subparagraph (B) as voting members and 3 nonvoting members described in subparagraph (C).

(B) VOTING MEMBERS.—

(i) IN GENERAL.—Voting members of the commission shall be appointed as follows:

(I) The President shall appoint 2 members, 1 of whom shall be the Secretary of the Treasury.

(II) The majority leader of the Senate shall appoint 4 members.

(III) The minority leader of the Senate shall appoint 3 members.

(IV) The Speaker of the House of Representatives shall appoint 4 members.

(V) The minority leader of the House of Representatives shall appoint 3 members.

(ii) CONGRESSIONAL APPOINTEES.—The members of the Commission appointed under subclauses (II), (III), (IV), and (V) of clause (i) shall be Members of Congress.

(C) NON-VOTING MEMBERS.—The following shall be nonvoting members of the Commission and shall advise and assist at the request of the Commission:

(i) The Chief Actuary of the Social Security Administration.

(ii) The Director of the Congressional Budget Office.

(2) CHAIRPERSON.—The Secretary of the Treasury shall be the chairperson of the Commission.

(3) DATE.—Members of the Commission shall be appointed by not later than 30 days after the date of enactment of this Act.

(4) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(5) TERMINATION.—The Commission shall terminate on the date that is 90 days after the Commission submits the report required under subsection (c)(2).

(e) ADMINISTRATION.—

(1) QUORUM.—Eight members of the Commission shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson or a majority of its members.

(3) HEARINGS.—Subject to paragraph (7), the Commission may, for the purpose of carrying out this Act—

(A) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths the Commission considers advisable;

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses the Commission considers advisable; and

(C) require, by subpoena or otherwise, the production of such books, records, correspondence, memoranda, papers, documents, tapes, and other evidentiary materials relating to any matter under investigation by the Commission.

(4) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the chairperson; or

(II) by the affirmative vote of 8 members of the Commission.

(ii) SIGNATURE.—Subpoenas issued under this subsection may be issued under the signature of the chairperson of the Commission and may be served by any person designated by the chairperson or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under this subsection, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(5) COMPENSATION.—Members of the Commission shall serve without any additional compensation for their work on the Commission. However, members may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Commission.

(6) STAFF.—

(A) IN GENERAL.—With the approval of a majority of the Commission, the chairperson of the Commission may appoint an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(B) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of a majority of the Commission, the Executive Director may

procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(C) COMPENSATION.—Upon the approval of the chairperson, the executive director may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the maximum rate payable for a position at GS–15 of the General Schedule under section 5332 of such title.

(D) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(E) FEDERAL AGENCIES.—

(i) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement by the Commission, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

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

(7) INFORMATION.—

(A) RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information the Commission determines to be necessary to carry out its duties from the Library of Congress, the Chief Actuary of the Social Security Administration, the Congressional Budget Office, and other agencies and representatives of the executive and legislative branches of the Federal Government. The chairperson shall make requests for such access in writing when necessary.

(B) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION OF INFORMATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(C) LIMITATION OF ACCESS TO TAX INFORMATION.—Information requested, subpoenaed, or otherwise accessed under this subtitle shall not include tax data from the United States Internal Revenue Service, the release of which would otherwise be in violation of law.

(8) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) FUNDING.—The Commission shall receive, from amounts appropriated to the Commissioner for fiscal year 2008 for administrative expenses, such sums as are necessary to carry out the purposes of this section.

SEC. 903. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The aggregate legislative language provisions submitted pursuant to section 902(c)(2)(C) shall be combined into a Social Security commission bill to be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Social Security commission bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Social Security commission bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Social Security commission bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Social Security commission bill introduced in the Senate shall be referred to the Committee on Finance of the Senate. A Social Security commission bill introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Social Security commission bill, each Committee of Congress to which the Social Security commission bill was referred shall report such bill or such bill as amended by the committee. All committee amendments must comply with the requirements of section 902(b)(4).

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Social Security commission bill has not reported a Social Security commission bill or such bill as amended, at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Social Security commission bill or such bill as amended, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Social Security commission bill, and such Social Security commission bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 days of session after the date on which a committee reports a Social Security commission bill, or such bill as amended, or has been discharged from consideration of a Social Security commission bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Social Security commission bill or such bill as amended. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Social Security commission bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of the Social Security commission bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment or to a motion to postpone consideration of the Social Security commission bill. A motion to proceed to the consideration of other business shall not be in order. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Social Security commission bill without intervening motion, order, or other business, and the Social Security commission bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) IN THE SENATE.—

(i) CONSIDERATION.—In the Senate, consideration of the Social Security commission bill and all amendments thereto and on all debatable motions and appeals in connection therewith shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing amendments to the Social Security commission bill or the Social Security commission bill. A motion further to limit debate on the Social Security commission bill is in order and is not debatable. All time used for consideration of the Social Security commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall be counted against the 50 hours of consideration.

(ii) AMENDMENTS.—No amendment that is not germane to the provisions of committee amendments to the Social Security commission bill or the Social Security commission bill shall be in order in the Senate. All amendments must comply with the requirements of section 902(b)(4). In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the amendment, motion, or appeal.

(iii) MOTION TO RECOMMIT.—

(I) VOTE.—Upon expiration of the time for consideration of the Social Security commission bill, the measure shall be recommitted to the Committee on Finance of the Senate for further consideration unless by a ⅗ vote of the Members, duly chosen and sworn, the Senate agrees to proceed to final passage.

(II) RECOMMITAL.—If the bill is recommitted under subclause (I), any new amendments to the Social Security commission bill shall be considered under the provisions of section 902(b)(4).

(iv) VOTE ON FINAL PASSAGE.—In the Senate, immediately following the conclusion of consideration of the Social Security commission bill, the disposition of any pending amendments under clause (ii), a motion to recommit under clause (iii), and a request to establish the presence of a quorum, the vote on final passage of the Social Security commission bill shall occur.

(v) OTHER MOTIONS NOT IN ORDER.—A motion to postpone or a motion to proceed to the consideration of other business is not in order in the Senate. A motion to reconsider the vote by which the Social Security commission bill is agreed to or not agreed to is not in order in the Senate.

(2) CONFERENCE.—

(A) PROCEEDING TO CONFERENCE.—If, after a Social Security commission bill is agreed to in the Senate or House of Representatives, the Social Security commission bill has been amended, the Social Security commission bill shall be deemed to be at a stage of disagreement and motions to proceed to conference are deemed to be agreed to. There shall be no motions to instruct. The Senate and the House of Representatives shall appoint conferees after the vote of the second House that results in such disagreement without any intervening action or debate. In the event that conferees are not appointed in accordance with the preceding sentence, the

following shall be deemed to be the duly appointed conferees:

(i) The majority leader of the Senate or the majority leader's designee.

(ii) The Speaker of the House of Representatives or the Speaker's designee.

(iii) The Chairman and Ranking Member of the Senate Committee on the Budget.

(iv) The Chairman and Ranking Member of the Senate Committee on Finance.

(v) The Chairman and Ranking Member of the Committee on the Budget of the House of Representatives.

(vi) The Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives.

(vii) The Chairman and Ranking Member of the Committee on Energy and Commerce of the House of Representatives.

(B) MOTION TO PROCEED IN THE SENATE.—The motion to proceed to consideration in the Senate of the conference report on the Social Security commission bill may be made even though a previous motion to the same effect has been disagreed to.

(C) PROCEDURE.—Debate on the conference report on the Social Security commission bill considered under this section shall be limited to 20 hours equally divided between the manager of the conference report and the minority leader, or his designee.

(D) FINAL PASSAGE.—A vote on final passage of the conference report on the Social Security commission bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date the conference report is submitted in that House. If the conference report is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the conference report to be transmitted to the other House before the close of the next day of session of that House.

(E) ACTION OF SENATE.—

(i) IN GENERAL.—If the Senate has received from the House the conference report on the Social Security commission bill prior to the vote required under subparagraph (D), then the Senate shall consider, and the vote under subparagraph (D) shall occur on, the House conference report or the version of the Social Security commission bill passed by the House.

(ii) MOTION TO RECOMMIT.—

(I) VOTE.—Upon expiration of the time for consideration, the conference report on the Social Security commission bill shall be recommitted to the Committee of Conference for further consideration unless by a ⅗ vote of the Senate, duly chosen and sworn, the Senate agrees to proceed to final passage.

(II) RECOMMITAL.—If the conference report is recommitted under subclause (I), the conference report accompanying the bill shall be recommitted to the Conference Committee or it shall be in order to immediately proceed without intervening action to consideration of the motions for a new conference.

(F) CONFERENCE REPORT DEFEATED.—Should the conference report be defeated, the provisions of this subsection shall apply to any request for a new conference and the appointment of conferees.

(3) NO SUSPENSION.—No motion to suspend the application of this subsection shall be in order in the Senate or in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Social Security commission bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

Subtitle B—National Commission on Medicare and Medicaid Solvency

SEC. 911. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Centers for Medicare & Medicaid Services.

(2) CALENDAR DAY.—The term ''calendar day'' means a calendar day other than one in which either House is not in session because of an adjournment of more than 3 days to a date certain.

(3) COMMISSION.—The term ''Commission'' means the National Commission on Medicare and Medicaid solvency established under section 912(a).

(4) LONG-TERM.—The term ''long-term'' means a period of not less than 75 years beginning on the date of enactment of this Act.

(5) MEDICAID.—The term ''Medicaid'' means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(6) MEDICARE.—The term ''Medicare'' means the program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) MEDICARE AND MEDICAID COMMISSION BILL.—The term ''Medicare and Medicaid commission bill'' means a bill consisting of the proposed legislative language provisions of the Commission introduced under section 913(a).

SEC. 912. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission on Medicare and Medicaid Solvency''.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the Medicare and Medicaid programs for the following purposes:

(1) REVIEW.—Reviewing analyses of the current and long-term actuarial financial condition of the Medicare and Medicaid programs.

(2) IDENTIFYING PROBLEMS.—Identifying problems that may threaten the long-term solvency of the Medicare and Medicaid programs.

(3) ANALYZING POTENTIAL SOLUTIONS.—Analyzing potential solutions to problems that threaten the long-term solvency of the Medicare and Medicaid programs.

(4) PROVIDING RECOMMENDATIONS.—Providing recommendations that will ensure the long-term solvency of the Medicare and Medicaid programs and the provision of appropriate benefits.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive review of the Medicare and Medicaid programs consistent with the purposes described in subsection (b) and shall submit the report required under paragraph (2).

(2) REPORT AND RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Commission holds its first meeting, the Commission shall submit a report on the long-term solvency of the Medicare and Medicaid programs that contains a detailed statement of the findings, conclusions, and recommendations of the Commission to the President, Congress, and the Administrator.

(B) APPROVAL OF REPORT.—The report of the Commission submitted under subparagraph (A) shall require the approval of not less than 12 members of the Commission.

(C) LEGISLATIVE LANGUAGE.—If a recommendation submitted under subparagraph (A) involves legislative action, the report shall include proposed legislative language to carry out such action.

(d) APPOINTMENT OF MEMBERS.—

(1) IN GENERAL.—

(A) MEMBERSHIP.—The membership of the commission shall not exceed 16 members appointed pursuant to subparagraph (B) as voting members and 3 nonvoting members described in subparagraph (C).

(B) VOTING MEMBERS.—

(i) IN GENERAL.—Voting members of the commission shall be appointed as follows:

(I) The President shall appoint 2 members, 1 of whom shall be the Secretary of the Treasury.

(II) The majority leader of the Senate shall appoint 4 members.

(III) The minority leader of the Senate shall appoint 3 members.

(IV) The Speaker of the House of Representatives shall appoint 4 members.

(V) The minority leader of the House of Representatives shall appoint 3 members.

(ii) CONGRESSIONAL APPOINTEES.—The members of the Commission appointed under subclauses (II), (III), (IV), and (V) of clause (i) shall be Members of Congress.

(C) NON-VOTING MEMBERS.—The following shall be nonvoting members of the Commission and shall advise and assist at the request of the Commission:

(i) The Chief Actuary of the Centers for Medicare & Medicaid Services.

(ii) The Director of the Congressional Budget Office.

(2) CHAIRPERSON.—The Secretary of the Treasury shall be the chairperson of the Commission.

(3) DATE.—Members of the Commission shall be appointed by not later than 30 days after the date of enactment of this Act.

(4) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(5) TERMINATION.—The Commission shall terminate on the date that is 90 days after the Commission submits the report required under subsection (c)(2).

(e) ADMINISTRATION.—

(1) QUORUM.—Eight members of the Commission shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson or a majority of its members.

(3) HEARINGS.—Subject to paragraph (7), the Commission may, for the purpose of carrying out this Act—

(A) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths the Commission considers advisable;

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses the Commission considers advisable; and

(C) require, by subpoena or otherwise, the production of such books, records, correspondence, memoranda, papers, documents, tapes, and other evidentiary materials relating to any matter under investigation by the Commission.

(4) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the chairperson; or

(II) by the affirmative vote of 8 members of the Commission.

(ii) SIGNATURE.—Subpoenas issued under this subsection may be issued under the signature of the chairperson of the Commission and may be served by any person designated by the chairperson or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under this subsection, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(5) COMPENSATION.—Members of the Commission shall serve without any additional compensation for their work on the Commission. However, members may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Commission.

(6) STAFF.—

(A) IN GENERAL.—With the approval of a majority of the Commission, the chairperson of the Commission may appoint an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(B) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of a majority of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(C) COMPENSATION.—Upon the approval of the chairperson, the executive director may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the maximum rate payable for a position at GS–15 of the General Schedule under section 5332 of such title.

(D) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(E) FEDERAL AGENCIES.—

(i) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement by the Commission, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

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

(7) INFORMATION.—

(A) RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information the Commission determines to be necessary to carry out its duties from the Library of Congress, the Chief Actuary of the Centers for Medicare & Medicaid Services, the Congressional Budget Office, and other agencies and representatives of the executive and legislative branches of the Federal Government. The chairperson shall make requests for such access in writing when necessary.

(B) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION OF INFORMATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(C) LIMITATION OF ACCESS TO TAX INFORMATION.—Information requested, subpoenaed, or otherwise accessed under this subtitle shall not include tax data from the United States Internal Revenue Service, the release of which would otherwise be in violation of law.

(8) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) FUNDING.—The Commission shall receive, from amounts appropriated to the Administrator for fiscal year 2008 for administrative expenses, such sums as are necessary to carry out the purposes of this section.

SEC. 913. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The aggregate legislative language provisions submitted pursuant to section 912(c)(2)(C) shall be combined into a Medicare and Medicaid commission bill to be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Medicare and Medicaid commission bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Medicare and Medicaid commission bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Medicare and Medicaid commission bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Medicare and Medicaid commission bill introduced in the Senate shall be referred to the Committee on Finance of the Senate. A Medicare and Medicaid commission bill introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Medicare and Medicaid commission bill, each Committee of Congress to which the Medicare and Medicaid commission bill was referred shall report such bill or such bill as amended by the committee. All committee amendments must comply with the requirements of section 912(b)(4).

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Medicare and Medicaid commission bill has not reported a Medicare and Medicaid commission bill or such bill as amended, at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Medicare and Medicaid commission bill or such bill as amended, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Medicare and Medicaid commission bill, and such Medicare and Medicaid commission bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 days of session after the date on which a committee reports a Medicare and Medicaid commission bill, or such bill as amended, or has been discharged from consideration of a Medicare and Medicaid commission bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Medicare and Medicaid commission bill or such bill as amended. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Medicare and Medicaid commission bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of the Medicare and Medicaid commission bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment or to a motion to postpone consideration of the Medicare and Medicaid commission bill. A motion to proceed to the consideration of other business shall not be in order. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Medicare and Medicaid commission bill without intervening motion, order, or other business, and the Medicare and Medicaid commission bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) IN THE SENATE.—

(i) CONSIDERATION.—In the Senate, consideration of the Medicare and Medicaid commission bill and all amendments thereto and on all debatable motions and appeals in connection therewith shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing amendments to the Medicare and Medicaid commission bill or the Medicare and Medicaid commission bill. A motion further to limit debate on the Medicare and Medicaid commission bill is in order and is not debatable. All time used for consideration of the Medicare and Medicaid commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall be counted against the 50 hours of consideration.

(ii) AMENDMENTS.—No amendment that is not germane to the provisions of committee amendments to the Medicare and Medicaid commission bill or the Medicare and Medicaid commission bill shall be in order in the

Senate. All amendments must comply with the requirements of section 912(b)(4). In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the amendment, motion, or appeal.

(iii) MOTION TO RECOMMIT.—

(I) VOTE.—Upon expiration of the time for consideration of the Medicare and Medicaid commission bill, the measure shall be recommitted to the Committee on Finance of the Senate for further consideration unless by a ⅗ vote of the Members, duly chosen and sworn, the Senate agrees to proceed to final passage.

(II) RECOMMITAL.—If the bill is recommitted under subclause (I), any new amendments to the Medicare and Medicaid commission bill shall be considered under the provisions of section 912(b)(4).

(iv) VOTE ON FINAL PASSAGE.—In the Senate, immediately following the conclusion of consideration of the Medicare and Medicaid commission bill, the disposition of any pending amendments under clause (ii), a motion to recommit under clause (iii), and a request to establish the presence of a quorum, the vote on final passage of the Medicare and Medicaid commission bill shall occur.

(v) OTHER MOTIONS NOT IN ORDER.—A motion to postpone or a motion to proceed to the consideration of other business is not in order in the Senate. A motion to reconsider the vote by which the Medicare and Medicaid commission bill is agreed to or not agreed to is not in order in the Senate.

(2) CONFERENCE.—

(A) PROCEEDING TO CONFERENCE.—If, after a Medicare and Medicaid commission bill is agreed to in the Senate or House of Representatives, the Medicare and Medicaid commission bill has been amended, the Medicare and Medicaid commission bill shall be deemed to be at a stage of disagreement and motions to proceed to conference are deemed to be agreed to. There shall be no motions to instruct. The Senate and the House of Representatives shall appoint conferees after the vote of the second House that results in such disagreement without any intervening action or debate. In the event that conferees are not appointed in accordance with the preceding sentence, the following shall be deemed to be the duly appointed conferees:

(i) The majority leader of the Senate or the majority leader's designee.

(ii) The Speaker of the House of Representatives or the Speaker's designee

(iii) The Chairman and Ranking Member of the Senate Committee on the Budget.

(iv) The Chairman and Ranking Member of the Senate Committee on Finance.

(v) The Chairman and Ranking Member of the Committee on the Budget of the House of Representatives.

(vi) The Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives.

(vii) The Chairman and Ranking Member of the Committee on Energy and Commerce of the House of Representatives.

(B) MOTION TO PROCEED IN THE SENATE.—The motion to proceed to consideration in the Senate of the conference report on the Medicare and Medicaid commission bill may be made even though a previous motion to the same effect has been disagreed to.

(C) PROCEDURE.—Debate on the conference report on the Medicare and Medicaid commission bill considered under this section shall be limited to 20 hours equally divided between the manager of the conference report and the minority leader, or his designee.

(D) FINAL PASSAGE.—A vote on final passage of the conference report on the Medicare and Medicaid commission bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date the conference report is submitted in that House. If the conference report is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the conference report to be transmitted to the other House before the close of the next day of session of that House.

(E) ACTION OF SENATE.—

(i) IN GENERAL.—If the Senate has received from the House the conference report on the Medicare and Medicaid commission bill prior to the vote required under subparagraph (D), then the Senate shall consider, and the vote under subparagraph (D) shall occur on, the House conference report or the version of the Medicare and Medicaid commission bill passed by the House.

(ii) MOTION TO RECOMMIT.—

(I) VOTE.—Upon expiration of the time for consideration, the conference report on the Medicare and Medicaid commission bill shall be recommitted to the Committee of Conference for further consideration unless by a ⅗ vote of the Senate, duly chosen and sworn, the Senate agrees to proceed to final passage.

(II) RECOMMITAL.—If the conference report is recommitted under subclause (I), the conference report accompanying the bill shall be recommitted to the Conference Committee or it shall be in order to immediately proceed without intervening action to consideration of the motions for a new conference.

(F) CONFERENCE REPORT DEFEATED.—Should the conference report be defeated, the provisions of this subsection shall apply to any request for a new conference and the appointment of conferees.

(3) NO SUSPENSION.—No motion to suspend the application of this subsection shall be in order in the Senate or in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Medicare and Medicaid commission bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE X—ENFORCEMENT PROVISIONS

SEC. 1000. REDUCING SPENDING UPON ECONOMIC GROWTH TO RELIEVE FUTURE GENERATIONS' DEBT OBLIGATIONS.

(a) ENFORCEMENT.—Section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting at the end thereof the following:

''(d) REDUCING SPENDING UPON ECONOMIC GROWTH TO RELIEVE FUTURE GENERATIONS DEBT OBLIGATIONS.—

''(1) SEQUESTER.—Section 251 shall be implemented in accordance with this subsection in any fiscal year following a fiscal year in which there are 2 consecutive quarters of economic growth greater than 2% of inflation adjusted GDP.

''(2) AMOUNTS PROVIDED IN THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—Appropriated amounts provided in the American Recovery and Reinvestment Act of 2009 for a fiscal year to which paragraph (1) applies that have not been otherwise obligated are rescinded.

''(3) REDUCTIONS.—The reduction of sequestered amounts required by paragraph (1) shall be 2% from the baseline for the first year, minus any discretionary spending provided in the American recovery and Reinvestment act of 2009, and each of the 4 fiscal years following the first year in order to balance the Federal budget.

''(e) DEFICIT REDUCTION THROUGH A SEQUESTER.—

''(1) SEQUESTER.—Section 253 shall be implemented in accordance with this subsection.

''(2) MAXIMUM DEFICIT AMOUNTS.—

''(A) IN GENERAL.—When the President submits the budget for the first fiscal year following a fiscal year in which there are 2 consecutive quarters of economic growth greater than 2% of inflation adjusted GDP, the President shall set and submit maximum deficit amounts for the budget year and each of the following 4 fiscal years. The President shall set each of the maximum deficit amounts in a manner to ensure a gradual and proportional decline that balances the federal budget in not later than 5 fiscal years.

''(B) MDA.—The maximum deficit amounts determined pursuant to subparagraph (A) shall be deemed the maximum deficit amounts for purposes of section 601 of the Congressional Budget Act of 1974, as in effect prior to the enactment of Public Law 105–33.

''(C) DEFICIT.—For purposes of this paragraph, the term 'deficit' shall have the meaning given such term in Public Law 99–177..''.

(b) PROCEDURES REESTABLISHED.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''(b) PROCEDURES REESTABLISHED.—Subject to subsection (d), sections 251 and 252 of this Act and any procedure with respect to such sections in this Act shall be effective beginning on the date of enactment of this subsection.''.

(c) BASELINE.—The Congressional Budget Office shall not include any amounts, including discretionary, mandatory, and revenues, provided in this Act in the baseline for fiscal year 2010 and fiscal years thereafter.

SEC. 1000A. TERMINATION OF PROGRAMS.

Any program established by this Act shall terminate at the end of fiscal year 2012. Amounts made available by this Act for such a program that remain unobligated after September 30, 2012 are rescinded.

DIVISION B—APPROPRIATIONS

TITLE I—MILCON

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $481,000,000, to remain available until September 30, 2012, for acquisition, construction, installation, and equipment of permanent public works, military installations, facilities, and real property for the Army: *Provided,* That notwithstanding any other provision of law, such funds may be obligated and expended to carry out military construction projects for warrior transition complexes at locations authorized by

section 2911 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4750), as amended by section 1000.

MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECTS

SEC. 1001. (a) INSIDE THE UNITED STATES PROJECTS.—The table in section 2911(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4751) is amended to read as follows:

Army: Inside the United States

State	Installation or location	Amount
Kentucky.	Fort Campbell	$78,000,000
North Carolina.	Fort Bragg	$77,000,000
Texas	Fort Bliss	$56,000,000
	Fort Sam Houston.	$78,000,000
	Fort Hood	$58,000,000
Virginia	Fort Belvoir	$70,000,000
Washington.	Fort Lewis	$99,000,000

(b) CONFORMING AMENDMENTS.—Section 2911(b) of such Act is amended by striking ''$450,000,000, as follows:'' and all that follows through ''$50,000,000.'' and inserting ''$481,000,000, for military construction projects inside the United States authorized by subsection (a).''.

TITLE II—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SUPPLEMENTAL DISCRETIONARY GRANTS FOR A NATIONAL SURFACE TRANSPORTATION SYSTEM

For an additional amount for capital investments in surface transportation infrastructure, $10,000,000,000, to remain available until September 30, 2011: *Provided,* That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to State and local governments on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: *Provided further,* That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code, including interstate rehabilitation, improvements to the rural collector road system, the reconstruction of overpasses and interchanges, bridge replacements, seismic retrofit projects for bridges, and road realignments; public transportation projects eligible under chapter 53 of title 49, United States Code, including investments in projects participating in the New Starts or Small Starts programs that will expedite the completion of those projects and their entry into revenue service; passenger and freight rail transportation projects; and port infrastructure investments, including projects that connect ports to other modes of transportation and improve the efficiency of freight movement: *Provided further,* That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds and an appropriate balance in addressing the needs of urban and rural communities: *Provided further,* That a grant funded under this heading shall be not less than $20,000,000 and not greater than $500,000,000: *Provided further,* That the Federal share of the costs for which an expenditure is made under this heading may be up to 100 percent: *Provided further,* That the Secretary shall give priority to projects that require an additional share of Federal funds in order to complete an overall financing package, and to projects that are expected to be completed within 3 years of enactment of this Act: *Provided further,* That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading not later than 75 days after enactment of this Act: *Provided further,* That the Secretary shall require applications for funding provided under this heading to be submitted not later than 180 days after enactment of this Act, and announce all projects selected to be funded from such funds not later than 1 year after enactment of this Act: *Provided further,* That the Secretary may retain up to $5,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Maritime Administration, to fund the award and oversight of grants made under this heading.

FEDERAL AVIATION ADMINISTRATION

SUPPLEMENTAL DISCRETIONARY GRANTS FOR AIRPORT INVESTMENT

For an additional amount for capital expenditures authorized under sections 47102(3) and 47504(c) of title 49, United States Code, $1,500,000,000: *Provided,* That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to airports, with priority given to those projects that demonstrate to his or her satisfaction their ability to be completed within 2 years of enactment of this Act, and serve to supplement and not supplant planned expenditures from airport-generated revenues or from other State and local sources on such activities: *Provided further,* That the Federal share payable of the costs for which a grant is made under this heading shall be 100 percent: *Provided further,* That the amount made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: *Provided further,* That the Administrator of the Federal Aviation Administration may retain and transfer to ''Federal Aviation Administration, Operations'' up to one-quarter of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading.

FEDERAL HIGHWAY ADMINISTRATION

SUPPLEMENTAL GRANTS FOR HIGHWAY INVESTMENT

For an additional amount for restoration, repair, construction and other activities eligible under paragraph (b) of section 133 of title 23, United States Code, $30,000,000,000: *Provided,* That funds provided under this heading shall be apportioned to States using the formula set forth in section 104(b)(3) of such title: *Provided further,* That 180 days following the date of such apportionment, the Secretary of Transportation shall withdraw from each State an amount equal to 50 percent of the funds awarded to that grantee less the amount of funding obligated, and the Secretary shall redistribute such amounts to other States that have had no funds withdrawn under this proviso in the manner described in section 120(c) of division K of Public Law 110–161: *Provided further,* That of the funds provided under this heading, $1,000,000,000 shall be for investments in transportation at Indian reservations and Federal lands, and administered in accordance with chapter 2 of title 23, United States Code: *Provided further,* That of the funds identified in the preceding proviso, at least $320,000,000 shall be for the Indian Reservation Roads program, $100,000,000 shall be for the Park Roads and Parkways program, $70,000,000 shall be for the Forest Highway Program, and $10,000,000 shall be for the Refuge Roads program: *Provided further,* That up to 4 percent of the funding provided for Indian Reservation Roads may be used by the Secretary of the Interior for program management and oversight and project-related administrative expenses: *Provided further,* That the Federal share payable on account of any project or activity carried out with funds made available under this heading shall be at the option of the recipient, and may be up to 100 percent of the total cost thereof: *Provided further,* That funding provided under this heading shall be in addition to any and all funds provided for fiscal years 2008 and 2009 in any other Act for ''Federal-aid Highways'' and shall not affect the distribution of funds provided for ''Federal-aid Highways'' in any other Act: *Provided further,* That the amount made available under this heading shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act: *Provided further,* That section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this heading: *Provided further,* That for the purposes of the definition of States for this paragraph, sections 101(a)(32) of title 23, United States Code, shall apply: *Provided further,* That the Administrator of the Federal Highway Administration may retain up to $12,000,000 of the funds provided under this heading to carry out the function of the ''Federal Highway Administration, Limitation on Administrative Expenses'' and to fund the oversight by the Administrator of projects and activities carried out with funds made available to the Federal Highway Administration in this Act.

FEDERAL TRANSIT ADMINISTRATION

SUPPLEMENTAL GRANTS FOR PUBLIC TRANSIT INVESTMENT

For an additional amount for capital expenditures authorized under section 5302(a)(1) of title 49, United States Code, $3,500,000,000: *Provided further,* That 180 days following the date of such apportionment, the Secretary shall withdraw from each grantee an amount equal to 50 percent of the funds awarded to that grantee less the amount of funding obligated, and the Secretary shall redistribute such amounts to other grantees that have had no funds withdrawn under this proviso utilizing whatever method he or she deems appropriate to ensure that all funds provided under this paragraph shall be utilized promptly: *Provided further,* That the Federal share of the costs for which any grant is made under this heading shall be at the option of the recipient, and may be up to 100 percent: *Provided further,* That the amount made available under this heading shall not be subject to any limitation on obligations for transit programs set forth in any Act: *Provided further,* That section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this heading: *Provided further,* That the Administrator of the Federal Transit Administration may retain up to $1,000,000 of the funds provided under this heading to carry out the function

of ''Federal Transit Administration, Administrative Expenses'' and to fund the oversight of grants made under this heading by the Administrator.

TITLE III—DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

For expenses, not otherwise provided for, to repair or acquire vehicles, equipment, and materials required to reset or reconstitute military units to an acceptable readiness rating and to restock prepositioned assets and war reserve material, $3,125,950,000, to remain available for obligation until September 30, 2010, as follows:

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $2,000,000,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $26,000,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $400,000,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $99,950,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $600,000,000.

FACILITY INFRASTRUCTURE INVESTMENTS, DEFENSE

For expenses, not otherwise provided for, to repair, restore, improve, or modernize Department of Defense facilities, improve unaccompanied personnel housing, repair or upgrade facilities and infrastructure directly supporting the readiness and training of the Armed Forces, and invest in the energy efficiency of Department of Defense facilities, $9,348,343,000, for facilities sustainment, restoration, and modernization programs of the Department of Defense (including minor construction and major maintenance and repair), as follows:

(1) For an additional amount for ''Operation and Maintenance, Army'', $3,310,109,000.

(2) For an additional amount for ''Operation and Maintenance, Navy'', $1,624,380,000.

(3) For an additional amount for ''Operation and Maintenance, Marine Corps'', $285,311,000.

(4) For an additional amount for ''Operation and Maintenance, Air Force'', $2,665,016,000.

(5) For an additional amount for ''Operations and Maintenance, Defense Wide (Defense Health Program)'', $454,658,000.

(6) For an additional amount for ''Operations and Maintenance, Defense Wide (Defense Education Activity)'', $68,600,000.

(7) For an additional amount for ''Operations and Maintenance, Defense Wide (Defense Logistics Agency)'', $24,605,000.

(8) For an additional amount for ''Operations and Maintenance, Defense Wide (Special Operations)'', $19,300,000.

(9) For an additional amount for ''Operation and Maintenance, Army Reserve'', $246,234,000.

(10) For an additional amount for ''Operation and Maintenance, Navy Reserve'', $62,162,000.

(11) For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $99,938,000.

(12) For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $33,014,000.

(13) For an additional amount for ''Operation and Maintenance, Army National Guard'', $368,026,000.

(14) For an additional amount for ''Operation and Maintenance, Air National Guard'', $86,990,000.

PROCUREMENT

For expenses, not otherwise provided for, to manufacture or acquire vehicles, equipment, ammunition, and materials required to reconstitute military units to an acceptable readiness rating and to restock prepositioned assets and war reserve material, $4,225,406,000 as follows:

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $320,000,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, and modernization of aircraft, equipment, including ground handling equipment, spare parts, and accessories for reset purposes therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $800,000,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories for reset purposes therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $100,000,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories for reset purposes therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $175,000,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, and modification of ammunition, and accessories for reset purposes therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $2,225,000,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for reset purposes only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $51,905,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, and related support equipment for reset purposes, including spare parts and accessories for replacement of Hellfire missiles and the transportation of procured items from vendor to first government point of storage may be acquired.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $164,772,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, and modification of ammunition, and accessories for reset purposes therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $61,100,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, replacement and recapitalization of Navy expeditionary forces and

capabilities for reset purposes; including, tactical vehicles, construction and maintenance equipment, naval coastal warfare boats, salvage equipment, riverine equipment, expeditionary material handling equipment, communications equipment, and other expeditionary items which are required to equip sailors and improve Navy expeditionary capabilities and support of Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF), as well as the Global War on Terror (GWOT) in support of joint warfighting commanders.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $244,529,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, replacement and recapitalization of Marine Corps tactical fixed wing and certain rotary aircraft for reset purposes to improve AV–8B and F/A–18 daytime/nighttime and all weather targeting capability; improve AV–8B sustainability in Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) through countermeasure suite upgrades; improvements of F/A–18 radar reliability during sustained deployments; improve downlink and communication capabilities and launcher upgrades for F/A–18 aircraft; increase C/MH–53 performance degraders due to sustained deployments through various C/MH–53 helicopter engine and avionics upgrades; improve CH–46 operational capability and survivability during deployments by reducing brownout conditions and reducing the risk of engagement by battlefield IR missile systems; modify MV–22 aircraft to deployable block configuration and increase that aircraft's survivability through fire suppression; and spare parts and other accessories necessary for the foregoing purposes.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $83,100,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, and modernization of Air Force Reserve aircraft, equipment, spare parts, and accessories for reset purposes; including, replacement panels for C–5A aircraft to remediate corrosion cracking; armor and refurbishment kits for currently fielded C–130 aircraft to provide enhanced protection against small arms fire; new and updated .50 caliber machine guns for HH–60 rotary wing aircraft to help negate aircraft vulnerabilities; a replacement armor system for C–130 aircraft that affords protection against 12.7mm threats to the aircraft; a rescue board for combat, search and rescue (CSAR) HH–60 aircraft that will help maximize usable space within that aircraft so as to eliminate the requirement for additional CSAR aircraft to enter a threat environment; and other expenses necessary for the foregoing purposes.

GENERAL PROVISIONS—THIS TITLE

SEC. 3001. FACILITY INFRASTRUCTURE INVESTMENTS.

(a) TRANSFER TO DEFENSE WORKING CAPITAL FUNDS.—

(1) TRANSFER AUTHORIZED.—Notwithstanding any other provision of law and subject to paragraph (2), amounts available to a military department under this title under the heading ''FACILITY INFRASTRUCTURE INVESTMENTS'' may be transferred by the Secretary of the military department to the Defense Working Capital Funds for purposes relating to the improvement, repair, and modernization of defense depots, arsenals, ammunition plants, and shipyards. Amounts transferred under this paragraph shall be merged with amounts in the Defense Working Capital Funds that are available for such purposes, and shall be available for such purposes under the same terms and conditions, and subject to the same limitations, as amounts in the Defense Working Capital Funds with which merged.

(2) LIMITATION ON AMOUNT TRANSFERABLE.—The amount transferable by a military department under paragraph (1) may not exceed the amount equal to 30 percent of the aggregate amount available to the military department under this title under the heading ''FACILITY INFRASTRUCTURE INVESTMENTS''.

(b) PLAN FOR USE OF FUNDS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan for the utilization of the funds provided under this title under the heading ''FACILITY INFRASTRUCTURE INVESTMENTS''.

(c) LIMITATION ON UTILIZATION.—No funds provided under this title under the heading ''FACILITY INFRASTRUCTURE INVESTMENTS'' may be obligated or expended until the receipt by the congressional defense committees of the report required by subsection (b).

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

DIVISION C—OTHER PROVISIONS

TITLE I—TAX PROVISIONS

SEC. 10001. REDUCTION IN SOCIAL SECURITY PAYROLL TAXES.

(a) IN GENERAL.—

(1) EMPLOYER TAXES.—The table in section 3101(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''In the case of wages received during:	The rate shall be:
2009	3.1 percent
2010 or thereafter	6.2 percent''.

(2) SELF-EMPLOYMENT TAXES.—

(A) IN GENERAL.—The table in section 1401(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''In the case of a taxable beginning after:	And before:	Percent
December 31, 2008.	January 1, 2010.	9.3
December 31, 2009.	.....	12.40''.

(B) CONFORMING AMENDMENTS.—

(i) Section 164(f) of such Code is amended adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR 2009.—In the case of taxable years beginning after December 31, 2008, and before January 1, 2010, the deduction allowed under paragraph (1) with respect to taxes imposed by section 1401(a) shall equal to two-thirds of the taxes so paid.''.

(ii) Section 1402(a)(12)(B) is amended by inserting ''(in the case of taxable years beginning after December 31, 2008, and before January 1, 2010, two-thirds of the taxes of the rate imposed by section 1401(a) and one-half of the rate imposed by section 1401(b))'' after ''year''.

(b) FUNDING FROM GENERAL FUND.—There are hereby appropriated to the Federal Old-age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraphs (1) and (20(A) of subsection (a) . Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

SEC. 10002. TEMPORARY REDUCTION IN CORPORATE INCOME TAX RATES.

(a) IN GENERAL.—Section 11 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(e) ECONOMIC STIMULUS RATE REDUCTIONS.—In the case of taxable years beginning in calendar year 2009—

''(1) subsection (b)(1) shall be applied by disregarding—

''(A) 'but does not exceed $75,000,' in subparagraph (B) thereof,

''(B) subparagraphs (C) and (D) thereof, and

''(C) the last 2 sentences,

''(2) subsection (b)(2) shall be applied by substituting '25 percent' for '35 percent', and

''(3) paragraphs (1) and (2) of section 1445(e) shall each be applied by substituting '25 percent' for '35 percent'.''.

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

SEC. 10003. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (7) of section 179(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''2008'' and inserting ''2008, or 2009'', and

(2) by striking ''2008'' in the heading thereof and inserting ''2008, AND 2009''.

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

SEC. 10004. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

''SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an individual who is a purchaser of a qualified principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to 10 percent of the purchase price of the residence.

''(2) DOLLAR LIMITATION.—The amount of the credit allowed under paragraph (1) shall not exceed $15,000.

''(3) ALLOCATION OF CREDIT AMOUNT.—At the election of the taxpayer, the amount of the credit allowed under paragraph (1) (after application of paragraph (2)) may be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the qualified principal residence is made.

''(b) LIMITATIONS.—

''(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

''(A) after December 31, 2008, and

''(B) before January 1, 2010.

''(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section

26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) for the taxable year.

''(3) ONE-TIME ONLY.—

''(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any qualified principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other qualified principal residence by such individual or a spouse of such individual.

''(B) JOINT PURCHASE.—In the case of a purchase of a qualified principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other qualified principal residence.

''(c) QUALIFIED PRINCIPAL RESIDENCE.—For purposes of this section, the term 'qualified principal residence' means a single-family residence that is purchased to be the principal residence of the purchaser.

''(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 36 or section 1400C.

''(e) SPECIAL RULES.—

''(1) JOINT PURCHASE.—

''(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting '$7,500' for '$15,000' in subsection (a)(1).

''(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a qualified principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $15,000.

''(2) PURCHASE.—In defining the purchase of a qualified principal residence, rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply.

''(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply.

''(f) RECAPTURE OF CREDIT IN THE CASE OF CERTAIN DISPOSITIONS.—

''(1) IN GENERAL.—In the event that a taxpayer—

''(A) disposes of the principal residence with respect to which a credit was allowed under subsection (a), or

''(B) fails to occupy such residence as the taxpayer's principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the tax imposed by this chapter for the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence shall be increased by the amount of such credit.

''(2) EXCEPTIONS.—

''(A) DEATH OF TAXPAYER.—Paragraph (1) shall not apply to any taxable year ending after the date of the taxpayer's death.

''(B) INVOLUNTARY CONVERSION.—Paragraph (1) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence within the 2-year period beginning on the date of the disposition or cessation referred to in such paragraph. Paragraph (1) shall apply to such new principal residence during the remainder of the 24-month period described in such paragraph as if such new principal residence were the converted residence.

''(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

''(i) paragraph (1) shall not apply to such transfer, and

''(ii) in the case of taxable years ending after such transfer, paragraph (1) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

''(D) RELOCATION OF MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.

''(3) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

''(4) RETURN REQUIREMENT.—If the tax imposed by this chapter for the taxable year is increased under this subsection, the taxpayer shall, notwithstanding section 6012, be required to file a return with respect to the taxes imposed under this subtitle.

''(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

''(h) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence during the period described in subsection (b)(1), a taxpayer may elect to treat such purchase as made on December 31, 2008, for purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Credit for certain home purchases.''.

(c) SUNSET OF CURRENT FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''July 1, 2009'' and inserting ''the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009''.

(2) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of such Code is amended by striking ''July 1, 2009'' and inserting ''the date of the American Job Creation and Reinvestment Act of 2009''.

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

SEC. 10005. REDUCTION IN 10-PERCENT AND 15-PERCENT RATE BRACKETS FOR 2009.

(a) IN GENERAL.—Section 1(i) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new subparagraph:

''(3) REDUCTIONS FOR 2009.—In the case of any taxable year beginning in 2009—

''(A) IN GENERAL.—Each of the tables under subsections (a), (b), (c), (d), and (e) (as in effect after the application of paragraphs (1) and (2)) shall be applied —

''(i) by substituting '5 percent' for '10 percent', and

''(ii) by substituting '10 percent' for '15 percent'.

''(B) RULES FOR APPLYING CERTAIN OTHER PROVISIONS.—

''(i) Subsection (g)(7)(B)(ii)(II) shall be applied by substituting '5 percent' for '10 percent'.

''(ii) Section 3402(p)(2) shall be applied by substituting '5 percent' for '10 percent'.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) WITHHOLDING PROVISIONS.—Clause (ii) of section 1(i)(3)(B) of the Internal Revenue Code of 1986, as added by subsection (a), shall apply to amounts paid after the 60th day after the date of the enactment of this Act.

SEC. 10006. TEMPORARY SUSPENSION OF TAX ON UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 85 of the Internal Revenue Code of 1986 (relating to unemployment compensation) is amended by adding at the end the following new subsection:

''(c) SPECIAL RULE FOR 2009.—This section shall not apply to any taxable year beginning in 2009 and gross income shall not include any unemployment compensation received by an individual during such taxable year.''.

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

TITLE II—ASSISTANCE FOR AMERICANS IN NEED

SEC. 20001. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 4 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 122 Stat. 5015), is amended—

(1) by striking ''March 31, 2009'' each place it appears and inserting ''December 31, 2009'';

(2) in the heading for subsection (b)(2), by striking ''MARCH 31, 2009'' and inserting ''DECEMBER 31, 2009''; and

(3) in subsection (b)(3), by striking ''August 27, 2009'' and inserting ''May 31, 2010''.

(b) FINANCING PROVISIONS.—Section 4004 of such Act is amended by adding at the end the following:

''(e) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated)—

''(1) to the extended unemployment compensation account (as established by section 905 of the Social Security Act) such sums as the Secretary of Labor estimates to be necessary to make payments to States under this title by reason of the amendments made by section 2001(a) of the American Recovery and Reinvestment Act of 2009; and

''(2) to the employment security administration account (as established by section 901 of the Social Security Act) such sums as the Secretary of Labor estimates to be necessary for purposes of assisting States in meeting administrative costs by reason of the amendments referred to in paragraph (1).

There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.''.

SEC. 20002. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

For the costs of State administrative expenses associated with administering the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) during a period of rising caseloads, the Secretary of Agriculture shall make available $150,000,000 to remain available through December 31, 2009.

SEC. 20003. TRAINING AND EMPLOYMENT SERVICES.

There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, for an additional amount for ''Training and Employment Services'' for activities authorized by the Workforce Investment Act of 1998 (''WIA''), $1,770,000,000, which shall be available on the date of enactment of this Act, as follows:

(1) $500,000,000 for adult employment and training activities, including supportive services and needs-related payments described in section 134(e)(2) and (3) of the WIA, except that a priority use of these funds shall be services to individuals described in section 134(d)(4)(E) of the WIA;

(2) $1,000,000,000 for grants to the States for dislocated worker employment and training activities;

(3) $250,000,000 under the dislocated worker national reserve for a program of competitive grants for worker training in high growth and emerging industry sectors and assistance under section 132(b)(2)(A) of the WIA; and

(4) $20,000,000 to carry out section 166 of the WIA (relating to employment and training activities for Indians, Alaska Natives, and Native Hawaiians).

TITLE III—FIXING THE HOUSING CRISIS

SEC. 30001. SHORT TITLE.

This title may be cited as the ''Keep Families in Their Homes Act of 2009''.

SEC. 30002. DEFINITIONS.

For purposes of this title—

(1) the term ''securitized mortgages'' means residential mortgages that have been pooled by a securitization vehicle;

(2) the term ''securitization vehicle'' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans;

(B) holds all of the mortgage loans which are the basis for any vehicle described in subparagraph (A); and

(C) has not issued securities that are guaranteed by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Government National Mortgage Association;

(3) the term ''servicer'' means a servicer of securitized mortgages;

(4) the term ''eligible servicer'' means a servicer of pooled and securitized residential mortgages, all of which are eligible mortgages;

(5) the term ''eligible mortgage'' means a residential mortgage, the principal amount of which did not exceed the conforming loan size limit that was in existence at the time of origination for a comparable dwelling, as established by the Federal National Mortgage Association;

(6) the term ''Secretary'' means the Secretary of the Treasury;

(7) the term ''effective term of the title'' means the period beginning on the effective date of this title and ending on December 31, 2011;

(8) the term ''incentive fee'' means the monthly payment to eligible servicers, as determined under section 30003(a);

(9) the term ''Office'' means the Office of Aggrieved Investor Claims established under section 30004(a); and

(10) the term ''prepayment fee'' means the payment to eligible servicers, as determined under section 30003(b).

SEC. 30003. PAYMENTS TO ELIGIBLE SERVICERS AUTHORIZED.

(a) AUTHORITY.—The Secretary is authorized during the effective term of the title, to make payments to eligible servicers in an amount not to exceed an aggregate of $10,000,000,000, subject to the terms and conditions established under this title.

(b) FEES PAID TO ELIGIBLE SERVICERS.—

(1) IN GENERAL.—During the effective term of the title, eligible servicers may collect monthly fee payments, consistent with the limitation in paragraph (2).

(2) CONDITIONS.—For every mortgage that was—

(A) not prepaid during a month, an eligible servicer may collect an incentive fee equal to 10 percent of mortgage payments received during that month, not to exceed $60 per loan; and

(B) prepaid during a month, an eligible servicer may collect a one-time prepayment fee equal to 12 times the amount of the incentive fee for the preceding month.

(c) SAFE HARBOR.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle, a servicer—

(1) owes any duty to maximize the net present value of the pooled mortgages in the securitization vehicle to all investors and parties having a direct or indirect interest in such vehicle, and not to any individual party or group of parties; and

(2) shall be deemed to act in the best interests of all such investors and parties if the servicer agrees to or implements a modification, workout, or other loss mitigation plan for a residential mortgage or a class of residential mortgages that constitutes a part or all of the pooled mortgages in such securitization vehicle, if—

(A) default on the payment of such mortgage has occurred or is reasonably foreseeable;

(B) the property securing such mortgage is occupied by the mortgagor of such mortgage; and

(C) the servicer reasonably and in good faith believes that the anticipated recovery on the principal outstanding obligation of the mortgage under the modification or workout plan exceeds, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage through foreclosure;

(3) shall not be obligated to repurchase loans from, or otherwise make payments to, the securitization vehicle on account of a modification, workout, or other loss mitigation plan that satisfies the conditions of paragraph (2); and

(4) if it acts in a manner consistent with the duties set forth in paragraphs (1) and (2), shall not be liable for entering into a modification or workout plan to any person—

(A) based on ownership by that person of a residential mortgage loan or any interest in a pool of residential mortgage loans, or in securities that distribute payments out of the principal, interest, and other payments in loans in the pool;

(B) who is obligated to make payments determined in reference to any loan or any interest referred to in subparagraph (A); or

(C) that insures any loan or any interest referred to in subparagraph (A) under any provision of law or regulation of the United States or any State or political subdivision thereof.

(d) LEGAL COSTS.—If an unsuccessful suit is brought by a person described in subsection (d)(4), that person shall bear the actual legal costs of the servicer, including reasonable attorney fees and expert witness fees, incurred in good faith.

(e) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Each servicer shall report regularly, not less frequently than monthly, to the Secretary on the extent and scope of the loss mitigation activities of the mortgage owner.

(2) CONTENT.—Each report required by this subsection shall include—

(A) the number of residential mortgage loans receiving loss mitigation that have become performing loans;

(B) the number of residential mortgage loans receiving loss mitigation that have proceeded to foreclosure;

(C) the total number of foreclosures initiated during the reporting period;

(D) data on loss mitigation activities, disaggregated to reflect whether the loss mitigation was in the form of—

(i) a waiver of any late payment charge, penalty interest, or any other fees or charges, or any combination thereof;

(ii) the establishment of a repayment plan under which the homeowner resumes regularly scheduled payments and pays additional amounts at scheduled intervals to cure the delinquency;

(iii) forbearance under the loan that provides for a temporary reduction in or cessation of monthly payments, followed by a reamortization of the amounts due under the loan, including arrearage, and a new schedule of repayment amounts;

(iv) waiver, modification, or variation of any material term of the loan, including short-term, long-term, or life-of-loan modifications that change the interest rate, forgive the payment of principal or interest, or extend the final maturity date of the loan;

(v) short refinancing of the loan consisting of acceptance of payment from or on behalf of the homeowner of an amount less than the amount alleged to be due and owing under the loan, including principal, interest, and fees, in full satisfaction of the obligation under such loan and as part of a refinance transaction in which the property is intended to remain the principal residence of the homeowner;

(vi) acquisition of the property by the owner or servicer by deed in lieu of foreclosure;

(vii) short sale of the principal residence that is subject to the lien securing the loan;

(viii) assumption of the obligation of the homeowner under the loan by a third party;

(ix) cancellation or postponement of a foreclosure sale to allow the homeowner additional time to sell the property; or

(x) any other loss mitigation activity not covered; and

(E) such other information as the Secretary determines to be relevant.

(3) PUBLIC AVAILABILITY OF REPORTS.—After removing information that would compromise the privacy interests of mortgagors, the Secretary shall make public the reports required by this subsection.

SEC. 30004. TEMPORARY EXTENSION OF LOAN LIMIT INCREASE.

(a) FANNIE MAE AND FREDDIE MAC.—Section 201(a) of the Economic Stimulus Act of 2008 (Public Law 110-185, 122 Stat. 619) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) FHA LOANS.—Section 202(a) of the Economic Stimulus Act of 2008 (Public Law 110-185, 122 Stat. 620) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 30005. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, such sums as may be necessary to carry out this title.

SEC. 30006. SUNSET OF AUTHORITY.

The authority of the Secretary to provide assistance under this title shall terminate on December 31, 2011.

SA 365. Mr. BROWN (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. VOINOVICH, Mr. CASEY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, insert the following:

SEC. ___. TEMPORARY WAIVER OF RECOVERY BY THE PENSION BENEFIT GUARANTY CORPORATION OF CERTAIN PENSION OVERPAYMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Pension Benefit Guaranty Corporation shall not, during the 2-year period beginning on the date of the enactment of this Act, recoup from any participant or beneficiary any amount paid to such participant or beneficiary before such date of enactment that exceeded the amount of the net benefit to which such participant or beneficiary was otherwise entitled under title IV of the Employee Retirement Income Security Act of 1974 (21 U.S.C. 1301 et seq.).

(b) EFFECT OF WAIVER.—A participant or beneficiary shall be treated as having paid to the Pension Benefit Guaranty Corporation the aggregate amount which, but for subsection (a), would have been recouped from the participant or beneficiary. The Pension Benefit Guaranty Corporation shall reduce the amount to be recouped from the participant or beneficiary by the amount of such deemed payment.

SA 366. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 436, line 13, strike all through page 437, line 10, and insert the following:

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) ELIGIBLE INDIVIDUAL.—

''(A) IN GENERAL.—The term 'eligible individual' means any individual other than—

''(i) any nonresident alien individual,

''(ii) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

''(iii) an estate or trust.

''(B) IDENTIFICATION REQUIREMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), such term shall not include any individual unless the requirements of section 32(c)(1)(E) are met with respect to such individual.

''(ii) SPECIAL RULES FOR MARRIED INDIVIDUALS.—In the case of—

''(I) a married individual (within the meaning of section 7703) filing a separate return, the requirements of clause (i) with respect to such return shall not apply to the individual's spouse, and

''(II) clause (i) shall not apply to a joint return where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year.

''(2) EARNED INCOME.—The term 'earned income' has the meaning given such term by section 32(c)(2), except that such term shall not include net earnings from self-employment which are not taken into account in computing taxable income. For purposes of the preceding sentence, any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.

''(3) SPECIAL RULE FOR CERTAIN ELIGIBLE INDIVIDUALS.—In the case of any taxable year beginning in 2009, if an eligible individual receives any amount as a pension or annuity for service performed in the employ of the United States or any State, or any instrumentality thereof, which is not considered employment for purposes of chapter 21, the amount of the credit allowed under subsection (a) (determined without regard to subsection (c)) with respect to such eligible individual shall be equal to the greater of—

''(A) the amount of the credit determined without regard to this paragraph or subsection (c), or

''(B) $300 ($600 in the case of a joint return where both spouses are eligible individuals described in this paragraph).

If the amount of the credit is determined under subparagraph (B) with respect to any eligible individual, the modified adjusted gross income limitation under subsection (b) shall not apply to such credit.

SA 367. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 467, strike lines 3 though 18, and insert the following:

SEC. 1151. MODIFICATION OF MONITORING REQUIREMENTS FOR CARBON DIOXIDE SEQUESTRATION AND EXTENSION OF CREDIT.

(a) MODIFICATION OF MONITORING REQUIREMENTS.—

(1) IN GENERAL.—Section 45Q(a)(1)(B) is amended by inserting ''or through other permanent sequestration methods'' after ''secure geological storage''.

(2) APPLICATION OF MONITORING REQUIREMENTS TO CARBON DIOXIDE USED AS A TERTIARY INJECTANT.—Section 45Q(a)(2) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) disposed of by the taxpayer in secure geological storage or through other permanent sequestration methods.''.

(3) CONFORMING AMENDMENTS.—Section 45Q(d)(2) is amended—

(A) by striking ''geological storage of carbon dioxide under subsection (a)(1)(B)'' and inserting ''geological storage or other permanent sequestration of carbon dioxide under paragraph (1)(B) or (2)(C) of subsection (a)'',

(B) by striking ''Such term shall include storage at deep saline formations and unminable coal seems'' and inserting ''Such regulations shall include storage at deep saline formations, unminable coal seems, and through other permanent sequestration methods'', and

(C) by inserting ''AND OTHER PERMANENT SEQUESTRATION METHODS'' after ''STORAGE'' in the heading.

(b) EXTENSION OF CREDIT.—Section 45Q(e) is amended by striking ''75,000,000 metric tons'' and inserting ''100,000,000 metric tons''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act.

SA 368. Mr. GRASSLEY (for himself and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 625, after line 23, insert the following:

(c) ELIMINATION OF PREMIUM SUBSIDY FOR HIGH-INCOME INDIVIDUALS.—

(1) IN GENERAL.—Notwithstanding subsection (b)(3), an individual who is a covered employee (and any qualified beneficiary of such employee) shall not be treated as an assistance eligible individual for purposes of this section and section 6432 of the Internal Revenue Code of 1986 unless—

(A) the covered employee's modified adjusted gross income for the last taxable year beginning in 2008 does not exceed—

(i) $125,000 in the case of an individual whose filing status for purposes of the income tax imposed by chapter 1 of such Code is described in subsection (c) or (d) of section 1 of such Code (relating to certain unmarried individuals and married individuals filing separate returns), and

(ii) $250,000 in the case of an individual whose filing status for purposes of the income tax imposed by chapter 1 of such Code is described in subsection (a) or (b) of section 1 of such Code (relating to married individuals filing joint returns and surviving spouses and heads of households), and

(B) the covered employee provides to the entity to whom premiums are reimbursed under section 6432(a) of such Code a written certification meeting the requirements of paragraph (2).

(2) CERTIFICATION REQUIREMENTS.—A certification meets the requirements of this paragraph if such certification contains—

(A) the name and social security number of the covered employee, and

(B) an attestation that the covered employee is eligible to receive the subsidy under subsection (b) because the covered employee's modified adjusted gross income for the last taxable year beginning in 2008 is less than the applicable limit under paragraph (1)(A).

(3) RECAPTURE OF SUBSIDY.—If—

(A) a covered employee's modified adjusted gross income for the last taxable year beginning in 2008 exceeds the applicable limit under paragraph (1)(A), and

(B) the covered employee (or any qualified beneficiary) received any premium assistance under this section for 1 or more months in a taxable year with respect to any COBRA continuation coverage,

then the covered employee's tax imposed by chapter 1 of such Code for such taxable year shall be increased by the amount of such assistance.

(4) PROVISION OF TIN TO SECRETARY.—Section 6432(e)(1) of the Internal Revenue Code of 1986, as added by subsection (b)(12), is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) a report containing the TINs of all covered employees, the amount of subsidy reimbursed with respect to each covered employee and qualified beneficiaries, and a designation with respect to each covered employee as to whether the subsidy reimbursement is for coverage of 1 individual or 2 or more individuals.''.

(5) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term ''modified adjusted gross income'' means the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933 of such Code.

(6) COVERED EMPLOYEE; QUALIFIED BENEFICIARY.—For purposes of this subsection, the terms ''covered employee'' and ''qualified beneficiary'' have the meanings given such terms by section 4980B of such Code.

SA 369. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REQUIREMENTS RELATING TO USE OF CERTAIN FUNDS.

(a) DEFINITION OF UNFINISHED PROJECT.—In this section, the term ''unfinished project'' means any project carried out by the Corps of Engineers—

(1) the construction of which has been commenced as of the date of enactment of this Act; and

(2) that, as of the date of enactment of this Act, is not completed.

(b) REQUIREMENTS.—

(1) UNFINISHED PROJECTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), until the date on which each unfinished project is completed, no amount appropriated or otherwise made available in the matter under the heading ''CONSTRUCTION'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of title IV of division A (including any amount resulting from the transfer or reprogramming of any amount described in this subparagraph) shall be available for obligation or expenditure to establish or initiate any new program, project, or activity of the Corps of Engineers.

(B) EXCEPTIONS.—Subparagraph (A) does not apply to any program, project, or activity authorized under—

(i) section 2 of the Act of August 28, 1937 (33 U.S.C. 701g);

(ii) section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r);

(iii) section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s);

(iv) section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577);

(v) section 111 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 735);

(vi) section 1135 of the Water Resources Development Act of 1986 (100 Stat. 4251);

(vii) section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326); and

(viii) section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) CONTINUING CONTRACTS.—No amount appropriated or otherwise made available in the matter under the heading ''CONSTRUCTION'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of title IV of division A (including any amount resulting from the transfer or reprogramming of any amount described in this paragraph) may be used to award any continuing contract (or make a modification to any continuing contract in existence as of the date of enactment of this Act) that commits to a project an amount that is greater than the amount appropriated or otherwise made available for the project under title IV of division A.

(3) DUTY OF CHIEF OF ENGINEERS.—The Chief of Engineers shall prioritize funding for each activity described in this section based on the capability of each activity to fully fund project elements (including contracts for project elements) by not later than 2 years after the date of enactment of this Act.

SA 370. Mr. VOINOVICH (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 477, strike line 18 and insert the following:

(d) INCREASE IN MAXIMUM INCREASE AMOUNT UNDER ELECTION TO ACCELERATE THE AMT AND RESEARCH CREDITS IN LIEU OF BONUS DEPRECIATION.—Clause (iii) of section 168(k)(4)(C) is amended by striking ''the lesser of'' and all that follows and inserting ''$100,000,000''.

(e) EFFECTIVE DATES.—

SA 371. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, after line 8, insert the following:

SEC. ___. ABOVE-THE-LINE DEDUCTION FOR STATE SALES TAX AND EXCISE TAX ON THE PURCHASE OF CERTAIN VEHICLES.

(a) IN GENERAL.—Subparagraph (A) of section 164(b)(6) (defining qualified motor vehicle taxes), as added by this Act, is amended to read as follows:

''(A) IN GENERAL.—For purposes of this section, the term 'qualified motor vehicle taxes' means any State or local sales or excise tax imposed on the purchase of—

''(i) a qualified motor vehicle (as defined in section 163(h)(5)(D)),

''(ii) any motor home or recreational vehicle trailer (as defined in 49 CFR 571.3), or

''(iii) any slide-in camper (as defined in 49 CFR 575.103).''.

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

SA 372. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

TITLE XVII—DISCLOSURE OF INFORMATION TO A COMMITTEE OR SUBCOMMITTEE OF CONGRESS

SEC. 1701. DISCLOSURE OF INFORMATION UPON THE REQUEST OF CHAIRPERSON OR RANKING MEMBER.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given under section 551 of title 5, United States Code.

(2) RECORD.—The term ''record'' has the meaning given under section 552(f)(2) of title 5, United States Code, and includes a record

as defined under section 552a(a)(4) of title 5, United States Code.

(b) DISCLOSURE.—Notwithstanding any other provision of law (including section 552a(b) of title 5, United States Code), upon the written request by the chairperson or the ranking member of any committee or subcommittee of Congress to any agency which has received funds made available from any appropriation or other authority under this Act (including division B), that agency shall disclose that record to the committee or subcommittee of that chairperson or ranking member.

(c) EFFECTIVE DATE.—This section shall apply to fiscal year 2009 and each fiscal year thereafter.

SA 373. Mr. GRASSLEY (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, add the following:

SEC. 807. CONFLICTS OF INTEREST AND THE NATIONAL INSTITUTES OF HEALTH.

(a) ENFORCING CONFLICT OF INTEREST PROVISIONS.—The Director of the National Institutes of Health shall enforce the conflict of interest policies of the National Institutes of Health and respond in a timely manner when such policies have been violated by recipients of grant funds—

(1) provided under this title; or

(2) otherwise appropriated for fiscal year 2009.

(b) PROVIDE INFORMATION.—In the case in which the principal investigator for a recipient of a grant awarded with funds provided under this title or otherwise appropriated for fiscal year 2009, that is more than $250,000 awarded by the Director of the National Institutes of Health has a conflict of interest, the recipient of the grant shall provide to the Director the following information:

(1) The degree of the primary investigator's significant financial interest, estimated to the nearest $1,000.

(2) A detailed report explaining how the recipient of the grant will manage the primary investigator's conflict of interest.

SA 374. Mr. INHOFE (for himself, Mrs. BOXER, Mr. BOND, Mr. VITTER, Mr. BARRASSO, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 237, between lines 2 and 3, insert the following:

PUBLIC WORKS SUPPLEMENT

Notwithstanding section 1602, on September 30, 2009, any discretionary funds up to $50,000,000,000 under this Act that would otherwise expire on September 30, 2009, shall be reserved and remain available for obligation for the purposes of the matter under this heading: *Provided,* That if the amount reserved is less than $50,000,000,000, not later than 13 months after the date of enactment of this Act, an amount of unobligated discretionary funds provided under this Act equal to $50,000,000,000, less the amount reserved on September 30, 2009, shall be proportionally from all unobligated balances transferred to and merged with the funds reserved on September 30, 2009, and be available for additional amounts for capital investments in highways, bridges, and public transportation, and capitalization grants under the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12): *Provided further,* That not later than 11 months after the date of enactment of this Act, each State (as defined in section 101(a) of title 23, United States Code) shall compile and submit to the President a list of projects for which contracts may be awarded during the 120-day period beginning on the date of receipt of funds and that are eligible for funding under title 23 or chapter 53 of title 49, United States Code, the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), or the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12): *Provided further,* That in compiling surface transportation projects for inclusion in the list submitted to the President, projects that will bring the conditions of roads, bridges, and other transportation system elements up to standard, projects that will result in high, immediate employment, projects that will increase the energy independence of the United States, and projects that will provide long-term economic benefits, should be given special consideration: *Provided further,* That the President shall distribute to each State an amount equal to the proportion that the cost of the projects listed by the State bears to the cost of all projects listed by all States, multiplied by the amount provided under this heading: *Provided further,* That the funds so distributed to each State shall be divided among the programs provided for in this heading, in the proportions reflected in the list submitted by the State to the President under this heading, except that a State, in coordination with the President, may adjust the amounts provided among project categories to ensure the ability to award contracts on all of the funds provided to the State within the 120-day period beginning on the date on which the State receives a distribution of funds under this heading: *Provided further,* That the list submitted by each State shall certify that the projects included on the list reflect a financially constrained State transportation improvement program and transportation improvement program, or the priority list of the State for projects, including projects added after the date of enactment of this Act, to be funded through the Clean Water State Revolving Fund or Drinking Water State Revolving Fund as of the date that is 11 months after the date of enactment of this Act for which the State reasonably expects to award contracts within the 120-day period beginning on the date of distribution of funds to the State: *Provided further,* That the requirements, including cost-sharing and accounting requirements, applicable to the expenditure of funds made available under this title for the Federal Transit Administration, and to the disbursement of funds made available under title VII of this Act for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), shall apply to amounts made available under this heading: *Provided further,* That each amount provided in this amendment is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SA 375. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, between lines 4 and 5, insert the following:

''SEC. 1002. Notwithstanding any other provision of law, the Department of Defense is directed to execute the current Military Construction Five Year Defense Plan within the next three fiscal years.''

SA 376. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, between lines 7 and 8, insert the following:

For an additional amount for grants, $250,000,000, to be made available through the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605) to provide for States to be adequately prepared for the first 72 hours after a major disaster and to be used by States to establish stockpiles of mission critical emergency supplies, such as shelf stable food products, water, and basic medical supplies, and to be allocated in accordance with that section, except that the minimum allocation to each State shall be $2,500,000: *Provided,* That the additional amount of $250,000,000 appropriated under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SA 377. Mrs. MCCASKILL submitted an amendment intended to be proposed

to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1518 and insert the following:

SEC. 1518. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS.

(a) PROHIBITION OF REPRISALS.—An employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), a court or grand jury, the head of a Federal agency, or their representatives information that the employee reasonably believes is evidence of—

(1) gross mismanagement of an agency contract or grant relating to covered funds;

(2) a gross waste of covered funds;

(3) a substantial and specific danger to public health or safety;

(4) an abuse of authority related to the implementation or use of covered funds; or

(5) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

(b) INVESTIGATION OF COMPLAINTS.—

(1) IN GENERAL.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint regarding the reprisal to the appropriate inspector general. Except as provided under paragraph (3), unless the inspector general determines that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint, the inspector general shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the person's employer, the head of the appropriate agency, and the Board.

(2) TIME LIMITATIONS FOR ACTIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the inspector general shall, not later than 180 days after receiving a complaint under paragraph (1)—

(i) make a determination that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint; or

(ii) submit a report under paragraph (1).

(B) EXTENSIONS.—

(i) VOLUNTARY EXTENSION AGREED TO BETWEEN INSPECTOR GENERAL AND COMPLAINANT.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A) and the person submitting the complaint agrees to an extension of time, the inspector general shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the inspector general and the person submitting the complaint.

(ii) EXTENSION GRANTED BY INSPECTOR GENERAL.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A), the inspector general may extend the period for not more than 180 days without agreeing with the person submitting the complaint to such extension, provided that the Inspector General provides a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for the decision, which shall be provided to both the person submitting the complaint and the non-Federal employer.

(iii) SEMI-ANNUAL REPORT ON EXTENSIONS.—The inspector general shall include in semi-annual reports to Congress a list of those investigations for which the inspector general received an extension, including a copy of each written explanation provided with respect to extensions under clause (ii).

(3) DISCRETION NOT TO INVESTIGATE COMPLAINTS.—

(A) IN GENERAL.—The inspector general may decide not to conduct or continue an investigation under this section upon providing to the person submitting the complaint and the non-Federal employer a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for such decision.

(B) ASSUMPTION OF RIGHTS TO CIVIL REMEDY.—Upon receipt of an explanation of a decision not to conduct or continue an investigation under subparagraph (A), the person submitting a complaint shall immediately assume the right to a civil remedy under subsection (c)(2) as if the 210-day period specified under such subsection has already passed.

(C) SEMI-ANNUAL REPORT.—The inspector general shall include in semi-annual reports to Congress a list of those investigations the inspector general decided not to conduct or continue under this paragraph, including copies of the written explanations for such decisions not to investigate.

(4) BURDEN OF PROOF.—

(A) DISCLOSURE AS CONTRIBUTING FACTOR IN REPRISAL.—

(i) IN GENERAL.—A person alleging a reprisal under this section shall be deemed to have affirmatively established the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal.

(ii) USE OF CIRCUMSTANTIAL EVIDENCE.—A disclosure may be demonstrated as a contributing factor in a reprisal for purposes of this paragraph by circumstantial evidence, including—

(I) evidence that the official undertaking the reprisal knew of the disclosure; or

(II) evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

(B) OPPORTUNITY FOR REBUTTAL.—The inspector general may not find the occurrence of a reprisal with respect to a reprisal that is affirmatively established under subparagraph (A) if the non-Federal employer demonstrates by clear and convincing evidence that the non-Federal employer would have taken the action constituting the reprisal in the absence of the disclosure.

(5) ACCESS TO INVESTIGATIVE FILE OF INSPECTOR GENERAL.—

(A) IN GENERAL.—The person alleging a reprisal under this section shall have access to the complete investigation file of the appropriate inspector general in accordance with section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act''). The investigation of the inspector general shall be deemed closed for purposes of disclosure under such section when an employee files an appeal to an agency head or a court of competent jurisdiction.

(B) CIVIL ACTION.—In the event the person alleging the reprisal brings suit under subsection (c)(2)(A), the person alleging the reprisal and the non-Federal employer shall have access to the complete investigative file of the Inspector General in accordance with the Privacy Act.

(C) EXCEPTION.—The inspector general may exclude from disclosure—

(i) information protected from disclosure by a provision of law; and

(ii) any additional information the inspector general determines disclosure of which would impede a continuing investigation, provided that such information is disclosed once such disclosure would no longer impede such investigation.

(6) PRIVACY OF INFORMATION.—An inspector general investigating an alleged reprisal under this section may not respond to any inquiry or disclose any information from or about any person alleging such reprisal, except in accordance with the provisions of section 552a of title 5, United States Code, or as required by any other applicable Federal law.

(c) REMEDY AND ENFORCEMENT AUTHORITY.—

(1) AGENCY ACTION.—Not later than 30 days after receiving an inspector general report under subsection (b), the head of the agency concerned shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief in whole or in part or shall take 1 or more of the following actions:

(A) Order the employer to take affirmative action to abate the reprisal.

(B) Order the employer to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), compensatory damages, employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the employer to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency or a court of competent jurisdiction.

(2) CIVIL ACTION.—

(A) IN GENERAL.—If the head of an agency issues an order denying relief in whole or in part under paragraph (1), has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under subsection (b)(2)(B)(i), within 30 days after the expiration of the extension of time, or decides under subsection (b)(3) not to investigate or to discontinue an investigation, and there is no showing that such delay or decision is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted

all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the employer to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

(B) BURDENS OF PROOF.—In any action under subparagraph (A), the establishment of the occurrence of a reprisal shall be governed by the provisions of subsection (b)(3)(A), including with respect to burden of proof, and the establishment that an action alleged to constitute a reprisal did not constitute a reprisal shall be subject to the burden of proof specified in subsection (b)(4)(C).

(3) JUDICIAL ENFORCEMENT OF ORDER.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorneys fees and costs.

(4) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

(e) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

(1) WAIVER OF RIGHTS AND REMEDIES.—Notwithstanding any other provision of law and except as provided under paragraph (3), the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) PREDISPUTE ARBITRATION AGREEMENTS.—Notwithstanding any other provision of law and except as provided under paragraph (3), no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising under this section.

(3) EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS.—Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under the collective bargaining agreement.

(f) REQUIREMENT TO POST NOTICE OF RIGHTS AND REMEDIES.—Any employer receiving covered funds shall post notice of the rights and remedies provided under this section.

(g) DEFINITIONS.—In this Act:

(1) ABUSE OF AUTHORITY.—The term ''abuse of authority'' means an arbitrary and capricious exercise of authority by a contracting official or employee that adversely affects the rights of any person, or that results in personal gain or advantage to the official or employee or to preferred other persons.

(2) COVERED FUNDS.—The term ''covered funds'' means any contract, grant, or other payment received by any non-Federal employer if—

(A) the Federal Government provides any portion of the money or property that is provided, requested, or demanded; and

(B) at least some of the funds are appropriated or otherwise made available by this Act.

(3) EMPLOYEE.—The term ''employee'' means an individual performing services on behalf of an employer.

(4) NON-FEDERAL EMPLOYER.—The term ''non-Federal employer'' means any employer—

(A) with respect to any contract, grant, or direct payment issued by the Federal Government—

(i) the contractor, subcontractor, grantee, or recipient, as the case may be, if the contractor, grantee, or recipient is an employer;

(ii) any professional membership organization, certification or other professional body, any agency or licensee of the Federal government, or any person acting directly or indirectly in the interest of an employer receiving Federal funds; or

(B) with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor or subcontractor of the State or local government.

(5) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' means—

(A) the government of each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Is Lands, or any other territory or possession of the United States; or

(B) the government of any political subdivision of a government listed in subparagraph (A).

SA 378. Mr. CASEY (for himself, Mr. SPECTER, Mr. LEAHY, Mr. DODD, Mr. SCHUMER, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 252, line 4, after ''activities:'' insert the following: ''*Provided further*, That of the funds provided under this heading, $30,000,000 shall be made available to the Secretary to make grants to provide a full range of legal assistance to low- and moderate-income homeowners or tenants related to home ownership preservation, home foreclosure prevention, and tenancy associated with home foreclosure: *Provided further*, That the Secretary shall allocate such funds on the basis of a competitive grant process to provide financial assistance to State and local legal organizations: *Provided further*, That in allocating amounts under the prior proviso that the Secretary give priority consideration to State and local legal organizations that are operating in the 100 metropolitan statistical areas (as that term is defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates: *Provided further*, That any State or local legal organization that receives financial assistance pursuant to this heading shall have the capacity to assist homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure, or tenants at risk of or subject to eviction as a result of foreclosure of the property in which such tenant resides, and that such organizations shall have the capacity to begin using any financial assistance received under this heading within 90 days after receipt of the assistance: *Provided further*, That no funds provided to a State or local legal organization under this heading shall be used to support class action litigation: *Provided further*, That legal assistance funded with amounts provided under this heading shall be limited to mortgage-related default, eviction, or foreclosure proceedings, whether in a judicial or non-judicial foreclosure:''.

On page 431, between lines 8 and 9, insert the following:

SEC. 1607. NEIGHBORHOOD STABILIZATION PROGRAM REFINEMENTS.

(a) IN GENERAL.—Section 2301 of the Foreclosure Prevention Act of 2008 (42 U.S.C. 5301 note) is amended—

(1) in subsection (b), by adding at the end the following:

''(5) DISTRIBUTION OF FUNDS IN CERTAIN STATES; COMPETITION FOR FUNDS.—Each State that receives the minimum allocation of amounts pursuant to the requirement under section 2302 shall be permitted to use such amounts to address statewide concerns, provided that such amounts are made available for an eligible use described under paragraphs (3) and (4) of subsection (c).''; and

(2) in subsection (c), by adding at the end the following:

''(4) FORECLOSURE PREVENTION.—Each State and unit of general local government that receives an allocation of amounts pursuant to section 2302 may use up to 10 percent of such amounts for foreclosure prevention programs, activities, and services, as such programs, activities, and services are defined by the Secretary.''.

(b) RETROACTIVE EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on the date of enactment of the Foreclosure Prevention Act of 2008 (Public Law 110-289).

SA 379. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, after line 8, insert the following:

SEC. —. MODIFICATION OF RESEARCH CREDIT.

(a) SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.—Subsection (a) of section 41 is amended to read as follows:

''(a) GENERAL RULE.—

''(1) CREDIT DETERMINED.—For purposes of section 38, the research credit determined under this section for the taxable year shall be an amount equal to 20 percent of so much of the qualified research expenses for the

taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

''(2) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—

''(A) TAXPAYERS TO WHICH PARAGRAPH APPLIES.—The credit under this section shall be determined under this paragraph if the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined.

''(B) CREDIT RATE.—The credit determined under this paragraph shall be equal to 10 percent of the qualified research expenses for the taxable year.''.

(b) CONFORMING AMENDMENTS.—

(1) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—Paragraph (4) of subsection (c) is amended by adding at the end the following new subparagraph:

''(C) TERMINATION.—No election under this paragraph shall apply to taxable years beginning after December 31, 2008.''.

(2) TERMINATION OF BASE AMOUNT CALCULATION.—Section 41 is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(3) TERMINATION OF BASIC RESEARCH PAYMENT CALCULATION.—Section 41 is amended by striking subsection (e) and redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(4) SPECIAL RULES.—

(A) Paragraph (1)(A)(ii) of subsection (d) of section 41, as so redesignated, is amended by striking ''shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,'' and inserting ''share of the qualified research expenses''.

(B) Paragraph (1)(B)(ii) of section 41(d), as so redesignated, is amended by striking ''shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,'' and inserting ''share of the qualified research expenses''.

(C) Paragraph (3) of section 41(d), as so redesignated, is amended—

(i) by striking '', and the gross receipts of the taxpayer'' and all that follows in subparagraph (A) and inserting a period,

(ii) by striking '', and the gross receipts of the taxpayer'' and all that follows in subparagraph (B) and inserting a period, and

(iii) by striking subparagraph (C).

(D) Paragraph (4) of section 41(d), as so redesignated, is amended by striking ''and gross receipts''.

(E) Subsection (d) of section 41, as so redesignated, is amended by striking paragraph (6).

(5) TERMINATION OF INCREASED CREDIT FOR ENERGY RESEARCH.—Section 41, as amended by section 1131 of this Act, is amended by striking subsection (h).

(6) PERMANENT EXTENSION.—Section 41, as amended by section 1131 of this Act, is amended by striking subsection (i).

(7) CROSS REFERENCES.—

(A) Paragraphs (2)(A) and (4) of section 41(b) are each amended by striking ''subsection (f)(1)'' and inserting ''subsection (d)(1)''.

(B) Paragraph (1) of section 45C(b) is amended by striking subparagraph (D).

(C) Subsection (c) of section 45C is amended to read as follows:

''(c) COORDINATION WITH CREDIT FOR INCREASING RESEARCH EXPENDITURES.—Any qualified clinical testing expenses for a taxable year to which an election under this section applies shall not be taken into account for purposes of determining the credit allowable under section 41 for such taxable year.''.

(D) Paragraph (3) of section 45C(d) is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(E) Paragraph (2) of section 45G(e) is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(F) Subsection (g) of section 45O is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(G) Subparagraph (A) of section 54(l)(3) is amended by striking ''section 41(g)'' and inserting ''section 41(e)''.

(H) Clause (i) of section 170(e)(4)(B) is amended by striking ''subparagraph (A) or subparagraph (B) of section 41(e)(6)'' and inserting ''clause (i) or clause (ii) of section 41(b)(4)(C)''.

(I) Subsection (f) of section 197 is amended by striking ''section 41(f)(1)'' each place it appears in paragraphs (1)(C) and (9)(C)(i) and inserting ''section 41(d)(1)''.

(J) Section 280C is amended—

(i) by striking ''41(f)'' each place it appears in subsection (b)(3) and inserting ''41(d)'',

(ii) by striking ''or basic research expenses (as defined in section 41(e)(2))'' in subsection (c)(1) and inserting ''or basic research payments (as defined in section 41(b)(4)(B))'',

(iii) by striking ''section 41(a)(1)'' in subsection (c)(2)(A) and inserting ''section 41(a)'', and

(iv) by striking ''or basic research expenses'' in subsection (c)(2)(B) and inserting ''or basic research payments''.

(K) Subclause (IV)(c) of section 936(h)(5)(C)(i) is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(L) Subparagraph (D) of section 936(j)(5) is amended by striking ''section 41(f)(3)'' and inserting ''section 41(d)(3)''.

(M) Clause (i) of section 965(c)(2)(C) is amended by striking ''section 41(f)(3)'' and inserting ''section 41(d)(3)''.

(N) Subparagraph (C) of section 1202(e)(2) is amended by striking ''section 41(b)(4)'' and inserting ''section 41(b)(5)''.

(O) Clause (i) of section 1400N(l)(7)(B) is amended by striking ''section 41(g)'' and inserting ''section 41(e)''.

(c) TECHNICAL CORRECTIONS.—Section 409 is amended—

(1) by inserting '', as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41(c)(1)(B)'' in subsection (b)(1)(A),

(2) by inserting '', as in effect before the enactment of the Tax Reform Act of 1984'' after ''relating to the employee stock ownership credit'' in subsection (b)(4),

(3) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41(c)(1)(B)'' in subsection (i)(1)(A),

(4) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41(c)(1)(B)'' in subsection (m),

(5) by inserting ''(as so in effect)'' after ''section 48(n)(1)'' in subsection (m),

(6) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 48(n)'' in subsection (q)(1), and

(7) by inserting''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41'' in subsection (q)(3).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to taxable years beginning after December 31, 2019.

(2) TERMINATION.—The amendments made by paragraphs (1) and (6) of subsection (b) shall apply to taxable years beginning after December 31, 2009.

(3) TECHNICAL CORRECTIONS.—The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

On page 435, beginning on line 4, strike through page 441, line 15.

SA 380. Mr. GRASSLEY (for himself, Ms. MIKULSKI, and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 203. NATIONAL SCIENCE FOUNDATION OPERATIONS AND AWARD MANAGEMENT.

Of the funds made available for fiscal year 2009 for the Office of the Director of the National Science Foundation, $3,000,000 shall not be available for obligation until—

(1) the Director of the National Science Foundation submits to Congress a report detailing steps the National Science Foundation has taken to implement immediately all of the recommendations made by the Inspector General in the September 2008 semiannual report and in the July 14, 2008, Management Implication Report addressing IT security awareness, policies prohibiting gender discrimination and retaliation;

(2) the Director of the National Science Foundation submits to Congress a report detailing the steps that the National Science Foundation has taken to remove, and prevent employees from accessing, inappropriate adult content from National Science Foundation computers and servers; and

(3) the National Science Board hires an independent general counsel.

SA 381. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, line 6, add after the period the following: ''In promulgating such regulations, the Secretary may not eliminate from the definition of health care operations activities that are conducted for the purpose of improving the quality of care provided to patients or facilitating the delivery of quality patient care.''.

SA 382. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental

appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 364, strike line 23 and all that follows through line 3 on page 365 and insert the following:

such communication;

(C) where such communication describes only a health care item or service that has previously been prescribed for or administered to the recipient of the communication, or a family member of such recipient; and

(D) where such communication is for the purpose of making patients aware of alternative treatment options, including such options which may be cheaper or more effective for that individual patient.

SA 383. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, line 6, add after the period the following: ''In promulgating such regulations, the Secretary may not eliminate from the definition of health care operations activities that are conducted for the purpose of preventing fraud and abuse.''.

SA 384. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 19 and 20, insert the following:

''(2) ensures that parents and legal guardians have the right to access all of their unemancipated minor child's reproductive health information, except in cases of child abuse, child molestation, sexual abuse, and incest;

''(3) ensures that law enforcement officials may subpoena health information for State or Federal criminal investigations of child abuse, child molestation, sexual abuse, rape, statutory rape, and incest;''.

On page 271, between lines 23 and 24, insert the following:

''(iv) The incorporation of parental rights and access to all reproductive health information of unemancipated minor children, except in cases of child abuse, child molestation, sexual abuse, and incest.

''(v) Ensuring that law enforcement officials may subpoena health information for State or Federal criminal investigations of child abuse, child molestation, sexual abuse, rape, statutory rape, and incest.''.

SA 385. Mr. COBURN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 22 and 23, insert the following:

(3) PARTICIPATION IN PERM; PENALTY FOR EXCESS ERROR RATE.—As a condition of receiving additional Federal funds under this section, a State shall agree to the following:

(A) PERM.—With respect to fiscal year 2010 and the first quarter of fiscal year 2011, the State shall participate in the Medicaid payment error rate measurement (PERM) process for such fiscal year and quarter, regardless of whether the State is scheduled to do so under the State participation rotational cycle for such process in effect on the date of enactment of this Act.

(B) PENALTY.—If, with respect to all or any portion of a fiscal year that occurs during the recession adjustment period, the most recent PERM determined for the State under Medicaid exceeds 5 percent, the State shall pay the Secretary a penalty equal to the product of the total amount of additional Federal funds paid to the State as a result of this section for such fiscal year and the number of percentage points by which the PERM determined for the State for that fiscal year exceeds 5 percent.

SA 386. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 292, strike line 4 and all that follows through line 6 on page 293, and insert the following:

''SEC. 3007. FEDERAL HEALTH INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The National Coordinator, in consultation with other appropriate Federal agencies, shall support the development and routine updating of qualified electronic health record technology (as defined in section 3000) for any Federal agency that is engaged in such activities on the date of enactment of this title, and shall also provide qualified electronic health record technologies, consistent with subsections (b) and (c), but only if such qualified electronic health record technology uses open standards and the Secretary and the HIT Policy Committee first determine that the needs and demands of providers are not being substantially and adequately met through the marketplace.

''(b) CERTIFICATION.—In making qualified electronic health record technology publicly available under subsection (a), the National Coordinator shall ensure that the qualified electronic health record technology described in such subsection is certified under the program developed under section 3001(c)(5) to be in compliance with applicable standards adopted under section 3004.

''(c) AUTHORIZATION TO CHARGE A NOMINAL FEE.—The National Coordinator may impose a nominal fee for the adoption by a health care provider of the qualified electronic health record technology system provided for under subsection (a). Such fee shall take into account the financial circumstances of smaller providers, low income providers, and providers located in rural or other medically underserved areas.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require that a private or government entity adopt or use the technology provided for under this section.

''(e) DEFINITION.—In this section, the term 'not being substantially and adequately met through the marketplace' means that the Secretary and the HIT Policy Committee have determined, through a comprehensive market survey or other assessment as the Secretary determines appropriate, that certified technologies are either not available or are not in widespread use in the marketplace. In order to ensure that providers of qualified electronic health record technologies have adequate opportunity to comply with applicable standards adopted under section 3003(a), the Secretary shall undertake such market survey or assessment not earlier than 12 months after the date on which such standards are adopted and promulgated.''.

SA 387. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 720, strike line 19 and all that follows through page 722, line 18, and insert the following:

(1) MAINTENANCE OF EFFORT REQUIREMENTS.—

(A) IN GENERAL.—No State shall be eligible for an increased FMAP rate under this section for any fiscal year quarter during the recession adjustment period if the Secretary determines, with respect to the State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) and any fiscal year quarter during such period, any of the following:

(i) ELIGIBILITY.—Any reduction in eligibility standards, methodologies, or procedures under such State plan or waiver.

(ii) BENEFITS.—Any reduction in the type, amount, duration, or scope of benefits provided under such State plan or waiver.

(iii) PROVIDER PAYMENTS.—Any reduction in provider payments under such State plan or waiver, including the aggregate or per service amount paid to any provider and the amount and extent of beneficiary cost-sharing imposed.

(B) EXCEPTION FOR REDUCTION MADE FOR PURPOSES OF PREVENTING FRAUD.—A State shall not be ineligible under subparagraph (A) if the Secretary determines, with respect

to the State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) and any fiscal year quarter during such period, that any reductions described in subparagraph (A) that are made by the State for any such quarter are for purposes of preventing fraud under the State plan or waiver.

SA 388. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 674, between lines 17 and 18, insert the following:

(f) IMPACT ON TRUST FUNDS.—The Board of Trustees of the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t) shall include in the annual report submitted in 2010 under subsection (b)(2) of such sections 1817 and 1841 a description of the estimated short-term and long-term impact that the provisions of, and amendments made by, this subtitle will have on such Trust Funds.

SA 389. Mr. ALEXANDER (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, between lines 9 and 10, insert the following:

INNOVATION AND IMPROVEMENT

For an additional amount for ''Innovation and Improvement'' to carry out subpart 2 of part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7223 et seq.), $25,000,000.

On page 391, line 5, strike ''$79,000,000,000'' and insert ''$78,975,000,000''.

SA 390. Ms. SNOWE (for herself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE VI—INCREASED LENDING BY ASSISTED FINANCIAL INSTITUTIONS

SEC. 6001. LENDING REQUIREMENTS.

Section 113(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223(a)) is amended by adding at the end the following:

''(4) LENDING REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary may not exercise the authority to provide assistance under the TARP with respect to a financial institution, unless, to the extent that such financial institution is without major capital shortfalls—

''(i) the financial institution certifies in writing that it will increase lending above the lending levels in place at the time of the provision of the assistance; and

''(ii) in the case of a financial institution that has previously received assistance under the TARP, the financial institution has increased its lending levels above the lending levels in place immediately prior to having received the previous disbursement.

''(B) REPAYMENT REQUIRED.—If the Secretary finds that a financial institution that is required to comply with the lending requirements of subparagraph (A) is not making sufficient progress toward achieving such requirements, the Secretary shall require immediate repayment of the assistance provided under the TARP.''.

SA 391. Ms. SNOWE (for herself and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

ASSISTANCE TO COMMUNITIES AFFECTED BY DEFENSE BASE CLOSURES

SEC. 1607. It is the sense of Congress that—

(1) during even the best of economic times, the closure or realignment of a military installation can devastate a local economy, and in our current economy, it will be even more difficult for those communities to redevelop and stem job losses; and

(2) particular consideration should be given to providing assistance and relief under this Act to communities affected by the closure or realignment of military installations.

SA 392. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 250, line 24, after ''Urban Development'' insert the following: ''and that priority shall be given to housing disaster areas, which for purposes of this heading shall mean areas having both a high rate of foreclosure during the last 12 months preceding the date of the enactment of this Act, as measured by percentage or number of home mortgages in or having gone through foreclosure during such period as compared to other areas, and a substantial decline in home prices during such 12-month period, as measured by the Director of the Federal Housing Finance Agency (or the Director of the Office of Federal Housing Enterprise and Oversight) as compared to other areas: *Provided further*, That not less than 25 percent of the amounts made available under this heading be directed to housing disaster areas, as such areas are described in the prior proviso''

SA 393. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 200, strike line 16 and all that follows through page 213, line 4, and insert the following:

ADMINISTRATIVE PROVISION

SEC. 1001. (a) TEMPORARY EXPANSION OF HOMEOWNERS ASSISTANCE PLAN TO RESPOND TO MORTGAGE FORECLOSURE AND CREDIT CRISIS.—Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1), (2), and (3) as clauses (i), (ii), and (iii), respectively, and indenting such subparagraphs, as so redesignated, 6 ems from the left margin;

(B) by striking ''Notwithstanding any other provision of law'' and inserting the following:

''(1) ACQUISITION OF PROPERTY AT OR NEAR MILITARY INSTALLATIONS THAT HAVE BEEN ORDERED TO BE CLOSED.—Notwithstanding any other provision of law'';

(C) by striking ''if he determines'' and inserting ''if—

''(A) the Secretary determines—'';

(D) in clause (iii), as redesignated by subparagraph (A), by striking the period at the end and inserting ''; or''; and

(E) by adding at the end the following:

''(B) the Secretary determines—

''(i) that the conditions in clauses (i) and (ii) of subparagraph (A) have been met;

''(ii) that the closing or realignment of the base or installation resulted from a realignment or closure carried out under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part XXIX of Public Law 101–510; 10 U.S.C. 2687 note);

''(iii) that the property was purchased by the owner before July 1, 2006;

''(iv) that the property was sold by the owner between July 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

''(v) that the property is the primary residence of the owner; and

''(vi) that the owner has not previously received benefit payments authorized under this subsection.

''(2) HOMEOWNER ASSISTANCE FOR WOUNDED MEMBERS OF THE ARMED FORCES, DEPARTMENT

OF DEFENSE AND UNITED STATES COAST GUARD CIVILIAN EMPLOYEES, AND THEIR SPOUSES.—Notwithstanding any other provision of law, the Secretary of Defense is authorized to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling which was at the time of the relevant wound, injury, or illness, the primary residence of—

''(A) any member of the Armed Forces in medical transition who—

''(i) incurred a wound, injury, or illness in the line of duty during a deployment in support of the Armed Forces;

''(ii) is disabled to a degree of 30 percent or more as a result of one impairment, injury, or illness, as determined by the Secretary of Defense or the Secretary of Veterans Affairs; and

''(iii) is reassigned in furtherance of medical treatment or rehabilitation, or due to medical retirement in connection with such disability;

''(B) any civilian employee of the Department of Defense or the United States Coast Guard who—

''(i) was wounded, injured, or became ill in the performance of his or her duties during a forward deployment occurring on or after September 14, 2001, in support of the Armed Forces; and

''(ii) is reassigned in furtherance of medical treatment, rehabilitation, or due to medical retirement resulting from the sustained disability; or

''(C) the spouse of a member of the Armed Forces or a civilian employee of the Department of Defense or the United States Coast Guard if—

''(i) the member or employee was killed in the line of duty during a deployment on or after September 14, 2001, in support of the Armed Forces or died from a wound, injury, or illness incurred in the line of duty during such a deployment; and

''(ii) the spouse relocates from such residence within 2 years after the death of such member or employee.

''(3) TEMPORARY HOMEOWNER ASSISTANCE FOR MEMBERS OF THE ARMED FORCES PERMANENTLY REASSIGNED DURING SPECIFIED MORTGAGE CRISIS.—Notwithstanding any other provision of law, the Secretary of Defense is authorized to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling situated at or near a military base or installation, if the Secretary determines—

''(A) that the owner is a member of the Armed Forces serving on permanent assignment;

''(B) that the owner is permanently reassigned by order of the United States Government to a duty station or home port outside a 50-mile radius of the base or installation;

''(C) that the reassignment was ordered between February 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

''(D) that the property was purchased by the owner before July 1, 2006;

''(E) that the property was sold by the owner between July 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

''(F) that the property is the primary residence of the owner; and

''(G) that the owner has not previously received benefit payments authorized under this subsection.'';

(2) in subsection (b), by striking ''this section'' each place it appears and inserting ''subsection (a)(1)'';

(3) in subsection (c)—

(A) by striking ''Such persons'' and inserting the following:

''(1) HOMEOWNER ASSISTANCE RELATED TO CLOSED MILITARY INSTALLATIONS.—

''(A) IN GENERAL.—Such persons'';

(B) by striking ''set forth above shall elect either (1) to receive'' and inserting the following: ''set forth in subsection (a)(1) shall elect either—

''(i) to receive'';

(C) by striking ''difference between (A) 95 per centum'' and all that follows through ''(B) the fair market value'' and inserting the following: ''difference between—

''(I) 95 per centum of the fair market value of their property (as such value is determined by the Secretary of Defense) prior to public announcement of intention to close all or part of the military base or installation; and

''(II) the fair market value'';

(D) by striking ''time of the sale, or (2) to receive'' and inserting the following: ''time of the sale; or

''(ii) to receive'';

(E) by striking ''outstanding mortgages. The Secretary may also pay a person who elects to receive a cash payment under clause (1) of the preceding sentence an amount'' and inserting ''outstanding mortgages.

''(B) REIMBURSEMENT OF EXPENSES.—The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount''; and

(F) by striking ''best interest of the Federal Government. Cash payment'' and inserting the following: ''best interest of the United States.

''(2) HOMEOWNER ASSISTANCE FOR WOUNDED INDIVIDUALS AND THEIR SPOUSES.—

''(A) IN GENERAL.—Persons eligible under the criteria set forth in subsection (a)(2) may elect either—

''(i) to receive a cash payment as compensation for losses which may be or have been sustained in a private sale, in an amount not to exceed the difference between—

''(I) 95 per centum of prior fair market value of their property (as such value is determined by the Secretary of Defense); and

''(II) the fair market value of such property (as such value is determined by the Secretary of Defense) at the time of sale; or

''(ii) to receive, as purchase price for their property an amount not to exceed 90 per centum of prior fair market value as such value is determined by the Secretary of Defense, or the amount of the outstanding mortgages.

''(B) DETERMINATION OF BENEFITS.—The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount that the Secretary determines appropriate to reimburse the person for the costs incurred by the person in the sale of the property if the Secretary determines that such payment will benefit the person and is in the best interest of the United States.

''(3) HOMEOWNER ASSISTANCE FOR PERMANENTLY REASSIGNED INDIVIDUALS.—

''(A) IN GENERAL.—Persons eligible under the criteria set forth in subsection (a)(3) may elect either—

''(i) to receive a cash payment as compensation for losses which may be or have been sustained in a private sale, in an amount not to exceed the difference between—

''(I) 95 per centum of prior fair market value of their property (as such value is determined by the Secretary of Defense); and

''(II) the fair market value of such property (as such value is determined by the Secretary of Defense) at the time of sale; or

''(ii) to receive, as purchase price for their property an amount not to exceed 90 per centum of prior fair market value as such value is determined by the Secretary of Defense, or the amount of the outstanding mortgages.

''(B) DETERMINATION OF BENEFITS.—The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount that the Secretary determines appropriate to reimburse the person for the costs incurred by the person in the sale of the property if the Secretary determines that such payment will benefit the person and is in the best interest of the United States.

''(4) COMPENSATION AND LIMITATIONS RELATED TO FORECLOSURES AND ENCUMBRANCES.—Cash payment'';

(4) by striking subsection (g);

(5) in subsection (l), by striking ''(a)(2)'' and inserting ''(a)(1)(A)(ii)'';

(6) in subsection (m), by striking ''this section'' and inserting ''subsection (a)(1)'';

(7) in subsection (n)—

(A) in paragraph (1), by striking ''this section'' and inserting ''subsection (a)(1)''; and

(B) in paragraph (2), by striking ''this section'' and inserting ''subsection (a)(1)'';

(8) in subsection (o)—

(A) in paragraph (1), by striking ''this section'' and inserting ''subsection (a)(1)'';

(B) in paragraph (2), by striking ''this section'' and inserting ''subsection (a)(1)''; and

(C) by striking paragraph (4); and

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

''(p) DEFINITIONS.—In this section:

''(1) the term 'Armed Forces' has the meaning given the term 'armed forces' in section 101(a) of title 10, United States Code;

''(2) the term 'civilian employee' has the meaning given the term 'employee' in section 2105(a) of title 5, United States Code;

''(3) the term 'medical transition', in the case of a member of the Armed Forces, means a member who—

''(A) is in Medical Holdover status;

''(B) is in Active Duty Medical Extension status;

''(C) is in Medical Hold status;

''(D) is in a status pending an evaluation by a medical evaluation board;

''(E) has a complex medical need requiring six or more months of medical treatment; or

''(F) is assigned or attached to an Army Warrior Transition Unit, an Air Force Patient Squadron, a Navy Patient Multidisciplinary Care Team, or a Marine Patient Affairs Team/Wounded Warrior Regiment; and

''(4) the term 'nonappropriated fund instrumentality employee' means a civilian employee who—

''(A) is a citizen of the United States; and

''(B) is paid from nonappropriated funds of Army and Air Force Exchange Service, Navy Resale and Services Support Office, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.''.

(b) CLERICAL AMENDMENT.—Such section is further amended in the section heading by inserting ''and certain property owned by members of the Armed Forces, Department of Defense and United States Coast Guard civilian employees, and surviving spouses'' after ''ordered to be closed''.

(c) AUTHORITY TO USE APPROPRIATED FUNDS.—Notwithstanding subsection (i) of such section, amounts appropriated or otherwise made available by this title under the heading ''Homeowners Assistance Fund'' may be used for the Homeowners Assistance Fund established under such section.

SA 394. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, strike lines 4 through 6 and insert the following: ''will increase the energy efficiency of the institution's facilities or are consistent with applicable provisions of—''

''(I) the LEED Green Building Rating System;

''(II) Energy Star (as defined in section 804(i));

''(III) Green Globes (as defined in section 804(i)); or

''(IV) an equivalent program adopted by the State or another jurisdiction with authority over the institution.''.

On page 178 , line 17, insert ''that increase the energy efficiency of the buildings and'' after ''construction projects''.

On page 182, line 5, insert ''increase energy efficiency and'' after ''will''.

SA 395. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 548, line 14, insert ''(40 percent in the case of an issuer described in section 148(f)(4)(D) (determined without regard to clauses (v), (vi), and (vii) thereof and by substituting '$30,000,000' for '$5,000,000' each place it appears therein)'' after ''date''.

On page 552, line 13, insert ''(40 percent in the case of an issuer described in section 148(f)(4)(D) (determined without regard to clauses (v), (vi), and (vii) thereof and by substituting '$30,000,000' for '$5,000,000' each place it appears therein)'' after ''date''.

SA 396. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, insert the following:

SEC. 807. HEALTH CARE WORKFORCE DATA COLLECTION PROGRAM.

(a) GRANT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to State or nonprofit private entities for the purpose of collecting reliable, uniform data regarding the health care workforce in each State or region.

(2) DURATION.—A grant awarded under this section shall be for a 3-year period.

(b) ELIGIBILITY.—

(1) APPLICATION.—An eligible entity desiring to receive an award under this section shall—

(A) be a State or nonprofit private entity, or an organization of such entities; and

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

(2) LOCATION.—The Secretary shall award a grant to not less than 1 eligible entity in each State or region of the United States, as determined by the Secretary, for the collection of data within the State or region of each award recipient, to ensure that health care workforce data from each State or region of the United States is included in the reports under subsection (d).

(c) RESPONSIBILITIES.—Each recipient of an award under this section shall—

(1) use the data sources and methods recommended by the Secretary to collect and report on the data on an ongoing basis, as determined by the Secretary, for the duration of the grant;

(2) submit to the Secretary a standard data set, as specified by the Secretary;

(3) develop and submit to the Secretary State health care workforce policy recommendations; and

(4) provide other information, as the Secretary may require.

(d) REPORTS.—The Secretary shall submit an annual report detailing the state of the health care workforce in the United States, including workforce shortages and projections for the workforce, to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Education and Labor, the Committee on Energy and Commerce, and the Committee on Ways and Means of the House of Representatives. The annual report may include information about all, or selected portions of, the health care workforce, as defined in subsection (e)(1), as the Secretary determines.

(e) DEFINITIONS.—In this section—

(1) HEALTH CARE WORKFORCE.—The term ''health care workforce'' means physicians, as that term is defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)), nurses, nurse practitioners, nurse anesthetists, nurse midwives, physical therapists, physical therapist assistants, occupational therapists, occupational therapist assistants, dietitians, psychologists, mental health social workers, marriage and family therapists, mental health counselors, dental hygienists, pharmacists, pharmacy technicians, public health workers, nurse aides, home health aides, personal care aides, optometrists, and other health care providers, as determined by the Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(f) FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of this title, from the amounts appropriated and transferred to the Health Resources and Services Administration under the heading ''PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND (INCLUDING TRANSFER OF FUNDS)'', and such funds shall remain available through March 31, 2013.

(2) EMERGENCY FUNDS DESIGNATION.—Each amount in this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SA 397. Mr. HARKIN (for himself, Mr. THUNE, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 3 and 4, insert the following:

SEC. ___. ENERGY PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law and in addition to any other funds made available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture (referred to in this section as the ''Secretary'')—

(1) to carry out section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102), $10,000,000 for the period of fiscal years 2009 and 2010;

(2) for the costs of grants and loan guarantees to carry out section 9003 of that Act (7 U.S.C. 8103), $300,000,000 for the period of fiscal years 2009 and 2010;

(3) to carry out section 9004 of that Act (7 U.S.C. 8104), $200,000,000 for the period of fiscal years 2009 and 2010;

(4) to carry out section 9005 of that Act (7 U.S.C. 8105), $100,000,000 for the period of fiscal years 2009 and 2010;

(5) for the costs of grants and loan guarantees to carry out section 9007 of that Act (7 U.S.C. 8107), $300,000,000 for the period of fiscal years 2009 and 2010;

(6) to carry out section 9008 of that Act (7 U.S.C. 8108), $100,000,000 for the period of fiscal years 2009 and 2010;

(7) to carry out section 9009 of that Act (7 U.S.C. 8109), $40,000,000 for the period of fiscal years 2009 and 2010;

(8) to carry out section 9011 of that Act (7 U.S.C. 8111), $50,000,000 for the period of fiscal years 2009 and 2010; and

(9) to carry out section 9013 of that Act (7 U.S.C. 8113), $40,000,000 for the period of fiscal years 2009 and 2010.

(b) CONDITION ON FUNDS.—Funds made available under subsection (a)(3) may be used to provide assistance under section 9004 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104) to power plants and manufacturing facilities in rural areas.

(c) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to provide those loans the funds transferred under subsection (a), without further appropriation.

(d) AVAILABILITY OF FUNDS.—Funds made available under subsection (a) shall remain available until September 30, 2010.

(e) EMERGENCY DESIGNATION.—Each amount provided in this amendment is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

(f) OFFSET.—Notwithstanding any other provision of this Act, each amount provided to the Secretary of Energy under title IV is reduced by the pro rata percentage required to reduce the total amount provided to the Secretary of Energy under title IV by $1,140,000,000.

SA 398. Mr. BAUCUS (for himself, Mr. BOND, Mr. VOINOVICH, Mr. BROWNBACK, Mr. SPECTER, Mr. SANDERS, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 244, between lines 2 and 3, insert the following:

SEC. 12___. Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1937) is repealed.

SA 399. Ms. STABENOW (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 514, after line 16, insert the following:

PART X—TREATMENT OF LIMITATIONS ON LOSSES AFTER CERTAIN OWNERSHIP CHANGES

SEC. 1291. TREATMENT OF CERTAIN OWNERSHIP CHANGES FOR PURPOSES OF LIMITATIONS ON NET OPERATING LOSS CARRYFORWARDS AND CERTAIN BUILT-IN LOSSES.

(a) IN GENERAL.—Section 382 is amended by adding at the end the following new subsection:

''(n) SPECIAL RULE FOR CERTAIN OWNERSHIP CHANGES.—Subsection (a) shall not apply in the case of an ownership change pursuant to a restructuring plan required under a loan agreement or a commitment for a line of credit entered into with the Department of the Treasury.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to ownership changes after the date of the enactment of this Act.

SA 400. Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ———. AVIATION PROGRAMS.

(a) SHORT TITLE.—This section may be cited as the ''Federal Aviation Administration Extension Act of 2009''.

(b) EXTENSION OF AVIATION PROGRAMS FOR FY 2009.—

(1) EXTENSION OF AVIATION TAXES.—The Internal Revenue Code of 1986 is amended by striking ''March 31, 2009'' and inserting ''September 30, 2009'' each place it appears in each of the following sections:

(A) Section 4081(d)(2)(B).

(B) Section 4261(j)(1)(A)(ii).

(C) Section 4271(d)(1)(A)(ii).

(2) EXTENSION OF EXPENDITURE AUTHORITY.—

(A) Such Code is amended by striking ''April 1, 2009'' each place it appears and inserting ''October 1, 2009'' in each of the following sections:

(i) Section 9502(d)(1).

(ii) Section 9502(e)(2).

(B) Paragraph (1) of section 9502(d) of such Code is amended by inserting ''or the Federal Aviation Administration Extension Act of 2009'' before the semicolon at the end of subparagraph (A).

(3) EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.—

(A) Paragraph (6) of section 48103 of such title is amended to read as follows:

''(6) $3,900,000,000 for fiscal year 2009.''.

(B) Section 47104(c) of such title is amended by striking ''March 31, 2009,'' and inserting ''September 30, 2009,''.

(4) EXTENSION OF EXPIRING AUTHORITIES.—

(A) Title 49, United States Code, is amended by striking the date specified in each of the following sections and inserting ''September 30, 2009'':

(i) Section 40117(l)(7).

(ii) Section 44303(b).

(iii) Section 47107(s)(3).

(iv) Section 47141(f).

(v) Section 49108.

(B) Section 44302(f)(1) of such title is amended—

(i) by striking ''March 31, 2009'' and inserting ''September 30, 2009''; and

(ii) by striking ''May 31, 2009'' and inserting ''December 31, 2009''.

(C) Section 47115(j) of such title is amended by striking ''2008, and the portion of fiscal year 2009 ending before April 1, 2009,'' and inserting ''2009,''.

(D) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking ''before April 1, 2009,''.

(E) Section 186(d) of such Act (117 Stat. 2518) is amended by striking ''2008, and for the portion of fiscal year 2009 ending before April 1, 2009,'' and inserting ''2009,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2009.

SA 401. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 393, strike lines 16 through 18 and insert the following:

ices, which may include—

(1) assistance for elementary and secondary education and public institutions of higher education; and

(2) critical water resource, flood protection, environmental restoration, and infrastructure programs, projects, and activities, which may be used to satisfy a non-Federal matching requirement for any other Federal program, project, or activity.

SA 402. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, line 18, strike ''has'' and insert ''lacks''.

SA 403. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 179, line 8, insert ''and any allotments under paragraph (2)'' after ''paragraph (1)''.

SA 404. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 565, strike line 4 and all that follows through page 566, line 22, and insert the following:

Subtitle H—Trade Adjustment Assistance

SEC. 1700. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the ''Trade and Globalization Adjustment Assistance Act of 2009''.

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

PART I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Subpart A—Trade Adjustment Assistance for Service Sector Workers

SEC. 1701. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO SERVICE SECTOR AND PUBLIC AGENCY WORKERS; SHIFTS IN PRODUCTION.

(a) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (1)—

(A) by striking ''or appropriate subdivision of a firm''; and

(B) by striking ''or subdivision'';

(2) in paragraph (2), by striking ''employment—'' and all that follows and inserting ''employment, has been totally or partially separated from such employment.'';

(3) by inserting after paragraph (2) the following:

''(3) Subject to section 222(d)(5), the term 'firm' means—

''(A) a firm, including an agricultural firm, service sector firm, or public agency; or

''(B) an appropriate subdivision thereof.'';

(4) by inserting after paragraph (6) the following:

''(7) The term 'public agency' means a department or agency of a State or local government or of the Federal Government, or a subdivision thereof.'';

(5) in paragraph (11), by striking '', or in a subdivision of which,''; and

(6) by adding at the end the following:

''(18) The term 'service sector firm' means a firm engaged in the business of supplying services.''.

(b) GROUP ELIGIBILITY REQUIREMENTS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsection (a)(2)—

(A) by amending subparagraph (A)(ii) to read as follows:

''(ii)(I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

''(II) imports of articles like or directly competitive with articles—

''(aa) into which one or more component parts produced by such firm are directly incorporated, or

''(bb) which are produced directly using services supplied by such firm,

have increased; or

''(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; and''; and

(B) by amending subparagraph (B) to read as follows:

''(B)(i)(I) there has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; or

''(II) such workers' firm has acquired articles or services described in subclause (I) from a foreign country; and

''(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

''(b) ADVERSELY AFFECTED WORKERS IN PUBLIC AGENCIES.—A group of workers in a public agency shall be certified by the Secretary as eligible to apply for adjustment assistance under this chapter pursuant to a petition filed under section 221 if the Secretary determines that—

''(1) a significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

''(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

''(3) the acquisition of services described in paragraph (2) contributed importantly to such workers' separation or threat of separation.''.

(c) BASIS FOR SECRETARY'S DETERMINATIONS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended, is further amended by adding at the end the following:

''(e) BASIS FOR SECRETARY'S DETERMINATIONS.—

''(1) IN GENERAL.—The Secretary shall, in determining whether to certify a group of workers under section 223, obtain from the workers' firm or a customer of the workers' firm, information the Secretary determines to be necessary to make the certification, through questionnaires and in such other manner as the Secretary determines appropriate.

''(2) ADDITIONAL INFORMATION.—The Secretary may seek additional information to determine whether to certify a group of workers under subsection (a), (b), or (c)—

''(A) by contacting—

''(i) officials or employees of the workers' firm;

''(ii) officials of customers of the workers' firm;

''(iii) officials of certified or recognized unions or other duly authorized representatives of the group of workers; or

''(iv) one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)); or

''(B) by using other available sources of information.

''(3) VERIFICATION OF INFORMATION.—

''(A) CERTIFICATION.—The Secretary shall require a firm or customer to certify—

''(i) all information obtained under paragraph (1) from the firm or customer (as the case may be) through questionnaires; and

''(ii) all other information obtained under paragraph (1) from the firm or customer (as the case may be) on which the Secretary relies in making a determination under section 223, unless the Secretary has a reasonable basis for determining that such information is accurate and complete without being certified.

''(B) USE OF SUBPOENAS.—The Secretary shall require a workers' firm or a customer of a workers' firm to provide information requested by the Secretary under paragraph (1) by subpoena pursuant to section 249 if the firm or customer (as the case may be) fails to provide the information within 20 days of the Secretary's request, unless the firm or customer (as the case may be) demonstrates to the satisfaction of the Secretary that the firm or customer (as the case may be) will provide the information within a reasonable period of time.

''(C) PROTECTION OF CONFIDENTIAL INFORMATION.—The Secretary may not release information obtained under paragraph (1) that the Secretary considers to be confidential business information unless the firm or customer (as the case may be) submitting the confidential business information had notice, at the time of submission, that the information would be released by the Secretary, or the firm or customer (as the case may be) subsequently consents to the release of the information. Nothing in this subparagraph shall be construed to prohibit the Secretary from providing such confidential business information to a court in camera or to another party under a protective order issued by a court.''.

(d) PENALTIES.—Section 244 of the Trade Act of 1974 (19 U.S.C. 2316) is amended to read as follows:

''SEC. 244. PENALTIES.

''Whoever—

''(1) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this chapter or pursuant to an agreement under section 239, or

''(2) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact when providing information to the Secretary during an investigation of a petition under section 221,

shall be imprisoned for not more than one year, fined under title 18, United States Code, or both.''.

(e) CONFORMING AMENDMENTS.—

(1) Section 221(a) of the Trade Act of 1974 (19 U.S.C. 2271(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''Secretary'' and inserting ''Secretary of Labor''; and

(II) by striking ''or subdivision'' and inserting ''(as defined in section 247)''; and

(ii) in subparagraph (A), by striking ''(including workers in an agricultural firm or subdivision of any agricultural firm)'';

(B) in paragraph (2)(A), by striking ''rapid response assistance'' and inserting ''rapid response activities''; and

(C) in paragraph (3), by inserting ''and on the website of the Department of Labor'' after ''Federal Register''.

(2) Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended, is further amended—

(A) by striking ''(including workers in any agricultural firm or subdivision of an agricultural firm)'' each place it appears;

(B) in subsection (a)—

(i) in paragraph (1), by striking '', or an appropriate subdivision of the firm,''; and

(ii) in paragraph (2), by striking ''or subdivision'' each place it appears;

(C) in subsection (c) (as redesignated)—

(i) in paragraph (2)—

(I) by striking ''(or subdivision)'' each place it appears;

(II) by inserting ''or service'' after ''the article''; and

(III) by striking ''(c) (3)'' and inserting ''(d) (3)''; and

(ii) in paragraph (3), by striking ''(or subdivision)'' each place it appears; and

(D) in subsection (d) (as redesignated)—

(i) by striking ''For purposes'' and inserting ''DEFINITIONS.—For purposes'';

(ii) in paragraph (2), by striking '', or appropriate subdivision of a firm,'' each place it appears;

(iii) by amending paragraph (3) to read as follows:

''(3) DOWNSTREAM PRODUCER.—

''(A) IN GENERAL.—The term 'downstream producer' means a firm that performs additional, value-added production processes or services directly for another firm for articles or services with respect to which a group of workers in such other firm has been certified under subsection (a).

''(B) VALUE-ADDED PRODUCTION PROCESSES OR SERVICES.—For purposes of subparagraph (A), value-added production processes or services include final assembly, finishing, testing, packaging, or maintenance or transportation services.'';

(iv) in paragraph (4)—

(I) by striking ''(or subdivision)''; and

(II) by inserting '', or services, used in the production of articles or in the supply of services, as the case may be,'' after ''for articles''; and

(v) by adding at the end the following:

''(5) REFERENCE TO FIRM.—For purposes of subsection (a), the term 'firm' does not include a public agency.''.

(3) Section 231(a)(2) of the Trade Act of 1974 (19 U.S.C. 2291(a)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''or subdivision of a firm''; and

(B) in subparagraph (C), by striking ''or subdivision''.

SEC. 1702. SEPARATE BASIS FOR CERTIFICATION.

Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended by adding at the end the following:

''(f) FIRMS IDENTIFIED BY THE INTERNATIONAL TRADE COMMISSION.—Notwithstanding any other provision of this chapter, a group of workers covered by a petition filed under section 221 shall be certified under subsection (a) as eligible to apply for adjustment assistance under this chapter if—

''(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

''(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1);

''(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or

''(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

''(2) the petition is filed during the 1-year period beginning on the date on which—

''(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the Federal Register under section 202(f)(3); or

''(B) notice of an affirmative determination described in subparagraph (B) or (C) of paragraph (1) is published in the Federal Register; and

''(3) the workers have become totally or partially separated from the workers' firm within—

''(A) the 1-year period described in paragraph (2); or

''(B) notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).''.

SEC. 1703. DETERMINATIONS BY SECRETARY OF LABOR.

Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) is amended—

(1) in subsection (b), by striking ''or appropriate subdivision of the firm before his application'' and all that follows and inserting ''before the workers' application under section 231 occurred more than one year before the date of the petition on which such certification was granted.'';

(2) in subsection (c), by striking ''together with his reasons'' and inserting ''and on the website of the Department of Labor, together with the Secretary's reasons'';

(3) in subsection (d)—

(A) by striking ''or subdivision of the firm'' and all that follows through ''he shall'' and inserting '', that total or partial separations from such firm are no longer attributable to the conditions specified in section 222, the Secretary shall''; and

(B) by striking ''together with his reasons'' and inserting ''and on the website of the Department of Labor, together with the Secretary's reasons''; and

(4) by adding at the end the following:

''(e) STANDARDS FOR INVESTIGATIONS AND DETERMINATIONS.—

''(1) IN GENERAL.—The Secretary shall establish standards, including data requirements, for investigations of petitions filed under section 221 and criteria for making determinations under subsection (a).

''(2) CONSULTATIONS.—Not less than 90 days before issuing a final rule with respect to the standards required under paragraph (1), the Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to such rule.''.

SEC. 1704. MONITORING AND REPORTING RELATING TO SERVICE SECTOR.

(a) IN GENERAL.—Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended—

(1) in the heading, by striking ''**SYSTEM**'' and inserting ''**AND DATA COLLECTION**'';

(2) in the first sentence—

(A) by striking ''The Secretary'' and inserting ''(a) MONITORING PROGRAMS.—The Secretary'';

(B) by inserting ''and services'' after ''imports of articles'';

(C) by inserting ''and domestic supply of services'' after ''domestic production'';

(D) by inserting ''or supplying services'' after ''producing articles''; and

(E) by inserting '', or supply of services,'' after ''changes in production''; and

(3) by adding at the end the following:

''(b) COLLECTION OF DATA AND REPORTS ON SERVICE SECTOR.—

''(1) SECRETARY OF LABOR.—Not later than 90 days after the date of the enactment of this subsection, the Secretary of Labor shall implement a system to collect data on adversely affected workers employed in the service sector that includes the number of workers by State and industry, and by the cause of the dislocation of each worker, as identified in the certification.

''(2) SECRETARY OF COMMERCE.—Not later than 1 year after such date of enactment, the Secretary of Commerce shall, in consultation with the Secretary of Labor, conduct a study and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on ways to improve the timeliness and coverage of data on trade in services, including methods to identify increased imports due to the relocation of United States firms to foreign countries, and increased imports due to United States firms acquiring services from firms in foreign countries.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 282 and inserting the following:

''Sec. 282. Trade monitoring and data collection.''.

Subpart B—Industry Notifications Following Certain Affirmative Determinations

SEC. 1711. NOTIFICATIONS FOLLOWING CERTAIN AFFIRMATIVE DETERMINATIONS.

(a) IN GENERAL.—Section 224 of the Trade Act of 1974 (19 U.S.C. 2274) is amended—

(1) by amending the heading to read as follows:

''SEC. 224. STUDY AND NOTIFICATIONS REGARDING CERTAIN AFFIRMATIVE DETERMINATIONS; INDUSTRY NOTIFICATION OF ASSISTANCE.'';

(2) in subsection (a), by striking ''Whenever'' and inserting ''STUDY OF DOMESTIC INDUSTRY.—Whenever'';

(3) in subsection (b)—

(A) by striking ''The report'' and inserting ''REPORT BY THE SECRETARY.—The report''; and

(B) by inserting ''and on the website of the Department of Labor'' after ''Federal Register''; and

(4) by adding at the end the following:

''(c) NOTIFICATIONS FOLLOWING AFFIRMATIVE GLOBAL SAFEGUARD DETERMINATIONS.—Upon making an affirmative determination under section 202(b), the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

''(d) NOTIFICATIONS FOLLOWING AFFIRMATIVE BILATERAL OR PLURILATERAL SAFEGUARD DETERMINATIONS.—

''(1) NOTIFICATIONS OF DETERMINATIONS OF MARKET DISRUPTION.—Upon making an affirmative determination under section 421, the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

''(2) NOTIFICATIONS REGARDING TRADE AGREEMENT SAFEGUARDS.—Upon making an affirmative determination in a proceeding initiated under an applicable safeguard provision (other than a provision described in paragraph (3)) that is enacted to implement a trade agreement to which the United States is a party, the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

''(3) NOTIFICATIONS REGARDING TEXTILE AND APPAREL SAFEGUARDS.—Upon making an affirmative determination in a proceeding initiated under any safeguard provision relating to textile and apparel articles that is enacted to implement a trade agreement to which the United States is a party, the President shall promptly notify the Secretary of Labor and the Secretary of Commerce of the determination.

''(e) NOTIFICATIONS FOLLOWING CERTAIN AFFIRMATIVE DETERMINATIONS UNDER TITLE VII OF THE TARIFF ACT OF 1930.—Upon making an affirmative determination under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A)), the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

''(f) INDUSTRY NOTIFICATION OF ASSISTANCE.—Upon receiving a notification of a determination under subsection (c), (d), or (e) with respect to an industry—

''(1) the Secretary of Labor shall—

''(A) notify the representatives of the domestic industry affected by the determination, firms publicly identified by name during the course of the proceeding relating to the determination, and any certified or recognized union or, to the extent practicable, other duly authorized representative of workers employed by such representatives of the domestic industry, of—

''(i) the allowances, training, employment services, and other benefits available under this chapter;

''(ii) the manner in which to file a petition and apply for such benefits; and

''(iii) the availability of assistance in filing such petitions;

''(B) notify the Governor of each State in which one or more firms in the industry described in subparagraph (A) are located of the Commission's determination and the identity of the firms; and

''(C) upon request, provide any assistance that is necessary to file a petition under section 221;

''(2) the Secretary of Commerce shall—

''(A) notify the representatives of the domestic industry affected by the determination and any firms publicly identified by name during the course of the proceeding relating to the determination of—

''(i) the benefits available under chapter 3;

''(ii) the manner in which to file a petition and apply for such benefits; and

''(iii) the availability of assistance in filing such petitions; and

''(B) upon request, provide any assistance that is necessary to file a petition under section 251; and

''(3) in the case of an affirmative determination based upon imports of an agricultural commodity, the Secretary of Agriculture shall—

''(A) notify representatives of the domestic industry affected by the determination and any agricultural commodity producers publicly identified by name during the course of the proceeding relating to the determination of—

''(i) the benefits available under chapter 6;

''(ii) the manner in which to file a petition and apply for such benefits; and

''(iii) the availability of assistance in filing such petitions; and

''(B) upon request, provide any assistance that is necessary to file a petition under section 292.

''(g) REPRESENTATIVES OF THE DOMESTIC INDUSTRY.—For purposes of subsection (f), the term 'representatives of the domestic industry' means the persons that petitioned for relief in connection with—

''(1) a proceeding under section 202 or 421 of this Act;

''(2) a proceeding under section 702(b) or 732(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)); or

''(3) any safeguard investigation described in subsection (d)(2) or (d)(3).''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 224 and inserting the following:

''Sec. 224. Study and notifications regarding certain affirmative determinations; industry notification of assistance.''.

SEC. 1712. NOTIFICATION TO SECRETARY OF COMMERCE.

Section 225 of the Trade Act of 1974 (19 U.S.C. 2275) is amended by adding at the end the following:

''(c) Upon issuing a certification under section 223, the Secretary shall notify the Secretary of Commerce of the identity of each firm associated with the certification.''.

Subpart C—Program Benefits

SEC. 1721. QUALIFYING REQUIREMENTS FOR WORKERS.

(a) IN GENERAL.—Section 231(a)(5)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2291(a)(5)(A)(ii)) is amended—

(1) by striking subclauses (I) and (II) and inserting the following:

''(I) in the case of a worker whose most recent total separation from adversely affected employment that meets the requirements of paragraphs (1) and (2) occurs after the date on which the Secretary issues a certification covering the worker, the last day of the 26th week after such total separation,

''(II) in the case of a worker whose most recent total separation from adversely affected employment that meets the requirements of

paragraphs (1) and (2) occurs before the date on which the Secretary issues a certification covering the worker, the last day of the 26th week after the date of such certification,''.

(2) in subclause (III)—

(A) by striking ''later of the dates specified in subclause (I) or (II)'' and inserting ''date specified in subclause (I) or (II), as the case may be''; and

(B) by striking ''or'' at the end;

(3) by redesignating subclause (IV) as subclause (V); and

(4) by inserting after subclause (III) the following:

''(IV) in the case of a worker who fails to enroll by the date required by subclause (I), (II), or (III), as the case may be, due to the failure to provide the worker with timely information regarding the date specified in such subclause, the last day of a period determined by the Secretary, or''.

(b) WAIVERS OF TRAINING REQUIREMENTS.—Section 231(c) of the Trade Act of 1974 (19 U.S.C. 2291(c)) is amended—

(1) in paragraph (1)(B)—

(A) by striking ''The worker possesses'' and inserting the following:

''(i) IN GENERAL.—The worker possesses''; and

(B) by adding at the end the following:

''(ii) MARKETABLE SKILLS DEFINED.—For purposes of clause (i), the term 'marketable skills' may include the possession of a postgraduate degree from an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) or an equivalent institution, or the possession of an equivalent postgraduate certification in a specialized field.'';

(2) in paragraph (2)(A), by striking ''A waiver'' and inserting ''Except as provided in paragraph (3)(B), a waiver''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''Pursuant to an agreement under section 239, the Secretary may authorize a'' and inserting ''An agreement under section 239 shall authorize a'';

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

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

''(B) REVIEW OF WAIVERS.—An agreement under section 239 shall require a cooperating State to review each waiver issued by the State under subparagraph (A), (B), (D), (E), or (F) of paragraph (1)—

''(i) 3 months after the date on which the State issues the waiver; and

''(ii) on a monthly basis thereafter.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 231 of the Trade Act of 1974 (19 U.S.C. 2291), as amended, is further amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''more than 60 days'' and all that follows through ''section 221'' and inserting ''on or after the date of such certification''; and

(B) in subsection (b)—

(i) by striking paragraph (2); and

(ii) in paragraph (1)—

(I) by striking ''(1)'';

(II) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(III) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(IV) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(2) Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) through (g) as subsections (b) through (f), respectively.

SEC. 1722. WEEKLY AMOUNTS.

Section 232 of the Trade Act of 1974 (19 U.S.C. 2292) is amended—

(1) in subsection (a)—

(A) by striking ''subsections (b) and (c)'' and inserting ''subsections (b), (c), and (d)'';

(B) by striking ''total unemployment'' the first place it appears and inserting ''unemployment''; and

(C) in paragraph (2), by adding at the end before the period the following: '', except that in the case of an adversely affected worker who is participating in training under this chapter, such income shall not include earnings from work for such week that are equal to or less than the most recent weekly benefit amount of the unemployment insurance payable to the worker for a week of total unemployment preceding the worker's first exhaustion of unemployment insurance (as determined for purposes of section 231(a)(3)(B))''; and

(2) by adding at the end the following:

''(d) ELECTION OF TRADE READJUSTMENT ALLOWANCE OR UNEMPLOYMENT INSURANCE.—Notwithstanding section 231(a)(3)(B), an adversely affected worker may elect to receive a trade readjustment allowance instead of unemployment insurance during any week with respect to which the worker—

''(1) is entitled to receive unemployment insurance as a result of the establishment by the worker of a new benefit year under State law, based in whole or in part upon part-time or short-term employment in which the worker engaged after the worker's most recent total separation from adversely affected employment; and

''(2) is otherwise entitled to a trade readjustment allowance.''.

SEC. 1723. LIMITATIONS ON TRADE READJUSTMENT ALLOWANCES; ALLOWANCES FOR EXTENDED TRAINING AND BREAKS IN TRAINING.

Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—

(1) in paragraph (2), by inserting ''under paragraph (1)'' after ''trade readjustment allowance''; and

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''training'' and inserting ''a training program'';

(ii) by striking ''52 additional weeks'' and inserting ''78 additional weeks''; and

(iii) by striking ''52-week'' and inserting ''91-week''; and

(B) in the matter following subparagraph (B), by striking ''52-week'' and inserting ''91-week''.

SEC. 1724. SPECIAL RULES FOR CALCULATION OF ELIGIBILITY PERIOD.

Section 233 of the Trade Act of 1974 (19 U.S.C. 2293), as amended, is further amended by adding at the end the following:

''(g) SPECIAL RULE FOR CALCULATING SEPARATION.—Notwithstanding any other provision of this chapter, any period during which a judicial or administrative appeal is pending with respect to the denial by the Secretary of a petition under section 223 shall not be counted for purposes of calculating the period of separation under subsection (a)(2).

''(h) SPECIAL RULE FOR JUSTIFIABLE CAUSE.—If the Secretary determines that there is justifiable cause, the Secretary may extend the period during which a trade readjustment allowance is payable to an adversely affected worker under paragraphs (2) and (3) of subsection (a) (but not the maximum amounts of such allowance that are payable under this section).

''(i) SPECIAL RULE WITH RESPECT TO MILITARY SERVICE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this chapter, the Secretary may waive any requirement of this chapter that the Secretary determines is necessary to ensure that an adversely affected worker who is a member of a reserve component of the Armed Forces and serves a period of duty described in paragraph (2) is eligible to receive a trade readjustment allowance, training, and other benefits under this chapter in the same manner and to the same extent as if the worker had not served the period of duty.

''(2) PERIOD OF DUTY DESCRIBED.—An adversely affected worker serves a period of duty described in this paragraph if, before completing training under section 236, the worker—

''(A) serves on active duty for a period of more than 30 days under a call or order to active duty of more than 30 days; or

''(B) in the case of a member of the Army National Guard of the United States or Air National Guard of the United States, performs full-time National Guard duty under section 502(f) of title 32, United States Code, for 30 consecutive days or more when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.''.

SEC. 1725. APPLICATION OF STATE LAWS AND REGULATIONS ON GOOD CAUSE FOR WAIVER OF TIME LIMITS OR LATE FILING OF CLAIMS.

Section 234 of the Trade Act of 1974 (19 U.S.C. 2294) is amended—

(1) by striking ''Except where inconsistent'' and inserting ''(a) IN GENERAL.—Except where inconsistent''; and

(2) by adding at the end the following:

''(b) SPECIAL RULE WITH RESPECT TO STATE LAWS AND REGULATIONS ON GOOD CAUSE FOR WAIVER OF TIME LIMITS OR LATE FILING OF CLAIMS.—Any law, regulation, policy, or practice of a cooperating State that allows for a waiver for good cause of any time limitation relating to the administration of the State unemployment insurance law shall, in the administration of the program under this chapter by the State, apply to any time limitation with respect to an application for readjustment allowance or enrollment in training under this chapter.''.

SEC. 1726. EMPLOYMENT AND CASE MANAGEMENT SERVICES.

(a) IN GENERAL.—Section 235 of the Trade Act of 1974 (19 U.S.C. 2295) is amended to read as follows:

''SEC. 235. EMPLOYMENT AND CASE MANAGEMENT SERVICES.

''The Secretary shall make available, directly or through agreements with States under section 239, to adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A of this chapter the following employment and case management services:

''(1) Comprehensive and specialized assessment of skill levels and service needs, including through—

''(A) diagnostic testing and use of other assessment tools; and

''(B) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

''(2) Development of an individual employment plan to identify employment goals and objectives, and appropriate training to achieve those goals and objectives.

''(3) Information on training available in local and regional areas, information on individual counseling to determine which

training is suitable training, and information on how to apply for such training.

''(4) Information on how to apply for financial aid, including referring workers to educational opportunity centers described in section 402F of the Higher Education Act of 1965 (20 U.S.C. 1070a–16), where applicable, and notifying workers that the workers may request financial aid administrators at institutions of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) to use the administrators' discretion under section 479A of such Act (20 U.S.C. 1087tt) to use current year income data, rather than preceding year income data, for determining the amount of need of the workers for Federal financial assistance under title IV of such Act (20 U.S.C. 1070 et seq.).

''(5) Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for employment or training.

''(6) Individual career counseling, including job search and placement counseling, during the period in which the individual is receiving a trade adjustment allowance or training under this chapter, and for purposes of job placement after receiving such training.

''(7) Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

''(A) job vacancy listings in such labor market areas;

''(B) information on jobs skills necessary to obtain jobs identified in job vacancy listings described in subparagraph (A);

''(C) information relating to local occupations that are in demand and earnings potential of such occupations; and

''(D) skills requirements for local occupations described in subparagraph (C).

''(8) Information relating to the availability of supportive services, including services relating to child care, transportation, dependent care, housing assistance, and need-related payments that are necessary to enable an individual to participate in training.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 235 and inserting the following:

''235. Employment and case management services.''.

SEC. 1727. ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.

(a) IN GENERAL.—Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2295 et seq.) is amended by inserting after section 235 the following:

''SEC. 235A. FUNDING FOR ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.

''(a) FUNDING FOR ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.—

''(1) IN GENERAL.—In addition to any funds made available to a State to carry out section 236 for a fiscal year, the State shall receive for the fiscal year a payment in an amount that is equal to 15 percent of the amount of such funds.

''(2) USE OF FUNDS.—A State that receives a payment under paragraph (1) shall—

''(A) use not more than 2/3 of such payment for the administration of the trade adjustment assistance for workers program under this chapter, including for—

''(i) processing waivers of training requirements under section 231;

''(ii) collecting, validating, and reporting data required under this chapter; and

''(iii) providing reemployment trade adjustment assistance under section 246; and

''(B) use not less than 1/3 of such payment for employment and case management services under section 235.

''(b) ADDITIONAL FUNDING FOR EMPLOYMENT AND CASE MANAGEMENT SERVICES.—

''(1) IN GENERAL.—In addition to the funds made available to a State to carry out section 236 and the payment under subsection (a)(1) for a fiscal year, the Secretary shall provide to the State for the fiscal year a payment in the amount of $350,000.

''(2) USE OF FUNDS.—A State that receives a payment under paragraph (1) shall use such payment for the purpose of providing employment and case management services under section 235.

''(3) VOLUNTARY RETURN OF FUNDS.—A State that receives a payment under paragraph (1) may decline or otherwise return such payment to the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 235 the following:

''Sec. 235A. Funding for administrative expenses and employment and case management services.''.

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

SEC. 1728. TRAINING FUNDING.

(a) IN GENERAL.—Section 236(a)(2) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)) is amended to read as follows:

''(2)(A) The total amount of payments that may be made under paragraph (1) shall not exceed—

''(i) for each of the fiscal years 2009 and 2010, $575,000,000; and

''(ii) for the period beginning October 1, 2010, and ending December 31, 2010, $143,750,000.

''(B)(i) The Secretary shall, as soon as practicable after the beginning of each fiscal year, make an initial distribution of the funds made available to carry out this section, in accordance with the requirements of subparagraph (C).

''(ii) The Secretary shall ensure that not less than 90 percent of the funds made available to carry out this section for a fiscal year are distributed to the States by not later than July 15 of that fiscal year.

''(C)(i) In making the initial distribution of funds pursuant to subparagraph (B)(i) for a fiscal year, the Secretary shall hold in reserve 35 percent of the funds made available to carry out this section for that fiscal year for additional distributions during the remainder of the fiscal year.

''(ii) Subject to clause (iii), in determining how to apportion the initial distribution of funds pursuant to subparagraph (B)(i) in a fiscal year, the Secretary shall take into account, with respect to each State—

''(I) the trend in the number of workers covered by certifications of eligibility under this chapter during the most recent 4 consecutive calendar quarters for which data are available;

''(II) the trend in the number of workers participating in training under this section during the most recent 4 consecutive calendar quarters for which data are available;

''(III) the number of workers estimated to be participating in training under this section during the fiscal year;

''(IV) the amount of funding estimated to be necessary to provide training approved under this section to such workers during the fiscal year; and

''(V) such other factors as the Secretary considers appropriate relating to the provision of training under this section.

''(iii) In no case may the amount of the initial distribution to a State pursuant to subparagraph (B)(i) in a fiscal year be less than 25 percent of the initial distribution to the State in the preceding fiscal year.

''(D) The Secretary shall establish procedures for the distribution of the funds that remain available for the fiscal year after the initial distribution required under subparagraph (B). Such procedures may include the distribution of funds pursuant to requests submitted by States in need of such funds.

''(E) If, during a fiscal year, the Secretary estimates that the amount of funds necessary to pay the costs of training approved under this section will exceed the dollar amount limitation specified in subparagraph (A), the Secretary shall decide how the amount of funds made available to carry out this section that have not been distributed at the time of the estimate will be apportioned among the States for the remainder of the fiscal year.''.

(b) DETERMINATIONS REGARDING TRAINING.—Section 236(a)(9) of the Trade Act of 1974 (19 U.S.C. 2296(a)(9)) is amended—

(1) by striking ''The Secretary'' and inserting ''(A) Subject to subparagraph (B), the Secretary''; and

(2) by adding at the end the following:

''(B)(i) In determining under paragraph (1)(E) whether a worker is qualified to undertake and complete training, the Secretary may approve training for a period longer than the worker's period of eligibility for trade readjustment allowances under part I if the worker demonstrates a financial ability to complete the training after the expiration of the worker's period of eligibility for such trade readjustment allowances.

''(ii) In determining the reasonable cost of training under paragraph (1)(F) with respect to a worker, the Secretary may consider whether other public or private funds are reasonably available to the worker, except that the Secretary may not require a worker to obtain such funds as a condition of approval of training under paragraph (1).''.

(c) REGULATIONS.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended by adding at the end the following:

''(g) REGULATIONS WITH RESPECT TO APPORTIONMENT OF TRAINING FUNDS TO STATES.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall issue such regulations as may be necessary to carry out the provisions of subsection (a)(2).

''(2) CONSULTATIONS.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 90 days before issuing any final rule or regulation pursuant to paragraph (1).''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act, except that—

(1) subparagraph (A) of section 236(a)(2) of the Trade Act of 1974, as amended by subsection (a) of this section, shall take effect on the date of the enactment of this Act; and

(2) subparagraphs (B), (C), and (D) of such section 236(a)(2) shall take effect on October 1, 2009.

SEC. 1729. PREREQUISITE EDUCATION; APPROVED TRAINING PROGRAMS.

(a) IN GENERAL.—Section 236(a)(5) of the Trade Act of 1974 (19 U.S.C. 2296(a)(5)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' at the end of clause (i);

(B) by adding ''and'' at the end of clause (ii); and

(C) by inserting after clause (ii) the following:

''(iii) apprenticeship programs registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.),'';

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (D) the following:

''(E) any program of prerequisite education or coursework required to enroll in training that may be approved under this section,'';

(4) in subparagraph (F)(ii), as redesignated by paragraph (2), by striking ''and'' at the end;

(5) in subparagraph (G), as redesignated by paragraph (2), by striking the period at the end and inserting '', and''; and

(6) by adding at the end the following:

''(H) any training program or coursework at an accredited institution of higher education (described in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), including a training program or coursework for the purpose of—

''(i) obtaining a degree or certification; or

''(ii) completing a degree or certification that the worker had previously begun at an accredited institution of higher education.

The Secretary may not limit approval of a training program under paragraph (1) to a program provided pursuant to title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).''.

(b) CONFORMING AMENDMENTS.—Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(1) in subsection (a)(2), by inserting ''prerequisite education or'' after ''requires a program of''; and

(2) in subsection (f) (as redesignated by section 1721(c) of this subtitle), by inserting ''prerequisite education or'' after ''includes a program of''.

(c) TECHNICAL CORRECTIONS.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the flush text, by striking ''his behalf'' and inserting ''the worker's behalf''; and

(B) in paragraph (3), by striking ''this paragraph (1)'' and inserting ''paragraph (1)''; and

(2) in subsection (b)(2), by striking '', and'' and inserting a period.

SEC. 1730. PRE-LAYOFF AND PART-TIME TRAINING.

(a) PRE-LAYOFF TRAINING.—

(1) IN GENERAL.—Section 236(a) of the Trade Act of 1974 (19 U.S.C. 2296(a)) is amended—

(A) in paragraph (1), by inserting after ''determines'' the following: '', with respect to an adversely affected worker or an adversely affected incumbent worker,'';

(B) in paragraph (4)—

(i) in subparagraphs (A) and (B), by inserting ''or an adversely affected incumbent worker'' after ''an adversely affected worker'' each place it appears; and

(ii) in subparagraph (C), by inserting ''or adversely affected incumbent worker'' after ''adversely affected worker'' each place it appears;

(C) in paragraph (5), in the matter preceding subparagraph (A), by striking ''The training programs'' and inserting ''Except as provided in paragraph (10), the training programs''; and

(D) in paragraph (6)(B), by inserting ''or adversely affected incumbent worker'' after ''adversely affected worker'';

(E) in paragraph (7)(B), by inserting ''or adversely affected incumbent worker'' after ''adversely affected worker''; and

(F) by inserting after paragraph (9) the following:

''(10) In the case of an adversely affected incumbent worker, the Secretary may not approve—

''(A) on-the-job training under paragraph (5)(A)(i); or

''(B) customized training under paragraph (5)(A)(ii), unless such training is for a position other than the worker's adversely affected employment.

''(11) If the Secretary determines that an adversely affected incumbent worker for whom the Secretary approved training under this section is no longer threatened with a total or partial separation, the Secretary shall terminate the approval of such training.''.

(2) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319), as amended, is further amended by adding at the end the following:

''(19) The term 'adversely affected incumbent worker' means a worker who—

''(A) is a member of a group of workers who have been certified as eligible to apply for adjustment assistance under subchapter A;

''(B) has not been totally or partially separated from adversely affected employment; and

''(C) the Secretary determines, on an individual basis, is threatened with total or partial separation.''.

(b) PART-TIME TRAINING.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296), as amended, is further amended by adding at the end the following:

''(h) PART-TIME TRAINING.—

''(1) IN GENERAL.—The Secretary may approve full-time or part-time training for a worker under subsection (a).

''(2) REFERENCES TO TRAINING.—Notwithstanding paragraph (1), for purposes of determining the eligibility of a worker for a trade readjustment allowance under section 231 or the amount of such allowance or the number of weeks during which a worker may receive such allowance under section 232 or 233, any reference to training or a training program in such sections shall be deemed to be a reference to full-time training or a full-time training program (as the case may be).''.

SEC. 1731. ON-THE-JOB TRAINING.

(a) IN GENERAL.—Section 236(c) of the Trade Act of 1974 (19 U.S.C. 2296(c)) is amended—

(1) by redesignating paragraphs (1) through (10) as subparagraphs (A) through (J) and moving such subparagraphs 2 ems to the right;

(2) by striking ''(c) The Secretary shall'' and all that follows through ''such costs,'' and inserting the following:

''(c) ON-THE-JOB TRAINING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may approve on-the-job training for any adversely affected worker if—

''(A) the worker meets the requirements for training to be approved under subsection (a)(1);

''(B) the Secretary determines that on-the-job training—

''(i) can reasonably be expected to lead to suitable employment with the employer offering the on-the-job training;

''(ii) is compatible with the skills of the worker;

''(iii) includes a curriculum through which the worker will gain the knowledge or skills to become proficient in the job for which the worker is being trained; and

''(iv) can be measured by benchmarks that indicate that the worker is gaining such knowledge or skills; and

''(C) the State determines that the on-the-job training program meets the requirements of clauses (iii) and (iv) of subparagraph (B).

''(2) MONTHLY PAYMENTS.—The Secretary shall pay the costs of on-the-job training approved under paragraph (1) in monthly installments.

''(3) CONTRACTS FOR ON-THE-JOB TRAINING.—

''(A) IN GENERAL.—The Secretary shall ensure, in entering into a contract with an employer to provide on-the-job training to a worker under this subsection, that the skill requirements of the job for which the worker is being trained, the academic and occupational skill level of the worker, and the work experience of the worker are taken into consideration.

''(B) TERM OF CONTRACT.—Training under any such contract shall be limited to the period of time required for the worker receiving on-the-job training to become proficient in the job for which the worker is being trained, but in no case shall exceed 104 weeks.

''(4) EXCLUSION OF CERTAIN EMPLOYERS.—The Secretary shall not enter into a contract for on-the-job training with an employer that exhibits a pattern of failing to provide workers receiving on-the-job training from the employer with—

''(A) continued, long-term employment as regular employees; and

''(B) wages, benefits, and working conditions that are equivalent to the wages, benefits, and working conditions provided to regular employees who have worked a similar period of time and are doing the same type of work as workers receiving on-the-job training from the employer.

''(5) LABOR STANDARDS.—The Secretary may pay the costs of on-the-job training,''; and

(3) in paragraph (5), as redesignated—

(A) in subparagraph (I), as redesignated by paragraph (1) of this section, by striking ''paragraphs (1), (2), (3), (4), (5), and (6)'' and inserting ''subparagraphs (A), (B), (C), (D), (E), and (F)''; and

(B) in subparagraph (J), as redesignated by paragraph (1) of this section, by striking ''paragraph (8)'' and inserting ''subparagraph (H)''.

(b) REPEAL OF PREFERENCE FOR TRAINING ON THE JOB.—Section 236(a)(1) of the Trade Act of 1974 (19 U.S.C. 2296(a)(1)) is amended by striking the last sentence.

SEC. 1732. ELIGIBILITY FOR UNEMPLOYMENT INSURANCE AND PROGRAM BENEFITS WHILE IN TRAINING.

Section 236(d) of the Trade Act of 1974 (19 U.S.C. 2296(d)) is amended to read as follows:

''(d) ELIGIBILITY.—An adversely affected worker may not be determined to be ineligible or disqualified for unemployment insurance or program benefits under this subchapter—

''(1) because the worker—

''(A) is enrolled in training approved under subsection (a);

''(B) left work—

''(i) that was not suitable employment in order to enroll in such training; or

''(ii) that the worker engaged in on a temporary basis during a break in such training or a delay in the commencement of such training; or

''(C) left on-the-job training not later than 30 days after commencing such training because the training did not meet the requirements of subsection (c)(1)(B); or

''(2) because of the application to any such week in training of the provisions of State law or Federal unemployment insurance law relating to availability for work, active search for work, or refusal to accept work.''.

SEC. 1733. JOB SEARCH AND RELOCATION ALLOWANCES.

(a) JOB SEARCH ALLOWANCES.—Section 237 of the Trade Act of 1974 (19 U.S.C. 2297) is amended—

(1) in subsection (a)(2)(C)(ii), by striking '', unless the worker received a waiver under section 231(c)''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''90 percent of the cost of'' and inserting ''all''; and

(B) in paragraph (2), by striking ''$1,250'' and inserting ''$1,500''.

(b) RELOCATION ALLOWANCES.—Section 238 of the Trade Act of 1974 (19 U.S.C. 2298) is amended—

(1) in subsection (a)(2)(E)(ii), by striking '', unless the worker received a waiver under section 231(c)''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''90 percent of the'' and inserting ''all''; and

(B) in paragraph (2), by striking ''$1,250'' and inserting ''$1,500''.

Subpart D—Reemployment Trade Adjustment Assistance Program

SEC. 1741. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 246 of the Trade Act of 1974 (19 U.S.C. 2318) is amended—

(1) by amending the heading to read as follows:

''SEC. 246. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE PROGRAM.'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''Not later than'' and all that follows through ''2002, the Secretary'' and inserting ''The Secretary''; and

(ii) by striking ''an alternative trade adjustment assistance program for older workers'' and inserting ''a reemployment trade adjustment assistance program'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''for a period not to exceed 2 years'' and inserting ''for the eligibility period under subparagraph (A) or (B) of paragraph (4) (as the case may be)''; and

(II) by striking clauses (i) and (ii) and inserting the following:

''(i) the wages received by the worker at the time of separation; and

''(ii) the wages received by the worker from reemployment.'';

(ii) in subparagraph (B)—

(I) by striking ''for a period not to exceed 2 years'' and inserting ''for the eligibility period under subparagraph (A) or (B) of paragraph (4) (as the case may be)''; and

(II) by striking '', as added by section 201 of the Trade Act of 2002''; and

(iii) by adding at the end the following:

''(C) TRAINING AND OTHER SERVICES.—A worker described in paragraph (3)(B) participating in the program established under paragraph (1) is eligible to receive training approved under section 236 and employment and case management services under section 235.''; and

(C) by striking paragraphs (3) through (5) and inserting the following:

''(3) ELIGIBILITY.—

''(A) IN GENERAL.—A group of workers certified under subchapter A as eligible for adjustment assistance under subchapter A is eligible for benefits described in paragraph (2) under the program established under paragraph (1).

''(B) INDIVIDUAL ELIGIBILITY.—A worker in a group of workers described in subparagraph (A) may elect to receive benefits described in paragraph (2) under the program established under paragraph (1) if the worker—

''(i) is at least 50 years of age;

''(ii) earns not more than $55,000 each year in wages from reemployment;

''(iii)(I) is employed on a full-time basis as defined by the law of the State in which the worker is employed and is not enrolled in a training program approved under section 236; or

''(II) is employed at least 20 hours per week and is enrolled in a training program approved under section 236; and

''(iv) is not employed at the firm from which the worker was separated.

''(C) CALCULATION OF AMOUNT OF PAYMENTS FOR CERTAIN WORKERS.—

''(i) IN GENERAL.—In the case of a worker described in subparagraph (B)(iii)(II), paragraph (2)(A) shall be applied by substituting the percentage described in clause (ii) for '50 percent'.

''(ii) PERCENTAGE DESCRIBED.—The percentage described in this clause is the percentage—

''(I) equal to ½ of the ratio of—

''(aa) the number of weekly hours of employment of the worker referred to in subparagraph (B)(iii)(II), to

''(bb) the number of weekly hours of employment of the worker at the time of separation, but

''(II) in no case more than 50 percent.

''(4) ELIGIBILITY PERIOD FOR PAYMENTS.—

''(A) WORKER WHO HAS NOT RECEIVED TRADE READJUSTMENT ALLOWANCE.—In the case of a worker described in paragraph (3)(B) who has not received a trade readjustment allowance under part I of subchapter B pursuant to the certification described in paragraph (3)(A), the worker may receive benefits described in paragraph (2) for a period not to exceed 2 years beginning on the earlier of—

''(i) the date on which the worker exhausts all rights to unemployment insurance based on the separation of the worker from the adversely affected employment that is the basis of the certification; or

''(ii) the date on which the worker obtains reemployment described in paragraph (3)(B).

''(B) WORKER WHO HAS RECEIVED TRADE READJUSTMENT ALLOWANCE.—In the case of a worker described in paragraph (3)(B) who has received a trade readjustment allowance under part I of subchapter B pursuant to the certification described in paragraph (3)(A), the worker may receive benefits described in paragraph (2) for a period of 104 weeks beginning on the date on which the worker obtains reemployment described in paragraph (3)(B), reduced by the total number of weeks for which the worker received such trade readjustment allowance.

''(5) TOTAL AMOUNT OF PAYMENTS.—

''(A) IN GENERAL.—The payments described in paragraph (2)(A) made to a worker may not exceed—

''(i) $12,000 per worker during the eligibility period under paragraph (4)(A); or

''(ii) the amount described in subparagraph (B) per worker during the eligibility period under paragraph (4)(B).

''(B) AMOUNT DESCRIBED.—The amount described in this subparagraph is the amount equal to the product of—

''(i) $12,000, and

''(ii) the ratio of—

''(I) the total number of weeks in the eligibility period under paragraph (4)(B) with respect to the worker, to

''(II) 104 weeks.

''(6) LIMITATION ON OTHER BENEFITS.—A worker described in paragraph (3)(B) may not receive a trade readjustment allowance under part I of subchapter B pursuant to the certification described in paragraph (3)(A) during any week for which the worker receives a payment described in paragraph (2)(A).''; and

(3) in subsection (b)(2), by striking ''subsection (a)(3)(B)'' and inserting ''subsection (a)(3)''.

(b) EXTENSION OF PROGRAM.—Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking ''the date that is 5 years'' and all that follows through the end period and inserting ''December 31, 2010.''.

(c) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 246 and inserting the following:

''Sec. 246. Reemployment trade adjustment assistance program.''.

Subpart E—Other Matters

SEC. 1751. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Subchapter C of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2311 et seq.) is amended by adding at the end the following:

''SEC. 249A. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

''(a) ESTABLISHMENT.—There is established in the Department of Labor an office to be known as the Office of Trade Adjustment Assistance (in this section referred to as the 'Office').

''(b) HEAD OF OFFICE.—The head of the Office shall be an administrator, who shall report directly to the Deputy Assistant Secretary for Employment and Training.

''(c) PRINCIPAL FUNCTIONS.—The principal functions of the administrator of the Office shall be—

''(1) to oversee and implement the administration of trade adjustment assistance for workers under this chapter; and

''(2) to carry out functions delegated to the Secretary of Labor under this chapter, including—

''(A) making determinations under section 223;

''(B) providing information under section 225 about trade adjustment assistance to workers and assisting such workers to prepare petitions or applications for program benefits;

''(C) providing assistance to employers of groups of workers that have filed petitions under section 221 in submitting information required by the Secretary related to the petitions;

''(D) ensuring workers covered by a certification of eligibility under subchapter A receive the employment and case management services described in section 235;

''(E) ensuring that States fully comply with agreements entered into under section 239;

''(F) advocating for workers applying for assistance under this chapter;

''(G) establishing and overseeing a hotline that workers, employers, and other entities may call to obtain information regarding eligibility criteria, procedural requirements, and benefits available under this chapter; and

''(H) carrying out such other duties with respect to this chapter as the Secretary specifies for purposes of this section.

''(d) ADMINISTRATION.—

''(1) DESIGNATION.—The administrator shall designate an employee of the Department of Labor with appropriate experience and expertise to carry out the duties described in paragraph (2).

''(2) DUTIES.—The officer or employee designated under paragraph (1) shall—

''(A) receive complaints and requests for assistance related to the trade adjustment assistance program under this chapter;

''(B) resolve such complaints and requests for assistance, in coordination with other employees of the Office;

''(C) compile basic information concerning such complaints and requests for assistance; and

''(D) carry out such other duties with respect to this chapter as the Secretary specifies for purposes of this section.''.

(b) ESTABLISHMENT OF DEPUTY ASSISTANT SECRETARY FOR EMPLOYMENT AND TRAINING.—

(1) IN GENERAL.—There is established in the Department of Labor a Deputy Assistant Secretary for Employment and Training, who shall report directly to the Assistant Secretary for Employment and Training Administration.

(2) APPOINTMENT.—

(A) IN GENERAL.—The Deputy Assistant Secretary for Employment and Training shall be appointed by the President, by and with the advice and consent of the Senate.

(B) COMMITTEE REFERRAL.—As an exercise of the rulemaking power of the Senate, a nomination for Deputy Assistant Secretary for Employment and Training shall be referred to the Committee on Finance. If the Committee on Finance has not reported such nomination at the close of the 30th day after its referral to such Committee, the Committee shall be automatically discharged from further consideration of such nomination and such nomination shall be referred to the Committee on Health, Education, Labor and Pensions.

(3) DUTIES.—The Deputy Assistant Secretary for Employment and Training shall—

(A) oversee the operation of the Office of Trade Adjustment Assistance, established under section 249A(a) of the Trade Act of 1974, as added by subsection (a) of this section; and

(B) carry out such other duties as the Secretary of Labor may assign.

(c) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 249 the following:

''Sec. 249A. Office of Trade Adjustment Assistance.''.

SEC. 1752. ACCOUNTABILITY OF STATE AGENCIES; COLLECTION AND PUBLICATION OF PROGRAM DATA; AGREEMENTS WITH STATES.

(a) IN GENERAL.—Section 239(a) of the Trade Act of 1974 (19 U.S.C. 2311(a)) is amended—

(1) by amending clause (2) to read as follows: ''(2) in accordance with subsection (f), shall make available to adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A the employment and case management services described in section 235,''; and

(2) by striking ''will'' each place it appears and inserting ''shall''.

(b) FORM AND MANNER OF DATA.—Section 239 of the Trade Act of 1974 (19 U.S.C. 2311) is amended—

(1) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following:

''(c) FORM AND MANNER OF DATA.—Each agreement under this subchapter shall—

''(1) provide the Secretary with the authority to collect any data the Secretary determines necessary to meet the requirements of this chapter; and

''(2) specify the form and manner in which any such data requested by the Secretary shall be reported.''.

(c) STATE ACTIVITIES.—Section 239(g) of the Trade Act of 1974 (as redesignated) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by amending paragraph (4) to read as follows:

''(4) perform outreach, intake, and orientation for assistance and benefits available under this chapter for adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A, and''; and

(3) by adding at the end the following:

''(5) make employment and case management services described in section 235 available to adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A and, if funds provided to carry out this chapter are insufficient to make such services available, make arrangements to make such services available through other Federal programs.''.

(d) REPORTING REQUIREMENT.—Section 239(h) of the Trade Act of 1974 (as redesignated) is amended by striking ''1998.'' and inserting ''1998 and a description of the State's rapid response activities under section 221(a)(2)(A).''.

(e) CONTROL MEASURES.—Section 239 of the Trade Act of 1974 (19 U.S.C. 2311), as amended, is further amended by adding at the end the following:

''(i) CONTROL MEASURES.—

''(1) IN GENERAL.—The Secretary shall require each cooperating State and cooperating State agency to implement effective control measures and to effectively oversee the operation and administration of the trade adjustment assistance program under this chapter, including by means of monitoring the operation of control measures to improve the accuracy and timeliness of the data being collected and reported.

''(2) DEFINITION.—For purposes of paragraph (1), the term 'control measures' means measures that—

''(A) are internal to a system used by a State to collect data; and

''(B) are designed to ensure the accuracy and verifiability of such data.

''(j) DATA REPORTING.—

''(1) IN GENERAL.—Any agreement entered into under this section shall require the cooperating State or cooperating State agency to report to the Secretary on a quarterly basis comprehensive performance accountability data, to consist of—

''(A) the core indicators of performance described in paragraph (2)(A);

''(B) the additional indicators of performance described in paragraph (2)(B), if any; and

''(C) a description of efforts made to improve outcomes for workers under the trade adjustment assistance program.

''(2) CORE INDICATORS DESCRIBED.—

''(A) IN GENERAL.—The core indicators of performance described in this paragraph are—

''(i) the percentage of workers receiving benefits under this chapter who are employed during the second calendar quarter following the calendar quarter in which the workers cease receiving such benefits;

''(ii) the percentage of such workers who are employed in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits; and

''(iii) the earnings of such workers in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits.

''(B) ADDITIONAL INDICATORS.—The Secretary and a cooperating State or cooperating State agency may agree upon additional indicators of performance for the trade adjustment assistance program under this chapter, as appropriate.

''(3) STANDARDS WITH RESPECT TO RELIABILITY OF DATA.—In preparing the quarterly report required by paragraph (1), each cooperating State or cooperating State agency shall establish procedures that are consistent with guidelines to be issued by the Secretary to ensure that the data reported are valid and reliable.''.

SEC. 1753. VERIFICATION OF ELIGIBILITY FOR PROGRAM BENEFITS.

Section 239 of the Trade Act of 1974 (19 U.S.C. 2311), as amended, is further amended by adding at the end the following:

''(k) VERIFICATION OF ELIGIBILITY FOR PROGRAM BENEFITS.—

''(1) IN GENERAL.—An agreement under this subchapter shall provide that the State shall periodically redetermine that a worker receiving benefits under this subchapter who is not a citizen or national of the United States remains in a satisfactory immigration status. Once satisfactory immigration status has been initially verified through the immigration status verification system described in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)) for purposes of establishing a worker's eligibility for unemployment compensation, the State shall reverify the worker's immigration status if the documentation provided during initial verification will expire during the period in which that worker is potentially eligible to receive benefits under this subchapter. The State shall conduct such redetermination in a timely manner, utilizing the immigration status verification system described in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)).

''(2) PROCEDURES.—The Secretary shall establish procedures to ensure the uniform application by the States of the requirements of this subsection.''.

SEC. 1754. COLLECTION OF DATA AND REPORTS; INFORMATION TO WORKERS.

(a) IN GENERAL.—Subchapter C of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2311 et seq.), as amended, is further amended by adding at the end the following:

''SEC. 249B. COLLECTION AND PUBLICATION OF DATA AND REPORTS; INFORMATION TO WORKERS.

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall implement a system to collect and report the data described in subsection (b), as well as any other information that the Secretary considers appropriate to effectively carry out this chapter.

''(b) DATA TO BE INCLUDED.—The system required under subsection (a) shall include collection of and reporting on the following data for each fiscal year:

''(1) DATA ON PETITIONS FILED, CERTIFIED, AND DENIED.—

''(A) The number of petitions filed, certified, and denied under this chapter.

''(B) The number of workers covered by petitions filed, certified, and denied.

''(C) The number of petitions, classified by—

''(i) the basis for certification, including increased imports, shifts in production, and other bases of eligibility; and

''(ii) congressional district.

''(D) The average time for processing such petitions.

''(2) DATA ON BENEFITS RECEIVED.—

''(A) The number of workers receiving benefits under this chapter.

''(B) The number of workers receiving each type of benefit, including training, trade readjustment allowances, employment and case management services, and relocation and job search allowances, and, to the extent feasible, credits for health insurance costs under section 35 of the Internal Revenue Code of 1986.

''(C) The average time during which such workers receive each such type of benefit.

''(3) DATA ON TRAINING.—

''(A) The number of workers enrolled in training approved under section 236, classified by major types of training, including classroom training, training through distance learning, on-the-job training, and customized training.

''(B) The number of workers enrolled in full-time training and part-time training.

''(C) The average duration of training.

''(D) The number of training waivers granted under section 231(c), classified by type of waiver.

''(E) The number of workers who complete training and the duration of such training.

''(F) The number of workers who do not complete training.

''(4) DATA ON OUTCOMES.—

''(A) A summary of the quarterly reports required under section 239(j).

''(B) The sectors in which workers are employed after receiving benefits under this chapter.

''(5) DATA ON RAPID RESPONSE ACTIVITIES.—Whether rapid response activities were provided with respect to each petition filed under section 221.

''(c) CLASSIFICATION OF DATA.—To the extent possible, in collecting and reporting the data described in subsection (b), the Secretary shall classify the data by industry, State, and national totals.

''(d) REPORT.—Not later than December 15 of each year, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that includes—

''(1) a summary of the information collected under this section for the preceding fiscal year;

''(2) information on the distribution of funds to each State pursuant to section 236(a)(2); and

''(3) any recommendations of the Secretary with respect to changes in eligibility requirements, benefits, or training funding under this chapter based on the data collected under this section.

''(e) AVAILABILITY OF DATA.—

''(1) IN GENERAL.—The Secretary shall make available to the public, by publishing on the website of the Department of Labor and by other means, as appropriate—

''(A) the report required under subsection (d);

''(B) the data collected under this section, in a searchable format; and

''(C) a list of cooperating States and cooperating State agencies that failed to submit the data required by this section to the Secretary in a timely manner.

''(2) UPDATES.—The Secretary shall update the data under paragraph (1) on a quarterly basis.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 249A the following:

''Sec. 249B. Collection and publication of data and reports; information to workers.''.

SEC. 1755. FRAUD AND RECOVERY OF OVERPAYMENTS.

Section 243(a)(1) of the Trade Act of 1974 (19 U.S.C. 2315(a)(1)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''may waive'' and inserting ''shall waive''; and

(B) by striking '', in accordance with guidelines prescribed by the Secretary,''; and

(2) in subparagraph (B), by striking ''would be contrary to equity and good conscience'' and inserting ''would cause a financial hardship for the individual (or the individual's household, if applicable) when taking into consideration the income and resources reasonably available to the individual (or household) and other ordinary living expenses of the individual (or household)''.

SEC. 1756. SENSE OF CONGRESS ON APPLICATION OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Chapter 5 of title II of the Trade Act of 1974 (19 U.S.C. 2391 et seq.) is amended by adding at the end the following:

''SEC. 288. SENSE OF CONGRESS.

''It is the sense of Congress that the Secretaries of Labor, Commerce, and Agriculture should apply the provisions of chapter 2 (relating to adjustment assistance for workers), chapter 3 (relating to adjustment assistance for firms), chapter 4 (relating to adjustment assistance for communities), and chapter 6 (relating to adjustment assistance for farmers), respectively, with the utmost regard for the interests of workers, firms, communities, and farmers petitioning for benefits under such chapters.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 287 the following:

''Sec. 288. Sense of Congress.''.

SEC. 1757. CONSULTATIONS IN PROMULGATION OF REGULATIONS.

Section 248 of the Trade Act of 1974 (19 U.S.C. 2320) is amended—

(1) by striking ''The Secretary shall'' and inserting the following:

''(a) IN GENERAL.—The Secretary shall''; and

(2) by adding at the end the following:

''(b) CONSULTATIONS.—Not later than 90 days before issuing a final rule or regulation under subsection (a), the Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the final rule or regulation.''.

SEC. 1758. TECHNICAL CORRECTIONS.

(a) DETERMINATIONS BY SECRETARY OF LABOR.—Section 223(c) of the Trade Act of 1974 (19 U.S.C. 2273(c)) is amended by striking ''his determination'' and inserting ''a determination''.

(b) QUALIFYING REQUIREMENTS FOR WORKERS.—Section 231(a) of the Trade Act of 1974 (19 U.S.C. 2291(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''his application'' and inserting ''the worker's application''; and

(B) in subparagraph (A), by striking ''he is covered'' and inserting ''the worker is covered'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking the period and inserting a comma; and

(B) in subparagraph (D), by striking ''5 U.S.C. 8521(a)(1)'' and inserting ''section 8521(a)(1) of title 5, United States Code''; and

(3) in paragraph (3)—

(A) by striking ''he'' each place it appears and inserting ''the worker''; and

(B) in subparagraph (C), by striking ''him'' and inserting ''the worker''.

(c) SUBPOENA POWER.—Section 249 of the Trade Act of 1974 (19 U.S.C. 2321) is amended—

(1) in the section heading, by striking ''**SUBPENA**'' and inserting ''**SUBPOENA**''; and

(2) by striking ''subpena'' and inserting ''subpoena'' each place it appears.

(d) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 249 and inserting the following:

''Sec. 249. Subpoena power.''.

PART II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

SEC. 1761. EXPANSION TO SERVICE SECTOR FIRMS.

(a) IN GENERAL.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended by inserting ''or service sector firm'' after ''agricultural firm'' each place it appears.

(b) DEFINITION OF SERVICE SECTOR FIRM.—Section 261 of the Trade Act of 1974 (19 U.S.C. 2351) is amended—

(1) by striking ''chapter,'' and inserting ''chapter:'';

(2) by striking ''the term 'firm' '' and inserting the following:

''(1) FIRM.—The term 'firm' ''; and

(3) by adding at the end the following:

''(2) SERVICE SECTOR FIRM.—The term 'service sector firm' means a firm engaged in the business of supplying services.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 251(c)(1)(C) of the Trade Act of 1974 (19 U.S.C. 2341(c)(1)(C)) is amended—

(A) by inserting ''or services'' after ''articles'' the first place it appears; and

(B) by inserting ''or services which are supplied'' after ''produced''.

(2) Section 251(c)(2)(B)(ii) of such Act is amended to read as follows:

''(ii) Any firm that engages in exploration or drilling for oil or natural gas, or otherwise produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.''.

SEC. 1762. MODIFICATION OF REQUIREMENTS FOR CERTIFICATION.

Section 251(c)(1)(B) of the Trade Act of 1974 (19 U.S.C. 2341(c)(1)(B)) is amended to read as follows:

''(B) that—

''(i) sales or production, or both, of the firm have decreased absolutely,

''(ii) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the 12-month period preceding the most recent 12-month period for which date are available have decreased absolutely,

''(iii) sales or production, or both, of the firm during the most recent 12-month period for which data are available have decreased compared to—

''(I) the average annual sales or production for the firm during the 24-month period preceding that 12-month period, or

''(II) the average annual sales or production for the firm during the 36-month period preceding that 12-month period, and.

''(iv) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the most recent 12-month period for which data are available have decreased compared to—

''(I) the average annual sales or production for the article or service during the 24-month period preceding that 12-month period, or

''(II) the average annual sales or production for the article or service during the 36-month period preceding that 12-month period, and''.

SEC. 1763. BASIS FOR DETERMINATIONS.

Section 251 of the Trade Act of 1974 (19 U.S.C. 2341), as amended, is further amended by adding at the end the following:

''(e) BASIS FOR SECRETARY'S DETERMINATIONS.—For purposes of subsection (c)(1)(C), the Secretary may determine that there are increased imports of like or directly competitive articles or services, if customers accounting for a significant percentage of the decrease in the sales of the firm certify to the Secretary that such customers have increased their imports of such articles or services from a foreign country, either absolutely or relative to their acquisition of such articles or services from suppliers located in the United States.

''(f) NOTIFICATION TO FIRMS OF AVAILABILITY OF BENEFITS.—Upon receiving notice from the Secretary of Labor under section 225 of the identity of a firm that is covered by a certification issued under section 223, the Secretary of Commerce shall notify the firm of the availability of adjustment assistance under this chapter.''.

SEC. 1764. OVERSIGHT AND ADMINISTRATION; AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended—

(1) by striking sections 254, 255, 256, and 257;

(2) by redesignating sections 258, 259, 260, 261, 262, 264, and 265, as sections 256, 257, 258, 259, 260, 261, and 262, respectively; and

(3) by inserting after section 253 the following:

''SEC. 254. OVERSIGHT AND ADMINISTRATION.

''(a) IN GENERAL.—The Secretary shall, to such extent and in such amounts as are provided in appropriations Acts, provide grants to intermediary organizations (referred to in section 253(b)(1)) throughout the United States pursuant to agreements with such intermediary organizations. Each such agreement shall require the intermediary organization to provide benefits to firms certified under section 251.The Secretary shall, to the maximum extent practicable, provide by October 1, 2010, that contracts entered into with intermediary organizations be for a 12-month period and that all such contracts have the same beginning date and the same ending date.

''(b) DISTRIBUTION OF FUNDS.—

''(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this section, the Secretary shall develop a methodology for the distribution of funds among the intermediary organizations described in subsection (a).

''(2) PROMPT INITIAL DISTRIBUTION.—The methodology described in paragraph (1) shall ensure the prompt initial distribution of funds and establish additional criteria governing the apportionment and distribution of the remainder of such funds among the intermediary organizations.

''(3) CRITERIA.—The methodology described in paragraph (1) shall include criteria based on the data in the annual report on trade adjustment for firms program described in section 1766.

''(c) REQUIREMENTS FOR CONTRACTS.—An agreement with an intermediary organization described in subsection (a) shall require the intermediary organization to contract for the supply of services to carry out grants under this chapter in accordance with terms and conditions that are consistent with guidelines established by the Secretary.

''(d) CONSULTATIONS.—

''(1) CONSULTATIONS REGARDING METHODOLOGY.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 60 days before finalizing the methodology described in subsection (b) or adopting any changes to such methodology.

''(2) CONSULTATIONS REGARDING GUIDELINES.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 60 days before finalizing the guidelines described in subsection (c) or adopting any subsequent changes to such guidelines.

''SEC. 255. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary $50,000,000 for each of the fiscal years 2009 through 2010, and $12,501,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out the provisions of this chapter. Amounts appropriated pursuant to this subsection shall—

''(1) be available to provide adjustment assistance to firms that file a petition for such assistance pursuant to this chapter on or before December 31, 2010; and

''(2) otherwise remain available until expended.

''(b) PERSONNEL.—Of the amounts appropriated pursuant to this section for each fiscal year, $350,000 shall be available for full-time positions in the Department of Commerce to administer the provisions of this chapter. Of such funds the Secretary shall make available to the Economic Development Administration such sums as may be necessary to establish the position of Director of Adjustment Assistance for Firms and such other full-time positions as may be appropriate to administer the provisions of this chapter.''.

(b) RESIDUAL AUTHORITY.—The Secretary of Commerce shall have the authority to modify, terminate, resolve, liquidate, or take any other action with respect to a loan, guarantee, contract, or any other financial assistance that was extended under section 254, 255, 256, or 257 of the Trade Act of 1974 (19 U.S.C. 2344, 2345, 2346, and 2347), as in effect on the day before the effective date set forth in section 1791.

(c) CONFORMING AMENDMENTS.—

(1) Section 256 of the Trade Act of 1974, as redesignated by subsection (a) of this section, is amended by striking subsection (d).

(2) Section 258 of the Trade Act of 1974, as redesignated by subsection (a) of this section, is amended—

(A) in the first sentence, by striking ''and financial''; and

(B) in the last sentence—

(i) by striking ''sections 253 and 254'' and inserting ''section 253''; and

(ii) by striking ''title 28 of the United States Code'' and inserting ''title 28, United States Code''.

(d) CLERICAL AMENDMENTS.—The table of contents of the Trade Act of 1974 is amended by striking the items relating to sections 254, 255, 256, 257, 258, 259, 260, 261, 262, 264, and 265, and inserting the following:

SEC. 1765. INCREASED PENALTIES FOR FALSE STATEMENTS.

Section 257 of the Trade Act of 1974, as redesignated by section 1764(a), is amended to read as follows:

''SEC. 257. PENALTIES.

''Whoever—

''(1) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or willfully overvalues any security, for the purpose of influencing in any way a determination under this chapter, or for the purpose of obtaining money, property, or anything of value under this chapter, or

''(2) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, when providing information to the Secretary during an investigation of a petition under this chapter,

shall be imprisoned for not more than 2 years, or fined under title 18, United States Code, or both.''.

SEC. 1766. ANNUAL REPORT ON TRADE ADJUSTMENT FOR FIRMS.

(a) ANNUAL REPORT ON TRADE ADJUSTMENT FOR FIRMS PROGRAM.—Not later than December 15, 2009, and each year thereafter, the Secretary of Commerce shall prepare a report containing data regarding the trade adjustment for firms program provided for in chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) for the preceding fiscal year. The data shall be classified by intermediary organization, State, and national totals and include the following:

(1) The number of firms that inquired about the program.

(2) The number of petitions filed.

(3) The number of petitions certified and denied.

(4) The date each petition was filed, the date on which a determination was made on the petition, and the average time for processing petitions.

(5) The number of petitions filed and firms certified for each congressional district of the United States.

(6) The number of firms that received assistance in preparing their petitions.

(7) The number of firms that received assistance developing business recovery plans.

(8) The number of business recovery plans approved and denied by the Secretary of Commerce.

(9) Sales, employment, and productivity at each firm participating in the program at the time of certification.

(10) Sales, employment, and productivity at each firm upon completion of the program and each year for the 2-year period following completion.

(11) The financial assistance received by each firm participating in the program.

(12) The financial contribution made by each firm participating in the program.

(13) The types of technical assistance included in the business recovery plans of firms participating in the program.

(14) The number of firms leaving the program before completing the project or projects in their business recovery plans, classified by the general cause for early termination.

(b) REPORT TO CONGRESS; PUBLICATION.—The Secretary of Commerce shall—

(1) submit the report described in subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives; and

(2) publish the report in the Federal Register and on the website of the Department of Commerce.

(c) PROTECTION OF CONFIDENTIAL INFORMATION.—The Secretary of Commerce may not release information described in subsection (a) that the Secretary considers to be confidential business information unless the person submitting the confidential business information had notice, at the time of submission, that such information would be released by the Secretary, or such person subsequently consents to the release of the information. Nothing in this subparagraph shall be construed to prohibit the Secretary from providing such confidential business information to a court in camera or to another party under a protective order issued by a court.

SEC. 1767. TECHNICAL CORRECTIONS.

(a) IN GENERAL.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341), as amended, is further amended—

(1) in subsection (a), by striking ''he has'' and inserting ''the Secretary has''; and

(2) in subsection (d), by striking ''60 days'' and inserting ''40 days''.

(b) TECHNICAL ASSISTANCE.—Section 253(a)(3) of the Trade Act of 1974 (19 U.S.C. 2343(a)(3)) is amended by striking ''of a certified firm'' and inserting ''to a certified firm''.

PART III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

SEC. 1771. PURPOSE.

The purpose of this part is to assist communities impacted by trade with economic adjustment through the coordination of Federal, State, and local resources, the creation of community-based development strategies, and the development and provision of programs that meet the training needs of workers covered by certifications under section 223.

SEC. 1772. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

(a) IN GENERAL.—Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended to read as follows:

''CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

''Subchapter A—Trade Adjustment Assistance for Communities

''SEC. 271. DEFINITIONS.

''In this subchapter:

''(1) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' has the meaning given that term in section 291.

''(2) COMMUNITY.—The term 'community' means a city, county, or other political subdivision of a State or a consortium of political subdivisions of a State.

''(3) COMMUNITY IMPACTED BY TRADE.—The term 'community impacted by trade' means a community described in section 273(b)(2).

''(4) ELIGIBLE COMMUNITY.—The term 'eligible community' means a community that the Secretary has determined under section 273(b)(1) is eligible to apply for assistance under this subchapter.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

''SEC. 272. ESTABLISHMENT OF TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES PROGRAM.

''Not later than August 1, 2009, the Secretary shall establish a trade adjustment assistance for communities program at the Department of Commerce under which the Secretary shall—

''(1) provide technical assistance under section 274 to communities impacted by trade to facilitate the economic adjustment of those communities; and

''(2) award grants to communities impacted by trade to carry out strategic plans developed under section 276.

''SEC. 273. ELIGIBILITY; NOTIFICATION.

''(a) PETITION.—

''(1) IN GENERAL.—A community may submit a petition to the Secretary for an affirmative determination under subsection (b)(1) that the community is eligible to apply for assistance under this subchapter if—

''(A) on or after August 1, 2009, one or more certifications described in subsection (b)(3) are made with respect to the community; and

''(B) the community submits the petition not later than 180 days after the date of the most recent certification.

''(2) SPECIAL RULE WITH RESPECT TO CERTAIN COMMUNITIES.—In the case of a community with respect to which one or more certifications described in subsection (b)(3) were made on or after January 1, 2007, and before August 1, 2009, the community may submit a petition to the Secretary for an affirmative determination under subsection (b)(1) not later than February 1, 2010.

''(b) AFFIRMATIVE DETERMINATION.—

''(1) IN GENERAL.—The Secretary shall make an affirmative determination that a community is eligible to apply for assistance under this subchapter if the Secretary determines that the community is a community impacted by trade.

''(2) COMMUNITY IMPACTED BY TRADE.—A community is a community impacted by trade if—

''(A) one or more certifications described in paragraph (3) are made with respect to the community; and

''(B) the Secretary determines that the community is significantly affected by the threat to, or the loss of, jobs associated with that certification.

''(3) CERTIFICATION DESCRIBED.—A certification described in this paragraph is a certification—

''(A) by the Secretary of Labor that a group of workers in the community is eligible to apply for assistance under section 223;

''(B) by the Secretary of Commerce that a firm located in the community is eligible to apply for adjustment assistance under section 251; or

''(C) by the Secretary of Agriculture that a group of agricultural commodity producers in the community is eligible to apply for adjustment assistance under section 293.

''(c) NOTIFICATIONS.—

''(1) NOTIFICATION TO THE GOVERNOR.—The Governor of a State shall be notified promptly—

''(A) by the Secretary of Labor, upon making a determination that a group of workers in the State is eligible for assistance under section 223;

''(B) by the Secretary of Commerce, upon making a determination that a firm in the State is eligible for assistance under section 251; and

''(C) by the Secretary of Agriculture, upon making a determination that a group of agricultural commodity producers in the State is eligible for assistance under section 293.

''(2) NOTIFICATION TO COMMUNITY.—Upon making an affirmative determination under subsection (b)(1) that a community is eligible to apply for assistance under this subchapter, the Secretary shall promptly notify the community and the Governor of the State in which the community is located—

''(A) of the affirmative determination;

''(B) of the applicable provisions of this subchapter; and

''(C) of the means for obtaining assistance under this subchapter and other appropriate economic assistance that may be available to the community.

''SEC. 274. TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall provide comprehensive technical assistance to an eligible community to assist the community to—

''(1) diversify and strengthen the economy in the community;

''(2) identify significant impediments to economic development that result from the impact of trade on the community; and

''(3) develop a strategic plan under section 276 to address economic adjustment and workforce dislocation in the community , including unemployment among agricultural commodity producers.

''(b) COORDINATION OF FEDERAL RESPONSE.—The Secretary shall coordinate the Federal response to an eligible community by—

''(1) identifying Federal, State, and local resources that are available to assist the community in responding to economic distress; and

''(2) assisting the community in accessing available Federal assistance and ensuring that such assistance is provided in a targeted, integrated manner.

''(c) INTERAGENCY COMMUNITY ASSISTANCE WORKING GROUP.—

''(1) IN GENERAL.—The Secretary shall establish an interagency Community Assistance Working Group, to be chaired by the Secretary or the Secretary's designee, who shall assist the Secretary with the coordination of the Federal response pursuant to subsection (b).

''(2) MEMBERSHIP.—The Working Group shall consist of representatives of any Federal department or agency with responsibility for providing economic adjustment assistance, including the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, and any other Federal, State, or regional public department or agency the Secretary determines to be appropriate.

''SEC. 275. GRANTS FOR ELIGIBLE COMMUNITIES.

''(a) IN GENERAL.—The Secretary may award a grant under this section to an eligible community to assist the community in carrying out any project or program that is included in a strategic plan developed by the community under section 276.

''(b) APPLICATION.—

''(1) IN GENERAL.—An eligible community seeking to receive a grant under this section shall submit a grant application to the Secretary that contains—

''(A) the strategic plan developed by the community under section 276(a)(1) and approved by the Secretary under section 276(a)(2); and

''(B) a description of the project or program included in the strategic plan with respect to which the community seeks the grant.

''(2) COORDINATION AMONG GRANT PROGRAMS.—If an entity in an eligible community is seeking or plans to seek a Community College and Career Training Grant under section 278 or a Sector Partnership Grant under section 279A while the eligible community is seeking a grant under this section, the eligible community shall include in the grant application a description of how the eligible community will integrate any projects or programs carried out using a grant under this section with any projects or programs that may be carried out using such other grants.

''(c) LIMITATION.—An eligible community may not be awarded more than $5,000,000 under this section.

''(d) COST-SHARING.—

''(1) FEDERAL SHARE.—The Federal share of a project or program for which a grant is awarded under this section may not exceed 95 percent of the cost of such project or program.

''(2) COMMUNITY SHARE.—The Secretary shall require, as a condition of awarding a grant to an eligible community under this section, that the eligible community contribute not less than an amount equal to 5 percent of the amount of the grant toward the cost of the project or program for which the grant is awarded.

''(e) GRANTS TO SMALL- AND MEDIUM-SIZED COMMUNITIES.—The Secretary shall give priority to grant applications submitted under this section by eligible communities that are small- and medium-sized communities.

''(f) ANNUAL REPORT.—Not later than December 15 in each of the calendar years 2009 through 2013, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

''(1) describing each grant awarded under this section during the preceding fiscal year; and

''(2) assessing the impact on the eligible community of each such grant awarded in a fiscal year before the fiscal year referred to in paragraph (1).

''SEC. 276. STRATEGIC PLANS.

''(a) IN GENERAL.—

''(1) INVOLVEMENT OF PRIVATE AND PUBLIC ENTITIES.—An eligible community that intends to apply for a grant under section 275 shall—

''(A) develop a strategic plan for the community's economic adjustment to the impact of trade with the entities described in paragraph (2) to the extent practicable; and

''(B) submit the plan to the Secretary for evaluation and approval.

''(2) ENTITIES DESCRIBED.—Entities described in this paragraph are public and private representatives, firms, and other entities within the eligible community, including—

''(A) local, county, or State government serving the community;

''(B) firms, including small- and medium-sized firms, within the community;

''(C) local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832);

''(D) labor organizations, including State labor federations and labor-management initiatives, representing workers in the community; and

''(E) educational institutions, local educational agencies, or other training providers serving the community.

''(b) CONTENTS.—The strategic plan shall, at a minimum, contain the following:

''(1) A description and analysis of the capacity of the eligible community to achieve economic adjustment to the impact of trade.

''(2) An analysis of the economic development challenges and opportunities facing the community as well as the strengths and weaknesses of the economy of the community.

''(3) An assessment of the commitment of the eligible community to the strategic plan over the long term and the participation and input of members of the community affected by economic dislocation.

''(4) A description of the role and the participation of the entities described in subsection (a)(2) in developing the strategic plan.

''(5) A description of the projects to be undertaken by the eligible community under the strategic plan.

''(6) A description of how the strategic plan and the projects to be undertaken by the eligible community will facilitate the community's economic adjustment.

''(7) A description of the educational and training programs available to workers in the eligible community and the future employment needs of the community.

''(8) An assessment of the cost and timing of funds required by the eligible community to implement the strategic plan, including the method of financing to be used.

''(9) A strategy for continuing the economic adjustment of the eligible community after the completion of the projects described in paragraph (4).

''(c) GRANTS TO DEVELOP STRATEGIC PLANS.—

''(1) IN GENERAL.—The Secretary, upon receipt of an application from an eligible community, may award a grant to the community to assist the community in developing a strategic plan under subsection (a)(1). A grant awarded under this paragraph shall not exceed 75 percent of the cost of developing the strategic plan.

''(2) FUNDS TO BE USED.—Of the funds appropriated pursuant to section 277(c), the Secretary may make available not more than $25,000,000 each fiscal year to provide grants to eligible communities under paragraph (1).

''SEC. 277. GENERAL PROVISIONS.

''(a) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall prescribe such regulations as are necessary to carry out the provisions of this subchapter, including—

''(A) establishing specific guidelines for the submission and evaluation of a strategic plan under section 276;

''(B) establishing specific guidelines for the submission and evaluation of grant applications under section 275; and

''(C) administering the grant programs established under sections 275 and 276.

''(2) CONSULTATIONS.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 90 days prior to promulgating any final rule or regulation pursuant to paragraph (1).

''(b) PERSONNEL.—The Secretary shall designate such staff as may be necessary to carry out the responsibilities described in this subchapter.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary $150,000,000 for each of the fiscal years 2009 and 2010, and $37,500,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out this subchapter.

''(2) AVAILABILITY.—Amounts appropriated pursuant to this subchapter—

''(A) shall be available to provide adjustment assistance to communities that have petitioned or applied for assistance pursuant to this chapter on or before December 31, 2010; and

''(B) shall otherwise remain available until expended.

''(3) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this subchapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide economic development assistance for communities.

''Subchapter B—Community College and Career Training Grant Program

''SEC. 278. COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—Beginning August 1, 2009, the Secretary may award Community College and Career Training Grants to eligible institutions for the purpose of developing, offering, or improving educational or career training programs for workers eligible for training under section 236.

''(2) LIMITATIONS.—An eligible institution may not be awarded—

''(A) more than 1 grant under this section; or

''(B) a grant under this section in excess of $1,000,000.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

''(A) an institution described in section 203(a)(1)(B) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2373(a)(1)(B)) or in section 101(b) of the Higher Education Act of 1965 (20 U.S.C. 1001(b)); and

''(B) an institution described in section 236(a)(5)(H), but only with respect to a program offered by the institution that can be completed in not more than 2 years.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

''(c) GRANT PROPOSALS.—

''(1) IN GENERAL.—An eligible institution seeking to receive a grant under this section shall submit a grant proposal to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) GUIDELINES.—Not later than June 1, 2009, the Secretary shall—

''(A) promulgate guidelines for the submission of grant proposals under this section; and

''(B) publish and maintain such guidelines on the website of the Department of Labor.

''(3) ASSISTANCE.—The Secretary shall offer assistance in preparing a grant proposal to any eligible institution that requests such assistance.

''(4) GENERAL REQUIREMENTS FOR GRANT PROPOSALS.—

''(A) IN GENERAL.—A grant proposal submitted to the Secretary under this section shall include a detailed description of—

''(i) the specific project for which the grant proposal is submitted, including the manner in which the grant will be used to develop, offer, or improve an educational or career training program that is suited to workers eligible for training under section 236;

''(ii) the extent to which the project for which the grant proposal is submitted will meet the educational or career training needs of workers in the community served by

the eligible institution who are eligible for training under section 236;

''(iii) the extent to which the project for which the grant proposal is submitted fits within any overall strategic plan developed by an eligible community under section 276;

''(iv) the extent to which the project for which the grant proposal is submitted relates to any project funded by a Sector Partnership Grant awarded under section 279A; and

''(v) any previous experience of the eligible institution in providing educational or career training programs to workers eligible for training under section 236.

''(B) ABSENCE OF EXPERIENCE.—The absence of any previous experience in providing educational or career training programs described in subparagraph (A)(iv) shall not automatically disqualify an eligible institution from receiving a grant under this section.

''(5) COMMUNITY OUTREACH REQUIRED.—In order to be considered by the Secretary, a grant proposal submitted by an eligible institution under this section shall—

''(A) demonstrate that the eligible institution—

''(i) reached out to employers, and other entities described in section 276(a)(2) to identify—

''(I) any shortcomings in existing educational and career training opportunities available to workers in the community; and

''(II) any future employment opportunities within the community and the educational and career training skills required for workers to meet the future employment demand;

''(ii) reached out to other similarly situated institutions in an effort to benefit from any best practices that may be shared with respect to providing educational or career training programs to workers eligible for training under section 236; and

''(iii) reached out to any eligible partnership in the community that has sought or received Sector Partnership Grants under section 279A to enhance the effectiveness of each grant and avoid duplication of efforts; and

''(B) include a detailed description of—

''(i) the extent and outcome of the outreach conducted under subparagraph (A);

''(ii) the extent to which the project for which the grant proposal is submitted will contribute to meeting any shortcomings identified under subparagraph (A)(i)(I) or any educational or career training needs identified under subparagraph (A)(i)(II); and

''(iii) the extent to which employers, including small- and medium-sized enterprises within the community, have demonstrated a commitment to employing workers who would benefit from the project for which the grant proposal is submitted.

''(d) CRITERIA FOR AWARD OF GRANTS.—

''(1) IN GENERAL.—Subject to the appropriation of funds, the Secretary shall award a grant under this section based on—

''(A) a determination of the merits of the grant proposal submitted by the eligible institution to develop, offer, or improve educational or career training programs to be made available to workers eligible for training under section 236;

''(B) an evaluation of the likely employment opportunities available to workers who complete an educational or career training program that the eligible institution proposes to develop, offer, or improve; and

''(C) an evaluation of prior demand for training programs by workers eligible for training under section 236 in the community served by the eligible institution, as well as the availability and capacity of existing training programs to meet future demand for training programs.

''(2) PRIORITY FOR CERTAIN COMMUNITIES.—In awarding grants under this section, the Secretary shall give priority to eligible institutions that serve communities that the Secretary of Commerce has determined under section 273 are eligible to apply for assistance under subchapter A within the 5-year period preceding the date on which the grant proposals are submitted to the Secretary under this section.

''(3) MATCHING REQUIREMENTS.—A grant awarded under this section may not be used to satisfy any private matching requirement under any other provision of law.

''(e) ANNUAL REPORT.—Not later than December 15 in each of the calendar years 2009 through 2013, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

''(1) describing each grant awarded under this section during the preceding fiscal year; and

''(2) assessing the impact of each award of a grant under this section in a fiscal year preceding the fiscal year referred to in paragraph (1) on workers receiving training under section 236.

''SEC. 279. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor $40,000,000 for each of the fiscal years 2009 and 2010, and $10,000,000 for the period beginning October 1, 2010 and ending December 31, 2010, to fund the Community College and Career Training Grant Program. Funds appropriated pursuant to this section shall remain available until expended, except that no such funds may be expended after December 31, 2010.

''(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support community college and career training programs.

''Subchapter C—Industry or Sector Partnership Grant Program for Communities Impacted by Trade

''SEC. 279A. INDUSTRY OR SECTOR PARTNERSHIP GRANT PROGRAM FOR COMMUNITIES IMPACTED BY TRADE.

''(a) PURPOSE.—The purpose of this subchapter is to facilitate efforts by industry or sector partnerships to strengthen and revitalize industries and create employment opportunities for workers in communities impacted by trade.

''(b) DEFINITIONS.—In this subchapter:

''(1) COMMUNITY IMPACTED BY TRADE.—The term 'community impacted by trade' has the meaning given that term in section 271.

''(2) DISLOCATED WORKER.—The term 'dislocated worker' means a worker who has been totally or partially separated, or is threatened with total or partial separation, from employment in an industry or sector in a community impacted by trade.

''(3) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a voluntary partnership composed of public and private persons, firms, or other entities within a community impacted by trade, that shall include representatives of—

''(A) an industry or sector within the community, including an industry association;

''(B) local, county, or State government;

''(C) multiple firms in the industry or sector, including small- and medium-sized firms, within the community;

''(D) local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832);

''(E) labor organizations, including State labor federations and labor-management initiatives, representing workers in the community; and

''(F) educational institutions, local educational agencies, or other training providers serving the community.

''(4) LEAD ENTITY.—The term 'lead entity' means—

''(A) an entity designated by the eligible partnership to be responsible for submitting a grant proposal under subsection (e) and serving as the eligible partnership's fiscal agent in expending any Sector Partnership Grant awarded under this section; or

''(B) a State agency designated by the Governor of the State to carry out the responsibilities described in subparagraph (A).

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

''(6) TARGETED INDUSTRY OR SECTOR.—The term 'targeted industry or sector' means the industry or sector represented by an eligible partnership.

''(c) SECTOR PARTNERSHIP GRANTS AUTHORIZED.—Beginning on August 1, 2009, and subject to the appropriation of funds, the Secretary shall award Sector Partnership Grants to eligible partnerships to assist the eligible partnerships in carrying out projects, over periods of not more than 3 years, to strengthen and revitalize industries and sectors and create employment opportunities for dislocated workers.

''(d) USE OF SECTOR PARTNERSHIP GRANTS.—An eligible partnership may use a Sector Partnership Grant to carry out any project that the Secretary determines will further the purpose of this subchapter, which may include—

''(1) identifying the skill needs of the targeted industry or sector and any gaps in the available supply of skilled workers in the community impacted by trade, and developing strategies for filling the gaps, including by—

''(A) developing systems to better link firms in the targeted industry or sector to available skilled workers;

''(B) helping firms in the targeted industry or sector to obtain access to new sources of qualified job applicants;

''(C) retraining dislocated and incumbent workers; or

''(D) facilitating the training of new skilled workers by aligning the instruction provided by local suppliers of education and training services with the needs of the targeted industry or sector;

''(2) analyzing the skills and education levels of dislocated and incumbent workers and developing training to address skill gaps that prevent such workers from obtaining jobs in the targeted industry or sector;

''(3) helping firms, especially small- and medium-sized firms, in the targeted industry or sector increase their productivity and the productivity of their workers;

''(4) helping such firms retain incumbent workers;

''(5) developing learning consortia of small- and medium-sized firms in the targeted industry or sector with similar training needs to enable the firms to combine their purchases of training services, and thereby lower their training costs;

''(6) providing information and outreach activities to firms in the targeted industry or sector regarding the activities of the eligible partnership and other local service suppliers that could assist the firms in meeting needs for skilled workers;

''(7) seeking, applying, and disseminating best practices learned from similarly situated communities impacted by trade in the development and implementation of economic growth and revitalization strategies; and

''(8) identifying additional public and private resources to support the activities described in this subsection, which may include the option to apply for a community grant under section 275 or a Community College and Career Training Grant under section 278 (subject to meeting any additional requirements of those sections).

''(e) GRANT PROPOSALS.—

''(1) IN GENERAL.—The lead entity of an eligible partnership seeking to receive a Sector Partnership Grant under this section shall submit a grant proposal to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) GENERAL REQUIREMENTS OF GRANT PROPOSALS.—A grant proposal submitted under paragraph (1) shall, at a minimum—

''(A) identify the members of the eligible partnership;

''(B) identify the targeted industry or sector for which the eligible partnership intends to carry out projects using the Sector Partnership Grant;

''(C) describe the goals that the eligible partnership intends to achieve to promote the targeted industry or sector;

''(D) describe the projects that the eligible partnership will undertake to achieve such goals;

''(E) demonstrate that the eligible partnership has the organizational capacity to carry out the projects described in subparagraph (D);

''(F) explain—

''(i) whether—

''(I) the community impacted by trade has sought or received a community grant under section 275;

''(II) an eligible institution in the community has sought or received a Community College and Career Training Grant under section 278; or

''(III) any other entity in the community has received funds pursuant to any other federally funded training project; and

''(ii) how the eligible partnership will coordinate its use of a Sector Partnership Grant with the use of such other grants or funds in order to enhance the effectiveness of each grant and any such funds and avoid duplication of efforts; and

''(G) include performance measures, developed based on the performance measures issued by the Secretary under subsection (g)(2), and a timeline for measuring progress toward achieving the goals described in subparagraph (C).

''(f) AWARD OF GRANTS.—

''(1) Upon application by the lead entity of an eligible partnership, the Secretary may award a Sector Partnership Grant to the eligible partnership to assist the partnership in carrying out any of the projects in the grant proposal that the Secretary determines will further the purposes of this subchapter.

''(2) An eligible partnership may not be awarded—

''(A) more than 1 Sector Partnership Grant; or

''(B) a total grant award under this subchapter in excess of—

''(i) except as provided in clause (ii), $2,500,000; or

''(ii) in the case of an eligible partnership located within a community impacted by trade that is not served by an institution receiving a Community College and Career Training Grant under section 278, $3,000,000.

''(g) ADMINISTRATION BY THE SECRETARY.—

''(1) TECHNICAL ASSISTANCE AND OVERSIGHT.—

''(A) IN GENERAL.—The Secretary shall provide technical assistance to, and oversight of, the lead entity of an eligible partnership in applying for and administering Sector Partnership Grants awarded under this section.

''(B) TECHNICAL ASSISTANCE.—Technical assistance provided under subparagraph (A) shall include providing conferences and such other methods of collecting and disseminating information on best practices developed by eligible partnerships as the Secretary determines appropriate.

''(C) GRANTS OR CONTRACTS FOR TECHNICAL ASSISTANCE.—The Secretary may award a grant or contract to 1 or more national or State organizations to provide technical assistance to foster the planning, formation, and implementation of eligible partnerships.

''(2) PERFORMANCE MEASURES.—The Secretary shall issue a range of performance measures, with quantifiable benchmarks, and methodologies that eligible partnerships may use to measure progress toward the goals described in subsection (e). In developing such measures, the Secretary shall consider the benefits of the eligible partnership and its activities for workers, firms, industries, and communities.

''(h) REPORTS.—

''(1) PROGRESS REPORT.—Not later than 1 year after receiving a Sector Partnership Grant, and 3 years thereafter, the lead entity shall submit to the Secretary, on behalf of the eligible partnership, a report containing—

''(A) a detailed description of the progress made toward achieving the goals described in subsection (e)(2)(C), using the performance measures required under subsection (e)(2)(G);

''(B) a detailed evaluation of the impact of the grant award on workers and employers in the community impacted by trade; and

''(C) a detailed description of all expenditures of funds awarded to the eligible partnership under the Sector Partnership Grant approved by the Secretary under this subchapter.

''(2) ANNUAL REPORT.—Not later than December 15 in each of the calendar years 2009 through 2013, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

''(A) describing each Sector Partnership Grant awarded to an eligible partnership during the preceding fiscal year; and

''(B) assessing the impact of each Sector Partnership Grant awarded in a fiscal year preceding the fiscal year referred to in subparagraph (A) on workers and employers in communities impacted by trade.

''SEC. 279B. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Labor $40,000,000 for each of the fiscal years 2009 and 2010, and $10,000,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out the Sector Partnership Grant program under section 279A. Funds appropriated pursuant to this section shall remain available until expended, except that no such funds may be expended after December 31, 2010.

''(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support the economic development of local communities.

''(c) ADMINISTRATIVE COSTS.—The Secretary may retain not more than 5 percent of the funds appropriated pursuant to the authorization of appropriations under this section for each fiscal year to administer the Sector Partnership Grant program under section 279A.

''Subchapter D—General Provisions

''SEC. 279C. RULE OF CONSTRUCTION.

''Nothing in this title prevents a worker from receiving trade adjustment assistance under chapter 2 of this title at the same time the worker is receiving assistance in any manner from—

''(1) a community receiving a community grant under subchapter A;

''(2) an eligible institution receiving a Community College and Career Training Grant under subchapter B; or

''(3) an eligible partnership receiving a Sector Partnership Grant under subchapter C.''.

SEC. 1773. CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents of the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting the following:

''CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

''Subchapter A—Trade Adjustment Assistance for Communities

''Sec. 271. Definitions.
''Sec. 272. Establishment of trade adjustment assistance for communities program.
''Sec. 273. Eligibility; notification.
''Sec. 274. Technical assistance.
''Sec. 275. Grants for eligible communities.
''Sec. 276. Strategic plans.
''Sec. 277. General provisions.

''Subchapter B—Community College and Career Training Grant Program

''Sec. 278. Community college and career training grant program.
''Sec. 279. Authorization of appropriations.

''Subchapter C—Industry or Sector Partnership Grant Program for Communities Impacted by Trade

''Sec. 279A. Industry or sector partnership grant program for communities impacted by trade.
''Sec. 279B. Authorization of appropriations.

''Subchapter D—General Provisions

''Sec. 279C. Rule of construction.''

(b) JUDICIAL REVIEW.—

(1) Section 284(a) of the Trade Act of 1974 (19 U.S.C. 2395(a)) is amended—

(A) by inserting ''or 296'' after ''section 293'';

(B) by striking ''or any other interested domestic party'' and inserting ''or authorized representative of a community''; and

(C) by striking ''section 271'' and inserting ''section 273''.

(2) Section 1581(d) of title 28, United States Code, is amended—

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (3)—

(i) by striking ''271'' and inserting ''273''; and

(ii) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) any final determination of the Secretary of Agriculture under section 293 or 296 of the Trade Act of 1974 (19 U.S.C. 2401b) with respect to the eligibility of a group of agricultural commodity producers for adjustment assistance under such Act.''.

PART IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

SEC. 1781. DEFINITIONS.

Section 291 of the Trade Act of 1974 (19 U.S.C. 2401) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means—

''(A) any agricultural commodity (including livestock) in its raw or natural state; and

''(B) any class of goods within an agricultural commodity.'';

(2) by amending paragraph (2) to read as follows:

''(2) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' means—

''(A) a person that shares in the risk of producing an agricultural commodity and that is entitled to a share of the commodity for marketing, including an operator, a sharecropper, or a person that owns or rents the land on which the commodity is produced; or

''(B) a person that reports gain or loss from the trade or business of fishing on the person's annual Federal income tax return for the taxable year that most closely corresponds to the marketing year with respect to which a petition is filed under section 292.''; and

(3) by adding at the end the following:

''(7) MARKETING YEAR.—The term 'marketing year' means—

''(A) a marketing year designated by the Secretary with respect to an agricultural commodity; or

''(B) in the case of an agricultural commodity with respect to which the Secretary does not designate a marketing year, a calendar year.''.

SEC. 1782. ELIGIBILITY.

(a) IN GENERAL.—Section 292 of the Trade Act of 1974 (19 U.S.C. 2401a) is amended by striking subsections (c) through (e) and inserting the following:

''(c) GROUP ELIGIBILITY REQUIREMENTS.—The Secretary shall certify a group of agricultural commodity producers as eligible to apply for adjustment assistance under this chapter if the Secretary determines that—

''(1)(A) the national average price of the agricultural commodity produced by the group during the most recent marketing year for which data are available is less than 85 percent of the average of the national average price for the commodity in the 3 marketing years preceding such marketing year;

''(B) the quantity of production of the agricultural commodity produced by the group during such marketing year is less than 85 percent of the average of the quantity of production of the commodity produced by the group in the 3 marketing years preceding such marketing year;

''(C) the value of production of the agricultural commodity produced by the group during such marketing year is less than 85 percent of the average value of production of the commodity produced by the group in the 3 marketing years preceding such marketing year; or

''(D) the cash receipts for the agricultural commodity produced by the group during such marketing year are less than 85 percent of the average of the cash receipts for the commodity produced by the group in the 3 marketing years preceding such marketing year;

''(2) the volume of imports of articles like or directly competitive with the agricultural commodity produced by the group in the marketing year with respect to which the group files the petition increased compared to the average volume of such imports during the 3 marketing years preceding such marketing year; and

''(3) the increase in such imports contributed importantly to the decrease in the national average price, quantity of production, or value of production of, or cash receipts for, the agricultural commodity, as described in paragraph (1).

''(d) ELIGIBILITY OF CERTAIN OTHER PRODUCERS.—An agricultural commodity producer or group of producers that resides outside of the State or region identified in the petition filed under subsection (a) may file a request to become a party to that petition not later than 15 days after the date the notice is published in the Federal Register under subsection (a) with respect to that petition.

''(e) TREATMENT OF CLASSES OF GOODS WITHIN A COMMODITY.—In any case in which there are separate classes of goods within an agricultural commodity, the Secretary shall treat each class as a separate commodity in determining under subsection (c)—

''(1) group eligibility;

''(2) the national average price, quantity of production, or value of production, or cash receipts; and

''(3) the volume of imports.''.

(b) CONFORMING AMENDMENTS.—Section 293 of the Trade Act of 1974 (19 U.S.C. 2401b) is amended—

(1) in subsection (a), by striking ''section 292 (c) or (d), as the case may be,'' and inserting ''section 292(c)''; and

(2) in subsection (c), by striking ''decline in price for'' and inserting ''decrease in the national average price, quantity of production, or value of production of, or cash receipts for,''.

SEC. 1783. BENEFITS.

(a) IN GENERAL.—Section 296 of the Trade Act of 1974 (19 U.S.C. 2401e) is amended to read as follows:

''SEC. 296. QUALIFYING REQUIREMENTS AND BENEFITS FOR AGRICULTURAL COMMODITY PRODUCERS.

''(a) IN GENERAL.—

''(1) REQUIREMENTS.—

''(A) IN GENERAL.—Benefits under this chapter shall be available to an agricultural commodity producer covered by a certification under this chapter who files an application for such benefits not later than 90 days after the date on which the Secretary makes a determination and issues a certification of eligibility under section 293, if the producer submits to the Secretary sufficient information to establish that—

''(i) the producer produced or harvested the agricultural commodity covered by the application filed under this subsection in the marketing year with respect to which the petition is filed and in at least 1 of the 3 marketing years preceding that marketing year;

''(ii)(I) there has been a decrease in the amount of the agricultural commodity produced by the producer based on the amount of the agricultural commodity that was produced by the producer in the marketing year with respect to which the petition is filed and the most recent marketing year preceding that marketing year for which data are available; or

''(II) there has been a decrease in the price of the agricultural commodity based on—

''(aa) the price received for the agricultural commodity by the producer during the marketing year with respect to which the petition is filed and the average price for the commodity received by the producer in the 3 marketing years preceding that marketing year; or

''(bb) the county level price maintained by the Secretary for the agricultural commodity on the date on which the petition is filed and the average county level price for the commodity in the 3 marketing years preceding the date on which the petition is filed; and

''(iii) the producer is not receiving—

''(I) cash benefits under chapter 2 or 3; or

''(II) benefits based on the production of an agricultural commodity covered by another petition filed under this chapter.

''(B) SPECIAL RULE WITH RESPECT TO CROPS NOT GROWN EVERY YEAR.—For purposes of subparagraph (A)(ii)(II)(aa), if a petition is filed with respect to an agricultural commodity that is not produced by the producer every year, an agricultural commodity producer producing that commodity may establish the average price received for the commodity by the producer in the 3 marketing years preceding the year with respect to which the petition is filed by using average price data for the 3 most recent marketing years in which the producer produced the commodity and for which data are available.

''(2) LIMITATIONS BASED ON ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—Notwithstanding any other provision of this chapter, an agricultural commodity producer shall not be eligible for assistance under this chapter in any year in which the average adjusted gross income (as defined in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(a)) of the producer exceeds the level set forth in subparagraph (A) or (B) of section 1001D(b)(1) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(1)), whichever is applicable.

''(B) DEMONSTRATION OF COMPLIANCE.—An agricultural commodity producer shall provide to the Secretary such information as the Secretary determines necessary to demonstrate that the producer is in compliance with the limitation under subparagraph (A).

''(C) COUNTER-CYCLICAL AND ACRE PAYMENTS.—The total amount of payments made to an agricultural commodity producer under this chapter during any crop year may not exceed the limitations on payments set forth in subsections (b)(2), (b)(3), (c)(2), and (c)(3) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).

''(b) TECHNICAL ASSISTANCE.—

''(1) INITIAL TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—An agricultural commodity producer that files an application and meets the requirements under subsection (a)(1) shall be entitled to receive initial technical assistance designed to improve the competitiveness of the production and marketing of the agricultural commodity with respect to which the producer was certified under this chapter. Such assistance shall include information regarding—

''(i) improving the yield and marketing of that agricultural commodity; and

''(ii) the feasibility and desirability of substituting one or more alternative agricultural commodities for that agricultural commodity.

''(B) TRANSPORTATION AND SUBSISTENCE EXPENSES.—

''(i) IN GENERAL.—The Secretary may authorize supplemental assistance necessary to defray reasonable transportation and subsistence expenses incurred by an agricultural commodity producer in connection with initial technical assistance under subparagraph (A) if such assistance is provided at facilities that are not within normal commuting distance of the regular place of residence of the producer.

''(ii) EXCEPTIONS.—The Secretary may not authorize payments to an agricultural commodity producer under clause (i)—

''(I) for subsistence expenses that exceed the lesser of—

''(aa) the actual per diem expenses for subsistence incurred by a producer; or

''(bb) the prevailing per diem allowance rate authorized under Federal travel regulations; or

''(II) for travel expenses that exceed the prevailing mileage rate authorized under the Federal travel regulations.

''(2) INTENSIVE TECHNICAL ASSISTANCE.—A producer that has completed initial technical assistance under paragraph (1) shall be eligible to participate in intensive technical assistance. Such assistance shall consist of—

''(A) a series of courses to further assist the producer in improving the competitiveness of the producer in producing—

''(i) the agricultural commodity with respect to which the producer was certified under this chapter; or

''(ii) another agricultural commodity; and

''(B) assistance in developing an initial business plan based on the courses completed under subparagraph (A).

''(3) INITIAL BUSINESS PLAN.—

''(A) APPROVAL BY SECRETARY.—The Secretary shall approve an initial business plan developed under paragraph (2)(B) if the plan—

''(i) reflects the skills gained by the producer through the courses described in paragraph (2)(A); and

''(ii) demonstrates how the producer will apply those skills to the circumstances of the producer.

''(B) FINANCIAL ASSISTANCE FOR IMPLEMENTING INITIAL BUSINESS PLAN.—Upon approval of the producer's initial business plan by the Secretary under subparagraph (A), a producer shall be entitled to an amount not to exceed $4,000 to—

''(i) implement the initial business plan; or

''(ii) develop a long-term business adjustment plan under paragraph (4).

''(4) LONG-TERM BUSINESS ADJUSTMENT PLAN.—

''(A) IN GENERAL.—A producer that has completed intensive technical assistance under paragraph (2) and whose initial business plan has been approved under paragraph (3)(A) shall be eligible for, in addition to the amount under subparagraph (C), assistance in developing a long-term business adjustment plan.

''(B) APPROVAL OF LONG-TERM BUSINESS ADJUSTMENT PLANS.—The Secretary shall approve a long-term business adjustment plan developed under subparagraph (A) if the Secretary determines that the plan—

''(i) includes steps reasonably calculated to materially contribute to the economic adjustment of the producer to changing market conditions;

''(ii) takes into consideration the interests of the workers employed by the producer; and

''(iii) demonstrates that the producer will have sufficient resources to implement the business plan.

''(C) PLAN IMPLEMENTATION.—Upon approval of the producer's long-term business adjustment plan under subparagraph (B), a producer shall be entitled to an amount not to exceed $8,000 to implement the long-term business adjustment plan.

''(c) MAXIMUM AMOUNT OF ASSISTANCE.—An agricultural commodity producer may receive not more than $12,000 under paragraphs (3) and (4) of subsection (b) in the 36-month period following certification under section 293.

''(d) LIMITATIONS ON OTHER ASSISTANCE.—An agricultural commodity producer that receives benefits under this chapter (other than initial technical assistance under subsection (b)(1)) shall not be eligible for cash benefits under chapter 2 or 3.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 296 and inserting the following:

''Sec. 296. Qualifying requirements and benefits for agricultural commodity producers.''.

SEC. 1784. REPORT.

Section 293 of the Trade Act of 1974 (19 U.S.C. 2401b) is amended by adding at the end the following:

''(d) REPORT BY THE SECRETARY.—Not later than January 30, 2010, and annually thereafter, the Secretary of Agriculture shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report containing the following information with respect to adjustment assistance provided under this chapter during the preceding fiscal year:

''(1) A list of the agricultural commodities covered by a certification under this chapter.

''(2) The States or regions in which such commodities are produced and the aggregate amount of such commodities produced in each such State or region.

''(3) The total number of agricultural commodity producers, by congressional district, receiving benefits under this chapter.

''(4) The total number of agricultural commodity producers, by congressional district, receiving technical assistance under this chapter.''.

SEC. 1785. FRAUD AND RECOVERY OF OVERPAYMENTS.

Section 297(a)(1) of the Trade Act of 1974 (19 U.S.C. 2401f(a)(1)) is amended by inserting ''or has expended funds received under this chapter for a purpose that was not approved by the Secretary,'' after ''entitled,''.

SEC. 1786. DETERMINATION OF INCREASES OF IMPORTS FOR CERTAIN FISHERMEN.

Notwithstanding any other provision of law, for purposes of chapters 2 and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), in the case of an agricultural commodity producer that—

(1) is a fisherman or aquaculture producer, and

(2) is otherwise eligible for adjustment assistance under chapter 2 or 6, as the case may be,

the increase in imports of articles like or directly competitive with the agricultural commodity produced by such producer may be based on imports of wild-caught seafood, farm-raised seafood, or both.

SEC. 1787. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.

Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended by striking ''fiscal years 2003 through 2007'' and all that follows through the end period and inserting ''fiscal years 2009 and 2010 and $22,500,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out the purposes of this chapter, including administrative costs, and salaries and expenses of employees of the Department of Agriculture.''.

PART V—GENERAL PROVISIONS

SEC. 1791. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this subtitle, and subsection (b) of this section, this subtitle and the amendments made by this subtitle—

(1) shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act; and

(2) shall apply to—

(A) petitions for certification filed under chapter 2, 3, or 6 of title II of the Trade Act of 1974 on or after the effective date described in paragraph (1); and

(B) petitions for assistance filed under chapter 4 of title II of the Trade Act of 1974 on or after such effective date.

(b) CERTIFICATIONS MADE BEFORE EFFECTIVE DATE.—Notwithstanding subsection (a)—

(1) a worker shall continue to receive (or be eligible to receive) trade adjustment assistance and other benefits under subchapter B of chapter 2 of title II of the Trade Act of 1974, as in effect on the day before the effective date described in subsection (a)(1), for any week for which the worker meets the eligibility requirements of such chapter 2 as in effect on the day before such effective date, if the worker—

(A) is certified as eligible for trade adjustment assistance benefits under such chapter 2 pursuant to a petition filed under section 221 of the Trade Act of 1974 on or before such effective date; and

(B) would otherwise be eligible to receive trade adjustment assistance benefits under such chapter as in effect on the day before such effective date;

(2) a worker shall continue to receive (or be eligible to receive) benefits under section 246(a)(2) of the Trade Act of 1974, as in effect on the day before the effective date described in subsection (a)(1), for such period for which the worker meets the eligibility requirements of section 246 of that Act as in effect on the day before such effective date, if the worker—

(A) is certified as eligible for benefits under such section 246 pursuant to a petition filed under section 221 of the Trade Act of 1974 on or before such effective date; and

(B) would otherwise be eligible to receive benefits under such section 246(a)(2) as in effect on the day before such effective date; and

(3) a firm shall continue to receive (or be eligible to receive) adjustment assistance under chapter 3 of title II of the Trade Act if 1974, as in effect on the day before the effective date described in subsection (a)(1), for such period for which the firm meets the eligibility requirements of such chapter 3 as in effect on the day before such effective date, if the firm—

(A) is certified as eligible for benefits under such chapter 3 pursuant to a petition filed under section 251 of the Trade Act of 1974 on or before such effective date; and

(B) would otherwise be eligible to receive benefits under such chapter 3 as in effect on the day before such effective date.

SEC. 1792. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAMS.

(a) FOR WORKERS.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

(b) TERMINATION.—Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note prec.) is amended—

(1) by striking ''December 31, 2007'' each place it appears (other than subsection (b)(1)) and inserting ''December 31, 2010''; and

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1) ASSISTANCE FOR FIRMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), technical assistance and grants may not be provided under chapter 3 after December 31, 2010.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any technical assistance or

grant approved under chapter 3 on or before December 31, 2010, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the technical assistance or grant is otherwise eligible to receive such technical assistance or grant, as the case may be.''; and

(B) by adding at the end the following:

''(3) ASSISTANCE FOR COMMUNITIES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), technical assistance and grants may not be provided under chapter 4 after December 31, 2010.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any technical assistance or grant approved under chapter 4 on or before December 31, 2010, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the technical assistance or grant is otherwise eligible to receive such technical assistance or grant, as the case may be.''.

SEC. 1793. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

Not later than September 30, 2012, the Comptroller General of the United States shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a comprehensive report on the operation and effectiveness of the amendments made by this subtitle to chapters 2, 3, 4, and 6 of the Trade Act of 1974.

SEC. 1794. EMERGENCY DESIGNATION.

Amounts appropriated pursuant to this subtitle are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

PART VI—HEALTH COVERAGE IMPROVEMENT

SEC. 1799. SHORT TITLE.

This part may be cited as the ''TAA Health Coverage Improvement Act of 2009''.

SEC. 1799A. IMPROVEMENT OF THE AFFORDABILITY OF THE CREDIT.

(a) IMPROVEMENT OF AFFORDABILITY.—

(1) IN GENERAL.—Section 35(a) of the Internal Revenue Code of 1986 (relating to credit for health insurance costs of eligible individuals) is amended by striking ''65'' and inserting ''80''.

(2) CONFORMING AMENDMENT.—Section 7527(b) of such Code (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by striking ''65'' and inserting ''80''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after the first day of the first month beginning 60 days after the date of the enactment of this Act.

SEC. 1799B. PAYMENT FOR MONTHLY PREMIUMS PAID PRIOR TO COMMENCEMENT OF ADVANCE PAYMENTS OF CREDIT.

(a) PAYMENT FOR PREMIUMS DUE PRIOR TO COMMENCEMENT OF ADVANCE PAYMENTS OF CREDIT.—Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by adding at the end the following new subsection:

''(e) PAYMENT FOR PREMIUMS DUE PRIOR TO COMMENCEMENT OF ADVANCE PAYMENTS.—

''(1) IN GENERAL.—The program established under subsection (a) shall provide that the Secretary shall make 1 or more retroactive payments on behalf of a certified individual in an aggregate amount equal to 80 percent of the premiums for coverage of the taxpayer and qualifying family members under qualified health insurance for eligible coverage months (as defined in section 35(b)) occurring prior to the first month for which an advance payment is made on behalf of such individual under subsection (a).

''(2) REDUCTION OF PAYMENT FOR AMOUNTS RECEIVED UNDER NATIONAL EMERGENCY GRANTS.—The amount of any payment determined under paragraph (1) shall be reduced by the amount of any payment made to the taxpayer for the purchase of qualified health insurance under a national emergency grant pursuant to section 173(f) of the Workforce Investment Act of 1998 for a taxable year including the eligible coverage months described in paragraph (1).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to eligible coverage months beginning on the date that is 9 months after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1799C. TAA RECIPIENTS NOT ENROLLED IN TRAINING PROGRAMS ELIGIBLE FOR CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 35(c) of the Internal Revenue Code of 1986 (defining eligible TAA recipient) is amended to read as follows:

''(2) ELIGIBLE TAA RECIPIENT.—The term 'eligible TAA recipient' means, with respect to any month, any individual who—

''(A) is receiving for any day of such month a trade adjustment allowance under chapter 2 of title II of the Trade Act of 1974,

''(B) would be eligible to receive such allowance except that such individual is in a break in training provided under a training program approved under section 236 of such Act that exceeds the period specified in section 233(e) of such Act, but is within the period for receiving such allowances provided under section 233(a) of such Act, or

''(C) is receiving unemployment compensation (as defined in section 85(b)) for such month and who would be eligible to receive such allowance for such month if section 231 of such Act were applied without regard to subsections (a)(3)(B) and (a)(5) thereof.

An individual shall continue to be treated as an eligible TAA recipient during the first month that such individual would otherwise cease to be an eligible TAA recipient by reason of the preceding sentence.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 1799D. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) IRC AMENDMENT.—Section 9801(c)(2) of the Internal Revenue Code of 1986 (relating to not counting periods before significant breaks in creditable coverage) is amended by adding at the end the following new subparagraph:

''(D) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date which is 5 days after the date of the issuance by the Secretary (or by any person or entity designated by the Secretary) of a qualified health insurance costs credit eligibility certificate for such individual for purposes of section 7527 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 4980B(f)(5)(C)(iv).''.

(b) ERISA AMENDMENT.—Section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the date of the issuance by the Secretary (or by any person or entity designated by the Secretary) of a qualified health insurance costs credit eligibility certificate for such individual for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 605(b)(4).''.

(c) PHSA AMENDMENT.—Section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the date of the issuance by the Secretary (or by any person or entity designated by the Secretary) of a qualified health insurance costs credit eligibility certificate for such individual for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 2205(b)(4).''.

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

SEC. 1799E. CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.

(a) IN GENERAL.—Subsection (g) of section 35 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (9) as paragraph (10) and inserting after paragraph (8) the following new paragraph:

''(9) CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.—

''(A) ELIGIBLE INDIVIDUAL BECOMES MEDICARE ELIGIBLE.—In the case of a month which would be an eligible coverage month with respect to an eligible individual described in subparagraph (A) or (B) of subsection (c)(1) but for subsection (f)(2)(A), such month shall be treated as an eligible coverage month with respect to such eligible individual solely for purposes of determining the amount of the credit under this section with respect to any qualifying family member of such individual.

''(B) DIVORCE.—In the case of a month which would be an eligible coverage month with respect to a former spouse of a taxpayer but for the finalization of a divorce between

the spouse and the taxpayer that occurs during the period in which the taxpayer is an eligible individual, such month shall be treated as an eligible coverage month with respect to such former spouse.

''(C) DEATH.—In the case of a month which occurs after the death of an eligible individual and which would be an eligible coverage month with respect to such eligible individual if the individual had survived and met any applicable eligibility requirements for the maximum permissible period, such month shall be treated as an eligible coverage month with respect to any qualifying family member of such eligible individual.''.

(b) CONFORMING AMENDMENT.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended by adding at the end the following new paragraph:

''(8) CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.—

''(A) ELIGIBLE INDIVIDUAL BECOMES MEDICARE ELIGIBLE.—In the case of a month which would be an eligible coverage month with respect to an eligible individual described in subparagraph (A) or (B) of paragraph (4) but for paragraph (7)(B)(i), such month shall be treated as an eligible coverage month with respect to such eligible individual solely for purposes of determining the amount of the credit under this section with respect to any qualifying family member of such individual.

''(B) DIVORCE.—In the case of a month which would be an eligible coverage month with respect to a former spouse of a taxpayer but for the finalization of a divorce between the spouse and the taxpayer that occurs during the period in which the taxpayer is an eligible individual, such month shall be treated as an eligible coverage month with respect to such former spouse.

''DEATH.—In the case of a month which occurs after the death of an eligible individual and which would be an eligible coverage month with respect to such eligible individual if the individual had survived and met any applicable eligibility requirements for the maximum permissible period, such month shall be treated as an eligible coverage month with respect to the spouse of such eligible individual.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2009.

SEC. 1799F. ALIGNMENT OF COBRA COVERAGE WITH TAA PERIOD FOR TAA-ELIGIBLE INDIVIDUALS.

(a) INTERNAL REVENUE CODE OF 1986.—Section 4980B(f)(5)(C) of the Internal Revenue Code of 1986 is amended—

(1) in the subparagraph heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in clause (ii)—

(A) in the clause heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT''; and

(B) by adding at the end the following new sentence: ''In no event shall the maximum period required under paragraph (2)(B)(i) with respect to such continuation coverage be less than the period during which the individual is a TAA-eligible individual.''.

(b) ERISA.—Section 605(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1165(b)) is amended—

(1) in the subsection heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT''; and

(B) by adding at the end the following new sentence: ''In no event shall the maximum period required under section 602(2)(A) with respect to such continuation coverage be less than the period during which the individual is a TAA-eligible individual.''.

(c) PUBLIC HEALTH SERVICE ACT.—Section 2205(b) of the Public Health Service Act (42 U.S.C. 300bb–5(b)) is amended—

(1) in the subsection heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT''; and

(B) by adding at the end the following new sentence: ''In no event shall the maximum period required under section 2202(2)(A) with respect to such continuation coverage be less than the period during which the individual is a TAA-eligible individual.''.

SEC. 1799G. ADDITION OF COVERAGE THROUGH VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATIONS.

Paragraph (1) of section 35(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(K) Coverage under an employee benefit plan funded by a voluntary employees' beneficiary association (as defined in section 501(c)(9)) established pursuant to an order of a bankruptcy court, or by agreement with an authorized representative, as provided in section 1114 of title 11, United States Code.''.

SEC. 1799H. NOTICE REQUIREMENTS.

(a) IN GENERAL.—Subsection (d) of section 7527 of the Internal Revenue Code of 1986 (relating to qualified health insurance costs credit eligibility certificate) is amended to read as follows:

''(d) QUALIFIED HEALTH INSURANCE COSTS ELIGIBILITY CERTIFICATE.—

''(1) IN GENERAL.—For purposes of this section, the term 'qualified health insurance costs eligibility certificate' means any written statement that an individual is an eligible individual (as defined in section 35(c)) if such statement provides the information described in paragraph (2) and—

''(A) in the case of an eligible TAA recipient (as defined in section 35(c)(2)) or an eligible alternative TAA recipient (as defined in section 35(c)(3)), is certified by the Secretary of Labor (or by any other person or entity designated by the Secretary), or

''(B) in the case of an eligible PBGC pension recipient (as defined in section 35(c)(4)), is certified by the Pension Benefit Guaranty Corporation (or by any other person or entity designated by the Secretary).

''(2) INCLUSION OF CERTAIN INFORMATION.—The qualified health insurance costs credit eligibility certificate described in paragraph (1) with respect to an eligible individual shall include—

''(A) the name, address, and telephone number of the State office or offices responsible for providing the individual with assistance with enrollment in qualified health insurance (as defined in section 35(e)),

''(B) a list of the coverage options that are treated as qualified health insurance (as so defined) by the State in which the individual resides,

''(C) in the case of a TAA-eligible individual (as defined in section 4980B(f)(5)(C)(iv)(II)), a statement informing the individual that the individual has 63 days from the date that is 5 days after the date of the issuance of such certificate to enroll in such insurance without a lapse in creditable coverage (as defined in section 9801(c)), and

''(D) such other information as the Secretary may require.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to certificates issued after the date that is 6 months after the date of the enactment of this Act.

SEC. 1799I. SURVEY AND REPORT ON ENHANCED HEALTH COVERAGE TAX CREDIT PROGRAM.

(a) SURVEY.—

(1) IN GENERAL.—The Secretary of the Treasury shall conduct a biennial survey of eligible individuals (as defined in section 35(c) of the Internal Revenue Code of 1986) relating to the health coverage tax credit under section 35 of the Internal Revenue Code of 1986 (hereinafter in this section referred to as the ''health coverage tax credit'').

(2) INFORMATION OBTAINED.—The survey conducted under subsection (a) shall obtain the following information:

(A) HCTC PARTICIPANTS.—In the case of eligible individuals receiving the health coverage tax credit (including individuals participating in the health coverage tax credit program under section 7527 of such Code, hereinafter in this section referred to as the ''HCTC program'')—

(i) demographic information of such individuals, including income and education levels,

(ii) satisfaction of such individuals with the enrollment process in the HCTC program,

(iii) satisfaction of such individuals with available health coverage options under the credit, including level of premiums, benefits, deductibles, cost-sharing requirements, and the adequacy of provider networks, and

(iv) any other information that the Secretary determines is appropriate.

(B) NON-HCTC PARTICIPANTS.—In the case of eligible individuals not receiving the health coverage tax credit—

(i) demographic information of each individual, including income and education levels,

(ii) whether the individual was aware of the health coverage tax credit or the HCTC program,

(iii) the reasons the individual has not enrolled in the HCTC program, including whether such reasons include the burden of the process of enrollment and the affordability of coverage,

(iv) whether the individual has health insurance coverage, and, if so, the source of such coverage, and

(v) any other information that the Secretary determines is appropriate.

(3) REPORT.—Not later than December 31 of each year in which a survey is conducted under paragraph (1) (beginning in 2010), the Secretary of the Treasury shall report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives the findings of the most recent survey conducted under subsection (a).

(b) REPORT.—Not later than October 1 of each year (beginning in 2010), the Secretary of the Treasury (after consultation with the Secretary of Labor, in the case of the information required under paragraph (7)) shall report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives the following information with respect to the most recent taxable year ending before such date:

(1) In each State and nationally—

(A) the total number of eligible individuals (as defined in section 35(c) of the Internal Revenue Code of 1986) and the number of eligible individuals receiving the health coverage tax credit,

(B) the total number of such eligible individuals who receive an advance payment of the health coverage tax credit through the HCTC program,

(C) the average length of the time period of the participation of eligible individuals in the HCTC program, and

(D) the total number of participating eligible individuals in the HCTC program who are enrolled in each category of coverage as described in section 35(e)(1) of such Code,

with respect to each category of eligible individuals described in section 35(c)(1) of such Code.

(2) In each State and nationally, an analysis of—

(A) the range of monthly health insurance premiums, for self-only coverage and for family coverage, for individuals receiving the health coverage tax credit, and

(B) the average and median monthly health insurance premiums, for self-only coverage and for family coverage, for individuals receiving the health coverage tax credit,

with respect to each category of coverage as described in section 35(e)(1) of such Code.

(3) In each State and nationally, an analysis of the following information with respect to the health insurance coverage of individuals receiving the health coverage tax credit who are enrolled in coverage described in subparagraphs (B) through (H) of section 35(e)(1) of such Code:

(A) Deductible amounts.

(B) Other out-of-pocket cost-sharing amounts.

(C) A description of any annual or lifetime limits on coverage or any other significant limits on coverage services, or benefits.

The information required under this paragraph shall be reported with respect to each category of coverage described in such subparagraphs.

(4) In each State and nationally, the gender and average age of eligible individuals (as defined in section 35(c) of such Code) who receive the health coverage tax credit, in each category of coverage described in section 35(e)(1) of such Code, with respect to each category of eligible individuals described in such section.

(5) The steps taken by the Secretary of the Treasury to increase the participation rates in the HCTC program among eligible individuals, including outreach and enrollment activities.

(6) The cost of administering the HCTC program by function, including the cost of subcontractors, and recommendations on ways to reduce administrative costs, including recommended statutory changes.

(7) The number of States applying for and receiving national emergency grants under section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)), the activities funded by such grants on a State-by-State basis, and the time necessary for application approval of such grants.

SEC. 1799J. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $80,000,000 for the period of fiscal years 2009 through 2010 to implement the amendments made by, and the provisions of, sections 1799 through 1799I of this part.

SEC. 1799K. EXTENSION OF NATIONAL EMERGENCY GRANTS.

(a) IN GENERAL.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)), as amended by this Act, is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) USE OF FUNDS.—

''(A) HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS IN ORDER TO OBTAIN QUALIFIED HEALTH INSURANCE THAT HAS GUARANTEED ISSUE AND OTHER CONSUMER PROTECTIONS.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used to provide an eligible individual described in paragraph (4)(C) and such individual's qualifying family members with health insurance coverage for the 3-month period that immediately precedes the first eligible coverage month (as defined in section 35(b) of the Internal Revenue Code of 1986) in which such eligible individual and such individual's qualifying family members are covered by qualified health insurance that meets the requirements described in clauses (i) through (v) of section 35(e)(2)(A) of the Internal Revenue Code of 1986 (or such longer minimum period as is necessary in order for such eligible individual and such individual's qualifying family members to be covered by qualified health insurance that meets such requirements).

''(B) ADDITIONAL USES.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used by the State or entity for the following:

''(i) HEALTH INSURANCE COVERAGE.—To assist an eligible individual and such individual's qualifying family members with enrolling in health insurance coverage and qualified health insurance or paying premiums for such coverage or insurance.

''(ii) ADMINISTRATIVE EXPENSES AND START-UP EXPENSES TO ESTABLISH GROUP HEALTH PLAN COVERAGE OPTIONS FOR QUALIFIED HEALTH INSURANCE.—To pay the administrative expenses related to the enrollment of eligible individuals and such individuals' qualifying family members in health insurance coverage and qualified health insurance, including—

''(I) eligibility verification activities;

''(II) the notification of eligible individuals of available health insurance and qualified health insurance options;

''(III) processing qualified health insurance costs credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

''(IV) providing assistance to eligible individuals in enrolling in health insurance coverage and qualified health insurance;

''(V) the development or installation of necessary data management systems; and

''(VI) any other expenses determined appropriate by the Secretary, including start-up costs and on going administrative expenses, in order for the State to treat the coverage described in subparagraphs (C) through (H) of section 35(e)(1) of the Internal Revenue Code of 1986 as qualified health insurance under that section.

''(iii) OUTREACH.—To pay for outreach to eligible individuals to inform such individuals of available health insurance and qualified health insurance options, including outreach consisting of notice to eligible individuals of such options made available after the date of enactment of this clause and direct assistance to help potentially eligible individuals and such individual's qualifying family members qualify and remain eligible for the credit established under section 35 of the Internal Revenue Code of 1986 and advance payment of such credit under section 7527 of such Code.

''(iv) BRIDGE FUNDING.—To assist potentially eligible individuals to purchase qualified health insurance coverage prior to issuance of a qualified health insurance costs credit eligibility certificate under section 7527 of the Internal Revenue Code of 1986 and commencement of advance payment, and receipt of expedited payment, under subsections (a) and (e), respectively, of that section.

''(C) RULE OF CONSTRUCTION.—The inclusion of a permitted use under this paragraph shall not be construed as prohibiting a similar use of funds permitted under subsection (g).''; and

(2) by striking paragraph (2) and inserting the following new paragraph:

''(2) QUALIFIED HEALTH INSURANCE.—For purposes of this subsection and subsection (g), the term 'qualified health insurance' has the meaning given that term in section 35(e) of the Internal Revenue Code of 1986.''.

(b) FUNDING.—Section 174(c)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2919(c)(1)) is amended—

(1) in the paragraph heading, by striking ''AUTHORIZATION AND APPROPRIATION FOR FISCAL YEAR 2002'' and inserting ''APPROPRIATIONS''; and

(2) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) to carry out subsection (a)(4)(A) of section 173—

''(i) $10,000,000 for fiscal year 2002; and

''(ii) $150,000,000 for the period of fiscal years 2009 through 2010; and''.

SA 405. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 176, line 18, strike ''0.75 percent'' and insert ''75 percent''.

SA 406. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, between lines 17 and 18, insert the following:

For an additional amount for implementation of the Magnuson-Stevens Fishery Conservation and Management Act by the National Marine Fisheries Service, $39,800,000, to remain available until September 30, 2010.

SA 407. Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. DODD, Mr. KERRY, Mr. LIEBERMAN, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the

unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 698, after line 25, insert the following:

SEC. 4204A. CONTINUED APPLICATION OF BUDGET NEUTRALITY ON A NATIONAL BASIS IN CALCULATION OF THE MEDICARE URBAN HOSPITAL WAGE FLOOR.

(a) IN GENERAL.—In the case of discharges occurring on or after the date of the enactment of this Act, the Secretary of Health and Human Services shall continue to administer section 4410(b) of the Balanced Budget Act of 1997 (42 U.S.C. 1395ww note) and section 412.64(e) of title 42, Code of Federal Regulations, in the same manner as the Secretary administered such sections for discharges occurring during fiscal year 2008 (through a uniform, national adjustment to the area wage index).

(b) HOLD HARMLESS FOR FISCAL YEAR 2009.—Notwithstanding any other provision of law, in the case of discharges occurring on or after the date of the enactment of this Act and before October 1, 2009, if the application of subsection (a) would otherwise result in the area wage index applicable to a hospital under section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) being reduced, the area wage index for such hospital shall be the area wage index for such hospital that was applicable to discharges occurring on the day before the date of the enactment of this Act.

SA 408. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 353 proposed by Mr. ENSIGN (for himself, Mr. MCCONNELL, and Mr. ALEXANDER) to the amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, between lines 10 and 11, insert the following:

SEC. 1203. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2008) is amended—

(1) by striking ''or 2008'' and inserting ''2008, or 2009'', and

(2) by striking ''2008'' in the heading thereof and inserting ''2009''.

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

SEC. 1204. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($69,950 in the case of taxable years beginning in 2008)'' in subparagraph (A) and inserting ''($70,950 in the case of taxable years beginning in 2009)'', and

(2) by striking ''($46,200 in the case of taxable years beginning in 2008)'' in subparagraph (B) and inserting ''($46,700 in the case of taxable years beginning in 2009)''.

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

SA 409. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 73, line 18, strike ''regional transmission'' and all that follows through ''formation of'' on page 74, line 2, and insert ''transmission plans, including regional transmission plans, the Office of Electricity Delivery and Energy Reliability within the Department of Energy is provided $80,000,000 within the available funds to conduct a resource assessment and an analysis of future demand and transmission requirements: *Provided further*, That the Office of Electricity Delivery and Energy Reliability will provide technical assistance to the North American Electric Reliability Corporation, the regional reliability entities, the States, and other transmission owners and operators for the formation of transmission plans, including''.

SA 410. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 16, after ''That'', insert the following: ''$180,000,000 shall be available for renewable energy construction grants under section 803 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282), geothermal energy programs and grants under sections 613, 614, 615, and 625 of that Act (42 U.S.C. 17192, 17193, 17194, 17204), and the marine and hydrokinetic renewable energy technologies program established under section 633 of that Act (42 U.S.C. 17212): *Provided further*,''.

SA 411. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 184, between lines 8 and 9, insert the following:

(4) SPECIAL RULES REGARDING PRIVATE SCHOOLS.—

(A) DETERMINATION OF NUMBER OF POOR CHILDREN.—The Secretary shall, in determining the number of poor children for purposes of paragraph (2)(A), include in such number for each local educational agency, the total number of poor children who are served by private schools located in the school attendance area served by the local educational agency.

(B) FUNDS AVAILABLE FOR PRIVATE SCHOOLS.—

(i) IN GENERAL.—Notwithstanding paragraph (2)(C) or any other provision of this section, each local educational agency that receives funds under paragraph (2) or (3) shall collaborate with private schools located in the school attendance area of the local educational agency, in order to use the amount described in clause (ii) to carry out school construction, repair, and renovation projects, consistent with subsection (c) and the first amendment to the Constitution, for such private schools.

(ii) AMOUNT FOR PRIVATE SCHOOLS.—For each local educational agency that receives funds under paragraph (2) or paragraph (3), the amount described in this clause shall be an amount that bears the same relation to the total amount of such funds received by the local educational agency, as the number of poor children served by private schools located in the school attendance area served by the local educational agency for the most recent school year for which data are available, bears to the total number of poor children served by the local educational agency and by such private schools for such school year.

(C) REGULATIONS.—The Secretary shall promulgate regulations as necessary to carry out this paragraph.

SA 412. Mr. BINGAMAN (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, line 15, after ''*Provided*,'', insert the following: ''That, to the maximum extent practicable, a portion of the funds made available under this heading may be used for comprehensive projects to promote energy efficiency, water conservation, and renewable energy carried out in a manner that leverages private sector financing and measures and verifies savings: *Provided further*,''.

SA 413. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, lines 15 and 16, strike ''*Provided*,'' and insert: ''*Provided*, That not less than $100,000,000 shall be for the building codes training and technical assistance program of the Department of Energy, including section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833): *Provided further*,''.

SA 414. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, between lines 4 and 5, insert the following:

GENERAL PROVISIONS—THIS TITLE

IMPLEMENTATION OF ACQUISITION WORKFORCE DEVELOPMENT PLANS

SEC. 301. (a) AMOUNT FOR OFFICE OF FEDERAL PROCUREMENT POLICY.—

(1) AMOUNT.—For an additional amount for ''OFFICE OF MANAGEMENT AND BUDGET'', $40,000,000, to remain available until September 30, 2010.

(2) AVAILABILITY.—The amount provided by paragraph (1) shall be available to the Office of Federal Procurement Policy for purposes of the implementation of the Acquisition Workforce Development Strategic Plan under section 869 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4553).

(3) EXERCISE OF AUTHORITY.—In implementing the Acquisition Workforce Development Strategic Plan utilizing the amount provided by paragraph (1), the Administrator of the Office of Federal Procurement Policy may, in consultation with the Director of the Office of Management and Budget and the Associate Director of the Office of Management and Budget for Acquisition Workforce Programs—

(A) allocate amounts provided by paragraph (1) to departments and agencies of the Federal Government implementing the Acquisition Workforce Development Strategic Plan for purposes of hiring, training, and developing contract officers, contract auditors, and contract investigators; and

(B) set priorities in the allocation of amounts under subparagraph (A) to departments and agencies in which contracting activities are high or shortfalls in the acquisition workforce are most severe.

(b) AMOUNT FOR SECRETARY OF DEFENSE.—

(1) AMOUNT.—For an additional amount for ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', $20,500,000, to remain available until September 30, 2010.

(2) AVAILABILITY.—The amount provided by paragraph (1) shall be available to the Secretary of Defense to support the Department of Defense Acquisition Workforce Development Fund under section 1705 of title 10, United States Code.

(3) EXERCISE OF AUTHORITY.—In supporting the Department of Defense Acquisition Workforce Development Fund utilizing the amount provided by paragraph (1), the Secretary—

(A) shall utilize such amount for purposes of hiring, training, and developing contract officers, contract auditors, and contract investigators, including the allocation of funds to the military departments for such purposes; and

(B) in so utilizing such amount, should consider the requirements and needs identified in the most current strategic human capital plan under section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3452; 10 U.S.C. prec. 1580 note), including the requirements and needs identified pursuant to the provisions of section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 247; 10 U.S.C. prec. 1580 note).

(c) OFFSET.—The amount appropriated by title XI under the heading ''DIPLOMATIC AND CONSULAR AFFAIRS'' is hereby reduced by $60,500,000, with the amount of the reduction allocated to amounts available under that heading to improve the efficiency of human resources and diplomatic support functions.

SA 415. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, between lines 9 and 10, insert the following:

ENGLISH LANGUAGE ACQUISITION

For an additional amount for carrying out part A of title III of the Elementary and Secondary Education Act of 1965, $500,000,000: *Provided*, That such amount shall be designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SA 416. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, after line 24, insert the following:

(6) $50,000,000 for Migrant and Seasonal Farmworker programs under section 167 of the WIA: *Provided*, That such funds shall be designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009;

(7) $50,000,000 for section 171 of the WIA: *Provided*, That these funds shall be for integrated job training programs which provide occupational skills training to be combined with English language acquisition for limited English proficient adults: *Provided further*, That these funds shall be designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009; and

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SA 417. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, between lines 23 and 24, insert the following:

(11) Nothing in this section shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SA 418. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REQUIRING USE OF STATE EXCESS END OF YEAR GENERAL FUND BALANCES.

A State may not receive any funding under this Act for State fiscal year 2010 or 2011 unless the Governor of the State prior to the beginning of that fiscal year certifies that for such fiscal year any end of year general fund balance, which includes budget stabilization or rainy day funds, maintained by the State does not exceed 7 percent of total State general funds.

SA 419. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, between lines 20 and 21, insert the following:

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the Office of the Chief Information Officer, $100,000,000, to remain available until September 30, 2010, for the highest data center development and security activities priorities: *Provided*, That this amount is designated as an emergency

requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

On page 107, line 3, strike ''$800,000,000'' and insert ''$700,000,000''.

SA 420. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, between lines 20 and 21, insert the following:

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the Office of the Chief Information Officer, $100,000,000, to remain available until September 30, 2010, for the highest data center development and security activities priorities: *Provided,* That this amount is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

On page 109, line 22, strike ''$950,000,000'' and insert ''$850,000,000''.

On page 110, line 19, strike ''$500,000,000'' and insert ''$400,000,000''.

SA 421. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 145, between lines 2 and 3, insert the following:

CAREER, TECHNICAL, AND ADULT EDUCATION

For an additional amount for carrying out Adult Education State Grants under section 211 of the Adult Education and Family Literacy Act, $250,000,000: *Provided,* That eligible agencies receiving such grants shall give priority to programs providing services for English as a second language: *Provided further*, That this amount shall be designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SA 422. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, line 9, strike ''$3,250,000,000,'' and insert ''$3,350,000,000, which amount shall be designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009, and''.

SA 423. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 10, before the period, insert the following: '': *Provided,* That, in making loans, loan guarantees, and grants using funds made available under this heading, the Secretary of Agriculture may waive the application requirements related to population, income, and project development cost ratios, if the waiver is appropriate to expedite use of the funds, the project still applies to communities that are rural in character with a population of less than 20,000, and the median household income of the community served does not exceed the estimated national real median income for households outside metropolitan statistical areas according to United States Census Bureau current population survey data for 2007''.

SA 424. Mr. GRASSLEY (for himself and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 134, lines 12 and 13, strike ''funds shall be allocated to all States on the basis of unemployment'' and insert ''$200,000,000 of such funds shall be allocated to all States on the basis of unemployment and $200,000,000 of such funds shall be allocated only to those States that suffered hurricanes, floods, or other natural disasters occurring during 2008 for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974: *Provided further*, That the funds allocated to those States that suffered such natural disasters during 2008 shall be distributed on the basis of an approved application and a formula established by the Secretary of Health and Human Services that is based on the number of approved applications for individual assistance in a State under such Act, the population of the counties in the State declared eligible for individual assistance under such Act, and the duration of the natural disaster event as it relates to the severity of the impact of the event on individuals living in disaster-affected areas''.

SA 425. Mr. ROCKEFELLER (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 735, after line 7, add the following:

SEC. 5006. SENSE OF THE SENATE REGARDING MAINTAINING ACCESS TO MEDICAID DURING AN ECONOMIC DOWNTURN.

(a) FINDINGS.—The Senate makes the following findings:

(1) Medicaid is a vital safety-net for nearly 60,000,000 low-income Americans. In times of economic downturn, Medicaid becomes even more important for working families.

(2) The current national unemployment rate is 7.2 percent, and many States are above the national average. Experts believe that unemployment could rise to 9 percent or even higher before the economy turns around.

(3) If the unemployment rate averages between 8 and 9 percent during the next 2½ years as is currently projected, States will face an estimated funding gap of approximately $94,000,000,000 in Medicaid and the Children's Health Insurance Program (CHIP) during that period, according to the most recent Urban Institute and Kaiser Family Foundation study.

(4) States are struggling to cope with increasing Medicaid enrollment and decreasing State revenues. The Congressional Budget Office has projected Medicaid enrollment growth of nearly 9 percent in fiscal year 2009 alone.

(5) According to the Government Accountability Office, State and local fiscal pressures have led to an estimated $312,000,000,000 operating deficit in State and local governments over the next 2 years, which will disproportionately impact Medicaid.

(6) States need greater financial support from the Federal Government, not less financial support and more restrictions that make providing quality care to those most in need more difficult.

(7) This Act includes $90,000,000,000 in Medicaid relief to States, $87,000,000,000 in relief through an increase in the Federal medical assistance percentage (FMAP) and $3,000,000,000 in reimbursement to States for expenditures for providing medical assistance to disabled individuals that should have been paid for by the Medicare program.

(8) The Medicaid relief in the Act will fill a significant portion of the expected gaps in Medicaid funding over the next 27 months and allow States to protect eligibility, benefits and provider payments.

(9) Adding additional restrictions on a State's ability to receive Medicaid relief moves in the wrong direction.

(10) Any maintenance of effort for eligibility should be straightforward, as it was in the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–27), so that States and the Federal Government can avoid conflicts over questions related to applicable aspects of eligibility policies and so that States may still undertake activities intended to streamline eligibility procedures which in turn could result in cost efficiencies.

(11) Requiring States to ensure certain provider payment and benefit levels, in addition to the income eligibility requirements already in the Act, means that some States will simply decline the Federal help and cut their Medicaid programs even more drastically than they already have.

(12) According to the Congressional Budget Office, adding provider payment and benefit maintenance of effort provisions will either reduce the overall FMAP amount to States by more than $12,000,000,000 or increase the amount that States have to spend on Medicaid.

(13) It is inefficient to spend vital coverage dollars on provider payment and benefit restorations that States are likely to do on their own, without such additional requirements.

(14) Medicaid provider payment issues require a longer-term solution that addresses the historical problems with Medicaid provider payments, which is why Congress created the Medicaid and CHIP Payment and Access Commission (MACPAC) in the Children's Health Insurance Program Reauthorization Act of 2009.

(15) Any additional maintenance of effort requirements will penalize States in desperate need of relief to keep their Medicaid programs operating and will reduce the number of families covered during this economic downturn.

(16) Providers, including physicians, community health centers, and hospitals, are already receiving significant relief in other areas of this Act.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Medicaid relief is an essential part of economic recovery;

(2) States are required, as a condition for receiving FMAP relief, to report to the Secretary of Health and Human Services on the use of the FMAP relief funds, which will alert the Secretary to any ongoing problems with access to benefits;

(3) Congress created the Medicaid and CHIP Payment and Access Commission (MACPAC) to take a longer-term look at Medicaid benefits and access; and

(4) additional Medicaid maintenance of effort provisions, as requirements for receiving FMAP relief, are unnecessary and should not be added to the Act.

SA 426. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, line 9, strike ''$3,000,000,000'' and insert ''$4,000,000,000''.

On page 247, line 15, strike ''$2,000,000,000'' and insert ''$1,000,000,000''.

SA 427. Mr. DODD (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, after line 8, insert the following:

SEC. —. MODIFICATION OF RULES RELATING TO CANCELLATION OF QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.

(a) INCLUSION OF ALL MORTGAGE INDEBTEDNESS.—Paragraph (2) of section 108(h) is amended by inserting ''and home equity indebtedness (within the meaning of section 163(h)(3)(C), applied by inserting 'as of the date such indebtedness was secured by such residence' after 'qualified residence' in clause (i)(I) thereof and by substituting '$250,000 ($125,000' for '$100,000 ($50,000' in clause (ii) thereof)'' before ''with respect to the principal residence of the taxpayer''.

(b) SIMPLIFICATION OF RULES RELATING TO CERTAIN DISCHARGES.—Paragraph (3) of section 108(h) is amended—

(1) by striking ''or any other factor'' and all that follows and inserting ''or is in any other way compensation or in lieu of compensation.'', and

(2) by striking ''NOT RELATED TO TAXPAYER'S FINANCIAL CONDITION'' in the heading.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness made on or after January 1, 2009.

SA 428. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 37, strike lines 3 through 5, and insert the following:

For necessary expenses of the Bureau of the Census related to ''Periodic Censuses and Programs'', $1,000,000,000, to remain available until September 30, 2010: *Provided*, That the Bureau of the Census submits to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report on the intended allocation of these funds within 60 days of the date of enactment of this Act: *Provided further*, That the report shall (1) identify objectives and outcome-related goals of planned spending; (2) justify how the spending is necessary to achieve the goals; and (3) identify how performance measures will be used to measure achievement of goals: *Provided further*, That the report is subject to review by the Government Accountability Office.

SA 429. Mr. BINGAMAN (for himself, Mr. MENENDEZ, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 14 and 15, insert the following:

SEC. 4___. FEDERAL PURCHASES OF ELECTRICITY GENERATED BY RENEWABLE ENERGY.

(a) IN GENERAL.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended by adding at the end the following:

''(e) CONTRACT PERIOD.—

''(1) IN GENERAL.—Notwithstanding section 501(b)(1)(B) of title 40, United States Code, a contract entered into by a Federal agency to acquire renewable energy may be made for a period of not more than 30 years.

''(2) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Federal agencies to enter into contracts under this subsection.

''(3) STANDARDIZED RENEWABLE ENERGY PURCHASE AGREEMENT.—Not later than 90 days after the date of enactment of this subsection, the Secretary, acting through the Federal Energy Management Program, shall publish a standardized renewable energy purchase agreement setting forth commercial terms and conditions that can be used by Federal agencies to acquire renewable energy.''.

(b) EMERGENCY DESIGNATION.—Each amount provided as a result of the amendment made by subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SA 430. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 5, insert '', of which not less than 5 percent shall be used to provide those services to Indian tribes'' before the period at the end.

On page 69, strike lines 5 through 9 and insert the following:

Bay-Delta Restoration Act (Public Law 108–361; 118 Stat. 1681): *Provided further*, That not less than $300,000,000 of the funds provided under this heading shall be used for congressionally authorized tribal and nontribal

rural water projects, of which not less than $60,000,000 shall be used primarily for water intake and treatment facilities for those projects: *Provided further*,

On page 115, line 26, strike ''$40,000,000'' and insert ''$90,000,000''.

On page 116, line 2, insert ''; and of which $50,000,000 shall be for contract support costs, in accordance with section 106(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j–1(a))'' before the period at the end.

On page 116, line 9, strike ''$10,000,000'' and insert ''$40,000,000''.

On page 116, between lines 10 and 11, insert the following:

TRIBAL SCHOOLS

For an additional amount for schools operated by tribal organizations or the Bureau of Indian Affairs for the education of Indian children that receive financial assistance from the Bureau under a contract, grant, or agreement, or (for a Bureau-operated school) under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), $100,000,000, to remain available under September 30, 2010, of which not less than $50,000,000 shall be used for the construction of new schools, not less than $25,000,000 shall be used for the repair and improvement of existing tribal schools, and not less than $25,000,000 shall be used for administrative costs of tribal schools.

ROAD MAINTENANCE

For an additional amount for the Road Maintenance Program of the Bureau of Indian Affairs under subpart G of chapter I of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act), $75,000,000, to be used for maintenance and improvement of existing tribal infrastructure, to remain available until September 30, 2010.

TRIBAL DETENTION FACILITIES

For an additional amount for tribal detention facilities under part 10 of chapter I of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act), $25,000,000, to be used for maintenance and repair of existing tribal detention facilities, to remain available until September 30, 2010.

On page 119, line 17, strike ''may'' and insert ''shall''.

On page 121, line 10, strike ''$135,000,000'' and insert ''$230,000,000''.

On page 121, line 11, strike ''$50,000,000'' and insert ''$125,000,000''.

On page 121, line 12, insert ''; and of which not less than $20,000,000 shall be used to provide health services to urban Indians (as defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603))'' before the semicolon.

On page 121, line 24, strike ''$410,000,000'' and insert ''$510,000,000, to remain available until September 30, 2010, of which not less than $100,000,000 shall be used for contract support costs of those facilities, in accordance with section 106(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j–1(a))''.

SA 431. Mr. COCHRAN (for himself, Ms. LANDRIEU, Mr. VITTER, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 242, line 16, strike ''$100,000,000'' and insert ''$50,000,000''.

On page 242, after line 25, add the following:

LOAN GUARANTEES FOR SHIPBUILDING AND OTHER AUTHORIZED ACTIVITIES

To provide loan guarantees authorized under chapter 537 of title 46, United States Code, $50,000,000.

SA 432. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 648, immediately before line 10, insert the following:

(c) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall submit to Congress and the Secretary of Health and Human Services a report on the impact of any of the amendments made by this title that are related to the Health Insurance Portability and Accountability Act of 1996 and section 552a of title 5, United States Code, on health insurance premiums and overall health care costs.

SA 433. Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, line 7, strike ''and'' and all that follows through line 10, and insert the following: '', subject to any regulation that the Secretary may promulgate to prevent protected health information from inappropriate access, use, or disclosure.''.

SA 434. Mr. BURR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 698, after line 25, insert the following:

SEC. 4204A. MINIMUM UPDATE FOR PHYSICIANS' SERVICES FOR 2010 AND 2011.

(a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraphs:

''(10) UPDATE FOR 2010.—

''(A) IN GENERAL.—The update to the single conversion factor established in paragraph (1)(C) for 2010 shall not be less than 3 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2011 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2011 and subsequent years as if subparagraph (A) had never applied.

''(11) UPDATE FOR 2011.—

''(A) IN GENERAL.—The update to the single conversion factor established in paragraph (1)(C) for 2011 shall not be less than 1 plus the Secretary's estimate of the percentage change in the value of the input price index (as provided under subparagraph (B)(ii)) for 2011 (divided by 100).

''(B) INPUT PRICE INDEX.—

''(i) ESTABLISHMENT.—Taking into account the mix of goods and services included in computing the medicare economic index (referred to in the fourth sentence of section 1842(b)(3)), the Secretary shall establish an index that reflects the weighted-average input prices for physicians' services for 2010. Such index shall only account for input prices and not changes in costs that may result from other factors (such as productivity).

''(ii) ANNUAL ESTIMATE OF CHANGE IN INDEX.—The Secretary shall estimate, before the beginning of 2011, the change in the value of the input price index under clause (i) from 2010 to 2011.

''(C) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2012 and subsequent years as if subparagraphs (A) and (B) had never applied.''.

(b) PREMIUM TRANSITION RULE.—Notwithstanding any other provision of law—

(1) 2010.—

(A) PREMIUM.—Nothing in this section shall be construed as modifying the premium previously computed under section 1839 of the Social Security Act for months in 2010.

(B) GOVERNMENT CONTRIBUTION.—In computing the amount of the Government contribution under section 1844(a) of the Social Security Act for months in 2010, the Secretary of Health and Human Services shall compute and apply a new actuarially adequate rate per enrollee age 65 and over under section 1839(a)(1) of such Act taking into account the provisions of this section.

(2) 2011.—

(A) PREMIUM.—The monthly premium under section 1839 of the Social Security Act for months in 2011 shall be computed as if this section had not been enacted.

(B) GOVERNMENT CONTRIBUTION.—The Government contribution under section 1844(a) of the Social Security Act for months in 2011 shall be computed taking into account the provisions of this section, including subparagraph (A).

(c) FUNDING.—Notwithstanding any other provision of this division or division A, amounts made available by this division or division A for Mandatory provisions, excluding provisions relating to Veterans, are reduced by the pro rata percentage required to

carry out the provisions of, and amendments made by, subsections (a) and (b).

SA 435. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 8 and 9, insert the following:

SEC. _____. AMENDMENTS TO SECTION 3 OF PUBLIC LAW 110-428.

(a) IN GENERAL.—Section 3(c)(2)(A) of Public Law 110-428 is amended—

(1) in the matter before clause (i), by striking ''4-year'' and inserting ''5-year''; and

(2) in clause (i), by striking ''1-year'' and inserting ''2-year''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of Public law 110–428.

SA 436. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 218 submitted by Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. BROWN, Ms. STABENOW, Mr. SANDERS, and Mr. REED) and intended to be proposed to the amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 2, strike ''$1,675,000,000'' and insert ''$1,775,000,000''.

On page 2, line 8, strike ''$375,000,000)'' and insert ''$475,000,000) of which $100,000,000 shall be under the dislocated worker national reserve for competitive grants for integrated job training programs that combine English language acquisition with occupational skills training in emerging and viable industries, and that are administered by eligible partnerships that include entities with experience in serving limited English proficient workers, and the remainder of the funds made available under this paragraph shall be''.

SA 437. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 218 submitted by Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. BROWN, Ms. STABENOW, Mr. SANDERS, and Mr. REED) and intended to be proposed to the amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 2, strike ''$1,675,000,000'' and insert ''$1,700,000,000''.

On page 2, line 4, strike ''$500,000,000)'' and insert ''$525,000,000) of which $25,000,000 shall be for programs of veterans' workforce investment activities under section 168 of WIA and the remainder shall be''.

SA 438. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 7, before the period, insert the following: '': *Provided,* That $10,000,000 of the funds made available under this heading shall be used to support the development of smart grid interoperability framework and standards in accordance with section 1305 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17385)''.

SA 439. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 292, strike lines 4 through 12, and insert the following:

''SEC. 3007. FEDERAL HEALTH INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The National Coordinator shall support the development and routine updating of qualified electronic health record technology (as defined in section 3000) consistent with subsections (b) and (c) and make available such qualified electronic health record technology unless the Secretary determines through an assessment that the needs and demands of providers are being substantially and adequately met through the marketplace.''.

SA 440. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, line 15, strike '', as amended'' and insert ''(42 U.S.C. 9604(k)(3)), and for supplemental response program grants under section 128(a) of that Act (42 U.S.C. 9628(a)) if the funds are used to perform cleanup work at eligible brownfield sites or assessment work necessary to make brownfield sites eligible for assistance under section 104(k) of that Act (42 U.S.C. 9604(k))''.

SA 441. Mr. REID (for himself, Mr. ENSIGN, and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 487, beginning with line 1, strike all through page 488, line 22, and insert the following:

PART IV—RULES RELATING TO DEBT INSTRUMENTS

SEC. 1231. DEFERRAL AND RATABLE INCLUSION OF INCOME ARISING FROM INDEBTEDNESS DISCHARGED BY THE REACQUISITION OF A DEBT INSTRUMENT.

(a) IN GENERAL.—Section 108 (relating to income from discharge of indebtedness) is amended by adding at the end the following new subsection:

''(i) DEFERRAL AND RATABLE INCLUSION OF INCOME ARISING FROM INDEBTEDNESS DISCHARGED BY THE REACQUISITION OF A DEBT INSTRUMENT.—

''(1) IN GENERAL.—At the election of the taxpayer, income from the discharge of indebtedness in connection with the reacquisition of a debt instrument after December 31, 2008, and before January 1, 2011, shall be includible in gross income ratably over the 5-taxable-year period beginning with—

''(A) in the case of a reacquisition occurring in 2009, the fifth taxable year following the taxable year in which the reacquisition occurs, and

''(B) in the case of a reacquisition occurring in 2010, the fourth taxable year following the taxable year in which the reacquisition occurs.

''(2) DEFERRAL OF DEDUCTION FOR ORIGINAL ISSUE DISCOUNT IN DEBT FOR DEBT EXCHANGES.—

''(A) IN GENERAL.—If, as part of a reacquisition to which paragraph (1) applies, any debt instrument is issued for the debt instrument being reacquired (or is treated as so issued under subsection (e)(4) and the regulations thereunder) and there is any original issue discount determined under subpart A of part V of subchapter P of this chapter with respect to the debt instrument so issued—

''(i) except as provided in clause (ii), no deduction otherwise allowable under this chapter shall be allowed to the issuer of such debt instrument with respect to the portion of such original issue discount which—

''(I) accrues before the 1st taxable year in the 5-taxable-year period in which income from the discharge of indebtedness attributable to the reacquisition of the debt instrument is includible under paragraph (1), and

''(II) does not exceed the income from the discharge of indebtedness with respect to the debt instrument being reacquired, and

''(ii) the aggregate amount of deductions disallowed under clause (i) shall be allowed

as a deduction ratably over the 5-taxable-year period described in clause (i)(I).

If the amount of the original issue discount accruing before such 1st taxable year exceeds the income from the discharge of indebtedness with respect to the debt instrument being reacquired, the deductions shall be disallowed in the order in which the original issue discount is accrued.

''(B) DEEMED DEBT FOR DEBT EXCHANGES.—For purposes of subparagraph (A), if any debt instrument is issued by an issuer and the proceeds of such debt instrument are used directly or indirectly by the issuer to reacquire a debt instrument of the issuer, the debt instrument so issued shall be treated as issued for the debt instrument being reacquired. If only a portion of the proceeds from a debt instrument are so used, the rules of subparagraph (A) shall apply to the portion of any original issue discount on the newly issued debt instrument which is equal to the portion of the proceeds from such instrument used to reacquire the outstanding instrument.

''(3) DEBT INSTRUMENT.—For purposes of this subsection, the term 'debt instrument' means a bond, debenture, note, certificate, or any other instrument or contractual arrangement constituting indebtedness (within the meaning of section 1275(a)(1)).

''(4) REACQUISITION.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'reacquisition' means, with respect to any debt instrument, any acquisition of the debt instrument by—

''(i) the debtor which issued (or is otherwise the obligor under) the debt instrument, or

''(ii) any person related to such debtor.

Such term shall also include the complete forgiveness of the indebtedness by the holder of the debt instrument.

''(B) ACQUISITION.—The term 'acquisition' shall, with respect to any debt instrument, include an acquisition of the debt instrument for cash, the exchange of the debt instrument for another debt instrument (including an exchange resulting from a modification of the debt instrument), the exchange of the debt instrument for corporate stock or a partnership interest, and the contribution of the debt instrument to capital.

''(5) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

''(A) RELATED PERSON.—The determination of whether a person is related to another person shall be made in the same manner as under subsection (e)(4).

''(B) ELECTION.—

''(i) IN GENERAL.—An issuer of a debt instrument shall make the election under this subsection with respect to any debt instrument by clearly identifying such debt instrument on the issuer's records as an instrument to which the election applies before the close of the day on which the reacquisition of the debt instrument occurs (or such other time as the Secretary may prescribe). Such election, once made, is irrevocable.

''(ii) PASS THROUGH ENTITIES.—In the case of a partnership, S corporation, or other pass through entity, the election under this subsection shall be made by the partnership, the S corporation, or other entity involved.

''(C) COORDINATION WITH OTHER EXCLUSIONS.—If a taxpayer elects to have this subsection apply to a debt instrument, subparagraphs (A), (B), (C), (D), and (E) of subsection (a)(1) shall not apply to the income from the discharge of such indebtedness for the taxable year of the election or any subsequent taxable year.

''(D) ACCELERATION OF DEFERRED ITEMS.—In the case of the death of the taxpayer, the liquidation or sale of substantially all the assets of the taxpayer (including in a title 11 or similar case), the cessation of business by the taxpayer, or similar circumstances, any item of income or deduction which is deferred under this subsection (and has not previously been taken into account) shall be taken into account in the taxable year in which such event occurs (or in the case of a title 11 case, the day before the petition is filed).

''(6) AUTHORITY TO PRESCRIBE REGULATIONS.—The Secretary may prescribe such rules and regulations as may be necessary or appropriate for purposes of applying this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges in taxable years ending after December 31, 2008.

SEC. 1232. MODIFICATIONS OF RULES FOR ORIGINAL ISSUE DISCOUNT ON CERTAIN HIGH YIELD OBLIGATIONS.

(a) SUSPENSION OF SPECIAL RULES.—Section 163(e)(5) (relating to special rules for original issue discount on certain high yield obligations) is amended by redesignating subparagraph (F) as subparagraph (G) and by inserting after subparagraph (E) the following new subparagraph:

''(F) SUSPENSION OF APPLICATION OF PARAGRAPH.—

''(i) TEMPORARY SUSPENSION.—

''(I) IN GENERAL.—This paragraph shall not apply to any applicable high yield discount obligation issued after August 31, 2008, and before January 1, 2010. The preceding sentence shall not apply to any obligation the interest on which is interest described in section 871(h)(4) (without regard to subparagraph (D) thereof) or to any obligation issued to a related person (within the meaning of section 108(e)(4)).

''(ii) SECRETARIAL AUTHORITY TO SUSPEND APPLICATION.—The Secretary may suspend the application of this paragraph with respect to debt instruments issued after December 31, 2009, if the Secretary determines that such suspension is appropriate in light of distressed conditions in the debt capital markets.''.

(b) INTEREST RATE USED IN DETERMINING HIGH YIELD OBLIGATIONS.—The last sentence of section 163(i)(1) is amended—

(1) by inserting ''(i)'' after ''regulation'', and

(2) by inserting '', or (ii) permit, on a temporary basis, a rate to be used with respect to any debt instrument which is higher than the applicable Federal rate if the Secretary determines that such rate is appropriate in light of distressed conditions in the debt capital markets'' before the period at the end.

(c) EFFECTIVE DATE.—

(1) SUSPENSION.—The amendments made by subsection (a) shall apply to obligations issued after August 30, 2008, in taxable years ending after such date.

(2) INTEREST RATE AUTHORITY.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act, in taxable years ending after such date.

SA 442. Mr. BAUCUS (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 698, after line 25, insert the following:

SEC. 4204A. SENSE OF THE SENATE REGARDING COMPREHENSIVE HEALTH CARE REFORM.

It is the Sense of the Senate that—

(1) comprehensive health care reform legislation, which provides coverage to all Americans, improves the quality of health care in America, and contains the costs in our health care system, is the most effective way to address our Federal deficits and truly secure our economic stability; and

(2) reform of health care is an essential element of economic recovery and will bring down the cost of entitlements as it brings down health care costs.

SA 443. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 351, between lines 17 and 18, insert the following:

SEC. 13403. PRESERVATION OF PARENTAL RIGHTS IN CERTAIN CASES AND PROSECUTION OF PERPETRATORS OF CRIMES AGAINST CHILDREN.

Notwithstanding any other provision of this title, in applying part 164 of title 45, Code of Federal Regulations, with respect to protected health information—

(1) parents and legal guardians shall have the right to access all of their unemancipated minor child's reproductive health information, except in cases of child abuse, child molestation, sexual abuse, and incest; and

(2) law enforcement officials may subpoena health information for State or Federal criminal investigations of child abuse, child molestation, sexual abuse, rape, statutory rape, and incest.

SA 444. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used to support smoking cessation activities, including laboratory testing and equipment.

SA 445. Mr. DEMINT submitted an amendment intended to be proposed to

amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

SEC. 1607. SUPPLEMENTAL CAPITAL GRANTS FOR AMTRAK.

None of the funds appropriated or otherwise made available by this Act may be allocated to the National Railroad Passenger Corporation (Amtrak).

SA 446. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

HIGH-PERFORMANCE GREEN BUILDINGS

SEC. 16___. None of the funds appropriated or otherwise made available by this Act may be used to carry out any measure necessary to convert a facility of the General Services Administration into a high-performance green building (as defined in section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

SA 447. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, strike lines 2 through 5, and insert the following:

None of the funds appropriated or otherwise made available by this Act may be used for the 2010 Census.

SA 448. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON USE FOR GAMING FACILITIES.

Notwithstanding any other provision of law, none of the funds made available by this Act may be used for any building or other facility (including a casino) at which class I gaming, class II gaming, or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) is conducted.

SA 449. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

GENERAL PROVISIONS—THIS TITLE

SEC. 301. Notwithstanding any other provision of this Act, no provision of this Act may construed or interpreted as requiring the procurement of alternative fuel vehicles by the Department of Defense.

SA 450. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. _____. No funds appropriated or otherwise made available by this title for the Department of Commerce may be used to renovate the headquarters of the Department of Commerce.

SA 451. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:

SEC. _____. No funds appropriated or otherwise made available by this Act may be used to construct, maintain, or renovate a swimming pool.

SA 452. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, line 11, strike ''$572,500,000'' and insert ''$485,000,000''.

On page 107, strike line 16 and all that follows through ''polar icebreakers;'' on line 19.

SA 453. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used to support stem cell research, in accordance with Executive Order 13435, ''Expanding Approved Stem Cell Lines in Ethically Responsible Ways'' (June 22, 2007; 72 Fed. Reg. 34591) and the presidential policy decision of August 9, 2001.

SA 454. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used for the screening and prevention of sexually-transmitted diseases, including HIV/AIDS.

SA 455. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BAN ON EARMARKS.

Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended by adding at the end thereof the following:

''SEC. 316. BAN ON EARMARKS.

''(a) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill, resolution, amendment, or conference report that includes an earmark.

''(b) MATTER STRICKEN.—If the point of order prevails under subsection (a), the earmark provision shall be stricken in accordance with the procedures provided in section 313 of the Congressional Budget Act of 1974.

''(c) DEFINITION.—In this section, the term 'earmark' shall include the meaning of the term 'congressionally directed spending item' in paragraph 5 of rule XLIV of the Standing Rules of the Senate and the term 'congressional earmark' in paragraph 9 of rule XXI of the Rules of the House of Representatives.

''(d) SUPERMAJORITY.—Subsection (a) may be waived only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).''.

SA 456. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:

SEC. _____. No funds appropriated or otherwise made available by this Act may be used—

(1) to construct, maintain, or renovate any facility named for a member or former member of Congress; or

(2) to carry out any program named for a member or former member of Congress.

SA 457. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:

SEC. _____. No funds appropriated or otherwise made available by this Act may be used to construct, maintain, or renovate a golf course.

SA 458. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:

SEC. _____. No funds appropriated or otherwise made available by this Act may be used to construct, maintain, or renovate a field used for sporting purposes.

SA 459. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:

SEC. _____. No funds appropriated or otherwise made available by this Act may be used to construct, maintain, or renovate an aquarium or a zoo.

SA 460. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act shall be used to make grants to States under section 131 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011) to plan, develop, and demonstrate electrical infrastructure projects that encourage the use of plug-in electric drive vehicles or for near-term, large-scale electrification projects aimed at the transportation sector.

SA 461. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON USE OF FUNDS FOR TRAILS AND OFF-ROAD VEHICLE ROUTES.

None of the funds made available under this Act shall be used for bicycle, walking, or wilderness trails or off-road vehicle routes.

SA 462. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

SEC. 1607. ACQUISITION OF HIGHER FUEL ECONOMY MOTOR VEHICLES.— None of the funds appropriated or otherwise made available by this Act may be used by the Federal Government to acquire motor vehicles with higher fuel economy if the savings realized from increased fuel efficiency do not exceed the additional costs incurred to purchase such vehicles.

SA 463. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BAN ON EXECUTIVE IMPLEMENTATION OF EARMARKS.

(a) REGULATIONS.—Not later than 60 days after the date of enactment of this section, the head of each Federal department or agency shall promulgate regulations to—

(1) prohibit their department or agency from making decisions to commit, obligate, or expend funds for any earmark this is not based on the text of laws, including in any report of a committee of Congress, joint explanatory statement of a committee of conference of the Congress, statement of managers concerning a bill in the Congress, or any other non-statutory statement or indication of views of the Congress, or a House, committee, Member, officer, or staff thereof; and

(2) prohibit their staff from allowing oral or written communications concerning earmarks to supersede statutory criteria, competitive awards, or merit-based decision making.

(b) PUBLIC AVAILABILITY OF REQUESTS.—Not later than 15 days after receipt, the head of a Federal department or agency shall make publicly available on the Internet any written communications (or a transcription or summary of an oral communication) from the Congress, or a House, committee, Member, officer, or staff thereof, recommending that funds be committed, obligated, or expended by the agency or department on any earmark.

(c) DEFINITION.—In this section, the term ''earmark'' shall include the meaning of the term ''congressionally directed spending item'' in paragraph 5 of rule XLIV of the Standing Rules of the Senate and the term ''congressional earmark'' in paragraph 9 of rule XXI of the Rules of the House of Representatives.

SA 464. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and

science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 242, line 16, strike ''$100,000,000:'' and insert ''$70,000,000:''.

On page 242, between lines line 25 and 26, insert the following:

UNITED STATES MERCHANT MARINE ACADEMY CAPITAL IMPROVEMENT PROGRAM

For an additional amount to carry out the capital improvement program at the United States Merchant Marine Academy, $30,000,000.

SA 465. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 600, between lines 4 and 5, insert the following:

SEC. 2105. TEMPORARY SUSPENSION OF REQUIREMENT FOR STATES TO IMPOSE MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILY THAT HAS NEVER RECEIVED TANF.

During the period that begins on April 1, 2009, and ends on December 31, 2010, section 454(6)(B) of the Social Security Act (42 U.S.C. 654(6)(B)) shall be applied without regard to clause (ii) of that section. In the case of a State that has been paid (including out of its own funds) all or part of the annual fee imposed under that clause during the period that begins on October 1, 2008, and ends on March 31, 2009, the State shall not be required, as a result of the application of the preceding sentence to the State, to refund any portion of such annual fee so paid but the State shall cease from collecting any portion of such annual fee that is unpaid as of April 1, 2009.

SA 466. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 453, beginning on line 12, strike through line 16 and insert the following:

(c) MODIFICATIONS TO BIOMASS CREDIT.—

(1) CREDIT ALLOWED FOR ELECTRICITY PRODUCED FROM BIOMASS FOR ON-SITE USE.—Subsection (e) of section 45 is amended by adding at the end the following new paragraph:

''(12) CREDIT ALLOWED FOR ELECTRICITY PRODUCED FROM BIOMASS FOR ON-SITE USE.—In the case of electricity produced after December 31, 2008, and before January 1, 2011, at any facility described in paragraph (2) or (3) of subsection (d) which is equipped with a metering device to determine electricity consumption or sale, subsection (a)(2) shall be applied without regard to subparagraph (B) thereof with respect to such electricity produced and consumed at such facility.''.

(2) CREDIT PERIOD FOR CERTAIN OPEN-LOOP BIOMASS.—Clause (ii) of section 45(b)(4)(B) is amended by striking ''5-year period'' and inserting ''6-year period''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (c)(2) shall apply to property placed in service after the date of the enactment of this Act.

(2) ELECTRICITY PRODUCED FROM BIOMASS FOR ON-SITE USE.—The amendment made by subsection (c)(1) shall apply to electricity produced and consumed after December 31, 2008.

(3) TECHNICAL AMENDMENT.—The amendment

SA 467. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, lines 14 through 16, strike ''$14,398,000,000, for necessary expenses, to remain available until September 30, 2010: *Provided,*'' and insert ''$15,398,000,000, for necessary expenses, to remain available until September 30, 2010: *Provided,* That $1,000,000,000 shall be used for the Federal Energy Management Program for energy efficiency, water conservation, and renewable energy use by Federal agencies in a manner that leverages private sector financing to ensure comprehensive projects and that measures and verifies energy and water savings and complies with paragraphs (1) through (7) of section 543(f) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)): *Provided further,*''.

SA 468. Mr. WYDEN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1903. TREATMENT OF EXCESSIVE BONUSES BY TARP RECIPIENTS.

(a) IN GENERAL.—If, before the date of enactment of this Act, the preferred stock of a financial institution was purchased by the Government using funds provided under the Troubled Asset Relief Program established pursuant to the Emergency Economic Stabilization Act of 2008, then, notwithstanding any otherwise applicable restriction on the redeemability of such preferred stock, such financial institution shall redeem an amount of such preferred stock equal to the aggregate amount of all excessive bonuses paid or payable to all covered individuals.

(b) TIMING.—Each financial institution described in subsection (a) shall comply with the requirements of subsection (a)—

(1) not later than 120 days after the date of enactment of this Act, with respect to excessive bonuses (or portions thereof) paid before the date of enactment of this Act; and

(2) not later than the day before an excessive bonus (or portion thereof) is paid, with respect to any excessive bonus (or portion thereof) paid on or after the date of enactment of this Act.

(c) DEFINITIONS.—As used in this section, the following definitions shall apply:

(1) EXCESSIVE BONUS.—

(A) IN GENERAL.—The term ''excessive bonus'' means the portion of the applicable bonus payments made to a covered individual in excess of $100,000.

(B) APPLICABLE BONUS PAYMENTS.—

(i) IN GENERAL.—The term ''applicable bonus payment'' means any bonus payment to a covered individual—

(I) which is paid or payable by reason of services performed by such individual in a taxable year of the financial institution (or any member of a controlled group described in subparagraph (D)) ending in 2008, and

(II) the amount of which was first communicated to such individual during the period beginning on January 1, 2008, and ending January 31, 2009, or was based on a resolution of the board of directors of such institution that was adopted before the end of such taxable year.

(ii) CERTAIN PAYMENTS AND CONDITIONS DISREGARDED.—In determining whether a bonus payment is described in clause (i)(I)—

(I) a bonus payment that relates to services performed in any taxable year before the taxable year described in such clause and that is wholly or partially contingent on the performance of services in the taxable year so described shall be disregarded, and

(II) any condition on a bonus payment for services performed in the taxable year so described that the employee perform services in taxable years after the taxable year so described shall be disregarded.

(C) BONUS PAYMENT.—The term ''bonus payment'' means any payment which—

(i) is a discretionary payment to a covered individual by a financial institution (or any member of a controlled group described in subparagraph (D)) for services rendered,

(ii) is in addition to any amount payable to such individual for services performed by such individual at a regular hourly, daily, weekly, monthly, or similar periodic rate, and

(iii) is paid or payable in cash or other property other than—

(I) stock in such institution or member, or

(II) an interest in a troubled asset (within the meaning of the Emergency Economic Stabilization Act of 2008) held directly or indirectly by such institution or member.

Such term does not include payments to an employee as commissions, welfare and fringe benefits, or expense reimbursements.

(D) COVERED INDIVIDUAL.—The term ''covered individual'' means, with respect to any financial institution, any director or officer or other employee of such financial institution or of any member of a controlled group of corporations (within the meaning of section 52(a) of the Internal Revenue Code of 1986) that includes such financial institution.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' has the same meaning as in section 3 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5252).

(d) EXCISE TAX ON TARP COMPANIES THAT FAIL TO REDEEM CERTAIN SECURITIES FROM UNITED STATES.—

(1) IN GENERAL.—Chapter 46 of the Internal Revenue Code of 1986 (relating to excise tax on golden parachute payments) is amended by adding at the end the following new section:

''SEC. 4999A. FAILURE TO REDEEM CERTAIN SECURITIES FROM UNITED STATES.

''(a) IMPOSITION OF TAX.—There is hereby imposed a tax on any financial institution which—

''(1) is required to redeem an amount of its preferred stock from the United States pursuant to section 1903(a) of the American Recovery and Reinvestment Tax Act of 2009, and

''(2) fails to redeem all or any portion of such amount within the period prescribed for such redemption.

''(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be equal to 35 percent of the amount which the financial institution failed to redeem within the time prescribed under 1903(b) of the American Recovery and Reinvestment Tax Act of 2009.

''(c) ADMINISTRATIVE PROVISIONS.—

''(1) IN GENERAL.—For purposes of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A for the taxable year in which a deduction is allowed for any excessive bonus with respect to which the redemption described in subsection (a)(1) is required to be made.

''(2) EXTENSION OF TIME.—The due date for payment of tax imposed by this section shall in no event be earlier than the 150th day following the date of the enactment of this section.''.

(2) CONFORMING AMENDMENTS.—

(A) The heading for chapter 46 of such Code are amended to read as follows:

''CHAPTER 46—TAXES ON CERTAIN EXCESSIVE REMUNERATION

''Sec. 4999. Golden parachute payments.
''Sec. 4999A. Failure to redeem certain securities from United States.''.

(B) The item relating to chapter 46 in the table of chapters for subtitle D of such Code is amended to read as follows:

''Chapter 46. Taxes on excessive remuneration.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to failures described in section 4999A(a)(2) of the Internal Revenue Code of 1986 occurring after the date of the enactment of this Act.

SA 469. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 735, after line 7, add the following:

SEC. 5006. MEDICAID REBATES FOR PHYSICIAN ADMINISTERED DRUGS.

(a) EXTENSION FOR IMPLEMENTATION OF REQUIREMENT FOR HOSPITALS TO SUBMIT UTILIZATION DATA.—Section 1927(a)(7) of the Social Security Act (42 U.S.C. 1396r–8(a)(7)) is amended—

(1) in subparagraph (A), by inserting ''in non-hospital settings and on or after November 1, 2009, in hospitals'' after ''January 1, 2006,'';

(2) in subparagraph (B)(ii), by inserting ''in non-hospital settings and on or after November 1, 2009, in hospitals'' after ''January 1, 2008,''; and

(3) in subparagraph (C), by inserting ''(November 1, 2009, in the case of hospital information),'' after ''January 1, 2007,''.

(b) PROPORTIONAL REBATES FOR DUAL ELIGIBLE CLAIMS.—Section 1927(a)(7) of the Social Security Act (42 U.S.C. §1396r–8(a)(7)) is amended by adding at the end the following new subparagraph:

''(E) TEMPORARY ADJUSTMENT TO REBATE CALCULATION FOR DUAL ELIGIBLE CLAIMS.—Only with respect to claims for rebates submitted by States to manufacturers during the 2-year period that begins on the date of enactment of this subparagraph, for purposes of calculating the amount of rebate under subsection (c) for a rebate period for a covered outpatient drug for which payment is made under a State plan or waiver under this title and under part B of title XVIII, the total number of units reported by the State of each dosage form and strength of each such drug paid for under the State plan or waiver under this title during such rebate period is deemed to be equal to the product of—

''(i) such total number of units of such drug for which payment is made under the State plan or waiver under this title and under part B of title XVIII; and

''(ii) the proportion (expressed as a percentage) that the amount the State paid for each dosage form and strength of such drug under the State plan or waiver under this title during such rebate period bears to the amount that the State would have paid for each dosage form and strength of such drug under the State plan or waiver under this title during such rebate period if the State were the sole payer for such dosage form and strength of such drug.''.

SA 470. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 698, after line 25, insert the following:

SEC. 4204A. EXCLUSION OF CUSTOMARY PROMPT PAY DISCOUNTS EXTENDED TO WHOLESALERS FROM MANUFACTURER'S AVERAGE SALES PRICE FOR PAYMENTS FOR DRUGS AND BIOLOGICALS UNDER MEDICARE PART B.

(a) IN GENERAL.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)) is amended—

(1) in the first sentence, by inserting ''(other than customary prompt pay discounts extended to wholesalers)'' after ''prompt pay discounts''; and

(2) in the second sentence, by inserting ''(other than customary prompt pay discounts extended to wholesalers)'' after ''other price concessions''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs and biologicals furnished on or after the date that is 30 days after the date of the enactment of this Act.

Beginning on page 131, strike line 12 and all that follows through page 133, line 17.

SA 471. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 14 and 15, insert the following:

SEC. 4___. EXPIRATION OF AVAILABILITY OF FUNDS.

Unless otherwise provided in this title, each amount appropriated or otherwise made available under this title shall remain available until September 30, 2010.

SA 472. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 14 and 15, insert the following:

SEC. 4___. REPORTING REQUIREMENT.

Not later than 45 days after the date of enactment of this Act and quarterly thereafter, the Secretary of the Interior shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report describing, for the period covered by the report, the allocation, obligation, and expenditure of the amounts appropriated or otherwise made available in the matter under the heading entitled ''BUREAU OF RECLAMATION'' under the heading entitled ''DEPARTMENT OF THE INTERIOR'' of title IV of division A.

SA 473. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 14 and 15, insert the following:

SEC. 4___. REPORTING REQUIREMENT.

Not later than 45 days after the date of enactment of this Act and quarterly thereafter,

the Secretary of the Army shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report describing, for the period covered by the report, the allocation, obligation, and expenditure of the amounts appropriated or otherwise made available in the matter under the heading entitled ''CORPS OF ENGINEERS—CIVIL'' under the heading entitled ''DEPARTMENT OF THE ARMY'' under the heading entitled ''DEPARTMENT OF DEFENSE—CIVIL'' of title IV of division A.

SA 474. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 735, after line 7, and add the following:

TITLE VI—HIGH-QUALITY HEALTH COVERAGE FOR AMERICAN CHILDREN

SEC. 6001. SHORT TITLE; PURPOSE; REPEAL.

(a) SHORT TITLE OF TITLE.—This title may be cited as the ''American Children's Health Coverage Act of 2009''.

(b) PURPOSE.—The purpose of this title is to ensure that American children have high-quality health coverage that fits their individual needs.

(c) REPEAL.—Effective February 4, 2009, the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3) is repealed.

SEC. 6002. CONTINUATION OF SCHIP FUNDING DURING TRANSITION PERIOD.

(a) THROUGH FISCAL YEAR 2010.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (10);

(B) in paragraph (11)—

(i) by striking ''each of fiscal years 2008 and 2009'' and inserting ''fiscal year 2008''; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(12) for fiscal year 2009, $7,780,000,000; and

''(13) for fiscal year 2010, $8,044,000,000.''; and

(2) in subsection (c)(4)(B), by striking ''2009'' and inserting ''2010''.

(b) EXTENSION OF TREATMENT OF QUALIFYING STATES.—

(1) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)) is amended by striking ''or 2009'' and inserting ''2009, or 2010''.

(2) REPEAL OF LIMITATION ON AVAILABILITY OF FISCAL YEAR 2009 ALLOTMENTS.—Paragraph (2) of section 201(b) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) is repealed.

(c) COORDINATION OF FUNDING FOR FISCAL YEAR 2009.—Notwithstanding any other provision of law, insofar as funds have been appropriated under section 2104(a)(11) of the Social Security Act, as amended by section 201(a) of Public Law 110–173 and in effect on January 1, 2009, to provide allotments to States under title XXI of the Social Security Act for fiscal year 2009—

(1) any amounts that are so appropriated that are not so allotted and obligated before the date of the enactment of this Act are rescinded; and

(2) any amount provided for allotments under title XXI of such Act to a State under the amendments made by this Act for such fiscal year shall be reduced by the amount of such appropriations so allotted and obligated before such date.

SEC. 6003. HIGH-QUALITY HEALTH COVERAGE FOR AMERICAN CHILDREN.

(a) ESTABLISHMENT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services (in this Act referred to as the ''Secretary'') shall establish a program to ensure that American children have high-quality health coverage that fits their individual needs (in this section referred to as ''the program'').

(b) CRITERIA FOR ELIGIBILITY.—The program shall ensure that—

(1) all children eligible for medical assistance under a State Medicaid plan under title XIX of the Social Security Act or child health assistance under a State child health plan under title XXI of such Act (or under a waiver of either such plan) and whose gross family income ((as determined without regard to the application of any general exclusion or disregard of a block of income that is not determined by type of expense or type of income (regardless of whether such an exclusion or disregard is permitted under section 1902(r) of such Act)) does not exceed 300 percent of the poverty line (as defined in section 2110(c)(5) of the Social Security Act) are eligible for coverage under the program; and

(2) all children who do not have health insurance coverage (as defined in section 2791 of the Public Health Service Act) and whose gross family income (as so determined) does not exceed 300 percent of the poverty line (as so defined) are eligible for coverage under the program.

(c) BENEFITS.—Under the program, health insurance issuers shall offer children (who are not within a category of individuals described in section 1937(a)(2)(B) of the Social Security Act) private health insurance coverage that—

(1) is actuarially equivalent to the coverage requirements for State child health plans specified in section 2103(a) of the Social Security Act or any other health benefits coverage that the Secretary determines will provide appropriate coverage; and

(2) provides for total annual aggregate cost-sharing that does not exceed 5 percent of a family's income for the year involved.

(d) REIMBURSEMENTS.—The Secretary shall establish an annual process for awarding contracts on a competitive basis to health insurance issuers to provide private health insurance coverage for eligible children under the program. Such process shall ensure that—

(1) payments to such issuers shall be determined through a competitive bidding process;

(2) payments to such issuers shall be risk-adjusted;

(3) at least 2 plan options are available for every eligible child; and

(4) with respect to each eligible child, each State maintains the appropriate and equitable share of the cost of providing health insurance coverage to the child under the program that the State would have maintained but for the establishment of the program.

(e) ENROLLMENT.—The Secretary shall establish a fair and responsible process for the enrollment, disenrollment, termination, and changes in enrollment of eligible children under the program and shall conduct activities to effectively disseminate information about the program and initial enrollment.

(f) CONSUMER PROTECTIONS.—Health insurance issuers awarded contracts under the program shall—

(1) provide clear information on the coverage provided by such issuers under the program;

(2) establish meaningful procedures for hearing and resolving of any grievances between such issuers and enrollees that include an independent review and appeals process for coverage denials;

(3) be licensed to provide coverage in the State in which coverage is offered under the program; and

(4) provide market-based rates for provider reimbursements for coverage provided under the program.

(g) GEOGRAPHICAL ACCESS AND QUALITY.—The Secretary shall establish statewide plan regions or other appropriate regions in order to maximize competition and patient access under the program.

(h) OPTION FOR ASSISTANCE WITH EMPLOYER-SPONSORED INSURANCE.—The Secretary shall establish procedures under the program to provide premium assistance for children with access to employer-sponsored health insurance coverage.

(i) FINANCING.—

(1) MAINTENANCE OF FEDERAL-STATE PARTNERSHIP.—The Federal government and States shall maintain their appropriate and equitable share of premiums for providing health insurance coverage to eligible children under the program.

(2) ADDITIONAL OUTLAYS.—In the event that additional outlays are required to carry out the program for any fiscal year, Congress shall enact legislation to offset such outlays by cutting non-priority spending, making government spending more accountable and efficient, and ending wasteful government spending.

SEC. 6004. ALLOTMENT LIMITS FOR MEDICAID ADMINISTRATIVE COSTS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''(subject, except with respect to medical assistance expenditures under paragraph (1), to the allotment limits under subsection (aa))'' after ''under this title''; and

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

''(aa) STATE ADMINISTRATIVE COST LIMITATION.—

''(1) IN GENERAL.—Payments to a State under paragraphs (2) through (7) of subsection (a) for fiscal years beginning with fiscal year 2009, shall not exceed, in the aggregate, an amount equal to the State's administrative cost allotment, as determined under this subsection.

''(2) ALLOTMENT FORMULA.—The administrative allotment for a State for fiscal years beginning with fiscal year 2009 shall be determined as follows:

''(A)(i) FISCAL YEAR 2009.—For fiscal year 2009, the administrative allotment for a State shall be an amount equal to the Federal share of total allowable costs claimed by the State under paragraphs (2) through (7) of subsection (a) for calendar quarters in fiscal year 2007, determined as of December 31, 2007, adjusted in accordance with clause (ii).

''(ii) ADJUSTMENT.—For purposes of clause (i), the amount specified in clause (i) shall be increased by a percentage equal to the sum of the percentages described in clause (iii).

''(iii) PERCENTAGES DESCRIBED.—The percentages described in this clause are, with respect to each consecutive 12-month period in the 36-month period ending March 30, 2009, the percentage change in the consumer price index (for all urban consumers; U.S. city average).

''(B) SUCCEEDING FISCAL YEARS.—For each fiscal year after fiscal year 2009, the administrative allotment for a State shall be the State's administrative allotment for the preceding fiscal year, increased by the percentage change in the consumer price index (for all urban consumers; U.S. city average) for the 12-month period ending on March 30 of the fiscal year.''.

SEC. 6005. REDUCTION IN PAYMENTS FOR MEDICAID ADMINISTRATIVE COSTS TO PREVENT DUPLICATION OF SUCH PAYMENTS UNDER TANF.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by striking ''section 1919(g)(3)(B)'' and inserting ''subsection (h)'';

(2) in subsection (a)(2)(D) by inserting '', subject to subsection (g)(3)(C) of such section'' after ''as are attributable to State activities under section 1919(g)''; and

(3) by adding after subsection (g) the following new subsection:

''(h) REDUCTION IN PAYMENTS FOR ADMINISTRATIVE COSTS TO PREVENT DUPLICATION OF PAYMENTS UNDER TITLE IV.—Beginning with the calendar quarter commencing April 1, 2009, the Secretary shall reduce the amount paid to each State under subsection (a)(7) for each quarter by an amount equal to ¼ of the annualized amount determined for the Medicaid program under section 16(k)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(2)(B)).''.

SEC. 6006. APPLICATION OF MEDICARE PAYMENT ADJUSTMENT FOR CERTAIN HOSPITAL-ACQUIRED CONDITIONS TO PAYMENTS FOR INPATIENT HOSPITAL SERVICES UNDER MEDICAID.

(a) STATE PLAN REQUIREMENT.—Section 1902(a)(13)(A)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(13)(A)(iv)) is amended—

(1) by striking ''rates take'' and inserting ''rates—

''(I) take'';

(2) by striking the semicolon and inserting a comma; and

(3) by adding at the end the following:

''(II) ensure that higher payments are not made for services related to the presence of a condition that could be identified by a secondary diagnostic code described in section 1886(d)(4)(D);''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) take effect on October 1, 2009.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 6007. ELIMINATION OF WAIVER OF CERTAIN MEDICAID PROVIDER TAX PROVISIONS.

Effective October 1, 2009, subsection (c) of section 4722 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 515) is repealed.

SEC. 6008. ELIMINATION OF SPECIAL PAYMENTS FOR CERTAIN PUBLIC HOSPITALS.

Effective October 1, 2009, subsection (d) of section 701 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554 (42 U.S.C. 1396r–4 note), is repealed.

SA 475. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 8 and 9, insert the following:

SEC. _____. DECREASED REQUIRED ESTIMATED TAX PAYMENTS IN 2009 FOR CERTAIN SMALL BUSINESSES.

Paragraph (1) of section 6654(d) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR 2009.—

''(i) IN GENERAL.—Notwithstanding subparagraph (C), in the case of any taxable year beginning in 2009, clause (ii) of subparagraph (B) shall be applied to any qualified individual by substituting '75 percent' for '100 percent'.

''(ii) QUALIFIED INDIVIDUAL.—For purposes of this subparagraph, the term 'qualified individual' means any individual if—

''(I) the adjusted gross income shown on the return of such individual for the preceding taxable year is less than $500,000, and

''(II) such individual certifies that more than 50 percent of the income of such individual was income from a small business.

A certification under subclause (II) shall be in such form and manner and filed at such time as the Secretary may by regulations prescribe.

''(iii) INCOME FROM A SMALL BUSINESS.—For purposes of clause (ii), income from a small business means, with respect to any individual, income from a trade or business the average number of employees of which was less than 500 employees for the calendar year ending with or within the preceding taxable year of the individual.

''(iv) SEPARATE RETURNS.—In the case of a married individual (within the meaning of section 7703) who files a separate return for the taxable year for which the amount of the installment is being determined, clause (ii)(I) shall be applied by substituting '$250,000' for '$500,000'.

''(v) ESTATES AND TRUSTS.—In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).''.

SA 476. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 492, line 9, strike ''10 percent (20'' and insert ''20 percent (30''.

On page 492, strike lines 16 and 17, and insert the following:

''(2) INTERMEDIATE GENERATION BROADBAND CREDIT.—The intermediate generation broadband credit for any taxable year is equal to 25 percent of the qualified broadband expenditures incurred with respect to qualified equipment providing intermediate generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(3) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any

On page 492, line 18, strike ''20 percent'' and insert ''30 percent''.

On page 493, strike lines 5 through 8, and insert the following:

''(A) current generation broadband services are provided through such equipment to qualified subscribers,

''(B) intermediate generation broadband services are provided through such equipment to qualified subscribers, or

''(C) next generation broadband services

On page 494, line 19, strike ''rural areas and the''.

On page 497, line 4, insert '', intermediate generation broadband services,''.

On page 497, line 19, insert '', intermediate generation broadband services,''.

On page 498, line 6, insert '', intermediate generation broadband services,''.

On page 499, line 1, insert '', intermediate generation broadband services,''.

On page 499, strike lines 3 through 6, and insert the following:

''(i) in the normal course of operations to each subscriber who is utilizing such services, and

On page 501, line 3, insert '', intermediate generation broadband services,''.

Beginning on page 502, line 21, strike all through page 503, line 15, and insert the following:

''(15) QUALIFIED SUBSCRIBER.—The term 'qualified subscriber' means any residential or nonresidential subscriber in an unserved area or an underserved area.

Beginning on page 503, line 20, strike all through page 504, line 11, and insert the following:

''(17) INTERMEDIATE GENERATION BROADBAND SERVICE.—The term 'intermediate generation broadband service' means the transmission of signals at a rate of at least 50,000,000 bits per second to the subscriber (or its equivalent when the data rate is measured before being compressed for transmission) and at least 5,000,000 bits per second from the subscriber (or its equivalent as so measured).

(18) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities

Beginning on page 504, line 22, strike all through page 505, line 20, and insert the following:

(19) SUBSCRIBER.—The term 'subscriber' means any person who purchases current generation broadband services, intermediate generation broadband services, or next generation broadband services.

(20) TELECOMMUNICATIONS CARRIER.—The

On page 506, line 6, strike ''(23)'' and insert ''(21)''.

Beginning on page 506, line 14, strike all through page 507, line 1, and insert the following:

(22) UNDERSERVED AREA.—The term 'underserved area' means an area not served by at least one wireline broadband service provider offering current generation broadband service.

(23) UNDERSERVED SUBSCRIBER.—The term

On page 507, strike lines 7 through 12, and insert the following:

(24) UNSERVED AREA.—The term 'unserved area' means an area not served by any wireline broadband service provider.

(25) UNSERVED SUBSCRIBER.—The term

On page 509, lines 7 and 8, strike ''TRACTS.—'' and all that follows through ''The Secretary'' and insert ''TRACTS.—The Secretary''.

On page 509, line 12, strike ''(17), (23), (24), and (26)'' and insert ''(21), (22), and (24)''.

Beginning on page 507, line 18, strike all through page 510, line 25.

SA 477. Ms. SNOWE (for herself, Mr. GRASSLEY, and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, strike lines 3 through 11, and insert the following:

(A) be one of the following—

(i) a State or political subdivision thereof;

(ii) a nonprofit foundation, corporation, institution, or association;

(iii) a provider of broadband service, including wireless and satellite broadband service;

(iv) an Indian tribe or Native Hawaiian organization; or

(v) other non-governmental entity in partnership with a State or political subdivision thereof, Indian tribe or Native Hawaiian organization but only if the Assistant Secretary determines that the partnership is consistent with the purposes of this section;

On page 54, line 22, strike ''and''.

On page 55, line 8, strike ''program.'' and insert ''program; and

(F) shall seek to promote economic opportunity, avoid excessive concentration of service, and disseminate grants among a wide variety of applicants, including small businesses and rural telephone companies, Indian Tribes, Hawaiian Native Organizations, and socially and economically disadvantaged business concerns (as defined under section 8(a) of the Small Business Act (15 U.S.C. 637)).

SA 478. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, line 4, strike ''$6,400,000,000'' and all that follows through ''*Provided*,'' on line 18 and insert ''$7,300,000,000, to remain available until September 30, 2010, of which $4,000,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.); of which $2,000,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Fund under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); of which $1,000,000,000 shall be available for brownfield remediation grants pursuant to section 104(k)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(3)); and of which $300,000,000 shall be for grants under subtitle G of title VII of the Energy Policy Act of 2005 (42 U.S.C. 16131 et seq.): *Provided*,''.

On page 252, between lines 21 and 22, insert the following:

BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, for Brownfields redevelopment projects, $1,000,000,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law or other limitation under such section, that the maximum allowable grant awarded to an eligible public entity may not exceed $100,000,000.

URBAN DEVELOPMENT ACTION GRANTS

For urban development action grants, as authorized by section 118 of the Housing and Community Development Act of 1974, $1,000,000,000, to remain available until September 30, 2010.

SA 479. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENHANCED CONGRESSIONAL OVERSIGHT.

(a) PLAN.—Not later than 30 days after the date of enactment of this Act, each authorizing committee of the Senate with jurisdiction over spending included in this Act shall prepare and publicly post on their website a plan detailing—

(1) spending or programmatic language contained in this Act which falls under their jurisdiction; and

(2) plans for oversight of spending under the jurisdiction of the committee, including congressional hearings.

(b) IMPLEMENTATION REPORTS.—Not later than 6 months and 1 year after the date of enactment of his Act, each committee described in subsection (a) shall prepare and post on their website a progress report towards fulfilling components of their oversight plan required by subsection (a) as well as any modifications to that plan.

(c) JOINT ECONOMIC COMMITTEE.—Each Federal department or agency that receives and administers funding under this Act shall provide information and data on their implementation of this Act to the Committee on Joint Economics.

SA 480. Mr. BINGAMAN (for himself, Mrs. BOXER, Mr. WYDEN, Mr. KERRY, Mr. TESTER, Ms. STABENOW, Mr. UDALL of New Mexico, Mr. BAUCUS, Mr. LEAHY, Mrs. MURRAY, Mr. SCHUMER, Mr. MERKLEY, Ms. CANTWELL, Mr. UDALL of Colorado, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 122, after line 23, add the following:

SEC. 70__. (a) In addition to amounts made available by this title, there shall be made available—

(1) for ''Operation of the National Park System'', $142,000,000;

(2) for ''National Park Service Construction'', $811,000,000;

(3) for ''Historic Preservation Fund'', $45,000,000;

(4) for ''Land Acquisition and State Assistance'', $100,000,000 to be derived from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) to provide financial assistance to States in accordance with section 6 of that Act (16 U.S.C. 4601–8), subject to subsection (b);

(5) for ''United States Fish and Wildlife Service Resource Management'', $110,000,000;

(6) for ''United States Fish and Wildlife Service Construction'', $15,000,000;

(7) for ''State and Tribal Wildlife Grants'', $50,000,000 for wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) for the development and implementation of programs for the benefit of wildlife and wildlife habitat, including species that are not hunted or fished;

(8) for ''Bureau of Land Management Management of Lands and Resources'', $350,000,000;

(9) for ''Bureau of Land Management Wildland Fire Management'', $20,000,000;

(10) for ''Forest Service Capital Improvement and Maintenance'', $50,000,000;

(11) for ''Forest Service Wildland Fire Management'', $850,000,000, of which $250,000,000 shall be available for work on State and private land; and

(12) for ''Bureau of Indian Affairs Operations'', $15,000,000.

(b) Amounts made available under subsection (a)(4) shall not be used for land acquisition.

(c) Amounts made available under subsection (a) shall remain available until September 30, 2010.

(d) Amounts made available by this title for ''Forest Service Capital Improvement and Maintenance'' may be—

(1) used for reconstruction, improvement, decommissioning, and maintenance of roads, trails, bridges, and dams; and

(2) transferred to the ''National Forest System'' account and other appropriate accounts of the Forest Service.

(e) Amounts made available by this title for ''Forest Service Wildland Fire Management'' may be—

(1) used for forest, rangeland, and watershed rehabilitation and restoration activities; and

(2) transferred to the ''National Forest System'' account, the ''State and Private Forestry'' account, and other appropriate accounts of the Forest Service.

SA 481. Mrs. MCCASKILL (for herself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 422, strike lines 4 through 14, and insert the following:

(4) The website shall include a link to the website established and maintained by the Office of Management and Budget under section 1551.

On page 422, line 15, strike ''(6)'' and insert ''(5)''.

On page 422, line 18, strike ''(7)'' and insert ''(6)''.

On page 428, between lines 11 and 12, insert the following:

Subtitle D—Recovery, Accountability, and Transparency Website

SEC. 1551. ESTABLISHMENT OF THE RECOVERY, ACCOUNTABILITY, AND TRANSPARENCY WEBSITE.

(a) IN GENERAL.—The Director of the Office of Management and Budget shall establish and maintain the Recovery, Accountability, and Transparency Website to foster greater accountability and transparency in the use of covered funds.

(b) DATE OF ESTABLISHMENT.—The Director shall establish the website required under this section not later than 30 days after the date of enactment of this Act.

SEC. 1552. WEBSITE.

(a) PURPOSE.—The website established and maintained under section 1551 shall be a publicly available portal or gateway to provide the public full transparency and accountability of covered funds with timely availability of information and accounting of covered funds expended at the Federal, State, and local level.

(b) CONTENT AND FUNCTION.—In establishing the website established and maintained under section 1551, the Director of the Office of Management and Budget shall ensure the following:

(1) The website shall include information on relevant, economic, financial, grant, and contract information in user-friendly visual presentations.

(2) At a minimum, the website shall include detailed information on government contracts and grants, including Federal, State, and local contracts and grants and any subsequent subcontracts, including those made by 1 private entity to another, that expend covered funds to include—

(A) information about the competitiveness of the contracting process;

(B) notification of solicitations for contracts to be awarded;

(C) information about the process that was used for the award of contracts;

(D) information about the recipient of the contract to include the scope and statement of work under the contract;

(E) the dollar value of the contract;

(F) an estimate of the jobs sustained or created through execution of the contract including an explanation of the estimate;

(G) an estimate of the start date for any project using covered funds and a corresponding end date for the project;

(H) information confirming the certification required under section 1605 for the receipt of any covered funds; and

(I) any other information as the Director determines necessary.

(3) The website shall be fully available to the public.

(4) Information included on the website shall be available in printable formats, to include information on covered funds obligated in each State and each congressional district.

(5) The website shall provide the information required under paragraph (2) not later than 30 days after the obligation or award of funds.

(6) The website shall be searchable by project type, geographic region, level of government executions and as otherwise determined necessary by the Director.

(7) The website shall include appropriate links to other Government websites with information concerning covered funds including, at a minimum, the Board website established under section 1519.

(c) COMPLIANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, as a condition of receipt of funds under this Act, each agency shall require any recipient of such funds, whether from a Federal, State, or local contract or grant or otherwise, to provide the information required under subsection (b)(2).

(2) INFORMATION PROVIDED BY RECIPIENTS.—All information required to be made by recipients of covered funds under paragraph (1) shall be—

(A) provided not later than 30 days after the receipt of such funds; and

(B) updated not later than 30 days after any material changes in the execution of such funds.

(3) USER-FRIENDLY MEANS FOR COMPLIANCE.—In coordination with agencies and State and local governments, the Director of the Office of Management and Budget shall provide for user-friendly means for recipients of covered funds to meet the requirements of this subsection.

(d) WAIVER.—The Director of the Office of Management and Budget may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security.

SA 482. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, at the end of line 14, insert the following:

Provided further, That any fee imposed on an applicant in excess of the actual administrative costs to the Department in processing a loan guarantee application shall be refundable to the applicant if there is no financial close on that application.

SA 483. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 25, insert ''and demand responsive equipment and'' after ''grid''.

SA 484. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 451, line 15, strike all through page 452, line 18, and insert the following:

SEC. 1203. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2008) is amended—

(1) by striking ''or 2008'' and inserting ''2008, 2009, or 2010'', and

(2) by striking ''2008'' in the heading thereof and inserting ''2010''.

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

SEC. 1204. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($69,950 in the case of taxable years beginning in 2008)'' in subparagraph (A) and inserting ''($70,950 in the case of taxable years beginning in 2009 and $72,550 in the case of taxable years beginning in 2010)'', and

(2) by striking ''($46,200 in the case of taxable years beginning in 2008)'' in subparagraph (B) and inserting ''($46,700 in the case of taxable years beginning in 2009 and $47,500 in the case of taxable years beginning in 2010)''.

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

SA 485. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 457, between lines 16 and 17, insert the following:

(b) CLARIFICATION WITH RESPECT TO GREEN COMMUNITY PROGRAMS.—Clause (ii) of section 54D(f)(1)(A) is amended by inserting ''(including the use of loans, grants, or other repayment mechanisms to implement such programs)'' after ''green community programs''.

SA 486. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, beginning with line 6, strike all through page 735, line 7, and insert the following:

SEC. 2. REBATE TO ALL AMERICANS WITH TAX LIABILITY.

(a) IN GENERAL.—Section 6429 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 6429. 2009 RECOVERY REBATES FOR INDIVIDUALS.

''(a) IN GENERAL.—In the case of an eligible individual who has net income tax liability for the taxpayer's first taxable year beginning in 2007, there shall be allowed a credit against the tax imposed by subtitle A for the taxpayer's first taxable year beginning in 2009 an amount equal to the lesser of—

''(1) the taxpayer's net income tax liability for the taxpayer's first taxable year beginning in 2007, or

''(2) $4,730 ($9,460 in the case of a joint return) .

''(b) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

''(c) DEFINITIONS.—For purposes of this section—

''(1) NET INCOME TAX LIABILITY.—The term 'net income tax liability' means the excess of—

''(A) the sum of the taxpayer's regular tax liability (within the meaning of section 26(b)) and the tax imposed by section 55 for the taxable year, over

''(B) the credits allowed by part IV (other than section 24 and subpart C thereof) of subchapter A of chapter 1.

''(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual other than—

''(A) any nonresident alien individual,

''(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

''(C) an estate or trust.

''(d) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

''(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (e). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

''(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (e) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

''(e) ADVANCE REFUNDS AND CREDITS.—

''(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2007, and who had a net income tax liability for such first taxable year, shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the advance refund amount for such taxable year.

''(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if this section (other than this subsection) had applied to such taxable year.

''(3) TIMING OF PAYMENTS.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2009.

''(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.

''(f) IDENTIFICATION NUMBER REQUIREMENT.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) to an eligible individual who does not include on the return of tax for the taxable year—

''(A) such individual's valid identification number, and

''(B) in the case of a joint return, the valid identification number of such individual's spouse.

''(2) VALID IDENTIFICATION NUMBER.—For purposes of paragraph (1), the term 'valid identification number' means a social security number issued to an individual by the Social Security Administration. Such term shall not include a TIN issued by the Internal Revenue Service.

''(3) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply to a joint return where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year.''.

(b) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to the residents of such possession.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes for any taxable year under section 6429 of the Internal Revenue Code of 1986 (as amended by this section) to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 36A of the Internal Revenue Code of 1986 (as added by this section).

(c) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of section 6429 of the Internal Revenue Code of 1986 (as amended by this section) or by reason of subsection (b) of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(d) AUTHORITY RELATING TO CLERICAL ERRORS.—Section 6213(g)(2)(L) is amended by striking ''or 6428'' and inserting ''6428, or 6429''.

(e) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by striking ''and 6428'' and inserting ''6428, and 6429''.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by striking ''or 6428'' and inserting ''6428, or 6429''.

(3) The table of sections for subchapter B of chapter 65 is amended by striking the item relating to section 6429 and inserting the following new item:

''Sec. 6429. 2009 recovery rebates for individuals.''.

(f) EFFECTIVE DATE.—This section, and the amendments made by this section, shall

apply to taxable years beginning after December 31, 2008.

SA 487. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, line 6, add after the period the following: ''In promulgating such regulations, the Secretary may not eliminate from the definition of health care operations activities that are conducted for the purpose of training health care professionals.''.

SA 488. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, line 6, add after the period the following: ''In promulgating such regulations, the Secretary may not eliminate from the definition of health care operations activities that are conducted for the purpose of medical research or disease surveillance.''.

SA 489. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 394, strike lines 16 through 18 and insert the following:
ices, which may include—

(1) assistance for elementary and secondary education and public institutions of higher education; and

(2) critical water resource, flood protection, environmental restoration, and infrastructure programs, projects, and activities, which may be used to satisfy a non-Federal matching requirement for any other Federal program, project, or activity.

SA 490. Mr. FEINGOLD (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 457, between lines 16 and 17, insert the following:

(b) CLARIFICATION WITH RESPECT TO GREEN COMMUNITY PROGRAMS.—Clause (ii) of section 54D(f)(1)(A) is amended by inserting ''(including the use of loans, grants, or other repayment mechanisms to implement such programs)'' after ''green community programs''.

SA 491. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE VI—TEMPORARY ECONOMIC RECOVERY ADJUSTMENT PANEL

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Economic Recovery Adjustment Act of 2009''.

SEC. 6002. FINDINGS.

Congress finds that—

(1) the deterioration of financial firms in 2008 and the resulting crisis of confidence in the financial markets have required broad intervention by the Federal Government in the financial sector;

(2) the Emergency Economic Stabilization Act of 2008, signed by President Bush on October 3, 2008, included a $700,000,000,000 Troubled Asset Relief Program (or ''TARP'') for the express purpose of ''providing stability to and preventing disruption in the economy and financial system'';

(3) the investment and commercial banks and other financial institutions that have received taxpayer-funded bailouts perform public functions supporting the operation of the economy, in addition to their private profit-making functions;

(4) reports of billions of dollars in obligations to executives have eroded public confidence in the TARP, and have caused increasing opposition to other bailout proposals, thereby impeding the Government's ability to address the financial crisis;

(5) participation in the TARP and any other Federal Government bailout program should be conditioned on a fair restructuring of executive compensation obligations;

(6) taxpayer dollars should not unreasonably compensate executives, particularly when in the absence of such relief, such compensation would be reduced as part of a bankruptcy restructuring or liquidation; and

(7) establishing a due process forum will allow the Government to ensure that executive compensation relying on taxpayer funds is fair and reasonable.

SEC. 6003. DEFINITIONS.

In this title, the following definitions shall apply:

(1) ASSISTED ENTITY.—The term ''assisted entity'' means any recipient or applicant for assistance under the TARP.

(2) PANEL.—The term ''Panel'' means the Temporary Economic Recovery Oversight Panel established under section 6007.

(3) EXECUTIVE COMPENSATION.—The term ''executive compensation'' means wages, salary, deferred compensation, benefits, retirement arrangements, options, bonuses, office fixtures, goods, or other property, travel, or entertainment, vacation expenses, and any other form of compensation, obligation, or expense that is not routinely provided to all other employees of the assisted entity.

(4) OFFICE.—The term ''Office'' means the Office of the Taxpayer Compensation Advocate established under section 4.

(5) TARP.—The terms ''TARP'' and ''TARP funds'' mean the Troubled Asset Relief Program established under section 101 of the Emergency Economic Stabilization Act of 2008 and funds received thereunder, respectively, or pursuant to any successor program.

(6) SECRETARY.—The term ''Secretary'' means Secretary of the Treasury.

SEC. 6004. TAXPAYER COMPENSATION ADVOCATE.

(a) ESTABLISHMENT.—There is established within the Department of Justice, the Office of the Taxpayer Advocate.

(b) ADVOCATE.—The Office shall be headed by an Advocate, to be appointed by the Attorney General of the United States for such purpose.

(c) DUTIES.—The Advocate is authorized to conduct ongoing audits and oversight of the recipients of TARP funds with respect to compensation of the officers and directors of such entities.

(d) ACCESS TO RECORDS.—

(1) IN GENERAL.—To the extent otherwise consistent with law, the Advocate and the Office shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the assisted entity and to the officers, directors, employees, independent public accountants, financial advisors, and other agents and representatives thereof (as related to the agent or representative's activities on behalf of or under the authority of the assisted entity) at such reasonable time as Office may request.

(2) COPIES.—The Advocate may make and retain copies of such books, accounts, and other records as the Advocate deems appropriate for the purposes of this title.

(e) REPORTING.—The Advocate shall submit quarterly reports of findings under this title to the appropriate committees of Congress, the Secretary and the Special Inspector General for the TARP established under the Emergency Economic Stabilization Act of 2008 on the activities and performance of the Office.

(f) AUDITS.—The Office is authorized to conduct an audit of any assisted entity for purposes of this title.

SEC. 6005. POWERS OF THE OFFICE.

(a) INVESTIGATIONS AND EVIDENCE.—The Office may, for purposes of carrying out this title—

(1) take depositions or other testimony, receive evidence, and administer oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents.

(b) SUBPOENAS.—

(1) SERVICE.—Subpoenas issued under subsection (a)(2) may be served by any person designated by the Office.

(2) ENFORCEMENT.—

(A) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a)(2), the United States district

court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(B) ADDITIONAL ENFORCEMENT.—Sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under the authority of this section.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Office may secure directly from any department, agency, or instrumentality of the United States any information related to any inquiry of the Office conducted under this title. Each such department, agency, or instrumentality shall, to the extent authorized by law, furnish such information directly to the Office, upon request.

SEC. 6006. EXECUTIVE COMPENSATION AUTHORITY.

(a) NEGOTIATED REDUCTIONS AUTHORIZED.—The Advocate is authorized to assist the Secretary in the negotiation of assistance under the TARP, in order to assure that fair and reasonable executive compensation is paid by entities receiving TARP funds, and to defend any such agreements in the event of any challenge to the adjustments to compensation obligations. If, after an audit authorized by this title, the Advocate finds reason to believe that any assisted entity would have been forced to file for bankruptcy protection under title 11, United States Code, if not for the receipt of assistance under the TARP, the Advocate shall negotiate a reduction in the executive compensation obligations of the assisted entity as a condition of the continuing use or future receipt of such TARP assistance.

(b) FORM.—Negotiated reductions in compensation under subsection (a)—

(1) may include vested deferred compensation; and

(2) shall be in an amount that is fair and reasonable in light of the taxpayers' assistance, but not less than the estimated value of the compensation obligations that would face the estate or debtor-in-possession if the TARP funds had not been granted and the entity had filed for bankruptcy protection.

(c) CERTIFICATION TO ADJUSTMENT PANEL.—The Advocate shall certify the findings of the Office under this section to the Panel.

SEC. 6007. AUTHORITY OF THE SECRETARY.

Until the Advocate is appointed, the Secretary, in the negotiation of assistance under the TARP, is authorized and directed to assure that executive compensation is fair and reasonable. In the event of a dispute as to whether such compensation is fair and reasonable, the Secretary is authorized to negotiate assistance with its executive compensation recommendations subject to the ruling of the Panel. If the Secretary recommends adjustments to the existing obligations (such as deferred compensation or retirement plan obligations), such recommendations shall be subject to the approval of the Panel, with any affected individuals having a right to intervene and be heard. The determination of what is fair and reasonable shall be made in light of the taxpayers' assistance to the company, the risk of bankruptcy and loss of such benefits and obligations, and the need for adequate compensation to attract competent management.

SEC. 6008. TEMPORARY ECONOMIC RECOVERY OVERSIGHT PANEL.

(a) ESTABLISHMENT.—There is established the Temporary Economic Recovery Oversight Panel.

(b) MAKEUP OF PANEL.—The Panel shall be comprised of 5 members, appointed by the President for such purpose from among United States bankruptcy court judges. The Secretary shall provide for appropriate space and staff to support the functioning of the Panel.

(c) DUTIES.—The Panel shall—

(1) promptly evaluate each proposed settlement reached under section 6;

(2) approve or deny such proposed settlement; and

(3) if no settlement is reached under section 6, upon petition of the Advocate or any individual subject to the actions of the Advocate under section 6, issue an order establishing an executive compensation program for such individuals in accordance with this section.

(d) NOTICE AND HEARING REQUIRED.—The Advocate shall provide adequate notice to all affected persons of its intention to seek an order from the Panel in accordance with this section, and the Panel shall hold an evidentiary hearing on any proposed settlement or petition of the Advocate.

(e) STANDING.—Under any proceeding before the Panel, any individual whose compensation might be adversely affected by Panel action shall be a party in interest, having full procedural rights, including the right to challenge a settlement between the assisted entity and the Advocate, to challenge the certified findings of the Advocate, or to appeal any order of the Panel.

(f) APPEALS.—The Advocate and any party having standing before the Panel shall have the right to appeal an order under this title directly to the United States Court of Appeals for the District of Columbia Circuit.

(g) EFFECTIVE PERIOD.—Any order of the Panel setting forth a reduction in compensation shall be effective 6 months after confirmation, and shall remain in effect while any obligation arising from assistance provided under the TARP remains outstanding.

SA 492. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INDIAN SCHOOL CONSTRUCTION.

(a) SHORT TITLE.—This section may be cited as the ''Indian School Construction Act''.

(b) DEFINITIONS.—In this section:

(1) BUREAU.—The term ''Bureau'' means the Bureau of Indian Affairs.

(2) ESCROW ACCOUNT.—The term ''escrow account'' means the Tribal School Modernization Escrow Account established under subsection (c)(6)(B)(i)(I).

(3) INDIAN.—The term ''Indian'' means any individual who is a member of an Indian tribe.

(4) INDIAN TRIBE.—

(A) IN GENERAL.—The term ''Indian tribe'' has the meaning given the term ''Indian tribal government'' in section 7701(a)(40) of the Internal Revenue Code of 1986 (as modified by section 7871(d) of that Code).

(B) INCLUSION.—The term ''Indian tribe'' includes any consortium of Indian tribes approved by the Secretary.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) TRIBAL SCHOOL.—The term ''tribal school'' means an elementary school, secondary school, or dormitory that—

(A) is operated by a tribal organization or the Bureau for the education of Indian children; and

(B) receives financial assistance for the operation of the school or dormitory under an appropriation for the Bureau under a contract, grant, or agreement, or for a Bureau-operated school, under—

(i) section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d); or

(ii) the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.).

(c) ISSUANCE OF BONDS.—

(1) IN GENERAL.—The Secretary shall establish a pilot program under which the Secretary shall provide to eligible Indian tribes the authority to issue qualified tribal school modernization bonds to provide funds for the construction, rehabilitation, and repair of tribal schools, including advance planning and design of tribal schools.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to issue a qualified tribal school modernization bond under the program under paragraph (1), an Indian tribe shall—

(i) prepare and submit to the Secretary a plan of construction that meets the requirements of subparagraph (B);

(ii) provide for quarterly and final inspection by the Bureau of each project to be funded by the bond; and

(iii) ensure that the facilities to be funded by the bond will be used primarily for elementary and secondary educational purposes for the period during which the bond remains outstanding.

(B) PLAN OF CONSTRUCTION.—The requirements referred to in subparagraph (A)(i) are that the plan shall—

(i) contain a description of the construction to be carried out using funds provided under a qualified tribal school modernization bond;

(ii) demonstrate that a comprehensive survey has been carried out regarding the construction needs of the applicable tribal school;

(iii) contain assurances that funding under the bond will be used only for the activities described in the plan;

(iv) contain a response to the evaluation criteria contained in the document entitled ''Instructions and Application for Replacement School Construction, Revision 6'' and dated February 6, 1999; and

(v) contain any other reasonable and related information that the Secretary determines to be appropriate.

(C) PRIORITY.—In determining whether an Indian tribe is eligible to participate in the program under this subsection, the Secretary shall give priority to Indian tribes that, as demonstrated by the plans of construction of the Indian tribes, will fund projects—

(i) described in the list of the Bureau entitled ''Education Facilities Replacement Construction Priorities List as of FY 2000'' (65 Fed. Reg. 4623) (or successor regulations); or

(ii) that meet the criteria for ranking schools described in the document entitled

''Instructions and Application for Replacement School Construction, Revision 6'' and dated February 6, 1999.

(D) ADVANCE PLANNING AND DESIGN FUNDING.—

(i) IN GENERAL.—An Indian tribe may propose in the plan of construction of the Indian tribe to receive advance planning and design funding from the escrow account.

(ii) CONDITIONS.—As a condition of receiving advance planning and design funds from the escrow account under clause (i), an Indian tribe shall agree—

(I) to issue qualified tribal school modernization bonds after the date of receipt of the funds; and

(II) as a condition of each issuance of a bond, to deposit into the escrow account or a fund managed by a trustee under paragraph (4)(C) an amount equal to the amount of funds received from the escrow account.

(3) PERMISSIBLE ACTIVITIES.—In addition to the use described in paragraph (1), an Indian tribe may use amounts received through the issuance of a qualified tribal school modernization bond—

(A) to enter into, and make payments under, contracts with licensed and bonded architects, engineers, and construction firms—

(i) to determine the needs of a tribal school; and

(ii) for the design and engineering of a tribal school;

(B) to enter into, and make payments under, contracts with financial advisors, underwriters, attorneys, trustees, and other professionals to provide assistance to the Indian tribe in issuing the bonds; and

(C) to carry out other such activities as the Secretary determines to be appropriate.

(4) BOND TRUSTEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, any qualified tribal school modernization bond issued by an Indian tribe under this subsection shall be subject to a trust agreement between the Indian tribe and a trustee.

(B) TRUSTEE.—Any bank or trust company that meets the requirements established by the Secretary may serve as a trustee for purposes of subparagraph (A).

(C) CONTENT OF TRUST AGREEMENT.—A trust agreement entered into by an Indian tribe under this paragraph shall specify that the trustee, with respect to any bond issued under this subsection, shall—

(i) act as a repository for the proceeds of the bond;

(ii) make payments to bondholders;

(iii) receive, as a condition to the issuance of the bond, a transfer of funds from the escrow account, or from other funds furnished by or on behalf of the Indian tribe, in an amount that, together with interest earnings from the investment of the funds in obligations of or fully guaranteed by the United States, or from other investments under paragraph (10), will be sufficient to pay timely and in full the entire principal amount of the bond on the stated maturity date of the bond;

(iv) invest the funds received in accordance with clause (iii); and

(v) hold and invest the funds in a segregated fund or account under the agreement, to be used solely to pay the costs of activities described in paragraph (3).

(D) REQUIREMENTS FOR MAKING DIRECT PAYMENTS.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the trustee shall make each payment described in subparagraph (C)(v) in accordance with such requirements as the Indian tribe may prescribe in the trust agreement under subparagraph (C).

(ii) PAYMENTS TO CONTRACTORS.—As a condition of making a payment to a contractor under subparagraph (C)(v), the trustee shall require an inspection of the project of the contractor, to ensure the completion of the project, by—

(I) a local financial institution; or

(II) an independent inspecting architect or engineer.

(iii) CONTRACTS.—Each contract under subparagraphs (A) and (B) of paragraph (3) shall require, or be renegotiated to require, that each payment under the contract shall be made in accordance with this paragraph.

(5) PAYMENTS OF PRINCIPAL AND INTEREST.—

(A) PRINCIPAL.—

(i) IN GENERAL.—No principal payment on any qualified tribal school modernization bond shall be required until the final, stated maturity of the bond.

(ii) MATURITY.—

(I) IN GENERAL.—The final, stated maturity of a qualified tribal school modernization bond shall be not later than the date that is 15 years after the date of issuance of the bond.

(II) EXPIRATION.—On expiration of a qualified tribal school modernization bond under subclause (I), the entire outstanding principal under the bond shall become due and payable.

(B) INTEREST.—In lieu of interest on a qualified tribal school modernization bond, there shall be provided a tax credit under section 1400V of the Internal Revenue Code of 1986.

(6) BOND GUARANTEES.—

(A) IN GENERAL.—Payment of the principal portion of a qualified tribal school modernization bond issued under this subsection shall be guaranteed solely by amounts deposited with each respective bond trustee as described in paragraph (4)(C)(iii).

(B) ESCROW ACCOUNT.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(I) shall establish an escrow account, to be known as the ''Tribal School Modernization Escrow Account'';

(II) beginning in fiscal year 2010, may deposit in the escrow account not more than $50,000,000 of amounts made available for school replacement in the construction account of the Bureau; and

(III) may accept for transfer into the escrow account amounts from, as the Secretary determines to be appropriate—

(aa) other Federal departments and agencies (such as amounts made available for facility improvement and repairs); or

(bb) non-Federal public or private sources.

(ii) TRANSFERS OF EXCESS PROCEEDS.—The excess proceeds held under any trust agreement that are not used for a purpose described in clause (iii) or (v) of paragraph (4)(C) shall be transferred periodically by the trustee for deposit into the escrow account.

(iii) PAYMENTS.—The Secretary shall use any amounts deposited in the escrow account under clause (i) or (ii) to make payments—

(I) to trustees under paragraph (4); or

(II) under paragraph (2)(D).

(7) LIMITATIONS.—

(A) OBLIGATION TO REPAY.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the principal amount of any qualified tribal school modernization bond issued under this subsection shall be repaid only to the extent of any escrowed funds provided under paragraph (4)(C)(iii).

(ii) TREATMENT.—No qualified tribal school modernization bond issued by an Indian tribe under this subsection shall be an obligation of, and no payment of the principal of such a bond shall be guaranteed by—

(I) the United States;

(II) an Indian tribe; or

(III) the tribal school for which the bond was issued.

(B) LAND AND FACILITIES.—No land or facility purchased or improved using amounts provided under a qualified tribal school modernization bond issued under this subsection shall be mortgaged or used as collateral for the bond.

(8) SALE OF BONDS.—A qualified tribal school modernization bond may be sold at a purchase price equal to, in excess of, or at a discount from the par amount of the bond.

(9) TREATMENT OF TRUST AGREEMENT EARNINGS.—Amounts earned through the investment of funds under the control of a trustee under a trust agreement described in paragraph (4) shall not be subject to Federal income tax.

(10) INVESTMENT OF SINKING FUNDS.—Any sinking fund established for the purpose of the payment of principal on a qualified tribal school modernization bond shall be invested in—

(A) obligations issued or guaranteed by the United States; or

(B) such other assets as the Secretary of the Treasury may allow, by regulation.

(d) EXPANSION OF INCENTIVES FOR TRIBAL SCHOOLS.—Chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

''Subchapter Z—Tribal School Modernization Provisions

''SEC. 1400V. CREDIT TO HOLDERS OF QUALIFIED TRIBAL SCHOOL MODERNIZATION BONDS.

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified tribal school modernization bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tribal school modernization bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tribal school modernization bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (1), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the date of sale of the issue) on outstanding long-term corporate obligations of similar ratings (as determined by the Secretary).

''(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise

determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) QUALIFIED TRIBAL SCHOOL MODERNIZATION BOND; OTHER DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED TRIBAL SCHOOL MODERNIZATION BOND.—

''(A) IN GENERAL.—The term 'qualified tribal school modernization bond' means, subject to subparagraph (B), any bond issued as part of an issue under subsection (c) of the Indian School Construction Act, as in effect on the date of the enactment of this section, if—

''(i) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a school facility funded by the Bureau of Indian Affairs of the Department of the Interior or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

''(ii) the bond is issued by an Indian tribe,

''(iii) the issuer designates such bond for purposes of this section, and

''(iv) the term of each bond which is part of such issue does not exceed 15 years.

''(B) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(i) NATIONAL LIMITATION.—There is a national qualified tribal school modernization bond limitation for each calendar year. Such limitation is—

''(I) $200,000,000 for 2009,

''(II) $200,000,000 for 2010, and

''(III) zero for 2011 and thereafter.

''(ii) ALLOCATION OF LIMITATION.—The national qualified tribal school modernization bond limitation shall be allocated to Indian tribes by the Secretary of the Interior subject to the provisions of subsection (c) of the Indian School Construction Act, as in effect on the date of the enactment of this section.

''(iii) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d)(1) with respect to any Indian tribe shall not exceed the limitation amount allocated to such government under clause (ii) for such calendar year.

''(iv) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(I) the limitation amount under this subparagraph, exceeds

''(II) the amount of qualified tribal school modernization bonds issued during such year, the limitation amount under this subparagraph for the following calendar year shall be increased by the amount of such excess. The preceding sentence shall not apply if such following calendar year is after 2012.

''(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(3) BOND.—The term 'bond' includes any obligation.

''(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term 'Indian tribal government' by section 7701(a)(40), including the application of section 7871(d). Such term includes any consortium of Indian tribes approved by the Secretary of the Interior.

''(e) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(f) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified tribal school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(g) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified tribal school modernization bonds on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

''(h) CREDIT TREATED AS ALLOWED UNDER PART IV OF SUBCHAPTER A.—For purposes of subtitle F, the credit allowed by this section shall be treated as a credit allowable under part IV of subchapter A of this chapter.

''(i) REPORTING.—Issuers of qualified tribal school modernization bonds shall submit reports similar to the reports required under section 149(e).''.

(e) ADDITIONAL PROVISIONS.—

(1) SOVEREIGN IMMUNITY.—Nothing in this section or an amendment made by this section impacts, limits, or otherwise affects the sovereign immunity of the United States or any State or Indian tribal government.

(2) APPLICATION.—This section and the amendments made by this section shall take effect on the date of enactment of this Act with respect to bonds issued after December 31, 2009, regardless of the status of regulations promulgated pursuant to this section or an amendment made by this section.

SA 493. Mr. DODD (for himself, Mr. LIEBERMAN, Mrs. MURRAY, Mr. MENENDEZ, Mr. DURBIN, Mr. KERRY and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, between lines 4 and 5, insert the following:

SEC. 603. WAIVERS OF CERTAIN FIRE GRANT PROGRAM PROVISIONS.

(a) WAIVER OF FEDERAL SHARE REQUIREMENT.—Subparagraph (E) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) shall not apply to a grant awarded under such section 34(a)(1) during the fiscal years 2009 and 2010.

(b) CONDITIONAL WAIVER OF CERTAIN PROVISIONS.—If the Administrator of the United States Fire Administration of the Federal Emergency Management Agency determines that a recipient of a grant awarded during fiscal year 2009 or 2010 under section 34(a)(1) of such Act is a fire department located in a community facing a severe economic hardship, the Administrator may waive or modify, with respect to such recipient—

(1) the requirements of subparagraph (B) of such section 34(a)(1); and

(2) the provision in paragraph (1) of section 34(c) of such Act.

SA 494. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

SEC. 1607. WORKER EMPLOYMENT PLAN.

Not later than 6 months after the date of enactment of this Act, the Secretary of Labor shall develop and implement a plan to connect individuals from low-income and high unemployment areas to employment opportunities associated with projects funded under this Act.

SA 495. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 6, before the period at the end, insert ''*Provided*, That the funds may be used for research in renewable fuels and emerging agricultural production technologies that reduce agricultural input costs, increase agricultural profitability, and decrease dependence on foreign fuels''.

SA 496. Mr. CARPER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Insert on p. 46, line 18:

(c) CONFORMING AMENDMENT.—Section 45Q(d)(2) is amended by inserting'', oil and

gas reservoirs,'' after ''deep saline formations'' and before ''and unminable coal seems''.

(d) CONFORMING AMENDMENT.—Section 45Q(d)(2) is amended by striking ''coordination'' and replacing with ''consultation'', and inserting after ''Environmental Protection Agency'' '', the Secretary of Energy, and the Secretary of the Interior,''

(e) CONFORMING AMENDMENT.—Section 45Q(e) is amended by striking ''or used as a tertiary injectant.'' at the end of subsection (e) and inserting in its place ''in accordance with subsection (a).''.

With subsequent relettering of the subsection (c) to (f) and (d) to (g).

SA 497. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 74, strike line 22 and all that following through page 75, line 2, and insert the following:

Provided further, That $1,520,000,000 is available for competitive solicitations for a range of industrial applications: *Provided further*, That, pursuant to section 703 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17251), at least $1,420,000,000 is available for projects that demonstrate carbon capture from industrial sources: *Provided further*, That awards for such projects under section 703 of that Act may include power plant efficiency improvements for integration with carbon capture technology: *Provided further*, That, pursuant to section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293), up to $100,000,000 may be available for a competitive solicitation for pilot and commercial scale projects that advance innovative and novel concepts for carbon dioxide capture and beneficial carbon dioxide reuse.

SA 498. Mr. BEGICH (for himself, Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 228, line 6, insert ''*Provided further*, That not less than $900,000,000 of the amounts provided under this heading shall be available for port infrastructure investment grants by the Maritime Administration:'' after ''movement:''.

SA 499. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 3 and 4, insert the following:

SEC. 107. ADDITIONAL FUNDS FOR THE FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $200,000,000 for the Food and Drug Administration for new laboratory equipment and Internet Technology updates to help detect and track foodborne illness outbreaks.

(b) OFFSET.—Notwithstanding any other provision of this Act, the amount appropriated under title V for the ''FEDERAL BUILDINGS FUND'' shall be reduced by $200,000,000.

SA 500. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Strike all between page 70, line 13 and page 72, line 22 and insert the following:

''For an additional amount for ''Energy Efficiency and Renewable Energy'', $14,398,000,000, for necessary expenses, to remain available until September 30, 2010: *Provided*, That $2,000,000,000 shall be available for grants for the manufacturing of advanced batteries and components and the Secretary shall provide facility funding awards under this section to manufacturers of advanced battery systems and vehicle batteries that are produced in the United States, including advanced lithium ion batteries, hybrid electrical systems, component manufacturers, and software designers: *Provided further*, That Section 136(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(b)) is amended for Fiscal Years 2009 and 2010 by striking ''30 percent'' and inserting ''90 percent'': *Provided further*, That $2,048,000,000 shall be for expenses necessary for energy efficiency and renewable energy research, development, demonstration and deployment activities: *Provided further*, That of which not less than $100,000,000 shall be for the building codes training and technical assistance program of the Department of Energy, including section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833): *Provided further*, That of which not less than $180,000,000 shall be available for renewable energy construction grants under section 803 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282), geothermal energy programs and grants under sections 613, 614, 615, and 625 of that Act (42 U.S.C. 17192, 17193, 17194, 17204), and the marine and hydrokinetic renewable energy technologies program established under section 633 of that Act (42 U.S.C. 17212): *Provided further*, That the Secretary of Energy shall increase the ceiling on energy savings performance contracts entered into under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) prior to December 1, 2008, to ensure that projects for which a contractor has been selected under the contracts are concluded in a timely manner: *Provided further*, That $2,900,000,000 shall be for the Weatherization Assistance Program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.): *Provided further*, That $500,000,000 shall be for the State Energy Program authorized under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321): *Provided further*, That $4,200,000,000 shall be available for Energy Efficiency and Conservation Grants, of which $2,100,000,000 is available through the formula in subtitle E of title V of the Energy Independence and Security Act of 2007 (42 U.S.C. 17151 et seq.): *Provided further*, That the remaining $2,100,000,000 shall be awarded on a competitive basis: *Provided further*, That $350,000,000 is for grants to implement Section 721 of the Energy Policy Act of 2005 (42 U.S.C. 16091 et seq.) for acquisition and alternative fuel or fuel-cell vehicles, especially for transportation purposes: *Provided further*, That $200,000,000 for grants to states under Section 131 of the Energy Independence and Security Act of 2007 to plan, develop, and demonstrate electrical infrastructure projects that encourage the use of plug-in electric drive vehicles and for near term large-scale electrification projects aimed at the transportation sector: *Provided further*, That no funds are provided for grants under Section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1): *Provided further*, That $2,200,000,000 is available to off-set the costs associated with Federal Purchases of Electricity Generated by Renewable Energy contained in Section 407 of this Act: *Provided further*, That notwithstanding section 3304 of title 5, United States Code, and without regard to the provisions of sections 3309 through 3318 of such title 5, the Secretary of Energy, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, may from within the funds provided, recruit and directly appoint highly-qualified individuals into the competitive service: *Provided further*, That such authority shall not apply to positions in the Excepted Service or the Senior Executive Service: *Provided further*, That any action authorized herein shall be consistent with the merit principles of section 2301 of such title 5, and the Department shall comply with the public notice requirements of section 3327 of such title 5.

SA 501. Mr. GRAHAM (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, strike lines 1 through 4.

On page 37, strike lines 1 through 5.

On page 37, line 10, strike ''$9,000,000,000'' and insert ''$8,800,000,000''

On page 37, line 13, strike ''not'' and all that follows through ''libraries:'' on line 16.

On page 39, strike line 3 and all that follows through page 40, line 2.

On page 42, strike lines 10 through 14.

On page 44, line 18, strike ''$300,000,000'' and insert ''$275,000,000''.

On page 44, line 25, after the semicolon insert ''and''

On page 45, line 2, strike ''; and'' and insert a period.

On page 45, strike lines 3 through 5.

On page 57, line 10, strike ''$1,169,291,000'' and insert ''$1,069,291,000''.

On page 57, line 14, strike ''$571,843,000'' and insert ''$531,843,000''.

On page 57, line 18, strike ''$112,167,000'' and insert ''$92,167,000''.

On page 57, line 22, strike ''$927,113,000'' and insert ''$887,113,000''.

On page 92, strike lines 1 through 20.

On page 93, line 7, strike ''$9,048,000,000'' and insert ''$8,048,000,000''.

On page 93, line 12, strike ''$6,000,000,000'' and insert ''$5,000,000,000''.

On page 93, line 23, strike ''$7,000,000,000'' and insert ''$6,000,000,000''.

On page 95, strike lines 1 through 8.

On page 123, line 9, strike ''$3,250,000,000'' and insert ''$2,050,000,000''.

On page 123, strike line 18 and all that follows through page 124, line 9.

On page 124, line 10, strike ''(3)'' and insert ''(2)''.

On page 124, line 13, strike ''(4)'' and insert ''(3)''.

On page 124, line 15, strike ''(5)'' and insert ''(4)''.

On page 125, line 1, strike ''(6)'' and insert ''(5)''.

On page 127, line 23, strike ''$1,088,000,000'' and insert ''$1,000,000,000''.

On page 127, line 24, strike ''of which'' and all that follows through ''and'' on page 128, line 3.

On page 128, strike lines 8 through 22.

On page 130, strike lines 4 through 10.

On page 213, line 22, strike ''$64,961,000'' and insert ''$59,476,000''.

On page 213, line 25, strike ''; and'' and all that follows through ''initiatives'' on lines 25 and 26.

On page 137, line 17, strike ''$5,800,000,000'' and insert ''$5,325,000,000''.

On page 139, line 22, after ''funds:'' insert ''*Provided further*, That none of the amounts available under this paragraph may be used for the screening or prevention of any sexually transmitted disease or for any smoking cessation activities.''

On page 391, line 5, strike ''$79,000,000,000'' and insert ''$62,800,000,000''.

At the end of division A, add the following:

TITLE XVII—FORECLOSURE PREVENTION MORTGAGE MODIFICATIONS

SEC. 1701. DEFINITIONS.

In this title—

(1) the term ''Corporation'' means the Federal Deposit Insurance Corporation;

(2) the term ''Chairperson'' means the Chairperson of the Board of Directors of the Corporation;

(3) the term ''Secretaries'' means the Secretary of the Treasury and the Secretary of Housing and Urban Development, jointly;

(4) the term ''program'' means the foreclosure prevention and mortgage modification program established under this section; and

(5) the term ''eligible mortgage'' means an extension of credit that is secured by real property that is the primary residence of the borrower.

SEC. 1702. LOAN MODIFICATION PROGRAM.

(a) ESTABLISHMENT.—The Chairperson shall establish a systematic foreclosure prevention and mortgage modification program, in consultation with the Secretaries, that—

(1) provides lenders and loan servicers with compensation to cover administrative costs for each eligible mortgage modified according to the required standards; and

(2) provides loss sharing or guarantees for certain losses incurred if a modified eligible mortgage should subsequently redefault.

(b) PROGRAM COMPONENTS.—The program established under subsection (a) shall include the following components:

(1) EXCLUSION FOR EARLY PAYMENT DEFAULT.—To promote sustainable mortgages, loss sharing or guarantees under the program shall be available only after the borrower has made a specified minimum number of payments on the modified mortgage, as determined by the Chairperson.

(2) STANDARD NET PRESENT VALUE TEST.—In order to promote consistency and simplicity in implementation and auditing under the program, the Chairperson shall prescribe and require lenders and loan servicers to apply a standardized net present value analysis for participating lenders and loan servicers that compares the expected net present value of modifying past due mortgage loans with the net present value of foreclosing on such mortgage loans. The Chairperson shall use standard industry assumptions to ensure that a consistent standard for affordability is provided, based on a ratio of the borrower's mortgage-related expenses to gross monthly income specified by the Chairperson.

(3) SYSTEMATIC LOAN REVIEW BY PARTICIPATING LENDERS AND SERVICERS.—

(A) REQUIREMENT.—Any lender or loan servicer that participates in the program shall be required—

(i) to undertake a systematic review of all of the eligible mortgage loans under its management;

(ii) to subject each such eligible mortgage loan to the standard net present value test prescribed by the Chairperson to determine whether it is suitable for modification under the program; and

(iii) to offer modifications for all eligible mortgages that meet such test.

(B) DISQUALIFICATION.—Any lender or loan servicer that fails to undertake a systematic review and to carry out modifications where they are justified, as required by subparagraph (A), shall be disqualified from further participation in the program, pending proof of compliance with subparagraph (A).

(4) MODIFICATIONS.—Modifications to eligible mortgages under the program may include—

(A) reduction in interest rates and fees;

(B) term or amortization extensions;

(C) forbearance or forgiveness of principal; and

(D) other similar modifications, as determined appropriate by the Chairperson.

(5) LOSS SHARE CALCULATION.—In order to ensure the administrative efficiency and effective operation of the program and to provide adequate incentive to lenders and loan servicers to modify eligible mortgages and avoid unnecessary foreclosures, the Chairperson shall define appropriate standardized measures for loss sharing or guarantees.

(6) DE MINIMIS TEST.—The Chairperson shall implement a de minimis test to exclude from loss sharing under the program any modification that does not lower the monthly loan payment to the borrower by at least 7 to 15 percent, at the determination of the Chairperson.

(7) TIME LIMIT ON LOSS SHARING PAYMENT.—At the determination of the Chairperson, a loss sharing guarantee under the program shall terminate between 5 and 15 years after the date on which the mortgage modification is consummated, as determined by the Chairperson.

SEC. 1703. ALTERNATIVE COMPONENTS.

(a) IN GENERAL.—The Chairperson may, with the approval of the Secretaries, and after making the certifications to Congress required by subsection (b), implement foreclosure prevention and mitigation actions other than those authorized under section 1702.

(b) CERTIFICATION TO CONGRESS.—The Chairperson shall certify to Congress that the Chairperson believes the alternative foreclosure mitigation actions would provide equivalent or greater impact or have a more cost-effective impact on foreclosure mitigation than those authorized under section 1702. Such certification shall contain quantitative projections of the benefit of pursuing the alternative actions in place of or in addition to the actions authorized under section 1702.

SEC. 1704. TIMELY IMPLEMENTATION.

The Chairperson shall begin implementation of, and shall allow lenders and loan servicers to begin participation in, the mortgage modification program under this title not later than 1 month after the date of enactment of this Act.

SEC. 1705. SAFE HARBOR FOR LOAN SERVICERS.

(a) LOAN MODIFICATIONS AND WORKOUT PLANS.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a loan servicer and a securitization vehicle or investor, a loan servicer that acts consistent with the duty set forth in section 129A(a) of Truth in Lending Act (15 U.S.C. 1639a) shall not be liable for entering into a loan modification or workout plan under the program established under this title, or with respect to any mortgage that meets all of the criteria set forth in subsection (b)(2), to—

(1) any person, based on that person's ownership of a residential mortgage loan or any interest in a pool of residential mortgage loans or in securities that distribute payments out of the principal, interest, and other payments on loans in the pool;

(2) any person who is obligated to make payments determined in reference to any loan or any interest referred to in paragraph (1); or

(3) any person that insures any loan or any interest referred to in paragraph (1) under any provision of law or regulation of the United States or of any State or political subdivision of any State.

(b) ABILITY TO MODIFY MORTGAGES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a loan servicer and a securitization vehicle or investor, with respect to any mortgage loan that meets all of the criteria set forth in paragraph (2), or which is modified in accordance with the loan modification program established under this title, a loan servicer—

(A) shall not be limited in the ability to modify mortgages, the number of mortgages that can be modified, the frequency of loan modifications, or the range of permissible modifications;

(B) shall not be obligated to repurchase loans from or otherwise make payments to the securitization vehicle on account of a modification, workout, or other loss mitigation plan for a residential mortgage or a class of residential mortgages that constitute a part or all of the mortgages in the securitization vehicle; and

(C) shall not lose the safe harbor protection provided under subsection (a) due to actions taken in accordance with subparagraphs (A) and (B).

(2) CRITERIA.—A mortgage loan described in this paragraph is a mortgage loan with respect to which—

(A) default on the payment of such mortgage has occurred or is reasonably foreseeable;

(B) the property securing such mortgage is occupied by the mortgagor; and

(C) the loan servicer reasonably and in good faith believes that the anticipated recovery on the principal outstanding obligation of the mortgage under the particular modification or workout plan or other loss mitigation action will exceed, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage to be realized through foreclosure.

(c) APPLICABILITY.—This section shall apply only with respect to modifications, workouts, and other loss mitigation plans initiated before July 1, 2010.

(d) REPORTING.—Each loan servicer that engages in loan modifications or workout plans subject to the safe harbor in this section shall report to the Chairperson on a regular basis regarding the extent, scope, and results of the loan servicer's modification activities, subject to the rules of the Chairperson regarding the form, content, and timing of such reports.

(e) DEFINITION OF SECURITIZATION VEHICLES.—For purposes of this section, the term `securitization vehicle' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(1) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

(2) holds such mortgages.

SEC. 1706. FUNDING.

There is appropriated to the Secretary of the Treasury to cover the costs incurred by the Corporation in carrying out the mortgage modification program established under this title, $22,850,000,000. Funds that are unused by July 1, 2010, shall be returned to the General Fund of the Treasury of the United States, unless otherwise directed by Congress.

SEC. 1707. FDIC COSTS AND AUTHORITY.

(a) TRANSFER FROM SECRETARY.—The Chairperson shall, from time to time, request payment of the anticipated costs of carrying out the program, including any administrative costs, and the Secretary of the Treasury shall immediately pay the amounts requested to the Corporation from the funds made available under section 1706.

(b) CORPORATION AUTHORITY.—In carrying out its responsibilities under this title, the Corporation may exercise its authority under section 9 of the Federal Deposit Insurance Act.

SEC. 1708. REPORT.

Before the end of the 2-month period beginning on the date of enactment of this Act and every 3 months thereafter, the Chairperson shall submit a report to the Congress detailing the implementation results and costs of the mortgage modification program, and containing such recommendations for legislative or administrative action as the Chairperson may determine to be appropriate.

SA 502. Mr. BINGAMAN (for himself, Mr. MENENDEZ, Mr. DORGAN, Mr. BENNETT, Ms. MURKOWSKI, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Page 90, line 15 insert the following:

SEC. 4.—FEDERAL PURCHASES OF ELECTRICITY GENERATED BY RENEWABLE ENERGY.

(a) IN GENERAL.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended by adding at the end the following:

''(e) CONTRACT PERIOD—

''(1) IN GENERAL.—Notwithstanding section 501(b)(1)(B) of Title 40, United States Code, a contract entered into by a Federal agency to acquire renewable energy may be made for a period of not more than 30 years.

''(2) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Federal agencies to enter into contracts under this subsection.

''(3) STANDARDIZED RENEWABLE ENERGY PURCHASE AGREEMENT.—Not later than 90 days after the date of enactment of this subsection, the Secretary, acting through the Federal Energy Management Program, shall publish a standardized renewable energy purchase agreement setting forth commercial terms and conditions that can be used by Federal agencies to acquire renewable energy.''.

(b) FUNDING.—The Amount Otherwise made available for ''Energy Efficiency and Renewable Energy'' by the matter under the heading ''ENERGY EFFICIENCY AND RENEWABLE ENERGY'' under the heading ''ENERGY PROGRAMS'' under the heading ''DEPARTMENT OF ENERGY'' of this title shall be reduced by the amount necessary to carry out the amendment made by subsection (a).

SA 503. Mr. BINGAMAN (for himself, Mr. CARPER, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 518, beginning on line 1, strike through page 521, line 23, and insert the following:

''(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(3) LIMITATION.—The amount which is treated for all taxable years with respect to any qualifying advanced energy project shall not exceed the amount designated by the Secretary as eligible for the credit under this section.

''(c) DEFINITIONS.—

''(1) QUALIFYING ADVANCED ENERGY PROJECT.—

''(A) IN GENERAL.—The term 'qualifying advanced energy project' means a project—

''(i) which re-equips, expands, or establishes a manufacturing facility for the production of property which is—

''(I) designed to be used to produce energy from the sun, wind, geothermal deposits (within the meaning of section 613(e)(2)), or other renewable resources,

''(II) designed to manufacture fuel cells, microturbines, or an energy storage system for use with electric or hybrid-electric motor vehicles,

''(III) designed to manufacture electric grids to support the transmission of intermittent sources of renewable energy, including storage of such energy,

''(IV) designed to capture and sequester carbon dioxide emissions,

''(V) designed to refine or blend renewable fuels or to produce energy conservation technologies (including energy-conserving lighting technologies and smart grid technologies), or

''(VI) other advanced energy property designed to reduce greenhouse gas emissions as may be determined by the Secretary, and

''(ii) any portion of the qualified investment of which is certified by the Secretary under subsection (d) as eligible for a credit under this section.

''(B) EXCEPTION.—Such term shall not include any portion of a project for the production of any property which is used in the refining or blending of any transportation fuel (other than renewable fuels).

''(2) ELIGIBLE PROPERTY.—The term 'eligible property' means any property which is part of a qualifying advanced energy project and is necessary for the production of property described in paragraph (1)(A)(i).

''(d) QUALIFYING ADVANCED ENERGY PROJECT PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a qualifying advanced energy project program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program shall not exceed $2,000,000,000.

''(2) CERTIFICATION.—

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1).

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 2 years from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

''(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 5 years from the date of issuance of the certification in order to place the project in service and if such project is not placed in service by that time period then the certification shall no longer be valid.

''(3) SELECTION CRITERIA.—In determining which qualifying advanced energy projects to certify under this section, the Secretary—

''(A) shall take into consideration only those projects where there is a reasonable expectation of commercial viability, and

''(B) shall take into consideration which projects—

''(i) will provide the greatest domestic job creation (both direct and indirect) during the credit period,

''(ii) will provide the greatest net impact in avoiding or reducing air pollutants or anthropogenic emissions of greenhouse gases,

''(iii) have the greatest readiness for commercial employment, replication, and further commercial use in the United States,

''(iv) will provide the greatest benefit in terms of newness in the commercial market,

''(v) have the lowest levelized cost of generated or stored energy, or of measured reduction in energy consumption or greenhouse gas emission (based on costs of the full supply chain), and

''(vi) have the shortest project time from certification to completion.''.

SA 504. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 176, line 7, insert ''and for activities described in subparagraph (B)'' before the period at the end.

On page 176, line 8, strike ''REQUIRED''.

On page 176, line 13, insert after the period at the end the following: ''Each State educational agency may use a portion of the reserved funds under subparagraph (A) for renovation, repair, and construction of State-operated or State-supported elementary schools and secondary schools if such activities meet the requirements of subsection (c).''.

SA 505. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 185, between lines 8 and 9, insert the following:

(v) carrying out measures designed to reduce or eliminate human exposure to classroom noise and environmental noise pollution.

SA 506. Mrs. MCCASKILL (for herself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 409, strike lines 16 through 19, and insert the following:

(C) auditing or reviewing covered funds to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring and referring matters the Board considers appropriate for investigation to the inspector general for the agency that disbursed the covered funds;

On page 410, line 3, insert before the period '', including coordinating and collaborating to the extent practicable with the Inspectors General Council on Integrity and Efficiency established by the Inspector General Reform Act of 2008 (Public Law 110–409)''.

On page 411, strike lines 1 through 3, and insert ''subject to disclosure under sections 552 and 552a of title 5, United States Code, (commonly referred to as the Freedom of Information Act and the Privacy Act).''

On page 411, line 20, strike all after ''conduct'' through line 22, and insert ''audits and reviews of spending of covered funds and coordinate on such activities with the inspectors general of the relevant agencies to avoid duplication of work.''.

On page 411, line 23, strike ''INVESTIGATIONS'' and insert ''REVIEWS''.

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

On page 412, line 3, strike ''investigations'' and insert ''reviews''.

On page 412, line 7, strike ''INVESTIGATIONS'' and insert ''REVIEWS''.

On page 412, lines 16 and 17, strike ''investigative depositions'' and insert ''necessary inquiries''.

On page 412, strike lines 21 through 23 and insert ''are not Federal officers or employees at such public hearings. Any such subpoenas may be enforced in the same manner as provided for inspector general subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).''.

On page 413, line 8, strike all after ''audits'' through line 11 and insert '', reviews, or other activities relating to oversight by the Board of covered funds to any office of inspector general (including for the purpose of a related investigation of an inspector general), the Office of Management and Budget, the General Services Administration, and the Panel.''.

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

On page 415, line 23, strike the period through line 25 and insert '', a brief statement or notification. The statement or notification shall state the reasons that the inspector general has rejected the request in whole or in part. The decision of the inspector general to reject the request shall be final.''.

SA 507. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1518 and insert the following:

SEC. 1518. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS.

(a) PROHIBITION OF REPRISALS.—An employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), a court or grand jury, the head of a Federal agency, or their representatives information that the employee reasonably believes is evidence of—

(1) gross mismanagement of an agency contract or grant relating to covered funds;

(2) a gross waste of covered funds;

(3) a substantial and specific danger to public health or safety related to the implementation or use of covered funds;

(4) an abuse of authority related to the implementation or use of covered funds; or

(5) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

(b) INVESTIGATION OF COMPLAINTS.—

(1) IN GENERAL.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint regarding the reprisal to the appropriate inspector general. Except as provided under paragraph (3), unless the inspector general determines that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint, the inspector general shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the person's employer, the head of the appropriate agency, and the Board.

(2) TIME LIMITATIONS FOR ACTIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the inspector general shall, not later than 180 days after receiving a complaint under paragraph (1)—

(i) make a determination that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint; or

(ii) submit a report under paragraph (1).

(B) EXTENSIONS.—

(i) VOLUNTARY EXTENSION AGREED TO BETWEEN INSPECTOR GENERAL AND COMPLAINANT.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A) and the person submitting the complaint agrees to an extension of time, the inspector general shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the inspector general and the person submitting the complaint.

(ii) EXTENSION GRANTED BY INSPECTOR GENERAL.—If the inspector general is unable to complete an investigation under this section

in time to submit a report within the 180-day period specified under subparagraph (A), the inspector general may extend the period for not more than 180 days without agreeing with the person submitting the complaint to such extension, provided that the Inspector General provides a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for the decision, which shall be provided to both the person submitting the complaint and the non-Federal employer.

(iii) SEMI-ANNUAL REPORT ON EXTENSIONS.—The inspector general shall include in semi-annual reports to Congress a list of those investigations for which the inspector general received an extension, including a copy of each written explanation provided with respect to extensions under clause (ii).

(3) DISCRETION NOT TO INVESTIGATE COMPLAINTS.—

(A) IN GENERAL.—The inspector general may decide not to conduct or continue an investigation under this section upon providing to the person submitting the complaint and the non-Federal employer a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for such decision.

(B) ASSUMPTION OF RIGHTS TO CIVIL REMEDY.—Upon receipt of an explanation of a decision not to conduct or continue an investigation under subparagraph (A), the person submitting a complaint shall immediately assume the right to a civil remedy under subsection (c)(2) as if the 210-day period specified under such subsection has already passed.

(C) SEMI-ANNUAL REPORT.—The inspector general shall include in semi-annual reports to Congress a list of those investigations the inspector general decided not to conduct or continue under this paragraph, including copies of the written explanations for such decisions not to investigate.

(4) BURDEN OF PROOF.—

(A) DISCLOSURE AS CONTRIBUTING FACTOR IN REPRISAL.—

(i) IN GENERAL.—A person alleging a reprisal under this section shall be deemed to have affirmatively established the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal.

(ii) USE OF CIRCUMSTANTIAL EVIDENCE.—A disclosure may be demonstrated as a contributing factor in a reprisal for purposes of this paragraph by circumstantial evidence, including—

(I) evidence that the official undertaking the reprisal knew of the disclosure; or

(II) evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

(B) OPPORTUNITY FOR REBUTTAL.—The inspector general may not find the occurrence of a reprisal with respect to a reprisal that is affirmatively established under subparagraph (A) if the non-Federal employer demonstrates by clear and convincing evidence that the non-Federal employer would have taken the action constituting the reprisal in the absence of the disclosure.

(5) ACCESS TO INVESTIGATIVE FILE OF INSPECTOR GENERAL.—

(A) IN GENERAL.—The person alleging a reprisal under this section shall have access to the complete investigation file of the appropriate inspector general in accordance with section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act''). The investigation of the inspector general shall be deemed closed for purposes of disclosure under such section when an employee files an appeal to an agency head or a court of competent jurisdiction.

(B) CIVIL ACTION.—In the event the person alleging the reprisal brings suit under subsection (c)(2)(A), the person alleging the reprisal and the non-Federal employer shall have access to the complete investigative file of the Inspector General in accordance with the Privacy Act.

(C) EXCEPTION.—The inspector general may exclude from disclosure—

(i) information protected from disclosure by a provision of law; and

(ii) any additional information the inspector general determines disclosure of which would impede a continuing investigation, provided that such information is disclosed once such disclosure would no longer impede such investigation.

(6) PRIVACY OF INFORMATION.—An inspector general investigating an alleged reprisal under this section may not respond to any inquiry or disclose any information from or about any person alleging such reprisal, except in accordance with the provisions of section 552a of title 5, United States Code, or as required by any other applicable Federal law.

(c) REMEDY AND ENFORCEMENT AUTHORITY.—

(1) AGENCY ACTION.—Not later than 30 days after receiving an inspector general report under subsection (b), the head of the agency concerned shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief in whole or in part or shall take 1 or more of the following actions:

(A) Order the employer to take affirmative action to abate the reprisal.

(B) Order the employer to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), compensatory damages, employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the employer to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency or a court of competent jurisdiction.

(2) CIVIL ACTION.—

(A) IN GENERAL.—If the head of an agency issues an order denying relief in whole or in part under paragraph (1), has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under subsection (b)(2)(B)(i), within 30 days after the expiration of the extension of time, or decides under subsection (b)(3) not to investigate or to discontinue an investigation, and there is no showing that such delay or decision is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the employer to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

(B) BURDENS OF PROOF.—In any action under subparagraph (A), the establishment of the occurrence of a reprisal shall be governed by the provisions of subsection (b)(3)(A), including with respect to burden of proof, and the establishment that an action alleged to constitute a reprisal did not constitute a reprisal shall be subject to the burden of proof specified in subsection (b)(4)(C).

(3) JUDICIAL ENFORCEMENT OF ORDER.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorneys fees and costs.

(4) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

(d) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

(1) WAIVER OF RIGHTS AND REMEDIES.—Except as provided under paragraph (3), the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) PREDISPUTE ARBITRATION AGREEMENTS.—Except as provided under paragraph (3), no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising under this section.

(3) EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS.—Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under the collective bargaining agreement.

(e) REQUIREMENT TO POST NOTICE OF RIGHTS AND REMEDIES.—Any employer receiving covered funds shall post notice of the rights and remedies provided under this section.

(f) RULES OF CONSTRUCTION.—

(1) NO IMPLIED AUTHORITY TO RETALIATE FOR NON-PROTECTED DISCLOSURES.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

(2) RELATIONSHIP TO STATE LAWS.—Nothing in this section may be construed to preempt, preclude, or limit the protections provided for public or private employees under State whistleblower laws.

(g) DEFINITIONS.—In this Act:

(1) ABUSE OF AUTHORITY.—The term ''abuse of authority'' means an arbitrary and capricious exercise of authority by a contracting official or employee that adversely affects the rights of any person, or that results in personal gain or advantage to the official or employee or to preferred other persons.

(2) COVERED FUNDS.—The term ''covered funds'' means any contract, grant, or other

payment received by any non-Federal employer if—

(A) the Federal Government provides any portion of the money or property that is provided, requested, or demanded; and

(B) at least some of the funds are appropriated or otherwise made available by this Act.

(3) EMPLOYEE.—The term ''employee''—

(A) except as provided under subparagraph (B), means an individual performing services on behalf of an employer; and

(B) does not include any Federal employee or member of the uniformed services (as that term is defined in section 101(a)(5) of title 10, United States Code).

(4) NON-FEDERAL EMPLOYER.—The term ''non-Federal employer''—

(A) means any employer—

(i) with respect to covered funds—

(I) the contractor, subcontractor, grantee, or recipient, as the case may be, if the contractor, grantee, or recipient is an employer; and

(II) any professional membership organization, certification or other professional body, any agent or licensee of the Federal government, or any person acting directly or indirectly in the interest of an employer receiving covered funds; or

(ii) with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor or subcontractor of the State or local government; and

(B) does not mean any department, agency, or other entity of the Federal Government.

(5) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' means—

(A) the government of each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Is Lands, or any other territory or possession of the United States; or

(B) the government of any political subdivision of a government listed in subparagraph (A).

SA 508. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 409, strike lines 16 through 19, and insert the following:

(C) auditing or reviewing covered funds to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring and referring matters the Board considers appropriate for investigation to the inspector general for the agency that disbursed the covered funds;

On page 410, line 3, insert before the period '', including coordinating and collaborating to the extent practicable with the Inspectors General Council on Integrity and Efficiency established by the Inspector General Reform Act of 2008 (Public Law 110–409)''.

On page 411, strike lines 1 through 3, and insert ''subject to disclosure under sections 552 and 552a of title 5, United States Code, (commonly referred to as the Freedom of Information Act and the Privacy Act).''

On page 411, line 20, strike all after ''conduct'' through line 22, and insert ''audits and reviews of spending of covered funds and coordinate on such activities with the inspectors general of the relevant agencies to avoid duplication of work.''.

On page 411, line 23, strike ''INVESTIGATIONS'' and insert ''REVIEWS''.

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

On page 412, line 3, strike ''investigations'' and insert ''reviews''.

On page 412, line 7, strike ''INVESTIGATIONS'' and insert ''REVIEWS''.

On page 412, lines 16 and 17, strike ''investigative depositions'' and insert ''necessary inquiries''.

On page 412, strike lines 21 through 23 and insert ''are not Federal officers or employees at such public hearings. Any such subpoenas may be enforced in the same manner as provided for inspector general subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).''.

On page 413, line 8, strike all after ''audits'' through line 11 and insert '', reviews, or other activities relating to oversight by the Board of covered funds to any office of inspector general (including for the purpose of a related investigation of an inspector general), the Office of Management and Budget, the General Services Administration, and the Panel.''.

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

On page 415, line 23, strike the period through line 25 and insert '', a brief statement or notification. The statement or notification shall state the reasons that the inspector general has rejected the request in whole or in part. The decision of the inspector general to reject the request shall be final.''.

On page 416, strike line 6 and all that follows through page 421, line 4, and insert the following:

SEC. 1518. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS.

(a) PROHIBITION OF REPRISALS.—An employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), a court or grand jury, the head of a Federal agency, or their representatives information that the employee reasonably believes is evidence of—

(1) gross mismanagement of an agency contract or grant relating to covered funds;

(2) a gross waste of covered funds;

(3) a substantial and specific danger to public health or safety related to the implementation or use of covered funds;

(4) an abuse of authority related to the implementation or use of covered funds; or

(5) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

(b) INVESTIGATION OF COMPLAINTS.—

(1) IN GENERAL.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint regarding the reprisal to the appropriate inspector general. Except as provided under paragraph (3), unless the inspector general determines that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint, the inspector general shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the person's employer, the head of the appropriate agency, and the Board.

(2) TIME LIMITATIONS FOR ACTIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the inspector general shall, not later than 180 days after receiving a complaint under paragraph (1)—

(i) make a determination that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint; or

(ii) submit a report under paragraph (1).

(B) EXTENSIONS.—

(i) VOLUNTARY EXTENSION AGREED TO BETWEEN INSPECTOR GENERAL AND COMPLAINANT.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A) and the person submitting the complaint agrees to an extension of time, the inspector general shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the inspector general and the person submitting the complaint.

(ii) EXTENSION GRANTED BY INSPECTOR GENERAL.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A), the inspector general may extend the period for not more than 180 days without agreeing with the person submitting the complaint to such extension, provided that the Inspector General provides a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for the decision, which shall be provided to both the person submitting the complaint and the non-Federal employer.

(iii) SEMI-ANNUAL REPORT ON EXTENSIONS.—The inspector general shall include in semi-annual reports to Congress a list of those investigations for which the inspector general received an extension, including a copy of each written explanation provided with respect to extensions under clause (ii).

(3) DISCRETION NOT TO INVESTIGATE COMPLAINTS.—

(A) IN GENERAL.—The inspector general may decide not to conduct or continue an investigation under this section upon providing to the person submitting the complaint and the non-Federal employer a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for such decision.

(B) ASSUMPTION OF RIGHTS TO CIVIL REMEDY.—Upon receipt of an explanation of a decision not to conduct or continue an investigation under subparagraph (A), the person submitting a complaint shall immediately assume the right to a civil remedy under subsection (c)(2) as if the 210-day period specified under such subsection has already passed.

(C) SEMI-ANNUAL REPORT.—The inspector general shall include in semi-annual reports to Congress a list of those investigations the inspector general decided not to conduct or continue under this paragraph, including copies of the written explanations for such decisions not to investigate.

(4) BURDEN OF PROOF.—

(A) DISCLOSURE AS CONTRIBUTING FACTOR IN REPRISAL.—

(i) IN GENERAL.—A person alleging a reprisal under this section shall be deemed to have affirmatively established the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal.

(ii) USE OF CIRCUMSTANTIAL EVIDENCE.—A disclosure may be demonstrated as a contributing factor in a reprisal for purposes of this paragraph by circumstantial evidence, including—

(I) evidence that the official undertaking the reprisal knew of the disclosure; or

(II) evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

(B) OPPORTUNITY FOR REBUTTAL.—The inspector general may not find the occurrence of a reprisal with respect to a reprisal that is affirmatively established under subparagraph (A) if the non-Federal employer demonstrates by clear and convincing evidence that the non-Federal employer would have taken the action constituting the reprisal in the absence of the disclosure.

(5) ACCESS TO INVESTIGATIVE FILE OF INSPECTOR GENERAL.—

(A) IN GENERAL.—The person alleging a reprisal under this section shall have access to the complete investigation file of the appropriate inspector general in accordance with section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act''). The investigation of the inspector general shall be deemed closed for purposes of disclosure under such section when an employee files an appeal to an agency head or a court of competent jurisdiction.

(B) CIVIL ACTION.—In the event the person alleging the reprisal brings suit under subsection (c)(2)(A), the person alleging the reprisal and the non-Federal employer shall have access to the complete investigative file of the Inspector General in accordance with the Privacy Act.

(C) EXCEPTION.—The inspector general may exclude from disclosure—

(i) information protected from disclosure by a provision of law; and

(ii) any additional information the inspector general determines disclosure of which would impede a continuing investigation, provided that such information is disclosed once such disclosure would no longer impede such investigation.

(6) PRIVACY OF INFORMATION.—An inspector general investigating an alleged reprisal under this section may not respond to any inquiry or disclose any information from or about any person alleging such reprisal, except in accordance with the provisions of section 552a of title 5, United States Code, or as required by any other applicable Federal law.

(c) REMEDY AND ENFORCEMENT AUTHORITY.—

(1) AGENCY ACTION.—Not later than 30 days after receiving an inspector general report under subsection (b), the head of the agency concerned shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief in whole or in part or shall take 1 or more of the following actions:

(A) Order the employer to take affirmative action to abate the reprisal.

(B) Order the employer to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), compensatory damages, employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the employer to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency or a court of competent jurisdiction.

(2) CIVIL ACTION.—

(A) IN GENERAL.—If the head of an agency issues an order denying relief in whole or in part under paragraph (1), has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under subsection (b)(2)(B)(i), within 30 days after the expiration of the extension of time, or decides under subsection (b)(3) not to investigate or to discontinue an investigation, and there is no showing that such delay or decision is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the employer to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

(B) BURDENS OF PROOF.—In any action under subparagraph (A), the establishment of the occurrence of a reprisal shall be governed by the provisions of subsection (b)(3)(A), including with respect to burden of proof, and the establishment that an action alleged to constitute a reprisal did not constitute a reprisal shall be subject to the burden of proof specified in subsection (b)(4)(C).

(3) JUDICIAL ENFORCEMENT OF ORDER.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorneys fees and costs.

(4) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

(d) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

(1) WAIVER OF RIGHTS AND REMEDIES.—Except as provided under paragraph (3), the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) PREDISPUTE ARBITRATION AGREEMENTS.—Except as provided under paragraph (3), no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising under this section.

(3) EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS.—Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under the collective bargaining agreement.

(e) REQUIREMENT TO POST NOTICE OF RIGHTS AND REMEDIES.—Any employer receiving covered funds shall post notice of the rights and remedies provided under this section.

(f) RULES OF CONSTRUCTION.—

(1) NO IMPLIED AUTHORITY TO RETALIATE FOR NON-PROTECTED DISCLOSURES.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

(2) RELATIONSHIP TO STATE LAWS.—Nothing in this section may be construed to preempt, preclude, or limit the protections provided for public or private employees under State whistleblower laws.

(g) DEFINITIONS.—In this Act:

(1) ABUSE OF AUTHORITY.—The term ''abuse of authority'' means an arbitrary and capricious exercise of authority by a contracting official or employee that adversely affects the rights of any person, or that results in personal gain or advantage to the official or employee or to preferred other persons.

(2) COVERED FUNDS.—The term ''covered funds'' means any contract, grant, or other payment received by any non-Federal employer if—

(A) the Federal Government provides any portion of the money or property that is provided, requested, or demanded; and

(B) at least some of the funds are appropriated or otherwise made available by this Act.

(3) EMPLOYEE.—The term ''employee''—

(A) except as provided under subparagraph (B), means an individual performing services on behalf of an employer; and

(B) does not include any Federal employee or member of the uniformed services (as that term is defined in section 101(a)(5) of title 10, United States Code).

(4) NON-FEDERAL EMPLOYER.—The term ''non-Federal employer''—

(A) means any employer—

(i) with respect to covered funds—

(I) the contractor, subcontractor, grantee, or recipient, as the case may be, if the contractor, grantee, or recipient is an employer; and

(II) any professional membership organization, certification or other professional body, any agent or licensee of the Federal government, or any person acting directly or indirectly in the interest of an employer receiving covered funds; or

(ii) with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor or subcontractor of the State or local government; and

(B) does not mean any department, agency, or other entity of the Federal Government.

(5) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' means—

(A) the government of each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Is Lands, or any other territory or possession of the United States; or

(B) the government of any political subdivision of a government listed in subparagraph (A).

On page 421, line 5, strike all through page 422, line 23.

SA 509. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, line 13, strike ''2010.'' and insert ''2010, of which $150,000,000 shall be used to upgrade high speed research networks, of which $75,000,000 shall be used for connections of research institutions in States participating in the Experimental Program to Stimulate Competitive Research to the national networking infrastructure.''.

SA 510. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on 491, line 15, strike all through page 512, line 11, and insert the following:

PART VIII—BROADBAND INCENTIVES

SEC. 1271. BROADBAND INTERNET ACCESS TAX CREDIT.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 (relating to rules for computing investment credit), as amended by this Act, is amended by inserting after section 48C the following new section:

''SEC. 48D. BROADBAND INTERNET ACCESS CREDIT.

''(a) GENERAL RULE.—For purposes of section 46, the broadband credit for any taxable year is the sum of—

''(1) the current generation broadband credit, plus

''(2) the next generation broadband credit.

''(b) CURRENT GENERATION BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.—For purposes of this section—

''(1) CURRENT GENERATION BROADBAND CREDIT.—The current generation broadband credit for any taxable year is equal to 30 percent of the qualified broadband expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(2) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any taxable year is equal to 40 percent of the qualified broadband expenditures incurred with respect to qualified equipment providing next generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

''(1) IN GENERAL.—Qualified broadband expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

''(A) current generation broadband services are provided through such equipment to qualified subscribers, or

''(B) next generation broadband services are provided through such equipment to qualified subscribers.

''(2) LIMITATION.—

''(A) IN GENERAL.—Qualified broadband expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

''(i) the original use of which commences with the taxpayer, and

''(ii) which is placed in service, after December 31, 2008, and before January 1, 2011.

''(B) SALE-LEASEBACKS.—For purposes of subparagraph (A), if property—

''(i) is originally placed in service after December 31, 2008, by any person, and

''(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

''(d) SPECIAL ALLOCATION RULES.—

''(1) CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the current generation broadband credit under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified broadband expenditures shall be multiplied by a fraction—

''(A) the numerator of which is the sum of the number of potential qualified subscribers which the equipment is capable of serving with current generation broadband services, and

''(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

''(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the next generation broadband credit under subsection (a)(2) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified broadband expenditures shall be multiplied by a fraction—

''(A) the numerator of which is the sum of the number of potential qualified subscribers which the equipment is capable of serving with next generation broadband services, and

''(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

''(3) TOTAL POTENTIAL SUBSCRIBER POPULATION.—For purposes of this subsection, the term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential subscribers located in such area.

''(e) PROVISION OF SERVICES.—A provider shall be treated as providing services to 1 or more subscribers if—

''(1) such a subscriber has been passed by the provider's equipment and can be connected to such equipment for a standard connection fee,

''(2) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such a subscriber without making more than an insignificant investment with respect to such subscriber,

''(3) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

''(4) such services have been purchased by 1 or more such subscribers, and

''(5) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

''(f) DEFINITIONS.—For purposes of this section—

''(1) ANTENNA.—The term 'antenna' means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

''(2) CABLE OPERATOR.—The term 'cable operator' has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

''(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term 'commercial mobile service carrier' means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

''(4) CURRENT GENERATION BROADBAND SERVICE.—The term 'current generation broadband service' means the transmission of signals at a rate of at least 5,000,000 bits per second to the subscriber and at least 1,000,000 bits per second from the subscriber (at least 3,000,000 bits per second to the subscriber and at least 768,000 bits per second from the subscriber in the case of service through radio transmission of energy).

''(5) NEXT GENERATION BROADBAND SERVICE.—The term 'next generation broadband service' means the transmission of signals at a rate of at least 100,000,000 bits per second to the subscriber (or its equivalent when the data rate is measured before being compressed for transmission) and at least 20,000,000 bits per second from the subscriber (or its equivalent as so measured) (at least 6,000,000 bits per second to the subscriber (or its equivalent as so measured) and at least 2,000,000 bits per second from the subscriber (or its equivalent as so measured) in the case of service through radio transmission of energy).

''(6) OPEN VIDEO SYSTEM OPERATOR.—The term 'open video system operator' means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

''(7) OTHER WIRELESS CARRIER.—The term 'other wireless carrier' means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the radio transmission of energy.

''(8) PROVIDER.—The term 'provider' means, with respect to any qualified equipment any—

''(A) cable operator,

''(B) commercial mobile service carrier,

''(C) open video system operator,

''(D) satellite carrier,

''(E) telecommunications carrier, or

''(F) other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

''(9) QUALIFIED EQUIPMENT.—

''(A) IN GENERAL.—The term 'qualified equipment' means property with respect to which depreciation (or amortization in lieu of depreciation) is allowable and which provides current generation broadband services or next generation broadband services—

''(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

''(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

''(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

''(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier or broadband-over-powerline operator,

''(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

''(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

''(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

''(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

''(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptions, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

''(E) OTHER DEFINITIONS.—For purposes of this paragraph—

''(i) PACKET SWITCHING.—The term 'packet switching' means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

''(ii) MULTIPLEXING OR DEMULTIPLEXING.—The term 'multiplexing' means the transmission of 2 or more signals over a single channel, and the term 'demultiplexing' means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

''(10) QUALIFIED BROADBAND EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified broadband expenditure' means any amount—

''(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

''(ii) incurred after December 31, 2008, and before January 1, 2011.

''(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

''(C) LEASED EQUIPMENT.—Such term shall include so much of the purchase price paid by the lessor of equipment subject to a lease described in subsection (c)(2)(B) as is attributable to expenditures incurred by the lessee which would otherwise be described in subparagraph (A).

''(11) QUALIFIED SUBSCRIBER.—

''(A) IN GENERAL.—The term 'qualified subscriber' means a subscriber with respect to the provision of current generation broadband services or next generation broadband services provided in a rural area or an unserved area.

''(B) OTHER DEFINITIONS.—For purposes of this paragraph—

''(i) RURAL AREA.—The term 'rural area' means any census tract which—

''(I) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

''(II) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

''(ii) UNSERVED AREA.—The term 'unserved area' means any census tract in which no current generation broadband services are provided, as certified by the State in which such tract is located not later than September 30, 2009.

''(12) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such point-to-multipoint distribution.

''(13) SUBSCRIBER.—The term 'subscriber' means any person who purchases current generation broadband services or next generation broadband services.

''(14) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

''(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

''(B) does not include any commercial mobile service carrier.''.

(b) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 (relating to the amount of investment credit), as amended by this Act, is amended by striking ''and'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', and'', and by adding at the end the following:

''(6) the broadband Internet access credit.''

(c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 501(c)(12)(B) (relating to list of exempt organizations) is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'', and by adding at the end the following new clause:

''(v) from the sale of property subject to a lease described in section 48D(c)(2)(B), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified broadband expenditures which would be determined under section 48D for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C), as amended by this Act, is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by adding after clause (v) the following new clause:

''(vi) the portion of the basis of any qualified equipment attributable to qualified broadband expenditures under section 48D.''.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 48C the following:

''Sec. 48D. Broadband internet access credit''.

(e) DESIGNATION OF CENSUS TRACTS.—The Secretary of the Treasury shall, not later than 90 days after the date of the enactment of this Act, designate and publish those census tracts meeting the criteria described in subsections (d)(2), (f)(B)(i), and (f)(B)(ii) of section 48D of the Internal Revenue Code of 1986 (as added by this section). In making such designations, the Secretary of the Treasury shall consult with such other departments and agencies as the Secretary determines appropriate.

(f) OTHER REGULATORY MATTERS.—

(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of eliminating or reducing any credit or portion thereof allowed under section 48D of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the broadband Internet access credit under section 48D of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48D of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified broadband expenditures satisfies the requirements of section 48D of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48D of such Code.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2008.

SA 511. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, at the end of line 9, insert the following:

Provided further, That from within available funds, $60 million will be made available for infrastructure investments to support the national laboratories Smart Grid and related grid equipment testing activities.

SA 512. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

SEC. 1607. Section 206.101 of title 44, Code of Federal Regulations, is amended—

(1) in the section heading by striking ''**DECLARED ON OR BEFORE OCTOBER 14, 2002**''; and

(2) in subsection (a), by striking ''declared on or before October 14, 2002''.

SA 513. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, line 5, insert ''(as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b))'' after ''Indian tribe''.

SA 514. Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

FEDERAL AVIATION ADMINISTRATION

NEXTGEN ACCELERATION

For grants or other agreements to accelerate the transition to the Next Generation Air Transportation System by accelerating deployment of ground infrastructure for Automatic Dependent Surveillance—Broadcast, by accelerating development of procedures and routes that support performance-based air navigation, to incentivize aircraft equipage to use such infrastructure and procedures and routes, and for additional agency administrative costs associated with the certification and oversight of the deployment of these systems, $275,000,000, to remain available until September 30, 2010: *Provided*, That the Administrator of the Federal Aviation Administration shall use the authority under section 106(l)(6) of title 49, United States Code, to make such grants or agreements: and *Provided further*, That, with respect to any incentives for equipage, the Federal share of the costs shall be no more than 50 percent.

(RESCISSION)

Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, $275,000,000 are permanently rescinded from amounts authorized for the fiscal year ending September 30, 2009.

SA 515. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 625, after line 23, insert the following:

(c) ELIMINATION OF PREMIUM SUBSIDY FOR HIGH-INCOME INDIVIDUALS.—

(1) IN GENERAL.—Notwithstanding subsection (b)(3), an individual who is a covered employee (and any qualified beneficiary of such employee) shall not be treated as an assistance eligible individual for purposes of this section and section 6432 of the Internal Revenue Code of 1986 if the individual's assets exceed $1,000,000, as determined under guidelines issued by the Secretary of the Treasury.

(2) RECAPTURE OF SUBSIDY.—If a covered employee's assets for a year in which the employee receives a subsidy under subsection (b) exceeds the applicable limit under paragraph (1) then the covered employee's tax imposed by chapter 1 of the Internal Revenue Code of 1986 for such taxable year shall be increased by the amount of such assistance.

(3) NOTICE OF INCOME TESTS.—Each person required to provide a notice under subsection (b)(7)(A) shall include with such notice a statement that—

(A) an individual shall not be eligible for the subsidy under subsection (b)(1)(A) if the individual's assets exceed the limit under paragraph (1); and

(B) if the individual receives any subsidy the individual is not entitled to by reason of such excess assets, the individual's tax liability for such taxable year shall be increased by the amount of that subsidy.

(4) COVERED EMPLOYEE; QUALIFIED BENEFICIARY.—For purposes of this subsection, the terms ''covered employee'' and ''qualified beneficiary'' have the meanings given such terms by section 4980B of the Internal Revenue Code of 1986.

SA 516. Mr. GRASSLEY (for himself and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 625, after line 23, insert the following:

(c) ELIMINATION OF PREMIUM SUBSIDY FOR HIGH-INCOME INDIVIDUALS.—

(1) IN GENERAL.—Notwithstanding subsection (b)(3), an individual who is a covered employee (and any qualified beneficiary of such employee) shall not be treated as an assistance eligible individual for purposes of this section and section 6432 of the Internal Revenue Code of 1986 unless—

(A) the covered employee's modified adjusted gross income for the last taxable year beginning in 2008 does not exceed—

(i) $125,000 in the case of an individual whose filing status for purposes of the income tax imposed by chapter 1 of such Code is described in subsection (c) or (d) of section 1 of such Code (relating to certain unmarried individuals and married individuals filing separate returns), and

(ii) $250,000 in the case of an individual whose filing status for purposes of the income tax imposed by chapter 1 of such Code is described in subsection (a) or (b) of section 1 of such Code (relating to married individuals filing joint returns and surviving spouses and heads of households), and

(B) the covered employee provides to the entity to whom premiums are reimbursed under section 6432(a) of such Code a written certification meeting the requirements of paragraph (2).

(2) CERTIFICATION REQUIREMENTS.—A certification meets the requirements of this paragraph if such certification contains—

(A) the name and social security number of the covered employee, and

(B) an attestation that the covered employee is eligible to receive the subsidy under subsection (b) because the covered employee's modified adjusted gross income for the last taxable year beginning in 2008 is less than the applicable limit under paragraph (1)(A).

The entity receiving such certification shall maintain it in their records for at least 3 years after its receipt.

(3) RECAPTURE OF SUBSIDY.—If—

(A) a covered employee's modified adjusted gross income for the last taxable year beginning in 2008 exceeds the applicable limit under paragraph (1)(A), and

(B) the covered employee (or any qualified beneficiary) received any premium assistance under this section for 1 or more months in a taxable year with respect to any COBRA continuation coverage,

then the covered employee's tax imposed by chapter 1 of such Code for such taxable year shall be increased by the amount of such assistance.

(4) PROVISION OF TIN TO SECRETARY.—Section 6432(e)(1) of the Internal Revenue Code

of 1986, as added by subsection (b)(12), is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) a report containing the TINs of all covered employees, the amount of subsidy reimbursed with respect to each covered employee and qualified beneficiaries, and a designation with respect to each covered employee as to whether the subsidy reimbursement is for coverage of 1 individual or 2 or more individuals.''.

(5) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term ''modified adjusted gross income'' means the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933 of such Code.

(6) COVERED EMPLOYEE; QUALIFIED BENEFICIARY.—For purposes of this subsection, the terms ''covered employee'' and ''qualified beneficiary'' have the meanings given such terms by section 4980B of such Code.

SA 517. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, between lines 3 and 4, insert the following:

SEC. 505. SMALL BUSINESS PARTICIPATION.

(a) SMALL BUSINESS INNOVATION RESEARCH PROGRAM.—Any Federal agency required to participate in the Small Business Innovation Research Program, as that term is defined in section 9(e)(4) of the Small Business Act (15 U.S.C. 638(e)(4)), that receives funds under this Act for extramural research and development related to technology and innovation shall expend not less than 2.5 percent of such funds with small business concerns, in accordance with section 9(f)(1)(C) of such Act (15 U.S.C. 638(f)(1)(C)).

(b) SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.—Any Federal agency required to participate in the Small Business Technology Transfer Program, as that term is defined in section 9(e)(6) of the Small Business Act (15 U.S.C. 638(e)(6)), that receives funds under this Act for extramural research and development related to technology and innovation shall expend not less than 0.3 percent of such funds with small business concerns, in accordance with section 9(n)(1)(B)(ii) of such Act (15 U.S.C. 638(n)(1)(B)(ii).

SA 518. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 470, after line 23, insert the following:

PART VII—ALTERNATIVE FUELS

SEC. 1171. EXTENSION OF ALCOHOL, ALCOHOL MIXTURE, ALTERNATIVE FUEL, ALTERNATIVE FUEL MIXTURE, BIODIESEL, AND RENEWABLE DIESEL FUEL CREDITS.

(a) EXTENSION.—

(1) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) is amended by striking ''December 31, 2009'' and all that follows and inserting ''December 31, 2014 (December 31, 2009, in the case of any sale or use involving a fuel described in paragraph (2)(E)).''.

(2) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) is amended by striking ''December 31, 2009'' and all that follows and inserting ''December 31, 2014 (December 31, 2009, in the case of any sale or use involving a fuel described in subsection (d)(2)(E)).''.

(3) ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURE PAYMENTS.—Subparagraph (C) of section 6427(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2014 (December 31, 2009, in the case of a fuel described in section 6426(d)(2)(E))''.

(4) BIODIESEL AND RENEWABLE DIESEL FUEL CREDITS.—Sections 40A(g), 6426(c)(6), and 6427(e)(6)(B) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2014''.

(5) ALCOHOL FUEL CREDITS.—

(A) Section 40(e)(1)(A) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2014''.

(B) Section 40(e)(1)(B) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2015''.

(C) Section 6426(b)(6) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2014''.

(D) Section 6427(e)(6)(A) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2014''.

(b) CONFORMING AMENDMENT.—The table contained in section 40(h)(2) is amended by striking ''2010'' in the last item and inserting ''2014''.

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

SEC. 1172. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.

(a) EXTENSION.—Paragraph (4) of section 30B(j) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2014''.

(b) INCLUSION OF BIFUEL VEHICLES.—Clause (i) of section 30B(e)(4)(A) is amended to read as follows:

''(i) which—

''(I) is only capable of operating on an alternative fuel, or

''(II) is capable of operating on alternative fuel and (but not in combination with) gasoline or diesel fuel, if such vehicle has an operating range of not less than 200 miles in all cases when operating on alternative fuel,''.

(c) INCREASE IN APPLICABLE PERCENTAGE AND APPLICATION TO BIFUEL VEHICLES.—

(1) IN GENERAL.—Paragraph (2) of section 30B(e) is amended to read as follows:

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage with respect to any new qualified alternative fuel motor vehicle is—

''(A) in the case of a vehicle described in paragraph (4)(A)(i)(I), 80 percent, and

''(B) in the case of a vehicle described in paragraph (4)(A)(i)(II), 50 percent.''.

(2) APPLICATION TO MIXED-FUEL VEHICLES.—Subparagraph (A) of section 30B(e)(5) is amended by inserting ''described in paragraph (4)(A)(i)(I)'' after ''qualified alternative fuel motor vehicle'' each place it appears in clauses (i) and (ii).

(d) INCREASE IN INCREMENTAL COST LIMITS.—Paragraph (3) of section 30B(e) is amended—

(1) by striking ''$5,000'' in subparagraph (A) and inserting ''$12,500'',

(2) by striking ''$10,000'' in subparagraph (B) and inserting ''$20,000'',

(3) by striking ''$25,000'' in subparagraph (C) and inserting ''$50,000'', and

(4) by striking ''$40,000'' in subparagraph (D) and inserting ''$80,000''.

(e) TRANSFERABILITY OF CREDIT.—Subsection (h) of section 30B is amended by adding at the end the following new paragraph:

''(11) TRANSFERABILITY OF CREDIT.—

''(A) IN GENERAL.—A taxpayer may transfer the credit allowed under this section by reason of subsection (e) through an assignment to any person. Such transfer may be revoked only with the consent of the Secretary.

''(B) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to ensure that any credit transferred under subparagraph (A) is claimed once and not reassigned by such other person.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 1173. ALLOWANCE OF ALTERNATIVE FUEL MOTOR VEHICLE CREDITS AGAINST AMT.

(a) BUSINESS CREDIT.—Subparagraph (B) of section 38(c)(4), as amended by this Act, is amended—

(1) by striking ''and'' at the end of clause (viii),

(2) by striking the period at the end of clause (ix) and inserting '', and'', and

(3) by adding at the end the following new clause:

''(x) the portion of the credit determined under section 30B by reason of subsection (e).''.

(b) PERSONAL CREDIT.—

(1) IN GENERAL.—Subsection (g) of section 30B is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLES.—In the case of the portion of the credit determined under subsection (a) by reason of subsection (e)—

''(A) this subsection shall be applied separately with respect to such portion, and

''(B) such portion of such credit allowed (after the application of paragraph (1)) for any taxable year shall not exceed the excess (if any) of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tentative minimum tax for the taxable year, reduced by

''(ii) the sum of the credits allowable under subpart A and sections 27 and 30 for such taxable year.''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 30B(g) is amended by striking ''The credit'' and inserting ''Except as provided in paragraph (3), the credit''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 519. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr.

INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 24, before the period at the end, insert ''; *Provided*, That priority for use of these loan funds shall be given to providing credit to eligible borrowers on their existing operations (including crop and livestock operations and facilities) for uses (except in the case of small farms and beginning and socially disadvantaged farmers and ranchers) that do not increase production capacity significantly in segments of agriculture in which the cost of production significantly exceeds current prices received by agricultural producers, as determined by the Secretary''.

SA 520. Mr. KOHL (for himself, Mr. HATCH, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 357, strike line 1 and all that follows through line 12 on page 359, and insert the following:

''(1) IN GENERAL.—In applying section 164.528 of title 45, Code of Federal Regulations, in the case that a covered entity uses or maintains an electronic health record with respect to protected health information—

''(A) the exception under paragraph (a)(1)(i) of such section shall not apply to disclosures through an electronic health record made by such entity of such information, except that the Secretary shall exempt accounting for those disclosures where the Secretary determines that such accounting is unnecessary; and

''(B) an individual shall have a right to receive an accounting of disclosures described in such paragraph of such information made by such covered entity during only the three years prior to the date on which the accounting is requested.

''(2) REGULATIONS.—The Secretary shall promulgate regulations on what disclosures must be included in an accounting referred to in paragraph (1)(A) and what information must be collected about each such disclosure not later than 18 months after the date on which the Secretary adopts standards on accounting for disclosure described in the section 3002(b)(2)(B)(iv) of the Public Health Service Act, as added by section 13101. Such regulations shall only require such information to be collected through an electronic health record in a manner that takes into account the interests of individuals in learning when their protected health information was disclosed and to whom it was disclosed, and the usefulness of such information to the individual, and takes into account the administrative and cost burden of accounting for such disclosures.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed as—

''(A) requiring a covered entity to account for disclosures of protected health information that are not made by such covered entity; or

''(B) requiring a business associate of a covered entity to account for disclosures of protected health information that are not made by such business associate.

''(4) REASONABLE FEE.—A covered entity may impose a reasonable fee on an individual for an accounting performed under paragraph (1)(B). Any such fee shall not be greater than the entity's labor costs in responding to the request.

''(5) EFFECTIVE DATE.—

''(A) CURRENT USERS OF ELECTRONIC RECORDS.—In the case of a covered entity insofar as it acquired an electronic health record as of January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such a record on and after January 1, 2014.

''(B) OTHERS.—In the case of a covered entity insofar as it acquires an electronic health record after January 1, 2010, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such record on and after the later of the following:

''(i) January 1, 2011; or

''(ii) the date that it acquires an electronic health record.

''(C) LATER DATE.—The Secretary may set an effective date that is later that the date specified under subparagraph (A) or (B) if the Secretary determines that such later date it necessary.''.

SA 521. Mr. KOHL (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 357, strike line 1 and all that follows through line 12 on page 359, and insert the following:

''(1) IN GENERAL.—In applying section 164.528 of title 45, Code of Federal Regulations, in the case that a covered entity uses or maintains an electronic health record with respect to protected health information—

''(A) the exception under paragraph (a)(1)(i) of such section shall not apply to disclosures through an electronic health record made by such entity of such information; and

''(B) an individual shall have a right to receive an accounting of disclosures described in such paragraph of such information made by such covered entity during only the three years prior to the date on which the accounting is requested.

''(2) REGULATIONS.—The Secretary shall promulgate regulations on what disclosures must be included in an accounting referred to in paragraph (1)(A) and what information must be collected about each such disclosure not later than 18 months after the date on which the Secretary adopts standards on accounting for disclosure described in the section 3002(b)(2)(B)(iv) of the Public Health Service Act, as added by section 13101. Such regulations shall only require such information to be collected through an electronic health record in a manner that takes into account the interests of individuals in learning when their protected health information was disclosed and to whom it was disclosed, and the usefulness of such information to the individual, and takes into account the administrative and cost burden of accounting for such disclosures.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed as—

''(A) requiring a covered entity to account for disclosures of protected health information that are not made by such covered entity; or

''(B) requiring a business associate of a covered entity to account for disclosures of protected health information that are not made by such business associate.

''(4) REASONABLE FEE.—A covered entity may impose a reasonable fee on an individual for an accounting performed under paragraph (1)(B). Any such fee shall not be greater than the entity's labor costs in responding to the request.

''(5) EFFECTIVE DATE.—

''(A) CURRENT USERS OF ELECTRONIC RECORDS.—In the case of a covered entity insofar as it acquired an electronic health record as of January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such a record on and after January 1, 2014.

''(B) OTHERS.—In the case of a covered entity insofar as it acquires an electronic health record after January 1, 2010, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such record on and after the later of the following:

''(i) January 1, 2011; or

''(ii) the date that it acquires an electronic health record.

''(C) LATER DATE.—The Secretary may set an effective date that is later that the date specified under subparagraph (A) or (B) if the Secretary determines that such later date it necessary.''.

On page 56, between lines 23 and 24, insert the following:

(11) In establishing obligations under paragraph (8), the Assistant Secretary shall allow for reasonable network management practices such as deterring unlawful activity, including child pornography and copyright infringement.

SA 522. Mrs. FEINSTEIN submitted (for herself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, between lines 23 and 24, insert the following:

(11) In establishing obligations under paragraph (8), the Assistant Secretary shall allow for reasonable network management practices such as deterring unlawful activity, including child pornography and copyright infringement.

SA 523. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 541, after line 20, insert the following:

SEC. _____. QUALIFIED COMMUNITY HEALTH CENTER BONDS.

(a) QUALIFIED COMMUNITY HEALTH CENTER BONDS TREATED AS STATE AND LOCAL BONDS.—

(1) IN GENERAL.—Section 150 is amended by adding at the end the following new subsection :

''(f) QUALIFIED COMMUNITY HEALTH CENTER BOND.—For purposes of this part and section 103—

''(1) TREATMENT AS STATE OR LOCAL BOND.—A qualified community health center bond shall be treated as a State or local bond.

''(2) QUALIFIED COMMUNITY HEALTH CENTER BOND DEFINED.—The term 'qualified community health center bond' means a bond issued as part of an issue by a qualified community health issuer 95 percent or more of the net proceeds of which are to be used by a qualified community health organization to finance capital expenditures with respect to a qualified community health facility.

''(3) QUALIFIED COMMUNITY HEALTH ORGANIZATION DEFINED.—A qualified community health organization is an organization which—

''(A) is described in section 501(c)(3) and exempt from tax under section 501(a),

''(B) is incorporated in a State in which at least one qualified community health facility owned by such organization is located, and

''(C) constitutes a health center within the meaning of section 330 of the Public Health Service Act.

''(4) QUALIFIED COMMUNITY HEALTH ISSUER DEFINED.—The term 'qualified community health issuer' means an entity—

''(A) which is established and owned exclusively by the National Association of Community Health Centers,

''(B) which is disregarded under section 7701 as an entity separate from the National Association of Community Health Centers, and

''(C) one of the primary purposes of which, as set forth in the documents relating to its formation, is to issue qualified community health center bonds.

''(5) QUALIFIED COMMUNITY HEALTH FACILITY DEFINED.—The term 'qualified community health facility' means property owned and used by a qualified community health organization to provide health care services to all residents who request the provision of health care services the operation of which is subject to sections 330 and 330A of the Public Health Service Act.

''(6) TREATMENT OF ISSUER AS OTHER THAN TAXABLE MORTGAGE POOL.—Neither the National Association of Community Health Centers, nor a qualified community health issuer, nor any portion thereof shall be treated as a taxable mortgage pool under section 7701(i) with respect to any issue of qualified community health center bonds.''.

(2) COORDINATION WITH PUBLIC APPROVAL REQUIREMENT.—Subsection (f) of section 147 is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULES FOR QUALIFIED COMMUNITY HEALTH CENTER BONDS.—In the case of a qualified community health center bond, any governmental unit in which the qualified community health facility financed by the qualified community health center bonds is located may be treated for purposes of paragraph (2) as the governmental unit on behalf of which such qualified community health center bonds are issued.''.

(3) NO FEDERAL GUARANTEE.—Subparagraph (A) of section 149(b)(3) is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'' and by adding at the end the following new clause:

''(v) any guarantee of a qualified community health center bond for a qualified community health facility which is made under title XVI of the Public Health Service Act (or a renewal or extension of a guarantee so made).''.

(4) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

(b) LOANS AND LOAN GUARANTEES UNDER THE PUBLIC HEALTH SERVICE ACT.—

(1) AUTHORITY FOR LOANS AND LOAN GUARANTEES.—Section 1601 of the Public Health Service Act (42 U.S.C. 300q) is amended—

(A) in subsection (a)(2), by adding at the end the following:

''(C) In addition to authorizing loan guarantees, the Secretary may—

''(i) guarantee tax exempt bonds for the purpose of financing a project of a health center that receives funding under section 330 located in or serving an area determined by the Secretary to be a medically underserved area or serving a special medically underserved population as defined in such section 330 (referred to in this section as a 'health center project'), and

''(ii) use of such authorized guarantees for health center projects in conjunction with any credits allowed under the Internal Revenue Code of 1986, for such health center project.'';

(B) in subsection (b)—

(i) by striking ''The principal amount of'' and inserting ''(1) Subject to paragraph (2), the principal amount of''; and

(ii) by adding at the end the following:

''(2) Notwithstanding paragraph (1), a guarantee of a loan or tax exempt bond issued for the purpose of financing a health center project, as defined in subsection (a)(2)(C), shall cover up to 100 per centum of the principal amount and interest due on such guaranteed loan or tax exempt bond.'';

(C) by redesignating subsection (d) as subsection (e);

(D) by inserting after subsection (c) the following:

''(d) No State (including any State or local government authority with the power to tax) receiving funds under a Federal health care program (as defined under section 1128B(f) of the Social Security Act), may impose a tax with respect to interest earned on bonds issued under this section.''.

(2) GENERAL PROVISIONS RELATING TO LOAN GUARANTEES AND LOANS.—Section 1602 of the Public Health Service Act (42 U.S.C. 300q–2) is amended—

(A) in subsection (a)(2)—

(i) by redesignating subparagraph (D) as subparagraph (H);

(ii) in subparagraph (B), by striking ''subparagraph (D)'' and inserting ''subparagraph (H)''; and

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

''(D) The Secretary shall approve, not later than 30 calendar days of receipt, an application for a loan or a tax exempt bond guarantee submitted by a health center for a health center project (as defined in section 1601q(a)(2)(C)), that is eligible for such guarantee, provided that the health center has certified, to the best of its knowledge, and consistent with its annual audit and such application, that the health center has satisfied or will comply with each of the following criteria:

''(i) The health center has for at least two out of last three fiscal years (on the basis of accrual accounting) received more in revenue (including the amount of Federal funds in any section 330 grants made in each year to the health center and all other revenue of any kind received by the health center in each year) than the expenses of the health center in each year.

''(ii) The health center will contribute at least 20 per centum equity to the project in the form of cash contributions (from cash reserves, grants or capital campaign proceeds), equity derived as a result of tax credits (which may be structured as debt during the tax credit compliance period) or other forms of equity-like contributions.

''(iii)(I) As measured at the fiscal year end of its most recent fiscal year and on a current year-to-date basis, the health center's days cash on hand, including Federal grant funds available for drawdown, must have been/be greater than 30 days.

''(II) In this clause, 'days cash on hand' shall be calculated on an accrual accounting basis according to the following formula: The sum of unrestricted cash and investments divided by total operating expenses minus depreciation divided by 360.

''(iv)(I) The health center's debt service coverage ratio on a projected basis will not be less than 1.10X in any year.

''(II) In this clause, 'debt service coverage ratio' shall be calculated as the sum of net assets plus interest expense plus depreciation expense divided by the sum of debt service and capitalized interest payments due during the period.

''(v)(I) The health center has reasonably projected a leverage ratio (as measured after the first full year of the new/improved facility's operation) less than 3.0X.

''(II) In this clause, 'leverage ratio' shall be calculated as total liabilities less new markets tax credit (authorized under section 45D(f) of the Internal Revenue Code of 1986) or similar debt components, if any, divided by total net assets.

''(E)(i) Not later than 30 calendar days after the receipt of a health center's application and certification under subparagraph (D), the Secretary shall send a letter to the health center notifying it that the application has been approved, unless within such 30-day period the Secretary—

''(I) notifies the health center in writing as to why the Secretary reasonably believes any or all of the foregoing criteria are not met; and

''(II) provides the health center the opportunity to submit comments within 30 calendar days of receipt of such notice.

''(ii) Not later than 30 calendar days from the date of receipt of such comments, the Secretary shall provide a final decision in writing regarding the comments submitted by the applicant, including sufficient justification for the Secretary's decision.

''(F) The Secretary may approve an application for a loan or a tax exempt bond guarantee submitted by a health center for a health center project (as defined in section 1601(a)(2)(C)) that is eligible for such guarantee and which deviates from the criteria set forth in clauses (i) through (v) of subparagraph (D), provided that the Secretary determines that such deviation is not material or that the health center has provided sufficient explanation or justification for such deviation.

''(G)(i) Upon approval of a loan or tax exempt bond guarantee for a health center project eligible for such guarantee, the Secretary shall charge such health center a closing fee of 50 basis points, which will be put into a reserve fund to cover direct administrative costs of the program and to fund a loan loss reserve to support the guarantee program. Thereafter, the Secretary shall charge those health centers with loans or tax exempt bonds guaranteed through the program an annual fee of 50 basis points, calculated based on the principal amount outstanding on the guaranteed loan or tax exempt bond.

''(ii) All closing and annual fee proceeds shall be invested and maintained in an interest-bearing reserve account until such time as the reserve account reaches 5 per centum of the outstanding principal amount of loans and tax exempt bonds guaranteed through the program.

''(iii) If at any time the Secretary determines that, based on a lack of actual losses resulting from default, the amount of proceeds held in the reserve account is excessive, the Secretary may reduce the per centum to be maintained in such reserve account, calculated based on the outstanding principal amount of loans and tax exempt bonds guaranteed through the program.

''(iv) Subject to a determination under clause (iii) of this subparagraph to reduce the per centum maintained in the reserve account, any overages in the reserve account that are attributable to the collection of fee proceeds shall be rebated annually on a pro rata basis to those health centers with loans or tax exempt bonds guaranteed through the program and that are not in default.'';

(B) in subsection (d)—

(i) by redesignating paragraph (2) as paragraph (3);

(ii) by redesignating the matter following paragraph (1)(F) as paragraph (2)(A); and

(iii) by inserting after paragraph (2)(A), as so redesignated, the following:

''(B) In addition to the amounts authorized under subparagraph (A), there are authorized such amounts to support guarantees of loans or tax exempt bonds issued for the purpose of financing a health center project, which shall be added to any amounts derived from the fees required to be charged under subsection (a)(2)(G) and placed in the same interest-bearing reserve account established by subsection (a)(2)(G).''.

(c) APPLICATION DAVIS-BACON.—The provisions of subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act) shall apply to any construction projects carried out using amounts made available under the amendments made by this section.

(d) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall be in effect only during the period that begins on the date of enactment of this Act, and ends on December 31, 2010. On and after January 1, 2011, the Public Health Service Act and the Internal Revenue Code of 1985 shall each be applied as if this section and the amendments made by this section had not been enacted.

(2) CONTINUED APPLICATION.—This section and the amendments made by this section shall continue to apply with respect to loans, loan guarantees, and bonds issued under the authority of this section (or such amendments) until the term of such loan, guarantee, or bond has expired.

SA 524. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 122, after line 23, add the following:

SEC. 7_____. INDIAN SCHOOL CONSTRUCTION.

(a) SHORT TITLE.—This section may be cited as the ''Indian School Construction Act''.

(b) DEFINITIONS.—In this section:

(1) BUREAU.—The term ''Bureau'' means the Bureau of Indian Affairs.

(2) ESCROW ACCOUNT.—The term ''escrow account'' means the Tribal School Modernization Escrow Account established under subsection (c)(6)(B)(i)(I).

(3) INDIAN.—The term ''Indian'' means any individual who is a member of an Indian tribe.

(4) INDIAN TRIBE.—

(A) IN GENERAL.—The term ''Indian tribe'' has the meaning given the term ''Indian tribal government'' in section 7701(a)(40) of the Internal Revenue Code of 1986 (as modified by section 7871(d) of that Code).

(B) INCLUSION.—The term ''Indian tribe'' includes any consortium of Indian tribes approved by the Secretary.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) TRIBAL SCHOOL.—The term ''tribal school'' means an elementary school, secondary school, or dormitory that—

(A) is operated by a tribal organization or the Bureau for the education of Indian children; and

(B) receives financial assistance for the operation of the school or dormitory under an appropriation for the Bureau under a contract, grant, or agreement, or for a Bureau-operated school, under—

(i) section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d); or

(ii) the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.).

(c) ISSUANCE OF BONDS.—

(1) IN GENERAL.—The Secretary shall establish a pilot program under which the Secretary shall provide to eligible Indian tribes the authority to issue qualified tribal school modernization bonds to provide funds for the construction, rehabilitation, and repair of tribal schools, including advance planning and design of tribal schools.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to issue a qualified tribal school modernization bond under the program under paragraph (1), an Indian tribe shall—

(i) prepare and submit to the Secretary a plan of construction that meets the requirements of subparagraph (B);

(ii) provide for quarterly and final inspection by the Bureau of each project to be funded by the bond; and

(iii) ensure that the facilities to be funded by the bond will be used primarily for elementary and secondary educational purposes for the period during which the bond remains outstanding.

(B) PLAN OF CONSTRUCTION.—The requirements referred to in subparagraph (A)(i) are that the plan shall—

(i) contain a description of the construction to be carried out using funds provided under a qualified tribal school modernization bond;

(ii) demonstrate that a comprehensive survey has been carried out regarding the construction needs of the applicable tribal school;

(iii) contain assurances that funding under the bond will be used only for the activities described in the plan;

(iv) contain a response to the evaluation criteria contained in the document entitled ''Instructions and Application for Replacement School Construction, Revision 6'' and dated February 6, 1999; and

(v) contain any other reasonable and related information that the Secretary determines to be appropriate.

(C) PRIORITY.—In determining whether an Indian tribe is eligible to participate in the program under this subsection, the Secretary shall give priority to Indian tribes that, as demonstrated by the plans of construction of the Indian tribes, will fund projects—

(i) described in the list of the Bureau entitled ''Education Facilities Replacement Construction Priorities List as of FY 2000'' (65 Fed. Reg. 4623) (or successor regulations); or

(ii) that meet the criteria for ranking schools described in the document entitled ''Instructions and Application for Replacement School Construction, Revision 6'' and dated February 6, 1999.

(D) ADVANCE PLANNING AND DESIGN FUNDING.—

(i) IN GENERAL.—An Indian tribe may propose in the plan of construction of the Indian tribe to receive advance planning and design funding from the escrow account.

(ii) CONDITIONS.—As a condition of receiving advance planning and design funds from the escrow account under clause (i), an Indian tribe shall agree—

(I) to issue qualified tribal school modernization bonds after the date of receipt of the funds; and

(II) as a condition of each issuance of a bond, to deposit into the escrow account or a fund managed by a trustee under paragraph (4)(C) an amount equal to the amount of funds received from the escrow account.

(3) PERMISSIBLE ACTIVITIES.—In addition to the use described in paragraph (1), an Indian tribe may use amounts received through the issuance of a qualified tribal school modernization bond—

(A) to enter into, and make payments under, contracts with licensed and bonded architects, engineers, and construction firms—

(i) to determine the needs of a tribal school; and

(ii) for the design and engineering of a tribal school;

(B) to enter into, and make payments under, contracts with financial advisors, underwriters, attorneys, trustees, and other professionals to provide assistance to the Indian tribe in issuing the bonds; and

(C) to carry out other such activities as the Secretary determines to be appropriate.

(4) BOND TRUSTEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, any qualified tribal school modernization bond issued by an Indian tribe under this subsection shall be subject to a trust agreement between the Indian tribe and a trustee.

(B) TRUSTEE.—Any bank or trust company that meets the requirements established by the Secretary may serve as a trustee for purposes of subparagraph (A).

(C) CONTENT OF TRUST AGREEMENT.—A trust agreement entered into by an Indian tribe under this paragraph shall specify that the trustee, with respect to any bond issued under this subsection, shall—

(i) act as a repository for the proceeds of the bond;

(ii) make payments to bondholders;

(iii) receive, as a condition to the issuance of the bond, a transfer of funds from the escrow account, or from other funds furnished by or on behalf of the Indian tribe, in an amount that, together with interest earnings from the investment of the funds in obligations of or fully guaranteed by the United States, or from other investments under paragraph (10), will be sufficient to pay timely and in full the entire principal amount of the bond on the stated maturity date of the bond;

(iv) invest the funds received in accordance with clause (iii); and

(v) hold and invest the funds in a segregated fund or account under the agreement, to be used solely to pay the costs of activities described in paragraph (3).

(D) REQUIREMENTS FOR MAKING DIRECT PAYMENTS.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the trustee shall make each payment described in subparagraph (C)(v) in accordance with such requirements as the Indian tribe may prescribe in the trust agreement under subparagraph (C).

(ii) PAYMENTS TO CONTRACTORS.—As a condition of making a payment to a contractor under subparagraph (C)(v), the trustee shall require an inspection of the project of the contractor, to ensure the completion of the project, by—

(I) a local financial institution; or

(II) an independent inspecting architect or engineer.

(iii) CONTRACTS.—Each contract under subparagraphs (A) and (B) of paragraph (3) shall require, or be renegotiated to require, that each payment under the contract shall be made in accordance with this paragraph.

(5) PAYMENTS OF PRINCIPAL AND INTEREST.—

(A) PRINCIPAL.—

(i) IN GENERAL.—No principal payment on any qualified tribal school modernization bond shall be required until the final, stated maturity of the bond.

(ii) MATURITY.—

(I) IN GENERAL.—The final, stated maturity of a qualified tribal school modernization bond shall be not later than the date that is 15 years after the date of issuance of the bond.

(II) EXPIRATION.—On expiration of a qualified tribal school modernization bond under subclause (I), the entire outstanding principal under the bond shall become due and payable.

(B) INTEREST.—In lieu of interest on a qualified tribal school modernization bond, there shall be provided a tax credit under section 1400V of the Internal Revenue Code of 1986.

(6) BOND GUARANTEES.—

(A) IN GENERAL.—Payment of the principal portion of a qualified tribal school modernization bond issued under this subsection shall be guaranteed solely by amounts deposited with each respective bond trustee as described in paragraph (4)(C)(iii).

(B) ESCROW ACCOUNT.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(I) shall establish an escrow account, to be known as the ''Tribal School Modernization Escrow Account'';

(II) beginning in fiscal year 2010, may deposit in the escrow account not more than $50,000,000 of amounts made available for school replacement in the construction account of the Bureau; and

(III) may accept for transfer into the escrow account amounts from, as the Secretary determines to be appropriate—

(aa) other Federal departments and agencies (such as amounts made available for facility improvement and repairs); or

(bb) non-Federal public or private sources.

(ii) TRANSFERS OF EXCESS PROCEEDS.—The excess proceeds held under any trust agreement that are not used for a purpose described in clause (iii) or (v) of paragraph (4)(C) shall be transferred periodically by the trustee for deposit into the escrow account.

(iii) PAYMENTS.—The Secretary shall use any amounts deposited in the escrow account under clause (i) or (ii) to make payments—

(I) to trustees under paragraph (4); or

(II) under paragraph (2)(D).

(7) LIMITATIONS.—

(A) OBLIGATION TO REPAY.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the principal amount of any qualified tribal school modernization bond issued under this subsection shall be repaid only to the extent of any escrowed funds provided under paragraph (4)(C)(iii).

(ii) TREATMENT.—No qualified tribal school modernization bond issued by an Indian tribe under this subsection shall be an obligation of, and no payment of the principal of such a bond shall be guaranteed by—

(I) the United States;

(II) an Indian tribe; or

(III) the tribal school for which the bond was issued.

(B) LAND AND FACILITIES.—No land or facility purchased or improved using amounts provided under a qualified tribal school modernization bond issued under this subsection shall be mortgaged or used as collateral for the bond.

(8) SALE OF BONDS.—A qualified tribal school modernization bond may be sold at a purchase price equal to, in excess of, or at a discount from the par amount of the bond.

(9) TREATMENT OF TRUST AGREEMENT EARNINGS.—Amounts earned through the investment of funds under the control of a trustee under a trust agreement described in paragraph (4) shall not be subject to Federal income tax.

(10) INVESTMENT OF SINKING FUNDS.—Any sinking fund established for the purpose of the payment of principal on a qualified tribal school modernization bond shall be invested in—

(A) obligations issued or guaranteed by the United States; or

(B) such other assets as the Secretary of the Treasury may allow, by regulation.

(d) EXPANSION OF INCENTIVES FOR TRIBAL SCHOOLS.—Chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

''Subchapter Z—Tribal School Modernization Provisions

''SEC. 1400V. CREDIT TO HOLDERS OF QUALIFIED TRIBAL SCHOOL MODERNIZATION BONDS.

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified tribal school modernization bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tribal school modernization bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tribal school modernization bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (1), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the date of sale of the issue) on outstanding long-term corporate obligations of similar ratings (as determined by the Secretary).

''(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) QUALIFIED TRIBAL SCHOOL MODERNIZATION BOND; OTHER DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED TRIBAL SCHOOL MODERNIZATION BOND.—

''(A) IN GENERAL.—The term 'qualified tribal school modernization bond' means, subject to subparagraph (B), any bond issued as part of an issue under subsection (c) of the Indian School Construction Act, as in effect on the date of the enactment of this section, if—

''(i) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a school facility funded by the Bureau of Indian Affairs

of the Department of the Interior or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

''(ii) the bond is issued by an Indian tribe,

''(iii) the issuer designates such bond for purposes of this section, and

''(iv) the term of each bond which is part of such issue does not exceed 15 years.

''(B) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(i) NATIONAL LIMITATION.—There is a national qualified tribal school modernization bond limitation for each calendar year. Such limitation is—

''(I) $200,000,000 for 2009,

''(II) $200,000,000 for 2010, and

''(III) zero for 2011 and thereafter.

''(ii) ALLOCATION OF LIMITATION.—The national qualified tribal school modernization bond limitation shall be allocated to Indian tribes by the Secretary of the Interior subject to the provisions of subsection (c) of the Indian School Construction Act, as in effect on the date of the enactment of this section.

''(iii) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d)(1) with respect to any Indian tribe shall not exceed the limitation amount allocated to such government under clause (ii) for such calendar year.

''(iv) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(I) the limitation amount under this subparagraph, exceeds

''(II) the amount of qualified tribal school modernization bonds issued during such year, the limitation amount under this subparagraph for the following calendar year shall be increased by the amount of such excess. The preceding sentence shall not apply if such following calendar year is after 2012.

''(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(3) BOND.—The term 'bond' includes any obligation.

''(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term 'Indian tribal government' by section 7701(a)(40), including the application of section 7871(d). Such term includes any consortium of Indian tribes approved by the Secretary of the Interior.

''(e) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(f) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified tribal school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(g) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified tribal school modernization bonds on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

''(h) CREDIT TREATED AS ALLOWED UNDER PART IV OF SUBCHAPTER A.—For purposes of subtitle F, the credit allowed by this section shall be treated as a credit allowable under part IV of subchapter A of this chapter.

''(i) REPORTING.—Issuers of qualified tribal school modernization bonds shall submit reports similar to the reports required under section 149(e).''.

(e) ADDITIONAL PROVISIONS.—

(1) SOVEREIGN IMMUNITY.—Nothing in this section or an amendment made by this section impacts, limits, or otherwise affects the sovereign immunity of the United States or any State or Indian tribal government.

(2) APPLICATION.—This section and the amendments made by this section shall take effect on the date of enactment of this Act with respect to bonds issued after December 31, 2009, regardless of the status of regulations promulgated pursuant to this section or an amendment made by this section.

SA 525. Mr. REID submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, line 14, strike after ''That none'' and all that follows through ''project'' on line 25 and insert ''That not less than $25,000,000 shall be available for and distributed equally among the members of an interagency working group including the Secretary of Energy, the Secretary of Interior, and heads of other applicable agencies for the purposes of enhancing the processing of permit applications for renewable energy projects and related transmission facilities on public land''.

On page 88, line 19, insert ''and new or significantly improved'' after ''commercial''.

On page 90, between lines 14 and 15, insert the following:

SEC. 4___. RENEWABLE ENERGY.

(a) IN GENERAL.—Section 365 of the Energy Policy Act of 2005 (42 U.S.C. 15924) is amended by adding at the end the following:

''(k) PILOT PROJECT OFFICE TO IMPROVE FEDERAL PERMIT COORDINATION FOR RENEWABLE ENERGY.—

''(1) DEFINITION OF RENEWABLE ENERGY.—In this subsection, the term 'renewable energy' means energy derived from a wind or solar source.

''(2) FIELD OFFICES.—As part of the Pilot Project, the Secretary shall designate 1 field office of the Bureau of Land Management in each of the following States to serve as Renewable Energy Pilot Project Offices for coordination of Federal permits for renewable energy projects on Federal land:

''(A) Arizona.

''(B) California.

''(C) New Mexico.

''(D) Nevada.

''(E) Montana.

''(3) MEMORANDUM OF UNDERSTANDING.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall enter into an amended memorandum of understanding under subsection (b) to provide for the inclusion of the additional Renewable Energy Pilot Project Offices in the Pilot Project.

''(B) SIGNATURES BY GOVERNORS.—The Secretary may request that the Governors of each of the States described in paragraph (2) be signatories to the amended memorandum of understanding.

''(C) DESIGNATION OF QUALIFIED STAFF.—Not later than 30 days after the date of the signing of the amended memorandum of understanding, all Federal signatory parties shall, if appropriate, assign to each Renewable Energy Pilot Project Offices designated under paragraph (2) an employee described in subsection (c) to carry out duties described in that subsection.

''(D) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Renewable Energy Pilot Project Office additional personnel under subsection (f).''.

(b) PERMIT PROCESSING IMPROVEMENT FUND.—Section 35(c)(3) of the Mineral Leasing Act (30 U.S.C. 191(c)(3)) is amended—

(1) by striking ''use authorizations'' and inserting ''and renewable energy use authorizations''; and

(2) by striking ''section 365(d)'' and inserting ''subsections (d) and (k)(2) of section 365''.

SEC. 4___. MAXIMUM FUNDING AMOUNT FOR THIRD-PARTY FINANCE.

Section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421) is amended by striking subsection (g) and inserting the following:

''(g) MAXIMUM FUNDING AMOUNT.—The Secretary shall not accept and use more than $2,500,000,000 under subsection (c)(1) for the period of fiscal years 2009 through 2018.''.

On page 570, between lines 8 and 9, insert the following:

SEC. 1903. GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.

(a) GRANTS.—

(1) IN GENERAL.—Upon application, the Secretary of Energy shall, within 60 days of the application and subject to the requirements of this section, provide a grant to each person who places in service specified energy property during 2009 or 2010 to reimburse such person for a portion of the expense of such facility as provided in subsection (b).

(2) SPECIAL RULE FOR UTILITY-SCALE SOLAR AND GEOTHERMAL PROPERTY.—

(A) IN GENERAL.—In the case of any specified energy property which is a part of a utility-scale solar or geothermal project, paragraph (1) shall be applied by substituting ''2009, 2010, 2011, or 2012'' for ''2009 or 2010''.

(B) UTILITY-SCALE SOLAR OR GEOTHERMAL PROJECT.—For purposes of this section, the term ''utility-scale solar or geothermal project'' means any project which—

(i)(I) uses solar energy for a purpose described in clause (i) or (ii) of section 48(a)(3)(A) of the Internal Revenue Code of 1986, or

(II) produces, distributes, or uses energy derived from geothermal deposits (within the meaning of section 613(e)(2) of such Code), and

(ii) has a nameplate capacity rating which is not less than—

(I) 25 megawatts electrical, or

(II) 10 megawatts thermal.

(b) GRANT AMOUNT.—

(1) IN GENERAL.—The amount of the grant under subsection (a) with respect to any specified energy property shall be the applicable percentage of the basis of such facility.

(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term ''applicable percentage'' means—

(A) 30 percent in the case of any property described in paragraphs (1) through (4) of subsection (c), and

(B) 10 percent in the case of any other property.

(3) DOLLAR LIMITATIONS.—In the case of property described in paragraph (2), (6), or (7)

of subsection (c), the amount of any grant under this section with respect to such property shall not exceed the limitation described in section 48(c)(1)(B), 48(c)(2)(B), or 48(c)(3)(B) of the Internal Revenue Code of 1986, respectively, with respect to such property.

(c) SPECIFIED ENERGY PROPERTY.—For purposes of this section, the term ''specified energy property'' means any of the following:

(1) QUALIFIED FACILITIES.—Any facility described in paragraph (1), (2), (3), (4), (6), (7), (9), or (11) of section 45(d) of the Internal Revenue Code of 1986.

(2) QUALIFIED FUEL CELL PROPERTY.—Any qualified fuel cell property (as defined in section 48(c)(1) of such Code).

(3) SOLAR PROPERTY.—Any property described in clause (i) or (ii) of section 48(a)(3)(A) of such Code.

(4) QUALIFIED SMALL WIND ENERGY PROPERTY.—Any qualified small wind energy property (as defined in section 48(c)(4) of such Code).

(5) GEOTHERMAL PROPERTY.—Any property described in clause (iii) of section 48(a)(3)(A) of such Code.

(6) QUALIFIED MICROTURBINE PROPERTY.—Any qualified microturbine property (as defined in section 48(c)(2) of such Code).

(7) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Any combined heat and power system property (as defined in section 48(c)(3) of such Code).

(8) GEOTHERMAL HEATPUMP PROPERTY.—Any property described in clause (vii) of section 48(a)(3)(A) of such Code.

(d) APPLICATION OF CERTAIN RULES.—In making grants under this section, the Secretary of Energy shall apply rules similar to the rules of section 50 of the Internal Revenue Code of 1986. In applying such rules, if the facility is disposed of, or otherwise ceases to be a qualified renewable energy facility, the Secretary of Energy shall provide for the recapture of the appropriate percentage of the grant amount in such manner as the Secretary of Energy determines appropriate.

(e) EXCEPTION FOR CERTAIN NON-TAXPAYERS.—The Secretary of Energy shall not make any grant under this section to any Federal, State, or local government (or any political subdivision, agency, or instrumentality thereof) or any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(f) DEFINITIONS.—Terms used in this section which are also used in section 45 or 48 of the Internal Revenue Code of 1986 shall have the same meaning for purposes of this section as when used in such section 45 or 48. Any reference in this section to the Secretary of the Treasury shall be treated as including the Secretary's delegate.

(g) COORDINATION BETWEEN DEPARTMENTS OF TREASURY AND ENERGY.—The Secretary of the Treasury shall provide the Secretary of Energy with such technical assistance as the Secretary of Energy may require in carrying out this section. The Secretary of Energy shall provide the Secretary of the Treasury with such information as the Secretary of the Treasury may require in carrying out the amendment made by section 1604.

(h) APPROPRIATIONS.—There is hereby appropriated to the Secretary of Energy such sums as may be necessary to carry out this section.

(i) TERMINATION.—The Secretary of Energy shall not make any grant to any person under this section unless the application of such person for such grant is received before January 1, 2013.

(j) COORDINATION WITH RENEWABLE ENERGY GRANTS.—Section 48 is amended by adding at the end the following new subsection:

''(d) COORDINATION WITH DEPARTMENT OF ENERGY GRANTS.—In the case of any property with respect to which the Secretary of Energy makes a grant under section 1903 of the American Recovery and Reinvestment Tax Act of 2009—

''(1) DENIAL OF PRODUCTION AND INVESTMENT CREDITS.—No credit shall be determined under this section or section 45 with respect to such property for the taxable year in which such grant is made or any subsequent taxable year.

''(2) RECAPTURE OF CREDITS FOR PROGRESS EXPENDITURES MADE BEFORE GRANT.—If a credit was determined under this section with respect to such property for any taxable year ending before such grant is made—

''(A) the tax imposed under subtitle A on the taxpayer for the taxable year in which such grant is made shall be increased by so much of such credit as was allowed under section 38,

''(B) the general business carryforwards under section 39 shall be adjusted so as to recapture the portion of such credit which was not so allowed, and

''(C) the amount of such grant shall be determined without regard to any reduction in the basis of such property by reason of such credit.

''(3) TREATMENT OF GRANTS.—Any such grant shall—

''(A) not be includible in the gross income of the taxpayer, but

''(B) shall be taken into account in determining the basis of the property to which such grant relates, except that the basis of such property shall be reduced under section 50(c) in the same manner as a credit allowed under subsection (a).''.

SA 526. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, line 8, insert before the period at the end the following: '': *Provided*, That none of the amounts provided under this heading may be expended to increase the number of motor vehicles in the Federal fleet: *Provided further*, That motor vehicle replacements funded with amounts provided under this heading shall comply with the motor vehicle replacement standards set forth in subpart D of part 102–34 of title 41, Code of Federal Regulations (as in effect on the date of the enactment of this Act)''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, February 5, 2009, at 10 a.m. in room 216 of the Hart Senate office building.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 5, 2009, at 10 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 5, 2009, after the first rollcall vote.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 5, 2009, at 4:30 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Implementing Best Patient Care Practices'' on Thursday, February 5, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Thursday, February 5, 2009 at 2 p.m., in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, February 5, 2009, at 11 a.m., in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the

Senate, to conduct a hearing entitled ''the nomination of David W. Ogden to be Deputy Attorney General of the United States Department of Justice'' on Thursday, February 5, 2009, at 9:30 a.m., in room SD–226 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 5, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, FEBRUARY 6, 2009

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Friday, February 6; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 1, the Economic Recovery and Reinvestment Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. CASEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:04 p.m., adjourned until Friday, February 6, 2009, at 10 a.m.

SENATE—*Friday, February 6, 2009*

The Senate met at 10 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our fathers and mothers, Your mighty hands have brought our Nation to this moment in history. Remind our lawmakers of Your powerful deeds that have sustained us through the storms of the past. May the memories of what You have already done for America bring us peace as daunting challenges assail. Lord, Your power carried us through wars, calamities, depression, and pestilences, keeping our fragile dream of liberty alive. As we now have an opportunity to play our part in liberty's drama, guide us with Your wisdom and protect us with Your love. When answers elude us and certainty cannot be found, strengthen us with Your grace, uphold us with Your power, and guide us by Your providence. We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 6, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

UNEMPLOYMENT

Mr. REID. Mr. President, around midnight last night I was in conversation with the President and some others, and the President indicated that this morning, unemployment numbers would come out, and they would be somewhat scary. That was absolutely true. At 8:30 this morning, the unemployment numbers were reported for January, and they hit a 16-year high of 7.6 percent. That is averaged across the United States. Some places are much worse than that. My State of Nevada is an example. We are the fifth highest unemployed State in the country. Some States now have over 10 percent unemployment.

Mr. President, if this were the top and we were headed down, that would be one thing, but it doesn't appear that is the case. It appears unemployment rates are going to get higher and higher. The business crisis is growing worse and worse, housing problems have become more complex and more difficult, and the lending freeze has not passed. Small businesses are shutting their doors.

In a Las Vegas paper today, to use an example, a book store in Henderson, NV—the second largest city in Nevada—had closed. The people had invested their entire life's savings in this little business—$350,000—and they are broke and the business is shuttered. This is happening all over the country. In January alone, 600,000 people lost their jobs. In Nevada, the unemployment rate is now over 9 percent. Leading economists are now comparing today's crisis to the early years of the Great Depression.

Now, Mr. President, we are not in a depression. But as I mentioned yesterday, during the Great Depression stock market values went down 89 percent, unemployment was 25 percent, and millions of others were underemployed. We are not there, but we have to do something to turn this around or we will be there. That is why the American people are looking at us to do something about it—to create jobs. That is what we need to do.

Now, the package that President Obama has come up with is a mix of tax cuts and spending, and we are now in the throes of trying to work something out to approve that plan. As we mentioned yesterday, in the evening, the vast majority of the American people know something has to be done. They approve of what President Obama is trying to do.

All economists—conservatives, moderates, and liberals—for example, just a week ago we met with Feldstein, Blinder, and we met with Zandi, JOHN MCCAIN's chief economic adviser, somebody from the old Republican administrations, and a Democratic economist. They all said the program has to be bold, and it has to create jobs. Experts at all points along the political spectrum agree if we fail to take bold action, this recession will last for many years into the future.

America is waiting to see what we are going to do in the next 24 hours. The world is waiting to see what we are going to do in the next 24 hours. Everyone knows this crisis was not created by Barack Obama. He has been President for a matter of a couple of weeks. The crisis was inherited from his predecessor. When this man, George Bush, took office, for over a 10-year period there was a $7 trillion surplus. But that is long since gone. Now, President Obama is taking the responsible steps we need to take to begin the long road to recovery.

The first step is the bill before us, called the American Recovery and Reinvestment Act, which the House of Representatives has passed and we have debated all this week. This is a critical day for our country and this Congress. Faced with this grave and growing economic crisis, as indicated by the unemployment figures that came out at 8:30 this morning, the Democrats and Republicans must decide today whether they will work together to come up with a plan and join the President on this road to recovery.

Now, I have been very concerned we shouldn't be talking about names on the Senate floor because sometimes it does more harm than good. But there is a small group of Republicans who are trying to work to come up with a solution. They have been genuine in their efforts. They have been responsible in their efforts. And while I don't agree with everything they are trying to do, I agree with the efforts they have made.

We have made progress. We have made progress since last night. We have been in a number of meetings already this morning. We worked into the night last night, and I think we are going to be able to work something out. I feel very comfortable we can do that. If we succeed, there is going to be a lot of credit to go around. If we fail, there is going to be a lot of blame to go around.

As I have indicated, our entire country will suffer and the world will suffer. We are the country that drives the world economy. During this week of floor debate, we have embraced good ideas, including tax relief and other investments, from both parties. We will

continue to embrace all efforts borne of good will to reach a bipartisan compromise, but we are nearing the time when negotiations must be completed and action must begin.

So I urge my colleagues, both Democrats and Republicans, to dedicate this day to responsibly passing this legislation and sending it to the President so we can say we have marched down that road, that road to economic recovery. There is no perfect solution to what we are attempting. There is no book you can check out of the library to say this is what should be done. There is no group of economists we can go to and tell them to prepare a paper in the next couple of hours to give us direction as to what to do. We must do this on our own, and we will do this on our own.

SCHEDULE

Mr. REID. Mr. President, I hope everyone understands we have a number of amendments—in fact, we have now pending seven amendments—and we are going to continue working through these. I don't want to get more than about 10 pending at any one time. So we have three more that can be offered and then we will vote and get rid of some of these, because we can't have a bottleneck if in fact we arrive at a point where we have a bipartisan amendment that we need to move forward on. And I think that time will come.

I will tell all Members I think we are going to be spending a lot of time here today. I am being a little bit futuristic, but between 5 p.m. and 7 p.m. today I am confident we will have something to vote on that would be kind of the big picture of what we need to do to move this to conference.

I would be happy if my colleague, the Republican leader, wishes to respond or to ask any questions or express any concerns that he may have about the schedule. I haven't had the opportunity this morning to talk to him about the schedule. I normally try to do that on days like this.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

STIMULUS PACKAGE

Mr. MCCONNELL. Mr. President, I have a brief opening statement, and then I will be happy to confer with the majority leader after that, if he is available.

From the very first moment of this debate, there has been strong bipartisan agreement on one thing: the original version of this bill was too big and too unfocused to work. The President, Senate Democrats, and just about every single Senate Republican agreed this bill needed a massive overhaul.

One Democratic Senator said he was very committed to making sure we get it scrubbed clean of many of these programs. Another Democrat said: It needs some work; it needs some surgery. Virtually everyone agreed this bill lacked focus, didn't create enough jobs, had too much permanent Government expansion, and was just way too expensive with the national debt already reaching frightening new dimensions.

The morning papers suggest that, in the Senate, these bipartisan concerns persist, and so do the concerns of most Americans. The more the American people learn about the bill, the less they like it. Americans realize a bill which was meant to be timely, targeted, and temporary has instead become a Trojan horse for pet projects and expanded Government.

We have a $1 trillion deficit. Our national debt exceeds $10 trillion. Soon we will vote on an Omnibus appropriations bill that will cost another $400 billion, bringing the total to $1 trillion for appropriations this year alone—a new record. The President is talking about another round of bank bailouts that could cost as much as $4 trillion. When you include interest, the bill before us will cost nearly $1.3 trillion.

At some point, the taxpayers will have to pay all of this back, and they are worried. Americans can't afford a trillion-dollar mistake, however well meaning the intent. At this point, that is what many of us think this bill would be.

Republicans are ready to support a stimulus bill. That really hasn't been in question. But we will not support an aimless spending spree that masquerades as a stimulus. The economy is in terrible shape. Millions are out of work. This morning's unemployment numbers are a further sign of the severity of the crisis. But putting another $1 trillion on the Nation's credit card isn't something we should do lightly. We need to get a stimulus but, more importantly, we need to get it right.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Reid (for Inouye/Baucus) amendment No. 98, in the nature of a substitute.

Murray amendment No. 110 (to amendment No. 98), to strengthen the infrastructure investments made by the bill.

Baucus (for Dodd) amendment No. 145 (to amendment No. 98), to improve the efforts of the Federal Government in mitigating home foreclosures and to require the Secretary of the Treasury to develop and implement a foreclosure prevention loan modification plan.

Coburn amendment No. 176 (to amendment No. 98), to require the use of competitive procedures to award contracts, grants, and cooperative agreements funded under this act. (By 1 yea to 96 nays (Vote No. 50), Senate earlier failed to table the amendment.)

Udall amendment No. 359 (to amendment No. 98), to expand the number of veterans eligible for the employment tax credit for unemployed veterans.

Coburn amendment No. 309 (to amendment No. 98), to ensure that taxpayer money is not lost on wasteful and nonstimulative projects.

Sanders/Grassley modified amendment No. 306, to require recipients of TARP funding to meet strict H–1B worker hiring standard to ensure nondisplacement of U.S. workers.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this morning the Senate returns to work on its bill creating and saving millions of jobs. As the leader said, and we all know, our work has rarely been more urgent.

Initial jobless claims have hit a 26-year high. I repeat: Initial jobless claims, 26-year high. Last week, 626,000 people, each of them mothers and fathers, sisters and brothers, lost their jobs. That is two-thirds of the entire State of Montana—626,000 people in 1 week. The number of claims by people continuing to apply for unemployment benefits reached a new record. With 4.8 people applying for unemployment benefits, we need to respond. We need to complete this jobs bill.

This past November, our Nation conducted a historic and meaningful election. America voted for a new era. America voted for change. In keeping with the call of our new President, the Senate has, this week, conducted itself with levels of openness and accommodation not seen for years. I would like to underline that. This has been a very open Senate process. We have not seen this in a long time and I hope it continues and even grows. The managers have not filled the amendment tree. We have not sought to blur issues with second-degree amendments. No tree, no second-degree amendments. Senators have gotten votes on their amendments. The Senate has put in a long, full week and worked late nights. Yesterday, the Senate conducted six rollcall votes and adopted five amendments with voice votes and we considered and processed numerous other amendments.

We have now reached the point in this debate, in the adage familiar to most Senators, that everything has been said but not everyone has said it. I might underline that everything has been said many times but not everyone has said it. I now call on my colleagues to show restraint. I urge my colleagues to forgo offering amendments. I urge my colleagues to allow the Senate to bring this matter to a close.

Pending now are seven amendments: The underlying Finance-Appropriations substitute amendment; the Murray amendment, No. 110, to strengthen infrastructure investments; the Dodd amendment, No. 145, mitigating home foreclosures; the Coburn amendment, No. 176, on competitive bidding; the Udall amendment, No. 359, to expand the number of veterans eligible for the employment tax credit; the Coburn amendment, No. 309, on particular spending prohibitions; and the Sanders-Grassley amendment, No. 306, as modified, to require recipients of TARP funding to meet strict H–1B worker hiring standards.

I hope that in short order the Senate will be able to come to an arrangement that will allow us to process the remaining Coburn, Udall and Grassley-Sanders amendments. After that, I hope the Senate will be able to address amendments by Senators FEINGOLD and CONRAD as well as the pending Dodd amendment on our side, as well as equal numbers of amendments on the Republican side. Then I hope the Senate will be able to address amendments by Senators WYDEN and MENENDEZ, as well as an equal number of amendments on the Republican side.

After that, we will seek, as much as possible, to allow a fair system for the consideration of other Senators' amendments. We will address, first, amendments of Senators who are here and willing to offer their amendments. But I renew my call for Senators to resist the temptation to offer their amendments. We are getting to that point where it is becoming a point of diminishing returns. The amendments are coming to the point where they do not need to be offered on this bill at this time. This is just February. There will be plenty of other opportunities for Senators to offer amendments on other bills. We have to get this bill finished today. There will be a conference committee. The managers will work with Senators in the conference to address their concerns. Not everything needs to be said by everyone on the Senate floor today. I urge Senators to forbear offering their amendments as much as possible.

We will continue to try to give Senators notice of what will be coming up. Abraham Lincoln appealed to the ''better angels of our nature.'' I renew that appeal today. Let us work together today in the spirit of comity and cooperation that reflects the better angels of the Senate. Let us finish this bill today. I thank all Senators for their cooperation.

So we can work out an orderly procedure, I now suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time between now and 11:30 be for debate only, to be equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, reserving the right to object, what would the manager contemplate at 11:30?

Mr. BAUCUS. Mr. President, the idea is then to have votes on pending amendments.

Mr. MCCAIN. And then would it be agreeable to go back to some more debate? There is a number of speakers who want to talk about the entire bill as well.

Mr. BAUCUS. Well, obviously Senators can speak on those amendments, which includes the underlying bill. But I would hope we process those amendments and then do the next set of amendments after that.

Mr. MCCAIN. I do not object.

Mr. INHOFE. Mr. President, reserving the right to object—I object.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. I renew my request and ask unanimous consent that the time between now and 11:30 be equally divided and controlled between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Iowa is recognized.

AMENDMENT NO. 372

Mr. GRASSLEY. Mr. President, I do not want to take more than 5 minutes, so let me know when 4 minutes is up.

I want to talk about an amendment I am going to put in. But, first, I think I ought to remind the public at large that here we are on a Friday, there are lots of amendments being adopted. We have been told cordially by the majority that they will not fill the tree. But if you are in the situation where you have to have unanimous consent to get an amendment up, it is tantamount to filling the tree. So I hope this deliberative body is going to do what it should be doing. I hope we do not see a bunch of quorum calls all day where the public back at home is looking at a blank screen that says ''quorum call'' when the Senate could be working on dozens of amendments we have been waiting to bring up for a long period of time, because that is a waste of the taxpayers' money.

If it is extremely important to get on with this legislation, and it is extremely important to get on with this legislation, we should not be having anybody talk about stonewalling on any political party's part, when we are ready to do business, waiting to do business, have been waiting to do business, for a long time. We ought to be able to offer amendments.

I want to speak shortly then about an amendment No. 372. It is not the most important amendment I have been waiting to bring up, but I have spoken about that other amendment before. I want to bring up my amendment No. 297. This one is 372. It merely says that any agency that receives funds under this bill must comply with congressional requests for records. That means our ability as individual Senators to get records for money that is going to be spent by Departments under this bill. It is an effort to ensure that the vision of transparency that President Obama expressed in his Inaugural Address to the Nation is fulfilled.

This is what the President said:

> Those of us who manage the public's dollars will be held to account to spend wisely, reform bad habits, and do our business in the light of the day, because only then can we restore the vital trust between people and their government.

I agree. Of course, unfortunately, when my colleagues and I in Congress ask for documents from the executive branch, we are usually stonewalled with bureaucratic excuses and legalese regarding statutes that were never intended to prevent Congress from gathering information.

This is not a criticism of the Obama administration, this is criticism of previous administrations, Republican and Democratic. I want to make sure it does not happen under this new administration. I do not think it will, but this legislation will make that certain.

Sometimes even statutes with explicit exceptions allowing information to be given to Congress are used as excuses to keep the people's business secret. So to ensure that Members of Congress can gather information, this amendment would simply impose an obligation on any agency that receives funds to comply with a request from a chairman or ranking member of a committee or subcommittee of Congress.

If you support open Government, vigorous congressional oversight, as President Obama says he does, then you should support this amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

AMENDMENT NO. 374

Mr. INHOFE. Mr. President, I have been talking for a couple of days now about two amendments that if the American people knew we had the option to do this, they would be very enthusiastic about joining us.

We supposedly have a stimulus bill that should be coming in two categories, one in tax provisions that would stimulate the economy, and the other is in work that needs to be done. I am talking specifically about highways.

I am the ranking member of the Environment and Public Works Committee. The chairman of the Committee, Senator BARBARA BOXER of California, and I have introduced the amendment No. 374. To me it is a little bit naive to think we would have a bill that only has less than 3 percent of the money that would actually go to highways and to the projects that are ready, as they call them spade ready. So this would increase that amount to $50 billion. But it is done in a rather unique way. The amendment would not take funds, only the funds that would be not obligated within a year up to $50 billion from programs in the stimulus that are not spending or redirecting them to highways.

Now, I would assume that if something has been hanging around here for 12 months, it is not going to be stimulating the economy immediately. So that is what I want to bring up. I at least want to make an effort—I would hate to think that after all of this we have gone through, that I did not even make an effort to get it up.

I ask unanimous consent to set the pending amendment aside for the consideration of the Inhofe-Boxer amendment No. 374.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAUCUS. Mr. President, I object. We are under an agreement where we speak on both sides and offer amendments later. So I respectfully object.

The ACTING PRESIDENT pro tempore. Objection is heard.

AMENDMENT NO. 198

Mr. INHOFE. That is fine. I think I have 4 minutes left. I had another amendment, which is amendment No. 198.

We had a rather unpleasant conversation on the floor yesterday with myself and the junior Senator from West Virginia. It is regrettable because he would not yield for me to respond to accusations that were made about me. I even suggested a point of order and was turned down.

The other amendment I had was one having to do with the subject we talked about yesterday; that is, Guantanamo Bay. I have spent time down there. I will not go on to the same things, because there is not time that is given to me right now.

But what has happened, what is happening down there, this resource we have had since 1903, is something we need today. We all know the consequences and certainly even those individuals who want to close Guantanamo Bay know if that happened, you would still have to make a decision of what to do with the some 110 detainees who are considered to be pretty hardcore terrorists.

Some people say they might be integrated into our U.S. court system. We all know the rules of evidence are different and there is a possibility they could be released. I do not think anyone wants that. There has been a list of some 17 installations within the United States to which these detainees might go. One of those happens to be in my State of Oklahoma, Fort Sill. We do not want that to happen. And I do believe that this is something that we are going to need, so I want to at least make the motion.

I ask unanimous consent to set the pending amendment aside for the purpose of considering amendment No. 198.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAUCUS. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Montana is recognized.

Mr. BAUCUS. Under the agreement, we are going to alternate sides for speakers. I want to ask the Senator from New Hampshire how much time she wishes to speak.

Mrs. SHAHEEN. Mr. President, 3 minutes.

Mr. BAUCUS. I yield 3 minutes to the Senator from New Hampshire.

AMENDMENT NO. 528

Mrs. SHAHEEN. Mr. President and fellow Senators, I rise in support of amendment No. 528, which has been cosponsored by Senator SCHUMER and enjoys the support of many of the Nation's top education groups, including the American Council on Education, the American Association of Colleges for Teacher Education, the National Association of Independent Colleges and Universities, the American Association of State Colleges and Universities, the Association of American Universities, and many others.

America's institutions of higher education are vital to building a skilled workforce and to developing leaders who can compete in the global marketplace. Unfortunately, many of our colleges and universities are feeling the effects of the current economic crisis. As a former Governor, I understand that in these difficult times States are often forced to cut back on funding for critical programs such as education.

My amendment would provide an additional $2.5 billion to the Higher Education Modernization, Renovation, and Repair portion of the American Recovery and Reinvestment Act of 2009. The additional funds will bring the total appropriation to $6 billion, the same amount as in the House bill. It will fund critical projects and instructional equipment at our colleges and universities across the country.

This amendment is estimated to create an additional 71,000 jobs. As we talk about this economic package, one of the things we have all been focused on is how do we create jobs. This amendment would do that.

According to the National Association of Independent Colleges and Universities, private colleges in 21 States report they have 572 projects ready to go, totaling $4.5 billion. The funding in this amendment is targeted for those shovel-ready projects that will have an immediate impact and spur economic growth on the local level. In New Hampshire alone, it will provide an additional $10 million, money that can be spent on needed projects such as rebuilding an arts building at Colby-Sawyer College, renovating a college and innovation center at White Mountains College, general infrastructure repair at the University of New Hampshire, and a science building renovation at Franklin Pierce University. This additional funding will benefit students and colleges across the country and put many people to work.

I urge Members to join me in support of amendment No. 246.

I ask unanimous consent to have printed in the RECORD a letter from the American Council on Education that lists those groups in support of the amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN COUNCIL ON EDUCATION,
Washington, DC, February 4, 2009.

Senator JEANNE SHAHEEN,
Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR SHAHEEN: On behalf of the nation's two- and four-year, public and nonprofit private colleges and universities, we write in support of the amendment you have offered to H.R. 1, the American Recovery and Reinvestment Act of 2009. This amendment would set the amount for infrastructure renovation and repair projects at institutions of higher education at the same level as provided for in the House bill, immediately creating jobs in the short term, and strengthening America's economic future by improving academic capacity.

This funding is truly stimulative in nature. Public and private colleges and universities undertake a substantial number of infrastructure projects for academic facilities every year. Because of the high cost of borrowing and sharp declines in state and institutional budgets, many of these projects have been delayed or canceled. As well, a number of colleges have halted shovel-ready

projects and frozen staff salaries in order to ensure that they will have more aid for needy families. While this is a prudent strategy, it can have a negative economic impact on local communities, where colleges are often the largest employer.

With more than 4,500 campuses across the country, higher education is a strong presence in communities—urban and rural, large and small. These projects have been identified, developed, and are the very definition of ''shovel-ready.'' If provided funding, such an investment would immediately create jobs, boost local and regional economies, and build a lasting improvement to academic capacity at our nation's colleges and universities.

In addition to creating an estimated 71,000 new jobs, this amendment would also address the disparities in funding among states identified by the Congressional Research Service in its analysis of the current Senate funding level.

We thank you for proposing this amendment and offer our strong support for its inclusion in the final stimulus package.

Sincerely,

MOLLY CORBETT BROAD,
President.

On behalf of: American Association of Collegiate Registrars and Admissions Officers, American Association of Community Colleges, American Association of State Colleges and Universities, American Council on Education, Association of American Universities, Council of Graduate Schools, EDUCAUSE, National Association of College and University Business Officers, National Association of Independent Colleges and Universities, National Association of State Universities and Land-Grant Colleges, National Association of Student Financial Aid Administrators, United Negro College Fund.

Mrs. SHAHEEN. I ask unanimous consent to set aside the pending amendments and send my amendment to the desk to be considered.

Mr. BAUCUS. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mrs. SHAHEEN. I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, for the benefit of my colleagues, on this side we have Senators THUNE, GRAHAM, SESSIONS, COBURN, and ALEXANDER waiting to speak. I would imagine that, given that, between now and 11:30, hopefully, we could get most of those in between now and the time for voting, of course observing the protocol of those being recognized on the other side of the aisle.

While we are here in the Chamber discussing this issue, we all know discussions are being held behind closed doors between two or three or four Republicans in order to try to get 60 votes in order to pass this legislation. Obviously, the overwhelming majority of Republican Senators are opposed to the legislation. That same overwhelming majority of Senators are in favor of stimulating our economy and creating jobs.

How did we get here, and where do we go? We got here by the Speaker of the House saying: We won, so we wrote the bill. In the years I have been here, that is not called bipartisanship. Without the votes of 11 Democrats and without the vote of a single Republican, the bill emerged from the other body and came over here. Again, through the Appropriations and Finance Committees, the bill was written without significant input or with negligible input from Senators on this side of the aisle. There is an old saying: If you are not in on the takeoff, you will not be in on the landing.

We are up to approximately $1.2 trillion in the piece of legislation in front of us. The Congressional Budget Office yesterday said that this legislation would increase employment by the end of the fourth quarter of 2010 by 1.3 million to 3.9 million jobs. I did the math. So $1.2 trillion, 3 million jobs, is $923,997 for each job. For 1.3 million jobs, which is the low end determined by the Congressional Budget Office, it is only $307,092 per job.

The American people are figuring out that this is not a stimulus bill. It is a spending bill full of unnecessary spending, unexamined policy changes or policy changes that have been examined and rejected in the past, and, of course, tax cuts which do not stimulate the economy.

I ask to have printed in the RECORD examples of the House spending provisions and the Senate spending provisions which I find not only questionable but obviously, in the view of any objective observer, unnecessary, unwanted, and, indeed, wasteful.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXAMPLES OF THE HOUSE SPENDING PROVISIONS (ARE THEY REALLY ''STIMULUS?'')

$1.7 billion to make upgrades in the National Park System.

$50 million in funding for the National Endowment of the Arts.

$650 million to extend the DTV coupon program.

$6 billion for broadband and wireless services in underserved areas.

$41 billion to local school districts, including a buy American iron and steel requirement on the $14 billion School Modernization and Repair Program.

$325 million to establish an ''innovation'' fund for academic achievement awards to states and local education agencies or schools.

$726 million for an after school snack program.

$39 billion to help unemployed pay for COBRA.

$44 million for repairs to USDA headquarters.

$209 million for agricultural research facilities.

$200 million to ''encourage electric vehicle technologies'' in state and local government motor pools.

$600 million for new cars for the Federal government.

$300 million to provide rebates for buying energy efficient Energy Star products.

$32 billion for energy and transmission system improvements, including $11 billion for the Smart Grid Investment Program.

$245 million to upgrade the computer systems at the Farm Service Agency.

$200 million to repair and modernize U.S. Geological Survey facilities and equipment.

$400 million to NOAA for ''habitat restoration''.

$70 million for the ''Technology Innovation Program'' at NIST.

$10 billion for science facilities and research.

$3 billion for the National Science Foundation, including $100 million to improve instruction in science, math, and engineering.

$2 billion for NIH Biomedical Research.

$1.5 billion for NIH to renovate university research facilities and help them compete for biomedical research grants.

$462 million to enable CDC to complete its Buildings and Facilities Master Plan.

$1 billion ''to minimize undercounting of minority groups'' in the 2010 census.

$3 billion for a new ''Prevention and Wellness'' fund.

$600 million to increase the number of doctors, nurses and dentists.

$20 billion for health information technology.

$1.1 billion for Amtrak and Intercity Passenger Rail Construction Grants to improve speed and capacity.

$500 million to install Aviation Explosive Detection Systems in airports.

$1 billion for Community Development Block Grants.

$8 billion for loans for renewable energy power generation and transmission projects.

$6.7 billion for renovations and repairs to federal buildings.

$6.9 billion for Local Government Energy Efficiency Block Grants.

$2.5 billion for Energy Efficiency Housing Retrofits.

$2 billion for Energy Efficiency and Renewable Energy Research.

$2 billion for the Advanced Battery Loan Guarantee and Grants Program.

$6.2 billion for Home Weatherization.

$2.4 billion for carbon capture and sequestration technology demonstration projects.

$500 million for Industrial Energy Efficiency manufacturing demonstration projects.

$300 million for grants and loans to state and local governments for projects that reduce diesel emissions.

$98.527 million to support the Comprehensive National Cybersecurity Initiative to prevent and address cyber security threats.

EXAMPLES OF POLICY PROVISIONS

Requires TSA to buy 100K employee uniforms from U.S. textile plants.

Legislation to give federal workers new whistle-blower protections.

An exemption for yacht-repair companies from paying for federal workers' compensation insurance to cover those hurt on the job (an exemption sought for 6 yrs by the Marine Industries Association of South Florida). Inserted by FL Reps. Deborah Wasserman Schultz and Ron Klein.

Net neutrality: the bill ''includes language favoring open access—so-called net neutrality—that telecoms have long opposed.''

Unemployment: the House language ''secures an expansion of unemployment insurance for part-time workers'' that Dems ''have sought for more than a decade.''

Education: ''the stimulus aims more than'' $125B ''at bolstering public education, an unusual federal intervention in a sphere usually left to state and local governments.''

Public housing: $5B ''for the construction and repair of public housing. One House GOPer ''depicts it as a quiet reversal of a 30-

year trend of the government extracting itself from public housing construction.''

Health care: the bill expands COBRA and allows workers older than 55, or those who have worked at a company for 10 years, to keep their COBRA coverage until they qualify for Medicare or find a new job. But ''among the plan's biggest departures'' from past policy is ''allowing those who are unemployed to enroll in Medicaid.'' That provision ''would temporarily expand'' the program ''to allow millions of unemployed workers to qualify for benefits.''

$20 Billion to spur the adoption of electronic medical records, which would be, ''by far, the biggest government infusion to enable medical information to follow patients back and forth among doctors' offices, hospitals and other providers.'' Starting in Oct. '10, ''hospitals, doctors and others would be able to get increased payments from Medicare and Medicaid for using such systems.''

SOME OF THE QUESTIONABLE FUNDING IN THE SENATE STIMULUS BILL

$20 million ''for the removal of small- to medium-sized fish passage barriers.''

$400 million for STD prevention.

$25 million to rehabilitate off-roading (ATV) trails.

$34 million to remodel the Department of Commerce Headquarters.

$70 million to ''Support Supercomputing Activities'' for climate research.

$1.4 billion to green HUD assisted housing.

$100 million to teach children green construction skills.

$20 million for trail repairs in wildlife refuges.

$25 million for habitat restoration on wildlife refuges.

$198 million for a school food service equipment.

$120 million to upgrade WIC computer systems.

$23 million for repairs to National park Service trails.

$55 million for the Historic Preservation Fund.

$40 million to make Park Service offices more energy efficient.

$150 million for facility improvements at Smithsonian museums.

$75 million for smoking cessation.

$88 million for replacement of headquarters of the Health Resources Services Administration.

$2.9 billion for the Weatherization Assistance Program.

$4.5 billion for Electricity Delivery and Energy Reliability (ie modernizing the electricity grid).

$430 million for the DOE Science Program including $330 million for laboratory infrastructure and construction and $100 million is for computer research and development.

$1 billion for National Nuclear Security Administration Weapons activities.

$20 million is for port modernizations in Guam.

$30 million is for water and wastewater infrastructure needs in Guam.

$12 million is for electrical transmission line upgrades in Guam.

$20 million to develop web-based programs for school lunch programs to manage food orders.

$100 million for grants to state to assist with aquaculture losses.

$300 million for diesel emission reduction grants.

$50 million to fund biomass utilization grants.

$100 million to repair Forest Service trails.

$20 million for retrofitting BLM offices to make them more energy efficient.

$20 million for USGS groundwater wells and surface water stations.

$85 million is provided for new USGS research equipment.

$25 million for abandoned mine site remediation on forest lands.

Mr. MCCAIN. The distinguished majority leader mentioned that economists like Marty Feldstein said we need a stimulus. He certainly did. He later said this was not the stimulus we need. There are a large number of economists saying that what we are doing is what I know we are doing, and that is to lay an unacceptable multitrillion-dollar debt on future generations. If the purpose of this legislation is to create jobs and get the economy going, why did we reject the trigger amendment yesterday which got 44 votes which said: Once we have two quarters of positive GDP growth, we are required to embark on spending cuts to stop mortgaging our children's futures.

If we keep running up these debts, history shows that we will have debased the currency, printed more money. Hyperinflation takes place, which is, obviously, the greatest enemy of the middle class.

There are provisions such as the ''Buy American'' provision, Davis-Bacon, a number of other provisions in the bill which have nothing to do with jobs, nothing to do with stimulating the economy. In fact, Davis-Bacon and ''Buy American'' mean additional costs to the taxpayer.

The President, last night, speaking to the Democrats, said:

> So then you get the argument this is not a stimulus bill. This is a spending bill. What do you think a stimulus is? That's the whole point.

The whole point is to enact tax cuts and spending measures that truly stimulate the economy. There are billions and tens of billions of dollars in this bill which will have no effect within 3, 4, 5 or more years, or ever. We are talking about a lot of money.

I used to come to the floor and object to provisions that were thousands of dollars, then hundreds of thousands of dollars, then millions—$50 million in funding for the National Endowment for the Arts. All of us are for the arts. Tell me how that creates any significant number of jobs. An afterschool snack program is probably a good idea. Do we really want to spend $726 million on it?

Here we are. My other colleagues want to speak, and so I will be speaking later on. It is important that others do as well. But here we are. We are in a situation where the overwhelming majority of Republicans—in fact, all—voted for both the trigger amendment and for our alternative, which was $421 billion in spending. There are behind-the-scenes negotiations going on so that they can try to pick off two or three Republicans. You cannot call a bill bipartisan if it has two or three or four or even five Republicans out of 535 Members of Congress. You can call it an agreement, but you cannot call it a bipartisan agreement. That is not what the American people want today. Yes, unemployment is up to 7.6 percent. The American people expect us to sit down together.

I see the distinguished chairman of the Budget Committee, the Senator from North Dakota. He probably knows as much about budget issues and spending as anybody. My recommendation is that he and others be appointed by both leaders to sit down in a room so that we can come out with a bipartisan agreement. That means leadership. That means involvement, not just of a couple or three who may be in some respects not reflective of the whole 41 Republican Members of the Senate.

Maybe we have to go back to square one. Maybe we should go back to the beginning because it was flawed when it began, when the authors of this legislation from the House said: We won, so we wrote the bill. That is not bipartisanship.

I urge both Senator MCCONNELL and Senator REID to appoint a group of Senators to sit down together and hash this out. We share the same goal, the same goal of stimulating this economy and creating jobs. We realize we have to spend money to do it. But we also realize—most of us should realize—that if we mortgage our children's future, they already have a $10 trillion debt; this is another trillion. There is going to be an Omnibus appropriations bill coming down the pike. There is going to have to be a TARP 3. We are looking at spending as far as we can see for which we do not have revenues.

We can have a modest—I say modest, I take that back. We can have a bill that is $400 or $500 billion. We can have a bill that truly stimulates this economy, with tax cuts that, in the view of economists, do create jobs, not a one-time injection of sending people a check. That didn't work the last time we did it under the previous administration.

I urge colleagues not to send a message to the American people that we have come out with a bill with 3 or 4 Republicans out of 535 Members of Congress. Let's try to sit down one more time, all of us, and come out with something that truly creates jobs, truly stimulates the economy, and restores the faith and confidence and trust of the American people in the Congress, which has badly eroded and is at historic lows. These are tough times. Let's act tough for a change and get something done, rather than have some partisan result which the American people—certainly a significant percentage—will resoundingly reject because it does not have fiscal responsibility.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. I yield 5 minutes to the Senator from North Dakota.

Mr. CONRAD. I thank the chairman for his extraordinary effort and the effort of the chairman of the Appropriations Committee.

Maybe now is the time we need to have calm reflection on where we are and where we are headed. All of us know this economy is in desperately serious trouble. We had a report this morning. Nearly 600,000 jobs were lost in the previous month. That means in the last 4 months we have lost more than 2 million jobs. All indications are that we will lose millions more jobs in this economy.

What must be done? Clearly, we need an economic recovery package. There would be virtually unanimous agreement on that fundamental point.

What works? Allen Sinai of Decision Economics ran models with his well-regarded econometric model that showed the things that work the best. The fastest is government purchases of goods and services. The second thing that worked the best was transfer payments to States because States are otherwise going to cut their budgets.

Why do those things work the best? Because they inject money into the economy the most rapidly and in a way that there is the greatest assurance that the money is spent. That is what is the key to a short-term stimulus. Why? Because if we think about it, demand in the economy is falling. That is why GDP is dropping. That is why joblessness is increasing. What do we do about it? We can't expect consumers to change course because they are worried about losing their jobs. We can't expect corporations to increase demand because their orders are falling. The only place to look for an increase in aggregate demand is to the Federal Government.

That then raises the question: What is the most effective way for the Federal Government to deploy its precious taxpayer dollars to give short-term lift to the economy but not to burden us with increased debt looking ahead?

That is why the first tests that were applied to this package were that it be timely—that is, that it go into effect quickly—that it be targeted on things that have the most bang for the buck, and that it be temporary so it does not create a bow wave going forward that increases deficits and debt when the economy, we hope, will be in recovery.

With that said, we also need to remember the lessons of the past. In the Great Depression, Roosevelt took action in the 1930s to provide stimulus to the economy. Unemployment was at 25 percent. By 1937, unemployment was down to 12 percent. The stimulus was working. Then they tried to balance the budget in 1937, and unemployment went back up to 19 percent.

So we have to be very careful about when we pivot and move back to reducing the deficit and the debt. There is nobody who is more acutely aware of how important it is we address those long-term fiscal issues than I am. I think anybody who has followed my career for 22 years here would know I am very concerned about long-term debt.

Let's analyze this package. This package—now approximately $925 billion—79.3 percent of it spends out in the first 2 years. Now, that is before we added a few things on the floor. So the numbers might change a little bit, but that is roughly right: about 80 percent in the first 2 years. That means 20 percent is not in the first 2 years. So I submit to my colleagues, the first kind of test, the first kind of screen we should apply is that one. But that is not dispositive because there are certain investments we are going to make that have long-term payoffs for the American people, such as computerizing the health records of the American people, such as—and I would put this at the top of the list—improving the electrical grid for America.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mr. CONRAD. Mr. President, if I could have an additional 30 seconds to close.

Mr. BAUCUS. Mr. President, I yield the Senator 30 seconds.

Mr. CONRAD. I thank the chairman.

Let me say it is critically important we take action. It has to be on a rational basis. It has to have criteria that apply to this package, that will stand the light of day. But at the end of the day, we must act.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from South Dakota.

Mr. THUNE. Mr. President, as many of my colleagues have already noted, the jobs numbers today were very bleak and should cause great concern for all of us as we look at steps we can take to get this economy growing again. But that is why the CBO report that came out yesterday also is so troubling because it indicated the Democratic proposal, the stimulus plan before us, would create as few as 1.3 million jobs—as many as 3.9 million, to be fair, but as few as 1.3 million jobs. Well, a trillion dollars is a terrible price to pay for a bill that may create as few as 1.3 million jobs over, I might add, a 2-year period.

It also went on to say, the CBO report did, that it would reduce the GDP growth in the outyears. So not only does it create potentially a very small amount of jobs—1.3 million over a 2-year period—but it also diminishes the amount of GDP growth we would experience in later years.

Now, if it, in fact, does create only 1.3 million jobs, if this trillion dollar plan—again, all based on borrowing from future generations—does create as few as 1.3 million jobs, if you do the arithmetic on that, if you spend $1 trillion, and you only create a little over a million jobs, that is $800,000 per job. Try and think about how you can convince your constituents back in your home States about the need to spend $800,000 to create a single job.

I mentioned this yesterday, but I will repeat it again: For the people in my State of South Dakota, the average annual salary is about $30,000 per year. So to think about spending $800,000 to create a job is something that is going to be very hard to accept for a lot of people around this country, which is why I believe, and so many people around the country are rallying and saying, this is the wrong direction in which to head.

I happen to agree with that assessment, and I think there are some things that could be done that would make this process more fair in terms of including ideas that Republicans have to put forward but, more importantly, to get a product that is more effective—more effective—at creating jobs at a lower cost.

Now, many of us have tried to improve this bill. I supported a McCain amendment yesterday, a comprehensive approach that is much better in terms of addressing the issue and much better focused in terms of job creation at about half the cost of the underlying bill, the majority bill we are debating today. So we tried to make this bill more focused and more fiscally responsible. I think putting the focus and the emphasis on job creation is the right place to be. But many of the efforts we have made to that end have failed. We have also offered amendments to cut much of the wasteful spending out of this bill, most of which have been defeated.

So what I have sort of concluded is, as much as we tried to make this a better bill by cutting wasteful spending, by making the focus on job creation, by trying to reduce taxes on small businesses and middle-income taxpayers, which would get more money back into the economy, and emphasize less spending on Government programs in Washington, DC, where the bulk of this is committed, that is a much better approach, and many of our amendments have been focused in that direction. But, as I said, none have been accepted.

I have one more amendment I have filed and I hope to have an opportunity to call up. It is sort of a last-ditch effort to bring some reason to this whole debate. But what it essentially would do is take the total cost of the Democratic bill—about $900 billion without interest; $900 billion, when you add in the interest costs, as I said before, you get up to about $1.2 trillion or north of that, all of which is borrowed money, borrowed from future generations—but take that total amount of $900 billion and divide it by every tax filer in this country—anybody who files an income

tax in this country—and basically write them a check.

Now, it is probably surprising to most of us here what you could do with that. But for an average individual filing a tax return in this country, you could write them a check for $5,143; for a couple filing jointly, $10,286.

Now, to be fair, I also wrote the amendment so anybody making more than $250,000 a year would not be eligible. I tried to make this so you cannot argue this is a tax cut for the rich. So anybody who makes more than $250,000 would not be eligible. All filers who have under $250,000 in taxable income would be eligible under this amendment. You could actually write a check to an individual filing for $5,143 dollars; and to a couple filing jointly, a check for $10,286.

I think that is a lot of money in most people's family incomes and it makes a lot more sense, in my judgment, than spending $900 billion on programs that many of us know will not work, creating new bureaucracies in Washington, DC, at a very high cost per job. As I said, if the CBO numbers are right on the low end—1.3 million new jobs—and you divide that, do the arithmetic on that, you are talking, in round numbers, about $800,000 per job. What kind of sense does that make?

It is pretty clear, in my opinion, and I think in the opinion of most of the American people, this is very misdirected in terms of the mission of this whole thing. The intention is great, but the substance of this particular piece of legislation is very flawed.

I would add one last thing; that is, we talk about economic models and analysis and methodology, but the President's own chief economic adviser put together a methodology about a year ago—a little over a year ago—that said for every dollar of tax cuts you get a multiplier of 2.2 percent increase in GDP. So if you cut taxes by a dollar, GDP increases by 2.2 times.

It seems to me, at least, that you can take that methodology—and it seems intuitive to most Americans—when you reduce their taxes, middle-income families' taxes and taxes on small businesses, which create the jobs in this country, you get a much better outcome in terms of GDP growth, in job creation, than sending a bunch of money into Government programs here in Washington, DC, many of which, I might add, are new programs that will not get up and be started for a very long time. There will be a tail on them. As a consequence, you will not see the result in the short period of time we are trying to target here—the temporary approach to this—that actually creates jobs and helps pull us out of the economic crisis we are in.

That is an amendment I have filed. It takes that total amount—$900 billion—breaks it down on a per-filer basis, and if you are an individual filing, you can get a check for $5,143, and if you are a couple filing jointly, you can get a check for $10,286.

But I wish to see us approach this in a different way. A lot of amendments, as I said, have been offered—some good alternatives. The McCain alternative we voted on yesterday makes a lot of sense to me. It does it at about half the cost, and is a lot more effective at creating jobs. That was defeated, as have been all the other amendments we have offered to make this more fiscally responsible, more focused, and more targeted on job creation.

With that, Mr. President, I yield the floor and thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BAUCUS. Mr. President, I yield 7 minutes to the Senator from Hawaii.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

AMENDMENT NO. 309

Mr. INOUYE. Mr. President, I rise to express my concerns about amendment No. 309 offered by the Senator from Oklahoma.

Senator COBURN's provision prohibits spending any of the funds in the bill for casinos, golf courses, swimming pools, and other recreational facilities. I think we can all agree these sound like laudable goals. I understand on its face this amendment would seem logical. But I want the Senate to understand what it means as it applies to this measure.

Some of my colleagues might wonder why the House included this provision in this bill, and why we do not think it makes sense. The House included $1 billion for the Community Development Block Grant Program. Under that program, funds go straight to the cities, and mayors determine how to spend the funds.

When the Conference of Mayors presented their views to the country's leadership on how to stimulate the economy, the No. 1 program they were hoping to have funded was CDBG. But that program does not have sufficient safeguards. It can be used to construct recreational swimming pools or aquariums or to support museums. On occasion, CDBG funds have been used for programs which some would say had questionable merit.

To ensure that the Senate would not be supporting questionable programs, the Senate Appropriations Committee recommended no funds for this program—no funds for CDBG. The House recognized that CDBG funds might be used inappropriately if there were no prohibitions on questionable programs, so it included the provision which Senator COBURN wants attached to this bill.

We do not need to include the provision because we do not have CDBG funding in this bill. The mayors are precluded from funding the projects prohibited by the amendment of the Senator from Oklahoma. The Senate is already protected from possible abuse by denying the funding for the program.

But let me offer another example of how the committee ensured that local funds could not be used unwisely. In the bill, the committee has included $2.5 billion for the Neighborhood Stabilization Program which is designed to improve blighted neighborhoods. However, it is true that on occasion funds for this program had been used for community development of questionable merit. To avoid that problem, the Appropriations Committee recommended bill language under the Neighborhood Stabilization Program which only allows the funds to be used for replacement of housing. This limitation means the funds cannot be used to build community centers or swimming pools.

We support the idea behind the amendment but not the amendment. First, we have not provided funds for programs which can be used frivolously. Second, there are no earmarks in this bill. Third, there is no CDBG money in this bill. Fourth, the housing programs cannot be used for frivolous purposes.

Members might argue that you could include this amendment as an additional safeguard. Well, consider this one example: Among other things, the amendment would prohibit construction of swimming pools—no exceptions to that. We might all say we agree with that, but it should be noted we do not direct the construction of any particular swimming pool because that would be an earmark. Well, now comes the crunch. However, this bill contains $3.4 billion for needed construction of new and infrastructure innovation and repairs at existing VA hospitals. Under the terms of this provision, the Veterans' Administration would not be able to spend any of their infrastructure funding provided to the Department on construction or renovation or therapeutic swimming pools at spinal cord injury centers, trauma centers, and other VA medical centers. These are very essential to the rehabilitation of these wounded warriors.

The Appropriations Committee is aware the VA has plans for many legitimate construction projects, such as pools specifically used for medical rehabilitation of wounded soldiers. These are not swimming pools for the VA staff, but they would nonetheless be prohibited by this amendment.

While I am confident this was not the intent of the amendment, it most certainly could be the result. It is not the only example. Should our military be denied from building recreational facilities? Should the Coast Guard be told not to build swimming pools where they practice training exercises? We expect these men to dive into cold waters in the Arctic Sea and rescue men

and women, so they need special training. Do we want to argue that no funds be made available for fixing aging buildings that are ready to crumble?

This amendment is a solution in search of a problem, and let's not forget the amendment causes problems. If adopted, this amendment would deny our wounded veterans the physical therapy they need and deserve, and it could deny other needed programs to support training and quality of life for our military forces and their families. I sincerely recommend we vote down this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I see my colleague from South Carolina; perhaps he is ahead of me. If he is, I would be pleased to yield to him.

Mr. GRAHAM. Just for 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

The minority controls 1½ minutes at this point.

Mr. GRAHAM. A minute and a half.

Well, we are at a crossroads for a minute and a half.

Mr. MCCAIN. Mr. President, I ask unanimous consent, if the distinguished manager would agree, for 5 minutes for the Senator from South Carolina, or we will go after the vote.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time for debate equally divided be extended until 12 noon and add in the other time to be equally divided, so on that basis, there is more on this side.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCAIN. Reserving the right to object, I wish to thank the manager of the bill for his generosity. I do not object.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I wish to thank Chairman BAUCUS and Senator MCCAIN. I don't have anything Earth shattering to say. I do appreciate the additional time.

We are in on Friday. I think this is good for the country that we have slowed this process a bit. It is not good for the country if we don't act. The jobless rate is going up so we need to stimulate the economy. Count me in for doing that. However, we don't need a headline that says we rushed through $1 trillion in spending that would not stimulate the economy in an effective way but will run up the debt, which is already way too high.

I think we are at a crossroads, if I may say so, about how we proceed, not just on this bill but as a Congress and as a nation. I think there are plenty of people over here—I can't give you a number; people asked me about numbers—who would like to find a way through a better process to create a bill that would stimulate the economy in a real way, through spending and tax cuts, and if it doesn't help the economy in 2 years from a tax cut point of view or a spending point of view, then I would argue it doesn't meet the goal of stimulating the economy. The spending may be worthwhile, but if it hits 3, 4, 5 years from now, then I think we missed the boat because we are not here to spend money blindly. We are here to stimulate the economy so the jobless rates don't go up.

I think my dear friend from North Dakota gets this. There are tax cuts that may need to be looked at. I believe we need to do more than cut taxes, but we need a strategy. To me, the goal should be to get it into the economy within 2 years. If you can do that through tax cuts and spending, that is the place to start. There are some items that are long-term investments that would fit within 2 years but maybe could be taken out and put in a separate bill because what is going to happen next is the administration is going to ask us for hundreds of billions of dollars on top of the TARP money to generate support for the banking and financial sector, and they would be right to do so. So every dollar we can focus in this bill to creating jobs in the short term through tax cuts and spending, and take these other long-term items out, is more money we can put into housing and banking.

I don't think most Americans realize this is a three-legged approach in that the stimulus package is just one piece of the puzzle. Quite frankly, it is the piece of the puzzle that is hard politically that does probably the least for our overall economic problems. If we don't fix housing and get credit flowing, we can flow all the money in the world into a stimulus package. Let's don't throw any more good money after bad.

We know we have to fix housing. We know we have to do something with banking. When we talk about banking, we are talking about a hard sell, given the reputation of what has happened in TARP, for any Republican or Democrat to come back to the public and say: Give us some more money to fix banking. They are going to say: What the heck did you do with the money we gave you before? We have a crisis of confidence growing.

So we are at a crossroads. I want bipartisanship. I couldn't agree more with Senator MCCAIN. He is a man who has walked the walk when it comes to bipartisanship. He has taken a lot of criticism—so have I—for reaching across the aisle on emotional issues to find common ground. We don't have a process in place that reflects a way to get true bipartisanship. Just picking off a few votes is not going to solve our Nation's problems. We need strong bipartisan support for a stimulus package that is targeted and focused on creating jobs in the near term because we are going to need strong bipartisan support to ask for more money for banking and housing.

Let's don't blow it here. Let's don't spend this goodwill that this new administration has. I want to help this new President be successful in areas where our country needs to be successful. I am not talking about tax cuts ideologically; I am talking about a focused plan to jumpstart the economy through a stimulus bill that will draw bipartisanship. That is not where we are. The public wants us to be smart, and they want us to work together. The product we have now is, in my opinion, not smart, and the process we created beginning in the House is not allowing us to work together. We have a chance to turn it around. Let's take advantage of it. Let's get it right so we can come back together to the public and fix housing and banking. If we mess it up with the stimulus package, if we split in different camps and we create a bill the public doesn't support on the stimulus package, we are going to ruin our ability as Members of Congress and the new administration to fix the entire economy.

We are at a crossroads. Slow down, get it right. I yield back.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from New Mexico.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank my colleague and the chairman of the committee very much. I wish to talk today about an amendment I am hoping to offer. It is amendment No. 480. It relates to the funding of our national public land management agencies so they can create jobs and do the important work that needs to be done in their various jurisdictions.

We have had a lot of talk about how it is important that we focus the funds we have in this legislation on jobs that can be created quickly. We have had lots of talk about how we need to focus these resources on the real needs of the country and jobs where we can actively monitor the decisions that are made so we know that the money is not being wasted. In my view, this amendment does all of those things. It is a proposal to add an additional $2.5 billion to funding for the National Park Service, for the Forest Service, for the Fish and Wildlife Service, for the Bureau of Land Management, and for the Bureau of Indian Affairs to carry out the critical land and resource management projects they have identified that need to be carried out on our public lands.

Fourteen Senators joined me in cosponsoring the amendment: my colleague, Senator UDALL of New Mexico, Senator BOXER, Senator WYDEN, Senator MERKLEY, Senator CANTWELL,

Senator MURRAY, Senator BAUCUS, Senator TESTER, Senator LEVIN, Senator STABENOW, as well as Senators KERRY, LEAHY, SCHUMER, and Senator UDALL from Colorado.

Now, the estimates we have from the various public land management agencies are that this additional funding would allow them to create an additional 45,000 jobs between now and the end of the next fiscal year; that is, the end of September of 2010. I have heard a lot of criticism that the cost per job of this proposed legislation is too much, and I have heard the $800,000-per-job figure thrown around. When you look at this, all the figures I have indicated that we are talking about $56,000 per job for this next 2-year period. These jobs are vitally needed and can be carried out quickly.

Let me give some examples of what I am talking about and what I think could be done with this extra funding. One example in the National Park Service is we need to complete the stabilization construction for the seawall at Ellis Island and the asbestos removal at the Statue of Liberty National Monument. These are projects that are underway but don't have adequate funding to be completed. We need to repair trails at Olympic National Park. We need to replace substandard employee housing at Grand Canyon National Park. I am sure my colleagues from Arizona will recognize, having seen that substandard housing, that would be a good use of public funds. We need funding for road repair and replacement at Bandelier National Monument in my home State of New Mexico.

As far as Forest Service funding goes, much more funding is needed to thin the forests to reduce wildfire fuels and restore forest health. This thinning work is labor intensive. It is work that requires chainsaw crews and heavy-equipment operators. These people are out of work today. These people can be put to work very quickly doing this important work, and this forest thinning work protects our communities that are located near these national forests from wildfires.

The Bureau of Land Management has a tremendous amount of work that needs to be done with regard to reclaiming abandoned oil and gas wells and mine sites. In my State alone, we have 8,000 acres that are covered with abandoned oil wells and hundreds of abandoned mines waiting for reclamation funding. Again, there are contractors and there are workers who are anxious to have this work, if we would just fund it.

Regarding State and tribal wildlife grants, there are examples in my home State where we need to install fish screens, replace culverts, and we need to work in the Rio Grande area to restore cutthroat trout habitat, and much work can be accomplished there.

Mr. President, let me conclude by saying that if we want to put public funds into work that is important to the public and if we want to put public funds into projects that can create jobs quickly and stimulate the economy through that effort, I believe this amendment is ideally designed to accomplish that. I hope very much that my colleagues will support it.

There has been a lot of talk about how we need to reduce the size of this overall legislation. I don't agree with that. Virtually all of the economists—conservative and liberal—have all said, if anything, this legislation is too small as it currently stands. But whatever the size of the legislation, this is the kind of job-creation funding in which we ought to be engaging. I urge my colleagues to support the amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent to be recognized for 7 minutes.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

Mr. SESSIONS. I ask to be notified at 7 minutes.

The ACTING PRESIDENT pro tempore. The Senator will be notified.

Mr. SESSIONS. Mr. President, unemployment is rising, and it was not a good month. We saw those numbers today, but it was not higher than people have been expecting. But it is a very serious thing to have unemployment rising as it is, and we know it will continue to rise. I believe there are things we in Congress can do to help confront this problem.

My Democratic colleagues are so committed to this legislation and saying this bill will save and create jobs and it must be passed now and there can be no serious alteration in it. The question really is, for the American people, what is in the national interest? What will serve this country best both now and in the long run? What is the best information we have to make realistic decisions? Finally, will the projections we are hearing here actually work? Just to say the bill will create jobs is not enough for us in Congress. We are not experts in all of this. We do have some experts we rely on, but we need to look at it carefully.

According to our Congressional Budget Office, in a letter written to Budget Committee Ranking Member JUDD GREGG, whom the President has asked to serve as his Secretary of Commerce—dated February 4—remember, this is a bipartisan organization, and we rely on it for reliable data. We depend on it for objective advice. The new leader of CBO was selected in a bipartisan way. Our Democratic colleagues clearly have a majority in the Senate, and they would not have approved the nominee if they didn't think he was a qualified person.

What did he say just yesterday? This is the truth, I think:

> The Senate legislation would raise output and lower unemployment for several years.

We certainly hope so. We don't want to spend a lot of money and not get any unemployment easing.

Then it goes on to say:

> In the longer run, the legislation would result in a slight decrease in the gross domestic product (GDP), compared with CBO's baseline economic forecast.

The baseline economic forecast is without any stimulus package. We don't have any stimulus package under current law. The baseline without the stimulus package indicates it would do better over 10 years than if we passed this bill. I know we are not running for election 10 years from now; we are running for election today, some people seem to think. But I believe we have a responsibility to the long-term interests of this country. It is stunning to me that this report says that over 10 years, it would be a net negative. And GDP means jobs. If GDP is down—gross domestic product, which is all the goods and services produced in the country—if that is down, jobs are down. If GDP is up, jobs are up.

What else does the letter say? It says this:

> The macroeconomic impact of any economic stimulus program is very uncertain.

So we don't know for certain whether we will get any impact at all.

It goes on to say:

> For those reasons, some economists remain skeptical that there would be any significant effects, while others expect very large ones.

Quoting from the letter again:

> According to these estimates, implementing the Senate legislation . . . would also increase employment at that point of time [the fourth quarter of 2010, when we would expect the results to be most pronounced] by 1.3 to 3.9 million jobs.

Well, Senator MCCAIN has already explained to us that he has run the numbers on that. This is what it would be. The bill is scored at $1.2 trillion-plus, and with additions, we think it is $1.27 trillion, one and a quarter, which is the largest spending package in the history of this country or any country, in the history of the world, and much larger than anything that has ever been approached. The entire 5-year Iraq war has cost around $500 billion, just to give some perspective.

How much would that be per job? It would add 1.3 million jobs, according to CBO. That is on the low end of the estimate. At that number and a $1.2 trillion deficit—remember, the bill is about $888 billion, but with the CBO scoring, the interest on that over the 10-year budget window, that means it would be $1.2 trillion-plus. So Senator MCCAIN worked it out at $1.2 trillion. If you divide that out at 1.3 million jobs,

it turns out to be about $765,000 per job. That is just plain mathematics. They say we are going to create jobs and the cost will come out on the lower end to about $765,000 per job. If you assume it creates jobs on the high end, 3.9 million jobs, it would be $255,000 per job.

This is just not good legislation, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator has used 7 minutes.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, the problem here is that this is not good legislation. For the rest of our lifetime, this $1.2 trillion debt—I think now really $1.27 trillion—will be a burden on our children for years to come, indefinitely. Every penny of this spending is debt. We are already in debt, so we are spending on top of our debt. There is no way we can deny that. It is just not responsible. A smaller, more targeted program, designed to spend out in 2 years, create jobs in an effective way, is something I think we can all support. This legislation—I truly believe we should not do it. I urge my colleagues to study it.

The ACTING PRESIDENT pro tempore. The Senator has used his time.

Mr. BAUCUS. Mr. President, I yield 4 minutes to the Senator from Minnesota.

Mr. MCCAIN. Mr. President, parliamentary inquiry: Am I correct that, for the benefit of our colleagues, now the votes will be put off until 1?

Mr. BAUCUS. Mr. President, it is my understanding that we may have to put off votes until 1 o'clock. That is not determined yet, but there is a high probability of that. Around noon, we will ask for an agreement to speak for another hour.

Mr. MCCAIN. I thank the manager. I tell my colleagues that if it looks as if we will not vote until 1, there will be time to come over and speak.

Mr. BAUCUS. That will be the case.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I thank the chairman. I thank him for his good work on this legislation.

I have come to the floor to ask that the pending amendment be set aside, and I ask for consideration of my amendment No. 201, which I have at the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAUCUS. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Ms. KLOBUCHAR. Mr. President, despite the objection, I hope to have the opportunity later in the day to include this important amendment in the bill. This amendment is cosponsored by Senator BENNETT, Senator HATCH, and Senator KOHL.

I first note that my amendment doesn't cost anything. It doesn't add any money to this bill. In fact, it saves money in the long term. My amendment represents a bipartisan effort to strengthen an important part of the bill, which is the health information technology part of the bill.

As we know, technology has transformed our country. I am encouraged that this legislation we are working on would develop a national health information technology system and create over 200,000 new jobs doing it. If implemented thoughtfully, health information technology has the potential to reduce waste, rein in costs, stimulate innovation, and improve quality.

As you know, Mr. President, Minnesota is a leader in the health care community across this country, with the Mayo Clinic and countless other hospitals and clinics in our State. We have been recognized for the measured quality outcomes that have resulted from effective information technology implementation. So we know what we are doing in Minnesota.

In this bill, there are, as I mentioned, very good provisions for the development of health information technology. There are also some privacy provisions, which are necessary and which I support. We recently had a hearing on these provisions in the Judiciary Committee. Out of that hearing came this amendment. One of the things we recognized was that one of the privacy provisions, which is well-meaning, would have the effect of making it hard to collect data to improve the quality of care, which is something Mayo Clinic does so well. One example: You will save $50 billion in 4 years in this country in taxpayer Medicare spending if every hospital used the protocol Mayo Clinic has used for the last 4 years for chronically ill patients. The reason they can do that is they collect data, so they know what the protocol should be.

My amendment ensures that the quality assessment research necessary to improving our health care system is preserved.

As the bill currently stands, all forms of health care operations are subject to regulations to be put forth by the Secretary of Health and Human Services. These regulations have the potential to impose varying levels of restriction on the ability of doctors and nurses to share information.

While I support requiring authorization and the use of de-identifiable data in many areas of the health care system, subjecting quality assessment activities to these regulations has the potential to limit patient care and clinic research. That is the last thing we want to do now, as we are looking at collecting that information to spread these protocols across the country to get better assessments of what high-quality care means. That is why Senator HATCH and Senator BENNETT are cosponsoring this amendment with me.

I also note that this is supported by the American Hospital Association, as well as the Association of Medical Colleges.

With the United States spending $2.3 trillion per year on health care, we must bring an end to the inefficiencies of the system. We need the information—well-intentioned in the bill—but we must make sure the work going on to share information continues.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, at the conclusion of my remarks, I am going to ask unanimous consent to print in the RECORD some recent op-eds. I would like to quote from some of them because they reflect the emerging consensus of experts around the country as to what this so-called stimulus package is all about and what the results of it will be.

A couple of these I wish to talk about because they are from unlikely sources in the political spectrum. One might assume, for example, that the Washington Post would be very supportive of moving forward with a so-called stimulus bill. But this morning in the Washington Post, there is a pretty significant question raised and a concern raised about whether the bill should move forward as it is.

I am advised that because of the division of the time, rather than 15 minutes remaining, the Republicans have only 1 minute. That probably means I have about 30 seconds. What I will do, if we do extend the time as the manager indicated after noon, I will conclude my remarks at that time, or if the Senator has some time now.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that the time between 12 p.m. and 1 p.m. be equally divided between Democrats and Republicans for debate only.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator may continue.

Mr. KYL. Mr. President, I appreciate the Democratic whip getting that cleared for everybody's sake and also for permitting me to continue to speak. I appreciate it.

This Washington Post editorial quotes the President, first of all, contending that the opponents of this bill are peddling the same failed theories that helped lead us into this crisis.

I am one who is very skeptical about this bill. I am not quite sure what the President is accusing me of. What we asked is that a program be built from the bottom up that would be targeted

at helping people who are in need, that would be targeted at helping to create jobs in a quick way, that will actually quickly create jobs that could stimulate the economy and that will not put a burden on future budgets and on future taxpayers by creating new permanent programs and mandatory spending that takes a long time to spend out.

The Post then goes on to criticize the attempt of the President to pin on all of the opponents some ideological objection. As it notes:

. . . Ideology is not the only reason that senators—from both parties—are balking at the president's plan. As it emerged from the House, it suffered from a confusion of objectives.

Here is the point I wish to emphasize. When the President talked not merely of a prescription for short-term spending but a strategy for long-term economic growth, here is what the Post says:

This is precisely the problem. As credible experts, including some Democrats, have pointed out, much of this ''long-term'' spending either won't stimulate the economy now, is of questionable merit, or both. Even potentially meritorious items, such as $2.1 billion for Head Start, or billions more to computerize medical records, do not belong in this legislation, whose reason for being is to give U.S. economic growth a ''jolt,'' as Mr. Obama himself has put it. All other priorities should pass through the normal budget process, which involves hearings, debate and—crucially—competition with other programs.

I think that is right. That is one of the things Republicans have been saying. Some of the spending in the bill may be perfectly meritorious, but since this is emergency spending, it does not have to be accounted for in either reduced spending elsewhere or new tax receipts. It is simply added onto the budget deficit.

What the Post and what we and others have been saying is that spending with long-term consequences is nothing more than the kinds of items we pass every year in the appropriations process, and it should be subjected to that process.

The so-called stimulus bill should be reserved for those items that stimulate quickly. We have all heard the phrase ''timely, targeted, and temporary.'' Part of the problem with the bill is that because it creates new mandatory spending and it creates new permanent programs, it is not temporary. In the discretionary account, more than half the money does not even begin to be spent until the year 2011. I know all of us hope by 2011 we are out of this recession.

I think the Post's criticism is very valid. I urge my colleagues to look at this a slightly different way. Rather than spending on programs that seem like a good idea and may have long-term, positive consequences, let's remove those items from this bill and focus strictly on the items that would actually stimulate the economy.

There is a second op-ed piece that was written in my hometown newspaper, the Arizona Republic, on February 6, by Bob Robb, a columnist there who is very erudite and a good economist. He criticizes both Democratic and Republican ideas. He is an equal opportunity criticizer. We all benefit from that critique of his from time to time. Here is what he says about the Democratic proposal:

The Democratic stimulus proposals are based upon a false premise and a deceit.

The false premise is that all Americans are construction workers.

The Democrats propose that the federal government build new stuff for virtually everyone.

The Congressional Budget Office has already noted the constraints that exist on government's ability to get hundreds of billions of dollars of construction money out the door quickly. But even that ignores the constraint from those who would need to do the work.

Residential construction is, of course, in a deep slump. Commercial construction not so much. And residential construction workers are not easily redeployed to do commercial and heavy construction. The skill sets are different.

The deceit is that all this spending requires suspending ordinary budget constraints to jumpstart the economy. Most of the spending is actually in pursuit of long-term Democratic economic growth strategies.

Democrats believe that the economy will perform better long-term with significant additional government investments in alternative energy sources, education, health care and social welfare programs.

And we have heard that during this debate.

He goes on to conclude:

Democrats won the election and certainly have the right to try to advance their long-term strategies. But there is nothing about fighting the recession that justifies exempting these long-term strategies from the most basic of budget considerations: How are you going to pay for them?

Even without the stimulus package, the federal government has already reached post-World War II records for spending and the deficit as percent of GDP.

The primary economic effect of the Democrat's stimulus proposals will be to inflate private sector commercial construction costs and give the country an even more severe fiscal headache.

That leads into the third op-ed by George Melloan in today's Wall Street Journal that I will have printed in the RECORD. He is a respected commentator and economist in these matters. I am not going to quote very much of his op-ed. The title of it is: ''Why 'Stimulus' Will Mean Inflation.''

He concludes, as did Bob Robb, that will be the result of all of this spending which is declared emergency but is not distinguishable from most of the spending that we do in the ordinary appropriations process. But his concern is that as we inflate the currency of our country, it will be more and more difficult to get people to buy our debt, and the net result could be increasingly costly debt financing.

As he notes, too, the credit for the rest of the economy will become more dear as well and entitlements will go up instead of being brought under control under this legislation. He predicts this will require the Fed to create more dollars, and the end result will be severe inflation in our economy.

That is borne out by the fact that even though the legislation purports to end some of the mandatory spending programs after 2 years, the cost of 10 years for these programs that will supposedly expire is well over $1.3 trillion. I don't think very many of us believe that after 2 years we are going to stop this mandatory spending. My colleague, JOHN MCCAIN, offered a proposal. In fact, there were two. The Senator from South Dakota, Mr. THUNE, offered another one. The idea was, once we are out of the recession, once we have had two quarters of economic growth, then surely that is the time to stop all this so-called stimulus spending. That is, in effect, what the proposal said. It was rejected by our Democratic colleagues. The reason is very clear: They don't intend to stop. They intend to continue it, and that is another $1.3 trillion that is not even factored into the cost of this $1 trillion-plus bill.

Take the $1 trillion deficit we have now, $1.3 trillion on the bill before us, another $1.3 trillion, and as Everett Dirksen said on this floor a long time ago, pretty soon you are talking big money. We are talking trillions of dollars, and we should not be in that position today.

Recently, the President spoke to some of our Democratic colleagues. He said the Republicans criticize this bill as a spending bill. I am paraphrasing. He said: Of course, it is a spending bill; that is the whole point. I understand what he was getting at. Many believe Government spending can stimulate economic growth, and I suspect in certain ways that can be done. A lot of us believe those benefits are limited and that there are better ways to stimulate economic growth. But that is the Keynesian theory.

When the President says: Of course, that is a spending bill, that is the whole point; he is acknowledging what we have been saying on this floor for a week now, which is that this is a spending bill.

He would say: But it also stimulates. What I said yesterday was that is kind of a trickle-down theory. The Government spends $1 trillion, throws it against the wall, and hopes some of it trickles down to actual families who need the support so they can then get their own budgets in balance and, hopefully, have something left over to spend. That is where ideas, such as those in the alternative proposed by

my colleague, Senator MCCAIN, come into play because they actually help families in a way that could also have a way of stimulating economic growth. That is what this package should be all about.

I will summarize it this way. This bill spends far too much money for far too long a period of time without any requirement that it be offset in any way by reductions in spending or tax receipts, which is the normal appropriations process and will inevitably result in inflation which robs every American and, in particular, retired Americans who have to rely on their savings.

We have to consider the long-term consequences, and I hope the better Republican ideas that have been, so far, pretty much rejected by our colleagues on the Democratic side can be brought to the floor as amendments and will be supported so there can be broader support for this legislation. If it is adopted on virtually a party-line basis, that is not going to be good for the country, and the end result will not stimulate the economy.

Mr. President, I ask unanimous consent to have printed in the RECORD three items. The first is an editorial in the Washington Post, February 5, called ''The Senate Balks.'' The second is a column in the Arizona Republic, dated February 6, ''Bad Stimulus Ideas All Around.'' The third is a Wall Street Journal, February 6, George Melloan column, ''Why 'Stimulus' Will Mean Inflation.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 5, 2009]

THE SENATE BALKS

Today in The Post, President Obama challenges critics of the $900 billion stimulus plan that was taking shape on Capitol Hill yesterday, accusing them of peddling ''the same failed theories that helped lead us into this crisis'' and warning that, without immediate action, ''Our nation will sink deeper into a crisis that, at some point, we may not be able to reverse.'' A thinly veiled reference to Senate Republicans, this is a departure from his previous emphasis on bipartisanship. Still, as a matter of policy, Mr. Obama is justified in signaling that the plan should not be tilted in favor of tax cuts—and that the GOP should not waste valuable time trying to achieve this.

However, ideology is not the only reason that senators—from both parties—are balking at the president's plan. As it emerged from the House, it suffered from a confusion of objectives. Mr. Obama praised the package yesterday as ''not merely a prescription for short-term spending'' but a ''strategy for long-term economic growth in areas like renewable energy and health care and education.'' This is precisely the problem. As credible experts, including some Democrats, have pointed out, much of this ''long-term'' spending either won't stimulate the economy now, is of questionable merit, or both. Even potentially meritorious items, such as $2.1 billion for Head Start, or billions more to computerize medical records, do not belong in legislation whose reason for being is to give U.S. economic growth a ''jolt,'' as Mr. Obama himself has put it. All other policy priorities should pass through the normal budget process, which involves hearings, debate and—crucially—competition with other programs.

Sen. Susan Collins of Maine is one of the moderate Republicans whose support the president must win if he is to garner the 60 Senate votes needed to pass a stimulus package. She and Democrat Ben Nelson of Nebraska are working on a plan that would carry a lower nominal price tag than the current bill—perhaps $200 billion lower—but which would focus on aid to states, ''shovel-ready'' infrastructure projects, food stamp increases and other items calculated to boost business and consumer spending quickly. On the revenue side, she would keep Mr. Obama's priorities, including a $500-per-worker tax rebate.

To his credit, Mr. Obama continues to seek bipartisan input, and he met individually with Ms. Collins for a half hour yesterday afternoon. We hope he gives her ideas serious consideration.

BAD STIMULUS IDEAS ALL AROUND

The Democrats have some bad ideas for the stimulus bill. The Republicans also have some bad ideas.

Unfortunately, the compromise might be to combine the bad ideas of both parties.

The Democratic stimulus proposals are based upon a false premise and a deceit.

The false premise is that all Americans are construction workers.

The Democrats propose that the federal government build new stuff for virtually everyone.

The Congressional Budget Office has already noted the constraints that exist on government's ability to get hundreds of billions of dollars of construction money out the door quickly. But even that ignores the constraint from those who would need to do the work.

Residential construction is, of course, in a deep slump. Commercial construction not so much. And residential construction workers are not easily redeployed to do commercial and heavy construction. The skill sets are different.

The deceit is that all this spending requires suspending ordinary budget constraints to jumpstart the economy. Most of the spending is actually in pursuit of long-term Democratic economic growth strategies.

Democrats believe that the economy will perform better long-term with significant additional government investments in alternative energy sources, education, health care and social welfare programs.

Democrats won the election and certainly have a right to try to advance their long-term strategies. But there is nothing about fighting the recession that justifies exempting these long-term strategies from the most basic of budget considerations: How are you going to pay for them?

Even without the stimulus package, the federal government has already reached post-World War II records for spending and the deficit as a percentage of GDP.

The primary economic effect of the Democrat's stimulus proposals will be to inflate private sector commercial construction costs and give the country an even more severe fiscal headache.

The Republicans counter that our financial difficulties are rooted in housing and that's where the fix needs to start.

Certainly the bursting of the housing bubble was a proximate contributor to the economic downturn. But the heart of the problem was an overinvestment in housing, partially induced by government subsidies. That was compounded by imprudent lending to people without skin in the game in the form of a substantial down payment.

So, what do Republicans propose? New, more massive federal subsidies. Under their proposal, the federal government would guarantee new mortgage rates of 4 percent. And don't sweat that down payment. The federal government will give you a tax credit of $15,000.

In the first place, existing mortgage rates are already historically low. Moreover, home sales are trending up, induced by deeply discounted prices.

The federal government could usefully reduce foreclosures by guaranteeing the refinancing of existing mortgages so that payments don't exceed a certain percentage of income.

By massively subsidizing new home purchases, however, Republicans are basically proposing to reinflate the housing bubble.

Republicans also propose to reduce the income tax rates on the two lowest brackets. Rather than truly help low-income Americans, who don't pay much in income taxes, the benefits will primarily flow to the upper middle class, while increasing the marginal tax rate increase faced by the middle class.

Truly providing income support to low-income Americans, who are most vulnerable in an economic downturn, would be something useful the federal government could do, through such things as temporary payroll tax relief and extended unemployment benefits. But there's only a little over $100 billion in such short-term assistance in the stimulus bills.

The country would be fortunate if Congress would just enact those provisions and then call it a day.

[From the Wall Street Journal, Feb. 6, 2009]

WHY ''STIMULUS'' WILL MEAN INFLATION

(By George Melloan)

As Congress blithely ushers its trillion dollar ''stimulus'' package toward law and the U.S. Treasury prepares to begin writing checks on this vast new appropriation, it might be wise to ask a simple question: Who's going to finance it?

That might seem like a no-brainer, which perhaps explains why no one has bothered to ask. Treasury securities are selling at high prices and finding buyers even though yields are low, hovering below 3% for 10-year notes. Congress is able to assure itself that it will finance the stimulus with cheap credit. But how long will credit be cheap? Will it still be when the Treasury is scrounging around in the international credit markets six months or a year from now? That seems highly unlikely.

Let's have a look at the credit market. Treasurys have been strong because the stock market collapse and the mortgage-backed securities fiasco sent the whole world running for safety. The best looking port in the storm, as usual, was U.S. Treasury paper. That is what gave the dollar and Treasury securities the lift they now enjoy.

But that surge was a one-time event and doesn't necessarily mean that a big new batch of Treasury securities will find an equally strong market. Most likely it won't as the global economy spirals downward.

For one thing, a very important cycle has been interrupted by the crash. For years, the U.S. has run large trade deficits with China

and Japan and those two countries have invested their surpluses mostly in U.S. Treasury securities. Their holdings are enormous: As of Nov. 30 last year, China held $682 billion in Treasurys, a sharp rise from $459 billion a year earlier. Japan had reduced its holdings, to $577 billion from $590 billion a year earlier, but remains a huge creditor. The two account for almost 65% of total Treasury securities held by foreign owners, 19% of the total U.S. national debt, and over 3o% of Treasurys held by the public.

In the lush years of the U.S. credit boom, it was rationalized that this circular arrangement was good for all concerned. Exports fueled China's rapid economic growth and created jobs for its huge work force, American workers could raise their living standards by buying cheap Chinese goods. China's dollar surplus gave the U.S. Treasury a captive pool of investment to finance congressional deficits. It was argued, persuasively, that China and Japan had no choice but to buy U.S. bonds if they wanted to keep their exports to the U.S. flowing. They also would hurt their own interests if they tried to unload Treasurys because that would send the value of their remaining holdings down.

But what if they stopped buying bonds not out of choice but because they were out of money? The virtuous circle so much praised would be broken. Something like that seems to be happening now. As the recession deepens, U.S. consumers are spending less, even on cheap Chinese goods and certainly on Japanese cars and electronic products. Japan, already a smaller market for U.S. debt last November, is now suffering what some have described as ''free fall'' in industrial production. Its two champions, Toyota and Sony, are faltering badly. China's growth also is slowing, and it is plagued by rising unemployment.

American officials seem not to have noticed this abrupt and dangerous change in global patterns of trade and finance.

The new Treasury secretary, Timothy Geithner, at his Senate confirmation hearing harped on that old Treasury mantra about China ''manipulating'' its currency to gain trade advantage. Vice President Joe Biden followed up with a further lecture to the Chinese but said the U.S. will not move ''unilaterally'' to keep out Chinese exports. One would hope not ''unilaterally'' or any other way if the U.S. hopes to keep flogging its Treasurys to the Chinese.

The Congressional Budget Office is predicting the federal deficit will reach $1.2 trillion this fiscal year. That's more than double the $455 billion deficit posted for fiscal 2008, and some private estimates put the likely outcome even higher. That will drive up interest costs in the federal budget even if Treasury yields stay low. But if a drop in world market demand for Treasurys sends borrowing costs upward, there could be a ballooning of the interest cost line in the budget that will worsen an already frightening outlook. Credit for the rest of the economy will become more dear as well, worsening the recession. Treasury's Wednesday announcement that it will sell a record $67 billion in notes and bonds next week and $493 billion in this quarter weakened Treasury prices, revealing market sensitivity to heavy financing.

So what is the outlook? The stimulus package is rolling through Congress like an express train packed with goodies, so an enormous deficit seems to be a given. Entitlements will go up instead of being brought under better control, auguring big future deficits. Where will the Treasury find all those trillions in a depressed world economy?

There is only one answer. The Obama administration and Congress will call on Ben Bernanke at the Fed to demand that he create more dollars—lots and lots of them. The Fed already is talking of buying longer-term Treasurys to support the market, so it will be more of the same—much more.

And what will be the result? Well, the product of this sort of thing is called inflation. The Fed's outpouring of dollar liquidity after the September crash replaced the liquidity lost by the financial sector and has so far caused no significant uptick in consumer prices. But the worry lies in what will happen next.

Even when the economy and the securities markets are sluggish, the Fed's financing of big federal deficits can be inflationary. We learned that in the late 1970s, when the Fed's deficit financing sent the CPI up to an annual rate of almost 15%. That confounded the Keynesian theorists who believed then, as now, that federal spending ''stimulus'' would restore economic health.

Inflation is the product of the demand for money as well as of the supply. And if the Fed finances federal deficits in a moribund economy, it can create more money than the economy can use. The result is ''stagflation,'' a term coined to describe the 1970s experience. As the global economy slows and Congress relies more on the Fed to finance a huge deficit, there is a very real danger of a return of stagflation. I wonder why no one in Congress or the Obama administration has thought of that as a potential consequence of their stimulus package.

Mr. KYL. Mr. President, again, I thank the manager of the bill and my colleague Senator DURBIN for allowing me to give these remarks.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I want everybody to remember these two numbers: 99 percent, 79 percent; 99 percent, 79 percent. What are those two numbers? If you take the Finance Committee bill, the bill that is in this stimulus bill that the Senate Finance Committee wrote—the Senate Finance Committee wrote the tax portion of the underlying bill and also the aid to States portion.

Ninety-nine percent of the spending and the taxes combined in the Finance Committee portion of the bill will be spent out in the first 2 years. Ninety-nine percent of the Finance Committee bill will be spent in the first 2 years.

For those who didn't quite get it, it didn't quite compute, I will say it again. Ninety-nine percent of the Finance Committee bill is spent in the first 2 years—99 percent. Actually, if you want to break it down, it is a little more than that for taxes only because some reach to future years. Ninety-nine percent of the Finance Committee bill is spent in the first 2 years.

What is my authority on that? Some economists? It is the Joint Committee on Tax and CBO, if you look at their numbers and combine them, the Joint Committee on Tax and the Congressional Budget Office, that is what it calculates to: 99 percent of the Finance Committee bill is spent in the first 2 years, according to the Joint Committee on Tax and according to the CBO, combining the two.

That is my first figure, 99 percent. What is my second figure? Does anybody remember it? What was my second figure? It was 79 percent. What does 79 percent represent? Seventy-nine percent represents the total spending of this bill in the first 2 years. The total spending, if you take the Appropriations Committee and the Finance Committee and add them together—79 percent of the total spending—in this bill is in the first 2 years, 79 percent. Now, what is my authority? The Congressional Budget Office and the Joint Committee on Taxation. So I ask Senators to go look at the Joint Committee on Taxation data, go to the Congressional Budget Office data. It is right there.

There are a lot of allegations and a lot of statements that are made on the Senate floor by lots of Senators on both sides, and one of our goals, clearly, is to try to get the facts. One of our goals is to listen to the music as well as the words, to separate the wheat from the chaff, and to get to what is really going on. What are the right numbers?

Now, of course, no numbers are perfect, but what is close to being right or as close as we can tell as we seek the truth? I will tell you, the Joint Committee on Taxation is probably one of the most unbiased, most reputable bodies here. Now, some don't like their numbers. They wish their calculations would be different. But, clearly, they try their best. They do their best. It is a bipartisan organization that works for both bodies of Congress, and they work for both political parties. They work for the Congress. It is not biased.

The Congressional Budget Office is not biased, and the Joint Committee on Taxation is not biased. For those who are not familiar with Washington speak, the Joint Committee on Taxation is an independent professional group which advises the Congress on tax matters and does tax calculations for the Congress on tax matters. The Congressional Budget Office basically issues lots of reports and advises the Congress on spending items that are nontax items and calculations and so forth. Again, it is bipartisan. It serves both bodies—the Congressional Budget Office. It is a very reputable body, as is the Joint Committee on Taxation.

So, again, I want to repeat those numbers so it sinks in a little more. The Congressional Budget Office and the Joint Committee on Tax, add the figures together, 99 percent of the Finance Committee bill, which is a large portion of the bill—I think it is about 60 percent of the bill—is spent in the first 2 years. That is 99 percent—almost all in the first 2 years. If you take it all together, the Finance Committee

bill and add in the appropriations portion of the bill, 79 percent—almost 80 percent or almost four-fifths—is spent in the first 2 years.

Now, Mr. President, we have to get moving. Our country is in deep, deep, deep trouble. The American people want us to do something responsible about all of this. We all know there are three parts to the problem. One is the credit crisis—that is, credit is all frozen; banks aren't lending—and there are lots of ways to address that. The second part of the problem is housing. We are struggling to get even more stimulus to housing. But a third major part of the problem is demand and spending. There is about a $1 trillion gap between our potential economy in America and the real economy—$1 trillion. If we don't address that gap between spending and demand, we are going to find ourselves in such deep difficulty, with so many jobs lost, it may be equal to the Great Depression. We are not there yet, clearly, but we could get pretty close if we don't take some pretty important actions here.

Now, I have heard all kinds of speeches on this matter, whether the roughly $800 billion stimulus package is right or not right. I have been in rooms with conservative economists and liberal economists and middle-of-the-road economists, and they all agree $800 billion is about right, and it is needed—and it is needed. Some may quibble about some parts, and there have been a lot of Senators on the floor, respectfully, Mr. President, who have been quibbling. They have not been seeing the forest for the trees. But I submit, if we keep our eye on the ball and keep our eye on the forest, we can get this bill passed and get it passed pretty quickly.

I just want to urge those Senators who say not very much is being spent out in the first years to go look at the Joint Committee on Taxation and the Congressional Budget Office and do the calculations. Again, 99 percent of the Finance Committee package is spent in the first 2 years, and 79 percent of the total underlying bill is spent in the first 2 years. I think that is pretty good. It is not perfect, but it is pretty good.

Mr. President, I yield the floor, and I ask unanimous consent that the time during the quorum call, if there is a quorum call, be equally divided.

Frankly, I see the Senator from Tennessee is seeking recognition.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, my colleagues on both sides of the aisle have come down to speak on this stimulus package before us, and I want to thank especially the colleagues on this side of the aisle for talking about this particular package. I think most people in the country realize that housing and credit are the foundations of this country which need to be stabilized so that we can build our economy again.

I know there are a number of people on both sides of the aisle who are working in a gang mentality right now, if you will, to try to make this package better, and I certainly applaud people who work together in a bipartisan way to try to solve problems. In this particular case, though, this stimulus package is nothing short of a disaster. I think to try to make it 10 percent better, while admirable, is not really doing our country the justice it deserves.

I am one of those people, I guess, who likes to understand all the problems together we are facing before taking action on one specific aspect. I want to understand everything as it is. And I know the administration is coming forth in the next week or so to talk about their solution to our financial crisis. I know there are many people in this country who believe we have trillions of dollars of losses still left in our financial system before we hit bottom. I think everybody in our country realizes that as housing continues to drop, it is not just hurting our economy directly, it is also dragging our financial system down.

So, again, I appreciate those folks who are trying to work together to make this bill, which is a disaster, in my opinion, slightly better. I wonder if it wouldn't make more sense for us as a country to just wait for a week or two to hear the rest of the administration's plan as it relates to solving this problem. I think for us to rush out and put forth $1 trillion on spending on top of a projected $1 trillion deficit, without fully understanding the other issues our country faces and how the administration plans to deal with these other issues, is incredibly imprudent.

It would be like a business person in a company knowing they have a crisis at hand, and not fully understanding what all those components are, and sort of throwing the whole shooting match into one of those, knowing there are other things coming they haven't thought about.

We have Governors around the country from both sides of the aisle who are talking with us about what this is going to do to disrupt their States because so much of this spending is programmatic. It has nothing whatsoever to do with creating jobs. I have to be honest, I may be rare, but I don't understand how any of us could seriously talk about aid to States when our Federal Government is in the situation it is today. States, generally speaking, run their States in appropriate ways. But, truly, Governors on both sides of the aisle are wondering what they are going to do to the people coming after them because we are building this big fire hose of money coming into the States that they have to spend in stovepipe ways that are going to cause their successors to truly be in a very difficult situation.

Look, there are people on both sides of the aisle uneasy about this. That is why this gang has been formed because there is tremendous unease, even on the other side of the aisle, on this package. Most people support this—well, I will not say that—many people, I believe, are supporting this package to show support for this new President whom we all want to see do well. We all want to see him be successful.

I have had friends in life who out of friendship to me supported something I was doing, when I would have much preferred, after the fact, their sharing with me that what I was about to do was a really terrible idea. Instead, they just went along, and I ended up probably not doing as well as I might have done. I think there is tremendous unease in this body with this package, and I think there are a lot of people who are holding their nose and supporting it out of support for this President whom we all want to lead our country and this world successfully.

I just urge people on both sides of the aisle to think about this, to vote their conscience, and not to just go along but, in fact, to stop and pause and look at all the issues we are going to be dealing with. Let's ask the administration to come forth and talk to us about the pricetag of dealing appropriately with the credit markets, with housing, and with, maybe, some directed spending on infrastructure or something that is not programmatic and would not disrupt the way State governments run.

Mr. President, I thank you for the time, but I feel as though our country is getting ready to do something we will regret and generations after us will regret. So I am concerned about where we are as a country with our economy, and I feel as if we are using resources today so inappropriately when we are going to need those resources down the road.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). Who yields time?

Mr. BAUCUS. Mr. President, I wonder if anybody on our side is seeking time?

The Senator from Connecticut, Mr. LIEBERMAN, seeks 5 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair and my friend, the Senator from Montana, the chairman of the Finance Committee. I thank him for his leadership and, frankly, for his strength of character and patience throughout the long journey we have taken as a Chamber on this bill. When we get it done—and I think we need to get it done quickly—it will be in no small measure because of his steadfastness in this time of national need.

Mr. President, one of the favorite metaphors that is used in time of crisis is of a burning house. I wish I could find a different metaphor because that one is used so frequently. But, frankly, I can't find one that better expresses what I would like to express in a few moments this afternoon.

The fact is obvious: America's economic house is burning. A lot of people are being hurt—600,000 people unemployed last month, the second month in a row that went over a half million people losing their jobs. From one report I heard, it was the largest number of people losing jobs in 1 month in America in 35 years. I could go on with a lot of statistics, but we don't need them. We have heard them in the debate before.

America's economic house is on fire. But I want to extend the metaphor to us, those who are privileged to serve in the Senate. We are the firefighters, if you will. And I fear there is a danger that what may be happening is, while the house is burning, and we are on our way to try to put out the fire, we have stopped the truck because we are arguing over what is the best way to get to the fire most quickly. In the meantime, we are leaving the house burning and more people are being hurt.

Some people have suggested we go back to the beginning and start again or that we wait, as my friend from Tennessee just said, until the administration comes in with all its ideas for all of the responses to the economic crisis we are in before we act on this one. That simply cannot happen because the need and the urgency of the need is too great. It is felt in individual lives, it is felt in macroeconomic statistics, it is felt in the reports we hear, one after the other, of great American businesses doing worse than they did last year and terribly worse than they did 2 years ago. It is felt in the growing signs of a deep global recession.

It is clear that demand from the private and personal sector has dropped dramatically. Economists estimate about a $1 trillion hole in our economy. The proposal President Obama has made comes to us from the House. It is not all perfect, believe me, as I will say in a moment, but it is $800 billion over 2 years. In fact, it is $800 billion over more than 2 years. That means it is less than $400 billion the Government is injecting into the economy now, because the private sector will not, to try to kick-start the economy and protect people's jobs and create new ones. That $400 billion into an economy that is $1 trillion short is simply necessary and it is urgently necessary.

Here we are. H.R. 1 is before us. It is larger than some people want it to be. It contains items in it that do not appear, on first look, to be directly related to economic recovery, stimulating the economy. I preferred originally—I said I thought the stimulus bill should be big, as big as the problem is; it should be as clean as possible; that is, it would be mostly job creating—public works, that kind of investment—and then it should be quick because the house is on fire and every day we do not do anything, more people suffer and it will be harder to get out of it. That is the challenge we have. Yet we, as the firefighters, seem to be falling into some old habits, where we are argue about how to get to the fire when the house keeps burning.

In the midst of this, two of our colleagues, BEN NELSON of Nebraska and SUSAN COLLINS of Maine, have come together to form a bipartisan group, a gang—that gives a good name to the term gang—whatever you want to call them, moderates, centrists, Independents—basically a bipartisan group that wants to find common ground so we can get the 60 votes we need to pass this so we can get to the fire and help put it out so more Americans do not suffer. As part of this—and I have been part of this group—we have worked well together and we have been very open and honest with one another. We have talked about cuts—I have—in programs that I support deeply.

But I have two things in mind here. One is the urgency of the moment. I am going to have to yield on some things I wish to see in that bill to make sure we get something done quickly.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LIEBERMAN. I wonder if I could ask unanimous consent for 3 additional minutes?

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Would the Senator be OK with 2?

Mr. LIEBERMAN. Two? It is a deal. See, that is in the spirit of compromise, in this case not bipartisan.

Mr. BAUCUS. It is compromising toward the intentions of the other side.

Mr. LIEBERMAN. I am happy to do it.

Tough decisions had to be made by this bipartisan group. Why did we make them? One, because the urgency is to get to 60. I wish we could get to 80 but it doesn't seem to be in the offing so I am going to do everything I can to get to 60 and hopefully a little over so we can get help to the American economy, American businesses, the American people.

Second, this is not the last appropriations bill. We have an omnibus bill coming. We have the regular appropriations process. We can come back and find other ways to deal with some of the real needs that will not get quite as much as they get now in H.R. 1, to achieve results quickly.

That is my appeal to my colleagues. Let's not get dug in. This is not a perfect bill, but it clearly is a very good bill and, most important of all, it is a proposal that will pump money into the American economy, into the pockets of working Americans and businesses throughout this country, that will kick-start the economy, protect millions of jobs, and create millions of other jobs. There is nothing more important than doing that right now.

Let's get together, let's support the bipartisan effort, let's shoot for 80 but get over 60 so we can get to the fire together and put it out.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield time to the Senator from Michigan, 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. BAUCUS. Mr. President, I apologize, I think Senator LINCOLN was here earlier. I didn't turn around far enough.

Mrs. LINCOLN. That is fine.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I thank the distinguished chairman of the Finance Committee who I know is working so hard. There are so many different pieces of this that are so important to the American people.

I want to take a moment, after listening to colleagues—today and throughout the week—on the other side of the aisle, to talk about the fact that this package is strongly supported by the majority of our caucus and I believe the majority of the American people who know we have to do something different than what has been done for the last 8 years.

We have been debating whether to go back to policies that have been in place for 8 years—tax policies that have been passed on a number of occasions, over the last 8 years, under President Bush and when our colleagues were in the majority. We have seen those policies in place. We have seen the results of those, and they didn't work. I wish they had. My State of Michigan has the highest unemployment rate in the country, over 10.6 percent, heading up to 11 very quickly. I wish they had worked because people in my State then would be working.

But that is not what has happened. The American people know that. The American people understand we have to do something different. I remember in those debates in the last 8 years when we came forward saying we need to put people to work by focusing on jobs directly, jobs rebuilding America, making sure we are focusing on jobs for roads and bridges and rebuilding water and sewer systems and rebuilding our schools and doing things that would directly stimulate the economy. But those were rejected with the same arguments we are hearing now, the same arguments.

We have talked over the last 8 years about the need to aggressively move to

the new green economy so we are not only tackling our dependence on foreign oil but creating jobs in this new green energy revolution. There were the same arguments in opposition, on the other side of the aisle. We have put forward proposals to invest in our people, proposals to make sure that people who are hurt by this devastating financial and economic crisis—those who are unemployed or fearful of being unemployed, who cannot put food on the table and pay the bills and pay their mortgage—can get help. Too many times that has been rejected.

We now find ourselves here. There was an election where those policies were debated for a long time—not 1 year but 2 years. Those policies the American people took a look at, both sets of policies, and they said no. They said no to the policies of the last 8 years. They said no to inaction.

We all know we were talking 2 years ago about the fact that we had to address the housing problem, subprime lending, or we were going to see a rippling effect in the financial markets. There was inaction. Nothing happened. We find ourselves in a position today where we are seeing some 600,000 people now—that is the unemployment number for January; 500,000 the previous month, 500,000 the previous month. It is only getting worse and worse. Eleven million people in this country do not have a job and that is only the people we are counting.

We come to this point where, yes, there is a difference. I commend colleagues who are working together to get to the necessary 60 votes and are working in good faith. But fundamentally we have a difference in philosophy of how our economy should operate and, frankly, whom it should help. Our proposal, this President's proposal, is to make sure the majority of Americans, the overwhelming number of Americans who have been left out of this economy in the policies of the last 8 years get an opportunity to participate with job, jobs rebuilding America, jobs in the green economy, keeping our police officers on the streets, our teachers in the schools, retraining for the new economy and making sure people who have been hurt, devastated so much, get the help they need.

I urge us to join together in a new direction.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. BAUCUS. Mr. President, 5 minutes to the Senator from——

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Unless Senator ALEXANDER seeks recognition. We want to go back and forth to even things out.

Mr. ALEXANDER. I seek recognition for 5 minutes.

Mr. BAUCUS. I yield to the Senator on his time, on Republican time.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, will you please let me know when 60 seconds remains.

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. ALEXANDER. I have been listening to the debate as well. I think it is important that all our colleagues and the American people understand what we mean by bipartisanship, because there is a disconnect between the tone I have been hearing for the last week from the administration and from the majority and from the substance I have been hearing. Here is what I heard. I heard we are going to work together to try to deal with this economy. First we are going to have to stimulate the economy. We all know next week the Secretary of the Treasury is coming forward to do something about banking and then maybe about housing. Then there is an appropriations bill, and then we have health care, which the Senator from Montana has been hard at work on. We have a great many things to do.

So what do we mean by bipartisan? I thought what we meant, we thought what we meant, was that the President would define an agenda and then we would sit down together and take our best ideas. The President put his out there. We think we have a better idea. We said fix housing first. Housing got us into this mess. Housing can get us out of it.

So we offered a way to offer up to 40 million Americans a 4- or 4.5-percent mortgage, 30-year rate, saving them an average of $400 a month. We brought it up. Senator ENSIGN proposed it. Not one single Democratic vote.

Senator ISAKSON has been offering an amendment for the last year and a half to give $15,000 in tax credits to home buyers. That was accepted. I hope it survives the conference.

But the tone has changed overnight. Suddenly the President, instead of inviting us to work with him, is saying basically: We won the election, we will write the bill. The attitude seems to be: Let's see if we can pick off one Republican or two Republicans or three Republicans. Then the tone is, well, suddenly: The tired old ideas. I didn't hear the President talk about his tax cut proposal for 2 years during his campaign as a tired old idea. It is still a part of his proposal. It is also a part of our proposal.

We have offered ways to fix housing first. No. 1, we suggest letting people keep more of their own money, as the President has suggested. Senator MCCAIN's own bill, which received not one single Democratic vote, offered to spend $420 billion, and it included a cut in the payroll tax for 1 year and a cut in the lower rates of taxation.

Then we would like to do as Alice Rivlin, the former head of the Budget Office, suggested. We would like to take all of the spending that does not create jobs now and put it off and do it later. If we are going to borrow money at a time when we are heavily in debt, it ought to be targeted, timely, and temporary.

Senator MCCAIN yesterday offered legislation that received almost every Republican vote but no Democratic votes, that would have made it temporary. It would have said whatever spending we have, we will have it until the economy recovers. But once it starts to recover for 2 quarters—the gross domestic product goes up for 2 quarters, then the spending stops.

What has happened? This is the easy piece of legislation. This is one that most of us agree needs to be done. What we were expecting in this era of bipartisanship, given the President's campaign and his comments, was that he would offer his idea, we would offer ours, and we would put them together and come up with a result.

Ours are: Fix housing first. That is not in the bill. Ours are: Make it temporary. They rejected that without a Democratic vote yesterday.

The PRESIDING OFFICER. The Senator has 1 minute left.

Mr. ALEXANDER. Ours are: Let's get the spending off the bill that does not create jobs now.

My staff finds that only about $135 billion of the $900 billion goes to things that happen in the first couple of years—building roads, improving national parks, other things that create jobs now.

The American people did not hear in the last campaign that the kind of change they were voting for was that the first thing we would do when we got to Washington is borrow $1 trillion, add it to the debt, and then take the position: We won the election, we will write the bill. If that is the tone, if that is the substance for the next several years, that will not make a very successful Presidency. That will not be good for our country. We want this President to be successful because we need him to be successful for our country to recover.

Mr. BINGAMAN. Mr. President, I intended to offer an amendment to this bill to appropriate $1 billion to the Department of Energy Federal Energy Management Program, FEMP. The funds would have been used to expand the scope of energy savings performance contracts, ESPCs, and utility energy savings contracts, UESCs. In the last 10 years, 195 ESPCs and UESCs have invested about $3 billion in Federal facilities and have produced about 28,500 jobs. The costs of these projects have been entirely repaid from savings.

The amendment was necessary and consistent with our stimulus goals because it would have multiplied the job creation and the energy savings from every dollar of Treasury investment. In

addition to providing significant financial leverage, ESPC and UESC projects comply with the standards the Congress established in section 432 of EISA—42 U.S.C. section 8253 (f)(1) through (f)(7)—for energy projects in Federal facilities: comprehensive energy and water conservation and efficiency measures, full utilization of renewable energy technologies, and transparency and accountability through long-term monitoring of project savings.

The amendment I intended to offer would have given FEMP the incentive to quickly clear its pipeline of about $2.2 billion of shovel-ready projects, to accelerate the pace of new project development so that we would have another $3 billion of projects implemented in the next 2 years, and enabled FEMP to expand the scope of the ESPC and UESC projects by paying for the advanced metering and monitoring systems that the Congress has mandated but not yet funded.

Based on the history of the ESPC and UESC projects, my amendment would have assured that about $6 billion of projects would be implemented, creating almost 60,000 jobs, at a cost to the Treasury of $1 billion. I, therefore, urge the Federal agencies that are receiving substantial new appropriations for energy projects to use the ESPC and UESC projects as models of what the Congress wants to see accomplished with the taxpayers' dollars.

Mr. INOUYE. Mr. President, this morning we learned that another 598,000 jobs were lost in the month of January. Our unemployment rate now stands at 7.6 percent and will no doubt be higher still in the coming months.

With that in mind, I would like to have printed in the RECORD an opinion piece authored by Steven Pearlstein that appeared in today's Washington Post. The piece does a much better job than I could hope to do of explaining the basic economics of why increased Government spending in a time of recession is a good thing.

I encourage my colleagues to take a serious look at this opinion piece. In his final sentence, Mr. Pearlstein gives us all a crib sheet that I think we all might want to pay a bit more attention to.

Spending is stimulus, no matter what it's for and who does it. The best spending is that which creates jobs and economic activity now, has big payoffs later and disappears from future budgets.

As I have been saying all week, the $365.6 billion in spending that we include in the American Recovery and Reinvestment Act meets these simple criteria. I again urge my colleagues to set aside partisan differences and work together on this legislation.

Mr. President, I ask unanimous consent to have the opinion piece authored by Steven Pearlstein printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 6, 2009]

WANTED: PERSONAL ECONOMIC TRAINERS—APPLY AT CAPITOL

(By Steven Pearlstein)

As long as we're about to spend gazillions to stimulate the economy, I'd like to suggest we throw in another $53.5 million for a cause dear to all business journalists: economic literacy. And what better place to start than right here in Washington.

My modest proposal is that lawmakers be authorized to hire personal economic trainers over the coming year to sit by their sides as they fashion the government's response to the economic crisis and prevent them from uttering the kind of nonsense that has characterized the debate over the stimulus bill during the last two weeks.

At a minimum, we'd be creating jobs for 535 unemployed PhDs. And if we improved government economic policy by a mere 1 percent of the trillions of dollars we're dealing with, it would pay for itself many times over.

Let's review some of the more silly arguments about the stimulus bill, starting with the notion that ''only'' 75 percent of the money can be spent in the next two years, and the rest is therefore ''wasted.''

As any economist will tell you, the economy tends to be forward-looking and emotional. So if businesses and households can see immediate benefits from a program while knowing that a bit more stimulus is on the way, they are likely to feel more confident that the recovery will be sustained. That confidence, in turn, will make them more likely to take the risk of buying big-ticket items now and investing in stocks or future ventures.

Moreover, much of the money that can't be spent right away is for capital improvements such as building and maintaining schools, roads, bridges and sewer systems, or replacing equipment—stuff we'd have to do eventually. So another way to think of this kind of spending is that we've simply moved it up to a time, to a point when doing it has important economic benefits and when the price will be less.

Equally specious is the oft-heard complaint that even some of the immediate spending is not stimulative.

''This is not a stimulus plan, it's a spending plan,'' Nebraska's freshman senator, Mike Johanns (R), said Wednesday in a maiden floor speech full of budget-balancing orthodoxy that would have made Herbert Hoover proud. The stimulus bill, he declared, ''won't create the promised jobs. It won't activate our economy.''

Johanns was too busy yesterday to explain this radical departure from standard theory and practice. Where does the senator think the $800 billion will go? Down a rabbit hole? Even if the entire sum were to be stolen by federal employees and spent entirely on fast cars, fancy homes, gambling junkets and fancy clothes, it would still be an $800 billion increase in the demand for goods and services—a pretty good working definition for economic stimulus. The only question is whether spending it on other things would create more long-term value, which it almost certainly would.

Meanwhile, Nebraska's other senator, Ben Nelson (D), was heading up a centrist group that was determined to cut $100 billion from the stimulus bill. Among his targets: $1.1 billion for health-care research into what is cost-effective and what is not. An aide explained that, in the senator's opinion, there is ''some spending that was more stimulative than other kinds of spending.''

Oh really? I'm sure they'd love to have a presentation on that at the next meeting of the American Economic Association. Maybe the senator could use that opportunity to explain why a dollar spent by the government, or government contractor, to hire doctors, statisticians and software programmers is less stimulative than a dollar spent on hiring civil engineers and bulldozer operators and guys waving orange flags to build highways, which is what the senator says he prefers.

And then there is Sen. Tom Coburn (R–Okla.), complaining in Wednesday's Wall Street Journal that of the 3 million jobs that the stimulus package might create or save, one in five will be government jobs, as if there is something inherently inferior or unsatisfactory about that. (Note to Coburn's political director: One in five workers in Oklahoma is employed by government.)

In the next day's Journal, Coburn won additional support for his theory that public-sector employment and output is less worthy than private-sector output from columnist Daniel Henninger. Henninger weighed in with his own list of horror stories from the stimulus bill, including $325 million for trail repair and remediation of abandoned mines on federal lands, $6 billion to reduce the carbon footprint of federal buildings and—get this!—$462 million to equip, construct and repair labs at the Centers for Disease Control and Prevention.

''What is most striking is how much 'stimulus'' money is being spent on the government's own infrastructure,'' wrote Henninger. ''This bill isn't economic stimulus. It's self-stimulus.''

Actually, what's striking is that supposedly intelligent people are horrified at the thought that, during a deep recession, government might try to help the economy by buying up-to-date equipment for the people who protect us from epidemics and infectious diseases, by hiring people to repair environmental damage on federal lands and by contracting with private companies to make federal buildings more energy-efficient.

What really irks so many Republicans, of course, is that all the stimulus money isn't being used to cut individual and business taxes, their cure-all for economic ailments, even though all the credible evidence is that tax cuts are only about half as stimulative as direct government spending.

Many, including John McCain, lined up this week to support a proposal to make the sales tax and interest payments on any new car purchased over the next two years tax-deductible, along with a $15,000 tax credit on a home purchase. These tax credits make for great sound-bites and are music to the ears of politically active car salesmen and real estate brokers. Most economists, however, have warned that such credits will have limited impact at a time when house prices are still falling sharply and consumers are worried about their jobs and their shrinking retirement accounts. Even worse, they wind up wasting a lot of money because they give windfalls to millions of people who would have bought cars and houses anyway.

What adds insults to injury, however, is that many of the senators who supported these tax breaks then turned around and opposed as ''boondoggles'' much more cost-effective proposals to stimulate auto and housing sales, such as having the government replace its current fleet of cars with hybrids or giving money to local housing authorities to

buy up foreclosed properties for use as low-income rental housing.

Personal economic trainers would confirm all this. Until they're on board, however, here's a little crib sheet on stimulus economics:

Spending is stimulus, no matter what it's for and who does it. The best spending is that which creates jobs and economic activity now, has big payoffs later and disappears from future budgets.

Mr. DODD. Mr. President, I was recently approached, along with my colleague Senator SHELBY and leaders of the House Financial Services Committee, by the Chairman of the Federal Deposit Insurance Corporation, Sheila Bair, with a request to increase the FDIC's borrowing authority from Treasury from the current $30 billion to $100 billion, for use by the FDIC's Deposit Insurance Fund, and for temporary additional borrowing authority to weather the economic crisis.

The FDIC's Deposit Insurance Fund, DIF, absorbs losses that result from the Corporation's obligation to protect insured deposits when FDIC-insured financial institutions fail. Insured financial institutions pay premiums that support the DIF and under current law those premiums can be increased to cover any losses to the fund. At the end of the third quarter of last year, the fund held approximately $35 billion.

Legislation to substantially and permanently increase this borrowing authority has already passed the House, as part of the TARP legislation passed in January. A scaled back version of it was also incorporated into financial services legislation ordered reported by the House Financial Services Committee earlier this week. Treasury Secretary Geithner and Chairman Bernanke of the Federal Reserve Board have also recently written to me underscoring their support for this request.

Since the FDIC's borrowing authority was last increased in 1991, the asset size of banks has tripled. Even more important, the financial system is under considerable stress, and the level of thrift and bank failures has been rising. This line of credit is designed strictly to serve as a backstop to cover potential losses to the Deposit Insurance Fund.

Though this statutory borrowing authority has historically never been tapped, and Chairman Bair has made clear she does not anticipate doing so, I agree with Chairman Bair, Secretary Geithner and Chairman Bernanke that under current economic circumstances such an increase in borrowing authority is both prudent and necessary. While the current fund has substantial reserves, it is important that we increase this line of borrowing authority so that the FDIC has the funds available which might be needed to meet its obligations to protect insured depositors and to reassure the public that the government continues to stand firmly behind the FDIC's insurance guarantee.

I had intended to try to incorporate a provision to increase FDIC borrowing authority into the Economic Recovery legislation, with certain protections to require concurrence from other federal officials—including ultimately the President—in exigent circumstances, and at least on a temporary basis. I sought to do this yesterday. Unfortunately, my Republican colleagues made clear that they would object to this proposal at this time. And, for this reason, I will not offer it today. However, I intend to work with them and those in the administration to craft a proposal that satisfies their concerns in order to ensure that the FDIC as the borrowing authority that it needs going forward.

I ask unanimous consent that copies of the letters from FDIC Chairman Bair, Treasury Secretary Geithner, and Fed Chairman Bernanke be printed in the RECORD. I will continue to work to ensure that the FDIC has sufficient borrowing authority going forward to deal with a wide range of contingencies.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington, DC, January 26, 2009.

Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your willingness to meet with me to discuss a proposed increase in the borrowing authority of the Federal Deposit Insurance Corporation to cover losses from failed financial institutions.

As you know, the FDIC's Deposit Insurance Fund (DIF) absorbs losses that result from the Corporation's obligation to protect insured deposits when FDIC-insured financial institutions fail. Insured financial institutions pay premiums that support the DIF and those premiums can be increased to cover losses to the DIF from failed bank activity.

At the end of the third quarter of 2008, the DIF had a balance of $35 billion available to absorb losses from the failures of insured institutions. In addition, the FDIC has announced premium increases that are designed to return the DIF reserve ratio to within its statutory range in the coming years. Because of our ability to adjust premiums, the FDIC has never needed to draw on its $30 billion line of credit with the Treasury Department to cover losses. Based on our current assumptions, the FDIC should not need to draw on its statutory line in the future. If it ever became necessary to exercise this borrowing authority, the FDIC would ensure repayment of any borrowing over time through assessments on the banking industry.

Nevertheless, the events of the past year have demonstrated the importance of contingency planning to cover unexpected developments in the financial services industry. Assets in the banking industry have tripled since 1991—the last time the line of credit was adjusted in the FDIC Improvement Act (from $5 billion to $30 billion). The FDIC believes it would be appropriate to adjust the statutory line of credit proportionately to ensure that the public has no confusion or doubt about the government's commitment to insured depositors. Therefore, we are requesting the borrowing authority be increased to $100 billion. We also believe it would be prudent to provide that the line of credit could be adjusted further in exigent circumstances by a request from the FDIC Board requiring the concurrence of the Secretary of the Treasury.

As I stated above, the FDIC has never used its statutory borrowing authority to cover losses and does not anticipate doing so. However, the banking industry has grown substantially since the current borrowing authority was established. Appropriate adjustments to the current statute would ensure that the FDIC is fully prepared to address any contingency. I respectfully request that Congress increase the FDIC's borrowing authority to provide additional reassurance to depositors that the government stands behind the FDIC's insurance guarantee.

If you have any questions regarding this issue, please do not hesitate to contact me or Eric Spitler, Director of Legislative Affairs.

Sincerely,

SHEILA C. BAIR,
Chairman.

BOARD OF GOVERNORS
OF THE FEDERAL RESERVE SYSTEM,
Washington, DC, February 2, 2009.

Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to join the Secretary of the Treasury in expressing my agreement that the authority of the Federal Deposit Insurance Corporation (FDIC) to borrow from the Treasury Department should be increased to $100 billion from its current level of $30 billion. While the FDIC has substantial resources in the Deposit Insurance Fund, the line of credit with the Treasury Department provides an important back-stop to the fund and has not been adjusted since 1991. An increase in the line of credit is a reasonable and prudent step to ensure that the FDIC can effectively meet potential future obligations during periods such as the difficult and uncertain economic climate that we are currently experiencing.

I also support legislation that would allow the Secretary of the Treasury, in consultation with the Chairman of the Board of Governors of the Federal Reserve System if Congress believes that to be appropriate, to increase the FDIC's line of credit with the Treasury in exigent circumstances. This mechanism would allow the FDIC to respond expeditiously to emergency situations that may involve substantial risk to the financial system.

The Federal Reserve would be happy to work with your staff on this matter, as well as on the other amendments under consideration that would allow the FDIC more flexibility in the timing and scope of assessments that it charges to recover costs to the Deposit Insurance Fund in the event that the systemic risk exception in the Federal Deposit Insurance Act has been invoked.

Sincerely,

BEN S. BERNANKE,
Chairman.

DEPARTMENT OF THE TREASURY,
Washington, DC., February 2, 2009.

Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing & Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my support for the Federal Deposit Insurance Corporation's (FDIC's) current request to increase its permanent statutory borrowing authority under its line of credit with the Treasury Department from $30 billion to $100 billion. Since the last increase in that authority in 1991, the banking industry's assets have tripled. More importantly, the financial and credit markets continue to be under acute stress, and the level of thrift and bank failures has been rising. Although the FDIC's Deposit Insurance Fund remains substantial at $35 billion, and the FDIC has never needed to tap the existing line of credit with the Treasury Department in the past, the proposed increase in the limit is a reasonable and prudent step to ensure that the FDIC can effectively meet any potential future obligations.

The Treasury Department also supports the FDIC's request to make future adjustments to the line of credit based on exigent circumstances, but recommends that such future adjustments require the concurrence of both the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System. This future adjustment mechanism would provide an additional layer of protection for insured depositors and enhance the confidence of financial markets during this turbulent period.

The Treasury Department also supports the FDIC having authority to determine the time period for recovering any loss to the insurance fund resulting from actions taken after a systemic risk determination by the Secretary of the Treasury.

I hope that you find our views useful in the Committee's consideration of the FDIC's request. Thank you for the opportunity to share these views.

Sincerely,

TIMOTHY F. GEITHNER,
Secretary of the Treasury.

AMENDMENT NO. 427

Mr. DODD. Mr. President, I rise today to talk about an amendment, amendment No. 427, that Senators BINGAMAN, ISAKSON, and I offered to help mitigate the foreclosure crisis, which is at the root of our economic downturn. Currently, foreclosures are being filed at the rate of nearly 10,000 a day; one in six homeowners are underwater; and a recent study shows that U.S. homeowners lost a cumulative $3.3 trillion in home equity during 2008. Addressing the foreclosure crisis is key to restoring growth to the economy.

According to Federal Reserve Chairman Bernanke, the most effective way to reduce foreclosures is to restore positive equity by writing down mortgage principal. In fact, the HOPE for Homeowners program requires principal write-down for participation.

Yet, under current tax law, most people who get loan modifications involving principal reductions would have to pay taxes on the amount of the loan forgiven. This is a significant barrier to people participating in effective loan modifications and a terrible burden to put on struggling families.

In 2007, the Mortgage Forgiveness Debt Relief Act provided a tax exemption for forgiven mortgage debt if that mortgage debt was used exclusively to purchase or substantially improve the home.

However, many homeowners, including a majority of subprime borrowers, did not get their current loans to buy a home. Rather, in many cases, they were steered by unscrupulous mortgage brokers into high-cost refinance loans with hidden features that they did not understand. In some cases, these funds were used to pay health care costs, educational or other expenses. Many of these borrowers are now delinquent and seeking loan modifications. Too many will end up in foreclosure.

These borrowers do not qualify for this current exemption. The threat of a large tax bill has dissuaded many homeowners from getting loan modifications.

In fact, in their 2008 Annual Report to Congress, the IRS National Taxpayer Advocate wrote ''[we] recommend that Congress pass legislation to make it easier for financially distressed taxpayers to exclude cancelled [forgiven debt] from gross income.''

This amendment, by eliminating the income tax on all forgiven mortgage debt, would remove a significant obstacle to loan modifications at a cost of $98 million over the next 10 years. This benefit would still expire, as it currently stands, at the end of 2012.

In addition, I urge the IRS to ease the burden of complying with the reporting requirements that taxpayers face when claiming this exclusion.

In its 2008 Annual Report to Congress, the IRS's Office of the National Taxpayer Advocate stated that current reporting requirements ''are so complex that many and probably most taxpayers who qualify to exclude [QPRI] from their gross income do not do so.'' QPRI or qualified principle residence indebtedness is the technical term the IRS uses for tax exempt forgiven mortgage debt. One way the IRS can ease this burden, is by allowing taxpayers claiming the exemption to calculate the fair market value based on the appraisal value of the originating loan, which should ease the tax filing burden on the millions of Americans who were tricked by predatory lenders. In addition, the IRS should simplify the reporting requirement to claim this tax exemption. Right now, taxpayers who claim the QPRI exclusion must file a form, Form 982, that is not well known, is not supported by most tax software programs or Volunteer Income Tax Assistance—VITA—programs, and is extremely complicated. The IRS estimates that it takes the average business taxpayer 10 hours and 43 minutes to complete this form.

The goals of this amendment are both to expand the definition of QPRI to include home equity indebtedness and also to relieve taxpayers from the burden of filing any forms that they would not otherwise need to file but for receiving the benefit of the QPRI exclusion. Specifically, I urge the IRS to change Form 1099–C, used for all cancelled debts, not just mortgage debts, to include ''check boxes'' for lenders to check off when they are forgiving debt that is ''QPRI'' under the new definition. These check boxes—similar to the check box currently provided for debts discharged in bankruptcy should identify whether the taxpayer is receiving QPRI debt forgiveness and should indicate whether the taxpayer has lost their home, due to a foreclosure, short sale, or deed-in-lieu-of-foreclosure, or will continue to own the home as a result of a loan modification.

Check boxes that make clear whether the taxpayer has lost the home are important because a taxpayer should not be required to make adjustments to the tax basis of the home that they no longer live in. If the homeowner continues to live in their home and the appropriate box is checked, the Form 1099–C will provide the IRS with complete information about the basis adjustments that will be required due to the QPRI exclusion at the time of the property's sale or disposition. Thus, as in the case of bankruptcy, the Form 1099–C should provide the IRS with sufficient information so that the taxpayer will not be required to fill out a Form 982 or use the long form 1040 to claim the QPRI, and taxpayers who are exempt from filing tax returns will not have to file returns solely to claim this exclusion.

Mr. SPECTER. Mr. President, I seek recognition to comment on my cosponsorship of an amendment to H.R. 1, the Economic Recovery Act, which would increase funding in the bill for mass transit by $6.5 billion. I am cosponsoring this amendment, offered by Senator SCHUMER, because it will increase funding for ready-to-go public transit projects that will create both jobs and transportation options. While the underlying bill contains $8.4 billion for transit, public transit agencies across the Nation identified over $50 billion worth of projects that could be put under contract within a 2-year economic recovery bill, and $12.2 billion which could be implemented within 90 days of Federal funding being allocated. I have heard from transit agencies across Pennsylvania that are ready to put people to work and improve transportation options in their communities if Federal stimulus funding is provided. An investment in public transit would also have the benefit of reducing oil consumption and vehicle emissions in instances where increased public transit capacity encourages a shift from automobiles.

However, despite my cosponsorship of this amendment due to its potential for stimulus and for improving transportation systems across Pennsylvania

and the Nation, I am not committed to voting for it without an offset. Since adopting this amendment would add $6.5 billion to the size of the bill and to the national deficit, an offset to reduce spending elsewhere in the bill by an equal amount would be preferable. We should make every effort to identify offset to reduce the total size of the economic recovery bill.

AMENDMENT NO. 390

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I wish to speak to amendment No. 390 which would hold recipients of the Troubled Asset Relief Program, TARP, funds accountable for the promises they have made to American taxpayers. This amendment would require that financial institutions, without major capital shortfalls, that receive TARP funds, must increase lending to individuals and businesses—including small businesses—above their lending levels at the time they received Federal assistance.

This is a timely and vital amendment for those who are still unable to get financing for home and car purchases, business expenses, student loans and credit lines, including credit cards. Despite an investment of $700 billion in taxpayer funds for the purpose of addressing our country's major capital shortfalls, our citizens are still struggling to access capital. Recent reports from the Government Accountability Office and TARP's Congressional Oversight Panel have indicated that banks are not using TARP funds for lending, and more specifically, that lending to businesses and individuals has not experienced a noticeable increase since Congress passed TARP late last year. Further, the Federal Reserve's Senior Loan Officer Survey for January indicated that U.S. lending institutions have further tightened their business lending stance in the past 3 months.

Congress's intent was for TARP to restore credit and liquidity to the financial system so that individuals and businesses can access the capital upon which our system of commerce depends. It is vital to our country's economic recovery that TARP funds be used to spur lending and get capital flowing through our economy quickly, effectively and transparently.

On January 29, 2009, I sent a letter to Treasury Secretary Timothy Geithner to express my concerns about TARP recipients not using Federal funds for its intended use. I also expressed to Secretary Geithner my disappointment in the Department's opposition to explicitly requiring firms that received Federal funds in the first tranche of TARP distributions to increase lending above baseline levels. The Treasury Department has refused to apply these conditions to TARP fund recipients retroactively, despite an assurance by National Economic Council Director Lawrence Summers in a January 15, 2009, letter to Congress that, ''As a condition of federal assistance, healthy banks without major capital shortfalls will increase lending above baseline levels.''

By taking Federal dollars and not adhering to Congress's intent, recipients are adding to an already dire economic situation. We must demand that TARP funds be used to spur new lending. Our amendment will mandate that as a condition of receiving TARP funds, financial institutions without major capital shortfalls must increase their lending above baseline levels. Additionally, the amendment contains a provision requiring such financial institutions to immediately repay assistance provided under the TARP if the Secretary of the Treasury determines that they have not made sufficient progress toward achieving these requirements.

I look forward to working with my colleagues in the Senate to have this amendment included in the stimulus bill to help ensure that taxpayer funds are used to judiciously rebuild our Nation's economy.

AMENDMENT NO. 525

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of Senator REID's amendment 525, which I cosponsored.

This amendment will improve renewable energy permitting and give renewable energy companies grants to replace the renewable energy tax credits.

Specifically, Senator REID's amendment would appropriate $25 million to the Department of Energy and the Department of Interior to assist in renewable energy permitting; establish pilot offices in Western States to focus on renewable energy permitting, to be funded with oil and gas royalties; allow projects utilizing new renewable energy technology, not just ''commercial'' technology, to apply for Federal renewable energy loan guarantees; and establish a DOE grant program for renewable energy development, to substitute for the solar investment tax credit and the renewable production tax credit.

Let me explain why this amendment is needed.

First, let me discuss permitting.

First, Senator REID and I propose $25 million to assist in renewable energy permitting. In California, BLM has more than 200 solar applications pending, and it has yet to complete a single application review.

The Bureau is overwhelmed, and it needs a relatively small investment in resources to ensure that it can quickly analyze how these project proposals impact water resources, endangered species habitat, and wilderness areas. Without these resources, we simply will not build the renewable energy projects that we need in the West.

In addition to adding financial resources, the amendment would establish pilot offices in Western States to focus on renewable energy permitting.

Senator TESTER and I introduced legislation to establish these offices, and BLM established them administratively in January. The offices would be funded with oil and gas royalties, to assure that they have the resources necessary to process the rapid influx of applications.

Second, let me discuss financing.

The amendment would also modify the title 17 renewable loan guarantee program so that it may guarantee loans for emerging renewable technology, not just ''commercial'' technology.

Solar thermal facilities, the most advanced wind turbines, and enhanced geothermal projects are often the most economical renewable projects available, but they are considered emerging because they are the first of their type in the world.

The loan guarantee program in this legislation would exclude them. This change allows them to compete with wind projects.

Finally, let me explain the need for a grant program to replace the current tax credit system.

The amendment would establish a DOE grant program for renewable energy development. Grants would equal the value of the solar investment tax credit or the renewable production tax credit, which it would replace. For the next 2 years, renewable projects could claim the grants at a time when tax equity markets simply cannot support significant renewable energy production.

Last year Congress made a significant investment in solar and other renewable energy by passing a long term extension to the renewable energy investment and production tax credits.

But renewable energy companies must go to big banks—JP Morgan, Wells Fargo, or Bank of America—in order to use these tax credits, and today those banks don't have profits and are sending renewable developers away emptyhanded.

The ''tax equity'' market has gone from $5 billion to $2 billion in 1 year. One good wind developer recently told me he went to 42 banks and couldn't find a partner.

The few banks still in the business are increasing their profit margin. This is all transaction costs, benefiting the bankers and the lawyers who write these contracts but not renewable energy development. As the bank's cut goes up, the cost of renewable energy goes up as well.

As a result, solar and wind companies are contracting. Some have shut down, some have scaled back, but no one is building renewable energy infrastructure. We are losing both green jobs and the fight against climate change.

The DOE grants program in this amendment would replace the tax credits.

The shrinking tax equity market would no longer harm renewable energy developers, who could get back to the business of shifting the United States away from coal and gas towards renewable energy.

According to a study by Navigant Consulting in 2008, the 8-year extension to the solar investment tax credit should produce 276,000 jobs by 2016.

Mr. President, 150,000 of these jobs were forecast to be located in California. If the freeze in the available credit for solar project development is allowed to continue, not only will these jobs not materialize, but current ''green jobs'' will be lost.

This legislation provides some assistance to renewable energy, but without this amendment, I fear the bill will not have its intended effect of spurring immediate construction of renewable energy projects.

Right now renewable energy projects—which are massive capital investments—are not being built. Developers face a series of problems: Many projects await permits from DOE, the Forest Service, and the Department of Interior. Developers cannot use tax equity markets in order to utilize Federal tax credits, and without these tax credits, projects cannot secure private financing.

This amendment—put simply—addresses these three major challenges that prevent us from building renewable energy projects in the United States.

To address permitting, it establishes offices at BLM whose only job will be to evaluate and issue permit decisions.

To address the tax issue, this amendment creates a DOE grant program that should cost the Treasury nothing we didn't already expect to spend. But it will allow projects to proceed that would not be able to without it.

Finally, to address the credit crisis, this amendment modifies the loan guarantee program to assure that innovative ideas also qualify.

I strongly encourage my colleagues to support it.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.

● Mr. KENNEDY. Mr. President, as we consider the provisions of this legislation that provide significant incentives for the adoption of health information technology I would like to take this opportunity to explain a seemingly technical element of the language. The term ''qualified electronic health record,'' as defined in section 3000 of the Public Health Service Act, as added by section 13101 of the American Recovery and Reinvestment Act of 2009 is intended to include computerized provider order entry systems. Such systems are electronic records of health information on an individual. They include patient demographic data and health information, such as medical history and problem lists, including patient age, gender and allergy information as well as laboratory reports. Computerized provider order entry systems also have the capacity to provide clinical decision support such as medication dosing and interaction alerts, to capture and query information related to health care quality such as changes in laboratory values, and responses and reaction to medications, and to exchange electronic health information with, and integrate such information from other sources such as medication lists from a pharmacy or clinical information from a provider practice. Of course, the end goal is development and implementation of comprehensive, integrated electronic health records, and computerized provider order entry systems are an important intermediate step.●

Ms. SNOWE. Mr. President, I rise today, at this most consequential of times, in support of the amendment that I have submitted, together with Senator PRYOR, on behalf of our Nation's struggling communities that are negatively affected by base closures or realignments. During even the best of economic times, the closure or realignment of a military base can devastate a local economy. With the gravity of our economic circumstances—the most dire we have witnessed since the Great Depression—it is more difficult than ever for these communities to redevelop and stem job losses.

My amendment would recognize that communities affected by base closures and realignments face particular challenges in this dismal economy and therefore special consideration should be given to provide assistance and relief under this stimulus act to those communities. I must point out that this amendment would not create a preference or entitlement, but would remind all of the critical need to help communities impinged by the closure or realignment of military installations.

For instance, with the closure of Naval Air Station Brunswick, NASB, in my home State of Maine, the entire midcoast region of Maine will experience profoundly negative economic consequences attributable to an estimated loss of 6,500 jobs and $140 million in annual income. Given these challenging economic times, it is imperative that we make every effort to foster redevelopment in communities affected by base closures.

I respectfully ask my colleagues to support this amendment.

Mr. President, I wish to speak about an issue of regional equity with regard to the recovery package and specifically about our forestry programs. I strongly believe that in order for our forest economies to work we must collaborate on national forestry whether it is Federal lands, or private lands. I am concerned that this proposal will strongly benefit one region with Federal lands over those with private lands and strongly urge leadership to overhaul the structure of this proposal with regard to our forest economies.

Our Nation's forests are a strategic national resource which span from Maine to California and Alaska to Puerto Rico. Over 60 percent are in private ownership. In order to provide regional equity, it is important that within the broad categories of construction and wildland fire management, flexibility will be provided to address a wide range of actions all aimed at stimulating the Nation's economy. These include maintaining and enhancing the Nation's forest products industry; hazardous fuels reduction; improvements in forest health; wood-to-energy grants; rehabilitation and restoration activities on Federal, State, and private lands; assisting State and local fire agencies responsible for wildfire preparedness and suppression, and urban and community forest enhancements.

These activities can be accomplished through existing State and private forestry authorizations and programs. In order to address current economic conditions, I believe this economic stimulus bill should not require any matching funds and shall seek to maximize economic activity, job retention, and creation.

I look forward to working with the Appropriations Committee chair on this critical issue.

Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I wish today, with Senator LANDRIEU, to file this bipartisan and commonsense amendment that would strengthen the innovative opportunities of small businesses who participate in the Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, programs and help them receive funding provided in the American Recovery and Reinvestment Act of 2009, H.R. 1.

Our amendment would require that any qualifying participating Federal agency allocate a percentage of its research and development funding gained from this economic stimulus bill to their respective SBIR or STTR programs. The SBIR and STTR programs award Federal research and development funds to small businesses to encourage them to innovate and commercialize new technologies, products, and services. These programs provide more than $2 billion in Federal research and development funding each year to small businesses, and the benefit to my State of Maine cannot be overstated. According to the most recent data, in fiscal year 2005, Maine's technology-based small businesses received more than $4.5 million in SBIR total awards.

Since the SBIR program was created, small hi-tech firms have submitted

more than 250,000 proposals, resulting in more than 60,000 awards worth approximately $19 billion. At a time when our national economy is flagging due to failing financial markets and a correcting housing market, the SBIR program is more essential than ever, if we are to capitalize on the groundbreaking capacities of our Nation's pioneering small businesses.

Now, more than ever, we in Congress must do everything within our power to help small businesses drive the recovery of our economy. It is imperative that we do everything we can to stimulate our economy and the small-tech firms of this Nation can help lead the way.

Mr. President, I urge my colleagues on both sides of the aisle to support this amendment and to provide all innovative small businesses with opportunities to grow our Nation's innovative infrastructure.

Mr. President, the Tax Code currently requires small business owners to prepay their income taxes on a quarterly basis. To determine what is owed, the owners calculate 110 percent of the previous year's tax liability and then pay one-fourth of that amount each quarter of the following year.

The purpose of requiring businesses to pay 110 percent of the previous year's tax liability is so that the government is sure to collect the taxes owed, even when businesses are growing. Unfortunately, our economy has been in a recession and climbing out of it is not likely to be quick. We are in a credit crunch and the cash flow of American businesses is slow. Because of the recession and the credit crunch, the overpayment of quarterly income taxes by America's small businesses is both unnecessary and harmful.

It is unnecessary because in this recession there will be few businesses that meet the hurdle of a 10-percent rate of growth to match a 10-percent overpayment of taxes. Perhaps bankruptcy lawyers will be able to meet or exceed this growth target, but having the Tax Code push more customers their way is what I would like to avoid. Having small business owners pay 110 percent of their 2008 tax liability imposes one more cash flow burden that I fear could push small businesses into dire straits.

Paying 10 percent more taxes than were owed for 2008 imposes a significant cash flow burden on small business. This additional tax is likely to end up as an interest free loan to the U.S. Government because the excess tax will be refunded after the 2009 return is filed. It makes no sense for small businesses to be floating the government an interest free loan at a time when we are trying to find ways to alleviate their cash flow troubles and find ways to create or maintain jobs.

I will offer an amendment to help small businesses with their cash flow and not require them to give the government an interest-free loan in 2009. The amendment is written so that on a quarterly basis, individuals who earned less than $500,000 in 2008 and, earned more than half of their income from a business with 500 or fewer employees, would certify to this information on their quarterly return. Then they would be allowed to make quarterly payments of only 75 percent of their 2008 tax liability, rather than 110 percent. There are small business owners who make less than $150,000 who are required to prepay 100 percent of the previous year's liability who will also be allowed to make quarterly payments of 75 percent of the previous year's liability.

Small business owners are most often taxed as sole proprietorships, subchapter S corporations or partnerships. In any of these forms of ownership, the business income is reflected on each individual owner's taxes. The amendment helps small business cash flow by not forcing the business to make bigger distributions to help pay bigger quarterly tax bills. Not every investor in a partnership or a subchapter S corporation is making their living running the business but this amendment tries to get to those who need it most by requiring more than half of a taxpayer's income must be from businesses that have fewer than 500 employees.

For businesses, like bankruptcy lawyers, who know they are having a banner year, my amendment is silent. I do not require that they withhold only 75 percent. They are free to continue voluntarily sending more to the IRS to cover their expected good earnings and increased tax liability.

I do not have an estimate of the cost of this amendment from the Joint Committee on Taxation. However, I would expect the revenue estimate to be modest since this is a 1-year cash flow difference between taxes due quarterly during 2009 and the final tax bill that is due in 2010. Since the 110 percent payments would have likely resulted in tax refunds in 2010, I wouldn't expect there to be much revenue lost.

I urge my colleagues to support this amendment.

Mr. President, I wish to speak on amendment No. 539 I am offering which could help to steer our economy toward economic recovery. There is no question that America's small businesses are the engine that drives our Nation's economy, constituting 99.7 percent of all employer firms, employing nearly half of the private sector workforce, and create three-quarters of net new jobs annually over the last decade. If an economic stimulus plan is to succeed, it must include a sharp focus on job creation by small businesses. To that end, I humbly request that my colleagues support this noncontroversial amendment that will ensure small businesses—our Nation's true job generators—will not be shortchanged at a time when the economy is struggling to grow and create jobs.

Mr. President, my amendment builds upon this initiative to underscore the economic value of small businesses in Federal agencies across the board. This measure would mobilize existing Federal loan guarantee programs by requiring the heads of key agencies, including the Department of Agriculture; the Department of Energy; the Department of Homeland Security; the Department of Labor; and the Environmental Protection Agency, to work with the Administrator of the SBA to the maximum extent practicable, to guarantee robust small business participation in each agency's respective loan programs.

As ranking member of the Senate Committee on Small Business and Entrepreneurship, I wholeheartedly believe that small businesses play a central role in our economy and that the Federal Government should foster a nurturing entrepreneurial environment that fully equips our small businesses with the tools not just to mitigate and stem this economic crisis, but to be a catalyst for helping to address and ultimately solve it.

That is why Senator LANDRIEU, the new chair of the Small Business Committee, and I have called on President Obama, in a joint letter we sent on January 29, 2009, to sign an Executive order to elevate the Administrator of the Small Business Administration, SBA, to Cabinet-level status within the first 100 days of his administration.

This designation will send a clear signal that small business will drive our Nation out of this recession. The SBA is the primary agency within the Federal Government tasked with the responsibility of assisting small businesses, and it should have a seat at the table when it comes to revitalizing the economy, a top national priority. Frankly, in the past, the Federal Government has neglected to place enough emphasis on the resources and programs that could benefit America's 26 million small businesses.

The present economic crisis presents an opportunity to get capital now to small businesses so they can create jobs now. This amendment would take the swiftest path by mobilizing presently existing, presently funded Federal programs that have already been authorized by Congress, to include the interests of small business in their loan programs.

I respectfully ask my colleagues on both sides of the political aisle to support this amendment to facilitate the strength of small businesses in helping our Nation create jobs and grow during this economic crisis.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

HEALTH INFORMATION TECHNOLOGY

● Mr. HATCH. Mr. President, I would like to ask a question through the Chair to my good friend from Massachusetts, Senator KENNEDY. Is my friend aware that the legislation before us today, the Economic Recovery and Reinvestment Act of 2009, contains a provision which would establish the Office of the National Coordinator for Health Information Technology within the Department of Health and Human Services and instruct the National Coordinator to support and facilitate the use of electronic health records for Americans?

Mr. KENNEDY. That is correct. There are a few provisions in the legislation that address this issue directly. Subsection 3001(c)(3)(A)(ii) of the bill tasks the national coordinator with updating the Federal Health IT Strategic Plan to include specific objectives, milestones, and metrics with respect to ''the utilization of an electronic health record for each person in the United States by 2014.'' Subsection 3001(c)(6)(E) requires the national coordinator to ''estimate and publish resources required annually to reach the goal of utilization of an electronic health record for each person in the United States by 2014, including the required level of Federal funding, expectations for regional, State, and private investment, and the expected contributions by volunteers to activities for the utilization of such records.'' In addition, subsection 3002(b)(2)(B)(iii) of the bill designates the Health Information Technology Policy Committee with the task of making recommendations to the national coordinator for the ''utilization of a certified electronic health record for each person in the United States by 2014.''

Mr. HATCH. It will come as no surprise to anyone to know that many Americans will be skeptical of the creation of a national database and central repository of health records. Indeed, one group which is particularly concerned with this provision would be those who do not use medical treatment or interact with the health deliver services in this country. Therefore, I would again ask my friend, through the chair, does the language in these subsections attempting to establish ''the utilization of an electronic health record for each person in the United States by 2014'' require those who do not use medical treatment to go to a doctor for a physical examination in order to have an electronic health record created?

Mr. KENNEDY. No, it does not. Nothing in this bill should be interpreted as requiring those who do not use medical care to have an electronic health record, or requiring any individual to have an electronic record. The intention is that the national coordinator will work towards the goal of having all patients that utilize the services of ''health care providers,'' as defined in this act, to have available to them records in an interoperable electronic format instead of merely in paper form by the year 2014. Those who do not receive care and services from ''health care providers'' will not be required to have an electronic health record, nor will any individual be required to have an electronic medical record. This bill does not require the use of electronic medical records, but seeks to make such records more broadly available.●

DIRECT AND GUARANTEED FARM OWNERSHIP AND OPERATING LOANS

Mr. FEINGOLD. Mr. President, while the current economic downturn did not begin in rural America, the full brunt of the impact is certainly being felt by many of our farmers and small rural communities now. The dairy sector has been especially hard hit in Wisconsin and across the Nation as evidenced by a call last week for the USDA to take additional actions to help remove a surplus of dairy products from our markets in a letter led by the senior Senator from Wisconsin and myself and signed by 33 other Members including the distinguished chairman of the Agriculture Committee. A provision in the current legislation also takes another important step to help soften the landing for farmers facing drops in the prices they receive of approximately 50 percent as we are seeing in dairy over the recent months. I am very appreciative of the fact that the Appropriations Committee includes critically needed farm loan funding for direct and guaranteed ownership and operation loans for our Nation's family farmers who are struggling along with everyone else through this economic recession. It is critical they get access to the financing they need to stay in business and keep their operations intact. It is my assumption that the interest of both the Appropriations and the authorizing committee in having this farm loan funding in the bill is to ensure that current farming operations and facilities can continue to operate and that small family farms and beginning and minority farmers have access to capital to secure new farming opportunities. I also think it is important to ensure that USDA loan programs such of these do not inadvertently encourage expanded production in sectors of agriculture, including dairy, where prices are depressed and farmers are trying to cope with revenues below the cost of production prices. I hope to continue to work with the chairman of both the Agriculture Committee and Agriculture Appropriations Subcommittee to oversee the utilization of these funds to minimize any inadvertent negative effects if they exist.

Mr. KOHL. I appreciate my colleague's remarks. I was pleased to collaborate with him on the dairy letter he just referenced, and I am glad to note his support for the work the committee has done to address the credit demands confronting family farmers. My expectation is that the USDA will utilize these resources in accordance with the programs and priorities set forth in the farm bill. Family farming and ranching businesses are facing many of the same challenges confronting our broader economy and the operating and farm loans contemplated under the bill are extremely important.

Mr. HARKIN. I would like to first thank the distinguished chairman of the Agriculture Appropriations Subcommittee for working to include Farm Service Agency loan program money in this bill. In the coming months farmers will be applying for operating loans for the spring planting season. They will face tighter credit standards from lenders. Some farmers who were eligible for commercial credit last year may not be eligible this year.

Access to adequate and affordable credit is vital to our Nation's farmers and ranchers—particularly now. Like many people across the Nation, farmers are feeling the impact of the economic downturn. The decline in commodity prices, high input costs, and declining exports have significantly strained producers' fiscal circumstances. It is important the money provided in this bill be used in accordance with the priorities established in the farm loan programs and focus on those eligible borrowers who are struggling to maintain their farming operations.

Regarding the recent sharp decline in dairy prices, I was pleased to work my colleagues on the letter to Secretary Vilsack to help remove a surplus of dairy products from the markets which they have both mentioned.

COMPARATIVE EFFECTIVENESS RESEARCH FUNDS

Mr. BAUCUS. I understand Senator ENZI has comments regarding the provisions for comparative clinical effectiveness research included in The American Recovery and Reinvestment Act of 2009 which is being considered in the Senate this week.

Mr. ENZI. I thank the Senator. It is my understanding that the American Recovery and Reinvestment Act of 2009 has in its health provisions $1.1 billion in new funds for comparative clinical effectiveness research. This is an important issue to me as HELP Committee ranking member. I am pleased to see that in its consideration of this bill, the Appropriations Committee made sure this research will evaluate comparative clinical effectiveness, not comparative cost-effectiveness. In addition, the committee's report language references provisions of the existing comparative effectiveness research program at HHS that ensure that the agency developing comparative information does not use it to set national practice standards or coverage restrictions. I also believe that comparative effectiveness research must be

conducted using an open and transparent process, and must consider differences in how people respond to treatment. It is my understanding that the Comparative Effectiveness Research Act of 2008, which you introduced with Senator CONRAD last Congress, is consistent with these principles. I would like to see the $1.1 billion used consistently with these principles, and ask that you advocate for these principles in conference.

Mr. BAUCUS. I thank the Senator for his support of these principles. I agree with the Senator's summary of S. 3408, the Comparative Effectiveness Research Act of 2008, which would create a permanent institute to prioritize and provide for comparative clinical effectiveness research for the U.S. I support including short-term funds for such research in the American Recovery and Reinvestment Act. I applaud the Appropriations Committee for clarifying that research should evaluate comparative clinical effectiveness, not cost-effectiveness. And I agree that the $1.1 billion should be used consistently with the principles in S. 3408 from the 110th Congress. Senator CONRAD and I plan to reintroduce our bill because we still need a long-term framework for this type of research in the U.S.

Mr. CONRAD. I thank Senator ENZI for his support of these principles. Comparative clinical effectiveness research needs to be a permanent part of our health system. It is one of the ways we will improve health care for all Americans. I look forward to working with him on this effort.

Mr. MENENDEZ. I appreciate the remarks of Senator ENZI. Comparative effectiveness research should focus on clinical outcomes and produce information that patients and providers can use to make better decisions about their treatment options. I look forward to working with my colleagues on this important issue.

Mr. CARPER. Like my colleagues, I support comparative effectiveness research that builds on the principles set forth in S. 3408 from the 110th Congress. Clinical comparative effectiveness research has the capability of improving health care quality by advancing evidence-based decisionmaking in our health care system. I look forward to working with my colleagues on this important issue.

Mr. HATCH. I agree that the primary focus of comparative effectiveness research should be clinical effectiveness not cost. We can all agree that the ''one size fits all'' approach is the wrong approach for the American health care system. Based on our own personal experiences we all know that what works best for one person, does not always work the same for another. I look forward to working in a bipartisan and inclusive manner to come up with prudent legislation that will not only help us realize the true potential of comparative effectiveness but also preserve patient choice and innovation—the two hallmarks of our health care system.

Mr. ROBERTS. I would associate myself with the remarks of Senator ENZI, and would underscore that it is very important to require full openness, transparency and accountability in how research priorities are set and how studies are conducted and communicated. Without this openness, patients have no assurance that their voice will be heard in the process, and no ability to understand how results are being used in decisions that directly affect their health. I look forward to working with my colleagues to ensure that strong provisions for openness, transparency, and accountability are put in place.

Mrs. FEINSTEIN. I thank my colleagues for their efforts on this issue. I agree that comparative effectiveness research holds great promise to improve medical care by giving physicians and patients valuable information on treatment options.

It is my understanding that the new Federal coordinating council included in the language is intended to coordinate the comparative effectiveness research efforts taking place across Federal agencies and with funds we are providing in this bill. However, there is some concern that the language, as currently written, allows the council to expand its activities beyond mere coordination. I think my colleagues would agree that the purpose of the council is to coordinate comparative effectiveness research activities with the goal of reducing duplicative efforts and encouraging coordinated and complementary use of resources.

Mr. BAUCUS. I thank Senator FEINSTEIN for pointing that out. I agree. The coordinating council should look across agencies to coordinate resources and activities of the federal government with respect to comparative effectiveness research. Its charge should not go beyond that. The language of the bill could be clarified to make that point clear. And I will support clarification of it in conference.

WORKFORCE TRAINING

Mrs. MURRAY. Mr. President, I would like to engage my good friend, the Senator from Iowa and the chairman of the Subcommittee on Labor, HHS, and Education Appropriations in a colloquy.

I would like to take this opportunity to commend my good friend on his strong support for the education and training of America's workers. As you know, I serve as chairman of the Senate Subcommittee on Employment and Workplace Safety. The Senator and I have worked together on many initiatives on behalf of our workforce. That is why I would like to clarify certain provisions contained in the bill before us today that pertain to job training for U.S. workers.

First, is it the Senator's understanding that the additional funding provided through the Workforce Investment Act formula grants for adults and dislocated workers will be used predominantly for the direct delivery of services to those who are the most heavily impacted by this recession—the unemployed and the underemployed?

Mr. HARKIN. Yes, the Senator's understanding is correct. I included a provision in this recovery bill that reinforces the requirement in the WIA to use adult State grant funding to serve certain priority populations, such as those with low incomes or on public assistance. I believe that we should target these funds on the delivery of services to those who have been adversely impacted by our recent economic crisis. I also believe local workforce boards should utilize existing authority to support needs-related payments to help engage individuals in training, if such support is appropriate and effective.

Mrs. MURRAY. Is it also the Senator's understanding that the most innovative strategies with proven effectiveness in putting people back to work in high demand occupations, including sector-based and career pathways initiatives that are focused on green jobs, health care and other viable industries, should be utilized to the extent possible in carrying out the delivery of these employment and training services?

Mr. HARKIN. Absolutely, it is essential that the workforce services provided through this legislation, are delivered through the most effective means possible, ensuring that the unemployed and underemployed are provided with relevant employment and training assistance that will enable them to find good, family sustaining jobs. It is also essential that these programs provide the skills that are relevant to local and regional employers that will help to rebuild our regional and U.S. economies.

Mrs. MURRAY. As my friend from Iowa knows, older workers have been particularly devastated by our current economic downturn. A recent Urban Institute publication reported that job loss for older workers is at a 31-year high. Is it the intent of this legislation that older workers will be a key population targeted for services with these additional resources?

Is it further the understanding of the chairman that funding under the adult formula grants will focus on serving individuals with multiple barriers to employment, particularly those with low skill levels, to obtain the education, skills training and support services they need to obtain jobs in high demand occupations, particularly in green jobs, healthcare, and other viable industries?

Mr. HARKIN. The Senator is correct. As chairman of the Labor Appropriations subcommittee, I supported the $120 million in the recovery bill for the senior community service employment program. These funds will support employment and training opportunities for low-income, older Americans. The funds benefit both older Americans hurt by the current economic crisis and community service organizations struggling to keep up with increased demand under decreasing budgets.

Individuals with multiple barriers to employment, including older workers, those with low skill levels, and individuals with disabilities, should indeed be an important focus of services for the funding provided to the Department of Labor. Offering these workers, particularly low skilled workers, the tools they need to secure good jobs in new or growing industry sectors can help them enhance their quality of life and achieve economic self-sufficiency as a member of the middle class.

Mrs. MURRAY. With regard to the funding for youth activities under the legislation, is it the Senator's understanding that in addition to summer and year-round employment opportunities, this funding may be used to provide related educational enrichment, including remediation, skills training, and supportive services that enable participants to work in high demand occupational areas, such as in the green jobs and health care industries, with the goal that such employment and enrichment activities will lead to further education or employment?

Mr. HARKIN. The Senator is correct. While the primary purpose of this funding is to provide meaningful paid work experiences for at risk youth, educational enrichment, necessary skills training, and support services that enable young people to participate and succeed in these and future endeavors are necessary and fully support the intent of the legislation.

Mrs. MURRAY. In the workforce provisions under consideration, we provide that training may be provided for jobs in high-demand occupations, through the award of contracts to institutions of higher education, as long as a customer's choice is not limited. Is it the Senator's understanding that such training may include the provision of adult basic education or English language education services, as long as these services are provided in connection with a job for which the individual is preparing? Is it the Senator's further understanding that these services may be provided through community colleges and other high quality public programs that offer postsecondary education and training within a community or region?

Mr. HARKIN. My colleague is correct. This provision was included in the recovery bill to facilitate the use of funds provided to train individuals in the areas needed in their local community. It would be my expectation that a very significant portion of the funds provided would be spent quickly and effectively in training individuals in health care and other high-demand occupations, as well as emerging ''green'' industries.

INVESTING IN AMERICA'S WORKERS

Ms. STABENOW. Mr. President, I would like to engage my friend and colleague, the Senator from Washington State, in a colloquy.

I want to commend my good friend's work on behalf of America's workers, including the growing number of workers who have lost their jobs and need skill training and other services to secure good jobs in new or viable industries, including those that are retrofitting themselves to improve longer term global competitiveness. These industries promote energy efficiency, energy conservation, and environmental protection in such industries as advanced manufacturing, auto, aerospace, health care, and others.

As Senator MURRAY has rightly stated during conversations on this recovery bill, investing in job creation should be accompanied by investments in workers, an essential component to strengthening our Nation's productivity and long-term competitiveness. These workers include the increasing number unemployed or underemployed individuals across the country and the thousands of manufacturing workers who have lost their jobs, such as those in the aerospace industry and the automotive industry. In her role as chairman of the Senate Subcommittee on Employment and Workplace Safety, we have worked together to help workers, particularly those in distressed industries, acquire the skills they need to secure family-supporting jobs in viable and emerging industries including the energy efficient and advanced drive train vehicle industry, the biofuels industry, and the energy-efficient building, construction, and retrofits industries. That is why I would like to clarify several provisions contained in the bill before us today that pertain to job training for workers. As the Senator knows, my home State of Michigan has experienced major economic dislocations from manufacturing plant closures and industry layoffs.

I would like to first ask the esteemed Senator from Washington State if it is her understanding that worker training in these industries would be eligible for consideration by the Secretary of Labor under the national emergency grant and competitive grant funding sections of the workforce provisions of this bill?

Mrs. MURRAY. Yes, the Senator from Michigan State is correct. It is my understanding that the Secretary of Labor will use these funds to help retool workers who have lost their jobs due to the recession and declining industries, including those in the green-collar industries the Senator mentioned.

Ms. STABENOW. Is it also the Senator's understanding that the most effective strategies in helping workers maintain and secure new jobs in emerging and viable industries, including the energy efficient and advanced drive train vehicle industry, the biofuels industry, the energy-efficient building, construction, and retrofits industries, and the aerospace industry are those supported by strategic partnerships among State and local workforce boards; institutions of higher education, including community colleges and other training providers; labor organizations; industry; and economic development entities that use sector or cluster-based training approaches for developing job training strategies and career pathway initiatives that lead to economic self-sufficiency?

Mrs. MURRAY. The Senator from Michigan is correct and makes an important point. Effective strategies for helping workers retool for jobs in viable industries should be informed by the critical stakeholders she noted. It is my hope that when distributing these funds, the Secretary of Labor gives due deference to those eligible entities with strategic partnerships among representatives from the affected industries, labor organizations, workforce investment boards, elected officials, and institutions of higher education, including community colleges and other training providers.

Ms. STABENOW. I would like to thank my distinguished colleague from Washington. I look forward to working with her in the future to ensure that investing in America's workers remains a critical component of our national economic recovery and growth strategy.

LONG-TERM CARE

Mr. WYDEN. Mr. President, I wish to enter a colloquy with my good friend, the Senator from Montana, and the senior Senator from Wisconsin, one of the chief authors of this amendment and the distinguished chair of the Special Committee on Aging. I would like to talk about the importance of investing in the long-term care workforce in order to provide good care for seniors and the disabled. Specifically, I would like to discuss the inclusion of long-term care reforms in the health reform bill.

Chairman KOHL and I have worked together on the Long-Term Care Worker Recruitment and Investment Demonstration Program Amendment to the American Recovery and Reinvestment Act of 2009 because direct care jobs are a 21st century growth industry. With the aging of the baby boomer generation, this workforce will need to grow substantially if we are to meet the coming demand for both medical and nonmedical support services delivered

in the home and in small community residences, as well as in more traditional nursing homes and assisted living facilities. However, today, we are not on track to achieve this goal.

In order to meet the future health needs of older adults and recruit and retain a stable and competent long-term care workforce, the Congress, State governments, and the Obama administration need to work together.

Mr. KOHL. We already have a shortage of health care workers who are trained and devoted to caring for older Americans and those with disabilities—a fact that is well documented in the report issued by the Institute of Medicine last year. This shortage is one that will only grow more desperate as our country ages rapidly. The United States will not be able to meet the approaching demand for health care and long-term care without a workforce that is prepared for the job.

Between 2005 and 2030, it is estimated that the number of adults aged 65 and older will almost double from 37 million to over 70 million, increasing from 12 percent of the population of the United States to almost 20 percent of the population. So it is not surprising that the Department of Labor's Bureau of Labor Statistics predicts that personal or home care aides and home health aides will represent the second and third fastest growing occupations between 2006 and 2016.

Only last week, the New York Times published an editorial concluding that, ''With more jobs being lost all the time across the board—more than 71,000 layoffs in the United States were announced on Monday and Tuesday alone—there should be comfort in the fact that one sector, health care, continues to add jobs.'' I will ask to have this editorial printed in the RECORD.

Government has a special obligation to care for vulnerable populations. Inadequate training in geriatrics, gerontology, chronic care management, and long-term care is known to cause misdiagnoses, medication errors, and inadequate coordination of services and treatments that result in poor care and are costly for the health care system as a whole. Yet personal and home care aides are not subject to any Federal requirements related to training or education, and States have very different requirements for this key part of the direct care workforce. Furthermore, Federal training requirements for nurse aides and home health aides have not been updated for more than 20 years. It is time to review and improve training standards for all direct care workers. Current training protocols focus too much on tasks and too little on teaching how workers can deliver person-centered care. Further, often training does not reflect the increasingly complex needs of the frail elderly. Inadequate training has been found to be a major contributor to high turnover rates among direct care workers, while more training is correlated with better staff recruitment and retention.

Equally important, the IOM report recommends that State Medicaid programs increase pay and fringe benefits for direct care workers. Investment in direct care jobs would significantly benefit our economy by providing greater economic opportunity to low-income workers, while also strengthening health services for our aging and disabled family members and friends.

Mr. WYDEN. Long-term care is in need of rethinking. Right now it is a form of Russian roulette for many Americans who pray they can avoid it, and with it a fatal financial bullet. Under the current system, we are sending older Americans into a long-term care system that is more fragile than they are. States are staggering under the weight of projected Medicaid long-term care costs and fear that they will face economic calamity as their baby boom population begins to need services. Similarly, the staggering weight of family caregiving for many ''sandwiched'' adult children, who are caring for their children as well as their elderly parents with serious health problems, makes some family members feel like they are staggering too.

Every 15 years, since the days of Harry Truman, health care advocates have woken up, looked around, and said, ''This is the moment. This time my dream of universal health care will be achieved.'' Then something goes wrong. That vision is not returned by the powers that be, and the dream of finding a health care solution is dashed on the rocks of harsh reality.

That 15-year reawakening is upon us again, but this time I believe this story might have a different ending because of the leadership of the Senator from Montana and the commitments of Chairmen KENNEDY and KOHL and President Obama.

As we work together to tackle health reform and entitlement reform, I want to work with you and Chairman KOHL to include thoughtful health care workforce reforms. Long-term care has been too often overlooked as the health care stepchild, and as we move into what I and many experts think will be our next real window for health reform this year, it will be important to make sure that long-term care is not left behind in the health reform debate.

Mr. BAUCUS. I agree with my distinguished colleagues that as we work to reform our health care system it is important to consider how the health care workforce fits into these efforts. Creating a strong, well-trained workforce is a critical part of adequately addressing the needs of older adults and individuals with disabilities. An estimated 69 percent of people turning 65 years old will need some form of long-term assistance as they age. Most individuals that need long-term care services and supports prefer to receive assistance in their homes or communities. This demand and the need for direct care professionals will only grow as the baby boom population turns 65.

Various studies suggest present and future shortages of paraprofessionals and health care professionals. Effective recruitment and retention strategies are needed. Training programs should be designed that address the competencies required of a 21st century workforce. As part of this effort we also should look at the skills of those currently delivering long term care services.

The purpose of health reform is to achieve a high-performing health system. Achieving this goal requires an investment in our health professional and paraprofessional workforce.

Mr. WYDEN. I thank the chairman for his recognition of this important issue. I look forward to working with him during our consideration of health care reform this year.

Mr. KOHL. I thank Senator WYDEN and Senator BAUCUS for their attention to these important policies and look forward to working with them in the weeks ahead.

Mr. President, I ask unanimous consent that the editorial to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times; Jan. 28, 2009]

CARING FOR THE CAREGIVERS

With more jobs being lost all the time across the board—more than 71,000 layoffs in the United States were announced on Monday and Tuesday alone—there should be comfort in the fact that one sector, health care, continues to add jobs. In December, employers added 32,000 health-related positions.

Unfortunately, one of the fastest-growing areas within the health care field—home care for the elderly—also is one of the lowest paid and most exploitable.

Outdated labor rules from 1975 allow home care aides to be defined as companions, which exempts their employers, usually private agencies, from federal standards governing overtime and minimum wages. As the population has aged, however, demand for home care has grown and the work has evolved far beyond companionship. It is not uncommon for home care workers to perform significant housekeeping chores and to help their elderly clients move, dress and eat, make sure they take their medicines and go to doctors' appointments.

In its last days in office in 2001, the Clinton administration proposed a revision to the labor rules to allow federal protections to apply to personal home care aides, but the Bush administration promptly threw that out and reasserted the status quo. A 2007 Supreme Court ruling upheld the rules, and a push that year by House and Senate Democrats to pass a bill to update the law went nowhere.

According to the Labor Department, personal and home care aides are expected to be the second fastest-growing occupation in the United States from 2006–2016, increasing by 51 percent, slightly behind the expected

growth in systems and data communications analysts.

Most home care aides are women, low income and minority, and many of them are immigrants. Some states have taken steps to provide them with basic labor protections. Efforts to unionize home care workers in some states also has led to wage gains and better conditions. But the progress is incomplete without a federal law to recognize and protect the home care work force. It is unconscionable that workers who are entrusted with the care of some of the nation's most vulnerable citizens are themselves unprotected by basic labor standards.

It is also unwise, because poor pay for long hours leads to high turnover, which undermines the quality of care. Turnover also drives up the cost of providing home care—a needless drain on Medicaid, which pays for many home care services. And that is not the only way that poor quality home care jobs end up costing taxpayers. Nearly half of home care workers rely on food stamps or other public assistance, so taxpayers ultimately compensate for their low pay and inadequate benefits.

Of necessity, job creation and job quality will be the focus of the Obama administration in 2009, and, most likely, for many years. The Department of Labor could rewrite the rules to extend federal protections to home care workers. Or Congress and the White House could work together to pass a law granting those protections. Either way, the point is to ensure that home care, a 21st-century growth industry, creates good jobs.

TRIAL PROJECTS

Mr. LEVIN. Mr. President, as the Senate works to boost our ailing economy, I want to clarify that funding provided to the National Park Service for trail projects would not be limited to only certain trails. The bill provides $158 million for the operation of the National Park System, of which $23 million is recommended in the report for deferred maintenance of trails. I understand this funding could be used for any trails in the National Park System, including the eight National Scenic Trails. Is that correct?

Mrs. FEINSTEIN. That is accurate. The $23 million in funding for trail maintenance could be used for any of the eight National Scenic Trails in this country. Many of these trails are in disrepair, have unsafe crossings and uncompleted sections that could be repaired with this funding, creating jobs and generating economic value for surrounding communities.

Mr. LEVIN. The North Country National Scenic Trail, the longest scenic trail designed in America, traversing seven States including the State of Michigan, has great needs and could use the funding provided in this economic recovery package. In Michigan alone, the North Country National Scenic Trail has maintenance needs totaling $2.5 million that have been postponed for too many years. These trail upgrades and maintenance projects would put people to work right away and spur additional economic activity. I was concerned the report accompanying the economic recovery bill could be misinterpreted to limit this funding to so-called units of the National Park System. Only three of the eight National Scenic Trails have unit status, and limiting funding in that way would be arbitrary and unfair. I believe this funding should be available for any NPS-administered National Scenic Trail, whether designated as a unit or not, for trail construction, rehabilitation and maintenance. Is that the Senator's intent as chairman of the Interior Appropriations Subcommittee, and I believe the sponsor of the language?

Mrs. FEINSTEIN. Yes, that is our intent. All of the National Scenic Trails would be eligible for this funding, which would create jobs, generate economic value, and provide healthy recreational opportunities.

Mr. LEVIN. I thank Chairman FEINSTEIN for including this funding and clarifying its use.

WASTEWATER INFRASTRUCTURE FUNDING

Mr. BROWN. Mr. President, at this time I would like to discuss a letter Senators WYDEN, FEINGOLD, MCCASKILL, SCHUMER, LEVIN, STABENOW, and I sent to the Appropriations Committee arguing for an increase in wastewater infrastructure funding in this legislation. My colleagues and I believe it necessary to pay special attention to projects that are known as combined sewage overflows, or CSOs. As Senator FEINSTEIN knows, combined sewage overflows are very expensive projects that many of our nation's older sewer systems are required to complete in order to separate storm water run-off from sanitary sewer systems. In fact, our hard-pressed cities and small towns are facing billions of dollars in costs to address this problem.

We supported the infrastructure amendment offered by Chairman FEINSTEIN and Chairman MURRAY to add an additional $7 billion to the bill for clean and drinking water projects. We also strongly support the $4 billion included in the underlying bill for clean water infrastructure. Would Chairman FEINSTEIN agree that the U.S. Environmental Protection Agency should make funding for CSO projects one of its Recovery Act priorities?

Mrs. FEINSTEIN. First, I would like to commend my colleagues for bringing this important matter before the Senate. EPA estimates that combined sewage overflows are responsible for releasing more than a trillion gallons of untreated and undertreated wastewater into our Nation's water bodies every year. I believe that additional funding provided through the Recovery Act for the Clean Water State Revolving Funds program will help alleviate the combined sewage overflow problem. I share the Senator's belief that the EPA should strongly encourage the completion of combined sewage overflow projects and I look forward to working with the Senator to address this serious problem in the years ahead.

Mr. BROWN. We sincerely appreciate the Senator's leadership on this matter. In my State of Ohio over 80 communities, from small towns like Mingo Junction and Defiance, to big cities like Akron and Cincinnati, must invest over $6 billion to complete combined sewage overflow projects. Without assistance, ratepayers will be faced with skyrocketing bills, public health is at risk, and our lakes, streams, and rivers will remain polluted.

The PRESIDING OFFICER. Who yields time? The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that at 1 p.m. today, the Senate proceed to vote in relation to the following amendments in the order listed; that no amendments be in order to these amendments prior to the vote; with 2 minutes of debate prior to each vote, equally divided and controlled; with 10-minute vote limitations after the first vote in the sequence: Sanders amendment No. 330, as modified; Coburn amendment No. 309; Udall amendment No. 359; Coburn amendment No. 176.

Further, that upon disposition of the above-listed amendments, the Senate then consider the following amendments and that they be considered in rotating fashion back and forth to each side; that no amendments be in order to these amendments prior to a vote in relation to the amendments: Conrad-Graham No. 501; Dodd No. 145, and that when a vote is scheduled in relation to amendments Nos. 501 and 145, the vote would occur first on 501; Cantwell amendment No. 274, with the modification which is at the desk; Feingold amendment No. 485; Grassley amendment No. 297; Enzi amendment No. 293; Vitter amendment No. 107; Bunning amendment No. 531; Wyden amendment No. 468; and Thune amendment No. 538.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, there is no objection on this side. We appreciate the accommodations of the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I wish to a say special thanks to Chairman BAUCUS as well as Chairman INOUYE. Having been given the task of working hard, their staffs have been amazing in coming together and trying to produce a package that will be a job creator, a stimulus to our economy, a recovery to the economic crisis we face in this great Nation. They have done a tremendous job with the time they have been given.

Of course, we are all here because we believe we have something to add to that process and to that solution. I come today to speak briefly about a couple of amendments I have.

Mr. President, I ask unanimous consent that Senator VITTER of Louisiana

be added as a cosponsor of my amendment No. 199.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 199

Mrs. LINCOLN. The amendment I will be offering here today, along with Senators CORNYN, MURRAY, PRYOR, and VITTER, will bring relief to the forest products industry, which has been devastated by the downturn in the housing market.

My colleague from Tennessee has just spoken about the housing issue, the concerns we have there. Well, it has had a devastating effect on our timber industry as well. This industry is an integral part of the economy of many Southern and Northwestern States. In my home State of Arkansas, the forest products industry is a foundation of our economy, our culture, our way of life, and particularly those living in rural America.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I thank my good friend from Mississippi for that kind statement.

Mr. KERRY. Mr. President, would the Senator yield for purposes of a question?

Mr. BAUCUS. Absolutely.

Mr. KERRY. Mr. President, would it be in order at this point to lock in a time to speak after the tranche of votes?

Mr. BAUCUS. Mr. President, I suggest that we agree to 5 minutes in rotating fashion for each side and that Senator KERRY be first recognized after the votes.

Mr. KERRY. Are we limited to 5? Would it be possible to get 10 minutes?

Mr. BAUCUS. I will say 10 minutes. I want to hold it to four speakers until we get a better handle on what is going on.

Mr. KERRY. I appreciate that.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

More than 50 percent of Arkansas land is forested. Much of this is sustainably managed to create products we use every single day. In addition, there are jobs associated with the growing of the forests and the manufacture of these great products we manufacture here at home. More than 32,000 Arkansas men and women work in our woods and at our sawmills and our paper mills. These are good jobs located in our small rural communities, making a huge part of the fabric of this country. These are jobs that we must protect.

During this economic crisis, the forest products industry has suffered immensely. Since 2006, the industry has lost more than 181,000 jobs or roughly 14 percent of its workforce. The lumber side has been particularly hard hit, with a 20-percent drop in employment. In Arkansas, the impact has been even greater.

Our amendment will help our domestic timber industry remain competitive and will help ensure against further domestic timber manufacturing job losses. We are talking about job creation. We are talking about job recovery. We are talking about ensuring that we do not lose any more of these vital jobs in rural America that sustain this country.

It would extend provisions enacted in the farm bill set to expire this year which help large integrated and small family-owned companies, as well as the shareholders of timber REITs. In short, the amendment would provide a uniform 15-percent rate for cutting timber and additionally would reform the timber REIT rules.

This policy change has strong bipartisan support. It has passed the Senate in the past and will do a great deal to protect our timber jobs right here at home.

I urge my colleagues to join me in support of this amendment to protect the jobs we have in rural America in our timber and forest products industry.

AMENDMENT NO. 249

Mr. President, I would also like to touch on the second amendment I will offer. It is a 2-year, 5-percent rural home health add-on.

Access to health care, particularly in home health services that help keep chronically ill and disabled adults out of institutions, is a critical issue facing rural America. We put a benefit add-on to rural home health back in early 2000. We have lowered that add-on. But the fact is, it expired again on December 31, 2006, and has not been reinstated.

The National Association for Home Care and Hospice estimates that the 5-percent rural add-on would create approximately 2,500 jobs in rural America, not to mention the people who would be served.

In many rural areas, home health agencies are the primary caregivers for homebound beneficiaries who have limited access to transportation and other supportive resources. The negative effects of losing the rural home health add-on include agencies having to reduce their service areas and some agencies having to turn away high-resource-use patients.

Rural home health agencies are at a greater disadvantage than their urban counterparts. Rural agencies are often smaller, they have fewer patients. This means they have fixed costs that are spread over a smaller number of patients and visits, increasing overall per-patient and per-visit operational cost, not to mention the travel expenses, the input costs they have getting to these patients. With what we have seen in the increase in the roller coaster ride of gasoline prices, that also is added in. Rural agencies also have more difficulties hiring or contracting with rehabilitative therapists, requiring the use of nurses to provide these vital services. Given the nationwide nursing workforce shortages, rural agencies must offer competitive wages compared with hospitals and agencies located in urban areas in order to recruit and retain qualified workers.

This is about keeping jobs, making sure these jobs are in rural areas, but also servicing patients who truly need these types of services. These are great job creators, job sustainers, and great services to the people of this country.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There is 14 minutes remaining.

Mr. BAUCUS. Mr. President, I yield 4 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished chairman of the Finance Committee. I have had very little to do with this bill in the sense of writing it. I think most of us feel somewhat the same way. I am growing increasingly concerned about the bill, as to whether it is really going to be a stimulus. I come from a State which has more people unemployed today than the population of a dozen States; a State where the breadlines are growing, where the need for assistance is growing, where the State has a huge deficit, where counties are unable to fund their operating maintenance, where all capital projects have stopped, and where the State is now furloughing employees. I think while we dither, Rome burns. This crisis is so multidimensional and the dominoes are falling so much more rapidly than any of us thought and they are pushed from so many different points.

The fact is that people cannot get credit—credit for your big corporations to open a new hotel; credit, if you are a small employer, to pay your payroll. Credit remains frozen. The housing crisis continues to work its problems.

What, in my view, a stimulus is not, candidly speaking, is a tax package. I do not believe in this economy tax cuts are stimulus. The current state of the package, as I understand it, is that tax cuts are roughly 40 percent of the package; 20 percent is local assistance, State and local assistance; 15 percent is safety net spending; 15 percent is infrastructure spending—that is all—and 10 percent is other spending.

I do not know how many jobs are going to come out of this because it is

my belief that people's buying patterns have changed.

This morning, a number of my colleagues talked about a report from the Congressional Budget Office, and what they did not do is they did not quote from certain parts of it. I would like to quote on what they found. Here it is:

A dollar's worth of a temporary tax cut would have a smaller effect on GDP than a dollar's worth of direct purchase or transfers, because a significant share of the tax cut would probably be saved.

As a matter of fact, we have evidence of that. Last year, we approved more than $130 billion in tax cuts, primarily through a $600-per-person tax refund. After all of that money was spent in two tranches going out, there was little or no perceptible impact on the economy.

But we do not learn. In fact, study after study shows that upper income taxpayers are less likely to spend the refund checks they receive than those with low incomes.

According to a recent CRS analysis, tax cuts are likely to have a ''diminished stimulus effect.''

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Mr. President, I yield 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mrs. FEINSTEIN. I point out that at the end of the day, I think there have been some significant layoffs. All along the retail industry, whether it is Starbucks or whether it is various retail establishments; like Gottschalks department stores—38 stores in California—going into bankruptcy; whether you have banks closing; whether you have Macy's laying off 10,000 people, buying patterns have changed. I read a study where people are not buying as much toothpaste. That is an indication that there is an angst out there, a worry about this economy.

The point of this package is to get jobs out to people. I reserve the right, at the end of the day, to vote against a package that I don't think puts those jobs out there. That is my point.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, in order to clarify some confusion that may exist as to what the proceedings are after the first group of votes, let me ask unanimous consent that the request I further propounded with respect to that period be vitiated. Instead, I ask unanimous consent that following the next group of votes, there be 20 minutes available, equally divided in the usual form, for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from Iowa questioned State aid provisions in our substitute so I wish to take a few moments to explain them. When our country was founded, there was a great debate about the roles of the Federal and State governments, and our Founding Fathers debated which should be more powerful. Should it be the States or the Federal Government? Which should retain what privileges and how to ensure an effective union of the States? Alexander Hamilton, the first Secretary of the Treasury, advocated for the Federal Government to buy the States' Revolutionary War debt. The idea was controversial, but the merits of the proposal have proven sound.

In the year 1790, there were two main reasons he suggested the Federal Government assume State debt. First, the Federal Government was in a better position to issue and sell bonds to satisfy the debt. Second, the assumption of State debt would serve to rally local economic interests to promote broader national goals.

Many things have changed since 1790, but some things remain the same. During recessionary periods, State revenue suffers. Unlike the Federal Government, States must balance their budgets. Just as in 1790, the Federal Government was still in a better position to assume the debt.

These difficult times also call for unity among the States. Every State is suffering, but we must band together to help those among us who are worse off. We need to hold back our personal interests and focus instead on our national interests.

In addition to the arguments set forth by Hamilton over 200 years ago, modern economists tell us that State fiscal relief is an effective means to stimulate the economy. Economists also advise that targeted relief to those most in need—not based on circumstances of States' own making but based on true measures of distress—is the best measure of distribution. The bill before us today provides much-needed relief to every State with a temporary increase in the Federal match rate for Medicaid expenses. The bill also provides additional aid targeted to States facing the most precarious fiscal situations, measured by an increase in unemployment. This temporary assistance will help States avoid having to make tough choices, like whether to make significant budget cuts or raise taxes, both of which could make this economic crisis worse.

It is important we strike a balance in this bill between spending too little and too much. Some of my colleagues are worried that we are spending beyond what is needed and will end up passing along too much debt to future generations. This package is significant, but the risk of doing too little has been overlooked. In fact, I think the risk of too little is worse than the risk of too much. During times of economic distress, Medicaid suffers from the blows of a one-two punch; that is, when State revenues are lowest, the demand for Medicaid is the highest. If we do not give States enough money, States won't be able to protect their Medicaid programs against the blows thrown by the economy. That means fewer services will be available to fewer people at a time when the need is increasing. We are talking about low-income health care. This is about people who are thrown off Medicaid because States are finding that is the best way to balance their budgets. That is not right.

Giving States more money than they need won't stimulate the economy. In order to stimulate the economy, this money must be spent quickly, and it must go toward job creation or protection of vulnerable populations. To be stimulative and get the economy moving again, State fiscal relief must prevent any exacerbation of an already bad situation. By preventing Medicaid cuts, this bill does that.

This bill makes sure we will not see a big increase in the number of Americans without health insurance. We must remember that having so many uninsured Americans is not without cost, let alone the personal tragedy. Instead, the cost of caring for the uninsured has shifted to the insured. It is in all our best interests to prevent more Americans from losing their health insurance. This package, I believe, has the right balance—it is not perfect, but it is pretty close—giving States enough support without giving them too much. The State fiscal relief provisions will not eliminate State budgetary difficulties. That is for sure. But they will provide a cushion, not a full cushion but a partial cushion. This package will not fix everything, but it is a big step in the right direction.

While not all States have responded to the economic downturn in the same way, no State is immune to the impact of a national recession. Looking back on past recessionary periods, we can see that some States, often those with large commerce-based economies, feel the blow faster and earlier than others. The impact on States with commodity-based economies, on the other hand, is often delayed. The difference between commerce-based States and commodity-based States is more delay in commodity-based States. Because no two States will experience the impact of the recession at precisely the same time or to exactly the same extent, it is important the relief be targeted to those States that are most in need and when they need it.

In 1790, some States had already paid off their Revolutionary War debt. But it was important to the Nation as a whole that all States be relieved. On top of a generous across-the-board increase for all States, this package provides additional aid to those States

with high unemployment. The basic formula is based upon the wealth of the State, but the bonus on top of it is based on unemployment.

If a State's unemployment continues to increase, the State may qualify for even more relief. Unemployment is an effective measure of a State's fiscal condition. Often when people lose their jobs, they also lose their health insurance. This places a higher demand on Medicaid. It is estimated that a 1-percent increase in unemployment increases enrollment in Medicaid and the Children's Health Insurance Program by 1 million people. Let me repeat that. A 1-percent increase in unemployment increases enrollment in Medicaid and the Children's Health Insurance Program by 1 million people. Increasing the FMAP percentages—that is the Federal share—is the quickest way to get relief to the States. In addition to preventing cuts to Medicaid, this aid will provide for much-needed economic activity. People will be more productive. Jobs will be saved. Industries that rely on and contribute to the strength of our health care system will remain sound. This provision will not only improve the health of Medicaid beneficiaries, but it will also improve the fiscal health of each State. This is a key element of any attempt to pull the national economy out of its recession.

We have done this before, and we know it is effective. In the year 2003, we provided $20 billion in State fiscal relief, evenly split between grants and an FMAP increase. That is the Federal Medicaid share. The FMAP increase proved successful in preventing planned Medicaid cuts and restoring some previous cutbacks. However, an analysis by the Urban Institute found we could have done a better job back in the year 2003.

The PRESIDING OFFICER. The time of the chairman has expired.

Mr. BAUCUS. I ask unanimous consent to proceed for an additional 2 minutes.

Mr. MCCAIN. If the other side is granted 2 minutes.

Mr. BAUCUS. I ask unanimous consent for 5 more minutes, evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. However, an analysis by the Urban Institute found we could have done a better job back in the year 2003. Despite the immediacy and complexity of the situation, the fiscal relief was delayed and uniform. Some States were forced to take action before relief was available. Because the economic downturn of each State varied, some States didn't get enough assistance, and some States got assistance at the wrong time.

Let's learn from our mistakes. The partially targeted approach of this package will be better. It will give all States some assistance, a method that is effective and simple. But it will also give more money to States with the greatest need, which will help ensure we get the biggest bang for our buck.

These are difficult times, but our country is resilient. We are proud as Americans of our resiliency. We must draw on the wisdom of our Founding Fathers and stick together. We are more than a country. We are a union of States. Let us remember the good judgment of Alexander Hamilton and come together as a nation to help each of our States.

Over the Presiding Officer is our national motto, ''e pluribus unum.'' It could not be more appropriate than at this moment.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. MCCAIN. How much time do I have?

The PRESIDING OFFICER. Nine minutes.

Mr. MCCAIN. Mr. President, I wish to return to the Congressional Budget Office report in response to the remarks of the Senator from Montana again to the Congressional Budget Office. It says the legislation would result in a slight decrease in gross domestic product. It said it would increase employment at the end of the fourth quarter of 2010 by 1.3 million to 3.9 million jobs. I urge my colleagues to do the math. This is a $1.2 trillion bill. If it creates 1.3 million jobs, that is $923,000 per job. If it creates 3.9 million jobs, that is $307,000 of taxpayer dollars.

As the President stated last night, this is a spending bill. He is right. I agree with him. It is a spending bill. Most of us were under the impression that what we wanted was a job creation and economic stimulus bill. We can pass spending bills all the time. We do it all the time. We have laid a $10 trillion debt on future generations of Americans. Very interestingly, the report continues:

> Senate legislation would reduce output slightly in the long run, CBO estimates, as would other similar proposals. The principal channel for this effect is that the legislation would result in an increase in government debt. To the extent that people hold their wealth as government bonds rather than in a form that can be used to finance private investment, an increased debt would tend to reduce the stock of productive capital. In economic parlance, the debt would ''crowd out'' private investment. CBO's basic assumption is that in the long run, each dollar of additional debt crowds out about a third of a dollar's worth of private domestic capital.

This is something that has been abundantly clear for years and the reason why we don't have socialism in this country, because the Government is less efficient in using dollars than the private enterprise system is. Perhaps more alarming than anything else, the reason why it was so disappointing is we did not pass the trigger. That was an amendment we voted down, actually with a couple of Democratic votes, that provided that once the economy recovers, we have to be on a path to a balanced budget. CBO estimates that by 2019, the Senate legislation would reduce gross domestic product by .1 percent to .3 percent. In other words, we will not grow the economy in the long run unless we get our fiscal house in order.

Why are the American people unhappy? Why is it that my office and others are inundated with phone calls? Because we put in unnecessary and even wasteful and nonproductive programs to the tune of billions and billions of dollars: $300 million dollars for Violence Against Women Act grants to the Department of Justice because ''as job losses loom and the economy worsens, service providers across the country are reporting an increase in calls related to domestic violence.'' I am glad to fund any program that would help address the issue of domestic violence. But it is not creating jobs. We will hear from the other side about how worthwhile this long list of porkbarrel projects is, but the fact is, they don't create jobs. That is what we are supposed to be doing in a ''stimulus'' bill.

I want to comment again: We all know there are negotiations going on now of the called ''Gang of 18.'' I was one of the Gang of 14. That was 7 Republicans, 7 Democrats. That is bipartisan. Now it is 15 Democrats, 3 Republicans. That is not bipartisan. If they come up with an agreement, then it will mean 3 Republicans out of 535 Members of Congress have supported this unnecessary, wasteful bill that could have been so much better.

It started out wrong, when the Speaker of the House said: We won, so we write the bill. And it is ending up wrong because we have not done what we need to do and has been the product of a true bipartisan agreement, and that is to sit down together, Republican and Democrat.

Mr. President, I want to close by pointing out, again, we want to have legislation that stimulates this economy. But we want it to stimulate the economy and not mortgage the future of our children and our grandchildren by the kind of fiscal profligate spending that is embodied in this legislation to the tune—it goes higher as we speak—of over $1 trillion.

I am told Monday we are going to have another TARP proposed—another one. How many trillions? We are setting some kind of record, and there is no fiscal discipline.

Mr. President, I urge my colleagues to consider carefully—consider carefully—this legislation. The American people have figured it out. Let's figure it out.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. Expressions of approval or disapproval are not allowed in the Chamber.

Mr. MCCAIN. Mr. President, I reserve the remainder of my time.

Mr. President, how much time remains?

The PRESIDING OFFICER. There remains 2½ minutes.

Mr. MCCAIN. For my side?

The PRESIDING OFFICER. Yes, for the Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield to the Senator from Oklahoma the remaining 2½ minutes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, the question we need to ask ourselves is, What is the real problem we have in the economy? And what is the best way of fixing it? Not whether somebody looks good or looks bad. How do we do what is in the best long-term interest of the country?

The problem with this bill, once you really see it—and even a $100 billion smaller bill—is, it does not address the real problem. We are going to be treating symptoms, and we are going to be highly inefficient as we do that. We say we want to have a stimulus bill. Yet what we are going to do is stimulate a baseline increase in the budget every year from now on of at least $124 billion, probably closer to $300 billion, because we have not done what we say we are doing with this bill.

The other thing is, the fear that is driving this bill and what might happen if we do not hurry up and get a bill is probably the worst motivation we could have. The real fear we ought to have is, have we done it right and have we not created a situation in which generations that follow us, especially the next two, will say: What were they thinking? Why didn't they do it right? Why didn't they target the money truly to stimulus instead of creating this worst of all habits—which we are now going to ensure that the States pick up and learn from us. It is a virus. It is a virus we have that says: You do not have to worry about what it costs in the long run. You do not have to target it. You do not have to be efficient. You do not have to look at programs and make sure they are working. You do not have to have metrics.

Now that the States are in trouble, we are going to absorb a portion of the problems the States have because they have not been fiscally prudent, and we are going to say: We are going to bail you out. Well, think about what that says to State legislators all across the country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. Mr. President, I yield back.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana has 1 minute.

Mr. BAUCUS. Mr. President, I do not see any speakers here. I will yield back that time, unless the Senator from Vermont wishes to speak.

I yield back that time so we can get to the vote.

I yield back the time.

AMENDMENT NO. 306, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate on the amendment No. 306, as modified, offered by the Senator from Vermont, Mr. SANDERS.

The Senator from Vermont.

Mr. SANDERS. Thank you, Mr. President.

This amendment, as modified, is being cosponsored by Senator GRASSLEY and has been cleared by both sides. This amendment simply requires recipients of TARP funding to meet strict H–1B worker hiring standards to prevent displacement of U.S. workers.

I thank Chairman BAUCUS for working with me on changes to my original amendment, and I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I urge Senators to accept this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 306), as modified, was agreed to.

AMENDMENT NO. 309

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate on amendment No. 309, offered by the Senator from Oklahoma.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this is a simple amendment that says we ought to have a priority of what we do. It is not about being against swimming pools, zoos, museums, or anything else. It is about saying to the American people we are going to prioritize the spending on this legislation.

What this amendment does is prohibit money to go to low-priority, low-infrastructure things. We have 233,000 bridges in this country that are in trouble—233,000. Instead of spending money planting trees along a causeway, what we ought to be doing is fixing the bridge that is on that causeway.

So this amendment is designed to prohibit money going into these areas so we will have money next year and the year after that, or maybe redirect money within the bill to actually do something we are going to have to spend money on anyhow, rather than do something that is optional and low priority.

Mr. INOUYE. Mr. President, I rise to express my concerns about amendment No. 309, introduced by the Senator from Oklahoma. Senator COBURN's amendment would add a provision to this bill which was included in the House-passed bill.

The provision prohibits spending any of the funds in this bill on casinos, golf courses, swimming pools, and other specified recreational facilities. I think we can all agree these sound like laudable goals. And I understand that on its face this amendment may seem logical, but I want the Senate to understand what it means as it applies to this bill.

Some of my colleagues might wonder why the House included this provision in their bill and why we don't think it makes sense.

The House included $1 billion for the Community Development Block Grant, CDBG, program. Under that program, funds go straight to the cities and mayors determine how to spend the funds. When the Conference of Mayors presented their views to the country's leadership on how to stimulate the economy, the No. 1 program they were hoping to have funded was CDBG. But the CDBG Program does not have sufficient safeguards. It can be used to construct recreational swimming pools or aquariums or to support museums. On occasion CDBG funds have been used for programs which some would say were of questionable merit.

To ensure that the Senate would not be supporting questionable programs, the Senate Appropriations Committee recommended no funds for this program. The House recognized that CDBG funds might be used inappropriately if there were no prohibitions on questionable programs, so it included the provision which Senator COBURN wants to attach to the Senate bill.

We do not need to include the provision because we do not have CDBG funding in this bill. The mayors are precluded from funding the projects prohibited by the amendment of the Senator from Oklahoma. The Senate is already protected from possible abuse by denying the funding for the program.

Let me offer a second example of how the committee ensured that local funds could not be used unwisely. In the bill, the committee has included $2.5 billion for the Neighborhood Stabilization Program which is designed to improve blighted neighborhoods. However, it is true that on occasion funds for this program have been used for community development that was of questionable merit. To avoid that problem, the Appropriations Committee recommended bill language under the Neighborhood Stabilization Program which only allows the funds to be used for the replacement of housing. This limitation means the funds cannot be used to build community centers or swimming pools.

We support the idea behind the amendment but not the amendment. First, we have not provided funds for programs which can be used frivolously. Second, there are no earmarks in this bill. Third, there is no CDBG money in this bill. Fourth, the housing

programs cannot be used for frivolous purposes.

Members might argue you could include the amendment as an additional safeguard. Well, consider just this one example. Among other things, the amendment would prohibit the construction of swimming pools no exceptions. It should be noted that we do not direct the construction of any particular swimming pool that would be an earmark.

However, this bill contains $3.4 billion for needed construction of new and infrastructure renovation and repairs at existing VA hospitals. Under the terms of this provision the VA would not be able to spend any of the infrastructure funding provided to the Department on construction or renovation of therapeutic swimming pools at spinal cord injury centers, trauma centers, or other VA medical centers.

The Appropriations Committee is aware that the VA has plans for many legitimate construction projects such as pools specifically used for medical rehabilitation of wounded soldiers. These are not swimming pools for VA staff, but they would nonetheless be prohibited by this amendment.

While I am confident this was not the intent of the amendment, it most certainly could be the result. It is not the only example. Should our military be denied from building recreational facilities? Should the Coast Guard be told not to build swimming pools where they practice training exercises? Do we want to argue that no funds should be available for fixing aging buildings?

This amendment is a solution in search of a problem. But, Mr. President, let's not forget that the amendment causes problems. If adopted, this amendment could deny our wounded veterans the physical therapy they need and deserve, and it could deny other needed programs to support training and quality of life for our military forces and their families.

I recommend that you vote against this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield back the time.

The PRESIDING OFFICER. The time is yielded back.

The question is on agreeing to the amendment.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 24, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—73

Alexander	Crapo	Mikulski
Barrasso	DeMint	Murkowski
Baucus	Dorgan	Murray
Bayh	Ensign	Nelson (FL)
Begich	Enzi	Nelson (NE)
Bennet	Feingold	Pryor
Bennett	Feinstein	Risch
Bingaman	Graham	Roberts
Bond	Grassley	Schumer
Brown	Hatch	Sessions
Brownback	Hutchison	Shelby
Bunning	Inhofe	Snowe
Burr	Isakson	Specter
Byrd	Johanns	Stabenow
Cantwell	Johnson	Tester
Cardin	Klobuchar	Thune
Carper	Kohl	Udall (CO)
Casey	Kyl	Udall (NM)
Chambliss	Lincoln	Vitter
Coburn	Lugar	Voinovich
Cochran	Martinez	Warner
Collins	McCain	Wicker
Conrad	McCaskill	Wyden
Corker	McConnell	
Cornyn	Merkley	

NAYS—24

Akaka	Inouye	Menendez
Boxer	Kaufman	Reed
Burris	Kerry	Reid
Dodd	Landrieu	Rockefeller
Durbin	Lautenberg	Sanders
Gillibrand	Leahy	Shaheen
Hagan	Levin	Webb
Harkin	Lieberman	Whitehouse

NOT VOTING—2

Gregg	Kennedy

The amendment (No. 309) was agreed to.

Mrs. BOXER. Mr. President, I voted against Senate amendment No. 309 because the language of this amendment was too broad and would have excluded funding for important projects in California that will create jobs, help our veterans, promote tourism, protect our natural resources, and stimulate the economy.

If the Coburn amendment had prevented economic recovery money from going to casinos, I would have supported the amendment. Gaming facilities and casinos do not deserve to receive funding in this bill.

But by prohibiting funds for parks, highway beautification projects, and other community projects, the Coburn amendment would have eliminated from funding consideration important job-creating initiatives throughout California.

It is important to note that there are no earmarks in this bill. No parks, community centers, casinos, swimming pools, or similar projects receive direct funding in the recovery bill.

But there are some important investments that the Coburn amendment would prevent Federal, State, and local leaders from allocating resources to, such as construction and rehabilitation projects in State parks—which create jobs and protect natural resources—and highway beautification projects—which create jobs and help stimulate local economies.

One example of how the Coburn amendment would prevent funding for worthy projects involves disabled veterans. There is $3.4 billion in this bill for construction and renovation of Veterans Administration hospitals. Because of the Coburn amendment, the VA will not be able to spend any of the funding it receives on construction of therapeutic recovery pools at trauma centers, spinal cord injury centers, and other medical centers for disabled veterans to use when recovering from traumatic injuries.

AMENDMENT NO. 359

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate on amendment No. 359, offered by the Senator from New Mexico, Mr. UDALL.

Mr. UDALL of New Mexico. The current language in the substitute amendment provides a tax incentive to employers hiring veterans who have been discharged from the armed services in 2008, 2009, and 2010.

My amendment would expand this tax incentive to employers to include veterans discharged from the armed services between September 2001 and December 2010, including veterans of Operation Enduring Freedom and Operation Iraqi Freedom.

This group of veterans has a 6.1-percent rate of unemployment. Expanding the tax incentive to employers will help ensure that we do not leave these veterans out in the cold. It ensures that employers are encouraged to hire these men and women and to put them back to work. I hope my colleagues will join me in adopting this amendment. I thank both sides for working with me on this.

I yield the floor.

The PRESIDING OFFICER. The time has expired.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, we have looked at this amendment and think it is a good one. We are prepared to accept it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 359) was agreed to.

AMENDMENT NO. 176

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate on amendment No. 176 offered by the Senator from Oklahoma, Mr. COBURN.

Mr. COBURN. I yield back my time.

The PRESIDING OFFICER. The Senator's time is yielded back.

Who yields time in opposition?

Mr. BAUCUS. Mr. President, I yield back the remainder of our time.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—97

Akaka	Ensign	Merkley
Alexander	Enzi	Mikulski
Barrasso	Feingold	Murkowski
Baucus	Feinstein	Murray
Bayh	Gillibrand	Nelson (FL)
Begich	Graham	Nelson (NE)
Bennet	Grassley	Pryor
Bennett	Hagan	Reed
Bingaman	Harkin	Reid
Bond	Hatch	Risch
Boxer	Hutchison	Roberts
Brown	Inhofe	Rockefeller
Brownback	Inouye	Sanders
Bunning	Isakson	Schumer
Burr	Johanns	Sessions
Burris	Johnson	Shaheen
Byrd	Kaufman	Shelby
Cantwell	Kerry	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Kyl	Tester
Chambliss	Landrieu	Thune
Coburn	Lautenberg	Udall (CO)
Cochran	Leahy	Udall (NM)
Collins	Levin	Vitter
Conrad	Lieberman	Voinovich
Corker	Lincoln	Warner
Cornyn	Lugar	Webb
Crapo	Martinez	Whitehouse
DeMint	McCain	Wicker
Dodd	McCaskill	Wyden
Dorgan	McConnell	
Durbin	Menendez	

NOT VOTING—2

Gregg	Kennedy

The amendment (No. 176) was agreed to.

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes equally divided for debate only.

The Senator from Montana.

Mr. BAUCUS. Mr. President, the next Senator to speak is on his way here, Senator KERRY of Massachusetts. Is there someone on the other side who wishes to speak? We have 10 minutes equally divided.

Mr. MCCAIN. Mr. President, the Senator from Nebraska, followed by the Senator from Iowa, will have 5 minutes. If I can ask the distinguished manager, my understanding is that after the 20 minutes, there will then be a period for filing amendments and debate.

Mr. BAUCUS. After the 20 minutes, there then is a period during which Senators can call up their amendments, but they are only amendments that have been agreed to by an earlier UC.

Mr. MCCAIN. I thank the manager.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, I rise to elaborate on a couple points I made a day or so ago on this stimulus package.

Many in this body and constituents across Nebraska know I am a former mayor, a former city counsel person, a former county commissioner, and a former Governor. I have had the opportunity to govern during very good times when the revenues were available. I have had the opportunity to govern during very tough times, where we were trying to figure out how to balance our budget.

I point out, again, that in the State I come from, we not only have to balance the budget, but we are prohibited by our Constitution from borrowing money. So the State has no debt.

I have been in those positions, the beneficiary of programs such as this package but much smaller programs. I have never been, nor has anyone else been in the history of this country, the beneficiary of a spending bill this large. To describe this as large is not to do justice to the discussion. This is enormous.

I am sure what is happening across the country in mayors' offices and Governors' offices as they try to figure out how to deal with this massive amount of money that is being dedicated to what I would argue are valuable programs in the normal budget process—Medicaid, education, special education, parks facilities, whatever it is, although we addressed that with an amendment—what is happening is this: mayors and Governors are looking at their budgets and they are recognizing that there is money that is going to come in huge amounts from the Federal Government. So they are looking at their capital improvements process in their budget and they are saying: What is it that I can now take my local dollars or my State dollars and set to the side and fund with this massive amount of Federal spending that is occurring that is going to rain down on my local government or my State government?

As I said, these are valuable programs, there is no doubt about that. I funded all these programs at one point in my life. What I suggest to this body is you are not going to get any kind of stimulative impact from what you are trying to accomplish. The Governor or the mayor is simply going to look at these dollars as found money, and they are going to take their State and local dollars, set them to the side, and spend the Federal dollars, and no stimulation will happen to the economy. No new jobs will be created. In fact, I would even suggest you will be very hard pressed in the year or 2 years of this stimulus package to even find a new project that would not have otherwise been funded through the normal State or local process.

I also wish to talk about one last piece of this that is very important, and we acted on this with an amendment. But I need to say something that is very important because this needs to survive whatever process is left, and that is this whole issue of competitive bidding.

This is a massive amount of money. The temptation to ignore the transparency of the bidding process is simply going to be too great unless we act, not only today but as this process goes forward. The temptation to allocate this money with the transparency of the bidding process will take control and literally we will be looking back and we will be fighting this and recognizing that money got doled out, it got handed out without any kind of transparency in the competitive bidding process.

I have been there in those offices, where I have had members of the administration come in and say: Governor or mayor, we need to waive the bidding process.

Let me wrap up with this thought. These are valuable programs. I have funded these programs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JOHANNS. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 10 minutes to the Senator from Massachusetts. Actually, I prefer they use the remaining 5 minutes on the other side.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, many folks on the other side of the aisle claim that spending is better stimulus than tax relief for working men and women. This is certainly not a unanimous opinion among economists, so I would share some recent economic research that analyzes data—not building models—to answer the question of whether spending or tax relief is more effective for economic stimulus.

Christina Romer, who is the Obama administration's Chair of the Council of Economic Advisers, and David Romer, from the University of California at Berkeley, find that $1 of tax relief raises the gross domestic product by about $3. Robert Hall, from Stanford, and Susan Woodward, who is chair of Sand Hill Econometrics, find that $1 of Government spending raises gross domestic product by about $1. Andrew Mountford, from the University of London, and Harold Uhlig, from the University of Chicago, conclude that deficit-financed tax relief works better than either deficit-financed or

balanced-budget Government spending increases to improve the gross domestic product. These experts calculate that each $1 of tax relief amounts to $5 of additional gross domestic product 5 years after the shock of recession. Olivier Blanchard, who is the chief economist at the IMF, and Roberto Perotti, from IGIER University, assert that a combination of both tax increases and Government spending increases has a strong negative impact on private investment spending.

In addition to the opinions of these economic experts, a look back at the picture that developed following the 2003 tax relief is also very instructive.

After the 2001 recession ended, both the economy and labor markets continued to sputter. But a significant turnaround occurred soon after the passage of the 2003 tax relief bill. Following nine straight quarters of decline, business investment grew at an annual rate of 6.6 percent between the enactment of the 2003 tax bill and the start of the current recession. Similarly, a period of job growth following the 2003 tax relief was the longest streak of monthly job growth on record.

We have spent a lot of time in this body discussing the balance sheets of financial institutions. The balance sheets of families and individuals throughout the country have been suffering significantly as well. From the third quarter of 2007 to the third quarter of 2008, the net worth of households and nonprofit organizations has dropped by $7.1 trillion, or 8.9 percent.

Families and individuals who receive tax reductions will likely save some of their tax cut to pay down household debt. Some erroneously suggest that this is bad for the economy. Quite to the contrary. When people pay down their debt, their credit improves. Improved credit leads to freeing up bank lending. Reduced debt for families and individuals also increases the amount of long-term income available for spending. So we should not look at households improving their balance sheets as a bad thing economically.

Finally, evidence suggests that permanent tax reductions are more likely to be spent by consumers than one-time stimulus checks or credits. Our focus should be on permanent tax relief to get the engine of our economy running.

Our economy is like the Titanic, and while it continues to go down, the only proposal on the other side is to spend over $700 billion to buy new deck chairs.

Mr. President, I yield the floor, and I reserve the remainder of the time.

The PRESIDING OFFICER. Time has expired.

Who wishes to yield time? The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I thank the distinguished chairman for his efforts on this bill and on this issue as a whole.

I have been listening for the last few days to our colleagues on the other side of the aisle talk as if the last 8 years hasn't happened, as if they have no responsibility for it, and then come back to the floor of the Senate today, and in the last few days, with proposals that have already been tested and, frankly, proven hollow and empty and inadequate. It is kind of surprising to me to see the absence of common sense that has been at the center of the arguments over the course of the last couple of days.

Let me give an example. We keep hearing about how the spending, spending, spending is too big and it is a problem. In fact, spending itself, we have heard in the arguments, is not going to solve this problem. Well, over 40 States in this country now have budget shortfalls—40 States—and the Governors in those States are already cutting essential services. They face the choice of cutting police, fire, teachers, and other critical services. The fact is that as they cut, those people are not able to pay mortgages, not able to go to the store and buy whatever it was they planned to buy, because they are out of a job and therefore lacking cash. They may even become at risk for foreclosure on their homes. So if you want to contribute to toxic assets, the best way to do it is to continue to adopt the policy that you don't put cash into the hands of Americans.

Now, that alone is not going to solve the problem. The normal debt ratio of a household in our country is about—income to household debt—50 percent. Right now, the average household in America is carrying a debt-to-income ratio of about 150 percent. And if all you do is give a tax cut that puts cash into the hands of people—which I understand, incidentally, our proposal does give a tax cut—if that is all you do, a large percentage of that is going to simply go to paying for past acquisitions, for past services provided. It is going to be used by taxpayers to pay off their credit card bills, to pay their debt, but it isn't going to create the kind of spending and consumption that is at the heart of the American economy.

Mr. President, 72 percent of American GDP comes from consumption. Unless we recognize how you stop the tailspin and begin to turn things around, we are ignoring reality. I have heard a lot of talk about we ought to do a tax cut, we ought to do a tax cut. I have supported many tax cuts during my years here, and there are tax cuts in this proposal. But a tax cut is nontargeted. If you put a tax cut into the hands of either a business or an individual today, there is no guarantee they are going to invest their money. There is no guarantee they are going to invest their money in the United States. They are free to invest anywhere they want, if they choose to invest.

Let's look at that. When you have a tailspin in the economy, as we do today, and confidence is declining, as it is today, if you are a banker and if somebody comes in to borrow money from you, you have to look at the prudent lending practices and standards by which you are going to make that loan. In today's climate, the inclination of a prudent banker is not to make the loan. Why? Because they see consumerism contracting, because they see the tailspin in housing, because they see the lack of new building, new contracts, and you are locked into a vicious cycle—not a virtuous cycle, a vicious cycle, a downward cycle. This effort is to break that cycle.

Almost every major economist has suggested that it is going to take a very significant component of that ugly word ''spending'' in order to prime the pump and begin to shift the psychology and turn things around. Now, is that all we need to do? No. And President Obama has said that is not all we need to do.

To the Senator from Tennessee, who has been talking about housing and you have to stop the housing slide first, let me say to him respectfully that I sat in the White House a year ago with Secretary Paulson, President Bush, and Vice President Cheney, and I was the only person in the room who said: Mr. President, if you are going to do a stimulus now, you ought to put housing into this package. And I turned to the Secretary and I said: Mr. Secretary, you could be negotiating right now to keep people in their homes at a fixed mortgage rate and a new valuation, and you should do it. And their heads nodded, and they said: That sounds like a good idea.

GORDON SMITH and I came back to the Senate, and we put in a $15 billion provision in the Finance Committee, which passed the Finance Committee 20 to 1. It came to the floor of the Senate, and guess what. The very people who are here on the floor now saying we have to do housing stripped it out of that provision. The President and the administration opposed it. And for 9 months they sat there while 10,000 homes a day were being foreclosed, and they allowed us to slide into where we are today. So when I hear my colleagues come and say we have to fix housing now, they are about 10 months to a year late on that effort. They have created, because of their indifference a year ago, a situation where it is out of control. Every major economist in the country is now telling us: You have to stop the fall.

If 40 States in our country are facing a predicament, it is incumbent on us to

help those States not lay off those firefighters, not lay off those teachers, and help them go with a readymade project.

I have heard colleague after colleague say: Well, what job is going to be created through this spending? Well, let me tell you very directly. If you have a shovel-ready project, we can put that into place tomorrow. There are thousands of them across the country ready to go.

We have a $1.6 trillion infrastructure deficit. While other countries have been investing in high-speed rail transportation, schools, and other parts of their economy, we haven't. We have been giving tax cuts to the wealthiest people in the country. And the price of that is that today we have the largest gap between the middle class and the wealthy that we have ever had in this country. The fact is, none of those people are guaranteed to invest that money in any of the new projects the way we are. So Government—yes, Government—has the ability to be able to make a decision that the private sector won't necessarily make today.

I have supported almost every private sector effort through here over the years. I have supported 100 percent a zero capital gains reduction so that we could excite investment and venture capital into new enterprises with respect to energy and alternative fuel and new materials and nanotechnology and communications and artificial intelligence—all the things that would provide the high value-added job base of the future for our country. And most economists will tell each of my colleagues, without a party label, that if we were to invest now in those future efforts, we would be creating a much stronger base for our jobs in the future.

That is what this seeks to do. This bill, this stimulus effort, seeks to break the downward cycle and encourage investment in those kinds of products that provide a high value-added job and strengthen America's economy for the long run.

The fact is that doing the stimulus and doing housing aren't going to fix this crisis either. The truth is that the majority of our banks in this country are fundamentally insolvent. Paul Krugman has referred to a number of large banks as zombie banks because their assets and liabilities are almost either even or negative. But if you look at those assets in many of them, they are in the toxic category. And if they legitimately mark their books today at the value of the marketplace, they would not be, according to most standards, solvent.

So we are going to visit on this floor within a short period of time how we are going to recapitalize the banks. This effort will not be satisfied with what we are doing here alone. But I guarantee you, every day that we dawdle, every day we keep this going, forgetting about reality and debating what are old and, frankly, discredited approaches to the economy, we are going to create more toxic assets, more people are going to lose their jobs, and more confidence will be lost as we continue to go down.

Frankly, the difference between $50 billion on this bill or $100 billion—let's get it moving—that is not going to make the difference to the economy. What will make the difference to the economy is whether we express on this floor a real understanding of what is happening and a real concentrated effort across party lines to address it. That is what the American people are waiting for.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 seconds.

Mr. KERRY. I thank the Chair.

I hope we are going to get to the common sense that is at the center of this and do what we need to do for the American people quickly.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Louisiana is recognized.

AMENDMENT NO. 107

Mr. VITTER. Mr. President, I rise to speak in support of the second Vitter amendment I have at the desk, which I am very hopeful will be voted on later in the day. As I have explained on the floor of the Senate several times in this debate, I am one of those folks, very concerned that overall this so-called stimulus bill is just a long laundry list of Washington big government spending programs, not anything focused or disciplined that will really create jobs in the short term in this economy. But my amendment I am discussing now is focused on a very specific item in that long laundry list that I believe is not only unproductive but is truly offensive, given the history of the last several years. That is an item of almost $2.25 billion in the present underlying Senate bill that could go toward neighborhood stabilization, that would be available for nonprofit groups, including ACORN, to access. I might add, that figure in the House bill is $4.2 billion with at least $100 million virtually earmarked for nonprofit groups such as ACORN.

Why do I find this so objectionable and so offensive? Two simple reasons. No. 1, this would further part of the Government policy that got us in this mess to begin with, that started on the housing side by encouraging so much subprime lending that led to enormous, and in fact predictable, defaults that started this decline. No. 2, I believe with regard to a group such as ACORN, this is little more than a political payoff because ACORN acted as a truly partisan organization in their campaign activities for the last several years, including this fall, and was guilty of egregious fraud with regard to voter registration activities.

Let me take point No. 1 first. We all know many factors led us to this current economic crisis. But one of them, one big one, was certainly Government policy and Government programs—and there was a lot of it—that built up and encouraged the subprime lending mess. Certainly, major funding over several years that went to ACORN and similar groups was exactly part of that. Are we going to learn from our experience and at least stop that policy, stop that encouragement of subprime lending that could not be supported, that led to more and more foreclosures and a plummeting housing market, eventually a plummeting economy overall? Are we going to stop that and correct it? With this sort of money in the stimulus bill available to a group such as ACORN, in fact, we would be advancing even more of that bad policy.

Make no mistake about it, that is exactly the sort of housing activity ACORN focuses on, what they are known for, what they are proud of. Let me give one clear example to make the point, which is from the New Mexico chapter of ACORN, New Mexico ACORN Fair Housing. They received a grant of about $100,000, among others, in 2007. They got this grant for a very specific program with the title, ''How To Take Advantage Of Subprime Mortgages.''

I give them an A for truth in advertising. That is exactly what they were about in New Mexico and across the country, how to take advantage of subprime mortgages which encourages stuff—let's build it up—and, in fact, they helped build it up and, in fact, it cratered. As you know, that has been ACORN's housing mission in communities around the country.

My second point is perhaps even more fundamental, which is that ACORN has been guilty of egregious fraud and politicization of what they do with taxpayer funds for several years, including the last election cycle. We should not be sending more taxpayer dollars to them in light of this history. I would go so far as to say the effort by some to do that is little more than political payoff.

What am I talking about? I think we have heard these stories from the past campaign: registering thousands of voters who were either asked to register multiple times or people who were registered without their knowledge or the registering of voters who outright did not exist. That was a very common practice by this organization. ACORN employees have admitted to it, who told sad stories of feeling incredible pressure to register voters to meet completely unrealistic quota numbers. That is sad indeed.

A good example is Washington State where felony charges were actually filed against seven persons for committing the single largest case of voter fraud in the State's history. This was

in response to the King County Canvassing Board's revocation of 1,762 allegedly fraudulent voter registrations submitted by ACORN. In this case the prosecuting attorney told the board that six ACORN workers had admitted to filling out registration forms with names they found in phone books the previous October. ACORN further actually agreed to reimburse King County $25,000 for all the investigative and other costs they had to bring to that case. Not exactly innocent mistakes but outright voter registration fraud.

Fraud and criminality are nothing new to the organization. As we have read in 1999 and 2000, nearly $1 million was embezzled by Dale Rathke, brother of the ACORN founder, through faulty credit card charges and other means.

Given this very clear history, a history of promoting one of the main problems that led us to this mess in the subprime market, a history of being a political organization and in a very partisan way committing outright voter and voter registration fraud, I do not think we should be putting taxpayer dollars in this stimulus bill which can go to and benefit ACORN.

My amendment is very plain and very simple. It says no money in the stimulus bill can go to—will go to, under any circumstances, ACORN.

I look forward to a debate and vote on this amendment. I will be asking for a rollcall vote on this amendment so we can get a strong sense of the Senate on the record, particularly if this issue proceeds to conference.

Mr. President with that, before I yield the floor, I ask that the amendment be made pending.

Mr. BAUCUS. Objection.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Objection. That is not allowed in this agreement. I am sorry.

I misunderstood. I thought you wanted a queue for a vote.

Mr. VITTER. No, I would like the amendment pending.

Mr. BAUCUS. You can call up your amendment and it will be made pending.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. VITTER. I thank the Chair.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 107 to amendment No. 98.

Mr. VITTER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Prohibiting direct or indirect use of funds to fund the Association of Community Organizations for Reform Now (ACORN))

On page 431, between lines 8 and 9, insert the following:

SEC. ___. PROHIBITION ON USE OF FUNDS BY OR FOR ACORN.

None of the funds appropriated or otherwise made available by this Act may be used directly or indirectly to fund the Association of Community Organizations for Reform Now (ACORN).

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, there are a series of amendments under the order under which Senators can call up specified amendments. I would like to go back and forth, Republican and Democrat and so forth. I also urge Senators to enter into time agreements for their speeches when they call up their amendments. I urge us now to move to amendment No. 501, called up by Senators CONRAD and GRAHAM.

Let me ask Senator CONRAD what kind of time agreement might be reasonable for him.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I ask my colleague, Senator GRAHAM, how much time would he need?

Mr. GRAHAM. Ten minutes.

Mr. CONRAD. Ten minutes each?

Mr. BAUCUS. Mr. President, I make that request.

The PRESIDING OFFICER. Will the Senator from Montana please repeat the agreement?

Mr. BAUCUS. I ask unanimous consent the time on the Conrad-Graham amendment be limited to 10 minutes.

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not, I wonder if the distinguished senior Senator from Montana could give me some idea regarding the broadband amendment which I had pending, when it would be coming up.

Mr. BAUCUS. I might say to my good friend from Vermont, there is a previous order entered into which listed amendments under which Senators could call up their amendments. I think it is about 10 or 12, roughly. I do not see the name of the Senator on this list.

Following disposition of this list, we will then enter a different period when different action can be taken by the Senate. I would have to consult with the leader to see what he wants to do following disposition of this list.

Mr. LEAHY. Mr. President, as I said, I shall not object, but I note I have been trying for several days, since the time I submitted that amendment, to bring it up. It will require a slight modification, agreed to by both the Republican and Democratic side. I just want to have some idea when it might come. I have no objection to the unanimous consent request.

Mr. SESSIONS. Mr. President, reserving the right to object, I also have an amendment on the E-Verify system that I believe very strongly should be voted on or perhaps accepted. It is in the House bill. I wonder what kind of confidence Senator BAUCUS can give us. That would be a matter that would be voted on. It is not in the next group of amendments.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I say to my friend, there are many Senators who approached me, asking if we could take up their amendment following this list of amendments now. I cannot give a specific answer to any Senator at this point except to say that we will go through this list we are on right now under which Senators can call up amendments, and I will be consulting with the leader to try to figure out what is the next order of business. I will make it as fair as possible. I think the Senator will acknowledge that all day long—yesterday—we have gone back and forth to try to make it fair for both sides. But I cannot say what the exact procedure will be following the disposition of these amendments. I will try my very best to accommodate the Senator, as I will every other Senator, but I have to consult with the leader first to know what that is.

Mr. SESSIONS. I thank Senator BAUCUS. I know he has an incredibly difficult job in working through all of this. I would say, I am uneasy about this. I will not object now, but I do want to have some assurance this very important amendment would at least have a right to have a vote.

Mr. BAUCUS. I appreciate that very much.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I renew my request that the time on the Conrad-Graham amendment be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I think we had 10 minutes each.

Mr. BAUCUS. I misunderstood. Ten each. That is the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Reserving the right to object, is there some time in opposition to the amendment?

Mr. BAUCUS. That is a good question.

Five minutes to the Senator from Connecticut to speak in opposition to the amendment.

The PRESIDING OFFICER. Is there objection to the request as modified? Without objection, it is so ordered. The Senator from South Carolina is recognized.

AMENDMENT NO. 501, AS MODIFIED, TO AMENDMENT NO. 98

Mr. GRAHAM. Mr. President, I believe we have a modification of the amendment at the desk. I ask that be incorporated. It is amendment No. 501. I ask it be called up.

The PRESIDING OFFICER. Is there objection? Without objection, it is so

ordered. The clerk will report the amendment as modified.

The legislative clerk read as follows:

The Senator from South Carolina, [Mr. GRAHAM], for himself and Mr. CONRAD, proposes an amendment numbered 501, as modified, to amendment No. 98.

Mr. GRAHAM. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit wasteful spending, to fund a systematic program of foreclosure prevention, to be administered by the Federal Deposit Insurance Corporation, and for other purposes)

On page 6, strike lines 1 through 4.

On page 37, strike lines 1 through 5.

On page 37, line 10, strike ''$9,000,000,000'' and insert ''$8,800,000,000''.

On page 37, line 13, strike ''not'' and all that follows through ''libraries:'' on line 16.

On page 44, line 18, strike ''$300,000,000'' and insert ''$275,000,000''.

On page 44, line 25, after the semicolon insert ''and''.

On page 45, line 2, strike ''; and'' and insert a period.

On page 45, strike lines 3 through 5.

On page 57, line 10, strike ''$1,169,291,000'' and insert ''$1,069,291,000''.

On page 57, line 14, strike ''$571,843,000'' and insert ''$531,843,000''.

On page 57, line 18, strike ''$112,167,000'' and insert ''$92,167,000''.

On page 57, line 22, strike ''$927,113,000'' and insert ''$887,113,000''.

On page 92, strike lines 1 through 20.

On page 93, line 7, strike ''$9,048,000,000'' and insert ''$8,048,000,000''.

On page 93, line 12, strike ''$6,000,000,000'' and insert ''$5,000,000,000''.

On page 93, line 23, strike ''$7,000,000,000'' and insert ''$6,000,000,000''.

On page 95, strike lines 1 through 8.

On page 123, line 9, strike ''$3,250,000,000'' and insert ''$2,050,000,000''.

On page 123, strike line 18 and all that follows through page 124, line 9.

On page 124, line 10, strike ''(3)'' and insert ''(2)''.

On page 124, line 13, strike ''(4)'' and insert ''(3)''.

On page 124, line 15, strike ''(5)'' and insert ''(4)''.

On page 125, line 1, strike ''(6)'' and insert ''(5)''.

On page 127, line 23, strike ''$1,088,000,000'' and insert ''$1,000,000,000''.

On page 127, line 24, strike ''of which'' and all that follows through ''and'' on page 128, line 3.

On page 128, strike lines 8 through 22.

On page 130, strike lines 4 through 10.

On page 213, line 22, strike ''$64,961,000'' and insert ''$59,476,000''.

On page 213, line 25, strike ''; and'' and all that follows through ''initiatives'' on lines 25 and 26.

On page 137, line 17, strike ''$5,800,000,000'' and insert ''$5,325,000,000''.

On page 139, line 22, after ''funds:'' insert ''*Provided further*, That none of the amounts available under this paragraph may be used for the screening or prevention of any sexually transmitted disease or for any smoking cessation activities.''

On page 391, line 5, strike ''$79,000,000,000'' and insert ''$62,150,000,000''.

At the end of division A, add the following:

TITLE XVII—FORECLOSURE PREVENTION MORTGAGE MODIFICATIONS

SEC. 1701. DEFINITIONS.

In this title—

(1) the term ''Corporation'' means the Federal Deposit Insurance Corporation;

(2) the term ''Chairperson'' means the Chairperson of the Board of Directors of the Corporation;

(3) the term ''Secretaries'' means the Secretary of the Treasury and the Secretary of Housing and Urban Development, jointly;

(4) the term ''program'' means the foreclosure prevention and mortgage modification program established under this section; and

(5) the term ''eligible mortgage'' means an extension of credit that is secured by real property that is the primary residence of the borrower.

SEC. 1702. LOAN MODIFICATION PROGRAM.

(a) ESTABLISHMENT.—The Chairperson shall establish a systematic foreclosure prevention and mortgage modification program, in consultation with the Secretaries, that—

(1) provides lenders and loan servicers with compensation to cover administrative costs for each eligible mortgage modified according to the required standards; and

(2) provides loss sharing or guarantees for certain losses incurred if a modified eligible mortgage should subsequently redefault.

(b) PROGRAM COMPONENTS.—The program established under subsection (a) shall include the following components:

(1) EXCLUSION FOR EARLY PAYMENT DEFAULT.—To promote sustainable mortgages, loss sharing or guarantees under the program shall be available only after the borrower has made a specified minimum number of payments on the modified mortgage, as determined by the Chairperson.

(2) STANDARD NET PRESENT VALUE TEST.—In order to promote consistency and simplicity in implementation and auditing under the program, the Chairperson shall prescribe and require lenders and loan servicers to apply a standardized net present value analysis for participating lenders and loan servicers that compares the expected net present value of modifying past due mortgage loans with the net present value of foreclosing on such mortgage loans. The Chairperson shall use standard industry assumptions to ensure that a consistent standard for affordability is provided, based on a ratio of the borrower's mortgage-related expenses to gross monthly income specified by the Chairperson.

(3) SYSTEMATIC LOAN REVIEW BY PARTICIPATING LENDERS AND SERVICERS.—

(A) REQUIREMENT.—Any lender or loan servicer that participates in the program shall be required—

(i) to undertake a systematic review of all of the eligible mortgage loans under its management;

(ii) to subject each such eligible mortgage loan to the standard net present value test prescribed by the Chairperson to determine whether it is suitable for modification under the program; and

(iii) to offer modifications for all eligible mortgages that meet such test.

(B) DISQUALIFICATION.—Any lender or loan servicer that fails to undertake a systematic review and to carry out modifications where they are justified, as required by subparagraph (A), shall be disqualified from further participation in the program, pending proof of compliance with subparagraph (A).

(4) MODIFICATIONS.—Modifications to eligible mortgages under the program may include—

(A) reduction in interest rates and fees;

(B) term or amortization extensions;

(C) forbearance or forgiveness of principal; and

(D) other similar modifications, as determined appropriate by the Chairperson.

(5) LOSS SHARE CALCULATION.—In order to ensure the administrative efficiency and effective operation of the program and to provide adequate incentive to lenders and loan servicers to modify eligible mortgages and avoid unnecessary foreclosures, the Chairperson shall define appropriate standardized measures for loss sharing or guarantees.

(6) DE MINIMIS TEST.—The Chairperson shall implement a de minimis test to exclude from loss sharing under the program any modification that does not lower the monthly loan payment to the borrower by at least 7 to 15 percent, at the determination of the Chairperson.

(7) TIME LIMIT ON LOSS SHARING PAYMENT.—At the determination of the Chairperson, a loss sharing guarantee under the program shall terminate between 5 and 15 years after the date on which the mortgage modification is consummated, as determined by the Chairperson.

SEC. 1703. ALTERNATIVE COMPONENTS.

(a) IN GENERAL.—The Chairperson may, with the approval of the Secretaries, and after making the certifications to Congress required by subsection (b), implement foreclosure prevention and mitigation actions other than those authorized under section 1702.

(b) CERTIFICATION TO CONGRESS.—The Chairperson shall certify to Congress that the Chairperson believes the alternative foreclosure mitigation actions would provide equivalent or greater impact or have a more cost-effective impact on foreclosure mitigation than those authorized under section 1702. Such certification shall contain quantitative projections of the benefit of pursuing the alternative actions in place of or in addition to the actions authorized under section 1702.

SEC. 1704. TIMELY IMPLEMENTATION.

The Chairperson shall begin implementation of, and shall allow lenders and loan servicers to begin participation in, the mortgage modification program under this title not later than 1 month after the date of enactment of this Act.

SEC. 1705. SAFE HARBOR FOR LOAN SERVICERS.

(a) LOAN MODIFICATIONS AND WORKOUT PLANS.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a loan servicer and a securitization vehicle or investor, a loan servicer that acts consistent with the duty set forth in section 129A(a) of Truth in Lending Act (15 U.S.C. 1639a) shall not be liable for entering into a loan modification or workout plan under the program established under this title, or with respect to any mortgage that meets all of the criteria set forth in subsection (b)(2), to—

(1) any person, based on that person's ownership of a residential mortgage loan or any interest in a pool of residential mortgage loans or in securities that distribute payments out of the principal, interest, and other payments on loans in the pool;

(2) any person who is obligated to make payments determined in reference to any loan or any interest referred to in paragraph (1); or

(3) any person that insures any loan or any interest referred to in paragraph (1) under any provision of law or regulation of the United States or of any State or political subdivision of any State.

(b) ABILITY TO MODIFY MORTGAGES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a loan servicer and a securitization vehicle or investor, with respect to any mortgage loan that meets all of the criteria set forth in paragraph (2), or which is modified in accordance with the loan modification program established under this title, a loan servicer—

(A) shall not be limited in the ability to modify mortgages, the number of mortgages that can be modified, the frequency of loan modifications, or the range of permissible modifications;

(B) shall not be obligated to repurchase loans from or otherwise make payments to the securitization vehicle on account of a modification, workout, or other loss mitigation plan for a residential mortgage or a class of residential mortgages that constitute a part or all of the mortgages in the securitization vehicle; and

(C) shall not lose the safe harbor protection provided under subsection (a) due to actions taken in accordance with subparagraphs (A) and (B).

(2) CRITERIA.—A mortgage loan described in this paragraph is a mortgage loan with respect to which—

(A) default on the payment of such mortgage has occurred or is reasonably foreseeable;

(B) the property securing such mortgage is occupied by the mortgagor; and

(C) the loan servicer reasonably and in good faith believes that the anticipated recovery on the principal outstanding obligation of the mortgage under the particular modification or workout plan or other loss mitigation action will exceed, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage to be realized through foreclosure.

(c) APPLICABILITY.—This section shall apply only with respect to modifications, workouts, and other loss mitigation plans initiated before July 1, 2010.

(d) REPORTING.—Each loan servicer that engages in loan modifications or workout plans subject to the safe harbor in this section shall report to the Chairperson on a regular basis regarding the extent, scope, and results of the loan servicer's modification activities, subject to the rules of the Chairperson regarding the form, content, and timing of such reports.

(e) DEFINITION OF SECURITIZATION VEHICLES.—For purposes of this section, the term 'securitization vehicle' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(1) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

(2) holds such mortgages.

SEC. 1706. FUNDING.

There is appropriated to the Secretary of the Treasury to cover the costs incurred by the Corporation in carrying out the mortgage modification program established under this title, $22,725,000,000. Funds that are unused by July 1, 2010, shall be returned to the General Fund of the Treasury of the United States, unless otherwise directed by Congress.

SEC. 1707. FDIC COSTS AND AUTHORITY.

(a) TRANSFER FROM SECRETARY.—The Chairperson shall, from time to time, request payment of the anticipated costs of carrying out the program, including any administrative costs, and the Secretary of the Treasury shall immediately pay the amounts requested to the Corporation from the funds made available under section 1706.

(b) CORPORATION AUTHORITY.—In carrying out its responsibilities under this title, the Corporation may exercise its authority under section 9 of the Federal Deposit Insurance Act.

SEC. 1708. REPORT.

Before the end of the 2-month period beginning on the date of enactment of this Act and every 3 months thereafter, the Chairperson shall submit a report to the Congress detailing the implementation results and costs of the mortgage modification program, and containing such recommendations for legislative or administrative action as the Chairperson may determine to be appropriate.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 501

Mr. GRAHAM. Mr. President, I will try to make this as quick as possible. This is as a result of the ''gang of two.'' I would encourage everybody here to form your own gang and see if you can save some money and do some good for the taxpayer. But it has been a real pleasure working with Senator CONRAD, who is the chairman of the Budget Committee, who knows more than I will ever hope to know about this, and has probably forgotten more than most of us know about budgeting and spending.

We have looked at this bill, and we have similar concerns. One of the things we agree on, I think pretty strongly, is that no amount of stimulus package, no matter how well constructed, is going to solve the Nation's problems unless you do something about housing and banking.

We found some common ground on the housing part. Sheila Bair, who is the Director of the Federal Deposit Insurance Corporation, who was allowed to stay in her position by President Obama—and I compliment him for doing that; she is a very smart lady—she has been telling people throughout the country that there is a way to get ahead of the foreclosure problem if she had some money to modify mortgages that are troubled. So what we have done is we have answered her call. She has indicated to us, through a letter, and what we have done is taken $22.725 billion, transferred it to her organization, and she will be able to use that money to deal with service providers to renegotiate mortgage loans that are underwater or about to go into default, make sure that the overall payments of the mortgageholder are no more than 31 percent so people can afford it. The lender and investors would be required to achieve reductions through a combination of interest rate reduction, extended amortization, and principal forbearance.

In other words, she tells us if we gave her this amount of money, she could sit down with the private sector and do the following:

This proposal is no silver bullet. But we do estimate that it could reduce projected foreclosures by some 1.5 million, assuming the program would last around 14 months.

Now, let me say that again. Some 1.5 million Americans, with this amount of money, in her opinion, could avoid having their homes foreclosed on. I don't have names and faces, but imagine for a moment people you know. That is a very big deal to me. And the money, $26-plus billion, is taken out of the underlying bill. We offset it. And as a compliment to my friend from North Dakota, it took us about 3 minutes to find offsets in this bill.

What we are able to do is we took a $75 billion fund for States that was undesignated spending, no real rhyme or reason how it will stimulate the economy in the near term, and we said, wait a minute, we know $16.85 billion, if given to the FDIC organization, Ms. Bair, if they got $16 billion of that pot of money, they could save 1.5 million people from foreclosure. If we would do that, it would help the housing market in general.

Again, my colleagues, we can print money until the press breaks. If you do not deal with housing and banking, we are never going to shore up this economy. This is, I think, a very responsible amendment. We could do a lot more with this bill. But we have the ability to transfer funds from the underlying bill to the FDIC that could be used in a way to work with the private sector financial managers to help 1.5 million people from going into foreclosure in the next 14 months.

I am very proud of the amendment. I am sure it is no silver bullet, as she indicates, but it shows you what we can do around here if we keep our eye on the ball. At the end of the day, whatever amount this bill comes out to be, we have done very little for housing and nothing for banking.

Our dear friend, Senator DODD, on the Banking Committee, knows, and the rest of us should know, that if you do not get credit flowing, if you do not shore up housing, there is no amount of stimulus in the world that is going to bring this economy back.

I urge all of my colleagues to support this amendment, because it will help Americans in the near term save their home from foreclosure. It is responsibly spent, and the offsets, I think, are reasonable.

I will let my friend from North Dakota tell you about the stimulative effect of the offsets to our economy versus the stimulative effect of the protection of housing of our amendment.

With that, I yield to my friend from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank Senator GRAHAM from South Carolina for

teaming up on this amendment. I think it is critically important that this amendment be adopted, because it goes right to the heart of the financial crisis we are facing.

Housing is right at the center of the economic meltdown that is occurring, and precious little is being done in this economic recovery bill to address it.

I salute Senator ISAKSON for his amendment the other night, because that is the other half of a package I think makes sense for housing. The Isakson amendment broadens the credit, an amendment that I offered in the Finance Committee that was adopted. Now we have the second piece of the puzzle, that is, to address foreclosures.

Some will say, we will wait. We will do this in the TARP. Well, No. 1, there is not sufficient funding in TARP to deal with housing and the financial sector. In fact, the testimony before the Budget Committee—Senator GRAHAM heard it, I heard it—said we are going to need $300 to $500 billion more in the TARP for the financial sector, without addressing at all the housing crisis.

I say to my colleagues, I urge my colleagues to think very carefully about this prospect. We know this economy cannot recover without housing being healthier, and without the financial sector being healthier.

This amendment addresses housing, and it does it by reallocating funding, not adding more money to this package, but reallocating money within the package. It is fully paid for, $22.8 billion that is needed to have the FDIC go forward with its plan to reduce foreclosures in America.

The Senator from South Carolina said it well. The letter from Sheila Bair makes it clear. This amendment, under her estimate, would avert 1.5 million home foreclosures in this country. I do not think we should wait. I do not think we should count on a TARP plan that is already underfunded to deal with the financial crisis as the basis for funding this approach. I think we should do it here. I think we should do it now. And I think we should do it in a way that is paid for.

There is a certain level of expectation that occurs when a package comes over from the House, and various allocations are made. The problem is, that is not going to be the final bill leaving this Chamber. That is clear. So adjustments are going to have to be made. Priorities are going to have to be determined.

I assert to my colleagues, housing ought to be certainly one of the highest priorities to be addressed in any economic recovery package. There are other things in this legislation that may be meritorious, may be good, some of them stimulative, some of them less so. We have tried to focus on those things that are of questionable value in terms of stimulus. We started with the so-called stabilization fund. Now Governors are going to get several hundred billion dollars under this plan. But one part of it, the economic stabilization fund, constitutes a slush fund if ever there was one.

There are absolutely no strings attached. Governors can use it for any purpose. We have reduced that by some 70 percent. That is the biggest pay-for here. Then we have taken other items that have become the object of ridicule, $400 million for sexually transmitted diseases, $75 million for smoking cessation, and on it goes, things that are of questionable value with respect to stimulus, things that, some of them, have very slow spend-out rates. In one of them, only 17 percent of the money is spent in the first 2 years, so 83 percent is beyond 2 years.

We have tried to be careful and judicious with respect to the pay-fors to fund what I think has to be a critical priority.

Mr. President, how much time have I consumed?

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. CONRAD. Mr. President, I want to say this before we give Senator GRAHAM another chance, and then we are happy to hear Senator DODD's concern. This is a critical moment for this bill. Are we going to address one of the two major crises facing this country, or are we going to largely say wait for another day? Wait for another day. Wait for the TARP funds that are already oversubscribed.

There is about $300 billion left in TARP funds. The testimony before the Budget Committee was crystal clear, from economists across a broad spectrum, Republicans and Democrats, that you are going to need another $300 to $500 billion in the TARP to deal with the financial crisis.

I say to my colleagues, if we want to deal with something fundamental with respect to housing, here is our opportunity to do so.

I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina has 4½ minutes remaining.

Mr. GRAHAM. Mr. President, as I understand the TARP funding situation, we are somewhere in the $310 billion range in terms of funds left. I voted for TARP. It was a very tough vote for all of us. And the first $350 billion, let's put it this way, I do not think inspired a lot of confidence in the American people. I was told we were going to buy toxic assets with the money, that we were going to get those bad debts off the balance sheets so people could lend money. Unfortunately, most of the money went to banks. And I do not have any idea what bank got what, and I have no idea what they did with the money. I know the chairman of the Banking Committee is trying to figure that out.

The confidence level of the American people in us is pretty low right now. Do we understand what we are doing and how are we going to get there? I can assure you there is going to be more money requested for housing and banking.

Every dollar we spend in the stimulus package that is off the mark is borrowed money, and it is going to make it harder to get new money for housing and banking. So, dear colleague, the next time we go to the American people and ask them to trust us with more of their money to fix banking and housing, they are going to judge us by TARP and this stimulus package. I am afraid we are not doing very well in their sight. This amendment will help in a small way. We can do a lot more.

Mr. President, I ask unanimous consent that Senator BOND be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent to have printed in the RECORD the letter from Sheila Bair to me and Senator CONRAD about what this would do for housing: 1.5 million people would avoid foreclosure if this program were enacted for 14 months. That is a pretty good use of money.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington, DC, February 4, 2009.

Hon. LINDSEY GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: This letter is in response to your inquiry regarding the Federal Deposit Insurance Corporation proposal to reduce unnecessary foreclosures by providing partial guarantees against future loss for distressed mortgages that are restructured to provide affordable payments over the life of the loan. We believe the best way to address the problem of unnecessary foreclosures in scale is to provide appropriate economic incentives for the systematic restructuring of unaffordable mortgages into affordable, sustainable obligations.

Specifically, our proposal would require lenders and mortgage investors to restructure unaffordable mortgages into loans with payments no greater than 31 percent of the borrower's income. Lender and investors would be required to achieve these reductions through a combination of interest rate reductions, extended amortization, and principal forebearance. In return, the government would agree to share a portion of the losses if the loan later defaulted. In developing this proposal, we have drawn from our long experience in restructuring the troubled loans of failed banks into performing assets, thereby enhancing their value on sale. As millions of unnecessary foreclosures drag down home prices and harm our economy, we believe there is an urgent need for a federal program to provide appropriate incentives for loan modifications as an alternative. More widescale loan restructuring would help our economy and preserve homeownership, while making good business sense as

the value of a performing mortgage will generally be greater than that of a foreclosed home.

This proposal is no silver bullet, but we do estimate that it could reduce projected foreclosures by some 1.5 million, assuming the program would last around 14 months. The projected costs of the program are $24.4 billion or less.

The enclosed document from our website provides additional details about our loss sharing proposal. Please let me know if we can provide additional information.

Sincerely,

SHEILA C. BAIR,
Chairman.

Enclosure.

FDIC LOSS SHARING PROPOSAL TO PROMOTE AFFORDABLE LOAN MODIFICATIONS

BACKGROUND

Although foreclosures are costly to lenders, borrowers and communities, the pace of loan modifications continues to be extremely slow (around 4 percent of seriously delinquent loans each month). It is imperative to provide incentives to achieve a sufficient scale in loan modifications to stem the reductions in housing prices and rising foreclosures.

Modifications should be provided using a systematic and sustainable process. The FDIC has initiated a systematic loan modification program at IndyMac Federal Bank to reduce first lien mortgage payments to as low as 31% of monthly income. Modifications are based on interest rate reductions, extension of term, and principal forebearance. A loss share guarantee on redefaults of modified mortgages can provide the necessary incentive to modify mortgages on a sufficient scale, while leveraging available government funds to affect more mortgages than outright purchases or specific incentives for every modification. The FDIC would be prepared to serve as contractor for Treasury and already has extensive experience in the IndyMac modification process.

BASIC STRUCTURE AND SCOPE OF PROPOSAL

This proposal is designed to promote wider adoption of such a systematic loan modification program:

1. by paying servicers $1,000 to cover expenses for each loan modified according to the required standards; and

2. sharing a proportion of losses incurred if a modified loan should subsequently re-default

We envision that the program can be applied to the estimated 1.4 million non-GSE mortgage loans that were 60 days or more past due as of June 2008, plus an additional 3 million non-GSE loans that are projected to become delinquent by year-end 2009. Of this total of approximately 4.4 million problem loans, we expect that about half can be modified, resulting in some 2.2 million loan modifications under the plan.

DETAILS ON PROGRAM DESIGN

Eligible Borrowers: The program will be limited to loans secured by owner-occupied properties.

Exclusion for Early Payment Default: To promote sustainable mortgages, government loss sharing would be available only after the borrower has made a minimum number of payments on the modified mortgage.

Standard NPV Test: In order to promote consistency and simplicity in implementation and audit, a standard test comparing the expected net present value (NPV) of modifying past due loans compared to the strategy of foreclosing on them will be applied. Under this NPV test, standard assumptions will be used to ensure that a consistent standard for affordability is provided based on a 31% borrower mortgage debt-to-income ratio.

Systematic Loan Review by Participating Servicers: Participating servicers would be required to undertake a systematic review of all of the loans under their management, to subject each loan to a standard NPV test to determine whether it is a suitable candidate for modification, and to modify all loans that pass this test. The penalty for failing to undertake such a systematic review and to carry out modifications where they are justified would be disqualification from further participation in the program until such a systematic program was introduced.

Simplified Loss Share Calculation: In order to ensure the administrative efficiency of this program, the calculation of loss share basis would be as simple as possible. In general terms, the calculation would be based on the difference between the net present value of the modified loan and the amount of recoveries obtained in a disposition by refinancing, short sale or REO sale, net of disposal costs as estimated according to industry standards. Interim modifications would be allowed.

De minimis Test: To lower administrative costs, a de minimis test excludes from loss sharing any modification that did not lower the monthly payment at least 10 percent.

Eight-year Limit on Loss Sharing Payments: The loss sharing guarantee ends eight years of the modification.

IMPACT OF THE PROGRAM

The table below outlines some of the basic assumptions behind the scale of the plan and its expected costs. To summarize, we expect that about half of the projected 4.4 million problem loans between now and year-end 2009 can be modified. Assuming a redefault rate of 33 percent, this plan could reduce the number of foreclosures during this period by some 1.5 million at a projected program cost of $24.4 billion.

PROJECTED NUMBER OF COST OF LOAN MODIFICATIONS UNDER FDIC LOSS SHARING PROPOSAL

1.6 million total loans 60+/90+ past due now

GSE loans make up about 13 percent of problem loans at present

Net: 1.4 million non-GSE problem loans at present

3.8 million new total loans 60+/90+ past due by y.e. 2009

Assume: GSE loans make up 20 percent of new problem loans through y.e. 2009

Net 3.04 million new non-GSE problem loans through y.e. 2009

Total non-GSE problem loans through y.e. 2009: 4.44 million

Modify 1/2, or 2.22 million loans

Avg. loan size $200,000

Total book value of loans modified = $444 billion

Avg. program cost (FDIC assumptions) = 5.5 percent

Est. total program cost = $24.4 billion

Assuming redefault rate of 33 percent, almost 1.5 million foreclosures avoided

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. First, let me begin by thanking both of my colleagues from North Dakota and South Carolina for their interest in the subject matter.

Now, as I pointed out, 2 years ago tomorrow, I think it was, February 7, 2007, as the new chairman of the Banking Committee, I held my first hearings, and the first hearings were on the foreclosure crisis.

At that time, a fellow by the name of Eakes testified before the committee and predicted 2.2 million foreclosures in the country. He was scoffed at all across the country for having such an outrageous prediction.

In fact, the criticism was correct. It was an outrageous prediction, because it was not 2.2 million, it is now 8 million.

I see my friend from New Jersey, BOB MENENDEZ, who was at that hearing 2 years ago today. And he predicted a tsunami, were his words—I will never forget them—of how foreclosures were occurring in the country. And again, people laughed and ridiculed and suggested that we were somehow predicting things that were never going to happen.

We have all learned, painfully, the results. We are in the pickle we are in today because we didn't respond to the foreclosure crisis at the time. This is a major problem that deserves major attention. When we wrote the so-called TARP legislation in September, we required four things. I won't bother with the first three; they were accountability, taxpayer issues. One of the four points was to mitigate against foreclosures. We have learned, painfully over the last number of weeks, that virtually nothing was done about foreclosure mitigation with the original $350 billion tranche.

My concerns—and I appreciate immensely the effort we are finally getting some attention to this issue and looking for resources—are the following: One, I am not sure foreclosure mitigation ought to be a part of a stimulus package. You can make a case for doing something about foreclosures, but that is why we have the TARP program. It is not only the financial system. They are, of course, interrelated. It is not like there is a housing issue and a financial system at risk that are separate issues. They are the same issue, the foreclosure issue and the financial mess.

I am going to be offering shortly, along with Senators REID and MARTINEZ, legislation that requires that of the $310 to $350 billion in the second tranche, that $50 billion be dedicated to foreclosure mitigation because that was what the intention was originally. While I am attracted to the proposal made by Sheila Bair at FDIC—and I mention that in the amendment as one of the ideas, but there are a number of ideas. I say, respectfully, to both my good friends, Senators GRAHAM and CONRAD, as I read the amendment, it would require the adoption of the Sheila Bair approach. To me, that is worrisome because it is one idea but not the only idea, to allocate $20-some-odd billion to one idea at a time when we ought to be looking at various ideas that might actually work to mitigate

foreclosures. She believes $25 billion would do 1.2. She thinks $50 would double that number to 2.2 or close to 3. We have a lot of numbers that get thrown around here.

My point is, it ought to be something we try not to congressionally mandate. We are good at a lot of things in the Congress, but when we start micromanaging ideas such as this, we get ourselves into trouble. That is why, hopefully, we have smart people out there who will consider ideas and manage them well. But up here, when you try to set accounting standards or rigidly determine a particular formulation, I get uneasy.

The amendment we will offer goes beyond foreclosure mitigation. We also clean up HOPE for Homeowners, which we all supported last summer—almost all of us did—as a way to try and also deal with foreclosure mitigation. My concern would be that the adoption of this amendment would preclude the adoption of the second amendment. I, respectfully, suggest that what we have offered as our second amendment is a more comprehensive approach.

I have held 82 hearings. I see my friend from Kentucky, Senator BUNNING, a member of the committee. We spent a lot of time over the last 2 years on these issues. We haven't all agreed every time on everything—but 82 hearings and meetings, a third of which were on this subject matter alone. I know we all respect each other for doing the jobs we try to do. But having spent this much time trying to figure out what is the best answer, it seems to me TARP resources ought to be used, stimulant money ought to be used for job creation. Not that I wouldn't like to have extra resources to deal with this. We ought to have a broad approach so we are not rigidly locked into a congressionally mandated formula.

I won't bother to address offsets. My colleagues are trying very hard to do what we all ought to do and that is to pay for various things. I will let others go down the list and whether they like or dislike the various offsets.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I find myself sort of in an awkward position. I don't want to be in the position of disagreeing with trying to do something about foreclosure mitigation. But we end up doing this and the next and we get to 75 or in excess of $75 billion for this particular issue, we are getting excessive, it seems to me, without knowing whether a smaller amount might achieve the job. If we are mandating it with two provisions, then we are excluding resources that could be used for other things, including job creation, which is the debate about the stimulus package. My friend from North Dakota and I have talked about this privately, and I thank my colleagues for raising the issue. I truly have mixed emotions about this because I like what they are doing on the one hand, but I am concerned that as between the two choices—the one Senators MARTINEZ, REID, and I will offer and this one—I think we offer a more comprehensive one, one that relies on greater flexibility and uses TARP money rather than stimulant money to achieve the result.

Mr. SCHUMER. Will my colleague yield for a question?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCHUMER. I ask unanimous consent for 2 minutes to ask a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I agree completely with my colleague's sentiments. Why, in this hard fought bill, where we don't have enough money for everything else and we are all worried about it and we know we have money from the TARP, $50 to $100 billion promised to deal with housing, why take the money out of here when we need it for infrastructure and for middle-class tax cuts and all the other things. I ask my colleague, in effect, to the people being foreclosed upon, is there any difference if we take the money out of TARP or take the money out of this stimulus, even though we know there is a huge difference to all the other people who will suffer $20 billion in cuts? Is there any difference, in effect, on their lives and on how we can help them?

Mr. DODD. There is only in this sense. This bill has a specific requirement that a particular plan be adopted and funded with this proposal. I admire Sheila Bair's proposal, but we also recognize there are others. At the same time, if we are dealing with foreclosure mitigation but not getting that person who is probably in foreclosure because they may have lost a job, if we don't make it possible for them to get back to work because we minimize the resources in the stimulus, saving their home but not saving their job ends up with sort of a very mixed message.

Mr. SCHUMER. Excellent point.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I submit we will not save people's jobs or their homes unless we have a comprehensive strategy to address both. The problem with the economic recovery package is there is precious little in here that does anything about the housing crisis. We hear the assurance that we can take the money from the TARP. The problem is the TARP, by testimony before the Budget Committee, is oversubscribed as it is.

Let's do the math. There is about $300 billion left in the TARP. The testimony before the Budget Committee is, we need $300 to $500 billion on top of that $300 billion just to deal with the financial crisis. That doesn't leave any money for the housing crisis. Here we have before us a vehicle to face up to foreclosures. Senator DODD is absolutely right. I remember well his holding a hearing on foreclosures. I remember well his coming to this floor with legislation. I remember well filibuster after filibuster against dealing with it. Now is the time. We should not wait to take on the foreclosure crisis in America. More foreclosures, more homes lost, more people unable to pay, more banks have their capital impaired, fewer loans being made, more jobs lost. This is an opportunity to deal with the housing crisis and to have it paid for and to have it paid for out of economic recovery funds.

I don't know how I would explain to my constituents that housing wasn't a key part of an economic recovery package.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. CONRAD. I retain that time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. If I believed we could fix housing and the banking situation with $310 billion, I would sit down and withdraw the amendment. I don't think we can. I am trying to help. As to my friend from New York, if you think it is more important to spend $400 million to deal with sexually transmitted diseases than it is to save 1.5 million homes, vote against us. I have an offset here. Go through this. If you think this is a better use of money than allocating money to save people from losing their homes, vote no. We are not in a perfect world. We are in a miserable world. We have a stimulus package that has very little to do with stimulating the economy and a lot to do with growing the Government. We have a housing problem and a banking problem that are going to cost a lot more than $300 billion. That is what we are trying to say to our colleagues. The problems are massive. The spending bill is too large. We are trying to create some sense of priorities and urgency. So the $16 billion slush fund that is not going to create any job, if you think it is better to have that than it is to save 1.5 million homes from foreclosure with a program that Sheila Bair thinks will work, let's do it.

I wish to work with Senator DODD to improve the funding available to deal with foreclosures. This is not a silver bullet, but it will help. We have our priorities mixed up. We have a spending bill that doesn't create jobs. It grows the Government. We don't have enough money to fix housing and the underlying banking problem because we have been incompetent with the first $350 billion. I am not blaming anybody. I am telling America the worst is

yet to come, and we are wasting money and wasting time. This is not a perfect world. This is a Congress making it up as we go. I would like to get some rhyme or reason as to what we are doing. This amendment has a rhyme or reason about what we are doing.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I ask unanimous consent that 10 more minutes be allocated to the Conrad-Graham amendment, equally divided, because there are some who still want to speak in opposition to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the chairman of the committee who is managing the bill. Maybe I will just take a few minutes. I understand we have another colleague who is on his way and wants to speak.

The comment was made that this amendment requires us to use the Sheila Bair approach. Let me say, in this whole crisis, the Government official who shines the brightest and the best has been Sheila Bair. She is the person who has warned us that this tsunami of foreclosures was coming. She is the one who warned us of the financial crisis. She is the one who had the most consistent track record about dealing with it and dealing with it effectively. Institution after institution she has taken over, under the rules and the law, have been dealt with in the most economically rational way.

Now she has come forward with a plan that observers and economists of every stripe have said is outstanding. It has the best prospects for success at preventing people from losing their homes.

This is much more than numbers on a page. When we talk about 1.5 million people not going through foreclosure if our amendment is adopted, according to Sheila Bair and her professional staff, 1.5 million people, this is much more than that number. Think of what is happening in those families, when they have the sense they are going to lose their homes and start through a legal process that sucks them down. I read yesterday what was happening in courts locally as people went in facing foreclosure, the absolute desperation of the people, the confusion, the chaos in their lives. With this amendment, we have a chance to avert 1.5 million American families from going through foreclosure. It is paid for. It is paid for in the least painful way.

Let me conclude on the notion of waiting for TARP. The TARP funds are simply insufficient to deal with the financial crisis and the housing crisis. There can be no question. I predict right here, right now, this administration will be coming to us in the weeks ahead asking for between $400 and $500 billion more of TARP funds just to deal with the financial crisis. Senator GRAHAM was there. We had three of the most outstanding economists in the country, Democrats and Republicans, telling us exactly that. To hope and pray that somehow the TARP funds are going to be the savior for housing foreclosure is not something I would want to count on.

Mr. GRAHAM. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. GRAHAM. Does the Senator agree with me that whether we can get the public to buy into $500 billion, $400 billion more, has a lot to do with their confidence level in how we are spending their money through the TARP and through the stimulus package? We are trying to improve their confidence level by having offsets that make sense; does he agree that is the purpose?

Mr. CONRAD. I think it is just fundamental that one way to build confidence with the American people is to show them we are using their precious taxpayer dollars in the highest priority areas and we are doing it in a responsible way—not adding to deficits and debt, not creating a huge bow wave for the Federal budget going forward. Some of the items we have taken out only spend out 17 percent in the next 2 years; 83 percent is beyond.

So I hope my colleagues are listening carefully to this debate because this one really matters. Mr. President, 1.5 million homes can avoid foreclosure.

Let me say, we have not locked in a rigid approach on the FDIC proposal on dealing with foreclosures. We have allowed them to make modifications in their plan so it can take in the best ideas of others. But I think every observer, every economist who has looked at the FDIC plan has confirmed what Sheila Bair has told us in writing today: that this amendment, voted on today, could help prevent 1.5 million people from losing their homes and creating a further downdraft in this economy—more foreclosures, more banks cannot lend, more jobs lost. That is exactly what an economic recovery package should be about.

Mr. President, how much time do I retain?

The PRESIDING OFFICER. There is 2 minutes for the proponents of the amendment.

Mr. CONRAD. Mr. President, I am happy to yield.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I yield whatever time my colleague from New York would need.

Mr. SCHUMER. Three minutes.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Thank you, Mr. President, and I thank my friend from Connecticut, our leader and chairman of the Banking Committee, for his time and his words.

Let me be clear to my colleagues, this is not about whether you want to help people who face foreclosure. It has been a fight I have been making since a year and a half ago, when Senators BROWN and CASEY and I put money into the appropriations bill of 2008 for counselors. Nor is it about the priorities of where you should cut that specifically are laid out by my friend and great chairman of the Budget Committee, Senator CONRAD. This is very simple common sense. We are sitting here. A bill may not even pass because we cannot decide where we can make cuts. We have some who want a number lower. We have some who want a number higher. The fights are over important issues such as education and health care and roads and broadband and all of the things we think we need to get this economy working again—some short term, some long term.

We all agree with that. We all agree with helping those who need help because their homes may be foreclosed upon. However, the reason I think we should have an overwhelming vote against the amendment of my good friend from North Dakota is simple: The money comes from the wrong place.

We have $50 billion to $100 billion in the TARP—the second half of the TARP—that has been committed by President Obama to do the very things my colleague wishes to take out of the stimulus bill. Why don't we wait? We are going to have an announcement early next week about those moneys. Wouldn't it be foolish to take those moneys out of this bill when we are so hurting and we have so limited money? It is as if we have seven children in a bed and enough blanket for five and there is a struggle as to whose feet are going to be stuck out or who is not going to be covered? Wouldn't it be embarrassing if next week the administration announces they are taking this very money out of the TARP? It just does not make any sense, in my judgment, in my humble judgment.

So I urge my colleagues to reject this amendment, whatever side they are on. If they think the money should not be taken out of the specific list Senator CONRAD has compiled, if they think it should go to foreclosure and come from something else——

The PRESIDING OFFICER (Mr. BURRIS). The Senator's time has expired.

Mr. SCHUMER. Mr. President, would my colleague have 2 more minutes? Are we limited in time?

Mr. BAUCUS. We are limited, Mr. President.

I am sorry. The Senator is managing the time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, this is, obviously, a discussion that has provoked

a bit more discussion than I think any of us anticipated, and it is a worthwhile discussion. So I ask unanimous consent that there be an additional 10 minutes because I know there are several other Members who want to be heard on this amendment, and certainly my colleague from North Dakota may request some additional time as well. We may not use it all, but to give us enough time to flesh this out, if we can, I ask for 10 additional minutes.

Mr. CONRAD. Is that equally divided?

Mr. DODD. Yes, equally divided. I do not know how much time we will need, but just to—and I will yield whatever time my colleague from New York needs. Two minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague.

So under the amendment of my friend from North Dakota, the money would not come from the banks but come from all these programs we like. Under the next amendment that will be offered by the chairman of the Banking Committee, the Senator from Connecticut, the money will come—instead of going to banks, it will go directly into foreclosure. If we do what the Senator from North Dakota wants, there is going to be $150 billion to $100 billion more going to the banks.

I think many of us think that money that was in the first $350 billion was not wisely spent. If we do what the Senator from Connecticut will propose shortly, the money will not come out of education and health care and broadband, but it will come out of giving more money to the banks. So if you want extra money for the banks, the amendment from the Senator from North Dakota is in order.

Mr. GRAHAM. Mr. President, will the Senator yield for a question?

Mr. SCHUMER. Mr. President, I am happy to yield to my friend from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. The point I am trying to make, I say to the Senator, is, I may be wrong, but I do not believe the remaining amount of money in TARP—$310 billion, I believe it is—will take care of what we need to do with our banking problem and our housing problem. Am I wrong?

Mr. SCHUMER. Mr. President, I think my colleague may not be wrong. But I would add this, given that it is my time: Whether we only need $200 billion or $310 billion or $500 billion or $600 billion more, let's take the money we have out of this pocket, which is not being spent well, from the banks, and use it instead of money out of this hardly fought economic recovery bill. That is my basic point.

I thank my colleague for yielding.

I hope, with a great deal of respect, we will reject the amendment offered by the Senator from North Dakota and then do the same thing but take the money from the banks by supporting the amendment offered by the Senator from Connecticut.

I yield the floor and yield back my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have heard now from the Senator from New York that we should wait to deal with foreclosures—we should wait. Well, that is the opportunity that is before us. We can make a choice on this amendment. We can wait some more to deal with foreclosures or we can take action today.

Sheila Bair, the much respected head of the FDIC, has said that if our amendment passes, we can avert 1.5 million Americans from being foreclosed upon. You want to wait on that? What are you going to wait for? You are going to wait to take the money out of the TARP when there is insufficient money in the TARP to deal with the financial crisis, much less the housing crisis and the financial crisis?

Look, this is the curious sort of Washington math that has us in deep trouble. We talk about using money that has already been spoken for, and somehow we are supposed to use it twice, maybe three times. I suggest it is much better to act now and to use real money to pay for it rather than be counting on a fund that is already oversubscribed.

Now, this notion of waiting leaves me cold. Mr. President, 1.5 million people are out there facing foreclosure, and those families could have the foreclosure averted if we act. This is not the time to wait. This is the time to act.

Mr. GRAHAM. Mr. President, will the Senator yield for a question?

Mr. CONRAD. Mr. President, I am happy to yield.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. If our colleagues looked at the items we are using to offset, do you agree with me, I say to the Senator, not only could most of these items wait, it would be probably good we never spent the money at all?

So when you talk about priorities between 1.5 million people who could be saved from foreclosure in 14 months with this money versus what we are offsetting—and only 17 percent of the offset money, I say to the Senator, I believe, is spent in the first year—the $22 billion we give to the FDIC to manage foreclosures would save 1.5 million homes in 14 months.

So I would argue we are not shortchanging anyone by offsetting this money, that what is in the offset not only could wait, a lot of it could wait till hell froze over because it makes no sense to spend it to begin with.

So it is not as if we are robbing somebody with a useful program. We have looked into this $800 billion, $900 billion—whatever it is—bill, I say to the Senator, and we are astonished to find that maybe there is some money in here that does not make a whole lot of sense in terms of stimulating the economy, saving housing or banking, and I think we have done a pretty good job of offsetting it.

I would ask my colleagues one simple question, and I will end with a question to the Senator from North Dakota. If you assume we are going to be asking the American people for more money to fix their housing problem and their banking problem, the question I have is, one, why wait when we can do something now? And why would you put what is in this bill in this offset ahead of housing? I just do not understand that. Do you, as the Senator from North Dakota?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Chair.

I really do not. I really do not understand the logic of waiting. We could take action today, action that is paid for, and save money out of the TARP fund that is already oversubscribed. It is as clear as it can be, there are not sufficient funds in the TARP to do all that is being demanded of it. I do not know how anything makes more sense or is of a higher priority in an economic recovery program than to avert foreclosure. It ties directly to jobs because if a house is foreclosed on, all the houses in the neighborhood lose value. Then what happens? Then more homes are upside down.

Already, one in every four or one in every five homes in America is upside down. They owe more than the house is worth. If more houses go through foreclosure, more homes lose value, more people start not to make their payments, the banks have less capital, they are less able to lend, businesses are less able to carry on their activity, more jobs are lost, and more foreclosure occurs.

The critical thing is to break the chain. That is the opportunity this amendment presents.

Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Two minutes.

The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, acting now or acting later—assuming we vote on this amendment offered by my friends from South Carolina and North Dakota, within minutes after that, I will be offering the amendment that would require that the $50 billion come out of the TARP money. I do not know what delay we are talking about.

We are promoting the same piece of legislation. The money has already been appropriated to deal TARP, so it is there. So the question is not about

delaying one in favor of the other. The question is, Which pot do you want to draw from?

This is sort of a disconnect amendment. We were debating a stimulus package, I thought. Maybe we are not. I know there is some debate about that in the Chamber.

Mr. GRAHAM. Mr. President, I hate to do this because I hate it when people do it to me, but I just want to ask a question, if I could.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DODD. Mr. President, I yield to my colleague for a question.

The PRESIDING OFFICER. The Senator yields.

The Senator from South Carolina.

Mr. GRAHAM. I think the Banking Committee chairman has a major dilemma on his hands, at no fault of his own. If I thought $310 billion would do it, I would not be here. I think you are going to need more money, and if you take 50 out of the TARP, you are going to have whatever the math is left, and that is still not enough.

So what we are trying to do is get money for housing and taking it out of a bill that I think has a lot of room to be offset. I am trying to help, not hurt. I think you are going to need both.

Mr. DODD. Mr. President, I appreciate the remarks of my colleague. I only have 1 minute. I have not been directly involved in the Finance or Appropriations Committees, but I have listened to the debate over the last several days, and I think the debate is this: Is this bill a stimulus bill? If it is a stimulus bill, we are talking about job creation. Is it a foreclosure bill? Maybe we changed the debate. If it is a foreclosure debate, I thought I was on something else. So if we want to talk about putting people to work and simultaneously now we are going to take $23 billion out of the stimulus bill and put it in foreclosure mitigation, it seems to me this is a different debate.

I would just say to my colleagues as someone who has chairmanship with jurisdiction over TARP at this point: No, the money has not been allocated. In fact, we have the Secretary of the Treasury coming to our committee on Tuesday to describe exactly what their intentions are with the $310 billion to $350 billion, and I don't know what it is yet.

This much I will tell you. I went through all the debate and the discussion last fall with the previous administration, and we as a body said: We want you to do three or four things with that money, one of which is foreclosure mitigation. I got the commitments, all the handshakes, and not a nickel of it was spent on it. I am assuming this new crowd may be a bit different on that subject matter. But if you were to ask me whether I have a commitment that any of that $310 billion or $350 billion is going to be spent on housing, my answer is I don't know.

I have an amendment with Senator MARTINEZ and Senator REID in a minute that mandates that $50 billion go to foreclosure mitigation out of the TARP funds. No debate any longer, you have to do it. You know, burn me once, burn me twice—we all know the expression. So I am not going to run the risk of watching another TARP come along and end up going to Citi and Bank of America and everyone else and nothing happening on foreclosure mitigation.

So it is a choice we have to make. We have a stimulus bill to do something about job creation. That is the debate over the last week. Many of my colleagues on the other side have raised issues about whether we are spending money to actually create jobs in the country. That is a legitimate debate. But you can't on the one hand complain about this bill because it doesn't create jobs and then offer a $24 billion amendment that doesn't do anything about jobs. It deals with foreclosure.

Now, if you are going to take $75 billion and dedicate it to a subject matter that can be handled with a lot less, that is a waste of money. So it is a matter of choices. We are bypassing each other. The debate is about stimulus.

Now, $16 billion, $17 billion of the money comes out of one fund for States. My colleagues ought to look at this. There is a lot of other spending. I am not going to pretend to understand this; I don't serve on the committee. I respect those who think some of this is unnecessary spending. But $17 billion going back to the States for job creation, I would remind my colleagues, is what they cut out of the bill if this amendment is adopted. I suspect the States all across this country may be counting on some of that for job creation, maybe not.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Equally divided.

Mr. DODD. Well, then 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. We are going round and round on this, but I find this debate—again, I want to make the point that I am grateful to both of my colleagues for raising the issue of foreclosures in housing. I find myself somewhat at cross-purposes because, on the one hand I agree with what they are trying to do; on the other hand—I say this respectfully—I think we are undermining our cause by approaching it this way. We are diminishing the effect of the stimulus bill by doing something on housing, which is a legitimate issue but is not the subject of the debate of the underlying bill, and we are simultaneously potentially denying our opportunity to mandate that this new administration dedicate resources within the TARP to deal exactly with the underlying cause of the economic crisis.

So that is the real choice involved. Again, I say it is an awkward debate and argument. I know Senator INOUYE and others wish to be heard on these appropriations issues and, particularly, I suspect the $16 billion to the States. I will let my colleagues make that case. I know Senator INOUYE would like some time on that to address that issue. But that is the real point in a sense. I have listened to my colleagues say this bill is loaded up with things that don't effect job creation, and I would say, respectfully, by insisting upon foreclosure mitigation in this bill, it seems to me we are just contributing to the very arguments being made about the underlying criticism of the legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, there are very few Members for whom I have higher regard or greater affection than the Senator from Connecticut. So I say that I could not more profoundly disagree when I hear him say foreclosure mitigation has nothing to do with jobs.

Why is this economy in free fall? Well, one central reason is the housing crisis. Foreclosures are a symptom of the underlying disease, and if you don't treat it, this body is getting sicker and sicker and sicker. The Senator offers as an alternative to take $50 billion out of the existing TARP fund. The problem is the existing TARP fund doesn't have enough money for the purpose for which it was created, which was to deal with the fiscal crisis.

So this has everything to do with economic recovery. It has everything to do with jobs. It has everything to do with strengthening the economy. I know Senator GRAHAM is seeking recognition.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I think the Senator from Connecticut has asked a very good question. What are we doing here? Are we trying to spend TARP money? Well, apparently we are going to do that next. I thought we were stimulating the economy.

The President said this is a spending bill. Well, all spending doesn't stimulate the economy: $400 million for sexually transmitted disease research and $75 million to get people to quit smoking—those things don't stimulate the economy in the near term. They may be very worthwhile. You have issues with TARP. I didn't think we were going to come over here and divide TARP. I am with you, Senator DODD, I don't think you have enough money.

What I want to do with my colleague from North Dakota is to let the body

know we are spending a lot of money—more than any American can appreciate—on things that don't stimulate the economy. If you want to get our economy back on its feet, take some of the money we are going to waste in this bill and put it into a program that will save 1.5 million people from foreclosure. I think it is smart to do that now. I think it is smart to look at TARP and maybe grow the fund if it is necessary.

That is the point. This bill has lost focus. For one person it is spending. For the other person it is rearranging TARP. For us it is trying to save housing. I don't think we know what we are doing. I think we need to understand we don't have enough money in TARP to fix America's problems with housing and banking, and every dollar we waste here and what we are taking out of this bill is purely waste, in my opinion.

To help housing is smart. If you don't think it is smart, vote no. I will respect you. But this whole process has gotten out of hand.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I would like to remind my colleagues there are a number of Senators waiting to propose amendments, and I think this amendment has been very much debated. I look forward to Senator BUNNING and Senator GRASSLEY and other Senators who are waiting to present amendments.

Mr. BAUCUS. Mr. President, the Senator from Arizona is absolutely correct. It has been a good debate we have had on the Dodd-Conrad-Graham issue.

The next amendment that can be called up on the list would be on the Republican side of the aisle. I don't know who wants to call up his amendment next, but someone on the Republican side of the aisle should do so, and I am hoping perhaps we could enter into some kind of time agreement.

Mr. GRASSLEY. Mr. President, 5 minutes for me.

Mr. BAUCUS. Say 10 minutes equally divided; is that all right?

Mr. GRASSLEY. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Mr. President, reserving the right to object, which amendment are we talking about?

Mr. BAUCUS. Grassley No. 297. There would be a time limit for debate only, no vote on the amendment.

Mr. MENENDEZ. How much time?

Mr. BAUCUS. Ten minutes equally divided has been the suggestion.

Mr. MENENDEZ. Could we move that to 20 minutes equally divided?

Mr. BAUCUS. We could, equally divided.

Mr. GRASSLEY. Mr. President, I would just as soon leave it at 5 minutes because we have all of these other colleagues. We just spent an hour on one amendment, and we have plenty of people on both sides of the aisle. I think we ought to be tolerant toward our colleagues and make this debate very short. If you want me to do it in 4 minutes, I will do it in 4 minutes.

Mr. BAUCUS. I appreciate that, but unfortunately there are Senators on this side of the aisle who want to speak in opposition, and the total time they want to use is more than 4 minutes. I will hold it to 20 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, I think 5 minutes on this side and 10 minutes on your side.

Mr. BAUCUS. I appreciate that, but if we don't get an agreement, it is going to be longer. So discretion being the better part of valor, I suggest 20 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

AMENDMENT NO. 297 TO AMENDMENT NO. 98

Mr. GRASSLEY. Mr. President, amendment No. 297 is an FMAP amendment. This amendment is about $2.3 billion of the $87 billion that is in this bill for Medicare. There will be no less money spent in Medicare overall. It will still be $87 billion. We are talking about the $87 billion and the formula as to how it is divided.

Let me ask my colleagues a question: If Congress is going to give States $87 billion in Medicaid funds, shouldn't the formula be fair? The exceedingly complex formula in this bill is simply not fair to certain States. It is not fair to States with low unemployment rates or States that have not seen the recession hit full force yet, and for those States where the recession hasn't hit, it is just around the corner. For instance, in the Midwest agricultural areas, we tend to be countercyclical. We tend to be lagging when we hit recession. Yet we will be coming along into recession when the other parts of the country are recovering.

Now, those States I just mentioned that have low unemployment, as an example, will see less of the $87 billion than other States. My amendment gives each State a flat 9.5-percent increase in their FMAP payments, and the States can choose which 9 consecutive quarters in any 11-quarter period best fits the economic needs of their State. That is a better, more fair way to spend the $87 billion.

This amendment is budget neutral. According to data provided by the Government Accountability Office, my amendment redistributes about $2.3 billion of FMAP spending in the bill. Almost 75 percent of that redistribution comes from four States: California, Illinois, Massachusetts, and New York. With a redistribution, nearly 75 percent of which comes from four States, 34 States will receive more Medicaid FMAP funds under this amendment.

If Congress is going to spend $87 billion on States through Medicaid FMAP, I believe we have to do it more fairly.

I wish to quickly run through the States that will do better so you can decide if you want your State to have more money or less money. More money will go to Alabama, Alaska, Arizona, Arkansas, the District of Columbia, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia, Wisconsin, and Wyoming.

Before I yield the floor and reserve my time, under the unanimous consent agreement that has been entered into, I call up my amendment No. 297 and make it pending.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 297.

The amendment is as follows:

(Purpose: To provide the same temporary increase in the FMAP for all States and to permit States to choose the period through June 2011 for receiving the increase)

Beginning on page 714, strike line 1 and all that follows through page 725, line 14, and insert the following:

SEC. 5001. TEMPORARY INCREASE OF MEDICAID FMAP.

(a) PERMITTING MAINTENANCE OF FMAP.—Subject to subsections (d), (e), (f), and (g) if the FMAP determined without regard to this section for a State for—

(1) fiscal year 2009 is less than the FMAP as so determined for fiscal year 2008, the FMAP for the State for fiscal year 2008 shall be substituted for the State's FMAP for fiscal year 2009, before the application of this section;

(2) fiscal year 2010 is less than the FMAP as so determined for fiscal year 2008 or fiscal year 2009 (after the application of paragraph (1)), the greater of such FMAP for the State for fiscal year 2008 or fiscal year 2009 shall be substituted for the State's FMAP for fiscal year 2010, before the application of this section; and

(3) fiscal year 2011 is less than the FMAP as so determined for fiscal year 2008, fiscal year 2009 (after the application of paragraph (1)), or fiscal year 2010 (after the application of paragraph (2)), the greatest of such FMAP for the State for fiscal year 2008, fiscal year 2009, or fiscal year 2010 shall be substituted for the State's FMAP for fiscal year 2011, before the application of this section, but only for the first, second, and third calendar quarters in fiscal year 2011.

(b) GENERAL 9.5 PERCENTAGE POINT INCREASE.—Subject to subsections (d), (e), (f), and (g), for each State for calendar quarters during the recession adjustment period (as defined in subsection (h)(2)), the FMAP (after the application of subsection (a)) shall be increased (without regard to any limitation otherwise specified in section 1905(b) of the Social Security Act) by 9.5 percentage points.

(c) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to subsections (e),

(f), and (g), with respect to entire fiscal years occurring during the recession adjustment period and with respect to fiscal years only a portion of which occurs during such period (and in proportion to the portion of the fiscal year that occurs during such period), the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 6 U.S.C. 1308) shall each be increased by 9.5 percent.

(d) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4);

(2) payments under title IV of such Act (42 U.S.C. 601 et seq.) (except that the increases under subsections (a) and (b) shall apply to payments under part E of title IV of such Act (42 U.S.C. 670 et seq.));

(3) payments under title XXI of such Act (42 U.S.C. 1397aa et seq.);

(4) any payments under title XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)); or

(5) any payments under title XIX of such Act that are attributable to expenditures for medical assistance provided to individuals made eligible under a State plan under title XIX of the Social Security Act (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) because of income standards (expressed as a percentage of the poverty line) for eligibility for medical assistance that are higher than the income standards (as so expressed) for such eligibility as in effect on July 1, 2008.

(e) STATE INELIGIBILITY.—

(1) MAINTENANCE OF ELIGIBILITY REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a State is not eligible for an increase in its FMAP under subsection (a) or (b), or an increase in a cap amount under subsection (c), if eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—Subject to subparagraph (C), a State that has restricted eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after July 1, 2008, is no longer ineligible under subparagraph (A) beginning with the first calendar quarter in which the State has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(C) SPECIAL RULES.—A State shall not be ineligible under subparagraph (A)—

(i) for the calendar quarters before July 1, 2009, on the basis of a restriction that was applied after July 1, 2008, and before the date of the enactment of this Act, if the State prior to July 1, 2009, has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008; or

(ii) on the basis of a restriction that was directed to be made under State law as of July 1, 2008, and would have been in effect as of such date, but for a delay in the request for, and approval of, a waiver under section 1115 of such Act with respect to such restriction.

(2) COMPLIANCE WITH PROMPT PAY REQUIREMENTS.—No State shall be eligible for an increased FMAP rate as provided under this section for any claim submitted by a provider subject to the terms of section 1902(a)(37)(A) of the Social Security Act (42 U.S.C. 1396a(a)(37)(A)) during any period in which that State has failed to pay claims in accordance with section 1902(a)(37)(A) of such Act. Each State shall report to the Secretary, no later than 30 days following the 1st day of the month, its compliance with the requirements of section 1902(a)(37)(A) of the Social Security Act as they pertain to claims made for covered services during the preceding month.

(3) NO WAIVER AUTHORITY.—The Secretary may not waive the application of this subsection or subsection (f) under section 1115 of the Social Security Act or otherwise.

(f) REQUIREMENTS.—

(1) IN GENERAL.—A State may not deposit or credit the additional Federal funds paid to the State as a result of this section to any reserve or rainy day fund maintained by the State.

(2) STATE REPORTS.—Each State that is paid additional Federal funds as a result of this section shall, not later than September 30, 2011, submit a report to the Secretary, in such form and such manner as the Secretary shall determine, regarding how the additional Federal funds were expended.

(3) ADDITIONAL REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State Medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State is not eligible for an increase in its FMAP under subsection (b), or an increase in a cap amount under subsection (c), if it requires that such political subdivisions pay for quarters during the recession adjustment period a greater percentage of the non-Federal share of such expenditures, or a greater percentage of the non-Federal share of payments under section 1923, than the respective percentage that would have been required by the State under such plan on September 30, 2008, prior to application of this section.

(g) STATE SELECTION OF RECESSION ADJUSTMENT RELIEF PERIOD.—The increase in a State's FMAP under subsection (a) or (b), or an increase in a State's cap amount under subsection (c), shall only apply to the State for 9 consecutive calendar quarters during the recession adjustment period. Each State shall notify the Secretary of the 9-calendar quarter period for which the State elects to receive such increase.

(h) DEFINITIONS.—In this section, except as otherwise provided:

(1) FMAP.—The term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as determined without regard to this section except as otherwise specified.

(2) POVERTY LINE.—The term ''poverty line'' has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

(3) RECESSION ADJUSTMENT PERIOD.—The term ''recession adjustment period'' means the period beginning on October 1, 2008, and ending on June 20, 2011.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(i) SUNSET.—This section shall not apply to items and services furnished after the end of the recession adjustment period.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I wish to submit a question to the Senator from Iowa.

Mr. GRASSLEY. I yield, Mr. President.

Mr. BUNNING. I ask Senator GRASSLEY, is it accurate to say that my State of Kentucky will get an additional $92 million in Medicare funds if the Senator's amendment passes; if the amendment fails, that money would go to California, Illinois, Massachusetts, and New York?

Mr. GRASSLEY. Yes, from the figures I have, the Senator is absolutely right. That number is that amount.

Mr. BUNNING. Thank you very much.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield 3 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I first would point out that in the Grassley amendment the amount of Medicaid money—not Medicare money but Medicaid—is not affected. What is affected and what is at stake is the formula.

Do you give it across the board to every State equally or do you give the majority of it across the board but you keep a part of it, which goes to States that are particularly distressed?

In 2006, the GAO issued a report that said two major things: 1, the best measure of Medicaid distress is unemployment; 2, it is more efficient to target funding to States with the greatest need. That is a fact. We all know that.

This bill accomplishes those very clear recommendations made by the GAO. It ties Medicaid relief to unemployment and it targets relief to States that need it the most.

The Grassley amendment would make Medicaid relief less efficient and prolong the budget woes in States experiencing the greatest economic distress. I think it is a matter of fairness and not complicated. It doesn't attack the integrity of the Medicaid Program itself.

I urge my colleagues to oppose the Grassley amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I rise today in strong opposition to Senator GRASSLEY's amendment, which removes the targeted assistance for the temporary increase in Federal Medicaid funding contained in this bill.

It is well established that Medicaid enrollment increases in direct relation to unemployment growth. For every percentage increase in unemployment, States see an additional 1 million people seeking Medicaid assistance. I find it deeply troubling that at a point when health care is most needed, Minnesota and other States will not be given the assistance the situation demands.

By eliminating the portion of assistance that is targeted based on States' unemployment rates, Senator GRASSLEY's amendment would significantly reduce assistance for States facing the largest increases in their unemployment rates and the largest budget deficits.

Instead of providing aid to those who need it most, his amendment provides relief for States that are, in some cases, even enjoying a budget surplus. Nineteen of the 20 States facing the smallest increase in unemployment would get more assistance under this amendment. Is that an effective use of Federal money? At a time when we should be focusing all our efforts on ways we can best spend taxpayer dollars, sending aid to States that have less need doesn't make sense.

I ask my colleagues to consider this. This is about accountability to the people of this country. This is about targeted assistance. We have heard a lot about targeting spending, putting spending where we need it. This is also about targeted assistance to the States that need it most.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from New Jersey.

The Presiding officer. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise in very strong opposition to this amendment. It is interesting—I guess the arguments for and against this bill move, depending upon your point of view, especially those who are against the bill overall. They have certain standards, and then they obliterate those standards when it doesn't work for them. For example, targeting. What does the Government Accountability Office say? They say targeting is important.

According to a letter from the GAO—Members of Congress implied that it is more efficient to target funding to States with what? Greater need. That larger amounts of funding are needed to get the same stimulative effect if an across-the-board approach is used. With less targeting, more funding goes to States with less need; less funding goes to States that need it the most. So much for it being targeted. The Government Accountability Office says targeting means you want to do it the way that was devised originally—by the way, this came over from the House with a 50/50 proposition. Then the chairman of the Finance Committee said, well, let's try to work that out in a more conciliatory way and put it at 60/40. Amendments were offered that made it 80/20. We are talking about States that have higher unemployment, more people who don't have a job, who cannot put food on the table, and at the end of the day find themselves in desperate need. So States with higher unemployment clearly have a greater need for assistance. The higher the State's unemployment, the more people qualify for Medicaid and the less revenue a State has to pay for those increased Medicaid rolls.

Therefore, increases in unemployment, which is where the underlying bill is, and was even in a greater way, is the recognition. It is not about just spreading the wealth across the process and, more importantly, spreading the amount of taxpayer money across the process; this is about targeting where greater numbers of people are unemployed. States like my own that have high percentages of unemployment, would be happy to give you the unemployment in your States and not realize it in our States at higher levels. But it seems to me the way this is being pursued—this particular amendment—by eliminating targeting, that reduces assistance to the States with the worst economic problems and thus the greatest need for relief.

So by eliminating the portion of assistance targeted based on a State's unemployment rates, the amendment significantly reduces assistance for States facing the largest increases in their unemployment rate. That doesn't make sense. In addition, this amendment, at a time in which we are saying we want it to be stimulative—and I have heard arguments on how the money doesn't get out there quickly enough—well, this amendment permits the States to delay by 6 months, potentially reducing the stimulative effect of this portion of the legislation.

Finally, 19 of the 20 States facing the smallest increase in unemployment would get more assistance under this amendment—a little counterintuitive. If the State has more unemployment, it would get less money. For all of those reasons, and because this is already dramatically shifted in the way my colleague from Iowa wants, this amendment should be defeated both in the Nation's interest, in the pursuit of targeted and stimulative and, at the same time, basic fairness.

I reserve whatever time I have remaining.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I am going to tell the Senator from New Jersey that I agree with him totally on part of the money that is in this $87 billion. He is absolutely right on his argument for $10.8 billion of the money that is in there. That is the money we have had the CBO say is going to be spent for Medicaid for the unemployed. But what about the other $75 billion or $76 billion? We don't apologize for it somehow. It is a slush fund to States.

There is no rationale for that part of the money to go out under the same circumstances as the result of the recession—the fact that people are going to need more medical care. I ask him to consider that the Senator is right for a small part of this $87 billion—$10.8 billion of it—but wrong about the remaining amount of it. So that is why I have my amendment as a matter of fairness for money being distributed to the States, unrelated to unemployment, or medical care that is needed because of unemployment.

I want to spend my few minutes telling you what States benefit: Alabama, $41 million; Alaska, $45 million; Arizona, $58 million; Arkansas, $99 million; District of Columbia, $43 million; Georgia, $31 million; Idaho, $16 million; Indiana, $29 million; Iowa, $128 million; Kansas, $61 million; Kentucky, $92 million; Louisiana, $158 million; Maine, $23 million; Maryland, $1 million; Mississippi, $102 million; Missouri, $51 million; Montana, $25 million; Nebraska, $52 million; New Hampshire, $22 million; New Mexico, $86 million; North Carolina, $54 million; North Dakota, $25 million; Ohio, $78 million; Oklahoma, $86 million; Oregon, $4 million; South Carolina, $47 million; South Dakota, $24 million; Tennessee, $32 million; Texas, $547 million; Utah, $59 million; Vermont, $2 million; West Virginia, $86 million; Wisconsin, $55 million; Wyoming, $13 million.

I think what we are talking about here is a matter of fairness for those States—for the portion of the FMAP that doesn't need to be needed except for medical care for the unemployed. The part going to States under the FMAP formula needs a more fair distribution.

I will yield back my time.

Mr. MENENDEZ. I reserved the remainder of my time.

Mr. GRASSLEY. Then I will not yield back my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. How much time do I have?

The PRESIDING OFFICER. Two minutes.

Mr. MENENDEZ. Mr. President, I appreciate what my distinguished colleague from Iowa is trying to do—bring more money to his State. The question is whether it is fundamentally fair. The answer is no.

Let me tell you the States that will get hit pretty badly here: California, Colorado, Connecticut, Delaware, Florida, Illinois, Massachusetts, Minnesota, Nevada, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and Washington, to name a few.

The fundamental question is whether we are going to live to this credo of whether targeted is important or whether timely is important. Well, we have the Government Accountability Office saying that the way we are doing it—the way that would be undone by the Senator from Iowa would undo the targeted; it would undo the ability to have the greatest impact to be stimulative. In essence, it would hurt States that have the greatest need. We are one country. I often have voted for issues that have very little benefit for my State, but I understand that at a given moment in time, they are in the greatest interest of the country. Agriculture is one example, and there are others. The bottom line is that we have rising numbers of people, higher unemployment rates, more demand on Medicaid, and less opportunity for individuals to be able to get the resources in States that are already cash strapped. I have listened to moral hazard. There has been no talk about that. We want to teach the States a lesson now. There was no talk about moral hazard when the regulators were asleep at the switch and Wall Street was getting billions. You want to teach States a lesson now? You are going to hurt people. This amendment will hurt people who otherwise would have resources under the bill that have already been adjusted to give States such as my colleagues' more research.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, GAO's argument about targeting applies to decreases in Medicaid due to the recession. This isn't about targeting. This is seven times more than is needed for Medicaid. I will agree to targeting for that $10.8 billion. The rest should be more fairly targeted.

This amendment should be a simple vote. The complex funding formula for spending the $87 billion in Medicare in this bill is not fair. It should be a flat increase to all States.

That is what my amendment does. Thirty-four States do better with the formula under my amendment. So you can vote to give your State its fair share or, if you vote against it, you are voting not to give them that fair share.

I yield the floor. As long as the other side's time is used up, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, in the spirit of agreement, there will now be an amendment on the Democratic side. I suggest Senator CANTWELL be recognized for the purpose of calling up her amendment. I ask the Senator to agree to a time agreement of 10 minutes equally divided. I think it is going to be accepted.

Ms. CANTWELL. Five minutes equally.

Mr. BAUCUS. Ten minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 274, AS MODIFIED, TO AMENDMENT NO. 98

Ms. CANTWELL. I call up amendment No. 274, as modified.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Ms. CANTWELL], for herself, Mr. BINGAMAN, Mr. CARPER, Mr. SCHUMER and Mr. HATCH, proposes an amendment numbered 274, as modified, to amendment No. 98.

The amendment is as follows:

(Purpose: To improve provisions relating to energy tax incentives and provisions relating manufacturing tax incentives for energy property)

On page 457, line 15, strike ''Section'' and insert the following:

(a) IN GENERAL.—Section

On page 457, between lines 16 and 17, insert the following:

(b) CLARIFICATION WITH RESPECT TO GREEN COMMUNITY PROGRAMS.—Clause (ii) of section 54D(f)(1)(A) is amended by inserting ''(including the use of loans, grants, or other repayment mechanisms to implement such programs)'' after ''green community programs''.

Beginning on page 457, line 18, strike all through page 458, line 16, and insert the following:

SEC. 1121. EXTENSION AND MODIFICATION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C is amended by striking subsections (a) and (b) and inserting the following new subsections:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the sum of—

''(1) the amount paid or incurred by the taxpayer during such taxable year for qualified energy efficiency improvements, and

''(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.

''(b) LIMITATION.—The aggregate amount of the credits allowed under this section for taxable years beginning in 2009 and 2010 with respect to any taxpayer shall not exceed $1,500.''.

(b) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

''(B) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2009.''.

(2) CENTRAL AIR CONDITIONERS.—Subparagraph (C) of section 25C(d)(3) is amended by striking ''2006'' and inserting ''2009''.

(3) WATER HEATERS.—Subparagraph (D) of section 25C(d)(3) is amended to read as follows:

''(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.82 or a thermal efficiency of at least 90 percent.''.

(4) WOOD STOVES.—Subparagraph (E) of section 25C(d)(3) is amended by inserting '', as measured using a lower heating value'' after ''75 percent''.

(c) MODIFICATIONS OF STANDARDS FOR OIL FURNACES AND HOT WATER BOILERS.—

(1) IN GENERAL.—Paragraph (4) of section 25C(d) is amended to read as follows:

''(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

''(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

''(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.''.

(2) CONFORMING AMENDMENT.—Clause (ii) of section 25C(d)(2)(A) is amended to read as follows:

''(ii) any qualified natural gas furnace, qualified propane furnace, qualified oil furnace, qualified natural gas hot water boiler, qualified propane hot water boiler, or qualified oil hot water boiler, or''.

(d) MODIFICATIONS OF STANDARDS FOR QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Subsection (c) of section 25C is amended by adding at the end the following new paragraph:

''(4) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Such term shall not include any component described in subparagraph (B) or (C) of paragraph (2) unless such component is equal to or below a U factor of 0.30 and SHGC of 0.30.''.

(2) ADDITIONAL QUALIFICATION FOR INSULATION.—Subparagraph (A) of section 25C(c)(2) is amended by inserting ''and meets the prescriptive criteria for such material or system established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009'' after ''such dwelling unit''.

(e) EXTENSION.—Section 25C(g)(2) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) EFFICIENCY STANDARDS.—The amendments made by paragraphs (1), (2), and (3) of subsection (b) and subsections (c) and (d) shall apply to property placed in service after December 31, 2009.

On page 461, strike lines 8 to 10 and insert the following:

(b) ENSURING CONSUMER ACCESSIBILITY TO ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY IN THE CASE OF ELECTRICITY.—Section 179(d)(3) is amended by striking subparagraph (B) and inserting the following:

''(B) for the recharging of motor vehicles propelled by electricity, but only if—

''(i) the property complies with the Society of Automotive Engineers' connection standards,

''(ii) the property provides for non-restrictive access for charging and for payment interoperability with other systems, and

''(iii) the property—

''(I) is located on property owned by the taxpayer, or

''(II) is located on property owned by another person, is placed in service with the permission of such other person, and is fully maintained by the taxpayer.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1124. RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) 5-YEAR RECOVERY PERIOD.—

(1) IN GENERAL.—Subparagraph (B) of section 168(e)(3) is amended by striking ''and'' at the end of clause (vi), by striking the period at the end of clause (vii) and inserting '', and'', and by adding at the end the following new clauses:

''(viii) any qualified smart electric meter, and

''(ix) any qualified smart electric grid system.''.

(2) CONFORMING AMENDMENTS.—Subparagraph (D) of section 168(e)(3) is amended by inserting ''and'' at the end of clause (i), by striking the comma at the end of clause (ii) and inserting a period, and by striking clauses (iii) and (iv).

(b) TECHNICAL AMENDMENTS.—Paragraphs (18)(A)(ii) and (19)(A)(ii) of section 168(i) are each amended by striking ''16 years'' and inserting ''10 years''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(2) TECHNICAL AMENDMENT.—The amendments made by subsection (b) shall take effect as if included in section 306 of the Energy Improvement and Extension Act of 2008.

On page 467, strike lines 1 through 18, and insert the following:

PART VI—MODIFICATION OF CREDIT FOR CARBON DIOXIDE SEQUESTRATION

SEC. 1151. APPLICATION OF MONITORING REQUIREMENTS TO CARBON DIOXIDE USED AS A TERTIARY INJECTANT.

(a) IN GENERAL.—Section 45Q(a)(2) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) disposed of by the taxpayer in secure geological storage.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 45Q(d)(2) is amended—

(A) by striking ''subsection (a)(1)(B)'' and inserting ''paragraph (1)(B) or (2)(C) of subsection (a)'',

(B) by striking ''and unminable coal seems'' and inserting '', oil and gas reservoirs, and unminable coal seams'', and

(C) by inserting ''the Secretary of Energy, and the Secretary of the Interior,'' after ''Environmental Protection Agency''.

(2) Section 45Q(e) is amended by striking ''captured and disposed of or used as a tertiary injectant'' and inserting ''taken into account in accordance with subsection (a)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act.

Beginning on page 467, strike line 21 and all that follows through page 470, line 23, and insert the following:

SEC. 1161. MODIFICATION OF CREDIT FOR QUALIFIED PLUG-IN ELECTRIC MOTOR VEHICLES.

(a) INCREASE IN VEHICLES ELIGIBLE FOR CREDIT.—Section 30D(b)(2)(B) is amended by striking ''250,000'' and inserting ''500,000''.

(b) EXCLUSION OF NEIGHBORHOOD ELECTRIC VEHICLES FROM EXISTING CREDIT.—Section 30D(e)(1) is amended to read as follows:

''(1) MOTOR VEHICLE.—The term 'motor vehicle' means a motor vehicle (as defined in section 30(c)(2)), which is treated as a motor vehicle for purposes of title II of the Clean Air Act.''.

(c) CREDIT FOR CERTAIN OTHER VEHICLES.—Section 30D is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and

(2) by inserting after subsection (e) the following new subsection:

''(f) CREDIT FOR CERTAIN OTHER VEHICLES.—For purposes of this section—

''(1) IN GENERAL.—In the case of a specified vehicle, this section shall be applied with the following modifications:

''(A) For purposes of subsection (a)(1), in lieu of the applicable amount determined under subsection (a)(2), the applicable amount shall be 10 percent of so much of the cost of the specified vehicle as does not exceed $40,000.

''(B) Subsection (b) shall not apply and no specified vehicle shall be taken into account under subsection (b)(2).

''(C) In the case of a specified vehicle which is a 2- or 3-wheeled motor vehicle, subsection (c)(1) shall be applied by substituting '2.5 kilowatt hours' for '4 kilowatt hours'.

''(D) In the case of a specified vehicle which is a low-speed motor vehicle, subsection (c)(3) shall not apply.

''(2) SPECIFIED VEHICLE.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'specified vehicle' means—

''(i) any 2- or 3-wheeled motor vehicle, or

''(ii) any low-speed motor vehicle,

which is placed in service after December 31, 2009, and before January 1, 2012.

''(B) 2- OR 3-WHEELED MOTOR VEHICLE.—The term '2- or 3-wheeled motor vehicle' means any vehicle—

''(i) which would be described in section 30(c)(2) except that it has 2 or 3 wheels,

''(ii) with motive power having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground,

''(iii) which has an electric motor that produces in excess of 5-brake horsepower,

''(iv) which draws propulsion from 1 or more traction batteries, and

''(v) which has been certified to the Department of Transportation pursuant to section 567 of title 49, Code of Federal Regulations, as conforming to all applicable Federal motor vehicle safety standards in effect on the date of the manufacture of the vehicle.

''(C) LOW-SPEED MOTOR VEHICLE.—The term 'low-speed motor vehicle' means a motor vehicle (as defined in section 30(c)(2)) which—

''(i) is placed in service after December 31, 2009, and

''(ii) meets the requirements of section 571.500 of title 49, Code of Federal Regulations.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsections (a) and (c) shall take effect on the date of the enactment of this Act.

(2) OTHER MODIFICATIONS.—The amendments made by subsection (b) shall apply to property placed in service after December 31, 2009, in taxable years beginning after such date.

SEC. 1162. CONVERSION KITS.

(a) IN GENERAL.—Section 30B (relating to alternative motor vehicle credit) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

''(i) PLUG-IN CONVERSION CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is 10 percent of so much of the cost of the converting such vehicle as does not exceed $40,000.

''(2) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—The term 'qualified plug-in electric drive motor vehicle' means any new qualified plug-in electric drive motor vehicle (as defined in section 30D(c), determined without regard to paragraphs (4) and (6) thereof).

''(B) PLUG-IN TRACTION BATTERY MODULE.—The term 'plug-in traction battery module' means an electro-chemical energy storage device which—

''(i) which has a traction battery capacity of not less than 2.5 kilowatt hours,

''(ii) which is equipped with an electrical plug by means of which it can be energized and recharged when plugged into an external source of electric power,

''(iii) which consists of a standardized configuration and is mass produced,

''(iv) which has been tested and approved by the National Highway Transportation Safety Administration as compliant with applicable motor vehicle and motor vehicle equipment safety standards when installed by a mechanic with standardized training in protocols established by the battery manufacturer as part of a nationwide distribution program,

''(v) which complies with the requirements of section 32918 of title 49, United States Code, and

''(vi) which is certified by a battery manufacturer as meeting the requirements of clauses (i) through (v).

''(C) CREDIT ALLOWED TO LESSOR OF BATTERY MODULE.—In the case of a plug-in traction battery module which is leased to the taxpayer, the credit allowed under this subsection shall be allowed to the lessor of the plug-in traction battery module.

''(D) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection) in any preceding taxable year.

''(3) TERMINATION.—This subsection shall not apply to conversions made after December 31, 2012.''.

(b) CREDIT TREATED AS PART OF ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(a) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) the plug-in conversion credit determined under subsection (i).''.

(c) NO RECAPTURE FOR VEHICLES CONVERTED TO QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.—Paragraph (8) of section 30B(h) is amended by adding at the end the following: '', except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2008, in taxable years beginning after such date.

Beginning on page 518, strike line 1 and all that follows through page 521, line 23, and insert the following:

''(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(3) LIMITATION.—The amount which is treated for all taxable years with respect to any qualifying advanced energy project shall not exceed the amount designated by the Secretary as eligible for the credit under this section.

''(c) DEFINITIONS.—

''(1) QUALIFYING ADVANCED ENERGY PROJECT.—

''(A) IN GENERAL.—The term 'qualifying advanced energy project' means a project—

''(i) which re-equips, expands, or establishes a manufacturing facility for the production of property which is—

''(I) designed to be used to produce energy from the sun, wind, geothermal deposits (within the meaning of section 613(e)(2)), or other renewable resources,

''(II) designed to manufacture fuel cells, microturbines, or an energy storage system for use with electric or hybrid-electric motor vehicles,

''(III) designed to manufacture electric grids to support the transmission of intermittent sources of renewable energy, including storage of such energy,

''(IV) designed to capture and sequester carbon dioxide emissions,

''(V) designed to refine or blend renewable fuels or to produce energy conservation technologies (including energy-conserving lighting technologies and smart grid technologies), or

''(VI) other advanced energy property designed to reduce greenhouse gas emissions as may be determined by the Secretary, and

''(ii) any portion of the qualified investment of which is certified by the Secretary under subsection (d) as eligible for a credit under this section.

''(B) EXCEPTION.—Such term shall not include any portion of a project for the production of any property which is used in the refining or blending of any transportation fuel (other than renewable fuels).

''(2) ELIGIBLE PROPERTY.—The term 'eligible property' means any property which is part of a qualifying advanced energy project and is necessary for the production of property described in paragraph (1)(A)(i).

''(d) QUALIFYING ADVANCED ENERGY PROJECT PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a qualifying advanced energy project program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program shall not exceed $2,000,000,000.

''(2) CERTIFICATION.—

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1).

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 2 years from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

''(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 5 years from the date of issuance of the certification in order to place the project in service and if such project is not placed in service by that time period then the certification shall no longer be valid.

''(3) SELECTION CRITERIA.—In determining which qualifying advanced energy projects to certify under this section, the Secretary—

''(A) shall take into consideration only those projects where there is a reasonable expectation of commercial viability, and

''(B) shall take into consideration which projects—

''(i) will provide the greatest domestic job creation (both direct and indirect) during the credit period,

''(ii) will provide the greatest net impact in avoiding or reducing air pollutants or anthropogenic emissions of greenhouse gases,

''(iii) have the greatest readiness for commercial employment, replication, and further commercial use in the United States,

''(iv) will provide the greatest benefit in terms of newness in the commercial market,

''(v) have the lowest levelized cost of generated or stored energy, or of measured reduction in energy consumption or greenhouse gas emission (based on costs of the full supply chain), and

''(vi) have the shortest project time from certification to completion.

On page 524, after line 3, insert the following:

SEC. 1303. INCENTIVES FOR MANUFACTURING FACILITIES PRODUCING PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES AND COMPONENTS.

(a) DEDUCTION FOR MANUFACTURING FACILITIES.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 179E the following new section:

''SEC. 179F. ELECTION TO EXPENSE MANUFACTURING FACILITIES PRODUCING PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES AND COMPONENTS.

''(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat the applicable percentage of the cost of any qualified plug-in electric drive motor vehicle manufacturing facility property as an expense which is not chargeable to a capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified manufacturing facility property is placed in service.

''(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is—

''(1) 100 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service before January 1, 2012, and

''(2) 50 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after December 31, 2011, and before January 1, 2015.

''(c) ELECTION.—

''(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

''(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

''(d) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified plug-in electric drive motor vehicle manufacturing facility property' means any qualified property—

''(A) the original use of which commences with the taxpayer,

''(B) which is placed in service by the taxpayer after the date of the enactment of this section and before January 1, 2015, and

''(C) no written binding contract for the construction of which was in effect on or before the date of the enactment of this section.

''(2) QUALIFIED PROPERTY.—

''(A) IN GENERAL.—The term 'qualified property' means any property which is a facility or a portion of a facility used for the production of—

''(i) any new qualified plug-in electric drive motor vehicle (as defined by section 30D(c)), or

''(ii) any eligible component.

''(B) ELIGIBLE COMPONENT.—The term 'eligible component' means any battery, any electric motor or generator, or any power control unit which is designed specifically for use with a new qualified plug-in electric drive motor vehicle (as so defined).

''(e) SPECIAL RULE FOR DUAL USE PROPERTY.—In the case of any qualified plug-in electric drive motor vehicle manufacturing facility property which is used to produce both qualified property and other property which is not qualified property, the amount of costs taken into account under subsection (a) shall be reduced by an amount equal to—

''(1) the total amount of such costs (determined before the application of this subsection), multiplied by

''(2) the percentage of property expected to be produced which is not qualified property.

''(f) ELECTION TO RECEIVE LOAN IN LIEU OF DEDUCTION.—

''(1) IN GENERAL.—If a taxpayer elects to have this subsection apply for any taxable year—

''(A) subsection (a) shall not apply to any qualified plug-in electric drive motor vehicle manufacturing facility property placed in service by the taxpayer,

''(B) such taxpayer shall receive a loan from the Secretary in an amount and under such terms as provided in section 1303(b) of the American Recovery and Reinvestment Tax Act of 2009, and

''(C) in the taxable year in which such qualified loan is repaid, each of the limitations described in paragraph (2) shall be increased by the qualified plug-in electric drive motor vehicle manufacturing facility amount which is—

''(i) determined under paragraph (3), and

''(ii) allocated to such limitation under paragraph (4).

''(2) LIMITATIONS TO BE INCREASED.—The limitations described in this paragraph are—

''(A) the limitation imposed by section 38(c), and

''(B) the limitation imposed by section 53(c).

''(3) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY AMOUNT.—For purposes of this paragraph—

''(A) IN GENERAL.—The qualified plug-in electric drive motor vehicle manufacturing facility amount is an amount equal to the applicable percentage of any qualified plug-in electric drive motor vehicle manufacturing facility which is placed in service during the taxable year.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 35 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service before January 1, 2012, and

''(ii) 17.5 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after December 31, 2011, and before January 1, 2015.

''(C) SPECIAL RULE FOR DUAL USE PROPERTY.—In the case of any qualified plug-in electric drive motor vehicle manufacturing facility property which is used to produce both qualified property and other property which is not qualified property, the amount of costs taken into account under subparagraph (A) shall be reduced by an amount equal to—

''(i) the total amount of such costs (determined before the application of this subparagraph), multiplied by

''(ii) the percentage of property expected to be produced which is not qualified property.

''(4) ALLOCATION OF QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY AMOUNT.—The taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the qualified plug-in electric drive motor vehicle manufacturing facility amount for the taxable year which is to be allocated to each of the limitations described in paragraph (2) for such taxable year.

''(5) ELECTION.—

''(A) IN GENERAL.—An election under this subsection for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

''(B) ELECTION IRREVOCABLE.—Any election made under this subsection may not be revoked except with the consent of the Secretary.''.

(b) LOAN PROGRAM.—

(1) IN GENERAL.—The Secretary of the Treasury (or the Secretary's delegate) shall provide a loan to any person who is allowed a deduction under section 179F of the Internal Revenue Code and who makes an election under section 179F(f) of such Code in an amount equal to the qualified plug-in electric drive motor vehicle manufacturing facility amount (as defined in such section 179F(f)).

(2) TERM.—Such loan shall be in the form of a senior note issued by the taxpayer to the Secretary of the Treasury, secured by the qualified plug-in electric drive motor vehicle manufacturing facility property (as defined in section 179F of the Internal Revenue Code of 1986) of the taxpayer, and having a term of 20 years and interest payable at the applicable Federal rate (as determined under section 1274(d) of the Internal Revenue Code of 1986).

(3) APPROPRIATIONS.—There is hereby appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this subsection.

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 179F. Election to expense manufacturing facilities producing plug-in electric drive motor vehicle and components.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

AMENDMENT NO. 274, AS FURTHER MODIFIED

Ms. CANTWELL. I ask that the amendment be further modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 457, line 15, strike ''Section'' and insert the following:

(a) IN GENERAL.—Section

On page 457, between lines 16 and 17, insert the following:

(b) CLARIFICATION WITH RESPECT TO GREEN COMMUNITY PROGRAMS.—Clause (ii) of section 54D(f)(1)(A) is amended by inserting ''(including the use of loans, grants, or other repayment mechanisms to implement such programs)'' after ''green community programs''.

Beginning on page 457, line 18, strike all through page 458, line 16, and insert the following:

SEC. 1121. EXTENSION AND MODIFICATION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C is amended by striking subsections (a) and (b) and inserting the following new subsections:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the sum of—

''(1) the amount paid or incurred by the taxpayer during such taxable year for qualified energy efficiency improvements, and

''(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.

''(b) LIMITATION.—The aggregate amount of the credits allowed under this section for taxable years beginning in 2009 and 2010 with respect to any taxpayer shall not exceed $1,500.''.

(b) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

''(B) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2009.''.

(2) CENTRAL AIR CONDITIONERS.—Subparagraph (C) of section 25C(d)(3) is amended by striking ''2006'' and inserting ''2009''.

(3) WATER HEATERS.—Subparagraph (D) of section 25C(d)(3) is amended to read as follows:

''(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.82 or a thermal efficiency of at least 90 percent.''.

(4) WOOD STOVES.—Subparagraph (E) of section 25C(d)(3) is amended by inserting '', as measured using a lower heating value'' after ''75 percent''.

(c) MODIFICATIONS OF STANDARDS FOR OIL FURNACES AND HOT WATER BOILERS.—

(1) IN GENERAL.—Paragraph (4) of section 25C(d) is amended to read as follows:

''(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

''(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

''(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.''.

(2) CONFORMING AMENDMENT.—Clause (ii) of section 25C(d)(2)(A) is amended to read as follows:

''(ii) any qualified natural gas furnace, qualified propane furnace, qualified oil furnace, qualified natural gas hot water boiler, qualified propane hot water boiler, or qualified oil hot water boiler, or''.

(d) MODIFICATIONS OF STANDARDS FOR QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Subsection (c) of section 25C is amended by adding at the end the following new paragraph:

''(4) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Such term shall not include any component described in subparagraph (B) or (C) of paragraph (2) unless such component is equal to or below a U factor of 0.30 and SHGC of 0.30.''.

(2) ADDITIONAL QUALIFICATION FOR INSULATION.—Subparagraph (A) of section 25C(c)(2) is amended by inserting ''and meets the prescriptive criteria for such material or system established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009'' after ''such dwelling unit''.

(e) EXTENSION.—Section 25C(g)(2) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) EFFICIENCY STANDARDS.—The amendments made by paragraphs (1), (2), and (3) of subsection (b) and subsections (c) and (d) shall apply to property placed in service after December 31, 2009.

On page 461, strike lines 8 to 10 and insert the following:

(b) ENSURING CONSUMER ACCESSIBILITY TO ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY IN THE CASE OF ELECTRICITY.—Section 179(d)(3) is amended by striking subparagraph (B) and inserting the following:

''(B) for the recharging of motor vehicles propelled by electricity, but only if—

''(i) the property complies with the Society of Automotive Engineers' connection standards,

''(ii) the property provides for non-restrictive access for charging and for payment interoperability with other systems, and

''(iii) the property—

''(I) is located on property owned by the taxpayer, or

''(II) is located on property owned by another person, is placed in service with the permission of such other person, and is fully maintained by the taxpayer.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1124. RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS.

(a) TEMPORARY 5-YEAR RECOVERY PERIOD.—

(1) IN GENERAL.—Subparagraph (B) of section 168(e)(3) is amended by striking ''and'' at the end of clause (vi), by striking the period at the end of clause (vii) and inserting '', and'', and by adding at the end the following new clause:

''(viii) any qualified smart electric meter which is placed in service before January 1, 2011.''.

(2) CONFORMING AMENDMENT.—Clause (iii) of section 168(e)(3)(D) is amended by inserting ''which is placed in service after December 31, 2010'' after ''electric meter''.

(b) TECHNICAL AMENDMENTS.—Paragraphs (18)(A)(ii) and (19)(A)(ii) of section 168(i) are each amended by striking ''16 years'' and inserting ''10 years''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(2) TECHNICAL AMENDMENT.—The amendments made by subsection (b) shall take effect as if included in section 306 of the Energy Improvement and Extension Act of 2008.

On page 467, strike lines 1 through 18, and insert the following:

PART VI—MODIFICATION OF CREDIT FOR CARBON DIOXIDE SEQUESTRATION

SEC. 1151. APPLICATION OF MONITORING REQUIREMENTS TO CARBON DIOXIDE USED AS A TERTIARY INJECTANT.

(a) IN GENERAL.—Section 45Q(a)(2) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) disposed of by the taxpayer in secure geological storage.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 45Q(d)(2) is amended—

(A) by striking ''subsection (a)(1)(B)'' and inserting ''paragraph (1)(B) or (2)(C) of subsection (a)'',

(B) by striking ''and unminable coal seems'' and inserting '', oil and gas reservoirs, and unminable coal seams'', and

(C) by inserting ''the Secretary of Energy, and the Secretary of the Interior,'' after ''Environmental Protection Agency''.

(2) Section 45Q(e) is amended by striking ''captured and disposed of or used as a tertiary injectant'' and inserting ''taken into account in accordance with subsection (a)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act.

Beginning on page 467, strike line 21 and all that follows through page 470, line 23, and insert the following:

SEC. 1161. MODIFICATION OF CREDIT FOR QUALIFIED PLUG-IN ELECTRIC MOTOR VEHICLES.

(a) INCREASE IN VEHICLES ELIGIBLE FOR CREDIT.—Section 30D(b)(2)(B) is amended by striking ''250,000'' and inserting ''500,000''.

(b) EXCLUSION OF NEIGHBORHOOD ELECTRIC VEHICLES FROM EXISTING CREDIT.—Section 30D(e)(1) is amended to read as follows:

''(1) MOTOR VEHICLE.—The term 'motor vehicle' means a motor vehicle (as defined in section 30(c)(2)), which is treated as a motor vehicle for purposes of title II of the Clean Air Act.''.

(c) CREDIT FOR CERTAIN OTHER VEHICLES.—Section 30D is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and

(2) by inserting after subsection (e) the following new subsection:

''(f) CREDIT FOR CERTAIN OTHER VEHICLES.—For purposes of this section—

''(1) IN GENERAL.—In the case of a specified vehicle, this section shall be applied with the following modifications:

''(A) For purposes of subsection (a)(1), in lieu of the applicable amount determined under subsection (a)(2), the applicable amount shall be 10 percent of so much of the cost of the specified vehicle as does not exceed $40,000.

''(B) Subsection (b) shall not apply and no specified vehicle shall be taken into account under subsection (b)(2).

''(C) In the case of a specified vehicle which is a 2- or 3-wheeled motor vehicle, subsection (c)(1) shall be applied by substituting '2.5 kilowatt hours' for '4 kilowatt hours'.

''(D) In the case of a specified vehicle which is a low-speed motor vehicle, subsection (c)(3) shall not apply.

''(2) SPECIFIED VEHICLE.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'specified vehicle' means—

''(i) any 2- or 3-wheeled motor vehicle, or

''(ii) any low-speed motor vehicle,

which is placed in service after December 31, 2009, and before January 1, 2012.

''(B) 2- OR 3-WHEELED MOTOR VEHICLE.—The term '2- or 3-wheeled motor vehicle' means any vehicle—

''(i) which would be described in section 30(c)(2) except that it has 2 or 3 wheels,

''(ii) with motive power having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground,

''(iii) which has an electric motor that produces in excess of 5-brake horsepower,

''(iv) which draws propulsion from 1 or more traction batteries, and

''(v) which has been certified to the Department of Transportation pursuant to section 567 of title 49, Code of Federal Regulations, as conforming to all applicable Federal motor vehicle safety standards in effect on the date of the manufacture of the vehicle.

''(C) LOW-SPEED MOTOR VEHICLE.—The term 'low-speed motor vehicle' means a motor vehicle (as defined in section 30(c)(2)) which—

''(i) is placed in service after December 31, 2009, and

''(ii) meets the requirements of section 571.500 of title 49, Code of Federal Regulations.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsections (a) and (c) shall take effect on the date of the enactment of this Act.

(2) OTHER MODIFICATIONS.—The amendments made by subsection (b) shall apply to property placed in service after December 31, 2009, in taxable years beginning after such date.

SEC. 1162. CONVERSION KITS.

(a) IN GENERAL.—Section 30B (relating to alternative motor vehicle credit) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

''(i) PLUG-IN CONVERSION CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is 10 percent of so much of the cost of the converting such vehicle as does not exceed $40,000.

''(2) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—The term 'qualified plug-in electric drive motor vehicle' means any new qualified plug-in electric drive motor vehicle (as defined in section 30D(c), determined without regard to paragraphs (4) and (6) thereof).

''(B) PLUG-IN TRACTION BATTERY MODULE.—The term 'plug-in traction battery module' means an electro-chemical energy storage device which—

''(i) which has a traction battery capacity of not less than 2.5 kilowatt hours,

''(ii) which is equipped with an electrical plug by means of which it can be energized and recharged when plugged into an external source of electric power,

''(iii) which consists of a standardized configuration and is mass produced,

''(iv) which has been tested and approved by the National Highway Transportation Safety Administration as compliant with applicable motor vehicle and motor vehicle equipment safety standards when installed by a mechanic with standardized training in protocols established by the battery manufacturer as part of a nationwide distribution program,

''(v) which complies with the requirements of section 32918 of title 49, United States Code, and

''(vi) which is certified by a battery manufacturer as meeting the requirements of clauses (i) through (v).

''(C) CREDIT ALLOWED TO LESSOR OF BATTERY MODULE.—In the case of a plug-in traction battery module which is leased to the taxpayer, the credit allowed under this subsection shall be allowed to the lessor of the plug-in traction battery module.

''(D) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection) in any preceding taxable year.

''(3) TERMINATION.—This subsection shall not apply to conversions made after December 31, 2012.''.

(b) CREDIT TREATED AS PART OF ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(a) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) the plug-in conversion credit determined under subsection (i).''.

(c) NO RECAPTURE FOR VEHICLES CONVERTED TO QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.—Paragraph (8) of section 30B(h) is amended by adding at the end the following: '', except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2008, in taxable years beginning after such date.

Beginning on page 518, strike line 1 and all that follows through page 521, line 23, and insert the following:

''(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(3) LIMITATION.—The amount which is treated for all taxable years with respect to any qualifying advanced energy project shall not exceed the amount designated by the Secretary as eligible for the credit under this section.

''(c) DEFINITIONS.—

''(1) QUALIFYING ADVANCED ENERGY PROJECT.—

''(A) IN GENERAL.—The term 'qualifying advanced energy project' means a project—

''(i) which re-equips, expands, or establishes a manufacturing facility for the production of property which is—

''(I) designed to be used to produce energy from the sun, wind, geothermal deposits (within the meaning of section 613(e)(2)), or other renewable resources,

''(II) designed to manufacture fuel cells, microturbines, or an energy storage system for use with electric or hybrid-electric motor vehicles,

''(III) designed to manufacture electric grids to support the transmission of intermittent sources of renewable energy, including storage of such energy,

''(IV) designed to capture and sequester carbon dioxide emissions,

''(V) designed to refine or blend renewable fuels or to produce energy conservation technologies (including energy-conserving lighting technologies and smart grid technologies), or

''(VI) other advanced energy property designed to reduce greenhouse gas emissions as may be determined by the Secretary, and

''(ii) any portion of the qualified investment of which is certified by the Secretary under subsection (d) as eligible for a credit under this section.

''(B) EXCEPTION.—Such term shall not include any portion of a project for the production of any property which is used in the refining or blending of any transportation fuel (other than renewable fuels).

''(2) ELIGIBLE PROPERTY.—The term 'eligible property' means any property which is part of a qualifying advanced energy project and is necessary for the production of property described in paragraph (1)(A)(i).

''(d) QUALIFYING ADVANCED ENERGY PROJECT PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a qualifying advanced energy project program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program shall not exceed $2,000,000,000.

''(2) CERTIFICATION.—

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1).

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 2 years from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

''(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 5 years from the date of issuance of the certification in order to place the project in service and if such project is not placed in service by that time period then the certification shall no longer be valid.

''(3) SELECTION CRITERIA.—In determining which qualifying advanced energy projects to certify under this section, the Secretary—

''(A) shall take into consideration only those projects where there is a reasonable expectation of commercial viability, and

''(B) shall take into consideration which projects—

''(i) will provide the greatest domestic job creation (both direct and indirect) during the credit period,

''(ii) will provide the greatest net impact in avoiding or reducing air pollutants or anthropogenic emissions of greenhouse gases,

''(iii) have the greatest readiness for commercial employment, replication, and further commercial use in the United States,

''(iv) will provide the greatest benefit in terms of newness in the commercial market,

''(v) have the lowest levelized cost of generated or stored energy, or of measured reduction in energy consumption or greenhouse gas emission (based on costs of the full supply chain), and

''(vi) have the shortest project time from certification to completion.

On page 524, after line 3, insert the following:

SEC. 1303. INCENTIVES FOR MANUFACTURING FACILITIES PRODUCING PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES AND COMPONENTS.

(a) DEDUCTION FOR MANUFACTURING FACILITIES.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 179E the following new section:

''SEC. 179F. ELECTION TO EXPENSE MANUFACTURING FACILITIES PRODUCING PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES AND COMPONENTS.

''(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat the applicable percentage of the cost of any qualified plug-in electric drive motor vehicle manufacturing facility property as an expense which is not chargeable to a capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified manufacturing facility property is placed in service.

''(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is—

''(1) 100 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service before January 1, 2012, and

''(2) 50 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after December 31, 2011, and before January 1, 2015.

''(c) ELECTION.—

''(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

''(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

''(d) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified plug-in electric drive motor vehicle manufacturing facility property' means any qualified property—

''(A) the original use of which commences with the taxpayer,

''(B) which is placed in service by the taxpayer after the date of the enactment of this section and before January 1, 2015, and

''(C) no written binding contract for the construction of which was in effect on or before the date of the enactment of this section.

''(2) QUALIFIED PROPERTY.—

''(A) IN GENERAL.—The term 'qualified property' means any property which is a facility or a portion of a facility used for the production of—

''(i) any new qualified plug-in electric drive motor vehicle (as defined by section 30D(c)), or

''(ii) any eligible component.

''(B) ELIGIBLE COMPONENT.—The term 'eligible component' means any battery, any electric motor or generator, or any power control unit which is designed specifically for use with a new qualified plug-in electric drive motor vehicle (as so defined).

''(e) SPECIAL RULE FOR DUAL USE PROPERTY.—In the case of any qualified plug-in electric drive motor vehicle manufacturing facility property which is used to produce both qualified property and other property which is not qualified property, the amount of costs taken into account under subsection (a) shall be reduced by an amount equal to—

''(1) the total amount of such costs (determined before the application of this subsection), multiplied by

''(2) the percentage of property expected to be produced which is not qualified property.

''(f) ELECTION TO RECEIVE LOAN IN LIEU OF DEDUCTION.—

''(1) IN GENERAL.—If a taxpayer elects to have this subsection apply for any taxable year—

''(A) subsection (a) shall not apply to any qualified plug-in electric drive motor vehicle manufacturing facility property placed in service by the taxpayer,

''(B) such taxpayer shall receive a loan from the Secretary in an amount and under such terms as provided in section 1303(b) of the American Recovery and Reinvestment Tax Act of 2009, and

''(C) in the taxable year in which such qualified loan is repaid, each of the limitations described in paragraph (2) shall be increased by the qualified plug-in electric drive motor vehicle manufacturing facility amount which is—

''(i) determined under paragraph (3), and

''(ii) allocated to such limitation under paragraph (4).

''(2) LIMITATIONS TO BE INCREASED.—The limitations described in this paragraph are—

''(A) the limitation imposed by section 38(c), and

''(B) the limitation imposed by section 53(c).

''(3) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY AMOUNT.—For purposes of this paragraph—

''(A) IN GENERAL.—The qualified plug-in electric drive motor vehicle manufacturing facility amount is an amount equal to the applicable percentage of any qualified plug-in electric drive motor vehicle manufacturing facility which is placed in service during the taxable year.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 35 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service before January 1, 2012, and

''(ii) 17.5 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after December 31, 2011, and before January 1, 2015.

''(C) SPECIAL RULE FOR DUAL USE PROPERTY.—In the case of any qualified plug-in electric drive motor vehicle manufacturing facility property which is used to produce both qualified property and other property which is not qualified property, the amount of costs taken into account under subparagraph (A) shall be reduced by an amount equal to—

''(i) the total amount of such costs (determined before the application of this subparagraph), multiplied by

''(ii) the percentage of property expected to be produced which is not qualified property.

''(4) ALLOCATION OF QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY AMOUNT.—The taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the qualified plug-in electric drive motor vehicle manufacturing facility amount for the taxable year which is to be allocated to each of the limitations described in paragraph (2) for such taxable year.

''(5) ELECTION.—

''(A) IN GENERAL.—An election under this subsection for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

''(B) ELECTION IRREVOCABLE.—Any election made under this subsection may not be revoked except with the consent of the Secretary.''.

(b) LOAN PROGRAM.—

(1) IN GENERAL.—The Secretary of the Treasury (or the Secretary's delegate) shall provide a loan to any person who is allowed a deduction under section 179F of the Internal Revenue Code and who makes an election under section 179F(f) of such Code in an amount equal to the qualified plug-in electric drive motor vehicle manufacturing facility amount (as defined in such section 179F(f)).

(2) TERM.—Such loan shall be in the form of a senior note issued by the taxpayer to the Secretary of the Treasury, secured by the qualified plug-in electric drive motor vehicle manufacturing facility property (as defined in section 179F of the Internal Revenue Code of 1986) of the taxpayer, and having a term of 20 years and interest payable at the applicable Federal rate (as determined under section 1274(d) of the Internal Revenue Code of 1986).

(3) APPROPRIATIONS.—There is hereby appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this subsection.

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 179F. Election to expense manufacturing facilities producing plug-in electric drive motor vehicle and components.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Ms. CANTWELL. Mr. President, I thank my colleagues, Senator HATCH and Senator BINGAMAN, for helping us work on this modified language—Senator BINGAMAN, particularly—related to plug-in vehicles. I thank my colleagues who have worked on additional amendments as part of this qualification of the ITC manufacturing credit; conservation bonds in the underlying bill that I know my colleague, Senator FEINGOLD, has worked on; Senators BINGAMAN and CARPER on a technical fix to carbon sequestration; I know the Senators in the Northeast and the Northwest have worked on provisions of existing modifications to the wood stove amendment we helped in the 2007 bill; and my colleagues, Senators SNOWE, FEINSTEIN, BINGAMAN, and KERRY on updates for the enhancement effectiveness of home energy efficiency in the Tax Code.

I think all of these things make for a very important amendment for the stimulus package because it is about immediate stimulus and it is about job creation, both in the near term and the opportunity for tremendous job creation in the long term.

The underlying amendment deals with the issue of creating and expensing for those who invest in plug-in battery technology or components. The United States currently is the leader in research and development of battery technology. Unfortunately, the number of manufacturing facilities in the United States that take advantage of that R&D is zero—zero opportunities currently in manufacturing in the United States.

What we know around the globe is that countries, such as China, have over 250,000 people working on battery technology and over 150 partners. We know Europeans and others are quick to work on this technology. Why? Because many people believe we are going to make this transformation off fossil fuel and on to cars powered by our electricity grid. So we know we are moving in that direction, but we are not doing anything to provide incentives so that manufacturing can take place in the United States.

I am not talking necessarily about domestic manufacturers. I am not saying we are not talking about them. We are talking about making sure—whether it is Toyota, whether it is Tesla Motors, or someone not even on the horizon today, or what is happening in Detroit—that the United States does not continue to import their battery technology but starts manufacturing in the United States.

This is a great opportunity for us in manufacturing to complement the ITC manufacturing credit that went to other renewable energy sources, such as wind and solar, to bring some of that manufacturing into the United States. I think that provision is tremendously important, but I say to my colleagues on the Senate floor, I cannot think of a bigger opportunity for job creation in the future than helping to make this transition off fossil fuel and on to the grid. If we fail to make this step now, we will be as dependent on foreign battery technology as we are on Mideast fossil fuel today. We don't want to make that mistake.

We know in the small business provisions of this bill, we are giving expensing opportunities so that with the depreciation rate takedown, people will make more investments now. That is the same thing we are doing here, making investments in plug-in technology to stimulate job creation around this technology and help us with millions of long-term jobs and an opportunity to get off fossil fuel and deliver for our constituents a cheaper source of transportation in the future.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I support the Cantwell amendment. Frankly, in the regular order, somebody who opposes the Cantwell amendment should be speaking. I will take a little of her time. It is a good amendment, and I hope it gets adopted. I don't think anybody wants to speak in opposition.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask the manager if I might have 2 minutes. Just 2 minutes. I would like to respond.

Mr. BAUCUS. Fine.

Mr. SESSIONS. Mr. President, from what we understand so far, one part of this bill is $9 billion. It scores at $9 billion. We have a strong commitment to hybrid automobiles. I have supported that in the past. We are dealing with that issue in the Energy Committee. As I understand it, this is spending in addition to what is already in the bill. I think that is going to cause concerns.

I ask my colleagues to be cautious about signing on to a bill that has not gone through committee and represents such a huge expenditure of money that is unpaid.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Does the Senator from Washington have time remaining?

Ms. CANTWELL. Mr. President, in response to my colleague, the notion of plug-in technology was discussed in the Finance Committee. We decided to offer this amendment on the floor instead. We know the economic opportunity we are going to lose by not making this investment is great.

What is so unique about this is that it is stimulative now, it is job creation, and it, as the President says, puts us in a position in a key technology area in which we know the United States wants to be competitive. I believe it is a very winning proposition for the stimulus bill.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, briefly, I appreciate Senator CANTWELL. I know she is one of the leaders in the effort to reduce our dependence on foreign oil and reduce emissions. But I will note, the amount of money going into hybrids reaches a point where we have to be careful.

Diesel engines get about 40 percent more mileage than regular gasoline engines. Europeans have half their vehicles in diesel. We have about 3 percent. We have to be careful when we have this kind of incentive that it is going at the best possible thing.

I am not prepared to say this is not the best way to do it, for sure. I believe the Energy Committee and maybe EPW ought to be able to have hearings on this before we make such a dramatic change.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I urge the Chair to recognize Senator BUNNING to call up his amendment.

Mr. BUNNING. Mr. President, I would like 10 minutes.

Mr. BAUCUS. Ten minutes equally divided.

Mr. BUNNING. Ten minutes for Senator BUNNING.

Mr. BAUCUS. Ten minutes to the Senator from Kentucky.

Mr. BUNNING. The Senator can give whatever time he chooses to the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 531 TO AMENDMENT NO. 98

Mr. BUNNING. Mr. President, I call up my amendment No. 531.

The PRESIDING OFFICER (Mr. BROWN). The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes an amendment numbered 531 to amendment No. 98.

Mr. BUNNING. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To temporarily increase the limitations on offsetting ordinary income with capital losses and to strike the 5-year carryback of general business credits)

On page 464, strike lines 2 and 23, and insert the following:

SEC. 1141. TEMPORARY INCREASE IN PERSONAL CAPITAL LOSS DEDUCTION LIMITATION.

(a) IN GENERAL.—Section 1211 is amended by adding at the end the following new subsection:

''(c) SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2009.—In the case of a taxable year beginning after December 31, 2008, and before January 1, 2010, subsection (b)(1) shall be applied—

''(1) by substituting '$15,000' for '$3,000', and

''(2) by substituting '$7,500' for '$1,500'.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

Mr. BUNNING. Mr. President, our economy is ailing—everybody knows that—and the symptoms are a sharp drop in consumer spending and a large rise in unemployment. As many of my colleagues have already observed, this bill treats the symptoms only and it does it so ineffectively.

There are some Democrats, even in the White House, who agree with this. Just the other day, one House Democrat said his leadership ''does not care'' what is in the bill; ''they just want to pass it and they want it to be unanimous.'' They don't care. That is just shameful.

The unemployment statistics we are seeing are just staggering. Never in our history have we seen job cuts at the rate and severity we are seeing today: over 500,000 losses per month for the last 5 months. Over 600,000 in losses were reported just last Tuesday.

This bill really does very little to help businesses keep people employed. It gives the poorest Americans $500 in cash and the prospect of a government job on a construction site, but it does not get to the heart of the problem in the private sector.

It is our responsibility on behalf of every child who will pay for this massive amount of spending in this bill to get the solution right, and we can do better, much better.

One of the best economists in this country—one who predicted this crisis in advance—said recently that he believes most U.S. banks are insolvent. Their equity has been wiped out due to the massive leveraged bets related to housing. Unfortunately, bank regulators, such as Tim Geithner, Ben Bernanke, and Alan Greenspan, failed to properly assess the danger to the economy presented by these irresponsible bets.

Many experts are now acknowledging what I have said for years: that currency manipulation by China and other countries fueled the credit bubble in the United States and Europe that drove up housing prices to unsustainable levels.

As a direct result, many households are now insolvent as well. They are carrying mortgage debts that exceed the value of their homes, and even with the $500 from the make work pay credit, they will not go out and spend it until the problem is addressed.

This amendment I am offering today will address a major injustice in the Tax Code that many taxpayers will encounter for the first time this year. This problem will drive the effective tax rates of many taxpayers to European confiscatory levels at the worst possible time. I am referring to the limit on capital losses.

Since the peak of the markets in 2007, investors have lost $7.5 trillion in wealth. More than half of this amount is in taxable accounts. If we do not adjust the limits, taxpayers will be unable to deduct real economic losses from their income tax, and this will result in higher effective tax rates.

Two respected economists have recommended my amendment as a way to stimulate the economy. In an article in the Wall Street Journal titled ''Let's Stimulate Private Risk Taking,'' economists from Harvard University and the University of Chicago wrote that my amendment would stimulate risk taking by rewarding the downside of new investments and increasing the upside.

I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 21, 2009]

LET'S STIMULATE PRIVATE RISK TAKING

(By Alberto Alesina and Luigi Zingales)

In virtually all economics classes, including those taught by the many excellent economists on the Obama team, the idea of government spending as an engine for growth is not a popular topic. Yet despite their skepticism of Keynesianism in the classroom, when it comes to public policy, these economists happily endorse a large stimulus package that could bring our deficit to 10% of GDP. Why?

One explanation is that these economists think this recession is an extraordinary one. In normal recessions—the argument goes—an increase in discretionary government spending is unnecessary and even counterproductive. But in the event that a recession becomes a depression, a Keynesian stimulus package might work.

There are certainly economic models that show how government spending can shift the economy from a bad equilibrium (where people do not search for jobs because they do not expect to find them, and firms do not invest because they do not expect to sell), to a good equilibrium (where people search for jobs, and firms invest and generate demand for their goods).

But this particular recession is unique not in its dimensions, but in its sources. First, it is the result of a financial crisis that severely affected stock-market valuations. The

bad equilibrium did not originate in the labor market, but in the credit market, where investors are reluctant to lend to risky firms. This reluctance is making it difficult for these firms to refinance their debt, forcing them to default on their credit, further validating investors' fear. Thus, the problem is how to increase investors' willingness to take risk. It's unclear how the proposed stimulus package would help inspire investors to do so.

The second reason this recession is unusual is that it was caused in large part by a significant current-account imbalance due to the low savings rate of Americans (families and government). Even assuming that more public spending would increase private consumption—a big if—such a measure would cause even more imbalance.

So how do we stimulate the economy without increasing the already large current-account deficit? It's not easy, but here is an idea: Create the incentive for people to take more risk and move their savings from government bonds to risky assets. There is no better way to encourage this than a temporary elimination of the capital-gains tax for all the investments begun during 2009 and held for at least two years.

If we fear this is not enough, we can temporarily increase the size of the capital loss that is deductible against ordinary income. This will reduce the downside of new investments and increase the upside.

More savings need to be invested, and firms need an incentive to invest in order to help aggregate demand in the short term and promote long-term growth. The best way to do this is to make all capital expenditures and research and development investments done in 2009 fully tax deductible in the current fiscal year.

A large temporary tax incentive may be just enough to jolt investors from their current paralysis to take action. Such a switch will also be fueled by the temporary capital-gains tax cut mentioned above, which will motivate people to move their savings from money-market funds to stocks, increasing valuations, investments and confidence.

Many are concerned about what we can do to help the poor weather this crisis. Unlike during the Great Depression, we have an unemployment subsidy that protects the poor from the most severe consequences of this recession. If we want to further protect them, it is better to extend this unemployment subsidy than to invest in hasty public projects. Furthermore, tax cuts have a much better effect on job creation than highway rehabilitation.

No doubt, it is much easier to sell the public and Congress a plan for more public works than tax cuts, particularly while Main Street despises Wall Street—with some good reason. But the role of a good economic team is to courageously propose the right economic policy, even when it is unpopular. The role of a president is to sell it politically, as real change we can believe in.

Mr. BUNNING. Mr. President, since 2007, investors have lost $1.7 trillion in stock market values. Nearly half these losses are taxable accounts and their owners are subject to a $3,000 limit on capital losses.

The way this limit works is that no matter how much money you lose in stocks or real estate, you are only allowed to deduct $3,000 per year against other income. The remaining loss is ignored.

Given the state of the markets, millions of taxpayers have stock losses that far exceed $3,000. Nevertheless, the Tax Code will treat these people as though they earned much more during the year.

For an example, a family that earns $100,000 and pays $30,000 in Federal and State taxes has a tax rate of 30 percent. If the family loses $40,000 in savings and it is only able to deduct $3,000, it will push the family's effective tax rate up to 48.5 percent.

The $3,000 fixed limit on capital losses was last adjusted in 1976. Before the midseventies, the tax writers in Congress were not as knowledgeable about what inflation can do to savings as we are today. It was common for Congress to write dollar limits into the Tax Code without any thought of what inflation would do to its value in future years. Since 1977, inflation has eroded the value of the limit by more than 71 percent. My amendment would adjust the limit for inflation, increasing it to $15,000 for any losses incurred this year.

When I offered this amendment in the Finance Committee, Chairman BAUCUS committed to addressing the problem on a permanent basis sometime this year. I welcome this opportunity to work with him on this long-term overdue problem.

My amendment also reduces the cost of the bill by about $4.9 billion because I am also striking a remarkable provision that for the first time would allow corporations to use tax credits even if they have no income. This is nothing more than corporate welfare and Soviet-style industrial policy. Never before has this body endorsed a refundable tax credit for corporations. This one costs a staggering $10.9 billion. It is bad policy and the money should be spent on broad-based individual tax relief that will stimulate our economy.

I urge my colleagues to vote for this amendment to ensure that taxpayers do not experience an increase in tax rate in the depth of this recession we are now in.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the Senator from Kentucky has an interesting idea, an interesting proposition, and we did discuss it in committee. I did say in the committee that I think it is an issue that should appropriately be addressed, and I again thank the Senator for bringing up this issue.

I suggest that we now go to Senator FEINGOLD for the purposes of offering an amendment.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Wisconsin is recognized.

AMENDMENT NO. 485 TO AMENDMENT NO. 98

Mr. FEINGOLD. Mr. President, I ask unanimous consent the pending amendment be set aside so that I may call up amendment No. 485.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 485 to amendment No. 98.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify that certain programs constitute a qualified conservation purpose for qualified energy conservation bonds)

On page 457, between lines 16 and 17, insert the following:

(b) CLARIFICATION WITH RESPECT TO GREEN COMMUNITY PROGRAMS.—Clause (ii) of section 54D(f)(1)(A) is amended by inserting ''(including the use of loans, grants, or other repayment mechanisms to implement such programs)'' after ''green community programs''.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to add Senator STABENOW as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, this amendment is based on my Community Revitalization Energy Conservation Act, S. 222, and I am very pleased to be joined by the Senator from Michigan in offering it.

This amendment will address our energy and economic challenges while putting Americans to work. Supporting energy efficiency improvements to America's homes and businesses is one of the smartest ways we can face these challenges to create jobs and reduce our energy consumption.

The goal of this amendment is to decrease energy consumption, create green jobs, and increase the number of energy efficient projects by reducing the significant cost barriers, such as the prohibitive upfront costs to homeowners and businesses who want to make improvements to their homes and buildings.

Aggressively pursuing energy efficiency will help put us on a path toward energy security. Presently, buildings account for 40 percent of total U.S. energy consumption and 70 percent of U.S. electricity consumption. In order for us to decrease our reliance on fossil-based fuels, this has to change. We can achieve 20 to 30 percent energy reduction through better insulation, lighting, and HVAC equipment and controls. Potentially, we have the opportunity to save over $200 billion through building efficiency alone.

The economic recovery package increases the bond limit for the Qualified Energy Conservation Bond Program, which supports conservation upgrades to buildings. It does that by taking that number from $800 million to $3.2 billion. I support this provision, and the Feingold-Stabenow amendment builds on it by modifying the Qualified

Energy Conservation Bond Program to include conservation in private buildings using a financing mechanism that would eliminate the prohibitive upfront costs of energy efficiency improvements between homeowners and businesses.

Meanwhile, the amendment would allow State and local governments to promote energy efficiency products by use of electric and water utilities as intermediaries. By using utilities as intermediaries, homeowners and businesses incur no upfront costs and they can then gradually pay back the cost of the energy efficiency retrofits through their electricity or water bills at a rate that does not exceed what they have historically paid.

For example, if a monthly water bill before improvements is $150, and with the improvement the energy costs are down to $110, at most a homeowner or business would pay $40 more monthly toward paying off the cost of the energy efficiency building retrofits which were made possible by this program.

This has worked. Already several States and cities, including Hawaii, Michigan, Berkeley, CA, and Babylon, NY, are beginning to tackle the issue of energy efficiency in residential buildings. In my home State of Wisconsin, efforts are already underway in Milwaukee to use this novel financing mechanism to promote energy efficiency. In partnership with the Center on Wisconsin Strategy, the city is pursuing Me2, or the Milwaukee Energy Efficiency Program. Initial estimates from the Center on Wisconsin Strategy suggest that if you could retrofit nearly all of the existing housing stock in Milwaukee, an initial investment of just under $250 million, it could result in annual energy savings of over $80 million.

All of these efforts to conserve energy require investments in time and money. By combining efforts on two of our greatest challenges, energy and employment, we can create a great opportunity. Energy efficiency and conservation are, of course, in our national interest for our long-term economic well-being, for the health and safety of our citizens and the world as we mitigate the effects of climate change, and for our independence and security as well.

This amendment is endorsed by many key groups, including the Apollo Alliance, the American Council for an Energy Efficient Economy, Air Conditioning Contractors of America, National Electrical Contractors Association, and the Plumbing-Heating-Cooling Contractors National Association.

I thank the Senator from Montana, Senator BAUCUS, for working with me on this amendment and for his support on the amendment. I urge my all of my colleagues to support it. It will support green jobs and help get our economy on the right track.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I suggest that Senator THUNE be recognized for the purpose of offering his amendment.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

AMENDMENT NO. 538 TO AMENDMENT NO. 98

Mr. THUNE. Mr. President, I thank the Senator from Montana, the manager of this bill, for yielding and for the opportunity to offer this amendment.

As I have indicated, I will start by saying I am very uncomfortable with the notion of spending almost $1 trillion—over $1 trillion if you include interest—on this undertaking when, in my view, it is not timely, temporary, and targeted—as has been suggested should be the criteria for this legislation—but, rather, it is slow, unfocused, and unending. As a consequence of that, as I said, I am very concerned about the size of this and I am very concerned about the substance of it.

I don't believe we ought to spend this amount. I have supported amendments, including Senator MCCAIN's amendment, that were significantly smaller in terms of the size, much more, in my judgment, fiscally responsible, much more targeted and focused on job creation, and doing the types of things I believe will help get the economy growing again. Unfortunately, those amendments—those amendments I have supported, and I have even offered a substitute of my own—have all failed.

I say that to preface my comments as I offer this amendment, to make the point that I am not in favor of or supportive of this size of spending and this size of borrowing from future generations in order to accomplish what, in my judgment, are very questionable job creation goals—frankly, I think based on the CBO study we saw yesterday, very questionable goals in terms of what this might achieve.

I have concluded, however, that with all the amendments that have been offered, many of which are amendments that in my view would reduce some of the wasteful spending in this bill, some of which would refocus it more toward tax relief, more toward infrastructure, and more toward housing—things I think are important in this debate—I have concluded that the way to perhaps shape this is to offer an amendment that, frankly, will clarify what the difference is in this debate. Because I think it all comes down to who spends this money: does Washington spend it or do the American people spend these dollars that are going to come in?

If we are going to commit to spending $936 billion, what my amendment essentially would do is to say that the $936 billion ought to be divided evenly among people who file income tax returns in this country. There are 182 million filers, all of whom would have a significant tax cut if you took a $936 billion pricetag and divided it up among those 182 million filers.

My amendment I think also illustrates the simplicity of this debate, because this is nine pages long. This amendment is nine pages long. The underlying bill is 735 pages long. It takes 735 pages, I would argue, to go through all the various types of spending programs that are created in this bill, many of which are new programs that are going to create liabilities and obligations for the taxpayers well beyond the so-called targeted period in which this assistance is designed to take effect. But my nine-page amendment basically spells out a clearer option that I think we ought to rally around.

Again, as I said before, it is very straightforward. If you are a taxpaying person in this country, if you are someone who files an income tax return—and there are 182 million filers in America—and you make less than $250,000—if you have $250,000 or less in terms of adjusted gross income—then you would be eligible for, if you are a single filer, $5,143 in terms of a tax cut or tax rebate in 2009. This would all spend out in 2009. If you are a married couple filing a joint return, you would get a tax cut totaling $10,286 in 2009.

One of the Democrat arguments for the $1 trillion stimulus is they believe the GDP will shrink by that amount in the near future, primarily because of a decrease in consumer spending, which accounts for approximately 70 percent of gross domestic product. This amendment would inject $936 billion into the economy by the end of 2009 in the form of a recovery rebate for middle-class tax filers. These tax cuts total approximately 6 to 7 percent of our gross domestic product.

Consumers and taxpayers, not government bureaucrats, would determine how to spend this money. Consumers could decide to make a downpayment on a new home, purchase a new car, get ahead of day-to-day bills, or save and invest for the future. I suggest this is a far more efficient way of stimulating the economy relative to improving fish barriers or designing polar ice breakers or purchasing supercomputers for climate research.

One of the primary arguments my colleagues on the other side, I am sure, will make against this amendment is that most consumers decided to save their tax rebates in 2008 rather than spend the checks they received in the amount of $600 for a single filer and $1,200 for married filing jointly. Well, first, this economic recovery rebate is much larger, which increases the likelihood of a positive impact on consumer spending.

Second, with the advent of the financial crisis, we are at a very different situation relative to January 2008.

Even if individuals choose to save half of this tax cut, that would mean a $450 billion infusion of capital into our banking system, which would also help stabilize our financial institutions, and that is a critical part of our economic recovery.

I believe the American people are tired of business as usual in Washington. I think the stimulus package we have before us is a perfect example of how Washington works. It is loaded with a lot of spending, in many cases, as I said before, spending on new programs and a lot of special interest spending. I hope my colleagues will listen to the American people, who I think are following this debate and are, frankly, outraged with the size of the stimulus plan and the notion that it is going to be spent on many of the things they find objectionable. I argue that the American people should be given the choice between a 9-page, very simple and straightforward approach to this, which puts money back in their pockets—in fact, a lot of money; $5,143 if you are a single filer and $10,286 if you are a married couple filing jointly—or a 735-page bill which includes spending for all kinds of things that in my view are not going to be successful when it comes to creating jobs or helping get this economy back on track.

That is the amendment. It is very straightforward. It is very simple. It takes $936 billion and divides it by 182 million tax filers. If they make under $250,000 year it gives them a tax rebate in the amount of $5,143 for a single filer, $10,286 for a married filer filing jointly, married couple filing jointly.

I yield the floor. I ask my colleagues to support the amendment.

The PRESIDING OFFICER. Has the Senator offered the amendment?

Mr. THUNE. Let me say, if I have not already, I ask it be pending. It was filed at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE)] proposes an amendment numbered 538 to amendment No. 98.

The amendment is as follows:

(Purpose: To replace all spending and tax provisions with a direct rebate to all Americans filing a tax return)

On page 1, beginning with line 6, strike all through page 735, line 7, and insert the following:

SEC. 2. REBATE TO ALL AMERICANS FILING A TAX RETURN.

(a) IN GENERAL.—Section 6429 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 6429. 2009 RECOVERY REBATES FOR INDIVIDUALS.

''(a) IN GENERAL.—In the case of an eligible individual who has filed a return of tax under chapter 1 for any taxable year beginning in 2007, there shall be allowed a credit against the tax imposed by subtitle A for the taxpayer's first taxable year beginning in 2009 an amount equal to $5,143 ($10,286 in the case of a joint return).

''(b) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (f)) shall be zero if the taxpayer's adjusted gross income exceeds $250,000.

''(c) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

''(d) DEFINITIONS.—For purposes of this section—

''(1) NET INCOME TAX LIABILITY.—The term 'net income tax liability' means the excess of—

''(A) the sum of the taxpayer's regular tax liability (within the meaning of section 26(b)) and the tax imposed by section 55 for the taxable year, over

''(B) the credits allowed by part IV (other than section 24 and subpart C thereof) of subchapter A of chapter 1.

''(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual other than—

''(A) any nonresident alien individual,

''(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

''(C) an estate or trust.

''(e) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

''(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (e). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

''(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (f) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

''(f) ADVANCE REFUNDS AND CREDITS.—

''(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2007, and who filed a return of tax under chapter 1 for such first taxable year, shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the advance refund amount for such taxable year.

''(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if this section (other than this subsection) had applied to such taxable year.

''(3) TIMING OF PAYMENTS.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2009.

''(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.

''(g) IDENTIFICATION NUMBER REQUIREMENT.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) to an eligible individual who does not include on the return of tax for the taxable year—

''(A) such individual's valid identification number, and

''(B) in the case of a joint return, the valid identification number of such individual's spouse.

''(2) VALID IDENTIFICATION NUMBER.—For purposes of paragraph (1), the term 'valid identification number' means a social security number issued to an individual by the Social Security Administration. Such term shall not include a TIN issued by the Internal Revenue Service.

''(3) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply to a joint return where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year.''.

(b) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to the residents of such possession.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes for any taxable year under section 6429 of the Internal Revenue Code of 1986 (as amended by this section) to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 36A of the Internal Revenue Code of 1986 (as added by this section).

(c) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by

reason of section 6429 of the Internal Revenue Code of 1986 (as amended by this section) or by reason of subsection (b) of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(d) AUTHORITY RELATING TO CLERICAL ERRORS.—Section 6213(g)(2)(L) is amended by striking ''or 6428'' and inserting ''6428, or 6429''.

(e) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by striking ''and 6428'' and inserting ''6428, and 6429''.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by striking ''or 6428'' and inserting ''6428, or 6429''.

(3) The table of sections for subchapter B of chapter 65 is amended by striking the item relating to section 6429 and inserting the following new item:

''Sec. 6429. 2009 recovery rebates for individuals.''.

(f) EFFECTIVE DATE.—This section, and the amendments made by this section, shall apply to taxable years beginning after December 31, 2008.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I am reminded of the great Baltimore Sun journalist H.L. Menken who said for every complicated problem there is a simple solution—and it is usually wrong.

We have a complicated problem: how to get our country going again. With all due respect, this is a very simple solution and, with all due respect, it has deep problems.

What are they? First of all, there are 49 million Americans who will not get any tax break from this proposal. Who are they? They are the Americans who are working, but they do not earn enough income to pay income taxes. Therefore, they get no deduction. They are not paying taxes. They are not in the 5-percent bracket. They are not in the 10-percent bracket. They just do not earn enough to pay income taxes. So when you talk about reducing taxes, giving rebates to those Americans who pay taxes, those 49 million Americans who are working, who pay payroll taxes, will get no break. Their taxes are not reduced.

I say that because the amendment strikes the whole bill. As I understand the amendment, it takes the amount of the bill and adds it back to taxpayers. The rebate goes to the taxpayers?

Mr. THUNE. Will the Senator yield for a clarification?

Mr. BAUCUS. I am happy to.

Mr. THUNE. I appreciate the question because I think that is one of the arguments that have been made against a lot of the tax amendments we have filed. This was drafted in a way so it is refundable, so all the Americans that you are talking about would also receive that benefit.

Mr. BAUCUS. I might say, Mr. President, reclaiming my time, this amendment strikes the underlying bill. What about States taking people off Medicaid, called FMAP? This bill gives about $86 billion to States so they can keep people on Medicaid, so they are not thrown off Medicaid. What about all the dollars in here that go to help build roads and highways and bridges?

Earlier, I asked my colleagues to remember two figures. What were they again—99 and 79. What is that? Just to repeat, 99 is the percent of dollars in the Finance Committee portion of this bill that are spent in the first 2 years; 99 percent of the whole Finance Committee bill is spent in the first 2 years. That is CBO, and it is Joint Tax. It is their figures. Just do the math.

The other figure I mentioned was 79—79 percent. What does 79 percent represent? All of the dollars in the whole bill, the Finance Committee bill and the Appropriations bill, total it all up—99 percent of the total bill will be spent in the first 2 years; 99 percent of the Finance Committee bill, 79 percent of the whole bill.

Next question: how efficiently are those dollars spent? I have just established that most of the dollars, by far, are going to be spent in the first 2 years—by far. The next question: How efficiently? To what degree will those dollars create jobs? A day or two ago the Congressional Budget Office released a letter that discusses the effects of this bill on jobs, on job creation. The letter says:

For all of the categories that would be affected by the Senate legislation, the resulting budgetary changes are estimated to raise output [and jobs] . . . albeit by different amounts . . . [as follows.]

What does that say? Without taking too much time, it makes it very clear more jobs are created when we spend dollars for the purchase of goods and services. According to CBO—that is a quote:

Direct purchases of goods and services . . . tend to have large effects on GDP.

What tends to have less of an effect? I know it is a mantra, I know it is ideology, but the fact is, what has less effect, to be honest about it, is tax cuts. And the higher the income bracket, according to CBO, the less stimulative effect on the economy.

For example, let's take AMT: 1-year tax cuts for people who pay the alternative minimum tax. What is the stimulative effect? There is a range. CBO does not know the exact amount, but it is a range between 10 cents on the dollar and 50 cents on the dollar. That is how much goes out into the economy. Not very much.

What is the range for purchase of goods and services by Uncle Sam, between $1 and $2.50; for transfers to State and local governments for infrastructure, between $1 and $2.50; for transfers to State and local governments not for infrastructure, between 70 cents to $1.90 on the dollar.

Get this: unemployment benefits, between 80 cents on the dollar and $2.20 on the dollar. Payments to persons for unemployment benefits has a much greater stimulative effect, by far, than does reduction in taxes. I mentioned already the effect of AMT.

My only point, it is interesting to hear what the Senator from South Dakota is saying, and I appreciate him correcting me by saying that 49 million Americans who otherwise do not pay income tax would also get a rebate. I am not sure the size of the rebate. I guess everybody gets the same amount, whether you are an individual or you are married. But we can create a lot more jobs by structuring the payment as it is in this legislation.

A lot of time and thought has gone into it. Virtually every—I will not say every. The bulk of economists, mainstream economists, will say clearly that the job creation effect is much greater with infrastructure than it is for tax cuts. You like to have tax cuts. People like to have dollars in their pockets. But the goal is infrastructure. It is job creation. Spend it early. I might add, I don't know the exact percentage, but a large portion of this bill is already tax cuts. It is large. I think it is 40 percent—40 percent of this bill is tax cuts. I don't think all the bill should be tax cuts. Rather, it should be spread out in a little more complicated way, following the advice of the Baltimore Sun journalist, H.L. Menken.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask the manager, do we have a time agreement on this amendment?

Mr. BAUCUS. There is no time agreement, I say to my friend.

Mr. MCCAIN. Could the parties agree to a time agreement?

Mr. BAUCUS. I think we are finished on this one unless the Senator from South Dakota wants to make some remarks.

Mr. MCCAIN. I yield, Mr. President.

Mr. THUNE. Just a couple of points, if I might. I appreciate the observations of the Senator from Montana regarding the amendment, but I do want to make a couple of corrections. One, of course, is we did apply this in a way that it is refundable so everyone benefits from it. It is delivered in a very straightforward way. It doesn't matter where you are on the income scale, as long as you make under $250,000 a year. I might add, as well, people who make above that amount, I agree, probably are less likely to spend than are those who make under that amount. But this was capped. Eligibility for this refund is based upon how much you make. Your adjusted gross income has to be less than $250,000 a year. So it is not

skewed toward the rich. It does skew toward those who are more likely to spend these dollars and put them back into the economy.

I still believe when you start talking about over $5,000 for a single person, over $10,000 for a couple, that is real money to most families, and I suggest a lot of that money is going to be spent. Granted, there will be some who will put it away and save it. As I said before, I don't think that is necessarily a bad thing. We ought to encourage saving, and furthermore it will help get liquidity in the banking system. If they put half into the banks, that is $450 billion that will go into the banking system of our country.

Just with respect to the multiplier effect—there are lots of different analyses that have been done, spending versus tax relief. I draw, of course, on history. If you look back, in the 1960s under Kennedy, 1980s under Reagan, more recently under President Bush, the impact when you reduce the marginal income tax rate, when you reduce the taxes on investment and job creation, in most cases you get more revenue and not less, and you also get a better return in terms of jobs created. In fact, the President's own economist, Dr. Christina Romer, back in March of 2007 did a study that suggested for each dollar of tax cut, you get a 2.2 multiplier effect. In other words, for each percent of GDP that you reduce taxes, you get 2.2 times that in terms of economic growth.

So I simply say, again, when you are allowing American families to keep more of what they earn, and particularly when you start talking about the amounts that we are discussing here, and when you cap it at $250,000 for eligibility so it is not a tax cut for the high end, for the rich—it is for people who are actually more likely to need it, to be able to do all the things they have to do to keep their families going on a daily basis—and you also write it in such a way so that it is refundable so income-tax payers on the lower end of the income scale are also eligible for it, as the Senator from Montana noted, and it is true—it is a very simple approach if you are going to do this—sometimes I think the simple approach is the best approach.

Arguably, 9 pages versus 735 is in the underlying bill. It is a small amount of ink and print by this city's standards. But it is a very straightforward approach which I think the American people will understand and appreciate because they are going to receive this, rather than having this money, all this money we are going to be borrowing from future generations, going into spending programs from which they may not derive any benefit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, it is time to go to the next Senator. I might say, the language of the amendment offered by the Senator from South Dakota, the language says an eligible individual is one who has filed a tax return. Many people who work don't file tax returns because they don't make enough money, so a lot of people are getting left off.

Next, I suggest the Chair recognize Senator DODD from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 501

Mr. DODD. I see my good friend from Arizona and my friend from Oregon. They have been patient. We debated my amendment already so I am just going to be very brief.

Senators CONRAD and GRAHAM and I were discussing the Conrad-Graham amendment. I talked about the alternative idea that I am proposing with Senator MARTINEZ and Senator REID of Nevada, and that is to acquire in this bill—I realize it doesn't relate to the funding in this bill—it would require that $50 billion of TARP money that will now be allocated be dedicated to foreclosure mitigation, including looking at the Sheila Baird FDIC proposal, but not exclusively so. Also, as a second part of that amendment, I suggest some alterations to the Hope For Homeowners Program that we think would make the program far more effective than it has been.

Despite the good intentions of its authors last summer, myself included, it has not produced anywhere near the results we desired. These were suggested by Treasury and others who thought it would help make it more attractive to those in foreclosure.

At the appropriate time, myself and Senators MARTINEZ and REID will offer this amendment. Again, I say to my good friend Senator CONRAD and good friend LINDSEY GRAHAM, I respect the effort they are making. I don't think what they are talking about in the stimulus bill is justified when we can do it out of TARP, and the money that is being suggested should be more focused on stimulation and job creation.

For those reasons, I oppose the Conrad amendment. I remind my colleagues this amendment that Senator MARTINEZ and I will be offering is the right approach for us to be taking regarding TARP funding, which was dedicated initially, at least in part, toward foreclosure mitigation. We are going to require it statutorily, lest there be any doubt in the minds of those managing the program what our congressional intention was when we passed it back late in October.

Mr. President, with that, I apologize for taking any time at all and yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I don't see Senator ENZI. He was next entitled to offer his amendment, so I urge the Chair to recognize Senator WYDEN to offer an amendment.

Senator ENZI is on.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. MCCAIN. Mr. President, I ask, again, is there a time agreement that would be reasonable?

Mr. BAUCUS. I ask Senator ENZI if he is agreeable to, say, a 5-minute limitation on his amendment.

Mr. ENZI. I have no problem with 5 minutes. I do not think there is anyone in opposition. I will try and keep it under 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Wyoming is recognized.

AMENDMENT NO. 293, AS MODIFIED, TO AMENDMENT NO. 98

Mr. ENZI. Mr. President, I call up amendment number 293, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows.

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 293, as modified, to amendment No. 98.

Mr. ENZI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a manager's amendment)

On page 265, line 2, add at the end the following: ''community mental health center (as defined in section 1913(b)), renal dialysis facility, blood center, ambulatory surgical center described in section 1833(i) of the Social Security Act,''.

On page 265, line 23, strike ''means'' and insert ''includes''.

On page 266, line 2, insert ''access,'' after ''maintenance,''.

On page 270, strike lines 1 through 11, and insert the following:

''(1) STANDARDS.—The National Coordinator shall—

''(A) review and determine whether to endorse each standard, implementation specification, and certification criterion for the electronic exchange and use of health information that is recommended by the HIT Standards Committee under section 3003 for purposes of adoption under section 3004;

''(B) make such determinations under subparagraph (A), and report to the Secretary such determinations, not later than 45 days after the date the recommendation is received by the Coordinator;

''(C) review Federal health information technology investments to ensure that Federal health information technology programs are meeting the objectives of the strategic plan published under paragraph (3); and

''(D) provide comments and advice regarding specific Federal health information technology programs, at the request of the Office of Management and Budget.''.

Beginning on page 273, strike line 21, and all that follows through line 8 on page 274, and insert the following:

''(5) HARMONIZATION.—The Secretary may recognize an entity or entities for the purpose of harmonizing or updating standards and implementation specifications in order to achieve uniform and consistent implementation of the standards and implementation specifications.

''(6) CERTIFICATION.—

''(A) IN GENERAL.—The National Coordinator, in consultation with the Director of the National Institute of Standards and Technology, shall recognize a program or programs for the voluntary certification of health information technology as being in compliance with applicable certification criteria adopted under this subtitle. Such program shall include, as appropriate, testing of the technology in accordance with section 14201(b) of the Health Information Technology for Economic and Clinical Health Act.''.

On page 276, strike lines 15 through 24, and insert the following:

(E) RESOURCE REQUIREMENTS.—The National Coordinator shall estimate and publish resources required annually to reach the goal of utilization of an electronic health record for each person in the United States by 2014, including—

(i) the required level of Federal funding;

(ii) expectations for regional, State, and private investment;

(iii) the expected contributions by volunteers to activities for the utilization of such records; and

(iv) the resources needed to establish or expand education programs in medical and health informatics and health information management to train health care and information technology students and provide a health information technology workforce sufficient to ensure the rapid and effective deployment and utilization of health information technologies.

On page 277, strike lines 8 through 11, and insert the following:

''(8) GOVERNANCE FOR NATIONWIDE HEALTH INFORMATION NETWORK.—The National Coordinator shall implement the recommendations made by the HIT Policy Committee regarding the governance of the nationwide health information network.''.

On page 282, between lines 3 and 4, insert the following:

''(vi) The use of electronic systems to ensure the comprehensive collection of patient demographic data, including, at a minimum, race, ethnicity, primary language, and gender information.

''(vii) Technologies and design features that address the needs of children and other vulnerable populations.''.

On page 283, strike lines 10 through 12, and insert the following:

''(ix) Methods to facilitate secure access by an individual to such individual's protected health information.

''(x) Methods, guidelines, and safeguards to facilitate secure access to patient information by a family member, caregiver, or guardian acting on behalf of a patient due to age-related and other disability, cognitive impairment, or dementia that prevents a patient from accessing the patient's individually identifiable health information.''.

On page 283, between lines 21 and 22, insert the following:

''(4) CONSISTENCY WITH EVALUATION CONDUCTED UNDER MIPPA.—

''(A) REQUIREMENT FOR CONSISTENCY.—The HIT Policy Committee shall ensure that recommendations made under paragraph (2)(B)(vi) are consistent with the evaluation conducted under section 1809(a) of the Social Security Act.

''(B) SCOPE.—Nothing in subparagraph (A) shall be construed to limit the recommendations under paragraph (2)(B)(vi) to the elements described in section 1809(a)(3) of the Social Security Act.

''(C) TIMING.—The requirement under subparagraph (A) shall be applicable to the extent that evaluations have been conducted under section 1809(a) of the Social Security Act, regardless of whether the report described in subsection (b) of such section has been submitted.''.

On page 284, strike lines 1 through 13, and insert the following:

''(2) MEMBERSHIP.—The HIT Policy Committee shall be composed of members to be appointed as follows:

''(A) One member shall be appointed by the Secretary.

''(B) One member shall be appointed by the Secretary of Veterans Affairs who shall represent the Department of Veterans Affairs.

''(C) One member shall be appointed by the Secretary of Defense who shall represent the Department of Defense.

''(D) One member shall be appointed by the Majority Leader of the Senate.

''(E) One member shall be appointed by the Minority Leader of the Senate.

''(F) One member shall be appointed by the Speaker of the House of Representatives.

''(G) One member shall be appointed by the Minority Leader of the House of Representatives.

''(H) Eleven members shall be appointed by the Comptroller General of the United States, of whom—

''(i) three members shall represent patients or consumers;

''(ii) one member shall represent health care providers;

''(iii) one member shall be from a labor organization representing health care workers;

''(iv) one member shall have expertise in privacy and security;

''(v) one member shall have expertise in improving the health of vulnerable populations;

''(vi) one member shall represent health plans or other third party payers;

''(vii) one member shall represent information technology vendors;

''(viii) one member shall represent purchasers or employers; and

''(ix) one member shall have expertise in health care quality measurement and reporting.

''(3) CHAIRPERSON AND VICE CHAIRPERSON.—The HIT Policy Committee shall designate one member to serve as the chairperson and one member to serve as the vice chairperson of the Policy Committee.

''(4) NATIONAL COORDINATOR.—The National Coordinator shall serve as a member of the HIT Policy Committee and act as a liaison among the HIT Policy Committee, the HIT Standards Committee, and the Federal Government.

''(5) PARTICIPATION.—The members of the HIT Policy Committee appointed under paragraph (2) shall represent a balance among various sectors of the health care system so that no single sector unduly influences the recommendations of the Policy Committee.

''(6) TERMS.—

''(A) IN GENERAL.—The terms of the members of the HIT Policy Committee shall be for 3 years, except that the Comptroller General shall designate staggered terms for the members first appointed.

''(B) VACANCIES.—Any member appointed to fill a vacancy in the membership of the HIT Policy Committee that occurs prior to the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has been appointed. A vacancy in the HIT Policy Committee shall be filled in the manner in which the original appointment was made.

''(7) OUTSIDE INVOLVEMENT.—The HIT Policy Committee shall ensure an adequate opportunity for the participation of outside advisors, including individuals with expertise in—

''(A) health information privacy and security;

''(B) improving the health of vulnerable populations;

''(C) health care quality and patient safety, including individuals with expertise in the measurement and use of health information technology to capture data to improve health care quality and patient safety;

''(D) long-term care and aging services;

''(E) medical and clinical research; and

''(F) data exchange and developing health information technology standards and new health information technology.

''(8) QUORUM.—Ten members of the HIT Policy Committee shall constitute a quorum for purposes of voting, but a lesser number of members may meet and hold hearings.

''(9) FAILURE OF INITIAL APPOINTMENT.—If, on the date that is 120 days after the date of enactment of this title, an official authorized under paragraph (2) to appoint one or more members of the HIT Policy Committee has not appointed the full number of members that such paragraph authorizes such official to appoint—

''(A) the number of members that such official is authorized to appoint shall be reduced to the number that such official has appointed as of that date; and

''(B) the number prescribed in paragraph (8) as the quorum shall be reduced to the smallest whole number that is greater than one-half of the total number of members who have been appointed as of that date.

''(10) CONSIDERATION.—The National Coordinator shall ensure that the relevant recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of policies.''.

On page 287, between lines 16 and 17, insert the following:

''(5) CONSIDERATION.—The National Coordinator shall ensure that the relevant recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of standards.''.

On page 288, strike lines 4 through 19 and insert the following:

''(3) BROAD PARTICIPATION.—There is broad participation in the HIT Standards Committee by a variety of public and private stakeholders, either through membership in the Committee or through another means.

''(4) CHAIRPERSON; VICE CHAIRPERSON.—The HIT Standards Committee may designate one member to serve as the chairperson and one member to serve as the vice chairperson.

''(5) DEPARTMENT MEMBERSHIP.—The Secretary shall be a member of the HIT Standards Committee. The National Coordinator shall act as a liaison among the HIT Standards Committee, the HIT Policy Committee, and the Federal Government.

''(6) BALANCE AMONG SECTORS.—In developing the procedures for conducting the activities of the HIT Standards Committee, the HIT Standards Committee shall act to ensure a balance among various sectors of the health care system so that no single sector unduly influences the actions of the HIT Standards Committee.

''(7) ASSISTANCE.—For the purposes of carrying out this section, the Secretary may provide or ensure that financial assistance is provided by the HIT Standards Committee to defray in whole or in part any membership

fees or dues charged by such Committee to those consumer advocacy groups and not for profit entities that work in the public interest as a part of their mission.

''(d) OPEN AND PUBLIC PROCESS.—In providing for the establishment of the HIT Standards Committee pursuant to subsection (a), the Secretary shall ensure the following:

''(1) CONSENSUS APPROACH; OPEN PROCESS.—The HIT Standards Committee shall use a consensus approach and a fair and open process to support the development, harmonization, and recognition of standards described in subsection (a)(1).

''(2) PARTICIPATION OF OUTSIDE ADVISERS.—The HIT Standards Committee shall ensure an adequate opportunity for the participation of outside advisors, including individuals with expertise in—

''(A) health information privacy;

''(B) health information security;

''(C) health care quality and patient safety, including individuals with expertise in utilizing health information technology to improve healthcare quality and patient safety;

''(D) long-term care and aging services; and

''(E) data exchange and developing health information technology standards and new health information technology.

''(3) OPEN MEETINGS.—Plenary and other regularly scheduled formal meetings of the HIT Standards Committee (or established subgroups thereof) shall be open to the public.

''(4) PUBLICATION OF MEETING NOTICES AND MATERIALS PRIOR TO MEETINGS.—The HIT Standards Committee shall develop and maintain an Internet website on which it publishes, prior to each meeting, a meeting notice, a meeting agenda, and meeting materials.

''(5) OPPORTUNITY FOR PUBLIC COMMENT.—The HIT Standards Committee shall develop a process that allows for public comment during the process by which the Entity develops, harmonizes, or recognizes standards and implementation specifications.

''(e) VOLUNTARY CONSENSUS STANDARD BODY.—The provisions of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) and the Office of Management and Budget circular 119 shall apply to the HIT Standards Committee.''.

On page 290, line 14, strike ''INITIAL SET OF''.

On page 291, between lines 6 and 7, insert the following:

''(3) SUBSEQUENT STANDARDS ACTIVITY.—The Secretary shall adopt additional standards, implementation specifications, and certification criteria as necessary and consistent with the schedule published under section 3003(b)(2).''.

Beginning on page 293, strike line 7 and all that follows through line 2 on page 295, and insert the following:

SEC. 3008. TRANSITIONS.

''(a) ONCHIT.—Nothing in section 3001 shall be construed as requiring the creation of a new entity to the extent that the Office of the National Coordinator for Health Information Technology established pursuant to Executive Order 13335 is consistent with the provisions of section 3001.

''(b) NATIONAL EHEALTH COLLABORATIVE.—Nothing in sections 3002 or 3003 or this subsection shall be construed as prohibiting the National eHealth Collaborative from modifying its charter, duties, membership, and any other structure or function required to be consistent with the requirements of a voluntary consensus standards body so as to allow the Secretary to recognize the National eHealth Collaborative as the HIT Standards Committee.

''(c) CONSISTENCY OF RECOMMENDATIONS.—In carrying out section 3003(b)(1)(A), until recommendations are made by the HIT Policy Committee, recommendations of the HIT Standards Committee shall be consistent with the most recent recommendations made by such AHIC Successor, Inc.''.

On page 292, strike lines 6 through 12, and insert the following:

''(a) IN GENERAL.—The National Coordinator shall support the development and routine updating of qualified electronic health record technology (as defined in section 3000) consistent with subsections (b) and (c) and make available such qualified electronic health record technology unless the Secretary and the HIT Policy Committee determine through an assessment that the needs and demands of providers are being substantially and adequately met through the marketplace.''.

On page 305, strike line 5, strike ''shall coordinate'' and insert ''may review''.

On page 320, between lines 3 and 4, insert the following:

''(10) establishing and supporting health record banking models to further consumer-based consent models that promote lifetime access to qualified health records, if such activities are included in the plan described in subsection (e), and may contain smart card functionality; and''.

On page 342, line 2, insert before the period the following: ''in return for such payment for such offer or maintenance''.

On page 355, line 25, insert before the period the following: ''and the information necessary to improve patient outcomes and to detect, prevent, and manage chronic disease''.

Beginning on page 357, strike line 1 and all that follows through line 12 on page 359, and insert the following:

''(1) IN GENERAL.—In applying section 164.528 of title 45, Code of Federal Regulations, in the case that a covered entity uses or maintains an electronic health record with respect to protected health information—

''(A) the exception under paragraph (a)(1)(i) of such section shall not apply to disclosures through an electronic health record made by such entity of such information; and

''(B) an individual shall have a right to receive an accounting of disclosures described in such paragraph of such information made by such covered entity during only the three years prior to the date on which the accounting is requested.

''(2) REGULATIONS.—The Secretary shall promulgate regulations on what disclosures must be included in an accounting referred to in paragraph (1)(A) and what information must be collected about each such disclosure not later than 18 months after the date on which the Secretary adopts standards on accounting for disclosure described in the section 3002(b)(2)(B)(iv) of the Public Health Service Act, as added by section 13101. Such regulations shall only require such information to be collected through an electronic health record in a manner that takes into account the interests of individuals in learning when their protected health information was disclosed and to whom it was disclosed, and the usefulness of such information to the individual, and takes into account the administrative and cost burden of accounting for such disclosures.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed as—

''(A) requiring a covered entity to account for disclosures of protected health information that are not made by such covered entity; or

''(B) requiring a business associate of a covered entity to account for disclosures of protected health information that are not made by such business associate.

''(4) REASONABLE FEE.—A covered entity may impose a reasonable fee on an individual for an accounting performed under paragraph (1)(B). Any such fee shall not be greater than the entity's labor costs in responding to the request.

''(5) EFFECTIVE DATE.—

''(A) CURRENT USERS OF ELECTRONIC RECORDS.—In the case of a covered entity insofar as it acquired an electronic health record as of January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such a record on and after January 1, 2014.

''(B) OTHERS.—In the case of a covered entity insofar as it acquires an electronic health record after January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such record on and after the later of the following:

''(i) January 1, 2011; or

''(ii) the date that it acquires an electronic health record.

''(C) LATER DATE.—The Secretary may set an effective date that is later that the date specified under subparagraph (A) or (B) if the Secretary determines that such later date it necessary, but in no case may the date specified under—

''(i) subparagraph (A) be later than 2018; or

''(ii) subparagraph (B) be later than 2014.''.

On page 359, line 15, strike ''shall'' and all that follows through ''those'' on line 18, and insert the following: ''shall review and evaluate the definition of health care operations under section 164.501 of title 45, Code of Federal Regulations, and to the extent appropriate, eliminate by regulation''.

On page 359, line 22, insert ''In promulgating such regulations, the Secretary shall not require that data be de-identified or require valid authorization for use or disclosure for activities described in paragraph (1) of the definition of health care operations under such section 164.501.'' after ''disclosure.''.

On page 360, line 6, insert at the end the following: ''Nothing in this subsection may be construed to supersede any provision under subsection (e) or section 13406(a).''.

On page 361, line 2, strike ''and'' and all that follows through ''pose'' on line 5.

On page 361, line 7, strike ''and'' and all that follows through line 10, and insert the following: '', subject to any regulation that the Secretary may promulgate to prevent protected health information from inappropriate access, use, or disclosure.''.

On page 362, strike lines 9 through 13, and insert the following:

(3) REGULATIONS.—Not later than 18 months after the date of enactment of this title, the Secretary shall promulgate regulations to carry out this subsection. In promulgating such regulations, the Secretary—

(A) shall evaluate the impact of restricting the exception described in paragraph (2)(A) to require that the price charged for the purposes described in such paragraph reflects the costs of the preparation and transmittal of the data for such purpose, on research or public health activities, including those conducted by or for the use of the Food and Drug Administration; and

(B) may further restrict the exception described in paragraph (2)(A) to require that the price charged for the purposes described in such paragraph reflects the costs of the preparation and transmittal of the data for such purpose, if the Secretary finds that such further restriction will not impede such research or public health activities.

Beginning on page 364, strike line 1 and all that follows through line 3 on page 365, and insert the following:

(2) PAYMENT FOR CERTAIN COMMUNICATIONS.—A communication by a covered entity or business associate that is described in subparagraph (i), (ii), or (iii) of paragraph (1) of the definition of marketing in section 164.501 of title 45, Code of Federal Regulations, shall not be considered a health care operation for purposes of subpart E of part 164 of title 45, Code of Federal Regulations if the covered entity receives or has received direct or indirect payment in exchange for making such communication, except where—

(A) such communication describes only a health care item or service that has previously been prescribed for or administered to the recipient of the communication, or a family member of such recipient;

(B) each of the following conditions apply—

(i) the communication is made by the covered entity; and

(ii) the covered entity making such communication obtains from the recipient of the communication, in accordance with section 164.508 of title 45, Code of Federal Regulations, a valid authorization (as described in paragraph (b) of such section) with respect to such communication; or

(C) each of the following conditions apply—

(i) the communication is made on behalf of the covered entity;

(ii) the communication is consistent with the written contract (or other written arrangement described in section 164.502(e)(2) of such title) between such business associate and covered entity; and

(iii) the business associate making such communication, or the covered entity on behalf of which the communication is made, obtains from the recipient of the communication, in accordance with section 164.508 of title 45, Code of Federal Regulations, a valid authorization (as described in paragraph (b) of such section) with respect to such communication.

On page 365, strike lines 4 through 7.

On page 369, lines 10 and 11, strike ''Secretary of Health and Human Services shall'' and insert ''the Federal Trade Commission shall, in accordance with section 553 of title 5, United States Code,''.

On page 390, after line 21, insert the following:

(e) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall submit to Congress and the Secretary of Health and Human Services a report on the impact of any of the provisions of, or amendments made by, this division or division B that are related to the Health Insurance Portability and Accountability Act of 1996 and section 552a of title 5, United States Code, on health insurance premiums and overall health care costs.

Mr. ENZI. This is an extremely important bill for the section that deals with Health IT. Senator KENNEDY and I have been working on that for 3 years as well as many others in this Chamber. If we are going to have health care in this country that improves, we are going to have to have Health IT, and I think everybody realizes that.

We have tried to come up with a mechanism for getting interoperability. We have had good success on that without being able to get the bill passed that we have been working on for 3 years.

But there is a provision that moves Health IT along in this bill, but it needed some modifications so it actually would work. I am ever so pleased people on both sides of the aisle, particularly Senators BAUCUS, KENNEDY, and GRASSLEY, have helped and worked on this. The reason there had to be a modification was a little while ago we were able to clear up one more difficulty in that bill.

Without this, it will not work well. There are still other things that ought to be done with it. There are still other things I would like to have with Health IT. There are some things in there that I would not like to have. But this is the part we were able to get agreement on in order to make it work a lot better.

The Certification Commission for Health IT, or CCHIT, has done a lot of great work to accelerate the adoption of health IT by creating a credible, efficient certification process. Many companies have already begun voluntarily participating in the certification process. This system is working and is putting us on the right path to interoperability. Unfortunately, CCHIT is concerned certain details of the underlying bill will cause an ''unintended slowdown in the adoption of health IT''. This amendment allows CCHIT to continue their current mission without changing their priorities. CCHIT sent me a letter stating ''the amended language makes the path forward much clearer, and will build on current health IT momentum rather than disrupting it''.

This amendment puts the standards section back on the right track by building upon the progress of Secretary Leavitt and the Bush administration. Secretary Leavitt worked tirelessly to create the American Health Information Community, AHIC, a public–private partnership designed to ensure the Government and the private sector could work together on interoperability standards. Under Secretary Leavitt's leadership, the AHIC recently transitioned into the National eHealth Collaborative, a voluntary consensus standards body.

I strongly support the collaborative and I want to ensure it is able to continue. The bill before the Senate, however, threatens to ''take'' the assets of the collaborative and nationalize the collaborative. My amendment prevents that from happening. I have been working with the leaders of the collaborative and they ''strongly support my proposed amendment''.

The amendment will also ensure that Federal investments in IT comply with technology standards harmonized by the Healthcare Information Technology Standards Panel and certified by the Certification Commission for Health IT, and at a minimum this bill should accelerate the work of those two entities rather than delay it.

My amendment also makes other changes that were included in the bipartisan ''Wired for Health Care Quality Act'' that were left out of the bill before us today. Those changes include making sure the membership of the Health IT Standards Committee and the Health IT Policy Committee is balanced so that no single sector of the health care industry influences the actions of the committees. The amendment also specifies an appointment process for the HIT Policy Committee and adds back a lot of the other ''good government'' provisions that were included in the ''Wired Act'' but left out of this bill.

In order for health IT to achieve this potential, however, it must be done right. It must be interoperable, and the standards of interoperability should be defined by standards developed by all the stakeholders. Consensus will help prevent Government bureaucrats from mandating the equivalent of Beta Max standards in a VHS world, while assuring doctors and hospitals that their IT purchases will not be like investing in compact discs the day before iTunes launched.

I strongly believe all of these changes are critical to ensuring we don't backtrack on the progress we have made. I want to be clear though, I would have preferred to continue working with the other bill authors of the Wired for Health Care Quality Act. The ''Wired Act'' took a much more fiscally sustainable approach with regard to responsibly funding health IT for providers experiencing financial hardship. The Congressional Budget Office has estimated 90 percent of providers will adopt health IT by 2030 without spending any Federal dollars. This bill spends roughly 28 billion in hard-earned taxpayer's dollars to achieve that same 90 percent adoption rate, a few years earlier. This is not a wise use of the taxpayer's dollars and I do not support these provisions.

I feel the ''Wired Act'' also did a better job balancing patient privacy with proper access to health information. If information is wrapped up in so much red tape that doctors and their staff are not able to access it when they need it, patients will suffer and costs will increase. It will take time and hard work, but we must find the right balance so patient care does not suffer.

In closing, I would like urge all members to support this amendment. I have been working on this amendment with members from both sides of the aisle and I believe it reflects a bipartisan agreement. We need to make sure we continue the progress we have made rather than backtrack.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I ask the Chair now to recognize Senator WYDEN.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 468 TO AMENDMENT NO. 98

(Purpose: To require financial institutions receiving TARP assistance to redeem from the United States preferred stock in an amount equal to excess bonuses for 2008 or to pay a 35 percent tax on such amount)

Mr. WYDEN. Mr. President, I ask unanimous consent to call up amendment No. 468.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself, Ms. SNOWE, and Mrs. LINCOLN, proposes an amendment numbered 468 to amendment No. 98.

The amendment is as follows:

At the end of title I of division B, insert the following:

SEC. 1903. TREATMENT OF EXCESSIVE BONUSES BY TARP RECIPIENTS.

(a) IN GENERAL.—If, before the date of enactment of this Act, the preferred stock of a financial institution was purchased by the Government using funds provided under the Troubled Asset Relief Program established pursuant to the Emergency Economic Stabilization Act of 2008, then, notwithstanding any otherwise applicable restriction on the redeemability of such preferred stock, such financial institution shall redeem an amount of such preferred stock equal to the aggregate amount of all excessive bonuses paid or payable to all covered individuals.

(b) TIMING.—Each financial institution described in subsection (a) shall comply with the requirements of subsection (a)—

(1) not later than 120 days after the date of enactment of this Act, with respect to excessive bonuses (or portions thereof) paid before the date of enactment of this Act; and

(2) not later than the day before an excessive bonus (or portion thereof) is paid, with respect to any excessive bonus (or portion thereof) paid on or after the date of enactment of this Act.

(c) DEFINITIONS.—As used in this section, the following definitions shall apply:

(1) EXCESSIVE BONUS.—

(A) IN GENERAL.—The term ''excessive bonus'' means the portion of the applicable bonus payments made to a covered individual in excess of $100,000.

(B) APPLICABLE BONUS PAYMENTS.—

(i) IN GENERAL.—The term ''applicable bonus payment'' means any bonus payment to a covered individual—

(I) which is paid or payable by reason of services performed by such individual in a taxable year of the financial institution (or any member of a controlled group described in subparagraph (D)) ending in 2008, and

(II) the amount of which was first communicated to such individual during the period beginning on January 1, 2008, and ending January 31, 2009, or was based on a resolution of the board of directors of such institution that was adopted before the end of such taxable year.

(ii) CERTAIN PAYMENTS AND CONDITIONS DISREGARDED.—In determining whether a bonus payment is described in clause (i)(I)—

(I) a bonus payment that relates to services performed in any taxable year before the taxable year described in such clause and that is wholly or partially contingent on the performance of services in the taxable year so described shall be disregarded, and

(II) any condition on a bonus payment for services performed in the taxable year so described that the employee perform services in taxable years after the taxable year so described shall be disregarded.

(C) BONUS PAYMENT.—The term ''bonus payment'' means any payment which—

(i) is a discretionary payment to a covered individual by a financial institution (or any member of a controlled group described in subparagraph (D)) for services rendered,

(ii) is in addition to any amount payable to such individual for services performed by such individual at a regular hourly, daily, weekly, monthly, or similar periodic rate, and

(iii) is paid or payable in cash or other property other than—

(I) stock in such institution or member, or

(II) an interest in a troubled asset (within the meaning of the Emergency Economic Stabilization Act of 2008) held directly or indirectly by such institution or member.

Such term does not include payments to an employee as commissions, welfare and fringe benefits, or expense reimbursements.

(D) COVERED INDIVIDUAL.—The term ''covered individual'' means, with respect to any financial institution, any director or officer or other employee of such financial institution or of any member of a controlled group of corporations (within the meaning of section 52(a) of the Internal Revenue Code of 1986) that includes such financial institution.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' has the same meaning as in section 3 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5252).

(d) EXCISE TAX ON TARP COMPANIES THAT FAIL TO REDEEM CERTAIN SECURITIES FROM UNITED STATES.—

(1) IN GENERAL.—Chapter 46 of the Internal Revenue Code of 1986 (relating to excise tax on golden parachute payments) is amended by adding at the end the following new section:

''SEC. 4999A. FAILURE TO REDEEM CERTAIN SECURITIES FROM UNITED STATES.

''(a) IMPOSITION OF TAX.—There is hereby imposed a tax on any financial institution which—

''(1) is required to redeem an amount of its preferred stock from the United States pursuant to section 1903(a) of the American Recovery and Reinvestment Tax Act of 2009, and

''(2) fails to redeem all or any portion of such amount within the period prescribed for such redemption.

''(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be equal to 35 percent of the amount which the financial institution failed to redeem within the time prescribed under 1903(b) of the American Recovery and Reinvestment Tax Act of 2009.

''(c) ADMINISTRATIVE PROVISIONS.—

''(1) IN GENERAL.—For purposes of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A for the taxable year in which a deduction is allowed for any excessive bonus with respect to which the redemption described in subsection (a)(1) is required to be made.

''(2) EXTENSION OF TIME.—The due date for payment of tax imposed by this section shall in no event be earlier than the 150th day following the date of the enactment of this section.''.

(2) CONFORMING AMENDMENTS.—

(A) The heading for chapter 46 of such Code are amended to read as follows:

''CHAPTER 46-TAXES ON CERTAIN EXCESSIVE REMUNERATION

''Sec. 4999. Golden parachute payments.

''Sec. 4999A. Failure to redeem certain securities from United States.''.

(B) The item relating to chapter 46 in the table of chapters for subtitle D of such Code is amended to read as follows:

''Chapter 46. Taxes on excessive remuneration.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to failures described in section 4999A(a)(2) of the Internal Revenue Code of 1986 occurring after the date of the enactment of this Act.

Mr. WYDEN. Mr. President, Senators are working to limit the cost of the stimulus legislation. This bipartisan amendment that I offer with Senator SNOWE and Senator LINCOLN, holds down the cost of the stimulus legislation by bringing back to the taxpayers billions and billions of dollars.

This amendment provides a way to quickly return to taxpayers much of the $18 billion that has been paid out in excessive bonuses to companies under the Troubled Asset Relief Program.

Americans were horrified recently to learn that Citigroup and others that had received extensive Federal support had paid out billions of dollars in excessive bonuses. This bipartisan amendment makes it clear it is not enough to say the excessive Wall Street bonuses were wrong, it makes clear they have to be paid back.

Our amendment gives those companies that receive Federal bailout money and pay the unjustified large bonuses a choice: Pay back the cash portion of any bonus paid in excess of $100,000 within 120 days of the amendment's enactment, or pay an excise tax of 35 percent on what is not returned to the Treasury.

The money can be repaid by the financial firms buying back the preferred stock the Federal Government owns in these companies or in any other fashion the institution chooses.

Senator SNOWE, Senator LINCOLN, and I have received extensive legal analysis with respect to this amendment. It is clear our approach passes constitutional muster. Recently, I had printed in the RECORD a letter to me from Edward Kleinbard, head of the Joint Committee on Taxation, on this matter.

I also wish to thank Mr. Kleinbard and his very professional staff for their analysis of this legislation. No other bipartisan bill proposed in either this body or the other body would force the repayment of these bonuses and actually protect the taxpayer. This amendment has real teeth, and it is supported by colleagues on both sides of the aisle.

Let me close by saying, first, I wish to thank the distinguished chairman of the Finance Committee and our wonderful staff. They have been so gracious, as always, to assist me on this. I would close by saying I think the President summed it up. The President

said these bonuses ''were shameful.'' Now it is time for us to do our job and pass legislation with teeth that requires that these bonuses are repaid and the taxpayers are protected.

I urge my colleagues to join Senator SNOWE, Senator LINCOLN, and myself in supporting a bipartisan approach in this area. It is particularly relevant this afternoon.

I see my colleague and friend, a former chair, Senator MCCAIN on the floor. He has done yeoman's work in terms of blowing the whistle for unjustifiable Federal spending. This is a bipartisan way, colleagues, to hold down the cost of the stimulus legislation.

I ask unanimous consent that amendment No. 468 be made pending. I know of no opposition at this point. No colleague has spoken in opposition and urge my colleagues to approve it. My sense is, it can probably be done on a voice vote.

I yield the floor.

The PRESIDING OFFICER. The amendment is pending.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I think that concludes all the amendments on the list. We are now awaiting an attempt to drop a unanimous consent request so we can start voting on those amendments. That is in the process right now. Pending the completion of that list, it is probably advisable that we keep the Senate open for debate equally divided until the hour of 5 o'clock.

If we get the consent agreed to before then, we can ask to vitiate that agreement where debate be allocated equally so we can propound the other consent.

I ask unanimous consent that the time until 5 o'clock be time available for debate only, equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, reserving the right to object, I probably will not object, if I understand the Senator from Montana, we most likely will have a vote about 5 o'clock.

Mr. BAUCUS. We will try to.

Mr. MCCAIN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I wish to share a few thoughts about where we are. The enormity of the legislation that is before us can hardly be comprehended. The bill, with interest, scored by the Congressional Budget Office, is $1.25 trillion. That is more than twice as much as the 5-year Iraq war has cost. It is the largest expenditure in the history of this country or any country in the history of the world.

Remember, we have a big budget. We are spending a lot of money, too much money, most people think, in our normal budget. Every penny of this money is debt. We do not have the money to pay for it. We already are in deficit. This increases the size of that deficit.

It increases the interest we will have to pay on it. I would note the Congressional Budget Office, which is our nonpartisan group, hired a new Director—the Democrats have a majority, but it is a bipartisan selection, so, of course, he is approved by everybody, a good leader.

Their numbers show the interest on the debt today, this year, will be $195 billion. We are very fortunate because low interest rates, in the very short term, are out there today. But by 2014, when you add the stimulus package into that, we will be looking at a deficit of $440 billion each year and thereafter. It could be higher if interest rates go higher. That is the equivalent each year of the Iraq war, for example—almost.

This is how big the numbers are. I think the American people understand what is happening. They are very uneasy. I talked to my 90-year-old shut-in aunt a little earlier today. She said: Who do they think is going to pay that money back? That is a pretty good question, is it not?

Let me give perspective to my colleagues on how big and how dangerous a condition our economy is in. These are numbers that are important. Back in 2004, that is when we had the largest deficit ever, after 9/11, after the Iraq efforts and the slowdown in the economy, it hit $413 billion.

President Bush was roundly criticized by members of this body, many on the other side who are supporting this trillion-dollar bill, for allowing the deficit to go to $413 billion. That was 3.6 percent of the total gross domestic product in America, to give some perspective. But we whittled it down a little bit. In 2005, it dropped to $318 billion; in 2006, $248; and in 2007, the year before last, the budget deficit fell to $161 billion.

I am a member of the Budget Committee. I kept an eye on that. I felt like we were going in the right direction. I thought we were. It was 1.2 percent of GDP. I felt the deficit was heading in the right direction. We were not there, but I was pleased.

Then, last year about this time, President Bush decided we were heading into economic troubled waters and that we should stimulate the economy. They came up with an idea to send everybody a check. I am sure most people enjoyed receiving their checks. They went out, though, and it cost us over $150 billion right there.

It was all debt because, see, we were already in deficit. It just about doubled the deficit to $455 billion last year. Now, this is what the Congressional Budget Office says the deficit will be this year, when we complete the fiscal year, September 30, how much it is going to be for 2009.

Well, the numbers—you can see what a dramatic thing it is—total $1.4 trillion, almost three times as much as the largest debt we have ever had in the history of the Republic.

Now, this is scoring about $200 billion-plus, a little over $200 billion out of the financial bailout, that $700 billion. They are saying that will be lost during this period of time.

We will lose that much on that. They are scoring money for Freddie and Fannie, bailing out those institutions that helped get us in this fix. Add this gray area down here, this is the stimulus. They are projecting out of the trillion dollars we would have 232 sent this year. The Freddie and Fannie and the Wall Street bailout, the $700 billion, they are scoring right now as a one-time cost. The next year, with those one-time costs out, we are still over a trillion, $1.16, almost $1.2 trillion. These are huge numbers, and they impact us so severely. They will burden us forever, and we are not going to pay this back. We are just going to borrow the money and pay the interest on it. There is no way in our expectation that we will get the money to pay this debt back.

Therefore, we should listen to what the Congressional Budget Office wrote. They conclude that the effects of this legislation would ''diminish rapidly after 2010.'' They say that over the 10-year period, the stimulus package ''would be a net negative to the economy.'' They say that the gross domestic product over 10 years will be less if we pass this bill than if we don't.

We all want to do the right thing. I had a feeling that this was not good legislation in the long run. That is why I have been opposed to it. People I respect questioned it. Now we have our own independent Congressional Budget Office issuing a report yesterday, saying that over 10 years, already, we would be hurt by the legislation more than benefited. Then think about the next 10 years or the next 10 years or the next 10 years. A lot of people living today will still be alive 30 years from now. I probably won't be one of them. But I will just say that they are going to be feeling the negative pressure of the interest burden every year for as long as we can foresee. It portends dangerous times.

Where does the money come from that will pay this debt? That is what an interesting article in the Wall Street Journal today, written by George Melloan, asked:

As Congress blithely ushers its trillion dollar ''stimulus'' package toward law and the U.S. Treasury prepares to begin writing checks on this vast new appropriation, it might be wise to ask a simple question: Who's going to finance it?

Where does the money come from?

He goes on:

That might seem like a no-brainer, which perhaps explains why no one has bothered to ask.

He makes the point that right now we have low interest rates. He then says:

Congress is able to assure itself that it will finance the stimulus with cheap credit. But how long will credit be cheap? Will it still be when the Treasury is scrounging around in the international credit markets six months or a year from now? That seems highly unlikely.

Senator CONRAD, chairman of the Budget Committee, a fine Member of the Senate, really worried about the debt, a Democratic leader and a fine leader in the Senate, passed out an article in the Budget Committee the week before last from the New York Times.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SESSIONS. I ask unanimous consent for 30 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. The article said that China's trade surplus with the United States had dropped from $50 billion a month to $20 billion a month. They are going to spend more on their own economy. The question is, How could they buy more and more and more of our debt, even if they wanted to, when they don't have the money to do so? It portends higher interest rates, as Mr. Melloan wrote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. While we had a lull in the offering of amendments, I thought I would come to the floor and speak about two amendments I would like to have considered later on this evening as we continue with this debate on this important bill. First let me say that there are some really exciting opportunities in this bill to move our country forward, to give people hope and confidence that this Government finally, after many years of inaction and negligence, is ready to act and try to be as focused as possible on creating and sustaining jobs, strengthening our financial sector, and thawing the capital markets, not just for what it means to Americans but for the world.

A group of us have been trying through the week to reach out to Members on the other side and to live up to the call of the new President to try to build this bill from the center, to try to build common ground, to open dialog, to try to reach some accommodation so we can do this together. I have found in my time in the Senate that some of the best things that have been accomplished have been accomplished in that way.

I wanted to speak for a minute and publicly thank Senator NELSON for his leadership, the Senator from Nebraska, who has worked so very hard on this. I would like to also mention others who have been part of this effort—Senator BAYH and Senator TESTER, Senator LINCOLN, Senator WEBB, some of the new Senators who have joined us, Senators who have now several terms of experience, Senator CARPER, Senator BEGICH from Alaska, and others, Senator MCCASKILL. I have been part of this group as well, working to try to forge some common ground.

When this bill came out of the Senate Appropriations Committee—and I am a member of that committee—we were told that there could be some work done on the floor to improve it. Our group took that to heart and said: Could we trim out some of the fat, add in some muscle, add in some focus, and reach out to the other side?

There were Republicans who voted for the bill in committee. The ranking member, THAD COCHRAN, gave support to the chairman, Senator INOUYE, and said: I am moving this bill forward in an effort to see if we can improve it.

We have made some significant improvements on the floor over the last week. It has been tough—late nights, early mornings—but we are going to continue that work. I am proud of the work of this centrist group, which is getting larger, not smaller, Members who come from the east coast and the west, the South and the Midwest, across geographic bounds, working with Members on the other side. The Senators from Maine have been particularly helpful, both on Appropriations and Finance. There have been other Senators I have enjoyed working with on many issues, whether it is coastal issues or Corps of Engineers issues. Hopefully, this centrist group will come together.

Unfortunately, there are a few Members—and maybe a few too many on this floor—who, no matter what showed up, no matter if it was the perfect bill, would still say no because they don't want to move forward. I hope that a majority of us would heed the President's call and pull together and try our very best to move this debate forward.

In the last minute and a half I have, I want to mention two things that could slightly improve. Again, there are some good things in this underlying bill, but I still think we need to cut out a great deal. Hopefully, we can come to some arrangement. It needs to be a substantial adjustment so that we can take out some fat and add some muscle. As we are adding some muscle, I suggest that we add some infrastructure funding in a broader array.

We all think highways are a great way to get people back to work, invest in brick and mortar and highways. But we also think that about revolving-loan funds, particularly for smaller cities and parishes and counties in other States, parishes in Louisiana—we have a huge backlog—waterways. And this is what I want to stress for the last minute or so.

I realize when you poll, highways always poll very high because we are always on them, roads and highways. In some parts of the country, mass transit and high-speed rail will poll well, particularly on the northeast corridor, because a lot of people ride trains.

But I come from a place where there is a lot of water. Where I come from, there are levees. Sometimes they hold and sometimes they don't. But not many people get on the other side of those levees, so they don't always see these waterways that make our commerce move, that support the manufacturing base and the business base of this country. Sometimes we forget that we need to invest in not just highways and not just rail, which is very important, but also our waterways. That is why I have an amendment pending that will add a billion dollars to the Corps of Engineers for restoration and water projects. I hope we can take that up.

I commend BYRON DORGAN, the chairman of our committee, for adding $4.6 billion because there was nothing in the bill when it started, and not just for Louisiana but for Illinois, for Washington State, for Florida. These ports, inland waterways, are very important. There is a backlog of $61 billion. I know there is about $15 to $20 billion in the pipeline, but there is $61 billion in backlog. I think adding a little bit more for the Corps of Engineers and restoration projects for the Great Lakes, for the Gulf of Mexico, and for other areas would be important.

I also think it is not just hiring welders and carpenters and construction managers that is important, but some of our Members have said we should invest in the National Science Foundation because hiring a scientist is a good thing to build a new experiment or to build a new way. It is not just building brick and mortar. So the National Science Foundation, in my view, is very much part of the new infrastructure of America because it is not just about steel and concrete and shipbuilding and fabrication. The new infrastructure is also about intellectual property, and it is also about strengthening our scientific investments.

Our group feels that a broader infrastructure piece that would not only be about highways but about waterways, about high-speed rail, about investing in the scientific base of our country would be an important investment to make.

I know my 5 minutes has passed. I know we have a vote at about 5 o'clock. I look forward to working with my colleagues in a team spirit to see if, as we progress, one or two of these amendments could be offered.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, there are some procedural situations on the other side of the aisle, and I understand that, and I will certainly be patient while those are resolved. I would just like to say we have been following a procedure today that seems to be largely satisfactory to most Members: that we consider a body of amendments that are considered and then voted on en bloc or as a series. I hope we would be able to continue that. There are, I believe, eight pending amendments. We could vote on those and then move on to other amendments. It is a procedure we have been following throughout the day. I hope we continue it and continue to make progress on the bill.

So I note the Senator from Montana is not on the floor, nor is leadership. But I hope the leadership would come out soon and give us an idea as to what the plans are for the remainder of the evening and tomorrow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I wish to make a few comments based upon the hearing we had this morning——

Mr. MENENDEZ. Mr. President, will my colleague from Kansas yield for just a moment?

Mr. BROWNBACK. Sorry?

Mr. MENENDEZ. Will my colleague from Kansas yield for a moment?

Mr. BROWNBACK. Yield for what?

Mr. MENENDEZ. For a unanimous consent request.

Mr. BROWNBACK. Yes, I will be happy to.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the time from now until 5:30 be for general debate purposes only and that it be evenly divided.

The PRESIDING OFFICER. Is there objection?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

Mr. BROWNBACK. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. BROWNBACK. Mr. President, as I was stating——

Mr. BAUCUS. Mr. President, might I ask the Senator from Kansas, how long do you wish to speak?

Mr. BROWNBACK. Probably less than 10 minutes.

Mr. BAUCUS. OK. Thank you. Fine.

Mr. BROWNBACK. Mr. President, as I was mentioning, we had a hearing in the Joint Economic Committee this morning on Bureau of Labor Statistics numbers for this past month of January. They are not good, obviously. There are nearly 600,000 job losses taking place. What has happened up until about 3 months ago—the crisis was centered in housing, primarily, as everybody knows. Then it spread out to the rest of the economy. Then we have seen that spread out, make more impact, now getting to unemployment rates that have been rising substantially during those past 3 months.

Obviously, the economy is ailing. Everybody knows that. American families are suffering. But there are two things I want to bring out from this study that I think are a little bit different, and I hope my colleagues are watching these particular items.

There are two sectors in the economy that are still producing jobs. It is in health care, and it is in education. Obviously, we wish they were producing more jobs in those sectors, but the point of the matter they were making and saying is that these two sectors are doing well without stimulus. They are continuing to move on forward.

It would be my hope that as people move forward on this process in the stimulus bill, we would say: Let's target in and focus on the areas that are not creating jobs, that have lost a huge number of jobs, and target much more of our effort there rather than in areas such as health care and education that have continued to produce jobs.

The auto industry—Senator MIKULSKI and I had an amendment that was adopted that, if this gets to conference, I would hope would be maintained in conference, of taking interest on a new car purchase in 2009 and allowing that interest to be tax deductible. That would be something that would stimulate a sector of the economy that is obviously in great trouble. And while we have limited resources, we need to target it to areas that have difficulty and not areas that are doing relatively well compared to the rest of the economy and do not need stimulus, areas that are performing and look as if they are going to be able to continue to perform. So with the limited resources we have, we have to target and get into those areas that actually need to be stimulated and stimulate the economy in those zones.

I was just reading an article on the front page of the New York Times today. They were talking about Japan's lost decade that a number of people have cited with pretty extensive writing: infrastructure projects that did not produce yield, and then they were left with 10 years of pretty radical Government spending and not much to show for it; and only with global economic activity picking up did the Japanese economy pick up out of that, and then they were left with this towering debt.

Point No. 1 on this issue is that for those sectors performing relatively well—although not great—let's take those stimulus dollars and focus them into areas that are not performing, like in the auto industry or in housing, which is where this started. I think that is a great point we need to do.

The second point on this—we just put out a paper on this on the Republican side of the Joint Economic Committee—is that we need a stimulus, and we need it to be a stimulus, and we need to have some criteria of stimulus. A number of people have studied this and looked at past experiences in this country and other places, and I would simply ask my colleagues, let's make sure to put all of those proposals through a stimulus grid and ask, does it actually produce stimulus, does it actually create jobs, and not have a multiple set of targets taking place of, well, OK, we want to do this in the energy field, we want to do this in the environment field, we want to do this in other fields. All of these are fine objectives, but right now the economy is in this crisis situation, and that is what we have to have as a laser focus.

I have seen too many times around here where we get a multiple set of targets and we do not hit any of them very well. We have one target: We have to get the economy going again. We have one job, and we probably have one bullet the size we are talking about with this one. We can only hit one target with this, and we need to hit that target.

In looking at these tax multipliers, President Obama's Chair of the Council of Economic Advisers has done studies on this and found that the tax multiplier from tax cuts is nearly 3 to 1—every $1 of tax cuts producing $3 of GDP activity. I have other papers—and I am going to submit those for the RECORD—showing the efforts for stimulus packages that are focused on Government spending have as low a yield as $0.33 per $1 of economic activity spent on them. We cannot at all afford to have that low of a yield on a Government spending package. We have this from studies from Robert Hall of Stanford and Susan Woodward, the chair of Sand Hill Econometrics, and a Harvard study by Robert Barro, showing a multiplier of 0.8 in some of the Government spending.

My point in saying all this is I think there is a stimulus package to be had out there that has 75, 80 votes for it from the Senate. I think we have to slow up and get that package that gets that number of votes and have one criteria for it: Does it stimulate the economy? And if it does not have a multiplier of at least 1.5—I think it should

be 2, but if it does not have a multiplier of at least 1.5, we should not be doing it because what if we are 6 months down the road and this spreads into another sector or we have more banking problems, and you need resources again, and you have already piled up this level of debt, and you are going to add more to it, and you do not have another bullet in the chamber to be able to do it?

A simple taking of a couple more weeks to get this hit on the target—it is far more important that we hit the target, that we have 2 or 3 more weeks to target in on it. We have good models, and there is good will to do this. The pleas from these hearings we had this morning on the unemployment rate say we have to hit the targets and the sectors that need it, not the targets and the sectors that do not need it as much as in some of these manufacturing pieces and some of the construction pieces that are there.

Our economy is ailing, American families are suffering. They are looking to us to help get the economy moving again without dooming future generations to decades of economic stagnation and decreased opportunity. Just like the patient who counts on his doctor to prescribe the right medication when he is ill, the American people are counting on us to deliver the right medicine—medicine that will help the economy recover.

I am concerned that we are on the verge of prescribing the wrong medicine for the economy. The medicine we are on the verge of prescribing—a permanent and significant increase in the size of government—may well leave our economy buried under a mountain of debt with no appreciable impact on improving the long-term health of our economy and little actual short-term ''stimulus.''

Time and again during this debate, Members of this body have taken to this floor to proclaim that tax cuts don't stimulate the economy and create jobs. We have been told that spending is more effective at stimulating economic growth than reducing tax burdens as though that were settled economic fact.

However, the multipliers cited are more the result of how the macro models are constructed than they are from any statistical analysis of the data. These models are built upon the assumption that spending by the Government is more effective in stimulating the economy than tax relief to individuals and their families. When you construct an economic model with assumptions that ensure large multiplier effects from Government spending—guess what—you get large effects from Government spending: multiplier in, by assumption, multiplier out.

But the consumer doesn't necessarily march to the tune of an ''omniscient government,'' and might save some of the money instead of spending it all. Well, if we think that an American family might save half of any relief we give them, why not double the amount we give them and get the type of multiplier effects we want. Let the American people, and not the Government, choose. I have a basic problem with the basic notion that the Government is a better allocator of resources than American families. Yet, we hear these multipliers bandied about as though they represented settled economic fact.

That simply is not the case. In fact, there is a good deal of recent economic research that analyzes data as opposed to building models on Keynesian assumptions.

I want to briefly cite a couple of examples of that research—research that looks at historical data and experience, not results produced by theoretical models of the economy.

First, and some of my colleagues have alluded to this, Christina Romer, President Obama's Chair of the Council of Economic Advisors and her husband, David Romer of the University of California at Berkeley, found a tax multiplier of about three—a dollar of tax cut raises the gross domestic product, GDP, by about three dollars.

In a recent paper published by the National Bureau of Economic Research, Andrew Mountford of the University of London and Harald Uhlig of the University of Chicago, evaluated the effectiveness of three policy options. Let me quote from their findings:

> We find that deficit-financed tax cuts work best among these three scenarios to improve GDP, with a maximal . . . multiplier of five dollars of total additional GDP per each dollar of the total cut in government revenue five years after the shock.

They found a maximal multiplier of 5.33 after 14 quarters for a deficit-financed tax cut. What did they find the maximum result of deficit-financed Government spending was? Mr. President, 0.65— after one quarter.

Robert Hall of Stanford and Susan Woodward, the chair of Sand Hill Econometrics, find a general Government spending multiplier of about one. Robert Barro of Harvard recently noted in the Wall Street Journal that his research showed a 0.8 multiplier for wartime spending. When he attempted to estimate directly the multiplier associated with peacetime Government spending, he got a number insignificantly different from zero.

While the other side is fond of criticizing the 2001 and 2003 tax cuts, they often forget that they produced revenues that were greater than estimated by CBO before they were passed. There is no question that private investment and the jobs market improved dramatically and quickly after the passage of the 2003 tax cuts. Capital repatriated to this country from abroad skyrocketed when we had a 1-year reduction in the tax on earnings brought back to this country from abroad.

I want to impress upon my colleagues that these multipliers that are cited to support broad increases in spending are not supported by much solid academic research. They are supported by models whose assumptions largely drive the result.

Now I want to turn briefly to one aspect of this spending bill that needs some emphasis. The proponents talk about creating jobs. This bill spends large amounts of money on worthwhile programs such as education and healthcare. This morning, the BLS reported that payroll employment in the education and health services sectors increased by 54,000 during January 2009. Payroll employment in those sectors has registered positive growth for 52 consecutive months. During that period, payroll employment in those sectors has increased by 2,164,000. Over the past year, payroll employment in the education and health services sectors has increased by 530,000.

It is not the education and health services sectors that need stimulus to create jobs; it is already creating them. We should be targeting sectors that have suffered severe declines, like the motor vehicle and parts subsector where employment has declined by more than 20% in just the past year and 40% since January 2001. We should be looking at data to target incentives for enterprise to create jobs that are permanent and part of private-sector activity, not Government.

We need to also be careful to avoid reinflating the bubble. The construction sector lost 111,000 jobs in January and has seen 935,000 jobs lost over 19 consecutive months of decline. Yet even with that decline, construction-sector jobs are within 1 percent of January 2001 prehousing-bubble levels. We need to make sure that we aren't simply creating temporary Government funded jobs that will vanish and leave American families in the same situation they find themselves in today.

Lastly, I want to again address this concern over the fact that consumers might save tax reductions or equivalently pay down debt. This bill takes the approach that consumers won't do the right thing and rush out and spend the money. What is wrong with a family making the decision to improve its balance sheet rather than recklessly spend what they might not be able to afford? The household and nonprofit sectors lost $7 trillion in net worth between the third quarter of 2007 and the third quarter of 2008. We have poured hundreds of billions into helping banks improve their balance sheets, but when a taxpayer chooses to do what he believes is best for his family, somehow we manage to criticize that.

Rushing to pass a bill because of the fear that support is slowly but surely fading under the face of pressure from

the American people is a foolhardy exercise. We should act with due speed, but not haste. Let's take this bill down, send it back to committee, and focus on creating a bill that will stimulate the economy and does not use the current crisis to shoehorn permanent expansions of Government programs into a stimulus bill under the guise of stimulus.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I thank the distinguished chairman.

Earlier today we adopted an amendment that prohibits appropriations under this act to aquariums or zoos or beautification projects or other such entities, and Rhode Island was specifically targeted by the Senator who offered that amendment. He mocked a zoo that belongs to the city of Providence that would be, I think, a potential area of support from this bill. He mocked a tree-planting program within the city of Providence.

I urge my colleagues, at their leisure, to reconsider the wisdom of that vote, perhaps in conference.

The Roger Williams Park Zoo is a wonderful facility. Children come through it to get educated through schools. People are employed there. It opens minds to the wonders of nature. It has wonderful science programs. And it's a municipal business that is run for the benefit of the people of Providence. And it needs work. As long as it needs work, as long as cities are broke in this economy, I don't understand why one would single out a zoo as opposed to the Department of Motor Vehicles or some other structure that might need repair. Why take that job away?

Is the Senator who offered this so infallible? Does he know so much about other States he has never even visited that he can impose his views? I would never dream of suggesting that I know more about towns and cities in Oklahoma than the local political establishments of those towns as to what is wise. I really think that that is a mistake.

If a city needs tree planting and that brings real jobs and it puts people and their trucks and their trees and their nurserymen to work, and if it provides shade, and it provides greenness, and if it absorbs carbon, and if it engages in traffic calming, there are all sorts of good reasons why people would want to do that. Why is it necessary for one Senator to tell the city of Providence that he knows better, having never visited?

And, finally, we don't have an aquarium, but there was a story in the New York Times about ''Japan's Big-Works Stimulus.'' It talks about a bridge they built with their stimulus money. As to the bridge, here is what they say:

> ''The bridge? It's a dud,'' said Masahiro Shimada, 70, a retired city official who was fishing near the port. ''Maybe we could use it for bungee jumping,'' he joked.

Here is what he concluded:

> Among Hamada's many public works projects, the biggest benefits had come from the prison, the university, and the Aquas aquarium. These had created hundreds of permanent jobs and attracted students and families with children to live in a city where nearly a third of residents were over 65.

Of the hundreds and hundreds of projects Japan did for stimulus in Hamada, the three best included an aquarium—and we have ruled that out because one Senator from a State far from Rhode Island who has never been to my State purports to know more about what we should do in our cities than we do ourselves.

I urge that we have a little bit of the spirit of Ben Franklin at the closing of the discussion over the Constitution when he urged all of the Members who were present to doubt a little bit of their own infallibility so that we can get together and get something done. I urge the Senator who proposed this amendment to doubt a little of his own infallibility, and I urge that we have a little bit more confidence in our own local judgments about what might actually provide the most bang for the buck.

I thank the chairman for allowing me this moment and I yield the floor.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Ohio.

Mr. BROWN. Mr. President, later this evening or tomorrow, I will offer an amendment that will put money back where it belongs: into the pockets of retirees who earn those dollars and who will spend those dollars. I wish to thank Senator VOINOVICH, my colleague from Ohio, as well as Senator DURBIN from Illinois, Senators SCHUMER and GILLIBRAND from New York, and Senator CASEY from Pennsylvania for joining me in this effort.

Our amendment would drive economic activity and confront a policy that has blindsided too many American retirees—retirees from all over the country, from many sectors of our economy.

Mr. President, 44 million Americans rely on the Pension Benefit Guaranty Corporation—PBGC—to protect their retirement income in today's volatile economic climate. When pension plans are terminated, the PBGC steps in. Six hundred forty thousand Americans are covered under the Pension Benefit Guaranty Corporation. It is a crucial institution to maintaining a decent standard of living for American retirees. But in administering pension plans, the PBGC can pay out benefits for years, based on preliminary estimates of the guaranteed amount. Determination of the final benefit amount routinely takes several years to calculate and sometimes results in ''overpayments.''

I wish to put this term in context. When the PBGC takes over a pension—when a corporation, in essence, dumps its pension on the PBGC which it has paid premiums into—it is a government agency but one that relies on premiums paid by companies—when PBGC takes over a pension, benefits are routinely cut—dramatically cut—for retirees. So if you are receiving $2,000 a month from your company, it declares bankruptcy, you are thrown into the PBGC, you don't get $2,000 a month, you get appreciably less, sometimes $800 $900, $1,200, $1,400—way less a month than you were getting before. So when PBGC makes a mistake with these overpayments, they don't make retirees flush, they are dollars at the margin that reflect the difference between initial and final pension benefits. In other words, most retirees covered under PBGC are receiving significantly lower pension payouts with or without these temporary overpayments, so it is never good news for the retiree. They are virtually never getting what they were promised by their company when they worked for that company and after they retired from that company.

Retirees have no control over the amount they are paid by PBGC. They have no control over when PBGC will come up with final benefit determinations or whether these determinations will be different from the initial estimates. But they are still required to pay the price for any difference between estimated and actual benefits, and that price can be steep.

Let me share a story. For privacy's sake, I am going to use first names only. Richard owes $53,415.60. He was told when he was working in a steel mill that he would get a monthly pension benefit of around $2,400. When PBGC assumed trusteeship, he was told he would get a benefit of $1,088. Now he is being told that he will get $325 minus a recoupment deduction of 10 percent, yielding $292 before taxes. Now, Richard, as I said, was initially getting a pension when he retired—a promised pension, a commitment, a pledge from this company of $2,400. That was the promise. That was the covenant he had. Now, because of all of this, he is getting $292 before taxes.

Louis. Louis put in nearly 34 years at Republic Technologies in Lorain, OH, where I lived for many years. PBGC has informed him he will be paying back pension money until he is 95 years old.

These are Ohio stories, but Ohioans are not the only ones who have been hit with pension cut after pension cut after pension cut. Not only Republic Technology retirees such as Richard and Louis, but retirees from Oneida,

Pillotex, Bethlehem Steel, Huffy, Penn Traffic, National Steel, Reliable Insurance, U.S. Air, Eastern Airlines, Pan Am, Delta, United Airlines—retirees from all of those companies have been blindsided by overpayment recoupment.

Our amendment is simple. It gives a little relief to the 30,000 retirees whose pensions are being garnished by PBGC.

Under our amendment, these retirees receive a simple reprieve from PBGC requirements for 24 months. Their pensions wouldn't be garnished and they wouldn't be liable for those dollars—now or ever. If we want to stimulate the economy, giving a few dollars back to retirees who never thought they would lose them and who desperately need them is an excellent way to do it.

Conservative estimates place the cost of this amendment at $20 million. Those dollars will go straight into the pockets of American retirees to be spent immediately in our country, and it will help the economy, and it will certainly help those thousands of retirees.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, there will be votes later on this evening. We are going to have a Democratic caucus starting in 7 minutes, at 5:30. We hope to complete that in 45 minutes or thereabouts, but caucuses sometimes don't work out as quickly as we wish. We will come back after that and hopefully at that time work toward disposing of these amendments that are now pending. We have a number of them that need to have votes. I repeat, we are going to have some votes later on tonight. I apologize for not having anything more definite than that, but at this stage that is the best I can do.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. REID. Mr. President, in an effort to get to the Chamber, I was in a little bit too big of a hurry. I should have made my very brief statement with the Republican leader here, but I didn't, so I apologize to him for that. I have discussed it with the Republican leader.

I ask unanimous consent that the Senate stand in recess until 6:30 tonight.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Thereupon, at 5:27 p.m., the Senate recessed until 6:30 p.m., and reassembled when called to order by the Presiding Officer (Mr. BROWN).

The PRESIDING OFFICER. The Senator from Illinois is recognized.

RECESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate stand in recess until 7 p.m.

There being no objection, the Senate, at 6:31 p.m., recessed until 7 p.m., and reassembled when called to order by the Presiding Officer (Mrs. SHAHEEN).

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009—Continued

Mr. REID. Madam President, earlier today, the Labor Department announced that the unemployment rate had gone up very high. We now find the housing crisis is worse, with lending freezes still upon us, and small businesses are shutting down as we speak. Job losses are significant this month alone; that is, the month of January, with 600,000 jobs lost, and the month of February is starting to be even worse than January as far as layoffs. In Nevada, the unemployment rate has gone well over 9 percent.

Leading economists are now comparing today's crisis to the early days of the Great Depression. We are doing everything we can to make sure this severe recession we are in does not become another Great Depression, and we are a long ways from a Great Depression. The Great Depression saw the stock market drop 89 percent, and 25 percent of all Americans were unemployed, with millions of others underemployed. But we do not want this recession we are in to march into a depression, and that is why we have worked all week to come up with a solution to these problems, to try to help jump-start this economy.

President Obama himself acknowledged that his plan wasn't perfect. I have to be very candid with everyone here. I have learned a lot in the last few days by people coming in good faith and saying what is in here should not be in here and, on a few occasions, listening to what was propounded by those who have come up with this bipartisan agreement, we had to swallow real hard, but it was all done in good faith. This is a very critical juncture in time for our great country. It is an important time for the Congress. Faced with this grave and growing economic crisis, we are now close—closer—to joining President Obama in helping turn the economy around.

I think the process here has been very good. We have had a large number of amendments debated and voted upon. The managers have worked very hard. Senators BAUCUS and INOUYE, with their counterparts, have moved through a lot of amendments. It has been an open process. Some of the votes have been difficult votes to take. But now we are at a point where people of good will are going to move forward and complete this work. The question of when we do it is certainly something we are concerned about, but we are going to do it—if not tonight, in the next day or so.

I express my appreciation to a Senator on our side of the aisle—Senator BEN NELSON—who took this difficult assignment on our side to come up with something we could pass, is the best way to say it. There were a number of Senators who worked with him on this side of the aisle, a number of Senators who worked with Senator COLLINS on the other side of the aisle. I am not going to run through all the people who worked on this, but from my perspective Senator NELSON and Senator COLLINS are the two people who got us to where we are now, with great work by others. I hope I don't offend anyone by not mentioning them, but from my perspective tonight there are four people who need to talk about this. But for them, we would not be in a position where we could move forward to try to help the American people: That is Senators BEN NELSON, SUSAN COLLINS, ARLEN SPECTER, and JOE LIEBERMAN.

So, Madam President, I ask unanimous consent—and certainly if the Republican leader cares to say anything, but I wish to get this consent request entered first. If he wants to say something before the time begins on these other individuals, he certainly has that right. He can do it beforehand, if he wants, but I want to get this out of the way.

I ask unanimous consent that Senator BEN NELSON be recognized for 10 minutes; that Senator SUSAN COLLINS be recognized for 10 minutes; Senator ARLEN SPECTER be recognized for 15 minutes; Senator LIEBERMAN be recognized for 10 minutes; and that the Republicans, following these statements by these four Senators, have equal time—that is 45 minutes—to be divided any way they feel appropriate.

I ask unanimous consent that be approved; and I preface it by saying if Senator MCCONNELL has anything to say before the time starts running on these four individuals and the other individuals, which is going to be about 90 minutes, and I am sure he does, I ask unanimous consent that following the statement of the Republican leader that this consent be granted.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Madam President, reserving the right to object, and I may not object, but I wish to ask the distinguished majority leader if we could alternate the speakers over that same period of an hour and a half.

Mr. REID. I would say that we are alternating. We have four people who have put this arrangement together. I think it would be appropriate for the whole body to listen to what the arrangement is. I think it would certainly be more understandable to do it that way, and we have two Republicans and two Democrats. So I think that would be fair. If my friend would allow us to do that, I think it would be good for the body.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. That is certainly not alternating speakers in terms of position on the amendment, and I would again suggest we do what we virtually always do and alternate speakers with regard to the pending issue, which is this new amendment.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I ask my friend, through the Chair, wouldn't it be better if people who responded to these four Senators had some idea what the agreement was? That would seem to be so much more logical, and I hope my friend would allow us to proceed in that manner.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I also note that I see my friend stood to be recognized, Madam President, but we have gone out of our way to protect everybody's right. We haven't tried to blindside anyone. We have listened to all the amendments. We have been fair with all the time. I can't imagine why my friend would want to do this. My Senators need to know what this agreement is.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I will not object. I wish to respond to the majority leader through the Chair and say I am very eager to understand all of the details of this proposal, and I will be doing that by getting a copy of the proposal and digesting it over a reasonable period of time over the weekend, since it is a trillion dollar proposal. But I will not object to that specific request.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Madam President, I rise this evening to speak about the need for Congress to support substantial and swift-acting help for our Nation. These days, all too often when tuning into the news, we cringe—layoffs, job losses, poor earnings, business closings, State fiscal problems, foreclosures, global financial troubles, and the worried faces of so many Americans.

Our great Nation is mired in the worst economic downturn since the Great Depression. My State of Nebraska, usually late to recessions, has been caught by the crisis too. Thousands of Nebraskans have lost their jobs or been laid off. Many business owners are worried, and the economic downturn is affecting everyone's budget and wallet and outlook. One of the strongest Nebraska values is our work ethic. But right now, a lot of Nebraskans just want to show up for work tomorrow or hope for a better job in the future.

That is why I have been pleased to work with my good friend, Senator SUSAN COLLINS, and a bipartisan group of Senators to address this crisis now, to find a plan that creates jobs and restores America's economic strength. We have reached an agreement on a bipartisan plan that does that. With so much at stake, however, and the costs to our children and our grandchildren so high, it is important that we get it right.

The economic recovery bill we support today fuels two powerful engines: major tax cuts for the middle class and to create jobs, and targeted investments in America's infrastructure and job growth. Our bipartisan group worked long and hard, going line by line, dollar by dollar, to reduce spending from the original bill. We trimmed the fat, fried the bacon, and milked the sacred cows. The savings to the American people, to taxpayers, is $110 billion—hardly the trillion dollars that was just mentioned.

The total package is $780 billion. The remaining bill consists of tax cuts for the middle class and specific job-creating investments, providing long-lasting economic benefits.

I truly thank my colleagues from across the aisle, my good friends and partners in this effort, Senator SUSAN COLLINS and Senator ARLEN SPECTER and my good friend from Connecticut, JOE LIEBERMAN, for their work. Also, we had the support of a number of our colleagues, including the Presiding Officer, on this side of the aisle. I guess I can affectionately call all of us the Jobs Squad. They made nonstop efforts and held nonstop meetings to do this work this week. They never lost hope, no matter whatever the word was on the street or the fact that there was maybe one or two or more leaks of information. We would never lose hope. Their guidance and their wise counsel were invaluable as we continued to work to advance and develop this consensus today.

Our plan pared back a very substantial amount of money that we believed didn't belong in a bill called a stimulus package that was designed to fix our economy. If we look at these proposals, many of them will work well in a budget or in another bill, but we did not think they deserved to be in this particular bill which was about jobs, jobs, jobs. If we ask taxpayers to support it, as we are, they deserve to get the biggest bang for their buck. The remaining plan will generate new jobs, save jobs, and expand job opportunities all across America as it also boosts our economy.

We recognize our plan is not perfect, but I believe it is both responsible and realistic. It is stimulative and timely and can help deliver economic recovery to the American people soon.

The tax cuts in the recovery plan will reach 95 percent of all Americans, providing direct assistance for struggling middle-class American families and to businesses so they can create or preserve jobs. The robust $350 billion in tax cuts will put a lot of money in people's pockets, money to buy a car, a refrigerator, a student's college education, or equipment for better products. Some say we do not have enough tax cuts. That $300 billion I just mentioned is the exact same amount Congress overwhelmingly approved in 2003, under the previous administration, to help the economy at that time.

Our country cannot wait another day for another approach. The American people expect us, their elected representatives, to pull together in crisis, to do the best we can, and to take appropriate action. We may not have a choice about the need for a major stimulus effort, but our bipartisan group has made tough choices, and we have improved the economic recovery bill. I believe President Obama and colleagues all across Capitol Hill, on both sides of the aisle and both sides of this wonderful Capitol, will see this as a serious and effective effort to return America to prosperity.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I am pleased to join my colleagues, Senator NELSON, Senator SPECTER, and Senator LIEBERMAN, in offering a bipartisan compromise on the stimulus proposal that is before us. This proposal is the culmination of much deliberation and debate by so many of our colleagues on both sides of the aisle. I realize some of my Republican colleagues who were involved in the deliberations ultimately have decided not to support the compromise, but their debate, their ideas helped inform the compromise we are presenting tonight.

Our country faces a grave economic crisis, and the American people want us to work together. They do not want to see us dividing along partisan lines on the most serious crisis facing our country. That is why so many of us have worked night and day to try to

come up with a stimulus package that would be a considerable improvement over the House-passed bill and would help boost our economy and create and preserve jobs.

I could not vote for the House-passed bill. Laden with unnecessary expenditures, it was a Christmas tree upon which every Member, virtually, had hung his or her favorite project. It was bloated, expensive, and ineffective. This compromise greatly improves the bill. It will help our economy recover from a dangerous recession. It will help Americans throughout this country who are struggling because they have lost their jobs.

Every day we hear more reports of massive job losses. Just today we learned our country lost nearly 600,000 jobs in January alone. The unemployment rate exceeds 7 percent, its highest level in more than 16 years. Unemployment in my home State of Maine is now 7 percent—again, a 16-year high. Just today in Maine we learned that another paper mill has been forced to lay off 140 people for at least a month because they do not have enough orders to keep the workers on the job. These are not just cold statistics. These are not just jobs. These are hardworking American people who need our help, who deserve a stimulus package that is targeted, effective, and bipartisan. That is why I have worked so hard with a bipartisan group of my colleagues to come up with a responsible plan that will jump-start our economy and help improve the lives of hardworking people.

This debate is not about Republicans or about Democrats. It is not about our new President winning or losing. It is about helping the American people. Surely we ought to be able to come together to advance that goal.

I have maintained since the beginning of this debate that in order to be effective, the money included in this package has to be able to be spent quickly to put more dollars into the taxpayers' pockets, and it has to be targeted and directed to projects that will really help. That is what we have done.

As my colleague from Nebraska has pointed out, we have reduced over $110 billion in unnecessary spending from this bill. We have cut that away. Is it perfect? No. Every compromise reflects choices that are necessary to bring people together. But this bill is an enormous improvement over the House bill. It cuts away many projects that are worthwhile projects but which do not belong in a stimulus package because they have nothing to do with turning our economy around and creating and saving jobs.

There has been a lot of talk from outside groups about our slashing the spending in this bill. We took a targeted approach. We did cut spending, even for programs we all support because they belong in the regular appropriations process. They are good programs, but they are not programs that will stimulate the economy.

So we focused on the following programs:

We included $45.5 billion for infrastructure projects—roads and bridges that are needed throughout our country that are ready to go, that will put people to work, and that will leave lasting assets in communities across this country. We helped to fund some water and sewer projects that are the results of unfunded Federal mandates which are needed to improve public health but impose a real burden on struggling communities and States.

We included $4.4 billion to improve our electric transmission through a smart grid that will help us to transmit alternative sources of energy.

We included $87 billion in targeted temporary increases in the Federal Medicaid matching rate. This will help our States avoid deep cutbacks in health care coverage for some of our most vulnerable citizens.

We included $6 billion for special education. If you talk to schools throughout this country and you ask them how you can most help them, they will say: Start fulfilling the Federal promise to help fund special education for children with special needs. It is a promise we made back in the 1970s that we have never kept. We put in funding for special education. That will help communities across this country, and it will help retain teaching jobs as well.

We also included nearly $4 billion in Pell grants to help our neediest students go to college.

We have included funding for a 1-year fix in the alternative minimum tax, which unfairly imposes an increased tax on middle-income families. There are tax incentives for small businesses, the true job creators in this country. They will be helped by this bill. There is tax relief for low-income and middle-income families. That is so important, to help those families who are truly struggling right now, and it will help boost consumer demand as well.

We took a careful, thoughtful, comprehensive approach. We got rid of funding for such projects as $870 million for pandemic flu preparedness. That is something that may be needed but doesn't belong in a stimulus package. We made a number of cuts like that, difficult cuts but important, so that we could keep to the purpose of this package.

This has been an extremely difficult deliberation, but I believe we have an obligation to start solving the problems facing this country. The American people do not want to see partisan gridlock. They do not want to see us divided and fighting. They want to see us working together to solve the most important crisis facing our country. That is what we have done. That is why we have presented this compromise.

Again, I thank not only my colleagues, Senator NELSON, Senator SPECTER, and Senator LIEBERMAN—all of whom have worked so hard—but others whose input and insights were invaluable in crafting this package.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I begin with the enormously serious economic problems facing the United States: an unemployment rate which is rising, 2,974,000 jobs lost last year, thousands of people losing their jobs every day; recognizing the very heavy psychological factor which is at work, cited for the destruction of consumer confidence; and the eyes and the ears of the world are on the United States, on the U.S. Government, and on the Senate tonight to see whether we will be able to respond to the magnitude of the problem.

The psychological impact, if we were to reject some activist approach, I think would be devastating, not only on Wall Street and on Main Street but all across the face of the globe.

Based on the telephone calls which I have gotten in my office, this is a very unpopular vote. Perhaps the tide will turn. But the calls are mounting from one end of the political spectrum saying there are too many expenditures, and the calls are mounting on the other end of the political spectrum saying there is not enough money being spent on the proposal which we are advancing tonight.

Perhaps the tide will turn on reflection and an analysis of the program which we are setting forth. Perhaps the tide will turn as exemplified by the letter issued today from the U.S. Chamber of Commerce, principal spokesman for corporate America and principal spokesman for conservative America.

The Chamber says this:

> Therefore, this legislation, because the economy continues to deteriorate, the Chamber is for the bill because it supports progrowth tax initiatives. The Chamber is for the bill because it applauds the inclusion of tax relief. The Chamber is for the bill because many of the spending-side provisions of the legislation will also provide stimulus to get Americans back to work focusing on infrastructure spending for roads, rails, public transportation, aviation, inland waterways and ports.

I have already noted certain grave concerns which I have and one is the rush to judgment, which we are a part, and perhaps a necessary part. When President Obama came to speak to the Republican Caucus recently, when my turn came to ask a question, I said: Why are you wedded to February 13? That is too fast to digest a bill of this magnitude.

I said we had passed a $700 billion bailout bill, TARP, where we did not know what was in the bill. We did not have the regular order of hearings, questions, and cross-examination or committee work on the markup line by

line with the committee report. We did not even have floor debate.

We made a lot of mistakes. They were compounded by the administration carrying it out. I voted against the release of the second $350 billion. I said: Mr. President, let's not do it again. There is nothing magical about February 13 before we start the week of recess for Presidents Day.

The President responded, emphasizing the severe nature of the problem, and not telling us all, which he has told us privately, about the serious problems which he sees or his advisers see for any delay at all. So we are responding to his timetable. I do not like it, but I am responding to it.

There are other aspects of this bill which give me heartburn. There is a lot in this bill which ought to be part of the regular appropriations process. I served for 10 years as chairman of the subcommittee funding the Departments of Health and Human Services and Education. I have fought hard for many of the items that are in this bill but ought not to be in this bill. They ought to be part of the regular appropriations process where we set an overall budget and we fight them out on priorities.

But they are here because the administration and the bill proposed by the committee has seen fit to include them. There are many who are criticizing the amendment which we are offering here this evening. They say there are cuts in important programs. Well, that is wrong. There are not cuts in important programs. If this bill is not passed, there will not be any appropriations. So you start from zero on Head Start, and you start from zero on child development.

It is true we have made some reductions in the size of the appropriations, but that is not a cut. For example, on childcare, the committee bill has $1 billion, and we have seen fit to put $2 billion in. Well, if we do not have 60 votes, childcare does not get any additional sum. My preference would be to handle it in regular order.

Head Start is in the committee bill for $2.1 billion. It is going to have $1.05 billion.

Title I in the committee report has $13 billion and will retain $12.4 billion. Special education has $13.5 billion, and we left it all in because that is a Federal mandate. It is different.

The National Institutes of Health has $10 billion, including the Senate amendment. This is an item that has special significance to Senator HARKIN and myself as our lead in raising NIH funding since 1994 from $10 billion to the present number of approximately $30 billion. NIH will produce 70,000 jobs, according to the head of the National Institutes of Health.

Now, what have we accomplished in the amendment which is being offered now? This bill, in coming to the floor, and these figures are pretty close. They are hard to be exact. The bill starts with $885 billion. There were add-ons on the floor of $53 billion. The bill, as it is being reported is $780 billion. So we have reduced the expenditures by $105 billion. That is a lot of money.

That is something which makes everybody angry. But that is a position you are in if you are a Senator. People are unhappy because they did not get the full amount for the committee report, although absent this bill they would get zero additional. People are unhappy on spending too much money, but it is imperative, as I see it, that we do something very substantial.

There are reasons to argue that this is a bad bill. I am not saying it is a bad bill, I am saying there are reasons to argue it is a bad bill. But I do not believe there is any doubt the economy would be enormously worse off without it. That is the kind of a choice we have to make.

Personally, I would prefer not to be on the edge of the pin, as so frequently is the case in this body. But I do believe we have to act, and I believe that under all the circumstances, this is the best we can do and we ought to do it.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, I thank my friends, Senator BEN NELSON of Nebraska, Senator SUSAN COLLINS of Maine, Senator ARLEN SPECTER of Pennsylvania, for their eloquent comments. I thank them for their leadership. I thank them for their courage. I am honored to be in their presence. All of America is indebted to them for what their leadership, on behalf of this unifying amendment, will mean to the people of our country.

Tonight the Senate is passing a test. It is not as hard a test as the test millions of Americans are facing every day in this terrible economic crisis our country is going through. It is not as hard as the test facing the families whose mothers and fathers have lost their jobs or whose children cannot afford to go to college or whose employers cannot afford to give them the health care benefits they have had.

I could go on and on. It is the American people who, in the midst of this economic crisis, greater than any we have faced since the Great Depression, are facing the most serious test every day. But their test now confronts the Senate, the House, this Congress, the President, our Government with another test.

Are we able to come together and give the American people, the American economy, American businesses, American workers, the help that they can get from nowhere else, to get this economy of ours moving again, to protect jobs and to create jobs. The help is not going to come from the private sector; it is not there. It is not going to come from the personal consumption that normally drives 70 percent of our gross domestic product; it is not there. You do not need to be an economist to understand that.

People see it in their own lives: lost jobs, fear that their jobs will be next, an anxiety so deep they will not buy what they need, businesses that are constantly laying off people. It has been referred to, but here it is today, 600,000 Americans lost their job last month, January of this year.

So the only place help can come from for this economy now is the Federal Government. The question is, Would we rise to the test? I think tonight, thanks to some very strong leadership from Senator NELSON, Senator COLLINS, some really courageous work by the two of them, and Senator SPECTER and others in both parties, we are going to show tonight that the U.S. Government passes the test.

As a result, we will then help the American people pass the test, restore their hope, protect their jobs, create new jobs, give them more money in their pockets as their payroll taxes go down. This journey we have been on this week, very intense, very emotional, very difficult, was never about winning or losing, it was about governing.

Would we be able to find common ground to get 60 votes to pass this legislation so critically needed by the American people. Tonight we are going to do it. It was not easy, but we are going to do it, and it should give us all in this Chamber hope as we go on to confront the next problems and challenges we will face: health care reform, climate change, entitlement reform to secure the retirement of the American people in future years.

The bill that came to the floor, as has been said, was a very strong and good-faith effort. But many of us on both sides of the aisle, both parties, even a couple of Independents, felt there were some things in it that though very well intended, could not be justified as part of an economic stimulus package.

On another level, what was clear as a result is that the proposal, as it came to the floor, simply did not have the 60 votes it needs to get adopted. You cannot get anything done, I was told a long time ago when I went into Connecticut politics, by a wise and seasoned politician: You cannot get anything done for the people who were good enough to send you to serve unless you pass legislation.

It is great to give a beautiful speech, but a beautiful speech doesn't protect anybody's job. It doesn't put more money into the paycheck. It doesn't provide health care or hope.

In what looked like another moment of failure, inability to lead, inability to govern, inability to help the people of our country who are suffering now as

they haven't suffered for a long time, a gang was formed. I must say, as a teenager I never got to join a gang. The Senate has given me an unexpected opportunity to join some good gangs. It shows if you live long enough, as the old saying goes, you experience anything. This wasn't a gang of 14. This was a gang of people who wanted to get the economy moving again—Democrats, Republicans, and Independents. But it took two people with the guts to step forward and form it, lead it: Senator BEN NELSON of Nebraska and Senator SUSAN COLLINS of Maine. A lot of others of us came together. We worked very hard. We worked openly. We worked honestly. We had a common goal, as has been said; $110 billion has been cut out of this program.

Our Republican colleagues offered an amendment that would have cut the original program down to $411 billion. Senator COLLINS, in our meetings with one another, came in with a proposal of $620 billion. The bill, as it came to the floor, was $885 billion. We compromised. That is always the way anything gets done in an American legislative body because we represent this extraordinarily diverse country. We come with different philosophies, different backgrounds, different constituencies. If you try to get everything you want, you won't get anything for anybody who was good enough to send you here to represent them.

So through some steadfast, patient, creative leadership from Senator NELSON and Senator COLLINS, we moved forward and, ultimately, today have come up with this agreement. This actually cuts over 20 percent of the money recommended for spending by the Appropriations Committee, but it comes very close to the $800 billion President Obama has quite rightly said this country needs to make this stimulus work. We have a $1 trillion gap in our economy this year. This $780 billion will be spent over 2 years. Frankly, we need that, and probably more, to get the economy going in the way we want it to be going.

I wish to say a special word of thanks and admiration for Senator COLLINS and Senator SPECTER. They differed from the majority of the members of their party. I have been in that position. It is no fun. It is lonely. It is not that anybody is right—we think we are right—it is just that people come to a different decision about what the national interest requires. Both of our colleagues and others on the Republican side have put what they think to be the national interest ahead of party interest. I think what we are doing here tonight will be a tremendous help to the people of this country.

A lot of our colleagues on the Democratic side are accepting less than they thought was necessary to do the job. They are compromising too. They are compromising because they want to get something done, and they know, as they watch the economic indicators and the human suffering changing every day, getting worse and worse every day, that it is urgent we do something now.

So we come together tonight to prove we are capable of governing, we are capable of leading, we are capable of reaching across party lines to get things done when the American people need it most. I am proud to be here. I am grateful to my colleagues on both sides of the aisle. I am encouraged that what we have done tonight will set an example for what we can do for the rest of this session. The leaders of the gangs may change. The Members may come and go. But we only get things done here if we build bridges across the aisle. That is what we are celebrating tonight.

Ultimately, as I said, there were no winners or losers. This is not about winning or losing. There is a winner tonight. It is the American people. They deserve it.

The leader set up this time for debate. Therefore, I ask unanimous consent that this period of time be for debate only.

The PRESIDING OFFICER. Is there objection?

The Senator from Louisiana.

Mr. VITTER. Reserving the right to object, the previous UC, as I understand it, allows for activity besides debate?

The PRESIDING OFFICER. The majority leader.

Mr. REID. I ask unanimous consent that I be allowed to speak.

I have spoken to the distinguished Republican leader, and we have a number of amendments that he and I wish to dispose of this evening. So when this debate is completed, we will move as quickly as we can to have votes on the amendments that are pending. I am somewhat taken aback by the fact that after all we have been through since the Congress started—we have been candid and forthright. Everything has been aboveboard. I would hope that no matter how disappointed some people may be that we have a way of moving forward on this, that people would allow us to do that in a reasonable period of time. We could do it tonight. I understand that is not likely. I don't know what my friend from Louisiana is trying to do. Remember, what we do tonight sets us up for the future. There are going to be other pieces of legislation that come to the floor, other opportunities for cooperation. I don't know what my friend has in mind, but I would hope that it is nothing that throws a monkey wrench into what we have been trying to accomplish in this Congress.

The PRESIDING OFFICER (Mr. TESTER). The Republican leader.

Mr. MCCONNELL. Mr. President, how much time remains on the Republican side?

The PRESIDING OFFICER. The Republicans have 45 minutes. Senator SPECTER has 5 minutes.

Mr. MCCONNELL. I will be the leadoff speaker. Then Senator MCCAIN will follow me. I ask unanimous consent that he control the balance of our time after that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, the question of whether the economy needs help is not in debate. I don't think there is a single Member of the Senate who believes that no action is the appropriate course for us to take. But one of the good things about reading history is, you learn a good deal. We know for sure the big spending programs of the New Deal did not work. In 1940, unemployment was still 15 percent. It is widely agreed among economists that what got us out of the doldrums we were in during the Great Depression was the beginning of World War II.

We have another example, what is called in Japan ''the lost decade of the 1990s,'' where stimulus packages similar to the ones we are considering tonight were tried again and again and again. And at the end of the 1990s, Japan looked very much like it did at the beginning of the 1990s, except it had a much larger debt.

We have not seen the compromise proposal which has been discussed tonight. I know there has been a good-faith effort on the part of those involved to pare down the size of the underlying Senate measure. But as nearly as we can tell, even after those efforts, it is roughly the same size as the House bill. According to the figures I have been given, the House bill is about $820 billion. The Senate bill, under the compromise, we believe would be about $827 billion. Bear in mind, the interest costs on either of those proposals would be $348 billion. So we are talking about a $1.1 trillion spending measure.

We are already looking at a $1 trillion deficit for this fiscal year. We believe the Secretary of the Treasury and the President are going to be suggesting to us, as early as next week, that we need to do a new, what has commonly been referred to as, TARP round, some kind of additional assistance for the financial system, as early as next week. We are talking about an extraordinarily large amount of money and a crushing debt for our grandchildren.

If most Republicans were convinced that this would work, there might be a greater willingness to support it. But all the historical evidence suggests it is highly unlikely to work. So then you have to balance the likelihood of success versus the crushing debt we are levying on the backs of our children, grandchildren and, yes, their children and the need to finance all of this debt, which many suspect will lead to ever higher and higher interest rates, which

could create a new round of problems for our economy.

Let me sum it up by saying, no action is not what any Republican colleague that I know is advocating. But most of us are deeply skeptical this will work. That level of skepticism leads us to believe this course of action should not be chosen.

We had an opportunity to do this on a truly bipartisan basis, and the President said originally he had hoped to get 80 votes. It appears the way this has developed, there will be some bipartisan support but not a lot. It is not likely, in the judgment of most of us, to produce the result we all desire.

I will not be in a position to recommend support for this product, as it has developed, in spite of the best efforts of those who worked on the compromise. I commend them for their willingness to try to work this out. It seems to me it falls far short of the kind of measure we should be passing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, after I speak, my side will speak relatively briefly: Senators KYL, THUNE, COBURN, and Senator GRAHAM. I have had some kind of Orwellian experiences in the Senate over the years I have been here, but this one ranks up near the top in the word ''bipartisanship'' that is being thrown around as far as this package is concerned, this $1.1 trillion package. Let's have no doubt about that. There are 178 Members of the House of Representatives who are Republicans. They all voted against the bill, plus 11 Democrats. There are 40 Republican Senators here. We now have two—count them, two—who have decided behind closed doors, without consultation with the other 38, to come to an agreement, which you can call a lot of things but bipartisan is not one of them, unless you say that two individuals and possibly a third, but no more than that, out of 40 are in agreement.

I have been involved in a lot of bipartisan legislation around here, but I guarantee this is not bipartisan. So let's make sure we understand that to start with.

Second of all, let's talk about how much it costs. There has been a lot said about reduction in the cost. The fact is, they say it is $780 billion. If you include the amendments that were already passed and are going to be included in this bill, it is now $827 billion. That is $7 billion more than the House of Representatives passed, the debt service being $348 billion, bringing us to a total of $1.175 trillion. Then you add that to, on Monday, the new Secretary of Treasury is going to announce a new TARP—$500 billion, $1 trillion. Waiting in the House is another Omnibus appropriations bill of $400 billion. We just spent $750 billion—or are in the process of spending another $750 billion—in the form of TARP I and II. My goodness, it is a moment in history of spending the likes of which this Nation has never seen.

By the way, let's suppose it is only $827 billion we are going to pass here. That only costs around, according to the Congressional Budget Office—and I urge every one of my colleagues to read it—on February 4 they said the bill, as passed and proposed, would have created between 1.3 million and 3.9 million jobs. At $827 billion, if you create 1.3 million jobs, that is $636,000 per job. If it creates 3.9 million jobs, which is the high estimate of the Congressional Budget Office, then you now are only paying $212,000 per job.

So let's have no doubt. As to the elimination of unnecessary, wasteful projects, I have already submitted for the RECORD page after page after page of porkbarrel projects which were put in on a partisan basis, not a bipartisan basis. Let's make sure we understand that.

Mr. President, there is $150 million for honey bee insurance. Some have said: $150 million, $200 million, that is not much. Mr. President, $300 million to bring USDA facilities into workplace safety compliance—the list goes on and on. This is a Christmas tree done by appropriators. And we proved when we tried to eliminate the earmarks that there are three kinds of Senators in the Senate: Republicans, Democrats, and appropriators.

The fact is, we turned down—although we got 44 votes—what would have given us at least some shred of confidence that we will be addressing this terrible deficit we are laying on future generations of Americans, and that would have been a trigger that when we have two quarters of GDP growth, we would be on the automatic path to reducing spending and bringing us a balanced budget. That was rejected by this body. Why? Why in the world, once the economy recovers, wouldn't we want to put this country on the path to a balanced budget and stop laying—we have already done $10 trillion. Now there are more trillions coming, not to mention Social Security and Medicare.

So let's have no doubt—let's have no doubt—this is not bipartisan. This is two Republican Senators who decided to join after meetings behind doors, in which almost all of the rest of us were not present. It is as expensive or more expensive than the legislation passed by the House if you count the amendments that have already been passed, which we are told would be included in this bill. There is no provision—there is no provision—whatsoever, once our economy recovers, to somehow begin to reduce this multitrillion-dollar debt we have laid on future generations of Americans. If this legislation is passed, it will be a very bad day for America.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

Mr. President, first, everyone understands we need to act to help people who are hurting in this country, to try to create jobs and stimulate the economy. That is not the issue. The question is whether the deal that has been struck here this afternoon is a solution to the problem or whether it is still a wasteful and ineffective bill.

I wish to comment briefly on five quick things. First of all, it is a little hard to tell because we do not have text yet, but my staff has just reconfirmed the numbers, that as compared with the House-passed bill—which was described here this evening as a very bad bill—this bill would create a deficit of $827 billion; the House bill, $820 billion. So it is $7 billion more in deficit spending than the House bill.

My colleague from Maine described this as a targeted approach because, of course, much of the spending they have tried to remove from the bill is ordinarily handled through the regular appropriations process. They wanted that spending to be handled in the regular order through the Appropriations Committee, and therefore they are going to target things that should not be handled through that process. Then I heard described items like Pell grants. Now, we have a lot of Pell grants, a lot of students who have benefited from Pell grants. They have all benefited from Pell grants because the Appropriations Committee has appropriated money for Pell grants, and we voted for that here in the Senate. There has never been a stimulus bill to pass Pell grants before. So if this is a targeted approach and we are going to have $6 billion in there for Pell grants, there seems to be a contradiction.

It was also indicated that this deal is better than the House bill because this will really stimulate the economy as opposed to the approach in the House bill. Then there was described items such as $6 billion for special education. Well, once again, everybody is in favor of special education, but how does special education—$6 billion—stimulate the economy? I suppose you could say: Well, it at least enables us to hire more special education teachers. How long does it take to educate a special education teacher? About 4 or 5 years in college? Hopefully, we are out of the recession by then.

There was a description of $87 billion in ''targeted increases'' in Medicaid. Well, it appears to be the very same amount of money that came out of the Finance Committee—$87 billion for Medicaid. The CBO has said that of this $87 billion, only $10.8 billion is targeted for Medicaid. The rest is, in effect, free cash for the States. This is not a targeted approach at all.

Moreover, the committee—and I will see when we understand how this bill is actually written—provides a 27-month cliff. In other words, in order not to

look as if it is spending too much money, it assumes that after 27 months everybody will just be removed from the rolls. Well, I defy my colleagues in this body, after a lot of people have been added to the Medicaid rolls, after 27 months to just inform them they are going to have to be removed because we did not provide the funding for it. Obviously, the program is going to be continued and the cost to the American taxpayer will be much greater.

Finally, just to comment about working together, we all try to work together, and it is true that the American people want us to work together. But they do not want us to work together to waste a lot of their money. So the question still remains: Is the deal that was struck today a better deal in terms of wasting the public's money and being effective at stimulating economic growth? Certainly, the case was not made in 45 minutes on the floor this evening.

I will be looking forward to the debate here after we have had a chance to read the bill, to understand why the proponents really think this will be better, and we will be willing to debate that. In the meantime, I remain convinced that we do need a targeted—a really targeted—approach and that it needs to be aimed toward stimulating the economy and creating jobs, just not spending more money.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, my colleagues have described it well, but we all should remember what this is. This is still an $827 billion debt we are handing off to future generations. This is the largest intergenerational transfer of debt in human history, and we spent 3 days now—4 days, I guess, if you count today—debating it. I think the managers of the bill have been patient in allowing us to offer some of our amendments, but to suggest for a minute that the Republicans are slowing this down or that we have had way more than enough time to debate this misses the point.

A trillion dollars—a trillion dollars—is something I think most of us have a hard time grasping. In fact, the borrowing amount that is included in this bill does represent the equivalent of what America as a nation borrowed between the time of the Revolutionary War and the Presidency of Jimmy Carter. We borrowed $800 billion between the Revolutionary War and the Presidency of Jimmy Carter, and we are going to borrow that amount of money in one fell swoop from future generations with this bill.

Much has been said about the discussions in the last few days and how this is going to be a ''bipartisan compromise,'' they are going to reduce the size of the bill. The irony in all this is that the bill as it came over from the House, as has already been noted by my colleagues, was about $820 billion. The bill that we now have in front of us, the so-called compromise, is $827 billion. So it has not gotten smaller coming from the House, it has gotten larger.

A lot of people have gotten up in the Chamber and complained about the House bill and its dimensions and its size, and I think the American people have picked up on that theme because everywhere you go, they talk about this pork-laden bill that came out of the House, and surely the Senate will do something to improve upon it to shrink it in size and get rid of some of the wasteful spending, and yet here we are. We have a so-called compromise, an agreement that is actually larger in size and scope than the bill that came over from the House.

So make no mistake about it, we are borrowing this money from future generations. It is a larger amount of borrowing than was included in the bill that left the House of Representatives. Frankly, we do not know—because we have not seen it yet—about many of the provisions that were included. Many of us have reacted and I think the American public has reacted negatively to much of the wasteful spending that is included in the bill. We have all highlighted the things we think are extraneous and wasteful and do not stimulate the economy, do not grow the economy, do not create jobs.

So we will have an opportunity, hopefully over the weekend, to take a look at it and digest it a little bit. But I think it is fair to say, if at least you are talking about the overall macronumber, that this thing has not gotten any smaller; it has gotten bigger. I would bet by the time we have analyzed this legislation closely, many of the new programs that were created in the bill that was passed by the House and the bill we were debating earlier in the week are continued, and a lot of the new programs that create mandatory spending—not one-time spending—that are allegedly designed to stimulate the economy on a short-term, temporary basis but will have spending that is going to go on and on and on and is going to be a liability for generations to come.

So as we move toward perhaps a final vote on this at some time this weekend—and I suspect the votes are there—the other point I would make—and make no mistake about this either—you cannot call this a bipartisan effort without redefining the word ''bipartisan.'' This came out of the House of Representatives without a single Republican vote. In fact, 11 Democrats in the House voted against it. And here in the Senate, there will be two, perhaps at most three, Republicans who will vote for this. So out of 535 Members of Congress and some 220 or thereabouts Republicans in the Congress, to have 2 hardly qualifies this particular effort as a bipartisan effort.

It went through the House quickly. Republicans were not given an opportunity over there to have impact or have amendments considered. We have had some amendments here. Most of the amendments we have offered that have tried to reduce the size of this thing and change some of the substance of it so it is more targeted, more focused, more focused on job creation—most of those amendments have been defeated. We are faced today with a bill that is actually larger than where we started when this whole initiative got underway in the House of Representatives last week.

So, Mr. President, I hope the American people, as they tune in to the debate, will look very closely at this so-called compromise and give consideration to how this is going to impact them and their family budgets. We all know the statistics. We all know there are people who are hurting in this country, people who have lost their jobs. The people who are going to be hurting the most, however, are the children and grandchildren whom we are going to be handing this debt to—a trillion dollars in debt that we will be handing to our children and our grandchildren—and adding to already what has become a historic high level of debt for this country, so historic that it exceeds by almost two times the average deficit to GDP of many of our allies in the European Union. We are talking about enormous amounts of debt, enormous amounts of borrowing.

As my colleague from Arizona noted, the CBO estimates on job creation as few as 1.3 million jobs for over $800 billion in borrowing. What does that come down to on a per-job basis? Hundreds of thousands of dollars per job.

We can do this better. We can do it in a way that is responsible to the next generation of Americans. I hope when this comes up for a final vote we will be able to defeat it. The American people will get engaged in this effort and let their Senators know how they feel. I believe when that happens, you will start seeing people change their minds about the effort that is in front of us this evening.

Mr. President, I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I can't say I didn't expect that we would be where we are tonight. But this country needs to know the way this bill we have been talking about, and probably the bill we are going to see, is undoubtedly the largest generational theft bill in the history of mankind. When I say generational theft, I am not just talking about money. I am talking about opportunities and I am talking about futures.

There is nobody on this side of the aisle who doesn't want to do something to fix our economy and stimulate our

economy. What this bill does—and the families who are listening to this right now, you ought to think: If you are one of those who are unemployed right now and hurting, $12,000 is going to be added to your debt once you get a job again, for your family. If you are struggling out there, but you are holding on, we are going to steal $12,000 from you and your kids. Then those of us who might be doing well, we are going to take $12,000 from you, so maybe that is OK in a time such as this. But what is not OK is how this bill is going to spend that money.

If you like how efficient the post office is that lost $3 billion this year, and if you like the way the Federal Government works, wait until this money starts going through the Federal Government. If we have $450 billion that is going to be in programs, 10 percent of it is going to get chewed up before it ever leaves Washington. Then, when it gets to your State to supposedly be a stimulus, another 10 percent of it is going to get chewed up. So we are going to lose $90 billion because we are going to decide to run it through the inefficient bureaucracies. I would ask: What does that stimulate? Federal workers are great, but they don't produce wealth, and the money ought to go into job-creating exercises that create wealth. What is going to happen to your family? The question will be, What is going to happen if we don't do anything? We are not proposing to do nothing.

There could be a true bipartisan solution to this, but that hasn't been offered. We have seen slow walked all day the inability to get amendments. It is highly unlikely any other amendments will be offered.

I want my colleagues to think how can we best stimulate this economy, and how can we do no harm as we do that? This bill—this generational theft bill—does tons of harm. Let me tell my colleagues the biggest harm it does. There is no guarantee this is going to work, especially when we haven't fixed the housing and mortgage system and we haven't fixed the liquidity issue. Here is the harm it does. Every State, save California and New York, will get more money out of this bill than their deficits are today—every State. We are going to transfer, by what we are doing here, a lack of fiscal responsibility to every State. We have had Governors calling up here from all across this country saying, You are going to send us a whole lot more money than we need. I have legislators who are trying to spend money. They are slow walking me now, so I can't run this State and keep it fiscally sound. That is coming from Democratic and Republican Governors alike. We are going to transfer the incompetence of the Federal Government in Congress to every State house in this country. Think about what we are doing with $12,000 per family.

One final point I will make. Barack Obama is my close personal friend. One of the things he said is that we ought to get rid of the programs that don't work. We ought to put metrics on the programs so we can measure them, and then when we look at them we will know whether we are truly investing in an adequate way. We are blindly going to invest in things and there is not one iota in this bill or the House bill that eliminates any of the $300 billion that we know is being wasted right now and can be fully documented—not one attempt to do that. So if we cared about stimulating the economy and we cared about the future and we cared about those who are having a hard time today, why wouldn't we do the hard work to get rid of what doesn't work before we spend more money on things that don't work?

I would end with this. We got in trouble and we are in this mess because we spent money that we didn't have on things we didn't need. And the answer for Congress is to do more of the same. When we do more of the same, what we do is we mortgage—the only thing we are doing on mortgages is we are mortgaging our children's and grandchildren's future.

This body works on the power of 60, and it will happen, but the precarious nature we find ourselves in today, the responsibility of passing this bill when most of it is not going to make a big difference—not truly going to stimulate the economy—and claiming it is bipartisan when it is not, is going to leave a legacy that nobody who votes for this bill is going to embrace.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, a couple of observations as we bring this night to a close. I don't know what we are going to do after tonight.

I am asked to talk about an amendment that I have never seen. It has been described to me and things have been said about it that I need to take exception to. Not the people. I know the people. I have been in a position where being the odd guy out is tough. JOE LIEBERMAN, by the way, has earned the right to do and say anything he ever wants to do as far as I am concerned. When JOE stood up for what he believed in Iraq, got in a primary, got beat and ran as an Independent, he knew what was coming his way, and I love him to death. When JOE said there are no winners and losers tonight, I disagree. I think the American people have lost a lot more than $820 billion.

What we have done is we have lost a young President's promise to change things. That is not readily obvious. But that speech last night—I am sure you are not, but if you are listening, think twice about doing that again. There is a lot to be done in this country. Closing GTMO and moving the prisoners, I would like to help you. What are we going to do about Social Security and Medicare? I would like to help you. I hope you believe it is OK for me to be somewhat concerned about the process here and how we wound up spending $1.1 trillion. Please don't say this is change I can believe in. And please don't underestimate how the public is pulling for you, but they don't like this bill. Please don't overestimate your ability to persuade people because you are a very gifted orator. People are pulling for you. I am pulling for you. But they are watching what you are doing and they are watching what I am doing.

Here is what happened here. This bill started in the House with the attitude: We won, we write it. Not one Republican was able to vote for the bill. Maybe it is us. Maybe we have so lost our way that we can't be reasonable with anybody anymore. You can explain the 11 Democrats somehow, but not only did you not get one Republican in the House, you lost 11 Democrats, and the more the American people saw what was in the bill, you lost them.

I am not your problem. The American people are not your problem. The problem is the system we have been playing around with is broken, and our dear friends on the other side, you have reinforced everything bad about it. You haven't fixed it. Who are we to criticize? I am not so sure we did a whole lot better, but we got a chance to start over. We are in the first month of the administration, and I have never been more concerned about lost opportunity than I am tonight.

To my two friends who decided they had to find a compromise: I respect you. I like you. But when you say this was the best we could do, I disagree with you. This is not remotely close to what we could have done if we would have sat down in a true bipartisan fashion and found a better way. We could have come out with a bill that spent less, that created jobs more efficiently, and would have built the confidence of the American people, but instead we have come out in our corners more rigid than ever.

To say this is bipartisan is not quite fair. When JOE voted with us it wasn't bipartisan; it was us and JOE. You have two of my dear friends believing they had to act. But the one thing I will tell them, that is not a very good statement about the confidence you have in me. I believe we have to act too. So you must have felt that people like me are hopeless; you had to take all this on yourself and none of us would have met you in the middle. There are at least a dozen to fifteen Republicans who would have voted for a bill that did more than cut taxes who would have spent money on infrastructure, who would have helped the States, but most of us—all but two—could not tolerate this process, and at the end of the

day we cannot tolerate the way this ship is shaped and how much it spends.

The second big loss is the future when it comes to acting together regarding the banking crisis and the housing crisis. We have in the name of a stimulus package spent over $1 trillion and the average cost, if there are 1.3 million jobs created, is $636,000 a job, and if we somehow can create 4 million jobs, it is $212,051. People complain about us being overpaid. I will take it: $212,000 a job. We can do better than that.

But here is what we have lost. Because this bill is not better, it is worse; because it is not bipartisan, it is the same old way of doing business. Because it has been so politicized by a lot of people—and I don't say I am not to blame—we now have lost more confidence. TARP I was tough. TARP II was really tough. TARP III is going to be impossible, and you are going to need TARP III. The administration is probably going to come out Monday with a $500 billion or $600 billion request to help get this country through a crisis we haven't seen since the Great Depression and they are going to tell us we need more money for housing and we need to get credit flowing and $310 billion left in TARP is not enough.

The problem they are going to have and the problem I am going to have is that people are bailout weary, and they are so tired of us. They are so tired of us sitting up here in a matter of a couple of weeks trying to jam something through they don't understand and they don't like and then, when it is over, trying to celebrate. There is nothing to celebrate here. There are no bad guys, there are no good guys—men or women—but what we have lost is a great opportunity to start over. We have sunk back into the swamp. We have spent more money than we should. History will not judge us well, and the hard part is yet to be done. We will wake up tomorrow and we will try to figure out how to straighten out this mess. America somehow survives everything. I hope we can survive this. I believe we can.

I want to end on this note. I am not mad at anybody because I have been in this spot myself. I am deeply disappointed that we could not do better, because there is a big loser tonight, and that is the American people.

I yield back.

Mr. MCCAIN. Mr. President, how much time remains?

The PRESIDING OFFICER. Fifteen minutes.

Mr. MCCAIN. I recognize the Senator from Nebraska for 3 minutes.

Mr. JOHANNS. Mr. President, if you could give me an alert with about a half a minute left, I would appreciate it.

I rise tonight to speak about the agreement that was announced within the last hour or so. We have taken a lot of votes over the last few days. In fact, I have had colleagues on both sides of the aisle say to me we have voted a lot on this bill. As I pointed out, I am new here, but it sure seems as though we have. But the one thing that occurs to me is that in all of this debate, we are not going to vote for how to pay for this bill. I want people to understand this bill is going to be totally, completely financed with borrowed money.

The other thing we are not going to vote on any time is a plan for our future to pay for this bill and the other spending that seems to be headed our way like a freight train. We are not going to cast that vote. We are asking a tremendous amount of our country to try to figure out a way to withstand that. The cost of this bill by any definition—I don't care where you land in terms of what the ultimate costs are—is mind boggling. And because it is all financed, it will be well over $1 trillion in spending. I listened to the testimony tonight, and so many people I respect on both sides of the aisle got up and said we have to do this now.

I wasn't in this body when TARP was passed, like so many others. I was out on the campaign trail. But the same argument was made then: We have to act now.

Mr. President, I have in front of me the bill that was put on my desk this morning. It just goes on, page after page. It takes a lot of pages to spend $1 trillion. We have not seen the compromise yet. I heard tonight from the four speakers that we could get an idea what the compromise was all about. We will have it. Somewhere in the next 48 hours, we are going to get a whole new plan—this compromise—and we are going to be asked to make an assessment on it and to go down there and cast our vote yes or no on $1 trillion worth of spending.

Let's slow down and take our time. Few things are going to be as important as this.

Mr. MCCAIN. Mr. President, I yield to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I know we all understand the seriousness of the moment, the seriousness of the situation our country is in. It is for that reason many of us, in goodwill, attempted to work together to try to improve upon the product that is this bill on the desk. As the process went on, I felt as if I could no longer support the effort because it was not going in a direction I thought was prudent or useful to our effort. The fact is, in this bill we now have before us, we will have a bill that is larger than the House-passed bill. There is a point to be made that the stimulus ought to be sufficiently large to stimulate. My concern is it doesn't stimulate, and too much of what is contained in this bill—and now the substitute which will be even more expensive than the original bill or than the House bill—I am concerned we still do not do the kinds of expenditures that are not part of an appropriations process but part of a stimulus process.

I wonder just how much of this bill will spend out in the next 2 years and how much will spend out after that. The State of Florida is in dire need. We are going through the most difficult time I can remember in my adult life. Unemployment is almost double digits. Every corner of the State is suffering from the foreclosure crisis. We do precious little in that arena, which I understand to be something that is so desperately needed.

At the end of the day, we are going to be spending a lot of the taxpayers' money with not too many other opportunities to get it right. We cannot continue to spend at this level. So it is incumbent upon us to get it right. That is why I believed it was more important we get it right than we get it right now. Let's get it right. We got this today, and we will have the weekend or overnight to make our decisions on it.

I, frankly, commend those who worked together in a bipartisan fashion. I think we should try to do that. I just don't think there was a good bipartisan construction of this bill that was done by the majority, and it was too difficult for us to try to fix it.

I yield the floor.

Mr. MCCAIN. Madam President, how much time remains?

The PRESIDING OFFICER (Mrs. HAGAN). Ten minutes.

Mr. MCCAIN. I yield to the Senator from Alabama.

Mr. SESSIONS. I thank Senator MCCAIN for his leadership. Actually, I felt strongly that his combination of substantial infrastructure and targeted tax relief would have injected more strength into this economy than the present bill, and with a cost of half of that. As we know, this bill cost over $1.1 trillion. The bill itself is $827 billion, but when you add the $300 billion plus in interest, which the Congressional Budget Office adds to it for the 10-year budget window, you end up with an unprecedented amount of money—with far too little impact.

In fact, if you look at what our own Congressional Budget Office tells us—and who else can we rely on—hired by the Democratic majority, they conclude that over a 10-year period—shouldn't we be thinking at least 10 years ahead? Senator COBURN says it will be on our children and grandchildren. But they conclude that the bill will have a negative impact on the economy. Yes, it will help some in the short term. Over the 10-year period, the drain of the interest and capital taken out of the economy to fund this effort will actually weaken the economy, and the total gross domestic product over that period of time will be less than if we had no bill at all. That doesn't

mean we should not have a bill. What we should have is a bill from which we can get some results.

I hope and I do believe the American people will continue to talk to their Congressmen and Senators; they will be sharing their thoughts with them. My phones are ringing off the hook. They know you cannot get something for nothing and that debts have to be repaid. There is nothing mysterious about these fundamental principles. We act like they are not a reality. The CBO score points out what happens is when you take money out of the future to put into today—or when you borrow it and put it into the economy today, it crowds out about a third of a dollar's worth of private domestic capital. That is the kind of thing that weakens our potential to bounce back from this problem we are in. It is real and it is serious and I certainly favor taking action.

Madam President, I thank the Chair. I am grieving tonight. Hopefully, there will be an opportunity to do better than the bill before us now. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, as we complete this part of the ongoing effort to address a truly terrible time in America's history, full of economic difficulties and woes and sadness, we also face enormous challenges abroad. Every time we see a news report, we see some new challenge around the world.

I hope we also have learned from this experience that maybe it is best to begin our discussions in addressing the challenges that face America on a truly bipartisan basis, and that everybody be allowed to participate; that it be the input of both sides and all points of view, and that we can then reach consensus and go to the American people in a united fashion.

The President of the United States, just a few days ago, said he believed we would pass this bill through the Senate with 80 votes or more. That, obviously, is not going to happen. I argue it is because of the way it began. People are saying: We won the election, so we will write the bill. They can do that, but I can assure my friends and colleagues the American people want us to work together. They are tired of the bitter partisanship. That is one of the major reasons we have such low approval ratings from the American people.

So I hope we can, the next time—and there will be a next time because TARP III will be coming up, and we will be addressing national security challenges, the Omnibus appropriations bill, and we will be addressing other issues. My urgent request to my colleagues is, let's not say: We won so we wrote the bill. I am not saying that wasn't true on this side of the aisle when we were victorious. Unfortunately, from time to time, we were guilty of the hubris that goes with victory. But I hope all of us understand that, in the view of many, including this Member, the challenges we face are enormous, and the American people and the world deserve an approach where all of us are included in the takeoff so that all of us will be included in the landing.

I have been on the Senate floor and I have not been in the ''negotiations'' that went on. I think it has been a good debate on the floor. There have been contributions from virtually every Member of this body. I think the American people who have observed that probably learned a lot from it. I hope next time we can show the American people we have come together at the beginning and have a truly bipartisan approach to the challenges we face.

I wish to say also that I believe the majority leader has allowed a large number of amendments and vigorous debate. Also, I think the Senator from Montana has managed the bill in a respectful fashion. I hope we do better next time, Madam President.

I yield the remainder of my time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, Senator NELSON has a few minutes left, but he is not here. Before the Senator leaves the floor, I want to say that JOHN MCCAIN and I came to Washington together going on 27 years ago. He and I have done a number of things together, and we have had a number of things that we didn't do together. I know the strength of his feelings. He has expressed them on this floor. I want everyone to understand how much I appreciate his leadership. The statement he gave today was a very positive statement. He talked about how we have had robust debate and about how he didn't like the product we are coming up with and that we can do better next time. So I just want my friend from Arizona to know I appreciate his projection of authority and leadership, which I have watched for 27 years. Sometimes when he projects that leadership, you don't want to be on the other end of it.

Tonight, I say I appreciate that.

Mr. MCCAIN. Madam President, I thank my old friend, the majority leader, from our neighboring State. Sometimes, from time to time, all of us don't know how difficult his job is, but we appreciate it. I know that comes from all of us.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to vote in relation to the pending amendments in the order specified in this agreement; that prior to each vote, there be 2 minutes of debate prior to each vote; that the previous order regarding intervening amendments remain in effect; that the debate time be equally divided and controlled in the usual form; that after the first vote, the succeeding votes be 10 minutes in duration: Conrad-Graham No. 501, as modified; Dodd No. 145, with a modification which is at the desk; Grassley, 297; Enzi No. 293, as modified; Cantwell No. 274, as further modified; Vitter No. 107; Feinfold No. 485; Bunning No. 531; Wyden No. 468; Thune No. 538; and Murray No. 110; that upon disposition of these amendments, the majority leader be recognized.

I would tell all members here, we are hopeful and confident that we will not have to have recorded votes on all of those. We hope everybody will be understanding. And if we have to have a vote, we will have one. We would rather that we could work some of these out. The managers are willing to accept a number of them.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, there is one amendment on there, and I do see the distinguished Senator from Wyoming, Mr. ENZI, on the floor. I would object to a time agreement such as this, I would object to any time agreement on it as it now stands. With the modification, there is a major change in the privacy aspects of the modification that comes under the jurisdiction of the Senate Judiciary Committee. It is different than what we have proposed.

I would have no objection to the list, with the exception of the Enzi amendment. I would wonder if it would be possible for the leader to get the whole list and allow the Senator from Wyoming and I some time to talk about his amendment. I say this only because the Senator from Wyoming is on the floor. I would not have said this if he were not here and not able to respond.

Mr. ENZI. Madam President, it was my understanding it had been worked out between the Senators, through the staffs, and that is the only reason we put that modification in. These are technical corrections, hoping to be able to have a usable Health IT bill when we finish.

Mr. REID. Madam President, I say to my friend, why do we not take this one out of this tranche and see if this can be worked out while we are working through these other amendments.

Mr. ENZI. Madam President, I waited for 3 days to be able to make a technical correction amendment. Yes, I will agree to do that. I hope it does not get left out. I think without that amendment, the Health IT portion will

not work. It is not anything about money, it is about having a portion that will or will not work.

Mr. REID. During these votes I say to my friend from Wyoming, the two managers and you and Senator LEAHY can meet and get some staff to meet and work this out.

I would ask that the agreement I have suggested be approved, with the exception of 293; we will work on that during the votes.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Madam President, reserving the right to object, I hope I did not miss something, but I asked earlier several times today about an amendment, I believe 239, the E-Verify amendment that I think has broad support.

But it keeps not getting on the list. So I am wondering what kind of assurance the leader could have, that if we are not on this list, what opportunity there will be to get a vote, and if there is a decided intention to deny a vote on this, it is something I feel very strongly about and would have to resist, if I could.

Mr. REID. I would say to my friend from Alabama, there are a number of Senators who have amendments they would like to offer. The Republican leader and I felt it was appropriate to get rid of these that have been brought before the body. I have a number on this side that are in the same standing as you, and we will have to work on those. That is the best I can say.

Mr. SESSIONS. Well, I thank the majority leader. I am very uneasy about it. I am afraid this amendment, which I am confident would have an overwhelming vote, there may be some objections somewhere from having a chance to vote on it. So I withdraw my objection at this time and hope we can work on it.

Mr. REID. We do not know what it is. We have to take a look at it.

Mr. SESSIONS. It has to do with the people who get money, contracts under this agreement who would have to use the E-Verify system to make minimal checks that the persons they hire are legally in this country.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Reserving the right to object, I have to ask one additional question. My amendment would still be pending then?

Mr. REID. The answer is yes.

Mr. LEAHY. But, Madam President, not in this batch.

The PRESIDING OFFICER. Correct.

Without objection, it is so ordered.

The amendment No. 145, as modified, is as follows:

On page 263, between lines 10 and 11, insert the following:

GENERAL PROVISIONS—HOPE FOR HOMEOWNERS AMENDMENTS

SEC. 1201. Section 257 of the National Housing Act (12 U.S.C. 1715z-23), as amended by the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), is amended—

(1) in subsection (e)(1)(B), by inserting after ''being reset,'' the following: ''or has, due to a decrease in income,'';

(2) in subsection (k)(2), by striking ''and the mortgagor'' and all that follows through the end and inserting ''shall, upon any sale or disposition of the property to which the mortgage relates, be entitled to 25 percent of appreciation, up to the appraised value of the home at the time when the mortgage being refinanced under this section was originally made. The Secretary may share any amounts received under this paragraph with the holder of the eligible mortgage refinanced under this section.'';

(3) in subsection (i)—

(A) by inserting '', after weighing maximization of participation with consideration for the solvency of the program,'' after ''Secretary shall'';

(B) in paragraph (1), by striking ''equal to 3 percent'' and inserting ''not more than 2 percent''; and

(C) in paragraph (2), by striking ''equal to 1.5 percent'' and inserting ''not more than 1 percent''; and

(4) by adding at the end the following:

''(x) AUCTIONS.—The Board shall, if feasible, establish a structure and organize procedures for an auction to refinance eligible mortgages on a wholesale or bulk basis.

''(y) COMPENSATION OF SERVICERS.—To provide incentive for participation in the program under this section, each servicer of an eligible mortgage insured under this section shall be paid $1,000 for performing services associated with refinancing such mortgage, or such other amount as the Board determines is warranted. Funding for such compensation shall be provided by funds realized through the HOPE bond under subsection (w).''.

At the end of division B, add the following:

TITLE VI—FORECLOSURE PREVENTION

SEC. 6001. MANDATORY LOAN MODIFICATIONS.

Section 109(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5219) is amended—

(1) by striking the last sentence;

(2) by striking ''To the extent'' and inserting the following:

''(1) IN GENERAL.—To the extent''; and

(3) by adding at the end the following:

''(2) LOAN MODIFICATIONS REQUIRED.—

''(A) IN GENERAL.—In addition to actions required under paragraph (1), the Secretary shall, not later than 15 days after the date of enactment of this paragraph, develop and implement a plan to facilitate loan modifications to prevent avoidable mortgage loan foreclosures.

''(B) FUNDING.—Of amounts made available under section 115 and not otherwise obligated, not less than $50,000,000,000, shall be made available to the Secretary for purposes of carrying out the mortgage loan modification plan required to be developed and implemented under this paragraph.

''(C) CRITERIA.—The loan modification plan required by this paragraph may incorporate the use of—

''(i) loan guarantees and credit enhancements;

''(ii) the reduction of loan principal amounts and interest rates;

''(iii) extension of mortgage loan terms; and

''(iv) any other similar mechanisms or combinations thereof, as determined appropriate by the Secretary.

''(D) DESIGNATION AUTHORITY.—

''(i) FDIC.—The Secretary may designate the Corporation, on a reimbursable basis, to carry out the loan modification plan developed under this paragraph.

''(ii) CONTRACTING AUTHORITY.—If designated under clause (i), the Corporation may use its contracting authority under section 9 of the Federal Deposit Insurance Act.

''(E) CONSULTATION REQUIRED.—In developing the loan modification plan under this paragraph, the Secretary shall consult with the Chairperson of the Board of Directors of the Corporation, the Board, and the Secretary of Housing and Urban Development.

''(F) REPORTS TO CONGRESS.—The Secretary shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—

''(i) upon development of the plan required by this paragraph, a report describing such plan; and

''(ii) a monthly report on the number and types of loan modifications occurring during the reporting period, and the performance of the loan modification plan overall.''.

At the end of division B, add the following:

TITLE VI—FORECLOSURE MITIGATION

SEC. 7001. SHORT TITLE.

This title may be cited as the ''Help Families Keep Their Homes Act of 2009''.

SEC. 7002. DEFINITIONS.

For purposes of this title—

(1) the term ''securitized mortgages'' means residential mortgages that have been pooled by a securitization vehicle;

(2) the term ''securitization vehicle'' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans;

(B) holds all of the mortgage loans which are the basis for any vehicle described in subparagraph (A); and

(C) has not issued securities that are guaranteed by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Government National Mortgage Association;

(3) the term ''servicer'' means a servicer of securitized mortgages;

(4) the term ''eligible servicer'' means a servicer of pooled and securitized residential mortgages;

(5) the term ''eligible mortgage'' means a residential mortgage, the principal amount of which did not exceed the conforming loan size limit that was in existence at the time of origination for a comparable dwelling, as established by the Federal National Mortgage Association;

(6) the term ''Secretary'' means the Secretary of the Treasury;

(7) the term ''effective term of the Act'' means the period beginning on the effective date of this title and ending on December 31, 2011;

(8) the term ''incentive fee'' means the monthly payment to eligible servicers, as determined under section 7003; and

(9) the term ''prepayment fee'' means the payment to eligible servicers, as determined under section 7003(b).

SEC. 7003. PAYMENTS TO ELIGIBLE SERVICERS AUTHORIZED.

(a) AUTHORITY.—The Secretary is authorized to make payments to eligible servicers, subject to the terms and conditions established under this title.

(b) FEES PAID TO ELIGIBLE SERVICERS.—

(1) IN GENERAL.—An eligible servicer may collect reasonable incentive fee payments, as established by the Secretary, not to exceed $2,000 per loan.

(2) CONSULTATION.—The fees permitted under this section shall be subject to standards established by the Secretary, in consultation with the Secretary of Housing and Urban Development and the Chairman of the Board of Directors of the Federal Deposit Insurance Corporation, which standards shall—

(A) include an evaluation of whether an eligible mortgage is affordable for the remainder of its term; and

(B) identify a reasonable fee to be paid to the servicer in the event that an eligible mortgage is prepaid.

(3) FORM OF PAYMENT.—Fees permitted under this section may be paid in a lump sum or on a monthly basis. If paid on a monthly basis, the fee may only be remitted as long as the loan performs.

(c) SAFE HARBOR.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle, a servicer—

(1) owes any duty to maximize the net present value of the pooled mortgages in the securitization vehicle to all investors and parties having a direct or indirect interest in such vehicle, and not to any individual party or group of parties; and

(2) shall be deemed to act in the best interests of all such investors and parties if the servicer agrees to or implements a modification, workout, or other loss mitigation plan for a residential mortgage or a class of residential mortgages that constitutes a part or all of the pooled mortgages in such securitization vehicle, if—

(A) default on the payment of such mortgage has occurred or is reasonably foreseeable;

(B) the property securing such mortgage is occupied by the mortgagor of such mortgage or the homeowner; and

(C) the servicer reasonably and in good faith believes that the anticipated recovery on the principal outstanding obligation of the mortgage under the modification or workout plan exceeds, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage through foreclosure;

(3) shall not be obligated to repurchase loans from, or otherwise make payments to, the securitization vehicle on account of a modification, workout, or other loss mitigation plan that satisfies the conditions of paragraph (2); and

(4) if it acts in a manner consistent with the duties set forth in paragraphs (1) and (2), shall not be liable for entering into a modification or workout plan to any person—

(A) based on ownership by that person of a residential mortgage loan or any interest in a pool of residential mortgage loans, or in securities that distribute payments out of the principal, interest, and other payments in loans in the pool;

(B) who is obligated pursuant to a derivative instrument to make payments determined in reference to any loan or any interest referred to in subparagraph (A); or

(C) that insures any loan or any interest referred to in subparagraph (A) under any provision of law or regulation of the United States or any State or political subdivision thereof.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Each servicer shall report regularly, not less frequently than monthly, to the Secretary on the extent and scope of the loss mitigation activities of the mortgage owner.

(2) CONTENT.—Each report required by this subsection shall include—

(A) the number and percent of residential mortgage loans receiving loss mitigation that have become performing loans;

(B) the number and percent of residential mortgage loans receiving loss mitigation that have proceeded to foreclosure;

(C) the total number of foreclosures initiated during the reporting period;

(D) data on loss mitigation activities, including the performance of mitigated loans, disagreggated for each form of loss mitigation, which forms may include—

(i) a waiver of any late payment charge, penalty interest, or any other fees or charges, or any combination thereof;

(ii) the establishment of a repayment plan under which the homeowner resumes regularly scheduled payments and pays additional amounts at scheduled intervals to cure the delinquency;

(iii) forbearance under the loan that provides for a temporary reduction in or cessation of monthly payments, followed by a reamortization of the amounts due under the loan, including arrearage, and a new schedule of repayment amounts;

(iv) waiver, modification, or variation of any material term of the loan, including short-term, long-term, or life-of-loan modifications that change the interest rate, forgive or forbear with respect to the payment of principal or interest, or extend the final maturity date of the loan;

(v) short refinancing of the loan consisting of acceptance of payment from or on behalf of the homeowner of an amount less than the amount alleged to be due and owing under the loan, including principal, interest, and fees, in full satisfaction of the obligation under such loan and as part of a refinance transaction in which the property is intended to remain the principal residence of the homeowner;

(vi) acquisition of the property by the owner or servicer by deed in lieu of foreclosure;

(vii) short sale of the principal residence that is subject to the lien securing the loan;

(viii) assumption of the obligation of the homeowner under the loan by a third party;

(ix) cancellation or postponement of a foreclosure sale to allow the homeowner additional time to sell the property; or

(x) any other loss mitigation activity not covered; and

(E) such other information as the Secretary determines to be relevant.

(3) PUBLIC AVAILABILITY OF REPORTS.—After removing information that would compromise the privacy interests of mortgagors, the Secretary shall make public the reports required by this subsection and summary data.

SEC. 7004. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, such sums as may be necessary to carry out this title.

SEC. 7005. SUNSET OF AUTHORITY.

The authority of the Secretary to provide assistance under this title shall terminate on December 31, 2011.

AMENDMENT NO. 501, AS MODIFIED, TO AMENDMENT NO. 98

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 501 offered by the Senator from South Carolina.

Mr. CONRAD. I will take the time, since I do not see the Senator from South Carolina. I will say very simply, colleagues, this amendment is designed to help address the housing crisis by reallocating money from lesser priority areas to the FDIC mortgage foreclosure mitigation plan.

Sheila Bair, the head of the FDIC, has written us and said to us, if this amendment is passed, it will prevent 1.5 million American homes from being foreclosed on. It is paid for. This is critically important to economic recovery. Virtually every economist has told us if this is not dealt with, the housing crisis, and dealt with effectively, we cannot expect economic recovery.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I rise in opposition to this amendment for one very simple reason. The Senator from Connecticut, Mr. DODD, the Senator from Florida, Mr. MARTINEZ, have the identical amendment coming up next, but instead of taking the money out of this proposal, it takes the money out of the TARP where it belongs.

This is a proposal related to housing, related to the economic crisis. This week the President will announce a TARP proposal, where he will send to us a letter, where $50 to $100 billion will be used for housing. The amendment of the Senator from Connecticut will do that.

I ask my colleagues, if this is a worthy cause, which it is, would we rather take the money out of this proposal—where we are fighting for every nickel? We have different views. Some want more tax cuts, some want more spending—when we can take it out of the TARP where the money otherwise would go to the large banks and others. And we are not happy with where the money went.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. I would like 30 seconds on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. There are about $20 billion in this amendment of cuts which complicate the package that has been agreed to. For that reason alone, in addition to the reasons already mentioned, I think it is going to be highly imprudent to adopt this amendment. It would throw a monkey wrench into the agreement that has been reached earlier today.

For that reason, I also urge that the amendment not be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG) and the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—39

Alexander	DeMint	Martinez
Barrasso	Dorgan	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Feingold	Risch
Burr	Graham	Roberts
Chambliss	Grassley	Sessions
Coburn	Hatch	Shelby
Cochran	Inhofe	Specter
Conrad	Isakson	Thune
Corker	Johanns	Vitter
Cornyn	Kyl	Voinovich
Crapo	Lugar	Wicker

NAYS—57

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Sanders
Bunning	Kohl	Schumer
Burris	Landrieu	Shaheen
Byrd	Lautenberg	Snowe
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (CO)
Casey	Lincoln	Udall (NM)
Collins	McCaskill	Warner
Dodd	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden

NOT VOTING—3

Gregg	Hutchison	Kennedy

The amendment (No. 501), as modified, was rejected.

Mr. BAUCUS. Madam President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 145, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 145, as modified, offered by the Senator from Connecticut, Mr. DODD.

The Senator from Connecticut.

Mr. DODD. Madam President, I will take part of the 1 minute and then offer time to my colleague from Florida, who is my cosponsor on this amendment, Senator MARTINEZ, to quickly address the amendment.

This amendment is the response to how we ought to deal with the foreclosure mitigation issue. We require in this amendment that $50 billion of the second tranche of the TARP money be dedicated to foreclosure mitigation as well as some modifications of the HOPE for Homeowners Act.

The third part—I want to commend my colleague from Florida—is a very solid and wise suggestion he made dealing with services, and I yield to him to explain his part of the amendment.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Madam President, this part of the amendment simply goes at the servicers, the private servicers who are now part of the GSEs. They hold about 15 percent of the mortgages, but they are about 50 percent of the foreclosures. These folks will now be incentivized to make workouts with the homeowners to keep them in their homes; further, they will also be given a safe harbor so they are not subject to litigation. With that incentive, we believe the private servicers will begin to do the kinds of workouts that are necessary to keep people in their homes and avoid foreclosures.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. Madam President, I commend my colleague for his very wise suggestion to this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Montana.

Mr. BAUCUS. Madam President, I suggest we vote on this amendment by voice.

Mr. CORKER. Madam President, did the Chair say ''in opposition''?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Tennessee.

Mr. CORKER. Madam President, may I ask the distinguished Senator from Connecticut: It was my understanding that all TARP funding was to be used for things the taxpayer would get back. In other words, these were supposed to be investments for which the taxpayers knew they would get 100 percent of their money back and more. So to use this money, is this not taking away from the very essence of what TARP was to be used for and now spending money we know the taxpayers will never get back?

Mr. DODD. Madam President, if I could have 30 seconds to respond?

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Taxpayers not losing their homes is preserving something—not getting something back, No. 1. No. 2, when we wrote the original legislation in September, there were four requirements that we expected of the TARP funds, one of which was foreclosure mitigation. Regrettably, nothing was done at all about it. Not a nickel was spent on foreclosure mitigation. We are merely fulfilling the obligation we agreed to when the TARP legislation was adopted on October 1.

The PRESIDING OFFICER. All time has expired.

Mr. DODD. Madam President, I will accept a voice vote at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 145), as modified, was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 297

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on amendment No. 297, offered by the Senator from Iowa, Mr. GRASSLEY.

The Senator from Iowa.

Mr. GRASSLEY. Madam President, this amendment is a very simple vote. The complex funding formula for spending the $87 billion in Medicare in this bill is not fair. It should be a flat increase to all States. That is the way we have done it in the past, and that is what my amendment does now. Thirty-four States do better with the formula under my amendment. So this is a vote to give your State its fair share or not, as you choose. I believe there are 65 Members in the Senate here today whose States do better under my amendment, and if you do not know how your State does—although I put it in the RECORD this afternoon—come to me before you cast your vote and I will show you.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I strongly oppose this amendment and hope it will be defeated. Yes, the State of West Virginia would do 117 percent better because of the across-the-board funding under Medicaid, but that means in the future, if we have some kind of a further recession, we get no special help. We want to have special money set aside that is used for States that have special needs, special poverty, special unemployment, and special hurt. That is the point of Medicaid, to be flexible and to react to the needs of the people.

I hope this amendment will be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GRASSLEY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG) and the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 49, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—47

Alexander	DeMint	McConnell
Barrasso	Dorgan	Murkowski
Bennett	Enzi	Nelson (NE)
Bingaman	Feingold	Pryor
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Harkin	Sessions
Burr	Hatch	Shaheen
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Collins	Kohl	Udall (NM)
Conrad	Kyl	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lugar	Wicker
Crapo	McCain	

NAYS—49

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Bayh	Inouye	Reed
Begich	Johnson	Reid
Bennet	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Landrieu	Specter
Byrd	Lautenberg	Stabenow
Cantwell	Leahy	Tester
Cardin	Levin	Udall (CO)
Carper	Lieberman	Warner
Casey	Martinez	Webb
Dodd	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Ensign	Merkley	
Feinstein	Mikulski	

NOT VOTING—3

Gregg	Hutchison	Kennedy

The amendment (No. 297) was rejected.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Ms. STABENOW. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 274, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 274, as modified, offered by the Senator from Washington, Ms. CANTWELL.

Ms. CANTWELL. Madam President, I thank my cosponsors of this amendment, Senator HATCH, Senator BINGAMAN, Senator STABENOW, Senator ALEXANDER, Senator SNOWE, Senator KERRY, Senator CARPER, and Senator SCHUMER. What this amendment does is make an investment in not only stimulative activity for construction, engineering, and manufacturing jobs now, but it also makes an investment in our future in electric plug-in vehicles by making sure we create the right incentives for investment in that kind of manufacturing.

The United States right now leads in R&D on battery technology and components, but we have zero manufacturing—zero. The Chinese have 250,000 people in manufacturing and battery technology and over 150 partners. If we are going to create economic opportunity now, this is the amendment to do that and create jobs for the future in getting us off of our foreign dependence on oil.

Mr. GRASSLEY. Madam President, the amendment No. 274 would reduce the efficiency credit by $1.8 billion—that is almost half the tax benefit for these energy efficient home improvements.

The principal defect of this change will be felt in the emerging high-energy efficiency market. As anyone with conventional windows in this cold winter knows, inefficient windows suck a lot of heat out of a home.

Moreover, the tax benefit shifts, in part, to electric plug-in motorcycles, three wheelers, and golf carts.

Does this make sense?

However, there are a couple provisions I am glad to see are included. For instance, I am glad to see that the depreciation schedule for smart meters was cut from 10 to 5 years. Also, I am glad to see that businesses that make real plug-in electric cars—I don't support it for those that make golf carts, three wheelers, or motorcycles—can expense manufacturing facilities that make these cars.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I thank the Senator from Washington who is committed to improving our environment and our energy efficiency. I have great hopes for hybrid automobiles. However, I urge my colleagues on this day when we are passing so much on this bill and going around our committees to not support the amendment.

I note that I wrote earlier in the year and hope to receive a response soon from the Department of Energy to do a study on hybrids, diesel, ethanol, and other methods for both environment and efficiency. Our committees have been having hearings. This would choose one technology. It would have a cost of about $8 billion for the subsidies which are 10 percent of a vehicle's cost. I would say I favor moving forward, but I think it is premature. So I raise a point of order that the pending amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, the amendment is paid for, but pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BAUCUS. Madam President, I ask unanimous consent that this be a 10-minute vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG) and the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 16, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—80

Akaka	Ensign	Mikulski
Alexander	Feingold	Murkowski
Baucus	Feinstein	Murray
Bayh	Gillibrand	Nelson (FL)
Begich	Graham	Nelson (NE)
Bennet	Hagan	Pryor
Bennett	Harkin	Reed
Bingaman	Hatch	Reid
Bond	Inouye	Risch
Boxer	Isakson	Roberts
Brown	Johnson	Rockefeller
Brownback	Kaufman	Sanders
Burr	Kerry	Schumer
Burris	Klobuchar	Shaheen
Byrd	Kohl	Snowe
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Thune
Chambliss	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	Lugar	Voinovich
Corker	Martinez	Warner
Crapo	McCain	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Merkley	

NAYS—16

Barrasso	Enzi	Sessions
Bunning	Grassley	Shelby
Coburn	Inhofe	Vitter
Cochran	Johanns	Wicker
Cornyn	Kyl	
DeMint	McConnell	

NOT VOTING—3

Gregg	Hutchison	Kennedy

The PRESIDING OFFICER (Mr. BENNET). On this vote the yeas are 80, the nays are 16. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The question is on agreeing to amendment No. 274, as further modified.

Mr. VITTER. Mr. President, what amendment is that?

The PRESIDING OFFICER. The Cantwell amendment No. 274, as further modified.

The amendment (No. 274), as further modified, was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Murray amendment No. 110 be withdrawn and the Feingold amendment No. 485 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. For the Senators who did not hear, I ask unanimous consent that the Murray amendment No. 110 be withdrawn and the Feingold amendment No. 485 be withdrawn.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona.

Mr. KYL. Mr. President, I object simply for this reason: Can we go in the order we agreed to? People are confused when we bounce around. If we can go in the order on the list, then I don't think we will be confused.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 107

Mr. KYL. Mr. President, am I correct that the Vitter amendment No. 107 is the next amendment?

The PRESIDING OFFICER. That is correct. Under the previous order, there is 2 minutes equally divided on amendment No. 107 offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Louisiana.

Mr. VITTER. Mr. President, this amendment is very simple and straightforward. It would prohibit ACORN from receiving funds under this bill, including the Neighborhood Stabilization Program. We did that in the housing bill last year. We made that change, as we should have. We should do that in this bill in light of two things: No. 1, a lot of ACORN's activities in this area are to encourage things such as subprime mortgages which have led to problems. No. 2, ACORN has been guilty of massive voter registration fraud and politicization of their activities.

I encourage everyone to support this commonsense amendment which mirrors what we did in the housing bill last year.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in opposition to this amendment. This Senator from Louisiana is asking us to prohibit funding for one organization in America, ACORN. It exists in 110 different cities.

What kind of work does it do? Mortgage counseling, weatherization, earned-income tax credit, and volunteer work. In fact, after Hurricane Katrina in Louisiana, hundreds of ACORN volunteers went to the home State of the Senator offering this amendment and literally helped rehabilitate 3,500 homes. This is the show of gratitude they receive for helping him in his home State.

I urge my colleagues to oppose this amendment. It is unnecessary. Any work they do they will have to compete for under an amendment previously offered and accepted. Please vote no on the Vitter amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. VITTER. I yield back my time. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. BAUCUS. I ask this be a 10-minute vote.

The PRESIDING OFFICER. They are 10-minute votes.

The question is on agreeing to amendment No. 107.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG) and the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—45

Alexander	Cornyn	McCain
Barrasso	Crapo	McConnell
Baucus	DeMint	Murkowski
Bayh	Ensign	Nelson (NE)
Bennett	Enzi	Risch
Bond	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Hagan	Shelby
Burr	Hatch	Snowe
Byrd	Inhofe	Specter
Chambliss	Isakson	Tester
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	Lugar	Voinovich
Corker	Martinez	Wicker

NAYS—51

Akaka	Gillibrand	Mikulski
Begich	Harkin	Murray
Bennet	Inouye	Nelson (FL)
Bingaman	Johnson	Pryor
Boxer	Kaufman	Reed
Brown	Kerry	Reid
Burris	Klobuchar	Rockefeller
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Shaheen
Casey	Leahy	Stabenow
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NOT VOTING—3

Gregg	Hutchison	Kennedy

The amendment (No. 107) was rejected.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. CARPER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I wanted to give everyone an idea of the schedule. We are having a difficult time finishing this business before midnight. That being the case, we will file cloture likely after midnight. And that being the case, in case anyone has forgotten, tomorrow is Saturday, which would mean we would have a cloture vote Monday morning sometime.

Now, we will be happy to work with the Republicans to determine what time we get to an end game on this legislation, but at this stage it appears that we will not have anything here on Sunday. And tomorrow, if people want—and I have spoken to a number of my colleagues on this side of the aisle—there will be some time for debate. So tomorrow, tentatively what we will do is, we will be in session from 11 a.m. to 3 p.m.—2 hours for the majority, 2 hours for the minority. The one side will talk about how good the bill is, and the other will be talking about how close to being good the bill is.

So we will do that tomorrow, and I will work with Senator MCCONNELL to find out how we get toward the end process. I remind everyone that we will want to get this done as early as we can next week so that we can have the Presidents Day recess. Each time we run into a procedural roadblock, it makes it very difficult.

I think tonight we only have a couple more amendments. We have two or three more votes tonight, but no one needs to take any extra time or stop us from doing some of the withdrawals, because I have acknowledged it will be past midnight, so there is no need to worry about that.

I think I have explained things about as well as I can. As to what we are going to do Monday and a time for that, I will work with Senator MCCONNELL during the next couple of votes.

The PRESIDING OFFICER. The Senator from Montana is recognized.

AMENDMENT NO. 485, WITHDRAWN

Mr. BAUCUS. Mr. President, I ask unanimous consent that Feingold amendment No. 485 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

AMENDMENT NO. 531

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to the vote in relation to amendment No. 531 offered by the Senator from Kentucky, Mr. BUNNING.

The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, over 30 years ago, in 1976, Russell Long stood right here where we are today and voted for legislation that set the capital loss limit at $3,000. President Gerald Ford signed the bill into law. That was a long time ago, and Senator Long and President Ford are both gone.

What is the legacy we will leave for future generations? The bill we are considering today will pile a staggering amount of debt on their shoulders—more than $1 trillion. But let's at least do some good here. At a time when the stock market is down 40 percent from its highs, when $7.5 trillion in paper wealth has been destroyed, there is a crying need to update the 30-year capital loss limit. We have a rare opportunity to fix a longstanding problem with the Tax Code at a time when

economists say the change is also good policy.

It will stimulate the economy by encouraging private risk taking. When investors take risks, the economy expands, and the fear we are experiencing will be dispelled.

I urge you to vote for the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment increases the amount of capital losses that could be used to offset ordinary income from $3,000 to $15,000 at a cost of probably about $11 billion over 10 years. I do think perhaps the capital loss provision applied to income should be increased at some point, but this is too much of an increase. From $3,000 to $15,000 is too much of a leap. I think, therefore, we should not support this amendment. I urge we vote against this amendment.

Mr. BUNNING. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG) and the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 55, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—41

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bennett	Enzi	Risch
Bond	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Hatch	Shelby
Burr	Inhofe	Specter
Chambliss	Isakson	Thune
Coburn	Johanns	Udall (CO)
Cochran	Kyl	Vitter
Collins	Landrieu	Voinovich
Corker	Lugar	Webb
Cornyn	Martinez	Wicker
Crapo	McCain	

NAYS—55

Akaka	Conrad	Kohl
Baucus	Dodd	Lautenberg
Bayh	Dorgan	Leahy
Begich	Durbin	Levin
Bennet	Feingold	Lieberman
Bingaman	Feinstein	Lincoln
Boxer	Gillibrand	McCaskill
Brown	Hagan	Menendez
Burris	Harkin	Merkley
Byrd	Inouye	Mikulski
Cantwell	Johnson	Murray
Cardin	Kaufman	Nelson (FL)
Carper	Kerry	Nelson (NE)
Casey	Klobuchar	Pryor
Reed	Shaheen	Warner
Reid	Snowe	Whitehouse
Rockefeller	Stabenow	Wyden
Sanders	Tester	
Schumer	Udall (NM)	

NOT VOTING—3

Gregg	Hutchison	Kennedy

The amendment (No. 531) was rejected.

Mr. GRASSLEY. Mr. President, I voted for Bunning amendment No. 531 because the $3,000 of capital losses that people can use to offset their ordinary income hasn't been indexed for inflation, and has been at that $3,000 level since 1976. The $15,000 level is only $4,500 higher than the level it would be—$10,500—if it had been indexed for inflation.

The PRESIDING OFFICER. The Senator from Montana is recognized.

AMENDMENT NO. 110 WITHDRAWN

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Murray amendment, No. 110, be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 468

Under the previous order, there will now be 2 minutes equally divided on amendment No. 468 offered by the Senator from Oregon, Mr. WYDEN.

Mr. WYDEN. Mr. President, Senators of both parties have worked hard to limit the costs of the economic recovery legislation. This bipartisan amendment that I offer with Senator SNOWE and Senator LINCOLN will, according to the Joint Committee on Taxation, reduce the cost of this bill by $3.2 billion.

This amendment provides a way to quickly return to taxpayers a substantial portion of the money that was recently paid out in excessive bonuses to companies under the Troubled Asset Relief Program. Our people were horrified to learn that Citigroup and others that had received extensive Federal support had paid out billions of dollars in excessive bonuses. This amendment makes it clear that it is not enough to say the excessive bonuses are wrong; it requires that companies pay those bonuses back to our taxpayers. The amendment gives the companies a choice: Pay back the cash portion of any bonus paid in excess of $120,000 or pay an excise tax of 35 percent.

This is a bipartisan amendment. I urge my colleagues to accept it on a voice vote.

The PRESIDING OFFICER. Is there debate in opposition? Is all time yielded back?

Mr. COBURN. I yield back our time.

The PRESIDING OFFICER. Without objection, it is so ordered. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 468) was agreed to.

AMENDMENT NO. 538

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 538, offered by the Senator from South Dakota, Mr. THUNE.

Mr. THUNE. Mr. President, there are two ways to stimulate the economy with a trillion dollars. One is to have the Government do it. The other is to have the American people do it. We are going to spend $1 trillion. Seventy percent of our gross domestic product is in the form of consumer spending. What better way than to give consumers' dollars back into their hands and allow them to stimulate the economy. If we are going to borrow a trillion dollars from our children and grandchildren, let's at least do it in a way that helps American families.

Under my amendment, if you are someone who makes under $250,000 a year, you are going to be eligible for a check in the amount of $5,143. If you are a married couple filing jointly, you are going to be eligible for a check for $10,286. Anybody who files a tax return is going to be eligible for a rebate in that amount. I think this is a way to provide real stimulus to the American economy, and I urge my colleagues to adopt this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is now a sufficient second. The yeas and nays are ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I urge Members not to adopt this amendment. It strikes the entire underlying bill, and it replaces it with a tax cut for all Americans, except at least 8 million Americans who do not file. This rebate will go to filers. There are about 8 million Americans, at least, who do not file income tax returns; they pay payroll taxes, many of them.

Under the underlying bill, the rebate goes to people who work and pay payroll taxes. Under the Thune amendment, it only goes to people who pay income taxes, not payroll taxes. At least 8 million people would not get the benefit of this rebate. It strikes the whole underlying bill. So I urge it not be adopted.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, while we have everyone's attention, we all recognize this has been a long, rough week. We have had 46 amendments that have been offered. We have had 19 amendments that have been agreed to; 25 or so have been voted on. So we have done a lot of work.

We are going to come in tomorrow, from noon until 3 o'clock. The time will be evenly divided for people to talk about the legislation that is before us. We had more time than that, but some of the people who were wanting to speak have fallen off.

I am working now with the Republican leader. I think what we are going

to do is come in about 1 o'clock on Monday. We do not have this firmed up. We will do a consent before the evening is over. We will come in Monday at 1 o'clock, have debate until 5:30, have a cloture vote at 5:30.

At noon on Tuesday, we will have, the way things now are, we will have a budget point of order. If we get 60 votes on that, that will be the end of this matter, and we can start going to conference immediately.

The House is coming in Monday to start the conference process. And I say to everyone here, we are going to do our utmost to have a conference. It is something we have not done very often here in recent years. But we are going to try to get in the habit of doing conferences. I hope I have answered at least the broad outline.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask a question of the majority leader. I had an amendment that would simply require those who get contracts to build infrastructure, that they would use the E-Verify system to determine whether a person is using a valid Social Security number. It is a proven system; 2,000 businesses are voluntarily signing up each week.

So I would hope we get a vote on that. Am I now being told we will not be able to vote on that amendment? I hate to object.

Mr. REID. I have not asked for any unanimous consent. I would suggest, during this vote, you could talk to the manager of this bill. I did not ask for any consent.

Mr. SESSIONS. I thank the majority leader. I know he has a million things to worry about. But it is an important matter. I would be very disappointed if we did not get a chance to vote on this.

Mr. REID. We had, as I indicated, 450 amendments filed. We are trying to be as fair to everyone as we can.

Mr. BAUCUS. Mr. President, I raise a pay-go budget point of order against the Thune amendment.

Mr. THUNE. Mr. President, I would ask to waive the applicable point of order, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG) and the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 61, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—35

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hatch	Sessions
Burr	Inhofe	Shelby
Chambliss	Isakson	Specter
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Corker	Lugar	Wicker
Cornyn	Martinez	

NAYS—61

Akaka	Feinstein	Nelson (FL)
Baucus	Gillibrand	Nelson (NE)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burris	Klobuchar	Shaheen
Byrd	Kohl	Snowe
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Ensign	Mikulski	
Feingold	Murray	

NOT VOTING—3

Gregg	Hutchison	Kennedy

The PRESIDING OFFICER. On this vote, the ayes are 35, the nays are 61. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Wyoming.

AMENDMENT NO. 293, AS FURTHER MODIFIED

Mr. ENZI. Mr. President, I believe the pending amendment is the Enzi amendment No. 293, as modified, and I ask unanimous consent that it be further modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 293), as further modified, is as follows:

On page 265, line 2, add at the end the following: ''community mental health center (as defined in section 1913(b)), renal dialysis facility, blood center, ambulatory surgical center described in section 1833(i) of the Social Security Act,''.

On page 265, line 23, strike ''means'' and insert ''includes''.

On page 266, line 2, insert ''access,'' after ''maintenance,''.

On page 270, strike lines 1 through 11, and insert the following:

''(1) STANDARDS.—The National Coordinator shall—

''(A) review and determine whether to endorse each standard, implementation specification, and certification criterion for the electronic exchange and use of health information that is recommended by the HIT Standards Committee under section 3003 for purposes of adoption under section 3004;

''(B) make such determinations under subparagraph (A), and report to the Secretary such determinations, not later than 45 days after the date the recommendation is received by the Coordinator;

''(C) review Federal health information technology investments to ensure that Federal health information technology programs are meeting the objectives of the strategic plan published under paragraph (3); and

''(D) provide comments and advice regarding specific Federal health information technology programs, at the request of the Office of Management and Budget.''.

Beginning on page 273, strike line 21, and all that follows through line 8 on page 274, and insert the following:

''(5) HARMONIZATION.—The Secretary may recognize an entity or entities for the purpose of harmonizing or updating standards and implementation specifications in order to achieve uniform and consistent implementation of the standards and implementation specifications.

''(6) CERTIFICATION.—

''(A) IN GENERAL.—The National Coordinator, in consultation with the Director of the National Institute of Standards and Technology, shall recognize a program or programs for the voluntary certification of health information technology as being in compliance with applicable certification criteria adopted under this subtitle. Such program shall include, as appropriate, testing of the technology in accordance with section 14201(b) of the Health Information Technology for Economic and Clinical Health Act.''.

On page 276, strike lines 15 through 24, and insert the following:

(E) RESOURCE REQUIREMENTS.—The National Coordinator shall estimate and publish resources required annually to reach the goal of utilization of an electronic health record for each person in the United States by 2014, including—

(i) the required level of Federal funding;

(ii) expectations for regional, State, and private investment;

(iii) the expected contributions by volunteers to activities for the utilization of such records; and

(iv) the resources needed to establish or expand education programs in medical and health informatics and health information management to train health care and information technology students and provide a health information technology workforce sufficient to ensure the rapid and effective deployment and utilization of health information technologies.

On page 282, between lines 3 and 4, insert the following:

''(vi) The use of electronic systems to ensure the comprehensive collection of patient demographic data, including, at a minimum, race, ethnicity, primary language, and gender information.

''(vii) Technologies and design features that address the needs of children and other vulnerable populations.''.

On page 283, strike lines 10 through 12, and insert the following:

''(ix) Methods to facilitate secure access by an individual to such individual's protected health information.

''(x) Methods, guidelines, and safeguards to facilitate secure access to patient information by a family member, caregiver, or guardian acting on behalf of a patient due to age-related and other disability, cognitive impairment, or dementia that prevents a patient from accessing the patient's individually identifiable health information.''.

On page 283, between lines 21 and 22, insert the following:

''(4) CONSISTENCY WITH EVALUATION CONDUCTED UNDER MIPPA.—

''(A) REQUIREMENT FOR CONSISTENCY.—The HIT Policy Committee shall ensure that recommendations made under paragraph

(2)(B)(vi) are consistent with the evaluation conducted under section 1809(a) of the Social Security Act.

''(B) SCOPE.—Nothing in subparagraph (A) shall be construed to limit the recommendations under paragraph (2)(B)(vi) to the elements described in section 1809(a)(3) of the Social Security Act.

''(C) TIMING.—The requirement under subparagraph (A) shall be applicable to the extent that evaluations have been conducted under section 1809(a) of the Social Security Act, regardless of whether the report described in subsection (b) of such section has been submitted.''.

On page 284, strike lines 1 through 13, and insert the following:

''(2) MEMBERSHIP.—The HIT Policy Committee shall be composed of members to be appointed as follows:

''(A) One member shall be appointed by the Secretary.

''(B) One member shall be appointed by the Secretary of Veterans Affairs who shall represent the Department of Veterans Affairs.

''(C) One member shall be appointed by the Secretary of Defense who shall represent the Department of Defense.

''(D) One member shall be appointed by the Majority Leader of the Senate.

''(E) One member shall be appointed by the Minority Leader of the Senate.

''(F) One member shall be appointed by the Speaker of the House of Representatives.

''(G) One member shall be appointed by the Minority Leader of the House of Representatives.

''(H) Eleven members shall be appointed by the Comptroller General of the United States, of whom—

''(i) three members shall represent patients or consumers;

''(ii) one member shall represent health care providers;

''(iii) one member shall be from a labor organization representing health care workers;

''(iv) one member shall have expertise in privacy and security;

''(v) one member shall have expertise in improving the health of vulnerable populations;

''(vi) one member shall represent health plans or other third party payers;

''(vii) one member shall represent information technology vendors;

''(viii) one member shall represent purchasers or employers; and

''(ix) one member shall have expertise in health care quality measurement and reporting.

''(3) CHAIRPERSON AND VICE CHAIRPERSON.—The HIT Policy Committee shall designate one member to serve as the chairperson and one member to serve as the vice chairperson of the Policy Committee.

''(4) NATIONAL COORDINATOR.—The National Coordinator shall serve as a member of the HIT Policy Committee and act as a liaison among the HIT Policy Committee, the HIT Standards Committee, and the Federal Government.

''(5) PARTICIPATION.—The members of the HIT Policy Committee appointed under paragraph (2) shall represent a balance among various sectors of the health care system so that no single sector unduly influences the recommendations of the Policy Committee.

''(6) TERMS.—

''(A) IN GENERAL.—The terms of the members of the HIT Policy Committee shall be for 3 years, except that the Comptroller General shall designate staggered terms for the members first appointed.

''(B) VACANCIES.—Any member appointed to fill a vacancy in the membership of the HIT Policy Committee that occurs prior to the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has been appointed. A vacancy in the HIT Policy Committee shall be filled in the manner in which the original appointment was made.

''(7) OUTSIDE INVOLVEMENT.—The HIT Policy Committee shall ensure an adequate opportunity for the participation of outside advisors, including individuals with expertise in—

''(A) health information privacy and security;

''(B) improving the health of vulnerable populations;

''(C) health care quality and patient safety, including individuals with expertise in the measurement and use of health information technology to capture data to improve health care quality and patient safety;

''(D) long-term care and aging services;

''(E) medical and clinical research; and

''(F) data exchange and developing health information technology standards and new health information technology.

''(8) QUORUM.—Ten members of the HIT Policy Committee shall constitute a quorum for purposes of voting, but a lesser number of members may meet and hold hearings.

''(9) FAILURE OF INITIAL APPOINTMENT.—If, on the date that is 45 days after the date of enactment of this title, an official authorized under paragraph (2) to appoint one or more members of the HIT Policy Committee has not appointed the full number of members that such paragraph authorizes such official to appoint—

''(A) the number of members that such official is authorized to appoint shall be reduced to the number that such official has appointed as of that date; and

''(B) the number prescribed in paragraph (8) as the quorum shall be reduced to the smallest whole number that is greater than one-half of the total number of members who have been appointed as of that date.

''(10) CONSIDERATION.—The National Coordinator shall ensure that the relevant recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of policies.''.

On page 287, between lines 16 and 17, insert the following:

''(5) CONSIDERATION.—The National Coordinator shall ensure that the relevant recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of standards.''.

On page 288, strike lines 4 through 19 and insert the following:

''(3) BROAD PARTICIPATION.—There is broad participation in the HIT Standards Committee by a variety of public and private stakeholders, either through membership in the Committee or through another means.

''(4) CHAIRPERSON; VICE CHAIRPERSON.—The HIT Standards Committee may designate one member to serve as the chairperson and one member to serve as the vice chairperson.

''(5) DEPARTMENT MEMBERSHIP.—The Secretary shall be a member of the HIT Standards Committee. The National Coordinator shall act as a liaison among the HIT Standards Committee, the HIT Policy Committee, and the Federal Government.

''(6) BALANCE AMONG SECTORS.—In developing the procedures for conducting the activities of the HIT Standards Committee, the HIT Standards Committee shall act to ensure a balance among various sectors of the health care system so that no single sector unduly influences the actions of the HIT Standards Committee.

''(7) ASSISTANCE.—For the purposes of carrying out this section, the Secretary may provide or ensure that financial assistance is provided by the HIT Standards Committee to defray in whole or in part any membership fees or dues charged by such Committee to those consumer advocacy groups and not for profit entities that work in the public interest as a part of their mission.

''(d) OPEN AND PUBLIC PROCESS.—In providing for the establishment of the HIT Standards Committee pursuant to subsection (a), the Secretary shall ensure the following:

''(1) CONSENSUS APPROACH; OPEN PROCESS.—The HIT Standards Committee shall use a consensus approach and a fair and open process to support the development, harmonization, and recognition of standards described in subsection (a)(1).

''(2) PARTICIPATION OF OUTSIDE ADVISERS.—The HIT Standards Committee shall ensure an adequate opportunity for the participation of outside advisors, including individuals with expertise in—

''(A) health information privacy;

''(B) health information security;

''(C) health care quality and patient safety, including individuals with expertise in utilizing health information technology to improve healthcare quality and patient safety;

''(D) long-term care and aging services; and

''(E) data exchange and developing health information technology standards and new health information technology.

''(3) OPEN MEETINGS.—Plenary and other regularly scheduled formal meetings of the HIT Standards Committee (or established subgroups thereof) shall be open to the public.

''(4) PUBLICATION OF MEETING NOTICES AND MATERIALS PRIOR TO MEETINGS.—The HIT Standards Committee shall develop and maintain an Internet website on which it publishes, prior to each meeting, a meeting notice, a meeting agenda, and meeting materials.

''(5) OPPORTUNITY FOR PUBLIC COMMENT.—The HIT Standards Committee shall develop a process that allows for public comment during the process by which the Entity develops, harmonizes, or recognizes standards and implementation specifications.

''(e) VOLUNTARY CONSENSUS STANDARD BODY.—The provisions of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) and the Office of Management and Budget circular 119 shall apply to the HIT Standards Committee.''.

On page 290, line 14, strike ''INITIAL SET OF''.

On page 291, between lines 6 and 7, insert the following:

''(3) SUBSEQUENT STANDARDS ACTIVITY.—The Secretary shall adopt additional standards, implementation specifications, and certification criteria as necessary and consistent with the schedule published under section 3003(b)(2).''.

Beginning on page 293, strike line 7 and all that follows through line 2 on page 295, and insert the following:

SEC. 3008. TRANSITIONS.

''(a) ONCHIT.—Nothing in section 3001 shall be construed as requiring the creation of a new entity to the extent that the Office of the National Coordinator for Health Information Technology established pursuant to Executive Order 13335 is consistent with the provisions of section 3001.

''(b) NATIONAL EHEALTH COLLABORATIVE.—Nothing in sections 3002 or 3003 or this subsection shall be construed as prohibiting the National eHealth Collaborative from modifying its charter, duties, membership, and any other structure or function required to be consistent with the requirements of a voluntary consensus standards body so as to allow the Secretary to recognize the National eHealth Collaborative as the HIT Standards Committee.

''(c) CONSISTENCY OF RECOMMENDATIONS.—In carrying out section 3003(b)(1)(A), until recommendations are made by the HIT Policy Committee, recommendations of the HIT Standards Committee shall be consistent with the most recent recommendations made by such AHIC Successor, Inc.''.

On page 292, strike lines 6 through 12, and insert the following:

''(a) IN GENERAL.—The National Coordinator shall support the development and routine updating of qualified electronic health record technology (as defined in section 3000) consistent with subsections (b) and (c) and make available such qualified electronic health record technology unless the Secretary and the HIT Policy Committee determine through an assessment that the needs and demands of providers are being substantially and adequately met through the marketplace.''.

On page 305, strike line 5, strike ''shall coordinate'' and insert ''may review''.

On page 320, between lines 3 and 4, insert the following:

''(10) establishing and supporting health record banking models to further consumer-based consent models that promote lifetime access to qualified health records, if such activities are included in the plan described in subsection (e), and may contain smart card functionality; and''.

On page 355, line 25, insert before the period the following: ''and the information necessary to improve patient outcomes and to detect, prevent, and manage chronic disease''.

Beginning on page 357, strike line 1 and all that follows through line 12 on page 359, and insert the following:

''(1) IN GENERAL.—In applying section 164.528 of title 45, Code of Federal Regulations, in the case that a covered entity uses or maintains an electronic health record with respect to protected health information—

''(A) the exception under paragraph (a)(1)(i) of such section shall not apply to disclosures through an electronic health record made by such entity of such information; and

''(B) an individual shall have a right to receive an accounting of disclosures described in such paragraph of such information made by such covered entity during only the three years prior to the date on which the accounting is requested.

''(2) REGULATIONS.—The Secretary shall promulgate regulations on what disclosures must be included in an accounting referred to in paragraph (1)(A) and what information must be collected about each such disclosure not later than 18 months after the date on which the Secretary adopts standards on accounting for disclosure described in the section 3002(b)(2)(B)(iv) of the Public Health Service Act, as added by section 13101. Such regulations shall only require such information to be collected through an electronic health record in a manner that takes into account the interests of individuals in learning when their protected health information was disclosed and to whom it was disclosed, and the usefulness of such information to the individual, and takes into account the administrative and cost burden of accounting for such disclosures.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed as—

''(A) requiring a covered entity to account for disclosures of protected health information that are not made by such covered entity; or

''(B) requiring a business associate of a covered entity to account for disclosures of protected health information that are not made by such business associate.

''(4) REASONABLE FEE.—A covered entity may impose a reasonable fee on an individual for an accounting performed under paragraph (1)(B). Any such fee shall not be greater than the entity's labor costs in responding to the request.

''(5) EFFECTIVE DATE.—

''(A) CURRENT USERS OF ELECTRONIC RECORDS.—In the case of a covered entity insofar as it acquired an electronic health record as of January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such a record on and after January 1, 2014.

''(B) OTHERS.—In the case of a covered entity insofar as it acquires an electronic health record after January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such record on and after the later of the following:

''(i) January 1, 2011; or

''(ii) the date that it acquires an electronic health record.

''(C) LATER DATE.—The Secretary may set an effective date that is later that the date specified under subparagraph (A) or (B) if the Secretary determines that such later date it necessary, but in no case may the date specified under—

''(i) subparagraph (A) be later than 2018; or

''(ii) subparagraph (B) be later than 2014.''.

On page 359, line 15, strike ''shall'' and all that follows through ''those'' on line 18, and insert the following: ''shall review and evaluate the definition of health care operations under section 164.501 of title 45, Code of Federal Regulations, and to the extent appropriate, eliminate by regulation''.

On page 359, line 22, insert ''In promulgating such regulations, the Secretary shall not require that data be de-identified or require valid authorization for use or disclosure for activities within a covered entity described in paragraph (1) of the definition of health care operations under such section 164.501.'' after ''disclosure.''.

On page 360, line 6, insert at the end the following: ''Nothing in this subsection may be construed to supersede any provision under subsection (e) or section 13406(a).''.

On page 361, line 2, strike ''and'' and all that follows through ''pose'' on line 5.

On page 361, line 7, strike ''and'' and all that follows through line 10, and insert the following: '', subject to any regulation that the Secretary may promulgate to prevent protected health information from inappropriate access, use, or disclosure.''.

On page 362, strike lines 9 through 13, and insert the following:

(3) REGULATIONS.—Not later than 18 months after the date of enactment of this title, the Secretary shall promulgate regulations to carry out this subsection. In promulgating such regulations, the Secretary—

(A) shall evaluate the impact of restricting the exception described in paragraph (2)(A) to require that the price charged for the purposes described in such paragraph reflects the costs of the preparation and transmittal of the data for such purpose, on research or public health activities, including those conducted by or for the use of the Food and Drug Administration; and

(B) may further restrict the exception described in paragraph (2)(A) to require that the price charged for the purposes described in such paragraph reflects the costs of the preparation and transmittal of the data for such purpose, if the Secretary finds that such further restriction will not impede such research or public health activities.

Beginning on page 364, strike line 1 and all that follows through line 3 on page 365, and insert the following:

(2) PAYMENT FOR CERTAIN COMMUNICATIONS.—A communication by a covered entity or business associate that is described in subparagraph (i), (ii), or (iii) of paragraph (1) of the definition of marketing in section 164.501 of title 45, Code of Federal Regulations, shall not be considered a health care operation for purposes of subpart E of part 164 of title 45, Code of Federal Regulations if the covered entity receives or has received direct or indirect payment in exchange for making such communication, except where—

(A) such communication describes only a health care item or service that has previously been prescribed for or administered to the recipient of the communication, or a family member of such recipient;

(B) each of the following conditions apply—

(i) the communication is made by the covered entity; and

(ii) the covered entity making such communication obtains from the recipient of the communication, in accordance with section 164.508 of title 45, Code of Federal Regulations, a valid authorization (as described in paragraph (b) of such section) with respect to such communication; or

(C) each of the following conditions apply—

(i) the communication is made on behalf of the covered entity;

(ii) the communication is consistent with the written contract (or other written arrangement described in section 164.502(e)(2) of such title) between such business associate and covered entity; and

(iii) the business associate making such communication, or the covered entity on behalf of which the communication is made, obtains from the recipient of the communication, in accordance with section 164.508 of title 45, Code of Federal Regulations, a valid authorization (as described in paragraph (b) of such section) with respect to such communication.

On page 365, strike lines 4 through 7.

On page 369, lines 10 and 11, strike ''Secretary of Health and Human Services shall'' and insert ''the Federal Trade Commission shall, in accordance with section 553 of title 5, United States Code,''.

On page 390, after line 21, insert the following:

(e) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall submit to Congress and the Secretary of Health and Human Services a report on the impact of any of the provisions of, or amendments made by, this division or division B that are related to the Health Insurance Portability and Accountability Act of 1996 and section 552a of title 5, United States Code, on health insurance premiums and overall health care costs.

The PRESIDING OFFICER. The question occurs on the amendment, as further modified.

The Senator from Vermont.

Mr. LEAHY. Mr. President, with the forbearance of my friend from Wyoming, I am pleased to tell the managers of the bill and all that we have reached agreement with Senators ENZI, KENNEDY, SNOWE, and KLOBUCHAR to preserve the important privacy protections of electronic health records in the bill. I think these changes will help ensure there are meaningful privacy protections for America's electronic health records in place. I know that is something both the Senator from Wyoming and I are interested in. This helps. I support the amendment, and I urge its immediate adoption.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Vermont for his consideration, and I particularly thank the Senator from Minnesota, who is the subcommittee chair for information technology, who has played a very interesting role in this and has made some very good emphasis, and who understands what we are trying to do. So I thank her for all of her efforts too.

Mr. President, I ask for an immediate vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as further modified.

The amendment (No. 293), as further modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 98 WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent to withdraw amendment No. 98.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that when the Senate convenes on Saturday, February 7, the following be the order: that the Collins and Nelson of Nebraska amendment be called up, the reading be waived; that cloture be filed on the amendment, and that the mandatory quorum be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that no further amendments or motions be in order for the duration of the consideration of H.R. 1; and that on Saturday, February 7, the time from 12 noon to 3 p.m. be equally divided and controlled between the leaders or their designees; that there be debate only with no amendments or motions in order; provided further that when the Senate reconvenes on Monday, February 9, the time from 1 p.m. to 5:30 p.m. be divided and controlled in the same manner and that at 5:30 p.m., the Senate proceed to vote on the motion to invoke cloture on the Reid for Collins and Nelson of Nebraska, among others, amendment; that if cloture is invoked on the amendment, then postcloture time run during any recess or adjournment of the Senate on Monday; and that all postcloture time be considered expired at 12 noon on Tuesday; that on Tuesday, February 10, after the Senate reconvenes, the time until 12 noon be equally divided and controlled as provided above; and that if a budget point of order is made against the amendment, then a motion to waive the applicable point of order be considered made; that if the waiver is successful, the amendment be agreed to, and the motion to reconsider be laid upon the table; that if there is no point of order against the amendment, then adoption of the amendment be subject to a 60-vote threshold; the bill, as amended, be read a third time, and the Senate then proceed to a vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees, with the ratio agreed upon by the leaders, with the above all without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JOE BLANTON

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an outstanding athlete from my home State of Kentucky, Joe Blanton, who was a pitcher for the Philadelphia Phillies 2008 World Series Championship team.

Blanton, who played baseball at Edmonson County High School in Brownsville, KY continued his baseball career in the Commonwealth by playing for the University of Kentucky. He was drafted by the Oakland Athletics after college and was traded to the Phillies during the All-Star break this past summer.

Recently, the Daily News in Bowling Green, KY, published an article detailing Mr. Blanton's journey and accomplishments. I will ask to have the full article printed in the RECORD.

I also ask my colleagues to join me in honoring Joe Blanton for his accomplishments in the 2008 Major League Baseball postseason. Kentucky is proud of his success, and we look forward to seeing more of his prodigious athletic talent on the baseball diamond in the years ahead.

Mr. President, I ask unanimous consent to have the article to which I referred printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

[From the Daily News, Jan. 24, 2009]

BLANTON'S DAY IN BROWNSVILLE: EDMONSON COUNTY HONORS WORLD SERIES CHAMPION PITCHER

(By Micheal Compton)

It's been an offseason to remember for Joe Blanton.

Traded from the Oakland A's to the Philadelphia Phillies in July, Blanton became a key member of a Philadelphia team that celebrated its first World Series championship since 1980 by beating the Tampa Bay Rays in five games in October.

Blanton was honored Saturday at Edmonson County High School, where he pitched until 1998, getting his jersey retired in front of family, college coach and Edmonson County alum Keith Madison and several hundred fans.

Blanton, who signed autographs and took pictures with fans, said his participation in the fundraiser for the ECHS baseball program was his way of giving back to a community that gave him so much as a young man.

''This is kind of a little way that I hope I can help (the Edmonson County baseball program) a little bit, to make it easier on them and give them a few nice things here and there,'' Blanton said.

Edmonson County coach Clint Clark said Saturday's event has been in the works since August. But once Blanton won the World Series with the Phillies in October, the process sped up.

''What Joseph means to this community, words can't describe,'' Clark said. ''By bringing him home and honoring Joseph and having (former University of Kentucky) coach Madison back to be a part of it, we wanted to be able to bring back the tradition here at Edmonson County.''

2008 was a year of highs and lows for Blanton, culminating in a World Series performance that included one of the most memorable moments in baseball history.

''It's been a ride,'' Blanton said. ''When you get traded, it is definitely weird. It always shocks you a little bit. I didn't know anybody (in Philadelphia), any of the coaches, but it seemed to work out pretty good for me.''

Blanton started the season 5–12 with the A's, but during the All-Star break he was traded from the organization that drafted him in the first round in 2002. In joining the Phillies, Blanton was thrust into the National League pennant race.

Blanton went 4–0 in 13 starts for Philadelphia, helping the Phillies win the NL's East Division. He pitched the decisive Game 4 in the NL Division Series against Milwaukee, allowing one run and five hits in six innings against a Brewers' lineup that included former Greenwood High School star Corey Hart.

''That was awesome getting to face somebody from the area—somebody I got to play with in summer ball,'' Blanton said. ''We played together with the Kentucky Colonels. That's real nice to see somebody else from here have success like he has had the last couple of years.''

Blanton got a no decision in his lone NL Championship Series start against the Los Angeles Dodgers.

He saved his best game for last, going six innings and allowing two runs in a 10–2 victory that helped the Phillies take a 3–1 lead in the World Series.

But it was Blanton's fifth-inning at-bat that will forever be remembered—a solo home run to left field that Blanton said was his first since 1999, when he played for Franklin-Simpson High School. Blanton's shot was the first World Series home run by a pitcher in 34 years.

''It's what you dream about as a kid when you're in the backyard playing Wiffleball with your buddies or your dad is throwing you batting practice,'' Blanton said. ''You are always taking that last swing like it's Game 7 of the World Series. Mine wasn't Game 7, but it couldn't have been much better if it was. I think other than maybe throwing a no-hitter or something, I wouldn't trade it for anything else.''

Three nights later, Blanton charged the mound with his teammates, celebrating a world title.

''It still gives me chills just thinking about it,'' Blanton said. ''There's really not another feeling like it in sports. It's the ultimate team accomplishment. Just having the dogpile on the field, knowing no one in baseball is better than you, it is really hard to put into words. It feels good to be able to accomplish that.''

While the World Series title was a life-altering experience, Blanton insists he hasn't changed.

''I'm still the same,'' Blanton said. ''I think if anything changed, it's getting (to the World Series) made me respect it a lot more. I played with a guy, Jamie Moyer, who I think last year was his 22nd year in the majors and that was his first World Series. That shows you how hard it can be to make it and win it.''

And Blanton, who recently signed a one-year, $5.475 million deal with Philadelphia, is determined to work just as hard to help the Phillies defend their title.

''I feel like we have a great team coming back,'' Blanton said. ''We have a solid lineup and a great bullpen. I feel like we have a great starting staff and all the components that it takes to win. We're not a one-dimensional team, and we have a great clubhouse and coaching staff on top of it.''

COMMITTEE ON INDIAN AFFAIRS RULES OF PROCEDURE

Mr. DORGAN. Mr. President, I ask unanimous consent to have printed in the RECORD the Committee on Indian Affairs Rules of Procedure. There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON INDIAN AFFAIRS

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Act are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on Thursdays while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice, including notice to Members of the Committee, shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee, with the concurrence of the Vice Chairman, determines that the hearing is non-controversial or that special circumstances require expedited procedures and a majority of the Committee Members attending concurs. In no case shall a hearing be conducted with less than 24 hours' notice.

(b). Each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail at least 48 hours in advance of a hearing, in a format determined by the Committee and sent to an electronic mail address specified by the Committee.

(c). Each Member shall be limited to five (5) minutes of questioning of any witness until such time as all Members attending who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d). The Chairman and Vice Chairman or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for consideration of such measure or subject has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subjects on the Committee agenda in the absence of such request.

(b). Notice of, and the agenda for, any business meeting of the Committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda published except by the approval of a majority of the Members of the Committee. The notice and agenda of any business meeting may be provided to the Members by electronic mail, provided that a paper copy will be provided to any Member upon request. The Clerk shall promptly notify absent members of any action taken by the Committee on matters not included in the published agenda.

(c). Any bill or resolution to be considered by the Committee shall be filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting. Any amendment(s) to legislation to be considered shall be filed with the Clerk not less than 24 hours in advance. This rule may be waived by the Chairman with the concurrence of the Vice Chairman.

QUORUM

Rule 6(a). Except as provided in subsection (b), a majority of the Members shall constitute a quorum for the transaction of business of the Committee. Consistent with Senate rules, a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b). A measure may be reported from the Committee unless an objection is made by a member, in which case a recorded vote by the Members shall be required.

(c). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part, or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or

who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OR HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AUTHORIZING SUBPOENAS

Rule 12. The Chairman may, with the agreement of the Vice Chairman, or the Committee may, by majority vote, authorize the issuance of subpoenas.

AMENDING THE RULES

Rule 13. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.

MEDICAL DEVICE SAFETY ACT

Mr. LEAHY. Mr. President, I am pleased to join Senator KENNEDY once again in the introduction of this important legislation. The bill that we introduce today will correct the Supreme Court's decision in Riegel v. Medtronic, which misconstrued the intent of Congress and cut off access to our Nation's courts for citizens injured or killed by defective medical devices.

Last year, the Senate Judiciary Committee held a series of hearings to examine the way in which the Supreme Court's decisions in the areas of retirement benefits, consumer product safety, workplace discrimination, and personal finance have consistently trended against the rights of consumers and in favor of big business. In many cases that have profound effects on the lives of ordinary Americans, the Court has either ignored the intent of Congress, deferred to corporate interests, or sided with a Federal agency's flawed interpretation of a congressional statute's preemptive force to disadvantage consumers. The impact of the decisions that were the focus of those hearings continue to be felt by Americans today, whether they are prohibited from seeking redress in the courts for an injury caused by a defective product, paying exorbitant credit card interest rates and fees with no relief from the laws of their own state, or subjected to the unscrupulous practices of some in the mortgage lending industry.

These hearings raised awareness in Congress, and among Americans, about the impact the Supreme Court has on our everyday lives. I am especially proud that following on these hearings, and through the efforts of a determined and principled congressional majority, we witnessed our constitutional democracy at work when President Obama signed the Lilly Ledbetter Fair Pay Act. And I am heartened that Congress reclaimed the intent of its original legislation and overrode the Supreme Court to restore the rights of Americans to be free from discrimination in the workplace.

The bill we introduce today is another important step to correct an erroneous reading by the Court of Congress' intent in enacting the medical device amendments of 1976. This legislation will make explicit that the preemption clause in the medical device amendments upon which the Court relied does not, and never was intended to, preempt the common law claims of consumers injured by a federally approved medical device.

The extraordinary power to preempt State law and regulation lies with Congress alone. Where the Court reaches to the extent it did in the Riegel decision to find Federal preemption contrary to what Congress intended, Congress is compelled to act, just as it was in the case of Lilly Ledbetter. I hope all Senators will join us in this effort.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The bicycle is a very big part of the answer to high gas prices and so many more problems that Idahoans face. The use of bicycles reduces demand for fossil fuels. If demand goes down, prices will follow downward. Furthermore, increased use of bicycles puts no pollutants into the air that we and future generations breathe. Use of bicycles promotes better health by adding consistent daily exercise to our daily lives and will lead to a slimmer, healthier and better quality of life for all Americans. Better health leads to lower demand on our health care system also.

I urge you to please support increased bicycle friendly infrastructure in our transportation system for all the right reasons, only a few of which I have listed here today.

ANDREW, *Mountain Home.*

I am a pastor in Caldwell and have found that the elevating fuel costs have made it where I have to spend my day deciding whether or not I will visit people in my congregation. The sick, the hospitalized, the elderly, the families that are feeling the impact of all this . . . it all rolls down to making a decision, ''Can I afford to go and see them?'' It is a sad thing. Because when I make the decision to go and see them, I impact my family as well. But they need to be visited. So I go. Please Senator, do what you can to help us Idahoans enjoy the quality of life without having to worry about the cost of life. God bless,

TROY, *Caldwell.*

You asked a good question. And I thank you for doing so.

How have high energy prices affected our lives?

We have been fortunate that the high price of fuel is merely an inconvenience and not a devastating disturbance in our lives. We have also planned wisely for this and are careful with our fuel consumption. We drive small commutes and patronize businesses in our immediate area. We have made good choices and take responsibility for our actions. We do not play victim to political arm-wrestling.

I agree with a previous response: ''I think that the high prices for gas/diesel that we're experiencing are a necessary evil. It is time for this entire country, but our politicians in Washington . . . to wake up & realize that the amount of petroleum on this planet based is finite. The current problem with prices should not be dealt with by some . . . Band-Aid.'' In other words, Idahoans need to wake up and realize that high fuel prices are not a sign of the times—they are here to stay and it is time to start thinking like the rest of the world when it comes to fuel consumption. Americans (and Idahoans) need to scale down vehicles, increase mpg, turn necessary travel into opportunities to be active (walking, riding a bicycle, etc.) and look into mass transit. Duh. Why are we so slow to welcome these alternatives?

I think Idahoans should be given an annual tax credit for operating vehicles that get more than 20 mpg and/or for limiting miles traveled. It is time Idahoans start thinking globally and not just selfishly when it comes to transportation. Vehicles are for function only; they are not for status. I am shocked by how many Idahoans still think big trucks and big wheels are some kind of status symbol. To educated, environmentally conscious Idahoans it just spells ignorance. And in our beautiful valley, as the smog increases, these people are completely unaware or uncaring of what their egos are doing to our air quality. I have three small children, two with asthma. The depletion of our air quality often leaves us trapped indoors. As their mother this makes me sad and frustrated and as a life-long Boise citizen who never experienced these ''red alerts'' growing up, this makes me furious.

Please Senator Crapo, ask your fellow Idahoans to think globally, act locally and give them financial incentive to do so. Right now.

JACQUI, *Boise.*

I would like to share my story about the effects of gas prices on my life. I believe that prices are affecting businesses all around so that there is less employment available. I know they have an effect on the economy; so many people are cutting down on their expenses. I had one job where I was required to sell a product to customers. When I was talking to people who were already having financial difficulties I could not feel very good about adding another financial burden on them. Because of a scarcity in decent jobs around here, I have not been able to come up with a decent enough income to be able to buy a car. I have also felt persuaded away from wanting to buy a car because the gas prices are so high.

There are several solutions to the problems of the oil crisis and inflation in the economy. I have heard that we have stores of our own oil here in the U.S. which we should take advantage of. The idea of hydrogen powered cars could also be a good solution. Nuclear power is very efficient, and it is as safe and clean as many other energy sources we are using. Whether we used nuclear power for energy in our cities, or if we used it in our transportation such as cars and airplanes, it would be a wise move. I know there are energy sources that we are not taking advantage of, but we should be. Let us fix these problems.

JORDI, *Shelley*.

I read where you are asking input from Idahoans on how the high energy costs are affecting us. To put it simply, I am going broke.

Everything has gone up. My gas bill has gone up 100 percent. Groceries have gone up 40 percent. I cannot calculate how much other prices have gone up but they have. Every month I have less and less. And unlike some people, I cannot vote myself a pay raise.

I do agree with drilling for oil now off the coast and in Alaska. People need to know that China wants to drill for oil some 60 miles off of our coasts. I hear we have enough oil to be rid of the Arabs and other hostile countries for at least 30 years. By then we can have alternatives to oil. People say it will take seven years to start drilling for oil if we lift the ban now. Well, if we don't how high will oil be in seven years? What on earth will our economy and national security will be like in seven years?

I read where Japan has a car that runs on water. On Fox News they did a story on a fellow by the name of Denny Klein (?) who invented a new process for splitting water into hydrogen and is running his car off of it. He supposedly has a contract with the Department of Defense. I asked Congress if this was so but no one will answer for me.

I do not believe that corn for fuel is the right thing to do. It takes one and a half times as much energy to produce it and it gets about one-third less in gas mileage. Now who wants that? It is like when the Mars Company made a candy bar that was smaller and cost more and said it is what the customer wants. What the heck? Also, you know corn for fuel will compete with corn for food, as will growing other crops for fuel instead of food. If the competition for food and land does not drive up the cost, the government's mandate and subsidies will.

I believe we need more nuclear power plants. There are a number of designs out there that are proven and are cheap. I believe DuPont has come up with a cheap, reliable design, or perhaps Westinghouse. Even Japan has offered the cheap design they have. However, true to our government's way of doing business, DOE will hear nothing of it. DOE is determined to reinvent the wheel. I do know that DOE has turned down outside jobs at the INL. I say get DOE out of the picture and let the private sector do what it does best. And if it is shown that our own oil companies are doing what the Arabs are doing (artificially manipulating the market) then nail them to the wall. Last year Idaho kept asking why is it that Idahoans have to pay more for gas than other states. At first the oil executives touted ''supply and demand.'' Blah blah. Later they flat out admitted that the cost of gas in Idaho was higher because of lack of competition. They flat out said it on the news.

Also, the president has what we call an executive order. He should use it when it comes to energy. If Congress doesn't get its act together and do something (and it has done nothing for over 30 years) about our energy needs, our national security will be at stake. So I feel that the president should just say to heck with the idiot liberals in Congress and the stupid environmentalists and use an executive order to get things going. When it is a real emergency just think what the government will do then. It may be a lot worse. Or is that the intent of some politicians (for power or money)?

DEWEY, *Idaho Falls*.

Since my kids are out of school I am not having to fill my minivan as frequently. My husband will be riding his scooter to work for as long as weather and temps permit. When we filled our Explorer last week it cost us $85. My husband's job like many others is not completely secure and I am going to school fulltime working on my Masters and not able to work because we cannot afford day care. Things would be less of a concern for us if we were renters and not homeowners with a mortgage. This fuel and economic crisis could result in us losing our home if it continues to spiral downward. My dad's hay operation is also taking a blow due to fuel prices.

I consider myself a conservationist and think protecting the environment is important and I believe that new drilling for oil needs to be done and that it can be done in a manner that is more eco-friendly compared to the practices that were occurring when areas were declared off limits to drilling 30 to 40 years ago.

The current economic situation is not really going to allow for a lot of new projects within our own state to address concerns. Serious considerations need to be made to make transportation within the state and heavily populated areas easier. I know there are attempts being made to have Amtrak services returned to the southern part of the state. A rail transit system in the Treasure Valley has been considered a number of times but has never gone anywhere. I know if such a system existed our family would use it.

CHRISTINE, *Nampa*.

I would like to thank you for giving Idahoans this opportunity to e-mail you and let you know how we feel about high gas and energy costs and how it is affecting us. I do not know what you alone can do, but if you could persuade the other politicians to get off their pedestals and do something that really makes a difference, that would be a good thing.

The high energy costs are affecting everything. The cost of groceries is up, cost of utilities is up, everything but how much a person takes home in their paycheck is up. It does not take a rocket scientist to figure out that spells doom for the economy and for the average people in this country.

Very wealthy people really are not as affected by this as the middle class and poor are affected, Mr. Crapo. It is always at the cost of the middle class and poor that the government operates and gets its taxes. The rich are able to find loop holes and do not feel the effects like the average people do. Once again, with the cost of fuel and expenses going through the roof, it is the middle class and poor who suffer.

It is because politicians listen to lobbyists and special interest groups, allow their palms to be greased by those with special interests, such as environmentalists, that we are in the situation we are in now. Something should have been done 10 to 15 years ago to assure our stability with fuel. It was known by anybody with a brain that we were heading down this road, but instead, politicians were swayed by environmentalist money and influence to stay dependant on Middle Eastern oil as well as from other foreign countries. So now, we find ourselves in a crisis. Politicians are elected to represent the majority, or so I thought. It seems though, that concern for those with the most money has become more important. We are now paying the price for bad decisions that have been made over the last 10 to 15 years.

It is time for action on the part of the elected officials, Mr. Crapo. We, the people, the majority—would like to see some action instead of words. We are in a crisis, we are absolutely heading for a depression, and if it is to be avoided, something other than empty words must be done.

This country has been very blessed, even the poor in our country are better off than many people who live in other countries where they have very little to nothing. Unfortunately, our government is making bad decisions and I fear that there are some really bad times in store for this country. You would think that history would teach people something, but, unfortunately human beings just seem to keep making the same mistakes over and over again, and the results do not ever change. History shows that no government or empire ever goes beyond about 200 years . . . where are we? Has our government really done anything different than any of the other governments in history? nope! Greed, power, corruption . . . all ruined every government or dictatorship that ever existed. Our government, the so called ''For the People, By the People'' government, is no different.

I would love to see the people take back this country again, but unfortunately so many of them live off of the government, it will not happen. Why would they bite the hand that feeds them?

Take action Mr. Crapo. Get these capped off oil wells re-opened, get ANWAR opened up and going, get offshore oil wells running, and let us start being smart and use the wind, and any other resource we have to get us off of foreign dependency on oil and energy. We are owned by those we depend on sir, I am sure you know that. We are now owned by China, the Middle East, and Venezuela because they control our money and energy. Very frightening.

Thanks for taking the time to hear what the people have to say. I hope you were able to have the time to get through this long letter.

DENISE.

ADDITIONAL STATEMENTS

DEDICATION OF THE REMEMBRANCE PLAZA

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in commemorating the dedication of the Remembrance Plaza, a memorial to the Pinedale Assembly Center in Fresno, CA, on February 16, 2009. The Pinedale Assembly Center was a temporary internment site for nearly 5,000 Americans of Japanese ancestry during World War II. The dedication of Remembrance Plaza is a fitting tribute to a generation of Japanese Americans who stood tall in the face of adversity and injustice.

The Pinedale Assembly Center was located 8 miles north of downtown Fresno on vacant land near an existing millworkers' housing facility. From May 7 to July 23, 1942, the Pinedale Assembly Center served as a temporary holding area for nearly 5,000 Japanese Americans, most of them were from Sacramento and El Dorado, as well as Oregon and Washington, before they were transferred to 1 of 10 internment camps throughout the Western States.

Today, the former site of the Pinedale Assembly Center is a California Registered Historical Landmark. The Remembrance Plaza, a striking 7,000 square-foot memorial that features a fountain, a concrete plaza, Japanese landscaping, an interpretive wall, and ten prominently displayed story boards, will stand tall to tell the Japanese American story of internment and redress. The Remembrance Plaza is a testament to the determination of a generation of Japanese Americans and to the value of civil liberties, justice, and equality in our democracy.

I would like to thank the Pinedale Assembly Memorial Project Committee, the Central California District Council of the Japanese American Citizens League, the Central California District Nikkei Foundation, the city of Fresno, and the many friends and supporters of this important project for their determined efforts to help make this beautiful and fitting memorial a reality.

I am keenly aware of the historical significance of the Japanese American experience during World War II and this is why I was proud to introduce legislation with my colleague, Senator DIANNE FEINSTEIN, that would authorize a study that could result in the Tule Lake Segregation Center's designation as a national historic site. I am hopeful that this measure which passed the Senate in January will soon become law.

The Remembrance Plaza provides a window for future generations to see the experiences of Japanese Americans during World War II. As supporters of this most worthwhile and fitting memorial gather to commemorate its dedication, I thank them for their support and wish them a successful and enjoyable experience.•

CONGRATULATING THE FIRST GRADUATING CLASS OF THE ERICKSON SCHOOL

• Mr. CARDIN. Mr. President, I congratulate the first graduating class of the Erickson School at the University of Maryland, Baltimore County, UMBC. In December 2008, the Erickson School awarded degrees in the Management of Aging Services to 4 bachelors and 24 masters candidates.

In just 4 years, the Erickson School has grown from a vision of its founding benefactor, John Erickson, to a fully operational professional school addressing the leadership needs in the burgeoning arena of aging services. With the graduation of its first class, the school has begun to establish a community of change agents dedicated to improving the lives of older Americans.

Our Nation faces an urgent need for qualified professionals in the public and private sectors of health care and aging services to deal with our growing aging population. Every 8 seconds, a U.S. resident turns 60 years of age. By 2030, Americans 65 and over will increase from 12.5 percent to 20 percent of the population. Of particular significance is that the fastest growth is among those ages 85 and over. Between today and 2040, this group will increase by another 258 percent, a tribute to improvements in medicine and public health.

The job of caring for an aging population is one that cannot be outsourced. The demographic shift we are witnessing will demand the development of innovative and entrepreneurial services and products. Every aspect of our society will likely be transformed, from the workplace, to the way in which we provide health care, to the assumptions underlying fundamental Government programs.

The Erickson School's first graduates are positioned to respond to the urgent challenges and opportunities presented by the speed and scale with which the U.S. population is aging. This class includes the CEO of a Maryland retirement community, the executive directors of the Baltimore City and County departments of aging, and other experienced aging services professionals from across the Nation.

I ask my colleagues to join me in commending the leadership of Dean J. Kevin Eckert and congratulating the graduates. They are: Jessica Hallis, Tara McDonnell, Jena Rathell, Juliet Strachan, Eleanor Alvarez, Brenda Becker, Rebecca Bees, Mimi Burch, Richard Compton, Benjamin Cornthwaite, Seth Dudley, Christopher Emmett, Arnold Eppel, Diana Givens, Christopher Golen, Steve Gurney, William Holman, Jennifer Holz, Dorothea Johnson, Waclawa Kludziak, Susan Kraus, Jonathan May, Christine Mour, Margaret Mulcare, Elizabeth O'Connor, George Pasteur, Jr., Judith Shapiro, Chris Stewart, John Stewart, Nathaniel Sweeney, and Leonard Weiser.

The Erickson School will be a world leader in meeting the demands for new human capital, as well as policy analysis, research, and executive education. Erickson School alumni are at the leading edge, a new group of professionals that will revolutionize not only the field of aging services but also the way society views aging. They are part of a transformative force that will steer the field of aging services in new directions, and I am pleased to honor them today.•

TRIBUTE TO COLONEL JAMES S. BROWNE

• Mr. CRAPO. Mr. President, on February 11, 2009, Mountain Home Air Force Base, AFB, in my home State of Idaho will bid farewell to COL James S. Browne and his wife Alison. Colonel Browne has been the Mountain Home AFB 366th Fighter Wing Commander, and Commander of the base, since September 15, 2007.

Under Colonel Browne's exemplary leadership, the Gunfighters of Mountain Home AFB have excelled in their respective missions no small feat considering that the 366th Fighter Wing consists of 24 squadrons and over 5,000 personnel—and that doesn't include family members. A base commander is a little like a mayor. Along with military mission responsibilities, a base commander is ultimately held accountable for community well-being, infrastructure and services, and serves as the liaison with local, regional and State civilian government officials. Military families tend to move more often than the civilian population. As such, base services are critical both when families first arrive, and the military member is adjusting to a new job, and throughout their time as they make new friends and carve out a niche in what they know will be a long-term temporary living situation. Furthermore, when deployments occur, it is the responsibility of base leadership to make sure that families are taken care of in their loved ones' absence. Colonel and Mrs. Browne worked in their own capacities to help ensure that facilities, services and community outreach efforts came together to make these life transitions easier. In fact, during his time at Mountain Home AFB, Colonel Browne oversaw the completion of 318 new base housing units.

When it came to the mission of the wing, Colonel Browne excelled in promoting and achieving excellence, turning challenge into success along the way. As a testament to his remarkable leadership capabilities, in March of

2008, the wing achieved the first passing grade for a combined phase I and II operational readiness inspection in 3 years in all of Air Combat Command. That success at the base translated into success in the global war on terror. Colonel Browne oversaw numerous worldwide Air Expeditionary Force deployments of the 72 F–15 aircraft operating from the base. During his tenure, over 5,200 people and over 1,500 tons of cargo were deployed to 18 locations worldwide. Colonel Browne's gunfighters demonstrated skill and precision in their outstanding contributions to Operation Enduring Freedom. In October of 2008, the 391st Fighter Squadron deployed to Afghanistan, flying over 1,700 combat sorties for an incredible 98 percent hit rate in support of coalition forces. Colonel Browne also oversaw the successful implementation of a strategic training partnership program with the Republic of Singapore Air Force.

Colonel Browne's leadership tenure has been characterized by optimism, a firm commitment to the gravity of the mission and a dedication to the notion of team dynamics. He maintained a comprehensive view of the wing's mission within the context of the broader mission of the Air Force and the U.S. Military. His goal-oriented, vision-driven approach made him a particularly outstanding Commander. By putting people first, Colonel Browne inspired excellence and achievement in others.

My staff and I have enjoyed an extremely positive working relationship with Colonel Browne and his staff, on issues such as the training range, Indian affairs, infrastructure and ensuring that Mountain Home AFB not only retains critical missions, but is considered for others as it possesses one of the top training ranges in the nation and has the strong support of the local community and the State. Colonel and Mrs. Browne have been exemplary representatives of the Air Force and good friends to Idaho. On behalf of the State of Idaho, I wish Colonel and Alison Browne well as they move back to Washington, DC, and thank them for their continued service to our nation and for their time as gunfighters in the great State of Idaho. They will be missed.●

REMEMBERING KAREN RAE FORD

● Mr. HARKIN. Mr. President, it is with a heavy heart that I note the passing of a long-time friend and native Iowan, Karen Rae Ford. Karen passed away last week after a difficult battle with liver disease. I knew Karen well through her work as the executive director of the Food Bank of Iowa, a position she held for over a quarter of a century. Karen was a founding force for the creation of the food bank, where she dedicated herself to improving the lives of countless thousands of low-income families in Iowa.

Let me start by expressing my deepest sympathies to Karen's family and friends. It is never easy to lose a loved one, and particularly hard when the loss is due to a medical illness that cuts that loved one's life short. In times of mourning, words fall far short of the comfort we wish we could provide, but hopefully words let those who were close to Karen know that our thoughts and prayers are with them.

Karen has played a leading role in the fight against hunger in Iowa for many years. In the last several years the Food Bank of Iowa distributed nearly 5 million pounds of food a year to almost 300 partner agencies. Just think of all the hungry, low-income families that have benefited directly from Karen's work during her nearly 30 years of work at the Food Bank of Iowa the parents that were able to put food on the table for their children so that they did not have to go hungry.

Though I am sure Karen would never say so, these families owe her an incalculable debt of gratitude for the hard work and devotion she has shown to the cause of improving their lives over her professional career. And her impact extended far beyond the State of Iowa. On more than one occasion Karen testified before the Congress to advocate for improvements to our food assistance laws and policies so that the programs upon which low-income families depend for a safety net in tough times are as effective as possible. That testimony was always received with the recognition and respect that it came from an advocate who was in the trenches every day fighting to provide food to hungry people.

Though the Food Bank of Iowa will continue to operate, and the families that depend upon it will continue to be well served, we have all suffered a loss with Karen's passing. Her activism and leadership over a lifetime of work in the anti-hunger community is a testament to her tremendous spirit and dedication to helping those less fortunate.●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ:

S. 392. A bill to protect consumers, and especially young consumers, from skyrocketing credit card debt, unfair credit card practices, and deceptive credit offers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN:

S. 393. A bill for the relief of Sopuruchi Chukwueke; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE:

S. Con. Res. 5. A concurrent resolution commemorating the 150th anniversary of the arrival of the Sisters of the Sacred Hearts in Hawai'i; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 227

At the request of Mr. CARDIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 227, a bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes.

S. 343

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 343, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage services of qualified respiratory therapists performed under the general supervision of a physician.

S. 371

At the request of Mr. THUNE, the names of the Senator from Colorado (Mr. BENNET), the Senator from Wyoming (Mr. ENZI) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 371, a bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

S. 388

At the request of Ms. MIKULSKI, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. CON. RES. 3

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 100th anniversary.

AMENDMENT NO. 126

At the request of Mrs. MCCASKILL, the names of the Senator from New York (Mr. SCHUMER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 126 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation,

infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 145

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of amendment No. 145 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 155

At the request of Ms. KLOBUCHAR, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of amendment No. 155 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 169

At the request of Mr. BAYH, his name was withdrawn as a cosponsor of amendment No. 169 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 199

At the request of Mrs. LINCOLN, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 199 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 263

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 263 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 274

At the request of Ms. CANTWELL, the names of the Senator from Maine (Ms. SNOWE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 274 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 286

At the request of Ms. LANDRIEU, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 286 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 297

At the request of Mr. GRASSLEY, the names of the Senator from Utah (Mr. HATCH) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 297 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 336

At the request of Mr. CARDIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 336 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 359

At the request of Mr. UDALL of New Mexico, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 359 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 372

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 372 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 378

At the request of Mr. CASEY, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 378 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 387

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 387 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 426

At the request of Mr. SCHUMER, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 426 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 427

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 427 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 430

At the request of Mr. UDALL of New Mexico, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 430 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 451

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 451 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 468

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 468 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 477

At the request of Ms. SNOWE, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 477 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 478

At the request of Mr. SPECTER, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 478 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 480

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 480 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 483

At the request of Mr. BENNETT, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 483 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 485

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 485 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 501

At the request of Mr. GRAHAM, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 501 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 507

At the request of Mrs. MCCASKILL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 507 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 509

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 509 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 513

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 513 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 519

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 519 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 525

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of amendment No. 525 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 5—COMMEMORATING THE 150TH ANNIVERSARY OF THE ARRIVAL OF THE SISTERS OF THE SACRED HEARTS IN HAWAI'I

Mr. INOUYE submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 5

Whereas the Sisters of the Sacred Hearts, also known as the Sisters of the Congregation of the Sacred Hearts of Jesus and Mary, in 2009 are celebrating the 150th anniversary of their arrival in Hawai'i on May 4, 1859, to provide Catholic education to the children of Hawai'i;

Whereas, during the past 150 years, through the devotion and dedication of the Sisters of the Sacred Hearts, thousands of youth in Hawai'i, California, Massachusetts, and New Jersey have received the benefit of a well-rounded education based on Christian principles and moral living at the following educational institutions: Sacred Hearts Convent at Fort Street, Honolulu; Sacred Hearts Academy, Kaimuki, Honolulu; St. Anthony Home, Kalihi, Honolulu; Sacred Hearts Convent, Nuuanu, Honolulu; St. Theresa School, Honolulu; Our Lady of Peace School, Honolulu; Immaculate Conception School, Lihue, Kauai; St. Patrick School, Kaimuki, Honolulu; Maria Regina School, Gardena, California; Bishop Amat High School, West Covina, California; Sacred Hearts Academy, Fairhaven, Massachusetts; St. Joseph School, Fairhaven, Massachusetts; Sacred Hearts School, Fairhaven, Massachusetts; and St. Andrew School, Avenel, New Jersey;

Whereas, during the past 101 years, the Sisters of the Sacred Hearts have served communities in Fairhaven, Fall River, and Mt. Rainier, Massachusetts and in Avenel, New Jersey, and continue to serve communities in Fairhaven, Massachusetts;

Whereas, during the past 50 years, the Sisters of the Sacred Hearts have served communities in Gardena, West Covina, and San Bernardino, California and in Artesia, New Mexico, and continue to serve communities in Artesia, New Mexico; and

Whereas the people of the United States wish to convey their sincerest appreciation

to the Sisters of the Sacred Hearts for their service and devotion: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 150th anniversary of the arrival of the Sisters of the Sacred Hearts in Hawai'i; and

(2) honors and praises the Sisters of the Sacred Hearts Pacific Province for its good works in the education of the youth of the United States and in service to the people of Hawai'i, California, Massachusetts, New Jersey, and New Mexico, and for the Sisters' pursuit of educational, social, and economic equality of all persons.

Mr. INOUYE. Mr. President, today, I rise to introduce a Concurrent Resolution commemorating the 150th anniversary of the arrival of the Sisters of the Sacred Hearts in Hawaii.

The first Catholic missionaries to the Hawaiian Islands were members of the Congregation of the Sacred Hearts of Jesus and Mary and of Perpetual Adoration of the Most Blessed Sacrament of the Altar.

The Congregation was founded by Pierre Coudrin and Henriette Aymer de la Chevalerie in Poitiers, France on Christmas Eve 1800.

In 1825, the Congregation responded to a request of Pope Leo XII for missionaries to the Pacific Rim, then known as Oceania.

The Sacred Hearts Priests and Brothers arrived in Hawaii in 1827; the Sisters, in 1859.

Today, through the missionary zeal of its members, of which a noteworthy exemplar in Hawaii is Blessed Damien de Veuster, the Brothers and Sisters of the Congregation of the Sacred Hearts of Jesus and Mary are present in forty countries and on all continents.

The Sisters of the Sacred Hearts Pacific Province is the administrative center of communities of Sisters currently serving in Hawaii, New Mexico, and Massachusetts. In observance of the 150th anniversary of the Sisters arrival to Hawaii, I urge my colleagues to support this Resolution recognizing the Sisters' dedication through these years to the education of the children of Hawaii, Massachusetts, California, and New Mexico.

AMENDMENTS SUBMITTED AND PROPOSED

SA 527. Mr. NELSON, of Florida (for himself, Mrs. BOXER, Mr. CHAMBLISS, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

SA 528. Mrs. SHAHEEN (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 529. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 530. Mr. WICKER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 531. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra.

SA 532. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 533. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 534. Mr. WYDEN (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 535. Mr. KOHL (for himself, Ms. STABENOW, Mr. BURR, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 536. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 537. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 538. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra.

SA 539. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 540. Ms. CANTWELL (for herself, Mr. BINGAMAN, Mr. CARPER, Mr. SCHUMER, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 541. Ms. LANDRIEU (for herself, Mr. VITTER, Ms. STABENOW, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 542. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 543. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 544. Mr. BURR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 545. Mr. JOHANNS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 546. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 547. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 548. Mr. MARTINEZ (for himself, Mr. DODD, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 549. Mr. LEAHY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 550. Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 551. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 552. Mr. BAUCUS (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 553. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 554. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 555. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 556. Ms. LANDRIEU (for herself, Mr. VITTER, Ms. STABENOW, Mr. CARDIN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 557. Mr. REID (for Mr. KENNEDY (for himself, Mr. VOINOVICH, Mr. KERRY, and Mrs. SHAHEEN)) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 558. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R.

1, supra; which was ordered to lie on the table.

SA 559. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 560. Mrs. HUTCHISON (for herself, Mr. ROCKEFELLER, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 561. Mr. TESTER (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 562. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 563. Mr. BURR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 564. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 565. Ms. SNOWE (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 566. Ms. SNOWE (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 567. Mr. BENNETT (for himself, Ms. MURKOWSKI, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 568. Mr. BOND (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 527. Mr. NELSON of Florida (for himself, Mrs. BOXER, Mr. CHAMBLISS, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 477, strike line 18 and insert the following:

(c) SPECIAL RULE FOR CERTAIN TREES AND VINES.—Section 168(k) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR CERTAIN TREES AND VINES.—For purposes of this subsection, in the case of any qualified property which is a tree or vine producing fruit, nuts, or other crops, such property shall be treated as placed in service in the year in which it is planted.''.

(d) EFFECTIVE DATES.—

SA 528. Mrs. SHAHEEN (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 168, between lines 12 and 13, insert the following:

SEC. 803A. ADDITIONAL FUNDS FOR HIGHER EDUCATION MODERNIZATION, RENOVATION, AND REPAIR.

(a) IN GENERAL.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $2,500,000,000 for carrying out activities authorized under section 803 of this Act, which funds shall remain available through September 30, 2010.

SA 529. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 359, strike line 13 and all that follows through line 6 on page 360, and insert the following:

(d) REVIEW OF HEALTH CARE OPERATIONS.—Not later than 18 months after the date of the enactment of this title, the Secretary shall review the definition of health care operations under section 164.501 of title 45, Code of Federal Regulations. If determined appropriate upon completion of the review, the Secretary shall promulgate regulations to modify the definition of health care operations as necessary. In determining appropriate changes, the Secretary shall consider those activities that can be reasonably and efficiently conducted through the use of information that is deidentified (in accordance with the requirements of section 164.514(b) of such title) or that should require a valid authorization for use or disclosure. In promulgating such regulations, the Secretary may choose to narrow or clarify activities that the Secretary chooses to retain in the definition of health care operations and the Secretary shall take into account the report under section 13424(d). In such regulations the Secretary shall specify the date on which such regulations shall apply to disclosures made by a covered entity, but in no case would such date be sooner than the date that is 24 months after the date of the enactment of this section.

SA 530. Mr. WICKER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 7, insert before the period at the end the following: '', except in the case in which funds are awarded to an institution affected by a Gulf hurricane disaster, as such term is defined in section 824(g)(1) of the Higher Education Act of 1965 (20 U.S.C. 11611–3(g)(1))''.

SA 531. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

On page 464, strike lines 2 and 23, and insert the following:

SEC. 1141. TEMPORARY INCREASE IN PERSONAL CAPITAL LOSS DEDUCTION LIMITATION.

(a) IN GENERAL.—Section 1211 is amended by adding at the end the following new subsection:

''(c) SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2009.—In the case of a taxable year beginning after December 31, 2008, and before January 1, 2010, subsection (b)(1) shall be applied—

''(1) by substituting '$15,000' for '$3,000', and

''(2) by substituting '$7,500' for '$1,500'.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

SA 532. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 10, before the period, insert the following: '': *Provided*, That, in making loans, loan guarantees, and grants using funds made available under this heading, the Secretary of Agriculture may waive the application requirements related to project development cost ratios and income, if the waiver is appropriate to expedite use of the funds and the applicable annual median income of the community does not exceed the greater of 120 percent of the applicable annual State median income requirement or $50,000''.

SA 533. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 454, strike lines 7 through 9 and insert the following:

tion,

''(ii) the energy percentage with respect to such property shall be 30 percent, and

''(iii) such property shall include all associated property utilized to produce and interconnect energy from such facility and to control and monitor such facility.

SA 534. Mr. WYDEN (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 698, after line 25, insert the following:

SEC. 4204A. LONG-TERM CARE WORKER RECRUITMENT AND INVESTMENT DEMONSTRATION PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Meeting the health needs of baby boomers will create new jobs for individuals trained in geriatric care, in addition to meeting the current high demand for such individuals.

(2) Direct care workers, nurse aides, home health aides, and personal and home care aides are the primary providers of paid hands-on care, supervision, and emotional support for older adults in the United States.

(3) The Bureau of Labor Statistics of the Department of Labor predicts that personal or home care aides and home health aides will represent the second and third fastest-growing occupations between 2006 and 2016. In spite of such growth, personal or home care aides are not subject to any Federal requirements related to training or education, and States have very different requirements for personal or home care aides.

(4) The Institute of Medicine report, entitled ''Retooling for an Aging America'' described direct care workers, nurse aides, home health aides, and personal and home care aides as the linchpin of the formal health care delivery system for older adults.

(5) Research shows that inadequate training is a major contributor to high turnover rates among direct care workers and that more training is correlated with better staff recruitment and retention rates.

(6) The Institute of Medicine recommends that State Medicaid programs increase pay and fringe benefits for direct care workers.

(7) Investment in these jobs would benefit the economy in multiple ways, such as providing more income and greater economic opportunity to low-income workers and strengthening health services for aging and disabled populations in the United States.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a demonstration program (in this section referred to as the ''program'') to make grants to States to evaluate recruitment and retention strategies (including wage enhancements) for personal or home care aides, nurse aides, and home health aides (in this section referred to as ''recruitment and retention activities'') and, separately, to develop core training competencies for eligible personal or home care aides and additional training content for nurse aides and home health aides to supplement training for nurse aides and home health aides that is required under Federal law or regulation, including an evaluation of the effectiveness of such competencies and additional training content (in this section referred to as ''competencies and additional training content activities''. Under such programs, the Secretary, in consultation with the expert panel established under subsection (c)(1), shall—

(A) with respect to recruitment and retention activities, select recruitment and retention strategies (including wage enhancements) for personal or home care aides, nurse aides, and home health aides for evaluation under the program, provide technical assistance to States in implementing the strategies selected, and evaluate the impact of such strategies on the recruitment and retention of personal or home care aides, nurse aides, and home health aides in accordance with subsection (e)(1)(A); and

(B) with respect to competencies and additional training content activities, evaluate the efficacy of the core training competencies developed under subsection (c)(2)(B), the additional training content developed under subsection (c)(2)(C), and the method of implementation of such core training competencies and additional training content in accordance with subsection (e)(1)(B).

(2) DURATION.—The program shall be conducted for not less than 3 years with respect to each of the recruitment and retention activities and the competencies and additional training content activities.

(3) IMPLEMENTATION.—

(A) RECRUITMENT AND RETENTION ACTIVITIES.—The Secretary shall, in consultation with the expert panel, implement the program with respect to recruitment and retention activities not later than 1 year after the date of enactment of this Act.

(B) CORE TRAINING COMPETENCIES.—The Secretary shall, in consultation with the expert panel, implement the program with respect to competencies and additional training content activities not later than 18 months after such date of enactment.

(c) ESTABLISHMENT OF EXPERT PANEL.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a panel of long-term care workforce experts (in this section referred to as the ''expert panel'').

(2) DUTIES.—The expert panel shall carry out the following duties:

(A) Provide advice to the Secretary on recruitment and retention activities, as requested by the Secretary.

(B)(i) Subject to clause (ii), developing core training competencies for personal or home care aides, including such competencies with respect to the following areas:

(I) The role of the personal or home care aide (including differences between a personal or home care aide employed by an agency and a personal or home care aide employed directly by the health care consumer or an independent provider).

(II) Consumer rights, ethics, and confidentiality (including the role of proxy decision-makers in the case where a health care consumer has impaired decision-making capacity).

(III) Communication, cultural and linguistic competence and sensitivity, problem solving, behavior management, and relationship skills.

(IV) Personal care skills.

(V) Health care support.

(VI) Nutritional support.

(VII) Infection control.

(VIII) Safety and emergency training.

(IX) Training specific to an individual consumer's needs (including older individuals, younger individuals with disabilities, individuals with developmental disabilities, individuals with dementia, and individuals with mental and behavioral health needs).

(X) Self-Care.

(ii) For purposes of the program with respect to competencies and additional training content activities, the core training competencies developed under clause (i) shall only apply with respect to newly hired personal or home care aides.

(C)(i) Subject to clause (ii), developing additional training content for home health aides and nurse aides which is not required under Federal law as of the date of enactment of this Act, including such content with respect to the following areas:

(I) Culturally and linguistically competent practice.

(II) Standardized direct care worker communication protocols (such as Situation, Background, Assessment, and Recommendation communication tools).

(III) Palliative and end-of-life care.

(IV) Injury prevention.

(V) Wound and decubitus care.

(VI) Medication management, adherence, and safe disposal.

(VII) Mental and behavioral health.

(VIII) Additional aspects of dementia care training (such as understanding dementia and Alzheimer's disease, dealing with challenging behavior, developing communication skills, working with family caregivers, and ensuring physical health and safety).

(IX) Prevention and reporting of abuse and caregiver burnout.

(ii) For purposes of the program with respect to competencies and additional training content activities, the additional training content developed under clause (i) shall only apply with respect to newly hired home health aides and nurse aides.

(D)(i) Subject to clause (ii), making recommendations regarding how training shall be provided under the program with respect to competencies and additional training content activities, including recommendations with respect to the following:

(I) The length of the training.

(II) The appropriate trainer to student ratio.

(III) The amount of instruction time spent in the classroom as compared to on-site in the home or a facility.

(IV) Trainer qualifications.

(V) Content for a ''hands-on'' and written certification exam.

(VI) Continuing education requirements.

(VII) Ways to integrate the core training competencies developed for personal and home care aides under subparagraph (A) with the additional training content developed for home health aides and nurse aides under subparagraph (B).

(ii) The recommendations under clause (i) shall ensure that the number of hours of training provided under the program with respect to competencies and additional training content activities are not less than the number of hours of training required under any applicable State or Federal law or regulation.

(3) MEMBERSHIP.—

(A) IN GENERAL.—Subject to subparagraph (B), the expert panel shall be composed of 11 members appointed by the Secretary from among leading experts in the long-term care field, including representatives of—

(i) personal or home care agencies;

(ii) home health care agencies;

(iii) nursing homes and residential care facilities;

(iv) the disability community (including the mental retardation and developmental disability communities);

(v) the nursing community;

(vi) national advocacy organizations and unions that represent direct care workers;

(vii) older individuals and family caregivers;

(viii) State Medicaid waiver program officials;

(ix) curriculum developers with expertise in adult learning;

(x) researchers on direct care workers and the long-term care workforce; and

(xi) geriatric pharmacists.

(B) INCLUSION OF REPRESENTATIVES OF CERTAIN INDIVIDUALS.—Not less than 2 of the 11 members appointed by the Secretary under subparagraph (A) shall represent the interests of individuals who rely on long-term care services, including the interests of those individuals described in clause (vii) of such subparagraph.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the expert panel shall submit to the Secretary a report containing—

(A) any advice on recruitment and retention activities provided under paragraph (2)(A);

(B) the core training competencies developed under paragraph (2)(B);

(C) the additional training content developed under paragraph (2)(C);

(D) any recommendations of the expert panel under paragraph (2)(D); and

(E) recommendations for such legislation or administrative action as the expert panel determines appropriate.

(5) TERMINATION.—The expert panel shall terminate 180 days after it submits the report under paragraph (4).

(d) APPLICATION AND SELECTION CRITERIA.—

(1) IN GENERAL.—

(A) SOLICITATION.—

(i) RECRUITMENT AND RETENTION ACTIVITIES.—Not later than 6 months after the date of enactment of this Act, the Secretary shall issue a proposal soliciting States to voluntarily participate in the program with respect to recruitment and retention activities.

(ii) CORE TRAINING COMPETENCIES.—Not later than 18 months after such date of enactment, the Secretary shall issue a proposal soliciting States to voluntarily participate in the program with respect to competencies and additional training content activities.

(B) AGREEMENTS.—

(i) RECRUITMENT AND RETENTION ACTIVITIES.—The Secretary shall enter into agreements with not more than 6 States to conduct the program in such States with respect to recruitment and retention activities.

(ii) CORE TRAINING COMPETENCIES.—The Secretary shall enter into agreements with not more than 6 States (in addition to those States the Secretary enters into an agreement with under clause (i)) to conduct the program in such States with respect to competencies and additional training content activities.

(C) REQUIREMENTS FOR STATES.—An agreement entered into under subparagraph (B) shall require that a participating State—

(i) use grant funds made available to the State under the program to recruit eligible health and long-term care providers to participate in the program; and

(ii) in the case of an agreement entered into under subparagraph (B)(ii)—

(I) implement the core training competencies developed under subsection (c)(2)(B) and the additional training content developed under subsection (c)(2)(C); and

(II) develop written materials and protocols for such core training competencies and such additional training content, including the development of a certification test for personal or home care aides who have completed such training competencies and, if applicable, additional training content.

(D) CONSULTATION AND COLLABORATION WITH COMMUNITY AND VOCATIONAL COLLEGES.—The Secretary shall encourage participating States to consult with community and vocational colleges regarding the development of curricula to implement the program with respect to activities, as applicable, which may include consideration of such colleges as partners in such implementation.

(2) APPLICATION AND ELIGIBILITY.—A State seeking to participate in the program shall—

(A) submit an application to the Secretary containing such information and at such time as the Secretary may specify;

(B) meet the selection criteria established under paragraph (3); and

(C) meet such additional criteria as the Secretary may specify.

(3) SELECTION CRITERIA.—In selecting States to participate in the program, the Secretary shall establish criteria to ensure (if applicable with respect to the activities involved)—

(A) geographic and demographic diversity;

(B) that participating States offer medical assistance for personal care services under the State Medicaid plan;

(C) that the existing training standards for personal or home care aides, home health aides, and nurse aides in each participating State—

(i) are different from such standards in the other participating States; and

(ii) are different from the core training competencies developed under subsection (c)(2)(B) and the additional training content developed under subsection (c)(2)(C);

(D) that participating States do not reduce the number of hours of training required under applicable State law or regulation after being selected to participate in the program; and

(E) that participating States recruit a minimum number of eligible health and long-term care providers to participate in the program.

(4) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States in developing written materials and protocols for such core training competencies and such additional training content under paragraph (1)(C)(ii)(II).

(e) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall develop an experimental or control group testing protocol in consultation with an independent evaluation contractor selected by the Secretary. Such testing protocol shall be developed separately under the program with respect to the evaluation of recruitment and retention activities and competencies and additional training content activities. Such contractor shall evaluate—

(A) with respect to recruitment and retention activities, the impact of such activities within each participating State on the recruitment and retention of personal or home care aides, nurse aides, and home health aides; and

(B) with respect to competencies and additional training content activities—

(i) the impact of core training competencies developed under subsection (c)(2)(B), including curricula developed to implement such core training competencies, for personal or home care aides within each participating State on job satisfaction, mastery of job skills, beneficiary and family caregiver satisfaction with services, and additional measures determined by the Secretary in consultation with the expert panel;

(ii) the impact of incorporating the additional training content developed under subsection (c)(2)(C) into existing training standards for home health aides and certified nurse aides within each participating State;

(iii) the impact of providing such core training competencies and additional training content on the existing training infrastructure and resources of States;

(iv) whether the minimum number of hours of initial training required for nurse aides under sections 1819(f)(2)(A)(i)(II) and 1919(f)(2)(A)(i)(II) of the Social Security Act (42 U.S.C. 1395i–3(f)(2)(A)(i)(II); 1396r(f)(2)(A)(i)(II)) should be increased; and

(v) whether a minimum number of hours of initial training should be required for personal or home care aides and, if so, what minimum number of hours should be required.

(2) REPORTS.—

(A) REPORT ON INITIAL IMPLEMENTATION OF RECRUITMENT AND RETENTION ACTIVITIES.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the initial implementation of recruitment and retention activities under the program, including the results of any evaluations conducted under paragraph (1)(A) with respect to such activities, together with such recommendations for legislation or administrative action as the Secretary determines appropriate.

(B) FINAL REPORT.—Not later than 1 year after the completion of the program, the Secretary shall submit to Congress a report containing the results of the evaluations conducted under subparagraphs (A) and (B) of paragraph (1), together with such recommendations for legislation or administrative action as the Secretary determines appropriate.

(f) FUNDING.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out the program under this section for the period of fiscal years 2010 through 2015, $44,000,000.

(2) TRANSFER OF UNUSED FUNDING TO MEDICARE IMPROVEMENT FUND.—Any funds appropriated under paragraph (1) that are not obligated as of September 31, 2015, shall be transferred to the Medicare Improvement Fund established under section 1898 of the Social Security Act (42 U.S.C. 1395iii) on that date and shall be available for expenditure from the Medicare Improvement Fund during the period that begins on that date and ends on the last day on which funds are available for obligation in that Fund.

(g) DEFINITIONS AND INCLUSION OF PROVIDERS UNDER MEDICARE AND MEDICAID PROGRAMS.—

(1) DEFINITIONS.—In this section:

(A) ELIGIBLE HEALTH AND LONG-TERM CARE PROVIDER.—The term ''eligible health and long-term care provider'' means a personal or home care agency (including personal or home care public authorities), a nursing home, a home health agency (as defined in section 1861(o)) of the Social Security Act (42 U.S.C. 1395x(o)), or any other health care provider the Secretary determines appropriate which—

(i) is licensed or authorized to provide services in a participating State; and

(ii) receives payment for services under title XVIII or XIX of the Social Security Act.

(B) HOME HEALTH AIDE.—The term ''home health aide'' has the meaning given such term in section 1891(a)(3)(E) of the Social Security Act (42 U.S.C. 1395bbb(a)(3)(E)).

(C) NURSE AIDE.—The term ''nurse aide'' has the meaning given such term in section 1819(b)(5)(F) of the Social Security Act (42 U.S.C. 1395i–3(b)(5)(F)).

(D) PERSONAL CARE SERVICES.—The term ''personal care services'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(E) PERSONAL OR HOME CARE AIDE.—The term ''personal or home care aide'' means an individual who helps individuals who are elderly, disabled, ill, or mentally disabled (including an individual with Alzheimer's disease or other dementia) to live in their own home or a residential care facility (such as a nursing home, assisted living facility, or any other facility the Secretary determines appropriate) by providing routine personal care services and other appropriate services to the individual.

(F) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(2) INCLUSION OF PROVIDERS UNDER MEDICARE AND MEDICAID PROGRAMS.—For purposes of the program, the terms ''home health aide'', ''nurse aide'', and ''personal or home care aide'' include such individuals who provide services under title XVIII or XIX of the Social Security Act.

SA 535. Mr. KOHL (for himself, Ms. STABENOW, Mr. BURR, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table as follows:

On page 168, strike lines 4 through 7, and insert the following:

(5) STATE HIGHER EDUCATION AGENCY.—

(A) IN GENERAL.—The term ''State higher education agency''—

(i) has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003); or

(ii) means a State entity designated by a State higher education agency (as defined in such section 103) to carry out the State higher education agency's functions under this section.

(B) SPECIAL RULE.—If a State does not have a State higher education agency, then the term shall mean the Governor of the State.

SA 536. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 8 and 9, insert the following:

SEC. ____. DECREASED REQUIRED ESTIMATED TAX PAYMENTS IN 2009 FOR CERTAIN SMALL BUSINESSES.

Paragraph (1) of section 6654(d) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR 2009.—

''(i) IN GENERAL.—Notwithstanding subparagraph (C), in the case of any taxable year beginning in 2009, clause (ii) of subparagraph (B) shall be applied to any qualified individual by substituting '90 percent' for '100 percent'.

''(ii) QUALIFIED INDIVIDUAL.—For purposes of this subparagraph, the term 'qualified individual' means any individual if—

''(I) the adjusted gross income shown on the return of such individual for the preceding taxable year is less than $500,000, and

''(II) such individual certifies that more than 50 percent of the income of such individual was income from a small business.

A certification under subclause (II) shall be in such form and manner and filed at such time as the Secretary may by regulations prescribe.

''(iii) INCOME FROM A SMALL BUSINESS.—For purposes of clause (ii), income from a small business means, with respect to any individual, income from a trade or business the average number of employees of which was less than 500 employees for the calendar year ending with or within the preceding taxable year of the individual.

''(iv) SEPARATE RETURNS.—In the case of a married individual (within the meaning of section 7703) who files a separate return for the taxable year for which the amount of the installment is being determined, clause (ii)(I) shall be applied by substituting '$250,000' for '$500,000'.

''(v) ESTATES AND TRUSTS.—In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).''.

SA 537. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 73, line 21, strike ''funds'' and all that follows through ''policies'' on page 74, line 7, and insert ''funds to work with regional transmission organizations, or the equivalent regional planning authorities, to conduct a resource assessment and an analysis of future demand and transmission requirements: *Provided further*, That the Office of Electricity Delivery and Energy Reliability will provide technical assistance to the North American Electric Reliability Corporation, regional transmission organizations, regional reliability entities, States, and other transmission owners and operators for the coordination of regional plans so as to establish efficient and effective interconnection-wide transmission plans for the Eastern and Western Interconnections and ERCOT: *Provided further*, That such assistance may include modeling, support to regions and States for the development of coordinated State electricity, and environmental policies''.

SA 538. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investement, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

On page 1, beginning with line 6, strike all through page 735, line 7, and insert the following:

SEC. 2. REBATE TO ALL AMERICANS FILING A TAX RETURN.

(a) IN GENERAL.—Section 6429 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 6429. 2009 RECOVERY REBATES FOR INDIVIDUALS.

''(a) IN GENERAL.—In the case of an eligible individual who has filed a return of tax under chapter 1 for any taxable year beginning in 2007, there shall be allowed a credit against the tax imposed by subtitle A for the taxpayer's first taxable year beginning in 2009 an amount equal to $5,143 ($10,286 in the case of a joint return).

''(b) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (f)) shall be zero if the taxpayer's adjusted gross income exceeds $250,000.

''(c) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

''(d) DEFINITIONS.—For purposes of this section—

''(1) NET INCOME TAX LIABILITY.—The term 'net income tax liability' means the excess of—

''(A) the sum of the taxpayer's regular tax liability (within the meaning of section 26(b)) and the tax imposed by section 55 for the taxable year, over

''(B) the credits allowed by part IV (other than section 24 and subpart C thereof) of subchapter A of chapter 1.

''(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual other than—

''(A) any nonresident alien individual,

''(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

''(C) an estate or trust.

''(e) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

''(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (e). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

''(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (f) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

''(f) ADVANCE REFUNDS AND CREDITS.—

''(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2007, and who filed a return of tax under chapter 1 for such first taxable year, shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the advance refund amount for such taxable year.

''(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if this section (other than this subsection) had applied to such taxable year.

''(3) TIMING OF PAYMENTS.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2009.

''(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.

''(g) IDENTIFICATION NUMBER REQUIREMENT.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) to an eligible individual who does not include on the return of tax for the taxable year—

''(A) such individual's valid identification number, and

''(B) in the case of a joint return, the valid identification number of such individual's spouse.

''(2) VALID IDENTIFICATION NUMBER.—For purposes of paragraph (1), the term 'valid identification number' means a social security number issued to an individual by the Social Security Administration. Such term shall not include a TIN issued by the Internal Revenue Service.

''(3) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply to a joint return where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year.''.

(b) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to the residents of such possession.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes for any taxable year under section 6429 of the Internal Revenue Code of 1986 (as amended by this section) to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 36A of the Internal Revenue Code of 1986 (as added by this section).

(c) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of section 6429 of the Internal Revenue Code of 1986 (as amended by this section) or by reason of subsection (b) of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(d) AUTHORITY RELATING TO CLERICAL ERRORS.—Section 6213(g)(2)(L) is amended by striking ''or 6428'' and inserting ''6428, or 6429''.

(e) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by striking ''and 6428'' and inserting ''6428, and 6429''.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by striking ''or 6428'' and inserting ''6428, or 6429''.

(3) The table of sections for subchapter B of chapter 65 is amended by striking the item relating to section 6429 and inserting the following new item:

''Sec. 6429. 2009 recovery rebates for individuals.''.

(f) EFFECTIVE DATE.—This section, and the amendments made by this section, shall apply to taxable years beginning after December 31, 2008.

SA 539. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investement, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, between lines 3 and 4, insert the following:

SEC. 505. ENCOURAGING ROBUST PARTICIPATION BY SMALL BUSINESS CONCERNS IN FEDERAL LOAN PROGRAMS.

The Administrator shall work with the Secretary of Agriculture, the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Secretary of Homeland Security, and the Secretary of Labor to ensure robust participation by small business concerns in loan and loan guarantee programs that receive funding under this Act.

SA 540. Ms. CANTWELL (for herself, Mr. BINGAMAN, Mr. CARPER, Mr. SCHUMER, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 457, line 15, strike ''Section'' and insert the following:

(a) IN GENERAL.—Section

On page 457, between lines 16 and 17, insert the following:

(b) CLARIFICATION WITH RESPECT TO GREEN COMMUNITY PROGRAMS.—Clause (ii) of section 54D(f)(1)(A) is amended by inserting ''(including the use of loans, grants, or other repayment mechanisms to implement such programs)'' after ''green community programs''.

Beginning on page 457, line 18, strike all through page 458, line 16, and insert the following:

SEC. 1121. EXTENSION AND MODIFICATION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C is amended by striking subsections (a) and (b) and inserting the following new subsections:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the sum of—

''(1) the amount paid or incurred by the taxpayer during such taxable year for qualified energy efficiency improvements, and

''(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.

''(b) LIMITATION.—The aggregate amount of the credits allowed under this section for taxable years beginning in 2009 and 2010 with

respect to any taxpayer shall not exceed $1,500.''.

(b) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

''(B) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2009.''.

(2) CENTRAL AIR CONDITIONERS.—Subparagraph (C) of section 25C(d)(3) is amended by striking ''2006'' and inserting ''2009''.

(3) WATER HEATERS.—Subparagraph (D) of section 25C(d)(3) is amended to read as follows:

''(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.82 or a thermal efficiency of at least 90 percent.''.

(4) WOOD STOVES.—Subparagraph (E) of section 25C(d)(3) is amended by inserting '', as measured using a lower heating value'' after ''75 percent''.

(c) MODIFICATIONS OF STANDARDS FOR OIL FURNACES AND HOT WATER BOILERS.—

(1) IN GENERAL.—Paragraph (4) of section 25C(d) is amended to read as follows:

''(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

''(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

''(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.''.

(2) CONFORMING AMENDMENT.—Clause (ii) of section 25C(d)(2)(A) is amended to read as follows:

''(ii) any qualified natural gas furnace, qualified propane furnace, qualified oil furnace, qualified natural gas hot water boiler, qualified propane hot water boiler, or qualified oil hot water boiler, or''.

(d) MODIFICATIONS OF STANDARDS FOR QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Subsection (c) of section 25C is amended by adding at the end the following new paragraph:

''(4) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Such term shall not include any component described in subparagraph (B) or (C) of paragraph (2) unless such component is equal to or below a U factor of 0.30 and SHGC of 0.30.''.

(2) ADDITIONAL QUALIFICATION FOR INSULATION.—Subparagraph (A) of section 25C(c)(2) is amended by inserting ''and meets the prescriptive criteria for such material or system established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009'' after ''such dwelling unit''.

(e) EXTENSION.—Section 25C(g)(2) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) EFFICIENCY STANDARDS.—The amendments made by paragraphs (1), (2), and (3) of subsection (b) and subsections (c) and (d) shall apply to property placed in service after December 31, 2009.

On page 461, strike lines 8 to 10 and insert the following:

(b) ENSURING CONSUMER ACCESSIBILITY TO ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY IN THE CASE OF ELECTRICITY.—Section 179(d)(3) is amended by striking subparagraph (B) and inserting the following:

''(B) for the recharging of motor vehicles propelled by electricity, but only if—

''(i) the property complies with the Society of Automotive Engineers' connection standards,

''(ii) the property provides for non-restrictive access for charging and for payment interoperability with other systems, and

''(iii) the property—

''(I) is located on property owned by the taxpayer, or

''(II) is located on property owned by another person, is placed in service with the permission of such other person, and is fully maintained by the taxpayer.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1124. RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) 5-YEAR RECOVERY PERIOD.—

(1) IN GENERAL.—Subparagraph (B) of section 168(e)(3) is amended by striking ''and'' at the end of clause (vi), by striking the period at the end of clause (vii) and inserting '', and'', and by adding at the end the following new clauses:

''(viii) any qualified smart electric meter, and

''(ix) any qualified smart electric grid system.''.

(2) CONFORMING AMENDMENTS.—Subparagraph (D) of section 168(e)(3) is amended by inserting ''and'' at the end of clause (i), by striking the comma at the end of clause (ii) and inserting a period, and by striking clauses (iii) and (iv).

(b) TECHNICAL AMENDMENTS.—Paragraphs (18)(A)(ii) and (19)(A)(ii) of section 168(i) are each amended by striking ''16 years'' and inserting ''10 years''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(2) TECHNICAL AMENDMENT.—The amendments made by subsection (b) shall take effect as if included in section 306 of the Energy Improvement and Extension Act of 2008.

On page 467, strike lines 1 through 18, and insert the following:

PART VI—MODIFICATION OF CREDIT FOR CARBON DIOXIDE SEQUESTRATION

SEC. 1151. APPLICATION OF MONITORING REQUIREMENTS TO CARBON DIOXIDE USED AS A TERTIARY INJECTANT.

(a) IN GENERAL.—Section 45Q(a)(2) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) disposed of by the taxpayer in secure geological storage.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 45Q(d)(2) is amended—

(A) by striking ''subsection (a)(1)(B)'' and inserting ''paragraph (1)(B) or (2)(C) of subsection (a)'',

(B) by striking ''and unminable coal seems'' and inserting '', oil and gas reservoirs, and unminable coal seams'', and

(C) by inserting ''the Secretary of Energy, and the Secretary of the Interior,'' after ''Environmental Protection Agency''.

(2) Section 45Q(e) is amended by striking ''captured and disposed of or used as a tertiary injectant'' and inserting ''taken into account in accordance with subsection (a)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act.

Beginning on page 467, strike line 21 and all that follows through page 470, line 23, and insert the following:

SEC. 1161. MODIFICATION OF CREDIT FOR QUALIFIED PLUG-IN ELECTRIC MOTOR VEHICLES.

(a) INCREASE IN VEHICLES ELIGIBLE FOR CREDIT.—Section 30D(b)(2)(B) is amended by striking ''250,000'' and inserting ''500,000''.

(b) EXCLUSION OF NEIGHBORHOOD ELECTRIC VEHICLES FROM EXISTING CREDIT.—Section 30D(e)(1) is amended to read as follows:

''(1) MOTOR VEHICLE.—The term 'motor vehicle' means a motor vehicle (as defined in section 30(c)(2)), which is treated as a motor vehicle for purposes of title II of the Clean Air Act.''.

(c) CREDIT FOR CERTAIN OTHER VEHICLES.—Section 30D is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and

(2) by inserting after subsection (e) the following new subsection:

''(f) CREDIT FOR CERTAIN OTHER VEHICLES.—For purposes of this section—

''(1) IN GENERAL.—In the case of a specified vehicle, this section shall be applied with the following modifications:

''(A) For purposes of subsection (a)(1), in lieu of the applicable amount determined under subsection (a)(2), the applicable amount shall be 10 percent of so much of the cost of the specified vehicle as does not exceed $40,000.

''(B) Subsection (b) shall not apply and no specified vehicle shall be taken into account under subsection (b)(2).

''(C) In the case of a specified vehicle which is a 2-or 3-wheeled motor vehicle, subsection (c)(1) shall be applied by substituting '2.5 kilowatt hours' for '4 kilowatt hours'.

''(D) In the case of a specified vehicle which is a low-speed motor vehicle, subsection (c)(3) shall not apply.

''(2) SPECIFIED VEHICLE.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'specified vehicle' means—

''(i) any 2- or 3- wheeled motor vehicle, or

''(ii) any low-speed motor vehicle,

which is placed in service after December 31, 2009, and before January 1, 2012.

''(B) 2- OR 3-WHEELED MOTOR VEHICLE.—The term '2- or 3-wheeled motor vehicle' means any vehicle—

''(i) which would be described in section 30(c)(2) except that it has 2 or 3 wheels,

''(ii) with motive power having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground,

''(iii) which has an electric motor that produces in excess of 5-brake horsepower,

''(iv) which draws propulsion from 1 or more traction batteries, and

''(v) which has been certified to the Department of Transportation pursuant to section 567 of title 49, Code of Federal Regulations, as conforming to all applicable Federal motor vehicle safety standards in effect on the date of the manufacture of the vehicle.

''(C) LOW-SPEED MOTOR VEHICLE.—The term 'low-speed motor vehicle' means a motor vehicle (as defined in section 30(c)(2)) which—

''(i) is placed in service after December 31, 2009, and

''(ii) meets the requirements of section 571.500 of title 49, Code of Federal Regulations.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsections (a) and (c) shall take effect on the date of the enactment of this Act.

(2) OTHER MODIFICATIONS.—The amendments made by subsection (b) shall apply to property placed in service after December 31, 2009, in taxable years beginning after such date.

SEC. 1162. CONVERSION KITS.

(a) IN GENERAL.—Section 30B (relating to alternative motor vehicle credit) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

''(i) PLUG-IN CONVERSION CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is 10 percent of so much of the cost of the converting such vehicle as does not exceed $40,000.

''(2) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—The term 'qualified plug-in electric drive motor vehicle' means any new qualified plug-in electric drive motor vehicle (as defined in section 30D(c), determined without regard to paragraphs (4) and (6) thereof).

''(B) PLUG-IN TRACTION BATTERY MODULE.—The term 'plug-in traction battery module' means an electro-chemical energy storage device which—

''(i) which has a traction battery capacity of not less than 2.5 kilowatt hours,

''(ii) which is equipped with an electrical plug by means of which it can be energized and recharged when plugged into an external source of electric power,

''(iii) which consists of a standardized configuration and is mass produced,

''(iv) which has been tested and approved by the National Highway Transportation Safety Administration as compliant with applicable motor vehicle and motor vehicle equipment safety standards when installed by a mechanic with standardized training in protocols established by the battery manufacturer as part of a nationwide distribution program,

''(v) which complies with the requirements of section 32918 of title 49, United States Code, and

''(vi) which is certified by a battery manufacturer as meeting the requirements of clauses (i) through (v).

''(C) CREDIT ALLOWED TO LESSOR OF BATTERY MODULE.—In the case of a plug-in traction battery module which is leased to the taxpayer, the credit allowed under this subsection shall be allowed to the lessor of the plug-in traction battery module.

''(D) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection) in any preceding taxable year.

''(3) TERMINATION.—This subsection shall not apply to conversions made after December 31, 2012.''.

(b) CREDIT TREATED AS PART OF ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(a) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) the plug-in conversion credit determined under subsection (i).''.

(c) NO RECAPTURE FOR VEHICLES CONVERTED TO QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.—Paragraph (8) of section 30B(h) is amended by adding at the end the following: '', except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2008, in taxable years beginning after such date.

Beginning on page 518, strike line 1 and all that follows through page 521, line 23, and insert the following:

''(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(3) LIMITATION.—The amount which is treated for all taxable years with respect to any qualifying advanced energy project shall not exceed the amount designated by the Secretary as eligible for the credit under this section.

''(c) DEFINITIONS.—

''(1) QUALIFYING ADVANCED ENERGY PROJECT.—

''(A) IN GENERAL.—The term 'qualifying advanced energy project' means a project—

''(i) which re-equips, expands, or establishes a manufacturing facility for the production of property which is—

''(I) designed to be used to produce energy from the sun, wind, geothermal deposits (within the meaning of section 613(e)(2)), or other renewable resources,

''(II) designed to manufacture fuel cells, microturbines, or an energy storage system for use with electric or hybrid-electric motor vehicles,

''(III) designed to manufacture electric grids to support the transmission of intermittent sources of renewable energy, including storage of such energy,

''(IV) designed to capture and sequester carbon dioxide emissions,

''(V) designed to refine or blend renewable fuels or to produce energy conservation technologies (including energy-conserving lighting technologies and smart grid technologies), or

''(VI) other advanced energy property designed to reduce greenhouse gas emissions as may be determined by the Secretary, and

''(ii) any portion of the qualified investment of which is certified by the Secretary under subsection (d) as eligible for a credit under this section.

''(B) EXCEPTION.—Such term shall not include any portion of a project for the production of any property which is used in the refining or blending of any transportation fuel (other than renewable fuels).

''(2) ELIGIBLE PROPERTY.—The term 'eligible property' means any property which is part of a qualifying advanced energy project and is necessary for the production of property described in paragraph (1)(A)(i).

''(d) QUALIFYING ADVANCED ENERGY PROJECT PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a qualifying advanced energy project program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program shall not exceed $2,000,000,000.

''(2) CERTIFICATION.—

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1).

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 2 years from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

''(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 5 years from the date of issuance of the certification in order to place the project in service and if such project is not placed in service by that time period then the certification shall no longer be valid.

''(3) SELECTION CRITERIA.—In determining which qualifying advanced energy projects to certify under this section, the Secretary—

''(A) shall take into consideration only those projects where there is a reasonable expectation of commercial viability, and

''(B) shall take into consideration which projects—

''(i) will provide the greatest domestic job creation (both direct and indirect) during the credit period,

''(ii) will provide the greatest net impact in avoiding or reducing air pollutants or anthropogenic emissions of greenhouse gases,

''(iii) have the greatest readiness for commercial employment, replication, and further commercial use in the United States,

''(iv) will provide the greatest benefit in terms of newness in the commercial market,

''(v) have the lowest levelized cost of generated or stored energy, or of measured reduction in energy consumption or greenhouse gas emission (based on costs of the full supply chain), and

''(vi) have the shortest project time from certification to completion.

On page 524, after line 3, insert the following:

SEC. 1303. INCENTIVES FOR MANUFACTURING FACILITIES PRODUCING PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES AND COMPONENTS.

(a) DEDUCTION FOR MANUFACTURING FACILITIES.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 179E the following new section:

"SEC. 179F. ELECTION TO EXPENSE MANUFACTURING FACILITIES PRODUCING PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES AND COMPONENTS.

''(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat the applicable percentage of the cost of any qualified plug-in electric drive motor vehicle manufacturing facility property as an expense which is not chargeable to a capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified manufacturing facility property is placed in service.

''(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is—

''(1) 100 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service before January 1, 2012, and

''(2) 50 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after December 31, 2011, and before January 1, 2015.

''(c) ELECTION.—

''(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

''(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

''(d) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified plug-in electric drive motor vehicle manufacturing facility property' means any qualified property—

''(A) the original use of which commences with the taxpayer,

''(B) which is placed in service by the taxpayer after the date of the enactment of this section and before January 1, 2015, and

''(C) no written binding contract for the construction of which was in effect on or before the date of the enactment of this section.

''(2) QUALIFIED PROPERTY.—

''(A) IN GENERAL.—The term 'qualified property' means any property which is a facility or a portion of a facility used for the production of—

''(i) any new qualified plug-in electric drive motor vehicle (as defined by section 30D(c)), or

''(ii) any eligible component.

''(B) ELIGIBLE COMPONENT.—The term 'eligible component' means any battery, any electric motor or generator, or any power control unit which is designed specifically for use with a new qualified plug-in electric drive motor vehicle (as so defined).

''(e) SPECIAL RULE FOR DUAL USE PROPERTY.—In the case of any qualified plug-in electric drive motor vehicle manufacturing facility property which is used to produce both qualified property and other property which is not qualified property, the amount of costs taken into account under subsection (a) shall be reduced by an amount equal to—

''(1) the total amount of such costs (determined before the application of this subsection), multiplied by

''(2) the percentage of property expected to be produced which is not qualified property.

''(f) ELECTION TO RECEIVE LOAN IN LIEU OF DEDUCTION.—

''(1) IN GENERAL.—If a taxpayer elects to have this subsection apply for any taxable year—

''(A) subsection (a) shall not apply to any qualified plug-in electric drive motor vehicle manufacturing facility property placed in service by the taxpayer,

''(B) such taxpayer shall receive a loan from the Secretary in an amount and under such terms as provided in section 1303(b) of the American Recovery and Reinvestment Tax Act of 2009, and

''(C) in the taxable year in which such qualified loan is repaid, each of the limitations described in paragraph (2) shall be increased by the qualified plug-in electric drive motor vehicle manufacturing facility amount which is—

''(i) determined under paragraph (3), and

''(ii) allocated to such limitation under paragraph (4).

''(2) LIMITATIONS TO BE INCREASED.—The limitations described in this paragraph are—

''(A) the limitation imposed by section 38(c), and

''(B) the limitation imposed by section 53(c).

''(3) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY AMOUNT.—For purposes of this paragraph—

''(A) IN GENERAL.—The qualified plug-in electric drive motor vehicle manufacturing facility amount is an amount equal to the applicable percentage of any qualified plug-in electric drive motor vehicle manufacturing facility which is placed in service during the taxable year.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 35 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service before January 1, 2012, and

''(ii) 17.5 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after December 31, 2011, and before January 1, 2015.

''(C) SPECIAL RULE FOR DUAL USE PROPERTY.—In the case of any qualified plug-in electric drive motor vehicle manufacturing facility property which is used to produce both qualified property and other property which is not qualified property, the amount of costs taken into account under subparagraph (A) shall be reduced by an amount equal to—

''(i) the total amount of such costs (determined before the application of this subparagraph), multiplied by

''(ii) the percentage of property expected to be produced which is not qualified property.

''(4) ALLOCATION OF QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY AMOUNT.—The taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the qualified plug-in electric drive motor vehicle manufacturing facility amount for the taxable year which is to be allocated to each of the limitations described in paragraph (2) for such taxable year.

''(5) ELECTION.—

''(A) IN GENERAL.—An election under this subsection for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

''(B) ELECTION IRREVOCABLE.—Any election made under this subsection may not be revoked except with the consent of the Secretary.''.

(b) LOAN PROGRAM.—

(1) IN GENERAL.—The Secretary of the Treasury (or the Secretary's delegate) shall provide a loan to any person who is allowed a deduction under section 179F of the Internal Revenue Code and who makes an election under section 179F(f) of such Code in an amount equal to the qualified plug-in electric drive motor vehicle manufacturing facility amount (as defined in such section 179F(f)).

(2) TERM.—Such loan shall be in the form of a senior note issued by the taxpayer to the Secretary of the Treasury, secured by the qualified plug-in electric drive motor vehicle manufacturing facility property (as defined in section 179F of the Internal Revenue Code of 1986) of the taxpayer, and having a term of 20 years and interest payable at the applicable Federal rate (as determined under section 1274(d) of the Internal Revenue Code of 1986).

(3) APPROPRIATIONS.—There is hereby appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this subsection.

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 179F. Election to expense manufacturing facilities producing plug-in electric drive motor vehicle and components.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 541. Ms. LANDRIEU (for herself, Mr. VITTER, Ms. STABENOW, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, line 22, strike ''$2,000,000,000'' and insert ''$2,450,000,000''.

On page 62, line 3, insert ''*Provided further*, That not less than $180,000,000 of the funds provided shall be provided for large-scale aquatic ecosystem restoration:'' after ''assistance:''.

On page 65, line 4, strike ''$1,900,000,000'' and insert ''$2,350,000,000''.

On page 65, line 23, insert ''*Provided further*, That in any case in which restoration or storm protection benefits are available through the beneficial use of dredged material produced by an operation and maintenance activity, that use, up to an additional 15 percent of least-cost disposal, shall be required as part of the operation and maintenance activity and budget:'' after ''complete:''.

On page 115, line 4, insert before the period at the end the following: '', of which not less than $50,000,000 shall be used for habitat restoration projects (including grant programs for wetlands restoration)''.

On page 120, between lines 10 and 11, insert the following:

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for ''Environmental Programs and Management,'' $300,000,000, for existing large-scale aquatic ecosystem programs and related activities: *Provided*, That funds provided under this heading shall be used only for programs, projects, or activities that, as of the date of enactment of this Act, receive funds provided in Acts making appropriations available for the Department of the Interior, the Environmental Protection Agency, and related agencies: *Provided further*, That the Administrator of the Environmental Protection Agency may waive cost-sharing requirements for the use of funds made available under this heading.

SA 542. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 8 and 9, insert the following:

SEC. 1903. LOANS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.

(a) LOANS.—

(1) IN GENERAL.—Upon application, the Secretary of Energy shall, within 60 days of the application and subject to the requirements of this section, provide a loan, under such terms as provided in subsection (b) and in an amount as provided in subsection (c), to each person who places in service specified energy property during 2009 or 2010.

(2) SPECIAL RULE FOR UTILITY-SCALE SOLAR AND GEOTHERMAL PROPERTY.—

(A) IN GENERAL.—In the case of any specified energy property which is a part of a utility-scale solar or geothermal project, paragraph (1) shall be applied by substituting ''2009, 2010, 2011, or 2012'' for ''2009 or 2010''.

(B) RULE FOR PROJECTS AFTER 2010.—No loan shall be made under this section after December 31, 2010, with respect to any utility-scale solar or geothermal project unless the application for such loan contains—

(i) a certification from an independent engineer (as determined under regulations promulgated by the Secretary of Energy) that construction on such project began before January 1, 2011, and

(ii) a certification that there is an agreement between the person placing such project in service and a utility, an electric cooperative, a municipality, or another Federal, State, or local governmental entity for the purchase of not less than 50 percent of the power which such project has a capacity to generate.

(C) UTILITY-SCALE SOLAR OR GEOTHERMAL PROJECT.—For purposes of this section, the term ''utility-scale solar or geothermal project'' means any project which—

(i)(I) uses solar energy for a purpose described in clause (i) or (ii) of section 48(a)(3)(A) of the Internal Revenue Code of 1986, or

(II) produces, distributes, or uses energy derived from geothermal deposits (within the meaning of section 613(e)(2) of such Code), and

(ii) has a nameplate capacity rating which is not less than—

(I) 25 megawatts electrical, or

(II) 10 megawatts thermal.

(b) TERM.—

(1) IN GENERAL.—Any loan provided under this section shall be in the form of a senior note issued by the taxpayer to the Secretary of the Treasury, secured by the specified energy property, and having a term of 20 years and interest payable at the applicable Federal rate (as determined under section 1274(d) of the Internal Revenue Code of 1986).

(2) REPAYMENT OF LOANS.—

(A) AMORTIZATION.—The amount of any loan provided under this section shall be amortized and repaid over the term of the loan.

(B) NO PRE-PAYMENT PENALTY.—Any loan provided under this section shall have no penalty for early repayment of the loan.

(3) PRIORITY OF OBLIGATION.—Notwithstanding section 507 of title 11, United States Code, or otherwise applicable provisions of law, the Department of the Treasury shall have priority repayment over all liens or interests in the assets of the borrower during any bankruptcy or foreclosure proceeding.

(c) LOAN AMOUNT.—

(1) IN GENERAL.—The amount of the loan under subsection (a) with respect to any specified energy property shall be the applicable percentage of the basis of such facility.

(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term ''applicable percentage'' means—

(A) 30 percent in the case of any property described in paragraphs (1) through (4) of subsection (c), and

(B) 10 percent in the case of any other property.

(3) DOLLAR LIMITATIONS.—In the case of property described in paragraph (2), (6), or (7) of subsection (c), the amount of any loan under this section with respect to such property shall not exceed the limitation described in section 48(c)(1)(B), 48(c)(2)(B), or 48(c)(3)(B) of the Internal Revenue Code of 1986, respectively, with respect to such property.

(d) SPECIFIED ENERGY PROPERTY.—For purposes of this section, the term ''specified energy property'' means any of the following:

(1) QUALIFIED FACILITIES.—Any facility described in paragraph (1), (2), (3), (4), (6), (7), (9), or (11) of section 45(d) of the Internal Revenue Code of 1986.

(2) QUALIFIED FUEL CELL PROPERTY.—Any qualified fuel cell property (as defined in section 48(c)(1) of such Code).

(3) SOLAR PROPERTY.—Any property described in clause (i) or (ii) of section 48(a)(3)(A) of such Code.

(4) QUALIFIED SMALL WIND ENERGY PROPERTY.—Any qualified small wind energy property (as defined in section 48(c)(4) of such Code).

(5) GEOTHERMAL PROPERTY.—Any property described in clause (iii) of section 48(a)(3)(A) of such Code.

(6) QUALIFIED MICROTURBINE PROPERTY.—Any qualified microturbine property (as defined in section 48(c)(2) of such Code).

(7) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Any combined heat and power system property (as defined in section 48(c)(3) of such Code).

(8) GEOTHERMAL HEATPUMP PROPERTY.—Any property described in clause (vii) of section 48(a)(3)(A) of such Code.

(e) APPLICATION OF CERTAIN RULES.—

(1) IN GENERAL.—In making loans under this section, the Secretary of Energy shall apply rules similar to the rules of subsections (a) and (b) of section 50 of the Internal Revenue Code of 1986. In applying such rules, if the facility is disposed of, or otherwise ceases to be a qualified renewable energy facility, the Secretary of Energy shall provide for the repayment of the appropriate percentage of the loan in such manner as the Secretary of Energy determines appropriate.

(2) SPECIAL RULE FOR SALES.—In the case of any sale of specified energy property for which a loan has been made under this section to any person (other than a person described in subsection (f)), the obligation to repay to loan shall be transferred to the purchaser of such property.

(f) EXCEPTION FOR CERTAIN NON-TAXPAYERS.—The Secretary of Energy shall not make any loan under this section to any Federal, State, or local government (or any political subdivision, agency, or instrumentality thereof) or any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(g) DEFINITIONS.—Terms used in this section which are also used in section 45 or 48 of the Internal Revenue Code of 1986 shall have the same meaning for purposes of this section as when used in such section 45 or 48. Any reference in this section to the Secretary of the Treasury shall be treated as including the Secretary's delegate.

(h) COORDINATION BETWEEN DEPARTMENTS OF TREASURY AND ENERGY.—The Secretary of the Treasury shall provide the Secretary of Energy with such technical assistance as the Secretary of Energy may require in carrying out this section. The Secretary of Energy shall provide the Secretary of the Treasury with such information as the Secretary of the Treasury may require in carrying out the amendment made by section 1604.

(i) APPROPRIATIONS.—There is hereby appropriated to the Secretary of Energy such sums as may be necessary to carry out this section.

(j) TERMINATION.—The Secretary of Energy shall not make any loan to any person under this section unless the application of such person for such loan is received before January 1, 2011 (January 1, 2013, in the case of any utility scale solar or geothermal project).

(k) COORDINATION WITH ENERGY CREDIT.—Section 48 is amended by adding at the end the following new subsection:

''(d) ELECTION TO RECEIVE LOAN IN LIEU OF CREDIT.—

''(1) IN GENERAL.—In the case of any property with respect to which the Secretary of Energy makes a loan under section 1903 of the American Recovery and Reinvestment Tax Act of 2009, the amount of the credit which would otherwise be allowed to the taxpayer under this section for any taxable year—

''(A) shall not be allowed for such year, and

''(B) shall be allowed in any taxable year in which a portion of such loan is repaid in an amount which bears the same ratio to the amount which would be taken into account under this section (determined without regard to the subsection) as the amount so repaid bears to the entire amount of the loan.

''(2) TRANSFER OF CREDIT AMOUNTS.—In the case of a sale or other disposition by the taxpayer of any property to which paragraph (1) applies to another taxpayer, the amount of any credit which would be allowed to the taxpayer under this section shall be allowed to the taxpayer who acquired such property.''.

SA 543. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investement, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, strike line 8 and all that follows through page 56, line 24, and insert the following:

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

BROADBAND INFRASTRUCTURE LOANS

For an amount for the development or expansion of broadband or broadband services, $200,000,000, to remain available until September 30, 2010: *Provided*, That the Secretary of Commerce use the amounts under this heading to make loans to Internet service providers and telecommunication service providers to build broadband infrastructure.

DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM

For an amount for ''Digital-to-Analog Converter Box Program'', $650,000,000, for additional coupons and related activities under the program implemented under section 3005 of the Digital Television Transition and Public Safety Act of 2005, to remain available until September 30, 2010: *Provided*, That of the amounts provided under this heading, $90,000,000 may be for education and outreach, including grants to organizations for programs to educate vulnerable populations, including senior citizens, minority communities, people with disabilities, low-income individuals, and people living in rural areas, about the transition and to provide one-on-one assistance to vulnerable populations, including help with converter box installation: *Provided further*, That the amounts provided in the previous proviso may be transferred to the Federal Communications Commission (Commission) if deemed necessary and appropriate by the Secretary of Commerce in consultation with the Commission, and only if the Committees on Appropriations of the House and the Senate are notified not less than 5 days in advance of transfer of such funds: *Provided further*, That $2,000,000 of funds provided under this heading shall be transferred to ''Department of Commerce, Office of Inspector General'' for audits and oversight of funds provided under this heading.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for ''Scientific and Technical Research and Services'', $218,000,000, to remain available until September 30, 2010.

CONSTRUCTION OF RESEARCH FACILITIES

For an additional amount for ''Construction of Research Facilities'', $357,000,000, to remain available until September 30, 2010.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $427,000,000, to remain available until September 30, 2010.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', $795,000,000, to remain available until September 30, 2010.

DEPARTMENTAL MANAGEMENT

For an additional amount for ''Departmental Management'', $34,000,000, to remain available until September 30, 2010.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $6,000,000, to remain available until September 30, 2010.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For an additional amount for ''Tactical Law Enforcement Wireless Communications'', $200,000,000 for the costs of developing and implementing a nationwide Integrated Wireless network supporting Federal law enforcement, to remain available until September 30, 2010.

DETENTION TRUSTEE

For an additional amount for ''Detention Trustee'', $150,000,000, to remain available until September 30, 2010.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,000,000, to remain available until September 30, 2010.

UNITED STATES MARSHALL SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $50,000,000, to remain available until September 30, 2010.

CONSTRUCTION

For an additional amount for ''Construction'', $125,000,000, to remain available until September 30, 2010.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $75,000,000, to remain available until September 30, 2010.

CONSTRUCTION

For an additional amount for ''Construction'', $400,000,000, to remain available until September 30, 2010.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

For an additional amount for ''Federal Prison System, Buildings and Facilities'', $1,000,000,000, to remain available until September 30, 2010.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For an additional amount for ''Violence Against Women Prevention and Prosecution Programs'', $300,000,000 for grants to combat violence against women, as authorized by part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.): *Provided*, That, $50,000,000 shall be transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', $1,500,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Street Act of 1968 (''1968 Act''), (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), to remain available until September 30, 2010.

For an additional amount for ''State and Local Law Enforcement Assistance'', $440,000,000 for competitive grants to improve the functioning of the criminal justice system, to assist victims of crime (other than compensation), and youth mentoring grants, to remain available until September 30, 2010.

For an additional amount for ''State and Local Law Enforcement Assistance'', $100,000,000, to remain available until September 30, 2010, for competitive grants to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotics activity stemming from the Southern border, of which $10,000,000 shall be transferred to ''Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses'' for the ATF Project Gunrunner.

For an additional amount for ''State and Local Law Enforcement Assistance'', $300,000,000, to remain available until September 30, 2010, for assistance to Indian tribes, notwithstanding Public Law 108–199, division B, title I, section 112(a)(1) (118 Stat. 62), of which—

(1) $250,000,000 shall be available for grants under section 20109 of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322);

(2) $25,000,000 shall be available for the Tribal Courts Initiative; and

(3) $25,000,000 shall be available for tribal alcohol and substance abuse drug reduction assistance grants.

For an additional amount for ''State and Local Law Enforcement Assistance'', $100,000,000, to remain available until September 30, 2010, to be distributed by the Office for Victims of Crime in accordance with section 1402(d)(4) of the Victims of Crime Act of 1984 (Public Law 98–473).

For an additional amount for ''State and Local Law Enforcement Assistance'', $150,000,000, to remain available until September 30, 2010, for assistance to law enforcement in rural areas, to prevent and combat crime, especially drug-related crime.

For an additional amount for ''State and Local Law Enforcement Assistance'', $50,000,000, to remain available until September 30, 2010, for Internet Crimes Against Children (ICAC) initiatives.

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for ''Community Oriented Policing Services'', for grants under section 1701 of title I of the 1968 Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3796dd) for hiring and rehiring of additional career law enforcement officers under part Q of such title, and civilian public safety personnel, notwithstanding subsection (i) of such section and notwithstanding 42 U.S.C. 3796dd–3(c), $1,000,000,000, to remain available until September 30, 2010.

SALARIES AND EXPENSES

For an additional amount, not elsewhere specified in this title, for management and administration and oversight of programs within the Office on Violence Against Women, the Office of Justice Programs, and the Community Oriented Policing Services Office, $10,000,000, to remain available until September 30, 2010.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For an additional amount for ''Science'', $500,000,000, to remain available until September 30, 2010.

AERONAUTICS

For an additional amount for ''Aeronautics'', $250,000,000, to remain available until September 30, 2010.

EXPLORATION

For an additional amount for ''Exploration'', $500,000,000, to remain available until September 30, 2010.

CROSS AGENCY SUPPORT

For an additional amount for ''Cross Agency Support'', $250,000,000, to remain available until September 30, 2010.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,000,000, to remain available until September 30, 2010.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for ''Research and Related Activities'', $1,200,000,000, to remain available until September 30, 2010.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For an additional amount for ''Major Research Equipment and Facilities Construction'', $150,000,000, to remain available until September 30, 2010.

EDUCATION AND HUMAN RESOURCES

For an additional amount for ''Education and Human Resources'', $50,000,000, to remain available until September 30, 2010.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,000,000, to remain available until September 30, 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 201. The Assistant Secretary of Commerce for Communications and Information may reissue any coupon issued under section 3005(a) of the Digital Television Transition and Public Safety Act of 2005 that has expired before use, and shall cancel any unredeemed coupon reported as lost and may issue a replacement coupon for the lost coupon.

SA 544. Mr. BURR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

TITLE XVII—ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS

SEC. 1701. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking ''(a)(1)'' and inserting ''(a)'';

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking ''as adjusted by paragraph (2) of this subsection'' and inserting ''adjusted as provided by law''.

(c) EFFECTIVE DATE.—This section shall take effect on February 1, 2011.

SA 545. Mr. JOHANNS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 478, strike lines 9 through 12 and insert the following:

(1) by striking ''2008'' and inserting ''2008, 2009, or 2010'', and

(2) by striking ''2008'' in the heading thereof and inserting ''2008, 2009, and 2010''.

SA 546. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 451, after line 13, insert the following:

SEC. 1008. WAIVER OF 10 PERCENT PENALTY TO MAKE AN EARLY WITHDRAWAL FROM RETIREMENT ACCOUNTS FOR MORTGAGE PAYMENTS.

(a) IN GENERAL.—Section 72(t)(2) is amended by adding at the end the following new subparagraph:

''(H) DISTRIBUTIONS FOR QUALIFIED MORTGAGE PAYMENTS.—

''(i) IN GENERAL.—Any qualified mortgage payment distribution.

''(ii) QUALIFIED MORTGAGE PAYMENT DISTRIBUTION.—For purposes of this subparagraph, the term 'qualified mortgage payment distribution' means any distribution to an individual if such distribution—

''(I) is made for the purpose of making payments relating to a qualifying mortgage or to the refinancing or modification of any outstanding qualifying mortgage, and

''(II) is made on or after the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009, and before January 1, 2011.

''(iii) QUALIFYING MORTGAGE.—For purposes of this subparagraph, the term 'qualifying mortgage' means a security interest in the debtor's principal residence (within the meaning of section 121), including a principal residence that is purchased using the mortgage funds.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made on or after the date of the enactment of this Act.

SEC. 1009. INCREASE IN MANDATORY DISTRIBUTION AGE FOR RETIREMENT ACCOUNTS.

(a) IN GENERAL.—Sections 401, 408, and 408A are each amended by striking ''70 ½'' each place it appears and inserting ''70 ½ (72 ½ in the case of distributions in plan years beginning after the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009, and before January 1, 2011)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in plan years beginning after the date of the enactment of this Act.

SA 547. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LAPSE OF ADDITIONAL SPENDING.

(a) LAPSE UNLESS APPROVED.—Notwithstanding any other provision of this Act and subject to subsections (b) and (c), all of the funds appropriated or otherwise made available by this Act shall be available for obligation only through Sept 30, 2009. Any such funds not obligated by Oct. 1, 2009 shall expire.

(b) BUDGET REQUEST.—Not later than September 10, 2009, the President may submit to Congress a written certification that spending provided in this Act is required for fiscal year 2010.

(c) CONGRESSIONAL RESOLUTION OF APPROVAL.—

(1) IN GENERAL.—Amount made available in this Act described in subsection (a) shall be available for fiscal year 2010 if Congress enacts a resolution of approval in accordance with the procedures provided for a resolution of disapproval under section 115(c) of the Emergency Economic Stabilization Act of 2008.

(2) SUBMISSION OF CERTIFICATION.—For purposes of this subsection, the certification of the President under this section shall be deemed to be the report of the plan of the Secretary under section 115(c) of the Emergency Economic Stabilization Act of 2008.

SA 548. Mr. MARTINEZ (for himself, Mr. DODD, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE VI—FORECLOSURE MITIGATION

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Help Families Keep Their Homes Act of 2009''.

SEC. 6002. DEFINITIONS.

For purposes of this title—

(1) the term ''securitized mortgages'' means residential mortgages that have been pooled by a securitization vehicle;

(2) the term ''securitization vehicle'' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans;

(B) holds all of the mortgage loans which are the basis for any vehicle described in subparagraph (A); and

(C) has not issued securities that are guaranteed by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Government National Mortgage Association;

(3) the term ''servicer'' means a servicer of securitized mortgages;

(4) the term ''eligible servicer'' means a servicer of pooled and securitized residential mortgages;

(5) the term ''eligible mortgage'' means a residential mortgage, the principal amount of which did not exceed the conforming loan size limit that was in existence at the time of origination for a comparable dwelling, as established by the Federal National Mortgage Association;

(6) the term ''Secretary'' means the Secretary of the Treasury;

(7) the term ''effective term of the Act'' means the period beginning on the effective date of this title and ending on December 31, 2011;

(8) the term ''incentive fee'' means the monthly payment to eligible servicers, as determined under section 6003; and

(9) the term ''prepayment fee'' means the payment to eligible servicers, as determined under section 6003(b).

SEC. 6003. PAYMENTS TO ELIGIBLE SERVICERS AUTHORIZED.

(a) AUTHORITY.—The Secretary is authorized to make payments to eligible servicers, subject to the terms and conditions established under this title.

(b) FEES PAID TO ELIGIBLE SERVICERS.—

(1) IN GENERAL.—An eligible servicer may collect reasonable incentive fee payments, as established by the Secretary, not to exceed $2,000 per loan.

(2) CONSULTATION.—The fees permitted under this section shall be subject to standards established by the Secretary, in consultation with the Secretary of Housing and Urban Development and the Chairman of the Board of Directors of the Federal Deposit Insurance Corporation, which standards shall—

(A) include an evaluation of whether an eligible mortgage is affordable for the remainder of its term; and

(B) identify a reasonable fee to be paid to the servicer in the event that an eligible mortgage is prepaid.

(3) FORM OF PAYMENT.—Fees permitted under this section may be paid in a lump sum or on a monthly basis. If paid on a monthly basis, the fee may only be remitted as long as the loan performs.

(c) SAFE HARBOR.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle, a servicer—

(1) owes any duty to maximize the net present value of the pooled mortgages in the securitization vehicle to all investors and parties having a direct or indirect interest in such vehicle, and not to any individual party or group of parties; and

(2) shall be deemed to act in the best interests of all such investors and parties if the servicer agrees to or implements a modification, workout, or other loss mitigation plan for a residential mortgage or a class of residential mortgages that constitutes a part or all of the pooled mortgages in such securitization vehicle, if—

(A) default on the payment of such mortgage has occurred or is reasonably foreseeable;

(B) the property securing such mortgage is occupied by the mortgagor of such mortgage or the homeowner; and

(C) the servicer reasonably and in good faith believes that the anticipated recovery on the principal outstanding obligation of the mortgage under the modification or workout plan exceeds, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage through foreclosure;

(3) shall not be obligated to repurchase loans from, or otherwise make payments to, the securitization vehicle on account of a modification, workout, or other loss mitigation plan that satisfies the conditions of paragraph (2); and

(4) if it acts in a manner consistent with the duties set forth in paragraphs (1) and (2), shall not be liable for entering into a modification or workout plan to any person—

(A) based on ownership by that person of a residential mortgage loan or any interest in a pool of residential mortgage loans, or in securities that distribute payments out of the principal, interest, and other payments in loans in the pool;

(B) who is obligated pursuant to a derivative instrument to make payments determined in reference to any loan or any interest referred to in subparagraph (A); or

(C) that insures any loan or any interest referred to in subparagraph (A) under any provision of law or regulation of the United States or any State or political subdivision thereof.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Each servicer shall report regularly, not less frequently than monthly, to the Secretary on the extent and scope of the loss mitigation activities of the mortgage owner.

(2) CONTENT.—Each report required by this subsection shall include—

(A) the number and percent of residential mortgage loans receiving loss mitigation that have become performing loans;

(B) the number and percent of residential mortgage loans receiving loss mitigation that have proceeded to foreclosure;

(C) the total number of foreclosures initiated during the reporting period;

(D) data on loss mitigation activities, including the performance of mitigated loans, disagreggated for each form of loss mitigation, which forms may include—

(i) a waiver of any late payment charge, penalty interest, or any other fees or charges, or any combination thereof;

(ii) the establishment of a repayment plan under which the homeowner resumes regularly scheduled payments and pays additional amounts at scheduled intervals to cure the delinquency;

(iii) forbearance under the loan that provides for a temporary reduction in or cessation of monthly payments, followed by a reamortization of the amounts due under the loan, including arrearage, and a new schedule of repayment amounts;

(iv) waiver, modification, or variation of any material term of the loan, including short-term, long-term, or life-of-loan modifications that change the interest rate, forgive or forbear with respect to the payment of principal or interest, or extend the final maturity date of the loan;

(v) short refinancing of the loan consisting of acceptance of payment from or on behalf of the homeowner of an amount less than the amount alleged to be due and owing under the loan, including principal, interest, and fees, in full satisfaction of the obligation under such loan and as part of a refinance transaction in which the property is intended to remain the principal residence of the homeowner;

(vi) acquisition of the property by the owner or servicer by deed in lieu of foreclosure;

(vii) short sale of the principal residence that is subject to the lien securing the loan;

(viii) assumption of the obligation of the homeowner under the loan by a third party;

(ix) cancellation or postponement of a foreclosure sale to allow the homeowner additional time to sell the property; or

(x) any other loss mitigation activity not covered; and

(E) such other information as the Secretary determines to be relevant.

(3) PUBLIC AVAILABILITY OF REPORTS.—After removing information that would compromise the privacy interests of mortgagors, the Secretary shall make public the reports required by this subsection and summary data.

SEC. 6004. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, such sums as may be necessary to carry out this title.

SEC. 6005. SUNSET OF AUTHORITY.

The authority of the Secretary to provide assistance under this title shall terminate on December 31, 2011.

SA 549. Mr. LEAHY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 237, line 2, strike the period at the end and insert '': *Provided further*, That the Secretary of Transportation may waive local road limitations under section 133(c) of title 23, United States Code, with respect to a State with no urbanized area with a population that exceeds 200,000.''.

SA 550. Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 229, line 2, after ''publish'' insert ''application procedures and grant''.

On page 237, line 13, strike ''qualify:'' and insert ''qualify, but the Secretary of Transportation may waive the requirement that the project or program be in a State rail plan developed under chapter 227 of title 49, United States Code:''.

On page 237, line 24, strike ''24405(a)'' and insert ''24405''.

On page 238, line 6, strike ''heading.'' and insert ''heading: *Provided further*, That sections 3501 through 3521 of title 44, United States Code, shall not apply to the provision of funds under this heading.''.

On page 238, line 18, strike ''capacity:'' and insert ''capacity or improve passenger rail service reliability:''.

On page 238, line 22, strike ''for such activities''.

On page 238, line 23, strike ''sources:'' and insert ''sources for such activities that are planned to occur within 2 years after the date of enactment of this Act:''.

On page 239, line 18, strike ''paragraph.'' and insert ''paragraph: *Provided further*, That the Secretary of Transportation may administer such grants pursuant to interim guidance to applicants covering grant terms, conditions, and procedures until regulations are issued under section 26106(g) of title 49, United States Code: *Provided further*, That the Secretary may waive the requirement that the project or program be in a State rail plan developed under chapter 227 of title 49, United States Code, or on a designated corridor, for grants made under this heading: *Provided further*, That sections 24403(a) and (c) of title 49, United States Code, shall apply to funds provided under this heading: and *Provided further*, That sections 3501 through 3521 of title 44, United States Code, shall not apply to the provision of funds under this heading.''.

SA 551. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 448, after line 15, insert the following:

SEC. 1005. MODIFICATION OF QUALIFIED TUITION PROGRAMS.

(a) IN GENERAL.—Subparagraph (A) of section 529(e)(3) is amended—

(1) by striking ''and'' at the end of clause (i),

(2) by striking the period at the end of clause (ii) and inserting ''; and'', and

(3) by adding at the end the following new clause:

''(iii) expenses relating to repayment, interest, and security of a loan described in section 221(d)(1).''.

(b) SECURITY.—Paragraph (5) of section 529(b) is amended by inserting '', other than a loan described in section 221(d)(1)'' after ''as security for a loan''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 552. Mr. BAUCUS (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, strike lines 17 through 22, and insert the following:

SEC. 105. STATE AND LOCAL GOVERNMENTS.

Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (a)(3), by inserting ''(other than an entity referred to in subsection (f)(6))'' after ''an entity''; and

(2) in subsection (f)(6)(A), by inserting ''(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)'' before the period at the end.

SA 553. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, lines 15 and 16, after ''*Provided*,'', insert the following: ''That $100,000,000 shall be made available for grants to homeowners and business owners for the installation of central heating systems using renewable energy sources (including solar radiation, geothermal energy, wood pellets, and wind): *Provided further*,''.

SA 554. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 410, line 3, strike the period and insert ''; and''.

On page 410, after line 3, insert the following:

''(G) reviewing the specific number of jobs created by each title of each division of this Act.''.

On page 410, line 10, after ''agencies.'' insert ''The Board shall include a complete assessment of the number of jobs created by each title of each division of this Act and shall recommend to the appropriate committees of Congress for rescission unobligated balances of any program in this Act that is not creating or cannot be reasonably expected to create jobs or help those displaced by the current recession.''.

On page 431, after line 8, insert the following:

SEC. _____. POINT OF ORDER AGAINST CONTINUING SPENDING LEVELS.

(a) BASELINE.—Section 257(c)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985, as it was in effect on September 30, 2006, shall not apply to any of the discretionary budgetary resources provided in this Act for fiscal year 2009 or any subsequent fiscal year.

SA 555. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, line 4, strike ''$6,400,000,000'' and insert ''$25,400,000,000''.

On page 118, line 5, strike ''$4,000,000,000'' and insert ''$20,000,000,000''.

On page 118, line 9, strike ''$2,000,000,000'' and insert ''$5,000,000,000''.

On page 142, line 13, strike ''$17,070,000,000'' and insert ''$1,070,000,000''.

On page 146, line 3, strike ''$3,500,000,000'' and insert ''$500,000,000''.

SA 556. Ms. LANDRIEU (for herself, Mr. VITTER, Ms. STABENOW, Mr. CARDIN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, line 22, strike ''$2,000,000,000'' and insert ''$2,450,000,000''.

On page 62, line 3, insert ''*Provided further*, That not less than $430,000,000 of the funds provided shall be provided for large-scale aquatic ecosystem restoration:'' after ''assistance:''.

On page 65, line 4, strike ''$1,900,000,000'' and insert ''$2,350,000,000''.

On page 65, line 23, insert ''*Provided further*, That in any case in which restoration or storm protection benefits are available through the beneficial use of dredged material produced by an operation and maintenance activity, that use, up to an additional 15 percent of least-cost disposal, shall be required as part of the operation and maintenance activity and budget:'' after ''complete:''.

On page 115, line 4, insert before the period at the end the following: '', of which not less than $50,000,000 shall be used for habitat restoration projects (including grant programs for wetlands restoration)''.

On page 120, between lines 10 and 11, insert the following:

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for ''Environmental Programs and Management,'' $300,000,000, for existing large-scale aquatic ecosystem programs and related activities:

Provided, That funds provided under this heading shall be used only for programs, projects, or activities that, as of the date of enactment of this Act, receive funds provided in Acts making appropriations available for the Department of the Interior, the Environmental Protection Agency, and related agencies: *Provided further*, That the Administrator of the Environmental Protection Agency may waive cost-sharing requirements for the use of funds made available under this heading.

SA 557. Mr. REID (for Mr. KENNEDY (for himself, Mr. VOINOVICH, Mr. KERRY, and Mrs. SHAHEEN)) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 404, add the following:

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Energy should—

(1) expedite the issuance of all pending and qualified loan guarantees to maximize the rapid stimulus effect of provided funds;

(2) immediately issue loan guarantees under section 1705 of the Energy Policy Act of 2005 (as added by subsection (a)) using funds provided to carry out that section for the subsidy cost for existing final round applicants under the loan guarantee program under section 1702(b)(2) of that Act (42 U.S.C. 16512(b)(2)) that fall within the categories described in section 1705(b) of that Act ; and

(3) apply the loan guarantee authority made available to move expeditiously to award other pending and qualified loan guarantee applications under section 1702(b)(2) of that Act (42 U.S.C. 16512(b)(2)).

SA 558. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, line 24, after the semicolon, insert the following: ''*Provided further*, That the Federal Aviation Administration shall make available amounts appropriated under this Act to reimburse eligible expenditures for the relocation and digitization of omni directional range navigation devices (DVOR) to enable or facilitate the construction of wind power development projects:''.

SA 559. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title IV of this Act, for the Department of Energy under the heading ''Fossil Energy Research and Development'' may be available for the 1 or more zero emission powerplants, and the amount made available under such title is reduced by $2,000,000,000.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title IV of this Act, for the Coast Guard under the heading ''Acquisition, Construction, and Improvements'' may be available for the design of a new polar icebreaker or the renovation or major repair of an existing polar icebreaker, and the amount made available under such title is reduced by $87,500,000.

(c) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title VIII of this Act, for the Department of Health and Human Services under the heading ''Public Health and Social Services Emergency Fund'' may be available for sexually transmitted diseases prevention, and the amount available under such title is reduced by $400,000,000.

(d) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title VIII of this Act, for the Department of Health and Human Services under the heading ''Public Health and Social Services Emergency Fund'' may be available for tobacco cessation and smoking prevention, and the amount available under such title is reduced by $75,000,000.

(e) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title V of this Act, for the General Services Administration under the heading ''Federal Buildings Fund'' may be available, and the amount available under such title is reduced by $9,048,000,000.

(f) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title IV for the Bureau of Reclamation under the heading ''Water and Related Resources'' may be available for an inspection of canals program in urbanized areas, and the amount made available under such title is reduced by $10,000,000.

(g) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title V of this Act, for the General Services Administration under the heading ''Energy-Efficient Federal Motor Vehicle Fleet Procurement'' may be available, and the amount made available under such title is reduced by $600,000.

(h) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title XII of this Act, for the Federal Railroad Administration under the heading ''Supplemental Capital Grants to the National Railroad Passenger Corporation'' may be available, and the amount made available under such title is reduced by $850,000,000.

(i) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II of this Act, for the National Aeronautics and Space Administration may be available, and the amount available under such title is reduced by $1,500,000,000.

(j) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II of this Act, for the National Science Foundation may be available, and the amount available under such title is reduced by $1,402,000,000.

(k) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title X of this Act, for the Department of State under the heading ''Diplomatic and Consular Programs'' may be available for consolidated security training facility in the United States, and the amount made available under such title is reduced by $75,000,000.

(l) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title VI, of this Act, for the Health Resources and Services Administration under the heading ''Health Resources and Services'' may be available for leasing and renovating a headquarters building for Public Health Service agencies, and the amount made available under such title is reduced by $88,000,000.

(m) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II of this Act, for the Federal Prison System may be available, and the amount made available under such title is reduced by $1,000,000,000.

(n) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title VIII of this Act, for the Employment and Training Administration under the heading ''Training and Employment Services'' may be available for grants to States for youth activities, and the amount made available under such title is reduced by $1,200,000,000.

(o) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title VIII of this Act, for the Centers for Disease Control and Prevention under the heading ''Disease Control, Research, and Training'' may be available for the acquisition of real property, equipment, construction, and renovation of facilities, and the amount made available under such title is reduced by $412,000,000.

(p) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title VIII of this Act, for the National Institutes of Health under the heading ''Buildings and Facilities'' may be available, and the amount made available under such title is reduced by $500,000,000.

(q) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title V of this Act, for the Bureau of the Census under the heading ''Periodic Censuses and Programs'' may be available, and the amount available under such title is reduced by $1,000,000,000.

(r) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title VII of this Act, for the Smithsonian Institution under the heading ''Facilities Capital'' may be available, and the amount made available under such title is reduced by $150,000,000.

(s) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title XII of this Act, for the Department of Housing and Urban Development under the heading ''Office of Healthy Homes and Lead Hazard Control'' may be available, and the amount made available under such title is reduced by $100,000,000.

(t) Notwithstanding any other provision of this Act, none of the funds appropriated or

otherwise made available in title II of this Act, for the National Institute of Standards and Technology under the heading ''Construction of Research Facilities'' may be available, and the amount made available under such title is reduced by $357,000,000.

(u) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II of this Act, for the National Telecommunications and Information Administration under the heading ''Digital-To-Analog Converter Box Program'' may be available for the digital-to-analog converter box program, and the amount made available under such title is reduced by $650,000,000.

(v) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title IV of this Act, for Department of Homeland Security under the heading ''Office of the Under Secretary for Management'' may be available for the planning, design, and construction costs to consolidate the Department of Homeland Security headquarters, and the amount made available under such title is reduced by $448,000,000.

SA 560. Mrs. HUTCHISON (for herself, Mr. ROCKEFELLER, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

FEDERAL AVIATION ADMINISTRATION

NEXTGEN ACCELERATION

For grants or other agreements to accelerate the transition to the Next Generation Air Transportation System by accelerating deployment of ground infrastructure for Automatic Dependent Surveillance–Broadcast, by accelerating development of procedures and routes that support performance-based air navigation, to incentivize aircraft equipage to use such infrastructure and procedures and routes, and for additional agency administrative costs associated with the certification and oversight of the deployment of these systems, $200,000,000, to remain available until September 30, 2010: *Provided*, That the Administrator of the Federal Aviation Administration shall use the authority under section 106(l)(6) of title 49, United States Code, to make such grants or agreements: and *Provided further*, That, with respect to any incentives for equipage, the Federal share of the costs shall be no more than 50 percent.

(RECISSION)

Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, $200,000,000 are permanently rescinded from amounts authorized for the fiscal year ending September 30, 2009.

SA 561. Mr. TESTER (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, line 21, strike ''border'' and insert ''and Northern borders''.

SA 562. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the matter under the heading ''DEPARTMENT OF LABOR'' in title VIII, insert the following:

SEC. ____. Notwithstanding any other provision of law, in the case of a national emergency grant under section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) to address the effects of the May 4, 2007, Greensburg, Kansas tornado, funds made available for such grant shall remain available for expenditure through June 30, 2010.

SA 563. Mr. BURR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 451, between lines 13 and 14, insert the following:

SEC. _____. LOSS FROM SALE OR EXCHANGE OF STOCK OR DEBT SECURITIES OF, OR HELD BY, CORPORATIONS.

(a) IN GENERAL.—Part IV of subchapter P of chapter 1 is amended by adding at the end the following new section:

''SEC. 1261. LOSS FROM SALE OR EXCHANGE OF STOCK OR DEBT SECURITIES OF, OR HELD BY, CORPORATIONS.

''In the case of a taxable year beginning after December 31, 2008, and before January 1, 2011, loss from the sale or exchange of stock or debt securities of, or held by, any corporation which would (but for this section) be a loss from the sale or exchange of a capital asset shall be treated as an ordinary loss.''.

(b) CLERICAL AMENDMENT.—The table of sections for such part IV is amended by adding at the end the following new item:

''Sec. 1261. Loss from sale or exchange of stock or debt securities of, or held by, corporations.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges occurring after the date of the enactment of this Act, in taxable years ending after such date.

SEC. _____. TEMPORARY INCREASE IN PERSONAL CAPITAL LOSS DEDUCTION LIMITATION.

(a) IN GENERAL.—Section 1211 is amended by adding at the end the following new subsection:

''(c) SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2009 AND 2010.—In the case of a taxable year beginning after December 31, 2008, and before January 1, 2011, subsection (b)(1) shall be applied by substituting '$10,000 ($20,000 in the case of a joint return)' for '$3,000 ($1,500 in the case of a married individual filing a separate return)'.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

SA 564. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 410, line 3, strike the period and insert ''; and''.

On page 410, after line 3, insert the following:

''(G) reviewing the specific number of jobs created by each title of each division of this Act.''.

On page 410, line 10, after ''agencies.'' insert ''The Board shall include a complete assessment of the number of jobs created by each title of each division of this Act and shall recommend to the appropriate committees of Congress for rescission unobligated balances of any program in this Act that is not creating or cannot be reasonably expected to create jobs or help those displaced by the current recession.''.

On page 431, after line 8, insert the following:

SEC. _____. POINT OF ORDER AGAINST CONTINUING SPENDING LEVELS.

(a) BASELINE.—The second sentence of Section 257(c)(1) of The Balanced Budget and Emergency Deficit Control Act of 1985, as it was in effect on September 30, 2006, shall not apply to any of the discretionary budgetary resources provided in this Act for fiscal year 2090 or any subsequent fiscal year.

SA 565. Ms. SNOWE (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 338, strike line 19 and all that follows through line 9 on page 339, and insert the following:

''(1) BREACH.—

''(A) IN GENERAL.—The term 'breach' means the unauthorized acquisition, access, use, or disclosure of protected health information which compromises the security or

privacy of such information, except where an unauthorized person to whom such information is disclosed would not reasonably have been able to retain such information.

''(B) EXCEPTIONS.—The term 'breach' does not include—

''(i) any unintentional acquisition, access, or use of protected health information by an employee or individual acting under the authority of a covered entity or business associate if—

''(I) such acquisition, access, or use was made in good faith and within the course and scope of the employment or other professional relationship of such employee or individual, respectively, with the covered entity or business associate; and

''(II) such information is not further acquired, accessed, used, or disclosed by such employee or individual; or

''(ii)(I) any inadvertent disclosure from an individual who is otherwise authorized to access protected health information at a facility operated by a covered entity or business associate to another similarly situated individual at same facility; and

''(II) any such information received as a result of such disclosure is not further acquired, accessed, used, or disclosed without authorization by such employee or individual.''.

SA 566. Ms. SNOWE (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 338, strike line 19 and all that follows through line 9 on page 339, and insert the following:

''(1) BREACH.—

''(A) IN GENERAL.—The term 'breach' means the unauthorized acquisition, access, use, or disclosure of protected health information which compromises the security or privacy of such information, except where an unauthorized person to whom such information is disclosed would not reasonably have been able to retain such information.

''(B) EXCEPTIONS.—The term 'breach' does not include—

''(i) any unintentional acquisition, access, or use of protected health information by an employee or individual acting under the authority of a covered entity or business associate if—

''(I) such acquisition, access, or use was made in good faith and within the course and scope of the employment or other professional relationship of such employee or individual, respectively, with the covered entity or business associate; and

''(II) such information is not further acquired, accessed, used, or disclosed by such employee or individual; or

''(ii)(I) any inadvertent disclosure from an individual who is otherwise authorized to access protected health information at a facility operated by a covered entity or business associate to another similarly situated individual at same facility; and

''(II) any such information received as a result of such disclosure is not further acquired, accessed, used, or disclosed without authorization by such employee or individual.''.

SA 567. Mr. BENNETT (for himself, Ms. MURKOWSKI, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investement, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 70, strike line 12 and all that follows through page 72, line 22, and insert the following:

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For an additional amount for ''Energy Efficiency and Renewable Energy'', $14,398,000,000, for necessary expenses, to remain available until September 30, 2010, which shall be used as follows:

(1) $2,000,000,000 shall be available for grants for the manufacturing of advanced batteries and components and the Secretary of Energy shall provide facility funding awards under this heading to manufacturers of advanced battery systems and vehicle batteries that are produced in the United States, including advanced lithium ion batteries, hybrid electrical systems, component manufacturers, and software designers: *Provided*, That section 136(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(b)) shall be applied for each of fiscal years 2009 and 2010 by striking ''30 percent'' and inserting ''90 percent''.

(2) $2,048,000,000 shall be available for expenses necessary for energy efficiency and renewable energy research, development, demonstration, and deployment activities: *Provided further*, That—

(A) not less than $100,000,000 shall be for the building codes training and technical assistance program of the Department of Energy, including section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833);

(B) not less than $180,000,000 shall be available for renewable energy construction grants under section 803 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282), geothermal energy programs and grants under sections 613, 614, 615, and 625 of that Act (42 U.S.C. 17192, 17193, 17194, 17204), and the marine and hydrokinetic renewable energy technologies program established under section 633 of that Act (42 U.S.C. 17212); and

(C) the Secretary of Energy shall increase the ceiling on energy savings performance contracts entered into under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) prior to December 1, 2008, to ensure that projects for which a contractor has been selected under the contracts are concluded in a timely manner.

(3) $2,900,000,000 shall be available for the Weatherization Assistance Program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

(4) $500,000,000 shall be available for the State Energy Program authorized under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321).

(5) $4,200,000,000 shall be available for Energy Efficiency and Conservation Grants, of which—

(A) $2,100,000,000 is available through the formula in subtitle E of title V of the Energy Independence and Security Act of 2007 (42 U.S.C. 17151 et seq.); and

(B) the remaining $2,100,000,000 shall be awarded on a competitive basis.

(6) $350,000,000 shall be available for grants to implement section 721 of the Energy Policy Act of 2005 (42 U.S.C. 16091) for acquisition and alternative fuel or fuel-cell vehicles, especially for transportation purposes.

(7) $200,000,000 shall be available for grants to States under section 131 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011) to plan, develop, and demonstrate electrical infrastructure projects that encourage the use of plug-in electric drive vehicles and for near term large-scale electrification projects aimed at the transportation sector.

(8) No funds are provided for grants under section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1).

(9) $2,200,000,000 shall be available to off-set the costs associated with Federal purchases of electricity generated by renewable energy under section 203(e) of the Energy Policy Act of 2005 (42 U.S.C. 15852(e)).

(10) Notwithstanding section 3304 of title 5, United States Code, and without regard to sections 3309 through 3318 of such title 5, the Secretary of Energy, on a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, may, using funds provided under this heading, recruit and directly appoint highly-qualified individuals into the competitive service: *Provided further*, That—

(A) such authority shall not apply to positions in the Excepted Service or the Senior Executive Service;

(B) any action authorized under this paragraph shall be consistent with the merit principles of section 2301 of such title 5; and

(C) the Department of Energy shall comply with the public notice requirements of section 3327 of such title 5.

(11) $60,000,000 shall be available for infrastructure investments to support smart grid and related grid equipment testing activities of the National Laboratories.

On page 73, line 18, insert ''transmission plans, including'' before ''regional''.

Beginning on page 74, strike line 22 and all that following through page 75, line 2, and insert the following: *Provided further*, That $1,520,000,000 is available for competitive solicitations for a range of industrial applications: *Provided further*, That, pursuant to section 703 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17251), at least $1,420,000,000 is available for projects that demonstrate carbon capture from industrial sources: *Provided further*, That awards for such projects under section 703 of that Act may include power plant efficiency improvements for integration with carbon capture technology: *Provided further*, That, pursuant to section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293), up to $100,000,000 may be available for a competitive solicitation for pilot and commercial scale projects that advance innovative and novel concepts for carbon dioxide capture and beneficial carbon dioxide reuse.

On page 77, line 14, before the period, insert the following: '': *Provided further*, That any fee imposed on an applicant in excess of the actual administrative costs to the Department of Energy in processing a loan guarantee application shall be refundable to the applicant if there is no financial close on that application''.

On page 85, line 25, insert ''and demand responsive equipment and'' after ''grid''.

On page 89, after line 24, add the following:

(d) EFFECTIVE USE OF FUNDS.—In providing funds made available by this Act and the amendments made by this Act for the weatherization assistance program, the Secretary of Energy may encourage States to give priority to using the funds for the most cost-effective efficiency activities, which may include insulation of attics, if the Secretary determines that the use of the funds would increase the effectiveness of the program.

On page 90, between lines 14 and 15, insert the following:

SEC. 4___. FEDERAL PURCHASES OF ELECTRICITY GENERATED BY RENEWABLE ENERGY.

(a) IN GENERAL.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended by adding at the end the following:

''(e) CONTRACT PERIOD.—

''(1) IN GENERAL.—Notwithstanding section 501(b)(1)(B) of title 40, United States Code, a contract entered into by a Federal agency to acquire renewable energy may be made for a period of not more than 30 years.

''(2) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Federal agencies to enter into contracts under this subsection.

''(3) STANDARDIZED RENEWABLE ENERGY PURCHASE AGREEMENT.—Not later than 90 days after the date of enactment of this subsection, the Secretary, acting through the Federal Energy Management Program, shall publish a standardized renewable energy purchase agreement setting forth commercial terms and conditions that can be used by Federal agencies to acquire renewable energy.''.

(b) FUNDING.—The amount otherwise made available for ''Energy Efficiency and Renewable Energy'' by the matter under the heading ''ENERGY EFFICIENCY AND RENEWABLE ENERGY'' under the heading ''ENERGY PROGRAMS'' under the heading ''DEPARTMENT OF ENERGY'' of this title shall be reduced by the amount necessary to carry out the amendment made by subsection (a).

SA 568. Mr. BOND (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investement, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 14 and 15, insert the following:

SEC. 4___. REQUIREMENT RELATING TO USE OF CERTAIN FUNDS.

(a) DEFINITION OF PROJECT.—In this section, the term ''project'' means the Mississippi River and Tributaries Project authorized by the Act of May 15, 1928 (45 Stat. 534; 100 Stat. 4183).

(b) RESTRICTION.—No amount appropriated or otherwise made available in the matter under the heading entitled ''DEPARTMENT OF DEFENSE—CIVIL'' may be used to deconstruct any work (including any partially completed work) completed under the project during fiscal year 2009 or 2010.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce that the Senate Committee on Energy and Natural Resources hold a business meeting on Wednesday, February 11, 2009 at 11:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider pending business before the committee.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 12, 2009, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the current state of the Department of Energy Loan Guarantee Program, authorized under Title 17 of the Energy Policy Act of 2005, and how the delivery of services to support the deployment of clean energy technologies might be improved.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact Mike Carr at (202) 224–8164 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, February 6, 2009 at 10 a.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Bruce Fergusson be allowed the privilege of the floor during consideration of the American Recovery and Reinvestment Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent that a fellow in my office, Gemma Weiblinger, be granted floor privileges for the duration of debate on the stimulus legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Miki Hanada of my staff be afforded floor privileges for the purposes of the consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican leader, pursuant to 22 U.S.C. 2761, as amended, appoints the following Senator as Vice Chairman of the British-American Interparliamentary Group conference during the 111th Congress: the Honorable THAD COCHRAN of Mississippi.

ORDERS FOR SATURDAY, FEBRUARY 7, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon, Saturday, February 7; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the H.R. 1, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the next vote will be on Monday at about 5:30 p.m.

ADJOURNMENT UNTIL NOON TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:39 a.m., adjourned until Saturday, February 7, 2009, at 12 noon.

SENATE—*Saturday, February 7, 2009*

The Senate met at 12 noon and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Guide us O Great Jehovah. We are pilgrims in this land. We are weak, but You are mighty. Lead us with Your powerful hands. As our lawmakers seek to follow You today, keep them from running ahead of Your will. Give them both the determination and means to renew their spiritual resources, broaden their vision, and enlarge their concept of Your purposes. Lord, may they grow daily, steadily in spiritual as well as in physical health.

Bless also the thousands of staffers who faithfully serve with great diligence behind the scenes. Remind them that You are aware of their work and that they will not lose their reward. Empower them this day to accomplish Your will. We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 7, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

SCHEDULE

Mr. ROCKEFELLER. Mr. President, today the Senate will resume consideration of H.R. 1, the Economic Recovery and Reinvestment Act. The time for this discussion will be from now until 3 p.m. It will be equally divided and controlled between the two leaders or their designees. There will be no rollcall votes today, for the information of Members. The next vote will occur at 5:30 p.m. on Monday.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 3 p.m. will be equally divided and controlled between the leaders or their designees.

Who yields time? The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, this is a chance for us to engage in constructive discussion. It is still a very interesting proposition. I think it is going to pass, and it will be, in spite of what was said last night, bipartisan. In fact, it could not possibly pass without that being the fact.

There are a number of things in here which are called cuts, but I think it is very important we remember that these are, for the most part, not cuts from the present situation but cuts from the original stimulus package, which was cut by over $100 billion, and therefore they appear to be cuts, but they are not cuts. They are actually, for the most part, additions—substantial additions—to what we already have. So if the bill had not passed, a lot of these programs would cease to exist.

So I think it is a positive document. It is not without flaws. We have a conference committee coming and that will be very important. I look forward to the engagement today and to the conference committee and to the passage of the bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, let me ask my friend from Arizona what his intentions are at this point because it seems to me it might be advantageous to perhaps have those who oppose this bill state their case in the beginning, and maybe we can even have some discussion back and forth, in the best traditions of the Senate, about that. Then, we can, on this side, come back and perhaps offer a few alternatives and then go back and forth. I would ask the Senator from Arizona, does that make sense?

Mr. KYL. Mr. President, I would say to my colleague from Massachusetts, I certainly think that would be a good way to engage in this debate. There are at least four speakers on our side who would like to engage in this discussion today, possibly one other. We could start, if it would be acceptable to you, and then the Democratic side respond and simply go back and forth in that way, with the time being divided equally.

Mr. KERRY. Mr. President, I think that would be great. Perhaps what we could agree upon, so we don't have an imbalance, and we are not talking beyond each other, is perhaps have some kind of reasonable limitation on the back and forth so we do get to have a legitimate kind of debate.

I will yield the floor and wait for my colleague from Arizona and then perhaps come back.

Mr. KYL. Mr. President, it would be my intention not to take more than about 20 minutes. That would certainly then permit the kind of discussion the Senator is suggesting.

Mr. KERRY. I appreciate that, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I think one of the reasons President Obama has not had an easy time getting Republicans to support his stabilization program is because he has misrepresented the Republican approach to this problem, and obviously that is of concern to us. In discussing with the American people his approach to the stimulus of our economy, he has first used some dangerous words, I would say, in describing the emergency nature of this.

A lot of people have said he is trying to scare the American people. I don't think that is true. I think what he is

trying to do is demonstrate the seriousness of the situation. But I also believe it is not an excuse for acting in an inappropriate way, to say we have to do something right now, and if we don't, there is going to be catastrophe in the land; therefore, suggesting we need to be less careful about what we do. We believe the President's initial conversations are appropriate and that we need to be careful about how we approach this problem, among other things, because of what could occur over the long term.

He has also mistakenly represented the point of view of Republicans in two specific ways: First of all, suggesting the only reason Republicans oppose this program is because we just believe in tax relief. Of course, we believe in tax relief, but we do not believe that is the only solution to this problem. In fact, we understand there has to be a component that helps people in need, such as the extension of unemployment benefits. We understand that certain kinds of spending can be very effective at a time such as this.

Senator MCCAIN specifically noted some military spending. Because of the way the military operates, they can get the money out the door quickly, and that can be very beneficial. We also focused, first, on housing because that is where this problem began, and that is why our effort to fix housing first was presented on the Senate floor. Our Democratic colleagues rejected that notion. Of course, we also demonstrated why some tax relief can also be beneficial. But we have never said that only tax relief will work.

Our Democratic colleagues like to point out a very high percentage of their bill is tax relief, apparently agreeing with us that tax relief is important. But the two biggest pieces of tax relief in the Democratic bill are, first of all, the rebate program, such as the rebate program last year. Last year, it was $600; this year, it is $500 for 2 years. It was not effective last year, and there is nothing to go suggest it is going to be any more effective this year to stimulate the economy.

The other part that is discussed is the alternative minimum tax relief—so-called AMT. Now, we have been relieving Americans from having to pay the AMT for a decade and not as part of a stimulus bill but because it is the right thing to do. No one ever intended that Americans below the millionaire status would ever be paying the alternative minimum tax. So we have been fixing that each year so Americans would not have to worry about it. It doesn't do to count that as part of the tax relief and suggest it is because of a stimulus intention.

The other thing the President has spoken of that bothers Republicans is talking about the ''tired ideologies'' that got us into this problem in the first place. Now, if you are going to try to get some bipartisan support from Republicans, I submit that is not the way to do it. I would like to know exactly what tired ideologies the President is talking about. What exactly?

Now, in his inaugural speech, I think the President hit a couple of home runs. He talked about ''reaffirming the greatness of our Nation.'' He said:

> It has been the risk-takers, the doers, the makers of things . . . who have carried us up the long, rugged path toward prosperity and freedom.

He talked about requiring a new ''era of responsibility,'' and emphasized the values of honesty and hard work.

Now, those are values that are very important to Republicans. We believe that, for example, we should have a Tax Code and Government regulatory policy that at least does not punish those who are risk-takers and doers, who have exercised responsibility and who have helped to make this Nation what it is, including many of the people who work hard and who run the businesses that create the bulk of the jobs in this country. So what exactly is it the President is talking about when he talks about the tired ideologies of the past and responsibility?

There is much talk in this bill of all the aid to the States. Now, the States have doubled their spending in the last 5 years, and most acknowledge they need to get their fiscal houses in order, but many of them are simply looking forward to being bailed out by this bill. So I ask: Is that the kind of responsibility we want to foster or should we expect more of the States so they can do their part in dealing with this crisis?

Does the President believe the tax cuts of 2003 created the recession? Obviously, no one believes that. Not only were they not responsible for the recession we are in, but they are accredited with the job growth and economic stimulus this country received during the middle part of this last decade.

Does the President believe President Bush's efforts to control Fannie Mae and Freddie Mac's risky investments and toxic loans caused the pickle we are in right now? Obviously not. Indeed, all the evidence is, it was the President's cohorts in the Congress who stopped the efforts to control Fannie and Freddie and, as a result, this great housing bubble was created and burst, to the detriment of everybody in the country.

Would the President suggest the Reinvestment Act might have had something to do with it? There is a failed policy of the past, essentially making the banks lend money to people who actually couldn't afford it. In the long run, they suffered as much as everyone else because they couldn't carry the mortgages on the homes they were put in. We did not do them a favor, and we didn't do their neighbors a favor, who are now sitting next to a home that is in foreclosure.

It seems to me the President is rather casually throwing out some careless language, and if we would be a little more precise and try to get together as Republicans and Democrats to identify the problem and work together on it, we would get a lot further.

Let me ask this question. If the question were put to the Senate today: If you knew that a bill in the Senate was going to cause a recession in 10 years, would you support it? Well, that is what the Congressional Budget Office—the bipartisan office that supports our efforts in the Congress—says about this legislation; that there will be negative economic growth—negative GDP—in a decade as a result of this legislation.

According to the CBO report, dated February 4, sent to JUDD GREGG, the ranking member of the Committee on the Budget, they say:

> CBO estimates that by 2019 the Senate legislation would reduce GDP by 0.1 percent to 0.3 percent.

Now, that is 10 years from now. That means if this went on for at least two quarters, that is the definition of a recession. They note in the very beginning that the effects of the legislation would diminish rapidly after 2010 and that in the long term, GDP will be reduced.

If you have a bill before you that you are told by the experts is going to result in a recession, would you maybe want to stop and think twice about what you are doing? There is evidence that this is kind of a sugar high. We put a lot of spending out now, but once the high is gone and you crash, you are going to be in a recession. That, in effect, is what is stated here. Just as we do not let our kids have too much candy, I think we need to be a little careful about legislation which we are told is going to result in a recession.

It is not just the CBO. In December 2008, the National Bureau of Economic Research published a document titled ''What are the Effects of Fiscal Policy Shocks?'' by Andrew Mountford of the University of London and Harald Uhlig. I am quoting:

> The best fiscal policy to stimulate the economy is a deficit-financed tax cut [and] the long-term costs of fiscal expansion through government spending are probably greater than the short-term gains.

In other words, in effect confirming what the CBO has said.

They explain why:

> [That's because] government spending shocks crowd out both residential and nonresidential investment—

By the way, the CBO report I cited does talk about the increase in the national debt crowding out private investment with the same negative effect—

> while the [positive] response of consumption is small and only significantly different from zero on impact.

But suppose these recent studies were mistaken, I suggest, and the

spending spree would even work as advertised. We are still left with the number of jobs allegedly to be created at a very significant cost, well over a quarter million dollars per job.

The bottom line here is that doing something temporary which is going to cost a lot of money and result in long-term economic downturn is not the kind of policies we should be pursuing.

One of the concerns Republicans have had is that it is not only the amount of money that is being spent in this bill—and it is a shocker. It is over $1 trillion. And incidentally, the deal that was reached yesterday still has us spending something like $1.17 trillion, so this is still a very big spending bill.

By the way, the President acknowledged it is a spending bill. He said that is the whole point. One of the problems with that is that you cannot fix it by simply shaving a little bit off of some of the elements of spending, as this deal apparently does. You have to start fundamentally at the bottom.

Actually, Larry Summers, who is the chief economic adviser of the President, had it right when he says this of legislation: ''The investments,'' he says, ''will be chosen strategically based on what yields the highest rate of return for the economy.'' That is the way it should be done, built from the bottom up based only on what actually does the most good rather than simply throwing a lot of spending at the problem and hoping that some of it sticks or actually trickles down and actually helps the American people. This legislation, the so-called deal here, doesn't build it from the bottom up. It takes the base bill and just shaves some off different pieces of it.

I would note that we do not have text of the legislation yet, so we are dealing with a couple of different press releases, which, by the way, don't identify who put them out, and they are slightly different with respect to what they say. So when we are discussing this deal, we still do not know what it is. This is Saturday. We are supposed to vote on this on Monday. Obviously, we are not going to be here tomorrow. Is this a way to legislate over $1 trillion of spending that is going to be a burden on our children and grandchildren? I think not. I think the authors of this legislation owe us a little more consideration in getting the facts to us about what the bill actually does.

As I said, the two big tax pieces are the AMT relief—which we have done routinely each year, not as part of a stimulus but because it is the right thing to do—and the rebate part, which we know did not work last time, and there is no reason to believe it is going to work this time. There is only about 2.5 percent of the tax part of the bill which actually goes to business tax relief, potentially enabling businesses to create jobs—for example, allowing them to write off purchases of equipment earlier than they otherwise would, therefore incentivizing them to hire people and thereby, obviously, creating jobs. That is the tax part of this.

On the spending side, we are told that there are certain reductions in certain of the accounts. But, as we look through it, many of the things that were criticized before appear to still be there. If you take what was added on the Senate floor to the deal that was struck, you are at about $827 billion, which is still above the level of the House bill which was criticized strongly by proponents of the deal last evening on the floor. They called the House bill a Christmas tree. Yet this bill in its total amount is above the level of the House bill. There may have been a 4.7-percent reduction from the level of spending in the House bill, but it obviously doesn't change it from being a Christmas tree. It has not been fundamentally altered from the bottom up with an effort to invest in things that actually will stimulate jobs. It simply shaved off some of the excess spending in the bill.

For example, as we understand it, in the building account, the Federal building account for Federal buildings, the Senate bill had a $6 billion amount. Under this deal that was made, it is $2.5 billion. So some money was shaved off there. The NOAA facilities construction went down from $795 million to $645 million, a $150 million savings. That is great, but the fundamental problem is that this is not going to create jobs—that remains. Federal auto fleet—they cut that in half, the cars for Government workers, from $600 million to $300 million. The DC sewer system remained unchanged. They didn't actually cut, that I see.

The bottom line, as my colleague from Maine described on the floor, these are the kinds of things that should go through the regular appropriations process where they should compete with other worthy causes, going through the appropriations process and the appropriators make the tough decisions.

My colleague, who is a member on the committee, had a couple of things to say in describing the appropriations process. He pointed out that we have the responsibility to be deliberate and consider these items carefully in the context of the President's formal budget request. Why? Because there are so many worthy things to spend money on that it is our job to make the tough decisions about which ones to put at the top of the list and which ones, perhaps, to defer or to reduce. That is the job these people on the Appropriations Committee do, and they do it well. They have to stick with the President's budget.

What is in this bill is new spending without any kind of tax receipts to cover it or offset spending to make up for it. It is emergency legislation, just added to the debt.

As the ranking member of the Appropriations Committee wisely pointed out, the kinds of projects that are in this bill should go through the appropriations process. It is great that they have been reduced somewhat in number, but that does not solve the fundamental problem.

Let me close here so we can actually engage in this debate. We still do not know whether a lot of the earmarks are in the legislation. My staff has tried to look. It appears, because they have not specifically been taken out, that several of the items, some of the items I mentioned—the money for Amtrak, the $1 billion for the census, the new money for the Smithsonian, digital television transmission bailout, the authorization for benefits for Filipino veterans of World War II—all of those things and much more are still in here. Obviously, we will be interested to see whether the final version of the bill, when we actually get it, corrects these deficiencies, but it doesn't appear that they have.

Again, what Republicans are suggesting here is that it is really a four-part process: help those who are in need; target the spending, which will actually create jobs; fix housing first; and provide targeted tax relief that will actually also help to stimulate the economy. That is the Republican approach. I think we have some better ideas that could have been incorporated into this legislation if it had not been such a partisan exercise.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, with the permission of the manager, I yield myself the time that I use this morning.

Mr. ROCKEFELLER. That is fine.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I thank the Senator from Arizona. There is an awful lot to try to respond to and to put into appropriate perspective. I want to start to try to do that as clearly, and hopefully as succinctly, as I can.

The Senator has suggested that this has been a ''partisan process.'' I have to tell him as a Senator who has now been here—this is my 26th year here, having witnessed in the last 8 years an unprecedented level of changes of the rules, breaking of the rules, refusal to hold conferences so we get together and do the normal procedures here, unwillingness even to have accountability hearings to allow this side to hold hearings, call witnesses—I mean, I can run a long list to describe the desert that has been the last 8 years.

I remind my colleagues, and I do not want to spend too much time on this because it is important to go forward, but you cannot go forward and have a legitimate discussion of what is real

here unless you put things in their appropriate and honest context.

The fact is, the Republican President, President Bush, just left office a few weeks ago. For 6 of the 8 years he was in office, the Republicans ran the Senate. I think we were down as low as around 43 Senators at one point. We did not have conferences. We were given bills that we were ''jammed'' and had to vote on that were rewritten completely in conference committee and they came to the floor.

Notwithstanding all of that, notwithstanding that experience, Senator REID came to the floor of the Senate and completely opened the amendment process. He did not fill the tree, he did not use any parliamentary procedure to prevent the Republicans from bringing an amendment, and, indeed, some of the amendments of our friends on the other side of the aisle were agreed to. Senator ISAKSON has a major amendment in here with respect to housing that is a very expensive amendment. It added spending to this bill. Senator SPECTER and a few others added some $12 billion for the National Institutes of Health. So, please, let's put this in an appropriate and proper perspective.

Did they lose some votes on things they wanted to do? Yes, because the American people voted in November to change the makeup of the Senate. The American people experienced what happened over the course of the last 8 years, and they are feeling the pain today.

I am hearing my colleagues on the other side of the aisle keep coming over and saying: My gosh, what a terrible thing it will be to add a burden to the debt of every family in America. You better believe that it is a tragedy. But where were they for the last 8 years when that debt was being taken from $5 trillion in 2000 up to $10 trillion today? Not once did the President of the United States—not once did he veto an appropriations spending bill. Their President—their majority leader could have said: We are not accepting this bill. Mr. President, you have to veto it. It never happened.

Now, the reality is we have an economy that is hurting. The President of the United States has appropriately said that if we do not do something, this may lead to a catastrophe. I believe that, and my colleagues believe that. Some people on the other side of the aisle believe that. This is an unprecedented economic cycle in which we find ourselves.

Economist after economist, on both sides of the aisle—Mark Zandi of Moody's economy.com—he is a Republican economist—strongly suggests we have to spend this kind of money in order to get the economy moving again. We need to examine that a little bit and examine some of the comments of my colleague from Arizona.

First of all, he claims we rejected housing. I tell you, if it were not so—it just really amazes me to hear that. Last January at the White House—Senator KYL was there, Senator MCCONNELL was there, Senator REID was there, Senator DURBIN and a few others of us, Speaker PELOSI was there, JOHN BOEHNER was there and the President, the Vice President, Secretary Paulson.

And everybody went around and said what they had to say about that, the stimulus package that we were then talking about putting in place, a stimulus package a year ago. They went around the table, and it finally came my chance to say something. I looked at the President, and I said: Mr. President, this may be a little unorthodox because I know we are talking about this stimulus bill, but nobody here has mentioned housing. I have to tell you, I just came from Brockton, MA, where the mayor is struggling with 1,000 foreclosures. There are 400 more coming at him. This is pandemic. If we do not keep people in their homes, this is going to get worse.

I then turned to the Secretary of the Treasury, and I said: Mr. Secretary, you could be negotiating mortgages now and keeping people in their homes at the revalued value of the homes, the devalued value of the home, because they can afford to stay in it if they are paying 13.5 percent or 9.5 percent. But if they get to pay a percentage like most of the other people in America who have some influence and access—you know, I have not met a business executive in America who is paying 13 percent or 9 percent, but average Americans were, and they were being run out of their homes because of it.

Well, they all nodded and said, well, that sounds reasonable. We have to take a look at it. I came back with Senator Gordon Smith of Oregon and together, as members of the Finance Committee, we put it into the Finance Committee stimulus package. It came to the floor of the Senate, and guess what. My friends on the other side of the aisle opposed it. They stripped it out.

We had a $15 billion mortgage revenue bond to help keep people in their homes, and the administration opposed it, even 1 week after the President of the United States went to the well of the Congress, and in his State of the Union speech said: We need mortgage revenue bonds. Everybody applauded, but they came back and stripped it out.

From that day forward, until, I think it was August or September, 10,000 people a day were foreclosed on. That is 10,000 Americans a day who lost their homes, kicked out, locks changed. No wonder we are where we are today. With that many homes, street to street to street to street, losing their value, and then the homes next to them losing their value, and the people got scared, they lost their jobs—and we have lost jobs at a record rate. There were two point-some million jobs lost, 568,000 last month alone.

So I have to tell you, there are a lot of people a lot smarter than me to whom I try to listen, and everybody I talk to who is in the business of business, of making deals—I am not talking about Wall Street theorists or people who arbitrage and play the market, play the game; I am talking about people who go out and create wealth, invest; people who make judgments about risk, risk taking, and take new ideas and turn them into jobs, which is what has always made America great. Those people tell me they cannot get the lending; they cannot get the credit. Banks that have money are scared to lend the money because if they look at the marketplace and they make what a banker has to make, which is a prudent judgment about, hey, if I lend the money, are my shareholders and the board of directors going to come to me and say, why were you so stupid to lend that money when the economy is going down, and you did not have a chance of getting it repaid.

That is the psychology of the marketplace, and Government is the one instrument that has the ability to change the psychology. That is why it is so important we ''spend'' some money.

Now, my colleagues on the other side of the aisle say this is a huge spending bill. They are going to spend. You know, well, I have to tell you, I asked my friend from Alabama yesterday: OK, let's be real about this. You say you do not want to borrow the money. What a terrible act it is of Government to be for borrowing. Well, what is the alternative to borrowing? There are only two alternatives: you can raise taxes—and there is not one of them who will vote to do that—or you can cut spending. This is not the moment to cut spending; this is the moment to prime the pump. This is the moment you have to get money flowing into the system.

Now, therefore, we are stuck. We have to borrow some money, and we have to borrow it on the presumption, on the judgment, that we are investing this money we borrow in the most intelligent way to break the downward psychology of the market and to encourage the creation of new jobs.

Now, I would agree with my colleagues, I do not want to spend money on a project that just vanishes, poof, and there is no payback to the economy in the long run. We are not going to see long-term benefits to our country. But that is not what we are doing here. What we are doing here is creating jobs. I mean, how do we get products from point A to point B? We drive them on roads or we put them on a train or we fly them in airplanes, but our infrastructure that supports all of that is falling apart.

Other countries are investing far more than we are into their public transit systems, into their air systems, and so forth. We have about a $1.6 trillion deficit in terms of our infrastructure investment. So what we are doing is saying: We are going to invest in some of those things now, tomorrow. We can put people to work tomorrow morning. All across this country we have projects that are shovel-ready, signed on the dotted line. We can do the bidding. In fact, many of them are already bid. They do not have the money. There are 45 States in the United States of America that have shortages in their budgets, and those States are required, unlike the Federal Government, to balance their budget.

So facing the need to balance their budget, what do they do? They cut service, they cut firefighters, they cut police, they cut teachers, they cut the road projects. That adds to the downward spiral. Everybody hears their neighbors saying: Wow, I just lost my job. Then they start to fear for their job. As they fear for their job, they retrench in spending: I am not going to spend this week. We cannot go out to dinner this week. We cannot take that vacation. We cannot take that house. We are not going to travel to see the family at Christmas or Easter or whatever it is.

People stop spending. As more of the ripples of job loss go, the more afraid people become. So they hunker down for the possibility that they may be the next to lose their jobs. That is part of the downward psychology. So you have to break it. And, I will tell you, there is nothing worse than doing too little to fix it. Nothing would be dumber than coming out here and spending too little billions of dollars and not knowing that we are doing enough to change the psychology and get the job done.

Now, on the housing package, the Senator from Arizona said: We offered a housing package. Well, you know, they did offer a housing package. But just because we rejected it does not mean we do not think housing is important or we have to do it with what I said earlier about housing. We are going to do housing. The President and Larry Summers, who has been here meeting, is talking about how we are going to approach housing. But the program they offered, first of all, opposed any kind of bankruptcy relief so we can actually negotiate keeping people in their homes, which is inefficient.

It did not target the money in an effective way. It had a 4-percent mortgage for everyone in the system so that people who do not even need the money wind up getting a break in terms of their mortgage. So it was not targeted. Moreover, it did not even require the banks to make a loan modification or even write down some of the bad loans they had. It was not comprehensive. So the fact that it is rejected does not display that this is partisan. It simply is a statement by the majority of the people representing the people that we do not think it was a very good idea, and we are going to come back and fix it; the same thing with this issue.

Incidentally, let me share with a few of my colleagues why this is sort of this old ideology versus new. The Senator talked about the tired ideology of the past. What is it? Well, I think today Michael Steele, the new chairman of the Republican National Committee, made a statement on behalf of the Republican Party. He said:

> For the last 2 weeks, we have been trying to force a massive spending bill through Congress under the guise of economic relief.

Well, we are having votes. This is a democracy. We are not forcing anything. We are trying to get the job done because there is an urgency to getting it done.

But then he says:

> The fastest way to help those families is by letting them keep more of the money they earn. Individual empowerment, that is how you stimulate the economy.

That is a big ideological/philosophical difference about how you most rapidly stimulate the economy. Let's think about it for a minute, the individual empowerment. OK, we turn around and we give every family in America the great big tax cut that the Republicans are talking about. Here is what he says: We want to give—the first 16,000 bucks you make, you are going to be taxed at a lower percentage.

Terrific. We lose revenue at the Federal level that we could put into schools, fire, police, education, energy investment, investment in airports, rail, all of those things for which we do not have enough money. But we give it back to the people.

Then he says: They will go out and buy things. They probably will. Some of them may save it. What are they going to buy? Is there a guarantee they are going to go out and buy energy-efficient materials? No. Is there a guarantee they will go out and buy an American car that is a hybrid, that actually does better? No.

They could go out and buy a car made in China or Japan or Germany. That does not help us a lot. Or what if they pay off their credit card bill because it is so big that they need the money to pay the bill? That is just paying for past things already purchased, for services already given. It does not stimulate the economy. Please. And if they do have some money to invest, there is no guarantee they will choose to invest it in the United States of America. They might think it is much better to invest it in some international mutual fund that is investing in a country that has a better economy right now.

So that is a tired old philosophy. That is what we did in the 1980s and many of us opposed it. I voted against that tax cut. You know what. We took the deficit of this country to an unprecedented level, crowding out the private marketplace in terms of borrowing, and we did not invest in the things in which we needed to invest in the country.

Let me share and say to my colleagues that we have a multi-headed crisis we are looking at. This is only one part of the package. I also want to address the question where the Senator from Arizona said this would be a recession way down the road. Well, I disagree with that. We are in a recession now. We have to do everything possible to break out of the reversion.

Now, the Congressional Budget Office has concluded that the American Recovery and Reinvestment Act would ''have an immediate and substantial impact on the U.S. economy, most noticeably in terms of job growth and GDP growth.'' That is the Congressional Budget Office. They say: In our efforts in this bill, our No. 1 priority is to put people back to work. If tomorrow we spend money on a road construction effort so people who go to work at that site will have a job, the people who drive the truck to bring the asphalt and the materials will have a job, the people who supply the materials to those people will suddenly be ordering again. They will pay taxes. They will take home a paycheck over the next year or two and that will begin to change the psychology of what we are looking at here.

You have to spend some money. That is what Franklin Roosevelt did. This situation cries out for it just as powerfully as that did. The CBO report says the recovery package, as reported out of the Senate—I emphasize the Senate, the Senate Appropriations and Finance Committee—would create between 900,000 and 2.4 million new jobs in 2009, this year; between 1.3 and 3.9 million jobs next year; and between 600,000 and 1.9 million jobs in 2011.

These jobs would correspond to an unemployment rate reduction of .5 percent to 1.3 percent in 2009; .6 to 2 percent in 2010; and .3 percent to 1.0 percent in 2011.

Additionally, the report estimates that the legislation would grow the U.S. domestic product, our GDP, by 1.4 to 4.1 percent this year; 1.12 percent to 3.6 percent next year in 2010; and .4 to 1.2 percent in 2011. So there is job-creating potential in this.

We need to transform the American economy. What is most exciting about what we have put together in this bill, it is the first big, legitimate effort to do that that I have seen in years. In the height of the oil crisis last summer, we were sending over $1 billion a day to Saudi Arabia. I would rather send that billion dollars a day down to the Southwest, to Arizona, New Mexico, and Colorado. There is this unbelievable ability to be developing solar

thermal in America. We have a solar thermal plant in Nevada now. We could produce electricity without using oil and gas and fossil fuel. I am told—because the Senator from Arizona raised the question—that the water tables down there are creating a self-serving cycle, a contained cycle so that the water can be reused in a way that doesn't disturb water demand. But you can drive electricity. We can produce six times the electricity needs of the United States from that region alone. Why aren't we doing it?

If we produce six times the electricity needs of the United States from one part of the country and modernize our grid, then people can start buying electric cars. We will have an electric car that goes 100 miles an hour and gets 100-plus miles to the charge which doesn't solve all long-distance problems, but for most Americans, the commute is 40 miles a day. So you could actually do most of your week on electricity, never touching a drop of gas and oil which would reduce America's dependence on foreign oil, raise our security, raise health standards, meet our environmental standards, and do an enormous amount to meet the challenge of global warming. If we don't send a billion dollars to another country, we are using it here at home to develop more renewable energy and more jobs and future jobs in robotics, artificial intelligence, communications, and life sciences.

There are jobs to be created. It depends on how intelligent we are in investing the money in the right places. That is what this legislation does.

Let me share this with my colleagues. We have $40 billion going to the Department of Energy for development of clean, efficient American energy from advanced battery systems for energy efficiency, conservation grants, weatherization assistance, all kinds of research for clean coal technology. We are about to have a breakthrough technology that I believe will allow us to burn coal clean and create a construction material called calcium carbonate that can be used as cement, concrete for building. It contains the CO_2, and it helps us to deal with this crisis. Those are new jobs, countless new jobs.

I hope our colleagues will recognize that what is happening is a very legitimate, philosophical, perhaps ideological difference. But this is not old over here. This is new. This is what America voted for this year, a change of direction, in order to get it right.

We are staring at an economy where health care premiums increased approximately 80 percent. Gas prices reached historic highs. They are now down temporarily, but they will not stay there. College education costs have risen 70 percent. Housing affordability, we all understand, is a huge problem across the economy. We will deal with that. Wages of average Americans who are working are declining. The benefits they work for are declining. Their retirement accounts have been wiped away. Workers' earnings for college degree graduates are declining. Job creation is the worst in America since Herbert Hoover's administration. The unemployment rate rose to the highest level since 1993, and it is still rising. We are told it will rise further. The deficit-financed Bush tax cuts weren't paid for. They were deficit financed, and we have wound up with the least job growth we have had in any kind of recovery in modern history.

Today more American families and children face severe financial problems than at any time. That is why this is urgent. It is only a part. We have to come back and do housing in a matter of weeks. We have to fix the banks in a matter of weeks.

I am confident if we do this, we are going to turn this around. We are going to have the most exciting economy we have had in years. There is no question in my mind that if we release American entrepreneurial and creative genius to create new products and move us to that future, we will do what America has always done—we will continue to lead. That is what this debate is about, a new direction, a new time, and a new moment.

I hope our colleagues will embrace it.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr KYL. Mr. President, I appreciate the opportunity to engage with my colleague from Massachusetts. I will make five quick points, and then either Senator SESSIONS will follow me or, if a Member on the other side wishes to speak in between, he will then follow that individual. First let me clear up two things.

The Senator from Massachusetts talked about deficits and, in effect, blamed the Bush administration. I would note the facts which are that last year, under a Democratic-controlled Congress, the deficit doubled from what it was when Republicans were in control, and it is going to double again this year under Democratic control of Congress.

Mr. KERRY. Will the Senator yield for a question?

Mr. KYL. Let me try to make my points. I don't want to take less time from my colleagues.

Secondly, I acknowledge that the Senator from Massachusetts did raise the issue of housing at the White House. The point I wanted to make was not that Democrats and Republicans weren't both concerned, that Democrats didn't have some good ideas. Simply, it is not fair to characterize the Republican position as wanting to deal with tax relief only, that Republicans believe housing needs to be a part of this. In fact, we would prefer to fix housing first rather than, as the Senator from Massachusetts said, we are going to do housing later.

Incidentally, the bill to supposedly fix housing passed last June with both Democratic and Republican support. It was obviously not enough.

Third, the Senator from Massachusetts talked about debt and said, what is the alternative to borrowing, either raise taxes or cut spending. That is true. But he said you can't do either in a recession. Actually, that is not true. As I quoted before, the National Bureau of Economic Research said this about that precise point:

> The best fiscal policy to stimulate the economy is a deficit-financed tax cut. The long-term costs of fiscal expansion through government spending are probably greater than the short-term gains. As between the two, some spending can help. But long-term, it costs more if you have deficit spending, and it provides for relief if you have tax cuts financed through deficit.

The fourth point: My colleague from Massachusetts disagreed that this legislation will result in a recession and noted that the CBO report said there would be short-term stimulus. That is exactly right. But what I said is also true. On page 5:

> Including the effects of both crowding out of private investment, which would reduce output in the long run, and possibly productive government investment, which could increase output, CBO estimates that by 2019, the Senate legislation would reduce GDP by between one-tenth and three-tenths of a percent.

As I noted, the definition of a recession is when you have two consecutive quarters of negative GDP.

Finally—and this is probably the most instructive point of all—there is a clear difference between the parties. But I think it is interesting when my colleague from Massachusetts described as one of the failed ideologies of the past the notion that individual empowerment will do any good, when he ridiculed the idea of letting people keep more of their own money. You have a very stark contrast between what some Democrats believe and what most Republicans believe. Republicans do believe that Americans are better off being allowed to keep more of their money. Why? Because they will make wiser decisions about what their family needs than will some bureaucrat in Washington. I don't mean bureaucrat in a pejorative way. I am a government employee. I didn't get any smarter when I came back to Washington. When I go back to Phoenix or Tucson, I see people struggling to take care of their families, and they are making very important and wise decisions about how to deal with their family budgets. It is true, if they get a tax rebate, they are more likely to save it or pay off credit card debt than to spend it. That is why that kind of tax relief, a rebate, the quick fix that is in this bill, doesn't work. Why? Because Americans make wise decisions with their

own money. They know they have to deleverage their own personal budgets, as businesses know they have to deleverage all of their debt.

Mr. ROCKEFELLER. Will the Senator yield?

Mr. KYL. Let me conclude my remarks.

Republicans believe that individuals are better off in making decisions about their financial future than allowing the government to do it for them. That is why we say, as Michael Steele said, let people keep more of their own money and not have people in Washington decide what is best for them in how they want to spend it.

Mr. ROCKEFELLER. Will the Senator yield?

Mr. KYL. I am happy to conclude and let Senators respond on their own time.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. I say to the Senator from Arizona, it probably is a good idea if you try to play by the rules here. We are going back and forth. Each Senator has a certain amount of time. We can engage, but I don't think that you, as my friend and counterpart, should feel you need to make a speech after every point that is made on our side. I think that is a tendency right now, and it doesn't do service to others on your side or my side who want to speak.

Mr. KYL. Mr. President, I have finished what I have to say. My colleague Senator SESSIONS asked if I would respond to Senator KERRY, because he responded directly to me. He will follow next. There is no rule that says a Senator can't speak twice. Other Senators will rotate in time. I think that is the appropriate way to engage in the debate.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I will only take 2 minutes and then yield to a colleague. I think it is good to have this back and forth, frankly, because it is a way to shed a little more light on these things.

First, I did not say, in quoting Mr. Steele, that individual empowerment is not important. I didn't say that we are not for it. I am quoting him:

> Individual empowerment, that is how you stimulate the economy.

That is his program.

Forty-two percent of this bill is tax cuts. I have voted for countless tax cuts in the Senate. I was one of the authors of zero capital gains for new investments. I believe in tax cuts. We have terrific tax cuts in this bill. But clearly, there is no discussion in Mr. Steele's comments about what we ought to be spending it on, how much we ought to be spending, how spending will make a difference.

Secondly, on the deficit doubling in the last couple years, yes, it did. No. 1, because we have a war in Iraq and a war in Afghanistan, a war in Iraq that many of us here believed spending $12 billion a month wasn't worth, and the American people believed wasn't. But nevertheless, that is one reason. Secondly, we passed a stimulus. We passed it outside of the budget process, because nobody wanted to pay for it. We needed to begin to stimulate the economy already.

Third—and the Senator knows this—we did a fix to the alternative minimum tax so that millions of Americans would not be taxed unwittingly and inappropriately. We tried to pay for it. I signed on to Senator CONRAD's amendment. We had a vote on the floor of the Senate. We lost, because the Republicans decided they didn't think we should pay for the alternative minimum tax fix. That is why we doubled the deficit.

We had pay as you go in the Senate. We put it back in place to restore fiscal responsibility, and it is important to put that in the proper context.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I would ask my leader from West Virginia if I could have my 15 minutes now since Senator KYL did speak, and then I will be done with that 15 minutes.

Mr. ROCKEFELLER. Mr. President, I say to the distinguished Senator from California, I need to find out if the Senator from Alabama—because we are meant to go back and forth—will take time.

Mr. SESSIONS. Mr. President, I will tell you.

Mr. ROCKEFELLER. If the Senator does not wish to speak, we can do it on our side.

Mr. SESSIONS. I will just speak for about 2 minutes.

Mr. ROCKEFELLER. All right.

Mrs. BOXER. Sure

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, all we really have to rely on to help us figure out the arguments about how this stimulus package will work is our Congressional Budget Office. We just chose a new Director, Mr. Elmendorf, who is a very impressive guy. Mr. Elmendorf was really chosen by the Democratic majority in the Congress. They have the majority and this is who they chose. We like the man, and Republicans voted for him too.

Mr. Elmendorf produced a report the day before yesterday in which he said that if you take the number of jobs this bill would create, and you take the various numbers that are in the bill, the ranges that are in there would be between $600,000 and $300,000 per job. I do not think any estimate has come in less than $300,000 per job. One argument was it was $900,000 per job. Mr. President, $1.2 trillion at 1.3 million jobs is not that good a deal in terms of a return on jobs.

But the fundamental question is: will the thing work? We know one thing. We know it will cost us $1.1 trillion when this bill passes. It will not be like the TARP, which was an investment on which we hope to get some of the money back. Every bit of this is money is spending and it will go right out of the door. The Congressional Budget Office notes that this money will be borrowed and that it will cost us about $40 billion a year to service this borrowed money. The Congressional Budget Office notes, in addition to that, we have to get the money from somewhere. In addition, this borrowing by the federal government crowds out other private companies that are in trouble, and who may want to borrow money to keep going until this recession ends. Yet now they cannot borrow the money to keep their businesses going.

The Congressional Budget Office concludes that over the next 10 years we will have less growth than if we had not passed this bill in the first place. Let me say this: It will be worse the second 10 years because all the short-term economic benefit that will come from it will be gone completely 10 years from now, and we will then have a $40-billion-per-year tax burden on the American people.

How big is $40 billion? That is the annual road budget, highway budget for the United States of America. That is a lot of money. So the question is, Can we reduce the size of it? Can we have some infrastructure spending that can actually be spent quickly and create jobs and build something important and permanent for America? Can we infuse money into the economy effectively and targeted and temporarily to get us out of this difficult time we are in? I think we can. I think we can do a lot better than this bill at less of a cost and more of a benefit.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ROCKEFELLER. Mr. President, I yield 10 to 12 minutes to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I say to Senator ROCKEFELLER, I thought it was 15 we had discussed.

Mr. ROCKEFELLER. Mr. President, add on 3 more minutes.

Mrs. BOXER. Thank you.

Mr. President, the reason I need the time is, every time one of my colleagues gets up, it just amazes me at some of the things they say.

Now, my friend, the Senator from Alabama, is very worried about going into debt because of this economic recovery package. He is calling for a small package. I do not know what he believes a ''smaller package'' definition is, but we know from economists, Democratic and Republican, if the

package is too small it does no good. He is very worried about the debt. We all are worried about the debt. Where were my Republican friends—and they are my friends; I work with them every day—where were they when George Bush took the debt from $5 trillion to $10 trillion over 8 years—doubled it—put it on the backs of every man, woman, and child—$17,000 of debt for every man, woman, and child? I never heard a word. They spent it on Iraq. I say it is time to spend it here and help our people. They spent it on tax cuts for the richest people, those who did not need it, and they did not care about the debt.

I want to help the middle class and the working poor, the backbone of America, because without that backbone, we have nothing. So I think the record has to be set straight. I thank those Republicans who worked with us Democrats on coming up with a solution. Thank you, thank you, thank you. You stepped forward. You listened to President Obama. You stepped forward for positive change. You stepped forward to help America.

We are in a deepening economic crisis. In my home State of California, the unemployment rate is 9.3 percent. We all know California is trend setting. This is one trend I hope the rest of America will not follow. But, by God, if we do nothing, if we do not embrace the bipartisan package—and I know it is not perfect—but if we do nothing, that is, in my view, a hostile act—a hostile act; not a passive act—because to do nothing endorses the status quo.

I wish to spend a minute showing you some charts which illustrate the status quo.

Since 2001, 4.1 million manufacturing jobs lost.

In 2008, alone, 2,589,000 good-paying American jobs lost, just in 2008.

For every 1 percent increase in the national unemployment rate, we see a 1 million increase in Medicaid, a 1.1 million increase in the uninsured, a $1.4 billion rise in State Medicaid and CHIP spending, a $200 billion rise in Federal Medicaid and CHIP spending.

So what are we saying? If we do nothing, we are not going to save any money as a national government. We are not going to let people die on the streets or starve to death or not get health care. We will all pull together to help them. We need to reverse this so we do not spend money this way, so that we create jobs.

Now, I have a picture to show you. I do not know if you have seen this, Mr. President. If you cannot see it from there, it is a crowd of people. It looks like folks trying to jam into a rock concert. Do you know what it is? One thousand applicants lined up for 35 firefighting jobs in Miami, on February 2, 2009. They had to call the police to control the crowd.

Now, I have a list of the layoffs in my State. I ask unanimous consent to have some examples from that list printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMPLOYMENT DEVELOPMENT DEPARTMENT

LISTING OF WARN NOTICES BY LAYOFF DATE (JAN–JUN)—2009

Layoff date	Company name–	Location	Employees affected
1/1/09–	FEDEX Freight System, Inc	San Jose	184
1/1/09	JPMorgan Chase Bank (JPMorgan Chase & Co.).	Irvine	1
1/1/09	The Boeing Company	Anaheim	5
1/1/09	The Boeing Company	El Segundo	8
1/1/09	The Boeing Company	Huntington Beach.	12
1/1/09	The Boeing Company	Huntington Beach.	7
1/1/09	The Boeing Company	Long Beach	3
1/1/09	The Boeing Company	Long Beach	47
1/1/09	Virgin Mobile USA	Walnut Creek	192
1/2/09	AMETEK Programmable Power, Inc.	San Diego	28
1/2/09	AMETEK Programmable Power, Inc.	San Diego	13
1/2/09	Autobytel	Irvine	5
1/2/09	James Hardie Building Products, Inc.	Fontana	26
1/2/09	Paramount Pictures Corporation.	Hollywood	14
1/3/09	CONAGRA Foods, Inc	Placentia	2
1/3/09	JPMorgan Chase Bank (JPMorgan Chase & Co.).	Irvine	3
1/3/09	JPMorgan Chase Bank (JPMorgan Chase & Co.).	Pleasanton	3
1/3/09	Seagate Technology LLC	Milpitas	48
1/3/09	Target	Sunnyvale	382
1/4/09–	Cadence Design Systems, Inc—.	San Jose	245
1/4/09	Circuit City Stores, Inc	Concord	59
1/4/09	Circuit City Stores, Inc	Pomona	41
1/4/09	Circuit City Stores, Inc	Santa Barbara.	59
1/5/09	EXELIXIS, Inc	South San Francisco.	76
1/5/09	FORCE10 Networks	San Jose	88
1/5/09	Harman Becker Automotive Systems, Inc.	Northridge	325
1/5/09	Jacuzzi Brands Corp	Chino Hill	203
1/5/09	Nextwave Broadband Inc	San Diego	177
1/5/09	Siemens Medical Solutions	Mountain View.	2
1/5/09	Sun Microsystems	Sacramento	3
1/5/09	Sun Microsystems, Inc	El Segundo	1
1/5/09	Sun Microsystems, Inc	Irvine	4
1/5/09	Sun Microsystems, Inc	Menlo Park	19
1/5/09	Sun Microsystems, Inc	Pleasanton	5
1/5/09	Sun Microsystems, Inc	San Diego	2
1/6/09	FF Properties LP	San Diego	69
1/6/09	Fisher Investments	San Mateo	80
1/6/09	Ghirardelli Chocolate Manufactory Ice Cream & Choc.	San Francisco	107
1/6/09	Levi Strauss & Co	San Francisco	50——
1/6/09	Nestle USA, Inc	Glendale	1
1/7/09	Castaic Brick	Castaic	77
1/7/09	Circle Foods Inc	Chula Vista	21
1/7/09	Circle Foods LLC	San Diego	112
1/8/09	JPMorgan Chase Bank (JPMorgan Chase & Co.).	San Francisco	1
1/8/09	JPMorgan Chase Bank (JPMorgan Chase & Co.).	Irvine	5
1/8/09	JPMorgan Chase Bank (JPMorgan Chase & Co.).	Pleasanton	2
1/8/09	JPMorgan Chase Bank (JPMorgan Chase & Co.).	Stockton	3
1/9/09	Amylin Pharmaceuticals, Inc.	San Diego	340
1/9/09	Anesiva, Inc	South San Francisco.	62
1/9/09	Hubbell Lenoir City, Inc	San Jose	1
1/9/09	James Hardie Building Products, Inc.	Fontana	8
1/9/09	Life Technologies	Foster City	75

Mrs. BOXER. Mr. President, Target laid off 382 people in Sunnyvale; Harman Becker Automotive laid off 325 people in Northridge; Ghirardelli Chocolate laid off 107 people in San Francisco; Circle Foods laid off 112 people in San Diego. And it goes on and on and on: 500 laid off, 1,000 laid off, and on and on and on.

What happens when someone loses his or her job? And what happens when the mom and dad lose their jobs? It is a life-altering change. We know this housing crisis got us into this jam, and we need to address it far more. That is why President Obama has said: Do this first, get this economic recovery on track. Then we will look at housing and do the things we need to do. Then we will look at the financial sector. So it is a three-legged stool. We have to do all of it. It is what the election was all about.

But we need to step up to the plate now because it is one thing to lose your home because you were in a terrible situation with your mortgage and your interest rate kicked up to 8.9, 10 percent. That is awful. It is even worse to lose your home because you are two paychecks away from homelessness. We need to stem the tide.

I do appreciate my Republican colleagues' newfound respect for fiscal responsibility. But we have to admit—admit—they never cared about it the last 8 years. And that is how I started off, challenging my friend from Alabama. The past 8 years: deepening, deepening debt. Imagine this: When George Bush took the oath of office, our budget was in surplus. We had a surplus in our yearly budget. The Republicans took that to $1 trillion of deficit. We had $5 trillion in debt. It was on the way down. Economists said it was going to go to zero. I remember saying to my husband, it is going to be so amazing when we do not even have to sell Treasury bonds because we are going to be out of debt. Well, because of the war in Iraq, and because of these tax cuts to the wealthiest, that debt turned around, and, as I said, is a huge burden on the backs of our taxpayers.

So imagine if President Obama inherited a surplus and inherited a debt that was going down, and we had a recession, it would be so much easier, my friends, than it is right now. I do not like this. I voted for balancing the budget under Bill Clinton, and I believe we will get back to a balanced budget again. But we have to take care of a crisis. We have to stem the bleeding. Every economist tells us that.

I could stand up and say I do not like the package. I would have had X more dollars here; I would have cut out this program there. I lost an amendment on the Senate floor with my friend from Nevada that I thought was a great tax cut. I got my clock cleaned. I could have taken my marbles and gone home, you know, sucked my thumb, pulled the covers over my head, and said: I am really mad. I was right and they were wrong. But the country is in trouble.

Mr. President, 1,000 people are lining up for 35 firefighting jobs in one of our great States. So guess what. I have to put aside my ego, and I have to work with my colleagues.

Again, I thank my Republican colleagues who moved forward and said: We know this election was about change, and we are going to give this

President a chance. Thank you, I say to them.

Our country is in economic trouble. The election was about the economy. The election was about the economy. I am going to remind people about that. It was just a little while ago.

JOHN MCCAIN, September of 2008: ''The fundamentals of our economy are strong.'' Remember? The fundamentals of our economy are strong. His chief economic adviser said:

> We have become a Nation of whiners. Constant whining, complaining about a loss of competitiveness, American decline. You've heard of mental depression? This is a mental recession.

Well, tell that to Mr. Arreola, 27 years old, of Boyle Heights, CA. He said: ''You've got to stay positive, but the economy is falling.''

He is looking for jobs. Every day he goes to north Los Angeles to a job center. Two months ago he lost his job at a computer warehouse. He said he has had to put his two children into foster homes until he can find a new job. He said: ''I'll take anything.''

Is that a mental recession? The chances of this man finding a job are getting slimmer. The pace of job losses has been accelerating. This thing is getting worse, the economists tell us.

We had an election about this. Barack Obama, January 8, 2009:

> I know the scale of this plan is unprecedented, but so is the severity of our situation. We have already tried the wait-and-see approach to our problems and it is the same approach that helped lead us to this day of reckoning.

So yes, I am mad that my amendment with the Senator from Nevada didn't pass. I thought we did a good job in debating it, but I am not taking my marbles and going home. I am working with my colleagues on both sides of the aisle. We have a chance now to get out of this recession. Will this package do it alone? It will not. I told my colleagues there are three legs to the stool, including the housing crisis and the financial crisis. I was an economics major a long time ago and I worked on Wall Street as a stock broker. In my lifetime, I have never seen a time such as this.

So if we listen to our colleagues, we will either do nothing—and by the way, they are filibustering this bill; let's make it clear. We could have voted this out already, but they are filibustering it. That is their right. That is their right. I defend their right, but they have to take the consequences of stalling it. Maybe we will have to stay through the recess, and we will. We will get this done, thanks to some independent-minded people on the other side of the aisle working with all of us.

One of my colleagues on the other side said the other day in a very emotional fashion: I feel left out of this process. As Senator KERRY has said, this is one of the most open processes I have ever seen here: amendment after amendment after amendment after amendment; several Republican amendments passed. Senator COBURN had one pass. Senator SPECTER had one pass. Senator ISAKSON had one pass. There were a couple of others. So the fact is it is an open process. When my Republican colleague held up the bill and he said I feel left out, you know what. I don't feel sorry for him. If he was on this floor, he could have offered his amendments. He could even pick up the phone and call the President of the United States or the Chief of Staff and he knows he could get through. He could talk to any one of us any day of the week and work with us, but he has chosen to stand apart. He says he feels left out. Well, I would rather be him than the family who is left out in the cold—in the cold winter because they lost their home, because they lost their job, because they lost their health care. So get over it. Get over it. Come and talk to us. Come and work with us. This election was about change, not the same old same old trickledown tax cuts that don't work. Yes, there is 42 percent tax cuts in this bill. That is not enough for my friends on the other side. They wanted all tax cuts or mostly tax cuts. We tried it. It didn't work. It has gotten us where we are today: huge debt, huge deficits, slow growth, no growth, recession.

So in summation, we are headed to a better day. This Senate debate is very important. I thought it was terrific that JOHN MCCAIN led the debate yesterday. In essence, it relived the debate around the election: JOHN MCCAIN and his theory that the fundamentals of the economy are strong; we just need to do a few things around the edges, versus Barack Obama and his vision of boldness and change. I am glad this Senate in a bipartisan way has embraced that vision. I look forward to the passage of the bill. I thank the Senator from West Virginia for yielding me this time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I know the manager on the other side is not here, so how much time would the Senator from Nebraska require?

Mr. JOHANNS. Mr. President, I anticipate about 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. JOHANNS. Mr. President, I rise today to discuss the legislation that is before us that is making its way through the process. Make no mistake about this legislation, it is a bill with the largest price tag in the history of our Nation—really in the history of the world. A mind-boggling $1.2 trillion is going to be acted upon probably in the next 72 hours. I would venture to guess that if you went around and asked how many zeroes are in that number, many could not answer that question. Despite what I believe to be a good-faith effort to cut some of the cost out of the bill—a reduction of about $110 billion or roughly about 10 percent of the overall cost—I wish to be on the record saying that simply is not enough. It is not good enough. What is even more troubling to me is that even with those cuts, this legislation is roughly about $7 billion over the House version. The best efforts to cut wasteful spending still have left us with what appears to be a more expensive version than even the House version.

The sponsors of the amendment assert they have cut about $110 billion. However, let me be very clear about something. The bill is still comprised of wasteful spending in programs that I would suggest might be worthy of some support in the appropriations process, but I don't see how they stimulate the economy. The wheels on the train have completely fallen off in terms of this bill resembling an economic stimulus bill. It is a gigantic appropriations bill.

Now, I wish to be clear about another thing. I am not saying that many of these programs are not legitimate programs. In fact, in the years I have been in public life, I have fought for many of these programs. But someone will have to explain to me how giving money to consolidate the Department of Homeland Security headquarters will stimulate this Nation's economy. Or how money to NASA for Earth science missions will give a shot in the arm to the economy and generate real economic activity. Program after program: Motor vehicles for the federal government, money for trail maintenance. I could go on and on and point out program after program that, again, maybe good within the annual appropriations process, but I don't see how it stimulates the economy.

I also wish to talk about the tax portion, if I might, for a moment. Many of us have heard time and time again when the President talked about helping the middle class, but did my colleagues know the figure on what constitutes middle class continues to dwindle away? If what I am hearing about the alternative is true—and we haven't seen any detail on this—but it appears that the compromise shrinks that yet again. It shrinks the composition of those receiving the work opportunity tax credit by 44 percent from what the President originally defined as the middle class.

Now, it appears that if the schedule goes on as anticipated, on Monday the Senate will be asked to vote to move this compromise further, but the American people need to know the facts about this amendment and the overall debate. Many on the news, and even today I have listened to talk of bipartisanship here, talk of people crossing the aisle. At one point in my career

I was a Governor; at another point before that I was a mayor. I come from a very unique perspective. I come from a State that has the only unicameral system in the Nation. But what is even more unique is that the legislature it is not Republican or Democrat. Our Senators were elected on a nonpartisan ticket. In fact, they used to say that they held that nonpartisan badge as a badge of honor.

When I was Governor, or when I was mayor, I can tell you what I thought bipartisan was. We would see a problem out there as it arose and I would bring the elected people in, literally one at a time, and talk to them: What do you think we should do here? What is your best idea? How should we approach this issue? That would go on for months leading up to the introduction of a bill. Then, on the floor, they would work through that bill. Oftentimes there would be groups gathered around trying to work on a given section of the bill—Republicans and Democrats and Independents. Eventually, a bill would be produced and a vote would be taken and some would vote yes and some would vote no and sometimes they would send me a bill I didn't like and I would veto it and then they would decide whether they wanted to override it. That is a bipartisan effort.

Let me assure my colleagues that unless there is a new meaning attached to this word—I have only been here about 26 days—this bill resembles nothing I see as bipartisan. It appears to me that most of the time only two Republicans were a part of closed-door meetings, and in the end, that was announced as a bipartisan effort. I don't understand that. If you think about the dynamics of this, less than 4/10 of 1 percent of the Congress participated in this on the Republican side.

The one constant I hear over and over again is the pressing need to enact this legislation now; that we have to hurry. In fact, I just heard the word ''filibuster'' used—that we don't have to do anything except get this bill done. Well, let's examine the discussion regarding TARP last year, and what we heard or what we read about the need for TARP sounds exactly like what is going on now. Now we have TARP, it is in place, and congressional investigators are telling us the Treasury Department overpaid for bank stocks by $78 billion. I wonder what we could have done with that $78 billion that has now been wasted. Nearly 22 percent of the taxpayer money used for the bailout—22 percent gone in an instant. Well, as the old adage says: Fool me once, shame on you. Fool me twice, shame on me.

I am not willing to put aside due diligence. We owe that to the American taxpayers. We have a responsibility to make sure we get it right this time. We cannot afford to find a few months from now that what we thought would work didn't work at all.

I wish to share a story. I am reading through a stack of newspaper clips from all around that my staff prepared for me, and there is this little community and they had a road project and it was making its way through their capital improvements process. It finally got to this year, the year it would be built, and the money is in the bank to do that project. Do you know what the article pointed out? That they took the money away from that project. Why? Not because they didn't believe in the merits of that project, but because they knew that this major allocation of funds was going to come from the Federal Government. And do you know what? Having been there as a mayor and as a Governor and as a city council member and as a county commissioner, that is going to happen thousands of times across this country.

The stimulative effect is not going to happen in the timeline that is promised. It won't be long and we will be reading GAO reports about waste, fraud, and how this didn't do what it was supposed to do.

I will wrap up with one last thought. This is literally borrowed money. I pointed out last night that we took a lot of votes getting here. We are going to take a few more votes to pass the bill. And do you know what? We are not going to vote on paying for this. In fact, I don't believe anybody alive in the Senate will take a vote on paying for this.

We have left the paying for this bill to another day. I hear the debate about who is responsible and this one did that and that one did this—I don't think that is what the American people were trying to accomplish in November. I think what they were trying to accomplish was for us to get our fiscal house in order. I don't think they sent me or any of my colleagues here to try to sort out fault. I think they sent us here to solve problems. I see the massive amount of money and, again, I will reference my experience. I come from a State where our Constitution requires a balanced budget. It forbids the elected officials from borrowing over $50,000. I used to joke with Nebraskans that $50,000, when the Constitution was passed, was probably a handsome sum of money. It can't buy very much today.

Post-9/11, when the Presiding Officer was a Governor and I was a Governor and we were struggling with how to balance the budget, I could not issue debt. There were only two choices: raise taxes and cut spending. I believed in the second choice. I sometimes lost those arguments because my unicameral legislature disagreed with me. But we had a very clear and straightforward assessment of what our problems were and what the costs were. It never occurred to any of us that we could go out and tell our kids and grandkids we are going to buy ourselves out of the problem and leave it to them to try to figure out how to pay for it.

I will wrap up with this thought. I have only been here 26 days. I don't know whose fault this is. I do know and believe that the kind of change we were asked to bring here was a different direction in terms of how we run our Government. I want to be a part of that. I have attended all the meetings on budget balancing to try to educate myself as to how overwhelming this problem is. I will tell you that we have to grab ahold of this at some point, or there won't be a solution. Our dollar won't be worth anything. The foreign purchasers of our debt will look at us and say the only solution America knows is to print more money, and their money isn't worth much anymore. My generation probably won't pay a very heavy price for that, but other generations will.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I yield 7 minutes to the Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am honored to be here to speak out in favor of the economic recovery plan. Anyone in Minnesota can tell you that when it is 20 below, as it has been the last month, and your battery is dead and you need to get to work, your No. 1 priority is to get a jump-start right away, not stand around talking about it and debating and using the old ideas from the past.

That is what this economic recovery plan is about, a jump-start. Yesterday, we learned that the U.S. economy lost another 598,000 jobs and the unemployment rate jumped to 7.6 percent. We lost more than 200,000 manufacturing jobs last month—the largest 1-month decline in 26 years. Since January of 2007, we have lost a staggering 1 million jobs in the construction industry. Industries across the board, from retail, to transportation, to financial services are shedding jobs.

In my home State of Minnesota, the unemployment rate rose to 6.9 percent last month—the highest it has been in over 20 years. With each passing day we get more bad news: rounds of layoffs, dropping consumer confidence, and increasing debt.

Behind all the statistics and numbers are real families in Minnesota. They are families I have met across our State—families like the woman who wrote to us, saying she had inherited a little bit of money and she was going to use it for her daughter's wedding, but it was all lost in the stock market; families like the one I met in Litchfield, MN, in a cafe, who said she was now working three jobs to be able to get her kids Christmas presents; families like the man's who wrote and

said that when they put their daughters to bed, he and his wife sit at the kitchen table and put their heads in their hands because they don't know how they are going to make ends meet.

On Thursday, the President told us:

The time for talk is over. The time for action is now, because we know that if we don't act, a bad situation will become dramatically worse.

The President called on us to take immediate action. That is what this economic recovery plan is about—a bipartisan group of Senators—and, Mr. President, you and I were involved—who got together and said we need to get this done. I thank Senators NELSON and COLLINS for their hard work. It is not a perfect bill, and I don't agree with everything in it and with everything that came out, but literally we cannot afford to wait any longer to get something passed.

At the core of this bill is jobs. This bill is about jobs, jobs, jobs. It will put Americans to work by rebuilding our roads, highways, and bridges, which have been neglected far too long. The U.S. Department of Transportation estimates that for every $1 billion of highway spending, it creates nearly 48,000 new jobs and generates more than $2 billion in economic activity.

In Minnesota, we know a little bit about the need for spending on infrastructure. I live six blocks from that big bridge that fell that day in the middle of the Mississippi River. My 13-year-old daughter—who is up in the gallery today—and I would drive over that bridge every day when she would go to visit friends. One day, that bridge fell down and 13 people were killed. Many more were injured, and cars were in the middle of the river. It shocked America into realizing the situation with our declining infrastructure.

According to the Federal Highway Administration, more than 25 percent of the Nation's 600,000 bridges are either structurally deficient or functionally obsolete. In his 1963 memoir, ''Mandate for Change,'' President Eisenhower famously said that more than any single action by the Government since the end of the war, the one that would change the face of America is this: transportation—its impact on the American economy, the jobs it would produce in manufacturing, construction, and the rural areas it would open up is beyond calculation.

He was right. That is why this economic recovery plan contains significant investment in infrastructure and science—in fact, $114 billion in infrastructure and science.

Another piece of the plan I want to highlight is the emphasis on energy jobs. I spent the last few months traveling around my State. I can tell you what I have seen. I have seen the little telephone company in Sebeca, MN, that needed a backup power structure because power was going out for their customers. They put together a packet with small wind and solar, and they sold it to the people in their area. They have been selling like hotcakes. The windmills in Pipestone, MN, became so popular that they opened up a bed and breakfast. You can go and stay overnight with your wife and wake up in the morning and look at the wind turbine. That is the package.

The point of this is that the people in our State see the value of these new energy jobs, whether it is a little solar panel factory in Starbuck, MN, or a big wind turbine manufacturing factory up in the Moorhead area. They see the value of new energy jobs. This energy technology revolution—or ET—is different than the information technology resolution—IT. When I saw the IT revolution, as big as it was, jobs tended to be segmented in certain areas such as the Silicon Valley, and they tended to be for people with graduate degrees and PhDs. This energy technology revolution will spread jobs across the country, in manufacturing jobs, green helmet jobs, and many other jobs for the people of this country.

As Van Jones said, a guy who has written a book called ''The Green-Collar Economy,'' when you think about the green economy, you don't think about Buck Rogers; you think about ''Joe Sixpack'' putting on a green hardhat; you think about ''Rosie the Riveter.'' Just think about Rosie the Riveter manufacturing solar panels and wind turbines. This is President Obama's plan: jobs, jobs, jobs.

Finally, this plan contains money, significant money for broadband and telecommunications infrastructure—$7 billion. When President Roosevelt said he was going to put rural electrification in place in 1935, we only had 12 percent of American farms with electricity. About 15 years later, 75 percent of the farms had electricity. That is what Government action can do.

Look at broadband. We have gone from fourth in the world to 15th. This is not the kind of progress that will keep our country moving and get us back on track. For broadband, there is $7 billion in this bill.

I ask my colleagues to support this important legislation. It is about jobs, jobs, jobs. It is time to get America moving again.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I note that my bill managing colleague is not here.

Mr. SESSIONS. Mr. President, I think I have inherited that job from Senator KYL. I yield such time as Senator ENSIGN would choose to use.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, we have an important bill in front of us. We all know that. The reason is because our economy is struggling. A lot of people have talked about the jobs that have been lost, the unemployment rate rising, and people losing their homes, and the fear of losing their homes and jobs.

No State has been more severely affected in this last 12 months than my own home State of Nevada. We lead the country in foreclosures. Our unemployment rate is over 9 percent now. Many people thought that Nevada was almost recession proof, because we had been in an unprecedented economic expansion. We led the Nation for 15, 16 straight years in not only job creation on a percentage basis, but also population growth. It was kind of an economic miracle in our State. Our housing prices were skyrocketing for the last decade. When that bubble burst, we were one of the four States that was affected most severely.

There were a lot of causes, we all know, to the reason that the prices went up so rapidly. A big part of that, I argue strongly, is Government intervention. We, as the Government, said let's increase the percentage of home ownership in the United States. Through the Community Reinvestment Act, we said: Banks, a certain percent of your money will have to go to subprime loans. And, Fannie Mae and Freddie Mac, we want you to get into this subprime market. Then what happened, to exacerbate the situation, was Wall Street got involved in all of this and made it all worse. We took out the person who was loaning the money and severed the direct relationship between the lender and the borrower. These mortgages were sold overseas and around the world. There was no accountability, and we saw a huge runup. While the runup was going on, everybody was happy. Jobs were being created in the housing market. It was helping the economy throughout the early part of the decade. Everybody was happy, and a lot of wealth was being created in their homes. We didn't put in a strong regulator back in 2004, when people recognized that Fannie and Freddie would cause a major problem in our housing market. We didn't put a strong regulator in then. It was blocked on party lines in the Banking Committee in the Senate. Republicans tried to pass a bill and it was blocked by Senate Democrats. Having that strong regulator in over Fannie and Freddie could have stopped this whole thing from happening. We all know—and all economists agree, and there is no doubt about this.

Unfortunately, that cancer that was the housing crisis has now spread to the rest of the economy and our financial markets.

The question now is not only what caused it, but what do we do about it. How do we actually bring ourselves out of this particular problem?

I am going to spend a couple of minutes talking about history. I think it is important we learn from history. Not all of the things we can learn from history are a perfect model, but they give

us a lot of guidance. We have a couple of examples. Obviously, the Great Depression in our own country is a great place to go back and look at what happened. We can look at what led us into the Great Depression and what things worked to get us out of the Great Depression and what didn't.

First of all, during the 1920s—they called it the Roaring Twenties. Why did they call it the Roaring Twenties? It is because the economy grew. Unemployment was almost nonexistent in the United States because President Coolidge at the time recognized that low tax rates encouraged the private sector to invest, and this would be a good thing. People got very excited. Jobs were created. Everybody was doing great. But the stock market became overvalued. It was a kind of frenzy, similar to today's housing crisis or the dot-com bubble during the 1990s. Just like the dot-com bubble that burst during the 1990s, the stock market burst in 1929. That was a correction. That was a correction in the stock market. That was not the start of the Great Depression. What led to the Great Depression then were the policies implemented by a Republican President by the name of Hoover. What did he do? He increased taxes, tremendously increased Government spending, especially on infrastructure projects, and, worst of all, instituted what are known as the Smoot-Hawley laws, which were protectionist laws. It stopped trade around the world. Unemployment rates over the next couple of years kept going up and up, eventually up to as high as 25 percent in this country, way higher than they are today.

Then we had the election of Franklin Delano Roosevelt. He saw that the answer to this was to have massive Government spending. So he put into place what we all know now as the New Deal. People argue today that the reason the Great Depression continued on was because Roosevelt would spend money and back off, spend money and back off, spend money and back off. They didn't feel as though they did enough spending at the time, nor did they keep the spending going.

Going into 1937, there were some other mistakes. Once again, taxes were raised. There was a depression within a depression in 1937.

We have to ask ourselves this fundamental question: Even if you believe the New Deal was helpful, do we really want to take 5, 7, 10 years to get out of the economic problems we have today? The New Deal never brought us out of the Depression. Never did. The only thing that brought us out of the Depression was World War II.

By the way, World War II was not the answer to our economic problems. There were severe sacrifices made by Americans all across the country. Everybody was working on the war effort. But there were tremendous sacrifices that were made—rationing of food, rationing of gasoline, rationing of any kind of consumer product that we take for granted today. And the economy was very tough after World War II. As a matter of fact, the stock market in the United States never recovered. After that crash in 1929, it never recovered until the mid-1950s. Do any of us here want to wait 25 years for our stock market to recover and to start back up the path beyond what it was just a year ago?

I want to discuss not only parts of the stimulus bill but also what we have done in the last several years.

First, this chart shows the percentage of Federal debt that is held by the public as a percentage of GDP—this is the most accurate way to measure the debt, as a percentage of our economy.

The early 2000s started growing, started growing, but then in the last several years debt went up dramatically. The deficits and the addition to the debt were going up much faster than this chart looks, but not as a percentage of our economy because our economy was growing very fast.

People have argued that the money was spent on tax cuts. The evidence is very clear on this point. The tax rate cuts, just like under Ronald Reagan and just like under John F. Kennedy and just like under Calvin Coolidge, actually led to more tax revenues because they stimulated economic investment, they stimulated people to work harder, to invest and create jobs, and therefore we ended up with more tax revenue. The problem with this last decade under President Bush is that we spent too much money.

By the way, who is responsible for this spending? Has anybody read the Constitution? Congress holds the purse strings. The President cannot spend the money that we do not authorize him to spend. In this body and the other body across the Capitol, we spent too much money. There were only about 20 of us who kept voting no on these massive spending bills. There were about 20 Republicans. The rest of the Republicans and Democrats sent the last President bill after bill that added to Government spending that added to the size of our Government.

This chart shows total Government spending as a percentage of GDP. We can see when President Bush took over it kept rising, kept rising, kept rising. Now we can see what is going to happen with spending as a percentage of GDP. This is not sustainable.

The spending bill that is before us today is part of the reason for that line. We understand that Secretary Geithner is going to bring us at least another $500 billion, the third round of TARP. We still have to pass an omnibus spending bill.

The next chart shows some of these items. We have to pass an omnibus bill. There is going to be a war supplemental bill that is going to be passed this year. Some people are saying this is just the first stimulus bill we are going to pass because the arguments I have heard coming from the economists who believe that Government spending is the answer just believe that during the Depression, there was not enough Government spending, so we have to do a massive amount of it.

We are talking $350 billion for the first part of the TARP, and $39 billion was just added with the Children's Health Insurance Program. By the way, this number, $39 billion, is way low because they are saying this program is going to stop in a couple years. We know that is not going to happen. The truer cost is well over $100 billion. The second round of TARP is another $350 billion. This stimulus package, when we count interest that has to be paid over the next 10 years, is $1.2 trillion. The omnibus bill is estimated around $400 billion; $70 billion for a war supplemental; TARP III is estimated at $550 billion.

When do we stop? When are we going to be responsible to future generations? Do you know what this all adds up to? Higher taxes. It is impossible not to have higher taxes in the future, and in the very near future.

The President came out and said that in the next several years, we are going to have over $1 trillion deficits for the next 4 or 5 years. That is not sustainable. Right now, the only reason we have not had a complete economic collapse is because other countries around the world—they are called sovereign wealth funds—have been buying our Treasury bills. It is smart for them to do that because if they don't, their economy collapses too. What happens if political pressure mounts? What happens if all these countries say: We are not sure U.S. Treasurys are good to buy anymore. They are a little too risky now. If that happens, our economy goes off a cliff and there is no way to save it. So we have to be concerned about the amount of spending that is in this bill. It has to be responsible.

I believe in infrastructure spending if it is done and it is done right. But what we shouldn't do is just spend money for the sake of spending money.

The President said the other night that spending equals stimulus. That was basically what he was saying. Not all spending is stimulus. Certain spending is good stimulus, but not all spending is stimulus.

We also have to be careful about the size of the spending because we cannot just keep printing money like this. Not only will we have to have higher taxes in the future, but it causes inflation. It is a basic economic principle. It is just like a family who lives beyond their means or a business that lives beyond its means or a State government. At a certain point, living beyond your means catches up with you. So we are

going to hurt—and according to the CBO, they said there will be some short-term stimulus in this bill, we all know, there will be stimulus, but the long-term problems we are creating with this stimulus package can be very severe.

Let me point out a couple of things. First, before I point out a couple things in this spending bill, I want to talk about Japan for just a little bit.

Japan, during the 1990s, had severe economic problems. They said: We are going to pass stimulus bills. As a matter of fact, during the nineties, I think they passed six stimulus bills, if I am correct.

This is Japan on this chart. These blue bars are government spending as, once again, a percentage of their economy. In the late eighties, nineties, it kept going up, up, and up. This red line is unemployment in Japan. As they kept spending, if government spending was the answer, we would see a reduction in unemployment, wouldn't we? That isn't what happened in Japan. As a matter of fact, the 1990s in Japan is called the lost decade. They had bad monetary policy, and there was bad monetary policy during the Depression as well.

Hopefully, we are not doing that today. But it isn't just Government spending that is going to get us out of this mess we are in today.

This compromise plan before us—first of all, nobody has seen it. It is not available yet. I think the only copy is at the desk because it was not in a form you could copy it. None of us have seen this bill. None of our staff have on either side of this aisle. Nobody has seen this complete substitute before us today. It is a $1.2 trillion bill when we add in the interest.

If you assume the optimistic projections of 4 million jobs, this is about $300,000 per job that is either created or saved. It used to be just created, now it is created or saved—$300,000 per job. If the low end of the projections are correct—you always have a high end and low end; I was being optimistic—at the low end, about 1.3 million jobs, the price tag per job is over $600,000. Don't you think we can do better than between $300,000 and $600,000 per job? Common sense, don't we think we can spend the money and create more jobs for that much money?

We have heard about the pork in this bill, and Senator COBURN had an amendment yesterday—I am glad it was adopted—that would take out some of the pork in this bill. The unfortunate thing is, what they did was they asked for a wish list of Governors and mayors across the country. These kinds of items could still be allowed: $6.1 million for corporate jet hangars in Fayetteville, AR; $8 million for citywide bicycle facilities in Miami, FL; $15 million for pedestrian ways in St. Louis, MO; $47 million for new bike paths throughout the country.

I cycle. I like bike paths. I love to see them out there. I ride my bike almost every weekend—not this weekend because we are stuck in DC. But I love to cycle. This is not a time to build these kinds of things. If we are going to invest in infrastructure, invest in infrastructure that actually makes the economy more efficient, such as roads that are needed.

By the way, in Japan, when I put up that chart before, a lot of that spending they did ended up being bridges and roads to nowhere. If you do not target this money correctly—and the only way to do that is to take our time. When we rush through bills, we are going to see bridges to nowhere, we are going to see bicycle paths that people feel good about riding, but it is not going to help the economy. We need to take our time. If we rush through this bill, I believe we are going to have some very serious regrets in the years to come. We are going to have inflation. We are going to have to have higher taxes, and in the long run, we are going to do a huge amount of damage to our economy.

Let's get together. Let's sit down, not as Republicans and Democrats but as Americans. That is the way the process should have been done in the first place. I have told the folks on the other side that if they want a bipartisan bill, they need to start in a bipartisan fashion. The President said he wanted a bipartisan process. You don't bring a Democratic bill from the House of Representatives, jam it through here, send it over to the House with no Republican input in either the House or the Senate, and then just allow amendments to happen but not at the crafting of the bill.

I believe this stimulus package could have been put together with Republicans and Democrats and probably had 80 votes in the Senate because neither side has all the right ideas. Neither side does. Our side doesn't have all the right ideas; their side doesn't have all the right ideas. So to put the best ideas together, we should have sat down together, taken our time, and gotten this thing right.

Mr. President, $1 trillion is not something where you can afford to blow it all. If you don't get $1 trillion right, you have made a massive mistake that you may not be able to recover from. That is why we need to slow down and do what is right for this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I yield 7 minutes to the Senator from New Mexico, Mr. UDALL.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. UDALL of New Mexico. Mr. President, I thank the Senator from West Virginia for managing this effort, and I am honored to be with you today.

The first thing I want to say is, I think the important thing that has happened is we have seen several Republicans step forward to work with us on this economic package, and I would congratulate them and thank them for their bipartisanship—the two Senators from Maine and the Senator from Pennsylvania—who have seen that we have a very serious economic crisis facing us, and we need to focus on that with an urgency to do something. So they understand that and they are willing to work with us to make sure we get this done in a timely fashion.

Now, I have been listening to the debate for almost 2 hours, and there have been several assertions that have been made by our friends across the aisle. No. 1 is, the President has misrepresented tax cuts and the Republican position; and, No. 2, the assertion which has to do with a failed ideology. They do not understand that.

Well, it is pretty clear to me what the difference is, and there is a big difference. During the 8 years under George Bush and the Congress that supported him—the Republican Congress—we had tax cuts for the wealthy, and that was the solution to things. What we have in this package—and this is the big difference—is what we call—and President Obama has worked with the Senate and the House on this—a make work pay tax credit. This is a tax cut for working families. This is money that is going to be spent by working families that will flow through the community and get our economy growing again.

Now, on the issue of failed ideology—and I am not trying to read President Obama's mind or anything—I think what President Obama was talking about when he talked about failed ideology and failed policies is, if you look at the Bush Presidency, and you look at the 8 years he was in office, we have seen a couple of things happen: massive debt. During his 8 years, the debt has grown from $5 trillion to $10 trillion. When he took over, the country was in a surplus. We projected over 10 years that we had a $5.6 trillion surplus. Today, we have a $10 trillion or more deficit. And, by the way, that is the biggest swing we have seen in our history, from a surplus to a deficit. That has put us as a nation in a horrible hole. So we know we have a big problem, and President Bush created that.

The Bush economic policies over the last 6 years have hurt the middle class. We have seen middle-class incomes decline by $2,000 a year. The economic policies he has put in place have hurt middle-class and working families. And there is something we have inherited, and we need to be frank about it. It is a massive financial collapse on his watch—Bear Stearns, Lehman Brothers, AIG, and the list goes on and on. Everybody who is analyzing that now says it is due to deregulation, laissez-

faire Government policies, and an approach by that administration to just let people regulate themselves.

I remember when Chris Cox stepped forward and said, it was a mistake to let them regulate themselves. Well, that is what he did with his leadership over there at the SEC. So what President Obama is trying to do, and what the Senate and the House are trying to do now, is to fix the problems we have inherited from this administration—these serious economic problems, financial problems. We very much appreciate the support of Republicans in doing that, especially the three who have stepped forward to work with us.

So I don't think there is any doubt there have been failed policies, but in talking about the economic recovery, we are talking about several things we are going to do. First of all, in the package that is before us, that I believe we are going to get out sometime soon, we are talking about a financial and banking recovery. We are also talking about stabilizing housing and making sure foreclosures are stopped so we don't go to 8 million foreclosures and those sorts of things. But what we should be focusing on, which this package does, and which is very important, is helping the States so they do not contribute to the downward spiral.

My State of New Mexico, our Governor, has proposed to the legislature, which is sitting right now—the New Mexico Legislature is sitting—$454 million in cuts. That is 10 percent of the State budget, roughly in that range. So what will that do in our State of New Mexico? That will lay people off, projects will slow down, and we will be contributing to the downturn. What this package does that I think is tremendously important is, it allows the States to not make those kinds of cuts.

A number of my colleagues have talked about how important this legislation is. Economists agree that a recovery package simply must be passed. If we do not act, we face double-digit employment—with millions more workers who cannot make ends meet because their hours have been cut and their pay is too low.

We have the power to help. We must use it.

Some of my friends who oppose this bill seem to think that we should pass a recovery package, but we should not to do anything to address our long-term prosperity. They say that this compromise bill is being used as an excuse to do the things we want to do anyway. If that means that this bill is not about creating jobs, then it is just plain wrong. This bill will create jobs. Economists from across the political spectrum will tell you that.

But my friends have a point. This bill will do things that should have been done years ago. It addresses concerns that would be very real even if we did not face an economic crisis.

Let me give you an example. A business in my State just had to lay off almost its entire workforce because it couldn't raise capital. This business has devoted itself to designing technologies that will make America a global leader in clean energy. The bill we're considering today could help companies like this get their technologies to market. For this one firm, that could have meant 55 jobs. Someone could say that the recovery package is pursuing goals that are not just about economic recovery.

But let me ask: if you are going to create 55 jobs, why not end America's dependence on foreign oil? Why not create the jobs of the future—jobs that cannot be sent overseas?

Let me give you another example. In Indian country, more than a quarter of all Native Americans live in poverty. The unemployment rates reach as much as 80 percent on some reservations. And the economic hardships facing all Americans today, are only compounded in Native American communities. As Chairman DORGAN said, ''Nowhere in this nation are jobs and construction improvements more needed than on American Indian reservations . . . Where tribal communities have faced longstanding infrastructure needs.''

In this legislation today, we direct investments to Native communities. To improve Indian Reservation Road Infrastructure. To make sure Native people have access to clean drinking water. And to make sure Native children have an opportunity to thrive by investing in their nutrition, and in their educations. So, again, I have to ask: if our goal here is to create jobs, and uplift our economy, why not provide a Native American family with an income . . . with hope for the future? This legislation helps to do just that.

That is not to say that this recovery package is perfect. We would all make adjustments if we could. But we must compromise. And we must get it done. We all realize the long-term consequences if we fail.

Short-term thinking helped get us into this mess. And if we solve today's economic problems without thinking about our future, we will be back here again. Nobody wants that.

More importantly, when this bill is signed into law, our responsibility as Senators and as citizens will not be over. The bill we are considering is an act of trust in the American people. Much of the money in this bill will not be spent by Washington. It will be spent by Governors and mayors, State agencies and school boards—the men and women who make up the strong base of our representative democracy. This is a time for active citizenship. When this bill is signed into law, men and women across this country need to watch how it is spent. We need to make sure that our local governments get the money to families that need help and businesses that will create jobs. This recovery package contains unprecedented provisions to provide oversight and demand accountability. But it will not work unless we make it work.

I look forward to working with State and local officials in New Mexico to make sure the taxpayers' money is spent wisely. I will be working to make sure this money creates jobs today. I will be working to make sure it lays the groundwork for a brighter future. And I encourage my constituents to do the same.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would ask the Chair to notify me after 8 minutes.

The PRESIDING OFFICER. The Chair will do so.

Mr. SESSIONS. Mr. President, there are some fundamental things that are important in America that can't be denied. They are like the law of gravity. They won't go away. One of them is that there is no free lunch. Nothing comes from nothing. Something has to be produced by somebody at a cost, and debts must be paid. If we incur debt, we incur an obligation. Money does not come from the air, and if we were to be irresponsible and print large amounts of money to use to pay our debts, we would inflate the currency and debase the value of every asset held by every American and the value of the dollar, which has very pernicious consequences for us.

I would like to take a moment to share some thoughts. This is a quote from Larry Summers, President Obama's No. 1 economic adviser and a very experienced man. I am not quoting Mr. Summers to claim that he has changed his position; I am quoting Mr. Summers because fundamentally these statements are accurate statements. Mr. Summers has said that:

> As with any potent medicine, stimulus, if misadministered, could do more harm than good by increasing instability and creating long run problems. A stimulus program should be timely, targeted, and temporary.

That was in January of last year. I think that is a fundamentally true statement. And one of the things I am worried about in this bill is that it is so diffuse, it is so untargeted and so large that it does not meet any of the standards mentioned by Mr. Summers.

Mr. Summers has also said that:

> Fiscal stimulus, to be maximally effective, must be clearly and credibly targeted . . . with no significant adverse impact on the deficit for more than a year or two after implementation.

I believe that the bill before us violates the criteria Mr. Summers outlined in this statement. In January of last year Mr. Summers said:

Poorly provided fiscal stimulus can have worse side effects than the disease that is to be cured.

Now, that is why I have cited the Congressional Budget Office report of just 2 days ago so often. In this report, Mr. Elmendorf concluded:

Over the 10-year period, the growth of the economy would be less if we pass the stimulus than if we had no stimulus at all.

I didn't make that up. It is difficult to accept that you can't create something from nothing very easily. We can get a little bump in the economy now by reaching into the future and bringing $1.1 trillion or $2 trillion and spending it now and let our children worry about paying it. You can get that. But it quickly gets away from us.

So in 10 years, the Government borrowing $1 trillion-plus from the marketplace crowds out credit and denies small businesses and other people the ability to get loans. So there are costs in this. It is just critically important that every dollar be properly accounted for and that we not stick in a bunch of programs that may be ineffectual and that don't go through the normal committee process.

President Clinton's Budget Director, Alice Rivlin, warned a few days ago that:

A long term investment plan should not be put together hastily and lumped in with the anti-recession package. The elements of the investment programs must be carefully planned and will not create many jobs right away.

To interpret that language, the long-term investment plan means new programs—new health care programs, new environmental programs, and new energy programs. Alice Rivlin warned that these programs shouldn't be lumped in with an antirecession package. She warned that the elements of the investment programs are the things that will continue to be out there for a long time. She says that these programs are not going to create jobs right away. In addition, money could be wasted because the investment elements may not be carefully crafted.

We have to be careful in crafting this bill or we will not create jobs; we will create ineffectual programs. Yet we are going to run them through without going through the normal budgetary process and the normal authorization committee process. We have all kinds of bills in here, all kinds of legislation in this bill that would normally be the product of committee hearings and public debate. They have just been stuck in and they are being run through with a few days of debate. The proponents of these programs like them. They think they sound good and they are pushing them forward. I don't dispute their integrity or their goodwill, I am just saying history tells us we have to be careful.

I supported ethanol, and I know Senator GRASSLEY did. Some now think we went too far. Senator GRASSLEY doesn't. I don't know where we are on it, but we were all excited at the time. We thought we were going to fix all our problems.

I would also like to point out that Senator CONRAD, the chairman of the Budget Committee, a Democratic leader in the Senate here, really a fine Senator, has repeatedly expressed his grave concern about a bow wave that is being created with the stimulus. In other words, the stimulus, in perspective, seems to be legislation that will be one-time, temporary, and targeted. But Chairman CONRAD says there are at least $120 billion of programmatic changes that are not going to quit, and therefore we are increasing our permanent expenditure baseline by $123 billion. Senator COBURN from Oklahoma believes it is a $300 billion bow wave of permanent spending in this bill that is never going to end. It is very difficult. We are doing it so rapidly that it is troubling.

I want to say one more thing. Senator ROCKEFELLER and Senator GRASSLEY have been here longer than I, but if you look at what we are doing—

The PRESIDING OFFICER. The Senator has used 8 minutes.

Mr. SESSIONS. Mr. President, I ask unanimous consent to use 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, if you look at what we are doing, it does not reflect well on the Congress and the Senate.

Last fall, we were told by Secretary Paulson that we had to pass a $700 billion bailout for Wall Street. I remember one day they told us we had to pass it before the next day, before the Asian markets opened. Do you remember that? You have to do it before the Asian markets open. We fiddled around and were panicked and pushed and shoved and threatened and everything. Eventually Congress folded up and passed the $700 billion TARP program. Only $350 billion of that has been spent to date, so it obviously was not the most important thing in the world. Furthermore, most economists think it has done very little good.

Now we come up with a stimulus. All of that was in addition to our debt. It was classified as emergency spending and went outside of the budget process with very few hearings. Every penny of this bill is now going to the debt. None of this money is going to be returned to the Government. Once we sign the bill, the money goes out of the door and gets spent. That is another $1.1 trillion. It did not go to the authorizing committees and in-depth hearings on all these programs were not held.

We know in another few days we are going to have another multibillion, maybe $500 billion plan proposed by the administration for the second part of the Wall Street bailout and maybe additional legislation for housing.

I say to my colleagues, somehow all of this is spent outside the budget. We pass a budget and we are supposed to stay within that budget. Yet all of these huge, unprecedented expenditures are spent without any requirement that those expenditures compete with other programs. We want to do hybrid cars, but it doesn't compete with other legitimate efforts to reduce our dependence on foreign oil. We just stick it into this bill without any hearings.

I am really worried about it. I think we are losing our discipline. I think Congress has been rubberstamping the Executive. I voted against President Bush's request to give this money to Wall Street, and I am going to vote against this stimulus package unless it is substantially changed.

I do believe Senator MCCAIN's legislation is one of the best alternatives proposed thus far. I support it. It is over $400 billion. It has more for roads and highways than this bill. This bill only has $30 billion for highways and bridges. It is supposed to be an infrastructure bill, yet $30 billion is less than 3 percent of the entire package. This funding represents even less than 3 percent if you count the $347 billion in interest the bill would cost.

It is a very troubling bill. It is being ramrodded through. It is not going to have the kind of impact on this country's economy that we would like it to have. Indeed, I am afraid that unfortunately the Congressional Budget Office is right. Whereas we might have a temporary boost in the economy for the first 2 or 3 years, over the next 10 years it will be negative, and over the next 10 years after that it will be a flat negative with no benefit whatsoever to the economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I yield 7 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I thank my colleague from West Virginia for being here today. I thank my colleague from Iowa, Senator GRASSLEY, for being here today, and all my other colleagues who are here.

When I left the seventh grade basketball game in the morning at 8 o'clock, my children wanted to know—they are used to me working on Saturdays, but usually it is in Arkansas. They said to me, ''You are going into the Capitol? What are you doing, Mom?'' I said we have something very important facing this country right now, the gravity of the situation we find ourselves in as a nation right now, looking for the solutions to the challenges we face in this great country. I told them we are so blessed to live in this country, it is

worth coming in on a Saturday to talk through the issues, the challenges we face, and what the solutions are for this country moving forward.

I have to say I am glad to be here, and I am glad to be joined by such compassionate and pragmatic Members who are also here to talk about how we get ourselves out of this. We can talk about history, we can talk about what got us here. The most important thing to talk about is how we put our country back on track.

The most important challenge we have been faced with here is obviously our economy. There are lots of others that will feed in. As the Senator just mentioned, we have other opportunities down the road to deal with those. But I am proud of the effort in the Senate.

President Obama gave us a good beginning in his recommendations of his recovery package. The House worked on theirs. We are here now, the deliberative body, to look at how it is we can improve upon this.

I have to say, I think about some of the best advice I have ever gotten in life. Life is about choices, and we all are faced with choices and the many hats we wear in our lives. We have choices of how to be good parents, how to make those choices. We have choices in how to be responsive and to be a good wife and to be a good daughter to aging parents. And yes, how to be good Senators, coming together to represent the interests of our State but also the well-being of the 50 United States, this great Nation of which we are a part. That is what we are here about right now. That is why we worked late into the night last night. Everyone was tired. Now we have come back today to begin, hopefully, a bigger and better discussion of how we face these challenges and where we find these solutions.

I was extremely proud of my colleagues, Senator COLLINS, Senator BEN NELSON from Nebraska, and the others who came together. I joined that group to listen and talk about how we can bring balance to these solutions, those who have concerns about how much is spending in this bill and how much is tax cuts, and where do we go to create that balance that will help us move forward in this country to create the economy we need to create without creating outrageous debt that could be harmful to our children. It is a delicate balance, and that is why that group came together; it was to see how do we find a bipartisan way to come up with these solutions.

Trimming about $100 billion is what came out of that. It was a good thing. It was a good thing to say, yes, they are all things we are passionate about. Nobody is against education. We do not want to demonize the programs that exist in what people are passionate about. But is this the place to do it? Can't we maybe reduce some of that extra spending we put in this bill to make it comparable to what it is that everybody wants to see? That was a good step. It was something we should be proud of in this body, that in a bipartisan way people did come together to say: What are our challenges, what are our options, how do we balance this?

There are great ideas out there. I tend to disagree a little bit—new ideas can be good ideas. We have to look for the new ideas. We have to move from an old energy economy to a new energy economy. We have to look at the new ways of health care where we can find efficiencies and effectiveness that will bring us greater quality of care at a lower cost, accessibility to more Americans in health care needs and in health insurance. These are things we can do. But we cannot do them if we do not work together and we are not willing to take steps forward. If all we do is look back, look in the past and worry about what got us here and worry about all of those things as opposed to working together, we will never make it.

One of the other critical pieces of this recipe is patience. We have to be patient. Yes, this is timely. It is much needed. We are in a grave situation in this country in terms of our economy. We have to deal with this crisis and put ourselves back on track. We can do it with timely and targeted and temporary measures. My colleague from Iowa mentions that often, and it is a wonderful thing for each of us to remember as we go through these things.

We also have great passion for a lot of the different specifics that are important to our States. We have to have patience with that. There will be other trains leaving this station. We will do an omnibus bill, we will do an appropriations bill, we will do a move into that new energy economy, we will do an energy bill, we will do health care reform, and we will do tax reform. We are dedicated to doing those things. But this right now should be our focus, should be our most important focus, of moving forward. We all, when we have an important job to do, get very anxious. Now we need to have patience. We need to move in a calculating way, working hard, to come up with the solution we need to have. But we do need to do something now. We are here today because we want to get it right, we want to work hard with others in a bipartisan way, across the aisle, to make sure what we are doing is going to be important.

I would say to my colleagues, look at what we have done. Look at where we have come over the course of the last week. We have already brought about a balanced package, frankly, in terms of spending and tax cuts. Those are positive things. We are going to have to spend something. We are talking about dealing with this economic crisis, spurring the economy, giving the ability to the people, the hard-working families of this country—look at what we have done on the tax side: support for small businesses, tax relief for small businesses that want to keep their payrolls going, that want to keep those jobs going, that want to make sure those working families are still going to be getting their payroll checks and putting into the GDP through the consumption their families need.

We have an awful lot to do. But I hope the Members of this body will not give up, will not torture themselves about what other people have done and will remember who we are in this body and our ability to come together and work. We have done it in the past.

When our country needs us the most, it is absolutely essential that we put down all of what may be behind us and make sure we are working hard to get this right. We can, we must, for the sake of this great country, the sake of the blessing each and every one of us has in living in this great country. It is our responsibility, it is our duty, and it should be our honor to come together and work these problems out.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I have two or three items of this legislation I want to discuss with my colleagues, some items I hope can still be worked into the final package.

The first deals with the idea that President Obama put forth in his campaign about the zero capital gains. If you look at what is possibly going to be passing this Senate, you find that this bill contains only about $21 billion in net tax relief for businesses, and that is for the purpose of encouraging investment because investment creates jobs and these are long-term jobs. I don't find any fault with the business incentives that are in here, but $21 billion, for the most part—it is tax relief going to just big business.

That has to be a result of the $19 billion dollar net operating loss carryback provisions which are in this bill, mostly benefitting large corporations.

Well, how much tax relief for small business is in this $827 billion bill? Not much. I think it is a pretty puny amount. So I stand to encourage support of a proposal by President Obama to eliminate capital gains on sale of stock in small business and startup corporations.

Under present law, under section 1202 of the Internal Revenue Code, 50 percent of the gains realized on the sale or exchange of certain small business stocks held for more than 5 years is excludable from gross income. That 5 years is very important because we want to look at long-term investment, not the just the get in quick and get

out quick that has created a lot of economic problems.

Now, beyond that, the remaining gain is taxed at the rate of 28 percent. So excluding half the gain from tax, and taking the other half at 28 percent, you end up at 14 percent. However, regular capital gains are currently taxed at 15 percent, so you can see section 1202, which was intended to encourage investment in small business corporations is not very effective.

A tax rate of 14 percent, pretty simply, is not much better than 15 percent and, consequently, does not do much good. It is actually even a worse situation in that that portion of excluded gain is subject to the alternative minimum income tax. Therefore, this bill should go further than it does.

Now, obviously, the underlying piece of legislation tries to address the small business investment but not the way President Obama suggested. So I am back to where President Obama was. This bill should be amended, and I have an amendment that would do three different things:

First, it would increase the section 1202 exclusion to 100 percent of the gain realized upon the sale of qualifying small business stock, instead of the 75-percent exclusion included in the underlying bill; second, it would make the section 1202 gain not subject to the alternative minimum tax; and, third, it would increase from $50 million to $75 million the amount of aggregate gross asset the corporation could have and still qualify as a qualified small business corporation. Again, this amendment would implement President Obama's campaign proposal to eliminate capital gains tax on sale of stocks in small businesses and startups.

Would you please note the President's campaign proposal was not merely to bring down the capital gains rate on small business to 7 percent, as the stimulus bill now written would provide but, very importantly, eliminate capital gains for the sale of stock of small businesses and startup corporations.

If you wonder why the President's as well as my emphasis upon small business investment is—you know it better than I do, or as well as I do—70 to 80 percent of the new jobs are created in new business and you realize, in 2007, I believe it was, maybe it was 2006, whenever we had the latest figures, the only net gain in employment in the United States was in small business, while there was probably a downturn in big business at that time.

So we ought to move forward. What I would like to have you note is the main policy justification for preferential tax treatment for capital gains is because of the risk inherent in many investments in capital assets that are taxed at ordinary rates would discourage risk-taking, because ordinary tax treatment would take a large share of the upside but would not help the taxpayer in the case of the investment not working out, on the downside.

To correct this imbalance in our law, capital gains are given preferential treatment. I explained to you the importance of giving to it small business because they are the employment machine of our free market economy. This argument concerning risk-taking is especially strong regarding investment in originally issued stock from small corporations such as we are discussing in this legislation, in a little smaller way.

With small corporations especially, it is still in startup mode and still raising new capital. The risk of failure is especially high. That is even more so, given the fragile nature of today's economy, which leads me then to my next two points: I have spoken about the importance of the stimulus bill being targeted and temporary; that is, if the word ''stimulus'' is to have any real meaning, the bill should be targeted and temporary.

The question is, Is this provision—I suppose you could raise it about the provision in the bill, which is a smaller version of what President Obama recommended. Is this provision concerning elimination of capital gains tax on the sale of small business corporation stock targeted and temporary?

Well, you know the answer is obviously yes on targeted. The provision is targeted with where relief is needed. One thing all of us heard over and over again is capital markets are one, frozen; two, people are not loaning money; and, three, they are not investing money in anything very risky, but rather than simply putting their money in Treasury bills or cash, very safe, risk-free places. So small businesses are starved for the capital needed to invest, and they need to invest in new capital, new equipment, and new employees.

What will it take to encourage people to invest new equity in small corporations? Well, I believe this provision will help by giving favorable tax treatment for such investment. Note that the favorable tax treatment described in this amendment will not be extended to the purchase of small business corporate stock on the secondary market. If an individual buys already-issued small business corporate stock from another individual, this does not get the new capital to the small business itself; rather, the favorable tax treatment described in this bill would only be for originally issued stock of corporations issued after the date of enactment of this legislation.

Why only for originally issued stock? Because that is the stock issued for direct capital injections from the investor into the corporation. By targeting this amendment in such originally issued stock, this will result in new capital investment in small business corporations where jobs are created in America.

Now, targeted, yes; temporary, yes. So the provision must be temporary under this legislation. This provision would only apply to the purchase of originally issued stock after the date of enactment, 2009 through January 1 of 2011. Of course, all of us hope our current economic problems will have eased by that date, 2011. Thus, to make sure this provision is targeted during the time it is needed most, it is targeted for the remainder of this year and next year.

According to the staff of the Joint Committee on Taxation, this provision has a 10-year cost of $1.5 billion. You can surely see that with the job creation machine small business brings about, this is a good investment. Please do not count on me to say this again, but I have the audacity to hope that this proposal will attract large bipartisan support, this proposal of the President is actually change we can believe in. I encourage support for that provision.

Going to another issue, a large portion of this bill is devoted to health care, so also I will bring up that. In the Senate, we are giving States more money for Medicaid; giving subsidies so people who lost their jobs can pay for health insurance and throw billions of dollars at pet projects related to health care.

Over in the House, they are going even further. They are expanding who is eligible for Medicaid, letting people stay on their employer's health plan for up to 35 years after they are fired and ultimately have the taxpayers foot that part of the bill.

Last week the Wall Street Journal summed up these reforms with an op-ed entitled, ''Democratic Stealth Care.'' Under the title, the article quotes:

> With the Nation preoccupied by financial crisis, Democrats have been quietly working to nationalize health care.

Now, some may think this is just a conspiracy theory, but between the Children's Health Insurance Program last week and now the stimulus this week, I begin to wonder.

The Government-run Children's Health Insurance Program alone is going to cause 2.4 million people to drop out of the private market, the private market where people already have health insurance and where they are already paying for it, and join the taxpayer-funded program and that probably the additional kids who need to be in that program will not be in it.

Now this is a big victory for the people who want the Government to change over our health care system. But they are not going to stop there. Some say Medicaid spending in this stimulus bill is meant to help States get people already enrolled. Well, who is going to argue with that? But I

think you have to look at it beyond that.

If you just wanted to shore up existing Medicaid programs, why does this bill provide billions more than what the Congressional Budget Office says States will actually need to meet that responsibility? When we marked up this bill in the Finance Committee, I said: Anything in this stimulus package should meet the three Ts test that we hear: timely, targeted, and temporary.

But that also applies to these health provisions. Well, I do not see how giving States billions more for Medicaid dollars than they need so they can add more people to the program we already cannot afford meets any of these tests. I am not saying that about people who are unemployed and would otherwise qualify, I am talking about beyond that. It also is not very targeted to give the same CEOs who got $18 billion in bonuses last week a Government handout to buy health insurance. But under this bill, you can get a subsidy to pay for health insurance regardless of how much you make.

The budget deficit for this year is already targeted and projected to be over $1 trillion. After the stimulus bill and other legislation, the deficit is going to grow to over $2 trillion. It is critical that we must be fiscally responsible with these taxpayers' dollars. I do not see how giving a millionaire, who maybe got fired from a corporation, money to buy insurance is fiscally responsible. But this legislation allows that because there is not an income cap for getting on Medicaid.

The Wall Street Journal article I mentioned goes on to say: ''In this new health care nirvana, even the rich are welcome.''

It also says that: If you add it all up, ''the Democrats may move ten million more people under the Federal health umbrella in just 4 weeks.''

This certainly sounds, of course, like a big step toward too much Government-run health care for this Senator. I thought Republicans and Democrats were going to work together on our reform of our health care system. Well, I must have missed some memo along that line because it looks like this bill is taking steps a lot further with things that are normally in a health care reform package.

Quite frankly, we do have a bipartisan process going on that I am a part of. I am glad to be a part of it. But some of those moves make me somewhat cynical.

On another point, something in this stimulus package appropriates money for the National Science Foundation. I wish to speak about an issue there. Not that they should not have the money, but we have to change things at the National Science Foundation if that money is going to be spent wisely. Last week, I sent a letter to the National Science Foundation asking about the inspector general's semiannual report. The IG found extensive use of National Science Foundation computers to view sexually explicit material.

A particularly severe incident described in the semiannual report involved a manager at the National Science Foundation spending, would you believe it, up to 20 percent of his official worktime viewing pornography, over a 2-year period of time, at a cost to taxpayers, us, just for his salary of $58,000. Now, he is no longer there. But there is a culture hit there that encourages this sort of thing. The IG estimated that, obviously, that is a waste of taxpayer money and spoke about that.

As my investigators began digging around the National Science Foundation, they found that pornography is not necessarily the main problem. It is only a sign that the National Science Foundation has not been subjected to too much scrutiny over the years. We are going to put a damper on that misuse of taxpayer money, because I have some very powerful cosponsors of my amendments in Senator MIKULSKI and Senator SHELBY, who are the chair and ranking member of the Appropriations subcommittee that oversees the National Science Foundation budget. They are also involved with the extra money for the National Science Foundation in this stimulus bill.

To make sure the National Science Foundation gets a very clear message that Congress is serious about ensuring accountability of taxpayers' money, this amendment freezes $3 million of the additional billions of dollars going to NSF for a short period in the money that is going as operating funds directly to the Office of Director of the National Science Foundation. This money will become available when the National Science Foundation Director does what he is supposed to be doing. If he had been doing that, we wouldn't have these problems we are trying to fix.

The tasks are, No. 1, the National Science Foundation Director needs to submit a report to Congress detailing the steps the National Science Foundation has taken to remove pornography from the foundation computers. By the way, this report is only based upon one server. I don't know how many servers they have, but they have, obviously, more than one that needs to be gone through. The inspector general found problems after searching that one and believes there is a more extensive problem.

No. 2, the National Science Foundation Director submits a report to Congress detailing an appropriate response of the National Science Foundation IG semiannual report where all this information came from. This will include actions taken to stop people watching pornography while on the job at the National Science Foundation.

No. 3, the National Science Board needs to hire an independent general counsel. The board is supposed to provide oversight over the National Science Foundation, but they have been relying on the National Science Foundation's own attorney for legal advice. This is pretty silly and raises concerns about the independence of the National Science Foundation's own attorney. So we are going to want them to have somebody more independent.

I am certain this will not fix all of the problems at NSF, but with the help of Senators MIKULSKI and SHELBY, we are on a road to making this organization more accountable to the taxpayers. We will have a lot more work to do at the agency, but I am happy that Senator MIKULSKI is in position there.

In the $800 billion bill we have before us, it calls for more congressional oversight. I know most everybody knows that. But I want to point out some problems we have to take care of to make sure all Members of Congress are able to do congressional oversight with an amendment simply ensuring that we in Congress can keep a watchful eye on the extraordinary amounts of money being spent in the stimulus bill over the next 2 years. We need this oversight. Over the years, under both Republican and Democratic administrations, I have taken on the responsibility of asking a lot of the tough questions of the executive branch, regardless of whether the President was of my party or the other. Day in and day out, many Members of Congress—this one included—write letters asking questions about how laws we pass are being carried out. We ask about allegations of waste, fraud, and abuse that come to our offices on a regular basis. In order to get to the bottom of these allegations and truly understand how executive branches under both Republicans and Democrats are conducting the people's business, it is not enough to rely upon assurances from bureaucrats that there is nothing to worry about.

We need access to documents, records generated by the agencies that we are trying to oversee. We need to access those records in order to act as a constitutional check on the executive branch to verify that what they are telling us is more than just spin. Documents and records created at taxpayer expense ought to be available to their elected representatives in Congress. It is that simple. It is fundamental to our constitutional system of checks and balances. Too often, however, unelected bureaucrats, sometimes political appointees, misinterpret the law and deny congressional requests for information without any legitimate legal reason for doing so.

My amendment would take away those bogus legal arguments by making the will of this body crystal clear.

If an agency gets money under this bill and if the agency gets a request for records from the chair or ranking member of congressional committees, the agency must provide those records. A vote for this amendment is a vote to make sure that Congress has the information it needs to do its duty under the Constitution. We cannot act as a check and a balance if we allow ourselves to be kept in the dark about what is going on in the executive branch, particularly when we are appropriating almost $800 billion over the next 2 years as a stimulus.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I ask unanimous consent that the time be extended until 3:30, but it already has been. By what mechanism, I know not, but it doesn't make any difference. That is why the Senator from Iowa was able to continue.

Since it is now 7 of and Senator NELSON and I both wish to speak, I ask unanimous consent that the time for debate be extended until 3:30, with the time equally divided between the leaders or their designees under the same provisions of the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, most of the Senators know how much I love the Senate and how I love individual Senators who are quite extraordinary individuals. It is because of that love that I have concern we continue to see excessive partisanship in the Senate, what is described as the most deliberative body in the world. This is not to say that because we are the most deliberative body, we should not have our political fights and sharply disagree. But when crisis faces the Nation, it seems to this Senator there ought to be a focus on finding common ground instead of that which separates us.

I want to give two examples of where I thought it was a very fine hour that the Nation found common ground in a bipartisan way. The first was when I had the privilege of serving in the House of Representatives in 1983. Social Security was facing a financial default within a 6-month period. Two old Irishmen, who would fight every day but at the end of the day could walk through the door as personal friends and had a personal relationship so that they could get things done, those two old Irishmen—one being the President of the United States, Ronald Reagan, and the other one being the Speaker of the House, Tip O'Neill—realized that if we were going to solve the potential default of the Social Security system, we had to come together in a bipartisan way. Indeed, they said: We are going to take this third rail of American politics off the table at the next election. It will not be an election issue. We are going to solve it. We are going to use the mechanism of a bipartisan commission to come and bring a solution.

That is exactly what happened. The solution was brought by the commission. The Congress passed it overwhelmingly. There had to be give and take and shared pain by all different sectors. It was not used as a political weapon in the next election. Social Security was made actuarially sound for the next 75 years. That is one example.

Another example of unity in a bipartisan way was in the aftermath of September 11, 2001. Of course, I will never forget in that day that we had dispersed to all parts of Washington, because we had to flee the Capitol when we thought the fourth airplane was inbound to destroy this magnificent symbol of America, later that day, into the evening, Members of Congress, the House and the Senate, spontaneously gathered on the center steps of the east side of the Capitol and broke out spontaneously singing ''God Bless America'' in a show of unity.

I will never forget the weekly caucuses that we separate here, where the Democrats meet in one place and the Republicans meet in another place, there was a joint caucus bringing about unity in the aftermath of crisis.

It occasions this Senator to wonder, where is that unity in this crisis? Do we not think this crisis is of sufficient magnitude that we ought to be coming together? We say we have a bipartisan solution, but it takes all 58 Democratic Senators, plus three Republican Senators to get over the 60-vote threshold mark in order to pass this legislation on next Monday and Tuesday. That is technically bipartisan, but it is not really. Is this crisis not of sufficient magnitude?

Look back last fall. After the defaults of a number of major financial institutions and suddenly Lehman having a financial hole so big that regulators decided they had to let it go, the confidence went completely out of the system. In a rushed manner, we passed the Troubled Assets Relief Program, with the acronym TARP. It injected capital in the system. None of us is happy as to how we have seen the first segment of $350 billion spent. But at least it put funds in to inject some confidence that the Federal Government was going to stand behind the banking system and not let it go down the tubes. So we started working our way through that.

Look at it from the standpoint of bankers. They need capital. They need investment. We are seeing that the Secretary of the Treasury is going to come out next Monday with a proposal that is going to inject new capital by, this time, instead guaranteeing those troubled assets, the Federal Government. This is a role for government, in that the Federal Government, in addition, is going to put money so that loans can be made for students, for small business, to pay off credit card debt, and to go out and buy automobiles. That is necessary. Banks need to make loans, but they can't if people make a run on their bank and start pulling out their assets. Thus, the need for more confidence injected into the system. That is what we are trying to do with TARP and now this fiscal stimulus plan.

This plan: 42 percent of the stimulus is coming from tax cuts; 58 percent is coming from fiscal stimulus by additional spending. In order to get three Republican votes to get us over the 60-vote threshold, $110 billion was cut; $25 billion off of the tax cuts and $85 billion off of the spending, with a $110 billion reduction of the overall stimulus plan. Yet we still do not have unity.

I cannot understand why, when the Senator from Georgia, who is my dear friend, and I think one of the most effective Members of the Senate, passes what is a very attractive amendment, upping a $15,000 tax credit for the purchase of a home, the total of which, the pricetag for that tax credit is approximately $35 billion—and I am told the Senator from Georgia, with that provision in the bill, is not going to support it on final passage or on the motion for cloture, which we have to have to cut off debate to get to the bill.

Where is the unity and where is the bipartisanship? We masquerade as bipartisans, and yet this lingering insidious attempt to always divide instead of reconcile still hangs over the Capitol of the United States of America. It would be certainly this Senator's hope that as we get on down the line, and it goes into a conference committee to iron out the differences between the House and the Senate, that maybe there will be more Senators who can come together and say at this critical time in our country, when the financial institutions were about to go under, with a complete economic cardiac arrest on the horizon, we could reach out and, as the Good Book says: reason together.

Mr. President, I yield the floor.

Mr. DODD, Mr. President, yesterday, the Senate considered an amendment offered by Senator COBURN that would prohibit stimulus funds from being directed to institutions of cultural merit in communities throughout the country.

As well intentioned as Senator COBURN's amendment may be, it is misguided. Among the many institutions that would be prohibited from receiving stimulus funding under the Coburn amendment are museums, theaters, art centers, zoos, aquariums, and community parks. And while the amendment would correctly prohibit funding for casinos and golf courses, I question the judgment of grouping institutions of

significant cultural merit, such as museums, with these other superfluous uses. I also question the notion that Washington knows better than the communities and States themselves which projects will stimulate their local economies and preserve jobs and which will not.

In 1935, President Franklin Roosevelt put millions of people back to work through the Works Progress Administration. Job creation was not limited to only public works and housing, but also included efforts to strengthen art and culture. The Federal Art Project, Writers Project, and Theater Project provided jobs to thousands of the unemployed. President Roosevelt understood the benefit in investing in America's infrastructure and the long-term economic value in fostering the Nation's cultural development.

Educational and cultural institutions are the economic anchor in many communities. In Connecticut, cultural institutions contribute approximately $9 billion annually to the State's economy and support roughly 110,000 jobs. These institutes of learning bring educational programming to schools in surrounding communities. These institutions are employers. They stimulate the local economy and bring patrons to small businesses and revenue to our communities and States.

Our museums, theaters, art centers, zoos, and aquariums are not outcasts. These institutions are members of our communities that have been hard hit by the economic downturn. While facing understandably reduced attendance during times of economic crisis, they have also suffered from reduced charitable giving and slashed local and State aid.

The crisis can be seen throughout Connecticut. In June, the Mark Twain House and Museum, a National Historic Landmark, was almost forced to close its doors. In November, the Maritime Aquarium in Norwalk announced layoffs because of an unsteady economy and declining attendance. In December, Mystic Seaport faced a similar situation and was forced to eliminate 23 full-time positions. And just this week, the Connecticut Opera, which is the sixth-oldest continuously performing opera company in the country, was forced to halt operations. These stories are not unique to my home State—they are being echoed throughout the country.

Yesterday's New York Times featured a cover story on the successes and failures of Japan's actions to stimulate the economy in the early 1990s. Dr. Ihori of the University of Tokyo determined, ''decisions on how to spend money were made behind closed doors by bureaucrats, politicians and the construction industry, and often reflected political considerations more than economic.''

Mr. President, the amendment offered by Senator COBURN is just that—a decision more reflective of political considerations than economic. The amendment will unfairly tie the hands of our governors and local officials who know best what will stabilize and stimulate their local economies in order to retain badly needed jobs.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Presiding Officer.

Mr. President, I wish to clear up a couple of quick points. I think I will be the last speaker from our side, and I am not sure about the other side. But we have until 3:30, and I will not speak that long.

I think it is important to point out a couple things.

No. 1, the point has been made that we rushed this thing and we are jamming it down the throats of people. Well, first of all, if we are doing that, we are not doing it in quite as numerically an advantageous way as we should.

Secondly, I think two of the most important committees that handle this whole matter—the Finance Committee and the Appropriations Committee—have been through full markup, have had hearings on this. I remember our markup in the Senate Finance Committee lasted 12 consecutive hours on our section of this bill. So it has been very well thought through. It has been very well debated. Amendments have been raised. Amendments have been rejected. We had 45 votes on the floor about this. They have been debated back and forth. They have been discussed. It is not clear to me if we did this for another week that we would be any wiser or we would have any crisper or more targeted bill than we have today.

The second point I wish to make is, when it is pointed out that as a percentage of total spending State spending is doubled, tripled, and all the rest of this—as if the States have been acting in some kind of very irresponsible fashion—I was a Governor. And Governors are capable of doing that from time to time. But I want to point out that as a percentage of total spending, State spending has not increased at a greater rate than any other of the sectors in our economy. It is just that the price of health care and the price of everything else—inflation, all of it—has caused that. So people can say it is a $1.2 trillion bill, but that does not take into account all the reasons I have enumerated.

There are a lot of costs that are going to go up, and that is why at the end of a period of time it may be that, but we are not voting on something which is 5 years in the future or 8 years in the future. We are voting on something which has to take effect right now.

That brings me to what I want to say, and that is two points. We have wandered, it seems to me, a bit in this debate away from the people who I think haunt us in their tragedy. I regret that. People have talked about individual amendments they want to get. There is an enormous—42 percent of it is in tax cuts. That is probably more than most Democrats would do. But, on the other hand, the tax cuts tend to be more toward the middle class and small business, which is what the ranking member of the Finance Committee wants. He wants more, and I understand that. But we all want more or less of something. But what we do not want is for the American people to suffer, as they are now suffering. That is the only reason we are here. It is the only reason we are here.

This is only the beginning. We have at least two other major bills we are going to have that are going to require a lot of money that we are going to have to deal with. This is the first one. This is our first test. I think it is extraordinary, the point the Senator from Florida made, and others have made, that it took three Republicans and one Democrat to come together in essence to put forward a bill which I think is going to end up passing if we can work out our differences with the House in conference, which I think we will be able to do.

Now, why do I say this? I say this because we have no choice but to come to the aid of the American people. I am not saying that Government spending is the answer to everything, as I am not saying that tax cuts are also the answer to everything. And incentives are good. The tax cuts over the last 8 years, which went to primarily people who did not need those tax cuts—I do not think that ended up in more jobs. It may have ended up in more money and, therefore, more income tax revenue for the Government, but it was not stimulative in the way we are trying to do today.

So we want jobs. We want road construction. We want education. We have had to cut—I have my list of tragedy here of all of the programs we have had to cut in order to meet the needs of the more moderate bill, the $780 billion bill. I look down at this list, and I look at so many programs that I think need to be increased. But then I stop and I think: Well, they are being increased. They are not being increased by as much as the Democrats, as a main, wanted, and so we call them what is stated here: ''Quick Review of Cuts Made.'' That is not cuts made to the program from where they are now. That is cuts made to where we wanted to put them.

Why did we want to put them there? Because that would help stimulate the economy and to bring more jobs to our people. You cannot make light of this. You cannot talk about this without talking about what is happening to American families. You cannot do that.

I come from a State which is not wealthy but which is full of incredibly hard-working people, incredibly hard-working people who have been working hard all their lives to stay afloat because that is the nature of our State and it is the nature of our topography, it is the nature of the resources we have and the way they have been handled. So, yes, I battle for them and, on the other hand, I also have to battle for the entire Nation through this program because we all live or die together.

Part of this is in the mind. People have to have confidence that the Senate has passed a bill and that we are moving in the right direction. It is not a question just of supporting a President from a Senator from this side of the aisle who happens to be a Democrat. It is a question of doing the right thing by the American people. And if it takes as many billions of dollars—$780 billion—to do that, then I say we have to do it. We have no choice.

Sometimes I have the feeling from the other side that what they want to do is adjust a number of amendments to increase the number of tax cuts, but that the plight of the American people is talked about, is used in not rhetoric but in their words, and used stirringly, but their real thinking is not there, it is in getting more to the way the other party has chosen to see progress hopefully happen in this country, and that is through tax cuts.

I cannot help but reiterate what has been said; that is, when President Clinton left office, he left a $5.6 trillion surplus. To some degree, I criticized him for something he actually could not have done but he could have done morally, and that is to go to the Congress, call a special session or whatever, and say: We have $5.6 trillion. We also have a whole world to confront, wars to fight, an entire Nation to rebuild—which was going to be my second point—and we can start right now doing that. That was while the economy was still prosperous. He was still President.

Then we entered into this massive period of borrowing for wars, which the intelligence showed was not right in this Senator's judgment. And now we are in Afghanistan and now we are in Pakistan, and who knows where it will stop. Well, al-Qaida is in 50 or 60 other countries, so it may not stop for quite a while.

I will say to the Presiding Officer, I can remember when I was a Peace Corps volunteer in the Philippines. I suspect the Presiding Officer had not been born yet. I was in the southern part of Mindanao in the city called Zamboanga City. It is the headquarters of Abu Sayyaf, who is the al-Qaida leader for Southeast Asia, and all of the same kind of slaughtering and mass killing between ethnic groups or religious groups was taking place then.

It is taking place all over the world—has been for centuries. You can go back to the English kings and the way they tortured people. What we do in this country is not something we can always be proud of. So it is the nature of people to fight.

The whole question of the war on terror, on one hand, trying to control that, but then, on the other hand, how do we mitigate the need for it, gets into questions of something that nobody wants to talk about. Nobody ever has wanted to talk about it, and that is substantial amounts of foreign aid, to give people in other countries a feeling that we care about more than just killing high-value targets or Guantanamo or whatever, but we care about their lives.

First, we have to start by showing the American people that we care about their lives. That is why we are here. This is the first of three bills. This bill has to pass. This bill is a good bill. It is not the bill I would have written. There are cuts made which are very painful to me in terms of not just my State objective, but also my responsibilities in the Senate over the Commerce Committee and then over the Intelligence Committee. But we have to do that. We have to do that. We have to do that because people are suffering. When people are suffering, they turn to their ministers for a while, but essentially they know it is only the government that can come in, in emergencies, in critical situations, in desperate situations, and infuse money in certain areas which will create jobs.

Now, the President has been very clear that some of these jobs will come more quickly, saying a lot of them will—and a lot of the tax cuts will become available by September of next year. That is some time. A lot of them before that. Some of the jobs would not take place right away because you can't suddenly build a bridge. You have to have your plans, they all have to work, and it takes time. But we have to do that. We have to do that. We have to put people back to work. People without work who can work and who have families to support have no reason to have hope. If they give up hope, then they become part of not just people who are unemployed but people who have given up on employment, and they don't show up in the unemployment figures. They are called the people who have given up.

My own feeling is the unemployment rate is probably closer to 13 or 14 percent in this country right now. A lot of people have just lost all hope. They are the same people, they have the same values, the same families as others do.

So I hope we can pass this bill. I hope this is not a matter of anytime the Government intervenes, it wastes money. When the Government intervenes, sometimes, yes, it does. When Wall Street gives out bonuses and takes trips to spas and things of that sort, I call that wasting money, and I think we are paying attention to that. So it is part of human nature. Yet I think we are going to have an enormous effort on oversight of this program. I know the President is, I know the Congress will, so that as little money as possible will be wasted and people will get back to work.

Work is what people want to do. Work is what gives people dignity. I remember that from my early days in West Virginia when I went to a place where nobody had work and they couldn't hold their heads up high. Sometimes even people I love and who changed my life, who were what I call my secular rebirth in life, sometimes the men, when we had community meetings, would squat on their haunches and face away from the meeting. Psychologically, they were saying: I don't really believe what is going to come out of this is going to help me. I am here because you asked me to come, but I am not really here because I don't have faith.

We have to restore that faith, and we do that by giving people a sense that things are on the move, that things are going to get better, that bills pass as opposed to fail.

I don't want to see a bill which is mostly passed by Democratic votes and with a very few Republican votes. I don't want to see that. I will take it because it will get the program under way, but it is not the way it should be. Senator NELSON is correct. This looming partisanship is still a part of our problem in the Senate. The discipline of the party on the other side is usually a bit better than the party on my side, so they can be very effective in slowing things down, as I think we have seen.

The last point I wish to make is, this is not just a matter of helping people in desperate need and helping them as quickly as possible. Nonaction is not an option. Standing by and watching is not an option. It doesn't do any good for anybody to vote against this bill, even if it isn't what they want, because it will create activity. It will create confidence. It will create momentum.

The final point I wish to make is, it will create something more. We need in this country—and we have needed it for a long time, and it is why I wish President Clinton had taken that $5.6 trillion, pulled us all together and said, OK, we are going to spend 4 trillion of these dollars on re-creating America, re-creating schools, re-creating higher education, science and technology, re-creating a sense of fairness. Yes, arts, yes—not just $20 million contracts for athletes but people who add to the luster of our Nation. We have a long way to go. We don't have an air traffic control system which is digitalized. Mongolia is building them. We are behind Mongolia. Every other industrial country in the world has an air traffic control system which is digitalized and operates off a GPS system. Therefore, we

have 33 percent more air traffic congestion than we need, and danger is increased. So we have to rebuild an entire Nation: elementary schools, secondary schools, high schools, colleges, postgraduate. We have to attract scholars into the areas where we need innovation. There is nothing like innovation. Senator NELSON knows this better than anybody because of what happens at NASA, but we need it.

We need people who want to serve in government. We want people to go into public service. If I had my way, I think I would probably get quite a few cosponsors who would say we ought to have a bill that requires every single American to take a period of 2 years out of their life and commit it to public service, community service. They could go into the military. They could go into teaching. They could go into nursing homes, home care, research, whatever, but 2 years out of their track so they could look at themselves and their country, so they wouldn't just be doing the same thing every day.

I was lucky to have that experience twice in my life, and it has made me a better person. I think it is the way you bring America together again so that you have everybody in the trenches together. Everyone is equal. The rich don't get a break; the poor don't get help. If they can't afford not to do this without help, then they get help. That would be expensive, but I think it is something this Nation needs in order to heal itself.

So let me end by saying we have absolutely no excuse whatsoever for not passing this bill or what comes out of the conference. We have no excuse. It would be a shame and an act of cruelty to do that to the American people who are now suffering. In the process of so doing, and of helping them, and of giving them some sense of hope about their own lives which, let's face it, is very important in how hard people choose to try and fight, participate in community affairs, and do all kinds of things. But we need to rebuild our Nation. If this crisis had never happened, I would be giving the second half of my speech. We have to rebuild the Nation, Mr. President, because we have let it slide over the last 50 years. Infrastructure is the most obvious example. I can name so many other areas. Broadband gets cut. That hurts me because that is the way people can achieve much faster communication, through the Internet. Long distance learning has been cut. It is still much more than it is now, but it has been cut from the original Democratic bill. That is the way people in a poor county in southern West Virginia learn Japanese from the University of Nebraska because they can do it online and then remake their careers and give themselves hope.

So I hope we will be large in our thinking, small in our politics, and generous and encouraging to the American people by passing the bill before us.

I thank the Chair and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, I ask unanimous consent that the Senate be in recess subject to the call of the Chair.

There being no objection, the Senate, at 3:37 p.m., recessed subject to the call of the Chair, and reassembled, at 4:24 p.m., when called to order by the Presiding Officer (Mr. REID).

RECESS

The PRESIDING OFFICER. In my capacity as a Senator from the State of Nevada, I ask unanimous consent the Senate stand in recess until 8:30 p.m.

There being no objection, the Senate, at 4:24 p.m., recessed until 8:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. TESTER).

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009—Continued

Mr. REID. Mr. President, we have worked very hard this week. It is not often the Senate is in session this time of night on a Saturday or this time of night most any time, but we have had a long hard week and spent many hours trying to come up with an answer to America's financial troubles.

Yesterday at 5 or 6 o'clock, we reached an agreement with a few of the Republicans to come up with a nice piece of legislation that will meet President Obama's request for resources in different areas that will help our economy. The main direction is tax cuts. People are needful of money. That money will be spent. And about 58 percent of it is job creating.

Why are we here tonight if the agreement was basically reached yesterday? It is because we have a bill that is about 800 pages long. This product we have produced is about $800 billion. We put it together yesterday starting about 4:30 p.m. Everything has to be right. We don't want a problem, anyone raising an issue that one of the numbers is wrong or one of the lines is not where it should be. So for the last 35, 40 hours, people have been working nonstop to get a product so we could lay down the amendment, and that should be done in the next half hour or so. But people have literally worked all night.

Mr. President, you and I are out here. We are two of the one hundred. They can recognize us. They have little pictures. They can see us. The people who are making this product we can lay down are people you do not see very much. The enrolling clerks, you don't see them very much. They are in the bowels of the Senate someplace putting this together hours and hours at a time, being aided and assisted by other members of this wonderful staff we have.

The line down the middle of this aisle is what divides Democrats and Republicans, and tradition has it that the Republican staff is with the Republican Senators. But the problems we face with this deep recession we are in have nothing to do with Democrats and Republicans. It has everything to do with economic travails of the American people.

So those few people who are watching this proceeding on television or are in the galleries tonight are seeing a situation where there is not a lot of floor activity. But today, as every day when we are in session, so much of the work is done that is not in the camera lights. An extraordinary group of public servants is here to assigned positions. They do it with a smile. They treat the public and us so well. It is difficult to describe what a wonderful job they do.

Anyone out there listening to these proceedings or watching these proceedings should know we have police officers who are guarding the Capitol. That is something that has not always been. As a young man, I was here. I worked this shift 6 days a week as a police officer and went to school in the daytime. In those days, as a police officer, we didn't have much to worry about. We had to make sure traffic on Constitution Avenue and Independence Avenue moved OK, but that was about it. But now the police officers are the best trained police officers in the world, a force of almost 2,000 watching and protecting this Capitol, not only all the people who work within these buildings but also the millions of tourists who come here every year. We have evil people around the world who every day are trying to figure out ways to violate the Capitol, and we have these brave men and women protecting us.

We have doorkeepers who make sure people who come into this Chamber are

qualified and have the right credentials to do that. We have all the people in here—Chamber attendants, Parliamentarians. We have Journal clerks, legislative clerks, enrolling clerks, bill clerks, and floor staff on whom we depend. If the Presiding Officer is not presiding but is out here and has a question about something, most of them don't come to me, they come to the staff, each one of whom is so qualified and competent to answer questions about Senate procedure that Senators depend on them a great deal.

All the people I mentioned, and certainly a lot of others, are public servants in the true nature of that word. They serve all Members of the Senate. They get little, if any, recognition for what they do.

One of the groups I didn't mention at all is the valuable staff we have in the cloakrooms. There is a cloakroom to my right consisting of the Republican staff and to the back of me is the Democratic cloakroom. They are never seen. They are back in the cloakrooms. Every day we are in session, they come in about an hour before we start. They are here long after we leave, as are the people I mentioned. We depend on them, when there is a phone call, to look for us. Of course, they do that. They run through there, walk through there, find a page, bring a message to us. They do so many things that are invaluable to our being able to work here.

I extend to everyone I mentioned the appreciation of all Senators. We recognize that without any one of the groups I mentioned, any one of the attendants I have mentioned, if they are not here on a given day, we don't do very well. It is a team effort, and the example they set should be recognized.

Democratic and Republican staffs don't argue and fight. They get along very well. They have a product to produce and they do it. I think many times we can learn a lot from them how we can get along and produce more than perhaps what we have.

I thank everybody for their service, a job well done, and hopefully within the next little bit, we will have an 800-page bill in perfect form.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant Parliamentarian proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 570

(Purpose: In the nature of a substitute)

Mr. REID. Mr. President, pursuant to the order before the Senate today, on behalf of Senators COLLINS and NELSON of Nebraska, I call up the amendment, which is now at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Ms. COLLINS and Mr. NELSON of Nebraska, proposes an amendment numbered 570.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Collins-Nelson of Nebraska amendment No. 570 to H.R. 1, the American Recovery and Reinvestment Act of 2009.

Ben Nelson of Nebraska, Max Baucus, Kent Conrad, Jon Tester, Debbie Stabenow, Charles E. Schumer, Richard Durbin, Dianne Feinstein, Jeff Bingaman, Patty Murray, Christopher J. Dodd, Benjamin L. Cardin, John D. Rockefeller IV, Claire McCaskill, Patrick J. Leahy, Blanche L. Lincoln, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent that the amendment No. 570 be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS

AMENDMENT NO. 493

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 493 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 569. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

SA 570. Mr. REID (for Ms. COLLINS (for herself and Mr. NELSON, of Nebraska)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 1, supra.

TEXT OF AMENDMENTS

SA 569. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ENERGY PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law and in addition to any other funds made available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture (referred to in this section as the ''Secretary'')—

(1) to carry out section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102), $10,000,000 for the period of fiscal years 2009 and 2010;

(2) for the costs of grants and loan guarantees to carry out section 9003 of that Act (7 U.S.C. 8103), $280,000,000 for the period of fiscal years 2009 and 2010;

(3) to carry out section 9004 of that Act (7 U.S.C. 8104), $180,000,000 for the period of fiscal years 2009 and 2010;

(4) to carry out section 9005 of that Act (7 U.S.C. 8105), $100,000,000 for the period of fiscal years 2009 and 2010;

(5) for the costs of grants and loan guarantees to carry out section 9007 of that Act (7 U.S.C. 8107), $280,000,000 for the period of fiscal years 2009 and 2010;

(6) to carry out section 9008 of that Act (7 U.S.C. 8108), $80,000,000 for the period of fiscal years 2009 and 2010;

(7) to carry out section 9009 of that Act (7 U.S.C. 8109), $30,000,000 for the period of fiscal years 2009 and 2010; and

(8) to carry out section 9013 of that Act (7 U.S.C. 8113), $40,000,000 for the period of fiscal years 2009 and 2010.

(b) CONDITION ON FUNDS.—Funds made available under subsection (a)(3) may be used to provide assistance under section 9004 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104) to power plants and manufacturing facilities in rural areas.

(c) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to provide those loans the funds transferred under subsection (a), without further appropriation.

(d) AVAILABILITY OF FUNDS.—Funds made available under subsection (a) shall remain available until September 30, 2010.

(e) OFFSET.—Notwithstanding any other provision of this Act, the amount made available for the Office of the National Coordinator for Health Information Technology under the heading ''OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY (INCLUDING TRANSFER OF FUNDS)'' under the heading ''OFFICE OF THE SECRETARY'' under the heading ''DEPARTMENT OF HEALTH AND HUMAN SERVICES'' in title VIII is hereby reduced by $1,000,000,000.

SA 570. Mr. REID (for Ms. COLLINS (for herself and Mr. NELSON of Nebraska)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Recovery and Reinvestment Act of 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—APPROPRIATIONS PROVISIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for the ''Office of the Secretary'', $200,000,000, to remain available until September 30, 2010: *Provided*, That the Secretary may transfer these funds to agencies of the Department, other than the Forest Service, for necessary replacement, modernization, or upgrades of laboratories or other facilities to improve workplace safety and mission-area efficiencies as deemed appropriate by the Secretary: *Provided further*, that the Secretary shall provide to the Committees on Appropriations of the House and Senate a plan on the allocation of these funds no later than 60 days after the date of enactment of this Act.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $5,000,000, to remain available until September 30, 2011, for oversight and audit of programs, grants, and activities funded under this title and an additional $17,500,000 for such purposes, to remain available until September 30, 2011.

COOPERATIVE STATE RESEARCH, EDUCATION AND ECONOMIC SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For an additional amount for competitive grants authorized at 7 U.S.C. 450(i)(b), $50,000,000, to remain available until September 30, 2010.

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund Program Account, as follows: farm ownership loans, $400,000,000 of which $100,000,000 shall be for unsubsidized guaranteed loans and $300,000,000 shall be for direct loans; and operating loans, $250,000,000 of which $50,000,000 shall be for unsubsidized guaranteed loans and $200,000,000 shall be for direct loans.

For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until September 30, 2010, as follows: farm ownership loans, $17,530,000 of which $330,000 shall be for unsubsidized guaranteed loans and $17,200,000 shall be for direct loans; and operating loans, $24,900,000 of which $1,300,000 shall be for unsubsidized guaranteed loans and $23,600,000 shall be for direct loans.

Funds appropriated by this Act to the Agricultural Credit Insurance Fund Program Account for farm ownership, operating, and emergency direct loans and unsubsidized guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'', $275,000,000, to remain available until September 30, 2010.

WATERSHED REHABILITATION PROGRAM

For an additional amount for the ''Watershed Rehabilitation Program'', $65,000,000, to remain available until September 30, 2010.

RURAL DEVELOPMENT SALARIES AND EXPENSES

For an additional amount for ''Rural Development, Salaries and Expenses'', $80,000,000, to remain available until September 30, 2010.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE PROGRAM ACCOUNT

For an additional amount for gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the Rural Housing Insurance Fund Program Account, as follows: $1,000,000,000 for section 502 direct loans; and $10,472,000,000 for section 502 unsubsidized guaranteed loans.

For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until September 30, 2010, as follows: $67,000,000 for section 502 direct loans; and $133,000,000 for section 502 unsubsidized guaranteed loans.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, loan guarantees, and grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $127,000,000, to remain available until September 30, 2010.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

For an additional amount for the cost of guaranteed loans and grants as authorized by sections 310B(a)(2)(A) and 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $150,000,000, to remain available until September 30, 2010.

BIOREFINERY ASSISTANCE

For the cost of loan guarantees and grants, as authorized by section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103), $200,000,000, to remain available until September 30, 2010.

RURAL ENERGY FOR AMERICA PROGRAM

For an additional amount for the cost of loan guarantees and grants, as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), $50,000,000, to remain available until September 30, 2010: *Provided*, That these funds may be used by tribes, local units of government, and schools in rural areas, as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, and 310B and described in sections 306C(a)(2), 306D, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $1,375,000,000, to remain available until September 30, 2010.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM ACCOUNT

For an additional amount for direct loans and grants for distance learning and telemedicine services in rural areas, as authorized by 7 U.S.C. 950aaa, et seq., $100,000,000, to remain available until September 30, 2010.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For additional amount for the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et. seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et. seq.), except sections 17 and 21, $100,000,000, to remain available until September 30, 2010, to carry out a grant program for National School Lunch Program equipment assistance: *Provided*, That such funds shall be provided to States administering a school lunch program through a formula based on the ratio that the total number of lunches served in the Program during the second preceding fiscal year bears to the total number of such lunches served in all States in such second preceding fiscal year: *Provided further*, That of such funds, the Secretary may approve the reserve by States of up to $20,000,000 for necessary enhancements to the State Distributing Agency's commodity ordering and management system to achieve compatibility with the Department's web-based supply chain management system: *Provided further*, That of the funds remaining, the State shall provide competitive grants to school food authorities based upon the need for equipment assistance in participating schools with priority given to schools in which not less than 50 percent of the students are eligible for free or reduced price meals under the Richard B. Russell National School Lunch Act and priority given to schools purchasing equipment for the purpose of offering more healthful foods and meals, in accordance with standards established by the Secretary.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), to remain available until September 30, 2010, $500,000,000, of which $380,000,000 shall be placed in reserve to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates, and of which $120,000,000 shall be for the purposes specified in section 17(h)(10)(B)(ii): *Provided*, That up to one percent of the funding provided for the purposes specified in section 17(h)(10)(B)(ii) may be reserved by the Secretary for Federal administrative activities in support of those purposes.

COMMODITY ASSISTANCE PROGRAM

For an additional amount for the ''Commodity Assistance Program'', to remain available until September 30, 2010, $150,000,000, which the Secretary shall use to purchase a variety of commodities as authorized by the Commodity Credit Corporation or under section 32 of the Act entitled ''An Act to amend the Agricultural Adjustment Act, and for other purposes'', approved August 24, 1935 (7 U.S.C. 612c): *Provided*, That the Secretary shall distribute the commodities to States for distribution in accordance with section 214 of the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note): *Provided further*, That of the funds made available, the Secretary may use up to $50,000,000 for costs associated with the distribution of commodities.

GENERAL PROVISIONS—THIS TITLE

SEC. 101. Funds appropriated by this Act and made available to the United States Department of Agriculture for broadband direct loans and loan guarantees, as authorized under title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) and for grants, shall be available for broadband infrastructure in any area of the United States notwithstanding title VI of the Rural Electrification Act of 1936: *Provided*, That at least 75 percent of the area served by the projects receiving funds from such grants, loans, or loan guarantees is in a rural area without sufficient access to high speed broadband service to facilitate rural economic development, as determined by the Secretary: *Provided further*, That priority for awarding funds made available under this paragraph shall be given to projects that provide service to the highest proportion of rural residents that do not have sufficient access to broadband service: *Provided further*, That priority for awarding such funds shall be given to project applications that demonstrate that, if the application is approved, all project elements will be fully funded: *Provided further*, That priority for awarding such funds shall be given to activities that can commence promptly following approval: *Provided further*, That the Department shall submit a report on planned spending and actual obligations describing the use of these funds not later than 90 days after the date of enactment of this Act, and quarterly thereafter until all funds are obligated, to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 102. NUTRITION FOR ECONOMIC RECOVERY.

(a) MAXIMUM BENEFIT INCREASES.—

(1) ECONOMIC RECOVERY 1-MONTH BEGINNING STIMULUS PAYMENT.—For the first month that begins not less than 25 days after the date of enactment of this Act, the Secretary of Agriculture (referred to in this section as the ''Secretary'') shall increase the cost of the thrifty food plan for purposes of section 8(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)) by 85 percent.

(2) REMAINDER OF FISCAL YEAR 2009.—Beginning with the second month that begins not less than 25 days after the date of enactment of this Act, and for each subsequent month through the month ending September 30, 2009, the Secretary shall increase the cost of the thrifty food plan for purposes of section 8(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)) by 12 percent.

(3) SUBSEQUENT INCREASE FOR FISCAL YEAR 2010.—Beginning on October 1, 2009, and for each subsequent month through the month ending September 30, 2010, the Secretary shall increase the cost of the thrifty food plan for purposes of section 8(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)) by an amount equal to 12 percent, less the percentage by which the Secretary determines the thrifty food plan would otherwise be adjusted on October 1, 2009, as required under section 3(u) of that Act (7 U.S.C. 2012(u)), if the percentage is less than 12 percent.

(4) SUBSEQUENT INCREASE FOR FISCAL YEAR 2011.—Beginning on October 1, 2010, and for each subsequent month through the month ending September 30, 2011, the Secretary shall increase the cost of the thrifty food plan for purposes of section 8(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)) by an amount equal to 12 percent, less the sum of the percentages by which the Secretary determines the thrifty food plan would otherwise be adjusted on October 1, 2009 and October 1, 2010, as required under section 3(u) of that Act (7 U.S.C. 2012(u)), if the sum of such percentages is less than 12 percent.

(5) TERMINATION OF EFFECTIVENESS.—Effective beginning October 1, 2011, the authority provided by this subsection terminates and has no effect.

(b) ADMINISTRATION.—In carrying out this section, the Secretary shall—

(1) consider the benefit increases described in subsection (a) to be a mass change;

(2) require a simple process for States to notify households of the changes in benefits;

(3) consider section 16(c)(3)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A)) to apply to any errors in the implementation of this section, without regard to the 120-day limit described in section 16(c)(3)(A) of that Act;

(4) disregard the additional amount of benefits that a household receives as a result of this section in determining the amount of overissuances under section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022) and the hours of participation in a program under section 6(d), 20, or 26 of that Act (7 U.S.C. 2015(d), 2029, 2035); and

(5) set the tolerance level for excluding small errors for the purposes of section 16(c) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)) at $50 for the period that the benefit increase under subsection (a) is in effect.

(c) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—For the costs of State administrative expenses associated with carrying out this section and administering the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (referred to in this section as the ''supplemental nutrition assistance program'') during a period of rising program caseloads, and for the expenses of the Secretary under paragraph (6), the Secretary shall make available $150,000,000 for each of fiscal years 2009 and 2010, to remain available through September 30, 2010.

(2) TIMING FOR FISCAL YEAR 2009.—Not later than 60 days after the date of enactment of this Act, the Secretary shall make available to States amounts for fiscal year 2009 under paragraph (1).

(3) ALLOCATION OF FUNDS.—Except as provided in paragraph (6), funds described in paragraph (1) shall be made available to States that meet the requirements of paragraph (5) as grants to State agencies for each fiscal year as follows:

(A) 75 percent of the amounts available for each fiscal year shall be allocated to States based on the share of each State of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture for the most recent 12-month period for which data are available, adjusted by the Secretary (in the discretion of the Secretary) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)); and

(B) 25 percent of the amounts available for each fiscal year shall be allocated to States based on the increase in the number of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture over the most recent 12-month period for which data are available, adjusted by the Secretary (in the discretion of the Secretary) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)).

(4) REDISTRIBUTION.—The Secretary shall determine an appropriate procedure for redistribution of amounts allocated to States

that would otherwise be provided allocations under paragraph (3) for a fiscal year but that do not meet the requirements of paragraph (5).

(5) MAINTENANCE OF EFFORT.—

(A) DEFINITION OF SPECIFIED STATE ADMINISTRATIVE COSTS.—In this paragraph:

(i) IN GENERAL.—The term ''specified State administrative costs'' includes all State administrative costs under the supplemental nutrition assistance program.

(ii) EXCLUSIONS.—The term ''specified State administrative costs'' does not include—

(I) the costs of employment and training programs under section 6(d), 20, or 26 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d), 2029, 2035);

(II) the costs of nutrition education under section 11(f) of that Act (7 U.S.C. 2020(f)); and

(III) any other costs the Secretary determines should be excluded.

(B) REQUIREMENT.—The Secretary shall make funds under this subsection available only to States that, as determined by the Secretary, maintain State expenditures on specified State administrative costs.

(6) MONITORING AND EVALUATION.—Of the amounts made available under paragraph (1), the Secretary may retain up to $5,000,000 for the costs incurred by the Secretary in monitoring the integrity and evaluating the effects of the payments made under this section.

(d) FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.—For the costs of administrative expenses associated with the food distribution program on Indian reservations established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)), the Secretary shall make available $5,000,000, to remain available until September 30, 2010.

(e) CONSOLIDATED BLOCK GRANTS FOR PUERTO RICO AND AMERICAN SAMOA.—

(1) FISCAL YEAR 2009.—

(A) IN GENERAL.—For fiscal year 2009, the Secretary shall increase by 12 percent the amount available for nutrition assistance for eligible households under the consolidated block grants for the Commonwealth of Puerto Rico and American Samoa under section 19 of the Food and Nutrition Act of 2008 (7 U.S.C. 2028).

(B) AVAILABILITY OF FUNDS.—Funds made available under subparagraph (A) shall remain available through September 30, 2010.

(2) FISCAL YEAR 2010.—For fiscal year 2010, the Secretary shall increase the amount available for nutrition assistance for eligible households under the consolidated block grants for the Commonwealth of Puerto Rico and American Samoa under section 19 of the Food and Nutrition Act of 2008 (7 U.S.C. 2028) by 12 percent, less the percentage by which the Secretary determines the consolidated block grants would otherwise be adjusted on October 1, 2009, as required by section 19(a)(2)(A)(ii) of that Act (7 U.S.C. 2028(a)(2)(A)(ii)), if the percentage is less than 12 percent.

(3) FISCAL YEAR 2011.—For fiscal year 2011, the Secretary shall increase the amount available for nutrition assistance for eligible households under the consolidated block grants for the Commonwealth of Puerto Rico and American Samoa under section 19 of the Food and Nutrition Act of 2008 (7 U.S.C. 2028) by 12 percent, less the sum of the percentages by which the Secretary determines the consolidated block grants would otherwise be adjusted on October 1, 2009, and October 1, 2010, as required by section 19(a)(2)(A)(ii) of that Act (7 U.S.C. 2028(a)(2)(A)(ii)), if the sum of the percentages is less than 12 percent.

(f) TREATMENT OF JOBLESS WORKERS.—

(1) REMAINDER OF FISCAL YEAR 2009 THROUGH FISCAL YEAR 2011.—Beginning with the first month that begins not less than 25 days after the date of enactment of this Act and for each subsequent month through September 30, 2011, eligibility for supplemental nutrition assistance program benefits shall not be limited under section 6(o)(2) of the Food and Nutrition Act of 2008 unless an individual does not comply with the requirements of a program offered by the State agency that meets the standards of subparagraphs (B) or (C) of that paragraph.

(2) FISCAL YEAR 2012 AND THEREAFTER.—Beginning on October 1, 2011, for the purposes of section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)), a State agency shall disregard any period during which an individual received benefits under the supplemental nutrition assistance program prior to October 1, 2011.

(g) FUNDING.—There are appropriated to the Secretary out of funds of the Treasury not otherwise appropriated such sums as are necessary to carry out this section.

SEC. 103. AGRICULTURAL DISASTER ASSISTANCE TRANSITION. (a) FEDERAL CROP INSURANCE ACT.—Section 531(g) of the Federal Crop Insurance Act (7 U.S.C. 1531(g)) is amended by adding at the end the following:

''(7) 2008 TRANSITION ASSISTANCE.—

''(A) IN GENERAL.—Eligible producers on a farm described in subparagraph (A) of paragraph (4) that failed to timely pay the appropriate fee described in that subparagraph shall be eligible for assistance under this section in accordance with subparagraph (B) if the eligible producers on the farm—

''(i) pay the appropriate fee described in paragraph (4)(A) not later than 90 days after the date of enactment of this paragraph; and

''(ii)(I) in the case of each insurable commodity of the eligible producers on the farm, excluding grazing land, agree to obtain a policy or plan of insurance under subtitle A (excluding a crop insurance pilot program under that subtitle) for the next insurance year for which crop insurance is available to the eligible producers on the farm at a level of coverage equal to 70 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage; and

''(II) in the case of each noninsurable commodity of the eligible producers on the farm, agree to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the 2009 crop year.

''(B) AMOUNT OF ASSISTANCE.—Eligible producers on a farm that meet the requirements of subparagraph (A) shall be eligible to receive assistance under this section as if the eligible producers on the farm—

''(i) in the case of each insurable commodity of the eligible producers on the farm, had obtained a policy or plan of insurance for the 2008 crop year at a level of coverage not to exceed 70 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage; and

''(ii) in the case of each noninsurable commodity of the eligible producers on the farm, had filed the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the 2008 crop year, except that in determining yield under that program, the Secretary shall use a percentage that is 70 percent.

''(C) EQUITABLE RELIEF.—Except as provided in subparagraph (D), eligible producers on a farm that met the requirements of paragraph (1) before the deadline described in paragraph (4)(A) and received, or are eligible to receive, a disaster assistance payment under this section for a production loss during the 2008 crop year shall be eligible to receive an additional amount equal to the greater of—

''(i) the amount that would have been calculated under subparagraph (B) if the eligible producers on the farm had paid the appropriate fee under that subparagraph; or

''(ii) the amount that would have been calculated under subparagraph (A) of subsection (b)(3) if—

''(I) in clause (i) of that subparagraph, '120 percent' is substituted for '115 percent'; and

''(II) in clause (ii) of that subparagraph, '125' is substituted for '120 percent'.

''(D) LIMITATION.—For amounts made available under this paragraph, the Secretary may make such adjustments as are necessary to ensure that no producer receives a payment under this paragraph for an amount in excess of the assistance received by a similarly situated producer that had purchased the same or higher level of crop insurance prior to the date of enactment of this paragraph.

''(E) AUTHORITY OF THE SECRETARY.—The Secretary may provide such additional assistance as the Secretary considers appropriate to provide equitable treatment for eligible producers on a farm that suffered production losses in the 2008 crop year that result in multiyear production losses, as determined by the Secretary.

''(F) LACK OF ACCESS.—Notwithstanding any other provision of this section, the Secretary may provide assistance under this section to eligible producers on a farm that—

''(i) suffered a production loss due to a natural cause during the 2008 crop year; and

''(ii) as determined by the Secretary—

''(I)(aa) except as provided in item (bb), lack access to a policy or plan of insurance under subtitle A; or

''(bb) do not qualify for a written agreement because 1 or more farming practices, which the Secretary has determined are good farming practices, of the eligible producers on the farm differ significantly from the farming practices used by producers of the same crop in other regions of the United States; and

''(II) are not eligible for the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).''.

(b) TRADE ACT OF 1974.—Section 901(g) of the Trade Act of 1974 (19 U.S.C. 2497(g)) is amended by adding at the end the following:

''(7) 2008 TRANSITION ASSISTANCE.—

''(A) IN GENERAL.—Eligible producers on a farm described in subparagraph (A) of paragraph (4) that failed to timely pay the appropriate fee described in that subparagraph shall be eligible for assistance under this section in accordance with subparagraph (B) if the eligible producers on the farm—

''(i) pay the appropriate fee described in paragraph (4)(A) not later than 90 days after the date of enactment of this paragraph; and

''(ii)(I) in the case of each insurable commodity of the eligible producers on the farm, excluding grazing land, agree to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (excluding a crop insurance pilot program under that Act) for the next insurance year for

which crop insurance is available to the eligible producers on the farm at a level of coverage equal to 70 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage; and

''(II) in the case of each noninsurable commodity of the eligible producers on the farm, agree to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the 2009 crop year.

''(B) AMOUNT OF ASSISTANCE.—Eligible producers on a farm that meet the requirements of subparagraph (A) shall be eligible to receive assistance under this section as if the eligible producers on the farm—

''(i) in the case of each insurable commodity of the eligible producers on the farm, had obtained a policy or plan of insurance for the 2008 crop year at a level of coverage not to exceed 70 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage; and

''(ii) in the case of each noninsurable commodity of the eligible producers on the farm, had filed the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the 2008 crop year, except that in determining yield under that program, the Secretary shall use a percentage that is 70 percent.

''(C) EQUITABLE RELIEF.—Except as provided in subparagraph (D), eligible producers on a farm that met the requirements of paragraph (1) before the deadline described in paragraph (4)(A) and received, or are eligible to receive, a disaster assistance payment under this section for a production loss during the 2008 crop year shall be eligible to receive an additional amount equal to the greater of—

''(i) the amount that would have been calculated under subparagraph (B) if the eligible producers on the farm had paid the appropriate fee under that subparagraph; or

''(ii) the amount that would have been calculated under subparagraph (A) of subsection (b)(3) if—

''(I) in clause (i) of that subparagraph, '120 percent' is substituted for '115 percent'; and

''(II) in clause (ii) of that subparagraph, '125' is substituted for '120 percent'.

''(D) LIMITATION.—For amounts made available under this paragraph, the Secretary may make such adjustments as are necessary to ensure that no producer receives a payment under this paragraph for an amount in excess of the assistance received by a similarly situated producer that had purchased the same or higher level of crop insurance prior to the date of enactment of this paragraph.

''(E) AUTHORITY OF THE SECRETARY.—The Secretary may provide such additional assistance as the Secretary considers appropriate to provide equitable treatment for eligible producers on a farm that suffered production losses in the 2008 crop year that result in multiyear production losses, as determined by the Secretary.

''(F) LACK OF ACCESS.—Notwithstanding any other provision of this section, the Secretary may provide assistance under this section to eligible producers on a farm that—

''(i) suffered a production loss due to a natural cause during the 2008 crop year; and

''(ii) as determined by the Secretary—

''(I)(aa) except as provided in item (bb), lack access to a policy or plan of insurance under subtitle A; or

''(bb) do not qualify for a written agreement because 1 or more farming practices, which the Secretary has determined are good farming practices, of the eligible producers on the farm differ significantly from the farming practices used by producers of the same crop in other regions of the United States; and

''(II) are not eligible for the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).''.

(c) EMERGENCY LOANS.—

(1) IN GENERAL.—For the principal amount of direct emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), $200,000,000.

(2) DIRECT EMERGENCY LOANS.—For the cost of direct emergency loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), $28,440,000, to remain available until September 30, 2010.

(d) 2008 AQUACULTURE ASSISTANCE.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE AQUACULTURE PRODUCER.—The term ''eligible aquaculture producer'' means an aquaculture producer that during the 2008 calendar year, as determined by the Secretary—

(i) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(ii) experienced a substantial price increase of feed costs above the previous 5-year average.

(B) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(2) GRANT PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $50,000,000, to remain available until September 30, 2010, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2008 calendar year.

(B) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(C) PROVISION OF GRANTS.—

(i) IN GENERAL.—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2007 calendar year, as determined by the Secretary.

(ii) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(D) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(i) use grant funds to assist eligible aquaculture producers;

(ii) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(iii) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(I) the manner in which the State provided assistance;

(II) the amounts of assistance provided per species of aquaculture; and

(III) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(3) REDUCTION IN PAYMENTS.—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2008 relating to the same species of aquaculture.

(4) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (2)(D)(iii).

(e) ADMINISTRATION.—There is hereby appropriated $54,000,000 to carry out this section.

SEC. 104. (a) Hereafter, in this section, the term ''nonambulatory disabled cattle'' means cattle, other than cattle that are less than 5 months old or weigh less than 500 pounds, subject to inspection under section 3(b) of the Federal Meat Inspection Act (21 U.S.C. 603(b)) that cannot rise from a recumbent position or walk, including cattle with a broken appendage, severed tendon or ligament, nerve paralysis, fractured vertebral column, or a metabolic condition.

(b) Hereafter, none of the funds made available under this or any other Act may be used to pay the salaries or expenses of any personnel of the Food Safety and Inspection Service to pass through inspection any nonambulatory disabled cattle for use as human food, regardless of the reason for the nonambulatory status of the cattle or the time at which the cattle became nonambulatory.

SEC. 105. STATE AND LOCAL GOVERNMENTS. Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting ''(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)'' before the period at the end.

SEC. 106. Except for title I of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), Commodity Credit Corporation funds provided in that Act shall be available for administrative expenses, including technical assistance, without regard to the limitation in 15 U.S.C. 714i.

TITLE II—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For an additional amount for ''Operations and Administration'', $20,000,000, to remain available until September 30, 2010.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for ''Economic Development Assistance Programs'', $150,000,000, to remain available until September 30, 2010: *Provided*, That $50,000,000 shall be for economic adjustment assistance as authorized by section 209 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3149): *Provided further*, That in allocating the funds provided in the previous proviso, the Secretary of Commerce shall give priority consideration to areas of the Nation that have experienced

sudden and severe economic dislocation and job loss due to corporate restructuring.

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for ''Periodic Censuses and Programs'', $1,000,000,000, to remain available until September 30, 2010.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM

For an amount for ''Broadband Technology Opportunities Program'', $7,000,000,000, to remain available until September 30, 2010: *Provided*, That of the funds provided under this heading, $6,650,000,000 shall be expended pursuant to section 201 of this Act, of which: not less than $200,000,000 shall be available for competitive grants for expanding public computer center capacity, including at community colleges and public libraries; not less than $250,000,000 shall be available for competitive grants for innovative programs to encourage sustainable adoption of broadband service; and $10,000,000 shall be transferred to ''Department of Commerce, Office of Inspector General'' for the purposes of audits and oversight of funds provided under this heading and such funds shall remain available until expended: *Provided further*, That 50 percent of the funds provided in the previous proviso shall be used to support projects in rural communities, which in part may be transferred to the Department of Agriculture for administration through the Rural Utilities Service if deemed necessary and appropriate by the Secretary of Commerce, in consultation with the Secretary of Agriculture, and only if the Committees on Appropriations of the House and the Senate are notified not less than 15 days in advance of the transfer of such funds: *Provided further*, That of the funds provided under this heading, up to $350,000,000 may be expended pursuant to Public Law 110–385 (47 U.S.C. 1301 note) and for the purposes of developing and maintaining a broadband inventory map pursuant to section 201 of this Act: *Provided further*, That of the funds provided under this heading, amounts deemed necessary and appropriate by the Secretary of Commerce, in consultation with the Federal Communications Commission (FCC), may be transferred to the FCC for the purposes of developing a national broadband plan or for carrying out any other FCC responsibilities pursuant to section 201 of this Act, and only if the Committees on Appropriations of the House and the Senate are notified not less than 15 days in advance of the transfer of such funds: *Provided further*, That not more than 3 percent of funds provided under this heading may be used for administrative costs, and this limitation shall apply to funds which may be transferred to the Department of Agriculture and the FCC.

DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM

For an amount for ''Digital-to-Analog Converter Box Program'', $650,000,000, for additional coupons and related activities under the program implemented under section 3005 of the Digital Television Transition and Public Safety Act of 2005, to remain available until September 30, 2010: *Provided*, That of the amounts provided under this heading, $90,000,000 may be for education and outreach, including grants to organizations for programs to educate vulnerable populations, including senior citizens, minority communities, people with disabilities, low-income individuals, and people living in rural areas, about the transition and to provide one-on-one assistance to vulnerable populations, including help with converter box installation: *Provided further*, That the amounts provided in the previous proviso may be transferred to the Federal Communications Commission (Commission) if deemed necessary and appropriate by the Secretary of Commerce in consultation with the Commission, and only if the Committees on Appropriations of the House and the Senate are notified not less than 5 days in advance of transfer of such funds: *Provided further*, That $2,000,000 of funds provided under this heading shall be transferred to ''Department of Commerce, Office of Inspector General'' for audits and oversight of funds provided under this heading.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for ''Scientific and Technical Research and Services'', $168,000,000, to remain available until September 30, 2010.

CONSTRUCTION OF RESEARCH FACILITIES

For an additional amount for ''Construction of Research Facilities'', $307,000,000, to remain available until September 30, 2010.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $377,000,000, to remain available until September 30, 2010.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', $645,000,000, to remain available until September 30, 2010.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $6,000,000, to remain available until September 30, 2012.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For an additional amount for ''Tactical Law Enforcement Wireless Communications'', $100,000,000 for the costs of developing and implementing a nationwide Integrated Wireless network supporting Federal law enforcement, to remain available until September 30, 2010.

DETENTION TRUSTEE

For an additional amount for ''Detention Trustee'', $100,000,000, to remain available until September 30, 2010.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,000,000, to remain available until September 30, 2011.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $50,000,000, to remain available until September 30, 2010.

CONSTRUCTION

For an additional amount for ''Construction'', $100,000,000, to remain available until September 30, 2010.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $75,000,000, to remain available until September 30, 2010.

CONSTRUCTION

For an additional amount for ''Construction'', $300,000,000, to remain available until September 30, 2010.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

For an additional amount for ''Federal Prison System, Buildings and Facilities'', $800,000,000, to remain available until September 30, 2010.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For an additional amount for ''Violence Against Women Prevention and Prosecution Programs'', $300,000,000 for grants to combat violence against women, as authorized by part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.): *Provided*, That, $50,000,000 shall be transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', $1,200,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Street Act of 1968 (''1968 Act''), (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), to remain available until September 30, 2010.

For an additional amount for ''State and Local Law Enforcement Assistance'', $300,000,000 for competitive grants to improve the functioning of the criminal justice system, to assist victims of crime (other than compensation), and youth mentoring grants, to remain available until September 30, 2010.

For an additional amount for ''State and Local Law Enforcement Assistance'', $90,000,000, to remain available until September 30, 2010, for competitive grants to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotics activity stemming from the Southern border, of which $10,000,000 shall be transferred to ''Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses'' for the ATF Project Gunrunner.

For an additional amount for ''State and Local Law Enforcement Assistance'', $300,000,000, to remain available until September 30, 2010, for assistance to Indian tribes, notwithstanding Public Law 108–199, division B, title I, section 112(a)(1) (118 Stat. 62), of which—

(1) $250,000,000 shall be available for grants under section 20109 of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322);

(2) $25,000,000 shall be available for the Tribal Courts Initiative; and

(3) $25,000,000 shall be available for tribal alcohol and substance abuse drug reduction assistance grants.

For an additional amount for ''State and Local Law Enforcement Assistance'', $100,000,000, to remain available until September 30, 2010, to be distributed by the Office for Victims of Crime in accordance with

section 1402(d)(4) of the Victims of Crime Act of 1984 (Public Law 98–473).

For an additional amount for ''State and Local Law Enforcement Assistance'', $150,000,000, to remain available until September 30, 2010, for assistance to law enforcement in rural areas, to prevent and combat crime, especially drug-related crime.

For an additional amount for ''State and Local Law Enforcement Assistance'', $50,000,000, to remain available until September 30, 2010, for Internet Crimes Against Children (ICAC) initiatives.

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for ''Community Oriented Policing Services'', for grants under section 1701 of title I of the 1968 Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3796dd) for hiring and rehiring of additional career law enforcement officers under part Q of such title, and civilian public safety personnel, notwithstanding subsection (i) of such section and notwithstanding 42 U.S.C. 3796dd–3(c), $1,000,000,000, to remain available until September 30, 2010.

SALARIES AND EXPENSES

For an additional amount, not elsewhere specified in this title, for management and administration and oversight of programs within the Office on Violence Against Women, the Office of Justice Programs, and the Community Oriented Policing Services Office, $10,000,000, to remain available until September 30, 2010.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For an additional amount for ''Science'', $450,000,000, to remain available until September 30, 2010.

AERONAUTICS

For an additional amount for ''Aeronautics'', $200,000,000, to remain available until September 30, 2010.

EXPLORATION

For an additional amount for ''Exploration'', $450,000,000, to remain available until September 30, 2010.

CROSS AGENCY SUPPORT

For an additional amount for ''Cross Agency Support'', $200,000,000, to remain available until September 30, 2010.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,000,000, to remain available until September 30, 2011.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for ''Research and Related Activities'', $1,000,000,000, to remain available until September 30, 2010.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For an additional amount for ''Major Research Equipment and Facilities Construction'', $150,000,000, to remain available until September 30, 2010.

EDUCATION AND HUMAN RESOURCES

For an additional amount for ''Education and Human Resources'', $50,000,000, to remain available until September 30, 2010.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,000,000, to remain available until September 30, 2011.

GENERAL PROVISIONS—THIS TITLE

SEC. 201. The Assistant Secretary of Commerce for Communications and Information (Assistant Secretary), in consultation with the Federal Communications Commission (Commission) (and, with respect to rural areas, the Secretary of Agriculture), shall establish a national broadband service development and expansion program in conjunction with the technology opportunities program, which shall be referred to the Broadband Technology Opportunities Program. The Assistant Secretary shall ensure that the program complements and enhances and does not conflict with other Federal broadband initiatives and programs.

(1) The purposes of the program are to—

(A) provide access to broadband service to citizens residing in unserved areas of the United States;

(B) provide improved access to broadband service to citizens residing in underserved areas of the United States;

(C) provide broadband education, awareness, training, access, equipment, and support to—

(i) schools, libraries, medical and healthcare providers, community colleges and other institutions of higher education, and other community support organizations and entities to facilitate greater use of broadband service by or through these organizations;

(ii) organizations and agencies that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by low-income, unemployed, aged, and otherwise vulnerable populations; and

(iii) job-creating strategic facilities located within a State-designated economic zone, Economic Development District designated by the Department of Commerce, Renewal Community or Empowerment Zone designated by the Department of Housing and Urban Development, or Enterprise Community designated by the Department of Agriculture.

(D) improve access to, and use of, broadband service by public safety agencies; and

(E) stimulate the demand for broadband, economic growth, and job creation.

(2) The Assistant Secretary may consult with the chief executive officer of any State with respect to—

(A) the identification of areas described in subsection (1)(A) or (B) located in that State; and

(B) the allocation of grant funds within that State for projects in or affecting the State.

(3) The Assistant Secretary shall—

(A) establish and implement the grant program as expeditiously as practicable;

(B) ensure that all awards are made before the end of fiscal year 2010;

(C) seek such assurances as may be necessary or appropriate from grantees under the program that they will substantially complete projects supported by the program in accordance with project timelines, not to exceed 2 years following an award; and

(D) report on the status of the program to the Committees on Appropriations of the House and the Senate, the Committee on Energy and Commerce of the House, and the Committee on Commerce, Science, and Transportation of the Senate, every 90 days.

(4) To be eligible for a grant under the program an applicant shall—

(A) be a State or political subdivision thereof, a nonprofit foundation, corporation, institution or association, Indian tribe, Native Hawaiian organization, or other nongovernmental entity in partnership with a State or political subdivision thereof, Indian tribe, or Native Hawaiian organization if the Assistant Secretary determines the partnership consistent with the purposes this section;

(B) submit an application, at such time, in such form, and containing such information as the Assistant Secretary may require;

(C) provide a detailed explanation of how any amount received under the program will be used to carry out the purposes of this section in an efficient and expeditious manner, including a demonstration that the project would not have been implemented during the grant period without Federal grant assistance;

(D) demonstrate, to the satisfaction of the Assistant Secretary, that it is capable of carrying out the project or function to which the application relates in a competent manner in compliance with all applicable Federal, State, and local laws;

(E) demonstrate, to the satisfaction of the Assistant Secretary, that it will appropriate (if the applicant is a State or local government agency) or otherwise unconditionally obligate, from non-Federal sources, funds required to meet the requirements of paragraph (5);

(F) disclose to the Assistant Secretary the source and amount of other Federal or State funding sources from which the applicant receives, or has applied for, funding for activities or projects to which the application relates; and

(G) provide such assurances and procedures as the Assistant Secretary may require to ensure that grant funds are used and accounted for in an appropriate manner.

(5) The Federal share of any project may not exceed 80 percent, except that the Assistant Secretary may increase the Federal share of a project above 80 percent if—

(A) the applicant petitions the Assistant Secretary for a waiver; and

(B) the Assistant Secretary determines that the petition demonstrates financial need.

(6) The Assistant Secretary may make competitive grants under the program to—

(A) acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, and infrastructure for broadband services;

(B) construct and deploy broadband service related infrastructure;

(C) ensure access to broadband service by community anchor institutions;

(D) facilitate access to broadband service by low-income, unemployed, aged, and otherwise vulnerable populations in order to provide educational and employment opportunities to members of such populations;

(E) construct and deploy broadband facilities that improve public safety broadband communications services; and

(F) undertake such other projects and activities as the Assistant Secretary finds to be consistent with the purposes for which the program is established.

(7) The Assistant Secretary—

(A) shall require any entity receiving a grant pursuant to this section to report quarterly, in a format specified by the Assistant Secretary, on such entity's use of the assistance and progress fulfilling the objectives for which such funds were granted, and the Assistant Secretary shall make these reports available to the public;

(B) may establish additional reporting and information requirements for any recipient of any assistance made available pursuant to this section;

(C) shall establish appropriate mechanisms to ensure appropriate use and compliance

with all terms of any use of funds made available pursuant to this section;

(D) may, in addition to other authority under applicable law, deobligate awards to grantees that demonstrate an insufficient level of performance, or wasteful or fraudulent spending, as defined in advance by the Assistant Secretary, and award these funds competitively to new or existing applicants consistent with this section; and

(E) shall create and maintain a fully searchable database, accessible on the Internet at no cost to the public, that contains at least the name of each entity receiving funds made available pursuant to this section, the purpose for which such entity is receiving such funds, each quarterly report submitted by the entity pursuant to this section, and such other information sufficient to allow the public to understand and monitor grants awarded under the program.

(8) Concurrent with the issuance of the Request for Proposal for grant applications pursuant to this section, the Assistant Secretary shall, in coordination with the Federal Communications Commission, publish the non-discrimination and network interconnection obligations that shall be contractual conditions of grants awarded under this section.

(9) Within 1 year after the date of enactment of this Act, the Commission shall complete a rulemaking to develop a national broadband plan. In developing the plan, the Commission shall—

(A) consider the most effective and efficient national strategy for ensuring that all Americans have access to, and take advantage of, advanced broadband services;

(B) have access to data provided to other Government agencies under the Broadband Data Improvement Act (47 U.S.C. 1301 note);

(C) evaluate the status of deployments of broadband service, including the progress of projects supported by the grants made pursuant to this section; and

(D) develop recommendations for achieving the goal of nationally available broadband service for the United States and for promoting broadband adoption nationwide.

(10) The Assistant Secretary shall develop and maintain a comprehensive nationwide inventory map of existing broadband service capability and availability in the United States that entities and depicts the geographic extent to which broadband service capability is deployed and available from a commercial provider or public provider throughout each State: *Provided,* That not later than 2 years after the date of the enactment of the Act, the Assistant Secretary shall make the broadband inventory map developed and maintained pursuant to this section accessible to the public.

SEC. 202. The Assistant Secretary of Commerce for Communications and Information may reissue any coupon issued under section 3005(a) of the Digital Television Transition and Public Safety Act of 2005 that has expired before use, and shall cancel any unredeemed coupon reported as lost and may issue a replacement coupon for the lost coupon.

TITLE III—DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $1,169,291,000, to remain available for obligation until September 30, 2010.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $571,843,000, to remain available for obligation until September 30, 2010.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $112,167,000, to remain available for obligation until September 30, 2010.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $927,113,000, to remain available for obligation until September 30, 2010.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $79,543,000, to remain available for obligation until September 30, 2010.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $44,586,000, to remain available for obligation until September 30, 2010.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $32,304,000, to remain available for obligation until September 30, 2010.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $10,674,000, to remain available for obligation until September 30, 2010.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $215,557,000, to remain available for obligation until September 30, 2010.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $20,922,000, to remain available for obligation until September 30, 2010.

PROCUREMENT

DEFENSE PRODUCTION ACT PURCHASES

For an additional amount for ''Defense Production Act Purchases'', $100,000,000, to remain available for obligation until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $200,000,000, to remain available for obligation until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $250,000,000 for operation and maintenance, to remain available for obligation until September 30, 2010.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $12,000,000 for operation and maintenance, to remain available for obligation until September 30, 2011, and an additional $3,000,000 for such purposes, to remain available until September 30, 2011.

TITLE IV—ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for ''Investigations'' for expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $25,000,000: *Provided,* That funds provided under this heading in this title shall only be used for programs, projects or activities that heretofore or hereafter receive funds provided in Acts making appropriations available for Energy and Water Development: *Provided further,* That funds provided under this heading in this title shall be used for programs, projects or activities or elements of programs, projects or activities that can be completed within the funds made available in that account and that will not require new budget authority to complete: *Provided further,* That for projects that are being completed with funds appropriated in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, over engineering and design on those projects and on subsequent claims, if any: *Provided further,* That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

CONSTRUCTION

For an additional amount for ''Construction'' for expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law, $2,000,000,000, of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303: *Provided,* That not less than $200,000,000 of the funds provided shall be for water-related environmental infrastructure assistance: *Provided further,* That section 102 of Public Law 109–103 (33 U.S.C. 2221) shall not apply to funds provided in this title: *Provided further,* That notwithstanding any other provision of law, no funds shall be drawn from the Inland Waterways Trust Fund, as authorized in Public Law 99–662: *Provided further,* That funds provided under this heading in this title shall only be used for programs, projects or activities that heretofore or hereafter receive funds provided in Acts making appropriations available for Energy and Water Development: *Provided further,* That funds provided under this heading in this title shall be used for programs, projects or activities or elements of programs, projects or activities that can be completed within the funds made available in that account and that will not require new budget authority to complete: *Provided further,* That the limitation concerning total project costs in section 902 of

the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2009 to any project that received funds provided in this title: *Provided further*, That funds appropriated under this heading may be used by the Secretary of the Army, acting through the Chief of Engineers, to undertake work authorized to be carried out in accordance with section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r); section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s); section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330); or section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), notwithstanding the program cost limitations set forth in those sections: *Provided further*, That for projects that are being completed with funds appropriated in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, over engineering and design on those projects and on subsequent claims, if any: *Provided further*, That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' for expenses necessary for flood damage reduction projects and related efforts as authorized by law, $500,000,000, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662: *Provided*, That funds provided under this heading in this title shall only be used for programs, projects or activities that heretofore or hereafter receive funds provided in Acts making appropriations available for Energy and Water Development: *Provided further*, That funds provided under this heading in this title shall be used for programs, projects or activities or elements of programs, projects or activities that can be completed within the funds made available in that account and that will not require new budget authority to complete: *Provided further*, That the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2009 to any project that received funds provided in this title: *Provided further*, That for projects that are being completed with funds appropriated in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, over engineering and design on those projects and on subsequent claims, if any: *Provided further*, That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' for expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law, and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, $1,900,000,000, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for coastal harbors and channels, and inland harbors shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104–303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: *Provided*, That funds provided under this heading in this title shall only be used for programs, projects or activities that heretofore or hereafter receive funds provided in Acts making appropriations available for Energy and Water Development: *Provided further*, That funds provided under this heading in this title shall be used for programs, projects or activities or elements of programs, projects or activities that can be completed within the funds made available in that account and that will not require new budget authority to complete: *Provided further*, That $90,000,000 of the funds provided under this heading shall be used for activities described in section 9004 of Public Law 110–114: *Provided further*, That section 9006 of Public Law 110–114 shall not apply to funds provided in this title: *Provided further*, That for projects that are being completed with funds appropriated in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, over engineering and design on those projects and on subsequent claims, if any: *Provided further*, That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

REGULATORY PROGRAM

For an additional amount for ''Regulatory Program'' for expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $25,000,000 is provided.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For an additional amount for ''Formerly Utilized Sites Remedial Action Program'' for expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $100,000,000: *Provided further*, That funds provided under this heading in this title shall be used for programs, projects or activities or elements of programs, projects or activities that can be completed within the funds made available in that account and that will not require new budget authority to complete: *Provided further*, That for projects that are being completed with funds appropriated in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, over engineering and design on those projects and on subsequent claims, if any: *Provided further*, That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'' for expenses necessary for pre-placement of materials and equipment, advance measures and other activities authorized by law, $50,000,000 is provided.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $1,400,000,000; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds provided under this heading in this title shall only be used for programs, projects or activities that heretofore or hereafter receive funds provided in Acts making appropriations available for Energy and Water Development: *Provided further*, That funds provided in this Act shall be used for elements of projects, programs or activities that can be completed within these funding amounts and not create budgetary obligations in future fiscal years: *Provided further*, That $50,000,000 of the funds provided under this heading may be transferred to the Department of the Interior for programs, projects and activities authorized by the Central Utah Project Completion Act (titles II–V of Public Law 102–575): *Provided further*, That $50,000,000 of the funds provided under this heading may be used for programs, projects, and activities authorized by the California Bay-Delta Restoration Act (Public Law 108–361): *Provided further*, That not less than $60,000,000 of the funds provided under this heading shall be used for rural water projects and shall be expended primarily on water intake and treatment facilities of such projects: *Provided further*, That not less than $10,000,000 of the funds provided under this heading shall be used for a bureau-wide inspection of canals program in urbanized areas: *Provided further*, That not less than $110,000,000 of the funds provided under this heading shall be used for water reclamation and reuse projects (title 16 of Public Law 102–575): *Provided further*, That the costs of reimbursable activities, other than for maintenance and rehabilitation, carried out with funds provided in this Act shall be repaid pursuant to existing authorities and agreements: *Provided further*, That the costs of maintenance and rehabilitation activities carried out with funds provided in this Act shall be repaid pursuant to existing authority, except the length of repayment period shall be determined on needs-based criteria to be established and adopted by the Commissioner, but in no case shall the repayment period exceed 25 years: *Provided further*, That for projects that are being completed with funds appropriated in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, over engineering and design on those projects and on subsequent claims, if any: *Provided further*, That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For an additional amount for ''Energy Efficiency and Renewable Energy'', $14,398,000,000, for necessary expenses, to remain available until September 30, 2010: *Provided*, That $4,200,000,000 shall be available for Energy Efficiency and Conservation Block Grants for implementation of programs authorized under subtitle E of title V of the Energy Independence and Security Act of 2007 (42 U.S.C. 17151 et seq.), of which $2,100,000,000 is available through the formula in subtitle E: *Provided further*, That the remaining $2,100,000,000 shall be awarded on a competitive basis only to competitive grant applicants from States in which the Governor certifies to the Secretary of Energy that the applicable State regulatory authority will implement the integrated resource planning and rate design modifications standards required to be considered under paragraphs (16) and (17) of section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)(16) and (17)); and the Governor will take all actions within his or her authority to ensure that the State, or the applicable units of local government that have authority to adopt building codes, will implement—

(A) building energy codes for residential buildings that the Secretary determines are likely to meet or exceed the 2009 International Energy Conservation Code;

(B) building energy codes for commercial buildings that the Secretary determines are likely to meet or exceed the ANSI/ASHRAE/IESNA Standard 90.1–2007; and

(C) a plan for implementing and enforcing the building energy codes described in subparagraphs (A) and (B) that is likely to ensure that at least 90 percent of the new and renovated residential and commercial building space will meet the standards within 8 years after the date of enactment of this Act:

Provided further, That $2,000,000,000 shall be available for grants for the manufacturing of advanced batteries and components and the Secretary shall provide facility funding awards under this section to manufacturers of advanced battery systems and vehicle batteries that are produced in the United States, including advanced lithium ion batteries, hybrid electrical systems, component manufacturers, and software designers: *Provided further*, That notwithstanding section 3304 of title 5, United States Code, and without regard to the provisions of sections 3309 through 3318 of such title 5, the Secretary of Energy, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, may from within the funds provided, recruit and directly appoint highly qualified individuals into the competitive service: *Provided further*, That such authority shall not apply to positions in the Excepted Service or the Senior Executive Service: *Provided further*, That any action authorized herein shall be consistent with the merit principles of section 2301 of such title 5, and the Department shall comply with the public notice requirements of section 3327 of such title 5.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For an additional amount for ''Electricity Delivery and Energy Reliability'', $4,500,000,000, for necessary expenses, to remain available until September 30, 2010: *Provided*, That $100,000,000 shall be available for worker training activities: *Provided further*, That notwithstanding section 3304 of title 5, United States Code, and without regard to the provisions of sections 3309 through 3318 of such title 5, the Secretary of Energy, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, may from within the funds provided, recruit and directly appoint highly qualified individuals into the competitive service: *Provided further*, That such authority shall not apply to positions in the Excepted Service or the Senior Executive Service: *Provided further*, That any action authorized herein shall be consistent with the merit principles of section 2301 of such title 5, and the Department shall comply with the public notice requirements of section 3327 of such title 5: *Provided*, That for the purpose of facilitating the development of regional transmission plans, the Office of Electricity Delivery and Energy Reliability within the Department of Energy is provided $80,000,000 within the available funds to conduct a resource assessment and an analysis of future demand and transmission requirements: *Provided further*, That the Office of Electricity Delivery and Energy Reliability will provide technical assistance to the North American Electric Reliability Corporation, the regional reliability entities, the States, and other transmission owners and operators for the formation of interconnection-based transmission plans for the Eastern and Western Interconnections and ERCOT: *Provided further*, That such assistance may include modeling, support to regions and States for the development of coordinated State electricity policies, programs, laws, and regulations: *Provided further*, That $10,000,000 is provided to implement section 1305 of Public Law 110–140.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For an additional amount for ''Fossil Energy Research and Development'', $4,600,000,000, to remain available until September 30, 2010: *Provided*, That $2,000,000,000 is available for one or more near zero emissions powerplant(s): *Provided further*, $1,000,000,000 is available for selections under the Department's Clean Coal Power Initiative Round III Funding Opportunity Announcement; notwithstanding the mandatory eligibility requirements of the Funding Opportunity Announcement, the Department shall consider applications that utilize petroleum coke for some or all of the project's fuel input: *Provided further*, $1,520,000,000 is available for a competitive solicitation pursuant to section 703 of Public Law 110–140 for projects that demonstrate carbon capture from industrial sources: *Provided further*, That awards for such projects may include plant efficiency improvements for integration with carbon capture technology.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Non-Defense Environmental Cleanup'', $483,000,000, to remain available until September 30, 2010.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for ''Uranium Enrichment Decontamination and Decommissioning Fund'', $390,000,000, to remain available until September 30, 2010, of which $70,000,000 shall be available in accordance with title X, subtitle A of the Energy Policy Act of 1992.

SCIENCE

For an additional amount for ''Science'', $330,000,000, to remain available until September 30, 2010.

TITLE 17—INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Subject to section 502 of the Congressional Budget Act of 1974, commitments to guarantee loans under section 1702(b)(2) of the Energy Policy Act of 2005, shall not exceed a total principal amount of $50,000,000,000 for eligible projects, to remain available until committed: *Provided*, That these amounts are in addition to any authority provided elsewhere in this Act and this and previous fiscal years: *Provided further*, That such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in this and prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided further*, That the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, no appropriations are available to pay the subsidy cost of such guarantees: *Provided further*, That none of the loan guarantee authority made available in this Act shall be available for commitments to guarantee loans under section 1702(b)(2) of the Energy Policy Act of 2005 for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: *Provided further*, That none of the loan guarantee authority made available in this Act shall be available under section 1702(b)(2) of the Energy Policy Act of 2005 for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this title: *Provided further*, That for an additional amount for the cost of guaranteed loans authorized by section 1702(b)(1) and section 1705 of the Energy Policy Act of 2005, $8,500,000,000, available until expended, to pay the costs of guarantees made under this section: *Provided further*, That of the amount provided for Title XVII, $15,000,000 shall be used for administrative expenses in carrying out the guaranteed loan program.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $5,000,000, to remain available until September 30, 2012, and an additional $10,000,000 for such purposes, to remain available until September 30, 2012.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for weapons activities, $1,000,000,000, to remain available until September 30, 2010.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Defense Environmental Cleanup'', $5,527,000,000, to remain available until September 30, 2010.

CONSTRUCTION, REHABILITATION, OPERATION, AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, $10,000,000, to remain available until expended: *Provided,* That the Administrator shall establish such personnel staffing levels as he deems necessary to economically and efficiently complete the activities pursued under the authority granted by section 402 of this Act: *Provided further,* That this appropriation is non-reimbursable.

GENERAL PROVISIONS—THIS TITLE

SEC. 401. BONNEVILLE POWER ADMINISTRATION BORROWING AUTHORITY. For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the authority of the Administrator of the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional $3,250,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any time.

SEC. 402. WESTERN AREA POWER ADMINISTRATION BORROWING AUTHORITY. The Hoover Power Plant Act of 1984 (Public Law 98–381) is amended by adding at the end the following:

"TITLE III—BORROWING AUTHORITY

"SEC. 301. WESTERN AREA POWER ADMINISTRATION BORROWING AUTHORITY.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Western Area Power Administration.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(b) AUTHORITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, subject to paragraphs (2) through (5)—

''(A) the Western Area Power Administration may borrow funds from the Treasury; and

''(B) the Secretary shall, without further appropriation and without fiscal year limitation, loan to the Western Area Power Administration, on such terms as may be fixed by the Administrator and the Secretary, such sums (not to exceed, in the aggregate (including deferred interest), $3,250,000,000 in outstanding repayable balances at any one time) as, in the judgment of the Administrator, are from time to time required for the purpose of—

''(i) constructing, financing, facilitating, planning, operating, maintaining, or studying construction of new or upgraded electric power transmission lines and related facilities with at least one terminus within the area served by the Western Area Power Administration; and

''(ii) delivering or facilitating the delivery of power generated by renewable energy resources constructed or reasonably expected to be constructed after the date of enactment of this section.

''(2) INTEREST.—The rate of interest to be charged in connection with any loan made pursuant to this subsection shall be fixed by the Secretary, taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date of the loan.

''(3) REFINANCING.—The Western Area Power Administration may refinance loans taken pursuant to this section within the Treasury.

''(4) PARTICIPATION.—The Administrator may permit other entities to participate in the financing, construction and ownership projects financed under this section.

''(5) CONGRESSIONAL REVIEW OF DISBURSEMENT.—Effective upon the date of enactment of this section, the Administrator shall have the authority to have utilized $1,750,000,000 at any one time. If the Administrator seeks to borrow funds above $1,750,000,000, the funds will be disbursed unless there is enacted, within 90 calendar days of the first such request, a joint resolution that rescinds the remainder of the balance of the borrowing authority provided in this section.

''(c) TRANSMISSION LINE AND RELATED FACILITY PROJECTS.—

''(1) IN GENERAL.—For repayment purposes, each transmission line and related facility project in which the Western Area Power Administration participates pursuant to this section shall be treated as separate and distinct from—

''(A) each other such project; and

''(B) all other Western Area Power Administration power and transmission facilities.

''(2) PROCEEDS.—The Western Area Power Administration shall apply the proceeds from the use of the transmission capacity from an individual project under this section to the repayment of the principal and interest of the loan from the Treasury attributable to that project, after reserving such funds as the Western Area Power Administration determines are necessary—

''(A) to pay for any ancillary services that are provided; and

''(B) to meet the costs of operating and maintaining the new project from which the revenues are derived.

''(3) SOURCE OF REVENUE.—Revenue from the use of projects under this section shall be the only source of revenue for—

''(A) repayment of the associated loan for the project; and

''(B) payment of expenses for ancillary services and operation and maintenance.

''(4) LIMITATION ON AUTHORITY.—Nothing in this section confers on the Administrator any additional authority or obligation to provide ancillary services to users of transmission facilities developed under this section.

''(5) TREATMENT OF CERTAIN REVENUES.—Revenue from ancillary services provided by existing Federal power systems to users of transmission projects funded pursuant to this section shall be treated as revenue to the existing power system that provided the ancillary services.

''(d) CERTIFICATION.—

''(1) IN GENERAL.—For each project in which the Western Area Power Administration participates pursuant to this section, the Administrator shall certify, prior to committing funds for any such project, that—

''(A) the project is in the public interest;

''(B) the project will not adversely impact system reliability or operations, or other statutory obligations; and

''(C) it is reasonable to expect that the proceeds from the project shall be adequate to make repayment of the loan.

''(2) FORGIVENESS OF BALANCES.—

''(A) IN GENERAL.—If, at the end of the useful life of a project, there is a remaining balance owed to the Treasury under this section, the balance shall be forgiven.

''(B) UNCONSTRUCTED PROJECTS.—Funds expended to study projects that are considered pursuant to this section but that are not constructed shall be forgiven.

''(C) NOTIFICATION.—The Administrator shall notify the Secretary of such amounts as are to be forgiven under this paragraph.

''(e) PUBLIC PROCESSES.—

''(1) POLICIES AND PRACTICES.—Prior to requesting any loans under this section, the Administrator shall use a public process to develop practices and policies that implement the authority granted by this section.

''(2) REQUESTS FOR INTEREST.—In the course of selecting potential projects to be funded under this section, the Administrator shall seek Requests For Interest from entities interested in identifying potential projects through one or more notices published in the Federal Register.''

SEC. 403. TECHNICAL CORRECTIONS TO THE ENERGY INDEPENDENCE AND SECURITY ACT OF 2007. Title XIII of the Energy Independence and Security Act of 2007 (15 U.S.C. 17381 and following) is amended as follows:

(1) By amending subparagraph (A) of section 1304(b)(3) to read as follows:

''(A) IN GENERAL.—In carrying out the initiative, the Secretary shall provide financial support to smart grid demonstration projects including those in rural areas and/or areas where the majority of generation and transmission assets are controlled by a tax-exempt entity.''.

(2) By amending subparagraph (C) of section 1304(b)(3) to read as follows:

''(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) or to other parties financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility or other party to carry out a demonstration project.''.

(3) By inserting a new subparagraph (E) after 1304(b)(3)(D) as follows:

''(E) AVAILABILITY OF DATA.—The Secretary shall establish and maintain a smart grid information clearinghouse in a timely manner which will make data from smart grid demonstration projects and other sources available to the public. As a condition of receiving financial assistance under this subsection, a utility or other participant in a smart grid demonstration project shall provide such information as the Secretary may require to become available through the smart grid information clearinghouse in the form and within the timeframes as directed by the Secretary. The Secretary shall assure that business proprietary information and individual customer information is not included in the information made available through the clearinghouse.''.

(4) By amending paragraph (2) of section 1304(c) to read as follows:

''(2) to carry out subsection (b), such sums as may be necessary.''.

(5) By amending subsection (a) of section 1306 by striking ''reimbursement of one-fifth (20 percent)'' and inserting ''grants of up to one-half (50 percent)''.

(6) By striking the last sentence of subsection (b)(9) of section 1306.

(7) By striking ''are eligible for'' in subsection (c)(1) of section 1306 and inserting ''utilize''.

(8) By amending subsection (e) of section 1306 to read as follows:

''(e) The Secretary shall—

''(1) establish within 60 days after the enactment of the American Recovery and Reinvestment Act of 2009 procedures by which applicants can obtain grants of not more than one-half of their documented costs;

''(2) establish procedures to ensure that there is no duplication or multiple payment for the same investment or costs, that the grant goes to the party making the actual expenditures for Qualifying Smart Grid Investments, and that the grants made have significant effect in encouraging and facilitating the development of a smart grid;

''(3) maintain public records of grants made, recipients, and qualifying Smart Grid investments which have received grants;

''(4) establish procedures to provide advance payment of moneys up to the full amount of the grant award; and

''(5) have and exercise the discretion to deny grants for investments that do not qualify in the reasonable judgment of the Secretary.''.

SEC. 404. TEMPORARY STIMULUS LOAN GUARANTEE PROGRAM. (a) AMENDMENT.—Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding the following at the end:

''SEC. 1705. TEMPORARY PROGRAM FOR RAPID DEPLOYMENT OF RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION PROJECTS.

''(a) IN GENERAL.—Notwithstanding section 1703, the Secretary may make guarantees under this section only for commercial technology projects under subsection (b) that will reach financial close not later than September 30, 2012.

''(b) CATEGORIES.—Projects from only the following categories shall be eligible for support under this section:

''(1) Renewable energy systems.

''(2) Electric power transmission systems.

''(c) AUTHORIZATION LIMIT.—There are authorized to be appropriated $10,000,000,000 to the Secretary for fiscal years 2009 through 2012 to provide the cost of guarantees made under section.

''(d) SUNSET.—The authority to enter into guarantees under this section shall expire on September 30, 2012.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for the Energy Policy Act of 2005 is amended by inserting after the item relating to section 1704 the following new item:

''Sec. 1705. Temporary program for rapid deployment of renewable energy and electric power transmission projects.''.

SEC. 405. WEATHERIZATION PROGRAM AMENDMENTS. (a) INCOME LEVEL.—Section 412(7) of the Energy Conservation and Production Act (42 U.S.C. 6862(7)) is amended by striking ''150 percent'' both places it appears and inserting ''200 percent''.

(b) ASSISTANCE LEVEL PER DWELLING UNIT.—Section 415(c)(1) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)(1)) is amended by striking ''$2,500'' and inserting ''$5,000''.

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 416 of the Energy Conservation and Production Act (42 U.S.C. 6866) is amended by striking ''10 percent'' and inserting ''up to 20 percent''.

SEC. 406. TECHNICAL CORRECTIONS TO PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978. (a) Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by redesignating paragraph (16) relating to consideration of smart grid investments (added by section 1307(a) of Public Law 110–140) as paragraph (18) and by redesignating paragraph (17) relating to smart grid information (added by section 1308(a) of Public Law 110–140) as paragraph (19).

(b) Subsections (b) and (d) of section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) are each amended by striking ''(17) through (18)'' in each place it appears and inserting ''(16) through (19)''.

TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

For an additional amount for ''Community Development Financial Institutions Fund Program Account'', $250,000,000, to remain available until September 30, 2010, for qualified applicants under the fiscal year 2008 and 2009 funding rounds of the Community Development Financial Institutions Program, of which up to $20,000,000 may be for financial assistance, technical assistance, training and outreach programs, including up to $5,000 for subsistence expenses, designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers and up to $5,000,000 may be used for administrative expenses: *Provided*, That for purposes of the fiscal year 2008 and 2009 funding rounds, the following statutory provisions are hereby waived: 12 U.S.C. 4707(e) and 12 U.S.C. 4707(d): *Provided further*, That no awardee, together with its subsidiaries and affiliates, may be awarded more than 15 percent of the aggregate funds available during each of fiscal years 2008 and 2009 from the Community Development Financial Institutions Program: *Provided further*, That no later than 60 days after the date of enactment of this Act, the Department of the Treasury shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading.

DISTRICT OF COLUMBIA

FEDERAL PAYMENTS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $125,000,000, to remain available until September 30, 2010, to continue implementation of the Combined Sewer Overflow Long-Term Control Plan: *Provided*, That the District of Columbia Water and Sewer Authority provide a 100 percent match for this payment: *Provided further*, That no later than 60 days after the date of enactment of this Act, the District of Columbia Water and Sewer Authority shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such expenditure plan shall include a description of each specific project, how specific projects will further the objectives of the Long-Term Control Plan, and all funding sources for each project.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in the Federal Buildings Fund, $5,548,000,000, to carry out the purposes of the Fund, of which not less than $1,400,000,000 shall be available for Federal buildings and United States courthouses, not less than $1,200,000,000 shall be available for border stations, and not less than $2,500,000,000 shall be available for measures necessary to convert GSA facilities to High-Performance Green Buildings, as defined in section 401 of Public Law 110–140: *Provided*, That not to exceed $108,000,000 of the amounts provided under this heading may be expended for rental of space, related to leasing of temporary space in connection with projects funded under this heading: *Provided further*, That not to exceed $127,000,000 of the amounts provided under this heading may be expended for building operations, for the administrative costs of completing projects funded under this heading: *Provided further*, That not less than $5,000,000,000 of the funds provided under this heading shall be obligated by September 30, 2010: *Provided further*, That the Administrator of General Services is authorized to initiate design, construction, repair, alteration, and other projects through existing authorities of the Administrator: *Provided further*, That the General Services Administration shall submit a detailed plan, by project, regarding the use of funds made available in this Act to the Committees on Appropriations of the House of Representatives and the Senate within 60 days of enactment of this Act: *Provided further*, That of the amounts provided for converting GSA facilities to High-Performance Green Buildings, $4,000,000 shall be transferred to and merged with ''Government-Wide Policy'', for carrying out the provisions of section 436 of the Energy Independence and Security Act of 2007 (Public Law 110–140), establishing an Office of Federal High-Performance Green Buildings, to remain available until September 30, 2010: *Provided further*, That within the overall amount to be deposited into the Fund, $448,000,000 shall remain available until September 30, 2011, for the development and construction of the headquarters for the Department of Homeland Security, except that none of the preceding provisos shall apply to amounts made available under this proviso.

ENERGY-EFFICIENT FEDERAL MOTOR VEHICLE FLEET PROCUREMENT

For capital expenditures and necessary expenses of acquiring motor vehicles with higher fuel economy, including: hybrid vehicles; neighborhood electric vehicles; electric vehicles; and commercially-available, plug-in hybrid vehicles, $300,000,000, to remain available until September 30, 2011.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, to remain available until September 30, 2011, $2,000,000 and an additional $5,000,000 for such purposes, to remain available until September 30, 2012.

RECOVERY ACT ACCOUNTABILITY AND TRANSPARENCY BOARD

For necessary expenses of the Recovery Act Accountability and Transparency Board to carry out the provisions of title XV of this Act, $7,000,000, to remain available until September 30, 2010.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount, to remain available until September 30, 2010, $84,000,000, of which $24,000,000 is for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program, of which $15,000,000 is for lender oversight activities as authorized in section 501(c) of this title, and of which $20,000,000 is for improving, streamlining, and automating information technology systems related to lender

processes and lender oversight: *Provided*, That no later than 60 days after the date of enactment of this Act, the Small Business Administration shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under the heading ''Small Business Administration'' in this Act.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $10,000,000, to remain available until September 30, 2011.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act of 1958, $15,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, $6,000,000, to remain available until September 30, 2010, and for an additional amount for the cost of guaranteed loans, $615,000,000, to remain available until September 30, 2010: *Provided*, That of the amount for the cost of guaranteed loans, $515,000,000 shall be for loan subsidies and loan modifications for loans to small business concerns authorized in section 501(a) of this title; and $100,000,000 shall be for loan subsidies and loan modifications for loans to small business concerns authorized in section 501(b) of this title: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

SEC. 501. ECONOMIC STIMULUS FOR SMALL BUSINESS CONCERNS. (a) TEMPORARY FEE ELIMINATION FOR THE 7(a) LOAN PROGRAM.—Until September 30, 2010, and to the extent that the cost of such elimination of fees is offset by appropriations, with respect to each loan guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) for which the application is approved on or after the date of enactment of this Act, the Administrator shall—

(1) in lieu of the fee otherwise applicable under section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)), collect no fee; and

(2) in lieu of the fee otherwise applicable under section 7(a)(18)(A) of the Small Business Act (15 U.S.C. 636(a)(18)(A)), collect no fee.

(b) TEMPORARY FEE ELIMINATION FOR THE 504 LOAN PROGRAM.—

(1) IN GENERAL.—Until September 30, 2010, and to the extent the cost of such elimination in fees is offset by appropriations, with respect to each project or loan guaranteed by the Administrator under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) for which an application is approved or pending approval on or after the date of enactment of this Act—

(A) the Administrator shall, in lieu of the fee otherwise applicable under section 503(d)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 697(d)(2)), collect no fee;

(B) a development company shall, in lieu of the processing fee under section 120.971(a)(1) of title 13, Code of Federal Regulations (relating to fees paid by borrowers), or any successor thereto, collect no fee.

(2) REIMBURSEMENT FOR WAIVED FEES.—

(A) IN GENERAL.—To the extent that the cost of such payments is offset by appropriations, the Administrator shall reimburse each development company that does not collect a processing fee pursuant to paragraph (1)(B).

(B) AMOUNT.—The payment to a development company under subparagraph (A) shall be in an amount equal to 1.5 percent of the net debenture proceeds for which the development company does not collect a processing fee pursuant to paragraph (1)(B).

(c) TEMPORARY FEE ELIMINATION OF LENDER OVERSIGHT FEES.—Until September 30, 2010, and to the extent the cost of such elimination in fees is offset by appropriations, the Administrator shall, in lieu of the fee otherwise applicable under section 5(b)(14) of the Small Business Act (15 U.S.C. 634(b)(14)), collect no fee.

(d) APPLICATION OF FEE ELIMINATIONS.—The Administrator shall eliminate fees under subsections (a), (b), and (c) until the amount provided for such purposes, as applicable, under the headings ''Salaries and Expenses'' and ''Business Loans Program Account'' under the heading ''Small Business Administration'' under this Act are expended.

SEC. 502. FINANCIAL ASSISTANCE PROGRAM IMPROVEMENTS. (a) 7(a) LOAN MAXIMUM AMOUNT.—Section 7(a)(3)(A) of the Small Business Act (15 U.S.C. 636(a)(3)(A)) is amended by striking ''$1,500,000 (or if the gross loan amount would exceed $2,000,000)'' and inserting ''$2,250,000 (or if the gross loan amount would exceed $3,000,000)''.

(b) SMALL BUSINESS INVESTMENT COMPANIES.—

(1) MAXIMUM LEVERAGE.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended—

(A) in paragraph (2), by striking subparagraphs (A), (B), and (C) and inserting the following:

''(A) IN GENERAL.—The maximum amount of outstanding leverage made available to any 1 company licensed under section 301(c) may not exceed the lesser of—

''(i) 300 percent of the private capital of the company; or

''(ii) $150,000,000.

''(B) MULTIPLE LICENSES UNDER COMMON CONTROL.—The maximum amount of outstanding leverage made available to 2 or more companies licensed under section 301(c) that are commonly controlled (as determined by the Administrator) may not exceed $225,000,000.

''(C) INVESTMENTS IN LOW-INCOME GEOGRAPHIC AREAS.—

''(i) IN GENERAL.—The maximum amount of outstanding leverage made available to—

''(I) any 1 company described in clause (ii) may not exceed the lesser of—

''(aa) 300 percent of private capital of the company; or

''(bb) $175,000,000; and

''(II) 2 or more companies described in clause (ii) that are commonly controlled (as determined by the Administrator) may not exceed $250,000,000.

''(ii) APPLICABILITY.—A company described in this clause is a company licensed under section 301(c) that certifies in writing that not less than 50 percent of the dollar amount of investments of that company shall be made in companies that are located in a low-income geographic area (as that term is defined in section 351).''; and

(B) by striking paragraph (4).

(2) INVESTMENTS IN SMALLER ENTERPRISES.—Section 303(d) of the Small Business Investment Act of 1958 (15 U.S.C. 683(d)) is amended to read as follows:

''(d) INVESTMENTS IN SMALLER ENTERPRISES.—The Administrator shall require each licensee, as a condition of approval of an application for leverage, to certify in writing that not less than 25 percent of the aggregate dollar amount of financings of that licensee shall be provided to smaller enterprises.''.

(3) MAXIMUM INVESTMENT IN A COMPANY.—Section 306(a) of the Small Business Investment Act of 1958 (15 U.S.C. 686(a)) is amended by striking ''20 per centum'' and inserting ''30 percent''.

(c) MAXIMUM 504 LOAN SIZE.—Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (i), by striking ''$1,500,000'' and inserting ''$3,000,000'';

(2) in clause (ii), by striking ''$2,000,000'' and inserting ''$3,500,000''; and

(3) in clause (iii), by striking ''$4,000,000'' and inserting ''$5,500,000''.

SEC. 503. LOW-INTEREST REFINANCING. Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

''(7) PERMISSIBLE DEBT FINANCING.—A financing under this title may include refinancing of existing indebtedness, in an amount not to exceed 50 percent of the projected cost of the project financed under this title, if—

''(A) the project financed under this title involves the expansion of a small business concern;

''(B) the existing indebtedness is collateralized by fixed assets;

''(C) the existing indebtedness was incurred for the benefit of the small business concern;

''(D) the proceeds of the existing indebtedness were used to acquire land (including a building situated thereon), to construct or expand a building thereon, or to purchase equipment;

''(E) the borrower has been current on all payments due on the existing indebtedness for not less than 1 year preceding the proposed date of refinancing;

''(F) the financing under this title will provide better terms or a better rate of interest than exists on the existing indebtedness on the proposed date of refinancing;

''(G) the financing under this title is not being used to refinance any debt guaranteed by the Government; and

''(H) the financing under this title will be used only for—

''(i) refinancing existing indebtedness; or

''(ii) costs relating to the project financed under this title.''.

SEC. 504. DEFINITIONS. Under the heading ''Small Business Administration'' in this title—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''development company'' has the meaning given the term ''development companies'' in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662); and

(3) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 505. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)'';

(2) by striking ''$2,000,000'' and inserting ''$5,000,000''; and

(3) by adding at the end the following:

''(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not

exceed $10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.''.

(b) SIZE STANDARDS.—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended by adding at the end the following:

''(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purposes of sections 410, 411, and 412 the term 'small business concern' means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.''.

(c) SUNSET.—The amendments made by this section shall remain in effect until September 30, 2010.

SEC. 506.—OFFICE OF INSPECTOR GENERAL. For an additional amount for ''Treasury Office of Inspector General for Tax Administration'', $7,000,000, to remain available until September 30, 2012, for oversight and audit of programs grants and activities funded under this title.

TITLE VI—DEPARTMENT OF HOMELAND SECURITY

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For an additional amount for the ''Office of the Under Secretary for Management'', $198,000,000, to remain available until September 30, 2011, solely for planning, design, and construction costs, including site security, information technology infrastructure, fixtures, and related costs to consolidate the Department of Homeland Security headquarters: *Provided,* That no later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Administrator of General Services, shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for the expenditure of these funds.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the ''Office of Inspector General'', $5,000,000, to remain available until September 30, 2012, for oversight and audit of programs, grants, and projects funded under this title.

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $198,000,000, to remain available until September 30, 2010, of which $100,800,000 shall be for the procurement and deployment of non-intrusive inspection systems to improve port security; and of which $97,200,000 shall be for procurement and deployment of tactical communications equipment and radios: *Provided,* That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for expenditure of these funds.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For an additional amount for ''Border Security Fencing, Infrastructure, and Technology'', $200,000,000, to remain available until September 30, 2010, for expedited development and deployment of border security technology on the Southwest border: *Provided,* That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for expenditure of these funds.

CONSTRUCTION

For an additional amount for ''Construction'', $800,000,000, to remain available until expended, solely for planning, management, design, alteration, and construction of U.S. Customs and Border Protection owned land border ports of entry: *Provided,* That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for expenditure of these funds.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

AUTOMATION MODERNIZATION

For an additional amount for ''Automation Modernization'', $27,800,000, to remain available until September 30, 2010, for the procurement and deployment of tactical communications equipment and radios: *Provided,* That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for expenditure of these funds.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for ''Aviation Security'', $1,000,000,000, to remain available until September 30, 2010, for procurement and installation of checked baggage explosives detection systems and checkpoint explosives detection equipment: *Provided,* That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for the expenditure of these funds.

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'', $450,000,000, to remain available until September 30, 2010, of which $195,000,000 shall be for shore facilities and aids to navigation facilities; and of which $255,000,000 shall be for priority procurements due to materials and labor cost increases, and to repair, renovate, assess, or improve vessels: *Provided,* That amounts made available for the activities under this heading shall be available for all necessary expenses related to the oversight and management of such activities: *Provided further,* That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for the expenditure of these funds.

ALTERATION OF BRIDGES

For an additional amount for ''Alteration of Bridges'', $240,400,000, to remain available until September 30, 2010, for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516): *Provided,* That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for the expenditure of these funds.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For an additional amount for ''Management and Administration'', $6,000,000 for the acquisition of communications response vehicles to be deployed in response to a disaster or a national security event.

STATE AND LOCAL PROGRAMS

For an additional amount for grants, $950,000,000, to be allocated as follows:

(1) $100,000,000, to remain available until September 30, 2010, for Public Transportation Security Assistance, Railroad Security Assistance, and Systemwide Amtrak Security Upgrades under sections 1406, 1513, and 1514 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135, 1163, and 1164).

(2) $100,000,000, to remain available until September 30, 2010, for Port Security Grants in accordance with 46 U.S.C. 70107, notwithstanding 46 U.S.C. 70107(c).

(3) $250,000,000, to remain available until September 30, 2010, for upgrading, modifying, or constructing emergency operations centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, notwithstanding section 614(c) of that Act or for upgrading, modifying, or constructing State and local fusion centers as defined by section 210A(j)(1) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)(1)).

(4) $500,000,000 for construction to upgrade or modify critical infrastructure, as defined in section 1016(e) of the USA PATRIOT Act of 2001 (42 U.S.C. 5195c(e)), to mitigate consequences related to potential damage from all-hazards: *Provided,* That funds in this paragraph shall remain available until September 30, 2011: *Provided further,* That 5 percent shall be for program administration: *Provided further,* That no later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for expenditure of these funds.

FIREFIGHTER ASSISTANCE GRANTS

For an additional amount for competitive grants, $500,000,000, to remain available until September 30, 2010, for modifying, upgrading, or constructing State and local fire stations: *Provided,* That up to 5 percent shall be for program administration: *Provided further,* That no grant shall exceed $15,000,000.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

Notwithstanding section 417(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the amount of any such loan issued pursuant to this section for major disasters occurring in calendar year 2008 may exceed $5,000,000, and may be equal to not more than 50 percent of the annual operating budget of the local government in any case in which that local government has suffered a loss of 25 percent or more in tax revenues: *Provided,* That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

EMERGENCY FOOD AND SHELTER

For an additional amount to carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $100,000,000: *Provided,* That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for ''Acquisition, Construction, Improvements, and Related Expenses'', $15,000,000, to remain available until September 30, 2010, for security systems and law enforcement upgrades for all Federal Law Enforcement Training Center facilities: *Provided*, That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for the expenditure of these funds.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. Notwithstanding any other provision of law, the President shall establish an arbitration panel under the Federal Emergency Management Agency public assistance program to expedite the recovery efforts from Hurricanes Katrina, Rita, Gustav, and Ike within the Gulf Coast Region. The arbitration panel shall have sufficient authority regarding the award or denial of disputed public assistance applications for covered hurricane damage under section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, or 5173) for a project the total amount of which is more than $500,000.

SEC. 602. The Administrator of the Federal Emergency Management Agency may not prohibit or restrict the use of funds designated under the hazard mitigation grant program for damage caused by Hurricanes Katrina and Rita if the homeowner who is an applicant for assistance under such program commenced work otherwise eligible for hazard mitigation grant program assistance under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) without approval in writing from the Administrator.

TITLE VII—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for ''Management of Lands and Resources'', $135,000,000, to remain available until September 30, 2010.

CONSTRUCTION

For an additional amount for ''Construction'', $180,000,000, to remain available until September 30, 2010.

WILDLAND FIRE MANAGEMENT

For an additional amount for ''Wildland Fire Management'', $15,000,000, to remain available until September 30, 2010.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for ''Resource Management'', $165,000,000, to remain available until September 30, 2010.

CONSTRUCTION

For an additional amount for ''Construction'', $110,000,000, to remain available until September 30, 2010.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for ''Operation of the National Park System'', $158,000,000, to remain available until September 30, 2010.

CONSTRUCTION

For an additional amount for ''Construction'', $589,000,000, to remain available until September 30, 2010.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ''Surveys, Investigations, and Research'', $135,000,000, to remain available until September 30, 2010.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for ''Operation of Indian Programs'', $40,000,000, to remain available until September 30, 2010, of which $20,000,000 shall be for the housing improvement program.

CONSTRUCTION

For an additional amount for ''Construction'', $522,000,000, to remain available until September 30, 2010.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For an additional amount for ''Indian Guaranteed Loan Program Account'', $10,000,000, to remain available until September 30, 2010.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For an additional amount for ''Assistance to Territories'', $62,000,000, to remain available until September 30, 2010.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for ''Office of Inspector General'', $7,600,000, to remain available until September 30, 2011, and an additional $7,400,000 for such purposes, to remain available until September 30, 2011.

DEPARTMENT-WIDE PROGRAMS

CENTRAL HAZARDOUS MATERIALS FUND

For an additional amount for ''Central Hazardous Materials Fund'', $20,000,000, to remain available until September 30, 2010.

ENVIROMENTAL PROTECTION AGENCY

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Hazardous Substance Superfund'', $600,000,000, to remain available until September 30, 2010, as a payment from general revenues to the Hazardous Substance Superfund, to carry out remedial actions: *Provided*, That the Administrator may retain up to 2 percent of the funds appropriated herein for Superfund remedial actions for program oversight and support purposes, and may transfer those funds to other accounts as needed.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For an additional amount for ''Leaking Underground Storage Tank Trust Fund Program'', $200,000,0000, to remain available until September 30, 2010, for cleanup activities: *Provided*, That none of these funds shall be subject to cost share requirements.

STATE AND TRIBAL ASSISTANCE GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''State and Tribal Assistance Grants'', $6,400,000,000, to remain available until September 30, 2010, of which $4,000,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; of which $2,000,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Fund under section 1452 of the Safe Drinking Water Act, as amended; of which $100,000,000 shall be available for Brownfields remediation grants pursuant to section 104(k)(3) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended; and of which $300,000,000 shall be for Diesel Emission Reduction Act grants pursuant to title VII, subtitle G of the Energy Policy Act of 2005, as amended: *Provided*, That notwithstanding the priority ranking they would otherwise receive under each program, priority for funds appropriated herein for the Clean Water State Revolving Funds and Drinking Water State Revolving Funds (Revolving Funds) shall be allocated to projects that are ready to proceed to construction within 180 days of enactment of this Act: *Provided further*, That the Administrator of the Environmental Protection Agency (Administrator) may reallocate funds appropriated herein for the Revolving Funds that are not under binding commitments to proceed to construction within 180 days of enactment of this Act: *Provided further*, That notwithstanding any other provision of law, financial assistance provided from funds appropriated herein for the Revolving Funds may include additional subsidization, including forgiveness of principal and negative interest loans: *Provided further*, That not less than 15 percent of the funds appropriated herein for the Revolving Funds shall be designated for green infrastructure, water efficiency improvements or other environmentally innovative projects: *Provided further*, That notwithstanding the limitation on amounts specified in section 518(c) of the Federal Water Pollution Control Act, up to a total of 1.5 percent of the funds appropriated herein for the Clean Water State Revolving Funds may be reserved by the Administrator for tribal grants under section 518(c) of such Act: *Provided further*, That section 1452(k) of the Safe Drinking Water Act shall not apply to amounts appropriated herein for the Drinking Water State Revolving Funds: *Provided further*, That the Administrator may exceed the 30 percent limitation on State grants for funds appropriated herein for Diesel Emission Reduction Act grants if the Administrator determines such action will expedite allocation of funds: *Provided further*, That none of the funds appropriated herein shall be subject to cost share requirements: *Provided further*, That the Administrator may retain up to 0.25 percent of the funds appropriated herein for the Clean Water State Revolving Funds and Drinking Water State Revolving Funds and up to 1.5 percent of the funds appropriated herein for the Diesel Emission Reduction Act grants program for program oversight and support purposes and may transfer those funds to other accounts as needed.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for ''Capital Improvement and Maintenance'', $650,000,000, to remain available until September 30, 2010, which shall include remediation of abandoned mine sites and support costs necessary to carry out this work.

WILDLAND FIRE MANAGEMENT

For an additional amount for ''Wildland Fire Management'', $485,000,000, to remain available until September 30, 2010, for hazardous fuels reduction and hazard mitigation activities in areas at high risk of catastrophic wildfire, of which $260,000,000 is available for work on State and private lands using all the authorities available to the Forest Service: *Provided*, That of the funds provided for State and private land fuels reduction activities, up to $50,000,000 may be used to make grants for the purpose of creating incentives for increased use of biomass from national forest lands.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for ''Indian Health Services'', $135,000,000, to remain available until September 30, 2010, of which $50,000,000 is for contract health services; and of which $85,000,000 is for health information technology: *Provided*, That the amount made available for health information technology activities may be used for both telehealth services development and related infrastructure requirements that are typically funded through the ''Indian Health Facilities'' account: *Provided further*, That notwithstanding any other provision of law, health information technology funds provided within this title shall be allocated at the discretion of the Director of the Indian Health Service.

INDIAN HEALTH FACILITIES

For an additional amount for ''Indian Health Facilities'', $410,000,000, to remain available until September 30, 2010: *Provided*, That for the purposes of this Act, spending caps included within the annual appropriation for ''Indian Health Facilities'' for the purchase of medical equipment shall not apply.

SMITHSONIAN INSTITUTION

FACILITIES CAPITAL

For an additional amount for ''Facilities Capital'', $75,000,000, to remain available until September 30, 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 701. (a) Within 30 days of enactment of this Act, each agency receiving funds under this title shall submit a general plan for the expenditure of such funds to the House and Senate Committees on Appropriations.

(b) Within 90 days of enactment of this Act, each agency receiving funds under this title shall submit to the Committees a report containing detailed project level information associated with the general plan submitted pursuant to subsection (a).

SEC. 702. In carrying out the work for which funds in this title are being made available, the Secretary of the Interior and the Secretary of Agriculture may utilize the Public Lands Corps, Youth Conservation Corps, Job Corps and other related partnerships with Federal, State, local, tribal or non-profit groups that serve young adults.

TITLE VIII—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for ''Training and Employment Services'' for activities authorized by the Workforce Investment Act of 1998 (''WIA''), $3,250,000,000, which shall be available on the date of enactment of this Act, as follows:

(1) $500,000,000 for adult employment and training activities, including supportive services and needs-related payments described in section 134(e)(2) and (3) of the WIA: *Provided*, That a priority use of these funds shall be services to individuals described in 134(d)(4)(E) of the WIA;

(2) $1,200,000,000 for grants to the States for youth activities, including summer employment for youth: *Provided*, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: *Provided further*, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed $1,000,000,000: *Provided further*, That, with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting ''age 24'' for ''age 21'': *Provided further*, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of youth activities provided with such funds;

(3) $1,000,000,000 for grants to the States for dislocated worker employment and training activities;

(4) $200,000,000 for national emergency grants;

(5) $250,000,000 under the dislocated worker national reserve for a program of competitive grants for worker training in high growth and emerging industry sectors and assistance under 132(b)(2)(A) of the WIA: *Provided*, That the Secretary of Labor shall give priority when awarding such grants to projects that prepare workers for careers in energy efficiency and renewable energy as described in section 171(e)(1)(B) of the WIA and for careers in the health care sector; and

(6) $100,000,000 for YouthBuild activities as described in section 173A of the WIA: *Provided*, That for program years 2008 and 2009, the YouthBuild program may serve an individual who has dropped out of high school and re-enrolled in an alternative school, if that re-enrollment is part of a sequential service strategy:

Provided, That funds made available in this paragraph shall remain available through June 30, 2010: *Provided further*, That a local board may award a contract to an institution of higher education if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for ''Community Service Employment for Older Americans'' for carrying out title V of the Older Americans Act of 1965, $120,000,000, which shall be available on the date of enactment of this Act and shall remain available through June 30, 2010: *Provided*, That funds shall be allotted within 30 days of such enactment to current grantees in proportion to their allotment in program year 2008: *Provided further*, That funds made available under this heading in this Act may, in accordance with section 517(c) of the Older Americans Act of 1965, be recaptured and reobligated.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for ''State Unemployment Insurance and Employment Service Operations'' for grants to States in accordance with section 6 of the Wagner-Peyser Act, $400,000,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That such funds shall be available on the date of enactment of this Act and remain available to the States through September 30, 2010: *Provided further*, That $250,000,000 of such funds shall be used by States for reemployment services for unemployment insurance claimants (including the integrated Employment Service and Unemployment Insurance information technology required to identify and serve the needs of such claimants): *Provided further*, That the Secretary of Labor shall establish planning and reporting procedures necessary to provide oversight of funds used for reemployment services.

DEPARTMENTAL MANAGEMENT

OFFICE OF JOB CORPS

For an additional amount for ''Office of Job Corps'' for construction, alteration and repairs of buildings and other facilities, $160,000,000, which shall remain available through June 30, 2010: *Provided*, That the Secretary of Labor may transfer up to 15 percent of such funds to meet the operational needs of Job Corps Centers, which may include training for careers in the energy efficiency, renewable energy, and environmental protection industries: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary shall provide to the Committee on Appropriations of the House of Representatives and the Senate an operating plan describing the planned uses of funds available in this paragraph.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the ''Office of Inspector General'', $3,000,000, which shall remain available through September 30, 2011, for salaries and expenses necessary for oversight and audit of programs, grants, and projects funded in this Act and administered by the Department of Labor.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for ''Health Resources and Services'', $1,958,000,000, which shall remain available through September 30, 2010, of which $88,000,000 shall be for necessary expenses related to leasing and renovating a headquarters building for Public Health Service agencies and other components of the Department of Health and Human Services, including renovation and fit-out costs, and of which $1,870,000,000 shall be for grants for construction, renovation and equipment for health centers receiving operating grants under section 330 of the Public Health Service Act, notwithstanding the limitation in section 330(e)(3).

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for ''Disease Control, Research, and Training'' for acquisition of real property, equipment, construction, and renovation of facilities, including necessary repairs and improvements to leased laboratories, $412,000,000, which shall remain available through September 30, 2010: *Provided*, That notwithstanding any other provision of law, the Centers for Disease Control and Prevention may award a single contract or related contracts for development and construction of facilities that collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CENTER FOR RESEARCH RESOURCES

For an additional amount for ''National Center for Research Resources'', $300,000,000, which shall be available through September 30, 2010, for shared instrumentation and other capital research equipment.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the Director'', $2,700,000,000, which shall be available through September 30, 2010: *Provided*,

That $1,350,000,000 shall be transferred to the Institutes and Centers of the National Institutes of Health and to the Common Fund established under section 402A(c)(1) of the Public Health Service Act in proportion to the appropriations otherwise made to such Institutes, Centers, and Common Fund for fiscal year 2009: *Provided further*, That these funds shall be used to support additional scientific research and shall be merged with and be available for the same purposes as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the National Institutes of Health: *Provided further*, That none of these funds may be transferred to ''National Institutes of Health—Buildings and Facilities'', the Center for Scientific Review, the Center for Information Technology, the Clinical Center, the Global Fund for HIV/AIDS, Tuberculosis and Malaria, or the Office of the Director (except for the transfer to the Common Fund).

The additional amount available for 'Office of the Director' in the previous sentence shall be increased by $6,500,000,000: *Provided*, That a total of $7,850,000,000 shall be transferred pursuant to such sentence: *Provided further*, That any amounts in this sentence shall be designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

BUILDINGS AND FACILITIES

For an additional amount for ''Buildings and Facilities'', $500,000,000, which shall be available through September 30, 2010, to fund high-priority repair, construction and improvement projects for National Institutes of Health facilities on the Bethesda, Maryland campus and other agency locations.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Healthcare Research and Quality'' to carry out titles III and IX of the Public Health Service Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, $700,000,000 for comparative clinical effectiveness research, which shall remain available through September 30, 2010: *Provided*, That of the amount appropriated in this paragraph, $400,000,000 shall be transferred to the Office of the Director of the National Institutes of Health (''Office of the Director'') to conduct or support comparative clinical effectiveness research under section 301 and title IV of the Public Health Service Act: *Provided further*, That funds transferred to the Office of the Director may be transferred to the Institutes and Centers of the National Institutes of Health and to the Common Fund established under section 402A(c)(1) of the Public Health Service Act: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the National Institutes of Health: *Provided further*, That within the amount available in this paragraph for the Agency for Healthcare Research and Quality, not more than 1 percent shall be made available for additional full-time equivalents.

In addition, $400,000,000 shall be available for comparative clinical effectiveness research to be allocated at the discretion of the Secretary of Health and Human Services (''Secretary'') and shall remain available through September 30, 2010: *Provided*, That the funding appropriated in this paragraph shall be used to accelerate the development and dissemination of research assessing the comparative clinical effectiveness of health care treatments and strategies, including through efforts that: (1) conduct, support, or synthesize research that compares the clinical outcomes, effectiveness, and appropriateness of items, services, and procedures that are used to prevent, diagnose, or treat diseases, disorders, and other health conditions and (2) encourage the development and use of clinical registries, clinical data networks, and other forms of electronic health data that can be used to generate or obtain outcomes data: *Provided further*, That the Secretary shall enter into a contract with the Institute of Medicine, for which no more than $1,500,000 shall be made available from funds provided in this paragraph, to produce and submit a report to the Congress and the Secretary by not later than June 30, 2009 that includes recommendations on the national priorities for comparative clinical effectiveness research to be conducted or supported with the funds provided in this paragraph and that considers input from stakeholders: *Provided further*, That the Secretary shall consider any recommendations of the Federal Coordinating Council for Comparative Clinical Effectiveness Research established by section 802 of this Act and any recommendations included in the Institute of Medicine report pursuant to the preceding proviso in designating activities to receive funds provided in this paragraph and may make grants and contracts with appropriate entities, which may include agencies within the Department of Health and Human Services and other governmental agencies, as well as private sector entities, that have demonstrated experience and capacity to achieve the goals of comparative clinical effectiveness research: *Provided further*, That the Secretary shall publish information on grants and contracts awarded with the funds provided under this heading within a reasonable time of the obligation of funds for such grants and contracts and shall disseminate research findings from such grants and contracts to clinicians, patients, and the general public, as appropriate: *Provided further*, That, to the extent feasible, the Secretary shall ensure that the recipients of the funds provided by this paragraph offer an opportunity for public comment on the research: *Provided further*, That the Secretary shall provide the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate with an annual report on the research conducted or supported through the funds provided under this heading.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For an additional amount for ''Payments to States for the Child Care and Development Block Grant'' for carrying out the Child Care and Development Block Grant Act of 1990, $2,000,000,000, which shall remain available through September 30, 2010: *Provided*, That funds provided under this heading shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G of such Act, $255,186,000 shall be reserved by the States for activities authorized under section 658G, of which $93,587,000 shall be for activities that improve the quality of infant and toddler care.

SOCIAL SERVICES BLOCK GRANT

For an additional amount for ''Social Services Block Grant,'' $400,000,000: *Provided*, That notwithstanding section 2003 of the Social Security Act, funds shall be allocated to States on the basis of unemployment: *Provided further*, That these funds shall be obligated to States within 60 calendar days from the date they become available for obligation.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for ''Children and Families Services Programs'' for carrying out activities under the Head Start Act, $500,000,000, which shall remain available through September 30, 2010. In addition, $550,000,000, which shall remain available through September 30, 2010, is hereby appropriated for expansion of Early Head Start programs, as described in section 645A of such Act: *Provided*, That of the funds provided in this sentence, up to 10 percent shall be available for the provision of training and technical assistance to such programs consistent with section 645A(g)(2) of such Act, and up to 3 percent shall be available for monitoring the operation of such programs consistent with section 641A of such Act.

For an additional amount for ''Children and Families Services Programs'' for carrying out activities under sections 674 through 679 of the Community Services Block Grant Act, $200,000,000, which shall remain available through September 30, 2010: *Provided*, That of the funds provided under this paragraph, no part shall be subject to paragraph (3) of section 674(b) of such Act: *Provided further*, That not less than 5 percent of the funds allotted to a State from the appropriation under this paragraph shall be used under section 675C(b)(1) for benefits enrollment coordination activities relating to the identification and enrollment of eligible individuals and families in Federal, State and local benefit programs.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For an additional amount for ''Aging Services Programs,'' $100,000,000, of which $67,000,000 shall be for Congregate Nutrition Services and $33,000,000 shall be for Home-Delivered Nutrition Services: *Provided*, That these funds shall remain available through September 30, 2010.

OFFICE OF THE SECRETARY

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the National Coordinator for Health Information Technology'', $3,000,000,000, to carry out title XIII of this Act which shall be available until expended: *Provided*, That of this amount, the Secretary of Health and Human Services shall transfer $20,000,000 to the Director of the National Institute of Standards and Technology in the Department of Commerce for continued work on advancing health care information enterprise integration through activities such as technical standards analysis and establishment of conformance testing infrastructure so long as such activities are coordinated with the Office of the National Coordinator for Health Information Technology: *Provided further*, That funds available under this heading shall become available for obligation only upon

submission of an annual operating plan by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each major set of activities not later than November 1, 2009 and every 6 months thereafter as long as funding under this heading is available for obligation or expenditure.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $4,000,000 which shall remain available until September 30, 2012, and an additional $15,000,000 for such purposes, to remain available until September 30, 2012.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For an additional amount for carrying out title I of the Elementary and Secondary Education Act of 1965, $12,400,000,000, which shall be available through September 30, 2010: *Provided*, That $5,500,000,000 shall be for targeted grants under section 1125, $5,500,000,000 shall be for education finance incentive grants under section 1125A, and $1,400,000,000 shall be for school improvement grants under section 1003(g): *Provided further*, That each local educational agency receiving funds available under this paragraph for sections 1125 and 1125A shall use not less than 15 percent of such funds for activities serving children who are eligible pursuant to section 1115(b)(1)(A)(ii) and programs in section 1112(b)(1)(K): *Provided further*, That each local educational agency receiving funds available under this paragraph shall be required to file with the State educational agency, no later than December 1, 2009, a school-by-school listing of per-pupil educational expenditures from State and local sources during the 2008–2009 academic year.

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount for ''School Improvement Programs,'' $1,070,000,000, which shall be available through September 30, 2010, for carrying out activities authorized by part D of title II of the Elementary and Secondary Education Act of 1965, and subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (''McKinney-Vento''): *Provided*, That the Secretary shall allot $70,000,000 for grants under McKinney-Vento to each State in proportion to the number of homeless students identified by the State during the 2007–2008 school year relative to the number of such children identified nationally during that school year: *Provided further*, That State educational agencies shall subgrant the McKinney-Vento funds to local educational agencies on a competitive basis or according to a formula based on the number of homeless students identified by the local educational agencies in the State: *Provided further*, That the Secretary shall distribute the McKinney-Vento funds to the States not later than 60 days after the date of the enactment of this Act: *Provided further*, That each State shall subgrant the McKinney-Vento funds to local educational agencies not later than 120 days after receiving its grant from the Secretary.

SPECIAL EDUCATION

For an additional amount for ''Special Education'' for carrying out parts B and C of the Individuals with Disabilities Education Act (''IDEA''), $13,500,000,000, which shall remain available through September 30, 2010: *Provided*, That if every State, as defined by section 602(31) of the IDEA, reaches its maximum allocation under section 611(d)(3)(B)(iii) of the IDEA, and there are remaining funds, such funds shall be proportionally allocated to each State subject to the maximum amounts contained in section 611(a)(2) of the IDEA: *Provided further*, That by July 1, 2009, the Secretary of Education shall reserve the amount needed for grants under section 643(e) of the IDEA, with any remaining funds to be allocated in accordance with section 643(c) of the IDEA: *Provided further*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2008, increased by the amount of inflation as specified in section 619(d)(2)(B), or the percentage increase in the funds appropriated under section 611(i): *Provided further*, That each local educational agency receiving funds available under this paragraph for part B shall use not less than 15 percent for special education and related services to children described in section 619(a) of the IDEA.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For an additional amount for ''Rehabilitation Services and Disability Research'' for providing grants to States to carry out the Vocational Rehabilitation Services program under part B of title I and parts B and C of chapter 1 and chapter 2 of title VII of the Rehabilitation Act of 1973, $610,000,000, which shall remain available through September 30, 2010: *Provided*, That $500,000,000 shall be available for part B of title I of the Rehabilitation Act: *Provided further*, That funds provided herein shall not be considered in determining the amount required to be appropriated under section 100(b)(1) of the Rehabilitation Act of 1973 in any fiscal year: *Provided further*, That, notwithstanding section 7(14)(A), the Federal share of the costs of vocational rehabilitation services provided with the funds provided herein shall be 100 percent.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for ''Student Financial Assistance'' to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965, $13,869,000,000: *Provided*, That such funds shall be used to increase the maximum Pell Grant by $281 for award year 2009–2010, to increase the maximum Pell Grant by $400 for the award year 2010–2011, and to reduce or eliminate the Pell Grant shortfall: *Provided further*, That these funds shall remain available through September 30, 2011.

For an additional amount for ''Student Financial Assistance'' to carry out part E of title IV of the Higher Education Act of 1965, $61,000,000: *Provided*, That these funds shall remain available through September 30, 2010.

HIGHER EDUCATION

For an additional amount for ''Higher Education'' for carrying out activities under part A of title II of the Higher Education Act of 1965, $50,000,000: *Provided*, That these funds shall remain available through September 30, 2010.

DEPARTMENTAL MANAGEMENT

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $4,000,000, which shall remain available through September 30, 2012, for salaries and expenses necessary for oversight and audit of programs, grants, and projects funded in this Act and administered by the Department of Education and an additional $10,000,000 for such purposes, to remain available until September 30, 2012.

RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operating Expenses'' to carry out the Domestic Volunteer Service Act of 1973 (''1973 Act'') and the National and Community Service Act of 1990 (''1990 Act''), $160,000,000, to remain available through September 30, 2010: *Provided*, That funds made available in this paragraph may be used to provide adjustments to awards under subtitle C of title I of the 1990 Act made prior to September 30, 2010 for which the Chief Executive Officer of the Corporation for National and Community Service (''CEO'') determines that a waiver of the Federal share limitation is warranted under section 2521.70 of title 45 of the Code of Federal Regulations: *Provided further*, That of the amount made available in this paragraph, not less than $6,000,000 shall be transferred to ''Salaries and Expenses'' for necessary expenses relating to information technology upgrades: *Provided further*, That of the amount provided in this paragraph, $10,000,000 shall be available for additional members in the Civilian Community Corps authorized under subtitle E of title I of the 1990 Act: *Provided further*, That of the amount provided in this paragraph, $1,000,000 shall be made available for a one-time supplement grant to State commissions on national and community service under section 126(a) of the 1990 Act without regard to the limitation on Federal share under section 126(a)(2) of the 1990 Act: *Provided further*, That of the amount made available in this paragraph, not less than $13,000,000 shall be for research activities authorized under subtitle H of title I of the 1990 Act: *Provided further*, That of the amount made available in this paragraph, not less than $65,000,000 shall be for programs under title I, part A of the 1973 Act: *Provided further*, That funds provided in the previous proviso shall not be made available in connection with cost-share agreements authorized under section 192A(g)(10) of the 1990 Act: *Provided further*, That of the funds available under this heading, up to 20 percent of funds allocated to grants authorized under section 124(b) of title I, subtitle C of the 1990 Act may be used to administer, reimburse, or support any national service program under section 129(d)(2) of the 1990 Act: *Provided further*, That, except as provided herein and in addition to requirements identified herein, funds provided in this paragraph shall be subject to the terms and conditions under which funds were appropriated in fiscal year 2008: *Provided further*, That the CEO shall provide the Committees on Appropriations of the House of Representatives and the Senate a fiscal year 2009 operating plan for the funds appropriated in this paragraph prior to making any Federal obligations of such funds in fiscal year 2009, but not later than 90 days after the date of enactment of this Act, and a fiscal year 2010 operating plan for such funds prior to making any Federal obligations of such funds in fiscal year 2010, but not later than November 1, 2009, that detail the allocation of resources and the increased number of members supported by the AmeriCorps programs: *Provided further*, That the CEO shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than November 1, 2009, and

every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $1,000,000, which shall remain available until September 30, 2011.

NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''National Service Trust'' established under subtitle D of title I of the National and Community Service Act of 1990 (''1990 Act''), $40,000,000, which shall remain available until expended: *Provided*, That the Corporation for National and Community Service may transfer additional funds from the amount provided within ''Operating Expenses'' for grants made under subtitle C of title I of the 1990 Act to this appropriation upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*,the amount appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Limitation on Administrative Expenses'', $890,000,000 shall be available as follows:

(1) $750,000,000 shall remain available until expended for necessary expenses of the replacement of the National Computer Center and the information technology costs associated with such Center: *Provided*, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 10 days prior to each public notice soliciting bids related to site selection and construction: *Provided further*, That unobligated balances of funds not needed for this purpose may be used as described in subparagraph (2); and

(2) $140,000,000 shall be available through September 30, 2010 for information technology acquisitions and research, which may include research and activities to facilitate the adoption of electronic medical records in disability claims and the transfer of funds to ''Supplemental Security Income'' to carry out activities under section 1110 of the Social Security Act: *Provided further*, That not later than 10 days prior to the obligation of such funds, the Commissioner shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan describing the planned uses of such funds.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the ''Office of Inspector General'', $3,000,000, which shall remain available through September 30, 2012, for salaries and expenses necessary for oversight and audit of programs, projects, and activities funded in this Act and administered by the Social Security Administration.

GENERAL PROVISIONS—THIS TITLE

SEC. 801. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES. (a) IN GENERAL.—Section 8104 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 189) is amended to read as follows:

''SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

''(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

''(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110–28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

''(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

''(b) REPORT.—No earlier than March 15, 2009, and not later than April 15, 2009, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

''(c) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of the study under subsection (a)—

''(1) the Department of Labor shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its household surveys and establishment surveys;

''(2) the Bureau of Economic Analysis of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its gross domestic product data; and

''(3) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its population estimates and demographic profiles from the American Community Survey,

with the same regularity and to the same extent as the Department or each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa and the Commonwealth of the Northern Mariana Islands in such surveys and data compilations requires time to structure and implement, the Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census (as the case may be) shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim reports shall describe the steps the Department or the respective Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 802. FEDERAL COORDINATING COUNCIL FOR COMPARATIVE CLINICAL EFFECTIVENESS RESEARCH. (a) ESTABLISHMENT.—There is hereby established a Federal Coordinating Council for Comparative Clinical Effectiveness Research (in this section referred to as the ''Council'').

(b) PURPOSE; DUTIES.—The Council shall—

(1) assist the offices and agencies of the Federal Government, including the Departments of Health and Human Services, Veterans Affairs, and Defense, and other Federal departments or agencies, to coordinate the conduct or support of comparative clinical effectiveness and related health services research; and

(2) advise the President and Congress on—

(A) strategies with respect to the infrastructure needs of comparative clinical effectiveness research within the Federal Government;

(B) appropriate organizational expenditures for comparative clinical effectiveness research by relevant Federal departments and agencies; and

(C) opportunities to assure optimum coordination of comparative clinical effectiveness and related health services research conducted or supported by relevant Federal departments and agencies, with the goal of reducing duplicative efforts and encouraging coordinated and complementary use of resources.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Council shall be composed of not more than 15 members, all of whom are senior Federal officers or employees with responsibility for health-related programs, appointed by the President, acting through the Secretary of Health and Human Services (in this section referred to as the ''Secretary''). Members shall first be appointed to the Council not later than 30 days after the date of the enactment of this Act.

(2) MEMBERS.—

(A) IN GENERAL.—The members of the Council shall include one senior officer or employee from each of the following agencies:

(i) The Agency for Healthcare Research and Quality.

(ii) The Centers for Medicare and Medicaid Services.

(iii) The National Institutes of Health.

(iv) The Office of the National Coordinator for Health Information Technology.

(v) The Food and Drug Administration.

(vi) The Veterans Health Administration within the Department of Veterans Affairs.

(vii) The office within the Department of Defense responsible for management of the Department of Defense Military Health Care System.

(B) QUALIFICATIONS.—At least half of the members of the Council shall be physicians or other experts with clinical expertise.

(3) CHAIRMAN; VICE CHAIRMAN.—The Secretary shall serve as Chairman of the Council and shall designate a member to serve as Vice Chairman.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than June 30, 2009, the Council shall submit to the President and the Congress a report containing information describing Federal activities on comparative clinical effectiveness

research and recommendations for additional investments in such research conducted or supported from funds made available for allotment by the Secretary for comparative clinical effectiveness research in this Act.

(2) ANNUAL REPORT.—The Council shall submit to the President and Congress an annual report regarding its activities and recommendations concerning the infrastructure needs, appropriate organizational expenditures and opportunities for better coordination of comparative clinical effectiveness research by relevant Federal departments and agencies.

(e) STAFFING; SUPPORT.—From funds made available for allotment by the Secretary for comparative clinical effectiveness research in this Act, the Secretary shall make available not more than 1 percent to the Council for staff and administrative support.

(TRANSFER OF FUNDS)

SEC. 803. (a) Not more than 1 percent of the funds made available to the Department of Labor in this title may be transferred by the Secretary of Labor to ''Employment and Training Administration—Program Administration'', ''Employment Standards Administration—Salaries and Expenses'', ''Occupational Safety and Health Administration—Salaries and Expenses'' and ''Departmental Management—Salaries and Expenses'' for expenses necessary to administer and coordinate funds made available to the Department of Labor in this title; oversee and evaluate the use of such funds; and enforce applicable laws and regulations governing worker rights and protections associated with the funds made available in this Act.

(b) Not later than 10 days prior to obligating any funds proposed to be transferred under subsection (a), the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan describing the planned uses of each amount proposed to be transferred.

(c) Funds transferred under this section may be available for obligation through September 30, 2010.

SEC. 804. ELIGIBLE EMPLOYEES IN THE RECREATIONAL MARINE INDUSTRY. Section 2(3)(F) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(3)(F)) is amended—

(1) by striking '', repair or dismantle''; and

(2) by striking the semicolon and inserting '', or individuals employed to repair any recreational vessel, or to dismantle any part of a recreational vessel in connection with the repair of such vessel;''.

TITLE IX—LEGISLATIVE BRANCH

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' of the Government Accountability Office, $20,000,000, to remain available until September 30, 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 901. GOVERNMENT ACCOUNTABILITY OFFICE REVIEWS AND REPORTS. (a) REVIEWS AND REPORTS.—

(1) IN GENERAL.—The Comptroller General shall conduct bimonthly reviews and prepare reports on such reviews on the use by selected State and localities of funds made available in this Act. Such reports, along with any audits conducted by the Comptroller General of such funds, shall be posted on the Internet and linked to the website established under this Act by the Recovery Accountability and Transparency Board.

(2) REDACTIONS.—Any portion of a report or audit under this subsection may be redacted when made publicly available, if that portion would disclose information that is not subject to disclosure under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act).

(b) EXAMINATION OF RECORDS.—The Comptroller General may examine any records related to obligations of funds made available in this Act.

SEC. 902. ACCESS OF GOVERNMENT ACCOUNTABILITY OFFICE. Each contract awarded using funds made available in this Act shall provide that the Comptroller General and his representatives are authorized—

(1) to examine any records of the contractor or any of its subcontractors, or any State or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract; and

(2) to interview any current employee regarding such transactions.

TITLE X—MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $637,875,000, to remain available until September 30, 2013, of which $84,100,000 shall be for child development centers; $481,000,000 shall be for warrior transition complexes; and $42,400,000 shall be for health and dental clinics (including acquisition, construction, installation, and equipment): *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $30,375,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That within 30 days of enactment of this Act the Secretary of the Army shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading prior to obligation.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $990,092,000, to remain available until September 30, 2013, of which $172,820,000 shall be for child development centers; $174,304,000 shall be for barracks; $125,000,000 shall be for health clinic replacement, and $494,362,000 shall be for energy conservation and alternative energy projects (including acquisition, construction, installation, and equipment): *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $23,606,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That within 30 days of enactment of this Act the Secretary of the Navy shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading prior to obligation.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $871,332,000, to remain available until September 30, 2013, of which $80,100,000 shall be for child development centers; $612,246,000 shall be for dormitories; and $138,100,000 shall be for health clinics (including acquisition, construction, installation, and equipment): *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $40,886,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That within 30 days of enactment of this Act the Secretary of the Air Force shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading prior to obligation.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $118,560,000 for the Energy Conservation Investment Program, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary of Defense shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading prior to obligation.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for ''Military Construction, Army National Guard'', $150,000,000 for readiness centers (including construction, acquisition, expansion, rehabilitation, and conversion), to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Director of the Army National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading prior to obligation.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For an additional amount for ''Military Construction, Air National Guard'', $110,000,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Director of the Air National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading prior to obligation.

FAMILY HOUSING CONSTRUCTION, ARMY

For an additional amount for ''Family Housing Construction, Army'', $34,570,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction

projects in the United States not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary of the Army shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading prior to obligation.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Family Housing Operation and Maintenance, Army'', $3,932,000: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended for operation and maintenance and minor construction projects in the United States not otherwise authorized by law.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For an additional amount for ''Family Housing Construction, Air Force'', $80,100,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary of the Air Force shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading prior to obligation.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Family Housing Operation and Maintenance, Air Force'', $16,461,000: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended for operation and maintenance and minor construction projects in the United States not otherwise authorized by law.

HOMEOWNERS ASSISTANCE FUND

For an additional amount for ''Homeowners Assistance Fund'', established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), $410,973,000, to remain available until expended.

ADMINISTRATIVE PROVISION

SEC. 1001. (a) TEMPORARY EXPANSION OF HOMEOWNERS ASSISTANCE PLAN TO RESPOND TO MORTGAGE FORECLOSURE AND CREDIT CRISIS. Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1), (2), and (3) as clauses (i), (ii), and (iii), respectively, and indenting such subparagraphs, as so redesignated, 6 ems from the left margin;

(B) by striking ''Notwithstanding any other provision of law'' and inserting the following:

''(1) ACQUISITION OF PROPERTY AT OR NEAR MILITARY INSTALLATIONS THAT HAVE BEEN ORDERED TO BE CLOSED.—Notwithstanding any other provision of law'';

(C) by striking ''if he determines'' and inserting ''if—

''(A) the Secretary determines—'';

(D) in clause (iii), as redesignated by subparagraph (A), by striking the period at the end and inserting ''; or''; and

(E) by adding at the end the following:

''(B) the Secretary determines—

''(i) that the conditions in clauses (i) and (ii) of subparagraph (A) have been met;

''(ii) that the closing or realignment of the base or installation resulted from a realignment or closure carried out under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part XXIX of Public Law 101–510; 10 U.S.C. 2687 note);

''(iii) that the property was purchased by the owner before July 1, 2006;

''(iv) that the property was sold by the owner between July 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

''(v) that the property is the primary residence of the owner; and

''(vi) that the owner has not previously received benefit payments authorized under this subsection.

''(2) HOMEOWNER ASSISTANCE FOR WOUNDED MEMBERS OF THE ARMED FORCES, DEPARTMENT OF DEFENSE AND UNITED STATES COAST GUARD CIVILIAN EMPLOYEES, AND THEIR SPOUSES.—Notwithstanding any other provision of law, the Secretary of Defense is authorized to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling which was at the time of the relevant wound, injury, or illness, the primary residence of—

''(A) any member of the Armed Forces in medical transition who—

''(i) incurred a wound, injury, or illness in the line of duty during a deployment in support of the Armed Forces;

''(ii) is disabled to a degree of 30 percent or more as a result of such wound, injury, or illness, as determined by the Secretary of Defense or the Secretary of Veterans Affairs; and

''(iii) is reassigned in furtherance of medical treatment or rehabilitation, or due to medical retirement in connection with such disability;

''(B) any civilian employee of the Department of Defense or the United States Coast Guard who—

''(i) was wounded, injured, or became ill in the line of duty during a forward deployment in support of the Armed Forces; and

''(ii) is reassigned in furtherance of medical treatment, rehabilitation, or due to medical retirement resulting from the sustained disability; or

''(C) the spouse of a member of the Armed Forces or a civilian employee of the Department of Defense or the United States Coast Guard if—

''(i) the member or employee was killed in the line of duty during a deployment in support of the Armed Forces or died from a wound, injury, or illness incurred in the line of duty during such a deployment; and

''(ii) the spouse relocates from such residence within 2 years after the death of such member or employee.

''(3) TEMPORARY HOMEOWNER ASSISTANCE FOR MEMBERS OF THE ARMED FORCES PERMANENTLY REASSIGNED DURING SPECIFIED MORTGAGE CRISIS.—Notwithstanding any other provision of law, the Secretary of Defense is authorized to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling situated at or near a military base or installation, if the Secretary determines—

''(A) that the owner is a member of the Armed Forces serving on permanent assignment;

''(B) that the owner is permanently reassigned by order of the United States Government to a duty station or home port outside a 50-mile radius of the base or installation;

''(C) that the reassignment was ordered between February 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

''(D) that the property was purchased by the owner before July 1, 2006;

''(E) that the property was sold by the owner between July 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

''(F) that the property is the primary residence of the owner; and

''(G) that the owner has not previously received benefit payments authorized under this subsection.'';

(2) in subsection (b), by striking ''this section'' each place it appears and inserting ''subsection (a)(1)'';

(3) in subsection (c)—

(A) by striking ''Such persons'' and inserting the following:

''(1) HOMEOWNER ASSISTANCE RELATED TO CLOSED MILITARY INSTALLATIONS.—

''(A) IN GENERAL.—Such persons'';

(B) by striking ''set forth above shall elect either (1) to receive'' and inserting the following: ''set forth in subsection (a)(1) shall elect either—

''(i) to receive'';

(C) by striking ''difference between (A) 95 per centum'' and all that follows through ''(B) the fair market value'' and inserting the following: ''difference between—

''(I) 95 per centum of the fair market value of their property (as such value is determined by the Secretary of Defense) prior to public announcement of intention to close all or part of the military base or installation; and

''(II) the fair market value'';

(D) by striking ''time of the sale, or (2) to receive'' and inserting the following: ''time of the sale; or

''(ii) to receive'';

(E) by striking ''outstanding mortgages. The Secretary may also pay a person who elects to receive a cash payment under clause (1) of the preceding sentence an amount'' and inserting ''outstanding mortgages.

''(B) REIMBURSEMENT OF EXPENSES.—The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount''; and

(F) by striking ''best interest of the Federal Government. Cash payment'' and inserting the following: ''best interest of the United States.

''(2) HOMEOWNER ASSISTANCE FOR WOUNDED INDIVIDUALS AND THEIR SPOUSES.—

''(A) IN GENERAL.—Persons eligible under the criteria set forth in subsection (a)(2) may elect either—

''(i) to receive a cash payment as compensation for losses which may be or have been sustained in a private sale, in an amount not to exceed the difference between—

''(I) 95 per centum of prior fair market value of their property (as such value is determined by the Secretary of Defense); and

''(II) the fair market value of such property (as such value is so determined) at the time of the wound, injury, or illness qualifying the individual for benefits under subsection (a)(2); or

''(ii) to receive, as purchase price for their property an amount not to exceed 90 per centum of prior fair market value as such value is determined by the Secretary of Defense, or the amount of the outstanding mortgages.

''(B) DETERMINATION OF BENEFITS.—The Secretary may also pay a person who elects

to receive a cash payment under subparagraph (A) an amount that the Secretary determines appropriate to reimburse the person for the costs incurred by the person in the sale of the property if the Secretary determines that such payment will benefit the person and is in the best interest of the United States.

''(3) HOMEOWNER ASSISTANCE FOR PERMANENTLY REASSIGNED INDIVIDUALS.—

''(A) IN GENERAL.—Persons eligible under the criteria set forth in subsection (a)(3) may elect either—

''(i) to receive a cash payment as compensation for losses which may be or have been sustained in a private sale, in an amount not to exceed the difference between—

''(I) 95 per centum of prior fair market value of their property (as such value is determined by the Secretary of Defense); and

''(II) the fair market value of such property (as such value is so determined) at the time the person received change of permanent station orders; or

''(ii) to receive, as purchase price for their property an amount not to exceed 90 per centum of prior fair market value as such value is determined by the Secretary of Defense, or the amount of the outstanding mortgages.

''(B) DETERMINATION OF BENEFITS.—The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount that the Secretary determines appropriate to reimburse the person for the costs incurred by the person in the sale of the property if the Secretary determines that such payment will benefit the person and is in the best interest of the United States.

''(4) COMPENSATION AND LIMITATIONS RELATED TO FORECLOSURES AND ENCUMBRANCES.—Cash payment'';

(4) by striking subsection (g);

(5) in subsection (l), by striking ''(a)(2)'' and inserting ''(a)(1)(A)(ii)'';

(6) in subsection (m), by striking ''this section'' and inserting ''subsection (a)(1)'';

(7) in subsection (n)—

(A) in paragraph (1), by striking ''this section'' and inserting ''subsection (a)(1)''; and

(B) in paragraph (2), by striking ''this section'' and inserting ''subsection (a)(1)'';

(8) in subsection (o)—

(A) in paragraph (1), by striking ''this section'' and inserting ''subsection (a)(1)'';

(B) in paragraph (2), by striking ''this section'' and inserting ''subsection (a)(1)''; and

(C) by striking paragraph (4); and

(9) by adding at the end the following new subsection:

''(p) DEFINITIONS.—In this section:

''(1) the term 'Armed Forces' has the meaning given the term 'armed forces' in section 101(a) of title 10, United States Code;

''(2) the term 'civilian employee' has the meaning given the term 'employee' in section 2105(a) of title 5, United States Code;

''(3) the term 'medical transition', in the case of a member of the Armed Forces, means a member who—

''(A) is in Medical Holdover status;

''(B) is in Active Duty Medical Extension status;

''(C) is in Medical Hold status;

''(D) is in a status pending an evaluation by a medical evaluation board;

''(E) has a complex medical need requiring six or more months of medical treatment; or

''(F) is assigned or attached to an Army Warrior Transition Unit, an Air Force Patient Squadron, a Navy Patient Multidisciplinary Care Team, or a Marine Patient Affairs Team/Wounded Warrior Regiment; and

''(4) the term 'nonappropriated fund instrumentality employee' means a civilian employee who—

''(A) is a citizen of the United States; and

''(B) is paid from nonappropriated funds of Army and Air Force Exchange Service, Navy Resale and Services Support Office, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.''.

(b) CLERICAL AMENDMENT.—Such section is further amended in the section heading by inserting ''and certain property owned by members of the armed forces, department of defense and united states coast guard civilian employees, and surviving spouses'' after ''ordered to be closed''.

(c) AUTHORITY TO USE APPROPRIATED FUNDS.—Notwithstanding subsection (i) of such section, amounts appropriated or otherwise made available by this title under the heading ''Homeowners Assistance Fund'' may be used for the Homeowners Assistance Fund established under such section.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SUPPORT AND COMPLIANCE

For an additional amount for ''Medical Support and Compliance'', $5,000,000, to remain available until September 30, 2010, to support contract administration and energy initiative execution at the Veterans Health Administration.

MEDICAL FACILITIES

For an additional amount for ''Medical Facilities'', $1,370,459,000, to remain available until September 30, 2010, of which $1,047,313,000 shall be for facility condition assessment deficiencies and non-recurring maintenance at existing medical facilities; and $323,146,000 shall be for energy efficiency initiatives.

NATIONAL CEMETERY ADMINISTRATION

For an additional amount for ''National Cemetery Administration'', $64,961,000, to remain available until September 30, 2010, of which $59,476,000 shall be for capital infrastructure and memorial and monument repairs; and $5,485,000 shall be for energy efficiency initiatives.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for ''General Operating Expenses'', $1,125,000, to remain available until September 30, 2010, for additional Full Time Equivalent salary and expenses for major construction project administration and execution and energy initiative execution.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $195,000,000, to remain available until September 30, 2010, of which $145,000,000 shall be for the Veterans Benefits Administration's development of paperless claims processing; and $50,000,000 shall be for the development of systems required to implement chapter 33 of title 38, United States Code.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $4,400,000, to remain available until September 30, 2011, for oversight and audit of programs, grants and projects funded under this title.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for ''Construction, Major Projects'', $1,105,333,000, to remain available until September 30, 2013, which shall be for acceleration and construction of ongoing and planned construction, including physical security construction, of major medical facilities and National Cemeteries consistent with the Department of Veterans Affairs' Five Year Capital Plan: *Provided,* That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further,* That within 30 days of enactment of this Act the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading prior to obligation.

CONSTRUCTION, MINOR PROJECTS

For an additional amount for ''Construction, Minor Projects'', $939,836,000, to remain available until September 30, 2010, of which $860,742,000 shall be for Veterans Health Administration minor construction; $20,300,000 shall be for Veterans Benefits Administration minor construction, including $300,000 for energy efficiency initiatives; and $29,012,000 shall be for National Cemetery Administration minor construction.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For an additional amount for ''Grants for Construction of State Extended Care Facilities'', $257,986,000, to remain available until September 30, 2010, for grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code.

ADMINISTRATIVE PROVISION

SEC. 1002. PAYMENTS TO ELIGIBLE PERSONS WHO SERVED IN THE UNITED STATES ARMED FORCES IN THE FAR EAST DURING WORLD WAR II. (a) FINDINGS.—Congress makes the following findings:

(1) The Philippine islands became a United States possession in 1898 when they were ceded from Spain following the Spanish-American War.

(2) During World War II, Filipinos served in a variety of units, some of which came under the direct control of the United States Armed Forces.

(3) The regular Philippine Scouts, the new Philippine Scouts, the Guerrilla Services, and more than 100,000 members of the Philippine Commonwealth Army were called into the service of the United States Armed Forces of the Far East on July 26, 1941, by an executive order of President Franklin D. Roosevelt.

(4) Even after hostilities had ceased, wartime service of the new Philippine Scouts continued as a matter of law until the end of 1946, and the force gradually disbanded and was disestablished in 1950.

(5) Filipino veterans who were granted benefits prior to the enactment of the so-called Rescissions Acts of 1946 (Public Laws 79–301 and 79–391) currently receive full benefits under laws administered by the Secretary of Veterans Affairs, but under section 107 of title 38, United States Code, the service of certain other Filipino veterans is deemed not to be active service for purposes of such laws.

(6) These other Filipino veterans only receive certain benefits under title 38, United States Code, and, depending on where they legally reside, are paid such benefit amounts at reduced rates.

(7) The benefits such veterans receive include service-connected compensation benefits paid under chapter 11 of title 38, United States Code, dependency indemnity compensation survivor benefits paid under chapter 13 of title 38, United States Code, and burial benefits under chapters 23 and 24 of title 38, United States Code, and such benefits are paid to beneficiaries at the rate of $0.50 per dollar authorized, unless they lawfully reside in the United States.

(8) Dependents' educational assistance under chapter 35 of title 38, United States Code, is also payable for the dependents of such veterans at the rate of $0.50 per dollar authorized, regardless of the veterans' residency.

(b) COMPENSATION FUND.—

(1) IN GENERAL.—There is in the general fund of the Treasury a fund to be known as the ''Filipino Veterans Equity Compensation Fund'' (in this section referred to as the ''compensation fund'').

(2) AVAILABILITY OF FUNDS.—Subject to the availability of appropriations for such purpose, amounts in the fund shall be available to the Secretary of Veterans Affairs without fiscal year limitation to make payments to eligible persons in accordance with this section.

(c) PAYMENTS.—

(1) IN GENERAL.—The Secretary may make a payment from the compensation fund to an eligible person who, during the one-year period beginning on the date of the enactment of this Act, submits to the Secretary a claim for benefits under this section. The application for the claim shall contain such information and evidence as the Secretary may require.

(2) PAYMENT TO SURVIVING SPOUSE.—If an eligible person who has filed a claim for benefits under this section dies before payment is made under this section, the payment under this section shall be made instead to the surviving spouse, if any, of the eligible person.

(d) ELIGIBLE PERSONS.—An eligible person is any person who—

(1) served—

(A) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

(B) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538); and

(2) was discharged or released from service described in paragraph (1) under conditions other than dishonorable.

(e) PAYMENT AMOUNTS.—Each payment under this section shall be—

(1) in the case of an eligible person who is not a citizen of the United States, in the amount of $9,000; and

(2) in the case of an eligible person who is a citizen of the United States, in the amount of $15,000.

(f) LIMITATION.—The Secretary may not make more than one payment under this section for each eligible person described in subsection (d).

(g) CLARIFICATION OF TREATMENT OF PAYMENTS UNDER CERTAIN LAWS.—Amounts paid to a person under this section—

(1) shall be treated for purposes of the internal revenue laws of the United States as damages for human suffering; and

(2) shall not be included in income or resources for purposes of determining—

(A) eligibility of an individual to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits;

(B) eligibility of an individual to receive benefits under title VIII of the Social Security Act, or the amount of such benefits; or

(C) eligibility of an individual for, or the amount of benefits under, any other Federal or federally assisted program.

(h) RELEASE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the acceptance by an eligible person or surviving spouse, as applicable, of a payment under this section shall be final, and shall constitute a complete release of any claim against the United States by reason of any service described in subsection (d).

(2) PAYMENT OF PRIOR ELIGIBILITY STATUS.—Nothing in this section shall prohibit a person from receiving any benefit (including health care, survivor, or burial benefits) which the person would have been eligible to receive based on laws in effect as of the day before the date of the enactment of this Act.

(i) RECOGNITION OF SERVICE.—The service of a person as described in subsection (d) is hereby recognized as active military service in the Armed Forces for purposes of, and to the extent provided in, this section.

(j) ADMINISTRATION.—

(1) The Secretary shall promptly issue application forms and instructions to ensure the prompt and efficient administration of the provisions of this section.

(2) The Secretary shall administer the provisions of this section in a manner consistent with applicable provisions of title 38, United States Code, and other provisions of law, and shall apply the definitions in section 101 of such title in the administration of such provisions, except to the extent otherwise provided in this section.

(k) REPORTS.—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible persons receiving benefits, the amounts paid out of the compensation fund, and the administration of the compensation fund for the most recent fiscal year for which such data is available.

(l) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the compensation fund $198,000,000, to remain available until expended, to make payments under this section.

RELATED AGENCY

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARY AND EXPENSES

For an additional amount for ''Cemeterial Expenses, Army'', $60,300,000, to remain available until September 30, 2010, for land development, columbarium construction, and relocation of utilities at Arlington National Cemetery.

TITLE XI—STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'' for urgent domestic facilities requirements, $90,000,000, to remain available until September 30, 2010, of which up to $20,000,000 shall be available for passport facilities and systems, and up to $65,000,000 shall be available for a consolidated security training facility in the United States and should be obligated in accordance with United States General Services Administration site selection procedures: *Provided*, That the Secretary of State shall submit to the Committees on Appropriations within 90 days of enactment of this Act a detailed spending plan for funds appropriated under this heading: *Provided further*, That with respect to the funds made available for passport facilities and systems, such plan shall be developed in consultation with the Department of Homeland Security and the General Services Administration and shall coordinate and co-locate, to the extent feasible, the construction of passport agencies with other Federal facilities.

CAPITAL INVESTMENT FUND

For an additional amount for ''Capital Investment Fund'', $228,000,000, to remain available until September 30, 2010, which shall be available for information technology security and upgrades to support mission-critical operations: *Provided*, That the Secretary of State and the Administrator of the United States Agency for International Development shall coordinate information technology systems, where appropriate, to increase efficiencies and eliminate redundancies, to include co-location of backup information management facilities: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations within 90 days of enactment of this Act a detailed spending plan for funds appropriated under this heading.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for oversight requirements, $1,500,000, to remain available until September 30, 2011.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Construction'' for the water quantity program to meet immediate repair and rehabilitation requirements, $224,000,000, to remain available until September 30, 2010: *Provided*, That up to $2,000,000 may be transferred to, and merged with, funds available under the heading ''International Boundary and Water Commission, United States and Mexico—Salaries and Expenses'': *Provided*, That the Secretary of State shall submit to the Committees on Appropriations within 90 days of enactment of this Act a detailed spending plan for funds appropriated under this heading.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

CAPITAL INVESTMENT FUND

For an additional amount for ''Capital Investment Fund'', $58,000,000, to remain available until September 30, 2010, which shall be available for information technology modernization programs and implementation of the Global Acquisition System: *Provided*, That the Administrator of the United States Agency for International Development shall submit to the Committees on Appropriations within 90 days of enactment of this Act a detailed spending plan for funds appropriated under this heading.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'' for oversight requirements, $500,000, to remain available until September 30, 2011.

TITLE XII—TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SUPPLEMENTAL DISCRETIONARY GRANTS FOR A NATIONAL SURFACE TRANSPORTATION SYSTEM

For an additional amount for capital investments in surface transportation infrastructure, $5,500,000,000, to remain available until September 30, 2011: *Provided,* That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to State and local governments on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: *Provided further,* That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code, including interstate rehabilitation, improvements to the rural collector road system, the reconstruction of overpasses and interchanges, bridge replacements, seismic retrofit projects for bridges, and road realignments; public transportation projects eligible under chapter 53 of title 49, United States Code, including investments in projects participating in the New Starts or Small Starts programs that will expedite the completion of those projects and their entry into revenue service; passenger and freight rail transportation projects; and port infrastructure investments, including projects that connect ports to other modes of transportation and improve the efficiency of freight movement: *Provided further,* That of the amount made available under this paragraph, the Secretary may use an amount not to exceed $200,000,000 for the purpose of paying the subsidy costs of projects eligible for federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: *Provided further,* That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds and an appropriate balance in addressing the needs of urban and rural communities: *Provided further,* That a grant funded under this heading shall be not less than $20,000,000 and not greater than $500,000,000: *Provided further,* That the Federal share of the costs for which an expenditure is made under this heading may be up to 100 percent: *Provided further,* That the Secretary shall give priority to projects that require an additional share of Federal funds in order to complete an overall financing package, and to projects that are expected to be completed within 3 years of enactment of this Act: *Provided further,* That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading not later than 75 days after enactment of this Act: *Provided further,* That the Secretary shall require applications for funding provided under this heading to be submitted not later than 180 days after enactment of this Act, and announce all projects selected to be funded from such funds not later than 1 year after enactment of this Act: *Provided further,* That the Secretary shall require all additional applications to be submitted not later than 1 year after enactment of this Act, and announce not later than 180 days following such 1-year period all additional projects selected to be funded with funds withdrawn from States and grantees and transferred from ''Supplemental Grants for Highway Investments'' and ''Supplemental Grants for Public Transit Investment'': *Provided further,* That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further,* That the Secretary may retain up to $5,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Maritime Administration, to fund the award and oversight of grants made under this heading.

FEDERAL AVIATION ADMINISTRATION

SUPPLEMENTAL FUNDING FOR FACILITIES AND EQUIPMENT

For an additional amount for necessary investments in Federal Aviation Administration infrastructure, $200,000,000: *Provided,* That funding provided under this heading shall be used to make improvements to power systems, air route traffic control centers, air traffic control towers, terminal radar approach control facilities, and navigation and landing equipment: *Provided further,* That priority be given to such projects or activities that will be completed within 2 years of enactment of this Act: *Provided further,* That amounts made available under this heading may be provided through grants in addition to the other instruments authorized under section 106(l)(6) of title 49, United States Code: *Provided further,* That the Federal share of the costs for which an expenditure is made under this heading shall be 100 percent: *Provided further,* That amounts provided under this heading may be used for expenses the agency incurs in administering this program: *Provided further,* That not more than 60 days after enactment of this Act, the Administrator shall establish a process for applying, reviewing and awarding grants and cooperative and other transaction agreements, including the form and content of an application, and requirements for the maintenance of records that are necessary to facilitate an effective audit of the use of the funding provided: *Provided further,* That section 50101 of title 49, United States Code, shall apply to funds provided under this heading.

SUPPLEMENTAL DISCRETIONARY GRANTS FOR AIRPORT INVESTMENT

For an additional amount for capital expenditures authorized under sections 47102(3) and 47504(c) of title 49, United States Code, and for the procurement, installation and commissioning of runway incursion prevention devices and systems at airports of such title, $1,100,000,000: *Provided,* That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to airports, with priority given to those projects that demonstrate to his or her satisfaction their ability to be completed within 2 years of enactment of this Act, and serve to supplement and not supplant planned expenditures from airport-generated revenues or from other State and local sources on such activities: *Provided further,* That the Federal share payable of the costs for which a grant is made under this heading shall be 100 percent: *Provided further,* That the amount made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: *Provided further,* That section 50101 of title 49, United States Code, shall apply to funds provided under this heading: *Provided further,* That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further,* That the Administrator of the Federal Aviation Administration may retain and transfer to ''Federal Aviation Administration, Operations'' up to one-quarter of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading.

FEDERAL HIGHWAY ADMINISTRATION

SUPPLEMENTAL GRANTS FOR HIGHWAY INVESTMENT

For an additional amount for restoration, repair, construction and other activities eligible under paragraph (b) of section 133 of title 23, United States Code, $27,060,000,000: *Provided,* That funds provided under this heading shall be apportioned to States using the formula set forth in section 104(b)(3) of such title: *Provided further,* That 180 days following the date of such apportionment, the Secretary of Transportation shall withdraw from each State an amount equal to 50 percent of the funds awarded to that grantee less the amount of funding obligated, and the Secretary shall redistribute such amounts to other States that have had no funds withdrawn under this proviso in the manner described in section 120(c) of division K of Public Law 110–161: *Provided further,* That 1 year following the date of such apportionment, the Secretary shall withdraw from each recipient of funds apportioned under this heading any unobligated funds and transfer such funds to ''Supplemental Discretionary Grants for a National Surface Transportation System'': *Provided further,* That at the request of a State, the Secretary of Transportation may provide an extension of such 1-year period only to the extent that he or she feels satisfied that the State has encountered extreme conditions that create an unworkable bidding environment or other extenuating circumstances: *Provided further,* That before granting a such an extension, the Secretary shall send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension: *Provided further,* That the provisions of subsections 133(d)(3) and 133(d)(4) of title 23, United States Code, shall apply to funds apportioned under this heading, except that the percentage of funds to be allocated to local jurisdictions shall be 40 percent and such allocation, notwithstanding any other provision of law, shall be conducted in all states within the United States: *Provided further,* That funds allocated to such urbanized areas and other areas shall not be subject to the redistribution of amounts required 180 days following the date of apportionment of funds provided under this heading: *Provided further,* That funds apportioned under this heading may be used for, but not be limited to, projects that address stormwater runoff, investments in passenger and freight rail transportation, and investments in port infrastructure: *Provided further,* that each State shall use not less than 5 percent of funds apportioned to it for activities eligible under subsections 149(b) and (c) of title 23, United States Code: *Provided further,* That of the funds provided

under this heading, $60,000,000 shall be for capital expenditures eligible under section 147 of title 23, United States Code: *Provided further*, That the Secretary of Transportation shall distribute such $60,000,000 as competitive discretionary grants to States, with priority given to those projects that demonstrate to his or her satisfaction their ability to be completed within 2 years of enactment of this Act: *Provided further*, That of the funds provided under this heading, $500,000,000 shall be for investments in transportation at Indian reservations and Federal lands, and administered in accordance with chapter 2 of title 23, United States Code: *Provided further*, That of the funds identified in the preceding proviso, $320,000,000 shall be for the Indian Reservation Roads program, $100,000,000 shall be for the Park Roads and Parkways program, $70,000,000 shall be for the Forest Highway Program, and $10,000,000 shall be for the Refuge Roads program: *Provided further*, That for investments at Indian reservations and Federal lands, priority shall be given to capital investments, and to projects and activities that can be completed within 2 years of enactment of this Act: *Provided further*, That 1 year following the enactment of this Act, to ensure the prompt use of the $500,000,000 provided for investments at Indian reservations and Federal lands, the Secretary shall have the authority to redistribute unobligated funds within the respective program for which the funds were appropriated: *Provided further*, That up to 4 percent of the funding provided for Indian Reservation Roads may be used by the Secretary of the Interior for program management and oversight and project-related administrative expenses: *Provided further*, That section 134(f)(3)(C)(ii)(II) of title 23, United States Code, shall not apply to funds provided under this heading: *Provided further*, That the Federal share payable on account of any project or activity carried out with funds made available under this heading shall be at the option of the recipient, and may be up to 100 percent of the total cost thereof: *Provided further*, That funding provided under this heading shall be in addition to any and all funds provided for fiscal years 2008 and 2009 in any other Act for ''Federal-aid Highways'' and shall not affect the distribution of funds provided for ''Federal-aid Highways'' in any other Act: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act: *Provided further*, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further*, That section 313 of title 23, United States Code, shall apply to funds provided under this heading: *Provided further*, That section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this heading: *Provided further*, That for the purposes of the definition of States for this paragraph, sections 101(a)(32) of title 23, United States Code, shall apply: *Provided further*, That the Administrator of the Federal Highway Administration may retain up to $12,000,000 of the funds provided under this heading to carry out the function of the ''Federal Highway Administration, Limitation on Administrative Expenses'' and to fund the oversight by the Administrator of projects and activities carried out with funds made available to the Federal Highway Administration in this Act.

FEDERAL RAILROAD ADMINISTRATION

SUPPLEMENTAL GRANTS TO STATES FOR INTERCITY PASSENGER RAIL SERVICE

For an additional amount for discretionary grants to States to pay for the cost of projects described in paragraphs (2)(A) and (2)(B) of section 24401 of title 49, United States Code, and subsection (b) of section 24105 of such title, $250,000,000: *Provided*, That to be eligible for assistance under this paragraph, the specific project must be on a Statewide Transportation Improvement Plan at the time of the application to qualify: *Provided further*, That the Secretary of Transportation shall give priority to projects that demonstrate an ability to be completed within 2 years of enactment of this Act, and to projects that improve the safety and reliability of intercity passenger trains: *Provided further*, That the Federal share payable of the costs for which a grant is made under this heading shall be 100 percent: *Provided further*, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further*, That section 24405(a) of title 49, United States Code, shall apply to funds provided under this heading: *Provided further*, That the Administrator of the Federal Railroad Administration may retain and transfer to ''Federal Railroad Administration, Safety and Operations'' up to one-quarter of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading.

SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for the immediate investment in capital projects necessary to maintain and improve national intercity passenger rail service, including the rehabilitation of rolling stock, $850,000,000: *Provided*, That funds made available under this heading shall be allocated directly to the National Railroad Passenger Corporation: *Provided further*, That the Board of Directors of the corporation shall take measures to ensure that priority is given to capital projects that expand passenger rail capacity: *Provided further*, That the Board of Directors shall take measures to ensure that projects funded under this heading shall be completed within 2 years of enactment of this Act, and shall serve to supplement and not supplant planned expenditures for such activities from other Federal, State, local and corporate sources: *Provided further*, That said Board of Directors shall certify to the House and Senate Committees on Appropriations in writing their compliance with the preceding proviso: *Provided further*, That section 24305(f) of title 49, United States Code, shall apply to funds provided under this heading: *Provided further*, That not more than 50 percent of the funds provided under this heading may be used for capital projects along the Northeast Corridor.

HIGH-SPEED RAIL CORRIDOR PROGRAM

To make grants for high-speed rail projects under the provisions of section 26106 of title 49, United States Code, $2,000,000,000, to remain available until September 30, 2011: *Provided*, That the Federal share payable of the costs for which a grant is made under this heading shall be 100 percent: *Provided further*, That the Administrator of the Federal Railroad Administration may retain and transfer to ''Federal Railroad Administration, Safety and Operations'' up to one-quarter of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this paragraph.

FEDERAL TRANSIT ADMINISTRATION

SUPPLEMENTAL GRANTS FOR PUBLIC TRANSIT INVESTMENT

For an additional amount for capital expenditures authorized under section 5302(a)(1) of title 49, United States Code, $8,400,000,000: *Provided*, That the Secretary of Transportation shall apportion 71 percent of the funds apportioned under this heading using the formula set forth in subsections (a) through (c) of section 5336 of title 49, United States Code, 19 percent of the funds apportioned under this heading using the formula set forth in section 5340 of such title, and 10 percent of the funding apportioned under this heading using the formula set forth in subsection 5311(c) of such title: *Provided further*, That 180 days following the date of such apportionment, the Secretary shall withdraw from each grantee an amount equal to 50 percent of the funds awarded to that grantee less the amount of funding obligated, and the Secretary shall redistribute such amounts to other grantees that have had no funds withdrawn under this proviso utilizing whatever method he or she deems appropriate to ensure that all funds provided under this paragraph shall be utilized promptly: *Provided further*, That 1 year following the date of such apportionment, the Secretary shall withdraw from each grantee any unobligated funds and transfer such funds to ''Supplemental Discretionary Grants for a National Surface Transportation System'': *Provided further*, That at the request of a grantee, the Secretary of Transportation may provide an extension of such 1-year periods if he or she feels satisfied that the grantee has encountered an unworkable bidding environment or other extenuating circumstances: *Provided further*, That before granting such an extension, the Secretary shall send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension: *Provided further*, That of the funds apportioned using the formula set forth in subsection 5311(c) of title 49, United States Code, 2 percent shall be made available for section 5311(c)(1): *Provided further*, That of the funding provided under this heading, $200,000,000 shall be distributed as discretionary grants to public transit agencies for capital investments that will assist in reducing the energy consumption or greenhouse gas emissions of their public transportation systems: *Provided further*, That for such grants on energy-related investments, priority shall be given to projects based on the total energy savings that are projected to result from the investment, and projected energy savings as a percentage of the total energy usage of the public transit agency: *Provided further*, That the Federal share of the costs for which any grant is made under this heading shall be at the option of the recipient, and may be up to 100 percent: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for transit programs set forth in any Act: *Provided further*, That section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this heading: *Provided further*, That the funds appropriated under this heading shall be subject to subsection 5323(j) and section 5333 of title 49, United States Code as well as sections 5304 and 5305 of said title, as appropriate, but shall not be comingled with funds available under the Formula and Bus Grants account: *Provided further*, That the Administrator of the Federal Transit Administration may retain up to $3,000,000 of the

funds provided under this heading to carry out the function of ''Federal Transit Administration, Administrative Expenses'' and to fund the oversight of grants made under this heading by the Administrator.

MARITIME ADMINISTRATION

SUPPLEMENTAL GRANTS FOR ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3506 of Public Law 109–163 or section 54101 of title 46, United States Code, $100,000,000: *Provided*, That the Secretary of Transportation shall institute measures to ensure that funds provided under this heading shall be obligated within 180 days of the date of their distribution: *Provided further*, That the Maritime Administrator may retain and transfer to ''Maritime Administration, Operations and Training'' up to 2 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $7,750,000, to remain available until September 30, 2011, and an additional $12,250,000 for such purposes, to remain available until September 30, 2012: *Provided*, That the funding made available under this heading shall be used for conducting audits and investigations of projects and activities carried out with funds made available in this Act to the Department of Transportation and to the National Railroad Passenger Corporation: *Provided further*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the Government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department.

GENERAL PROVISION—DEPARTMENT OF TRANSPORTATION

SEC. 1201. Section 5309(g)(4)(A) of title 49, United States Code, is amended by striking ''or an amount equivalent to the last 3 fiscal years of funding allocated under subsections (m)(1)(A) and (m)(2)(A)(ii)'' and inserting ''or the sum of the funds available for the next 3 fiscal years beyond the current fiscal year, assuming an annual growth of the program of 10 percent''.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NATIVE AMERICAN HOUSING BLOCK GRANTS

For an additional amount for ''Native American Housing Block Grants'', as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (''NAHASDA'') (25 U.S.C. 4111 et seq.), $510,000,000, to remain available until September 30, 2011: *Provided*, That $255,000,000 of the amount provided under this heading shall be distributed according to the same funding formula used in fiscal year 2008: *Provided further*, That in selecting projects to be funded, recipients shall give priority to projects that can award contracts based on bids within 180 days from the date that funds are available to recipients: *Provided further*, That the Secretary shall obligate $255,000,000 of the amount provided under this heading for competitive grants to eligible entities that apply for funds authorized under NAHASDA: *Provided further*, That in awarding competitive funds, the Secretary shall give priority to projects that will spur construction and rehabilitation and will create employment opportunities for low-income and unemployed persons: *Provided further*, That recipients of funds under this heading shall obligate 100 percent of such funds within 1 year of the date of enactment of this Act, expend at least 50 percent of such funds within 2 years of the date on which funds become available to such jurisdictions for obligation, and expend 100 percent of such funds within 3 years of such date: *Provided further*, That if a recipient fails to comply with either the 1-year obligation requirement or the 2-year expenditure requirement, the Secretary shall recapture all remaining funds awarded to the recipient and reallocate such funds to recipients that are in compliance with those requirements: *Provided further*, That if a recipient fails to comply with the 3-year expenditure requirement, the Secretary shall recapture the balance of the funds awarded to the recipient: *Provided further*, That, notwithstanding any other provision of this paragraph, the Secretary may institute measures to ensure participation in the formula and competitive allocation of funds provided under this paragraph by any housing entity eligible to receive funding under title VIII of NAHASDA (25 U.S.C. 4221 et seq.): *Provided further*, That in administering funds provided in this heading, the Secretary may waive any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds except for requirements imposed by this heading and requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that such waiver is required to facilitate the timely use of such funds and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That, of the funds made available under this heading, up to 1 percent shall be available for staffing, training, technical assistance, technology, monitoring, research and evaluation activities: *Provided further*, That any funds made available under this heading used by the Secretary for personnel expenses shall be transferred to and merged with funding provided to ''Personnel Compensation and Benefits, Office of Public and Indian Housing'': *Provided further*, That any funds made available under this heading used by the Secretary for training or other administrative expenses shall be transferred to and merged with funding provided to ''Administration, Operations, and Management'', for non-personnel expenses of the Department of Housing and Urban Development: *Provided further*, That any funds made available under this heading used by the Secretary for technology shall be transferred to and merged with the funding provided to ''Working Capital Fund''.

PUBLIC HOUSING CAPITAL FUND

For an additional amount for the ''Public Housing Capital Fund'' to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the ''Act''), $5,000,000,000, to remain available until September 30, 2011: *Provided*, That the Secretary of Housing and Urban Development shall allocate $3,000,000,000 of this amount by the formula authorized under section 9(d)(2) of the Act, except that the Secretary may determine not to allocate funding to public housing agencies currently designated as troubled or to public housing agencies that elect not to accept such funding: *Provided further*, That the Secretary shall make available $2,000,000,000 by competition for priority investments, including investments that leverage private sector funding or financing for renovations and energy conservation retrofit investments: *Provided further*, That public housing agencies shall prioritize capital projects that are already underway or included in the 5-year capital fund plans required by the Act (42 U.S.C. 1437c–1(a)): *Provided further*, That in allocating competitive grants under this heading, the Secretary shall give priority consideration to the rehabilitation of vacant rental units: *Provided further*, That notwithstanding any other provision of law, (1) funding provided herein may not be used for operating or rental assistance activities, and (2) any restriction of funding to replacement housing uses shall be inapplicable: *Provided further*, That notwithstanding any other provision of law, the Secretary shall institute measures to ensure that funds provided under this heading shall serve to supplement and not supplant expenditures from other Federal, State, or local sources or funds independently generated by the grantee: *Provided further*, That notwithstanding section 9(j), public housing agencies shall obligate 100 percent of the funds within 1 year of the date of enactment of this Act, shall expend at least 60 percent of funds within 2 years of the date on which funds become available to the agency for obligation, and shall expend 100 percent of the funds within 3 years of such date: *Provided further*, That if a public housing agency fails to comply with either the 1-year obligation requirement or the 2-year expenditure requirement, the Secretary shall recapture all remaining funds awarded to the public housing agency and reallocate such funds to agencies that are in compliance with those requirements: *Provided further*, That if a public housing agency fails to comply with the 3-year expenditure requirement, the Secretary shall recapture the balance of the funds awarded to the public housing agency: *Provided further*, That in administering funds provided in this heading, the Secretary may waive any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds except for requirements imposed by this heading and requirements related to conditions on use of funds for development and modernization, fair housing, non-discrimination, labor standards, and the environment, upon a finding that such waiver is required to facilitate the timely use of such funds and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That of the funds made available under this heading, up to 1 percent shall be available for staffing, training, technical assistance, technology, monitoring, research and evaluation activities: *Provided further*, That any funds made available under this heading used by the Secretary for personnel expenses shall be transferred to and merged with funding provided to ''Personnel Compensation and Benefits, Office of Public and Indian Housing'': *Provided further*, That any funds made available under this heading used by the Secretary for training or other administrative expenses shall be transferred to and merged with funding provided to ''Administration, Operations, and Management'', for non-personnel expenses of the Department of Housing and Urban Development: *Provided further*, That any funds made available under this heading used by the Secretary for technology shall be transferred to and merged with the funding provided to ''Working Capital Fund''.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for the ''HOME Investment Partnerships Program'' as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (the ''Act''), $250,000,000, to remain available until September 30, 2011: *Provided*, That except as specifically provided herein, funds provided under this heading shall be distributed pursuant to the formula authorized by section 217 of the Act: *Provided further*, That the Secretary may establish a minimum grant size: *Provided further*, That participating jurisdictions shall obligate 100 percent of the funds within 1 year of the date of enactment of this Act, shall expend at least 60 percent of funds within 2 years of the date on which funds become available to the participating jurisdiction for obligation and shall expend 100 percent of the funds within 3 years of such date: *Provided further*, That if a participating jurisdiction fails to comply with either the 1-year obligation requirement or the 2-year expenditure requirement, the Secretary shall recapture all remaining funds awarded to the participating jurisdiction and reallocate such funds to participating jurisdictions that are in compliance with those requirements: *Provided further*, That if a participating jurisdiction fails to comply with the 3-year expenditure requirement, the Secretary shall recapture the balance of the funds awarded to the participating jurisdiction: *Provided further*, That in administering funds under this heading, the Secretary may waive any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds except for requirements imposed by this heading and requirements related to fair housing, non-discrimination, labor standards and the environment, upon a finding that such waiver is required to facilitate the timely use of such funds and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the Secretary may use funds provided under this heading to provide incentives to grantees to use funding for investments in energy efficiency and green building technology: *Provided further*, That such incentives may include allocation of up to 20 percent of funds made available under this heading other than pursuant to the formula authorized by section 217 of the Act: *Provided further*, That, of the funds made available under this heading, up to 1 percent shall be available for staffing, training, technical assistance, technology, monitoring, research and evaluation activities: *Provided further*, That any funds made available under this heading used by the Secretary for personnel expenses shall be transferred to and merged with funding provided to ''Personnel Compensation and Benefits, Office of Community Planning and Development'': *Provided further*, That any funds made available under this heading used by the Secretary for training or other administrative expenses shall be transferred to and merged with funding provided to ''Administration, Operations, and Management'', for non-personnel expenses of the Department of Housing and Urban Development: *Provided further*, That any funds made available under this heading used by the Secretary for technology shall be transferred to and merged with the funding provided to ''Working Capital Fund''.

For an additional amount for capital investments in low-income housing tax credit projects, $2,000,000,000, to remain available until September 30, 2011: *Provided*, That the funds shall be allocated to States under the HOME program under this Heading shall be made available to State housing finance agencies in an amount totaling $2,000,000,000, subject to any changes made to a State allocation for the benefit of a State by the Secretary of Housing and Urban Development for areas that have suffered from disproportionate job loss and foreclosure: *Provided further*, That the Secretary, in consultation with the States, shall determine the amount of funds each State shall have available under HOME: *Provided further*, That the State housing finance agencies (including for purposes throughout this heading any entity that is responsible for distributing low-income housing tax credits) or as appropriate as an entity as a gap financer, shall distribute these funds competitively under this heading to housing developers for projects eligible for funding (such terms including those who may have received funding) under the low-income housing tax credit program as provided under section 42 of the I.R.C. of 1986, with a review of both the decision-making and process for the award by the Secretary of Housing and Urban Development: *Provided further*, That funds under this heading must be awarded by State housing finance agencies within 120 days of enactment of the Act and obligated by the developer of the low-income housing tax credit project within one year of the date of enactment of this Act, shall expend 75 percent of the funds within two years of the date on which the funds become available, and shall expend 100 percent of the funds within 3 years of such date: *Provided further*, That failure by a developer to expend funds within the parameters required within the previous proviso shall result in a redistribution of these funds by a State housing finance agency or by the Secretary if there is a more deserving project in another jurisdiction: *Provided further*, That projects awarded tax credits within 3 years prior to the date of enactment of this Act shall be eligible for funding under this heading: *Provided further*, That as part of the review, the Secretary shall ensure equitable distribution of funds and an appropriate balance in addressing the needs of urban and rural communities with a special priority on areas that have suffered from excessive job loss and foreclosures: *Provided further*, That State housing finance agencies shall give priority to projects that require an additional share of Federal funds in order to complete an overall funding package, and to projects that are expected to be completed within 3 years of enactment: *Provided further*, That any assistance provided to an eligible low-income housing tax credit project under this heading shall be made in the same manner and be subject to the same limitations (including rent, income, and use restrictions) as an allocation of the housing credit amount allocated by the State housing finance agency under section 42 of the I.R.C. of 1986, except that such assistance shall not be limited by, or otherwise affect (except as provided in subsection (h)(3)(J) of such section), the State housing finance agency applicable to such agency: *Provided further*, That the State housing finance agency shall perform asset management functions to ensure compliance with section 42 of the I.R.C. of 1986, and the long term viability of buildings funded by assistance under this heading: *Provided further*, That the term basis (as such term is defined in such section 42) of a qualified low-income housing tax credit building receiving assistance under this heading shall not be reduced by the amount of any grant described under this heading: *Provided further*, That the Secretary shall collect all information related to the award of Federal funds from state housing finance agencies and establish an internet site that shall identify all projects selected for an award, including the amount of the award as well as the process and all information that was used to make the award decision.

HOMELESSNESS PREVENTION FUND

For homelessness prevention activities, $1,500,000,000, to remain available until September 30, 2011: *Provided*, That funds provided under this heading shall be used for the provision of short-term or medium-term rental assistance; housing relocation and stabilization services including housing search, mediation or outreach to property owners, credit repair, security or utility deposits, utility payments, rental assistance for a final month at a location, and moving cost assistance; or other appropriate homelessness prevention activities: *Provided further*, That grantees receiving such assistance shall collect data on the use of the funds awarded and persons served with this assistance in the Homeless Management Information System (HMIS) or other comparable database: *Provided further*, That grantees may use up to 5 percent of any grant for administrative costs: *Provided further*, That funding made available under this heading shall be allocated to eligible grantees (as defined and designated in sections 411 and 412 of subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, (the ''Act'')) pursuant to the formula authorized by section 413 of the Act: *Provided further*, That the Secretary may establish a minimum grant size: *Provided further*, That grantees shall expend at least 75 percent of funds within 2 years of the date that funds became available to them for obligation, and 100 percent of funds within 3 years of such date, and the Secretary may recapture unexpended funds in violation of the 2-year expenditure requirement and reallocate such funds to grantees in compliance with that requirement: *Provided further*, That the Secretary may waive statutory or regulatory provisions (except provisions for fair housing, nondiscrimination, labor standards, and the environment) necessary to facilitate the timely expenditure of funds: *Provided further*, That the Secretary shall publish a notice to establish such requirements as may be necessary to carry out the provisions of this section within 30 days of enactment of the Act and that this notice shall take effect upon issuance: *Provided further*, That of the funds provided under this heading, up to 1.5 percent shall be available for staffing, training, technical assistance, technology, monitoring, research and evaluation activities: *Provided further*, That any funds made available under this heading used by the Secretary for personnel expense shall be transferred to and merged with funding provided to ''Community Planning and Development Personnel Compensation and Benefits'': *Provided further*, That any funds made available under this heading used by the Secretary for training or other administrative expenses shall be transferred to and merged with funding provided to ''Administration, Operations, and Management'' for non-personnel expenses of the Department of Housing and Urban Development: *Provided further*, That any funding made available under this heading used by the Secretary for technology shall be transferred to and merged with the funding provided to ''Working Capital Fund.''

ASSISTED HOUSING STABILITY AND ENERGY AND GREEN RETROFIT INVESTMENTS

For assistance to owners of properties receiving project-based assistance pursuant to

section 202 of the Housing Act of 1959 (12 U.S.C. 17012), section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), or section 8 of the United States Housing Act of 1937 as amended (42 U.S.C. 1437f), $2,250,000,000, of which $2,132,000,000 shall be for an additional amount for paragraph (1) under the heading ''Project-Based Rental Assistance'' in Public Law 110–161 for payments to owners for 12-month periods, and of which $118,000,000 shall be for grants or loans for energy retrofit and green investments in such assisted housing: *Provided,* That projects funded with grants or loans provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further,* That such grants or loans shall be provided through the existing policies, procedures, contracts, and transactional infrastructure of the authorized programs administered by the Office of Affordable Housing Preservation of the Department of Housing and Urban Development, on such terms and conditions as the Secretary of Housing and Urban Development deems appropriate to ensure the maintenance and preservation of the property, the continued operation and maintenance of energy efficiency technologies, and the timely expenditure of funds: *Provided further,* That the Secretary may provide incentives to owners to undertake energy or green retrofits as a part of such grant or loan terms, including, but not limited to, investment fees to cover oversight and implementation costs incurred by said owner, or to encourage job creation for low-income or very low-income individuals: *Provided further,* That the grants or loans shall include a financial assessment and physical inspection of such property: *Provided further,* That eligible owners must have at least a satisfactory management review rating, be in substantial compliance with applicable performance standards and legal requirements, and commit to an additional period of affordability determined by the Secretary, but of not fewer than 15 years: *Provided further,* That the Secretary shall undertake appropriate underwriting and oversight with respect to grant and loan transactions and may set aside up to 5 percent of the funds made available under this heading for grants or loans for such purpose: *Provided further,* That the Secretary shall take steps necessary to ensure that owners receiving funding for energy and green retrofit investments under this heading shall expend such funding within 2 years of the date they received the funding: *Provided further,* That the Secretary may waive or modify statutory or regulatory requirements with respect to any existing grant, loan, or insurance mechanism authorized to be used by the Secretary to enable or facilitate the accomplishment of investments supported with funds made available under this heading for grants or loans: *Provided further,* That of the funds provided under this heading, up to 1.5 percent shall be available for staffing, training, technical assistance, technology, monitoring, research and evaluation activities: *Provided further,* That funding made available under this heading and used by the Secretary for personnel expenses shall be transferred to and merged with funding provided to ''Housing Compensation and Benefits'': *Provided further,* That any funding made available under this heading used by the Secretary for training and other administrative expenses shall be transferred to and merged with funding provided to ''Administration, Operations and Management'' for non-personnel expenses of the Department of Housing and Urban Development: *Provided further,* That any funding made available under this heading used by the Secretary for technology shall be transferred to and merged with funding provided to ''Working Capital Fund.''

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For an additional amount for the ''Lead Hazard Reduction'', as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $100,000,000, to remain available until September 30, 2011: *Provided,* That funds shall be awarded first to applicant jurisdictions which had applied under the Lead-Based Paint Hazard Control Grant Program Notice of Funding Availability for fiscal year 2008, and were found in the application review to be qualified for award, but were not awarded because of funding limitations, and that any funds which remain after reservation of funds for such grants shall be added to the amount of funds to be awarded under the Lead-Based Paint Hazard Control Grant Program Notice of Funding Availability for fiscal year 2009: *Provided further,* That each applicant jurisdiction for the Lead-Based Paint Hazard control Grant Program Notice of Funding Availability for fiscal year 2009 shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds: *Provided further,* That recipients of funds under this heading shall obligate 100 percent of such funds within 1 year of the date of enactment of this Act, expend at least 75 percent of such funds within 2 years of the date on which funds become available to such jurisdictions for obligation, and expend 100 percent of such funds within 3 years of such date: *Provided further,* That if a recipient fails to comply with either the 1-year obligation requirement or the 2-year expenditure requirement, the Secretary shall recapture all remaining funds awarded to the recipient and reallocate such funds to recipients that are in compliance with those requirements: *Provided further,* That if a recipient fails to comply with the 3-year expenditure requirement, the Secretary shall recapture the balance of the funds awarded to the recipient: *Provided further,* That in administering funds provided in this heading, the Secretary may waive any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds except for requirements imposed by this heading and requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that such waiver is required to facilitate the timely use of such funds and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further,* That, of the funds made available under this heading, up to 1 percent shall be available for staffing, training, technical assistance, technology, monitoring, research and evaluation activities: *Provided further,* That any funds made available under this heading used by the Secretary for personnel expenses shall be transferred to and merged with funding provided to ''Personnel Compensation and Benefits, Office of Healthy Homes and Lead Hazard Control'': *Provided further,* That any funds made available under this heading used by the Secretary for training or other administrative expenses shall be transferred to and merged with funding provided to ''Administration, Operations, and Management'', for non-personnel expenses of the Department of Housing and Urban Development: *Provided further,* That any funds made available under this heading used by the Secretary for technology shall be transferred to and merged with the funding provided to ''Working Capital Fund''.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $2,750,000, to remain available until September 30, 2011, and an additional $12,250,000 for such purposes, to remain available until September 30, 2012: *Provided,* That the Inspector General shall have independent authority over all personnel issues within this office.

TITLE XIII—HEALTH INFORMATION TECHNOLOGY

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Health Information Technology for Economic and Clinical Health Act'' or the ''HITECH Act''.

Subtitle A—Promotion of Health Information Technology

PART I—IMPROVING HEALTH CARE QUALITY, SAFETY, AND EFFICIENCY

SEC. 13101. ONCHIT; STANDARDS DEVELOPMENT AND ADOPTION.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

''TITLE XXX—HEALTH INFORMATION TECHNOLOGY AND QUALITY

''SEC. 3000. DEFINITIONS.

''In this title:

''(1) CERTIFIED EHR TECHNOLOGY.—The term 'certified EHR technology' means a qualified electronic health record and that is certified pursuant to section 3001(c)(5) as meeting standards adopted under section 3004 that are applicable to the type of record involved (as determined by the Secretary, such as an ambulatory electronic health record for office-based physicians or an inpatient hospital electronic health record for hospitals).

''(2) ENTERPRISE INTEGRATION.—The term 'enterprise integration' means the electronic linkage of health care providers, health plans, the government, and other interested parties, to enable the electronic exchange and use of health information among all the components in the health care infrastructure in accordance with applicable law, and such term includes related application protocols and other related standards.

''(3) HEALTH CARE PROVIDER.—The term 'health care provider' means a hospital, skilled nursing facility, nursing facility, home health entity, or other long-term care facility, health care clinic, community mental health center (as defined in section 1913(b)), renal dialysis facility, blood center, ambulatory surgical center described in section 1833(i) of the Social Security Act, emergency medical services provider, Federally qualified health center, group practice (as defined in section 1877(h)(4) of the Social Security Act), a pharmacist, a pharmacy, a laboratory, a physician (as defined in section 1861(r) of the Social Security Act), a practitioner (as described in section 1842(b)(18)(C) of the Social Security Act), a provider operated by, or under contract with, the Indian Health Service or by an Indian tribe (as defined in the Indian Self-Determination and Education Assistance Act), tribal organization, or urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act), a rural health clinic, a covered entity under section 340B, and any other category of facility or clinician determined appropriate by the Secretary.

''(4) HEALTH INFORMATION.—The term 'health information' has the meaning given such term in section 1171(4) of the Social Security Act.

''(5) HEALTH INFORMATION TECHNOLOGY.—The term 'health information technology' includes hardware, software, integrated technologies and related licenses, intellectual property, upgrades, and packaged solutions sold as services for use by health care entities for the electronic creation, maintenance, access or exchange of health information.

''(6) HEALTH PLAN.—The term 'health plan' has the meaning given such term in section 1171(5) of the Social Security Act.

''(7) HIT POLICY COMMITTEE.—The term 'HIT Policy Committee' means such Committee established under section 3002(a).

''(8) HIT STANDARDS COMMITTEE.—The term 'HIT Standards Committee' means such Committee established under section 3003(a).

''(9) INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—The term 'individually identifiable health information' has the meaning given such term in section 1171(6) of the Social Security Act.

''(10) LABORATORY.—The term 'laboratory' has the meaning given such term in section 353(a).

''(11) NATIONAL COORDINATOR.—The term 'National Coordinator' means the head of the Office of the National Coordinator for Health Information Technology established under section 3001(a).

''(12) PHARMACIST.—The term 'pharmacist' has the meaning given such term in section 804(2) of the Federal Food, Drug, and Cosmetic Act.

''(13) QUALIFIED ELECTRONIC HEALTH RECORD.—The term 'qualified electronic health record' means an electronic record of health-related information on an individual that—

''(A) includes patient demographic and clinical health information, such as medical history and problem lists; and

''(B) has the capacity—

''(i) to provide clinical decision support;

''(ii) to support physician order entry;

''(iii) to capture and query information relevant to health care quality; and

''(iv) to exchange electronic health information with, and integrate such information from other sources.

''(14) STATE.—The term 'State' means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

''Subtitle A—Promotion of Health Information Technology

''SEC. 3001. OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY.

''(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services an Office of the National Coordinator for Health Information Technology (referred to in this section as the 'Office'). The Office shall be headed by a National Coordinator who shall be appointed by the Secretary and shall report directly to the Secretary.

''(b) PURPOSE.—The National Coordinator shall perform the duties under subsection (c) in a manner consistent with the development of a nationwide health information technology infrastructure that allows for the electronic use and exchange of information and that—

''(1) ensures that each patient's health information is secure and protected, in accordance with applicable law;

''(2) improves health care quality, reduces medical errors, and advances the delivery of patient-centered medical care;

''(3) reduces health care costs resulting from inefficiency, medical errors, inappropriate care, duplicative care, and incomplete information;

''(4) provides appropriate information to help guide medical decisions at the time and place of care;

''(5) ensures the inclusion of meaningful public input in such development of such infrastructure;

''(6) improves the coordination of care and information among hospitals, laboratories, physician offices, and other entities through an effective infrastructure for the secure and authorized exchange of health care information;

''(7) improves public health activities and facilitates the early identification and rapid response to public health threats and emergencies, including bioterror events and infectious disease outbreaks;

''(8) facilitates health and clinical research and health care quality;

''(9) promotes early detection, prevention, and management of chronic diseases;

''(10) promotes a more effective marketplace, greater competition, greater systems analysis, increased consumer choice, and improved outcomes in health care services; and

''(11) improves efforts to reduce health disparities.

''(c) DUTIES OF THE NATIONAL COORDINATOR.—

''(1) STANDARDS.—The National Coordinator shall—

''(A) review and determine whether to endorse each standard, implementation specification, and certification criterion for the electronic exchange and use of health information that is recommended by the HIT Standards Committee under section 3003 for purposes of adoption under section 3004;

''(B) make such determinations under subparagraph (A), and report to the Secretary such determinations, not later than 45 days after the date the recommendation is received by the Coordinator;

''(C) review Federal health information technology investments to ensure that Federal health information technology programs are meeting the objectives of the strategic plan published under paragraph (3); and

''(D) provide comments and advice regarding specific Federal health information technology programs, at the request of the Office of Management and Budget.

''(2) HIT POLICY COORDINATION.—

''(A) IN GENERAL.—The National Coordinator shall coordinate health information technology policy and programs of the Department with those of other relevant executive branch agencies with a goal of avoiding duplication of efforts and of helping to ensure that each agency undertakes health information technology activities primarily within the areas of its greatest expertise and technical capability and in a manner towards a coordinated national goal.

''(B) HIT POLICY AND STANDARDS COMMITTEES.—The National Coordinator shall be a leading member in the establishment and operations of the HIT Policy Committee and the HIT Standards Committee and shall serve as a liaison among those two Committees and the Federal Government.

''(3) STRATEGIC PLAN.—

''(A) IN GENERAL.—The National Coordinator shall, in consultation with other appropriate Federal agencies (including the National Institute of Standards and Technology), update the Federal Health IT Strategic Plan (developed as of June 3, 2008) to include specific objectives, milestones, and metrics with respect to the following:

''(i) The electronic exchange and use of health information and the enterprise integration of such information.

''(ii) The utilization of an electronic health record for each person in the United States by 2014.

''(iii) The incorporation of privacy and security protections for the electronic exchange of an individual's individually identifiable health information.

''(iv) Ensuring security methods to ensure appropriate authorization and electronic authentication of health information and specifying technologies or methodologies for rendering health information unusable, unreadable, or indecipherable.

''(v) Specifying a framework for coordination and flow of recommendations and policies under this subtitle among the Secretary, the National Coordinator, the HIT Policy Committee, the HIT Standards Committee, and other health information exchanges and other relevant entities.

''(vi) Methods to foster the public understanding of health information technology.

''(vii) Strategies to enhance the use of health information technology in improving the quality of health care, reducing medical errors, reducing health disparities, improving public health, increasing prevention and coordination with community resources, and improving the continuity of care among health care settings.

''(viii) Specific plans for ensuring that populations with unique needs, such as children, are appropriately addressed in the technology design, as appropriate, which may include technology that automates enrollment and retention for eligible individuals.

''(B) COLLABORATION.—The strategic plan shall be updated through collaboration of public and private entities.

''(C) MEASURABLE OUTCOME GOALS.—The strategic plan update shall include measurable outcome goals.

''(D) PUBLICATION.—The National Coordinator shall republish the strategic plan, including all updates.

''(4) WEBSITE.—The National Coordinator shall maintain and frequently update an Internet website on which there is posted information on the work, schedules, reports, recommendations, and other information to ensure transparency in promotion of a nationwide health information technology infrastructure.

''(5) HARMONIZATION.—The Secretary may recognize an entity or entities for the purpose of harmonizing or updating standards and implementation specifications in order to achieve uniform and consistent implementation of the standards and implementation specifications.

''(6) CERTIFICATION.—

''(A) IN GENERAL.—The National Coordinator, in consultation with the Director of the National Institute of Standards and Technology, shall recognize a program or programs for the voluntary certification of health information technology as being in compliance with applicable certification criteria adopted under this subtitle. Such program shall include, as appropriate, testing of the technology in accordance with section 14201(b) of the Health Information Technology for Economic and Clinical Health Act.

''(B) CERTIFICATION CRITERIA DESCRIBED.—In this title, the term 'certification criteria' means, with respect to standards and implementation specifications for health information technology, criteria to establish that

the technology meets such standards and implementation specifications.

''(6) REPORTS AND PUBLICATIONS.—

''(A) REPORT ON ADDITIONAL FUNDING OR AUTHORITY NEEDED.—Not later than 12 months after the date of the enactment of this title, the National Coordinator shall submit to the appropriate committees of jurisdiction of the House of Representatives and the Senate a report on any additional funding or authority the Coordinator or the HIT Policy Committee or HIT Standards Committee requires to evaluate and develop standards, implementation specifications, and certification criteria, or to achieve full participation of stakeholders in the adoption of a nationwide health information technology infrastructure that allows for the electronic use and exchange of health information.

''(B) IMPLEMENTATION REPORT.—The National Coordinator shall prepare a report that identifies lessons learned from major public and private health care systems in their implementation of health information technology, including information on whether the technologies and practices developed by such systems may be applicable to and usable in whole or in part by other health care providers.

''(C) ASSESSMENT OF IMPACT OF HIT ON COMMUNITIES WITH HEALTH DISPARITIES AND UNINSURED, UNDERINSURED, AND MEDICALLY UNDERSERVED AREAS.—The National Coordinator shall assess and publish the impact of health information technology in communities with health disparities and in areas with a high proportion of individuals who are uninsured, underinsured, and medically underserved individuals (including urban and rural areas) and identify practices to increase the adoption of such technology by health care providers in such communities, and the use of health information technology to reduce and better manage chronic diseases.

''(D) EVALUATION OF BENEFITS AND COSTS OF THE ELECTRONIC USE AND EXCHANGE OF HEALTH INFORMATION.—The National Coordinator shall evaluate and publish evidence on the benefits and costs of the electronic use and exchange of health information and assess to whom these benefits and costs accrue.

(E) RESOURCE REQUIREMENTS.—The National Coordinator shall estimate and publish resources required annually to reach the goal of utilization of an electronic health record for each person in the United States by 2014, including—

(i) the required level of Federal funding;

(ii) expectations for regional, State, and private investment;

(iii) the expected contributions by volunteers to activities for the utilization of such records; and

(iv) the resources needed to establish or expand education programs in medical and health informatics and health information management to train health care and information technology students and provide a health information technology workforce sufficient to ensure the rapid and effective deployment and utilization of health information technologies.

''(7) ASSISTANCE.—The National Coordinator may provide financial assistance to consumer advocacy groups and not-for-profit entities that work in the public interest for purposes of defraying the cost to such groups and entities to participate under, whether in whole or in part, the National Technology Transfer Act of 1995 (15 U.S.C. 272 note).

''(8) GOVERNANCE FOR NATIONWIDE HEALTH INFORMATION NETWORK.—The National Coordinator shall establish a governance mechanism for the nationwide health information network.

''(d) DETAIL OF FEDERAL EMPLOYEES.—

''(1) IN GENERAL.—Upon the request of the National Coordinator, the head of any Federal agency is authorized to detail, with or without reimbursement from the Office, any of the personnel of such agency to the Office to assist it in carrying out its duties under this section.

''(2) EFFECT OF DETAIL.—Any detail of personnel under paragraph (1) shall—

''(A) not interrupt or otherwise affect the civil service status or privileges of the Federal employee; and

''(B) be in addition to any other staff of the Department employed by the National Coordinator.

''(3) ACCEPTANCE OF DETAILEES.—Notwithstanding any other provision of law, the Office may accept detailed personnel from other Federal agencies without regard to whether the agency described under paragraph (1) is reimbursed.

''(e) CHIEF PRIVACY OFFICER OF THE OFFICE OF THE NATIONAL COORDINATOR.—Not later than 12 months after the date of the enactment of this title, the Secretary shall appoint a Chief Privacy Officer of the Office of the National Coordinator, whose duty it shall be to advise the National Coordinator on privacy, security, and data stewardship of electronic health information and to coordinate with other Federal agencies (and similar privacy officers in such agencies), with State and regional efforts, and with foreign countries with regard to the privacy, security, and data stewardship of electronic individually identifiable health information.

''SEC. 3002. HIT POLICY COMMITTEE.

''(a) ESTABLISHMENT.—There is established a HIT Policy Committee to make policy recommendations to the National Coordinator relating to the implementation of a nationwide health information technology infrastructure, including implementation of the strategic plan described in section 3001(c)(3).

''(b) DUTIES.—

''(1) RECOMMENDATIONS ON HEALTH INFORMATION TECHNOLOGY INFRASTRUCTURE.—The HIT Policy Committee shall recommend a policy framework for the development and adoption of a nationwide health information technology infrastructure that permits the electronic exchange and use of health information as is consistent with the strategic plan under section 3001(c)(3) and that includes the recommendations under paragraph (2). The Committee shall update such recommendations and make new recommendations as appropriate.

''(2) SPECIFIC AREAS OF STANDARD DEVELOPMENT.—

''(A) IN GENERAL.—The HIT Policy Committee shall recommend the areas in which standards, implementation specifications, and certification criteria are needed for the electronic exchange and use of health information for purposes of adoption under section 3004 and shall recommend an order of priority for the development, harmonization, and recognition of such standards, specifications, and certification criteria among the areas so recommended. Such standards and implementation specifications shall include named standards, architectures, and software schemes for the authentication and security of individually identifiable health information and other information as needed to ensure the reproducible development of common solutions across disparate entities.

''(B) AREAS REQUIRED FOR CONSIDERATION.—For purposes of subparagraph (A), the HIT Policy Committee shall make recommendations for at least the following areas:

''(i) Technologies that protect the privacy of health information and promote security in a qualified electronic health record, including for the segmentation and protection from disclosure of specific and sensitive individually identifiable health information with the goal of minimizing the reluctance of patients to seek care (or disclose information about a condition) because of privacy concerns, in accordance with applicable law, and for the use and disclosure of limited data sets of such information.

''(ii) A nationwide health information technology infrastructure that allows for the electronic use and accurate exchange of health information.

''(iii) The utilization of a certified electronic health record for each person in the United States by 2014.

''(iv) Technologies that as a part of a qualified electronic health record allow for an accounting of disclosures made by a covered entity (as defined for purposes of regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996) for purposes of treatment, payment, and health care operations (as such terms are defined for purposes of such regulations).

''(v) The use of certified electronic health records to improve the quality of health care, such as by promoting the coordination of health care and improving continuity of health care among health care providers, by reducing medical errors, by improving population health, reducing chronic disease, and by advancing research and education.

''(vi) The use of electronic systems to ensure the comprehensive collection of patient demographic data, including, at a minimum, race, ethnicity, primary language, and gender information.

''(vii) Technologies and design features that address the needs of children and other vulnerable populations.

''(C) OTHER AREAS FOR CONSIDERATION.—In making recommendations under subparagraph (A), the HIT Policy Committee may consider the following additional areas:

''(i) The appropriate uses of a nationwide health information infrastructure, including for purposes of—

''(I) the collection of quality data and public reporting;

''(II) biosurveillance and public health;

''(III) medical and clinical research; and

''(IV) drug safety.

''(ii) Self-service technologies that facilitate the use and exchange of patient information and reduce wait times.

''(iii) Telemedicine technologies, in order to reduce travel requirements for patients in remote areas.

''(iv) Technologies that facilitate home health care and the monitoring of patients recuperating at home.

''(v) Technologies that help reduce medical errors.

''(vi) Technologies that facilitate the continuity of care among health settings.

''(vii) Technologies that meet the needs of diverse populations.

''(viii) Methods to facilitate secure access by an individual to such individual's protected health information.

''(ix) Methods, guidelines, and safeguards to facilitate secure access to patient information by a family member, caregiver, or guardian acting on behalf of a patient due to age-related and other disability, cognitive impairment, or dementia that prevents a patient from accessing the patient's individually identifiable health information.

''(x) Any other technology that the HIT Policy Committee finds to be among the

technologies with the greatest potential to improve the quality and efficiency of health care.

''(3) FORUM.—The HIT Policy Committee shall serve as a forum for broad stakeholder input with specific expertise in policies relating to the matters described in paragraphs (1) and (2).

''(4) CONSISTENCY WITH EVALUATION CONDUCTED UNDER MIPPA.—

''(A) REQUIREMENT FOR CONSISTENCY.—The HIT Policy Committee shall ensure that recommendations made under paragraph (2)(B)(vi) are consistent with the evaluation conducted under section 1809(a) of the Social Security Act.

''(B) SCOPE.—Nothing in subparagraph (A) shall be construed to limit the recommendations under paragraph (2)(B)(vi) to the elements described in section 1809(a)(3) of the Social Security Act.

''(C) TIMING.—The requirement under subparagraph (A) shall be applicable to the extent that evaluations have been conducted under section 1809(a) of the Social Security Act, regardless of whether the report described in subsection (b) of such section has been submitted.

''(c) MEMBERSHIP AND OPERATIONS.—

''(1) IN GENERAL.—The National Coordinator shall provide leadership in the establishment and operations of the HIT Policy Committee.

''(2) MEMBERSHIP.—The HIT Policy Committee shall be composed of members to be appointed as follows:

''(A) One member shall be appointed by the Secretary.

''(B) One member shall be appointed by the Secretary of Veterans Affairs who shall represent the Department of Veterans Affairs.

''(C) One member shall be appointed by the Secretary of Defense who shall represent the Department of Defense.

''(D) One member shall be appointed by the Majority Leader of the Senate.

''(E) One member shall be appointed by the Minority Leader of the Senate.

''(F) One member shall be appointed by the Speaker of the House of Representatives.

''(G) One member shall be appointed by the Minority Leader of the House of Representatives.

''(H) Eleven members shall be appointed by the Comptroller General of the United States, of whom—

''(i) three members shall represent patients or consumers;

''(ii) one member shall represent health care providers;

''(iii) one member shall be from a labor organization representing health care workers;

''(iv) one member shall have expertise in privacy and security;

''(v) one member shall have expertise in improving the health of vulnerable populations;

''(vi) one member shall represent health plans or other third party payers;

''(vii) one member shall represent information technology vendors;

''(viii) one member shall represent purchasers or employers; and

''(ix) one member shall have expertise in health care quality measurement and reporting.

''(3) CHAIRPERSON AND VICE CHAIRPERSON.—The HIT Policy Committee shall designate one member to serve as the chairperson and one member to serve as the vice chairperson of the Policy Committee.

''(4) NATIONAL COORDINATOR.—The National Coordinator shall serve as a member of the HIT Policy Committee and act as a liaison among the HIT Policy Committee, the HIT Standards Committee, and the Federal Government.

''(5) PARTICIPATION.—The members of the HIT Policy Committee appointed under paragraph (2) shall represent a balance among various sectors of the health care system so that no single sector unduly influences the recommendations of the Policy Committee.

''(6) TERMS.—

''(A) IN GENERAL.—The terms of the members of the HIT Policy Committee shall be for 3 years, except that the Comptroller General shall designate staggered terms for the members first appointed.

''(B) VACANCIES.—Any member appointed to fill a vacancy in the membership of the HIT Policy Committee that occurs prior to the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has been appointed. A vacancy in the HIT Policy Committee shall be filled in the manner in which the original appointment was made.

''(7) OUTSIDE INVOLVEMENT.—The HIT Policy Committee shall ensure an adequate opportunity for the participation of outside advisors, including individuals with expertise in—

''(A) health information privacy and security;

''(B) improving the health of vulnerable populations;

''(C) health care quality and patient safety, including individuals with expertise in the measurement and use of health information technology to capture data to improve health care quality and patient safety;

''(D) long-term care and aging services;

''(E) medical and clinical research; and

''(F) data exchange and developing health information technology standards and new health information technology.

''(8) QUORUM.—Ten members of the HIT Policy Committee shall constitute a quorum for purposes of voting, but a lesser number of members may meet and hold hearings.

''(9) FAILURE OF INITIAL APPOINTMENT.—If, on the date that is 45 days after the date of enactment of this title, an official authorized under paragraph (2) to appoint one or more members of the HIT Policy Committee has not appointed the full number of members that such paragraph authorizes such official to appoint—

''(A) the number of members that such official is authorized to appoint shall be reduced to the number that such official has appointed as of that date; and

''(B) the number prescribed in paragraph (8) as the quorum shall be reduced to the smallest whole number that is greater than one-half of the total number of members who have been appointed as of that date.

''(10) CONSIDERATION.—The National Coordinator shall ensure that the relevant recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of policies.

''(d) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14 of such Act, shall apply to the HIT Policy Committee.

''(e) PUBLICATION.—The Secretary shall provide for publication in the Federal Register and the posting on the Internet website of the Office of the National Coordinator for Health Information Technology of all policy recommendations made by the HIT Policy Committee under this section.

''SEC. 3003. HIT STANDARDS COMMITTEE.

''(a) ESTABLISHMENT.—There is established a committee to be known as the HIT Standards Committee to recommend to the National Coordinator standards, implementation specifications, and certification criteria for the electronic exchange and use of health information for purposes of adoption under section 3004, consistent with the implementation of the strategic plan described in section 3001(c)(3) and beginning with the areas listed in section 3002(b)(2)(B) in accordance with policies developed by the HIT Policy Committee.

''(b) DUTIES.—

''(1) STANDARD DEVELOPMENT.—

''(A) IN GENERAL.—The HIT Standards Committee shall recommend to the National Coordinator standards, implementation specifications, and certification criteria described in subsection (a) that have been developed, harmonized, or recognized by the HIT Standards Committee. The HIT Standards Committee shall update such recommendations and make new recommendations as appropriate, including in response to a notification sent under section 3004(b)(2). Such recommendations shall be consistent with the latest recommendations made by the HIT Policy Committee.

''(B) PILOT TESTING OF STANDARDS AND IMPLEMENTATION SPECIFICATIONS.—In the development, harmonization, or recognition of standards and implementation specifications, the HIT Standards Committee shall, as appropriate, provide for the testing of such standards and specifications by the National Institute for Standards and Technology under section 14201 of the Health Information Technology for Economic and Clinical Health Act.

''(C) CONSISTENCY.—The standards, implementation specifications, and certification criteria recommended under this subsection shall be consistent with the standards for information transactions and data elements adopted pursuant to section 1173 of the Social Security Act.

''(2) FORUM.—The HIT Standards Committee shall serve as a forum for the participation of a broad range of stakeholders to provide input on the development, harmonization, and recognition of standards, implementation specifications, and certification criteria necessary for the development and adoption of a nationwide health information technology infrastructure that allows for the electronic use and exchange of health information.

''(3) SCHEDULE.—Not later than 90 days after the date of the enactment of this title, the HIT Standards Committee shall develop a schedule for the assessment of policy recommendations developed by the HIT Policy Committee under section 3002. The HIT Standards Committee shall update such schedule annually. The Secretary shall publish such schedule in the Federal Register.

''(4) PUBLIC INPUT.—The HIT Standards Committee shall conduct open public meetings and develop a process to allow for public comment on the schedule described in paragraph (3) and recommendations described in this subsection. Under such process comments shall be submitted in a timely manner after the date of publication of a recommendation under this subsection.

''(5) CONSIDERATION.—The National Coordinator shall ensure that the relevant recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of standards.

''(c) MEMBERSHIP AND OPERATIONS.—

''(1) IN GENERAL.—The National Coordinator shall provide leadership in the establishment and operations of the HIT Standards Committee.

''(2) MEMBERSHIP.—The membership of the HIT Standards Committee shall at least reflect providers, ancillary healthcare workers, consumers, purchasers, health plans, technology vendors, researchers, relevant Federal agencies, and individuals with technical expertise on health care quality, privacy and security, and on the electronic exchange and use of health information.

''(3) BROAD PARTICIPATION.—There is broad participation in the HIT Standards Committee by a variety of public and private stakeholders, either through membership in the Committee or through another means.

''(4) CHAIRPERSON; VICE CHAIRPERSON.—The HIT Standards Committee may designate one member to serve as the chairperson and one member to serve as the vice chairperson.

''(5) DEPARTMENT MEMBERSHIP.—The Secretary shall be a member of the HIT Standards Committee. The National Coordinator shall act as a liaison among the HIT Standards Committee, the HIT Policy Committee, and the Federal Government.

''(6) BALANCE AMONG SECTORS.—In developing the procedures for conducting the activities of the HIT Standards Committee, the HIT Standards Committee shall act to ensure a balance among various sectors of the health care system so that no single sector unduly influences the actions of the HIT Standards Committee.

''(7) ASSISTANCE.—For the purposes of carrying out this section, the Secretary may provide or ensure that financial assistance is provided by the HIT Standards Committee to defray in whole or in part any membership fees or dues charged by such Committee to those consumer advocacy groups and not for profit entities that work in the public interest as a part of their mission.

''(d) OPEN AND PUBLIC PROCESS.—In providing for the establishment of the HIT Standards Committee pursuant to subsection (a), the Secretary shall ensure the following:

''(1) CONSENSUS APPROACH; OPEN PROCESS.—The HIT Standards Committee shall use a consensus approach and a fair and open process to support the development, harmonization, and recognition of standards described in subsection (a)(1).

''(2) PARTICIPATION OF OUTSIDE ADVISERS.—The HIT Standards Committee shall ensure an adequate opportunity for the participation of outside advisors, including individuals with expertise in—

''(A) health information privacy;

''(B) health information security;

''(C) health care quality and patient safety, including individuals with expertise in utilizing health information technology to improve healthcare quality and patient safety;

''(D) long-term care and aging services; and

''(E) data exchange and developing health information technology standards and new health information technology.

''(3) OPEN MEETINGS.—Plenary and other regularly scheduled formal meetings of the HIT Standards Committee (or established subgroups thereof) shall be open to the public.

''(4) PUBLICATION OF MEETING NOTICES AND MATERIALS PRIOR TO MEETINGS.—The HIT Standards Committee shall develop and maintain an Internet website on which it publishes, prior to each meeting, a meeting notice, a meeting agenda, and meeting materials.

''(5) OPPORTUNITY FOR PUBLIC COMMENT.—The HIT Standards Committee shall develop a process that allows for public comment during the process by which the Entity develops, harmonizes, or recognizes standards and implementation specifications.

''(e) VOLUNTARY CONSENSUS STANDARD BODY.—The provisions of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) and the Office of Management and Budget circular 119 shall apply to the HIT Standards Committee.

''(f) PUBLICATION.—The Secretary shall provide for publication in the Federal Register and the posting on the Internet website of the Office of the National Coordinator for Health Information Technology of all recommendations made by the HIT Standards Committee under this section.

''SEC. 3004. PROCESS FOR ADOPTION OF ENDORSED RECOMMENDATIONS; ADOPTION OF INITIAL SET OF STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.

''(a) PROCESS FOR ADOPTION OF ENDORSED RECOMMENDATIONS.—

''(1) REVIEW OF ENDORSED STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—Not later than 90 days after the date of receipt of standards, implementation specifications, or certification criteria endorsed under section 3001(c), the Secretary, in consultation with representatives of other relevant Federal agencies, shall jointly review such standards, implementation specifications, or certification criteria and shall determine whether or not to propose adoption of such standards, implementation specifications, or certification criteria.

''(2) DETERMINATION TO ADOPT STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—If the Secretary determines—

''(A) to propose adoption of any grouping of such standards, implementation specifications, or certification criteria, the Secretary shall, by regulation, determine whether or not to adopt such grouping of standards, implementation specifications, or certification criteria; or

''(B) not to propose adoption of any grouping of standards, implementation specifications, or certification criteria, the Secretary shall notify the National Coordinator and the HIT Standards Committee in writing of such determination and the reasons for not proposing the adoption of such recommendation.

''(3) PUBLICATION.—The Secretary shall provide for publication in the Federal Register of all determinations made by the Secretary under paragraph (1).

''(b) ADOPTION OF STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—

''(1) IN GENERAL.—Not later than December 31, 2009, the Secretary shall, through the rulemaking process described in section 3003, adopt an initial set of standards, implementation specifications, and certification criteria for the areas required for consideration under section 3002(b)(2)(B).

''(2) APPLICATION OF CURRENT STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—The standards, implementation specifications, and certification criteria adopted before the date of the enactment of this title through the process existing through the Office of the National Coordinator for Health Information Technology may be applied towards meeting the requirement of paragraph (1).

''(3) SUBSEQUENT STANDARDS ACTIVITY.—The Secretary shall adopt additional standards, implementation specifications, and certification criteria as necessary and consistent with the schedule published under section 3003(b)(2).

''SEC. 3005. APPLICATION AND USE OF ADOPTED STANDARDS AND IMPLEMENTATION SPECIFICATIONS BY FEDERAL AGENCIES.

''For requirements relating to the application and use by Federal agencies of the standards and implementation specifications adopted under section 3004, see section 13111 of the Health Information Technology for Economic and Clinical Health Act.

''SEC. 3006. VOLUNTARY APPLICATION AND USE OF ADOPTED STANDARDS AND IMPLEMENTATION SPECIFICATIONS BY PRIVATE ENTITIES.

''(a) IN GENERAL.—Except as provided under section 13112 of the Health Information Technology for Economic and Clinical Health Act, any standard or implementation specification adopted under section 3004 shall be voluntary with respect to private entities.

''(b) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to require that a private entity that enters into a contract with the Federal Government apply or use the standards and implementation specifications adopted under section 3004 with respect to activities not related to the contract.

''SEC. 3007. FEDERAL HEALTH INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The National Coordinator shall support the development and routine updating of qualified electronic health record technology (as defined in section 3000) consistent with subsections (b) and (c) and make available such qualified electronic health record technology unless the Secretary and the HIT Policy Committee determine through an assessment that the needs and demands of providers are being substantially and adequately met through the marketplace.

''(b) CERTIFICATION.—In making such EHR technology publicly available, the National Coordinator shall ensure that the qualified EHR technology described in subsection (a) is certified under the program developed under section 3001(c)(3) to be in compliance with applicable standards adopted under section 3003(a).

''(c) AUTHORIZATION TO CHARGE A NOMINAL FEE.—The National Coordinator may impose a nominal fee for the adoption by a health care provider of the health information technology system developed or approved under subsection (a) and (b). Such fee shall take into account the financial circumstances of smaller providers, low income providers, and providers located in rural or other medically underserved areas.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require that a private or government entity adopt or use the technology provided under this section.

SEC. 3008. TRANSITIONS.

''(a) ONCHIT.—Nothing in section 3001 shall be construed as requiring the creation of a new entity to the extent that the Office of the National Coordinator for Health Information Technology established pursuant to Executive Order 13335 is consistent with the provisions of section 3001.

''(b) NATIONAL EHEALTH COLLABORATIVE.—Nothing in sections 3002 or 3003 or this subsection shall be construed as prohibiting the National eHealth Collaborative from modifying its charter, duties, membership, and any other structure or function required to be consistent with the requirements of a voluntary consensus standards body so as to

allow the Secretary to recognize the National eHealth Collaborative as the HIT Standards Committee.

''(c) CONSISTENCY OF RECOMMENDATIONS.—In carrying out section 3003(b)(1)(A), until recommendations are made by the HIT Policy Committee, recommendations of the HIT Standards Committee shall be consistent with the most recent recommendations made by such AHIC Successor, Inc.

''SEC. 3009. RELATION TO HIPAA PRIVACY AND SECURITY LAW.

''(a) IN GENERAL.—With respect to the relation of this title to HIPAA privacy and security law:

''(1) This title may not be construed as having any effect on the authorities of the Secretary under HIPAA privacy and security law.

''(2) The purposes of this title include ensuring that the health information technology standards and implementation specifications adopted under section 3004 take into account the requirements of HIPAA privacy and security law.

''(b) DEFINITION.—For purposes of this section, the term 'HIPAA privacy and security law' means—

''(1) the provisions of part C of title XI of the Social Security Act, section 264 of the Health Insurance Portability and Accountability Act of 1996, and subtitle D of the Health Information Technology for Economic and Clinical Health Act; and

''(2) regulations under such provisions.''.

SEC. 13102. TECHNICAL AMENDMENT.

Section 1171(5) of the Social Security Act (42 U.S.C. 1320d) is amended by striking ''or C'' and inserting ''C, or D''.

PART II—APPLICATION AND USE OF ADOPTED HEALTH INFORMATION TECHNOLOGY STANDARDS; REPORTS

SEC. 13111. COORDINATION OF FEDERAL ACTIVITIES WITH ADOPTED STANDARDS AND IMPLEMENTATION SPECIFICATIONS.

(a) SPENDING ON HEALTH INFORMATION TECHNOLOGY SYSTEMS.—As each agency (as defined in the Executive Order issued on August 22, 2006, relating to promoting quality and efficient health care in Federal government administered or sponsored health care programs) implements, acquires, or upgrades health information technology systems used for the direct exchange of individually identifiable health information between agencies and with non-Federal entities, it shall utilize, where available, health information technology systems and products that meet standards and implementation specifications adopted under section 3004(b) of the Public Health Service Act, as added by section 13101.

(b) FEDERAL INFORMATION COLLECTION ACTIVITIES.—With respect to a standard or implementation specification adopted under section 3004(b) of the Public Health Service Act, as added by section 13101, the President shall take measures to ensure that Federal activities involving the broad collection and submission of health information are consistent with such standard or implementation specification, respectively, within three years after the date of such adoption.

(c) APPLICATION OF DEFINITIONS.—The definitions contained in section 3000 of the Public Health Service Act, as added by section 13101, shall apply for purposes of this part.

SEC. 13112. APPLICATION TO PRIVATE ENTITIES.

Each agency (as defined in such Executive Order issued on August 22, 2006, relating to promoting quality and efficient health care in Federal government administered or sponsored health care programs) shall require in contracts or agreements with health care providers, health plans, or health insurance issuers that as each provider, plan, or issuer implements, acquires, or upgrades health information technology systems, it shall utilize, where available, health information technology systems and products that meet standards and implementation specifications adopted under section 3004(b) of the Public Health Service Act, as added by section 13101.

SEC. 13113. STUDY AND REPORTS.

(a) REPORT ON ADOPTION OF NATIONWIDE SYSTEM.—Not later than 2 years after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services shall submit to the appropriate committees of jurisdiction of the House of Representatives and the Senate a report that—

(1) describes the specific actions that have been taken by the Federal Government and private entities to facilitate the adoption of a nationwide system for the electronic use and exchange of health information;

(2) describes barriers to the adoption of such a nationwide system; and

(3) contains recommendations to achieve full implementation of such a nationwide system.

(b) REIMBURSEMENT INCENTIVE STUDY AND REPORT.—

(1) STUDY.—The Secretary of Health and Human Services shall carry out, or contract with a private entity to carry out, a study that examines methods to create efficient reimbursement incentives for improving health care quality in Federally qualified health centers, rural health clinics, and free clinics.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of jurisdiction of the House of Representatives and the Senate a report on the study carried out under paragraph (1).

(c) AGING SERVICES TECHNOLOGY STUDY AND REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall carry out, or contract with a private entity to carry out, a study of matters relating to the potential use of new aging services technology to assist seniors, individuals with disabilities, and their caregivers throughout the aging process.

(2) MATTERS TO BE STUDIED.—The study under paragraph (1) shall include—

(A) an evaluation of—

(i) methods for identifying current, emerging, and future health technology that can be used to meet the needs of seniors and individuals with disabilities and their caregivers across all aging services settings, as specified by the Secretary;

(ii) methods for fostering scientific innovation with respect to aging services technology within the business and academic communities; and

(iii) developments in aging services technology in other countries that may be applied in the United States; and

(B) identification of—

(i) barriers to innovation in aging services technology and devising strategies for removing such barriers; and

(ii) barriers to the adoption of aging services technology by health care providers and consumers and devising strategies to removing such barriers.

(3) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of jurisdiction of the House of Representatives and of the Senate a report on the study carried out under paragraph (1).

(4) DEFINITIONS.—For purposes of this subsection:

(A) AGING SERVICES TECHNOLOGY.—The term ''aging services technology'' means health technology that meets the health care needs of seniors, individuals with disabilities, and the caregivers of such seniors and individuals.

(B) SENIOR.—The term ''senior'' has such meaning as specified by the Secretary.

GENERAL PROVISIONS—HOPE FOR HOMEOWNERS AMENDMENTS

SEC. 1211. Section 257 of the National Housing Act (12 U.S.C. 1715z–23), as amended by the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), is amended—

(1) in subsection (e)(1)(B), by inserting after ''being reset,'' the following: ''or has, due to a decrease in income,'';

(2) in subsection (k)(2), by striking ''and the mortgagor'' and all that follows through the end and inserting ''shall, upon any sale or disposition of the property to which the mortgage relates, be entitled to 25 percent of appreciation, up to the appraised value of the home at the time when the mortgage being refinanced under this section was originally made. The Secretary may share any amounts received under this paragraph with the holder of the eligible mortgage refinanced under this section.'';

(3) in subsection (i)—

(A) by inserting '', after weighing maximization of participation with consideration for the solvency of the program,'' after ''Secretary shall'';

(B) in paragraph (1), by striking ''equal to 3 percent'' and inserting ''not more than 2 percent''; and

(C) in paragraph (2), by striking ''equal to 1.5 percent'' and inserting ''not more than 1 percent''; and

(4) by adding at the end the following:

''(x) AUCTIONS.—The Board shall, if feasible, establish a structure and organize procedures for an auction to refinance eligible mortgages on a wholesale or bulk basis.

''(y) COMPENSATION OF SERVICERS.—To provide incentive for participation in the program under this section, each servicer of an eligible mortgage insured under this section shall be paid $1,000 for performing services associated with refinancing such mortgage, or such other amount as the Board determines is warranted. Funding for such compensation shall be provided by funds realized through the HOPE bond under subsection (w).''.

Subtitle B—Testing of Health Information Technology

SEC. 13201. NATIONAL INSTITUTE FOR STANDARDS AND TECHNOLOGY TESTING.

(a) PILOT TESTING OF STANDARDS AND IMPLEMENTATION SPECIFICATIONS.—In coordination with the HIT Standards Committee established under section 3003 of the Public Health Service Act, as added by section 13101, with respect to the development of standards and implementation specifications under such section, the Director of the National Institute for Standards and Technology shall test such standards and implementation specifications, as appropriate, in order to assure the efficient implementation and use of such standards and implementation specifications.

(b) VOLUNTARY TESTING PROGRAM.—In coordination with the HIT Standards Committee established under section 3003 of the

Public Health Service Act, as added by section 13101, with respect to the development of standards and implementation specifications under such section, the Director of the National Institute of Standards and Technology shall support the establishment of a conformance testing infrastructure, including the development of technical test beds. The development of this conformance testing infrastructure may include a program to accredit independent, non-Federal laboratories to perform testing.

SEC. 13202. RESEARCH AND DEVELOPMENT PROGRAMS.

(a) HEALTH CARE INFORMATION ENTERPRISE INTEGRATION RESEARCH CENTERS.—

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology, in consultation with the Director of the National Science Foundation and other appropriate Federal agencies, shall establish a program of assistance to institutions of higher education (or consortia thereof which may include nonprofit entities and Federal Government laboratories) to establish multidisciplinary Centers for Health Care Information Enterprise Integration.

(2) REVIEW; COMPETITION.—Grants shall be awarded under this subsection on a merit-reviewed, competitive basis.

(3) PURPOSE.—The purposes of the Centers described in paragraph (1) shall be—

(A) to generate innovative approaches to health care information enterprise integration by conducting cutting-edge, multidisciplinary research on the systems challenges to health care delivery; and

(B) the development and use of health information technologies and other complementary fields.

(4) RESEARCH AREAS.—Research areas may include—

(A) interfaces between human information and communications technology systems;

(B) voice-recognition systems;

(C) software that improves interoperability and connectivity among health information systems;

(D) software dependability in systems critical to health care delivery;

(E) measurement of the impact of information technologies on the quality and productivity of health care;

(F) health information enterprise management;

(G) health information technology security and integrity; and

(H) relevant health information technology to reduce medical errors.

(5) APPLICATIONS.—An institution of higher education (or a consortium thereof) seeking funding under this subsection shall submit an application to the Director of the National Institute of Standards and Technology at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum, a description of—

(A) the research projects that will be undertaken by the Center established pursuant to assistance under paragraph (1) and the respective contributions of the participating entities;

(B) how the Center will promote active collaboration among scientists and engineers from different disciplines, such as information technology, biologic sciences, management, social sciences, and other appropriate disciplines;

(C) technology transfer activities to demonstrate and diffuse the research results, technologies, and knowledge; and

(D) how the Center will contribute to the education and training of researchers and other professionals in fields relevant to health information enterprise integration.

(b) NATIONAL INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.—The National High-Performance Computing Program established by section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) may review Federal research and development programs related to the development and deployment of health information technology, including activities related to—

(1) computer infrastructure;

(2) data security;

(3) development of large-scale, distributed, reliable computing systems;

(4) wired, wireless, and hybrid high-speed networking;

(5) development of software and software-intensive systems;

(6) human-computer interaction and information management technologies; and

(7) the social and economic implications of information technology.

Subtitle C—Incentives for the Use of Health Information Technology

PART I—GRANTS AND LOANS FUNDING

SEC. 13301. GRANT, LOAN, AND DEMONSTRATION PROGRAMS.

Title XXX of the Public Health Service Act, as added by section 13101, is amended by adding at the end the following new subtitle:

"Subtitle B—Incentives for the Use of Health Information Technology

"SEC. 3011. IMMEDIATE FUNDING TO STRENGTHEN THE HEALTH INFORMATION TECHNOLOGY INFRASTRUCTURE.

''(a) IN GENERAL.—The Secretary of Health and Human Services shall, using amounts appropriated under section 3018, invest in the infrastructure necessary to allow for and promote the electronic exchange and use of health information for each individual in the United States consistent with the goals outlined in the strategic plan developed by the National Coordinator (and, as available) under section 3001. To the greatest extent practicable, the Secretary shall ensure that any funds so appropriated shall be used for the acquisition of health information technology that meets standards and certification criteria adopted before the date of the enactment of this title until such date as the standards are adopted under section 3004. The Secretary shall invest funds through the different agencies with expertise in such goals, such as the Office of the National Coordinator for Health Information Technology, the Health Resources and Services Administration, the Agency for Healthcare Research and Quality, the Centers of Medicare & Medicaid Services, the Centers for Disease Control and Prevention, and the Indian Health Service to support the following:

''(1) Health information technology architecture that will support the nationwide electronic exchange and use of health information in a secure, private, and accurate manner, including connecting health information exchanges, and which may include updating and implementing the infrastructure necessary within different agencies of the Department of Health and Human Services to support the electronic use and exchange of health information.

''(2) Development and adoption of appropriate certified electronic health records for categories of providers not eligible for support under title XVIII or XIX of the Social Security Act for the adoption of such records.

''(3) Training on and dissemination of information on best practices to integrate health information technology, including electronic health records, into a provider's delivery of care, consistent with best practices learned from the Health Information Technology Research Center developed under section 3012, including community health centers receiving assistance under section 330 of the Public Health Service Act, covered entities under section 340B of such Act, and providers participating in one or more of the programs under titles XVIII, XIX, and XXI of the Social Security Act (relating to Medicare, Medicaid, and the State Children's Health Insurance Program).

''(4) Infrastructure and tools for the promotion of telemedicine, including coordination among Federal agencies in the promotion of telemedicine.

''(5) Promotion of the interoperability of clinical data repositories or registries.

''(6) Promotion of technologies and best practices that enhance the protection of health information by all holders of individually identifiable health information.

''(7) Improve and expand the use of health information technology by public health departments.

''(8) Provide $300,000,000 to support regional or sub-national efforts towards health information exchange.

''(b) COORDINATION.—The Secretary shall ensure funds under this section are used in a coordinated manner with other health information promotion activities.

''(c) ADDITIONAL USE OF FUNDS.—In addition to using funds as provided in subsection (a), the Secretary may use amounts appropriated under section 3018 to carry out activities that are provided for under laws in effect on the date of enactment of this title.

"SEC. 3012. HEALTH INFORMATION TECHNOLOGY IMPLEMENTATION ASSISTANCE.

''(a) HEALTH INFORMATION TECHNOLOGY EXTENSION PROGRAM.—To assist health care providers to adopt, implement, and effectively use certified EHR technology that allows for the electronic exchange and use of health information, the Secretary, acting through the Office of the National Coordinator, shall establish a health information technology extension program to provide health information technology assistance services to be carried out through the Department of Health and Human Services. The National Coordinator shall consult with other Federal agencies with demonstrated experience and expertise in information technology services, such as the National Institute of Standards and Technology, in developing and implementing this program.

''(b) HEALTH INFORMATION TECHNOLOGY RESEARCH CENTER.—

''(1) IN GENERAL.—The Secretary shall create a Health Information Technology Research Center (in this section referred to as the 'Center') to provide technical assistance and develop or recognize best practices to support and accelerate efforts to adopt, implement, and effectively utilize health information technology that allows for the electronic exchange and use of information in compliance with standards, implementation specifications, and certification criteria adopted under section 3004(b).

''(2) INPUT.—The Center shall incorporate input from—

''(A) other Federal agencies with demonstrated experience and expertise in information technology services such as the National Institute of Standards and Technology;

''(B) users of health information technology, such as providers and their support and clerical staff and others involved in the

care and care coordination of patients, from the health care and health information technology industry; and

''(C) others as appropriate.

''(3) PURPOSES.—The purposes of the Center are to—

''(A) provide a forum for the exchange of knowledge and experience;

''(B) accelerate the transfer of lessons learned from existing public and private sector initiatives, including those currently receiving Federal financial support;

''(C) assemble, analyze, and widely disseminate evidence and experience related to the adoption, implementation, and effective use of health information technology that allows for the electronic exchange and use of information including through the regional centers described in subsection (c);

''(D) provide technical assistance for the establishment and evaluation of regional and local health information networks to facilitate the electronic exchange of information across health care settings and improve the quality of health care;

''(E) provide technical assistance for the development and dissemination of solutions to barriers to the exchange of electronic health information; and

''(F) learn about effective strategies to adopt and utilize health information technology in medically underserved communities.

''(c) HEALTH INFORMATION TECHNOLOGY REGIONAL EXTENSION CENTERS.—

''(1) IN GENERAL.—The Secretary shall provide assistance for the creation and support of regional centers (in this subsection referred to as 'regional centers') to provide technical assistance and disseminate best practices and other information learned from the Center to support and accelerate efforts to adopt, implement, and effectively utilize health information technology that allows for the electronic exchange and use of information in compliance with standards, implementation specifications, and certification criteria adopted under section 3004. Activities conducted under this subsection shall be consistent with the strategic plan developed by the National Coordinator (and, as available) under section 3001.

''(2) AFFILIATION.—Regional centers shall be affiliated with any United States-based nonprofit institution or organization, or group thereof, that applies and is awarded financial assistance under this section. Individual awards shall be decided on the basis of merit.

''(3) OBJECTIVE.—The objective of the regional centers is to enhance and promote the adoption of health information technology through—

''(A) assistance with the implementation, effective use, upgrading, and ongoing maintenance of health information technology, including electronic health records, to healthcare providers nationwide;

''(B) broad participation of individuals from industry, universities, and State governments;

''(C) active dissemination of best practices and research on the implementation, effective use, upgrading, and ongoing maintenance of health information technology, including electronic health records, to health care providers in order to improve the quality of healthcare and protect the privacy and security of health information;

''(D) participation, to the extent practicable, in health information exchanges;

''(E) utilization, when appropriate, of the expertise and capability that exists in federal agencies other than the Department; and

''(F) integration of health information technology, including electronic health records, into the initial and ongoing training of health professionals and others in the healthcare industry that would be instrumental to improving the quality of healthcare through the smooth and accurate electronic use and exchange of health information.

''(4) REGIONAL ASSISTANCE.—Each regional center shall aim to provide assistance and education to all providers in a region, but shall prioritize any direct assistance first to the following:

''(A) Public or not-for-profit hospitals or critical access hospitals.

''(B) Federally qualified health centers (as defined in section 1861(aa)(4) of the Social Security Act).

''(C) Entities that are located in rural and other areas that serve uninsured, underinsured, and medically underserved individuals (regardless of whether such area is urban or rural).

''(D) Individual or small group practices (or a consortium thereof) that are primarily focused on primary care.

''(5) FINANCIAL SUPPORT.—The Secretary may provide financial support to any regional center created under this subsection for a period not to exceed four years. The Secretary may not provide more than 50 percent of the capital and annual operating and maintenance funds required to create and maintain such a center, except in an instance of national economic conditions which would render this cost-share requirement detrimental to the program and upon notification to Congress as to the justification to waive the cost-share requirement.

''(6) NOTICE OF PROGRAM DESCRIPTION AND AVAILABILITY OF FUNDS.—The Secretary shall publish in the Federal Register, not later than 90 days after the date of the enactment of this Act, a draft description of the program for establishing regional centers under this subsection. Such description shall include the following:

''(A) A detailed explanation of the program and the programs goals.

''(B) Procedures to be followed by the applicants.

''(C) Criteria for determining qualified applicants.

''(D) Maximum support levels expected to be available to centers under the program.

''(7) APPLICATION REVIEW.—The Secretary shall subject each application under this subsection to merit review. In making a decision whether to approve such application and provide financial support, the Secretary shall consider at a minimum the merits of the application, including those portions of the application regarding—

''(A) the ability of the applicant to provide assistance under this subsection and utilization of health information technology appropriate to the needs of particular categories of health care providers;

''(B) the types of service to be provided to health care providers;

''(C) geographical diversity and extent of service area; and

''(D) the percentage of funding and amount of in-kind commitment from other sources.

''(8) BIENNIAL EVALUATION.—Each regional center which receives financial assistance under this subsection shall be evaluated biennially by an evaluation panel appointed by the Secretary. Each evaluation panel shall be composed of private experts, none of whom shall be connected with the center involved, and of Federal officials. Each evaluation panel shall measure the involved center's performance against the objective specified in paragraph (3). The Secretary shall not continue to provide funding to a regional center unless its evaluation is overall positive.

''(9) CONTINUING SUPPORT.—After the second year of assistance under this subsection a regional center may receive additional support under this subsection if it has received positive evaluations and a finding by the Secretary that continuation of Federal funding to the center was in the best interest of provision of health information technology extension services.

''SEC. 3013. STATE GRANTS TO PROMOTE HEALTH INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The Secretary, acting through the National Coordinator, shall establish a program in accordance with this section to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards.

''(b) PLANNING GRANTS.—The Secretary may award a grant to a State or qualified State-designated entity (as described in subsection (d)) that submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify, for the purpose of planning activities described in subsection (b).

''(c) IMPLEMENTATION GRANTS.—The Secretary may award a grant to a State or qualified State designated entity that—

''(1) has submitted, and the Secretary has approved, a plan described in subsection (c) (regardless of whether such plan was prepared using amounts awarded under paragraph (1)); and

''(2) submits an application at such time, in such manner, and containing such information as the Secretary may specify.

''(d) USE OF FUNDS.—Amounts received under a grant under subsection (a)(3) shall be used to conduct activities to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards through activities that include—

''(1) enhancing broad and varied participation in the authorized and secure nationwide electronic use and exchange of health information;

''(2) identifying State or local resources available towards a nationwide effort to promote health information technology;

''(3) complementing other Federal grants, programs, and efforts towards the promotion of health information technology;

''(4) providing technical assistance for the development and dissemination of solutions to barriers to the exchange of electronic health information;

''(5) promoting effective strategies to adopt and utilize health information technology in medically underserved communities;

''(6) assisting patients in utilizing health information technology;

''(7) encouraging clinicians to work with Health Information Technology Regional Extension Centers as described in section 3012, to the extent they are available and valuable;

''(8) supporting public health agencies' authorized use of and access to electronic health information;

''(9) promoting the use of electronic health records for quality improvement including through quality measures reporting;

''(10) establishing and supporting health record banking models to further consumer-based consent models that promote lifetime access to qualified health records, if such activities are included in the plan described in

subsection (e), and may contain smart card functionality; and

''(11) such other activities as the Secretary may specify.

''(e) PLAN.—

''(1) IN GENERAL.—A plan described in this subsection is a plan that describes the activities to be carried out by a State or by the qualified State-designated entity within such State to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards and implementation specifications.

''(2) REQUIRED ELEMENTS.—A plan described in paragraph (1) shall—

''(A) be pursued in the public interest;

''(B) be consistent with the strategic plan developed by the National Coordinator (and, as available) under section 3001;

''(C) include a description of the ways the State or qualified State-designated entity will carry out the activities described in subsection (b); and

''(D) contain such elements as the Secretary may require.

''(f) QUALIFIED STATE-DESIGNATED ENTITY.—For purposes of this section, to be a qualified State-designated entity, with respect to a State, an entity shall—

''(1) be designated by the State as eligible to receive awards under this section;

''(2) be a not-for-profit entity with broad stakeholder representation on its governing board;

''(3) demonstrate that one of its principal goals is to use information technology to improve health care quality and efficiency through the authorized and secure electronic exchange and use of health information;

''(4) adopt nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory participation by stakeholders; and

''(5) conform to such other requirements as the Secretary may establish.

''(g) REQUIRED CONSULTATION.—In carrying out activities described in subsections (a)(2) and (a)(3), a State or qualified State-designated entity shall consult with and consider the recommendations of—

''(1) health care providers (including providers that provide services to low income and underserved populations);

''(2) health plans;

''(3) patient or consumer organizations that represent the population to be served;

''(4) health information technology vendors;

''(5) health care purchasers and employers;

''(6) public health agencies;

''(7) health professions schools, universities and colleges;

''(8) clinical researchers;

''(9) other users of health information technology such as the support and clerical staff of providers and others involved in the care and care coordination of patients; and

''(10) such other entities, as may be determined appropriate by the Secretary.

''(h) CONTINUOUS IMPROVEMENT.—The Secretary shall annually evaluate the activities conducted under this section and shall, in awarding grants under this section, implement the lessons learned from such evaluation in a manner so that awards made subsequent to each such evaluation are made in a manner that, in the determination of the Secretary, will lead towards the greatest improvement in quality of care, decrease in costs, and the most effective authorized and secure electronic exchange of health information.

''(i) REQUIRED MATCH.—

''(1) IN GENERAL.—For a fiscal year (beginning with fiscal year 2011), the Secretary may not make a grant under subsection (a) to a State unless the State agrees to make available non-Federal contributions (which may include in-kind contributions) toward the costs of a grant awarded under subsection (a)(3) in an amount equal to—

''(A) for fiscal year 2011, not less than $1 for each $10 of Federal funds provided under the grant;

''(B) for fiscal year 2012, not less than $1 for each $7 of Federal funds provided under the grant; and

''(C) for fiscal year 2013 and each subsequent fiscal year, not less than $1 for each $3 of Federal funds provided under the grant.

''(2) AUTHORITY TO REQUIRE STATE MATCH FOR FISCAL YEARS BEFORE FISCAL YEAR 2011.—For any fiscal year during the grant program under this section before fiscal year 2011, the Secretary may determine the extent to which there shall be required a non-Federal contribution from a State receiving a grant under this section.

''SEC. 3014. COMPETITIVE GRANTS TO STATES AND INDIAN TRIBES FOR THE DEVELOPMENT OF LOAN PROGRAMS TO FACILITATE THE WIDESPREAD ADOPTION OF CERTIFIED EHR TECHNOLOGY.

''(a) IN GENERAL.—The National Coordinator may award competitive grants to eligible entities for the establishment of programs for loans to health care providers to conduct the activities described in subsection (e).

''(b) ELIGIBLE ENTITY DEFINED.—For purposes of this subsection, the term 'eligible entity' means a State or Indian tribe (as defined in the Indian Self-Determination and Education Assistance Act) that—

''(1) submits to the National Coordinator an application at such time, in such manner, and containing such information as the National Coordinator may require;

''(2) submits to the National Coordinator a strategic plan in accordance with subsection (d) and provides to the National Coordinator assurances that the entity will update such plan annually in accordance with such subsection;

''(3) provides assurances to the National Coordinator that the entity will establish a Loan Fund in accordance with subsection (c);

''(4) provides assurances to the National Coordinator that the entity will not provide a loan from the Loan Fund to a health care provider unless the provider agrees to—

''(A) submit reports on quality measures adopted by the Federal Government (by not later than 90 days after the date on which such measures are adopted), to—

''(i) the Director of the Centers for Medicare & Medicaid Services (or his or her designee), in the case of an entity participating in the Medicare program under title XVIII of the Social Security Act or the Medicaid program under title XIX of such Act; or

''(ii) the Secretary in the case of other entities;

''(B) demonstrate to the satisfaction of the Secretary (through criteria established by the Secretary) that any certified EHR technology purchased, improved, or otherwise financially supported under a loan under this section is used to exchange health information in a manner that, in accordance with law and standards (as adopted under section 3005) applicable to the exchange of information, improves the quality of health care, such as promoting care coordination;

''(C) comply with such other requirements as the entity or the Secretary may require;

''(D) include a plan on how healthcare providers involved intend to maintain and support the certified EHR technology over time; and

''(E) include a plan on how the healthcare providers involved intend to maintain and support the certified EHR technology that would be purchased with such loan, including the type of resources expected to be involved and any such other information as the State or Indian tribe, respectively, may require; and

''(5) agrees to provide matching funds in accordance with subsection (i).

''(c) ESTABLISHMENT OF FUND.—For purposes of subsection (b)(3), an eligible entity shall establish a certified EHR technology loan fund (referred to in this subsection as a 'Loan Fund') and comply with the other requirements contained in this section. A grant to an eligible entity under this section shall be deposited in the Loan Fund established by the eligible entity. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any Loan Fund.

''(d) STRATEGIC PLAN.—

''(1) IN GENERAL.—For purposes of subsection (b)(2), a strategic plan of an eligible entity under this subsection shall identify the intended uses of amounts available to the Loan Fund of such entity.

''(2) CONTENTS.—A strategic plan under paragraph (1), with respect to a Loan Fund of an eligible entity, shall include for a year the following:

''(A) A list of the projects to be assisted through the Loan Fund during such year.

''(B) A description of the criteria and methods established for the distribution of funds from the Loan Fund during the year.

''(C) A description of the financial status of the Loan Fund as of the date of submission of the plan.

''(D) The short-term and long-term goals of the Loan Fund.

''(e) USE OF FUNDS.—Amounts deposited in a Loan Fund, including loan repayments and interest earned on such amounts, shall be used only for awarding loans or loan guarantees, making reimbursements described in subsection (g)(4)(A), or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in the Loan Fund established under subsection (a). Loans under this section may be used by a health care provider to—

''(1) facilitate the purchase of certified EHR technology;

''(2) enhance the utilization of certified EHR technology (which may include costs associated with upgrading health information technology so that it meets criteria necessary to be a certified EHR technology);

''(3) train personnel in the use of such technology; or

''(4) improve the secure electronic exchange of health information.

''(f) TYPES OF ASSISTANCE.—Except as otherwise limited by applicable State law, amounts deposited into a Loan Fund under this subsection may only be used for the following:

''(1) To award loans that comply with the following:

''(A) The interest rate for each loan shall not exceed the market interest rate.

''(B) The principal and interest payments on each loan shall commence not later than 1 year after the date the loan was awarded, and each loan shall be fully amortized not later than 10 years after the date of the loan.

''(C) The Loan Fund shall be credited with all payments of principal and interest on each loan awarded from the Loan Fund.

''(2) To guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible for assistance under this subsection) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation involved.

''(3) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the eligible entity if the proceeds of the sale of the bonds will be deposited into the Loan Fund.

''(4) To earn interest on the amounts deposited into the Loan Fund.

''(5) To make reimbursements described in subsection (g)(4)(A).

''(g) ADMINISTRATION OF LOAN FUNDS.—

''(1) COMBINED FINANCIAL ADMINISTRATION.—An eligible entity may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with applicable State law, the financial administration of a Loan Fund established under this subsection with the financial administration of any other revolving fund established by the entity if otherwise not prohibited by the law under which the Loan Fund was established.

''(2) COST OF ADMINISTERING FUND.—Each eligible entity may annually use not to exceed 4 percent of the funds provided to the entity under a grant under this subsection to pay the reasonable costs of the administration of the programs under this section, including the recovery of reasonable costs expended to establish a Loan Fund which are incurred after the date of the enactment of this title.

''(3) GUIDANCE AND REGULATIONS.—The National Coordinator shall publish guidance and promulgate regulations as may be necessary to carry out the provisions of this section, including—

''(A) provisions to ensure that each eligible entity commits and expends funds allotted to the entity under this subsection as efficiently as possible in accordance with this title and applicable State laws; and

''(B) guidance to prevent waste, fraud, and abuse.

''(4) PRIVATE SECTOR CONTRIBUTIONS.—

''(A) IN GENERAL.—A Loan Fund established under this subsection may accept contributions from private sector entities, except that such entities may not specify the recipient or recipients of any loan issued under this subsection. An eligible entity may agree to reimburse a private sector entity for any contribution made under this subparagraph, except that the amount of such reimbursement may not be greater than the principal amount of the contribution made.

''(B) AVAILABILITY OF INFORMATION.—An eligible entity shall make publicly available the identity of, and amount contributed by, any private sector entity under subparagraph (A) and may issue letters of commendation or make other awards (that have no financial value) to any such entity.

''(h) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—The National Coordinator may not make a grant under subsection (a) to an eligible entity unless the entity agrees to make available (directly or through donations from public or private entities) non-Federal contributions in cash to the costs of carrying out the activities for which the grant is awarded in an amount equal to not less than $1 for each $5 of Federal funds provided under the grant.

''(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—In determining the amount of non-Federal contributions that an eligible entity has provided pursuant to subparagraph (A), the National Coordinator may not include any amounts provided to the entity by the Federal Government.

''(i) EFFECTIVE DATE.—The Secretary may not make an award under this section prior to January 1, 2010.

''SEC. 3015. DEMONSTRATION PROGRAM TO INTEGRATE INFORMATION TECHNOLOGY INTO CLINICAL EDUCATION.

''(a) IN GENERAL.—The Secretary may award grants under this section to carry out demonstration projects to develop academic curricula integrating certified EHR technology in the clinical education of health professionals. Such awards shall be made on a competitive basis and pursuant to peer review.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

''(2) submit to the Secretary a strategic plan for integrating certified EHR technology in the clinical education of health professionals to reduce medical errors, increase access to prevention, reduce chronic diseases, and enhance health care quality;

''(3) be—

''(A) a school of medicine, osteopathic medicine, dentistry, or pharmacy, a graduate program in behavioral or mental health, or any other graduate health professions school;

''(B) a graduate school of nursing or physician assistant studies;

''(C) a consortium of two or more schools described in subparagraph (A) or (B); or

''(D) an institution with a graduate medical education program in medicine, osteopathic medicine, dentistry, pharmacy, nursing, or physician assistance studies.

''(4) provide for the collection of data regarding the effectiveness of the demonstration project to be funded under the grant in improving the safety of patients, the efficiency of health care delivery, and in increasing the likelihood that graduates of the grantee will adopt and incorporate certified EHR technology, in the delivery of health care services; and

''(5) provide matching funds in accordance with subsection (d).

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—With respect to a grant under subsection (a), an eligible entity shall—

''(A) use grant funds in collaboration with 2 or more disciplines; and

''(B) use grant funds to integrate certified EHR technology into community-based clinical education.

''(2) LIMITATION.—An eligible entity shall not use amounts received under a grant under subsection (a) to purchase hardware, software, or services.

''(d) FINANCIAL SUPPORT.—The Secretary may not provide more than 50 percent of the costs of any activity for which assistance is provided under subsection (a), except in an instance of national economic conditions which would render the cost-share requirement under this subsection detrimental to the program and upon notification to Congress as to the justification to waive the cost-share requirement.

''(e) EVALUATION.—The Secretary shall take such action as may be necessary to evaluate the projects funded under this section and publish, make available, and disseminate the results of such evaluations on as wide a basis as is practicable.

''(f) REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report that—

''(1) describes the specific projects established under this section; and

''(2) contains recommendations for Congress based on the evaluation conducted under subsection (e).

''SEC. 3016. INFORMATION TECHNOLOGY PROFESSIONALS ON HEALTH CARE.

''(a) IN GENERAL.—The Secretary, in consultation with the Director of the National Science Foundation, shall provide assistance to institutions of higher education (or consortia thereof) to establish or expand medical health informatics education programs, including certification, undergraduate, and masters degree programs, for both health care and information technology students to ensure the rapid and effective utilization and development of health information technologies (in the United States health care infrastructure).

''(b) ACTIVITIES.—Activities for which assistance may be provided under subsection (a) may include the following:

''(1) Developing and revising curricula in medical health informatics and related disciplines.

''(2) Recruiting and retaining students to the program involved.

''(3) Acquiring equipment necessary for student instruction in these programs, including the installation of testbed networks for student use.

''(4) Establishing or enhancing bridge programs in the health informatics fields between community colleges and universities.

''(c) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give preference to the following:

''(1) Existing education and training programs.

''(2) Programs designed to be completed in less than six months.

''(d) FINANCIAL SUPPORT.—The Secretary may not provide more than 50 percent of the costs of any activity for which assistance is provided under subsection (a), except in an instance of national economic conditions which would render the cost-share requirement under this subsection detrimental to the program and upon notification to Congress as to the justification to waive the cost-share requirement.

''SEC. 3017. GENERAL GRANT AND LOAN PROVISIONS.

''(a) REPORTS.—The Secretary may require that an entity receiving assistance under this title shall submit to the Secretary, not later than the date that is 1 year after the date of receipt of such assistance, a report that includes—

''(1) an analysis of the effectiveness of such activities for which the entity receives such assistance, as compared to the goals for such activities; and

''(2) an analysis of the impact of the project on healthcare quality and safety.

''(b) REQUIREMENT TO IMPROVE QUALITY OF CARE AND DECREASE IN COSTS.—The National Coordinator shall annually evaluate the activities conducted under this title and shall, in awarding grants, implement the lessons learned from such evaluation in a manner so that awards made subsequent to each such evaluation are made in a manner that, in the determination of the National Coordinator, will result in the greatest improvement in the quality and efficiency of health care.

''SEC. 3018. AUTHORIZATION FOR APPROPRIATIONS.

''For the purposes of carrying out this subtitle, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013. Amounts so appropriated shall remain available until expended.''.

Subtitle D—Privacy

SEC. 13400. DEFINITIONS.

In this subtitle, except as specified otherwise:

(1) BREACH.—The term ''breach'' means the unauthorized acquisition, access, use, or disclosure of protected health information which compromises the security, privacy, or integrity of protected health information maintained by or on behalf of a person. Such term does not include any unintentional acquisition, access, use, or disclosure of such information by an employee or agent of the covered entity or business associate involved if such acquisition, access, use, or disclosure, respectively, was made in good faith and within the course and scope of the employment or other contractual relationship of such employee or agent, respectively, with the covered entity or business associate and if such information is not further acquired, accessed, used, or disclosed by such employee or agent.

(2) BUSINESS ASSOCIATE.—The term ''business associate'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(3) COVERED ENTITY.—The term ''covered entity'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(4) DISCLOSE.—The terms ''disclose'' and ''disclosure'' have the meaning given the term ''disclosure'' in section 160.103 of title 45, Code of Federal Regulations.

(5) ELECTRONIC HEALTH RECORD.—The term ''electronic health record'' means an electronic record of health-related information on an individual that is created, gathered, managed, and consulted by authorized health care clinicians and staff.

(6) HEALTH CARE OPERATIONS.—The term ''health care operation'' has the meaning given such term in section 164.501 of title 45, Code of Federal Regulations.

(7) HEALTH CARE PROVIDER.—The term ''health care provider'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(8) HEALTH PLAN.—The term ''health plan'' has the meaning given such term in section 1171(5) of the Social Security Act.

(9) NATIONAL COORDINATOR.—The term ''National Coordinator'' means the head of the Office of the National Coordinator for Health Information Technology established under section 3001(a) of the Public Health Service Act, as added by section 13101.

(10) PAYMENT.—The term ''payment'' has the meaning given such term in section 164.501 of title 45, Code of Federal Regulations.

(11) PERSONAL HEALTH RECORD.—The term ''personal health record'' means an electronic record of individually identifiable health information on an individual that can be drawn from multiple sources and that is managed, shared, and controlled by or for the individual.

(12) PROTECTED HEALTH INFORMATION.—The term ''protected health information'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(14) SECURITY.—The term ''security'' has the meaning given such term in section 164.304 of title 45, Code of Federal Regulations.

(15) STATE.—The term ''State'' means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(16) TREATMENT.—The term ''treatment'' has the meaning given such term in section 164.501 of title 45, Code of Federal Regulations.

(17) USE.—The term ''use'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(18) VENDOR OF PERSONAL HEALTH RECORDS.—The term ''vendor of personal health records'' means an entity, other than a covered entity (as defined in paragraph (3)), that offers or maintains a personal health record.

PART I—IMPROVED PRIVACY PROVISIONS AND SECURITY PROVISIONS

SEC. 13401. APPLICATION OF SECURITY PROVISIONS AND PENALTIES TO BUSINESS ASSOCIATES OF COVERED ENTITIES; ANNUAL GUIDANCE ON SECURITY PROVISIONS.

(a) APPLICATION OF SECURITY PROVISIONS.—Sections 164.308, 164.310, 164.312, and 164.316 of title 45, Code of Federal Regulations, shall apply to a business associate of a covered entity in the same manner that such sections apply to the covered entity. The additional requirements of this title that relate to security and that are made applicable with respect to covered entities shall also be applicable to such a business associate and shall be incorporated into the business associate agreement between the business associate and the covered entity.

(b) APPLICATION OF CIVIL AND CRIMINAL PENALTIES.—In the case of a business associate that violates any security provision specified in subsection (a), sections 1176 and 1177 of the Social Security Act (42 U.S.C. 1320d–5, 1320d–6) shall apply to the business associate with respect to such violation in the same manner such sections apply to a covered entity that violates such security provision.

(c) ANNUAL GUIDANCE.—For the first year beginning after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services shall, in consultation with industry stakeholders, annually issue guidance on the most effective and appropriate technical safeguards for use in carrying out the sections referred to in subsection (a) and the security standards in subpart C of part 164 of title 45, Code of Federal Regulations, as such provisions are in effect as of the date before the enactment of this Act.

SEC. 13402. NOTIFICATION IN THE CASE OF BREACH.

(a) IN GENERAL.—A covered entity that accesses, maintains, retains, modifies, records, stores, destroys, or otherwise holds, uses, or discloses unsecured protected health information (as defined in subsection (h)(1)) shall, in the case of a breach of such information that is discovered by the covered entity, notify each individual whose unsecured protected health information has been, or is reasonably believed by the covered entity to have been, accessed, acquired, or disclosed as a result of such breach.

(b) NOTIFICATION OF COVERED ENTITY BY BUSINESS ASSOCIATE.—A business associate of a covered entity that accesses, maintains, retains, modifies, records, stores, destroys, or otherwise holds, uses, or discloses unsecured protected health information shall, following the discovery of a breach of such information, notify the covered entity of such breach. Such notice shall include the identification of each individual whose unsecured protected health information has been, or is reasonably believed by the business associate to have been, accessed, acquired, or disclosed during such breach.

(c) BREACHES TREATED AS DISCOVERED.—For purposes of this section, a breach shall be treated as discovered by a covered entity or by a business associate as of the first day on which such breach is known to such entity or associate, respectively, (including any person, other than the individual committing the breach, that is an employee, officer, or other agent of such entity or associate, respectively) or should reasonably have been known to such entity or associate (or person) to have occurred.

(d) TIMELINESS OF NOTIFICATION.—

(1) IN GENERAL.—Subject to subsection (g), all notifications required under this section shall be made without unreasonable delay and in no case later than 60 calendar days after the discovery of a breach by the covered entity involved (or business associate involved in the case of a notification required under subsection (b)).

(2) BURDEN OF PROOF.—The covered entity involved (or business associate involved in the case of a notification required under subsection (b)), shall have the burden of demonstrating that all notifications were made as required under this part, including evidence demonstrating the necessity of any delay.

(e) METHODS OF NOTICE.—

(1) INDIVIDUAL NOTICE.—Notice required under this section to be provided to an individual, with respect to a breach, shall be provided promptly and in the following form:

(A) Written notification by first-class mail to the individual (or the next of kin of the individual if the individual is deceased) at the last known address of the individual or the next of kin, respectively, or, if specified as a preference by the individual, by electronic mail. The notification may be provided in one or more mailings as information is available.

(B) In the case in which there is insufficient, or out-of-date contact information (including a phone number, email address, or any other form of appropriate communication) that precludes direct written (or, if specified by the individual under subparagraph (A), electronic) notification to the individual, a substitute form of notice shall be provided, including, in the case that there are 10 or more individuals for which there is insufficient or out-of-date contact information, a conspicuous posting for a period determined by the Secretary on the home page of the Web site of the covered entity involved or notice in major print or broadcast media, including major media in geographic areas where the individuals affected by the breach likely reside. Such a notice in media or web posting will include a toll-free phone number where an individual can learn whether or not the individual's unsecured protected health information is possibly included in the breach.

(C) In any case deemed by the covered entity involved to require urgency because of possible imminent misuse of unsecured protected health information, the covered entity, in addition to notice provided under subparagraph (A), may provide information to individuals by telephone or other means, as appropriate.

(2) MEDIA NOTICE.—Notice shall be provided to prominent media outlets serving a State

or jurisdiction, following the discovery of a breach described in subsection (a), if the unsecured protected health information of more than 500 residents of such State or jurisdiction is, or is reasonably believed to have been, accessed, acquired, or disclosed during such breach.

(3) NOTICE TO SECRETARY.—Notice shall be provided to the Secretary by covered entities of unsecured protected health information that has been acquired or disclosed in a breach. If the breach was with respect to 500 or more individuals than such notice must be provided immediately. If the breach was with respect to less than 500 individuals, the covered entity may maintain a log of any such breach occurring and annually submit such a log to the Secretary documenting such breaches occurring during the year involved.

(4) POSTING ON HHS PUBLIC WEBSITE.—The Secretary shall make available to the public on the Internet website of the Department of Health and Human Services a list that identifies each covered entity involved in a breach described in subsection (a) in which the unsecured protected health information of more than 500 individuals is acquired or disclosed.

(f) CONTENT OF NOTIFICATION.—Regardless of the method by which notice is provided to individuals under this section, notice of a breach shall include, to the extent possible, the following:

(1) A brief description of what happened, including the date of the breach and the date of the discovery of the breach, if known.

(2) A description of the types of unsecured protected health information that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code).

(3) The steps individuals should take to protect themselves from potential harm resulting from the breach.

(4) A brief description of what the covered entity involved is doing to investigate the breach, to mitigate losses, and to protect against any further breaches.

(5) Contact procedures for individuals to ask questions or learn additional information, which shall include a toll-free telephone number, an e-mail address, Web site, or postal address.

(g) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT PURPOSES.—If a law enforcement official determines that a notification, notice, or posting required under this section would impede a criminal investigation or cause damage to national security, such notification, notice, or posting shall be delayed in the same manner as provided under section 164.528(a)(2) of title 45, Code of Federal Regulations, in the case of a disclosure covered under such section.

(h) UNSECURED PROTECTED HEALTH INFORMATION.—

(1) DEFINITION.—

(A) IN GENERAL.—Subject to subparagraph (B), for purposes of this section, the term ''unsecured protected health information'' means protected health information that is not secured through the use of a technology or methodology specified by the Secretary in the guidance issued under paragraph (2).

(B) EXCEPTION IN CASE TIMELY GUIDANCE NOT ISSUED.—In the case that the Secretary does not issue guidance under paragraph (2) by the date specified in such paragraph, for purposes of this section, the term ''unsecured protected health information'' shall mean protected health information that is not secured by a technology standard that renders protected health information unusable, unreadable, or indecipherable to unauthorized individuals and is developed or endorsed by a standards developing organization that is accredited by the American National Standards Institute.

(2) GUIDANCE.—For purposes of paragraph (1) and section 13407(f)(3), not later than the date that is 60 days after the date of the enactment of this Act, the Secretary shall, after consultation with stakeholders, issue (and annually update) guidance specifying the technologies and methodologies that render protected health information unusable, unreadable, or indecipherable to unauthorized individuals.

(i) REPORT TO CONGRESS ON BREACHES.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act and annually thereafter, the Secretary shall prepare and submit to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report containing the information described in paragraph (2) regarding breaches for which notice was provided to the Secretary under subsection (e)(3).

(2) INFORMATION.—The information described in this paragraph regarding breaches specified in paragraph (1) shall include—

(A) the number and nature of such breaches; and

(B) actions taken in response to such breaches.

(j) REGULATIONS; EFFECTIVE DATE.—To carry out this section, the Secretary of Health and Human Services shall promulgate interim final regulations by not later than the date that is 180 days after the date of the enactment of this title. The provisions of this section shall apply to breaches that are discovered on or after the date that is 30 days after the date of publication of such interim final regulations.

SEC. 13403. EDUCATION ON HEALTH INFORMATION PRIVACY.

(a) REGIONAL OFFICE PRIVACY ADVISORS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall designate an individual in each regional office of the Department of Health and Human Services to offer guidance and education to covered entities, business associates, and individuals on their rights and responsibilities related to Federal privacy and security requirements for protected health information.

(b) EDUCATION INITIATIVE ON USES OF HEALTH INFORMATION.—Not later than 12 months after the date of the enactment of this Act, the Office for Civil Rights within the Department of Health and Human Services shall develop and maintain a multi-faceted national education initiative to enhance public transparency regarding the uses of protected health information, including programs to educate individuals about the potential uses of their protected health information, the effects of such uses, and the rights of individuals with respect to such uses. Such programs shall be conducted in a variety of languages and present information in a clear and understandable manner.

SEC. 13404. APPLICATION OF PRIVACY PROVISIONS AND PENALTIES TO BUSINESS ASSOCIATES OF COVERED ENTITIES.

(a) APPLICATION OF CONTRACT REQUIREMENTS.—In the case of a business associate of a covered entity that obtains or creates protected health information pursuant to a written contract (or other written arrangement) described in section 164.502(e)(2) of title 45, Code of Federal Regulations, with such covered entity, the business associate may use and disclose such protected health information only if such use or disclosure, respectively, is in compliance with each applicable requirement of section 164.504(e) of such title. The additional requirements of this subtitle that relate to privacy and that are made applicable with respect to covered entities shall also be applicable to such a business associate and shall be incorporated into the business associate agreement between the business associate and the covered entity.

(b) APPLICATION OF KNOWLEDGE ELEMENTS ASSOCIATED WITH CONTRACTS.—Section 164.504(e)(1)(ii) of title 45, Code of Federal Regulations, shall apply to a business associate described in subsection (a), with respect to compliance with such subsection, in the same manner that such section applies to a covered entity, with respect to compliance with the standards in sections 164.502(e) and 164.504(e) of such title, except that in applying such section 164.504(e)(1)(ii) each reference to the business associate, with respect to a contract, shall be treated as a reference to the covered entity involved in such contract.

(c) APPLICATION OF CIVIL AND CRIMINAL PENALTIES.—In the case of a business associate that violates any provision of subsection (a) or (b), the provisions of sections 1176 and 1177 of the Social Security Act (42 U.S.C. 1320d–5, 1320d–6) shall apply to the business associate with respect to such violation in the same manner as such provisions apply to a person who violates a provision of part C of title XI of such Act.

SEC. 13405. RESTRICTIONS ON CERTAIN DISCLOSURES AND SALES OF HEALTH INFORMATION; ACCOUNTING OF CERTAIN PROTECTED HEALTH INFORMATION DISCLOSURES; ACCESS TO CERTAIN INFORMATION IN ELECTRONIC FORMAT.

(a) REQUESTED RESTRICTIONS ON CERTAIN DISCLOSURES OF HEALTH INFORMATION.—In the case that an individual requests under paragraph (a)(1)(i)(A) of section 164.522 of title 45, Code of Federal Regulations, that a covered entity restrict the disclosure of the protected health information of the individual, notwithstanding paragraph (a)(1)(ii) of such section, the covered entity must comply with the requested restriction if—

(1) except as otherwise required by law, the disclosure is to a health plan for purposes of carrying out payment or health care operations (and is not for purposes of carrying out treatment); and

(2) the protected health information pertains solely to a health care item or service for which the health care provider involved has been paid out of pocket in full.

(b) DISCLOSURES REQUIRED TO BE LIMITED TO THE LIMITED DATA SET OR THE MINIMUM NECESSARY.—

(1) IN GENERAL.—

(A) IN GENERAL.—Subject to subparagraph (B), a covered entity shall be treated as being in compliance with section 164.502(b)(1) of title 45, Code of Federal Regulations, with respect to the use, disclosure, or request of protected health information described in such section, only if the covered entity limits such protected health information, to the extent practicable, to the limited data set (as defined in section 164.514(e)(2) of such title) or, if needed by such entity, to the minimum necessary to accomplish the intended purpose of such use, disclosure, or request, respectively.

(B) GUIDANCE.—Not later than 18 months after the date of the enactment of this section, the Secretary shall issue guidance on what constitutes ''minimum necessary'' for

purposes of subpart E of part 164 of title 45, Code of Federal Regulation. In issuing such guidance the Secretary shall take into consideration the guidance under section 13424(c) and the information necessary to improve patient outcomes and to detect, prevent, and manage chronic disease.

(C) SUNSET.—Subparagraph (A) shall not apply on and after the effective date on which the Secretary issues the guidance under subparagraph (B).

(2) DETERMINATION OF MINIMUM NECESSARY.—For purposes of paragraph (1), in the case of the disclosure of protected health information, the covered entity or business associate disclosing such information shall determine what constitutes the minimum necessary to accomplish the intended purpose of such disclosure.

(3) APPLICATION OF EXCEPTIONS.—The exceptions described in section 164.502(b)(2) of title 45, Code of Federal Regulations, shall apply to the requirement under paragraph (1) as of the effective date described in section 13423 in the same manner that such exceptions apply to section 164.502(b)(1) of such title before such date.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the use, disclosure, or request of protected health information that has been de-identified.

(c) ACCOUNTING OF CERTAIN PROTECTED HEALTH INFORMATION DISCLOSURES REQUIRED IF COVERED ENTITY USES ELECTRONIC HEALTH RECORD.—

''(1) IN GENERAL.—In applying section 164.528 of title 45, Code of Federal Regulations, in the case that a covered entity uses or maintains an electronic health record with respect to protected health information—

''(A) the exception under paragraph (a)(1)(i) of such section shall not apply to disclosures through an electronic health record made by such entity of such information; and

''(B) an individual shall have a right to receive an accounting of disclosures described in such paragraph of such information made by such covered entity during only the three years prior to the date on which the accounting is requested.

''(2) REGULATIONS.—The Secretary shall promulgate regulations on what disclosures must be included in an accounting referred to in paragraph (1)(A) and what information must be collected about each such disclosure not later than 18 months after the date on which the Secretary adopts standards on accounting for disclosure described in the section 3002(b)(2)(B)(iv) of the Public Health Service Act, as added by section 13101. Such regulations shall only require such information to be collected through an electronic health record in a manner that takes into account the interests of individuals in learning when their protected health information was disclosed and to whom it was disclosed, and the usefulness of such information to the individual, and takes into account the administrative and cost burden of accounting for such disclosures.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed as—

''(A) requiring a covered entity to account for disclosures of protected health information that are not made by such covered entity; or

''(B) requiring a business associate of a covered entity to account for disclosures of protected health information that are not made by such business associate.

''(4) REASONABLE FEE.—A covered entity may impose a reasonable fee on an individual for an accounting performed under paragraph (1)(B). Any such fee shall not be greater than the entity's labor costs in responding to the request.

''(5) EFFECTIVE DATE.—

''(A) CURRENT USERS OF ELECTRONIC RECORDS.—In the case of a covered entity insofar as it acquired an electronic health record as of January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such a record on and after January 1, 2014.

''(B) OTHERS.—In the case of a covered entity insofar as it acquires an electronic health record after January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such record on and after the later of the following:

''(i) January 1, 2011; or

''(ii) the date that it acquires an electronic health record.

''(C) LATER DATE.—The Secretary may set an effective date that is later that the date specified under subparagraph (A) or (B) if the Secretary determines that such later date it necessary, but in no case may the date specified under—

''(i) subparagraph (A) be later than 2018; or

''(ii) subparagraph (B) be later than 2014.

(d) REVIEW OF HEALTH CARE OPERATIONS.—Not later than 18 months after the date of the enactment of this title, the Secretary shall review and evaluate the definition of health care operations under section 164.501 of title 45, Code of Federal Regulations, and to the extent appropriate, eliminate by regulation activities that can reasonably and efficiently be conducted through the use of information that is de-identified (in accordance with the requirements of section 164.514(b) of such title) or that should require a valid authorization for use or disclosure. In promulgating such regulations, the Secretary shall not require that data be de-identified or require valid authorization for use or disclosure for activities within a covered entity described in paragraph (1) of the definition of health care operations under such section 164.501. In promulgating such regulations, the Secretary may choose to narrow or clarify activities that the Secretary chooses to retain in the definition of health care operations and the Secretary shall take into account the report under section 13424(d). In such regulations the Secretary shall specify the date on which such regulations shall apply to disclosures made by a covered entity, but in no case would such date be sooner than the date that is 24 months after the date of the enactment of this section. Nothing in this subsection may be construed to supersede any provision under subsection (e) or section 13406(a).

(e) PROHIBITION ON SALE OF ELECTRONIC HEALTH RECORDS OR PROTECTED HEALTH INFORMATION OBTAINED FROM ELECTRONIC HEALTH RECORDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a covered entity or business associate shall not directly or indirectly receive remuneration in exchange for any protected health information of an individual unless the covered entity obtained from the individual, in accordance with section 164.508 of title 45, Code of Federal Regulations, a valid authorization that includes, in accordance with such section, a specification of whether the protected health information can be further exchanged for remuneration by the entity receiving protected health information of that individual.

(2) EXCEPTIONS.—Paragraph (1) shall not apply in the following cases:

(A) The purpose of the exchange is for research or public health activities (as described in sections 164.501, 164.512(i), and 164.512(b) of title 45, Code of Federal Regulations).

(B) The purpose of the exchange is for the treatment of the individual, subject to any regulation that the Secretary may promulgate to prevent protected health information from inappropriate access, use, or disclosure.

(C) The purpose of the exchange is the health care operation specifically described in subparagraph (iv) of paragraph (6) of the definition of healthcare operations in section 164.501 of title 45, Code of Federal Regulations.

(D) The purpose of the exchange is for remuneration that is provided by a covered entity to a business associate for activities involving the exchange of protected health information that the business associate undertakes on behalf of and at the specific request of the covered entity pursuant to a business associate agreement.

(E) The purpose of the exchange is to provide an individual with a copy of the individual's protected health information pursuant to section 164.524 of title 45, Code of Federal Regulations.

(F) The purpose of the exchange is otherwise determined by the Secretary in regulations to be similarly necessary and appropriate as the exceptions provided in subparagraphs (A) through (E).

(3) REGULATIONS.—Not later than 18 months after the date of enactment of this title, the Secretary shall promulgate regulations to carry out this subsection. In promulgating such regulations, the Secretary—

(A) shall evaluate the impact of restricting the exception described in paragraph (2)(A) to require that the price charged for the purposes described in such paragraph reflects the costs of the preparation and transmittal of the data for such purpose, on research or public health activities, including those conducted by or for the use of the Food and Drug Administration; and

(B) may further restrict the exception described in paragraph (2)(A) to require that the price charged for the purposes described in such paragraph reflects the costs of the preparation and transmittal of the data for such purpose, if the Secretary finds that such further restriction will not impede such research or public health activities.

(4) EFFECTIVE DATE.—Paragraph (1) shall apply to exchanges occurring on or after the date that is 6 months after the date of the promulgation of final regulations implementing this subsection.

(f) ACCESS TO CERTAIN INFORMATION IN ELECTRONIC FORMAT.—In applying section 164.524 of title 45, Code of Federal Regulations, in the case that a covered entity uses or maintains an electronic health record with respect to protected health information of an individual—

(1) the individual shall have a right to obtain from such covered entity a copy of such information in an electronic format; and

(2) notwithstanding paragraph (c)(4) of such section, any fee that the covered entity may impose for providing such individual with a copy of such information (or a summary or explanation of such information) if such copy (or summary or explanation) is in an electronic form shall not be greater than the entity's labor costs in responding to the request for the copy (or summary or explanation).

SEC. 13406. CONDITIONS ON CERTAIN CONTACTS AS PART OF HEALTH CARE OPERATIONS.

(a) MARKETING.—

(1) IN GENERAL.—A communication by a covered entity or business associate that is about a product or service and that encourages recipients of the communication to purchase or use the product or service shall not be considered a health care operation for purposes of subpart E of part 164 of title 45, Code of Federal Regulations, unless the communication is made as described in subparagraph (i), (ii), or (iii) of paragraph (1) of the definition of marketing in section 164.501 of such title.

(2) PAYMENT FOR CERTAIN COMMUNICATIONS.—A communication by a covered entity or business associate that is described in subparagraph (i), (ii), or (iii) of paragraph (1) of the definition of marketing in section 164.501 of title 45, Code of Federal Regulations, shall not be considered a health care operation for purposes of subpart E of part 164 of title 45, Code of Federal Regulations if the covered entity receives or has received direct or indirect payment in exchange for making such communication, except where—

(A) such communication describes only a health care item or service that has previously been prescribed for or administered to the recipient of the communication, or a family member of such recipient;

(B) each of the following conditions apply—

(i) the communication is made by the covered entity; and

(ii) the covered entity making such communication obtains from the recipient of the communication, in accordance with section 164.508 of title 45, Code of Federal Regulations, a valid authorization (as described in paragraph (b) of such section) with respect to such communication; or

(C) each of the following conditions apply—

(i) the communication is made on behalf of the covered entity;

(ii) the communication is consistent with the written contract (or other written arrangement described in section 164.502(e)(2) of such title) between such business associate and covered entity; and

(iii) the business associate making such communication, or the covered entity on behalf of which the communication is made, obtains from the recipient of the communication, in accordance with section 164.508 of title 45, Code of Federal Regulations, a valid authorization (as described in paragraph (b) of such section) with respect to such communication.

(c) EFFECTIVE DATE.—This section shall apply to contracting occurring on or after the effective date specified under section 13423.

SEC. 13407. TEMPORARY BREACH NOTIFICATION REQUIREMENT FOR VENDORS OF PERSONAL HEALTH RECORDS AND OTHER NON-HIPAA COVERED ENTITIES.

(a) IN GENERAL.—In accordance with subsection (c), each vendor of personal health records, following the discovery of a breach of security of unsecured PHR identifiable health information that is in a personal health record maintained or offered by such vendor, and each entity described in clause (ii) or (iii) of section 13424(b)(1)(A), following the discovery of a breach of security of such information that is obtained through a product or service provided by such entity, shall—

(1) notify each individual who is a citizen or resident of the United States whose unsecured PHR identifiable health information was acquired by an unauthorized person as a result of such a breach of security; and

(2) notify the Federal Trade Commission.

(b) NOTIFICATION BY THIRD PARTY SERVICE PROVIDERS.—A third party service provider that provides services to a vendor of personal health records or to an entity described in clause (ii) or (iii) of section 13424(b)(1)(A) in connection with the offering or maintenance of a personal health record or a related product or service and that accesses, maintains, retains, modifies, records, stores, destroys, or otherwise holds, uses, or discloses unsecured PHR identifiable health information in such a record as a result of such services shall, following the discovery of a breach of security of such information, notify such vendor or entity, respectively, of such breach. Such notice shall include the identification of each individual whose unsecured PHR identifiable health information has been, or is reasonably believed to have been, accessed, acquired, or disclosed during such breach.

(c) APPLICATION OF REQUIREMENTS FOR TIMELINESS, METHOD, AND CONTENT OF NOTIFICATIONS.—Subsections (c), (d), (e), and (f) of section 13402 shall apply to a notification required under subsection (a) and a vendor of personal health records, an entity described in subsection (a) and a third party service provider described in subsection (b), with respect to a breach of security under subsection (a) of unsecured PHR identifiable health information in such records maintained or offered by such vendor, in a manner specified by the Federal Trade Commission.

(d) NOTIFICATION OF THE SECRETARY.—Upon receipt of a notification of a breach of security under subsection (a)(2), the Federal Trade Commission shall notify the Secretary of such breach.

(e) ENFORCEMENT.—A violation of subsection (a) or (b) shall be treated as an unfair and deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57*a*(a)(1)(B)) regarding unfair or deceptive acts or practices.

(f) DEFINITIONS.—For purposes of this section:

(1) BREACH OF SECURITY.—The term ''breach of security'' means, with respect to unsecured PHR identifiable health information of an individual in a personal health record, acquisition of such information without the authorization of the individual.

(2) PHR IDENTIFIABLE HEALTH INFORMATION.—The term ''PHR identifiable health information'' means individually identifiable health information, as defined in section 1171(6) of the Social Security Act (42 U.S.C. 1320d(6)), and includes, with respect to an individual, information—

(A) that is provided by or on behalf of the individual; and

(B) that identifies the individual or with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.

(3) UNSECURED PHR IDENTIFIABLE HEALTH INFORMATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ''unsecured PHR identifiable health information'' means PHR identifiable health information that is not protected through the use of a technology or methodology specified by the Secretary in the guidance issued under section 13402(h)(2).

(B) EXCEPTION IN CASE TIMELY GUIDANCE NOT ISSUED.—In the case that the Secretary does not issue guidance under section 13402(h)(2) by the date specified in such section, for purposes of this section, the term ''unsecured PHR identifiable health information'' shall mean PHR identifiable health information that is not secured by a technology standard that renders protected health information unusable, unreadable, or indecipherable to unauthorized individuals and that is developed or endorsed by a standards developing organization that is accredited by the American National Standards Institute.

(g) REGULATIONS; EFFECTIVE DATE; SUNSET.—

(1) REGULATIONS; EFFECTIVE DATE.—To carry out this section, the Federal Trade Commission shall, in accordance with section 553 of title 5, United States Code, promulgate interim final regulations by not later than the date that is 180 days after the date of the enactment of this section. The provisions of this section shall apply to breaches of security that are discovered on or after the date that is 30 days after the date of publication of such interim final regulations.

(2) SUNSET.—The provisions of this section shall not apply to breaches of security occurring on or after the earlier of the following the dates:

(A) The date on which a standard relating to requirements for entities that are not covered entities that includes requirements relating to breach notification has been promulgated by the Secretary.

(B) The date on which a standard relating to requirements for entities that are not covered entities that includes requirements relating to breach notification has been promulgated by the Federal Trade Commission and has taken effect.

SEC. 13408. BUSINESS ASSOCIATE CONTRACTS REQUIRED FOR CERTAIN ENTITIES.

Each organization, with respect to a covered entity, that provides data transmission of protected health information to such entity (or its business associate) and that requires access on a routine basis to such protected health information, such as a Health Information Exchange Organization, Regional Health Information Organization, E-prescribing Gateway, or each vendor that contracts with a covered entity to allow that covered entity to offer a personal health record to patients as part of its electronic health record, is required to enter into a written contract (or other written arrangement) described in section 164.502(e)(2) of title 45, Code of Federal Regulations and a written contract (or other arrangement) described in section 164.308(b) of such title, with such entity and shall be treated as a business associate of the covered entity for purposes of the provisions of this subtitle and subparts C and E of part 164 of title 45, Code of Federal Regulations, as such provisions are in effect as of the date of enactment of this title.

SEC. 13409. CLARIFICATION OF APPLICATION OF WRONGFUL DISCLOSURES CRIMINAL PENALTIES.

Section 1177(a) of the Social Security Act (42 U.S.C. 1320d–6(a)) is amended by adding at the end the following new sentence: ''For purposes of the previous sentence, a person (including an employee or other individual) shall be considered to have obtained or disclosed individually identifiable health information in violation of this part if the information is maintained by a covered entity (as defined in the HIPAA privacy regulation described in section 1180(b)(3)) and the individual obtained or disclosed such information without authorization.''.

SEC. 13410. IMPROVED ENFORCEMENT.

(a) IN GENERAL.—Section 1176 of the Social Security Act (42 U.S.C. 1320d–5) is amended—

(1) in subsection (b)(1), by striking ''the act constitutes an offense punishable under section 1177'' and inserting ''a penalty has been imposed under section 1177 with respect to such act''; and

(2) by adding at the end the following new subsection:

''(c) NONCOMPLIANCE DUE TO WILLFUL NEGLECT.—

''(1) IN GENERAL.—A violation of a provision of this part due to willful neglect is a violation for which the Secretary is required to impose a penalty under subsection (a)(1).

''(2) REQUIRED INVESTIGATION.—For purposes of paragraph (1), the Secretary shall formally investigate any complaint of a violation of a provision of this part if a preliminary investigation of the facts of the complaint indicate such a possible violation due to willful neglect.''.

(b) EFFECTIVE DATE; REGULATIONS.—

(1) The amendments made by subsection (a) shall apply to penalties imposed on or after the date that is 24 months after the date of the enactment of this title.

(2) Not later than 18 months after the date of the enactment of this title, the Secretary of Health and Human Services shall promulgate regulations to implement such amendments.

(c) DISTRIBUTION OF CERTAIN CIVIL MONETARY PENALTIES COLLECTED.—

(1) IN GENERAL.—Subject to the regulation promulgated pursuant to paragraph (3), any civil monetary penalty or monetary settlement collected with respect to an offense punishable under this subtitle or section 1176 of the Social Security Act (42 U.S.C. 1320d–5) insofar as such section relates to privacy or security shall be transferred to the Office of Civil Rights of the Department of Health and Human Services to be used for purposes of enforcing the provisions of this subtitle and subparts C and E of part 164 of title 45, Code of Federal Regulations, as such provisions are in effect as of the date of enactment of this Act.

(2) GAO REPORT.—Not later than 18 months after the date of the enactment of this title, the Comptroller General shall submit to the Secretary a report including recommendations for a methodology under which an individual who is harmed by an act that constitutes an offense referred to in paragraph (1) may receive a percentage of any civil monetary penalty or monetary settlement collected with respect to such offense.

(3) ESTABLISHMENT OF METHODOLOGY TO DISTRIBUTE PERCENTAGE OF CMPS COLLECTED TO HARMED INDIVIDUALS.—Not later than 3 years after the date of the enactment of this title, the Secretary shall establish by regulation and based on the recommendations submitted under paragraph (2), a methodology under which an individual who is harmed by an act that constitutes an offense referred to in paragraph (1) may receive a percentage of any civil monetary penalty or monetary settlement collected with respect to such offense.

(4) APPLICATION OF METHODOLOGY.—The methodology under paragraph (3) shall be applied with respect to civil monetary penalties or monetary settlements imposed on or after the effective date of the regulation.

(d) TIERED INCREASE IN AMOUNT OF CIVIL MONETARY PENALTIES.—

(1) IN GENERAL.—Section 1176(a)(1) of the Social Security Act (42 U.S.C. 1320d–5(a)(1)) is amended by striking ''who violates a provision of this part a penalty of not more than'' and all that follows and inserting the following: ''who violates a provision of this part—

''(A) in the case of a violation of such provision in which it is established that the person did not know (and by exercising reasonable diligence would not have known) that such person violated such provision, a penalty for each such violation of an amount that is at least the amount described in paragraph (3)(A) but not to exceed the amount described in paragraph (3)(D);

''(B) in the case of a violation of such provision in which it is established that the violation was due to reasonable cause and not to willful neglect, a penalty for each such violation of an amount that is at least the amount described in paragraph (3)(B) but not to exceed the amount described in paragraph (3)(D); and

''(C) in the case of a violation of such provision in which it is established that the violation was due to willful neglect—

''(i) if the violation is corrected as described in subsection (b)(3)(A), a penalty in an amount that is at least the amount described in paragraph (3)(C) but not to exceed the amount described in paragraph (3)(D); and

''(ii) if the violation is not corrected as described in such subsection, a penalty in an amount that is at least the amount described in paragraph (3)(D).

In determining the amount of a penalty under this section for a violation, the Secretary shall base such determination on the nature and extent of the violation and the nature and extent of the harm resulting from such violation.''.

(2) TIERS OF PENALTIES DESCRIBED.—Section 1176(a) of such Act (42 U.S.C. 1320d–5(a)) is further amended by adding at the end the following new paragraph:

''(3) TIERS OF PENALTIES DESCRIBED.—For purposes of paragraph (1), with respect to a violation by a person of a provision of this part—

''(A) the amount described in this subparagraph is $100 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed $25,000;

''(B) the amount described in this subparagraph is $1,000 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed $100,000;

''(C) the amount described in this subparagraph is $10,000 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed $250,000; and

''(D) the amount described in this subparagraph is $50,000 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed $1,500,000.''.

(3) CONFORMING AMENDMENTS.—Section 1176(b) of such Act (42 U.S.C. 1320d–5(b)) is amended—

(A) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(B) in paragraph (2), as so redesignated—

(i) in subparagraph (A), by striking ''in subparagraph (B), a penalty may not be imposed under subsection (a) if'' and all that follows through ''the failure to comply is corrected'' and inserting ''in subparagraph (B) or subsection (a)(1)(C), a penalty may not be imposed under subsection (a) if the failure to comply is corrected''; and

(ii) in subparagraph (B), by striking ''(A)(ii)'' and inserting ''(A)'' each place it appears.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to violations occurring after the date of the enactment of this title.

(e) ENFORCEMENT THROUGH STATE ATTORNEYS GENERAL.—

(1) IN GENERAL.—Section 1176 of the Social Security Act (42 U.S.C. 1320d–5) is amended by adding at the end the following new subsection:

''(d) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

''(1) CIVIL ACTION.—Except as provided in subsection (b), in any case in which the attorney general of a State has reason to believe that an interest of one or more of the residents of that State has been or is threatened or adversely affected by any person who violates a provision of this part, the attorney general of the State, as parens patriae, may bring a civil action on behalf of such residents of the State in a district court of the United States of appropriate jurisdiction—

''(A) to enjoin further such violation by the defendant; or

''(B) to obtain damages on behalf of such residents of the State, in an amount equal to the amount determined under paragraph (2).

''(2) STATUTORY DAMAGES.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B), the amount determined under this paragraph is the amount calculated by multiplying the number of violations by up to $100. For purposes of the preceding sentence, in the case of a continuing violation, the number of violations shall be determined consistent with the HIPAA privacy regulations (as defined in section 1180(b)(3)) for violations of subsection (a).

''(B) LIMITATION.—The total amount of damages imposed on the person for all violations of an identical requirement or prohibition during a calendar year may not exceed $25,000.

''(C) REDUCTION OF DAMAGES.—In assessing damages under subparagraph (A), the court may consider the factors the Secretary may consider in determining the amount of a civil money penalty under subsection (a) under the HIPAA privacy regulations.

''(3) ATTORNEY FEES.—In the case of any successful action under paragraph (1), the court, in its discretion, may award the costs of the action and reasonable attorney fees to the State.

''(4) NOTICE TO SECRETARY.—The State shall serve prior written notice of any action under paragraph (1) upon the Secretary and provide the Secretary with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Secretary shall have the right—

''(A) to intervene in the action;

''(B) upon so intervening, to be heard on all matters arising therein; and

''(C) to file petitions for appeal.

''(5) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State.

''(6) VENUE; SERVICE OF PROCESS.—

''(A) VENUE.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

''(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

''(i) is an inhabitant; or

''(ii) maintains a physical place of business.

''(7) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Secretary has instituted an action against a person under subsection (a) with respect to a specific violation of this part, no State attorney general may bring an action under this subsection against the person with respect to such violation during the pendency of that action.

''(8) APPLICATION OF CMP STATUTE OF LIMITATION.—A civil action may not be instituted with respect to a violation of this part unless an action to impose a civil money penalty may be instituted under subsection (a) with respect to such violation consistent with the second sentence of section 1128A(c)(1).''.

(2) CONFORMING AMENDMENTS.—Subsection (b) of such section, as amended by subsection (d)(3), is amended—

(A) in paragraph (1), by striking ''A penalty may not be imposed under subsection (a)'' and inserting ''No penalty may be imposed under subsection (a) and no damages obtained under subsection (d)'';

(B) in paragraph (2)(A)—

(i) after ''subsection (a)(1)(C),'', by striking ''a penalty may not be imposed under subsection (a)'' and inserting ''no penalty may be imposed under subsection (a) and no damages obtained under subsection (d)''; and

(ii) in clause (ii), by inserting ''or damages'' after ''the penalty'';

(C) in paragraph (2)(B)(i), by striking ''The period'' and inserting ''With respect to the imposition of a penalty by the Secretary under subsection (a), the period''; and

(D) in paragraph (3), by inserting ''and any damages under subsection (d)'' after ''any penalty under subsection (a)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to violations occurring after the date of the enactment of this Act.

(f) ALLOWING CONTINUED USE OF CORRECTIVE ACTION.—Such section is further amended by adding at the end the following new subsection:

''(e) ALLOWING CONTINUED USE OF CORRECTIVE ACTION.—Nothing in this section shall be construed as preventing the Office of Civil Rights of the Department of Health and Human Services from continuing, in its discretion, to use corrective action without a penalty in cases where the person did not know (and by exercising reasonable diligence would not have known) of the violation involved.''.

SEC. 13411. AUDITS.

The Secretary shall provide for periodic audits to ensure that covered entities and business associates that are subject to the requirements of this subtitle and subparts C and E of part 164 of title 45, Code of Federal Regulations, as such provisions are in effect as of the date of enactment of this Act, comply with such requirements.

PART II—RELATIONSHIP TO OTHER LAWS; REGULATORY REFERENCES; EFFECTIVE DATE; REPORTS

SEC. 13421. RELATIONSHIP TO OTHER LAWS.

(a) APPLICATION OF HIPAA STATE PREEMPTION.—Section 1178 of the Social Security Act (42 U.S.C. 1320d–7) shall apply to a provision or requirement under this subtitle in the same manner that such section applies to a provision or requirement under part C of title XI of such Act or a standard or implementation specification adopted or established under sections 1172 through 1174 of such Act.

(b) HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT.—The standards governing the privacy and security of individually identifiable health information promulgated by the Secretary under sections 262(a) and 264 of the Health Insurance Portability and Accountability Act of 1996 shall remain in effect to the extent that they are consistent with this subtitle. The Secretary shall by rule amend such Federal regulations as required to make such regulations consistent with this subtitle. In carrying out the preceding sentence, the Secretary shall revise the definition of ''psychotherapy notes'' in section 164.501 of title 45, Code of Federal Regulations, to include test data that is related to direct responses, scores, items, forms, protocols, manuals, or other materials that are part of a mental health evaluation, as determined by the mental health professional providing treatment or evaluation.

SEC. 13422. REGULATORY REFERENCES.

Each reference in this subtitle to a provision of the Code of Federal Regulations refers to such provision as in effect on the date of the enactment of this title (or to the most recent update of such provision).

SEC. 13423. EFFECTIVE DATE.

Except as otherwise specifically provided, the provisions of part I shall take effect on the date that is 12 months after the date of the enactment of this title.

SEC. 13424. STUDIES, REPORTS, GUIDANCE.

(a) REPORT ON COMPLIANCE.—

(1) IN GENERAL.—For the first year beginning after the date of the enactment of this Act and annually thereafter, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report concerning complaints of alleged violations of law, including the provisions of this subtitle as well as the provisions of subparts C and E of part 164 of title 45, Code of Federal Regulations, (as such provisions are in effect as of the date of enactment of this Act) relating to privacy and security of health information that are received by the Secretary during the year for which the report is being prepared. Each such report shall include, with respect to such complaints received during the year—

(A) the number of such complaints;

(B) the number of such complaints resolved informally, a summary of the types of such complaints so resolved, and the number of covered entities that received technical assistance from the Secretary during such year in order to achieve compliance with such provisions and the types of such technical assistance provided;

(C) the number of such complaints that have resulted in the imposition of civil monetary penalties or have been resolved through monetary settlements, including the nature of the complaints involved and the amount paid in each penalty or settlement;

(D) the number of compliance reviews conducted and the outcome of each such review;

(E) the number of subpoenas or inquiries issued;

(F) the Secretary's plan for improving compliance with and enforcement of such provisions for the following year; and

(G) the number of audits performed and a summary of audit findings pursuant to section 13411.

(2) AVAILABILITY TO PUBLIC.—Each report under paragraph (1) shall be made available to the public on the Internet website of the Department of Health and Human Services.

(b) STUDY AND REPORT ON APPLICATION OF PRIVACY AND SECURITY REQUIREMENTS TO NON-HIPAA COVERED ENTITIES.—

(1) STUDY.—Not later than one year after the date of the enactment of this title, the Secretary, in consultation with the Federal Trade Commission, shall conduct a study, and submit a report under paragraph (2), on privacy and security requirements for entities that are not covered entities or business associates as of the date of the enactment of this title, including—

(A) requirements relating to security, privacy, and notification in the case of a breach of security or privacy (including the applicability of an exemption to notification in the case of individually identifiable health information that has been rendered unusable, unreadable, or indecipherable through technologies or methodologies recognized by appropriate professional organization or standard setting bodies to provide effective security for the information) that should be applied to—

(i) vendors of personal health records;

(ii) entities that offer products or services through the website of a vendor of personal health records;

(iii) entities that are not covered entities and that offer products or services through the websites of covered entities that offer individuals personal health records;

(iv) entities that are not covered entities and that access information in a personal health record or send information to a personal health record; and

(v) third party service providers used by a vendor or entity described in clause (i), (ii), (iii), or (iv) to assist in providing personal health record products or services;

(B) a determination of which Federal government agency is best equipped to enforce such requirements recommended to be applied to such vendors, entities, and service providers under subparagraph (A); and

(C) a timeframe for implementing regulations based on such findings.

(2) REPORT.—The Secretary shall submit to the Committee on Finance, the Committee on Health, Education, Labor, and Pensions, and the Committee on Commerce of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report on the findings of the study under paragraph (1) and shall include in such report recommendations on the privacy and security requirements described in such paragraph.

(c) GUIDANCE ON IMPLEMENTATION SPECIFICATION TO DE-IDENTIFY PROTECTED HEALTH INFORMATION.—Not later than 12 months after the date of the enactment of this title, the Secretary shall, in consultation with stakeholders, issue guidance on how best to implement the requirements for the de-identification of protected health information under section 164.514(b) of title 45, Code of Federal Regulations.

(d) GAO REPORT ON TREATMENT DISCLOSURES.—Not later than one year after the date of the enactment of this title, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report on the best practices related to the disclosure among health care providers of protected health information of an individual for purposes of treatment of such individual. Such report shall include an examination of the

best practices implemented by States and by other entities, such as health information exchanges and regional health information organizations, an examination of the extent to which such best practices are successful with respect to the quality of the resulting health care provided to the individual and with respect to the ability of the health care provider to manage such best practices, and an examination of the use of electronic informed consent for disclosing protected health information for treatment, payment, and health care operations.

(e) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall submit to Congress and the Secretary of Health and Human Services a report on the impact of any of the provisions of, or amendments made by, this division or division B that are related to the Health Insurance Portability and Accountability Act of 1996 and section 552a of title 5, United States Code, on health insurance premiums and overall health care costs.

TITLE XIV—STATE FISCAL STABILIZATION

DEPARTMENT OF EDUCATION

STATE FISCAL STABILIZATION FUND

For necessary expenses for a State Fiscal Stabilization Fund, $39,000,000,000, which shall be administered by the Department of Education, and shall be available through September 30, 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 1401. ALLOCATIONS.

(a) OUTLYING AREAS.—The Secretary of Education shall first allocate one-half of 1 percent to the outlying areas on the basis of their respective needs, as determined by the Secretary, for activities consistent with this title under such terms and conditions as the Secretary may determine.

(b) ADMINISTRATION AND OVERSIGHT.—The Secretary may reserve up to $25,000,000 for administration and oversight of this title, including for program evaluation.

(c) RESERVATION FOR ADDITIONAL PROGRAMS.—After reserving funds under subsections (a) and (b), the Secretary shall reserve $7,500,000,000 for grants under sections 1406 and 1407.

(d) STATE ALLOCATIONS.—After carrying out subsections (a), (b), and (c), the Secretary shall allocate the remaining funds made available to carry out this title to the States as follows:

(1) 61 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 39 percent on the basis of their relative total population.

(e) STATE GRANTS.—From funds allocated under subsection (d), the Secretary shall make grants to the Governor of each State.

(f) REALLOCATION.—The Governor shall return to the Secretary any funds received under subsection (e) that the Governor does not obligate within 1 year of receiving a grant, and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (d).

SEC. 1402. STATE USES OF FUNDS.

EDUCATION FUND.—(a) IN GENERAL.—The Governor shall use the State's allocation under section 1401 for the support of elementary, secondary, and postsecondary education and, as applicable, early childhood education programs and services.

(b) RESTORING 2008 STATE SUPPORT FOR EDUCATION.—

(1) IN GENERAL.—The Governor shall first use the funds described in subsection (a)—

(A) to provide the amount of funds, through the State's principal elementary and secondary funding formula, that is needed to restore State support for elementary and secondary education to the fiscal year 2008 level; and where applicable, to allow existing State formula increases for fiscal years 2009, 2010, and 2011 to be implemented and allow funding for phasing in State equity and adequacy adjustments that were enacted prior to July 1, 2008; and

(B) to provide the amount of funds to public institutions of higher education in the State that is needed to restore State support for postsecondary education to the fiscal year 2008 level.

(2) SHORTFALL.—If the Governor determines that the amount of funds available under subsection (a) is insufficient to restore State support for education to the levels described in subparagraphs (A) and (B) of paragraph (1), the Governor shall allocate those funds between those clauses in proportion to the relative shortfall in State support for the education sectors described in those clauses.

(c) SUBGRANTS TO IMPROVE BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.—After carrying out subsection (b), the Governor shall use any funds remaining under subsection (a) to provide local educational agencies in the State with subgrants based on their relative shares of funding under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent year for which data are available.

SEC. 1403. USES OF FUNDS BY LOCAL EDUCATIONAL AGENCIES.

(1) IN GENERAL.—A local educational agency that receives funds under this title may use the funds for any activity authorized by the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) (''ESEA''), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (''IDEA''), or the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) (''the Perkins Act'').

(b) PROHIBITION.—A local educational agency may not use funds received under this title for capital projects unless authorized by ESEA, IDEA, or the Perkins Act.

SEC. 1404. USES OF FUNDS BY INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—A public institution of higher education that receives funds under this title shall use the funds for education and general expenditures, and in such a way as to mitigate the need to raise tuition and fees for in-State students.

(b) PROHIBITION.—An institution of higher education may not use funds received under this title to increase its endowment.

(c) ADDITIONAL PROHIBITION.—An institution of higher education may not use funds received under this title for construction, renovation, or facility repair.

SEC. 1405. STATE APPLICATIONS.

(a) IN GENERAL.—The Governor of a State desiring to receive an allocation under section 1401 shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) APPLICATION.—The Governor shall—

(1) include the assurances described in subsection (d);

(2) provide baseline data that demonstrates the State's current status in each of the areas described in such assurances; and

(3) describe how the State intends to use its allocation.

(c) INCENTIVE GRANT APPLICATION.—The Governor of a State seeking a grant under section 1406 shall—

(1) submit an application for consideration;

(2) describe the status of the State's progress in each of the areas described in subsection (d);

(3) describe the achievement and graduation rates of public elementary and secondary school students in the State, and the strategies the State is employing to help ensure that all subgroups of students identified in 1111(b)(2) of ESEA in the State continue making progress toward meeting the State's student academic achievement standards;

(4) describe how the State would use its grant funding to improve student academic achievement in the State, including how it will allocate the funds to give priority to high-need schools and local educational agencies; and

(5) include a plan for evaluating its progress in closing achievement gaps.

(d) ASSURANCES.—An application under subsection (b) shall include the following assurances:

(1) MAINTENANCE OF EFFORT.—

(A) ELEMENTARY AND SECONDARY EDUCATION.—The State will, in each of fiscal years 2009 and 2010, maintain State support for elementary and secondary education at least at the level of such support in fiscal year 2006.

(B) HIGHER EDUCATION.—The State will, in each of fiscal years 2009 and 2010, maintain State support for public institutions of higher education (not including support for capital projects or for research and development) at least at the level of such support in fiscal year 2006.

(2) ACHIEVING EQUITY IN TEACHER DISTRIBUTION.—The State will take action, including activities outlined in section 2113(c) of ESEA, to increase the number, and improve the distribution, of effective teachers and principals in high-poverty schools and local educational agencies throughout the State.

(3) IMPROVING COLLECTION AND USE OF DATA.—The State will establish a longitudinal data system that includes the elements described in section 6401(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871).

(4) STANDARDS AND ASSESSMENTS.—The State—

(A) will enhance the quality of academic assessments described in section 1111(b)(3) of ESEA (20 U.S.C. 6311(b)(3)) through activities such as those described in section 6112(a) of such Act (20 U.S.C. 7301a(a));

(B) will comply with the requirements of paragraphs (3)(C)(ix) and (6) of section 1111(b) of ESEA (20 U.S.C. 6311(b)) and section 612(a)(16) of IDEA (20 U.S.C. 1412(a)(16)) related to the inclusion of children with disabilities and limited English proficient students in State assessments, the development of valid and reliable assessments for those students, and the provision of accommodations that enable their participation in State assessments; and

(C) will take steps to improve State academic content standards and student academic achievement standards consistent with 6401(e)(1)(A)(ii) of the America COMPETES Act.

(5) will ensure compliance with the requirements of section 1116(a)(7)(C)(iv) and section 1116(a)(8)(B) with respect to schools identified under such sections.

SEC. 1406. STATE INCENTIVE GRANTS.

(a) IN GENERAL.—From the total amount reserved under section 1401(c) that is not used for section 1407, the Secretary shall, in fiscal year 2010, make grants to States that have made significant progress in meeting the objectives of paragraphs (2), (3), (4), and (5) of section 1405(d).

(b) BASIS FOR GRANTS.—The Secretary shall determine which States receive grants

under this section, and the amount of those grants, on the basis of information provided in State applications under section 1405 and such other criteria as the Secretary determines appropriate.

(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each State receiving a grant under this section shall use at least 50 percent of the grant to provide local educational agencies in the State with subgrants based on their relative shares of funding under part A of title I of ESEA (20 U.S.C. 6311 et seq.) for the most recent year.

SEC. 1407. INNOVATION FUND.

(a) IN GENERAL.—

(1) ELIGIBLE ENTITY.—For the purposes of this section, the term ''eligible entity'' means—

(A) A local educational agency; or

(B) a partnership between a nonprofit organization and—

(i) one or more local educational agencies; (ii) or a consortium of schools.

(2) PROGRAM ESTABLISHED.—From the total amount reserved under section 1401(c), the Secretary may reserve up to $650,000,000 to establish an Innovation Fund, which shall consist of academic achievement awards that recognize eligible entities that meet the requirements described in subsection (b).

(3) BASIS FOR AWARDS.—The Secretary shall make awards to eligible entities that have made significant gains in closing the achievement gap as described in subsection (b)(1)—

(A) to allow such eligible entities to expand their work and serve as models for best practices;

(B) to allow such eligible entities to work in partnership with the private sector and the philanthropic community; and

(C) to identify and document best practices that can be shared, and taken to scale based on demonstrated success.

(b) ELIGIBILITY.—To be eligible for such an award, an eligible entity shall—

(1) have significantly closed the achievement gaps between groups of students described in section 1111(b)(2) of ESEA (20 U.S.C. 6311(b)(2));

(2) have exceeded the State's annual measurable objectives consistent with such section 1111(b)(2) for 2 or more consecutive years or have demonstrated success in significantly increasing student academic achievement for all groups of students described in such section through another measure, such as measures described in section 1111(c)(2) of ESEA;

(3) have made significant improvement in other areas, such as graduation rates or increased recruitment and placement of high-quality teachers and school leaders, as demonstrated with meaningful data; and

(4) demonstrate that they have established partnerships with the private sector, which may include philanthropic organizations, and that the private sector will provide matching funds in order to help bring results to scale.

SEC. 1408. STATE REPORTS.

A State receiving funds under this title shall submit a report to the Secretary, at such time and in such manner as the Secretary may require, that describes—

(1) the uses of funds provided under this title within the State;

(2) how the State distributed the funds it received under this title;

(3) the number of jobs that the Governor estimates were saved or created with funds the State received under this title;

(4) tax increases that the Governor estimates were averted because of the availability of funds from this title;

(5) the State's progress in reducing inequities in the distribution of teachers, in implementing a State student longitudinal data system, and in developing and implementing valid and reliable assessments for limited English proficient students and children with disabilities;

(6) the tuition and fee increases for in-State students imposed by public institutions of higher education in the State during the period of availability of funds under this title, and a description of any actions taken by the State to limit those increases; and

(7) the extent to which public institutions of higher education maintained, increased, or decreased enrollment of in-State students, including students eligible for Pell Grants or other need-based financial assistance.

SEC. 1409. EVALUATION.

The Comptroller General of the United States shall conduct evaluations of the programs under sections 1406 and 1407 which shall include, but not be limited to, the criteria used for the awards made, the States selected for awards, award amounts, how each State used the award received, and the impact of this funding on the progress made toward closing achievement gaps.

SEC. 1410. SECRETARY'S REPORT TO CONGRESS.

The Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate, not less than 6 months following the submission of the State reports, that evaluates the information provided in the State reports under section 1408.

SEC. 1411. PROHIBITION ON PROVISION OF CERTAIN ASSISTANCE.

No recipient of funds under this title shall use such funds to provide financial assistance to students to attend private elementary or secondary schools, unless such funds are used to provide special education and related services to children with disabilities, as authorized by the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

SEC. 1412. DEFINITIONS.

Except as otherwise provided in this title, as used in this title—

(1) the term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(2) the term ''Secretary'' means the Secretary of Education;

(3) the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(4) any other term that is defined in section 9101 of ESEA (20 U.S.C. 7801) shall have the meaning given the term in such section.

SEC. 1413. REGULATORY RELIEF.

(a) WAIVER AUTHORITY.—Subject to subsections (b) and (c), the Secretary of Education may, as applicable, waive or modify, in order to ease fiscal burdens, any requirement relating to the following:

(1) Maintenance of effort.

(2) The use of Federal funds to supplement, not supplant, non-Federal funds.

(b) DURATION.—A waiver under this section shall be for fiscal years 2009 and 2010.

(c) LIMITATIONS.—

(1) RELATION TO IDEA.—Nothing in this section shall be construed to permit the Secretary to waive or modify any provision of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), except as described in a(1) and a(2).

(2) MAINTENANCE OF EFFORT.—If the Secretary grants a waiver or modification under this section waiving or modifying a requirement relating to maintenance of effort for fiscal years 2009 and 2010, the level of effort required for fiscal year 2011 shall not be reduced because of the waiver or modification.

TITLE XV—RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD AND RECOVERY INDEPENDENT ADVISORY PANEL

SEC. 1501. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given under section 551 of title 5, United States Code.

(2) BOARD.—The term ''Board'' means the Recovery Accountability and Transparency Board established in section 1511.

(3) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Board.

(4) COVERED FUNDS.—The term ''covered funds'' means any funds that are expended or obligated—

(A) from appropriations made under this Act; and

(B) under any other authorities provided under this Act.

(5) PANEL.—The term ''Panel'' means the Recovery Independent Advisory Panel established in section 1531.

Subtitle A—Recovery Accountability and Transparency Board

SEC. 1511. ESTABLISHMENT OF THE RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD.

There is established the Recovery Accountability and Transparency Board to coordinate and conduct oversight of covered funds to prevent fraud, waste, and abuse.

SEC. 1512. COMPOSITION OF BOARD.

(a) CHAIRPERSON.—

(1) DESIGNATION OR APPOINTMENT.—The President shall—

(A) designate the Deputy Director for Management of the Office of Management and Budget to serve as Chairperson of the Board;

(B) designate another Federal officer who was appointed by the President to a position that required the advice and consent of the Senate, to serve as Chairperson of the Board; or

(C) appoint an individual as the Chairperson of the Board, by and with the advice and consent of the Senate.

(2) COMPENSATION.—

(A) DESIGNATION OF FEDERAL OFFICER.—If the President designates a Federal officer under paragraph (1)(A) or (B) to serve as Chairperson, that Federal officer may not receive additional compensation for services performed as Chairperson.

(B) APPOINTMENT OF NON-FEDERAL OFFICER.—If the President appoints an individual as Chairperson under paragraph (1)(C), that individual shall be compensated at the rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) MEMBERS.—The members of the Board shall include—

(1) the Inspectors General of the Departments of Agriculture, Commerce, Education, Energy, Health and Human Services, Homeland Security, Justice, Transportation, Treasury, and the Treasury Inspector General for Tax Administration; and

(2) any other Inspector General as designated by the President from any agency that expends or obligates covered funds.

SEC. 1513. FUNCTIONS OF THE BOARD.

(a) FUNCTIONS.—

(1) IN GENERAL.—The Board shall coordinate and conduct oversight of covered funds in order to prevent fraud, waste, and abuse.

(2) SPECIFIC FUNCTIONS.—The functions of the Board shall include—

(A) reviewing whether the reporting of contracts and grants using covered funds meets applicable standards and specifies the purpose of the contract or grant and measures of performance;

(B) reviewing whether competition requirements applicable to contracts and grants using covered funds have been satisfied;

(C) auditing and investigating covered funds to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring;

(D) reviewing whether there are sufficient qualified acquisition and grant personnel overseeing covered funds;

(E) reviewing whether personnel whose duties involve acquisitions or grants made with covered funds receive adequate training; and

(F) reviewing whether there are appropriate mechanisms for interagency collaboration relating to covered funds.

(b) REPORTS.—

(1) QUARTERLY REPORTS.—The Board shall submit quarterly reports to the President and Congress, including the Committees on Appropriations of the Senate and House of Representatives, summarizing the findings of the Board and the findings of inspectors general of agencies. The Board may submit additional reports as appropriate.

(2) ANNUAL REPORTS.—The Board shall submit annual reports to the President and the Committees on Appropriations of the Senate and House of Representatives, consolidating applicable quarterly reports on the use of covered funds.

(3) PUBLIC AVAILABILITY.—

(A) IN GENERAL.—All reports submitted under this subsection shall be made publicly available and posted on a website established by the Board.

(B) REDACTIONS.—Any portion of a report submitted under this subsection may be redacted when made publicly available, if that portion would disclose information that is not subject to disclosure under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act).

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—The Board shall make recommendations to agencies on measures to prevent fraud, waste, and abuse relating to covered funds.

(2) RESPONSIVE REPORTS.—Not later than 30 days after receipt of a recommendation under paragraph (1), an agency shall submit a report to the President, the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives, and the Board on—

(A) whether the agency agrees or disagrees with the recommendations; and

(B) any actions the agency will take to implement the recommendations.

SEC. 1514. POWERS OF THE BOARD.

(a) IN GENERAL.—The Board shall conduct, supervise, and coordinate audits and investigations by inspectors general of agencies relating to covered funds.

(b) AUDITS AND INVESTIGATIONS.—The Board may—

(1) conduct its own independent audits and investigations relating to covered funds; and

(2) collaborate on audits and investigations relating to covered funds with any inspector general of an agency.

(c) AUTHORITIES.—

(1) AUDITS AND INVESTIGATIONS.—In conducting audits and investigations, the Board shall have the authorities provided under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) STANDARDS AND GUIDELINES.—The Board shall carry out the powers under subsections (a) and (b) in accordance with section 4(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(d) PUBLIC HEARINGS.—The Board may hold public hearings and Board personnel may conduct investigative depositions. The head of each agency shall make all officers and employees of that agency available to provide testimony to the Board and Board personnel. The Board may issue subpoenas to compel the testimony of persons who are not Federal officers or employees. Any such subpoenas may be enforced as provided under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(e) CONTRACTS.—The Board may enter into contracts to enable the Board to discharge its duties under this subtitle, including contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Board.

(f) TRANSFER OF FUNDS.—The Board may transfer funds appropriated to the Board for expenses to support administrative support services and audits or investigations of covered funds to any office of inspector general, the Office of Management and Budget, the General Services Administration, and the Panel.

SEC. 1515. EMPLOYMENT, PERSONNEL, AND RELATED AUTHORITIES.

(a) EMPLOYMENT AND PERSONNEL AUTHORITIES.—

(1) IN GENERAL.—

(A) AUTHORITIES.—Subject to paragraph (2), the Board may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

(B) APPLICATION.—For purposes of exercising the authorities described under subparagraph (A), the term ''Chairperson of the Board'' shall be substituted for the term ''head of a temporary organization''.

(C) CONSULTATION.—In exercising the authorities described under subparagraph (A), the Chairperson shall consult with members of the Board.

(2) EMPLOYMENT AUTHORITIES.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under paragraph (1) of this subsection—

(A) paragraph (2) of subsection (b) of section 3161 of that title (relating to periods of appointments) shall not apply; and

(B) no period of appointment may exceed the date on which the Board terminates under section 1521.

(b) INFORMATION AND ASSISTANCE.—

(1) IN GENERAL.—Upon request of the Board for information or assistance from any agency or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Board, or an authorized designee.

(2) REPORT OF REFUSALS.—Whenever information or assistance requested by the Board is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives, without delay.

(c) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide the Board with administrative support services, including the provision of office space and facilities.

SEC. 1516. INDEPENDENCE OF INSPECTORS GENERAL.

(a) INDEPENDENT AUTHORITY.—Nothing in this subtitle shall affect the independent authority of an inspector general to determine whether to conduct an audit or investigation of covered funds.

(b) REQUESTS BY BOARD.—If the Board requests that an inspector general conduct or refrain from conducting an audit or investigation and the inspector general rejects the request in whole or in part, the inspector general shall, not later than 30 days after rejecting the request, submit a report to the Board, the head of the applicable agency, and the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives. The report shall state the reasons that the inspector general has rejected the request in whole or in part.

SEC. 1517. COORDINATION WITH THE COMPTROLLER GENERAL AND STATE AUDITORS.

The Board shall coordinate its oversight activities with the Comptroller General of the United States and State auditor generals.

SEC. 1518. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS.

(a) PROHIBITION OF REPRISALS.—An employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to the Board, an inspector general, the Comptroller General, a member of Congress, or a the head of a Federal agency, or their representatives, information that the employee reasonably believes is evidence of—

(1) gross mismanagement of an agency contract or grant relating to covered funds;

(2) a gross waste of covered funds;

(3) a substantial and specific danger to public health or safety; or

(4) a violation of law related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

(b) INVESTIGATION OF COMPLAINTS.—

(1) IN GENERAL.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the appropriate inspector general. Unless the inspector general determines that the complaint is frivolous, the inspector general shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the person's employer, the head of the appropriate agency, and the Board.

(2) TIME LIMITATIONS FOR ACTIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the inspector general shall make a determination that a complaint is frivolous or submit a report under paragraph (1) within 180 days after receiving the complaint.

(B) EXTENSION.—If the inspector general is unable to complete an investigation in time to submit a report within the 180-day period specified under subparagraph (A) and the person submitting the complaint agrees to an extension of time, the inspector general shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the inspector

general and the person submitting the complaint.

(c) REMEDY AND ENFORCEMENT AUTHORITY.—

(1) AGENCY ACTION.—Not later than 30 days after receiving an inspector general report under subsection (b), the head of the agency concerned shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take 1 or more of the following actions:

(A) Order the employer to take affirmative action to abate the reprisal.

(B) Order the employer to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the employer to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency.

(2) CIVIL ACTION.—If the head of an agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under subsection (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the employer to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

(3) EVIDENCE.—An inspector general determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought in accordance with this subsection.

(4) JUDICIAL ENFORCEMENT OF ORDER.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

(5) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

SEC. 1519. BOARD WEBSITE.

(a) ESTABLISHMENT.—The Board shall establish and maintain a user-friendly, public-facing website to foster greater accountability and transparency in the use of covered funds.

(b) PURPOSE.—The website established and maintained under subsection (a) shall be a portal or gateway to key information relating to this Act and provide connections to other Government websites with related information.

(c) CONTENT AND FUNCTION.—In establishing the website established and maintained under subsection (a), the Board shall ensure the following:

(1) The website shall provide materials explaining what this Act means for citizens. The materials shall be easy to understand and regularly updated.

(2) The website shall provide accountability information, including a database of findings from audits, inspectors general, and the Government Accountability Office.

(3) The website shall provide data on relevant economic, financial, grant, and contract information in user-friendly visual presentations to enhance public awareness of the use of covered funds.

(4) The website shall provide detailed data on contracts awarded by the Government that expend covered funds, including information about the competitiveness of the contracting process, notification of solicitations for contracts to be awarded, and information about the process that was used for the award of contracts.

(5) The website shall include printable reports on covered funds obligated by month to each State and congressional district.

(6) The website shall provide a means for the public to give feedback on the performance of contracts that expend covered funds.

(7) The website shall be enhanced and updated as necessary to carry out the purposes of this subtitle.

(d) WAIVER.—The Board may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security.

SEC. 1520. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this subtitle.

SEC. 1521. TERMINATION OF THE BOARD.

The Board shall terminate on September 30, 2012.

Subtitle B—Recovery Independent Advisory Panel

SEC. 1531. ESTABLISHMENT OF RECOVERY INDEPENDENT ADVISORY PANEL.

(a) ESTABLISHMENT.—There is established the Recovery Independent Advisory Panel.

(b) MEMBERSHIP.—The Panel shall be composed of 5 members who shall be appointed by the President.

(c) QUALIFICATIONS.—Members shall be appointed on the basis of expertise in economics, public finance, contracting, accounting, or any other relevant field.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Panel have been appointed, the Panel shall hold its first meeting.

(e) MEETINGS.—The Panel shall meet at the call of the Chairperson of the Panel.

(f) QUORUM.—A majority of the members of the Panel shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Panel shall select a Chairperson and Vice Chairperson from among its members.

SEC. 1532. DUTIES OF THE PANEL.

The Panel shall make recommendations to the Board on actions the Board could take to prevent fraud, waste, and abuse relating to covered funds.

SEC. 1533. POWERS OF THE PANEL.

(a) HEARINGS.—The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from any agency such information as the Panel considers necessary to carry out this subtitle. Upon request of the Chairperson of the Panel, the head of such agency shall furnish such information to the Panel.

(c) POSTAL SERVICES.—The Panel may use the United States mails in the same manner and under the same conditions as agencies of the Federal Government.

(d) GIFTS.—The Panel may accept, use, and dispose of gifts or donations of services or property.

SEC. 1534. PANEL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Panel who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel. All members of the Panel who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Panel to perform its duties. The employment of an executive director shall be subject to confirmation by the Panel.

(2) COMPENSATION.—The Chairperson of the Panel may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Panel who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(B) MEMBERS OF PANEL.—Subparagraph (A) shall not be construed to apply to members of the Panel.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide the Board with administrative support services, including the provision of office space and facilities.

SEC. 1535. TERMINATION OF THE PANEL.

The Panel shall terminate on September 30, 2012.

SEC. 1536. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this subtitle.

Subtitle C—Reports of the Council of Economic Advisers

SEC. 1541. REPORTS OF THE COUNCIL OF ECONOMIC ADVISERS.

(a) IN GENERAL.—In consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, the Chairperson of the Council of Economic Advisers shall submit to the Committees on Appropriations of the Senate and House of Representatives quarterly reports based on the reports required under section 1551 that detail the impact of programs funded through covered funds on employment, estimated economic growth, and other key economic indicators.

(b) SUBMISSION OF REPORTS.—

(1) FIRST REPORT.—The first report submitted under subsection (a) shall be submitted not later than 45 days after the end of the first full quarter following the date of enactment of this Act.

(2) LAST REPORT.—The last report required to be submitted under subsection (a) shall apply to the quarter in which the Board terminates under section 1521.

Subtitle D—Reports on Use of Funds

SEC. 1551. REPORTS ON USE OF FUNDS.

(a) SHORT TITLE.—This section may be cited as the ''Jobs Accountability Act''.

(b) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given under section 551 of title 5, United States Code.

(2) RECIPIENT.—The term ''recipient''—

(A) means any entity that receives recovery funds (including recovery funds received through grant, loan, or contract) other than an individual; and

(B) includes a State that receives recovery funds.

(3) RECOVERY FUNDS.—The term ''recovery funds'' means any funds that are made available—

(A) from appropriations made under this Act; and

(B) under any other authorities provided under this Act.

(c) RECIPIENT REPORTS.—Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from an agency shall submit a report to that agency that contains—

(1) the total amount of recovery funds received from that agency;

(2) the amount of recovery funds received that were expended or obligated to projects or activities; and

(3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including—

(A) the name of the project or activity;

(B) a description of the project or activity;

(C) an evaluation of the completion status of the project or activity; and

(D) an analysis of the number of jobs created and the number of jobs retained by the project or activity.

(d) AGENCY REPORTS.—Not later than 30 days after the end of each calendar quarter, each agency that made recovery funds available to any recipient shall make the information in reports submitted under subsection (c) publicly available by posting the information on a website.

(e) OTHER REPORTS.—The Congressional Budget Office and the Government Accountability Office shall comment on the information described in subsection (c)(3)(D) for any reports submitted under subsection (c). Such comments shall be due within 7 days after such reports are submitted.

TITLE XVI—GENERAL PROVISIONS—THIS ACT

EMERGENCY DESIGNATION

SEC. 1601. Each amount in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

AVAILABILITY

SEC. 1602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

RELATIONSHIP TO OTHER APPROPRIATIONS

SEC. 1603. Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved. Enactment of this Act shall have no effect on the availability of amounts under the Continuing Appropriations Resolution, 2009 (division A of Public Law 110–329).

BUY AMERICAN

SEC. 1604. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS. (a) None of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) Subsection (a) shall not apply in any case in which the head of the Federal department or agency involved finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States if sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the head of a Federal department or agency determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the head of the department or agency shall publish in the Federal Register a detailed written jurisdiction as to why the provision is being waived.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

CERTIFICATION

SEC. 1605. With respect to funds in titles I though XVI of this Act made available to State, or local government agencies, the Governor, mayor, or other chief executive, as appropriate, shall certify that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. A State or local agency may not receive infrastructure investment funding from funds made available in this Act unless this certification is made.

ECONOMIC STABILIZATION CONTRACTING

SEC. 1606. REFORM OF CONTRACTING PROCEDURES UNDER EESA. Section 107(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5217(b)) is amended by inserting ''and individuals with disabilities and businesses owned by individuals with disabilities (for purposes of this subsection the term 'individual with disability' has the same meaning as the term 'handicapped individual' as that term is defined in section 3(f) of the Small Business Act (15 U.S.C. 632(f)),'' after ''(12 U.S.C. 1441a(r)(4)),''.

SEC. 1607. FINDINGS.—

(1) The National Environmental Policy Act protects public health, safety and environmental quality: by ensuring transparency, accountability and public involvement in federal actions and in the use of public funds;

(2) When President Nixon signed the National Environmental Policy Act into law on January 1, 1970, he said that the Act provided the ''direction'' for the country to ''regain a productive harmony between man and nature'';

(3) The National Environmental Policy Act helps to provide an orderly process for considering federal actions and funding decisions and prevents ligation and delay that would otherwise be inevitable and existed prior to the establishment of the National Environmental Policy Act.

(a) Adequate resources within this bill must be devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act are completed on an expeditious basis and that the shortest existing applicable process under the National Environmental Policy Act shall be utilized.

(b) The President shall report to the Senate Environment and Public Works Committee and the House Natural Resources Committee every 90 days following the date of enactment until September 30, 2011 on the status and progress of projects and activities funded by this Act with respect to compliance with National Environmental Policy Act requirements and documentation.

PROHIBITION ON NO-BID CONTRACTS AND EARMARKS

SEC. 1608. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant or cooperative agreement unless the process used to award such grant

or cooperative agreement uses competitive procedures to select the grantee or award recipient.

SEC. 1609. LIMIT ON FUNDS.

None of the amounts appropriated or otherwise made available by this Act may be used for any casino or other gambling establishment, aquarium, zoo, golf course, swimming pool, stadium, community park, museum, theater, art center, and highway beautification project.

SEC. 1610. HIRING AMERICAN WORKERS IN COMPANIES RECEIVING TARP FUNDING.

(a) SHORT TITLE.—This section may be cited as the ''Employ American Workers Act''.

(b) PROHIBITION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, it shall be unlawful for any recipient of funding under title I of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343) or section 13 of the Federal Reserve Act (12 U.S.C. 342 et seq.) to hire any nonimmigrant described in section 101(a)(15)(h)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(h)(i)(b)) unless the recipient is in compliance with the requirements for an H–1B dependent employer (as defined in section 212(n)(3) of such Act (8 U.S.C. 1182(n)(3))), except that the second sentence of section 212(n)(1)(E)(ii) of such Act shall not apply.

(2) DEFINED TERM.—In this subsection, the term ''hire'' means to permit a new employee to commence a period of employment.

(c) SUNSET PROVISION.—This section shall be effective during the 2-year period beginning on the date of the enactment of this Act.

DIVISION B—TAX, UNEMPLOYMENT, HEALTH, STATE FISCAL RELIEF, AND OTHER PROVISIONS

TITLE I—TAX PROVISIONS

SEC. 1000. SHORT TITLE, ETC.

(a) SHORT TITLE.—This title may be cited as the ''American Recovery and Reinvestment Tax Act of 2009''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Subtitle A—Tax Relief for Individuals and Families

PART I—GENERAL TAX RELIEF

SEC. 1001. MAKING WORK PAY CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 is amended by inserting after section 36 the following new section:

''SEC. 36A. MAKING WORK PAY CREDIT.

''(a) ALLOWANCE OF CREDIT.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the lesser of—

''(1) 6.2 percent of earned income of the taxpayer, or

''(2) $500 ($1,000 in the case of a joint return).

''(b) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(1) IN GENERAL.—The amount allowable as a credit under subsection (a) (determined without regard to this paragraph and subsection (c)) for the taxable year shall be reduced (but not below zero) by 4 percent of so much of the taxpayer's modified adjusted gross income as exceeds $70,000 ($140,000 in the case of a joint return).

''(2) MODIFIED ADJUSTED GROSS INCOME.—For purposes of subparagraph (A), the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

''(c) REDUCTION FOR CERTAIN OTHER PAYMENTS.—The credit allowed under subsection (a) for any taxable year shall be reduced by the amount of any payments received by the taxpayer during such taxable year under section 1601 of the American Recovery and Reinvestment Tax Act of 2009.

''(d) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual other than—

''(A) any nonresident alien individual,

''(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

''(C) an estate or trust.

Such term shall not include any individual unless the requirements of section 32(c)(1)(E) are met with respect to such individual.

''(2) EARNED INCOME.—The term 'earned income' has the meaning given such term by section 32(c)(2), except that such term shall not include net earnings from self-employment which are not taken into account in computing taxable income. For purposes of the preceding sentence, any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.

''(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2010.''.

(b) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section with respect to taxable years beginning in 2009 and 2010. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section for taxable years beginning in 2009 and 2010 if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to the residents of such possession.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes for any taxable year under section 36A of the Internal Revenue Code of 1986 (as added by this section) to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 36A of the Internal Revenue Code of 1986 (as added by this section).

(c) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of section 36A of the Internal Revenue Code of 1986 (as added by this section) or by reason of subsection (b) of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(d) AUTHORITY RELATING TO CLERICAL ERRORS.—Section 6213(g)(2) is amended by striking ''and'' at the end of subparagraph (L)(ii), by striking the period at the end of subparagraph (M) and inserting '', and'', and by adding at the end the following new subparagraph:

''(N) an omission of the reduction required under section 36A(c) with respect to the credit allowed under section 36A or an omission of the correct TIN required under section 36A(d)(1).''.

(e) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by inserting ''36A,'' after ''36,''.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''36A,'' after ''36,''.

(3) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 36 the following new item:

''Sec. 36A. Making work pay credit.''.

(f) EFFECTIVE DATE.—This section, and the amendments made by this section, shall apply to taxable years beginning after December 31, 2008.

SEC. 1002. TEMPORARY INCREASE IN EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subsection (b) of section 32 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR 2009 AND 2010.—In the case of any taxable year beginning in 2009 or 2010—

''(A) INCREASED CREDIT PERCENTAGE FOR 3 OR MORE QUALIFYING CHILDREN.—In the case of a taxpayer with 3 or more qualifying children, the credit percentage is 45 percent.

''(B) REDUCTION OF MARRIAGE PENALTY.—

''(i) IN GENERAL.—The dollar amount in effect under paragraph (2)(B) shall be $5,000.

''(ii) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in 2010, the $5,000 amount in clause (i) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

''(iii) ROUNDING.—Subparagraph (A) of subsection (j)(2) shall apply after taking into account any increase under clause (ii).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1003. TEMPORARY INCREASE OF REFUNDABLE PORTION OF CHILD CREDIT.

(a) IN GENERAL.—Paragraph (4) of section 24(d) is amended to read as follows:

''(4) SPECIAL RULE FOR 2009 AND 2010.—Notwithstanding paragraph (3), in the case of any taxable year beginning in 2009 or 2010, the dollar amount in effect for such taxable year under paragraph (1)(B)(i) shall be $8,100.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1004. AMERICAN OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—Section 25A (relating to Hope scholarship credit) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) AMERICAN OPPORTUNITY TAX CREDIT.—In the case of any taxable year beginning in 2009 or 2010—

''(1) INCREASE IN CREDIT.—The Hope Scholarship Credit shall be an amount equal to the sum of—

''(A) 100 percent of so much of the qualified tuition and related expenses paid by the taxpayer during the taxable year (for education furnished to the eligible student during any academic period beginning in such taxable year) as does not exceed $2,000, plus

''(B) 25 percent of such expenses so paid as exceeds $2,000 but does not exceed $4,000.

''(2) CREDIT ALLOWED FOR FIRST 4 YEARS OF POST-SECONDARY EDUCATION.—Subparagraphs

(A) and (C) of subsection (b)(2) shall be applied by substituting '4' for '2'.

''(3) QUALIFIED TUITION AND RELATED EXPENSES TO INCLUDE REQUIRED COURSE MATERIALS.—Subsection (f)(1)(A) shall be applied by substituting 'tuition, fees, and course materials' for 'tuition and fees'.

''(4) INCREASE IN AGI LIMITS FOR HOPE SCHOLARSHIP CREDIT.—In lieu of applying subsection (d) with respect to the Hope Scholarship Credit, such credit (determined without regard to this paragraph) shall be reduced (but not below zero) by the amount which bears the same ratio to such credit (as so determined) as—

''(A) the excess of—

''(i) the taxpayer's modified adjusted gross income (as defined in subsection (d)(3)) for such taxable year, over

''(ii) $80,000 ($160,000 in the case of a joint return), bears to

''(B) $10,000 ($20,000 in the case of a joint return).

''(5) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, so much of the credit allowed under subsection (a) as is attributable to the Hope Scholarship Credit shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this subsection and sections 23, 25D, and 30D) and section 27 for the taxable year.

Any reference in this section or section 24, 25, 26, 25B, 904, or 1400C to a credit allowable under this subsection shall be treated as a reference to so much of the credit allowable under subsection (a) as is attributable to the Hope Scholarship Credit.

''(6) PORTION OF CREDIT MADE REFUNDABLE.—30 percent of so much of the credit allowed under subsection (a) as is attributable to the Hope Scholarship Credit (determined after application of paragraph (4) and without regard to this paragraph and section 26(a)(2) or paragraph (5), as the case may be) shall be treated as a credit allowable under subpart C (and not allowed under subsection (a)). The preceding sentence shall not apply to any taxpayer for any taxable year if such taxpayer is a child to whom subsection (g) of section 1 applies for such taxable year.

''(7) COORDINATION WITH MIDWESTERN DISASTER AREA BENEFITS.—In the case of a taxpayer with respect to whom section 702(a)(1)(B) of the Heartland Disaster Tax Relief Act of 2008 applies for any taxable year, such taxpayer may elect to waive the application of this subsection to such taxpayer for such taxable year.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) is amended by inserting ''25A(i),'' after ''23,''.

(2) Section 25(e)(1)(C)(ii) is amended by inserting ''25A(i),'' after ''24,''.

(3) Section 26(a)(1) is amended by inserting ''25A(i),'' after ''24,''.

(4) Section 25B(g)(2) is amended by inserting ''25A(i),'' after ''23,''.

(5) Section 904(i) is amended by inserting ''25A(i),'' after ''24,''.

(6) Section 1400C(d)(2) is amended by inserting ''25A(i),'' after ''24,''.

(7) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''25A,'' before ''35''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(d) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (b)(1) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

(e) TREASURY STUDIES REGARDING EDUCATION INCENTIVES.—

(1) STUDY REGARDING COORDINATION WITH NON-TAX EDUCATIONAL INCENTIVES.—The Secretary of the Treasury, or the Secretary's delegate, shall study how to coordinate the credit allowed under section 25A of the Internal Revenue Code of 1986 with the Federal Pell Grant program under section 401 of the Higher Education Act of 1965.

(2) STUDY REGARDING IMPOSITION OF COMMUNITY SERVICE REQUIREMENTS.—The Secretary of the Treasury, or the Secretary's delegate, shall study the feasibility of requiring students to perform community service as a condition of taking their tuition and related expenses into account under section 25A of the Internal Revenue Code of 1986.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, shall report to Congress on the results of the studies conducted under this paragraph.

SEC. 1005. COMPUTER TECHNOLOGY AND EQUIPMENT ALLOWED AS A QUALIFIED HIGHER EDUCATION EXPENSE FOR SECTION 529 ACCOUNTS IN 2009 AND 2010.

(a) IN GENERAL.—Section 529(e)(3)(A) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii), and by adding at the end the following:

''(iii) expenses paid or incurred in 2009 or 2010 for the purchase of any computer technology or equipment (as defined in section 170(e)(6)(F)(i)) or Internet access and related services, if such technology, equipment, or services are to be used by the beneficiary and the beneficiary's family during any of the years the beneficiary is enrolled at an eligible educational institution.

Clause (iii) shall not include expenses for computer software designed for sports, games, or hobbies unless the software is predominantly educational in nature.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred after December 31, 2008.

SEC. 1006. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

''SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an individual who is a purchaser of a principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to 10 percent of the purchase price of the residence.

''(2) DOLLAR LIMITATION.—The amount of the credit allowed under paragraph (1) shall not exceed $15,000.

''(3) ALLOCATION OF CREDIT AMOUNT.—At the election of the taxpayer, the amount of the credit allowed under paragraph (1) (after application of paragraph (2)) may be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the principal residence is made.

''(b) LIMITATIONS.—

''(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

''(A) after the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009, and

''(B) on or before the date that is 1 year after such date of enactment.

''(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) for the taxable year.

''(3) ONE-TIME ONLY.—

''(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other principal residence by such individual or a spouse of such individual.

''(B) JOINT PURCHASE.—In the case of a purchase of a principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other principal residence.

''(c) PRINCIPAL RESIDENCE.—For purposes of this section, the term 'principal residence' has the same meaning as when used in section 121.

''(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 36 or section 1400C.

''(e) SPECIAL RULES.—

''(1) JOINT PURCHASE.—

''(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting '$7,500' for '$15,000' in subsection (a)(1).

''(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $15,000.

''(2) PURCHASE.—In defining the purchase of a principal residence, rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply.

''(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply.

''(f) RECAPTURE OF CREDIT IN THE CASE OF CERTAIN DISPOSITIONS.—

''(1) IN GENERAL.—In the event that a taxpayer—

''(A) disposes of the principal residence with respect to which a credit was allowed under subsection (a), or

''(B) fails to occupy such residence as the taxpayer's principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the tax imposed by this chapter for the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence shall be increased by the amount of such credit.

''(2) EXCEPTIONS.—

''(A) DEATH OF TAXPAYER.—Paragraph (1) shall not apply to any taxable year ending after the date of the taxpayer's death.

''(B) INVOLUNTARY CONVERSION.—Paragraph (1) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence within the 2-year period beginning on the date of the disposition or cessation referred to in such paragraph. Paragraph (1) shall apply to such new principal residence during the remainder of the 24-month period described in such paragraph as if such new principal residence were the converted residence.

''(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

''(i) paragraph (1) shall not apply to such transfer, and

''(ii) in the case of taxable years ending after such transfer, paragraph (1) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

''(D) RELOCATION OF MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.

''(3) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

''(4) RETURN REQUIREMENT.—If the tax imposed by this chapter for the taxable year is increased under this subsection, the taxpayer shall, notwithstanding section 6012, be required to file a return with respect to the taxes imposed under this subtitle.

''(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

''(h) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence during the period described in subsection (b)(1), a taxpayer may elect to treat such purchase as made on December 31, 2008, for purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Credit for certain home purchases.''.

(c) SUNSET OF CURRENT FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (h) of section 36 is amended by striking ''July 1, 2009'' and inserting ''the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009''.

(2) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 is amended by striking ''July 1, 2009'' and inserting ''the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases after the date of the enactment of this Act.

SEC. 1007. SUSPENSION OF TAX ON PORTION OF UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 85 of the Internal Revenue Code of 1986 (relating to unemployment compensation) is amended by adding at the end the following new subsection:

''(c) SPECIAL RULE FOR 2009.—In the case of any taxable year beginning in 2009, gross income shall not include so much of the unemployment compensation received by an individual as does not exceed $2,400.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1008. ABOVE-THE-LINE DEDUCTION FOR INTEREST ON INDEBTEDNESS WITH RESPECT TO THE PURCHASE OF CERTAIN MOTOR VEHICLES.

(a) IN GENERAL.—Paragraph (2) of section 163(h) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of subparagraph (E),

(2) by striking the period at the end of subparagraph (F) and inserting '', and'', and

(3) by adding at the end the following new subparagraph:

''(G) any qualified motor vehicle interest (within the meaning of paragraph (5)).''.

(b) QUALIFIED MOTOR VEHICLE INTEREST.—Section 163(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) QUALIFIED MOTOR VEHICLE INTEREST.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified motor vehicle interest' means any interest which is paid or accrued during the taxable year on any indebtedness which—

''(i) is incurred after November 12, 2008, and before January 1, 2010, in acquiring any qualified motor vehicle of the taxpayer, and

''(ii) is secured by such qualified motor vehicle.

Such term also includes any indebtedness secured by such qualified motor vehicle resulting from the refinancing of indebtedness meeting the requirements of the preceding sentence (or this sentence); but only to the extent the amount of the indebtedness resulting from such refinancing does not exceed the amount of the refinanced indebtedness.

''(B) DOLLAR LIMITATION.—The aggregate amount of indebtedness treated as described in subparagraph (A) for any period shall not exceed $49,500 ($24,750 in the case of a separate return by a married individual).

''(C) INCOME LIMITATION.—The amount otherwise treated as interest under subparagraph (A) for any taxable year (after the application of subparagraph (B)) shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which is so treated as—

''(i) the excess (if any) of—

''(I) the taxpayer's modified adjusted gross income for such taxable year, over

''(II) $125,000 ($250,000 in the case of a joint return), bears to

''(ii) $10,000.

For purposes of the preceding sentence, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

''(D) QUALIFIED MOTOR VEHICLE.—The term 'qualified motor vehicle' means a passenger automobile (within the meaning of section 30B(h)(3)) or a light truck (within the meaning of such section)—

''(i) which is acquired for use by the taxpayer and not for resale after November 12, 2008, and before January 1, 2010,

''(ii) the original use of which commences with the taxpayer, and

''(iii) which has a gross vehicle weight rating of not more than 8,500 pounds.''.

(c) DEDUCTION ALLOWED ABOVE-THE-LINE.—Section 62(a) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (21) the following new paragraph:

''(22) QUALIFIED MOTOR VEHICLE INTEREST.—The deduction allowed under section 163 by reason of subsection (h)(2)(G) thereof.''.

(d) REPORTING OF QUALIFIED MOTOR VEHICLE INTEREST.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 6050X. RETURNS RELATING TO QUALIFIED MOTOR VEHICLE INTEREST RECEIVED IN TRADE OR BUSINESS FROM INDIVIDUALS.

''(a) QUALIFIED MOTOR VEHICLE INTEREST.—Any person—

''(1) who is engaged in a trade or business, and

''(2) who, in the course of such trade or business, receives from any individual interest aggregating $600 or more for any calendar year on any indebtedness secured by a qualified motor vehicle (as defined in section 163(h)(5)(D)),

shall make the return described in subsection (b) with respect to each individual from whom such interest was received at such time as the Secretary may by regulations prescribe.

''(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

''(1) is in such form as the Secretary may prescribe,

''(2) contains—

''(A) the name and address of the individual from whom the interest described in subsection (a)(2) was received,

''(B) the amount of such interest received for the calendar year, and

''(C) such other information as the Secretary may prescribe.

''(c) APPLICATION TO GOVERNMENTAL UNITS.—For purposes of subsection (a)—

''(1) TREATED AS PERSONS.—The term 'person' includes any governmental unit (and any agency or instrumentality thereof).

''(2) SPECIAL RULES.—In the case of a governmental unit or any agency or instrumentality thereof—

''(A) subsection (a) shall be applied without regard to the trade or business requirement contained therein, and

''(B) any return required under subsection (a) shall be made by the officer or employee appropriately designated for the purpose of making such return.

''(d) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return, and

''(2) the aggregate amount of interest described in subsection (a)(2) received by the person required to make such return from the individual to whom the statement is required to be furnished.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.

''(e) RETURNS WHICH WOULD BE REQUIRED TO BE MADE BY 2 OR MORE PERSONS.—Except to the extent provided in regulations prescribed by the Secretary, in the case of interest received by any person on behalf of another person, only the person first receiving

such interest shall be required to make the return under subsection (a).''.

(2) AMENDMENTS RELATING TO PENALTIES.—

(A) Section 6721(e)(2)(A) of such Code is amended by striking ''or 6050L'' and inserting ''6050L, or 6050X''.

(B) Section 6722(c)(1)(A) of such Code is amended by striking ''or 6050L(c)'' and inserting ''6050L(c), or 6050X(d)''.

(C) Subparagraph (B) of section 6724(d)(1) of such Code is amended by redesignating clauses (xvi) through (xxii) as clauses (xvii) through (xxiii), respectively, and by inserting after clause (xii) the following new clause:

''(xvi) section 6050X (relating to returns relating to qualified motor vehicle interest received in trade or business from individuals),''.

(D) Paragraph (2) of section 6724(d) of such Code is amended by striking the period at the end of subparagraph (DD) and inserting '', or'' and by inserting after subparagraph (DD) the following new subparagraph:

''(EE) section 6050X(d) (relating to returns relating to qualified motor vehicle interest received in trade or business from individuals).''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050W the following new item:

''Sec. 6050X. Returns relating to qualified motor vehicle interest received in trade or business from individuals.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1009. ABOVE-THE-LINE DEDUCTION FOR STATE SALES TAX AND EXCISE TAX ON THE PURCHASE OF CERTAIN MOTOR VEHICLES.

(a) IN GENERAL.—Subsection (a) of section 164 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (5) the following new paragraph:

''(6) Qualified motor vehicle taxes.''.

(b) QUALIFIED MOTOR VEHICLE TAXES.—Subsection (b) of section 164 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) QUALIFIED MOTOR VEHICLE TAXES.—

''(A) IN GENERAL.—For purposes of this section, the term 'qualified motor vehicle taxes' means any State or local sales or excise tax imposed on the purchase of a qualified motor vehicle (as defined in section 163(h)(5)(D)).

''(B) DOLLAR LIMITATION.—The amount taken into account under subparagraph (A) for any taxable year shall not exceed $49,500 ($24,750 in the case of a separate return by a married individual).

''(C) INCOME LIMITATION.—The amount otherwise taken into account under subparagraph (A) (after the application of subparagraph (B)) for any taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which is so treated as—

''(i) the excess (if any) of—

''(I) the taxpayer's modified adjusted gross income for such taxable year, over

''(II) $125,000 ($250,000 in the case of a joint return), bears to

''(ii) $10,000.

For purposes of the preceding sentence, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

''(D) QUALIFIED MOTOR VEHICLE TAXES NOT INCLUDED IN COST OF ACQUIRED PROPERTY.—The last sentence of subsection (a) shall not apply to any qualified motor vehicle taxes.

''(E) COORDINATION WITH GENERAL SALES TAX.—This paragraph shall not apply in the case of a taxpayer who makes an election under paragraph (5) for the taxable year.''.

(c) CONFORMING AMENDMENTS.—Paragraph (5) of section 163(h) of the Internal Revenue Code of 1986, as added by section 1, is amended—

(1) by adding at the end the following new subparagraph:

''(E) EXCLUSION.—If the indebtedness described in subparagraph (A) includes the amounts of any State or local sales or excise taxes paid or accrued by the taxpayer in connection with the acquisition of a qualified motor vehicle, the aggregate amount of such indebtedness taken into account under such subparagraph shall be reduced, but not below zero, by the amount of any such taxes for which a deduction is allowed under section 164(a) by reason of paragraph (6) thereof.'', and

(2) by inserting '', after the application of subparagraph (E),'' after ''for any period'' in subparagraph (B).

(d) DEDUCTION ALLOWED ABOVE-THE-LINE.—Section 62(a) of the Internal Revenue Code of 1986, as amended by section 1, is amended by inserting after paragraph (22) the following new paragraph:

''(23) QUALIFIED MOTOR VEHICLE TAXES.—The deduction allowed under section 164 by reason of subsection (a)(6) thereof.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

PART II—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 1011. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2008) is amended—

(1) by striking ''or 2008'' and inserting ''2008, or 2009'', and

(2) by striking ''2008'' in the heading thereof and inserting ''2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1012. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($69,950 in the case of taxable years beginning in 2008)'' in subparagraph (A) and inserting ''($70,950 in the case of taxable years beginning in 2009)'', and

(2) by striking ''($46,200 in the case of taxable years beginning in 2008)'' in subparagraph (B) and inserting ''($46,700 in the case of taxable years beginning in 2009)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

Subtitle B—Energy Incentives

PART I—RENEWABLE ENERGY INCENTIVES

SEC. 1101. EXTENSION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—Subsection (d) of section 45 is amended—

(1) by striking ''2010'' in paragraph (1) and inserting ''2013'',

(2) by striking ''2011'' each place it appears in paragraphs (2), (3), (4), (6), (7) and (9) and inserting ''2014'', and

(3) by striking ''2012'' in paragraph (11)(B) and inserting ''2014''.

(b) TECHNICAL AMENDMENT.—Paragraph (5) of section 45(d) is amended by striking ''and before'' and all that follows and inserting '' and before October 3, 2008.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to property placed in service after the date of the enactment of this Act.

(2) TECHNICAL AMENDMENT.—The amendment made by subsection (b) shall take effect as if included in section 102 of the Energy Improvement and Extension Act of 2008.

SEC. 1102. ELECTION OF INVESTMENT CREDIT IN LIEU OF PRODUCTION CREDIT.

(a) IN GENERAL.—Subsection (a) of section 48 is amended by adding at the end the following new paragraph:

''(5) ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—

''(A) IN GENERAL.—In the case of any qualified investment credit facility—

''(i) such facility shall be treated as energy property for purposes of this section, and

''(ii) the energy percentage with respect to such property shall be 30 percent.

''(B) DENIAL OF PRODUCTION CREDIT.—No credit shall be allowed under section 45 for any taxable year with respect to any qualified investment credit facility.

''(C) QUALIFIED INVESTMENT CREDIT FACILITY.—For purposes of this paragraph, the term 'qualified investment credit facility' means any of the following facilities if no credit has been allowed under section 45 with respect to such facility and the taxpayer makes an irrevocable election to have this paragraph apply to such facility:

''(i) WIND FACILITIES.—Any facility described in paragraph (1) of section 45(d) if such facility is placed in service in 2009, 2010, 2011, or 2012.

''(ii) OTHER FACILITIES.—Any facility described in paragraph (2), (3), (4), (6), (7), (9), or (11) of section 45(d) if such facility is placed in service in 2009, 2010, 2011, 2012, or 2013.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2008.

SEC. 1103. REPEAL OF CERTAIN LIMITATIONS ON CREDIT FOR RENEWABLE ENERGY PROPERTY.

(a) REPEAL OF LIMITATION ON CREDIT FOR QUALIFIED SMALL WIND ENERGY PROPERTY.—Paragraph (4) of section 48(c) is amended by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C).

(b) REPEAL OF LIMITATION ON PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—

(1) IN GENERAL.—Section 48(a)(4) is amended by adding at the end the following new subparagraph:

''(D) TERMINATION.—This paragraph shall not apply to periods after December 31, 2008, under rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 25C(e)(1) is amended by striking ''(8), and (9)'' and inserting ''and (8)''.

(B) Section 25D(e) is amended by striking paragraph (9).

(C) Section 48A(b)(2) is amended by inserting ''(without regard to subparagraph (D) thereof)'' after ''section 48(a)(4)''.

(D) Section 48B(b)(2) is amended by inserting ''(without regard to subparagraph (D) thereof)'' after ''section 48(a)(4)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this

section shall apply to periods after December 31, 2008, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (b)(2) shall apply to taxable years beginning after December 31, 2008.

PART II—INCREASED ALLOCATIONS OF NEW CLEAN RENEWABLE ENERGY BONDS AND QUALIFIED ENERGY CONSERVATION BONDS

SEC. 1111. INCREASED LIMITATION ON ISSUANCE OF NEW CLEAN RENEWABLE ENERGY BONDS.

Subsection (c) of section 54C is amended by adding at the end the following new paragraph:

''(4) ADDITIONAL LIMITATION.—The national new clean renewable energy bond limitation shall be increased by $1,600,000,000. Such increase shall be allocated by the Secretary consistent with the rules of paragraphs (2) and (3).''.

SEC. 1112. INCREASED LIMITATION ON ISSUANCE OF QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Section 54D(d) is amended by striking ''800,000,000'' and inserting ''$3,200,000,000''.

(b) CLARIFICATION WITH RESPECT TO GREEN COMMUNITY PROGRAMS.—Clause (ii) of section 54D(f)(1)(A) is amended by inserting ''(including the use of loans, grants, or other repayment mechanisms to implement such programs)'' after ''green community programs''.

PART III—ENERGY CONSERVATION INCENTIVES

SEC. 1121. EXTENSION AND MODIFICATION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C is amended by striking subsections (a) and (b) and inserting the following new subsections:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the sum of—

''(1) the amount paid or incurred by the taxpayer during such taxable year for qualified energy efficiency improvements, and

''(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.

''(b) LIMITATION.—The aggregate amount of the credits allowed under this section for taxable years beginning in 2009 and 2010 with respect to any taxpayer shall not exceed $1,500.''.

(b) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

''(B) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2009.''.

(2) CENTRAL AIR CONDITIONERS.—Subparagraph (C) of section 25C(d)(3) is amended by striking ''2006'' and inserting ''2009''.

(3) WATER HEATERS.—Subparagraph (D) of section 25C(d)(3) is amended to read as follows:

''(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.82 or a thermal efficiency of at least 90 percent.''.

(4) WOOD STOVES.—Subparagraph (E) of section 25C(d)(3) is amended by inserting '', as measured using a lower heating value'' after ''75 percent''.

(c) MODIFICATIONS OF STANDARDS FOR OIL FURNACES AND HOT WATER BOILERS.—

(1) IN GENERAL.—Paragraph (4) of section 25C(d) is amended to read as follows:

''(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

''(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

''(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.''.

(2) CONFORMING AMENDMENT.—Clause (ii) of section 25C(d)(2)(A) is amended to read as follows:

''(ii) any qualified natural gas furnace, qualified propane furnace, qualified oil furnace, qualified natural gas hot water boiler, qualified propane hot water boiler, or qualified oil hot water boiler, or''.

(d) MODIFICATIONS OF STANDARDS FOR QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Subsection (c) of section 25C is amended by adding at the end the following new paragraph:

''(4) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Such term shall not include any component described in subparagraph (B) or (C) of paragraph (2) unless such component is equal to or below a U factor of 0.30 and SHGC of 0.30.''.

(2) ADDITIONAL QUALIFICATION FOR INSULATION.—Subparagraph (A) of section 25C(c)(2) is amended by inserting ''and meets the prescriptive criteria for such material or system established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009'' after ''such dwelling unit''.

(e) EXTENSION.—Section 25C(g)(2) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) EFFICIENCY STANDARDS.—The amendments made by paragraphs (1), (2), and (3) of subsection (b) and subsections (c) and (d) shall apply to property placed in service after December 31, 2009.

SEC. 1122. MODIFICATION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) REMOVAL OF CREDIT LIMITATION FOR PROPERTY PLACED IN SERVICE.—

(1) IN GENERAL.—Paragraph (1) of section 25D(b) is amended to read as follows:

''(1) MAXIMUM CREDIT FOR FUEL CELLS.—In the case of any qualified fuel cell property expenditure, the credit allowed under subsection (a) (determined without regard to subsection (c)) for any taxable year shall not exceed $500 with respect to each half kilowatt of capacity of the qualified fuel cell property (as defined in section 48(c)(1)) to which such expenditure relates.''.

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 25D(e) is amended—

(A) by striking all that precedes subparagraph (B) and inserting the following:

''(4) FUEL CELL EXPENDITURE LIMITATIONS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit with respect to which qualified fuel cell property expenditures are made and which is jointly occupied and used during any calendar year as a residence by two or more individuals the following rules shall apply:

''(A) MAXIMUM EXPENDITURES FOR FUEL CELLS.—The maximum amount of such expenditures which may be taken into account under subsection (a) by all such individuals with respect to such dwelling unit during such calendar year shall be $1,667 in the case of each half kilowatt of capacity of qualified fuel cell property (as defined in section 48(c)(1)) with respect to which such expenditures relate.'', and

(B) by striking subparagraph (C).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1123. TEMPORARY INCREASE IN CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) IN GENERAL.—Section 30C(e) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR PROPERTY PLACED IN SERVICE DURING 2009 AND 2010.—In the case of property placed in service in taxable years beginning after December 31, 2008, and before January 1, 2011—

''(A) in the case of any such property which does not relate to hydrogen—

''(i) subsection (a) shall be applied by substituting '50 percent' for '30 percent',

''(ii) subsection (b)(1) shall be applied by substituting '$50,000' for '$30,000', and

''(iii) subsection (b)(2) shall be applied by substituting '$2,000' for '$1,000', and

''(B) in the case of any such property which relates to hydrogen, subsection (b)(1) shall be applied by substituting '$200,000' for '$30,000'.''.

(b) ENSURING CONSUMER ACCESSIBILITY TO ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY IN THE CASE OF ELECTRICITY.—Section 179(d)(3) is amended by striking subparagraph (B) and inserting the following:

''(B) for the recharging of motor vehicles propelled by electricity, but only if—

''(i) the property complies with the Society of Automotive Engineers' connection standards,

''(ii) the property provides for non-restrictive access for charging and for payment interoperability with other systems, and

''(iii) the property—

''(I) is located on property owned by the taxpayer, or

''(II) is located on property owned by another person, is placed in service with the permission of such other person, and is fully maintained by the taxpayer.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1124. RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS.

(a) TEMPORARY 5-YEAR RECOVERY PERIOD.—

(1) IN GENERAL.—Subparagraph (B) of section 168(e)(3) is amended by striking ''and'' at the end of clause (vi), by striking the period at the end of clause (vii) and inserting '', and'', and by adding at the end the following new clause:

''(viii) any qualified smart electric meter which is placed in service before January 1, 2011.''.

(2) CONFORMING AMENDMENT.—Clause (iii) of section 168(e)(3)(D) is amended by inserting ''which is placed in service after December 31, 2010'' after ''electric meter''.

(b) TECHNICAL AMENDMENTS.—Paragraphs (18)(A)(ii) and (19)(A)(ii) of section 168(i) are each amended by striking ''16 years'' and inserting ''10 years''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(2) TECHNICAL AMENDMENT.—The amendments made by subsection (b) shall take effect as if included in section 306 of the Energy Improvement and Extension Act of 2008.

PART IV—ENERGY RESEARCH INCENTIVES

SEC. 1131. INCREASED RESEARCH CREDIT FOR ENERGY RESEARCH.

(a) IN GENERAL.—Section 41 is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) ENERGY RESEARCH CREDIT.—In the case of any taxable year beginning in 2009 or 2010—

''(1) IN GENERAL.—The credit determined under subsection (a)(1) shall be increased by 20 percent of the qualified energy research expenses for the taxable year.

''(2) QUALIFIED ENERGY RESEARCH EXPENSES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified energy research expenses' means so much of the taxpayer's qualified research expenses as are related to the fields of fuel cells and battery technology, renewable energy and renewable fuels, energy conservation technology, efficient transmission and distribution of electricity, and carbon capture and sequestration.

''(B) COORDINATION WITH QUALIFYING ADVANCED ENERGY PROJECT CREDIT.—Such term shall not include expenditures taken into account in determining the amount of the credit under section 48 or 48C.

''(3) COORDINATION WITH OTHER RESEARCH CREDITS.—

''(A) IN GENERAL.—The amount of qualified energy research expenses taken into account under subsection (a)(1)(A) shall not exceed the base amount.

''(B) ALTERNATIVE SIMPLIFIED CREDIT.—For purposes of subsection (c)(5), the amount of qualified energy research expenses taken into account for the taxable year for which the credit is being determined shall not exceed—

''(i) in the case of subsection (c)(5)(A), 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined, and

''(ii) in the case of subsection (c)(5)(B)(ii), zero.

''(C) BASIC RESEARCH AND ENERGY RESEARCH CONSORTIUM PAYMENTS.—Any amount taken into account under paragraph (1) shall not be taken into account under paragraph (2) or (3) of subsection (a).''.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 41(i)(1)(B), as redesignated by subsection (a), is amended by inserting ''(in the case of the increase in the credit determined under subsection (h), December 31, 2010)'' after ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

PART V—MODIFICATION OF CREDIT FOR CARBON DIOXIDE SEQUESTRATION

SEC. 1141. APPLICATION OF MONITORING REQUIREMENTS TO CARBON DIOXIDE USED AS A TERTIARY INJECTANT.

(a) IN GENERAL.—Section 45Q(a)(2) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) disposed of by the taxpayer in secure geological storage.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 45Q(d)(2) is amended—

(A) by striking ''subsection (a)(1)(B)'' and inserting ''paragraph (1)(B) or (2)(C) of subsection (a)'',

(B) by striking ''and unminable coal seems'' and inserting '', oil and gas reservoirs, and unminable coal seams'', and

(C) by inserting ''the Secretary of Energy, and the Secretary of the Interior,'' after ''Environmental Protection Agency''.

(2) Section 45Q(e) is amended by striking ''captured and disposed of or used as a tertiary injectant'' and inserting ''taken into account in accordance with subsection (a)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act.

PART VI—PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES

SEC. 1151. MODIFICATION OF CREDIT FOR QUALIFIED PLUG-IN ELECTRIC MOTOR VEHICLES.

(a) INCREASE IN VEHICLES ELIGIBLE FOR CREDIT.—Section 30D(b)(2)(B) is amended by striking ''250,000'' and inserting ''500,000''.

(b) EXCLUSION OF NEIGHBORHOOD ELECTRIC VEHICLES FROM EXISTING CREDIT.—Section 30D(e)(1) is amended to read as follows:

''(1) MOTOR VEHICLE.—The term 'motor vehicle' means a motor vehicle (as defined in section 30(c)(2)), which is treated as a motor vehicle for purposes of title II of the Clean Air Act.''.

(c) CREDIT FOR CERTAIN OTHER VEHICLES.—Section 30D is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and

(2) by inserting after subsection (e) the following new subsection:

''(f) CREDIT FOR CERTAIN OTHER VEHICLES.—For purposes of this section—

''(1) IN GENERAL.—In the case of a specified vehicle, this section shall be applied with the following modifications:

''(A) For purposes of subsection (a)(1), in lieu of the applicable amount determined under subsection (a)(2), the applicable amount shall be 10 percent of so much of the cost of the specified vehicle as does not exceed $40,000.

''(B) Subsection (b) shall not apply and no specified vehicle shall be taken into account under subsection (b)(2).

''(C) In the case of a specified vehicle which is a 2-or 3-wheeled motor vehicle, subsection (c)(1) shall be applied by substituting '2.5 kilowatt hours' for '4 kilowatt hours'.

''(D) In the case of a specified vehicle which is a low-speed motor vehicle, subsection (c)(3) shall not apply.

''(2) SPECIFIED VEHICLE.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'specified vehicle' means—

''(i) any 2- or 3-wheeled motor vehicle, or

''(ii) any low-speed motor vehicle,

which is placed in service after December 31, 2009, and before January 1, 2012.

''(B) 2- OR 3-WHEELED MOTOR VEHICLE.—The term '2- or 3-wheeled motor vehicle' means any vehicle—

''(i) which would be described in section 30(c)(2) except that it has 2 or 3 wheels,

''(ii) with motive power having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground,

''(iii) which has an electric motor that produces in excess of 5-brake horsepower,

''(iv) which draws propulsion from 1 or more traction batteries, and

''(v) which has been certified to the Department of Transportation pursuant to section 567 of title 49, Code of Federal Regulations, as conforming to all applicable Federal motor vehicle safety standards in effect on the date of the manufacture of the vehicle.

''(C) LOW-SPEED MOTOR VEHICLE.—The term 'low-speed motor vehicle' means a motor vehicle (as defined in section 30(c)(2)) which—

''(i) is placed in service after December 31, 2009, and

''(ii) meets the requirements of section 571.500 of title 49, Code of Federal Regulations.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsections (a) and (c) shall take effect on the date of the enactment of this Act.

(2) OTHER MODIFICATIONS.—The amendments made by subsection (b) shall apply to property placed in service after December 31, 2009, in taxable years beginning after such date.

SEC. 1152. CONVERSION KITS.

(a) IN GENERAL.—Section 30B (relating to alternative motor vehicle credit) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

''(i) PLUG-IN CONVERSION CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is 10 percent of so much of the cost of the converting such vehicle as does not exceed $40,000.

''(2) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—The term 'qualified plug-in electric drive motor vehicle' means any new qualified plug-in electric drive motor vehicle (as defined in section 30D(c), determined without regard to paragraphs (4) and (6) thereof).

''(B) PLUG-IN TRACTION BATTERY MODULE.—The term 'plug-in traction battery module' means an electro-chemical energy storage device which—

''(i) which has a traction battery capacity of not less than 2.5 kilowatt hours,

''(ii) which is equipped with an electrical plug by means of which it can be energized and recharged when plugged into an external source of electric power,

''(iii) which consists of a standardized configuration and is mass produced,

''(iv) which has been tested and approved by the National Highway Transportation

Safety Administration as compliant with applicable motor vehicle and motor vehicle equipment safety standards when installed by a mechanic with standardized training in protocols established by the battery manufacturer as part of a nationwide distribution program,

''(v) which complies with the requirements of section 32918 of title 49, United States Code, and

''(vi) which is certified by a battery manufacturer as meeting the requirements of clauses (i) through (v).

''(C) CREDIT ALLOWED TO LESSOR OF BATTERY MODULE.—In the case of a plug-in traction battery module which is leased to the taxpayer, the credit allowed under this subsection shall be allowed to the lessor of the plug-in traction battery module.

''(D) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection) in any preceding taxable year.

''(3) TERMINATION.—This subsection shall not apply to conversions made after December 31, 2012.''.

(b) CREDIT TREATED AS PART OF ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(a) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) the plug-in conversion credit determined under subsection (i).''.

(c) NO RECAPTURE FOR VEHICLES CONVERTED TO QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.—Paragraph (8) of section 30B(h) is amended by adding at the end the following: '', except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2008, in taxable years beginning after such date.

Subtitle C—Tax Incentives for Business

PART I—TEMPORARY INVESTMENT INCENTIVES

SEC. 1201. SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED DURING 2009.

(a) EXTENSION OF SPECIAL ALLOWANCE.—

(1) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(A) by striking ''January 1, 2010'' and inserting ''January 1, 2011'', and

(B) by striking ''January 1, 2009'' each place it appears and inserting ''January 1, 2010''.

(2) CONFORMING AMENDMENTS.—

(A) The heading for subsection (k) of section 168 is amended by striking ''JANUARY 1, 2009'' and inserting ''JANUARY 1, 2010''.

(B) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking ''PRE-JANUARY 1, 2009'' and inserting ''PRE-JANUARY 1, 2010''.

(C) Subparagraph (B) of section 168(l)(5) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(D) Subparagraph (C) of section 168(n)(2) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(E) Subparagraph (B) of section 1400N(d)(3) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(3) TECHNICAL AMENDMENT.—Subparagraph (D) of section 168(k)(4) is amended—

(A) by striking ''and'' at the end of clause (i),

(B) by redesignating clause (ii) as clause (iii), and

(C) by inserting after clause (i) the following new clause:

''(ii) 'April 1, 2008' shall be substituted for 'January 1, 2008' in subparagraph (A)(iii)(I) thereof, and''.

(b) EXTENSION OF ELECTION TO ACCELERATE THE AMT AND RESEARCH CREDITS IN LIEU OF BONUS DEPRECIATION.—Section 168(k)(4) (relating to election to accelerate the AMT and research credits in lieu of bonus depreciation) is amended—

(1) by striking ''2009'' and inserting ''2010''in subparagraph (D)(iii) (as redesignated by subsection (a)(3)), and

(2) by adding at the end the following new subparagraph:

''(H) SPECIAL RULES FOR EXTENSION PROPERTY.—

''(i) TAXPAYERS PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who made the election under subparagraph (A) for its first taxable year ending after March 31, 2008—

''(I) the taxpayer may elect not to have this paragraph apply to extension property, but

''(II) if the taxpayer does not make the election under subclause (I), in applying this paragraph to the taxpayer a separate bonus depreciation amount, maximum amount, and maximum increase amount shall be computed and applied to eligible qualified property which is extension property and to eligible qualified property which is not extension property.

''(ii) TAXPAYERS NOT PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who did not make the election under subparagraph (A) for its first taxable year ending after March 31, 2008—

''(I) the taxpayer may elect to have this paragraph apply to its first taxable year ending after December 31, 2008, and each subsequent taxable year, and

''(II) if the taxpayer makes the election under subclause (I), this paragraph shall only apply to eligible qualified property which is extension property.

''(iii) EXTENSION PROPERTY.—For purposes of this subparagraph, the term 'extension property' means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 1201(a) of the American Recovery and Reinvestment Tax Act of 2009 (and the application of such extension to this paragraph pursuant to the amendment made by section 1201(b)(1) of such Act).''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2008, in taxable years ending after such date.

(2) TECHNICAL AMENDMENT.—The amendments made by subsection (a)(3) shall apply to taxable years ending after March 31, 2008.

SEC. 1202. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (7) of section 179(b) is amended—

(1) by striking ''2008'' and inserting ''2008, or 2009'', and

(2) by striking ''2008'' in the heading thereof and inserting ''2008, AND 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

PART II—5-YEAR CARRYBACK OF OPERATING LOSSES

SEC. 1211. 5-YEAR CARRYBACK OF OPERATING LOSSES.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) is amended to read as follows:

''(H) CARRYBACK FOR 2008 AND 2009 NET OPERATING LOSSES.—

''(i) IN GENERAL.—In the case of an applicable 2008 or 2009 net operating loss with respect to which the taxpayer has elected the application of this subparagraph—

''(I) subparagraph (A)(i) shall be applied by substituting any whole number elected by the taxpayer which is more than 2 and less than 6 for '2',

''(II) subparagraph (E)(ii) shall be applied by substituting the whole number which is one less than the whole number substituted under subclause (II) for '2', and

''(III) subparagraph (F) shall not apply.

''(ii) APPLICABLE 2008 OR 2009 NET OPERATING LOSS.—For purposes of this subparagraph, the term 'applicable 2008 or 2009 net operating loss' means—

''(I) the taxpayer's net operating loss for any taxable year ending in 2008 or 2009, or

''(II) if the taxpayer elects to have this subclause apply in lieu of subclause (I), the taxpayer's net operating loss for any taxable year beginning in 2008 or 2009.

''(iii) ELECTION.—Any election under this subparagraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the taxpayer's return for the taxable year of the net operating loss. Any such election, once made, shall be irrevocable.

''(iv) COORDINATION WITH ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—In the case of a taxpayer who elects to have clause (ii)(II) apply, section 56(d)(1)(A)(ii) shall be applied by substituting 'ending during 2001 or 2002 or beginning during 2008 or 2009' for 'ending during 2001, 2002, 2008, or 2009'.''.

(b) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—Subclause (I) of section 56(d)(1)(A)(ii) is amended to read as follows:

''(I) the amount of such deduction attributable to the sum of carrybacks of net operating losses from taxable years ending during 2001, 2002, 2008, or 2009 and carryovers of net operating losses to such taxable years, or''.

(c) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—Subsection (b) of section 810 is amended by adding at the end the following new paragraph:

''(4) CARRYBACK FOR 2008 AND 2009 LOSSES.—

''(A) IN GENERAL.—In the case of an applicable 2008 or 2009 loss from operations with respect to which the taxpayer has elected the application of this paragraph, paragraph (1)(A) shall be applied, at the election of the taxpayer, by substituting '5' or '4' for '3'.

''(B) APPLICABLE 2008 OR 2009 LOSS FROM OPERATIONS.—For purposes of this paragraph, the term 'applicable 2008 or 2009 loss from operations' means—

''(i) the taxpayer's loss from operations for any taxable year ending in 2008 or 2009, or

''(ii) if the taxpayer elects to have this clause apply in lieu of clause (i), the taxpayer's loss from operations for any taxable year beginning in 2008 or 2009.

''(C) ELECTION.—Any election under this paragraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the taxpayer's return for the taxable year of the loss from operations. Any such election, once made, shall be irrevocable.

''(D) COORDINATION WITH ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—In the case of a taxpayer who elects to have subparagraph (B)(ii) apply, section 56(d)(1)(A)(ii) shall be applied by substituting 'ending during 2001 or 2002 or beginning during 2008 or 2009' for 'ending during 2001, 2002, 2008, or 2009'.''.

(d) CONFORMING AMENDMENT.—Section 172 is amended by striking subsection (k) and by redesignating subsection (l) as subsection (k).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to net operating losses arising in taxable years ending after December 31, 2007.

(2) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—The amendment made by subsection (b) shall apply to taxable years ending after 1997.

(3) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—The amendment made by subsection (d) shall apply to losses from operations arising in taxable years ending after December 31, 2007.

(4) TRANSITIONAL RULE.—In the case of a net operating loss (or, in the case of a life insurance company, a loss from operations) for a taxable year ending before the date of the enactment of this Act—

(A) any election made under section 172(b)(3) or 810(b)(3) of the Internal Revenue Code of 1986 with respect to such loss may (notwithstanding such section) be revoked before the applicable date,

(B) any election made under section 172(k) or 810(b)(4) of such Code with respect to such loss shall (notwithstanding such section) be treated as timely made if made before the applicable date, and

(C) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before the applicable date.

For purposes of this paragraph, the term ''applicable date'' means the date which is 60 days after the date of the enactment of this Act.

SEC. 1212. EXCEPTION FOR TARP RECIPIENTS.

The amendments made by this part shall not apply to—

(1) any taxpayer if—

(A) the Federal Government acquires, at any time, an equity interest in the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008, or

(B) the Federal Government acquires, at any time, any warrant (or other right) to acquire any equity interest with respect to the taxpayer pursuant to such Act,

(2) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and

(3) any taxpayer which at any time in 2008 or 2009 is a member of the same affiliated group (as defined in section 1504 of the Internal Revenue Code of 1986, determined without regard to subsection (b) thereof) as a taxpayer described in paragraph (1) or (2).

PART III—INCENTIVES FOR NEW JOBS

SEC. 1221. INCENTIVES TO HIRE UNEMPLOYED VETERANS AND DISCONNECTED YOUTH.

(a) IN GENERAL.—Subsection (d) of section 51 is amended by adding at the end the following new paragraph:

''(14) CREDIT ALLOWED FOR UNEMPLOYED VETERANS AND DISCONNECTED YOUTH HIRED IN 2009 OR 2010.—

''(A) IN GENERAL.—Any unemployed veteran or disconnected youth who begins work for the employer during 2009 or 2010 shall be treated as a member of a targeted group for purposes of this subpart.

''(B) DEFINITIONS.—For purposes of this paragraph—

''(i) UNEMPLOYED VETERAN.—The term 'unemployed veteran' means any veteran (as defined in paragraph (3)(B), determined without regard to clause (ii) thereof) who is certified by the designated local agency as—

(I) having been discharged or released from active duty in the Armed Forces during the period beginning on September 1, 2001, and ending on December 31, 2010, and

''(II) being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks during the 1-year period ending on the hiring date.

''(ii) DISCONNECTED YOUTH.—The term 'disconnected youth' means any individual who is certified by the designated local agency—

''(I) as having attained age 16 but not age 25 on the hiring date,

''(II) as not regularly attending any secondary, technical, or post-secondary school during the 6-month period preceding the hiring date,

''(III) as not regularly employed during such 6-month period, and

''(IV) as not readily employable by reason of lacking a sufficient number of basic skills.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2008.

PART IV—CANCELLATION OF INDEBTEDNESS

SEC. 1231. DEFERRAL AND RATABLE INCLUSION OF INCOME ARISING FROM INDEBTEDNESS DISCHARGED BY THE REPURCHASE OF A DEBT INSTRUMENT.

(a) IN GENERAL.—Section 108 (relating to income from discharge of indebtedness) is amended by adding at the end the following new subsection:

''(i) DEFERRAL AND RATABLE INCLUSION OF INCOME ARISING FROM INDEBTEDNESS DISCHARGED BY THE REPURCHASE OF A DEBT INSTRUMENT.—

''(1) IN GENERAL.—Notwithstanding section 61, income from the discharge of indebtedness in connection with the repurchase of a debt instrument after December 31, 2008, and before January 1, 2011, shall be includible in gross income ratably over the 8-taxable-year period beginning with—

''(A) in the case of a repurchase occurring in 2009, the second taxable year following the taxable year in which the repurchase occurs, and

''(B) in the case of a repurchase occurring in 2010, the taxable year following the taxable year in which the repurchase occurs.

''(2) DEBT INSTRUMENT.—For purposes of this subsection, the term 'debt instrument' means a bond, debenture, note, certificate, or any other instrument or contractual arrangement constituting indebtedness (within the meaning of section 1275(a)(1)).

''(3) REPURCHASE.—For purposes of this subsection, the term 'repurchase' means, with respect to any debt instrument, a cash purchase of the debt instrument by—

''(A) the debtor which issued the debt instrument, or

''(B) any person related to such debtor.

For purposes of subparagraph (B), the determination of whether a person is related to another person shall be made in the same manner as under subsection (e)(4).

''(4) AUTHORITY TO PRESCRIBE REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate for purposes of applying this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges in taxable years ending after December 31, 2008.

PART V—QUALIFIED SMALL BUSINESS STOCK

SEC. 1241. SPECIAL RULES APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK FOR 2009 AND 2010.

(a) IN GENERAL.—Section 1202(a) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR 2009 AND 2010.—In the case of qualified small business stock acquired after the date of the enactment of this paragraph and before January 1, 2011—

''(A) paragraph (1) shall be applied by substituting '75 percent' for '50 percent', and

''(B) paragraph (2) shall not apply.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to stock acquired after the date of the enactment of this Act.

PART VI—PARITY FOR TRANSPORTATION FRINGE BENEFITS

SEC. 1251. INCREASED EXCLUSION AMOUNT FOR COMMUTER TRANSIT BENEFITS AND TRANSIT PASSES.

(a) IN GENERAL.—Paragraph (2) of section 132(f) is amended by adding at the end the following flush sentence:

''In the case of any month beginning on or after the date of the enactment of this sentence and before January 1, 2011, subparagraph (A) shall be applied as if the dollar amount therein were the same as the dollar amount under subparagraph (B) (as in effect for such month).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months beginning on or after the date of the enactment of this section.

PART VII—S CORPORATIONS

SEC. 1261. TEMPORARY REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Paragraph (7) of section 1374(d) (relating to definitions and special rules) is amended to read as follows:

''(7) RECOGNITION PERIOD.—

''(A) IN GENERAL.—The term 'recognition period' means the 10-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation.

''(B) SPECIAL RULE FOR 2009 AND 2010.—In the case of any taxable year beginning in 2009 or 2010, no tax shall be imposed on the net unrecognized built-in gain of an S corporation if the 7th taxable year in the recognition period preceded such taxable year. The preceding sentence shall be applied separately with respect to any asset to which paragraph (8) applies.

''(C) SPECIAL RULE FOR DISTRIBUTIONS TO SHAREHOLDERS.—For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e)—

''(i) subparagraph (A) shall be applied without regard to the phrase '10-year', and

''(ii) subparagraph (B) shall not apply.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

PART VIII—BROADBAND INCENTIVES

SEC. 1271. BROADBAND INTERNET ACCESS TAX CREDIT.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 of the Internal Revenue Code of 1986 (relating to rules for computing investment credit), as amended by this Act, is amended by inserting after section 48C the following new section:

"SEC. 48D. BROADBAND INTERNET ACCESS CREDIT.

''(a) GENERAL RULE.—For purposes of section 46, the broadband credit for any taxable year is the sum of—

''(1) the current generation broadband credit, plus

''(2) the next generation broadband credit.

''(b) CURRENT GENERATION BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.—For purposes of this section—

''(1) CURRENT GENERATION BROADBAND CREDIT.—The current generation broadband credit for any taxable year is equal to 10 percent (20 percent in the case of qualified subscribers which are unserved subscribers) of the qualified broadband expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(2) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any taxable year is equal to 20 percent of the qualified broadband expenditures incurred with respect to qualified equipment providing next generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

''(1) IN GENERAL.—Qualified broadband expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

''(A) current generation broadband services are provided through such equipment to qualified subscribers, or

''(B) next generation broadband services are provided through such equipment to qualified subscribers.

''(2) LIMITATION.—

''(A) IN GENERAL.—Qualified broadband expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

''(i) the original use of which commences with the taxpayer, and

''(ii) which is placed in service, after December 31, 2008, and before January 1, 2011.

''(B) SALE-LEASEBACKS.—For purposes of subparagraph (A), if property—

''(i) is originally placed in service after December 31, 2008, by any person, and

''(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

''(d) SPECIAL ALLOCATION RULES FOR CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the current generation broadband credit under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified broadband expenditures shall be multiplied by a fraction—

''(1) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas and the unserved areas which the equipment is capable of serving with current generation broadband services, and

''(2) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

''(e) DEFINITIONS.—For purposes of this section—

''(1) ANTENNA.—The term 'antenna' means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

''(2) CABLE OPERATOR.—The term 'cable operator' has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

''(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term 'commercial mobile service carrier' means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

''(4) CURRENT GENERATION BROADBAND SERVICE.—The term 'current generation broadband service' means the transmission of signals at a rate of at least 5,000,000 bits per second to the subscriber and at least 1,000,000 bits per second from the subscriber (at least 3,000,000 bits per second to the subscriber and at least 768,000 bits per second from the subscriber in the case of service through radio transmission of energy).

''(5) MULTIPLEXING OR DEMULTIPLEXING.—The term 'multiplexing' means the transmission of 2 or more signals over a single channel, and the term 'demultiplexing' means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

''(6) NEXT GENERATION BROADBAND SERVICE.—The term 'next generation broadband service' means the transmission of signals at a rate of at least 100,000,000 bits per second to the subscriber (or its equivalent when the data rate is measured before being compressed for transmission) and at least 20,000,000 bits per second from the subscriber (or its equivalent as so measured).

''(7) NONRESIDENTIAL SUBSCRIBER.—The term 'nonresidential subscriber' means any person who purchases broadband services which are delivered to the permanent place of business of such person.

''(8) OPEN VIDEO SYSTEM OPERATOR.—The term 'open video system operator' means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

''(9) OTHER WIRELESS CARRIER.—The term 'other wireless carrier' means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the radio transmission of energy.

''(10) PACKET SWITCHING.—The term 'packet switching' means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

''(11) PROVIDER.—The term 'provider' means, with respect to any qualified equipment any—

''(A) cable operator,

''(B) commercial mobile service carrier,

''(C) open video system operator,

''(D) satellite carrier,

''(E) telecommunications carrier, or

''(F) other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

''(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to 1 or more subscribers if—

''(A) such a subscriber has been passed by the provider's equipment and can be connected to such equipment for a standard connection fee,

''(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such a subscriber without making more than an insignificant investment with respect to such subscriber,

''(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

''(D) such services have been purchased by 1 or more such subscribers, and

''(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

''(13) QUALIFIED EQUIPMENT.—

''(A) IN GENERAL.—The term 'qualified equipment' means property with respect to which depreciation (or amortization in lieu of depreciation) is allowable and which provides current generation broadband services or next generation broadband services—

''(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

''(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

''(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

''(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier or broadband-over-powerline operator,

''(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

''(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

''(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

''(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

''(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets

or cells of data and making associated application adaptions, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

''(14) QUALIFIED BROADBAND EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified broadband expenditure' means any amount—

''(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

''(ii) incurred after December 31, 2008, and before January 1, 2011.

''(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

''(C) LEASED EQUIPMENT.—Such term shall include so much of the purchase price paid by the lessor of equipment subject to a lease described in subsection (c)(2)(B) as is attributable to expenditures incurred by the lessee which would otherwise be described in subparagraph (A).

''(15) QUALIFIED SUBSCRIBER.—The term 'qualified subscriber' means—

''(A) with respect to the provision of current generation broadband services—

''(i) any nonresidential subscriber maintaining a permanent place of business in a rural area, an underserved area, or an unserved area, or

''(ii) any residential subscriber residing in a dwelling located in a rural area, an underserved area, or an unserved area which is not a saturated market, and

''(B) with respect to the provision of next generation broadband services—

''(i) any nonresidential subscriber maintaining a permanent place of business in a rural area, an underserved area, or an unserved area , or

''(ii) any residential subscriber.

''(16) RESIDENTIAL SUBSCRIBER.—The term 'residential subscriber' means any individual who purchases broadband services which are delivered to such individual's dwelling.

''(17) RURAL AREA.—The term 'rural area' means any census tract which—

''(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

''(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

''(18) RURAL SUBSCRIBER.—The term 'rural subscriber' means any residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

''(19) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such point-to-multipoint distribution.

''(20) SATURATED MARKET.—The term 'saturated market' means any census tract in which, as of the date of the enactment of this section—

''(A) current generation broadband services have been provided by a single provider to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

''(B) such services can be utilized—

''(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

''(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

''(21) SUBSCRIBER.—The term 'subscriber' means any person who purchases current generation broadband services or next generation broadband services.

''(22) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

''(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

''(B) does not include any commercial mobile service carrier.

''(23) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

''(24) UNDERSERVED AREA.—The term 'underserved area' means any census tract which is located in—

''(A) an empowerment zone or enterprise community designated under section 1391,

''(B) the District of Columbia Enterprise Zone established under section 1400,

''(C) a renewal community designated under section 1400E, or

''(D) a low-income community designated under section 45D.

''(25) UNDERSERVED SUBSCRIBER.—The term 'underserved subscriber' means any residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

''(26) UNSERVED AREA.—The term 'unserved area' means any census tract in which no current generation broadband services are provided, as certified by the State in which such tract is located not later than September 30, 2009.

''(27) UNSERVED SUBSCRIBER.—The term 'unserved subscriber' means any residential subscriber residing in a dwelling located in an unserved area or nonresidential subscriber maintaining a permanent place of business located in an unserved area.''.

(b) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 (relating to the amount of investment credit), as amended by this Act, is amended by striking ''and'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', and'', and by adding at the end the following:

''(6) the broadband Internet access credit.''

(c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 501(c)(12)(B) (relating to list of exempt organizations) is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'', and by adding at the end the following new clause:

''(v) from the sale of property subject to a lease described in section 48D(c)(2)(B), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified broadband expenditures which would be determined under section 48D for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C), as amended by this Act, is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by adding after clause (v) the following new clause:

''(vi) the portion of the basis of any qualified equipment attributable to qualified broadband expenditures under section 48D.''.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 48C the following:

''Sec. 48D. Broadband internet access credit''.

(e) DESIGNATION OF CENSUS TRACTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall, not later than 90 days after the date of the enactment of this Act, designate and publish those census tracts meeting the criteria described in paragraphs (17), (23), (24), and (26) of section 48D(e) of the Internal Revenue Code of 1986 (as added by this section). In making such designations, the Secretary of the Treasury shall consult with such other departments and agencies as the Secretary determines appropriate.

(2) SATURATED MARKET.—

(A) IN GENERAL.—For purposes of designating and publishing those census tracts meeting the criteria described in subsection (e)(20) of such section 48D—

(i) the Secretary of the Treasury shall prescribe not later than 30 days after the date of the enactment of this Act the form upon which any provider which takes the position that it meets such criteria with respect to any census tract shall submit a list of such census tracts (and any other information required by the Secretary) not later than 60 days after the date of the publication of such form, and

(ii) the Secretary of the Treasury shall publish an aggregate list of such census tracts submitted and the applicable providers not later than 30 days after the last date such submissions are allowed under clause (i).

(B) NO SUBSEQUENT LISTS REQUIRED.—The Secretary of the Treasury shall not be required to publish any list of census tracts meeting such criteria subsequent to the list described in subparagraph (A)(ii).

(C) AUTHORITY TO DISREGARD FALSE SUBMISSIONS.—In addition to imposing any other applicable penalties, the Secretary of the Treasury shall have the discretion to disregard any form described in subparagraph (A)(i) on which a provider knowingly submitted false information.

(f) OTHER REGULATORY MATTERS.—

(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of eliminating or reducing any credit or portion thereof allowed under section 48D of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the broadband Internet access credit under section 48D of the Internal Revenue Code of 1986

(as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48D of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified broadband expenditures satisfies the requirements of section 48D of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48D of such Code.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2008.

PART IX—CLARIFICATION OF REGULATIONS RELATED TO LIMITATIONS ON CERTAIN BUILT-IN LOSSES FOLLOWING AN OWNERSHIP CHANGE

SEC. 1281. CLARIFICATION OF REGULATIONS RELATED TO LIMITATIONS ON CERTAIN BUILT-IN LOSSES FOLLOWING AN OWNERSHIP CHANGE.

(a) FINDINGS.—Congress finds as follows:

(1) The delegation of authority to the Secretary of the Treasury under section 382(m) of the Internal Revenue Code of 1986 does not authorize the Secretary to provide exemptions or special rules that are restricted to particular industries or classes of taxpayers.

(2) Internal Revenue Service Notice 2008–83 is inconsistent with the congressional intent in enacting such section 382(m).

(3) The legal authority to prescribe Internal Revenue Service Notice 2008–83 is doubtful.

(4) However, as taxpayers should generally be able to rely on guidance issued by the Secretary of the Treasury legislation is necessary to clarify the force and effect of Internal Revenue Service Notice 2008–83 and restore the proper application under the Internal Revenue Code of 1986 of the limitation on built-in losses following an ownership change of a bank.

(b) DETERMINATION OF FORCE AND EFFECT OF INTERNAL REVENUE SERVICE NOTICE 2008–83 EXEMPTING BANKS FROM LIMITATION ON CERTAIN BUILT–IN LOSSES FOLLOWING OWNERSHIP CHANGE.—

(1) IN GENERAL.—Internal Revenue Service Notice 2008–83—

(A) shall be deemed to have the force and effect of law with respect to any ownership change (as defined in section 382(g) of the Internal Revenue Code of 1986) occurring on or before January 16, 2009, and

(B) shall have no force or effect with respect to any ownership change after such date.

(2) BINDING CONTRACTS.—Notwithstanding paragraph (1), Internal Revenue Service Notice 2008–83 shall have the force and effect of law with respect to any ownership change (as so defined) which occurs after January 16, 2009, if such change—

(A) is pursuant to a written binding contract entered into on or before such date, or

(B) is pursuant to a written agreement entered into on or before such date and such agreement was described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission required by reason of such ownership change.

Subtitle D—Manufacturing Recovery Provisions

SEC. 1301. TEMPORARY EXPANSION OF AVAILABILITY OF INDUSTRIAL DEVELOPMENT BONDS TO FACILITIES MANUFACTURING INTANGIBLE PROPERTY.

(a) IN GENERAL.—Subparagraph (C) of section 144(a)(12) is amended—

(1) by striking ''For purposes of this paragraph, the term'' and inserting ''For purposes of this paragraph—

''(i) IN GENERAL.—The term'', and

(2) by striking the last sentence and inserting the following new clauses:

''(ii) CERTAIN FACILITIES INCLUDED.—Such term includes facilities which are directly related and ancillary to a manufacturing facility (determined without regard to this clause) if—

''(I) such facilities are located on the same site as the manufacturing facility, and

''(II) not more than 25 percent of the net proceeds of the issue are used to provide such facilities.

''(iii) SPECIAL RULES FOR BONDS ISSUED IN 2009 AND 2010.—In the case of any issue made after the date of enactment of this clause and before January 1, 2011, clause (ii) shall not apply and the net proceeds from a bond shall be considered to be used to provide a manufacturing facility if such proceeds are used to provide—

''(I) a facility which is used in the creation or production of intangible property which is described in section 197(d)(1)(C)(iii), or

''(II) a facility which is functionally related and subordinate to a manufacturing facility (determined without regard to this subclause) if such facility is located on the same site as the manufacturing facility.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 1302. CREDIT FOR INVESTMENT IN ADVANCED ENERGY FACILITIES.

(a) IN GENERAL.—Section 46 (relating to amount of credit) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4), and by adding at the end the following new paragraph:

''(5) the qualifying advanced energy project credit.''.

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48B the following new section:

''SEC. 48C. QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the qualifying advanced energy project credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year with respect to any qualifying advanced energy project of the taxpayer.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying advanced energy project—

''(A)(i) the construction, reconstruction, or erection of which is completed by the taxpayer after October 31, 2008, or

''(ii) which is acquired by the taxpayer if the original use of such eligible property commences with the taxpayer after October 31, 2008, and

''(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

''(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(3) LIMITATION.—The amount which is treated for all taxable years with respect to any qualifying advanced energy project shall not exceed the amount designated by the Secretary as eligible for the credit under this section.

''(c) DEFINITIONS.—

''(1) QUALIFYING ADVANCED ENERGY PROJECT.—

''(A) IN GENERAL.—The term 'qualifying advanced energy project' means a project—

''(i) which re-equips, expands, or establishes a manufacturing facility for the production of property which is—

''(I) designed to be used to produce energy from the sun, wind, geothermal deposits (within the meaning of section 613(e)(2)), or other renewable resources,

''(II) designed to manufacture fuel cells, microturbines, or an energy storage system for use with electric or hybrid-electric motor vehicles,

''(III) designed to manufacture electric grids to support the transmission of intermittent sources of renewable energy, including storage of such energy,

''(IV) designed to capture and sequester carbon dioxide emissions,

''(V) designed to refine or blend renewable fuels or to produce energy conservation technologies (including energy-conserving lighting technologies and smart grid technologies), or

''(VI) other advanced energy property designed to reduce greenhouse gas emissions as may be determined by the Secretary, and

''(ii) any portion of the qualified investment of which is certified by the Secretary under subsection (d) as eligible for a credit under this section.

''(B) EXCEPTION.—Such term shall not include any portion of a project for the production of any property which is used in the refining or blending of any transportation fuel (other than renewable fuels).

''(2) ELIGIBLE PROPERTY.—The term 'eligible property' means any property which is part of a qualifying advanced energy project and is necessary for the production of property described in paragraph (1)(A)(i).

''(d) QUALIFYING ADVANCED ENERGY PROJECT PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a qualifying advanced energy project program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program shall not exceed $2,000,000,000.

''(2) CERTIFICATION.—

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1).

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification

shall have 2 years from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

''(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 5 years from the date of issuance of the certification in order to place the project in service and if such project is not placed in service by that time period then the certification shall no longer be valid.

''(3) SELECTION CRITERIA.—In determining which qualifying advanced energy projects to certify under this section, the Secretary—

''(A) shall take into consideration only those projects where there is a reasonable expectation of commercial viability, and

''(B) shall take into consideration which projects—

''(i) will provide the greatest domestic job creation (both direct and indirect) during the credit period,

''(ii) will provide the greatest net impact in avoiding or reducing air pollutants or anthropogenic emissions of greenhouse gases,

''(iii) have the greatest readiness for commercial employment, replication, and further commercial use in the United States,

''(iv) will provide the greatest benefit in terms of newness in the commercial market,

''(v) have the lowest levelized cost of generated or stored energy, or of measured reduction in energy consumption or greenhouse gas emission (based on costs of the full supply chain), and

''(vi) have the shortest project time from certification to completion.

''(4) REVIEW AND REDISTRIBUTION.—

''(A) REVIEW.—Not later than 6 years after the date of enactment of this section, the Secretary shall review the credits allocated under this section as of the date which is 6 years after the date of enactment of this section.

''(B) REDISTRIBUTION.—The Secretary may reallocate credits awarded under this section if the Secretary determines that—

''(i) there is an insufficient quantity of qualifying applications for certification pending at the time of the review, or

''(ii) any certification made pursuant to paragraph (2) has been revoked pursuant to paragraph (2)(B) because the project subject to the certification has been delayed as a result of third party opposition or litigation to the proposed project.

''(C) REALLOCATION.—If the Secretary determines that credits under this section are available for reallocation pursuant to the requirements set forth in paragraph (2), the Secretary is authorized to conduct an additional program for applications for certification.

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.

''(e) DENIAL OF DOUBLE BENEFIT.—A credit shall not be allowed under this section for any qualified investment for which a credit is allowed under section 48, 48A, or 48B.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding after clause (iv) the following new clause:

''(v) the basis of any property which is part of a qualifying advanced energy project under section 48C.''.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48B the following new item:

''48C. Qualifying advanced energy project credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1303. INCENTIVES FOR MANUFACTURING FACILITIES PRODUCING PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES AND COMPONENTS.

(a) DEDUCTION FOR MANUFACTURING FACILITIES.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 179E the following new section:

''SEC. 179F. ELECTION TO EXPENSE MANUFACTURING FACILITIES PRODUCING PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES AND COMPONENTS.

''(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat the applicable percentage of the cost of any qualified plug-in electric drive motor vehicle manufacturing facility property as an expense which is not chargeable to a capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified manufacturing facility property is placed in service.

''(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is—

''(1) 100 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service before January 1, 2012, and

''(2) 50 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after December 31, 2011, and before January 1, 2015.

''(c) ELECTION.—

''(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

''(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

''(d) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified plug-in electric drive motor vehicle manufacturing facility property' means any qualified property—

''(A) the original use of which commences with the taxpayer,

''(B) which is placed in service by the taxpayer after the date of the enactment of this section and before January 1, 2015, and

''(C) no written binding contract for the construction of which was in effect on or before the date of the enactment of this section.

''(2) QUALIFIED PROPERTY.—

''(A) IN GENERAL.—The term 'qualified property' means any property which is a facility or a portion of a facility used for the production of—

''(i) any new qualified plug-in electric drive motor vehicle (as defined by section 30D(c)), or

''(ii) any eligible component.

''(B) ELIGIBLE COMPONENT.—The term 'eligible component' means any battery, any electric motor or generator, or any power control unit which is designed specifically for use with a new qualified plug-in electric drive motor vehicle (as so defined).

''(e) SPECIAL RULE FOR DUAL USE PROPERTY.—In the case of any qualified plug-in electric drive motor vehicle manufacturing facility property which is used to produce both qualified property and other property which is not qualified property, the amount of costs taken into account under subsection (a) shall be reduced by an amount equal to—

''(1) the total amount of such costs (determined before the application of this subsection), multiplied by

''(2) the percentage of property expected to be produced which is not qualified property.

''(f) ELECTION TO RECEIVE LOAN IN LIEU OF DEDUCTION.—

''(1) IN GENERAL.—If a taxpayer elects to have this subsection apply for any taxable year—

''(A) subsection (a) shall not apply to any qualified plug-in electric drive motor vehicle manufacturing facility property placed in service by the taxpayer,

''(B) such taxpayer shall receive a loan from the Secretary in an amount and under such terms as provided in section 1303(b) of the American Recovery and Reinvestment Tax Act of 2009, and

''(C) in the taxable year in which such qualified loan is repaid, each of the limitations described in paragraph (2) shall be increased by the qualified plug-in electric drive motor vehicle manufacturing facility amount which is—

''(i) determined under paragraph (3), and

''(ii) allocated to such limitation under paragraph (4).

''(2) LIMITATIONS TO BE INCREASED.—The limitations described in this paragraph are—

''(A) the limitation imposed by section 38(c), and

''(B) the limitation imposed by section 53(c).

''(3) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY AMOUNT.—For purposes of this paragraph—

''(A) IN GENERAL.—The qualified plug-in electric drive motor vehicle manufacturing facility amount is an amount equal to the applicable percentage of any qualified plug-in electric drive motor vehicle manufacturing facility which is placed in service during the taxable year.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 35 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service before January 1, 2012, and

''(ii) 17.5 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after December 31, 2011, and before January 1, 2015.

''(C) SPECIAL RULE FOR DUAL USE PROPERTY.—In the case of any qualified plug-in electric drive motor vehicle manufacturing facility property which is used to produce both qualified property and other property which is not qualified property, the amount of costs taken into account under subparagraph (A) shall be reduced by an amount equal to—

''(i) the total amount of such costs (determined before the application of this subparagraph), multiplied by

''(ii) the percentage of property expected to be produced which is not qualified property.

''(4) ALLOCATION OF QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY AMOUNT.—The taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the qualified plug-in electric drive motor vehicle manufacturing facility amount for the taxable year which is to be allocated to each of the limitations described in paragraph (2) for such taxable year.

''(5) ELECTION.—

''(A) IN GENERAL.—An election under this subsection for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

''(B) ELECTION IRREVOCABLE.—Any election made under this subsection may not be revoked except with the consent of the Secretary.''.

(b) LOAN PROGRAM.—

(1) IN GENERAL.—The Secretary of the Treasury (or the Secretary's delegate) shall provide a loan to any person who is allowed a deduction under section 179F of the Internal Revenue Code and who makes an election under section 179F(f) of such Code in an amount equal to the qualified plug-in electric drive motor vehicle manufacturing facility amount (as defined in such section 179F(f)).

(2) TERM.—Such loan shall be in the form of a senior note issued by the taxpayer to the Secretary of the Treasury, secured by the qualified plug-in electric drive motor vehicle manufacturing facility property (as defined in section 179F of the Internal Revenue Code of 1986) of the taxpayer, and having a term of 20 years and interest payable at the applicable Federal rate (as determined under section 1274(d) of the Internal Revenue Code of 1986).

(3) APPROPRIATIONS.—There is hereby appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this subsection.

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 179F. Election to expense manufacturing facilities producing plug-in electric drive motor vehicle and components.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Subtitle E—Economic Recovery Tools

SEC. 1401. RECOVERY ZONE BONDS.

(a) IN GENERAL.—Subchapter Y of chapter 1 is amended by adding at the end the following new part:

''PART III—RECOVERY ZONE BONDS

''SEC. 1400U–1. ALLOCATION OF RECOVERY ZONE BONDS.

''(a) ALLOCATIONS.—

''(1) IN GENERAL.—The Secretary shall allocate the national recovery zone economic development bond limitation and the national recovery zone facility bond limitation among the States—

''(A) by allocating 1 percent of each such limitation to each State, and

''(B) by allocating the remainder of each such limitation among the States in the proportion that each State's 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all of the States.

''(2) 2008 STATE EMPLOYMENT DECLINE.—For purposes of this subsection, the term '2008 State employment decline' means, with respect to any State, the excess (if any) of—

''(A) the number of individuals employed in such State determined for December 2007, over

''(B) the number of individuals employed in such State determined for December 2008.

''(3) ALLOCATIONS BY STATES.—

''(A) IN GENERAL.—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation among the counties and large municipalities in such State in the proportion the each such county's or municipality's 2008 employment decline bears to the aggregate of the 2008 employment declines for all the counties and municipalities in such State.

''(B) LARGE MUNICIPALITIES.—For purposes of subparagraph (A), the term 'large municipality' means a municipality with a population of more than 100,000.

''(C) DETERMINATION OF LOCAL EMPLOYMENT DECLINES.—For purposes of this paragraph, the employment decline of any municipality or county shall be determined in the same manner as determining the State employment decline under paragraph (2), except that in the case of a municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

''(4) NATIONAL LIMITATIONS.—

''(A) RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.—There is a national recovery zone economic development bond limitation of $5,000,000,000.

''(B) RECOVERY ZONE FACILITY BONDS.—There is a national recovery zone facility bond limitation of $10,000,000,000.

''(b) RECOVERY ZONE.—For purposes of this part, the term 'recovery zone' means—

''(1) any area designated by the issuer as having significant poverty, unemployment, rate of home foreclosures, or general distress, and

''(2) any area for which a designation as an empowerment zone or renewal community is in effect.

''SEC. 1400U–2. RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.

''(a) IN GENERAL.—In the case of a recovery zone economic development bond—

''(1) such bond shall be treated as a qualified bond for purposes of section 6431, and

''(2) subsection (b) of such section shall be applied by substituting '40 percent' for '35 percent'.

''(b) RECOVERY ZONE ECONOMIC DEVELOPMENT BOND.—

''(1) IN GENERAL.—For purposes of this section, the term 'recovery zone economic development bond' means any build America bond (as defined in section 54AA(d)) issued before January 1, 2011, as part of issue if—

''(A) 100 percent of the available project proceeds (as defined in section 54A) of such issue are to be used for one or more qualified economic development purposes, and

''(B) the issuer designates such bond for purposes of this section.

''(2) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated by any issuer under paragraph (1) shall not exceed the amount of the recovery zone economic development bond limitation allocated to such issuer under section 1400U–1.

''(c) QUALIFIED ECONOMIC DEVELOPMENT PURPOSE.—For purposes of this section, the term 'qualified economic development purpose' means expenditures for purposes of promoting development or other economic activity in a recovery zone, including—

''(1) capital expenditures paid or incurred with respect to property located in such zone,

''(2) expenditures for public infrastructure and construction of public facilities, and

''(3) expenditures for job training and educational programs.

''SEC. 1400U–3. RECOVERY ZONE FACILITY BONDS.

''(a) IN GENERAL.—For purposes of part IV of subchapter B (relating to tax exemption requirements for State and local bonds), the term 'exempt facility bond' includes any recovery zone facility bond.

''(b) RECOVERY ZONE FACILITY BOND.—

''(1) IN GENERAL.—For purposes of this section, the term 'recovery zone facility bond' means any bond issued as part of an issue if—

''(A) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for recovery zone property,

''(B) such bond is issued before January 1, 2011, and

''(C) the issuer designates such bond for purposes of this section.

''(2) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated by any issuer under paragraph (1) shall not exceed the amount of recovery zone facility bond limitation allocated to such issuer under section 1400U–1.

''(c) RECOVERY ZONE PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'recovery zone property' means any property to which section 168 applies (or would apply but for section 179) if—

''(A) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after the date on which the designation of the recovery zone took effect,

''(B) the original use of which in the recovery zone commences with the taxpayer, and

''(C) substantially all of the use of which is in the recovery zone and is in the active conduct of a qualified business by the taxpayer in such zone.

''(2) QUALIFIED BUSINESS.—The term 'qualified business' means any trade or business except that—

''(A) the rental to others of real property located in a recovery zone shall be treated as a qualified business only if the property is not residential rental property (as defined in section 168(e)(2)), and

''(B) such term shall not include any trade or business consisting of the operation of any facility described in section 144(c)(6)(B).

''(3) SPECIAL RULES FOR SUBSTANTIAL RENOVATIONS AND SALE-LEASEBACK.—Rules similar to the rules of subsections (a)(2) and (b) of section 1397D shall apply for purposes of this subsection.

''(d) NONAPPLICATION OF CERTAIN RULES.—Sections 146 (relating to volume cap) and 147(d) (relating to acquisition of existing property not permitted) shall not apply to any recovery zone facility bond.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter Y of chapter 1 of such Code is amended by adding at the end the following new item:

''PART III. RECOVERY ZONE BONDS.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 1402. TRIBAL ECONOMIC DEVELOPMENT BONDS.

(a) IN GENERAL.—Section 7871 is amended by adding at the end the following new subsection:

''(f) TRIBAL ECONOMIC DEVELOPMENT BONDS.—

''(1) ALLOCATION OF LIMITATION.—

''(A) IN GENERAL.—The Secretary shall allocate the national tribal economic development bond limitation among the Indian tribal governments in such manner as the Secretary, in consultation with the Secretary of the Interior, determines appropriate.

''(B) NATIONAL LIMITATION.—There is a national tribal economic development bond limitation of $2,000,000,000.

''(2) BONDS TREATED AS EXEMPT FROM TAX.—In the case of a tribal economic development bond—

''(A) notwithstanding subsection (c), such bond shall be treated for purposes of this title in the same manner as if such bond were issued by a State,

''(B) the Indian tribal government issuing such bond and any instrumentality of such Indian tribal government shall be treated as a State for purposes of section 141, and

''(C) section 146 shall not apply.

''(3) TRIBAL ECONOMIC DEVELOPMENT BOND.—

''(A) IN GENERAL.—For purposes of this section, the term 'tribal economic development bond' means any bond issued by an Indian tribal government—

''(i) the interest on which would be exempt from tax under section 103 if issued by a State or local government, and

''(ii) which is designated by the Indian tribal government as a tribal economic development bond for purposes of this subsection.

''(B) EXCEPTIONS.—The term tribal economic development bond shall not include any bond issued as part of an issue if any portion of the proceeds of such issue are used to finance—

''(i) any portion of a building in which class II or class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act) is conducted or housed or any other property actually used in the conduct of such gaming, or

''(ii) any facility located outside the Indian reservation (as defined in section 168(j)(6)).

''(C) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated by any Indian tribal government under subparagraph (A) shall not exceed the amount of national tribal economic development bond limitation allocated to such government under paragraph (1).''.

(b) STUDY.—The Secretary of the Treasury, or the Secretary's delegate, shall conduct a study of the effects of the amendment made by subsection (a). Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, shall report to Congress on the results of the study conducted under this paragraph, including the Secretary's recommendations regarding such amendment.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 1403. MODIFICATIONS TO NEW MARKETS TAX CREDIT.

(a) INCREASE IN NATIONAL LIMITATION.—

(1) IN GENERAL.—Section 45D(f)(1) is amended—

(A) by striking ''and'' at the end of subparagraph (C),

(B) by striking '', 2007, 2008, and 2009.'' in subparagraph (D), and inserting ''and 2007,'', and

(C) by adding at the end the following new subparagraphs:

''(E) $5,000,000,000 for 2008, and

''(F) $5,000,000,000 for 2009.''.

(2) SPECIAL RULE FOR ALLOCATION OF INCREASED 2008 LIMITATION.—The amount of the increase in the new markets tax credit limitation for calendar year 2008 by reason of the amendments made by subsection (a) shall be allocated in accordance with section 45D(f)(2) of the Internal Revenue Code of 1986 to qualified community development entities (as defined in section 45D(c) of such Code) which—

(A) submitted an allocation application with respect to calendar year 2008, and

(B)(i) did not receive an allocation for such calendar year, or

(ii) received an allocation for such calendar year in an amount less than the amount requested in the allocation application.

(b) ALTERNATIVE MINIMUM TAX RELIEF.—

(1) IN GENERAL.—Section 38(c)(4)(B) is amended by redesignating clauses (v) through (viii) as clauses (vi) through (ix), respectively, and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 45D to the extent that such credit is attributable to a qualified equity investment which is designated as such under section 45D(b)(1)(C) pursuant to an allocation of the new markets tax credit limitation for calendar year 2009,''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to credits determined under section 45D of the Internal Revenue Code of 1986 in taxable years ending after the date of the enactment of this Act, and to carrybacks of such credits.

Subtitle F—Infrastructure Financing Tools

PART I—IMPROVED MARKETABILITY FOR TAX-EXEMPT BONDS

SEC. 1501. DE MINIMIS SAFE HARBOR EXCEPTION FOR TAX-EXEMPT INTEREST EXPENSE OF FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Subsection (b) of section 265 is amended by adding at the end the following new paragraph:

''(7) DE MINIMIS EXCEPTION FOR BONDS ISSUED DURING 2009 OR 2010.—

''(A) IN GENERAL.—In applying paragraph (2)(A), there shall not be taken into account tax-exempt obligations issued during 2009 or 2010.

''(B) LIMITATION.—The amount of tax-exempt obligations not taken into account by reason of subparagraph (A) shall not exceed 2 percent of the amount determined under paragraph (2)(B).

''(C) REFUNDINGS.—For purposes of this paragraph, a refunding bond (whether a current or advance refunding) shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).''.

(b) TREATMENT AS FINANCIAL INSTITUTION PREFERENCE ITEM.—Clause (iv) of section 291(e)(1)(B) is amended by adding at the end the following: ''That portion of any obligation not taken into account under paragraph (2)(A) of section 265(b) by reason of paragraph (7) of such section shall be treated for purposes of this section as having been acquired on August 7, 1986.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

SEC. 1502. MODIFICATION OF SMALL ISSUER EXCEPTION TO TAX-EXEMPT INTEREST EXPENSE ALLOCATION RULES FOR FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Paragraph (3) of section 265(b) (relating to exception for certain tax-exempt obligations) is amended by adding at the end the following new subparagraph:

''(G) SPECIAL RULES FOR OBLIGATIONS ISSUED DURING 2009 AND 2010.—

''(i) INCREASE IN LIMITATION.—In the case of obligations issued during 2009 or 2010, subparagraphs (C)(i), (D)(i), and (D)(iii)(II) shall each be applied by substituting '$30,000,000' for '$10,000,000'.

''(ii) QUALIFIED 501(C)(3) BONDS TREATED AS ISSUED BY EXEMPT ORGANIZATION.—In the case of a qualified 501(c)(3) bond (as defined in section 145) issued during 2009 or 2010, this paragraph shall be applied by treating the 501(c)(3) organization for whose benefit such bond was issued as the issuer.

''(iii) SPECIAL RULE FOR QUALIFIED FINANCINGS.—In the case of a qualified financing issue issued during 2009 or 2010—

''(I) subparagraph (F) shall not apply, and

''(II) any obligation issued as a part of such issue shall be treated as a qualified tax-exempt obligation if the requirements of this paragraph are met with respect to each qualified portion of the issue (determined by treating each qualified portion as a separate issue which is issued by the qualified borrower with respect to which such portion relates).

''(iv) QUALIFIED FINANCING ISSUE.—For purposes of this subparagraph, the term 'qualified financing issue' means any composite, pooled, or other conduit financing issue the proceeds of which are used directly or indirectly to make or finance loans to 1 or more ultimate borrowers each of whom is a qualified borrower.

''(v) QUALIFIED PORTION.—For purposes of this subparagraph, the term 'qualified portion' means that portion of the proceeds which are used with respect to each qualified borrower under the issue.

''(vi) QUALIFIED BORROWER.—For purposes of this subparagraph, the term 'qualified borrower' means a borrower which is a State or political subdivision thereof or an organization described in section 501(c)(3) and exempt from taxation under section 501(a).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after December 31, 2008.

SEC. 1503. TEMPORARY MODIFICATION OF ALTERNATIVE MINIMUM TAX LIMITATIONS ON TAX-EXEMPT BONDS.

(a) INTEREST ON PRIVATE ACTIVITY BONDS ISSUED DURING 2009 AND 2010 NOT TREATED AS TAX PREFERENCE ITEM.—Subparagraph (C) of section 57(a)(5) is amended by adding at the end a new clause:

''(vi) EXCEPTION FOR BONDS ISSUED IN 2009 AND 2010.—For purposes of clause (i), the term 'private activity bond' shall not include any bond issued after December 31, 2008, and before January 1, 2011. For purposes of the preceding sentence, a refunding bond (whether a current or advance refunding) shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).''.

(b) NO ADJUSTMENT TO ADJUSTED CURRENT EARNINGS FOR INTEREST ON TAX-EXEMPT BONDS ISSUED DURING 2009 AND 2010.—Subparagraph (B) of section 56(g)(4) is amended by adding at the end the following new clause:

''(iv) TAX EXEMPT INTEREST ON BONDS ISSUED IN 2009 AND 2010.—Clause (i) shall not apply in the case of any interest on a bond issued after December 31, 2008, and before

January 1, 2011. For purposes of the preceding sentence, a refunding bond (whether a current or advance refunding) shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

SEC. 1504. MODIFICATION TO HIGH SPEED INTERCITY RAIL FACILITY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 142(i) is amended by striking ''operate at speeds in excess of'' and inserting ''be capable of attaining a maximum speed in excess of''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

PART II—DELAY IN APPLICATION OF WITHHOLDING TAX ON GOVERNMENT CONTRACTORS

SEC. 1511. DELAY IN APPLICATION OF WITHHOLDING TAX ON GOVERNMENT CONTRACTORS.

Subsection (b) of section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

PART III—TAX CREDIT BONDS FOR SCHOOLS

SEC. 1521. QUALIFIED SCHOOL CONSTRUCTION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 54F. QUALIFIED SCHOOL CONSTRUCTION BONDS.

''(a) QUALIFIED SCHOOL CONSTRUCTION BOND.—For purposes of this subchapter, the term 'qualified school construction bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

''(2) the bond is issued by a State or local government within the jurisdiction of which such school is located, and

''(3) the issuer designates such bond for purposes of this section.

''(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under subsection (d) for such calendar year to such issuer.

''(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified school construction bond limitation for each calendar year. Such limitation is—

''(1) $5,000,000,000 for 2009,

''(2) $5,000,000,000 for 2010, and

''(3) except as provided in subsection (e), zero after 2010.

''(d) LIMITATION ALLOCATED AMONG STATES.—

''(1) IN GENERAL.—The limitation applicable under subsection (c) for any calendar year shall be allocated by the Secretary among the States in proportion to the respective numbers of children in each State who have attained age 5 but not age 18 for the most recent fiscal year ending before such calendar year. The limitation amount allocated to a State under the preceding sentence shall be allocated by the State to issuers within such State.

''(2) MINIMUM ALLOCATIONS TO STATES.—

''(A) IN GENERAL.—The Secretary shall adjust the allocations under this subsection for any calendar year for each State to the extent necessary to ensure that the amount allocated to such State under this subsection for such year is not less than an amount equal to such State's adjusted minimum percentage of the amount to be allocated under paragraph (1) for the calendar year.

''(B) MINIMUM PERCENTAGE.—A State's minimum percentage for any calendar year is equal to the product of—

''(i) the quotient of—

''(I) the amount the State is eligible to receive under section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(d)) for the most recent fiscal year ending before such calendar year, divided by

''(II) the amount all States are eligible to receive under section 1124 of such Act (20 U.S.C. 6333) for such fiscal year, multiplied by

''(ii) 100.

''(3) ALLOCATIONS TO CERTAIN POSSESSIONS.—The amount to be allocated under paragraph (1) to any possession of the United States other than Puerto Rico shall be the amount which would have been allocated if all allocations under paragraph (1) were made on the basis of respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). In making other allocations, the amount to be allocated under paragraph (1) shall be reduced by the aggregate amount allocated under this paragraph to possessions of the United States.

''(4) ALLOCATIONS FOR INDIAN SCHOOLS.—In addition to the amounts otherwise allocated under this subsection, $200,000,000 for calendar year 2009, and $200,000,000 for calendar year 2010, shall be allocated by the Secretary of the Interior for purposes of the construction, rehabilitation, and repair of schools funded by the Bureau of Indian Affairs. In the case of amounts allocated under the preceding sentence, Indian tribal governments (as defined in section 7701(a)(40)) shall be treated as qualified issuers for purposes of this subchapter.

''(e) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(1) the amount allocated under subsection (d) to any State, exceeds

''(2) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation,

the limitation amount under such subsection for such State for the following calendar year shall be increased by the amount of such excess. A similar rule shall apply to the amounts allocated under subsection (d)(4).''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended by striking ''or'' at the end of subparagraph (C), by inserting ''or'' at the end of subparagraph (D), and by inserting after subparagraph (D) the following new subparagraph:

''(E) a qualified school construction bond,''.

(2) Subparagraph (C) of section 54A(d)(2) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) in the case of a qualified school construction bond, a purpose specified in section 54F(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54F. Qualified school construction bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 1522. EXTENSION AND EXPANSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Section 54E(c)(1) is amended by striking ''and 2009'' and inserting ''and $1,400,000,000 for 2009 and 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after December 31, 2008.

PART IV—BUILD AMERICA BONDS

SEC. 1531. BUILD AMERICA BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 is amended by adding at the end the following new subpart:

''Subpart J—Build America Bonds

''Sec. 54AA. Build America bonds.

''SEC. 54AA. BUILD AMERICA BONDS.

''(a) IN GENERAL.—If a taxpayer holds a build America bond on one or more interest payment dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—The amount of the credit determined under this subsection with respect to any interest payment date for a build America bond is 35 percent of the amount of interest payable by the issuer with respect to such date (40 percent in the case of an issuer described in section 148(f)(4)(D) (determined without regard to clauses (v), (vi), and (vii) thereof and by substituting '$30,000,000' for '$5,000,000' each place it appears therein).

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

''(d) BUILD AMERICA BOND.—

''(1) IN GENERAL.—For purposes of this section, the term 'build America bond' means any obligation (other than a private activity bond) if—

''(A) the interest on such obligation would (but for this section) be excludable from gross income under section 103,

''(B) such obligation is issued before January 1, 2011, and

''(C) the issuer makes an irrevocable election to have this section apply.

''(2) APPLICABLE RULES.—For purposes of applying paragraph (1)—

''(A) for purposes of section 149(b), a build America bond shall not be treated as federally guaranteed by reason of the credit allowed under subsection (a) or section 6431,

''(B) for purposes of section 148, the yield on a build America bond shall be determined

without regard to the credit allowed under subsection (a), and

''(C) a bond shall not be treated as a build America bond if the issue price has more than a de minimis amount (determined under rules similar to the rules of section 1273(a)(3)) of premium over the stated principal amount of the bond.

''(e) INTEREST PAYMENT DATE.—For purposes of this section, the term 'interest payment date' means any date on which the holder of record of the build America bond is entitled to a payment of interest under such bond.

''(f) SPECIAL RULES.—

''(1) INTEREST ON BUILD AMERICA BONDS INCLUDIBLE IN GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES.—For purposes of this title, interest on any build America bond shall be includible in gross income.

''(2) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of subsections (f), (g), (h), and (i) of section 54A shall apply for purposes of the credit allowed under subsection (a).

''(g) SPECIAL RULE FOR QUALIFIED BONDS ISSUED BEFORE 2011.—In the case of a qualified bond issued before January 1, 2011—

''(1) ISSUER ALLOWED REFUNDABLE CREDIT.—In lieu of any credit allowed under this section with respect to such bond, the issuer of such bond shall be allowed a credit as provided in section 6431.

''(2) QUALIFIED BOND.—For purposes of this subsection, the term 'qualified bond' means any build America bond issued as part of an issue if—

''(A) 100 percent of the available project proceeds (as defined in section 54A) of such issue are to be used for capital expenditures, and

''(B) the issuer makes an irrevocable election to have this subsection apply.

''(h) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section and section 6431.''.

(b) CREDIT FOR QUALIFIED BONDS ISSUED BEFORE 2011.—Subchapter B of chapter 65 is amended by adding at the end the following new section:

''SEC. 6431. CREDIT FOR QUALIFIED BONDS ALLOWED TO ISSUER.

''(a) IN GENERAL.—In the case of a qualified bond issued before January 1, 2011, the issuer of such bond shall be allowed a credit with respect to each interest payment under such bond which shall be payable by the Secretary as provided in subsection (b).

''(b) PAYMENT OF CREDIT.—The Secretary shall pay (contemporaneously with each interest payment date under such bond) to the issuer of such bond (or to any person who makes such interest payments on behalf of the issuer) 35 percent of the interest payable under such bond on such date (40 percent in the case of an issuer described in section 148(f)(4)(D) (determined without regard to clauses (v), (vi), and (vii) thereof and by substituting '$30,000,000' for '$5,000,000' each place it appears therein).

''(c) APPLICATION OF ARBITRAGE RULES.—For purposes of section 148, the yield on a qualified bond shall be reduced by the credit allowed under this section.

''(d) INTEREST PAYMENT DATE.—For purposes of this subsection, the term 'interest payment date' means each date on which interest is payable by the issuer under the terms of the bond.

''(e) QUALIFIED BOND.—For purposes of this subsection, the term 'qualified bond' has the meaning given such term in section 54AA(g).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1324(b)(2) of title 31, United States Code, is amended by striking ''or 6428'' and inserting ''6428, or 6431,''.

(2) Section 54A(c)(1)(B) is amended by striking ''subpart C'' and inserting ''subparts C and J''.

(3) Sections 54(c)(2), 1397E(c)(2), and 1400N(l)(3)(B) are each amended by striking ''and I'' and inserting '', I, and J''.

(4) Section 6401(b)(1) is amended by striking ''and I'' and inserting ''I, and J''.

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Subpart J. Build America bonds.''.

(6) The table of section for subchapter B of chapter 65 is amended by adding at the end the following new item:

''Sec. 6431. Credit for qualified bonds allowed to issuer.''.

(d) TRANSITIONAL COORDINATION WITH STATE LAW.—Except as otherwise provided by a State after the date of the enactment of this Act, the interest on any build America bond (as defined in section 54AA of the Internal Revenue Code of 1986, as added by this section) and the amount of any credit determined under such section with respect to such bond shall be treated for purposes of the income tax laws of such State as being exempt from Federal income tax.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

Subtitle G—Economic Recovery Payments to Certain Individuals

SEC. 1601. ECONOMIC RECOVERY PAYMENT TO RECIPIENTS OF SOCIAL SECURITY, SUPPLEMENTAL SECURITY INCOME, RAILROAD RETIREMENT BENEFITS, AND VETERANS DISABILITY COMPENSATION OR PENSION BENEFITS.

(a) AUTHORITY TO MAKE PAYMENTS.—

(1) ELIGIBILITY.—

(A) IN GENERAL.—Subject to paragraph (5)(B), the Secretary of the Treasury shall make a $300 payment to each individual who, for any month during the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of this Act, is entitled to a benefit payment described in clause (i), (ii), or (iii) of subparagraph (B) or is eligible for a SSI cash benefit described in subparagraph (C).

(B) BENEFIT PAYMENT DESCRIBED.—For purposes of subparagraph (A):

(i) TITLE II BENEFIT.—A benefit payment described in this clause is a monthly insurance benefit payable (without regard to sections 202(j)(1) and 223(b) of the Social Security Act (42 U.S.C. 402(j)(1), 423(b)) under—

(I) section 202(a) of such Act (42 U.S.C. 402(a));

(II) section 202(b) of such Act (42 U.S.C. 402(b));

(III) section 202(c) of such Act (42 U.S.C. 402(c));

(IV) section 202(d)(1)(B)(ii) of such Act (42 U.S.C. 402(d)(1)(B)(ii));

(V) section 202(e) of such Act (42 U.S.C. 402(e));

(VI) section 202(f) of such Act (42 U.S.C. 402(f));

(VII) section 202(g) of such Act (42 U.S.C. 402(g));

(VIII) section 202(h) of such Act (42 U.S.C. 402(h));

(IX) section 223(a) of such Act (42 U.S.C. 423(a));

(X) section 227 of such Act (42 U.S.C. 427); or

(XI) section 228 of such Act (42 U.S.C. 428).

(ii) RAILROAD RETIREMENT BENEFIT.—A benefit payment described in this clause is a monthly annuity or pension payment payable (without regard to section 5(a)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231d(a)(ii)) under—

(I) section 2(a)(1) of such Act (45 U.S.C. 231a(a)(1));

(II) section 2(c) of such Act (45 U.S.C. 231a(c));

(III) section 2(d)(1)(i) of such Act (45 U.S.C. 231a(d)(1)(i));

(IV) section 2(d)(1)(ii) of such Act (45 U.S.C. 231a(d)(1)(ii));

(V) section 2(d)(1)(iii)(C) of such Act to an adult disabled child (45 U.S.C. 231a(d)(1)(iii)(C));

(VI) section 2(d)(1)(iv) of such Act (45 U.S.C. 231a(d)(1)(iv));

(VII) section 2(d)(1)(v) of such Act (45 U.S.C. 231a(d)(1)(v)); or

(VIII) section 7(b)(2) of such Act (45 U.S.C. 231f(b)(2)) with respect to any of the benefit payments described in clause (i) of this subparagraph.

(iii) VETERANS BENEFIT.—A benefit payment described in this clause is a compensation or pension payment payable under—

(I) section 1110, 1117, 1121, 1131, 1141, or 1151 of title 38, United States Code;

(II) section 1310, 1312, 1313, 1315, 1316, or 1318 of title 38, United States Code;

(III) section 1513, 1521, 1533, 1536, 1537, 1541, 1542, or 1562 of title 38, United States Code; or

(IV) section 1805, 1815, or 1821 of title 38, United States Code,

to a veteran, surviving spouse, child, or parent as described in paragraph (2), (3), (4)(A)(ii), or (5) of section 101, title 38, United States Code, who received that benefit during any month within the 3 month period ending with the month which ends prior to the month that includes the date of the enactment of this Act.

(C) SSI CASH BENEFIT DESCRIBED.—A SSI cash benefit described in this subparagraph is a cash benefit payable under section 1611 (other than under subsection (e)(1)(B) of such section) or 1619(a) of the Social Security Act (42 U.S.C. 1382, 1382h).

(2) REQUIREMENT.—A payment shall be made under paragraph (1) only to individuals who reside in 1 of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, or the Northern Mariana Islands. For purposes of the preceding sentence, the determination of the individual's residence shall be based on the current address of record under a program specified in paragraph (1).

(3) NO DOUBLE PAYMENTS.—An individual shall be paid only 1 payment under this section, regardless of whether the individual is entitled to, or eligible for, more than 1 benefit or cash payment described in paragraph (1).

(4) LIMITATION.—A payment under this section shall not be made—

(A) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(i) or paragraph (1)(B)(ii)(VIII) if, for the most recent month of such individual's entitlement in the 3-month period described in paragraph (1), such individual's benefit under such paragraph was not payable by reason of subsection (x) or (y) of section 202 the Social Security Act (42 U.S.C. 402) or section 1129A of such Act (42 U.S.C. 1320a–8a);

(B) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(iii) if, for the most recent month of such individual's entitlement in the 3 month period described in paragraph (1), such individual's

benefit under such paragraph was not payable, or was reduced, by reason of section 1505, 5313, or 5313B of title 38, United States Code;

(C) in the case of an individual entitled to a benefit specified in paragraph (1)(C) if, for such most recent month, such individual's benefit under such paragraph was not payable by reason of subsection (e)(1)(A) or (e)(4) of section 1611 (42 U.S.C. 1382) or section 1129A of such Act (42 U.S.C. 1320a–8a); or

(D) in the case of any individual whose date of death occurs before the date on which the individual is certified under subsection (b) to receive a payment under this section.

(5) TIMING AND MANNER OF PAYMENTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall commence making payments under this section at the earliest practicable date but in no event later than 120 days after the date of enactment of this Act. The Secretary of the Treasury may make any payment electronically to an individual in such manner as if such payment was a benefit payment or cash benefit to such individual under the applicable program described in subparagraph (B) or (C) of paragraph (1).

(B) DEADLINE.—No payments shall be made under this section after December 31, 2010, regardless of any determinations of entitlement to, or eligibility for, such payments made after such date.

(b) IDENTIFICATION OF RECIPIENTS.—The Commissioner of Social Security, the Railroad Retirement Board, and the Secretary of Veterans Affairs shall certify the individuals entitled to receive payments under this section and provide the Secretary of the Treasury with the information needed to disburse such payments. A certification of an individual shall be unaffected by any subsequent determination or redetermination of the individual's entitlement to, or eligibility for, a benefit specified in subparagraph (B) or (C) of subsection (a)(1).

(c) TREATMENT OF PAYMENTS.—

(1) PAYMENT TO BE DISREGARDED FOR PURPOSES OF ALL FEDERAL AND FEDERALLY ASSISTED PROGRAMS.—A payment under subsection (a) shall not be regarded as income and shall not be regarded as a resource for the month of receipt and the following 9 months, for purposes of determining the eligibility of the recipient (or the recipient's spouse or family) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(2) PAYMENT NOT CONSIDERED INCOME FOR PURPOSES OF TAXATION.—A payment under subsection (a) shall not be considered as gross income for purposes of the Internal Revenue Code of 1986.

(3) PAYMENTS PROTECTED FROM ASSIGNMENT.—The provisions of sections 207 and 1631(d)(1) of the Social Security Act (42 U.S.C. 407, 1383(d)(1)), section 14(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(a)), and section 5301 of title 38, United States Code, shall apply to any payment made under subsection (a) as if such payment was a benefit payment or cash benefit to such individual under the applicable program described in subparagraph (B) or (C) of subsection (a)(1).

(4) PAYMENTS SUBJECT TO OFFSET.—Notwithstanding paragraph (3), for purposes of section 3716 of title 31, United States Code, any payment made under this section shall not be considered a benefit payment or cash benefit made under the applicable program described in subparagraph (B) or (C) of subsection (a)(1) and all amounts paid shall be subject to offset to collect delinquent debts.

(d) PAYMENT TO REPRESENTATIVE PAYEES AND FIDUCIARIES.—

(1) IN GENERAL.—In any case in which an individual who is entitled to a payment under subsection (a) and whose benefit payment or cash benefit described in paragraph (1) of that subsection is paid to a representative payee or fiduciary, the payment under subsection (a) shall be made to the individual's representative payee or fiduciary and the entire payment shall be used only for the benefit of the individual who is entitled to the payment.

(2) APPLICABILITY.—

(A) PAYMENT ON THE BASIS OF A TITLE II OR SSI BENEFIT.—Section 1129(a)(3) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)) shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(i) or (1)(C) of subsection (a) in the same manner as such section applies to a payment under title II or XVI of such Act.

(B) PAYMENT ON THE BASIS OF A RAILROAD RETIREMENT BENEFIT.—Section 13 of the Railroad Retirement Act (45 U.S.C. 231l) shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(ii) of subsection (a) in the same manner as such section applies to a payment under such Act.

(C) PAYMENT ON THE BASIS OF A VETERANS BENEFIT.—Sections 5502, 6106, and 6108 of title 38, United States Code, shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(iii) of subsection (a) in the same manner as those sections apply to a payment under that title.

(e) APPROPRIATION.—Out of any sums in the Treasury of the United States not otherwise appropriated, the following sums are appropriated for the period of fiscal years 2009 and 2010 to carry out this section:

(1) For the Secretary of the Treasury—

(A) such sums as may be necessary to make payments under this section; and

(B) $57,000,000 for administrative costs incurred in carrying out this section and section 36A of the Internal Revenue Code of 1986 (as added by this Act).

(2) For the Commissioner of Social Security, $90,000,000 for the Social Security Administration's Limitation on Administrative Expenses for costs incurred in carrying out this section.

(3) For the Railroad Retirement Board, $1,000,000 for administrative costs incurred in carrying out this section.

(4) For the Secretary of Veterans Affairs, $100,000 for the Information Systems Technology account and $7,100,000 for the General Operating Expenses account for administrative costs incurred in carrying out this section.

Subtitle H—Trade Adjustment Assistance

SEC. 1701. TEMPORARY EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM.

(a) ASSISTANCE FOR WORKERS.—

(1) IN GENERAL.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

(2) ALTERNATIVE TRADE ADJUSTMENT ASSISTANCE.—Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking ''5 years'' and inserting ''7 years''.

(b) ASSISTANCE FOR FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking ''2007, and $4,000,000 for the 3-month period beginning on October 1, 2007,'' and inserting ''December 31, 2010''.

(c) ASSISTANCE FOR FARMERS.—Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended by striking ''through 2007'' and all that follows through the end period and inserting ''through December 31, 2010 to carry out the purposes of this chapter.''.

(d) EXTENSION OF TERMINATION DATES.—Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended by striking ''December 31, 2007'' each place it appears and inserting ''December 31, 2010''.

(e) SENSE OF THE SENATE REGARDING ADJUSTMENT ASSISTANCE FOR COMMUNITIES.—It is the sense of the Senate that title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) should be amended to assist any community impacted by trade with economic adjustment through—

(1) the coordination of efforts by State and local governments and economic organizations;

(2) the coordination of Federal, State, and local resources;

(3) the creation of community-based development strategies; and

(4) the development and provision of training programs.

(f) EFFECTIVE DATE.—The amendments made by this section shall be effective as of January 1, 2008.

Subtitle I—Prohibition on Collection of Certain Payments Made Under the Continued Dumping and Subsidy Offset Act of 2000

SEC. 1801. PROHIBITION ON COLLECTION OF CERTAIN PAYMENTS MADE UNDER THE CONTINUED DUMPING AND SUBSIDY OFFSET ACT OF 2000.

(a) IN GENERAL.—Notwithstanding any other provision of law, neither the Secretary of Homeland Security nor any other person may—

(1) require repayment of, or attempt in any other way to recoup, any payments described in subsection (b); or

(2) offset any past, current, or future distributions of antidumping or countervailing duties assessed with respect to imports from countries that are not parties to the North American Free Trade Agreement in an attempt to recoup any payments described in subsection (b).

(b) PAYMENTS DESCRIBED.—Payments described in this subsection are payments of antidumping or countervailing duties made pursuant to the Continued Dumping and Subsidy Offset Act of 2000 (section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c; repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154))) that were—

(1) assessed and paid on imports of goods from countries that are parties to the North American Free Trade Agreement; and

(2) distributed on or after January 1, 2001, and before January 1, 2006.

(c) PAYMENT OF FUNDS COLLECTED OR WITHHELD.—Not later than the date that is 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) refund any repayments, or any other recoupment, of payments described in subsection (b); and

(2) fully distribute any antidumping or countervailing duties that the U.S. Customs and Border Protection is withholding as an offset as described in subsection (a)(2).

(d) LIMITATION.—Nothing in this section shall be construed to prevent the Secretary of Homeland Security, or any other person, from requiring repayment of, or attempting to otherwise recoup, any payments described in subsection (b) as a result of—

(1) a finding of false statements or other misconduct by a recipient of such a payment; or

(2) the reliquidation of an entry with respect to which such a payment was made.

Subtitle J—Other Provisions

SEC. 1901. APPLICATION OF CERTAIN LABOR STANDARDS TO PROJECTS FINANCED WITH CERTAIN TAX-FAVORED BONDS.

Subchapter IV of chapter 31 of the title 40, United States Code, shall apply to projects financed with the proceeds of—

(1) any new clean renewable energy bond (as defined in section 54C of the Internal Revenue Code of 1986) issued after the date of the enactment of this Act,

(2) any qualified energy conservation bond (as defined in section 54D of the Internal Revenue Code of 1986) issued after the date of the enactment of this Act,

(3) any qualified zone academy bond (as defined in section 54E of the Internal Revenue Code of 1986) issued after the date of the enactment of this Act,

(4) any qualified school construction bond (as defined in section 54F of the Internal Revenue Code of 1986), and

(5) any recovery zone economic development bond (as defined in section 1400U–2 of the Internal Revenue Code of 1986).

SEC. 1902. INCREASE IN PUBLIC DEBT LIMIT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting ''$12,140,000,000,000''.

SEC. 1903. ELECTION TO ACCELERATE THE LOW-INCOME HOUSING TAX CREDIT.

(a) IN GENERAL.—At the election of the taxpayer, the credit determined under section 42 of the Internal Revenue Code of 1986 for the taxpayer's first three taxable years beginning after December 31, 2008, in which credits are allowable for any non-federally subsidized low-income housing project initially placed in service after such date—

(1) with respect to initial investments made pursuant to a binding agreement by such taxpayer after December 31, 2008, and before January 1, 2011, and

(2) only from allocations of a State housing credit ceiling before 2011,

shall be 200 percent of the amount which would (but for this subsection) be so allowable.

(b) ELIGIBILITY FOR ELECTION.—The election under subsection (a) shall take effect with respect to the first taxable year referred to in such subsection only when all rental requirements pursuant to section 42(g)(1) of the Internal Revenue Code of 1986 have been met with respect to such low-income housing project.

(c) REDUCTION IN AGGREGATE CREDIT TO REFLECT ACCELERATED CREDIT.—The aggregate credit allowable to any taxpayer under section 42 of the Internal Revenue Code of 1986 with respect to any investment for taxable years after the first three taxable years referred to in subsection (a) shall be reduced on a pro rata basis by the amount of the increased credit allowable by reason of subsection (a) with respect to such first three taxable years. The preceding sentence shall not be construed to affect whether any taxable year is part of the credit, compliance, or extended use periods under such section 42.

(d) ELECTION.—The election under subsection (a) shall be made at the time and in the manner prescribed by the Secretary of the Treasury or the Secretary's delegate, and, once made, shall be irrevocable. In the case of a partnership, such election shall be made by the partnership.

TITLE II—ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUGGLING FAMILIES

SEC. 2000. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Assistance for Unemployed Workers and Struggling Families Act''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Subtitle A—Unemployment Insurance

SEC. 2001. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 4 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 122 Stat. 5015), is amended—

(1) by striking ''March 31, 2009'' each place it appears and inserting ''December 31, 2009'';

(2) in the heading for subsection (b)(2), by striking ''MARCH 31, 2009'' and inserting ''DECEMBER 31, 2009''; and

(3) in subsection (b)(3), by striking ''August 27, 2009'' and inserting ''May 31, 2010''.

(b) FINANCING PROVISIONS.—Section 4004 of such Act is amended by adding at the end the following:

''(e) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated)—

''(1) to the extended unemployment compensation account (as established by section 905 of the Social Security Act) such sums as the Secretary of Labor estimates to be necessary to make payments to States under this title by reason of the amendments made by section 2001(a) of the Assistance for Unemployed Workers and Struggling Families Act; and

''(2) to the employment security administration account (as established by section 901 of the Social Security Act) such sums as the Secretary of Labor estimates to be necessary for purposes of assisting States in meeting administrative costs by reason of the amendments referred to in paragraph (1).

There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.''.

SEC. 2002. INCREASE IN UNEMPLOYMENT COMPENSATION BENEFITS.

(a) FEDERAL-STATE AGREEMENTS.—Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (hereinafter in this section referred to as the ''Secretary''). Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—

(1) ADDITIONAL COMPENSATION.—Any agreement under this section shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law of the State were applied, with respect to any week for which the individual is (disregarding this section) otherwise entitled under the State law to receive regular compensation, as if such State law had been modified in a manner such that the amount of regular compensation (including dependents' allowances) payable for any week shall be equal to the amount determined under the State law (before the application of this paragraph) plus an additional $25.

(2) ALLOWABLE METHODS OF PAYMENT.—Any additional compensation provided for in accordance with paragraph (1) shall be payable either—

(A) as an amount which is paid at the same time and in the same manner as any regular compensation otherwise payable for the week involved; or

(B) at the option of the State, by payments which are made separately from, but on the same weekly basis as, any regular compensation otherwise payable.

(c) NONREDUCTION RULE.—An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a manner such that—

(1) the average weekly benefit amount of regular compensation which will be payable during the period of the agreement (determined disregarding any additional amounts attributable to the modification described in subsection (b)(1)) will be less than

(2) the average weekly benefit amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on December 31, 2008.

(d) PAYMENTS TO STATES.—

(1) IN GENERAL.—

(A) FULL REIMBURSEMENT.—There shall be paid to each State which has entered into an agreement under this section an amount equal to 100 percent of—

(i) the total amount of additional compensation (as described in subsection (b)(1)) paid to individuals by the State pursuant to such agreement; and

(ii) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(B) TERMS OF PAYMENTS.—Sums payable to any State by reason of such State's having an agreement under this section shall be payable, either in advance or by way of reimbursement (as determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts

which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(3) APPROPRIATION.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, such sums as may be necessary for purposes of this subsection.

(e) APPLICABILITY.—

(1) IN GENERAL.—An agreement entered into under this section shall apply to weeks of unemployment—

(A) beginning after the date on which such agreement is entered into; and

(B) ending before January 1, 2010.

(2) TRANSITION RULE FOR INDIVIDUALS REMAINING ENTITLED TO REGULAR COMPENSATION AS OF JANUARY 1, 2010.—In the case of any individual who, as of the date specified in paragraph (1)(B), has not yet exhausted all rights to regular compensation under the State law of a State with respect to a benefit year that began before such date, additional compensation (as described in subsection (b)(1)) shall continue to be payable to such individual for any week beginning on or after such date for which the individual is otherwise eligible for regular compensation with respect to such benefit year.

(3) TERMINATION.—Notwithstanding any other provision of this subsection, no additional compensation (as described in subsection (b)(1)) shall be payable for any week beginning after June 30, 2010.

(f) FRAUD AND OVERPAYMENTS.—The provisions of section 4005 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2356) shall apply with respect to additional compensation (as described in subsection (b)(1)) to the same extent and in the same manner as in the case of emergency unemployment compensation.

(g) APPLICATION TO OTHER UNEMPLOYMENT BENEFITS.—

(1) IN GENERAL.—Each agreement under this section shall include provisions to provide that the purposes of the preceding provisions of this section shall be applied with respect to unemployment benefits described in subsection (i)(3) to the same extent and in the same manner as if those benefits were regular compensation.

(2) ELIGIBILITY AND TERMINATION RULES.—Additional compensation (as described in subsection (b)(1))—

(A) shall not be payable, pursuant to this subsection, with respect to any unemployment benefits described in subsection (i)(3) for any week beginning on or after the date specified in subsection (e)(1)(B), except in the case of an individual who was eligible to receive additional compensation (as so described) in connection with any regular compensation or any unemployment benefits described in subsection (i)(3) for any period of unemployment ending before such date; and

(B) shall in no event be payable for any week beginning after the date specified in subsection (e)(3).

(h) DISREGARD OF ADDITIONAL COMPENSATION FOR PURPOSES OF MEDICAID AND SCHIP.—A State that enters into an agreement under this section shall disregard the monthly equivalent of $25 per week for any individual who receives additional compensation under subsection (b)(1) in considering the amount of income of the individual for any purposes under the Medicaid program under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act.

(i) DEFINITIONS.—For purposes of this section—

(1) the terms ''compensation'', ''regular compensation'', ''benefit year'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note);

(2) the term ''emergency unemployment compensation'' means emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2353); and

(3) any reference to unemployment benefits described in this paragraph shall be considered to refer to—

(A) extended compensation (as defined by section 205 of the Federal-State Extended Unemployment Compensation Act of 1970); and

(B) unemployment compensation (as defined by section 85(b) of the Internal Revenue Code of 1986) provided under any program administered by a State under an agreement with the Secretary.

SEC. 2003. UNEMPLOYMENT COMPENSATION MODERNIZATION.

(a) IN GENERAL.—Section 903 of the Social Security Act (42 U.S.C. 1103) is amended by adding at the end the following:

''Special Transfers for Modernization

''(f)(1)(A) In addition to any other amounts, the Secretary of Labor shall provide for the making of unemployment compensation modernization incentive payments (hereinafter 'incentive payments') to the accounts of the States in the Unemployment Trust Fund, by transfer from amounts reserved for that purpose in the Federal unemployment account, in accordance with succeeding provisions of this subsection.

''(B) The maximum incentive payment allowable under this subsection with respect to any State shall, as determined by the Secretary of Labor, be equal to the amount obtained by multiplying $7,000,000,000 by the same ratio as would apply under subsection (a)(2)(B) for purposes of determining such State's share of any excess amount (as described in subsection (a)(1)) that would have been subject to transfer to State accounts, as of October 1, 2008, under the provisions of subsection (a).

''(C) Of the maximum incentive payment determined under subparagraph (B) with respect to a State—

''(i) one-third shall be transferred to the account of such State upon a certification under paragraph (4)(B) that the State law of such State meets the requirements of paragraph (2); and

''(ii) the remainder shall be transferred to the account of such State upon a certification under paragraph (4)(B) that the State law of such State meets the requirements of paragraph (3).

''(2) The State law of a State meets the requirements of this paragraph if such State law—

''(A) uses a base period that includes the most recently completed calendar quarter before the start of the benefit year for purposes of determining eligibility for unemployment compensation; or

''(B) provides that, in the case of an individual who would not otherwise be eligible for unemployment compensation under the State law because of the use of a base period that does not include the most recently completed calendar quarter before the start of the benefit year, eligibility shall be determined using a base period that includes such calendar quarter.

''(3) The State law of a State meets the requirements of this paragraph if such State law includes provisions to carry out at least 2 of the following subparagraphs:

''(A) An individual shall not be denied regular unemployment compensation under any State law provisions relating to availability for work, active search for work, or refusal to accept work, solely because such individual is seeking only part-time (and not full-time) work, except that the State law provisions carrying out this subparagraph may exclude an individual if a majority of the weeks of work in such individual's base period do not include part-time work.

''(B) An individual shall not be disqualified from regular unemployment compensation for separating from employment if that separation is for any compelling family reason. For purposes of this subparagraph, the term 'compelling family reason' means the following:

''(i) Domestic violence, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual's continued employment would jeopardize the safety of the individual or of any member of the individual's immediate family (as defined by the Secretary of Labor).

''(ii) The illness or disability of a member of the individual's immediate family (as defined by the Secretary of Labor).

''(iii) The need for the individual to accompany such individual's spouse—

''(I) to a place from which it is impractical for such individual to commute; and

''(II) due to a change in location of the spouse's employment.

''(C) Weekly unemployment compensation is payable under this subparagraph to any individual who is unemployed (as determined under the State unemployment compensation law), has exhausted all rights to regular unemployment compensation under the State law, and is enrolled and making satisfactory progress in a State-approved training program or in a job training program authorized under the Workforce Investment Act of 1998. Such programs shall prepare individuals who have been separated from a declining occupation, or who have been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the individual's place of employment, for entry into a high-demand occupation. The amount of unemployment compensation payable under this subparagraph to an individual for a week of unemployment shall be equal to the individual's average weekly benefit amount (including dependents' allowances) for the most recent benefit year, and the total amount of unemployment compensation payable under this subparagraph to any individual shall be equal to at least 26 times the individual's average weekly benefit amount (including dependents' allowances) for the most recent benefit year.

''(D) Dependents' allowances are provided, in the case of any individual who is entitled to receive regular unemployment compensation and who has any dependents (as defined by State law), in an amount equal to at least $15 per dependent per week, subject to any aggregate limitation on such allowances which the State law may establish (but which aggregate limitation on the total allowance for dependents paid to an individual may not be less than $50 for each week of unemployment or 50 percent of the individual's

weekly benefit amount for the benefit year, whichever is less).

''(4)(A) Any State seeking an incentive payment under this subsection shall submit an application therefor at such time, in such manner, and complete with such information as the Secretary of Labor may within 60 days after the date of the enactment of this subsection prescribe (whether by regulation or otherwise), including information relating to compliance with the requirements of paragraph (2) or (3), as well as how the State intends to use the incentive payment to improve or strengthen the State's unemployment compensation program. The Secretary of Labor shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary's findings with respect to the requirements of paragraph (2) or (3) (or both).

''(B)(i) If the Secretary of Labor finds that the State law provisions (disregarding any State law provisions which are not then currently in effect as permanent law or which are subject to discontinuation) meet the requirements of paragraph (2) or (3), as the case may be, the Secretary of Labor shall thereupon make a certification to that effect to the Secretary of the Treasury, together with a certification as to the amount of the incentive payment to be transferred to the State account pursuant to that finding. The Secretary of the Treasury shall make the appropriate transfer within 7 days after receiving such certification.

''(ii) For purposes of clause (i), State law provisions which are to take effect within 12 months after the date of their certification under this subparagraph shall be considered to be in effect as of the date of such certification.

''(C)(i) No certification of compliance with the requirements of paragraph (2) or (3) may be made with respect to any State whose State law is not otherwise eligible for certification under section 303 or approvable under section 3304 of the Federal Unemployment Tax Act.

''(ii) No certification of compliance with the requirements of paragraph (3) may be made with respect to any State whose State law is not in compliance with the requirements of paragraph (2).

''(iii) No application under subparagraph (A) may be considered if submitted before the date of the enactment of this subsection or after the latest date necessary (as specified by the Secretary of Labor) to ensure that all incentive payments under this subsection are made before October 1, 2010. In the case of a State in which the first day of the first regularly scheduled session of the State legislature beginning after the date of enactment of this subsection begins after December 31, 2010, the preceding sentence shall be applied by substituting 'October 1, 2011' for 'October 1, 2010'.

''(5)(A) Except as provided in subparagraph (B), any amount transferred to the account of a State under this subsection may be used by such State only in the payment of cash benefits to individuals with respect to their unemployment (including for dependents' allowances and for unemployment compensation under paragraph (3)(C)), exclusive of expenses of administration.

''(B) A State may, subject to the same conditions as set forth in subsection (c)(2) (excluding subparagraph (B) thereof, and deeming the reference to 'subsections (a) and (b)' in subparagraph (D) thereof to include this subsection), use any amount transferred to the account of such State under this subsection for the administration of its unemployment compensation law and public employment offices.

''(6) Out of any money in the Federal unemployment account not otherwise appropriated, the Secretary of the Treasury shall reserve $7,000,000,000 for incentive payments under this subsection. Any amount so reserved shall not be taken into account for purposes of any determination under section 902, 910, or 1203 of the amount in the Federal unemployment account as of any given time. Any amount so reserved for which the Secretary of the Treasury has not received a certification under paragraph (4)(B) by the deadline described in paragraph (4)(C)(iii) shall, upon the close of fiscal year 2011, become unrestricted as to use as part of the Federal unemployment account.

''(7) For purposes of this subsection, the terms 'benefit year', 'base period', and 'week' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

''Special Transfer in Fiscal Year 2009 for Administration

''(g)(1) In addition to any other amounts, the Secretary of the Treasury shall transfer from the employment security administration account to the account of each State in the Unemployment Trust Fund, within 30 days after the date of the enactment of this subsection, the amount determined with respect to such State under paragraph (2).

''(2) The amount to be transferred under this subsection to a State account shall (as determined by the Secretary of Labor and certified by such Secretary to the Secretary of the Treasury) be equal to the amount obtained by multiplying $500,000,000 by the same ratio as determined under subsection (f)(1)(B) with respect to such State.

''(3) Any amount transferred to the account of a State as a result of the enactment of this subsection may be used by the State agency of such State only in the payment of expenses incurred by it for—

''(A) the administration of the provisions of its State law carrying out the purposes of subsection (f)(2) or any subparagraph of subsection (f)(3);

''(B) improved outreach to individuals who might be eligible for regular unemployment compensation by virtue of any provisions of the State law which are described in subparagraph (A);

''(C) the improvement of unemployment benefit and unemployment tax operations, including responding to increased demand for unemployment compensation; and

''(D) staff-assisted reemployment services for unemployment compensation claimants.''.

(b) REGULATIONS.—The Secretary of Labor may prescribe any regulations, operating instructions, or other guidance necessary to carry out the amendment made by subsection (a).

SEC. 2004. TEMPORARY ASSISTANCE FOR STATES WITH ADVANCES.

Section 1202(b) of the Social Security Act (42 U.S.C. 1322(b)) is amended by adding at the end the following new paragraph:

''(10)(A) With respect to the period beginning on the date of enactment of this paragraph and ending on December 31, 2010—

''(i) any interest payment otherwise due from a State under this subsection during such period shall be deemed to have been made by the State; and

''(ii) no interest shall accrue on any advance or advances made under section 1201 to a State during such period.

''(B) The provisions of subparagraph (A) shall have no effect on the requirement for interest payments under this subsection after the period described in such subparagraph or on the accrual of interest under this subsection after such period.''.

Subtitle B—Assistance for Vulnerable Individuals

SEC. 2101. EMERGENCY FUND FOR TANF PROGRAM.

(a) TEMPORARY FUND.—

(1) IN GENERAL.—Section 403 of the Social Security Act (42 U.S.C. 603) is amended by adding at the end the following:

''(c) EMERGENCY FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund which shall be known as the 'Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs' (in this subsection referred to as the 'Emergency Fund').

''(2) DEPOSITS INTO FUND.—

''(A) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2009, $3,000,000,000 for payment to the Emergency Fund.

''(B) AVAILABILITY AND USE OF FUNDS.—The amounts appropriated to the Emergency Fund under subparagraph (A) shall remain available through fiscal year 2010 and shall be used to make grants to States in each of fiscal years 2009 and 2010 in accordance with the requirements of paragraph (3).

''(C) LIMITATION.—In no case may the Secretary make a grant from the Emergency Fund for a fiscal year after fiscal year 2010.

''(3) GRANTS.—

''(A) GRANT RELATED TO CASELOAD INCREASES.—

''(i) IN GENERAL.—For each calendar quarter in fiscal year 2009 or 2010, the Secretary shall make a grant from the Emergency Fund to each State that—

''(I) requests a grant under this subparagraph for the quarter; and

''(II) meets the requirement of clause (ii) for the quarter.

''(ii) CASELOAD INCREASE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the average monthly assistance caseload of the State for the quarter exceeds the average monthly assistance caseload of the State for the corresponding quarter in the emergency fund base year of the State.

''(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be 80 percent of the amount (if any) by which the total expenditures of the State for basic assistance (as defined by the Secretary) in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total expenditures of the State for such assistance for the corresponding quarter in the emergency fund base year of the State.

''(B) GRANT RELATED TO INCREASED EXPENDITURES FOR NON-RECURRENT SHORT TERM BENEFITS.—

''(i) IN GENERAL.—For each calendar quarter in fiscal year 2009 or 2010, the Secretary shall make a grant from the Emergency Fund to each State that—

''(I) requests a grant under this subparagraph for the quarter; and

''(II) meets the requirement of clause (ii) for the quarter.

''(ii) NON-RECURRENT SHORT TERM EXPENDITURE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the total expenditures of the State for non-recurrent short term benefits in the quarter, whether under the State program funded

under this part or as qualified State expenditures, exceeds the total such expenditures of the State for non-recurrent short term benefits in the corresponding quarter in the emergency fund base year of the State.

''(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).

''(C) GRANT RELATED TO INCREASED EXPENDITURES FOR SUBSIDIZED EMPLOYMENT.—

''(i) IN GENERAL.—For each calendar quarter in fiscal year 2009 or 2010, the Secretary shall make a grant from the Emergency Fund to each State that—

''(I) requests a grant under this subparagraph for the quarter; and

''(II) meets the requirement of clause (ii) for the quarter.

''(ii) SUBSIDIZED EMPLOYMENT EXPENDITURE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the total expenditures of the State for subsidized employment in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total of such expenditures of the State in the corresponding quarter in the emergency fund base year of the State.

''(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).

''(4) AUTHORITY TO MAKE NECESSARY ADJUSTMENTS TO DATA AND COLLECT NEEDED DATA.—In determining the size of the caseload of a State and the expenditures of a State for basic assistance, non-recurrent short-term benefits, and subsidized employment, during any period for which the State requests funds under this subsection, and during the emergency fund base year of the State, the Secretary may make appropriate adjustments to the data to ensure that the data reflect expenditures under the State program funded under this part and qualified State expenditures. The Secretary may develop a mechanism for collecting expenditure data, including procedures which allow States to make reasonable estimates, and may set deadlines for making revisions to the data.

''(5) LIMITATION.—The total amount payable to a single State under subsection (b) and this subsection for a fiscal year shall not exceed 25 percent of the State family assistance grant.

''(6) LIMITATIONS ON USE OF FUNDS.—A State to which an amount is paid under this subsection may use the amount only as authorized by section 404.

''(7) TIMING OF IMPLEMENTATION.—The Secretary shall implement this subsection as quickly as reasonably possible, pursuant to appropriate guidance to States.

''(8) DEFINITIONS.—In this subsection:

''(A) AVERAGE MONTHLY ASSISTANCE CASELOAD DEFINED.—The term 'average monthly assistance caseload' means, with respect to a State and a quarter, the number of families receiving assistance during the quarter under the State program funded under this part or as qualified State expenditures, subject to adjustment under paragraph (4).

''(B) EMERGENCY FUND BASE YEAR.—

''(i) IN GENERAL.—The term 'emergency fund base year' means, with respect to a State and a category described in clause (ii), whichever of fiscal year 2007 or 2008 is the fiscal year in which the amount described by the category with respect to the State is the lesser.

''(ii) CATEGORIES DESCRIBED.—The categories described in this clause are the following:

''(I) The average monthly assistance caseload of the State.

''(II) The total expenditures of the State for non-recurrent short term benefits, whether under the State program funded under this part or as qualified State expenditures.

''(III) The total expenditures of the State for subsidized employment, whether under the State program funded under this part or as qualified State expenditures.

''(C) QUALIFIED STATE EXPENDITURES.—The term 'qualified State expenditures' has the meaning given the term in section 409(a)(7).''.

(2) REPEAL.—Effective October 1, 2010, subsection (c) of section 403 of the Social Security Act (42 U.S.C. 603) (as added by paragraph (1)) is repealed.

(b) TEMPORARY MODIFICATION OF CASELOAD REDUCTION CREDIT.—Section 407(b)(3)(A)(i) of such Act (42 U.S.C. 607(b)(3)(A)(i)) is amended by inserting ''(or if the immediately preceding fiscal year is fiscal year 2008, 2009, or 2010, then, at State option, during the emergency fund base year of the State with respect to the average monthly assistance caseload of the State (within the meaning of section 403(c)(8)(B), except that, if a State elects such option for fiscal year 2008, the emergency fund base year of the State with respect to such caseload shall be fiscal year 2007))'' before ''under the State''.

(c) DISREGARD FROM LIMITATION ON TOTAL PAYMENTS TO TERRITORIES.—Section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by inserting ''403(c)(3),'' after ''403(a)(5),''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 2102. EXTENSION OF TANF SUPPLEMENTAL GRANTS.

(a) EXTENSION THROUGH FISCAL YEAR 2010.—Section 7101(a) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 135), as amended by section 301(a) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended by striking ''fiscal year 2009'' and inserting ''fiscal year 2010''.

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended to read as follows:

''(ii) subparagraph (G) shall be applied as if 'fiscal year 2010' were substituted for 'fiscal year 2001'; and''.

SEC. 2103. CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.

Section 404(e) of the Social Security Act (42 U.S.C. 604(e)) is amended to read as follows:

''(e) AUTHORITY TO CARRY OVER CERTAIN AMOUNTS FOR BENEFITS OR SERVICES OR FOR FUTURE CONTINGENCIES.—A State or tribe may use a grant made to the State or tribe under this part for any fiscal year to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part.''.

SEC. 2104. TEMPORARY REINSTATEMENT OF AUTHORITY TO PROVIDE FEDERAL MATCHING PAYMENTS FOR STATE SPENDING OF CHILD SUPPORT INCENTIVE PAYMENTS.

During the period that begins on October 1, 2008, and ends on December 31, 2010, section 455(a)(1) of the Social Security Act (42 U.S.C. 655(a)(1)) shall be applied without regard to the amendment made by section 7309(a) of the Deficit Reduction Act of 2005 (Public Law 109–171, 120 Stat. 147).

TITLE III—HEALTH INSURANCE ASSISTANCE

SEC. 3000. TABLE OF CONTENTS OF TITLE.

The table of contents for this title is as follows:

Subtitle A—Premium Subsidies for COBRA Continuation Coverage for Unemployed Workers

SEC. 3001. PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) TABLE OF CONTENTS OF SUBTITLE.—The table of contents of this subtitle is as follows:

(b) PREMIUM ASSISTANCE FOR COBRA CONTINUATION COVERAGE FOR UNEMPLOYED WORKERS AND THEIR FAMILIES.—

(1) PROVISION OF PREMIUM ASSISTANCE.—

(A) REDUCTION OF PREMIUMS PAYABLE.—In the case of any premium for a month of coverage beginning after the date of the enactment of the Act for COBRA continuation coverage with respect to any assistance eligible individual, such individual shall be treated for purposes of any COBRA continuation provision as having paid the amount of such premium if such individual pays 50 percent of the amount of such premium (as determined without regard to this subsection).

(B) PLAN ENROLLMENT OPTION.—

(i) IN GENERAL.—Notwithstanding the COBRA continuation provisions, an assistance eligible individual may, not later than 90 days after the date of notice of the plan enrollment option described in this subparagraph, elect to enroll in coverage under a plan offered by the employer involved, or the employee organization involved (including,

for this purpose, a joint board of trustees of a multiemployer trust affiliated with one or more multiemployer plans), that is different than coverage under the plan in which such individual was enrolled at the time the qualifying event occurred, and such coverage shall be treated as COBRA continuation coverage for purposes of the applicable COBRA continuation coverage provision.

(ii) REQUIREMENTS.—An assistance eligible individual may elect to enroll in different coverage as described in clause (i) only if—

(I) the employer involved has made a determination that such employer will permit assistance eligible individuals to enroll in different coverage as provided for this subparagraph;

(II) the premium for such different coverage does not exceed the premium for coverage in which the individual was enrolled at the time the qualifying event occurred;

(III) the different coverage in which the individual elects to enroll is coverage that is also offered to the active employees of the employer at the time at which such election is made; and

(IV) the different coverage is not—

(aa) coverage that provides only dental, vision, counseling, or referral services (or a combination of such services);

(bb) a health flexible spending account or health reimbursement arrangement; or

(cc) coverage that provides coverage for services or treatments furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or a combination of such care).

(C) PREMIUM REIMBURSEMENT.—For provisions providing the balance of such premium, see section 6432 of the Internal Revenue Code of 1986, as added by paragraph (12).

(2) LIMITATION OF PERIOD OF PREMIUM ASSISTANCE.—

(A) IN GENERAL.—Paragraph (1)(A) shall not apply with respect to any assistance eligible individual for months of coverage beginning on or after the earlier of—

(i) the first date that such individual is eligible for coverage under any other group health plan (other than coverage consisting of only dental, vision, counseling, or referral services (or a combination thereof), coverage under a health reimbursement arrangement or a health flexible spending arrangement, or coverage of treatment that is furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or a combination thereof)) or is eligible for benefits under title XVIII of the Social Security Act; or

(ii) the earliest of—

(I) the date which is 12 months after the first day of first month that paragraph (1)(A) applies with respect to such individual,

(II) the date following the expiration of the maximum period of continuation coverage required under the applicable COBRA continuation coverage provision, or

(III) the date following the expiration of the period of continuation coverage allowed under paragraph (4)(B)(ii).

(B) TIMING OF ELIGIBILITY FOR ADDITIONAL COVERAGE.—For purposes of subparagraph (A)(i), an individual shall not be treated as eligible for coverage under a group health plan before the first date on which such individual could be covered under such plan.

(C) NOTIFICATION REQUIREMENT.—An assistance eligible individual shall notify in writing the group health plan with respect to which paragraph (1)(A) applies if such paragraph ceases to apply by reason of subparagraph (A)(i). Such notice shall be provided to the group health plan in such time and manner as may be specified by the Secretary of Labor.

(3) ASSISTANCE ELIGIBLE INDIVIDUAL.—For purposes of this section, the term ''assistance eligible individual'' means any qualified beneficiary if—

(A) at any time during the period that begins with September 1, 2008, and ends with December 31, 2009, such qualified beneficiary is eligible for COBRA continuation coverage,

(B) such qualified beneficiary elects such coverage, and

(C) the qualifying event with respect to the COBRA continuation coverage consists of the involuntary termination of the covered employee's employment and occurred during such period.

(4) EXTENSION OF ELECTION PERIOD AND EFFECT ON COVERAGE.—

(A) IN GENERAL.—Notwithstanding section 605(a) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(5)(A) of the Internal Revenue Code of 1986, section 2205(a) of the Public Health Service Act, and section 8905a(c)(2) of title 5, United States Code, in the case of an individual who is a qualified beneficiary described in paragraph (3)(A) as of the date of the enactment of this Act and has not made the election referred to in paragraph (3)(B) as of such date, such individual may elect the COBRA continuation coverage under the COBRA continuation coverage provisions containing such sections during the 60-day period commencing with the date on which the notification required under paragraph (7)(C) is provided to such individual.

(B) COMMENCEMENT OF COVERAGE; NO REACHBACK.—Any COBRA continuation coverage elected by a qualified beneficiary during an extended election period under subparagraph (A)—

(i) shall commence on the date of the enactment of this Act, and

(ii) shall not extend beyond the period of COBRA continuation coverage that would have been required under the applicable COBRA continuation coverage provision if the coverage had been elected as required under such provision.

(C) PREEXISTING CONDITIONS.—With respect to a qualified beneficiary who elects COBRA continuation coverage pursuant to subparagraph (A), the period—

(i) beginning on the date of the qualifying event, and

(ii) ending with the day before the date of the enactment of this Act,

shall be disregarded for purposes of determining the 63-day periods referred to in section 701)(2) of the Employee Retirement Income Security Act of 1974, section 9801(c)(2) of the Internal Revenue Code of 1986, and section 2701(c)(2) of the Public Health Service Act.

(5) EXPEDITED REVIEW OF DENIALS OF PREMIUM ASSISTANCE.—In any case in which an individual requests treatment as an assistance eligible individual and is denied such treatment by the group health plan by reason of such individual's ineligibility for COBRA continuation coverage, the Secretary of Labor (or the Secretary of Health and Human services in connection with COBRA continuation coverage which is provided other than pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974), in consultation with the Secretary of the Treasury, shall provide for expedited review of such denial. An individual shall be entitled to such review upon application to such Secretary in such form and manner as shall be provided by such Secretary. Such Secretary shall make a determination regarding such individual's eligibility within 10 business days after receipt of such individual's application for review under this paragraph.

(6) DISREGARD OF SUBSIDIES FOR PURPOSES OF FEDERAL AND STATE PROGRAMS.—Notwithstanding any other provision of law, any premium reduction with respect to an assistance eligible individual under this subsection shall not be considered income or resources in determining eligibility for, or the amount of assistance or benefits provided under, any other public benefit provided under Federal law or the law of any State or political subdivision thereof.

(7) NOTICES TO INDIVIDUALS.—

(A) GENERAL NOTICE.—

(i) IN GENERAL.—In the case of notices provided under section 606(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of the Internal Revenue Code of 1986, section 2206(4) of the Public Health Service Act (42 U.S.C. 300bb-6(4)), or section 8905a(f)(2)(A) of title 5, United States Code, with respect to individuals who, during the period described in paragraph (3)(A), become entitled to elect COBRA continuation coverage, such notices shall include an additional notification to the recipient of—

(I) the availability of premium reduction with respect to such coverage under this subsection; and

(II) the option to enroll in different coverage if an employer that permits assistance eligible individuals to elect enrollment in different coverage (as described in paragraph (1)(B)).

(ii) ALTERNATIVE NOTICE.—In the case of COBRA continuation coverage to which the notice provision under such sections does not apply, the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall, in coordination with administrators of the group health plans (or other entities) that provide or administer the COBRA continuation coverage involved, provide rules requiring the provision of such notice.

(iii) FORM.—The requirement of the additional notification under this subparagraph may be met by amendment of existing notice forms or by inclusion of a separate document with the notice otherwise required.

(B) SPECIFIC REQUIREMENTS.—Each additional notification under subparagraph (A) shall include—

(i) the forms necessary for establishing eligibility for premium reduction under this subsection,

(ii) the name, address, and telephone number necessary to contact the plan administrator and any other person maintaining relevant information in connection with such premium reduction,

(iii) a description of the extended election period provided for in paragraph (4)(A),

(iv) a description of the obligation of the qualified beneficiary under paragraph (2)(C) to notify the plan providing continuation coverage of eligibility for subsequent coverage under another group health plan or eligibility for benefits under title XVIII of the Social Security Act and the penalty provided for failure to so notify the plan,

(v) a description, displayed in a prominent manner, of the qualified beneficiary's right to a reduced premium and any conditions on entitlement to the reduced premium; and

(vi) a description of the option of the qualified beneficiary to enroll in different coverage if the employer permits such beneficiary to elect to enroll in such different coverage under paragraph (1)(B).

(C) NOTICE RELATING TO RETROACTIVE COVERAGE.—In the case of an individual described in paragraph (3)(A) who has elected COBRA continuation coverage as of the date of enactment of this Act or an individual described in paragraph (4)(A), the administrator of the group health plan (or other person) involved shall provide (within 60 days after the date of enactment of this Act) for the additional notification required to be provided under subparagraph (A).

(D) MODEL NOTICES.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall prescribe models for the additional notification required under this paragraph.

(8) SAFEGUARDS.—The Secretary of the Treasury shall provide such rules, procedures, regulations, and other guidance as may be necessary and appropriate to prevent fraud and abuse under this subsection.

(9) OUTREACH.—The Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall provide outreach consisting of public education and enrollment assistance relating to premium reduction provided under this subsection. Such outreach shall target employers, group health plan administrators, public assistance programs, States, insurers, and other entities as determined appropriate by such Secretaries. Such outreach shall include an initial focus on those individuals electing continuation coverage who are referred to in paragraph (7)(C). Information on such premium reduction, including enrollment, shall also be made available on website of the Departments of Labor, Treasury, and Health and Human Services.

(10) DEFINITIONS.—For purposes of this subsection—

(A) ADMINISTRATOR.—The term ''administrator'' has the meaning given such term in section 3(16) of the Employee Retirement Income Security Act of 1974

(B) COBRA CONTINUATION COVERAGE.—The term ''COBRA continuation coverage'' means continuation coverage provided pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (other than under section 609), title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986 (other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines), or section 8905a of title 5, United States Code, or under a State program that provides continuation coverage comparable to such continuation coverage. Such term does not include coverage under a health flexible spending arrangement.

(C) COBRA CONTINUATION PROVISION.—The term ''COBRA continuation provision'' means the provisions of law described in subparagraph (B).

(D) COVERED EMPLOYEE.—The term ''covered employee'' has the meaning given such term in section 607(2) of the Employee Retirement Income Security Act of 1974.

(E) QUALIFIED BENEFICIARY.—The term ''qualified beneficiary'' has the meaning given such term in section 607(3) of the Employee Retirement Income Security Act of 1974.

(F) GROUP HEALTH PLAN.—The term ''group health plan'' has the meaning given such term in section 607(1) of the Employee Retirement Income Security Act of 1974.

(G) STATE.—The term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(11) REPORTS.—

(A) INTERIM REPORT.—The Secretary of the Treasury shall submit an interim report to the Committee on Education and Labor, the Committee on Ways and Means, and the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate regarding the premium reduction provided under this subsection that includes—

(i) the number of individuals provided such assistance as of the date of the report; and

(ii) the total amount of expenditures incurred (with administrative expenditures noted separately) in connection with such assistance as of the date of the report.

(B) FINAL REPORT.—As soon as practicable after the last period of COBRA continuation coverage for which premium reduction is provided under this section, the Secretary of the Treasury shall submit a final report to each Committee referred to in subparagraph (A) that includes—

(i) the number of individuals provided premium reduction under this section;

(ii) the average dollar amount (monthly and annually) of premium reductions provided to such individuals; and

(iii) the total amount of expenditures incurred (with administrative expenditures noted separately) in connection with premium reduction under this section.

(12) COBRA PREMIUM ASSISTANCE.—

(A) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 6432. COBRA PREMIUM ASSISTANCE.

''(a) IN GENERAL.—The person to whom premiums are payable under COBRA continuation coverage shall be reimbursed for the amount of premiums not paid by plan beneficiaries by reason of section 3001(b) of the American Recovery and Reinvestment Act of 2009. Such amount shall be treated as a credit against the requirement of such person to make deposits of payroll taxes and the liability of such person for payroll taxes. To the extent that such amount exceeds the amount of such taxes, the Secretary shall pay to such person the amount of such excess. No payment may be made under this subsection to a person with respect to any assistance eligible individual until after such person has received the reduced premium from such individual required under section 3001(a)(1)(A) of such Act.

''(b) PAYROLL TAXES.—For purposes of this section, the term 'payroll taxes' means—

''(1) amounts required to be deducted and withheld for the payroll period under section 3401 (relating to wage withholding),

''(2) amounts required to be deducted for the payroll period under section 3102 (relating to FICA employee taxes), and

''(3) amounts of the taxes imposed for the payroll period under section 3111 (relating to FICA employer taxes).

''(c) TREATMENT OF CREDIT.—Except as otherwise provided by the Secretary, the credit described in subsection (a) shall be applied as though the employer had paid to the Secretary, on the day that the qualified beneficiary's premium payment is received, an amount equal to such credit.

''(d) TREATMENT OF PAYMENT.—For purposes of section 1324(b)(2) of title 31, United States Code, any payment under this subsection shall be treated in the same manner as a refund of the credit under section 35.

''(e) REPORTING.—

''(1) IN GENERAL.—Each person entitled to reimbursement under subsection (a) for any period shall submit such reports as the Secretary may require, including—

''(A) an attestation of involuntary termination of employment for each covered employee on the basis of whose termination entitlement to reimbursement is claimed under subsection (a), and

''(B) a report of the amount of payroll taxes offset under subsection (a) for the reporting period and the estimated offsets of such taxes for the subsequent reporting period in connection with reimbursements under subsection (a).

''(2) TIMING OF REPORTS RELATING TO AMOUNT OF PAYROLL TAXES.—Reports required under paragraph (1)(B) shall be submitted at the same time as deposits of taxes imposed by chapters 21, 22, and 24 or at such time as is specified by the Secretary.

''(f) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out this section, including the requirement to report information or the establishment of other methods for verifying the correct amounts of payments and credits under this section, and the application of this section to group health plans which are multiemployer plans.''.

(B) SOCIAL SECURITY TRUST FUNDS HELD HARMLESS.—In determining any amount transferred or appropriated to any fund under the Social Security Act, section 6432 of the Internal Revenue Code of 1986 shall not be taken into account.

(C) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 6432. COBRA premium assistance.''.

(D) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to premiums to which subsection (a)(1)(A) applies.

(E) SPECIAL RULE.—

(i) IN GENERAL.—In the case of an assistance eligible individual who pays the full premium amount required for COBRA continuation coverage for any month during the 60-day period beginning on the first day of the first month after the date of enactment of this Act, the person to whom such payment is made shall—

(I) make a reimbursement payment to such individual for the amount of such premium paid in excess of the amount required to be paid under subsection (b)(1)(A); or

(II) provide credit to the individual for such amount in a manner that reduces one or more subsequent premium payments that the individual is required to pay under such subsection for the coverage involved.

(ii) REIMBURSING EMPLOYER.—A person to which clause (i) applies shall be reimbursed as provided for in section 6432 of the Internal Revenue Code of 1986 for any payment made, or credit provided, to the employee under such clause.

(iii) PAYMENT OR CREDITS.—Unless it is reasonable to believe that the credit for the excess payment in clause (i)(II) will be used by the assistance eligible individual within 180 days of the date on which the person receives from the individual the payment of the full premium amount, a person to which clause (i) applies shall make the payment required under such clause to the individual within 60 days of such payment of the full premium amount. If, as of any day within the 180-day

period, it is no longer reasonable to believe that the credit will be used during that period, payment equal to the remainder of the credit outstanding shall be made to the individual within 60 days of such day.

(13) PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR PREMIUM ASSISTANCE.—

(A) IN GENERAL.—Part I of subchapter B of chapter 68 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 6720C. PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR COBRA PREMIUM ASSISTANCE.

''(a) IN GENERAL.—Any person required to notify a group health plan under section 3001(a)(2)(C) of the American Recovery and Reinvestment Act of 2009 who fails to make such a notification at such time and in such manner as the Secretary of Labor may require shall pay a penalty of 110 percent of the premium reduction provided under such section after termination of eligibility under such subsection.

''(b) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subsection (a) with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.''.

(B) CLERICAL AMENDMENT.—The table of sections of part I of subchapter B of chapter 68 of such Code is amended by adding at the end the following new item:

''Sec. 6720C. Penalty for failure to notify health plan of cessation of eligibility for COBRA premium assistance.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to failures occurring after the date of the enactment of this Act.

(14) COORDINATION WITH HCTC.—

(A) IN GENERAL.—Subsection (g) of section 35 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (9) as paragraph (10) and inserting after paragraph (8) the following new paragraph:

''(9) COBRA PREMIUM ASSISTANCE.—In the case of an assistance eligible individual who receives premium reduction for COBRA continuation coverage under section 3001(a) of the American Recovery and Reinvestment Act of 2009 for any month during the taxable year, such individual shall not be treated as an eligible individual, a certified individual, or a qualifying family member for purposes of this section or section 7527 with respect to such month.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to taxable years ending after the date of the enactment of this Act.

(15) EXCLUSION OF COBRA PREMIUM ASSISTANCE FROM GROSS INCOME.—

(A) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139B the following new section:

"SEC. 139C. COBRA PREMIUM ASSISTANCE.

''In the case of an assistance eligible individual (as defined in section 3001 of the American Recovery and Reinvestment Act of 2009), gross income does not include any premium reduction provided under subsection (a) of such section.''.

(B) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139B the following new item:

''Sec. 139C. COBRA premium assistance.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to taxable years ending after the date of the enactment of this Act.

Subtitle B—Transitional Medical Assistance (TMA)

SEC. 3101. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

(a) 18-MONTH EXTENSION.—

(1) IN GENERAL.—Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r–6(f)) are each amended by striking ''September 30, 2003'' and inserting ''December 31, 2010''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on July 1, 2009.

(b) STATE OPTION OF INITIAL 12-MONTH ELIGIBILITY.—Section 1925 of the Social Security Act (42 U.S.C. 1396r–6) is amended—

(1) in subsection (a)(1), by inserting ''but subject to paragraph (5)'' after ''Notwithstanding any other provision of this title'';

(2) by adding at the end of subsection (a) the following:

''(5) OPTION OF 12-MONTH INITIAL ELIGIBILITY PERIOD.—A State may elect to treat any reference in this subsection to a 6-month period (or 6 months) as a reference to a 12-month period (or 12 months). In the case of such an election, subsection (b) shall not apply.''; and

(3) in subsection (b)(1), by inserting ''but subject to subsection (a)(5)'' after ''Notwithstanding any other provision of this title''.

(c) REMOVAL OF REQUIREMENT FOR PREVIOUS RECEIPT OF MEDICAL ASSISTANCE.—Section 1925(a)(1) of such Act (42 U.S.C. 1396r–6(a)(1)), as amended by subsection (b)(1), is further amended—

(1) by inserting ''subparagraph (B) and'' before ''paragraph (5)'';

(2) by redesignating the matter after ''REQUIREMENT.—'' as a subparagraph (A) with the heading ''IN GENERAL.—'' and with the same indentation as subparagraph (B) (as added by paragraph (3)); and

(3) by adding at the end the following:

''(B) STATE OPTION TO WAIVE REQUIREMENT FOR 3 MONTHS BEFORE RECEIPT OF MEDICAL ASSISTANCE.—A State may, at its option, elect also to apply subparagraph (A) in the case of a family that was receiving such aid for fewer than three months or that had applied for and was eligible for such aid for fewer than 3 months during the 6 immediately preceding months described in such subparagraph.''.

(d) CMS REPORT ON ENROLLMENT AND PARTICIPATION RATES UNDER TMA.—Section 1925 of such Act (42 U.S.C. 1396r–6), as amended by this section, is further amended by adding at the end the following new subsection:

''(g) COLLECTION AND REPORTING OF PARTICIPATION INFORMATION.—

''(1) COLLECTION OF INFORMATION FROM STATES.—Each State shall collect and submit to the Secretary (and make publicly available), in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section and of the number and percentage of children who become ineligible for medical assistance under this section whose medical assistance is continued under another eligibility category or who are enrolled under the State's child health plan under title XXI. Such information shall be submitted at the same time and frequency in which other enrollment information under this title is submitted to the Secretary.

''(2) ANNUAL REPORTS TO CONGRESS.—Using the information submitted under paragraph (1), the Secretary shall submit to Congress annual reports concerning enrollment and participation rates described in such paragraph.''.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) through (d) shall take effect on July 1, 2009.

Subtitle C—Extension of the Qualified Individual (QI) Program

SEC. 3201. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking ''December 2009'' and inserting ''December 2010''.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u–3(g)) is amended—

(1) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (K);

(B) in subparagraph (L), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(M) for the period that begins on January 1, 2010, and ends on September 30, 2010, the total allocation amount is $412,500,000; and

''(N) for the period that begins on October 1, 2010, and ends on December 31, 2010, the total allocation amount is $150,000,000.''; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking ''or (L)'' and inserting ''(L), or (N)''.

Subtitle D—Other Provisions

SEC. 3301. PREMIUMS AND COST SHARING PROTECTIONS UNDER MEDICAID, ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND CHIP, AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.

(a) PREMIUMS AND COST SHARING PROTECTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''and (i)'' and inserting '', (i), and (j)''; and

(B) by adding at the end the following new subsection:

''(j) NO PREMIUMS OR COST SHARING FOR INDIANS FURNISHED ITEMS OR SERVICES DIRECTLY BY INDIAN HEALTH PROGRAMS OR THROUGH REFERRAL UNDER CONTRACT HEALTH SERVICES.—

''(1) NO COST SHARING FOR ITEMS OR SERVICES FURNISHED TO INDIANS THROUGH INDIAN HEALTH PROGRAMS.—

''(A) IN GENERAL.—No enrollment fee, premium, or similar charge, and no deduction, copayment, cost sharing, or similar charge shall be imposed against an Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization or through referral under contract health services for which payment may be made under this title.

''(B) NO REDUCTION IN AMOUNT OF PAYMENT TO INDIAN HEALTH PROVIDERS.—Payment due under this title to the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, or a health care provider through referral under contract health services for the furnishing of an item or service to an Indian who is eligible for assistance under such title, may not be reduced by the amount of any enrollment fee, premium, or similar charge, or any deduction, copayment, cost sharing, or similar charge that would be due from the Indian but for the operation of subparagraph (A).

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as restricting the application of any other limitations on the imposition of premiums or cost sharing that may apply to an individual receiving medical assistance under this title who is an Indian.''.

(2) CONFORMING AMENDMENT.—Section 1916A(b)(3) of such Act (42 U.S.C. 1396o–1(b)(3)) is amended—

(A) in subparagraph (A), by adding at the end the following new clause:

''(vi) An Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization or Urban Indian Organization or through referral under contract health services.''; and

(B) in subparagraph (B), by adding at the end the following new clause:

''(ix) Items and services furnished to an Indian directly by the Indian Health Service, an Indian Tribe, Tribal Organization or Urban Indian Organization or through referral under contract health services.''.

(b) TREATMENT OF CERTAIN PROPERTY FROM RESOURCES FOR MEDICAID AND CHIP ELIGIBILITY.—

(1) MEDICAID.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

''(dd) Notwithstanding any other requirement of this title or any other provision of Federal or State law, a State shall disregard the following property from resources for purposes of determining the eligibility of an individual who is an Indian for medical assistance under this title:

''(1) Property, including real property and improvements, that is held in trust, subject to Federal restrictions, or otherwise under the supervision of the Secretary of the Interior, located on a reservation, including any federally recognized Indian Tribe's reservation, pueblo, or colony, including former reservations in Oklahoma, Alaska Native regions established by the Alaska Native Claims Settlement Act, and Indian allotments on or near a reservation as designated and approved by the Bureau of Indian Affairs of the Department of the Interior.

''(2) For any federally recognized Tribe not described in paragraph (1), property located within the most recent boundaries of a prior Federal reservation.

''(3) Ownership interests in rents, leases, royalties, or usage rights related to natural resources (including extraction of natural resources or harvesting of timber, other plants and plant products, animals, fish, and shellfish) resulting from the exercise of federally protected rights.

''(4) Ownership interests in or usage rights to items not covered by paragraphs (1) through (3) that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable tribal law or custom.''.

(2) APPLICATION TO CHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (E), as subparagraphs (C) through (F), respectively; and

(B) by inserting after subparagraph (A), the following new subparagraph:

''(B) Section 1902(dd) (relating to disregard of certain property for purposes of making eligibility determinations).''.

(c) CONTINUATION OF CURRENT LAW PROTECTIONS OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.—Section 1917(b)(3) of the Social Security Act (42 U.S.C. 1396p(b)(3)) is amended—

(1) by inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following new subparagraph:

''(B) The standards specified by the Secretary under subparagraph (A) shall require that the procedures established by the State agency under subparagraph (A) exempt income, resources, and property that are exempt from the application of this subsection as of April 1, 2003, under manual instructions issued to carry out this subsection (as in effect on such date) because of the Federal responsibility for Indian Tribes and Alaska Native Villages. Nothing in this subparagraph shall be construed as preventing the Secretary from providing additional estate recovery exemptions under this title for Indians.''.

SEC. 3302. RULES APPLICABLE UNDER MEDICAID AND CHIP TO MANAGED CARE ENTITIES WITH RESPECT TO INDIAN ENROLLEES AND INDIAN HEALTH CARE PROVIDERS AND INDIAN MANAGED CARE ENTITIES.

(a) IN GENERAL.—Section 1932 of the Social Security Act (42 U.S.C. 1396u–2) is amended by adding at the end the following new subsection:

''(h) SPECIAL RULES WITH RESPECT TO INDIAN ENROLLEES, INDIAN HEALTH CARE PROVIDERS, AND INDIAN MANAGED CARE ENTITIES.—

''(1) ENROLLEE OPTION TO SELECT AN INDIAN HEALTH CARE PROVIDER AS PRIMARY CARE PROVIDER.—In the case of a non-Indian Medicaid managed care entity that—

''(A) has an Indian enrolled with the entity; and

''(B) has an Indian health care provider that is participating as a primary care provider within the network of the entity,

insofar as the Indian is otherwise eligible to receive services from such Indian health care provider and the Indian health care provider has the capacity to provide primary care services to such Indian, the contract with the entity under section 1903(m) or under section 1905(t)(3) shall require, as a condition of receiving payment under such contract, that the Indian shall be allowed to choose such Indian health care provider as the Indian's primary care provider under the entity.

''(2) ASSURANCE OF PAYMENT TO INDIAN HEALTH CARE PROVIDERS FOR PROVISION OF COVERED SERVICES.—Each contract with a managed care entity under section 1903(m) or under section 1905(t)(3) shall require any such entity, as a condition of receiving payment under such contract, to satisfy the following requirements:

''(A) DEMONSTRATION OF ACCESS TO INDIAN HEALTH CARE PROVIDERS AND APPLICATION OF ALTERNATIVE PAYMENT ARRANGEMENTS.—Subject to subparagraph (C), to—

''(i) demonstrate that the number of Indian health care providers that are participating providers with respect to such entity are sufficient to ensure timely access to covered Medicaid managed care services for those Indian enrollees who are eligible to receive services from such providers; and

''(ii) agree to pay Indian health care providers, whether such providers are participating or nonparticipating providers with respect to the entity, for covered Medicaid managed care services provided to those Indian enrollees who are eligible to receive services from such providers at a rate equal to the rate negotiated between such entity and the provider involved or, if such a rate has not been negotiated, at a rate that is not less than the level and amount of payment which the entity would make for the services if the services were furnished by a participating provider which is not an Indian health care provider.

''(B) PROMPT PAYMENT.—To agree to make prompt payment (consistent with rule for prompt payment of providers under section 1932(f)) to Indian health care providers that are participating providers with respect to such entity or, in the case of an entity to which subparagraph (A)(ii) or (C) applies, that the entity is required to pay in accordance with that subparagraph.

''(C) APPLICATION OF SPECIAL PAYMENT REQUIREMENTS FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—

''(i) FEDERALLY-QUALIFIED HEALTH CENTERS.—

''(I) MANAGED CARE ENTITY PAYMENT REQUIREMENT.—To agree to pay any Indian health care provider that is a federally-qualified health center under this title but not a participating provider with respect to the entity, for the provision of covered Medicaid managed care services by such provider to an Indian enrollee of the entity at a rate equal to the amount of payment that the entity would pay a federally-qualified health center that is a participating provider with respect to the entity but is not an Indian health care provider for such services.

''(II) CONTINUED APPLICATION OF STATE REQUIREMENT TO MAKE SUPPLEMENTAL PAYMENT.—Nothing in subclause (I) or subparagraph (A) or (B) shall be construed as waiving the application of section 1902(bb)(5) regarding the State plan requirement to make any supplemental payment due under such section to a federally-qualified health center for services furnished by such center to an enrollee of a managed care entity (regardless of whether the federally-qualified health center is or is not a participating provider with the entity).

''(ii) PAYMENT RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—If the amount paid by a managed care entity to an Indian health care provider that is not a federally-qualified health center for services provided by the provider to an Indian enrollee with the managed care entity is less than the rate that applies to the provision of such services by the provider under the State plan, the plan shall provide for payment to the Indian health care provider, whether the provider is a participating or nonparticipating provider with respect to the entity, of the difference between such applicable rate and the amount paid by the managed care entity to the provider for such services.

''(D) CONSTRUCTION.—Nothing in this paragraph shall be construed as waiving the application of section 1902(a)(30)(A) (relating to application of standards to assure that payments are consistent with efficiency, economy, and quality of care).

''(3) SPECIAL RULE FOR ENROLLMENT FOR INDIAN MANAGED CARE ENTITIES.—Regarding the application of a Medicaid managed care program to Indian Medicaid managed care entities, an Indian Medicaid managed care entity may restrict enrollment under such program to Indians and to members of specific Tribes in the same manner as Indian Health Programs may restrict the delivery of services to such Indians and tribal members.

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) INDIAN HEALTH CARE PROVIDER.—The term 'Indian health care provider' means an Indian Health Program or an Urban Indian Organization.

''(B) INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'Indian Medicaid managed care entity' means a managed care entity

that is controlled (within the meaning of the last sentence of section 1903(m)(1)(C)) by the Indian Health Service, a Tribe, Tribal Organization, or Urban Indian Organization, or a consortium, which may be composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Service.

''(C) NON-INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'non-Indian Medicaid managed care entity' means a managed care entity that is not an Indian Medicaid managed care entity.

''(D) COVERED MEDICAID MANAGED CARE SERVICES.—The term 'covered Medicaid managed care services' means, with respect to an individual enrolled with a managed care entity, items and services for which benefits are available with respect to the individual under the contract between the entity and the State involved.

''(E) MEDICAID MANAGED CARE PROGRAM.—The term 'Medicaid managed care program' means a program under sections 1903(m), 1905(t), and 1932 and includes a managed care program operating under a waiver under section 1915(b) or 1115 or otherwise.''.

(b) APPLICATION TO CHIP.—Subject to section __013(d), section 2107(e)(1) of such Act (42 U.S.C. 1397gg(1)) is amended by adding at the end the following new subparagraph:

''(E) Subsections (a)(2)(C) and (h) of section 1932.''.

SEC. 3303. CONSULTATION ON MEDICAID, CHIP, AND OTHER HEALTH CARE PROGRAMS FUNDED UNDER THE SOCIAL SECURITY ACT INVOLVING INDIAN HEALTH PROGRAMS AND URBAN INDIAN ORGANIZATIONS.

(a) CONSULTATION WITH TRIBAL TECHNICAL ADVISORY GROUP (TTAG).—The Secretary of Health and Human Services shall maintain within the Centers for Medicaid & Medicare Services (CMS) a Tribal Technical Advisory Group (TTAG), which was first established in accordance with requirements of the charter dated September 30, 2003, and the Secretary of Health and Human Services shall include in such Group a representative of a national urban Indian health organization and a representative of the Indian Health Service. The inclusion of a representative of a national urban Indian health organization in such Group shall not affect the nonapplication of the Federal Advisory Committee Act (5 U.S.C. App.) to such Group.

(b) SOLICITATION OF ADVICE UNDER MEDICAID AND CHIP.—

(1) MEDICAID STATE PLAN AMENDMENT.—Subject to subsection (d), section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (70), by striking ''and'' at the end;

(B) in paragraph (71), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (71), the following new paragraph:

''(72) in the case of any State in which 1 or more Indian Health Programs or Urban Indian Organizations furnishes health care services, provide for a process under which the State seeks advice on a regular, ongoing basis from designees of such Indian Health Programs and Urban Indian Organizations on matters relating to the application of this title that are likely to have a direct effect on such Indian Health Programs and Urban Indian Organizations and that—

''(A) shall include solicitation of advice prior to submission of any plan amendments, waiver requests, and proposals for demonstration projects likely to have a direct effect on Indians, Indian Health Programs, or Urban Indian Organizations; and

''(B) may include appointment of an advisory committee and of a designee of such Indian Health Programs and Urban Indian Organizations to the medical care advisory committee advising the State on its State plan under this title.''.

(2) APPLICATION TO CHIP.—Subject to subsection (d), section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by section 3302(b)(2), is amended—

(A) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(B) by inserting after subparagraph (A), the following new subparagraph:

''(B) Section 1902(a)(72) (relating to requiring certain States to seek advice from designees of Indian Health Programs and Urban Indian Organizations).''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as superseding existing advisory committees, working groups, guidance, or other advisory procedures established by the Secretary of Health and Human Services or by any State with respect to the provision of health care to Indians.

(d) CONTINGENCY RULE.—If the Children's Health Insurance Program Reauthorization Act of 2009 (in this subsection referred to as ''CHIPRA'') has been enacted as of the date of enactment of this Act, the following shall apply:

(1) Subparagraph (I) of section 2107(e) of the Social Security Act (as redesignated by CHIPRA) is redesignated as subparagraph (K) and the subparagraph (E) added to section 2107(e) of the Social Security Act by section 3302(b) is redesignated as subparagraph (J).

(2) Subparagraphs (D) through (H) of section 2107(e) of the Social Security Act (as added and redesignated by CHIPRA) are redesignated as subparagraphs (E) through (I), respectively and the subparagraph (B) of section 2107(e) of the Social Security Act added by subsection (b)(2) of this section is redesignated as subparagraph (D) and amended by striking ''1902(a)(72)'' and inserting ''1902(a)(73)''.

(3) Section 1902(a) of the Social Security Act (as amended by CHIPRA) is amended by striking ''and'' at the end of paragraph (71), by striking the period at the end of the paragraph (72) added by CHIPRA and inserting ''; and'' and by redesignated the paragraph (72) added to such section by subsection (b)(1) of this section as paragraph (73).

SEC. 3304. APPLICATION OF PROMPT PAY REQUIREMENTS TO NURSING FACILITIES.

Section 1902(a)(37)(A) of the Social Security Act (42 U.S.C. 1396a(a)(37)(A)) is amended by inserting '', or by nursing facilities,'' after ''health facilities''

SEC. 3305. PERIOD OF APPLICATION; SUNSET.

This subtitle and the amendments made by this subtitle shall be in effect only during the period that begins on April 1, 2009, and ends on December 31, 2010. On and after January 1, 2011, the Social Security Act shall be applied as if this subtitle and the amendments made by this subtitle had not been enacted.

TITLE IV—HEALTH INFORMATION TECHNOLOGY

SEC. 4001. SHORT TITLE; TABLE OF CONTENTS OF TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Medicare and Medicaid Health Information Technology for Economic and Clinical Health Act'' or the ''M-HITECH Act''.

(b) TABLE OF CONTENTS OF TITLE.—The table of contents for this title is as follows:

Subtitle A—Medicare Program

SEC. 4201. INCENTIVES FOR ELIGIBLE PROFESSIONALS.

(a) INCENTIVE PAYMENTS.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended by adding at the end the following new subsection:

''(o) INCENTIVES FOR ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

''(1) INCENTIVE PAYMENTS.—

''(A) IN GENERAL.—

''(i) IN GENERAL.—Subject to clause (ii) and the succeeding subparagraphs of this paragraph, with respect to covered professional services furnished by an eligible professional during a payment year (as defined in subparagraph (E)), if the eligible professional is a meaningful EHR user (as determined under paragraph (2)) for the reporting period with respect to such year, in addition to the amount otherwise paid under this part, there also shall be paid to the eligible professional (or to an employer or facility in the cases described in clause (A) of section 1842(b)(6)), from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 an amount equal to 75 percent of the Secretary's estimate (based on claims submitted not later than 2 months after the end of the payment year) of the allowed charges under this part for all such covered professional services furnished by the eligible professional during such year.

''(ii) NO INCENTIVE PAYMENTS WITH RESPECT TO YEARS AFTER 2015.—No incentive payments may be made under this subsection with respect to a year after 2015.

''(B) LIMITATIONS ON AMOUNTS OF INCENTIVE PAYMENTS.—

''(i) IN GENERAL.—In no case shall the amount of the incentive payment provided under this paragraph for an eligible professional for a payment year exceed the applicable amount specified under this subparagraph with respect to such eligible professional and such year.

''(ii) AMOUNT.—Subject to clauses (iii) through (v), the applicable amount specified in this subparagraph for an eligible professional is as follows:

''(I) For the first payment year for such professional, $15,000 (or, if the first payment year for such eligible professional is 2011 or 2012, $18,000).

''(II) For the second payment year for such professional, $12,000.

''(III) For the third payment year for such professional, $8,000.

''(IV) For the fourth payment year for such professional, $4,000.

''(V) For the fifth payment year for such professional, $2,000.

''(VI) For any succeeding payment year for such professional, $0.

''(iii) PHASE DOWN FOR ELIGIBLE PROFESSIONALS FIRST ADOPTING EHR IN 2014.—If the first payment year for an eligible professional is 2014, then the amount specified in this subparagraph for a payment year for such professional is the same as the amount specified in clause (ii) for such payment year for an eligible professional whose first payment year is 2013.

''(iv) INCREASE FOR CERTAIN RURAL ELIGIBLE PROFESSIONALS.—In the case of an eligible professional who predominantly furnishes services under this part in a rural area that is designated by the Secretary (under section 332(a)(1)(A) of the Public Health Service Act) as a health professional shortage area, the amount that would otherwise apply for a payment year for such professional under subclauses (I) through (V) of clause (ii) shall be increased by 25 percent. In implementing the preceding sentence, the Secretary may, as determined appropriate, apply provisions of subsections (m) and (u) of section 1833 in a similar manner as such provisions apply under such subsection.

''(v) NO INCENTIVE PAYMENT IF FIRST ADOPTING AFTER 2014.—If the first payment year for an eligible professional is after 2014 then the applicable amount specified in this subparagraph for such professional for such year and any subsequent year shall be $0.

''(C) NON-APPLICATION TO HOSPITAL-BASED ELIGIBLE PROFESSIONALS.—

''(i) IN GENERAL.—No incentive payment may be made under this paragraph in the case of a hospital-based eligible professional.

''(ii) HOSPITAL-BASED ELIGIBLE PROFESSIONAL.—For purposes of clause (i), the term 'hospital-based eligible professional' means, with respect to covered professional services furnished by an eligible professional during the reporting period for a payment year, an eligible professional, such as a pathologist, anesthesiologist, or emergency physician, who furnishes substantially all of such services in a hospital setting (whether inpatient or outpatient) and through the use of the facilities and equipment, including qualified electronic health records, of the hospital.

''(D) PAYMENT.—

''(i) FORM OF PAYMENT.—The payment under this paragraph may be in the form of a single consolidated payment or in the form of such periodic installments as the Secretary may specify.

''(ii) COORDINATION OF APPLICATION OF LIMITATION FOR PROFESSIONALS IN DIFFERENT PRACTICES.—In the case of an eligible professional furnishing covered professional services in more than one practice (as specified by the Secretary), the Secretary shall establish rules to coordinate the incentive payments, including the application of the limitation on amounts of such incentive payments under this paragraph, among such practices.

''(iii) COORDINATION WITH MEDICAID.—The Secretary shall seek, to the maximum extent practicable, to avoid duplicative requirements from Federal and State Governments to demonstrate meaningful use of certified EHR technology under this title and title XIX. In doing so, the Secretary may deem satisfaction of State requirements for such meaningful use for a payment year under title XIX to be sufficient to qualify as meaningful use under this subsection and subsection (a)(7) and vice versa. The Secretary may also adjust the reporting periods under such title and such subsections in order to carry out this clause.

''(E) PAYMENT YEAR DEFINED.—

''(i) IN GENERAL.—For purposes of this subsection, the term 'payment year' means a year beginning with 2011.

''(ii) FIRST, SECOND, ETC. PAYMENT YEAR.—The term 'first payment year' means, with respect to covered professional services furnished by an eligible professional, the first year for which an incentive payment is made for such services under this subsection. The terms 'second payment year', 'third payment year', 'fourth payment year', and 'fifth payment year' mean, with respect to covered professional services furnished by such eligible professional, each successive year immediately following the first payment year for such professional.

''(2) MEANINGFUL EHR USER.—

''(A) IN GENERAL.—For purposes of paragraph (1), an eligible professional shall be treated as a meaningful EHR user for a reporting period for a payment year (or, for purposes of subsection (a)(7), for a reporting period under such subsection for a year) if each of the following requirements is met:

''(i) MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—The eligible professional demonstrates to the satisfaction of the Secretary, in accordance with subparagraph (C)(i), that during such period the professional is using certified EHR technology in a meaningful manner, which shall include the use of electronic prescribing as determined to be appropriate by the Secretary.

''(ii) INFORMATION EXCHANGE.—The eligible professional demonstrates to the satisfaction of the Secretary, in accordance with subparagraph (C)(i), that during such period such certified EHR technology is connected in a manner that provides, in accordance with law and standards applicable to the exchange of information, for the electronic exchange of health information to improve the quality of health care, such as promoting care coordination.

''(iii) REPORTING ON MEASURES USING EHR.—Subject to subparagraph (B)(ii) and using such certified EHR technology, the eligible professional submits information for such period, in a form and manner specified by the Secretary, on such clinical quality measures and such other measures as selected by the Secretary under subparagraph (B)(i).

The Secretary may provide for the use of alternative means for meeting the requirements of clauses (i), (ii), and (iii) in the case of an eligible professional furnishing covered professional services in a group practice (as defined by the Secretary). The Secretary shall seek to improve the use of electronic health records and health care quality over time by requiring more stringent measures of meaningful use selected under this paragraph.

''(B) REPORTING ON MEASURES.—

''(i) SELECTION.—The Secretary shall select measures for purposes of subparagraph (A)(iii) but only consistent with the following:

''(I) The Secretary shall provide preference to clinical quality measures that have been endorsed by the entity with a contract with the Secretary under section 1890(a).

''(II) Prior to any measure being selected under this subparagraph, the Secretary shall publish in the Federal Register such measure and provide for a period of public comment on such measure.

''(ii) LIMITATION.—The Secretary may not require the electronic reporting of information on clinical quality measures under subparagraph (A)(iii) unless the Secretary has the capacity to accept the information electronically, which may be on a pilot basis.

''(iii) COORDINATION OF REPORTING OF INFORMATION.—In selecting such measures, and in establishing the form and manner for reporting measures under subparagraph (A)(iii), the Secretary shall seek to avoid redundant or duplicative reporting otherwise required, including reporting under subsection (k)(2)(C).

''(C) DEMONSTRATION OF MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY AND INFORMATION EXCHANGE.—

''(i) IN GENERAL.—A professional may satisfy the demonstration requirement of clauses (i) and (ii) of subparagraph (A) through means specified by the Secretary, which may include—

''(I) an attestation;

''(II) the submission of claims with appropriate coding (such as a code indicating that a patient encounter was documented using certified EHR technology);

''(III) a survey response;

''(IV) reporting under subparagraph (A)(iii); and

''(V) other means specified by the Secretary.

''(ii) USE OF PART D DATA.—Notwithstanding sections 1860D–15(d)(2)(B) and 1860D–15(f)(2), the Secretary may use data regarding drug claims submitted for purposes of section 1860D–15 that are necessary for purposes of subparagraph (A).

''(3) APPLICATION.—

''(A) PHYSICIAN REPORTING SYSTEM RULES.—Paragraphs (5), (6), and (8) of subsection (k) shall apply for purposes of this subsection in the same manner as they apply for purposes of such subsection.

''(B) COORDINATION WITH OTHER PAYMENTS.—The provisions of this subsection shall not be taken into account in applying the provisions of subsection (m) of this section and of section 1833(m) and any payment under such provisions shall not be taken into account in computing allowable charges under this subsection.

''(C) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the determination of any incentive payment under this subsection and the payment adjustment under subsection (a)(7), including the determination of a meaningful EHR user under paragraph (2), a limitation under paragraph (1)(B), and the exception under subsection (a)(7)(B).

''(D) POSTING ON WEBSITE.—The Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services, in an easily understandable format, a list of the names, business addresses, and business phone numbers of the eligible professionals who are meaningful EHR users and, as determined appropriate by the Secretary, of group practices receiving incentive payments under paragraph (1).

''(4) CERTIFIED EHR TECHNOLOGY DEFINED.—For purposes of this section, the term 'certified EHR technology' means a qualified electronic health record (as defined in 3000(13) of the Public Health Service Act) that is certified pursuant to section 3001(c)(5) of such Act as meeting standards adopted under section 3004 of such Act that are applicable to the type of record involved (as determined by the Secretary, such as an ambulatory electronic health record for office-based physicians or an inpatient hospital electronic health record for hospitals).

''(5) DEFINITIONS.—For purposes of this subsection:

''(A) COVERED PROFESSIONAL SERVICES.—The term 'covered professional services' has the meaning given such term in subsection (k)(3).

''(B) ELIGIBLE PROFESSIONAL.—The term 'eligible professional' means a physician, as defined in section 1861(r).

''(C) REPORTING PERIOD.—The term 'reporting period' means any period (or periods), with respect to a payment year, as specified by the Secretary.''.

(b) INCENTIVE PAYMENT ADJUSTMENT.—Section 1848(a) of the Social Security Act (42 U.S.C. 1395w–4(a)) is amended by adding at the end the following new paragraph:

''(7) INCENTIVES FOR MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

''(A) ADJUSTMENT.—

''(i) IN GENERAL.—Subject to subparagraphs (B) and (D), with respect to covered professional services furnished by an eligible professional during 2015 or any subsequent payment year, if the eligible professional is not a meaningful EHR user (as determined under subsection (o)(2)) for a reporting period for the year, the fee schedule amount for such services furnished by such professional during the year (including the fee schedule amount for purposes of determining a payment based on such amount) shall be equal to the applicable percent of the fee schedule amount that would otherwise apply to such services under this subsection (determined after application of paragraph (3) but without regard to this paragraph).

''(ii) APPLICABLE PERCENT.—Subject to clause (iii), for purposes of clause (i), the term 'applicable percent' means—

''(I) for 2015, 99 percent (or, in the case of an eligible professional who was subject to the application of the payment adjustment under section 1848(a)(5) for 2014, 98 percent);

''(II) for 2016, 98 percent; and

''(III) for 2017 and each subsequent year, 97 percent.

''(iii) AUTHORITY TO DECREASE APPLICABLE PERCENTAGE FOR 2018 AND SUBSEQUENT YEARS.—For 2018 and each subsequent year, if the Secretary finds that the proportion of eligible professionals who are meaningful EHR users (as determined under subsection (o)(2)) is less than 75 percent, the applicable percent shall be decreased by 1 percentage point from the applicable percent in the preceding year, but in no case shall the applicable percent be less than 95 percent.

''(B) SIGNIFICANT HARDSHIP EXCEPTION.—The Secretary may, on a case-by-case basis, exempt an eligible professional from the application of the payment adjustment under subparagraph (A) if the Secretary determines, subject to annual renewal, that compliance with the requirement for being a meaningful EHR user would result in a significant hardship, such as in the case of an eligible professional who practices in a rural area without sufficient Internet access. In no case may an eligible professional be granted an exemption under this subparagraph for more than 5 years.

''(C) APPLICATION OF PHYSICIAN REPORTING SYSTEM RULES.—Paragraphs (5), (6), and (8) of subsection (k) shall apply for purposes of this paragraph in the same manner as they apply for purposes of such subsection.

''(D) NON-APPLICATION TO HOSPITAL-BASED ELIGIBLE PROFESSIONALS.—No payment adjustment may be made under subparagraph (A) in the case of hospital-based eligible professionals (as defined in subsection (o)(1)(C)(ii)).

''(E) DEFINITIONS.—For purposes of this paragraph:

''(i) COVERED PROFESSIONAL SERVICES.—The term 'covered professional services' has the meaning given such term in subsection (k)(3).

''(ii) ELIGIBLE PROFESSIONAL.—The term 'eligible professional' means a physician, as defined in section 1861(r).

''(iii) REPORTING PERIOD.—The term 'reporting period' means, with respect to a year, a period specified by the Secretary.''.

(c) APPLICATION TO CERTAIN MA-AFFILIATED ELIGIBLE PROFESSIONALS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended by adding at the end the following new subsection:

''(l) APPLICATION OF ELIGIBLE PROFESSIONAL INCENTIVES FOR CERTAIN MA ORGANIZATIONS FOR ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

''(1) IN GENERAL.—Subject to paragraphs (3) and (4), in the case of a qualifying MA organization, the provisions of sections 1848(o) and 1848(a)(7) shall apply with respect to eligible professionals described in paragraph (2) of the organization who the organization attests under paragraph (6) to be meaningful EHR users in a similar manner as they apply to eligible professionals under such sections. Incentive payments under paragraph (3) shall be made to and payment adjustments under paragraph (4) shall apply to such qualifying organizations.

''(2) ELIGIBLE PROFESSIONAL DESCRIBED.—With respect to a qualifying MA organization, an eligible professional described in this paragraph is an eligible professional (as defined for purposes of section 1848(o)) who—

''(A)(i) is employed by the organization; or

''(ii)(I) is employed by, or is a partner of, an entity that through contract with the organization furnishes at least 80 percent of the entity's patient care services to enrollees of such organization; and

''(II) furnishes at least 75 percent of the professional services of the eligible professional to enrollees of the organization; and

''(B) furnishes, on average, at least 20 hours per week of patient care services.

''(3) ELIGIBLE PROFESSIONAL INCENTIVE PAYMENTS.—

''(A) IN GENERAL.—In applying section 1848(o) under paragraph (1), instead of the additional payment amount under section 1848(o)(1)(A) and subject to subparagraph (B), the Secretary may substitute an amount determined by the Secretary to the extent feasible and practical to be similar to the estimated amount in the aggregate that would be payable if payment for services furnished by such professionals was payable under part B instead of this part.

''(B) AVOIDING DUPLICATION OF PAYMENTS.—

''(i) IN GENERAL.—If an eligible professional described in paragraph (2) is eligible for the maximum incentive payment under section 1848(o)(1)(A) for the same payment period, the payment incentive shall be made only under such section and not under this subsection.

''(ii) METHODS.—In the case of an eligible professional described in paragraph (2) who is eligible for an incentive payment under section 1848(o)(1)(A) but is not described in clause (i) for the same payment period, the Secretary shall develop a process—

''(I) to ensure that duplicate payments are not made with respect to an eligible professional both under this subsection and under section 1848(o)(1)(A); and

''(II) to collect data from Medicare Advantage organizations to ensure against such duplicate payments.

''(C) FIXED SCHEDULE FOR APPLICATION OF LIMITATION ON INCENTIVE PAYMENTS FOR ALL ELIGIBLE PROFESSIONALS.—In applying section 1848(o)(1)(B)(ii) under subparagraph (A), in accordance with rules specified by the Secretary, a qualifying MA organization shall specify a year (not earlier than 2011) that shall be treated as the first payment year for all eligible professionals with respect to such organization.

''(D) CAP FOR ECONOMIES OF SCALE.—In no case may an incentive payment be made under this subsection, including under subparagraph (A), to a qualifying MA organization with respect to more than 5,000 eligible professionals of the organization.

''(4) PAYMENT ADJUSTMENT.—

''(A) IN GENERAL.—In applying section 1848(a)(7) under paragraph (1), instead of the payment adjustment being an applicable percent of the fee schedule amount for a year under such section, subject to subparagraph (D), the payment adjustment under paragraph (1) shall be equal to the percent specified in subparagraph (B) for such year of the payment amount otherwise provided under this section for such year.

''(B) SPECIFIED PERCENT.—The percent specified under this subparagraph for a year is 100 percent minus a number of percentage points equal to the product of—

''(i) a percentage equal to 100 percent reduced by the applicable percent (under section 1848(a)(7)(A)(ii)) for the year; and

''(ii) a percentage equal to the Secretary's estimate of the proportion for the year, of the expenditures under parts A and B that are not attributable to this part, that are attributable to expenditures for physicians' services.

''(C) APPLICATION OF PAYMENT ADJUSTMENT.—In the case that a qualifying MA organization attests that not all eligible professionals of the organization are meaningful EHR users with respect to a year, the Secretary shall apply the payment adjustment under this paragraph based on the proportion of all eligible professionals of the organization that are not meaningful EHR users for such year. If the number of eligible professionals of the organization that are not meaningful EHR users for such year exceeds 5,000, such number shall be reduced to 5,000 for purposes of determining the proportion under the preceding sentence.

''(5) QUALIFYING MA ORGANIZATION DEFINED.—In this subsection and subsection (m), the term 'qualifying MA organization' means a Medicare Advantage organization that is organized as a health maintenance organization (as defined in section 2791(b)(3) of the Public Health Service Act).

''(6) MEANINGFUL EHR USER ATTESTATION.—For purposes of this subsection and subsection (m), a qualifying MA organization shall submit an attestation, in a form and manner specified by the Secretary which may include the submission of such attestation as part of submission of the initial bid under section 1854(a)(1)(A)(iv), identifying—

''(A) whether each eligible professional described in paragraph (2), with respect to such organization is a meaningful EHR user (as defined in section 1848(o)(2)) for a year specified by the Secretary; and

''(B) whether each eligible hospital described in subsection (m)(1), with respect to such organization, is a meaningful EHR user (as defined in section 1886(n)(3)) for an applicable period specified by the Secretary.

''(7) POSTING ON WEBSITE.—The Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services, in an easily understandable format, a list of the names, business addresses, and business phone numbers of—

''(A) each qualifying MA organization receiving an incentive payment under this subsection for eligible professionals of the organization; and

''(B) the eligible professionals of such organization for which such incentive payment is based.''.

(d) CONFORMING AMENDMENTS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended—

(1) in subsection (a)(1)(A), by striking ''and (i)'' and inserting ''(i), and (l)'';

(2) in subsection (c)—

(A) in paragraph (1)(D)(i), by striking ''section 1886(h)'' and inserting ''sections 1848(o) and 1886(h)''; and

(B) in paragraph (6)(A), by inserting after ''under part B,'' the following: ''excluding expenditures attributable to subsections (a)(7) and (o) of section 1848,''; and

(3) in subsection (f), by inserting ''and for payments under subsection (l)'' after ''with the organization''.

(e) CONFORMING AMENDMENTS TO E-PRESCRIBING.—

(1) Section 1848(a)(5)(A) of the Social Security Act (42 U.S.C. 1395w–4(a)(5)(A)) is amended—

(A) in clause (i), by striking ''or any subsequent year'' and inserting '', 2013, or 2014''; and

(B) in clause (ii), by striking ''and each subsequent year''.

(2) Section 1848(m)(2) of such Act (42 U.S.C. 1395w–4(m)(2)) is amended—

(A) in subparagraph (A), by striking ''For 2009'' and inserting ''Subject to subparagraph (D), for 2009''; and

(B) by adding at the end the following new subparagraph:

''(D) LIMITATION WITH RESPECT TO EHR INCENTIVE PAYMENTS.—The provisions of this paragraph shall not apply to an eligible professional (or, in the case of a group practice under paragraph (3)(C), to the group practice) if, for the reporting period the eligible professional (or group practice) receives an incentive payment under subsection (o)(1)(A) with respect to a certified EHR technology (as defined in subsection (o)(4)) that has the capability of electronic prescribing.''.

(f) PROVIDING ASSISTANCE TO ELIGIBLE PROFESSIONALS AND CERTAIN HOSPITALS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall provide assistance to eligible professionals (as defined in section 1848(o)(5), as added by subsection (a)), Medicaid providers (as defined in section 1903(t)(2) of such Act, as added by section 4211(a)), and eligible hospitals (as defined in section 1886(n)(6)(A) of such Act, as added by section 4202(a)) located in rural or other medically underserved areas to successfully choose, implement, and use certified EHR technology (as defined in section 1848(o)(4) of the Social Security Act, as added by section 4201(a)).

(2) USE OF ENTITIES WITH EXPERTISE.—To the extent practicable, the Secretary shall provide such assistance through entities that have expertise in the choice, implementation, and use of such certified EHR technology.

SEC. 4202. INCENTIVES FOR HOSPITALS.

(a) INCENTIVE PAYMENT.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

''(n) INCENTIVES FOR ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, with respect to inpatient hospital services furnished by an eligible hospital during a payment year (as defined in paragraph (2)(G)), if the eligible hospital is a meaningful EHR user (as determined under paragraph (3)) for the reporting period with respect to such year, in addition to the amount otherwise paid under this section, there also shall be paid to the eligible hospital, from the Federal Hospital Insurance Trust Fund established under section 1817, an amount equal to the applicable amount specified in paragraph (2)(A) for the hospital for such payment year.

''(2) PAYMENT AMOUNT.—

''(A) IN GENERAL.—Subject to the succeeding subparagraphs of this paragraph, the applicable amount specified in this subparagraph for an eligible hospital for a payment year is equal to the product of the following:

''(i) INITIAL AMOUNT.—The sum of—

''(I) the base amount specified in subparagraph (B); plus

''(II) the discharge related amount specified in subparagraph (C) for a 12-month period selected by the Secretary with respect to such payment year.

''(ii) MEDICARE SHARE.—The Medicare share as specified in subparagraph (D) for the hospital for a period selected by the Secretary with respect to such payment year.

''(iii) TRANSITION FACTOR.—The transition factor specified in subparagraph (E) for the hospital for the payment year.

''(B) BASE AMOUNT.—The base amount specified in this subparagraph is $2,000,000.

''(C) DISCHARGE RELATED AMOUNT.—The discharge related amount specified in this subparagraph for a 12-month period selected by the Secretary shall be determined as the sum of the amount, based upon total discharges (regardless of any source of payment) for the period, for each discharge up to the 23,000th discharge as follows:

''(i) For the 1,150th through the 9,200nd discharge, $200.

''(ii) For the 9,201st through the 13,800th discharge, 50 percent of the amount specified in clause (i).

''(iii) For the 13,801st through the 23,000th discharge, 30 percent of the amount specified in clause (i).

''(D) MEDICARE SHARE.—The Medicare share specified under this subparagraph for a hospital for a period selected by the Secretary for a payment year is equal to the fraction—

''(i) the numerator of which is the sum (for such period and with respect to the hospital) of—

''(I) the number of inpatient-bed-days (as established by the Secretary) which are attributable to individuals with respect to whom payment may be made under part A; and

''(II) the number of inpatient-bed-days (as so established) which are attributable to individuals who are enrolled with a Medicare Advantage organization under part C; and

''(ii) the denominator of which is the product of—

''(I) the total number of inpatient-bed-days with respect to the hospital during such period; and

''(II) the total amount of the hospital's charges during such period, not including any charges that are attributable to charity care (as such term is used for purposes of hospital cost reporting under this title), divided by the total amount of the hospital's charges during such period.

Insofar as the Secretary determines that data are not available on charity care necessary to calculate the portion of the formula specified in clause (ii)(II), the Secretary shall use data on uncompensated care and may adjust such data so as to be an appropriate proxy for charity care including a downward adjustment to eliminate bad debt data from uncompensated care data. In the absence of the data necessary, with respect to a hospital, for the Secretary to compute the amount described in clause (ii)(II), the amount under such clause shall be deemed to be 1. In the absence of data, with respect to a hospital, necessary to compute the amount described in clause (i)(II), the amount under such clause shall be deemed to be 0.

''(E) TRANSITION FACTOR SPECIFIED.—

''(i) IN GENERAL.—Subject to clause (ii), the transition factor specified in this subparagraph for an eligible hospital for a payment year is as follows:

''(I) For the first payment year for such hospital, 1.

''(II) For the second payment year for such hospital, ¾.

''(III) For the third payment year for such hospital, ½.

''(IV) For the fourth payment year for such hospital, ¼.

''(V) For any succeeding payment year for such hospital, 0.

''(ii) PHASE DOWN FOR ELIGIBLE HOSPITALS FIRST ADOPTING EHR AFTER 2013.—If the first payment year for an eligible hospital is after 2013, then the transition factor specified in this subparagraph for a payment year for such hospital is the same as the amount specified in clause (i) for such payment year for an eligible hospital for which the first payment year is 2013. If the first payment year for an eligible hospital is after 2015 then the transition factor specified in this subparagraph for such hospital and for such year and any subsequent year shall be 0.

''(F) FORM OF PAYMENT.—The payment under this subsection for a payment year may be in the form of a single consolidated payment or in the form of such periodic installments as the Secretary may specify.

''(G) PAYMENT YEAR DEFINED.—

''(i) IN GENERAL.—For purposes of this subsection, the term 'payment year' means a fiscal year beginning with fiscal year 2011.

''(ii) FIRST, SECOND, ETC. PAYMENT YEAR.—The term 'first payment year' means, with respect to inpatient hospital services furnished by an eligible hospital, the first fiscal year for which an incentive payment is made for such services under this subsection. The terms 'second payment year', 'third payment year', and 'fourth payment year' mean, with respect to an eligible hospital, each successive year immediately following the first payment year for that hospital.

''(H) LIMITATION FOR CRITICAL ACCESS HOSPITALS.—In no case shall the total amount of payments made under this subsection to a critical access hospital for all payment years exceed $1,500,000.

''(3) MEANINGFUL EHR USER.—

''(A) IN GENERAL.—For purposes of paragraph (1), an eligible hospital shall be treated as a meaningful EHR user for a reporting period for a payment year (or, for purposes of subsection (b)(3)(B)(ix), for a reporting period under such subsection for a fiscal year) if each of the following requirements are met:

''(i) MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—The eligible hospital demonstrates to the satisfaction of the Secretary, in accordance with subparagraph (C)(i), that during such period the hospital is using certified EHR technology in a meaningful manner.

''(ii) INFORMATION EXCHANGE.—The eligible hospital demonstrates to the satisfaction of the Secretary, in accordance with subparagraph (C)(i), that during such period such

certified EHR technology is connected in a manner that provides, in accordance with law and standards applicable to the exchange of information, for the electronic exchange of health information to improve the quality of health care, such as promoting care coordination.

''(iii) REPORTING ON MEASURES USING EHR.—Subject to subparagraph (B)(ii) and using such certified EHR technology, the eligible hospital submits information for such period, in a form and manner specified by the Secretary, on such clinical quality measures and such other measures as selected by the Secretary under subparagraph (B)(i).

The Secretary shall seek to improve the use of electronic health records and health care quality over time by requiring more stringent measures of meaningful use selected under this paragraph.

''(B) REPORTING ON MEASURES.—

''(i) SELECTION.—The Secretary shall select measures for purposes of subparagraph (A)(iii) but only consistent with the following:

''(I) The Secretary shall provide preference to clinical quality measures that have been selected for purposes of applying subsection (b)(3)(B)(viii) or that have been endorsed by the entity with a contract with the Secretary under section 1890(a).

''(II) Prior to any measure (other than a clinical quality measure that has been selected for purposes of applying subsection (b)(3)(B)(viii)) being selected under this subparagraph, the Secretary shall publish in the Federal Register such measure and provide for a period of public comment on such measure.

''(ii) LIMITATIONS.—The Secretary may not require the electronic reporting of information on clinical quality measures under subparagraph (A)(iii) unless the Secretary has the capacity to accept the information electronically, which may be on a pilot basis.

''(iii) COORDINATION OF REPORTING OF INFORMATION.—In selecting such measures, and in establishing the form and manner for reporting measures under subparagraph (A)(iii), the Secretary shall seek to avoid redundant or duplicative reporting with reporting otherwise required, including reporting under subsection (b)(3)(B)(viii).

''(C) DEMONSTRATION OF MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY AND INFORMATION EXCHANGE.—

''(i) IN GENERAL.—A hospital may satisfy the demonstration requirement of clauses (i) and (ii) of subparagraph (A) through means specified by the Secretary, which may include—

''(I) an attestation;

''(II) the submission of claims with appropriate coding (such as a code indicating that inpatient care was documented using certified EHR technology);

''(III) a survey response;

''(IV) reporting under subparagraph (A)(iii); and

''(V) other means specified by the Secretary.

''(ii) USE OF PART D DATA.—Notwithstanding sections 1860D–15(d)(2)(B) and 1860D–15(f)(2), the Secretary may use data regarding drug claims submitted for purposes of section 1860D–15 that are necessary for purposes of subparagraph (A).

''(4) APPLICATION.—

''(A) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the determination of any incentive payment under this subsection and the payment adjustment under subsection (b)(3)(B)(ix), including the determination of a meaningful EHR user under paragraph (3), determination of measures applicable to services furnished by eligible hospitals under this subsection, and the exception under subsection (b)(3)(B)(ix)(II).

''(B) POSTING ON WEBSITE.—The Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services, in an easily understandable format, a list of the names of the eligible hospitals that are meaningful EHR users under this subsection or subsection (b)(3)(B)(ix) and other relevant data as determined appropriate by the Secretary. The Secretary shall ensure that a hospital has the opportunity to review the other relevant data that are to be made public with respect to the hospital prior to such data being made public.

''(5) CERTIFIED EHR TECHNOLOGY DEFINED.—The term 'certified EHR technology' has the meaning given such term in section 1848(o)(4).

''(6) DEFINITIONS.—For purposes of this subsection:

''(A) ELIGIBLE HOSPITAL.—The term 'eligible hospital' means—

''(i) a subsection (d) hospital; and

''(ii) a critical access hospital (as defined in section 1861(mm)(1)).

''(B) REPORTING PERIOD.—The term 'reporting period' means any period (or periods), with respect to a payment year, as specified by the Secretary.''.

(b) INCENTIVE MARKET BASKET ADJUSTMENT.—

(1) IN GENERAL.—Section 1886(b)(3)(B) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)) is amended—

(A) in clause (viii)(I), by inserting ''(or, beginning with fiscal year 2016, by one-quarter)'' after ''2.0 percentage points''; and

(B) by adding at the end the following new clause:

''(ix)(I) For purposes of clause (i) for fiscal year 2015 and each subsequent fiscal year, in the case of an eligible hospital (as defined in subsection (n)(6)(A)) that is not a meaningful EHR user (as defined in subsection (n)(3)) for the reporting period for such fiscal year, three-quarters of the applicable percentage increase otherwise applicable under clause (i) for such fiscal year shall be reduced by 33⅓ percent for fiscal year 2015, 66⅔ percent for fiscal year 2016, and 100 percent for fiscal year 2017 and each subsequent fiscal year. Such reduction shall apply only with respect to the fiscal year involved and the Secretary shall not take into account such reduction in computing the applicable percentage increase under clause (i) for a subsequent fiscal year.

''(II) The Secretary may, on a case-by-case basis, exempt a subsection (d) hospital from the application of subclause (I) with respect to a fiscal year if the Secretary determines, subject to annual renewal, that requiring such hospital to be a meaningful EHR user during such fiscal year would result in a significant hardship, such as in the case of a hospital in a rural area without sufficient Internet access. In no case may a hospital be granted an exemption under this subclause for more than 5 years.

''(III) For fiscal year 2015 and each subsequent fiscal year, a State in which hospitals are paid for services under section 1814(b)(3) shall adjust the payments to each subsection (d) hospital in the State that is not a meaningful EHR user (as defined in subsection (n)(3)) in a manner that is designed to result in an aggregate reduction in payments to hospitals in the State that is equivalent to the aggregate reduction that would have occurred if payments had been reduced to each subsection (d) hospital in the State in a manner comparable to the reduction under the previous provisions of this clause. The State shall report to the Secretary the methodology it will use to make the payment adjustment under the previous sentence.

''(IV) For purposes of this clause, the term 'reporting period' means, with respect to a fiscal year, any period (or periods), with respect to the fiscal year, as specified by the Secretary.''.

(2) CRITICAL ACCESS HOSPITALS.—Section 1814(l) of the Social Security Act (42 U.S.C. 1395f(l)) is amended—

(A) in subparagraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(B) by adding at the end the following new paragraph:

''(3)(A) Subject to subparagraph (B), for fiscal year 2015 and each subsequent fiscal year, in the case of a critical access hospital that is not a meaningful EHR user (as defined in section 1886(n)(3)) for the reporting period for such fiscal year, paragraph (1) shall be applied by substituting the applicable percent under subparagraph (C) for the percent described in such paragraph (1).

''(B) The Secretary may, on a case-by-case basis, exempt a critical access hospital from the application of subparagraph (A) with respect to a fiscal year if the Secretary determines, subject to annual renewal, that requiring such hospital to be a meaningful EHR user during such fiscal year would result in a significant hardship, such as in the case of a hospital in a rural area without sufficient Internet access. In no case may a hospital be granted an exemption under this subparagraph for more than 5 years.

''(C) The percent described in this subparagraph is—

''(i) for fiscal year 2015, 100.66 percent;

''(ii) for fiscal year 2016, 100.33 percent; and

''(iii) for fiscal year 2017 and each subsequent fiscal year, 100 percent.''.

(c) APPLICATION TO CERTAIN MA-AFFILIATED ELIGIBLE HOSPITALS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w-23), as amended by section 4201(c), is further amended by adding at the end the following new subsection:

''(m) APPLICATION OF ELIGIBLE HOSPITAL INCENTIVES FOR CERTAIN MA ORGANIZATIONS FOR ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

''(1) APPLICATION.—Subject to paragraphs (3) and (4), in the case of a qualifying MA organization, the provisions of sections 1814(l)(3), 1886(n), and 1886(b)(3)(B)(ix) shall apply with respect to eligible hospitals described in paragraph (2) of the organization which the organization attests under subsection (l)(6) to be meaningful EHR users in a similar manner as they apply to eligible hospitals under such sections. Incentive payments under paragraph (3) shall be made to and payment adjustments under paragraph (4) shall apply to such qualifying organizations.

''(2) ELIGIBLE HOSPITAL DESCRIBED.—With respect to a qualifying MA organization, an eligible hospital described in this paragraph is an eligible hospital (as defined in section 1886(n)(6)(A)) that is under common corporate governance with such organization and serves individuals enrolled under an MA plan offered by such organization.

''(3) ELIGIBLE HOSPITAL INCENTIVE PAYMENTS.—

''(A) IN GENERAL.—In applying section 1886(n)(2) under paragraph (1), instead of the additional payment amount under section

1886(n)(2), there shall be substituted an amount determined by the Secretary to be similar to the estimated amount in the aggregate that would be payable if payment for services furnished by such hospitals was payable under part A instead of this part. In implementing the previous sentence, the Secretary—

''(i) shall, insofar as data to determine the discharge related amount under section 1886(n)(2)(C) for an eligible hospital are not available to the Secretary, use such alternative data and methodology to estimate such discharge related amount as the Secretary determines appropriate; and

''(ii) shall, insofar as data to determine the medicare share described in section 1886(n)(2)(D) for an eligible hospital are not available to the Secretary, use such alternative data and methodology to estimate such share, which data and methodology may include use of the inpatient bed days (or discharges) with respect to an eligible hospital during the appropriate period which are attributable to both individuals for whom payment may be made under part A or individuals enrolled in an MA plan under a Medicare Advantage organization under this part as a proportion of the total number of patient-bed-days (or discharges) with respect to such hospital during such period.

''(B) AVOIDING DUPLICATION OF PAYMENTS.—

''(i) IN GENERAL.—In the case of a hospital that for a payment year is an eligible hospital described in paragraph (2) and for which at least one-third of their discharges (or bed-days) of Medicare patients for the year are covered under part A, payment for the payment year shall be made only under section 1886(n) and not under this subsection.

''(ii) METHODS.—In the case of a hospital that is an eligible hospital described in paragraph (2) and also is eligible for an incentive payment under section 1886(n) but is not described in clause (i) for the same payment period, the Secretary shall develop a process—

''(I) to ensure that duplicate payments are not made with respect to an eligible hospital both under this subsection and under section 1886(n); and

''(II) to collect data from Medicare Advantage organizations to ensure against such duplicate payments.

''(4) PAYMENT ADJUSTMENT.—

''(A) Subject to paragraph (3), in the case of a qualifying MA organization (as defined in section 1853(l)(5)), if, according to the attestation of the organization submitted under subsection (l)(6) for an applicable period, one or more eligible hospitals (as defined in section 1886(n)(6)(A)) that are under common corporate governance with such organization and that serve individuals enrolled under a plan offered by such organization are not meaningful EHR users (as defined in section 1886(n)(3)) with respect to a period, the payment amount payable under this section for such organization for such period shall be the percent specified in subparagraph (B) for such period of the payment amount otherwise provided under this section for such period.

''(B) SPECIFIED PERCENT.—The percent specified under this subparagraph for a year is 100 percent minus a number of percentage points equal to the product of—

''(i) the number of the percentage point reduction effected under section 1886(b)(3)(B)(ix)(I) for the period; and

''(ii) the Medicare hospital expenditure proportion specified in subparagraph (C) for the year.

''(C) MEDICARE HOSPITAL EXPENDITURE PROPORTION.—The Medicare hospital expenditure proportion under this subparagraph for a year is the Secretary's estimate of the proportion, of the expenditures under parts A and B that are not attributable to this part, that are attributable to expenditures for inpatient hospital services.

''(D) APPLICATION OF PAYMENT ADJUSTMENT.—In the case that a qualifying MA organization attests that not all eligible hospitals are meaningful EHR users with respect to an applicable period, the Secretary shall apply the payment adjustment under this paragraph based on a methodology specified by the Secretary, taking into account the proportion of such eligible hospitals, or discharges from such hospitals, that are not meaningful EHR users for such period.

''(5) POSTING ON WEBSITE.—The Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services, in an easily understandable format—

''(A) a list of the names, business addresses, and business phone numbers of each qualifying MA organization receiving an incentive payment under this subsection for eligible hospitals described in paragraph (2); and

''(B) a list of the names of the eligible hospitals for which such incentive payment is based.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 1814(b) of the Social Security Act (42 U.S.C. 1395f(b)) is amended—

(A) in paragraph (3), in the matter preceding subparagraph (A), by inserting '', subject to section 1886(d)(3)(B)(ix)(III),'' after ''then''; and

(B) by adding at the end the following: ''For purposes of applying paragraph (3), there shall be taken into account incentive payments, and payment adjustments under subsection (b)(3)(B)(ix) or (n) of section 1886.''.

(2) Section 1851(i)(1) of the Social Security Act (42 U.S.C. 1395w–21(i)(1)) is amended by striking ''and 1886(h)(3)(D)'' and inserting ''1886(h)(3)(D), and 1853(m)''.

(3) Section 1853 of the Social Security Act (42 U.S.C. 1395w–23), as amended by section 4311(d)(1), is amended—

(A) in subsection (c)—

(i) in paragraph (1)(D)(i), by striking ''1848(o)'' and inserting '', 1848(o), and 1886(n)''; and

(ii) in paragraph (6)(A), by inserting ''and subsections (b)(3)(B)(ix) and (n) of section 1886'' after ''section 1848''; and

(B) in subsection (f), by inserting ''and subsection (m)'' after ''under subsection (l)''.

SEC. 4203. PREMIUM HOLD HARMLESS AND IMPLEMENTATION FUNDING.

(a) PREMIUM HOLD HARMLESS.—

(1) IN GENERAL.—Section 1839(a)(1) of the Social Security Act (42 U.S.C. 1395r(a)(1)) is amended by adding at the end the following: ''In applying this paragraph there shall not be taken into account additional payments under section 1848(o) and section 1853(l)(3) and the Government contribution under section 1844(a)(3).''.

(2) PAYMENT.—Section 1844(a) of such Act (42 U.S.C. 1395w(a)) is amended—

(A) in paragraph (2), by striking the period at the end and inserting ''; plus''; and

(B) by adding at the end the following new paragraph:

''(3) a Government contribution equal to the amount of payment incentives payable under sections 1848(o) and 1853(l)(3).''.

(b) IMPLEMENTATION FUNDING.—In addition to funds otherwise available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services for the Center for Medicare & Medicaid Services Program Management Account, $100,000,000 for each of fiscal years 2009 through 2015 and $45,000,000 for each succeeding fiscal year through fiscal year 2018, which shall be available for purposes of carrying out the provisions of (and amendments made by) this part. Amounts appropriated under this subsection for a fiscal year shall be available until expended.

SEC. 4204. NON-APPLICATION OF PHASED-OUT INDIRECT MEDICAL EDUCATION (IME) ADJUSTMENT FACTOR FOR FISCAL YEAR 2009.

(a) IN GENERAL.—Section 412.322 of title 42, Code of Federal Regulations, shall be applied without regard to paragraph (c) of such section, and the Secretary of Health and Human Services shall recompute payments for discharges occurring on or after October 1, 2008, as if such paragraph had never been in effect.

(b) NO EFFECT ON SUBSEQUENT YEARS.—Nothing in subsection (a) shall be construed as having any effect on the application of paragraph (d) of section 412.322 of title 42, Code of Federal Regulations.

SEC. 4205. STUDY ON APPLICATION OF EHR PAYMENT INCENTIVES FOR PROVIDERS NOT RECEIVING OTHER INCENTIVE PAYMENTS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study to determine the extent to which and manner in which payment incentives (such as under title XVIII or XIX of the Social Security Act) and other funding for purposes of implementing and using certified EHR technology (as defined in section 1848(o)(4) of the Social Security Act, as added by section 4311(a)) should be made available to health care providers who are receiving minimal or no payment incentives or other funding under this Act, under title XVIII or XIX of such Act, or otherwise, for such purposes.

(2) DETAILS OF STUDY.—Such study shall include an examination of—

(A) the adoption rates of certified EHR technology (as so defined) by such health care providers;

(B) the clinical utility of such technology by such health care providers;

(C) whether the services furnished by such health care providers are appropriate for or would benefit from the use of such technology;

(D) the extent to which such health care providers work in settings that might otherwise receive an incentive payment or other funding under this Act, title XVIII or XIX of the Social Security Act, or otherwise;

(E) the potential costs and the potential benefits of making payment incentives and other funding available to such health care providers; and

(F) any other issues the Secretary deems to be appropriate.

(b) REPORT.—Not later than June 30, 2010, the Secretary shall submit to Congress a report on the findings and conclusions of the study conducted under subsection (a).

SEC. 4206. STUDY ON AVAILABILITY OF OPEN SOURCE HEALTH INFORMATION TECHNOLOGY SYSTEMS.

(a) IN GENERAL.—

(1) STUDY.—The Secretary of Health and Human Services shall, in consultation with the Under Secretary for Health of the Veterans Health Administration, the Director of the Indian Health Service, the Secretary of Defense, the Director of the Agency for Healthcare Research and Quality, the Administrator of the Health Resources and Services Administration, and the Chairman of the Federal Communications Commission, conduct a study on—

(A) the current availability of open source health information technology systems to Federal safety net providers (including small, rural providers);

(B) the total cost of ownership of such systems in comparison to the cost of proprietary commercial products available;

(C) the ability of such systems to respond to the needs of, and be applied to, various populations (including children and disabled individuals); and

(D) the capacity of such systems to facilitate interoperability.

(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Secretary of Health and Human Services shall take into account the circumstances of smaller health care providers, health care providers located in rural or other medically underserved areas, and safety net providers that deliver a significant level of health care to uninsured individuals, Medicaid beneficiaries, SCHIP beneficiaries, and other vulnerable individuals.

(b) REPORT.—Not later than October 1, 2010, the Secretary of Health and Human Services shall submit to Congress a report on the findings and the conclusions of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

Subtitle B—Medicaid Funding

SEC. 4211. MEDICAID PROVIDER EHR ADOPTION AND OPERATION PAYMENTS; IMPLEMENTATION FUNDING.

(a) IN GENERAL.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(3)—

(A) by striking ''and'' at the end of subparagraph (D);

(B) by striking ''plus'' at the end of subparagraph (E) and inserting ''and''; and

(C) by adding at the end the following new subparagraph:

''(F)(i) 100 percent of so much of the sums expended during such quarter as are attributable to payments for certified EHR technology (and support services including maintenance and training that is for, or is necessary for the adoption and operation of, such technology) by Medicaid providers described in subsection (t)(1); and

''(ii) 90 percent of so much of the sums expended during such quarter as are attributable to payments for reasonable administrative expenses related to the administration of payments described in clause (i) if the State meets the condition described in subsection (t)(9); plus''; and

(2) by inserting after subsection (s) the following new subsection:

''(t)(1)(A) For purposes of subsection (a)(3)(F), the payments for certified EHR technology (and support services including maintenance that is for, or is necessary for the operation of, such technology) by Medicaid providers described in this paragraph are payments made by the State in accordance with this subsection of the applicable percent of the net allowable costs of Medicaid providers (as defined in paragraph (2)) for such technology (and support services).

''(B) For purposes of subparagraph (A), the term 'applicable percent' means—

''(i) in the case of a Medicaid provider described in paragraph (2)(A), 85 percent;

''(ii) in the case of a Medicaid provider described in clause (i) or (ii) of paragraph (2)(B), 100 percent; and

''(iii) in the case of a Medicaid provider described in clause (iii) of paragraph (2)(B), a percent specified by the Secretary, but not less than 85 percent.

''(2) In this subsection and subsection (a)(3)(F), the term 'Medicaid provider' means—

''(A) an eligible professional (as defined in paragraph (3)(B)) who is not hospital-based and has at least 30 percent of the professional's patient volume (as estimated in accordance with standards established by the Secretary) attributable to individuals who are receiving medical assistance under this title; and

''(B)(i) a children's hospital, (ii) an acute-care hospital that is not described in clause (i) and that has at least 10 percent of the hospital's patient volume (as estimated in accordance with standards established by the Secretary) attributable to individuals who are receiving medical assistance under this title, or (iii) a Federally-qualified health center or rural health clinic that has at least 30 percent of the center's or clinic's patient volume (as estimated in accordance with standards established by the Secretary) attributable to individuals who are receiving medical assistance under this title.

An eligible professional shall not qualify as a Medicaid provider under this subsection unless the professional has waived, in a manner specified by the Secretary, any right to payment under section 1848(o) with respect to the adoption or support of certified EHR technology by the eligible professional. In applying clauses (ii) and (iii) of subparagraph (B), the standards established by the Secretary for patient volume shall include individuals enrolled in a Medicaid managed care plan (under section 1903(m) or section 1932).

''(3) In this subsection and subsection (a)(3)(F):

''(A) The term 'certified EHR technology' means a qualified electronic health record (as defined in 3000(13) of the Public Health Service Act) that is certified pursuant to section 3001(c)(5) of such Act as meeting standards adopted under section 3004 of such Act that are applicable to the type of record involved (as determined by the Secretary, such as an ambulatory electronic health record for office-based physicians or an inpatient hospital electronic health record for hospitals).

''(B) The term 'eligible professional' means a physician as defined in paragraphs (1) and (2) of section 1861(r), and includes a nurse mid-wife and a nurse practitioner.

''(C) The term 'hospital-based' means, with respect to an eligible professional, a professional (such as a pathologist, anesthesiologist, or emergency physician) who furnishes substantially all of the individual's professional services in a hospital setting (whether inpatient or outpatient) and through the use of the facilities and equipment, including qualified electronic health records, of the hospital.

''(4)(A) The term 'allowable costs' means, with respect to certified EHR technology of a Medicaid provider, costs of such technology (and support services including maintenance and training that is for, or is necessary for the adoption and operation of, such technology) as determined by the Secretary to be reasonable.

''(B) The term 'net allowable costs' means allowable costs reduced by any payment that is made to the Medicaid provider involved from any other source that is directly attributable to payment for certified EHR technology or services described in subparagraph (A).

''(C) In no case shall—

''(i) the aggregate allowable costs under this subsection (covering one or more years) with respect to a Medicaid provider described in paragraph (2)(A) for purchase and initial implementation of certified EHR technology (and services described in subparagraph (A)) exceed $25,000 or include costs over a period of longer than 5 years;

''(ii) for costs not described in clause (i) relating to the operation, maintenance, or use of certified EHR technology, the annual allowable costs under this subsection with respect to such a Medicaid provider for costs not described in clause (i) for any year exceed $10,000;

''(iii) payment described in paragraph (1) for costs described in clause (ii) be made with respect to such a Medicaid provider over a period of more than 5 years;

''(iv) the aggregate allowable costs under this subsection with respect to such a Medicaid provider for all costs exceed $75,000; or

''(v) the allowable costs, whether for purchase and initial implementation, maintenance, or otherwise, for a Medicaid provider described in paragraph (2)(B)(iii) exceed such aggregate or annual limitation as the Secretary shall establish, based on an amount determined by the Secretary as being adequate to adopt and maintain certified EHR technology, consistent with paragraph (6).

''(5) Payments described in paragraph (1) are not in accordance with this subsection unless the following requirements are met:

''(A) The State provides assurances satisfactory to the Secretary that amounts received under subsection (a)(3)(F) with respect to costs of a Medicaid provider are paid directly to such provider without any deduction or rebate.

''(B) Such Medicaid provider is responsible for payment of the costs described in such paragraph that are not provided under this title.

''(C) With respect to payments to such Medicaid provider for costs other than costs related to the initial adoption of certified EHR technology, the Medicaid provider demonstrates meaningful use of certified EHR technology through a means that is approved by the State and acceptable to the Secretary, and that may be based upon the methodologies applied under section 1848(o) or 1886(n). In establishing such means, which may include the reporting of clinical quality measures to the State, the State shall ensure that populations with unique needs, such as children, are appropriately addressed.

''(D) To the extent specified by the Secretary, the certified EHR technology is compatible with State or Federal administrative management systems.

''(6)(A) In no case shall the payments described in paragraph (1), with respect to a hospital, exceed in the aggregate the product of—

''(i) the overall hospital EHR amount for the hospital computed under subparagraph (B); and

''(ii) the Medicaid share for such hospital computed under subparagraph (C).

''(B) For purposes of this paragraph, the overall hospital EHR amount, with respect to a hospital, is the sum of the applicable amounts specified in section 1886(n)(2)(A) for such hospital for the first 4 payment years (as estimated by the Secretary) determined as if the Medicare share specified in clause (ii) of such section were 1. The Secretary shall publish in the Federal Register the overall hospital EHR amount for each hospital eligible for payments under this subsection. In computing amounts under clause (ii) for payment years after the first payment year, the Secretary shall assume that in subsequent payment years discharges increase at the average annual rate of growth

of the most recent three years for which discharge data are available.

''(C) The Medicaid share computed under this subparagraph, for a hospital for a period specified by the Secretary, shall be calculated in the same manner as the Medicare share under section 1886(n)(2)(D) for such a hospital and period, except that there shall be substituted for the numerator under clause (i) of such section the amount that is equal to the number of inpatient-bed-days (as established by the Secretary) which are attributable to individuals who are receiving medical assistance under this title and who are not described in section 1886(n)(2)(D)(i). In computing inpatient-bed-days under the previous sentence, the Secretary shall take into account inpatient-bed-days attributable to inpatient-bed-days that are paid for individuals enrolled in a Medicaid managed care plan (under section 1903(m) or section 1932).

''(7) With respect to health care providers other than hospitals, the Secretary shall establish and implement a detailed process to ensure coordination of the different programs for payment of such health care providers for adoption or use of health information technology (including certified EHR technology), as well as payments for such health care providers provided under this title or title XVIII, to assure no duplication of funding. The Secretary shall promulgate regulations to carry out the preceding sentence.

''(8) In carrying out paragraph (5)(C), the State and Secretary shall seek, to the maximum extent practicable, to avoid duplicative requirements from Federal and State Governments to demonstrate meaningful use of certified EHR technology under this title and title XVIII. In doing so, the Secretary may deem satisfaction of requirements for such meaningful use for a payment year under title XVIII to be sufficient to qualify as meaningful use under this subsection. The Secretary may also specify the reporting periods under this subsection in order to carry out this paragraph.

''(9) In order to be provided Federal financial participation under subsection (a)(3)(F)(ii), a State must demonstrate to the satisfaction of the Secretary, that the State—

''(A) is using the funds provided for the purposes of administering payments under this subsection, including tracking of meaningful use by Medicaid providers;

''(B) is conducting adequate oversight of the program under this subsection, including routine tracking of meaningful use attestations and reporting mechanisms; and

''(C) is pursuing initiatives to encourage the adoption of certified EHR technology to promote health care quality and the exchange of health care information under this title, subject to applicable laws and regulations governing such exchange.

''(10) The Secretary shall periodically submit reports to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate on status, progress, and oversight of payments under paragraph (1).''.

(b) IMPLEMENTATION FUNDING.—In addition to funds otherwise available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services for the Center for Medicare & Medicaid Services Program Management Account, $40,000,000 for each of fiscal years 2009 through 2015 and $20,000,000 for each succeeding fiscal year through fiscal year 2018, which shall be available for purposes of carrying out the provisions of (and the amendments made by) this part. Amounts appropriated under this subsection for a fiscal year shall be available until expended.

(c) HHS REPORT ON IMPLEMENTATION OF DETAILED PROCESS TO ASSURE NO DUPLICATION OF FUNDING.—Not later than July 1, 2012, the Secretary of Health and Human Services shall submit to Congress a report on the establishment and implementation of the detailed process under section 1903(t)(7) of the Social Security Act, as added by subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

TITLE V—STATE FISCAL RELIEF

SEC. 5000. PURPOSES; TABLE OF CONTENTS.

(a) PURPOSES.—The purposes of this title are as follows:

(1) To provide fiscal relief to States in a period of economic downturn.

(2) To protect and maintain State Medicaid programs during a period of economic downturn, including by helping to avert cuts to provider payment rates and benefits or services, and to prevent constrictions of income eligibility requirements for such programs, but not to promote increases in such requirements.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE V—STATE FISCAL RELIEF

SEC. 5001. TEMPORARY INCREASE OF MEDICAID FMAP.

(a) PERMITTING MAINTENANCE OF FMAP.—Subject to subsections (e), (f), and (g), if the FMAP determined without regard to this section for a State for—

(1) fiscal year 2009 is less than the FMAP as so determined for fiscal year 2008, the FMAP for the State for fiscal year 2008 shall be substituted for the State's FMAP for fiscal year 2009, before the application of this section;

(2) fiscal year 2010 is less than the FMAP as so determined for fiscal year 2008 or fiscal year 2009 (after the application of paragraph (1)), the greater of such FMAP for the State for fiscal year 2008 or fiscal year 2009 shall be substituted for the State's FMAP for fiscal year 2010, before the application of this section; and

(3) fiscal year 2011 is less than the FMAP as so determined for fiscal year 2008, fiscal year 2009 (after the application of paragraph (1)), or fiscal year 2010 (after the application of paragraph (2)), the greatest of such FMAP for the State for fiscal year 2008, fiscal year 2009, or fiscal year 2010 shall be substituted for the State's FMAP for fiscal year 2011, before the application of this section, but only for the first calendar quarter in fiscal year 2011.

(b) GENERAL 7.6 PERCENTAGE POINT INCREASE.—Subject to subsections (e), (f), and (g), for each State for calendar quarters during the recession adjustment period (as defined in subsection (h)(2)) , the FMAP (after the application of subsection (a)) shall be increased (without regard to any limitation otherwise specified in section 1905(b) of the Social Security Act) by 7.6 percentage points.

(c) ADDITIONAL RELIEF BASED ON INCREASE IN UNEMPLOYMENT.—

(1) IN GENERAL.—Subject to subsections (e), (f), and (g), if a State is a qualifying State under paragraph (2) for a calendar quarter occurring during the recession adjustment period, the FMAP for the State shall be further increased by the number of percentage points equal to the product of the State percentage applicable for the State under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) after the application of subsections (a) and (b) and the applicable percent determined in paragraph (3) for the calendar quarter (or, if greater, for a previous such calendar quarter, subject to paragraph (4)) .

(2) QUALIFYING CRITERIA.—

(A) IN GENERAL.—For purposes of paragraph (1), a State qualifies for additional relief under this subsection for a calendar quarter occurring during the recession adjustment period if the State is 1 of the 50 States or the District of Columbia and the State satisfies any of the following criteria for the quarter:

(i) An increase of at least 1.5 percentage points, but less than 2.5 percentage points, in the average monthly unemployment rate, seasonally adjusted, for the State or District, as determined by comparing months in the most recent previous 3-consecutive month period for which data are available for the State or District to the lowest average monthly unemployment rate, seasonally adjusted, for the State or District for any 3-consecutive-month period preceding that period and beginning on or after January 1, 2006 (based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor).

(ii) An increase of at least 2.5 percentage points, but less than 3.5 percentage points, in the average monthly unemployment rate, seasonally adjusted, for the State or District (as so determined).

(iii) An increase of at least 3.5 percentage points for the State or District, in the average monthly unemployment rate, seasonally adjusted, for the State or District (as so determined).

(B) MAINTENANCE OF STATUS.—If a State qualifies for additional relief under this subsection for a calendar quarter, it shall be deemed to have qualified for such relief for each subsequent calendar quarter ending before July 1, 2010.

(3) APPLICABLE PERCENT.—For purposes of paragraph (1), the applicable percent is—

(A) 2.5 percent, if the State satisfies the criteria described in paragraph (2)(A)(i) for the calendar quarter;

(B) 4.5 percent if the State satisfies the criteria described in paragraph (2)(A)(ii) for the calendar quarter; and

(C) 6.5 percent if the State satisfies the criteria described in paragraph (2)(A)(iii) for the calendar quarter.

(4) MAINTENANCE OF HIGHER PERCENTAGE REDUCTION FOR PERIOD AFTER LOWER PERCENTAGE DEDUCTION WOULD OTHERWISE TAKE EFFECT.—

(A) HOLD HARMLESS PERIOD.—If the percentage reduction applied to a State under paragraph (3) for any calendar quarter in the recession adjustment period beginning on or after January 1, 2009, and ending before July 1, 2010, (determined without regard to this

paragraph) is less than the percentage reduction applied for the preceding quarter (as so determined), the higher percentage reduction shall continue in effect for each subsequent calendar quarter ending before July 1, 2010.

(B) NOTICE OF DECREASE IN PERCENTAGE REDUCTION.—The Secretary shall notify a State at least 3 months prior to applying any lower percentage reduction to the State under paragraph (3).

(d) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to subsections (f) and (g), with respect to entire fiscal years occurring during the recession adjustment period and with respect to fiscal years only a portion of which occurs during such period (and in proportion to the portion of the fiscal year that occurs during such period), the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 6 U.S.C. 1308) shall each be increased by 15.2 percent.

(e) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4);

(2) payments under title IV of such Act (42 U.S.C. 601 et seq.) (except that the increases under subsections (a) and (b) shall apply to payments under part E of title IV of such Act (42 U.S.C. 670 et seq.));

(3) payments under title XXI of such Act (42 U.S.C. 1397aa et seq.);

(4) any payments under title XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)); or

(5) any payments under title XIX of such Act that are attributable to expenditures for medical assistance provided to individuals made eligible under a State plan under title XIX of the Social Security Act (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) because of income standards (expressed as a percentage of the poverty line) for eligibility for medical assistance that are higher than the income standards (as so expressed) for such eligibility as in effect on July 1, 2008.

(f) STATE INELIGIBILITY.—

(1) MAINTENANCE OF ELIGIBILITY REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a State is not eligible for an increase in its FMAP under subsection (a), (b), or (c), or an increase in a cap amount under subsection (d), if eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—Subject to subparagraph (C), a State that has restricted eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after July 1, 2008, is no longer ineligible under subparagraph (A) beginning with the first calendar quarter in which the State has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(C) SPECIAL RULES.—A State shall not be ineligible under subparagraph (A)—

(i) for the calendar quarters before July 1, 2009, on the basis of a restriction that was applied after July 1, 2008, and before the date of the enactment of this Act, if the State prior to July 1, 2009, has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008; or

(ii) on the basis of a restriction that was directed to be made under State law as of July 1, 2008, and would have been in effect as of such date, but for a delay in the request for, and approval of, a waiver under section 1115 of such Act with respect to such restriction.

(2) COMPLIANCE WITH PROMPT PAY REQUIREMENTS.—No State shall be eligible for an increased FMAP rate as provided under this section for any claim submitted by a provider subject to the terms of section 1902(a)(37)(A) of the Social Security Act (42 U.S.C. 1396a(a)(37)(A)) during any period in which that State has failed to pay claims in accordance with section 1902(a)(37)(A) of such Act. Each State shall report to the Secretary, no later than 30 days following the 1st day of the month, its compliance with the requirements of section 1902(a)(37)(A) of the Social Security Act as they pertain to claims made for covered services during the preceding month.

(3) NO WAIVER AUTHORITY.—The Secretary may not waive the application of this subsection or subsection (g) under section 1115 of the Social Security Act or otherwise.

(g) REQUIREMENTS.—

(1) IN GENERAL.—A State may not deposit or credit the additional Federal funds paid to the State as a result of this section to any reserve or rainy day fund maintained by the State.

(2) STATE REPORTS.—Each State that is paid additional Federal funds as a result of this section shall, not later than September 30, 2011, submit a report to the Secretary, in such form and such manner as the Secretary shall determine, regarding how the additional Federal funds were expended.

(3) ADDITIONAL REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State Medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State is not eligible for an increase in its FMAP under subsection (b) or (c), or an increase in a cap amount under subsection (d), if it requires that such political subdivisions pay for quarters during the recession adjustment period a greater percentage of the non-Federal share of such expenditures, or a greater percentage of the non-Federal share of payments under section 1923, than the respective percentage that would have been required by the State under such plan on September 30, 2008, prior to application of this section.

(h) DEFINITIONS.—In this section, except as otherwise provided:

(1) FMAP.—The term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as determined without regard to this section except as otherwise specified.

(2) POVERTY LINE.—The term ''poverty line'' has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

(3) RECESSION ADJUSTMENT PERIOD.—The term ''recession adjustment period'' means the period beginning on October 1, 2008, and ending on December 31, 2010.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(i) SUNSET.—This section shall not apply to items and services furnished after the end of the recession adjustment period.

SEC. 5002. EXTENSION AND UPDATE OF SPECIAL RULE FOR INCREASE OF MEDICAID DSH ALLOTMENTS FOR LOW DSH STATES.

Section 1923(f)(5) of the Social Security Act (42 U.S.C. 1396r–4(f)(5)) is amended—

(1) in subparagraph (B)—

(A) in the subparagraph heading, by striking ''YEAR 2004 AND SUBSEQUENT FISCAL YEARS'' and inserting ''YEARS 2004 THROUGH 2008'';

(B) in clause (i), by inserting ''and'' after the semicolon;

(C) in clause (ii), by striking ''; and'' and inserting a period; and

(D) by striking clause (iii); and

(2) by adding at the end the following subparagraph:

''(C) FOR FISCAL YEAR 2009 AND SUBSEQUENT FISCAL YEARS.—In the case of a State in which the total expenditures under the State plan (including Federal and State shares) for disproportionate share hospital adjustments under this section for fiscal year 2006, as reported to the Administrator of the Centers for Medicare & Medicaid Services as of August 31, 2009, is greater than 0 but less than 3 percent of the State's total amount of expenditures under the State plan for medical assistance during the fiscal year, the DSH allotment for the State with respect to—

''(i) fiscal year 2009, shall be the DSH allotment for the State for fiscal year 2008 increased by 16 percent;

''(ii) fiscal year 2010, shall be the DSH allotment for the State for fiscal year 2009 increased by 16 percent;

''(iii) fiscal year 2011 for the period ending on December 31, 2010, shall be ¼ of the DSH allotment for the State for fiscal year 2010 increased by 16 percent;

''(iv) fiscal year 2011 for the period beginning on January 1, 2011, and ending on September 30, 2011, shall be ¾ of the DSH allotment that would have been determined under this subsection for the State for fiscal year 2011 if this subparagraph had not been enacted;

''(v) fiscal year 2012, shall be the DSH allotment that would have been determined under this subsection for the State for fiscal year 2012 if this subparagraph had not been enacted; and

''(vi) fiscal year 2013 and any subsequent fiscal year, shall be the DSH allotment for the State for the previous fiscal year subject to an increase for inflation as provided in paragraph (3)(A).''.

SEC. 5003. PAYMENT OF MEDICARE LIABILITY TO STATES AS A RESULT OF THE SPECIAL DISABILITY WORKLOAD PROJECT.

(a) IN GENERAL.—The Secretary, in consultation with the Commissioner, shall work with each State to reach an agreement, not later than 3 months after the date of enactment of this Act, on the amount of a payment for the State related to the Medicare

program liability as a result of the Special Disability Workload project, subject to the requirements of subsection (c).

(b) PAYMENTS.—

(1) DEADLINE FOR MAKING PAYMENTS.—Not later than 30 days after reaching an agreement with a State under subsection (a), the Secretary shall pay the State, from the amounts appropriated under paragraph (2), the payment agreed to for the State.

(2) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there is appropriated $3,000,000,000 for fiscal year 2009 for making payments to States under paragraph (1).

(3) LIMITATIONS.—In no case may—

(A) the aggregate amount of payments made by the Secretary to States under paragraph (1) exceed $3,000,000,000; or

(B) any payments be provided by the Secretary under this section after the first day of the first month that begins 4 months after the date of enactment of this Act.

(c) REQUIREMENTS.—The requirements of this subsection are the following:

(1) FEDERAL DATA USED TO DETERMINE AMOUNT OF PAYMENTS.—The amount of the payment under subsection (a) for each State is determined on the basis of the most recent Federal data available, including the use of proxies and reasonable estimates as necessary, for determining expeditiously the amount of the payment that shall be made to each State that enters into an agreement under this section. The payment methodology shall consider the following factors:

(A) The number of SDW cases found to have been eligible for benefits under the Medicare program and the month of the initial Medicare program eligibility for such cases.

(B) The applicable non-Federal share of expenditures made by a State under the Medicaid program during the time period for SDW cases.

(C) Such other factors as the Secretary and the Commissioner, in consultation with the States, determine appropriate.

(2) CONDITIONS FOR PAYMENTS.—A State shall not receive a payment under this section unless the State—

(A) waives the right to file a civil action (or to be a party to any action) in any Federal or State court in which the relief sought includes a payment from the United States to the State related to the Medicare liability under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) as a result of the Special Disability Workload project; and

(B) releases the United States from any further claims for reimbursement of State expenditures as a result of the Special Disability Workload project.

(3) NO INDIVIDUAL STATE CLAIMS DATA REQUIRED.—No State shall be required to submit individual claims evidencing payment under the Medicaid program as a condition for receiving a payment under this section.

(4) INELIGIBLE STATES.—No State that is a party to a civil action in any Federal or State court in which the relief sought includes a payment from the United States to the State related to the Medicare liability under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) as a result of the Special Disability Workload project shall be eligible to receive a payment under this section while such an action is pending or if such an action is resolved in favor of the State.

(d) DEFINITIONS.—In this section:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Social Security.

(2) MEDICAID PROGRAM.—The term ''Medicaid program'' means the program of medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396a et seq.) and includes medical assistance provided under any waiver of that program approved under section 1115 or 1915 of such Act (42 U.S.C. 1315, 1396n) or otherwise.

(3) MEDICARE PROGRAM.—The term ''Medicare program'' means the program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) SDW CASE.—The term ''SDW case'' means a case in the Special Disability Workload project involving an individual determined by the Commissioner to have been eligible for benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) for a period during which such benefits were not provided to the individual and who was, during all or part of such period, enrolled in a State Medicaid program.

(6) SPECIAL DISABILITY WORKLOAD PROJECT.—The term ''Special Disability Workload project'' means the project described in the 2008 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, H.R. Doc. No. 110-104, 110th Cong. (2008).

(7) STATE.—The term ''State'' means each of the 50 States and the District of Columbia.

SEC. 5004. FUNDING FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE OF THE INSPECTOR GENERAL.

For purposes of ensuring the proper expenditure of Federal funds under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), there is appropriated to the Office of the Inspector General of the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated and without further appropriation, $31,250,000 for the recession adjustment period (as defined in section 5001(h)(3)). Amounts appropriated under this section shall remain available for expenditure until September 30, 2012, and shall be in addition to any other amounts appropriated or made available to such Office for such purposes.

SEC. 5005. GAO STUDY AND REPORT REGARDING STATE NEEDS DURING PERIODS OF NATIONAL ECONOMIC DOWNTURN.

(a) IN GENERAL.—The Comptroller General of the United States shall study the period of national economic downturn in effect on the date of enactment of this Act, as well as previous periods of national economic downturn since 1974, for the purpose of developing recommendations for addressing the needs of States during such periods. As part of such analysis, the Comptroller General shall study the past and projected effects of temporary increases in the Federal medical assistance percentage under the Medicaid program with respect to such periods.

(b) REPORT.—Not later than April 1, 2011, the Comptroller General of the United States shall submit a report to the appropriate committees of Congress on the results of the study conducted under paragraph (1). Such report shall include the following:

(1) Such recommendations as the Comptroller General determines appropriate for modifying the national economic downturn assistance formula for temporary adjustment of the Federal medical assistance percentage under Medicaid (also referred to as a ''countercyclical FMAP'') described in GAO report number GAO–07–97 to improve the effectiveness of the application of such percentage in addressing the needs of States during periods of national economic downturn, including recommendations for—

(A) improvements to the factors that would begin and end the application of such percentage;

(B) how the determination of the amount of such percentage could be adjusted to address State and regional economic variations during such periods; and

(C) how the determination of the amount of such percentage could be adjusted to be more responsive to actual Medicaid costs incurred by States during such periods.

(2) An analysis of the impact on States during such periods of—

(A) declines in private health benefits coverage;

(B) declines in State revenues; and

(C) caseload maintenance and growth under Medicaid, the State Children's Health Insurance Program, or any other publicly-funded programs to provide health benefits coverage for State residents.

(3) Identification of, and recommendations for addressing, the effects on States of any other specific economic indicators that the Comptroller General determines appropriate.

TITLE VI—EXECUTIVE COMPENSATION

SUBTITLE A—OVERSIGHT

TITLE VI—EXECUTIVE COMPENSATION OVERSIGHT

SEC. 6001. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) SENIOR EXECUTIVE OFFICER.—The term ''senior executive officer'' means an individual who is 1 of the top 5 most highly paid executives of a public company, whose compensation is required to be disclosed pursuant to the Securities Exchange Act of 1934, and any regulations issued thereunder, and non-public company counterparts.

(2) GOLDEN PARACHUTE PAYMENT.—The term ''golden parachute payment'' means any payment to a senior executive officer for departure from a company for any reason, except for payments for services performed or benefits accrued.

(3) TARP.—The term ''TARP'' means the Troubled Asset Relief Program established under the Emergency Economic Stabilization Act of 2008 (Public Law 110–343, 12 U.S.C. 5201 et seq.).

(4) TARP RECIPIENT.—The term ''TARP recipient'' means any entity that has received or will receive financial assistance under the financial assistance provided under the TARP.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(6) COMMISSION.—The term ''Commission'' means the Securities and Exchange Commission.

SEC. 6002. EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.

(a) IN GENERAL.—During the period in which any obligation arising from financial assistance provided under the TARP remains outstanding, each TARP recipient shall be subject to—

(1) the standards established by the Secretary under this title; and

(2) the provisions of section 162(m)(5) of the Internal Revenue Code of 1986, as applicable.

(b) STANDARDS REQUIRED.—The Secretary shall require each TARP recipient to meet

appropriate standards for executive compensation and corporate governance.

(c) SPECIFIC REQUIREMENTS.—The standards established under subsection (b) shall include—

(1) limits on compensation that exclude incentives for senior executive officers of the TARP recipient to take unnecessary and excessive risks that threaten the value of such recipient during the period that any obligation arising from TARP assistance is outstanding;

(2) a provision for the recovery by such TARP recipient of any bonus, retention award, or incentive compensation paid to a senior executive officer and any of the next 20 most highly-compensated employees of the TARP recipient based on statements of earnings, revenues, gains, or other criteria that are later found to be materially inaccurate;

(3) a prohibition on such TARP recipient making any golden parachute payment to a senior executive officer or any of the next 5 most highly-compensated employees of the TARP recipient during the period that any obligation arising from TARP assistance is outstanding;

(4) a prohibition on such TARP recipient paying or accruing any bonus, retention award, or incentive compensation during the period that the obligation is outstanding to at least the 25 most highly-compensated employees, or such higher number as the Secretary may determine is in the public interest with respect to any TARP recipient;

(5) a prohibition on any compensation plan that would encourage manipulation of the reported earnings of such TARP recipient to enhance the compensation of any of its employees; and

(6) a requirement for the establishment of a Board Compensation Committee that meets the requirements of section 6003.

(d) CERTIFICATION OF COMPLIANCE.—The chief executive officer and chief financial officer (or the equivalents thereof) of each TARP recipient shall provide a written certification of compliance by the TARP recipient with the requirements of this title—

(1) in the case of a TARP recipient, the securities of which are publicly traded, to the Securities and Exchange Commission, together with annual filings required under the securities laws; and

(2) in the case of a TARP recipient that is not a publicly traded company, to the Secretary.

SEC. 6003. BOARD COMPENSATION COMMITTEE.

(a) ESTABLISHMENT OF BOARD REQUIRED.—Each TARP recipient shall establish a Board Compensation Committee, comprised entirely of independent directors, for the purpose of reviewing employee compensation plans.

(b) MEETINGS.—The Board Compensation Committee of each TARP recipient shall meet at least semiannually to discuss and evaluate employee compensation plans in light of an assessment of any risk posed to the TARP recipient from such plans.

SEC. 6004. LIMITATION ON LUXURY EXPENDITURES.

(a) POLICY REQUIRED.—The board of directors of any TARP recipient shall have in place a company-wide policy regarding excessive or luxury expenditures, as identified by the Secretary, which may include excessive expenditures on—

(1) entertainment or events;

(2) office and facility renovations;

(3) aviation or other transportation services; or

(4) other activities or events that are not reasonable expenditures for conferences, staff development, reasonable performance incentives, or other similar measures conducted in the normal course of the business operations of the TARP recipient.

SEC. 6005. SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.

(a) ANNUAL SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.—Any proxy or consent or authorization for an annual or other meeting of the shareholders of any TARP recipient during the period in which any obligation arising from financial assistance provided under the TARP remains outstanding shall permit a separate shareholder vote to approve the compensation of executives, as disclosed pursuant to the compensation disclosure rules of the Commission (which disclosure shall include the compensation discussion and analysis, the compensation tables, and any related material).

(b) NONBINDING VOTE.—A shareholder vote described in subsection (a) shall not be binding on the board of directors of a TARP recipient, and may not be construed as overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board, nor shall such vote be construed to restrict or limit the ability of shareholders to make proposals for inclusion in proxy materials related to executive compensation.

(c) DEADLINE FOR RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall issue any final rules and regulations required by this section.

SEC. 6006. REVIEW OF PRIOR PAYMENTS TO EXECUTIVES.

(a) IN GENERAL.—The Secretary shall review bonuses, retention awards, and other compensation paid to employees of each entity receiving TARP assistance before the date of enactment of this Act to determine whether any such payments were excessive, inconsistent with the purposes of this Act or the TARP, or otherwise contrary to the public interest.

(b) NEGOTIATIONS FOR REIMBURSEMENT.—If the Secretary makes a determination described in subsection (a), the Secretary shall seek to negotiate with the TARP recipient and the subject employee for appropriate reimbursements to the Federal Government with respect to compensation or bonuses.

Subtitle B—Limits on Executive Compensation

SEC. 6011. SHORT TITLE.

This subtitle may be cited as the ''Cap Executive Officer Pay Act of 2009''.

SEC. 6012. LIMIT ON EXECUTIVE COMPENSATION.

(a) IN GENERAL.—Notwithstanding any other provision of law or agreement to the contrary, no person who is an officer, director, executive, or other employee of a financial institution or other entity that receives or has received funds under the Troubled Asset Relief Program (or ''TARP''), established under section 101 of the Emergency Economic Stabilization Act of 2008, may receive annual compensation in excess of the amount of compensation paid to the President of the United States.

(b) DURATION.—The limitation in subsection (a) shall be a condition of the receipt of assistance under the TARP, and of any modification to such assistance that was received on or before the date of enactment of this Act, and shall remain in effect with respect to each financial institution or other entity that receives such assistance or modification for the duration of the assistance or obligation provided under the TARP.

SEC. 6013. RULEMAKING AUTHORITY.

The Secretary shall expeditiously issue such rules as are necessary to carry out this subtitle, including with respect to reimbursement of compensation amounts, as appropriate.

SEC. 6014. COMPENSATION.

As used in this subtitle, the term ''compensation'' includes wages, salary, deferred compensation, retirement contributions, options, bonuses, property, and any other form of compensation or bonus that the Secretary of the Treasury determines is appropriate.

Subtitle C—Excessive Bonuses

SEC. 6021. TREATMENT OF EXCESSIVE BONUSES BY TARP RECIPIENTS.

(a) IN GENERAL.—If, before the date of enactment of this Act, the preferred stock of a financial institution was purchased by the Government using funds provided under the Troubled Asset Relief Program established pursuant to the Emergency Economic Stabilization Act of 2008, then, notwithstanding any otherwise applicable restriction on the redeemability of such preferred stock, such financial institution shall redeem an amount of such preferred stock equal to the aggregate amount of all excessive bonuses paid or payable to all covered individuals.

(b) TIMING.—Each financial institution described in subsection (a) shall comply with the requirements of subsection (a)—

(1) not later than 120 days after the date of enactment of this Act, with respect to excessive bonuses (or portions thereof) paid before the date of enactment of this Act; and

(2) not later than the day before an excessive bonus (or portion thereof) is paid, with respect to any excessive bonus (or portion thereof) paid on or after the date of enactment of this Act.

(c) DEFINITIONS.—As used in this section, the following definitions shall apply:

(1) EXCESSIVE BONUS.—

(A) IN GENERAL.—The term ''excessive bonus'' means the portion of the applicable bonus payments made to a covered individual in excess of $100,000.

(B) APPLICABLE BONUS PAYMENTS.—

(i) IN GENERAL.—The term ''applicable bonus payment'' means any bonus payment to a covered individual—

(I) which is paid or payable by reason of services performed by such individual in a taxable year of the financial institution (or any member of a controlled group described in subparagraph (D)) ending in 2008, and

(II) the amount of which was first communicated to such individual during the period beginning on January 1, 2008, and ending January 31, 2009, or was based on a resolution of the board of directors of such institution that was adopted before the end of such taxable year.

(ii) CERTAIN PAYMENTS AND CONDITIONS DISREGARDED.—In determining whether a bonus payment is described in clause (i)(I)—

(I) a bonus payment that relates to services performed in any taxable year before the taxable year described in such clause and that is wholly or partially contingent on the performance of services in the taxable year so described shall be disregarded, and

(II) any condition on a bonus payment for services performed in the taxable year so described that the employee perform services in taxable years after the taxable year so described shall be disregarded.

(C) BONUS PAYMENT.—The term ''bonus payment'' means any payment which—

(i) is a discretionary payment to a covered individual by a financial institution (or any member of a controlled group described in subparagraph (D)) for services rendered,

(ii) is in addition to any amount payable to such individual for services performed by such individual at a regular hourly, daily,

weekly, monthly, or similar periodic rate, and

(iii) is paid or payable in cash or other property other than—

(I) stock in such institution or member, or

(II) an interest in a troubled asset (within the meaning of the Emergency Economic Stabilization Act of 2008) held directly or indirectly by such institution or member.

Such term does not include payments to an employee as commissions, welfare and fringe benefits, or expense reimbursements.

(D) COVERED INDIVIDUAL.—The term ''covered individual'' means, with respect to any financial institution, any director or officer or other employee of such financial institution or of any member of a controlled group of corporations (within the meaning of section 52(a) of the Internal Revenue Code of 1986) that includes such financial institution.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' has the same meaning as in section 3 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5252).

(d) EXCISE TAX ON TARP COMPANIES THAT FAIL TO REDEEM CERTAIN SECURITIES FROM UNITED STATES.—

(1) IN GENERAL.—Chapter 46 of the Internal Revenue Code of 1986 (relating to excise tax on golden parachute payments) is amended by adding at the end the following new section:

''SEC. 4999A. FAILURE TO REDEEM CERTAIN SECURITIES FROM UNITED STATES.

''(a) IMPOSITION OF TAX.—There is hereby imposed a tax on any financial institution which—

''(1) is required to redeem an amount of its preferred stock from the United States pursuant to section 1903(a) of the American Recovery and Reinvestment Tax Act of 2009, and

''(2) fails to redeem all or any portion of such amount within the period prescribed for such redemption.

''(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be equal to 35 percent of the amount which the financial institution failed to redeem within the time prescribed under 1903(b) of the American Recovery and Reinvestment Tax Act of 2009.

''(c) ADMINISTRATIVE PROVISIONS.—

''(1) IN GENERAL.—For purposes of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A for the taxable year in which a deduction is allowed for any excessive bonus with respect to which the redemption described in subsection (a)(1) is required to be made.

''(2) EXTENSION OF TIME.—The due date for payment of tax imposed by this section shall in no event be earlier than the 150th day following the date of the enactment of this section.''.

(2) CONFORMING AMENDMENTS.—

(A) The heading for chapter 46 of such Code are amended to read as follows:

''CHAPTER 46-TAXES ON CERTAIN EXCESSIVE REMUNERATION

''Sec. 4999. Golden parachute payments.
''Sec. 4999A. Failure to redeem certain securities from United States.''.

(B) The item relating to chapter 46 in the table of chapters for subtitle D of such Code is amended to read as follows:

''Chapter 46. Taxes on excessive remuneration.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to failures described in section 4999A(a)(2) of the Internal Revenue Code of 1986 occurring after the date of the enactment of this Act.

TITLE VII—FORECLOSURE PREVENTION

TITLE VII—FORECLOSURE PREVENTION

SEC. 7001. MANDATORY LOAN MODIFICATIONS.

Section 109(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5219) is amended—

(1) by striking the last sentence;

(2) by striking ''To the extent'' and inserting the following:

''(1) IN GENERAL.—To the extent''; and

(3) by adding at the end the following:

''(2) LOAN MODIFICATIONS REQUIRED.—

''(A) IN GENERAL.—In addition to actions required under paragraph (1), the Secretary shall, not later than 15 days after the date of enactment of this paragraph, develop and implement a plan to facilitate loan modifications to prevent avoidable mortgage loan foreclosures.

''(B) FUNDING.—Of amounts made available under section 115 and not otherwise obligated, not less than $50,000,000,000, shall be made available to the Secretary for purposes of carrying out the mortgage loan modification plan required to be developed and implemented under this paragraph.

''(C) CRITERIA.—The loan modification plan required by this paragraph may incorporate the use of—

''(i) loan guarantees and credit enhancements;

''(ii) the reduction of loan principal amounts and interest rates;

''(iii) extension of mortgage loan terms; and

''(iv) any other similar mechanisms or combinations thereof, as determined appropriate by the Secretary.

''(D) DESIGNATION AUTHORITY.—

''(i) FDIC.—The Secretary may designate the Corporation, on a reimbursable basis, to carry out the loan modification plan developed under this paragraph.

''(ii) CONTRACTING AUTHORITY.—If designated under clause (i), the Corporation may use its contracting authority under section 9 of the Federal Deposit Insurance Act.

''(E) CONSULTATION REQUIRED.—In developing the loan modification plan under this paragraph, the Secretary shall consult with the Chairperson of the Board of Directors of the Corporation, the Board, and the Secretary of Housing and Urban Development.

''(F) REPORTS TO CONGRESS.—The Secretary shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—

''(i) upon development of the plan required by this paragraph, a report describing such plan; and

''(ii) a monthly report on the number and types of loan modifications occurring during the reporting period, and the performance of the loan modification plan overall.''.

TITLE VIII—FORECLOSURE MITIGATION

TITLE VIII—FORECLOSURE MITIGATION

SEC. 8001. SHORT TITLE.

This title may be cited as the ''Help Families Keep Their Homes Act of 2009''.

SEC. 8002. DEFINITIONS.

For purposes of this title—

(1) the term ''securitized mortgages'' means residential mortgages that have been pooled by a securitization vehicle;

(2) the term ''securitization vehicle'' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans;

(B) holds all of the mortgage loans which are the basis for any vehicle described in subparagraph (A); and

(C) has not issued securities that are guaranteed by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Government National Mortgage Association;

(3) the term ''servicer'' means a servicer of securitized mortgages;

(4) the term ''eligible servicer'' means a servicer of pooled and securitized residential mortgages;

(5) the term ''eligible mortgage'' means a residential mortgage, the principal amount of which did not exceed the conforming loan size limit that was in existence at the time of origination for a comparable dwelling, as established by the Federal National Mortgage Association;

(6) the term ''Secretary'' means the Secretary of the Treasury;

(7) the term ''effective term of the Act'' means the period beginning on the effective date of this title and ending on December 31, 2011;

(8) the term ''incentive fee'' means the monthly payment to eligible servicers, as determined under section 7003; and

(9) the term ''prepayment fee'' means the payment to eligible servicers, as determined under section 7003(b).

SEC. 8003. PAYMENTS TO ELIGIBLE SERVICERS AUTHORIZED.

(a) AUTHORITY.—The Secretary is authorized to make payments to eligible servicers, subject to the terms and conditions established under this title.

(b) FEES PAID TO ELIGIBLE SERVICERS.—

(1) IN GENERAL.—An eligible servicer may collect reasonable incentive fee payments, as established by the Secretary, not to exceed $2,000 per loan.

(2) CONSULTATION.—The fees permitted under this section shall be subject to standards established by the Secretary, in consultation with the Secretary of Housing and Urban Development and the Chairman of the Board of Directors of the Federal Deposit Insurance Corporation, which standards shall—

(A) include an evaluation of whether an eligible mortgage is affordable for the remainder of its term; and

(B) identify a reasonable fee to be paid to the servicer in the event that an eligible mortgage is prepaid.

(3) FORM OF PAYMENT.—Fees permitted under this section may be paid in a lump sum or on a monthly basis. If paid on a monthly basis, the fee may only be remitted as long as the loan performs.

(c) SAFE HARBOR.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle, a servicer—

(1) owes any duty to maximize the net present value of the pooled mortgages in the securitization vehicle to all investors and parties having a direct or indirect interest in such vehicle, and not to any individual party or group of parties; and

(2) shall be deemed to act in the best interests of all such investors and parties if the servicer agrees to or implements a modification, workout, or other loss mitigation plan

for a residential mortgage or a class of residential mortgages that constitutes a part or all of the pooled mortgages in such securitization vehicle, if—

(A) default on the payment of such mortgage has occurred or is reasonably foreseeable;

(B) the property securing such mortgage is occupied by the mortgagor of such mortgage or the homeowner; and

(C) the servicer reasonably and in good faith believes that the anticipated recovery on the principal outstanding obligation of the mortgage under the modification or workout plan exceeds, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage through foreclosure;

(3) shall not be obligated to repurchase loans from, or otherwise make payments to, the securitization vehicle on account of a modification, workout, or other loss mitigation plan that satisfies the conditions of paragraph (2); and

(4) if it acts in a manner consistent with the duties set forth in paragraphs (1) and (2), shall not be liable for entering into a modification or workout plan to any person—

(A) based on ownership by that person of a residential mortgage loan or any interest in a pool of residential mortgage loans, or in securities that distribute payments out of the principal, interest, and other payments in loans in the pool;

(B) who is obligated pursuant to a derivative instrument to make payments determined in reference to any loan or any interest referred to in subparagraph (A); or

(C) that insures any loan or any interest referred to in subparagraph (A) under any provision of law or regulation of the United States or any State or political subdivision thereof.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Each servicer shall report regularly, not less frequently than monthly, to the Secretary on the extent and scope of the loss mitigation activities of the mortgage owner.

(2) CONTENT.—Each report required by this subsection shall include—

(A) the number and percent of residential mortgage loans receiving loss mitigation that have become performing loans;

(B) the number and percent of residential mortgage loans receiving loss mitigation that have proceeded to foreclosure;

(C) the total number of foreclosures initiated during the reporting period;

(D) data on loss mitigation activities, including the performance of mitigated loans, disagreggated for each form of loss mitigation, which forms may include—

(i) a waiver of any late payment charge, penalty interest, or any other fees or charges, or any combination thereof;

(ii) the establishment of a repayment plan under which the homeowner resumes regularly scheduled payments and pays additional amounts at scheduled intervals to cure the delinquency;

(iii) forbearance under the loan that provides for a temporary reduction in or cessation of monthly payments, followed by a reamortization of the amounts due under the loan, including arrearage, and a new schedule of repayment amounts;

(iv) waiver, modification, or variation of any material term of the loan, including short-term, long-term, or life-of-loan modifications that change the interest rate, forgive or forbear with respect to the payment of principal or interest, or extend the final maturity date of the loan;

(v) short refinancing of the loan consisting of acceptance of payment from or on behalf of the homeowner of an amount less than the amount alleged to be due and owing under the loan, including principal, interest, and fees, in full satisfaction of the obligation under such loan and as part of a refinance transaction in which the property is intended to remain the principal residence of the homeowner;

(vi) acquisition of the property by the owner or servicer by deed in lieu of foreclosure;

(vii) short sale of the principal residence that is subject to the lien securing the loan;

(viii) assumption of the obligation of the homeowner under the loan by a third party;

(ix) cancellation or postponement of a foreclosure sale to allow the homeowner additional time to sell the property; or

(x) any other loss mitigation activity not covered; and

(E) such other information as the Secretary determines to be relevant.

(3) PUBLIC AVAILABILITY OF REPORTS.—After removing information that would compromise the privacy interests of mortgagors, the Secretary shall make public the reports required by this subsection and summary data.

SEC. 8004. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, such sums as may be necessary to carry out this title.

SEC. 8005. SUNSET OF AUTHORITY.

The authority of the Secretary to provide assistance under this title shall terminate on December 31, 2011.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the majority leader, pursuant to 22 U.S.C. 2761, as amended, appoints the following Senator as chairman of the Senate delegation to the British-American Interparliamentary Group conference during the 111th Congress: the Honorable PATRICK J. LEAHY of Vermont.

THANKING THE PRESIDING OFFICER AND PARLIAMENTARIANS

Mr. REID. Mr. President, I certainly, above all, extend my appreciation to you for your patience today in waiting to get the wheels finally moving. I appreciate it very much. The Senator has a very busy schedule, and he was unable to take it easy today.

I talked earlier about all the people who are helpful to us. Some people I didn't mention who are so vital to us, Mr. President, are the Parliamentarians. The Senate rules are extremely complex. I know them pretty well, but I am amateur compared to our Parliamentarians who interpret the precedents and Rules of the Senate and advise the Presiding Officer anytime we are in session. Their work is vital to the well-oiled Senate we have.

ORDERS FOR MONDAY, FEBRUARY 9, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 1 p.m. Monday, February 9; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 1, the Economic Recovery and Reinvestment Act, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, on Monday, the Senate will resume consideration of the economic recovery package. The time until 5:30 p.m. will be equally divided and controlled by the leaders or their designees. At 5:30 p.m., the Senate will proceed to a rollcall vote on the motion to invoke cloture on the Collins-Nelson of Nebraska substitute amendment.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 9, 2009, AT 1 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 10:53 p.m., adjourned until Monday, February 9, 2009, at 1 p.m.

SENATE—*Monday, February 9, 2009*

The Senate met at 1 p.m. and was called to order by the Honorable BARBARA BOXER, a Senator from the State of California.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, as our lips are open in prayer, so may our hearts be open to receive Your spirit. Help us to bow to Your will and live lives devoted to Your providential leading.

Bless our Senators in their work. Let faith, hope and love abound in their lives. Help them to seek to heal our hurting Nation and world and to be forces for harmony and goodness. Lord, may they have much needed wisdom in making decisions regarding the stimulus bill. Remind them that if they ask for Your wisdom, You will grant it in abundance. May they seek to serve rather than be served, following Your example of humility and sacrifice. Open their minds and give them a vision of the unlimited possibilities available to those who trust You as their guide.

We pray in the Name of Him who is our refuge from life's storms. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 9, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BARBARA BOXER, a Senator from the State of California, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. BOXER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of H.R. 1. The time until 5:30 will be equally divided and controlled between the two leaders or their designees. At 5:30, the Senate will vote in an attempt to end the filibuster. That will be on the Collins-Nelson substitute amendment. Cloture will be voted on at that time.

The Presiding Officer and I came to Congress together many years ago. We have been now serving in the Senate together for many years. Last week reminded me of when we first came to the Senate. There was open debate, amendments offered—that is what happened last week. Faced with the worst economic crisis since the Great Depression, Senators from both parties engaged in serious debate over the best way forward.

Realizing the critical need for action, we moved President Obama's economic recovery plan as quickly and as responsibly as we could. But even though we wanted to move it as quickly and as responsibly as we could, we did not do anything to cut off debate or limit the opportunity of every Senator to have their say. Both Republicans and Democrats were given the opportunity to offer amendments and each received votes on their amendments. Many Democratic and Republican amendments were adopted and, on the whole, the amendment process strengthened the legislation.

A bipartisan group of Senators, led by Senators NELSON, LIEBERMAN, SNOWE, COLLINS, and SPECTER, worked tirelessly during last week to forge a compromise amendment, to focus the bill on job creation and tax relief. All this work has resulted in the legislation that is now before the Senate. This evening we will vote on cloture, setting up a vote on final passage for tomorrow. After final passage, the House and Senate will move to conference between the House and the Senate and then send the enrolled bill to the President's desk.

We are going to do our utmost to do this as quickly as possible. The Republican leader and I have agreed on a general position as to how we are going to move forward with the conference, and I will visit with him some more later today. But we have to complete this work this week. There is every opportunity for us to complete it by Friday. Even though it is a complex bill, the bill now has been on the desk since Saturday and people have had an opportunity to read and review this in detail.

We will hopefully pass this tomorrow. We will put this side-by-side with the bill that has passed the House, and come back with a proposal that is bold, is robust, is job creating.

I was with the Governor of Maryland last night, and he was so happy about the work we had done in the Senate. He indicated to me he had spoken to other Governors. In fact, he called me again this morning indicating he had spoken to other Governors around the country, and they were quite happy with this legislation. It is my understanding the President is in a place called Elkhart, IN, today to talk about the travails we face as a country. Elkhart, IN, has an announced unemployment rate of more than 15 percent. But in the commentary I heard this morning, it is believed the unemployment is actually well over 20 percent in Elkhart, IN.

The President is going to do a live press conference tonight, 8 o'clock eastern time. Tomorrow he is going to be in Florida with the Republican Governor of Florida and others to talk about the situation he finds in Florida.

We need to complete this legislation as quickly as possible. We are going to continue to be cooperative, as have been my Republican friends—cooperative. I think this has been a very good debate. It has been a stimulating debate. I was so satisfied with the debate that took place Saturday. Republicans and Democrats engaged in a serious debate Saturday. Those who supported the legislation, I thought did a good job. Those who opposed it, I thought they did a good job explaining their problems with this legislation.

The message I leave as the majority leader of the Senate is we are going to continue to move forward on this legislation. We are not going to leave for our Presidents Day recess until we complete this.

I have said, on a number of other occasions, that if people out there are thinking we are going to take a vacation for a week when we leave Washington, that is not the case. We have things to do in our home States. It is good for me—and I think I speak for all Senators—to be back in our States on a weekday. We plan and hope all next week to be home so we can be doing things we cannot do on weekends. But if we cannot complete this legislation, we will have to cut into that. Our responsibilities at home will have to be set for some other date.

I am confident we can get it done by Friday. There is no reason we cannot. With a little bit of cooperation on both sides, we can move forward. I have been in touch with the House leaders. They

understand the difficulties we have over here, and I understand their situation.

I repeat, I am very confident this legislation is in keeping with what President Obama wants; that is, to have a program out there that creates lots of jobs and gives middle-class America tax relief. That is what this legislation is all about.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1, which the clerk will report.

The assistant legislative clerk read as follows:

(A bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.)

Pending:

Reid (for Collins-Nelson (NE)) amendment No. 570, in the nature of a substitute.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 5:30 will be equally divided and controlled between the leaders or their designees.

Mr. REID. Madam President, Senator BAUCUS is my designee.

The ACTING PRESIDENT pro tempore. Senator BAUCUS is recognized.

Mr. BAUCUS. Madam President, this afternoon the Senate returns to its 7th day of work on this important jobs bill. The case for this bill continues to grow stronger every day. Last week, for example, we learned that 3.6 million Americans have lost their jobs since this recession began—3.6 million Americans have lost their jobs. The unemployment rate has risen to 7.6 percent and it is rising. Job losses appear to be accelerating.

Last year, more than 3 million families lost their homes to foreclosure—3 million families in 1 year—and many more foreclosures appear to lie ahead.

We face the worst economic disaster in the lifetimes of most Americans alive today. History will judge how we respond and let us not let this Nation down.

In the late 1920s and early 1930s, there were those who questioned vigorous Government response. There were those who fretted about short-term deficit. We were spending too much, they said. History has not judged them kindly.

Rather, the consensus of economists came to agree with the great British economist, John Maynard Keynes. Keynes argued that in times of high and rising unemployment, the Government has an important job to do. The Government must make up for lagging demand in the private sector, he said, and the Keynesian school teaches the best way to increase demand is to get money in the hands of those most likely to spend it quickly.

It is true some economists questioned the Keynesian consensus, but those questioners are very much on the fringe of economic thinking. The mainstream—by far the mainstream is that we have to use public money to help pull us out of recession.

Our time of testing is upon us. The broad consensus of economic analysis informs us what to do. The question before us is now one of political will. Will this generation have the courage to confront the economic storm of our time or will this generation be like that which preceded the New Deal? Will our generation, by its inaction, be found wanting or will our generation rise to the challenge of our times?

The path to address this crisis lies ahead of us today. At about 5:30 p.m. this evening this Senate will conduct a rollcall vote on the motion to invoke cloture on the Collins-Nelson substitute. That substitute is the best clear chance for the Nation to respond to the economic crisis we face.

Under the previous order, if the Senate invokes cloture on the amendment, then the Senate will be able to complete action on this bill with a vote at 12 noon tomorrow. If a Senator raises a budget point of order against the amendment, then the Senate will vote tomorrow on a motion to waive that point of order; otherwise, under the previous order, the adoption of the amendment will still be subject to a 60-vote threshold, and the Senate would then vote on passage of the bill. Either way, the Senate faces two 60-vote hurdles for this important legislation, one this evening at 5:30 and another tomorrow at noon.

That familiar arithmetic dictates the path before us. The amendment before us provides the one clear chance to surmount that 60-vote hurdle. The Collins-Nelson substitute provides an opportunity for Congress to respond and respond quickly, swiftly. Let us take that opportunity.

The Collins-Nelson substitute is a principled compromise. Yes, if I had my way, I would have written it differently. I brought a slightly different bill to the floor on behalf of the Finance Committee. But the substitute makes the change we need so as to allow the broad consensus we need to pass this bill. In the Collins-Nelson substitute, we agreed to trim the underlying bill. But I am pleased the compromise does not sacrifice the main thrust of the bill.

So what is the compromise? The Collins-Nelson substitute would trim the COBRA subsidy—that is the health subsidy for persons who lose their jobs and therefore lose their health insurance. It would provide a 50-percent subsidy for 12 months for the purchase of health insurance for those who have lost their jobs. This saves $5 billion. The agreement trims the health information technology proposal. It would cap the amount of funds that a critical access hospital can receive under the health IT provisions at 1.5 million per hospital. This change saves $5 million per hospital.

The Collins-Nelson substitute also cuts back on some of the tax incentives. The agreement eliminates the general credit carry-back provision, saving about $9 billion.

The agreement trims the recovery zone bonds by providing $10 billion in private activity bonds and $5 billion in refundable credit bonds. The agreement provides a 35-percent tax credit for Build America bonds for 2009 and 2010, with a 40 percent tax credit for small issuers. This change saves $2 billion.

The Collins-Nelson substitute trims the number of people eligible for the make work pay credit by beginning the phase out of the credit at $70,000 in annual income for singles and at $140,000 in annual income for couples. This change saves $2 billion.

And the refundable child tax credit threshold is decreased to $8,100, saving $3 billion.

Other than these changes, the underlying tax provisions are essentially intact. The bill remains a balanced approach to getting our economy back on track.

The bill would continue to provide more than $300 billion in tax cuts for individuals. The bill would help working families with the make work pay. Seniors, disabled vets, and SSI recipients would receive a one-time payment of $300.

Families with children would also get help. The bill would still expand the earned-income tax credit and the refundable child tax credit. Families would still get benefits for college with the American opportunity tax credit and the expansion of 529 college savings plans.

The bill would expand the homeownership tax credit beyond first-time homeowners and double the amount of the credit. For those receiving unemployment benefits, the first $2,400 would not be taxed as income.

There are also tax incentives for commuters and those buying automobiles.

The bill would also provide a 2009 AMT patch, so that people can keep the tax cuts they receive.

The bill contains $18.4 billion for businesses. There are several provisions geared toward small businesses. The bill extends bonus depreciation and 179 expensing. The bill also decreases the S-Corp holding period from 10 years to 7 years for built-in gains.

The bill would allow businesses to take accumulated AMT and R&D credits in cash in lieu of bonus depreciation. The bill provides a delayed recognition of certain cancellation of debt income. Net operating losses can be carried back 5 years instead of 2.

The bill still provides more than $19 billion in energy tax incentives.

These incentives will create green jobs producing the next generation of renewable energy sources, wind, solar, geothermal, spur development of alternatives, and help to combat climate change by reducing our use of carbon-emitting fuels.

The bill would extend and modify the renewable energy production tax credit for qualifying facilities, in order to make the credit more useable in the economic environment.

The bill includes additional funding for clean renewable energy bonds to finance facilities that generate electricity from renewable resources and conservation bonds for States to use to reduce greenhouse gas emissions.

Energy efficiency is often cited as the low-hanging fruit, the easiest way for us to reduce our energy consumption and greenhouse gas emissions.

We have included incentives for energy efficiency. The value of the existing credit for energy efficient homes is increased and the limitations on specific energy-efficient property are eliminated. The credits for various types of energy efficient property, for both residential and business, are extended.

The bill has two new tax credits designed to spur our alternative energy and production.

The advanced energy research and development credit provides an enhanced 20 percent R&D credit for research expenditures incurred in the fields of fuel cells, energy storage, renewable energy, energy conservation technology, efficient transmission and distribution of electricity, and carbon capture and sequestration.

The second tax credit is an advanced energy investment credit for facilities engaged in the manufacture of advanced energy property.

These energy tax incentives will help to keep our alternative energy sector moving forward as we confront the growing demand for clean, renewable energy.

The bill would provide recovery provisions totaling $9.6 billion. The bill would provide for several types of bonds to help depressed areas, including recovery zone bonds, tribal economic development bonds, high speed rail bonds, and broadband bonds. The new markets tax credit would be extended. The bill would accelerate the low-income housing tax credit.

The bill would also provide $14.3 billion in help for municipal bond markets. This recovery bill includes changes that will free up this market, unlocking cash for infrastructure investment.

Banks would be able to inject more capital into projects, creating demand for municipal bonds, and driving down interest rates. And increasing the small issuer exception would increase the range of municipalities from whom banks could buy.

The bill would also eliminate tax-exempt interest on private activity bonds as a preference item under the alternative minimum tax. This change would draw new investors and help stabilize the market.

The legislation would also establish parity for tribal governments on $2 billion of tax exempt bonds. This important change would put Tribal governments on equal footing with other government issuers.

The bill would maintain the new tax-credit bond option, giving State and local governments a new tool to finance infrastructure projects.

The bill would also eliminate the 3 percent withholding requirement for Government contractors.

The tax components of the bill are diversified. They would spur our economy from several directions.

On health matters, the Collins-Nelson substitute preserves much of the health IT investment that the original bill proposed. These sound investments will pay dividends in the future. They would reduce health care costs and improve health care quality.

The health IT provisions preserved in this bill will also help patients to make better decisions about their health care. I am pleased that these provisions remain intact. And the provisions have been improved by the amendments offered by Senator ENZI last week.

The Collins-Nelson substitute also maintains the important protections that we provided in the original bill to State Medicaid programs. As we heard in the floor debate, the rise in unemployment has placed significant strain on Medicaid.

Decreased revenue coming in means less money to fund Medicaid. And experts warn that every percentage point increase in unemployment adds 1 million more people to the Medicaid and CHIP rolls.

The substitute before us today would provide much-needed relief to every State through a temporary increase in the Federal share of Medicaid funding. This funding would prevent States from making further cuts to a program that is already in dire circumstances due to the economic downturn.

And the substitute also preserved the critical extension of emergency unemployment benefits. It also maintains the improvements to our unemployment insurance program by increasing and extending benefits to those currently looking for work.

A key component of the economic recovery package helps unemployed workers maintain their health coverage. When workers lose their jobs, they lose more than their paychecks. They often lose their health insurance coverage, as well. Losing job-based health insurance can have tragic consequences.

The initial proposal provided a 65-percent subsidy for COBRA coverage for up to 9 months. The Collins-Nelson substitute shaved that coverage back to a 50-percent subsidy for 12 months. By doing so, we saved $5 billion.

I am concerned that a 50-percent subsidy might not provide enough relief. In the future, I will look for ways to maximize participation in this program for people who want to keep their health coverage.

But the product before us today is the result of principled and bipartisan negotiation. This is a compromise across the aisle in the finest tradition of the Senate.

But we do not have time to waste. We must act quickly to pass the Collins-Nelson substitute. We must work quickly with the House in conference to reach consensus and put this bill on the President's desk without delay.

Let us not repeat the dithering of the late 1920s and early 1930s. Let us summon the courage to confront the economic challenge of our times. And when the roll is called this evening, let us invoke cloture on the Collins-Nelson substitute.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I ask the manager, I assume we will continue the practice we have been pursuing of going back to either side and that any time in quorum call will come off the times of both sides?

Mr. BAUCUS. That would be my intention.

Mr. MCCAIN. I thank the manager.

I would like to say for the benefit of my colleagues on this side of the aisle that——

The ACTING PRESIDENT pro tempore. If the Senator would suspend, I have been informed there is no such unanimous consent agreement. If Senators would like to get that into the order, it would be appropriate at this time.

Mr. BAUCUS. Madam President, I ask unanimous consent that the time remaining allocated to this bill be equally divided and that all time in quorum calls be charged equally to each side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Arizona has the floor.

Mr. MCCAIN. Madam President, obviously, if we have Members from that side who are waiting and none are on this side, we will adjust that, as we have the last several days. I thank the

Senator from Montana for all of his courtesies in making sure we have had balanced debate on this very important issue.

Also, I would like to say to my colleagues on this side of the aisle that speakers from my side, if they would come to the floor, I think there would be time to recognize them. We have signed up Senators KYL, ENZI, ALEXANDER, INHOFE, THUNE, GRAHAM, CHAMBLISS, BOND, SESSIONS, and COBURN. If others wish to speak, if they would notify the cloakroom.

Madam President, many of my colleagues are claiming that the ''compromise bipartisan bill'' that is before us is a product and result of serious negotiations, and it is neither. It is neither bipartisan nor is it a compromise. It is not bipartisan in that 3 Republican Senators, after not a single Republican Member of the other body, the House of Representatives, plus 11 Democrats voted against this legislation.

Now, there continues to be touted that there were meetings that Republican Senators attended. There are meetings that take place all the time, all the time around here. There are meetings, both informal and conversations about it. But the fact is, we ended up with 3 Republican Members of Congress out of 178 in the House and 40 here in the Senate. So it is not ''bipartisan.'' To say otherwise belies history.

I am proud to have been a member of a number of bipartisan resolutions of issues that have come before this body, whether it be the Gang of 14, on campaign finance reform, or whether it be on other important issues as far as national security and other issues are concerned. That is when Republicans and Democrats have sat down together and came out in equal numbers—roughly equal numbers—to achieve bipartisan agreement.

This is not a bipartisan agreement. This is three Members of the Senate—none on the House side—who have joined Democrats for a partisan agreement. It is unfortunate that has happened because we are now committing an act of generational theft. We are robbing future generations of Americans of their hard-earned dollars because we are laying on them a debt of incredible proportions. We have already amassed over a $10 trillion debt. Apparently, we will pass this legislation, which is another, when you count the interest, about $1.1 trillion dollars.

The House is about to take up a $400 billion Omnibus appropriations bill. It has been put off until tomorrow, probably wisely. The Secretary of the Treasury, Mr. Geithner, is going to recommend somewhere around $½ trillion to $1 trillion for another TARP package. So we are talking about trillions of dollars.

This morning, one of my colleagues, the Senator from New York, Mr. SCHUMER, said: ''Why quibble over $200 million?''

I am not sure the American people would agree.

What has been the result of this compromise? Ten out of hundreds eliminated items: $34 million to renovate the Commerce Department; $100 million for governmentwide supercomputers; $14 million for cyber security; $55 million for historic preservation; $20 million for Bureau of Indian Affairs; $5.8 billion for prevention wellness programs, $870 million for pandemic flu; $16 million for school improvement programs, construction; $3.5 billion for higher education facilities; $2.25 billion for a neighborhood stabilization program. Ten have been eliminated from the hundreds which totals $12.6 billion of the $140 billion being touted as having been cut from the more than $900 billion bill. What we have done is, we have eliminated 10 items, reduced others, which will probably be restored, reaching basically the same level, a ''compromise'' of about $827 billion which is a little more than that passed by the House of Representatives. The total is over a trillion dollars.

Both the distinguished majority leader and the Senator from Montana have emphasized the need for speed, that we have to act quickly, right away. We will, I am sure, because a seminal moment was when the two or three Republican Senators announced they would vote for this package. So it is a matter of time.

Last week, the overseer of TARP I announced there had been $76 billion wasted in paying for assets over their actual value. We acted in speed, with haste, and it cost the taxpayers $76 billion.

Again, this is an unusual circumstance we are in. These circumstances we all appreciate. We appreciate the fact that millions of Americans are without a job, without health insurance, without the ability to educate themselves and their children, and without the ability to stay in their homes. We need to act. We need to act responsibly.

It is being said that every economist says we need to adopt this package. That is not true. I even hear one of my advisers during the campaign, Marty Feldstein's name, being mentioned as being for this package.

I ask unanimous consent that Martin Feldstein's Washington Post op-ed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From washingtonpost.com, Jan. 29, 2009]

AN $800 BILLION MISTAKE

(By Martin Feldstein)

As a conservative economist, I might be expected to oppose a stimulus plan. In fact, on this page in October, I declared my support for a stimulus. But the fiscal package now before Congress needs to be thoroughly revised. In its current form, it does too little to raise national spending and employment. It would be better for the Senate to delay legislation for a month, or even two, if that's what it takes to produce a much better bill. We cannot afford an $800 billion mistake.

Start with the tax side. The plan is to give a tax cut of $500 a year for two years to each employed person. That's not a good way to increase consumer spending. Experience shows that the money from such temporary, lump-sum tax cuts is largely saved or used to pay down debt. Only about 15 percent of last year's tax rebates led to additional spending.

The proposed business tax cuts are also likely to do little to increase business investment and employment. The extended loss ''carrybacks'' are primarily lump-sum payments to selected companies. The bonus depreciation plan would do little to raise capital spending in the current environment of weak demand because the tax benefits in the early years would be recaptured later.

Instead, the tax changes should focus on providing incentives to households and businesses to increase current spending. Why not a temporary refundable tax credit to households that purchase cars or other major consumer durables, analogous to the investment tax credit for businesses? Or a temporary tax credit for home improvements? In that way, the same total tax reduction could produce much more spending and employment.

Postponing the scheduled increase in the tax on dividends and capital gains would raise share prices, leading to increased consumer spending and, by lowering the cost of capital, more business investment.

On the spending side, the stimulus package is full of well-intended items that, unfortunately, are not likely to do much for employment. Computerizing the medical records of every American over the next five years is desirable, but it is not a cost-effective way to create jobs. Has anyone gone through the (long) list of proposed appropriations and asked how many jobs each would create per dollar of increased national debt?

The largest proposed outlays amount to just writing unrestricted checks to state governments. Nearly $100 billion would result from increasing the ''Medicaid matching rate,'' a technique for reducing states' Medicaid costs to free up state money for spending on anything governors and state legislators want. An additional $80 billion would be given out for ''state fiscal relief.'' Will these vast sums actually lead to additional spending, or will they merely finance state transfer payments or relieve state governments of the need for temporary tax hikes or bond issues?

The plan to finance health insurance premiums for the unemployed would actually increase unemployment by giving employers an incentive to lay off workers rather than pay health premiums during a time of weak demand. And this supposedly two-year program would create a precedent that could be hard to reverse.

A large fraction of the stimulus proposal is devoted to infrastructure projects that will spend out very slowly, not with the speed needed to help the economy in 2009 and 2010. The Congressional Budget Office estimates that less than one-fifth of the $50 billion of proposed spending on energy and water would occur by the end of 2010.

If rapid spending on things that need to be done is a criterion of choice, the plan should include higher defense outlays, including replacing and repairing supplies and equipment, needed after five years of fighting. The

military can increase its level of procurement very rapidly. Yet the proposed spending plan includes less than $5 billion for defense, only about one-half of 1 percent of the total package.

Infrastructure spending on domestic military bases can also proceed more rapidly than infrastructure spending in the civilian economy. And military procurement overwhelmingly involves American-made products. Since much of this military spending will have to be done eventually, it makes sense to do it now, when there is substantial excess capacity in the manufacturing sector. In addition, a temporary increase in military recruiting and training would reduce unemployment directly, create a more skilled civilian workforce and expand the military reserves.

All new spending and tax changes should have explicit time limits that prevent ever-increasing additions to the national debt. Similarly, spending programs should not create political dynamics that will make them hard to end.

The problem with the current stimulus plan is not that it is too big but that it delivers too little extra employment and income for such a large fiscal deficit. It is worth taking the time to get it right.

Mr. MCCAIN. The Washington Post op-ed is entitled ''An $800 Billion Mistake.'' Martin Feldstein and many other economists believe this is an $800 billion mistake. He says:

On the spending side, the stimulus package is full of well-intended items that, unfortunately, are not likely to do much for employment. Computerizing the medical records of every American over the next 5 years is desirable, but it is not a cost-effective way to create jobs. Has anyone gone through the long list of proposed appropriations and asked how many jobs each would create per dollar of increased national debt?

Well, since Mr. Feldstein wrote that column, the Congressional Budget Office did, indeed, go through the list. They found out it would increase between now and the bill then, which has been changed somewhat but basically will end up over a trillion dollars, it says it would increase employment at that point in time by 1.3 million to 3.9 million jobs. At $885 billion, 1.3 million jobs would work out to $680,769 per job. And at 3.9 million jobs, the cost would be $226,923 per job.

Several of my colleagues have celebrated the reduced cost of the compromise from $885 billion to $827 billion. So let's do the math for that amount. It is only $636,154 per job for 1.3 million jobs, and $212,000 for 3.9 million jobs created. If you add the cost of interest to the total for the compromise, we have $1.175 trillion.

There are numerous policy changes which have nothing to do with jobs in this bill. This legislation was delivered to our office at 11 o'clock on Saturday night. My staff has been hard at work scrubbing this bill, 778 pages, I believe, for the changes. One of them that is very interesting, which has been added, is a new, far-reaching policy with respect to unemployment compensation. Specifically, the title is Unemployment Compensation Moderation. It would allow a person to collect unemployment insurance for leaving his or her job to take care of an immediate family member's illness, any illness or disability as defined by the Secretary of Labor. This was originally sponsored legislation in the 110th Congress and did not succeed. Each State would need to amend their unemployment insurance in order to receive $7 billion in funds.

Again, that may be a laudable goal to fundamentally change unemployment compensation. What in the world is it doing on what is supposed to be an economic stimulus package?

I see my friend from Wyoming, Senator ENZI, is here. I will conclude. This is neither bipartisan nor is it a compromise. It is generational theft, because we rejected a proposal on this side to establish a trigger that when our economy improves, we would be on a path to a balanced budget and reducing spending. These spending programs will remain with no way of paying for them. What are we doing to future generations of Americans? We need a stimulus package. We need to create jobs. We certainly don't need to lay a multitrillion dollar debt on future generations of Americans, once our economy has improved.

We found out when we received 44 votes on a triggering mechanism what a lot of this is all about. It is increasing spending, increasing the role of government in a Draconian and unprecedented fashion, and laying a debt on future generations of Americans of many trillions of dollars. I urge colleagues to rethink their position. I still believe if it had not been a process that started with ''we won and we wrote the bill,'' we could have had a truly bipartisan approach which the majority of Americans would not only support but benefit from.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Madam President, it is worth repeating until it is understood: According to CBO and the Joint Committee on Taxation, 99 percent of all the Finance Committee bill is spent in the first 2 years. If we add the whole bill together, the Finance Committee portion and the Appropriations Committee portion, 79 percent is spent in the first 2 years. This is an approach to get money spent quickly.

The ACTING PRESIDENT pro tempore. Does Senator MCCAIN yield time to Senator ENZI?

Mr. MCCAIN. I yield such time as he may consume to the Senator from Wyoming.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. I ask unanimous consent that the following speakers on the Republican side be recognized for up to 10 minute each, in no designated order, with the remaining time under the control of Senator GRASSLEY: Senators KYL, ALEXANDER, INHOFE, THUNE, GRAHAM, CHAMBLISS, BOND, SESSIONS, and COBURN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENZI. Madam President, I have to say it: The emperor has no clothes. Somebody has to say it. I am referring to this additional bailout, a spending bill that spends everything we have on nothing we are sure about. I have watched with dismay and disgust as this stimulus ballooned from $800 billion to more than $930 billion in only 4 days of debate. Today my colleagues tell me I am supposed to be giddy that we are only spending $827 billion. Frankly, I have had enough of this bailout baloney. Members from both sides of the aisle are taking advantage of taxpayer shell shock and a strident sense of national urgency to pump the recovery package with wasteful spending and unending tax provisions that blatantly fail a crucial yet simple test set by my Democratic colleagues—that the provisions of the stimulus bill would be targeted, timely, and, most important, temporary.

For example, this bill includes billions of new money for Federal agencies. Presumably these agencies will hire new workers. What happens at the end of the fiscal year when the funding for these new hires goes away? Will these new jobs be eliminated? Of course not. We never do. Lawmakers simply come back to the well in a few months and exert even more pressure to maintain the new programs and keep these new jobs and keep the bloated spending that supports them. There is nothing temporary about that kind of spending.

There is also nothing temporary about much of the programmatic spending included in this bill either. For example, the compromise includes $13.9 billion in additional funding for Pell grants to help college students pay for college costs. I am a strong supporter of Pell grants. But we provide funding for them in the normal appropriations process which, incidentally, we haven't passed last October's appropriations yet. I always wonder when we will get around to doing that. We are kidding ourselves that after the stimulus bill, we will be able to return Pell grants to their prestimulus level. If we try to go back to that level, we will be accused of making college unaffordable. The same goes for the IDEA Program. It receives $13 billion in the compromise to improve education for disabled children. We are all for improving education for disabled children. But if we suggest that the IDEA Program go to a prestimulus level, we will be accused of cutting funding for disabled children. They are both good programs, but they should be

funded in the normal appropriations process because they are not temporary spending increases. That is $26.9 billion with only those two. That used to be big money around here.

While this bill does not include traditional earmarks, we should all understand that there are earmarks in this bill. There is $850 million—just millions, nothing—to bail out Amtrak; a $75 million earmark for the Smithsonian, a $1 billion earmark for the 2010 census.

In addition to that, thousands of the projects that will be funded from this bill are what the American people would consider to be earmarks. For example, the compromise includes $1.2 billion for Byrne grants that will go to local law enforcement agencies to be spent on basically whatever they desire. This bill is not a stimulus package; it is another bloated appropriations package. That is another $3 billion that used to be real money around here. I wish I had time to cover the thousands of other spending ideas we would not fund in the past. Time does not allow it when you are talking about $800 billion.

I think it is ironic that Congress spent last fall criticizing subprime mortgage lenders who sold overvalued homes to people who could not afford them—and created this mess we are in—when we are committing that very same sin today in this ''stimulus'' bill. This Chamber is guilty of trying to sell an overvalued, bloated spending bill to taxpayers who can ill-afford the price tag. But unlike those homeowners who just left the keys and closed the front door, the American taxpayer does not have that option of just walking away when this bill comes due.

It is time to admit that, just like many Americans, the Federal Government has maxed out its credit card. But while most Americans are wisely trimming the fat in their budgets, reexamining their spending patterns, and focusing on what is truly essential, Congress has not smartened up yet. Now is not the time to put every politician's Christmas wish list on the Government credit card.

We are already approaching the debt ceiling with alarming speed. In fact, I will bet most Americans do not know that buried deep in this stimulus bill is the increase to $12.1 trillion in the Federal debt limit. Let me repeat that: a $12.1 trillion debt limit. And that is on top of the trillions already set as a debt ceiling.

The American people want Congress to act now, to act with urgency. They say we do not have time to wait. Well, that is what the party in charge is telling us. My reply is, do we have time to get it right? The American people do not want us to go fast for the sake of being fast. They want us to solve the problem, and they want a solution that makes sense to them. That is what will give the American people confidence, and confident American people are going to make our economy better, not the Federal Government throwing their money around with reckless abandon.

Do not get me wrong, I understand the immediate need to jump-start our economy. The employment numbers released last week were stark evidence that jobs continue to disappear at a fearsome pace. People are frightened, and they feel they have nowhere to turn. But in steering a ship through a crisis such as this, Americans need to be confident that the lawmakers have a steady hand on the tiller and a firm eye on the horizon. And it is clear from the sinking poll numbers that this stimulus bill gives them no such confidence. Americans have had enough bailout baloney too. What we need is a new plan and a new approach.

Alice Rivlin, a former OMB and CBO Director, suggested we split this bill into smaller pieces. I agree, and some of my colleagues agree too. Our first priority should be an antirecession package that can be both enacted and spent quickly. Elements of this bill should meet very strict criteria: The funds must spend out completely or expire by the end of this calendar year; the funds cannot be used to support permanent obligations such as entitlements or operating budgets; and the funds must be targeted at specific needs.

A second, separate set of packages could be considered without the same urgency after the completion of the antirecession package. These smaller bills would include funds for long-run investments that are not needed to enhance the future growth and productivity of the economy, including infrastructure investment, education, and worker retraining. I have been trying to get that through for 4 years.

Rushing this type of spending through, as we are doing in this bill today, ensures that mistakes will be made, plans will be poorly crafted, and precious taxpayer money will be wasted. This bill's ability to create jobs is dubious at best.

When combined with the outrageous cost of past bailouts for Wall Street and the automakers and bailouts we are told are yet to come for the banking and housing sectors, the only sure thing about this bill is that taxes are going up for everybody—working Americans; senior citizens; businesses small and large; and, as we have mentioned all along, our children and grandchildren. No one will be spared the cost of this stealth expansion of the welfare state. I simply cannot support a future tax increase the size this bill implies and will need. I plan to oppose this bloated bailout, and I urge my colleagues to do the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Madam President, I just want to remind my good friends on the other side, this bill also cuts taxes by $300 billion. It is a tax cut. My colleagues love tax cuts. This bill cuts taxes by $300 billion.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask the Senator from Montana, he does not like tax cuts?

Mr. BAUCUS. Very much I like tax cuts.

Mr. MCCAIN. Good.

Mr. BAUCUS. But I might say, all I hear is complaints. I know the Senators on the other side like tax cuts, but they do not talk about the good stuff in this bill. There is a lot that is good about this bill, and it would just be great if they would talk about some of the good provisions as well because I know all my colleagues like tax cuts, including my dear friends on the other side of the aisle.

Mr. MCCAIN. Madam President, I urge my colleagues on both sides who wish to speak to come over and speak.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I will yield to the Senator from California such time as she desires.

The ACTING PRESIDENT pro tempore. I thank my good friend.

Mr. BAUCUS. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAUCUS). Without objection, it is so ordered.

Mrs. BOXER. I thank you so much, I say to the Presiding Officer, the chairman of the Finance Committee, the Senator from Montana, for giving me this time and also for your very strong leadership on this very important bill.

I think, as I listened to the Senator from Montana this morning, he laid out the case for this bill better than I have heard, frankly, from anyone in the most clear fashion. When somebody tells you something is very complicated and you do not understand it, do not believe it.

There is a very simple, cogent, important, urgent reason for this bill: We need to save jobs, we need to create

jobs, because if we do not, at the rate we are shedding jobs in this country, we are going to be headed for not a deep recession but perhaps even worse than that. My friend who is presiding pointed out that 3.6 million jobs were lost last year. How can anyone possibly turn away from that fact?

Saturday, I spoke on this bill and the need for it, and I had a picture of 1,000 people in Florida showing up at a job fair for 35 firefighter jobs—1,000 people. It looked almost like a rock concert—all these young people trying to get in line and fill out the forms for these jobs. The police had to come in—everyone was calm—just to make sure it was an orderly process.

My friend from Montana pointed out that history will judge us on how we act right now. Again, just to keep it simple and focused, there are three things we can do. One, do nothing. Doing nothing, to me, is action. It is action for the status quo. Doing nothing, to me, is a hostile act on the American people. Doing nothing, from my mind, is closing our eyes to the election that was just held, an election that said: We need change.

Now, what else could we do? We could pass a perfect bill. Trust me when I tell you, I can write one perfect for me. The Senator from Montana can write the bill perfect for him. The Senator from Arizona, who is leading the opposition—and, by the way, Senator MCCAIN, I am pleased he is out here doing that because I think the people in America understand the difference between Senator MCCAIN's approach and President Obama's approach, and this debate is about that, make no mistake. So Senator MCCAIN could write the perfect bill.

(Mrs. HAGAN assumed the Chair.)

I see Senator HAGAN has come to the Chamber. She could write the perfect bill. Each of us could write the perfect bill for us. And guess what. If we each stood up here and said: My way or the highway, there would be no bill, and therefore we would have nothing. Nothing is, in my mind, a hostile act on the American people.

Then there is a third choice: a compromise, a compromise plan that has been put together by Democratic Senators on our side and several Republican Senators on the other side. Now, for the life of me, I do not understand how anyone can say that is not bipartisan. Of course it is bipartisan.

Let me be clear, our Republican friends are filibustering this bill. We could get 58 votes for this bill. We know that. That would be a strong majority. We do not have 60, and we need Republicans to help us. Several have stepped forward, and I thanked them so much the other day, and I repeat it again.

So the three choices we have: do nothing is one choice, in the face of these horrific job losses and layoffs continuing—and in my State of California, I put in the RECORD Saturday company after company after company laying off, pulling in, fearful—we could do nothing; we could have the perfect bill, which means that each of us will fight for that perfect bill—maybe we can get one or two others to agree it is perfect—or we can have a compromise bill. That is what is before us.

So just remember, if someone tells you this is not bipartisan, they are not telling you the truth because if they did not filibuster us, we could pass a bill with 51 votes. They are forcing us to get 60 votes; therefore, we must get Republicans to support us.

Passing this compromise means we get to conference with the House. Now, that is going to be a very tough conference, and my friend from Montana knows better than anyone how tough it will be.

I want to send a message to my friends in the House of Representatives: I know how you feel. I know things were left out of this compromise that you desperately want in this bill. But I will say, you should fight for that, but at the end of the day, again, go back to the three options: doing nothing, doing the perfect bill, or doing the compromise. My kids always say to me, ''You are where you are.'' And we know where we are. We are in the middle of a filibuster. We have 58 Democrats, and we need to pick up Republican support, and we have done so.

Now, I have to again point out to my colleagues why I feel my Republican friends are being just a little bit disingenuous when they shed bitter tears about the debt. Let's face facts. I didn't see those bitter tears during the Bush years. We went from $5 trillion in debt to $10 trillion in debt. Now they are very worried about another $800 billion. I understand they are worried. We didn't like the debt either, and we don't like the debt. When we were in charge with Bill Clinton, we got that debt down. We turned deficits into surpluses. We know how to do that, and we will get our economic house in order. We have done it before. When the first President Bush handed us billions of dollars in deficits and trillions in debt, we worked on balancing that budget, and we handed George Bush a budget surplus—we Democrats did—a budget surplus. Now the debt is $1 trillion, and our friends on the other side cry about it.

There is a cartoon in the paper today that was given to me, if I can find it. I remember it. Oh, here it is. It is called ''Deficit Patrol.'' It is frame after frame of Republicans sleeping through the increase in the debt. They slept through billions of dollars in tax cuts; never said a word about the debt. Those tax cuts were to their friends, the highest earners. They slept through billions in debt to invade Iraq, billions more for oil and gas subsidies, billions more for Iraq, and this thing goes on and on. They kept snoozing through the debt. The debt doubled. As a result of their action, every man, woman, and child in America carries an additional $17,000 of debt because of the war in Iraq, subsidies to oil and gas, and because of tax cuts to the very wealthy. Suddenly, now—when it is time to help working families and invest in them and in our schools and rebuilding our infrastructure and creating jobs—suddenly they wake up and say: Do you have any idea what that will do to the debt?

Look, I support my friends on the other side having the right to do whatever they want to stop this bill, but I will tell my colleagues what is hard for me: to have these tears about the debt when all through the Bush era we had an open checkbook for Iraq, an open checkbook for the wealthiest Americans, and nobody cared about the debt. Nobody cared. Nobody cared about the deficits on the other side. We never had this conversation.

What I want to say is, we certainly learned from the depression era; that when times are as rough as these times are, we must act. We must act. Now, it is sad to say we don't have a surplus, that we don't have the debt on the way down, but that is the way it is. You are where you are. So we can either do nothing, do the perfect bill, or do the compromise.

So I would say to every Member of the Senate and every Member of Congress that we need to work together. I watched President Obama and just a little bit of his townhall meeting. He is out there and he is answering questions—some tough ones too—about why this is necessary, and he makes the point. He said: People go to the floor in Congress, in the House and the Senate, and they say: Oh, my goodness, we are spending in the face of this recession. Well, that is the whole point. There is no money in this economy. The banks won't lend. We have used the monetary policy to bring interest rates to the banks way down. We fed money to the banks and perhaps we forestalled a complete crisis. However, I will tell my colleagues, they are still not doing what they should in terms of lending. People are fearful. They are not spending. So it is a vicious circle, and we need to stop this vicious circle. The way to do it is to save jobs from being lost and create new jobs.

Now, we know this all started with the housing crisis. Believe me, we tried on this side to pass housing legislation. Seven times we were filibustered—seven. Seven times we were filibustered. We must address housing, and I am glad to hear my colleagues on the other side coming up with some very good ideas on how to do that, and I agree with some of those ideas. This is a three-legged stool. We have to pass this jobs program, this jobs plan—and

by the way, these jobs will be created in the private sector as we go out to rebuild our roads and our bridges and our schools and make them energy efficient. Private sector jobs will be created. These will be contracts. So the first leg of that stool is jobs, jobs, jobs. That is what we are talking about.

Next we have to deal with the housing crisis, as I said, belatedly so. I would like to see mortgages down, mortgage rates down for folks who will get a boost from that, an economic stimulus in their pocket from that. We have things we can do. Senator DURBIN's plan for the bankruptcy courts is very important. If someone is underwater with their house, and they go to bankruptcy court, let's have the judge restructure their loan. These are things we should and must do. That is the second leg.

The third is the financial crisis. I know the Obama administration is looking at some new ways, not just giving a blank check to these institutions, to these banks, but ensuring that they don't use it for big high salaries for the people at the top, for golden parachutes, and that in fact taxpayers have a stake in those institutions so we get paid back. That is a refreshing change. We are going to see that coming. That is going to be a very tough vote. I don't know how I am going to wind up voting on that. It depends on how much of that is aimed at the housing sector.

But that is tomorrow, and this is today, and we are where we are. There have been more than 3 million jobs lost. Imagine that. In the State of Delaware there are less than 1 million people. So figure, it is almost four States of Delaware where every single person has lost their job. These are no ordinary times.

Around here, I learned after many years the easiest vote was no. Vote no. It is so much easier. You could point to something in the bill you don't like—I say to my friend who is sitting in the chair, a wonderful new Member—you can vote no and say: You know, on line 7, page 240, there was something in there. It just brought me to a ''no'' vote. I couldn't take it. I disagreed with it.

It is easy. It is the easiest way to vote because we don't know at the end of the day whether this package is going to do every single thing we hope it will do. But I will tell my colleagues it will do some of those things. It will create jobs. It will save jobs. It will help our States. It will help our communities. It will help make us energy efficient. It will help make us energy independent. It will lead us on the road to clean energy. It will unleash the technological genius of a lot of our people looking at clean energy.

I want to close by again thanking those Republicans who joined with us. I know how hard it is. I have been in situations where I have stepped out, done something not popular with my caucus. It is very difficult. It is really hard, but at the end of the day we have to put country first. Country first. If you line up every economist in this Nation from the left to the right, except for a few on either end of the spectrum, they are all telling us to do a package about this size. Don't make it too small or it will be inefficient.

I think the Senator from Montana was very instructive when he pointed out that the tax cuts will kick in—certainly almost 100 percent of them—in 2 years, and overall, 75 or 76 or even 80 percent of the package, spending and tax cuts, will kick in, in the first 2 years. Larry Summers, a great economist working for President Obama, has said he believes if a few dollars kick in 2 years out, that is not all bad because this is a deep recession. We are going to need those dollars as well.

So to those three colleagues who came forward—I think I should say the two who came forward with BEN NELSON, Senator COLLINS and Senator SPECTER, taking the lead—thank you. I know it is hard. You are reaching out to this new President. He has everything on his shoulders. This is what he promised. He promised he would not sit back and allow the policies of the past to dominate: bickering, bickering, bickering, never getting anything done, and finding fault just for the sake of being able to vote no.

Saturday I read into the RECORD a story about one of my constituents who has been out of work and out of work and out of work. He worked in the high-tech sector. He can't find a job. He is just desperate. He had to place his children into foster care. We cannot do nothing. When my friends on the other side say, oh, they are for doing something, at the end of the day, it seems to me, by making us reach a 60-vote, filibuster-proof majority, they are making it tough for us to do something. Let's not forget that. They are filibustering this bill. That is why we need to get 60 votes. So they are slowing it down and slowing it down and slowing it down. As a matter of fact, they stand here and say: What is the rush?

I will tell them what the rush is: people being laid off every day, people losing health care every day, people losing confidence every day, people losing housing every day, people losing hope every day, economists telling us to move swiftly every day. So don't say you are for something when you are making us get a 60-vote supermajority, because people are smart in this country. They get it. They know what you are saying when you all of a sudden are afraid of the debt because we are doing things you don't like. You didn't mind going into debt for the war in Iraq—open checkbook. Rebuilding Iraq? Fine. Tax cuts for the wealthy few? Wonderful. No problem. You should look at that cartoon. It says it better. It just happens to be in Politico.

So don't say you want to do something and then set up a 60-vote hurdle. Don't say you want to do something, but you are afraid of the debt when, for 8 long years, you have doubled the debt from $5 billion to $10 billion. Say the truth. Say the truth. I think I know what the truth is. You don't really like investing in schools. You don't like investing in workers. You don't really think it makes sense at this time to build more infrastructure. You don't like helping our cities. That is the truth.

But we believe that is the way to stimulate this economy and grow it, stop it from sliding, reverse it. We are going to try to do it. We still have a long road ahead of us, no question about it. This isn't easy, but we are on the path to do it. I hope the American people will listen to our President both today and tonight when he holds his press conference. I hope the people will listen to this debate because it is very clear where the sides line up.

What we need to do is the right thing for America. Those choices are clear: Do nothing, hold out for your perfect bill, or embrace the compromise. I am embracing the compromise, and I urge my colleagues to do it. I hope more will do it from the other side. I think it will be such a vote of confidence in the future and confidence in this President and confidence in this country if we can pick up more votes on the other side. I hope we will. I am very pleased to have had this opportunity to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I am going to speak both about the general approach to the so-called stimulus package, as well as the deal reached at the end of last week that we will be voting on at 5:30 this afternoon.

First, let me say you can usually tell when proponents of an idea don't have good arguments for their proposition. They generally set up a false premise, what is sometimes called a ''strawman.''

It goes like this: We can't just sit here and do nothing. I ask anyone here, has anybody in this Chamber said we have to do nothing in the face of this crisis? No. Everyone who has spoken on both sides has said we have to do something. Has anybody here said we need to slow down and not act with alacrity because there is no problem or real emergency facing us? No. I think everybody has said we have a real problem in this country, people are hurting, and we have to do something as quickly as we can.

It is not a choice between doing nothing or doing something. It is not a choice between acting quickly or taking our sweet old time at it. There is a

legitimate difference of opinion. One reason we have liberals and conservatives and Democrats and Republicans is we have people in this country who are smart and very patriotic, but they disagree about the best way to proceed ahead in various situations, including the crisis we are in right now. So let's don't denigrate the arguments of the other side.

I respect what my colleagues are saying. They believe spending a lot of money in the way they are doing it is the right way to go forward. As the President has said: What do you think a stimulus bill is except a spending bill? I understand what he means. If you spend a lot of money, the theory goes, jobs will be created and that will stimulate the economy. But the original test he and others in his administration set forth was a little more precise than that. It was the correct test, put forth by Larry Summers, who said they are going to be choosing investments ''strategically based on what yields the highest rate of return for our economy.'' That is the right approach, not just spending for spending's sake; not just throwing a lot of money at the wall and seeing what sticks but targeting investments to see what really works.

Unfortunately, that is not what has been done here. Let me give you one example. In the debate we had after the deal was announced by the Senators who went off and negotiated some reductions in the original bill, there was the comment made that the House bill was just a Christmas tree—I will quote it:

> It was a Christmas tree upon which every member virtually had his or her favorite project. It was bloated, expensive, and ineffective.

That was the criticism of the House bill. Now, the deal struck by these Senators reduced some of the spending in various parts of the Senate bill. But it turns out that the final product is actually $7 billion more than the House bill they just criticized. So even though they cut some money at the margins, the various pieces of the bill, because of other things that were added in the Senate which they didn't cut, the total Senate bill is even more than the House bill.

I ask, is this money really targeted? One of the things one of the authors of this deal said made it a good deal was they added $14 billion in Pell grants. Now, Pell grants are the money that each year the Appropriations Committee appropriates so that students can get a grant from the U.S. Government to go to college. We do it every year. It is a good program. People love to take advantage of it. It has never been viewed as a stimulus package. That money is appropriated every year through the regular appropriations process. But we have added $14 billion in Pell grants.

Pell grants means students who graduate from high school can go to college. They are not getting a job; they are not going out into the workplace. The teachers teaching them already have jobs teaching. I don't know where the jobs are created here.

My point is twofold. It is a worthwhile program. We do it every year as part of the regular appropriations process. Why is it included in this bill as if it is going to stimulate something, as if it will create new jobs? It is not a stimulus. We do it every year. It is not a targeted investment strategically based on what yields the highest rate of return from the economy. It is sending kids to college, which is, of course, a good thing, but it should not be part of the stimulus package.

The stimulus package, with regard to spending, is supposed to identify those things that will require a lot of people to go to work and, therefore, get hired on to do jobs. But this is an example of the kind of thing that isn't targeted strategically to achieve that objective.

Another item was $6 billion for special education. Special education is a good thing. We appropriate money for it every year in the regular appropriations process. Why is it in this bill? Emergency spending? You don't have to offset it with spending reductions somewhere else or tax increases. It goes right to the bottom line of the deficit. It doesn't have to compete with anything else. As far as I know, you don't have a lot of special education teachers who are unemployed today. As a matter of fact, in education and health care you have the lowest unemployment rates in the country, around 2 to 3 percent. What is the targeted nature of this?

It turns out these are things the people in the room making the deal were all for. They wanted to make sure these programs got funded well this year, so they stuck them in the bill. This is not targeted. It is not stimulative, for the most part. It is just money we think would be a good idea to spend.

So a bill that was intended to encourage economic growth originally by investing in high-return projects has turned into a wild spending spree that is out of proportion and reason and won't achieve the objective it was intended for. In the process, it is going to cause tremendous waste. CBO noted that Government agencies don't have the ability to spend this kind of money quickly and efficiently. They are asking them to spend a lot of money quickly. That, obviously, results in a lot of waste.

Even so, the reality is, they cannot spend that much money, as it turns out. In fact, less than half of the discretionary money of the kind I just identified will be spent before 2011—less than half. So more than half of the money we will start spending in 2011 and beyond. I hope the recession is over by 2011. So by that definition, over half of the money doesn't go to stimulate the economy and create jobs. It is ongoing, more permanent spending.

We actually create around 30 new Federal programs in this bill and over $180 billion in mandatory or permanent spending. So it is not targeted for stimulative relief in the short run.

Now, one of my colleagues said we should acknowledge requiring 60 votes, as if that is somehow wrong, and Republicans are filibustering the bill.

Let's understand we started debating this bill about 1 week ago. We are spending more money than we have ever spent in a piece of legislation in the history of the United States of America, and we have only spent 1 week at it, and the critical vote is at 5:30 tonight—1 week after we started the debate. That is hardly filibustering. That is a point on which we don't need to spend any further time.

There are still so many things in the bill that are wasteful. Time doesn't permit getting into all of it. Let me note some of the things we had talked about originally that I thought at least the people who made this deal would want to cut to avoid embarrassment. It appears that these things are in the bill: transition to digital TV. I am not sure how that creates jobs. There is another $300 million for Federal Government cars. That may help the auto companies. There is money for Amtrak. There is $1 billion for the census. There are green cards for the military. There are Filipino veterans of World War II in the Philippines.

As I said, none of these things create jobs. They may be good ideas. Let them compete through the regular appropriations process and see how many would actually get through that process and what the priority would be.

About a year ago, Amity Shlaes, a historian, wrote a book called ''The Forgotten Man'' about the Great Depression. The title was used for two reasons. It is a phrase Franklin Delano Roosevelt used in one of his speeches kicking off one of his programs. It actually was borrowed from another person who was referring to, in today's terms, the ''little guy'' in our economy who bears the burden in our economy, who lives and plays by the rules and works hard and ends up paying the taxes on which everybody else relies. That is who the real forgotten man was at that time.

I think there are a couple of forgotten groups of people here too. The first are the small businesses. I note about three-tenths of the total package is dedicated to small business relief. Yet small businesses create 80 percent of all new jobs. This is supposed to be a job creation bill. Think about that. Small businesses create 80 percent of the jobs, so you would think a good piece of the relief would go to small business. No, it is just three-tenths of 1 percent. They are the forgotten folks.

The other group of forgotten folks includes our children and our grandchildren. I have two grandchildren, one whose birthday was yesterday and one whose is today. I cannot believe how fast they are growing up. I think about the legacy we are going to leave them in terms of all of this debt. It is very clear, from the CBO and all the others who have examined this that this $1 trillion is going right to our deficit. We are going from a $1 trillion deficit to a $2 trillion deficit next year. Eventually, of course, the debt has to be paid back.

Other countries are buying much of the debt. When they say: We want our money back, Americans have to do one of two things: produce their way out of the debt; that is to say, have such a robust economy that it is producing a lot of tax revenue to pay the debt back or, inevitably, there will be a tax increase.

Unfortunately, because of the effects of this bill, according to CBO, after 10 years there will be negative economic growth; that is to say, minus one- to three-tenths of a percent of negative growth over what it would have been. We cannot count on growth to lift us out of the economic situation we will be in. They say it is a little like a sugar high. We may get stimulus right away, and like when you have the sugar high, you then crash.

So they are talking about .1 to .3 percent decline in GDP. Obviously, we cannot count on economic growth to produce the revenue to pay back the people who bought the debt. That could mean a tax increase. That would be a very bad thing to leave these kids and grandkids I love as part of what I did on my watch, to say we spent the money today so they could pay it back later.

All I am saying is, we need to be much more careful about what we are doing. If we were talking about $200 million or $300 million, I would say we can take a chance; that it is a lot of money, but let's see if it works. Nobody knows for sure whether this will work. Anybody who says they know this will work, you can believe one thing: They are not telling you the truth.

Nobody knows. But to spend $1 trillion and not know whether it is going to work is very bothersome. One of my colleagues said a trillion dollars is a terrible thing to waste. I don't think we would be wasting $1 trillion. A lot of this will actually build something we can use later, so it is not all going to be wasted. As CBO said, you cannot spend this much without wasting a bunch of money.

Since most of it is not targeted to job creations, for reasons I mentioned, even though it may produce some result later on, the question has to be asked: Is it worth the expenditure now, in view of the crowdout effect in the private economy? Every dollar we spend is money that is crowded out in the private sector which, at the end of the day, is what creates jobs.

Looking at that three-tenths of 1 percent for small business is illustrative of the point. Small business creates 80 percent of the jobs in the country. You would think we would be focused on small businesses if we are talking about spending money in this bill to get job creation. Yet only three-tenths of 1 percent goes to small business.

Our point is, we are not being wise in the way we are spending this money, that we should be much more wise and that the deal that was struck last weekend to get the votes to pass the bill does nothing more than shave off some of the money at the top but does not fundamentally attack the problem I believe should be attacked.

For that reason, I hope my colleagues will reconsider, and when we have this vote in about 3 hours, that they will consider the possibility that we could do better, that we could do better by making more modifications to this bill than were done in the so-called deal that was struck last weekend. Hopefully, if they vote no, we will have the opportunity to go back and do that. If we don't, we are on this slippery slope to spend $1 trillion to an uncertain outcome, except we know we eventually will have negative growth and a lot of waste to show for our efforts.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, first, let me state something that is unexpected at this time. I was with Wade Paschal yesterday, and we were talking a little bit about love, something we don't see or sense a lot of in this body. In 1 Corinthians 13:13, there are three things—faith, hope, and love, and the greatest of these is love. I find myself faced with this dichotomy sometimes with feeling this and yet telling the truth at the same time because sometimes the truth isn't that prevalent around here either.

I had an unpleasant experience last Thursday with the junior Senator from West Virginia. I was pretty well assailed in different ways, and yet it really didn't bother me. Keith Oberlin called me the worst person in the world; Vanity Fair, a conspiracy theorist. I have to say this, though: At least they are all liberals. I love them all.

Having said that, let me discuss the politics of what is happening right now because this is something I think is going to end up being a positive thing for Republicans. I know not many people have thought this through in the same way I am going to present it.

Tonight the Senate will vote on whether to shut off debate—well, first of all, it needs to be clarified. A lot of people do not know what is going to happen tonight. I have been asked a lot of questions: Is it tonight at 5:30 or tomorrow? The key vote is tonight. This one needs 60 votes to cut off a filibuster. They have to have, in this Senate, two Republicans. If all Republicans stuck together in this Senate, such as they did in the House last week, this legislation would be dead. It wouldn't go anywhere. However, that is not what is going to happen.

Martin Feldstein called this an $800 billion mistake. He is not the only one disappointed in the Senate. Democrats worked hard in the past week to make this nearly a $900 billion mistake. In fact, the Congressional Budget Office reported, during the House consideration of its $820 billion version of this spending bill, that the cost of servicing the debt on all new debt created by this bill would be roughly $347 billion over 10 years, which means at $820 billion, the real cost, as we have heard before from many other people, would be $1.2 trillion.

It is a hard thing for people to grasp. It is hard for me. I remember when we were talking about the $700 billion bill that came up last October in the bailout, as it has been called, trying to put that into words so people would understand it.

If you take the 140 million families who file tax returns—and do your math—that is $5,000 a family. Now we are talking about something far greater than that.

I have been quoted as saying this bill we are going to be considering at 5:30 p.m. today is 93 percent spending and 7 percent stimulant. We know what stimulant is. We know what it takes to stimulate the economy. When I talk about what is in this bill to stimulate, I find only two things. One, a very small tax provision, accelerated depreciation and a loss carryback provision and, second, it has $27 billion in highway construction. This is interesting because the House bill actually had $30 billion. My feeling is if we are going to spend all this money, let's at least get something for it, provide some jobs, get some roads, highways and bridges, things this country needs. But they elected not to do that.

If you add together the accelerated depreciation and the tax benefits, that is about 3½ percent, and the $27 billion is about 3½ percent of the total amount we are going to be talking about. That is where you get 7 percent of stimulus and 93 percent spending.

We know what works. That is the issue that is frustrating to a lot of people. We know how to stimulate the economy. We have done it. At the end of World War I, they said: We raised taxes to support the war. Now we are going to reduce taxes because we don't need that money anymore. They reduced taxes, and it increased the revenues.

The real one who discovered this who had the foresight was President Kennedy. President Kennedy, during that

time, made a statement that we have to have more revenue to run all these Great Society programs, and the best way to increase revenue is to reduce marginal rates. He did. He lowered tax rates across the board. He helped create the longest economic expansion in American history.

Listen to this: Between 1961 and 1968, the economy grew by 42 percent—42 percent. Fast forward to the eighties. In the eighties, we had a President named Ronald Reagan. In 1980, the total amount of revenue that was derived from the marginal rates was $244 billion. In 1990, it was $466 billion. It almost doubled in the decade that had the largest tax reductions in this Nation's history. So we know what we can do.

I have to say that a lot of this started with the $700 billion mistake that was made, in my opinion, back in October. The Senate voted 74 to 25 to empower one unelected bureaucrat to buy billions of dollars' worth of troubled assets. As it turned out, interestingly enough, he didn't do that. That is what he said he was going to do. That is what he told me personally he was going to do.

Finally, after all this bailout mania extended to the auto industry, Congress had the opportunity to redeem itself on the second half of that $700 billion mistake. In that vote, 33 Republicans and only 9 Democrats voted disapproving release of the second $350 billion.

We have to look at what has been going on in the debate. We are debating this multibillion-dollar legislation, and I think some of my Republican colleagues are too gracious to lay collective blame where it should be, and that is clearly on the Democratic side.

As the House considered this spending bill in a vote of 244 to 188, not a single Republican voted in favor of the $820 billion spending bill. Only by Republicans sticking together, 100 percent together in the Senate, can we stop this $1.2 trillion mistake. But should it pass this week, no one should be fooled and think it was done in a bipartisan way.

At the end of the Senate's consideration of H.R. 1, we are voting tonight to end debate on what is going to be called a compromise proposal. It is being called a compromise proposal. Let me tell the American people that the vote tonight on a proposal supported by all the Democrats and two Republicans is the furthest thing from a compromise proposal. In fact, the proposal we are now considering makes this past week in the Senate a waste of all our time.

Why do I say that? Let's look at the numbers. The House passed an $820 billion bill. In the Senate, we started with nearly $855 billion, more than the House. Although the compromise proposal reportedly only costs $780 billion, it includes the cost-raising amendments the Senate considered, bringing the price tag to around $827 billion. So what we are going to be considering tonight is actually $7 billion more than the House bill.

I do believe Senator MCCAIN made an excellent statement. I am going to read the statement because I think he captures it. This is on the floor of the Senate. He said:

> There are 178 Members of the House of Representatives who are Republicans. They all voted against the bill, plus 11 Democrats. There are 40 Republican Senators here. We now have 2, count them, 2, who have decided behind closed doors, without consultation with the other 38, to come to an agreement, which you can call it a lot of things but bipartisan isn't one of them, unless you say that 2 individuals and possibly a third, but no more than that out of 40, are in agreement. I've been involved in a lot of bipartisan legislation . . .

What we are talking about is 2 out of 535 in the Congress. This cannot be considered by anyone to be bipartisan.

I offered some amendments I thought would be good that would actually stimulate the economy. There are two of them. One was to redirect over $5 billion from programs, such as television coupons, trail improvements, renovations to Federal buildings in Washington, DC, to military spending and procurement. According to economic reports by Standard & Poor's, defense spending along with infrastructure investment and tax cuts has a greater stimulative impact on the economy than anything else the Government can do. However, how did my amendment fare? Thirty-seven Republicans and Senator LIEBERMAN voted in favor of it. All the Democrats voted against it.

The PRESIDING OFFICER. The Senator has spoken for 10 minutes.

Mr. INHOFE. Madam President, I ask unanimous consent to continue speaking for another 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Can the Senator make that 5?

Mr. INHOFE. Five is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, that is part of it. The other is infrastructure. To cut this short, the Department of Transportation recently estimated that for every $1 million invested in highways and bridges, 27,800 jobs were created, and the last jobless numbers show that 899,000 construction workers have lost their jobs. If you do the math and take both these amendments, had they been adopted, it would have provided over 4 million jobs. This is the number President Obama has talked about doing. Again, it should not have been defeated, but it was right down party lines.

We have had several amendments. Senator MCCAIN had probably the best one because it substituted reducing payroll taxes, lowering marginal rates, lowering corporate rates, offering accelerated depreciation for small business. This is exactly what Presidents Kennedy and Reagan did. On this amendment, all the Republicans voted for it and all the Democrats voted against it.

A bipartisan amendment was offered to allow repatriation of foreign earnings at a reduced tax rate.

Senator DEMINT offered a substitute with provisions to reduce corporate taxes and individual marginal rates, repeal the AMT, reduce capital gains and estate taxes. The result of that amendment was 36 Republicans supporting it and 57 Democrats opposing it.

Senator THUNE offered a substitute to reduce marginal rates, offer AMT relief, offer bonus depreciation and small business tax relief, deductions for health coverage, and homebuyer assistance. The result of that amendment was 37 Republicans supporting it and 57 Democrats opposing it.

All these amendments would have stimulated the economy; however, they were all killed down party lines.

The reasons I said at the beginning—and I planned to get into a lot more detail, but I didn't know we would be operating under the rules under which we are operating. This does have a happy ending. Katie, my daughter—Senator KYL was talking about his two grandchildren. These are my 20 kids and grandchildren. I equally have a great concern over what is happening. This little girl, Katie, my daughter, and these little girls asked the question: What does the United States do? If we did that, would our country go bankrupt?

I said: No. I want you to remember 1992. In 1992, a very similar thing happened. We had a Democrat in the White House, we had a Democratic-controlled House, a Democratic-controlled Senate, and we saw what happened. They started spending money. We had Hillary health care. All these things the American people know won't work.

So I would say this: I believe what is happening today, as bad as it sounds to conservatives right now, are things that can change this, if it will get the attention of the American people. I believe we are going through the same thing we did in 1992 and we are going to have the same results we had in 1994. This is the largest spending in the history of humankind and in the history of the world, and it is something we should not let happen, but it is going to happen right down party lines.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I always enjoy hearing my friend from

Oklahoma. But I regret he feels that what is happening in America today somehow relates to 1992, implying that when Democrats assume power, somehow things are going to collapse, and we find ourselves in a tough situation because all they want to do is spend, and all this and that. The fact is there is plenty of blame to go around with respect to what has happened in this country. It is not one party, it is both parties.

I say to my friend: We have seen a hemorrhaging of red ink in this country the last 8 years. I am not going to spend time talking about it—but I could, and almost should, except I don't think it contributes too much at this time to point out that we decided to go to war and not pay for a penny of it in 8 years, to charge it all and run up the Federal debt. Look, there are a lot of things wrong. A lot of things have been done wrong by the past administration, by Republicans and by Democrats. I understand all that. That is not the issue. The question is what do we do to put it right.

You know, there was a situation in Miami the other day. They had 35 jobs for firefighters and a thousand people showed up to apply. Now, look at these faces. Look at the faces of these people, one by one. All they hope for is an opportunity. A thousand of them showing up, thinking perhaps they will get a shot at one job, because there are only 35 available. These people don't give a rip whether you are talking about Republicans or Democrats. All they care about is whether you can talk about what might succeed to help put their life back in order, to help put this economy back on track, and to give them a feeling that they might have an opportunity to find a good job, one that pays well and provides benefits, and one that allows them to help take care of their family. That is all they care about. That is why a thousand of them lined up down the sidewalk in search of 35 jobs.

Now, this looks like a crowded picture. But what if we could take a look at 2.6 million of them? There is no picture of the 2.6 million. That is the number of people who lost their jobs last year. Actually, it turned out to be just over 3 million in the last 12 months. What if we had a picture of the last 2 months, with over 1 million people lining up wanting a job because they got laid off? Think of it.

More than one million people had to come home, or call home and say to their family, the person they love, you know what, I have lost my job. No, it is not because I have done a bad job. I have worked here 10, 15, 20 years, and I did everything I could. I got all evaluations that were in the top 5 percent. I am a terrific worker, but I lost my job because the company had to cut back.

I wish we could have a picture of a million people lined up so we would understood the faces and the agony and the despair of losing your job in the last 2 months. And it would describe the urgency. No, not the urgency to come and talk about Democrats and Republicans, but the urgency to talk about what we can do to put this place back on track.

I wonder sometimes whether anyone knows what exactly the right medicine or the right dose of medicine is needed to fix what ails this economy. I confess I don't know. I know what we shouldn't do. I have a pretty good handle on what we shouldn't do. Let's not take the position of being an observer and deciding, you know what, we intend to do nothing. Let whatever happens happen. If our economy is perched on the edge of a cliff and falls off the side to a deep depression, so be it. That is not my position. I think our position has to be to do whatever we can to try to put a foundation under this economy and see if we can lift this economy to provide jobs, provide growth, and expand and give people hope once again.

I have given many speeches on the floor of the Senate about the past. I have talked about what has caused this wreck—and this clearly is a wreck. In 1999, this Congress and the President decided what we wanted to do was to get rid of all those old-fashioned things that were put in place after the Great Depression to separate traditional banking from risk. Let's get rid of all of that and see if we can allow banks to create big old holding companies and merge, and so it happened. They ran that through here like a hot knife through butter, and everybody was fat and happy and singing songs of celebration.

Not me. I voted against all that. I fought against it all. I said at the time that within a decade I thought we would see massive taxpayer bailouts. And we have. The biggest financial institutions in this country, the biggest banks and the biggest financial institutions in this country got involved in a series of risks—buying toxic assets, doing things that were unbelievable—and the whole tent came collapsing down. Then we were told, you know what, it is the taxpayers' responsibility. So the Federal Reserve Board rushes in with a net and a pillow to say to the big financing institutions: We have money for you.

You know, it is interesting. We are told now, at the latest count, that $8.9 trillion—no, not the $800 billion we are talking about on the floor of the Senate—but $8.9 trillion has been used of taxpayers' funds to lend and guarantee certain things, most of it by the Federal Reserve Board and some by FDIC. Most of it was done without a vote. It is done well outside the sunlight of good government. In fact, an enterprising news organization called Bloomberg had to sue the Federal Government to find out how much has been committed.

I don't know that there is some divine right of all the biggest banks in this country—who got bigger and created holding companies and became too big to fail—to be kept to succeed and to continue to live. Maybe—and we won't talk about this much, because no one wants to—we should recreate or create new financial institutions. But no one wants to talk about that. Why is it we decide to invest in failure? Probably we should invest in success. Maybe we should decide, if these financial institutions ran this country into the ditch, to create new financial institutions, to help capitalize those institutions that won't do that.

Again, briefly, as I talk about why we must do something, it is not strange that we have seen this wreckage. I had someone on Saturday at a meeting I was at in North Dakota, saying: You know what, the government has caused all this. I said: I tell you what, the government has plenty to answer for. You are darned right the government has a part of it—fighting a war without paying for it. Part of it is a trade deficit of $700 billion to $800 billion a year. Most people here are willfully blind about the fact that we are consuming significantly more than we produce. Two billion dollars a day represents our trade deficit, every single day. You can't keep doing that. Our fiscal policy deficits are way out of control because we fought a war and we didn't pay for it. So government has plenty to answer for.

But I told the person who asked me that question—isn't this all the government's fault?—I said: Government didn't put out all this bad paper. That was greedy mortgage companies out there writing bad mortgages, unbelievable mortgages, no different than Madoff's Ponzi scheme, and then packaging them in securities and selling up to hedge funds, and then selling up to investment banks, and the whole country is larded now with toxic assets that we are told threaten the entire banking system. So now the American taxpayer has to be a backstop in order to save the very companies that ran this into the ditch.

You wonder why the smartest in the room, the best and the brightest, didn't understand it was a bad security when you put a mortgage into the hands of someone who can't pay it and then tell them they only have to pay interest; you don't have to pay any principal; in fact, if you don't want to pay interest, you can pay no principal and only partial interest, and you don't have to document your income in order to get a loan from us. Bad credit, no credit, bankrupt, slow pay, no pay, then you come to us. Those were the advertisements by Millennium Credit, Zoom Credit, and Countrywide Mortgage. They all did it, and they put out a lot of bad paper. The whole thing's collapsed.

The banks were all happy because they were all buying these things and they had high yields. And the reason they had high yields is they loaded them up with prepayment penalties, so the borrower couldn't get out of it. So here we are with this system that has collapsed around us, and what are the consequences? Do you think most of the people who did this have lost their jobs with the big banks? Absolutely not. They are still accepting big paychecks. But these people lining up in Miami, a thousand of them for 35 jobs, are the victims of an economy that has collapsed.

The question is: Do we do nothing? Some of my colleagues are perfectly content to do that. They come to the floor and talk about, you know what, this is all about 1992; or let's go back to Calvin Coolidge. How about let's blame it on Calvin Coolidge or Jimmy Carter? It doesn't make any sense at all to be doing that. Let's talk about where we find ourselves and where we want to be and how we might get from here to there.

I confess I don't know exactly what is going to work. I used to teach a little economics in college, but I don't know that there is any economist or anybody who can say that if we do these three things, this is going to work. I confess that we don't know. Normally, there are two tools in the toolbox to try to fix the economic engine of this country: One is called fiscal policy—taxing and spending. But the fact is we have had a stimulative fiscal policy for a long time. We have been running big deficits for a long time, so it is not exactly that that tool hasn't been available. That tool has been used and reused, and I don't know how effective it is. The other tool in the toolbox is monetary policy. There is nothing in the toolbox left there. Interest rates are down nearly to zero with respect to the Fed and what it charges. So there is not much juice left in monetary policy. But what the Fed has done is used its ability—somewhere in the shadows—to push a lot of money out the door with no transparency as to who got what and how it was used. So I don't know, with respect to the fiscal or monetary policy, the impulses they might have to help fix this economy.

What I do know is this: A piece of legislation—an economic recovery plan—has been put together. That follows on the heels of the $700 billion TARP legislation—the Troubled Asset Relief Program. I voted against TARP, and am happy I did. I didn't think they had the foggiest idea what they were going to do with that money, and I was dead right. I have no idea where it went or what was accomplished with it. There was no accountability and no strings attached. This is different. This legislation is an attempt to say: You know, we can learn at least something from some things that we have tried in the past.

We have an unbelievable backlog in infrastructure investment that should have been made in this country and has not. I will give an example: In the last few years, we have been funding 900 water projects in the country of Iraq with taxpayers' money—900 water projects. We have tens of billions of dollars in infrastructure backlog in this country—of water projects—which we have not been doing what we should about. So how about investing here at home repairing the roads, repairing the bridges, repairing other infrastructure—building the water projects that are authorized and ready to go, fully designed and fully engineered? That puts people to work. It puts people on a payroll. It takes people out of this line and says, we will put people to work even as we build infrastructure for this country's future. Is that a good thing? It seems to me it probably is.

My colleagues have put together a piece of legislation, and I have been a part of it. I was involved in the negotiations last Friday for about 3 hours to see if we could find middle ground, which we have done. We cut nearly $110 billion out of the proposal that existed. I was all in favor of those cuts. It seemed to me there were areas that could and should be trimmed, and now are trimmed from that proposal. But at this point, the question is: What do we do?

I certainly have respect for those who have a different view. Some have a view we should simply use tax cuts, because tax cuts have the biggest juice. But the economists say that is not true. It isn't the case. And besides, if that were the menu, we have been through a decade of that. We know the function of all of that. So I have respect for those who believe that; I just believe there is a different approach. The key is not to use some proxy to put people back to work. The key, at the short term, is to see if you can put people back to work now doing something that represents gainful employment and which will build an asset for this country.

That is what our attempt is here. And, boy, I think there is plenty of reason to be critical. I understand that fully. The question is: Are we willing to do something? I have often told my colleagues, I think it was Mark Twain who was asked once if he would be willing to engage in a debate. He said: Oh sure, as long as I can take the negative side. And the person who asked said: But we haven't even told you what the subject is. He said: Oh, it doesn't matter. The negative side will take no preparation.

So it is easy, it seems to me, to decide what doesn't work and to oppose it. It is much more difficult to decide how you put together something that is constructive and positive that you think will give this country some help and some hope.

I said when I started, I don't know, and no one does, exactly what will work. I told a meeting on Saturday when I was asked the question: Can you guarantee this will work? I said: No, I can't. There isn't one person you can bring into this room who can tell you, yes. If they do, they are not telling you the truth.

What unites all of us is none of us have ever been here before. We have never seen a circumstance where the system of finance has virtually collapsed with toxic assets laced everywhere in the system, a system in which we have had a subprime loan scandal. It has resulted now in the complete collapse of the housing bubble—which was, by the way, aided and abetted by my friend, Alan Greenspan, who was supposed to have been overseeing this sort of thing and did not. But now you have, according to Martin Feldstein, one in four homes in this country in which the home has less value than the mortgage on the home. That is a pretty significant problem.

Then you have 598,000 people told their jobs are gone as of the last month and a half million people the month before. It is running into the millions of people who lose their jobs and lose their homes and then lose hope and lose confidence.

I would say this: When I taught economics—I did the things you do. You teach the supply-demand curves, Gresham's law, and all the things you teach in economics. But, by far, the most important thing I taught students is confidence. If the American people are confident, believe their future will be better than the past, have confidence in tomorrow, then they will do the things that represent and manifest that confidence. They buy a suit of clothes, buy a car, take a trip—they do the things that will expand this economy. Why? Because they have confidence in the future. When they lose confidence in the future and they are unsure of that future, they do exactly the opposite. They say I am not going to make that purchase. I am not going to take that trip. I will not buy that car. That is the contraction side of the economy.

You can do all the things you want to do in the Senate, and the Fed can do all they want to do. The fact is, we are in trouble if we don't provide some way to say to the American people: You can have confidence in this country. You can have some belief that things will be better for your kids than they were for you. So we can start the economic engine on the ship of state and get it moving again. If we can say that to the American people, we will turn this economy around.

I know that there is not just one idea that represents a silver bullet. I understand that as well. But at the end of

the day, the Senator from Montana, the Senator from Hawaii, who are managing this legislation—at the end of the day, it is our responsibility, their responsibility, it is the responsibility for us to govern in a way that says to the American people: Here is a plan we think has a chance. Here is an approach we believe has an opportunity to put us back on track once again.

I want to make one final point. Even as we do all of this as best we can to try to help this country recover, it is very important for us to seek accountability, going backwards and forwards. We need to investigate exactly what has happened. We need a prosecution task force, we need a select committee in the Senate, we need to do all these things. We ought to be subpoenaing people in front of committees to say: What did you do? We need to get to the bottom of all of this and make sure it can never happen again.

This notion of deciding self-regulation, quote-unquote, according to Alan Greenspan, works in the interests of everybody—let's understand that. Self-regulation did not work. What happened to us in self-regulation is we were stolen blind and the American people have paid for it now to the tune of maybe $9 trillion and still counting.

We need to put a lot of things back together. I want to be a constructive party of one, saying I want to play a role. Whatever the consequences, I want us to take action to try to help this economy recover.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 10 minutes.

Mr. THUNE. Madam President, I want to take issue with something that was said on the Senate floor earlier about this being rushed and that Republicans are blocking this or slowing this down or delaying this bill. I have to take issue with that.

If you think about the enormity of what we are dealing with, we are talking about spending $1 trillion of our hard-working American tax dollars. We have been on this bill literally since last Tuesday. So 4 days last week and today—it seems to me, at least by Washington standards, that is pretty much light speed for moving anything around here. So to suggest that somehow Republicans are blocking or delaying this bill is a complete misstatement of the facts with regard to anything historical in the Senate.

When you are dealing with big issues, when you are dealing with issues of consequence, the Senate typically takes a certain amount of time and considers amendments. We have had 26 rollcall votes on this bill, only 5 amendments have been accepted. Unfortunately, most of the amendments that have been voted on and been accepted are amendments that have added to the cost rather than reduced the cost. But the point simply is the 4 or 5 days of time in the Senate to spend $1 trillion. I said this before, but I will repeat it: $800 billion, which is the base amount of the bill, when you add in the interest costs of about $350 billion, it gets you up to almost $1.2 trillion. But I said this last week: Between the Revolutionary War and the Presidency of Jimmy Carter, we only, as a nation, borrowed, cumulatively, $800 billion. We are talking about borrowing $800 billion from future generations in this one piece of legislation.

This is historic. It is unprecedented. It is stunning in terms of the size and scope and scale, and it certainly ought to be given the consideration I think something of this consequence and magnitude to the American people deserves.

I think it could be said about this legislation: The more things change, the more they stay the same. I said before, when we saw this bill come over from the House, it was about $820 billion. It got added to in the Senate, got up to a little over $900 billion. Then this last week there was this big debate about we are going to be able to reduce its size; we are going to change some of the ways in which it is funded, make it more stimulative and more oriented toward job creation. But the reality is, in spite of all those statements to the contrary, we are faced with a bill today that is essentially larger than the bill that came to us from the House.

The so-called compromise, which was designed to cut extraneous wasteful spending from this bill, reduced the overall amounts in some specific categories, but it didn't eliminate the categories. We are now spending on the same types of wasteful nonstimulative items—we are just spending slightly less than we were going to under the original bill we had last week in front of us. In fact, compared, as I said, to the bloated House bill to which so many people across the country reacted negatively, we are actually spending more.

So the Senate bill, the so-called compromise, is actually not smaller but, rather, larger than the House bill.

Second, the same shotgun approach to funding programs that are not temporary and not targeted is being employed. So we continue to fund budget items that still reflect bad policy and bad precedent. We just do so a little less. Expansions of Medicaid, COBRA, the first ever foray by the Federal Government into school construction—they are all policy and precedent-setting changes from which it will be very hard to retreat.

Make no mistake about it, with this bill we start down a path to a bigger and more pervasive Federal role, thereby changing the traditional dynamic between the Federal Government and State and local government. I do not believe this is the bargain the American people thought they were getting.

Just where are we in this process, as we end up on the Senate floor this Monday afternoon? We still have a $800 billion bill, more than $800 billion. As I said earlier, it is larger than the House bill. The House bill came over at $820 billion. The Senate added to it, got it up close to $940 billion. It got cut back under the so-called compromise that emerged last week. But the compromise leaves us at a point where we are actually spending more, $827 billion, than the bill that originally came to us from the House, which was scored at $800 billion. Add in the interest: $1.2 trillion.

It really has not been reduced from the levels that most Americans found to be very disturbing about the House bill. In fact, the Senate bill is actually larger, not smaller, as I said before, than the House bill.

Second, it continues to be poorly targeted, spraying money at all kinds of programs, new and old, that have little hope of creating private sector jobs. We got the report from CBO last week which suggested, again, that there could be as few as 1.3 million jobs created from the previous Senate bill. My assumption, of course, is although this has been reduced—not by much—the overall job creation will be less under the so-called compromise than it was under the original bill introduced last week.

Third, it is not timely. Much of the job creation in here will take years, due to the number of new programs that are created which will require new bureaucracies to be stood up, regulations to be issued, and all the redtape that is attendant to the creation of new Government programs.

Fourth, it is not temporary. The mandatory funding in this bill will be added to the baseline, creating long-term spending programs and liabilities that are permanent. Let's not fool ourselves. Much of the spending in this bill is not going away.

Fifth, every penny is borrowed from future generations. There is no way we can get around what we are doing to our children and grandchildren. Not only are we handing them all this debt, according to CBO, passing this bill will cost us in GDP growth down the road, making it even harder for our children to experience the growth in the economy that will be necessary to retire this kind of debt, not to mention the inevitable increase in inflation and interest rates that come with greater Government borrowing.

Finally, lest there be any confusion about the magnitude of what we are doing, let's remember again what $1 trillion represents. As I said before, more than the total amount of borrowing between the Revolutionary War and the Presidency of Jimmy Carter. The debt service alone on that amount of money, that amount of borrowing, is almost $350 billion over a 10-year period. The deficit for this fiscal year

alone will exceed 10 percent of our gross domestic product, a level we have not seen since World War II.

I was a business student years ago. When we did financial calculations, we used a Texas Instrument Business Analyst II calculator to do our financial calculations.

That calculator would be inadequate to today's debate. There was not enough room on the screen to accommodate the number of zeros we are talking about.

This is serious business. We better get it right. This bill misses the mark. It spends too much, and it does too little. We offered lots of amendments last week to make it better, all of which were rejected. But I submit there is a better way. This bill has the votes to pass. We know that based on the agreement that was reached. But it is not too late to put the brakes on and actually sit down and work on a true bipartisan basis on a solution that sticks with the mantle of fiscal responsibility and actually would create jobs.

I hope my colleagues will defeat this bill and avoid making a mistake for which our children and grandchildren will pay for generations to come.

We know there are other installations of borrowing that are coming. We know the debate that was going to occur in the House last week on the first ever $1 trillion Omnibus appropriations bill was delayed because they didn't want to get it conflicted with the other $1 trillion we are going to be spending for stimulus. So we have a $1 trillion bill coming, an appropriations bill coming, a $1 trillion stimulus. We know the announcement is going to be coming tomorrow from Secretary Geithner about what their intentions are with respect to market stabilization and additional liabilities the country will acquire as a result of that effort. As my colleague from North Dakota earlier today noted, there is the Bloomberg story today about the trillions and trillions of dollars which Americans are being put on the hook for in the future.

We have lots of additional liabilities, obligations, debt that is coming down the pike. It is going to affect our children and grandchildren for generations to come.

There was something said earlier about Republicans do not have any ideas; they do not have any alternatives. We offered lots of amendments. I offered two substitutes last week——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THUNE. That would have improved this bill dramatically. But this bill is the wrong way to go, and I urge my colleagues to reject it.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, an earlier speaker, the Senator from Arizona, made some comments regarding Pell grants which I think should be addressed. He essentially said that spending on Pell grants; that is, helping young Americans go to college, would not help the economy. He was opposed to the increases in the Pell grant.

I am surprised he made that statement, because I think it is inaccurate. Let me explain why. First, money in the hands of low-income families—and Pell grant recipients are low-income families—is money that will be injected into the economy quickly.

Low-income people who receive money spend it. They have to spend it. They have to spend it to make ends meet. They have to pay the bills. They have to pay a mortgage. They have health care. You name it. It is very difficult—very difficult.

So to say that money spent on Pell Grants is not a good idea, implying it is not stimulative, is highly incorrect. Low-income people spend the money they receive. And this legislation does increase Pell grants. Again, Pell grants are the grants that go to low-income students to go to college. That is what Pell grants are.

He was suggesting that is a bad thing, it is not good to increase Pell grants. I am pointing out that the money in the hands of low-income families, such as Pell grant recipients, is money that is spent in the economy very quickly. It is highly stimulative.

Second, what happens to that money when the low-income families receive a Pell grant? What happens to that money? Well, it keeps teachers working, jobs in colleges, it helps the college meet its payroll. It helps the college meet its expenses.

Pell grants are spent. First, they are spent. It is stimulative. And, second, the dollars are spent to help colleges, to help colleges meet their payroll and meet the expenses they have to make. Many State colleges are having a hard time these days because they are cutting back. They are cutting back in their colleges, the expenditures of their colleges. Why? Because we are in a recession. It is tough. Some kids are not going to college as they usually would.

Second, Pell grant dollars are not only stimulative, but they help keep jobs at the colleges where the dollars are spent. Third, and perhaps most important, a dollar spent on Pell grants is a dollar that makes it much more likely for a young woman or young man to go to college.

I think that is a good incentive, to help people go to college. The economists tell us if a person goes to college, they will, over their lifetime, earn $1 million more than someone who does not go to college. We want to encourage kids to go to college, especially help low-income kids go to college, because they otherwise cannot go to college.

When that person goes to college, that young woman, that young man, and earns more money, economists tell us it is $1 million more compared to kids who do not go to college. That is more money that goes into the economy.

Now, granted, it takes a little time for that college graduate to earn that $1 million. Maybe in that sense it is not stimulative. But the main point is, Pell grants are stimulative. It is a good idea, and another reason why this legislation should be adopted.

I am quite surprised, frankly, that the Senator from Arizona criticized Pell grants, saying they should not be in this bill. And clearly they should be in this bill. It is stimulative. There are a lot of other examples I can give. But that is one I thought needed to be addressed.

Madam President, I suggest the absence of a quorum, and under the order, the time will be equally divided.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Madam President, I ask unanimous consent that I be allowed to use whatever time allotted to our side until the next Republican speaker arrives.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Madam President, I want to come back to the one point I neglected to make earlier or did not have the time to make in my remarks; that is, even though I made the point that the House bill when it came over was at a certain funding level, $820 billion, the Senate compromise is $827 billion, and that actually the compromise is more costly than was the bill that so many people complained about as being pork laden when it came over from the House. There are those who are saying this bill is going to get bigger in the conference committee when the House and Senate get together to work out their differences.

I want to note what one of the Senators from Michigan said recently, and that is: I expect there will be some significant improvements over the package that comes out of the Senate. He said: There would be a push for more spending on infrastructure, education, and aid to the States.

The President indicated recently: ''I will be honest with you, the Senate version cut a lot of education dollars. I would like to see some of this restored.''

We talk about cuts in this program as if we are actually cutting something that already exists. We are talking about $1 trillion in new spending, an unprecedented amount of spending that has not been authorized. It did not go

through regular order. Now we are actually talking as if somehow because the Senate bill, although as large as it is, larger than the House bill, is smaller than it was relative to where it was a week ago, which was over $900 billion, that somehow that bill has been cut, and that when we go in conference we are going to restore some of this money.

So I guess the only point I would make is, as this bill makes its way through the legislative process, we are not talking about a bill that is going to be smaller, we are talking about a bill that is going to be increasingly larger. I suggest when it goes to the conference committee with the House of Representatives, that this will not—if it is at 820 in the House and at 827 in the Senate—you can bank on it, that is going to be the minimum—it is probably going to get significantly larger.

As I said before, we believe there is a much better way of doing this. First, there was a great comprehensive approach last week put forward by the Senator from Arizona, which many of us supported, which invested in infrastructure, which addressed the housing issue, which many of us believe is central to our ability to emerge from this crisis, and which also appropriately targeted a lot of the stimulus toward job creation in the form of tax relief for small businesses, which, frankly, create most of the jobs in our economy, at least a good share. Two-thirds to three-quarters of the jobs in our economy are created by small businesses.

It also directed a lot of that particular approach and package to tax relief for middle-income families, putting more money into their pockets and allowing them to get out and to spend and to take advantage of something that might benefit them more than some government program that is going to be funded in Washington, DC, from which they probably will derive very little benefit.

So this is not getting smaller, it is getting larger at every step in the process. There are better ideas and better alternatives out there. This has been proven, at least by the CBO, to have very, I think, questionable ability to create jobs and also to do more long-term damage to the economy down the road. In their study which came out last week, it suggested that if in fact this stimulus bill was enacted, it would lead to lower GDP growth in the out-years.

I see some of my colleagues have arrived.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, I thank the Senator from South Dakota for his effective leadership in helping the American people understand the full implications of this legislation on American families. I ask that I be informed when I have 1 minute remaining.

A number of things have been said about the so-called stimulus package, which I feel, many of us feel, is more of a spending bill than a stimulus bill. But there is no doubt about the fact that it increases our national debt.

The debt is not some abstract thing. Our national debt is $10.7 trillion. This adds to the national debt as much money as—well, let's put it this way. It took from the beginning of the Republic until 1982 to have a cumulative debt of $850 billion. And this bill is more than that. This is a lot of money. We are adding the $820 or 830 billion that we have heard about plus the interest over the next 10 years. That adds about $10,000 to each family's share of the debt. Well, with that $10,000 you can pay in-state tuition for 1.5 years at the University of Tennessee. You could pay for 21 years of public school lunches every day for the average middle school student. You could buy a gallon of milk a week for 57 years. That is a lot of money.

I wish to make three points today as we think about this stimulus bill which, I believe, is more of a spending bill. First, this bill makes a number of policy decisions on education, health, and energy that ought not to be made in such a bill, but ought to be separately debated and considered.

No. 2, we should have all of the proposed spending on the table. Mr. Geithner is coming up to Congress this week to tell us how much we need for banks. Then we need more for housing. Then we need more for the war. I think if we knew all of the money we are about to have to borrow, our appetite for spending $1.2 trillion, mostly on projects that do not create jobs in the next few months, would diminish.

And, third, this is not the kind of bipartisanship that I expected. As I listened to the President, I thought he wanted to change the way Washington works. The way Washington works in a bipartisan way is for us to sit down and talk with one another and come up with something both Republicans and Democrats can agree upon; not we won the election, we will write the bill and let's see if we can pick off two or three Senators.

First, a number of policy decisions. The first version of the Senate bill actually doubled Federal spending for education without any discussion. I used to be the Secretary of Education. Today, that Department has about a $68 billion budget. The original version of the Senate bill doubles that. It took 40 years to get to $68 billion. But the original Senate bill would increase education spending by $140 billion over the next two years—on top of that $68 billion we're already spending per year. So the bill would double the $68 billion this year, and keep it doubled next year. Then it is supposed to go back down to $68 billion the year after that, which seems unlikely.

But there was no discussion about this. Would you not think, if they were going to double the Federal commitment to education, we would have a discussion about what would be best to spend it on? I mean, are we so delighted with the performance in kindergarten through the 12th grade and our preschool programs that we have nothing to do but say, let's double the money for more of the same?

Even the small things that have crept into the legislation, some of which President Obama has said he supports, should be fully debated. For example, we have some new Senators at the forefront of federal support for the Teacher Incentive Fund. We have a new Secretary of Education who supports this effort to help reward outstanding teaching and outstanding school leading, but not a penny was included in the Senate bill.

What about charter schools? A lot of us on both sides of the aisle want to give teachers the freedom to use their own common sense and good judgment in dealing with the children who are brought to them. That is what a public charter school does. Not a penny in the Senate bill.

So education is the first policy area that should have been debated separately. Then on health care, the House added nearly $90 billion for Medicaid. The President has said we need to make health care available to every American. We Republicans agree with that. So we are ready to have a debate about that. That will cost some money.

One of the major proposals, in fact, the one that has the most bipartisan support, the Wyden-Bennett legislation, would get rid of the Medicaid Program and replace it with individual accounts. This preempts that decision by giving $90 billion more to the States.

So the States get $90 billion. That is a lot of money. Tennessee's share of that would be $1.5 or $2 billion. That is going to make the program so rich the States will not want to give it up, and we will not be able to have a full discussion about health care when that comes around.

Then an energy bill. Last year, I asked the Energy Information Administration to estimate what kind of subsidies we were doing for renewable energy, because it seemed to me it was all going to wind and nothing else. I was about right.

EIA said: We are subsidizing wind at 27 times greater than all other forms of renewable energy per kilowatt hour; 53 times greater than subsidies for coal per kilowatt hour; and 15 times greater than the subsidy for nuclear, which produces 70 percent of our carbon-free electricity.

That was in the middle of last year. That was at a time when we only were committed to $11.5 billion to give to

rich people and big banks, some of which we are bailing out, that get big tax credits when they build wind turbines. So that was $11.5 billion in the middle of last year.

Then in October of last year we passed legislation that brought that up to $16 billion over the next 10 years, and this bill brings to $25.7 billion the amount of taxpayer dollars that we are paying rich people and banks so they can get big tax credits for building wind turbines.

As far as the beautiful mountains of North Carolina and Tennessee, I don't want those things littering our area, particularly because the wind doesn't blow there enough to make it efficient. But even in areas where it does make sense, do we really need, without any discussion, to go from $11.5 billion last year to $26 billion this year with a national windmill policy? Why don't we have a debate about energy, and let's have a technology-neutral way to encourage all forms of renewable energy, especially emerging forms.

We have an education bill, a health care bill, and an energy bill, but we don't have a stimulus bill. We shouldn't have all this on the table.

Mr. Geithner has apparently delayed his recommendation about what we do about credit and banks until we have had the vote on this stimulus bill. This was supposed to be a transparent administration. To be transparent, let's put it all out there. How much do we need to appropriate for banks? I voted for that twice now. I might vote for it again if I think we need to do it. It was not an easy vote, but I did it. How much do we need to spend on housing? How much do we need to spend on the war in Afghanistan and to finish the war in Iraq? How much do we need to spend on the health care plan the President and we in Congress have said we want to work on? And how will we shape all this into some control of entitlement spending? It would be nice if we had it all on the table.

If we knew, as the testimony suggested before the Budget Committee last week, that we really need to appropriate $400 or $500 or $600 billion to take care of $2 trillion of toxic assets in banks to get the economy moving again, we might have less appetite for lumping an energy bill and an education bill and a health care bill and a lot of projects that don't really stimulate the economy in with this borrowed money.

Finally, on this side of the aisle, just as on that side of the aisle, we like the new President. He was our colleague. He came to see us. We walked out of that meeting between the President and Republican Senators saying: Here is an accomplished man who wants to help our country. We want him to succeed because if he does our country will succeed. But we want to be a part of it. We expected to be a part of it.

President Bush technically didn't need the Congress to wage the war in Iraq. So he didn't get support, for example, for the Iraq Study Group principles when Senator Salazar and I——

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. ALEXANDER. When Senator Salazar and I and 17 Senators and more than 60 House Members of both parties suggested it. He could do it, but without that support, it made the war harder and the Presidency less successful.

This stimulus bill is the easy thing to do. What the White House and the majority in the House and the majority in the Senate need to recognize is that if you want to be bipartisan, we want our ideas considered. If you want 20 Republicans, you are probably going to lose 10 Democrats. That is the way things work around here. So the majority can either say: We won the election and we will write the bill and try to pick off two or three Republicans, or we can sit down together and make it work. We are ready to do that to make it work. But when you get to banks and housing and entitlements and health care and the war, it is going to get harder. I hope this is not an example of the kind of bipartisanship we will have. This is borrowed money. This is a spending bill, not a stimulus bill. It would be better if all of the money we are going to be asked to spend were on the table.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALEXANDER. And it also would be better if we all had the opportunity to see exactly what the total bill is before we vote on this part of it.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Could the Chair inform me when I have used 9 minutes?

The PRESIDING OFFICER. Yes.

Mr. GRAHAM. Madam President, we are about to vote at 5:30. Under Senate rules, we need 60 votes to bring closure to a bill, to basically end debate, move on with any amendments that are left hanging, and bring the debate to an end. I hope people were listening to my colleague from Tennessee. I thought he made a very good argument that we are bringing to close a debate that really never began.

I don't remember debating doubling the size of the Education Department budget. I do know that education spending in Washington has grown significantly under the Bush years. Maybe there is room for it to grow even more. But I thought we were trying to create jobs to get our economy going. I am quite confident that many of the programs they are trying to expand in the Education Department have more to do with a particular agenda of a few people than creating jobs. The health care issue is enormous. Providing broadband service to rural America is very important. There is $9 billion in this bill to do that. But the question is, Does that money create a job in the near term?

The reason I believe we need a stimulus package is because I don't think the private sector has the ability to jump-start the economy because they can't borrow money. There are not many businesses out there that have the ability right now to expand.

One thing we could do in Washington to help the economy is cut people's taxes so that businesses would have more money to expand and hire new people; cut individual taxes so people would have more money to meet the needs and manage the budget and make their house payments; and infuse into the economy some spending, shovel-ready projects. You are going to need a shovel when this bill passes, not to build anything, just to get the money out the door.

There is $200 million in oversight; $200 million is going to be spent just to try to figure out where the money went. This is an incredible amount of money being spent, $1.2 trillion over the next 10 years with interest, and we have spent 4 days on it in the Senate.

The House started this process, and they couldn't pick up one Republican vote. I can assure you, there are Republicans in the House and Senate who really do believe we need to cut taxes and spend money to jump-start the economy. They lost 11 Democrats in the House.

This bill started poorly and has gotten worse. It comes to the Senate in the compromise, and I applaud Members for trying to reach a compromise. The bill is $7 billion more in the Senate than it was in the House. I wouldn't want these people to buy me a car. That is not exactly what I had in mind when it came to compromise.

Every Republican voted for a bill—I think it was $415 billion—to cut taxes, money for infrastructure spending, money to extend unemployment benefits and food stamps, and other programs to help people who have lost their jobs. Compromise is not going from $415 to $7 billion more than the House bill. To those who said this is the best deal we could get, I couldn't disagree more. This is the best deal you could get with two or three people.

But I do believe the American people have seen through this bill, and they don't like it. They don't know exactly what to do. That is probably true of many of us in Congress. This is something unusual. But they know this process is not what they had in mind when it came to change. They know this bill stinks.

This bill was written by appropriators, not by economists. The focus of this bill—to create jobs in the near term—has been replaced by what I consider basically an orgy of spending. People have piled onto this bill policy changes that were never debated. We made up numbers when it comes to

education and health care without really any vetting. The markup in the Senate, where the bill was drafted, lasted an hour and 40 minutes. We have had 2 or 3 days on the floor to talk about the bill. It has been helpful. But at the end of the day, we are bringing closure to a bill that spends $1.2 trillion that will transfer to the next generation of young Americans a debt on top of what they already owe, and we are digging a hole for the next generation of Americans I don't think they will be able to get out of. Shame on us.

If it creates 4 million jobs, who knows, that is still $275,000 per job. If it is 1.3 million, that is almost $600,000 per job. What was intended to be a good thing has turned out to be the old way of doing business. Less than 20 percent of the money gets into the economy within the first year. I argue, if you can't get the money into the economy within a year or 18 months, we should not be doing it.

The sad thing is that the fundamental problem with the economy is unaddressed; that is, housing, what got us into this mess, a collapse of the housing industry. You can't borrow money at banks. Why? Banks have a hard time lending money because Fannie Mae and Freddie Mac and other organizations pushed home loans to people who couldn't afford to pay the loans. They took these questionable mortgages and repackaged them 1,000 times over, calling them different things such as mortgage-backed securities, and it spread throughout the entire world. Now banks own these troubled assets. And the first round of TARP that was supposed to get some of these assets off the book—we just gave the money to banks to keep them from folding.

We have yet to address the housing problem and the banking problem. We are going to find out maybe tomorrow what additional money would be required to fix those two aspects of the economy. There is $310 billion left in the TARP fund. It will not cover the needs of the banking or housing industries. The public will be asked to give more money.

My point is simple: Every dollar that is unfocused and wasted in the stimulus could be spent on helping people stay in their homes and helping banks lend money. That is the way I look at it. There is so much in this bill that may be worthy but doesn't create a job and could be transferred to the housing and banking problems and not just spent.

The President called this a spending bill. I thought it was a bill to create jobs. We have a way to spend money. It is called the appropriations process. We came together early on after the election to try to find a new way of doing business. We, most of us—I think there are 20 Republicans—would sign up for a bill that would cut taxes and spend money in a focused way. The bill we have before us cuts taxes and spends a lot of money, and neither one of them is focused.

The public will be asked again to put more of their money on the table—and it is all borrowed from their children—to deal with the fundamentals of the economy, housing and banking, that are pretty much unaddressed. It is disappointing for me that we are bringing to close a debate that really never happened.

To the Senator from Tennessee, he has a great reputation of being somebody who listens and is pretty easy to get along with. I think I have a reputation of reaching across the aisle, sometimes to my own political detriment. It is in my nature to try to find common ground on big problems that no one party can solve. I argue that the economic crisis we are in is not going to be solved by one group of people. It is going to be solved by America working together.

The message from the election that I thought was received by most Americans is that you want us to be smarter and you want us to work together.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. GRAHAM. The public was hopeful that the Congress and the new President would be smarter and we would work together. I think we have failed. I don't believe this bill is smart at all. It certainly wasn't a work product that came from working together.

Where do we go from here? We go to get more of the public money to fix housing and banking. We wasted a lot of their money. We cannot spend enough money through a stimulus package to save this economy unless we deal with banking and housing. We have thrown a lot of good money after bad. I apologize, and I am sorry that we can't do better. I now know why the Congress is in such low esteem.

I am disappointed in this new President. Like everyone else, I want him to do well because our country needs to do well. But he has missed a great opportunity.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. I yield myself 5 minutes from the time of Senator CHAMBLISS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Madam President, the President last week talked about the need for speed. He equated spending with stimulus. He even said: That is the point, spending is stimulus.

If you are going to spend a trillion dollars, you better spend it right. Ask the country of Japan, during the 1990s, when they had six different stimulus bills. Stimulus was not equal to spending in their country because they spent the money incorrectly. They had many examples of bridges to nowhere and roads to nowhere. It isn't just a question of spending money and spending it fast; it is a question of how you spend it. You better spend it correctly.

One of the huge problems we have in this bill is that it does very little for housing. When the bill first came out, it did almost nothing for housing. There has been a little bit of change to it since then, and that is good.

I brought forward a proposal earlier that I believed—and many believed—would have done a great deal to solve the housing problem.

We all know it is the housing problem that has dragged the rest of the economy down. It is the housing sector that has effected the rest of the economy. During the early part of this decade, housing was booming, and it actually helped the rest of the economy. But it was a false bubble, and all bubbles burst, whether it was the dot.com bubble, this housing bubble or any of the bubbles from the past. They always burst.

This bubble, by the way, was caused by the Government, and that is why we as the Government have a responsibility to fix it. But the speed with which this bill is coming forward—a trillion-plus dollars—means we are going to make some major mistakes. You cannot do it this quickly and do it right.

The President has just put together a new economic team, including some very talented people as his economic advisers. I suggest we start over. I suggest we combine the administrations economic team with Democrats from the House and Senate in order to come up with the best ideas and put forward a bill that will actually fix the economy. When we put together a bill such as this one, a bill so complex and so large and it is done behind closed doors with one party, you are going to have problems. That is why you have seen so much objection to this bill from our side of the aisle.

In the House of Representatives, this bill was jammed through. It was $819 billion. Not a single Republican voted for it, and 11 Democrats voted against this bill. The only thing bipartisan in the House version of this bill was the opposition. Now we come over to the Senate, and Republicans are excluded from the process of writing this bill. It has been an open process on amendments, but almost all of the amendments have been rejected.

We should sit down and start over so we get this economic package right the first time. As I have said before, you do not get do-overs when you are talking about a trillion dollars. The budget deficit going into this year was slated to be $1.2 trillion. We are talking about over $800 billion in this bill. The Senate bill is actually more than the House bill. I think the Senate bill is $827 billion. When you count interest, it is actually $1.2 trillion.

So, Madam President, when you start adding up this debt we are passing on to our children—and, as the President has said, in the next 4 or 5 years, we are looking at annual budget deficits of over $1 trillion—this is going to lead to higher taxes, it is going to lead to severe inflation. As we are running up this debt, we have to sell Treasury bills to be able to pay for the debt. If other countries in the world decide they are not going to buy our Treasury bills, this country's economy will completely collapse. It will be worse than the Great Depression.

We have to get this right. We cannot get it right with outlandish spending. We need to shrink the size of the package and target spending so it is effective, so it is actually not building bridges to nowhere but rather bridges that are needed, roads that are needed and mass transit that is actually needed.

This bill includes money for electric golf carts.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENSIGN. Madam President, let's start over and get this thing right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I ask unanimous consent that the 10 minutes immediately prior to the cloture vote today, as well as the 10 minutes prior to the 12 noon vote on Tuesday, February 10, be equally divided and controlled between the two leaders or their designees, with the majority leader controlling the final 5 minutes prior to the vote on each day covered in this agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

The Senator from Georgia is recognized for 5 minutes.

Mr. CHAMBLISS. Madam President, I rise to speak on the stimulus package today. Much has been said on this package that is before us now—in fact, so much that the often employed adage over the weekend was that everything that can be said has been said but not every man has had a chance to say it. While those musings are certainly applicable, it is important to note our debate here is healthy.

The perils facing our economy are of the gravest concern and magnitude, which requires a response in kind. When faced with such an undertaking, it is understandable to seek a solution with one voice in the spirit of bipartisanship and compromise. However, when differences arise that are so fundamental, spirited debate and disagreement can pose a healthy return to our purest forms of thought and help to foster basic solutions advocated by a set of guiding principles.

The party makeup of the Senate all but confirms passage of this enormous spending bill. Still, I use this time to highlight the most basic differences in beliefs so as to assure the American people that our reason for opposing this bill is not political, is not partisan, but, rather, based on true economic principles.

It is a cornerstone of my thinking that the American people deserve and are rightfully entitled to best determine how their own money is spent. While there are most certainly essential Government functions which require funding by the American taxpayer, when faced with a decision as to who can best govern themselves and how to spend their money, I will always side with the taxpayer. As such, I cannot support this spending plan—a plan which not only adds over $1 trillion to our national debt, which would increase our debt ceiling to over $12.1 trillion, but, most importantly, a plan which will do nothing to truly stimulate the economy. Government spending taxpayer dollars on behalf of taxpayers does not grow the economy in the manner which is needed to return strength and stability to our economy.

This past month, the unemployment rate hit 7.6 percent. It is higher than that in my home State. Madam President, 598,000 jobs were lost in January 2009, for a total of 11.6 million people unemployed. We must enact policies that create jobs, not simply spend taxpayer dollars, robbing Peter to pay Paul. We must provide incentives to businesses to hire, expand, and grow. This bill does none of that.

Unfortunately, this Democratic spending bill will cost the American taxpayer more of the money they so desperately need to be allowed to keep. Moreover, it simply does not do enough to address the crux of the problems facing our economy, which is the housing industry. In fact, the original bill that came out of the Finance Committee did not contain one single provision that addressed the housing crisis. Thank goodness we have an amendment that seeks to address it, but more must be done. Housing problems got us into this mess, and solutions targeted toward housing will help get us out. It is imperative that we work toward narrowing the gap between supply and demand of houses. As long as supply remains at its current level as related to demand, home values will continue to drop and our economy will continue its downward spiral.

With this plan, the Democrats are saying they believe the Government can spend its way out of our current economic perils by spending the taxpayers' money for them. There is nothing wholeheartedly I disagree with more. The Government must not act as the purchaser and spender of last resort. Government intervention into private markets and imposition into citizens' pocketbooks does more harm than good. They attack the solutions we have offered as financially imprudent yet advocate a spending plan which spends more money than the entire economy of Australia.

But as I began, at the heart of this debate, the numbers here are not as important as is the difference in fundamental economic principles. This spending package only succeeds in doing two things: expanding permanently the size of Government and saddling the taxpayer with the cost and requiring our children to repay the debt. If we reduce the size of Government, limit its impositions into the free market, and allow the private sector to prosper where the Federal Government has staked a claim, businesses will grow, creating more jobs, injecting more capital into the economy. But a piecemeal compromise such as this proposal serves only to dilute the framework needed to allow our economy to return to prosperity.

With that, Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I understand the Senator from Iowa, Mr. GRASSLEY, wishes to speak. I yield 5 minutes to the Senator from Iowa. I think he has some time he wishes to use as well.

Mr. GRASSLEY. Total of 10 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, first of all, let me express great appreciation to the chairman for giving me an opportunity to use some of his time when I am going to be speaking against the legislation. It is very much brotherly love and I appreciate that.

Today I wish to talk about some of the questionable spending in this bill and some of the amendments we aren't going to be able to vote on. First of all, there is $87 billion in Medicaid funds in this bill. As I have said on this floor several times, it is more than States need to pay for enrollment-driven increases in Medicaid spending due to the recession. We all accept the fact that there needs to be more money for Medicaid, as long as it is directly related to an increase in unemployment. However, I explained last week how the facts show that this amount is far more than States need for the cost of the new Medicaid enrollment resulting from a downturn in the economy. What the nonpartisan Congressional Budget Office determined was that what States need to pay for increases in Medicaid enrollment is not the $87 billion in the bill but a lot smaller amount—$10.8 billion—directly related to an increase of unemployment Medicaid use.

So the question is, Why does the bill provide almost eight times what the States actually need for the new enrollment resulting from that downturn? I say we shouldn't kid ourselves. This bill gives States, in a sense, a slush fund. Now, I am willing to admit States might need money for other programs, but it shouldn't be covered up by saying it is Medicaid money.

On Friday night, I had an amendment to ensure that Medicaid funds would have been distributed fairly. Amazingly, 17 Members of the Senate voted to give their States less money, but at least in that case, I was able to get a vote. I had several other amendments that were never allowed to be made pending. All day Wednesday we were prevented from making amendments pending. Retreats and signing ceremonies got in the way. Thursday evening we spent more time arguing over whether amendments would be made pending rather than actually processing amendments. It seems contrary to what President Obama said on Monday night. He said the Republicans have a lot of good ideas and we ought to make this a bipartisan bill. So we get to 10 o'clock on Friday morning. We were encouraged to bring our amendments to the floor so they could be debated. For some reason, the first amendment was not allowed until 4½ hours later.

So I am disappointed that several amendments on this side of the aisle, including some of my own, would not receive a vote. I am not convinced the majority wanted to have open debate and take votes on many of these amendments, including mine. It is too bad because this bill still can be made a bipartisan bill, and this bill can still be made a more effective bill.

Congress is giving States, then, $87 billion for Medicaid and resting on the hope that States don't strip the health care safety net for low-income families and then pocket money. For instance, in my State of Iowa I recently read in the paper that they are going to cut $20 million out of Medicaid. So if we can do things with all the money we are going to give to the States to make sure these programs aren't cut, it seems to me, for that additional $76 billion, we ought to get some of that assurance. I use the word ''hope'' that they don't do that because the underlying bill doesn't do enough to make sure States do what is best with the Medicaid Program. Does the bill prevent States from getting Medicaid Programs? It does not. The bill only prevents States from cutting Medicaid on one of three propositions, this one being income eligibility. So that is a good thing. But if Congress is giving States $87 billion and telling them not to cut Medicaid eligibility, shouldn't Congress also tell States they can't cut benefits? If Congress is giving States $87 billion and telling them not to cut Medicaid eligibility, then shouldn't Congress also tell States they can't cut payments to providers? Will Medicaid beneficiaries who are elderly or disabled be able to receive home- and community-based services? Will there be enough pharmacists taking Medicaid? Will there be enough rural hospitals or public hospitals taking Medicaid patients? Will there be enough community health centers taking Medicaid people? Will Medicaid beneficiaries who are elderly or disabled be able to get into nursing homes? Will States cut mental health services because Congress didn't prevent them from doing so in this bill? Will there be pediatricians or children's hospitals there for children on Medicaid?

So if the Senate does nothing to protect access to these vital providers, nobody will be able to assure the people who count on Medicaid that the care they need will be there. I filed an amendment that prevents States from generally cutting eligibility and benefits and providers. In other words, I am building on what the bill's authors did. They said don't cut eligibility. I agree with that. But shouldn't we, at the same time, not allow States to cut benefits and providers while all the time the States are getting $87 billion, which is about $75 billion, $76 billion more than what the recession-driven unemployment qualifiers for Medicaid need? The other day, if we had a chance, Members could have voted, in other words, to protect Medicaid providers and people who are on it. That should have had a vote.

The bill provides in addition a COBRA subsidy to involuntarily terminated employees. The bill places no limits on the eligibility for the subject. Why? I haven't quite figured it out. I know the amendment we are now considering lowers the subsidy, but it still has no limits on eligibility for that subsidy.

Last week, President Obama and his administration issued guidelines for capping compensation paid to CEOs whose institutions receive taxpayers' dollars through the TARP program, but the fact of the matter is this: Former Wall Street CEOs and hedge fund managers who have made millions of dollars while running our economy into the ground will get a taxpayers' subsidy equal to now 50 percent of their health care insurance. It seems to me that is outrageous.

I filed an amendment that simply said if a worker who was voluntarily terminated from their job earned income in excess of $125,000 for individuals or $250,000 for families as a whole, this worker would not be eligible to receive the subsidy. What is magic about $250,000? It is the same level President Obama in the campaign said that people above that level should have tax increases. So I figured $250,000: You shouldn't be eligible for a subsidy for your health insurance, particularly if you are coming from a company that as a CEO you drove into the ground. That amendment should have had a vote.

It is not just the health care amendments. This bill could be improved by increasing the tax credit for education expenses. Senator SCHUMER and I filed an amendment—now, that is a bipartisan amendment—that would have done just that. It would have increased the American Opportunity Tax Credit from $2,500 to $3,000. It was a bipartisan amendment. It should have had a vote.

I also remain deeply concerned about the oversight of this bill. On the front page of today's Washington Post, there is a story with this headline: ''If Spending Is Swift, Oversight May Suffer.'' Well, a person such as I was very interested. I spend more time on oversight than I do on legislating because I don't think we do enough of it here. The article says:

> The Obama administration's economic stimulus plan could end up wasting billions of dollars by attempting to spend money faster than an overburdened government acquisition system can manage and oversee it.

When there is a potential for waste, fraud, and abuse, Congress needs to be proactive, not reactive. This is why I filed an amendment to ensure Congress has the ability to get information from the executive branch and respond to the allegations that will inevitably come in. The amendment would ensure that any agency that gets funding under this bill would be required to provide records upon written request by a chairman or ranking member of a committee of Congress. The committee records should not be kept secret from the elected representatives of the people. I have always tried to focus on good Government issues such as waste, fraud, and abuse. That is what my amendment did. That should have had a vote.

I know a lot of people have worked very hard putting this bill together. I have done some of that myself, so I know what work it takes. I know a lot of people worked very hard putting a substitute amendment together. I respect that they have worked hard. Hard work doesn't mean, though, that it is necessarily good work. We should all have been allowed to consider and vote on more amendments than we have. I would say on all the amendments I have discussed in my remarks today, giving $87 billion, even though that is as much as eight times what they need to stay ahead of enrollment-driven Medicaid increases, is still not well thought out. Giving States $87 billion while still allowing them to cut their Medicaid Programs is still not well thought out.

Giving a COBRA subsidy to millionaires is still not well thought out. It is still not well thought out. It is still out of control.

The Senate should have been allowed to vote on the numerous amendments I have discussed today to address the shortcomings that occur when partisan bills are moved too quickly. We could still do that. We could process these amendments today. But as we have seen throughout, the majority is not interested in true bipartisanship or in process that allows for full and open debate on amendments. We have the House of Representatives and the ''House of Representatives in training,'' given how this debate has been run.

Today we are being told ''just do it,'' at the expense of doing this very important and urgent legislation in a way that does right by the American people in the short and longer term.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I wish to set the record straight on a few points that speakers on the other side of the aisle have made. I think it would be totally unfair if they go unchallenged and the record is not set straight.

The Senator from Oklahoma said the bill before us is the biggest spending bill ever. That is not true. It is true this is a big bill, and that is because the economy is in such dire shape and because we are in a recession. That is a big problem. It needs to be faced. This is a big bill, and I would suggest the appropriate response to a big problem is a big bill. An inappropriate response would be not a big bill to a very big problem.

I might say that this is a big problem also because economists project that the economy is likely to suffer $2 trillion to $3 trillion less growth because of this recession than would have occurred with full employment. Again, that is $2 trillion to $3 trillion of less growth because of the recession than would have occurred with full employment. We have a lot of lost jobs, as we know. We need to do something pretty significant about that.

The size of the bill is an appropriate level to try to replace some of the activity this recession is robbing from our economy.

The second point is this is not the largest bill that Congress has ever considered. That assertion, made by a Senator on the floor not long ago, was inaccurate; it is not true. The fact is, in past years, we have passed legislation that would cut taxes by trillions of dollars and all in one bill.

Those who call this the largest bill in history are forgetting recent history. The 2001 Bush tax cuts, the Economic Growth and Tax Relief Reconciliation Act, was estimated back then to cost $1.3 trillion over 10 years. Frankly, I think it turned out to be more than that. It was a larger bill than this. This is a $827 billion bill; that was about $1.3 trillion.

I also think it is important for us to remember that as of October of last year, Congress had approved a total of $864 billion for the Iraq and Afghanistan wars and for enhanced security at military bases from 2001 through 2009. About $657 billion of that amount, about 76 percent, was approved for the war in Iraq, and the conflict is not over yet. So an accurate tabulation would conclude that the Afghan and Iraq wars are bigger than the stimulus bill before us. So it is inaccurate that this is the largest spending bill we have ever had.

Next, the Senator from South Dakota asserted that the mandatory spending in the bill is permanent. That is not accurate. The spending in this bill is not permanent. The spending provisions in this bill are nearly all sunsetted, not permanent. We have crafted a bill that has its effects in the first 2 years.

I remind my colleagues that according to CBO and the Joint Committee on Tax, a nonpartisan, bipartisan professional staff, whose job it is to analyze legislation before us, concluded that 79 percent of the effect of the Finance Committee provisions would take effect the first two years. That doesn't sound like it is permanent to me. The Joint Committee on Tax and CBO, in a combined analysis, concludes that 79 percent of the entire bill's effect will be spent in the first 2 years. That is not my statement. That is CBO, made up of very highly trained professionals who deal with these issues. So it is not true that this spending goes on forever. This bill is very temporary, by definition.

Another colleague on the other side complained that this doesn't do enough for small business. Let's see if that is true. The business provisions in the bill, like the loss carrybacks, help small businesses by providing immediate cash to help them meet payroll and make investments. That can clearly help all businesses. In addition, the bill has something specifically targeted at small businesses that are trying to make ends meet. That is expanded expenses in section 179. That section is a provision in the law that allows businesses to fully expense their expenditures for that year. They don't have to depreciate and apply that depreciation against earnings in subsequent years. Rather, they can fully expense the expenses. I forgot the cutoff, but it is around $700,000 or $800,000. It is significant. That is in this bill.

Also, there are other business provisions, such as the extension of bonus depreciation. We extend that provision in current law, and that is extended next year. That provision says any expenses that any company makes can be fully expensed irrespective of the size and purpose—50 percent can be fully expensed in the first year, and the rest has to be amortized. That is a big boon for small business. There are many other provisions. We picked up some of the big ones.

I mentioned the 5-year carryback of operating loss. That helps business. Section 179 is targeted only to small business. There is delayed recognition of certain cancellations of debt income. There is a small business capital gains provision. That will help small business and also the S-corp holding period. Most small businesses or S-corps—there is a provision here of half a billion dollars relief over 10 years. Altogether, the tax portion of the bill contains about $28 billion worth of provisions targeted to small business.

This bill certainly contains provisions that are very helpful. So the assertion that there is nothing in this bill to help small business is simply inaccurate.

Fourth, two Senators said this bill spends hundreds of thousands of dollars for every job this bill creates. A lot of Senators are throwing a lot of numbers around. It is kind of wild. That is one of them. That is wildly inflated. Why? First, those who make that assertion simply divide the total cost of the bill by the number of jobs created in any 1 year. This bill spends out over 2 years, not 1 year. The jobs it preserves or creates will extend over 2 years and longer. Thus, the Senators need to cut their estimates per job at least in half. They take 1-year numbers, and we are talking about 2 years. When this bill is passed with the jobs it creates or preserves, the people who would get those jobs will pay taxes, payroll taxes, income taxes. Thus, they bring money back into the Treasury. That also helps cut taxes, the total number of dollars per job. A fair analysis would cut first their assertion in half, and it would add back additional revenues that would go back into the Treasury because of the jobs these people would have would produce payroll taxes and sales taxes—we are talking about payroll tax and income tax.

I wish when Senators speak—and certainly they can have their opinions, and every Senator has come to the conclusion whether he or she is for or against the bill—I wish when the Senators describe the bill, they would describe it in a fair and balanced way and then reach their conclusion—not just take one set of facts only because it is inaccurate and misleading, frankly, to the American public, who want us to do the right thing, to figure out a way to stop the recession. I firmly believe the public should have all the facts, and they would probably reach the conclusion that this is the right thing to do. In statements I have made, I have acknowledged this is a big bill. I have acknowledged it is imperfect. But I also conclude it is far better to pass this legislation than do nothing. If we

don't pass this, we ain't seen nothing yet, in terms of the foreclosure of homes underway and jobs lost. We will get close to the Great Depression.

There is no other conclusion than we must pass this legislation quickly so we can get on to the next issues we have to face.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, these last few days, I have been traveling across my State of Missouri, and to say that people are outraged over this $1 trillion budget buster would be an understatement. Unfortunately, many of the people have called the office and talked to the fine young people who work for me have had all kinds of harsh comments made to them. But as I have traveled around the State from my hometown of Mexico in central Missouri to the rural folks in Ava and Gainesville in south Missouri, to the people in the metropolitan area of St. Louis, Missourians are telling me how they are overwhelmingly opposed to this stimulus bill.

It is not just Missourians I met with in person; thousands have been calling my offices in the State and in Washington, as I said, to voice strong opposition. The numbers aren't even close. It is about 4 to 1 against this bill. They want me to vote against it because Missourians know the only thing about this bill that will stimulate is the national debt and the growth of Government. Don't get me wrong, Missourians aren't opposed because they are untouched by the economic crisis. In fact, a large percentage of Missourians, such as many other Americans, are struggling right now. They want to do something positive. Missouri workers are facing the loss of jobs, Missouri small businesses are failing and Missouri families are struggling to pay their bills and put food on the table.

Last week's unemployment report only underscores the suffering of the folks in Missouri and the rest of the Nation. It is clear we must act quickly and boldly to protect and create jobs and put people back to work as soon as we can. We cannot afford to sit on the sidelines and let this suffering continue. But we cannot afford nor should we spend $1 trillion on a spending bill that will jump-start spending in Government but not jobs and the economy. I want a responsible stimulus bill—not a big spending bill—that will create jobs now and help our families.

Instead of seeing a well-targeted, temporary, and timely emergency stimulus bill, what Missourians see is the bill before us today, and they see it for what it is: a budget buster that will fail to create the jobs we need so desperately now and not down the road, if then. As a matter of fact, CBO said the impact of this bill will be to slow our national gross domestic product by two-tenths to three-tenths of a percent in the long run.

This trillion-dollar baby is loaded with pet programs and wasteful spending, despite the efforts of people on my side to trim the bill's price tag and include some real stimulus. Some of this funding could be all right on its own. There are good arguments for them. But it does not belong in an emergency spending bill which goes beyond the budget and does so in the name of jump-starting the economy when it will not.

The bottom line is that this bill nickel-and-dimes the American people. Unfortunately, it is nickels and dimes with many zeros behind the fives and the tens, and it will result in over $1 trillion in additional debt that our children and grandchildren will spend their lives repaying. That is too much to ask of them, especially when it will not do the job we need to do now.

Some of my colleagues are talking about a grand compromise. The only thing grand about this compromise, regrettably, is its price tag. Only in Washington would trimming a $1 trillion bill down to $827 billion be called fiscally responsible. With interest, this is still a trillion-dollar baby, and that is on top of $9 trillion of spending loans and guarantees that the Government has already committed, as reported by Bloomberg news service today.

This budget-buster spending bill—$7 billion more than the House bill—is still loaded with too much spending that will not create jobs, will not let working families keep more of their hard-earned money, and will not strike at the heart of our economic crisis, which is why, in good conscience, most Republicans, such as myself, will be voting no.

I am disappointed that my colleagues on the other side of the aisle are trying to point fingers at Republicans for Democrats' failures. President Obama was very compelling, and he made a strong and very urgent pitch for bipartisanship. Instead of bipartisanship, we got a bait-and-switch. Calls for bipartisanship switched to partisanship when the bill was taken over by majorities in the House and the Senate.

We heard from the President wonderful talk of a timely, targeted, and temporary stimulus bill and the fact that everybody was going to be involved, both sides. And then it was switched to a bloated, business-as-usual spending spree with Democratic priorities, stuffed with billions in wish-list items that will not create jobs. Families need help now. It is time for this bait-and-switch to end.

Rather than an irresponsible spending spree, our economic recovery plan must include three key components for it to work. Any economic recovery plan must include real and significant tax relief for working families and small businesses. Second, an economic recovery plan must be focused on including significant investment in ready-to-go infrastructure projects, things where you can go to work this year and put people to work building roads, bridges, highways, locks, transit systems, water and sewer projects, other items that we badly need in this country. Third, any economic recovery plan must include a solid plan to attack the root cause of this economic crisis—the housing and financial crisis. That is what brought us down. That is what is going to hold us here unless we do something about it. Japan spent 10 years trying to spend its way out of a similar crisis, but they did not get the debt out, and as a result they had 10 years of stagnation. We cannot afford to spend $1 trillion and have 10 years of stagnation. Unfortunately, the Democrats' trillion-dollar spending bill fails to do any of the three things that are needed.

I want to talk about the third point a little bit. There is broad agreement that without help, our economy cannot recover from the breakdown of our financial and credit markets. We were supposed to see the plan to tackle the root of the crisis today. Instead, the President postponed the critical announcement and went around campaigning, trying to force Republicans to vote for a bill that we know is a pig in a poke. We are not going to vote for a pig in a poke. If any of my colleagues don't know what a pig in a poke is, I will explain it to them.

Why would President Obama put off talking about the most important part of our economic recovery? Perhaps the President does not find the idea of coming to Congress and asking for another trillion dollars on top of this budget buster too appetizing before they get this bill passed. But just wait, folks, the numbers that are going to come in when that plan is announced will curl whatever of your hair is not curled already. I think it is one more example of the mixed-up priorities. Republicans understand that we must fix the problem first. A trillion dollars is a terrible thing to waste.

I urged and continue to urge that the President's representatives sit down with the bipartisan leaders of the House and the Senate and the appropriations and the tax-writing committees and come up with a bill that is smaller, that is focused, that will get the job done. We do not need an irresponsible bill that stimulates the debt, stimulates the growth of Government, but fails to stimulate our economy or job creation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, what is the time on this side?

The PRESIDING OFFICER. There is 10 minutes remaining, of which 5 is supposed to be for the Republican leader.

Mr. SESSIONS. Madam President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SESSIONS. Madam President, I return again for the fourth time now to ask that the Senate be allowed to vote on my E-verify amendment. That amendment has been refiled to make sure it is applicable to the substituted bill.

I do not see any Members from the majority, so I will not ask at this moment to get UC. The bill managers and the majority leader have been ever so nice, as we have discussed, but having been around here a few years, I have to say I am getting a message, and the message is: The answer is going to be no.

The fact is that this legislation has been moving in a certain way with a unanimous consent agreement that was obtained late Friday night that is going to make it not possible to get a vote on the amendment without unanimous agreement of the Senate. The people who participated in that should have known and I am sure did know they were eliminating the amendment I desire to offer. I want to ask again for that unanimous consent and will before I give up the floor.

E-Verify is being used by over 100,000 businesses across America. It is a free, voluntary system set up by the Department Homeland Security. E-Verify allows any employer who has an interest in making sure they hire legal workers to simply punch in the Social Security number, and within a few minutes it shows whether there is a problem with that number. Ninety-six percent of the persons queried are approved immediately. Employers can feel good, even feel safe in hiring those approved by the system, even though that is not absolute proof of the legal status of that applicant.

I simply want to offer in this amendment exactly the same language that was accepted, without a vote, in the House bill. Furthermore, the language that extends the E-Verify program passed the House by a vote of 407 to 2 last July. The amendment simply extends the E-verify program, No. 1, and also says that if a company gets stimulus money, money which is supposed to create jobs for Americans, they ought to take the 2 minutes to check to make sure that the people they are hiring are lawfully here. We want to make sure that only citizens and people who are here legally can be hired. This includes green card holders and temporary workers who are here on valid visas. This amendment would ensure that only people who are illegally here don't get hired.

The leadership in the Senate, for some reason, has made up their minds that they are not going to let us vote on it. If we had a vote on it, it would pass. It already passed the House, and if it passes the Senate, it must be a part of the final bill. It cannot be taken out in conference without real sculduggery undertaken, and I think it would be in the final bill.

The game here is clearly to subtly and otherwise keep this vote from occurring, let this bill be forced out of here. It will not be in the Senate bill. It will be in the House bill. And the conferees will meet and they will decide to take it out. That is what is happening. If the American people want to know, if the Members of Congress would like to know why people are so upset with us, it is this kind of game playing. All the Members of the House who voted for it can tell their constituents: I voted for it. I don't know why it wasn't in final passage. And people in the Senate could say: I didn't vote on it. I would have been for it if I didn't get to vote. But the net result is it is not part of the law.

I cannot imagine why persons would not want this amendment to be in any legislation that would at least take the steps to see that those who are illegally in the country do not get this money.

Mr. COBURN. Madam President, I rise to address my colleagues regarding the importance of improving access to health care in our rural communities. Rural America accounts for about 20 percent of the Nation's population, yet only 9 percent of the country's physicians. It should, therefore, come as no surprise that nearly 70 percent of the primary care health professional shortage areas are in rural communities.

The disparity in access to quality health care has a substantial and tangible impact on the quality of care and the quality of life for rural Americans, who are typically older, poorer, and sicker than the population at large. That also has an impact on the economic vitality of those regions.

I do not believe that the stimulus legislation is the right vehicle for the majority of the spending it contains. Of the spending it contains, I note that the bill spends a substantial amount of money for health care in rural communities. This spending is directed toward health care access points, health information technology, workforce training development, and broadband deployment. At this point, it is likely some version of this package will move forward. As Congress spends this money, I would encourage my colleagues to give appropriate focus to preventive care and approaches that integrate these various components of health care across an entire region.

Improving health outcomes for a community requires going beyond building hospitals and clinics. A regional ''systems'' approach to improving health may provide effective opportunities to improve the health outcomes of individuals and communities in a cost-effective manner. Such an approach could integrate health coverage initiatives with prevention programs, primary care clinics, advanced specialty outpatient care programs, hospital-based care, and a regional health information network.

I plan to work with my colleagues to shape policies this Congress that will improve health care across America, including rural communities. Individuals, communities, private foundations, and the Government must work together if we are to be successful.

Mr. GRASSLEY. Madam President, today I want to talk about some of the questionable spending in this bill and some of the amendments that we aren't going to be voting on.

First of all, there is $87 billion in Medicaid funds in this bill.

That is a huge payment to the states.

And as I have said on this floor several times, it is more than States need to pay for enrollment-driven increases in Medicaid spending due to the recession.

I explained last week how the facts show that this amount is far more than States need for the cost of new Medicaid enrollment resulting from the economy.

What the nonpartisan Congressional Budget Office determined was that what States need to pay for increases in Medicaid enrollment is not $87 billion but $10.8 billion. That is about $76 billion less than what this stimulus bill gives the States.

So the question is, why does this bill provide almost eight times what the states actually need for the new enrollment resulting from the downturn?

Let's not kid ourselves; this bill gives States a slush fund. This outlandish sum of money is not needed for Medicaid.

It is a slush fund for the States.

I thought that money should be spent fairly. I thought there should be some accountability.

On Friday night, I had an amendment to insure the Medicaid funds would have been distributed fairly.

Amazingly, 17 Members of the Senate voted to give their States less money.

But at least in that case, I was able to get a vote.

I had several other amendments that were never allowed to be made pending.

All day Wednesday, we were prevented from making amendments pending.

Retreats and signing ceremonies got in the way.

Thursday evening, we spent more time arguing over which amendments would be made pending rather than actually processing amendments.

At 10 o'clock Friday morning, we were encouraged to bring our amendments to the floor so they could be debated.

For some reason, the first amendment was not allowed until 4½ hours later.

I am disappointed that several of my amendments will not receive a vote.

I am not convinced the majority wanted to have open debate and take votes on many of my amendments.

It is too bad, because this bill still needs fixing.

Congress is giving States $87 billion and just resting on hope that States don't strip the health care safety net for low income families and then pocket the money.

I use the word ''hope'' because the underlying bill doesn't do enough to make sure States do what is best for the Medicaid Program.

Does the bill prevent States from cutting their Medicaid programs?

It does not.

The bill only prevents States from cutting Medicaid income eligibility.

But if Congress is giving States $87 billion and telling them not to cut Medicaid eligibility, shouldn't Congress also tell States they can't cut benefits?

If Congress is giving States $87 billion and telling them not to cut Medicaid eligibility, shouldn't Congress also tell States they can't cut payments to providers?

States can't change income eligibility, but under the bill as written, they can cut provider payments or benefits to providers.

Will there be Medicaid beneficiaries who are elderly or disabled able to receive home and community based services?

If we want to keep seniors and the disabled in their homes, rather than institutions, paying direct care workers to provide home and community based services is critical.

Will there be enough pharmacists taking Medicaid?

Will there be enough rural hospitals or public hospitals taking Medicaid?

Will there be enough community health centers taking Medicaid?

Will Medicaid beneficiaries who are elderly or disabled be able to get into nursing homes?

Will States cut mental health services because Congress didn't prevent them from doing so in this bill?

Will there be pediatricians or children's hospitals there for children on Medicaid?

If the Senate does nothing to protect access to these vital providers, nobody will be able to assure the people who count on Medicaid that the care they need will be there for them.

I filed an amendment that prevents States from generally cutting eligibility and benefits and provider payment rates while they are receiving the $87 billion in additional aid.

Members could have voted to really protect Medicaid.

That should have had a vote.

As written, the bill gives states $87 billion also in the hope that States don't take actions that are contrary to economic growth.

I use the word ''hope'' because the bill doesn't do enough to make sure States do what is best for our economy either.

We should ask for more guarantees that States will spend the money appropriately and not make decisions that work against economic recovery.

If Congress gives states $87 billion and tells them not to cut Medicaid, should Congress also tell States not to raise taxes?

If states react to their deficits by increasing taxes, they will defeat the goal of economic recovery.

It makes no sense for us to leave the door wide open for States to raise taxes while getting an $87 billion windfall from the Federal Government.

I filed an amendment that prevents States from raising income, personal property or sales taxes as a condition of the receipt of $87 billion in federal assistance.

That should have had a vote.

If Congress gives states $87 billion and tells them not to cut Medicaid, should Congress also tell States not to raise tuition at State universities?

If States can price young people out of an education, that does nothing for preparing our workforce for the 21st century.

I filed an amendment that prevents States from raising tuition rates at State colleges and universities as a condition of the receipt of $87 billion in Federal assistance.

That should have had a vote.

For $87 billion, what does this bill do to ensure that all those Federal taxpayer dollars are being spent appropriately?

Almost nothing.

Senator CORNYN and I filed an amendment that requires States to do something to improve their waste, fraud and abuse in exchange for the $87 billion in Federal taxpayer's money.

It provides a list of eight options to combat waste, fraud and abuse, and the Secretary can provide more options as well.

These are all very reasonable steps States could and should take if Congress is going to send them 87 billion in additional Medicaid dollars.

They don't have to do all of these various options.

Just four.

Just show the American people that States can take four simple steps to reduce fraud, waste and abuse.

Shouldn't Congress at least ask that much of States for $87 billion?

That should have had a vote.

If Congress passes all this Medicaid spending, what guarantee do we have that the fiscal challenges facing Medicaid in the future will be solved?

Sooner rather than later, we must recognize that our entitlements are unsustainable as currently constructed.

President Obama has acknowledged this himself on numerous occasions recently.

One of my concerns about the additional Medicaid funding that is in this bill is that it places too much emphasis on Medicaid in the here and now and ignores future fiscal challenges.

Just last year, the CMS Office of the Actuary reported that Medicaid costs will double over the next decade. That is simply unsustainable.

It is critical that both the Federal Government and States recognize the fiscal challenges we face and take action now.

Senators CORNYN and HATCH and I filed an amendment that requires States to submit a report to the Secretary detailing how they plan to address Medicaid sustainability.

It is critical that we look at the future of Medicaid if Congress is to give States $87 billion in additional Medicaid funding.

That should have had a vote.

The bill provides a COBRA subsidy to involuntarily terminated employees.

The bill places no limits on the eligibility for the subsidy. Zilch, Zero. Why? I haven't quite figured it out.

I know the amendment we are now considering lowers the subsidy, but it still has no limits on eligibility for the subsidy.

Frankly, I am surprised my Democratic colleagues—and especially the Obama administration—have not tried to place limits on the availability of the subsidy.

After all, the subsidy is paid for with taxpayer dollars.

Last week, the Obama administration issued guidelines for capping compensation paid to CEOs whose institution receives taxpayer dollars through the TARP program.

But the fact of the matter is this, former Wall Street CEOs and hedge fund managers who have made millions of dollars—while running our economy into the ground—will get a tax payer-funded subsidy equal to now 50 percent of their health insurance policy.

That is outrageous.

I filed an amendment that simply said that if a worker who was involuntarily terminated from their job earned income in excess of $125,000 for individuals and $250,000 for families during 2008, this worker would not be eligible to receive the subsidy.

Some of my colleagues may ask why we set the cap at $125,000 and $250,000.

Well, when Candidate Obama was campaigning to be President Obama, he continually said that he wanted to raise taxes on families making over $250,000 a year.

Why?

Because then, Candidate Obama felt that these people are too ''rich'' to pay lower taxes.

If these families are too ''rich'' to receive a tax benefit in the form of lower taxes, aren't these people too ''rich'' to receive a taxpayer-funded subsidy for health insurance?

That should have had a vote.

And it is not just the health care amendments.

This bill could be improved by increasing the tax credit for education expenses.

Senator SCHUMER and I filed an amendment that would have done just that.

It would have increased the American opportunity tax credit from $2,500 to $3,000.

Senator SCHUMER has shown great leadership in the area of education, and I thank him for partnering with me to help families better afford college through the tax code.

It was a bipartisan amendment.

That should have had a vote.

I also remain deeply concerned about the oversight of this bill.

On the front page of today's Washington Post, there is a story with this headline: ''If spending is swift, oversight may suffer.''

The article says,

> The Obama administration's economic stimulus plan could end up wasting billions of dollars by attempting to spend money faster than an overburdened government acquisition system can manage and oversee it.

When there is a potential for waste, fraud, and abuse Congress needs to be proactive, not reactive.

We have created a special inspector general for the TARP program and we have the Government Accountability Office reporting to Congress every 60 days on the use of that money as well.

However, there is nothing like that for the money in this bill.

That is why I introduced an amendment to ensure that Congress has the ability to get information from the executive branch and respond to the allegations that will inevitably come in.

The amendment would ensure that any agency that gets funding under this bill would be required to provide records upon written request by a chairman or ranking member of a committee of Congress.

In my experience, the executive branch consistently misinterprets a number of statutes in order to claim that it is legally prohibited from complying with oversight requests from Congress.

This amendment would make the will of the Congress clear that when we ask for records, the agencies have an obligation to comply.

The public's records should not be kept secret from the elected representatives of the people.

The idea that only the majority should be able to request documents from the executive branch is just an invitation for a timid legislative branch.

The President's choice to head the Office of Legal Counsel at the Justice Department, Dawn Johnson, wrote in July 2007:

> With regard to Congress, oversight obviously tends to be least effective when the President's political party dominates. . . .

Now that the White House and the Congress are controlled by the same party, I am worried that oversight will suffer, just like Dawn Johnson said it would.

I have always tried to focus on good government issues like waste, fraud, and abuse.

That's what my amendment did.

That should have had a vote.

I know a lot of people have worked very hard putting this bill together.

I know a lot of people worked very hard putting the substitute amendment together.

I respect that they have worked hard.

Hard work doesn't mean that it is good work.

And we should have been allowed to consider and vote on all of the amendments I have discussed here today.

Giving States $87 billion even though that is as much as eight times what they need to stay ahead of enrollment-driven Medicaid increases is still not well thought out.

Giving States $87 billion while still allowing them to cut their Medicaid programs is still not well thought out.

Giving States $87 billion while still allowing them to raise taxes or tuition is still not well thought out.

Giving States $87 billion without requiring them to do a better job of addressing fraud, waste, and abuse is still not well thought out.

Giving States $87 billion without making them address the fiscal sustainability of their Medicaid programs is still not well thought out.

Giving a COBRA subsidy to millionaires is still not well thought out.

It is still not well thought out. It is still out of control.

The Senate should have been allowed to vote on the numerous amendments I have discussed today to address the shortcomings that occur when partisan bills are moved too quickly.

We could still do that.

We could process these amendments today.

But as we have seen throughout, the majority is not interested in true bipartisanship or in process that allows for full and open debate on amendments.

One of the key questions in the stimulus debate has been whether one side or the other is acting in a partisan manner.

To put a finer point on it, you could break it down to two precise questions. The first question would be: Has the majority party, meaning my friends on the Democratic side, ever invited my side, the Republicans to the negotiating table?

That is, has an offer, with an intent to negotiate, ever been extended by the Democrats? If the answer to the first question is yes, then the second question would be: Has the minority party, the Republicans, ever responded to the offer and taken the next step in the negotiating process.

These are the fundamental questions that need to be asked and answered to determine whether the stimulus bill before us is a bipartisan process.

Let's go to the first question. It is a basic question. My friends on the other side did very well in the last election. We congratulated our new President, Barack Obama, on his victory. The Democrats have robust majorities in both houses of Congress.

They have their biggest majority in the House since 1993. They have the biggest majority since the Carter administration. We Republicans recognize they set the agenda.

It is kind like the role of the point guard in a basketball game. They have the ball. Just as a point guard runs the plays, so too does the Democratic Leadership in both bodies decide the plays. Republicans don't have the ball.

We are in a position of responding. That's all we can do. It's really up to the Democratic majority to make the first move. So, with the context in mind, let's bear down on that first question. Did the House Democrats make an offer?

Did the Senate Democrats make an offer?

Maybe I missed something, but I don't recall receiving an offer. As I said in committee and in the opening floor debate, my friend, Chairman BAUCUS, courteously and professionally consulted with me. But consultation is not the same thing as negotiation. They are very different actions.

As a former chairman, I know well the pressure from the leadership, the caucus, the House, and an administration of one's own party.

You really have to push uphill to get a bipartisan deal. The benefit of a bipartisan deal is the policy is likely to stand the test of time. The leadership, caucus, and administration are likely to understand that benefit in the abstract, but unlikely to take concrete actions to realize it.

All of those partisan pressures will look to pull apart any bipartisan plan. I know my friend, Chairman BAUCUS understands that dynamic. He would probably prefer a bipartisan process and product, but the partisan edge is too great. The expectations on the Democratic side are too high. It's like the old saying: ''our way or the highway.''

So, Madam President, we can't get to the second question. That question, whether Republicans have engaged in a bipartisan process, can't be answered.

It can't be answered because the process was never started. An offer was never made. We were not invited to the negotiating table.

We have the House of Representatives and the House of Representatives-in-training given how this debate has been run.

Today we are being told ''just do it'' at the expense of doing this very important and urgent legislation in a way that does right by the American people in the short and longer term.

Ms. SNOWE. Madam President, I wish to to speak to my amendment that expands the eligible participants of the National Telecommunications and Information Administration, NTIA, Broadband Technology Opportunities Program. This program will be very valuable toward increasing broadband availability and access nationwide.

The current language unduly limits private sector participation to that of only public-private partnership. And while I have been a long supporter of these efforts as an additional way to roll out broadband service and have cosponsored legislation in the past to that effect, I believe it is necessary to expand their eligibility in the program in order to more effectively and immediately increase the availability and access to broadband service, mainly in this economy.

While many States have established very useful initiatives that have advanced broadband deployment in rural communities where the digital divide existed, other States unfortunately haven't. So by requiring a public-private partnership, it could hinder achieving the fundamental goal established by the program if there is lack of interest or resources from the public entities.

In addition, this provision imposes a 20-percent match requirement for these grants, which may be satisfied by the grant applicant or any third-party partnering with the grant applicant, and only may be waived under special circumstances. With at least 45 states facing budget shortfalls, which the Center on Budget and Policy Priorities estimates for the current and next two fiscal years could surpass $350 billion, it may be difficult or impractical for States and local government to engage in these endeavors at this time. The last thing we need to do is to put States or local governments in position to have to find additional funds or possibly incur future costs to participate in this program.

Over the past 5 years, the private sector has led the way in investing billions of dollars to build out communications networks in order to meet the growing demand for speed to due the flood of Internet content and applications. Through technologies such as DOCSIS 3.0, ADSL2+, and Fiber-to-the-Home, consumers can now achieve download speeds of more than 20 megabits-per-second and in some cases exceeding 50 megabits-per-second. Wireless broadband, such as Wi-Fi and Wi-Max, is playing an increasingly significant role by providing valuable mobility—making the Internet portable.

In order to achieve these speeds in rural areas and to meet the goals prescribed by this provision, it is central that we allow the private sector to continue its leadership. If the private sector is willing to make the investment then they should be able to participate in this beneficial program, with or without a public-private partnership.

At the same time, States must play a significant role with this program by working with NTIA and the industry to determine the areas in most need of broadband investment—unserved areas. Doing so will provide a targeted effort toward erasing the digital divide that continues to exist in many rural communities and inner cities. These are the areas that have the most to gain from its availability.

Without question, broadband has a significant impact to our economy. The availability of broadband in communities adds over 1 percent to the employment growth rate and a 0.5-percent in business growth to that area.

With the poor state of our economy, we must look at all opportunities that will not just create jobs but will create 21st century jobs to make our Nation more competitive in this global digital economy, not limit them. This is why I urge my colleagues to support this amendment.

BROADBAND

Madam President, I wish to also speak to my amendment that builds upon a beneficial provision in this legislation that will advance the investment and deployment of broadband. It does so by providing companies an incentive to build broadband infrastructure by using a targeted tax credit. I am very supportive of this measure but believe we can do more in order to have a greater impact.

Specifically, this amendment increases the tax credits made available for current generation and next generation broadband deployment to make the provision more attractive; it establishes an ''intermediate generation'' broadband tier with speeds of 50 megabits per second downstream and 5 megabits per second upstream to set a migration path between the current and next generations speeds and have more carriers participate in the program. Also, the amendment refines the definitions of areas to provide a greater focus on building out in the areas that need it most—communities where the digital divide continues to exist.

It is estimated that 9 to 10 million American households that use the Internet still lack access to broadband. And many areas that do have ''broadband'' lack sufficient bandwidth speeds to utilize the full potential and benefits the Internet has to currently offer. These areas, typically rural communities, are the ones that have the most to gain from broadband. The availability of broadband in communities adds over 1 percent to the employment growth rate and 0.5 percent to business growth in that area. Also, the Brookings Institute estimates that $5 billion increase to broadband investment would successfully increase broadband penetration by 7 percent and result in 2.4 million new jobs throughout the economy. So it is clear that broadband is increasingly becoming a principal anchor to our economy.

Over the past 5 years, the private sector has led the way in investing billions of dollars to build out communications networks in order to meet the growing demand for speed due to the flood of Internet content and applications. Through technologies such as DOCSIS 3.0, ADSL2+, Fiber-to-the-Home, and Wi-Max, urban and suburban consumers are achieving bandwidth speeds that were only available or affordable to businesses and corporations. But rural communities are unfortunately being left out in many cases. So we cannot sit idly by while the digital divide continues to exist. If we do not act, millions of Americans without access to modern technology will also find themselves unable to realize the educational and employment opportunities of the future.

I take personal interest in this endeavor because approximately 10 percent of Mainers still do not have any access to broadband. In addition to the creation of construction, engineering, and information technology jobs that will result from these tax credits, it will help revitalize local economies that have been disseminated by job loss. With a computer, a broadband connection, and an idea, a displaced worker can start his or her own business or take continuing education courses online to improve their skill set in order to reenter the workforce. With Internet broadband access, rural small business can connect to a global marketplace.

With the poor state of our economy, we must look at all opportunities that will not just create jobs but will create 21st century jobs to make our Nation more competitive in this global digital economy. This is why I urge my colleagues to support this amendment.

AMENDMENT NO. 537

Madam President, Amendment No. 537 to the recovery package will ensure that all regional electricity planners are eligible for funds for transmission development under this proposal. Under the proposal developed by the Appropriations Committee, the language clearly benefits Western States' development of transmission lines to population centers. This not only unfairly benefits this particular region,

but it fails to reflect the proximity of the renewable resources in rural New England to population centers. I strongly recommend that this language remain silent on what region or what entity should receive funds for transmission planning, and allow the Department of Energy to determine the merits of each region's plan.

My amendment would simply expand the types of technical assistance grants under the Electricity Delivery and Energy Reliability Program that shall be provided to all regional transmission organizations, regional reliability entities, States, and other transmission owners and operators. Currently, the language inequitably limits the types of funds provided to western entities. I strongly believe that this language must be expanded upon to provide my State of Maine, and the independent system operator of New England to develop the critical renewable energy sources that exist in New England and construct the transmission lines to bring this power to population centers.

I strongly recommend that we adopt this language and I look forward to working with my colleagues from New England, the Appropriations Committee, and the Department of Energy, to ensure that this funding is distributed in a regionally equitable manner.

AMENDMENT NO. 553

Madam President, amendment No. 553 will provide dedicated funding for homeowners to replace inefficient fossil fuel heating systems with renewable energy sources. Although there is near unanimity in Congress with regard to the disastrous consequences of our failed energy policy, there still remains to be a bold effort to address this issue. Madam President, I believe that the consensus will ultimately build to reach a substantive change in our energy policy, but I believe it is critical that we begin these critical steps within this recovery package and dedicate resources to homeowners to utilize renewable energy sources to heat their homes, rather than foreign oil.

Madam President, in my home State of Maine, roughly 80 percent of the population utilizes heating oil to keep warm in the winter. In New England, 40 percent of homes use heating oil. As a result, on average nearly 4.7 billion gallons of heating oil are consumed by New England. This is not only an enormous cost to families across the region, but it creates massive greenhouse gas emissions and increases our country's demand of foreign oil. This is not merely a regional issue, this is a national issue, and it should be a priority of Congress to reduce heating oil use in New England.

Last week, I introduced an amendment that would dedicate $100,000,000 of the Energy Efficiency and Conservation Block Grant Program to homeowners who replace their current heating system with a renewable energy system. These can include solar energy systems, geothermal energy systems, and wood pellet systems. These are all alternatives that should be pursued with boldness. While I continue to believe that significant investments must be made into energy efficiency, we should also work to reduce the percentage of homeowners who use heating oil. I believe that this is a critical downpayment to addressing our energy policy, and I look forward to working with my colleagues to dedicate funds to replacing fossil fuel systems.

HEALTH CARE

Madam President, the bill before us includes critical funding and infrastructure to at last move our health care system out of the pen and paper era so that we may realize the promise of modern technology to reduce the toll of medical errors, improve care, and reduce costs. In doing so, it has been estimated that we will create from 40,000 to as many as 200,000 new jobs.

To make this effort a full success, patients must be willing to trust their health records to a secure system which protects privacy. That is why I am pleased that Senator KENNEDY has joined with me in my effort to achieve that.

Today the public's confidence has been shaken by a dramatic growth in breaches of medical records. Such events—affecting over 42 million in the past 4 years carry serious and irreversible consequences. The impact just in the areas of employment and health coverage can be devastating.

That is why I am pleased to see a number of provisions provided in this legislation to assure our constituents that greater data security and privacy protections will be used to protect their health information. Foremost among these, I note that the provision I authored on breach notification has largely been incorporated and extended. Yet a serious problem remains.

Because the fact is that the provisions regarding breach—that notice is provided that the HHS Secretary reports on the problem and progress in addressing it—that measures are instituted to assure compliance . . . these will simply be ineffective. And that is because they will seldom be applied. That is because, in defining a breach, and providing some exceptions for inadvertent acts, the language actually excludes unintentional disclosures. An unintentional disclosure—the cause of the overwhelming number of breaches—simply would no longer be considered a breach!

We all appreciate that exceptions may be made for some unintentional access. For example, a health care worker might inadvertently call up the wrong record on a computer. But the fact is, there are technical measures to prevent that in nearly every case. Yet the current language states that breach does not include any unintentional acquisition, access, use, or disclosure of such information by an employee or agent of the covered entity or business associate involved if such acquisition, access, or use, respectively, was made in good faith and within the course and scope of the employment.

So if one should lose a laptop containing data, or transmit information to an unauthorized party, or perhaps leave a patient's on-line medical history exposed for anyone to see . . . under the language in this bill that disclosure is not a breach, and the breach provisions simply do not apply. Since the vast majority of breaches are unintentional, we won't see the measures of this bill employed to secure and protect health records. It would apply only to intentional acts—and these are currently already addressed in current law as criminal acts. So without a conforming change in this overly broad exclusion, we will do little to address one of the public's greatest concerns about Health IT.

Our amendment makes the necessary conforming change to the exception—simply removing the term disclosure as an exception. Unauthorized disclosures of protected health information are breaches—and we all know that. Our amendment ensures that we will actually take the steps outlined in this bill to protect Americans from abuse of their medical data.

In addition, we have heard from providers of their concern that the language in the bill may not properly extend reasonable exceptions to some health care workers—such as physicians with admitting privileges—who may be neither an employee of the hospital nor an ''agent'' of that entity. The language of our amendment makes clear that such individuals who are authorized by the entity or business associated to handle protected health information would fall under the reasonable exception for inadvertent acts, with the same qualification that further ''acquisition, access or use'' does not occur.

We also have added clarity to the bill's definition by stating that breach does not occur when an unauthorized individual simply could not reasonably have been able to retain protected health information. That makes it indisputable that many ''no foul'' situations will not be swept into breach reporting, such as unopened mailings by covered entities which are returned as undeliverable.

Once again, I thank Senator KENNEDY for his cooperation and support. The product of our bipartisan work ensures that Americans will be better protected from medical data breaches—and more critically—that we will see a reduction in this perilous threat.

Madam President, I now will speak to the substitute to the stimulus package

we are considering today—against the backdrop of a moment in time in which our Nation lost 600,000 jobs last month alone, we are suffering under a 7.6 percent unemployment rate, and the number of Americans receiving unemployment benefits has reached 4.8 million—the highest since recordkeeping began in 1967.

Indeed, the landscape facing us is so grave that economists of all persuasions—Republicans, Democrats, Independents—indisputably agree that inaction is not an option and that the question which has been before this Chamber since last week and before that in the Finance Committee is, What will actually work to jump-start this economy?

Yet even the best economic minds are not in agreement or accord on what is the optimal stimulus to pursue—and what it would achieve. Business Week, in its January 28 issue, asks ''how much does boosting government spending or cutting taxes help the private sector? Can massive fiscal stimulus create jobs and increase economic output?'' David Leonhardt, economics columnist for the New York Times, stipulated in an article on January 29, 2009, that such a ''bill should help the economy in both the near term and the long term. But the government doesn't go out and spend about $800 billion every day. The details matter.'' He is absolutely right—the details do matter. That is why we have been engaged in this necessary, vigorous debate. And then there are economists such as Alan Viard, formerly of the Bush administration and now with the American Enterprise Institute, who questioned the idea of a stimulus initially who now agree that one, although limited, is required.

As I said last Monday here on the floor, I want to support a stimulus package, but I cannot support just any package. We are confronting a multidimensional crisis that requires a multidimensional approach, and we cannot afford to get it wrong.

Already Congress passed a rescue plan for financial institutions, but the lending expected to free up our credit markets has yet to transpire. Already the Federal Reserve has essentially exhausted its options to improve the economy through monetary policy, having reduced interest rates to zero—something else that hasn't happened since the 1930s—and lent more than $1 trillion to stabilize the financial and credit markets. So, as I said during the markup of the Senate Finance Committee's portion of this package, we ought to remember that for us in crafting fiscal policy to meet this historic challenge, there are no do-overs. We only have so many arrows in our fiscal quiver.

So the question at this point isn't if an economic stimulus is called for. And it isn't about how much we label as ''tax relief'' and how much we label as ''spending.'' In the final analysis, it is about the merits of the individual measures in this legislation and whether the totality of the package can—in the timely, temporary, and targeted fashion we have employed on stimulus measures in the past—deliver job creation and assistance to those who have been displaced. Because both elements are essential to turning the economic tide and aligning our Nation for a more prosperous future.

I know this process got off to a less than stellar start. The House of Representatives, frankly, did not put its best bipartisanship foot forward by closing the door on House Republicans with an end result of the House bill receiving zero Republican votes. I like to think that there is a more constructive dynamic here in the Senate—a belief I will look to substantiate further in the coming days once we move to conference.

So I recognize and share the frustration of my fellow Republicans. At the same time, we are no longer in control of this Chamber, and we should embrace our role as a minority to do all we can to exercise our rights to make constructive changes to this legislation. That is what many of my colleagues have been doing, and that is what this debate is all about.

I have been in the Senate long enough to know that in a process like this there has to be give and take. And, in fact, the American people look to the Senate to temper the passions of politics, to provide an institutional check that ensures all voices are heard and considered, because while our constitutional democracy is premised on majority rule, it is also grounded in a commitment to minority rights.

The bottom-line challenge is crafting a package that is effective—and that means forging a measure that doesn't confuse stimulus with omnibus. And on that score I believe the Finance package—which ultimately came to comprise 65 percent of the combined legislation we are now considering, and with its tax provisions comprising more than 40 percent of the overall package—set an appropriate standard as right-sized, properly targeted, and timely—thanks to Chairman BAUCUS holding 10½ hour markup and working through the issues. Under the leadership of Ranking Member GRASSLEY, we included relief from the alternative minimum tax—which bolsters the President's make work pay provision I might add. We included a health information technology provision I championed that will create 40,000 new jobs as well as renewable tax credits I have long fought for that will create more than 89,000 more. Frankly, if we had not dithered last year and opted to pass the extension of the renewable tax credits at the beginning of 2008, we would have already been on the road to creating 100,000 new jobs.

We also included significant tax relief that could be available to small businesses, the true job generators of our economy. We extended unemployment compensation benefits which, as we heard last year from the Congressional Budget Office, is a preeminent stimulus tool with a cost-effectiveness that is ''large,'' a length of time for impact that is ''short,'' and an uncertainty about the policy's effects that is ''small.'' And we provided vital Medicaid assistance to the States—and I have heard the arguments against it, but does anyone seriously believe that a projected, combined budgetary shortfall of $350 billion for the States over the next 2 years won't have a profound impact on our national economy, as States grapple with raising taxes or slashing spending to balance their budgets.

Our package also contains a payroll tax credit for more than 95 percent of working families in the United States—which Mark Zandi has said will be ''particularly effective, as the benefit will go to lower income households . . . that are much more likely to spend any tax benefit they receive.'' And it increases eligibility for the extraordinarily successful refundable portion of the child tax credit that I originally spearheaded—to reach low-income families earning between $8,100 and $14,767 a year. Now, I have heard the arguments before against refundability, but this program reaches people who may not earn enough to have Federal tax liability but who work and contribute local taxes and payroll taxes—and will therefore get additional money into the pockets of those most likely to spend it.

Before I go on to describe additional critical tax provisions in the Finance portion, I should note that although an extension of the suspension of required minimum distribution rules applicable to IRA, 401(k), 403(b), and 457 plans is not included, I appreciate that Chairman BAUCUS has agreed to work with me to address this issue. While Congress provided critical relief to retirees by suspending these rules for 2009, Congress must go further and waive the rules for 2010. Equities markets have not recovered after a disastrous 2008, and our Nation's seniors will require considerable time to recoup their substantial losses. I trust that the Finance Committee will act to continue relief in a forthcoming pension or tax extenders bill.

As ranking member of the Small Business Committee, I am also pleased the bill before us contains tax provisions I authored to help them sustain operations and employees, as part of my Small Businesses Stimulus Act of 2009. Our package extends enhanced section 179 expensing for 2009, allowing small businesses throughout the Nation to invest up to $250,000 in plant and equipment that they can deduct

immediately, instead of depreciate over a period of 5, 7, or more years.

Our package also lengthens the carryback period of net operating losses to 5 years to provide businesses facing unprecedented losses due to the economy with a $67.5 billion infusion of capital in 2009 and 2010. But crucially, this proposal also ensures that those receiving Federal bailout funds from the TARP program will not be allowed to take advantage of these additional taxpayer resources.

That is why I also appreciate the chairman's inclusion, at my request, of an initiative based on a bill that Senator KERRY and I have introduced to eliminate the taxation of gain on small business stock—a proposal President Obama had also made. Under current law, section 1202 provides a 50-percent exclusion—a 14-percent effective tax rate—for the gain from the sale of certain small business stock held for more than 5 years. This provision is limited to individual investments and not the investments of a corporation.

As a 14-percent effective tax rate provides little incentive to hold small business stock, given that Fortune 500 company stock is taxed at 15 percent if held for only 1 year, the provision allows a 75-percent exclusion—7 percent effective tax rate—for individuals on the gain from the sale of certain small business stock field for more than 5 years. This change is for stock issued after the date of enactment and before January 1, 2011.

Furthermore, I was pleased to see that the chairman included a provision I joined Senators LINCOLN and HATCH in spearheading to lessen the impact of the built-in gains tax on small businesses. By reducing the period from 10 to 7 years that S corporations converting from C corporation status must hold appreciated assets before they can be sold at lower tax rates, this proposal will enable small businesses to unlock capital that is currently frozen. This change is absolutely essential at a time in which our Nation's credit markets remain frozen and small businesses are struggling to meet their financing requirements. This provision benefit up to 900 small businesses in my homes State of Maine.

We must neither neglect nor forget our Nation's distressed and rural communities. The Finance package rightly recognizes that imperative by including an additional $1.5 billion in 2008 and 2009 allocation authority for the new markets tax credit. I am told that the Community Development Financial Institutions Fund, which administers the incentive, can allocate the augmented 2008 credit authority within 90 days, which will create 11,000 permanent jobs and 35,000 construction jobs.

Moreover, I am pleased the chairman agreed to my provision—based on legislation I introduced in January—to expand the definition of ''manufacturing'' as it pertains to the small-issue Industrial Development Bond, or IDB Program to include the creation of ''intangible'' property. For example, this would allow the bonds to be used to benefit companies that manufacture software and biotechnology products by helping them get the financing necessary to assist their operations in innovating and create new jobs.

With this change, State and local financing authorities could use IDBs to raise capital to provide low-cost financing of manufacturing facilities with the jobs of the future, helping to attract new employers and assist existing ones to grow. Notably, knowledge-based businesses have been at the forefront of this innovation that has bolstered the economy over the long term. For example, science parks have helped lead the technological revolution and have created more than 300,000 high-paying science and technology jobs, along with another 450,000 indirect jobs for a total of 750,000 jobs in North America.

Our package also includes, at my request provisions from legislation Senator KERRY and I introduced to keep the alternative minimum tax from eroding the value of private-activity bonds, which are used to promote infrastructure and student loans. Congress repealed the AMT for use against housing private activity bonds as part of last summer's housing bill, and this proposal extends that beneficial treatment to other types of private-activity bonds. This should help spur demand for these types of bonds in a time in which the Nation is experiencing a credit crunch.

I also appreciate the fact that the chairman agreed in a colloquy with me to address the critical issue of energy efficiency in the 25C tax credit. I am deeply concerned that our package fails to include modernizations to the efficiency standards, and I am alarmed that this provision, which I authored in 2005, may not propel our country forward to the truly advanced energy efficiency products. In addition, I am troubled that the stimulus proposal seems to address energy efficiency merely through appropriations. The Finance Committee has been on the vanguard of developing an energy efficiency industry through the Tax Code, and I am deeply concerned that we have failed to complement the Appropriations Committee proposal.

In regard to the high-tech agenda ahead of us, the Finance measure establishes a tax credit for broadband infrastructure investment in rural and underserved areas that I coauthored with Senator ROCKEFELLER. The purpose of our proposal is to drive job creation and to stimulate broadband deployment, particularly in areas where the digital divide continues to exist.

Specifically, this proposal promotes broadband deployment in rural areas by providing a two-tiered tax incentive to stimulate new broadband investment. The provision contains a 10-percent tax credit to companies expanding their ''current generation'' broadband services—defined as a download speed of 5 megabits per second—to rural and low-income areas and a 20-percent tax credit to companies deploying ''next generation'' broadband services—defined as download speeds of 100 megabits per second. Any provider installing broadband service in the targeted areas, whether by standard telephone wire, cable, fiber optics, terrestrial wireless, satellite or any other medium, would be eligible.

The data is abundant and clear on the significant impact that broadband plays in communities—the availability of broadband in communities adds over 1 percent to the employment growth rate and 0.5-percent in business growth to that area. Businesses locate operations and hire employees in urban locations that have adequate broadband infrastructure, rather than in rural or inner-city locations that are otherwise more efficient due to the location of their customers or suppliers, a stable or better workforce, and cheaper production environments. It is not an understatement to say that the deployment of technology could fundamentally transform the future of rural and inner city America.

Finally, today there are 45 States which face budget shortfalls over the next 2 years which will result in a combined budget ''gaps'' of $350 billion—would anyone suggest that this would not have a profound impact on our national economy? Because States, which unlike the Federal Government, are required to balance their budgets, they will have to raise taxes or reduce spending or both. And right now, States are struggling to serve even their current Medicaid enrollees, never mind facing the growing demand for Medicaid care—as with every 1-percent increase in unemployment an additional 1 million Americans will qualify for Medicaid or SCHIP assistance, under current enrollment criteria.

So we should further assist their ability to serve their current Medicaid enrollees without imposing unacceptable tax increases or extending recent benefit cuts even further. At the same time, I thank the chairman for including provisions I championed to ensure States cannot use the increased Federal match monies to expand eligibility and to ensure prompt payment to providers—as delays in payments can threaten their continued operation, limit their ability to invest in new technology, or hire new employees—just the type of activity we want to encourage. I also thank the chairman for extending this requirement for nursing homes, which is crucial to better supporting long term care in this country.

We then came to this debate on the floor, having combined the finance

package—which had fully $325 billion in tax relief, and $198 billion toward truly stimulative spending—with the appropriations portion at $365.6 billion. And as I stated on the floor last week, I share the deep concerns that while more than 98 percent of the finance package would spend out over the next 2 years, just 12 percent of the discretionary spending portion of the original, overall package would spend out in the first year—and just 49 percent over the 2 next years.

Further, as the President said last Wednesday in our one-on-one Oval Office meeting, getting this not only right—but also right-sized—is also imperative. As he stated, we will lose $2 trillion in consumer demand this year and next—demand, I might add, that must be ''backfilled'' in our economy with a substantial investment in both tax relief and targeted, effective expenditures that will create jobs. The fact is, given the monumental level of this recession that's about to become the longest and deepest since World War II, we can't just be throwing pebbles in the pond, Mr. President—we require the ripple effect of a boulder while at the same time ensuring that this is not an open-ended passport to spending in perpetuity. We heard the President say last week essentially that stimulus is spending. But let us remember, not all spending is stimulus.

In order to help address the various concerns that have been expressed, I worked with Chairman BAUCUS to scale back the finance package by $25 billion, to contribute to the overall level of reductions necessary in combination with cuts on the appropriations side to trim more than $100 billion from the package—which was a number I had suggested in my meeting with the President last week.

Overall, on the appropriations side, $83 billion has been excised from the package, and that is progress—as is the fact that more than 40 percent of the Senate bill contains tax relief, whereas that ratio drops to about 33 percent in the House bill. And we shouldn't stop there, we should also require a specific listing of the numbers of jobs being created by each title in this act, and also rescind any unobligated balances of any program in the act that are not currently creating—or cannot be reasonably expected to create—jobs or help those displaced by the current recession.

Which brings us to today, Mr. President. We have now considered a week's worth of amendments. And we have come to a compromise on both the spending and tax portions of the package at about a ratio of more than three to one. Is this compromise perfect, Mr. President? No. Is it everything that I personally would agree with? No. But it is, in fact, improvement and progress—and it is critical that these improvements are preserved in conference with the House following final passage of this bill.

Looking forward, Mr. President, this must be a two-way street between Republicans and Democrats—and between the Senate and the House—if we are to craft a package commensurate with the times. I will support this compromise, but I will also continue to work throughout the conference committee process to ensure the individual elements of the final package will actually deliver job creation and assistance to people in need to the best of our ability.

That is my bottom line—this process is far from complete, our work is far from complete, and make no mistake, my support at the end of the day will be predicated on the demonstrable ability of the elements of the final package to provide a vitally necessary stimulus to our economy through rapid job growth. That must be the yardstick by which we measure the value of any final version of this bill.

BIODEFENSE MEDICAL COUNTERMEASURES

Mr. CASEY. I rise to engage the esteemed chairman of the Appropriations Committee, Senator DANIEL INOUYE; Senator TOM HARKIN, chairman of the Labor, Health & Human Services, and Education Subcommittee; my Pennsylvania colleague, Senator ARLEN SPECTER; and my Kansas colleague, Senator SAM BROWNBACK in a colloquy regarding funding for creating capabilities to develop and manufacture biodefense medical countermeasures.

As the chairmen and Senator SPECTER are aware, our country faces the rising threat of a bioterrorist attack against the U.S. homeland. Indeed, most experts agree that a bioweapons attack could be launched against the United States within the next few years. Such an event could inflict civilian casualties on a scale that would threaten the viability of a city's or region's key institutions and impose a widespread sense of vulnerability across the country and internationally.

Moreover, President Obama has stated on numerous occasions that the bioterrorist threat is real and increasing. And, I believe, he will make responding to such a threat a key element of his national security strategy.

Mr. HARKIN. I agree with my colleague from Pennsylvania that our Nation faces this growing threat and that we must respond accordingly.

Mr. SPECTER. Mr. President, the bill the chairman has brought before the Senate includes funding to respond to many economic and security issues facing our country today, and I congratulate him on his tremendous effort. In particular, the bill includes funding for the Health and Human Services Department pandemic flu program, which falls under the subcommittee on which I have dedicated much of my service to the country. Unfortunately, the Senate bill does not identify specific funding for HHS to address bioterrorism and the development and production of biodefense medical countermeasures.

Mr. INOUYE. That is correct. I recognize the importance of these investments. It is my understanding that the House version of the recovery bill includes funding for biodefense and medical countermeasures within the public health and social services emergency fund.

Mr. SPECTER. A key component of preparedness is the availability of effective preventive and therapeutic drugs and vaccines to counter diseases caused by man-made attacks and public health threats. Identifying and funding the means to acquire these drugs and vaccines is an issue that I believe the Appropriations Committee and the Labor-HHS Subcommittee should urgently address.

Mr. CASEY. It is my understanding that the House version of the recovery bill includes funding for biodefense and medical countermeasures within the public health and social services emergency fund. I am sure my colleagues would join me in urging the Senator to agree to include funding for capabilities to support the development and production of biodefense medical countermeasures to address the bioterrorism threat in the conference report of this bill. We believe there is no better use of American taxpayers' dollars to both create high-quality jobs, retain biotechnology expertise domestically, and address a terrible threat to our Nation.

Mr. BROWNBACK. I agree with my colleagues, Mr. Chairman, that the bill the Senator has brought before us addresses many impending needs. This matter we are discussing not only addresses a critical matter of national security by creating the capability to develop enough medical countermeasures to treat the U.S. population in the event of a terrorist attack, but it would expand domestic jobs and domestic infrastructure in the biotechnology industry. Like Senator SPECTER addressed previously, this bill does not identify specific funding for these needs.

I conclude that the best way of addressing these threats is for partnerships between the academic, industry and government sectors. Academically affiliated, privately operated National Centers of Excellence for Flexible Manufacturing of Medical Counter Measures are the answer to developing, sustaining, and integrating our country's biodefense portfolio under the Biomedical Advanced Research and Development Authority.

Mr. INOUYE. I thank my colleagues for raising this important issue with me today. I intend to work with them and the members of the conference committee to try to identify funding to develop and produce biodefense medical countermeasures.

Mr. HARKIN. The capability that we are discussing is vital to our Nation's defense. It would also be a critical source of innovation, developing novel countermeasures faster and cheaper. I will also work with Senators during conference.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. SESSIONS. I thank the Chair. I ask unanimous consent that the amendment I offered, the E-verify amendment, be made pending and we have a vote on it.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. Madam President, I might say, I was going to mischievously suggest to my good friend from Alabama, maybe we can work something out if he can make sure the managers' amendment receives no objection.

Mr. SESSIONS. I would be delighted to talk with you.

Mr. BAUCUS. I knew you would. I must say, I expected that response, but I must also say the Senator from Alabama knows full well there are other Senators who would like their amendments in and agreed to. In all things considered, in fairness to all Senators all the way around, I think it is prudent to object, so the Senator's amendment may not come up at this point.

I yield to the Senator from Nebraska—how much time does the Senator wish to speak?

Mr. NELSON of Nebraska. Six minutes.

Mr. BAUCUS. About 6 minutes.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I rise today to take action—and I thank my friend and colleague from Montana for this opportunity to speak—for action is what is demanded by this American—and, indeed, global—economic crisis.

The economic recovery bill that came over from the House was a start, and the bill introduced in the Senate was better, but it was not good enough, and some elements did not seem to belong in a bill to create new jobs, save the jobs people have now, and return our economy to prosperity as soon as possible. That is why Senator SUSAN COLLINS and I worked with a group of nearly a dozen and a half Senators—12 Democrats and 6 Republicans—to cut and tailor our bipartisan compromise. It focuses like a laser beam on tax cuts for the middle class and job creation for millions of Americans.

Critics have gone to great lengths to find fault. That is the old Washington way that leads straight down the path to partisan bickering, deadlock, and a dead end. Many have said it spends too much. Others have said it cuts too much spending. That is a sign, to me, that perhaps we have it just about right.

We cut $110 billion of inefficient or less stimulative spending out of the previous bill. As I say, we have trimmed the fat, fried the bacon, and milked the sacred cows. We didn't have a closed-door negotiating system last week as some have said. It was open to all Senators, and they were invited. All were welcome to participate. In fact, several Republican colleagues did join us and participated, although they declined to support our final proposal. But they helped shape it, and their contributions were listened to, were considered, and were valuable.

Now, some critics also say that other approaches might have been better for the economy than what we put in place. But no other plan has enough bipartisan support—and that is what you have to have in the Senate—to get the 60 votes needed to pass. The time for talk is over, and it is time to act.

I believe our plan is the best chance for Congress to stop an economic avalanche. In just a year's time, that avalanche has swept away jobs for 3.6 million Americans—including many in my State of Nebraska—and nearly half nationwide vanished in the last 3 months. That is three and a half million jobs lost in the last 12 months and almost half of them in the last 3 months. The avalanche has erased billions of dollars in assets, driven anxiety up, and pushed our economy down toward the worst condition in seven decades. And it is accelerating. People in Nebraska and across America are losing their homes every day. The cost of inaction would be far higher than the cost of this bill, and acting later, when we are in a deeper recession or depression, will cost even more.

Other critics of the bipartisan plan also say we are creating too much debt to leave to our children. I am afraid they have not learned from the past. The surest way to get out of debt is the way we have before: economic growth. Let's review. In 1993, when President Clinton inherited a deficit of over $300 billion, we grew our way out of it with tax cuts and jobs that lowered unemployment, increased productivity, and increased revenues. With the help of the Congress, he turned that deficit into a surplus of over $200 billion. President Obama has inherited a deficit of at least half a trillion dollars, and now we must once again restart the American prosperity engine with a lean diet of tax cuts and jobs for the middle class. This is not only the fastest plan to get us out of this economic slide; indeed, it is the only thing that ever has.

While it certainly is easier to stay on the sidelines, it is our responsibility, as Members of Congress, to the American citizens and taxpayers to approve a recovery plan that is tailored, targeted, and lean, one that reduces taxes so middle-class Americans can get by today and that creates American jobs so we can grow our way out of this crisis.

Some say we have cut too much from important programs, such as help for struggling States. We did reduce spending by $40 billion, leaving $39 billion, because we didn't want to offer a taxpayer-backed blank check to States with little accountability or promise of job creation. The plan leaves unchanged $87 billion to States under Medicaid. Now, let's be clear. The cuts our group found are reductions in new spending and not actual cuts.

The more than $300 billion in tax cuts will help families with children, college students, home buyers, commuters, and businesses. They also offer incentives to expand renewable energy and promote energy efficiency. Cutting taxes has always been a key way Government can drive private sector job and economic growth, and the economic recovery plan we will consider delivers those major tax cuts.

The $110 billion leaner spending side of the plan will fuel, save, and create jobs in towns, townships, and cities across America. It still provides robust support for infrastructure projects that will fix and build roads, bridges, highways, and sewer systems. It will improve community health centers, refurbish childcare centers, expand broadband Internet service, and repair housing. It will create the smart grid for electricity transmission across our country. Those upgrades will leave a lasting legacy long beyond the terms of the legislation.

Our refocused bipartisan proposal isn't perfect. We all will admit that. But it will, in my view, do the job we need right now, and it will get many Americans back on the job while keeping many others in their jobs.

I would like to extend my gratitude to Senator SUSAN COLLINS from Maine, Senator OLYMPIA SNOWE from Maine, Senator JOE LIEBERMAN from Connecticut, Senator ARLEN SPECTER from Pennsylvania, and the more than a dozen others who joined our negotiations—who, rather than taking the easy path of criticism, saw the need for resolute action and joined in the task of building——

The PRESIDING OFFICER. The Senator has used his 6 minutes.

Mr. BAUCUS. Madam President, I yield additional time to the Senator—say, 4 more minutes?

Mr. NELSON of Nebraska. Thirty seconds more.

Mr. BAUCUS. I yield a full minute.

Mr. NELSON of Nebraska. I thank my friends for these negotiations. Rather than taking the easy path of criticism that we have seen, they saw the need for resolve and they joined in the task of building our American recovery, for I believe, as they do, in the

hard work and ingenuity of the American people, and that is how we will return to prosperity, as only Americans can and have.

I thank the Chair. I yield the floor, and I thank my colleague from Montana for that courtesy.

Mr. COBURN. Madam President, how much time remains on this side?

The PRESIDING OFFICER. There is 4½ minutes remaining.

Mr. COBURN. I ask unanimous consent to consume that 4½ minutes and an additional 1 minute, if the generous chairman will accept.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I hear the word ''legacy.'' The legacy that is going to be left from this bill is demonstrated to us by history. Here is what we did the last time we found ourselves in this shape. The Federal Government as a percentage of GDP went from 2½ percent to 20 percent in all the New Deal programs.

There is a wonderful book, and people ought to read it. It is called ''The Forgotten Man,'' Roosevelt's ''Forgotten Man'' series. This is an analysis of what we did, how we did it, what worked, and what didn't. Quite frankly, what you can see from this chart is that Government never got small again. Never. And what is going to happen is, if you look outside of this chart to what we are doing now, you are going to see Government grow again. So the total State and Federal take from GDP will be above 38 percent from now on. Now, what does that mean to you? What is the legacy of that? The legacy of that is lost opportunity—not for us; we will be pushing up daisies. Our children and our grandchildren, though, will suffer from a massive decline in their standard of living.

That is not to say we shouldn't do a stimulus bill. The stimulus bill we should do should be very targeted—this one is not—it should be timely—this one is not—and it should be temporary—this one absolutely is not because we are going to see this same thing happen. Even our own budget chairman, the honorable Senator from North Dakota, says, at a minimum, $124 billion a year increase in the baseline, additional spending that will never go away—never go away.

So what does it mean when we say we have a legacy? Here is the legacy of this bill: The cost this year, not including interest, for every family in this country is going to be $11,000. That is what we are going to borrow against your future earnings. We will increase the baseline budget this year $350 billion. That is just this year. The increase in the annual deficit will be somewhere between $50 billion and $185 billion, before interest. And we are going to pay $438 billion in interest on this borrowed money over the next 10 years. Everybody knows that if you save before you spend, it costs you about half. But what we are doing is spending and costing the future of our children.

What is the Congressional Budget Office's best guess? That we will create somewhere between 1.3 and 2.9 million new jobs. But also their best guess is that in about 10 years, this ''stimulus'' will have a negative effect on the economy. We are going to spend $15 billion to renovate offices for Federal employees. What percentage of this $800-plus billion bill will really stimulate? About 12 percent.

The other thing that is wrong with the bill is that there are no brakes on it. What happens when we have two or three quarters of growth? Do you think this body will come back and take this money away? No. Politicians are averse to ever taking anything away because they care more about getting reelected than they care about what is in the long-term best interest of the country. So here we have a stimulus bill that will forever raise the baseline and the interference of Government.

Now, what does this really mean if it goes to 35 percent? What it means is that you lose liberty. You lose freedom. If you think the Government is involved in the decisions you make now, just grow it another 10 percent total and see what happens. Your liberty and your freedom. It doesn't mean we shouldn't do a stimulus bill. We should. But we ought to do one that will really make a difference.

The other moral hazard with this bill is that we didn't hear today what the plans are for the mortgage problems, the housing problems, or the bank problems. Now, the reason we didn't hear about that is because we have to get past this vote because when you get ready to swallow the near trillion dollars they are going to come and ask for on those two problems, this is going to seem small. But if you have to talk about both at the same time, $1.8 trillion, now we are at $25,000 per family.

The fact is, what was done in this country from 1929 to 1938 didn't work. We are not even doing as good a job as they did in terms of directing the money. Yet, because of the basis of fear, we are going to pass a bill saying we have to do something. We do have to do something, but it doesn't have to be done today. It needs to be done in a very meticulous manner to make sure we get it right.

There is a legacy with this bill. I will spend the last few minutes talking about the fact that there are no earmarks in this bill. That is an out and outright untruth. There are tons of earmarks in this bill, from electric golf carts, to power generations for specific lobbyists who spent well over $1 million getting it in there, to a new building for the State Department to train its security personnel. They spend $12 million a year now. They are going to spend $275 million now and still spend $12 million a year, but we get a building in West Virginia because the Senators from West Virginia want that building there.

The competitiveness clause we put in, which the Senate voted unanimously on to put all contracts competitive, it will be blown out of the water, it will never come out of conference——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. Because we don't want to do what is best for the children of this country; we want to do what is best for the politicians.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Maine.

Ms. COLLINS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Ms. COLLINS. Madam President, is the time controlled?

The PRESIDING OFFICER. It is controlled. All remaining time is under the control of the Senator from Montana.

Ms. COLLINS. Madam President, I ask unanimous consent that I be permitted to proceed for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, I rise today to speak on behalf of the bipartisan compromise amendment Senator BEN NELSON and I have filed, on which we will be voting very soon. Before I get to the specifics of our amendment, let me address more generally the challenge, indeed the crisis, we are facing as a nation.

Over the course of the past year and a half, and particularly during the last 6 months, we have witnessed the collapse of the housing market, the unraveling of our Nation's financial institutions, and the evaporation of trillions of dollars of what had been invested in the stock market and in people's retirement accounts. As a result, millions of Americans are worried about whether they now have enough money to retire, how they will make ends meet if they are already retired, or how they will help pay for their children's education.

I have heard from far too many Mainers who have had to delay their retirement plans because they no longer have the nest eggs for which they have worked so hard.

The crisis that started on Wall Street has become a crisis on Main Street in every community in America. The deeply disturbing economic report released last Friday underscores the magnitude of the challenge we are facing. Nearly 600,000 Americans lost their jobs in the month of January, bringing to 2.5 million the number lost since the end of summer. The Nation's unemployment rate is the highest it has been in more than 16 years.

In my home State of Maine, job losses totaled 3,400 in December and the unemployment rate has reached 7 percent. It seems every day brings another report of a business laying off hundreds or even thousands of workers.

Friday we learned that Katahdin Paper, in East Millinocket, ME, is being forced to lay off 140 workers for at least a month because the business simply does not have enough orders to keep these workers on the job. These are people who have worked hard their entire lives to take care of their families and now they fear for their future.

I know everyone in this body recognizes the difficult straits we are navigating as a nation. Finding a consensus on how to address our economic crisis is extremely difficult. There are some who believe no action is better than the action that has been proposed. I could not disagree more. The future of our economy depends on immediate action that is targeted and effective and the American people rightly expect that this action will be bipartisan; that we will come together to address the most serious economic crisis in generations. That is why I joined with my good friend, Senator BEN NELSON, and a group of Senators from both sides of the aisle, including the Presiding Officer, to help craft a bipartisan compromise to achieve these critical goals.

I want to recognize that, regardless of how many Republicans vote for this package today, several were involved in the deliberations in which we participated. Their insights and input were invaluable in crafting the compromise package we are offering tonight. Our efforts to reach a compromise would not have been possible without this hard work, this dedication, this commitment by our colleagues on both sides of the aisle.

Here is what our amendment would do. First, we will provide more than $200 billion in aid to the States. I stress that because I have heard some commentators say there is no money in here, that it has been slashed, that it has been cut, that there is nothing left for the States. Madam President, $200 billion is included in this compromise. Approximately $87 billion of this amount will flow through a temporary increase in the Federal share of the Medicaid Program. I know that as a former Governor, the Presiding Officer is well aware that for most States health care costs are the No. 1 item in their budget. If it is not health care, it is education.

The loss of jobs often means the loss of health insurance and it is well established that the number of persons relying on Medicaid increases in a poor economy. Moreover, this increased demand for services occurs at precisely the time that State budgets are under the most pressure. Our proposal, therefore, includes $87 billion in assistance to States through a targeted, temporary increase in the Federal Medicaid matching rate. Maine will receive an additional $490 million in Federal Medicaid funds through this provision alone.

I want to recognize and salute the work of my colleague from Maine, Senator SNOWE, who worked very hard in the Finance Committee with her colleagues to shape this portion of the aid. And I also want to note the hard work of my good friend ARLEN SPECTER, whose efforts were so essential to the construction of this compromise.

Putting money in the hands of States is a commonsense way to stimulate economic growth. Leading economists have found that targeted aid to States will generate increased economic activity of $1.36 for every $1 spent. Moreover, this temporary increase will help States avoid cutting back on health care coverage and services at the very time that the number of families needing help is increasing.

Some of my colleagues are opposed to this provision because they say it will never be temporary, that once we increase the Federal matching rate it will become a permanent entitlement. We have only to look at history to know that is not true. In 2003, Senators NELSON, ROCKEFELLER, and I negotiated a similar temporary increase that proved effective in staving off drastic cuts in Medicaid and we need to provide similar assistance again. I would note it was 18 months that we did that for, so I believe we can do this in a temporary, targeted way.

Next, our amendment provides $41.6 billion for education programs. That is right, more than $41 billion in new funding for education programs. It includes $13.5 billion in funding through the Individuals with Disabilities Education Act, IDEA, what is known to most of us as special education, education for children with special needs. This new funding will help fulfill a promise that the Federal Government made back in the 1970s, when it first passed IDEA. At that time, the Federal Government promised to pay 40 percent of the national average per-pupil expenditure for every child in special education and we have never come close. This is the granddaddy of unfunded Federal mandates. This money will help relieve the burden on school districts. Every school district throughout the United States will benefit from this increase in special education funding. That, in turn, will help communities retain support staff and teachers in the classroom because, after all, they cannot cut back on funding for special education because that is a Federal mandate. What happens is they are forced to cut back elsewhere. This will help a great deal with teacher and support staff retention and it helps relieve the pressure of this unfunded mandate.

Other education funding includes $10.4 billion in title I funding. This is funding that goes to school districts with high percentages of economically disadvantaged students.

Another education portion of this bill provides $13.9 billion for Pell grants so that the maximum Pell grant will increase by $281 for the 2009 school year, and by $400 for the 2010 school year. I worked at a college prior to my election to the Senate and I know how critical Pell grants are for our low-income families.

That is not all. The $200 billion in aid to States also includes $39 billion for a new State stabilization fund, to help States and local governments with other key priorities.

Let me now talk about another part of this bill that I think is absolutely critical and which fortunately enjoys widespread support. Every State in the Nation has a backlog of needed infrastructure projects that are ready to go—the engineering is done, the design is completed, they are truly shovel ready. We are providing nearly $52 billion in funding to restore our Nation's crumbling infrastructure. Of that amount, $45.5 billion is directed to a wide variety of transportation projects and that is expected to produce $5.70 of economic benefits for every $1 spent—a tremendous rate of return. For every $1 billion invested in transportation infrastructure, up to 35,000 jobs can be created, so this is a real job generator. Under our amendment, the State of Maine could receive more than $170 million in transportation infrastructure funding, and that will result in nearly 6,000 jobs for Mainers.

This part of our amendment also provides $6.4 billion for the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund. Again, these are more examples of unfunded Federal mandates where we can help relieve pressure on States and communities while creating good jobs.

There have been many discussions about what should not be included in this bill. There are a number of worthwhile projects and programs that were funded by the House bill and by the bills as reported by the Senate committees—programs I have always supported that are near and dear to my heart. But the fundamental, critical goal of this bill is to provide a jolt to our economy to get it back on track.

So some of these programs, while they are worthy of an increase in funding, simply do not belong in an economic stimulus bill. This is the test we applied: Will it help get our economy on track? Will it create jobs? Will it save jobs? Will it put tax relief in the pockets of consumers? These are the proper criteria.

It is the regular appropriations process that is the appropriate vehicle for considering funding for many of these programs that, while worthwhile, do not boost our economy. So our amendment eliminates $5.8 billion for health prevention and wellness programs. I support these programs. I am a strong supporter of them. But it simply does not make sense to fund smoking cessation programs as part of an economic stimulus package. It does not make sense to include $870 million for pandemic flu preparedness, again an issue that I care deeply about because of my role on the Homeland Security Committee.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. COLLINS. Madam President, I ask unanimous consent that I be permitted to proceed for 2 additional minutes.

Mr. BAUCUS. I yield 2 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I thank the chairman.

Madam President, we also struck—I am chagrined to say to the senior Senator from New Hampshire—$34 million to renovate the Department of Commerce building.

Now, again, undoubtedly there needs to be renovations, but that simply does not meet the threshold for inclusion in this bill. I support many of these projects, but the stimulus bill should not be a vehicle for either my pet projects or anyone else's.

In closing my remarks, I want to emphasize that a substantial amount of the funding in our amendment, more than $365 billion, will be used to reduce the tax burden on Americans at a time when this relief is so critical. We provide also important assistance for those who are struggling the most, for those who need an extension of unemployment compensation and an increase in the refundable child tax credit and an increase in the earned-income tax credit.

We provide direct assistance to seniors, disabled veterans, and SSI recipients. And very importantly, the amendment contains three provisions that are especially critical to small business—the job generators of our economy.

These include an extension of the bonus depreciation and small business expensing provisions we passed last year, plus a provision allowing businesses to carryback net operating losses for five years, instead of the current two years. Taken together, these provisions will give the American business community nearly $23 billion in much needed tax relief. I commend the Finance Committee for its leadership in crafting these provisions.

All in all, I am proud of the bipartisan work we have done during the last 10 days. As with any major legislation, this bill is not perfect. But it can go a long way toward creating jobs and addressing the dire economic crisis facing our Nation.

Our amendment is bipartisan, targeted, and effective. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I commend the Senator from Maine, Ms. COLLINS, who has done a terrific job in helping us reach this point. She has done great work. I commend both Senators from Maine. The Senators from Maine are the key to a solution because they are the ones who created the impetus to get us where we are.

Because of their efforts, I might say, the Senate is within measurable distance of being able to respond to an economic crisis that confronts the Nation. It is the efforts of the Senator from Nebraska, of course, and also Senator SPECTER, but the Senators from Maine are really the ones who deserve the lion's share of the credit. Because of their work, millions of Americans will keep their jobs or get new jobs.

Again, I thank the Senators from Maine for what they are doing for our country.

The amendment before us is about creating jobs. The Office of Management and Budget has estimated that this bill could create or save 3 to 4 million jobs. The Congressional Budget Office has estimated that this bill would create or save between 1.3 and 3.9 million jobs. This amendment will help us to pass this bill. Literally millions of jobs depend on the adoption of the amendment. Let me restate that. Literally millions of jobs depend on the adoption of this amendment.

We face the worst economic disaster in the lifetimes of most Americans alive today. History will judge how we respond. Let's not let this Nation down. We do not have much time to waste. We must act quickly to pass the Collins-Nelson substitute in conference to reach a consensus and put this bill on the President's desk without delay.

Let's not repeat the mistakes of the late 1920s and 1930s. Let's confront the economic challenge of our times. When the roll is called minutes from now, let's invoke cloture on the Collins-Nelson substitute.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, I want to point out to my colleagues, the U.S. Chamber of Commerce has issued a letter strongly urging a ''yes'' vote on cloture on the Nelson-Collins amendment.

I am going to put a copy of that letter on my colleagues' desk. But I do ask unanimous consent this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, February 9, 2009.

To the Members of the United States Senate:

The U.S. Chamber of Commerce urges you to support cloture on the Collins-Nelson amendment to H.R. 1, the ''American Recovery and Reinvestment Act of 2009.'' The Chamber also renews its call that the Senate approve H.R. 1 without delay so that the House and Senate can expeditiously complete work on a conference report that provides timely, targeted, and temporary economic stimulus.

The Chamber recognizes that the evolving legislation is not perfect, but believes that it is vital that Congress quickly approve legislation to assist the crumbling U.S. economy. The Chamber strongly supports cloture on the Collins-Nelson amendment, which will refine H.R. 1 and, most importantly, allow the legislative process to proceed. Overall, the Chamber supports many of the pro-growth tax initiatives in the bill, as well as spending-side provisions to provide stimulus, create jobs and to get Americans back to work.

The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, looks forward to working with the Senate, House and the Administration to accomplish meaningful economic stimulus legislation that can be signed into law in the coming days.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

Ms. COLLINS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, the millions of Americans who are out of work, struggling to keep their homes and make one paycheck last until the next one comes, deserve to hear five words from Congress: Help is on the way.

Moments from now, we will have the opportunity to vote to move forward on President Obama's economic recovery plan and put an end to the filibuster now stopping this legislation from helping the American people.

This legislation is not a silver bullet. The economic anguish that President Obama inherited from the previous administration is far too severe to be solved in 1 day or 1 week or by one piece of legislation.

Recovery will take time. The American people understand that. They have patience for the long road that lies ahead, but they do not have patience for Congress to point fingers, drag its feet, or fail to act.

We have already shown the American people we can act on a bipartisan basis, and we have done it this Congress. We worked in a bipartisan basis to pass the Lilly Ledbetter legislation, bipartisan legislation that makes the working place a place where women are treated more fairly.

We worked on a bipartisan basis to pass the Children's Health Insurance Program, legislation that, in Nevada, will give insurance to 120,000 children who previously had no health insurance. These pieces of legislation are already law. They have been signed by President Obama and are now the law of this country because we worked together to get it done.

This week Senators from both parties met the seriousness of the economic crisis with an earnest approach to solving this emergency. With the help of the dedicated work of Senators BEN NELSON, JOE LIEBERMAN, SUSAN COLLINS, OLYMPIA SNOWE, and ARLEN SPECTER, we now have the opportunity to support legislation that will put America back to work.

I appreciate my friend from Maine mentioning the letter from the Chamber of Commerce. This is a strong letter. You cannot find a company anyplace in America that does not support this legislation because they know it is going to create jobs.

The National Association of Manufacturers supports this legislation. Big business, small business supports this legislation because they believe help is on the way. At a time of escalating job loss, it will save or create as many as 4 million new American jobs. At a time when middle-class families are finding it harder to make ends meet, it provides desperately needed tax relief. At a time of crumbling roads and ever greater reliance on foreign oil, it invests in infrastructure and renewable energy. At a time of deepening complexities in the global marketplace, it better equips our schools to prepare American students for success.

But our job does not end here, it begins. In the coming weeks and months, we will turn to legislation offered by the Obama administration to fix our badly broken financial sector and to stabilize the housing market. As we have with Ledbetter—I talked about that important legislation—Children's Health Insurance Program, and this economic recovery plan, we need to continue to work together to solve the problems our great Nation faces. Nevada and all of America deserves nothing less. The time to act is now. Because the American people believe help is on the way, we must prove it to them.

Madam President, I ask unanimous consent the vote start now.

Mr. SESSIONS. Madam President, what is the request?

Mr. REID. I have 2 minutes remaining. I am giving everyone relief so they do not have to listen to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Collins-Nelson of Nebraska amendment No. 570 to H.R. 1, the American Recovery and Reinvestment Act of 2009.

Ben Nelson, Max Baucus, Kent Conrad, Jon Tester, Debbie Stabenow, Charles E. Schumer, Richard Durbin, Dianne Feinstein, Jeff Bingaman, Patty Murray, Christopher J. Dodd, Benjamin L. Cardin, John D. Rockefeller IV, Claire McCaskill, Patrick J. Leahy, Blanche L. Lincoln, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 570, offered by the Senator from Maine, Ms. COLLINS, and the Senator from Nebraska, Mr. NELSON, to H.R. 1, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG) and the Senator from Texas (Mr. CORNYN).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays result—yeas 61, nays 36, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—61

Akaka	Cardin	Hagan
Baucus	Carper	Harkin
Bayh	Casey	Inouye
Begich	Collins	Johnson
Bennet	Conrad	Kaufman
Bingaman	Dodd	Kennedy
Boxer	Dorgan	Kerry
Brown	Durbin	Klobuchar
Burris	Feingold	Kohl
Byrd	Feinstein	Landrieu
Cantwell	Gillibrand	Lautenberg
Leahy	Nelson (NE)	Stabenow
Levin	Pryor	Tester
Lieberman	Reed	Udall (CO)
Lincoln	Reid	Udall (NM)
McCaskill	Rockefeller	Warner
Menendez	Sanders	Webb
Merkley	Schumer	Whitehouse
Mikulski	Shaheen	Wyden
Murray	Snowe	
Nelson (FL)	Specter	

NAYS—36

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Corker	Kyl	Voinovich
Crapo	Lugar	Wicker

NOT VOTING—2

Cornyn	Gregg

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 36. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, as we know, that is the last vote for today.

MORNING BUSINESS

Mr. REID. Madam President, I have checked with the Republican leader, and we are going to go now into a period of morning business, with Senators allowed to speak therein for up to 10 minutes each. The first person to be recognized is Senator GRASSLEY of Iowa, who wants to speak for 10 minutes. Others who want to speak can certainly do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not

only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I am not going to bother with ''how'' we are affected by high energy prices. Just about everyone buys fuel. Just about everyone buys food, and uses electricity or natural gas to heat and cool their homes. It is a given that everyone is affected. It is not the ''how'' that is important; it is the ''why''. I have a firm belief that the crisis is not in energy; it is in government, and monetary policy. The price of fuel and other forms of energy are increasing due to a combination of several things: 1) Lack of a truly free market, 2) An excess of government involvement, 3) Greed and a desire for control, and 4) Inflation directly caused by the Federal Reserve. The latter is the most probable cause of the increase. I do not believe for a second that prices have anything to do with supply. I believe we have enough oil within our own borders to easily become energy independent, if only it was allowed (by government) to be tapped. I believe the Federal Reserve (a private entity masquerading as a government entity, completely controlled by private bankers) is one of the main (if not the main) evils in our time. The Federal Reserve should be abolished, and sound money, backed by gold and silver, should be restored. All economies that have ever been based on a flat currency fail, and ours will as well (mark my words, and the words of the Founding Fathers). The Fed has done absolutely nothing to secure the value of the dollar, but instead has done everything possible to erode it. Soon the paper and ink that is used will be worth more than the currency itself, as it is backed only by the people's trust in their government; something that is quickly declining.

I do not want the Congress involved in this issue. It is not government's responsibility to be involved, or to ''fix'' anything; it is rather their responsibility to not be involved. Let the free market work. If it was not for the presence of corporatism, several alternative energy sources (such as domestic oil, electric cars, solar power, etc) would have already been developed and be mainstream choices.

I would encourage you to read (or listen to) The Proper Role of Government, given by Former Secretary of Agriculture Ezra Taft Benson. You can find the text and audio at the following link: http://www.wakeupsaints.com/truth/Ezra%20Taft%20Benson%20%20The%20Proper%20Role%20of%20Government.php.

I would also encourage you to read (or listen to) The 5,000 Year Leap. A summary (and entire audio) can be found at the following link: http://www.wakeupsaints.com/truth/W.%20Cleon%20Skousen%20%20The%205%2C000%20Year%20Leap.php

Thanks for your time,

NATE, *New Plymouth.*

Thank you for asking us to write to you regarding the energy crisis. I used to laugh at my mother-in-law when she complained about $1.80 a gallon gas. Dave and I have always tried to plan our trips and walk whenever possible to conserve gas, especially since the ''crisis'' of the 70s, so gas was just a necessity and there was no sense driving all over town looking for the cheapest station. It is really too bad that something was not done then to use our own energy resources, but the environmentalists took over and successfully squelched any progress. Now we are dependent on foreign oil and it will take several years to get our own resources up and running. If our plan was to drain all of the oil out of the Middle East before using our own, it really backfired. I would like a bumper sticker proclaiming, ''Do not like the price of gas? Blame an environmentalist.''

That being said, we had better get busy and start drilling in anywhere we can, building refineries where we can (what about President Bush's idea of converting unused military bases?), and developing nuclear power. When the price of gas goes back down, it will all be forgotten if we do not use this crisis to get started!

JACQUI, *Boise.*

I have read with great interest your articles on the high fuel prices. Sorry, but I believe it is all a load of bull and brain washing!! Listen carefully—The problem is the greed of the oil companies! Pure and simple. There is no reason on earth why they should make billions of dollars per month in profits, by screwing the American people! The cost of a barrel of oil does not equate to the price of the fuel! They have put our entire country into a tail spin! What they are doing is nothing short of criminal. My wife and I are on a fixed income, retired and unable to enjoy any travel! We are only able to see our grandkids once a year from Kuna to Spokane, due to the price of fuel! The electrical has just taken a big jump as well. The government needs to step in and stop these thieves from bilking the American people. Just because they have a product that is required by all, they take advantage of it and are robbing the nation! Drilling for oil is not the problem. We have already proven with ethanol that the price of American produced fuel is even higher! The CEO of Shell Oil on ''The Today Show,'' said we have enough oil for 300 years. Supply is not the problem. Greed of the oil companies is the only problem! Please save our country by forcing them to lower the price!

CARL, *Kuna.*

I am retired from Idaho State Police. I served 18 years. I have lived in Idaho since 1967. Thank you for trying to save our country. As a recently retired public employee, I had dreams of fishing and/or golfing a couple of times a week. Those simple pleasures used to be limited to available time, and not by how much it cost to get there. Now that I have the time to do those things, I have to consider the additional costs fuel has made in getting to those destinations and limit myself to once a week or a couple times a month. This not only dampens the hopes I had for my retirement years, but affects those that would have provided other services to me along the way. Those people that would have sold me ice, lunch, beverages, clothing, equipment, etc. are all losing out on my ability to travel.

We live 30 miles from the nearest 'large' retail area and have begun to delay trips to the city; combining our shopping needs into one visit rather than three. And, as would be expected, we find all of our required purchases have increased in cost because high fuel prices caused increased shipping expense for the retailer. The presumption that the average person sees $50 more a month increase on fuel is only a drop in the bucket to the true impact to ones' retirement budget. So we tend to stay home, contemplating going back to work. On the positive side, my yard sure looks great because I have so much time to dedicate to it!

DAVID, *Kendrick.*

Gas prices are affecting us at home our level pay electric went from $62/month to $87/month and no increase in electric use. We have to drive to Boise from New Plymouth once a month because my husband has Traumatic Brain Injury and requires once a week therapy. The 100% disable pay from the VA that my husband is on is a fixed income; the travel money is not enough to pay for the round trip to Boise along with he does not get the full amount of travel pay for the 3 or 4 visits.

He cannot drive himself so I take a half-day to full day off work to drive him and to be a part of his appointments because he is not able to remember what was said by the therapist or the doctors. So our income is hurt with me missing work.

Our food budgets support one child full time, another child half the time along with their friends (it is better to open our home to friends to know what they are doing and support them). Not that we have a lot of children coming and going.

Luckily my job is here in town, Internet Truckstop, so I can walk most days to work, which I have been doing for many years.

I can only imagine what people are going through with smaller incomes. The food prices here in town are considerably higher compared to driving to Ontario, Oregon, or Payette, Idaho. It is still worth grocery shopping across the river if you are already going to be there. Payette County does not have a lot of service-related businesses so there are many times we have to go into Ontario to meet our needs as county residents.

JEANNETTE.

Thanks for the opportunity. We own a small residential building company in Boise with a small fleet of pickups. As you know the home market is weak at best and this one more item, higher gas prices, does not help. But in the end, it is the consumer that will pay for my increased cost just as I will pay the increase when any corporation or other entity above me gets a tax increase. We need to drill now, anywhere and everywhere we can and rely on our own resources.

STEVEN.

I fully agree with this excerpt from your email letter:

''Congress should not be sitting on the sidelines while Idahoans are paying the price at the pump, and I hope together we can spur some real action on this issue.''

Unfortunately, this is exactly what it seems that Congress is doing. As long as the United States' economy is petroleum-based, we will experience increasingly higher fuel costs. Regardless of how many barrels of oil are pumped globally, the refining capacity of this country is at max capacity, or so we are led to believe, therefore gas and diesel prices will continue to remain high. This reality will not change regardless of coastal or Alaskan exploration. The only solution to our situation would seem to be increasing our ability to run our economy on alternative fuels i.e. nuclear, hydro, solar etc. To that end, it would seem that the nation which set a bipartisan goal of putting a man on the moon within a decade—and succeeded, would

be able to set a goal of weaning our nation's economy from petroleum within a reasonable period of time. However, given the extreme bipartisanship nature of our Congress and the influence of legacy lobbyists on legislation, I do not see that happening.

FRED, *Boise.*

Thank you for providing this forum to learn and receive feedback as to how the outrageous fuel price increases are adversely affecting us personally. Sadly, with all of the feedback that you have received, there is no ''quick fix'' or immediate resolution to this issue, unless of course, the major oil producers and suppliers wish to ''pay it forward'' by reducing the price of unleaded regular and diesel by 50%.

My fuel costs, like everyone else's, have doubled since 2005. We are making every effort to reduce our costs by driving less, even with two diesel powered vehicles. Boise lacks viable and practical public transportation that would further help reduce everyone's costs, so we all continue to struggle with these outrageous price increases.

Here are some facts for you, to illustrate these price increases:

On July 4, 2005, the price of diesel was $2.43 per gallon. Today, the price is $4.75 per gallon, nearly double in three years!

On January 31, 2008, the diesel price hit $3.24 per gallon, and on May 23, 2008, the diesel price hit $4.55 per gallon. Major oil company stations are now selling diesel in excess of $4.89 per gallon, over 200% increase in three years.

Since January 31, 2008, diesel prices have increased 67%.

In the meantime, as a new and recent retiree now living on Social Security, my benefits increased $50 per month from 2007 to 2008, hardly enough to offset these constant rising prices. Tack on the recent increases for Idaho Power (25%), Intermountain Gas (10%), and food costs, senior citizens on fixed incomes are juggling to keep pace, and still pay for their necessary medicines.

The major oil companies have all boasted significant profits ranging from $5 billion to $10 billion per fiscal quarter, and some executives have testified that they are paid in excess of $10 million annually. The oil companies have also indicated that profits to shareholders have jumped a whopping 40 cents per share. It is very easy to see that the oil companies, their executives, and the shareholders are becoming very wealthy at the expense of the American consumer. That is simply not right, nor is it fair!! The major oil companies are also exporting large quantities of diesel fuel to European and Asian markets, which have much larger price increases driving their markets.

The oil companies, like any other business, needs to focus on providing a quality product, at a fair and reasonable price, to all consumers. Rather, the oil companies are rapidly increasing their profits, holding back on product delivery, speculating on oil futures to further drive up prices, and the American consumer is getting victimized daily by the oil companies actions.

Sadly, there is no immediate fix for this problem! Any new drilling will fail to drive down prices for at least five years. New and more efficient vehicles will be expensive such that many Americans will be unable to afford them. (A $45,000 hybrid vehicle would cost consumers over $600 per month in payments and interest.) Production of biodiesel and ethanol is counterproductive if the cost per gallon of these products exceeds the current gas and diesel prices. Consumers clearly need gas and diesel costs lowered.

Yet we (America) are spending $150 billion a year on a war in Iraq that has no perceived outcome and that has not positively influenced oil price reductions! NASA is sending a space craft to Mars to investigate planets on which we could never reside or survive! In the last five years, NASA space craft failures have cost American consumers at least $165 million per failure. We simply do not have that luxury to waste money! Cut NASA's budget in half and give that money back to consumers! Stop the war and bring our troops home safely, and give that money back to American consumers! Stop pork barrel spending and give that money back to consumers! We in Idaho do not need to help finance projects in other state's Congressional districts where we fail to realize any benefit, except for loss of revenue.

Congress's job is to provide for the American people, not special interests, and operate the government's business successfully, providing any profits to the American consumer. That is not happening.

The business of running the federal government is a business, and Congress and the President has failed miserably to provide for the American consumer. With the trillions of dollars racked up in Congressional debt, America could soon be bankrupt. That would be a hard lesson in reality. The gas and diesel fuel crisis is a significant indicator of a failing economy. I will be watching to see what Congress can do. Thanks again for allowing this forum.

JACK, *Boise.*

We should start drilling in ANWR and off our coasts. We have shale in several states that we are not allowed to access; we should open this up, too.

One of our sons just driving to work and back is paying $8 a day for gas, and he drives a midsize Honda. Another son drives a Subaru and he is paying $150 a month for gas, just getting to work. Another son drives a semi-truck and cannot take care of his family of eleven, with the cost of fuel being so high. All of these sons are not in high paying jobs, so it is affecting what they can pay for housing, food and other costs. They are all hard-working and do not accept government assistance; they want to stay free of government help.

Please consider drilling, we have oil here, why cannot we use it? We feel that as soon as we start drilling the price of oil will go down because of the threat of competition. Thank you for asking for our input; we have sent your message to other people also.

FRANK and JO ETTA.

I would love to share with you the impact that higher gas prices has had on our family. In the past two years, I have suffered horribly with a condition called psoriatic arthritis. It has had some very disabling qualities about it. We have always been a very close family and have followed our children literally around the country with their athletics. My husband and I live in a small rural area of SE Idaho, and our children and grandchildren love to come and visit. With my health problems in the past several years, I am not able to travel and get around like I once did, so our children have been the ones to load up the grandkids and come to Grandma and Grandpa's house. With the rising gas prices, my children are now unable to come up as often, which is tearing me to pieces. I have even offered to help pay for their gas, but with our limited income, and their wonderful sense of pride, they do not want to accept it. There are very few areas they have to cut back from, while trying to raise young families, in order to come up with the extra money to get here on a regular basis. To us, there is nothing more important than family, and our family has been greatly affected by the high costs of gas/fuel.

I would love to see us move forward and stop having to rely on other countries (and playing games with the devil to do it) and start utilizing our own resources. That has always been one of the greatest things about our country is our self-reliance and willingness to help others. In order to help others, we must be able to help ourselves and put ourselves in a position to where we do not have to beg, borrow, or steal from other countries when we have the resources here to take care of our needs. I would urge Congress to get on board and start utilizing our resources to save our country. It is only a matter of time before we start having major trucking strikes—can you imagine where we will be if this takes place?

Then we do not have to just worry about where we are going to get the money for fuel, but how we are going to eat and survive. Businesses will soon start folding under the extra heavy burden for fuel and gas prices. It really paints an ugly picture of where we might be a year from now.

We will be watching this issue very closely and the candidates we select had better have this vision in mind if you are going to earn our vote.

PATTI, *Montpelier.*

ADDITIONAL STATEMENTS

REMEMBERING DON ALEXANDER

• Mr. BINGAMAN. Madam President, it was with sadness that I learned of the death of Don Alexander. I was honored and fortunate to get to know him in the later stages of his distinguished career when I joined the Finance Committee. His advice and guidance on a variety of matters, but particularly on issues involving the Internal Revenue Service, were invaluable to my staff and me. With Don, you knew he was always going to bring to bear the wisdom acquired over years of service to his country, and the taxpayers, and do so with the enthusiasm and energy of a person half his age.

Throughout his career, Don always stepped forward to answer his country's call to duty. He took his integrity, thoughtfulness, and decency to the battlefields in World War II, and to the Internal Revenue Service where he was Commissioner during some of its most troubling times. Don confronted all challenges with confidence and determination, never wavering from his principals or strong sense of fairness.

At a time when our President is calling for all Americans to consider the importance and the need for government service, we need look no farther for a role model than former Commissioner Alexander. I honor him for his service to our country and all that he did to make us a stronger Nation.•

TRIBUTE TO MARTHA BRYANT

• Mr. ISAKSON. Madam President, I wish to honor in the RECORD of the

Senate Martha Bryant, a true leader and an excellent businesswoman, for her many years of service to her community.

Martha has a long history of service to the communities she has called home. Born in Waycross, GA, the daughter of Arloa Gerald Morgan Wood and Joseph Cepheus Wood, she returned to her hometown after college to teach high school English for 3 years. Following that, she was certified as a professional YMCA director and served as program director for the State YMCA of Georgia from 1959 through 1962.

The citizens of Rome, GA, were lucky that Martha came to their town to serve as the program director of the YMCA of Rome/Floyd County in 1962. During her years in Rome, Martha served two terms on the board of the United Way as well as numerous terms on the Administrative Board of First Methodist Church, including as chair for 2 years. She also taught the Adult Sunday School class for 35 years, served 2 terms on the Alcohol Control Commission for the city of Rome, and was a part of the organizational committee that brought Georgia Highlands College to Rome.

Despite her volunteer schedule, she also found time to begin a brandnew business in 1972, Bryant and Garrett Travel, which she nurtured to its current status as a thriving, respected company. While she has just sold the business and retired from full-time service in 2009, I know Romans will still think of her first when they start to plan their family vacations.

Martha also is heavily involved with the Greater Rome Chamber of Commerce and has served in many leadership positions there over the years, including the chair of the Small Business Action Council. She is a graduate of Leadership Rome and became the first woman to serve as chair of the chamber in 1993. She continues to serve on the Governmental Affairs Committee and organizes the chamber's official visit to Washington, DC, each spring.

I hope Martha knows just what her leadership has meant to the many organizations she has touched and that she is able to enjoy a little more time with her grandkids and her beloved dachshunds at home.●

TRIBUTE TO MAJOR SHELIA FLOWERS

● Mr. ISAKSON. Madam President, I wish today to honor in the RECORD of the Senate MAJ Shelia Flowers of the U.S. Army Reserve on the eve of her promotion to the rank of lieutenant colonel.

Although Major Flowers was born and raised in North Carolina, her dedication to her country has ultimately lead her to call the State of Georgia her home as her parent command is the U.S. Army Reserve Command Headquarters in Ft. McPherson, GA.

Major Flowers was mobilized in support of Operation Noble Eagle in 2003 and has spent the last 6 years on Active Duty. In addition to her other tours, Major Flowers deployed in support of Operation Iraqi Freedom in 2006. Throughout her Active Duty period, she has served in the G–1 Directorate in support of Operation Noble Eagle. Additionally, Major Flowers was assigned to directly support Operation Enduring Freedom in November 2007.

In keeping with one of the tenets that sustains the Reserve Component, Major Flowers is dedicated to improving her community and the primary means through which she achieves this goal is by her membership in the Alpha Kappa Alpha Sorority, an organization that recently celebrated the 100th anniversary of its establishment.

In addition to her service to her country and community, Major Flowers is dedicated to her family. Her husband, LTC Eric Flowers, shares his wife's sense of duty and is currently deployed to the Horn of Africa. Their daughter, Cheyenne, currently resides in Atlanta.

I congratulate MAJ Shelia Flowers for her hard work and much-deserved promotion to lieutenant colonel, and I extend to her my sincere gratitude for her dedication to the defense of our Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 4:49 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 352. An act to postpone the DTV transition date.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 9, 2009, she had presented to the President of the United States the following enrolled bill:

S. 352. An act to postpone the DTV transition date.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself and Mr. CRAPO):

S. 394. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literacy, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. ALEXANDER, Mr. BENNETT, Mr. COCHRAN, Mr. KENNEDY, and Mr. SCHUMER):

S. 395. A bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recording of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes; to the Committee on Rules and Administration.

By Mr. LEVIN:

S. 396. A bill for the relief of Marcos Antonio Sanchez-Diaz; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 397. A bill for the relief of Anton Dodaj, Gjyljana Dodaj, Franc Dodaj, and Kristjan Dodaj; to the Committee on the Judiciary.

By Mr. CRAPO:

S. 398. A bill to permit commercial vehicles at weights up to 129,000 pounds to use certain highways of the Interstate System in the State of Idaho which would provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. TESTER:

S. 399. A bill to amend the Truth in Lending Act to prohibit universal defaults on credit card accounts, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS (for himself, Mr. BROWN, and Mr. BEGICH):

S. 400. A bill to expand the authority and responsibilities of the Oversight Panel of the Troubled Asset Relief Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself and Mr. KOHL):

S. 401. A bill to amend the Employee Retirement Income Security Act of 1974 to provide special reporting and disclosure rules for individual accounts plans and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Vermont (Mr.

SANDERS) was added as a cosponsor of S. 21, a bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 144

At the request of Mr. KERRY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 163

At the request of Mr. ENSIGN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 163, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 251

At the request of Mrs. HUTCHISON, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Mississippi (Mr. WICKER) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 251, a bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities.

S. 348

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 348, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 356

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 356, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 371

At the request of Mr. THUNE, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. ROBERTS), the Senator from Georgia (Mr. ISAKSON), the Senator from Mississippi (Mr. WICKER) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 371, a bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

S. 379

At the request of Mr. LEAHY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 379, a bill to provide fair compensation to artists for use of their sound recordings.

S. 385

At the request of Mr. AKAKA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 385, a bill to reaffirm and clarify the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes.

AMENDMENT NO. 313

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of amendment No. 313 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. ALEXANDER, Mr. BENNETT, Mr. COCHRAN, Mr. KENNEDY, and Mr. SCHUMER):

S. 395. A bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recording of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes; to the Committee on Rules and Administration.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Civil Rights History Project Act of 2009.

This is a bill that is very important to me and to many other Members of Congress. It would authorize the Library of Congress and the Smithsonian to record and preserve an oral history of the Civil Rights Movement.

The bill is cosponsored by Senators ALEXANDER, BENNETT, COCHRAN, KENNEDY, and SCHUMER. In the 110th Congress, then-Senator Clinton introduced it, and I want to thank Secretary Clinton very much for her work on behalf of the bill.

Last month, the United States celebrated the inauguration of our first African-American President. It was a historic event, and it was one more example that we, the American people, can live up to our highest ideals and aspirations. Although there is much left to be done, critical progress has been made.

As we reflect on this historical moment, it is important for us to remember that it did not happen all at once. As Senator Robert Kennedy once said, ''It is from numberless diverse acts of courage and belief that human history is shaped.''

Our society today would not be possible without the extraordinary people who dedicated themselves to the Civil Rights Movement.

Whether on a bus in Montgomery, at a lunch counter in Greensboro, in a high school in Little Rock, or on a bridge in Selma, these courageous individuals risked their lives to bring real and necessary change to our country.

The bill I am introducing today would help to ensure that we never forget their stories.

The bill would direct the Library of Congress and the Smithsonian's National Museum of African American History to record—in audio and video—firsthand stories from the Civil Rights Movement. Like the Veterans History Project started by the Library of Congress in 2000, these recordings would document the memories of Civil Rights pioneers for generations to come. Students would be able to hear the stories in their own voices, and historians would have primary sources on which to draw for research.

We need to start recording this history as soon as possible. In the last three years alone, we have lost Civil Rights leaders like Rosa Parks and Coretta Scott King—whose contributions would have been invaluable.

The Congressional Budget Office has estimated that the cost of the project be a maximum of approximately $4 million over 5 years, and that much of this cost will be offset by private donations. Even at its maximum cost, the project will be well worth it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There beinig no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Civil Rights History Project Act of 2009''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds as follows:

(1) A fundamental principle of American democracy is that individuals should stand up for their rights and beliefs and fight for justice.

(2) The actions of those who participated in the Civil Rights movement from the 1950s through the 1960s are a shining example of this principle in action, demonstrated in events as varied as the Montgomery Bus Boycott, the sit-ins, the Freedom Rides, the March on Washington, the drive for voting rights in Mississippi, and the March to Selma.

(3) While the Civil Rights movement had many visible leaders, including Thurgood

Marshall, Dr. Martin Luther King, Jr., and Rosa Parks, there were many others whose impact and experience were just as important to the cause but who are not as well known.

(4) The participants in the Civil Rights movement possess an invaluable resource in their first-hand memories of the movement, and the recording of the retelling of their stories and memories will provide a rich, detailed history of our Nation during an important and tumultuous period.

(5) It is in the Nation's interest to undertake a project to collect oral histories of individuals from the Civil Rights movement so future generations will be able to learn of their struggle and sacrifice through primary-source, eyewitness material. A coordinated Federal project would also focus attention on the efforts undertaken by various public and private entities to collect and interpret articles in all formats relating to the Civil Rights movement, and serve as a model for future projects undertaken in museums, libraries, and universities throughout the Nation.

(6) The Library of Congress and the Smithsonian Institution are appropriate repositories to collect, preserve, and make available to the public a collection of these oral histories. The Library and Smithsonian have expertise in the management of documentation projects, and experience in the development of cultural and educational programs for the public.

(b) PURPOSE.—It is the purpose of this Act to create a new federally sponsored, authorized, and funded project that will coordinate at a national level the collection of video and audio recordings of personal histories and testimonials of individuals who participated in the American Civil Rights movement that will build upon and complement previous and ongoing documentary work on this subject, and to assist and encourage local efforts to preserve the memories of such individuals so that Americans of all current and future generations may hear from them directly and better appreciate the sacrifices they made.

SEC. 3. ESTABLISHMENT OF JOINT PROJECT AT LIBRARY OF CONGRESS AND NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE TO COLLECT VIDEO AND AUDIO RECORDINGS OF HISTORIES OF PARTICIPANTS IN AMERICAN CIVIL RIGHTS MOVEMENT.

(a) ESTABLISHMENT OF PROJECT.—

(1) IN GENERAL.—Within the limits of available funds, the Librarian of Congress (referred to in this Act as the ''Librarian'') and the Secretary of the Smithsonian Institution (referred to in this Act as the ''Secretary''), acting jointly, shall establish an oral history project—

(A) to survey, during the initial phase of the project, collections of audio and video recordings of the reminiscences of participants in the Civil Rights movement that are housed in archives, libraries, museums, and other educational institutions, as well as ongoing documentary work, in order to augment and complement these endeavors and avoid duplication of effort;

(B) to solicit, reproduce, and collect—

(i) video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and

(ii) visual and written materials (such as letters, diaries, photographs, and ephemera) relevant to the personal histories of individuals;

(C) to create a collection of the recordings and other materials obtained, and to catalog and index the collection in a manner the Librarian and the Secretary consider appropriate; and

(D) to make the collection available for public use through the Library of Congress and the National Museum of African American History and Culture, as well as through such other methods as the Librarian and the Secretary consider appropriate.

(2) ROLE OF DIRECTOR OF MUSEUM.—The Secretary shall carry out the Secretary's duties under this Act through the Director of the National Museum of African American History and Culture.

(b) USE OF AND CONSULTATION WITH OTHER ENTITIES.—The Librarian and the Secretary may carry out the activities described in subsection (a)(1) through agreements and partnerships entered into with other government and private entities, and may otherwise consult with interested persons (within the limits of available resources) and develop appropriate guidelines and arrangements for soliciting, acquiring, and making available recordings under the project under this Act.

(c) SERVICES OF EXPERTS AND CONSULTANTS; ACCEPTANCE OF VOLUNTEER SERVICES; ADVANCE PAYMENTS.—In carrying out activities described in subsection (a)(1), the Librarian and the Secretary may—

(1) procure temporary and intermittent services under section 3109 of title 5, United States Code;

(2) accept and utilize the services of volunteers and other uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized under section 5703 of title 5, United States Code; and

(3) make advances of money and payments in advance in accordance with section 3324 of title 31, United States Code.

(d) TIMING.—As soon as practicable after the date of enactment of this Act, the Librarian and the Secretary shall begin collecting video and audio recordings and other materials under subsection (a)(1), and shall attempt to collect the first such recordings from the oldest individuals involved.

(e) DEFINITION.—In this Act, the term ''Civil Rights movement'' means the movement to secure racial equality in the United States for African Americans that, focusing on the period 1954 through 1968, challenged the practice of racial segregation in the Nation and achieved equal rights legislation for all American citizens.

SEC. 4. PRIVATE SUPPORT FOR CIVIL RIGHTS HISTORY PROJECT.

(a) ENCOURAGING SOLICITATION AND ACCEPTANCE OF DONATIONS.—The Librarian and the Secretary are encouraged to solicit and accept donations of funds and in-kind contributions to support activities under section 3.

(b) DEDICATION OF FUNDS PROVIDED TO LIBRARY OF CONGRESS.—Notwithstanding any other provision of law—

(1) any funds donated to the Librarian to support the activities of the Librarian under section 3 shall be deposited entirely into an account established for such purpose;

(2) the funds contained in such account shall be used solely to support such activities; and

(3) the Librarian may not deposit into such account any funds donated to the Librarian that are not donated for the exclusive purpose of supporting such activities.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $500,000 for fiscal year 2010; and

(2) such sums as may be necessary for each of the fiscal years 2011 through 2014.

AMENDMENTS SUBMITTED AND PROPOSED

SA 571. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 570 proposed by Mr. REID (for Ms. COLLINS (for herself and Mr. NELSON of Nebraska)) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 571. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 570 proposed by Mr. REID (for Ms. COLLINS (for herself and Mr. NELSON of Nebraska)) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—IMMIGRATION MATTERS

SEC. 1701. EXTENSION OF PILOT PROGRAMS FOR EMPLOYMENT ELIGIBILITY CONFIRMATION.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking ''11-year period'' and inserting ''16-year period''.

SEC. 1702. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS RELATED TO PILOT PROGRAMS FOR EMPLOYMENT ELIGIBILITY CONFIRMATION.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Appropriations, the Committee on Finance, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Appropriations, the Committee on the Judiciary, and the Committee on Ways and Means of the House of Representatives.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Social Security.

(3) PILOT PROGRAM.—The term ''pilot program'' means the pilot program carried out under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(b) FUNDING UNDER AGREEMENT.—For each fiscal year after fiscal year 2008, the Commissioner and the Secretary shall enter into an agreement that—

(1) provides funds to the Commissioner for the full costs of carrying out the responsibilities of the Commissioner under the pilot program, including the costs of—

(A) acquiring, installing, and maintaining technological equipment and systems to carry out such responsibilities, but only the portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest tentative nonconfirmations provided by the confirmation system established pursuant to the pilot program;

(2) provides such funds to the Commissioner quarterly, in advance of the applicable quarter, based on estimating methodology agreed to by the Commissioner and the Secretary; and

(3) requires an annual accounting and reconciliation of the actual costs incurred by the Commissioner to carry out such responsibilities and the funds provided under the agreement that shall be reviewed by the Office of the Inspector General in the Social Security Administration and in the Department of Homeland Security.

(c) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—

(1) CONTINUATION OF PREVIOUS AGREEMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), if the agreement required under subsection (b) for a fiscal year is not reached as of the first day of such fiscal year, the most recent previous agreement between the Commissioner and the Secretary to provide funds to the Commissioner for carrying out the responsibilities of the Commissioner under the pilot program shall be deemed to remain in effect until the date that the agreement required under subsection (b) for such fiscal year becomes effective.

(B) ANNUAL ADJUSTMENT.—If the most recent previous agreement is deemed to remain in effect for a fiscal year under subparagraph (A), the Director of the Office of Management and Budget is authorized to modify the amount provided under such agreement for such fiscal year to account for—

(i) inflation; or

(ii) any increase or decrease in the number of individuals who require services from the Commissioner under the pilot program.

(2) NOTIFICATION OF CONGRESS.—If the most recent previous agreement is deemed to remain in effect under paragraph (1)(A) for a fiscal year, the Commissioner and the Secretary shall—

(A) not later than the first day of such fiscal year, submit to the appropriate committees of Congress a notification of the failure to reach the agreement required under subsection (b) for such fiscal year; and

(B) once during each 90-day period until the date that the agreement required under subsection (b) has been reached for such fiscal year, submit to the appropriate committees of Congress a notification of the status of negotiations between the Commissioner and the Secretary to reach such an agreement.

SEC. 1703. STUDY AND REPORT OF ERRONEOUS RESPONSES SENT UNDER THE PILOT PROGRAM FOR EMPLOYMENT ELIGIBILITY CONFIRMATION.

(a) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study of the erroneous tentative nonconfirmations sent to individuals seeking confirmation of employment eligibility under the pilot program established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note).

(b) MATTERS TO BE STUDIED.—The study required by subsection (a) shall include an analysis of—

(1) the causes of erroneous tentative nonconfirmations sent to individuals under the pilot program referred to in subsection (a);

(2) the processes by which such erroneous tentative nonconfirmations are remedied; and

(3) the effect of such erroneous tentative nonconfirmations on individuals, employers, and agencies and departments of the United States.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Finance and the Committee on the Judiciary of the Senate and the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives a report on the results of the study required by this section.

SEC. 1704. STUDY AND REPORT OF THE EFFECTS OF THE PILOT PROGRAM FOR EMPLOYMENT ELIGIBILITY CONFIRMATION ON SMALL ENTITIES.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on the Judiciary of the Senate; and

(B) the Committee on the Judiciary of the House of Representatives.

(2) COMPTROLLER GENERAL.—The term ''Comptroller General'' means the Comptroller General of the United States.

(3) PILOT PROGRAM.—The term ''pilot program'' means the pilot program described in section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note).

(4) SMALL ENTITY.—The term ''small entity'' has the meaning given that term in section 601 of title 5, United States Code.

(b) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General shall conduct a study of the effects of the pilot on small entities.

(c) MATTERS TO BE STUDIED.—

(1) IN GENERAL.—The study required by subsection (b) shall include an analysis of—

(A) the costs of complying with the pilot program incurred by small entities;

(B)(i) the description and estimated number of small entities enrolled in and participating in the pilot program; or

(ii) why no such estimated number is available;

(C) the projected reporting, recordkeeping, and other compliance requirements of the pilot program that apply to small entities;

(D) the factors that impact enrollment and participation of small entities in the pilot program, including access to appropriate technology, geography, and entity size and class; and

(E) the actions, if any, carried out by the Secretary of Homeland Security to minimize the economic impact of participation in the pilot program on small entities.

(2) DIRECT AND INDIRECT EFFECTS.—The study required by subsection (b) shall analyze, and treat separately, with respect to small entities—

(A) any direct effects of compliance with the pilot program, including effects on wages and time used and fees spent on such compliance; and

(B) any indirect effects of such compliance, including effects on cash flow, sales, and competitiveness of such compliance.

(3) DISAGGREGATION BY ENTITY SIZE.—The study required by subsection (b) shall analyze separately data with respect to—

(A) small entities with fewer than 50 employees; and

(B) small entities that operate in States that require small entities to participate in the pilot program.

(d) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study required by subsection (b).

SEC. 1705. RESTRICTION ON USE OF FUNDS.

None of the funds made available in this Act may be used to enter into a contract with a person or government entity that does not participate in the pilot program described in section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note).

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Madam President, I ask unanimous consent the following Finance Committee interns be allowed the privilege of the floor during the consideration of the American Recovery and Reinvestment Act: Chris Eden, Michael London, and Mai Meneissy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR TUESDAY, FEBRUARY 10, 2009

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Tuesday, February 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 1, the American Recovery and Reinvestment Act, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, under the previous order, votes in relation to the Collins-Nelson of Nebraska substitute amendment and passage of H.R. 1 will occur at about noon tomorrow. Additional votes are possible later in the day in relation to the executive nominations.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 11, 12, and 13; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Michele A. Flournoy, of Maryland, to be Under Secretary of Defense for Policy.

Robert F. Hale, of Virginia, to be Under Secretary of Defense (Comptroller).

Jeh Charles Johnson, of New York, to be General Counsel of the Department of Defense.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, unless someone has an objection, I would ask that the Senate stand adjourned under the previous order, following the remarks of Senator GRASSLEY. Is there anyone who has an uncontrollable urge to speak tonight?

Ms. LANDRIEU. Madam President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Would the majority leader allow me to speak for up to 5 minutes after Senator GRASSLEY?

Mr. REID. Yes, that would be appropriate.

Madam President, following the remarks of Senator GRASSLEY and Senator LANDRIEU, I ask unanimous consent that the Senate stand adjourned under the outlined consent that I have submitted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

THE ECONOMY

Mr. GRASSLEY. Madam President, one of the arguments we have heard in support of the proposed $1 trillion stimulus bill is that our economy is performing below its potential. It is argued we have a gap between what we could produce and what we are producing.

There is no question our economy is producing less than it could. It is quite obvious we are in a recession. But that does not mean a massive, temporary increase in Government spending can fill the gap and thus restore our economy to its full potential. In fact, the opposite is true.

The proposed $1 trillion increase in Government spending will impede recovery and reduce future growth. The Congressional Budget Office—which I want to remind people listening, as well as my colleagues who tend to forget it—is a nonpartisan group of people who are professionals in making judgments about Government programs and what they cost. The Congressional Budget Office reported last week that the stimulus bill will create temporary jobs that cost as much as $300,000 apiece, and then it will reduce jobs permanently compared to no stimulus bill at all.

Economists often talk about the economy in terms of a circular flow. The circle assumes a continuous flow between production and consumption. Businesses hire workers who produce goods and earn a salary in order to buy the goods they produce. According to this world view, whenever production declines, the solution is to increase demand and thereby boost production.

In reality, the economy is not a circle. Production involves a series of steps in which raw materials are transformed into intermediate goods which are transformed into finished products. This process takes time as value is added at every step. That is what production is all about: adding steps to the process until you get to a finished product.

For example, to make bread, we need to grow wheat. To grow wheat, we need to work the land. To work the land, we need tractors. To build tractors, we need plastic, steel, rubber—and you know all the other components. Nearly every step of this process relies on trained individuals with unique skills and unique knowledge, people who utilize tools and material designed to meet their very specialized needs.

Given the complex structure of production, an increase in the demand for bread cannot instantaneously bring about an increase in the supply of all the things needed to produce more bread. Likewise, a reduction in the demand for bread cannot instantaneously convert all of the people's places and things previously used to produce bread into some other productive alternative.

At a given point in time, our economy is comprised of a specific set of goods and services, each with its unique factors of supply and demand. When market conditions change—either because of fickle consumers or maybe foreign competition or maybe rising oil prices or maybe a stock market bubble or a housing bubble, which we all know about now—some of the goods and services that existed before the change are no longer suitable to meet the market conditions that exist after that change. Those are some conditions we are in right now.

The unemployed workers and idle resources that exist today are largely the result of the decline in home prices and the associated turmoil in the financial markets. Most everyone in this body knows that. I think most people at the grassroots know there were problems with housing that brought about our credit crunch and the unemployment and recession we have now because our housing market was overleveraged, overpriced, and unsustainable, bringing about a great deal of unemployment caused by changes in the economy and adjustments to that economy going on and not going on in a very likeable way.

The bursting of the housing bubble has not only affected homebuilders, realtors, and mortgage brokers, it has also spilled over into other areas of our economy. For example, falling housing prices have reduced the ability of many homeowners to finance nonhousing-related spending through the use of home equity loans.

As workers become unemployed and resources idle, it is said that our economy has fallen below its potential, and we all know that. However, that does not mean a massive temporary increase in Government spending can fill that gap that we all realize exists and, hence, cannot necessarily restore our economy to its full potential because massive temporary increases in Government spending does not have that effect. Spending for the sake of spending, then, is not a solution.

Every dollar the Government spends does, in fact, have a cost, regardless of whether the dollar comes from taxes, from borrowing or through the printing press. When the Government spends money, what does it do? It diverts workers and resources from alternative uses. We may not think about that, but that is the impact of the Government on the free market economy we have. During a recession, when workers are unemployed and resources are idle, it is argued that this diversion is a good thing. However, the stimulus bill is not restricted just to unemployed workers and just to idle resources. Moreover, the stimulus bill is supposedly temporary.

Consider the implications of unrestricted, temporary Government spending. I wish to have my colleagues consider those. In one case, unemployed workers obtained temporary make-work jobs and, therefore, delay their search for meaningful, long-term employment. In the other case, employed workers are diverted from their current employment into temporary make-work jobs and thereby reduce the output of other goods and services. Thus, if you think about temporary make-work jobs, they add little or no value to the economy, while diverting employment from other jobs, probably other jobs that are very long term and productive. As a result, the money paid to these workers increases the demand for goods and services while reducing the supply. We know what results then: more inflation and less growth.

The only way the Government can increase economic growth is by spending other people's money more efficiently than those individuals would. But instead of arguing the Government can spend money better than everyone else, the supporters of the stimulus bill

are relying on the argument that Government can spend money faster than everyone else can. As President Obama said last week in Williamsburg, VA:

So then you get the argument, ''Well, this is not a stimulus bill, this is a spending bill.'' What do you think stimulus is? That is the whole point.

However, that is not the whole point. What matters is whether we are producing goods and services that people want to buy or whether the Government is paying people to engage in activities that have less value than the private sector alternatives.

Let me be clear. Not all Government spending is wasteful and unnecessary. Government spending designed to meet a critical need can be beneficial, and we can list a lot of things the Government does that are beneficial but not necessarily the things that are in this stimulus bill or at least not all of them. We could go to building the interstate highway system, for example. It increased our ability to travel and transport goods across the Nation. However, the economic benefit is derived from the transportation services that result from the interstate highway system and not from the jobs that created the interstate highway system.

If the goal of infrastructure spending is jobs, then why not give everyone a shovel or a spoon or even build roads by our hands. We could create millions of jobs. Now, no one has proposed that—at least not yet—but the point ought to be very clear. When Government spends money in order to create as many jobs as possible, as fast as possible, we end up with Government boondoggles instead of sound economic policy.

As an aside, I would point out that repairing our existing infrastructure is a necessary expense; however, such activity causes increased traffic congestion and delays. The loss in productivity and output due to increased travel time and fuel consumption is an unavoidable cost of maintaining an existing benefit, which the interstate highway is or which all our highways and streets and roads are. There may be a cost-benefit analysis that shows we would benefit from spending more to build and maintain our infrastructure; however, this analysis would also show that cost is ongoing over a long period of time.

I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. We should not waste valuable resources on needless, temporary projects, nor should we fool ourselves into believing that truly useful projects can be funded on a temporary basis. Any worthwhile investment will involve an ongoing expense.

Those who claim all the spending in the stimulus bill will be temporary are essentially admitting it will have no lasting value. Alternatively, those who claim it will have a long-term benefit are essentially admitting the spending will not be temporary. Clearly, both these claims cannot be true. Contrary to what some people might have us believe, a massive increase in Government spending for the purposes of creating temporary make-work jobs is not a sound economic recovery plan.

I yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Louisiana is recognized.

SMALL BUSINESS

Ms. LANDRIEU. Mr. President, I have a great deal of respect for the Senator from Iowa. He has served with such distinction in this body. However, I have to rise to say that while he is sincere in his opinion, I am very proud that 61 Senators cast a vote for the opposite view; that view being that the failed policies of the past were just that, failed, and have left America wanting.

We have a very serious economic crisis that is not going to be solved by the same old tired, failed, bankrupt policies as part of what the Senator expressed continues to want to carry out—policies that give untargeted tax cuts to those at the top of the tax bracket and hope and pray that it trickles down to everyone else; policies that empower the individual at the expense of the collective effort, and other policies that have left this country wanting. That is why 61 Senators came to the floor of the Senate and rejected those old notions and set a new course. Our President, with his election and now his leadership since that election, is leading us to adopt new strategies; a collective energy, recognizing that individuals alone cannot, no matter how individually empowered, build the highways and infrastructure necessary or transform the economy in a new way that can be invigorating and hopeful to the American people who are in desperate need of a new course.

So I wished to come to the floor, though, to briefly speak about some of the things that are in the underlying bill we voted on to invoke cloture that have to do with small business: expanding it, highlighting it, focusing on small business. Before I do that with my colleague, Senator SNOWE, my good friend from Maine, let me also mention it is my hope, as this bill moves through the process of conference, that the House Members and the Senate Members, along with the President and the administration, can give a bit more focus on the infrastructure portions of this bill. It is something I think the Presiding Officer, Democrats, and Republicans have said: If the bill was light in anything, it may be light on the infrastructure piece. That is not to say that not a lot of good effort has gone into that, but perhaps we could make the bill stronger, which it has gotten, in my view, stronger at every step. Whether it is highways, waterways, high-speed rail, flood control, wetlands, coastal restoration, help with sewer and water, broadband, transformation of our electric grid, and, yes, investing in the infrastructure of science and technology in this country, we are woefully behind.

So I am hoping—one final point on that and then I will get to our colloquy on small businesses in a minute—I am hoping our Governors, Republican and Democratic alike, will take this as it is intended: an opportunity to help them balance their ships of State as we move through these rocky and rough waters over the next 12 to 18 months; that they take this money in the spirit it was given: to be a partner with them and the mayors and county commissioners, and in my State, parish officials, to help keep people employed, to help target this effort to where we can create the kind of jobs people most certainly need.

One of the best parts of the debate this weekend and one of the most moving was when BARBARA BOXER, and then again today BYRON DORGAN, put the picture of the 1,000 people in line for 35 firefighter jobs. I wish to remind my friends on the other side that people don't want speeches, they want jobs. If 1,000 people line up for 35 firefighter jobs, that is what this bill is intended to do.

It leads me to the colloquy Senator SNOWE and I wished to come to the floor to engage in about the underlying bill and some of the advantages and provisions this bill has for small business.

First, let me thank the Senator for her leadership over the years as a chair and ranking member of this important committee. Let me also acknowledge the great leadership in recent years of Senator JOHN KERRY, the chairman of the Small Business Committee. Particularly in regards to this particular bill, working out some bipartisan provisions that we could include, I wish to thank Senator DURBIN and his staff who worked closely with us.

I wish to begin my brief colloquy with a statement that might be surprising to some who are listening, that 40 percent of all the capital in the country for small business, basically, comes through or touches the Small Business Administration. That is how important this small department of only 2,000—it used to have 3,000 people—it was terribly, and unjustifiably, in my view, cut under the previous administration. I wish to acknowledge that Senator SNOWE has been a fierce and effective advocate. In the case of those cuts, she argued, sometimes successfully and sometimes not, those cuts shouldn't take place. Nonetheless, the Presiding Officer has started a

small business that turned into a large business, and he knows that one of the great challenges right now is access to capital and affordable capital. We are not talking about access to being able to use a credit card at 21 percent or 15 percent. That is not affordable capital. We are not talking about mortgaging your house only to watch the value fall by 50 percent. We are talking about things that could really spur the flowing of the capital markets in this country.

Briefly, in the underlying bill we voted cloture on, we have eliminated the fees associated with the 504 economic development program, the 7(a) program, and the 504 program.

Lending is down by 40 to 60 percent, depending on the State. In Louisiana, we are down 60 percent. We think by eliminating these fees, it may spur banks to lend money and borrowers to come forward for this access to capital.

For over 50 years, the SBA's lending programs provided critical financing to small business owners who could not get affordable loans in the conventional market. In the wake of the financial crisis and this recession/depression, the SBA loan programs have not filled the void left by increasingly tight markets for conventional bank loans. We hope some of the provisions in this bill will help reduce that trend.

The fee waivers supported by the U.S. Chamber of Commerce and other business groups are very encouraging by the results when we did this the last time, after the 9/11 attacks—what that might mean to spur economic growth in this country in the next few months and years to come.

Let me also mention that in the underlying bill, we specifically targeted microloans. This might also be surprising to many, but the microloan program provides very small loans—on average about $13,000 per loan. That seems to be very small, but sometimes I think we get caught up in billions and billions and we forget that sometimes $5,000, or $10,000, or $20,000 is all it takes to get a good idea off the ground and to help create jobs in America.

I want to say, since so many Government programs get a bad rap and a black eye, this program—in large measure, my colleague from Maine helped to start it in 1992—the microloan program has been one of the most successful programs to date, having just one loss in its 18-year history, just one loss. Microloans are made to the smallest of businesses, typically home-based businesses, startups, newly established or small businesses. The program has always also been a great way to meet the needs of minority women and rural small business owners.

The final part of this bill I want to mention before turning it over to my colleague is the venture capital funds that will also stimulate the flow of venture capital to emerging small businesses by providing flexibility for participants in the SBA's Small Business Investment Company programs, SBIC programs, which have been successful. The language in the underlying bill will give them the flexibility to even be more successful. The occupant of the chair knows, Virginia's economy is growing and being spurred by new investment in small business. The Chair has had, as Governor of that State, a front-row seat. These are some of the things we have put in the underlying bill.

I will mention one final item. The good Senator from Maryland, BEN CARDIN, secured on the floor of the Senate, in addition to the work we had done originally on this proposal, a surety bond amendment, which was passed by a pretty overwhelming vote in the Senate, which will help small businesses secure—particularly in the areas of construction—those surety bonds that will enable them to be part of this new stimulus package.

I am proud of the work we have done. Again, if it can be improved in conference, I would be open to that.

I would like to turn the final part of this presentation over to the good Senator from Maine for comments about the financing portion, as well as some other portions I spoke about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I commend my colleague, Senator LANDRIEU, from Louisiana, the new chair of the Small Business Committee. I am confident that she is going to champion small businesses and the critical role they play in our Nation's economy. I look forward to joining forces with the Senator from Louisiana. She is going to be an effective and eloquent advocate on behalf of the men and women who make up the millions of small businesses across this country, which are the lifeblood of our Nation's economy.

One of the things we learned during the aftermath of Hurricane Katrina is that over 85 percent of businesses in Louisiana were small businesses. Similarly, in my home state of Maine, over 97 percent of all businesses are small businesses. So we understand the imperative of doing everything we can to reinforce and leverage the resources we have at the Federal level to support the engine of our economy; and that is, of course, America's small businesses. They are too often overlooked, Mr. President, in the role they play in our Nation's economy and in their job creation potential—creating two-thirds of all net new jobs in America.

At a time of cataclysmic job loss, we have to look to small businesses to spur economic growth. I am concerned because I have taken many street tours across my State, and have seen first hand what we are seeing unfold all across America, small businesses closing their doors. So I know that we must do everything conceivable to reinforce, and bolster the resources of the Small Business Administration, to help it make a difference in creating jobs.

Frankly, all too often small businesses are overlooked, unrecognized, and not acknowledged for the indispensable role they play in driving our Nation's economy. Nationally, unemployment is at 7.6 percent. In the past 4 weeks, more than 2.3 million people have filed new claims for jobless benefits. Those losses will only cascade even further if small businesses are unable to access the capital needed to help them start, grow, and expand their operations. It is one of the issues I am working on as we speak. Certainly, through the Troubled Asset Relief Program and with the respective Federal agencies, I think we should have a phone line so small businesses can call to find out how we can match up their needs for lending with banks and financial institutions across this country.

As we speak, we are finding that more and more small businesses are unable to get the lines of credit they need to continue to carry on their business. Certainly, in a multiseason State such as Maine, people cannot do some things during the course of the winter, but they want to maintain their workforce and are unable to because they cannot access the line of credit that is indispensable to survival. There are a number of things we can do at the Federal level, much of which is included in this stimulus plan pending before the Senate.

I agree with my colleague, Senator LANDRIEU that we must focus upon initiatives that are crucial to creating jobs. After all, when everybody talks about the stimulus plan, how to evaluate it, as I said last week, we need to create a rigorous standard by which we measure job creation in this legislation. It is absolutely essential in building the confidence that this stimulus plan will work.

The way to do that is to look at some of the provisions targeted toward the small businesses, which will play a key role in our economy. When you realize that firms with fewer than 500 employees comprise 99 percent of all businesses in America. And according to the SBA, small businesses have greater potential to recover faster than larger businesses during the course of a recession. But small businesses are fighting for survival.

That is why Senator LANDRIEU and I worked to ensure that key initiatives were included into this bill, which will be critical for small business success during these very difficult economic times. We collaborated on these initiatives because we know that they are

paramount to securing a robust future for small businesses.

SBA lending numbers are in a free fall. That is demonstrated in several of the charts I have here. The 7(a) loan volume has dropped from over $3.2 billion to under $2 billion, respectfully, compared to the same quarter last year. In terms of percentage impact, that is a 43-percent decline. For startup 7(a) loans, the numbers are just as bad. Nationally, startup loans are down over 40 percent, when compared to the first quarter of fiscal year 2008 to the current fiscal period.

In Maine, for example, if you look at 7(a) lending, it has declined by nearly 69 percent for the first quarter of fiscal year 2007, compared to this quarter of fiscal year 2009. That is why it is absolutely urgent that we make sure the initiatives that are included in the Senate-passed version of the stimulus plan are maintained and preserved in conference. They will go a long way toward addressing and minimizing many of the problems small businesses face.

For example, Senator LANDRIEU and I worked in tandem on some of these key initiatives, which include those to reduce or eliminate fees for 504 and 7(a) loans, for instance. This is a departure from the approach taken in the House but, frankly, reducing these fees will provide a greater incentive for both small businesses and lenders to participate in the program, rather than just increasing the guarantee, which is reflected in the House-passed version of the stimulus plan.

We will also be able, through supporting these programs, to reduce the cost of SBA loans for borrowers. These SBA loans will help to create or retain 750,000 jobs.

Additionally, we have included provisions to increase funding, as Senator LANDRIEU indicated, for the SBA's vital microloan program. These microloans are not only easy to process, they are effective and accessible to small businesses. Again, these loans have demonstrated time and again their job creation value and potential. We have improved the venture capital program and increased the size of loans that small businesses can take under the SBA's 7(a) and 504 lending programs. Another key component is the automation of the SBA's loan processing, which must be improved. It would be easier for lenders, particularly small ones and those in rural areas, to participate in the loan programs because, increased automation will result in increased usage of these key programs. Most critically, this automation would reduce the regulatory burden on small businesses. In fact, the SBA Office of Advocacy has determined that the cumulative annual cost of Federal regulations to small businesses is more than $1 trillion. So automation would take a step toward reducing that burden, and it would make a tremendous difference for many in my State, in Louisiana, and across the country.

As a member of the Finance Committee, I also want to highlight key tax provisions in the stimulus plan. Again, I express my gratitude to Senator LANDRIEU for her advocacy of these initiatives because they are essential. The first is an extension of Section 179 Small Business Expensing at the $250,000 level for 2009 and 2010. That has demonstrated—repeatedly in the past—to create jobs. We need to use proven programs, like this, in the stimulus that have job creation value.

I am very pleased that level of $250,000 will be extended both in 2009 and 2010 so that small businesses can make investments in plant and equipment that they can deduct immediately. In 2005, the most recent year for which data was available, according to the IRS, more than 4.5 million small businesses claimed the section 179 expense deduction. These are 4.5 million job-creating engines, which this provision could assist at this difficult time in America.

The other provision, of course, is the 5-year net operating carryback of losses which will allow companies to use these losses against prior-year profits to gain immediate tax refunds.

Thank you, Mr. President, for allowing me to speak about these key small business provisions in the stimulus bill. As we focus our attention on this stimulus package, we have to measure each and every initiative by its job-creation capabilities and as a catalyst for creating those jobs. As Senator LANDRIEU indicated, there is no greater catalyst for job creation in this country than small businesses. I have often stated that we have ignored and overlooked their tremendous potential.

The stimulus package, which is pending before the Senate, will bolster small businesses through a variety of initiatives. I am pleased we were able to incorporate these provisions, through the support of Senator LANDRIEU and many members of the Senate Finance and Appropriations Committees and particularly Senators BAUCUS and GRASSLEY, Finance Committee chair and ranking member, and Senators INOUYE and COCHRAN, Senate Appropriations Committee chair and ranking member. Thank you to all of those who realized how vital these initiatives will be to creating jobs. I hope that in the conference committee these initiatives will be preserved because at the end of the day, this package will be measured in terms of its ability to jump-start this economy. And we know that small businesses will be on the front lines of job recovery, if given the resources and the ability to do so.

Again, I thank my colleague from Louisiana for being such a critical advocate and for her leadership on the Small Business Committee. I am looking forward to working with her in the future.

Mr. President, I yield the floor.

Ms. LANDRIEU. Mr. President, if my colleague will yield for a moment, I want to mention as we close, I am so happy and excited about the President's nominee for the Small Business Administration. I had the opportunity to meet her for the first time today.

I ask my colleague from Maine, who is actually very familiar with this nominee, and she is from Maine, if the Senator would share a word or two about the particular qualifications of this nominee as we get ready to start this process. Through the Chair to my friend from Maine, it is indicative of the President's focus and his interest and his understanding by giving us such a quality nominee to consider.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I appreciate that Senator LANDRIEU has raised for discussion the tremendous credentials that are offered by Karen Mills. There is no question that she has a tremendous background both in manufacturing and venture capitalism and in understanding the role that small businesses play in our Nation's economy.

She has had firsthand experience, not only through her family's business endeavors, but also through her work in venture capitalism in helping to shape and rebuild various businesses. She understands and appreciates the resources that are necessary and essential to rebuilding businesses and the access to capital that is required.

Also, she played a pivotal role in Maine's economy, in encouraging the use of cluster development. She has worked extensively with the Brookings Institute on how to nurture cluster development in various small and rural communities, to help rebuild and reshape their local economies.

What we have recognized, and what she has certainly demonstrated time and again through her own personal firsthand experience, is that it does not take a lot of resources to nurture and create small businesses as a foundation for a local economy. It is that type of experience she will bring to the Small Business Administration.

In fact, I had the opportunity to meet with her this afternoon as she prepares for the confirmation hearing. There is no question that she has widespread knowledge on what it will take to rebuild the Small Business Administration helping it to be far more responsive and receptive to small businesses, to understand what they need, to link them up with lenders, to provide the technology required to make the agency much more effective and responsive to the needs of small businesses across the country.

I am looking forward to working with Ms. Mills and the chair of the Small Business Committee because I believe that Ms. Mills is outstanding in her capabilities and truly appreciates

the role small businesses play in America's economy. Mr. President, I ask unanimous consent to have a biography of Ms. Mills printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF MS. KAREN GORDON MILLS

Ms. Karen Gordon Mills is the President of MMP Group, Inc. Previously, she was the Co-Founder and Managing Director at Solera Capital. Before founding MMP Group, she was the Managing Director and Chief Operating Officer of the Industrial Group for E.S. Jacobs and Co., from December 1983 to January 1993. In this role, Ms. Mills personally led seven leveraged buyout transactions and had an influential or board role in six others: Ms. Mills background includes consulting for McKinsey and Co. both in the U.S. and in Europe, and working as a Product Manager for General Foods. She has been a Director and Member of Audit and Compensation Committees of Arrow Electronics Inc. since 1994 and Director and Member of its Audit Committee of ArmorAll Products Inc. since 1994. Ms. Mills serves as Director of Latina Media Ventures LLC, Triangle Pacific Corp. since 1988, Annie's Homegrown Inc., Scotts Company, and Guardian Insurance Company. Ms. Mills chairs Governor Baldacci's Council on Competitiveness and the Economy. She also sits on the Governor's Council for the Redevelopment of the Brunswick Naval Air Station, which recently went on the BRAC closure list, and serves on the Boards of the Maine Technology Institute and the Maine Nature Conservancy. Ms. Mills is a member of the Council on Foreign Relations and has been Vice Chairman of the Harvard Overseers. Ms. Mills has an A.B. in Economics from Radcliffe College, Magna Cum Laude. She also holds an M.B.A. from Harvard Business School where she was a Baker Scholar.

Ms. LANDRIEU. Mr. President, I thank the Senator for her testimony in regard to Karen Mills and will commit as the new chair of this committee to move her nomination through with dispatch.

I will say before I give closing remarks, a word to banks and credit unions, particularly community banks, that I am intent in a leadership position on this committee to have the SBA be a better partner to community banks and credit unions as we really leverage the power of the SBA. Too often in the past, it has been seen as a problem or too complicated or too bureaucratic. I am looking forward to making that a much smoother, more powerful, muscular partnership so that our small businesses in America can have a model, the best in the world. It is going to be exciting to work on.

I thank the Senator from Maine and look forward to having a very strong partnership with her in the months ahead.

Is there any further business?

Ms. SNOWE. Mr. President, one other issue that is critical, which Senator LANDRIEU and I both share, is that of elevating the Small Business Administration to Cabinet-level status. As I have said before, this will underscore the critical role that small businesses play in our economy. I know Chair LANDRIEU shares and supports such an initiative. It is long overdue and unquestionably should be done. We should elevate the status of the agency to give it the prominence and profile it deserves on behalf of the men and women of our Nation's small business community. There should be far more focus upon the role that they can serve in not only our domestic marketplace, but the global marketplace as well.

I will continue to call for the elevation of this critical position. I have advocated it for years. In light of where we are today in the economy, and the increase in unemployment, it is even more imperative that we increase the prominence of small businesses in the President's cabinet because, again, doing so will provide the attention and resources they require to survive and be prosperous.

Ms. LANDRIEU. Mr. President, I agree with the Senator from Maine. I was happy to join with her in a letter to the President urging him to take this step. Hopefully, he will consider that request and give it every consideration.

ORDER FOR RECESS

Mr. LANDRIEU. Mr. President, I ask unanimous consent that following the votes on Tuesday, February 10, in relation to H.R. 1, the American Recovery and Investment Act, the Senate recess until 2:15 p.m. for the weekly party conference lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow, February 10.

Thereupon, the Senate, at 6:38 p.m., adjourned until Tuesday, February 10, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL C. GOULD

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MARK A. HANDLEY
REAR ADM. (LH) CHRISTOPHER J. MOSSEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) KATHLEEN M. DUSSAULT
REAR ADM. (LH) MARK F. HEINRICH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL H. MITTELMAN
REAR ADM. (LH) MATTHEW L. NATHAN

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

BRIAN D. AKINS
MATTHEW P. ANDREWS
ONDRA L. BERRY
TIMOTHY D. BLOUNT
JONATHAN L. BOEHNING
DAVID B. BURGY
STEPHEN R. BUSATH
PAUL B. BYRD
CRAIG A. CAMPBELL
SHELLEY R. CAMPBELL
RICHARD L. CHAPMAN, JR.
CAROL S. CHAVEZ
JAMES N. COX
CHRISTOPHER B. DUTTON
TIMOTHY W. ESTEP
CHRISTOPHER M. FAUX
JOACHIM P. FERRERO
KYLE D. GARRISON
MICHAEL J. GASPAR
CHARLES L. GEBHART
LESLIE M. GONZALEZ
KATHY A. GROCE
DAVID E. GROSS
MICHAEL E. GUILLORY
DONALD J. HAMILTON
JOSEPH D. HAMMER
RONALD D. HARMON, JR.
DONALD A. HARVEY
PHILIP J. HASLER
TODD S. HIGGS
DENNIS HUNSICKER
JOSEPH M. JABARA
ADA E. JOHNSTON
JAMES J. KEEFE
DONALD O. KEESE
ERIC D. KENDLE
PATRICK MICHAEL KENNEDY
KYLE T. KOBASHIGAWA
JOSEPH EDWARD LAMENDOLA
CLIFFORD W. LATTA, JR.
KEITH LOCKLEAR
PAUL R. MANCINI
ROBERT L. MARCIANO
ROBERT P. MCCLOY
RONALD WAYNE MCDANIEL
DAVID S. MCKINNEY
GARRY S. MOORE
MATTHEW L. MOORMAN
BRIAN JAMES NEEVES
HANS J. NEIDHARDT
RYAN T. OKAHARA
KENT R. OLSON
STEVEN R. PAINTER
MIMI I. PEAK
KIRK S. PIERCE
HERBERT G. PORTER
THERESA B. PRINCE
MICHAEL A. RICCI
CHRISTOPHER D. ROOD
MURRAY E. ROUSE
JOHNNY M. RYAN, JR.
EDWARD A. SALMON, JR.
DAVID P. SANCLEMENTE
GREGG A. SCHOCHENMAIER
MATTHEW J. SCHUSTER
THOMAS R. SHETTER
JAMES P. SHIRLEY
PETER J. SIANA
GEORGE T. SMITH
RICHARD E. SMITH
RANDOLPH J. STAUDENRAUS
MICHAEL E. STEVIC
NANCY J. SUMNER
BRADLEY A. SWANSON
JOSEPH P. SWEENEY
RICHARD W. SWEETEN
MARK S. SWEITZER
JOHN R. THOMAS
RONNIE E. TITTLE
RONALD BRADLEY TURK
BRYAN K. TURNER
CHRISTOPHER G. ULTSCH
JACQUES S. VAN RYN
PATRICK L. VOLK
RICHARD W. WEDAN
JEFFREY J. WIEGAND

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

CHRISTOPHER M. ANDREWS

PATRICK L. BASILE
STEVE S. CHAN
UMER I. CHAUDHRY
CHRISTOPHER K. FULLER
RONIT GILAD
DANIEL J. GRABO
MARIA L. GRAUERHOLZ
ADNAN A. JAIGIRDAR
JEFFREY C. JOHNSON
SEAN M. KEELER
DONALD V. LA BARGE III
SUSAN LAHEY
LAURIE B. LERNER
JEREMY J. LOGAN
JASON J. LUKAS
CHRISTIAAN N. MAMCZAK
JEFFREY S. PALMGREN
MIN S. PARK
JASON L. PENNYPACKER
TANYA L. PORTER
STACEY C. QUINTERO-WOLFE
BRIAN D. SUSI
EZEKIEL J. WETZEL

CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, February 9, 2009:

DEPARTMENT OF DEFENSE

MICHELE A. FLOURNOY, OF MARYLAND, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY.

ROBERT F. HALE, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE (COMPTROLLER).

JEH CHARLES JOHNSON, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on February 9, 2009 withdrawing from further Senate consideration the following nomination:

THOMAS ANDREW DASCHLE, OF SOUTH DAKOTA, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES, WHICH WAS SENT TO THE SENATE ON JANUARY 20, 2009.

HOUSE OF REPRESENTATIVES—*Monday, February 9, 2009*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mrs. DAVIS of California).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 9, 2009.

I hereby appoint the Honorable SUSAN A. DAVIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

We confess, O God, that we accept so easily personal blessings of life and the blessings of this Nation. At the same time, we forget to give thanks. Sometimes blinded by our own ''do-it-yourself'' mentality and daily achievements, we fail to see that everything is a gift. Life itself, not our doing, is received from You, the Creator and configured by two others.

Without realizing it fully, we receive support from family and so many others. Each day we build upon the foundations laid by forebears. And most of our work is produced with the collaboration of others.

Remind us, O Gracious God, to be gracious ourselves because of all we have been given. Gratitude can change our attitude, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Oregon (Mr. DEFAZIO) come forward and lead the House in the Pledge of Allegiance.

Mr. DEFAZIO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2009.

Honorable NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 5, 2009, at 10:48 a.m.:

That the Senate passed S. 383.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

WE WANT OUR MONEY BACK

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Last week the Congressional Oversight Panel of the so-called TARP program, the bank bailout program, announced that George Bush and his buddy, Henry ''Hank'' Paulson from Wall Street but who, for a little while stood in as Secretary of the Treasury, paid $254 billion for $167 billion worth of assets in the name of the American taxpayer. They lost 34 cents on every dollar.

Now, how is it that Henry ''Hank'' Paulson came out of Wall Street with $700 million? He was so smart, but somehow, as Secretary of the Treasury, he couldn't get full value for the dollar for the American taxpayer?

We want our money back. It's time to impose a tiny transfer tax on all securities exchanges and derivatives on Wall Street to pay back the taxpayers for the still unfolding scandal.

We want our money back.

FEDERAL GOVERNMENT BAILOUTS ALREADY LOST 30 PERCENT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, last week the bailout watchdog set up by Congress to conduct oversight on the $700 billion megabank bailout concluded that the government had already overpaid the banks by nearly $80 billion, and only half the money has been spent.

According to an investigation by the bailout oversight committee, the Treasury paid $254 billion for assets that are worth about $176 billion. That's a loss of $78 billion right off the bat.

The investigation concluded that it was likely that the Federal Government might not have driven as hard a bargain as the private sector would have. Fancy that.

Next time someone tries to sell the idea that government bailouts are ''good investments,'' just remember that the Treasury Department lost 30 percent on its so-called investments in just three short months.

ACCELERATING RECESSION

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Madam Speaker, last month the employment of George W. Bush came to an end. Unfortunately, so did the jobs of nearly 600,000 Americans, hardworking men and women hit in every sector of our economy, thrown out of work in the toughest recession to hit our Nation in decades.

The job losses of January show that this is an accelerating recession. We lost 1.7 million jobs in the first 10 months of 2008, then almost 600,000 in the month of November, again in December, again in January.

Look at this chart. This shows how this recession compares to the other two. No easing of job loss, no end in sight.

We must pass a stimulus responding to this crisis. This is the worst rate of job loss ever recorded. We must help Barack Obama, our new President, respond to this economic crisis facing our Nation.

MONEY FOR THE MOB MUSEUM

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, as Americans worry about the economy, Washington is using the politics of fear to promote a so-called stimulus package. This $800 billion bill will cost every man, woman, child and illegal in the United States about $2,700. However, we're told unless we pass this big spending bill, we're, in essence, all going to die.

The intimidating tactics used by the proponents give money to special interest groups like museums, including, believe it or not, the Mob Museum.

That's right. The Mayor of Las Vegas correctly claims the bill allows for millions of dollars to go to funding the Las Vegas show piece, the Mob Museum.

I wonder how the money for a high dollar edifice to glorify organized crime will help out our economy. Obviously, the government should not strong-arm the taking of the people's money only to give it to this or to other special interest groups.

Let the people keep more of their own money. Cut taxes for all those that pay taxes. Then with more of their own money, the people will decide how to stimulate the economy. After all, it is their money. And I doubt they will be buying tickets to a museum dedicated to organized crime.

And that's just the way it is.

IN SUPPORT OF THE AMERICAN RECOVERY AND REINVESTMENT ACT

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. This body passed a very good recovery package. It's important to note, as we prepare to go to conference, that most economists have warned that it would be a far greater risk to pass one that is too small and that, therefore, it would be better to take that risk on the side of making the package a bigger one.

The increase in food stamps and unemployment benefits, the tax credits, all begin to put money in the hands where it's needed. Robust State stabilization funds and infrastructure projects, green jobs, small business and training provisions create and replace the millions of jobs lost over the past 8 years. That's the recovery part.

These and the education, health care, broadband and renewable energy provisions are the critical reinvestments and the important change that Americans voted for and want the President and Congress to bring about.

We should keep much that the Senate put in and keep our provisions, even if it means a bill that may cost $900 billion, because it would have the dramatic impact our communities need today and build the strong foundation our Nation needs for the future.

The American people want and need change. Let's begin it with a robust American Recovery and Reinvestment Act.

U.S. DELEGATION SILENT AT UPR OF THE WORLD'S WORST HUMAN RIGHTS OFFENDERS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. The United Nations Human Rights Council is now conducting reviews of the human rights record of 16 countries, among which are China, Cuba, Saudi Arabia and Russia. And I was shocked and, quite frankly, disappointed to learn that the new administration has failed to fill its seat and has washed its hands of even questioning these countries. How can America be silent about four of the worst offenders of human rights and religious freedom around the world?

China has been designated by the State Department's annual Religious Freedom report as a country of particular concern since 1999. No administration comments.

Saudi Arabia has received this designation, too. Again, no comments from the new administration.

The U.S. Commission on Religious Freedom placed Cuba on their watch list. Again, no comment from this administration.

The administration made a pledge to place human rights at the top of its agenda, and yet they're absent at this very critical point. This is a bad start for this administration in the area of human rights and religious freedom.

MEDIA'S DOUBLE STANDARD ON PARTY ID

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Madam Speaker, breaking news. The national media spells scandal without the ''D.''

Two weeks ago the Governor of Illinois was removed from office. All three television networks ran full reports on the story the same night and again the following morning. Not one report mentioned that he is a Democrat.

The same has been true of numerous other Democrats recently embroiled in scandal. CNN ignored the party affiliation of the Democratic Mayor of Baltimore as news broke that she had been indicted. The AP did the same while covering the indictment of the former Democratic Mayor of Detroit. And in the aftermath of his sex scandal, network newscasts apparently forgot that the former Governor of New York is a Democrat.

Americans need and deserve balanced reporting from the media, not selective omissions.

THE ONLY THING WE HAVE TO FEAR IS FEAR ITSELF

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. In 1933, in the midst of the Great Depression, Franklin Delano Roosevelt, elected on a platform of change, said in his inaugural address, ''The only thing we have to fear is fear itself.''

In 1961, another President, John F. Kennedy, elected on a platform of change, said, ''Let us never negotiate out of fear, but let us never fear to negotiate.''

I ask my friends from both parties to heed this advice and reject the politics of fear. Let's not fear the negotiating table. Let's talk about meaningful bipartisan solutions that will benefit our country and get people back to work.

As Kennedy continued, ''United there is little we cannot do, but divided there is little we can do.''

Let us work together because people won't remember how fast we fixed this problem. They will, however, remember how well we fixed it.

GOVERNMENT SPENDING DOES NOT FIX ECONOMIC PROBLEMS

(Mr. HERGER asked and was given permission to address the House for 1 minute.)

Mr. HERGER. Madam Speaker, to paraphrase an old saying, those who don't learn from history are doomed to make things worse. History shows us that government spending does not fix economic problems. If spending was the key to a robust and sound economy, the U.S. should be in a boom time.

Government spending has been out of control for the past 20 years. Look where it has gotten us.

Spending that is delayed for 2 years is not stimulus. Spending for pet causes of Members of Congress is not stimulus. And temporary tax credits for people who already pay no income tax are not stimulus.

Madam Speaker, we need fast-acting tax relief for working families and small businesses. I urge the Senate to put good policy above politics.

□ 1415

THE ECONOMIC DOWNTURN

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Madam Speaker, job losses hurt individuals. They hurt families. They hurt other families because they hurt the economy, and everyone is hurt mentally as well as economically.

So what is causing the job loss? What is causing the downturn? Well, there is one thing we heard when we went to China and talked to people about why they moved their industries. They said it is because they have less than half the corporate tax than we have in the U.S. Yet still we are going to take up a bill to limit more drilling in the United States.

The report is out that, if Alaskan oil and gas were allowed to be developed, then it would create jobs in all 50 States. California would get 334,000 new jobs. Washington State would get 139,000 new jobs. Pennsylvania would get 142,000 new jobs. New York would

get 93,000 new jobs. New Jersey would get 39,000 new jobs. Illinois would get 40,000 new jobs. Overall, 2.2 million jobs would be added. Let us help America. Let us open up our own resources.

THE STIMULUS PACKAGE

(Mrs. MCMORRIS RODGERS asked and was given permission to address the House for 1 minute.)

Mrs. MCMORRIS RODGERS. Madam Speaker, right now, the United States Senate is still debating an $827 billion stimulus package. It is $7 billion more than what passed the House last week. Not only is it more expensive; it actually does little to create jobs and to grow the economy.

It spends $300 million on new cars for the Federal Government, and we just learned today that some of this money will be used for golf carts—that's right—for fancy golf carts. Unbelievable. $900 million will be used for public interest groups.

Our top priority in Congress needs to be turning our economy around and helping hardworking, middle class families. However, this legislation is showering money on the Federal Government so that government workers will be driving the newest cars, will be working in new or in recently renovated buildings and will still be receiving high wages and generous health and pension benefits while our small business owners and middle class families are struggling to make ends meet.

House Republicans have offered commonsense alternatives to stimulate and to grow the real economy. We would stabilize those home values and give much needed tax relief.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 17 minutes p.m.), the House stood in recess until approximately 4 p.m.

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MORAN of Virginia) at 4 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

NATIONAL GIRLS AND WOMEN IN SPORTS DAY

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 114) supporting the goals and ideals of ''National Girls and Women in Sports Day''.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 114

Whereas, since 1987, the National Girls and Women in Sports Coalition has declared February 4 as ''National Girls and Women in Sports Day'';

Whereas the House of Representatives has recognized the importance of girls and women in sports through title IX, which governs the overall equity of treatment and opportunity in athletics so that women have equal opportunities to participate in athletics;

Whereas the number of girls playing high school sports has increased from just under 300,000 during the 1971 to 1972 school year to nearly 3,000,000 during the 2005 to 2006 school year;

Whereas the number of women playing college sports grew from fewer than 32,000 in 1972 to nearly 171,000 from 2005 to 2006;

Whereas, despite great advancement, high school girls still receive 1,300,000 fewer participation opportunities than do boys, and the money spent on girls' sports is still far less than that spent on boys' sports;

Whereas high school girls who play sports are more likely to get better grades in school and are more likely to graduate than girls who do not play sports;

Whereas as little as 4 hours of exercise a week may reduce a girl's risk of breast cancer, osteoporosis, and obesity;

Whereas girls and women who play sports have a more positive body image, higher levels of confidence and self-esteem, and experience higher states of psychological well-being than girls and women who do not play sports;

Whereas the celebration of ''National Girls and Women in Sports Day'' would increase awareness of the importance sports play in the lives of girls and women in the United States; and

Whereas February 4, 2009, has been designated as ''National Girls and Women in Sports Day'' by the National Girls and Women in Sports Coalition: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of ''National Girls and Women in Sports Day'', an event sponsored by the National Girls and Women in Sports Coalition to honor the achievements of and encourage participation of girls and women in sports; and

(2) encourages the continued participation of schools and communities in providing opportunities for girls and women in elementary, secondary, and college sports to promote awareness of the positive influence of sports participation in the lives and health of girls and women, and the continuing struggle for equality and access for women in sports.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material regarding House Resolution 114 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of House Resolution 114, which recognizes February 4, 2009 as the 23rd National Girls and Women in Sports Day, and it also urges an increase in awareness of the importance sports plays in the lives of girls and women.

In 1987, the National Girls and Women in Sports Day began to celebrate the work of Olympic volleyball player Flo Hyman to advance gender equality in athletics. Today, National Girls and Women in Sports Day seeks to honor the struggle and achievements of women in athletics.

The participation rates of women and girls in sports has risen dramatically. Currently, more than 3 million girls participate in high school sports compared to less than 300,000 girls in 1971. The number of women playing college sports has increased from 32,000 to 171,000 in a little over 30 years. However, in spite of this impressive growth, the money and opportunities for males to participate in sports are still much greater than those available to females.

The benefits of sports participation cannot be overstated. High school girls who participate in athletics are more likely to have a healthy mind and body. Specifically, girls who play sports have better grades and are more likely to graduate compared to girls who do not participate in athletic activities. The risk of breast cancer, osteoporosis and obesity in girls is also reduced with as few as 4 hours of exercise a week.

Participating in sports helps promote healthy habits and improves self-esteem. These very traits have proven effective in combating eating disorders. Since 90 percent of people with eating disorders are female and 86 percent are under the age of 20, participating in sports can provide girls and young women across the Nation the necessary tools for success. Females who participate in sports are more likely to have a better body image and are less likely to suffer from psychological disorders.

Every February, we highlight the accomplishments of female athletes with

National Girls and Women in Sports Day. I would like to take this opportunity to note the accomplishment of a female athlete from the Northern Mariana Islands. Her name is Yvonne Deleon Guerrero Bennett. Yvonne has rewritten all the Micronesian records in sprint events. During the recent Oceania Area Championships, she made the finals in the 100, 200 and 400 meter events, setting records all along the way. For her accomplishments, she was voted Female Athlete of the Year by the Northern Marianas Amateur Sports Association. Off the track, Yvonne is an honor student.

On National Girls and Women in Sports Day, we remember the women who fought for equality in sports, and we celebrate the many girls and women, such as Yvonne Bennett, who are benefiting from the path paved by women like Flo Hyman.

Mr. Speaker, once again, I express my support for National Girls and Women in Sports Day. I thank Representative SIRES for introducing this important resolution, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 114, supporting the goals and the ideals of National Girls and Women in Sports Day.

Sports play an important role in the lives of American children. Millions of children participate in sports every day, and many look to professional athletes as role models. In the past few decades, female athletes have made innumerable accomplishments and contributions to the athletic world. Women have set world records for speed, have won hundreds of Olympic medals and have excelled as highly watched professional athletes. They have become the first college basketball coach to win 1,000 games, have been elected to the National Baseball Hall of Fame and have been named among the top 10 most influential people in sports history.

Female athletes also have the opportunity to compete and win championships throughout their educational careers, like my daughter Caroline. Caroline plays for the Greenwood High School Fastpitch Softball team, which won back-to-back Kentucky State championships in 2007 and 2008. I am very proud of my daughter, of her teammates and of all the other women and girls who compete in sports. Clearly, the accomplishments and importance of girls and women in sports are worthy of commemoration.

With that, I encourage my colleagues to vote in favor of this resolution.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, has the gentleman from Kentucky any further speakers?

Mr. GUTHRIE. We have no further speakers, Mr. Speaker.

Mr. SABLAN. Once again, I express my support for National Girls and Women in Sports Day, and I urge my colleagues to support this resolution.

Mr. SIRES. Mr. Speaker, today I am proud to discuss H. Res. 114, the National Girls and Women in Sports Day, which I introduced. Dedication, teamwork, discipline, courage, victory, and overcoming defeat can all be learned by participating in sports. Athletics are one of the best opportunities for personal growth, and yet there has not always been an equal opportunity for everyone to participate.

In 1971, only 300,000 women participated in high school sports and fewer than 32,000 competed in college sports. Thanks in large part to Title IX, opportunities for girls and women to participate in sports have expanded, so that today ten times more women participate in high school sports and five times as many participate in college sports than in 1971. However, we still have a long way to go. High school women still receive 1,300,000 fewer opportunities to participate than do boys, and the money spent on women's sports is far less than that spent on boys' sports.

National Girls and Women in Sports Day exists to overcome the final barriers for women in sports by celebrating female athletes' achievements, acknowledging the positive influence of sports participation in women's lives, and urging equality and access for women in sports. On February 4, 2009, the 23rd National Girls and Women in Sports Day was celebrated in schools and communities across the country.

The Stevens Institute of Technology, in my district, recognized a woman, who truly embodies the ideals of National Girls and Women in Sports Day. Emily Woo, a senior chemical biology major at one of the most demanding scientific institutions in the country, is an athlete, scholar, and leader. She boasts a 3.6 cumulative grade point average in a demanding major. She holds five different school swimming records and has been captain of the women's swimming team for two years. As if that were not enough, her coach credits her with turning the swimming program around and being the best leader he has ever encountered.

Emily Woo exemplifies the benefits of participation in sports. When girls and women participate, they are more likely to get better grades in school and are more likely to graduate. As little as four hours of exercise a week from sports activities may reduce a girl's risk of breast cancer, osteoporosis and obesity. Most importantly, when girls and women play sports, they have a more positive body image, higher levels of confidence, and are more likely to develop self-discipline, initiative, and leadership skills.

National Girls and Women in Sports Day, an event sponsored by the National Girls and Women in Sports Coalition, increases awareness of the importance sports play in the lives of girls and women. I introduced this resolution to support the goals and ideals of this important day and to encourage schools and communities to continue and increase opportunities for girls and women in sports. As a former athlete, I know firsthand the benefits of competing in sports; my life is richer and more well-rounded because of those experiences. Everyone regardless of background should have equal access to sports, and I commend the National Girls and Women in Sports Coalition for their work to give everyone a chance to play.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 114, which supports the goals and ideals of ''National Girls and Women in Sports Day.'' I commend my colleague Representative ALBIO SIRES of New Jersey for introducing this important resolution that will encourage girls and women's positive involvement in the athletic community and recognize February 4th as ''National Girls and Women in Sports Day.''

BACKGROUND

National Girls and Women in Sports Day is a special day for girls and women to celebrate their participation in sports and athletics. Encouraging girls and women to participate in sports has shown to have positive effect on a girls' development as well as social, physical, and emotional well-being. It gives them a better chance for becoming strong, independent women that will be able to positively contribute to and function within the American society.

Girls and women who play sports are more likely to get better grades than their counterparts who are inactive. They are also more likely to graduate from High School. Additionally, for women, sports also tend to result in higher levels of positive body image, self confidence, self-esteem, and psychological well being. The evidence shows that the correlation between female development and sports positively affects the lives of girls and women.

HISTORY

Title IX, Education Amendments of 1972, ensured that girls were entitled to equal education and federal funded opportunities as boys. When Title IX was enacted, 1 in 27 girls in high school participated in athletics. Today, one in three girls participates in athletics in high school now. These strides are certainly something that we should recognize, praise, and support.

However, despite the significant gains girls and women have made since the enactment of Title IX, girls are still facing pervasive inequalities. At the high school level, girls receive 1.3 million fewer participation opportunities than male high school athletes—a gap which has continued to grow in the past 5 years. Qualitative analysis suggests that high school girls still lag behind not only in participation opportunities, but in allocation of operating and recruitment budgets as well. Unlike their collegiate counterparts, high schools are not required to disclose any data on equity in sports—making it difficult for schools, students and parents to identify sources of inequality and ensure fairness in their schools' athletics programs. H. Res. 114 may not alleviate these problems, but it will support participation in activities and opportunities that will positively supplement our children's development.

WOMEN'S RIGHTS

Equality and women's rights are issues very important to me and those who reside within my district. In my own state of Texas, there are over 3 million women under the age of 18. This number represents the girls whose lives could be improved by the opportunity to become involved in a positive athletic atmosphere.

We must reach out and help these girls and women to become involved. I believe by showing our support for H. Res. 114 we are taking the first step.

CONCLUSION

H. Res. 114 will ensure that the United States House of Representatives supports the goals and ideals of "National Girls and Women in Sports Day to encourages girls and women throughout the United States to become involved in sports programs through their school and communities. H. Res. 114 will encourage schools and communities to provide opportunities for women to become positively involved in healthy, active atmospheres.

This resolution will emphasize the importance of sports during a girl's development and recognize the struggle for women to gain equality and access to sport participation. I urge my colleagues to support H. Res. 114 and provide opportunities to young girls and women throughout our nation.

Mr. SABLAN. I yield back the remainder of my time, Mr. Speaker.

Mr. GUTHRIE. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 114.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SABLAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING AND COMMENDING UNIVERSITY OF OKLAHOMA QUARTERBACK SAM BRADFORD FOR WINNING THE 2008 HEISMAN TROPHY

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 60) recognizing and commending University of Oklahoma quarterback Sam Bradford for winning the 2008 Heisman Trophy and for his academic and athletic accomplishments.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 60

Whereas Sam Bradford was born on November 8, 1987, to Kent and Martha Bradford;

Whereas Sam Bradford's mother and father have instilled in him an unparalleled work ethic, outstanding leadership qualities, and a desire to excel;

Whereas Sam Bradford is an active citizen of the Cherokee Nation of Oklahoma;

Whereas Sam Bradford is a dedicated student at the University of Oklahoma, majoring in Finance and maintaining a 3.95 grade point average;

Whereas Sam Bradford is a member of the University of Oklahoma's Fellowship of Christian Athletes;

Whereas Sam Bradford is the quarterback for the University of Oklahoma's football team (Oklahoma) and has played an integral role in such team's 2008 National Collegiate Athletic Association's (NCAA) national championship bid;

Whereas Sam Bradford completed 48 touchdown passes in the regular season, setting a University of Oklahoma record for touchdowns in a single season, and also leading the nation in touchdown passes in the 2008 season;

Whereas in 2008 Sam Bradford surpassed the NCAA record for most touchdowns by a quarterback through his freshmen and sophomore years;

Whereas in 2008 Sam Bradford led the nation in passing efficiency with a percentage of 186.28;

Whereas on October 18, 2008, Sam Bradford passed for 468 yards against the University of Kansas, setting a University of Oklahoma record for most passing yards in a single game;

Whereas in 2008 Sam Bradford guided Oklahoma to a 12–1 record and played an essential role in Oklahoma's victory over the University of Missouri in the 2008 Big 12 Championship game on December 6, 2008; and

Whereas on December 13, 2008, Sam Bradford became the 5th Oklahoma football player to win the Heisman Trophy, college football's most coveted and prestigious award: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends Sam Bradford for his academic and athletic accomplishments;

(2) congratulates Sam Bradford for winning the 2008 Heisman Trophy; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to University of Oklahoma President Boren and Head Football Coach Bob Stoops for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days in which Members may revise and extend their remarks and insert extraneous material on House Resolution 60 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

I rise today to congratulate the University of Oklahoma Sooners' quarterback, Sam Bradford, for winning the Heisman Trophy Award, and I thank Congresswoman FALLIN for introducing this resolution.

Mr. Speaker, the Heisman award is the Nation's most prestigious collegiate football award, and while Sam Bradford's outstanding athletic record has made him a most deserving candidate for the award, his qualities off the field also deserve to be recognized.

Sam Bradford received the Heisman Trophy on December 13, 2008, and became the first person of Native American descent and only the second sophomore in Heisman history to win the award. Bradford won the recognition of Heisman voters by breaking the NCAA freshman touchdown passing record with 36 touchdown passes and by breaking the NCAA record with a passing efficiency rating of 186.28. He set two school records by throwing for 48 touchdown passes in a single season and by passing for 468 yards in a single game against the University of Kansas.

With Bradford at the helm, the Sooners posted more points in a single season than any other team and brought the team to a 12–1 season record. Winning the Heisman award is a tremendous accomplishment, but I believe we should also recognize his accomplishments off the field.

Excelling in the classroom with a 3.95 grade point average, Sam Bradford epitomizes what a student athlete should be. He is an active citizen of the Cherokee Nation of Oklahoma, and is a member of the University of Oklahoma's Fellowship of Christian Athletes. Considering the demands of a Division I football program, his involvement off the field is to be commended.

Mr. Speaker, once again, I congratulate the University of Oklahoma's quarterback, Sam Bradford, for his outstanding year, and I urge my colleagues to pass this resolution.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 60, a resolution recognizing the academic and athletic achievements of Sam Bradford, the 2008 Heisman Trophy winner.

Samuel Jacob Bradford, the University of Oklahoma's quarterback, beat out the University of Florida's Tim Tebow and the University of Texas' Colt McCoy to win the Heisman Trophy last year. Bradford was the second sophomore and the fifth Oklahoma football player to ever win the Heisman Trophy. He is only the second person of Cherokee descent to ever start as quarterback for a Division I institution. During the quest for the Heisman, Bradford led the Sooners to the national championship game against Florida while maintaining an exemplary grade point average of 3.95 as a finance major at Oklahoma.

I am pleased to stand in support of this resolution honoring the fine academic and athletic achievements of Sam Bradford, but I would be remiss if I did not speak up on his behalf and on behalf of all the young people in America today to express my reservations

about the massive increase in our national debt and in our budget deficit that would come from the stimulus spending package currently making its way through Congress.

We need economic stimulus and we need it now, but if we do not provide the right mix of tax relief and benefits to working families and to small businesses, I am afraid that we may well make this recession far more worse than it already is. I hope we can work together to develop a conference agreement on the stimulus package that excludes nonemergency government spending but works to truly stimulate job growth and a more stable economy. I encourage my colleagues to vote in favor of this resolution.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield 5 minutes to the gentlelady from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Speaker, I am honored today to urge the passage of a resolution honoring an outstanding young man from my home State of Oklahoma and from my district, Sam Bradford, who is the winner of college football's highest honor, the Heisman Trophy, and of course he is from the great university, the University of Oklahoma.

It has been said that sports build character, and we always hope that is true, but Sam Bradford brings character to sports. He is a remarkable athlete, honor student and is a member of the Fellowship of Christian Athletes. Most recently, he reminded us as to how to set priorities in life.

□ 1615

He could have earned millions by entering the professional football draft, but yet he chose to return to college next fall and complete his degree.

Sam Bradford graduated from Putnam City North High School which is in my district, and he is the son of a former college football player. Two years ago, he stepped in as quarterback for the University of Oklahoma Sooners, his father's alma mater, and by the end of the his first season, he had thrown 36 touchdown passes, an NCAA record for a freshman.

Last year, he passed for 48 more touchdowns, setting another record along the way, and in January, he led his team, OU Sooners, into the national championship game. They did not win, but they played very well, and I guarantee you they played with honor. And after the game, we were treated to the image of two fine young men embracing on the field: Tim Tebow, last year's Heisman winner, and Sam Bradford. There are no better role models today in the sport than those two fine young men. And America would be better served, well-served if these two young men were to meet again next January in a national championship rematch, which I hope they do.

Of course, we are very partial to Sam Bradford and Oklahoma, and for a very good reason. He's a proud member of the Cherokee Indian Nation, and before each game, he rereads the biblical story of David and Goliath to remind himself that he must be his very best each day.

In both of his first two seasons, he has made the conference all-academic team as a scholar athlete, and I can assure you that there are hundreds, maybe even a thousand, small boys, young boys in Oklahoma that would love to grow up to be the next Sam Bradford, and they could hardly pick a better role model than Sam.

In an age where athletic success too often translates into what could be arrogance or even misbehavior, Oklahoma is proud of our most recent Heisman Trophy winner. He is a great quarterback. He is a great young man. He is humble in victory, and he is gracious in defeat.

Mr. Speaker, I'd like to urge this body to approve H. Res. 60, commending an Oklahoma Sooner who reminds us all that success on the playing field and true humility can go hand in hand.

I know that some of my colleagues from Oklahoma are also very proud of Sam Bradford. I know that some of them wanted to come today, but they were all catching their flights, but all the Oklahoma delegation in the House, in a bipartisan way, are supporting this resolution.

I would urge its adoption.

Mr. GUTHRIE. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, I thank the gentleman for yielding. As the gentleman from Kentucky knows, I was racing over here as my colleague from Oklahoma was extolling our Heisman Trophy winner Sam Bradford. I was caught on the barber's chair as this momentous event began, and so the gentleman has been kind enough to allow me to address some of my remarks toward Mr. Bradford's achievement.

I want to begin by thanking my good friend, the gentlelady from Oklahoma, Mary Fallin, for bringing the resolution to the floor honoring Sam Bradford and his remarkable achievements. He was born in my colleague's district, but his distinction was really earned in mine because he plays at the University of Oklahoma, and we're extraordinarily proud of him as a player, as any college would be.

He frankly has won two Big 12 titles in his 2 years. He's had the opportunity to play for a national championship. We came up a little bit short in that game, and we congratulate our friends at the University of Florida who played a great game with a great quarterback, Mr. Tebow, but we look forward to having the opportunity to meet them or somebody else somewhere down the road.

We're proud of everything he's done. He's led the country in passing. He's one of the most accurate throwers, led the country in touchdown passes. You could literally list the achievements at great length, but frankly, we're proud of him as a student.

In a day when a lot of athletes are there simply to play football or basketball or track or whatever their sport is, Sam Bradford is a 3.95 major in finance at the University of Oklahoma. So he's pretty serious about his academic life.

We're proud of him as a person. Frankly, he's active in the Fellowship of Christian Athletes. He is active in Read Across America. Obviously, we're very proud of his native heritage as a member of the Cherokee Nation. And that's important to us in Oklahoma, certainly important to me as a member of the Chickasaw Nation, to see the kind of role model he is, not only for Cherokees but, frankly, for young men and women all across Indian country, regardless of tribal affiliation.

I think we're probably most proud of him, Mr. Speaker, for the manner in which he leads. He is a quiet leader. He's not a shouter. He's not somebody that is theatrical on the field. You don't see him engaging in taunting for the type of celebration that frankly glorifies the individual at the expense of the team. You see him lead by example.

And all of his fellow players comment on this repeatedly, that in the huddle, he's quiet, he's professional, he's business-like, he's quick to give the credit to the people that he plays with; and, frankly, he's quick to give the credit to his opponents who he regards with respect and as worthy adversaries and people who bring their own traits of hard work and character to the field.

The relationship that he had with not only Mr. Tebow but also with our rivals in the south, Colton McCoy of the University of Texas, is the kind of relationship you like to see on the football field, and frankly probably something all of us in this Chamber could take a lesson from.

I doubt there is any fiercer rivalry in college football than there is between the University of Texas and the University of Oklahoma. And I also doubt that there are any two schools that are prouder of their two quarterbacks, and I also doubt there are any two quarterbacks that respect one another's talents more and are quick to praise the other's achievements not only over the course of the season but in the contest in which they're in.

So we are extraordinarily proud, obviously, of Sam Bradford, Mr. Speaker, because he's led us to victory on the athletic field, because he's been a student; because, frankly, he's engaged in

activities beyond being an athlete and beyond being a student to help others and to help his community, because of his Native American heritage. But most of all, simply because of the kind of person that he is.

He's a role model not just in athletics and not just from my State but, frankly, he's the kind of person that all of us should aspire to be. And he's wise beyond his years, and he conducts himself in a manner well beyond his years.

With that, again, I thank my colleague, Ms. FALLIN from the State of Oklahoma, for bringing this resolution. It's a privilege for me to speak on it.

Mr. SABLAN. Does the gentleman from Kentucky have any further speakers?

Mr. GUTHRIE. I have no further speakers, Mr. Speaker.

Mr. Speaker, I support this resolution, House Resolution 60, and urge my colleagues to join me in voting ''yes.''

I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, once again I congratulate University of Oklahoma quarterback Sam Bradford for his outstanding year, and I urge my colleagues to pass this resolution.

Mr. BOREN. Mr. Speaker, I rise today to honor Sam Bradford and the entire OU Football team on their success, both individually and as a team, in the '08–'09 season.

Sam would be the first person to remind you that one doesn't win an award like the Heisman Trophy without the hard work, determination, and success of your fellow teammates, coaches, and staff.

He has said as much on many occasions. But in this instance, Sam Bradford also deserves special recognition for his poised leadership and his dedication to excellence on and off the field.

His exceptional play is matched only by the outstanding example that he sets for young student-athletes in Oklahoma and across the nation.

Congratulations, Sam, on winning the 2008–2009 Heisman Trophy.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 60 ''Recognizing and commending University of Oklahoma Quarterback Sam Bradford for winning the 2008 Heisman Trophy and for his academic and athletic accomplishments.'' I want to thank my colleague Congresswoman MARY FALLIN of Oklahoma, for introducing this resolution.

Sam Bradford of the University of Oklahoma was selected as the 74th winner of the Heisman Memorial Trophy as the Most Outstanding College Football Player in the United States for 2008. Bradford, Oklahoma's amazingly accurate and quick-thinking passer, won the Heisman Trophy after leading the highest-scoring team in major college history to the BCS title game.

Bradford hails from Oklahoma City, OK. This year, he completed 302 of his 442 passes this year, which amounted to 4,464 yards and 48 touchdowns while throwing only 6 interceptions during the regular season. He also rushed for 5 touchdowns.

While leading the highest scoring offense in the history of Division I College Football, Bradford broke the Oklahoma season and career touchdown records both previously held by 2003 Heisman winner Jason White. Bradford's 84 career touchdowns are the most ever for a player at the end of his sophomore season.

The Big 12 Athletic Conference was at the epicenter of college football this season, with both the national championship race and Heisman chase turning weekly on games played by its three powerhouse teams, including the pride of Texas, the University of Texas Longhorns. Bradford is the fifth Oklahoma player to win the award, and second during coach Bob Stoops' 10 seasons with the Sooners.

Mr. Bradford is not only outstanding on the football field, but he is a scholar in the classroom as well. He puts the student in student-athlete, as he has outstanding academics as a finance major. One of his professors acknowledged that ''without reservation, if all of my students were like Sam, my job would be really easy.''

Even though Sam Bradford was victorious over Quarterback Colt McCoy of my beloved University of Texas Longhorns, I extend my hand of congratulations on this wonderful accomplishment of winning the Heisman Trophy.

I know that Congresswoman FALLIN and the other Representatives from the State of Oklahoma are quite proud of this amazing feat.

Mr. Speaker, this commendation today recognizes Sam Bradford from the University of Oklahoma, and his 2008 Heisman Trophy win. This resolution also notes the extraordinary commitment and daily sacrifices made by this exceptional young man. I urge my colleagues to support this resolution.

Mr. SABLAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 60.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SABLAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

AIRLINE FLIGHT CREW TECHNICAL CORRECTIONS ACT

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 912) to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Airline Flight Crew Technical Corrections Act''.

SEC. 2. LEAVE REQUIREMENT FOR AIRLINE FLIGHT CREWS.

(a) INCLUSION OF AIRLINE FLIGHT CREWS.—Section 101(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(2)) is amended by adding at the end the following:

''(D) AIRLINE FLIGHT CREWS.—

''(i) DETERMINATION.— For purposes of determining whether an employee who is a flight attendant or flight crewmember (as such terms are defined in regulations of the Federal Aviation Administration) meets the hours of service requirement specified in subparagraph (A)(ii), the employee will be considered to be eligible if—

''(I) the employee has worked or been paid for 60 percent of the applicable monthly guarantee, or the equivalent annualized over the preceding 12-month period; and

''(II) the employee has worked or been paid for a minimum of 504 hours during the preceding 12-month period.

''(ii) DEFINITION.—As used in this subparagraph, the term 'applicable monthly guarantee' means—

''(I) for employees described in clause (i) other than employees on reserve status, the minimum number of hours for which an employer has agreed to schedule such employees for any given month; and

''(II) for employees described in clause (i) who are on reserve status, the number of hours for which an employer has agreed to pay such employees on reserve status for any given month,

as established in the collective bargaining agreement, or if none exists in the employer's policies. Each employer of an employee described in clause (i) shall maintain on file with the Secretary (in accordance with regulations the Secretary may prescribe) the applicable monthly guarantee with respect to each category of employee to which such guarantee applies.''.

(b) CALCULATION OF LEAVE FOR AIRLINE FLIGHT CREWS.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

''(5) CALCULATION OF LEAVE FOR AIRLINE FLIGHT CREWS.—The Secretary may provide, by regulation, a method for calculating the leave described in paragraph (1) with respect to employees described in section 101(2)(D).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 912 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I want to start by thanking Chairman MILLER for supporting this bill and for helping to bring it to the floor so quickly. I would also like to thank Representative MCCOTTER for being the lead Republican cosponsor of the bill, as well as my colleagues who have cosponsored this bill. In the 110th Congress, this bill passed by an overwhelming majority, 409–2. This legislation submitted today is identical to the measure that passed in the 110th Congress, and I hope it once again receives the strong support it did in the last Congress.

H.R. 912 simply states that an airline crew member will be eligible for Family Medical Leave Act benefits if they have been paid for or completed 60 percent of their company's monthly hour or trip guarantee and have worked 504 hours.

The Family Medical Leave Act, or FMLA, has been a great program for working families in this country since it was passed in 1993. No one can question the benefit it has provided for working men and women by being able to take time off from work to care for themselves or for their family members.

The intent of the law was to provide for 12 weeks of unpaid leave if an employee had worked 60 percent of a full-time schedule over the past year, which equates to about 1,250 hours per year. Therefore, in order to qualify for FMLA coverage, an employee has to have logged in at least 1,250 hours over a 12-month period to be eligible.

While 1,250 hours adequately reflects 60 percent of a normal full-time schedule for the vast majority of employees in this country, that equation does not work for flight attendants and pilots. Flight attendants and pilots work under the Railway Labor Act rather than the Fair Labor Standards Act, which covers most 9:00 to 5:00 workers.

Time between flights, whether during the day or on overnight/layovers, is based on company scheduling requirements and needs but does not count towards crew member time at work. Flight attendants and pilots can spend up to 4 to 5 days a week away from home and family due to the nature of their job; however, all of these hours will not count towards qualification.

The courts have strictly interpreted the law and insisted that crew members must abide by the 1,250 hours for qualification, even though the intent of the law was to work 60 percent of a full-time schedule.

Thus, airline flight crews have been left out of what was once a legislation that was intended to cover them. Therefore, a technical correction is needed to ensure that FMLA benefits are extended to these employees. This legislation seeks to clarify the original intent of the law.

This legislation brings these transportation workers in line with the intent of the original legislation and as promised when the law was passed.

Last year, during a committee hearing, we heard from Jennifer Hunt, a flight attendant for U.S. Airways. Jennifer was denied FMLA benefits when she applied to take time off to care for her ill husband, an Iraq War vet. Jennifer, unfortunately, like many other flight attendants and pilots as well, did not meet the hourly requirements and, thus, was denied coverage.

Again, I thank the chairman for his support in bringing this legislation to the floor, and I urge the support of my colleagues.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I rise in support of H.R. 912, the Airline Flight Crew Technical Corrections Act, and I yield myself such time as I consume.

Mr. Speaker, we just heard this bill is needed to address a very narrow, very specific concern. At issue is the fact that some airline personnel are subject to a unique scheduling process in which they are paid for being on-call but, in some cases, are not credited with those hours in the calculation used for Family Medical Leave Act eligibility. The practical impact of this technicality is that some flight crew personnel may work a full-time schedule but fail to qualify for family and medical leave. This is a real concern for those grappling with health conditions or family obligations.

Many Members have been uneasy about efforts to open the Family Medical Leave Act for small changes when it is clear that broader reforms are necessary. The FMLA has worked well for 16 years, offering workers the flexibility to tend to their own health or to care for a loved one in their time of need without fear of losing their job.

But despite the law's many successes, it has also become clear that changes are needed. The realities of today's workplaces are different than those of a decade and a half ago. Courts have offered evolving interpretations, and as is often the case with such a sweeping change to employment law, there have been unintended consequences for both employers and employees.

I know the majority has worked with Members on our side of the aisle to craft this legislation carefully and to avoid some of the pitfalls that could come with piecemeal reform of the FMLA. I want to thank them for ensuring this bill does exactly what it intends, no more and no less.

Mr. Speaker, the bill before us today is an important opportunity to extend the protections of the FMLA to flight crew who might otherwise be denied benefits under the law. I hope we can follow the example set with this legislation and work together to find sensible solutions to the challenges facing all of America's working families.

Mr. Speaker, I reserve the balance of my time.

□ 1630

Mr. BISHOP of New York. Does the gentleman from Kentucky have any further speakers?

Mr. GUTHRIE. No, Mr. Speaker.

Mr. BISHOP of New York. Mr. Speaker, I continue to reserve.

Mr. GUTHRIE. Mr. Speaker, I support this narrowly crafted legislation and urge my colleagues to join me in voting ''yes.''

I yield back the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, in closing, let me just say that the extent to which the two sides cooperated on this bill I think serves as a model for the way that legislation can go forward in this Chamber. We worked together very cooperatively both at the staff level and at the member level to work out issues that existed that were sources of concern to various members. We were able to do that. And as I say, in the last Congress, we only had two dissenting votes.

I am hopeful that we will have similar support in this Congress, and I am also very hopeful that this measure, which last Congress was stalled in the Senate, this year will receive a somewhat better fate in the Senate so that we can act to correct this very narrow omission, if you will, in what is an otherwise very good law.

With that, Mr. Speaker, I urge the support of my colleagues.

Mr. MCCOTTER. Mr. Speaker, I rise in support of the Airline Flight Crew Technical Corrections Act. In 1993, Congress passed the Family Medical Leave Act (FMLA) which provided up to 12 weeks of unpaid leave for employees to care for themselves or family members if the employee worked 1,250 hours (or 60 percent of a full time schedule for most 9–5 employees). Since then, the FMLA has provided many individuals and working families in my district and around the country an opportunity to provide for themselves and family members during medical emergencies.

As intended, the FMLA provides full-time workers unpaid leave in medical emergencies, however due to a United States District Court ruling, airline flight crew are largely ineligible to FMLA benefits. Specifically, the court created an insurmountable obstacle for flight crews by deciding flight attendants and pilots can only count in flight hours towards the 1,250 hours required to qualify for the FMLA benefits. Typically, flight time only accounts for a portion of flight crew's paid working hours. Between flights, airlines require flight attendants and pilots to spend numerous hours ''on call'' and away from their families. While airlines compensate flight crews for their time ''on call,'' under the FMLA flight crews remain ineligible to receive benefits.

This is blatantly unfair.

To correct this oversight and restore the original intent of the FMLA, Representative TIM BISHOP introduced the Airline Flight Crew Technical Corrections Act. I commend Representative BISHOP for his leadership and I am proud to join him in ensuring flight crews are not penalized for working in an industry which does not run on a 9–5 schedule.

If enacted, the Airline Flight Crew Technical Corrections Act will extend FMLA eligibility to airline flight crews who work 60 percent of a full time schedule at their airline. Importantly, upon enactment over 200,000 full-time flight crew personnel will be able to receive FMLA benefits. Thus, Mr. Speaker I urge the immediate passage of the Airline Flight Crew Technical Corrections Act.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 912, the ''Airline Flight Crew Technical Corrections Act.'' I thank my colleague Congressman TIMOTHY BISHOP from New York, for sponsoring this important resolution, I urge my colleagues to support this legislation.

Mr. Speaker, H.R. 912, the Airline Flight Crew Technical Corrections Act, is an amendment to the Family and Medical Leave Act of 1993. This resolution addresses the hours-of-service requirement airline flight crews must meet to be eligible for leave under such Act.

The Family and Medical Leave Act (FMLA) is a law that helps many workers be compensated when they must leave their work for an emergency. But airline workers do not meet the qualifications to get these benefits because their hours are calculated differently than most wage earners'.

Flight attendants spend only a part of their job in the skies, but that time in the sky is all that is recorded for determining their FMLA benefits. Flight attendants need H.R. 912, the Airline Flight Crew Technical Corrections Act, to be enacted so that they can be covered by the FMLA. Importantly, the bill would expand an existing private-sector mandate on employers by requiring them to allow additional employees to take up to 12 work-weeks of unpaid leave for certain family and medical reasons.

As a member of the Committee on Homeland Security and Chairwoman of the Subcommittee on Transportation Security and Infrastructure Protection, I am familiar with the pressures and expectations placed upon flight crews. Crewmembers work long inconvenient hours with little to no consistency in their workday.

H.R. 912, the Airline Flight Crew Technical Corrections Act, will give them that consistency that their career fails to provide. This legislation will set a standard for granting flight crew leave based on a measurable hours of service standard. Flight crew members will meet eligibility requirements if they meet 60% of the applicable monthly guarantee, or the equivalent annualized over the preceding 12-month period, or a total of 504 during that same period.

This would give flight crews a fair opportunity to receive the same benefits that are afforded to all other parties covered previously in the Family and Medical Leave Act of 1993. In the past weeks, Americans have seen and heard firsthand from the crew of flight 1549 and how they can react when all odds are against them. The flight crew's ability to react in time of emergency is clear and it is our job as members of Congress to ensure them that if and when they should be struck by personal crisis they will be able to take the necessary time off in order to fully tend to their family or their own situation. Situations already described in the Family and Medical Leave Act of 1993 are as follows: For the birth and care of the newborn child of the employee; for placement with the employee of a son or daughter for adoption or foster care; to care for an immediate family member (spouse, child, or parent) with a serious health condition; or to take medical leave when the employee is unable to work because of a serious health condition.

How do we tell these employees that their hard work does not give them the ability to care for their families in time of need? This is a promise we must keep.

Mr. Speaker, as a strong supporter of the rights of Transportation Security Administration employees I urge my colleagues to join me in supporting the Airline Flight Crew Technical Corrections Act. This bill will make the benefits given to flight crew members equal to those already covered under the Family and Medical Leave Act of 1993.

Mr. BISHOP of New York. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 912.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

WASHINGTON, DC,
February 5, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI: This letter is to inform you that I will be taking a leave of absence from my position on the House Armed Services Committee (HASC); however, I reserve the right to retain my seniority on HASC during my service on the House Permanent Select Committee on Intelligence.

Please do not hesitate to contact me or my Chief of Staff, Jason Buckner, with any questions or concerns.

Respectfully yours,

DAN BOREN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PUBLICATION OF THE RULES OF THE COMMITTEE ON HOUSE ADMINISTRATION, 111TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BRADY) is recognized for 5 minutes.

Mr. BRADY of Pennsylvania. Madam Speaker, pursuant to clause 2(a)(2) of Rule XI of the rules of the House of Representatives, I submit the Rules of the Committee on House Administration for the 111th Congress for printing in the CONGRESSIONAL RECORD. The committee rules were adopted by voice vote, with a quorum present, at the organizational meeting of Tuesday, January 27, 2009.

RULES OF THE COMMITTEE ON HOUSE ADMINISTRATION, ONE HUNDRED ELEVENTH CONGRESS

RULE NO. 1: GENERAL PROVISIONS

(a) The Rules of the House are the rules of the Committee so far as applicable, except that a motion to recess from day to day is a privileged motion in the Committee. Each subcommittee of the committee is a part of the committee and is subject to the authority and direction of the chair and to its rules as far as applicable.

(b) The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under House Rule X and, subject to the adoption of expense resolutions as required by House Rule X, clause 6, to incur expenses (including travel expenses) in connection therewith.

(c) The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee, and to make such information available to the public. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid from the appropriate House account.

(d) The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under House Rules X and XI during the Congress ending at noon on January 3 of such year.

(e) The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE NO. 2: REGULAR AND SPECIAL MEETINGS

(a) The regular meeting date of the Committee on House Administration shall be the second Wednesday of every month when the House is in session in accordance with Clause 2(b) of House Rule XI. Additional meetings may be called by the Chair of the Committee as she or he may deem necessary or at the request of a majority of the members of the Committee in accordance with Clause 2(c) of House Rule XI. The determination of the business to be considered at each meeting shall be made by the Chair subject to Clause 2(c) of House Rule XI. A regularly scheduled meeting may be dispensed with if, in the judgment of the Chair, there is no need for the meeting.

(b) If the Chair is not present at any meeting of the Committee, or at the discretion of the Chair, the Vice Chair of the Committee shall preside at the meeting. If the Chair and Vice Chair of the Committee are not present at any meeting of the Committee, the ranking member of the majority party who is present shall preside at the meeting.

RULE NO. 3: OPEN MEETINGS

As required by Clause 2(g), of House Rule XI, each meeting for the transaction of business, including the markup of legislation of the Committee shall be open to the public

except when the Committee in open session and with a quorum present determines by record vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House: Provided, however, that no person other than members of the Committee, and such congressional staff and such other persons as the Committee may authorize, shall be present in any business or markup session which has been closed to the public.

RULE NO. 4: RECORDS AND ROLLCALLS

(a)(1) A record vote shall be held if requested by any member of the Committee.

(a)(2) The result of each record vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against; and the members present but not voting.

(a)(3) The Chairman shall make the record of the votes on any question on which a record vote is demanded available on the Committee's website not later than two calendar days after such vote is taken (excluding Saturdays, Sundays, and legal holidays). Such record shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting.

(b)(1) Subject to subparagraph (2), the Chair may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chair may resume proceedings on a postponed request at any time.

(2) In exercising postponement authority under subparagraph (1), the Chair shall take all reasonable steps necessary to notify members on the resumption of proceedings on any postponed record vote.

(3) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(c) All Committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chair; and such records shall be the property of the House and all members of the House shall have access thereto.

(d) House records of the Committee which are at the National Archives shall be made available pursuant to House Rule VII. The Chair shall notify the ranking minority member of any decision to withhold a record pursuant to the rule, and shall present the matter to the Committee upon written request of any Committee member.

(e) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

RULE NO. 5: PROXIES

No vote by any member in the Committee may be cast by proxy.

RULE NO. 6: POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee or any subcommittee thereof is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, documents and other materials as it deems necessary, including materials in electronic form. The Chair, or any member designated by the Chair, may administer oaths to any witness.

(b)(1) A subpoena may be authorized and issued by the Committee or subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the Chair pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(2) Compliance with any subpoena issued by the Committee or a subcommittee may be enforced only as authorized or directed by the House.

RULE NO. 7: QUORUMS

No measure or recommendation shall be reported to the House unless a majority of the Committee is actually present. For the purposes of taking any action other than reporting any measure, issuance of a subpoena, closing meetings, promulgating Committee orders, or changing the rules of the Committee, one-third of the members of the Committee shall constitute a quorum. For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

RULE NO. 8: AMENDMENTS

Any amendment offered to any pending legislation before the Committee or a subcommittee must be made available in written form when requested by any member of the Committee. If such amendment is not available in written form when requested, the Chair will allow an appropriate period of time for the provision thereof.

RULE NO. 9: HEARING PROCEDURES

(a) The Chair, in the case of hearings to be conducted by the Committee, and the appropriate subcommittee chair, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one (1) week before the commencement of that hearing. If the Chair, with the concurrence of the ranking minority member, determines that there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote, a quorum being present, the Chair shall make the announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the Chair, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of his or her statement.

(c) When any hearing is conducted by the Committee upon any measure or matter, the minority party members on the Committee shall be entitled, upon request to the Chair by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Any member of the Committee may, if a subcommittee grants unanimous consent for a specific hearing, be permitted to sit during that hearing with a subcommittee on which he or she does not serve, but no member who has not been elected to a subcommittee shall count for a quorum, offer any measure, motion, or amendment, or vote on any matter before that subcommittee.

(e) Committee or subcommittee members may question witnesses only when they have been recognized by the Chair for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended as provided by House Rules. The questioning of a witness in Committee or subcommittee hearings shall be initiated by the Chair, followed by the ranking minority member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the Chair shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority. The Chair may accomplish this by recognizing two majority members for each minority member recognized.

(f) The following additional rules shall apply to hearings of the Committee or a subcommittee, as applicable:

(1) The Chair at a hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the Committee rules and this clause shall be made available to each witness as provided by clause 2(k)(2) of Rule XI.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chair may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House for contempt.

(5) If the Committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and (C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (f)(5), the Chair shall receive and the Committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee.

(8) In the discretion of the Committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or,

if given at an executive session, when authorized by the Committee.

RULE NO. 10: PROCEDURES FOR REPORTING MEASURES OR MATTERS

(a)(1) It shall be the duty of the Chair to report or cause to be reported promptly to the House any measure approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the Committee on a measure which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chair notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported to the House unless a majority of the Committee is actually present.

(2) With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) The report of the Committee on a measure or matter which has been approved by the Committee shall include the matters required by Clause 3(c) of Rule XIII of the Rules of the House.

(d) Each report of the Committee on each bill or joint resolution of a public character reported by the Committee shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(e) If, at the time any measure or matter is ordered reported by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice, commencing on the day on which the measure or matter(s) was approved, excluding Saturdays, Sundays, and legal holidays, in which to file such views, in writing and signed by that member, with the clerk of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views, in the form submitted, by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subparagraph (c)) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c); or

(B) the filing of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the Committee upon that measure or matter.

(3) shall, when appropriate, contain the documents required by Clause 3(e) of Rule XIII of the Rules of the House.

(f) The Chair, following consultation with the ranking minority member, is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House, relating to going to conference with the Senate, whenever the Chair considers it appropriate.

(g) If hearings have been held on any such measure or matter so reported, the Committee shall make every reasonable effort to have such hearings published and available to the members of the House prior to the consideration of such measure or matter in the House.

(h) The Chair may designate any majority member of the Committee to act as ''floor manager'' of a bill or resolution during its consideration in the House.

RULE NO. 11: COMMITTEE OVERSIGHT

The Committee shall conduct oversight of matters within the jurisdiction of the Committee in accordance with House Rule X, clause 2 and clause 4. Not later than February 15 of the first session of a Congress, the Committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plan for that Congress in accordance with House Rule X, clause 2(d).

RULE NO. 12: REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriation for continuing programs and activities of the Federal Government will be made annually to the maximum extent feasible and consistent with the nature, requirement, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in Clause 4(e) of Rule X of House Rules.

(b) The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting there from, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocation made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. 13: BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Whenever any hearing or meeting conducted by the Committee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, as provided in Clause 4 of House Rule XI, subject to the limitations therein. Operation and use of any Committee Internet broadcast system shall be fair and nonpartisan and in accordance with Clause 4(b) of rule XI and all other applicable rules of the Committee and the House.

RULE NO. 14: COMMITTEE AND SUBCOMMITTEE STAFF

The staff of the Committee on House Administration shall be appointed as follows:

(a) The staff shall be appointed by the Chair except as provided in paragraph (b), and may be removed by the Chair, and shall work under the general supervision and direction of the Chair;

(b) All staff provided to the minority party members of the Committee shall be appointed by the ranking member, and may be removed by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member;

(c) The appointment of all professional staff shall be subject to the approval of the Committee as provided by, and subject to the provisions of, clause 9 of Rule X of the Rules of the House;

(d) The Chair shall fix the compensation of all staff of the Committee, after consultation with the ranking minority member regarding any minority party staff, within the budget approved for such purposes for the Committee.

RULE NO. 15: TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel for any member or any staff member shall be paid only upon the prior authorization of the Chair or her or his designee. Travel may be authorized by the Chair for any member and any staff member in connection with the attendance at hearings conducted by the Committee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chair in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel will occur;

(3) The locations to be visited and the length of time to be spent in each; and

(4) The names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the Committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee, prior authorization must be obtained from the Chair. Before such authorization is given, there shall be submitted to the Chair, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;
(B) the dates during which the travel will occur;
(C) the names of the countries to be visited and the length of time to be spent in each;
(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and
(E) the names of members and staff for whom authorization is sought.
(2) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, members and staff attending meetings or conferences shall submit a written report to the Chair covering the activities and other pertinent observations or information gained as a result of such travel.
(c) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

RULE NO. 16: NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be two standing subcommittees, with party ratios of members as indicated. Subcommittees shall have jurisdictions as stated by these rules, may conduct oversight over such subject matter, and may consider such legislation as may be referred to them by the Chair. The names and jurisdiction of the subcommittees shall be:
(1) Subcommittee on Capitol Security—(2/1). Matters pertaining to operations and security of the Congress, and of the Capitol complex including the House wing of the Capitol, the House Office Buildings, the Library of Congress, and other policies and facilities supporting congressional operations; the U.S. Capitol Police.
(2) Subcommittee on Elections—(4/2). Matters pertaining to the Federal Election Campaign Act, the Federal Contested Elections Act, the Help America Vote Act, the National Voter Registration Act, the Uniformed and Overseas Citizens Absentee Voting Act, the Federal Voting Assistance Program, the Bipartisan Campaign Reform Act, the Americans with Disabilities Act (accessibility for voters with disabilities), the Federal Elections Commission (FEC), the Elections Assistance Commission (EAC), and other election related issues.
(b) No subcommittee shall meet during any full Committee meeting or hearing.
(c) The Chair may establish and appoint members to serve on task forces of the Committee, to perform specific functions for limited periods of time, as she or he deems appropriate.

RULE NO. 17: REFERRAL OF LEGISLATION TO SUBCOMMITTEES

The Chair may refer legislation or other matters to a subcommittee, or subcommittees, as she or he considers appropriate. The Chair may discharge any subcommittee of any matter referred to it.

RULE NO. 18: OTHER PROCEDURES AND REGULATIONS

The Chair may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

RULE NO. 19: DESIGNATION OF CLERK OF THE COMMITTEE

For the purposes of these rules and the Rules of the House of Representatives, the staff director of the Committee shall act as the clerk of the Committee.

PUBLICATION OF THE RULES OF THE COMMITTEE ON HOMELAND SECURITY, 111TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. Madam Speaker, pursuant to Rule XI, Clause 2(a)(2) of the Rules of the House of Representatives, I respectfully submit the rules for the 111th Congress for the Committee on Homeland Security for publication in the CONGRESSIONAL RECORD. The Committee adopted these rules by unanimous consent, with a quorum being present, at our organizational meeting on February 4, 2009.

COMMITTEE ON HOMELAND SECURITY,
COMMITTEE RULES, ADOPTED FEBRUARY 4, 2009

RULE I.—GENERAL PROVISIONS

(A) Applicability of the Rules of the U.S. House of Representatives.—The Rules of the U.S. House of Representatives (the ''House'') are the rules of the Committee on Homeland Security (the ''Committee'') and its subcommittees insofar as applicable.
(B) Applicability to Subcommittees.—Except where the terms ''Full Committee'' and ''subcommittee'' are specifically mentioned, the following rules shall apply to the Committee's subcommittees and their respective Chairmen and Ranking Minority Members to the same extent as they apply to the Full Committee and its Chairman and Ranking Minority Member.
(C) Appointments by the Chairman.—The Chairman shall designate a Member of the Majority party to serve as Vice Chairman of the Full Committee. The Vice Chairman of the Full Committee shall preside at any meeting or hearing of the Full Committee during the temporary absence of the Chairman. In the absence of both the Chairman and Vice Chairman, the Chairman's designee shall preside.
(D) Recommendation of Conferees.—Whenever the Speaker of the House is to appoint a conference committee on a matter within the jurisdiction of the Full Committee, the Chairman shall recommend to the Speaker of the House conferees from the Full Committee. In making recommendations of Minority Members as conferees, the Chairman shall do so with the concurrence of the Ranking Minority Member of the Committee.
(E) Motions to Disagree.—The Chairman is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chairman considers it appropriate.
(F) Committee Website.—The Chairman shall maintain an official Committee website for the purposes of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee Members, other Members, and the public at large. The Ranking Minority Member may maintain a similar website for the same purposes.

RULE II.—TIME OF MEETINGS

(A) Regular Meeting Date.—The regular meeting date and time for the transaction of business of the Full Committee shall be on the first Wednesday that the House is in Session each month, unless otherwise directed by the Chairman.
(B) Additional Meetings.—At the discretion of the Chairman, additional meetings of the Committee may be scheduled for the consideration of any legislation or other matters pending before the Committee or to conduct other Committee business. The Committee shall meet for such purposes pursuant to the call of the Chairman.
(C) Consideration.—Except in the case of a special meeting held under clause 2(c)(2) of House Rule XI, the determination of the business to be considered at each meeting of the Committee shall be made by the Chairman.

RULE III.—NOTICE AND PUBLICATION

(A) Notice.—
(1) Hearings.—Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Chairman of the Committee shall make public announcement of the date, place, and subject matter of any hearing before the Full Committee or subcommittee at least one week before the commencement of the hearing. However, if the Chairman of the Committee, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. The names of all witnesses scheduled to appear at such hearing shall be provided to Members no later than 48 hours prior to the commencement of such hearing.
(2) Meetings.—The date, time, place and subject matter of any meeting, other than a hearing or a regularly scheduled meeting, shall be announced at least 36 hours in advance of a meeting, excluding Saturdays, Sundays, and Federal Holidays except when the House is in session on such a day, to take place on a day the House is in session, and 72 hours in advance of a meeting, excluding Saturdays, Sundays, and Federal Holidays except when the House is in session on such a day, to take place on a day the House is not in session, except in the case of a special meeting called under clause 2(c)(2) of House Rule XI. These notice requirements may be waived by the Chairman with the concurrence of the Ranking Minority Member.
(a) Copies of any measure to be considered for approval by the Committee at any meeting, including any mark, print or amendment in the nature of a substitute shall be provided to the Members at least 24 hours in advance.
(b) The requirement in subsection (a) may be waived or abridged by the Chairman, with advance notice to the Ranking Minority Member.
(3) Publication.—The meeting or hearing announcement shall be promptly published in the Daily Digest portion of the Congressional Record. To the greatest extent practicable, meeting announcements shall be entered into the Committee scheduling service of the House Information Resources.

RULE IV.—OPEN MEETINGS AND HEARINGS; BROADCASTING

(A) Open Meetings.—All meetings and hearings of the Committee shall be open to the public including to radio, television, and still photography coverage, except as provided by Rule XI of the Rules of the House or when the Committee, in open session and with a majority present, determines by recorded vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered

would endanger the national security, compromise sensitive law enforcement information, tend to defame, degrade or incriminate a witness, or violate any law or rule of the House of Representatives.

(B) Broadcasting.—Whenever any hearing or meeting conducted by the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered by television broadcast, internet broadcast, print media, and still photography, or by any of such methods of coverage, in accordance with the provisions of clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of Rule XI and all other applicable rules of the Committee and the House. Priority shall be given by the Committee to members of the Press Galleries.

(C) Transcripts.—A transcript shall be made of the testimony of each witness appearing before the Committee during a Committee hearing. All transcripts of meetings or hearings that are open to the public shall be made available.

RULE V.—PROCEDURES FOR MEETINGS AND HEARINGS

(A) Opening Statements.—At any meeting of the Committee, the Chairman and Ranking Minority Member shall be entitled to present oral opening statements of five minutes each. Other Members may submit written opening statements for the record. The Chairman presiding over the meeting may permit additional opening statements by other Members of the Full Committee or of that subcommittee, with the concurrence of the Ranking Minority Member.

(B) The Five-Minute Rule.—The time any one Member may address the Committee on any bill, motion, or other matter under consideration by the Committee shall not exceed five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be extended when permitted by unanimous consent.

(C) Postponement of Vote.—The Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed vote at any time, provided that all reasonable steps have been taken to notify Members of the resumption of such proceedings. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(D) Contempt Procedures.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the Full Committee has, upon notice to all its Members, met and considered the alleged contempt. The person to be cited for contempt shall be afforded, upon notice of at least 72 hours, an opportunity to state why he or she should not be held in contempt prior to a vote of the Full Committee, with a quorum being present, on the question whether to forward such recommendation to the House. Such statement shall be, in the discretion of the Chairman, either in writing or in person before the Full Committee.

RULE VI.—WITNESSES

(A) Questioning of Witnesses.—

(1) Questioning of witnesses by Members will be conducted under the five-minute rule unless the Committee adopts a motion permitted by House Rule XI (2)(j)(2).

(2) In questioning witnesses under the 5–minute rule, the Chairman and the Ranking Minority Member shall first be recognized. In a subcommittee meeting or hearing, the Chairman and Ranking Minority Member of the Full Committee are then recognized. All other Members that arrive before the commencement of the meeting or hearing will be recognized in the order of seniority on the Committee, alternating between Majority and Minority Members. Committee Members arriving after the commencement of the hearing shall be recognized in order of appearance, alternating between Majority and Minority Members, after all Members present at the beginning of the hearing have been recognized. Each Member shall be recognized at least once before any Member is given a second opportunity to question a witness.

(3) The Chairman, in consultation with the Ranking Minority Member, or the Committee by motion, may permit an extension of the period of questioning of a witness beyond five minutes but the time allotted must be equally apportioned to the Majority party and the Minority and may not exceed one hour in the aggregate.

(4) The Chairman, in consultation with the Ranking Minority Member, or the Committee by motion, may permit Committee staff of the Majority and Minority to question a witness for a specified period of time, but the time allotted must be equally apportioned to the Majority and Minority staff and may not exceed one hour in the aggregate.

(B) Minority Witnesses.—Whenever a hearing is conducted by the Committee upon any measure or matter, the Minority party Members on the Committee shall be entitled, upon request to the Chairman by a Majority of those Minority Members before the completion of such hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(C) Oath or Affirmation.—The Chairman of the Committee or any Member designated by the Chairman, may administer an oath to any witness.

(D) Statements by Witnesses.—

(1) Consistent with the notice given, witnesses shall submit a prepared or written statement for the record of the proceedings (including, where practicable, an electronic copy) with the Clerk of the Committee no less than 48 hours in advance of the witness's appearance before the Committee. Unless the 48 hour requirement is waived or otherwise modified by the Chairman after consultation with the Ranking Minority Member, the failure to comply with this requirement may result in the exclusion of the written testimony from the hearing record and/or the barring of an oral presentation of the testimony.

(2) To the greatest extent practicable, the written testimony of each witness appearing in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness to the extent that such information is relevant to the subject matter of, and the witness' representational capacity at, the hearing.

RULE VII.—QUORUM

Quorum Requirements.—Two Members shall constitute a quorum for purposes of taking testimony and receiving evidence. One-third of the Members of the Committee shall constitute a quorum for conducting business, except for (1) reporting a measure or recommendation; (2) closing Committee meetings to the public, pursuant to Committee Rule IV; (3) authorizing the issuance of subpoenas; and (4) any other action for which an actual majority quorum is required by any rule of the House of Representatives or by law. The Chairman shall make reasonable efforts, including consultation with the Ranking Minority Member when scheduling meetings and hearings, to ensure that a quorum for any purpose will include at least one Minority Member of the Committee.

RULE VIII.—DECORUM

(A) Breaches of Decorum.—The Chairman may punish breaches of order and decorum, by censure and exclusion from the hearing; and the Committee may cite the offender to the House for contempt.

(B) Access to Dais.—Access to the dais before, during, and after a hearing, markup, or other meeting of the Committee shall be limited to Members and Staff of the Committee. Subject to availability of space on the dais, Committee Members' personal staff may be present on the dais during a hearing if their employing Member is seated on the dais and during a markup or other meeting if their employing Member is the author of a measure or amendment under consideration by the Committee, but only during the time that the measure or amendment is under active consideration by the Committee, or otherwise at the discretion of the Chairman or Ranking Minority Member.

(C) Wireless Communications Use Prohibited.—During a hearing, mark-up, or other meeting of the Committee, ringing or audible sounds or conversational use of cellular telephones or other electronic devices is prohibited in the Committee room.

RULE IX.—SUBCOMMITTEES

(A) Generally.—The Full Committee shall be organized into the following six standing subcommittees:

(1) Subcommittee on Border, Maritime, and Global Counterterrorism;

(2) Subcommittee on Emergency Communications, Preparedness, and Response;

(3) Subcommittee on Transportation Security and Infrastructure Protection;

(4) Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment;

(5) Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology; and

(6) Subcommittee on Management, Investigations, and Oversight.

(B) Selection and Ratio of Subcommittee Members.—The Chairman and Ranking Minority Member of the Full Committee shall select their respective Members of each subcommittee. The ratio of Majority to Minority Members shall be comparable to the Full Committee, except that each subcommittee shall have at least two more Majority Members than Minority Members.

(C) Ex Officio Members.—The Chairman and Ranking Minority Member of the Full Committee shall be ex officio members of each subcommittee but are not authorized to vote on matters that arise before each subcommittee. The Chairman and Ranking Minority Member of the Full Committee shall not be counted to satisfy the quorum requirement for any purpose other than taking testimony unless they are regular members of that subcommittee.

(D) Powers and Duties of Subcommittees.—Except as otherwise directed by the Chairman of the Full Committee, each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Full Committee on all matters within its purview. Subcommittee Chairmen shall set hearing and meeting dates only with the approval of the Chairman of the Full Committee. To the greatest extent practicable, no more than one meeting and hearing should be scheduled for a given time.

(E) Special Voting Provision.—If a tie vote occurs in a subcommittee on the question of reporting any measure to the Full Committee, the measure shall be placed on the agenda for Full Committee consideration as if it had been ordered reported by the subcommittee without recommendation.

RULE X.—COMMITTEE PANELS

(A) Designation.—The Chairman of the Full Committee, with the concurrence of the Ranking Minority Member, may designate a panel of the Committee consisting of members of the Committee to inquire into and take testimony on a matter or matters that warrant enhanced consideration and to report to the Committee.

(B) Duration.—No panel appointed by the Chairman shall continue in existence for more than six months after the appointment.

(C) Party Ratios and Appointment.—Consistent with the party ratios established by the Majority party, all Majority members of the panels shall be appointed by the Chairman of the Committee, and all Minority members shall be appointed by the Ranking Minority Member of the Committee. The Chairman of the Committee shall choose one of the Majority members so appointed who does not currently chair another subcommittee of the Committee to serve as Chairman of the panel. The Ranking Minority Member of the Committee shall similarly choose the Ranking Minority Member of the panel.

(D) Ex-Officio Members.—The Chairman and Ranking Minority Member of the Full Committee may serve as ex-officio Members of each committee panel but are not authorized to vote on matters that arise before a committee panel and shall not be counted to satisfy the quorum requirement for any purpose other than taking testimony.

(E) Jurisdiction.—No panel shall have legislative jurisdiction.

(F) Applicability of Committee Rules.—Any designated panel shall be subject to all Committee Rules herein.

RULE XI.—REFERRALS TO SUBCOMMITTEES

Referral of Bills and Other Matters by Chairman.—Except for bills and other matters retained by the Chairman for Full Committee consideration, each bill or other matter referred to the Full Committee shall be referred by the Chairman to one or more subcommittees within two weeks of receipt by the Committee. In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Full Committee. Bills or other matters referred to subcommittees may be reassigned or discharged by the Chairman.

RULE XII.—SUBPOENAS

(A) Authorization.—Pursuant to clause 2(m) of Rule XI of the House, a subpoena may be authorized and issued under the seal of the House and attested by the Clerk of the House, and may be served by any person designated by the Full Committee for the furtherance of an investigation with authorization by—

(1) a majority of the Full Committee, a quorum being present; or

(2) the Chairman of the Full Committee, after consultation with the Ranking Minority Member of the Full Committee, during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the Chairman of the Full Committee, authorization and issuance of the subpoena is necessary to obtain the material or testimony set forth in the subpoena. The Chairman of the Full Committee shall notify Members of the Committee of the authorization and issuance of a subpoena under this rule as soon as practicable, but in no event later than one week after service of such subpoena.

(B) Disclosure.—Provisions may be included in a subpoena with the concurrence of the Chairman and the Ranking Minority Member of the Full Committee, or by the Committee, to prevent the disclosure of the Full Committee's demands for information when deemed necessary for the security of information or the progress of an investigation, including but not limited to prohibiting the revelation by witnesses and their counsel of Full Committee's inquiries.

(C) Subpoena duces tecum.—A subpoena duces tecum may be issued whose return to the Committee Clerk shall occur at a time and place other than that of a regularly scheduled meeting.

(D) Affidavits and Depositions.—The Chairman of the Full Committee, in consultation with the Ranking Minority Member of the Full Committee, or the Committee may authorize the taking of an affidavit or deposition with respect to any person who is subpoenaed under these rules but who is unable to appear in person to testify as a witness at any hearing or meeting. Notices for the taking of depositions shall specify the date, time and place of examination. Depositions shall be taken under oath administered by a Member or a person otherwise authorized by law to administer oaths. Prior consultation with the Ranking Minority Member of the Full Committee shall include written notice three business days before any deposition is scheduled to provide an opportunity for Minority staff to be present during the questioning.

RULE XIII.—COMMITTEE STAFF

(A) Generally.—Committee staff members are subject to the provisions of clause 9 of House Rule X and must be eligible to be considered for routine access to classified information.

(B) Staff Assignments.—For purposes of these rules, Committee staff means the employees of the Committee, detailees, fellows, or any other person engaged by contract or otherwise to perform services for, or at the request of, the Committee. All such persons shall be either Majority, Minority, or shared staff. The Chairman shall appoint, determine remuneration of, supervise, and may remove Majority staff. The Ranking Minority Member shall appoint, determine remuneration of, supervise, and may remove Minority staff. In consultation with the Ranking Minority Member, the Chairman may appoint, determine remuneration of, supervise and may remove shared staff that is assigned to service of the Committee. The Chairman shall certify Committee staff appointments, including appointments by the Ranking Minority Member, as required.

(C) Divulgence of Information.—Prior to the public acknowledgement by the Chairman or the Committee of a decision to initiate an investigation of a particular person, entity, or subject, no member of the Committee staff shall knowingly divulge to any person any information, including non-classified information, which comes into his or her possession by virtue of his or her status as a member of the Committee staff, if the member of the Committee staff has a reasonable expectation that such information may alert the subject of a Committee investigation to the existence, nature, or substance of such investigation, unless authorized to do so by the Chairman or the Committee.

RULE XIV.—COMMITTEE MEMBER AND COMMITTEE STAFF TRAVEL

(A) Approval of Travel.—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any Committee Member or Committee staff shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any Committee Member or Committee staff only in connection with official Committee business, such as the attendance of hearings conducted by the Committee and meetings, conferences, site visits, and investigations that involve activities or subject matters under the general jurisdiction of the Full Committee.

(1) Proposed Travel by Majority Party Committee Members and Committee Staff.—In the case of proposed travel by Majority party Committee Members or Committee staff, before such authorization is given, there shall be submitted to the Chairman in writing the following: (a) the purpose of the travel; (b) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (c) the location of the event for which the travel is to be made; and (d) the names of Members and staff seeking authorization. On the basis of that information, the Chairman shall determine whether the proposed travel is for official Committee business, concerns a subject matter under the jurisdiction of the Full Committee, and is not excessively costly in view of the Committee business proposed to be conducted.

(2) Proposed Travel by Minority Party Committee Members and Committee Staff.—In the case of proposed travel by Minority party Committee Members or Committee Staff, the Ranking Minority Member shall provide to the Chairman a written representation setting forth the information specified in items (a), (b), (c), and (d) of subparagraph (1) and his or her determination that such travel complies with the other requirements of subparagraph (1).

(B) Foreign Travel.—All Committee Members and Committee staff requests for foreign travel must include a written representation setting forth the information specified in items (a), (b), (c), and (d) of subparagraph (A)(1) and be submitted to the Chairman not fewer than ten business days prior to the start of the travel. Within thirty days of the conclusion of any such foreign travel authorized under this rule, there shall be submitted to the Chairman a written report summarizing the information gained as a result of the travel in question, or other Committee objectives served by such travel. The requirements of this section may be waived or abridged by the Chairman.

RULE XV.—CLASSIFIED AND CONTROLLED UNCLASSIFIED INFORMATION

(A) Security Precautions.—Committee staff offices, including Majority and Minority offices, shall operate under strict security precautions administered by the Security Officer of the Committee. A security officer shall be on duty at all times during normal office hours. Classified documents and

controlled unclassified information (CUI)—formerly known as sensitive but unclassified (SBU) information—may be destroyed, discussed, examined, handled, reviewed, stored, transported and used only in an appropriately secure manner in accordance with all applicable laws, executive orders, and other governing authorities. Such documents may be removed from the Committee's offices only in furtherance of official Committee business. Appropriate security procedures, as determined by the Chairman in consultation with the Ranking Minority Member, shall govern the handling of such documents removed from the Committee's offices.

(B) Temporary Custody of Executive Branch Material.—Executive branch documents or other materials containing classified information in any form that were not made part of the record of a Committee hearing, did not originate in the Committee or the House, and are not otherwise records of the Committee shall, while in the custody of the Committee, be segregated and maintained by the Committee in the same manner as Committee records that are classified. Such documents and other materials shall be returned to the Executive branch agency from which they were obtained at the earliest practicable time.

(C) Access by Committee Staff.—Access to classified information supplied to the Committee shall be limited to Committee staff members with appropriate security clearances and a need-to-know, as determined by the Chairman or Ranking Minority Member, and under the direction of the Majority or Minority Staff Directors.

(D) Maintaining Confidentiality.—No Committee Member or Committee staff shall disclose, in whole or in part or by way of summary, to any person who is not a Committee Member or authorized Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the Committee in executive session. Classified information and controlled unclassified information (CUI) shall be handled in accordance with all applicable laws, executive orders, and other governing authorities and consistently with the provisions of these rules and Committee procedures.

(E) Oath.—Before a Committee Member or Committee staff may have access to classified information, the following oath (or affirmation) shall be executed:

I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the Committee on Homeland Security, except as authorized by the Committee or the House of Representatives or in accordance with the Rules of such Committee or the Rules of the House.

Copies of the executed oath (or affirmation) shall be retained by the Chief Clerk as part of the records of the Committee.

(F) Disciplinary Action.—The Chairman shall immediately consider disciplinary action in the event any Committee Member or Committee staff member fails to conform to the provisions of these rules governing the disclosure of classified or unclassified information. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff, criminal referral to the Justice Department, and notification of the Speaker of the House. With respect to Minority staff, the Chairman shall consider such disciplinary action in consultation with the Ranking Minority Member.

RULE XVI.—COMMITTEE RECORDS

(A) Committee Records.—Committee Records shall constitute all data, charts and files in possession of the Committee and shall be maintained in accordance with House Rule XI, clause 2(e).

(B) Legislative Calendar.—The Clerk of the Committee shall maintain a printed calendar for the information of each Committee Member showing any procedural or legislative measures considered or scheduled to be considered by the Committee, and the status of such measures and such other matters as the Committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of such revisions shall be made available to each Member of the Committee upon request.

(C) Members Right To Access.—Members of the Committee and of the House shall have access to all official Committee Records. Access to Committee files shall be limited to examination within the Committee offices at reasonable times. Access to Committee Records that contain classified information shall be provided in a manner consistent with these rules.

(D) Removal of Committee Records.—Files and records of the Committee are not to be removed from the Committee offices. No Committee files or records that are not made publicly available shall be photocopied by any Member.

(E) Executive Session Records.—Evidence or testimony received by the Committee in executive session shall not be released or made available to the public unless agreed to by the Committee. Members may examine the Committee's executive session records, but may not make copies of, or take personal notes from, such records.

(F) Public Inspection.—The Committee shall keep a complete record of all Committee action including recorded votes. Information so available for public inspection shall include a description of each amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against each such amendment, motion, order, or proposition, as well as the names of those Members present but not voting. Such record shall be made available to the public at reasonable times within the Committee offices.

(G) Recorded Votes on the Official Committee Web Site.—The Chairman shall create a record of the votes on any question of agreeing to a bill, resolution, or amendment or ordering reported any bill or resolution on which a recorded vote is demanded in open session in the Full Committee. Such record shall be made available on the Committee's official website not later than 3 legislative days after adjournment of the markup at which such vote was taken, excluding days when the House is in session pro forma. Such record shall identify the offeror of the bill, resolution, or amendment, in addition to a description of the bill, resolution, or amendment, the name of each Member voting for and each Member voting against such bill, resolution, or amendment, and the names of the Members voting present.

(H) Separate and Distinct.—All Committee records and files must be kept separate and distinct from the office records of the Members serving as Chairman and Ranking Minority Member. Records and files of Members' personal offices shall not be considered records or files of the Committee.

(I) Disposition of Committee Records.—At the conclusion of each Congress, non-current records of the Committee shall be delivered to the Archivist of the United States in accordance with Rule VII of the Rules of the House.

(J) Archived Records.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The Chairman shall consult with the Ranking Minority Member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

RULE XVII.—CHANGES TO COMMITTEE RULES

These rules may be modified, amended, or repealed by the Full Committee provided that a notice in writing of the proposed change has been given to each Member at least 48 hours prior to the meeting at which action thereon is to be taken.

KENTUCKY CELEBRATES ABRAHAM LINCOLN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. GUTHRIE) is recognized for 5 minutes.

Mr. GUTHRIE. Mr. Speaker, February 12 is going to be an interesting day in Kentucky. On February 12, at the birth place of Abraham Lincoln, we're going to have a ceremony celebrating the 200th birthday of our great President. And we had planned for it to be at the log cabin. The actual log cabin still exists on its site. Unfortunately, we had to move it because of the damage from the ice storm that we had the last couple of weeks.

First, let me say that the citizens of Kentucky are very thankful to the outpouring of help that we received around this country. Today, as I was driving to the airport, there are still convoys of utility trucks heading into our State continuing to bring our people back onto power. I toured a shelter, and there was a nurse from Alabama, a volunteer from Indiana, and they're all over. And Saturday morning, I ran into a crew from North Carolina that came to help remove debris.

But unfortunately, the great trees that surround the log cabin of our President, several of them have had damage. Therefore, they're having to move it to the LaRue County high school. It was actually in Hardin County where Abraham Lincoln was born, but it's now LaRue County. The high school will be hosting a celebration on February 12.

And we understand that there's been a lot of talking about Abraham Lincoln and Illinois in the last few weeks and last few months, but Abraham Lincoln was born in Kentucky. He's a Kentuckian, and we're very proud what he has meant to our State, and we invite people throughout this country—as you

look at the Lincoln heritage—we invite you to come to LaRue County. And you can go to Washington County where his mother and father were married. There is usually a reenactment during the summertime where you can go to the Tom and Ms. Hanks wedding, Tom Lincoln and Ms. Hanks wedding. I saw that re-enactment this summer.

The Lincolns then moved to the spot in LaRue County where Abraham Lincoln was born. And the City of Hodgenville has a beautiful downtown square that's been remodeled for the State for the purposes of the bicentennial. And there is a beautiful statue of Abraham Lincoln as a young boy as he would have been when he lived in that area before he moved to Indiana and then on to Illinois.

So I think it's extremely important that we do recognize the great decisions that were made by Abraham Lincoln. As we sit here today, and as I've been in the House for the last few weeks, I'm new at this, a freshman. I've been in this the last few weeks. The decisions that we've had to make. And you wonder what was going through—how Abraham Lincoln was able to withstand the pressure that he had for the decisions that he made that meant men and boys and the women that were sent, that were in harm's way, cities that were in harm's way and nothing—I did a dome tour when I first came here. And we went to the top of the Capitol dome, the great cast iron dome that we have. And it was built—a lot of people don't realize, but the dome to this building from which we speak was built during the Civil War. And people were asking why would you use cast iron and build a dome when we're at war when the iron could be used in the war effort.

And Abraham Lincoln, our great 16th President, thought it was vitally important that we continue to build this building to show the union of this country. It was symbolic. And that was just a small decision, but a symbolic decision that he made.

And Mr. Speaker, I appreciate the opportunity to address this body.

BUDGET DEFICIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from North Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the majority leader.

Mr. SPRATT. Mr. Speaker, we are here this afternoon to talk about a serious subject, something gravely facing our country, and that is the budget deficit for this fiscal year 2009 and for the years thereafter for as far as the eye can see.

As we speak, the deficit for the year 2009, fiscal 2009, is soaring to record highs. CBO, the Congressional Budget Office, our budget shop, which is neutral and nonpartisan, has recently projected that the deficit for 2009 will be $1.2 trillion. And as high as this projection may be, our friends, it's probably a low-ball estimate.

It omits, for example, the supplemental to pay for our deployment in Afghanistan and Iraq, which will be around $70 billion for the remainder of this fiscal year; it assumes that the alternative minimum tax will stay in full force and effect reaching 20 or so million-income tax payers for whom it was never intended. This increases the revenues by $70 billion though AMT has, in fact, been omitted year so that it does not apply for middle-income taxpayers for whom it was not intended.

It also assumes that the tax cuts passed in 2001 and 2003, despite the fact that we have huge deficits, will expire on December 31, 2010, and as provided by the law which enacted them in the first place.

When you add all of these into the equation—the Bush administration's last deficit, the deficit that we inherited from President Bush and must work our way out of—the deficit could easily top $1.4 trillion. It staggers the imagination.

These are deficits that happened on the watch of the Bush administration and under their fiscal policies. But we, as Democrats, won the election, and it is our responsibility to decide what should we do about the deficits left us.

Unfortunately, we've got forces converging on the budget which make it difficult to bring the deficit down to realistic terms. For example, we have the severest economic downturn in our economy since at least the first or second world war ended. So we have the mounting costs of counter-cyclical policies, TARP, the stimulus now pending in the Senate, the conservatorship of Freddie Mac and Fannie Mae. All of these things are hugely expensive. We have the rising costs of major entitlements—Social Security, Medicare, Medicaid—due to the retirement of the baby boomers.

We have defense budgeted and funded at historically high levels and sustained for an historically long period of time. Funds funded to front-end accounts, accounts in the budget which need to be funded adequately but are not. Transportation is a good example. It will exhaust its reserve early next year and run close to zero unless we can get funds back into that particular account.

Of course, as always there's education, which is not funded as robustly as many of us think it should be. And of course there are new topics—alternative energies and various incentives for increasing the energy supplies and making this country energy independent.

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Then we have the renewal of existing tax cuts, which are slated to expire on December 31, 2010.

When we add all of these things in, in addition to the price commitments we have to do something about the climate and something about universal health care coverage, it becomes very, very difficult to do anything to the bottom line of the budget, despite the fact that it is bigger than it has ever been before in peace time.

The overarching question that faces this whole country as we incur these huge sums of debt is: How long will foreigners help us? How long will they keep buying our Treasury debt?

We have, therefore, the worst budget since World War II and the worst economy in which to work out the problems of these budgets. Every recession has its own pattern to it. But it is clear that it is difficult in every recession, any recession, to work out of the recession when you're swimming upstream, when the economy is working against you; to work out of a budget deficit when the economy is working against you.

Let me show you some charts, those who are listening. This is a simple bar graph. It shows that the Bush administration, when he came to office, had a phenomenal inheritance. A budgeting surplus over the next 10 years by $5.6 trillion. That was January, 2001.

By January, 2004, that surplus of $236 billion was gone. Vanished. In 4 year's time, we went from a $236 billion surplus to a $412 billion deficit. This happened under the policies and the watch of the Bush administration.

This next chart portrays out over time the assets of this administration and the previous administration. This is the first George Bush administration. The first Mr. Bush. There was a significant decline in the budget at that point in time. But, when the Clinton administration came to office, President Clinton sent us a budget in February of 1993, on February 22, the first full significant action taken by his administration, and every year after the adoption of that budget by one vote in the House and one vote in the Senate, the bottom line is the budget got better and better and better, to point where we were at this point right here, 1997, 1998, the year 2000.

The budget was, in those years, balanced for the first time in recent memory. Then, in 2001, the year 2000, we had a surplus of $236 billion. The second Mr. Bush came to office here. You can see the bottom line got worse and worse and worse until there was a slight pickup here. But, then in the out years 2004, 2005, 2006, 2007, the budget got worse and worse and worse, until the point it runs off the chart at the bottom of the page. That is the deficit we are now looking at, a deficit of as much as $1.4 trillion.

Now, that would be a concern under any circumstances. But, in the present situation, the deficits that we have incurred over the last 10 years have

largely been funded and financed by foreigners. Japan, China, Great Britain, Europe, and Pacific Rim countries. They have run trade surpluses with us and used the surplus dollars they hold to buy back our Treasury bills. It's a convenient short-term arrangement. But, over the long term, it means foreigners own more and more of our debt, and you find it hard to be totally independent as a country, certainly the world super power, when you're also the world's largest debtor.

As of 2008, the total amount of foreign-held Treasury securities had tripled under the Bush administration. Starting out at $1 trillion, it rose to $3.1 trillion—over $2 trillion—during the period 2001 to 2008. That is the accumulation of foreign-held Treasury bills and certificates.

As for the total debt of the United States, this is where we began—$5.7 trillion in 2001. That is where the total debt of the United States stood when Mr. Bush came to office. A substantial sum. But every year that number went up and up and up, to the point where, when he left office a couple of weeks ago, the amount of debt stood at $10.7 trillion. Nearly doubled in an 8-year period of time—from $5.7 trillion to $10.7 trillion. And, as a consequence of that, we are feeling the effects of it in all sectors of our economy.

Would the gentlelady from Massachusetts care to make a comment or a statement? I gladly yield time to her.

Ms. TSONGAS. I care deeply about the health of our Nation's cities. Cities, large and small, are our Nation's economic engines, and their well-being is critical to the prosperity and well-being of all Americans.

Our cities generate wealth and economic development for entire regions; provide the foundation for an educated workforce; offer solutions to climate change and sustainable development; act as gateways for goods and knowledge; and serve on the front lines of homeland security.

They are centers of our Nation's cultural activities and sports, and a repository of architectural and historic riches. They represent the diversity and strength of our country.

When cities suffer, our Nation as a whole suffers. During the last 8 years, our cities have suffered because we have failed to properly invest in them when economic times were good.

Between 2001 and 2009, programs critical to ensuring the health and vitality of our cities, from social services to infrastructure, to economic development, have been cut or flat-funded, even as the Bush administration set records for deficits in debt.

Instead of making continuous modest investments in the health of our cities when the economy was good, President Bush chose to shortchange them, bequeathing our country a significant shortfall in infrastructure, housing, services, and veterans' care.

The debt exploded under the Bush administration, and we have little to show for it. As a result, in President Bush's 2009 budget request, interest payments alone were almost four times more than education funding, five times more than veterans' health care costs, and almost six times more than funding for homeland security for fiscal year 2009.

I represent older industrial cities in the Merrimack Valley where for years the government failed to act, and the consequences were severe. It took decades to recover, and it was only after the Federal Government reengaged to the National Park System that we began to turn the corner.

As we enter a severe economic crisis, we now face dual challenges left over from the last administration. We need to stimulate our economy by reinvesting in the health of our cities and towns, and we need to take smart, tough action to address our national debt.

I thank the chairman, and I yield back my time.

Mr. SPRATT. Going back to the topic before Ms. TSONGAS spoke, here are just some highlights of the economy we also inherited, so that we have got, in effect, a dual negative double whammy—a budget deficit that is soaring out of sight and an economy which is contributing to that deficit—and it makes the effort to reduce and dispel and wipe out the deficit ever harder.

For example, here's the unemployment rate. It stands at a 17-year high. Nearly 600,000 thousand jobs lost last month. Against a head wind like that, it's very, very difficult to bring the budget deficit down. In fact, you need to have countercyclical policies in effect that are actually adding to the demand of the economy in order to get the economy back on track, back on its feet, which is what we are doing right now.

Here's another chart which shows what happens in an economy like ours, where unemployment is close to 8 percent. Revenues that were expected last September, when the Congressional Budget Office did its forecast of the budget, the revenues that were forecasted then are not obtained. We are $2.7 trillion short over that period of time, 2009 through 2018, in the revenues that were assumed last September, which changes the basis for all of our policies when you simply don't have the funding that you're anticipating having only a few months before.

It also shows you one of the frightening features of this current recession is how fast it's coming on. It lingered for some time. There were definite earmarks that we were headed toward a recession. But now that it's here, we are seeing, in 1 month, 500,000 to 600,000 jobs lost, as tragic evidence of what's befalling us. 3.6 million jobs lost since January of 2008. 3.6 million jobs lost since January of 2008.

Mr. MORAN, I gladly yield to you for any comment you would like to make on this topic.

Mr. MORAN of Virginia. Thank you, Chairman SPRATT. The number of jobs lost hits home—I think to all of us. Each of us probably have different experiences. I remember the day that a large corporation took over the corporation that my father was working for. And he had worked so hard. So he was called into the corporate offices and he was told—well, he was just told to show up. We all assumed he was going to get a raise or a promotion because he had been working hard.

This was during the 1950s. And they let him go because they said they were doing a corporate restructuring. We were waiting for him. He didn't come home until the middle of the night because he couldn't face us.

Mr. Chairman, that is happening every single day, 20,000 times. That's the pace. 3.6 million jobs. Most of these are breadwinners. I suspect that over this Christmas vacation there are any number of parents who had to take their child aside and explain to them they were no longer going to be able to go back and finish out the last half of their academic year at college because they could no longer afford it.

Or, imagine the mother and father sitting their children down and explaining that they had lost their home. They weren't sure where they were going to go. They would probably have to leave their school.

We look at these numbers, and they are devastating. But I know that you are particularly sensitive, as Ms. TSONGAS was as well, to the human face behind these tragic numbers. Worse, really, since the Great Depression, in many ways.

It didn't have to happen. For 7 years of the Bush administration, we saw the largest corporate profit ever in American history. But it's interesting that 40 percent of that profit at one point went to the financial services industry alone, and 96 percent went to the wealthiest 10 percent of Americans. So that the Americans who have to defend our country, are called on to fight our wars, who pave our roads and build our bridges, who form the workforce that produced that corporate profit, were left with 4 percent of the income growth during the last 7 years to share.

□ 1700

So they relied upon borrowing from the increasing asset of their homes. The amount of money borrowed against home equity and credit cards is exactly equal to the increase in consumer spending. Americans did what their leadership asked them to do in 2001: they went out and spent at the mall, but they didn't have the commensurate income gains to afford that expenditure.

As a result, now that the real estate market has crashed through people in

large part manipulating the market for their own gain and the disparity between the borrower and the lender and all these exotic derivatives that were meant to expand the leverage and increase the profit of the financial services industry, now we find ourselves in an economic crisis, Mr. Chairman. You are laying out the figures that this Congress must address on behalf of the American people.

I will have more to say, but I very much appreciate the profundity of these numbers that you are sharing with us today.

Mr. SPRATT. You said the key point when you said it didn't have to happen. In the year 2001 when President Bush first took office, we proposed at that time, since we had a surplus for the first time in 30 years, to take the surplus in Social Security and use it only to buy down or buy up outstanding Treasury debt. That way we would have added to the net national savings of the United States, which is woefully deficient. We would have added to the capital availability in the United States and driven down to some extent the cost of capital. And by the year 2020, 2022 when the baby boomers began retiring in big numbers, Treasury would have seen much of its debt held by the public paid off.

Now I am not so naive as to think that we would have religiously stuck with that proposal, but that is what the Blue Dogs were pushing and that is what many of us were pushing under the corny name ''lockbox,'' but it had a serious, substantive idea beneath it, namely that we would increase the net national savings and we would at the same time clear up much of the debt owed by Treasury so that when the Social Security claimants came and presented their claims in 2020 and 2022 in large numbers, Treasury would be more solvent to meet those claims and less in need of borrowing in order to satisfy those claims. That was a potential, very potential.

The Bush administration came to our committee, you were on it at that time, and said we don't need to do that. We won't need to increase the debt ceiling of the United States for at least 7 or 8 years. And the next year they were back hat in hand asking for a huge increase, several hundred billion dollars, until finally the increases got to be nearly a trillion dollars a year, all because they spurned what was a genuine offer of a truly fiscal conservative policy on what to do with our surpluses in the year 2001.

Mr. MORAN of Virginia. I do recall that very well. I was sitting on your committee, and you were almost begging the economic leadership of the Bush administration to follow the example that had been laid out by the 41st President of the United States, George H.W. Bush, when he began the system of PAYGO, that President Clinton then incorporated, raised taxes but balanced the budget, and as a result generated more after-tax profit for the wealthiest people of America than had ever been experienced, but provided the next President, George Bush, the 43rd, with this $5.6 trillion projected surplus. A sunny horizon almost as far as the eye could see now has turned into deep deficits, deeper than anything we can imagine and which we see no end for, and it will bring us all of the way to the point you bring up, Mr. Chairman, when the baby boom generation retires and then puts an enormous additional burden on our budget.

You asked Federal Reserve Chairman Greenspan if he would not impose some fiscal discipline on the administration and asked whether we could really afford the 2001 and 2003 tax cuts. As we look back, in retrospect we see the reason that $5.6 trillion surplus that was projected was gone in 3 years. By 2004, that surplus was gone.

Mr. SPRATT. Four years.

Mr. MORAN of Virginia. I thought it was until January of 2004, but you would know better, Mr. Chairman.

The point is it was gone in a very short period of time. It was used on tax cuts. Tax cuts that the vast majority of which went to the people who needed them the least and who then invested them in hedge funds, invested them overseas, and put them into collateralized debt swaps and credit derivatives and every other kind of exotic investment, but they didn't go back into strengthening the economic foundation of the middle class.

As a result, we look back now and we see that those tax cuts, putting aside what we were promised, those tax cuts generated about 13 cents on the dollar. In other words, about 87 cents of every dollar of tax cut never went back into strengthening the economy, it showed up in deficits. That is why this deficit situation is so difficult to deal with. We have to increase the deficit now to stimulate the economy because the private sector was given $350 billion out of $7 billion and they weren't willing to lend so the public sector has to come in, but it is all on borrowed money, as you emphasized, Mr. Chairman. And again, it did not have to happen.

You were there sounding the warning. It is on the record if anyone would choose to check. And yet you were ignored and the members of your committee and the leadership, or at least on the Democratic side, was ignored. It seemed as though the policy was anything but the Clinton administration's economic policy. And now we find ourselves in as bad a situation as has existed almost for 75 years. I greatly thank you for raising that issue.

Mr. SPRATT. Mr. MORAN, in addition to what you just said, not only did the deficit come down in 1998, 1999, 2000 and 2001 as a result of the Clinton administration's policies, but employment went up also. Every year the bottom line of the budget got better and better and better for 8 straight years and so did the job market, to the point where the average job creation in the Clinton administration was 230,000 a month. Twenty-two million jobs were created as opposed to this dismal picture here for the last year of the Bush administration. So 230,000 jobs a month on average, all together 22 million jobs created during the Clinton administration.

And it was connected with, I think to some extent, the virtuous fiscal policy we were running at that time which shows you that it does pay to have sound fiscal policy.

Mr. MORAN of Virginia. It was clearly connected to confidence in the economy and the people that were directing the economy and their reliance upon the private sector, but recognizing that the Federal Government had a role in terms of regulation and in terms of monetary policy and in terms of balancing the budget. The budget was balanced, and it was creating jobs, and now to think that we have gone from increasing jobs from 230,000 to losing 600,000 jobs a month, 20,000 a day, just an unbelievable reversal in terms of employment that parallels a fiscal reversal of $12 trillion from what the administration inherited to the situation we find ourselves in now.

Mr. SPRATT. Let me turn to Mr. MELANCON and yield to him, the gentleman from Louisiana.

Mr. MELANCON. I apologize for being tardy in arriving on the floor. I seem to be spending an inordinate amount of time explaining to my constituents some of the false information that is getting put out there as though the deficits showed up yesterday at our doorstep unbeknownst to anyone before.

Some 8 years ago we had an estimated $5.6 trillion surplus projected out over the next 10 years. As we stand here today, that surplus has turned to a deficit in excess of $10 trillion, and that is on budget. I know I don't need to explain that to you, but off budget I guess it is another several trillion dollars. Then if you go and use the accrual form of accounting, as businesses do, and people that are in the business world would understand, we are at $56 trillion and growing deficit, not talking about the number of jobs.

So if we are out here in an economy, and of course a lot of what I hear from people is there is so much waste in the stimulus bill, the things that were there are a miniscule part that were made to sound like it was a whole package wrought with nothing but people's special projects. As we move to try and remove some of those things and get a viable bill that addresses stimulating the economy and putting people back to work and addresses the needs of trying to keep the United

States economy from collapsing, because if we don't do that, I think the irony is that people around the world are looking to the United States while each one of their governments are trying to figure out what it is that they need to do to stabilize their economy. They are watching the United States because we are the kingpin. If we fold, we are going to be the tail that wags this dog, and we are going to be the people who can hopefully keep our Nation afloat and keep the rest of the world hoping that we keep away from a depression as our forefathers, my parents and grandparents experienced, and a few who still live today remember.

When we start looking at what has occurred in this Nation, the relevant parties that were running the government over the last 8 years, borrowing money, spending money, right now the fourth largest item in our budget is the interest on the money that our government has borrowed, and 40 percent of our debt is held by foreign countries. We are already leveraged. We are a country that used to be a gross producer of agriculture. We used to be able to hold our own in manufacturing and energy independence. We are none of those any more.

As we move forward, placed in our lap is not the opportunity, but placed in our lap is the disaster that has been laid at our doorstep, and now we have to figure out how to get us back, how to stabilize this economy, how to fill that gap of the trillions of dollars that has been robbed from it so that we can move forward so that my children, my constituents' children, and all of the constituents in this country's children and grandchildren can hope to have a better future. We shouldn't be the people that have to be the bearer of bad news.

What we have facing us today, as you have shown, just in 1 year, 3.6 million jobs lost, some 500,000-plus in the last month, that is not government working for the good of the people. So we have a lot that we need to do.

I thank you for the opportunity to join you here on the floor here this afternoon.

Mr. SPRATT. I now yield to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. I want to thank the gentleman from South Carolina. I am glad to associate myself with his opening remarks and those of the gentleman from Louisiana (Mr. MELANCON).

Let me say that we were fortunate this past weekend at our issues conference to have the President of the United States address us. He said somewhat tongue-in-cheek, Look at what I have inherited.

I think, Mr. Chairman, as you have done throughout your stellar career, you have outlined from a budgetary perspective the God-awful mess that President Obama has inherited. In fact, this is a cavernous hole that he finds himself in, as does our Nation.

Mr. MELANCON pointed out exactly how deep a hole has been dug and what this problem means to every American, not only from the standpoint of our national debt, but clearly from the number of jobs that have been lost, from the number of people who have lost their homes, and lost their health care.

Now you have done a great job as chairman of our committee always bringing forward in detail. But, you know, Harper's magazine did an article just this past month called ''The $10 Trillion Hangover'' in which they specifically, almost but not as succinctly as your charts and graphs have indicated, but spell out how we got to this point.

I think Americans all across this great country as our new President struggles to deal with the hole that this previous administration has left us, want to know how we got here and how we make this steady, determined ascent out of this cavernous hole.

But the daunting task before this President is laid out before the American public with the 3.6 million jobs lost, with the projected recession in growth, and what we have heard from every single economist that has come before us is the difficult and uncharted waters that we are in. And that doesn't count what we anticipate might happen with the other shoe, credit default swaps and derivatives, and where the bottom is on that.

□ 1715

And yet this President, with the help of this Congress and under the leadership of NANCY PELOSI, strives to make that move, that steady, determined ascent by both providing economic investment and economic recovery and, as important, economic stability for all of our citizens. So I commend the gentleman for bringing forward what is at best a very bleak picture for America, but to be counterweighted by the determination of this Congress and Members who have come here to the floor this evening to make sure that there is a steady ascent from the depths of this cavernous hole, dug in unprecedented fashion, where people were asleep at the switch, not watching what was going on, and running up unprecedented debt, where two wars were unpaid for, a Medicare bill unpaid for, tax cuts unpaid for, all to come home to roost. But determined we are as a Nation and as a Congress to make a steady and determined ascent out of the depths of this cavernous hole dug by this previous administration.

I thank the gentleman.

Mr. SPRATT. I yield now to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Thank you very much, Mr. Chairman.

Mr. Speaker, I'm delighted to be here with you, Mr. Chairman. You have been a great leader for us on these fiscal issues and budget issues of the United States Government. You understand how our economic model works as well as anyone. And the fact that if we, as a government, as a people, if we're going to provide services which are normal government functions for our people, those services have to be paid for in some way.

Mr. Speaker, I came to this Congress 12 years ago, 12 years ago last month, having campaigned much on the idea of fiscal responsibility. At that point in time, the Congress was controlled by Republicans, and the administration was in the hands of a Democrat. They were working very hard to solve a serious fiscal problem that was inherited in 1992 by the then-new Clinton administration. And this Congress and that administration worked hard. I came in in the middle of that and was happy to play some very minor role in moving this country toward fiscal responsibility, moving out of a period of 30-plus years of deficit spending toward recognizing the fact that we needed to pay our bills and that we should have enough money to do that, either by cutting spending or by making the revenue and the spending match in some way.

In 4 short years, by 2001, when President Bush took office, this country had moved to a surplus situation, as you have heard described here, surpluses as far as the eye could see. We had our budgets in balance. And there were a group of us fiscal conservatives, and a group I work with, called the Blue Dogs.

As President Bush came in and proceeded to advance his economic package, we told him there were three things he needed to do with that surplus. Number one is cut taxes, lower taxes. All of us want lower taxes. If you have a surplus, then you have room to do that. You should do it.

Secondly, you should deal with the long-term problems that this country faces. We all knew back then, as we know now, that Social Security and Medicare, the entitlements, are going to be a serious, serious drain on this Nation as we move forward from this point. It is much more critical now than it was even back then. So let's take part of that surplus and deal with and fix the structural problems that existed in Social Security and Medicare so that those programs would continue to exist on into the 21st century and continue to create a lifestyle when people get into retirement that enables them to be productive rather than to be a drain on society.

And thirdly, we should take the balance of the money and pay down debt. This country had been running deficits and creating debt for 30 years running. And it was time to stop that and to begin to lower that debt bill, that side of the ledger, if you will. Why would

you want to do that? Number one, is you always prepare something for the downturn days. Those were good days economically. But we knew, all of us knew that wouldn't last forever, that you would eventually have a downturn in the economy, and you would need some cushion to make sure that you could survive those downturns. We also know that from time to time in the history of this Nation we have disasters, whether they be natural disasters or manmade disasters. And in this case, the 9/11 disaster was a manmade disaster, but nevertheless one we that had to deal with. And so you look at things like that and you want to have a reserve. And this package that the then-President Bush pushed overlooked that and didn't accommodate that.

The other thing you do by lowering debt is you lower your debt service, your interest costs that you have to pay annually, and you are able to spend more of your revenue base on the programs that are important to Americans, whether it be Medicare, Social Security, health care, education or national security or whatever it may be. Why would you want to take the money and pay debt service, interest, if you will, rather than put it in the programs that are important to people and help people? So we explained all this to the President and to his team, his OMB director and his Vice President. They kind of made fun of us and said, oh, no, no. We're going to have plenty of money. If you pay down debt, you pay it down too fast, and there would be prepayment penalty problems. And gosh knows, I wish we had that problem today.

We are in a very serious situation now as a result of those policies. Even on the tax-cut side, we had an opportunity to fix some very serious problems in our Tax Code that we talk a lot about today. The AMT, the alternative minimum tax, could have been fixed permanently in 2001. The estate tax, all of us know the problems that the estate tax causes our small business people, our ranchers and farmers. That could have been fixed permanently in 2001. How about the child tax credit? How about the marriage penalty? All of those problems that we face today could have very easily been permanently fixed in 2001. And it was passed on to jam the money into the marginal tax bracket categories.

So, we find ourselves 8 years down the road, as Mr. SPRATT and others have talked about, in a very serious, serious hole. America has found itself in this kind of place before. And we will buckle up. We will put our shoulder to the wheel. And Americans will, as they begin to understand this a little bit better, as our new, wonderful President Barack Obama takes this message out to the world, out to the country, then Americans will be asked to do the things that we have to do to restore our position in the world as the economic, the political and the military leader of the world.

So, again, I want to say to you, Mr. Speaker, to my constituents and to the rest of the world out there, I stand ready to work with Mr. SPRATT, Speaker PELOSI, Mr. HOYER, our majority leader, and our new President, President Obama, to tackle these tough problems. Some tough decisions have to be made in the coming months as to how we blunt the effects of this economic downturn, how we soften the impact, how we shorten the length of the economic downturn. It's going to be a very difficult thing to do. And it's going to be painful. But we can do it.

I want to thank Mr. SPRATT for leading this Special Order.

Mr. SPRATT. I now yield to the gentleman from Maryland, our distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank the gentleman for yielding. But much more than that, I thank him for the work he does as our chairman of the Budget Committee and for the work he has done over the years as ranking member, the minority member of the Budget Committee, for being consistent and, in my opinion, accurate in his observations as to what we would reap from the fiscal policies we have sowed over the last 8 years.

We are here today, in my opinion, to be honest with the American people. They need to know that this economic crisis will not end overnight. I think the chairman has made that pretty clear. And they need to know the reasons for the deep, deep, deep fiscal hole we have inherited after 8 years of fiscal recklessness. In fact, the projected deficit for fiscal year 2009 is $1.2 trillion. That is a figure difficult to comprehend. It's a figure particularly difficult to comprehend when President Bush and his economic advisers opined that they were worried about paying off the debt too early under the Clinton policies.

One point two trillion dollars of deficits. Two factors have helped create that record-shattering number, the consistent irresponsibility of the past administration and our efforts to dig out of the economic mess he left us. It was not that long ago that you could hear on this floor heated debates about how to spend a projected $5.6 trillion, 10-year surplus created under the Presidency of Bill Clinton. Who would have thought, who would have thought then that our surplus would be wiped out by one President's borrow-and-spend foolishness by five record-setting budget deficits in 7 years?

I would remind my colleagues, who undoubtedly need no reminding, that there has been a hegemony of power, a monopoly of power, a singular control of policy over the last 8 years. Now I understand some of my Republican friends would say, well, the Democrats were installed because of the obvious need for change recognized by the American voters in 2006. They put you in charge in 2006 and 2008. That is true. But as I also point out, the President was not on the ballot, and two-thirds of the United States Senate was not on the ballot, and therefore, it was impossible to make the change that America knew was needed. They have done that now. But they have done it after a very deep hole has been dug.

While Democratic budgets were on pace to eliminate all of our public debt, today we are more indebted than ever. The national debt is now over $10 trillion from that projected $5.6 trillion of surplus. Who projected that? Not Bill Clinton. George Bush. President Bush's OMB projected that. Who told us that? President George Bush in 2001, speaking in this Chamber, told us that is the surplus that we could expect.

Tragically, that was dissipated. That $10 trillion of debt now has replaced that $5.6 trillion of anticipated surplus.

□ 1730

We will be paying hundreds of billions of dollars in interest on that debt that we have incurred. That's just one more way in which the Bush legacy means large structural deficits for years to come.

So what does that mean for our economy and for American families? It's easy to see a budget as nothing more than numbers on a page and it's just a short step from there to agreement with former Vice President Cheney's nostrum that deficits don't matter. In fact, he said that Ronald Reagan taught us that, that deficits didn't matter.

Unfortunately, the Federal Government pursued that policy. Unfortunately, business pursued that policy, and unfortunately, and tragically, to their harm, too many consumers followed that policy. But deficits do matter. Mr. Speaker, they matter profoundly.

Deficits and debt tie up huge amounts of capital, and when it comes to mitigating a financial emergency in the early stages, they tie our hands too.

Republican fiscal policies have also made massive borrowing seem normal and acceptable, as I said, the five largest deficits in history over the last 8 years. They've set the disastrous example that it's just as acceptable for a household as for a government to live far beyond its means. And just as surely as unchecked borrowing can pay for unsustainable luxury today, the bill will come due.

In 2006 Comptroller General David Walker told us that American irresponsibility, public and private, will gradually, and this is a quote, ''will gradually erode, if not suddenly damage, our standard of living and ultimately our national security.'' How true his words were.

Mr. Speaker, there's nothing to gain from pointing fingers at the last 8 years, but there is much to learn and a great deal to gain from looking back honestly at the fiscal choices we've made in the past. We learned just how much this painful legacy will complicate our efforts to confront this crisis, and we strengthen our pledge to return this Nation to budgetary sanity.

With your leadership, and with the courage on both sides of the aisle, on both sides of Capitol Hill, hopefully, we will accomplish that.

While economists agree that getting out of this recession will require deficit spending, that spending would be deeply irresponsible without a long-term plan to restore fiscal health.

I know, Mr. Chairman, you're focused on that objective. I am as well, and all the Congress needs to be, as well as the American people. Getting the budget under control is going to require hard choices, choices we're going to see reflected in President Obama's first budget, in my opinion. It will be a serious document for serious times because getting back on a sustainable fiscal path is going to take sacrifices from every one of us. But we can call confidently for those sacrifices for two reasons. First, because they will be truly shared from Members of Congress to every working family. And secondly, because if we put off our hard choices, they will grow harder and harder by the year, until they're absolutely crippling.

Last month we heard our new President declare, and I quote, ''a new era of responsibility.'' This is what it looks like. This is where we are. Let's meet it with our eyes open and make the best of it together.

Mr. Chairman, there's been much made of bipartisanship. I'm for bipartisanship. But I note, in 1990, there were really three reasons we created that $5.6 billion surplus. We made an agreement with President Bush I in 1990. In 1993 we passed a bill that set us on a fiscally responsible course, and in 1997, in a bipartisan way, we confirmed that course. Unfortunately, history shows us that we haven't had bipartisan support.

In the 1990 Budget Act, one of the key three steps that got us to that $5.6 trillion budget surplus, when we passed it through the House, there were only 10 Republican yeses, only 10. That was one of the key steps in getting us to fiscal surplus. Not one of those 10 serves in the House of Representatives today.

In 1993, of course, no Republicans voted for that bill. And in 1997, it was a bipartisan bill, which, Mr. Chairman, you and I both voted for. We then came on very hard times and we confronted the TARP bill.

Let me go back to 1993, however, when I said no Republicans voted for that bill. When it came back from conference, excuse me, there were no Republicans that voted for that bill. But in 1990, when it came back from conference there were 47 Republicans ''ayes.'' One of them remains here today.

Now, one could draw the conclusion that, well, they lost because of those votes. That would be the dead wrong conclusion. What they lost as a result of, I think, first of all, retiring, and secondly, feeling that perhaps their party was moving in a direction that they could not agree with. I hope that their party and this party comes together.

On the TARP vote that we had to meet this crisis caused by this fiscal irresponsibility, the Democratic Party stood with President Bush in making very hard votes, and the majority of us did so. The minority of his party chose not to do so.

It is time for the majority of both parties to stand with the American people and future generations to return fiscal responsibility to this Nation and to our people.

I thank the chairman for his leadership.

Mr. SPRATT. I thank the gentleman. And I yield the balance of our time to Dr. SCHRADER from the State of Oregon, a freshman Member, a veterinarian, I believe. Let me find out from the Speaker how much time is remaining.

The SPEAKER pro tempore (Mr. BRIGHT). The gentleman from South Carolina has 6 minutes remaining.

Mr. SPRATT. Six minutes.

Mr. SCHRADER. Thank you very much, Mr. Chairman. To be honest, I was not going to even speak today. I had thought that the legacy and the problems that we confront right now are such that I look forward to working with my Republican colleagues as well as my Democratic colleagues to help solve some of these problems. And so, as a result of that, I wanted to be building some bridges and look to build some bridges with some of my moderate colleagues across the aisle.

But I've become very disturbed with the tendency, as we talk about some of the problems and solutions to some of those problems that are left behind by 8 years of fiscal mismanagement, that there's going to be an attempt to paint Democrats, as we come into control, as people seek fiscal responsibility with President Obama and the Congress of the United States of America, paint the fiscal picture as a Democratic problem. And I take great offense at that.

I spent a few years in our State legislature in the great State of Oregon trying to balance our budget. No easy task. And I think this administration, with this Congress, with Speaker PELOSI and Senator REID, deserve a great deal of credit for coming forward and talking about how to get us out from under.

I'd like to just reiterate a few facts that I know have been discussed perhaps at length here, but I think it's important for Americans to understand clearly how we got into this mess. We now have a deficit of $1.2 trillion, at least, in 2009. That's a stark contrast to the budget surplus that many, including the good gentleman, majority leader from Maryland have talked about.

The debt of the United States officially is $10.7 trillion. I'd like to make an argument in a couple of minutes that it's actually a great deal more than that. The interest payments now consume more than our major spending on education, veterans benefits and indeed non-mandatory health care programs. That's a travesty in an industrialized Nation like ours.

Thirteen straight months of job losses, 22 straight months of declining home prices, the majority of stock indices down 37 percent. And the real income of the average American family hasn't gone up. If you're in the rich 10 percent of Americans, yeah, sure, you've done great. Your income's doubled. You've done very well.

But 95 percent of Americans have seen their income fall, and in this day and age that's unconscionable. Right now, in the greatest industrialized Nation in the world, 7 million Americans without health care. That just shouldn't be happening.

I would like to reference just a few key points here, Mr. Chairman, about our debt. Where are we really as we try and dig out? Our official national debt has doubled. We're at $10.7 trillion. We were at five plus not 8 years ago.

But I would argue it's worse than that, unfortunately. Americans need to know that, and it's going to take probably the next 8 to 10 years of serious budget work, under your leadership, to create a path to getting back on a budget surplus, or at least no longer deficit spending with items off budget, like you've heard discussed here today.

The projected deficit for 2009, yeah, probably at least $1.2 trillion. We inherited that. I'd argue that Fannie Mae and Freddie Mac added about a $5 trillion increase to our debt, and even under the most conservative estimates, at least, have a tough time gaining $1.6 trillion of that back, under best of circumstances. The debt from the other bailouts adds at least another half trillion dollars. We're talking about the AIG bailout and the numerous stock and bond portfolios that we've had to bail out at taxpayer expense.

Future interest on the new debt. Historic. I mean, it's $1.2 trillion. Americans need to understand that that interest is consuming a lot of our ability to spend on other great programs.

Medicare Modernization Act, part D, heralded as a great improvement in drug benefits for a lot of Americans; while I'm not sure they'd agree they've

gotten those benefits with the doughnut hole and inability to negotiate best prices. But what they can be sure of is it costs another $800 billion that we don't have.

The last administration thought they could fight a war, they thought they could increase spending, and they thought they could give tax cuts all at the same time. I don't think there's a household in America that believes that's good policy, good financial policy or a path to success.

Right now we're investing more in the war. We're not taking care of our veterans that come home. I think we need to be turning that around. It will cost some money to do that. And over the next 8, 10 years, as the administration, led by President Obama and you, Mr. Chairman, seek a path to fiscal responsibility, Americans need to know it's going to take time and it's going to take a little effort. We're going to have to watch what we do on the mandatory programs. We're going to have to watch what we do on defense spending, we're going to have to watch what we do on wealthy tax breaks.

We need to get back to the sound budgeting principles that we had under the Clinton administration and previous democratic administrations. The fact that the last 8 years there was no PAYGO is a testament to the fiscal irresponsibility of the previous administration. I'm proud to be associated with a Congress that believes that is important, and that we will be doing great things in the future.

Mr. Chairman, we are in a world of hurt here. The D word, the D word, not deficit, but depression is being mentioned in the corners of this building. I hope that is not the case. I look forward to your leadership and leadership of President Obama and the Congress to get us out from under. Thank you, sir.

Mr. SPRATT. I thank the gentleman for his statement and yield back the balance of our time.

MAKING TECHNICAL CORRECTIONS TO HOUSE RESOLUTION 24

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 137

Resolved, That House Resolution 24, One Hundred Eleventh Congress, agreed to January 7, 2009, is amended—

(1) in paragraph (2), by striking ''Mr. Kravotil'' and inserting ''Mr. Kratovil''; and

(2) in paragraph (4), by striking ''Mr. Moore of Kansas'' the second place it appears and inserting ''Ms. Moore of Wisconsin''.

Mr. LARSON of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE REPUBLICAN REVOLUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Thank you, Mr. Speaker. Appreciate that. And it has been interesting listening to my Democratic colleagues for the last 55 or so minutes talking about the deficit and what a problem that is for this Nation. I could not agree more. It was one of the things that frustrated me about previous spending through the 1980s, through the Democratic Congress, and then when we got to the first couple of years of the Clinton administration, we were still having deficit spending.

And then there was the Republican revolution. And Americans let their voice be heard. They wanted a change. They did not want to continue the deficit spending. They did not want to continue welfare programs that lured people into a rut from which there was no hope of ever returning, luring them in with government benefits and then giving them no incentives, no way to get out of that rut. It was just tragic.

And so Republicans gained the majority in November of 1994, came in in 1995 and, of course, there's a tug-of-war going on for credit over the balanced budget and the surplus that was created in the late 1990s. But it took a President and a Congress working together and the Republican majority to reach the surplus that was reached.

□ 1745

And that is what should have been done.

Yet, as we have seen in this town over a period of time, when people are in power long enough, they begin to think too much of themselves. They begin to think, well, it's okay if I spend it, and that is what we have begun to see eventually from Republicans, and we have seen it from Democrats. That is what brought about the Republican revolution in 1994, but it was beginning to show from Republicans in the early 2000s.

The Republicans did a great job in the late '90s in helping bring about a balanced budget because, after all, it is the Congress that is in charge of the purse strings. It is the Congress that is required by our Constitution to come forth with the appropriation bills. It is the Congress that either overspends or creates a surplus. So, in the late '90s, we got the surplus, and President Clinton, after the Republican majority, stayed true to what they were elected to do. They created a balanced budget and they created a surplus.

Then we came in to President Bush's term of office. Something nobody foresaw was September 11 of 2001. It was devastating to the economy. It is an extraordinary testimonial that our economy came back as quickly as it did after 9/11. After an attack like that, especially so close to the financial center of the country, for most countries, it would have devastated them, but it is one of the things that makes me and has always made me so proud to be an American. In an emergency, we come together.

On September 12, I was so proud, yet hurt with so many Americans. At the time, I was a judge in Tyler, Texas, but on September 12, we came together on the courthouse square—hundreds of people, hundreds of people. By the end of it, we had all held hands, and we had sung hymns, and we had prayed together. On that day, there were no hyphenated Americans; there were just Americans, and we stood together.

With a tax cut, then another tax cut, we stimulated the economy, and record revenue like never before in American history flowed into the United States Treasury. Tax cuts were not the problem. They helped the economy. They helped us rebound. We should have headed for a straight depression after 9/11, but instead, there were tax cuts. It was bipartisan. We moved forward and we helped the economy. There was a lot of rhetoric across the aisle about not cutting taxes, but as it turned out, the tax cuts helped create more revenue for the Treasury, not destroy revenue for the Treasury. The problem was not the tax cuts. The problem was the spending.

Now, under Newt Gingrich's leadership as Speaker, we got to a balanced budget, and we got to a surplus. Then over the years and after hearing from people who were in power, looking back, there was some recollection and there came this feeling that, now that we are in charge as Republicans, maybe it's okay to spend like the Democrats were spending. They used to do it. Why can't we do it? The answer is because it is not good for the country.

I agree with my Democratic colleagues in that there was too much money being spent, but that is why in November of 2006 the Democratic majority came into being and took over the purse strings. So, for those who want to talk about the terrible 8 years of the Bush administration's deficit spending, for the last 2 years under the Constitution, the people in charge were the Democratic majority. So we can see the charge; we can hear the blasting, but the truth is that the Republicans spent too much leading up into

2006, and that is why in November of 2006, after 2 years of my Democratic colleagues across the aisle blasting Republicans for spending too much, they became in charge of the purse strings. President Bush could threaten vetoes, but if you go back and actually look at the debates that were held on this floor during those 2 years—2007 and 2008—when there was strong disagreement between the Democratic leadership's controlling things in the House and Senate with the White House, except for military spending, the disagreements were generally of always wanting to spend more, not less, and in wanting to run up the deficit more, not less. So it rings a little hollow here on the floor when I hear this talk about 8 years of terrible, runaway deficit spending bills when it has been the Democrats who have been in charge for the last 2 years.

Then we had a very charismatic, wonderful speaker in Barack Obama, who ran for President and got elected. Mr. Speaker, as I had said on this floor in November or December, I did not support Barack Obama for President, but he is a man who conveys hope; he inspires confidence, and that is what this country needs. I like President George W. Bush. He is a smarter man than people give him credit for in most places. He is a good man, but he got talked into a bill of goods by the Secretary of the Treasury.

I have to agree with the comment I heard from former Speaker Newt Gingrich when he said he felt like Henry Paulson would go down as the worst Secretary of the Treasury in history, and I think he's right, but he talked our President George W. Bush into coming out publicly and fearmongering and saying we're about to hit a depression. All the things Paulson had said the President confirmed. Oh, we could have bank failures. Secretary Paulson told us, once that first bank fails, there will be no stopping it. It will be a catastrophe. It's going to be terrible. That can be a self-fulfilling prophesy. The President is not supposed to say we're headed for doom and gloom. The President is supposed to be Presidential and say things like Franklin D. Roosevelt said when he said, ''The only thing we have to fear is fear, itself.''

We can come out of this. It would have been Presidential to point to 2001 and 9/11 and to say look at how we came back from that disaster. For most nations that would have been hit that hard financially, economically and especially to their souls with the loss of so many precious, innocent lives, it would have been too much to come back from but not for this country. We came back. The President could have pointed that out, and could have said, ''We've got problems with banking. We've got regulations that need fixing. We don't need to have incentives for companies to go out and push people into mortgages that are more than they can afford so they can wrap them up in a security and sell them elsewhere and take their millions and billions of dollars in profit and then walk away clear and sell credit swaps which were really insurance but dance around the insurance regulations.'' Well, those things need to be fixed. We could have done it, but we still haven't fixed all of those problems.

Instead, we had a policy proposed by the Secretary of the Treasury, Mr. Paulson: Just give me $700 billion, and I think I can help things.

Well, I tried to tell my colleagues on the floor to read the bill. ''Please read the bill.'' We've never done anything like that in this country's history since we've had a Constitution. In 1776, on December 27, there was similar power given to George Washington, but he did not ask for it; he hardly used it at all, and he gave it back timely, but that was not the case here. Fearmongering got a $700 billion bailout bill passed.

I might point out to my colleagues who've been in here, bemoaning deficit spending, to that point, that was the biggest spending spree by this country, outside the budget, ever in history. It's bigger than, I think, all but 14 or 15 nations' budgets for the whole year. As for this $800 billion spree that has been voted for already in the House—it is supposed to come up again shortly in the House—if that were our entire economic spending in the country, I believe we are either above—just above or below Mexico if that were all of the spending for the country. It is an enormous amount of money.

I tried to warn people back in September, especially in our conferences: Please don't join with the Democrats in passing this terrible bill. There are not enough restrictions on spending. This is just giving a guy a slush fund to throw where he wants to. He can even spend more than fair value for anything he wants to buy. Now we found out he did. Now we found out that he did not spend all of the first $350 billion, as I understand it. So we have been told, well, we need now Secretary Geithner to control things because he was a protege of Paulson's. He worked with him. He knows how this was being done. Well, to me, that's more of an indication that he should never have been approved for the office, never mind the problem with his certifying that he paid taxes that he never did until he was caught.

If he really believed in this country, if he really believed in the principles of this Nation, we did not need one man with that kind of authority. That was a terrible mistake.

One of my other concerns from September has been borne out. I told my Republican colleagues in private meetings: If we pass this, it really desensitizes Americans to just how much money $700 billion is, and it did, because if President Bush had not come in and asked for $700 billion, then there would have been no way that President Obama could have come in with a straight face and asked for more than that, but that is where we are because that is what has happened.

Now, what begins to occur when a Congress does not control itself and starts spending too much money, unlike the Republicans after they took over in January of '95 and on up through the end of the Clinton administration, we begin to see Republicans spending more. Even though the tax revenue surged, it seemed to encourage the Republican majority to spend more. Yet, if you go back and look at the debates on this floor between that side of the aisle and this side of the aisle, in my first 2 years, we were usually fighting off requests for more spending from my Democratic colleagues than less spending. There were those of us on this side who would argue for less spending, but the White House would ultimately, over and over, it seemed like from just my impression, cave in to the Democratic demands and agree to spend more money and come closer to what the Democrat minority wanted to spend, and that would make it appear more bipartisan.

Then we get to this point where Congress says, as it is beginning to say and as this administration is beginning to say, we cannot trust the American people, and we cannot trust them to spend their own money. My goodness, they may not spend it the way we would want them to, and since we are so much smarter here in Washington about how to spend people's money, not our own, then we'd better not let them have their own money to spend.

As most people around here know, I proposed a 2-month tax holiday where money would just not be withdrawn for Federal income tax purposes and for FICA purposes. Some say, well, that may put a drain on the Social Security fund. There is no Social Security fund. If we had the proper nerve in this body, we would get a majority that would agree to pass a law that says Social Security tax money has to go into a Social Security Trust Fund, but we've not yet gotten a majority from either side that is willing to do that. I am still hopeful, and I still pray that that will occur.

□ 1800

But then I saw this quote from Senator JOHN KERRY that seemed to substantiate exactly what we were talking about, where he said, ''But a tax cut is non-targeted. If you put a tax cut into the hands of either a business or an individual today, there is no guarantee they are going to invest their money. There is no guarantee they are going to

invest their money in the United States. They are free to invest anywhere they want, if they choose to invest.'' That was Senator KERRY.

That's the attitude that kind of creates a problem in Washington because it seems like what is beginning to permeate again is this atmosphere of arrogance that says the American people are too stupid to spend their own money. Let us help them. We'll throw it to banks that are not going to lend more money. We're going to throw it over here to an insurance company that will take some nice trips. I'm sure if the taxpayers had their own money they might not take as nice a trips as these guys will be able to take with taxpayer money.

The problem is we don't have the money. We're having to borrow it. We're having to print it, and you can borrow and spend your way into nonexistence. The Soviet Union did it. Iceland has now spent their way into bankruptcy. It is not something that should be followed.

I hear my Democratic colleague, who I have a great deal of respect for, talking about in 2001 we could have fixed the AMT. We could have done away with the estate tax. Well, we should have done it in 2005 or 2006, my first two years here, but we sure didn't get more than a handful of Democrats who were willing to help, and so we were not going to be able to pass it through both the House and Senate.

No time like the present. You want to stimulate the economy, have a tax cut, because unlike some of the people here in Washington, some of the people in the House, some of the people in the Senate, we don't have to consider the American people as the problem. They are the solution. The American people that came together after 9/11 to pull this Nation up by its bootstrap, they're the solution.

Now, what gave me the idea of having a tax holiday, where you don't take withholding out for a couple of months, is actually when I heard some extraordinary figures about the spending and the promises that have been made. Let's see, we had an an article from bloomberg.com, February 9, by Mark Pittman and Bob Ivry: ''The stimulus package the U.S. Congress is completing would raise the government's commitment to solving the financial crisis to $9.7 trillion.''

This article says, ''The Federal Reserve, Treasury Department and Federal Deposit Insurance Corporation have lent or spent almost $3 trillion over the past 2 years and pledged up to $5.7 trillion more.''

Well, when I saw figures like $8 trillion originally, now they're talking up to 9.7, I asked for a figure on what was projected to be received in individual income tax for the year 2008. The figure that I was provided was $1.21 trillion from individual taxpayers paying their individual taxes. It doesn't include corporate tax or so many of the other Federal taxes that we have hammered people with but just individual income tax.

And what blew me away was, you know, now $9.7 trillion in spending and guarantees and you could take a fraction of that, $1.21 trillion, and tell everybody for 2008 you get all your money back; every dime you spent in individual income tax is coming back to you. Can you imagine the cars that would be bought, Detroit bailed out; the homes that would have been built, the homes that would be purchased.

You know, we were struggling a little bit in East Texas back in September of last year, but until the Secretary of the Treasury ran around like Chicken Little and talked the President, a good man, but he talked him into supporting his position, we were doing okay. But once they started screaming that the financial sky was falling, instead of coming in and saying we've got to have immediate fixes to Federal regulations and incentives to do the right thing, they claimed the sky was falling, and that's a self-fulfilling prophecy. When the President of the United States says the stock market is going to crash, then it will.

When the Treasury Secretary tells us the stock market is going to crash on this Monday if you don't pass the bill to give me $700 billion to play with, it's going to go down 777 points. I was surprised it didn't go down more than that with the self-fulfilling prophecy like was made.

But the problem is—one of the problems—the hope that I had from the hope that was talked about by President Obama, just a really likable guy, but he inspires hope and confidence, until he took over as President. And now what we're hearing is it's all doom and gloom, and that's been devastating.

You know, we have heard recently President Obama—and by the way, I'm tired of people saying, well, his inaugural address wasn't as good as it should have been. I thought it was terrific. It's just some people expected people in the audience to start swooning like they did at some of his other speeches, but it was a wonderful inaugural address. I thought this was a great line.

He said, ''Less measurable but no less profound is a sapping of confidence across our land—a nagging fear that America's decline is inevitable, and that the next generation must lower its sights.''

And he said, ''We have chosen hope over fear.'' Now that inspires me. Those are great words, when he said, ''With hope and virtue, let us brave once more the icy currents.'' After talking about the bravery and gallantry of Washington and his ill-equipped men crossing the Delaware, I thought it was a great speech.

But now, he's saying, '' 'It's getting worse, not getting better. . . . problem is accelerating, not decelerating.' ''

House Speaker NANCY PELOSI said last month, ''Our economy, 'is dark, darker, darkest.' ''

Our chairman, DAVID R. OBEY of Wisconsin, said, '' 'This economy is in mortal danger of absolute collapse.' ''

Senator CLAIRE MCCASKILL of Missouri said, '' 'If we don't pass this thing, it's Armageddon.' ''

Well, an article in the Washington Times said, ''With his fiery rhetoric, the new President runs the risk of terrifying consumers and investors, which could depress the economy even further. While the economy is bad, it is a far cry from Great Depression levels, when as many as 30 percent of Americans were unemployed, compared with the 7.6 percent now.''

And of course, if you're one of the people that's just lost a job, it doesn't matter what else is happening in your world, your economy is devastated. But if we provide the hope and the courage and the confidence that was so beautifully and eloquently discussed by our now-President when he was running for office, I think he can undo the damage of the laws of confidence and inspire people to get back to work.

Because what I heard in East Texas after September was, well, you know, we were going to buy a house or build a house or buy a car, but you know, we're hearing a depression is on its way, may be here, so we better hold up and not spend that money and see what happens. There are people with money. There are people with money abroad, and there are people with money in the country. Most people have lost a lot of money, but some still have money who could invest, but they want to wait and see what's going to happen because they don't want to be sticking their neck out at a time if the President and the Democratic leadership are going to be talking doom and gloom and help create a worse crisis instead of help get us out of it.

But this $9.7 trillion in pledges, let me just tell you it's 13 times what the U.S. has spent so far on the wars in Iraq and Afghanistan. That's according to the Congressional Budget Office. Just staggering.

I thought it was interesting, let's see, here's a quote, '' 'Mr. Hope has to be careful not to become Dr. Doom,' said Frank Luntz, a political consultant and author of the book 'Words That Work: It's Not What You Say, It's What People Hear.' ''

Mr. Luntz went on, '' 'The danger for him is using the Jimmy Carter malaise rhetoric, particularly for Mr. Obama, who was elected because people thought he was the solution. There's only so much negativity they will tolerate from him before they will feel betrayed.' ''

That's true. I mean, we need our President to step up and not be talking doom and gloom but encourage us.

It's really reassuring to hear people across the aisle, as we did for the last hour, talking about the problems of deficit spending. Friends, I'm with you. Mr. Speaker, that's what we need. We need people who understand that the deficit spending has created problems. So you don't come in to fix a problem by doing more of what created the problem. You know, it's like that stupid joke where a guy goes into the doctor and says, ''It hurts when I do that,'' and the doctor says, ''Well, don't do that.'' If you're hurting the country by deficit spending, don't do that.

Now, if it's going to take a little tax holiday to help instill that confidence, that's what we can do, and it wouldn't take $1.21 trillion, which is all the individual income tax for a whole year. But there have been independent studies. Now Moody's Economy had one that said, of all the tax proposals, the one that increases the GDP in 1 year more than any other proposal is the tax holiday proposal.

And people across America are getting that, and they're picking up on this arrogance that's reemerging. Some Republicans had it when we were in the majority. Some Democrats had it before Republicans won the majority, and that's why they won the majority in November of 1994, and now it's picking up in Washington again: American people are too stupid, we have got to throw all this money away instead of letting them have it.

But that's why I would like to encourage the American people, Mr. Speaker, it would be so helpful if people across America were to let the leadership hear, and I've got the names here of the Speaker and of the minority leader and, in the Senate, the majority leader, Senator HARRY REID, and of the minority leader, MITCH MCCONNELL, because if Americans will let their representative and their senators know and then let these people know—I've got the Capitol switchboard number here—if they were to let those people know, cut out the arrogance, let us have a tax holiday for at least a couple of months, it will be a whole lot cheaper than even Geithner's plan that's supposed to come out tomorrow to spend $350 billion. And apparently he's got ability and authority to spend even more than that because what we've heard is that you know, gosh, Secretary Paulson didn't spend all the $350 billion so he's got more of that he can spend.

So, if we were to have a 2-month tax holiday of both FICA and individual withholding, the figures that we have been provided would be that it would cost around $334 billion for 2 months, and that could be made up by the money that's already been allocated.

But we did a poll in East Texas to find out how people would spend their money if they got a 2-month tax holiday, and we encouraged them to look at your check stubs, look at how much withholding is taken out of your check each month for 2 months, see what that huge total is, and then let us know what you would do with the money. These were the major answers we got: Invest in small business; invest in the stock market. The most common answer we got is that that would help us buy a home, someone to build a home. Let's see, number one answer is, if you combine them all together, combine these as a group, would be to catch up on their mortgages and pay off credit cards.

And perhaps that's what Senator KERRY's talking about. Maybe they wouldn't invest their money. Maybe they might put it in the bank. How about paying off their credit card? We heard Secretary Paulson and now Secretary Geithner saying we do need more lending in this country, and that's why we need this money, to help shore up the credit business, create more lending.

□ 1815

Well, what we've heard from people is that if you give us our withholding for 2 months, we will catch up on our mortgage, we'll pay off our credit cards, and we'll have some money to go eat out on. And that was another big answer, ''Go out and eat.'' Some said, ''Just to shop.'' Some said, ''To finally take a trip and have fun with the family,'' something they haven't been able to do for a while.

But that would help America.

And even if these people that some deemed too stupid to know how to use their own money that they earned in their own paycheck, if they put it in the bank—maybe that's not what Senator KERRY was thinking about in the way of investment—but if it increases confidence in our economy, let somebody put some money in the bank. It would be good for them, more money in the bank, more money to loan.

But all of this talk about doom and gloom has got people scared. And now we're hearing there's a bill that would allow bankruptcy judges—we had testimony on it in the Judiciary Committee—that it will allow, for the first time, bankruptcy judges to drop the principal on a mortgage, on a home loan mortgage. That's really interesting.

And then one witness said, ''Well, but they've been able to do it in some places where judges could lower the principal.'' And on being pressed, he had to admit that actually in those rare cases, the debtor was required to pay the extra principal that was reduced within 5 years, so nobody hardly ever does that because most people who file bankruptcy can't pay that kind of money for principal that quick.

Anyway, again, Mr. Speaker, if people wanted to get across to the leadership in this Congress that has the purse strings—not the President—this Congress, House, Senate, by Constitution have the purse strings, then they would be amazed at what they would see happen if people across this Nation—Democrats, Republicans, bipartisan—let these folks know how they feel about either Washington squandering their money—because that's what I see what's been done—or the people that earned it actually getting to spend that money.

So what are some other solutions? Well, I would have hoped we would hear these things from the President because that's where you can instill hope so easily. You've got the bully pulpit. But that's not what we've heard so far.

One of the things that some of my Republican colleagues and I have been trying to get it across—we tried to get it across in the last Congress the last 2 years—that there is so much that would boost our economy if we would use our own resources. We have energy resources. We have been so blessed with so much in the way of natural resources, like no nation in the history of the world. What a blessing we have had.

You know, some complain that there are not enough trees, but if you look and you do your little investigation—like those of us on the Resources Committee have heard and read about—actually there are more trees in the United States of America right now than ever in history; more than 100 years ago, more than 200 years. We have been so much more cautious and so much better stewards about this great land that we've been blessed with. But we can use the resources we've got.

Now, on energy, we got notice we've got a hearing this week and a couple more coming up about why we ought to cut off and renew the moratorium on offshore drilling on the Outer Continental Shelf drilling. Well, the people need to remember what they did in September because in September, they let Washington hear from them, and those who are in the Democratic leadership at the time realized—this is the way it appears to me—they realized if we extend the moratorium on offshore drilling right now when people are paying so much for gasoline and natural gas and heating oil, they may throw us out of the majority come November, so let's hold off on that.

And there were rumors, and I don't like to give any credence to rumors. And there were rumors back at the time that gee, there were some in leadership, Democratic leadership, who were telling the environmental folks—who were so way far off the left that they don't think there is any way for man and energy to work together and still have a good environment—but they didn't want the moratorium dropped, but they seemed to be comforted. They quit making noise. For

some reason, they began to think that, gee, when the Democrats got past the November election and stayed in the majority, the moratorium would be forthcoming.

Well, low and behold, here we are in February and here we've got three hearings scheduled on why we should have a moratorium on the offshore drilling again.

Just incredible.

Looks like the American people, Mr. Speaker, are going to have to let the leadership know again just how they feel about that because we're going to see natural gas, heating oil, gasoline, we're already seeing that come back up. And there is a meeting now posted for OPEC where they're going to talk about cutting production so that we are forced to pay more. We knew this was coming. And yet we had the resources to avoid having to send all of this money overseas.

You know, you look at what we've got here. We have more coal than any nation in the world. I don't want to see black smoke creating all these terrible air problems that have happened in our country in the past, but the air's been cleaned up. You know, you'd fly into some of the cities that used to have a big brown smog cloud over it. We've done so much better. We're doing so much better. We're doing better in that area. And I don't want those days to return where there's black smoke billowing up. But most of the smoke you see now is steam.

But we could use clean coal techniques. We could use coal-to-liquid technology. We could use more wind as Boone Pickens advertised so much about.

And, you know, if France can make nuclear energy work and have over 70 percent of their energy come from nuclear without a major incident, with American ingenuity, do we not think we could do the same thing?

Natural gas. Now, natural gas is an incredible asset—as my friend, Congressman VERN EHLERS, likes to talk about—that is such a valuable commodity. It is feedstock for so many things. So many of the products that we use and save people and doctors and just across the business spectrum, across our own comfort spectrums, we have products that were derived using natural gas as a feedstock.

And we may have more natural gas anywhere. The estimates I've read indicate probably the second-most natural gas in the world, if you're allowed to go off the Outer Continental Shelf—especially around Florida—but I didn't realize until we got to Congress that we have oil and gas reserves up and down the west coast, California up through Washington. We've got it from Maine down to Florida. And the gulf coast is rich with it. In Texas, off the Texas gulf coast, Louisiana gulf coast, a couple of the others have some rigs. I mean, we are producing oil and gas as fast as we can to try to be a team player and help this country.

But we need some help. We cannot afford for States to be so selfish that they don't want to see a rig. And to me at night, looking off the Texas coast, it's kind of pretty to see a light or two sparkling out there. And we also know if they are producing toxic problems, then we need to shut them down. I'd be leading the charge to do so.

What we saw after Katrina, this terrible hurricane that hit at a level 5 out on some of these platforms, we didn't have any leaks. The technology is amazing. They shut those things in. Some of them were totaled as platforms. It was a level 3 when it hit Louisiana, but it was a 5 and devastated some of those platforms. No leaks.

When I was growing up, we'd hear people say, you know, we can't have platforms out there off our Texas gulf coast because if we do, it will destroy all fishing for all time in the Gulf of Mexico off our coast. Well, what they found was when they put those platforms out there, they become artificial reefs. And now many times when you want to go fishing, people will encourage going out around these platforms because the fish have adapted so well.

So there is so much we could use. The hydrogen technology, water, solar. I filed a bill last Congress, and I intend to file again—never got to the floor—but I think for the long term, solar provides the cleanest, best potential for energy in the universe. What an incredible source. We just need to figure out better ways to use it.

We have never come up with a way to hold electricity. We can hold DC current, we can hold power, we can hold energy. Some have figured out if they pump water up into a high reservoir during off-peak times, they can let it flow downhill, turn generators, produce more electricity during peak times. And that's storing energy potential up there, but still we haven't found a way to store electricity.

I know some scientists say we'll never be able to do that. Some say there may just be a way. So my bill would provide a $300 million prize for anybody who comes up with a way to store megawatt electricity for 30 days without losing more than 10 percent of it. Some say it can't be done. And the truth is, if we put a prize out there and it started getting these brilliant intellects in this country to focus on that and they were able to do it, they would make so much more money than $300 million, they would be set.

But it's the Congress' job to inspire people to reach beyond themselves—not to lure in a rut—but to reach beyond themselves. And I think one day, solar will be our ultimate energy answer. But in the meantime, we could be completely energy independent if we just use what we've gotten.

And when we hear all of these estimates about job loss—and we know that every report of job losses, it isn't just 50,000 or 500,000; it is each individual case creating a devastating hurt: economically, mentally, emotionally, families hurting.

Well, so what alternatives do we have to giving another $800 billion on top of the $700 billion that we've already given to the Federal Government? What kind of alternatives are there?

Well, how about using the energy that we have? Because when we start looking at all of our resources—and we got this thick shale up around Utah, Wyoming, part of Colorado—we've seen estimates that range anywhere from one trillion to three trillion barrels of oil that can be obtained from that thick shale. We've seen estimates that there may only be one trillion left in the entire Middle East.

We've also seen the report that if we open up ANWR to production in Alaska, to oil and gas production, that we could cut 70 percent of our usage of Middle East oil and gas. Wouldn't that be wonderful? We could be so much more relaxed.

But the thing about using our own energy that goes beyond not sending money to other countries—some of which really don't like us; some of which may allow the growth of terrorists and training of terrorists within their boundaries—we cut that off. We use what we have.

So it was incredible to see this report about the jobs that would be created from development of Alaska's oil and gas reserves.

□ 1830

That's right, jobs that would be created from use and pursued development and production of oil and gas in Alaska. There would be new jobs in all 50 States. We have heard President Obama say first, as I understood him, we were going to have—he was going to create 3 million new jobs. Then, I believe I heard him say today, actually, ''We are going to create and save 3 million new jobs.''

Well, I liked it better when he was saying he wanted to create 3 million new jobs because once you say we're going to save a job, there's no way to either disprove or prove that you have saved a job, most of the time. So you say you saved a job. How can we know? You say you created a job. We know you create a job if it's created.

Well, how about this? Alaska's oil and gas resources, if we were allowed to pursue them properly, as President Jimmy Carter, back when he was President proclaimed should be done. He proclaimed ANWR, as he set that section 1002 off because nothing really can grow there, nothing can live there. What a perfect place to have a small footprint to help us with our energy needs until I say we get to solar.

Maybe we can do hydrogen and water. That would be fantastic.

Here are the jobs that would be created. In California—new jobs—334,000 new jobs; Washington State. Right now, actually, in Washington State they have a huge unemployment problem. There's 234,000 people out of work in Washington State. If we allow Alaska to produce their oil and gas, it creates 139,089 new jobs.

Pennsylvania. You wouldn't have thought maybe Pennsylvania would do so well. But there are some people struggling in Pennsylvania, looking for jobs. There's 347,800 people out of work in Pennsylvania, according to this report. The new jobs would be created just from opening up Alaska's reserves. Wouldn't cost us any money. In fact, we could make money off of leasing that property—142,529 jobs.

New York State. You might not figure they would benefit with new jobs from opening up Alaska's oil and gas. But, 93,356 jobs. New Jersey, 39,136 jobs; Illinois, 40,609 jobs.

The overall gain, 1,074,640 jobs from Alaskan oil, and 1,135,778 jobs from pursuing Alaska's natural gas reserves. Overall, 2,210,418 jobs. That would be kind of nice. We wouldn't even have to spend any money. We'd get money in from that. We'd make revenue off of that.

Yet, what did we hear? How is the Federal Government now going to help us? Well, before the Bush administration went out—and it takes a long time to put Federal lands up for lease for oil and gas production because there are battles galore. We heard in the last Congress I forget how many—60 million acres or something—that are currently under lease and not being produced or utilized. Interesting. Nobody ever tells you how many of those acres are tied up in lawsuits, because that is the thing that happens.

If we created an Outer Continental Shelf drilling bill and didn't have a speedup on litigation, with a quick turnaround time so we could get answers on whether it was lawful or not, then it would be successful dragging them out like they have so many of the millions and millions of acres that are tied up now in litigation that are not being able to be utilized.

But the Bush administration knew that would create jobs so they put some leases in the western United States up for lease. That was a good thing. They put it up for bid because the high bidder gets the lease. And they awarded the bids, and the checks came in from those individuals. And as the checks came from those individuals, so did President Obama's administration.

So, here's an article from the AP—just a little quote from it—and this is about Interior Secretary Ken Salazar has had the U.S. breach its promise on leases already studied. The bids were offered, the bids were awarded. The checks were sent in. They were paid. Here's the story from the AP last week.

Secretary Salazar says he is scrapping the lease of dozens of parcels of Federal land for oil and gas drilling in Utah's Red Rock Country. Salazar says the Bush administration rushed an auction in December of some of the country's most precious landscapes around national parks and the wild Green River.

We have rigs in State parks, all kind of parks around Texas, and we welcome them. They produce jobs, they help the economy. They put kids in nicer schools. They do extraordinary things with a tiny, tiny footprint that we demand is done right.

Salazar on Wednesday ordered the Bureau of Land Management, which is part of the Interior Department, not to cash checks from winning bidders for the parcels at issue in a lawsuit filed by environmental groups. A Federal judge last month put the sale of the 77 parcels on hold. Now Salazar is saying he won't sell any of them, at least not until the Obama administration has a chance to take a second look.

Well, those are jobs that aren't saved. Those are jobs that are being lost. And they are jobs that are not being utilized, and this country deserves better.

I see my friend from Utah here. I would yield to him if he has a comment on that.

Mr. BISHOP of Utah. If you have, Mr. GOHMERT, the gentleman from Texas, just a moment on the last chart you brought up, because it does deal with my State. And I appreciate you bringing that issue up because it was one of the surprises we had when the new Secretary of Interior, Mr. Salazar, did indeed take off from potential leasing those particular areas.

What I'd just like to speak to you specifically about this particular issue is when he said that the Bush administration rushed to sell these leases, they were in a hurry to get them done, nothing could be further from the truth.

These leases are part of a resource management plan which had been in effect for 25 years, and we were trying to update them for the first time in 25 years. Each one of these leases went through 7 years of study, hundreds of town meetings, thousands of inputs from individuals. Now, I'm sorry. If 7 years is a rush to judgment, something is wrong somewhere.

What we are talking about here are decisions that were made not only by Federal BLMA employees as to the viability of these lands, but also the State of Utah. So the State Fish and Wildlife chairman was in charge of signing off on all this. The State Historical Preservation officer was in charge of signing off on all these particular leases.

When they were announced after 7 years of study and, might I add, there was not one acre added to this management plan that had been in the management plan 25 years. The Park Service objected to a few acres around the national parks. Those were withdrawn by the Bureau of Land Management.

So these acres are not around those national parks. These acres—77 leases—these acres were the product of a lawsuit by special interest groups that were pulled off the table by Secretary Salazar, not because it was a rush by the Bush administration, but it was a 7-year planning session. These are all miles away from any kind of natural splendor in the State of Utah. And that is why it is so astounding.

I am amazed that if you actually look at the number of leases that were done—you probably cannot see this on the camera—but, starting with the Clinton administration, every year we offered 3,300 leases; 3,800 leases, 30,000 leases, 3,300 leases. And, when Bush took office, the number went down to 25, 16, 14, 15.

The average number of leases in the 7 years of the Clinton administration was 2,900 year. In Bush, 1,900 per year. The Clinton administration offered more opportunity for exploration of natural resources than the Bush administration did. And when we say this is a rush to judgment, he was paying off rents at the last minute, it is flat out not true.

What happened is the Secretary of the Interior in a knee-jerk reaction to special interest groups pulled off land that should never have been pulled off because it was land that had been thoroughly vetted, and the only changes in the land plan was to make it more environmentally sensitive as to landscapes, noisescapes, lightscapes, and disruption of the surface property.

This is my territory. I know about it. And I am incensed that this was done, because there is no rational reason for it.

I yield back to the gentleman from Texas.

Mr. GOHMERT. I appreciate my friend from Utah. It's one of the reasons I love my friend from Utah. When I saw my friend on the floor, I knew that you would be able to enlighten even further.

So, it looks like what we could suggest for our Interior Secretary Salazar, since he thought these leases were, as he says, some of the country's most precious landscapes around national parks and wild Green River, we will just have to encourage him to discover a little more about America so that he will understand what it is before he kills more jobs, hurts more families, as he does.

My time is wrapping up. What occurs to me when we see these incredible resources that would just, if we did the Outer Continental Shelf and Alaska's oil and gas, which Alaska, the vast majority want to pursue, we'd have the 3

million jobs. It wouldn't be saving the jobs. Those would be saved. But we would have 3 million-plus plus new jobs.

What I thought about is a sweet man—I just loved him to death—from Nacogdoches, Texas. Bob Murphy. He passed away a few years ago. But I used to love to hear him talk.

And he told a story one time back when I was in high school, the first time I heard him, and he said that there was a fellow that came to have coffee with him at the coffee shop every other day. And every time he would come in, he'd order coffee. And the waitress would pour his coffee. And he would take the sugar jar and just pour it. And you knew that at least a third of the cup was full of sugar, and then he would never stir it. And he would drink it, they would add more coffee, and he'd add more sugar, and never stir.

Finally, it got the best of Bob. And he said, Look. Why don't you just stir what you got? He said, Bob, if I stirred all that sugar, it would make me sick.

Well, here in the United States, if we stir what we got, if we use these incredible resources with which we have been so blessed. We provide jobs. We have money here at home that we don't have to send to other countries. We provide for ourselves, we provide for the common defense, we provide people the opportunity to reach their God-given potential.

We have been so blessed. It's ashamed to keep giving back and saying, No, thank you, God. We don't want these gifts. We are not going to use them.

It's time to use what we have got, stir what we have got. Thank you, Mr. Speaker. I appreciate the time. I yield back.

OMNIBUS LAND BILL of 2009

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Utah (Mr. BISHOP) is recognized for 60 minutes.

Mr. BISHOP of Utah. I appreciate the opportunity of being here. I appreciate being able to catch the last of the gentleman from Texas so I could add in, especially as he talked about my home State.

It's unusual because, to be honest, most of everything we are talking about in this Nation and in Congress is the stimulus bill. Everything is about the stimulus bill. And it's appropriately so.

It seems to those who are cynical here in Washington that we are trying to push the stimulus bill through as fast as possible in, as the cynics would say, an effort to try and stop people from seeing what is actually in there, because the more we look at it, the more problematic the entire bill comes.

But today I wish to talk about a different bill, as ominous as the stimulus bill. In fact, it is called the Omnibus Land Bill of 2009, which will be coming up this week. And if you think the stimulus bill is being rushed through Congress, the way this omnibus land bill is being pushed through Congress makes the stimulus bill look like it's absolutely plodding through this process.

The omnibus land bill that will be up sometime this week, supposedly, is over 160 different bills wrapped into one gigantic bill. Seventy-seven of those bills have never been discussed in the House. There has never been a hearing, nor a markup in committee, a vote on the floor, of over half of those particular bills, which means if I was allowed this hour to talk about every one of these bills, I would have to take around 20 seconds apiece to go through everything that is in this particular omnibus land bill.

And one must have to ask very simply, Why do it so quickly? What is the speed? At least in the stimulus bill we can say there is an emergency that we have to do something, but we can't do it here.

So I intend to speak about this omnibus bill and say why there are some problems, even though I fully admit there are some very, very good bills in the omnibus bill. I should know that two of them are mine. And they are very good bills.

Chairman RAHALL of the Resources Committee has some bills in here that we have talk about on the floor and in committee. They are very, very good bills.

□ 1845

But still, 77 of them are bills that the Senate decided to put into this package without the House having any kind of input or hearing into this process.

So I am going to be talking about the problems of this bill and the process of it, the cost of it, as well as the content that happens to fit into this particular pattern.

Now a lot of people here in this House have been former State legislators. That gives us some ability to help as far as understanding the process of what is going on. But it also helps us to understand there are other ways of doing things. I have to admit, in most State legislatures, this type of bill would not be allowed to come to the floor. Most States have germaneness laws, which simply say for every bill, it is one topic area, and that is because every bill deserves to be discussed and voted on its merits and not lumped together with something else to help it through the process.

Indeed, if you have an omnibus land bill that creates a new Under Secretary of Energy, one can logically say what does that have to do with a land bill, and they would be correct. No State would allow this tragedy to take place.

One of the senior Members of this body is purported to have said, I have yet to ask him if it is true or apocryphal, but he is purported to have said that if I allow you to create all of the policy decisions, and you allow me to make all of the process decisions, I will screw you over every time, which simply means whenever we play fast and loose with the rules of the game, our process, there are going to be winners and losers. We are playing fast and loose with the rules of this particular game.

In the retreat that the opposition party, Democrat Party, just had, they made a statement. The spokesman for the Speaker said both the Speaker and leadership agree that it is preferable to use regular order, especially in non-emergency cases, and that has always been the intent.

This is not an emergency bill, but we are not going through regular order or using the process allowed. And someone would simply have to ask, Why? Why are we allowing the Senate to send over a blob of bills in which every case possible, when there was a Senate version, the House version was dropped and the Senate version was put in there? Why is it that House amendment after House amendment discussed on this floor, passed on this floor, both Republican and Democrat, were simply eliminated by our friends on the other side of the body? Why is it that they said discussing House amendments would take too long?

Some of the bills placed in this package have been sitting over in the Senate for 2 full years, passed in this body 2 years ago, and one would simply have to ask how long does it take for a Senator to read an amendment and why should we have a flawed version? What is the rush on this particular bill and who are the losers if we place this process in this particular order.

One of those answers is, well, taxpayers. This bill, according to the Congressional Budget Office, has somewhere between a $7 billion to $10 billion price tag. In the stimulus bill, depending on how it ends up, there was $2 billion put in for the National Park Service to try to put a dent in the backlog of National Park Service projects. I understand why that is there, and it is definitely needed.

In my State, where they have those leases that were dismissed, unfortunately, is Dinosaur National Monument. This is the Visitor Center. This is one of the coolest places I have ever been. You go inside, and they have scraped some of the dirt off the side of the mountain and you can see embedded in the rock, fossil remains of almost any dinosaur you want. It is a fantastic site, and this Visitor Center is condemned and closed for years because the Park Service does not have the money to fix it.

I understand why you would want to add $2 billion to try to get at what is

estimated at around a $9 billion backlog. But what I don't understand is as you are trying to solve these kinds of problems and putting money in the stimulus bill, why do we then pass an omnibus land bill that adds another $10 billion worth of backlog on top of what we already have? Why are we trying to expand and divert the resources that we have instead of taking care of what we have first? That would simply make sense. It is, indeed, countereffective.

Why in this land bill is there a place for a national park back east that will include, among the splendors of this park, a condo, a microbrewery and a butterfly garden which was not recommended or requested by the Park Service. Politically, we put this national park in there. When we have these kind of legitimate needs, why are we expanding it in this particular way?

This bill includes another 10 heritage areas at the price tag of $110 million. Heritage areas, when originally established, were supposed to be for areas that had cultural and historic significance, and they were supposed to be for a short time so there would be enough incentive of Federal money to allow locals to take over and run those areas effectively to promote tourism. However, what we have seen in the past in another omnibus bill passed last year, as well as in this bill again, is not only those heritage areas coming back, but instead of allowing them simply to lapse, having been given the boost, we are extending them and their time period. We are reauthorizing them. And what is so amazing is we reauthorize them with more money than they asked. If the ask was for $10 million, we gave them $15 million. And for what purpose?

The founder decided it was supposed to be for a short period of time. We are now using these as economic development to attract tourism. That is nice, but the question is why should a taxpayer in South Carolina or Texas be required to put his tax money into economic tourism development in New York State? There is nothing wrong with competition and helping tourism, but why compel taxpayers to help the competition out? This is doing nothing more than diverting our resources.

We had a nice lady come before our committee wanting a new heritage area in her home State, actually crossing into two States. And I asked her please tell me what it is about this Federal designation that would make it possible to make this heritage area more attractive that you can't do either by the State itself or by interlocal cooperation? Is your State not able to hire docents to lead people through? Are there not enough buses to bring kids there? What do you need?

To be very honest, as well as the lady tried to answer, she never said there was anything except the added respect and impetus that having this as a Federal designation would give it. And as soon as she said nothing more than the fact that this would add extra prestige to this area, one of my staffers leaned over and said, ''Nope, the lady is wrong. There are 15 million reasons why this area needs Federal help. Each of those reasons is green, and it has a picture of George Washington on it.''

I don't have a problem with heritage areas; I do have a problem with diverting our resources at a time when we need to focus them on what we already have at hand, and this bill before us will not do it.

Why the rush? Why not put this through regular order? And more importantly, who loses? And I'm sorry, but I think the taxpayers of this Nation lose.

There are recreation restrictions in this bill. The American Motorcycle Association and a broad coalition of recreation advocates have said the 80 new provisions in this bill that deal with their particular recreation opportunity will close more than 2 million acres of public land to ever allowing them to recreate on them again. These groups' members include millions of off-highway enthusiasts, vacationing families, and small businesses involved in the system. And what they have pleaded with us to do is, quoting from the letter that many groups signed, ''It is our sincere hope that this Congress will develop a thoughtful approach to managing our public lands more than simply eliminating public access and creating additional layers of bureaucracy. Continued reasonable access to public lands is vitally important for current and future generations.''

There is nothing wrong with that, so why not do it? Why the rush for this particular bill? And who are the losers other than Americans who enjoy recreating on public land.

There is another provision in this bill which deals with the State of Wyoming, where the delegation is not united, which will take 3 million acres of land that has energy potential and take them off from development forever. Within this, and there is some disagreement as to the total number, but there may be as much as 8 trillion cubic feet of natural gas, 300 million barrels of oil, in a tri-State area where there is about $800 billion worth of oil shale, whatever the numbers are with which you wish to agree, it is the equivalent of 15 years of American energy production that can be used in this particular area; and the question is, Why do we rush? Especially when the delegation is not united on this point, why do we rush this bill through and who becomes the loser?

This is only one of 19 provisions in this particular bill where areas are removed from potential energy exploration. Who are the losers? Well, I hate to say this, but as we had the energy debate this past year, it is very clear that it is poor people who are the losers. If you are rich, and I am not saying that anyone in this room today is rich, but energy prices are merely an inconvenience. If you are a poor person, on the poverty level, 50 cents of every dollar has to go to energy. Those are the people who have to decide whether they get energy or a tuna casserole, and leave those luxuries of Hamburger Helper behind. Those are the people who are hurt when we rush to judgment and pull more acreage of energy production off the table. That is not the way that this is supposed to be done.

If I can have you look at this chart for just a moment, it simply talks about the salaries of teachers in the State of Wyoming where we are now going to take 3 million acres of energy off the table, and the State of Montana. The higher one is what are paid teachers in Wyoming for every area. It shows bachelor's degree, bachelor's with experience, master's, and master's with experience.

The red is what is paid in Montana. You can see there are 20 grand extra that you can get for teaching in Wyoming. And the question I hope everyone asks is, Why?

It is very simple: because Wyoming develops their resources. If a State wants to be able to fund their education system to pay for their highways, to have a good college system, and they do not develop their resources, there is no hope.

When Mr. GOHMERT talked about what the secretary did by taking those leases off the table, the State of Utah, now trying to balance their budget with a negative tax flow, lost $3 million overnight. That is $3 million which could have gone to their education system and was no longer available simply because the secretary decided to play games with special interest instead of going along with the process that took 7 years to develop.

This chart is also one of my favorites. It is the famous blue chart. The area that is shaded in blue in each State is the amount of that State that is owned and controlled by the Federal Government. And I think you can see some amazing similarities. Obviously, Nevada and Alaska have almost 90 percent of their State owned by the Federal Government. At the lower end, New York and Rhode Island have less than 0.4 percent.

That is amazing because those of us who live in the Rocky Mountain West know what it is like to have an absentee landlord, or slumlord, as we call it, the Federal Government in charge of our land.

Compare this chart. The States in red are the States with the most difficult time paying for their education. I hate to say this, but you can see a one-to-one correlation between the amount of Federal land a State has and

the inability to fund education. One of the things that we are finding as a phenomenon in Utah is that almost every article that talks about the difficulty of funding education in Utah will always say, well, of course, we are a public land State and there is so much in Utah that is untaxable. Obviously, we will have a difficult time. And it is true.

But that's not the way it has to be. If the Federal Government paid taxes on all that land at even the cheapest rate, Utah would get $116 million every year at the lowest possible tax rate for education alone. About $800 million nationwide for education alone if the Federal Government simply allowed themselves to pay for the amount of land that we have taken off the table and controlled and then still treat those States almost in a position of slavery.

Once again, why the rush? Why the rush to pass this bill? And who loses: kids, schools, and States.

□ 1900

More and more land is going to be eaten up in this bill. Already, the national government owns 650 million acres. I hate to say this, but already there are 708 wilderness areas in the United States. That is about 107 million acres, three more added in this bill, making it 110 million acres. That is roughly, if you were trying to figure something out, if you take the States of Virginia, North Carolina and Georgia, that is how much wilderness we already have in this country. So the question ought to be how much do we really need? How much should we be adding? Especially when one considers, according to the Congressional Research Office, there are only 108 million acres developed in this country. Urban-suburban areas come up with 108 million acres. This bill will create 109-plus million acres of wilderness.

The question is why the rush to judgment, the speed for passing this bill? And once again, who loses? Those wonderful heritage areas don't count, I might add. The National Park Service said to have a heritage area, it should be something historically significant. By definition in the Parks Service, that means a cohesive, naturally distinctive landscape. I hate to say this, Tennessee, the entire State, is a heritage area. I want you to tell me what is the cohesive, naturally distinctive element from the Mississippi River to the Appalachian Mountains that ties Tennessee together in one of these national heritage areas? What I think I'm saying is I know who the losers are. And those are the people who are funding this system.

We have concerns of private property with this bill, simply because every element to try and protect private property was stripped in the Senate. There are very few people who know that the Secretary of the Interior, who is one of the few cabinet members, maybe the only cabinet member, that has the right to condemn property. Why? Why is that in there? Why is that provision given to him? Why is it that when we try to bring this up and everybody says, no, no, no, we will put protections in the law, this was one of the laws we passed already, but what we tried to say is when you talk about protections that we're putting in the law, nothing will supersede the underlying code we have which says that nothing contained in this section shall preclude the use of condemnation, which is the power the Secretary of the Interior has. We tried to limit and soften this. And fortunately, this House went along with many of those amendments. The Senate took them all out. Why the speed? Why the rush? And who becomes the losers?

Oftentimes, we were told that if you create a heritage area, again, not a park but a heritage area, okay, there will be no kind of overt control on the people who have private property in those heritage areas. There was one that we passed last year that deals with property very close to the Capitol here. And the guarantee was that at no time would this interfere with local government or private property rights. And yet within 6 months of the passage of that bill, the leaders and organizers of that heritage area were already meeting in a letter that came out in the Gettysburg Times with three local communities to revise their outdoor signage codes. In essence, what they said is that the heritage area gave them extra teeth with outdoor sign regulations along the corridor. And they used them. One of the councilmen, actually a supervisor in one of the townships, quite simply said, this is an amazing process we are now stuck in. This township voiced apprehension about the agency's or this heritage area's agenda and whether the group plans to lobby for further land-use regulations along the corridor. My question is, he said, what is next? When we originally passed this, it was with the understanding there would be no usurping of local government control. This is trying to change our zoning. And the guy fears that new signage regulations would curb commercial development in his township.

Now all these things need to be worked out. The House, to its credit, and Chairman RAHALL, to his credit, tried to work through those issues. The Senate pulled them all back and sent us this omnibus bill with individuals without any sort of protection whatsoever. It's called ''regulatory taking.'' What is worry to me is what we should be doing is making sure that every person who has private property in a potential heritage area is notified by the government that they will now be included in the heritage area and they should know what that entails. And yet when we tried to put that specific language in, it was rebuffed. But that should be the very minimum, because that is exactly what happened. And those people with private property, they are the losers. And why once again, why the speed and the rush to pass this particular bill?

One of those elements in there is one we have talked about a long time before. The good old Taunton River. The Taunton River project in Massachusetts has 35 miles of the upper Taunton which clearly qualifies as wild and scenic rivers, and 7 miles in the lower Taunton, which doesn't. Now I spent a lot of time on this floor talking about that bill, so I don't need to rehash everything. But the issue at hand is simply this, 40 years ago, we wrote a wild and scenic river bill for the purpose of allowing protection for scenic, recreational, geological, fish and wildlife, historical and cultural endeavors and to protect them from development. That is the purpose of a wild and scenic river.

Now when I came in here last year arguing about this particular bill, I showed you a lot of ugly pictures found in Taunton River. I was overly rambunctious in my rhetoric. Fall River is not an ugly city. It is a very attractive one. In any city you can find bad pictures. I found ugly ones. The sponsor of this bill found pretty ones. The issue, though, is not is it ugly or pretty. The issue is if there is any construction, it no longer qualifies as a wild and scenic river. By the definition of law, if it's a wild and scenic river, within one-half mile of the bank, there can be no construction, only needful building. Look at this. There are nice homes and docks. There is a maritime museum. There are condominiums. There is commercial development. There is industrial development. All of that precludes this from ever being considered. Once again, the parks department did not recommend this as a wild and scenic river. They said in the report it was controversial. It was problematic. It would solve some political problems. But it's not what was at hand.

And why am I railing against this provision? Not because I don't like the people in this area, even though I have received a signature of petition from 1,000 people from Fall River and the community in Massachusetts who are objecting to this procedure, but because of what this does to the rule of law. Look, we have all these great lawgivers around us. Hammurabi was the first one. And the addition you have, the importance you have of law, is you have down in writing what is the standard of conduct. And when a standard of conduct can be changed by simply a majority vote, all of a sudden, the reason and purpose for having the law in the first place become moot. It becomes harmful. Who we are harming by

passing this is not just the people in this area, although they recognize that. It's harming all of us because what we are doing is saying, we will make a definition of what a wild and scenic river is, and whenever we can get enough votes on this floor, we will throw it out and do whatever we wish to do. And that is the exact opposite of the way a civilized society should run itself.

Why the rush to judgment? And why, for heaven's sake, are we doing this? And who becomes the losers? Not just in the specific area of Massachusetts, but in this Nation, who becomes the losers? That is us. There is a National Landscape Conservation System already under internal investigation. I don't expect anything to come from that. But we should at least wait until the internal investigation is done before we move forward with anything.

This bill codifies that. And it puts 28 million acres, most of it in the West, with another layer of bureaucracy to administer. That is not a new administration, it's an additional administration. And I'm sorry, as somebody who lives in the West, I can tell you that will make a difference to those of us who live in the West. This new document now allows the Federal Government to regulate such wonderful things as, get ready for this one, smellscapes. I don't know how you judge smells in a public park. I don't know why you would want to judge smells in a public park. But that is the power we are giving. Why the rush to judgment? And for heaven's sake, who loses in this particular process?

We have one other element that is in there, too. We are now going to ban people from finding fossils on public ground. This is a bill that was heard in committee but was never heard on the floor of this House. This House did not pass that bill. It was not passed in the Senate, either, until it was added, once again, as another add-on to this particular omnibus lands bill. But before me, I have this statement of the Association of Applied Paleontological Sciences who are objecting to this bill, not that this bill can't be worked out in some way, but that this bill does not do it. They talk about section 5 paragraph 3 that talks about locality and localities not being released, which is the exact opposite of what paleontological science should do, about section 8 where you are supposed to identify a fair market value for anything found, which you cannot do, about section 7, where people cannot support a false record or label or identification on something, and when you find it, you don't know what it is, it cannot be done, and section 9 where vehicles or equipment may be taken away for any kind of violation of 5, 8 and 7, which cannot be done.

The problem the experts are pointing out is the bill is unworkable. Why is it added? Why is there a rush to pass this bill? And who obviously loses in this process? I could talk about things that make this bill as uncomfortable as the stimulus. I could ask why, in this omnibus land bill, will we spend $12 million to give the Smithsonian the chance to build a new greenhouse in Maryland to develop orchids? Why are we giving $5 million to a tropical botanical garden in Hawaii and Florida that already brings in $12 million a year at a $4 million profit with $59 million of assets? Why do they need another $5 million from taxpayers? Why are we spending $4 million, this is a wonderful one, to find nonlethal efforts to prevent predatory behavior by wolves, $4 million to create wimpy wolves, and $1 billion to save 500 salmon in California? There are only 500. We are spending $1 billion. I certainly hope these fish are never on the Oceanaire menu, because at this price, that is $2 million a fish to be developed.

Why are we doing that? Is it because, as some of the myths say, if we don't pass this now we never will? No. Is it because this bill has been fully vetted? I have just gone over that. It hasn't been. It hasn't been in this body. Is this bill having solid bipartisan support? Then why are there over 100 organizations, from the chambers of commerce to recreation bodies to land-use bodies to public entity bodies, who are in opposition, not only to the content but especially to the process of this particular bill? And we should pass it because it is noncontroversial? Look, in the Congressional Research Service, the research arm, whatever that is, 37 times it uses the words ''controversial'' to describe provisions in this bill. This is not a bill everyone has signed off on and everyone agrees to and it doesn't do any harm.

We are breaking procedural processes. Bad procedure creates bad process and bad product. Why? Why is there a rush? Why not allow this to go through regular order? There is no emergency status on this bill. And once again, since we are rushing through the process, who wins? And more importantly, who loses? And there are a whole lot of people who lose. I would like this body, rather than passing this bill, to go through and cull out the provisions that truly are nonpartisan and noncontroversial. And there are a whole bunch of them, most of which have passed this body at one time or another. I would even be willing to go out and put in the bills that passed this body over my opposition because at least it was done fairly.

But more importantly, I would like us to do something proactively, establish private property protections, so that anyone that may be included in the broad grasp of the Federal Government, whether it be in the area of a national park or one of the newly created heritage areas in which they don't know what is about to hit them, give them the right of protection, take away the power of the Secretary of the Interior to condemn property, allow individuals to be notified if they are going to be included in any kind of park service area, especially heritage areas, and make sure that people have options and true transparency. What we need to have is a comprehensive energy policy so we are not taking 19 little areas here and there, piece by piece, and taking them off the plate, but rather having it be a part of a logical program of how we are going to become energy self-sufficient in this country first and then deal with these land issues.

Why do we not establish a heritage criteria so that before any other group decides to create this area of getting more Federal money so they can promote their own tourism at the cost of other taxpayers elsewhere, there is a criteria of what is and what is not a true heritage area?

And why don't we help kids with the program that we once introduced called ''Apple'' which simply said in all those Western States whose land is now controlled by the Federal Government and was never intended to be, if you read the enabling acts of every Western State except Hawaii and California, and California's was done by a law 2 years later, that land was supposed to be given to the Federal Government until such time as the Federal Government shall dispose of it, and five percent of the proceeds of those disposals was supposed to go to the State for a permanent education trust fund.

□ 1915

And I have a bill called the Apple Bill, which simply says, look, if the Federal Government isn't going to live up to what they said in law, let the States pick 5 percent of their public lands to be used for the sole purpose of funding education in the States. And then the disparity between public land States and nonpublic land States will not be so glowing, and that my kids will have a chance at a decent education, and my colleges in my State will be funded. And since I'm an old public school teacher, so that my retirement will actually be there when I need it. I have some selfish motivations as well because, you see, in all these bills going through here, if you ask who are the losers, I am. My State is harmed. My kids are harmed. My education system is harmed. And why, for heavens sake, the rush to judgment?

Now, Mr. Speaker, unless the gentleman from Texas (Mr. GOHMERT) would desire a postscript—can I ask, can I inquire just how much time is left?

The SPEAKER pro tempore (Mr. PERRIELLO). The gentleman has 27 minutes remaining.

Mr. BISHOP of Utah. I have talked longer than I have ever done in my life, and hope never to top that record again. But I do have a moment if the gentleman from Texas would like to add a postscript.

Mr. GOHMERT. I appreciate the gentleman yielding. One of the things that's been so troubling with all the promises in 2006 that, if the Democrats were put back in the majority, then they would be the most open House, this would be the most open House, everything would go through committee, everything would go through regular order. It has turned out that those have been completely hollow promises. This has been, from the best I can determine from the history of this place, perhaps the most totalitarian in the last 2 years, and it's certainly shaping up that way now. There's no chance for input.

We saw in the last Congress, they even found a way around conference committees by just cutting House Republicans out completely, finding some Republicans in the Senate willing to go along, agreeing to a bill without the conference rule being followed, and then being sent back over and over and over.

There's amendments not being allowed. The rules are being changed this time, stripping out so much that is proper process. All of those people represented by people in the minority should a chance to have their vote in this House, but we're rapidly building into a situation of taxation without representation because we're not being allowed—we can come to the floor and talk like this, but we're not being allowed to have input in these bills, and they're being rammed down the throats of Americans who deserve better. They deserve the transparency that has not happened.

And I just appreciate so much my friend from Utah (Mr. BISHOP) pointing out the problems with the process that has created such a terrible monstrosity as this bill ultimately, with some good ingredients in there, but ultimately a terrible monstrosity. And I appreciate my friend for yielding.

Mr. BISHOP of Utah. Reclaiming my time, I appreciate the gentleman from Texas (Mr. GOHMERT). Once again, I think we need to—in fact, the gentleman from Texas probably knows there is a new word in our vocabulary now called ''ping-ponging'' which is the process of eliminating conference committee and just pinging the bill back and forth between Houses, without ever having to involve the minority in any of those messy discussions. That's a new term.

But, once again, I would just like to conclude by asking the Speaker to do what her spokesman said when she said both the Speaker and leadership agree, it is preferable to use regular order, especially in non-emergency cases, and that has always been the intent.

Putting this bill on the floor without going through regular order, without allowing a committee to look at it, without allowing, if it comes on a closed rule, comes under suspension, that's a violation of the process.

And once again, I don't mind losing quite as much if the process is open and fair. And that's what we're asking for.

This is not an emergency bill. We're asking for an open, fair process.

With that, Mr. Speaker, I know the staff will be very happy since I appear to be the last speaker of the day, and a chance for you to actually get home at a reasonable hour.

I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BISHOP of New York) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. GUTHRIE) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, February 10, 11, 12 and 13.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, today, February 12 and 13.

Mr. GOHMERT, for 5 minutes, February 10 and 11.

Mr. PAUL, for 5 minutes, February 10 and 11.

Mr. JONES, for 5 minutes, today, February 12 and 13.

Mr. DANIEL E. LUNGREN of California for 5 minutes, February 10.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. GUTHRIE, for 5 minutes, today.

Mr. THOMPSON of Mississippi, for 5 minutes, today.

Mr. BRADY of Pennsylvania, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 383. An act to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes; to the Committee on Financial Services; in addition, to the Committee on Oversight and Government Reform for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 352. An act to postpone the DTV transition date.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 10, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

464. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's ''Major'' final rule — Truth in Lending [Regulation Z; Docket No. R-1286] received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

465. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's ''Major'' final rule — Unfair or Deceptive Acts or Practices [Regulation AA; Docket No. R-1314] received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

466. A letter from the Acting Assistant Secretary Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's report entitled, ''Report to Congress on the Review of the Energy Policy Act of 1992 Programs and the Alternative Fuel Provider Fleet Mandate,'' pursuant to Public Law 109-58, section 704 and 1831; to the Committee on Energy and Commerce.

467. A letter from the Commissioner of Food and Drugs, Department of Health and Human Services, transmitting Remarks by Andrew C. von Eschenbach, M.D., Commissioner of Food and Drugs on the Occasion of the Dedication of White Oak Building One; to the Committee on Energy and Commerce.

468. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; State Flexibility for Medicaid Benefit Packages: Delay of Effective Date [CMS-2232-IFC] (RIN: 0938-A048) received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

469. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Premiums and Cost Sharing [CMS-2244-F2] (RIN: 0938-A047) received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

470. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final

rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Rio Grande City, Texas) [MB Docket No.: 08-141 RM-11471] received January 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

471. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Implementation of Short-term Analog Flash and Emergency Readiness Act; Establishment of DTV Transition ''Analog Nightlight'' Program [MB Docket No.: 08-255] received January 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

472. A letter from the Deputy Bureau Chief, Wireline Comp. Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Implementation of the NET 911 Improvement Act of 2008 [WC Docket No.: 08-171] received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

473. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 18-08 informing of an intent to sign a Memorandum of Understanding among Australia, Finland, the French Republic, the Federal Republic of Germany, the Italian Republic, the Kingdom of Spain, the Swedish Armed Forces, the United Kingdom of Great Britain and Northern Ireland, and the United States of America concerning the Coalition Wideband Networking Waveform and the Phase One Project Arrangement, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

474. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting information pursuant to Section 655 of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

475. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting a report for fiscal year 2008 in accordance with the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

476. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting an extension for the waiver of the restrictions contained in Section 907 of the FREEDOM Support Act of 1992, pursuant to Public Law 107-115; to the Committee on Foreign Affairs.

477. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting correspondence from Speaker Mohammad Yonus Qanoni; to the Committee on Foreign Affairs.

478. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting an extension of the waiver of the restrictions contained in Section 907 of the FREEDOM Support Act of 1992, pursuant to Public Law 107-115; to the Committee on Foreign Affairs.

479. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting information pursuant to Section 3 of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

480. A letter from the Assistant Administrator Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's report on its fiscal year 2008 Competitive Sourcing efforts, as required by Section 647(b) of the Consolidated Appropriations Act, FY 2004; to the Committee on Oversight and Government Reform.

481. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final plan for a Personnel Management demonstration project at the U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS), pursuant to 47 U.S.C. 5; to the Committee on Oversight and Government Reform.

482. A letter from the Commissioner, Social Security Administration, transmitting the Administration's Inspector General's Semiannual Report to Congress, as required by the Inspector General Act of 1978 for the period from April 1, 2008, through September 30, 2008; to the Committee on Oversight and Government Reform.

483. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Management Measures for the Northern Mariana Islands [Docket No.: 070720390-81459-03] (RIN: 0648-AV28) received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

484. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Changes in Requirements for Signature of Documents, Recognition of Representatives, and Establishing and Changing the Correspondence Address in Trademark Cases [Docket No.: PTO-T-2008-0021] (RIN: 0651-AC26) received January 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

485. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Changes to Representation of Others Before The United States Patent and Trademark Office [Docket No. PTO-C-2005-0013] (RIN: 0651-AB55) received January 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

486. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Metallurigcal Laboratory, to be added to the Special Exposure Cohort (SEC), pursuant to 42 C.F.R. pt. 83; to the Committee on the Judiciary.

487. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Combat Methamphetamine Epidemic Act of 2005: Fee for Self-Certification for Regulated Sellers of Scheduled Listed Chemical Products [Docket No.: DEA-298F] (RIN: 1117-AB13) received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

488. A letter from the Senior Staff Attorney, United States Court of Appeals for the First Circuit, transmitting the Court's opinion in U.S. v. Godin, 534 F.3d 51 (1st Cir. 2008); to the Committee on the Judiciary.

489. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Escorted Vessels in Captain of the Port Zone Jacksonville, Flordia [Docket No. USCG-2008-0203] (RIN: 1625-AA87) received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

490. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac and Anacostia Rivers, Washington, DC, Arlington and Fairfax Counties, VA, and Prince Georges County, MD [Docket No.: USCG-2008-1001] (RIN: 1625-AA87) received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

491. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, ''Five Year ITS Program Plan: 2008 Update,'' pursuant to Public Law 109-59, section 5301; to the Committee on Transportation and Infrastructure.

492. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30645; Amdt. No 3302] received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

493. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30646; Amdt. No. 3303] received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

494. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Use of Additional Portable Oxygen Concentrator Devices On Board Aircraft [Docket No.: FAA-2008-1227; SFAR 106] (RIN: 2120-AJ40) received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

495. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Alamosa, CO [Docket No.: FAA-2008-0982; Airspace Docket No. 08-ANM-6] received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

496. A letter from the Chair, Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting the Foundation's Annual Report, pursuant to Public Law 99-661; to the Committee on Science and Technology.

497. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Prohibitions and Conditions for Importation of Burmese and Non-Burmese Covered Articles of Jadeite, Rubies, and Articles of Jewelry Containing Jadeite of Rubies [CBP Dec. 09-01 USCBP-2008-0111] (RIN: 1505-AC06) received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

498. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2009-2] received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

499. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Required Minimum Distributions for 2009 [Notice 2009-9] received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

500. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Credit Rates on Tax Credit Bonds [Notice 2009-15] received January 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

501. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) January 2009 Quarterly Report, pursuant to Public Law 108-106, section 3001; jointly to the Committees on Foreign Affairs and Appropriations.

502. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Evaluation of the Competitive Acquisition Program for Part B Drugs and Biologicals,'' pursuant to Public Law 108-173, section 303(d); jointly to the Committees on Ways and Means and Energy and Commerce.

503. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Best Practices for Enrolling Low-Income Beneficiaries into the Medicare Prescription Drug Benefit Program,'' pursuant to the Conference Report accompanying the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; jointly to the Committees on Ways and Means and Energy and Commerce.

504. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's interim report entitled, ''The Quality and Cost of the Program of All-inclusive Care for the Elderly (PACE),'' pursuant to Section 4804 of the Balanced Budget Act of 1997; jointly to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself, Mrs. MCCARTHY of New York, Mr. HINOJOSA, Mr. HOLT, Ms. FUDGE, Mr. MCGOVERN, Mr. GRIJALVA, Mr. SESTAK, Mr. TONKO, Mr. KUCINICH, Ms. WOOLSEY, Mr. HARE, Mr. POLIS of Colorado, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. HONDA, Mr. KILDEE, and Ms. HIRONO):

H.R. 911. A bill to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; to the Committee on Education and Labor.

By Mr. BISHOP of New York (for himself, Mr. MCCOTTER, Mr. GEORGE MILLER of California, Mr. DOYLE, Mr. CONNOLLY of Virginia, Ms. SCHWARTZ, Mr. SARBANES, Mr. KAGEN, Mr. LEWIS of Georgia, Ms. HIRONO, Mr. GRIJALVA, Mr. WU, Ms. SUTTON, Ms. SHEA-PORTER, Mr. KING of New York, Mr. LOEBSACK, Mr. HOLT, Ms. WOOLSEY, Mr. ROSKAM, Mr. GRAYSON, Mr. GONZALEZ, Mr. TIM MURPHY of Pennsylvania, Mr. HARE, Mrs. MILLER of Michigan, Mr. LOBIONDO, Mr. WEXLER, Mr. MCGOVERN, Mr. THOMPSON of California, Mr. ELLISON, Mr. ACKERMAN, Mr. TIERNEY, Mr. YARMUTH, Mr. RAHALL, Mr. ROTHMAN of New Jersey, Ms. DELAURO, Mrs. MCCARTHY of New York, Mr. LIPINSKI, Ms. WASSERMAN SCHULTZ, Mr. OLVER, Mr. SESTAK, Mrs. MALONEY, Mr. SIRES, Ms. GINNY BROWN-WAITE of Florida, Mr. TONKO, Ms. SCHAKOWSKY, Mr. COSTA, Mr. VAN HOLLEN, Mr. CARNAHAN, Mr. MOORE of Kansas, Mr. ABERCROMBIE, Mr. PAYNE, Mr. LATOURETTE, Mr. CUMMINGS, and Mrs. HALVORSON):

H.R. 912. A bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews; to the Committee on Education and Labor; considered and passed.

By Mrs. DAVIS of California (for herself, Mr. ROGERS of Michigan, Ms. MCCOLLUM, Mr. KENNEDY, Mr. COSTELLO, Mr. HONDA, and Ms. CORRINE BROWN of Florida):

H.R. 913. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen mentoring programs, and for other purposes; to the Committee on Education and Labor.

By Mr. BURGESS (for himself and Mr. GENE GREEN of Texas):

H.R. 914. A bill to amend title VII of the Public Health Service Act to establish a loan program for eligible hospitals to establish residency training programs; to the Committee on Energy and Commerce.

By Mr. OBERSTAR (for himself and Mr. COSTELLO):

H.R. 915. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas (for himself, Mr. BURGESS, Ms. DELAURO, and Mr. TOWNS):

H.R. 916. A bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health; to the Committee on Energy and Commerce.

By Mr. GUTHRIE:

H.R. 917. A bill to increase the health benefits of dependents of members of the Armed Forces who die because of a combat-related injury; to the Committee on Armed Services.

By Mr. HIGGINS (for himself, Mr. ACKERMAN, Mr. ARCURI, Mr. BISHOP of New York, Ms. CLARKE, Mr. CROWLEY, Mr. ENGEL, Mr. HALL of New York, Mr. HINCHEY, Mr. ISRAEL, Mr. KING of New York, Mr. LEE of New York, Mrs. LOWEY, Mr. MAFFEI, Mrs. MALONEY, Mr. MASSA, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCMAHON, Mr. MEEKS of New York, Mr. NADLER of New York, Mr. RANGEL, Mr. SERRANO, Ms. SLAUGHTER, Mr. TONKO, Ms. VELÁZQUEZ, and Mr. WEINER):

H.R. 918. A bill to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the ''Stan Lundine Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 919. A bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical healthcare professionals, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KANJORSKI (for himself, Mr. DENT, and Mr. PATRICK J. MURPHY of Pennsylvania):

H.R. 920. A bill to amend the Delaware and Lehigh National Heritage Corridor Act of 1988 regarding the local coordinating entity of the Delaware and Lehigh National Heritage Corridor, and for other purposes; to the Committee on Natural Resources.

By Mr. LUJÁN:

H.R. 921. A bill to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, and for other purposes; to the Committee on Natural Resources.

By Mr. LUJÁN:

H.R. 922. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes; to the Committee on Natural Resources.

By Mr. LUJÁN:

H.R. 923. A bill to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico; to the Committee on Natural Resources.

By Mr. LUJÁN:

H.R. 924. A bill to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to assess the irrigation infrastructure of the Rio Grande Pueblos in the State of New Mexico and provide grants to, and enter into cooperative agreements with, the Rio Grande Pueblos to repair, rehabilitate, or reconstruct existing infrastructure, and for other purposes; to the Committee on Natural Resources.

By Mr. LUJÁN:

H.R. 925. A bill to amend the Colorado River Storage Project Act and Public Law 87-483 to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, and for other purposes; to the Committee on Natural Resources.

By Ms. MARKEY of Colorado:

H.R. 926. A bill to establish the Cache La Poudre River National Heritage Area, and for other purposes; to the Committee on Natural Resources.

By Mr. STUPAK (for himself and Mr. BERRY):

H.R. 927. A bill to amend the Communications Act of 1934 to expand satellite carriage of local television signals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi (for himself, Mr. CHILDERS, and Mr. HARPER):

H.R. 928. A bill to establish the Mississippi Delta National Heritage Area and the Mississippi Hills National Heritage Area, and for other purposes; to the Committee on Natural Resources.

By Mr. WELCH (for himself and Mr. BOOZMAN):

H.R. 929. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to carry out a program of training to provide eligible veterans with skills relevant to the job market, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PETERSON:

H. Res. 136. A resolution providing amounts for the expenses of the Committee on Agriculture in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Mr. LARSON of Connecticut:

H. Res. 137. A resolution making technical corrections to House Resolution 24; considered and agreed to.

By Ms. VELÁZQUEZ:

H. Res. 138. A resolution providing amounts for the expenses of the Committee on Small Business in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Mr. HARE (for himself, Mr. SCHOCK, Mr. SHIMKUS, Ms. BEAN, Mrs. BIGGERT, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. FOSTER, Mr. JACKSON of Illinois, Mr. JOHNSON of Illinois, Mr. KIRK, Mr. LIPINSKI, Mr. MANZULLO, Mr. ROSKAM, Mr. RUSH, Ms. SCHAKOWSKY, Mr. CHANDLER, Mr. DAVIS of Kentucky, Mr. GUTHRIE, Mr. ROGERS of Kentucky, Mr. WHITFIELD, Mr. YARMUTH, Mr. BURTON of Indiana, Mr. HILL, Mr. ALTMIRE, Ms. BORDALLO, Mr. BOSWELL, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. HIGGINS, Mr. KILDEE, Mr. LOEBSACK, Mr. MASSA, Mr. MICHAUD, Mr. MORAN of Virginia, Mr. ORTIZ, Mr. PETERS, Mr. ROTHMAN of New Jersey, Ms. SHEA-PORTER, Mr. SIRES, and Ms. WOOLSEY):

H. Res. 139. A resolution commemorating the life and legacy of President Abraham Lincoln on the bicentennial of his birth; to the Committee on Oversight and Government Reform.

By Mr. KILDEE (for himself, Mr. UPTON, Mr. CONYERS, Mr. CAMP, Mr. LEVIN, Mr. EHLERS, Mr. STUPAK, Mr. HOEKSTRA, Ms. KILPATRICK of Michigan, Mr. ROGERS of Michigan, Mr. PETERS, Mrs. MILLER of Michigan, Mr. SCHAUER, and Mr. MCCOTTER):

H. Res. 140. A resolution honoring John D. Dingell for holding the record as the longest serving member of the House of Representatives; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. FRANK of Massachusetts.

H.R. 16: Mr. HINOJOSA and Mr. POSEY.

H.R. 21: Mr. HOLT.

H.R. 22: Mr. ELLISON.

H.R. 81: Mrs. TAUSCHER.

H.R. 98: Mr. GARY G. MILLER of California and Mr. GALLEGLY.

H.R. 100: Mrs. MILLER of Michigan.

H.R. 104: Mr. JONES, Mr. CUMMINGS, Ms. LEE of California, and Mrs. MALONEY.

H.R. 147: Mr. WEINER, Mr. MEEK of Florida, Mr. BISHOP of New York, Mr. HALL of New York, Mr. ROTHMAN of New Jersey, Ms. EDWARDS of Maryland, Mr. SPACE, and Ms. SCHAKOWSKY.

H.R. 155: Mr. ROONEY.

H.R. 156: Mr. MAFFEI, Mr. BOCCIERI, and Mr. UPTON.

H.R. 158: Mr. FILNER.

H.R. 159: Mr. ROGERS of Alabama.

H.R. 265: Ms. WATSON.

H.R. 305: Ms. SCHAKOWSKY, Ms. KAPTUR, and Ms. LEE of California.

H.R. 328: Mr. SESTAK and Mr. WITTMAN.

H.R. 336: Ms. EDWARDS of Maryland, Mr. BLUMENAUER, Mr. RYAN of Ohio, and Mr. SMITH of Washington.

H.R. 345: Ms. MATSUI, Mr. PRICE of North Carolina, and Mr. SMITH of New Jersey.

H.R. 398: Mr. WELCH, Ms. ZOE LOFGREN of California, Mr. COURTNEY, Ms. PINGREE of Maine, Mr. ABERCROMBIE, Ms. HIRONO, Mr. SERRANO, and Mrs. TAUSCHER.

H.R. 426: Mr. DENT.

H.R. 433: Mr. WILSON of South Carolina and Mr. NYE.

H.R. 442: Mr. MCCOTTER, Mr. BARTLETT, Mr. ALEXANDER, Mr. BRADY of Pennsylvania, Mr. SOUDER, Mr. FRANKS of Arizona, and Mr. ROGERS of Alabama.

H.R. 448: Mr. CUMMINGS.

H.R. 470: Mr. SHIMKUS, Mr. LUCAS, Mr. CARTER, Mr. ISSA, Mr. GARY G. MILLER of California, and Mrs. SCHMIDT.

H.R. 476: Ms. SUTTON, Ms. KILPATRICK of Michigan, Mr. CAPUANO, Ms. LEE of California, and Mr. GRIJALVA.

H.R. 482: Mr. SHULER.

H.R. 548: Mr. BACHUS and Mr. ORTIZ.

H.R. 577: Mr. TIBERI and Mr. GORDON of Tennessee.

H.R. 599: Mr. CALVERT.

H.R. 600: Ms. WASSERMAN SCHULTZ, Mr. JOHNSON of Georgia, Mr. WEXLER, Mr. SIRES, Mr. BISHOP of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GORDON of Tennessee, Mr. WILSON of Ohio, and Mr. COSTA.

H.R. 622: Mr. BOOZMAN, Mr. BOYD, Mr. HARPER, Mr. CRENSHAW, Mr. BROWN of South Carolina, and Mr. KISSELL.

H.R. 633: Mr. CALVERT.

H.R. 636: Mr. HARPER.

H.R. 666: Mr. MARSHALL, Mr. WITTMAN, Ms. DEGETTE, Mr. YOUNG of Florida, Mr. GRIJALVA, and Mr. WU.

H.R. 667: Mr. GRIJALVA, Mr. MCGOVERN, Mr. BOUCHER, and Mr. CUMMINGS.

H.R. 669: Mr. FRANK of Massachusetts.

H.R. 690: Mr. BILBRAY and Mr. ELLSWORTH.

H.R. 716: Mrs. MALONEY, Mr. GENE GREEN of Texas, Mrs. SCHMIDT, Mr. WEINER, Mr. BISHOP of New York, Ms. GINNY BROWN-WAITE of Florida, Mr. SIRES, Mr. BOUCHER, Mr. MASSA, Ms. SCHAKOWSKY, and Mr. CARSON of Indiana.

H.R. 731: Mr. BURTON of Indiana.

H.R. 735: Mr. WESTMORELAND and Mr. KING of Iowa.

H.R. 745: Mr. MCHUGH, Mr. SIRES, Mr. MICHAUD, and Mr. GORDON of Tennessee.

H.R. 752: Mr. BRADY of Pennsylvania.

H.R. 759: Mr. SARBANES and Ms. SUTTON.

H.R. 767: Mrs. LOWEY.

H.R. 768: Mr. GUTIERREZ and Mr. HIMES.

H.R. 788: Mr. CAPUANO.

H.R. 792: Mrs. MYRICK.

H.R. 856: Mr. DREIER.

H.R. 860: Ms. CASTOR of Florida and Mr. PIERLUISI.

H.R. 891: Mr. HOLT, Mr. MASSA, Ms. SUTTON, Ms. MCCOLLUM, and Mr. MCDERMOTT.

H.R. 899: Mr. WOLF.

H.R. 900: Mr. NUNES.

H.R. 906: Mr. FILNER.

H.R. 908: Mr. DOGGETT, Mr. BOOZMAN, Ms. LEE of California, Mrs. CHRISTENSEN, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mr. MEEKS of New York, Mr. CLEAVER, Mrs. NAPOLITANO, Ms. BERKLEY, Mr. CARSON of Indiana, and Mr. WOLF.

H. Con. Res. 14: Mr. BLUNT, Mr. MCCARTHY of California, Mr. HONDA, and Mrs. TAUSCHER.

H. Con. Res. 20: Mr. FARR.

H. Con. Res. 32: Mr. GEORGE MILLER of California and Ms. ESHOO.

H. Con. Res. 34: Mr. LAMBORN.

H. Con. Res. 35: Mr. SCHIFF, Ms. LINDA T. SÁNCHEZ of California, Mr. SMITH of Texas, Ms. CASTOR of Florida, Mr. MOORE of Kansas, Mr. ISRAEL, Mr. BERMAN, Mr. RYAN of Ohio, Ms. MATSUI, Mr. MARKEY of Massachusetts, Mr. KENNEDY, Mr. HINCHEY, Mr. VAN HOLLEN, Mrs. LOWEY, Mr. SESTAK, Ms. CORRINE BROWN of Florida, Ms. WATSON, Ms. JACKSON-LEE of Texas, Ms. FUDGE, Mr. PERRIELLO, Mr. COHEN, Ms. SUTTON, Ms. RICHARDSON, Mr. HASTINGS of Florida, Ms. NORTON, Mr. WEINER, Mr. JACKSON of Illinois, Mr. DONNELLY of Indiana, Mr. FRANK of Massachusetts, Mr. FALEOMAVAEGA, Mr. SIRES, Mr. LIPINSKI, Mr. FARR, Mr. KUCINICH, Mr. NADLER of New York, and Ms. LORETTA SANCHEZ of California.

H. Con. Res. 36: Mrs. MALONEY and Mr. MEEK of Florida.

H. Res. 36: Mrs. MCCARTHY of New York and Mr. JACKSON of Illinois.

H. Res. 44: Mr. BARRETT of South Carolina and Mr. TIM MURPHY of Pennsylvania.

H. Res. 47: Mr. MCCAUL, Mr. MORAN of Virginia, Ms. SCHWARTZ, Mr. PETERSON, Mr. STUPAK, Mr. BOOZMAN, Mr. REICHERT, Ms. SUTTON, Mr. ROYCE, Mr. RUSH, Ms. GRANGER, Ms. MCCOLLUM, Mr. GRAVES, Mr. BISHOP of Georgia, Mr. DREIER, Mr. BARTLETT, Mr. ROGERS of Alabama, Mrs. BACHMANN, Mr. BOSWELL, Mr. TIAHRT, Mr. SESSIONS, Ms. NORTON, Mr. KING of New York, Ms. MATSUI, Mr. KRATOVIL, Mr. JONES, Mr. WOLF, Mr. PLATTS, Mrs. BLACKBURN, Mr. CRENSHAW, Mr. HOEKSTRA, Mr. ROSKAM, Mr. CARDOZA, Mr. PRICE of Georgia, Mr. TEAGUE, Mr. SMITH of Texas, Mrs. MCMORRIS RODGERS, and Ms. FUDGE.

H. Res. 54: Mr. LINDER, Mr. SAM JOHNSON of Texas, Mr. CHAFFETZ, Mr. HENSARLING, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. ALEXANDER, Mr. SMITH of Texas, Mr. KINGSTON, Mr. POSEY, and Mr. BRADY of Texas.

H. Res. 65: Ms. JACKSON-LEE of Texas, Mr. SCHRADER, Mr. HOLT, Mr. AL GREEN of Texas, Mr. HONDA, Mr. LANGEVIN, Ms. FUDGE, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. POLIS of Colorado, and Mr. LEWIS of Georgia.

H. Res. 70: Mr. GUTHRIE.

H. Res. 83: Ms. JACKSON-LEE of Texas, Ms. BORDALLO, Mr. SNYDER, Mr. FALEOMAVAEGA, Ms. MCCOLLUM, Ms. RICHARDSON, Mr. MEEK of Florida, Ms. MATSUI, Mr. FATTAH, Mr. HINCHEY, Mr. MARKEY of Massachusetts, Mr. MORAN of Virginia, Mr. HASTINGS of Florida, Mr. BACA, Mrs. MCCARTHY of New York, Mr. GRIJALVA, Mr. HOLT, Mr. VAN HOLLEN, Ms. FUDGE, Mr. FRANK of Massachusetts, Mr. ROSS, Mr. LEVIN, Mr. SIRES, Mr. DRIEHAUS, Ms. NORTON, Ms. VELÁZQUEZ, Mr. RYAN of Ohio, Mr. SERRANO, Mr. HIMES, Ms. WASSERMAN SCHULTZ, Mr. LUJÁN, and Mr. MCDERMOTT.

H. Res. 89: Ms. PINGREE of Maine and Ms. MCCOLLUM.

H. Res. 112: Mr. TERRY, Mr. THOMPSON of Pennsylvania, Ms. FALLIN, Mr. ROONEY, Mr. ROSKAM, Mr. CARTER, Mr. FORTENBERRY, Ms. GINNY BROWN-WAITE of Florida, Mr. PAULSEN, Mr. COFFMAN of Colorado, Mr. WESTMORELAND, Mr. GERLACH, Mr. YOUNG of Alaska, Mr. DAVIS of Kentucky, Mrs. BACHMANN, Mr. PAUL, Mr. SESSIONS, Mr. EHLERS, Mr. BACHUS, Mr. AKIN, Mr. NEUGEBAUER, Mr. ARCURI, Mr. YARMUTH, Mr. ISRAEL, Mr. MCGOVERN, Mr. BUCHANAN, Mr. MCKEON, Mr. ROE of Tennessee, Mr. HIGGINS, Mr. ROGERS of Michigan, Mr. SCHOCK, Mr. PRICE of Georgia, Mr. BOOZMAN, Mr. LANCE, Mr. TIBERI, Mr. WILSON of South Carolina, Mr. HALL of New York, Mr. PLATTS, Mr. BLUNT, Mr. CAMP, Mr. OLSON, Mr. SMITH of New Jersey, Mr. DREIER, Mr. KING of New

York, Mr. MCCARTHY of California, Mr. YOUNG of Florida, Mr. BOUSTANY, Mr. REICHERT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. NUNES, Ms. GRANGER, Mr. CASTLE, Mr. CASSIDY, Mr. CONAWAY, Mr. GOODLATTE, Mr. ADERHOLT, Mr. MASSA, Mr. PUTNAM, and Ms. JENKINS.

H. Res. 117: Mr. TONKO, Mr. CARNAHAN, Mrs. MYRICK, Ms. ESHOO, Ms. EDWARDS of Maryland, Ms. LORETTA SANCHEZ of California, and Ms. GIFFORDS.

H. Res. 125: Mr. HINCHEY and Mr. BURTON of Indiana.

H. Res. 128: Mr. LATOURETTE, Mr. KUCINICH, Mr. TIBERI, Mrs. SCHMIDT, Mr. SPACE, and Mr. WILSON of Ohio.

EXTENSIONS OF REMARKS

HONORING FRESNO DEPUTY SHERIFF'S ASSOCIATION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to commend the Fresno Deputy Sheriff's Association for their commitment to serving the City and County of Fresno, California.

For over thirty years the Fresno Deputy Sheriff's Association (FDSA) has maintained the goal of working for the rights and protection of law enforcement, as well as to serve the citizens of Fresno County. Originally the FDSA was organized to give deputy sheriffs the opportunity to collectively bargain with the county for wages, benefits and working conditions. Once fully operating, the FDSA was able to establish better labor conditions for the deputy sheriffs and began actively participating in the community. The FDSA donates time and monetary resources to various charitable organizations. It is also active in the state association, the Peace Officer's Research Association of California.

Today the FDSA represents over five hundred active employees. The membership includes deputy sheriffs, dispatchers, community service officers, identification technicians, criminalists and deputy coroners. The variety of job classifications allows the FDSA to represent both sworn and support personnel throughout the enforcement side of the Fresno Sheriff's Office.

Madam Speaker, I rise today to commend the Fresno Deputy Sheriff's Association for their commitment to serving the personnel of the Fresno Sheriff's Office. I invite my colleagues to join me in wishing the organization many years of continued success.

TRIBUTE TO THE LIFE OF JOSE TORRES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 2009

Mr. RANGEL. Madam Speaker, I rise today to pay tribute to former light-heavyweight boxing champion Jose Torres, who sadly passed away on January 19th this year. Mr. Torres was an extraordinary man who achieved a life that advanced the cause of civil rights, community empowerment, and equality of opportunity. Of Puerto Rican descent, Mr. Torres was fiercely proud of his heritage and made New York his home for 50 years.

Mr. Torres learned to box in the Army and captured the light-middleweight silver medal at the 1956 Melbourne Olympics. After that, he served as a sparring partner for Sugar Ray Robinson. Mr. Torres boxed professionally from 1958 to 1969, sporting a record 41 wins, three losses, and one draw. He was a light-heavyweight champion, successfully defended his title three times, and was inducted into the International Boxing Hall of Fame in 1997.

He captured the light-heavyweight crown in 1965 by defeating then undisputed champion Willie Pastrano. His victory sent an outpouring of joy and pride into the streets of Spanish Harlem which held a parade in his honor, and he dedicated his title to the people of Puerto Rico.

Mr. Torres had a passion for civil rights and became a voice for the Latino. He joined Robert F. Kennedy's 1968 Presidential campaign to serve as a liaison to the Puerto Rican community. After boxing, Mr. Torres began his journalism career as a columnist for the New York Post. He became the first Hispanic columnist for a major English-language paper, writing about politics and life in the neighborhoods of Spanish Harlem. He also wrote for the Spanish-speaking New York newspaper El Diario La Prensa. His was a powerful voice because people trusted him. You could not find any one in New York who would not talk to him. Mr. Torres' literary interests extended to authoring the celebrated biographies of boxing legends Muhammad Ali and Mike Tyson.

In the mid-eighties, Mr. Torres served as the chairman of the New York State Athletic Commission, becoming the first former professional boxer and first Latino to head the boxing oversight agency. He understood the social disadvantages that many boxers faced and vowed to promote educational opportunities for fighters ''at least so they can read their contracts.''

Mr. Torres dedicated his life to helping others professionally and personally. Over the decades, he befriended and nurtured aspiring journalists and up-and-coming fighters. Mr. Torres is revered among the people of Spanish Harlem and Puerto Rico, which declared three days of mourning and ordered flags to be flown at half staff.

Once again, I pay tribute to Jose Torres, a trailblazer for his people and a renaissance man who made a positive impact in boxing, literature and civil rights. Those of us who had the opportunity to observe and experience his example consider ourselves blessed.

TRIBUTE TO GREGORY LEE THOMAS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 2009

Mr. BACA. Madam Speaker, I stand here today to honor a loving father, supportive husband, caring brother and cherished son, Gregory Lee Thomas.

Born in Fontana, California, Gregory moved with his family to San Bernardino where he grew up to become a valuable member of the community. Having always held an interest and fascination with cars, working on them in his spare time, he eventually became a Service Advisor for Toyota and resided with his family in Redlands. However, it was the compassion and love for his family that really made Gregory shine. This is what made him the dedicated and devoted husband and father that will always remain in our hearts.

Gregory is survived by Angela Thomas, his wife of 15 years, and his two children, Alexia and Michael. He will be sorely missed by his father, Bill, step-mother, Jaennie, brother, Jeff, and sister, Danette as well as all of Gregory's combined nieces and nephews.

As a friend of Gregory's father, Bill, I would like to express my greatest sympathies for his family's loss. Gregory was extremely loved and will truly be missed. Let us take a moment to remember this great man, a positive role model to us all. The thoughts and prayers of my wife Barbara, my family and I are with Bill and his family at this time.

God bless Gregory Lee Thomas for love of country and mankind.

TRIBUTE TO PRESIDENT BARACK OBAMA FROM KAZAKHSTAN

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 2009

Ms. BERKLEY. Madam Speaker, as co-chair of the Friends of Kazakhstan Caucus, I would like to submit the following op-ed article, ''Hoping for the Better'', to the CONGRESSIONAL RECORD. This article, written by Kazakhstan's Secretary of State Kanat Saudabayev, expresses the continuing sense of solidarity between the United States and Kazakhstan as we enter into a new chapter of history with the inauguration of President Barack Obama. I look forward to working with President Obama as we continue to build our positive and productive relationship with the Kazakh people.

[From the Washington Times, Feb. 3, 2009]

SAUDABAYEV: HOPING FOR THE BETTER

(By Kanat Saudabayev)

The inauguration of Barack Obama as U.S. president has opened a new page in the history of America and the world. Great hopes for changes for the better are pinned on the new American leader. We in Kazakhstan sincerely wish the 44th U.S. president strong health and strong political will to fully realize his good intentions of making America and the world safer and more prosperous.

Kazakhstan and the U.S. are time-tested strategic partners with successful experience of working together in such critical areas as nonproliferation of weapons of mass destruction, the fight against terrorism, energy, and

democracy. A phone conversation soon after the election between Obama and Kazakhstan President Nursultan Nazarbayev instilled confidence that, under the new administration, Kazakhstan-U.S. relations would continue to grow. The two leaders discussed further cooperation on pressing international problems such as nonproliferation, the fight against terrorism and the stabilization of Afghanistan.

We in Kazakhstan not only share the new administration's concern with these problems but also believe their solution lies through stronger cooperation of progressive nations sharing common values. Closing our ranks even further is especially crucial today in the face of the most serious economic crisis the world has seen. ''America is strongest when we act alongside strong partners,'' says President Obama. Kazakhstan is such a partner eager to continue working shoulder to shoulder with the United States and others to build a more secure and prosperous world.

Cooperation in the critical area of nonproliferation has been a cornerstone of our strategic partnership. In the early 1990s, President Nazarbayev took a courageous decision to voluntarily renounce the world's fourth-largest nuclear arsenal (which it held while part of the old Soviet Union). Working with the U.S. under the outstanding Nunn-Lugar Cooperative Threat Reduction program, Kazakhstan has fully rid itself of nuclear weapons and their infrastructure, becoming an active participant in global nonproliferation processes. Today, our cooperation, recognized as the most effective model for removing a nuclear threat, successfully continues.

We are greatly encouraged by the fact that nonproliferation is among the top priorities for President Obama and his administration. We believe it is necessary to not only continue our bilateral cooperation, but also to use more actively the example of Kazakhstan's nuclear disarmament and our cooperation with the United States in convincing other countries to renounce their nuclear-weapon ambitions. Kazakhstan's dynamic economic development since independence, and the evolution of our country into an equal and respected partner of the international community—confirmed by Kazakhstan's election as chair of the Organization for Security and Cooperation in Europe (OSCE) and the Organization of Islamic Conference (OIC)—these are all arguments which prove that renouncing nuclear weapons and opting for mutually beneficial cooperation with the world is a more effective way of ensuring a country's security than a nuclear bludgeon.

Kazakhstan, having initially supported efforts of the United States and other countries in Operation Enduring Freedom, will continue to assist the international coalition actions in Afghanistan as these are directed at strengthening security and stability in Central Asia and beyond, which is in our common interests. The international community should pour more efforts into the political settlement and economic rehabilitation of Afghanistan, as well as in reducing, and, eventually, eliminating fully, the production and smuggling of drugs out of that country.

Today, it is crucial to continue building bridges between Islam and the West, and to renounce phobia of Islam in the West and phobia of the West in the Islamic world. Kazakhstan, a secular Muslim-majority country bridging Europe and Asia, is uniquely positioned to promote such dialogue and understanding. At President Nazarbayev's initiative, this year Kazakhstan will host the Third Congress of Leaders of World and Traditional Religions. Last year, Astana hosted a forum, ''Common World: Progress through Diversity,'' bringing together foreign ministers from Western and Oriental nations. Last but not least, Kazakhstan will chair the OSCE in 2010 and the OIC in 2011. Promoting the dialog of civilizations during this important period will be one of our top priorities, and we hope to achieve greater mutual understanding between the West and the Islamic world. Again, Kazakhstan is eager to work together with the United States in this area of great importance to us all.

We welcome Barack Obama's intention to visit Kazakhstan. He would become the first-ever sitting U.S. President to visit not just Kazakhstan but also the region of Central Asia. Such a visit would both give a new, powerful boost to our bilateral cooperation and help chart a new way forward in U.S. relations with moderate Muslim nations. That is why we sincerely say to the American leader: ''Welcome to Kazakhstan, Mr. President!''

CELEBRATING THE CENTENNIAL OF THE HIGHLANDS-CASHIERS LAND TRUST

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 2009

Mr. SHULER. Madam Speaker, I rise today to celebrate the Centennial of the Highlands-Cashiers Land Trust, or HCLT, and to recognize the contributions which the HCLT has made to the Western North Carolina community, and especially land conservation efforts, over the past 100 years. The HCLT works to preserve the natural areas, scenic beauty, and green spaces of the Highlands-Cashiers Plateau for the enjoyment and benefit of the public.

The HCLT has been in operation since 1883, though known then as the Highlands Improvement Association. The first land purchase was effectuated in 1909. This initial purchase was for 56 acres of land on the Summit of Satulah Mountain, overlooking the town of Highlands, for $100.

The HCLT is the oldest land trust in North Carolina and one of the oldest in the United States. The trust protects over 1,700 acres in Western North Carolina. Included in the protected lands are two sites of particularly significant historical importance. The Hill property in Horse Cove is significant for its role during the Trail of Tears. The site was used as a holding area for Native Americans before they began the treacherous trip to Oklahoma, leaving their native homes and villages behind. The second site, the Warren Property, was an original land grant from the first pioneer to the area, Barak Norton. The unique property was featured in the October 2008 issue of ''Southern Living Magazine'' for the breath-taking vistas.

Among the more recent endeavors of the HCLT are various educational and philanthropic projects. The HCLT raised more than $450,000 to purchase a property to be used as a park in the town of Highlands, North Carolina. They also preserve properties which protect rare and endangered species of plants and trees, included in this is the original Satulah Mountain land. Satulah Mountain is home to many species of endangered plants and wildflowers which are studied by university students from all over the world. In conjunction with these efforts the HCLT strives to remain active in the community through the Mountain Retreat, an 80 acre conservation easement used for many Elderhostel programs, focusing on Appalachian culture, music, and heritage.

Madam Speaker, the Highlands-Cashiers Land Trust has made an indelible contribution to land preservation in Western North Carolina and I commend them for their continuing dedication to both conservation and community.

TRIBUTE TO RETIRING SECRETARY DONALD C. WINTER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 2009

Mr. SKELTON. Madam Speaker, let me take this moment to recognize the career of Secretary Donald C. Winter who is retiring this March after serving three years as Secretary of the Navy.

Secretary Winter earned his Bachelor of Arts from the University of Rochester in 1969. He received a Master's degree and Doctorate in Physics from the University of Michigan in 1970 and 1972, respectively. Also, he was a graduate of the USC Management Policy Institute, a 1987 graduate of the UCLA Executive Program, and a 1991 graduate of the Harvard University Program for Senior Executives in National and International Security.

Prior to serving as Secretary of the Navy, Dr. Winter served as a corporate Vice President and President of Northrop Grumman's Mission System's sector. Additionally, he served as president and CEO of TRW systems. From 1980 to1982, he served as program manager for the Defense Advanced Research Projects Agency in which he was responsible for space acquisition, tracking and pointing programs.

As Secretary Winter retires from his current post, I trust that the Members of the House will join me in thanking him for his exceptional commitment to the Department of Navy and the safety and security of America.

TRIBUTE TO SURLENE G. GRANT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 2009

Mr. STARK. Madam Speaker, I rise today to pay tribute to Surlene Grant in honor of ten years of dedication to the community of San Leandro, California. On Friday, June 30, 2009, the San Leandro African American Business Council and Friends and Fans of Surlene Grant will honor Ms. Grant for her accomplishments and meritorious contributions.

She served as a San Leandro Council member from 1998–2008 including two terms as the City's Vice Mayor. Ms. Grant is the first person of non-European descent to be appointed or elected to the City Council in the City's 150 years. Originally appointed to the council in August 1998, Ms. Grant was elected in November 2000, November 2004, and was appointed Vice Mayor in 2006 and 2007.

Taking a leadership position in a historically closed and restrictive city, some civic leaders describe Ms. Grant as the change agent that lead to the creation of a city management team that has become more reflective of the diverse population of San Leandro, as well as paving the way for other African Americans to be elected to the City Council.

Ms. Grant can point to numerous successes during her tenure on the San Leandro City Council. She worked with the community and staff in the development of the award-winning South Area Development Plan. She worked diligently with her colleagues for the adoption of an inclusionary housing policy, which sought to enhance the City's affordable housing policies, and also successfully spearheaded the passage of the Local Purchasing Ordinance. Ms. Grant also labored for removal of the word ''minority'' in city documents to facilitate inclusive opportunity for all. Ms. Grant is also responsible for the establishment of the African American Business Council and the Business Association of South San Leandro.

She has served on numerous commissions, boards and advisory committees that include working as Chairperson of San Leandro's Finance Committee and as a member of the Business Development and Redevelopment Committee. She was formerly a member of the Alameda County Housing Authority Board of Commissioners and served as an alternate on the Alameda County Transportation Improvement Authority Board.

Ms. Grant received her B.S. in Journalism from Northwestern University, Evanston, Illinois and a M.A. from John F. Kennedy University, Orinda, California.

I join the community in recognizing Surlene Grant for her contributions that have ensured the quality of life in San Leandro's neighborhoods and the economic development and vitality of the city. We will miss her on the San Leandro Council but will continue to depend on her experience, sage advice and exemplary leadership.

TRIBUTE TO ROYCE HOPKINS

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 2009

Mr. MCCAUL. Madam Speaker, I rise today to pay tribute to the life of Royce Hopkins of Waller County, who passed away on February 6, 2009.

Today we celebrate the life of a great man who was one of my heroes. Royce Hopkins was a dear friend and a gentle man in every sense of the word. He will always be remembered for his kindness, integrity and his optimistic and infectious smile. I can still see the twinkle in his eyes and his spirit lives on in all of us.

Like my father, Royce served in the Eighth Air Force in World War II. Like Dad, he flew on bombing missions in a B–17 known as the Flying Fortress. On December 4, 1944, Royce and his crew arrived in England. He flew 26 combat missions over Germany, 25 bombing and one weather mission. He earned four Air Medals, five Battle Stars, a Commendation Medal for a special assignment, a Purple Heart and two presidential Commendations for the group.

His generation saved the free world from the threat of fascism. Born during the Great Depression and tempered by war, they will always be known as the Greatest Generation. I remember going to Royce's WWII reunion and meeting the veterans with whom he served. And now, like my father and so many in their generation, he has passed on and returned to our heavenly Father. Perhaps they are together now talking about airplanes.

This Christmas I received an A–2 Bomber Jacket with Army Air Corps and Eighth Air Force patches. I thought of Royce and my Dad and I regret not having the chance to show it to Royce. But maybe he can see it from a better vantage point now.

I met Royce during my first campaign for Congress. He supported me when many did not and he was always there for me. I remember how much he reminded me of my own father and he was a shining example of how to live. Like many others in his generation, he taught us how to be courageous but with humility. He taught us how to have a sense of humor and I learned a great deal from him.

As we mourn our personal loss, we must also celebrate the life of Royce Hopkins, for it was a great life and he lived it to the fullest. To his wife, Mollie, and his children, Kim, Kit, Sharon and Mike, like you, we all loved Royce. It was hard not to, he was just that kind of person. I am fortunate God brought us together. He was my friend and I will miss him dearly.

I am reminded of the Gospel of Matthew when Jesus said, ''Let your light so shine before men that they may see your good works and glorify your Father who is in Heaven.'' May the peace of Christ be with you and may He hold you in the palm of His hand.

I will miss him dearly. Well done, good and faithful servant.

FOXBOROUGH HIGH SCHOOL JAZZ ENSEMBLE HEADS TO THE INAUGURATION CELEBRATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 2009

Mr. FRANK of Massachusetts. Madam Speaker, on Sunday, January 18th, the Foxborough, Massachusetts High School Jazz Ensemble was given the great—and fully deserved—honor of playing at the Kennedy Center as part of the event that was entitled ''Swing Into Freedom.'' The ensemble accompanied Wynton Marsalis and I am very proud that high school students in the district I am privileged to represent were selected for this important part of the Inauguration festivities and performed in a manner that fully justified the invitation to them.

Madam Speaker, I want to congratulate the members of the Foxborough High School Jazz Ensemble and also those planning this program who had the foresight to include this excellent group of young musicians in this important set of events in the nation's history.

INTRODUCTION OF THE MENTORING AMERICA'S CHILDREN ACT OF 2009

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce strengthening the link between high-quality mentoring and public education in the United States.

The Mentoring America's Children Act of 2009 will improve upon the current efforts to match high-quality and responsible mentors with children in need of a strong role model.

In 2002, the U.S. Department of Education began granting funding directly to community organizations and schools to establish or expand mentoring opportunities. Since then, we have seen a 20-percent increase in the number of children benefiting from a mentor.

The Mentoring America's Children Act sets out to expand and build upon this success. By increasing the availability and quality of the grants available through the Department of Education, school-based mentoring programs will reach more children in need while enhancing quality.

The bill will also tie mentoring programs' funding more closely with the important role mentors can play in improving a young person's academic standing and the learning environment. The legislation would broaden the reach of mentoring to include a number of specific populations of young people who could benefit from a strong role model.

Finally, the legislation also authorizes the Department of Education to conduct high-quality research into successful school-based mentoring programs. Through this research, plus improved data collection and tracking, we will better understand the impact of mentoring and can continue to refine program practices to best meet the needs of children.

Mentoring is a critical element in a child's social, cognitive and emotional development. When it comes to education, a healthy relationship with a mentor plays a key role in improving the learning environment for a young person. Students with a responsible mentor have better attendance and are more connected to their school, schoolwork, and teachers. They perform better in school and are more likely to graduate and go on to higher education.

It is an honor to introduce this legislation with a number of my colleagues on the House Mentoring Caucus and others dedicated to the noble cause of mentoring. It was also an honor to work directly with the MENTOR/National Mentoring Partnership, Big Brothers Big Sisters of America and the National Collaboration for Youth to develop this legislation.

Madam Speaker, I urge consideration of this legislation.

HONORING FRESNO POLICE OFFICER'S ASSOCIATION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to commend the Fresno Police Officer's Association for their commitment to serving the city and county of Fresno, California.

For over one hundred years, the Fresno Police Officer's Association (FPOA) has had a presence in Fresno. The organization was first known as the ''Widow and Orphan's Organization'' and provided assistance to the families of its members. The name was changed to the ''Fresno Police Relief Association'' and in 1951 was incorporated. The service that the organization provided expanded at this time to focus on improving benefits, salary and working conditions for the members. In 1975, the name of the organization finally became the Fresno Police Officer's Association. Throughout the organization's hundred years, its primary purpose has always been ''Service.''

Today the FPOA has over eleven thousand members and a Board of Directors consisting of eighteen elected positions. The Board positions include three officers (President, First Vice President and Second Vice President), twelve Directors at Large, one Staff Director and two Retiree Directors. The FPOA assists members with supplemental health benefits, provides scholarships to dependent children of active or retired members, offers legal assistance and helps with various disability issues. The group also gives back to the community by getting involved with charitable events.

Madam Speaker, I rise today to commend the Fresno Police Officer's Association for their commitment to serving the police officers of Fresno. I invite my colleagues to join me in wishing the organization many years of continued success.

IN HONOR OF DAVID PETERSON OF SARTELL MINNESOTA

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 2009

Mrs. BACHMANN. Madam Speaker, I rise today in honor of a true patriot, David Peterson, of Sartell, Minnesota. David is a City Councilman, community leader, attorney, husband and father. And, he is about to make his first deployment to Iraq as a Captain with the Minnesota National Guard's 34th Infantry Division.

Even a quick glimpse at David Peterson's life reveals the heart of a true citizen. An attorney by profession, David has worked in legal aid services, as a prosecutor, and in the civil division of the Stearns County Attorney's office. He will use that training as a JAG officer during his deployment.

His long and strong history of community leadership led him to run for City Council, and in January 2007, he was sworn into office. He will take a leave of absence from that position while he serves his fellow Minnesotans in Iraq.

Tonight in Sartell, David's friends and family and neighbors are meeting to wish him Godspeed as he prepares for his deployment. Along with the Sartell American Legion, the Mayor and City Council will present Captain David Peterson with a flag flown over the U.S. and Minnesota capitols and the Sartell City Hall. They've asked David to take it with him to Iraq and they will fly it again over the City Hall when he returns.

I join all of Sartell in our pride of this citizen-soldier, and I, too, wish him Godspeed and God's blessings on his journey.

RECOGNIZING MICHIGAN STATE UNIVERSITY, PRESIDENTIAL AWARD FOR SERVICE WINNER

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 2009

Mr. ROGERS of Michigan. Madam Speaker, today I rise to pay tribute to Michigan State University for its selection as a recipient of the Presidential Award for General Community Service from the Corporation for National and Community Service.

Since its founding in 1968 as the Office of Volunteers, the Center for Service-Learning and Civic Engagement at Michigan State University has been instrumental in encouraging students to become involved with volunteering both locally and across the globe. In 2007–2008, more than 14,000 students were involved in volunteer efforts, a number that has doubled in the past six years. It is these qualities which made Michigan State University a wonderful choice as an Honor Roll Presidential Award winner for 2008. Each year this award is given to colleges and universities as an acknowledgment of their commitment to service learning and civic engagement. In 2008, Michigan State University was one of three universities to receive the Honor Roll's Presidential Award, and one of only 18 to be honored since 2006.

Specifically, Michigan State University is being recognized for the stability, growth, and impact of its student volunteer program. This program organizes students to work with over 360 nonprofits, public schools, hospitals, and neighborhood organizations and cooperates with student-led programs such as Alternative Spring Break. These are just a few examples of the many creative and variable ways that the Center for Service-Learning and Civic Engagement reaches out to communities locally and worldwide.

Madam Speaker, a commitment to volunteering and service learning is the foundation for creating a more engaged citizen body. A commitment to others lies at the heart of many of the principles upon which this country was founded. I wish to extend my gratitude to Michigan State University for its achievements, and I ask my colleagues to join me in recognizing Michigan State University for its years of dedication to service and community organizing and in their selection as a Presidential Award for Service winner.

TRIBUTE TO AMBASSADOR RICHARD SKLAR

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 2009

Ms. ESHOO. Madam Speaker, I rise today to honor the life and legacy of Richard Sklar . . . Ambassador, engineer, business leader, innovator, dispute mediator, professor, negotiator's negotiator, civic leader and public servant, winemaker, NFL fan, loyal friend to so many and most importantly, exceedingly proud husband, father and grandfather.

Dick Sklar passed away of pancreatic cancer at the age of 74 on January 20, 2009, at his home in San Francisco after watching with great satisfaction President Obama's Inauguration with his beloved wife Barbara by his side. Touchingly, his hometown newspaper, the San Francisco Chronicle noted, ''his death came the day after he received the highest noncitizen medal of honor from the Republic of Montenegro, for his role in helping the new country achieve independence.''

Dick is survived by his wife Barbara, his daughters Pamela Ball of San Francisco, Karen Wong King of Santa Rosa, sons Mark Sklar of Phoenix and Eric Sklar of St. Helena, eight beautiful grandchildren, son–in–law John Ball and daughters–in–law Erica and Marilyn Sklar. Dick was born on November 18, 1943 in Baltimore, Maryland. His father was an engineer and his family moved often while he was a young man. He was a graduate of Cornell University earning both a Bachelor's and Master's Degrees in Engineering.

After serving in the United States Army, Dick founded and sold his first business, Allied Steel and Tractor Corporation, a Cleveland Ohio based manufacturing company. Cleveland is where he met the love of his life Barbara who is recognized in her own right as a brilliant artist and a civic leader.

Dick Sklar was a friend and a mentor to many in public service, from Mayors to Governors to Members of Congress to Presidents. In 1976, Mayor Moscone recruited him to San Francisco to oversee the $1.5 billion sewer and wastewater treatment plant program and the Yerba Buena Center known as the Moscone Center. At the time Dick began his service to the City, it was under a building ban for non–performance. Senator FEINSTEIN (then Mayor of San Francisco) appointed him to head the Public Utilities Commission. He was exceptionally successful in these projects and became known world wide as a leader who was pragmatic and fair, and who set aside bureaucratic nonsense, challenging those around him to think practically and strive for excellence and innovation in everything they did. Dick's projects consistently came in under budget and ahead of schedule.

From 1983 to 1996, Dick served as President of O'Brien Kreitzberg and Associates (OKA). He developed the first integrated program management system now used industry-

wide to track spending, measure progress and improve accountability on public construction projects. During his tenure with OKA, the company built ten airports, light rail lines in major cities in the U.S. and facilities for the 1996 Atlanta Olympics.

In 1996, President Clinton wisely turned to Dick Sklar for help and appointed him first as Special Representative to the President in Bosnia after the Dayton Peace Accords. He then appointed him an Ambassador to the United Nations from 1997 to 1999 and lastly as Special Representative of the President for the Southeast Europe Initiative from 1999 to 2001. Dick led the postwar economic recovery effort in the Balkans in coordination with the World Bank, International Monetary Fund and the European Union, focusing on industries critical to establishing a market economy to encourage investment.

After five years in Europe, Dick and Barbara came home to the Bay Area in 2001 and this time it was the Governor of California, Gray Davis, who needed his expertise to help with California's energy crisis. Dick expedited construction of new power–generating facilities and helped keep the lights on for California. In recent years he consulted with transportation, engineering and construction firms in California and served as an advisor to the Prime Minister of Montenegro.

Dick Sklar was also known for his love of fine foods. He knew the menus of great restaurants around the world and could turn out great culinary delights out of his own kitchen. Scores of friends dined at his table in San Francisco, at his beloved home in the vineyard in Rutherford and at tables of restaurants around the world.

Madam Speaker, I ask the entire House of Representatives to join me in honoring the extraordinary life and accomplishments of Richard Sklar and extend our sympathy to the family he loved so much. His decades of contributions to his community and his country stand as lasting legacies of a life lived well. How privileged I am to have known this magnificent man and to have had him as one of my dearest friends. He made our world better by contributing to it in unique ways with an unmatched passion for justice, integrity and decency. Those of us who knew him and loved him will miss him deeply all the days of our lives, and his life instructs each of us on what it means to be a true patriot.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 2009

Mr. SMITH of Washington. Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 53: On the motion to suspend the rules and pass H.R. 738. Had I been present, I would have voted "yea".

HONORING MR. ADAM TALIAFERRO, RECIPIENT OF THE HUMANITARIAN AWARD BESTOWED BY THE PHILADELPHIA SPORTS WRITERS ASSOCIATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 2009

Mr. ANDREWS. Madam Speaker, I rise today to honor Mr. Adam Taliaferro, who grew up in Voorhees, NJ, for receiving the 2009 Humanitarian Award given by the Philadelphia Sports Writers Association. Mr. Taliaferro received this award in recognition of his work in creating the Adam Taliaferro Foundation, which helps athletes who, like Adam, have suffered spinal cord injuries. His foundation offers financial, emotional and educational support to student-athletes who experience head or spinal injuries.

While making a tackle in the fourth quarter of a game at Ohio State on September 23, 2000, Mr. Taliaferro suffered a severe neck injury. His fifth cervical vertebra, located at the base of his neck, was fractured and doctors warned Adam and his family that he likely would never be able to walk again. Despite this dire prognosis, Adam regained the ability to walk only five months after the injury. Mr. Taliaferro has used his experience to touch the lives of others who have suffered similar injuries. He spends time personally responding to e-mail and phone calls from individuals who have life-altering disabilities. His encouraging words, from someone who knows from personal experience what it feels like to be seriously injured, mean the world to those on the other end of the line.

Madam Speaker, since the injury Mr. Taliaferro has received his undergraduate degree from Penn State and his JD from Rutgers School of Law-Camden. He has also created the Adam Taliaferro Foundation which plays a vital role in the community, helping those with serious injuries. Mr. Taliaferro is an excellent role-model for every American. His ability to use adversity as the impetus for such a positive contribution is an example for us all. I congratulate Mr. Taliaferro for receiving the Humanitarian Award and wish him the best of luck in his future endeavors.

MILLARD FULLER

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 2009

Mr. BISHOP of Georgia. Madam Speaker, it often takes loss to remind ourselves of our, unwavering appreciation and unfaltering gratitude for those few extraordinary people who, despite their ability to enjoy tremendous success and reward for themselves, instead commit their energies and talents to the betterment of the world. Millard Fuller of Americus, Georgia was one of those extraordinary few. Fuller passed away February 2, leaving behind a legacy that is all the evidence one needs to believe in the power of the human spirit to inspire hope and lift the burdens of poverty and despair from the shoulders of one's fellow man.

Throughout his life, Millard Fuller's talent and passion were put on display in no small number of ways. He proved to be a great entrepreneur, founding a marketing company that made him a millionaire before he had turned thirty; a great lawyer, heading the Montgomery Southern Poverty Law Center; a great Christian, walking away from his hard-earned wealth to pursue a life of service; and a great philanthropist, founding the tremendously successful Habitat for Humanity. He led the organization for over three decades, and, through the application of what he called the "economics of Jesus," helped to provide over 300,000 homes to the destitute and the downtrodden across the globe. However, more than any of these things, Millard Fuller was a great man. His selflessness serves as an inspiration to people throughout the nation and across our world.

Born to a grocer in Lanett, Alabama, Mr. Fuller refused to allow his modest beginnings define the course of his life. Always one to take the initiative, he began raising pigs at the age of six, trading livestock during his teenage years, all before founding what would become known as the Fuller and Dees Marketing Group, Inc. after law school. Although he obtained a great fortune from his tireless efforts as a businessman, he soon found that in order to live a life of fulfillment, he had to dedicate himself to a simple life of devotion and service to a higher purpose. Fuller traveled to Africa in order to observe what he could do to improve the lot of the impoverished. He became a staunch advocate for aid to Africa's poor, and traveled the United States seeking assistance for his efforts. After moving to Americus, Georgia, Millard Fuller and his supporters founded what would become the most visible and effective manifestation of his desire to make a difference, an organization dedicated to providing housing and support for the poor—Habitat for Humanity.

For more than thirty years, Habitat for Humanity, with the help of countless volunteers ranging from the average citizen to former President Jimmy Carter, has built hundreds of thousands of homes for the world's disadvantaged. Its mission has reflected a simple philosophy, best expressed in Mr. Fuller's own words: "We want to make it socially, morally, politically and religiously unacceptable to have substandard housing and homelessness." In 1996, President Bill Clinton recognized Mr. Fuller's dedication by awarding him the Presidential Medal of Freedom.

Our deepest condolences go out to Mrs. Linda Fuller, and to all those who were touched by this extraordinary life. Let us seek to emulate Millard Fuller's passion for the good and the just, and his selfless pursuit of a better, gentler world. We should honor the life he lived by following the example he so emphatically set.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all

meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 10, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 11

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine protecting residents of the Devils Lake region from rising water.
SD–138

Veterans' Affairs
To hold hearings to examine veterans' disability compensation, focusing on the appeals process.
SR–418

10 a.m.
Budget
To hold hearings to examine policies to address the crises in financial and housing markets.
SD–608

Homeland Security and Governmental Affairs
Business meeting to consider S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives, S. 303, to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999, S. 69, to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and S. 234, to designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the ''Colonel John H. Wilson, Jr. Post Office Building'', an original resolution authorizing expenditures for committee operations, and committee's rules of procedure for the 111th Congress.
SD–342

Judiciary
To hold hearings to examine the need for increased fraud enforcement in the wake of the economic downturn.
SD–226

10:30 a.m.
Rules and Administration
Organizational business meeting to consider committee's funding resolution for the 111th Congress, and other pending business.
SR–301

11:30 a.m.
Energy and Natural Resources
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, and subcommittee assignments for the 111th Congress.
SD–366

2:30 p.m.
Intelligence
Closed business meeting to consider pending intelligence matters.
SH–219

FEBRUARY 12

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine matters relating to Indian affairs.
SD–628

Small Business and Entrepreneurship
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, and committee's rules of procedure for the 111th Congress.
SR–428A

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine consumer protection in the financial regulatory system, focusing on strengthening credit card protections.
SD–538

Budget
To hold hearings to examine Senate procedures for consideration of the budget resolution/reconciliation.
SD–608

Commerce, Science, and Transportation
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, and committee's rules of procedure for the 111th Congress; followed by a hearing to consider the nominations of Jane Lubchenco, of Oregon, to be Under Secretary for Oceans and Atmosphere, and John P. Holdren, of Massachusetts, to be Director of the Office of Science and Technology Policy, both of the Department of Commerce.
SR–253

Energy and Natural Resources
To hold hearings to examine the Department of Energy Loan Guarantee Program, authorized under Title 17 of the Energy Policy Act of 2005, and how the delivery of services to support the deployment of clean energy technologies might be improved.
SD–366

Environment and Public Works
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, and committee's rules of procedure for the 111th Congress.
SD–406

Homeland Security and Governmental Affairs
To hold hearings to examine structuring national security and homeland security at the White House.
SD–342

Judiciary
Organizational business meeting to consider subcommittee assignments.
SD–226

2:30 p.m.
Intelligence
To hold hearings to examine the world threat.
SH–216

FEBRUARY 24

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the semi-annual monetary policy report to the Congress.
SH–216

2 p.m.
Veterans' Affairs
To hold joint hearings to examine the legislative presentation of the Disabled American Veterans.
345, Cannon Building

MARCH 5

10 a.m.
Veterans' Affairs
To hold joint hearings to examine the legislative presentations of veterans' service organizations.
SD–106

MARCH 12

10 a.m.
Veterans' Affairs
To hold joint hearings to examine legislative presentations of veterans' service organizations.
SD–106

MARCH 18

9:30 a.m.
Veterans' Affairs
To hold joint hearings to examine the legislative presentation of the Veterans of Foreign Wars.
334, Cannon Building

SENATE—*Tuesday, February 10, 2009*

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Once to every person and nation comes the moment to decide. Eternal God, the source of wisdom, such a season has come to our Senators. As the Members of this body strive to do the right thing, give them supernatural guidance. Guide them to make decisions that will withstand the scrutiny of generations yet unborn. Infuse their discussions with the civility that engenders respect, objectivity, and pragmatism. Destroy partisan rancor as our lawmakers remember that You are the only constituent they must please. Remind them that indecision is not an option during crisis and that evil usually triumphs when good people do nothing. Lord, only You know the future and which decision will bring the greatest benefits for the most people. As our lawmakers seek to be responsible while not knowing what the future holds, let Your providence prevail.

And Lord, we pray for the thousands in Australia, devastated by the deadly wildfires.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 10, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of H.R. 1, the American Recovery and Reinvestment Act. The time until 12 o'clock will be equally divided and controlled between the two leaders or their designees. At 12 o'clock noon today, the Senate will vote in relation to the Collins-Nelson of Nebraska substitute amendment, to be followed by a vote on passage of the bill. Upon disposition of H.R. 1, the Senate will recess until 2:15 p.m. to allow for the weekly caucus luncheons.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

STIMULUS COMPROMISE

Mr. MCCONNELL. Madam President, over the past several months, a series of frightening economic events have left many Americans without work and many more wondering when the bad news will end. A problem that began in the housing sector spread to the financial sector, triggering even more problems in industries that rely on credit. Major U.S. companies that many Americans never thought were vulnerable have laid off thousands of workers, some for the first time ever. Last month alone, 600,000 Americans lost jobs.

This was the situation when President Obama took office late last month. And, to his credit, our new President has committed himself to working with Congress to fix the economy, a top priority for both parties. A month before Inauguration Day, the President told us that bold legislative action would be needed. He also said repeatedly that he would be careful in spending the taxpayers' money.

The American people were ready to support an economic plan that would work and that wouldn't spend money we don't have on things we don't need. So were Republicans in Congress.

What many of us did not expect, however, was that President Obama wouldn't be the author of that plan. In an odd turn of events, the bold economic plan that President Obama called for ended up being written by some of the longest-serving Democrats in the House of Representatives—and it showed. Tasked with writing a stimulus bill that was timely, targeted, and temporary, Democrats in the House produced an enormous spending bill that was none of the above.

Criticism of the House bill was fierce, so many of us expected that Democrats in the Senate would draft a much better bill. Unfortunately, those hopes turned out to be unfounded. Not only was the Senate bill more expensive than the House bill, it repeated the same mistakes: hundreds of billions in permanent Government expansion, wasteful projects that would have minimal or no impact on job creation, and a staggering $1.2 trillion pricetag when interest costs are added.

As the Senate version was taking shape, a number of Senators expressed serious concerns. One Senator said he was, ''very committed to making sure that we get it scrubbed clean of many of these programs.'' Another said that, ''If there's wasteful or silly spending, or spending that does not, you know, create, jobs, that sort of stuff needs to be pruned out.'' Another Senator said, ''We are seeking not to let this thing get loaded up with all these other pet projects and pet programs.'' Another said, ''. . . it needs some work. It needs some surgery.'' And those were just the Democrats.

Concerns were so widespread that President Obama called a meeting at the White House with congressional leaders. After the meeting, many of us thought Senate Democrats would rethink their plan. They didn't. They dug in deeper. Republicans tried repeatedly to cut out the waste and bring down the total cost of the bill, and to refocus on the central problem of the housing market. Democrats resisted. They rejected an amendment that would have cut more than $25 billion in wasteful spending from the bill. They rejected an amendment that would have turned off spending on newly created programs—rather than let them live in perpetuity. They rejected an amendment that would have turned off spending once the economy recovers.

In the end, Senate Democrats produced a bill that fell so far short that a compromise emerged. But the compromise itself wasn't much better than the original House or Senate bills. Much of the spending was either permanent or unfocused. And many of the wasteful or nonstimulative projects that raised concerns in the earlier

versions remained: hundreds of millions for Government cars and Government golf carts; $200 million to consolidate the Department of Homeland Security offices in Washington; $100 million for grants to small shipyards; nearly $1 billion to spruce up parks.

In every version of the stimulus we have seen, wasteful spending has attracted the most attention. But even more worrisome to many is the permanent expansion of Government programs. One estimate puts the cost of this expansion at nearly $1 trillion over the next decade.

Even the Committee for a Responsible Federal Budget, which counts Obama economic adviser Paul Volcker and former Clinton Budget Director Alice Rivlin as directors, has been highly critical of this aspect of the bill. Last week, CRFB president Maya MacGuineas pointed out that many of the bill's spending projects squander resources. But even more troubling, she said, are the programs that aim to permanently expand Government. As MacGuineas put it, ''extending our borrowing beyond the economic downturn will make our already-dismal fiscal picture far, far worse.''

Still, some Democrats continue to defend the bill. Asked about its apparent lack of focus, one veteran Democratic Congressman said, ''So what.'' One Senate Democrat called $16.4 billion in the bill ''a trifle.'' Another Democrat Senator said that by inserting a $3 billion project of his own, he was just ''fiddling at the edges.'' Another said that $50 billion was ''not going to make the difference to the economy.'' Most people cringe at a 50-cent increase in the cost of bread. Senate Democrats shrug at taking $16 billion from the taxpayers for a project they can't even assure us will work. In an economic downturn, we should care more about how we spend their tax dollars—not less.

America is in the midst of a serious economic crisis. At some point, however, we will all have to face an even larger crisis: We have a $1.2 trillion deficit. The national debt is approaching $11 trillion. Soon we will be voting on an omnibus appropriations bill that will cost another $400 billion. This week, Secretary Geithner is expected to propose another round of bank bailouts that could cost up to $2 trillion. Including interest, the bill before us will cost $1.2 trillion.

Americans are asking themselves ''Where does it end?'' They want to know how we're going to pay for all this. They are worried. And they should be worried about a bill so big that it is equivalent to spending more than $1 million a day for more than 3,000 years. This is an enormous amount of money.

The President was right to call for a stimulus, but this bill misses the mark. It is full of waste. We have no assurance it will create jobs or revive the economy. The only thing we know for sure is that it increases our debt and locks in bigger and bigger interest payments every year. In short, we are taking an enormous risk with other people's money. On behalf of taxpayers, I will not take that risk.

The administration is clearly worried about the risks of spending this much money. Over the weekend, the Treasury Secretary decided to postpone an announcement on the use of the remaining TARP money and an entity that would absorb toxic assets from troubled banks.

Yesterday, the Democrat majority in the House postponed a leftover appropriations bill from last year that would bring 2009 spending to more than $1 trillion for the first time ever. It may seem overwhelming to do all of this at the same time. But, in my view, we need to lay all of this spending on the table at once, rather than trickle it out in an effort to hide the true costs.

We need to be straight with the American people.

Last year, the national debt was about $10 trillion. The interest payments on that debt totaled about $450 billion. At the same rate of interest, the debt we're about to take on from this stimulus, the bad bank legislation, and the appropriations bill could cost an additional $250 billion per year in interest payments.

That's about $700 billion next year in interest payments on the debt alone—more than we spent last year on defense, military construction, Veterans hospitals, and Homeland Security combined—$700 billion with nothing to show for it, $700 billion just to keep the creditors from knocking on our door. The interest costs on the stimulus bill alone will cost us $95 million a day, every day, for the next 10 years. Most people know what it is to charge a little more on the credit card than you should. They should know that their Government is about to charge a lot more on the Nation's credit than it can afford—and that it is counting on the taxpayers to cover the cost.

This is serious money, all of it borrowed, and all of it spent on the hope that it will help lift the economy.

All of us want to strengthen the economy and create and save jobs. Republicans believe the best way to do it is to first fix the problem, which is housing. Then we need to let people keep more of what they earn. Throughout this process, Republicans have been guided by the belief that the desire to ''just do something'' shouldn't be an excuse to waste tax dollars. That is why we proposed a plan that was more focused on the problem and which didn't waste money—in short, a plan that was timely, targeted, and temporary. Sadly the bill before us is none of these things, despite the good intent of the President. Obviously, I will be voting against it, and I urge my colleagues to do the same.

BOY SCOUTS OF AMERICA

Mr. MCCONNELL. Madam President, this week marks the 99th anniversary of an organization that has assisted in the moral and civic formation of millions of American boys.

By training young men in the skills of self-reliance, and inculcating in them the virtues of patriotism, volunteerism, and the importance of moral character, the Boy Scouts of America has strengthened our families, our communities, and our Nation beyond measure.

Eleven of the twelve men who have walked on the Moon were Scouts. More than one-third of all West Point cadets are Scouts. Several U.S. Presidents dating back to Teddy Roosevelt have been Scouts or Scout volunteers. And at least four of my Senate Republican colleagues are Eagle Scouts.

This week we recognize the valuable contributions of this fine organization, and we celebrate its traditions.

Looking at the challenges we face today, it is clear that men of character are needed as much today as they were when the Boy Scouts of America was incorporated in the U.S. in 1910. And as long as young boys put on the Scout uniform, we can expect those challenges to be met.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Reid (for Collins-Nelson (NE)) amendment No. 570), in the nature of a substitute.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 p.m. will be equally divided and controlled between the leaders or their designees, with the final 10 minutes for the two leaders.

The Senator from Montana.

Mr. BAUCUS. Madam President, in each of the last 3 months, more than half a million mothers and fathers came home to tell their families that they had lost their jobs.

In each of the last 3 months, more than half a million breadwinners came to terms with the news that they were no longer gainfully employed.

In each of the last 3 months, more than half a million Americans suddenly had to make do with much less.

Bad as that news is, the year ahead looks no better. Job losses have accelerated to a rate not seen in nearly three decades. And economists warn that other shoes are bound to drop.

These are times that frighten even seasoned managers. These are circumstances that concern even bullish economists.

The history of the 1920s and 1930s teaches us that we must act. The history of the Great Depression teaches us the costs of delay.

We must act to replace some of the trillions of dollars in demand that the private sector lacks. We must act to support those who, through no fault of their own, have been thrown onto the rolls of the unemployed. We must act to prevent the economy from spiraling deeper into recession.

The road before us is clear. We must pass the economic recovery and reinvestment legislation before us today. We must speedily resolve our differences with the House of Representatives. And we must get this bill to the President for signature without delay.

The bill before us would create or save 3 to 4 million jobs. The fate of millions of mothers and fathers, sisters and brothers, wives and husbands depends on what we do here today.

Every generation must face its own challenge. Responding to this economic emergency is ours. Let us not be found wanting.

Let us pass this bill and ensure that millions more mothers and fathers will not have to come home to tell their families that they have lost their jobs.

Let us pass this bill to ensure that millions more breadwinners will not have to come to terms with unemployment.

And let us pass this bill and rise to the economic challenge of our generation.

I don't know who the manager is on the other side, but I assume the Senator from Texas has more than enough authority to speak. I suggest she seek recognition and ask for whatever time she desires.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, is there time allocated to each side?

The ACTING PRESIDENT pro tempore. The time until noon is equally divided.

Mrs. HUTCHISON. Madam President, I rise with hope that my colleagues will not waive the Budget Act point of order on this bill and to speak against passage of the legislation.

Sometimes one has to talk about process when dealing with something as important and as large as the bill before us. A fair process would have allowed input from both Republicans and Democrats, and would have written the bill in committee rather than trying to write the bill on the Senate floor. I am still concerned about a $1 trillion expenditure. When we have an 800-page bill, we are spending about $1 billion per page. Yet I don't believe we have a consensus about the right way to be spending $1 trillion; $1 billion per page in this bill.

The important thing we must do for the future is to look at all of the expenditures we are making. It is important for us to look at the trillion dollars we spent on stimulation last year which did nothing to help the economy. Now we have another trillion dollars coming down the pike to shore up financial institutions. We have $1 trillion in spending before us. We already have a $10.6 trillion debt. It is time to step back and say: a trillion dollars here and a trillion dollars there, we are talking about real money. The great Everett Dirksen talked about the ''real money'' of a billion dollars, and now we are at a trillion.

It is time to pause and say to the American people: We are going to look at what needs to be done before we spend another dollar, much less $1 trillion.

I believe 100 of us would say we need a stimulus package. It is how we spend the money that is in disagreement. Right now the bill before us is one-third tax cuts and two-thirds spending. Even the tax cuts are not going to help create jobs or keep people in their homes, which should be our major focus. The tax cuts are similar to the ones we did last year, which every economist agrees did not work because we didn't see a stimulus. We didn't see an increase in buying. Instead, the economy continued to go steadily downhill. The payroll tax that is dribbled out at $20 or $30 per paycheck is not going to make people feel confident to spend money which, in turn, creates the jobs.

I believe we should have tax cuts that are targeted to making people spend their money. We have had the converter box coupons that will go to offset the cost of the digital transition. You get a coupon in the mail. You take it into a dealer that is selling the boxes. It offsets the cost immediately. How about a tax cut that is in the form of a coupon that can only be redeemed if you spend money in certain areas, such as home improvement, weatherization, where you buy things that create a market so we won't see retailers or manufacturers having to lay people off, as we have seen in the last few weeks? Why not a coupon for expenditures that will ensure that the money is spent for job-creating activities? Why not a tax cut to employers for hiring people? That would be direct. That would say: If you will hire people, we will give you a tax credit. Employers would understand that. That is an incentive. Five hundred dollars in payroll taxes dribbled out will not give that confidence. We have the history of last year to show it.

Let's talk about the spending. I think we can spend wisely to create jobs. The Republicans are not against spending. We just want to separate spending that is going to create jobs versus spending that people might like that might be good programs but are not going to create jobs. That is the division we have now.

The spending in this new amendment is better than the original bill. They said they cut about $100 billion, but when you add in the amendments already in the bill, it is about $50 billion. And some of what they cut out was the right amount they should have cut out. It was the right types of projects to cut out. I will give them that. I think if we had had a more collaborative process from the beginning, we could cut out about $200 billion that would not be creating jobs, and we could put it into a stimulus that would.

The kind of stimulus we should be targeting is money that we are going to have to spend anyway, say, over the next 5 years. Let me take, for example, military construction. In military construction, the Department of Defense has a 5-year plan. We know what the 5-year plan is. In normal times, we would take 1 year at a time. The Department of Defense will put its highest priorities in the first year and then the second year will be next and then the third and fourth and fifth. But if we had a stimulative package, we would take that 5-year plan, and we would put it into 3 years so the spending would be upfront, and I have an amendment that will do that.

It would create jobs in America, and it would be spending we know we are going to do anyway. That spending would create jobs from money we are going to spend anyway. So in the last 2 years, we can start going back to normal, if the economy has picked up and people are spending and we have a lower unemployment rate. We would be able to say: Well, we have already done our military construction spending. We do not need to spend that money in those last 2 years and we can start trying to come toward a balanced budget again.

We have to start whittling down that $10.6 trillion debt. But, instead, we are going in the opposite direction, adding to that $10.6 trillion debt already on the books.

So I think there are some things we could agree to do. But this bill has not gone through the processes that would allow that input. My amendment has been pending since last week. It has been filed. But no action has been taken on it because we are not allowed to have the action, and we did not have the action in committee that would have allowed amendments.

I believe we could have made some headway on military construction. The same for highways. I agree with the highway spending in the bill. I think we should have more in that direction because it is money we are going to have to spend eventually; move it up to the front. They are American jobs. That meets the test.

I am very concerned that some of the spending in this bill—in the hundreds of millions and billions of dollars—is the kind of spending that is going to increase. It is going to increase payments the people are then going to come to expect, and we are not going to be able to come back to normalization, even when we have normalization, and we are going to keep adding to this debt.

I hope my colleagues will pause and realize that for $1 trillion, we ought to do better for the future generations of our country because if our foreign investors in U.S. start beginning to think it is a risk to invest in the United States because we have no means to pay them back, two things can happen, and both of them are bad. One is they stop buying the debt. Then what are we going to do? The second is, they buy the debt but at what rate? They start raising the interest rates because the risk is greater. That will increase the economic woes we are now experiencing. Neither of those scenarios is a good one.

I hope our colleagues will see we are on a road that in the long term is not the right road for our country. I respect that everyone is trying to do what is right.

I know my colleagues on the Democratic side are trying to do what they think is right. I know the President is. I know the Republicans are too. We are in disagreement because we have not had the ability to fully come together in a way that will allow give and take, not just to have a bill that is laid before us where we are trying to amend here, amend there, without any cohesion in what we want to be the final result that would be a collaborative process. But what we have done is not, and at $1 trillion I think we need to do it right.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I yield 5 minutes to the Senator from Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, is there a time limit on the speaking time at this time?

The ACTING PRESIDENT pro tempore. The Senator has been yielded 5 minutes.

Ms. MIKULSKI. Madam President, thank you very much. Then I will get right to it. I have a lot to say in support of this bill.

Let me start off by saying we have inherited a terrible mess, but the Senate is taking a major step forward to turn the country around by passing the American Recovery and Reinvestment Act.

By standing with President Obama, we stand for America, to create jobs for people who have lost them and to help those who have jobs keep them.

This bill is about jobs, jobs, jobs. Through the rough and tumble of the legislative process, I do believe the Senate has found a sensible center. I compliment all of both sides of the aisle who chose to work with each other to accomplish this.

This bill balances spending on the public investments and targeted tax credits that create jobs without exacerbating the Federal deficit.

There is much to commend us about the spending bill. The focus on physical infrastructure is absolutely crucial to my own State of Maryland. If one takes something that is not very jazzy to talk about, such as sewers and water grants, I can only bring to the Senate's attention that this stimulus would bring $123 million to Maryland for these projects. But if Governor O'Malley were here, he would say: Thank God. If the people of Montgomery County, Prince Georges County, and Baltimore city were here, they would say: Cheers.

Over the weekend, we had a terrible water main break in Maryland, in Baltimore. It went through Madison Street, near one of our most famous Catholic Churches. That church runs a school by the Jesuits, which focuses on giving a Jesuit prep school education practically free to poor boys, helping them to find their way. It closed not because of a lack of funds but because of a water break.

Iggy's, one of our most delicious pizza parlors, was flooded with water not with business because of the water main break.

Most recently, a big water main break occurred on River Road in Montgomery County. There was a dashing rescue by the brave people, first responders, of the Montgomery County rescue team, snatching people from waters that cascaded through like it was a Maryland ''Niagara Falls.'' We have the money and the will to pay for the daring rescue, but we want to fix essentially what was a tsunami, a local tsunami in Montgomery County. Every time we do this, you have to have jobs for the people who will actually build the water and sewer programs.

I could take you on a tour throughout Maryland. But what we are doing is creating jobs, improving the environment and public safety and public health. I could go item after item on these spending issues. Education would be one of the others which is very important.

The American Recovery and Reinvestment Act creates jobs by investing in our infrastructure. It fixes aging physical infrastructure, like roads, bridges, and water systems.

Water mains are aging. Roadways are turning into rivers. Small businesses have to shut their doors. Hospitals can't take care of the sick.

A recent water main break in Baltimore closed St. Ignatius, a school that provides a Jesuit education for poor kids. It closed Iggy's pizza parlor, a local Baltimore landmark. It was shut down after the water main break. The owner is not sure when he can reopen his doors.

The stimulus provides $123 million for Maryland water and sewer projects. The formula funding to the States is to make low-interest loans to localities and utilities. This means local governments won't have to raise rates or cut services.

But not all jobs require a shovel to be ready to go. Some need microscopes and telescopes. High-tech jobs like maritime charting help keep Maryland's economy afloat.

There is $80 million to update nautical charts. There is a backlog of 20,000 square miles. Some nautical charts for the bay have not been updated in decades. The channels have changed naturally. So have the boats that go down the channels. Ships are bigger and weigh more.

We need accurate charts to make sure boats don't run aground, halting the flow of goods in Baltimore Harbor. It could cause an environmental mess and costly clean-up. Maryland can't afford a maritime accident.

It makes major investments in education so families and local school districts can help special needs children.

By giving money to the Governor to fill budget gaps in State aid, Prince George's County won't have to consolidate 12 schools, increase class size, or cut 900 positions in central administration.

By providing funding for Early Head Start, officials in Baltimore City can start serving the 95 percent—7,600—of low-income infants who are eligible but do not receive nutritional, health, and education services due to a lack of funding.

By providing a surge in title I dollars, Carroll County won't have to cut

33 teaching positions that otherwise would be slashed because of tight budgets.

It provides a social safety net that helps distressed families. It helps with food stamps and nutrition for seniors. It supports Meals on Wheels so seniors stay in their communities and age in place. Last year, Meals on Wheels of Maryland delivered 780,000 meals to almost 3,000 seniors.

Putting food in people's mouths, about 317,000 Marylanders rely on food stamps each month.

It expands Medicaid so States can continue to cover those already on Medicaid and expand the program to cover new individuals. About 854,000 children and adults rely on Medicaid in Maryland. For families of three who make about $52,000 this means elderly won't get dropped from nursing homes and children will have health care.

It invests in the techno infrastructure, like broadband to expand small businesses. Rural Maryland will be able to sell agricultural products or crafts and antiques on e-Bay, running e-based businesses out of their homes. Or if they lose a job, they can look for a new job online. And telecommuting is an option, so they may not have to move to a city to be near a good job.

And it has targeted tax breaks to help families and small businesses, like expanding the child tax credit, helping at least 100,000 poor children in Maryland. It eases the ability to qualify for the refundable child tax credit, and provides up to an additional $2,000 for a family with two children making less than $30,000.

Last week we learned that 598,000 people lost their jobs in January. This bill is a victory for America. This bill stimulates the economy today and lays the groundwork for a stronger economy tomorrow.

In addition to what was done the other night and what will pass in this stimulus—and I intend to vote for this stimulus—I am so heartened my automobile amendment is included in this bill. It makes interest payments on car loans and State sales or excise car tax deductible for new cars that would be purchased this year.

What does it do? It actually gets people in the showroom. It does what Senator HUTCHISON talked about. I got 71 votes: 41 Democrats and 30 Republicans. What does it do? It saves jobs because it gets people in the showroom to buy a car; and that means for the people who sell the car, for the auto mechanic who fixes it, for the manufacturer who makes it, and, most of all, for the consumers. They get a chance to buy a car that will be far more fuel efficient and also lower carbon. Now, that is what both sides of the aisle have talked about.

My amendment makes interest payments on car loans and State sales/excise car tax deductible for new cars purchased from November 12, 2008 to December 31, 2009.

How does this amendment help our economy? It saves jobs. If the domestic auto industry goes bankrupt, the U.S. would lose 3 million jobs, in manufacturing, repairs and service, car dealerships, and science and engineering. It helps consumers. A family would save about $1,553 on a $25,000 car, such as a Dodge minivan. Cars are most families' biggest purchases after their homes. It supports States and local governments. States rely on car excise taxes for their infrastructure projects. More car sales means more revenue for struggling State and local governments.

It is urgently needed. To reach viability, the Big Three need U.S. new car sales to be at 13 million a year at a minimum. Sales in December were more than 20 percent below that minimum—10.3 million a year. This is the only proposal that will stimulate demand up the supply chain so that the Big Three's restructuring plans will work.

Who would qualify for this tax deduction? Families who make less than $250,000; $125,000 for individuals. The deduction is ''above-the-line''—meaning it can be taken advantage of by itemizers and nonitemizers. It only applies on cars that are less than $49,500.

I have a statement from someone whom I never thought I would be in alignment with, the economist Martin Feldstein. He is on the conservative side, and everybody knows you kind of cover me blue. He says what we should focus on is providing incentives to households and businesses to increase current spending. Why not a tax credit to households to purchase cars or other consumer durables?

I will quote from his article, dated Thursday, January 29, 2009, in the Washington Post:

> As a conservative economist, I might be expected to oppose a stimulus plan. In fact, on this page in October, I declared my support for a stimulus. But the fiscal package now before Congress needs to be thoroughly revised. In its current form, it does too little to raise national spending and employment. It would be better for the Senate to delay legislation for a month, or even two, if that's what it takes to produce a much better bill. We cannot afford an $800 billion mistake.
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> Start with the tax side. The plan is to give a tax cut of $500 a year for two years to each employed person. That's not a good way to increase consumer spending. Experience shows that the money from such temporary, lump-sum tax cuts is largely saved or used to pay down debt. Only about 15 percent of last year's tax rebates led to additional spending.
>
> The proposed business tax cuts are also likely to do little to increase business investment and employment. The extended loss ''carrybacks'' are primarily lump-sum payments to selected companies. The bonus depreciation plan would do little to raise capital spending in the current environment of weak demand because the tax benefits in the early years would be recaptured later.
>
> Instead, the tax changes should focus on providing incentives to households and businesses to increase current spending. Why not a temporary refundable tax credit to households that purchase cars or other major consumer durables, analogous to the investment tax credit for businesses? Or a temporary tax credit for home improvements? In that way, the same total tax reduction could produce much more spending and employment.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Ms. MIKULSKI. My time has expired. Madam President, I ask for 2 minutes to conclude.

All I say is this: I thank the Chair for allowing me to offer the amendment. But if you want a car at your house, call the White House or call the House of Representatives. The problem now is not the idea but it is the politics. Let's get the White House on our side. Let's get the House of Representatives on this side. Flood not the streets but flood them with the phone calls. Call these numbers. Let's get America rolling again.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I yield 10 minutes to the Senator from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Thank you, Madam President.

I thank my colleague from Maryland, who is doing a great job on the car amendment, and my colleague from Montana, the chair, who has led us extremely well on this legislation.

We are trying to deal with an economic crisis that grows worse day by day, similar to an economic 9/11 that ought to be bringing us together. The economy is hurtling southward. People are laid off every second and every minute. You get on the phone and talk to someone you know—I spoke to a friend of mine. Her sister had been laid off. I went to a local Italian restaurant. The waiter's wife had been laid off. The woman who cuts my hair, her husband has been laid off.

We are hemorrhaging jobs. The middle class is losing dollars. The country could edge over into a recessionary spiral downward that actually turns into deflation, which could, God forbid, turn into a depression. Yet while President Obama shows leadership, the other side is still adamantly sticking to policies that do not work. They are arguing for marginal rate cuts and choosing to ignore that the very purpose of a stimulus package is to spend money, to help fill the void left by a dramatic reduction in consumer and business spending.

This package certainly does not have everything I want or any single Member wants. But for the sake of this country, we all must give and come together and get it passed—not only passing on the floor today but getting this passed in conference quickly because every day we wait more are laid off.

In my judgment, this package should be more heavily tilted toward spending, jobs, putting money in the pocket of the middle class. This is a position supported by the vast majority of mainstream economists.

The President and Senate Democrats have bent over backward to accommodate views we do not feel accurately portray what needs to be done. People are criticizing President Obama for being partisan last night. But let me tell you, he and we have reached out and done our best to bring Republicans along. But as the President said last night, drawing the line at continuing the very policies that got us into this position in the first place is the proper place to draw that line. To pass a bill with 80 votes that would do nothing to help the average person would be a far greater failure than passing a bill with 61 votes that starts our economy moving again.

There are three criteria for this bill, simply put: jobs, tax cuts for the middle class, and rebuilding our infrastructure. Let me repeat that: jobs, tax cuts for the middle class, and rebuilding our infrastructure. Most every provision in this bill does one of those three things now. Lots of little porky things have been taken out.

So while some of our colleagues on the other side of the aisle want to cure the Bush recession with the Bush economic plan, the President was right to say no. As for bipartisanship, we have been trying; Lord, we have been trying. The two largest amendments added to this bill—a total of $106 billion of the $840 billion in the bill—were added by Republicans. This isn't just allowing people to debate; this isn't just saying we will listen to you and not do what you want. Again, let me repeat: The two biggest amendments added to the recovery package were Republican amendments, Senator ISAKSON's at $36 billion and Senator GRASSLEY's at $70 billion, and they didn't vote for the bill. What do you want out of us? This is not a small little bauble of $10 million in tax cuts or in spending. This is close to one-eighth of the entire bill, and it doesn't bring us a single vote. How can you say we are not being bipartisan when we have allowed major changes to be made to this bill, despite the President's wishes?

What has happened here is very simple. Our Republican colleagues want the right to add amendments but never will vote for the bill, except for three courageous Senators—two from Maine, one from Pennsylvania. What more can we do? There were 472 amendments filed, 48 considered, 27 offered by Republicans, a good bunch of those accepted. Many of us voted for them. What more bipartisanship do you want?

Here is the sad fact. The sad fact is this: Unless the bill is all tax cuts mostly for the wealthy and has virtually no spending, a large number on the other side will never vote for it. Never. So all the talk of bipartisanship is that: mere talk. We are walking the walk. We are adding Republican amendments. We are giving people a chance to offer amendments. We are not so-called ''filling the tree'' and blocking debate. We have to scrounge, beg, and plead, for three votes. Again, I salute those three who did it. They made changes in the package that I didn't want. I would rather see more money in education. I would rather see ours similar to the House bill, which has 34 percent tax cuts and 66 percent creating jobs and helping people keep jobs, but again we went from 34 percent tax cuts to 44 percent.

I wish to make one other point before I conclude. Many on the other side point to one little provision or another. They say, Well, there is money for STD; there is money for the Mall. Well, we took those out, but make no mistake about it, if we took them out, they still weren't going to vote for the bill. They were excuses. Let me say this to all of the chattering class that so much focuses on those little tiny, yes, porky amendments. The American people don't care. The American people care far more that there is a proposal in the bill—this one I pushed—that gives a $2,500 credit to families who pay tuition to put their kids through college. Great relief. They care far more about that than about some small provision in the bill that shouldn't be there, because the tax relief from tuition costs they are going to get means far more to them. They care more about a provision that keeps the teachers in their schools. They care far more about the provisions that will build roads and bridges and employ people in their communities. So to all of us, particularly on my side, let's not fall for the bait. Let's not make this a bill that is mostly things such as refurbishing the Mall or sexually transmitted diseases which should be out of the bill. It is a bill about jobs. It is a bill about tax cuts to the middle class. It is a bill about infrastructure. The American people know that. They know they are hurting. They know we have reached out, and they know we have to act.

So we will not be diverted. We will do our best to bring more Republicans over to our side, and I hope that happens this week. We will be open to new suggestions just as we were to $106 billion in suggestions that were added to the bill. But we will not sacrifice the focus of this bill: jobs, tax cuts for the middle class, and infrastructure for anything, because America demands that we get ourselves out of this mess.

I salute our President. He put together a great package. My colleagues in the House improved on it. We in the Senate reluctantly had to pull back on certain portions of the House bill to get the 60 votes necessary, and we did it for the good of the country, even though each of us would have written it differently. Now we must move forward. I urge my colleagues on the other side of the aisle to reconsider, to acknowledge that we have been very bipartisan, to acknowledge that our country has a crisis, to acknowledge that they actually lost the election and can't write the whole bill, even though they will have some suggestions; and I urge that we all come together the way we did after 9/11 when there was another crisis and move this country forward.

I yield my remaining time to my friend from Montana and yield the floor.

Mr. FEINGOLD. Madam President, I am deeply troubled by the enormous debt this legislation is creating for future generations. Under almost any other circumstance I would vote against this bill for that very reason. But our economy is in desperate shape, and we are facing the worst economic crisis since World War II.

Since the recession began a little over a year ago, 3.6 million jobs have been lost, with nearly half of those coming just in the last 3 months. The unemployment rate is 7.6 percent and rising, and the number of unemployed is approaching 5 million.

The deeply flawed financial regulatory policies of the last two decades paved the way for this economic collapse, and the budget policies of the last 8 years have left us ill-equipped to address it without running up hundreds of billions in debt.

There are no good options, but doing nothing is simply unacceptable.

The bill on which we will vote today is far from perfect. On that there is nearly unanimous agreement. The question before us, then, is whether to vote against this bill and hope we can produce legislation that will be more effective, or to support this bill and begin to do something, however imperfect, to stop the economy from plunging further.

Given the current makeup of the Senate, it is extremely unlikely that the Senate will produce a better bill. We could work on it for another couple of weeks, but the changes would be small. It is far more important that we act to prime the economic pump, and that we do so soon. And for that reason, I will support this far from perfect measure, and hope that it will be improved in conference.

But this bill should not set a new precedent for budget policies. Once we stop the economic plunge, we absolutely must return to a sustainable budget policy, one that will reduce the mountain of debt we have left to our children and grandchildren.

Mr. AKAKA. Madam President, I support the Economic Recovery and Reinvestment Act.

This legislation will create jobs by encouraging innovation for the development of clean energy and strengthening our Nation's infrastructure. This vital bill will assist States so that they can continue to provide vital services. States need help in meeting the social service and health care needs of their communities. As economic activity has declined, State revenues have also decreased. Supporting States so that they can continue to provide health care coverage and essential social services will help our constituents in this great time of need. States must be good stewards of these resources and utilize them for their intended purposes. This recovery bill will also provide relief to workers and families hardest hit by the economic recession.

I am proud to support provisions in the Economic Recovery and Reinvestment Act which will bring financial relief to our Nation's struggling public schools, colleges and universities. Our Nation's future depends upon our ability to provide our keiki with the educational opportunities they need today so they can compete in tomorrow's global economy. The Senate bill includes $39 billion in much needed funding to assist our local school districts as well as public colleges and universities. It also includes funding for teacher quality partnership grants to improve the quality of new teachers and encourage individuals to enter the teaching field. In addition, the Senate-passed version also provides $12.4 billion in title I grants to Local Education Agencies to help our Nation's most disadvantaged students. The Senate bill also helps students and their families achieve the dream of a higher education by increasing the Pell Grant maximum award by $281 for award year 2009–2010 and then by $400 for 2010–2011.

I am pleased that the legislation includes significant funding that will benefit the Department of Veterans Affairs and the veterans it serves. I have been working, along with other members of the Veterans' Affairs Committee, to advocate for the needs of veterans in the context of this recovery and reinvestment bill. I am very grateful to the chairman of the Appropriations Committee, Hawaii's senior Senator, Mr. INOUYE, for hearing our message and providing tangible results.

The money in this package that is appropriated for VA will help advance a number of projects that have been languishing for too long. For example, VA has a $10 billion backlog in major health care facilities construction. This stimulus package includes $3.7 billion for health care and services, the vast majority of it for facility construction.

Included in that sum is $1.1 billion for major facility construction that can be used to build new hospitals for veterans who have insufficient access to health care, or have lost use of their hospital due to damage or disrepair. Another $1.37 billion is targeted on crucial nonrecurring maintenance to facilities that need upgrades or repairs. There is also nearly $940 million appropriated for minor construction, which will be used to build new community based outpatient clinics, among other purposes.

The legislation also includes $50 million to improve benefits for veterans.

I am pleased with the almost $65 million intended for VA's National Cemetery Administration. Of this amount, $60 million will be used to provide much needed cemetery infrastructure support and repair and investment in VA's National Shrine initiative. I believe the funding will go a long way toward meeting our obligation to provide final resting places for veterans and honor their service on our behalf.

As helpful as this infusion of funding will be, I remind all of my colleagues that this only addresses existing, unmet needs. When it is time to begin work on the new budget, we cannot subtract any money from the VA appropriation, as all of those funds will be needed to meet the new fiscal year's costs.

I am pleased that Veterans' Affairs Committee staff was able to work with the Finance Committee to ensure that certain VA beneficiaries receive economic recovery payments. I appreciate the willingness of the Finance Committee to make certain that VA beneficiaries, who might not otherwise receive a payment, get one in this time of economic uncertainty.

I also commend my colleague, Senator INOUYE, for his ongoing advocacy on behalf of the Filipino veterans of World War II. This legislation contains an authorization for a lump sum payment for funds that were appropriated last session for these veterans.

I look forward to swift enactment of this essential legislation intended to help working families, create jobs, improve infrastructure, and assist veterans.

Mr. LEAHY. Madam President, for the past week, the Senate has been debating an economic recovery plan introduced by Senators INOUYE and BAUCUS. I support this plan because the American people and their communities need it to create jobs, help stabilize the economy, and protect those who have been most hurt by the current global economic and financial crises.

We are confronting the most severe economic problems this country has experienced in generations. The U.S. economy has been in recession since December 2007. America's GDP declined 3.8 percent in the fourth quarter of 2008, the steepest drop since 1982. The United States lost 2.6 million jobs last year, the most since 1945. And last week we learned that the U.S. economy shed 598,000 jobs in January, putting the unemployment rate at 7.6 percent.

In my home State of Vermont, not only has the amount of credit available to small businesses shrunk significantly, but our unemployment rate jumped to 6.4 percent in December—the highest measurement in more than 15 years. With many more firms announcing layoffs in January and so far in February, the economic numbers are shaping up as even bleaker news for America's working families, and also for America's now out-of-work families.

Of course, Vermont is not alone in this struggle. Workers, businesses, and State and local governments all across the country face mounting debt, slumping orders, and sagging budgets.

To respond to this extraordinary crisis, I agree with President Obama and a vast majority of Americans that we must act quickly and responsibly to pass an economic recovery and job creation plan as bold as the challenges we face. By acting now to strengthen our economy and invest in America's future, we can create good-paying jobs, cut taxes for working families, and make responsible investments in our future.

Our No. 1 priority should be to put America back to work. This economic recovery plan we are debating today will help create or save million of jobs, including an entire generation of green jobs that will make public and private investments in renewable energy and make America more energy efficient.

Investing in our country's infrastructure and education will do more than create jobs today—it also will put the country back on a long-term path toward prosperity. Rebuilding our roads and bridges; expanding broadband access to rural communities; making our energy grid smart and more efficient; constructing state-of-the-art classrooms, labs and libraries; and investing in job training that Americans will need to succeed in the 21st century economy will give us tangible assets that we can use for years to come to foster additional economic growth.

But it has been interesting over the past week to listen to the impassioned speeches of some members of the minority party in relation to this economic recovery bill. Despite all of the pain being felt in America today, it is as if their tax-cutting policies, in effect for the past 8 years, were a resounding success and built a strong economy, rather than left the American people with a trillion-dollar deficit and the highest unemployment rates in recent history. It is as if they have somehow convinced themselves that we should go right on supporting the Bush administration's policies that the voters soundly rejected last November.

For instance, I have heard criticism about the increased Federal funding for State and local law enforcement in this bill. Some have called this a ''pet project'' which will do little to stimulate the economy. Nothing could be

further from the truth. Tough economic times create conditions that can too easily lead to a spike in crime. Just 2 weeks ago, USA Today reported a study by the Police Executive Research Forum finding that nearly half of the 233 police agencies surveyed had seen significant increases in crime since the economic crisis began. Maintaining effective State and local law enforcement during a time of budget cutting at the State and local levels is key to our efforts to combat the scourge of drugs and crime.

The funding the Senate has included in the recovery package for State and local law enforcement will not only help to address vital crime prevention needs, but will also have an immediate and positive impact on the economy, as police chiefs and experts from across the country told the Senate Judiciary Committee in our first hearing of the year, which I chaired last month. Hiring new police officers will stimulate the economy as fast as, or faster than, other spending. For construction jobs, only 30 to 40 percent of the funds go to salaries, but in police hiring, nearly 100 percent of the money goes to creating jobs.

We also need to remember that crime and drugs are not just big city issues. I held Judiciary Committee hearings in Rutland and St. Albans, VT, last year to seek solutions to the growing problem of drug crime in rural areas. Rural areas, which lack the crime prevention and law enforcement resources often available in larger communities, have in many cases been hit particularly hard by the economic crisis. The Senate bill's inclusion of such assistance is important and should remain.

I am also pleased that the Senate has chosen to include in its recovery package funding for programs protecting women who are victims of violence through the Violence Against Women Act, as well as for victims of crime—addressing those who are most vulnerable to the likely increases in crime in a down economy. Law enforcement officials and victims' advocates have made clear to the Judiciary Committee that in the current economic crisis there are more victims than ever in need of more help than before, but funding sources for victim services are scarce. Those already victimized by crime should not also be victims of our struggling economy.

I have also long held the view that American innovation can and should play a vital role in revitalizing our economy and in improving our Nation's health care system. I commend the lead sponsors of the economic recovery legislation for making sure that this bill includes an investment in health information technology that takes meaningful steps to protect the privacy of American consumers. The privacy protections for electronic health records in the economic recovery package are essential to a successful national health IT system. Among other things, these privacy safeguards give each individual the right to access his or her own electronic health records and the right to timely notice of data breaches involving their health information, and the safeguards place critical restrictions on the sale of sensitive health data.

Also crucial are funds for fraud enforcement, which is necessary for protecting the integrity and efficiency not only of the financial system, but also of the spending in this bill—the very concern that critics of the bill keep harping on. The economic crisis has revealed an epidemic of fraud related to the mortgage fraud crisis and the resulting corporate collapses. The FBI and other Federal agencies will soon be overwhelmed with new cases. In the past year, the FBI has received more than 60,000 Suspicious Activity Reports from banks, a number which has doubled in 3 years, but currently there are fewer than 200 agents assigned to investigate these criminal allegations. The significant funding included in the Senate recovery and reinvestment bill would help the FBI hold accountable those responsible for contributing to our economic crisis.

Nobody thinks this bill is perfect. Like most bills, there are things in it that I like and other things that I disagree with. We are part of a global economic recession involving forces that extend far beyond our borders, and nobody thinks this bill will eliminate unemployment completely or solve all our fiscal problems. It took years to get us into this mess, and it will take years to get us out. There is no quick fix—not this bill, not any bill.

But America is hurting, and Americans urgently need our help. They want action and solutions. I strongly support this economic recovery package because I believe it would provide a direct infusion of emergency aid to create new jobs, help save existing jobs, make significant infrastructure investments, provide relief for massive State budget deficits, and relieve the tax burden on struggling families. We have had a long, tough debate here in the Senate, but America deserves nothing less than our best effort.

Mr. COBURN. Madam President, this economic stimulus bill contains $87.7 billion to bail out State Medicaid programs and more than $21 billion to have the Government control the adoption rate of health information technology (health IT) through Medicare and Medicaid.

We are in the middle of an economic crisis today. Yet the health IT spending through Medicare and Medicaid will not start until 2011. Interestingly enough, the Congressional Budget Office, CBO, has stated it ''anticipates near-universal adoption of health IT over the next quarter century even without legislative action. As a result, the 0.3 percent reduction in health care costs estimated to result in the near term from enactment of this bill would diminish in later years, when the use of health IT will be more pervasive in any event.'' So this stimulus bill spends money more than 2 years after the economic crisis has started on an issue that the market would have addressed on its own.

This is just one of the many examples that illustrate that the stimulus is, as recently noted by the Wall Street Journal's editorial page, ''90 percent social policy and 10 percent economic policy.'' I believe that this ''social policy'' will be counterproductive to the goals of universal adoption of health IT because it will mire the health care system in new bureaucratic red tape.

Another example of the stimulus's social policies is its inclusion of $1.1 billion for research on medical treatment comparative effectiveness. This is to be used to ''accelerate the development and dissemination of research assessing the comparative clinical effectiveness of health care treatments and strategies, including through efforts that: (1) conduct, support, or synthesize research that compares the clinical outcomes, effectiveness, and appropriateness of items, services, and procedures that are used to prevent, diagnose, or treat diseases, disorders, and other health conditions and (2) encourage the development and use of clinical registries, clinical data networks, and other forms of electronic health data that can be used to generate or obtain outcomes data.''

Included in this $1.1 billion spending is a $400 million ''slush fund'' given to the Secretary of Health and Human Services, HHS, that could be construed to allow the Secretary to use however he or she wishes. Let me be clear, none of the comparative effectiveness research funding under the stimulus may be used for anything but research on comparative clinical effectiveness.

While I recognize and appreciate that the comparative effectiveness provisions of this bill only permit comparative clinical effectiveness, I am concerned that this lays the groundwork for comparative cost effectiveness with bills that the Obama administration will push and Congress will consider in the future. Why else would they be pushing to spend $1.1 billion on comparative clinical effectiveness, if the intention was not to one day tie the answers from that research to cost and coverage decisions?

To quote one of President Obama's top White House health advisers, Jeanne Lambrew, ''There is a bipartisan—I should be careful about the bipartisan, working the bipartisanship in the Senate. The House isn't quite as bipartisan as we would like but there has been support for investing about $1.1 billion in this economic recovery act

for over two years for ARC and partly for NIH and partly for under agency activities to begin to try to say how do we get at the relative costs, excuse me, the relative effectiveness of the different services.'' That statement could be characterized as a Freudian slip.

While Congress has limited comparative effectiveness research funding in the stimulus to clinical effectiveness questions, I am concerned that the sponsors of this bill and the Obama administration have plans to force on the American public coverage decisions based on comparative cost effectiveness. Make no mistake: I will vigorously fight those efforts in the future.

In addition to the comparative clinical effectiveness research spending, the stimulus bill creates a structure similar to the Federal Health Board described in the book ''Critical'' by former Senator Tom Daschle. President Obama endorsed this book and has relied on Senator Daschle's advice in crafting his health care agenda. A new, bureaucratic Federal Coordinating Council for Comparative Clinical Effectiveness Research would be established under section 802 of the stimulus. The council will advise the President and Congress on No. 1. strategies with respect to the infrastructure needs of comparative clinical effectiveness research within the Federal Government; No. 2. appropriate organizational expenditures for comparative clinical effectiveness research by relevant Federal departments and agencies; and No. 3. opportunities to assure optimum coordination of comparative clinical effectiveness and related health services research conducted or supported by relevant Federal departments and agencies, with the goal of reducing duplicative efforts and encouraging coordinated and complementary use of resources.

The council would be composed of 15 members, all of whom are senior Federal officers or employees with responsibility for health-related programs. It concerns me that no attempt is made with this language to ensure council membership includes private, nongovernment experts. The American people know that medical experts at places like Harvard, Johns Hopkins, and Yale have more expertise on medical issues than bureaucrats at the Department of Health and Human Services. In the future, I will work to ensure that this council—and the American people—benefit from the expertise that resides in the minds of our country's premier medical experts.

The council would report annually on Federal activities in this area and recommendations for further research. While I recognize and appreciate that the comparative clinical effectiveness research and the council in the stimulus do not go as far as the board outlined in Senator Daschle's book, I am gravely concerned that it is simply the precursor to a full-fledged Federal Health Board. In Senator Daschle's own words, a Federal Health Board may alter the traditional doctor-patient relationship by giving the Federal Health Board new powers to make coverage decisions about medical technologies, treatments, drugs, and procedures, ''Doctors and patients might resent any encroachment on their ability to choose certain treatments . . .''

The model proposed by Senator Daschle and endorsed by President Obama—and which I am concerned the stimulus lays the groundwork for—would be disastrous for American patients. This exact model is a failed policy of the past in Great Britain's health care system. Great Britain's National Institute for Health and Clinical Excellent, NICE, evaluates new medical drugs and treatments for coverage decisions for all British citizens.

An approach like NICE neglects the basic fact that medical decisions vary by individual patient and disease processes. Medicine is not simply a cold science; it is also an art that reflects each individual patient's condition.

An approach like NICE will ultimately attach price tags to patients' lives and result in treatment rationing. To quote my friend Dr. Scott Gottlieb in a recent Wall Street Journal opinion editorial, ''[NICE] has concluded that $45,000 is the most worth paying for products that extend a person's life by one 'quality-adjusted' year. (By their calculus, a year combating cancer is worth less than a year in perfect health.) . . . In Britain, there's vocal dissent against NICE constraints, especially among the cancer patients who are denied many effective new drugs that, for now, are widely prescribed in the U.S. The rich, of course, are able to opt out of the British controls. But the rest of the country has to appeal to politicians—rather than their doctors—to gain access to restricted medicines.''

Rather than top-down Government solutions that control costs by one-size-fits-all coverage mandates, I believe that a health care market that plays by fair rules is a far more powerful force to control costs and improve quality. The American people know it works because that competition and entrepreneurship has worked in every other American industry. I support creating a health care system where patients and doctors are able to make decisions based on individual patient conditions and needs.

The American people know that bureaucrats and politicians cannot be trusted as the ultimate arbiters of medical decisions. I will vigorously oppose any efforts to take choice and individualized care away from patients and their doctors.

Mr. KENNEDY. Madam President, this is a truly historic moment. We are taking a bold step to meet the greatest challenge to our Nation's continued prosperity in a generation. Thanks to visionary leadership from our new President and from our leaders here in Congress, we can offer new hope for working families throughout the Nation.

America is mired in a crisis unlike any we have seen since the Great Depression. Trillions of dollars of hard-earned wealth have been wiped out. Families are losing their homes, their jobs, their health care, their life savings, and their hopes for the future.

At the heart of this economic turmoil is the collapse of the jobs market. We lost 2.6 million jobs last year. Over 11 million Americans are unemployed—that is more than four unemployed workers for every job opening in the country. We recently learned that there were 626,000 new jobless claims in the past week and that 4.8 million Americans are collecting unemployment compensation—the highest number on record. The monthly job numbers released last Friday show that the national unemployment rate has reached 7.6 percent. In many States, unemployment has already reached 8, 9, or even 10 percent.

Getting laid off can start a devastating downward spiral. It often means the loss of health insurance, leaving families with exorbitant medical bills when they can least afford them. It means more parents can no longer afford to send their children to college or even put food on the table or heat their homes.

We need to turn our economy around, and we need to do it now. Economists agree that only ambitious and aggressive job creation policies—and strong government investment in our nation's future can spark a revival of our economy.

In November, Americans voted overwhelmingly for change—for action over gridlock, for practical solutions over ideology, and for a government that has a role to play in advancing our common prosperity. President Obama has called on us to pass a bold economic recovery bill that embraces these priorities and the bill before us will do that.

First and foremost, this legislation would create good new jobs by repairing and replacing aging infrastructure. The funding included for water infrastructure—both for wastewater and for drinking water—is long overdue. In New England, we have some of the oldest sewer infrastructure in the Nation. Much of it was built in bygone years when excess sewage was dumped into public waterways. These funds are a good start, but much more must be done to replace these so-called combined sewer systems.

Similarly, the bill's investments in roads, bridges, and transit are absolutely essential to putting people back to work, and to avoiding some of the catastrophes we have seen, such as the

I–35 bridge collapse in Minnesota. I commend the bill's managers for recognizing how essential these projects are for the Nation's future.

In all, the Congressional Budget Office reports that economic recovery legislation could save or create up to 2.4 million new jobs this year, up to 3.9 million jobs in 2010, and up to 1.9 million jobs in 2011. These jobs will make a tremendous difference in revitalizing our economy.

But in the meantime, millions of Americans still need help to weather the storm. That is why this bill extends and temporarily increases unemployment insurance benefits. These extra dollars will give a strong boost to economic growth, while putting more money in the pockets of millions of Americans facing the worst job market in a quarter century.

Unfortunately, there are millions of hard-working Americans who have contributed to this vital program, but who don't benefit from it. Only 37 percent of unemployed workers receive benefits. These rules are particularly unfair to the most vulnerable Americans—including low-wage workers and the many women who juggle work and childcare responsibilities.

There is no better time to strengthen this vital safety net and extend it to Americans who have funded it with their hard-earned dollars. That is why I am pleased that this legislation includes provisions from the Unemployment Insurance Modernization Act, a bipartisan bill which I have worked on with Senators BAUCUS, SNOWE, STABENOW, ROCKEFELLER, and many others. These provisions will immediately improve coverage for more than 500,000 workers unable to qualify for these benefits now. It will also provide needed funds to States to keep their unemployment offices open and running smoothly, even under the overwhelming flood of applications from workers who have lost their jobs.

The recovery package also strengthens the safety net by making other important investments in the health and wellbeing of children and low-income families. It provides major increases for the School Lunch Program, food stamps, Meals on Wheels, food bank aid, and low-income weatherization assistance. These programs are particularly vital today, when family budgets are being stripped to the bone.

I am especially pleased by the increase in food stamp aid. More than half a million residents in Massachusetts rely on food stamps to buy food each month. Nearly 70 percent of the assistance goes to households with children, and 20 percent goes to households with an elderly person.

These investments are essential to meet the needs of our most vulnerable citizens. In fact, increased spending on food stamps is among the most effective ways to stimulate the economy, and I commend the leadership for bringing forward a bill that makes this kind of wise and compassionate investment.

The legislation will also immediately help Americans to stay healthy, thus making them more productive and successful. It provides job support in medical research. It promotes a primary care workforce. It helps unemployed workers protect their health while looking for new jobs and opportunities.

To create a healthier America, we need greater emphasis on prevention. Citizens need access to primary care providers and preventive screenings, communities need vigorous prevention initiatives, and the nation needs a strong national public health infrastructure and workforce. In our ongoing discussions and work on health reform, it is vital for us to address how best to support prevention and wellness and revitalize our public health system.

Funds provided in the bill are also an important first step in increasing the nation's ability to conduct comparative effectiveness research and achieve the important goal of helping Americans obtain the right care, in the right place, at the right time, every time.

It makes no sense to hamstring such research by placing unnecessary restrictions on what may and may not be studied. Limiting studies only to the clinical practice of medicine could inadvertently prohibit research comparing reforms in health services. One of the best examples of comparative effectiveness research is a study of patients with pneumonia, which has helped us understand who should be hospitalized and who can be cared for at home. That is important science, and we need to encourage it.

Obviously, this stimulus funding is by no means the end of the comparative effectiveness research movement. It is just the beginning. The debate over what research should be conducted, how it should be governed, and how it should be used should be reserved for the ongoing policy discussion.

The legislation also includes important investments in health information technology. Use of electronic medical records will enable our health care system to provide the highest possible quality of care, and also benefit from the improved efficiency that other industries have already achieved through IT. This investment will help develop a high-tech infrastructure for our health care system, and it will also create high paying jobs today. IT industry experts estimate that every $10 billion spent on health information will create more than 200,000 jobs in manufacturing, software development and information technology services.

Finally, the recovery package before us also takes important steps to strengthen education as a key strategy to revitalize the economy and move America forward. It includes important investments at every point in the education pipeline. It will help to prevent harmful teacher layoffs and cuts in school budgets, expand access to child care and preschool programs, and strengthen Pell grants to provide a lifeline of assistance to needy college students.

American education is severely affected by the economic downturn. This package responds directly to that challenge by beginning to revive America's preschool classrooms, its elementary, middle, and high schools, and colleges.

Resources devoted to education and to the future of America's youth are among the most important investments proposed in this legislation, and this assistance couldn't come at a better time. According to the Center on Budget and Policy Priorities, 34 States have implemented or proposed cuts in K–12 education. It is part of the economic crunch of rising unemployment, declining consumer spending, and home foreclosures. Per pupil spending has been reduced, school breakfast programs have been eliminated, training for teachers and principals has been cut off, and in some cases schools have been forced to reduce hours in the school day or shorten the school year.

Across the Nation, school superintendents have implemented or plan to implement staff reductions. Many school districts facing shrinking budgets are planning cuts in math and science classes, in new teacher programming, and in teacher mentoring—and they are also increasing class sizes. We must not force America's students to bear these high costs of our economic crisis.

I am especially pleased, therefore, that this legislation includes $39 billion in emergency basic aid to states to prevent harsh cutbacks and reduce budget shortfalls in early childhood education, K–12 education, and higher education. Such aid is a lifeline of support for America's preschools, classrooms, and college campuses.

The bill also makes a significant commitment toward meeting the needs of low-income children, by providing $12.4 billion under title I of the Elementary and Secondary Education Act, and provides an unprecedented $13.5 billion to assist schools in meeting their commitment to students with special needs under the Individuals with Disabilities Education Act.

The increase in funding for title I immediately demonstrates our commitment to prevent harmful cuts and deliver the support and solutions needed for schools to close achievement gaps and meet the goals of the No Child Left Behind Act.

The investment in IDEA is a down payment towards finally meeting the Federal Government's 33-year old promise to fund 40 percent of the average per-pupil expenditure for every

child in special education. The Federal Government now funds less than half of this commitment, because of the economic shortfall at the local level that is being exacerbated by the current crisis.

I am also pleased that this legislation makes a key investment in upgrading schools for the 21st century by investing in the education technology program under the No Child Left Behind Act.

For low-income college students across the country, the bill increases the maximum Pell grant by $281 for the next school year, and by $400 for the year after that. College costs have risen by more than 400 percent over the past 20 years, but the size of the Pell grant has fallen far behind. The College Cost Reduction and Access Act we passed in the last Congress was a downpayment on this challenge, and this bill is another step in the right direction.

In the current economic climate, this support is more important than ever. As in recessions past, Americans are entering or returning to college in record numbers. Over 6 million citizens have applied for Pell grants this year, an increase of over 10 percent compared to last year. With more and more low-income families and fewer and fewer jobs to go around, opening the doors of college to more students is a sensible response to this economic challenge. It will help us weather the crisis and better prepare our Nation to compete in the future.

Our recovery won't be fair unless it also includes our Nation's youngest and most vulnerable children. This bill delivers over $1 billion for the Head Start and Early Head Start programs, which will allow about 50,000 more children to participate in these programs. The size of Early Head Start will be increased by half, creating almost 30,000 jobs.

Investments in high-quality early learning programs like Head Start produce excellent returns for later economic growth and job development. Currently, Head Start serves only half of eligible preschoolers, and Early Head Start serves less than 3 percent of eligible infants and toddlers. These programs have been struggling, because operating costs associated with providing high-quality early childhood education are soaring, yet staff, program hours, transportation, and other services have been declining in order to deal with a 13-percent decrease in funds. The funding in this recovery package will help Head Start Centers across the country get back on their feet and back on track serving our youngest children.

The legislation also invests in essential child care assistance for children and parents. It provides an increase of $2 billion in the child care development block grant, so that States can serve an additional 480,000 needy children, and paid work opportunities are created for 190,000 caregivers.

Quality child care produces long-term benefits in children's learning and development. It also allows parents to continue working productively. The licensed child care sector enables parents to earn more than $100 billion annually, generating nearly $580 billion in direct and indirect labor income and more than 15 million jobs.

We know that child care is one of the largest expenses for low-income families. Between 2006 and 2007, the average cost of full-time infant child care rose by 6.5 percent, and child care costs for four-year olds rose by 5.3 percent. Yet funding for the child care development block grant has been nearly flat since 2002. As a result, nearly 140,000 fewer children are receiving Federal assistance under this program than in 2002. Only one out of every seven children eligible for assistance under this program now receives it.

There is no question that the challenges we face as a nation are daunting. But they are challenges we must face together. Following the President's lead, we must ask more Americans to be part of the solution. This legislation makes that possible by including $200 million for national service programs and infrastructure, an important investment for these difficult times.

With the crisis hitting community after community, the demand for services and assistance is sharply increasing. In response, more Americans, young and old, are answering the President's call to serve. They are looking for ways to help. Applications to service organizations are up. AmeriCorps members across the country are already performing this needed role, from mentoring youth whose families are struggling, to ensuring low-income individuals have a place to go home to. The increased funding for national service opportunities in this bill will enable more Americans to help those in need, and will also provide support and assistance for nonprofit organizations doing some of the most important work in our neediest communities. Much more can be done to expand these opportunities and encourage more Americans to put their skills and ingenuity to work for others in their hard-hit communities. This legislation is a significant step toward this goal.

This package makes many critical investments in our infrastructure and in our future. Never has action been more urgently needed to jumpstart our economy. This recovery legislation is an indispensible and long-overdue step toward putting our economy back to work for American families. I urge my colleagues on both sides of the aisle to support these strong measures and to save and create jobs. Together, we can turn our economy around and begin a new era of prosperity for all our Nation's families.

Mr. LEVIN. Madam President, the American people are counting on us to act to stabilize and revitalize the economy, and the Economic Recovery and Reinvestment Act that the Senate is considering is an essential part of that effort. It will create jobs and make investments to bolster our economy in both the short and long term.

The situation is dire. The Nation is in a deep recession. Michigan's unemployment rate is the highest in the country. Michigan has lost over half a million jobs since January 2001, and more than 300,000 of those were manufacturing jobs. In this January alone, the Nation lost 598,000 jobs, including 207,000 manufacturing jobs, and the number of first-time jobless claims was higher than any time in the past quarter century. The economy is in very bad shape, and it is getting worse.

Job creation must be our No. 1 priority as we work to turn the economy around, and jobs are the focus of this recovery plan. The provisions in this bill are designed to create jobs, including funding for infrastructure, tax cuts, and investments in critical technology. The Obama administration estimates that this plan will create or save over 3 million jobs nationwide—well over 100,000 jobs in Michigan alone—over the next 2 years, including jobs in health care, clean energy and construction.

The recovery plan includes funding for investments in technology and modernization efforts that can help us compete in the global economy.

The bill includes $2 billion in funding for the Department of Energy for grants to manufacturers of advanced batteries and battery systems, which will help provide American manufacturers the resources and the support they need to manufacture these batteries in U.S. facilities. The recovery package also includes $100 million in Defense Production Act funding, which will go toward the support of manufacturers of technologies for the next generation of vehicles used by the military. This funding is critical because battery manufacturers and other manufacturers are deciding now where to locate their production facilities, and we cannot afford to lose those facilities and the jobs located there to other countries that are willing to offer greater financial incentives than we are.

The package also includes significant measures to expand the American market for advanced technology vehicles. It increases from 250,000 to 500,000 the number of plug-in hybrid vehicles eligible for the consumer tax credit for these vehicles. And it includes funding for Federal agencies to aggressively lease alternative energy vehicles—such as hybrid vehicles—to support a wide variety of agency missions. Government leasing of these vehicles will help

stimulate production of these vehicles. We cannot just preach about the need to produce these vehicles. We must lead the way in purchasing them, even though their up-front cost is greater.

Shovel-ready infrastructure projects are the most immediate way to create jobs and get the economy moving quickly. The recovery plan includes over $45 billion in funding for ready-to-go road, bridge, rail and other projects to immediately and directly create jobs. I supported an amendment that would have added further funding for such projects, which unfortunately did not pass. Michigan has over $3 billion in transportation projects that can be commenced within 180 days. Even without the additional funding, the legislation we are considering will provide Michigan with nearly $900 million in highway formula funds and $165 million in transit formula funds, allowing for significant repairs to roads and bridges and purchases of buses for our public transit authorities. There is additional funding which will hopefully result in investments in the midwest high-speed rail corridor, and improvements to Amtrak that can help bring commuter rail to Michigan. I am especially pleased that the Senate stimulus bill distributes the highway infrastructure funds using the Surface Transportation Program, STP, authorized under the current highway law. The STP formula treats Michigan and other donor States in a much fairer manner than other highway funding allocation formulas.

The legislation also provides $2 billion for the Army Corps to address river and harbor, flood and ecosystem restoration projects across our Nation. I am hopeful that a significant portion of these funds will be directed to the Great Lakes navigational system, one of our Nation's most important maritime highways, which faces a backlog in many much-needed maintenance projects that are ready to go.

Additionally, the legislation includes $6 billion for water infrastructure investments that will immediately employ people, protect public health, improve the environment, and create a stronger economic climate. This bill will provide Michigan with over $150 million for job-creating projects to address crucial wastewater needs, and about $70 million to improve water mains, leaking pipes, water treatment plants, pumping stations, and similar projects. It also includes $200 million for environmental infrastructure projects that can create jobs while helping to mitigate the impact of combined sewer overflows, which dump harmful pollutants into the Great Lakes every year.

There are also nearly $200 million worth of projects identified in conjunction with the Great Lakes Legacy Act, which was reauthorized in 2008 in order for the EPA to clean up contaminated sediments in the Great Lakes, which are shovel ready and could be done in a few months. Last year, the Brookings Institution released a report that concluded that a Federal investment would yield economic benefits of 2½ to 1. I will continue to push for these projects to be funded promptly from the appropriations in this bill.

The recovery package also includes $100 million in competitive grants for the cleanup of brownfield sites where redevelopment is complicated because of real or potential environmental contamination. Last year, Michigan was awarded $8 million for 22 such projects, and I am hopeful that a good portion of these grants will be awarded to Michigan communities. Because most of Michigan's grants were awarded for site assessments, rather than actual cleanup projects, I joined my colleagues Senators CARDIN and VOINOVICH in sponsoring an amendment that would allow the grants to be awarded for both assessments and cleanup projects. Both of these uses would quickly put people to work and make these sites attractive for investment and reuse, creating additional new jobs, generating additional tax revenues, and improving communities' overall quality of life.

Finally, on the infrastructure front, the bill includes about $750 million for the National Park Service to address the lengthy backlog of maintenance projects and other important needs. I am hopeful that a significant portion of these funds will be used at Michigan's four national park units and the North Country National Scenic Trail. Michigan's park and trail funding needs are great, and numerous projects have been deferred for several years. It is estimated that Michigan's parks and trails could use upwards of $35 million in funding for infrastructure investments that could be started within the next 18 months. I was concerned that the $23 million set aside for deferred maintenance of trails might exclude, for technical reasons, developing scenic trails, like the North Country Trail, which has 1,150 miles that run through Michigan. I obtained assurances on the record from Senator FEINSTEIN, the sponsor of the trail funding language that such trails would in fact be eligible for the trail funding, and I am hopeful that many trail maintenance projects will begin soon, creating jobs and boosting the economy.

The recovery bill will provide funds investing in health information technology, computerizing health records to reduce medical errors and save billions of dollars in health care costs.

The tax provisions in this legislation will create a refundable tax credit of $500 for working individuals and $1,000 for working families, covering 95 percent of working families. Taxpayers can receive this benefit through a reduction in the amount of tax that is withheld from their paychecks, or through claiming the credit on their tax returns. This will mean direct and immediate relief for nearly 4 million Michigan workers. For many struggling families, this will help them make ends meet in these tough times. By putting extra money in families' pockets, these targeted tax cuts will offer an immediate boost to the economy.

This recovery plan includes important measures that will modernize the current unemployment benefits system which includes administrative dollars and funds to incentivize States to modernize their unemployment insurance programs. This would mean more than $90 million for the State of Michigan right off the bat. This plan will also provide a further extension of unemployment benefits which will help the approximately 162,000 unemployed workers in Michigan who are unable to find a job in these hard economic times and whose unemployment benefit will expire. Additionally, it will provide an additional $100 per month in unemployment benefits, pumping money directly into depressed economic areas. Further, the bill temporarily exempts the first $2,400 unemployment benefits from income tax, meaning more of these funds can go to recipients and help grow the economy. Providing job training in new and expanding fields will help to lower the unemployment rate and help today's workers better compete against foreign competition. The bill provides $3.4 billion for job training including State formula grants for adult, dislocated worker, and youth programs, including $1.2 billion to create up to one million summer jobs for youth. The training and employment needs of workers also will be met through dislocated worker national emergency grants, new competitive grants for worker training in high growth and emerging industry sectors, with priority consideration to ''green'' jobs and health care, and increased funds for the Job Corps and YouthBuild programs. Green jobs training will include preparing workers for activities supported by other economic recovery funds, such as retrofitting of buildings, green construction, and the production of renewable electric power. It also provides $500 million for State formula funds for vocational rehabilitation State grants to help individuals with disabilities prepare for and sustain gainful employment; and $400 million for employment services grants to match unemployed individuals to job openings through State employment service agencies and allow States to provide customized reemployment services.

The bill includes funding to enhance and expand education initiatives aimed at ensuring that our next generation of Americans is able to meet the challenges of a global economy. It includes a $39 billion State fiscal stabilization

fund for local school districts and public colleges and universities, distributed through existing State and Federal formulas, and $7.5 billion to States as incentive grants as a reward for meeting key education performance measures. It also addresses the needs of educationally disadvantaged students served through the Title I program, including $12.4 billion to help close the achievement gap and enable these students to reach their potential. Further, the bill includes $13 billion to improve educational outcomes for children served under the Individuals with Disabilities in Education Act. This level of funding will increase the Federal share of special education services to its highest level ever. Finally, the bill adds $13.9 billion to increase the Pell grant maximum award and pay for increases in program costs resulting from increased eligibility and higher Pell grant awards. The bill supports an increased Pell Grant maximum award of $281 in the 2009–2010 academic year and $400 in the 2010–2011 academic year, which will help 7 million students pursue postsecondary education.

A provision was also included to encourage use of the low-income housing tax credit, an important tool for the development of affordable rental housing.

Together, the provisions in this bill offer significant hope for our Nation's economic future. Still, a comprehensive economic recovery effort is balanced on a three legged stool consisting of creating jobs, unfreezing credit markets, and addressing the housing crisis, including reduction in the flood of foreclosures.

I am assured that the Obama administration is moving towards prompt action on the other fronts. President Obama will soon be putting forward a significant housing measure focused on reducing foreclosures and stabilizing home values. The Treasury Department is working to reconfigure the so-called TARP funds, of which $350 billion remains, to unfreeze our Nation's credit markets. The Treasury is also establishing sensible conditions for financial institutions who receive loans from the government so we can monitor what they do with the funds and get them to resume the flow of credit.

This recovery plan represents an essential step toward stabilizing our economy. The infrastructure projects will create Michigan jobs, the tax provisions will help Michigan families and the investments in technology and modernization will pay dividends for years to come. While I am mindful of the further challenges we must address in order to end this recession, I support the Economic Recovery and Reinvestment Act with a sense of real urgency.

Mr. LEAHY. Madam President, I commend the Senate Appropriations Committee for including $7 billion in the Reinvestment and Recovery Act for the Department of Commerce to improve broadband access in our country. This new program should bring broadband to unserved and underserved areas in Vermont and other rural parts of our country. That access is crucial to the vitality of rural communities which are in danger of being left off the technology highway.

During deliberation of the reinvestment and recovery bill over the past week, I offered amendment No. 332 to set aside $100 million within the available $7 billion to provide loan guarantees for broadband construction. The program established in the underlying bill currently will fund only grants. These grants will be an important pillar of any financing for a national build out of broadband. However, loan guarantees are another important financing option to construct broadband networks. That is why I am offering this amendment to set aside less than 2 percent of the $9 billion for grants to establish a loan guarantee program.

Creating a loan guarantee program alongside the grant program has the benefit of leveraging billions of additional dollars in broadband investment. The $100 million that my amendment would have set aside would have leveraged up to $2 billion in additional broadband initiatives. And perhaps more importantly, a loan guarantee program would have the potential of advancing broadband projects that were prepared to move forward with bonds only to be halted due to the economic downturn and crisis in the credit markets.

In Vermont, I have been closely following the East Central Fiber, ECF, project. A group of 22 towns in the upper Connecticut and White River valleys of our State have formed a joint venture to bring fiber-optic broadband communications services to their region. The area is currently underserved or un-served with the type of modern communications infrastructure which is so critical to their long term economic survival. The East Central Fiber group was prepared to build their fiber to the home project through municipal financing until the credit markets collapsed during the economic downturn. A federal loan guarantee program could be the difference in financing this $100 million initiative.

It makes sense to establish a loan guarantee program for broadband in conjunction with the new grant program this bill funds. The small percentage of funds my amendment would have set aside has the potential to leverage billions more in broadband investments for rural communities.

This amendment was cleared by the relevant committees. Unfortunately Senators who oppose the reinvestment and recovery bill will raise objections to adopting any amendments by unanimous consent. Thus my amendment No. 332, as modified, along with several other amendments were denied being included in the final legislation that will pass the Senate today.

I will continue to work with my colleagues to establish at Broadband Loan Guarantee program at the Department of Commerce. Such guarantees are an important part of any national strategy to bring broadband, including fiber to every home, to rural communities.

Mr. BYRD. Madam President, these are perilous economic times.

The national economy is shedding jobs at an alarming rate. Nearly 2 million jobs have been lost nationwide in the last 3 months, with 3.6 million jobs lost since December 2007. In West Virginia, our workforce has been buffered to some degree by the mining industry, but we, too, are now feeling the painful global recession. In December—in just 1 month—West Virginia lost 4,100 jobs. We are hearing more frequently about layoff and job loss announcements: Dow Chemical in Kanawha County, Century Aluminum and Alcan in Jackson County, Bayer Material Science in Marshall County, Patriot Coal in Boone and Kanawha Counties, Mountaineer Racetrack & Casino in Hancock County, Simonton Windows in Ritchie County, AGC Flat Glass in Harrison County, American National Rubber in Wayne County, Georgia-Pacific in Fayette County, Greenbrier Resort Hotel in Greenbrier County, Kingwood Mining in Preston County, and Goodies Clothing and Circuit City stores throughout the State.

The Federal Reserve has reduced its interest rate target to near zero, and continues to experiment with unprecedented programs to bolster lending, injecting about $1 trillion into the banking system. Adding to the unease, the Congress has authorized the Treasury Department to purchase up to $700 billion of toxic debt from financial institutions. This is an authority that has been used, so far, to recapitalize the banking system, seemingly with few, if any, strings attached on the institutions receiving the funding. Meanwhile, national deficits and debt are increasing to what still seem like improbable levels.

If the stimulus package before the Congress today seems extraordinary, it is because the economic and fiscal challenge before us is extraordinary.

Not only has the recession created a $3.6 trillion economic gap over the next 5 years, but the fiscal programs of the previous administration have left this Nation with a $2.2 trillion deficit in infrastructure investments. Highway and mass transit systems, airport and rail construction, energy and water projects, schools and public facilities were starved under the previous administration. As State and local budgets shrink, these infrastructure deficits will continue to increase. In West Virginia, I have seen how inadequate infrastructure can limit access to jobs, to

health care, and to schools. It can strangle and suffocate local economies.

It may seem incredible to some, but with a $2.2 trillion infrastructure deficit, and a $3.6 trillion contraction in the economy, an $838 billion stimulus is not enough. Rather than cutting back the stimulus package as some have suggested, we should be adding funds to infrastructure projects, which is why I cosponsored an amendment to the stimulus bill that would have further increased investments in transportation infrastructure. I agree with others who have said that the risk here is not that we may do too much. The real risk is that we may not do enough, fast enough, soon enough, and that jobs will continue to evaporate.

I have tried to focus this stimulus where I think it can do the most good for the working people of this Nation, including the people of West Virginia. During the debate, I supported several amendments to limit costs, and to target spending and tax cuts toward working families and their communities. I fought to make sure the bill would create jobs quickly. Seventy eight percent of the stimulative effect will take place in the next 18 months—a big improvement compared to the House bill. I also sought to ensure that there is some oversight of how these funds are spent at the state and local level. I have supported the creation of a Recovery and Transparency Board comprised of inspector generals across the Federal Government, to bring to light wasteful and corrupt spending. Likewise, I am hopeful that this Board will monitor State and local management of these funds, to ensure that excessive or political strings are not attached, delaying this critical funding.

I am sorry to see this stimulus package derisively referred to as wasteful, pork-barrel spending. I suspect many of these naysayers are not looking to create jobs, so much as they are looking to create a sound bite. I do not consider moneys for our Nation's roads and bridges, for our schools and communities, and for a safety net for the unemployed and uninsured to be handouts. I do not consider funding wasteful if it helps to ensure that state and local officials do not have to layoff police officers, school teachers, and fire fighters.

This stimulus is exactly what we need to be doing. I have been fighting for this infrastructure funding for many years. The bill may not win any popularity contests, but it is still the best idea for helping to mitigate this economic downturn. It achieves the principle goals of creating jobs, of helping to prevent painful and dangerous budget cuts at the State and local level, and of investing in the long-term growth of the U.S. economy. I unhesitatingly cast my vote in support of this measure.

Mr. GRASSLEY. Madam President, I want to speak about the trade adjustment assistance amendment that Senator BAUCUS and I have introduced.

It is amendment No. 404, and it is called the Trade and Globalization Adjustment Assistance Act of 2009.

My colleagues are used to hearing me talk about the importance of trade.

Trade creates good, well paying jobs for American workers, farmers, and service suppliers. Those jobs are more important than ever in this time of economic difficulty.

So we need to keep working hard to open new markets for U.S. goods and services.

But if we are going to engage in international trade, we need to make sure we are looking out for U.S. workers who are affected by foreign competition.

Our trade adjustment assistance program is the primary program the Federal Government has for helping those workers. Unfortunately, the program is out of date. It isn't doing enough to help the workers who need it. And that is why I have joined with Senator BAUCUS to update it.

Today's amendment is the culmination of months of hard work on the part of Senator BAUCUS and myself. And this work reflects years of oversight and careful thought. It is also the product of close collaboration and intensive negotiations with our counterparts on the House Ways and Means Committee, Chairman RANGEL and Congressman CAMP. I want to thank my colleagues for their cooperation and good will.

This amendment truly is a bipartisan, bicameral product. The amendment would update the trade adjustment assistance program in important ways, so it better serves the needs of our workers in the globalized economy of the 21st century. I will mention some of those changes now, and I anticipate that Senator BAUCUS and I will introduce report language into the RECORD to reflect the legislative intent behind the provisions we have included in our amendment.

One of the most important changes that the amendment makes is to open the trade adjustment assistance program to workers in the services sector. Those workers aren't currently eligible for trade adjustment assistance.

So, if you are a customer service representative, and your job is outsourced to India, you are out of luck.

That limitation makes no sense to me. Services make up almost 80 percent of our economy, so it makes sense that service workers should be eligible for adjustment assistance if they are adversely impacted by trade. But that last point is critically important. Trade adjustment assistance should be made available to service workers, but only if they can demonstrate a causal nexus between trade and the loss of jobs.

The amendment I introduced with Senator BAUCUS requires an express determination of such a causal nexus before service workers can be certified for trade adjustment assistance. I wouldn't be here supporting this compromise if it didn't. The same goes for manufacturing workers. Trade adjustment assistance is premised upon an adverse trade impact, and this amendment preserves that nexus. Our amendment fills the hole in existing law so that software developers, customer service reps, and other service workers will be able to seek the same benefits that are currently available to workers in the manufacturing sector, and on the same terms. That is only fair.

We also increase the availability of training funds so that States can handle this expansion in eligibility and provide better training opportunities for displaced workers, to help them train for new careers. Our amendment expands the trade adjustment assistance for firms program to help individual firms better respond to foreign competition and avoid having to cut jobs to begin with. It improves the trade adjustment assistance for farmers program to provide targeted training and to help agricultural producers develop new skills and business plans. It creates a trade adjustment assistance for communities program to help entire communities respond to the pressures of globalization, and to help community colleges and other educational institutions develop new and more targeted courses to assist trade-impacted workers. And it helps States fund caseworker time spent with TAA clients, so that laid-off workers will have someone to help them examine their options and plan next steps.

Our amendment introduces a great deal more flexibility into the program, so that workers can choose between full-time and part-time training, or full-time work with limited wage insurance. Trade-impacted workers can even take advantage of training and case management services before they lose their jobs. Our amendment also improves the accountability and internal oversight of the program, at the State and Federal level, to provide additional assurance that taxpayer monies will be well-spent.

I have already noted that this amendment is a bipartisan effort that reflects the work of four offices. It is a compromise in many respects. There are portions of the amendment that I might have done differently if it were solely up to me. But that is the nature of compromise. And the overall policy embodied in this amendment is a good one that will do a lot of good for a lot of Americans—in Iowa and across the United States. Equally important, if we enact this amendment into law, it will help unlock the trade agenda so we can progress with other important priorities. Chief among those is implementation of the Colombia trade agreement, which is my top trade priority.

And then we need to turn to our other trade agreements with Panama and South Korea as well. We need to level the playing field so that our exporters, service suppliers, and farmers can increase their sales to foreign countries. It is more important than ever.

We have had a social compact on trade for over 45 years.

One side of that compact is to address the needs of trade-displaced workers, and we are doing that with the Baucus-Grassley amendment.

The other side is to open up new markets for U.S. exports.

That was a driving principle when President Kennedy established the trade adjustment assistance program. President Obama should hold true to that principle by doing everything he can to create new export opportunities, starting with implementation of our pending trade agreements. A pro-growth trade agenda should be integral to our economic recovery strategy.

Now let me turn to the provisions in this amendment dealing with the health coverage tax credit. The health coverage tax credit was the creation of a bipartisan effort in 2002. It was designed to help those who were losing their jobs and their health coverage due to trade-related restructuring. The health coverage tax credit represented the first time that the Federal Government offered assistance in the form of a tax credit to purchase health coverage. It was a new way of doing things. Instead of the government offering government-run coverage, the government was offering a tax credit to purchase private coverage. That is a good thing.

As a new program, it had start-up challenges. And the program has special challenges that we don't see in the regular insurance market. You see, the trade adjustment assistance program is for a limited number of people. And it is offered just while people who have lost their jobs are going through retraining and finding another job. Health insurers do their best when they are insuring a larger group of people for a longer period of time. That is how insurance normally works. But the TAA program is the opposite.

So this program has some special challenges to manage. And for a new program, I think it has managed those challenges pretty well. But there is always room for improvement. That is especially true for a new program like this one. The Government Accountability Office and the Internal Revenue Service have studied the health coverage tax credit program and offered their recommendations. The health plans have also offered suggestions for how to make the program work better.

The amendment that Senator BAUCUS and I have worked out would make a number of improvements to the program. These are improvements needed to make it work better for eligible workers. First, we need to make coverage more affordable. That is something I hope we can address in more comprehensive health reform. But in the meantime, this amendment will make coverage affordable by increasing the tax credit to 80 percent of the cost of coverage. By providing more assistance, we can make private insurance options more affordable. Let's not forget that if we don't preserve access in the private market, many of these unemployed workers and their families will be forced into Medicaid. This amendment also makes important changes that will raise awareness about the program. One of the biggest barriers to enrollment is that people just don't know about the program. We are also going to help people with upfront costs during enrollment, and improve coverage for family members.

As I said before, this is not a perfect program and today's changes are not going to make it perfect. I hope as this process moves forward, we can still look for ways to expand the number of coverage options for people that want to use the credit. We should make sure they have a variety of choices in the individual market. But even though today's changes don't do everything we would like, they represent another step in making this program work better for unemployed workers and their families.

And I compliment Senator BAUCUS for his hard work and commitment to moving forward on these important reforms. With that, I invite my colleagues to join me in supporting amendment 404, the Trade and Globalization Adjustment Assistance Act of 2009. The reforms in this amendment will provide immediate benefits to workers impacted by trade in Iowa and across the country. Over the long term, these reforms will help to strengthen the global competitiveness of our workforce. And that translates into maintaining good-paying jobs right here in the United States.

Mr. BAUCUS. Madam President, a baker once told Studs Terkel, the great chronicler of the American people:

''Work is an essential part of being alive. Your work is your identity. It tells you who you are . . . There's such a joy in doing work well.''

This body is considering legislation about economic growth and recovery. It is about energy, and it is about healthcare.

But we must never forget that we are also considering what is essential to Americans' lives. In our hands is a part of Americans' identities, and the joy and pride they get from a day's work well done.

And when we consider jobs lost in America, we must never forget that, in our hands, is also the pain of lost identity, lost pride, and lost meaning in Americans' lives.

Last week, Senator GRASSLEY and I—along with Chairman RANGEL and Mr. CAMP—completed negotiations on provisions to renew and expand our trade adjustment assistance programs.

Our provisions promise American workers who have lost their jobs the chance to get back on their feet. And with that opportunity, it offers Americans another shot at the dignity and joy they get from an honest day's work.

Trade adjustment assistance—or ''TAA''—has been my highest trade priority. For over two years, I have worked with Senator GRASSLEY and Chairman RANGEL to realize this priority. It was a long process, and it was not easy.

But I am proud to say that with their help, along with the invaluable support of Congressman Camp, and Senators SNOWE, BINGAMAN, CANTWELL, STABENOW, ROCKEFELLER, and others, we have achieved it.

When President Kennedy created trade adjustment assistance in 1962, he crafted it to reflect the needs and conditions of the American economy of his time.

Our new TAA provisions will reform and expand TAA to reflect the needs and conditions of our economy as we know it today. This renewal and expansion is historic. It is the most significant expansion of the program since President Kennedy created it.

And, most importantly, it will help TAA reach more Americans than ever before with the smart and effective services they need, when they need them.

The opportunities of international trade and job-creating exports have never been greater. For much of the past two years, growing American exports were a rare bright spot in our economy.

Yet with these opportunities also come risks. A sudden shift in global trade flows can send an industry reeling, taking its workers with it. In rural communities dependent on a single employer, the effect is even more sharply felt.

In my home State of Montana, the global recession has already hit our mines and our lumber industry. Workers in our aluminum and paper products companies also suffer in this crisis.

Trade adjustment assistance gives American workers caught in the crosscurrents of international trade a chance to get back on their feet with retraining, a healthcare tax credit, and strategic support for firms.

But as important as TAA is to our workers, it has not kept up with our evolving economy. It remains limited in scope, limited in resources, and limited in its ability to deliver effective services.

That is why the TAA expansion that Senator GRASSLEY and I negotiated is so important. It addresses these limitations and makes trade adjustment assistance work better for far more workers.

First, and perhaps most significantly, our new TAA provisions extend TAA to services workers. America remains a manufacturing powerhouse, but our economy has also evolved to create a vibrant and globally-integrated services industry. Services are now nearly 80 percent of our economy, yet TAA's benefits are out of reach for all services workers.

This legislation brings TAA in line with today's economy, extending TAA benefits to America's services industry workers, whether they are transportation workers, software designers, computer programmers, or airline maintenance technicians.

Second, our provisions extend TAA's offshoring provisions to all workers regardless of the country to which that job shifts.

Under current law, workers whose jobs shift abroad may only qualify for TAA if that shift is to countries with which we have a free trade agreement or certain other trade arrangements. But it does not cover eight of our top ten partners, including China, Japan, and Korea.

This legislation does away with that geographic limitation and expands TAA's benefits to cover all trade with all of our partner countries.

Third, our new TAA package increases training funds available to states by 160 percent—from $220 million to $570 million per year.

Job retraining programs are at the heart of TAA, and have proven the quickest and most effective way to give workers the skills they need to get back on the job. Take just two recent examples from Montana.

Wilfred Johnson lost his job after four decades in the lumber industry. He was 58 years old and had never before been unemployed. Mr. Johnson turned to local TAA administrators and with the help of TAA retraining funds, soon learned to operate heavy machinery. He earned his commercial driver's license, and started a new job with the Forest Service last spring.

Daryl Blasing also lost his job at a lumber mill. With the help of TAA, he retrained to learn information technology skills at a community college. Today, Mr. Blasing monitors election software for the State of Montana, a job he does so well that he earned the Governor's Award for Excellence in Performance.

Despite these and many similar successes around the country, workers' retraining needs often outpace TAA retraining resources. States including Iowa, Pennsylvania, Michigan, and North Carolina regularly exhaust their annual allotment of retraining funds before the year is out. Our new provisions remedy that funding shortfall and will make TAA training as effective as it could be.

Fourth, this reform also strengthens programs that offer American companies and farmers strategic assistance to keep them competitive and to keep their workers on the job.

Struggling farmers will be eligible for targeted and intensive technical assistance under the TAA for Farmers program, leading to a better business plan and the seed money to get that plan off the ground.

We also more than triple the resources to back the successful TAA for Firms program, which partners small businesses with industry experts to improve their efficiency and competitiveness.

Fifth, I have worked with Senators SNOWE, CANTWELL, BINGAMAN, and GRASSLEY to devise a program to help communities struggling with the consequences of international trade.

When a large employer shuts down, entire communities feel the shock. This amendment recognizes the community-wide effects of trade and offers community-wide solutions.

Under the new TAA for Communities program, grants to technical colleges and public-private partnerships will help identify and invest in new viable and competitive industries. These small investments will help entire communities grow.

Sixth, our new TAA provisions take steps to ensure trade displaced workers have access to health care through a workable health coverage tax credit program.

Under current law, TAA-eligible workers can receive a 65 percent tax credit to buy certain health insurance. Our legislation will improve the affordability of health coverage for trade displaced workers by increasing the tax credit subsidy to 80 percent.

It will also provide workers retroactive reimbursement for premium costs that are paid while waiting to get enrolled in the health program.

Our legislation also improves coverage for spouses and dependents and establishes new rules to protect workers from being denied coverage based on pre-existing health conditions.

Our proposal also increases transparency around the costs and availability of health benefits and puts stronger mechanisms in placing for ensuring workers have accurate and timely information about their health coverage options.

There are many other aspects to our TAA package. I am introducing into the record a detailed description of our provisions. Senator GRASSLEY and I prepared this document with Ways and Means Committee Chairman RANGEL and Ranking Minority Member CAMP.

This document is meant to serve as the legislative history of these many provisions, as well as to provide the rationale for the amendments we propose to current law.

Madam President, during this debate my colleagues have talked a lot about the promise of our economy and hope for the future.

I too am hopeful. I am hopeful because I know that with this legislation, we are trying to do what is best for America.

I am also hopeful because I believe, as Studs Terkel wrote, ''Hope has never trickled down. It has always sprung up.''

It will again spring up from the Americans who work to stay competitive in their current jobs. And hope will spring from those courageous and innovative workers who retrain for new jobs.

Our provisions to renew and expand Trade Adjustment Assistance will help them do that. I urge my colleagues to give it their support.

I ask unanimous consent to have the report language printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I. LEGISLATIVE HISTORY

The Trade and Globalization Adjustment Assistance Act of 2009 (''Act'') amends the Trade Act of 1974 (''the Trade Act'') to reauthorize trade adjustment assistance (''TAA''), to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes. This document reflects the shared views of Chairman Baucus, Senator Grassley, Chairman Rangel, and Congressman Camp (''the Members'') on the trade-related aspects of the Act. This document does not address the health coverage tax credit aspects of the Act.

II. EXPLANATION OF THE BILL

A. PART I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

1. Subpart A—Trade Adjustment Assistance for Service Sector Workers

Extension of Trade Adjustment Assistance to Service Sector and Public Agency Workers; Shifts in Production (Section 1701 (amending Sections 221, 222, 231, 244, and 247 of the Trade Act of 1974))

PRESENT LAW

Section 222 of the Trade Act provides trade adjustment assistance to workers in a firm or an appropriate subdivision of a firm if (1) a significant number or proportion of the workers in the firm or subdivision have become (or are threatened to become) totally or partially separated; (2) the firm produces an article; and (3) the separation or threat of same is due to trade with foreign countries.

There are three ways to demonstrate the connection between job separation and trade. The Secretary of Labor (''the Secretary'') must determine either (1) that increased imports of articles ''like or directly competitive'' with articles produced by the firm have contributed importantly to the separation and to an absolute decrease in the firm's sales or production, or both; (2) that the workers' firm has shifted its production of articles ''like or directly competitive'' with articles produced by the firm to a trade agreement partner of the United States or a beneficiary country under the Andean Trade Preference Act, the African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or (3) that the firm has shifted production of such articles to another country and there has been or is likely to be an increase in imports of like or directly competitive articles.

Section 222 of the Trade Act also provides TAA to adversely affected secondary workers. Eligible secondary workers include (1)

secondary workers that supply directly to another firm component parts for articles that were the basis for a certification of eligibility for TAA benefits; and (2) downstream workers that were affected by trade with Mexico or Canada.

When the Department investigates workers' petitions, it requires firms and customers to certify the questionnaires that the workers' firm and the firm's customers submit. Present law also authorizes the Secretary to use subpoenas to obtain information in the course of its investigation of a petition. The law provides for the imposition of criminal and civil penalties for providing false information and failing to disclose material information, but the penalties apply only to petitioners.

EXPLANATION OF PROVISION

The provision would amend section 222 of the Trade Act to expand the availability of TAA to include workers in firms in the services sector. Like workers in firms that produce articles, workers in firms that supply services would be eligible for TAA if a significant number or proportion of the workers have become (or are threatened to become) totally or partially separated, and if increased imports of services ''contributed importantly'' to the workers' separation or threat of separation.

As with articles, there would be three ways for service sector workers to demonstrate that they are eligible for TAA. First, TAA would be available if increased imports of services like or directly competitive with services supplied by the firm have contributed importantly to the separation and to an absolute decrease in the firm's sales or production, or both. Second, TAA would be available in ''shift in supply'' (''service relocation'') scenarios, if the workers' firm or subdivision established a facility in a foreign country to supply services like or directly competitive with the services supplied by the trade-impacted workers. Third, TAA would be available in ''foreign contracting'' scenarios, if the workers' firm or subdivision acquired from a service supplier in a foreign country services like or directly competitive with the services that the trade-impacted workers had supplied. In each scenario, the relevant activity would need to have contributed importantly to the workers' separation or threat of separation.

The provision also expands the ''shift in production'' prong of present law by eliminating the requirement in section 222 that the shift be to a trade agreement partner of the United States or a country that benefits from a unilateral preference program. Under the modified provision, if workers are separated because their firm shifts production from a domestic facility to any foreign country, the separated workers would potentially be eligible for TAA. Additionally, there would be no requirement to demonstrate separately that the shift was accompanied by an increase of imports of products like or directly competitive with those produced by the workers' firm or subdivision.

The provision also amends section 222 to make workers at public agencies eligible for TAA. Under the modified provision, if a public agency acquires services from a foreign country that are like or directly competitive with the services that the public agency supplies, and if the acquisition contributed importantly to the workers' separation or threat thereof, the workers would be able to seek TAA benefits.

The provision also amends section 222 to expand the universe of adversely affected secondary workers that could be eligible for TAA. First, the provision adds firms that supply testing, packaging, maintenance, and transportation services to the list of downstream producers whose workers potentially are eligible for TAA. Second, workers at firms that supply services used in the production of articles or in the supply of services would also become potentially eligible for benefits. Third, the provision permits downstream producers to be eligible for TAA if the primary firm's certification is linked to trade with any country, not just Canada or Mexico.

The provision requires the Secretary to obtain information that the Secretary determines necessary to make certifications from workers' firms or customers of workers' firms through questionnaires and in such other manner as the Secretary considers appropriate. The provision also permits the Secretary to seek additional information from other sources, including (1) officials or employees of the workers' firm; (2) officials of customers of the firm; (3) officials of unions or other duly recognized representatives of the petitioning workers; and (4) one-stop operators. The provision states that the Secretary shall require a firm or customer to certify all information obtained through questionnaires, as well as other information that the Secretary relies upon in making a determination under section 223, unless the Secretary has a reasonable basis for determining that the information is accurate and complete.

The provision states that the Secretary shall require a worker's firm or a customer of a worker's firm to provide information by subpoena if the firm or customer fails to provide the information within 20 days, unless the firm or customer demonstrates to the Secretary's satisfaction that the firm or customer will provide the information in a reasonable period of time. The Secretary retains the discretion to issue a subpoena sooner than 20 days if necessary. The provision also establishes standards for the protection of confidential business information submitted in response to a request made by the Secretary.

The provision amends the penalties provision in section 244 of the Trade Act to cover individuals, including individuals who are employed by firms and customers, who provide information during an investigation of a worker's petition.

Finally, the provision amends section 247 of the Trade Act to add definitions for certain key terms and makes various conforming changes to sections 221 and 222.

REASONS FOR CHANGE

Most service sector workers presently are ineligible for TAA benefits because of a statutory requirement that the workers must have been employed by a firm that produces an ''article.'' Of the 800 TAA petitions denied in FY2006, almost half were denied for this reason. Most of the denied service-related petitions came from two service industries: business services (primarily computer-related) and airport-related services (e.g., aircraft maintenance). In April 2006, the Department of Labor issued a regulation expanding TAA eligibility to software workers that partially, but not fully, addresses the service worker coverage issue. See GAO Report 07–702. The provision fully addresses the issue by making service sector workers eligible for TAA on equivalent terms to workers at firms that produce articles.

The provision expands the ''shift in production'' prong of present law for similar reasons. Under present law, a worker whose firm relocates to China is not necessarily eligible for TAA; such worker must also show that the relocation to China will result in increased imports into the United States. In contrast, a worker whose firm relocates to a country with which the United States has a trade agreement (e.g., Mexico, Israel, Chile) does not need to show increased imports. The provision eliminates this disparate treatment by making TAA benefits available in both scenarios on the same terms.

Present law also fails to cover foreign contracting scenarios, where a company closes a domestic operation and contracts with a company in a foreign country for the goods or services that had been produced in the United States. For example, if a U.S. airline lays off a number of its U.S.-based maintenance personnel and contracts with an independent aircraft maintenance company in a foreign country, the laid off personnel are not covered under present law, even if they lost their jobs because of foreign competition. The proponents believe such workers should be potentially eligible for TAA benefits.

Similarly, the proponents believe that workers who supply services at public agencies should be treated the same as their private-sector counterparts: if such workers are laid off because their employer contracts with a supplier in a foreign country for the services that the workers had supplied, the workers should be able to seek TAA benefits.

The provision provides that in cases involving production or service relocation or foreign contracting, a group of workers (including workers in a public agency) may be certified as eligible for adjustment assistance if the shift ''contributed importantly'' to such workers' separation or threat of separation. This requirement is identical to the existing causal link requirement in section 222(a)(2)(A)(iii), which establishes the criteria for certifying workers on the basis of ''increased imports.''

The proponents understand that the Department of Labor has interpreted the ''contributed importantly'' requirement in section 222(a)(2)(A)(iii) to mean that imports must have been a factor in the layoffs or threat thereof. Or, in other words, under present law the Secretary of Labor will certify a group of workers as eligible for assistance if the facts demonstrate a causal nexus between increased imports and the workers' separation or threat thereof. The proponents approve of the Department's interpretation of the ''contributed importantly'' requirement and expect that the Department will continue to apply it in future cases involving increased imports.

Similarly, the proponents also understand that the existing language in section 222(a)(2)(B) addressing production relocation contains an implicit causation requirement. Thus, the Department has required production relocation under section 222(a)(2)(B) to be a factor in the workers' separation or threat thereof. The provision makes the requirement explicit.

The proponents emphasize that by making the ''contributed importantly'' requirement in section 222(a)(2)(B) explicit, no change in the Department's administration of cases involving production relocation is intended. The proponents expect that this change in section 222 would not affect the outcomes that the Department has been reaching under present law in such cases, and will not alter outcomes in future cases. Thus, as has been the case, if the Department finds that production relocation was a factor in the layoff (or threat thereof) of a group of workers in the United States, the proponents expect that the Secretary will certify such

workers as eligible for adjustment assistance.

Finally, with respect to certifications involving production or service relocations or foreign contracting, the proponents recognize that there may be delays in time between when the domestic layoffs (or threat of layoffs) occur, and when the production or service relocation or foreign contracting occurs. The proponents intend that the Department of Labor certify petitions where there is credible evidence that production or service relocation or foreign contracting will occur, and when the other requirements of the statute are met. Such evidence could include the conclusion of a contract relating to foreign production of the article, supply of services, or acquisition of the article or service at issue; the construction, purchase, or renting of foreign facilities for the production of the article, supply of the service, or acquisition of the article or service at issue; or certified statements by a duly authorized representative at the workers' firm that the firm intends to engage in production or service relocation or foreign contracting.

The proponents are aware of concerns that the Secretary may rely on inaccurate information in making its determinations, including when denying certification of petitions. The provision addresses these concerns by requiring the Secretary to obtain certifications of all information obtained from a firm or customer through questionnaires as well as other information from a firm or customer that the Secretary relies upon in making a determination under section 223, unless the Secretary has a reasonable basis for determining that the information is accurate and complete.

The proponents are also aware of concerns that some firms and customers fail to respond to the Secretary's requests for information or provide inaccurate or incomplete information. The subpoena, confidentiality of information, and penalty language included in this provision are designed to address these problems.

The provision would also apply if the Secretary needs to obtain information from a customer's customer, such as in an investigation involving component part suppliers.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Group Eligibility—Component Parts (Section 1701 (amending Section 222 of the Trade Act of 1974))

PRESENT LAW

Under present law, U.S. suppliers of inputs (i.e., component parts) may be certified for TAA benefits only pursuant to the secondary workers provision of section 222(b), which requires that the downstream producer have employed a group of workers that received TAA certification. Thus, for example, domestic producers of taconite have been unable to obtain certification for TAA benefits when downstream producers of steel slab have not obtained certification.

Additionally, U.S. suppliers of inputs have been unable to obtain certification for TAA benefits in situations in which there is a shift in imports from articles incorporating their inputs to articles incorporating inputs produced outside the United States.

EXPLANATION OF PROVISION

The provision allows for the certification of workers in a firm when imports of the finished article incorporating inputs produced outside the United States that are like or directly competitive with imports of the finished article produced using U.S. inputs have increased and the firm has met the other criteria for certification, including a significant number of workers being totally or partially separated, a decrease in sales or production, and the increase in imports has contributed importantly to the workers' separation.

For example, under the new provision, workers in a U.S. fabric plant may be certified if the U.S. firm sold fabric to a Honduran apparel manufacturer for production of apparel subsequently imported into the United States and (1) the Honduran apparel manufacturer ceased purchasing, or decreased its purchasing, of fabric from the U.S. producer and, instead, used fabric from another country; or (2) imports of apparel from another country using non-U.S. fabric that are like or directly competitive with imports of Honduran apparel using U.S. fabric have increased.

Prior to certification, the Department of Labor would also have to determine that the firm met the other statutory requirements for certification, including that a significant number of workers had been totally or partially separated, or are threatened to become totally or partially separated, the sales or production of the petitioning fabric firm had decreased, and the increased imports of apparel using non-U.S. fabric had contributed importantly to that decrease and to the workers' separation or threat thereof.

Likewise, workers in a U.S. picture tube manufacturing plant that sells picture tubes to a Mexican television manufacturer for production of televisions subsequently imported into the United States would be certified under section 222 if the U.S. manufacturer's sales or production of picture tubes decreased and (1) the manufacturer of televisions located in Mexico switched to picture tubes produced in another country; or (2) imports of televisions from another country using non-U.S. picture tubes that are like or directly competitive with imports of Mexican televisions using U.S. picture tubes have increased.

As in the apparel example above, prior to certification, the Department of Labor would also have to determine that the picture tube firm met the other statutory requirements for certification, including that a significant number of workers had been totally or partially separated, or are threatened to become totally or partially separated, the sales or production of the petitioning picture tube firm had decreased, and the increased imports of televisions using non-U.S. picture tubes had contributed importantly to that decrease and to the workers' separation or threat thereof.

REASONS FOR CHANGE

Section 222(a) is being amended to provide improved TAA coverage for U.S. suppliers of inputs, and to address situations where suppliers of component parts have been unable to obtain certification for TAA benefits because of gaps in coverage under present law.

The amended language is broad enough to encompass both the situation in which the input producer's customer switches to inputs produced outside the United States, and the situation in which the input producer's customer is displaced by a third country producer, because both situations may equally impact the sales or production of the domestic input producer.

Additionally, for purposes of section 222(a)(2)(A)(ii)(III), as in other instances, when company-specific data is unavailable, the Secretary may reasonably rely on such aggregate data or such other information as the Secretary deems appropriate.

As reflected in the examples above, the proponents intend that the Secretary of Labor should interpret the term component parts, as used in section 222(a)(2)(A)(ii)(III), flexibly. For example, the proponents intend that uncut fabric would be considered to be a component part of apparel for purposes of this provision, even though, for purposes of other trade laws, U.S. Customs and Border Protection might not consider such fabric to be a component part.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Separate Basis for Certification (Section 1702 (amending Section 222 of the Trade Act of 1974))

PRESENT LAW

There is no provision in present law.

EXPLANATION OF PROVISION

The provision amends section 222(c) of the Trade Act by providing that a petition filed under section 221 of the Trade Act on behalf of a group of workers in a firm, or appropriate subdivision of a firm, meets the requirements of subsection 222(a) of the Trade Act if the firm is publicly identified by name by the U.S. International Trade Commission (''ITC'') as a member of a domestic industry in (1) an affirmative determination of serious injury or threat thereof in a global safeguard investigation under section 202(b)(1) of the Trade Act; (2) an affirmative determination of market disruption or threat thereof in a China safeguard investigation under section 421(b)(1) of the Trade Act; or (3) an affirmative final determination of material injury or threat thereof in an antidumping or countervailing duty investigation under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A)), but only if the petition is filed within 1 year of the date that notice of the affirmative ITC determination is published in the Federal Register (or, in the case of a global safeguard investigation under section 202(b)(1), a summary of the report submitted to the President by the ITC under section 202(f)(1) is published in the Federal Register under section 202(f)(3)) and the workers on whose behalf such petition was filed have become totally or partially separated from such workers' firm within either that 1-year period or the 1-year period preceding the date of such publication.

REASONS FOR CHANGE

The proponents note that the provision allows workers in firms publicly identified by name in certain ITC investigations to be eligible for adjustment assistance on the basis of an affirmative injury determination by the ITC under certain circumstances, and without an additional determination by the Secretary of Labor that either increased imports of a like or directly competitive article contributed importantly to such workers' separation or threat of separation (and to an absolute decline in the sales or production, or both, of such workers' firm or subdivision), or that a shift in production of articles contributed importantly to such workers' separation or threat of separation.

In order for workers to avail themselves of this provision, the petition must be filed with the Secretary (and with the Governor of the State in which such workers' firm or subdivision is located) within 1 year of the date of publication in the Federal Register of

the applicable notice from the ITC and the workers on whose behalf such petition was filed must have become totally or partially separated from such workers' firm within either that 1-year period or the 1-year period preceding such date of publication.

If a petition is filed on behalf of such workers more than 1 year after the date that the applicable notice from the ITC is published in the Federal Register, it will remain necessary for the Secretary of Labor to investigate the petition and determine that the statutory criteria for certifying such workers in section 222 are satisfied.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Determinations by the Secretary of Labor (Section 1703 (amending Section 223 of the Trade Act of 1974))

PRESENT LAW

The Secretary is required to investigate petitions filed by workers and determine whether such workers are eligible for TAA benefits. A summary of such group eligibility determination, together with the Secretary's reasons for making the determination, must be promptly published in the Federal Register. Similarly, a termination of a certification, together with the Secretary's reasons for the termination, must be promptly published in the Federal Register.

EXPLANATION OF PROVISION

This section requires the Secretary to publish (1) a summary of a group eligibility determination, together with the Secretary's reasons for the determination; and (2) a certification termination, together with the Secretary's reasons for the termination, promptly on the Department's website (as well as in the Federal Register). The section also requires the Secretary to establish standards for investigating petitions, and criteria for making determinations. Moreover, the Secretary is required to consult with the Senate Committee on Finance (''Senate Finance Committee'') and the Committee on Ways and Means of the House of Representatives (''House Committee on Ways and Means'') 90 days prior to issuing a final rule on the standards.

REASONS FOR CHANGE

To improve accountability, transparency, and public access to this information, the Secretary should be required to post (1) a summary of a group eligibility determination, together with the Secretary's reasons for the determination; and (2) a certification termination, together with the Secretary's reasons for the termination, promptly on the Department's website (as well as in the Federal Register). The Secretary also should have objective and transparent standards for investigating petitions, and criteria for the basis on which an eligibility determination is made. The Secretary should consult with Senate Finance and House Ways and Means to ensure the intent of Congress is accurately reflected in such standards.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Monitoring and Reporting Relating to Service Sector (Section 1704 (amending Section 282 of the Trade Act of 1974))

PRESENT LAW

Present law requires the Secretaries of Commerce and Labor to establish and maintain a program to monitor imports of articles into the United States, including (1) information concerning changes in import volume; (2) impacts on domestic production; and (3) impacts on domestic employment in industries producing like or competitive products. Summaries must be provided to the Adjustment Assistance Coordinating Committee, the ITC, and Congress.

EXPLANATION OF PROVISION

The provision is renamed ''Trade Monitoring and Data Collection.'' The provision requires the Secretaries of Commerce and Labor to monitor imports of services (in addition to articles). To address data limitations, the provision requires the Secretary of Labor, not later than 90 days after enactment, to collect data on impacted service workers (by State, industry, and cause). Finally, it requires the Secretary of Commerce, in consultation with the Secretary of Labor, to report to Congress, not later than one year after enactment, on ways to improve the timeliness and coverage of data regarding trade in services.

REASONS FOR CHANGE

Existing data on trade in services are sparse. Because of the increases in trade in services, the proponents believe that it is critical that the government collect data on imports of services and the impact of these imports on U.S. workers. Such information will be useful when considering any further refinement of TAA that Congress may contemplate. More generally, the additional data will give U.S. businesses and workers insight into trade in services, helping them better compete in the global marketplace.

EFFECTIVE DATE

The provision goes into effect on the date of enactment of this Act.

2. Subpart B—Industry Notifications Following Certain Affirmative Determinations

Notifications following certain affirmative determinations (Section 1711 (amending Section 224 of the Trade Act of 1974))

PRESENT LAW

Present law includes a provision requiring the ITC to notify the Secretary of Labor when it begins a section 201 global safeguard investigation. The Secretary must then begin an investigation of (1) the number of workers in the relevant domestic industry; and (2) whether TAA will help such workers adjust to import competition. The Secretary of Labor must submit a report to the President within 15 days of the ITC's section 201 determination. The Secretary's report must be made public and a summary printed in the Federal Register.

EXPLANATION OF PROVISION

The provision expands the notification requirement to instruct the ITC to notify the Secretary of Labor and the Secretary of Commerce, or the Secretary of Agriculture when dealing with agricultural commodities, when it issues an affirmative determination of injury or threat thereof under sections 202 or 421 of the Trade Act, an affirmative safeguard determination under a U.S. trade agreement, or an affirmative determination in a countervailing duty or dumping investigation under sections 705 or 735 of the Tariff Act of 1930. Additionally, the provision requires the President to notify the Secretaries of Labor and Commerce upon making an affirmative determination in a safeguard investigation relating to textile and apparel articles. Whenever an injury determination is made, the Secretary of Labor must notify employers, workers, and unions of firms covered by the determination of the workers' potential eligibility for TAA benefits and provide them with assistance in filing petitions. Similarly, the Secretary of Commerce must notify firms covered by the determination of their potential eligibility for TAA for Firms and provide them with assistance in filing petitions, and the Secretary of Agriculture must do the same for investigations involving agricultural commodities.

REASONS FOR CHANGE

A significant hurdle to ensuring that workers and firms avail themselves of TAA benefits is the lack of awareness about the program. In situations like these, where the ITC has made a determination that a domestic industry has been injured as a result of trade, giving notice to the workers and firms in that industry of TAA's potential benefits is warranted.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Notification to Secretary of Commerce (Section 1712 (amending Section 225 of the Trade Act of 1974))

PRESENT LAW

Under present law, the Secretary of Labor must provide workers with information about TAA and provide whatever assistance is necessary to help petitioners apply for TAA. The Secretary must also reach out to State Vocational Education Boards and their equivalent agencies, as well as other public and private institutions, about affirmative group certification determinations and projections of training needs.

The Secretary must also notify each worker who the State has reason to believe is covered by a group certification in writing via U.S. Mail of the benefits available under TAA. If the worker lost his job before group certification, then the notice occurs at the time of certification. If the worker lost her job after group certification, then the notice occurs at the time the worker loses her job. The Secretary must also publish notice in the newspapers circulating in the area where the workers reside.

EXPLANATION OF PROVISION

The provision requires the Secretary of Labor, upon issuing a certification, to notify the Secretary of Commerce of the identity of the firms covered by a certification.

REASONS FOR CHANGE

Firms employing workers certified as eligible for TAA benefits may not be aware that they may be eligible for assistance under the TAA for Firms program. Requiring the Secretary of Labor to notify the Secretary of Commerce when workers at a firm are certified as TAA eligible will help put these firms on notice of their potential TAA for Firms eligibility.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

3. Subpart C—Program Benefits

Qualifying requirements for workers (Section 1721 (amending Section 231 of the Trade Act of 1974))

PRESENT LAW

Present law authorizes a worker to receive TAA income support (known as ''Trade Readjustment Allowance'' or ''TRA'') for weeks

of unemployment that begin 60 days after the date of filing the petition on which certification was granted.

To qualify for TAA benefits, a worker must have (1) lost his job on or after the trade impact date identified in the certification, and within two years of the date of the certification determination; (2) been employed by the TAA certified firm for at least 26 of the 52 weeks preceding the layoff; and (3) earned at least $30 or more a week in that employment.

A worker must qualify for, and exhaust, his State unemployment compensation (''UC'') benefits before receiving a weekly TRA.

Further, to receive TRA, a worker must be enrolled in an approved training program by the later of 8 weeks after the TAA petition was certified, or 16 weeks after job loss (the ''8/16'' deadline). The 8/16 deadline can be extended in certain limited circumstances. Workers may also receive limited waivers of the 8/16 training enrollment deadline.

Present law provides for waivers in the following circumstances: (1) the worker has been or will be recalled by the firm; (2) the worker possesses marketable skills; (3) the worker is within 2 years of retirement; (4) the worker cannot participate in training because of health reasons; (5) training enrollment is unavailable; or (6) training is not reasonably available to the worker (nothing suitable, no reasonable cost, no training funds).

Waivers last 6 months, unless the Secretary determines otherwise, and will be revoked if the basis for the waiver no longer exists. States have the authority to issue waivers. By regulation, State and local agencies must ''review'' the waivers every thirty days.

If a worker fails to begin training or has stopped participating in training without justifiable cause or if the worker's waiver is revoked, the worker will receive no income support until the worker begins or resumes training.

EXPLANATION OF PROVISION

The provision amends existing law to change the date on which a worker can receive TAA income support from 60 days from the date of the petition to the date of certification.

The provision strikes the 8/16 rule and extends the deadline for trade-impacted workers. If a worker lost his job before the certification, then the worker has 26 weeks from the date of certification to enroll in training. If the worker lost his job after certification, he has 26 weeks from the date he lost his job to enroll in training.

The provision also gives the Secretary the authority to waive the new 26 week training enrollment deadline if a worker was not given timely notice of the deadline.

The provision clarifies that the ''marketable skills'' training waiver may apply to workers who have post-graduate degrees from accredited institutions of higher education.

The provision requires the State to review training waivers 3 months after such waiver is issued, and every month thereafter.

REASONS FOR CHANGE

The proponents believe that the 60–day rule makes little sense and leads to the following scenario: a worker laid off well before certification could exhaust his unemployment insurance and yet have to wait to receive the trade readjustment assistance to which the worker was otherwise entitled.

The Government Accountability Office, the Department of Labor, the states, and workers' advocacy groups have criticized the 8/16 deadline as being too short. First, these deadlines often occur while the worker is still on traditional UI (most workers receive up to 26 weeks of State UI compensation). During those 26 weeks, most workers are actively engaged in a job search and are not focused on retraining. Forcing workers to enroll in training at such an early stage can discourage active job search. Second, typically, a worker decides to consider training only after an extended period of unsuccessful job searching. Under present law, workers are only beginning to consider training options close to the 8/16 deadline, and often make hurried decisions about training merely to preserve their TAA eligibility. Third, when large numbers of certified workers are laid off all at once, it can be difficult for TAA administrators to perform adequate training assessments and meet the 8/16 deadline. See GAO Report 04–1012. Therefore, extending the enrollment deadlines to the later of 26 weeks after layoff or certification would provide a reasonable period for a worker to search for employment and consider training options, as well as for the State to assess workers and meet the enrollment deadlines.

While recognizing the necessity of waivers in certain circumstances, states have identified the monthly review of waivers to be burdensome. Many states have complained that processing the sheer volume of waivers requires significant administrative time and cost. For example, according to GAO, 59,375 waivers were issued in 2005 (and 60,948 in 2004). The new requirement that waivers be reviewed initially three months rather than one month after they are issued reduces the administrative burden while continuing to provide for appropriate review, thus allowing the State to ensure the worker continues to qualify for the waiver. The provision does not require a review of waivers issued on the basis that an adversely affected worker is within two years of being eligible for Social Security benefits or a private pension. The status of such workers is unlikely to change and thus, automatic review of their waivers is a waste of resources. States still retain the discretion to review such waivers if circumstances warrant.

When a worker has failed to meet the training enrollment deadline through no fault of his own, the proponents believe that there should be redress. Under present law, there is none. The Department of Labor has acknowledged that this is a problem.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Weekly amounts (Section 1722 (amending Section 232 of the Trade Act of 1974))

PRESENT LAW

TRA is the income support that workers receive weekly. It is equal to the worker's weekly UI benefit. TRA is divided into two main periods: ''Basic TRA'' and ''Additional TRA.''

Under present law, because of the operation of State UI laws, workers who are in training and working part-time run the risk of resetting their UI benefits (and their TRA benefit) at the lower part-time level which would leave them with insufficient income support to continue with training.

EXPLANATION OF PROVISION

The provision amends existing law to (1) disregard, for purposes of determining a worker's weekly TRA amount, earnings from a week of work equal to or less than the worker's most recent unemployment insurance benefits where the worker is working part-time and participating in full-time training; and (2) ensure that workers will retain the amount of income support provided initially under TRA even if a new UI benefit period (with a lower weekly amount) is established due to the worker obtaining part-time or short-term full-time employment.

REASONS FOR CHANGE

The proponents believe that the disincentive to combining full-time training and part-time work needs to be removed so that workers who might not otherwise be in training, but for the additional income they earn working part-time, are not excluded from the program.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Limitations on Trade Readjustment Allowances; Allowances for Extended Training and Breaks in Training (Section 1723 (amending Section 233(a) of the Trade Act of 1974))

PRESENT LAW

Basic TRA is available for 52 weeks minus the number of weeks of unemployment insurance for which the worker was eligible (usually 26 weeks). Basic TRA must be used within 104 weeks after the worker lost his job (130 weeks for workers requiring remedial training). Any Basic TRA not used in that period is foregone.

Additional TRA is available for up to 52 more weeks if the worker is enrolled in and participating in training. The worker receives Additional TRA only for weeks in training. A worker on an approved break in training of 30 days or less is considered to be participating in training and therefore eligible for TRA during that period. Additional TRA must otherwise be used over a consecutive period (e.g., 52 consecutive weeks).

Participation in remedial training makes a worker eligible for up to 26 more weeks of TRA.

EXPLANATION OF PROVISION

The provision increases the number of weeks for which a worker can receive Additional TRA from 52 to 78 and expands the time within which a worker can receive such Additional TRA from 52 weeks to 91 weeks.

REASONS FOR CHANGE

The proponents believe that the program must provide incentives for eligible workers to participate in long term training, such as a two-year Associate's degree, a nursing certification, or completion of a four-year degree (if that four-year degree was previously initiated or if the worker will complete it using non-TAA funds).

Typically, workers cannot participate in a training program without TAA income support. Thus, because many workers exhaust at least some of their basic TRA while they seek another job instead of beginning training, they are limited to shorter-term training options, both practically and because training approvals are usually tied to the period of TRA eligibility. The purpose of the additional 26 weeks of income support, for a total of 78 weeks of additional TRA, is to provide an opportunity for workers to engage in long term training that might not have otherwise been a viable option.

The proponents note that the Department of Labor's practice is to approve, before training begins, a training program consisting of a course or related group of

courses designed for an individual to meet a specific occupational goal. 20 CFR 617.22(f)(3)(i). Nothing in this section is intended to change current Department of Labor practice. The additional 26 weeks of income support are intended to provide more options for long term training at the time when this individual training program is designed and approved.

In short, the new, additional income support is available only for workers in long term training.

The proponents note that, at the same time, it is not their intent to limit the Secretary's ability, in certain, limited circumstances, to modify a worker's training program where the Secretary determines that the current training program is no longer appropriate for the individual.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Special Rules for Calculation of Eligibility Period (Section 1724 (amending Section 233 of the Trade Act of 1974))

PRESENT LAW

There is no provision in present law.

EXPLANATION OF PROVISION

The provision states that periods during which an administrative or judicial appeal of a negative determination is pending will not be counted when calculating a worker's eligibility for TRA. Moreover, the provision also grants justifiable cause authority to the Secretary to extend certain applicable deadlines concerning receipt of Basic and Additional TRA. Further, the provision allows workers called up for active duty military or full-time National Guard service to restart the TAA enrollment process after completion of such service.

The provision also strikes the 210 day rule, which mandates that a worker is not eligible for additional TRA payments if the worker has not applied for training 210 days from certification or job loss, whichever is later.

REASONS FOR CHANGE

The proponents believe that tolling of deadlines is necessary; otherwise judicial relief obtained from a successful court challenge would be meaningless, as the decision of the court will inevitably take place after the TAA program eligibility deadlines have passed. The Department of Labor provides for similar tolling in its present and proposed regulations.

Similarly, the proponents believe that affording the Secretary flexibility in instances where a worker is ineligible through no fault of her own is consistent with the spirit of the program and will help ensure that workers get the retraining they need. The amendment permits the Secretary to extend the periods during which trade readjustment allowances may be paid to an individual if there is justifiable cause. The provision does not increase the amount of such allowances that are payable. The proponents intend that the justifiable cause extension should allow the Secretary equitable authority to address unforeseen circumstances, such as a health emergency.

The 210 day deadline is superseded by the 8/16 deadline in current law, the new 26/26 enrollment deadlines under these amendments, and the requirement that a worker be in training to receive additional TRA.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Application of State Laws and Regulations on Good Cause for Waiver of Time Limits or Late Filing of Claims (Section 1725 (amending Section 234 of the Trade Act of 1974))

PRESENT LAW

A State's unemployment insurance laws apply to a worker's claims for TRA.

EXPLANATION OF PROVISION

The provision makes a State's ''good cause'' law, regulations, policies, and practices applicable when the State is making determinations concerning a worker's claim for TRA or other adjustment assistance.

REASONS FOR CHANGE

Most States have ''good cause'' laws allowing the waiver of a statutory deadline when the deadline was missed because of agency error or for other reasons where the claimant was not at fault. These good cause laws apply to administration of State UI laws. The Department of Labor, by regulation, has precluded application of State good cause laws to TAA. This prohibition unjustifiably penalizes workers who miss a deadline through no fault of their own.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Employment and Case Management Services; Administrative Expenses and Employment and Case Management Services (Sections 1726 and 1727 (amending Section 235 of the Trade Act of 1974))

PRESENT LAW

Present law requires the Secretary of Labor to make ''every reasonable effort'' to secure services for affected workers covered by a certification including ''counseling, testing, and placement services'' and ''[s]upportive and other services provided for under any other Federal law,'' including WIA one-stop services. Typically, the Secretary provides these services through agreements with the States.

EXPLANATION OF PROVISION

The provisions require the Secretary and the States to, among other things (1) perform comprehensive and specialized assessments of enrollees' skill levels and needs; (2) develop individual employment plans for each impacted worker; and (3) provide enrollees with (a) information on available training and how to apply for such training, (b) information on how to apply for financial aid, (c) information on how to apply for such training, (d) short-term prevocational services, (e) individual career counseling, (f) employment statistics information, and (g) information on the availability of supportive services.

The provision requires the Secretary, either directly or through the States (through cooperating agreements), to make the employment and case management services described in section 235 available to TAA eligible workers. TAA eligible workers are not required to accept or participate in such services, however, if they choose not to do so.

These provisions provide for each State to receive funds equal to 15 percent of its training funding allocation on top of its training fund allocation. Not more than two-thirds of these additional funds may be used to cover administrative expenses, and not less than one-third of such funds may be used for the purpose of providing employment and case management services, as defined under section 235. Finally, the section provides for an additional $350,000 to be provided to each State annually for the purpose of providing employment and case management services. With respect to these latter funds, States may decline or otherwise return such funds to the Secretary.

REASONS FOR CHANGE

States incur costs to administer the TAA program, including for processing applications and providing employment and case management services. While appropriators customarily provide the Department of Labor with administrative funds equal to 15 percent of the total training funds for disbursement to the States, the proponents believe that this practice should be codified, with the changes discussed above.

The proponents believe that the employment services and case management funding provided for in this section should be in addition to, and not offset, any funds that the State would otherwise receive under WIA or any other program.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Training Funding (Section 1728 (amending Section 236 of the Trade Act of 1974))

PRESENT LAW

The total amount of annual training funding provided for under present law is $220,000,000. During the year, if the Secretary determines that there is inadequate funding to meet the demand for training, the Secretary has the authority to decide how to apportion the remaining funds to the States.

Based on internal department policy, at the beginning of each fiscal year, the Department of Labor allocates 75 percent of the training funds to States based on each State's training expenditures and the average number of training participants over the previous 2½ years. The previous year's allocation serves as a floor. The Department of Labor also has a ''hold harmless'' policy that ensures that each State's initial allocation can be no less than 85 percent of its initial allocation in the previous year. The Department of Labor holds the remaining 25 percent in reserve to distribute to States throughout the year according to need; most of the remaining funds are disbursed at the end of the fiscal year. States have 3 years to spend their federal funds. If the funds are not spent, the money reverts back to the General Treasury.

Under present law, the Secretary shall approve training if (1) there is no suitable employment; (2) the worker would benefit from appropriate training; (3) there is a reasonable expectation of employment following training (although not necessarily immediately available employment); (4) the approved training is reasonably available to the worker; (5) the worker is qualified for the training; and (6) training is suitable and available at a reasonable cost. ''Insofar as possible,'' the Secretary is supposed to ensure the provision of training on the job. Training will be paid for directly by the Secretary or using vouchers.

One of the statutory criteria for approval of training is that the worker be qualified to undertake and complete such training. The statute doesn't specifically address how the income support available to a worker is to be considered in determining the length of training the worker is qualified to undertake. Another of the statutory training approval criteria is that the training is available at a reasonable cost. The statute

doesn't specifically address if funds other than those available under TAA may be considered in making this determination.

EXPLANATION OF PROVISION

The provision strikes the obsolete requirement that the Secretary of Labor shall ''assure the provision'' of training on the job.

This provision increases the training cap from $220,000,000 to $575,000,000 in FY2009 and FY2010, prorated for the period beginning October 1, 2010 and ending December 31, 2010.

The provision requires the Secretary to make an initial distribution of training funds to the States as soon as practicable after the beginning of the fiscal year based on the following criteria: (1) the trend in numbers of certified workers; (2) the trend in numbers of workers participating in training; (3) the number of workers enrolled in training; (4) the estimated amount of funding needed to provide approved training; and (5) other factors the Secretary determines are appropriate. The provision specifies that initial distribution of training funds to a State may not be less than 25 percent of the initial distribution to that State in the previous fiscal year.

The provision requires the Secretary to establish procedures for the distribution of the funds held in reserve, which may include the distribution of such funds in response to requests made by States in need of additional training funds. The provision also requires the Secretary to distribute 65 percent of the training funds in the initial distribution, and to distribute at least 90 percent of training funds for a particular fiscal year by July 15 of that fiscal year.

The provision directs the Secretary to decide how to distribute funds if training costs will exceed available funds.

The provision would specify that in determining if a worker is qualified to undertake and complete training, the training may be approved for a period that is longer than the period for which TRA is available if the worker demonstrates the financial ability to complete the training after TRA is exhausted. It is intended that financial ability means the ability to pay living expenses while in TAA-funded training after the period of TRA eligibility.

The provision would specify that in determining whether the costs of training are reasonable, the Secretary may consider whether other public or private funds are available to the worker, but may not require the worker to obtain such funds as a condition for approval of training. This means, for example, that if a training program would be determined not to have a reasonable cost if only the use of TAA training funds were considered, the Secretary may consider the availability of other public and private funds to the worker. If the worker voluntarily commits to using such funds to supplement the TAA training funds to pay for the training program, the training program may be approved. However, the Secretary may not require the worker to use the other public or private funds where the costs of the training program would be reasonable using only TAA training funds.

Finally, the provision requires the Secretary to issue regulations in consultation with the Senate Finance Committee and the House Committee on Ways and Means.

REASONS FOR CHANGE

The proponents believe that the training cap needs to be increased for two reasons. First, more funding is needed to cover the expanded group of TAA eligible workers because of changes made elsewhere in the bill (e.g., coverage of service workers, expanded coverage of manufacturing workers). Second, during high periods of TAA usage, the existing training funding has proved to be insufficient. Some states have run out of training funds, resulting in some States freezing enrollment of eligible workers in training. See GAO–04–1012.

As the GAO has documented, there are significant problems with the Department's method of allocating training funds. The primary problem is that the Department of Labor's method of allocation appears to result in insufficient funds for some States. This appears to be occurring because of the Department's reliance on historical usage and a ''hold harmless'' policy. In particular, States that were experiencing heavy layoffs at the time the initial allocation formula was implemented may no longer be experiencing layoffs at the same rate, but still receive significant allocations from the Department. In contrast, a State experiencing relatively few layoffs several years ago may now have far greater numbers of layoffs, but still receives a limited amount in its distribution. In short, the allocation that States receive at the beginning of the fiscal year may not reflect their present demand for training services. The provision addresses these problems by lowering the ''hold harmless'' provision to 25 percent, requiring initial and subsequent distributions to be based on need, and by requiring that 90 percent of the funds be allocated by July 15 of each fiscal year. Additionally, the proponents expect the Secretary to distribute the remaining funds as soon as possible after that date.

In order to facilitate the approval of longer-term training, the proponents intend to ensure that the period of approved training is not necessarily limited to the duration of TRA. Where the worker demonstrates the ability to pay living expenses while in TAA funded training after TRA is exhausted, such training should be approved if the other training approval criteria are also met.

The proponents intend to ensure that training programs that would otherwise not be approved under TAA due to costs may be approved if a worker voluntarily commits to using supplemental public or private funds to pay a portion of the costs.

It is also the intent that, together, these amendments to the training approval criteria allow training to be approved for a period that is longer than the period for which TRA and TAA-funded training is available if the worker demonstrates the financial ability to pay living expenses and pay for the additional training costs using other funds after TRA and the TAA-funded training are exhausted.

EFFECTIVE DATE

The provision increasing the training cap goes into effect upon the date of enactment of this Act. The provisions relating to training fund distribution procedures go into effect October 1, 2009. The other provisions in this section go into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and apply to petitions filed on or after that date.

Prerequisite Education, Approved Training Programs (Section 1729 (amending Section 236 of the Trade Act of 1974))

PRESENT LAW

Under present law, approvable training includes employer-based training (on-the-job training/customized training), training approved under the Workforce Investment Act of 1998, training approved by a private industry council, any remedial education program, any training program whose costs are paid by another federal or State program, and any other program approved by the Secretary. Additionally, remedial training is approvable and participation in such training makes a worker eligible for up to 26 more weeks of TAA-related income support.

EXPLANATION OF PROVISION

The provision clarifies that existing law allows training funds to be used to pay for apprenticeship programs, any prerequisite education required to enroll in training, and training at an accredited institution of higher education (such as those covered by 102 of the Higher Education Act), including training to obtain or complete a degree or certification program (where completion of the degree or certification can be reasonably expected to result in employment). The provision also prohibits the Secretary from limiting training approval to programs provided pursuant to the Workforce Investment Act of 1998.

The provision offers up to an additional 26 weeks of income support while workers take prerequisite training or remedial training necessary to enter a training program. A worker may enroll in remedial training or prerequisite training, or both, but may not receive more than 26 weeks of additional income support.

REASONS FOR CHANGE

Present law does not explicitly state whether TAA training funds may be used to obtain a college or advanced degree. Some States have interpreted this silence to preclude enrollment in a two-year community college or four-year college or university as a training option, even where a TAA participant was working towards completion of a degree prior to being laid off. The proponents believe that States should be encouraged to approve the use of training funds by TAA enrollees to obtain training or a college or advanced degree, including degrees offered at two-year community colleges and four-year colleges or universities.

While a worker can obtain additional income support while participating in remedial training, there is no corollary support for workers participating in prerequisite training (e.g., individuals enrolling in nursing usually need basic science prerequisites, which are not considered qualifying remedial training). States have requested additional income support for workers who participate in prerequisite training.

The proponents believe that while WIA-approved training is an approvable TAA training option, it should not be the only one that TAA enrollees are authorized to pursue. The proponents are concerned that some States have restricted training opportunities to those approved under WIA. According to the Congressional Research Service, many community colleges, for instance, do not get WIA certification because of its costly reporting requirements. To limit TAA training opportunities in this way unacceptably curbs the scope of training that TAA enrollees might elect to participate in and potentially impairs their ability to get retrained and reemployed.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Pre-Layoff and Part-Time Training (Section 1730 (amending Section 236 of the Trade Act of 1974))

PRESENT LAW

Present law does not permit pre-layoff or part-time training,

EXPLANATION OF PROVISION

This provision specifies that the Secretary may approve training for a worker who (1) is a member of a group of workers that has been certified as eligible to apply for TAA benefits; (2) has not been totally or partially separated from employment; and (3) is determined to be individually threatened with total or partial separation. Such training may not include on-the-job training, or customized training unless such customized training is for a position other than the workers' current position.

Additionally, the provision permits the Secretary to approve part-time training, but clarifies that a worker enrolled in part-time training is not eligible for a TRA.

REASONS FOR CHANGE

This provision explicitly establishes Congress' intent that workers be eligible to receive pre-layoff and part-time training.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

On-the-Job Training (Section 1731 (amending Section 236 of the Trade Act of 1974))

PRESENT LAW

Current law provides that the Secretary may approve on-the-job training (''OJT''), but does not govern the content of acceptable OJT.

EXPLANATION OF PROVISION

This provision permits the Secretary to approve OJT for any adversely affected worker if the worker meets the training requirements, and the Secretary determines the OJT (1) can reasonably lead to employment with the OJT employer; (2) is compatible with the worker's skills; (3) will allow the worker to become proficient in the job for which the worker is being trained; and (4) the State determines the OJT meets necessary requirements. The Secretary may not enter into contracts with OJT employers that exhibit a pattern of failing to provide workers with continued long-term employment and adequate wages, benefits, and working conditions as regular employees.

REASONS FOR CHANGE

The provision incorporates requirements to ensure OJT is effective. Specifically, OJT must be (1) reasonably expected to lead to suitable employment; (2)compatible with the workers' skills; and (2) include a State-approved benchmark-based curriculum. Moreover, the provision is intended to prevent employers from treating workers participating in OJT differently in terms of wages, benefits, and working conditions from regular employees who have worked a similar period of time and are doing the same type of work.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Eligibility for Unemployment Insurance and Program Benefits While in Training (Section 1732 (amending Section 236 of the Trade Act of 1974))

PRESENT LAW

Current law states that a worker may not be deemed ineligible for UI (and thus, TAA) if they are in training or leave unsuitable work to enter training.

EXPLANATION OF PROVISION

The provision states that a worker will not be ineligible for UI or TAA if the worker (1) is in training, even if the worker does not meet the requirements of availability for work, active work search, or refusal to accept work under Federal and State UI law; (2) leaves work to participate in training, including temporary work during a break in training; or (3) leaves OJT that did not meet the requirements of this Act within 30 days of commencing such training.

REASONS FOR CHANGE

The proponents are concerned that confusion in present UI law surrounding a worker's decision to quit work to enter training and the ramifications of that decision from a UI eligibility perspective may preclude a worker from being able to participate in TAA training. The provision is meant to eliminate that confusion.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Job Search and Relocation Allowances (Section 1733 (amending Section 237 of the Trade Act of 1974))

PRESENT LAW

The Secretary may grant an application for a job search allowance where (1) the allowance will help the totally separated worker find a job in the United States; (2) suitable employment is not available in the local area; and (3) the application is filed by the later of (a) 1 year from separation, (b) 1 year from certification, or (c) 6 months after completing training (unless the worker received a waiver, in which case the worker must file by the later of one year after separation or certification). A worker may be reimbursed for 90 percent of his job search costs, up to $1,250.

The Secretary may grant an application for a relocation allowance where: (1) the allowance will assist a totally separated worker relocate within the United States; (2) suitable employment is not available in the local area; (3) the affected worker has no job at the time of relocation; (4) the worker has found suitable employment that may reasonably be expected to be of long-term duration; (5) the worker has a bona fide offer of employment; and (6) the worker filed the application the later of (a) 425 days from separation, (b) 425 days from certification, or (c) 6 months after completing training (unless the worker received a waiver, in which case the worker must file by the later of 425 days after separation or certification). A worker may be reimbursed for 90 percent of his relocation costs plus a lump sump payment of three times the worker's weekly wage up to $1,250.

EXPLANATION OF PROVISION

The provision reimburses 100 percent of a worker's job search expenses, up to $1,500, and 100 percent of a worker's relocation expenses, and increases the additional lump sum payment for relocation to a maximum of $1,500. It also strikes the provision in existing law under which a worker who has completed training but who received a prior training waiver has a shorter period to apply for a job search allowance and relocation allowance than other workers who have completed training.

REASONS FOR CHANGE

The proponents believe that the job search and relocation allowances need to be increased to reflect the cost of inflation and the cost and difficulty a worker faces when looking for work and taking a job outside the worker's local community.

The proponents believe that workers completing training should have the same periods after training to apply for job search and relocation allowances irrespective of whether a worker received a waiver from the enrollment in training requirements prior to undertaking and completing the training. This period allows workers a reasonable opportunity to obtain the same assistance as other workers needed to find and relocate to a new job after being trained.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

4. Subpart D—Reemployment Trade Adjustment Assistance Program

Reemployment Trade Adjustment Assistance Program (Section 1741 (amending Section 246 of the Trade Act of 1974))

PRESENT LAW

The Trade Act of 2002 created a demonstration project for alternative trade adjustment assistance for older workers (ATAA or ''wage insurance''). Through this program, some workers who are eligible for TAA and reemployed at lower wages may receive a partial wage subsidy. Under the program, States use Federal funds provided under the Trade Act to pay eligible workers up to 50 percent of the difference between reemployment wages and wages at the time of separation. Eligible workers may not earn more than $50,000 in reemployment wages, and total payments to a worker may not exceed $10,000 during a maximum period of two years.

In addition to having been certified for TAA, such workers must be at least 50 years of age, obtain full-time reemployment with a new firm within 26 weeks of separation from employment, and have been separated from a firm that is specifically certified for ATAA. When considering certification of a firm for ATAA, the Secretary of Labor considers whether a significant number of workers in the firm are 50 years of age or older and possess skills that are not easily transferable. ATAA beneficiaries may not receive TAA benefits other than the Health Coverage Tax Credit (HCTC).

EXPLANATION OF PROVISION

The provision renames ATAA ''reemployment TAA.'' The provision eliminates the requirement that a group of workers (in addition to individuals) be specifically certified for wage insurance in addition to TAA certification. The provision eliminates the current-law requirement that a worker must find employment within 26 weeks of being laid off to be eligible for the wage insurance benefit, and replaces it with a requirement that the clock on the two-year duration of the benefit begin at the sooner of exhaustion of regular unemployment benefits or reemployment, allowing initial receipt of the wage insurance benefit at any point during that two-year period.

The provision allows workers to shift from receiving a TRA, while training, to receiving reemployment TAA, while employed, at any point during the two-year period.

The provision increases the limit on wages in eligible reemployment from $50,000 a year to $55,000 a year. Similarly, it increases the maximum wage insurance benefit (over two years) from up to $10,000 to up to $12,000.

The provision lifts the restriction on wage insurance recipients' participation in TAA-funded training. It also permits workers reemployed less than full-time, but at least 20 hours a week, and in approved training, to

receive the wage insurance benefit (which would be prorated if the worker is reemployed for fewer hours compared to previous employment).

REASONS FOR CHANGE

The proponents believe that the reemployment TAA, or wage insurance, program is a potentially beneficial option for many older workers, but it includes unnecessary barriers to participation. The proponents believe that changes to section 246 of the Trade Act will make the wage insurance program a more viable option for many more potentially interested workers. Inflation has lessened the maximum value of the available benefit, and increasing personal, nominal, median income has lowered the share of workers eligible to participate in the program. Several other requirements make the program inaccessible and unattractive.

Findings from the Government Accountability Office (GAO) highlight the need to reform specific aspects of the program. First, the 26-week reemployment deadline was cited by the GAO as one of ''two key factors [that] limit participation.'' The GAO went on to note that ''[o]fficials in States [the GAO] visited said that one of the greatest obstacles to participation was the requirement for workers to find a new job within 26 weeks after being laid off. For example, according to officials in one State, 80 percent of participants who were seeking wage insurance but were unable to obtain it failed because they could not find a job within the 26-week period. The challenges of finding a job within this timeframe may be compounded by the fact that workers may actually have less than 26 weeks to secure a job if they are laid off prior to becoming certified for TAA. For example, a local caseworker in one State [the GAO] visited said that the 26 weeks had passed completely before a worker was certified for the benefit.''

Additionally, the GAO found that automatically certifying workers for the wage insurance benefit would cut the Department of Labor's workload and promote program participation.

Currently, workers opting for wage insurance must also surrender eligibility for TAA-funded training and be reemployed full-time. The provision eliminates these restrictions.

The proponents believe that eliminating the 26-week deadline for reemployment, eliminating the need for firms to be certified for wage insurance, eliminating the prohibition on wage insurance beneficiaries receiving TAA-funded training, and allowing part-time workers and former TRA recipients access to the wage insurance benefit should make the wage insurance program more accessible and attractive.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

5. Subpart E—Other Matters

Office of Trade Adjustment Assistance (Section 1751 (amending Subchapter C of chapter 2 of title II of the Trade Act of 1974))

PRESENT LAW

The TAA for Workers program is currently operated by the Employment and Training Administration at the Department of Labor.

EXPLANATION OF PROVISION

The provision creates an Office of Trade Adjustment Assistance headed by an administrator who shall report directly to a Senate-confirmed Deputy Assistant Secretary for Employment and Training Administration. The Deputy Assistant Secretary shall report directly to the Assistant Secretary for Employment and Training Administration.

Under the provision, the administrator will be responsible for overseeing and implementing the TAA for Workers program and carrying out functions delegated to the Secretary of Labor, including: making group certification determinations; providing TAA information and assisting workers and others assisting such workers prepare petitions or applications for program benefits (including health care benefits); ensuring covered workers receive Section 235 employment and case management services; ensuring States comply with the terms of their Section 239 agreements; advocating for workers applying for assistance; and operating a hotline that workers and employers may call with questions about TAA benefits, eligibility requirements, and application procedures.

The provision requires the administrator to designate an employee of the Department with appropriate experience and expertise to receive complaints and requests for assistance, resolve such complaints and requests, compile basic information concerning the same, and carry out other tasks that the Secretary specifies.

The Deputy Assistant Secretary will oversee the operation of the Office of Trade Adjustment Assistance and carry out other duties that the Secretary assigns.

REASONS FOR CHANGE

It is the view of the proponents that creating an Office of Trade Adjustment Assistance in the Department of Labor with primary accountability for the management and performance of the TAA for Workers program will improve the program's operation. By requiring that the individual running that office report to a Deputy Assistant Secretary confirmed by the Senate, accountability and oversight of the program as a whole will be enhanced.

The creation of the Office of Trade Adjustment Assistance should not interfere with the coordination of services provided by TAA, the National Emergency Grant program, and Department of Labor Rapid Response services.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act.

Accountability of State Agencies; Collection and Publication of Program Data; Agreements with States (Section 1752 (amending Section 239 of the Trade Act of 1974))

PRESENT LAW

Present law gives the Secretary of Labor the authority to delegate to the States through agreements many aspects of TAA implementation, including responsibilities to (1) receive applications for TAA and provide payments; (2) make arrangements to provide certain employment services through other Federal programs; and (3) issue waivers. It also mandates that any agreement entered into shall include sections requiring that the provision of TAA services and training be coordinated with the provision of Workforce Investment Act (WIA) services and training. In carrying out its responsibilities, each State must notify workers who apply for UI about TAA, facilitate early filing for TAA benefits, advise workers to apply for training when they apply for TRA, and interview affected workers as soon as possible for purposes of getting them into training. States must also submit to the Department of Labor information like that provided under a WIA State plan.

EXPLANATION OF PROVISION

The provision requires the Secretary, either directly or through the States (through cooperating agreements), to make the employment and case management services described in the amended section 235 available to TAA eligible workers. TAA eligible workers are not required to accept or participate in such services, however, if they choose not to do so.

The provision requires States and cooperating State agencies to implement effective control measures and to effectively oversee the operation and administration of the TAA program, including by monitoring the operation of control measures to improve the accuracy and timeliness of reported data.

The provision also requires States and cooperating State agencies to report comprehensive performance accountability data to the Secretary, on a quarterly basis.

REASONS FOR CHANGE

To ensure that the employment and case management services described in the amended section 235 are made available to TAA enrollees as required under that section, the proponents believe that it is necessary to incorporate those obligations into the agreements that the Department of Labor enters into with each of the States concerning the administration of TAA.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Verification of Eligibility for Program Benefits (Section 1753 (amending Section 239 of the Trade Act of 1974))

PRESENT LAW

There is no provision in present law.

EXPLANATION OF PROVISION

Section 1753 requires a State to re-verify the immigration status of a worker receiving TAA benefits using the Systematic Alien Verification for Entitlements (SAVE) Program (42 U.S.C. 1320b–7(d)) if the documentation provided during the worker's initial verification for the purposes of establishing the worker's eligibility for unemployment compensation would expire during the period in which that worker is potentially eligible to receive TAA benefits.

The section also requires the Secretary to establish procedures to ensure that the re-verification process is implemented properly and uniformly from State to State.

REASONS FOR CHANGE

This provision is intended to ensure that workers maintain a satisfactory immigration status while receiving benefits. This section was included for the purposes of the TAA program only and should not be extended to other programs.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Collection of Data and Reports; Information to Workers (Section 1754 (amending Subchapter C of chapter 2 of title II of the Trade Act of 1974))

PRESENT LAW

Present law does not contain statutory language requiring the collection of data or performance goals and the TAA program has suffered a history of problems with its performance data that has undermined the data's credibility and limited their usefulness. Most of the outcome data reported in a

given program year actually reflects participants who left the program up to 5 calendar quarters earlier. In addition, as of FY 2006, the Department of Labor does not consistently report TAA data by State or industry or by services or benefits received.

While the Department of Labor has take some steps aimed at improving performance data, the data remain suspect and fail to capture outcomes for some of the program's participants, and many participants are not included in the final outcomes at all.

EXPLANATION OF PROVISION

The provision would require the Secretary of Labor to implement a system for collecting data on all workers who apply for or receive TAA. The system must include the following data classified by State, industry, and nationwide totals: number of petitions; number of workers covered; average processing time for petitions; a breakdown of certified petitions by the cause of job loss (increased imports etc.); the number of workers receiving benefits under any aspect of TAA (broken down by type of benefit); the average time during which workers receive each type of benefit; the number of workers enrolled in training, classified by type of training; the average duration of training; the number and type of training waiver granted; the number of workers who complete and do not complete training; data on outcomes, including the sectors in which workers are employed after receiving benefits; and data on rapid response activities.

The provision would also require, by December 15 of each year, the Secretary to provide to the Senate Finance Committee and the House Committee on Ways and Means a report that includes a summary of the information above, information on distributions of training funds under section 236(a)(2), and any recommendations on whether changes to eligibility requirements, benefits, or training funding should be made based on the data collected. Those data must be made available to the public on the Department of Labor's website in a searchable format and must be updated quarterly.

REASONS FOR CHANGE

The proponents believe that valuable information on TAA and its impact is neither being collected nor being made publicly available. This, in turn, inhibits the ability of Congress to perform its oversight responsibilities and, if necessary, to refine and improve the program, its performance, and worker outcomes. Additionally, the proponents believe that all of the data that the Department of Labor gathers should be made available and posted on its website in a searchable format. This will enhance the accountability of the TAA program and the Department of Labor, not just to Congress, but to the American people as well.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Fraud and recovery of overpayments (Section 1755 (amending Section 243(a)(1) of the Trade Act of 1974))

PRESENT LAW

An overpayment of TAA benefits may be waived if, in accordance with the Secretary's guidelines, the payment was made without fault on the part of such individual, and requiring such repayment would be contrary to ''equity and good conscience.''

EXPLANATION OF PROVISION

The provision states that the Secretary shall waive repayment if the overpayment was made without fault on the part of such individual and if repayment ''would cause a financial hardship for the individual (or the individual's household, if applicable) when taking into consideration the income and resources reasonably available to the individual or household and other ordinary living expenses of the individual or household.''

REASONS FOR CHANGE

The proponents believe that the Department of Labor has adopted a very strict standard for issuing overpayment waivers. In particular, 20 CFR 617.55(a)(2)(ii)(C) defines equity and good conscience to require ''extraordinary and lasting financial hardship'' that would ''result directly'' in the ''loss of or inability to obtain minimal necessities of food, medicine, and shelter for a substantial period of time'' and ''may be expected to endure for the foreseeable future.''

The proponents understand that no worker has met this strict waiver standard. In including standard statutory waiver language in TAA, there is no indication that Congress intended to make waivers impossible to secure. To the contrary, the proponents believe that Congress intended that overpaid individuals who are without fault and unable to repay their TAA overpayments should have a reasonable opportunity for waivers of the requirement to return those overpayments. The provision clarifies this intent.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Sense of Congress on Application of Trade Adjustment Assistance (Section 1756 (amending Section Chapter 5 of title II of the Trade Act of 1974))

PRESENT LAW

There is no provision in present law.

EXPLANATION OF PROVISION

The provision expresses the Sense of Congress that the Secretaries of Labor, Commerce, and Agriculture should apply the provisions of their respective trade adjustment assistance programs with the utmost regard for the interests of workers, firms, communities, and farmers petitioning for benefits.

REASONS FOR CHANGE

Courts reviewing determinations by the Department of Labor regarding certification for trade adjustment assistance have stated that the Department is obliged to conduct its investigations with ''utmost regard for the interests of the petitioning workers.'' See, e.g., Former Employees of Komatsu Dresser v. United States Secretary of Labor, 16 C.I.T. 300, 303 (1992) (citations omitted). The courts have explained that such statements flow from the ex parte nature of the Department's certification process (as opposed to a judicial or quasi-judicial proceeding) and the remedial purpose of the trade adjustment assistance program. This section reflects such statements and extends them to the firms, farmers, and communities programs.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Consultations in Promulgation of Regulations (Section 1757 (amending Section 248 of the Trade Act of 1974))

PRESENT LAW

The Secretary is required to prescribe necessary regulations.

EXPLANATION OF PROVISION

This provision requires the Secretary to consult with the Senate Finance Committee and the House Committee on Ways and Means 90 days prior to the issuance of a final rule or regulation.

REASONS FOR CHANGE

Requiring that the Secretary consult with the relevant committees 90 days prior to the issuance of a final rule or regulations will help ensure that such rules and regulations reflect Congress' intent.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

B. PART II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

Trade Adjustment Assistance for Firms (Section 1761–1767 (amending Sections 251, 254, 255, 256, 257, and 258 of the Trade Act of 1974))

PRESENT LAW

A firm may file a petition for certification with the Secretary of Commerce. Upon receipt of the petition, the Secretary shall publish a notice in the Federal Register that the petition has been received and is being investigated. The petitioner, or anyone else with a substantial interest, may request a public hearing concerning the petition.

To be certified to receive TAA benefits, a firm must show (1) a ''significant'' number of workers became or are threatened to become totally or partially separated; (2) sales or production of an article, or both, decreased absolutely, or sales or production, or both, of an article that accounted for not less than 25 percent of the total production or sales of the firm during the 12-month period preceding the most recent 12-month period for which data are available have decreased absolutely; and (3) increased imports of competing articles ''contributed importantly'' to the decline in sales, production, and/or workforce.

A firm certified under section 251 has two years in which to file an adjustment assistance application, which must include an economic adjustment proposal.

In deciding whether to approve an application, the Secretary of Commerce must determine that the proposal (1) is reasonably calculated ''to materially contribute'' to the economic adjustment of the firm; (2) gives adequate consideration to the interests of the firm's workers; and (3) demonstrates that the firm will use its own resources for adjustment.

Criminal and civil penalties are applicable for, among other things, making false statements or failing to disclose material facts. However, the penalties do not cover the acts and omissions of customers or others responding to queries made in the course of an investigation of a firm's petition.

The Secretary must make its decisions within 60 days.

EXPLANATION OF PROVISION

The provision makes service sector firms potentially eligible for benefits under the TAA for Firms program. It also expands the look back so that all firms can use the average of one, two, or three years of sales or production data, as opposed to one year, to show that the firm's sales, production, or both, have decreased absolutely or that the firm's sales, production, or both of an article or service that accounts for at least 25 percent of its total production, or sales have decreased absolutely.

In determining eligibility, the provision makes clear that the Secretary may use data

from the preceding 36 months to determine an increase in imports, and may determine that increased imports exist if customers accounting for a significant percentage of the decline in a firm's sales or production certify that their purchases of imported articles or services have increased absolutely or relative to the acquisition of such articles or services from suppliers in the United States.

The provision requires the Secretary of Commerce, upon receiving information from the Secretary of Labor that the workers of a firm are TAA-covered, to notify the firm of its potential TAA eligibility.

The provision requires the Secretary of Commerce to provide grants to intermediary organizations to deliver TAA benefits. The provision requires the Secretary to endeavor to align the contracting schedules for all such grants by 2010, and to provide annual grants to the intermediary organizations thereafter. The provision requires the Secretary to develop a methodology to ensure prompt initial distribution of a portion of the funds to each of the intermediary organizations, and to determine how the remaining funds will be allocated and distributed to them. The Secretary must develop the methodology in consultation with the Senate Finance Committee and the House Committee on Ways and Means.

The provision amends the penalties provision in section 259 to cover entities, including customers, providing information during an investigation of a firm's petition.

Additionally, the provision requires the Secretary of Commerce to submit an annual report demonstrating the operation, effectiveness, and outcomes of the TAA for Firms program to the Senate Finance Committee and the House Committee on Ways and Means, and to make the report available to the public. The methodology for the distribution of funds to the intermediary organizations shall include criteria based on the data in the report. The provision creates rules relating to the disclosure of confidential business information included in this annual report.

REASONS FOR CHANGE

Most service sector firms are currently ineligible for the TAA for Firms program because of a statutory requirement that the workers must have been employed by a firm that produces an ''article.'' In an era when 80 percent of U.S. workers are employed in the service sector, the proponents believe service sector firms should be eligible for TAA.

The proponents also note that firms currently have a limited ''look back'' under existing law, which unfairly restricts their ability to show that increased imports are hurting their businesses.

Because data is not always readily available to demonstrate an increase in imports of articles or services, or to show how such increased imports compete with the articles or services of a particular firm, the proponents believe that the Secretary should be able to utilize information from the customers of a firm that account for a significant percentage of sales or production that would verify these customers are increasing their purchases of imports relative to their purchases from domestic suppliers.

Since a firm may not know that it could be eligible for TAA benefits, despite the fact that workers at the firm have qualified for the TAA for workers program, the proponents believe it is important to give these firms notice of their potential eligibility for TAA benefits.

The proponents are concerned that at present, the Economic Development Administration (EDA) is entering into contracts with intermediary organizations that vary in length.

Thus, the contracts begin and end at different times during the year. To improve transparency, accountability and oversight, the proponents have included a provision requiring EDA to endeavor to align these contracts by October 2010 and enter into 12 month contracts thereafter. The proponents will leave it to the discretion of the Secretary to determine the appropriate 12 month contract cycle.

The proponents also believe that the methodology for distributing funds to intermediary organizations should be based in part on their performance, the number of firms they serve, and the outcomes of firms completing the program. The Secretary of Commerce should consult Congress before finalizing such methodology.

The proponents understand that some customers provide inaccurate or incomplete information in response to questionnaires posed by the Secretary. The penalty language included in this provision is designed to address this problem.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Extension of Authorization of Trade Adjustment Assistance for Firms (Section 1764)

PRESENT LAW

The authorization of the TAA for Firms program expired on December 31, 2007. The program is currently authorized at $16 million per year.

EXPLANATION OF PROVISION

The provision reauthorizes the program through December 31, 2010, and increases its funding to $50 million per year for fiscal years 2009 and 2010, and prorates such funding for the period beginning October 1, 2010 and ending December 31, 2010. Of that amount, $350,000 is set aside each year to fund full-time TAA for Firms positions at the Department of Commerce, including a director of the TAA for Firms program.

REASONS FOR CHANGE

The proponents believe that the TAA for Firms program has been underfunded, as at least $15 million in approved projects lack funding. Additionally, the Firms team at the Department of Commerce lacks adequate full-time staff to administer the program.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

C. PART III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

Trade Adjustment Assistance for Communities (Section 1771–1773)

PRESENT LAW

There is no provision in present law.

EXPLANATION OF PROVISION

The provision creates a Trade Adjustment Assistance for Communities program that will allow a community to apply for designation as a community affected by trade. A community may receive such designation from the Secretary of Commerce if the community demonstrates that (1) the Secretary of Labor has certified a group of workers in the community as eligible for TAA for Workers benefits, the Secretary of Commerce has certified a firm in the community as eligible for TAA for Firms benefits, or a group of agricultural producers in the community has been certified to receive benefits under the TAA for Farmers and Fishermen program; and (2) the Secretary determines that the community is significantly affected by the threat to, or the loss of, jobs associated with that certification. The Secretary of Commerce must notify the community and the Governor of the State in which the community is located upon making an affirmative determination that the community is affected by trade.

The Secretary of Commerce shall provide technical assistance to a community affected by trade to assist the community to (1) diversify and strengthen its economy; (2) identify impediments to economic development that result from the impact of trade; and (3) develop a community strategic plan to address economic adjustment and workforce dislocation in the community. The Secretary of Commerce shall also identify Federal, State and local resources available to assist the community, and ensure that Federal assistance is delivered in a targeted, integrated manner. The Secretary shall establish an Interagency Community Assistance Working Group to assist in coordinating the Federal response.

A community affected by trade may develop a strategic plan for the community's economic adjustment and submit the plan to the Secretary. The plan should be developed, to the extent possible, with participation from local, county, and State governments, local firms, local workforce investment boards, labor organizations, and educational institutions. The plan should include an analysis of the economic development challenges facing the community and the community's capacity to achieve economic adjustment to these challenges; an assessment of the community's long-term commitment to the plan and the participation of community members; a description of projects to be undertaken by the community; a description of educational opportunities and future employment needs in the community; and an assessment of the funding required to implement the strategic plan.

Of the funds appropriated, the Secretary of Commerce may award up to $25 million in grants to assist the community in developing a strategic plan.

The provision authorizes $150 million in discretionary grants to be awarded by the Secretary of Commerce. An eligible community may apply for a grant from the Secretary to implement a project or program included in the community's strategic plan. Grants may not exceed $5 million. The Federal share of the grant may not exceed 95 percent of the cost of the project and the community's share is an amount not less than 5 percent. Priority shall be given to grant applications submitted by small and medium-sized communities.

Educational institutions may also apply for Community College and Career Training grants from the Secretary of Labor. Grant proposals must include information regarding (1) the manner in which the grant will be used to develop or improve an education or training program suited to workers eligible for the TAA for Workers program; (2) the extent to which the program will meet the needs of the workers in the community; (3) the extent to which the proposal fits into a community's strategic plan or relates to a Sector Partnership Grant received by the community; and (4) any previous experience of the institution in providing programs to workers eligible for TAA. Educational institutions applying for a grant must also reach

out to employers in the community to assess current deficiencies in training and the future employment opportunities in the community.

The provision authorizes $40 million in discretionary grants to be awarded by the Secretary of Labor for the Community College and Career Training Grant program. Priority shall be given to grant applications submitted by eligible institutions that serve communities that the Secretary of Commerce has certified under section 273.

The provision also establishes a Sector Partnership Grant program that allows the Secretary of Labor to award industry or sector partnership grants to facilitate efforts of the partnership to strengthen and revitalize industries. The partnerships shall consist of representatives of an industry sector; local county, or State government; multiple firms in the industry sector; local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832); local labor organizations, including State labor federations and labor-management initiatives, representing workers in the community; and educational institutions.

The provision authorizes $40 million in discretionary grants to be awarded by the Secretary of Labor for the Sector Partnership Grant program. The Sector Partnership Grants may be used to help the partnerships identify the skill needs of the targeted industry or sector and any gaps in the available supply of skilled workers in the community impacted by trade; develop strategies for filling the gaps; assist firms, especially small- and medium-sized firms, in the targeted industry or sector increase their productivity and the productivity of their workers; and assist such firms to retain incumbent workers.

REASONS FOR CHANGE

The TAA for Workers program provides assistance to individual workers who lose their jobs because of trade with foreign countries. The program does not, however, provide broader assistance when the closure or downsizing of a key industry, company, or plant creates severe economic challenges for an entire community impacted by trade. The proponents believe there is a need for additional programs and incentives to assist such communities. Accordingly, the provision creates a TAA for Communities program to provide a coordinated Federal response to eligible communities by identifying Federal, State and local resources and helping such communities to access available Federal assistance.

The provision does not establish precise criteria for determining when a particular community is impacted by trade. In the view of the proponents, this determination is better left to the discretion of the Secretary of Commerce, who can evaluate specific facts in specific cases. As a general matter, the proponents believe the Secretary should review the underlying certification(s) that provide a basis for a community's application and evaluate the potential impact of the job losses (or threat thereof) associated with such certification(s) on the broader community, given the community's overall economic situation. The proponents intend for the Secretary to focus grants on communities facing the most difficult hardships, to the extent practicable.

The proponents believe small- and medium-sized communities, and in particular, those in rural areas where the manufacturing sector has historically been a significant employer, would benefit from the technical assistance and grants available through this program. Such communities have been disproportionately impacted by the adverse effects of trade, where some lumber mills, factories and call centers, for instance, have scaled back operations or closed entirely in response to increased trade and globalization.

The proponents do not intend for the preference for such communities to result in all grants, or the majority of grants, going to such communities to the exclusion of other impacted communities.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act.

Authorization of Appropriations for Trade Adjustment Assistance for Communities (Section 1772)

PRESENT LAW

There is no provision in present law.

EXPLANATION OF PROVISION

The provision authorizes $150,000,000 to the Secretary of Commerce for each of fiscal years 2009 and 2010, and $37,500,000 for the period beginning October 1, 2010 through December 31, 2010 to carry out the TAA for Communities program.

The provision authorizes $40,000,000 to the Secretary of Labor for each of fiscal years 2009 and 2010, and $10,000,000 for the period beginning October 1, 2010 through December 31, 2010 to carry out the Community College and Career Training Grant Program.

The provision authorizes $40,000,000 to the Secretary of Labor for each of fiscal years 2009 and 2010, and $10,000,000 for the period beginning October 1, 2010 through December 31, 2010 to carry out the Sector Partnership Grant Program.

EFFECTIVE DATE

The provision goes into effect on the date of enactment of this Act.

D. PART IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Trade Adjustment Assistance for Farmers (Section 1781–1786 (amending sections 291, 292, 293, 296 and 297 of the Trade Act of 1974))

PRESENT LAW

A group of agricultural producers or their representative may file a petition for certification with the Secretary of Agriculture. Upon receipt of the petition, the Secretary shall publish a notice in the Federal Register that the petition has been received and is being investigated. The petitioner, or anyone else with a substantial interest, may request a public hearing concerning the petition.

To be certified to receive TAA benefits under this chapter, the group of producers must show (1) that the national average price of the agricultural commodity in the most recent marketing year is less than 80 percent of the national average price for the commodity for the 5 previous marketing years, and (2) that increased imports of articles like or directly competitive with the commodity contributed importantly to the decline in price.

A group of producers certified under Section 291 has one year to receive TAA benefits, but may apply to be re-certified for a second year of benefits if the group can show a further 20 percent price decline in the national average price of the commodity, and that imports continued to contribute importantly to that decline.

To qualify to receive benefits, individual agricultural producers that are covered by a certified petition must show (1) that the individual producer produced the qualified commodity; and (2) the net income of the producer has decreased. Producers meeting these criteria are eligible to participate in an initial technical assistance course, and to receive cash benefits, not to exceed $10,000, based on their production and the decline in price for the commodity. Where available, the producer may also attend more intensive technical assistance.

EXPLANATION OF PROVISION

The provision defines an agricultural commodity producer, for the purpose of the TAA for Farmers program, to include fishermen, as well as farmers.

The provision allows a group of producers to petition the Secretary based on a 15 percent decline in price, value of production, quantity of production, or cash receipts for the commodity, rather than a 20 percent decline in price. The provision shortens the look back period from an average of 5 years to an average of the national average price for the previous three year period. Petitioning producers must also show that imports contributed importantly to the decline in price, production, value of production, or cash receipts.

Once the Secretary certifies a group of commodity producers for TAA, individual producers can qualify for benefits if the producer shows (1) that they are producers of the commodity; and (2) that the price received, quantity of production, or value of production for the commodity has decreased.

Producers deemed eligible to receive benefits by the Secretary are eligible to receive initial technical assistance, and may opt to receive intensive technical assistance, which consists of a series of courses designed for producers of the certified commodity. Upon completion of the series of courses, the producer develops an initial business plan which (1) reflects the skills gained by the producer during the courses; and (2) demonstrates how the producer intends to apply these skills to the producer's farming or fishing operation. Upon approval by the Secretary of the business plan described above, the producer is entitled to receive up to $4,000 to implement the business plan or to assist in the development of a long-term business plan.

Producers who complete an initial business plan may choose to receive assistance to develop a long-term business adjustment plan. The Secretary must review the plan to ensure that it (1) will contribute to the economic adjustment of the producer; (2) considers the interests of the producer's employees, if any; and (3) demonstrates that the producer has sufficient resources to implement the plan. If the Secretary approves the plan, the producer is eligible to receive up to $8,000 to implement the long-term business plan.

Once a petition is certified for the group of producers, qualifying producers are eligible for benefits for a 36–month period. A producer may not receive more than $12,000 in any 36–month period to develop and implement business plans under the program.

The provision allows fishermen and aquaculture producers who are otherwise eligible to receive TAA benefits to demonstrate increased imports based on imports of farm-raised or wild-caught fish or seafood, or both.

REASONS FOR CHANGE

The proponents believe that the 20 percent price decline currently required for a group of producers to be certified under the TAA for Farmers program is too high, and creates an unnecessary barrier for producers to qualify for TAA benefits. Further, producers and

the Department of Agriculture were concerned that the current five-year look back period was too long and burdensome for producers.

Additionally, since net farm income is a function of many factors, it has proven very difficult for producers to show the required decline in net income, even when the price for specific commodities had declined significantly. Several disputes regarding whether producers met the net income test were taken to the U.S. Court of International Trade, resulting in significant administrative expense for both the producers and the Department of Agriculture.

The proponents believe that demonstrating a decline in the production or price of the commodity facing import competition is a better measure of the impact of trade on the individual producer, rather than net income. The provision would allow farmers to demonstrate that either their production decisions or price received for the qualified commodity were affected.

The proponents also believe that the focus of the TAA for Farmers program should be adjustment assistance, rather than cash benefits. Under the current program, most producers received only initial technical assistance, with little opportunity for additional curricula. The proponents believe that all producers eligible for TAA benefits should receive more thorough technical assistance and the opportunity for individualized business planning, with financial assistance provided to help the producer implement the business plans.

Further, technical assistance should be provided by the Department of Agriculture through the National Institute on Food and Agriculture (''NIFA''), which may choose to make grants to land grant universities and other outside organizations to assist in the development and delivery of technical assistance. NIFA (formerly the Cooperative State Research, Education, and Extension Service) delivers technical assistance under the current Farmers program, and had successfully developed curricula to respond to producers' adjustment needs.

The proponents believe that the current one-year limit to obtain TAA benefits unnecessarily limits producers' ability to access technical assistance, particularly when farmers and fishermen must spend significant portions of each year in the fields or at sea. Extending the eligibility period to 36 months will allow producers to take advantage of all the benefits offered, and will eliminate the need for the current burdensome recertification process.

The proponents believe that fishermen and aquaculture producers who are otherwise eligible for TAA should be able to demonstrate an increase in imports of like or directly competitive products without regard to whether those imported products were wild-caught or farm-raised. Current law allows these producers to apply for benefits based on imports of farm raised fish and seafood only.

The proponents expect that the Department of Agriculture will fully fund and operate the TAA for Farmers and Fishermen program for the full duration of each fiscal year for which it is authorized.

EFFECTIVE DATE

The provision goes into effect upon expiration of the 90–day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Extension of Authorization and Appropriation for Trade Adjustment Assistance for Farmers (Section 1787 (amending Section 298 of the Trade Act of 1974))

PRESENT LAW

The authorization and appropriation for the TAA for Farmers program expired on December 31, 2007. The program is currently authorized at $90 million per year.

EXPLANATION OF PROVISION

This provision reauthorizes the program through December 30, 2010, and maintains its funding at $90 million per year for fiscal years 2009 and 2010. The provision further provides funding on a prorated basis for the period beginning October 1, 2010, and ending December 31, 2010.

EFFECTIVE DATE

The provision goes into effect on the date of enactment of this Act.

E. PART V—GENERAL PROVISION

Government Accountability Office Report (Section 1793)

PRESENT LAW

There is no provision in present law.

EXPLANATION OF PROVISION

The provision requires the Comptroller General of the United States to prepare and submit a report to the Senate Finance Committee and the House Committee on Ways and Means on the operation and effectiveness of these amendments to chapters 2, 3, 4, and 6 of the Trade Act no later than September 30, 2012.

REASONS FOR CHANGE

It is critical that GAO review and evaluate the TAA program to assess the changes made by this legislation to ensure that they have improved the effectiveness, operation, and performance of the program.

EFFECTIVE DATE

The provision goes into effect on the date of enactment of this Act.

The PRESIDING OFFICER (Mr. UDALL of New Mexico.)

Mr. BAUCUS. Mr. President, I yield 10 minutes to the distinguished chairman of the Appropriations Committee, Senator INOUYE of Hawaii.

Mr. INOUYE. Mr. President, I rise to restate my strong support for the American Recovery and Reinvestment Act of 2009. This measure will create more than 3.5 million jobs. It will provide billions of dollars to support our State and local governments. It will prevent tens of thousands of teachers, firemen, policemen, and other providers of essential services from being laid off at the worst possible time. It will provide tax cuts for working families. It will invest in the future of this Nation by rebuilding our roads, our sewers, mass transportation systems, and other essential infrastructure.

We must pass this bill immediately. According to the Labor Department, the United States has lost 3.6 million jobs since the recession began in December of 2007. Roughly half of those losses have occurred in the past 3 months. Our job losses are accelerating, and if the Federal Government does not take bold action immediately, these losses will only continue to worsen.

That is why this measure before us is focused first and foremost on creating jobs. Every job we create by investing in infrastructure, every job we save by providing extra funds to State and local governments, is one more American who will know their Government has done everything it can to help its citizens recover from this terrible economic crisis.

The total appropriations in the amended bill are $290 billion. Some have suggested that we in the Senate have paid too high a price in our efforts to reach a bipartisan solution. As the chairman of the Appropriations Committee, I am keenly aware of the adjustments that have been made to this legislation in order to secure the 60 votes we need. Nonetheless, I know that $290 billion is far superior to nothing, which is what we would have if we do not garner 60 votes. This remains a very strong bill that will make a difference in the lives of millions of Americans.

As I stated before, nothing is more important than the more than 3.5 million jobs that will be created or preserved through this measure. Our goal is to find ways to stimulate the private sector through the public sector spending. We have no interest in expanding or growing the Federal bureaucracy. In fact, this bill will create fewer than 5,000 new Federal jobs. That is three-tenths of 1 percent—hardly a vast growth in our Government.

We are focused on jump-starting necessary projects that will get this economy back on track as quickly as possible. In fact, preliminary CBO and Joint Tax scoring shows that for the bill as a whole, including spending and tax cuts, 78 percent of the funds will be spent in fiscal years 2009 and 2010.

Some of the opponents of this measure have complained that it has too much wasteful spending. Helping States deal with long-term investments such as health, education, and science is not wasteful spending. These are programs that will directly touch millions of Americans and will improve the quality of their lives. Let me say again that there are no earmarks in this bill.

As for some of the other charges leveled by opponents of the bill, I can only say that the facts speak for themselves. Despite claims that this recovery package contains $150 million for honeybee insurance, there is not and there never has been, any language with regard to honeybees contained in this legislation.

There is no funding for prevention of sexually transmitted diseases, nor for smoking cessation programs, nor for resodding the National Mall. As I have already stated, this bill will create fewer than 5,000 new Federal jobs, which is well short of the 600,000 new Federal jobs that some have suggested and predicted.

The facts speak for themselves. We face a grave economic crisis. We have a nation that stood up 3 months ago and voted for change, not for more of the

same policies that got us into the crisis in the first place.

This legislation is not perfect, but it absolutely represents the change that millions of Americans voted for on November 4 last year, and I hope my colleagues will join me in giving our citizens the change they demanded and vote yes on the American Recovery and Reinvestment Act.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time consumed during the quorum calls this morning be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I wish now to talk about a package of amendments that hasn't been added to the legislation but has merit. I want to put my colleagues on notice that I will be asking unanimous consent that this package be added to the legislation.

On a piece of legislation this large, it is difficult to process every amendment that is filed. In fact, over 600 amendments have been filed to this bill. We have processed 30 of these, but that leaves about 500 not yet voted on.

The same was true in the Finance Committee, before we took up the bill and before it came to the floor. In the committee we had over 200 amendments filed and we couldn't vote on every one of those. On a number of them, I asked Senators to withhold from offering them. For some, we were not sure how much they would cost, and for others we needed more time to analyze the proposal because they came to us pretty quickly and we didn't know what it meant. I asked Senators to hold off for a while to figure out what it means, and maybe we can work it out, but it would be best to take it to the floor. Many Senators did that. I pledged to the Senators I would work with them on the floor.

We were able to work out many of the amendments. Senator GRASSLEY and I reached an agreement on a number of tax and health amendments, and they are reflected in an amendment that has been filed. As our staffs looked at these amendments, we worked out an agreement on a lot of these amendments and they are contained in the managers' amendment I am talking about. Some were technical in nature. We have several, for example, health-related provisions that clarify the legislative language to make sure it reflects what the Finance Committee voted to report to the Senate.

Other provisions are modifications of provisions in the underlying bill. For example, one of the provisions makes sure military personnel can receive the Making Work Pay credit even if their spouse is not a U.S. citizen. Another provision expands on a proposal included in the Finance Committee to help companies deleverage and buy back some of their debt.

Other provisions are new, but they are good ideas and simply didn't get a vote. Ms. SNOWE, for example, has proposed reducing the estimated taxes that small businesses have to pay quarterly, since most of them will have fewer or no profits this year. That provision is also included in the managers' package.

While I believe adding these proposals will improve the bill, it is my understanding there is likely to be an objection to my request. We could not include every amendment in the package. We have done the best we can. I think it would improve upon the bill if this package were adopted.

Mr. President, I ask unanimous consent that I be allowed to call up my amendment No. 572, the so-called managers' amendment; that the amendment be adopted, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Mr. President, I must object. Before I do so, I will make this little statement. Obviously, the chairman, in keeping his word to me, has gone on to deliver on that word by working out arrangements on some amendments I wanted. It might look confusing to the public at large as to why on this side we are objecting. As we do things in the Senate on unanimous consent, any one person can object.

We have asked a lot of Members on our side what they thought about this particular UC request because we knew about it ahead of time. On behalf of a number of Members on our side of the aisle, acting for them, I must and do reluctantly object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Mr. President, if I may have the floor, I wish to make some remarks about the stimulus bill generally and about an upcoming vote we have in the Senate that we call waiving the Budget Act.

Today, the Senate will consider whether we should apply budget discipline to this bill before us. Yesterday, there was a lot of revision, or perhaps editing, of recent budget history, and I come to the floor to speak about it in an intellectually honest way. Even our President alluded to it. I agree with the President that there is a lot of revisionism in the debate. The revisionist history basically boils down to two conclusions:

One, that all of the ''good'' fiscal history of the 1990s was derived from a partisan tax increase of 1993; and, two, that all of the ''bad'' fiscal history of this decade we are in now is attributable to the bipartisan tax relief plans of 2001 and 2003, and maybe some lesser tax bills.

Not surprisingly, nearly all of the revisionists who spoke generally oppose tax relief, and somehow always seem to support tax increases. The same crew generally supports spending increases and, not oddly, opposes spending cuts.

In the debate so far on this bill, called the stimulus package, many on this side have pointed out some key undeniable facts. The bill before us, with interest included, increases the deficit by over $1 trillion. The bill before us is a heavy stew of spending increases and refundable tax credits, seasoned with small pieces of tax relief. The bill before us has new temporary spending that, if made permanent, will burden future budget deficits by over $1 trillion.

That antirecessionary spending, together with lower tax receipts, plus the TARP activities, has set a fiscal table of a deficit of $1.2 trillion. That is the highest deficit, as a percentage of the economy, in post-World War II history.

It is not a pretty fiscal picture, and it is going to get a lot uglier as a result of this bill. So for the folks who see this bill as an opportunity to recover America, with Government taking a larger share of the economy over the long term, I say congratulations. That is where the revisionist history comes from. It is a strategy to divert, through a twisted blame game, from the facts before us.

How is history revisionist? I want to take each conclusion, one by one.

The first conclusion is that all of the good fiscal history was derived from that 1993 tax increase. To knock down this canard, all you have to do is look at this chart I put up.

This chart was not produced by a bunch of Republicans. This chart was produced by the Clinton administration. We can see down in the right corner, the ''Office of Management and Budget.''

The much ballyhooed 1993 partisan tax increase accounts for 13 percent of deficit reduction in the 1990s. We can see in green the 1993 tax increase that has been ballyhooed about the floor of this body several times did not have as much to do with deficit reduction as we are led to believe.

What is more, fiscal revisionist historians in this body tend to forget who the players were. They are correct that there was a Democratic President in the White House, but they conveniently forget that Republicans controlled the Congress for the period

where the deficit came down and actually turned into a surplus. They tend to forget that they fought the principle of a balanced budget that was the centerpiece of my party's fiscal policy.

Remember the Government shutdown of 1995? I want the people on the other side of the aisle to remember that, remember what it was all about. It was about a plan to balance the budget. Republicans paid a political price for forcing the issue. But in 1997, President Clinton agreed.

Recall as well all through the 1990s what the yearend battles were about. On one side, congressional Democrats and the Clinton administration pushed for more spending. On the other side, congressional Republicans were pushing for tax relief. In the end, both sides compromised. That is what our Government and Constitution forces, and a lot of that is done because in the Senate we have rules that do not allow one party to push something through.

That is the real fiscal history of the 1990s.

Now let's turn to the other conclusion of the revisionist fiscal historians. That conclusion is that in this decade, since the year 2000, all fiscal problems are attributable to the widespread tax relief enacted in 2001, 2003, 2004, and 2006.

In 2001, President Bush came into office. Just last night, we heard on television about all of the problems today are the result of the last 8 years. Let's take a look at that.

President Bush inherited an economy that was careening downhill. Investments started to go flat in 2000. Do you know NASDAQ lost 50 percent of its value in the year 2000, not in the year 2001 and beyond? Then came the economic shocks of the 9/11 terrorist attacks. I might add, we had 40 or more months of downturn in the manufacturing index that started in February 2000, also before President Bush became President. And then we add in the corporate scandals to that economic environment. We had the 9/11 terrorist attacks.

It is true, as the fiscal year 2001 came to a close, the projected surplus turned into a deficit. I have a chart that shows the start of this decade's fiscal history right here. As we can see, in just the right time, the 2001 tax relief plan started to kick in. The deficit grew smaller. This pattern continued through 2007.

I have another chart that compares the tax receipts for the 4 years after the much ballyhooed 1993 tax increase and the 4-year period after the 2003 tax cuts. If we go to the tax increase, the blue line, we can see there was some uptick, but it stayed flat. Look at tax relief coming, the red line, what that has done for income into the Federal Treasury.

On a year-after-year basis, this chart compares the change in revenues as a percentage of GDP. In 1993, the Clinton tax increase brought in more revenue as compared to the 2003 tax cut. But that trend reversed as both policies moved along. We can see how the extra revenue went up over time relative to the flat line of the 1993 tax increase.

So let's get the fiscal history right. The progrowth tax-and-trade policies of the 1990s, along with a peace dividend, had a lot more to do with the deficit reduction in the 1990s than the 1993 tax increase did. In this decade, deficits went down after tax relief plans were put into full effect.

That is the past. We need to make sure we understand it. But what is most important is the future. All I can say is that my President, President Obama, talked about the future all during the campaign. Why Members of his party have been talking about the last 8 years and not about the future, I don't know. We need to talk about the future. People in our States send us here to deal with the future. They do not send us here to flog one another like partisan cartoon cutout characters and to do it over past policy. They do not send us here to endlessly point fingers of blame around.

Now let's focus on the fiscal consequences of the bill in front of us. That is what the vote in less than an hour is all about.

President Obama rightly focused us on the future with his eloquence during that campaign, as I have already referred to. But I would like to be more specific and paraphrase a quote from the President's nomination acceptance speech: We need a President who can face the threats of the future, not grasping at the ideas of the past.

My President was right. We need a President—and I would like to add Congressmen and Senators—who spends all the time facing the threats of the future. This bill, as currently written, poses considerable threats to our fiscal future. Senator MCCAIN's spending trigger amendment showed us the way. We can rewrite this bill to retain its stimulative effect but turn off the spending when the recovery occurs.

Grasping at ideas of the past or playing the partisan blame game will not deal with the threats to our fiscal future. With a vote to sustain the budget point of order against this bill, I say to my fellow Senators, we can start to deal with threats to the fiscal future in the way Senator MCCAIN would or the way other people might bring good ideas forth.

According to the Senate Finance Republican tax staff analysis of the Joint Committee on Taxation's revenue estimate of the Nelson-Collins substitute amendment, less than $6 billion is provided in that amendment in tax relief for small businesses. Let me be clear, small business tax relief makes up less than 1 percent of the bill. I think that is truly outrageous. Small businesses create approximately three-fourths of the new jobs in our economy. So if this bill is all about jobs, certainly more tax relief would have been provided to small businesses because they are the job-creating engines of our economy.

Less than 1 percent of the bill going to small business tax relief is a puny amount. For example, according to Senator NELSON's Web site summary of this bill, here are just some of the provisions that the Senate Democratic leadership has spent more money on than small business tax relief.

The Senate Democratic leadership is putting your money where their mouth isn't and saying that these items are a higher priority to them than small business tax relief is. Some of these items are: $7 billion for Federal buildings fund, $6.4 billion for State and Tribal assistance EPA grants, and $13.9 billion for Pell grants. While some of the provisions in the bill are worthy of being done in regular order, certainly none should get higher funding than small business tax relief because this is supposedly a stimulus bill that is about creating jobs.

Mr. President, in remarks a few minutes ago, the senior Senator from New York referred to my amendment on the current year's alternative minimum tax, AMT, hold-harmless or patch. He was correct that I pushed for the patch very early in the stimulus discussions. I mentioned it at before and after our bipartisan Finance Committee Members' meeting. I filed it at the Finance Committee markup. To be fair, so did Senator MENENDEZ. The committee adopted the AMT patch amendment.

If I heard the Senator from New York correctly, he agreed with me on the merits of adding the AMT pacth. His point seemed to be to say I, and others who oppose the bill in its present form, we are taking an inconsistent bill.

Let me repeat what we, on this side, have been saying about the need for this bill. We agree there needs to be a stimulus. But we need to do it right. Including the AMT pacth improves what is an otherwise poorly designed bill.

The patch does not remedy the outyear spending problem. It does not eliminate the rest of new broad entitlement spending.

I am hopeful that, in conference, the senior Senator from New York, and other members of the Democratic leadership, will fight for the Senate position on the AMT patch. There are 124,000 Iowa families who could face an average tax increase of $2,300 per family if the AMT patch is not enacted. I am looking out for them. I hope the Democratic leadership is looking out for them too.

I urge my colleagues to vote for budget discipline, sustaining the point of order.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RISCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RISCH. Mr. President and fellow Senators, I came today to make a few remarks regarding the vote we are about to have, in about half an hour, on the so-called ''stimulus'' package. I think everyone who is a Member of this body agrees with the magnitude of the problem. I have heard my colleagues on the other side and my colleagues on this side speak with great clarity and sometimes with great passion about the problem. Clearly, the American economy is in dire straits. Everyone agrees with that. The amount of passion that one speaks with neither raises nor lowers that level.

I heard the President of the United States last night say there were some people who thought there should be no action taken by our Federal Government. I am not aware of those people. I am sure there are some around, but I think most people agree the main responsibility of the Government of the United States is to protect its people, but closely behind that is to regulate monetary policy and economic policy. Nations have been doing both of those things for many years. My problem with the discussion we have had over recent weeks has been with the focus of the solution, and I believe the focus is misfocused.

The President agrees, we agree, and most economists agree that economic recovery will require a three-path solution. The first is attention to the banking sector, and that comprises two different parts. No. 1 is continued viability of our bank system; and No. 2, and most importantly, reestablishing credit flow, which is badly impaired at this time.

The second path is the housing sector. Most economists agree it was the housing sector that led us into this difficulty and it is going to be the housing sector that leads us out or, if it does not lead us out, at least it has to recover before we will see any decent movement in the economy.

And third is the Government expenditure item. That particular item has received all the ink, all the publicity, and all the discussion in recent weeks. The focus should not be on Government spending. The focus of the solution should be on credit flow and on the housing market, and it is not. To that, I object.

When the President very kindly came to the Republican conference, we had a spirited discussion on these matters. I was delighted to see that he agreed it was going to take a three-path solution to get us out of this. I was disappointed that his enthusiasm continued to be for the spending side, which of course is a very easy thing to do and something which this town is particularly adept at. Again, my problem is the focus. Spending by the Government is not going to resolve this problem.

This proposal has some job creation—that is the so-called ''stimulus'' package—and for that I am grateful. The best example of that is roads and bridges. However, if you take a percentage of the amount of money we are talking about, that is only about 3 percent of the bill. There are lots of parts of this bill that do not do anything to stimulate the economy, and I am not going to spend time on that this morning, because they have been well publicized, and I have no doubt will be publicized more in the future.

The other difficulty with the bill, if you take the number of jobs the President is attempting to create or to protect, the cost is in the hundreds of thousands of dollars per job. That, as much as anything, shows how difficult it is for the Government to get us out of this by spending. It is a futile effort. We have between 7 and 8 percent unemployment in this country, which means over 92 percent of Americans are employed. What happens if unemployment continues to accelerate? The Federal Government cannot borrow or print enough money to salvage all those jobs at the cost of several hundred thousand dollars per job. The Federal Government simply can't do it.

Now, there is an entity that can do it. There is an entity that can create enough jobs and protect enough jobs. That entity is called the free market system. It is entrepreneurs, it is risk takers, it is capitalists. Those people and those entities created these jobs to begin with. They can do it again. That entity, the free market system, has created the most successful culture in the history of the world. For the free market system to operate, there must be free-flowing credit, and of course that does depend upon Government policy. That is why I come down on the side of needing to focus more on that particular aspect of this problem.

I listened to the President last night, and he talked about the $800 billion number. He said he did not reach up in the air and pull that number out of the air. I wish I knew where that number came from. I have yet to see the formula that was devised, either by the President or, more likely, his advisers who came up with this $800 billion figure. Indeed, that formula has a lot of value. If that formula could be put on paper, every economy in the world, every country in the world, would be very interested in that valuable commodity. Because if indeed you can simply take that formula and come up with a number and then borrow enough money and spend that money to get the economy moving again, this is very simple.

Here is the problem with all of this. That $800 billion number, or whatever number it turns out to be—and of course when you add interest in, it will be well over a trillion dollars, or somewhere in the neighborhood of $1.2 trillion—that money has got to come from somewhere. It is not free money. The way America is going to get that money is it is going to go out and borrow it. We all know what happens when America goes out and borrows money. Who provides us with that money? The major contributor of purchasing our debt is the Chinese Government and the Chinese people. There is no plan for repayment of that debt. What business in America, what entity in America would think of borrowing any amount, let alone an amount this size, without a clear and cogent plan for repaying that money?

Keynesian economics teaches us we can spend our way out of a problem. Keynesian economics has been proven over and over again to be a great theory, a wonderful theory, a source of hope, but it has been a total failure. It didn't work for the Japanese in the 1990s, it didn't work for this country back in the Great Depression, and it didn't even work last year, when everyone was given $600. It didn't even put a blip on the screen in trying to get us back to prosperity. Keynesian economics—government spending—to get us back on track, has never worked before and it will not work again. If it does work, it will be the first time in history, and it will defy uniform history that has shown us in the past that it won't work.

I hope when we go home during the recess time that this economy is moving in a different direction. I truly hope that is the case. And I hope we can be arguing on this floor whether it was this enormous spending package that did it or whether it was the vagaries of an undulating world economy, or whether it was economic policy dealing with the banking sector and the housing sector that turned it around.

I am encouraged by the fact the President has committed that he will turn his attention to the other two paths in this three-path system, the banking sector and the housing sector, after this package is passed.

The title of this bill, the ''economic stimulus'' bill, is truly a giant fraud on the American people. It is not a stimulus package. It is a giant spending package. Admittedly, there are parts of it that one could argue are stimulus, but it is so de minimis that one cannot call this an economic stimulus package.

Like everyone on this floor, I am concerned about the future of our children and our grandchildren. Borrowing $800 billion-plus, mostly from the Chinese Government and the Chinese people, and indenturing our children, our grandchildren, and our great-grandchildren to work to repay the Chinese

Government and the Chinese people so we can spend that money today I believe is fundamentally wrong. I don't believe we should indenture future generations of Americans, and for that reason this Senator will be casting his vote ''no'' on behalf of the people of the great State of Idaho.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, we had an opportunity to hear the initial or, as we call it, the maiden speech of the new Senator from Idaho, and I wanted to be on the floor to listen to his words. This is a great opportunity to welcome him to the Senate and to encourage all our colleagues to read what he had to say about this massive spending bill we have before us.

I think his views were right on target, and I congratulate him on his first speech.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I also congratulate the Senator from Idaho, my neighbor. It is a wonderful opportunity to hear the Senator from Idaho give his first speech, and it is also great that he is, as I say, my neighbor. I deeply appreciate the shared values we have in our part of the country. I might say to my good friend that although I don't agree with the conclusions he has reached, there will be many opportunities for us to work together on issues that affect our part of the country.

I might also say that—and I think all economists agree with this point—every dollar spent is stimulative—every dollar. Every single dollar in this bill is stimulative—every dollar. All economists would say that—all economists.

Now, it is true that some dollars are more stimulative than other dollars. Basically, economists say that dollars spent on roads and bridges and infrastructure and so forth are more stimulative than dollars spent on tax reductions. They all agree on that. In fact, the Joint Committee on Taxation and the CBO sent a letter recently—actually, the Congressional Budget Office, the CBO, sent a letter to this Senate recently—making that very point, and they categorized how stimulative each dollar spent is. The more it is taxes, the less stimulative it is. But it does stimulate the economy, no doubt about it. The more it is not taxes, the more it is bridges and roads and infrastructure, the more it stimulates the economy. There is no doubt about that. And then there is a middle category, which focuses on unemployment benefits, Medicaid, and food stamps. That is very stimulative, because those are the lower income people who spend the money. To say the dollars in this bill are not stimulative is flatly not true. Every dollar spent is stimulative.

Second, analysis of CBO and Joint Tax, the Congressional Budget Office, and the Joint Committee on Taxation, shows that 99 percent of all the dollars in the Finance Committee bill are spent in the first 2 years. There is nothing permanent about this. I have heard Senators on the other side say this is permanent. It is not permanent; 79 percent of all the dollars in this bill, according to the CBO and Joint Committee on Tax, are spent in the first 2 years—about four-fifths, 80 percent, in the first 2 years. That is not permanent; that is spent in the first 2 years.

No. 1, every dollar spent is stimulative. Some is more stimulative—roads and bridges more than taxes. No. 2, this is temporary; 79 percent of the whole bill is spent in the first 2 years. No. 3, again, this is not permanent, but it is all going to be spent, four-fifths, 80 percent in the first 2 years.

I am a little surprised Senators say we should not spend money here. That is exactly what the Government did back in the 1930s. That is the Hoover approach. Don't spend money, don't borrow money because that is going to add to the deficit, add to the debt. That was what was said back then and look what happened. Every economist says that was a mistake, the Government should have gotten involved, we should have done something, we should have spent the money. And that is what we are doing.

Also, what is the alternative to not spending. What is the alternative to not passing this bill? The alternative is conditions are much worse. This bill is going to create or save 3.4 million jobs. No bill, 3 to 4 million jobs, more jobs lost than currently. This is a no-brainer.

Some Senators try to get us sidetracked. Lawyers call it red herrings, one theory or another, which is not the heart of the problem. The heart of the problem is people are losing jobs by massive numbers. We have to do something, we have to do something big. I, frankly, think in this Congress not much of anything happens most of the time unless one of two conditions occurs. One is a crisis. Then Congress acts and does something—Pearl Harbor, Sputnik, Depression. Another is if there is extraordinary political leadership.

I say we certainly have a crisis, and we certainly have an extraordinary President. Combined—the President wants this, this is a crisis we have to deal with—let's stand and do what the American people want us to do and not haggle, not bicker, not get partisan. This is pretty simple stuff. It is a big problem and requires a big solution. This solution is a good solution. I strongly urge my colleagues to support it because it is the right thing to do.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I think the Congressional Budget Office, our top adviser, advises us there will be some stimulus in the next 2 to 3 years. But over a 10-year period, our own budget office says the crowding out of private people being able to borrow money because the Government has already borrowed it, and the substantial interest payment on the economy as a result of taking out this debt, will result in a net negative growth in GDP over 10 years. We are talking about a short-term gain for a long-term negative and certainly in the next 10 years the stimulus is long since gone then, and we will have that debt burden every year thereafter because there is no plan to pay it back.

Mr. Gary Becker, Nobel Prize winner in economics, the University of Chicago, in the Wall Street Journal today raised this question:

> How much will the stimulus package moving in the Congress really stimulate the economy?

That is what he asked. The evaluations to date have been incomplete. This is what he says his conclusion is:

> So our conclusion is that the net stimulus to the short-term GDP will not be zero—

Certainly $800-plus billion cannot be zero. He goes on to say—

> and will be positive, but the stimulus is likely to be modest in magnitude. Some economists have assumed that every $1 billion spent by the government through the stimulus package would raise short-term GDP by $1.5 billion. Or, in economics jargon, that the multiplier is 1.5.
>
> That seems too optimistic, given the nature of the spending programs being proposed. We believe a multiplier well below one seems much more likely.

He goes on to make some other points and raise questions about the nature of this package.

We have a budget process in this Congress. In the Senate, and the Budget Committee of which I am a Member—meeting right now, I just left the committee—we set a spending limit for America each year. That limit is supposed to be complied with unless we declare an emergency. When we declare an emergency, then we can spend over the budget. I wish to say, first, we are getting in too much of a habit of declaring emergencies, tacking all kinds of spending programs onto those emergency programs and, as a result, we are collapsing the power and effectiveness of the budget process.

For example, we had over $100 billion on Katrina. A lot of that was needed, but all kinds of things not related to Katrina were added because if you add it onto an emergency spending bill you don't have to account for it. It does not have to compete with any other national spending priority. Otherwise, you have to go in through your committees and argue that this spending is justified.

I think when you look at other things such as the TARP spending last fall, $700 billion we authorized, and then authorized the second half of it

earlier this year, that was outside the budget process. We are going to see that this stimulus, every penny of it, is on top of the largest debt we have ever had in America. The Congressional Budget Office scores the debt this year to be $1.2 trillion, without the stimulus. Last year, at $455 billion, we hit the highest deficit in the history of the country. So this is more than twice that added to it.

Then we are going to have another financial Wall Street bailout package presumably presented to us soon. It will also be spending outside the budget.

I wish to repeat: Every penny of the $1.2 trillion of the stimulus package will add to the U.S. Government debt. The debt burden is so high that CBO projects the gross domestic product 10 years from now will be even lower as a result of the passage of this legislation than if we did not pass it, over a 10-year period.

I do not believe we can continue to spend such large sums of money without knowing that the money is well spent, without having the kind of oversight and hearings we need. We are rushing programs through in great numbers. Senator CONRAD, the chairman of the Budget Committee, our Democratic colleague, estimates there is $125 billion in what he calls bow wave money that will increase the spending permanently out of this bill; at least 125. Another one of our Senators says it will be $300 billion that will be continued and not be temporary. So there are seven budget points of order that will lie against this legislation. I expect to offer that.

It would mean we would have to vote 60 votes and those 60 votes would say we understand it violates the budget, but we want to spend it anyway. That is what the effort will be about.

Let me briefly point out the significance of the legislation. Everybody wants to do something. I understand that. We need to do some things. But we have to ask ourselves responsibly what has happened.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SESSIONS. I thank the Chair and I yield the floor.

Mr. REID. Mr. President, the distinguished Senator from Montana has 1 minute?

The PRESIDING OFFICER. The Senator is correct. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, since this recession began, 3.6 million mothers, fathers, sisters and brothers, wives and husbands have lost their jobs. On the Senate floor today, we have the power to keep 3 to 4 million more Americans from losing their jobs. We have crafted this bill to accomplish this end. Ninety-nine percent of the Finance Committee's legislation will take effect in the first 2 years and 79 percent of the total bill's fiscal effects will take place in the first 2 years.

The question is merely whether we will act. Our duty is clear. Let us reject half measures. Let us reject delay. Let us not be found on the wrong side of history. Let us rise to the economic challenge of our generation. Let us preserve millions of American jobs and let us pass this bill today.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, in 1844, a man came to Washington recognizing the country had been in a deep recession in 1837 and it spilled over a number of years. He came to Washington with an idea. He came to Congress with an idea. What he wanted to do was build some power poles, put some wire on them, and he said if he did that, this infrastructure—and he had money to do it—would revolutionize communications in America.

This man, Samuel Morse, convinced Congress to do that. They appropriated $40,000. In that day that was a huge amount of money. The Federal Government appropriated that money and a telegraph line was built between Washington, DC, and Baltimore, MD. The rest is history. It changed America. It changed the world. The first telegraph line revolutionized communications. It was so significant.

Some opposed funding for the new invention that Morse was talking about, but once the wires connecting the two cities were laid, our country's communication structure, as I mentioned, was changed forever. What started as a government investment became a major private sector enterprise, creating thousands of jobs and new opportunities to connect people and ideas. If that sounds familiar, it is exactly what created one of the greatest economic opportunities of our lifetime—not only of our lifetime but ever—the Internet.

Throughout our history the Federal Government has catalyzed good ideas, invested in the ingenuity and entrepreneurship of the American people, and let the private sector flourish—Samuel Morse, the Internet. Faced with an economic crisis today, we have an opportunity to make similar investments that will help our country prosper in the years to come.

Last night, President Obama brought his case of economic recovery directly to the American people. He clearly explained that no new President relishes the thought of starting an administration with a major investment of public funds to clean up the economic mess left by the previous administration. But he had no choice, as he explained so well in Elkhart, IN, yesterday and last night to the American people.

Not one Member of Congress or one single American family relishes the difficult choices left for us to make. But with a growing likelihood that this crisis will grow into what the President has termed a ''possible catastrophe,'' the worst decision would be indecision.

The President, as I mentioned, spoke in the city of Elkhart, IN, a place where unemployment has risen in a short period of time from 4 percent to over 15 percent. But some say the unemployment in Elkhart is truly over 20 percent.

In Nevada the latest figures have surpassed 9 percent unemployment, with no sign of retreat in sight. The people of Elkhart understand our economy will not turn around overnight. Reno and Carson City and Las Vegas have patience for the tough choices in the hard days to come. The American people understand that. But the American people have no patience for a Congress that points fingers, drags its feet or fails to act.

It is not common—in fact, try to think of the last time the National Association of Manufacturers—NAM, the United States Chamber of Commerce, and the AFL–CIO joined in support of legislation, any legislation. But they have in this legislation before us. Each of these organizations understands how important it is for us to pass this bill and to get it to the President's desk.

Yesterday, the Senate took a major step toward doing so by voting 61 to 36 to lift a filibuster and move forward to a vote. Now we move to final passage of President Obama's economic recovery plan, but our work doesn't end there. We must move swiftly with our colleagues in the House to complete work on the legislation and send it to the President's desk as soon as possible. The time for debate on this legislation was productive but it is over.

With common sense as our compass, we must now answer the urgent call of the American people for action.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I believe we need to exceed the budget and to expend targeted, temporary money that can improve the economy and will make some positive steps. Gary Becker, a Nobel Prize winner, today said he does not believe this is an effective way to do so. Others have said the same. I believe greater jobs can be created at substantially less funding.

I make a point of order that the pending amendment offered by the Senators from Nebraska and Maine, Mr. NELSON and Ms. COLLINS, would increase the on-budget deficit for the sum of the years 2009 through 2013 and the sum of the years 2009 through 2018. Therefore, I raise a point of order against the amendment pursuant to section 201(a) of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

Mr. REID. Mr. President, it is my understanding the order before the Senate takes into consideration the move to waive that; is that true?

The PRESIDING OFFICER. If the Senator from Nevada will suspend briefly, under the previous order, the motion to waive is considered made.

Mr. REID. So the only thing left is the yeas and nays; is that correct?

The PRESIDING OFFICER. The Senator from Nevada is correct.

Is there a sufficient second?

It appears there is.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 37, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—61

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kennedy	Sanders
Brown	Kerry	Schumer
Burris	Klobuchar	Shaheen
Byrd	Kohl	Snowe
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NAYS—37

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	Lugar	
Crapo	Martinez	

NOT VOTING—1

Gregg

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. CARDIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, amendment No. 570, offered by the Senator from Maine, Ms. COLLINS, and the Senator from Nebraska, Mr. NELSON, is agreed to, and the motion to reconsider is considered made and laid upon the table.

The question in on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. BUNNING. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—61

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kennedy	Sanders
Brown	Kerry	Schumer
Burris	Klobuchar	Shaheen
Byrd	Kohl	Snowe
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NAYS—37

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	Lugar	
Crapo	Martinez	

NOT VOTING—1

Gregg

The bill (H.R. 1), as amended, was passed.

Mr. DURBIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses.

The Presiding Officer appointed Mr. INOUYE, Mr. BAUCUS, Mr. REID of Nevada, Mr. COCHRAN, and Mr. GRASSLEY conferees on the part of the Senate.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Thereupon, at 12:44 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, there will be no more rollcall votes today.

I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, further, we have the Lynn nomination, which has been talked about for several weeks now. We are going to try to work out an arrangement with the Republicans to do the debate tomorrow and have a vote on Mr. Lynn tomorrow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

STIMULUS PACKAGE

Mr. KYL. Mr. President, I want to speak for a moment about our hope that in the so-called stimulus package that will be the subject of a conference committee between the Members of the Senate and the House of Representatives, significant changes can be made, changes that will permit more people to support this package than only those who have supported it in the past.

I want to begin by identifying the two key areas that most Republicans have concerns with in this package and begin by noting that it is not a choice between doing nothing on the one hand and doing only this bill on the other hand. I think it has been presented by some as a false choice.

The President, for example, last night said: Now, there are those who would do nothing about this crisis. I don't know of anybody who wants to do nothing. Certainly, all of my Republican colleagues have voted for doing lots of things. This past week there were many amendments about doing

various things to address this problem, and Republicans voted for a lot of them and Democrats voted for a lot of others. So it is not the case that there are those who want to do nothing. That presents a false choice. The fact is, there are those who want to do this particular bill, and there are those who would do things somewhat differently because they have legitimate and strong differences about what the effect of this bill will be. That is why I hope there could be changes made in the conference committee when the bill is to some extent rewritten.

There are two key things that Republicans, as I said, have focused on that we would like to change. The first is, we believe the bill spends far too much money; second, that it doesn't do enough good, that is to say it doesn't do enough to stimulate the economy—to create jobs, for example.

On the spending too much money part, we have seen that the so-called deal that was struck in the Senate now, according to the majority leader just a few moments ago, is up to $840 billion. CBO scored it at a little under $839 billion. That is substantially above the House-passed bill.

The question is, Is the cost of this bill going to increase even more when the bill goes to conference committee, and is all of that spending necessary? The President had spoken about stripping the earmarks from the bill. Frankly, I had thought, because earmarks can be somewhat embarrassing and we can achieve the objectives without having individual earmarks by individual Congressmen in the bill—the President had been rightly critical of that process as well—I had thought they would be stripped out by now.

It turns out there are pages of specific earmarks still in the legislation. These are the kinds of things I hope the conference committee would strike. Let me just highlight a few.

Some of these earmarks could well create jobs. But I submit, if one Senator or one Congressman gets to have the special project in his State slipped into this bill, that maybe each of us could identify something in our own State that we were pretty sure would create jobs and we could put it in the bill. That is the problem with earmarks. All Senators are equal except some are more equal than others when it comes to slipping things in bills. So it could well be that some of the earmarks are job creators, but shouldn't they go through the regular process where these projects are vetted by the Appropriations Committee? They set the priorities, some make it through, some do not make it through, but at least they all fall within the budgeted amount.

Since all of the spending in this bill is emergency spending; that is to say, it is not paid for in tax revenues or offset by spending reductions, it is all borrowed money. I think we need to be careful about how the money is spent.

Others of the earmarks are dubious in terms of job creation. These are projects that may well be worthwhile, but it is hard to imagine they would create very many jobs, and it seems to me they clearly fall into the category of bills that should be considered in the regular appropriations process.

Having run for election now several times and having looked at polls and tried to understand what my constituents think and what most Americans think, I have reached some conclusions. Americans do not mind paying their fair share of taxes. They don't like it; they like to have their taxes cut, but they are willing to pay what they think is necessary to support Government. And they believe a certain amount of Government spending is necessary. They all understand why Government needs to spend money on certain things.

What drives them crazy is wasteful Washington spending, when their hard-earned money comes back and they think we do not spend it right. By the way, they have an idea that a lot of what we do ends up being wasted, maybe even more than what we actually do, but because of their concerns about that I would think we would be especially careful in a bill that spends over $1 trillion to be careful we don't waste money.

The Congressional Budget Office has said it is very difficult to spend the kind of money we are talking about in the relatively short timeframe we are talking about without wasting a lot of it. It is a phenomenon we are all well aware of here. When you try to spend a lot of money in a short period of time, you are going to waste money. Our constituents instinctively appreciate that. So it seems to people that in order for this legislation to have credibility, we can at least start by excising those matters that may be good projects in and of themselves, may actually in some cases create jobs, but are clearly earmarks or special interest projects that should go through the regular appropriations process.

I don't mean to pick on anybody or anything in particular, but let me just mention a few of these. There is a $2 billion earmark for a powerplant in Mattoon, IL. If this is actually the building of a powerplant, depending on how soon it could be built, that might create jobs. If it is a typical powerplant, it is going to be a long time in construction, so it is probably not really stimulative right now. But that is an earmark.

There is $200 million in the bill for workplace safety in the Department of Agriculture facilities. I have not been told how that is going to create jobs.

There is $200 million for public computer centers at community colleges and libraries. It sounds like a good idea. I just don't understand how it is going to create a lot of jobs.

We have been critical of this all along. The transition to digital television has taken longer than anticipated so the Government has come up with the bright idea that we will spend $650 million in giving people coupons so they can transition from their existing television set to DTV. Maybe that is a good deal. I would rather that one go through the appropriations process. I am not sure I would vote for that, but that is not a job creator.

Here is one I like, $10 million to fight Mexican gunrunners. I don't know who is doing the fighting. Maybe we would have to hire them and create some jobs. It doesn't belong in a stimulus bill. There is $10 million for urban canals. It may be a good idea. Who knows? And $198 million to design and furnish the DHS headquarters—quite possibly they need to spruce up the headquarters at DHS. Maybe some jobs would be created in the process, but we are not told in this bill. This is a very specific earmarked item. There is $500 million for State and local fire offices, and I can tell you, and I know the Presiding Officer would agree, everybody would like to have money to build a fire station. There is always another fire station to be built, especially in my State where we have a lot of growth.

That is something normally we would pay for ourselves, and I am not sure why someone in Vermont should pay for a fire station in Arizona. In any event it doesn't belong in this bill, it seems to me.

In terms of job creation, I find it interesting that we are going to spend $160 million for volunteers—these are not people who are paid, these are volunteers—at the Corporation for National and Community Service. As I said, there are many more we could talk about, and I do not mean to pick anybody out and pick on anyone.

The bottom line is when you are spending $1 trillion and you are bound to waste a lot of it—at least that part which has been identified as earmarks, you ought to be able to get that out, at least. That is something that can be accomplished in this conference committee.

I also noted it is not just a matter of the amount of money and the fact that a lot of it is wasted, but the fact that we believe it will not be efficient and effective at creating jobs. Why is that? Here is a good statistic to keep in mind. We all know if the object is to create jobs, we might want to start with those entities that create most of the jobs in the country. Small businesses in the United States of America create about 80 percent of the jobs. So you would think that naturally there would be a lot of money in this stimulus package to help small businesses create jobs.

Right? No, actually, not right. Eight-tenths of 1 percent of the—it is a tax title of the bill that can actually go to small businesses to help them hire people, help them buy equipment and so on which would require them to hire more people—eight-tenths of 1 percent is dedicated to small businesses. So the very group of people who are the quickest at creating jobs—big businesses are still laying people off when small businesses, one by one around the country, are starting to hire people. Small businesses cumulatively account for a far greater percentage of employment than our big businesses do.

If you look at the businesses with under 500 employees, you find that obviously those, the small businesses—and most of them have less than 200 employees—as I say, those are the businesses that could really create the jobs in this country. Republicans had an idea, a plan to reduce their tax rate just by 7 percentage points, similar to the way we did it for manufacturing corporations a few years ago. We believed that would help them hire more people. You would think that for the group that hires 80 percent of the workers, we could find a way to provide a little bit more help to in the legislation. Sadly, that is not the case.

If you take all businesses combined, less than 3 percent of the funding in the legislation provides some kind of tax deduction or credit or benefit which would enable them, then, to hire more people.

In terms of the legislation to create jobs, we do not think it is approaching the subject in the right way. One of my colleagues said $1 trillion is a terrible thing to waste. That is kind of catchy, but he went on to make an important point.

I think of this because this morning on television I heard several people saying: Sure, this is a gamble. No one knows for sure whether it is going to work. Newscasters obviously asked proponents, can you guarantee this is going to work. No, nobody can guarantee it is going to work, and I don't hold anybody to that standard. Proponents don't have to guarantee this is going to work. But if we were spending $2 or $300 million, I would say: If it is a gamble and you think you can roll the dice and this might work, take a shot. But we are talking about over $1 trillion of borrowed money. When you are gambling that much, you cannot afford to be wrong.

Let's assume that it is only half wrong. The effect of a $500 billion mistake is horrendous on the economy in the medium and longer term. CBO, in scoring the legislation, actually says there will be a short-term stimulus. But they also say in the long-term, talking 10 years, there will be a reduction in gross domestic product of between 1 and 1.3 percent because of the crowdout effect of investment. There is so much Federal Government money being absorbed into the borrowing market, as a result of putting a trillion dollars in borrowed money out there, that it crowds out private investment. That will have a negative impact on GDP. We know in advance the amount of money we are talking about will have a detrimental effect on GDP. If we are wrong about the positive benefits of the legislation, it could have a very detrimental effect.

That is not even to discuss the impact on the value of the dollar and the value of U.S. debt that other countries have in the past been willing to buy but in the future may well not be willing to buy. In that event, this becomes a much more expensive proposition for the taxpayer. It is for my children and my grandchildren and all the rest of the younger generation who will have to suffer the consequences of that borrowing, either through a lower standard of living, a lower GDP or increased taxes or inflation that robs everybody of what they earn and is particularly tough on people who are retired and have relied on savings for their livelihood.

The impacts of being wrong could be significant. It isn't the case that just because we spend money, it is a good thing, that just because we spend money, jobs will be created. Some will, no question. Some will be saved. But is it the most efficient and effective way to do it when you are talking about this much money? We should not be willing to just throw the dice and hope that we don't make a mistake.

I urge my colleagues, those who will be participating in the conference committee, to recall the words of one of the people who was involved in the compromise legislation, who criticized the House bill as a Christmas tree upon which every Member had virtually his or her favorite project. It was bloated, expensive, and ineffective. Those were her words. She is correct. That was the House bill at $827 billion. The Senate bill is now $839 billion, more than the House bill. The earmarks are still in there. The inefficiencies are still there. The wasteful spending is still there. At some point if this bill is going to be improved, all of that has to come out.

I challenge those who will be in the conference committee: Be brave, be courageous. Don't feel you have to stick with what passed the House or Senate. Consider what the President said originally with respect to how this legislation should be created and be willing to improve on it. You will not only do something the American people will very much appreciate, you will be doing something good for the country and certainly for future generations. I urge my colleagues to consider strongly the Republican suggestions. Because at the end of the day, it is not a choice between doing nothing and only this bill. A billion dollars a page is spent in this bill. Surely, there are ways to improve it. For anyone who says this is a choice between those who want to do nothing and those who support this legislation, no, that is not true. It is a choice between those of us who want to do this intelligently and those who have a challenge in front of them as to whether they want to improve the bill.

I hope they will join some of us in trying to see to it that this legislation is less expensive, less wasteful, more efficient, and will actually stimulate the economy.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I rise today to add my voice to those who feel the urgency of our economic crisis.

I don't need to repeat all of the arguments that have been made this week and last. All Senators can see with their own eyes that this is the greatest economic challenge we have faced since the Depression.

But we have the advantage of history. History shows us that in times of crisis, government must act decisively.

Where Herbert Hoover didn't, jobs and livelihoods crumbled. Where Franklin Roosevelt did, American families got a new chance at the security and dignity of work.

Now, once more, we must act.

This economic crisis is enormously complicated, and no economist can truthfully claim to know the full measure of our challenges. But, in a sense, it is simple.

Consumer spending makes up two-thirds of our economy.

With falling home prices, plummeting retirement accounts, and vanishing jobs, American consumers have less and less to spend. As the consumer economy shrinks, workers are laid off and savings accounts dwindle, causing those consumers to spend even less.

Consumers have stopped spending, banks have stopped lending, businesses are laying off workers. The private sector is shrinking.

Only the Federal Government can fill the gap. Only the Federal Government has the ability to put enough money back into the economy to turn our economy around. Only the Federal Government is big enough.

This is no excuse for wasteful and careless spending, and that is why I have pushed for more accountability in how we spend this money.

I supported increasing funding for our inspectors general and conducting a review of how well they are doing their job.

I have worked to make State spending more accountable and to restore reason to compensation for executives whose companies the taxpayers have kept afloat.

The American people have a right to know where all this money is going, and we in the Congress have a duty to do all we can to crack down on fraud and abuse.

I also remind my colleagues that we need to act quickly.

The longer we delay, the more families lose their livelihoods, their health care, their sense of security. The longer we wait, the deeper this hole gets, and the harder it will be to get out of it.

As the President so eloquently reminded us last night, job losses are accelerating. In the last year, we have lost 3.6 million jobs—and half of those were in the last 3 months. In January, we lost 20,000 a day.

The longer we wait, the worse things will get. The longer we wait, the more it will take to turn our economy around. We can't afford to wait any longer.

I support the American Recovery and Reinvestment Act, because I believe we need to act soon. It will create 4 million jobs, and that is what this package should be about: jobs, jobs, jobs.

I believe that this is a good bill, but I wish to offer a couple of thoughts about how we could make it better.

As we go forward on conference negotiations with the House, I urge my colleagues to restore the education and State stabilization funding that was removed from the bill.

Because of the collapsing economy, my State of Delaware is facing a budget shortfall of $600 million, 20 percent of the State budget. The new Governor, Jack Markell, is staring at tremendous budget cuts if we do not act, when fully a third of the State budget goes to education.

That is why I hope my colleagues will find a way to restore the education funding and State stabilization funding that was removed. I hope they will help Governor Markell and the 49 other Governors. Both the education funding and the State stabilization funding affect the ability of states to keep teachers in the classroom and to repair, renovate, and construct schools. These school construction projects not only create—and save—jobs, but are also good long-term investments for our children and grandchildren.

For too long, I have heard stories of children in crumbling schools, with outdated textbooks and outdated computers, if they have any. To give our children a fair chance, to compete with the rest of the world, to keep America's economic future bright, we must make a downpayment now.

And in education, we have a downpayment that can create jobs now. In my State of Delaware alone, $68 million of shovel-ready school construction projects are awaiting our help.

I will close, Mr. President, with this thought. Our children, if they could speak with one voice, want only what all Americans want: a fair shot, a fighting chance, an equal opportunity.

The people I talk to in Delaware just want a chance. They are willing to work hard, and they have. They are willing to play by the rules, and they have. They want to save for tomorrow. In return, all they ask is a job they can rely on, a home for their families, and a government that will help them out when they need a hand.

The Senate bill focuses on keeping and restoring jobs. It will begin the task of slowing and reversing our economic troubles, and I hope we can get a final bill to the President soon.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO CALL OF THE CHAIR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 4:13 p.m., recessed subject to the call of the Chair, and reassembled at 4:48 p.m. when called to order by the Presiding Officer (Mr. BEGICH).

HONORING OUR ARMED FORCES

SERGEANT EZRA DAWSON

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of SGT Ezra Dawson from Las Vegas, NV. Ezra was thirty-one years old when he lost his life on January 17, 2009, from injuries sustained from a helicopter crash in Konar Province, Afghanistan.

Today, I join Ezra's family and friends in mourning his death. Ezra will forever be remembered as a loving brother, son, and friend to many. Ezra is survived by his devoted wife Starlia Dorsey-Dawson of Las Vegas, NV; his stepdaughter Diamond Dorsey, also of Las Vegas, NV; his mother Eva McQuarters, of Indianapolis, IN; his sister Atarah Wright, of Oklahoma City, OK; and a host of other friends and relatives.

Ezra joined the Battalion Reconnaissance Platoon, Headquarters and Headquarters Company, 1st Battalion, 26th Infantry Regiment, of Fort Hood, TX, in January 2008. He served as a junior scout and sniper team member, and as a leader for a reconnaissance team in the Korengal Valley.

For his valiant service, Ezra was awarded the Bronze Star, Purple Heart, Army Achievement Medal, Army Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal, Global War on Terrorism Service Medal, Korea Defense Service Medal, NATO Medal, Army Service Ribbon, Overseas Service Ribbon and Combat Infantry Badge.

While we struggle to express our sorrow over this loss, we can take pride in the example Ezra set as both a soldier and a father. Today and always, he will be remembered by family and friends as a true American hero, and we cherish the legacy of his service and his life.

It is my sad duty to enter the name of Ezra Dawson in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. I pray that Ezra's family can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Ezra.

MONEY LAUNDERING CONTROL ENHANCEMENT ACT OF 2009

Mr. BAYH. Mr. President, yesterday I joined with Senator GRAHAM in introducing the Money Laundering Control Enhancement Act of 2009. This bill would clarify congressional intent and ensure that federal prosecutors are able to more effectively fight money laundering and terrorism financing.

In particular, this bill would overturn the Supreme Court's narrow and confusing decision in United States v. Santos and clarify that, as used in the Money Laundering Control Act, the term ''proceeds'' refers to the total receipts—not simply the profits—of an illegal activity. To interpret this statute differently, as the Santos decision suggests we should, would create needless problems of proof and unfairly burden prosecutors. In a world where criminals and terrorists are constantly developing new and more sophisticated ways to hide and launder dirty money, it does not make sense to require prosecutors to prove that these dangerous criminals generated a profit from their illegal activities. Alternatively, interpreting the term ''proceeds'' in a way that encompasses all of the funds received by these individuals would ensure that federal law is consistent with the United Nations Convention Against Transnational Organized Crime, the Model Money Laundering Act, and money laundering statutes in the fourteen states that use and define the word ''proceeds.''

At a time when both our economic and national security are being threatened, it would be a grave mistake to underestimate the threat posed by money laundering. The most recent National Money Laundering Strategy, which was developed jointly by the Departments of Treasury, Justice, and Homeland Security, states that ''Money Laundering, in its own right, is a serious threat to our national and economic security. Integrating illicit proceeds into the financial system, enables organized crime, fuels corruption, and erodes confidence in the rule of law.'' In the face of such a threat, we must provide our hard-working law enforcement officials with the tools they need to bring these criminals to justice.

I have great respect for our Supreme Court. But sometimes, as in the case before us, they misinterpret congressional intent. In those situations, particularly when important issues like money laundering are involved, it is incumbent upon Congress to take corrective action. I hope that my colleagues will join me in supporting this legislation.

BLACK HISTORY MONTH

Mr. FEINGOLD. Mr. President, this year's Black History Month comes at a remarkable time that will be marked in the history books for generations to come. The inauguration of our Nation's first African-American President, Barack Obama, and confirmation of the first African-American Attorney General, Eric Holder, demonstrate our Nation's boundless capacity to change. All Americans have great cause to celebrate during this year's Black History Month our groundbreaking progress.

As Civil rights icon Representative John Lewis observed, ''When he [President Obama] was born, people of color couldn't register to vote in many quarters of the deep South.'' Now, an African-American holds the most distinguished elected position in our country—President of the United States of America. This month is a time to reflect on the distance we have traveled, and the civil rights we have successfully fought for, in just one generation.

But it is also not a time to become complacent. Americans still encounter injustices solely because of their background or the color of their skin. There still exist large and unacceptable disparities in the opportunities afforded many Americans for good education, health care, employment, and more. Black History Month provides an opportunity for Congress to remember that addressing these injustices and disparities must be an important goal for Congress in the years ahead.

So this month let us reflect on our past triumphs, take note of this significant historical moment for our Nation, and look forward to an even brighter future as we continue working to ensure equality for all Americans.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

In response to your request for personal experience with the rising energy costs, I write not to whine, but to share concern. I live in Caldwell and work in Boise, near the airport, which quickly adds up to well over 400 driving miles a week just in commuting and equates to one full tank of gas, if I am lucky. I have done the research: public transportation is not an option from Caldwell or Nampa into Boise to our off-the-beaten-path work location. I work in non-profit, assisting others in worse situations than myself, which does keep rising energy costs ''in perspective,'' however, concern is fast approaching.

Because I work in non-profit, I cannot afford to live any nearer to work, though. I really do not make that little of money—13.46/hr., which is, of course, much higher than the minimum wage. The problem for me is realizing how much is going out in taxes. My paycheck for 80 hours is $1,077, which is quite doable for a single resident, but my gross wage is $796. That is $562 every month; a lot of money that could either go toward the rising food, utility or gas costs or allow me to live closer to where I work.

People looking to the government for more handouts will only continue to cripple the system. There are so many agencies with waiting, open arms to assist people in need of finding work or housing—like my agency. Cut taxes—help the working, taxpaying citizens stay on their feet and out of homeless shelters and local food pantries.

JEN, *Boise.*

Thank you for taking the time to hear my concerns regarding the impacts of higher fuel and energy costs on me. As fuel prices have risen, I have had to start thinking about where I need to go and what my routine will be for the day before getting in the truck. Gone are the days when I would drive 15 miles to the next town to have lunch with someone. Nowadays, I have started riding my bike to work, bought a motorcycle, and even took a different job closer to my house; all in an effort to reduce my fuel expenses. The motorcycle even gets 5x the MPG that my truck does. As a result of all of this, I now drive my truck less than 10K miles per year and have lost 15 lbs just this spring/summer alone. I go to bed earlier, watch less TV, wake up earlier, and generally am happier and have more energy due to the added exercise that I am getting.

I feel horrible for not driving my truck everywhere, but I just cannot afford it. I do hope that that does not make me any less patriotic. I applaud your efforts at trying to get Congress to understand that the only way back to cheap gas (at least for 10 years or so) is to start drilling and pumping crude in Alaska, Utah, Colorado, Montana, Idaho, and any other state that might have some oil under the earth. We need to get every last drop of oil we can from under our own country. We should leave no patch of earth untapped. We must get it all. We need it. It is the only way to protect my right to $1.20/gallon gasoline prices and continue my Godgiven way of life here in America.

Thanks again for doing a great job.

GREG.

Thank you so much for taking an interest in our energy problems. My husband and I spend $700–$800 per month in fuel cost. In addition to that our home is heated by heating oil. This winter our oil bill was about $250 per month. If prices keep rising our heating costs this winter may soar to $350 per month. My husband and I are doing our best to commute when possible. However, our work schedule only allows for this twice a week. I have a son with medical problems that make it difficult for me to take the commuting van as I may have to get home at odd times for him.

I am not educated enough on our fuel issues. However, I feel that there must be answers and solutions. The fuel is affecting the costs of everything. We are headed for a recession unless something is done quickly. I believe that drilling for oil within our own nation is a must. That will not solve our immediate problems, but we need to be looking long term, too. I think that the oil companies need to be held to a level of profits when it comes to increasing prices. I also feel that the Treasure Valley must have some sort of public transportation system. This needs to be started soon. Not only will this help with our energy costs, but also with air quality. That would be a system I could use as I would be able to access it any time. I realize that a lot of these solutions require large amounts of money, but the federal government needs to step in.

Thank you, again, for taking time for public comments. I appreciate all you do for the citizens of Idaho.

WENDY.

''Gas prices are too high'' is a response not worthy of your staff's time and energy. We already know that. The question I have is, ''why''? I think several things are going on here.

First, speculation/profit taking. People are trying to make exorbitant profits at the expense of not just Americans, but everyone whose fuel ticket is written by the cartels. The oil companies are making record profits on top of record profits. Where is the re-investment in refining capability, exploration, and improved distribution? Americans are feeling like these companies are thumbing

their collective corporate noses at us, the customer. All the while, prices on everything affected by the cost of a barrel of oil keep increasing.

Second, we are a society built on cheap energy. That is clear. It is unreasonable to expect that to continue indefinitely. At the same time the process of weaning us away from these cartels' stranglehold is forced upon us. I think that we are placing our very existence as Americans into someone else's control.

We need to do what we can here to mitigate this immediate and forced situation. We can become energy independent, but that is going to take time. In the meantime, we need to explore other avenues to keep us an independent nation, and get us out from under the foot of countries whose only concern for America is that we keep buying their oil so that they can remain rich and expand their interests. Some of these countries are, at the core, anti-American.

How did we get here? Greed. Across the board! Let us not let the lobbies dictate what they think is best for this nation, unless it is. And our governmental branches need to get a handle on this, or this brink of crisis position we find ourselves in is going to result in some very difficult times for a long, long, time. For some families, it already is dire right now. I would also like to say that predicating our future actions on the basis of some ''environmental catastrophe'' where there is not good science to back it up, is, at the very least, foolhardy. Again, too few people are making bad policy for this nation, and in many cases our elected leadership is listening to, and falling for it. Enough.

Last, but certainly not least, we need to begin looking at all of our sources of energy, and not ruling any out at this point. An energy policy that is coherent, supportable, and that makes sense for the short and long haul are absolutely necessary. We can get to more environmentally sanctioned energy sources, but this is a time of transition. It is not the time for dawdling, and that option has long since passed. Throwing money at this is not the answer either. This whole situation is approaching critical proportions, and if we do not start to do some forward-thinking, our economy, security and future existence are potentially at risk. Let us not let that happen. We are standing before the slippery slope. What are we going to do? I am afraid that the executive branch for the next few years is not going to help this situation either. So it falls back to the people and those who represent them. We have you there because we believe that you are in a position to make the hard calls that will make the United States a better nation in the long run, and protect her interests. You and all of the others in Congress have taken oaths to support, protect, and defend this nation. I believe, at this juncture, that you still want to do that. Make Idahoans proud of your initiatives and just do what is right. God, help us all.

BYRON, *Mountain Home AFB.*

I am late with this response. I feel we need to build more refineries in this country. Access to oil is not as much of a problem as being able to refine it for our uses. They try and tell us it costs too much to get it out of the ground. What is better self reliance or dependency on others?

Our elected officials have too many fingers in the pie, and we need to get rid of all lobbyists and let the voters decide what is best for our country's welfare. There is no quick fix for the troubles we are in, except for bringing control of our self sufficiency back to our country instead of relying on other countries. We have what we need here. Two problems: government and greed.

RAY.

Disabled Vietnam vet. Have to spend most of my time sitting at home, cannot afford to go anywhere. Price of food getting so high, cannot afford to eat what I want.

When are we going to start charging OPEC higher prices for what they need to survive? [Perhaps] halt their supply of food for a few months. Get their loaf of bread up to our price of gas, and make them scream ''uncle.''

JERRY, *Athol.*

I am the Sheriff of Payette County. I was given this e-mail address to write concerning the high fuel costs and the impact it has on our community safety.

The Payette County Sheriff's Office has approximately 20 cars in the fleet, most of them being patrol vehicles. I budgeted $62,000 for fuel this fiscal year. I determined this amount using $3.25 per gallon of gasoline and the average amount of fuel we use monthly/yearly. The average fuel bill for the fleet was $3,500 a month. Since the soaring of fuel prices, it is approximately $5,000 a month and still climbing. I have asked for $95,000 to cover FY2009.

I have made some minor changes to patrol procedures by limiting the amount of miles put on the cars in a shift. Handling ''calls for service'' by telephone if possible, rather than driving a patrol car to the complainant's residence, etc. There are still more limitations I may implement if need be.

Obviously, this affects the safety of the community if deputies are not able to actively patrol and deter criminal activity. Since taking office in 2005, our crime rate has gone down and our solve rate has gone up. These statistics prove we are doing a better job at being proactive and taking criminals off the street. I worry about the safety of this community and my statutory duty to protect and serve.

I am in support of expanding our domestic production of petroleum. We need some relief ASAP. The support from your office is greatly appreciated.

CHAD, *Payette.*

I am like a lot of Americans, I have to drive. Carpooling, mass transit, bicycles or skateboards are not going to help me. I am a sales rep, and I have to drive as does everyone else in my office. This is a crisis that did not have to happen. The environmentalists got their way and have damaged the economy and security of this country. Let us drill now. Just announcing that we are going to drill and build nuclear plants will drop the price of crude. No one believes we will. Get this done. It is critical.

TOM.

If we are serious about saving gas, we need to do two things: (1) Slow down. . .driving 55–60 mph rather than 70–80 mph will save gas and substantially reduce demand, and (2) Better regulate speculation of oil futures. There are about 10,000 offshore drilling permits that have been issued but that are currently not being used, so the oil companies obviously aren't highly motivated to explore. We all have hardship stories. What we need is action at your level.

CHUCK, *Boise.*

My family and I have had to curtail some of our planned and/or camping trips this summer because of the cost of fuel. I had planned on going camping this summer for a few days but now I have to change my plans so I will have enough fuel to get back and forth to work.

I am a retired (credited with 38 years service) and a disabled military veteran. I was injured in Vietnam and then again in Desert Storm. I do not get much from my retirement ($501) after they take my disability and taxes from it so I have to keep working along with my wife so that we can afford to have a home and be able to eat.

I agree with the President that we have to drill off the coast and in ANWR along with coming up with alternate fuel.

JOHN.

Just a short message—thank you for your attention to this matter, Senator Crapo. This whole thing is a big lie. We are one of the richest nations in energy and reserves. We do have the resources and there is no shortage. It is all there and it has been proven and everyone knows it, so what are not we tapping into it?

Other countries are controlling us because we depend on them. And the other thing is that a few tree huggers here are able to shut us down as far as tapping into our own reserves. That is just not right and has to stop now.

This problem has not happened overnight and cannot be fixed overnight, but changes can be made and should be made now, so we can start heading in the right direction. It will take time but it needs to start now. The government needs to step up to the plate now and so does each state, including Idaho, and put a stop to this wrong that is being done to each of us.

Thank you for your time and attention and please be a doer and not just a hearer.

LYLE, *Meridian.*

I live in Nampa, where the price of gas has not yet $4.50. I know in other parts of the country it is well above that. While it may be a good idea to have alternative flue sources, that is still a long while coming. The immediate solution is to drill for our own oil. Both in ANWR, and in the Gulf of Mexico. I mean if the Chinese are going to drill for it in the gulf we might as well to. Better that we get some of that oil than none.

Bottom line we have our own oil why are we buying it from others at outrageous prices?

ERIC, *Nampa.*

My suggestion to help save energy is to bring back the Amtrak line from Salt Lake City to Portland.

LORI, *Nampa.*

This is a response to your email soliciting ''stories'' about the effects of the high price of gasoline on Idahoans.

I lived and worked in Colorado from 1969–77, and in Los Angeles from 1977–2004. I began visiting Idaho around 1979, and moved to Hailey in 2004—in large part, because it reminded me of Colorado in the 1970s: a beautiful natural landscape, appreciated by many locals and visitors.

This country has been on a gas–guzzling binge for fifty years. I am sick and tired of hearing people complain about the cost of gas, driving solo in their inefficient cars, and unwilling to carpool or contribute towards mass transit options.

We do not need to expand domestic petroleum production. We need to learn conservation and seek alternative energy sources.

The ''God–given right'' to tear up the landscape for oil and selfish–use is at the heart of what is wrong with people and their mind–set on a global scale.

Wake up and smell the coffee.

I dare you to share this email (uncensored) with your Senate colleagues.

MARK, *Hailey*.

I have been commuting to Boise from Caldwell since 1988. I now spend approximately $400 per month on gas. I drive a mid–sized car and am unable to carpool because of my work hours, which vary. I never know if I am going to have to work late or not. There are no other options for me. So, because of the fuel prices, all I buy are groceries and gas. The US should look into more nuclear power, alternative fuel sources such as hydrogen and increase drilling in this country. For years, I worked in the Utah area where they drilled and capped numerous wells. As far as I know, those wells are still capped. Why aren't we using more domestic oil? Alaska is supposed to contain lots of oil, but we do not drill there. I believe that in this day and age, it would be possible to drill without excessive damage to the environment.

KATHY.

I understand you are seeking a response to the energy issue. We the people of the U.S. and Idaho have a responsible to make sure that when we obtain our natural resources we make sure it is done environmentally proper or as best as possible as the times dictate.

We should drill domestically offshore and on land, with the addition of building refineries to coup with the domestic demands. We should conduct other alternatives as well while we are drilling as well. The U.S. government should have incentives in place for developers, manufacturers and consumers for the alternative energy, i.e. tax credits that we have for hybrid auto.

Thanks for taking time in reading this note.

JOSEPH, *Eagle*.

As a resident of the outlying area of Clearwater County, the price of gas is wreaking havoc. The prices on goods in Orofino have risen dramatically. People go to Lewiston a lot to shop, but that has become prohibitive also. The economy in general is taking a hit because it is costing the timber companies an arm and leg to haul logs, therefore it is trickling down to the other businesses. Recreation is being hit because people cannot afford the fuel. Something has to be done. As a country we need to band together to help conserve energy, and reduce our dependence on foreign oil sources. It seems to be yet another case of the rich getting richer, and the poor getting poorer. What would happen to this nation if for one week, nothing moved? No food was hauled, no freight was moved, no gasoline was purchased. For the first time in my lifetime, I fear that a depression is nearing. I have to wonder if anyone has the power to fight this, or are we too late?

CRISTINE, *Orofino*.

ADDITIONAL STATEMENTS

REMEMBERING LANI SILVER

• Mrs. BOXER. Mr. President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of a remarkable woman, Lani Silver. Lani was a passionate activist, oral historian, journalist, filmmaker, speaker, and artist who passed away January 28, 2009.

Lani was born on March 28, 1948, in Lynn, MA. Shortly after she was born, her family moved to San Francisco. When she was 19, Lani traveled to South Africa, where she observed the awful impacts of apartheid. Lani was profoundly affected by this experience, and when she returned to San Francisco she began what was to become a lifetime commitment to progressive causes.

In 1981, Lani founded the Holocaust Oral History Project. Over the next 20 years she recorded over 1,700 oral histories, with over 1,400 Holocaust survivors and witnesses. Lani also served as a consultant to Steven Speilberg's Shoah Foundation, which recorded 53,000 Holocaust survivor oral histories. Thanks to Lani's vision and determination, these valuable stories were not lost forever.

Lani's commitment to social justice took many forms. In 2006 she cowrote and produced an opera about Yukiko Sugihara, a Japanese diplomat in Lithuania who, during World War II rescued thousands of Jews during the Holocaust by hand-writing visas against the orders of the Japanese Government. Lani also organized events, exhibits, and media campaigns around the world to honor Sugihara and make sure his important story would not be forgotten.

In 2000, Lani founded the James Byrd Jr. Racism Oral History Project, in honor of James Byrd, Jr., who was brutally murdered in Jasper, TX, in 1998 by three White supremacists. The project has recorded 2,500 oral histories on racism in America with participants from the San Francisco Bay area, Jasper, and Houston, TX.

Lani's many contributions have not gone unrecognized. In 1996, Lani received the Woman of the Year award from KQED public television and radio, and in 2003 she received the Alumni of the Year award from the City College of San Francisco.

Lani stood out as a driven activist who cared for her community deeply and will be remembered by friends and colleagues as earnest, humble, and dedicated to the ongoing fight for equality and fairness. Her optimism, dedication, and courage are reflected by the thousands of individuals whose lives she has enriched and improved. We will always be grateful for Lani's example of passionate activism.

Lani is survived by sisters Lori Silver and Lynn Jacobs; nieces Sara Silver Jacobs, Brette Silver Jacobs, and Lauren Shaber; nephews Jose Jacobs and Justin Shaber, and brother-in-law Syd Shaber. Our hearts go out to Lani's family and friends during this difficult time.•

MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 912. An act to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 912. An act to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–560. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Exemption From Registration for Certain Firms With Regulation 30.10 Relief'' (RIN3038-AC26) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–561. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the Department's 2009 Report on Foreign Policy-Based Export Controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–562. A communication from the Director, Federal Housing Finance Agency, transmitting, pursuant to law, an annual report relative to competitive sourcing activities during fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–563. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Rules for Nationally Recognized Statistical Rating Organizations'' (RIN3235-AK14) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–564. A communication from the General Counsel, Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Capital Classifications and Critical Capital Levels for the Federal Home Loan Banks'' (RIN2590-AA21) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–565. A communication from the General Counsel, Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Portfolio Holdings'' (RIN2590-AA22) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–566. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, a report entitled ''Report on

the Taxation of Social Security and Railroad Retirement Benefits in Calendar Years 1997 through 2004''; to the Committee on Finance.

EC–567. A communication from the Deputy Assistant Secretary, Human Capital, Performance, and Partnerships, Department of the Interior, transmitting, pursuant to law, an annual report relative to the Department's competitive sourcing activities during fiscal year 2008; to the Committee on Finance.

EC–568. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Geographic Variation in Drug Prices and Spending in the Part D Program''; to the Committee on Finance.

EC–569. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Visas: Documentation of Immigrants under the Immigration and Nationality Act, as Amended: Electronic Petition for Diversity Immigrant Status'' (RIN1400-AB84) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Foreign Relations.

EC–570. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, a report relative to the designation of countries of particular concern and a Memorandum of Justification; to the Committee on Foreign Relations.

EC–571. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau of Economic Growth, Agriculture & Trade, received in the Office of the President of the Senate on February 9, 2009; to the Committee on Foreign Relations.

EC–572. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Family Violence Prevention and Services Program for fiscal years 2005–2006; to the Committee on Health, Education, Labor, and Pensions.

EC–573. A communication from the Deputy Director of the Office of Labor-Management Standards, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Labor Organization Annual Financial Reports'' (RIN1215-AB62) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–574. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, an annual report relative to the Commission's competitive sourcing activities during fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–575. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–576. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a report relative to mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel; to the Committee on Homeland Security and Governmental Affairs.

EC–577. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled ''Status of Telework in the Federal Government''; to the Committee on Homeland Security and Governmental Affairs.

EC–578. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled ''Federal Equal Opportunity Recruitment Program Report for Fiscal Year 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–579. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Security Privacy Office; to the Committee on Homeland Security and Governmental Affairs.

EC–580. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, an addendum to the United States Department of Homeland Security Other Transaction Authority Report to Congress, Fiscal Years 2004–2007; to the Committee on Homeland Security and Governmental Affairs.

EC–581. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005-29'' (FAC 2005-29, Amendment-2) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–582. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–524, ''Title 22 Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–583. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–536, ''Firearms Control Temporary Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–584. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–576, ''Property and Casualty Actuarial Opinion Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–585. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–577, ''Benning-Stoddert Recreation Center Property Lease Approval Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–586. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–578, ''Contract No. DCAM–2007–C–0092 Change Orders Approval and Payment Authorization Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–587. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–579, ''New Town Boundary Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–588. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–580, ''Rhode Island Avenue Metro Plaza Revenue Bonds Approval Temporary Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–589. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–581, ''New Convention Center Hotel Temporary Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–590. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–582, ''Real Property Tax Benefits Revision Temporary Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–591. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–583, ''SOME, Inc. Technical Amendments Temporary Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–592. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–584, ''Adoption and Safe Families Continuing Compliance Temporary Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–593. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–585, ''Neighborhood Supermarket Tax Relief Clarification Temporary Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–594. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–586, ''Washington Metropolitan Area Transit Commission District of Columbia Commissioner Temporary Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–595. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–588, ''Fiscal Year 2009 Children and Youth Investment Trust Corporation Allowable Administrative Costs Increase Temporary Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–596. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on

D.C. Act 17–589, ''Utility Line Temporary Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–597. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–590, ''University of the District of Columbia Board of Trustees Temporary Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–598. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–591, ''Vehicle Towing, Storage, and Conveyance Fee Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–599. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–592, ''Protection of Students with Disabilities Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–600. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–605, ''Ward 4 Neighborhood Investment Fund Boundary Expansion Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–601. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–606, ''Pharmacy Practice Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–602. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–607, ''Close Up Foundation Sales Tax Exemption Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–603. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–608, ''Adverse Event Reporting Requirement Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–604. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–609, ''Closing of a Portion of a Public Alley in Square 1872, S.O. 05–2617, Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–605. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–610, ''Closing of a Public Alley in Square 375, S.O. 06–656, Clarification Temporary Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–606. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–611, ''Inclusionary Zoning Final Rulemaking Temporary Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–607. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–612, ''Veterans Appreciation Scholarship Fund Establishment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–608. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–613, ''Smoke and Carbon Monoxide Detector Program Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–609. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–618, ''Anti-Littering Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–610. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–619, ''Historic Motor Vehicle Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–611. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–620, ''Insurance Coverage for Emergency Department HIV Testing Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–612. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–621, ''Debris Removal Mutual Aid Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–613. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–622, ''Washington Metropolitan Area Transit Commission Composition Amendment Act 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–614. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–623, ''Abatement of Nuisance Properties and Tenant Receivership Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–615. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–624, ''School Safety and Security Contracting Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–616. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–625, ''Retired Police Annuity Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–617. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–626, ''Solid Waste Disposal Fee Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–618. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–627, ''Langston Hughes Way Designation Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–619. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–629, ''Targeted Ward 4 Single Sales Moratorium and Neighborhood Grocery Retailer Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–620. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–630, ''Public Schools Hearing Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–621. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–631, ''Fiscal Year 2009 Balanced Budget Support Temporary Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–622. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–632, ''Boys and Girls Clubs of Greater Washington Plan Repeal Temporary Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–623. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–634, ''Juvenile Speedy Trial Equity Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–624. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–635, ''Duke Ellington Way, Chuck Brown Way, and Cathy Hughes Way at the Howard Theater Designation Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–625. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–636, ''Reverend Dr. Luke Mitchell, Jr. Way Designation Act of 2008'' received in the Office of the President of the

Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–626. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–637, ''Dr. Ethel Percy Andrus Designation Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–627. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–638, ''Taxation Without Representation Street Renaming Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–628. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–639, ''Dr. Purvis J. Williams Auditorium and Athletic Field Designation Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–629. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–640, ''Hal Gordon Way Designation Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–630. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–641, ''Appointment of the Chief Medical Examiner Temporary Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–631. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–642, ''Day Care and Senior Services Temporary Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–632. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–655, ''Prohibition of the Investment of Public Funds in Certain Companies Doing Business with the Government of Iran and Sudan Divestment Conformity Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–633. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–656, ''Bolling Air Force Base Military Housing Real Property Tax Exemption and Equitable Tax Relief Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–634. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–657, ''New Convention Center Hotel Technical Amendments Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–635. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–658, ''Asbury United Methodist Church Equitable Real Property Tax Relief Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–636. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–659, ''Closing of a Public Alley in Square 617, S.O. 07–9709, Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–637. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–660, ''Rhode Island Avenue Metro Plaza Revenue Bonds Approval Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–638. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–661, ''Bud Doggett Way Designation Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–639. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–662, ''Closing of a Public Alley and Extinguishment of a Public-Alley Easement in Square 749, S.O. 07–8916, Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–640. A communication from the Chairman, National Indian Gaming Commission, transmitting, pursuant to law, a report entitled ''Strategic Plan for Fiscal Years 2009–2014''; to the Committee on Indian Affairs.

EC–641. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, a report of action on a nomination for the position of Director of National Intelligence, received in the Office of the President of the Senate on February 9, 2009; to the Select Committee on Intelligence.

EC–642. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report entitled ''Report to the Congress on the Refugee Resettlement Program''; to the Committee on the Judiciary.

EC–643. A communication from the Senior Counsel, Federal Bureau of Investigation, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''National Motor Vehicle Title Information System (NMVTIS)'' (RIN1110–AA30) received in the Office of the President of the Senate on February 9, 2009; to the Committee on the Judiciary.

EC–644. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Combat Methamphetamine Epidemic Act of 2005: Fee for Self-Certification for Regulated Sellers of Scheduled Listed Chemical Products'' (RIN1117–AB13) received in the Office of the President of the Senate on February 9, 2009; to the Committee on the Judiciary.

EC–645. A communication from the Deputy Under Secretary and Deputy Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes to Representation of Others Before the United States Patent and Trademark Office; Correcting Amendments'' (RIN0651–AB55) received in the Office of the President of the Senate on February 9, 2009; to the Committee on the Judiciary.

EC–646. A communication from the Deputy Under Secretary and Deputy Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes in Requirements for Signature of Documents, Recognition of Representatives, and Establishing and Changing the Correspondence Address in Trademark Cases'' (RIN0651–AC26) received in the Office of the President of the Senate on February 9, 2009; to the Committee on the Judiciary.

EC–647. A communication from the Deputy General Counsel, Office of Credit Risk Management, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Lender Oversight Program'' (RIN3245–AE14) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Small Business and Entrepreneurship.

EC–648. A communication from the Deputy General Counsel, Office of Portfolio Management Division, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Debt Collection; Clarification of Administrative Wage Garnishment Regulation and Reassignment of Hearing Official'' (RIN3245–AF72) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Small Business and Entrepreneurship.

EC–649. A communication from the Deputy General Counsel, Office of Policy and Strategic Planning, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Energy Efficiency Program'' (RIN3245–AF75) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Small Business and Entrepreneurship.

EC–650. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules Relating to Reparation Proceedings'' (RIN3038–AC59) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–651. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's plan to conduct a streamlined A–76 competition of aircraft maintenance functions; to the Committee on Armed Services.

EC–652. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost for the VH–71 Presidential Helicopter Replacement Program; to the Committee on Armed Services.

EC–653. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, a report relative to the Commission's competitions in fiscal year 2008 and 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–654. A communication from the Associate General Counsel for Legislation and

Regulations, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Public Housing Operating Fund Program: Increased Terms of Energy Performance Contracts'' (RIN2577–AC66) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–655. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Prohibition on Use of Indian Community Development Block Grant Assistance for Employment Relocation Activities; Final Rule'' (RIN2577–AC78) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–656. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Civil Money Penalties: Certain Prohibited Conduct'' (RIN2501–AD23) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–657. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Real Estate Settlement Procedures Act (RESPA): Rule To Simplify and Improve the Process of Obtaining Mortgages and Reduce Consumer Settlement Costs; Deferred Applicability Date for the Revised Definition of 'Required Use' '' (RIN2502–AI61) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–658. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments'' ((Docket No. 30646)(Amendment No. 3303)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–659. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''2008 Rates for Pilotage on the Great Lakes'' (RIN1625–AB23) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–660. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Saugus River, Lynn, MA'' ((RIN1625–AA00)(Docket No. USCG–2008–1026)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–661. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Clovis, New Mexico'' (MB Docket No. 08–132) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–662. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2009 Gulf of Alaska Pollock and Pacific Cod Total Allowable Catch Amounts'' (RIN0648–XM48) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–663. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer'' (RIN0648–XM32) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–664. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2009 Bering Sea Pollock Total Allowable Catch Amount; Correction'' (RIN0648–XM47) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–665. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Amendments to the Spiny Lobster Fishery Management Plans for the Caribbean and Gulf of Mexico and South Atlantic'' (RIN0648–AV61) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–666. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 14'' (RIN0648–AU28) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–667. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Pacific Tuna Fisheries; Revisions to Regulations for Vessels Authorized to Fish for Tuna and Tuna-like Species in the Eastern Tropical Pacific Ocean and to Requirements for the Submission of Fisheries Certificates of Origin'' (RIN0648–AV37) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–668. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the NET 911 Improvement Act of 2008'' (WC Docket No. 08–171) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–669. A communication from the Deputy Associate Director of Energy, Science, and Water, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the Island Creek Local Protection Project at Logan, West Virginia; to the Committee on Environment and Public Works.

EC–670. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to ecosystem restoration in the vicinity of East St. Louis, Illinois; to the Committee on Environment and Public Works.

EC–671. A communication from the Deputy Inspector General, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Annual Superfund Report to Congress for Fiscal Year 2008''; to the Committee on Environment and Public Works.

EC–672. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions'' (RIN2020–AA48) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Environment and Public Works.

EC–673. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oklahoma: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL–8767–9) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Environment and Public Works.

EC–674. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oil Pollution Prevention; Non-Transportation Related Onshore Facilities; Spill Prevention, Control, and Countermeasure Rule—Final Amendments'' (FRL–8770–7) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Environment and Public Works.

EC–675. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Endangered Status for Black Abalone'' (RIN0648–AW32) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Environment and Public Works.

EC–676. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Treatment of Corporations Whose Instruments Are Acquired By The Treasury Department Under Certain Programs Pursuant To The Emergency Economic Stabilization Act of 2008'' (Notice

2009–14) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Finance.

EC–677. A communication from the Program Manager of the Center for Medicaid and State Operations, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Premiums and Cost Sharing'' (RIN0938–AO47) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Finance.

EC–678. A communication from the Program Manager of the Center for Medicaid and State Operations, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Programs; State Flexibility for Medicaid Benefit Packages: Delay of Effective Date'' (RIN0938–AO48) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Finance.

EC–679. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009–9—2009–12); to the Committee on Foreign Relations.

EC–680. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to assistance given to Eurasia during fiscal year 2008; to the Committee on Foreign Relations.

EC–681. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, a report relative to the Corporation's employment category rating system activities for fiscal year 2008; to the Committee on Foreign Relations.

EC–682. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to competitive sourcing activities for fiscal year 2008; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself, Mr. BAUCUS, Mrs. LINCOLN, Mr. BURR, and Ms. COLLINS):

S. 402. A bill to improve the lives of our Nation's veterans and their families and provide them with the opportunity to achieve the American dream; to the Committee on Veterans' Affairs.

By Mr. LEVIN:

S. 403. A bill for the relief of Ibrahim Parlak; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. BURRIS):

S. 404. A bill to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself, Mr. BENNETT, Mr. BAYH, Mrs. BOXER, Mr. BROWN, Mr. COCHRAN, Mr. DODD, Mr. DURBIN, Mr. JOHNSON, Mr. KENNEDY, Mr. SANDERS, Mr. SCHUMER, and Mr. WHITEHOUSE):

S. 405. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 406. A bill to amend title XIX of the Social Security Act to provide Medicaid coverage of drugs prescribed for certain research study child participants; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. BURR, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. SANDERS, Mr. BROWN, Mr. WEBB, Mr. TESTER, Mr. BEGICH, Mr. BURRIS, Mr. SPECTER, Mr. ISAKSON, Mr. WICKER, Mr. JOHANNS, and Mr. GRAHAM):

S. 407. A bill to increase, effective as of December 1, 2009, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. INOUYE (for himself, Mr. HATCH, Mr. KENNEDY, Mr. CONRAD, Mr. DORGAN, and Mr. AKAKA):

S. 408. A bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 8. A joint resolution providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 9. A joint resolution providing for the appointment of France A. Cordova as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 213

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 213, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

S. 332

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 371

At the request of Mr. THUNE, the name of the Senator from Colorado (Mr. BENNET) was withdrawn as a cosponsor of S. 371, a bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

S. 388

At the request of Ms. MIKULSKI, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. THUNE), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Mr. BAUCUS, Mrs. LINCOLN, Mr. BURR, and Ms. COLLINS):

S. 402. A bill to improve the lives of our Nation's veterans and their families and provide them with the opportunity to achieve the American dream; to the Committee on Veterans' Affairs.

Ms. SNOWE. Mr. President, I rise today with Senator BAUCUS, Senator LINCOLN, Senator BURR, and Senator COLLINS to introduce the Keeping Our Promise to America's Military Veterans Act. Quite simply, my colleagues and I strongly believe that Congress must remain focused on fully supporting our veterans and their families in the 111th Congress. As we begin this new Congress, our legislative priorities should reflect the unending gratitude of the American people for the sacrifices of our veterans and their families in defending the Nation and our way of life.

To date, the war on terrorism has already generated nearly 1 million discharged veterans and their ranks will grow with nearly 300,000 new veterans per year. The Congress must not waver in our commitment of support for their service, as well as the service and sacrifices of each of our citizens who have taken that extra step and donned the uniform of this great Nation. The bill that we are introducing would express the sense of Congress that legislation should be enacted in the 111th Congress to improve the lives of our Nation's veterans and their families and provide them with the opportunity to achieve the American dream, including legislation to assure funding for medical care and for timely and accurate adjudication of all benefit claims, to assure accesses to high quality treatment for PTSD and TBI conditions, and to assure a seamless transition for veterans and their families from military to civilian life.

As we consider legislation for this Congress, I point out, for example, the problem of providing the VA health care system with funding in a timely and predictable manner. With the exception of last year, VA appropriations have historically not met this simple

standard. To correct this problem, I have supported, and will continue to support measures to make VA appropriations mandatory, or to provide advance appropriations to the VA. Neither are new budget concepts, but rather a means of achieving timely, predictable, and sufficient funding of VA health care via the current annual appropriations process. I joined with a number of senators in the last Congress, including then-Senator Barack Obama, on legislation to provide advance appropriations to the VA, and will continue to work to this end in the 111th.

Of the many challenges on which this Congress must act in the weeks and months ahead, we believe that it is imperative that we not waver in our support for our Nation's veterans and their families. I sincerely hope that my colleagues will join Senator BAUCUS, Senator LINCOLN, Senator BURR, Senator COLLINS, and me and offer their support for this important legislation.

By Mr. AKAKA (for himself and Mr. BURRIS):

S. 404. A bill to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce legislation to correct a deficiency in the law governing health care for veterans. Under current law, originally enacted on November 30, 1999, a veteran who is enrolled in VA's health care system can be reimbursed for emergency treatment received at a non-VA hospital. However, the statute only permits such VA reimbursement if the veteran has no other outside health insurance, no matter how limited that other coverage might be.

This sole payor provision means that a veteran who has any insurance is not entitled to reimbursement from VA for emergency medical treatment received at a non-VA facility. This is true even if the veteran's insurance policy does not cover the full amount owed.

The bill I am introducing would amend current law so that a veteran who has outside insurance would be eligible for reimbursement in the event that any outside insurance does not cover the full amount of the emergency care. VA would be authorized to cover the difference between the amount the veteran's insurance will pay and the total cost of care. In essence, VA would become the payor of last resort in such cases. This would keep the veteran from being burdened by exorbitant medical fees with no insurance with which to pay them.

In addition to amending current law in a prospective manner, this legislation would also allow the Secretary of Veterans Affairs to retroactively apply this law to emergency treatment received between the effective date of the current law and the date of enactment of the legislation I am introducing today.

One example of the sort of case to which this discretionary authority might apply is one that came to the Committee's attention involving a disabled Vietnam veteran who was in a serious motorcycle accident which led to a medical bill for emergency room care of over $100,000. This veteran, who lived in Illinois, had state mandated auto insurance which included a medical benefit of $10,000. Since he had this other insurance, VA was precluded from paying for his care and the veteran was personally responsible for the difference between the amount covered by his state-required policy and the total charge for his care. Had this veteran had no insurance at all, VA would have paid the entire amount.

I urge our colleagues to cosponsor this legislation and to work with me and the other members of the Veterans' Affairs Committee to address this gap in VA benefits.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Emergency Care Fairness Act of 2009''.

SEC. 2. EXPANSION OF VETERAN ELIGIBILITY FOR REIMBURSEMENT BY SECRETARY OF VETERANS AFFAIRS FOR EMERGENCY TREATMENT FURNISHED IN A NON-DEPARTMENT FACILITY.

(a) EXPANSION OF ELIGIBILITY.—Subsection (b)(3)(C) of section 1725 of title 38, United States Code, is amended by striking '', in whole or in part,''.

(b) LIMITATIONS ON REIMBURSEMENT.—Such section 1725 is further amended—

(1) in subsection (c), by adding at the end the following new paragraph:

''(4)(A) If the veteran has contractual or legal recourse against a third party that would, in part, extinguish the veteran's liability to the provider of the emergency treatment and payment for the treatment may be made both under subsection (a) and by the third party, the amount payable for such treatment under such subsection shall be the amount by which the costs for the emergency treatment exceed the amount payable or paid by the third party, except that the amount payable may not exceed the maximum amount payable established under paragraph (1)(A).

''(B) In any case in which a third party is financially responsible for part of the veteran's emergency treatment expenses, the Secretary shall be the secondary payer.

''(C) A payment in the amount payable under subparagraph (A) shall be considered payment in full and shall extinguish the veteran's liability to the provider.

''(D) The Secretary may not reimburse a veteran under this section for any copayment or similar payment that the veteran owes the third party or for which the veteran is responsible under a health-plan contract.''; and

(2) in subsection (f)(3)—

(A) in subparagraph (A), by inserting before the period at the end the following: '', including the Secretary of Health and Human Services with respect to the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.)''; and

(B) in subparagraph (B), by inserting before the period at the end the following: '', including a State Medicaid agency with respect to payments made under a State plan for medical assistance approved under title XIX of such Act (42 U.S.C. 1396 et seq.)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act, and shall apply with respect to emergency treatment furnished on or after the date of the enactment of this Act.

(2) REIMBURSEMENT FOR TREATMENT BEFORE EFFECTIVE DATE.—The Secretary may provide reimbursement under section 1725 of title 38, United States Code, as amended by subsection (a) and (b) for emergency treatment furnished before the date of the enactment of this Act if the Secretary determines that, under the circumstances applicable with respect to the veteran, it is appropriate to do so.

By Mr. LEAHY (for himself, Mr. BENNETT, Mr. BAYH, Mrs. BOXER, Mr. BROWN, Mr. COCHRAN, Mr. DODD, Mr. DURBIN, Mr. JOHNSON, Mr. KENNEDY, Mr. SANDERS, Mr. SCHUMER, and Mr. WHITEHOUSE):

S. 405. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

Mr. LEAHY. Mr. President, today we reintroduce the Artist-Museum Partnership Act, and once again, I am pleased to be joined in this effort by my good friend Senator BENNETT from Utah.

This bipartisan legislation would enable our country to keep cherished art works in the United States and to preserve them in our public institutions. At the same time, this legislation will erase an inequity in our tax code that currently serves as a disincentive for artists to donate their works to museums and libraries. We have introduced this same bill in each of the past five Congresses, and I am hopeful that this will be our year. In the past, our bill has been included in the Senate-passed version of the 2001 tax reconciliation bill, the Senate-passed version of the 2003 Charity Aid, Recovery, and Empowerment Act, and the Senate-passed version of the 2005 tax reconciliation bill. I would like to thank Senators BAYH, BOXER, BROWN, COCHRAN, DODD, DURBIN, JOHNSON, KENNEDY, SANDERS,

SCHUMER, and WHITEHOUSE for cosponsoring this non-partisan bill.

Our bill is sensible and straightforward. It would allow artists, writers, and composers to take a tax deduction equal to the fair market value of the works they donate to museums and libraries. This is something that collectors who make similar donations are already able to do. Under current law, artists who donate self-created works are only able to deduct the cost of supplies such as canvas, pen, paper and ink, which does not even come close to their true value. This is unfair to artists, and it hurts museums and libraries large and small that are dedicated to preserving works for posterity. If we as a nation want to ensure that works of art created by living artists are available to the public in the future for study and for pleasure this is something that artists should be allowed to do.

In my State of Vermont, we are incredibly proud of the great works produced by hundreds of local artists who choose to live and work in the Green Mountain State. Displaying their creations in museums and libraries helps develop a sense of pride among Vermonters, and strengthens a bond with Vermont, its landscape, its beauty, and its cultural heritage. Anyone who has contemplated a painting in a museum or examined an original manuscript or composition, and has gained a greater understanding of both the artist and the subject as a result, knows the tremendous value of these works. I would like to see more of them, not fewer, preserved in Vermont and across the country.

Prior to 1969, artists and collectors alike were able to take a deduction equivalent to the fair market value of a work, but Congress changed the law with respect to artists in the Tax Reform Act of 1969. Since then, fewer and fewer artists have donated their works to museums and cultural institutions. For example, prior to the enactment of the 1969 law, Igor Stravinsky planned to donate his papers to the Music Division of the Library of Congress. But after the law passed, his papers were sold instead to a private foundation in Switzerland. We can no longer afford this massive loss to our cultural heritage. Losses to the public like this are an unintended consequence of the 1969 tax bill that should be corrected.

Congress changed the law for artists more than 30 years ago in response to the perception that some taxpayers were taking advantage of the law by inflating the market value of self-created works. Since that time, however, the government has cut down significantly on the abuse of fair market value determinations.

Under our legislation, artists who donate their own paintings, manuscripts, compositions, or scholarly compositions would be subject to the same new rules that all taxpayer/collectors who donate such works must now follow. This includes providing relevant information as to the value of the gift, providing appraisals by qualified appraisers, and, in some cases, subjecting them to review by the Internal Revenue Service's Art Advisory Panel.

In addition, donated works must be accepted by museums and libraries, which often have strict criteria in place for works they intend to display. The institution must certify that it intends to put the work to a use that is related to the institution's tax exempt status. For example, a painting contributed to an educational institution must be used by that organization for educational purposes and could not be sold by the institution for profit. Similarly, a work could not be donated to a hospital or other charitable institution that did not intend to use the work in a manner related to the function constituting the recipient's exemption under Section 501 of the tax code. Finally, the fair market value of the work could only be deducted from the portion of the artist's income that has come from the sale of similar works or related activities.

This bill would also correct another disparity in the tax treatment of self-created works—how the same work is treated before and after an artist's death. While living artists may only deduct the material costs of donations, donations of those same works after death are deductible from estate taxes at the fair market value of the work. In addition, when an artist dies, works that are part of his or her estate are taxed on the fair market value.

I want to thank my colleagues again for cosponsoring this bipartisan legislation. The time has come for us to correct an unintended consequence of the 1969 law and encourage rather than discourage the donations of art works by their creators. This bill will make a crucial difference in an artist's decision to donate his or her work, rather than sell it to a private party where it may become lost to the public forever.

Mr. President, I ask unanimous cnsent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Artist-Museum Partnership Act''.

SEC. 2. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, OR ARTISTIC COMPOSITIONS.—

''(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

''(i) the amount of such contribution shall be the fair market value of the property contributed (determined at the time of such contribution), and

''(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

''(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

''(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

''(ii) the taxpayer—

''(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

''(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

''(iii) the donee is an organization described in subsection (b)(1)(A),

''(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under subsection (c)),

''(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

''(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

''(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

''(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

''(C) MAXIMUM DOLLAR LIMITATION; NO CARRYOVER OF INCREASED DEDUCTION.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

''(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

''(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

''(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

''(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

''(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

''(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS.—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is

an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

''(F) COPYRIGHT TREATED AS SEPARATE PROPERTY FOR PARTIAL INTEREST RULE.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act in taxable years ending after such date.

Mr. BENNETT. Mr. President, I am proud to join the Senator from Vermont today to introduce the Artist-Museum Partnership Act. He and I have introduced this legislation in the past, and we hope that our colleagues will see this bill for what it is: a reasonable solution to an unintentional inequity in our Tax Code.

This legislation would allow living artists to deduct the fair-market value of their art work when they contribute their work to museums or other public institutions. As the Tax Code is currently written, art collectors are able to deduct the fair market value of any piece of art they donate to a museum, but the artist who created the work is only able to deduct the material cost, which may be nothing more than a canvas, a tube of paint, and a wooden frame, if he or she donated their art to a museum. Thus, there exists a disincentive for artists to donate their work to museums. The solution is simple: treat collectors and artists the same way. This bill would do just that.

Certainly, this bill would benefit artists, but more importantly, the beneficiaries would be the museums that would receive the artwork and the general public who would be able to view it in a timely manner. This change in the Tax Code would increase the number of original pieces donated to public institutions, giving scholars greater access to an artist's work during the lifetime of that artist, as well as provide for an increase in the public display of such work.

I would like to thank Senator LEAHY for his work on this bill. I urge my colleagues to support this commonsense legislation. The benefit of the Artist-Museum Partnership Act to our Nation's cultural and artistic heritage cannot be overstated. This minor correction to the Tax Code is long overdue, and the Senate should act on this legislation to remedy the problem.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 406. A bill to amend title XIX of the Social Security Act to provide Medicaid coverage of drugs prescribed for certain research study child participants; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce Nino's Act, to provide for the continuance of successful treatment for children who are required to leave National Institutes of Health, NIH, research studies. The NIH provides the greatest medical research in the world on innumerable diseases, including cancer, Alzheimer's, Parkinson's. The NIH also conducts excellent research on diseases that affect children. To conduct that research many brave children must partake in research studies including observational, or natural history, studies and clinical trials to test experimental therapies. This participation is critical to understanding diseases and ultimately finding cures at the NIH.

To participate in the trials and studies, children and their families often make considerable sacrifices. Families will travel great distances to receive treatment that may provide relief from the child's illness. In many cases, parents and doctors will have tried many treatments for the child's disease about which little may be known or understood. The NIH studies represent an opportunity for both the medical community to learn more about the disease and the child to be studied and potentially treated by the best researchers in the world.

When the experimental treatments are successful, it is cause for great celebration for the child. The joy, however, can end quickly as the studies come to end but the children who have been part of them continue to be stricken by these terrible illnesses.

Nino's Act seeks to transition children out of the NIH studies as they end so they don't experience a gap in their important treatment. This legislation continues the successful treatment initiated in NIH studies by providing access to the same prescription drugs for children who are required to leave NIH clinical studies due to the studies ending, researcher leaving, or other reason. Often drugs that are used successfully in these studies have not yet been approved by the Food and Drug Administration or have not been approved for treatment of the child's specific disease. As such, it is nearly impossible for children to get access or insurance coverage for these drugs. This bill makes that access possible by requiring Medicaid to cover the cost of treatment in the event that the children's health insurance does not.

On occasion, insurers will cover the cost of the treatment for these children if they have adequate insurance and the FDA has approved the drug for off-label uses. More often than not, however, children do not have health insurance, or have insufficient insurance to obtain these drugs. As a result, children suffer their diseases without relief from the treatment as established in the clinical NIH studies. To ensure that these children have access to successful care post-study, Nino's Act requires Medicaid to cover the cost of treatment for these children. While Medicaid access is traditionally based on income, due to the importance of these drugs to the child's well-being the income component will be waived. To ensure Medicaid is not unnecessarily covering medication, Nino's Act requires the physicians participating in the research to certify the treatment as successful and essential.

This important issue was introduced to me by Lori Todaro of Newville, PA. Lori's son Nino suffers from Undifferentiated Auto-Inflammatory Periodic Fever Syndrome. This disease takes a devastating toll on those who suffer from it. The auto-inflammatory disease can cause joint inflammation arthritis, Crohns, colitis, irritable bowel syndrome, and cyclical high fevers. Treatment for Periodic Fever Syndrome is experimental at best; Lori and Nino have visited a number of doctors and tried many medications in an effort to control the disease.

In 2003, Nino was fortunate to be selected to take part in an observational study at NIH in Bethesda, Maryland for Undifferentiated Auto-Inflammatory Periodic Fever Syndrome. During the course of the study, Nino was given a new medication and his condition greatly improved. Before he participated in the study he was being fitted for wheelchairs and was home schooled because his symptoms were so disruptive and unpredictable. The NIH treatment allowed him to resume a normal life and enabled him to attend school and play soccer. While Nino's treatment was successful he could not remain part of the study indefinitely and was encouraged to seek coverage for his treatments through his private insurer. Initially, the Todaro's insurer would not agree to cover the cost of the experimental drug and only after an intense lobbying effort by Lori, did the insurer agree to cover Nino's prescriptions.

Nino's story is a successful one, but also serves to highlight the issue that children and their families are facing as they transition out of NIH studies. For many, NIH trials are a source of hope for relief from the worst diseases known to man. The excellent doctors and research teams at NIH make invaluable contributions to our understanding of complex and debilitating diseases. This legislation seeks to amplify the NIH's contributions by allowing America's sickest children to continue their successful treatment under Medicaid coverage. I encourage my colleagues to work with Senator CASEY and me to move this legislation forward promptly.

By Mr. AKAKA (for himself, Mr. BURR, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. SANDERS, Mr. BROWN, Mr. WEBB, Mr. TESTER, Mr. BEGICH, Mr. BURRIS, Mr.

SPECTER, Mr. ISAKSON, Mr. WICKER, Mr. JOHANNS, and Mr. GRAHAM):

S. 407. A bill to increase, effective as of December 1, 2009, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today, as Chairman of the Senate Committee on Veterans' Affairs, I introduce the Veterans' Compensation Cost-of-Living Adjustment Act of 2009. This measure would direct the Secretary of Veterans Affairs to increase, effective December 1, 2009, the rates of veterans' compensation to keep pace with the rising cost-of-living in this country. The rate adjustment is equal to that provided on an annual basis to Social Security recipients and is based on the Consumer Price Index.

All of my colleagues on the Committee on Veterans' Affairs, including Senators BURR, ROCKEFELLER, MURRAY, SANDERS, BROWN, WEBB, TESTER, BEGICH, BURRIS, SPECTER, ISAKSON, WICKER, JOHANNS, and GRAHAM join me in introducing this important legislation. I appreciate their continued support of our nation's veterans.

Congress regularly enacts an annual cost-of-living adjustment for veterans' compensation in order to ensure that inflation does not erode the purchasing power of the veterans and their families who depend upon this income to meet their daily needs. This past year Congress passed, and the President signed into law, Public Law 110–324, which resulted in a COLA increase of 5.8 percent for 2009. The 2010 COLA has not yet been determined.

The COLA affects, among other benefits, veterans' disability compensation and dependency and indemnity compensation for surviving spouses and children. Many of the more than 3 million recipients of those benefits depend upon these tax-free payments not only to provide for their own basic needs, but those of their spouses and children as well. Without an annual COLA increase, these veterans and their families would see the value of their hard-earned benefits slowly diminish, and we, as a Congress, would be neglecting our duty to ensure that those who sacrificed so much for this country receive the benefits and services to which they are entitled.

It is important that we view veterans' compensation, including the annual COLA, and indeed all benefits earned by veterans, as a continuing cost of war. It is clear that the ongoing conflicts in Iraq and Afghanistan will continue to result in injuries and disabilities that will yield an increase in claims for compensation. Currently, there are nearly 3 million veterans in receipt of VA disability compensation. Disbursement of disability compensation to our nation's veterans constitutes one of the central missions of the Department of Veterans Affairs. It is a necessary measure of appreciation afforded to those veterans whose lives were forever altered by their service to this country.

I urge our colleagues to support passage of this COLA increase. I also ask our colleagues for their continued support for our nation's veterans.

Mr. BURR. Mr. President, I rise today to talk about the Veterans' Compensation Cost-of-Living Adjustment Act of 2009. As the Ranking Member of the Senate Committee on Veterans' Affairs, I am pleased to join the Chairman of the Committee, Senator AKAKA, and all of the Committee's members in introducing this important bill.

As part of its mission to ''care for him who shall have borne the battle, and for his widow, and his orphan,'' the Department of Veterans Affairs, VA, provides a range of benefits to veterans and their families. These benefits include disability compensation for veterans who suffer from disabilities incurred in or aggravated by their military service and dependency and indemnity compensation for the spouses or children of disabled or deceased veterans. Although we can never fully repay them for their service or sacrifices, these payments may help ease their financial burdens and improve the quality of their lives.

The bill we are introducing today will ensure that more than 3 million veterans and their family members—including more than 130,000 in my home state of North Carolina—will receive a cost-of-living increase in their VA benefits this year. These annual increases help ensure that the value of the benefits provided by a grateful nation will not decline over time as a result of inflation.

Last year, I was proud to support the enactment of the Veterans' Compensation Cost-of-Living Adjustment Act of 2008, which resulted in a 5.8 percent increase in VA benefits. Under this bill, the amount of the increase for 2009 would be the same as that provided to Social Security recipients, which will be announced later this year.

By Mr. INOUYE (for himself, Mr. HATCH, Mr. KENNEDY, Mr. CONRAD, Mr. DORGAN, and Mr. AKAKA):

S. 408. A bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; to the committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President. Today, along with my colleagues, Senators HATCH, KENNEDY, CONRAD, DORGAN, and AKAKA, I introduce The Wakefield Act, also known as the Emergency Medical Services for Children Act of 2009. Since Senator HATCH and I worked toward authorization of EMSC in 1984, this program has become the impetus for improving children's emergency services nationwide. From specialized training for emergency care providers to ensuring ambulances and emergency departments have state-of-the-art pediatric sized equipment, EMSC has served as the vehicle for improving survival of our smallest and most vulnerable citizens when accidents or medical emergencies threatened their lives.

It remains no secret that children present unique anatomic, physiologic, emotional and developmental challenges to our primarily adult-oriented emergency medical system. As has been said many times before, children are not little adults. Evaluation and treatment must take into account their special needs, or we risk letting them fall through the gap between adult and pediatric care. The EMSC has bridged that gap while fostering collaborative relationships among emergency medical technicians, paramedics, nurses, emergency physicians, surgeons, and pediatricians.

The Institute of Medicine's recently released study on Emergency Care for Children indicated that our Nation is not as well prepared as once we thought. Only 6 percent of all emergency departments have the essential pediatric supplies and equipment necessary to manage pediatric emergencies. Many of the providers of emergency care have received fragmented and limited training in the skills necessary to resuscitate this specialized population. Even our disaster preparedness plans have not fully addressed the unique needs posed by children injured in such events.

EMSC remains the only federal program dedicated to examining the best ways to deliver various forms of care to children in emergency settings. Reauthorization of EMSC will ensure that children's needs will be given the due attention they deserve and that coordination and expansion of services for victims of life-threatening illnesses and injuries will be available throughout the United States.

I look forward to reauthorization of this important legislation and the continued advances in our emergency healthcare delivery system.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be placed in the Record, as follows:

S. 408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wakefield Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) There are 31,000,000 child and adolescent visits to the Nation's emergency departments every year.

(2) Over 90 percent of children requiring emergency care are seen in general hospitals, not in free-standing children's hospitals, with one-quarter to one-third of the patients being children in the typical general hospital emergency department.

(3) Severe asthma and respiratory distress are the most common emergencies for pediatric patients, representing nearly one-third of all hospitalizations among children under the age of 15 years, while seizures, shock, and airway obstruction are the other common pediatric emergencies, followed by cardiac arrest and severe trauma.

(4) Up to 20 percent of children needing emergency care have underlying medical conditions such as asthma, diabetes, sickle-cell disease, low birth weight, and bronchopulmonary dysplasia.

(5) Significant gaps remain in emergency medical care delivered to children. Only about 6 percent of hospitals have available all the pediatric supplies deemed essential by the American Academy of Pediatrics and the American College of Emergency Physicians for managing pediatric emergencies, while about half of hospitals have at least 85 percent of those supplies.

(6) Providers must be educated and trained to manage children's unique physical and psychological needs in emergency situations, and emergency systems must be equipped with the resources needed to care for this especially vulnerable population.

(7) Systems of care must be continually maintained, updated, and improved to ensure that research is translated into practice, best practices are adopted, training is current, and standards and protocols are appropriate.

(8) The Emergency Medical Services for Children (EMSC) Program under section 1910 of the Public Health Service Act (42 U.S.C. 300w–9) is the only Federal program that focuses specifically on improving the pediatric components of emergency medical care.

(9) The EMSC Program promotes the nationwide exchange of pediatric emergency medical care knowledge and collaboration by those with an interest in such care and is depended upon by Federal agencies and national organizations to ensure that this exchange of knowledge and collaboration takes place.

(10) The EMSC Program also supports a multi-institutional network for research in pediatric emergency medicine, thus allowing providers to rely on evidence rather than anecdotal experience when treating ill or injured children.

(11) The Institute of Medicine stated in its 2006 report, ''Emergency Care for Children: Growing Pains'', that the EMSC Program ''boasts many accomplishments . . . and the work of the program continues to be relevant and vital''.

(12) The EMSC Program is celebrating its 25th anniversary, marking a quarter-century of driving key improvements in emergency medical services to children, and should continue its mission to reduce child and youth morbidity and mortality by supporting improvements in the quality of all emergency medical and emergency surgical care children receive.

(b) PURPOSE.—It is the purpose of this Act to reduce child and youth morbidity and mortality by supporting improvements in the quality of all emergency medical care children receive.

SEC. 3. REAUTHORIZATION OF EMERGENCY MEDICAL SERVICES FOR CHILDREN PROGRAM.

Section 1910 of the Public Health Service Act (42 U.S.C. 300w–9) is amended—

(1) in subsection (a), by striking ''3-year period (with an optional 4th year'' and inserting ''4-year period (with an optional 5th year''; and

(2) in subsection (d)—

(A) by striking ''and such sums'' and inserting ''such sums''; and

(B) by inserting before the period the following: '', $25,000,000 for fiscal year 2010, $26,250,000 for fiscal year 2011, $27,562,500 for fiscal year 2012, $28,940,625 for fiscal year 2013, and $30,387,656 for fiscal year 2014''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 572. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 570 proposed by Mr. REID (for Ms. COLLINS (for herself and Mr. NELSON of Nebraska)) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 572. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 570 proposed by Mr. REID (for Ms. COLLINS (for herself and Mr. NELSON of Nebraska)) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 421, line 16, strike all through page 422, line 13, and insert the following:

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) ELIGIBLE INDIVIDUAL.—

''(A) IN GENERAL.—The term 'eligible individual' means any individual other than—

''(i) any nonresident alien individual,

''(ii) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

''(iii) an estate or trust.

''(B) IDENTIFICATION REQUIREMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), such term shall not include any individual unless the requirements of section 32(c)(1)(E) are met with respect to such individual.

''(ii) SPECIAL RULES FOR MARRIED INDIVIDUALS.—In the case of—

''(I) a married individual (within the meaning of section 7703) filing a separate return, the requirements of clause (i) with respect to such return shall not apply to the individual's spouse, and

''(II) clause (i) shall not apply to a joint return where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year.

''(2) EARNED INCOME.—The term 'earned income' has the meaning given such term by section 32(c)(2), except that such term shall not include net earnings from self-employment which are not taken into account in computing taxable income. For purposes of the preceding sentence, any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.

''(3) SPECIAL RULE FOR CERTAIN ELIGIBLE INDIVIDUALS.—In the case of any taxable year beginning in 2009, if an eligible individual receives any amount as a pension or annuity for service performed in the employ of the United States or any State, or any instrumentality thereof, which is not considered employment for purposes of chapter 21, the amount of the credit allowed under subsection (a) (determined without regard to subsection (c)) with respect to such eligible individual shall be equal to the greater of—

''(A) the amount of the credit determined without regard to this paragraph or subsection (c), or

''(B) $300 ($600 in the case of a joint return where both spouses are eligible individuals described in this paragraph).

If the amount of the credit is determined under subparagraph (B) with respect to any eligible individual, the modified adjusted gross income limitation under subsection (b) shall not apply to such credit.

On page 484, strike line 3 and insert the following:

(c) SPECIAL RULE FOR CERTAIN TREES AND VINES.—Section 168(k) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR CERTAIN TREES AND VINES.—For purposes of this subsection, in the case of any qualified property which is a tree or vine producing fruit, nuts, or other crops, such property shall be treated as placed in service in the year in which it is planted.''.

(d) EFFECTIVE DATES.—

On page 485, line 21, strike ''(II)'' and insert ''(I)''.

On page 490, line 4, strike ''172(k)'' and insert ''172(b)(1)(H)''.

On page 490, strike lines 15 through 17, and insert the following:

SEC. 1212. ELECTION TO RETROACTIVELY REVOKE S CORPORATION STATUS.

(a) IN GENERAL.—If an applicable small business corporation elects under this section to revoke its election under section 1362 of the Internal Revenue Code of 1986 to be an S corporation, then, notwithstanding section 1362(d)(1)(C) of such Code and subject to the provisions of this section—

(1) such revocation shall be effective as of the first day of the first taxable year for which such corporation was treated as an S corporation, and

(2) such Code shall be applied and administered for all taxable years in the S corporation period as if such corporation had not been an S corporation.

(b) EFFECTS OF APPLICATION OF SECTION.—

(1) IN GENERAL.—If a small business corporation elects to have this section apply, the corporation and each person who has been a shareholder of such corporation during the S corporation period—

(A) shall recompute their liability for tax imposed by chapter 1 of the Internal Revenue Code of 1986 for each taxable year in the S corporation period as if the corporation had been a C corporation, and

(B) shall make such adjustments (consistent with the treatment of the corporation as a C corporation) to basis, carryovers

of credits and losses, and any other item as may be required by the Secretary with respect to such period.

(2) RESTRICTION ON FUTURE S CORPORATION ELECTIONS.—For purposes of section 1362(g) of such Code, the taxable year in which the election under this section is made shall be treated as the taxable year for which the termination of S corporation status is effective.

(3) CERTAIN ADJUSTMENTS NOT REVERSED.—If an applicable small business company was a C corporation for any taxable year before it became an S corporation, subsection (a)(2) shall not apply to abate any tax imposed (or reverse any other adjustment made) solely by reason of the conversion of the corporation from C corporation status to S corporation status.

(c) RULES RELATING TO RECOMPUTED TAX LIABILITY.—

(1) WAIVER OF LIMITATIONS.—

(A) IN GENERAL.—Notwithstanding the operation of any law or rule of law (including res judicata), the period of limitations for assessment or collection, or credit or refund, of any tax imposed on any taxpayer by chapter 1 of the Internal Revenue Code of 1986 (including any interest or penalty) for any taxable year in the S corporation period for which a recomputation of tax liability is required under subsection (b)(1) shall not expire before the close of the 3-year period beginning on the date the election is made under this section.

(B) NET OPERATING LOSSES.—Notwithstanding subparagraph (A), solely for purposes of determining the taxable years from and to which any net operating loss arising in a taxable year in the S corporation period may be carried, section 6511(d)(2) of such Code shall be applied without regard to any extensions, including any extensions under section 6511(c) of such Code.

(2) UNDERPAYMENT OF TAX.—If, for 1 or more taxable years in the S corporation period—

(A) the tax determined under chapter 1 of such Code for such taxable year with respect to any taxpayer, determined after application of this section, exceeds

(B) the tax determined under chapter 1 of such Code for such taxable year with respect to the taxpayer, determined without regard to this section,

the taxpayer shall include with the election to have this section apply payment of such amount, together with interest on such amount (determined using the underpayment rate under section 6621 of such Code for the period beginning on the due date (without regard to extensions) for filing the return of such tax imposed for such taxable year and ending on the date of the election).

(d) ELECTION.—

(1) IN GENERAL.—An election under this section to revoke an applicable small business corporation election under section 1362 of the Internal Revenue Code of 1986—

(A) may only be made during the period beginning on the date of the enactment of this Act and ending on December 31, 2009, and

(B) shall be made in such manner as the Secretary of the Treasury or the Secretary's delegate prescribes.

(2) CONDITIONS.—An election under this section shall not be effective unless the applicable small business corporation and all persons who are, or who have been, shareholders of such corporation during the S corporation period consent to—

(A) such election,

(B) the extension of the period of limitations for assessment and collection under subsection (c)(1)(A), and

(C) the application of rules relating to net operating loss carryovers under subsection (c)(1)(B).

(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) APPLICABLE SMALL BUSINESS CORPORATION.—The term ''applicable small business corporation'' means any small business corporation which—

(A) elected to be an S corporation under section 1362 of the Internal Revenue Code of 1986 at any time during the 5-year period ending on the date of the enactment of this Act, and

(B) had no more than 2 shareholders (determined without regard to any aggregation rules under section 1361(c) of such Code) at all times during such period during which the corporation was an S corporation,

(2) S CORPORATION PERIOD.—The term ''S corporation period'' means, with respect to any applicable small business corporation, the period of taxable years for which the election under section 1362 of such Code to be an S corporation was in effect before the application of this section.

(3) OTHER DEFINITIONS.—The terms ''S corporation'' and ''C corporation'' shall have the same meaning as when used in such Code.

SEC. 1213. EXCEPTION FOR TARP RECIPIENTS.

The provisions of , and amendments made by, this part shall not apply to—

On page 493, beginning with line 13, strike all through page 495, line 11, and insert the following:

PART IV—RULES RELATING TO DEBT INSTRUMENTS

SEC. 1231. DEFERRAL AND RATABLE INCLUSION OF INCOME ARISING FROM INDEBTEDNESS DISCHARGED BY THE REACQUISITION OF A DEBT INSTRUMENT.

(a) IN GENERAL.—Section 108 (relating to income from discharge of indebtedness) is amended by adding at the end the following new subsection:

''(i) DEFERRAL AND RATABLE INCLUSION OF INCOME ARISING FROM INDEBTEDNESS DISCHARGED BY THE REACQUISITION OF A DEBT INSTRUMENT.—

''(1) IN GENERAL.—At the election of the taxpayer, income from the discharge of indebtedness in connection with the reacquisition of a debt instrument after December 31, 2008, and before January 1, 2011, shall be includible in gross income ratably over the 5-taxable-year period beginning with—

''(A) in the case of a reacquisition occurring in 2009, the fifth taxable year following the taxable year in which the reacquisition occurs, and

''(B) in the case of a reacquisition occurring in 2010, the fourth taxable year following the taxable year in which the reacquisition occurs.

''(2) DEFERRAL OF DEDUCTION FOR ORIGINAL ISSUE DISCOUNT IN DEBT FOR DEBT EXCHANGES.—

''(A) IN GENERAL.—If, as part of a reacquisition to which paragraph (1) applies, any debt instrument is issued for the debt instrument being reacquired (or is treated as so issued under subsection (e)(4) and the regulations thereunder) and there is any original issue discount determined under subpart A of part V of subchapter P of this chapter with respect to the debt instrument so issued—

''(i) except as provided in clause (ii), no deduction otherwise allowable under this chapter shall be allowed to the issuer of such debt instrument with respect to the portion of such original issue discount which—

''(I) accrues before the 1st taxable year in the 5-taxable-year period in which income from the discharge of indebtedness attributable to the reacquisition of the debt instrument is includible under paragraph (1), and

''(II) does not exceed the income from the discharge of indebtedness with respect to the debt instrument being reacquired, and

''(ii) the aggregate amount of deductions disallowed under clause (i) shall be allowed as a deduction ratably over the 5-taxable-year period described in clause (i)(I).

If the amount of the original issue discount accruing before such 1st taxable year exceeds the income from the discharge of indebtedness with respect to the debt instrument being reacquired, the deductions shall be disallowed in the order in which the original issue discount is accrued.

''(B) DEEMED DEBT FOR DEBT EXCHANGES.—For purposes of subparagraph (A), if any debt instrument is issued by an issuer and the proceeds of such debt instrument are used directly or indirectly by the issuer to reacquire a debt instrument of the issuer, the debt instrument so issued shall be treated as issued for the debt instrument being reacquired. If only a portion of the proceeds from a debt instrument are so used, the rules of subparagraph (A) shall apply to the portion of any original issue discount on the newly issued debt instrument which is equal to the portion of the proceeds from such instrument used to reacquire the outstanding instrument.

''(3) DEBT INSTRUMENT.—For purposes of this subsection, the term 'debt instrument' means a bond, debenture, note, certificate, or any other instrument or contractual arrangement constituting indebtedness (within the meaning of section 1275(a)(1)).

''(4) REACQUISITION.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'reacquisition' means, with respect to any debt instrument, any acquisition of the debt instrument by—

''(i) the debtor which issued (or is otherwise the obligor under) the debt instrument, or

''(ii) any person related to such debtor.

Such term shall also include the complete forgiveness of the indebtedness by the holder of the debt instrument.

''(B) ACQUISITION.—The term 'acquisition' shall, with respect to any debt instrument, include an acquisition of the debt instrument for cash, the exchange of the debt instrument for another debt instrument (including an exchange resulting from a modification of the debt instrument), the exchange of the debt instrument for corporate stock or a partnership interest, and the contribution of the debt instrument to capital.

''(5) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

''(A) RELATED PERSON.—The determination of whether a person is related to another person shall be made in the same manner as under subsection (e)(4).

''(B) ELECTION.—

''(i) IN GENERAL.—An issuer of a debt instrument shall make the election under this subsection with respect to any debt instrument by clearly identifying such debt instrument on the issuer's records as an instrument to which the election applies before the close of the day on which the reacquisition of the debt instrument occurs (or such other time as the Secretary may prescribe). Such election, once made, is irrevocable.

''(ii) PASS THROUGH ENTITIES.—In the case of a partnership, S corporation, or other pass through entity, the election under this subsection shall be made by the partnership, the S corporation, or other entity involved.

''(C) COORDINATION WITH OTHER EXCLUSIONS.—If a taxpayer elects to have this subsection apply to a debt instrument, subparagraphs (A), (B), (C), (D), and (E) of subsection (a)(1) shall not apply to the income from the discharge of such indebtedness for the taxable year of the election or any subsequent taxable year.

''(D) ACCELERATION OF DEFERRED ITEMS.—In the case of the death of the taxpayer, the liquidation or sale of substantially all the assets of the taxpayer (including in a title 11 or similar case), the cessation of business by the taxpayer, or similar circumstances, any item of income or deduction which is deferred under this subsection (and has not previously been taken into account) shall be taken into account in the taxable year in which such event occurs (or in the case of a title 11 case, the day before the petition is filed).

''(6) AUTHORITY TO PRESCRIBE REGULATIONS.—The Secretary may prescribe such rules and regulations as may be necessary or appropriate for purposes of applying this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges in taxable years ending after December 31, 2008.

SEC. 1232. MODIFICATIONS OF RULES FOR ORIGINAL ISSUE DISCOUNT ON CERTAIN HIGH YIELD OBLIGATIONS.

(a) SUSPENSION OF SPECIAL RULES.—Section 163(e)(5) (relating to special rules for original issue discount on certain high yield obligations) is amended by redesignating subparagraph (F) as subparagraph (G) and by inserting after subparagraph (E) the following new subparagraph:

''(F) SUSPENSION OF APPLICATION OF PARAGRAPH.—

''(i) TEMPORARY SUSPENSION.—

''(I) IN GENERAL.—This paragraph shall not apply to any applicable high yield discount obligation issued after August 31, 2008, and before January 1, 2010. The preceding sentence shall not apply to any obligation the interest on which is interest described in section 871(h)(4) (without regard to subparagraph (D) thereof) or to any obligation issued to a related person (within the meaning of section 108(e)(4)).

''(ii) SECRETARIAL AUTHORITY TO SUSPEND APPLICATION.—The Secretary may suspend the application of this paragraph with respect to debt instruments issued after December 31, 2009, if the Secretary determines that such suspension is appropriate in light of distressed conditions in the debt capital markets.''.

(b) INTEREST RATE USED IN DETERMINING HIGH YIELD OBLIGATIONS.—The last sentence of section 163(i)(1) is amended—

(1) by inserting ''(i)'' after ''regulation'', and

(2) by inserting '', or (ii) permit, on a temporary basis, a rate to be used with respect to any debt instrument which is higher than the applicable Federal rate if the Secretary determines that such rate is appropriate in light of distressed conditions in the debt capital markets'' before the period at the end.

(c) EFFECTIVE DATE.—

(1) SUSPENSION.—The amendments made by subsection (a) shall apply to obligations issued after August 30, 2008, in taxable years ending after such date.

(2) INTEREST RATE AUTHORITY.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1233. MODIFICATION OF RULES RELATING TO CANCELLATION OF QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.

(a) INCLUSION OF ALL MORTGAGE INDEBTEDNESS.—Paragraph (2) of section 108(h) is amended by inserting ''and home equity indebtedness (within the meaning of section 163(h)(3)(C), applied by inserting 'as of the date such indebtedness was secured by such residence' after 'qualified residence' in clause (i)(I) thereof and by substituting '$250,000 ($125,000' for '$100,000 ($50,000' in clause (ii) thereof)'' before ''with respect to the principal residence of the taxpayer''.

(b) SIMPLIFICATION OF RULES RELATING TO CERTAIN DISCHARGES.—Paragraph (3) of section 108(h) is amended—

(1) by striking ''or any other factor'' and all that follows and inserting ''or is in any other way compensation or in lieu of compensation.'', and

(2) by striking ''NOT RELATED TO TAXPAYER'S FINANCIAL CONDITION'' in the heading.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness made on or after January 1, 2009.

On page 521, between lines 4 and 5, insert the following:

PART X—TREATMENT OF LIMITATIONS ON LOSSES AFTER CERTAIN OWNERSHIP CHANGES

SEC. 1291. TREATMENT OF CERTAIN OWNERSHIP CHANGES FOR PURPOSES OF LIMITATIONS ON NET OPERATING LOSS CARRYFORWARDS AND CERTAIN BUILT-IN LOSSES.

(a) IN GENERAL.—Section 382 is amended by adding at the end the following new subsection:

''(n) SPECIAL RULE FOR CERTAIN OWNERSHIP CHANGES.—

''(1) IN GENERAL.—The limitation contained in subsection (a) shall not apply in the case of an ownership change which—

''(A) is pursuant to a restructuring plan of a taxpayer required under a loan agreement or a commitment for a line of credit entered into with the Department of the Treasury under the Emergency Economic Stabilization Act of 2008, and

''(B) is intended to result in a rationalization of the costs, capitalization, and capacity with respect to the manufacturing workforce of, and suppliers to, the taxpayer and its subsidiaries.

''(2) SUBSEQUENT ACQUISITIONS.—Paragraph (1) shall not apply in the case of any subsequent ownership change unless such ownership change is described in such paragraph.

''(3) LIMITATION BASED ON CONTROL IN CORPORATION.—

''(A) IN GENERAL.—Paragraph (1) shall not apply in the case of any ownership change if, immediately after such ownership change, any person owns stock of the old loss corporation possessing 50 percent or more of the total combined voting power of all classes of stock entitled to vote, or of the total value of the stock of such corporation.

''(B) TREATMENT OF RELATED PERSONS.—

''(i) IN GENERAL.—Related persons shall be treated as a single person for purposes of this paragraph.

''(ii) RELATED PERSONS.—For purposes of clause (i), a person shall be treated as related to another person if—

''(I) such person bears a relationship to such other person described in section 267(b) or 707(b), or

''(II) such persons are members of a group of persons acting in concert.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to ownership changes after the date of the enactment of this Act.

Beginning on page 555, line 11, strike all through page 556, line 22, and insert the following:

SEC. 1503. TEMPORARY MODIFICATION OF ALTERNATIVE MINIMUM TAX LIMITATIONS ON TAX-EXEMPT BONDS.

(a) INTEREST ON PRIVATE ACTIVITY BONDS ISSUED DURING 2009 AND 2010 NOT TREATED AS TAX PREFERENCE ITEM.—Subparagraph (C) of section 57(a)(5) is amended by adding at the end a new clause:

''(vi) EXCEPTION FOR BONDS ISSUED IN 2009 AND 2010.—

''(I) IN GENERAL.—For purposes of clause (i), the term 'private activity bond' shall not include any bond issued after December 31, 2008, and before January 1, 2011.

''(II) TREATMENT OF REFUNDING BONDS.—For purposes of subclause (I), a refunding bond (whether a current or advance refunding) shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).

''(III) EXCEPTION FOR CERTAIN REFUNDING BONDS.—Subclause (II) shall not apply to any refunding bond which is issued to refund any bond which was issued after December 31, 2003, and before January 1, 2009.''.

(b) NO ADJUSTMENT TO ADJUSTED CURRENT EARNINGS FOR INTEREST ON TAX-EXEMPT BONDS ISSUED DURING 2009 AND 2010.—Subparagraph (B) of section 56(g)(4) is amended by adding at the end the following new clause:

''(iv) TAX EXEMPT INTEREST ON BONDS ISSUED IN 2009 AND 2010.—

''(I) IN GENERAL.—Clause (i) shall not apply in the case of any interest on a bond issued after December 31, 2008, and before January 1, 2011.

''(II) TREATMENT OF REFUNDING BONDS.—For purposes of subclause (I), a refunding bond (whether a current or advance refunding) shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).

''(III) EXCEPTION FOR CERTAIN REFUNDING BONDS.—Subclause (II) shall not apply to any refunding bond which is issued to refund any bond which was issued after December 31, 2003, and before January 1, 2009.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

On page 587, after line 23, add the following:

SEC. 1904. DETERMINATION OF STANDARD MILEAGE RATE FOR CHARITABLE CONTRIBUTIONS DEDUCTION.

(a) IN GENERAL.—Subsection (i) of section 170 is amended to read as follows:

''(i) STANDARD MILEAGE RATE FOR USE OF PASSENGER AUTOMOBILE.—

''(1) IN GENERAL.—For purposes of computing the deduction under this section for use of a passenger automobile, the standard mileage rate shall be 14 cents per mile.

''(2) SPECIAL RULE FOR 2009 AND 2010.—For miles traveled after the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009 and before January 1, 2011, the standard mileage rate shall be the rate determined by the Secretary, which rate shall not be less than the standard mileage rate used for purposes of section 213.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to miles traveled after the date of the enactment of this Act.

SEC. 1905. EXCLUSION FROM GROSS INCOME FOR CHARITABLE MILEAGE REIMBURSEMENTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by adding at the end the following new section:

"SEC. 139C. CHARITABLE MILEAGE REIMBURSEMENT.

''(a) IN GENERAL.—In the case of an individual, gross income shall not include amounts received from an organization described in section 170(c)(2) as reimbursement of operating expenses with respect to the use of a passenger automobile for the benefit of such organization.

''(b) LIMITATION.—The amount excluded from gross income under subsection (a) shall not exceed the product of the standard mileage rate used for purposes of section 162 multiplied by the number of miles traveled for which such reimbursement is made.

''(c) APPLICATION TO VOLUNTEER SERVICES ONLY.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

''(d) NO DOUBLE BENEFIT.—A taxpayer may not claim a deduction or credit under any other provision of this title with respect to reimbursements excluded from income under subsection (a).

''(e) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).

''(f) MAINTENANCE OF RECORDS.—For purposes of this section, no exclusion shall be allowed under subsection (a) for any reimbursement unless with respect to such reimbursement the taxpayer meets substantiation requirements similar to the requirements of section 274(d).

''(g) TERMINATION.—This section shall not apply to any miles traveled after December 31, 2010.''.

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 139C. Charitable mileage reimbursement.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to miles traveled after the date of the enactment of this Act.

SEC. 1906. SPECIAL RULES FOR MODIFICATION OR DISPOSITION OF QUALIFIED MORTGAGES OR DISPOSITION OF FORECLOSURE PROPERTY BY REAL ESTATE MORTGAGE INVESTMENT CONDUITS.

(a) IN GENERAL.—If a REMIC (as defined in section 860D(a) of the Internal Revenue Code of 1986) modifies the terms of or disposes of a troubled asset under the Troubled Asset Relief Program established by the Secretary of the Treasury under section 101(a) of the Emergency Economic Stabilization Act of 2008—

(1) such modification or disposition shall not be treated as a prohibited transaction under section 860F(a)(2) of such Code, and

(2) for purposes of part IV of subchapter M of chapter 1 of such Code—

(A) an interest in the REMIC shall not fail to be treated as a regular interest (as defined in section 860G(a)(1) of such Code), nor shall such newly modified loan fail to be treated as a qualified mortgage solely because of such modification or disposition, and

(B) any proceeds resulting from such modification or disposition shall be treated as amounts received under qualified mortgages.

(b) EFFECTIVE DATE.—This section shall apply to modifications and dispositions after the date of the enactment of this Act, in taxable years ending on or after such date.

SEC. 1907. EXTENSION OF REDUCTION IN RATE OF TAX ON QUALIFIED TIMBER GAIN OF CORPORATIONS.

(a) IN GENERAL.—Section 1201(b)(1) is amended by striking ''1 year after such date'' and inserting ''3 years after such date''.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 1201(b)(3) is amended by striking ''1 year after such date'' and inserting ''3 years after such date''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 1908. EXTENSION OF TIMBER REIT MODERNIZATION AND MODIFICATION OF PROHIBITED TRANSACTION RULES FOR TIMBER PROPERTY.

(a) IN GENERAL.—Paragraph (8) of section 856(c) is amended—

(1) by striking ''the taxpayer's first taxable year'' and inserting ''the taxpayer's third taxable year'', and

(2) by striking ''1 year after such date'' and inserting ''3 years after such date''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 1909. EXTENSION OF QUALIFICATION OF MINERAL ROYALTY INCOME FOR TIMBER REITS.

(a) IN GENERAL.—Section 856(c)(2)(I) is amended by inserting '', second, or third'' after ''the first''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 1910. FORMERLY HOMELESS YOUTH WHO ARE STUDENTS QUALIFIED FOR PURPOSES OF LOW INCOME HOUSING TAX CREDIT.

(a) IN GENERAL.—Clause (i) of section 42(i)(3)(D) is amended by redesignating subclauses (II) and (III) as subclauses (III) and (IV), respectively, and by inserting after subclause (I) the following new subclause:

''(II) a student who previously was a homeless child or youth (as defined by section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)),''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to determinations made before, on, or after the date of the enactment of this Act.

SEC. 1911. DECREASED REQUIRED ESTIMATED TAX PAYMENTS IN 2009 FOR CERTAIN SMALL BUSINESSES.

Paragraph (1) of section 6654(d) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR 2009.—

''(i) IN GENERAL.—Notwithstanding subparagraph (C), in the case of any taxable year beginning in 2009, clause (ii) of subparagraph (B) shall be applied to any qualified individual by substituting '90 percent' for '100 percent'.

''(ii) QUALIFIED INDIVIDUAL.—For purposes of this subparagraph, the term 'qualified individual' means any individual if—

''(I) the adjusted gross income shown on the return of such individual for the preceding taxable year is less than $500,000, and

''(II) such individual certifies that more than 50 percent of the gross income shown on the return of such individual for the preceding taxable year was income from a small business.

A certification under subclause (II) shall be in such form and manner and filed at such time as the Secretary may by regulations prescribe.

''(iii) INCOME FROM A SMALL BUSINESS.—For purposes of clause (ii), income from a small business means, with respect to any individual, income from a trade or business the average number of employees of which was less than 500 employees for the calendar year ending with or within the preceding taxable year of the individual.

''(iv) SEPARATE RETURNS.—In the case of a married individual (within the meaning of section 7703) who files a separate return for the taxable year for which the amount of the installment is being determined, clause (ii)(I) shall be applied by substituting '$250,000' for '$500,000'.

''(v) ESTATES AND TRUSTS.—In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).''.

SEC. 1912. AVIATION PROGRAMS.

(a) SHORT TITLE.—This section may be cited as the ''Federal Aviation Administration Extension Act of 2009''.

(b) EXTENSION OF AVIATION PROGRAMS FOR FY 2009.—

(1) EXTENSION OF AVIATION TAXES.—The Internal Revenue Code of 1986 is amended by striking ''March 31, 2009'' and inserting ''September 30, 2009'' each place it appears in each of the following sections:

(A) Section 4081(d)(2)(B).

(B) Section 4261(j)(1)(A)(ii).

(C) Section 4271(d)(1)(A)(ii).

(2) EXTENSION OF EXPENDITURE AUTHORITY.—

(A) Such Code is amended by striking ''April 1, 2009'' each place it appears and inserting ''October 1, 2009'' in each of the following sections:

(i) Section 9502(d)(1).

(ii) Section 9502(e)(2).

(B) Paragraph (1) of section 9502(d) of such Code is amended by inserting ''or the Federal Aviation Administration Extension Act of 2009'' before the semicolon at the end of subparagraph (A).

(3) EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.—

(A) Paragraph (6) of section 48103 of title 49, United States Code, is amended to read as follows:

''(6) $3,900,000,000 for fiscal year 2009.''.

(B) Section 47104(c) of such title is amended by striking ''March 31, 2009,'' and inserting ''September 30, 2009,''.

(4) EXTENSION OF EXPIRING AUTHORITIES.—

(A) Title 49, United States Code, is amended by striking the date specified in each of the following sections and inserting ''September 30, 2009'':

(i) Section 40117(l)(7).

(ii) Section 44303(b).

(iii) Section 47107(s)(3).

(iv) Section 47141(f).

(v) Section 49108.

(B) Section 44302(f)(1) of such title is amended—

(i) by striking ''March 31, 2009'' and inserting ''September 30, 2009''; and

(ii) by striking ''May 31, 2009'' and inserting ''December 31, 2009''.

(C) Section 47115(j) of such title is amended by striking ''2008, and the portion of fiscal year 2009 ending before April 1, 2009,'' and inserting ''2009,''.

(D) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking ''before April 1, 2009,''.

(E) Section 186(d) of such Act (117 Stat. 2518) is amended by striking ''2008, and for the portion of fiscal year 2009 ending before April 1, 2009,'' and inserting ''2009,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2009.

SEC. 1913. ENHANCED CONGRESSIONAL OVERSIGHT.

(a) PLAN.—Not later than 30 days after the date of enactment of this Act, each authorizing committee of the Senate with jurisdiction over spending included in this division and division A shall prepare and publicly post on their website a plan detailing—

(1) spending or programmatic language contained in this division and division A which falls under their jurisdiction; and

(2) plans for oversight of spending under the jurisdiction of the committee, including congressional hearings.

(b) IMPLEMENTATION REPORTS.—Not later than 6 months and 1 year after the date of enactment of his Act, each committee described in subsection (a) shall prepare and post on their website a progress report towards fulfilling components of their oversight plan required by subsection (a) as well as any modifications to that plan.

(c) JOINT ECONOMIC COMMITTEE.—Each Federal department or agency that receives and administers funding under this division and division A shall provide information and data on their implementation of this division and division A to each committee of the Senate with jurisdiction over such funding under this division and division A and to the Committee on Joint Economics.

SEC. 1914. EQUAL CREDIT AVAILABILITY.

Section 44(f) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)) is amended by adding at the end the following:

''(3) EQUAL CREDIT AVAILABILITY.—In the case of a person or government entity (other than a depository institution that is subject to paragraph (1) or (2)) in that State, the maximum annual percentage rate of interest shall be the greater of—

''(A) the maximum annual percentage rate allowed by the laws of that State; or

''(B) 17 percent.''.

On page 601, line 6, insert '', except that such compensation is not required to be paid to an individual who is receiving stipends or other training allowances'' after ''1998''.

On page 601, line 17, insert ''less any deductible income as determined under State law'' after ''year''.

On page 619, line 13, insert ''(or another person pays on behalf of such individual)'' after ''pays''.

On page 692, between lines 7 and 8, insert the following:

(g) IMPACT ON TRUST FUNDS.—The Board of Trustees of the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t) shall include in the annual report submitted in 2010 under subsection (b)(2) of such sections 1817 and 1841 a description of the estimated short-term and long-term impact that the provisions of, and amendments made by, this subtitle will have on such Trust Funds.

On page 707, between lines 21 and 22, insert the following:

''(D) For purposes of this paragraph, the term 'reporting period' means, with respect to a fiscal year, any period (or periods), with respect to the fiscal year, as specified by the Secretary.''.

On page 716, between lines 18 and 19, insert the following:

SEC. 4204A. CHANGE IN DATE OF ANNUAL MEDPAC REPORT.

(a) IN GENERAL.—Section 1805(b)(1)(C) of the Social Security Act (42 U.S.C. 1395b–6) is amended by striking ''March 1'' and inserting ''March 15''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on April 1, 2009, and applies to reports submitted for 2010 and calendar years thereafter.

On page 726, line 7, insert ''(or to an employer or facility to which such provider has assigned payments)'' after ''such provider''.

On page 737, line 18, insert ''and, for purposes of the application of this section to the District of Columbia, payments under such part shall be deemed to be made on the basis of the FMAP'' after ''et. seq.)''.

On page 738, line 11, insert ''(including as such standards were proposed to be in effect under a State law enacted but not effective as of such date or a State plan amendment or waiver request under title XIX of such Act that was pending approval on such date)'' after ''2008''.

On page 740, strike lines 6 through 12, and insert the following:

(ii) on the basis of a restriction that was directed to be made under State law as in effect on July 1, 2008, and would have been in effect as of such date, but for a delay in the effective date of a waiver under section 1115 of such Act with respect to such restriction.

On page 753, between lines 2 and 3, insert the following:

SEC. 5006. CHIP ALLOTMENT ADJUSTMENTS.

Effective as if included in the enactment of the Children's Health Insurance Program Reauthorization Act of 2009, section 2104(m) of the Social Security Act, as added by section 102 of the Children's Health Insurance Program Reauthorization Act of 2009, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6), the following:

''(7) ADJUSTMENT OF FISCAL YEARS 2009 AND 2010 ALLOTMENTS TO ACCOUNT FOR CHANGES IN PROJECTED SPENDING FOR CERTAIN PREVIOUSLY APPROVED EXPANSION PROGRAMS.—In the case of one of the 50 States or the District of Columbia that has an approved State plan amendment effective January 1, 2006, to provide child health assistance through the provision of benefits under the State plan under title XIX for children from birth through age 5 whose family income does not exceed 200 percent of the poverty line, the Secretary shall increase the allotments otherwise determined for the State for fiscal years 2009 and 2010 under paragraphs (1) and (2)(A)(i) in order to take into account changes in the projected total Federal payments to the State under this title for such fiscal years that are attributable to the provision of such assistance to such children.''.

NOTICE OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, February 11, 2009, at 10:30 a.m., to conduct its organization meeting for the 111th Congress.

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on 202–224–6352.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 12, 2009 at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing to receive the U.S. Department of the Interior's views and priorities with regard to Indian Affairs related issues in the coming year.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 10, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, February 10, 2009, at 10 a.m., in room SD366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Executive Nominations'' on Tuesday, February 10, 2009, 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 10, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 10, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senator as Vice Chairman of the Senate

Delegation to the Canada-U.S. Interparliamentary Group conference during the 111th Congress: the Honorable MICHAEL D. CRAPO of Idaho.

The Chair, on behalf of the Vice President, pursuant to Section 5 of Title I of Division H of Public Law 110–161, appoints the following Senator as Chairman of the U.S.-Japan Interparliamentary Group conference for the 111th Congress: the Honorable DANIEL K. INOUYE of Hawaii.

ORDERS FOR WEDNESDAY, FEBRUARY 11, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Wednesday, February 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period for the transaction of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, we are working on an agreement to vote on the confirmation of William J. Lynn to be Deputy Secretary of Defense. We hope to be able to do that tomorrow. Senators will be notified when a vote is scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 4:49 p.m., adjourned until Wednesday, February 11, 2009, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, February 10, 2009*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 10, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

FINDING A CREDIBLE APPROACH TO THE ECONOMIC CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 1 minute.

Mr. WOLF. Madam Speaker, this is an ad that appeared in newspapers around the country. It is an iceberg. We can see what is going to happen. It says:

''Today's economic crisis is just the tip of the iceberg.

''$56 trillion.

''We must focus on a much larger yet less visible threat: the $56 trillion in liabilities and unfunded retirement and health care obligations (that's $483,000 per U.S. household), and the dangerous reliance on foreign lenders that threaten our ship of state.

''Fortunately, the Obama administration and a growing number of congressional leaders recognize the urgent need to address these challenges with entitlement, budget, spending, and tax reforms. We believe a capable and credible approach is necessary: an action-oriented, bipartisan commission that will engage the American people, that will consider all options and that will make sensible recommendations that will be guaranteed to be put to a vote in Congress.

''Meeting today's challenges is very important, but addressing these structural challenges is crucial to navigating a better future for our children and grandchildren.''

The question is, Madam Speaker, will this Congress deal with the greatest economic crisis that we have faced for the last 50 years?

HONORING THE LIFE OF JOHN FETCHER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Colorado (Mr. SALAZAR) for 5 minutes.

Mr. SALAZAR. Madam Speaker, I rise today to pay tribute to a true icon of Colorado, Mr. John R. Fetcher. John Fetcher passed away on Friday, February 6, 2009. He was 97 years old.

I saw John Fetcher just last week at the Colorado Water Congress meeting in Denver. He was a mentor to me, and he epitomized the phrase ''the stuff that legends are made of.''

In 1949, John decided to move to northwest Colorado where he settled on the Elk River outside of Steamboat Springs. A Harvard-trained engineer and a rancher at heart, John Fetcher made his mark on Colorado by building reservoirs, by managing water districts and by bringing what is now the Steamboat Ski Area into the modern age.

Fetcher was a pioneer in the ski industry. He designed and tested the first metal ski; he revolutionized the building of ski jumps and ski areas, and he was elected to the Colorado Ski and Snowboard Hall of Fame.

However, it was John's work of preserving the water of the Yampa Valley that he claimed as his most successful accomplishment. In a 2006 interview and at 96 years young, he explained, ''If they take our water, we're out of business. It's that simple.'' He understood, perhaps more than anyone I have ever met, that water truly is the lifeblood of the West.

In the 1970s, he led the effort to build the Yamcolo Reservoir, calling it a ''godsend to the ranchers.'' He followed his effort with the creation of Steamboat Lake and Stagecoach Reservoir, complete with a small hydro-powered plant.

Throughout his career, John Fetcher created, managed and continued to work with local water and sewer districts such as the Mount Werner Sewer and Water District and the Upper Yampa River Water Conservancy District. Fetcher also served two terms as a member of the Colorado Water Conservation Board from 1970 to 1980. A farmer and rancher himself, John was connected to the land and knew the value of a hard day's work.

Last year, I was shocked to pick up the paper and see the headline blare ''Fletcher to semi-retire.'' He was 96 years old at the time. I guess he had the right to switch only to part-time work.

Colorado lost a legend on Friday—a lover of life, a caretaker of our precious land and water, a tireless worker, a pioneer in the ski industry, a rancher, a devoted public servant, and a loving father and grandfather. He was one of the finest men whom I have ever met. He will be missed but never forgotten, having left a legacy that will live on for generations to come.

Madam Speaker, my heart goes out to John's family.

HONORING WINSTON STRICKLAND

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. GINGREY) for 1 minute.

Mr. GINGREY of Georgia. Madam Speaker, in celebration of Black History Month, I want to recognize African Americans from throughout Georgia's 11th Congressional District who have had a major impact on their community.

Today, I rise to honor Winston Strickland of Marietta, Georgia. Winston, known to most Cobb County residents as ''Strick,'' has been a cornerstone of the business community for more than 40 years. Marietta residents have likely frequented one of Winston Strickland's establishments—including Strick's Barber Shop, Strick's Grill, as well as his successful Laundromat.

In addition to Winston Strickland's many accomplishments in the business world, he has also had a major impact on the youth of his community in helping to found the Cobb organization of Blacks United for Youth. This community organization builds positive relationships between young people and officials in the school system and in the business community through mentorship programs and the Leadership Academy. The organization has provided more than $100,000 in college scholarships to local youth.

Last year, Blacks United for Youth honored Strickland by renaming their annual Making a Difference Award the ''Winston M. Strickland 'Making a Difference' Award.'' Strickland has also been honored as the Citizen of the Year

by the Alpha Phi Alpha and Omega Psi Phi fraternities.

Winston Strickland strives to be a man of peace who helps others, and he is a role model for the community. He is one who, through his commitment to God, family and community service, can help bridge the gap between those in need and those who are willing and able to provide assistance.

I ask that my colleagues join me in thanking Winston M. Strickland for his leadership and service to Cobb County and for his commitment to improving his community.

THE FAILURES OF TARP

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. I have concerns about the new plan by Treasury Secretary Geithner. Now, he is not explicitly asking the Congress for more TARP money. In fact, the Senate already gave him $350 billion more of TARP money, but they are tapping the Federal Reserve, in addition to that $350 billion, for hundreds of billions of dollars for his new plan.

As the New York Times says, ''For all of its boldness, the plan largely repeats the Bush administration's approach of deferring to many of the same companies and executives who peddled risky loans and investments at the heart of the crisis.'' That's right. The people who have gotten us into this and who have enriched themselves are the people who are going to protect the taxpayers and who are going to get us out of this. I don't believe that.

Some of the most glaring deficiencies of his plan are the so-called restraints on the obscene executive compensations. They are a pale shadow of what they could be. There was one good provision in TARP that almost everybody missed. It said that, if Congress passes a law, all of the past TARP agreements—all of them—will have to be brought in compliance of that law. We could get back the money they paid out in bonuses if we pass a law to do that. I would suggest Mr. Geithner should ask, but if he will not ask, we should still pass the law and begin to make taxpayers whole.

Beyond that, instead of tapping the taxpayers and borrowing money, the other tremendous failure is to put in place a mechanism to pay for this in the names of the American taxpayers in this generation and in the two generations to come.

A modest imposition of a transfer tax—something we had from 1917, it was doubled during the Great Depression and only expired in the sixties—a transfer tax of up to one-quarter of 1 percent, something the British have on the London Exchange, would raise about $150 billion a year.

Wall Street—those scions of ''lift yourselves up by the bootstraps; we are capitalist types''—could pay for their own bailout. Now, there are a couple of things wrong with the proposal. One is it would hurt some speculators. Of course, people seem to think there is some value in speculators because some of them trade on one-tenth of 1 percent or less margin 100 or 1,000 times a day. It wouldn't hurt people whose 401(k)s have already been decimated. In fact, it would stabilize the markets, and it wouldn't put the taxpayers on the hook. It would be Wall Street on the hook. Now, I don't know what is wrong with that. I don't think Main Street America thinks there is anything wrong with that, but somehow, downtown at the Treasury, Mr. Geithner and, obviously, Wall Street think that's wrong.

So let's protect the taxpayers. Let's raise the money from Wall Street, itself, and let's put in meaningful and punitive restrictions on executive compensation, and if they want to go work somewhere else, good luck to them. Mr. Geithner said, ''Oh, they'll all go work for foreign banks.'' Good. Maybe they'll ruin the foreign banks, too, and that will give us a competitive advantage in the future when we grow our small- and medium-sized banks that didn't gamble like these jerks on Wall Street.

THE CONTRASTING RESPONSE TO THE COLLAPSE OF THE JAPANESE AND SWEDISH FINANCIAL SYSTEMS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DANIEL E. LUNGREN) for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, in light of the announcement of the Treasury Secretary of a new version of the financial rescue package, I wish to consider a broader context, historical context, perhaps, to gain a better understanding of how we may best serve our efforts to stabilize our banking system and unlock credit for our path to economic recovery.

In a recent report by the IMF, there have been a number of financial crises in the postwar era indicated. However, two examples stand out as relevant to our own difficulties. During the past decade, Japan and Sweden suffered financial and economic trauma that involved substantial similarities to the current challenges facing us. However, it is the nature of the very distinct responses of these two nations which warrant our attention.

Charles Kindleberger, in his classic work ''Manias, Panics, and Crashes,'' explains the situation confronting Japan in the early 1990s. The bubble in Japan reached its crescendo in 1989. Real estate prices had been skyrocketing, and the banks even developed new financial instruments like the 100-year, three-generation mortgage. In a story that sounds all too familiar, when the bubble burst, Japanese bank loans slowed, and as the availability of credit declined, distressed sales caused real estate prices to decline. By 1991, stock prices had fallen by 60 percent, and it was not until 2003 that the stock prices in Japan returned to the level that they had been 20 years earlier.

To put this into perspective, it will be remembered that seven out of 10 of the world's largest banks were Japanese at the beginning of the 1990s. Before the decade was over, these financial giants were insolvent. They remained in business only because of an understanding that the Japanese government would keep them afloat.

One of the reasons the comparison of the Japanese and Swedish financial bubbles is helpful to us is that it reflects the role of an increasingly intertwined global economy. As Kindleberger points out, the bubble in Sweden was largely affected by the offshore branches of banks headquartered in Tokyo and Osaka. The surge in the flow of loans from these banks led to the increase in real estate and stocks in Sweden. Before all was said and done, the price of real estate in Sweden was to rise even faster than it did in Japan.

In a presentation of the Kansas City Federal Reserve Bank, Sweden's former Central Bank chairman, Urban Backstrom, pointed to a number of factors which led to the Swedish bubble—an expansionary monetary policy similar to pre-bubble Japan, a tax policy that favored borrowing, sizable current account deficits, and an explosion of Swedish debt.

Within 5 years, the rate of debt to the gross domestic product rose from 85 percent to 135 percent. This credit boom led to a resulting boom in real estate prices. The speculative bubble had been created, and the Swedish economy became vulnerable to an implosion.

□ 1245

In seeking to rectify policies that had led to high inflation and high nominal interest rates, asset prices began to fall and economic activity headed south. Between the summers of 1990 and 1993, Swedish GDP dropped by 6 percent, unemployment rose to 12 percent, and the banking sector had loan losses of 12 percent of the gross domestic product. What is perhaps most instructive is for us to consider how differently these two nations responded.

The response of the Japanese government was largely predicated on the ''understanding'' that it would keep the banks afloat. The absence of any systematic overarching policy framework led to what could be best characterized as an ad hoc approach. And as a

consequence, the Japanese financial system consisted of a large number of ''zombie banks'' which had the effect of undermining the confidence in the banking system. Furthermore, this unwillingness to address the reality of insolvent institutions rendered the banking system as a whole insolvent.

The response of the Swedish government to its financial collapse contains noteworthy contrast. This was explained by Swedish Central Bank Chairman Urban Backstrom. Due to the serious nature of the Swedish financial crisis, efforts were made to maintain the bank system's liquidity. Significant emphasis was given to the need for transparency and a realistic disclosure of expected loan losses. Banks applying for support had their assets valued by the Bank Support Authority using uniform criteria. In order to minimize the problem of moral hazard, the bank guarantee provided protection from losses for all creditors except shareholders. A separate authority was set up to administer the bank guarantee and to manage the bank that faced solvency problems.

The clear distinction between the Swedish model and the Japanese model was an overarching set of rules rather than a series of ad hoc responses. In contrast to their Japanese counterparts, the Swedish government quickly wrote down the value of bad assets and did not prolong the agony for the economy. Sweden, unlike the Japanese government, did not have an understanding that insolvent banks would be forever protected. We ought to look at the Swedish model.

ECONOMIC STIMULUS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE) for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to emphasize the important responsibility that we have in this Congress, and the responsibility is now.

I am glad to have had the opportunity to listen to my good friend and colleague from California. I believe the emphasis of his remarks is that the reordering of our economy requires a multitask effort, particularly two direct tasks: the recapitalizing of our markets, particularly our banks, which Secretary Geithner has spoken to eloquently and forcefully this morning, and as well, spending; the economic stimulus package. I think where we need to have common agreement and bipartisanship is you can't do one without the other.

So I believe it is important that we answer the question of spending. The government is the spender of last resort, not the reckless spender, but the spender that will create jobs, create jobs in Indiana and Florida where the President is traveling, and create jobs in Texas.

Yesterday I traveled to one of our work source sites, our sites where individuals are able to get information about unemployment benefits. I was able to walk through and talk to those who have been unemployed for a year or more, and now even more recently. I listened to their descriptions and their hardships of trying to find work, listening to the construction worker who came from Florida who is well skilled, 17 years of using heavy equipment, but yet cannot find a job.

Madam Speaker, we need a stimulus package that is not nickel and diming but actually is fiscally responsible by spending the money where it needs to be spent. The mayor in the small town of Indiana where the President was yesterday said we need money spent. Republicans, Democrats, Independents, this is an American issue. We need jobs created for Americans.

So I would hope as we move to conference, we will ensure that the infrastructure mark of $12 billion is in place because that will put people to work in my own city of Houston. It may create an opportunity for $180 million for the Metro system, the mobility system, to begin work, and workers utilized for utility work. Remediation work is important. It will keep the money for school renovation and repair. That is important. Keep the $10 billion for schools. We know that 598,000 jobs were lost. We now have a total of 21.6 million Americans who are unemployed or have gotten out of the system it is so bad. We need the stimulus package so 95 percent of working Americans can get tax cuts. We need it so that it creates and saves 3 to 4 million jobs, including the green energy jobs, the jobs that will allow us to green America, to produce alternative energy and be able to retrofit our buildings and save energy, the weatherization of our homes.

It will invest in renewable energy to create green jobs and promote health information technology to modernize our health system. We know how problematic it is for seniors and people with young children to go from doctor to doctor and not have those systems.

With 21.6 million Americans unemployed, we need a stimulus package that works. We also need language in the stimulus package. Do you recognize that there is no whistleblower protection for transit security offices, the TSA officers that you see that are airport screeners, they can't tell you when something wrong has happened that creates an unsafe situation, an insecure situation. We need to keep language in there that allow those individuals to be protected by whistleblower language. Why do we have people who are in security who can't tell us that the security system is failing? So I am going to argue vehemently that the language in the House bill remain to protect transit security officers at our Nation's airports so they can tell us what is wrong and what is right.

What we need most of all is to ensure that we have a stimulus package that complements the recapitalizing of our Nation's banks. We need to make sure that as the government takes some of these toxic assets, working with the private sector, we are spending money to create jobs, building highways, bridges, creating Metro systems, making sure our buildings are safe, and making sure that children can go to schools that are redone, repaired or built from the ground up.

What kind of America are we? We can put Texans back to work, and Houstonians back to work, and those from the Midwest and the East and the South. We can do it if we assure ourselves that we have the kind of effective program that is here.

What we want to do also is make work pay. We want that tax credit that provides money to the families. We want to increase the earned income tax credit and give tax relief for 60 million children through the expansion of the child tax credit. That puts money in America's hands. So today is an important day. Vote for the American people. Vote for the stimulus.

As a Representative of 18th Congressional District, I have made it a top priority to help Houstonians who have retained their jobs during this economic situation and bring jobs back to my district for those citizens who are still looking for work.

Just yesterday, I spoke to a man who lost his job in Florida and went to Houston because he heard there were jobs there. But a grim reality greeted him when he arrived. The job prospects in Houston were no better than what he faced in Florida.

In 2008, Houston's unemployment rate increased from 4.5 percent to 5.4 percent over the course of only a year. I toured an unemployment benefits office in Houston yesterday. It is understaffed and overwhelmed. On an average day, more than 100 people would visit that office. Unemployment experts expect even more job losses in Houston this year.

It is critical that Houston residents receive the tools they need to reverse the high rates of job loss and the skyrocketing mortgage foreclosure rates leaving many families helpless in our region.

Any economic stimulus bill will need to increase unemployment benefits by $25 to seriously address the economic crisis and ensure that Americans have money to live and pay their creditors. It will help families survive and put food on the table while they look for work. It is also our duty to provide up to 33 weeks of additional unemployment benefits. It will buy our citizens more time to find employment during this grim economic climate.

Retaining the House version of the increased Earned Income Tax Credits, and increased credit for the refundable portion of the Child Credit will give families some much needed tax relief to make it through this economic climate.

Children are the forgotten victims of our economic times. The Economic Stimulus Bill will help create jobs for our educators. Schools in my district in Houston are old and

in need of repair. Some are at risk of being shut down. Our children are our future. They not only deserve to learn in buildings that are up to standard, but the schools also need to be modernized with high tech tools to help them compete in 2009 and beyond. We cannot forget about our children.

The House version of the stimulus bill sets aside 79-billion dollars for our Nation's schools. The money will go towards repairing and modernizing the buildings that will shape the future leaders of this country. An additional amount was set aside for school construction. School construction is critically important because it will create jobs and allow Americans to invest in the future of our children. The Senate Stimulus Bill only provides 39-billion dollars for our schools. That is almost half of the funds proposed by the House Stimulus Bill. Our children deserve better.

The story of my constituents in Houston is also the story of Americans throughout the country who are desperately trying to care for their families and make ends meet.

Last month, the U.S. lost more than 500-thousand jobs, bringing the total to 21.6 million unemployed Americans. The economy is expected to hit record lows in 2009.

According to the U.S. Bureau of Labor Statistics, America's unemployment rate rose to 7.6 percent in January. Houston's unemployment rate is not as high yet, but any amount above 4 percent full employment is a bad sign. That is unacceptable.

The Economic Recovery and Reinvestment Act is critical to avoiding an economic disaster. The Senate Bill cuts additional funding to basic public safety such as Federal aid to firefighters, the Coast Guard and officers with the Transportation Safety Administration. These are hardworking men and women who watch over the security of our homeland. They keep our families safe.

The House Stimulus Bill provides additional dollars to programs such as Head Start and Violence Against Women. The Senate bill takes dollars away from women and children, by cutting funds to these programs. As Members of Congress, there is no justification for taking dollars away from our most vulnerable citizens—none.

The Senate bill cuts federal aid to NASA, one of Houston's main employers. That means more loss of employment. We need to start creating jobs, not cut them.

This recovery package needs to become a reality with as much funding as we can spare to help our citizens. It should address the mortgage foreclosure crisis. We need to invest federal dollars into our country's infrastructure projects, particularly Houston Metro.

The Economic Stimulus Bill in both the House and Senate is not simply a wish list or an appropriations bill. It is a necessity. I am fighting to ensure that Texans get the Federal dollars needed to get citizens out of the unemployment office and back into the workforce.

HONORING DR. JEANA BRUNSON

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to recognize the life and work of Dr. Jeana Brunson. Dr. Brunson was born and raised in Mobile, Alabama, a city located on the resplendent coast of the Gulf of Mexico which is best known for being the home of the first and true Mardi Gras in the Americas.

Dr. Brunson would remain in Mobile until she earned her bachelor's degree in studio art from the University of South Alabama. She then moved from her beloved Mobile to the University of Texas in Austin where she earned her certification as a teacher. Her pursuit of academia then took her to Lubbock, Texas, where she would earn her master's degree in museum science from Texas Tech University while also serving as a research assistant for the costume and textile division for the Museum of Texas Tech.

Her work in Lubbock earned her a position of cataloger and curatorial assistant for the Kansas Museum of History in Topeka, Kansas, and then on to the curator for the Camden County Historical Society in Camden, New Jersey.

The position of registrar for the Museum of Science in Tallahassee, Florida, finally brought her to the place which she has been calling home for the past 20 years. She quickly moved up the ranks as she proceeded from registrar to curator to senior curator. During her time as head of research and collections, she earned her Ph.D. in historic costume and textiles. Finally in 2001, she was able to enjoy the fruition of her labor and the realization of her dreams when she became the director and chief curator for the Museum of Florida History in Tallahassee, Florida.

From this post in Tallahassee, Madam Speaker, she has been able to collect political materials, women's suffrage materials, garments, and assorted other pieces of historical significance for a new exhibit to be produced in 2013 honoring the accomplishments of the women of my home State of Florida.

Among the honorees will be another great woman of Florida and a person whom I have always admired, a constituent of my congressional district but a person who belongs to our entire State and to our Nation, Roxcy Bolton. Roxcy Bolton is a pioneer among Florida's women. She was inducted into the Florida Women's Hall of Fame for forcing police and prosecutors to make rape crime a priority as well as illustrating to health departments the need for rape treatment centers. In fact, the rape treatment center in our public hospital in Miami-Dade Florida is named after Roxcy Bolton.

Dr. Brunson also has traveled across the country earning prestigious positions and meritorious accolades for her fine work. Each stop has had its pitfalls and its windfalls, but she has never succumbed to the temptation of acquiescence in the face of adversity. The lessons that the good doctor learned on this long road have been to the benefit of our entire Nation. As the director and chief curator for the Museum of Florida History, Dr. Brunson has become the steward of Floridian culture. She has worked tirelessly to preserve the work of courageous women, like Roxcy Bolton, so their stories can be preserved for the benefit of our next generation.

I pray that we may all learn from the examples set by Dr. Jeana Brunson, that we may never let our passions be eroded by our difficulties, and that we may persevere and never falter in the pursuit of our dreams.

Congratulations, Dr. Brunson.

A POLICY THAT DOESN'T WORK

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, Benjamin Franklin warned us that ''Passion governs, but she never governs wisely.''

As the Congress and the President rush to enact the latest in a long line of mega-spending bills, I think we would be well advised to spend a little more time on the dispassionate math of the matter.

The Congressional Budget Office issued a report last week that warns us, as reported by the Washington Times, that the spending bills may ''help in the short term but result in so much government debt that within a few years they would crowd out private investment, actually leading to a lower gross domestic product over the next 10 years than if the government had done nothing.''

We are already running a $1.2 trillion national deficit this year with a spending bill racing back toward this House to add another $800 billion on top of that.

Let's put that in perspective: a $2 trillion deficit, that is 150 times the size of the annual deficit that has brought the State of California to the brink of bankruptcy. That is $6,500 of new debt for every man, woman and child in the United States, $26,000 for an average family of four. And that is not a theoretical number. That family will have to repay that $26,000 plus interest from their future taxes just as surely as if it appeared at the bottom of their credit card statement this month.

This is all being done in the name of stimulating the economy, but the supporters of this policy have not have been able to cite a single example in all of recorded history where massive government spending has actually stimulated an economy. There are plenty of examples where it ruined economies and brought down great nations.

The supporters of this policy have not been able to explain how the government can inject a single dollar into the economy that it has not first taken out of that same economy. They have not been able to explain how we strengthen our economic future by leaving the next generation with an unprecedented debt that will take them decades to pay off.

What the President told us last night, and my friend from Texas said just a few moments ago, is that by spending another $800 billion, they can create or save up to 4 million jobs. That sounds good until you realize that comes to more than $200,000 a job by their own numbers. By their own numbers, we could literally send those 4 million lucky families a check for $100,000 and save half of what they plan to spend.

□ 1300

If this policy worked, we would already be enjoying a period of unprecedented economic expansion. The bailouts and spending and loan guarantees already issued now total $9.7 trillion. As Bloomberg pointed out this week, that is enough to pay off 90 percent of all of the home mortgages in America. Not 90 percent of the bad mortgages, 90 percent of all of the mortgages.

We have not seen prosperity from these policies because these policies don't work. They didn't work in Japan in the 1990s, as my friend from California just mentioned, they didn't work in America in the 1930s. The unemployment rate in 1939, after nearly a decade of New Deal spending, was the same as it was in 1931.

Madam Speaker, history tells us that bankrupt nations don't last very long. Before we can secure the blessings of liberty to ourselves and our posterity, the Nation's finances must first be solid. So I beg the majority to pause and consider carefully what they are doing. I beg the President to pause and consider what kind of legacy he wants to leave the Nation. And, I beg the American people, while there is still time, to rise up and to demand a return to fiscal sanity.

STIMULUS BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. PENCE) for 5 minutes.

Mr. PENCE. Madam Speaker, we gather on this floor at a time just a few moments after the United States Senate has passed by a sufficient majority a spending bill, the intention of which is to stimulate this economy. But careful examination shows, and more Americans every day are realizing, that the only thing the Democrat stimulus bill will stimulate is more government and more debt.

Let me say emphatically: House Republicans know two things to a certainty. Number one, we are in a recession; American families are hurting; millions have lost their jobs, and millions more worry that they will be next. But, number two, Republicans also know this Congress must do something.

Despite the fact that the President of the United States last night told the Nation's media and the American people that he disagreed with some in Congress who believe we should do nothing, let me say, with great respect to our President, I know of no Republican member of the House or Senate who believes that in these difficult times we should do nothing. I would be prepared to stand corrected if the administration would like to provide names, but a casual survey of Republican members of the House and the Senate should instruct the American people that Republicans believe we should do something, but we also believe we should take time to get it right; that we should create a stimulus bill that is not, as the bills that have passed the House and Senate now are, a stimulus bill that actually is not a long laundry list of worn-out liberal spending priorities but actually is, at its center, a bill that will give working families and small businesses more of their hard-earned dollars to spend.

At the President's invitation, Republicans brought forward a Republican alternative which would give the average married couple a tax break this year of some $3,400. We would let small businesses write off up to 20 percent of their profits this year. This kind of tax relief, Madam Speaker, is precisely the kind of tax relief that John F. Kennedy advanced to stave off an economic downturn in the 1960s; that is what Ronald Reagan did to turn back an even more serious recession in the 1980s; and, after the towers fell in New York City and the Pentagon was struck on 9/11, it was what this Congress did in a bipartisan way to turn around a downturn in our economy.

Tax relief, when combined with some modest investment in infrastructure that I believe Republicans in the main would support, is precisely the kind of stimulus that the American people want to see happen, and it is not what has passed out of the House or Senate.

But I rise today with a hopeful note that, after some tough partisan rhetoric in recent days, this Congress now with the conference committee will come together and will again embrace President Obama's call for bipartisan input on this bill. Conference committees, for people looking in, are really the time when the House and Senate reconcile differences. But sometimes they can be a fresh start in legislation; and our hope is that now we will be able to bring forward these time-honored, time-tested efforts for growing our economy. And I believe the American people are with us.

Yesterday, in Indiana, I held a town hall meeting a little bit south of where the President was. Three hundred Hoosiers gathered at Donner Center in Columbus, Indiana yesterday. And I have to tell you, Madam Speaker, I sensed, as was reported in the local paper today, a tremendous amount of skepticism about the idea that we can borrow and spend and bail our way back to a growing economy. There was tremendous support in that room for tax relief for small businesses and working families.

But a little girl named Hillary rose and touched my heart. She said to me: Congressman PENCE, my dad is raising me and her sibling as a single parent. Little Hillary told me he just got his hours cut from 40 hours a week to 24. She said, ''Is there anything in this bill that they just passed that will get my dad his hours back?'' And I looked at her with no small amount of emotion and I said, ''Hillary, because I can't answer yes to that question, because I can't tell you that something in the Democrat stimulus bill will help your dad get back to full time, I can't support this bill.''

The American people are on to it. We need to come together in a bipartisan way and do what history teaches will get this economy growing again.

TARP: A TROUBLING INVESTMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Madam Speaker, I rise today to address the troubling results of a report that was just released last Friday by the Congressional Oversight Panel on the Troubled Asset Relief Program, TARP.

In summary, the 50-page report indicates that our United States Treasury has overpaid by about $78 billion in order to implement the largest private sector bailout in American history. In fact, the study directly states that, ''Treasury paid substantially more for the assets it purchased than their current market value.'' How much more? Our Treasury purchased assets worth about $178 billion for $254 billion. That is a direct and unnecessary transfer of our taxpayer dollars to private financial institutions that utilize reckless investment strategies.

Thus, the Treasury has essentially shortchanged taxpayers to the tune of $78 billion and has not acted as a good steward of our taxpayers' funds. To be sure, former Secretary Paulson looked the American people in the eye and assured us that the taxpayer investment in the TARP program was sound, and we would be given full value in return for our investment. In a public statement to the American people in October, Paulson said of the TARP program, ''This is an investment, not an expenditure, and there is no reason to

expect the program will cost taxpayers anything.'' Unfortunately, Paulson's statement couldn't be further from the truth. The first $350 billion in TARP funds was spent in haste, and we have nothing to show for it but waste.

And the reason for this waste? The use of standardized documents that hindered Treasury's ability to address differences in credit quality among the capital infusion recipients. Furthermore, our Treasury has also failed to explain its reasoning for subsidizing some banks more than others, leaving taxpayers and Congress in the dark.

To add more fuel to the fire, Neil Barofsky, the Special Inspector for the TARP program, came out last week and stated: The government needs to beef up its oversight and fraud prevention mechanism in regard to the TARP program. He stated, ''The Troubled Asset Relief Program represents a massive and unprecedented investment of taxpayers' money, designed to stabilize the financial industry, but the long-term success of this program is not assured.''

American taxpayers are rightly infuriated. Our Treasury has yet to even adopt baseline fraud prevention standards for the TARP program. Additionally, there is a noticeable lack of oversight language included with the TARP capital infusion contracts. Special Inspector Barofsky strongly cautions that oversight language is needed in all TARP contracts, particularly with big banks like Citicorp and Bank of America, and automobile companies like Chrysler and General Motors. Given this troubling investment situation, I am skeptical of how the next $350 billion will be spent.

Looking back to October when former Secretary Paulson came to Congress with a 2½ page double-spaced document ceding himself total authority to spend $700 billion in taxpayer dollars, I suppose it is not entirely surprising to find out that $78 billion has been wasted. The bailout plan was weak from the very beginning. It was Congress that had to step in and demand oversight and transparency of Paulson's TARP program. And what we ended up getting was a proposal for self-regulation, with Paulson and former Fed Chairman Ben Bernanke as two of only five members of an oversight board charged with monitoring their own actions. What we really need is oversight by only those who are independent of the administration and that do not have ties to the Wall Street banking community.

So today on the House floor, I echo the sentiments of the Congressional Oversight Panel, which stated, ''If TARP is to garner credibility and public support, a clear explanation of the economic transaction and the reasoning behind any such expenditure of funds must be made clear to the public.'' Our Treasury has less than 30 days to act together before the next report is released, and hard-working taxpayers deserve to hear that their investment has not been made in vain.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 12 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, we bear witness to the prayer of Your servant, John. Not sure Psalm 71 is one of his favorites, it seems, however, to spring from his lips. A speech not thundered in this Chamber, not enforced by the Chairman's gavel. This prayer is more of an intimate whisper lingering longer than any other.

''O God, be not far from me, my God, make haste to help me. I will always hope and praise You, ever more and more. My mouth shall declare Your justice, though I know not its full extent. O God, you have taught me from my youth and till the present moment, I proclaim Your wondrous deeds.''

Today, Lord, we reflect on the faithful service of the Dean of the House. Tomorrow, the Honorable JOHN DINGELL of Michigan will become the longest serving Member in history. So we add our Amen to the psalmist's prayer: ''Lord, renew Your blessing upon me and comfort me over and over again.'' Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1. An act making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1) ''An act making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. BAUCUS, Mr. REID, Mr. COCHRAN, and Mr. GRASSLEY, to be the conferees on the part of the Senate.

The message also announced that pursuant to section 2761 of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, appoints the following Senator as Chairman of the Senate delegation to the British-American Interparliamentary Group conference during the One Hundred Eleventh Congress:

The Senator from Vermont (Mr. LEAHY).

The message also announced that pursuant to section 2761 of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican Leader, appoints the following Senator as Vice Chairman of the British-American Interparliamentary Group conference during the One Hundred Eleventh Congress:

The Senator from Mississippi (Mr. COCHRAN).

H.R. 1: AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Madam Speaker, I rise to highlight the importance of science in our American Recovery and Reinvestment Act. Research and innovation lie behind the long-term economic success of this country, and it's worth noting that science research creates jobs now. A report by the Information Technology and Innovation Foundation determined that for each additional $1 billion invested in science in the economic recovery, 20,000 American jobs

are created. These jobs go not just to scientists but to research assistants, electricians, technicians and construction workers.

We need to provide a comprehensive set of jobs in this package so that our new roads and bridges built with the funds lead to research facilities and high tech start-up companies that will provide the foundation for the economy of the 21st century.

The ideal project is one that keeps on giving, and that is exactly what scientific research projects do. In his inaugural address, President Obama said, ''We will restore science to its rightful place.'' The legislation we have been considering places science in an important place in short-term job creation and long-term economic growth.

HONORING THE WOMEN OF TOMORROW MENTOR AND SCHOLARSHIP PROGRAM

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I would like to commend a wonderful organization in my congressional district, the Women of Tomorrow Mentor and Scholarship Program. Founded in 1997 by veteran TV journalist, Jennifer Valoppi, and Telemundo President Don Browne, the program has been a pioneer institution for inspiring at-risk young women to achieve their fullest potential through education and job training.

The participants of the Women of Tomorrow program receive mentoring and guidance from highly accomplished professional women in our community. These women share their experiences and techniques for achieving academic and professional success, and their efforts bear fruit, as the high school graduation rate of Women of Tomorrow participants is 90 percent, well over the national average.

Thanks to the Women of Tomorrow organization, under the leadership of its executive director, Bianca Erickson, countless at-risk teenagers are given the encouragement to dream big for the future. Nearly all of the program's high school graduates pursue a college education.

I am grateful to all the individuals who have dedicated their time to this tremendous organization, and I ask that the names of the board of directors be inserted in the CONGRESSIONAL RECORD: Dr. Diane Walder, Marisa Toccin, Donna Feldman, Jamie Byington, Judge Judith Kreeger, Betty Amos, Katherine Fernandez-Rundle, Don Browne and Jennifer Valoppi.

THE GOVERNMENT'S TRIPLE BOGEY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, we are being told by the administration that unless America plays this stimulus package game, ''the country may never recover.'' Once again the politics of fear and intimidation are on Capitol Hill.

If we open up this $835 billion package and look inside, we see all types of goodies for special interest groups that is nothing more than government waste.

There are millions in the package for grant money for neighborhood electrical vehicles that go to government workers. Here's one of these $7,500 vehicles right here. It looks like a golf cart to me. Why should the taxpayer be forced to buy these contraptions?

Does anyone really think this will help the economy?

Well, the taxpayers are yelling ''fore'' while being left out in the rough, and Congress keeps adding strokes to the scorecard.

This bill is supposed to get the economy back on the fairway, but it's just one bogey after another.

Want to stimulate the economy? Let Americans keep more of their own money.

No golf carts for government workers. The government is millions of strokes over par by playing this stimulus game.

And that's just the way it is.

WHAT THE AMERICAN PEOPLE SHOULD KNOW

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Madam Speaker, the American people should know the $800 billion stimulus bill is not the only spending bill coming. In 2 weeks, we will consider a $410 billion omnibus with 4,000 earmarks in it, followed by a $100 billion supplemental. Americans should know that these three spending bills will trigger a need to borrow $2.6 trillion in just the next few months. That's five times more than the United States has ever borrowed.

Each taxpayer now owes $56,000 on this debt, and after these bills pass, you will owe $76,000 each. The cost of this debt will rip the cost of a college education from each family.

Last week I was the first Member of Congress to bother even to visit the Bureau of Debt. They will attempt to borrow $2.6 trillion over the next few months to try to pay for these three spending bills.

ASSISTANCE FOR THE UNEMPLOYED

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, America faces an unambiguously dramatic economic downturn. And Americans are hurting in this very difficult economic time.

But Republicans in the House are still waiting for an opportunity to bring our ideas for economic recovery to the table. So far we've been shut out of negotiations. For instance, Republicans have proposed real assistance for the unemployed by slashing Federal taxes on unemployment benefits, but our suggestions for economic recovery have been ignored.

The result? A bill that does little to stimulate the economy and lots to stimulate the Federal Government and our national debt.

We must pass a bill that helps struggling workers get back on their feet, and that encourages entrepreneurs, the real engines for job creation, to take risks again.

Madam Speaker, we cannot borrow and spend our way back to prosperity.

SOMETHING MUST BE DONE TO STIMULATE OUR ECONOMY

(Mr. SHUSTER asked and was given permission to address the House for 1 minute.)

Mr. SHUSTER. President Obama said that something must be done to stimulate our economy, and I wholeheartedly agree. Unfortunately, my colleagues on the other side of the aisle must have thought President Obama said spend $1 trillion of our children's and grandchildren's money on programs that drive up the national debt and do little to stimulate the economy.

The fact is, little of the dollars spent in the Democratic stimulus actually creates jobs. But for every $1 billion we spend on infrastructure, 30,000 jobs are created; however, the Democrat stimulus package has less than 10 percent that they are spending on a proven job creator.

Instead of accepting a bill that is long on waste and short on substance, House Republicans have an alternative that provides lasting long-term tax breaks to help hardworking families, home buyers and small businesses through these difficult times.

Basic economics teaches us that high Federal spending will dramatically increase inflation.

Madam Speaker, the American people do not need Congress to add to their list of economic problems. We must address the true problems at hand and fix our economic crisis, not quench the Democrats' thirst for more big government.

The Republican approach will work to pull our economy out of this recession. It's time to put politics aside and

put Americans first. It's time to adopt the Republican alternative.

DEFICIT SPENDING

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Madam Speaker, last night I sat here for much of an hour listening to Democratic colleagues across the aisle decrying how terrible deficit spending was. And the tax cuts brought us record revenue into the U.S. Treasury. That wasn't the problem. The problem was that we were deficit spending. And that's a large reason why the Democrats won the majority in November of 2006, to cut out deficit spending.

So, after hearing my friends across the aisle last night talking about how bad deficit spending was, I went back, and as I thought about it last night, it could mean only one thing. Our Democratic colleagues, including the majority leader that spoke so eloquently last night here, are going to vote with us against this deficit monstrosity because parents, most parents, would do anything to make the life of their children better. But not here in Congress. We've got a bill that is going to allow us to live better at the expense of our children, and we should not do this to future generations if we care.

IT'S CRITICAL THAT CONGRESS ACT QUICKLY AND RESPONSIBLY

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Madam Speaker, with employment hitting unprecedented highs, it is critical that Congress act quickly and responsibly to turn the economy around. Unfortunately, many of my Democratic colleagues continue to play partisan politics with our children's and our grandchildren's future. Apparently the backers of the stimulus bill believe that any government spending can be justified as an economic stimulus. The result in both this Chamber and the Senate is a bill larded with spending on Democratic policy priorities that will not impact the economy for years, if at all.

Republicans have put forth a real solution, one that provides targeted tax relief to hardworking Americans, and provides economic relief to allow businesses to invest in themselves and rebuild our economy.

As the President has said, the decisions we make now will have long-term consequences on our future and future generations. At the very least, we owe those future generations a thoughtful debate and objective economic justifications for our actions.

PEOPLE ARE WORRIED BACK HOME

(Mr. LATTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATTA. Madam Speaker, last weekend I was home, and folks back home are worried. They're worried about what this Congress is doing. They're worried about their futures, they're worried about their kids, they're worried about their jobs.

One of the things when I was talking to a lot of the folks at home over the weekend was, first of all, they said what happened to that $700 billion that you all passed last year for the financial bailout? And they're worried about what's going to be going on right now with this $838 billion that we've seen come out of the Senate. And, of course, that's not the correct figure because after you figure in your interest, you're over $1 trillion.

And when you talk about that $1 trillion, you know right now we owe $3 trillion to foreign governments, with as of 2 months ago the Chinese owning $682 billion of our debt. We watch this keep rising and rising, and the people want to know what's the future going to hold for them; where are the jobs going to be.

Well, the Republicans have offered a plan, especially one in which Ohio, under our plan, would create 246,000 jobs, compared to the 142,000 jobs offered under the current stimulus package.

I think that this Congress should examine what this Congress should be doing, making sure that we spend our dollars wisely.

□ 1415

WHERE WERE THE MEDIA . . . ?

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, sometimes media bias is most evident by the news that reporters choose not to cover.

For example, where were the media when the Congressional Budget Office announced last week that the economic stimulus package would reduce the long-term potential output of the economy? Almost every national media outlet ignored the CBO's negative report.

Where were the media when the White House announced last week that it would seize oversight of the Census Bureau and, thus, be able to politicize the nonpartisan census?

Where were the media when President Obama decided that an internal investigation by his own attorney was sufficient to clear his staff of any inappropriate dealings with the former Governor of Illinois?

Madam Speaker, can you imagine what the media would have done if a Republican President were involved?

RESIGNATION AS MEMBER OF COMMITTEE ON FOREIGN AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Foreign Affairs:

WASHINGTON, DC,
February 9, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI, This letter is to inform you that I will be taking a leave of absence from my position on the House Committee on Foreign Affairs (HCFA); however, I reserve my right to retain my seniority on HCFA during my service on the Permanent Select Committee on Intelligence.

Please do not hesitate to contact me or my Chief of Staff, Shana Chandler, with any questions or concerns.

Respectfully yours,

ADAM SMITH,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 1, AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Mr. OBEY. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 1 hour.

Mr. OBEY. Madam Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from California (Mr. LEWIS). All time yielded during consideration of the motion is for debate only.

Madam Speaker, I yield myself 1 minute.

I think the need for this action is obvious. The country is in trouble economically. We need to put an economic recovery package in place just as soon as possible. Going to conference is the next step to making that happen, and I would urge support for the motion.

I reserve the balance of my time.

Mr. LEWIS of California. Madam Speaker, I yield myself such time as I might consume.

It was less than 2 weeks ago that we debated the House version of the economic stimulus package. When we

began this process, I was hopeful that the House and the Senate would heed the President's call for bipartisanship. Madam Speaker, clearly, that has not occurred. The House and Senate have now cleared their respective versions of the same legislation. To date, eleven Democrats have opposed the stimulus package in the House, and only three Republicans—that is three Republicans—have supported it in the Senate.

The manner in which this package was developed is the clearest demonstration to date that, while the President expresses his sincere interest in bipartisan collaboration, his own leadership in the House stubbornly clings to a top-down approach to governing. That top-down approach to governing that has dominated our politics in the House these last 2 years is the single greatest impediment to bipartisanship and is the greatest threat to this institution that most of us love so much.

I am absolutely convinced that, given the opportunity, the chairmen and ranking members of each of the twelve appropriations subcommittees could have and would have worked together responsibly to develop a bipartisan piece of legislation that would stimulate the economy and would create millions and millions of American jobs. Given the opportunity, Republicans and Democrats would have produced a package that would have garnered the support of the House majority on both sides of the aisle. That, however, did not occur with this package.

The chairmen and ranking members of our Appropriations subcommittees were never given an opportunity to work in such a fashion. Not only were subcommittee chairmen and ranking members prevented from working constructively, but the majority staff of the Appropriations Committee was instructed on more than one occasion not to engage or to share information with their minority counterparts. Think about that, Madam Speaker. At the subcommittee level, we have very fine staff, very fine members who spend time concentrating in areas of expertise, and they were told by the top of the committee, ''do not communicate at the staff level within the subcommittees,'' cutting off any sensible form or chance for compromise.

Bipartisanship is a pragmatic and constructive willingness on the part of both parties to engage in a beneficial give-and-take on various areas of disagreement to form consensus. Given this definition and approach and the manner in which critical legislation is now written, bipartisanship in this House really is no longer possible. It certainly does not even appear to be desired by the leadership.

I have said publicly and sincerely on several occasions that I want to see our President be successful. The urgency of the present economic situation demands that we work together in a constructive fashion, but that cannot occur when decisions are made solely by a handful of powerful leaders while the voices of other Members, who have much to contribute, are routinely disregarded and are summarily dismissed.

Spoken during our floor debate when he was discussing this process just 11 years ago, the words of Chairman OBEY ring particularly true when we consider my frustration at this moment. I quote my chairman, Mr. OBEY.

He said, ''This is no way to establish bipartisan consensus. This is no way to establish a decent working relationship between the executive and legislative branches. We need to try to find common ground between the two parties.''

We are proceeding with a motion to go to conference, but let us not for one moment believe this stimulus package is an example of bipartisan legislation, because it is not now nor was it intended to be from the very beginning.

I reserve the balance of my time.

Mr. OBEY. I continue to reserve the balance of my time.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Madam Speaker, before we continue with a stimulus policy that has consistently failed to stimulate anything other than the government, I think the supporters of this program need to answer some very simple questions.

For example, the President, himself, told us yesterday that this $800 billion of new spending is going to produce 4 million new jobs. Well, that's great until you pull out a pocket calculator and realize that that comes to $200,000 per job.

Question: Why don't we just send those 4 million lucky families a check for $100,000 and save half of what the President wants to spend according to his own numbers?

The President, himself, told audiences this weekend that the spending bill would produce a renaissance of highway, road and bridge construction.

Question: If that is the object of this bill, why is only 3 percent of the funding going for that purpose?

The Congressional Budget Office last week noted that the current spending bill, although producing temporary relief, will incur so much long-term debt as to reduce overall GDP growth over the next decade.

Question: How do we strengthen our economic future by leaving the next generation with an unprecedented debt that will take decades to pay off?

We know of many cases where massive government spending and borrowing has destroyed economies and has brought down great nations. One need look no further than to the old Soviet Union.

Question: When in the recorded history of civilization has massive public spending ever stimulated an economy?

It did not work in Japan in the 1990s. The Japanese call that their lost decade. It did not work in America in the 1930s. The unemployment rate in 1939, after nearly a decade of New Deal spending, was the same as it was in 1931.

Madam Speaker, history warns us that bankrupt nations do not last very long. Before we continue with yet another round of massive spending and borrowing, I suggest we get some answers to these inconvenient questions.

Mr. OBEY. I continue to reserve the balance of my time.

Mr. LEWIS of California. Madam Speaker, I am privileged to yield 2 minutes to my colleague, the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Madam Speaker, like many people, I have had a chance to at least look briefly at this bill. I have grave concerns about what it is going to do.

We are spending more than $1 trillion in a hurried-up fashion here with very little oversight and with no hearings. Everything is just rushing forward. Everyone understands that we have got a real problem—an economic downturn in this country. We've got to do something, and we've got to act quickly to save those jobs, those opportunities for our families. We've got to get the country back on its feet again so it can prosper.

We had a proposal brought forth that was totally ignored—the idea of creating over 6 million new jobs at half the cost of what this bill costs—and it has been totally thrown aside. This would have put money immediately into people's pockets. It would have had them spending and getting this economy going and rolling again. That is exactly what we need to do, but we've never had an opportunity to put those into this bill.

It's not only what the bill does as far as spending over $1 trillion. Some provisions in here make dramatic changes in the way our government operates. When we look at reversing welfare reform, the one great thing back from the Clinton administration, this is going to turn that on its head and allow people to stay on welfare for as long as they would like.

I think it also is very, very serious when we talk about a major change in health care reform in that this is going to put the government in charge of rationing health care, standing between you and your doctor. This is something that at least there should be some debate about. Somebody should have a chance to offer amendments to change these bills, these ideas that make massive changes in the fundamental way that we have welfare reform and the way our health care is delivered in this country.

Madam Speaker, to me, this is outrageous. We have got to step back. We have got to think about these things before we just jump into these major changes that are going to do great harm to our economy and to the future of our children and grandchildren.

Mr. OBEY. I continue to reserve the balance of my time

Mr. LEWIS of California. Madam Speaker, I am pleased to yield 2 minutes to my colleague, the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. Madam Speaker, I rise today in support of a meaningful solution to the economic challenges facing our Nation. The House Republican economic recovery plan, for example, would have created 6.2 million new jobs, and would have provided critical tax breaks for the small businesses that are the engine of our economy.

□ 1430

Unfortunately, today the Senate passed a borrow-and-spend bill that is full of wasteful spending and fails to provide the immediate relief the American people demand.

According to Rasmussen Reports, 62 percent of Americans want more tax cuts and less government spending in an economic stimulus plan. Yet only one-third of the Senate's bill focuses on that much-needed tax relief.

Madam Speaker, I've been contacted by hundreds and hundreds of Minnesotans who understand the need for meaningful relief. These men and women are frustrated with ineffective legislation that favors the creation of new government programs over new jobs—and saddles our children and grandchildren with more debt and bigger government.

One of these Minnesotans owns a trucking company. And he reported that he's had the worst quarter and the worst months in the history of his company, which is a second-generation company. They're having to lay off truckers. It's hard times. He does not support the Senate stimulus package.

One of those Minnesotans is another employer, a small businessman, had over 150 employees. They've had no new orders for systems since this summer. They, too, were having to lay off employees.

We understand that there are people hurting, but neither of these Minnesotans favors this non-stimulus plan.

Madam Speaker, let's listen to these American people. Let's listen to the Minnesotans. They deserve a stimulus that works.

Mr. OBEY. Madam Speaker, I continue to reserve my time.

Mr. LEWIS of California. Madam Speaker, I am glad to yield 1 minute to Mr. ROE of Tennessee.

Mr. ROE of Tennessee. Madam Speaker, this weekend the administration warned that our economic crisis could become a catastrophe if we failed to pass an economic stimulus package. Madam Speaker, avoiding a catastrophe is exactly why House Republicans are opposed to the package that the House considered just 2 weeks ago. The Senate bill, being hailed as a compromise by some, spends more money than the House bill did and still contains too much wasteful spending.

We strongly support a stimulus bill, but it must be a stimulus bill that grows our economy, creates jobs, and doesn't saddle our grandchildren with unnecessary debt. Purchasing golf carts for the Federal Government is not stimulative; neither is money designed to follow-up the census which doesn't even begin for 2 years.

We support reducing taxes for working families and small businesses and improving our roads and water and sewer infrastructure. All of this lays the groundwork for future growth and is a much wiser use for our precious tax dollars.

Mr. LEWIS of California. Madam Speaker, I am pleased to recognize Mr. POE of Texas for 2 minutes.

Mr. POE of Texas. Madam Speaker, it's been said: ''a billion dollars here, a billion dollars there, eventually we're going to be talking about real money.'' Well, we're talking about real money in this stimulus package. Madam Speaker, let's make it clear. Spending money doesn't automatically stimulate the economy. That is a myth.

Now, this package is, oh, 800, $900 billion. How much is that? Well, that means different things to different folks. Down in Australia, that is the entire cost of the Australian economy. Or looking at it another way, $900 billion, if you take every junior and senior in high school in every high school in the United States, this money could give them a 4-year college education at a private university—now we're talking about real money—and still have $150 billion left over.

Or looking at it another way, you could pay off 90 percent of the home mortgages in the United States.

This is serious business, Madam Speaker, and this bill does not stimulate the economy; it just spends a lot of taxpayer money.

What we should do is let Americans keep more of their own money. Cut taxes for those that pay taxes. Then they have their own money, they can spend it the way they want to, and they can stimulate our economy.

And that's just the way it is.

Mr. LEWIS of California. Madam Speaker, I am pleased to recognize the gentleman from Texas (Mr. GOHMERT) for 2 minutes.

Mr. GOHMERT. Madam Speaker, I can't tell you how it warms my heart to hear the former chairman say he was pleased to yield me time. I appreciate that.

But one thing that isn't pleasing is this so-called stimulus bill. It's an abomination. We should not be doing this to future generations. I've got two pairs of words for you: One pair of words, tax holiday; another pair of words, American energy.

Our President went from promising all of these millions of jobs, three million, I believe, initially through this stimulus package to now saying we're going to create or save four million jobs. Why would we add ''save''? Because there is no way to document saved jobs. So whatever happens, ''Well, we lost four million jobs, but gee, we saved four million in the process.'' I guess that's what will be said at the end of it.

The problem is this is not going to stimulate the economy when over half of it, 60 percent of it, is not going to be spent for a couple of years or so.

The economy needs help now, and we need to do it without devastating our children and grandchildren. I used to sentence people for doing unconscionable things to their children or to children, and here now I'm a part of a body who wants to live better by taxing and hammering future generations. That's not right. There is nothing virtuous, there is nothing noble in loading down our future generations with this kind of debt.

And, in fact, my Democrat colleagues got in the majority by talking in 2005 and 2006 about the deficit spending, and they were right then. We shouldn't be doing it. Tax cuts got us record revenue in the Treasury; deficit spending got us in trouble. Greed got us in trouble. The immorality of people wanting it for themselves was just too much.

It is time to get back to morality and not loading up future generations, not making our children suffer for the sins of their parents. Let's don't sin any more by being immoral in the way we throw money. Let's do this the right way.

Mr. LEWIS of California. Madam Speaker, I am pleased to recognize a member of the committee, the gentleman from New Jersey (Mr. FRELINGHUYSEN), for 3 minutes.

Mr. FRELINGHUYSEN. Madam Speaker, I strongly support an economic stimulus bill that will produce jobs that actually put people to work, especially in the private sector. H.R. 1 does not do that.

The notion that we need to expand State and Federal public employee rolls with a massive dollar increase in existing and entirely new domestic programs is not what my constituents back home want. My constituents are losing their jobs on Main Street and on Wall Street. The value of their homes has been reduced. Some teeter on the brink of forfeiture. Families' savings and investment accounts have been savaged.

And in this context, the House leadership proposes a bill that guarantees a burst of state and Federal hiring: bureaucracies that will undoubtedly

handcuff small businesses with more rules and more regulation.

What's wrong with this picture?

As an illustration of what's wrong with the bill, let's look at the energy and water portfolio. Frankly, more funding has been proposed in H.R. 1 than could be possibly spent intelligently and effectively.

Under the bill, the budget for Department of Energy grants and loans explodes to $30 billion. This sum alone is greater than the entire budget for the whole Department of Energy last year. Instead of being our premier R&D agency, DOE will become a grants-manager for tens of billions of borrowed money, much of it spent in expanding the Federal workforce. And what's left will expand State governments. Little will filter down to people who actually work with their hands, actually make things more efficiently, and advance technology.

This is all a recipe for more dysfunction for government acquisition systems that can barely handle their own workloads today. Are the State governments prepared? Their manpower is down, and those who might provide oversight and accountability are walking the unemployment lines as we speak.

My colleagues, remember Katrina: Poor planning, shoddy execution, noncompetitive contract awards, abuse of contractor flexibility, inadequate oversight, a climate for waste, an open invitation to fraud and corruption.

Madam Speaker, there are many reasons to oppose H.R. 1. Those who do not remember the lessons of Katrina are bound to repeat those mistakes. In the meantime, we're missing a precious opportunity to create real private sector jobs and prevent layoffs.

I've heard from my constituents in New Jersey. They want a stimulus package, but they don't want this one.

Mr. LEWIS of California. Madam Speaker, could I inquire about the time remaining on each side.

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) has 12 minutes remaining; the gentleman from Wisconsin (Mr. OBEY) has 29½ minutes remaining.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank the ranking member for recognizing me.

And I want to just say, you know, as I spent time at home this weekend, I would see the polls were 38 percent of the American people in favor of this stimulus bill. Evidently those 38 percent don't understand that this is a government-expansion spending bill and not really a stimulus bill. But I don't know who the 38 percent of those people were because everybody I talked to in my district was upset that we were trying to create new government spending programs and claim it to be a stimulus.

There are 20 new programs in this stimulus bill that have never been in the government before, 20 new programs. There needs to be some programs that we find that are inefficient. I can't believe that every program in our government is working to where it services the citizens.

But let me say this: The things that we are spending money on, such as car credits—a lot of people say, ''Good. Car credits are great,'' but they're for two-wheel, three-wheel electric plug-ins; not for the cars that are sitting on these lots today that these dealers need to get rid of.

So we need to look at what the Republican plan did and actually give people money to keep in their own pocket. In fact, they wouldn't even have to give it. They could just keep it from what they're paying right now in their Federal taxes. This is a way to stimulate the economy. Spending other people's money does not stimulate. Spending other people's money does not stimulate. We are spending people's money that are the taxpayers. They need to spend that money. We're borrowing money from foreign countries to be able to do this. We're printing money at a very rapid rate.

What we need to be doing, Madam Speaker, is looking at ways to create the jobs that the average person that's standing in the unemployment line can have right now, not create more government and create more government jobs, but create more jobs in the private sector.

Mr. LEWIS of California. Madam Speaker, I am proud to yield 1 minute to the Republican leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, let me thank my colleague from California for yielding.

Today, earlier, President Obama held a town hall meeting in Fort Meyer, Florida. He discussed the need to create more jobs for Florida families and families across our country. This has been one of our shared goals since the outset of this process. And that's why House Republicans have crafted a plan that creates the most jobs in the shortest period of time. In fact, our plan would create 141,000 more jobs for Florida families than the package that's under consideration.

And overall, it would create twice as many jobs, some 6.2 million jobs in all, at half of the price of the bill that's moving through Congress.

And don't just take my word for it. This is based on the methodology used by President Obama's own nominee as chair of the White House Council of Economic Advisers, Dr. Christina Romer.

How? How do we create all of these jobs? We encourage investment and create jobs by letting families, small businesses, home buyers and job seekers keep more of what they earn. Unfortunately, the House and Senate bills take us in a different direction.

We already know that they rely on slow-moving, wasteful spending here in Washington, but there's more.

The plan that's currently on the table tries to take advantage of the crisis in our economy to enact a series of liberal policy proposals that have nothing to do with economic recovery. It discourages Americans from working, loosens welfare reform's work requirements, and encourages more Americans to become dependent on government programs. And through a proposal called Comparative Effectiveness, it aims to put the Federal Government in charge of some of the most important life and death decisions that families face.

The bill is supposed to be about creating jobs, not about reversing welfare reform or letting government ration out America's health care options.

There is still time for both parties to work together to craft a bill that puts job creation first and foremost. But I think it's up to the majority to help make that happen.

□ 1445

Republicans want to work in a constructive way to help families during this economic crisis, and we want to answer the President's call for bipartisanship and his call for a plan that creates jobs first and foremost. The bills being considered don't do that.

We do believe that our economy is in a crisis. Families and small businesses are hurting, and the government must act, but we must act in a prudent way that does what we all want to do, and that's to preserve jobs in America and to create more jobs in America.

Unfortunately, the plans that we're seeing don't do that. The plan that we put on the table for consideration would, in fact, create 6.2 million jobs over the next 2 years, twice as many jobs as the bills being considered at half the price tag.

It's time to work in a bipartisan way to solve this crisis, and I would urge my colleagues to listen to our ideas and work with us on behalf of the American people.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for yielding.

Madam Speaker, I would just urge my colleagues to take a second look before committing this bill to conference.

We're making some fundamental changes in the way health care is administered in this country as a result of this bill, which has nothing to do with the creation of jobs but everything to do with the government taking a greater and greater share of our

personal liberties that pertains to health care.

Certainly the funding cliffs that are present in the funding for Medicaid and COBRA—COBRA extending medical benefits for 12 months, Medicaid an additional 18 months—but what happens at the end of that 12- or 18-month interval? Do those individuals just fall off a cliff or will Congress have to come back with yet more money?

Already we're talking about an $800 billion bill. We don't include in that the cost of capital. If we were honest about this bill and included the cost of capital and the cost of funding past those funding cliffs, this, in reality, would be a $3 trillion product.

And, Madam Speaker, I spent an hour today down at the Bureau of Debt and watched $32 billion be auctioned off shortly before one o'clock today. That was the third time today that they've had an auction down there. This is an incredible amount of paper that we're selling on the worldwide market, and you have to wonder how long the market can sustain that.

And perhaps just as pernicious, we heard the minority leader mention the comparative effect of this statute, the health information technology statute, something that I support, that I believe in but really has no place in a stimulus bill. Look at the power, look at the power we're giving to the Office of the National Coordinator for Health Information Technology that provides medical decisions, sets the time and place of care. We're devolving an enormous amount of power to an individual that none of us, in fact, even know who that is at the present time.

We're politicizing health care in this country in a way that's never been done before, and we at least ought to be honest with the American people about what we're doing and not do it under the cover of night.

Mr. LEWIS of California. Madam Speaker, I yield to the gentleman from Georgia (Mr. GINGREY) 2 minutes.

Mr. GINGREY of Georgia. Madam Speaker, I thank the gentleman for yielding.

I stand in opposition to H.R. 1, and I can stand here and talk about specific line items in the bill that were first presented to us in the House, not a whole lot different from what's coming over from the Senate, but the bottom line is that we on this side of the aisle have an alternative that would do a whole lot better, and I don't think I can say it any better than comparing my own State of Georgia.

The Republican alternative would create 186,000 jobs in the State of Georgia. This bill would create 113,000. That's a difference of 73,000 jobs, and we do it, Madam Speaker, with much less spending, in fact less than half of the spending that's in this current bill. And we do it by making sure that the tax cuts are directed towards small businessmen and -women and, of course, lowering the capital gains and the tax on dividends.

So we get money in the hands of the people immediately, 5 percent cut in taxes across-the-board, every marginal rate, and last but not least, Madam Speaker, to cut spending 1 percent across the board, with the exception, of course, of national defense.

I've heard President Obama and others say, you know, we need to do something right now; don't just stand there, do something. But this clearly is a time that we need to take a deep breath and make sure that we do the right thing because the downside risk of adding $1.2 trillion worth of debt to a 10.7 current debt, I don't know how our children and grandchildren will ever pay for this, and the chances of it being successful are slim and none in my opinion.

I'm opposed to it. I think we can do better.

Mr. LEWIS of California. Madam Speaker, I'm proud to yield 2 minutes to Mr. COLE from Oklahoma, a member of the committee.

Mr. COLE. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise today to speak against going to conference on the stimulus bill, H.R. 1. However, I'm also rising in support of keeping the conference open.

The time has come to expose this legislation for what it is, a grab bag of special interest projects that will do little in the way of stimulating the economy and will significantly increase our deficit, literally risking our bond rating and triggering future tax increases.

Never in the history of our country has so much money been spent in so little time with, frankly, so little oversight.

As a new member of the Appropriations Committee, a gentleman asked me, well, what's it like? I said, I don't know. I showed up to one meeting. We spent $358 billion in about 3 hours. It was an open process. There was full debate, but there hadn't been subcommittee meetings, and there wasn't time for genuine discussion and give-and-take, in my view.

This train is moving so fast down the tracks, it's hard to determine, frankly, what's in the legislative package from day-to-day, and unfortunately, in my opinion, the package has not been bipartisan in nature. It's not been developed through negotiation and discussion.

Madam Speaker, I trust the President when he says that this should be a bipartisan package, and frankly, I wish the Democratic leadership in the House had seen fit to make it so. But a bipartisan package generally requires the two sides to sit down and negotiate, and frankly, genuinely bipartisan legislation usually requires that some Members on each side vote ''no.''

What we have today is a package that's going to be rammed through on a largely partisan vote where, frankly, the minority feels like it hasn't had an opportunity to participate. Again, I have no problem with that because that's the legislative process. As our friends like to say, they won the election.

Of course, so did we. Everybody that's in this body won an election. Everybody has a point of view, and if you want to have genuine bipartisan legislation, then you have to involve the other side.

The route we're taking will end up, again, in virtually universal support by Democrats and universal opposition by Republicans. It doesn't have to be that way. We could have either debated the Republican alternative or done something else and found common ground.

Mr. LEWIS of California. Madam Speaker, I reserve the balance of my time. May I inquire of the chairman if he has any additional speakers. I'm going to reserve and yield back my time.

Mr. OBEY. I have one speaker, myself.

Mr. LEWIS of California. I yield back the balance of my time.

Mr. OBEY. Madam Speaker, I don't intend to take a lot of time, but I do want to respond to some of the claims and comments made today in opposition to this legislation.

First of all, I do want to thank the gentleman from Oklahoma (Mr. COLE). Like myself, he is a committed partisan, and I think, like myself, he is also an institutionalist, and while I recognize that he very much differs with the product that we have before us, I appreciate the fact that he did indicate that the committee consideration of this bill was an open process.

Let me simply respond to a few of the comments made by my friends on the other side of the aisle.

We're told by numerous speakers that this package is too large. In fact, I fear that it may be too small. We can't determine the proper size of any economic recovery package unless we have some understanding and some anticipation of the size of the problem that it is meant to alleviate.

My old friend Archie the Cockroach, for instance, in talking about the need for proportion said once, In life you always need proportion. ''Of what use is it for a queen bee to fall in love with a bull?''

I think that if we have large and serious economic crisis coming at us, that response needs to be large, bold and aggressive, and that's what I believe the President's package is.

Now, this package is $820 billion. It represents less than 6 percent of our total gross domestic product spread over several years. I would point out that when World War II hit us governmental spending went from 10 percent

of GDP in 1940 to 44 percent in 1943 and 1944, a huge percentage, an increase of 34 percent. That was to save the country in time of war.

I would submit that the challenge to our economy today is every bit as large as the challenge of World War II was to this country in another time because we have been faced with the prospect of virtually total collapse of the financial sector of this economy.

Under the previous President, President Bush, when the crisis finally hit, this Congress gave him the benefit of the doubt, and even though we, many of us, had strong misgivings about the wisdom of the proposal, and even though many of us were frustrated by the fact that Secretary Paulson would not provide sufficient relief on the mortgage front, we nonetheless supported the President's request because we were told that the alternative was to see an absolute freeze up and collapse of the credit markets in this country, with disastrous results. Not just for those Wall Street wizards who helped cause the problem, but would also have resulted in the crushing of everybody else below them on the economic ladder as they fell from their Wall Street perches.

And now the President is asking us to do two additional things. His Secretary of the Treasury today is scheduled to explain to the country what their second step will be with respect to trying to stabilize the financial system in this country and, at the same time, trying to do something to deal with the horrendous collapse of housing prices and the horrendous collapse of people's equity in their homes. And then the next thing the President wants us to do is to pass this package.

Now, this package, as I've said, is a huge, huge endeavor. It is certainly of the size that would have been shocking just a few months ago, but it's responding to a problem just as large, and I want to show you what we're trying to respond to.

This chart shows projected unemployment levels from now through 2 years from today. It was presented by Mr. Mark Zandi, one of the principal economic advisers to Senator MCCAIN in the last campaign. He represents Moody's Economy.com. The red bars indicate what he expects to happen to the unemployment levels if we do nothing. What he expects is that unemployment will rise from over 7 percent, slightly over 7 percent where it is today, to almost 11 percent and perhaps even higher 2 years from now.

□ 1500

In other words, he sees the economy sliding ever more deeply into the abyss over the next 2 years if we do nothing.

The blue bars represent what he thinks the unemployment levels will be if we do pass a $750 billion economic recovery package. Even then, he projects that by the second quarter of—not this year, but next year—he projects that unemployment will still have risen to around 9 percent.

As the President said last night, what that means is that no matter what we do, we are going to have a very, very rough year. And it is his hope and it is the expectation of most economists that if we pass this package, or something close to it, then we will be able to mitigate the rise in unemployment, that we will be able to reduce the expected levels of unemployment by at least 2 percent. And we hope what that will do is to begin to bring additional revenues back into the Treasury and, at the same time, in combination with the other actions of the President, restore a modicum of public confidence in the economy. Between those two actions, get the economy moving again, slowly but surely.

So this package attempts to use the only tool that we have available to get the economy going again. Normally, when we run into economic trouble, what we would do is rely on monetary policy in order to get us out of it. The problem is we have already fired that gun. The Federal Reserve has already brought interest rates down to record low levels. So we don't have that bullet in the gun any more.

About the only bullet left that we can fire is one of fiscal stimulus. And that is what this bill tries to do. It tries to make up for the fact that over the next 2½ years we are expected to have a $2.5 trillion hole in the economy because of the collapse of consumer purchasing power. And, as a result, what the President is trying to do is to partially fill that economic hole to mitigate the expected steep rise in unemployment.

And so the President is trying, in essence, to create or preserve about 4 million jobs by providing additional funding to produce clean, efficient energy alternatives. He wants to provide more jobs by trying to transform our economy through beefing up science and technology. He wants to provide more jobs by modernizing roads, bridges, transit, and waterways, to deal with the crumbling infrastructure of the last 30 years.

He wants to preserve hundreds of thousands of jobs by helping States to maintain their education budgets as their own revenue sources collapse so that we don't have to lay off school teachers; so we don't have to lay off janitors; so we don't have to lay off speech therapists and guidance counselors; so that we don't have to lay off cops; so that we don't have to lay off park workers.

In addition, he wants us to provide tax cuts in order to enable the middle class to finally get a little better deal on the tax side of the ledger. He wants to help workers hurt by the economy by providing additional help for those who have lost their jobs by way of an extension and an expansion of unemployment compensation. And he also wants to help those who have lost their health insurance by providing greater access to Medicaid and by providing some help to keep up with what is called their COBRA payments.

So that is what this package is all about. It is not perfect by any means. And we have substantial, but I hope not overpowering, differences between us and the Senate.

And so the purpose of this motion is to simply have us get on with it. To take the next step we know that we have to take if we are going to do something constructive to move this country forward. We can all debate the fine points of this package until the cows come home, as they say in my area of the country. But the fact is, sooner or later we need to take heed and remember what Franklin Roosevelt said in a not very different situation years ago when he said, ''We need action, and action now.''

This package is meant to begin that process. I would urge Members to support the motion.

Mr. OLVER. Madam Speaker, I support quickly moving forward with a recovery package to put America back to work.

The reckless actions of much of Wall Street, coupled with years of inadequate regulatory oversight, have led to a housing and financial crisis of enormous proportions. Spiraling foreclosure rates have put millions of families on the brink of disaster and infected the entire economy. We must stop an economic collapse and throw a life-line to the millions of people that are struggling to find work and support their families.

In the last four months alone, the economy has lost over 2 million jobs. By the end of 2009, an additional 3–5 million Americans could lose their jobs and without this package, the unemployment rate is likely to rise to 12 percent.

Any final bill must create new jobs by: repairing and improving our nation's roads, highways and bridges and improve and expand public transportation in urban and rural areas. Surface transportation funding in the House bill would create more than 1 million new jobs.

The House and Senate bills would also create jobs by investing in safety and capacity improvements at our Nation's airports; capital investments in Amtrak and intercity passenger rail; and energy retrofits in our Nation's public housing, HUD assisted housing and Indian reservation housing.

This is just some of the important job creating stimulus in this bill.

It is important that we act quickly to bolster the sagging economy.

I strongly support this investment package because it will help put America back to work and improve our transportation and housing infrastructure.

Mr. NEAL of Massachusetts. Madam Speaker, I am very pleased to be here to support this motion to go to conference on the Recovery bill. It has been some time since we have had an actual conference on a tax bill. The

purpose of conferences is to work out differences between the chambers and that give-and-take will usually result in a better bill.

I commend Chairman RANGEL for crafting a responsible tax title that will deliver substantial relief in tough economic times. This means 95 percent of all taxpayers will see tax cuts through the Making Work Pay credit, including 2 million families in Massachusetts. Working families will also benefit from improvements to the child tax credit, the earned income tax credit, and a new higher education tax credit.

Businesses across the country will benefit from bonus depreciation and small business expensing provisions, as well as relief for those businesses with net operating losses. And state and local governments will see substantial relief for infrastructure needs through greater bond authority and lowering the costs to borrow.

The Senate has worked its will and made a number of changes to our House bill, which our conferees should give due consideration. Twenty-six million families will be protected from the AMT under the Senate bill, and that is a provision I am hopeful we can include here. It is something we will enact this year, no doubt. But sooner is better than later.

However, some of the spending cuts, especially for education and higher education, could eliminate the possibility for many of our schools, colleges, and universities to pull out of this economic slump, where credit is tight and borrowing prohibitively expensive.

I am very optimistic and have great confidence in our conferees to craft a recovery package that lifts our economy out of the mire. As the President has directed, time is of the essence. So I urge my colleagues to support this motion.

Mr. CAPUANO. Madam Speaker, I supported H.R. 1, the American Recovery and Reinvestment Act, because we need to create and preserve jobs. In the final analysis I believe that this bill offers enough stimulus to earn a ''Yes'' vote from me. There is no question that help is needed. Each day seems to bring more sobering news about layoffs and business closings. This bill will serve as a boost for job creation and for our overall economy. It is estimated that the legislation, once enacted, will create or save millions of American jobs. I also believe, however, that this legislation relies too heavily on tax cuts to stimulate the economy and a fair amount of the spending, though generally desirable, does not offer a truly stimulative aspect. Nevertheless, on balance I felt that it was better to accept an imperfect bill than wait for a perfect measure that may never materialize. We simply cannot wait much longer to provide as much relief as possible to the American public.

Mr. OBEY. Madam Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

The motion was agreed to.

MOTION TO INSTRUCT

Mr. LEWIS of California. Madam Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. LEWIS of California moves to instruct the managers on the part of the House that they shall not record their approval of the final conference agreement (as such term is used in clause 12(a)(4) of rule XXII of the Rules of the House of Representatives) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 48 hours prior to the time described in such clause.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Thank you, Madam Speaker. I yield myself such time as I may consume.

The debate over the Pelosi-Obey nonstimulus package has often focused on the nearly $1 trillion it will spend, much of it in ways that will not stimulate our economy or create badly needed jobs. It will, however, stimulate tremendous growth in the size and scope of the Federal Government and our national debt.

Well-meaning people can disagree about this legislation, but the simple truth is that nearly 2 weeks after it passed the House, we are still discovering every day what exactly is in this package. The Senate just passed its own version this afternoon and I'm certain that Senators, too, will discover aspects of this bill in the coming days that they were simply unaware of when it came to a vote.

What is most troubling is how some of the Federal agencies will distribute the massive amounts of funding provided for in this bill. For instance, agencies will use funding in the House-passed bill for these endeavors: $30 million for salt marsh harvest mouse habitation restoration in the San Francisco bay; $8 to $10 million for oyster restoration in the Gulf of Mexico; $600 million for the acquisition of plug-in vehicles, which are not made or currently available in the United States. Sadly, the list goes on and on.

While these may be worthy endeavors, they certainly do not meet the test of being ''timely, targeted, and temporary.'' And they certainly do not belong in an economic stimulus bill.

I had hoped when this process began that the House and Senate would embark on a bold new experiment—building a bipartisan consensus—to reflect not only the tone set forth by the President, but to live up to the expectations of the American people.

Let's face it—my voters and your voters are sick and tired of the typical Washington finger pointing and want us to work together. The House leadership had a tremendous opportunity to use this legislation as a vehicle for bipartisanship. Much to my disappointment, the decision was made to forego bipartisanship in the name of expediency. I believe this expediency will prove costly over the long run.

As the House and Senate prepare to conference separate versions of the stimulus package, it is absolutely essential that House Members and Senators know exactly what is included in the final conference agreement.

It is for this reason that I am making this motion to instruct House conferees not to sign the final conference agreement unless the text of such agreement has been available to the conferees in an electronic, searchable, and downloadable form at least 48 hours prior to their approval.

If the House is about to cast its approval of the largest spending bill in history, the least we can do is to ensure that Members have 48 hours to review what is in it. That is not an unreasonable request. To the contrary, it is the reasonable and responsible thing to do.

While this motion limits public availability to conferees, I think any final agreement should, in practice, be available to the public in advance as well. Members have an obligation to their constituents to know the contents of the conference report before they cast their vote in what certainly will be one of the most important votes they will ever cast in this body. They should know—have a chance to know—what is in it. We ought not act in haste when spending almost $1 trillion of our taxpayers' money.

I urge Democrats and Republicans alike to join me in supporting this motion to instruct conferees and provide that 48 hours I mentioned.

I reserve the balance of my time.

Mr. OBEY. Madam Speaker, I yield myself 4 minutes. Madam Speaker, we have often been accused of trying to push this bill rapidly through the Congress. In fact, we have been trying to push a recovery package through this Congress for the last 150 days.

We began this process in September when we tried to persuade the previous Bush administration of the necessity to support an economic recovery package. That White House would have none of it. Nonetheless, we put together a package—very modest in size compared to this one—trying to look for anything that President Bush would sign, and that product was well known.

It has evolved gradually since that time as the economy has descended further and further and further into a recessionary and deflationary spiral. We now have had this legislation in both the House and the Senate appear on the Web.

Our committee, as soon as we produced the final product in the House, placed the bill on the Web. And the Senate placed the Nelson amendment,

which is the amendment that they are now operating on, they placed it on the Web as well. So I think both Chambers have demonstrated that they are trying to do every bit that they can to provide transparency for the process.

I have no objection to what the language in this motion to instruct conferees says. I do have one caution: every day that we do not take action, an additional 20,000 Americans lose their jobs. And that is accelerating.

I don't intend to go anywhere. The Speaker has made it quite clear that this Congress is not going to go home for its Presidents Day recess until this package is finished. So we are scheduled to adjourn for that recess on Friday. But I have no problem sticking around for as long as it takes to get the job done.

I would point out that there's considerably less to this proposal than meets the eye because all it does is to require the text of the proposal to be available to the managers of the bill. And I suspect that the managers, who will be participating in these discussions, will know literally from moment to moment exactly what it is that they are doing.

□ 1515

I am sure that each and every person appointed to be managers on both sides of the aisle will be reasonably competent so that they can do that. So I would simply point out the effectiveness is simply to delay consideration of this legislation when it does come back from conference. If that is what Members want to go on record as supporting, I have no objection whether this passes or not. I will be around as long as it takes; and, frankly, I expect it is going to take a whole lot longer than just this week.

I reserve the balance of my time.

Mr. LEWIS of California. Madam Speaker, I am proud to yield 3 minutes to the gentleman from Texas (Mr. BARTON), the ranking member of the Energy and Commerce Committee.

Mr. BARTON of Texas. First, let me say I rise in support of the motion to instruct. But what I really want to talk about is President Obama's call for bipartisanship. We heard it last night in his press conference; we have heard it in every major speech that he has given. And, somehow, it is just the Republicans' fault that we are not being bipartisan. Well, I have had it up to here with the rhetoric. The reality is totally different.

We have before us a motion to go to conference in which not one Republican amendment was accepted on the House floor, in which there were no hearings in any of the committees in the House of Representatives, in which in the Energy and Commerce Committee of which I am the senior Republican we didn't have any hearings. We did have a markup. We got five Republican amendments accepted in the markup in committee, but three of those were stripped when the bill came to the floor. We are apparently going to have five House conferees out of 435 Members; we are going to have nobody from the Energy and Commerce Committee, nobody from the Education and Workforce Committee, nobody from the Ag Committee, nobody from Homeland Security, nobody from Veterans', nobody from Financial Services. The list goes on and on. That is not bipartisanship. I don't know what it is; but if President Obama is listening, if you really want to be bipartisan, pick up the phone and call the Speaker and say: allow the 41 percent of the House that represents the Republicans to be a part of the process. It is not bipartisan where we are presented a bill and told ''take it or leave it.''

Now, I understand that if one side has 59 percent and the other side has 41 percent, the 59 percent can win every vote; but that doesn't mean that the 41 percent has no say. And we have a bill somewhere between $820 billion and $850 billion, which is more than the entire economy of the country of Australia, which is 20 years of state spending of the State of Texas, which is equal to almost the entire discretionary budget of United States of America, and we are going to pass it after a floor debate 2 weeks ago of 3 to 4 hours, and I don't know how many hours of debate we are going to have today and tomorrow, but it is 3 or 4 hours. Now, that to me is shameful.

The regular appropriation process, which Mr. OBEY is the chairman of, they have 12 subcommittees; they have hearings in every subcommittee; they have markup in every subcommittee. They take each bill to the full committee and have a markup. The bills, theoretically, come to the floor separately and under an open rule where any Member of the House can stand up and offer an amendment.

This process is a dictatorship. I could talk about the substance of the bill, but at least know, the American people, that the process that we are spending $800 billion to $900 billion is a closed system. I strongly oppose it.

Mr. OBEY. I yield myself 1 minute.

Madam Speaker, I yield myself this time to simply observe that my friend from Texas is wrong in one respect. The gentleman suggested that no Republican amendments were adopted on floor consideration of the bill. The Platts amendment was adopted; the Shuster amendment was adopted. The last time I looked, both of those gentlemen were Republicans.

I would also point out that in the committee consideration of the bill, more Republican amendments were adopted, much to my consternation, than were Democratic amendments. I would also point out, in our hearing in the full committee we did have a hearing on the need for an economic recovery package. When we held that hearing, I am sorry that only three members of the minority attended because the minority members were asked by the ranking member of the committee to boycott the hearing.

Mr. LEWIS of California. Madam Speaker, I am pleased to yield 2 minutes to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. Madam Speaker, I thank the ranking member for yielding me this time. I support his motion to instruct and think he has done a very fine job of explaining part of the problems that we have with this bill.

President Obama I understand had promised that, before he would sign any bill, it would be available to the American public for at least 5 days. We are only asking for 48 hours, and yet we are getting excuses after excuses for why this bill cannot be made available for 48 hours. We all remember the rush to fund Katrina, what a debacle that was. And I remember the old saying: act in haste and repent at leisure. We don't know what is in this bill, and we need to know.

Much has been made of the Senate action to cut spending in the bill, but it doesn't show the full picture, because in many ways the Senate bill will lead to an even bigger expansion of the Federal Government and long-term Federal spending than the House bill. If all the new programs proposed by the House and Senate make it into the conference report, we will have created 42 new government programs, programs that the taxpayers likely are now on the hook to continue funding in the future. The Senate bill did nothing to cut the number of existing Federal programs that were included in the House. In fact, the House and Senate combined to propose to expand 87 existing Federal programs, 82 billion from the Senate bill and 93 billion in the House bill. This is not funding for one-time stimulative programs, but will go on to expand these programs, forcing Congress to maintain most, if not all, of these higher funding levels. The public doesn't understand that.

The final stimulus package can include as many as 129 new and expanded Federal programs. And my colleague, the chairman of the Appropriations Committee, failed to mention that, in terms of amendments that were accepted by the committees, that after three amendments were accepted by the full Appropriations Committee they were taken out in the Speaker's office when the bill was rewritten in the Speaker's office.

Mr. OBEY. I yield myself 30 seconds to simply again correct the gentlewoman. The fact is that the amendment that related to the process by which highway projects were funded and approved was not taken out in the Speaker's office; it was taken out on

the House floor when, on a bipartisan basis, Republican and Democratic members of the T&I Committee wanted to see that changed.

I reserve the balance of my time.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to the gentlelady from Missouri (Mrs. EMERSON), a member of the committee.

Mrs. EMERSON. Madam Speaker, first, I would like to say that I hope this bill can be vastly improved in the conference committee.

While much has been said about the Senate cuts, their version of the bill still costs $838 billion, which is a $20 billion increase over the House-passed bill of $819 billion.

Also, with regard to the Financial Services section of the recovery bill, and particularly since I am a new ranking member, I am disappointed that neither I nor the minority's committee staff were given an opportunity to consult with the majority members or staff before the bill was produced and unveiled on the Internet. I hope that this practice won't continue as this stimulus bill is negotiated with the Senate and as the committee begins its work for fiscal year 2010.

With regard to the motion to instruct before us, it simply asks that the House conferees not approve of the final conference agreement until the text of the legislation has been available in an electronic, searchable, and downloadable form for at least 48 hours prior to voting on the final agreement. I think this is a simple request, and it is a simple request that ensures American people have an opportunity to review the bill and contact their representatives regarding its content. I believe, and I think all of us believe, that our constituents have a right to see the bill before it is voted out of conference and it is no longer amendable.

Mr. OBEY. I reserve the balance of my time.

Mr. LEWIS of California. Madam Speaker, it is my pleasure to yield 2 minutes to the gentleman from the committee, Mr. KIRK of Illinois.

Mr. KIRK. Spending under this legislation totals over $800 billion, requiring the Bureau of the Debt, we project, to attempt to borrow $2.1 trillion to finance this legislation. And this legislation isn't the only big spending bill we will consider. Shortly, we will consider a $410 billion omnibus appropriation reportedly containing 4,000 earmarks, followed by a $100 billion supplemental.

I was just at the Bureau of the Public Debt today watching the Federal Government go $32 billion in debt, one of three public auctions. We have an enormous requirement for borrowing money, five times more than in the history of the United States, totaling $76,000 per taxpayer if this legislation passes. We have seen other sovereign debt issues fail. Recently, the government of Germany failed to auction its debt because so much was being offered.

Under this legislation, and with other legislation that is pending on the omnibus and on the supplemental, the Bureau of the Debt will be forced to auction $150 billion per week of the United States going into debt. We have never seen so much debt auctioned before, and this is not coordinated with other governments. Other governments, like the Government of China, the Government of the United Kingdom, France all have their own stimulus packages going into debt $1.2 trillion themselves.

The question: With all of these governments borrowing over $3 trillion, who has the money to pay this? Now we know our kids are going to pay for this long term, but who is going to pay for this next week? And the answer is: maybe debt markets, maybe not.

We have never seen the United States go this far into debt this quickly. It took 40 Presidents, from President Washington to President Reagan, to build up $1 trillion in debt. The previous President doubled our debt to $6 trillion. But now, we are going $2.6 trillion more into debt in a month. In a month. Can we auction this much debt this quickly? It is a question that should be asked and answered before we pass this legislation.

Mr. OBEY. I yield myself 1 minute.

Madam Speaker, the last people in the world I will take lectures from on fiscal responsibility are those Members of this House who voted for the Bush economic programs that borrowed $1.2 trillion and then took us into a war which, before it is over, will cost us another at least $1.5 trillion.

Secondly, I would simply answer the gentleman's question when he asks who is going to pay. I would ask, who is going to pay if we do nothing and do not implement this package? I would submit the people who will pay will be every American who loses his or her job, every businessman who loses his ability to get credit because of the constriction of the economy; every student who will have to quit college because his family cannot afford to help him go.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBEY. I yield myself an additional 1 minute.

And every person who loses one-third to one-half the value of their 401(k)s because of the continuing unraveling of the economy.

□ 1530

That is who will pay.

We need to stop the political rhetoric and recognize this problem is serious enough that we need to rise above our usual recitation of trivia and deal with the major problems facing this country. And we can't do that without taking action on this package.

Mr. LEWIS of California. Madam Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from California has 17½ minutes remaining. The gentleman from Wisconsin has 23 minutes remaining.

Mr. LEWIS of California. Madam Speaker, I yield 3 minutes to the gentleman from Indiana, our conference chairman, MICHAEL PENCE.

Mr. PENCE. I thank the gentleman for yielding.

I take a second chair to no one in this conference in my respect for the integrity of the chairman of the Appropriations Committee. Mr. OBEY is a man with whom I differ on a broad range of issues, but he is a man of integrity, Madam Speaker. And I come to this floor in part to acknowledge that.

Let me say also how much I appreciate that the chairman said that he has no objection to the motion to instruct conferees on H.R. 1 that is before the body today that would require that before the House shall record its final approval to the conference agreement that the text of the agreement should be made available to the managers in an electronic, searchable and downloadable form for at least 48 hours. I commend the chairman for that.

I would respectfully disagree with the statement that the chairman just made, Madam Speaker, and it's a statement that we heard the President of the United States make last night. And maybe it was inadvertent by the chairman, but it is this contrast that somehow this debate is between people that want to do something and people that want to do nothing. With great respect to the chairman, that is not an accurate articulation of the competing positions on this bill.

House Republicans know we are in a recession. This is a very serious time in the life of American families and in the life of our economy. At the President's invitation, House Republicans brought forward a series of proposals that would bring fast-acting tax relief to working families, small businesses and family farms. And despite President Obama's laudable call for bipartisanship, those House Republican proposals were completely excluded from this bill. And so to hear last night on national television and to hear today that there are those of us in the body that would do nothing, I would say respectfully to my Democratic colleagues and to this administration, who are you talking about? I know of no Republican in the House or the Senate who believes in these challenging economic times that we should do nothing. House Republicans believe simply that we should do the right thing. And millions of Americans stand with us that this massive spending bill that is nothing more than a tired wish list of leftover liberal spending priorities is not the answer. But we simply

believe that we can do better. And by requiring that this legislation be on the Internet for 48 hours before final vote, we believe we're going to have a better opportunity to get the American people even more into that conversation than they are today.

I still believe that we can achieve a bipartisan result. I believe in the goodwill of the chairman of the Appropriations Committee. And I believe in his integrity. I believe in the goodwill of a great number of my colleagues on the Democrat side of the aisle. And I believe our President is sincere in saying that in these difficult economic times, we ought to be coming together and bringing the best ideas from both sides of the aisle to confront this very serious recession. But let's bring the American people into this debate. Let's pass this motion and ensure that this bill is open to the public for 48 hours. And we will hear what they have to say.

Mr. OBEY. I yield myself 1 minute.

Let me simply say in response to the gentleman's comments, that indeed I believe that Republican ideas have been included. I have had dozens of conversations with members of the minority side of the aisle who would talk to me about this item or that item that they thought either ought to be in or be out of the package. And we've responded in numerous instances. I would also point out that the President himself has pointed out that when he first talked to Republican leadership about what ought to be in this package, they told him there ought to be a healthy dollop of tax cuts in the package, and that when he produced the package, which did contain significant tax cuts, a number of Republicans then indicated that they were, in fact, pleasantly surprised by the fact that the President had done that.

Apparently, however, since then, they have decided to move the goalpost. The President can't do much about that. And I can't do much about that. I suspect that the people moving the goalposts are the people who might consider moving it back again.

Mr. LEWIS of California. Madam Speaker, it is my honor to yield 1 minute to the whip on the Republican side of the aisle, Mr. CANTOR.

Mr. CANTOR. Madam Speaker, I thank the gentleman.

And let me respond to the last statement from my colleague on the other side of the aisle, Mr. OBEY, that that is not the way things happen. We were invited to the White House because the President felt it appropriate to reach out to us to take into consideration our proposals. We submitted to him in person a Republican economic recovery plan. Yes, it was more weighted for tax relief. Yes, it was, in a reduced way, a spending formula, because at the end of the day what any stimulus bill should be about is preserving, protecting and creating jobs, period. And as the President said last night, there is a lot in this bill that people may like. But do you know what? He also said the plan is not perfect because it was produced in Washington. This President came to this town and was elected because he said he was going to deliver on change.

Madam Speaker, I would say if we are serious about a true stimulus bill, let's get down to business. Let's provide small business tax relief because they create 70 percent of the jobs in this country. Let's not embark on a spending spree that is the biggest spending spree in the history of this country.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, the saying everybody in here already knows is that ''if you find yourself in a hole, it's time to stop digging.'' And there was far too much deficit spending for far too long.

This bill, clearly, with all its lack of transparency, is not about jobs. If it were just about jobs, then we could have the proposals by the Energy Committee and the Republicans in the Natural Resources Committee with some of the Blue Dogs, we could open up Alaska to oil and gas exploration where it has not been, open up the OCS, and we would get 3 million jobs without taking the future away from our children.

Now, the American people intuitively know this is not a good thing. Even though there is so much that is not transparent, they are not allowed to see it because of the opposition to the former chairman's motion here. But they know. The Dow knows. I just saw we are down 380 points even with this bill having passed the Senate and being brought in here now. People understand this is not a good thing. If it's something you're proud of, then go along with the motion to instruct and let the American people see this product you apparently are so proud of that is going to just auction off our children's future.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Speaker PELOSI, as well as President Obama, talked about wanting to have a new era of openness and transparency. And that is exactly what this motion to instruct is all about. It is to bring openness and transparency of this huge bill to the American public.

And I can't understand why my Democrat colleagues seem to be so bent on getting this bill to the floor and passed, because we don't even know what all is in there. I understand that the $600 million that were originally slated in the House bill to prepare America for socialized medicine has been expanded to $2 billion. And the American public has the possibility of having their health care decisions made by some health care czar and some bureaucracy here in the Federal Government, not by their doctor. And in fact, their doctor may be even chosen by this health care czar.

This is not right. This is not transparency. This is not fairness. The American people deserve better than this. So I encourage my Democratic colleagues to look at this motion to instruct and to support it so that the American people can see what is in this bill. We can come back next week or some time or even through the weekend. We can put it online today. And we can vote on it on Friday evening or Thursday evening if you will just do that. So I encourage my Democratic colleagues to support this motion to instruct so that we can have the transparency that the American public deserves.

Mr. OBEY. I yield myself 1 minute.

Madam Speaker, I hope that the Thursday or Friday that the gentleman is talking about, I hope he recognizes that it's likely to be next Thursday or Friday, not this one. Secondly, I must say I am amused when I hear the reference to ''socialized medicine.'' Does anybody really believe that it's socialized medicine if we are putting $2 billion in this legislation in order to help change our medical records from paper records to computerized records so we can reduce the number of mistakes that are made in hospitals and create more efficiency and save money in the health care area? With the rising costs of health care nationwide, shouldn't we be looking for ways to make the system more efficient to save money? That is what that $2 billion does, despite somebody's desire to look for ghosts.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Madam Speaker, I would like to thank the ranking member for the opportunity to speak. And I do stand in favor of the motion to instruct requiring 48 hours for the information on this bill to be made available electronically in a readable, researchable and downloadable database. I think that is important to the American people.

And I want to stress that we have heard a lot of talk about what people stand for. I haven't heard anyone that says that we shouldn't be doing something. We absolutely need to be taking issue with where the American economy is today, to be making sure that we are working as hard as we can to provide solutions. There are American families out there that are hurting each and every day. I don't think any of us up here don't have that first and foremost on our mind.

Madam Speaker, it's not only important that we do something, but it's important that we do the right thing. This is such a monumental step for this government to take. It has been said that this is an historic precedent on the level of spending that we are taking to drive the economy. It really begs us to take the time to get it right. We need to take the time to focus on the right mix of tax cuts and spending that will truly stimulate the economy, dollars that make their way into the economy immediately. Over 60 percent of this bill doesn't make its way into the economy for more than 19 months. I don't know that anybody here would say that that is truly stimulative to the economy and things that are going to equate to jobs in a timely manner for folks that are suffering right now.

I think it's important to make sure that all the American people are heard on this. This is so important. There are members on this side that represent folks out there that want to make sure that ideas we hear from them are projected in this bill and they make their way into the final version that is to be considered here coming out of the conference report. I think that is incumbent upon this body to make sure that that happens. This bill is too important to make sure that we have the participation of everybody. We need to make sure that this information is available for the American public to understand, for their comments to come back to us, for us to have the opportunity to make sure that those comments make their way into this legislation. This is groundbreaking legislation, and it needs to happen now.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. MCCARTHY).

Mr. MCCARTHY of California. Well, I thank my fellow congressman from California (Mr. LEWIS) for the fine work he does for all Americans.

I rise today in support of the motion to instruct conferees on H.R. 1. I would argue that it should be retitled. It should be titled ''People Before Politics.'' All it is asking is 48 hours to see the example of more than 800 pages spending more than $800 billion. It is roughly $1 billion a page. I think the American public has a right to know what is in the bill and what it is being spent on.

When I was watching television today and watching one of the interviews by one of our fellow Senators, one that helped negotiate where this bill currently was, when asked a question, he said, I only agreed to $780 billion. But the score today says $838 billion. When they asked him a question about what has gone in and what has been put in about health care, he said, I never agreed to that. So even the Senators themselves that have been negotiating this bill before it goes into conference are questioning what is in it. I think the American public has a right to know.

I would tell you that a little more than a week ago we sat on this floor and we had an debate about this bill. And unfortunately, there was a partisan vote and then a bipartisan vote about this bill. One side of the aisle almost all voted ''yes.'' That bipartisan vote was a handful of Democrats and Republicans who said ''no.'' And I think their voice has a right to be heard. And their voice of saying ''no'' is not ''let's not do anything.'' We believe there is an ability to do something better. And on this side of the aisle, the Republicans have sat together, worked in a bipartisan group and worked together also in a working group and laid out to this President and have given him the ideas that said how can we improve, how can we move together in moving forward? And what we are saying with the motion to instruct is let's continue the work, let's improve it and let's make the American people be first and foremost. Let's put people before politics.

□ 1545

Mr. OBEY. Madam Speaker, I yield 5 minutes to the distinguished chairman of the House Ways and Means Committee.

Mr. RANGEL. Madam Speaker, there may be a lot of people that have objection to the process in which we have moved forward, but one thing is abundantly clear and that is, the President of the United States, and every economist from the left to the right, believes that if we don't do something and do it fast, that our economy would be in far worse shape than we find it today.

To think the number of people that are losing their jobs, losing their health insurance, losing their families and losing their hope are things that are not labeled Republican and Democrats. This is what the core of America is all about.

I cannot think of anything that's more American, even the American flag, than our middle class citizens, our middle class taxpayers. Whether we've been involved in war, whether we've been involved in depressions, it's been the guts of these people that's been able, with pride, with dignity, to be able to come back stronger than ever. And now we find that their demands have increased, but at the same time, their resources have decreased. These are people that work hard every day; that have families with kids in school, that want to protect their health. And the one thing they can't do is purchase.

I don't understand this word that you have to build the confidence of people in the market. But one thing is that if you're the working poor, $500 or $1,000 in the family, that's not confidence, that's filling a gap, that's filling a need. And it seems like it makes so much sense, no matter what town or village that you live in. If people can't afford to buy, if they can't afford to buy from the small businesses in their towns and villages, then these people have inventory that has built up, but they also have staff and clerks and employees that they can't afford to hire. Once these people are discharged, fired, laid off and go right back into the general economy, these are the middle class people. They're not the rich. They're not the poor, they're not the homeless, but there are people that believe that this country will never let them down.

And so the President says that 95 percent of people who work hard every day would be receiving some type of a tax cut. It would seem to me that, whatever objections you have, that time is not our friend. We find more small businesses closing, more people going into unemployment, losing their benefits for health. And in this bill we try to ease the pain, to try to stop the hemorrhage that we have from job loss, to try to make certain that someone who wants to buy would believe that they can keep their kid in school, that they will be able to have a job the next day and they don't have to hold back.

I'm hoping that we try to break this partisan past that we have, because I don't see how anyone can explain to anyone that's in trouble as to what their party label would be.

Our country is involved in an intensive care unit, and it seems to me that they're saying that we need an infusion of resources, an infusion of health care, an infusion of economic assistance. If we don't help this patient, our great Nation, then most every economist has said that she could come to near death. And every day we hold back this care, every day we hold back this injection of having funds, whether it's the earned income tax credit that allows people to work, even though they may be below poverty, they still are able to work and have their dignity, to be able to have children that are deductible where we can receive an additional two or $3,000 a year. It may not be much to people who are in the upper income, but to the people who have to count their salaries each and every week to see whether or not they can put food on the table, clothing on their children's back, or to be able to fulfill that dream, once the dream that Americans have, that they will not be able to succeed, to me, that's even more important than the economic loss that they would have.

To believe that in this great Nation of ours, no matter what the economic setbacks will be, that we can and we will recover, we've done it before, during bad times. We've come back after World War II stronger than ever. And I think this President, this new President has given hope to people, not only throughout our towns and villages, not

only throughout the United States of America, but indeed throughout the world.

I don't see how any Democrat, having a Republican President, could not say during this time for our Nation that we'll put our party labels behind, we'll work together and try to save the economy of this great country. Now's the time, I really think, if you're talking about bipartisanship, that this is the time to see whether or not we can work together because this word ''confidence'' means not Democrats and not Republicans, but Americans working hard together.

Mr. LEWIS of California. Madam Speaker, I hate to inquire again, but I really need to know if I have enough time for my colleague.

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) has 6 minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 16 minutes remaining.

Mr. LEWIS of California. In that event, Madam Speaker, I am happy to yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding, and I certainly agree with the previous speaker that we do need to have bipartisan cooperation on this. And of course, we got off on the wrong foot. This bill was passed in the House without having the beauty of subcommittee hearings. There was one general hearing back in December, before many of the Members who voted on it were even sworn in to be a Member of Congress. So I think we could go back and this week, maybe in a conference committee, open it up and allow some of the amendments that were left out of the Senate or the House side to be included in it, and maybe we could work in a bipartisan fashion.

This bill, as it is now, is more expensive as it comes out of the Senate than it was by the House, which had a bipartisan vote against it. There was a partisan vote for it, but a bipartisan vote against it.

Only 7 percent of the spending in the bill goes to public works projects. That's $57 billion out of $838 billion. And only 22 percent of the money could actually be spent this year. So much for urgency and shovel-ready projects.

The Senate bill actually increases spending $19 billion over the House bill, which, on a bipartisan basis, so many of us voted against. It creates all kinds of new programs, 32 new programs. Now, some of them were being stripped out by the Senate that the House put in there. That was good. But I just found out about a new $100 million program to get new lunchroom equipment into schools. Now, maybe that's a good idea, but why can't that be done where it's always been done, on a local level? $100 million so that schools can buy new lunchroom equipment.

There's also funding in there for the Department of Energy that actually doubles their annual appropriation, in a stimulus package. There's even a grant in there to study privatization on American Samoa and the Northern Mariana Islands. What is that about? Have you read that language? I don't think anybody has. It's very peculiar. How did that get in there?

And you know, this bill the President brags about has no earmarks, let's be serious. It has $200 billion worth of earmarks, but they will be made by State and local authorities. It won't be made by the Congress. At least when the U.S. Congress does earmarks it gets posted on the Web page and people can find out who requests it. But no, we're going to have phantom, ghost earmarks to the tune of $200 billion.

Madam Speaker, the Republican alternative to this bill creates more jobs at a lower price tag. The Republican bill, through tax credits to small business, creates about six million jobs, and that's from the Congressional Budget Office, a nonpartisan analyst of this. The price of the Republican one is about $400 billion.

We stand ready to work with the President and work with the Democrats on a good, bipartisan package because we think doing something is the right move. But this package deserves a ''no.''

Mr. OBEY. Has the gentleman from California yielded back his time?

Mr. LEWIS of California. I have not. I have no additional speakers, however and it's my intention to inquire of the chairman if he's got three or four speakers.

Mr. OBEY. Just one.

Mr. LEWIS of California. Okay, then I would yield back the balance of my time.

Mr. OBEY. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin has 16 minutes.

Mr. OBEY. I yield myself 5 minutes.

Madam Speaker, this bill is more than 150 days late. And every day that we delay, if you take a look at what's happening in the economy, an additional 20,000 people are losing their jobs.

So we've had plenty of time to talk about our philosophical differences. We've had plenty of time to talk about our different views of the viability of the market. We've had plenty of time to talk about our views of the role of government.

But people back home are not interested in our theoretical or our philosophical views. They're interested in whether or not we have a clue about what is happening on Main Street America, what is happening in businesses all over this country, what is happening when metal working companies and paper mills and dozens of other businesses lay off workers every day, every hour. And they want to know whether we can end the speechifying long enough to actually do something that will help them. That's what this is about.

So we can argue about one-tenth of 1 percent of this bill, whether we like it or not. The fact is that some of the same people who were only too willing to vote for $1.2 trillion worth of tax cuts paid for with borrowed money under President Bush, the same people who were willing to allow us to go to war and spend over $1 trillion in a war that will plague us for years, these are the same people who supported economic policies that, essentially, resulted in the average working family having flat wages for the last 8 years. These same people are now telling us, ''Oh, don't do this. We've got a better idea.''

Well, we've tried those ideas for 8 years, and what has been the result? The result has been that, for the last 8 years, over 94 percent of the economic growth in this country, over 94 percent of the economic growth of this country went into the pockets of the wealthiest 10 percent of American families. And so, the other 90 percent were struggling to get table scraps.

And how did they respond? They responded by borrowing. They borrowed more for their houses. They borrowed more to send their kids to college. They borrowed more to pay for health care and a lot of other things. And then, the housing bubble and the Wall Street bubble burst and they got hit with the results. And so, now they are suffering for the bubbles that we've had in the economy the past 8 years. And they're looking for somebody to recognize what's happened to them and looking for somebody who will help to actually do something about the fact that they're losing their health care, losing their homes, losing their jobs, losing their ability to send the kids to college, and losing hope.

This package, by itself, will not solve any of those problems. All it will do, if we can finally produce it, all it will do is to minimize the damage and to try to inject an additional source of consumer spending in the economy, in hopes that we can begin the process of eventually turning this economy around. That's what this is all about.

We've had our time for debates. It's been a long time now, over 150 days, as I said. The time to move is now.

GENERAL LEAVE

Mr. OBEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the motions on H.R. 1 considered today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Madam Speaker, I yield back the balance of my time.

□ 1600

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. LEWIS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEWIS of California. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct will be followed by 5-minute votes on motions to suspend the rules with regard to House Resolution 114, if ordered, and House Resolution 60, if ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 29, as follows:

[Roll No. 54]

YEAS—403

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis (CA)
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—29

Berkley
Bilbray
Boyd
Brown, Corrine
Campbell
Castor (FL)
Davis (IL)
DeGette
Gallegly
Granger
Grayson
Harman
Hinchey
Johnson (IL)
Kind
Klein (FL)
Kosmas
Meek (FL)
Miller, Gary
Putnam
Rush
Schock
Sessions
Souder
Stark
Tiberi
Wasserman Schultz
Wexler
Woolsey

□ 1630

Ms. LINDA T. SÁNCHEZ of California and Mr. PAUL changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL GIRLS AND WOMEN IN SPORTS DAY

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 114.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 114.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONNOLLY of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 0, not voting 34, as follows:

[Roll No. 55]

YEAS—398

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan

Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis (CA)
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—34

Berkley
Bilbray
Bonner
Boustany
Boyd
Brown, Corrine
Campbell
Castor (FL)
Davis (IL)
DeGette
Gallegly
Granger
Grayson
Harman
Johnson (IL)
Kind
Kirk
Klein (FL)
Kosmas
Linder
Meek (FL)
Miller, Gary
Moore (WI)
Pitts
Putnam
Rush
Schock
Sessions
Souder
Stark
Tiberi
Wasserman Schultz
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1637

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair will ask all present to please rise for a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Without objection, 5-minute voting will continue.

There was no objection.

RECOGNIZING AND COMMENDING UNIVERSITY OF OKLAHOMA QUARTERBACK SAM BRADFORD FOR WINNING THE 2008 HEISMAN TROPHY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 60.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 60.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONNOLLY of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 0, not voting 38, as follows:

[Roll No. 56]

YEAS—394

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon

McMahon	Posey	Slaughter
McMorris Rodgers	Price (GA)	Smith (NE)
	Price (NC)	Smith (NJ)
McNerney	Radanovich	Smith (TX)
Meeks (NY)	Rahall	Smith (WA)
Melancon	Rangel	Snyder
Mica	Rehberg	Solis (CA)
Michaud	Reichert	Space
Miller (FL)	Reyes	Speier
Miller (NC)	Richardson	Spratt
Miller, George	Rodriguez	Stearns
Minnick	Roe (TN)	Stupak
Mitchell	Rogers (AL)	Sullivan
Mollohan	Rogers (KY)	Sutton
Moore (KS)	Rogers (MI)	Tanner
Moore (WI)	Rohrabacher	Tauscher
Moran (KS)	Rooney	Taylor
Moran (VA)	Ros-Lehtinen	Teague
Murphy (CT)	Roskam	Terry
Murphy, Patrick	Ross	Thompson (CA)
Murphy, Tim	Rothman (NJ)	Thompson (MS)
Murtha	Roybal-Allard	Thompson (PA)
Myrick	Royce	Thornberry
Nadler (NY)	Ruppersberger	Tiahrt
Napolitano	Ryan (OH)	Tierney
Neal (MA)	Ryan (WI)	Titus
Neugebauer	Salazar	Tonko
Nunes	Sánchez, Linda T.	Towns
Nye		Tsongas
Oberstar	Sanchez, Loretta	Turner
Obey	Sarbanes	Upton
Olson	Scalise	Van Hollen
Olver	Schakowsky	Visclosky
Ortiz	Schauer	Walden
Pallone	Schiff	Walz
Pascrell	Schmidt	Wamp
Pastor (AZ)	Schrader	Waters
Paul	Schwartz	Watson
Paulsen	Scott (GA)	Watt
Payne	Scott (VA)	Waxman
Pence	Sensenbrenner	Weiner
Perlmutter	Serrano	Welch
Perriello	Sestak	Westmoreland
Peters	Shadegg	Whitfield
Peterson	Shea-Porter	Wilson (OH)
Petri	Sherman	Wilson (SC)
Pingree (ME)	Shimkus	Wittman
Pitts	Shuler	Wolf
Platts	Shuster	Wu
Poe (TX)	Simpson	Yarmuth
Polis (CO)	Sires	Young (AK)
Pomeroy	Skelton	Young (FL)

NOT VOTING—38

Bachus	Grijalva	Miller, Gary
Berkley	Hall (NY)	Putnam
Bilbray	Harman	Rush
Boustany	Herger	Schock
Boyd	Johnson (IL)	Sessions
Brown, Corrine	Klein (FL)	Souder
Campbell	Kosmas	Stark
Castor (FL)	Larsen (WA)	Tiberi
Davis (IL)	Lewis (GA)	Velázquez
DeGette	Linder	Wasserman Schultz
Gallegly	Markey (MA)	
Granger	Meek (FL)	Wexler
Grayson	Miller (MI)	Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1646

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DAVIS of Illinois. Mr. Speaker, I was unable to cast votes on the following legislative measures on February 10, 2009. If I were present for rollcall votes, I would have voted "yea" on each of the following:

Roll 54, February 10, 2009: On Motion to Instruct Conferees on H.R. 1: Making Supplemental Appropriations for Fiscal Year Ending 2009.

Roll 55, February 10, 2009: On Motion to Suspend the Rules and Agree: H. Res. 114, Supporting the goals and ideals of "National Girls and Women in Sports Day."

Roll 56, February 10, 2009: On Motion to Suspend the Rules and Agree: H. Res. 60, Recognizing and commending University of Oklahoma quarterback Sam Bradford for winning the 2008 Heisman Trophy and for his academic and athletic accomplishments.

PERSONAL EXPLANATION

Mr. MEEK of Florida. Mr. Speaker, on rollcall Nos. 54, 55 & 56, had I been present, I would have voted "yea" on all three.

APPOINTMENT OF CONFEREES ON H.R. 1, AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on H.R. 1: Messrs. OBEY, RANGEL, WAXMAN, LEWIS of California, and CAMP.

There was no objection.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. MCMAHON. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 41

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, February 24, 2009, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

HONORING MIAMI UNIVERSITY FOR ITS 200 YEARS OF COMMITMENT TO EXTRAORDINARY HIGHER EDUCATION

Ms. FUDGE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 128) honoring Miami University for its 200 years of commitment to extraordinary higher education, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 128

Whereas article III of the Northwest Ordinance states that ''religion, morality, and knowledge being necessary to good government and its happiness of mankind, schools and the means of education shall forever be encouraged'';

Whereas Miami University was named for the Miami Indian Tribe that inhabited the area now known as the Miami Valley Region of Ohio;

Whereas Miami University is our Nation's 10th oldest public institution of higher learning;

Whereas Miami University's motto is Prodesse Quam Conspici, ''to accomplish without being conspicuous'';

Whereas Miami University is a student-centered public university deeply committed to student success, building great student and alumni loyalty, and empowering its students, faculty, and staff to become engaged citizens who use their knowledge and skills with integrity and compassion to improve the future of our society;

Whereas Poet Laureate Robert Frost once referred to Miami University as ''the most beautiful college there is'';

Whereas Miami University is the birthplace of the McGuffey Eclectic Readers written by William Holmes McGuffey, ''School Master to the Nation'', who wrote and compiled the first 4 Readers while a Miami University faculty member;

Whereas Miami University is cited annually by national college rankings as being one of the Nation's best values among public universities, and provides the opportunities of a major university while offering the personalized attention found in the best small colleges;

Whereas Miami University is named as one of the ''Public Ivies'', offering ''an education comparable to that at Ivy League universities at a fraction of the price'' in the book ''The Public Ivies: America's Flagship Universities'';

Whereas Miami University is among a select group of universities in the Nation that have produced a Rhodes Scholar, a Truman Scholar, and a Goldwater Scholar in the same academic year;

Whereas Miami University's faculty are nationally prominent scholars and artists who contribute to Miami, their own disciplines, and to society by the creation of new knowledge and art;

Whereas Miami University has its own campus in Luxembourg and consistently ranks among the top 25 colleges and universities in the Nation for the number of undergraduate students who study abroad, where more than 35 percent of students study abroad before they graduate;

Whereas in Business Week magazine's latest ranking of undergraduate business programs, Miami's Farmer School of Business appears among the Nation's top 5 percent, ranking 8th among public universities and colleges;

Whereas Miami University has a retention and graduation rate that exceeds the national average for undergraduates, students of color, and athletes, and has the highest graduation rate in Ohio;

Whereas Miami has first-rate facilities, has completed a number of new facilities in recent years, including an engineering building and the Goggin Ice Center, and is currently constructing a new business school facility and planning for a new student center;

Whereas the Miami Student, established in 1826, is the oldest university newspaper in the United States;

Whereas Miami University is known as the ''Mother of Fraternities'', as it is the Alpha Chapter for 5 national Greek organizations, Beta Theta Pi, Sigma Chi, Phi Delta Theta, Phi Kappa Tau, and the Delta Zeta sorority;

Whereas the University has over 150,000 living alumni who reside in every State of the union and numerous countries throughout the world, where they contribute significantly to their local and global communities;

Whereas Miami University is ranked 7th on the Peace Corps' Top 25 list for medium-sized schools, with 39 alumni currently serving as volunteers, and since the Peace Corps' inception in 1961, 809 Miami alumni have joined the ranks, making Miami the No. 44 producer of volunteers for all time;

Whereas Miami University's alumni have a history of service to the United States, including a President of the United States (The Honorable Benjamin Harrison), 9 United States Senators, including sitting Senator Maria Cantwell (WA), 31 United States Representatives, including sitting Members, Congressman Paul Ryan (WI) and Congressman Steve Driehaus (OH), a Speaker of the House, the parents of a United States First Lady and grandparents of a United States President, 6 governors, 11 United States generals, and 7 United States ministers to foreign governments;

Whereas Miami University's alumni include 27 college presidents;

Whereas Miami University has enriched our Nation in the arts, humanities, and sciences through students and alumni who have achieved the pillar of their professions such as a United States Poet Laureate, Pulitzer Prize winners, a National Teacher of the Year, National Institute of Health Fellows, National Science Foundation Recipients, National Endowment of the Arts Awardees, and renowned journalists;

Whereas Miami University is known as the ''Cradle of Coaches'' for the unparalleled number of nationally prominent collegiate and professional coaches it has produced, 18 of whom have been recognized as national ''Coach of the Year'' including Paul Brown (Cleveland Browns), Walter ''Smokey'' Alston (Brooklyn/Los Angeles Dodgers), Woody Hayes (Ohio State University), Bo Schembechler (University of Michigan), and Vicki Korn (Miami University);

Whereas Miami University has created a Culture of Champions, an environment that teaches student athletes to excel in their chosen endeavors as distinguished by a National Football League Rookie of the Year, National Football League Super Bowl Champions, National Basketball Association World Champions, National Hockey League Stanley Cup Champions, Major League Baseball World Series Champions, and Olympic gold medalists;

Whereas Miami University has contributed to the economic growth of this country through the education of men and women who have gone on to lead some of our most August corporations such as AT&T, Inc., Proctor & Gamble Co., the J.M. Smucker Company, and United Parcel Service of America; and

Whereas Miami University is the largest employer in Butler County, Ohio, and serves as an economic powerhouse for Southwest Ohio, the State of Ohio, and the Nation with an economic impact of over $1,000,000,000 per year to the State of Ohio: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Miami University on the momentous occasion of its 200th anniversary, and expresses its best wishes for continued success;

(2) recognizes Miami's profound achievements and unwavering commitment to liberal arts education and the active engagement of its students in both curricular and co-curricular life that has continually attracted and produced some of the Nation's brightest faculty, staff, and students; and

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Miami University for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. FUDGE) and the gentleman from California (Mr. MCCLINTOCK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I ask unanimous consent to have 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 128 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. I yield myself such time as I may consume.

I rise today in support of House Resolution 128, which congratulates Miami University for their 200 years of commitment to extraordinary higher education.

Founded in 1809, Miami University was named for the Miami Indian Tribe that inhabited the area known as the Miami Valley Region of Ohio. The university is our Nation's tenth oldest public institution of higher learning.

I want to congratulate Miami University for making their campus a student-centered public university, where students and alumni carry with them a strong sense of loyalty, integrity, and compassion. MU students graduate with the necessary skills and drive to improve the future of our society. The university is among a prestigious group of schools to produce a Rhodes Scholar, a Truman Scholar, and a Goldwater Scholar in the same academic year.

Among MU's other achievements is their extensive study abroad program. In fact, the university has its own campus in Luxembourg, and 35 percent of Miami students study abroad before they graduate. Students graduate MU ready to solve global problems with the knowledge acquired during their time at Miami University.

Miami University's alumni have a history of service to the United States, including Benjamin Harrison, former U.S. President; many Members of Congress; as well as several governors, generals, and ministers to foreign governments. Additionally, MU is ranked seventh on the Peace Corps' Top 25 list for medium-sized schools, with 39 alumni currently serving as volunteers.

Congratulations are also in order for the university's unparalleled number of nationally prominent collegiate and professional coaches the school has produced. The extraordinary number of successful coaches who got their start at MU has earned the university the nickname ''Cradle of Coaches.'' Furthermore, Miami boasts a distinguished list of professional and Olympic athletes.

This year, as the university community celebrates its 200th anniversary, Miami will reflect on two centuries of achievement and look ahead to many more years of learning, service, and athletic prowess.

Mr. Speaker, once again I express my support for Miami University, and I thank the minority leader for bringing this resolution to the floor. I encourage my colleagues to support this bill.

I reserve the balance of my time.

Mr. MCCLINTOCK. I yield such time as he may consume to my colleague, a distinguished alumnus of Miami University of Ohio, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I appreciate the gentleman for yielding, and you're wondering why a guy from Wisconsin is here to talk about Miami of Ohio—because this guy from Wisconsin is a graduate of Miami of Ohio. I graduated from Miami of Ohio in 1992.

I'd say one of the reasons why I am here, standing and talking in the well of the House of Representatives, is because of the lessons that I learned at Miami of Ohio. The things that shaped me there, the economics degree, the political science degree. In fact, one of my early involvements in politics was working as a college Republican, working door-to-door for a new person running for Congress by the name of JOHN BOEHNER. I have learned how to since pronounce that name BOEHNER. Back then, we didn't know how to pronounce it. But I did doors in Trenton, Ohio, on behalf of our now esteemed minority leader.

But, more to the point, Mr. Speaker, this is the bicentennial of Miami of Ohio. Two-hundred years of history. Founded in 1809. It's a school with such a rich history and proud tradition of top academic and athletic achievement. The ''Cradle of Coaches.''

It's consistently ranked as one of the best schools in the country. It's a public university, referred to as one of the ''public Ivys,'' ranking in the tops in business schools, arts and sciences, and architecture, and all other rounds of academic nature.

One of the great things about Miami is its beauty, its aesthetics. It's one of

the most beautiful campuses in America. I think the poet Robert Frost called Miami of Ohio the most pleasant-looking campus there is.

Miami of Ohio has such a rich tradition. It has produced so many great, faithful servants here in the Capitol, in public, in private institutions. It's a real honor and privilege for me to be able to be here to be a part of this resolution, to be a cosponsor of it, and to honor this fantastic tradition. And I know that Miami's best days are yet ahead.

Ms. FUDGE. Mr. Speaker, I reserve the balance of my time.

Mr. MCCLINTOCK. I yield such time as he may consume to my distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. I want to thank the Speaker and thank my colleagues who are here today to congratulate Miami University on their 200th anniversary. I have nine Miami grads that work for me on my staff. Clearly, you heard from Mr. RYAN, and Mr. DRIEHAUS, you will hear from soon, who are esteemed graduates of Miami of Ohio, as is Senator MARIA CANTWELL.

There will be a lot of nice things said about Miami, but it truly is quite an accomplishment for this university to have had such a successful run over the last 200 years. Miami of Ohio is in my district. It's probably the most difficult place to get to in my district. And I can only imagine how difficult it was in the early 1800s to find Oxford, Ohio.

But it is one of the most beautiful campuses in the country. They have a great record of achievement, and their graduates have gone on to do great things in all fields of endeavor.

And so I am proud to have Miami of Ohio in my district, and I am proud of my colleagues here who are Miami grads, and proud of my staff, who came from such an esteemed university.

Ms. FUDGE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. I'm proud today to join with the minority leader and my distinguished friends and colleagues to pay tribute to one of our finest universities, and a source of pride for all Ohioans. For two centuries, Miami has stood as a hallmark of what public higher education should be in this country.

Miami University boasts excellence in a wide range of programs; a faculty amongst the best in the Nation; facilities and resources that allow Miami's academic community to realize its full potential; and an unparalleled commitment to student success. But Miami's achievement and legacy reach far beyond the confines of its classrooms.

Miami University was a product of the Northwest Ordinance. As Ohio's founders settled the lands west of the Appalachians, Miami stood as a beacon of learning in the untamed corners of a young Nation.

The many government leaders, artists, and scholars among Miami University's alumni have carried the school's message and tradition of excellence across the United States, and around the world. Their contributions to a range of disciplines and professions have left a lasting imprint on our laws and culture.

In the Freedom Summer of 1964, civil rights activists trained at Western College for Women, Miami's western campus. These young heroes brought their message of freedom and equality from Oxford, Ohio to Meridian, Mississippi. Three of them sacrificed their lives because they would not give up their commitment to the struggle against injustice and bigotry.

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Their legacies and the achievements of so many others are part of Miami University's story and have become woven into the fabric of our Nation's history.

For me, Miami University holds a personal significance. I count myself, my wife Lucienne, and four of my siblings among Miami's proud alumni. Miami fostered my commitment to service, leading me to become one of the 809 Miami alumni to join the Peace Corps and to pursue a career working on behalf of my fellow citizens. Miami University opened doors of opportunity for me, as it has for thousands of others.

I add my voice to the many others congratulating Miami University on 200 years of distinguished service, and I wish the university an equally successful future.

Mr. MCCLINTOCK. Mr. Speaker, I yield to the distinguished gentleman from Michigan (Mr. EHLERS) for such time as he may consume.

Mr. EHLERS. I thank the gentleman for yielding. And I suspect most of you are surprised to see me rise to join in the accolades for Miami University, because most of you know that I come from Grand Rapids, Michigan, where I taught at Calvin College, and before that was at the University of California at Berkeley where I got my doctorate and taught for 6 years. But yet I have a history in Ohio as a well.

I spent my high school years living in Willard, Ohio, and I recall hearing numerous references to Miami University. I was urged to consider attending Miami University because it was such an outstanding school, and that has been engraved on my mind. As I got into higher education and became a professor myself, I began to appreciate even more the quality of Miami University as well as the quality of their faculty and their curriculum. So I am pleased to join everyone here in giving accolades to Miami University.

Surviving for 200 years as a university of that stature, with strong emphasis on academic studies and background, is not an easy task for a university, and very few American universities have achieved that other than those along the east coast. So I am very pleased to congratulate Miami on their 200th anniversary, and wish them very well for the next 100 or 200 years as well. If every university in this Nation were as dedicated to academic learning as Miami University, this would be an even more wonderful Nation than it is. I am pleased to support this resolution.

Ms. FUDGE. Mr. Speaker, I am pleased to recognize the gentlewoman from Ohio (Ms. KILROY) for 2 minutes.

Ms. KILROY. Mr. Speaker, I also rise to congratulate Miami University on this occasion of its 200th anniversary.

Miami University is often referred to as the Harvard of the Midwest. We think of it as our ''public school Ivy.'' It is a public university that provides a world-class education to students from Ohio, around our country, and around the world. Miami University is an outstanding example of the kind of value that public institutions can provide, the strength of our public education system, and our public university system in Ohio.

I hope that all of us in this Chamber will recognize the strength of the programs at Miami University and the value of institutions like Miami to the strength of our democracy.

Mr. MCCLINTOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to rise today in support of House Resolution 128, honoring Miami University of Ohio on its bicentennial. This is a very agreeable discovery for me. I am a confirmed Orthodox Bruin, myself, but to discover the enormous contributions that Miami University has made to the Nation.

Its founding on February 17, 1809, marks its contributions to our Nation, developing into an institution with three campuses, over 20,000 students, and a rich history. The school is not only the 10th oldest public institution; it has the oldest school newspaper in America. Miami offers over 100 different areas of undergraduate study and over 50 areas of study for graduate work. This is the birthplace of the McGuffey's Readers. It produced a level of literacy unsurpassed in this Nation before or since. BusinessWeek magazine ranked Miami's Farmer School of Business as eighth among business schools found at public universities. Miami University was also named one of the best values in public colleges by Kiplinger's magazine this year. And of particular interest, I suspect, to this institution is the fact that Miami University has produced one President of the United States, seven United States Senators, 26 United States Congressmen, two of whom we have heard from

today, a Speaker of the House, and six Governors.

I think we can learn a great deal from Miami University, which is annually cited as being one of the Nation's best values among public universities, ''offering an education comparable to that of Ivy League universities at a fraction of the price.'' So says The Ivy Leaguers.

We need to deliver, I believe, the same value to American families, who are going to be paying for a lot of the spending bills we are currently considering, as Miami University has given to its alumni. I would encourage my colleagues to vote for this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 128 ''Expressing the importance of honoring Miami University for its 200 years of commitment to extraordinary higher education.'' Miami University has served its community and this nation for two centuries. The contributions continue to mount as the doors of this illustrious institution of higher education remain open.

Founded in 1809, Miami University was built on a commitment to liberal arts undergraduate education and the active engagement of its students in both curricular and civic life. Named for the Miami Indian Tribe that inhabited the area, Miami University opened its doors to 20 students in 1824 to provide the opportunity for students to develop and grow to become great members of society. It is deeply committed to student success, builds great student and alumni loyalty, and empowers its students, faculty, and staff to become engaged citizens who use their knowledge and skills with integrity and compassion to improve the future of our global community.

Miami University is comprised of a scholarly community whose members believe that a liberal education is grounded in qualities of character as well as of intellect. The University's culture respects the dignity of other persons, the rights and property of others, and the right of others to hold and express disparate beliefs.

Miami University believes in honesty, integrity, and the importance of moral conduct. It defends the freedom of inquiry that is the heart of learning and combines that freedom with the exercise of judgment and the acceptance of personal responsibility.

Miami University provides the opportunities of a major university while offering the personalized attention found in the best small colleges. It values teaching and intense engagement of faculty with students through its teacher-scholar model, by inviting students into the excitement of research and discovery. Miami University's faculty is comprised of nationally prominent scholars and artists who contribute to Miami University, their own disciplines and to society. The University supports students in a residential experience on the Oxford campus and provides access to students, including those who are time and place bound, on its regional campuses.

Miami University provides a strong foundation in the traditional liberal arts for all students, and it offers nationally recognized majors in arts and sciences, business, education, engineering, and fine arts, as well as select graduate programs. As an inclusive community, Miami University strives to cultivate an environment where diversity and difference are appreciated and respected.

Miami University has a distinctive role among the nation's 3,500 colleges and universities in the way it successfully blends teaching and scholarship. Nationally recognized as one of the most outstanding public undergraduate institutions, Miami University gives undergraduates many opportunities to work with senior faculty on research projects and to participate in strong international programs. Miami University also has selective graduate programs in areas of special strength. It has never lost sight of its focus on intellectual development. Retention and graduation rates are some of the highest in NCAA Division I schools.

More than 180,000 proud Miami University alumni are located around the globe, serving as professional and community leaders. Miami University instills in its students intellectual depth and curiosity, the importance of personal values as a measure of character, and a commitment to life-long learning. Miami University emphasizes critical thinking and independent thought, an appreciation of diverse views, and a sense of responsibility to our global future and more importantly the responsibility of making positive contributions to society.

As Miami University marks its 200th anniversary, we celebrate and embrace the long and proud tradition of fulfilling its public mission: to contribute to a better future through the students it educates, the scholarships and creativity it produces and the services it provides to the local communities and beyond.

Mr. Speaker, I urge my colleagues to support the resolution honoring the importance of Miami University on the occasion of its 200 year commitment to higher education.

Mr. BOEHNER. Mr. Speaker, I rise today to congratulate Miami University for its 200 years of commitment to extraordinary higher education. There are 9 Miami graduates currently working for me, so I can tell you firsthand how well educated Miami students are. Miami is a student-centered university deeply committed to student success, building great student and alumni loyalty, and empowering its students, faculty, and staff to become engaged citizens who use their knowledge and skills with integrity and compassion to improve the future of our society. Miami University is the 10th oldest public university in the nation, and is located in my district in Oxford, Ohio.

Poet Laureate Robert Frost once referred to Miami as ''the most beautiful college there is.'' In addition to distinctions for the campus' beauty and first-rate facilities, Miami University is cited annually by national college rankings as being one of the nation's best values among public universities. According to Business Week magazine, Miami's Farmer School of Business is ranked among the nation's top 5 percent of undergraduate business programs, ranking 8th among public universities and colleges. Miami is also named as one of the ''Public Ivies,'' offering ''an education comparable to that at Ivy League universities at a fraction of the price.'' Miami provides the opportunities of a major university while offering the personalized attention found in the best small colleges.

Furthermore, Miami has a retention and graduation rate that exceeds the national average for undergraduates, students of color, and athletes, and has the highest graduation rate in Ohio. Much of Miami's success is owed to its stellar faculty. As nationally prominent scholars and artists, Miami's faculty contribute to the university, their own disciplines, and to society. In fact, while a faculty member at Miami, William Holmes McGuffey, ''School Master to the Nation,'' wrote and compiled the first 4 McGuffey Eclectic Readers.

Additionally, Miami recognizes the opportunities for personal and professional growth that living and studying internationally brings. With its own campus in Luxembourg, Miami consistently ranks among the top 25 universities and colleges in the nation for the number of undergraduate students who study abroad. These abroad opportunities have enabled countless Miami students to develop a broader perspective and keener understanding of the world as they contribute to society.

Miami alumni have a history of profound service to the United States, including a President of the United States (the Honorable Benjamin Harrison); 9 U.S. Senators, including sitting Senator MARIA CANTWELL (D–WA); and 31 U.S. Representatives, including sitting Members, Congressman PAUL RYAN (R–WI) and Congressman STEVE DRIEHAUS (D–OH). In addition, Miami students and alumni have achieved the pillar of their professions including a Poet Laureate, Pulitzer Prize winners, a National Teacher of the Year, and renowned journalists. As the nation's oldest university newspaper, the Miami Student has offered students the opportunity to develop their interests and skills in journalism since 1826.

Miami is also committed to creating an environment that teaches student-athletes to excel in their chosen endeavors. In fact, Miami is one of only 4 universities and colleges to generate both a United States President (the Honorable Benjamin Harrison) and a winning Super Bowl quarterback (Ben Roethlisberger). Miami alumni include a National Football League Rookie of the Year, National Football League Super Bowl Champions, National Basketball Association World Champions, National Health League Stanley Cup Champions, Major League Baseball World Series Champions, and Olympic gold medalists. Known as the ''Cradle of Coaches,'' Miami has produced an unparalleled number of nationally prominent collegiate and professional coaches, 18 of whom have been recognized as national ''Coach of the Year,'' including Paul Brown (Cleveland Browns), Walter ''Smokey'' Alston (Brooklyn/Los Angeles Dodgers), Woody Hayes (Ohio State University), Bo Schembechler (University of Michigan), and Vicki Korn (Miami University).

In addition to athletics, many Miami students also participate in Greek life. As the Alpha Chapter for 5 national Greek organizations (Beta Theta Pi, Sigma Chi, Phi Delta Theta, Phi Kappa Tau, and the Delta Zeta sorority), Miami University is known as the ''Mother of Fraternities.'' Greek life at Miami offers students the ability to engage in philanthropic activities and offers leadership opportunities that help prepare the students for their future.

Miami alumni have gone on to lead some of our most august corporations such as AT&T,

Inc., Proctor and Gamble Co., the J.M. Smucker Company, and the United Parcel Service of America. As the largest employer in Butler County, Ohio, Miami University serves as an economic powerhouse Southwest Ohio, the state of Ohio, and the nation with an economic impact of over a billion dollars per year to the state of Ohio.

On February 17, 2009, Miami will celebrate its bicentennial. I congratulate Miami for the university's profound achievements and unwavering commitment to liberal arts education and the active engagement of its students in both curricular and co-curricular life that has continually attracted and produced some of the nation's brightest faculty, staff, and students. I wish Miami the very best in the future.

Mr. RYAN of Wisconsin. Mr. Speaker, as a native of Wisconsin, it may be strange that I am here to honor Miami University. However, this proud Wisconsinite is also a proud graduate of Miami University. I graduated from Miami University in 1992.

One of the reasons why I am here, standing and talking in the well of the House of Representatives, is because of the lessons that I learned at Miami University. I studied both economics and political science at Miami, and the excellent professors I had there—including Dr. Richard Hart—created an environment where intellectual curiosity was rewarded. It also was where I first became involved with politics. In fact, one of my early involvements in politics was working as a college Republican, working door-to-door for a new person running for Congress by the name of JOHN BOEHNER, our now esteemed minority leader, for whom I knocked on doors in Trenton, Ohio.

But, more to the point, Mr. Speaker, this is the bicentennial of Miami University. Two-hundred years of proud history. Founded in 1809, it is a school with such a rich history and proud tradition of top academic and athletic achievement. It is known as the ''Cradle of Coaches'' due to the high caliber of coaches it has produced, which includes such notables as Ara Parseghian, Paul Brown, and Woody Hayes.

Miami has also gained national recognition as one of the best Universities in the country. Referred to as one of the ''Public Ivies,'' due to its outstanding academic reputation, Miami ranks as a top school for all academic programs, including its business program, its arts and sciences programs and its architecture program. Importantly, in a time of increasing globalization, it consistently ranks as one of the top schools for study abroad programs, including the outstanding Transatlantic Seminar program.

One of the great things about Miami is its beauty, its aesthetics. It's one of the most beautiful campuses in America. The poet Robert Frost called Miami ''the prettiest campus that ever was.''

Miami University has such a rich tradition. It has produced so many great, faithful servants here in the Capitol, in public, in private institutions. It's a real honor and privilege for me to be able to be here to be a part of this resolution, to be a cosponsor of it, and to honor this tradition, I know that Miami's best days are yet ahead.

Mr. MCCLINTOCK. I yield back the balance of my time.

Ms. FUDGE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 128, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. FUDGE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE 50TH ANNIVERSARY OF DR. MARTIN LUTHER KING, JR'S VISIT TO INDIA

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 134) recognizing the 50th Anniversary of Dr. Martin Luther King, Jr.'s visit to India, and the positive influence that the teachings of Mahatma Gandhi had on Dr. King's work during the Civil Rights Movement.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 134

Whereas Dr. Martin Luther King, Jr. changed America forever in a few short years through his teaching of nonviolence and passive resistance to combat segregation, discrimination, and racial injustice;

Whereas, in 1950, during the pursuit of a Bachelor of Divinity degree at Crozer Theological Seminary in Upland, Pennsylvania, Dr. King first became aware of the success of nonviolent political action employed by India's Mahatma Gandhi in political campaigns against racial inequality in South Africa, and later against British colonial rule in India;

Whereas Dr. King began an extensive study of Gandhi's life and ideas, and became inspired to use Gandhi's theory of nonviolent civil disobedience to achieve social change in America;

Whereas, in 1955 and 1956, Dr. King led the Montgomery Bus Boycott to protest the arrest of Rosa Parks and the segregation of the bus system of Montgomery, Alabama, during which time Dr. King was arrested and his home bombed;

Whereas the Montgomery Bus Boycott was the first large-scale, nonviolent civil rights demonstration of contemporary times in the United States;

Whereas, following the success of nonviolent protest in the Montgomery Bus Boycott, Dr. King desired to travel to India to deepen his knowledge of Gandhi's teachings on nonviolent principles;

Whereas Dr. King, his wife Coretta Scott King, and Lawrence Reddick, then chairman of the history department at Alabama State College, arrived in Bombay, India, on February 10, 1959 and stayed until March 10, 1959;

Whereas Dr. King was warmly welcomed by members of Indian society throughout his visit, and met with Prime Minister Pandit Jawaharlal Nehru, land reform leader Vinoba Bhave, and other influential Indian leaders to discuss issues of poverty, economic policy, and race relations;

Whereas, while in India, Dr. King spoke about race and equality at crowded universities and at public meetings;

Whereas followers of Ghandi's philosophy, known as satyagrahis, welcomed Dr. King and praised him for his nonviolent efforts during the Montgomery Bus Boycott, which they saw as a landmark success of principles of nonviolence outside of India;

Whereas the satyagrahis and Dr. King discussed Ghandi's philosophy, known as Satyagraha, which promotes nonviolence and civil disobedience as the most useful methods for obtaining political and social goals;

Whereas the satyagrahis reaffirmed and deepened Dr. King's commitment to nonviolence, and revealed to him the power that nonviolent resistance holds in political and social battles;

Whereas the trip to India impacted Dr. King in a profound way, and inspired him to use nonviolence as an instrument of social change to end segregation and racial discrimination in America throughout the rest of his work during the Civil Rights Movement;

Whereas Dr. King rose to be the preeminent civil rights advocate of his time, leading the Civil Rights Movement in the United States during the 1950s and 1960s and earning world-wide recognition as an eloquent and articulate spokesperson for equality;

Whereas Dr. King became a champion of nonviolence, and in 1964, at the age of 35, he became the youngest man to be awarded the Nobel Peace Prize in recognition of his efforts;

Whereas through his leadership in nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

Whereas, between 1957 and 1968, Dr. King traveled more than 6,000,000 miles, spoke more than 2,500 times, and wrote five books and numerous articles supporting efforts around the country to end injustice and bring about social change and desegregation through civil disobedience; and

Whereas the work of Dr. King created a basis of understanding and respect, and helped communities and the United States as a whole to act peacefully, cooperatively, and courageously to restore tolerance, justice, and equality between people: Now, therefore, be it

Resolved, That the House of Representatives encourages all Americans to—

(1) pause and remember the 50th Anniversary of Dr. Martin Luther King, Jr.'s visit to India;

(2) commemorate Dr. King's legacy of nonviolence, a principle that—

(A) Dr. King encountered during his study of India's Mahatma Gandhi;

(B) further inspired him during his first trip to India; and

(C) he successfully used in the struggle for civil rights and voting rights;

(3) commemorate the impact that Dr. King's trip to India and his study of the philosophy of Mahatma Gandhi had in shaping the Civil Rights Movement and creating the political climate necessary to pass legislation to expand civil rights and voting rights for all Americans; and

(4) rededicate themselves to Dr. King's belief that ''nonviolence is the answer to the

crucial political and moral question of our time'' and to his goal of a free and just United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, 50 years ago today, on February 10, 1959, Dr. Martin Luther King, Jr., arrived in Bombay, India, to study the principles of nonviolence developed and used so skillfully by Mahatma Gandhi, which Dr. King himself employed to become this Nation's greatest civil rights leader.

I commend my colleague, the gentleman from Georgia, Congressman JOHN LEWIS, for introducing this bipartisan resolution that calls upon all Americans to rededicate ourselves to Dr. King's belief that nonviolence is the answer to the crucial political and moral questions of our time. I would also like to acknowledge the many members of the Judiciary Committee that join in this resolution and, in particular, the gentleman from Texas, our ranking member, Mr. LAMAR SMITH.

During his month-long travel to India from February 10 to March 10, 1959, Dr. King gained a deeper appreciation for the power of nonviolent civil disobedience, a practice that Dr. King first discovered reading Henry David Thoreau's essay, ''On Civil Disobedience,'' while a student at Morehouse College.

Just as Gandhi had used it successfully in resistance to oppressive British colonial rule in India, Dr. King adopted it as a cornerstone of the American Civil Rights Movement, holding firmly and faithfully to it even when the peaceful demonstrations were met by dogs and fire hoses, and worse.

Nonviolence had already proven successful in the Montgomery bus boycott, and so it would be used later successfully in sit-ins used to protest segregated lunch counters, and in the freedom rides used to challenge segregated public transportation facilities.

In Memphis, Tennessee, on April 3, 1968, the eve of his assassination, Dr. King told us that ''it is no longer a choice between violence and nonviolence in this world; it is nonviolence or nonexistence.'' This remains his challenge to us as we confront the evils of our own time, from the police brutality and hate crimes here at home, to the threats to freedom emanating from around the world.

Can we always meet this challenge? Given our human frailties, that would be exceedingly difficult. But keeping that challenge in our hearts will help us always to look for the peaceful solution whenever possible, and to maintain our faith that we will sometimes be able to find it even in the most uncompromising situations.

As Dr. King observed in February of 1967 against the backdrop of the Vietnam War: ''Wars are poor chisels for carving out peaceful tomorrows.'' That statement speaks to us as loudly today as it did to those who heard it more than 40 years ago.

Standing on the shoulders of Gandhi, Dr. King called on us to promote equality and justice through steadfast nonviolence, and it is on the shoulders of Dr. King that we now stand to do our best to live up to his dream for us. I ask my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support House Resolution 134, which commemorates the 50th anniversary of Dr. Martin Luther King's trip to India, in which he paid his respects to the methods of nonviolent protest pioneered by Mahatma Gandhi.

Dr. King studied Gandhi's philosophy of nonviolent change at seminary, and in 1959 he had the honor of visiting the land in which the seeds of peaceful protest had been successfully sown by Gandhi.

Gandhi was the first to employ nonviolent protest on a mass political scale. This opposition resulted in national change. Dr. King, inspired by Gandhi's organized peaceful action, launched a similar effort to fight for racial equality under the law in the United States. That inspiration eventually materialized in the Nobel Peace Prize that was awarded to Dr. King in 1964, and a year earlier in a 250,000 person peaceful march Dr. King led through the streets of Washington, D.C. Dr. King was the leader of an historic nonviolent revolution in the U.S. Over the course of his life, he fought for equal justice and led the Nation towards racial harmony.

While advancing this great movement, Dr. King's home was bombed and he was subjected to relentless personal and physical abuse. Despite this violence, Dr. King responded in peace and with strong conviction and sound reasoning. As a pastor, Dr. King's religious beliefs were essential to the success of his nonviolent efforts.

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Just as Mahatma Gandhi was a deeply religious man, so too was Dr. King. It is doubtful that such a long and enduring movement could have survived in either man's country without the power of religious inspiration behind it.

While Gandhi and Dr. King convinced millions of both the morality and the effectiveness of nonviolent change, their message, unfortunately, was not accepted by all. On the evening of April 4, 1968, while standing on the balcony of his hotel room in Memphis, Tennessee, Dr. King was assassinated. But a single vicious act could not extinguish Dr. King's legacy which endures to this day. And Dr. King's legacy is due in large part to the inspiration of Mahatma Gandhi, whose success helped endow Dr. King with the courage to lift voices, not weapons, in the struggle for equality here in the United States.

America is a better, freer nation today in large part due to the philosophical fellowship of Gandhi and Dr. King.

Mr. Speaker, I urge all my colleagues to join me in supporting this resolution. And let me also point out that I know that the two gentlemen from Georgia to my left, one who has spoken and one is getting ready to speak, as well as the Speaker himself, the gentleman from Illinois, have all been leaders in the Civil Rights Movement. And we certainly appreciate their leadership, their contributions and their success.

And I will reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I will yield as much time as he may consume to the sponsor of this resolution, the Honorable JOHN LEWIS of Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from Georgia for yielding.

Mr. Speaker, 50 years ago today, Dr. Martin Luther King, Jr. and his wife, Coretta Scott King, took a historic trip to India to travel and study the path of Mahatma Gandhi. Dr. King was deeply influenced by the teachings of Gandhi and what he attempted to do in South Africa and what he did to liberate and free the people of India from the colonial rule of the British.

It was on Gandhi's preaching of the philosophy and the discipline of nonviolence that Dr. King patterned the nonviolent struggle in America to tear down the walls of segregation and racial discrimination. The great teacher gave us the philosophy of nonviolence, and Gandhi gave us the message and showed us the way. So it is fitting for the United States Congress to pause and recognize the 50th anniversary of Dr. Martin Luther King, Jr.'s trip to India and the impact that trip had on our Nation's struggle for civil rights and voting rights.

In a few days, Mr. Speaker, a group of Members of Congress will travel to India to walk the path that Dr. King

walked. I am hopeful that we will have the opportunity to be inspired by this one man to carry the message of peace, hope and love to the rest of the world. Gandhi once said ''nonviolence is the first article of my faith. It is also the last article of my creed.'' He said that our choice was between nonviolence and nonexistence.

Dr. King said that we must learn to live together as brothers and sisters or perish as fools. The message of Gandhi and Dr. King still speaks to us today.

I call on all Members of the House to support this resolution.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. FRANKS), a member of the Judiciary Committee.

Mr. FRANKS of Arizona. I certainly thank the gentleman from Texas.

Mr. Speaker, today's resolution marks the 50th anniversary of the Reverend Dr. Martin Luther King's visit to India and the positive influence that the teachings of Mahatma Gandhi had on Reverend King's work during the Civil Rights Movement. Likewise, later this month, we will also celebrate President Lincoln's birthday because of his work to lay the foundation for what would become the greatest of American achievements, the recognition of the God-given equal value of all individuals regardless of their race, and the consequent and natural equal protection of the law for everyone.

Reverend King and President Lincoln had many things in common. But most prominently of all was their life's work to humanize the dehumanized, to give value to a human life that the law had previously regarded as being lesser than other more politically powerful persons.

Reverend King reminded us in his 1963 Letter From the Birmingham Jail that ''injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.'' Like Gandhi, Reverend King looked to his faith to transform society. Reverend King ultimately paid with his life the price for working to extend the equal protection of the law to all.

Mr. Speaker, those were the struggles of the past centuries. And those were the heroes of the past centuries. But their work is not done. The 21st century has its own civil rights struggle, Mr. Speaker. As Day Gardner, president of the National Black Pro-Life Union, has said, ''The biggest struggle for civil rights today is for the civil rights of the unborn child.''

Last year I joined black activists and black mothers from around the country at the corner of 16th Street Northwest in D.C. to protest what has been the deadliest form of discrimination in our country's history, the systematic elimination of millions, fully one-half of all black Americans conceived in this country, primarily at government-funded family planning clinics placed in our inner cities. Every day, Mr. Speaker, almost 1,500 unborn black children are aborted. Black babies are aborted at between four and five times the rate of that of white babies. Mr. Speaker, this equates to a genocide against black America. And yet our U.S. Government continues to increase the annual appropriation to Planned Parenthood and to other abortion providers every year.

Mr. Speaker, I have every conviction that if he were alive today, that Reverend Martin Luther King would not be silent in the face of such an outrage. Dr. King noted in his Letter From Birmingham Jail that the early church ''by their effort and example, brought an end to such ancient evils as infanticide.'' He didn't know that in 1973, 10 years after he wrote those words, that the U.S. Supreme Court would revive the practice of killing the innocent and that the black community would pay a higher price in blood than any other. Abortion on demand is called sometimes the exercise of hard-won rights. But in reality, Mr. Speaker, it is the extinguishing of a legacy.

The greatest failure of human government is the failure to recognize the inherent value of every human life. Unborn children in America are the greatest example of that today. It is the civil rights struggle before America in this century. Reverend King once said that ''The law cannot change a heart, but it can restrain the heartless. The law cannot make a man love me, but it can restrain him from lynching me.'' This Congress, I will introduce the PreNDA bill, the Prenatal Nondiscrimination Act, to end sex-selection abortion and race-selection abortion in America.

It is time to reject the discriminatory disgrace of aborting a child based on race or sex. Doing so might remind us all it is also time for the equal protection clause to realize its full meaning finally, that every human being is a child of God, with the God-given rights of life, liberty and the pursuit of their dreams. Nothing, Mr. Speaker, nothing, would honor the work of Reverend Martin Luther King or Mahatma Gandhi or President Abraham Lincoln more.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield 3 minutes to the fine gentleman from the great State of Washington, Mr. JIM MCDERMOTT.

Mr. MCDERMOTT. Mr. Speaker, I'm honored to join my friend and colleague, Representative JOHN LEWIS, himself a legendary civil rights leader, in strongly supporting H. Res. 134 and in carrying a message of hope to an upcoming trip to India.

There is so much that we can learn from the lives of Dr. Martin Luther King, Jr. and Mahatma Gandhi. Gandhi's principle of ''satyagraha,'' nonviolent resistance, inspired change for the better throughout the world and particularly in the United States. As Dr. King said in a radio address in India in 1959 on this trip, ''the spirit of Gandhi is so much stronger today than some people believe.'' That statement is even truer today.

These two people changed their countries and the world for the better. And the world today would benefit from a new Dr. King or a new Gandhi. They taught us that violence begets violence. As Gandhi once said, ''An eye for an eye makes the whole world blind.'' No one doubts that there are serious problems in the world today, violence in the Middle East and many other places, the AIDS pandemic and extreme poverty where 1 billion people in the world live on less than a dollar a day. Missiles will not solve these crises. But people can, people of good will with courage and character, people like Dr. Martin Luther King and Mahatma Gandhi. We need them now more than ever. And this resolution and this upcoming trip by the Congress to India will honor their contributions to mankind and rekindle their spirit to seek peace by living in peace.

I urge my colleagues to support H. Res 134.

Mr. JOHNSON of Georgia. Mr. Speaker, may I inquire as to how much time is left for each side?

The SPEAKER pro tempore. The gentleman from Georgia has 12 minutes. The gentleman from Texas has 12½ minutes.

Mr. SMITH of Texas. Mr. Speaker, we don't have any other speakers at this time.

I would like to reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I would yield 3 minutes to the honorable Representative from the great State of Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. It is a privilege, Mr. Speaker, to have the opportunity to come to the floor today for such an important recognition of two iconic movers of change, individuals who laid the underpinnings of the reformation of nations that already had a good heart. Let me thank the manager, Mr. JOHNSON, for his leadership, and of course our ranking member, Mr. SMITH, my colleague from Texas, and the author of this legislation, JOHN LEWIS. I know that he wrote this legislation from the heart.

We will be recognizing this historic journey in a few days, the 50th anniversary of Martin Luther King's visit to India and the recognition of the intertwining of their spirits and their intellect between Martin King and Mahatma Gandhi. I had the opportunity to view the years-old film that was done on his life. Certainly we know that fictional aspects may have been

included. But the underpinnings of the film was the willingness to sacrifice for the greater good.

And as I reflect upon Martin King's life, having had the opportunity to be a student worker of the Southern Christian Leadership Conference and absorbing the spirit of nonviolence that had been left by Dr. King, I know how much he was influenced by the life-changing attitude of Gandhi. Gandhi was willing to sacrifice life and limb in order to move mountains of change. And what you saw in his determination for freedom for the people of India were two things: One, the people of diverse faiths and beliefs in this then very large country could come together around the idea of freedom, and then at the same time, he was willing to sacrifice the times that he spent in the fasts where he was near death to show those that violence does not engender anything but violence.

□ 1730

And Martin King, in the various periods of his life, where the younger generation challenged this seemingly hapless and helpless method of nonviolence; you weren't accomplishing anything; they were taking advantage of you; they weren't respecting you. But he was willing to hold his ground and, in that, he was the masterful teacher to all of us who looked upon this young man who was willing to lead a country into freedom without violence. And so the intertwining of the two is a special moment. And I'm so very gratified that JOHN LEWIS saw fit to allow us to come to the floor of the House and acknowledge that we are in partnership with the largest democracy.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. JOHNSON of Georgia. I yield an additional 1 minute to Congresswoman SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. We are in partnership with the largest democracy, India, and the longest democracy, the United States. And I hope we will take a lesson from this partnership of two men, now celebrating 50 years of that coming together, that determination and a way of handling people can garner us so much.

And this new President, who has claimed development and diplomacy as key elements to his foreign policy, gets it; that you can work as partnerships with those who you would think would be hostile to your beliefs.

I am very gratified to support this legislation, H. Res. 134, recognizing the 50th anniversary of the trip of Dr. Martin Luther King to India and the work that he did with Mahatma Gandhi, and the two of them, peace for ever and for everlasting.

Mr. Speaker, I rose today in strong support of H. Res. 134 ''Recognizing the 50th anniversary of Dr. Martin Luther King Jr.'s visit to India and the point of influence that the leadership of Mahatma Gandhi had on Dr. King's work during the civil rights movement.'' I would like to thank Representative JOHN LEWIS, from Georgia, for his leadership in bringing this resolution to the floor. I urge my colleagues to support this important resolution. Because of the importance of the importance of Gandhi's life teachings on non-violence, I am participating in a historic CODEL to India, where members of Congress will sojourn in the land of Gandhi during the recess on next week.

It was through this experience that Dr. King, with a heart of servitude, was transitioned to become the greatest civil rights advocate of our century and possibly the greatest leader of our time. Mahatma Gandhi was a formative influence upon Dr. King's political civil disobedience. Dr. King and Gandhi believed that change would occur once Americans acknowledged the humanity of the oppressed in America.

Gandhi became a leader in a complex struggle. Following World War I, Gandhi launched his movement of non-violent resistance to Great Britain. Satyagraha, which involves utilization of non-violent measures to undermine the opponent, and ideally to convert him rather than to coerce him into submission, spread throughout India, gaining millions of followers. A demonstration against the Rowlatt Acts, which allowed certain political cases to be tried without juries and internment of suspects without trial, but resulted in a massacre of Indians at Amritsar by British soldiers. When the British government failed to make amends, Gandhi proclaimed an organized campaign of non-cooperation. Indians in public office resigned, government agencies such as courts of law were boycotted, and Indian children were withdrawn from government schools. Throughout India, streets were blocked by squatting Indians who refused to rise even when beaten by police. Gandhi was arrested, but the British were soon forced to release him. His non-violent movement set a new precedent for dealing with oppression and violence, no just in India, but the world over.

Dr. King and Gandhi journey's ironically began in the same fashion. It was a train ride in South Africa that created Gandhi. It was a bus boycott in Alabama that made Dr. Martin Luther King. They were ordinary men only seeking to heighten the moral conscience of the time. These men were the spokesmen for the oppressed, unjustly treated, and those denied their God given privileges to life, liberty, and the pursuit of happiness. Institutionalized racism and bigotry sought to keep the people of India, African Americans, and others from achieving those God given virtues.

Dr. King's journey to India came at a vital time in American history. The Montgomery boycott had ended and had proven to be a great success. The nation's leaders were now dealing with a new challenge, one it had not seen before, non-violent social disobedience. People, both black and white, were looking to the newly famed leader from Georgia as the conscience of the nation. While they looked to Dr. King, he looked to the east for inspiration. It was Mahatma Gandhi's teachings of non-violence that helped achieve success in Alabama. He knew that it would be Gandhi's teachings that would help the movement to achieve greater success in his quest for civil equality in the United States.

On the trip to India, Dr. King was surprised to find the extent to which the bus boycott was covered in India and throughout the world. King recalled, ''We were looked upon as brothers, with the color of our skins as something of an asset. But the strongest bond of fraternity was the common cause of minority and colonial peoples in America, Africa, and Asia struggling to throw off racism and imperialism.''

Dr. King's meetings with satyagrahis deepened his commitment to nonviolent resistance. His interactions with the Gandhi family ingrained in him the power of nonviolent resistance and its potential usefulness throughout the world, even against totalitarian regimes.

While discussing non-violence to a group of students in India, Dr. King said, ''True nonviolent resistance is not unrealistic submission to evil power. It is rather a courageous confrontation of evil by the power of love, in the faith that it is better to be the recipient of violence than the inflictor of it, since the latter only multiplies the existence of violence and bitterness in the universe, while the former may develop a sense of shame in the opponent, and thereby bring about a transformation and change of heart.''

The trip to India affected Dr. King in a profound way, deepening his understanding of nonviolent resistance and his commitment to America's struggle for civil rights. ''Since being in India, I am more convinced than ever before that the method of nonviolent resistance is the most potent weapon available to oppressed people in their struggle for justice and human dignity. In a real sense, Mahatma Gandhi embodied certain universal principles that are inherent in the moral structure of the universe, and these principles are as inescapable as the law of gravitation,'' Dr. King said.

The contributions of Gandhi and Dr. King are many. The roles that these two humanitarians traveled to arrive at their respective destinations in history were long and difficult, but they deserve all the respect and admiration that history can bestow upon them. As Members of Congress, we have to respect and acknowledge the work of Gandhi and the teachings he left behind that greatly influenced and changed Dr. Martin Luther King.

Dr. King's trip to India further solidified his belief in nonviolence and peaceful resistance. Gandhi and Dr. King embodied the belief of doing unto others as you would have them to do unto you. They also believed in becoming the visible change you want to see in the world. They believed that men could live together peacefully despite their religious, racial, and cultural differences. Mohandas changed the way Indians were treated in South Africa and in India. Overthrowing the imperial British rule was no easy task, but Gandhi was able to do it. Through his Satyagraha teachings and non-violent protest, Gandhi put forth an example that vicariously aided in the liberation of African Americans in the United States.

It is imperative that we commemorate Dr. King's trip to India. It would be shameful of this Congress to pass on an opportunity to acknowledge the contributions of Gandhi and Dr. King to America's history.

Mr. BISHOP of Georgia. Mr. Speaker, it is my distinct honor to join my friend and colleague Representative JOHN LEWIS in support of H. Res. 134. This resolution commemorates the fiftieth anniversary of the Reverend Dr. Martin Luther King, Jr.'s visit to India, and the role played by the revered leader of Indian independence Mahatma Gandhi—and those who followed in his footsteps—in influencing Dr. King's non-violent approach to achieving social and political justice. I embrace this opportunity to look back at the men and the movement which pressed this nation forward in its journey towards the fulfillment of our founders' creed, and look forward as the march toward opportunity, justice, and freedom for all continues.

When Dr. King left for India in February 1959, he was just beginning to make his mark as a leader of the national movement for civil rights. He had organized the successful boycott of Montgomery, Alabama's public transportation system in 1955, and founded the Southern Christian Leadership Conference two years later. His burgeoning success had provided his non-violent movement with the momentum and potential to become a truly powerful force in the pursuit of equal rights for all Americans. This momentum became entrenched during Dr. King's trip to India, where his immersion in the world of Mahatma Gandhi's own non-violent success led King to commit himself in his philosophical entirety to the principle of meeting hate and injustice with persistent non-violence.

Though Gandhi had passed away eleven years prior to Dr. King's journey, King was no less attentive to the followers of the great shanti sena—the ''non-violent army'' that Gandhi led in his successful effort to free his country from the grasp of colonialism. He encountered those who had stood with Gandhi through the long, arduous struggle for India's sovereignty, and came to deeply understand the necessary commitment and purpose of which believers in non-violence must never lose sight. Dr. King came to believe that if India can assert its independence from the bonds of the British Empire without violence, then the United States of America can achieve racial equality with the same approach. He took the lessons of a people half a world away and applied them to the struggle of his own nation, illustrating that a righteous cause pursued by means which justify its ends holds universal promise. Perhaps it is best articulated by Dr. King himself: ''As I delved deeper into the philosophy of Gandhi, my skepticism concerning the power of love gradually diminished, and I came to see for the first time its potency in the area of social reform.''

Now, with the passage of five decades, let us commemorate this historic journey of our beloved Dr. King, focusing on the lessons it taught him and the strength it provided him as he met the challenges of his day. Let us not only remember the past, but rather carry its lessons into a brighter future of promise and freedom. I once again express my heartfelt appreciation for Congressman LEWIS, a man whose own journey and career follow closely the principles and vision laid out by these two men, and urge all my colleagues to take this opportunity to honor those who refuse to allow the forces of hate and oppression to provoke them to lose sight of their vision for justice by embracing the nonviolent path.

Mr. BACHUS. Mr. Speaker, I rise in support of House Resolution 134, which recognizes the 50th Anniversary of Dr. Martin Luther King, Jr.'s visit to India.

It will be my honor to co-chair a delegation led by Congressman JOHN LEWIS, a colleague of Dr. King and true hero of the civil rights movement, that is going to New Delhi to commemorate his historic trip.

The lessons that Dr. King drew from Mahatma Gandhi's teachings of nonviolence came at a pivotal time in American history.

A century earlier, the issue of race and equality tore the United States apart. President Abraham Lincoln, whose 200th birthday we celebrate this year, prophetically said, ''I believe this government cannot endure permanently half-slave and half-free.'' Unable to resolve this fundamental issue of human rights either politically or peacefully, the United States descended into an awful Civil War. After four bitter and bloody years, slavery was abolished and America's soul saved, but the undressed wounds of injustice and intolerance were deep and raw.

Several lifetimes later, amid a crescendo for full civil rights from millions still denied, leaders like Dr. King faced a choice. Was the way again through armed conflict, with all of its suffering, or through nonviolent resistance relying on the power of morality over mortar?

The principles of Gandhi helped show the way.

We know that Dr. King's gracious welcome and textured experiences in India served to guide him more surely down the path he had chosen for his people and country. He said, ''Since being in India, I am more convinced than ever before that the method of nonviolent resistance is the most potent weapon available to oppressed people in their struggle for justice and human dignity.''

Those beliefs would be put to the test during the civil rights struggles of the 1960s, including in my home state in Alabama. Sometimes, the challenges were visible and shocking, as they were with the church bombings in Birmingham and beatings at the Pettus Bridge in Selma. More often, there were the subtle slights born of fear and prejudice.

But whatever the indignity or assault suffered, the response was never hate. In his Letter from a Birmingham Jail, Dr. King set the direction: ''I have consistently preached that nonviolence demands that the means we use must be as pure as the ends we seek.''

It is now 2009, 50 years since Dr. King's visit to India. I believe the U.S. has come farther in these last 50 years than in the preceding 100 years.

Providing all of our citizens with true equal protection under the law has made us a better, stronger nation. We will recognize the lasting legacy of the movement for nonviolent change next month when the Faith and Politics Institute holds its biennial Civil Rights Pilgrimage to Alabama. It has been my privilege to be associated with the Institute and this event, which brings citizens of all ages and races together to reflect on the lessons of the civil rights movement and retrace the steps of its courageous pioneers.

One mark of how far we've come is the creation of the Birmingham Civil Rights Institute, which overlooks the same park where fire hoses and police dogs were unleashed against peaceful citizens in 1963.

But what will be remembered in American history for all time is the inauguration of President Barack Obama. There is a small vignette from that day that perfectly illustrates the healing that has transpired in America and gives hope for the future. About 30 constituents from Congressman DANNY DAVIS's Chicago District was in the hallway where my office is located, unable to squeeze into a hearing room to view the President's speech on television. My staff invited them in and they all watched the speech together, a group of African-American constituents in the office of a Southern conservative. That is a mighty transformation since the racial turmoil in Birmingham.

We were united in celebration of the hope and promise that is America. Hope and faith is what inspired Dr. King during his mission and it is what brings us together today.

Mr. BISHOP of Georgia. Mr. Speaker, it is my distinct honor to join my friend and colleague Representative JOHN LEWIS in support of H. Res. 134. This resolution commemorates the fiftieth anniversary of the Reverend Dr. Martin Luther King, Jr.'s visit to India, and the role played by the revered leader of Indian independence Mahatma Gandhi—and those who followed in his footsteps—in influencing Dr. King's nonviolent approach to achieving social and political justice. I embrace this opportunity to look back at the men and the movement which pressed this nation forward in its journey towards the fulfillment of our founders' creed, and look forward as the march toward opportunity, justice, and freedom for all continues.

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nation, illustrating that a righteous cause pursued by means which justify its ends holds universal promise. Perhaps it is best articulated by Dr. King himself: ''As I delved deeper into the philosophy of Gandhi, my skepticism concerning the power of love gradually diminished, and I came to see for the first time its potency in the area of social reform.''

Now, with the passage of five decades, let us commemorate this historic journey of our beloved Dr. King, focusing on the lessons it taught him and the strength it provided him as he met the challenges of his day. Let us not only remember the past, but rather carry its lessons into a brighter future of promise and freedom. I once again express my heartfelt appreciation for Congressman LEWIS, a man whose own journey and career follow closely the principles and vision laid out by these two men, and urge all my colleagues to take this opportunity to honor those who refuse to allow the forces of hate and oppression to provoke them to lose sight of their vision for justice by embracing the nonviolent path.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 134.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JOHNSON of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE NAACP ON ITS 100TH ANNIVERSARY

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 35) honoring and praising the National Association for the Advancement of Colored People, NAACP, on the occasion of its 100th anniversary.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 35

Whereas the National Association for the Advancement of Colored People (referred to in this resolution as the ''NAACP''), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln's birth, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance upon the press, the petition, the ballot, and the courts, and has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minority Americans;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the Supreme Court's decision in Brown v. Board of Education, 374 U.S. 483 (1954);

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama—an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006, and the Fair Housing Act, laws that ensured Government protection for legal victories achieved;

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and Alabama to rebuild their lives;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, whose resolved clause expresses that: (1) the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be criminal; (2) this conduct should be investigated thoroughly by Federal authorities; and (3) any criminal violations should be vigorously prosecuted; and

Whereas in 2008 the NAACP vigorously supported the passage of the Emmett Till Unsolved Civil Rights Crime Act of 2007 (28 U.S.C. 509 note), a law that puts additional Federal resources into solving the heinous crimes that occurred in the early days of the civil rights struggle that remain unsolved and bringing those who perpetrated such crimes to justice: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the 100th anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all persons.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we honor the National Association for the Advancement of Colored People, the Nation's oldest and largest civil rights organization, on the occasion of its 100th anniversary, for a century of unwavering commitment to justice and equality for all.

The NAACP, founded on February 12, 1909, by Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villiard and William English Walling was indeed a labor of diversity.

Since its inception, the NAACP has united students, laborers, professionals, scholars, officials and others of all races to advance its vision of a society in which all individuals have equal rights and there is no racial hatred or racial discrimination.

Historically, the NAACP may be best known for Thurgood Marshall's successful advocacy leading to the watershed 1954 Brown v. Board of Education decision, in which the Supreme Court held that separate educational facilities are inherently unequal.

The NAACP is also known for the work of its chief advocate for more than 30 years, Clarence Mitchell, who worked to secure the 1957, 1960 and 1964 Civil Rights Acts, as well as the 1965 Voting Rights Act and the 1968 Fair Housing Act.

But we salute the NAACP not only for these better-known accomplishments, but for all of its efforts to promote justice and equality for every American, throughout the past 100 years.

And the NAACP spoke out against lynching, challenged racially biased Supreme Court justice nominees as early as 1930, and pursued nondiscrimination policies in the military, in war-related industries, and the rest of the Federal Government during the world wars. At the height of the Civil Rights era, NAACP fought battles everywhere, on the ground, in the courtroom, and in the United States Congress.

Finally, in commemorating the 100th anniversary of the NAACP, we draw inspiration as we look to the continued work that lies ahead. From Dr. King

and Coretta Scott King, from Rosa Parks, from Medgar Evers and Merlie Evers-Williams, from Julian Bond, from Kweisi Mfume and from so many others who have gone before, and from the current leadership of President Benjamin Todd Jealous, Washington Bureau Directory, Hilary Shelton, and Legal Defense Fund President John Payton, through whom the NAACP has been promoting African American graduation and college readiness, protecting and advancing voting rights and identifying solutions to our current fiscal crisis.

As we celebrate the NAACP's centennial anniversary, I am confident that the organization will remain an integral part of our Nation's efforts to protect and promote civil rights for all Americans.

I urge my colleagues to support H. Con. Res. 35.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support House Concurrent Resolution 35 which recognizes the 100th anniversary of the NAACP. For a century now, the NAACP has fought to bring justice and racial equality to all of America.

In 1917, the NAACP won a legal victory in the Supreme Court which held that States could not restrict and officially segregate black Americans into residential districts. The same year the NAACP fought for the right of black Americans to be commissioned as officers in World War I.

In 1935, NAACP lawyers Charles Houston and Thurgood Marshall won a legal battle to admit a black student to the University of Maryland.

During World War II, the NAACP led the effort that resulted in President Franklin Roosevelt's ordering a nondiscrimination policy in war-related industries and Federal employment.

And in 1948, the NAACP convinced President Harry Truman to sign an executive order banning discrimination by the Federal Government.

In 1954, under the leadership of Special Counsel Thurgood Marshall, the NAACP won one of its greatest legal victories in Brown v. Board of Education, which found segregated schools and other educational facilities in the United States to be unlawful.

In 1960, in Greensboro, North Carolina, members of the NAACP Youth Council launched a series of nonviolent sit-ins at segregated lunch counters. The segregation ended.

The history of America's modern struggle to live up to our constitutional principles includes a major role by the NAACP, and it continues to champion the cause of social justice today.

It is with pleasure that I join in supporting this concurrent resolution, which I hope raises even greater awareness of this organization's historic contributions to the cause of civil rights.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Texas (Mr. POE), also a member of the Judiciary Committee.

The SPEAKER pro tempore. Without objection, the gentleman from Texas will control the balance of the time.

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield as much time as he may consume to the gentleman from Texas, Congressman AL GREEN.

Mr. AL GREEN of Texas. Mr. Speaker, in the inner sanctum of my soul, I believe that although the arc of the moral universe is long, as Dr. King put it, it bends toward justice. However, I must confess that in the cognitive confines of my cranium, I know that it does so because of organizations like the NAACP.

For 100 years, the NAACP has been there bending the arc of the moral universe toward justice for all. From antilynching legislation to Brown v. Board of Education, to the election of the 44th President of this Nation, the NAACP has been there.

For 100 years, it's been there because of brave and noble Americans who made great sacrifice that all may have a better life. Brave and noble Americans like NAACPer Rosa Parks, who took a stand by taking a seat and ignited a spark as a result that enhanced the Civil Rights Movement; brave and noble Americans like NAACPer Medgar Evers, who sacrificed his life in an effort to bring justice to all; brave and noble Americans like white NAACPer John Shalady, who was beaten by a mob and eventually died in his effort to secure rights for blacks.

For 100 years, it's been there demonstrating at the White House, negotiating and litigating at the courthouse. Hence, it is indeed most appropriate that the Congress of the United States of America honor the NAACP on this, its 100th anniversary.

To this end, Mr. Speaker, I thank Chairman CONYERS and Ranking Member LAMAR SMITH, subcommittee chair BOBBY SCOTT, floor leader HANK JOHNSON, and also now floor leader Judge TED POE. I also thank the 105 U.S. House cosponsors of this legislation. I thank Senator DODD and his 20 cosponsors of the companion legislation in the U.S. Senate.

And, in closing, at the risk of being both redundant and superfluous, I beg, beseech and entreat my colleagues to support this resolution because, in so doing, you are voting for liberty and justice for all, as pronounced in the Pledge of Allegiance. In so doing, you are voting for government of the people by the people for the people, as proclaimed in the Constitution. In so doing, you are voting for the equality of all, as promulgated in the Declaration of Independence. By voting for this resolution, you are continuing to bend the arc of the moral universe toward justice.

Mr. POE of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, today I stand here to honor the NAACP. We all honor the NAACP in this House. It has been at the forefront of the civil rights struggle in this country for 100 years, and though 100 years have passed since the founding of the NAACP, there still remains great work to be done.

Mr. Speaker, last summer dozens of black pastors and black mothers attended the 99th annual NAACP conference in Cincinnati to call on the NAACP to help expose one of the least known and yet one of the most pervasive forms of racism at work still in this country, the targeting of the black community by abortion providers. Many of these advocates who gathered at the NAACP I have the privilege to call precious friends. Dr. Alveda King, who leads King for America, is the niece of Dr. Martin Luther King.

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Bishop Harry Jackson; Reverend Johnny Hunter, the founder of LEARN, America's largest African American pro-life organization; the Reverend Clenard Childress of LEARN Northeast; Catherine Davis with the Georgia Right to Life; Lawson Lipford-Cruz, the president of Black Students for Life; and David Owens, among many, many others. Their goal was simply to fulfill the mission of the NAACP, and that is to ensure equality and, most importantly, equal protection of the law for all.

Mr. Speaker, I want to quote Dr. Alveda King, the niece of Dr. Martin Luther King, who helped lead the rally outside the NAACP conference.

''Racism lives at Planned Parenthood. I say to my fellow NAACP members: It's time to tell the government to stop funding racism. Planned Parenthood will gladly accept donations for the specific purpose of aborting only black babies,'' King said. ''It locates its clinics in or near minority neighborhoods. It has led the way in eliminating African Americans to the point where one quarter of the black population is now missing because of abortion.''

King called on the Nation's oldest civil rights organization to remember its mission statement: ''To ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination.''

Day Gardner, the president of the National Black Pro-Life Union, said, ''As a child, I thought the NAACP to be a superhero organization, an organization that would fight racism right

down to its very core.'' She stressed that the NAACP leaders need to have their eyes opened to the agenda of government-supported abortion providers and to what she believes is their strategic marketing to the black community.

According to reported statistics, Mr. Speaker, a black child is nearly five times more likely to be aborted than a white child.

Gardner continued. ''We are here to rally the NAACP, to make our voices heard as we shout in unison 'all across this great Nation the struggle is not yet over. The evil hand of racism is still at work.' ''

Gardner also spoke about the Federal tax dollars that go to Planned Parenthood. She said it was time for Congress to end that funding. She asked, ''Why are we forced to pay well over $300 million to an organization that is overtly racist? We are calling on the NAACP to stand boldly with us to defund Planned Parenthood and even lead the way in this, the greatest struggle for civil rights.''

Mr. Speaker, I just want to echo and agree with the words of Dr. King and of Day Gardner, that for the NAACP to fully advance the cause of the black community, it must take a stand and fight on behalf of the most helpless, voiceless, politically unempowered members of the black community—those being the unborn.

Today, one out of every two black babies conceived in this country is lost to abortion. That is an astonishing reality that I cannot find the words to describe. I just want to thank those courageous members of the NAACP for their fight against this unspeakable tragedy. We must all open our eyes to the racist history of abortion-on-demand movements in this country and its devastating impact on black America. It is past time to defund such a movement in this country.

To that end, I will also be reintroducing the PreNDA bill, the Prenatal Nondiscrimination Act, to end sex-selection abortion and race-selection abortion in this country. It is the duty of all of us to come together and to eliminate this deadly form of discrimination in this generation.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee—the Chair of the Commercial and Administrative Law Subcommittee of the Judiciary Committee, my good friend, Mr. STEVE COHEN.

Mr. COHEN. Mr. Speaker, I am a life member of the NAACP. In my lifetime, in the city of Memphis, there have been all kinds of activists involved in civil rights work or in political work, and the people who have always stood out as the champions have been the members of the NAACP. They have been the people who have been involved in looking out for human rights, voting rights, and civil rights for people, regardless of their color, because it was the right thing to do and not because of any political advantage to themselves.

For those particular individuals of which Maxine Vasco Smith, Russell Sugarman, A.W. Willis, Jesse Turner, and others have been leaders, I commend them and thank them for their efforts before me.

This is the 100th anniversary of the NAACP. In the African American community, there are only two other organizations that are renowned and that have celebrated 100 years of existence. The others are the Alphas, a distinguished fraternity; Alpha Phi Alpha; and the AKA sorority, Alpha Kappa Alpha. Each has celebrated its 100th anniversaries most recently.

The NAACP today is headed up by Julian Bond, one of the heroes of the Civil Rights Movement. He is a distinguished gentleman who has done a phenomenal job for 50 years in leading people toward the rights of free conscience as well as civil rights and other rights. Those are the types of activities that the NAACP has been involved in.

It was started 100 years ago by a biracial group of people who thought it was time that America lived up to its promise. It had been approximately 40-some-odd years since the end of the Civil War, and yet we still had Jim Crow laws. This country had not advanced greatly from the time of the Civil War. We had the period of reconstruction, and then after that there was a step back in civil rights. These people decided there should be a change, and they have worked assiduously to see that that happens. They are often known or thought about with Thurgood Marshall and the work done for the Brown versus Board of Education in 1954 in bringing about that landmark decision. The NAACP Legal Defense Fund, which does so much, is a separate arm from the NAACP, but it was founded by it, and their activities in the courts have yielded great benefits to Americans throughout the years.

When it comes to hate crimes, the NAACP has been on the front lines. With voting rights, they're on the front lines. So those leaders, such as Dr. Martin Luther King, Coretta Scott King, Rosa Parks, Medgar Evers, Myrlie Evers-Williams, Benjamin Hooks from my hometown of Memphis, Jesse Turner, Jr., from my hometown of Memphis, who served as national treasurer of the late Jesse Turner, Sr., and others have fought the good fight for the NAACP, and they continue to do so as the moral conscience of this Congress in lobbying for legislation that this Congress needs to pass.

They published a report card on the work of this Congress, and it does hold people up to account for the works that they have done in these years. They helped me in passing a policy for slavery in Jim Crow. I appreciate their work. I am proud, and I ask my colleagues to join with me in voting for the resolution.

Mr. POE of Texas. I continue to reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I would yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I am a proud lifelong member of the NAACP, and today, I join my colleagues in celebrating this 100th anniversary. I am especially proud of my local moderate county branch of the NAACP where our chapter was created in 1932, and I believe this chapter ranks as one of the largest per capita branches in the United States, and has been active in education and law for all of these many years. I can tell you we are all better off for it.

Our chapter's proudest member is Ben Jealous, now the youngest and, in my opinion, the most dynamic president of the NAACP. As we recognize the great achievements of one of America's best organizations, let us not forget that the struggle continues. We still face discrimination in our communities, in our schools and in the workplace. It is a struggle that requires continuing education and legal action.

The NAACP offers us many examples as we continue on our path towards solving our racial troubles. Even the founders of the NAACP offer an important lesson on how such a diverse group can accomplish so much. The men and women—black and white, from different backgrounds and from different careers and from different religions—these people came together to create a force for good.

I want to thank the NAACP for 100 years of hard work. God bless your president and his family as he leads us into the next century of fighting for human and civil rights. We congratulate you on this historic day.

I'm a proud lifelong member of the NAACP, and today I join my colleagues in celebrating its 100th anniversary.

I am especially proud of my local Monterey County Branch of the NAACP, where our chapter was created in 1932. My chapter ranks as one of the largest per capita branches in the United States and has been active in education and law—and we're all better for it.

The Fort Ord Army training base in Seaside, Calif., was the first military base in the United States to be integrated in 1947. It was one of the largest bases in the United States to conduct training for Korea, Vietnam and many other conflicts. Now that base is closed, it's site is home to the newest campus of the California State University system—due in part to the fine work of the NAACP.

And our chapter's proudest member is Ben Jealous, now the youngest—and in my opinion the most dynamic—national president of the NAACP.

As we recognize the great achievements of one of America's best organizations, let us not

forget that the struggle continues. We still have discrimination in our communities, in our schools and in the workplace. It's a struggle that requires continuing education and legal action.

Luckily, we have the rich history of the NAACP that offers us so many examples of how to proceed. One of the best is the group of individuals who founded the group. It shows us how such a diverse group can accomplish so much.

Along with a life of activism, W. E. B. Du Bois was a noted professor and writer. Archibald Grimké, the son of a slave owner and slave, was a journalist and lawyer. Henry Moskowitz was a Jewish physician. Mary White Ovington and Oswald Garrison Villard spent their lives writing. William English Walling, born into a former slaveholding family, once served as a factory inspector. And Ida B. Wells was also a noted women's rights activist.

America is the country where dreams come true. Certainly the world has seen such with the election of Barack Obama. But the work will never end until peace and justice are available to everyone.

I want to thank the NAACP for 100 years of hard work. You've made America a stronger and better nation.

And your work continues. God bless your president, Ben Jealous, as he leads us into the next century of fighting for human and civil rights. We congratulate you on this historic day.

Mr. POE of Texas. I continue to reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I would yield 4 minutes to the honorable gentleman from the great State of Virginia, Mr. BOBBY SCOTT, who is also the Chair of the Crime Subcommittee of the Judiciary Committee.

Mr. SCOTT of Virginia. Mr. Speaker, I am delighted to recognize the NAACP on its 100th anniversary. The NAACP holds a very special meaning to me because I have been a long-time active member of the group. I have had the honor of being Virginia's first individual Golden Heritage Life Member and Virginia's first Diamond Life Member, the organization's highest individual membership level. In addition, I have had the honor of serving as president of the Newport News, Virginia branch of the NAACP.

The NAACP is an organization that has made a difference from the very beginning. In 1909, 60 prominent Americans, including Ida B. Wells-Barnett and W.E.B. Du Bois, met on the occasion of the 100th anniversary of the birth of Abraham Lincoln to discuss racial violence and social justice. Out of that meeting, the NAACP was born with the goal of securing rights, liberties and protections for all Americans as guaranteed by the Constitution.

Since its inception, the NAACP has worked tirelessly to continuing looking for ways to improve the democratic process and by seeking the enactment and the enforcement of Federal, State and local laws that secure civil rights. The NAACP furthers its mission by making the public aware of adverse effects of racial discrimination and by seeking its elimination. The NAACP also seeks to educate the public about their constitutional rights, and it goes to court to enforce those rights when necessary.

The NAACP has a long and impressive history of activism. It has contributed greatly to shaping America as we know it today. One of its first legislative initiatives was anti-lynching legislation in the early 1990s. In the 1940s, the NAACP was influential in President Roosevelt's decision to issue an executive order prohibiting discrimination in contracts with the Department of Defense. The NAACP was very instrumental in President Truman's decision to issue an executive order ending all discrimination in the military. In 1946, the NAACP won the Morgan v. Virginia case where the Supreme Court banned States from having segregated facilities on buses and trains that crossed State borders. In 1948, the NAACP pressured President Truman into signing an executive order banning all discrimination in the Armed Forces. In 1954, the NAACP won its landmark case of Brown v. Board of Education, declaring separate but equal unconstitutional.

The NAACP is what the late Bishop Stephen Gill Spotswood, the former national board chairman, has called ''the oldest, largest, most effective, most consulted, most militant, most feared, and most loved of all civil rights organizations in the world.'' Bishop Spotswood's statement remains true today.

Even in the 21st century, the NAACP continues to be a strong advocate for fairness and equality. Recently, the NAACP was deeply involved in protesting the Jena 6 controversy where the efforts of the NAACP and others provided justice for the students in that case. The NAACP continues their work on eliminating racial injustice. It continues to act as a watchdog to protect the civil rights of all people, and it educates the public about civil rights so that future generations will know that tolerance and equality are the norm rather than the exception.

Mr. Speaker, I congratulate the NAACP and its people on 100 years of service to our great country, and I wish them another successful century of service.

Mr. POE of Texas. I continue to reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas has 13 minutes remaining. The gentleman from Georgia has 4½ minutes remaining.

Mr. JOHNSON of Georgia. Mr. Speaker, I will yield 1 minute to the gentleman from Illinois, the honorable DANNY DAVIS.

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Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Georgia for yielding, and I also want to commend the gentleman from Texas, Representative GREEN, for his introduction of this resolution.

I rise to be in agreement with all of those who have edified the examples of tremendous leadership provided by the NAACP.

On a personal note, though, I want to commend my wife, Vera, who is the chairman of our local Westside Branch NAACP, and Mr. Karl Brinson, who is the president. They do outstanding work and have continued to do so. I also want to commend Hilary Shelton for the tremendous job that he has done over the years keeping us informed.

And so I commend the NAACP on its 100th anniversary.

Mr. POE of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I would yield 1 minute at this time to the honorable gentleman from the State of Virginia, Mr. TOM PERRIELLO.

Mr. PERRIELLO. Mr. Speaker, I rise today to recognize the 100th anniversary of the NAACP as it celebrates its centennial.

Since its founding in 1909, the NAACP has been a tireless crusader against racial discrimination, and it has continuously called our great Nation towards an ever-expanding horizon of liberty and justice for all.

Often with support and protection from the NAACP, countless brave citizens of my district joined the great American struggle for civil rights. From slavery and segregation, through massive resistance and Bloody Monday marches, our area has passed through dark nights always to emerge at the dawn of a new era of equality.

I thank the NAACP, its staff, and its members for remaining true to our Nation's highest ideals. As it embarks on its second century with new leadership and a renewed commitment to human rights, I congratulate the NAACP on this landmark year in its history and extend our deep appreciation for victories won and those that remain before us.

Mr. POE of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, we have no additional speakers at this time, and if the gentleman yields back the balance of his time, I will do the same.

Mr. POE of Texas. Mr. Speaker, I want to congratulate my good friend and fellow judge from Texas (Mr. GREEN) for introducing this legislation, an individual I've known for now over 30 years and have been through a lot together back in the State of Texas and proud to see that he has introduced this legislation.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I, too, would like to commend Congressman GREEN for his efforts in introducing this legislation, and I look forward to its passage.

Mr. BISHOP of Georgia. Mr. Speaker, this historic year marks both the inauguration of this country's first African-American president, Barack Obama, and the National Association for the Advancement of Colored People's (N.A.A.C.P.) 100th anniversary. February 12, 1909 was chosen as the founding date of the N.A.A.C.P. to commemorate President Abraham Lincoln's 100th birthday, with the hopes of realizing his vision of a unified nation overcoming racial and ethnic hatred and discrimination.

The following decades have seen the emergence of new challenges along America's journey towards equality. Yet the N.A.A.C.P. has persisted and has overcome these obstacles. It currently bears witness to numerous advancements that may have never taken place had it not been for the collective will of the many N.A.A.C.P. members who were willing to fight for what they believed was right.

Without the N.A.A.C.P., it is hard to say where this country would be if it never fought for African-Americans to have increased access to the ballot box.

Without the N.A.A.C.P., it is hard to say where this country would be if it never fought against discrimination—from schooling to housing, and from marriage to employment. After all, the NAACP's Legal department, headed by Charles Hamilton Houston and Thurgood Marshall, undertook a campaign spanning several decades to bring about the reversal of the ''separate but equal'' doctrine enshrined in the Supreme Court's decision in Plessy v. Ferguson.

Without the N.A.A.C.P., it is hard to say where this great country would be if it were not for the courageous men and women who risked their lives and livelihoods in order to promote the rights of everyone, regardless of the color of their skin.

In fact, it is hard to imagine such an America without the N.A.A.C.P. My life and the life of this nation would be much different if it were not for the organization's efforts to tear down the barriers of racial discrimination and hatred. The N.A.A.C.P.'s work, however, is not yet finished. If the last century is any indication though, as long as there is an N.A.A.C.P., all Americans will continue to have a powerful advocate for fairness, equality, and justice.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support H. Con. Res 35 ''Honoring and praising the National Association for the Advancement of Colored People on the occasion of its 100th anniversary.''

Mr. Speaker, H. Con. Res 35 recognizes the 100th anniversary of the historic founding of the National Association for the Advancement of Colored People (NAACP) and honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all persons. I urge my colleagues to join me in supporting H. Con. Res 35 because of the impact that the NAACP has had on me and other minorities across this great nation.

First organized in 1905, the group came to be known as the Niagara Movement when it began meeting at hotel situated on the Canadian side of the Niagara Falls. The group first met in Canada because the U.S. hotels were segregated. Under the leadership of Harvard scholar W.E.B. DuBois, the group later went on to become known as the National Negro Committee. It was not the date of the organization's second conference in 1910 that it formally adopted the name the National Association for the Advancement of Colored People.

The mission of the association was clearly delineated in its charter:

To promote equality of rights and to eradicate caste or race prejudice among the citizens of the United States; to advance the interest of colored citizens; to secure for them impartial suffrage; and to increase their opportunities for securing justice in the courts, education for the children, employment according to their ability and complete equality before law.

Since its inception, the National Association for the Advancement of Colored People (NAACP) has upheld its mission to fight social injustice and give a voice to the voiceless. The NAACP is among the largest and most prominent mass-membership, civil rights organizations in America.

Founded with a mandate to secure equal political, economic and social rights for African Americans, the NAACP has been in the forefront of every major civil rights struggle of the twentieth century. Using a combination of tactics including legal challenges, demonstrations and economic boycotts, the NAACP played an important role in helping end segregation in the United States.

The NAACP Legal Defense and Educational Fund, Inc., (NAACP LDF) a leading civil rights organization based in New York City, began as the legal wing of the NAACP under the leadership of Charles Hamilton Houston, a former professor at Howard University Law School. In 1938, Thurgood Marshall, Houston's student and future Supreme Court justice, succeeded him as NAACP LDF counsel.

Marshall further developed the strategies and goals of the legal department, establishing the Legal Defense Fund as an organization totally independent of the NAACP.

Among its most significant achievements was the NAACP LDF's challenge to end segregation in public schools. In the landmark Supreme Court case Brown v. Board of Education (1954), the Justices unanimously ruled that separate educational facilities for black and white students were ''inherently unequal.'' That ruling and the Court's subsequent order that public schools be desegregated with ''all deliberate speed'' touched off a firestorm of protest in the South and contributed substantially to the growth of the modern-day civil rights movement. Today, the NAACP has over 500,000 members standing in unity with all who support protecting our constitutionally guaranteed civil rights against all who would oppose protecting these freedoms.

Even in my district in Houston, the NAACP seeks to be a voice against injustice for all minorities. The NAACP Houston Branch has a long and rich history championing civil rights in Houston on vital issues such as the desegregation of Houston schools, combating the spread of HIV/AIDS, and improved access to education and information technology.

The NAACP Houston Branch has played an instrumental role in breaking new ground on the path to freedom and equality for Houston's minority community. The branch has been experiencing tremendous growth in recent years while serving the Harris County area through its programs and myriad committees made up of its dedicated staff and volunteer members. Led by an Executive Committee of approximately 25 volunteers, there are approximately 800 members in the Houston Branch.

Some of the Houston Branch's programs include collaborations with the City of Houston Health Department in STD prevention and awareness programs, legal assistance in the form of legal consultation and educational seminars, a year-long enrichment program designed to recruit, stimulate, improve and encourage high academic and cultural achievement among African American high school students, and other programs beneficial to minorities across the city of Houston.

As a member of the Judiciary Committee, I truly appreciate the support from the NAACP in fighting for the reauthorization of the Voting Rights Act. We all know that without the reauthorization of the Voting Rights Act, the voting rights of many U.S. citizens would be in jeopardy. When I authored H.R. 745 in the 110th Congress, I am proud to say that with the NAACP's support, my colleagues and I were able to rename the Fannie Lou Hamer, Rosa Parks, Cesar E. Chavez, Barbara C. Jordan, William C. Velasquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006. This bill renamed the Voting Rights Act to demonstrate the many faces of the Civil Rights Movement. The bill was renamed to recognize the Hispanics and other persons of color who labored in the vineyards to insure that all receive equal treatment in the United States.

Mr. Speaker, H. Con. Res 35 provides for a tribute to celebrate the impact and achievements of the National Association for the Advancement of Colored People in their efforts to better the lives of minorities and the community. There is still a need for justice and equal treatment for minorities in our country. I am grateful for the many fights for equality that he organization has won, and thankful that the NAACP will be there in the future to champion the cause of justice wherever and whenever it needs a spokesman.

The struggles of the NACCP have helped pave the way for the election this country's first African-American President Barack Obama. During a speech celebrating the NAACP, President Obama declared that ''serving as . . . [P]resident, 100 years after the founding of the NAACP, I will stand up for you the same way that earlier generations of Americans stood up for me—by fighting to ensure that every single one of us has the chance to make it if we try.''

I thank my colleague, Representative AL GREEN, of Texas, for introducing this important legislation, to ensure that we celebrate, treasure and recognize the African American spiritual as a national treasure and I urge my colleagues to join me in supporting this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the National

Association for the Advancement of Colored People on its 100th Anniversary. In 1909 the founders of the NAACP came together with the purpose of promoting the rights guaranteed under the 13th, 14th, and 15th Amendments to the Constitution.

Today, the NAACP works to ensure that all individuals have equal rights and to end racial hatred and discrimination. The NAACP has influenced some of the greatest civil rights victories of the last century, including: the integration of our nation's schools and the Brown v. Board decision; the Voting Rights Act; striking down segregation; and the Equal Employment Opportunity Act.

It is particularly notable that this year's 100th anniversary also marks the first time in the history of the United States that we have an African-American President. The NAACP helped pave the way for this landmark achievement, and continues to lay the groundwork for future accomplishments in minority communities.

Despite the advancements of the past 100 years under the leadership of the NAACP, there is still much work to be done. The NAACP continues to promote new ideas and leadership in the fields of educational and employment opportunities, ending health care disparities, and economic empowerment.

The NAACP instilled in America a sense of consciousness, and it continues to do so today. I commend the NAACP on this anniversary and the thousands of individuals who continue to fight for equality and justice.

Mr. BISHOP of Georgia. Mr. Speaker, this historic year marks both the inauguration of this country's first African-American president, Barack Obama, and the National Association for the Advancement of Colored People's (N.A.A.C.P.) 100th anniversary. February 12, 1909 was chosen as the founding date of the N.A.A.C.P. to commemorate President Abraham Lincoln's 100th birthday, with the hopes of realizing his vision of a unified nation overcoming racial and ethnic hatred and discrimination.

The following decades have seen the emergence of new challenges along America's journey towards equality. Yet the N.A.A.C.P. has persisted and has overcome these obstacles. It currently bears witness to numerous advancements that may have never taken place had it not been for the collective will of the many N.A.A.C.P. members who were willing to fight for what they believed was right.

Without the N.A.A.C.P., it is hard to say where this country would be if it never fought for African-Americans to have increased access to the ballot box.

Without the N.A.A.C.P., it is hard to say where this country would be if it never fought against discrimination—from schooling to housing, and from marriage to employment. After all, the NAACP's Legal department, headed by Charles Hamilton Houston and Thurgood Marshall, undertook a campaign spanning several decades to bring about the reversal of the ''separate but equal'' doctrine enshrined in the Supreme Court's decision in Plessy v. Ferguson.

Without the N.A.A.C.P. and the courageous men and women who risked their lives and livelihoods in order to promote the rights of everyone, regardless of the color of their skin, it is hard to say where this great country would be.

In fact, it is hard to imagine an America without the N.A.A.C.P. My life and the life of this nation would be much different if it were not for the organization's efforts to tear down the barriers of racial discrimination and hatred.

The N.A.A.C.P.'s work, however, is not yet finished. If the last century is any indication though, as long as there is an N.A.A.C.P., all Americans will continue to have a powerful advocate for fairness, equality, and justice.

Mr. CUMMINGS. Mr. Speaker, I am honored to rise and join all Americans of good will in celebrating the 100th anniversary of the NAACP.

Others will recall that fate-filled day, February 12, 1909, when 60 prominent Americans, black and white alike, issued ''The Call'' for a national conference to renew ''the struggle for civil and political liberty.'' They also will reflect upon how, back in 1909, this country was unfair to people of color and, especially for African American men, a very dangerous place.

The organization's founders, however, were people of deep integrity. They created an organization dedicated to achieving social justice, ending racial violence, abolishing forced segregation and promoting equal opportunity and other civil rights under the protection of law.

My gratitude to the NAACP is personal, as well as philosophical. The NAACP—and the movement that its founders created 100 years ago today—transformed my life.

I shall never forget how Juanita Jackson Mitchell and the Baltimore Branch of the NAACP stood up for us as we marched to integrate South Baltimore's Riverside Swimming Pool. It was then that I realized, for the first time in my young life, that I had rights that other people had to respect.

Nor shall I forget how a young Thurgood Marshall (who once lived just blocks from where I live today) convinced a Baltimore judge to integrate the University of Maryland School of Law. My law degree and all that I have been able to accomplish in my professional and public life are living testaments to the value of that achievement.

Moreover, as long as I shall live and be privileged to serve the people of Maryland's 7th Congressional District, I shall remember that our community—that also gave America former Congressmen Parren J. Mitchell and Kweisi Mfume—now serves as the national home of the NAACP.

So it is with deep appreciation and respect that I join millions of my countrymen and women in applauding the NAACP and pledging our continued support in the days and years ahead.

I do so at a historic moment when we have come together to elect a gifted African American to the highest office in the land. Yet, even as we celebrate this victory of competence and conscience, America remains a dangerous and unfair place for far too many of our neighbors, whatever may be the color of their skin.

Like W.E.B. DuBois and the other founders back in 1909, we, too, must answer the call. In our own time, we must continue the work of creating a better, more unified nation—an America that will truly assure liberty, justice and opportunity for all.

We, too, have a legacy of justice and opportunity to create—for our children and for the generations of Americans yet to be born.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to celebrate and honor the 100th anniversary of the National Association for the Advancement of Colored People, NAACP. Today, February 12, 2009, marks the 100th anniversary of the founding of the NAACP and the 200th anniversary of the birth of Abraham Lincoln. For a Nation that is less than 250 years old, the centennial of the NAACP is a major milestone.

I shudder to imagine what this country would look like if our history did not include the stories and struggles of people like Frederick Douglass, Rosa Parks, Dr. Martin Luther King, Jr., our own Representative JOHN LEWIS, and many countless others who have fought and continue to fight for equal rights and equal opportunity.

The NAACP's roots date back to the ''Niagra Movement'' of 1905 when thirty-two prominent African Americans met to organize and call for the end of racial inequality. A forceful agent for change, the NAACP was the leading party behind many accomplishments of the Civil Rights Movement, including the landmark case Brown v. the Board of Education which ended racial segregation in our schools.

The Niagra and Civil Rights Movements were not the first calls for freedom and equality in our nation's history and will not be the last. But their success provided a blueprint for future generations to follow, an example of hope to all those who seek to secure the basic freedoms guaranteed by our Constitution.

Today, the NAACP continues to cement its reputation as a trailblazer for basic civil and human rights. Led by its young new president, Benjamin Jealous, the NAACP has refocused its objectives on resolving wide disparities in access to jobs and healthcare among Americans. During the next 100 years, I have no doubt that the NAACP will lead many more breakthroughs in civil and human rights.

This anniversary gives all Americans an opportunity to recognize and learn about African-American history, which is also the history of the United States. I am proud to do my part to promote and honor the contributions made by the NAACP and the African American community to our great Nation.

Mr. HOLT. Mr. Speaker, I rise today as a co-sponsor and strong supporter of H. Con. Res. 35, a resolution to recognize the 100th anniversary of the National Association for the Advancement of Colored People (NAACP) and acknowledge the numerous contributions of the NAACP in helping create a more just and equitable society.

The NAACP is the oldest and largest civil rights organization in the United States. For the past 100 years, the association has fought actively and fervently for equal justice for all Americans under the idea that all men and women are created equal.

In February 1909, a handful of courageous and fearless citizens—including Ida Wells Barnett, Mary White Ovington, Oswald Garrison Villiard, William English Walling, Henry Moscowitz and W.E.B. Du Bois—formed the

National Negro Committee with the intent of addressing the social, economic and political rights of African-Americans. This organization would later become the NAACP, and for the next century would dedicate itself to eliminating racial hatred and ending racial discrimination.

The NAACP has accomplished and will continue to accomplish great things for our nation. In 1954, the NAACP achieved one of its greatest victories in the Brown v. Board of Education of Topeka case when the Supreme Court overturned segregation in the nation's public schools. This decision rendered ''separate but unequal'' unconstitutional. More importantly it helped to break down the barriers that divided the nation.

Through nonviolent methods such as protests, marches and media outreach the NAACP was instrumental in moving President Truman's Executive Order banning discrimination in the armed forces. The NAACP also played an active role in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

The NAACP continues to fight for the rights of Americans confined to the corners of our society. The NAACP maintains active branches nationwide, including one in the 12th District of New Jersey, located in Trenton. I am grateful to the NAACP members who live in my Congressional District including Edith Savage-Jennings, a pioneer of the civil rights movement. The work they do to continue to advance the struggle for civil rights in our country is an inspiration to us all.

The NAACP gracefully and tirelessly has fought for the political, social, economic, and educational rights of all Americans, and has sought to ensure that our nation recognized the inalienable rights of all citizens, regardless of race, class, or ethnicity. They have paved the way for some of our most celebrated leaders like my good friend JOHN LEWIS and President Barack Obama to accomplish what they have. Moving forward the NAACP will shift its focus to ensure the attainment of human rights for all; a noble, honorable and needed effort. The enormity of the NAACP's contributions these past 100 years is immeasurable, and I am certain that the next 100 years will produce more accomplishments and milestones for this historic and vital organization. I am proud to join with my colleagues in supporting this resolution.

Mr. ETHERIDGE. Mr. Speaker, I rise with respect and admiration to honor the National Association for the Advancement of Colored People (NAACP) on the occasion of it's 100th anniversary, and support H. Con. Res. 35. The struggle for racial equality has been and continues to be one of the greatest testaments of America's progress throughout its history. The NAACP was founded February 12, 1909 to ensure that the voices of all people of color are heard. The NAACP has a strong legacy of pioneers such as W.E.B. DuBois, Thurgood Marshall, Rosa Parks, Mary McLeod Bethune, Mary White Ovington, Joel Elias Spingarn and Roy Wilkins, along with the countless others of diverse ethnicities who have worked tirelessly to fulfill the NAACP's mission. Through tireless work and often great personal sacrifice, the members and leadership of the NAACP have fought for justice, to ensure political, educational, social and economic rights for all peoples. While there is still significant work to be done, these efforts have helped to mold the America we have today.

I am proud to be a cosponsor of H. Con. Res. 35, and I urge my colleagues to join me in supporting it.

Mr. SOUDER. Mr. Speaker, I rise today in support of H. Con. Res. 35, honoring the contributions of the National Association for the Advancement of Colored People, NAACP, and specifically to pay tribute to the Fort Wayne/Allen County Branch that serves the citizens of northeast Indiana.

As we celebrate the 100th Anniversary of the NAACP, it is important to take time to look back on its accomplishments. Throughout its history the NAACP has advanced the cause of civil rights and stirred the conscience of our nation. Mr. Speaker, whether it was standing side by side with Rosa Parks, helping to outlaw the evil practice of lynching, or helping victims of Hurricane Katrina get back on their feet, the NAACP has stood as a ''voice'' and a ''shield'' for minority Americans.

Mr. Speaker, from its humble beginnings in a hotel room across from Niagara Falls, to its current operations across the country, the NAACP has grown with our nation. Over the years, it has stayed true to its mission of eliminating racial hatred and racial discrimination.

In northeastern Indiana the NAACP, under the new leadership of the Reverend Bill McGill, has dedicated itself to improving the lives of local minority youth. Mr. Speaker, in these difficult economic times the NAACP helps provide these youth with the opportunity they deserve and ensures the promise of our nation extends to all our citizens.

This past January I was pleased to host members of the local branch of the NAACP for the Presidential inauguration, and I was once again struck by their commitment to solving the problems facing our nation. Mr. Speaker, I rise in support of H. Con. Res. 35 and urge my colleagues to join me in praising the work of the NAACP and its members in northeast Indiana.

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 100th Anniversary of the NAACP, which was founded on February 12th, 1909. For the past century, the NAACP has served as the driving force behind the American civil rights movement, as its founders, leaders and members risked everything to tear down the walls of ignorance and racism, demanding freedom, empowerment, opportunity and justice for all.

With a membership of a half–million strong, the NAACP membership represents communities across the country. The organization was formed partly in reaction to the unconscionable practice of lynching and also in response to the 1908 race riot in Springfield, Illinois. Horrified at the violence aimed at African Americans, a small group of concerned citizens met to discuss and find ways to address racial injustice and the NAACP was formed. Founding members included Mary White Ovington, Oswald Garrison Villard, Dr. Henry Moscovitz, Jane Addams and Charles Darrow. The stated goals included securing the rights of all people as guaranteed in the 13th, 14th and 15th Amendments of the United States Constitution.

The NAACP was the principle legal advocate for numerous groundbreaking civil rights advancements, including the 1930 anti-lynching bill, the Dyer Bill, which passed the U.S. House of Representatives but not the U.S. Senate. Shortly thereafter, the NAACP published a report entitled, ''Thirty Years of Lynching in the United States,'' which drastically decreased the incidence of lynching after its release. The impact of the NAACP's support of the civil rights movement is evidenced in numerous landmark court decisions, most notably, in Brown v. Board of Education, wherein the brilliant attorney, Thurgood Marshall, who later served as the NAACP's Chief Counsel and also as a United States Supreme Court Justice, argued his case against school segregation, and won.

Mr. Speaker and colleagues, please join me in honor and recognition of the members, past and present, of the NAACP, as they celebrate 100 years of service and sacrifice focused on protecting the rights of minority citizens, thereby raising our nation upon a platform where human rights and civil rights are protected for all.

Mr. DAVIS of Illinois. Mr. Speaker, as we recognize February as Black History Month, I wish to take a moment to celebrate the NAACP on the occasion of its 100th anniversary. Over the past century, the National Association for the Advancement of Colored People, or NAACP, has played a vital role in the progress of the African American community. This organization has advocated faithfully for decreasing racial disparities in the areas of healthcare, education, employment, criminal justice, and poverty.

The NAACP is the Nation's largest and oldest civil rights organization. Through grass root efforts, the organization has influenced policy from the homes and communities of citizens to the voting booths and the classrooms around America. The NAACP has involved many, from children and ordinary citizens, to our Nation's elected officials and Presidents. The dedication of the NAACP and its fight for social justice has involved great leadership.

The NAACP has played a significant role in many civil rights victories. Its persistent protests and steadfast support for anti-lynching legislation was critical to making this horrible practice illegal. Similarly, its members championed the Voting Rights Act of 1965 that guaranteed that no person could be denied the right to vote because of his or her race. It also has served as a strong watchdog to uphold the spirit and letter of these laws at the State and local levels. Clearly, the NAACP's involvement politically has contributed to the progress of America by saving lives and empowering minority communities.

Ida B. Wells, a prominent civil rights activist and resident of Illinois, was the co-founder of the NAACP. Wells is most known for her journalism. Her writing received the interest of both blacks and whites. After being banned from the South for speaking out about lynching and the government's refusal to stop the violence, Ms. Wells moved to Chicago. While in Chicago, she married Ferdinand Barnett and together they had four children. Her nickname, ''the Constant Star'' provides a testament to her relentless fight for social justice and equality. The NAACP has embodied her

nickname by remaining constant in its efforts in promoting equality for all.

The NAACP has grown considerably since its inception. Today, the NAACP has over 500,000 members with more than 1,300 national and international branches, and over 45 branches in the State of Illinois.

Recently, three students from the Chicago Westside Branch, located in the Seventh Congressional District, won at the 2008 National ACT–SO competition. The ACT–SO program, founded by the NAACP, is a year-long program that is used to enrich African American high school students' lives by encouraging high academic and cultural achievement. This program allows students to compete in various areas ranging from the sciences to visual and performing arts. Thus, I would like to recognize Terrence George, Eric Clark, and Aeriel Robinson for their brilliance and hard work.

I commend the NAACP on its commitment to the African American community and its political, economic, social, and educational efforts in promoting social change. I tip my hat to the first centennial anniversary and look forward to its second.

Mr. RANGEL. Mr. Speaker, I rise today to recognize the National Association for the Advancement of Colored People (NAACP) for providing 100 years of legal advocacy and justice for all Americans.

One hundred years ago today a coalition of activists, scholars, and intellectuals of various shades gathered together to challenge our United States to live up to the words of the Constitution for all Americans. This founding group was diverse in ethnicity but united in their thirst for equality.

The catalyst behind the group's formation was the 1908 racial attacks against Blacks in Springfield, Illinois, the state capital and the birthplace of President Abraham Lincoln. Disheartened by the violence, which took the lives of two Blacks and five accidental Whites; the group formally organized on February 12, 1909, the birthday of President Lincoln.

A year later, the national office of the NAACP was opened in New York City. W.E.B DuBois founding publisher of The Crisis, the organization's official publication, was instrumental in attracting distinguished African-American literary figures who became the voice of the Harlem Renaissance. The iconic scholar also became the intellectual leader and voice of the NAACP, where he took a strong position in demanding full integration for his people over Booker T. Washington's policy of accommodation.

Due to the rabid racism of the day, the organization grew quickly and reached the peak of its membership during the civil rights struggles of the 1950's and 1960's. Rosa Parks, secretary of the NAACP chapter in Montgomery, Alabama, triggered the famous boycott of the bus system by refusing to give up her seat.

The NAACP's greatest achievements were in the courtroom, where it challenged many of the laws that enshrined segregation. One of the best known cases was Brown vs. Board of Education, which in 1954 challenged the ''separate but equal'' doctrine that was the bulwark of the nation's segregationist policies. Thurgood Marshall, special counsel to the NAACP, led legal arguments before the Supreme Court in that case, as well as many other laws that promoted segregation. Marshall would go on to become the first African-American Justice on the Supreme Court.

The NAACP fought against lynchings, Jim Crow laws, and otherwise challenged the system of laws which denied full citizenship for Blacks. The election of President Barack Obama represents a culmination of the NAACP's efforts over the years, particularly in gaining full voting rights for African-Americans.

The work of the NAACP has not been without danger. Many NAACP members and staff have been victims of racial violence. Perhaps the best known, was the assassination of Medgar Evers, the NAACP field secretary in Mississippi, in 1962.

The NAACP has many heroes across the country who have sacrificed in order to fulfill our nation's promise of democracy and freedom. Among the organization's heroes are my good friends, Hazel Dukes and Percy Sutton. Ms. Dukes participated in many NAACP marches and was arrested several times as a protester. She has also served as president of a New York chapter and national president of the organization. Percy Sutton, a long time member and former president of the NAACP, represented many civil rights workers, including Malcolm X. I salute them for their dedication to this organization.

Ben Jealous, the new leader of the NAACP, has pointed out a new set of challenges to be addressed in the years ahead. Among them are racial injustices in the criminal justice system, improving educational resources, and removing any remaining obstacles to economic development. The challenges may be different from those addressed during the first 100 years, but they are no less important.

Mr. Speaker, I proudly ask you and my colleagues in joining me in honoring the NAACP for 100 years of distinguished service to our country.

Mr. JOHNSON of Georgia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and agree to the resolution, H. Con. Res. 35.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JOHNSON of Georgia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

HONORING GRIFFIN BELL

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 71) acknowledging the lifelong service of Griffin Boyette Bell to the State of Georgia and the United States as a legal icon.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 71

Whereas Griffin Boyette Bell was born on October 31, 1918, in Americus, Georgia, to Thelma Leola Pilcher and Adlai Cleveland Bell, a cotton farmer;

Whereas Griffin Boyette Bell died on January, 5, 2009, at Piedmont Hospital in Atlanta, Georgia, after enduring long-term kidney disease and a battle with pancreatic cancer;

Whereas Griffin Boyette Bell was raised in the Shiloh community outside of Americus until his family moved into Americus to establish a tire retail store;

Whereas Griffin Boyette Bell proved himself a superior student in the Americus public schools and later at Georgia Southwestern College also in Americus;

Whereas in 1942, Griffin Boyette Bell was drafted into the Army, where he served in the Quatermaster Corps and Transportation Corps;

Whereas Griffin Boyette Bell, while stationed at Fort Lee, Virginia, met and married Mary Powell, who also had family ties in Americus, Georgia, and they later had one son, Griffin Jr;

Whereas in 1946, Griffin Boyette Bell, after being discharged from active duty in the Army with the rank of Major, enrolled in the Walter F. George School of Law at Mercer University in Macon, Georgia;

Whereas Griffin Boyette Bell worked at the firm Anderson, Anderson, and Walker while in law school;

Whereas Griffin Boyette Bell, while still a law student, passed the Georgia bar examination and was appointed city attorney of Warner Robins, Georgia;

Whereas Griffin Boyette Bell, after graduating Mercer University law school with honors in 1948, practiced law in Savannah, Georgia, and Rome, Georgia;

Whereas in 1953, Griffin Boyette Bell accepted an offer to join the Atlanta law firm of Spalding Sibley Troutman and Kelley, later renamed King and Spalding;

Whereas in 1958, Griffin Boyette Bell was appointed chief of staff to Governor Ernest Vandiver and while serving in that capacity was influential in organizing the Sibley Commission, which mapped Georgia's approach to school desegregation;

Whereas Griffin Boyette Bell, while as chief of staff to Governor Ernest Vandiver, also helped moderate State policy concerning civil rights and was instrumental in keeping Georgia's schools open during that turbulent period;

Whereas in 1961, Griffin Boyette Bell was appointed by President Kennedy to the 5th U.S. Circuit Court of Appeals where he served for 14 years and often played an instrumental role in mediating disputes during the peak of the United States Civil Rights Movement;

Whereas in 1976, President Jimmy Carter nominated Griffin Boyette Bell to be the 72nd Attorney General of the United States and he was confirmed to that position on January 25, 1977;

Whereas Griffin Boyette Bell brought independence and professionalism to the Department of Justice during his tenure as Attorney General by daily posting of his third-party contacts, including meetings and calls with the White House, Members of Congress,

or other non-Justice Department individuals;

Whereas Griffin Boyette Bell in his capacity as Attorney General, advised the Carter administration and helped to increase the number of women and minorities serving on the Federal bench by recruiting Wade McCree, an African-American Eighth Circuit judge, to serve as Solicitor General of the United States and Drew S. Days III, an African-American lawyer for the NAACP Legal Defense Fund, to head the Civil Rights Division of the Department of Justice;

Whereas Griffin Boyette Bell also led negotiations to divide his former appellate court, the 5th Circuit spanning from Georgia to Texas, into two courts: a new 5th Circuit based in New Orleans and an 11th Circuit based in Atlanta;

Whereas Griffin Boyette Bell, upon resignation as Attorney General in August 1979, was appointed by President Carter as the Special Ambassador to the Helsinki Convention;

Whereas Griffin Boyette Bell served as a member of the Secretary of State's Advisory Committee on South Africa from 1985 to 1987;

Whereas in 1989, Griffin Boyette Bell was appointed Vice Chairman of President George H. W. Bush's Commission on Federal Ethics Law Reform;

Whereas Griffin Boyette Bell served as counsel to President George H. W. Bush during the Iran Contra Affair investigation;

Whereas in September of 2004, Griffin Boyette Bell was appointed the Chief Judge of the United States Court of Military Commission Review; and

Whereas during Griffin Boyette Bell's career as a lawyer, he specialized in corporate internal investigations, and many that were high profile, including E.F. Hutton following Federal indictments for its cash management practices, Exxon Valdez after an oil spill in Alaska, and Procter and Gamble after rumors circulated that the company's moon-and-stars logo was a satanic symbol: Now, therefore, be it

Resolved, That the House of Representatives—

(1) acknowledges the lifelong service of Griffin Boyette Bell to the State of Georgia and the United States as a legal icon; and

(2) commends Griffin Boyette Bell for his tenure as Attorney General of the United States and his commitment to the American Civil Rights Movement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I will yield myself as much time as I may consume.

Mr. Speaker, today we honor the lifelong service of Griffin Boyette Bell to the legal profession and to the American civil rights movement. I want to thank Representative JACK KINGSTON of Georgia for introducing this fitting tribute to one of Georgia's native sons.

Griffin Bell was born in 1918 in rural Sumter County, the son of a cotton farmer. His family relocated to Americus, the county seat, when the advance of the boll weevil devastated cotton crops.

Griffin Bell excelled at school and for a while attended Georgia Southwestern College and worked in his father's successful tire shop. When duty called in 1942, Griffin enlisted in the U.S. Army serving in the Quartermaster Corps, the Transportation Corps, where he rose to the rank of Major.

After the Army, he attended Walter F. George School of Law at Mercer University in Macon, Georgia, graduating with honors. While still in law school, he was appointed city attorney of Warner Robins, Georgia. He practiced law in both Savannah and Rome, Georgia, eventually joining the Atlanta law firm now known as King and Spalding.

In 1959, he returned to public service as chief of staff to Governor Ernest Vandiver. One of his responsibilities was helping guide the State of Georgia in implementing the Supreme Court's Brown versus Board of Education decision requiring that public schools be desegregated—which was a matter that was creating public and political tensions throughout the South.

Working with the blue-ribbon Sibley Commission that he organized, he navigated a steady but incremental approach which helped Georgia implement the Brown decision without the school closings and other public rancor experienced elsewhere.

Griffin Bell's handling of this and other matters for Governor Vandiver brought him to the attention of President Kennedy, who appointed him in 1961 to the Fifth U.S. Circuit Court of Appeals, which used to incorporate the State of Georgia, but now Georgia is in the 11th Circuit.

In addition, among the many cases he dealt with during his 14 years on the bench were numerous school desegregation cases throughout the States from Texas to Georgia and Florida where he worked with a great deal of success to ensure that the Brown mandate was carried forward resolutely, but also with the cooperation and support of school boards and local communities whenever possible.

I had the opportunity to practice before the Fifth Circuit to promote civil rights on many occasions, including one case where I represented the NAACP in a voting rights case. In that case, the NAACP was denied an application to conduct voter registration drives. The court decided that the city could not prevent the NAACP from conducting voter registration drives if this would have a discriminatory effect, a decision which might not have been possible had lawyers and judges like Griffin Bell not had the courage to stand up for civil rights over the course of decades.

Judge Bell retired from the bench in March of 1976 only to be called back to public service soon thereafter by President-elect Jimmy Carter, who nominated him to be Attorney General of the United States. He was instrumental in restoring morale and public confidence at a Justice Department whose reputation had been severely damaged by Watergate. And he helped greatly increase the representation of women and minorities on the Federal bench.

Judge Bell returned to King and Spalding in 1979, but he remained active in public affairs not only in his community, but in national and international affairs as well.

He had barely left the Justice Department when President Carter appointed him to lead the U.S. delegation to the Conference on Security and Cooperation in Europe.

Two years later, he served as co-Chair of the Attorney General's National Task Force on Violent Crime, and in 1985, he accepted the position on the Secretary of State's advisory committee on South Africa. In 1989, the first President Bush appointed him to be vice chairman on the Commission on Federal Ethics Law Reform. In 2004 at age 86, he was commissioned as a Major General in the United States Army to serve as chief judge on the appeals court for reviewing military commission trials of enemy combatants.

To fully list the many positions Judge Bell held and the many ways he served his community and his country and the world would take more time than we have here today. Last fall, his historical essays were published in a book called ''Footnotes to History.''

Griffin Bell was anything but a footnote to history. His advancement of civil rights and commitment to the rule of the law will continue to be an inspiration to the many who worked with him, who knew him, and who will read about him in years to come.

I am proud that today we celebrate his many accomplishments and honor his life.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume

Mr. Speaker, I support House Resolution 71 which acknowledges the lifelong service of Griffin Bell to the State of Georgia and, of course, to the United States.

Griffin Bell was the son of a cotton farmer, and he rose to become one of the most respected legal counselors in the whole United States. He was appointed by President Kennedy to serve as a judge on the Fifth Circuit Court of Appeals. He left the court after 14

years of service on that bench to rejoin the law firm of King and Spalding.

In 1986, President Jimmy Carter nominated him to become the Attorney General of the United States. In that role, Judge Bell operated in a remarkably open manner that has not been duplicated since.

Every day, he would publicly post his contacts with third parties, including meetings and calls from the White House, Members of Congress, and others outside the Justice Department. His efforts to strengthen transparency of his office did much to rebuild confidence in the Justice Department after the Watergate scandal.

As Attorney General, Judge Bell led the effort to pass the Foreign Intelligence Surveillance Act of 1978. At the time, he gave testimony to Congress in which he made clear that the legislation ''does not take away the power of the President under the Constitution.''

Judge Bell also led negotiations that resulted in dividing his former appellate courts into two circuits: the Fifth Circuit, based in New Orleans, and the 11th Circuit, based in Atlanta.

Judge Bell was known for his love of rooster pepper sausage and for his wide and bold-colored ties. He was a figure full of personality as he was wise, and greatly respected by Members of both sides of the political aisle.

Judge Bell passed away earlier this year on January 5, 2009. He and his sage advice and his opinions will be missed.

As a former judge and prosecutor, I urge all of my colleagues to join me in supporting this resolution to honor the life of Judge Bell, a man committed to justice because, Mr. Speaker, justice is what we do in America.

Mr. JOHNSON of Georgia. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LINDER).

□ 1815

Mr. LINDER. I thank the gentleman for yielding.

Griffin Bell was a friend of mine for maybe 20 years and a decent human being. I'm not going to go back and reflect on his contributions to his city, his State or his Nation. Mr. JOHNSON and Mr. POE have already done that.

He served in many capacities in a decent way, but I just want to get something in the record. You never, ever will understand Griffin Bell until you understand what a wonderful sense of humor he had.

I moved to Georgia from Minnesota in 1969, almost 40 years ago, and one of the things we have in the South is respect for story telling and great good humor. And I have never heard a better one than Griffin Bell. And some of the stories he told me about he and Charlie Kirbo, who was another of President Carter's close personal advisers, as partners representing companies and individuals were just hilarious.

I want you to know that the Nation is going to miss a great man, and those of us who knew him are missing a great humorist.

Mr. JOHNSON of Georgia. Mr. Speaker, I reserve the balance of my time, and I have no more speakers.

Mr. POE of Texas. Mr. Speaker, I urge adoption of this H. Res, and I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I can think of no man who deserves these accolades who is greater than the late Judge Griffin Bell, and I look forward to this measure passing.

Mr. BISHOP of Georgia. Mr. Speaker, I want to commend my friend and colleague Representative JACK KINGSTON for introducing this resolution to commemorate the life of—one of the giants in the legal community of Georgia and the Nation—Griffin Boyette Bell. His passing is a great loss to me, his family, and the country he proudly served. We have lost a true friend and a prominent leader. Mr. Bell's distinguished service as a civil rights advocate, U.S. attorney general, World War II veteran, and Federal judge reflects his lifelong commitment to public service and the American people.

Born in Americus Georgia, Mr. Bell, the only son of a farmer, dedicated his life to helping others. Following his Army service in the Quartermaster and Transportation Corps during World War II, Griffin Bell attended the Georgia Southwestern College and went on to law school at Mercer College. Even before graduating, he passed the Georgia Bar and served as city attorney of Warner Robins, Georgia.

Following law school, he set up a successful practice in Savannah and Rome and soon was invited to become a partner at the prominent law firm of King & Spalding. Griffin Bell could not stay out of public service for long. Shortly after the election of President Kennedy, he accepted an appointment to the Fifth U.S. Circuit Court of Appeals.

As a judge on the Fifth U.S. Circuit, Griffin Bell acted as a guardian of our constitutional rights and stood in strong opposition to segregation and discrimination. Later, as President Carter's Attorney General, he was an independent advocate of justice. Watergate was still fresh in people's minds, and Griffin Bell focused on eliminating official corruption. After his work as attorney general, he returned to King & Spalding, but still continued to be active in the public sphere. He served on the State's Advisory Committee on South Africa, President George H.W. Bush's Commission on Federal Ethics Law Reform, and was appointed the Chief Judge of the United States Court of Military Commission Review.

Throughout his career in public service, people from all walks of life—rich and poor, black and white, Democrat and Republican—benefited from his insight and wise counsel. He strove to bring people together and resolve differences in a fair and pragmatic manner. Put simply, he was a model of integrity. He was a strong influence in my own life and was an inspiring mentor to countless numbers of young people over the years. Griffin Bell was looked up to and loved by everyone, and he will be greatly missed.

Mr. JOHNSON of Georgia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 71.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JOHNSON of Georgia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM REAUTHORIZATION OF 2009

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 908) to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Missing Alzheimer's Disease Patient Alert Program Reauthorization of 2009''.

SEC. 2. REAUTHORIZATION OF THE MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.

Section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14181) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GRANT.—Subject to the availability of appropriations to carry out this section, the Attorney General, through the Bureau of Justice Assistance and in consultation with the Secretary of Health and Human Services, shall award competitive grants to nonprofit organizations to assist such organizations in paying for the costs of planning, designing, establishing, and operating locally based, proactive programs to protect and locate missing patients with Alzheimer's disease and related dementias and other missing elderly individuals.'';

(2) in subsection (b)—

(A) by inserting ''competitive'' after ''to receive a''; and

(B) by adding at the end the following new sentence: ''The Attorney General shall periodically solicit applications for grants under this section by publishing a request for applications in the Federal Register and by posting such a request on the website of the Department of Justice.'';

(3) by amending subsection (c) to read as follows:

''(c) PREFERENCE.—In awarding grants under subsection (a), the Attorney General shall give preference to national nonprofit organizations that have a direct link to patients, and families of patients, with Alzheimer's disease and related dementias.''; and

(4) by amending subsection (d) to read as follows:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2010 through 2016.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. I yield myself as much time as I may consume.

Mr. Speaker, we come to the floor with three elder justice bills, each with bipartisan support, and each addressing, in different ways, serious problems faced by our ever-expanding aging population. These problems range from dementia, and elders who ''go missing,'' to neglect, financial exploitation, and physical abuse. The three bills we are considering today address these critical problems.

The bill before us now, H.R. 908, the Missing Alzheimer's Disease Patient Alert Program Reauthorization of 2009, addresses the serious problem of seniors who go missing each year as a result of dementia. It passed the House on suspension last September, but Congress adjourned before the Senate could consider it.

The Missing Alzheimer's Disease Patient Alert Program was created in 1994, and while Congress has continued to support and fund it, its formal authorization expired in 1998.

This legislation, Mr. Speaker, sponsored by the gentlewoman from California, the Honorable MAXINE WATERS, will formally reauthorize the program.

H.R. 908 authorizes the Attorney General to award competitive grants to nonprofit organizations for planning, establishing, and operating locally-based programs to protect and locate missing persons with Alzheimer's disease, dementia, or other problems.

This is an excellent measure that responds to a critical problem, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time that I may consume.

I'm pleased to support H.R. 908, the Missing Alzheimer's Disease Patient Alert Program Reauthorization of 2009.

Roughly 5 million Americans suffer from Alzheimer's disease or dementia. Of these, 60 percent will become lost from their families or their caretakers. If they're not found within 24 hours, up to half of them become seriously ill or even die.

H.R. 908 increases the chance of locating missing persons suffering from these diseases within the critical first 24 hours. Specifically, the bill provides grants to nonprofit organizations to help create and maintain programs to assist in locating missing patients and family members with Alzheimer's.

We passed similar legislation in the last session of Congress, sent it to the Senate, and the Senate made a few changes and sent it back to us for our approval here in the House, but we did not have enough to consider the bill before Congress adjourned at the end of last year. H.R. 908 contains compromise language from the Senate version of the last session of Congress.

These programs and organizations this legislation aims to help are often significantly useful to local law enforcement when a person suffering from these mind-altering diseases goes missing. Because these patients are often disoriented and confused, tips and information from family, friends, and doctors are very critical.

H.R. 908 provides support to these organizations, indirect assistance to local law enforcement, protection to patients, and some peace of mind to the families and loved ones.

I urge all my colleagues to support this bill.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield as much time as she may consume to the gentlelady from California, the great Maxine Waters.

Ms. WATERS. I thank the gentleman for yielding time to me and for his very warm compliments. Thank you.

Approximately 5 million Americans have Alzheimer's disease, and the majority of them live at home under the care of family and friends. It is estimated that 60 percent of Alzheimer's patients are likely to wander away from their homes. Wanderers are vulnerable to dehydration, weather conditions, traffic hazards, and individuals who prey on those who are defenseless. Up to 50 percent of wandering Alzheimer's patients will become seriously injured or die if they are not found within 24 hours of their departure from home.

The Missing Alzheimer's Disease Patient Alert Program is a Department of Justice program that helps local communities and law enforcement officials quickly identify persons with Alzheimer's disease who wander or who are missing and reunite them with their families.

Since its inception more than 10 years ago, this program has funded a national registry of more than 172,000 individuals at risk of wandering and has reunited over 12,000 wanderers with their families. It is a highly successful program whereby 88 percent of registrants who wander are found within the first 4 hours of being reported missing. A total of 1,288 wandering incidents were reported to the program in 2007. The program has a 98 percent success rate in recovering enrollees who are reported missing.

There are also technology-based options to address wandering that should be considered for funding under the Missing Alzheimer's Patient Program. For example, personalized wristbands that emit a tracking signal can be used to locate wanderers. These wristbands, when combined with specially trained search-and-rescue teams, can reduce search times from hours and days to minutes.

Congress originally authorized $900,000 in appropriations for the Missing Alzheimer's Patient Program for 3 years, that is, 1996 through 1998, but never reauthorized or updated the program. Since then, the program has continued to receive funding on a year-to-year basis, but funding has remained virtually flat since its inception.

H.R. 908 reauthorizes, updates and expands the Missing Alzheimer's Patient Program.

The bill authorizes up to $5 million per year in appropriations for fiscal years 2010 through 2016, a modest increase over the $1 million appropriation in fiscal year 2008.

The bill expands the program so as to allow the Department of Justice to award multiple competitive grants to nonprofit organizations. Preference will be given to national nonprofit organizations that have a direct link to patients, and families of patients, with Alzheimer's disease and related dementias.

And finally, the bill specifies that the program will be operated under the Department of Justice's Bureau of Justice Assistance. Currently, the program is operated under the Office of Juvenile Justice, which is obviously not the most appropriate agency for a program serving the mostly elderly.

H.R. 908 has 21 bipartisan cosponsors, including the co-chairs of the Congressional Alzheimer's Task Force, Congressman EDWARD MARKEY and Congressman CHRISTOPHER SMITH. The bill has been endorsed by more than 85 national, State, and local organizations, including the Alzheimer's Association and the Alzheimer's Foundation of America.

The Missing Alzheimer's Patient Program is a critical resource for first responders. It saves local law enforcement officials valuable time and allows them to focus on other national and local security concerns. It is critical

that we reauthorize and expand this small, but very effective, program.

I urge my colleagues to support H.R. 908.

Mr. POE of Texas. Mr. Speaker, I yield 4 minutes to the gentlelady from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Speaker, we have an opportunity today to take a very important step in protecting some of our most vulnerable elderly citizens who suffer from Alzheimer's disease and other forms of dementia.

One American in 10 over the age of 65 suffers from Alzheimer's disease. For those over 85, it is one in two. Alzheimer's patients now number as many as 4.5 million in the United States, and as we baby boomers continue to age, those numbers will only continue to grow.

One of the great dangers for Alzheimer's patients is the tendency to become disoriented and to wander away from home. In fact, some 60 percent of those with Alzheimer's will do so at some point, and half of them will be seriously injured or even possibly die.

We've all heard stories in our local news networks, in our local communities: an elderly person goes missing, perhaps just going on a simple trip to the grocery store. Local search efforts are launched, and there are some great programs around our Nation to have those search efforts. The family will post notices somewhere and pleas for help for that missing person goes out. And the media certainly can help sound the alarm.

But sometimes these stories don't end happily and sometimes they do. The person that has wandered beyond the reach of local search efforts can be in serious trouble. If the weather is bad, or if that person should run across some dangerous individual, and they cross that Alzheimer's patient's path, it can end in tragedy.

In the fall of 2007, a member of my church, a lady named Betty Ledgerwood, left home one day and got into her car, had gas in her car, and ended up driving, not knowing where she was, who she was, and actually was missing for almost a full day. And her family even called me here, frantically trying to get some help with the media to find her. Her family did do all they could to sound the alarm.

Local officials searched for her, but she was eventually found, and she had died from exposure to the weather, just right outside her car, not in my home State of Oklahoma, but actually clear in Missouri. And she didn't know where she was, and unfortunately, her family didn't know where she was.

It's a story that we hear all too often, that a loved one is confused with dementia or Alzheimer's can be missing.

And that's why the Missing Alzheimer's Disease Patient Alert Program today that we're talking about will help protect our moist vulnerable at-risk seniors.

□ 1830

This is a program that has potential, saving and preserving the lives of some of our most vulnerable and threatened elderly citizens. It enlists the capacities of many different agencies, private-public sector. It does not seek to create new agencies. It simply focuses attention and effort on a growing problem.

So, Mr. Speaker, today, I'd like to urge the passage of this measure so we can bring the next Betty Ledgerwood home to her family safely. Thank you so much.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I want to thank the gentleman from Georgia for yielding the time, and the gentlelady, Ms. WATERS from California, for bringing this important legislation.

My father had Alzheimer's and my mother has some form of dementia now. My father passed away at age 80, and there was a day when he disappeared from the nursing home and they couldn't find him. It took a couple of hours. They did find him walking in the neighborhood. He had no idea where he was going. I was amazed that he was not hurt or hit by a car or anything. He obviously had no idea where he was going.

This type of program is so prescient because there are so many people who have been talked about who are either suffering from this illness or will be suffering from this illness, and the needs of the police departments to identify them and to have an opportunity to maintain contact and save them before something bad happens to them.

There was a lady in Memphis named Elizabeth Ferguson. She was 86 years old. In May 2008 she went missing. She suffered from dementia. She drove away from her Memphis home after heading to a doctor's appointment. Her daughter went around and posted signs and tried to find her mother. Seven months later, she was found in a car, 24 miles away from her house. She had died in the elements. Her remains were near the car. She wandered out in some vacant fields.

So this bill is very important to people's lives. I commend Congresswoman WATERS for bringing it. It's the type of activity that sometimes people don't recognize that Congress does to help people in their everyday lives. I thank you for bringing this proposal and for the time offered me.

Mr. POE of Texas. I yield back the balance of my time.

Mr. JOHNSON of Georgia. I will, Mr. Speaker, say that I can't think of any legislation that is more timely than this, and more needed, to protect our elderly from all sorts of harm. These are people who have worked productively, given their lives, and now have fallen victim to a disease that we are still searching for cures for. And they need special protection, especially as our aged population increases.

And so I look forward to this measure passing, and I want to thank Congresswoman WATERS for her thoughtfulness in producing this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 908.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ELDER ABUSE VICTIMS ACT OF 2009

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 448) to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Elder Abuse Victims Act of 2009''.

TITLE I—ELDER ABUSE VICTIMS

SEC. 101. ANALYSIS, REPORT, AND RECOMMENDATIONS RELATED TO ELDER JUSTICE PROGRAMS.

(a) IN GENERAL.—Subject to the availability of appropriations to carry out this section, the Attorney General, in consultation with the Secretary of Health and Human Services, shall carry out the following:

(1) STUDY.—Conduct a study of laws and practices relating to elder abuse, neglect, and exploitation, which shall include—

(A) a comprehensive description of State laws and practices relating to elder abuse, neglect, and exploitation;

(B) a comprehensive analysis of the effectiveness of such State laws and practices; and

(C) an examination of State laws and practices relating to specific elder abuse, neglect, and exploitation issues, including—

(i) the definition of—

(I) ''elder'';

(II) ''abuse'';

(III) ''neglect'';

(IV) ''exploitation''; and

(V) such related terms the Attorney General determines to be appropriate;

(ii) mandatory reporting laws, with respect to—

(I) who is a mandated reporter;

(II) to whom must they report and within what time frame; and

(III) any consequences for not reporting;

(iii) evidentiary, procedural, sentencing, choice of remedies, and data retention issues relating to pursuing cases relating to elder abuse, neglect, and exploitation;

(iv) laws requiring reporting of all nursing home deaths to the county coroner or to some other individual or entity;

(v) fiduciary laws, including guardianship and power of attorney laws;

(vi) laws that permit or encourage banks and bank employees to prevent and report suspected elder abuse, neglect, and exploitation;

(vii) laws relating to fraud and related activities in connection with mail, telemarketing, or the Internet;

(viii) laws that may impede research on elder abuse, neglect, and exploitation;

(ix) practices relating to the enforcement of laws relating to elder abuse, neglect, and exploitation; and

(x) practices relating to other aspects of elder justice.

(2) DEVELOPMENT OF PLAN.—Develop objectives, priorities, policies, and a long-term plan for elder justice programs and activities relating to—

(A) prevention and detection of elder abuse, neglect, and exploitation;

(B) intervention and treatment for victims of elder abuse, neglect, and exploitation;

(C) training, evaluation, and research related to elder justice programs and activities; and

(D) improvement of the elder justice system in the United States.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, submit to the chairman and ranking member of the Special Committee on Aging of the Senate, and the Speaker and minority leader of the House of Representatives, and the Secretary of Health and Human Services, and make available to the States, a report that contains—

(A) the findings of the study conducted under paragraph (1);

(B) a description of the objectives, priorities, policies, and a long-term plan developed under paragraph (2); and

(C) a list, description, and analysis of the best practices used by States to develop, implement, maintain, and improve elder justice systems, based on such findings.

(b) GAO RECOMMENDATIONS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall review existing Federal programs and initiatives in the Federal criminal justice system relevant to elder justice and shall submit to Congress—

(1) a report on such programs and initiatives; and

(2) any recommendations the Comptroller General determines are appropriate to improve elder justice in the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2009 through 2015.

SEC. 102. VICTIM ADVOCACY GRANTS.

(a) GRANTS AUTHORIZED.—The Attorney General, after consultation with the Secretary of Health and Human Services, may award grants to eligible entities to study the special needs of victims of elder abuse, neglect, and exploitation.

(b) AUTHORIZED ACTIVITIES.—Funds awarded pursuant to subsection (a) shall be used for pilot programs that—

(1) develop programs for and provide training to health care, social, and protective services providers, law enforcement, fiduciaries (including guardians), judges and court personnel, and victim advocates; and

(2) examine special approaches designed to meet the needs of victims of elder abuse, neglect, and exploitation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of the fiscal years 2009 through 2015.

SEC. 103. SUPPORTING LOCAL PROSECUTORS AND COURTS IN ELDER JUSTICE MATTERS.

(a) GRANTS AUTHORIZED.—Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, shall award grants to eligible entities to provide training, technical assistance, policy development, multidisciplinary coordination, and other types of support to local prosecutors and courts handling elder justice-related cases, including—

(1) funding specially designated elder justice positions or units in local prosecutors' offices and local courts; and

(2) funding the creation of a Center for the Prosecution of Elder Abuse, Neglect, and Exploitation to advise and support local prosecutors and courts nationwide in the pursuit of cases involving elder abuse, neglect, and exploitation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2009 through 2015.

SEC. 104. SUPPORTING STATE PROSECUTORS AND COURTS IN ELDER JUSTICE MATTERS.

(a) IN GENERAL.—Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, shall award grants to eligible entities to provide training, technical assistance, multidisciplinary coordination, policy development, and other types of support to State prosecutors and courts, employees of State Attorneys General, and Medicaid Fraud Control Units handling elder justice-related matters.

(b) CREATING SPECIALIZED POSITIONS.—Grants under this section may be made for—

(1) the establishment of specially designated elder justice positions or units in State prosecutors' offices and State courts; and

(2) the creation of a position to coordinate elder justice-related cases, training, technical assistance, and policy development for State prosecutors and courts.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2009 through 2015.

SEC. 105. SUPPORTING LAW ENFORCEMENT IN ELDER JUSTICE MATTERS.

(a) IN GENERAL.—Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, the Postmaster General, and the Chief Postal Inspector for the United States Postal Inspection Service, shall award grants to eligible entities to provide training, technical assistance, multidisciplinary coordination, policy development, and other types of support to police, sheriffs, detectives, public safety officers, corrections personnel, and other first responders who handle elder justice-related matters, to fund specially designated elder justice positions or units designed to support first responders in elder justice matters.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $8,000,000 for each of the fiscal years 2009 through 2015.

SEC. 106. EVALUATIONS.

(a) GRANTS UNDER THIS TITLE.—

(1) IN GENERAL.—In carrying out the grant programs under this title, the Attorney General shall—

(A) require each recipient of a grant to use a portion of the funds made available through the grant to conduct a validated evaluation of the effectiveness of the activities carried out through the grant by such recipient; or

(B) as the Attorney General considers appropriate, use a portion of the funds available under this title for a grant program under this title to provide assistance to an eligible entity to conduct a validated evaluation of the effectiveness of the activities carried out through such grant program by each of the grant recipients.

(2) APPLICATIONS.—

(A) SUBMISSION.—To be eligible to receive a grant under this title, an entity shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, which shall include—

(i) a proposal for the evaluation required in accordance with paragraph (1)(A); and

(ii) the amount of assistance under paragraph (1)(B) the entity is requesting, if any.

(B) REVIEW AND ASSISTANCE.—

(i) IN GENERAL.—An employee of the Department of Justice, after consultation with an employee of the Department of Health and Human Services with expertise in evaluation methodology, shall review each application described in subparagraph (A) and determine whether the methodology described in the proposal under subparagraph (A)(i) is adequate to gather meaningful information.

(ii) DENIAL.—If the reviewing employee determines the methodology described in such proposal is inadequate, the reviewing employee shall recommend that the Attorney General deny the application for the grant, or make recommendations for how the application should be amended.

(iii) NOTICE TO APPLICANT.—If the Attorney General denies the application on the basis of such proposal, the Attorney General shall inform the applicant of the reasons the application was denied, and offer assistance to the applicant in modifying the proposal.

(b) OTHER GRANTS.—Subject to the availability of appropriations under this section, the Attorney General shall award grants to appropriate entities to conduct validated evaluations of grant activities that are funded by Federal funds not provided under this title, or other funds, to reduce elder abuse, neglect, and exploitation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $7,000,000 for each of the fiscal years 2009 through 2015.

SEC. 107. DEFINITIONS.

In this title:

(1) ELDER.—The term ''elder'' means an individual age 60 or older.

(2) ELDER JUSTICE.—The term ''elder justice'' means—

(A) from a societal perspective, efforts to—

(i) prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation; and

(ii) protect elders with diminished capacity while maximizing their autonomy; and

(B) from an individual perspective, the recognition of an elder's rights, including the right to be free of abuse, neglect, and exploitation.

(3) ELIGIBLE ENTITIES.—The term ''eligible entity'' means a State or local government agency, Indian tribe or tribal organization, or any other public or nonprofit private entity that is engaged in and has expertise in issues relating to elder justice or a field necessary to promote elder justice efforts.

TITLE II—ELDER SERVE VICTIM GRANT PROGRAMS

SEC. 201. ESTABLISHMENT OF ELDER SERVE VICTIM GRANT PROGRAMS.

(a) ESTABLISHMENT.—The Attorney General, acting through the Director of the Office of Victims of Crime of the Department of Justice (in this section referred to as the ''Director''), shall, subject to appropriations, carry out a three-year grant program to be known as the Elder Serve Victim grant program (in this section referred to as the ''Program'') to provide grants to eligible entities to establish programs to facilitate and coordinate programs described in subsection (e) for victims of elder abuse.

(b) ELIGIBILITY REQUIREMENTS FOR GRANTEES.—To be eligible to receive a grant under the Program, an entity must meet the following criteria:

(1) ELIGIBLE CRIME VICTIM ASSISTANCE PROGRAM.—The entity is a crime victim assistance program receiving a grant under the Victims of Crime Act of 1984 (42 U.S.C. 1401 et seq.) for the period described in subsection (c)(2) with respect to the grant sought under this section.

(2) COORDINATION WITH LOCAL COMMUNITY BASED AGENCIES AND SERVICES.—The entity shall demonstrate to the satisfaction of the Director that such entity has a record of community coordination or established contacts with other county and local services that serve elderly individuals.

(3) ABILITY TO CREATE ECRT ON TIMELY BASIS.—The entity shall demonstrate to the satisfaction of the Director the ability of the entity to create, not later than 6 months after receiving such grant, an Emergency Crisis Response Team program described in subsection (e)(1) and the programs described in subsection (e)(2).

For purposes of meeting the criteria described in paragraph (2), for each year an entity receives a grant under this section the entity shall provide a record of community coordination or established contacts described in such paragraph through memoranda of understanding, contracts, subcontracts, and other such documentation.

(c) ADMINISTRATIVE PROVISIONS.—

(1) CONSULTATION.—Each program established pursuant to this section shall be developed and carried out in consultation with the following entities, as appropriate:

(A) Relevant Federal, State, and local public and private agencies and entities, relating to elder abuse, neglect, and exploitation and other crimes against elderly individuals.

(B) Local law enforcement including police, sheriffs, detectives, public safety officers, corrections personnel, prosecutors, medical examiners, investigators, and coroners.

(C) Long-term care and nursing facilities.

(2) GRANT PERIOD.—Grants under the Program shall be issued for a three-year period.

(3) LOCATIONS.—The Program shall be carried out in six geographically and demographically diverse locations, taking into account—

(A) the number of elderly individuals residing in or near an area; and

(B) the difficulty of access to immediate short-term housing and health services for victims of elder abuse.

(d) PERSONNEL.—In providing care and services, each program established pursuant to this section may employ a staff to assist in creating an Emergency Crisis Response Teams under subsection (e)(1).

(e) USE OF GRANTS.—

(1) EMERGENCY CRISIS RESPONSE TEAM.—Each entity that receives a grant under this section shall use such grant to establish an Emergency Crisis Response Team program by not later than the date that is six months after the entity receives the grant. Under such program the following shall apply:

(A) Such program shall include immediate, short-term emergency services, including shelter, care services, food, clothing, transportation to medical or legal appointment as appropriate, and any other life services deemed necessary by the entity for victims of elder abuse.

(B) Such program shall provide services to victims of elder abuse, including those who have been referred to the program through the adult protective services agency of the local law enforcement or any other relevant law enforcement or referral agency.

(C) A victim of elder abuse may not receive short-term housing under the program for more than 30 consecutive days.

(D) The entity that established the program shall enter into arrangements with the relevant local law enforcement agencies so that the program receives quarterly reports from such agencies on elder abuse.

(2) ADDITIONAL SERVICES REQUIRED TO BE PROVIDED.—Not later than one year after the date an entity receives a grant under this section, such entity shall have established the following programs (and community collaborations to support such programs):

(A) COUNSELING.—A program that provides counseling and assistance for victims of elder abuse accessing health care, educational, pension, or other benefits for which seniors may be eligible under Federal or applicable State law.

(B) MENTAL HEALTH SCREENING.—A program that provides mental health screenings for victims of elder abuse to identify and seek assistance for potential mental health disorders such as depression or substance abuse.

(C) EMERGENCY LEGAL ADVOCACY.—A program that provides legal advocacy for victims of elder abuse and, as appropriate, their families.

(D) JOB PLACEMENT ASSISTANCE.—A program that provides job placement assistance and information on employment, training, or volunteer opportunities for victims of elder abuse.

(E) BEREAVEMENT COUNSELING.—A program that provides bereavement counseling for families of victims of elder abuse.

(F) OTHER SERVICES.—A program that provides such other care, services, and assistance as the entity considers appropriate for purposes of the program.

(f) TECHNICAL ASSISTANCE.—The Director shall enter into contracts with private entities with experience in elder abuse coordination or victim services to provide such technical assistance to grantees under this section as the entity determines appropriate.

(g) REPORTS TO CONGRESS.—Not later than 12 months after the commencement of the Program, and annually thereafter, the entity shall submit a report to the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives, and the Chairman and Ranking Member of the Special Committee on Aging of the Senate. Each report shall include the following:

(1) A description and assessment of the implementation of the Program.

(2) An assessment of the effectiveness of the Program in providing care and services to seniors, including a comparative assessment of effectiveness for each of the locations designated under subsection (c)(3) for the Program.

(3) An assessment of the effectiveness of the coordination for programs described in subsection (e) in contributing toward the effectiveness of the Program.

(4) Such recommendations as the entity considers appropriate for modifications of the Program in order to better provide care and services to seniors.

(h) DEFINITIONS.—For purposes of this section:

(1) ELDER ABUSE.—The term ''elder abuse'' means any type of violence or abuse, whether mental or physical, inflicted upon an elderly individual, and any type of criminal financial exploitation of an elderly individual.

(2) ELDERLY INDIVIDUAL.—The term ''elderly individual'' means an individual who is age 60 or older.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Justice to carry out this section $3,000,000 for each of the fiscal years 2009 through 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, the second elder justice bill we are considering today is the Elder Abuse Victims Act of 2009. The House passed this bill on suspension last September by a vote of 387–28, but the Senate did not have time to consider it before adjournment.

It is estimated that each year, as many as 5 million elders are abused, neglected, or exploited. And the incidence of elder abuse is likely to only get worse in coming years, as 76 million baby boomers reach retirement age.

The legal protections against elder abuse vary significantly from State to State. The problem of elder abuse is especially problematic as many abuse cases remain secret and are never reported. The National Center on Elder Abuse has estimated that only one in six cases is reported.

H.R. 448, the Elder Abuse Victims Act of 2009, sponsored by the gentleman

from Pennsylvania, Mr. SESTAK, will help provide training, technical assistance, and other support, to State and local law enforcement officials to help them catch and prosecute those who would prey on our elders.

The bill will authorize funding for specialized elder justice police officers and units, as well as for special elder justice positions and units within State and local prosecutors' offices and courts.

It will also provide other services to elders who are victimized. In addition to training for health care, social, and protective service providers, it establishes the Elder Serve Victim Grant Program with regional emergency crisis response teams. These teams will provide short-term emergency services to elder victims, including shelter, care services, food, clothing, transportation to medical or legal appointments, and other life services as warranted.

Finally, the bill requires the Attorney General and the GAO to examine State and Federal laws, practices, and initiatives, and to recommend ways to more effectively address this problem. This bill comes to the floor amended to more clearly define the role of the Comptroller General in conducting its study and reporting to Congress.

In addition to JOE SESTAK, I want to commend the gentleman from New York, PETER KING, for his leadership in making this a bipartisan initiative. I would also like to acknowledge our former colleague from Illinois, Rahm Emanuel, for his work on this issue.

I would like to insert in the RECORD at this point a letter from the American Bar Association supporting this legislation as a ''significant step in addressing the inexcusable and growing national problem of elder abuse, neglect, and exploitation.''

AMERICAN BAR ASSOCIATION,
Washington, DC, February 9, 2009.

Re the Elder Abuse Victims Act of 2009.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The American Bar Association urges you to vote ''yes'' on H.R. 448, the Elder Abuse Victims Act of 2009, legislation that we understand will be brought to the floor of the House under Suspension of the Rules tomorrow. The ABA supports enactment of the legislation as a significant step in addressing the inexcusable and growing national problem of elder abuse, neglect and exploitation—a tragedy that is estimated to cause serious harm to as many as two million people each year. That estimate does not reflect abuse of residents of long-term care facilities and thus is likely quite low. Additionally, the problem is estimated to grow as the older population burgeons.

Elder justice is central to any viable notion of the rule of law and social justice. The serious problems faced daily by victims of elder abuse cannot be remedied unless the justice system is given the resources to address those problems effectively. Elder abuse is a criminal violation, yet historically the justice system has handed the issue off to social services personnel who cannot adequately address the problem on their own. Currently there are very limited resources and expertise available to prosecutors to address elder abuse. H.R. 448 would establish vitally necessary specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse and to provide relevant training to prosecutors and others who work in law enforcement.

Thank you for your support.

Sincerely yours,

THOMAS M. SUSMAN,
Director, Governmental Affairs Office.

I urge my colleagues to support this, and I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support H.R. 448, the Elder Abuse Victims Act of 2009. As founder and co-Chair of the Congressional Victims Rights Caucus, I believe it's important to advocate on behalf of all victims, especially our seniors. This is why I am a cosponsor of this important piece of legislation to protect our elders.

Elder abuse is a serious issue facing the country, and whether abuse is happening in homes or senior care facilities, we must do what we can as a Nation to protect these seniors. I believe that because seniors are often unable to defend themselves from mistreatment and abuse, that we must work together to prevent violence from occurring in the first place.

Currently, people over the age of 50 make up 12 percent of the Nation's murder victims and 7 percent of other serious and violent crime. Our eldest seniors, 80 years of age and over, are abused and neglected at three times the rate of all other senior citizens.

H.R. 448, the Elder Abuse Victims Act, sponsored by Representative SESTAK, helps protect our older Americans from this type of abuse. Specifically, the bill authorizes the Department of Justice to provide grants to State and local law enforcement agencies, prosecutors, and courts, to assist in the investigation and prosecution of elder victimization.

In addition to physical abuse, these grants also include identity theft, mail fraud, and telemarketing fraud as types of elder abuse. H.R. 448 authorizes the Department of Justice to also award grant funding to local law enforcement agencies and first responders that assist in locating the elderly that are missing. These grants will support programs that monitor older Americans in an effort to prevent them from facing future harm.

In addition, the bill instructs the Justice Department to carry out a study of State laws and procedures regarding elder abuse and neglect and exploitation. The study will give us a better idea of where we stand and what more we can do as a Nation to address this serious problem.

H.R. 448 also directs the Department to create a long-term plan on how to better prevent and detect elder abuse. The plan is also to focus on the treatment of victims, as well as to evaluate current elder abuse programs.

Mr. Speaker, everyone has a grandmother, and the thought of our grandmothers being neglected and abused is outrageous. Nothing made my blood boil more as a judge to see a case where some elderly person has been assaulted and their case was on trial.

Older Americans, whether they are our parents, our grandparents, or our neighbors, hold an important place in our society. They have lived long lives and given much to their communities and their families. The acts of abuse against them are intolerable, and they deserve the protection that we can give them under H.R. 448.

We passed a similar bill under suspension in the last Congress, and I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield such time as he may consume to the sponsor of this legislation, a former admiral, the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. The previous bill was on Alzheimer's. And, in my district, I had one of those patients. A few years ago, he was beat six times with a belt buckle. One of his neighbors had dementia, and he was defrauded of $84,000 four months before he passed away. It's why I submitted the Elder Abuse Victims Act.

This incidence of elder abuse, whether it's physical, financial, moral, degrading—and I mean sexual—or these types of exploitations are only growing in numbers. In my State of Pennsylvania, the third oldest in the Nation, between 2006 and 2007, and then 2007 and 2008, the incidences increased 39 percent.

Yet, we are really not sure how many incidents there are. My colleague from Georgia cited numbers may be more than 5½ million. But we don't know. At least 84 percent of them are reported to be unreported.

The issue is that we truly need to step back and have a look, a comprehensive review of all the States and the agencies that are intent upon addressing this issue to some degree and come up with one uniform type of definition and standard by which we could begin to build up the correct reporting requirements we need in order to properly address this issue. Then we need to step over and recognize that we do well, and need to do even better, for our women.

We appropriate $540 million towards violence against women, and $6.9 billion for child abuse, but then recognize it's only a bit over $100 million for senior abuse. And while we need to do more in those areas, we need to bring this one up to a higher level for our seniors.

I speak in support of this growing population of ours. I do so because it

was well laid out by both sides of the aisle here that in addition to this one uniform comprehensive set of definitions and standards, that we then need the proper grants given to the law enforcement, as well as the prosecution, as well as the victim advocacy citizens that are trying to do their best to address this.

So, in conclusion, I speak in support of this bill because I think Hubert Humphrey probably had it best: The moral test of a government is how well it does not only for those in the dawn of life—the children—and those in the shadows of life—the sick and the disabled, the handicapped—but also those in the twilight of life, our seniors.

And so I request the support of all on this bill.

□ 1845

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

As a Nation, we are not judged by the way we treat the rich, the famous, the powerful, the important folks that live among us; but we as a community in this Nation are judged by the way we treat the most vulnerable among us, the weak, the innocent, the children, and the elderly. That is how we will be judged as a Nation. It is important that we then pass this legislation to help protect those innocent among us, and in this bill it happens to be the elderly. I urge adoption of this bill.

I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, prior to yielding back, I would like to glance over at the other side of the aisle and recognize my good friend, Judge POE, who is probably well familiar with elder abuse and this general topic, he having been a trial court judge down in Beaumont, Texas. Mr. Speaker, I strongly emphasize my support of this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 448, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SESTAK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL SILVER ALERT ACT OF 2009

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 632) to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SILVER ALERT COMMUNICATIONS NETWORK

SECTION 101. SHORT TITLE.

This title may be cited as the ''National Silver Alert Act 2009''.

SEC. 102. DEFINITIONS.

For purposes of this title:

(1) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) MISSING SENIOR.—The term ''missing senior'' refers to any individual who—

(A) is reported to, or identified by, a law enforcement agency as a missing person; and

(B) meets the requirements to be designated as a missing senior, as determined by the State in which the individual is reported or identified as a missing person.

SEC. 103. SILVER ALERT COMMUNICATIONS NETWORK.

The Attorney General shall, subject to the availability of appropriations under section 107, establish a national Silver Alert communications network within the Department of Justice to provide assistance to regional and local search efforts for missing seniors through the initiation, facilitation, and promotion of local elements of the network (known as Silver Alert plans) in coordination with States, units of local government, law enforcement agencies, and other concerned entities with expertise in providing services to seniors.

SEC. 104. SILVER ALERT COORDINATOR.

(a) NATIONAL COORDINATOR WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall designate an individual of the Department of Justice to act as the national coordinator of the Silver Alert communications network. The individual so designated shall be known as the Silver Alert Coordinator of the Department of Justice (referred to in this title as the ''Coordinator'').

(b) DUTIES OF THE COORDINATOR.—In acting as the national coordinator of the Silver Alert communications network, the Coordinator shall—

(1) work with States to encourage the development of additional Silver Alert plans in the network;

(2) establish voluntary guidelines for States to use in developing Silver Alert plans that will promote compatible and integrated Silver Alert plans throughout the United States, including—

(A) a list of the resources necessary to establish a Silver Alert plan;

(B) criteria for evaluating whether a situation warrants issuing a Silver Alert, taking into consideration the need for the use of such Alerts to be limited in scope because the effectiveness of the Silver Alert communications network may be affected by overuse, including criteria to determine—

(i) whether the mental capacity of a senior who is missing, and the circumstances of his or her disappearance, warrant the issuance a Silver Alert; and

(ii) whether the individual who reports that a senior is missing is an appropriate and credible source on which to base the issuance of a Silver Alert;

(C) a description of the appropriate uses of the Silver Alert name to readily identify the nature of search efforts for missing seniors; and

(D) recommendations on how to protect the privacy, dignity, independence, and autonomy of any missing senior who may be the subject of a Silver Alert;

(3) develop proposed protocols for efforts to recover missing seniors and to reduce the number of seniors who are reported missing, including protocols for procedures that are needed from the time of initial notification of a law enforcement agency that the senior is missing through the time of the return of the senior to family, guardian, or domicile, as appropriate, including—

(A) public safety communications protocol;

(B) case management protocol;

(C) command center operations;

(D) reunification protocol; and

(E) incident review, evaluation, debriefing, and public information procedures;

(4) work with States to ensure appropriate regional coordination of various elements of the network;

(5) establish an advisory group to assist States, units of local government, law enforcement agencies, and other entities involved in the Silver Alert communications network with initiating, facilitating, and promoting Silver Alert plans, which shall include—

(A) to the maximum extent practicable, representation from the various geographic regions of the United States; and

(B) members who are—

(i) representatives of senior citizen advocacy groups, law enforcement agencies, and public safety communications;

(ii) broadcasters, first responders, dispatchers, and radio station personnel; and

(iii) representatives of any other individuals or organizations that the Coordinator determines are necessary to the success of the Silver Alert communications network; and

(6) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts for missing seniors through the network.

(c) COORDINATION.—

(1) COORDINATION WITH OTHER AGENCIES.—The Coordinator shall coordinate and consult with the Secretary of Transportation, the Federal Communications Commission, the Assistant Secretary for Aging of the Department of Health and Human Services, the head of the Missing Alzheimer's Disease Patient Alert Program, and other appropriate offices of the Department of Justice in carrying out activities under this title.

(2) STATE AND LOCAL COORDINATION.—The Coordinator shall consult with local broadcasters and State and local law enforcement agencies in establishing minimum standards under section 105 and in carrying out other activities under this title, as appropriate.

(d) ANNUAL REPORTS.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the Silver Alert plans of each State that has established or is in the process of establishing such a plan. Each such report shall include—

(1) a list of States that have established Silver Alert plans;

(2) a list of States that are in the process of establishing Silver Alert plans;

(3) for each State that has established such a plan, to the extent the data is available—

(A) the number of Silver Alerts issued;

(B) the number of individuals located successfully;

(C) the average period of time between the issuance of a Silver Alert and the location of the individual for whom such Alert was issued;

(D) the State agency or authority issuing Silver Alerts, and the process by which Silver Alerts are disseminated;

(E) the cost of establishing and operating such a plan;

(F) the criteria used by the State to determine whether to issue a Silver Alert; and

(G) the extent to which missing individuals for whom Silver Alerts were issued crossed State lines;

(4) actions States have taken to protect the privacy and dignity of the individuals for whom Silver Alerts are issued;

(5) ways that States have facilitated and improved communication about missing individuals between families, caregivers, law enforcement officials, and other authorities; and

(6) any other information the Coordinator determines to be appropriate.

SEC. 105. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH SILVER ALERT COMMUNICATIONS NETWORK.

(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the Coordinator shall establish minimum standards for—

(1) the issuance of alerts through the Silver Alert communications network; and

(2) the extent of the dissemination of alerts issued through the network.

(b) LIMITATIONS.—

(1) VOLUNTARY PARTICIPATION.—The minimum standards established under subsection (a) of this section, and any other guidelines and programs established under section 104, shall be adoptable on a voluntary basis only.

(2) DISSEMINATION OF INFORMATION.—The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that appropriate information relating to the special needs of a missing senior (including health care needs) are disseminated to the appropriate law enforcement, public health, and other public officials.

(3) GEOGRAPHIC AREAS.—The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the Silver Alert communications network be limited to the geographic areas which the missing senior could reasonably reach, considering the missing senior's circumstances and physical and mental condition, the modes of transportation available to the missing senior, and the circumstances of the disappearance.

(4) AGE REQUIREMENTS.—The minimum standards shall not include any specific age requirement for an individual to be classified as a missing senior for purposes of the Silver Alert communication network. Age requirements for determinations of whether an individual is a missing senior shall be determined by each State, and may vary from State to State.

(5) PRIVACY AND CIVIL LIBERTIES PROTECTIONS.—The minimum standards shall—

(A) ensure that alerts issued through the Silver Alert communications network comply with all applicable Federal, State, and local privacy laws and regulations; and

(B) include standards that specifically provide for the protection of the civil liberties and sensitive medical information of missing seniors.

(6) STATE AND LOCAL VOLUNTARY COORDINATION.—In carrying out the activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the Silver Alert communications network.

SEC. 106. TRAINING AND OTHER RESOURCES.

(a) TRAINING AND EDUCATIONAL PROGRAMS.—The Coordinator shall make available to States, units of local government, law enforcement agencies, and other concerned entities that are involved in initiating, facilitating, or promoting Silver Alert plans, including broadcasters, first responders, dispatchers, public safety communications personnel, and radio station personnel—

(1) training and educational programs related to the Silver Alert communication network and the capabilities, limitations, and anticipated behaviors of missing seniors, which shall be updated regularly to encourage the use of new tools, technologies, and resources in Silver Alert plans; and

(2) informational materials, including brochures, videos, posters, and websites to support and supplement such training and educational programs.

(b) COORDINATION.—The Coordinator shall coordinate—

(1) with the Assistant Secretary for Aging of the Department of Health and Human Services in developing the training and educational programs and materials under subsection (a); and

(2) with the head of the Missing Alzheimer's Disease Patient Alert Program within the Department of Justice, to determine if any existing material with respect to training programs or educational materials developed or used as part of such Patient Alert Program are appropriate and may be used for the programs under subsection (a).

SEC. 107. AUTHORIZATION OF APPROPRIATIONS FOR THE SILVER ALERT COMMUNICATIONS NETWORK.

There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the Silver Alert communications network as authorized under this title.

SEC. 108. GRANT PROGRAM FOR SUPPORT OF SILVER ALERT PLANS.

(a) GRANT PROGRAM.—Subject to the availability of appropriations to carry out this section, the Attorney General shall carry out a program to provide grants to States for the development and enhancement of programs and activities for the support of Silver Alert plans and the Silver Alert communications network.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

(1) the development and implementation of education and training programs, and associated materials, relating to Silver Alert plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to Silver Alert plans;

(3) the development and implementation of new technologies to improve Silver Alert communications; and

(4) such other activities as the Attorney General considers appropriate for supporting the Silver Alert communications network.

(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) DISTRIBUTION OF GRANTS ON GEOGRAPHIC BASIS.—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) ADMINISTRATION.—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) There is authorized to be appropriated to the Department of Justice $5,000,000 for each of the fiscal years 2009 through 2013 to carry out this section and, in addition, $5,000,000 for each of the fiscal years 2009 through 2013 to carry out subsection (b)(3).

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

TITLE II—KRISTEN'S ACT REAUTHORIZATION

SEC. 201. SHORT TITLE.

This title may be cited as ''Kristen's Act Reauthorization of 2009''.

SEC. 202. FINDINGS.

Congress finds the following:

(1) Every year thousands of adults become missing due to advanced age, diminished mental capacity, or foul play. Often there is no information regarding the whereabouts of these adults and many of them are never reunited with their families.

(2) Missing adults are at great risk of both physical harm and sexual exploitation.

(3) In most cases, families and local law enforcement officials have neither the resources nor the expertise to undertake appropriate search efforts for a missing adult.

(4) The search for a missing adult requires cooperation and coordination among Federal, State, and local law enforcement agencies and assistance from distant communities where the adult may be located.

(5) Federal assistance is urgently needed to help with coordination among such agencies.

SEC. 203. GRANTS FOR THE ASSISTANCE OF ORGANIZATIONS TO FIND MISSING ADULTS.

(a) GRANTS.—

(1) GRANT PROGRAM.—Subject to the availability of appropriations to carry out this section, the Attorney General shall make competitive grants to public agencies or nonprofit private organizations, or combinations thereof, to—

(A) maintain a national resource center and information clearinghouse for missing and unidentified adults;

(B) maintain a national, interconnected database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, diminished mental capacity, or the circumstances of disappearance, when foul play is suspected or circumstances are unknown;

(C) coordinate public and private programs that locate or recover missing adults or reunite missing adults with their families;

(D) provide assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, nonprofit organizations, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing adults;

(E) provide assistance to families in locating and recovering missing adults; and

(F) assist in public notification and victim advocacy related to missing adults.

(2) APPLICATIONS.—The Attorney General shall periodically solicit applications for grants under this section by publishing a request for applications in the Federal Register and by posting such a request on the website of the Department of Justice.

(b) OTHER DUTIES.—The Attorney General shall—

(1) coordinate programs relating to missing adults that are funded by the Federal Government; and

(2) encourage coordination between State and local law enforcement and public agencies and nonprofit private organizations receiving a grant pursuant to subsection (a).

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $4,000,000 for each of fiscal years 2010 through 2020.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, this is the third elder justice bill that we present to date. Like the previous two elder justice bills, this bill also passed the House last September on suspension but was not able to be considered by the Senate before adjournment.

Thousands of vulnerable older adults go missing each year as a result of dementia, diminished capacity, foul play, and other unusual circumstances. For example, the Alzheimer's Foundation of America estimates that more than 5 million Americans suffer from Alzheimer's disease; and, according to the foundation, approximately 60 percent of these men and women are likely to wander from their homes. If they do, the disorientation and confusion that is a part of this illness keeps many from finding their way back home. Their safe return then often depends on being found quickly. If not found within 24 hours, roughly half risk serious illness, injury, or death.

When the House passed the bill last Congress, 11 States had Silver Alert programs. As we again consider this bill, there are now 13 States with the Silver Alert programs.

The need for Silver Alert programs and for appropriate assistance from Congress continue to grow. Last Congress, three Members of Congress, LLOYD DOGGETT of Texas, SUE MYRICK of North Carolina, and GUS BILIRAKIS of Florida, individually introduced legislation to address this serious problem in separate bills. H.R. 632 combines these three bills into one.

Title I, the National Silver Alert Act of 2009, establishes a national program patterned after the successful Amber Alert program for children. It creates a national Silver Alert coordinator responsible for developing voluntary guidelines, standards, and protocols for States to consider in the creation of their own local Silver Alert plans. It establishes a Department of Justice grant program to help States develop and implement local Silver Alert programs. And, finally, the program requires the coordinator to submit annual reports on the status and activities of the State Silver Alert plans.

Title II reauthorizes Kristen's Act, which expired in 2005. Kristen's Act provides for competitive grants to both public agencies and nonprofit private organizations for a national resource center, information clearinghouse, and database for tracking missing adults, training, and other related activities. I commend Congressman DOGGETT, Congresswoman MYRICK, and Congressman BILIRAKIS for their hard work and bipartisan efforts to address the critical problem of missing elders. I urge my colleagues to support this important legislation.

I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support H.R. 632, the National Silver Alert Act of 2009, to help protect the elderly, particularly those suffering from Alzheimer's or other forms of dementia. This legislation is the work of three bills sponsored by the gentleman from Texas (Mr. DOGGETT), the gentleman from Florida (Mr. BILIRAKIS), and the gentlelady from North Carolina (Mrs. MYRICK). Last year, the House passed similar legislation with overwhelming bipartisan support.

By creating a structure similar to the Amber Alert system used to locate missing children, H.R. 632, the National Silver Alert Act, will help assist States in their efforts to protect our elderly. The Amber Alert system was created by the Dallas Police in 1996, after the kidnapping and murder of a 9-year-old girl from Arlington, Texas.

In 2003, Congress created the national Amber Alert program. As co-chair of the Victims Rights Caucus, I have seen firsthand the huge success of the Amber Alert program in locating missing children. Just as the Amber Alert program, which is currently now used in all 50 States, was designed to notify the public when a child was missing, the Silver Alert will also notify the public when an elderly adult is missing.

Mr. Speaker, we have all seen the big freeway signs that have Amber Alert, give the name of the child and the license number of the car that the child was taken in, and now we will see that also occur with the elderly in our community. Citizens can now offer any information they have on the missing person which will aid law enforcement officials in their search. Currently, the Silver Alert is used in 13 of our States. These States have reported nominal costs associated with operating the system, since they are able to utilize existing Amber Alert infrastructure to issue Silver Alerts.

H.R. 632 establishes a nationwide communication structure to coordinate State and local search efforts, and expand the system to those States not participating and authorizes a grant to support State Silver Alert systems and communication networks. The bill directs the Attorney General to assign an officer of the Department of Justice to act as the national director of the Silver Alert program. The director will develop voluntary guidelines that States can use in implementing the alert system and provide training and other resources to State law enforcement agencies.

The Amber Alert system has proven successful in locating missing children throughout the country; so too has the Silver Alert system in States currently using it. By establishing the Silver Alert system nationwide, H.R. 632 will help coordinate State efforts in protecting older Americans the same way the Amber Alert system has for missing children. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield to my good friend from Texas, Congressman LLOYD DOGGETT, such time as he may consume.

Mr. DOGGETT. I thank the gentleman, and I thank my colleague from Texas. It is great that the House is tonight considering a package of elder justice legislation. These bills, of which I am a sponsor of both of the earlier bills by Ms. WATERS and Mr. SESTAK, are complementary. There is really no silver bullet when it comes to trying to help our elderly citizens, but we think that Silver Alert is one component. And, as my colleague from Texas pointed out, Amber Alert became a national program because of something that happened in Texas. I am pleased that Texas also has taken a leadership with Silver Alert.

Just a couple of examples of what has happened with our State Silver Alert program. I had a constituent who began driving south of Austin about 80 miles to San Antonio, then drove another couple hundred miles up to Dallas going back through Austin, and was finally found there. If he had been here in the North, he would have gone through about seven States. And he was clearly lost. They found him in a shopping center parking lot as a result of Silver Alert, and the Austin Police Department was notified.

More recently, we had an example from the Texas hill country in

Kerrville, where a fellow ended up driving to San Marcos. Our San Marcos Police Department dispatchers were helpful because of the Silver Alert program, described just as my colleague from Texas mentioned, using the existing billboards and existing resources, was really valuable in finding it.

As Mr. JOHNSON pointed out, since this bill was passed here last fall, two more States have joined the effort; I believe there are about another 10 that have it under consideration. All we are trying to do through the Silver Alert initiative here at the national level is to provide them a clearinghouse of best practices, just as we did with Amber Alert earlier, where we will coordinate federal resources from several agencies that have responsibilities, and also reward best practices of the States, try to see that these are replicated so that we can find these people.

This legislation is also related to the legislation we were just considering. As the Elder Justice Coalition pointed out in a statement that they had today endorsing the Silver Alert bill, they say, ''A missing elder person can be the next victim of elder abuse. It is critical that all appropriate resources are utilized at the local level to assist in the safe locating of missing older persons.''

This legislation has been endorsed by a large number of organizations. There is a recognition, we have talked a lot about Alzheimer's tonight and other forms of dementia, that about 60 percent of the people who are afflicted with Alzheimer's at sometime during their disease will wander off from their caregiver. If they are not found within 24 hours, up to half will suffer serious injury or death. Only 4 percent of those who leave home alone are able to find their way back. And so there is a big gap here, a serious problem, if they leave home in not being able to get back. We hope to use what the States have done, what the Amber Alert success has been to link everyone up.

There are many organizations, as I mentioned, that have joined in supporting this effort; but it came to my attention as a Texas idea because of a constituent, Bill Cummings, who is really a model citizen in his involvement and concern for the community. Bill and Carlos Higgins, who is also a devoted member of the Texas Silver-Haired Legislature, brought this to the attention of the Silver-Haired Congress, as seniors from all over the country came together here in Washington, came over to the office, told me of the success of the program, and asked that we take this initiative. We have now been joined by the American Health Care Association, the Assisted Living Federation of America, the National Citizens Coalition for Nursing Home Reform, the Child Alert Foundation, the Alzheimer's Association, and the Alzheimer's Foundation of America, all offering their support for this legislation.

Finally, as both of you have noted, this has been a bipartisan effort. I salute Mr. BILIRAKIS and Mrs. MYRICK, who I believe is not able to join us on the floor tonight. Hers is not a Silver Alert bill, but it is again a companion measure that we have incorporated into this.

□ 1900

Mr. BILIRAKIS had a very similar idea based on an unfortunate experience in his district. Working together, tonight we can take a positive step forward to keep our seniors safe.

Mr. POE of Texas. Mr. Speaker, I yield 5 minutes to the cosponsor of this bill, Mr. BILIRAKIS from Florida.

Mr. BILIRAKIS. Mr. Speaker, I rise today in strong support of H.R. 632, the National Silver Alert Act, sponsored by my colleague from Texas, Congressman LLOYD DOGGETT.

I first became involved in this issue of finding missing seniors last year when one of my constituents, Mary Lallucci, lost her mother, who had left her care-giving facility and could not be located. She had driven her car into the Gulf of Mexico and drowned. This tragedy, unfortunately, highlighted the very real problem of older individuals who suffer from diseases which leave them easily confused and disoriented, wandering away from their homes or care-giving facilities and meeting harm because family, friends and authorities could not find them in time. The inability to find missing elderly is a problem State and Federal policymakers should address before something like this happens again. That is why I support this bill before us today, which includes provisions from silver alert legislation that I introduced last year.

The National Silver Alert Act is a bipartisan bill developed by Congressman DOGGETT, myself and Congresswoman SUE MYRICK. It combines portions of missing persons bills that each of us previously introduced. The National Silver Alert Act includes language from legislation I introduced last Congress to create a grant program to help States establish and operate silver alert notification systems to help find missing individuals who suffer from Alzheimer's disease and other dementia-related illnesses. The measure we are considering today also establishes a national silver alert communications network to assist regional and local missing persons search efforts and requires an annual report to determine the effectiveness of State silver alert plans to help guide their establishment in other States.

I was honored to work with these two fine Members last year and am pleased that we were able to combine these complementary bills. I want to thank them for their work as well as the willingness of the majority and minority on the Judiciary Committee to allow this to come to the floor on suspension so early in this session. The House passed this bill, as you know, unanimously last September. But the Senate was unable to act on it before Congress adjourned. I hope that our timely action here today will help facilitate its passage through the Senate and enactment into law.

I believe that all States should establish systems similar to the highly successful Amber Alert program to help find those suffering from dementia-related illnesses and prevent tragedies like the one that occurred in my community. An Amber Alert system has a remarkable track record of success because necessary information is filtered so that the relevant details are transmitted to appropriate authorities as quickly as possible. The experiences of States that already have developed such silver alert systems suggest that these programs save lives. States have found that timely notification and dissemination of appropriate information about missing seniors greatly improves the chances that they will be found before they harm themselves. I believe that the Federal Government can and should help States develop notification systems to prevent these all-too-frequent tragedies.

This is especially important in Florida, which has more residents aged 65 and older than any other State in the Nation. My State implemented silver alert last year with spectacular results. Florida's statewide silver alert system has led to the successful location of all 37 people, I repeat, all 37 people for whom the State has issued bulletins. More than 4.3 million Floridians are aged 60 and older, and there are about 501,000 probable Alzheimer's cases in the State.

The silver alert program in my State will help prevent tragedy among one of Florida's largest potentially vulnerable groups. Passage of this bill today will help bring other States without these lifesaving systems one step closer to improving their ability to find missing seniors and the crucial few hours after they go missing. It also will provide critical resources, guidance and coordination, which is very important for States like mine, that already have such systems. We have many people to thank for that, including Mary Lallucci, one of my constituents whose determined advocacy for the silver alert has inspired me and serves as a loving tribute to her mother's memory.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POE of Texas. I yield the gentleman 1 additional minute.

Mr. BILIRAKIS. Mr. Speaker, Mrs. Lallucci was asked whether she thought a silver alert system in Florida could have saved her mother. ''Who knows?'' She said. ''Unfortunately, I will never know.''

I urge my colleagues to support the National Silver Alert Act to prevent

another family from being forced to struggle with the same uncertainty.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members to not traffic the well while another Member is speaking.

Mr. JOHNSON of Georgia. I will reserve the balance of my time, Mr. Speaker.

Mr. POE of Texas. I yield 3 minutes to the cosponsor of this bill, the gentlelady from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. I thank the gentleman for yielding.

Today is an important day for anyone who has ever lived through the nightmare of an adult loved one who has gone missing. The National Silver Alert Act will reauthorize Kristen's Act as part of that and give these people hope. Kristen Modafferi disappeared shortly after her 18th birthday. And after visiting her family and hearing the detailed account of their nightmare, I introduced Kristen's Act in 1999, and it was successfully signed into law in 2000. It reauthorizes funding to maintain a national clearinghouse for missing adults whose disappearance is determined by law enforcement to be foul play. It expired in 2005 and then was reintroduced in the 110th and the 109th Congress. But the efforts weren't successful. Today with the help of my friends on both sides of the aisle, we honor the efforts of so many and pay tribute to mournful families by ratifying this bill.

Kristen Modafferi disappeared in 1997. She was a bright, hardworking young college student, and she attended North Carolina State. She had just finished her freshman year. And like so many young people, she decided she wanted to go to another city to spend the summer, work and have a new experience. So she moved to San Francisco and had just enrolled in classes at Berkeley and got a job at a local coffee shop. She began settling in and making friends. On Monday, June 23, when she was just a mere 3 weeks short of her 18th birthday, she left her job at the coffee shop, headed to the beach for the afternoon, and has not been seen since. When her panicked parents called the National Center for Missing and Exploited Children, they heard these unbelievable words, ''I'm sorry, we can't help.'' They were shocked to discover that because Kristen was 18, the center could not place her picture or story into its national database or offer any assistance whatsoever. In fact, there is no national agency to help locate missing adults.

Unfortunately, the Modaferris are not alone. The families of thousands of missing adults, almost 51,000 as of last year, have found that law enforcement and other agencies respond very differently when the person who has disappeared is not a child. It's a very traumatic experience which I know personally in dealing with the Modaferris. But having to do a search on your own without any skills or resources is very unjust. Kristen's Act sends a message to these families. They deserve help in locating endangered and involuntarily missing loved ones.

Endangered adults, no matter what their age, should receive not only the benefit of a search effort by local law enforcement, but also an experienced national organization. With this bill, families will never again have to hear they cannot be assisted because a loved one is too old.

I urge my colleagues to support the act.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of H.R. 632, the National Silver Alert Act, which I cosponsored in the 110th Congress.

At the outset, let me congratulate my neighboring colleague from Florida GUS BILIRAKIS for his leadership on this legislation to create a nationwide communications network to help locate missing senior citizens. GUS was the original author of this legislation last year in response to the tragic death of 86-year-old Mary Zelter, who drove away from her assisted living facility in Pinellas County, Florida, which GUS and I both represent, and drowned when her car crashed into a local waterway.

With GUS leading the way, our community responded by calling attention to the lack of an alert system for missing senior citizens. Mary Zelter's daughter Mary Lallucci become a vocal advocate for the need for such a system and Largo Police Chief Lester Aradi personally undertook a system to establish a local Silver Alert system for our area. GUS and I attended the kick-off for this network when Chief Aradi activated our county-wide system September 30th. He was also the chairman of the committee that coordinated the establishment of a Florida-wide Silver Alert system, which was activated by Governor Charlie Crist and the Florida Department of Law Enforcement last October.

The local model we developed under the leadership of GUS BILIRAKIS, Chief Aradi, State Representative Tom Anderson, Mary Lallucci, Gloria Smith, the president our local chapter of the Alzheimer's Association, and Sallie Parks, the past president and board member of our local Area Agency on Aging, can be taken nationwide to save the lives of senior citizens who wander off in their vehicles. As with the Amber Alert system for children and youth, it makes those critical first minutes and hours when someone is found to be missing count and increases the chances of a happy ending. In the four months since the enactment of our state-wide program, there have been 41 Florida Silver Alerts including nine last month.

The legislation we consider today will take the Florida model nationwide so that all States can have the benefit of a Silver Alert system and so that we can track missing senior citizens who drive off in their cars should they cross state boundaries. It will establish a national coordinator to bring together State efforts and authorize the appropriation of $10 million a year for State activities in support of the Silver Alert program. Finally, it will provide an annual report to Congress and the States on the program so that we can share lessons learned to improve the effectiveness of statewide and nationwide Silver Alert networks.

Mr. Speaker, this is good legislation and I again want to commend my colleague from Florida GUS BILIRAKIS for his tireless work to keep the issue alive. Senior citizens and their families all across our nation will directly benefit from that action we take today.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of H.R. 632, the National Silver Alert Act of 2009. I thank Mr. DOGGETT for his leadership on this issue. This bill allows for the creation and enhancement of alert plans for missing adults across the nation and is an important step toward ensuring the safe return of missing adults nationwide.

According to the Connecticut Chapter of the Alzheimer's Association, nearly 70,000 Connecticut residents have Alzheimer's disease or a related dementia. Six out of every ten people diagnosed with Alzheimer's will wander from their homes or care giving facilities at some stage of their disease. Of those who wander, 50 percent risk serious injury or death if not found within the first 24 hours. For this reason, it is necessary that systems for timely, local search responses are put into place.

The National Silver Alert Act of 2009 provides for the coordination of resources needed by families and law enforcement officials to undertake appropriate search efforts for a missing adult. The bill acknowledges the need to protect the privacy, dignity, independence and autonomy of any missing adult who may be the subject of a Silver Alert, making this bill a truly comprehensive approach.

I urge my colleagues to join me in support of the National Silver Alert Act of 2009 and to continue to push for legislation that seeks to protect missing adults.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H.R. 632, the National Silver Alert Act.

This legislation will provide federal grants to states to assist them in the development or improvement of an alert system for seniors.

I believe that a society can be judged by the compassion it shows to the most vulnerable in that society. And in America those are our children and our seniors.

We all know that our society is aging and many in our community are facing the challenges posed by dealing with aging parents and loved ones.

We worry about the safety of our seniors, particularly those who suffer from either Alzheimers or dementia. And our first concern is to ensure that our loved ones get the care they need.

Many times those seniors when going about everyday tasks like going to the store or walking their dog can wander or drive off and become lost.

Statistics show that as many as 60% of patients with Alzheimers or dementia will wander at some point during their illness. Those same statistics also show that if they are not found within the first 24 hours that as many as 50% will suffer serious injury or death.

That is enough to elicit serious concern from any loved one or care provider.

We have experienced similar issues with young children who wander away or are taken by someone.

To combat that problem we established the Amber Alert system.

Amber Alert ensures that the information concerning that child is shared with law enforcement and with the general public through the media and signs along our roadways.

We have all seen these reports when they are issued and we all keep an extra keen eye to provide any assistance we can to return those children to safety.

The Amber Alert System works and it works well.

Our seniors deserve no less support, particularly those suffering from Alzheimers or dementia.

They too often can become confused and travel far distances or to areas of danger with little ability to find their way home.

That is why I strongly support the National Silver Alert Act. I am hopeful that we can quickly pass this important legislation and urge all of my colleagues to support this measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker. I would also like to thank Representative LLOYD DOGGETT for his leadership in bringing this important legislation to the floor. I urge my colleagues to support this important piece of legislation.

As a Senior Member of the House Judiciary Committee, I understand the importance of protecting one of America's treasures: the elderly. I fully support the goals of this legislation in helping to keep America's elderly safe from harm.

Last year during the second session of the 110th Congress, Representative DOGGETT introduced, H.R. 6064, the ''National Silver Alert Act.'' I fought hard to amend that H.R. 6064 to include language that would strengthen the National Silver Alert Act. My language was incorporated into that bill and it was successfully reported out of the Judiciary Committee.

This term, Representative DOGGETT has included the language from H.R. 423, the ''Kristen's Act Reauthorization'' into the present National Silver Alert bill. Thus, strengthening the protections in the bill.

Thousands of vulnerable older adults go missing each year as a result of dementia, diminished capacity, foul play or other unusual circumstances. The Alzheimer's Foundation of America estimates that over five million Americans suffer from Alzheimer's disease, and that sixty percent of these are likely to wander from their homes. Alzheimer's disease and other dementia related illnesses often leave their victims disoriented and confused and unable to find their way home. According to the Alzheimer's Association, up to 50% of wanderers risk serious illness, injury or death if not found within 24 hours. The problem can be exacerbated greatly by national disasters, such as Hurricane Katrina, that can, in a matter of hours, increase the number of missing persons by the thousands.

At least eight states, along with non-profit organizations such as the National Center for Missing Adults, Project Lifesaver International and the Alzheimer's Foundation of America, have developed programs to address various aspects of the problem of missing adults, but the need for a coordinated national approach, similar to the Amber Alert Program for children, still exists. In addition, financial support is needed for existing and new local and state programs.

The Missing Alzheimer's Disease Patient Alert Program, administered by the Department of Justice, is the only federal program that currently provides grant funding to locate vulnerable elderly individuals who go missing. Authorization for this program ceased in 1998, but Congress has continued to appropriate some monies for it through fiscal year 2008, when it appropriated $940,000. Another federal law, Kristen's Act, had authorized annual grants in the amount of $1 million for fiscal years 2001 through 2004 to assist law enforcement agencies in locating missing adults and for other purposes. Between fiscal years 2002 through 2006, Kristen's Act grants were made through the Edward Byrne Discretionary Grants Program, primarily to the National Center for Missing Adults, a non-profit organization. In 2006, Congress appropriated $150,000 for this purpose.

A. H.R. 632, THE ''NATIONAL SILVER ALERT ACT''

H.R. 632 sets forth a comprehensive national program. It directs the Attorney General to establish a permanent national Silver Alert communications program within the Department of Justice to provide assistance to regional and local search efforts for missing seniors. The bill requires the Attorney General to assign a Department of Justice officer as a Silver Alert Coordinator.

The Silver Alert Coordinator acts as a nationwide point of contact, working with states to encourage the development of local elements of the network, known as Silver Alert plans, and to ensure regional coordination. The bill requires the Coordinator to develop protocols for efforts relating to reporting and finding missing seniors and to establish voluntary guidelines for states to use in developing Silver Alert plans. The bill requires the Coordinator to establish an advisory group (1) to help States, local governments and law enforcement agencies with Silver Alert plans, (2) to provide training and educational programs to states, local governments and law enforcement agencies, and (3) to submit an annual report to Congress. The bill also requires the Coordinator to establish voluntary minimum standards for the issuance of alerts through the Silver Alert communications network.

H.R. 632 directs the Attorney General, subject to the availability of appropriations, to provide grants to States for the development and implementation of programs and activities relating to Silver Alert plans. The bill authorizes $5 million for fiscal year 2009 for this purpose. The bill also authorizes an additional $5 million for fiscal year 2009 specifically for the development and implementation of new technologies. The Federal share of the grant may not exceed 50% and amounts appropriated under this authorization shall remain available until expended.

Importantly, the bill seeks to accomplish three purposes: the creation of a grant program, the promotion of best practices, and an increased awareness of the need for coordinated efforts to locate missing individuals. The bill authorizes a grant program for State-administered notification systems to help locate missing persons suffering from Alzheimer's disease and other dementia related illnesses. The grants are to be used to establish and implement Silver Alert systems or to make improvements to existing Silver Alert programs.

C. H.R. 423, THE ''KRISTEN'S ACT REAUTHORIZATION''

Importantly, H.R. 632 includes the language from H.R. 423, the ''Kristen's Act Reauthorization.'' H.R. 632 reauthorizes Kristen's Act (P.L. 106–468), which had authorized annual grants from 2001 through 2004 for the purpose of finding missing adults. Because of the incorporation of Kristen's Act into H.R. 632, grants are not limited to States, but may be awarded to public agencies and nonprofit organizations. The grants are to be used to (1) maintain a national resource center and information clearinghouse; (2) maintain a national database for the purpose of tracking missing adults who are endangered due to age, diminished mental capacity, or when foul play is suspected or the circumstances are unknown; (3) coordinate public and private programs that locate missing adults and reunite them with their families; (4) provide assistance and training to law enforcement agencies, State and local governments, nonprofit organizations and other individuals involved in the criminal justice system in matters related to missing adults; (5) provide assistance to families in locating missing adults; and (6) assist in public notification of missing adults and victim advocacy. The bill authorizes $4 million annually for fiscal years 2008 through 2018.

D. MY PAST AMENDMENTS ON ELDER JUSTICE BILLS

In similar elder legislation, namely the Elder Justice Act and the Elder Abuse Victims Act, I co-sponsored amendments with Ms. MAXINE WATERS of California to provide funding to State, Local, and non-profit programs to locate missing elderly. Specifically, my amendment would allow a voluntary electronic monitoring pilot program to assist with the elderly when they are reported missing. In these particular bills, my amendment would allow the Attorney General, in consultation with the Secretary of Health and Human Services, to issue grants to states and local government to carry out pilot programs to provide voluntary electronic monitoring services to elderly individuals to assist in the location of such individuals when they are reported missing.

I also offered an amendment in the elder justice acts that would have allowed the elderly to wear a bracelet so it would make it easier to find a lost elderly patient in the event that he or she was lost. This amendment was accepted and successfully reported out of the House Judiciary Committee last term. If I were provided the opportunity, I would have offered my amendment again and would have required that H.R. 632 contain provisions that would allow for the use of a bracelet pilot program. The bracelet pilot program would allow elderly, at their election, to wear a bracelet that would be used in helping to locate them when they are lost. The bracelet will be unlike existing programs because the bracelets will be electronic and themselves would facilitate finding a missing elderly person.

While this amendment language was accepted and successfully reported out of the House Judiciary Committee, my language was not included in the H.R. 632. Although my language has not been included in this present version of the bill, I still believe that the bill is important.

Elder Legislation Is Important.

Elder legislation such as the legislation before us today and the prior elder bills that I

mentioned are important. As elder Americans enter their twilight years, we must do more to protect and ensure their safety. Nothing reminds me more of the necessity of this kind of legislation than my very own experiences in Houston, Texas. A few years ago, the family of Sam Kirk, a native of Houston, Texas, called me to help look for him. Mr. Kirk was elderly and suffered from dementia. He had wandered off and could not be located for several days. His family looked for him for many days but could not find him. In an act of desperation, they called on me to lend my services to help them find him. I helped his family look for him and we found him. When we found Mr. Kirk, he was dead. He died of dehydration. We searched for hours and days to find him. It would have been easier and may have saved a life if there was a bracelet or an electronic monitoring program as I have long championed in previous versions of this bill. Even without my language, legislation that helps America find and take care of its lost and missing elders is extremely important.

Mr. JOHNSON of Georgia. Mr. Speaker, if the other side decides to relinquish its remaining time, I will do the same. We have no other speakers.

Mr. POE of Texas. Mr. Speaker, I yield back the balance of my time. I urge adoption of this resolution.

Mr. JOHNSON of Georgia. I will yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 632.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. CARTER. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution as noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 143

Whereas, the gentleman from New York, Charles B. Rangel, the fourth most senior Member of the House of Representatives, serves as chairman of the House Ways and Means Committee, a position of considerable power and influence within the House of Representatives; and,

Whereas, clause one of rule 23 of the Rules of the House of Representatives provides, ''A Member, Delegate, Resident Commission, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House;''

Whereas, The New York Times reported on September 5, 2008, that, ''Representative Charles B. Rangel has earned more than $75,000 in rental income from a villa he has owned in the Dominican Republic since 1988, but never reported it on his federal or state tax returns, according to a lawyer for the congressman and documents from the resort''; and,

Whereas, in an article in the September 5, 2008 edition of The New York Times, his attorney confirmed that Representative Rangel's annual congressional Financial Disclosure statements failed to disclose the rental income from his resort villa; and,

Whereas, The New York Times reported on September 6, 2008 that, ''Representative Charles B. Rangel paid no interest for more than a decade on a mortgage extended to him to buy a villa at a beachfront resort in the Dominican Republic, according to Mr. Rangel's lawyer and records from the resort. The loan, which was extended to Mr. Rangel in 1988, was originally to be paid back over seven years at a rate of 10.5 percent. But within two years, interest on the loan was waived for Mr. Rangel,''; and,

Whereas, clause 5(a)(2)(A) of House Rule 25 defines a gift as, ''. . . a gratuity, favor, discount entertainment, hospitality, loan, forbearance, or other item having monetary value'' and prohibits the acceptance of such gifts except in limited circumstances; and,

Whereas, Representative Rangel's acceptance of thousands of dollars in interest forgiveness is a violation of the House gift ban; and,

Whereas, Representative Rangel's failure to disclose the aforementioned gifts and income on his Personal Financial Disclosure Statements violates House rules and federal law; and,

Whereas, Representative Rangel's failure to report the aforementioned gifts and income on federal, state and local tax returns is a violation of the tax laws of those jurisdictions; and,

Whereas, the Committee on Ways and Means, which Representative Rangel chairs, has jurisdiction over the United States Tax Code; and,

Whereas, the House Committee on Standards of Official Conduct first announced on July 31, 2008 that it was reviewing allegations of misconduct by Representative Rangel; and,

Whereas, The House Committee on Standards of Official Conduct announced on September 24, 2008 that it had established an investigative subcommittee in the matter of Representative Rangel; and,

Whereas, The New York Times reported on November 24, 2008 that, ''Congressional records and interviews show that Mr. Rangel was instrumental in preserving a lucrative tax loophole that benefited [Nabors Industries] an oil drilling company last year, while at the same time its chief executive was pledging $1 million to the Charles B. Rangel School of Public Service at C.C.N.Y.''; and,

Whereas, the House Committee on Standards of Official Conduct announced on December 9, 2008 that it had expanded the jurisdiction of the aforementioned investigative subcommittee to examine the allegations related to Representative Rangel's involvement with Nabors Industries; and,

Whereas, Roll Call newspaper reported on September 15, 2008 that, ''The inconsistent reports are among myriad errors, discrepancies and unexplained entries on Rangel's personal disclosure forms over the past eight years that make it almost impossible to get a clear picture of the Ways and Means chairman's financial dealings,''; and,

Whereas, Roll Call newspaper reported on September 16, 2008 that, ''Rangel said he would hire a 'forensic accountant' to review all of his disclosure forms going back 20 years, and to provide a report to the House Committee on Standards of Official Conduct, which Rangel said will then make public.''; and,

Whereas, nearly five months after Representative Rangel pledged to provide a public forensic accounting of his tax and federal financial disclosure records, he has failed to do so; and,

Whereas, an editorial in The New York Times on September 15, 2008 stated, ''Mounting embarrassment for taxpayers and Congress makes it imperative that Representative Charles Rangel step aside as chairman of the Ways and Means Committee while his ethical problems are investigated,''; and,

Whereas, on May 24, 2006, then Minority Leader Nancy Pelosi cited ''high ethical standards'' in a letter to Representative William Jefferson asking that he resign his seat on the Committee on Ways and Means in light of ongoing investigations into alleged financial impropriety by Representative Jefferson,

Whereas, by the conduct giving rise to this resolution, Representative Charles B. Rangel has dishonored himself and brought discredit to the House; and,

Therefore, be it *Resolved*, Upon adoption of this resolution and pending completion of the investigation into his affairs by the Committee on Standards of Official Conduct, Representative Rangel is hereby removed as chairman of the Committee on Ways and Means.

□ 1915

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE

Mr. CROWLEY. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to lay on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CARTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to lay on the table will be followed by 5-minute votes on motions to suspend the rules with regard to House Resolution 128, by the yeas and nays, and House Resolution 134, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 242, nays 157, answered ''present'' 16, not voting 17, as follows:

[Roll No. 57]

YEAS—242

Abercrombie	Boyd	Costello
Ackerman	Brady (PA)	Courtney
Adler (NJ)	Braley (IA)	Crowley
Altmire	Bright	Cuellar
Andrews	Brown, Corrine	Cummings
Arcuri	Capps	Dahlkemper
Baca	Capuano	Davis (AL)
Baird	Cardoza	Davis (CA)
Baldwin	Carnahan	Davis (IL)
Barrow	Carney	Davis (TN)
Bean	Carson (IN)	DeFazio
Becerra	Childers	DeGette
Berman	Clarke	Delahunt
Berry	Clay	DeLauro
Bishop (GA)	Cleaver	Dicks
Bishop (NY)	Clyburn	Dingell
Blumenauer	Cohen	Doggett
Boccieri	Connolly (VA)	Donnelly (IN)
Boren	Conyers	Doyle
Boswell	Cooper	Driehaus
Boucher	Costa	Edwards (MD)

Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Griffith
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—157

Aderholt
Akin
Alexander
Austria
Bachus
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Platts
Posey
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

ANSWERED ''PRESENT''—16

Barrett (SC)
Bartlett
Bonner
Burton (IN)
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Green, Gene
Hastings (WA)
Kline (MN)
Lofgren, Zoe
Poe (TX)
Scott (VA)
Welch

NOT VOTING—17

Bachmann
Berkley
Blunt
Campbell
Frank (MA)
Granger
Grijalva
Harman
Hinojosa
Johnson (IL)
Putnam
Schakowsky
Solis (CA)
Stark
Sutton
Tiberi
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1938

Mr. PAUL changed his vote from ''nay'' to ''yea.''

Mr. GENE GREEN of Texas changed his vote from ''yea'' to ''present.''

Messrs. CONAWAY, BURTON of Indiana and POE of Texas changed their vote from ''nay'' to ''present.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING MIAMI UNIVERSITY FOR ITS 200 YEARS OF COMMITMENT TO EXTRAORDINARY HIGHER EDUCATION

The SPEAKER pro tempore (Mr. MCINTYRE). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 128, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 128, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 58]

YEAS—413

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim

Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Baird
Berkley
Blunt
Campbell
Frank (MA)
Garrett (NJ)
Granger
Grijalva
Harman
Hinojosa
Johnson (IL)
McGovern
Pence
Putnam
Ryan (OH)
Solis (CA)
Stark
Tiberi
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to vote.

□ 1947

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE 50TH ANNIVERSARY OF DR. MARTIN LUTHER KING, JR.'S VISIT TO INDIA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 134, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 134.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 26, as follows:

[Roll No. 59]

YEAS—406

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Franks (AZ)
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—26

Baird
Bean
Berkley
Blunt
Campbell
Carter
Davis (KY)
Forbes
Frank (MA)
Frelinghuysen
Garrett (NJ)
Granger
Grijalva
Harman
Hill
Hinojosa
Johnson (IL)
McGovern
Olson
Pence
Putnam
Ryan (OH)
Solis (CA)
Stark
Tiberi
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are left in this vote.

□ 1954

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 123

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 123.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PUBLICATION OF THE RULES OF THE COMMITTEE ON FINANCIAL SERVICES, 111TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, pursuant to clause 2 of rule XI of the Rules of the House of Representatives, the Committee on Financial Services in open session on January 27, 2009, adopted the following rules by voice vote, a quorum being present:

RULES OF THE COMMITTEE ON FINANCIAL SERVICES

U.S. House of Representatives

111th Congress

First Session

RULE 1

GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee on Financial Services (hereinafter in these rules referred to as the ''Committee'') and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are privileged motions in the Committee and shall be considered without debate. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

RULE 2

MEETINGS

Calling of Meetings

(a)(1) The Committee shall regularly meet on the first Tuesday of each month when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereinafter in these rules referred to as the ''Chair''), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair, in accordance with clause 2(g)(3) of rule XI of the rules of the House.

(4) Special meetings shall be called and convened by the Chair as provided in clause 2(c)(2) of rule XI of the Rules of the House.

Notice for Meetings

(b)(1) The Chair shall notify each member of the Committee of the agenda of each regular meeting of the Committee at least two calendar days before the time of the meeting.

(2) The Chair shall provide to each member of the Committee, at least two calendar days before the time of each regular meeting for each measure or matter on the agenda a copy of—

(A) the measure or materials relating to the matter in question; and

(B) an explanation of the measure or matter to be considered, which, in the case of an explanation of a bill, resolution, or similar measure, shall include a summary of the major provisions of the legislation, an explanation of the relationship of the measure to present law, and a summary of the need for the legislation.

(3) The agenda and materials required under this subsection shall be provided to each member of the Committee at least three calendar days before the time of the meeting where the measure or matter to be considered was not approved for full Committee consideration by a subcommittee of jurisdiction.

(4) The provisions of this subsection may be waived by a two-thirds vote of the Committee, or by the Chair with the concurrence of the ranking minority member.

RULE 3

MEETING AND HEARING PROCEDURES

In General

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television broadcast, radio broadcast, and still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House (which are incorporated by reference as part of these rules). Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of rule XI and all other applicable rules of the Committee and the House.

(4) Opening statements by members at the beginning of any hearing or meeting of the Committee shall be limited to 5 minutes each for the Chair or ranking minority member, or their respective designee, and 3 minutes each for all other members.

(5) No person, other than a Member of Congress, Committee staff, or an employee of a Member when that Member has an amendment under consideration, may stand in or be seated at the rostrum area of the Committee rooms unless the Chair determines otherwise.

Quorum

(b)(1) For the purpose of taking testimony and receiving evidence, two members of the Committee shall constitute a quorum.

(2) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the rules of the House (except as provided in clause 2(g)(2)(A) and (B)) or of releasing executive session material pursuant to clause 2(k)(7) of rule XI of the rules of the House.

(3) For the purpose of taking any action other than those specified in paragraph (2) one-third of the members of the Committee shall constitute a quorum.

Voting

(c)(1) No vote may be conducted on any measure or matter pending before the Committee unless the requisite number of members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of one-fifth of the members present.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) In addition to any other requirement of these rules or the Rules of the House, the Chair shall make the record of the votes on any question on which a record vote is demanded available on the Committee's Web site not later than 2 business days after such vote is taken. Such record shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting.

(5) In accordance with clause 2(e)(1)(B) of rule XI, a record of the vote of each member of the Committee on each record vote on any measure or matter before the Committee shall be available for public inspection at the offices of the Committee, and, with respect to any record vote on any motion to report or on any amendment, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members voting for and against.

(6) POSTPONED RECORD VOTES.—(A) Subject to subparagraph (B), the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time, but no later than the next meeting day.

(B) In exercising postponement authority under subparagraph (A), the Chairman shall take all reasonable steps necessary to notify members on the resumption of proceedings on any postponed record vote.

(C) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

Hearing Procedures

(d)(1)(A) The Chair shall make public announcement of the date, place, and subject matter of any committee hearing at least one week before the commencement of the hearing, unless the Chair, with the concurrence of the ranking minority member, or the Committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the Chair shall make the announcement at the earliest possible date.

(B) Not less than three days before the commencement of a hearing announced under this paragraph, the Chair shall provide to the members of the Committee a concise summary of the subject of the hearing, or, in the case of a hearing on a measure or matter, a copy of the measure or materials relating to the matter in question and a concise explanation of the measure or matter to be considered. At the same time the Chair provides the information required by the preceding sentence, the Chair shall also provide to the members of the Committee a final list consisting of the names of each witness who

is to appear before the Committee at that hearing. The witness list may not be modified within 24 hours of a hearing, unless the Chair, with the concurrence of the ranking minority member, determines there is good cause for such modification.

(2) To the greatest extent practicable—

(A) each witness who is to appear before the Committee shall file with the Committee two business days in advance of the appearance sufficient copies (including a copy in electronic form), as determined by the Chair, of a written statement of proposed testimony and shall limit the oral presentation to the Committee to brief summary thereof; and

(B) each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(3) The requirements of paragraph (2)(A) may be modified or waived by the Chair when the Chair determines it to be in the best interest of the Committee.

(4) The five-minute rule shall be observed in the interrogation of witnesses before the Committee until each member of the Committee has had an opportunity to question the witnesses. No member shall be recognized for a second period of 5 minutes to interrogate witnesses until each member of the Committee present has been recognized once for that purpose.

(5) Whenever any hearing is conducted by the Committee on any measure or matter, the minority party members of the Committee shall be entitled, upon the request of a majority of them before the completion of the hearing, to call witnesses with respect to that measure or matter during at least one day of hearing thereon.

Subpoenas and Oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, or pursuant to paragraph (2).

(2) The Chair, with the concurrence of the ranking minority member, may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the Chair, authorization and issuance of the subpoena is necessary to obtain the material or testimony set forth in the subpoena. The Chair shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable, but in no event later than one week after service of such subpoena.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

Special Procedures

(f)(1)(A) COMMEMORATIVE MEDALS AND COINS.—It shall not be in order for the Subcommittee on Domestic Monetary Policy and Technology to hold a hearing on any commemorative medal or commemorative coin legislation unless the legislation is cosponsored by at least two-thirds of the members of the House.

(B) It shall not be in order for the subcommittee to approve a bill or measure authorizing commemorative coins for consideration by the full Committee which does not conform with the mintage restrictions established by section 5112 of title 31, United States Code.

(C) In considering legislation authorizing Congressional gold medals, the subcommittee shall apply the following standards—

(i) the recipient shall be a natural person;

(ii) the recipient shall have performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient's field long after the achievement;

(iii) the recipient shall not have received a medal previously for the same or substantially the same achievement;

(iv) the recipient shall be living or, if deceased, shall have been deceased for not less than 5 years and not more than 25 years;

(v) the achievements were performed in the recipient's field of endeavor, and represent either a lifetime of continuous superior achievements or a single achievement so significant that the recipient is recognized and acclaimed by others in the same field, as evidenced by the recipient having received the highest honors in the field.

(2) TESTIMONY OF CERTAIN OFFICIALS.—

(A) Notwithstanding subsection (a)(4), when the Chair announces a hearing of the Committee for the purpose of receiving—

(i) testimony from the Chairman of the Federal Reserve Board pursuant to section 2B of the Federal Reserve Act (12 U.S.C. 221 et seq.), or

(ii) testimony from the Chairman of the Federal Reserve Board or a member of the President's cabinet at the invitation of the Chair, the Chair may, in consultation with the ranking minority member, limit the number and duration of opening statements to be delivered at such hearing. The limitation shall be included in the announcement made pursuant to subsection (d)(1)(A), and shall provide that the opening statements of all members of the Committee shall be made a part of the hearing record.

(B) Notwithstanding subsection (a)(4), at any hearing of the Committee for the purpose of receiving testimony (other than testimony described in clause (i) or (ii) of subparagraph (A)), the Chair may, after consultation with the ranking minority member, limit the duration of opening statements to ten minutes, to be divided between the Chair and Chair of the pertinent subcommittee, or the Chair's designees, and ten minutes, to be controlled by the ranking minority member, or the ranking minority member's designees. Following such time, the duration for opening statements may be extended by agreement between the Chairman and ranking minority member, to be divided at the discretion of the Chair or ranking minority member. The Chair shall provide that the opening statements for all members of the Committee shall be made a part of the hearing record.

(C) At any hearing of a subcommittee, the Chair of the subcommittee may, in consultation with the ranking minority member of the subcommittee, limit the duration of opening statements to ten minutes, to be divided between the majority and minority. Following such time, the duration for opening statements may be extended by either the Chair of the subcommittee or ranking minority member of the subcommittee for an additional ten minutes each, to be divided at the discretion of the Chair of the subcommittee or ranking minority member of the subcommittee. The Chair of the subcommittee shall ensure that opening statements for all members be made part of the hearing record.

(D) If the Chair and ranking minority member acting jointly determine that extraordinary circumstances exist necessitating allowing members to make opening statements, subparagraphs (B) or (C), as the case may be, shall not apply to such hearing.

RULE 4

PROCEDURES FOR REPORTING MEASURES OR MATTERS

(a) No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present.

(b) The Chair of the Committee shall report or cause to be reported promptly to the House any measure approved by the Committee and take necessary steps to bring a matter to a vote.

(c) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure pursuant to the provisions of clause 2(b)(2) of rule XIII of the Rules of the House.

(d) All reports printed by the Committee pursuant to a legislative study or investigation and not approved by a majority vote of the Committee shall contain the following disclaimer on the cover of such report: ''This report has not been officially adopted by the Committee on Financial Services and may not necessarily reflect the views of its Members.''

(e) The Chair is directed to offer a motion under clause 1 of rule XXII of the Rules of the House whenever the Chair considers it appropriate.

RULE 5

SUBCOMMITTEES

Establishment and Responsibilities of Subcommittees

(a)(1) There shall be 6 subcommittees of the Committee as follows:

(A) SUBCOMMITTEE ON CAPITAL MARKETS, INSURANCE, AND GOVERNMENT SPONSORED ENTERPRISES.—The jurisdiction of the Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises includes—

(i) securities, exchanges, and finance;

(ii) capital markets activities, including business capital formation and venture capital;

(iii) activities involving futures, forwards, options, and other types of derivative instruments;

(iv) the Securities and Exchange Commission;

(v) secondary market organizations for home mortgages, including the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Agricultural Mortgage Corporation;

(vi) the Office of Federal Housing Enterprise Oversight;

(vii) the Federal Home Loan Banks;

(viii) the Federal Housing Finance Board;

(ix) terrorism risk insurance; and

(x) insurance generally.

(B) SUBCOMMITTEE ON DOMESTIC MONETARY POLICY AND TECHNOLOGY.—The jurisdiction of

the Subcommittee on Domestic Monetary Policy and Technology includes—

(i) financial aid to all sectors and elements within the economy;

(ii) economic growth and stabilization;

(iii) defense production matters as contained in the Defense Production Act of 1950, as amended;

(iv) domestic monetary policy, and agencies which directly or indirectly affect domestic monetary policy, including the effect of such policy and other financial actions on interest rates, the allocation of credit, and the structure and functioning of domestic financial institutions;

(v) coins, coinage, currency, and medals, including commemorative coins and medals, proof and mint sets and other special coins, the Coinage Act of 1965, gold and silver, including the coinage thereof (but not the par value of gold), gold medals, counterfeiting, currency denominations and design, the distribution of coins, and the operations of the Bureau of the Mint and the Bureau of Engraving and Printing; and

(vi) development of new or alternative forms of currency.

(C) SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER CREDIT.—The jurisdiction of the Subcommittee on Financial Institutions and Consumer Credit includes—

(i) all agencies, including the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System and the Federal Reserve System, the Office of Thrift Supervision, and the National Credit Union Administration, which directly or indirectly exercise supervisory or regulatory authority in connection with, or provide deposit insurance for, financial institutions, and the establishment of interest rate ceilings on deposits;

(ii) the chartering, branching, merger, acquisition, consolidation, or conversion of financial institutions;

(iii) consumer credit, including the provision of consumer credit by insurance companies, and further including those matters in the Consumer Credit Protection Act dealing with truth in lending, extortionate credit transactions, restrictions on garnishments, fair credit reporting and the use of credit information by credit bureaus and credit providers, equal credit opportunity, debt collection practices, and electronic funds transfers;

(iv) creditor remedies and debtor defenses, Federal aspects of the Uniform Consumer Credit Code, credit and debit cards, and the preemption of State usury laws;

(v) consumer access to financial services, including the Home Mortgage Disclosure Act and the Community Reinvestment Act;

(vi) the terms and rules of disclosure of financial services, including the advertisement, promotion and pricing of financial services, and availability of government check cashing services;

(vii) deposit insurance; and

(viii) consumer access to savings accounts and checking accounts in financial institutions, including lifeline banking and other consumer accounts.

(D) SUBCOMMITTEE ON HOUSING AND COMMUNITY OPPORTUNITY.—The jurisdiction of the Subcommittee on Housing and Community Opportunity includes—

(i) housing (except programs administered by the Department of Veterans Affairs), including mortgage and loan insurance pursuant to the National Housing Act; rural housing; housing and homeless assistance programs; all activities of the Government National Mortgage Association; private mortgage insurance; housing construction and design and safety standards; housing-related energy conservation; housing research and demonstration programs; financial and technical assistance for nonprofit housing sponsors; housing counseling and technical assistance; regulation of the housing industry (including landlord/tenant relations); and real estate lending including regulation of settlement procedures;

(ii) community development and community and neighborhood planning, training and research; national urban growth policies; urban/rural research and technologies; and regulation of interstate land sales;

(iii) government sponsored insurance programs, including those offering protection against crime, fire, flood (and related land use controls), earthquake and other natural hazards, but not including terrorism risk insurance; and

(iv) the qualifications for and designation of Empowerment Zones and Enterprise Communities (other than matters relating to tax benefits).

(E) SUBCOMMITTEE ON INTERNATIONAL MONETARY POLICY AND TRADE.—The jurisdiction of the Subcommittee on International Monetary Policy and Trade includes—

(i) multilateral development lending institutions, including activities of the National Advisory Council on International Monetary and Financial Policies as related thereto, and monetary and financial developments as they relate to the activities and objectives of such institutions;

(ii) international trade, including but not limited to the activities of the Export-Import Bank;

(iii) the International Monetary Fund, its permanent and temporary agencies, and all matters related thereto; and

(iv) international investment policies, both as they relate to United States investments for trade purposes by citizens of the United States and investments made by all foreign entities in the United States.

(F) SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS.—The jurisdiction of the Subcommittee on Oversight and Investigations includes—

(i) the oversight of all agencies, departments, programs, and matters within the jurisdiction of the Committee, including the development of recommendations with regard to the necessity or desirability of enacting, changing, or repealing any legislation within the jurisdiction of the Committee, and for conducting investigations within such jurisdiction; and

(ii) research and analysis regarding matters within the jurisdiction of the Committee, including the impact or probable impact of tax policies affecting matters within the jurisdiction of the Committee.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Referral of Measures and Matters to Subcommittees

(b)(1) The Chair shall regularly refer to one or more subcommittees such measures and matters as the Chair deems appropriate given its jurisdiction and responsibilities. In making such a referral, the Chair may designate a subcommittee of primary jurisdiction and subcommittees of additional or sequential jurisdiction.

(2) All other measures or matters shall be subject to consideration by the full Committee.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of Subcommittees

(c)(1) Members shall be elected to each subcommittee and to the positions of chair and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the Committee shall designate a member of the majority party on each subcommittee as its vice chair.

(2) The Chair and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

(3) The subcommittees shall be comprised as follows:

(A) The Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises shall be comprised of 50 members, 30 elected by the majority caucus and 20 elected by the minority caucus.

(B) The Subcommittee on Domestic Monetary Policy and Technology shall be comprised of 17 members, 10 elected by the majority caucus and 7 elected by the minority caucus.

(C) The Subcommittee on Financial Institutions and Consumer Credit shall be comprised of 45 members, 27 elected by the majority caucus and 18 elected by the minority caucus.

(D) The Subcommittee on Housing and Community Opportunity shall be comprised of 25 members, 15 elected by the majority caucus and 10 elected by the minority caucus.

(E) The Subcommittee on International Monetary Policy and Trade shall be comprised of 15 members, 9 elected by the majority caucus and 6 elected by the minority caucus.

(F) The Subcommittee on Oversight and Investigations shall be comprised of 15 members, 9 elected by the majority caucus and 6 elected by the minority caucus.

Subcommittee Meetings and Hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and re- port to the full Committee on any measure or matter referred to it, consistent with subsection (a).

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the Committee.

(3) The chair of each subcommittee shall set hearing and meeting dates only with the approval of the Chair with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

Effect of a Vacancy

(e) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee as long as the required quorum is present.

Records

(f) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 6

STAFF

In General

(a)(1) Except as provided in paragraph (2), the professional and other staff of the Committee shall be appointed, and may be removed by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional and other staff provided to the minority party members of the Committee shall be appointed, and may be removed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) It is intended that the skills and experience of all members of the Committee staff be available to all members of the Committee.

Subcommittee Staff

(b) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the Rules of the House, ensure that sufficient staff is made available so that each subcommittee can carry out its responsibilities under the rules of the Committee and that the minority party is treated fairly in the appointment of such staff.

Compensation of Staff

(c)(1) Except as provided in paragraph (2), the Chair shall fix the compensation of all professional and other staff of the Committee.

(2) The ranking minority member shall fix the compensation of all professional and other staff provided to the minority party members of the Committee.

RULE 7

BUDGET AND TRAVEL

Budget

(a)(1) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

(2) From the amount provided to the Committee in the primary expense resolution adopted by the House of Representatives, the Chair, after consultation with the ranking minority member, shall designate an amount to be under the direction of the ranking minority member for the compensation of the minority staff, travel expenses of minority members and staff, and minority office expenses. All expenses of minority members and staff shall be paid for out of the amount so set aside.

Travel

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

RULE 8

COMMITTEE ADMINISTRATION

Records

(a)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House of Representatives. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

Committee Publications on the Internet

(b) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

THE SPENDULOUS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Thank you, Mr. Speaker.

I want to talk about the spendulous bill that is coming before the House once again.

If you add up all of the money it's going to cost us in this spendulous bill, it's going to total $9.7 trillion. Now, I had to put it on two poster boards here, Mr. Speaker, so we could see how long a number that is. That includes, of course, the big bailout bills that were passed, and, of course, the debt on the spendulous bill and future debt that we're going to require because of agreements to provide aid in this new bill.

Now, just to give you—I mean, nobody understands what $9.7 trillion means. So let me try to explain it in terms maybe we can understand.

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If you take all the home mortgages in the United States, every one of them, this will pay off 90 percent of them by this bill that we're getting ready to pass. It's also enough to give every person on the face of the earth $1,500, every one of them, no matter where they are. That's how much $9.7 trillion is. That means everybody could get some money from the United States on this bill.

Putting it another way, if you add up the cost of the wars in Afghanistan and the war in Iraq, this is 13 times that amount. And it's been figured that if you add up in current 2009 dollars the cost of all the wars that the United States has fought in, the Revolutionary War, the War Between the States, World War I, World War II, Korea, Vietnam, the Iraqi wars and the Afghanistan wars, it still is less than $9.7 trillion. If you add up the wars and if you then figure out how much it cost us in 2009 dollars for the Louisiana Purchase, the Gadsden Purchase, and the whole State of Alaska, that's still less than $9.7 trillion.

So we're talking about real money here, Mr. Speaker, on this so-called ''spendulous'' bill that the House will get to vote on again at the end of this week.

This House stimulus bill, as it is properly called, is bigger than 168 of 180 national economies that are measured by the World Bank. Let me say that again. If you take 180 countries and their national economy, this bill is bigger than 168 of them.

So we're talking about money that, first of all, probably will not even work to stimulate the economy. We've been told that spending equals stimulus. That is just not true. Government spending on government programs doesn't mean that the economy is going to be better. All it means is the government, our government, is going to get bigger.

Many economists argue that there's no historical precedent for a stimulus spending driven economy, and they base that on history. You see, we've done this stimulus package before. Since 1948, there have been eight stimulus packages that have come to the House of Representatives, that have passed, and history has shown none of those really stimulated the economy at all. They had no effect on the economy, but we don't pay any attention to history. We just think we can make it happen by spending a lot of government money.

And of course, we're not convinced, those of us who don't want to spend this kind of money, that it will stimulate the economy, and besides all that, we don't have the money, Mr. Speaker. We're just flat broke. We've got to borrow the money. We've got to borrow it from somebody else in the world like China and pay interest to China, of all countries, so that we can take this money from Americans yet to be born and give it to different interest groups in the United States, all under the pretext of we're going to stimulate the economy. It doesn't make much sense to me to be spending this kind of money, which is real money, on this so-called fake stimulus package.

Maybe we should not spend any money at all. Maybe we should think about letting Americans, who pay taxes, and do report their taxes to the IRS, let them keep more of their money, an across-the-board tax cut for everybody that pays taxes. They would have more of their own money to begin with. Government wouldn't be taking it from them and deciding what to do with it. Let them keep their own money, and they can spend it how they see fit. And maybe they will stimulate the economy by the way they choose to spend it rather than wasteful spending by the Federal Government, the government growing bigger, the government getting more involved in everything from the banking industry to the how-to-make-a-Federal car, and all of these other programs where we're getting the nationalization of this.

It's not the answer, Mr. Speaker, and that's just the way it is.

WE CAN'T HAVE GUNS AND BUTTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last night I attended the 10th anniversary celebration of Safe House in San Francisco. Safe House is a unique service. It provides services and support to homeless women and to women who are leaving prostitution. Safe House empowers these women to turn their lives around, and, Mr. Speaker, they do.

The Reverend Glenda Hope, one of the founders of Safe House, also helped establish San Francisco Network Ministries which helps the poorest of the poor on the streets of San Francisco. She has been a beacon of hope for decades, helping many people who have been forgotten and discarded by society so that they could find their way back.

I have been proud to call Glenda Hope my close friend, my inspiration, and my hero for over 40 years. Her commitment to human dignity and to social justice is an example for all of us.

Reverend Hope has also been a tireless champion of peace. She refused to remain silent about the previous administration's disastrous policies in Iraq and demanded that Congress cut off funding for the occupation. To Glenda, Iraq isn't something you see on television because Glenda sees the tragic results of the fighting with her own eyes on the streets of San Francisco. She sees veterans suffering from post-traumatic stress syndrome, homelessness, and mental illness caused by combat. When the so-called ''surge'' began in 2007, Glenda warned that there will be a ''surge of additional vets onto our streets with similar afflictions, and the longer we stay in Iraq the more there will be.''

Mr. Speaker, we now know that over 300,000 veterans of the Iraq War are suffering from PTSD. Many veterans across the country are homeless, jobless, and suffering from depression and other mental problems. Many are dealing with family problems caused by their long and frequent deployments away from home. In addition, Mr. Speaker, many others have been caught up in the foreclosure crisis, and just the other day, we received the tragic news that the suicide rate among soldiers in 2008 was the highest in nearly 30 years.

The human cost of war is the greatest cost of all, and our country has a moral obligation to provide the very best care to our veterans. But the financial costs should also concern us, especially in these hard times.

We continue to spend over $12 billion a month to keep our troops in Iraq and Afghanistan. We'll also be spending countless billions of dollars to provide help for our veterans, many of whom will require extensive health care for decades to come.

Mr. Speaker, our Nation cannot afford to fight two wars at a time when our economy is on the brink of collapse. We tried to have guns and butter back in the Vietnam War. It didn't work and it won't work now.

It is obvious that we're overextended. That's why I've called for the redeployment of our troops out of Iraq and Afghanistan and for a bold, aggressive recovery plan to save our economy here at home.

On January 20, Mr. Speaker, I sent a letter to our brand new President Obama calling for a worldwide ceasefire, or a timeout, from war. This would allow us to work with the world community to use diplomacy, reconciliation, and humanitarian assistance to resolve disputes and to fight terrorism.

This approach would be especially effective in Afghanistan where war has never worked. As a matter of fact, war hasn't worked for any invader of Afghanistan down through history. Building schools, building hospitals, building roads is the best way to fight the Taliban.

Mr. Speaker, it's time to rebuild our country and rethink our foreign policy. The old ways have failed, and we must take bold, new action. It means an economic recovery package big enough to do the job and a new commitment to peace around the world. It means we should follow the example of Reverend Glenda Hope because she would invest in the neediest among us, and that would be the way to get started in this world of ours.

ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

Mr. INGLIS. Mr. Speaker, I understand that the word ''crisis'' in Chinese is written with two characters. The first means danger and the second means opportunity.

It occurs to me that that's really where we are in our country today when it comes to energy. We've got both a danger and an opportunity. Of course, this may sound a little bit dated because, you know, 6 months, 8 months ago on this House floor we were talking about prices of gasoline at $4 a gallon or something. Now, gas at $1.60 a gallon is a sleeper cell waiting to detonate, and it will eventually detonate. So we get this enormous danger.

We saw the danger this summer. It became real and present, and we saw what happened when gas hit $4 a gallon. Now, it's going to get a little bit of a sleeper cell action going on here where it's $1.50, $1.60, $1.70. But what we've got there is a huge danger looming for us in the future.

We've also got, though, this incredible opportunity. In this midst of this economic downturn, we're looking for jobs. We're looking for a way to create productivity for the future and to get beyond just stimulus and into long-term growth.

So, in that regard, I had an opportunity to visit with the wind unit of General Electric Company in Greenville, South Carolina, recently, and they told me that 1 percent of the world's electricity is made from the wind. If it goes to 2 percent, just from 1 percent to 2 percent of the world's electricity coming from wind, it's $100 billion in sales, $100 billion. That's an opportunity.

So we've got this danger in our precarious position with energy, dependent on foreign Nations, some of them that really don't like us very much. But we have also got this tremendous opportunity, which is the job creation opportunity by these fuels of the future.

So the question is why don't we move quickly to those fuels of the future, and here's where I think folks from my side of the aisle can really add to this discussion because, you know, one of the strengths of Republicans is understanding free enterprise, how to make

a profit, how to make things work, how to create things, build things, grow things, make things work. That's our strength.

And so when you're thinking about wind, for example, why isn't wind used more? Why isn't nuclear used more? Well, the answer is the price signals aren't there. It isn't cost-effective in a lot of cases to pursue those new technologies. What's cheaper? Well, the things we know: burn coal, burn natural gas, burn oil, gasoline. Those things are the incumbent technologies that have a market distortion going on. And the market distortion, which is something again that we Republicans understand very well, we understand about markets, the market distortion we've got going on is a free good in the air. That means I can belch and burn on my property 24/7 without any accountability for what it does on somebody else's property when it comes to greenhouse gas emissions.

And so if you start attaching that accountability and saying to me, INGLIS, listen, you're going to have to keep your stuff on your property—this is a biblical concept. It's an English common law concept. It's American common law, and it's part of our EPA regulatory regime. The idea is to be accountable for what you do on your property and hold those incidents on your property and not have the opportunity to belch and burn and dump on somebody else's because that creates a market distortion.

Over the weeks to come, Mr. Speaker, I look forward to talking more about that market distortion and how it is we might change that and how we might use the power of free enterprise to create these jobs, to solve the environmental challenge and to address this national security risk. In my view, it's the triple play opportunity of this American century. It's something we should be very excited about, and it's a terrific bipartisan opportunity. I look forward to talking more about that.

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TRIBUTE TO LAKE ERIE RESCUERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise to commend the exemplary efforts of the United States Coast Guard, along with many State and local agencies, for their rapid response and flawless execution in rescuing 134 ice fishermen from an ice floe off the coast of Lake Erie on Saturday.

The call for help came in to the Coast Guard at approximately 10:45 a.m. By early afternoon, everyone was rescued. One man, sadly, who had fallen into the water, later suffered a fatal heart attack, and our sympathy goes out to his family.

Saturday's heroic rescue is a testament to the cooperation of various units: The Coast Guard stations in Toledo and Marblehead, Ohio; Detroit, Traverse City, Belle Isle, and St. Clair Shores, Michigan; and even Elizabeth City, North Carolina.

The Coast Guard cutter Mackinaw; the Ottawa, Ohio Sheriff's Department; the Ohio State Highway Patrol; Monroe County, Michigan Sheriff's Department; Jervis, Carol, and Washington townships; Toledo Life Flight; the Canadian Coast Guard; and, yes, countless local citizens.

I wanted to take this opportunity to call attention to their heroism and outstanding deeds. Hundreds of families, thousands of people, are grateful to them for their actions that prevented a real catastrophe.

My constituents rely on the tireless efforts of the Coast Guard and law enforcement to protect America's fourth sea coast along our Great Lakes. The partnership between all levels of law enforcement and seamless communication between these agencies are critical for my constituents who know that, in difficult times like this, there's a team of agencies that they can rely upon.

Each year, hundreds of thousands of Americans and Canadians venture into Lake Erie to participate in the region's rich sports fishing industry. Estimates show each year, the sports fishing industry on Lake Erie alone contributes up to $700 million toward our local economy. This backbone to the local economy would not exist without the capable support of first responders.

I would like to commend in particular Ottawa County Sheriff Robert Bratton, Lucas County Sheriff James Telb, the Coast Guard, and other local law enforcement officials, for their vigilance in protecting our fishermen from this danger.

In addition, I would like to commend local officials on efforts to develop a system in quantifying the dangers related to ice floes and educate fishermen on the dangers of ice fishing.

As our country faces the challenges of updating law enforcement to confront the challenges of the 21st century, we should look inward at the expertise of these local officials. For generations, it has been the Coast Guard and local law enforcement that has protected sailors, fishermen, and boaters from our region from these dangers.

I will submit for the RECORD the activities of a number of Coast Guard employees for their work in coordinating rescue operations. Their expertise and heroism must be properly commended.

And it is a tribute at the highest order to read into the RECORD the names of those who participated in this rescue effort: Petty Officer Jason Rice, Sector Detroit; Petty Officer Chad Pietszak, Station Marblehead, coxswain; Petty Officer Jason Venema, Station Marblehead, crewman; Petty Officer Aaron Pitney, Station Toledo, rescue swimmer; Coleman Selm, Air Station Detroit; and Public Affairs Chief Robert Lanier.

It is a tribute of the highest order to recognize these exceptional servicemembers whose devotion to duty exemplifies America's real homeland security.

Thank you.

1. OS1 Jason Rice, Sector Detroit, Command Center: As the lead Operational Controller, Petty Officer Rice initiated a Safety Broadcast prior to the event to warn fishermen. He received notification of the event, dispatched initial resources, and provided accurate and quick notifications up the chain of command including detailed log entries throughout the event. His recommendations, calm demeanor and professional knowledge ensured the CG dispatched the correct resources and relayed critical information to other first responder agencies. Petty Officer Rice ensured the CG helo was immediately tasked to assist with Person In Water (PIW) & coordinated information flow on medical evacuation to the Fireland Hospital.

2. BM2 Chad Pietszak, Station Marblehead: coxswain on airboat that provided organization, communication and safe transportation during ferry operations. Petty Officer Pietszak's skilled operation of the airboat ensured 94 fishermen were safely transferred from the ice floe to the staging area with no injuries during the evolution.

3. BM2 Jason Venema, Station Marblehead: crewman on airboat that provided organization, communication and safe transportation during ferry operations. Petty Officer Venema ensured 94 passengers were safely embarked, comfortable and delivered from the ice floe to the staging area.

4. BM1 Aaron Pitney, Station Toledo: Station Executive Petty Officer and ice rescue team leader from STA Toledo. Petty Officer Pitney dispatched to scene and liaison with other first responders and law enforcement agencies. He assisted with dragging fire department's 21 feet boat hundreds of yards offshore, assisted with directing and receiving fishermen being ferried off the ice. Assisted MSU Toledo with tracking down details of sunken four-wheeler and air boat.

5. AST3 Coleman Selm, Air Station Detroit: rescue swimmer onboard Coast Guard helicopter CG6553 that participated in the medical evacuation. He performed a direct deployment double lift recovery of the PIW, and then performed CPR with the flight mechanic assisting until PIW was delivered to awaiting medical personnel at Firelands Hospital helipad. He also participated in the extensive aerial search effort, locating several stranded fishermen.

6. PAC Robert Lanier, D9 Public Affairs Chief. Within minutes of the initial report, Chief Lanier recognized the gravity of the situation and mobilized the entire external affairs division. He sent a team to the Incident Cmd Post at the scene, and personally supervised a team at the D9 office. His group aggressively released info and imagery to the media in a timely manner, and conducted numerous national media interviews, garnering extensive coverage.

It is a tribute of the highest order to recognize these exceptional service members whose devotion to duty exemplifies America's real homeland security.

RUIN YOUR HEALTH WITH THE OBAMA STIMULUS PLAN: BETSY McCAUGHEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the so-called economic stimulus bill involves itself in health care. And, Mr. Speaker, if the seniors in this country and the AARP take a real close look at this bill, I believe seniors would not only be calling the Capitol, raising cane about what's in it, but they'll be marching on the Capitol.

What it's going to do is it's going to require that there will be rationing, and it will be based upon some formulas that will say if you only have an expectation of another 8 or 9 years of life left, or 4 or 5 years, that they will ration the care that you get based upon the life expectancy. It's unbelievable.

Let me just read to you some things that Mr. Daschle had put in the bill before he was removed as the potential head of HHS. Daschle proposed an appointed body with vast powers to make the tough decisions elected politicians won't make.

The stimulus bill does that, and calls it the Federal Coordinating Council for Comparative Effective Research. Pages 190–192 in the bill. The goal, Daschle's book explained, is to slow the development and use of new medications and technologies because they're driving up costs. He praises Europeans for being more willing to accept ''hopeless diagnoses'' and ''forego experimental treatments,'' and he chastises Americans for expecting too much from our health care system. The elderly are hit the hardest.

Daschle says health care reform ''will not be pain-free.'' Seniors should be more accepting of the conditions that come with age, instead of treating them. That means the elderly will bear the brunt of what is in this bill.

Medicare now pays for treatments deemed safe and effective. The stimulus bill would change that and apply a cost effectiveness standard set by the Federal Council. The Federal Council is modeled after a United Kingdom board discussed in Daschle's book. This board approves or rejects treatments using a formula that divides the cost of the treatment by the number of years the patient is likely to benefit.

So they are going to figure out how many years you're supposed to live and then they're going to divide the treatment based upon the years. Treatments for younger patients are more often approved than treatments for diseases that affect the elderly, such as osteoporosis.

In 2006, a UK health board decreed that elderly patients with macular degeneration had to wait until they went blind in one eye before you could get a costly new drug to save the other eye. It took almost 3 years of public protests before the board reversed its decision.

There are hidden provisions in this bill. If the Obama administration's economic stimulus bill passes in its current form, seniors in the U.S. will face similar rationing of health care. Defenders of the system say that individuals benefit in younger years and sacrifice later. Let me say that gain. Seniors in the U.S. will face similar rationing of health care as they have in the UK.

The stimulus bill will affect every part of health care, from the medical and nursing education, to how patients are treated and how much hospitals get paid. The bill allocates more funding for this bureaucracy than for the Army, Navy, Marines, and Air Force combined.

Hiding health legislation in a stimulus bill is intentional. Daschle supported the Clinton administration's health care overhaul in 1994, and attributed its failure to debate and delay. A year ago, Daschle wrote that the next President should act quickly before critics mount opposition. ''If that means attaching a health care plan,'' and this is a quote now, ''If that means attaching a health care plan to the Federal budget, so be it,'' he said. ''The issue is too important to be stalled by Senate protocol.''

If I were talking to the seniors of this country, I'd say you really ought to read this bill. You ought to look at pages 445, 454, 479, 442, 446, 511, 518, 540, 541, 190, 192, and 464. I know I went through those fast, but I am going to put this in the CONGRESSIONAL RECORD and it will be on my Web site.

But every senior American and the AARP ought to be very concerned about this, Mr. Speaker, because it will result in rationing health care for seniors, and it will minimize health care for a lot of other people as well, even because they are younger.

And the doctors in this country and the nurses and health care officials ought to be very concerned because it's going to impose penalties on them if they don't follow the government's requirements. It's in the bill. This isn't baloney. And I hope my colleagues and everybody will take a hard look at it.

Mr. Speaker, if the seniors across this country are paying attention, I hope they will read the bill as well.

RUIN YOUR HEALTH WITH THE OBAMA STIMULUS PLAN

(Commentary by Betsy McCaughey)

Feb. 9 (Bloomberg)—Republican Senators are questioning whether President Barack Obama's stimulus bill contains the right mix of tax breaks and cash infusions to jumpstart the economy.

Tragically, no one from either party is objecting to the health provisions slipped in without discussion. These provisions reflect the handiwork of Tom Daschle, until recently the nominee to head the Health and Human Services Department.

Senators should read these provisions and vote against them because they are dangerous to your health. (Page numbers refer to H.R. 1 EH, pdf version).

The bill's health rules will affect ''every individual in the United States'' (445, 454, 479). Your medical treatments will be tracked electronically by a federal system. Having electronic medical records at your fingertips, easily transferred to a hospital, is beneficial. It will help avoid duplicate tests and errors.

But the bill goes further. One new bureaucracy, the National Coordinator of Health Information Technology, will monitor treatments to make sure your doctor is doing what the federal government deems appropriate and cost effective. The goal is to reduce costs and ''guide'' your doctor's decisions (442, 446). These provisions in the stimulus bill are virtually identical to what Daschle prescribed in his 2008 book, ''Critical: What We Can Do About the Health-Care Crisis.'' According to Daschle, doctors have to give up autonomy and ''learn to operate less like solo practitioners.''

Keeping doctors informed of the newest medical findings is important, but enforcing uniformity goes too far.

NEW PENALTIES

Hospitals and doctors that are not ''meaningful users'' of the new system will face penalties. ''Meaningful user'' isn't defined in the bill. That will be left to the HHS secretary, who will be empowered to impose ''more stringent measures of meaningful use over time'' (511, 518, 540–541)

What penalties will deter your doctor from going beyond the electronically delivered protocols when your condition is atypical or you need an experimental treatment? The vagueness is intentional. In his book, Daschle proposed an appointed body with vast powers to make the ''tough'' decisions elected politicians won't make.

The stimulus bill does that, and calls it the Federal Coordinating Council for Comparative Effectiveness Research (190–192). The goal, Daschle's book explained, is to slow the development and use of new medications and technologies because they are driving up costs. He praises Europeans for being more willing to accept ''hopeless diagnoses'' and ''forgo experimental treatments,'' and he chastises Americans for expecting too much from the healthcare system.

ELDERLY HARDEST HIT

Daschle says health-care reform ''will not be pain free.'' Seniors should be more accepting of the conditions that come with age instead of treating them. That means the elderly will bear the brunt.

Medicare now pays for treatments deemed safe and effective. The stimulus bill would change that and apply a cost-effectiveness standard set by the Federal Council (464).

The Federal Council is modeled after a U.K. board discussed in Daschle's book. This board approves or rejects treatments using a formula that divides the cost of the treatment by the number of years the patient is likely to benefit. Treatments for younger patients are more often approved than treatments for diseases that affect the elderly, such as osteoporosis.

In 2006, a U.K. health board decreed that elderly patients with macular degeneration had to wait until they went blind in one eye before they could get a costly new drug to save the other eye. It took almost three years of public protests before the board reversed its decision.

HIDDEN PROVISIONS

If the Obama administration's economic stimulus bill passes the Senate in its current

form, seniors in the U.S. will face similar rationing. Defenders of the system say that individuals benefit in younger years and sacrifice later.

The stimulus bill will affect every part of health care, from medical and nursing education, to how patients are treated and how much hospitals get paid. The bill allocates more funding for this bureaucracy than for the Army, Navy, Marines, and Air Force combined (90–92, 174–177, 181).

Hiding health legislation in a stimulus bill is intentional. Daschle supported the Clinton administration's health-care overhaul in 1994, and attributed its failure to debate and delay. A year ago, Daschle wrote that the next president should act quickly before critics mount an opposition. ''If that means attaching a health-care plan to the federal budget, so be it,'' he said. ''The issue is too important to be stalled by Senate protocol.''

MORE SCRUTINY NEEDED

On Friday, President Obama called it ''inexcusable and irresponsible'' for senators to delay passing the stimulus bill. In truth, this bill needs more scrutiny.

The health-care industry is the largest employer in the U.S. It produces almost 17 percent of the nation's gross domestic product. Yet the bill treats health care the way European governments do: as a cost problem instead of a growth industry. Imagine limiting growth and innovation in the electronics or auto industry during this downturn. This stimulus is dangerous to your health and the economy.

ECONOMIC RECOVERY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, the January job numbers told Americans something they already knew. Things are bad. They are bad all over in almost every sector of the economy and almost every section of the country.

In a hearing before the Joint Economic Committee, I asked the commissioner of the Bureau of Labor Statistics if there was any bright spots in the labor report. And he said, and I quote, ''No. No good news comes to mind.''

These latest job losses add to the overwhelming evidence that we must get a recovery package to the President's desk fast. People are hurting and crying out all across the country for help from the people in this Chamber.

More than 3.6 million jobs have been lost since the recession began in 2007, including the nearly 600,000 jobs shed in January alone. Six hundred thousand jobs is equivalent to all the workers in the State of Maine.

My home State of New York has been especially hard hit. Almost 48,000 jobs were slashed. Familiar and storied names, such as Macy's, Estee Lauder, Time Warner, Bloomberg News, and many others, have laid off employees.

We are now hearing that seven States have already exhausted their unemployment insurance, and another 11 States may see their funds exhausted by the end of 2009.

More than 2 million homes have gone into foreclosure, and millions of other homeowners find themselves owing more to the bank than their homes are worth. Because of lost jobs, millions also lost their health insurance. Many have lost their savings. An estimated $6 trillion in personal wealth has simply evaporated.

A solution to this crisis requires a bold action and addresses the magnitude of our economic woes, and the American Recovery and Reinvestment Plan will do just that. The recovery package will create or save an estimated 4 million jobs across a variety of sectors. It will soften the downturn and foster a solid economic recovery that benefits all Americans.

The U.S. Chamber of Commerce has called for the passage of the Recovery Act. The National Governors Association says that they support the bill. The bill even has the support of most GOP Governors.

The latest Gallup poll shows that 80 percent of Americans believe that passing a new stimulus plan is either ''important,'' or ''critically important.'' Even 66 percent of Republicans told the Gallup pollsters that it is either important or critically important to pass the bill. Perhaps because they know that America's schools, roads, bridges, and water systems are in disrepair, and this creates a drag on economic growth.

We have an historic opportunity to make the investments necessary to modernize our public infrastructure. We can begin to transition to a clean energy economy that will make us more competitive in the future.

Yes, there are conflicting visions of the perfect bill. Some Nobel Laureates in economics say the stimulus is not big enough. Some would have us do less. But now is the time to put aside whatever differences we might have in our economic theories and put the needs of our country first.

The building where the Joint Economic Committee holds its hearings is dedicated to the memory of Senator Everett Dirksen. On the plaque we pass every day, it reads, and I quote, ''His unerring sense of the possible enabled him to know when to compromise, by such men are our freedoms retained. His greatness will forever be an inspiration.''

President Obama and the Democrats are ready to embark on a bold, commonsense plan to turn this economy around, to address the fierce urgency of now, and to get this country back on its feet. We urge you to stand with us shoulder to shoulder as we act to put America back to work.

□ 2030

OSCAR ELIAS BISCET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. This last December 6, 2 months ago, was the ninth anniversary of the imprisonment—the cruel and unjust imprisonment in a cold and damp cell in the most inhuman of conditions—of the great Cuban leader in the fight for democracy and human rights in that enslaved island, Dr. Oscar Elias Biscet. Dr. Biscet is prohibited from even walking in the prison's yard, and he is incarcerated along with common criminals.

Dr. Biscet was released from prison in 2003, for a few weeks, before being rearrested and subsequently sentenced to 25 years in the gulag due to his peaceful pro-democracy activities.

Biscet personifies the opposition to the brutal totalitarian regime Fidel Castro and his brother, who the dictator has now given some additional titles to because of the ailing tyrant's failing health.

Dr. Biscet is an admirer of Gandhi and Martin Luther King.

A physician by training, he began his opposition to the totalitarian regime by speaking out against the regime's forced abortion when there is any indication whatsoever that a pregnancy may have an abnormality policy. Biscet described that policy as inhuman. He was immediately fired from his job at the hospital, prohibited from practicing his profession as a physician, and his wife Elsa Morejon was also fired from her job as a practicing nurse. Within hours, the couple and their son were summarily evicted from their apartment and their physical possessions thrown into the street.

Fortunately, an elderly patient of Elsa allowed the family to move into her house. Dr. Biscet continued peacefully denouncing the totalitarian regime's absolute denial of human rights to the Cuban people; and, because of that, he has been unjustly and cruelly imprisoned for 9 years and counting.

Hundreds of other brave human rights activists are also suffering in the political prisons of the Cuban totalitarian dictatorship for the crime of supporting democracy and liberty and opposing tyranny, including 23 known journalists thrown into dungeons because of articles they wrote that bothered the dictator. No regime in the world has more journalists in prison, with the possible exception of another totalitarian dictatorship in an obviously much larger nation, communist China.

A few weeks ago, the respected international organization, Reporters Without Borders, gave one of those Cuban journalists in the gulag, Ricardo Gonzalez Alfonso, sentenced by the Cuban tyrant to 20 years in prison in 2003, and currently in very poor health, the Reporters Without Borders Journalist of

the Year Award. Reporters Without Border is to be commended, Mr. Speaker.

Three other Cuban prisoners of conscience, Aldolfo Fernandez Sainz, Pedro Arguelles Moran, and Antonio Diaz Sanchez, are known to have begun a hunger strike due to brutal conditions they are subjected to. Where is the outrage, Mr. Speaker? Where is the international solidarity? Where is there one word of coverage of this in the world's press?

The reality is that for too many in the world today Cubans are supposed to be content with their lot, to be quiet; to, in the words of one of our colleagues in this Congress recently, to move on. The regime that enslaves a Nation and imprisons hundreds of heroes simply for their beliefs deserves unilateral rewards and concessions, many argue, such as more travel or dollars. But Dr. Biscet and the many other heroes imprisoned in the Castro brothers' gulag will not be able to be ignored forever. They must be freed. And political parties must be legalized, as well as independent press agencies, and labor unions. And free and fair elections must take place in Cuba.

Many of those imprisoned today, Mr. Speaker, will be democratically elected leaders tomorrow. That is what is going to happen in Cuba tomorrow. Today, as they suffer the most unjust of cruel imprisonment, we here remember and honor them and, once again, demand the immediate release of all prisoners of conscience in the Castro brothers' infernal gulag.

CARTER PRIVILEGED RESOLUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Mr. Speaker, today, in fact less than 1 hour to 1½ hours ago, I rose on the floor of this House to bring forward a privileged resolution asking for the chairman of the Ways and Means Committee to step down or be removed until such time as the ethical problems that have been raised about Mr. RANGEL could be addressed by the Ethics Committee and resolved. I did this out of no malice for Mr. RANGEL; but, rather, I did this and have stated publicly that it is important that we raise the level of the ethics standards of this House to a level that was inspired to us by our Speaker. And, if we raise our level of ethics and each individual in this House takes on themselves to stand up for an ethical Congress, we will have an ethical Congress, and maybe the people of the United States will have a greater respect for the individual Members of Congress.

It should be embarrassing and disheartening to every hard-working man and woman in this House, and the House is full of hard-working men and women on both sides of the aisle, that the American public view us as unethical and maybe worse.

Our approval rating at one time during the last Congress was at 8 percent. They say if your approval rating is below 20 percent, the only people that still like you are your friends and your relatives. Well, at 8 percent, you have got to worry about your relatives. You may not even have them liking you anymore. To me, I looked at that, and I have been in this Congress now for 6 years, starting my 7th year, I know that there are a lot of really fine people in this Congress on both sides of the aisle and I don't think that they deserve that kind of rating. But, quite frankly, the atmosphere that has been created over the last several years has created an atmosphere where people think that we are evil people. And I don't believe that we are evil people, but I do believe that sometimes somebody has to stand up and say, if it isn't right, it isn't right. And I have decided that I am going to do that. And I think I am going to be joined by others who are going to do it, and I hope eventually we are all going to stand up and say: If it isn't right, it isn't right, and I don't care who did it.

But I want to start off by telling you that what happened in this privileged resolution that I brought forward today, which, if it had gone forward in the privileged resolution, we would have had 1 hour of debate on each side to discuss this issue and come to a resolution, just like maybe a jury would come to a resolution in a courtroom back home, where we would hear what is out there, what has been said on this House floor by Mr. RANGEL, what the evidence seems to be; that we would learn about what is going on, and what would be best for the House under these circumstances. But, unfortunately, a procedural occurrence interfered or intervened.

The majority made a motion to table that resolution. The majority prevailed, as they would be expected to with the sizeable majority count that they have in this House, and so that resolution was laid upon the table; which basically means to the average guy that they stuck it aside and we won't take it up. And that is where it is going to stay, I suppose, just as previous resolutions have been tabled and they don't get taken up.

So I have this hour, and hopefully some of my friends will be by as we go through this hour, and we are going to talk about ethics. And I want to first point out this poster right here, which I would hope can be seen.

The Speaker of this House, NANCY PELOSI, on November 8, 2006, made this statement, which was quoted by the Washington Post: ''The American people voted to restore integrity and honesty in Washington, D.C., and the Democrats intend to lead the most honest, most open, and most ethical Congress in history.'' That is a 200-plus year history of this United States, and the goal of the 110th Congress, the standards set by our Speaker was to be the most open, most ethical Congress, and the most honest Congress in the history of the United States. That is a big package to carry, there is no doubt about that, but it is a goal that we ought to have. I would argue that, since this speech was made, we have made very little progress down that line.

But something else much more recent to what we are doing right now is what the President of the United States said basically just last week: ''I campaigned on changing Washington and bottom-up politics. I don't want to send the message to the American people that there are two sets of standards, one for the powerful people, and one for the ordinary folks who are working every day and paying their taxes.'' That is a quote to CNN by President Barack Obama, February 3, 2009, just last week. I honor our President for that kind of standard that he sets for his administration and for this government.

There are people who would say: Mr. CARTER, you raised these issues about the chairman of the Ways and Means Committee, about CHARLIE RANGEL, for political purposes. You did this because you wanted to attack a powerful leader in the House of Representatives, and this is all about politics.

I will point out that I stated when this all started that I first wrote a letter to Chairman RANGEL and asked Chairman RANGEL if he would address the issue of having paid his taxes, if he would address paying his penalties and interest so this would all go away, so he wouldn't be treated by two standards, one standard for the powerful and one standard for the ordinary person. But I got no response from that letter. A copy of that letter was sent to the Speaker of the House, and I got no response there.

And then you ask, why would I stand up and start talking about this stuff? The New York Times on September 14, 2008 pointed out: ''Mounting embarrassment for taxpayers and Congress makes it imperative that Representative Charles Rangel step aside as chairman of the Ways and Means Committee while his ethical problems are investigated.''

Now, this is one of the most liberal, Democrat leaning newspapers in the country who is saying there are issues in Mr. RANGEL's past that, in their opinion, the editorial page's opinion, would require that he step down while he is being investigated. And that is all I have ever really asked that he do. It might be for just 2 days, 3 days. Who knows how quickly the Ethics Committee will come out with a resolution.

It might be a few weeks. But it would look a standard to the American people that would say: You are right, this is not behind closed doors. This is heads up. They are talking about stuff that is important. And that is why we raise this. So I am going to put those two things out here to start this conversation.

Our President and our Speaker, Democrats both, have made the point that they want to make sure that there is no one standard for the powerful and one standard for the ordinary, but each will be treated fairly. They have set a standard that they will be the most honest, open, ethical Congress in history. They have set a standard, and it has been pointed out by the New York Times that that standard is not being met when it comes to the chairman of the Ways and Means Committee.

Now, all I am trying to do here tonight, and I am asking others to help me with, is just say to Mr. RANGEL: Mr. RANGEL, I highly respect you. I hope that you would realize what the American people perceive of us as a body because of issues that are being raised by allegedly the most important newspaper in the land. And we think that, for the good of this House, you would step aside, however briefly, until these issues are resolved.

And, quite frankly, that is what this resolution was about today. And I certainly didn't do it in any spirit of meanness. I thought it was the right and the proper thing to do. And so I basically am pleading my case to the American people and to this House in saying that it is important that you understand, I have no ill will against Mr. RANGEL, but I do have ill will about bringing down the ethical responsibility of this House.

□ 2045

I have my friend, Mr. KING from Iowa, who has joined me here. He may have some things to say about the subject of ethics. And we are going to just ride along here. I recognize you for the amount of time you wish to consume.

Mr. KING of Iowa. I thank the gentleman for yielding. I very much thank Judge CARTER for bringing up the issue of ethics in this Congress, Mr. Speaker. And it is not an easy thing to raise these issues on the floor of this House. There are pressures in this place that push a person who serves here to conform, to not make waves and to not expose themselves to legislative retaliation. So, there are many Members of this Congress who would think about those things instead of thinking about the standards that we need to uphold in this great deliberative body.

And we are going into the 220th year since the ratification of our Constitution. And it has been a long history in this Chamber with high standards. Of course, there have been disagreements and squabbles along the way. And there have been times back in those days of old when Members came to blows.

We have a different way of approaching things today. And if we look back upon previous Congresses, there have been standards that have been brought forth. I remember a Speaker of the House who saw 74 sets of ethical charges brought against him, and all in an effort to bring down the Speaker. Finally, to get away from that all, he accepted one of them that could have crossed the line, which melded the whole thing down.

And here we sit today with a dysfunctional Ethics Committee, an Ethics Committee that doesn't take up the issues that come before them. They are there deadlocked. And so, since we have a dysfunctional Ethics Committee, we have a place, Mr. Speaker, to appeal to. And that becomes you, Mr. Speaker, and the echo that comes from here to the American people.

And Judge CARTER has brought this privileged resolution today. It has laid out a whole line of facts as we know them with regard to the activities of the chairman of the Ways and Means Committee, the gentleman from New York (Mr. RANGEL). And he has spoken, I think well, to the standards that have been put up by the New York Times, which I previously haven't looked to for a standard, but by the President of the United States, who has said there will be only one set of standards, whether you're powerful or whether you're unpowerful, you have to live to the same ethical standard. And when you see the quote that comes from Speaker PELOSI, November 8, 2006, where she says ''the American people voted to restore integrity and honesty in Washington, D.C., and the Democrats intend to lead the most honest, most open and most ethical Congress in history,'' it's not bearing up very well considering that the Ethics Committee is not taking up issues, and the chairman of the Ways and Means Committee still presides in a time of economic crisis, we all agree, when important bills like the stimulus bill have to be written, and they have to be written in cooperation, and they should be written in a bipartisan fashion, which we missed that train entirely over here, Mr. Speaker. There was no bipartisanship that applied to the bill that came to the floor. And we shall see if there is a conference committee that shows that bipartisanship. But if there is a question, if there is a question of whether it sheds light in an ill way upon this Congress, then it is incumbent upon those who wield some of the most power in this Chamber to step down and allow their name to be cleared or allow the charges to stick, whichever the case may be.

This privileged resolution raises this issue. One might note that there was no debate on the floor of this privileged resolution. There was a motion to table the privileged resolution, and so the only voice to it was the Clerk reading the resolution and the motion to table, which is an undebatable motion. And it was voted down on party lines, Mr. Speaker. I think the public will recognize that when you see ethical questions that are decided upon party lines, especially ethical questions that are difficult to raise because of the relationships, the collegial relationships that we have between Members here across the aisle, I think they will understand that politics is part of this. And the Ethics Committee is supposed to be above it.

And when it comes time to pay your taxes and report your income, no one should be above that. I agree with Tom Daschle on that point, and I agree with President Obama on that point. I would like to think that the chairman of the Ways and Means Committee agrees as well. But when the chairman of the Ways and Means Committee doesn't understand the convoluted taxes that he has helped to contrive over the years and so therefore can presumably take a pass for failure to pay those taxes, if there is an excuse for the chairman of the Ways and Means Committee, then, Mr. Speaker, I would submit who in America is it not an excuse for? If the Ways and Means Chair doesn't understand the taxes and responsibilities well enough, if it was inadvertent, then say so. Bring this out. If it is not inadvertent, I think that also needs to be brought out. I suspect it was inadvertent. But it is still a responsibility.

It is a responsibility of the chairman of the Ways and Means Committee, a responsibility of the Secretary of the Treasury, the boss of the IRS, to use TurboTax. And he couldn't get his taxes right, even though he cashed the checks that were reimbursement for the taxes he was to pay. And we are to overlook this because there is only one man in America big enough or smart enough to get us out of this economic crisis that we are in. That would be the Secretary of the Treasury. Apparently there is only one person in America that can wield the gavel over the Ways and Means Committee while we muddle through this economic crisis without having the confidence that all the best interests of the American people are in mind.

These are some of the things that flow into my mind as I watch this, Mr. Speaker. And I yield back to the gentleman from Texas. I thank you for the bringing this to the floor, and I thank you for the privileged resolution.

Mr. CARTER. I thank the gentleman for yielding back. This all started when I raised an issue about Mr. RANGEL's failure to pay his taxes and then his announcing that he had paid his taxes and he will pay penalties and interest if penalties and interest were assessed. That jumped off the page at me, because I'm from one of the best towns in

America, Round Rock, Texas. I grew up with Round Rock. It started off with 2,500 people. And now it's a little over 100,000, I guess. I practiced law in Round Rock and was a judge in the community that oversaw Round Rock as part of that Williamson County community. And for more times than I can count, I have been involved in situations where people have had to deal with issues that deal with the IRS.

When I was a judge, we had lots of family cases where we had to resolve IRS liens and other things that were a part of the division of the property between parties. I used to represent clients. I had one in particular who was constantly having issues with the IRS. And they were putting padlocks on his doors and seizing his bank accounts. And he was calling his CPA, who was a good friend of mine who used to office with me. And we would try to keep him out of trouble.

Now, one of the things that was onerous that came up on every one of these people were the penalties that are assessed by the IRS. And when you fail to pay your taxes for long periods of times, you will have penalties. But let me point out to you, if you don't pay your taxes on April 15, and you choose to pay your taxes on August 15 or October 15, you're going to immediately receive a bill from the IRS for the interest difference between April 15 and October 15 and a penalty for failure to pay on time. That is what happens. That is just as regular as clockwork. And I think all Americans know that that is the way they get treated when they're dealing with the mighty IRS.

So the first question that came to my mind was that he claimed to have paid his taxes way back in I believe August or July, and yet no penalties and interest had been assessed. That I didn't understand. So that is why I wrote him a letter and said, why don't you contact them so we can get this out of the way and ask them to assess penalties and interest? And I received no reply.

And then what I was trying to point out in that by saying that this was not right, as I said, okay, if it's good enough for the chairman of the Ways and Means Committee, then it's good enough for every American citizen. And I introduced a bill called the Rangel Rule, which said that if you have missed your taxes and you pay them and you don't want to be assessed penalties and interest for failing to pay on time, write on your form, ''Rangel Rule,'' and you will be excused those penalties and interest. You will have the ability to claim the same kind of treatment that the chairman of the Ways and Means Committee, CHARLES RANGEL, seems to be getting from the IRS.

And why would I want to do this? Because look what our President of the United States says. ''I don't want to send a message to the American people that there are two sets of standards, one for powerful people, and one for ordinary folks who are working every day and paying their taxes.'' That is exactly what I have been trying to say with the Rangel Rule. There shouldn't be two standards, one for someone who has been elected and sent up here by the people, and he gets a bigger break than the guy back in his district who runs a garage and doesn't pay his taxes on time, and somebody padlocks his garage and seizes his bank account.

So this is a fairness issue. And it is an ethical issue. But when we had the statement by NANCY PELOSI about the most honest, open and ethical Congress in history, then we all of a sudden had a lot of things that occurred. I want to go through some of those with you. And the first one I suppose is now almost old news.

''Federal investigators are targeting the Democratic Congressman, 58, for allegedly demanding cash and other favors for himself and relatives, in exchange for using his congressional clout for arranging African business deals.'' It goes on to talk about Congressman Jefferson of New Orleans and the $90,000 in cash that was found in his freezer. This was in the Washington Post way back on February 16, 2006.

That popped up just shortly after the Speaker had talked to us about honest, open and ethical. That issue was already up in the previous election. Ultimately, that has never been resolved, although it is in the courts right now. And it certainly will be resolved by the courts, but the people of New Orleans resolved it this year in the election process. Mr. Jefferson was defeated. But he still has the right to be heard in court. And as far as this judge is concerned, he is innocent until proven guilty beyond a reasonable doubt, and the State has the burden of proof of making that proof. I stand behind the standards that the Constitution set for all innocent people. And I stand behind it for Mr. Jefferson. That is the first piece of news we have got.

Here is one from January 4, 2009, last month. A grand jury is investigating how a company that contributed to Richardson's campaign won a lucrative New Mexico State contract. Richardson says he and his administration acted properly, but that the investigation would force a delay in the confirmation process. He was being nominated for Secretary of Commerce. He says he could not, in good conscience, ask the President-elect to delay important Commerce Department work in the face of the economic situation the Nation is facing. And so he withdrew his name for the Commerce Secretary, which was the right thing to do.

But I point out that as we set a standard, reinforced by our new President, bless his heart, I appreciate him for that, and yet these issues pop up today. And we could go on and on. But let's just stop right there. That is two. We got 20 down here, or close to it. Mr. KING, those issues are issues that we've seen and we've known about, and one of them is old and one of them is new. I will yield to you if you would like to make a comment.

Mr. KING of Iowa. Well, yes, I thank the gentleman from Texas for yielding. And I point out that according to the law, we're innocent until proven guilty. That is according to the law. We have a different set of standards here in the House. It's an ethical standard here in the House. And the House makes its own rules, and the House determines those standards that we must all be upheld to as Members. And I would point out that even though there was $90,000 discovered in the gentleman from Louisiana's freezer, the Ethics Committee couldn't quite get to that issue. Apparently it was a little vague for the Ethics Committee. That is a committee that should be able to act quickly, and they should see to it that these kind of things are headed off at the pass, so to speak, and dealt with in an early fashion. But we went through two elections before the voters of Louisiana came around and sent a new individual here to this Congress to represent them. They finally had enough. And I applaud them for that, for making that decision. Sometimes you will find constituents that will conclude that maybe they don't have that much confidence in their Member of Congress, but it's their district, and they see that there are resources coming back to the district, and sometimes they don't want to vote someone out of office. This must have been just enough down there, because it took two elections to end the issue. The Ethics Committee still hadn't acted. The Ethics Committee hasn't acted on Mr. RANGEL. The Ethics Committee is immobilized at this point, Mr. Speaker.

And as the weight of these issues come up, one after another after another, I will submit that it sounds to me as I listen to the echoes through the national media and through the media in this town that we haven't heard the end of this. There are more posters there I know. And I'm of the understanding that there are a number of other individuals who have their own concerns that might have to do with warrants and perhaps subpoenas.

□ 2100

And, again, we've got to clean up this House. If we're going to have the confidence of the American people, then we have to stand on high ethical standards. And justice has to be swift and sure. It doesn't need to be played out until the end, till it becomes such a political liability that your own colleagues on your own side of the aisle will finally say, I'm tired of being associated. It's making me vulnerable. Why

don't you please give up the gavel and sit down. That is one way that it does happen. But it becomes a political question instead of an ethical question. It becomes a political question instead of a legal question.

Again, we are held to the highest standards here. And I'll agree with the statement made by the Speaker, and I ask her to hold to this standard, that this be and becomes as honest, as open and as ethical as any Congress in history. That's the standard that we should have. It's not working out quite that way. It was good language when it was used for political purposes in order to win elections. But it's not such good language today when you have this many Members on one side of the aisle with this many national questions hanging out there and so many issues that are challenging us to hold a high standard here in this House of Representatives.

I appreciate the Rangel rule. I'm a cosponsor of Judge CARTER's bill, the Rangel rule, where if you don't get around to paying your taxes and you decide that your conscience kicks in or you find some money and you want to sign on the return, then the penalty or the interest can be waived, according to the same standards that were there and made available to the Chairman of the Ways and Means Committee.

I looked at the Tim Geithner case, spoke to a few moments earlier, about how he was reimbursed for taxes that he was advised that he owed, and that advice came four times a year. I don't know how often the check came. But he cashed the checks but didn't pay the taxes. And now we have him heading up the Internal Revenue Service.

Now I would think that most of us, Mr. Speaker, have a constituent or two or three that might find themselves in a Federal penitentiary because of failure to pay Federal taxes. That would probably be willful failure to pay Federal taxes. And of those constituents, American people that are in prison, I'm wondering if there's a pass for the Secretary of the Treasury, and if there's a pass for the Chairman of the Ways and Means Committee, then why wouldn't President Obama pardon everybody that's in the Federal penitentiaries for tax violations?

It seems to me that would be an open, honest, ethical thing to do. If there's going to be only one standard, and if the standard is that if you cheat on your taxes you can hold a government job, why would it not be that same kind of standard that would require, out of the sense of conformity, only one standard, a pardon for all those folks who have violated the same laws that some of the top officials of the administration have essentially admitted to in the public arena?

So let's have one standard. I think the standard should be, enforce the law, as Tom Daschle said about 15 years ago from the floor of the United States Senate. He didn't comply so well with it, but he did say enforce it. So let's follow that. Let's enforce the law. Let's enforce the ethical standards here in the Congress. And if we do that, however painful, however bitter the pills might be, we put it behind us and we can move on and we can do the right thing for the American people.

But this anchor is clattering as it is drug across the floor of this House of Representatives, it's an anchor being drug by the Speaker of the House. It's an anchor that's being drug by the majority leader in the House of Representatives, and it certainly is an albatross around the neck. We need to get to the bottom of this.

The American people need sunlight on all that we do. And let me further submit, Mr. Speaker, that we don't have sunlight on our own finances, not in the fashion that the public can track it. We need to have sunlight on what we do. We report our income and we report our assets and our liabilities. But there's a gap there. We report in a range. And the ranges, Mr. Speaker, are narrow if it's a little bit of money, but if it's a lot of money then the ranges are wide. Now, I'm going from memory a little bit, but it seems to me there's zero to $150,000. That might be one category of real estate assets. And then it goes on up, maybe $150,000 to 350 or $400,000. Those I am not so clear on. But I am clear on this; once you get over the $5 million category, then you report your assets or liabilities within a range of between 5 and $25 million, so there's a $20 million range. And then you have several categories, so you can stack those categories together. If you're on the low side you might be $5,000,001 and you might have five different categories of assets like that. So you'd have maybe a minimum of $25 million in assets in five different categories, or it could be $25 million in five different categories, $125 million.

We have seen a Member's net worth go, in a matter of 3 years, from the low six figures to about $6.5 million dollars. But no one can really track that because we are not required to report the direct dollar amount, and that gives a place for everybody to hide that wants to hide. And I think out of this needs to come a real requirement that we report real assets and real liabilities to the best dollar as we know it and to the best dates that we can produce, and then post it, as we did on the motion to instruct conferees today for the stimulus bill. All of our records, if they're going to be public records, need to be posted in a searchable, sortable, downloadable database so that the public can look in and have sunlight on these kind of finances that raise these kind of questions and maybe, just maybe there would be some good advice coming from somebody across America that would say, hey, Mr. Geithner, pay your taxes, Mr. RANGEL, pay your taxes. That's the message that I think the public would deliver here if we gave them an opportunity to look over our shoulder. We can't even look over our own shoulder because there's protection built into the financial reporting requirements; and it was wrong from the beginning; it's wrong today.

And I'd just say, one standard for all people. I agree with the President, whether you're powerful or whether you aren't powerful, everybody should live by the same standard, and that is enforce the law to the letter, as Tom Daschle said from the floor of the United States Senate.

I yield back to the gentleman from Texas.

Mr. CARTER. I thank the gentleman for yielding. The best of all worlds would be, in my opinion, if we who are Members of this House, would step up and say, if there's issues raised that cast impropriety upon the House or the individual Member, that they say I'm going to step back until this issue is resolved.

And then I think the conscience of this House should be the Ethics Committee. And I think the conscience of this House, even though that Ethics Committee is exactly equally divided between Republicans and Democrats, I think the world that we would hope this honest, ethical House would live in would be a world where, when you get that heavy responsibility on being on the Ethics Committee, you're willing to say, I'm going to do what we ask juries to do. I'm going to look at and listen to the evidence, and I'm going to make a decision. I'm going to try my dead level best not to deadlock and put off issues, but to resolve issues as they come before me.

It's a heavy burden. I'm not saying it's not. I would admit that. But, you know, when you choose to police yourself, then each individual Member has a duty, to some extent, to police their own personal self.

I will point out that we had two Members, Republicans in the last Congress, John Doolittle and Rick Renzi, both of whom have allegations against them that had not been resolved and, to my knowledge have not been resolved. Both of them chose to step down from their respective committees until the allegations were resolved for the good of the House of Representatives. Now, I'm not saying they're noble and wonderful. I personally think the world of both of them. But the bottom line is, they did what was good for this body. And we've got issues that are getting raised.

It's not my goal in life to tear down this House. I'm telling you, and I tell the American people that might be watching tonight, the people that serve in the House of Representatives are hardworking folks. Right now, here,

it's 10 minutes after 8, 10 minutes after 9, excuse me, and there's plenty of people that are working right now, and they started this morning, probably at 6.

So don't think that these aren't hardworking, honest, trying-to-do-the-very-best-they-can people that serve in this House.

And we owe a responsibility to each other not to bring down this House. We have been doing that, by my knowledge, the last 4 years. We have run campaigns, the purpose being to paint the whole House, or at least the whole party in the House, as criminals, as corrupt people, when you're only talking about individuals. Each of these instances we talk about are individual issues, with that individual Member or that individual cabinet appointee or cabinet member. They are not issues of the government as a whole. But the responsibility lies upon those who lead.

Mr. KING was pointing out just a few minutes ago about Timothy Geithner. I have here a copy of the International Monetary Fund receipt that Mr. Geithner signed when he received the money from the International Monetary Fund that he was supposed to pay in taxes. At the bottom it has an admonition and roughly an oath which says, in accordance with the General Administrative Order Number 5, Revision 7, section 703, I wish to apply for tax allowance of U.S. Federal and State income taxes, and the difference between the self-employed and employed obligations of the U.S. Social Security tax which I will pay on my fund income. I authorize the fund or any of its staff members designated by it for the purpose to ascertain to the appropriate tax authorities whether tax returns were received. I certify that information contained herein is true to the best of my knowledge and belief, and that I will pay the taxes for which I have received tax allowance payments from the fund. I certify that if any data provided on this application changes, I will immediately report such changes to the fund; and it's signed by the gentleman, Mr. Geithner.

I bring that up because he signed a pledge to this fund that, give me the money and I'll pay my taxes. They gave him the money. It's been reported that one payment was $32,000. That was reported in the newspapers, and you can take them as a valid source or not take them as a valid source. But back where I come from, $32,000 is a real pocketful of money and you don't forget $32,000.

So the issue that was raised is a serious one when the man who is taking us, hopefully, safely down the path to resolve our economic crisis for I believe it's four consecutive years, received the tax money he was supposed to submit to the various taxing entities and he did not do so, and only did so when he was about to be confirmed before the Senate as Secretary of the Treasury.

You know what? That just don't smell right. And I think that's what the folks back home are saying. And I think the President needs to, he has to think about his statement; no difference between the powerful and the ordinary working folks, because it certainly looks like there's a difference in that case.

I don't know the man. I haven't got any reason to be mad at him or to even want him to—I want him to succeed. Why wouldn't we? He's practically got our whole Nation sitting here in the palm of his hands, and we want him to succeed.

But if we're going to talk about what's right, what's ethical and honest and open, we've got to raise these issues. We've got to put sunlight on these issues. And that's what we are doing and what we're going to be doing now and forever, until we get this back to being a Congress that is recognized by the American people as honest and ethical.

□ 2115

I see that my friend Mr. BURGESS is here. He's a good friend from Texas, one of my classmates. We came into this body together. He is a man whom I highly respect. He has a great amount of knowledge about our health care issues and about health care problems, and I believe that MIKE BURGESS and others will be the people who come up with the solutions.

I will yield whatever time the gentleman wishes to consume.

Mr. BURGESS. I thank the gentleman for yielding, and I certainly thank him for his diligence and for his passion on this, and I do understand that he respects and honors the institution of the House of Representatives, and it is that respect and honor that lead him on this journey that sometimes could be difficult and where sometimes people might try to dissuade him, but I am so encouraged by the fact that he has taken up this cause. It is extremely important.

I have constituents who come into my office all the time. Constituent service is a big part of what we do as Members of Congress. Yes, we can help with a lot of things with regard to Federal agencies, but I always tell constituents who come in with tax difficulties that there is nothing that I as a Member of Congress can do to discharge an obligation to the IRS. It is just not within my power to do so.

Well, how does it make me feel when it turns out that that, in fact, is not right?

We have the chairman of the Ways and Means Committee and now the Secretary of the Treasury who have told us otherwise, that we can discharge those debts if we just choose to ignore them or, when we're caught, that we can just pay what we owe, and we don't have to pay a fine. We don't have to go back and deal with what other citizens have to deal with when they're caught in this type of difficulty.

I really applaud the judge for bringing forward the Rangel Rule. I know it has achieved a great deal of popularity out in the middle part of the country. It certainly has in my district. People understand that there do seem to be two sets of standards—one for those in charge and one for the rest of us. It has gotten to the point where people are not wanting to put up with that type of mentality any longer, and they look to us in this House to restore the credibility of the institution. That's why I think it is so important what you are doing.

Mr. Speaker, I know that we are to speak to the Chair and that we are not to address our comments to the country as a whole, but I would encourage people, Mr. Speaker, if they are so moved, to call the Democratic leadership of this House and ask if the judge's simple request—the continuing chairmanship of the Ways and Means—might not be addressed by House leadership. Then perhaps we could have more than just a tabling of the motion. When the gentleman from Texas has gone to a great deal of difficulty to bring this privileged motion to the floor, then all we do is table a motion with no debate and with no actual discussion as to the merits of that motion.

I think the gentleman made a great point last week, and he made a great point again today when the motion was read on the floor. It is institutionally important that we establish credibility here on the floor of this House. We don't have it in the country, and we've got a number of big problems to get past, and it only makes that work that much harder.

So we have the chairman of the Ways and Means—the largest tax-writing body in the free world—who cannot do his own taxes because they're too complicated. I'll tell you what. There was a day back in Texas in the mid-'90s when my predecessor in my congressional seat introduced a bill called a flat tax, and I thought that was a great idea. Why do taxes have to be so hard? It turns out they're too hard for the chairman of the Ways and Means, and they're too hard for the Secretary of the Treasury. Well, yes. Then it's no great news that they're too hard for the rest of us as well.

I think we should do fundamental tax reform. I, frankly, don't understand why that has been so difficult to get through this House under both Republican and now Democratic leadership. We should do that. We should take on that fundamental work because the American people want us to do so.

Again, I commend the gentleman from Texas for bringing this issue to

the floor of the House. I know it wasn't easy for him to do so, and he does attract a certain amount of attention that might be unwanted by doing this, but it was so important, and it is so important to the credibility of the institution. Therefore, it is so important to every one of us who serves in this body during this 111th session of Congress.

I think that the words of the President that are up on the poster just could not be clearer, which is that there is one standard for the powerful and one standard for the ordinary folks who are working every day and who are paying their taxes. That is wrong. It has to change. The place to change would be that of the chairman of the Ways and Means, and the time to change would be first thing tomorrow morning.

I yield back.

Mr. CARTER. Mr. Speaker, may I ask how much time we have left?

The SPEAKER pro tempore (Mr. ADLER of New Jersey). The gentleman from Texas has 11 minutes remaining.

Mr. CARTER. Thank you very much, and I thank my friend for coming in and for joining me in this hour as we discuss this matter.

In my lifetime, I have had to make a lot of tough decisions and have had to do a lot of tough things. I was telling one of my colleagues on the floor of the House today that I can remember the first time that I had to look a person in the eye and sentence him to death under Texas law. My heart was beating 100 beats a minute, and my blood pressure was probably through the roof. It was a very difficult situation to face. It's just as difficult a situation for me when I respect the Members of this House to raise these issues, but I've spent all of my adult life in the business of trying to just bring fairness and truth to the forefront in whatever I've done, both as a judge and now as a Congressman.

I am no saint. Anybody who thinks I'm standing up here saying I've not made mistakes in my life doesn't know me or doesn't know Texas or doesn't know the life we live. We've all made mistakes in our lives, and mistakes can be honest mistakes, but this is an institution.

It pains me to think that little boys and little girls who might be in elementary school are hearing on television and at their breakfast tables comments from their parents: ''Everybody in Washington is a crook. Everybody in Washington is lazy and gets special treatment. They're all a bunch of 'no goods.' We ought to throw every one of them out.'' They hear those things about Members of Congress, and maybe it applies to some, but it doesn't apply to the vast majority on both sides of the aisle. I can say that. So we're being painted with a brush, and that brush is full of paint because the media continually keeps it full of paint, and it's out there, painting us, until we're the black-hearted people of this world.

Yet, when I was a little boy many, many, many years ago, you know, we revered Members of Congress. When I went to school, all I heard was what a wonderful, great, democratic institution it was, the most revered institution on Earth—the United States Congress—and what wonderful, great men and women served. Do you know what? They were the same kind of men and women who serve today. They weren't any different. They weren't any more dedicated than the people who serve here today. They were the same kind of people.

I, that little boy in the first grade, was hearing Congress discussed at my mama and daddy's breakfast table. Even when my mother and father disagreed with something that Congress was doing, they still acknowledged them as special people—giving to the democracy that we hold dear, giving of their time and their talent and, quite frankly, giving of their lives, some of them, their very lives.

I know that, today, we celebrated 50 years of Chairman DINGELL's service to this House—the longest serving Member in the history of the Congress. So you can clearly say that JOHN DINGELL gave his entire adult life to this institution. That should be revered in the eyes of everybody, and that should not be tainted with somebody's saying, ''dirty deeds are done by every Member of Congress; they're all evil and no good,'' because my colleagues and friends everywhere, that is not true, and that is why we have to raise issues on ourselves.

We are a body that has chosen as part of its governing unit a committee whose sole purpose is to judge ourselves. There are other institutions that do this. The bar associations in most cities of most States have bar committees that judge members of the bar, who are the lawyers. I may be mistaken, but I believe that the medical community judges itself and raises ethical issues on the medical community. I believe, in the accounting community, the accountants judge the ethics of the accounting community. So we're not unusual by setting up a group of our Members to judge our Members, but we have more of a standard to live with than that.

Our standard should be that we judge ourselves, that we try not to even appear to have committed some kind of impropriety. Avoid the appearance of impropriety. That is where we need to go. That is where we need to be. When things arise, we need to raise these issues, and we need to talk about them and talk about them not out of hate or out of politics. We need to talk about them out of love for the institution and say to ourselves, ''What is my part of this, and what should I do?''

When I wrote the letter to Chairman RANGEL, I think that's kind of what I was saying. Mr. Chairman, this is the way ordinary folks get treated. You're not getting treated that way. Why don't you ask them to treat you that way? That's all I asked. I didn't say, ''Resign.'' I didn't say, ''Support the Rangel Rule.'' I said that. Then I said, ''If you can't, then will you support my Rangel Rule?'' That was the purpose. That was to remind him that we have an issue here, an issue of unfairness.

I think I'm going to be willing to give back some time tonight because I don't want to go off on another position that we can't complete, but we'll be back, and we'll be talking some more about ethics.

I would remind this body as a group that we all have a duty and a responsibility to try to live up to the standards that have been pronounced by the Speaker and now by the President of the United States that we be the most open, honest and ethical Congress in history and that we not have one standard for the powerful and another standard for the ordinary folks. Those are good goals to accomplish. I am going to step forward during this period of time in my life and try to get this body to accomplish those goals. If I can do that, I will go home and smile to my folks back home and say, ''I did the best I could.''

Mr. Speaker, I yield back the balance of my time.

THE PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, my name is KEITH ELLISON, and I am here once again to help represent the progressive message of the Progressive Caucus.

We are really, really pleased to be joined tonight by an absolutely stellar leader in our great country, none other than the chairwoman of the Progressive Caucus, the co-chairperson, LYNN WOOLSEY of California. Let me yield a little bit of time to the honorable chairwoman because, when she is on the floor, representing our great caucus in this great body in this great country, it is always fun to listen to what she shares with us. Actually, she is going to share a little bit about a letter that the Progressive Caucus wrote, among other things. I am just going to yield the floor to Congresswoman LYNN WOOLSEY for a moment so she can get us started off right.

Congresswoman LYNN WOOLSEY, how are you today?

Ms. WOOLSEY. I'm fine, KEITH. Thank you again for pulling together a Progressive Caucus Special Order and for making it something that we want

to come down here and talk from our perspectives about as to what's going on in our Congress and in our country and overall in our world.

Right now, this country of ours, this Congress of ours and certainly every single person I saw in my district—Marin and Sonoma Counties—over the weekend are all talking about one thing, and that is the stimulus package, the recovery package, that we are debating between the House and the Senate. Now, after 1 week and 1 day of electing a new President, the House passed the President's recovery package, and we are proud of it. The Senate has changed it slightly—considerably. Really and truly, 90 percent is overlap in one way or another, but there are some misses that our leadership will have to deal with in conference.

I don't know how many people understand what happens when the House passes a piece of legislation on an issue and then when the Senate passes a different piece of legislation on the same issue. In order to have a law, we have to have conferencing between the House and the Senate. It's bipartisan with Republicans and Democrats. The conferees go into a room, and they start working out the differences. The only thing they talk about is where the two pieces of legislation differ and where they can come together and agree.

So now, what does this have to do with the Progressive Caucus?

□ 2130

Well, your Chairs of the Progressive Caucus, myself and RAÚL GRIJALVA, wrote a letter to the conferees asking for four important issues to be strengthened in conference between the House and the Senate.

And maybe what you would like to do, KEITH—I will talk about the first section and then hand it over to you to comment on, and then we'll go to the second, and third, and fourth; and then by then, we will be pretty much out of here.

Mr. ELLISON. You bet.

Ms. WOOLSEY. So I'm not going to go through all of the introduction that we said in the letter except we said, ''As the co-Chairs of the Progressive Caucus, we write to you today to express our great concern about H.R. 1, the American Recovery and Reinvestment Bill of 2009. And we would like our leadership in conference to pay attention to four major issues.''

The first one, investing in America's future. Our children. And then we went on to say that in the Senate bill, almost half of the funding cuts come from education. We consider this irresponsible, we consider it shortsighted. Eliminating funding for school construction not only hurts our Nation's children, but it also impedes job growth. What perfect growth for jobs is building schools for our kids that they need, and at the same time, providing jobs that pay a liveable wage.

Additionally, the Senate cut funding for Head Start, Head Start and early Head Start, from 2.1 billion to 1.05 billion. And in our letter we said that this chips away at our Nation's future and places an overwhelming burden on families already feeling the strain of a bleak economy and that we requested that our leadership return the funding to the House-passed levels.

Mr. ELLISON. Well, Chairwoman, thank you for yielding back.

I want to say—and just to agree with you—that investing in our young people, young people going to Head Start is one of the very best investments that any society can make. And you can get conservative economists, you can get liberal economists, any kind of economists you want; they can tell you that the biggest bang for the buck is investing in early childhood education, programs like Head Start.

You're right to point out as well, Madam Chair, that we have about 90 percent of the House and Senate bill is overlapping, but there's that 10 percent that we're here to advocate about. And I think it's important that the American people know that the Progressive Caucus is going to be in there fighting for an inclusive version that embraces all Americans.

And I want to thank you and Chairman RAÚL GRIJALVA for writing that letter. That's the kind of leadership that the American people expect from you.

And I just want to also add that education is a critical point. The House bill allocated 2.1 billion for funding for programs to prepare children. And that was cut to about 1 billion in the Senate side.

But let me also talk about higher education.

The House voted to provide about 6 billion for higher education while the Senate compromised, ultimately eliminated 3.5 billion for higher education facility modernization and purchase of instructional equipment.

Right now, as you know, Madam Chair, when a recession like the kind we're in right now, what do people do as they try to figure out what to do as they've been unemployed? They often go to school to try to upgrade their skills. And the opportunity to do this, the investment in that, has been not as fully there as it could be as it is in the House version.

So we want folks to know that they can do something about this. The conferees are confereeing, and, you know, this is something that Americans don't have to sit back. It's not over yet. It's not done yet. This cake is still baking. So it's a time to try to be back involved.

I yield back.

Ms. WOOLSEY. Well, and now, KEITH, the second issue we addressed is investing in America's States and local communities. Recognizing the squeeze being put on State and local governments, the House, rightfully, set aside assistance—assistance to ease the financial crisis right here at home. That was slashed in the Senate's bill. It was slashed to $39 billion, which was a $49 billion reduction. States are seeing crises within education, within health care, job training, welfare programs; and it's really unclear, right now, how many States and localities will be able to function without the above-mentioned funding streams.

And we requested that our conferees returned funding to the House-passed levels.

Mr. ELLISON. Well, you know, I'm glad you mentioned that because Mark Zandy, who, again, was an adviser to JOHN MCCAIN, a Republican, said that the way to really stimulate the economy is to put it in certain areas and not so much in others.

And if you look on this chart right here, Zandy's Estimates For a Multiplier Effect For Various Policy Proposals, what you find is that spending money for States has a pretty good stimulative effect. Right down here, ''revenue transfers to State governments.'' For every dollar we put into that, that will generate $1.36. That's an important expenditure right there that we could use to really stimulate the economy.

This will bring back good benefits to the economy. So for the Senate to shortchange us by $40 billion is a mistake.

Let me also say, too, that these are good jobs, these are—we're talking about cops, fire fighters, we're talking about people who are really out there filling potholes, doing important jobs, making sure that people are getting workforce training and development. These are critical functions.

And you know what? I read, Madam Chair, that if you were to add up all of the State budget deficits that are current right now, it would amount to about $350 billion. I know my own State of Minnesota has about a $5 billion deficit. I know California, your State, is in need.

So the thing is that what we're trying to do is make sure that we don't have layoffs at the State, that we don't have service cuts at the State, and that we're continuing to bolster and pump our economy up.

So I'm glad you brought the aid to States out because it's very critical, very important.

And I might add that temporary increase in food stamps has a very stimulative effect. For every $1, $1.73 is going to come back; increasing infrastructure, for every $1, $1.59 comes back.

Now, I might add, Madam Chair, that certain things do not have a very stimulative effect. Things that don't really do much good in the situation we're in

right now would be making income taxes that are expiring in 2010 permanent. That would not help. That has a very minimal stimulative effect. These kinds of things won't help. Making expiring capital gains tax cuts permanent has less—we put $1 in, we get less than $1 out. These kinds of things are important to keep in mind as we look at the stimulus proposal.

Thank you. Let me yield back to you.

Ms. WOOLSEY. The other thing we have to remember, Congressman ELLISON, every single economist has told us you have to spend the right amount enough, otherwise it doesn't matter what you spend because it won't do the job.

Mr. ELLISON. That's right.

Ms. WOOLSEY. And we have lobbied for a really bold stimulus package. I personally would have had a package that had the tax cuts on top of the spending, and it probably would have totaled over $1.2 billion.

Mr. ELLISON. Trillion.

Ms. WOOLSEY. Trillion dollars. Thank you. I still have a hard time saying ''trillion'' when I'm talking numbers.

And that, I believe, would have been what we needed. Because, you see, we're only going to have one bite at this apple. I don't believe we're going to get a second chance. So I think it should be as bold as it can possibly be.

And the third ''ask'' in our letter to the conferees was regarding investing in America's future, home ownership. We see this as one of the key elements in the Bush recession, the housing crisis that can be felt from Wall Street to Main Street. And that's why we think that the Senate action was actually wrongheaded.

The Senate bill zeroes out $2.25 billion in funding for the Neighborhood Stabilization Program, which would have provided funds to States and localities to purchase and rehabilitate abandoned and foreclosed homes.

The House allocated $4.19 billion for that program. We requested that our leadership return the funding to the House-passed levels so that we would then make a statement about how important housing and neighborhoods are and that we shore up the neighborhoods that are suffering the most.

Mr. ELLISON. You know, Madam Chair, no one has to tell you. You've been a parent. You've raised a family. You know how it is.

Ms. WOOLSEY. If you will yield a minute.

Mr. ELLISON. Well, let me yield.

Ms. WOOLSEY. I've been on welfare. I've moved—man, I can really relate to what's happening with people right now.

My children, they were one, three, and five years old. Their father was emotionally ill, and he left us; and I went to work, of course. I mean, they were my babies. I wanted to take care of them and did. But I couldn't make ends meet. So I kept my work and kept my job. This was 40 years ago, remember that.

But we had to go on Aid For Dependent Children to round off childcare and health care. And we got so much more in aid and help then, 40 years ago, than poor people do now, poor moms. And I just don't know how they're making ends meet.

We moved from a really nice home. We had two cars. I was 29 years old. We were the ideal family. And it just turned inside out.

And my kids and I moved to a little two-bedroom cottage. I bought a little beat up Volkswagen, drove it to work every day. It had a flower on the side—this was in the 1960s, of course. But it was so hard. And we got so much help, more help than families get today.

And that's why we want families in the stimulus recovery package to recover along with others that are going to get helped.

Mr. ELLISON. You know, Madam Chairwoman, it's so important that you share that personal experience because there might be people watching this broadcast right now thinking, ''Man, you know, am I just like a bad luck accident? Am I just like somebody who can't make it? Is it my fault that I am unemployed? Is it my fault that something happened? We had mental illness in the family,'' through no fault of their own. They're feeling like, ''Wow, you know, it's not working for me.''

So when you stand up here on this House floor as a Member of Congress saying, ''I have been there myself,'' it gives them great courage, and it makes them feel like there is a tomorrow; and it makes them feel like there are some people in this body who care and who understand what they're going through. Because, you know, I got charts and graphs up here with numbers; and, you know, you're choking on the world ''trillion,'' and of course it's all ridiculous.

But the point is that it is people who we're here fighting for. That's why the Progressive Caucus was formed. That's why we exist. Because the story that you just told, there are, unfortunately, too many stories like that being told. And there has got to be somebody in this body who will stand up for folks who are fighting, who are trying to make it, who are trying to take care of those three kids.

I am so proud of our Nation that there was, at one time in our history, when we understood that welfare wasn't anything to be ashamed of. It was what we did for our neighbors because we, ourselves, could be in a tough situation. It was saying we're going to step up for our neighbors; we're not going to let them go without because we all know that we're one accident, one medical problem, one job loss away from being in that situation ourselves.

So this is what a caring Nation does. It says that yeah, you may be living that middle class dream, but you don't know what's going to happen to you next year. And we are here for you because we're all Americans and we care about each other. This is the kind of thing the Progressive Caucus stands for, and it's why I'm so proud that you are our chairperson.

Ms. WOOLSEY. Thank you, KEITH.

And, you know, I'm going to go into our fourth ''ask'' of the conferees, but I think it's important to say because this is probably why we're fighting so hard. When I was on welfare, I used to say to my friends—I was on welfare for 3 years, working the whole time. I would say to my friends, ''Well, I don't know how other women do this.'' They think, ''Are you crazy? What do you care about other women? You're working. You're going to be off of it pretty soon.''

But, you know, I always knew that I was educated. I had college—hadn't graduated but I had several years of college. I had great job skills, I was as healthy as a horse, my kids were really healthy. And, you know, I was assertive so I could make things happen. And I always worried that other women with children didn't have those same privileges that I had, actually, in growing up.

□ 2145

And it's never left me. It has never entered my mind that I made it; so why can't you? I know how important that help was.

Mr. ELLISON. That's right.

Ms. WOOLSEY. The Federal Government was there for me and my family, and you have to believe I've paid back.

Mr. ELLISON. Reclaiming my time, you know, the Federal Government has been there for so many of us, even those of us who are under the mad delusion that we did it all ourselves. You know, you may be a big successful businessperson, but you get out of the bed in the morning knowing that if somehow you had a medical problem, 911, you could call them, and the EMS truck—that's the government—would come take care of you and take you to the hospital.

If you do manage to get all banged up and clean, the water coming out of the shower, somebody's inspected it to make sure that it wasn't going to poison you.

You get in your car and you get out on the road, that's the government, too, buddy, making sure that you have a decent road to go on.

And then because people aren't driving a gazillion miles an hour driving crazy, there's a cop out there making sure that people obey traffic rules. That's the government as well.

And there is a light that's properly regulating the traffic flow, the government. And then you drive to work and

you see your employees, and you know what, they were educated in public school, the government again.

And after all of that help you turn around and said I did it all myself, and I don't want to pay these taxes because they're reaching in my back pocket, wait a minute; we've been helping you every single step of the way. Maybe the invention that you sell was on a government research grant.

So many opportunities are afforded us because we come together, because we are a society that operates for the common good, and yet, we have some people who only want to say that it's all me, I did everything, it's just me, I don't want to pay any taxes, I don't want to help anybody out, I don't care about any poor people. I don't care if a husband had a mental health issue, couldn't maintain his livelihood; she ends up having to turn to a welfare system which really is a caring society. I don't care about them. I don't care about those three kids. I don't care about those homeless people.

That kind of psychology is why we exist to try to tell people that we're better off together than we are apart. We're not trying to stop you from being able to do your own thing, but don't forget about the rest of us as you do your own thing.

The taxes are what we pay to live in a civilized society. The taxes are what we pay if we want good roads, good water, clean meat, if you want to be able to eat a peanut and not fall out from salmonella poisoning. This is what it's all about.

If you want to make sure that some of those women who were not as lucky as you, maybe who didn't have those job skills, maybe just weren't as fortunate as you, but we do have a system in place to do workforce training so they can get these skills and take care of themselves because we all want to be able to take care of ourselves. This is why the Progressive Caucus exists.

So let me yield back to you again.

Ms. WOOLSEY. Well, just to finish this thought, every person we help who gets back on his or her feet pays back to the community and to the greater good.

Mr. ELLISON. That's right.

Ms. WOOLSEY. And that's what happens to most people who get help; some, not, but most do.

So, knowing that, the fourth issue we have of asking of our conferees in our Progressive Caucus letter that our two co-chairs signed is investing in America's health care.

Mr. ELLISON. Very important.

Ms. WOOLSEY. Fewer Americans have access to insurance and health care. The House appropriately invested in immediate and preventive care. The Senate bill cuts $5.8 billion that was directed towards grants and contracts to prevent illness through health screenings, through education; malnutrition, immunization, nutrition counseling; media campaigns and other activities related to health.

The House actually had set aside $3 billion for prevention and wellness, and furthermore, the Senate version cut $5 billion that is intended to help unemployed workers pay for health insurance, reducing the Federal subsidy under COBRA coverage to 50 percent from 66 percent. That's something I have no idea how somebody can be out of work, living on unemployment, and afford COBRA. I mean that would eat up one whole person's unemployment or both family members that are working.

So, practically speaking, the Senate bill ignores the fact that many States who have unemployment insurance benefits that are covering or need to cover the newly unemployed workers will receive less money for the unemployed workers and for pay for food or housing, and that's going to really wipe out our States. And then individuals who have to pay COBRA health coverage, that wipes them out, and we're not going to help them if you don't change that in the conference.

So that's health care that's not going to be supported like it should.

Mr. ELLISON. So let's look over the four things. Number one, the Progressive Caucus is in there pitching hard for education; two, for aid to the States; three, for homeownership; four, health care. The Progressive Caucus is fighting for America's people. I'm so proud of the leadership that you and Congressman GRIJALVA offer to us.

Let me also add on this health care front, the pandemic food preparedness. That's a serious health care issue, and the House version included $900 million for food and the original Senate proposal only had $870 million. That could be a big difference for people who really need the help.

I also want to just add on a few other items if I may. You mentioned the neighborhood stabilization program, very important program, and I want to mention that which I believe was the third item that we asked for in the Progressive Caucus letter.

The neighborhood stabilization program helps local communities say that, look, if you have a bunch of foreclosures on a block, we're going to try to go in there and do something with that abandoned house because you know that if you have never missed a payment on your mortgage, you upkeep your property, you do a great job with your house, the second you get a foreclosed property next to you, your property value has just dropped. If somebody doesn't move into that house, and oftentimes they don't, the lawn may not get cut, the pipes may burst, people might steal the copper out of them, and it just creates a real nuisance to the whole neighborhood and drags the whole neighborhood down.

Again, back to this idea of some people believe, well, I don't want to help anybody out of foreclosure because I paid all my bills. Well, look, if you can have the value of your home protected by making sure that people don't get foreclosed upon or that if they do, the foreclosed property doesn't just go down, that is helping you. That is helping you. But it's helping you in a way that recognizes you're a member of the community and not out there all by yourself.

I also wanted to mention, as you mentioned, as we talked, there are other things like infrastructure development we've got to keep fighting for. Rural broadband access. In the Senate compromise, funding to increase broadband access in rural areas and other underserved parts of the country was reduced from $9 billion to $7 billion. That's more than twice as much as the House has offered.

Also Byrne Justice Assistance Grants, let me tell you these help fund a lot of the police departments around the country. The fact is that we cannot stop protecting the public just because we have a recession. A lot of police departments, local governments as we talked about before, are under a lot of pressure, and the Senate proposal trims additions to the Byrne Justice Assistance Grant Program which provides formula funding to State and local police. And the compromise would cut $450 million from Byrne grants, reducing funding from $1.5 billion to just about $1 billion, and that's not a good thing. We need to be able to stick out there.

And I also can't neglect home weatherization services, where the House bill allows for a Federal program that provides funding to increase energy efficiency for low-income families. The Senate allocates only $2.9 billion for the program, while the House had 6.2. And of course, LIHEAP, I know that's a favorite program of everybody. Low-Income Home Energy Assistance Program, unlike the House bill, the Senate version does not include additional funds for LIHEAP, which help low-income families pay utility bills.

So, again, the House bill is much better, and we hope that the conferees fight for the House version of the bill because that is what would help America much better.

Ms. WOOLSEY. And if the gentleman will yield, nine-tenths of the list that you read off creates jobs. I mean, it doesn't just upgrade the home and keep and make it energy efficient, which is so important, but the people doing the work are employed, and they're employed in jobs that pay a livable wage, and that is so important.

And one of the things we asked, not as one of the four key areas of the conferees, but that we let them know that we're concerned about the Senate's package in their investment in jobs because we wanted them to focus on

green technology, and we wanted them to focus on veterans, and we absolutely are insisting that they maintain the prevailing wage. I mean, if we're going to have Federal funds, if we're going to be creating jobs, we do not want to create jobs for slave labor, and we want jobs that can make the worker independent and able to take care of his or her family.

Mr. ELLISON. A good, livable wage, green jobs.

Let me say that the American Recovery and Reinvestment Act, which is moving its way through Congress at this time, different House and Senate version, 90 percent of it overlaps but there are some important differences we just talked about.

The bill, the Democrat bill quite frankly, H.R. 1, which passed through the House, would create about 3.7 million jobs. That's a lot of jobs. The House Republican plan would only create 1.3 million jobs.

Ms. WOOLSEY. Still a lot of jobs but we can do better.

Mr. ELLISON. We can do more than twice as better. So we can't just do as the little we can do. We've got to do as much as we can do because unemployment is a serious issue.

It's important to understand that jobs lost in the last 13 months is we've lost 3.6 million jobs. So, if we want to recover what we've lost in the last 13 months, we've got to have a bill like the House plan, and if we don't, we're going to be in a real situation.

And folks need to understand—and I know you understand this very well—you know, if I lose my job, then I'm not going to get that haircut because I really cannot afford it. That's a 20 bucks I'm not going to spend. So now the barber didn't get that 20 bucks. Maybe there's a few other people who can't get their hair cut. So now maybe the barber's not making enough money to make his rent. So now he has got to say maybe I can't do barbering, maybe I've got to close down my little shop now because I don't have the volume of traffic coming in. So now this is a person out of work. So now maybe the barber would go to the diner across the street and eat lunch every day. They're not buying meals.

So this thing has a ripple effect. So that's why it's important for us to pass a jobs and stimulus bill but a smart bill that invests in long-term recovery.

You know what, I want to show you another jobs chart up here, and again, you very clearly pointed out the individual human toll. But just to do a little numbers for a moment, Job Losses in Recent Recessions. Now, if you look at that blue line, this is the recession of 1990. This is the 1990 recession. We were coming out of George Bush, the First, and that was the 1990 recession with the first George Bush. And so we had a recession then, and that was a Republican time and we had a recession, and those things seem to go together for some reason. But anyway, we had another recession in 2001 when Bush came into office. You know, Bill Clinton left America with a budget surplus.

Ms. WOOLSEY. Right.

Mr. ELLISON. And you know, the other party got in and they took care of that surplus real quick. But the 2001 recession dipped us down. We lost the volume job loss relative to the peak month. This is way down.

□ 2200

Now, the current recession is off the chart. That is the green line. Pow. We are not even measuring how far down. We don't know how far down we are going to go.

Ms. WOOLSEY. This is not finished.

Mr. ELLISON. This is not finished. And the fact is that the job losses that we are looking at—3.6 since when the recession started in December, 2007. Something must be done. We have to act now. Anybody who knows anything about economics knows that.

And I will say this: while I really want the Senate version to improve, and I really am going to fight for that and encourage people to get on those conferees and have a better bill come out, I know that we have to do something. No action is no option.

Ms. WOOLSEY. Right. We need to pass the stimulus. The other thing the economists tell us, and they are absolutely right, we know that, besides—the first thing they tell us is, It's got to be big enough to make a difference. The second thing they tell us is, It's got to be done quickly.

So we really have to come to agreement this week and get on with taking care of the recovery that people need in this country. We need to be making people first, we need to have people in need—we need to help them. We need to create jobs, we need to spur innovation, and this economy can and must get back on track.

Mr. ELLISON. Now, I want to say, if the gentlelady yields back, that the American people are behind us here. Sixty-seven percent approved of President Obama's efforts to pass the stimulus. Only 25 percent disapproved. The Democrats in Congress scored a 48 percent approval rating. That is way up from before.

And we had 42 percent of those disapprove of actions in Congress' majority. Unfortunately, the party on the other side of the aisle, the Republicans in Congress, have an approval rating of only 31 percent. But I think they could do better if they support the bill. I would love to see them improve their popularity by supporting the bill.

It will be great to have a bipartisan bill. The first time it went through, we couldn't get one Republican vote, even though President Obama came to talk with them, even though he reached his hand out, even though he extended himself to try to get to this post-partisan world that we all really, really want. But he put his hand out and they left him hanging.

Maybe it's going to come back around, and we can get a few Republican votes next time. But I just want to make clear that the American people are on the side of a stimulus package that will help them get back to work, and they believe that the President's doing the right thing by pushing this bill.

Ms. WOOLSEY. Also, Congressman, they knew who dug this hole. I mean, this is a deep, deep hole that our new President, Barack Obama, inherited. And expectations are that he dig us out of it and go forward at the same time. Now that is going to be very hard. But we are going to do our part in working with him to make sure this can happen. But it cannot happen overnight. We have to know that that hole is so deep that we don't know where the bottom is yet.

So it seems so odd to me that the same people who dug the hole are the ones who are saying, We want to keep doing it the way we did it all along. The only way to solve this problem is to cut taxes some more.

Mr. ELLISON. If the gentlelady would yield back, you know the definition of insanity, right?

Ms. WOOLSEY. Doing the same thing over and over.

Mr. ELLISON. And expecting a different result. Deregulation and tax cuts got us into this mess. But fair regulation and shared prosperity is going to get us out. And that's why the Progressive Caucus is here tonight, talking about the progressive message.

Here's the Web site right down here. Congressional Progressive Caucus. Here's the Web site.

If the gentlelady from California feels that we made our point tonight, what we are going to do is hand it over. But I think before we do, any parting comments you would like to make?

Ms. WOOLSEY. I would just like to thank you, Congressman ELLISON, for what you're doing here to help the country see what the progressive ''ask'' is. We have a progressive promise that will go over with them one of these days soon. But right now the most important thing we can do is stabilize the economy for those in this country. And it's going to affect everybody.

I believe you're totally right. People are with us because they get it. If they are not hurting themselves yet, they certainly know many people who are.

Mr. ELLISON. That's right. So this is the progressive message, this 1-hour Special Order that the Progressive Caucus comes to the American people to talk about what is really happening, Mr. Speaker. We have been fortunate

to have the chairperson of the Progressive Caucus, who's been offering tremendous leadership, not only on economics, not only on an inclusive economics system, but also on war and peace. That's another thing that you have done such a great job on.

How many 5-minute speeches have you given on the issue of peace?

Ms. WOOLSEY. Over 290.

Mr. ELLISON. I don't think there's anyone who's done nearly as many. I think you probably have, like, broken a record somewhere along the line.

Ms. WOOLSEY. People say to me, Why do you do that? You're just talking to an empty room. First of all, it's not an empty room because people are watching us. But that 5 minutes is the only 5 minutes I have every day that I can control my subject without it having to be part of what everybody else's agenda is. And, I am telling you, I said I was going to keep talking until our troops were home from Iraq. And, guess what? They aren't home yet.

Mr. ELLISON. So you're going to keep talking.

Ms. WOOLSEY. I am.

Mr. ELLISON. Let me say, just like you have been there day in and day out, talking about peace, bringing our veterans home, we are going to be here week after week doing a Special Order with the progressive message. We are going to be encouraging people to get involved. It's not just about an outcome, it's also about a process.

We want to encourage people to get involved. What can you do? You can write, you can call. You can raise your voice and let your voice be heard.

With that, Mr. Speaker, I want to thank the chairwoman of the Progressive Caucus, and we will yield back our time.

HOW TO DEAL WITH THE ECONOMIC CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. It's an honor and a privilege to be recognized to address you here on the floor of the United States House of Representatives. It's interesting and intriguing for me to listen to the dialog that flows forth from earlier this evening, the gentleman from Texas, and now the voices of the Congressional Progressive Caucus as they put their poster up on the floor that directs people to their Web site and make their argument as to the things that are in this stimulus package that they believe should stay and the things that are not in and may have been taken out that they believe should have stayed in or be put back in.

I think, Mr. Speaker, that this debate that we have is much deeper and much more profound than the components that have been discussed here in the previous hour. I think it goes to our vision of America itself. And the question that is before this country is, in some sense, What will we do in the middle of this economic crisis, this one that came tumbling down upon us on September 19, the date that Secretary of the Treasury Paulson came to the Capitol and very intensely insisted that we provide $700 billion for him to spend at his discretion, without a lot of oversight, perhaps with no oversight, and provided that bailout money in two different increments, $350 billion in the first increment, and then congressional disapproval would have been required in order to block the second $350 billion.

So the entire $700 billion of the bailout money has been advanced into the hands of the Secretary of the Treasury who has some problems of his own. Those would be of his own intent to pay his taxes, et cetera, Mr. Speaker.

This discussion that we are in, this discussion that is being led by the President of the United States and his position that we must do something, we must do it fast, we can't do it halfway, we must do it all the way, and his insistence that we not flag and that we not fail, and that we come forward and support this stimulus plan has galvanized its support in the House of Representatives and in the Senate behind a single simple philosophy that seems to justify the capitulation of the responsibility to each of us Members to draw a reason and informed judgment and do the right thing for our country, for our State, for our district.

And this decision is this. Pulling back in behind this logic, which is, President Obama has called for a stimulus plan. It shall spend $800 billion, or more, plus the interest, which will be about $350 billion in addition to that, and it will have a mix that has some small business stimulation in it, some infrastructure in it, and a lot of other things, which are the bells and whistles and wish list to the left, Mr. Speaker. It's all packed in there.

And the Members, especially the Members on the Democrat side of the aisle here, and the U.S. Senators of the same political party, they will argue and defend component by component. But the rationale that's going on in the minds of the Members and the caucus is this: Well, we must do something. We know we have an economic crisis. This is the only thing that we can choose from because that is what has been served up to this Congress by the Speaker of the House, by the majority leader in the United States Senate, and by the President of the United States, who happened to be, not coincidentally, the three people in the United States that could come together in one room and set the direction for this entire country and not have to go outside that room and ask anybody for their input, for their knowledge, their wisdom base, that of their constituents.

A lesson from history, a look through the looking glass into the future? Sometimes it feels like we have gone through the looking glass here, Mr. Speaker.

But here's the question that is before us. In an economic crisis, with a crisis of confidence in our financial institutions, a crisis of capital that arises more out of that lack of confidence than it does out of a slowdown of production or slowdown in the markets—it's the other way around. It's the crisis in the capital that is backing up and causing these slowdowns.

But to look through the history of the economy of the United States, or the free world, for that matter, and for an economist to ask themselves, and all of us should be at least amateur economists here. We're making decisions for the people of the United States of America.

But they ask themselves, What has happened historically and economically that we have addressed from this Congress that has been improved, and how did we do so? So, we take ourselves back through this history, and I can think of the economic crisis we had in the eighties. I saw the charts, Mr. Speaker, that were put up here on the floor that show—well, what shall I call them? Bush 41's recession and then Bush 43's recession. That seems that's how it was presented by the Congressional Progressive Caucus.

No. We have had some real economic crises in our past. One of them was what we called in the Midwest the farm crisis, which was not limited to the farm crisis but it also was a real estate and an energy crisis. And during those years of the eighties, when things were very tough economically and statistically worse than they are today, although I won't argue that things today will not get that bad, Mr. Speaker.

But in the eighties we lost 3,000 banks. Many, many farms went under. We lost a lot of oil rigs out there that they were producing and tapping into our energy. The crisis in the real estate was a big piece of it too. Three thousand banks. The FDIC came in and closed a lot of them. In fact, they shut my bank down on April 26, Friday afternoon, three o'clock, 1985. I remember the red tag on the door. Closed by order of the banking commissioner. Highway patrol guarding the door, Mr. Speaker.

Those were some tough times. And what did we do then? Well, we didn't do a lot of the things that are being proposed today. There was some plans that came out. One of the things we did was we provided net worth certificates to shore up some of the banks that needed some collateral. They accepted a look over their shoulder from the FDIC and asked them to shore up their operations. Those banks that received

that kind of collateralization, all came out of it. Every one of them was part of that. All succeeded.

We found a way through this, and we sold some real estate down to the value of the real estate. New buyers came in that could borrow the money or had the cash to make the purchases because there were some bargains out there. When those bargains got picked up, the markets came up. Real estate prices stabilized. Banks became stable again. The confidence was back in our economy again.

That was a long decades of the eighties. A lot was wrong. A lot was more wrong going into the eighties than we are seeing today. We had high unemployment then. We had high inflation then—inflation that ran up towards 20 percent. And I personally paid 22 percent interest for operating capital to keep my business running through a tough, tough decade of economic times.

□ 2215

We are not seeing 22 percent interest today, Mr. Speaker. And our employment rates, yes, they are going up, and we have over 10 million people in America that are at least statistically looking for jobs. It is not as bad as it was then, yet. And the eighties were not as bad as they were in the thirties. And when we look at the thirties, there should be some lessons there for us. And I sat in classroom after classroom getting my classical education; and one historian, government teacher, economist after another would fill our little brains full of the knowledge base that has been learned from history, that we had an economic calamity in 1929 and the stock market crashed and people jumped out of the windows to their death because they couldn't sustain the grief of watching their net worth go down. Well, if you look historically, it is pretty hard to find anybody that jumped out of the window. It wasn't as bad as they said, from that standpoint of Wall Street suicides, at least.

Then, through those times Herbert Hoover was President, and he had great confidence in his ability to manage. And so he came forward with the Smoot-Hawley Act, which was trade protectionism, and there was global retaliation. And then our industry and our manufacturing and our exports lost a lot of their markets because of the trade protectionism. Each country around the world did a lot of the same thing; they pulled back within themselves, and the economies began to shut down in that fashion. They opened up the legislation so that unions had a little more powerful leverage when it came to striking. They passed the Davis-Bacon Wage Act; that followed.

But as this economy went down, Herbert Hoover believed that he could manage his way through that. He didn't trust the marketplaces like Calvin Coolidge did, but he trusted his ability to manage, and he lost his reelect. My only Iowa President lost his reelect in 1932 to Franklin Delano Roosevelt.

Franklin Delano Roosevelt came in, and he had been influenced by the famous economist Keynes, who advocated that if government just spends enough money, it will create an economy that will have apparently its own inertia, and it will bring us out of this great depression.

So FDR's programs came in one after another, the WTPA, the PWA, the CCC, on and on and on, the TVA. And each time that the Federal Government stepped in and started another program, they competed with the private sector; they competed with the private sector for capital and they competed with the private sector for labor.

Now, if you go back and look at wealthy nations and see what Adam Smith has to say about the value of any product, he will say and he has written there very extensively that the value of any product is the sum total of the capital and the labor that it takes to produce it, deliver it, market it, and get it into the hands of the consumer. So if you buy a gallon of milk, you add up so many ounces of milk is for the capital that it took, and the balance of it is for the labor that it took for it to deliver. And that is how Adam Smith analyzed it.

But the capital and the labor in the United States was being swallowed up in government. And capital, when it comes in significant quantities in the private sector, the productive sector of the economy, smart money goes to the sidelines rather than compete with government. And that is what happened in the thirties during the great depression: The smart money went to the sidelines, our economy stagnated, and we had soup lines and we had make-work projects and we had hand labor, stoop labor building dams and roads and parks. We commissioned and paid people to go out into the cemeteries and write down everything that they could read off of the stones in the cemeteries so there would be a record. We paid writers to write; we paid painters to paint, because we wanted to pay people to do something, or nothing, so that the borrowed money and those tax dollars could flow out into the economy, into the hands of the people that would spend it.

Sounding pretty familiar right now, Mr. Speaker, this idea of taking dollars and putting it into the hands of people so that they spend it to stimulate the economy. In fact, Keynes himself had I think some fairly radical ideas: Spending money would stimulate the economy. In fact, his approach was that the worse utility that a project had, the more useful it was from a government perspective, from the standpoint that if the government spent money on something that was completely ridiculous, at least they weren't competing with the private sector. So Keynes understood some of the argument that I have just made. He went so far to make the argument that he could solve the unemployment problem during the thirties if we would just take those good old Treasury notes or Federal bills, greenbacks, U.S. cash, put them in jars and take them out to a big old abandoned coal mine and bury those jars around there in that old abandoned coal mine—this is Keynes talking—and then fill the old coal mine up with garbage and turn the laissez fair loose, the free enterprise loose. Let the entrepreneurs go out and dig through the garbage to dig up the money, and that would solve, through the competition of digging up this money that had been buried by the Federal Government, that would solve unemployment.

Now, he may have been a little facetious in that description, I don't know his personality, so I can only speculate that. I hope he was a little facetious. But I think his point that he wanted to make, that it didn't need to be useful work, it didn't need to be productive work.

President Obama said, ''Well, we are not just going to pay people to dig a hole and fill it back up.'' I thought that was my vernacular; I am the person who spent my life in that business of moving dirt, and on one occasion actually did dig a hole and fill it back up with nothing in it, only one occasion. The man changed his mind in the middle of that operation. But for the President to say we are not just going to dig a hole and fill it back up, but he is modeling his economic model, the President's ''new'' new deal off of Franklin Delano Roosevelt's ''old'' new deal, which really was dig a hole and fill it back up sometimes.

And here is the point that I intend to make, Mr. Speaker; and that is, however one would analyze the ''old'' new deal in the thirties, it is not possible to look at the numbers and come to the conclusion that the new deal solved the depression, the great depression for America. In fact, the best conclusion that one can come to, the most charitable conclusion is that it may have, may have, Mr. Speaker, diminished the depths to which we might have fallen without the new deal in place. Maybe the economy would have gone into a complete straightjacket and tanked and gone forever downward and waited another decade or two to get its confidence back. Maybe. Maybe. I don't believe it would have, but that is the best that one can say. And the trade-off is, if a new deal, a huge massive spending gets poured into the economy for make-work projects, if that diminishes the depths to which we might otherwise fall, the trade-off is certainly it delays the recovery as well. It delays the recovery, because smart money sits

on the sidelines. Entrepreneurs have been hired by the government to dig a hole and fill it back up, and smart money always goes where there is some profit, and right now smart money is pulled back to the sidelines. That is why we had some bonds that actually went into the red for just a little bit, for a little while.

There are two sectors of this economy, Mr. Speaker, that we don't talk about very often. The one that is being stimulated and is attempted to be stimulated by the President's proposal, by the components of it that are the Speaker's proposal, or the Senate's proposal, in its aggregate, that one seeks to spend money for the sake of getting it in the hands of consumers. We did that with the rebate program not quite a year ago; and you can look back on the charts for that, Mr. Speaker, and you will not see a blip that that money was spent and injected as stimulus into the economy. $150 billion in the hands of the American people, and about 30 percent of it actually got spent on new goods and about 70 percent of it went to pay off credit card bills or went into savings. So only 30 percent of the overall proposal, less than $50 billion, actually went into the economy. It doesn't even show up as a little tick on the line.

Now, $150 billion I understand, Mr. Speaker, is chump change compared to this massive piece that the Senate has now passed that we expect will be before us very soon. And this piece, when you add it all together, is over $1 trillion, but it is not much of it money spent that is going into the productive sector of the economy.

The productive sector of the economy is the private sector of the economy; it is the sector that actually produces goods and services that have value. And I have said from this microphone many times, Mr. Speaker, all new wealth comes from the land. You either raise it out of the soil, or you mine it out of the earth. You can seine some fish out of the ocean. That is about the end of it. Otherwise, it comes out of the land. And it has to start there. And out of it comes food and fiber, and from the food and fiber comes the thing we need to live. And as we add on to that, the services that come from the food and the fiber, then you get your insurance man and your doctors and your lawyers and your teachers, and all of the facets of our economy flow from the new wealth that comes from the land. But the things that we need in order to live, the housing, the clothing, the food, the necessities of life and then the niceties of life, they come from the productive sector of the economy.

Then, we have this nonproductive sector of the economy that I sometimes call the parasitic of the economy; and that is the sector that looks over the shoulder of the productive sector and decides: Well, I am going to regulate you and I am going to tax you, and I am going to justify my existence by making it harder for the productive sector to produce. That is what government often does. Government overdoes the overseeing, the overregulating, the taxation, and inhibits production.

So, on the one hand we have the productive sector of the economy that has to carry the entire burden of government, the entire burden of, let me say, the nonproductive sector of the economy in my charitable moments, and we are loading up on the nonproductive sector of the economy and we are not giving enough relief to the productive sector of the economy.

That is what this argument is about: Are you going to have an economy that is stimulated by producing more things that have value, and building the kind of infrastructure that supports commerce and trade, and reducing the kind of taxes that allow smart money to make investments with the confidence that they won't be punished for their success by a Congress or a President that has the idea that a windfall profits tax, for example, is a good way to punish someone who turns a resource into value and puts it into our economy and pays their share of taxes as it is.

We are heading down this wrong road, this road that the President has identified as: We have to construct the leg of a stool. He didn't say how many legs, but generally, if it is a three-legged stool, they will say so. If it is a two-legged stool, they will say so. It is not a milking stool, I wish it were, Mr. Speaker. But this single leg of this multi-legged stool that the President announces we have to construct and we are going to do it one leg at a time without an idea of what the stool looks like or what the other legs look like or what they are made out of except money. We have one leg that may be back to the floor of this Congress tomorrow and likely this week that cost $150 billion for a rebate plan not quite a year ago, $700 billion-plus for the bailout last fall, and 830 or so billion dollars plus $350 billion in interest on that that is sitting here now waiting to land on the floor of this House. Just add it up in round terms, Mr. Speaker, let's just call it $2 trillion: $2 trillion to construct a single leg, and I am tracking the President's words, of a stool that is supposedly going to get us out of this mess that we are in; $2 trillion. And no one will stand up and say: Here is the effect of this money? Here is what you can expect with the economic indicators? Here is how you will see jobs in the productive sector of the economy grow or investment increase or capital be freed up for entrepreneurs? None of that is there, except to say that we are going to create or save, well, 2.5 million, 3 million, then 4 million jobs. And sometimes they get a little lazy and forget to say create or save, and they just say create 4 million jobs, but in their lucid moments they revert back to the create or save.

Now, I would like to be the one who would announce that I am here, Mr. Speaker, and I am going to create or save 10 million jobs. And 10 years from now you can go back and look, and even if I didn't point to a single job that I created, I can easily point to 10 million jobs that have been saved.

□ 2230

A saved job is not a measurable, quantifiable means of determining any level of success. But it's a word that lets you slip away from being held accountable for a policy that is utterly destined to fail. The New Deal failed. It was a mistake. Historians looking back on it and economists looking back on it can only point to high employment numbers, low economic activity and a stock market that crashed in October of 1929. And in spite of all of the billions of dollars in new Federal spending in the New Deal program, the stock market still didn't reach the peak that it was at in 1929 until 1954.

Now, Mr. Speaker, the President says that World War II was the best, the largest economic stimulus plan ever. Now I don't exactly quibble with those words on their face. I would just add to that, that it makes it clear that the New Deal didn't solve the Great Depression. He understands that. He argues that FDR should have spent more money, not less, that he lost his nerve, he shouldn't have worried about a balanced budget, and if he had just done enough, if he had just doubled down two or three more times, he would have come out of there as a winner. But World War II came along as the largest economic stimulus plan ever. I won't disagree with that statement.

But I will say this: It didn't quite solve our economic problems. But I believe it did start us on the path to recovery. And by the end of World War II, we hadn't yet recovered. The stock market was still 9 years away from reaching its former apex that it was at in 1929. But I believe that the post-World War II industrial might of the United States, because we were the only industrialized nation in the world that hadn't seen our industry devastated in World War II, gave us a comparative advantage. The greenback was good currency all over the world. We built products for everybody because we could. And many of them had to put back their entire infrastructure in order to be up and running again.

So, yes, World War II was a stimulus plan. But the aftermath of World War II gave a marketplace for America's industrial might to continue, to switch from making tanks to making cars and making other products and exporting them around the world. So a quarter of

a century later, after the stock market crashed in 1929, we reached the previous apex and Dow Jones Industrial Average, if that is our measure of recovery, in 25 years.

So here we are today, Mr. Speaker, with an economy that has had its ups and downs. And I could take you back through the short-term history of this. We have created a lot of capital, trillions of dollars worth of capital. Some of it was false. Some of it didn't represent the actual, real value of the assets underneath it. Some of it was because Wall Street had run amok, and they were betting on a long run of a bull market. And the checks and balances weren't in place. And AIG was not calculating the risk and didn't have the capital underneath them in order to back up the insurance that they were providing.

So this has tumbled. But in the end, we need to come back to what is the real estate worth that is underneath this? What are the businesses worth that are part of the shares that are there in our stock market? Let's get down to some real values. And the $2 trillion leg on a multi-legged stool and not knowing what the stool looks like or how many legs there are, but we just know the idea is spend money, spend money, spend money, and spend it over here, and spending brings us back out of this economic situation that we are in. Production will do that.

Mr. Speaker, I submit that we need to suspend capital gains taxes and do so for 2 years. Let that smart money find a place to go without being penalized for coming back into this economy. The smart money that is on the sidelines, the $13 trillion or so that are overseas that are invested in the economy in other parts of the world that are faced with a capital gains tax, if it is corporate, if it comes back into the United States, we can free that up, Mr. Speaker. And that $13 trillion is a number as of last September. So chances are that today it's not quite $13 trillion any more. And we won't get it all back. But we will get back 1 or 2 or $3 trillion. We will get back more money that is stranded outside the U.S. economy because of the impediment of facing capital gains tax that we're going to be able to put into this economy with this so-called stimulus plan that is before us, this Congress, as we speak. We will get more money into the economy.

And then the groan goes up on this side of the aisle because if we suspended capital gains tax, we will be giving up an opportunity to tax one of these greedy capitalists. How could you live with yourself if you passed up a chance to tax somebody and you let their money come in and get invested in our economy? Well, I can live with myself to do that. If you have a good argument, I will be happy to yield and hear that argument. But I don't think you have one. We need to bring this capital back into the United States and get it into this economy. But the lost revenue for an immediate suspension of capital gains if we did so for the year 2009 would be, Mr. Speaker, $68 billion. Now I'm going to say this: Only $68 billion as compared to a couple of trillion dollars in bailout money, $68 billion in lost revenue for suspending capital gains taxes to bring in $1 or $2 or $3 trillion from overseas, maybe more, into this economy to find its way to where it would do the most good, because smart investors will do that. If we suspend capital gains tax on picking up the toxic debt that is there, those were Secretary Paulson's words, suspend capital gains tax on the income off of those investments, smart money would go pick up these mortgage-backed securities. They would take them off the marketplace. Smart money would then go out into the communities and work with the people that have been evicted, or I should say about to be evicted, from their homes, find a way to renegotiate some of those terms or sell the home, turn around and remarket it to somebody that can make some reasonable payments.

But we've got to go through this. We've got to bite the bullet. We've got to take the pain. We've got to make the adjustments. And it is not going to work for us to borrow from our children, our grandchildren and our grandchildren's children trillions of dollars with no idea of how to pay them back and no way to even move towards a balanced budget, but to put all that demand out there in the world market for capital, borrowed money from the United States Government.

And where will we borrow that money from, Mr. Speaker? Do we borrow that money, then, from China with their economy going south? Because when we catch a cold, the Chinese get sick, as well. They're tied to our economy. Are the Saudis going to have that kind of cash that they will loan to us? Perhaps. But the interest rates are going to go up. To borrow that kind of money and put it into the economy in that fashion is irresponsible. It denies the very values of the economic lessons that we know. It denies that we need to produce something that has value.

Now, if Keynes is right and we can go out, borrow the money and then bury it in the coal mine, cover it up with garbage and turn people loose to dig it up and that would solve the unemployment problem, then I think he is way off, Mr. Speaker. I'm of the other side, of the supply side of this economy.

Let me take this to another step. Immediately, I would suspend capital gains tax for 2 years. I would lock it in in stone so smart money would know they had 2 years to find a place to settle it. And maybe I would back it up even and look at the numbers, perhaps even 1 year. But if it's 2 years, we will be giving up $68 billion worth of revenue for not collecting any capital gains tax for 2009, $61 billion for 2010, that's it, $129 billion, that would be the total cost of putting 3 to 5 or more trillion dollars into this U.S. economy in the right place where smart money would go.

Now that is one of the things we could do. We can go down through the list. We ought to be talking about reform. We ought to be talking about repealing the Community Reinvestment Act and about privatizing Fannie and Freddie and requiring them to be capitalized and regulated like the other banks are. And we need to be talking about amending the mark-to-market accounting rules, the credit-default-swap rules, putting these trades up on the Internet so that there is sunlight on all of them so they can be tracked and they can have oversight.

All of those things need to happen, Mr. Speaker, and all of those things are things that should be done immediately, along with having a commission to examine the situation of the finances in this country and the economy in this country to come to a conclusion as to where we went wrong and to make some more of those changes. I have listed some. What we need to do is build a structure so it doesn't happen again. It's unlikely to happen, Mr. Speaker, when we have the chairs of the committees that have been part of the problem in the first place. Albert Einstein once said that you never solve a problem with the same mindset that created it. And we're dealing with people that have gavels that have the same mindset that created this problem.

All of these things I have talked about need to be done in the short term and in the temporary. There is a broader solution that needs to come, Mr. Speaker, and that is to set up our taxes so that we can be free of these kind of burdens for all time. I have many times come to this floor and spoken about the need to eliminate the IRS, to move to a national sales tax and to understand a principle which is this, that what you tax you get less of. The Federal Government and the United States has the first lien on all productivity in America. If you're going to earn, Mr. Speaker, Uncle Sam is there with his hand out to tax. If you're going to save, he taxes the earnings off the savings. He taxes your proceeds off your investment. Uncle Sam is there with his hand out to tax it, earnings, savings and investment. If you're a producer, you're punished by being taxed. If you're a consumer, that's fine. Some of the States, many of the States have a sales tax. Beyond that, consumers consume without being taxed except for an additional excise tax that exists in some places as well.

What you tax you get less of. But we tax all of the productivity in America. And taxing all the productivity in

America virtually ensures that there won't be as much productivity in this country as there would be if we passed a national sales tax. The Fair Tax, Mr. Speaker, took the tax off of our production and put it over on consumption. If we do that, we will allow the American producers an unlimited amount that they can produce, they can earn, save and invest all they want to earn, save and invest.

When I think about people that are working a job and they're working the angles on that job and they're thinking, well, let me see, I have got my 40 hours in this week, now when I start working overtime, I go into a different bracket, my withholding is a little different, I don't know, my payroll per hour isn't as good as I would like to have it, I'm going to limit the overtime hours I'm going to work. Or it might be somebody in sales that gets paid on commission. And they do a calculation on the taxes that they would pay the IRS. And they reach a certain point, and they realize how big a chunk Uncle Sam is taking out of them, and they decide, I'm just not going to produce any more than that. I can live comfortably enough down here without having to work twice as hard to get half again more out of that labor because the tax rate swallows up that much.

Now that is just an individual working sometimes on commission or on overtime. But think about the calculus when it's an investment for a small business, maybe a small business that employs six or eight or ten people, and a business that gets to the point where it's kind of comfortable. They can see some new market opportunities. But the owner of the business understands that the tax burden is such that it's not worth the risk. And so they don't invest the capital. They don't create that extra three or four or five or 10 new jobs. And the business sits there and stagnates. And the real estate that is there that perhaps is paid for gets tied up because there is a capital tax gains tax that will be paid if he sells his real estate and he hands that over so that maybe a new entrepreneur can take that location and take it up to the next level.

We have all kinds of property in America that is tied up because of tax reasons, not business reasons. Every single business calculation that you make in the United States of America is impacted by Federal taxes. And every calculation has to take into account the tax ramifications. When that happens, then our smart people are using their brains to figure out how to minimize or avoid their income taxes rather than figure out how to maximize their productions and their profits to create more wealth in this country.

Mr. Speaker, believe me, if we had more wealth in this country and that wealth doesn't fear the government, that wealth will create more jobs and there will be more wealthy people. You cannot help the poor by punishing the rich. Moving to a national sales tax just totally revolutionizes this economy. It opens up our production and makes unlimited production. Unlimited wealth can be created, and then the taxes are paid voluntarily by the people when they decide that they're going to consume. So we have voluntary taxpayers. We have voluntary producers. We have an economy that is virtually unleashed.

And here is one of the ways to draw a comparison. We have to rebuild U.S. manufacturing in the United States. We have watched a lot of our manufacturing go overseas because the price of labor has gotten low enough in comparison to U.S. labor that those factories would shut down and relocate overseas. The difference is also the taxes that are embedded. Now we tax corporations. We tax payroll taxes. When you add up the embedded taxes in a retail product in the United States, say on this ink pen, on average it is 22 percent. Let's say it's a $1 ink pen. Twenty-two percent of that would be built into the price, embedded taxes, so that the company that is producing them can pay their business income tax, likely their corporate income tax and their payroll tax. That puts us at a competitive disadvantage, Mr. Speaker.

And so here is an example. If we pass the Fair Tax, then the embedded Federal income tax comes right out of that price. Competition will drive it out of the price. So here would be an example. If there is a Mazda that is made 100 percent in Japan, and there are at least $800 million dollars worth of those Mazdas coming into the United States every year, and it's sitting on the dealers' lot at $30 thousand sticker price, that price is set by competition, what you can market at. And across the street on the other dealers' lot is a Chevy, or a Ford, but let's say a Chevy. That would happen to be built 100 percent of it in the United States.

□ 2245

It has also a $30,000 price tag on it. And that's because competition now, two comparatively valued vehicles, selling for identical price, competing directly against each other, $30,000 each. Now, we pass the FAIR tax and over time, and not a very long period of time, perhaps some would be immediate, some would be longer, but about 18 months we'd see most of these adjustments. You pass the FAIR tax and your $30,000 Chevy price will go down to $24,600. That's the 22 percent embedded Federal tax. It's part of that price that General Motors has to have in order to recover the taxes that they're paying. Your $30,000 Mazda stays at $30,000 because the embedded Federal tax isn't part of their price. That machine, that car is made in Japan. So now you pull into the dealer's lot and here's a Chevy for $24,600 and a Mazda for $30,000 and they're of comparable value.

What do you buy, Mr. Speaker?

Does this lower the price of the Mazda too? Maybe. But the consumer is going to look and say I'm going to go for the $24,600 Chevy. I like that that much better. I like it 28 percent better than the $30,000 Mazda. And then we have to add back in the sales tax on these cars and that's an embedded tax of 23 percent that covers your corporate income tax, a rebate, so that we untax everybody to the poverty level, and the payroll tax that's associated with the labor that goes in. So your $24,600 Chevy goes up to $30,400. That's with the sales tax added on. You would write the check to drive the Chevy off the lot for $30,400. But to drive the Mazda off the lot you'd have to write the check for $39,000. That's the difference. It is a 28 percent marketing advantage, $8,600 advantage, American car over Japanese-made car or Korean or any other car.

What's that tell us, Mr. Speaker? I'll submit that it tells us that there would be many more American automobiles built and sold here in the United States because they would be competitive again. Imagine being able to take 28 percent off the price of every American-made vehicle today, at least for the components of them that are made in the United States. That's what the FAIR tax would do. Our auto manufacturers in Detroit can't seem to get to this conclusion, and neither can they carry a cogent argument against it. But they're stuck in their ways. They're negotiating with the unions who haven't made any concessions that I can see at this point. And we have a simple solution to a complex problem, that, like a Rubik's cube, and I've turned this over and looked at it every way I can for 29 years, Mr. Speaker, and every time I turn the Rubik's cube of a national sales tax again and look at it another way it looks better and better and better, not worse, not weaker, not something that has a flaw, better and better and better. And it always wins the debate, it always wins the argument if given an opportunity to match up against any other idea out there on tax reform. In fact, the FAIR tax, the national sales tax does everything good that anybody's tax proposal does, it does all of them and it does them better. And I'd put it up against anybody else's tax proposal. If you take the tax off of production and you put on it consumption, you also provide an incentive for savings and an incentive for investment. But you have more production. You will have a slight diminishment in consumption because there's a tax there, but over time there's more money in a person's

pocket, a worker will get 56 percent more take home pay, and then they decide when they pay those taxes. This is where America needs to go, and in a short period of time, if we suspend the capital gains taxes and do that on a 2-year period and pass the FAIR tax, even just suspending the capital gains tax, we will see the Dow Jones industrial average jump up 30 percent or more, and it will be in a matter of weeks or months, not a long term, a short-term, you see immediate reaction and this thing would start to come around. If we pass the FAIR tax and on the night that the ball drops in Times Square, I'd set it up for December 31, 2009, midnight, and end the IRS as we know it. Abolish them and the Federal income Tax Code, set it over up as a national sales tax and we will see a dynamic economy role again, Mr. Speaker.

We have the solutions here. Republicans have the solutions here. Spending trillions of dollars for a leg of a stool that we have no idea what it looks like or what kind of results we're going to get is folly. And it's the kind of folly that Einstein was talking about when he said you can't solve a problem with the same mindset that created it.

So, I'll be opposed, Mr. Speaker, to this stimulus package because I think it has an oxymoronic name. I don't think it's a stimulus at all. I think it's a burden, an albatross that's hung around the neck. I think it is, as Michelle Malkin says, intergenerational theft, to put the burden up against our children and grandchildren and great grandchildren. We can't balance the budget today. We couldn't balance the budget 5 years ago, and if we can't do that in the environment that we were in, how in the world do we think that we're going to pay off a debt that's multiple trillions of dollars and a national debt that maybe ends up doubling during the Obama term? No, that's folly, Mr. Speaker.

And let me just cap off one more thing here, before I close, and that is that there has been a significant achievement that's been reached in the nation of Iraq. I've made six trips over there. I know our leader just arrived back from there over the weekend. The reports I get from that delegation that visited Iraq and Afghanistan is that things look pretty good in Iraq. I had a long conversation with Ambassador Crocker last week on Wednesday morning, and we talked about many of the accomplishments that have been reached there; and how though, it is still delicate and there are political solutions that need to be provided, and there still are some military tactical things that have to happen, specially up in the Mosul region.

But here are some things that we know. The Iraqi people have had three successful elections. They have ratified a constitution. They are distributing their oil wealth from Baghdad out into the provinces and into the cities. They are producing more sewer, water and lights than they have ever have. The hours of electricity across the country are significantly greater than there's ever been. There are girls that have gone to school in the last 6 years for the first time. More Iraqi kids in school as well. The stability and the safety in the streets is significant. I've gone shopping in Ramadi, it's a place that a year earlier I couldn't even set foot because it was too dangerous. And I met with the mayor of Fallujah who said Fallujah is a city of peace and we're going to rebuild this city to where there's not a sign of war in this entire city. And I believe him and they're working on it and they're working on it hard.

This Congress imposed a series of benchmarks on Iraq and the President of the United States, 18 different benchmarks, Mr. Speaker. I've gone back and reviewed those benchmarks. And of those benchmarks, 17 of the 18 benchmarks have been wholly or substantially completed.

I thought it was inappropriate for this Congress to set those standards because that was definition of victory in Iraq, and those who voted for those standards believed that they were unachievable. They believed that the war was lost. They argued that it was a civil war that couldn't be won, that it was sectarian violence that could never be controlled, that al Qaeda was uncontrollable in Iraq. And sometimes they argued that al Qaeda didn't exist in Iraq until we attracted them there. I think that was the bug light theory.

But what's been accomplished in Iraq today is phenomenal. Three successful elections, the ratification of a constitution, Iraqi military forces that have been stood up and trained and deployed, 613,000 strong, Mr. Speaker, and a security and a stability to the point where they pulled off an election a weekend ago in Iraq without a single significant security incident, with the Iraqi people taking their children to the polls so they could experience with them what it's like to go and vote and be a free people. It's been phenomenal progress. 17 of 18 benchmarks reached. The 18th benchmark, by the way, that is not wholly or substantially reached is the one that requires the Iraqi security forces to be completely independent of American forces, and that would mean logistics, intelligence, communication, supply, training, all of those things would have to be Iraqi. They're not going to be that independent, not this year or next year or the year after. You don't stand up a military like that in no time. It takes years to do that. But 17 of 18 benchmarks have been reached. The casualties in Iraq, and we had a tough time in Iraq here a little over a day ago. We lost four soldiers up by Mosul in a bombing. Regardless, as precious as those lives are and all of them that have been lost, since the first day of July, we've lost more Americans to accidents than we have to the enemy. Another measure of a definable victory in Iraq, achieved, Mr. Speaker, by our noble military under the leadership of Commander in Chief, President Bush, who had the clarity of vision and the courage and the leadership skills to order a surge when his advisors told him don't go there, Mr. President, this war can't be won. It's a definable victory today, by all of the metrics that I can identify, including a more than 90 percent reduction in civilian violence and sectarian deaths, so that they're almost immeasurable. The list goes on and on and on of the accomplishments in Iraq. And I charge and I challenge our current President of the United States to sustain the achievements of his predecessor or be judged by history as to have failed. That, Mr. Speaker, is an important message for the American people to understand tonight, that level of success in Iraq.

We need to also understand what made this a great country; that's the free enterprise system and the accountability that's in. There has to be successes and failures for our system to adjust itself. That will not happen with trillions of dollars of borrowed money and this huge debt to resolve itself.

And I would point out, as a matter of an example, that when Bill Clinton was elected President in 1992, he came to this Congress in 1993 and he said, I want a $30 billion economic stimulus plan because we have this recession that was brought about by Bush 41. I notice these new Democrat presidents always have a Bush recession to blame their economy on. But in any case, he asked for $30 billion. And that $30 billion was negotiated down to $17 billion. I think that ended up over in the Senate, and finally they decided well that's not enough money to make any difference so we're just not going to do a $17 billion economic stimulus plan. But $30 billion was a lot of money to this Congress then. And that's why they debated it. And $17 billion wasn't enough to make a difference. But today $17 billion isn't even loose change in a $2 trillion bailout/stimulus plan. That's how far we have come in a matter of two presidential terms, two different presidents, Mr. Speaker, to the point where $17 billion, $30 billion is loose change in the maw of it all. And it will swallow us up.

And then, reverting back, Mr. Speaker, to the subject matter of Iraq, I'm a little disturbed that there's such a standard that has been raised that we should honor our troops and we should honor their families for the price that they paid, and a moment of silence on this floor is appropriate, an hour of silence would be appropriate, a long and

enduring prayer every day for what they have done for our freedom and all of us would also be appropriate, Mr. Speaker. But that, brought out today by the same person that brought 45 different votes to the floor of the House of Representatives, those votes designed to underfund, unfund or undermine our troops is disturbing to me.

In the 110th Congress, we had brought by the Speaker of the House, these 45 votes to the floor that I said, underfunded, undermined or unfunded our troops. Some of those that I have in mind, supplemental appropriations H.R. 2642 that would prohibit establishing a permanent base in Iraq, among other things and reduce some funding.

We have another one, which is H.R. 5658, require the President to submit a report within 90 days of the bill's enactment for the long-term costs in Iraq and Afghanistan, including the cost of operations, reconstruction and health care benefits for how long, Mr. Speaker? Through at least fiscal year 2068 is what this report says.

□ 2300

That can't be constructive to tie the Commander in Chief up to produce a report that predicts costs until 2068. That undermines our troops, Mr. Speaker.

Here is another one. It followed along H.R. 5658, and it said that the United States Defender Act would have to be authorized by Congress in order to enter into any kind of an agreement with Iraq from a military perspective. Congress would have to authorize it. I don't think the Speaker of the House was going to allow the congressional authorization of those kinds of agreements. That undermined our troops again, Mr. Speaker.

Here I have H.R. 2082, which is to authorize funds for the intelligence portion of fiscal year 2008. It defines how we can interrogate prisoners. It's another way to handcuff the President of the United States and our military, whose lives have been in harm's way and remain in harm's way.

Here is another one on the same subject—on interrogation techniques and micromanagement. This Congress should not be trying to operate a war by micromanagement. The Continental Congress tried to do that. It's one of the reasons we have a stronger central government today.

The list of these kinds of transgressions goes on, Mr. Speaker. Here is another one.

The State-Foreign Operations Appropriations—Iraq Study Group establishes that. We know what came out of that. There is another one that reduces the spending, and it identifies the 18 benchmarks which I mentioned. On and on and on.

There were 45 different votes, Mr. Speaker, on the floor of this House of Representatives, 45 of those votes aside from the seven that were brought by Republicans, to recommit, defend or seek to overturn those. They all underfunded, unfunded or undermined our troops.

So a moment of silence is appropriate, but I cannot break from the thought that American lives have been put at risk and that we have lost some lives because of the actions on the floor of this Congress. These actions, Mr. Speaker, encouraged our enemy. In spite of all of this, we have a definable victory in Iraq today, and it is a definable victory that needs to be maintained by the current President of the United States and enhanced with a prudent utilization of the forces that are there and with a prudent transfer as the direction it is going over to the Iraqi security forces with a political, economic and military solution in Iraq so that they can sustain and defend themselves and can remain our ally in the Middle East to inspire the other moderate Muslim nations that are there.

With that, Mr. Speaker, I would yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MEEK of Florida (at the request of Mr. HOYER) for today until 5 p.m.

Ms. HARMAN (at the request of Mr. HOYER) for today and February 11.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

(The following Members (at the request of Mr. LINCOLN DIAZ-BALART of Florida) to revise and extend their remarks and include extraneous material:)

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. GOODLATTE, for 5 minutes, February 11.

Mr. FLEMING, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on February 5, 2009 she presented to the President of the United States, for his approval, the following bill.

H.R. 2. To amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 11, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

505. A letter from the Chief, Retailer Management Branch, Benefit Redemption Divison, FNS, USDA, Department of Agriculture, transmitting the Department's final rule — Food Stamp Program: Revisions to Bonding Requirements for Violating Retail and Wholesale Food Concerns (RIN: 0584-AD44) received February 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

506. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Food, Drug, and Cosmetic Labeling: Cochineal Extract and Carmine Declaration [Docket No.: FDA-1998-P-0032 (formerly Docket No.: 1998P-0724)] (RIN: 0910-AF12) received February 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

507. A letter from the Associate General Counsel for Legislation and Regulation Divison, Department of Housing and Urban Development, transmitting the Department's final rule — Prohibition on Use of Indian Community Development Block Grant Assistance for Employment Relocation Activities; Final Rule [Docket No.: FR-5115-F-02] (RIN: 2577-AC78) received February 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

508. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Real Estate Settlement Procedures Act (RESPA): Rule To Simplify and Improve the Process of Obtaining Mortgages and Reduce Consumer Settlement Costs; Deferred Applicability Date for the Revised Definition of ''Required Use'' [Docket No.: FR-5180-F-04] (RIN: 2502-AI61) received February 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

509. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

510. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's fiscal year 2008 report on U.S. Government Assistance to and Cooperative Activities with Eurasia, pursuant to Public Law 102-511, section 104; to the Committee on Foreign Affairs.

511. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a report pursuant to Paragraph (5)(D) of the Senate's May 1997 resolution; to the Committee on Foreign Affairs.

512. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-717, ''Local Rent Supplement Program Second Temporary Amendment Act of 2009,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

513. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-718, ''HPAP Temporary Act of 2009,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

514. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-719, ''Employment of Returning Veteran's Tax Credit Temporary Act of 2009,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

515. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-720, ''Public Service Commission Holdover Temporary Amendment Act of 2009,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

516. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-721, ''District Employee Protection Temporary Act of 2009,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

517. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-722, ''Lead-Hazard Prevention and Elimination Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

518. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-723, ''Paramedic and Emergency Medical Technician Transition Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

519. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-708, ''Firearms Registration Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

520. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-709, ''14W and the YMCA Anthony Bowen Project Real Property Tax Exemption and Real Property Tax Relief Temporary Act of 2009,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

521. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-711, ''Get DC Residents Training for Jobs Now Temporary Act of 2009,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

522. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-710, ''The Urban Institute Real Property Tax Abatement Temporary Act of 2009,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

523. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-712, ''GPS Anti-Tampering Temporary Act of 2009,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

524. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-713, ''Equitable Parking Meter Rates Temporary Amendment Act of 2009,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

525. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-714, ''Taxi Zone Operating Hours Temporary Amendment Act of 2009,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

526. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-715, ''Reimbursable Details Clarification Temporary Act of 2009,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

527. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-716, ''Uniform Child Abduction Prevention Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

528. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

529. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

530. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

531. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Extention of Administrative Fines Program [Notice 2008-12] received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

532. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2009 Gulf of Alaska Pollock and Pacific Cod Total Allowable Catch Amounts [Docket No.: 071106671-8010-02] (RIN: 0648-XM48) received February 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

533. A letter from the Chairman, Farm Credit Administration, transmitting the Administration's final rule — Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation (RIN: 3052-AC47) received February 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

534. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Willamette River, Portland, OR, Schedule Change [Docket No.: USCG-2008-0721] (RIN: 1625-AA09) received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

535. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Wabash River; Activity Indentifer; Permanent change to operating schedule [Docket No.: USCG-2008-0100] (RIN: 1625-AA09) received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

536. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Anchorage Area ''A,'' Boston Harbor, MA [Docket No.: USCG-2008-0497] (RIN: 1625-AA01) received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

537. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Miscellaneous Cargo Tank Motor Vehicle and Cylinder Issues; Petitions for Rulemaking [Docket No. PHMSA-2006-25910 (HM-218E)] (RIN: 2137-AE23) received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

538. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Washington, DC Metropolitan Area Special Flight Rules Area [Docket No. FAA-2004-17005; Amdt. Nos. 1-63 and 93-90] (RIN: 2120-AI17) received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

539. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30644 ; Amdt. No. 478] received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

540. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30642; Amdt. No 3300] received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

541. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and E Airspace; Brunswick, ME [Docket No. FAA-2008-0203; Airspace Docket No. 08-ANE-99] received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

542. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International, S.A. CFM56-5B Series Turbofan Engines [Docket No. FAA-2008-1353; Directorate Identifier 2008-NE-46-AD; Amendment 39-15779; AD 2009-01-01] (RIN: 2120-AA64) received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

543. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket

No. 30643; Amdt. No. 3301] received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

544. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Clarification for Submitting Petitions for Rulemaking or Exemption [Docket No. FAA-199-6622; Amendment No. 11-55] (RIN: 2120-AG95) received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

545. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Energy Efficiency Program (RIN: 3245-AF75) received February 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

546. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Lender Oversight Program (RIN: 3245-AE14) received February 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

547. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Debt Collection; Clarification of Administrative Wage Garnishment Regulation and Reassignment of Hearing Official (RIN: 3245-AF72) received February 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

548. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Import Restrictions Imposed on Certain Archaeological Material from China [CBP Dec. 09-03] (RIN: 1505-AC08) received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

549. A letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting the Department's first quarterly report for fiscal year 2009 from the Office of Security and Privacy, pursuant to Public Law 110-53 121 Stat. 266, 360; to the Committee on Homeland Security.

550. A letter from the Secretary, Department of Homeland Security, transmitting the Department's Annual Report from the Office for Civil Rights and Civil Liberties, pursuant to 42 U.S.C. 2000ee-1; jointly to the Committees on Homeland Security and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows;

Mr. FRANK: Committee on Financial Services. H.R. 787. A bill to make improvements in the Hope for Homeowners Program, and for other purposes, with an amendment (Rept. 111–12). Referred to the committee of the Whole House on the state of the Union.

Mr. FRANK: Committee on Financial Services. H.R. 788. A bill to provide a safe harbor for mortgage servicers who engage in specified mortgage loan modifications, and for other purposes, with an amendment (Rept. 111–13). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WU (for himself, Mr. GERLACH, Ms. WASSERMAN SCHULTZ, Mr. PLATTS, Mr. GRIJALVA, Mr. HINOJOSA, Mr. KING of New York, Mr. LARSON of Connecticut, Mr. MCNERNEY, Ms. ZOE LOFGREN of California, Mr. KENNEDY, Mr. BLUMENAUER, Mr. GENE GREEN of Texas, Mr. DELAHUNT, Mr. HOLT, and Mr. BACA):

H.R. 930. A bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NYE:

H.R. 931. A bill to amend the Internal Revenue Code of 1986 to allow the work opportunity credit with respect to certain unemployed veterans; to the Committee on Ways and Means.

By Mr. RYAN of Ohio (for himself and Mr. HIGGINS):

H.R. 932. A bill to authorize the Secretary of Housing and Urban Development to make grants and offer technical assistance to local governments and others to design and implement innovative policies, programs, and projects that address widespread property vacancy and abandonment, and for other purposes; to the Committee on Financial Services.

By Mrs. MCMORRIS RODGERS (for herself, Mr. MCKEON, Mr. WILSON of South Carolina, Mr. PAUL, Ms. GRANGER, Mr. BURTON of Indiana, Mr. EHLERS, Mr. MCHENRY, Mr. CONAWAY, Mr. KIRK, Mr. JORDAN of Ohio, Mr. LATTA, Mr. KLINE of Minnesota, and Mr. SOUDER):

H.R. 933. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector; to the Committee on Education and Labor.

By Mr. SABLAN (for himself, Mr. FLAKE, and Ms. BORDALLO):

H.R. 934. A bill to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; to the Committee on Natural Resources.

By Mr. SABLAN (for himself and Mr. FALEOMAVAEGA):

H.R. 935. A bill to amend title 10, United States Code, to increase the number of persons appointed to the military service academies from the Commonwealth of the Northern Mariana Islands and American Samoa from nominations made by the Delegates in Congress from the Commonwealth of the Northern Mariana Islands and American Samoa; to the Committee on Armed Services.

By Mr. TOWNS (for himself, Mr. BURGESS, Ms. CASTOR of Florida, Mrs. BLACKBURN, Mr. HONDA, Mr. WU, and Mr. GRIJALVA):

H.R. 936. A bill to ensure the continued and future availability of lifesaving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, emergency needs, and information technology; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 937. A bill to amend the Immigration and Nationality Act to permit certain Mexican children, and accompanying adults, to obtain a waiver of the documentation requirements otherwise required to enter the United States as a temporary visitor; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 938. A bill to amend the Immigration and Nationality Act to restore certain provisions relating to the definition of aggravated felony and other provisions as they were before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN (for himself, Mr. BACHUS, Mr. BARTLETT, Mr. PAUL, Mr. BONNER, Mr. WILSON of South Carolina, Mr. SMITH of Texas, Mr. ROSKAM, Mr. HINCHEY, Mr. ROGERS of Michigan, Mr. JONES, Mr. COBLE, Mrs. BACHMANN, Mr. HOEKSTRA, Mr. DENT, Mr. WOLF, Mr. BOUSTANY, Mr. MCHUGH, and Mrs. MYRICK):

H.R. 939. A bill to permit 2008 required minimum distributions from certain retirement plans to be repaid; to the Committee on Ways and Means.

By Mr. ALEXANDER:

H.R. 940. A bill to provide for the conveyance of National Forest System land in the State of Louisiana; to the Committee on Agriculture.

By Mr. ALEXANDER:

H.R. 941. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for disaster assistance for electric utility companies serving low-income households, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ALEXANDER:

H.R. 942. A bill to direct the Secretary of Veterans Affairs to conduct a pilot project on the use of educational assistance under programs of the Department of Veterans Affairs to defray training costs associated with the purchase of certain franchise enterprises; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BACHMANN (for herself, Mr. RYAN of Wisconsin, Mr. COOPER, Mr. KIRK, Mr. CAMPBELL, Mr. COLE, Mr. BROUN of Georgia, Mr. FRANKS of Arizona, Mr. SCALISE, Mr. FORTENBERRY, Mr. LAMBORN, Mr. NEUGEBAUER, Mr. POSEY, Mr. LATTA, Mr. BRADY of Texas, Mr. KINGSTON, Mr. SAM JOHNSON of Texas, Mrs. SCHMIDT, Mr. BURTON of Indiana, Ms. FOXX, and Mr. HOEKSTRA):

H.R. 943. A bill to amend title 31, United States Code, to require certain additional calculations to be included in the annual financial statement submitted under section 331(e) of that title, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 944. A bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war; to the Committee on Veterans' Affairs.

By Mr. BRADY of Texas (for himself and Mr. GENE GREEN of Texas):

H.R. 945. A bill to amend the Internal Revenue Code of 1986 to allow additional expenses for purposes of determining the Hope Scholarship Credit, and for other purposes; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa:

H.R. 946. A bill to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CALVERT (for himself and Mr. JACKSON of Illinois):

H.R. 947. A bill to direct the Secretary of Transportation to establish and collect a fee based on the fair market value of articles imported into the United States and articles exported from the United States in commerce and to use amounts collected from the fee to make grants to carry out certain transportation projects in the transportation trade corridors for which the fee is collected, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. PLATTS, Mr. GEORGE MILLER of California, Ms. MATSUI, Ms. SUTTON, Mr. LEVIN, Mr. MORAN of Virginia, Mr. BLUMENAUER, Mr. VAN HOLLEN, Mr. HARE, Mr. CARNEY, Mr. SHERMAN, Ms. EDWARDS of Maryland, Mr. GRIJALVA, Mr. KENNEDY, Mr. ROTHMAN of New Jersey, Mr. HINCHEY, Ms. ROS-LEHTINEN, Ms. WOOLSEY, Mr. LOBIONDO, Mr. SCHIFF, Mrs. MALONEY, Mr. COURTNEY, Mr. SHULER, Ms. HIRONO, Mr. MCGOVERN, Mr. HASTINGS of Florida, Mr. MURTHA, Mr. STUPAK, Mr. MCHUGH, Mr. FILNER, Mrs. MILLER of Michigan, Mr. CONYERS, Mr. MICHAUD, Mrs. EMERSON, Mr. BRADY of Pennsylvania, Mr. SMITH of New Jersey, Mr. ROSS, Mr. MILLER of North Carolina, Mr. MCDERMOTT, Mr. RAHALL, Mr. WOLF, Mr. CONNOLLY of Virginia, Mr. SESTAK, Mr. TERRY, Mr. BISHOP of New York, Mr. CARNAHAN, Mr. ELLISON, Ms. SCHAKOWSKY, Mr. WITTMAN, Mr. SCOTT of Georgia, Mr. LYNCH, Ms. ZOE LOFGREN of California, Mr. SARBANES, Mr. CARSON of Indiana, Mr. FARR, Mr. CUMMINGS, Mr. MCMAHON, Mr. LEWIS of Georgia, Mr. GUTIERREZ, Mr. MARKEY of Massachusetts, Mr. HOLDEN, Mr. DOYLE, Mr. MCINTYRE, Ms. PINGREE of Maine, Mr. GORDON of Tennessee, Mr. BOSWELL, Mr. CLAY, Mr. LUJÁN, Mr. HOLT, Ms. DEGETTE, Mr. NYE, Mr. BOUCHER, Mr. TIM MURPHY of Pennsylvania, Mr. TOWNS, Mr. BERMAN, Ms. RICHARDSON, Ms. SHEA-PORTER, Mr. MCCOTTER, Mr. MURPHY of Connecticut, Mr. GONZALEZ, Mr. POE of Texas, Mr. ARCURI, Mr. COSTELLO, Mr. ANDREWS, Mr. BACA, and Mr. KAGEN):

H.R. 948. A bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty; to the Committee on Education and Labor.

By Mr. FILNER:

H.R. 949. A bill to amend title 38, United States Code, to improve the collective bargaining rights and procedures for review of adverse actions of certain employees of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 950. A bill to amend chapter 33 of title 38, United States Code, to increase educational assistance for certain veterans pursuing a program of education offered through distance learning; to the Committee on Veterans' Affairs.

By Mr. FRANKS of Arizona:

H.R. 951. A bill to prohibit the use of funds to transfer enemy combatants detained at Naval Station, Guantanamo Bay, Cuba, to facilities in Arizona or to build, modify, or enhance any facility in Arizona to house such enemy combatants; to the Committee on Armed Services.

By Mr. HALL of New York (for himself, Ms. BORDALLO, Mr. HINCHEY, Mr. HARE, Mr. CROWLEY, Mr. COURTNEY, Mr. DELAHUNT, Mr. KAGEN, Mr. GRIJALVA, Mr. BLUMENAUER, Ms. WOOLSEY, Mr. RODRIGUEZ, Ms. MCCOLLUM, Mr. MCDERMOTT, Ms. KAPTUR, Mrs. NAPOLITANO, Mr. DONNELLY of Indiana, and Mr. NYE):

H.R. 952. A bill to amend title 38, United States Code, to clarify the meaning of ''combat with the enemy'' for purposes of service-connection of disabilities; to the Committee on Veterans' Affairs.

By Mr. HELLER (for himself and Mr. HASTINGS of Washington):

H.R. 953. A bill to amend the Internal Revenue Code of 1986 to provide for a deduction for travel expenses to medical centers of the Department of Veterans Affairs in connection with examinations or treatments relating to service-connected disabilities; to the Committee on Ways and Means.

By Mr. HOLDEN (for himself and Mr. PLATTS):

H.R. 954. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. HASTINGS of Washington, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mr. MCDERMOTT, Mr. REICHERT, Mrs. MCMORRIS RODGERS, Mr. DICKS, and Mr. BAIRD):

H.R. 955. A bill to designate the facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, as the ''John 'Bud' Hawk Post Office''; to the Committee on Oversight and Government Reform.

By Ms. KAPTUR (for herself and Mr. LATOURETTE):

H.R. 956. A bill to expand the number of individuals and families with health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCAUL (for himself, Mr. HINCHEY, and Mr. CARSON of Indiana):

H.R. 957. A bill to authorize higher education curriculum development and graduate training in advanced energy and green building technologies; to the Committee on Science and Technology.

By Mr. MORAN of Virginia (for himself, Mr. WOLF, Mr. CONNOLLY of Virginia, Mr. RUPPERSBERGER, Ms. EDWARDS of Maryland, Mr. SARBANES, Mr. PETRI, and Mr. HOLT):

H.R. 958. A bill to amend title 5, United States Code, to make unused sick leave creditable, for purposes of the Federal Employees' Retirement System, in the same manner as provided for under the Civil Service Retirement System; to the Committee on Oversight and Government Reform.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. PLATTS):

H.R. 959. A bill to increase Federal Pell Grants for the children of fallen public safety officers, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 960. A bill to amend the District of Columbia Home Rule Act to eliminate congressional review of newly-passed District laws; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 961. A bill to suspend temporarily the duty on phosphoric acid, lanthanum salt, cerium terbium-doped; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 962. A bill to suspend temporarily the duty on lutetium oxide; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. HINCHEY, Mr. MCGOVERN, Mr. MCDERMOTT, Ms. LEE of California, and Mr. MILLER of North Carolina):

H.R. 963. A bill to enhance transparency and accountability within the intelligence community for activities performed under Federal contracts, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself, Mr. JONES, Mr. FRANKS of Arizona, Ms. FOXX, Mr. RADANOVICH, Mr. YOUNG of Alaska, Mr. GALLEGLY, Mr. LATTA, Mr. GARY G. MILLER of California, Mr. CAMPBELL, Mr. BURTON of Indiana, Mr. GOODLATTE, Mrs. MYRICK, and Mr. BILBRAY):

H.R. 964. A bill to amend the National Environmental Policy Act of 1969 to exempt any solar energy project on lands managed by the Bureau of Land Management from an environmental impact statement requirement; to the Committee on Natural Resources.

By Mr. SARBANES (for himself, Mr. HOYER, Mr. CASTLE, Mr.

RUPPERSBERGER, Mr. SCOTT of Virginia, Mr. VAN HOLLEN, Ms. NORTON, Ms. EDWARDS of Maryland, Mr. MORAN of Virginia, Mr. BARTLETT, Mr. KRATOVIL, Mr. CUMMINGS, Mr. WITTMAN, Mr. NYE, and Mr. PLATTS):

H.R. 965. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network; to the Committee on Natural Resources.

By Mrs. SCHMIDT:

H.R. 966. A bill to require certain air carriers of foreign air transportation to disclose the nature and source of delays and cancellations experienced by air travelers; to the Committee on Transportation and Infrastructure.

By Mrs. SCHMIDT:

H.R. 967. A bill to enhance airline passenger protection when the Secretary of Transportation issues a rule to require airline emergency contingency plans; to the Committee on Transportation and Infrastructure.

By Mr. SHADEGG (for himself and Mr. BARTLETT):

H.R. 968. A bill to amend the Consumer Product Safety Act to provide regulatory relief to small and family-owned businesses; to the Committee on Energy and Commerce.

By Mr. SIMPSON (for himself and Mr. MINNICK):

H.R. 969. A bill to permit commercial vehicles at weights up to 129,000 pounds to use certain highways of the Interstate System in the State of Idaho which would provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WEINER:

H.R. 970. A bill to encourage the entry of felony warrants into the NCIC database by States and to provide additional resources for extradition; to the Committee on the Judiciary.

By Mr. WEINER (for himself, Mr. RYAN of Ohio, and Ms. SHEA-PORTER):

H.R. 971. A bill to amend the Internal Revenue Code of 1986 to provide commuter flexible spending arrangements; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself and Mr. KLINE of Minnesota):

H.R. 972. A bill to amend title 10, United States Code, to eliminate the requirement that certain former members of the reserve components of the Armed Forces be at least 60 years of age in order to be eligible to receive health care benefits; to the Committee on Armed Services.

By Mr. YARMUTH:

H.R. 973. A bill to establish pilot programs that provide for emergency crisis response teams to combat elder abuse; to the Committee on the Judiciary.

By Mr. BACA:

H.J. Res. 20. A joint resolution to honor the achievements and contributions of Native Americans to the United States, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MCMAHON:

H. Con. Res. 41. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to. considered and agreed to.

By Mr. RANGEL:

H. Con. Res. 42. Concurrent resolution recognizing the contributions of the New York Public Library's Schomburg Center for Research in Black Culture in educating the people of the United States about the African-American migration experience, and for other purposes; to the Committee on the Judiciary.

By Mr. RANGEL:

H. Con. Res. 43. Concurrent resolution expressing the sense of Congress that Arthur Schomburg should be recognized for his leadership and contributions in documenting, recording, and researching the historical contributions to society of peoples of African descent and for his efforts to combat racial and ethnic discrimination in the United States; to the Committee on the Judiciary.

By Mr. RANGEL:

H. Con. Res. 44. Concurrent resolution expressing the sense of the Congress that the President should grant a pardon to Marcus Mosiah Garvey to clear his name and affirm his innocence of crimes for which he was unjustly prosecuted and convicted; to the Committee on the Judiciary.

By Mr. RANGEL:

H. Con. Res. 45. Concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue a postage stamp in commemoration of Congressman Adam Clayton Powell, Jr; to the Committee on Oversight and Government Reform.

By Mr. RANGEL:

H. Con. Res. 46. Concurrent resolution honoring the life of Betty Shabazz; to the Committee on Oversight and Government Reform.

By Mr. WAXMAN:

H. Res. 141. A resolution providing amounts for the expenses of the Committee on Energy and Commerce in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Mr. ISSA:

H. Res. 142. A resolution honoring the life, service, and accomplishments of General Robert H. Barrow, United States Marine Corps; to the Committee on Armed Services.

By Mr. CARTER:

H. Res. 143. A resolution raising a question of the privileges of the House.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H. Res. 144. A resolution providing amounts for the expenses of the Committee on the Judiciary in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Ms. ZOE LOFGREN of California:

H. Res. 145. A resolution providing amounts for the expenses of the Committee on Standards of Official Conduct in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Ms. MARKEY of Colorado (for herself and Mr. EHLERS):

H. Res. 146. A resolution designating March 2, 2009, as ''Read Across America Day''; to the Committee on Education and Labor.

By Mr. MARKEY of Massachusetts:

H. Res. 147. A resolution providing amounts for the expenses of the Select Committee on Energy Independence and Global Warming in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Mr. RANGEL:

H. Res. 148. A resolution recognizing and honoring the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York; to the Committee on the Judiciary.

By Mr. RANGEL:

H. Res. 149. A resolution honoring Dick Brown: New York's greatest ambassador to Washington; to the Committee on Oversight and Government Reform.

By Mr. RANGEL:

H. Res. 150. A resolution expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Wisconsin (for himself, Mr. TIAHRT, Ms. FALLIN, Mr. PITTS, Mr. HARPER, Mrs. BACHMANN, Mr. SAM JOHNSON of Texas, Mrs. SCHMIDT, Mr. CHAFFETZ, Mr. CANTOR, Mr. HALL of Texas, Mr. WILSON of South Carolina, Mr. LAMBORN, Mr. PENCE, Mr. COLE, Mr. BROUN of Georgia, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. JORDAN of Ohio, Mr. THOMPSON of Pennsylvania, Mr. BURGESS, Mr. AKIN, Mr. CULBERSON, Mr. MCCOTTER, Mr. DANIEL E. LUNGREN of California, Mr. POSEY, Mr. WOLF, Mr. PETRI, and Mr. SENSENBRENNER):

H. Res. 151. A resolution honoring the life and expressing condolences of the House of Representatives on the passing of Paul M. Weyrich; to the Committee on Oversight and Government Reform.

By Mr. TANNER (for himself, Mr. BERMAN, Mr. SHIMKUS, Mr. WEXLER, Mr. GALLEGLY, Mrs. EMERSON, Mr. MOORE of Kansas, Mr. ROSS, Mrs. TAUSCHER, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. CHANDLER, Mr. SCOTT of Georgia, Mrs. MCCARTHY of New York, Mr. LARSON of Connecticut, and Mr. MEEK of Florida):

H. Res. 152. A resolution expressing the sense of the House of Representatives that the United States remains committed to the North Atlantic Treaty Organization (NATO); to the Committee on Foreign Affairs.

By Ms. WATSON (for herself, Mrs. NAPOLITANO, Ms. KILPATRICK of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. FUDGE, Mr. BUTTERFIELD, Mr. ANDREWS, Ms. KAPTUR, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, Mr. SCOTT of Georgia, Mr. KUCINICH, Ms. RICHARDSON, Ms. CLARKE, Mr. TOWNS, Mr. BECERRA, Mr. HASTINGS of Florida, Mrs. DAVIS of California, Mr. BOREN, Mr. MCDERMOTT, Ms. WATERS, Mr. ISSA, Ms. SOLIS of California, Mr. GEORGE MILLER of California, Mr. FARR, Mr. HINCHEY, and Mr. WATT):

H. Res. 153. A resolution commending the University of Southern California Trojan football team for its victory in the 2009 Rose Bowl; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LINCOLN DIAZ-BALART of Florida:

H.R. 974. A bill for the relief of Alejandro Gomez and Juan Sebastian Gomez; to the Committee on the Judiciary.

By Mr. KING of New York:

H.R. 975. A bill for the relief of Terence George; to the Committee on the Judiciary.

By Mr. UPTON:

H.R. 976. A bill for the relief of Ibrahim Parlak; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. MEEKS of New York.

H.R. 17: Mr. LATTA, Mr. MICA, Mr. FORTENBERRY, and Mr. SHADEGG.

H.R. 22: Mr. BISHOP of New York.

H.R. 23: Mr. WEXLER, Mr. MCNERNEY, Mr. BURTON of Indiana, and Mr. BISHOP of New York.

H.R. 31: Mr. LEVIN, Mr. RUPPERSBERGER, Ms. LINDA T. SÁNCHEZ of California, Mr. GUTIERREZ, Mr. MARCHANT, Mrs. MALONEY, Mr. GOHMERT, Mr. BERRY, Mr. SARBANES, Mr. MARSHALL, Mr. DICKS, and Mr. THOMPSON of California.

H.R. 49: Mr. COLE, Mr. WAMP, Mr. GARY G. MILLER of California, Mr. WOLF, Mr. TIBERI, Mr. FLEMING, and Mr. CRENSHAW.

H.R. 81: Ms. BERKLEY.

H.R. 85: Mr. POSEY.

H.R. 131: Mr. JOHNSON of Illinois, Mr. RYAN of Wisconsin, Mr. HASTINGS of Washington, Mr. MACK, Mr. CAMP, and Mr. MCHUGH.

H.R. 135: Mr. GRIJALVA.

H.R. 148: Mr. CALVERT.

H.R. 155: Mr. CULBERSON.

H.R. 159: Mr. HINOJOSA and Mr. MCCOTTER.

H.R. 179: Mrs. CAPPS, Ms. EDWARDS of Maryland, and Ms. WATSON.

H.R. 182: Mr. GONZALEZ, Mr. GRIJALVA, Ms. LEE of California, Mr. NADLER of New York, and Mr. HONDA.

H.R. 205: Mr. BLUNT, Mr. ROONEY, and Mr. TIM MURPHY of Pennsylvania.

H.R. 206: Mr. BURTON of Indiana.

H.R. 207: Mr. KISSELL and Mr. BURTON of Indiana.

H.R. 208: Mr. HOLT, Mr. OLSON, Mr. TIM MURPHY of Pennsylvania, Mr. SMITH of Washington, Mr. STUPAK, Mr. WITTMAN, Mr. ROTHMAN of New Jersey, Mr. MICHAUD, and Mr. HARPER.

H.R. 213: Mr. PRICE of Georgia, Mr. ROONEY, Mr. BARRETT of South Carolina, and Mr. SMITH of New Jersey.

H.R. 215: Mr. MARCHANT and Mr. BARRETT of South Carolina.

H.R. 216: Mr. HILL.

H.R. 226: Mr. LANCE and Mr. COFFMAN of Colorado.

H.R. 233: Mr. BERRY.

H.R. 235: Mrs. MILLER of Michigan, Mr. TERRY, Mr. OLVER, Mr. YOUNG of Alaska, Mr. SARBANES, Mr. SCALISE, Ms. PINGREE of Maine, Mr. FRANK of Massachusetts, and Mr. PASTOR of Arizona.

H.R. 265: Mr. CLAY.

H.R. 292: Mr. ROE of Tennessee.

H.R. 295: Mr. LAMBORN.

H.R. 303: Mr. YOUNG of Florida, Mr. CARTER, Mr. BOOZMAN, and Mr. CARNEY.

H.R. 305: Mr. LIPINSKI and Mrs. CAPPS.

H.R. 327: Mr. YOUNG of Florida.

H.R. 336: Ms. PINGREE of Maine, Mrs. MALONEY, Mr. ABERCROMBIE, and Mr. MOORE of Kansas.

H.R. 347: Mr. WU, Ms. BERKLEY, Mr. HODES, Mr. DAVIS of Tennessee, Mr. SHULER, Mr. REYES, Mr. DAVIS of Illinois, Mr. SERRANO, Ms. CLARKE, Mr. CUMMINGS, and Ms. LEE of California.

H.R. 381: Mr. HARPER.

H.R. 391: Mr. MCKEON, Mr. BISHOP of Utah, Mr. SENSENBRENNER, Mr. POSEY, and Mr. ROHRABACHER.

H.R. 411: Mr. GERLACH.

H.R. 442: Mr. JONES and Mr. SIMPSON.

H.R. 448: Mr. POE of Texas.

H.R. 469: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 470: Mr. MCKEON.

H.R. 500: Ms. MCCOLLUM.

H.R. 502: Mr. MANZULLO.

H.R. 507: Mr. MCCAUL.

H.R. 508: Mr. CULBERSON.

H.R. 517: Mr. SERRANO, Mr. MASSA, and Mr. MORAN of Virginia.

H.R. 528: Mr. KAGEN.

H.R. 536: Mr. FRANK of Massachusetts.

H.R. 557: Mr. WILSON of South Carolina, Mr. FRANKS of Arizona, Mr. STEARNS, Mr. MILLER of Florida, Mr. HOEKSTRA, Mr. GARY G. MILLER of California, Mr. KIRK, Mr. POSEY, and Ms. FALLIN.

H.R. 571: Mr. ARCURI.

H.R. 577: Mr. PRICE of North Carolina.

H.R. 578: Mr. CARSON of Indiana.

H.R. 591: Ms. HIRONO.

H.R. 593: Mr. BISHOP of New York, Ms. PINGREE of Maine, and Mr. CARSON of Indiana.

H.R. 610: Mr. GENE GREEN of Texas, Ms. LORETTA SANCHEZ of California, and Ms. FUDGE.

H.R. 615: Ms. DEGETTE.

H.R. 618: Ms. SLAUGHTER and Mr. MEEKS of New York.

H.R. 620: Mr. MILLER of Florida.

H.R. 621: Mr. MILLER of North Carolina, Mr. MCCOTTER, Ms. BORDALLO, Mr. BRALEY of Iowa, Mr. SIRES, and Mr. KISSELL.

H.R. 624: Mr. BRADY of Pennsylvania and Mr. ENGEL.

H.R. 628: Mr. COBLE and Mr. JOHNSON of Georgia.

H.R. 630: Mr. HENSARLING.

H.R. 631: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 632: Ms. DEGETTE, Mr. GENE GREEN of Texas, Mr. LANGEVIN, Mrs. MALONEY, Mr. NADLER of New York, Ms. WATERS, Mr. HODES, Mrs. MILLER of Michigan, Mr. FILNER, and Ms. LEE of California.

H.R. 636: Mr. RADANOVICH and Mr. MANZULLO.

H.R. 664: Mr. PAUL, Mr. MCCOTTER, and Mr. MILLER of Florida.

H.R. 666: Mr. MCCOTTER.

H.R. 671: Mr. BISHOP of New York.

H.R. 672: Mr. HONDA.

H.R. 673: Mr. VAN HOLLEN, Mr. PLATTS, and Mr. HOLT.

H.R. 678: Ms. DEGETTE and Mr. NADLER of New York.

H.R. 702: Mr. ROTHMAN of New Jersey, Mr. CARNEY, Mr. MCDERMOTT, and Mr. MEEKS of New York.

H.R. 704: Mr. GALLEGLY, Mr. GORDON of Tennessee, Mr. BISHOP of Georgia, and Ms. CLARKE.

H.R. 705: Mr. UPTON and Mr. PRICE of North Carolina.

H.R. 707: Ms. BERKLEY, Mr. BLUMENAUER, Mr. LANCE, Mrs. LOWEY, Ms. TSONGAS, Mr. HARPER, Mr. WATT, Mr. PASCRELL, Mr. WAMP, Ms. TITUS, Ms. WASSERMAN SCHULTZ, Ms. ESHOO, Mrs. CAPPS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WILSON of South Carolina, and Mr. DONNELLY of Indiana.

H.R. 716: Mr. WOLF and Mr. KING of New York.

H.R. 723: Ms. CORRINE BROWN of Florida, Mr. MASSA, Mr. LEWIS of Georgia, Mr. COBLE, Mr. GRIJALVA, Mr. LATOURETTE, and Mr. PAUL.

H.R. 734: Mr. ROTHMAN of New Jersey, Mr. BLUMENAUER, Mr. ABERCROMBIE, Mr. PIERLUISI, and Mr. RANGEL.

H.R. 746: Mr. NYE, Mr. PAYNE, Mr. LOEBSACK, and Ms. KOSMAS.

H.R. 752: Mr. BILBRAY.

H.R. 764: Mr. SOUDER, Ms. GINNY BROWN-WAITE of Florida, and Mr. CALVERT.

H.R. 774: Mr. MEEKS of New York.

H.R. 775: Mr. LIPINSKI, Mr. GOODLATTE, Mr. GORDON of Tennessee, Mr. COSTA, Ms. WASSERMAN SCHULTZ, Ms. MCCOLLUM, Ms. PINGREE of Maine, Mr. PAYNE, and Mr. MEEK of Florida.

H.R. 795: Mr. NADLER of New York, Mr. MCGOVERN, and Mr. MEEKS of New York.

H.R. 804: Mr. MCGOVERN and Mr. GENE GREEN of Texas.

H.R. 805: Mr. RUSH and Ms. SCHAKOWSKY.

H.R. 808: Mr. BOSWELL and Mr. FATTAH.

H.R. 812: Ms. GINNY BROWN-WAITE of Florida.

H.R. 819: Mr. CARNEY, Mr. MICHAUD, and Mr. MURTHA.

H.R. 823: Ms. ZOE LOFGREN of California.

H.R. 824: Mr. BISHOP of New York.

H.R. 847: Ms. BERKLEY, Mr. GENE GREEN of Texas, Ms. SCHAKOWSKY, and Mr. SMITH of New Jersey.

H.R. 848: Ms. SLAUGHTER.

H.R. 857: Ms. Titus, Mr. WILSON of Ohio, and Ms. SUTTON.

H.R. 866: Mr. WAMP and Mr. HERGER.

H.R. 870: Mr. BUTTERFIELD, Mr. BOUCHER, Mr. GORDON of Tennessee, Mr. MASSA, and Mr. CUMMINGS.

H.R. 875: Mr. FARR and Ms. MCCOLLUM.

H.R. 877: Mr. LAMBORN.

H.R. 881: Mr. SMITH of Nebraska and Mr. MANZULLO.

H.R. 896: Mr. GOODLATTE, Mr. FLEMING, and Mr. WAMP.

H.R. 899: Mr. MANZULLO and Mr. MCKEON.

H.R. 908: Ms. LINDA T. SÁNCHEZ of California and Mr. COHEN.

H.R. 927: Mr. HINCHEY and Mr. CONAWAY.

H. Con. Res. 14: Mr. MASSA, Mr. PETERSON, and Mr. ELLISON.

H. Con. Res. 22: Mr. POE of Texas, Mr. MCCOTTER, and Mr. LINDER.

H. Con. Res. 29: Mr. KING of New York and Mr. WOLF.

H. Con. Res. 30: Mr. GRIJALVA and Ms. BORDALLO.

H. Con. Res. 31: Ms. BORDALLO and Mr. MCGOVERN.

H. Con. Res. 35: Mr. CONNOLLY of Virginia, Mr. ETHERIDGE, and Ms. DELAURO.

H. Con. Res. 40: Mr. HALL of New York, Mr. DRIEHAUS, Ms. LORETTA SANCHEZ of California, Ms. KAPTUR, Mr. SMITH of Washington, and Mr. BISHOP of New York.

H. Res. 22: Mr. DAVIS of Illinois, Mr. HARE, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mrs. NAPOLITANO, Mr. SERRANO, Mr. ABERCROMBIE, and Mr. CARSON of Indiana.

H. Res. 42: Mr. PENCE.

H. Res. 47: Mr. DONNELLY of Indiana, Mr. BISHOP of New York, Mr. BILBRAY, and Mr. MCHUGH.

H. Res. 64: Mr. MARCHANT.

H. Res. 77: Mr. SMITH of Nebraska, Mr. ROSKAM, Mr. LATTA, Mr. MCHENRY, Mr. BILIRAKIS, Mr. CONAWAY, Mr. SCOTT of Virginia, Mr. CULBERSON, Mr. GOHMERT, Mr. FORBES, Mr. MANZULLO, Mrs. CAPITO, Mrs. EMERSON, Mr. MCKEON, Mr. WILSON of South Carolina, Mr. CHAFFETZ, Ms. ROS-LEHTINEN, Mr. BROUN of Georgia, Mr. TERRY, Mr. FORTENBERRY, and Mr. SCALISE.

H. Res. 81: Mr. HARPER, Mr. SHUSTER, and Mr. THOMPSON of Pennsylvania.

H. Res. 89: Ms. EDWARDS of Maryland.

H. Res. 91: Mr. HOEKSTRA and Mr. UPTON.

H. Res. 109: Mr. SHADEGG and Mr. SESTAK.

H. Res. 111: Mr. ADERHOLT, Ms. FOXX, and Mr. GORDON of Tennessee.

H. Res. 116: Mr. ROSS.

H. Res. 117: Mr. BARTON of Texas.

H. Res. 130: Ms. LEE of California, Ms. MOORE of Wisconsin, Mr. MARKEY of Massachusetts, Mr. JOHNSON of Georgia, Mr.

HINOJOSA, Mr. MORAN of Virginia, Mr. KILDEE, Mr. RUSH, Mr. SMITH of Washington, Mr. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. MICHAUD, Mr. SCHRADER, Mr. HONDA, Mr. TIERNEY, Mr. HILL, Mr. MCGOVERN, Mr. MASSA, and Mr. WALZ.

H. Res. 134: Mr. SMITH of Texas, Mr. WATT, Ms. ZOE LOFGREN of California, and Mr. MOORE of Kansas.

H. Res. 139: Mr. PASCRELL, Mr. HINCHEY, Mr. PAYNE, Mr. MCGOVERN, Mr. CARNAHAN, Ms. EDWARDS of Maryland, Mr. HOLDEN, Mr. HOLT, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. MATHESON, Mr. MOORE of Kansas, Mr. SABLAN, Mr. SARBANES, Mr. SERRANO, Mr. SPACE, and Ms. SUTTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 123: Ms. ROS-LEHTINEN.

EXTENSIONS OF REMARKS

HONORING COLLIN DOUGLAS EDWARDS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Collin Douglas Edwards of Kansas City, Missouri. Collin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and earning the most prestigious award of Eagle Scout.

Collin has been very active with his troop, participating in many scout activities. Over the many years Collin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Collin Douglas Edwards for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO PROFESSOR JIM KLONOSKI

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. DEFAZIO. Madam Speaker, James Richard Klonoski died on January 30, 2009, at the age of 83. It is impossible to summarize his life in a few words, but I offer this tribute.

Jim was a man of sound convictions who valued and respected opposing views. He was keenly interested and engaged in politics. He was a teacher who invited his students to explore the world and challenged them to think. He understood that good teaching is full of ideas and committed himself to 40 years of excellence at the University of Oregon. He was a generous mentor and a leader who helped shape Oregon politics and politicians.

Jim Klonoski believed in the future. A host of public officials in Oregon will tell you they were inspired by Professor Klonoski to hope for and to work like hell for change. His son, Jake, noted the historic inauguration of President Barack Obama was a joyous family celebration of his father's unshakable faith in a better future.

Jim Klonoski's family was the center of his universe. His life was infused with love and admiration for his wife and children. His students were frequently amused and sometimes amazed by stories about the children. He was equally devoted to his wife of 30 years, Ann Aiken, and Judge Aiken was a frequent guest in his political science classes.

No tribute to Jim is complete without mention of baseball. He was a fan and a fanatic. Legions of local baseball families remember Jim as a fixture at his sons' games, and area umpires no doubt recall the many tips he offered them in hopes of improving their officiating skills.

There is a Japanese proverb that says "Better than a thousand days of diligent study is one day with a great teacher." All of us privileged to have had our day with Jim Klonoski are grieving his unexpected death.

HONORING JOALINE OLSON OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. THOMPSON of California. Madam, Speaker, I rise today to recognize JoAline Olson, who is leaving after 12 years of invaluable service as the distinguished CEO of St. Helena Hospital. Mrs. Olson is to be commended for her incredible achievements and outstanding contributions to the well-being of the Napa Valley and beyond.

Mrs. Olson's career with St. Helena Hospital began over 23 years ago. Under her leadership, the hospital has been recognized as one of the top 100 cardiovascular hospitals in the country. The hospital was also named St. Helena Chamber of Commerce 2008 Family Friendly Business of the Year, among numerous other awards. Mrs. Olson personally was given the 2002 Adventist Community Life Award and named North Bay Businesswoman of the Year in 2001.

Mrs. Olson is known in the community for her commitment to quality, whole person care and the patient experience. She is responsible for starting Napa Valley Hospice, the first hospice program in Napa County for terminally ill patients. She also brought hospitals in St. Helena and Clearlake together under one governing board, improving coordination and quality of care for patients at both hospitals. She has been instrumental in raising $28 million to build a new regional cancer center that will offer communities access to state of the art cancer treatments.

Madam Speaker and colleagues, it is appropriate at this time that we thank JoAline Olson for her years of dedication and service on behalf of the residents of Napa and Lake counties. She has been a role model for anyone who strives to give back to his or her community. I join her husband David and their two daughters, Amanda and Monica, in thanking JoAline and wishing her the best of luck in her new position.

HONORING TIMOTHY ZACHARIAH HANNON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Timothy Zachariah Hannon of Gladstone, Missouri. Timothy is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and earning the most prestigious award of Eagle Scout.

Timothy has been very active with his troop, participating in many scout activities. Over the many years Timothy has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Timothy Zachariah Hannon for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE FAMILY-FRIENDLY WORKPLACE ACT

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mrs. MCMORRIS RODGERS. Madam Speaker, I have tried come up with legislation that would give us more than 24 hours in a day—but I have not figured out how to do that. So for the time being, I am introducing the Family-Friendly Workplace Act that aims to give working people the opportunity to spend more time with their families.

Last week marked the 16th anniversary of the enactment of the Family and Medical Leave Act of 1993, FMLA, which provides important job protections for America's working families who take leave for the birth or adoption of a child or because of one's own serious health condition or that of a family member. The Family-Friendly Workplace Act would complement the FMLA by providing employees with an option to accrue paid time off, which could then be taken by the employee at a later date. Under the Family-Friendly Workplace Act, compensatory time, known as "comp time," belongs to the employee, and the employee can use it for any purpose, at any time. Hourly paid workers are often less able to take unpaid leave under FMLA. In contrast, comp time is directed specifically at hourly workers, giving hourly workers the opportunity to have the same flexibility that salaried workers, as well as workers in the public sector, already enjoy.

As we all know, time is one of our most precious resources. We all want more of it, and yet we only have 24 hours in a day. That means we have to figure out how to work a full day, run errands, pack lunches, make dinner, and spend quality time with our kids, spouse, or elderly parent.

One of the biggest struggles parents face is how to balance work and family. Being a new mom myself, I struggle with balancing these aspects every day. This bill will give people more flexibility so workers can put in the time they need to get the job done, but also make sure they can make the school play, stay home with a sick child, or care for an elderly parent.

The perception is that working mothers and parents have a greater desire for workplace flexibility than other workers; the reality is that men and women, parents and non-parents, younger and older workers alike place a high priority on increased flexibility at work.

A study by the Employment Family Foundation found that a significant majority, 75 percent, of workers prefer time off instead of overtime pay, and more than eight in ten women, 81 percent, prefer to have that benefit as well.

For many employers, flexible work arrangements are necessary to attract and retain quality employees. In return for offering employees alternative work arrangements and greater flexibility in work schedules, employers gain a workforce that is more productive, committed, and focused. For example, an insurance company in my home State of Washington saw per-employee revenue increase 70 percent over 5 years after implementing flexible work options.

In talking with Wayne Williams, president and CEO of Telect in Spokane, Washington, he told me that they are doing more to give their employees greater flexibility including personal days and utilizing technology to give them the flexibility to work from home.

This isn't just a workforce issue; it is also a community and family issue.

The bill I am introducing would allow private sector employers the option to offer employees additional time off in lieu of overtime pay. One of the greatest obstacles to flexibility in the workplace is the 1938 Fair Labor Standards Act, known as the ''FLSA,'' which governs the work schedules and pay of millions of hourly workers. While the law may have been a good fit for the workforce in the 1930s, a lot has changed in 70 years, and FLSA is simply not relevant to the needs of modern families.

Our labor force isn't what it used to be. Between 1950 and 2000, the labor force participation rate of women between 25 and 55 years of age more than doubled. Today, more than 75 percent of these women are in the labor market. Less than 12 percent of mothers with children under the age of six were in the labor force in 1950. Today, more than 60 percent work outside the home.

The FLSA fails to address the needs and preferences of employees in the area of flexible work schedules. Although salaried employees typically have greater flexibility in their day-to-day schedules, hourly employees are much more restricted—due in large part to the outdated FLSA—in their ability to gain greater flexibility in their work schedules.

The goal of the Family-Friendly Workplace Act is simple: to reconcile the overtime requirements under the FLSA with employee demands for increased workplace flexibility. Specifically, the bill would give private sector employers the option of allowing their employees to voluntarily choose paid comp time off in lieu of overtime pay. Since 1985, public sector employees have been able to bank comp time hours in order to have additional time off for vacation or other family needs. There is no justification for denying private sector employees an option under the FLSA which, by most accounts, has been successful and immensely popular with public sector hourly employees for over 20 years.

To be clear, the Family-Friendly Workplace Act would not change the employer's obligation under the FLSA to pay overtime at the rate of one-and-one-half times an employee's regular rate of pay for any hours worked over 40 in a seven day period. The bill would simply allow overtime compensation to be given—at the employee's request—as paid comp time off, at the rate of one-and-one-half hours of comp time for each hour of overtime worked, provided the employee and the employer agree on that form of overtime compensation. The bill contains numerous protections to ensure that the choice and use of comp time is a decision made by the employee.

Since we can't do anything about adding more hours to the day, I hope my colleagues will join me in supporting something that gives us a little more flexibility in how we spend that time—the Family-Friendly Workplace Act. We need to respond to the growing needs of workers who want to better integrate work and family. Let's allow working women and men to decide for themselves whether paid time off or extra pay best fits their needs and that of their families.

HONORING THOMAS ALAN PRINSLOW

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Thomas Alan Prinslow of Kansas City, Missouri. Thomas is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and earning the most prestigious award of Eagle Scout.

Thomas has been very active with his troop, participating in many scout activities. Over the many years Thomas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Thomas Alan Prinslow for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO IVO KRAMER, AUGLAIZE COUNTY COMMISSIONER

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. JORDAN of Ohio. Madam Speaker, it is my honor today to pay tribute to former Auglaize County Commissioner Ivo Kramer of Wapakoneta, Ohio. Ivo retired at the end of 2008 after twelve years of outstanding service to the people of Auglaize County.

Ivo was first elected to the Board of Commissioners in 1997 following a distinguished 40-year career with the United States Department of Agriculture's Soil Conservation Service (later renamed the Natural Resources Conservation Service) and the Auglaize County Soil and Water Conservation District. He was recognized repeatedly for his dedicated efforts to preserve our natural resources, receiving outstanding performance awards from the SCS and The Ohio State University.

Ivo's colleagues recently paid tribute to his 52 years in public service, citing his longstanding support of economic growth and responsible land use practices throughout the county. The experience and knowhow he brought to bear on issues facing Auglaize County will not soon be replaced.

As is to be expected from such a dedicated public servant, Ivo looks forward to getting involved in volunteer work during his retirement. I know that his devotion to volunteerism will be an outstanding model and an inspiration to others.

I am proud to join the Auglaize County Board of Commissioners and the people of Auglaize County in congratulating Ivo on his distinguished public service career. We wish Ivo and his wife of 50 years, Camille, and their entire family every success as they move to a new chapter in their lives.

HONORING JOSEPH LAIRD RICHEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joseph Laird Richey of Parkville, Missouri. Joseph is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many scout activities. Over the many years Joseph has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joseph Laird Richey for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING JON RACHFORD

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. COSTA. Madam Speaker, I rise today to pay tribute and congratulate the distinguished public service of Mr. Jon Rachford. Jon Rachford was honored as ''Man of the Year'' by the community of Corcoran, California at a reception held by the Corcoran Chamber of Commerce on January 28, 2009.

Mr. Jon Rachford was born on July 5, 1939, and grew up in Lindsay, where he attended school through his junior year in high school. In 1956, Mr. Rachford moved to Hanford, California where he graduated from high school. Upon graduating from high school Jon received a National Reserves Officers Training Corps scholarship to Stanford University. Upon graduating from Stanford University with his bachelor of Science degree in Civil Engineering he moved on to serve a Regular Commission as a 2nd Lieutenant in the United States Marine Corps. Following Basic School he received Military Occupational Specialty as an infantry officer.

After six years of service in the Marine Corps, Jon and his wife Cathy moved to Corcoran where he was employed by the J.G. Boswell Company as a civil engineer. Between the years of 1972 and 1978, Jon worked in the Boswell Company in Los Angeles, California as an Administrative Assistant to Mr. Jim Fisher and Jim Boswell. During his time in Los Angeles he served as a Reserve Police Officer for the City of Pasadena, California as a Level 1 Officer. In 1978, Jon moved back to Corcoran and continued to work with the Boswell Company's processing office.

In 1984, Mr. Rachford received his final discharge from the Marine Corp reserves, retiring as a Major. Soon after that in 1986 Jon started a new career and went into business with Bob Lyman and Terrell DeVaney as Cal-Econ Consultants and Cal-Econ Realty. He also managed and had partnership interests at South Lake Farms and White Ranch.

In 1992, Jon started his public service when he was elected as a Councilman with the Corcoran City Council. While on the Corcoran City Council he also served on the board of the Kings Waste and Recycling Authority. He also worked with many other local residents to bring a second prison to the community of Corcoran. Jon was also involved with the Corcoran Rotary Club.

After eight short years Jon was elected to the Kings County Board of Supervisors. Jon also served on a couple of committees such as the Kings Waste and Recycling Authority, Tule and Kaweah River Enlargement Committee, where there was much success on bringing additional water storage to Terminus Dam. Jon is also a member of the board of the Corcoran Community Foundation, serves on the Foundation's Executive board as Treasurer and volunteers as a member of the finance committee. In 2001, Mr. Jon Rachford retired from his public service but still continues to stay active in his community.

Madam Speaker, I rise today to commend and congratulate Jon Rachford for his recognition as ''Man of the Year.'' Upon this very much deserved award, we thank him for his service and we wish him continued success and best of luck for the future.

HONORING ALEXANDER FRANK WILLIAMS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Alexander Frank Williams of Kansas City, Missouri. Alexander is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many scout activities. Over the many years Alexander has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Alexander Frank Williams for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO DR. MATTHEW ALLEN

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. McCAUL. Madam Speaker: I rise today to pay tribute to Dr. Matthew Allen, nuclear physicist from Sandia National Laboratories, for his outstanding service to the Nation. Matt has served with distinction as a Fellow these last two years on the House Committee on Homeland Security, and has worked closely with me for the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

Matt has been instrumental in providing technical expertise to me on critical nuclear-related matters affecting the security of the homeland. He was an essential resource in the successful introduction and ultimately House passage of the ''Next Generation Radiation Detection Act of 2008.'' His oversight and legislative work on issues such as radiation detectors, national nuclear forensics capabilities, and the Securing the Cities program was thorough, well informed, and infused with good humor.

Always wanting to learn and to do, Matt took an interest in areas beyond his personal comfort zone, including biosecurity, cybersecurity, and the nuances of the legislative process. He took enormous pride not only in the details of his work, but in the concept that a laboratory scientist could be invited to serve the Congress in such a central capacity. He referred to his fellowship as a ''study abroad'' program, and, like an idealistic student, delighted in everything the Hill and Washington, DC had to offer.

I applaud Matt's service and hope, long after he has returned to the lab bench, for his continued engagement in policymaking.

HONORING JAMES TAYLOR SMITH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize James Taylor Smith of Platte City, Missouri. James is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

James has been very active with his troop, participating in many scout activities. Over the many years James has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending James Taylor Smith for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO WILLIAM J. BARRETT

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. BRADY of Pennsylvania. Madam Speaker, as Chairman of the Joint Committee on Printing, I rise to note the passing of William J. Barrett, of Alexandria, Virginia. Mr. Barrett died January 26, 2009, at age 81, following a distinguished career in Federal service that culminated at the Government Printing Office (GPO) in the senior positions of Superintendent of Documents, Deputy Public Printer, and finally as acting Public Printer.

Before transferring his flag to the GPO, Bill Barrett had a successful career in the Navy Department, where he climbed from the position of fiscal accounting clerk in 1949 to acting Administrative Officer of the Navy, reporting to the Undersecretary of the Navy. In 1971, Bill was appointed as the first administrative officer of the GPO. Within two years of his arrival at GPO, Bill became Deputy Assistant Public Printer—Superintendent of Documents.

By 1981, Bill was appointed Assistant Public Printer—Superintendent of Documents. In that position, Bill oversaw GPO's Federal Depository Library Program, which distributes government documents to depository libraries in every state of the Union. While there, Bill was instrumental in stemming financial losses then plaguing the agency's document sales program. In April 1982, Bill was appointed to Deputy Public Printer, the second highest position in the agency. When the Public Printer resigned in January 1984, Bill served as acting Public Printer until he retired from Federal service in the following December.

Madam Speaker, although I did not have the privilege to know and work with Bill Barrett, I am told that he was a genuine friend to the GPO and well respected by the Members and staff of the Congress. While serving, Bill traveled extensively to educate Americans about the GPO, its operations and the important missions it fulfills, and many consider him perhaps the best ''ambassador'' the GPO has ever had. His distinguished career reflected his dedication and devotion to the Federal service and the people we all serve. I commend Bill Barrett's record of service to the Nation, and on behalf of the Joint Committee on Printing, I offer our condolences to Betty, Bill's wife of 59 years, and to their six children and their families.

HONORING JOSHUA MICHAEL SHINER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joshua Michael Shiner of Platte City, Missouri. Joshua is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many scout activities. Over the many years Joshua has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joshua Michael Shiner for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING BRENDA LEE FOR RECEIVING THE GRAMMY ''LIFETIME ACHIEVEMENT AWARD''

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mrs. BLACKBURN. Madam Speaker, I rise to recognize the tremendous career and professional accomplishments of Brenda Lee, a legendary member of the Tennessee recording arts community and an international star, on the occasion of her receipt of the 2009 Grammy Lifetime Achievement Award on February 8, 2009.

The Grammy Lifetime Achievement Award is presented by the National Academy of Recording Arts and Science to performers who make significant contributions in the field of recording arts. Brenda Lee's career epitomizes the ideals established by the Recording Academy, and provides a benchmark for success that few artists worldwide can match.

Brenda sold over 100 million records during her career, and sold more records than any other woman in the history of recorded music. In doing so, she established a long-lasting connection with both American and international fans while holding the title of ''Most Programmed Female Vocalist'' for five consecutive years according to Billboard magazine, and three consecutive years according to Cashbox magazine. This standard of excellence yielded 29 gold records, international acclaim throughout the world, induction in the Country Music Hall of Fame in 1997, and induction in the Rock and Roll Hall of Fame in 2002.

More importantly, Brenda Lee remains an active community leader in Nashville, Tennessee where she and her husband Ronnie continue to make their home. Her charitable contributions include volunteer leadership in organizations spanning from the Kidney Foundation, the American Heart Association and the March of Dimes to the YWCA for Abused Women.

On behalf of constituents throughout Tennessee's 7th District and music fans around the world, I applaud Brenda Lee for her lifetime body of work, and congratulate her well-deserved acceptance of the 2009 Grammy Lifetime Achievement Award.

HONORING ELI SAMUEL EBER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Eli Samuel Eber of Kansas City, Missouri. Eli is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and earning the most prestigious award of Eagle Scout.

Eli has been very active with his troop, participating in many scout activities. Over the many years Eli has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Eli Samuel Eber for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO SOL ROSENBERG

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. ALEXANDER. Madam Speaker, I rise today to recognize and pay tribute to the late Sol Rosenberg. Rosenberg, who survived Nazi death camps to become a local titan in industry, philanthropy and civil affairs, died January 30, 2009, in Monroe, La., at the age of 82.

As a young teenager, Rosenberg lived in the Warsaw Ghetto under anti-Semitic law. He was imprisoned in four death camps, participated in the Warsaw Ghetto uprising, served as a slave laborer in two slave labor camps in Poland and survived the iniquitous Dachau Death March.

After escaping from the concentration camp at Treblinka and taking part in the courageous rebellion in Warsaw, Rosenberg was sent to Dachau, where he was finally liberated after the Allies defeated the Nazis.

In 1942, Nazis took the lives of his two sisters and both parents. He also lost his extended family of over 50 uncles, aunts and cousins to this devastating war.

For almost six years, Rosenberg endured and witnessed unimaginable horror. Yet, he outlasted his enemies, miraculously evading the harrowing fate of everyone he loved, and somehow emerged with his compassion and resolve to live still intact.

After World War II, Rosenberg met his wife, Tola, in a displaced persons camp in Germany. Tola was also a survivor of the war that took her entire family.

In 1949, they left Europe for a new life in Louisiana, with little more than the clothes on their backs and a rough grasp of the English language. The couple raised their five children in this state.

In the 1950s, Rosenberg founded Sol's Pipe and Steel in Monroe, which he ran for more than 50 years. Starting this business from scratch, Rosenberg eventually became a leading industrialist and community benefactor in northeastern Louisiana—another testament to his dedication and will to survive.

Rosenberg's involvement in community affairs was expansive, as were his charitable works. Schools, civic and service organizations and many other groups were the recipients of his kindness and charity.

I ask my colleagues to join me in honoring Mr. Sol Rosenberg—a friend and inspiration to many, and whose life was a true testament of the human strength and spirit.

IN RECOGNITION OF THE HISTORIC LIFE OF HERB HAMROL

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Ms. SPEIER. Madam Speaker, on April 18th, 1906, our beloved city of San Francisco experienced an earthquake and fire that devastated all but a handful of buildings and resulted in the deaths of more than 3000. When the temblor struck, at 5:12 a.m. on that spring morning, Herbert Heimie Hamrol was just three years old. When he passed away last week at the age of 106, Mr. Hamrol had outlived all other male survivors.

Madam Speaker, Herb Hamrol was and continues to be a vital part of San Francisco's history. Every year, on the anniversary of the great quake, he would rise early and leave his Daly City home in time to gather at 5:12 a.m. at Lotta's Fountain with other survivors and well-wishers. While he remembered little of the actual quake—being just 3 years old when it happened—Herb was always generous with what memories he had.

''I remember my mother carrying me down the stairs,'' he told a reporter at last year's

gathering. He also recalled camping in Golden Gate Park while ominous black smoke filled the skies and rubble lay in the streets.

Herb was not just known to the historic-minded. Many San Franciscans knew him as the kind and helpful clerk at Andronico's Market on Irving Street, not far from his home after the quake, Golden Gate Park.

Defying his advanced age, Herb Hamrol worked up until a week before his death. At 106 years old, he donned an apron and punched a timeclock forty years after many had chosen to retire.

Herb Hamrol was born in San Francisco on January 10, 1903. He left school after the 8th grade for a job delivering meat for a butcher. He later worked as a phone company clerk and owned his own business—Herbert's Food Shop at 16th and Geary—for forty years. In 1963, he joined Andronico's. Cecilia, the love of his life and wife for forty years, died in 1969. He told the Chronicle in 2003 that he kept a picture of her in his room and, ''Every morning I say 'good morning' to her.''

At last year's remembrance Mayor Gavin Newsom told the crowd of 350, ''There is no greater San Franciscan than Herb.''

Madam Speaker, our city, so many times blessed, was further endowed by the many years we were allowed to call Herb our own. Our condolences go to his large and loving family, including sons Burt and Bil Hamrol; daughter-in-law Carla; grandchildren Michele, Allison, Burt Jr., Jennifer and Cecilia; great-grandchildren Lauren, Dustin, Travis, Ceidric, Nicholas and Pamela; and great-great-grandchildren Alexis and Logan.

During Herb Hamrol's century-plus life, he witnessed two world wars; the invention of television and the computer; the struggle for civil rights, women's suffrage and greater equality for all; advancements in medicine and science that included heart transplants and wonder drugs and putting a man on the Moon. Yet, through it all, Herb kept his life—and his advice—simple. When asked by a reporter to share some of the wisdom gathered in so many years on Earth, he offered a nugget as true today as it was on the day he was born: ''Don't spend every dime you get.''

IN HONOR OF CONGRESSMAN JOHN D. DINGELL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of Congressman JOHN D. DINGELL and in recognition of his outstanding service to our country as the Representative for the 15th District of Michigan. On February 11, 2009, Congressman DINGELL will become the longest serving Member in the House of Representatives.

Congressman DINGELL was born in Colorado Springs, Colorado on July 18, 1926 and followed in the footsteps of his father when he succeeded him as a Representative in Congress for Michigan's 15th Congressional District. He joined the U.S. Army at the age of 18 and at one of the defining moments in modern world history, during World War Two. He served as a Second Lieutenant in the Army and completed his military service in 1946. Congressman DINGELL attended Georgetown University for both his undergraduate and graduate degrees, earning his bachelors degree in Chemistry and J.D. from the Law School, completing his studies in 1952. Prior to obtaining his seat in Congress, Representative DINGELL opened his own private law firm and served as both a forest ranger and attorney in Wayne County, Michigan. He became a Member of the House of Representatives in 1955 at the age of 29, following the death of his father, who was the incumbent Member of Congress.

Congressman DINGELL's accomplishments in the House of Representatives include writing groundbreaking legislation on the environment such as the Clean Air Act of 1990 as well as working to pass vital animal welfare laws such as the Endangered Species Act. As Chairman Emeritus of the Committee on Energy and Commerce, Representative DINGELL has addressed some of the most significant issues facing our Nation today, such as health care and national energy policy. He continues his father's legacy in Congress by introducing the same national health care legislation his father fought for during his tenure in Congress. Congressman DINGELL's leadership has served as an undeniable example and source of inspiration to our colleagues and to all those working toward national health care legislation and issues of environmental justice.

Madam Speaker and colleagues, please join me in honor of Congressman JOHN D. DINGELL and in recognition of his exceptional accomplishments during his tenure as the longest serving Member in the House of Representatives.

HONORING THE LIFE AND ACCOMPLISHMENTS OF JOSEPH ANTHONY ZANGER, SR.

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to honor the life and accomplishments of Mr. Joseph Anthony Zanger, Sr. whose business acumen, community service and family dedication are inspirational.

Joseph was born on December 28, 1927 in San Jose, California. In true American style, Joseph was a descendent of hard-working immigrant families. His ancestors initially worked in the agricultural trade, but went on to build the largest cannery and winery in Santa Clara Valley.

He attended St. Mary's Elementary School in San Jose, Bellarmine College Preparatory, and Santa Clara University, where he majored in economics. After attending college, Joseph moved to Pacheco Pass to help manage the family's orchard operations. In 1953, he married Kathleen Kelsch from Mandan, North Dakota. They raised their four children, Wendy, Allene, Joe, and Gretchen, on their ranch on Pacheco Pass.

For over 50 years, Joseph and his two brothers, George and Eugene, farmed over 600 acres of orchards and vineyards on Pacheco Pass. Joseph's economics major enabled him to develop a business marketing strategy for the California Prune Bargaining Association, which he helped found at the age of 19. For ten years, Joseph represented San Benito and Santa Clara counties on the California/Federal Prune Administrative Committee and on the California Prune Advisory Committee. He also served as the Director of the Santa Clara Valley Winegrowers Association and President of the San Benito County Farm Bureau.

The Zanger family founded Casa de Fruta to complement their farming business. Casa de Fruta started with a small cherry stand built in 1943 and grew in the following decades to include a large fruit stand, restaurant, RV park, lodge, wine tasting, gift shop, barnyard zoo, candy store, service station, and dried fruit mailing business. Joseph oversaw the construction of the buildings and landscaped Casa de Fruta with large rocks that he hauled from the Pacheco Pass tunnel.

Joseph constantly studied safety and economic issues related to the area's transportation system. In 1978, he served on the planning committee for completion of Interstate 5 from Stockton to Santa Nella/Highway 152. In 2005, he worked to establish a new route for Highway 152/156 to connect with Highway 101 south of Gilroy. Because of the large number of traffic accidents that had occurred on these highways, his work has benefitted the hundreds, if not thousands, of Californians who travel along those highways.

I have the pleasure of employing one of Joseph's grandchildren, Meggie, in my Washington, D.C. office and I join her in celebrating her grandfather's life and accomplishments. I thank the Zanger family for their contributions to our region in California and, on behalf of our community in California's 16th Congressional District, offer sincere condolences on Mr. Zanger's passing.

IN HONOR OF DENNIS PEHOTSKY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. KUCINICH. Madam Speaker and Colleagues, I rise today in honor and recognition of Dennis Pehotsky, upon the occasion of his retirement from NASA Glenn Research Center in Cleveland, Ohio. Dennis Pehotsky is retiring after nearly thirty years of dedicated service to the NASA Glenn Research Center.

Throughout his tenure, Mr. Pehotsky reflected dedication not only to the mission of NASA, but also to his union, serving as the Vice President of the LESA's IFPTE, Local 28. His commitment to safety issues, ranging from cancer concerns in buildings to his contributions to NASA's ''Safe Return to Flight'' has served to place the welfare of all NASA employees as the top priority.

Mr. Pehotsky began his tenure in 1982 as a Voucher Examiner Purchasing Agent. Over the years, he was entrusted with thousands of the most complex orders and purchases. His outstanding performance on the job, innovative techniques and community outreach led to

his appointment to the NASA Safety Committee and also led to outstanding performance ratings and several professional awards. Mr. Pehotsky was honored with the Silver Snoopy Award, NASA's most coveted award. This award, presented by NASA astronauts, honors an individual for enhancing the safety of space flight.

Madam Speaker and Colleagues, please join me in honor and celebration of Dennis Pehotsky, whose commitment to NASA, to his union and to the rights and safety of all workers is reflected throughout his professional career. His exceptional work ethic, ability to bring people together and his leadership in championing the cause of worker protection—from the electrician on the ground to the flight commander poised for take-off—has raised the bar of safety, excellence and innovation throughout NASA.

INTRODUCTION OF H.R. 795, THE DOROTHY I. HEIGHT AND WHITNEY M. YOUNG, JR. SOCIAL WORK REINVESTMENT ACT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. TOWNS. Madam Speaker, I rise today to give my remarks on the reintroduction of the Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act, which I first introduced in the 110th Congress. Once again, I am immensely honored and privileged to recognize the historic efforts and legacies of two of my personal heroes in supporting a profession that each of us has been proud to call our own. Moreover, I rise in support of the millions of Americans served daily by the nation's social workers. As a professional social worker, I am acutely aware of the significant contributions that social workers have made to the socio-economic fabric of our nation. Sadly, I am equally aware of the troubling challenges that prevent my professional colleagues from continuing to deliver essential social services and interventions to Americans most in need of such support.

This measure could not be introduced at a more critical moment. Our nation is experiencing challenges of a magnitude we have not faced in decades. Unemployment rates are rising, banks across the country are failing, millions of houses are in foreclosure, and a middle-class lifestyle is no longer within reach for the average American. This is placing extreme pressure on families and creating an ever-increasing need for a workforce adept at tackling issues of poverty and inequality, particularly during moments of crisis. The workforce that has historically led this charge in times of turmoil is social work.

My social work colleagues provide essential services to individuals across the lifespan and have long been the workforce to guide people to critical resources, counsel them on important life decisions, and help them reach their full potential. Social workers are society's safety net, and with our current economic challenges, the need for this safety net has grown to include and protect a diverse group of people from all walks of life.

Yet, as I stand before you today, our nation's social workers face daunting challenges, challenges that compromise the ability of these dedicated professionals to provide their clients with unparalleled service and care. These challenges are preventing students from choosing a degree in social work and causing experienced social workers to leave the field. Competing policy priorities, fiscal constraints, safety concerns, significant educational debt, comparatively insufficient salaries, increased administrative burdens, and unsupportive work environments are just a few of the common obstacles encountered by our nation's social workers. Yet, our nation's social workers do not suffer alone. Indeed, just as America's social workers struggle daily to confront mounting barriers impeding the delivery of essential services, so must millions of Americans absorb the direct impact of this compromised access to necessary care. There are already documented social work shortages in the fields of aging and child welfare.

The Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act is designed to address these challenges to the social work profession, thereby helping to ensure that millions of individuals and families throughout the nation can continue to receive necessary social work services. This legislation creates the foundation for a professional workforce to meet the ever-increasing demand for the essential services that social workers provide. Professional social workers have the unique expertise and experience to help solve the social and economic challenges that our nation is facing.

I rise today with grave concern, yet resolute optimism. On one hand, I am convinced that workforce challenges, if left unaddressed, will result in a social work corps ill-equipped to provide comprehensive service to underserved communities throughout the country. Nonetheless, I recognize that we have a unique opportunity to outline, develop, and implement strategies that help the people of America. Like Dr. Dorothy I. Height, I believe that ''we hold in our hands the power . . . to shape not only our own but the nation's future,'' a future that is founded upon the dissolution of imaginary distinctions within our growing society and a renewed commitment to those struggling to keep pace.

Thus, in the words of Whitney M. Young, Jr., I stand today to ''Support the strong, give courage to the timid, remind the indifferent, and warn the opposed.'' In the name and spirit of Dorothy I. Height and the late Whitney M. Young, Jr., then, I come before you to propose a dramatic reinvestment in our nation's social work community.

I invite my colleagues in the House and Senate to consider the far-reaching effects of the ongoing conflict in the Middle East, to say nothing of the persistent echoes of years of conflict in Vietnam and Southeast Asia. More than any other group of professionals, America's social workers provide our armed services and combat veterans with mental health interventions, housing and financial counseling, case management, and advocacy, among other services. Yet, across America, social workers with unmanageable, excessive caseloads cannot properly serve the millions of veterans who will return from the Iraq War experiencing post-traumatic stress disorder, depression, suicide, and drug and alcohol addiction. Indeed, despite our best wishes, America will continue to see war-weary soldiers whose otherwise thankful homecoming may be marred by post traumatic stress disorder, traumatic brain injury, or substance abuse.

Much the same, social workers with intractable educational debt must balance the burden of repaying student loans with ever-expanding and complex caseloads, leaving young social workers struggling to assist the one in seven adults with dementia, and the hundreds of thousands of older Americans who rely upon their invaluable skills and service. With a full quarter of the American population suffering from a diagnosable mental illness, important caregiver, family, and health counseling, as well as mental health therapy will continue to suffer as professional social workers struggle to repay student loans and are forced into better paying careers.

In addition to these and other invaluable services provided to our nation's veterans and senior citizens, however, the efforts of America's social workers have a direct and measurable impact upon communities throughout the nation. A brief sampling of these efforts includes:

Child Welfare: The Children's Defense Fund has found that an American child is confirmed as abused or neglected every 36 seconds. Similarly, a recent estimate by U.S. Administration for Children and Families indicates that 510,000 children are currently living within the U.S. foster care system, with most children placed under the care of foster parents due to parental abuse or neglect. Research shows that professional social workers in child welfare agencies are more likely to find permanent homes for children who were in foster care for 2 or more years. Unfortunately, fewer than 40 percent of child welfare workers are professional social workers.

Health: The American Cancer Society estimates that there were 1,437,180 new cases of cancer and 565,650 cancer deaths in 2008 alone, while the incidence of cancer will increase dramatically as the population grows older. Similarly, the Centers for Disease Control and Prevention report that as many as 1,285,000 Americans are living with HIV or AIDS. In 2006, 1.3 million people received care from one of the nation's hospice providers. Health care and medical social workers practice in all of these areas and provide outreach for prevention, help individuals and their families adapt to their circumstances, provide grief counseling, and act as a liaison between individuals and their medical team, helping patients make informed decisions about their care.

Education: The National Center for Education Statistics states that, in 2005, the national dropout rate for high school students totaled 9.3 percent. White students dropped out at a rate of 5.8 percent, while African American students dropped out at a rate of 10.7 percent, and Hispanic students dropped out at a rate of 22.1 percent. Some vulnerable communities have drop out rates of 50 percent or higher. Social workers in school settings help at-risk students through early identification, prevention, intervention, counseling and support.

Criminal Justice: According to the United States Department of Justice, every year more than 650,000 ex-offenders are released from Federal and State prisons. Social workers employed in the corrections system address disproportionate minority incarceration rates, provide treatment for mental health problems and drug and alcohol addiction, and work within as well as outside the prison environment to reduce recidivism and increase positive community reentry.

For these reasons, and innumerable others, America will increasingly demand the services of a highly skilled professional social work community. Unfortunately, this community is not currently equipped to keep pace with this increasing demand for vital services throughout the country. The Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act will provide the necessary insight and perspective to guide current and future investment in this indispensable profession and the individuals and families they serve, while providing immediate support for demonstration programs throughout the country.

I am proud to introduce the Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act and must acknowledge the passionate advocacy of the National Association of Social Workers (NASW), Action Network for Social Work Education and Research (ANSWER), Association of Baccalaureate Social Work Program Directors (BPD), Association of Oncology Social Work (AOSW), Clinical Social Work Association (CSWA), Council on Social Work Education (CSWE), Group for the Advancement of Doctoral Education in Social Work (GADE), Institute for the Advancement of Social Work Research (IASWR), National Association of Black Social Workers (NABSW), National Association of Deans and Directors of Schools of Social Work (NADD), Social Welfare Action Alliance (SWAA), and the Society for Social Work and Research (SSWR) on behalf of this legislation. As drafted, this bill will create a Social Work Reinvestment Commission to provide a comprehensive analysis of current trends within the professional and academic social work communities. Specifically, the Commission will develop recommendations and strategies to maximize the ability of America's social workers to serve individuals, families, and communities with expertise and care. The recommendations will be delivered to Congress and the Executive Branch.

This Commission will investigate in greater detail the numerous areas where social workers have a profound impact upon their client population, including aging, child welfare, military and veterans affairs, mental and behavioral health and disability, criminal justice and correctional systems, health and issues affecting women and children. More significantly, the Commission established within this legislation will provide needed guidance to protect the profession that has historically protected the most vulnerable in society. These concerns are also directly related to national discussions affecting entitlement programs such as Social Security, Medicare and Medicaid, and the Temporary Assistance for Needy Families program, to name only a few.

While the Social Work Reinvestment Commission included within the proposed legislation will work to ensure that America's underserved families and individuals receive professional care and social services in the years to come, I urge my colleagues to recognize the urgency of the pervasive challenges confronting our nation's 600,000 professional social workers at this very moment. The Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act will also create demonstration programs to address relevant ''on the ground'' realities experienced by our nation's professional social workers. The competitive grant programs will prioritize activities in the areas of workplace improvements, research, education and training, and community based programs of excellence. These grants programs will provide Congress guidance on the establishment of best practices and the replication of successful programs nationally and as such, this initial investment will be returned many times over both in supporting ongoing efforts to establish efficacious social service solutions and in direct service to affected client communities.

While the singular goal of this legislation is the delivery of vital services to our nation's underserved communities by means of a reenergized and emergent academic and professional social work corps, it is essential to undertake preliminary efforts to assess the best means by which to confront ongoing challenges cutting across diverse communities.

Finally, in bringing this measure before my esteemed House colleagues, I would be remiss to neglect the heroes in whose name this vital reinvestment in our nation's social workers is made—Dr. Dorothy I. Height and Mr. Whitney M. Young, Jr. The exemplary efforts undertaken by model social work programs throughout the country and the forward-thinking initiative instilled within the Social Work Reinvestment Commission serve as a reflection of the common strengths of Dr. Height and Mr. Young, while the legislation I propose in their names will enable our most talented social workers to continue and broaden their collective efforts.

A lifelong advocate for racial and gender equality, Dorothy I. Height has applied the professional training she received at the New York School of Social Work to challenges dauntingly large and deceptively small. A confidant and protege of renowned activist and educator Dr. Mary McLeod Bethune, Dr. Height began her long and esteemed relationship with the National Council of Negro Women (NCNW) when then-Council President Dr. Bethune noticed a young African-American woman escorting First Lady Eleanor Roosevelt into a Council meeting. From that moment forward, Dr. Height served as a stalwart champion for the rights of African American women and the families they love and support. Leading both as NCNW President, and a crusader within the American Civil Rights Movement, Dr. Height's efforts obliged the nation to recognize the disturbing lack of basic social services within America's low-income and minority communities in her time and still today.

Bound by an undying commitment to women and families left unsupported by prevailing social services, Dr. Height's commitment to the study and practice of social work and faith in the power of direct care and intervention have remained indelible throughout her decades of service on behalf of both the NCNW and the YWCA. In fact, in many instances, such support for social work could be found at the forefront of these efforts, with Dr. Height serving as an advocate and professor of social work in developing countries throughout the world.

Much the same, Civil Rights leader, educator, and long-time President of the National Urban League, Whitney Young leveraged the skills and values strengthened within his advanced study and practice as a social worker to lead the Urban League to unprecedented successes in its ongoing commitment to provide economic opportunity for America's most disadvantaged. A close advisor to three Presidents—Democrats John F. Kennedy and Lyndon Johnson, as well as Republican Richard Nixon—Mr. Young brought a unique ability to work for change from within the often-contentious political paradigm of mid-century America. Expanding the size and influence of the National Urban League exponentially during his time as president, Mr. Young guided a once-fledgling, guarded organization to the vanguard of the American Civil Rights Movement.

In fact, his personal efforts and bold vision contributed significantly to the creation of President Lyndon Johnson's War on Poverty and similarly historic and transformative policy initiatives.

Yet, throughout and within each of his great accomplishments, Mr. Young brought with him a profound appreciation for the power of social services within communities historically neglected and underserved. In fact, in a formative moment during his tenure as Dean of Social Work at Atlanta University, Young stood as a vocal advocate for his alumni in their boycott of the Georgia Conference of Social Work. Aware of the great responsibilities of his colleagues and students, Mr. Young fought for a responsive and dedicated social work corps, the services of whom must be directed to those most in need. As President of both the National Conference on Social Welfare and the National Association of Social Workers, Young led efforts within the social work community to expand and more assiduously target services to low-income and minority communities neglected throughout our nation's history.

In this emboldened spirit, the legislation that today bears the names of Whitney M. Young, Jr. and Dorothy I. Height will enable an already active American social work workforce to overcome lingering barriers to the delivery of essential services to underserved client populations throughout the country. This investment in our nation's social workers is both a commitment to the continued support of their critical role within American society, and an anticipation of the great advances still achievable within the field. I urge my colleagues in both Chambers to support this measure both in honor of Dr. Dorothy I. Height and the late Whitney M. Young, Jr. and in resolute defense of the ideals and the people to whom Dr. Height and Mr. Young have dedicated their lives.

IN HONOR OF REDA BENDA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Reda Benda, devoted wife, mother, grandmother and friend, whose spirit, positive attitude and service to others has left an indelible imprint upon our Cleveland community.

Mrs. Benda married Elmer Benda at Holy Name church in 1941, where she remained an active parishioner her entire adult life. Together they raised five children: James, Elmer, Kathleen, William and Rosemary. Mrs. Benda was the center of her family—always surrounded by the support and strength of her children, sixteen grandchildren and twenty great grandchildren.

Her devotion to her family extended into the community, throughout the North Broadway neighborhood where her leadership and concern for others lifted the lives of countless neighbors. Mrs. Benda was a founding member of the Jones Road Town Club, a member of the Orchard Civic Club and she logged nearly 7,000 hours as a volunteer at St. Alexis Hospital. She was active in several neighborhood senior organizations, including Holy Name, St. Stan's and St. Therese Senior Citizen Groups. Additionally, Mrs. Benda was a passionate participant in the democratic process. She was an active member of the Ward 12 Democratic Club and the Cleveland Women's Democratic Club. Moreover, Mrs. Benda was a Democratic Precinct Committeewoman for nearly twenty years.

Madam Speaker and Colleagues, join me in honor and remembrance of Reda Benda, whose joyous life is one to celebrate and emulate. I offer my heartfelt condolences to Mrs. Benda's children, grandchildren, great grandchildren, extended family and many friends. Although she will be greatly missed, her unwavering devotion to faith, family, friends and to the people of the North Broadway neighborhood has touched the lives of everyone who knew her, and she will never be forgotten.

SAN JOSE ELEMENTARY SCHOOL IN DUNEDIN, FLORIDA CELEBRATES ITS 50TH ANNIVERSARY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. YOUNG of Florida. Madam Speaker, the students, parents, faculty and staff of San Jose Elementary School celebrate 50 years of educational excellence this week in Dunedin, Florida, which I have the honor to represent.

Monika Wolcott, San Jose's principal, and her staff take great pride in providing a close-knit family that works with parents and local businesses to challenge their students to achieve the highest standards. Their motto is Commitment to Character and SOS (self, others, school).

San Jose Elementary welcomed its first students on September 2, 1958 to a growing part of North Pinellas County and now has as its students the children of many of its alumni.

The school has been called one of Pinellas County's best kept secrets and sits on a very unique piece of property. It is immediately adjacent to the 75 acre Hammock Park, the Dunedin Nature Center, the Gulf of Mexico and the Pinellas Trail, a county-long recreational pathway.

Madam Speaker, it is my hope that my colleagues will join me in saying thank you to San Jose Elementary for providing a half-century of caring service to the thousands of students who have passed through its doors. As the times and technologies have changed over the years, one thing has remained constant. That is a commitment to a warm and caring learning environment which has led to a quality education for Pinellas County elementary students. My congratulations go out to the San Jose Hawks, their parents and teachers for a job well done.

IN HONOR OF MARLENE ELLIOTT BROWN

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Marlene Elliott Brown. In a state with many "firsts" in its history, we are proud of the fact that Marlene was the first female State Director for USDA Rural Development, and after eight years she has left big shoes to fill for those that will follow her. This amazing woman's nearly twenty-six years of tireless federal service have been nothing but extraordinary.

A native of Laurel, Delaware, Marlene's career in public service began in 1982, when she joined the staff of the late U.S. Senator William V. Roth. She became the Senator's State Director and served him faithfully for eighteen years. On March 14, 2001, she was appointed by President George W. Bush to serve as the Delaware/Maryland Director for USDA Rural Development. Marlene's eight years in this position are marked with many noteworthy accomplishments including: 1065 Delaware families or individuals becoming new homeowners; 2855 jobs created or saved; 44,188 homes and businesses that benefited from improved central water and wastewater systems; and 235 homes of individuals with disabilities that were repaired to remove health and safety hazards.

But Marlene's impact on those around her is certainly not limited to her professional career. She is a role model for others and is involved in many community organizations, having served as President for the Georgetown-Millsboro Rotary Club, Vice Chairman of the Republican State Committee, Honorary Commander at the Dover Air Force Base, Board Member of the Delmarva Christian High School, member of the Delaware Tech Educational Foundation Council, and through her faith as a member of Trinity UMC and the Delmar Christian Center.

Marlene once described the late Senator William Roth in the following words, "all were better for the time spent with him. He gave everyone opportunity, he led by example, and he showed the path for public service." I find Marlene Elliott Brown to be all of those things and more. She is a thoughtful leader, an insightful and honest woman, a tireless volunteer in her community and church, a dedicated public servant, and above all, a loyal and generous friend.

I congratulate Marlene for her years of extraordinary service to the state of Delaware and the countless citizens who have been touched in some way by her dedication. On behalf of all Delawareans, I would like to thank her parents—Marshall and Blanche Elliott; her husband—Jim; and her friends for sharing her with us over these many years. Marlene is an exemplary citizen and like other outstanding individuals before her, "we are better for the time spent with her."

IN HONOR OF JUDGE LARRY A. JONES, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Judge Larry A. Jones, Sr., who was recently sworn-in to serve as Judge with the Court of Appeals of Ohio, Eighth Appellate District, where he will hear cases on appeal in Cuyahoga County.

Judge Jones, a lifelong resident of the Cleveland area, has a multifaceted and rich history of public service, which began at Glenville High School, where he was elected President of the Student Council. Following High School, Judge Jones realized the importance of a solid educational foundation. He earned a Bachelor of Arts degree from Wooster College, then went on to earn a Juris Doctorate degree from Case Western Reserve University School of Law.

Judge Jones served as the Assistant County Prosecutor for Cuyahoga County from 1978 to 1981, when he was elected to the Cleveland City Council, where he represented the residents of Ward 10 for five years. In 1987, Judge Jones was elected Judge of the Cleveland Municipal Court, and was re-elected every six years thereafter. Throughout his tenure, Judge Jones created an atmosphere of teamwork among the judges, uniting to develop programs to pave the way for offenders to renew their lives, thereby reducing recidivism. In 1998, Judge Jones was selected by judicial leaders to preside as the Judge for the Greater Cleveland Drug Court, a multi-tiered program involving city and county agencies that focuses on drug offenders in two main ways: Accountability and treatment resources. This vital program continues to turn lives around and provides hope for individuals and families caught in the devastating web of drug abuse, providing them with the tools to break free and reclaim their lives.

Madam Speaker and colleagues, please join me in celebrating the work of Judge Larry A. Jones, Sr. as he begins his service as Judge with the Court of Appeals of Ohio, Eighth Appellate District. His unwavering dedication,

professionalism, integrity and sense of compassion will continue to empower, uplift and strengthen the lives of every person who may find herself or himself seated before him. His tenure as the Judge of the Greater Cleveland Drug Court has made an immeasurable impact on the lives of countless individuals throughout our community, and he will continue to do so as Judge with the Eighth Appellate District of Ohio.

A TRIBUTE TO CAROLYN M. CUSTARD

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Carolyn M. Custard and her achievements as the Principal of Cecil D. Hylton Senior High School in Woodbridge, Virginia.

Principal Custard treats her students and faculty as family. The school motto, ''We are Family Working Together for Total Success'' resonates through every interaction at Hylton Senior High School. There is mutual trust and respect amongst the students, parents, faculty and administration, and all strive to meet Principal Custard's signature high expectations. She leads with positivity; motivating those around her to excel with efforts that are earnest and determined.

Principal Custard's approach to education is remarkable and her success undeniable. The percentage of special education students who passed the Standards of Learning exams rose to 80% from 59% in just one year. In 2008, Ms. Custard was named the 2008 Outstanding High School Principal of Virginia, and Hylton Senior High School was recently placed in the top 5% of Newsweek's Top 1000 High Schools in the Nation.

Principal Custard preaches collaborative leadership and established the Principal's Advisory Council. Composed of parents, students and staff, the Council encourages engagement in the school's community. Principal Custard education system can only benefit as parents and students take ownership in the performance and future of their local schools.

In recognition of her innovation and sincere dedication to education, the National Association of Secondary School Principals named Principal Custard as one of their six finalists for the 2009 Principal of the Year Award.

Madam Speaker, I ask that my colleagues join my endorsement of Principal Custard's leadership in our nation's education system.

COMMEMORATION OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE'S 100TH ANNIVERSARY

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. SESTAK. Madam Speaker, I rise today to acknowledge the contributions of the following individuals, and the organizations they lead, for their consistent and essential support to my constituents in the 7th Congressional District of Pennsylvania.

I thank Darrell Jones, of West Chester; Sheila A. Carter of Darby; Reverend Albert G. Davis of the Mainline; Dr. Joan Duval-Flynn of Media; M. Lana Shells of Norristown; Jerome Whyatt Mondesire of Philadelphia; Alice H. Hammond of West Chester; and, Linda Osinupedia of Yeadon for their tireless efforts.

These 21st Century American patriots carry on the traditions of the NAACP whose mission ''to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination,'' remains as vital today as it was when founded a century ago.

HONORING ARMTEC DEFENSE PRODUCTS COMPANY

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mrs. BONO MACK. Madam Speaker, it is both an honor and a privilege to congratulate Armtec Defense Products Company on their 40th anniversary. For the past four decades, this organization has worked diligently with the U.S. military to create products to protect and defend our county.

Armtec Defense Company began with a simple technical innovation, combining nitrocellulose into inert paper products, a superior invention that remains the industry standard even today. In 1968, founder and innovator Pete DeLuca opened the Armtec facility in Coachella, California, and began production of combustible 152mm cartridge cases. This product was used by the U.S. Army for nearly 30 years on Armored Reconnaissance Vehicles, and I commend Armtec for supplying our armed forces with the vital support our troops deserve.

For the past 40 years, Armtec has developed numerous combustible ordnance products for the U.S. Army and U.S. Marine Corps. These products are utilized by a vast majority of U.S. tank, artillery and mortar rounds in our military, and have been supplied to our forces in past military engagements such as Vietnam, Desert Storm, Operation Enduring Freedom and Operation Iraqi Freedom.

Armtec Defense Products Company has been and continues to be a wonderful asset to the Coachella Valley. Over the decades, they have provided thousands of jobs to the local residents of the 45th Congressional District, which is crucial during these economic times. Additionally, Armtec supports numerous worthy causes throughout our community, like the U.S. Marine Scholarship Fund, Navy League, and the United Way.

Armtec Defense Products Company's dedication to our nation's military is invaluable. On behalf of the constituents of the 45th District and the greater United States, we thank you for your contributions to our country's past and future.

Again, congratulations on your 40th anniversary.

ON THE INTRODUCTION OF THE FEDERAL EMPLOYEE RETIREMENT SYSTEM (FERS) SICK LEAVE EQUITY ACT OF 2009

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to introduce the bipartisan ''Federal Employee Retirement System (FERS) Sick Leave Equity Act'' that I am offering with my colleague Representative FRANK WOLF (R–VA). The current sick leave policies for the civil service are inappropriately bifurcated between new and older systems, and the current system is costing the Federal Government millions in lost productivity each year.

Today, Federal employees enrolled in FERS may accrue annual sick leave over the course of their career, but under the current ''use-it or lose-it'' policy, all sick leave is eliminated at retirement. Representative WOLF and I believe that this policy serves as a disincentive to conserve sick leave—or an incentive to use sick leave at the end of careers when employees are not really sick. An August 2008 Congressional Research Service (CRS) report indicated that sick leave balances were significantly lower for FERS employees than CSRS employees, and a survey of FERS and CSRS employees showed that 85% of CSRS employees conserve as much sick leave as possible, whereas 75% of FERS employees said they would use as much sick leave as possible during their last years. The Office of Personnel Management confirmed the existence of this ''FERS flu'' phenomenon as well, asserting that the lost productivity and training of new employees to fill in for absent employees cost the Federal Government an estimated $68 million annually. This lost productivity accompanies the aging workforce nearing retirement over the next ten years.

The use of sick leave is a significant problem to the efficiency and effectiveness of the Federal Government, but it is also a challenge that has been overcome before. The story of how employees in CSRS got their sick leave benefit provides insight into the same challenges the Federal Government faces today. Originally CSRS employees had no benefit—they all forfeited any unused sick leave upon retirement. As a result, Federal employees were burning their sick leave at the end of their careers. The Civil Service Commission estimated that half of all retiring Federal employees had no sick leave; Congress reported that retiring employees used an average of 40 sick leave days in their last year before retirement.

In response to this problem, in 1969, Congress changed the law to permit employees to receive credit for any accrued sick leave. This policy has remained in place for CSRS—whatever accrued sick leave an employee has, that time is added to their annuity. Not surprisingly, Federal employees began conserving sick leave. A later GAO report showed that retiring employees had significantly higher sick leave balances than those who retired before the law was changed.

The Congress's failure to learn from the past has caused history to repeat itself. When

the FERS retirement system was created in 1986, Congress explicitly eliminated the sick leave incentive, though they were cognizant of the possible consequences. Report language accompanying the new statute indicate that Congress believed that ''without an incentive to save sick leave, the use of sick leave may increase substantially.''

The ''FERS Sick Leave Equity Act'' will reverse the growing trend of using sick leave by providing the same benefit to FERS retirees that CSRS retirees currently receive. Under the proposal, all FERS-eligible employees will add their accrued sick leave to the years of service that employee has worked in the Federal Government. These years of service are part of the FERS retirement benefits calculation, providing a real incentive to accrue as much sick leave as possible.

The proposal has gained widespread endorsement by Federal employees who know the problem firsthand: the managers who experience the problem every day and the organizations that know the negative effect of the ''use-it or lose-it'' policy. The supporting organizations include the American Federation of Government Employees (AFGE), American Foreign Service Association (AFSA), American Postal Workers Union (APWU), FAA Managers Association (FAAMA), Federal Managers Association (FMA), Federally Employed Women (FEW), Government Managers Coalition (GMC), Senior Executives Association (SEA), National Council of Social Security Management Associations (NCSSMA), Professional Managers Association (PMA), National Association of Government Employees (NAGE), National Association of Postal Supervisors (NAPS), National Active and Retired Federal Employees Association (NARFE), National Federation of Federal Employees (NFFE), National Rural Letter Carriers Association (NRLCA), and the National Treasury Employees Union (NTEU). I am proud and grateful to have this support for the proposal.

Madam Speaker, we need to incentivize the accrual of sick leave, not to keep a policy in place that encourages people to call in sick in the weeks leading up to retirement. It will save the Federal Government millions while providing sick leave parity for FERS employees and their CSRS counterparts. I look forward to working with the Committee on Oversight and Government Reform and the full House of Representatives on this pressing issue.

INTRODUCTION OF THE CHESAPEAKE GATEWAYS AND WATERFALLS NETWORK REAUTHORIZATION

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. SARBANES. Madam Speaker, I rise today to introduce legislation to reauthorize the Chesapeake Bay Gateways Network (CBGN), a program that connects those who live in the Bay watershed to the natural, cultural and historic resources of the Bay and thereby encourages individual stewardship of these resources.

The legislation I am introducing today is identical to the bill that passed the House of Representatives by an overwhelming and bipartisan vote of 321 to 86 during the 110th Congress. Unfortunately, we were not able to get the bill to the President's desk but I am hopeful that we will complete our work on this legislation during the 111th Congress.

Since 2000, Gateways has grown to include more than 150 sites and over 1500 miles of established and developing water trails in six states and the District of Columbia. Through grants to parks, volunteer groups, wildlife refuges, historic sites, museums, and water trails, the Network ties these sites together to provide meaningful experiences and foster citizen stewardship of the Chesapeake Bay.

Madam Speaker, for a very modest investment, the Gateways program helps foster the citizen stewardship that will be necessary to advance Bay cleanup and maintain the gains we hope to make in the coming years. By reauthorizing the Gateways program and providing access to the beautiful sites that make up the network, we can help develop the next generation of environmental stewards, which is one of the best ways to truly ''Save the Bay.'' I hope that my colleagues will support this legislation so the Park Service can continue to play a key role in the Bay cleanup effort.

DISTRICT OF COLUMBIA LEGISLATIVE AUTONOMY ACT OF 2009

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Ms. NORTON. Madam Speaker, last week, I introduced the District of Columbia Budget Autonomy Act. Today, I am introducing its fraternal twin, the District of Columbia Legislative Autonomy Act of 2009, to end discriminatory and unnecessary congressional review of District of Columbia legislation. I introduce these bills in sequence because Congress makes a mockery of self-government when it denies the citizens of the nation's capital the right to enact a local budget, as well as civil and criminal laws, free from interference.

In 2007, this bill was passed by the Committee on Oversight and Government Reform, and the Budget Autonomy bill was cleared by the subcommittee on Federal Workforce, Postal Service and District of Columbia that year as well. However, I decided to delay taking these bills to the floor because of threatened debilitating amendments and possible difficulties getting President Bush to sign these bills.

The legislative autonomy bill would eliminate the 30 day and 60 day congressional review period for civil and criminal bills, respectively. Because the period of Congressional review involves only days when Congress is in session, not ordinary calendar days, bills signed by the mayor laws typically do not become law for months. A required hold on all D.C. bills forces the D.C. City Council to pass most legislation using a cumbersome and complicated process in which bills are passed concurrently on an emergency, temporary, and permanent basis to ensure that the operations of this large and rapidly changing city continue uninterrupted. Because of the complications and timeframes involved, some bills do not become law at all. The Legislative Autonomy Act would eliminate the need for the D.C. City Council to engage in this Byzantine process.

The current law is an obsolete, demeaning, and cumbersome mechanism, which Congress no longer uses, and seldom used in the past. Yet, the D.C. City Council continues to be bound by Section 602 of the Home Rule Act, and therefore continues to abide by its awkward and debilitating rules. Our bill would do no more than align D.C. City Council and congressional practices. Instead of the cumbersome formal filing of disapproval resolutions that require processing in the House and the Senate, the Congress has preferred to use appropriations attachments. It is particularly unfair to require the D.C. City Council to engage in the tortuous process prescribed by the Home Rule Act that Congress itself has discarded. My bill would eliminate the formal review system that long ago died of old age and disuse. Congress has walked away from the layover review and should allow the city to do the same.

Today's bill, of course, does not prevent review of District laws by Congress. Under Article I, Section 8 of the Constitution, the House and the Senate could scrutinize every piece of legislation passed by the D.C. City Council, if desired, and could change or strike such legislation under its plenary constitutional authority over the District. However, since the Home Rule Act became effective in 1974, of the more than 2,000 legislative acts that have been passed by the D.C. City Council and signed into law by the Mayor, only three resolutions to disapprove of a D.C. bill have been enacted, and two of these involved a distinct federal interest. Placing a hold on our 2,000 D.C. bills has not only proved unnecessary, but has meant untold wasted costs in terms of money, staff and time to the District and the Congress. Although 36 years of Home Rule Act history shows that congressional review is unnecessary, this bill merely eliminates the automatic hold placed on local legislation and the need for the D.C. City Council to use a phantom process passed for the convenience of Congress, but one that Congress has eliminated in all but law.

Congress continually urges the District government to pursue efficiency and savings. It is time for Congress to do its part to promote greater efficiency, both here and in the District, by streamlining its own redundant and discarded review processes. Eliminating the hold on D.C. legislation would not only save scarce D.C. taxpayer revenue, but would benefit the city's bond rating, which is affected by the shadow of congressional review that delays the finality of District legislation. At the same time, Congress would not give up any of its plenary power because the Congress may intervene into any District matter at any time under the Constitution.

The limited legislative autonomy granted in this bill would allow the District to realize the greater measure of meaningful self-government and Home Rule it deserves and has more than earned in the 36 years since the Home Rule Act became effective. I urge my colleagues to pass this important measure.

HONORING ALISHA YOUNG, YOUTHBUILD LEADER

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. RAHALL. Madam Speaker, today I wish to recognize a dedicated and committed young woman in West Virginia, Alisha Young. Ms. Young, a native of Montgomery, West Virginia, has overcome steep odds to gain an education and has tirelessly dedicated herself to the betterment of southern West Virginia and her neighbors.

Despite hardship early on, Ms. Young worked part-time in her local community to help her mother provide for their family and got herself through high school and into college. After a series of unfortunate choices, Alisha found herself back at home and joined YouthBuild, a youth and community development program which addresses low-income community challenges, including housing, education, employment, crime prevention, and leadership development.

Ms. Young speaks passionately about her work with YouthBuild. In a recent editorial in The Charleston Gazette, she highlighted the opportunity that participants have to obtain their GEDs or high school diplomas while learning career- and leadership-skills and earning money to build affordable homes for homeless and underprivileged families.

Now a self-proclaimed YouthBuild leader, Alisha has persevered and hopes to return to her education in the near future. She is currently serving in the AmeriCorps VISTA program and working with the YouthBuild USA Young Leaders Council.

It is from Alisha Young's example that I hope we can all learn. Her enthusiasm for her work and YouthBuild are a testament to the strong and compassionate spirit of volunteerism in West Virginia and America.

As citizens of this great Nation, it is our duty to help the less fortunate using our strengths and talents to help those in need, and to inspire those who are lost. Today, I am proud to recognize her hard work and determination and congratulate Ms. Young for her commitment to personifying the change she hopes to see in the world through her work.

THE BELLS OF BALANGIGA: IT IS TIME TO GO HOME

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. FILNER. Madam Speaker, I recently reintroduced my bill, H. Con. Res. 30, which urges the President to authorize the transfer of ownership to the Philippines of the bells taken in 1901 from the town of Balangiga in the Philippines. The bells are currently displayed at F.E. Warren Air Force Base in Cheyenne, Wyoming.

In the 108 years since the taking of the bells occurred, the citizens of the United States and the Philippines have shared many historic and political ties. The Philippines was a staunch ally of the United States during World War II. Brave Filipino soldiers were drafted into service by President Franklin D. Roosevelt, fought side-by-side with American soldiers, and were instrumental in the successful outcome of World War II. Filipino soldiers also fought along side our soldiers on the battlefields of Korea and Vietnam.

Since the independence of the Philippines in 1946, the U.S.-Philippine relationship has been largely one of friendship and cooperation. The Philippines is a republic patterned basically on our own system of government. The Philippines is a valuable trading partner of the U.S. and an ally in the war against terrorism. Approximately 2.9 million Americans are of Filipino descent and close to 250,000 United States citizens reside in the Philippines. The acts of conflict that surrounded the taking of the bells of Balangiga are not consistent with the friendship that is currently an integral part of the relationship between our two nations.

The Republic of the Philippines has repeatedly requested the return of the bells. They are an important symbol to the Filipino people, who wish to have them re-installed in the belfry of the Balangiga Church. I believe that it is time to resolve this situation in order to solidify the bonds between our two nations. My resolution would honor and promote the positive relationship our counties enjoy.

As the years pass, I am confident that relations between our two nations will grow even stronger. To that end, the United States Government which has final disposition over the bells of Balangiga should transfer ownership of the bells to the people of the Philippines as a measure of good will and co-operation.

LET'S PROTECT MOBILE HOMES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. FILNER. Madam Speaker, I have re-introduced the Mobile Home Protection Act (H.R. 741). The purpose of this bill is to provide Section 8 assistance to low-income owners of mobile homes.

Owning one's home is a central part of the American Dream. For many low-income Americans, mobile homes provide the opportunity to achieve this goal of homeownership.

However, in many cases, while the family owns their home, they do not own the land on which the home sits. In some cases, the landlord will not accept section 8 vouchers for the land on which the mobile home sits.

I have introduced the Mobile Home Protection Act to correct this problem. This bill would provide this Section 8 assistance directly to the homeowners to apply towards their rent costs for the land on which their homes sit.

Many mobile home owners have invested their life savings into buying their mobile homes. As mobile home park rents increase these low-income homeowners are not able to keep up with this cost. This legislation will help keep these homeowners in their homes and maintain these established communities.

NO MORE NAVY BASES ON FAULT LINES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. FILNER. Madam Speaker, I recently introduced legislation, H.R. 740, intended to prevent the Department of Defense from building new bases and facilities along seismic fault lines.

In San Diego, California, the Department of the Navy is planning a mixed-use development along the downtown waterfront that will incorporate not only a new Navy headquarters, but also business, commercial, and housing elements. It has come to my attention that the land in question is within the Uniform Building Code (UBC) Seismic Zone 4.

My bill requires the lease for this development to be revoked unless the Secretary of the Navy determines that seismic activity would not have any significant impact on any portion of the proposed development. My bill would also extend this requirement to other leases on which no substantial construction has already begun.

In my view, it is only reasonable to require a scientific review of this issue before construction begins. We should not allow the Department of Defense to build new bases on fault lines.

HONORING SLAIN LAW ENFORCEMENT OFFICERS!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2009

Mr. FILNER. Madam Speaker and colleagues, I rise today to speak about a concurrent resolution that I have reintroduced that recognizes the service and sacrifice of our law enforcement officers killed in the line of duty.

My legislation would express the sense of Congress that a stamp, called the Law Enforcement Officers Memorial Stamp, should be issued to honor law enforcement officers killed in the line of duty.

On average, a law enforcement officer is killed in America every other day. Since 1792, when recordkeeping started, more than 18,200 officers have lost their lives in service to their communities. In 2008, 140 officers were killed in the line of duty.

Too many police officers are killed or injured in the line of duty every day and this legislation is a way to thank those who put their lives in danger every time they put on their uniforms. I am proud to sponsor such a worthy legislation.

I invite my colleagues to join with me in commending our law enforcement officers. It is extremely important that we honor these everyday heroes! Please join me in supporting the Law Enforcement Officers Memorial Stamp Act (H. Con. Res. 31).

SENATE—*Wednesday, February 11, 2009*

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God of love, whose plan for history is to unite all things in You, bring unity to Capitol Hill. We do not ask for uniformity, with its leveling process that reduces everything and everybody to its lowest common denominator. We ask for true unity, with its bountiful diversity in which each person finds individual fulfillment in the community of love. Lord, give our Senators unity like the symphony with its variety of instruments, its many different notes which produce grand harmonies. May our lawmakers produce these melodies by seeking to understand before being understood, to console before being consoled, and to serve before being served.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 11, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from California is recognized.

THIS RECESSION

Mrs. BOXER. Madam President, I would like to take this time to bring us up-to-date on where we stand with this recession, nationally and in my home State, and also to alert the American people to something.

In 1993, when Bill Clinton got elected, this country was in a lot of trouble. We had terrible deficits—we had a terrible trade deficit, we had debt. President Clinton and the Democratic Congress came in, and we said we have to get our country back on track. The President put together a budget. I wish to remind people that budget did not get one Republican vote. I wish to read to you what Senator Lott, on August 6, 1993, said about that Clinton budget.

As we all know, that Clinton budget got us on the path of deficit reduction and an actual surplus in our fiscal year budget. It set us on the path of debt reduction. As a matter of fact, we were far along on that path. We expected to have no debt whatsoever. When George Bush got in office, the Republicans took over and the deficits soared and the debt soared.

I wish to read what Senator Lott said in 1993. Remember, it was a very similar situation in terms of a budgetary crisis, a fiscal crisis. When Bill Clinton's budget passed—and we helped him get it passed—we set off on a path of economic recovery that was unmatched. Listen to this. This is Senator Trent Lott, August 6, 1993, in opposition to the Democrats' economic plan:

This is a pork alert: Pork alert. This bill is 1,800 pages. We will not know until next April 15, probably, all the stuff that's in here. Are we talking about a little money? . . . No, we are talking about big sums.

He says:

So when you stand up and say Republicans have not been involved, let me assure you, we should have been involved. We would have liked to have been involved. But we would like to concentrate on spending cuts at first. And then talk about other things like economic growth incentive activities, that we would like to see considered in this process.

The Republicans who have been in charge for a very long time have been the party of ''no'': Do it my way or it is the highway. Only I can write the perfect bill.

I have said, and I say this respectfully to my friends, I could write a perfect bill—for me. I can assure you the people of California would like my bill better than the bill that is before us. Each of us can stand and write the perfect bill.

So we have a choice. We can allow this new President to have the opportunity to do what he said he would do during the campaign, which is to ensure that this National Government becomes part of the solution.

Believe me, I defend my Republican friends' right to say no, no, no. They have every right to do it. They have absolutely every right to do it. What I feel a little sad about is they feel they have to filibuster; each and every time we have to get 60 votes—60 votes—60 votes—because they know very much it becomes a hardship. But that is what they are doing.

I ask unanimous consent to have this and another quote printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. BOXER. In 1993, when they opposed the Democrats' economic plan, back then, that plan that set us off on economic recovery and economic prosperity, they said almost the same exact words: We are not involved, it is pork, it is this, it is that, it is a big bill. They held up the bill.

It is all the same. It is not the GOP; it is the SOP, the ''same old party.'' Right now we can't be the same old party.

Democrats can't be the same old party, Republicans can't be the same old party.

We need to join together. I hope more of my colleagues on the other side will join us. I thank the three who have, and I look forward to working with them as we move out into the future.

EXHIBIT 1

1993 QUOTES

Last, the American people should know unequivocally this plan does not reduce our long-term deficit. What I am suggesting is, if you like these taxes, wait around because the deficit starts back up in 1998 even with all of these taxes and more will be needed. And I ask where are we going to get the spending cuts and the money to bring it under control? My guess is more taxes year after year.—Senator Packwood August 6, 1993

This is a pork alert: Pork alert. This bill is 1,800 pages. We will not know until next April 15, probably, all the stuff that has been slid in here. Are we talking about, oh, just a

little bit of money? A few million here and there? No; we are talking about big sums.

So when you stand up and say the Republicans have not been involved, let me assure you, we should have been involved. We would have liked to have been involved. But we would like to concentrate on spending cuts at first. And then we can talk about other things, like economic growth incentives, that we would like to see considered in this process.—Senator Lott August 6, 1993

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE STIMULUS

Mr. MCCONNELL. Madam President, yesterday the Senate cast one of the most expensive votes in history. We have heard a lot from our friends about the dangers of deficits over the last few years. Yet the Senate this week voted to spend more than $1.2 trillion, including interest, over the next 10 years. The projected annual budget deficit for this particular fiscal year is also $1.2 trillion. We are told, of course, this is just the beginning. We have known for weeks the Treasury Secretary is planning a financial rescue plan. We still don't know the cost. Apparently, the sticker shock would have been too much to take, 1 day after the Senate voted to spend $1.2 trillion on a stimulus—all of this on top of the $400 billion Omnibus appropriations bill we will soon vote on, which will bring discretionary spending for the Federal Government for the very first time to over $1 trillion this year.

Americans are wondering how we are going to pay for all of this. Judging by the market reaction to Secretary Geithner's announcement yesterday and the newspaper editorials this morning, it is clear everyone is looking for a little more detail. With that in mind, the importance of a thorough review of the administration's budget is all the more important, so we know the totality of what the administration is asking of taxpayers.

Any parent knows you don't buy a new car and plan the summer vacation before you set the family budget for the year. I think Americans would like to know exactly how the administration plans to pay for all these things in the context of all the normal annual spending.

In the 24 days Congress has been in session this year, Congressional Democrats have agreed to spend more than $50 billion a day. Americans know they have a limit on their spending. This week they are wondering what the Government's limit is.

ENERGY PRODUCTION

Mr. MCCONNELL. Madam President, our new Secretary of the Interior has weighed in on developing American oil and gas resources located on our Outer Continental Shelf. As the process moves forward, it is my hope he will be mindful that hindering the growth of responsible domestic energy production means hindering an increase of American jobs at a time when many people are out of work. It also means hindering America's dependence on foreign oil, which has a direct impact, of course, on the price of gasoline.

Last summer, Congress heard from Americans, and I heard from countless Kentuckians, demanding a balanced approach to our energy problem that includes boosting American energy production as well as conserving what we already have. I hope the Secretary of Interior will keep the views of the American people in mind as we go forward.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THIS RECESSION

Mr. DURBIN. Madam President, you know in your State of New York and I know in my State of Illinois what this recession really means. In December, the recession hit my home State of Illinois hard. We lost 1,200 jobs a day in the month of December—36,000 jobs. That is a hit that continues, I am afraid, in the month of January and maybe even in the early part of February. The overall unemployment rate for America is 7.6 percent. Madam President, 3.6 million jobs have been lost since the beginning of the recession several months ago. Clearly, that is the element which is driving our discussion now about what to do.

There are some on the other side of the aisle in Congress who argue that the best thing to do is nothing, let the economy solve its own problems. But, sadly, many of us are meeting the casualties of this recession, and many of us know them personally because they are in our families.

I talk to a lot of my friends who are struggling. It does not sound like much, you know, when they say: My hours have been cut back. A friend of mine, a lady who is raising three children, a single mom raising three kids, had her hours cut back. Her agency does counseling for drug addiction. So she is only working three-quarters of the regular time she was expecting. Well, as a result of that cutback in her pay, she could not pay her rent, and, sadly, she is now facing some of the hardest decisions of her life. So just a cutback in pay for many people who live on the margin makes all the difference. And then, of course, there are those who lost their jobs altogether. Many of those people find they stand the possibility of losing their homes. They cannot make the mortgage payments, and they are facing foreclosure. Their savings that have been devastated by the decline in the stock market have now become the only place to turn. They have had to make serious decisions.

I talked to groups of college presidents from Illinois who came to see me, and some of them, community colleges. The colleges and universities are struggling because a lot of students are sitting there saying: I cannot keep going to school. I mean, dad lost his job and mom is working, and I am a big drain on their savings at a time when they do not have it. So colleges and universities are scrambling all over the campus to try to get people to stay in school. They are afraid they are going to lose them. Community college representatives who came to visit me yesterday said, incidentally, their enrollment is up because a lot of the students say: I can no longer go to the expensive other school, so I am going to come back and do community college courses and try to keep up with it.

Lifestyles are changing. People are making decisions; some of them we hope will be temporary, some may not. That is what troubles me when we look at the debate in Congress. There are so many people who, I am afraid, are removed from this. It really would do a lot of Senators some good to get in touch with the real world out there and what people are going through. We are somewhat insulated in the life we lead, and we have to overcome that because the people who are the casualties and victims here are the ones who should be remembered when it comes to these votes.

Now, President Obama inherited this. I am not going to dwell on the mistakes and miscalculations of the previous administration. That is a matter of record. There is no point in going into that. That was yesterday. We need to talk about today and tomorrow. What are we going do about this?

What the administration, what the President wants to do is to make sure we do not stand back as spectators and watch this collision that is occurring, destroying a lot of lives and a lot of people's hopes. So he came to us and said: We have to breathe some life into this economy. We think that this year in America, $1 trillion less will be spent on goods and services, $1 trillion taken out of the economy. What happens? Shops close. People are laid off if there is not economic activity. So what the President has said is: Let's infuse back into the economy government spending now to try to make up for that and to try to get us moving forward.

Now, I understand—and we all have to be honest about this—that the money we spend on this stimulus is money added to our Nation's debt. But failing to do anything and allowing this recession to continue to go downhill will increase our Nation's debt anyway and, of course, will add to a lot of suffering by families and businesses. So the President came forward and said: Let's focus on several things. First, let's provide tax relief to working families. They are struggling. They need a helping hand. Let's provide help in a safety net, a little more money for people who are unemployed, $25 a week. For anybody who thinks that is a huge amount of money, that is $100 a month for people unemployed. For most of us, that does not mean a lot; for people struggling to get by, it could be important.

Also, there is some help when it comes to continuing health insurance. That is one of the first things that happen when you lose a job—you lose your health insurance. The COBRA program allows you to turn to Government help for that, but it is darn expensive if you have to pay both the employee and employer share. So we are trying to provide a helping hand when it comes to the folks who have lost their health insurance, giving them a little bit of help so their families are not left defenseless to the next diagnosis or the next disease.

Then we add, for the poorest of the poor, those who are struggling the hardest, help with food stamps. You know, if you keep track in your own community, you are going to find that a lot of pantries and church-run efforts to help feed people have more folks showing up than ever. Even those who are working part time are struggling to put food on the table. So we provided additional help when it comes to this supplementary feeding program to help families who are struggling the hardest.

I have often used this statistic, but I still marvel at the fact that one out of eight people in the State of Michigan is on food stamps—one out of eight. It shows you what has happened to their economy, and, sadly, many of our States are following in terms of our own needs.

So we have the tax cuts for working families, we have this safety net, and the President has also asked us to put money into spending that will not only create jobs but make an investment in America's future.

Transportation is the obvious thing to turn to, but it goes beyond that. President Obama would like to see us put more money into building libraries, laboratories, and the classrooms of the 21st century, modernizing schools so they are energy efficient, reducing the cost of energy. That is a good investment for families, and it is a great investment for schools. The President wants money to go in, as well, to health technology so we start computerizing medical records across America. That is a first step in bringing medical care into the 21st century. With computerized records, doctors and nurses are less likely to make mistakes. They are more likely to have all the information they need before they make a diagnosis and suggest a treatment. It will reduce the cost of medical care and reduce the number of mistakes made, which is very important. That is money well spent.

The President focuses on energy. He is right to do so. We have to understand, as long as we are dependent on foreign nations for our major energy sources, we are at their mercy. We saw it happen when gasoline was over $4 a gallon, and it could happen again. We have to be thoughtful in the way we move forward in this economy, creating jobs but looking for more energy efficiency, more energy independence. That is part of the President's goal.

Yesterday, Secretary of the Treasury Mr. Geithner came forward with a plan dealing with banking institutions. It is a complex problem, and it is a multifaceted response. It tries to get at the heart of these banks that, sadly, have portfolios riddled with mortgages that have been overvalued. We have to get to the bottom line so the banks have solid balance sheets and the people have more confidence in them and, importantly, the credit being offered by these institutions starts coming forward so businesses, large and small, individuals buying homes or automobiles, have a chance.

It is a big agenda, and there are a lot of people on the other side of the aisle who say: We shouldn't do any of this. What are we doing this for? The economy will fix itself.

I disagree. The American people expect us to find solutions, do our best to come up with good-faith efforts to find solutions. They expect us to work together and not squabble, to try to find give-and-take that leads to a good solution. They want to make sure there is accountability. They are mad—I am too—that $350 billion was spent several months ago for the so-called TARP, and at the end of the day, a lot of people said: How much did they spend and what did it do?

That is taxpayer dollars. We have a responsibility to be transparent and be held accountable as part of that. They certainly expect us to do this on a timely basis. They don't want Congress chewing over this issue for weeks and months while the economy continues to decline.

Some have suggested: Are you saying this is going to work? Is this perfect? The answer is, no; I am not sure. But if we do nothing, I know what will happen. It is going to get progressively worse, where more people lose their jobs, more businesses fail, more families suffer, and we will see a spiral head downhill and continue not only in the United States but around the world. That is why what we are doing in the stimulus program is so important, that we get it done. As we speak, last-minute negotiations are underway for the stimulus bill. I hope we can get it done even today to send a clear message across the United States and maybe to the rest of the world, as they are paying attention, that we take it seriously. We are not going to buy into a Herbert Hoover mentality that everything will get well if we leave it alone. It is not going to happen.

This patient, the American economy, is in serious need of attention now. We need to apply the tourniquets to stop the bleeding. We need to make a good diagnosis and order the medicine and treatment that is essential. It has to be done in a timely fashion. I encourage my colleagues to come together. Fortunately for us, three Republicans stepped forward in the Senate and joined this effort. We could not have done it without them. We have listened to them. We have accepted their counsel. We have made changes and compromises. We have tried to work together. I invite even more to finally realize that just standing back and saying: No, I will not do a thing, isn't going to solve this problem. We are expected to work together.

We understand what led up to this; we don't want to dwell on the past. But we want to look forward to a new America that gets back on its feet using the spirit of this country to restore the economy and get us moving forward again.

Mrs. BOXER. Will my friend yield for a few questions?

Mr. DURBIN. I am happy to yield.

Mrs. BOXER. I was thinking the other day to when we had another difficult crisis of confidence in the economy in 1993, when Bill Clinton was elected and we had deficits as far as the eye could see and debt as far as the eye could see. Things were slowing. We were in difficulty. A new President came forward, Bill Clinton, and we had the Congress, the Democrats did. We passed a budget. We did it without one Republican vote. Thank goodness here we have three. We have the 60-vote supermajority Republicans are insisting upon. If you remember, it was Senator Bob Kerrey who had to think long and hard and decided to support that.

I wonder if my friend knows about the Clinton economic record: 23 million new jobs created during the 8 years of the Clinton Presidency; the largest surplus in history was left behind by

President Clinton, over $230 billion; unemployment rates were the lowest in three decades; there was the lowest overall poverty and child poverty rate since the 1970s.

Does my friend remember that battle and how we Democrats had to do it all by ourselves?

Mr. DURBIN. I remember it well because I was serving in the House at the time. When we called the Clinton plan to try to reduce the deficit and invigorate the economy, we did not have a single Republican who supported us. When it came to the Senate, it passed because Vice President Gore cast the deciding vote so it could go forward. That is the reality. There were many skeptics. You mentioned Senator Lott. There were others who said: This isn't going to work. The best thing to do is nothing. Sadly, they were wrong. They should have known they were wrong. We ended up seeing a surge in economic growth, the likes of which we have not seen in modern times.

I think right now we are in a slightly different situation because we are not talking about a big economic surge. We need to stabilize the economy. That is the key. I am afraid many of the people who are criticizing President Obama's efforts are not in touch with what is going on at home.

I watched this morning, as I am sure the Senator from California did, as President Obama went to Ft. Myers, FL, and talked to two particular people. One was Henrietta Hughes, who said: I am living in my car. I am a homeless person. What I wouldn't give to have my own kitchen and bathroom. Can you help me?

Sadly, a lot of people are homeless today. The President reached out, embraced her, and said: We will do what we can. Someone in the community stepped forward.

Another fellow said: I have been at McDonald's for 4 years. McDonald's is a great Illinois corporation, but the fact is, he wants benefits. He wants improvement in wages. You see a lot of people struggling and falling behind. If we don't stabilize this economy, that group is going to grow—people losing their homes, people in jobs that don't even sustain them.

What we are doing is a leap of faith. We are saying: We believe in this President. We believe in this last election where the people said they wanted change. We are going to stick with this President and move forward. We hope some Republicans will join us this time.

Mrs. BOXER. I think my friend is so eloquent as usual. The point I am trying to make is, we faced a serious economic problem in 1993, when a Democratic President took over. You are right. Things are way worse, and it is a different circumstance. But the same thing happened then. We had Senate leadership, Senator Lott saying, on August 6, 1993: This is a pork alert, pork alert. It is 1,800 pages. We are talking about big sums. He said: We have to concentrate on spending cuts first.

They predicted gloom and doom. What happened was the greatest economic recovery in modern history because we took a chance. We followed the wisdom of many economists at the time. We know now that if the Republicans would just join with us, we can get this economy moving in the right direction. A trillion dollars has been taken out of the economy due to lost productivity. Who is going to put it back? The banks won't. We are the only ones who can put it back. It is not going to be a trillion. It is probably under $800 billion. But it is the way to go forward.

I agree with my friend. I am so glad President Obama is out there. Doesn't he agree—and this is my last question. Then I will do a presentation about what is happening in my State—that it is important for the President to get out there, not to a group of people who have been prescreened, who are all his admirers, but actually to get there with all these people who are troubled? They are worried. They have hope and faith, but they are scared. It gives him a reality check rather than listening to what goes on around here because I am afraid the GOP, the Grand Old Party, has turned into the same old party, the same old negativity we heard in 1993 when we had another Democratic President get us on the right road to an amazing recovery. It is sort of the same old thing.

I wonder how my friend feels about our President getting out among the people.

Mr. DURBIN. The Senator from California knows the President, before he was elected, was my colleague for 4 years in the Senate. Every Thursday morning at 8:30, then-Senator Obama and I would get together for a town meeting which we opened to people who came to Washington. Originally, it was for people from Illinois who came to Washington. Then when I saw the crowds growing with my colleague, Senator Obama, I suggested those who wish they were from Illinois or just those who want to see Barack Obama. We would have a huge room full of people. Many of them were fans and admirers. But I watched Senator Obama field questions then.

During the campaign I saw the same thing. This is risky business about which politicians are warned: Don't walk into that crowd that has not been prescreened because they are going to throw you curve balls. They will criticize you. It could get tough and out of hand. Be ready.

He is ready because he has been tested. He was tested as a Senator, certainly tested 2 years on the campaign trail. It is downright refreshing that he walks in and has somebody hold up their hand and he doesn't know what is coming. This could be a person who would never consider voting for him, a person who disagrees with him completely, and he is prepared to hear that. That is a refreshing change in American politics. I hope he sticks with it. I think he will.

The fact that he is going to communities that are suffering—whether it is Elkhart, IN, or Ft. Myers, FL—he is doing his best, as Presidents are generally isolated in the White House and away from most of the people, to get back in touch. I hope our colleagues will do the same, whether they go to New York or California or Illinois or Florida. Go out and talk to the folks.

In my hometown of Springfield, my wife came in Sunday and said: I was just driving down South Grand Avenue, and there was a young woman standing there with a sign saying: I am out of work. Can you help me feed my family?

This was in my hometown. That is an eye opener. There are people like that. But she was so desperate she stood out by the side of the road asking for help. That is happening.

We have to do something about it. The answer is not to ignore it. The answer is not to do nothing. The answer is to do our level best to find a solution so we can have our best efforts, working together to find a way, an accountable way, to get the economy moving again.

I yield the floor.

Mrs. BOXER. What is the order now?

The ACTING PRESIDENT pro tempore. The Senate is conducting morning business, and the Senator is authorized to speak for up to 10 minutes.

The Senator from California.

Mrs. BOXER. Madam President, I want to pick up on where I left off. This is the same old, same old fight again. I looked back for some more quotes on the Clinton economic plan which led to 23 million new jobs, the longest period of peacetime economic expansion in American history. I read what Senator Lott from the other side said about it.

Here are other Senators: We are going to pile up more debt. We are going to cost jobs. That was Senator Conrad Burns.

What happened? We went into surplus, and we created 23 million new jobs.

ORRIN HATCH:

Make no mistake, these higher rates will cost jobs.

That was because there were some tax hikes on the wealthiest few. It went on and on.

This is Phil Gramm, the guru of the other side:

I want to predict here tonight that if we adopt this bill the American economy is going to get weaker and not stronger, the deficit four years from today will be higher than it is today and not lower. . . .

He was wrong. This is no longer an academic debate. The Republicans, in

1993, said the same things about the Clinton plan they are saying about the Obama plan.

Phil Gramm again:

I believe that hundreds of thousands of people are going to lose their jobs as a result of this program. I believe that Bill Clinton will be one of those people.

Well, Bill Clinton got reelected. Twenty-three million new jobs were created. He left behind the largest surplus in history. Unemployment rates were the lowest in three decades. We had the lowest overall poverty and child poverty rates since the 1970s.

CHARLES GRASSLEY, my colleague:

I really do not think it takes a rocket scientist to know this bill will cost jobs.

That is what he said of the Clinton plan that created 23 million new jobs.

Connie Mack from Florida, from the other side of the aisle:

This bill will cost America jobs, no doubt about it.

Senator William Roth, from the other side:

It will flatten the economy. I am concerned about what it will do to our families. . . .

Well, what did it do to our families? The Clinton plan, with the Democratic support, created 23 million new jobs, left behind the highest surplus in history, unemployment rates were the lowest in three decades, and we had the longest peacetime expansion of economic expansion in history.

Rick Santorum, from the other side of the aisle:

. . . bad policy. Let's do something that creates jobs that doesn't feed the monster of government.

It goes on and on, and later today I will read some more into the RECORD.

So as I was listening to the debate yesterday and the day before and the day before—it has been good—I had a sense of deja vu. I heard this before. I turned to my staff and I said: Can you go and find out what the Republicans said about Bill Clinton's economic plan that was so successful? We did not get one Republican vote. Thank God we are getting three Republican votes for this plan because they have set a 60-vote filibuster-proof vote. That is what we need, which is a shame, but that is the way it is.

So what I would like to do today, again, is make the point that Republicans and Democrats have a philosophical disagreement. They had it back in 1993. We tested who was right and who was wrong. We put in the Clinton plan. We got a great economic recovery. We got surpluses as far as the eye could see. We had the debt going totally down.

When the Republicans took over, the deficits soared, the debt doubled, and we have now on the backs of the American people—every man, woman, and child—$17,000 more in debt as a result of an open checkbook for Iraq and tax cuts to the millionaires and the billionaires who never needed it anyway. That is a fact. It has been proven. There is no debate over it.

I have what the Republicans said back then, and I know what happened to the economy. So if you are looking for past history to guide what we do today, it is time to step to the plate and support President Obama. He has learned from history. He has looked at what happened. He understands.

So I want to take us now to where we are in this recession: 3.6 million jobs lost since the beginning of the recession. I want people to think about 3,600,000 people. Think about your own community, how many people live in that community. Think about your own State, how many people live in that State. Think about what it means to have these many people unemployed, and think about what it means for their families, for their spouses, for their children, in the face of this. Doing nothing is not a passive act. It is a hostile act. It is a hostile act because doing nothing says: We like the status quo. We don't care about this. Let it just play out. I say that is unacceptable.

Now, we can look at what is happening month by month: almost 600,000 jobs lost in January; 524,000 in December; 533,000 in November. This is what is happening on the ground today.

The other day, I placed into the RECORD some of the layoffs that are going on in my State—everything from Macy's, to Starbucks, to little mom-and-pops, to big companies, to high-tech, all over California. We have 37 million people, and, as they say in California, when we get a cold, everybody else sneezes because we have such an impact. We would be about the seventh largest economy in the world.

This is another bad picture, I show you in the Chamber—unemployment rates rising: 6.7 percent in November; December, 7.2 percent; January, 7.6 percent. In my home State, it is now 9.3 percent unemployment. And there are some communities that have 15 percent unemployment. That is getting closer to a depression.

We have a problem, and we cannot afford stall tactics around here and 60-vote supermajorities. We cannot afford partisanship. We need cooperation because the longer we wait to put those dollars into our communities, the more job losses we are going to see.

Total unemployed Americans: 11.6 million. That is unemployed Americans at the time. Think about that. Think about your community. Think about your State. Think about what 11.6 million unemployed Americans means. There are 1.6 million unemployed Californians. The number of long-term unemployed—they have been looking and looking and cannot find work—is 2.6 million.

By the way, there are 7.8 million underemployed Americans, meaning people who get part-time work who want full-time work—so many people who have higher skills that are not being put to good use. Underemployment is a problem. It is a serious problem.

They say pictures speak a thousand words. I show you a picture of a homeless man in Bakersfield. My local officials in Bakersfield, CA, have noticed a rise in the number of homeless individuals. These are individuals without shelter. As shown in this picture, here is one hiding his face—hiding his face. It is a sad thing, and we are seeing more of it across our Nation.

Job seekers in search of employment at a Goodwill Industries career center in Los Angeles. A Los Angeles man who lost his job at a computer disposal facility was forced to place his children into foster care. Imagine all of us having to place our children into foster care because we could not find another job to support our family. He said: You've got to stay positive, but the economy is failing. I'll take anything.

He visited this Los Angeles Goodwill career center to learn about job opportunities.

The other day, I held up a picture from Florida where thousands of people came for 35 firefighter jobs, and they had to have the police come out, not that anyone was acting out, but they just needed order—for 35 firefighter jobs.

In Fresno, kids are having a good time, but where are they having a good time? In a pool at a home that has been foreclosed upon. They are creating backyard skateboard arenas. The skaters found the addresses of foreclosed homes on the Internet or through friends who work in real estate, and these young people came there to this foreclosed home. This home was once teeming with a family. Your home is your castle. It is a dream being lost.

If we do not pass this first leg of our economic recovery package, this will continue. Because it is one thing to lose your home because your interest rate got out of reach—that is a terrible thing—it is worse when you lose your home because you lost your job. So this is not a good picture.

This is an area in our State that was ready for development in the city of Rio Vista in eastern Solano County. The city of Rio Vista is nearing bankruptcy, its problems coming from plummeting property and sales taxes, a lack of funds coming from the State. The city has laid off employees. They have left open full-time positions. They have frozen salaries. They have cut city programs. And they have closed city hall 1 day a week. This is a small city, and the reverberations are many.

The San Fernando Valley Career Center—this is a picture of a gentleman who is desperately looking for work. This is what he says: I don't have a single cent in my pocket.

He has been unemployed since September. He visited this career center to

seek job opportunities. People are trying desperately to find work.

It is easy to stand up here and say: I don't like the bill. I don't like page 47. I don't like paragraph 2 and paragraph 8. The bottom line is, you can either have the perfect bill, no bill, or the compromise. Again, yesterday we passed the compromise, and we need to get this done.

This breaks my heart. I know all of us feel this way when we see our constituents who are hard workers, who cherish work, who want the pride of a job, having this circumstance.

There is a story from North Hollywood: a mother of five laid off in November 2007, spending hours each day looking for work. She said: This is the longest I've been unemployed. I feel stressed out. I have bills piling up.

So we are at the crossroads. President Obama is getting out to this country. He is going to places like this, where people are desperate. This is ''one nation under God, indivisible, with liberty and justice for all.'' We are not going to live up to that ideal if we do not act now.

My friends on the other side of the aisle, believe me, they had their turn. They had 8 years of their turn. They took a surplus, they turned it into deficit. They took debt that was on the way out and expanded it by double, laying on the backs of every man, woman, and child another $17,000 of debt. They had their chance. This is the worst economy we have seen since the Great Depression. They had their chance. They had an open checkbook for Iraq and they had an open checkbook for their very wealthy friends, and it did not work.

When we were in charge—we are not perfect, God knows, that is for sure—we got this economy back on track. We know what it takes. We have to stimulate this economy. That is the first leg. When it gets on its feet, we will wrap our hands around these deficits and get them under control. We will make sure our financial system has sensible regulation again so people have confidence in it. We know what we are doing.

It is true that the problems are vast, but this country did go through the Great Depression. And what did we see? When we put people to work, it restored their faith and confidence. When we mobilized for a war, we mobilized the productivity of people. We do not want to mobilize for war now, but we do want to mobilize for energy independence by turning to clean energy and creating technologies we can export. We know we have to take care of the housing crisis. We know we have to get ahead of it. We know we have to help people stay in their homes. This next tranche of the TARP funds that Timothy Geithner talked about—the money is already there—$50 billion will be used for that, and I hope even more. So we know what we are doing.

We are not standing up here with a plan that, as President Obama said, is plucked out of the air. It is not plucked out of the air. He spoke to economists—Democratic economists, Republican economists, and those all over the map—and the vast majority say we need to stimulate this economy, get money to the cities, get money to the counties, get money to the States, get money to the private sector, rebuild our physical infrastructure, our highways, our bridges. These are things we need to do anyway—these are things we need to do anyway. We need to get funds to law enforcement so we are not laying off police officers but hiring them. We need to get funds to our schools so we are not laying off teachers, but we are hiring them. We need to have tax breaks in here to encourage investments in alternative clean energy so we can make our government buildings energy efficient. These are all things that save money, create jobs, and we have to do them anyway.

So as President Obama has said, we didn't expect this kind of an economic crisis, but it is upon us. It is upon us. Listen to my friends on the other side and go back to 1993. They are saying the same things. They were the party of ''no'' then; they are the party of ''no'' now. No, no, no, no, no; don't do it. It is not going to work; it is going to hurt the economy; it will lead to a recession; it will increase the debt. All the things they are saying now they said then. They always have a reason to say no.

I wish to close by saying to the three Republican colleagues of mine who came forward: Thank you again. I have said it before. It takes courage. It is hard to go against the caucus you sit in every day. It is hard. I have had to do it on a couple of things. It is very unpleasant. I remember being 1 of 11 people who went a different way on one occasion on a gay rights issue. It was very hard. I remember being 1 of 23 who voted against the Iraq war. It was popular then. It was very hard. I remember voting against the Medicare prescription drug benefit because I thought it would lead to major problems with people getting kicked off their insurance when they needed their medicines the most. It also stopped Medicare from negotiating. It didn't allow them to negotiate for lower prices, and I felt the pharmaceutical companies were going to make a bundle and the people wouldn't get the benefits. I was in the minority. So I know how it feels to be in the minority. I know how it feels to vote differently than most of your colleagues. It is a lonely feeling. I say to those Republican friends on the other side: You are showing courage and you are showing wisdom. You are also showing you have learned from history, because you went back to the Clinton years where we didn't get one Republican vote for a bold economic plan. All the dire predictions turned out to be totally false.

We need to get back to those days of economic growth and expansion, but we can't do it until we move forward with this three-legged stool, this economic stimulus package to create jobs, jobs, jobs; the housing piece to address the terrible loss of confidence in housing, to help people stay in their homes and stop the slide; and, of course, the third piece of making sure our financial sector works once again, so that creditworthy people can step to the plate, go to the bank, and get a loan. It is very hard to do that.

I wish to point out one other piece of the package that is so important. The small businesses in our country will have some credit. This is very key. They will be able to go to the SBA and get this credit. So this is a package that is worthy of our support. It is far from perfect because, again, each of us could write the perfect bill, but that is not possible. Thank you to my Republican friends who have joined us.

I wish to say to the conferees: I understand the pressures they are under and I make a plea to them that within the confines of the numbers we sent over, I hope they can find the right path to take so that this bill coming out of conference is acceptable over here, we get the 60 votes, and we move forward. We have a lot of work to do.

Today I was on a TV show and it was so interesting because one of the experts on the show said, Well, wait a minute. You are talking about this economic stimulus. What about energy independence? What about health care? And he went on and on. What about exports? I thought after I got off the show: In 8 years we have developed all of these problems. We are not going to fix them in 24 hours. You have to have a list, as President Obama has, and tick them off one at a time, address these issues one at a time. The first issue is the stimulus. The second issue will be the financial sector, and then the housing sector. We are already talking about an energy bill that is going to come out pretty soon, which is going to be very exciting. These experts were saying we need a bold vision for America. I agree with them, but we can't fix what went wrong in 8 years in 24 hours. Give us a couple of months, at least, to get it on track and the effects of it will start being felt soon after that, but we can't do everything in 1 day.

So, yes, these experts are right. We have to do all of this, but we have to start at the beginning. The stimulus package is No. 1. We are almost there. When it comes back from conference, we will have another vote, and it will go to the President's desk, and then we will move forward with the rest of the economic recovery plan. I do believe in my hearts of hearts—I have been around here a while—I do believe President Obama has learned from history. I

do believe President Obama is a student of history, because if you are not a student of history you are going to repeat the mistakes of the past. I think he knows what works and I think he knows what doesn't work. So let's get behind him on this first initiative. Let's get it done. Then we will attack each and every problem, because there are many we have on our plate, but we will deal with them. I am confident—this is America—we will be stronger at the end of the day.

Thank you very much, Madam President. I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TESTER. Madam President, we have made some difficult decisions over the past few months. After years of failed policies that have dragged our economy into the ditch, we still have many more difficult decisions ahead.

The next big decision will be for Republicans and Democrats working together on a final version of the jobs bill. Now we have an opportunity to focus on a bill that will rebuild our economy from the ground up by putting Americans back to work right now.

The jobs bill we passed yesterday creates jobs—up to 4 million of them—and saves many more by investing in our roads, bridges, water systems, energy facilities, and our schools.

This is long-term infrastructure that will support our economy for generations to come. The jobs bill also invests in what matters—people. It invests in health care and an education, puts cops on the street.

Where I come from, we call things as we see them. The word ''stimulus'' is a Washington, DC, word that doesn't mean much in my book. That is why, from day one, I have called this the jobs bill because that is exactly what it is.

You are either for jobs or you are against jobs. Every day, we hear of layoffs by the tens of thousands.

Unemployment numbers are skyrocketing. Businesses—and even entire industries—are being forced to call it quits.

The national housing slump is taking its toll on Montana's timber industry. The Columbia Falls Aluminum Company is at risk of closing its doors after decades of being a major driver of the economy in Flathead Valley. The Stillwater Mine has laid off hundreds of its employees.

Montana's unemployment rate jumped from 4.9 percent in December to 5.4 percent last month. That is an increase, in 1 month, of a half percent.

The numbers are grim, and they are real. Now is the time for Congress to vote for jobs.

They say a picture is worth a thousand words. This picture is worth much more than that. It is a picture that I came across in the Whitefish Pilot the other day. It was taken by a guy named David Erickson.

The man in this picture is standing on a street corner in Whitefish, MT. He is holding a cardboard sign that says: Work needed. He is someone whom I represent in the Senate. He is one of the 950,000 Montanans whom I am proud to call my boss. His story is a story of millions of Americans right now—millions of Americans who either don't have a job or who went to work today wondering if it will be the last day on the job.

Millions of Americans are wondering how they are going to be able to continue to put food on the table for their families or pay their mortgage or pay for medicine or pay for childcare.

We are not talking about a few folks who drew a short stick. We are talking about millions of Americans who are in the same boat as this guy in the picture—folks who are paying a tough price for the failed economic policies of the past.

Some DC politicians say we don't need to pass a jobs bill because the current recession is only temporary. I ask you to tell that to the guy standing on the street in Whitefish, MT, or to the unemployed woman who wrote me to say she is willing to sweep the streets with a broom if we will give her a job.

These are proud folks. They don't want unemployment checks; they want paychecks. Right now, work is needed. That is the task ahead for my friends in the House and Senate who are working on the final version of the jobs bill.

We need jobs, jobs, and more jobs. We don't need politics as usual. Now is not the time for Congress to be against jobs. It is the time for Congress to work together to put folks back to work by investing in America.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I ask unanimous consent under morning business to use such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

STIMULUS PACKAGE

Ms. STABENOW. Mr. President, we have an opportunity in the next day or two to do something extremely significant to create jobs in this country, to help rebuild the middle class of this country, and to help rebuild confidence in the economy and to turn things around in America. I am anxious to do that, and I know our leadership is working very hard at this moment.

I thank Senator REID and everyone involved in this effort, the Speaker, and I thank our colleagues who have worked across the aisle with us to be able to address what is the most serious economic crisis certainly since the Great Depression. We have seen numbers of jobs lost that only rival back to 1945.

In the morning I had the opportunity to chair a meeting with business leaders from around the country in every part of the economy, from retail sales to restaurants to manufacturing to homebuilders, realtors, the health care industry and information technology. One thing came through loudly and clearly.

First, they are optimistic about America. They want to say we can get through this. But there is a sense that we have to move boldly and we have to get something done to turn things around. That is what this economic recovery package is all about.

We know the numbers. Certainly I know the numbers in Michigan. My constituents, the families of Michigan, understand the numbers of what has been happening to people in my State and across the country. But we have seen since December of 2007 over 3.6 million jobs lost.

It is my understanding now we have more people looking for work than there are available jobs. As a result of policies, of actions and inaction in the last 8 years, we now see over 11.7 million workers without a job. They want to work. People want to work. They work hard. People in my State right now are working hard if they are working. They may be working one job, two jobs, three part-time jobs to try to hold it together. But they want to work. We have seen the set of economic policies and inaction for too long that has created this horrible economic tsunami for too many people in this country.

In my home State, unemployment is 10.6 percent, the highest in 25 years. That is only the people we count. It does not count the people who have been unemployed so long that they are no longer involved in the numbers.

The people of Michigan want to work. They want jobs. They want to be able to pay their house payment, be able to put food on the table, be able to have their small business be successful, be able to manufacture and make things in Michigan for this country and be a part of a vibrant middle class, which has been so wonderful about our

country. That is what this economic recovery package is all about. We don't want to see these numbers, 3.6 million lost jobs.

This is a picture from Miami. It is a little bit warmer in Miami than it is in my State at the moment, although they cannot snow ski. That is something we encourage people to do. I know in your home State of Pennsylvania as well, it is a little bit colder. We are enjoying the wonderful north at the moment. But this is serious. On this picture you could take off Miami and put Michigan and it would be the same. This is a picture of a thousand people who lined up for 35 firefighting jobs in Miami. First, this recovery package will help keep those firefighters on duty. It will help keep police officers on duty. It will help keep teachers in our classrooms. It is critically important that that part of the package be passed.

But when you look at a thousand people—and we have seen thousands of people show up in lines around block after block for jobs—this is not about them wanting to work. It is about whether we are going to have economic policies that create jobs both in the short run and in the long run. I do not want to see any more of these pictures than I absolutely have to—Americans who are standing in line waiting to try to get one of a handful of jobs available.

This is about creating jobs in America. That is what this is about. We want to turn those numbers around. We know there is no silver bullet. Believe me, I don't think there is anybody here who wishes more there was a silver bullet because I would take it, I don't care whose idea it was. We don't have a silver bullet. But we do know from talking to smart people, economists, from conservative economists to liberal economists to everything in between, we do know there are things that will make a big difference. In fact, those same economists were telling us that those things would make a difference last year and the year before and the year before. Unfortunately, there were not the votes, the support to be able to do those things.

Now it has changed. We have a different leader in the White House. We have different Members of the Senate who now agree with the majority of the economists in the country about what should be done to be able to move us forward; what should be done on jobs, and housing, and critical investments to be able to get the economy going again.

I am very proud of the fact that we have in front of us a plan that is part of a three-legged stool. We have Secretary Geithner, who was testifying yesterday in the Banking Committee. Today he is in the Budget Committee, which I am on, talking about two other critical pieces. Housing, how do we get housing going again? How do we stimulate the housing markets? How do we create a bottom in this economic freefall so we can get investments going again and people can stay in their home or buy a new home. Second, he is talking about how do we get credit flowing again, so we are not only giving money to banks but they are loaning the money so that small businesses can get the credit they need, so that the manufacturers, large and small, in my State can get the credit they need to be able to operate, to be able to make parts, to be able to do business. We also know it is critically important that people be able to buy a car.

The two biggest investments most people will make are their home and their automobile. We in Michigan would like them to buy a lot of automobiles, made in Michigan, by the way.

The reality is we have seen credit shrink and dry up in a way that has caused incredible damage to the economy. So there are three pieces—two of those Treasury is tackling through existing dollars—that is incredibly important—and the third one is what we are doing in terms of creating jobs. The bottom line is not about just creating jobs; it is about rebuilding the middle class of this country. Every other country looks at us with envy because of this great economic engine, this great quality of life engine called the middle class of America. That is what we are investing in for the future. The people of this country who have not seen any kind of assistance through trickledown economics over the last 8 years, people who said, hey, how about us? How about my job? What you are doing is just talking about a few people. How about the majority of people?

This economic recovery package is for the majority of Americans. I am very pleased to see that we basically have, in this American Recovery and Reinvestment Act, three goals. One is the focus on creating or saving up to 4 million jobs. Believe me, I know you share that we want that to be 4 and 5 and 6 million and we are not going to stop just because we pass this recovery package. But this is a critical investment in jobs.

We want to make sure there are tax cuts for families, middle-class families. Let's put money in the pockets of the middle class for a change, rather than only those at the top, in terms of wealth. And we want to invest in America's future. That is what we are all about.

I am very proud that there is an emphasis on the new green economy which does all of these things at once. We are here talking about investments in new technologies that can be built in America. I know colleagues probably get tired of me saying it, but it is not enough to invest in research and development or to be able to provide incentives for using alternative energy—wind or solar or buying electric vehicles. We want to build them in America. Mr. President, 70 percent of the jobs in the stimulus in wind energy are in manufacturing wind turbines. There are 8,000 different parts in a wind turbine. I can assure you we can make every single one of those in Michigan and the ones we can't, we will outsource to Pennsylvania.

The reality is we can build the wind turbine. We can build the solar panel. A third of all of the polysilicon materials used in solar panels are actually created in Michigan through Dow-Corning. Unfortunately, too much of that is shipped out to other countries. They build the solar panel, it comes back and it is used. We have incentives in this package that will help make sure they are built here—a new 30-percent manufactured tax credit for alternative energy.

We are not competing with low-wage countries on these issues. We are competing with countries such as Germany. That is not exactly a low-wage or low-cost country but a country that has a specific manufacturing strategy and tax incentives. This proposal does that. It invests in a number of different alternative energies and focuses not only on research and development, on producing the energy, but also on making sure that we are putting an emphasis on manufacturing.

We also here have a strategy for moving to plug-in electric vehicles that are so important for our future—first, by investing in advanced battery technology, research, and again manufacturing; investments for those to be done here.

I was very excited when we saw Ford developed the first Ford Escape hybrid SUV, the first plug-in hybrid SUV. It was great, done in America, actually being built in Missouri. But the battery had to come from Japan. We don't make the battery here. Japan has invested hundreds of millions of dollars in creating the battery technology to get there first in the competition for the next generation of vehicles.

South Korea, Germany, China, and even India have put together a manufacturing strategy to focus on these things. This recovery plan does that for the first time. It puts America back on track with investments in battery technology development and manufacturing. Secondly, it does something critically important—and I wish to thank Senator CANTWELL for her leadership and I am proud to work with her in the effort to create expensing tax incentives for manufacturing of electric vehicles, manufacturing incentives not

only for those currently making a profit and for startups and those not making a profit at this time. That is critically important for you to have the research in the battery development, incentives for manufacturing the vehicles, and then we also have consumer tax credits for purchasing vehicles.

We know that when you first create a new product, whether it is your BlackBerry or your iPhone, your computer, whatever it is, it is far more expensive in the beginning. If you sell a large volume, the price comes down. So at the beginning we know consumer credits are very important to help with that initial cost. There are credits of up to $7,500 for purchasing a vehicle, the kind of vehicle we want for the future. In this package, we raise the total on the number of vehicles that would qualify for that credit.

I wish to thank President Obama and his team for advocating for the Federal Government to be part of creating a market by making a commitment to purchase vehicles for the Federal Government. We purchase a lot of cars and trucks. We can help create that market not only for building the vehicles but to bring the price down to consumers by creating a larger market. That is in here as well.

There is also a major focus on what has been called the smart grid, to make sure we have the electric capacity. I am told today, if every one of us had a plug-in electric vehicle and plugged it in, the lights would go out. We would be in trouble. We do not have the capacity. So we are focusing on that as well.

Senator CANTWELL's amendment focuses on what is called smart meters in homes. Again, we are talking about a strategy that, frankly, I am very excited about because it is focused on jobs and developing those technologies and it is focusing on the future.

Frankly, it is focusing on the ability for us to get off foreign oil. The last thing we want, and the way we have been headed, is to exchange dependence on foreign oil for dependence on foreign technology. This recovery package says, you know what, that does not make any sense. Let's create jobs and, at the same time, be working toward getting us off foreign oil, making sure we can keep the vehicle production in this country because we certainly do not want to be asking other countries for their tanks or their trucks or other vehicles. So it is a national security issue.

But let's do this in a way that makes sense in terms of a total strategy. So in this recovery plan we do a number of things for green technology. But there is a strategy, a plan, job training being another critical part of the plan. That is in here as well.

We also know we can immediately create jobs rebuilding America. Some folks will criticize that somehow the spending on jobs for roads and bridges, water and sewer systems and other projects does not make sense. It makes a lot of sense. We have about 25 percent of the bridges in this country that are viewed as structurally unsafe. We need to be about the business of giving a facelift to America. For those who are in our middle years now, we understand that. The truth is we have not been investing in American infrastructure. We have not been investing in roads, bridges, water and sewer.

Guess what. There is a new kind of infrastructure. It is called the Internet. I want the small businesses in Michigan to have access to high-speed Internet so they can do business around the world and stay in Michigan. The capacity to do that is helped in this bill.

We also make sure hospitals can have access to technology so they not only make sure they are providing complete information in the care of someone but they are cutting costs. We are talking about not only traditional infrastructure and water and sewer and roads and bridges and public transportation, which is critically important, but we are also talking about looking to the future—as our President has said, not looking back but looking to the future.

Part of what is in the future, as well, is investing in key portions related to education, related to access to college. That is here as well, all of which keeps people working and creates opportunities. When you help a family afford to send their kids to college, they are not then trying to figure out, since home equity loans are hard to come by now, how in the world they are going to juggle and be able to make the house payment and be able to send the kids to college.

So this is all part of the picture in terms of stimulus. I would suggest this is critically important and long overdue.

We also have a focus in here on those who have been caught up in this economic tsunami, those who have been hurt. I can certainly speak for Michigan because it has been multiple years, not 1 year, not 2 years, that we have seen job loss.

In this package, we also make sure individuals and businesses that are hit the hardest receive assistance. We make sure we extend unemployment compensation—in the hardest hit States, up to 33 weeks for an individual. We provided extra help in putting food on the table, to be able to keep health care.

It is great to have COBRA. If you have health insurance through your employer, then you go on unemployment and the COBRA payment can cost almost your entire unemployment check to be able to keep health care for your family. So we provide help for families, while they are going through a transition to get new employment.

We also—this is very important to Michigan and I know to the Presiding Officer's State as well—make sure we have in place support for workers who have lost their jobs because of unfair trade practices and make sure job training, health care, and other assistance is available as well.

We also know many people who, through no fault of their own, are finding themselves with no health care and needing to go to Medicaid. For individuals without health care, States are being hit very hard. There were 25,000 new individuals in December in Michigan who signed up to get health care assistance. This will help with that as well.

Families in America are hurting. This package recognizes that and supports them and, frankly, according to every economist, creates a huge stimulus to the economy as we are doing that. It makes sense that when someone is out of work and they receive a little bit more money in their pocket, they are going to spend it. They do not have the opportunity to save it. They are going to have to spend it to be able to pay the mortgage, the rent, to be able to pay for food. We have heard this from economists, we have heard it actually for several years now. We have been hearing from economists that the quickest way to stimulate the economy, to get money in the economy, is to extend unemployment benefits, to help with food assistance because the people are going to go to the grocery store, they are going to buy the food. The grocers are going to be able to turn around and purchase food supply from vendors and then the ripple is very large. So we did that because it is both a stimulus and it is also the moral thing to do, the right thing to do, when people in America are hurting.

We know, again, there are more people out of work than there are jobs available. We have, I believe, a moral obligation to pay attention and do what we can to help while families get back on their feet.

There are many parts of this bill, but another important part for families is in the ability to put money in their pockets, in terms of middle-class tax cuts, child tax cuts for families, and to be able to make sure any tax relief is targeted to those first who have not received much of a tax cut in a long time. But, secondly, there are those in the middle class who most need to have money in their pockets and those working hard to get into the middle class who most need money in their pockets as well. We make sure we also focus on helping our veterans and seniors put money into their pockets. Again, we know this will help stimulate the economy.

Overall, I am here to say this package needs to get done. It needs to get done as quickly as possible. It needs to get done by tomorrow or by Friday. I hope we will not see more filibustering going on and more delays.

I hope we will come together. No one says anything we pass is perfect. We do the best we can. In this case, I have to say this is something economists have said will work. We know we need the jobs. We know families need help. We know what we need to do for investments in the future. We know what we need to do to support small businesses, what we need to do to be able to support manufacturing, to keep jobs in America.

This is not rocket science. We know what needs to be done. This package addresses that. This is about creating jobs in America. That is fundamentally what this is about. We have gone for too long, we have lost over 4 million manufacturing jobs, good-paying, middle-class jobs in America in the last 8 years. We have over 11 million people out of work today. Now is the time. Now is the time for us to help the people of America get back to work.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAS VEGAS TOURISM

Mr. REID. Madam President, during the Presidential campaign, candidate Barack Obama came to Nevada 20 times. Most of those visits were to Las Vegas. It is a place he and I have spoken about lots of times. His staff who came with him loved Las Vegas. I want everyone to understand that when President Obama, at his press conference Monday night, said there was a need for an economic recovery plan, he was very serious about that, and he meant it.

During the question-and-answer period, the President made remarks concerning trips to Las Vegas by financial services companies and their employees. I have spoken at length with President Obama's Chief of Staff Rahm Emanuel. I will speak to the President when I have that opportunity. Mr. Emanuel made it clear to me—and I know this is the case—that President Obama's criticism was aimed at the potential use of taxpayer funds for junkets.

Now, we gave a lot of money to these banks, and they shouldn't be taking junkets with any of that money, whether they go to Las Vegas, Los Angeles, Salt Lake City, New York City, or anyplace else. That was the point President Obama was making.

We all know Las Vegas is a premier destination source of the world, and people look upon it as a good place to go for a little timeout. I repeat, during the campaign President Obama was in Nevada 20 times. In fact, he just accepted my invitation to visit again this spring, early summer for the first time as our President.

Nevada has lots of hotel rooms, but Las Vegas has more than 140,000—far more than any other place in the world. We have millions of feet of visiting space. The largest convention center in the world is in Las Vegas.

As all Americans spend less as a result of our economic crisis, it is important to note that Las Vegas, with an average daily hotel rate of only $119, is one of America's most affordable cities to visit. It is one reason nearly 6 million people came to Las Vegas to attend more than 20,000 meetings and conventions last year.

President Obama and I agree that every penny of taxpayer funds should be protected. We also agree Las Vegas is one of America's greatest destinations for tourists, families, and businesses.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

STIMULUS PACKAGE

Mr. GRASSLEY. Madam President, earlier today the junior Senator from California was discussing President Clinton's 1993 tax hike bill that broke his campaign promise to cut taxes on those making $200,000 or less and instead raised taxes on those making more than $20,000 a year. The junior Senator from California said this morning:

> Charles Grassley: I do not think it takes a rocket scientist to know that this bill will cost jobs. That is what he said of the Clinton plan that created 23 million jobs.

That is the end of the quote of what this Senator said. It is an accurate quote, but I want to make sure there is a context.

I made that statement about the 1993 Clinton tax hike bill on seniors and the vast majority of other Americans. The junior Senator from California is saying that one tax hike bill in 1993 is solely responsible for the creation of 23 million jobs between 1993 and the year 2000 and, in a sense, we should ignore all other economic events, including the work of the Republican Congress, free-trade legislation, and many other factors that actually caused the job creation during that period. Other than being simply wrong, it revises fiscal history. I felt the need to respond to those remarks because the junior Senator from California called me out by name on the Senate floor.

I gave a speech on the Senate floor just yesterday that clearly rebuts her mistaken assertion that the Clinton 1993 tax hike bill was the cause of 23 million jobs. Perhaps she was involved in partisan negotiations on the stimulus bill instead of watching my speech at that time.

I will note that as one of five Senate conferees on the stimulus bill, I have been excluded from participating in conference negotiations and instead will only be invited to a photo op today scheduled at 3 p.m. which the Democrats are referring to as the one conference meeting that is required under the rules. DAVE CAMP, the only other Republican tax writer who is a conferee, has also been excluded from conference negotiations.

There will not be any negotiations, give or take, or compromise at that meeting; it will simply be to ratify a deal that Democrats and three Republicans out of 219 Republicans in the entire Congress have agreed to. In fact, there were more Democrats—11 in the House of Representatives—who voted against the stimulus package than there were the three Republicans who voted for it. This bill was handed over to the House Democratic leadership to write, and they wrote a bill that was loaded down with a lot of unnecessary—well, I shouldn't say unnecessary spending; I should say spending that goes way beyond the 2-year window of stimulus; a window that Dr. Summers, the President's economic adviser, said ought to be timely, temporary, and targeted. That is 2 years, that is not forever.

So this bill is not stimulative, then, or goes way beyond being stimulative, and it tended to include items that reward Democratic supporters such as unions and environmental groups. It has an enormous bailout of States that overspent their budgets and a lot of spending that belongs in an appropriations bill but which has no place in a stimulus bill. Less than 34 percent of the Senate bill was tax relief, according to the Congressional Budget Office, which is the official scorekeeper on that matter. Less than 1 percent of the Senate bill was tax relief for small business, and small businesses are the engine for job growth in our economy, creating three-fourths of new jobs in our economy.

Since the junior Senator from California clearly did not hear my speech from yesterday, I wish to go over some of the key items she has overlooked. Two days ago, and again this morning, there was a lot of revision or perhaps editing of recent budget history. Our President alluded to it. I agree with the President there is a lot of revisionism in the debate. The revisionist history basically boils down to two conclusions: that all of the so-called good fiscal history of the 1990s was derived from a partisan tax increase of 1993; and No. 2, that all of the bad fiscal history of this decade to date is attributable to bipartisan tax relief plans earlier this decade.

Now, not surprisingly, nearly all of the revisionists who spoke generally oppose tax relief and support tax increases. The same crew generally support spending increases and oppose

spending cuts. In the debate so far, many on this side have pointed out some key, undeniable facts. The bill before us, with interest included, increases the deficit by over $1 trillion. The bill before us is a heavy stew of spending increases and refundable tax credits, seasoned with small pieces of tax relief. The bill before us has new temporary spending that if made permanent will burden future budget deficits by over $1 trillion. All of this occurs—all of it occurs—in an environment where the automatic economic stabilizers are kicking in to help the most unfortunate in America with unemployment insurance, food stamps, and other benefits—things that are part of the social fabric of America that are meant to take care of people in need, and particularly right now when we are in a recession, they automatically trigger in to higher levels of spending. That antirecessionary spending, together with lower tax receipts and the TARP activities, has set a fiscal table of a deficit of $1.2 trillion. That is the highest deficit as a percentage of the economy in post-World War II history, not a pretty fiscal picture. It is going to get a lot uglier as a result of this bill. So for the folks who see this bill as an opportunity to recover America with Government taking a larger share of the economy over the long term, I say congratulations.

If a Member votes for this bill, that Member puts us on the path to a bigger role for the Government, but supporters of this bill need to own up to the fiscal course they are charting. That is where the revisionist history comes from. It is a strategy to divert, through a twisted blame game, from the facts before us. One can ask: How is this history revisionist? So I would take each conclusion one by one.

The first conclusion is that all of the good fiscal history was derived from the 1993 tax increase. To knock down this assertion, all you have to do is take a look at this chart—not a chart produced by the Senator from Iowa but a chart produced from data from the Clinton administration, and it is right here. It is the same chart I had up a couple of days ago. The much ballyhooed partisan 1993 tax increase accounts for 13 percent—you can say 13 percent or you can say just 13 percent, and I prefer the latter—just 13 percent of the deficit reduction through the decade of the 1990s.

The biggest source of deficit reduction, 35 percent, came from, as you can see, cuts in defense spending. Of course, that fiscal benefit originated from President Reagan's stare-down of the Communist regime in Russia before 1989, and we didn't have to spend as much on defense because the Cold War was—well, there wasn't a Cold War, I suppose you could say. The same folks on that side who opposed President Reagan's defense buildup take credit for the fiscal benefit of a peace dividend.

The next biggest source of deficit reduction, 32 percent, is other revenue. It came from various sources. Basically, this was the fiscal benefit from progrowth policies, such as the bipartisan capital gains tax cut of 1997, and the free-trade agreements President Clinton, with Republican votes, established.

The savings from the policies I have pointed out translated into interest savings. So you get the 15 percent that is from interest savings.

Now, for all the chest-thumping about the 1990s, these chest thumpers who push for big social spending didn't bring much to the deficit reduction table of the 1990s. That contribution was the 5 percent you see up there.

What is more, the fiscal revisionist historians in this body tend to forget who the players were. They are correct that there was a Democratic President in the White House. But they conveniently forget the Republicans controlled the Congress for that period, where the deficit came down and turned to surplus. They tend to forget they fought the principle of a balanced budget that was the centerpiece of our policy at that time, the Republican Party's policy.

Remember the Government shutdown in late 1995?

They ought to remember that. Remember what it was about? It was about a plan to balance the budget. Republicans paid a political price for forcing the issue. But, in 1997, President Clinton agreed. Recall, as well, all through the 1990s what the year-end battles were all about. On one side, congressional Democrats and the Clinton administration pushed for more spending. On the other side, congressional Republicans were pushing for tax relief. In the end, both sides compromised. That is the real fiscal history of the 1990s.

Let's turn to the other conclusion of the revisionist fiscal historians. That conclusion is that, in this decade, all fiscal problems are attributable to the widespread tax relief enacted in 2001—which was a bipartisan bill—2003, 2004, and 2006.

In 2001, President Bush came into office and inherited an economy that was careening downhill. Investment started to go flat in 2000—you know, the NASDAQ bubble that lost 50 percent of its value. In February 2000, we started down the road of more than 40 months of downturn in the manufacturing index. Then we had the economic shocks that related from the 9/11 terrorist attacks and then you can add in the corporate scandals to that economic environment.

It is true, as fiscal year 2001 came to a close, the projected surplus turned to a deficit, and we have a chart that shows the start of this decade's fiscal history.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. Is it possible to get 3 more minutes?

Mr. BROWN. Madam President, if the Senator would like an additional 5 minutes, that is OK with me.

Mr. GRASSLEY. I appreciate that. I have to get out of here at that time anyway. I have a radio program I have to do.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. GRASSLEY. Madam President, we have the chart that you have seen before, and nobody has disputed the chart. Maybe you can dispute the interpretations of it, but these are figures you can rely upon.

If my comments were meant to be partisan shots, I could say this favorable fiscal path from 2003 to 2007 was the only period, aside from 6 months in 2001, where Republicans controlled the White House and the Congress. But unlike the fiscal history revisionists, I am not trying to make any partisan points; I am trying to give you the fiscal facts.

We have another chart that compares tax receipts for the 4 years after the much ballyhooed 1993 tax increase and the 4-year period after the 2003 tax cut.

On a year-by-year basis, this chart compares the change in revenues as a percentage of GDP. In 1993, the Clinton tax increase brought in more revenue as compared to the 2003 tax cut. That trend, though, reversed as both policies moved along in years. You can see from the chart how the extra revenue went up over time relative to the flat line of the 1993 tax increase, which ought to make it very clear that you don't necessarily bring in more revenue because you increase taxes, and you can decrease taxes, stimulate the economy, encourage business activity, encourage investment, and bring in more revenue.

The progrowth tax and trade policies of the 1990s, along with the ''peace dividend'' had a lot more to do with deficit reduction in the 1990s than the 1993 tax increase, which was only 13 percent of deficit reduction. In this decade, deficits went down after tax relief plans were put in full effect.

That is the past. We need to make sure we understand it. But what is most important is the future. In fact, the last election, based upon President Obama's very own statements, was about the future, not about the past. So we should not be talking about the past. People in our States sent us here to deal with future policy. They don't send us here to flog one another similar to partisan cartoon cutout characters over past policies. They don't send us here to endlessly point fingers of blame. Now let's focus on the fiscal consequences on the bill in front of us. That is what this vote, before we end this week, is all about.

President Obama rightly focused us on the future with his eloquence during the campaign. I would like to take a—paraphrase a quote from the President's nomination acceptance speech:

We need a President who can face the threats of the future, not grasping at the ideas of the past.

President Obama was right.

We need a President, and I would add Congressmen and Senators, who can face the threats of the future. This bill, as currently written, poses considerable threats to our fiscal future. Senator MCCAIN's spending trigger amendment showed us the way. We can rewrite this bill to retain its stimulative effect, but turn off the spending when the recovery occurs.

Grasping at ideas of the past or playing the partisan blame game will not deal with the threats to our fiscal future.

It is not too late to do a clean stimulus bill, which is what the American people want and need. There is a way to reach a real bipartisan compromise, not just picking off a few Senators that frequently vote with the Democrats. We can have a significant amount of infrastructure spending for roads and bridges. Even though some on our side of the aisle have issues with the making work pay credit, we could take that and expand it to cover all those making up to $250,000—which is the level that President Obama and his surrogates said during the campaign that he wants to cut taxes for people. Instead, the making work pay credit phases out starting at $70,000 for individual workers. So we are saying a large part of the middle class by President Obama's definition won't get the tax cut. In fact, the ''we give a tax cut to 95 percent of working families'' number that has been bandied about is wrong. According to the Joint Committee on Taxation, 87 percent of workers qualify for some or all of the credit, and even less get all of the credit. So there is a way forward. It is a clean stimulus bill. All the Democratic agenda items and spending items that should go in the appropriations bill can get done in regular order. The Democrats have the votes. They don't need to push that agenda on the American people and dig a deficit ditch an additional $1.2 trillion deeper with this bill, when interest on the bill is considered. They have the votes to push their agenda later in the year. For now, let's give the American people what they want, a clean stimulus bill, and not scare them into thinking that the Democratic agenda needs to be pushed in the stimulus bill. It is reminiscent of that famous chicken—Chicken Little, who said ''The Sky is Falling.'' Let's do a clean stimulus bill instead.

I think this clears up the record. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Madam President, I was glad to yield the additional 5 minutes to my friend from Iowa. Senator GRASSLEY has always been, as far as I could see, bipartisan in my 2 years in the Senate. I thank him for that. I often don't agree with his reasoning, but I always agree with his motive. I wish to make a couple comments—and I know he has to leave and that is fine. I wish to make some comments on his comments, and then I will talk more precisely and directly about this stimulus package that we are convinced will create millions of jobs for our economy and our country.

I was joined in a press conference today by the President of the National Association of Manufacturers, a group that rarely supports me in my campaign and rarely supports the Presiding Officer in hers, as it is a group that simply doesn't agree with us. The National Association of Manufacturers thinks this stimulus package is just right. They like the spending part, the tax cuts part; they think it is the right mix. They were resounding in their support today. Also joining Senator JACK REED and me was the president of the National Association of Realtors.

There are a lot of very important economic organizations and business groups that are supportive of this legislation. I am sorry it has become so partisan to the Republicans and that only three of them could see their way to support a bill that has gotten huge bipartisan and business support and labor support around the country and not even three people in the House of Representatives. So I have a couple comments on Senator GRASSLEY's comments.

I am incredulous when you see people stand and try to make the 1990s economy out to have not been very good and the economy of the last decade to have been better. Yet anything good that happened in the 1990s had to do with Republican policies, and anything bad that happened in this decade had to do with Democratic policies. It goes back to something I am even more incredulous about, and that is this cottage industry that has been created in this country in the last year that Franklin Roosevelt's Presidency was a failure and that it caused the Depression and then caused the second depression and recession in 1937. It is remarkable. I am not an economic expert. I took economics courses in high school and in college, but I am a prolific reader. I don't ever recall reading—from conservative or liberal economists and people in between, such as academics or business people—that Franklin Roosevelt's economic policies were a failure, until 6 months ago when it was clear that Barack Obama was going to be President and was going to follow some of Roosevelt's ideas of direct spending to put people to work, for infrastructure, for health care, education, and a lot of things Franklin Roosevelt did, such as regulation of Wall Street, of the minimum wage and worker's compensation and unemployment compensation—all the things that Roosevelt began.

On a personal note, I add that this desk at which I stand is desk No. 88. They each have numbers on them. This desk was occupied, back in the 1930s, by future Supreme Court Justice Hugo Black, then a Senator from Alabama. Hugo Black supposedly sat at this desk when he wrote the minimum wage bill; he wrote it on the Senate floor, apparently, and it later became law.

What intrigues me is that there are Wall Street Journal columnists—no surprise—and Washington Times, Republican ideologues, and conservative think tanks funded by some of the wealthiest outsourcing kinds of corporations in America, who are trying to discredit Franklin Roosevelt's policies in order to discredit President Obama's policies. It is historical revisionism that sounds almost like, I daresay, the Soviet Union—this kind of revisionist history that I don't even get.

There is no question in any fair-minded historian's mind that what Franklin Roosevelt did mattered in a very positive way. He built a banking structure that kept us safe for 75 years, until the Republicans deregulated it in the last 8 years. He built a wage structure that created a middle class. He got us out of the Depression, along with others he worked with.

Enough of that. When I heard my friend from Iowa talk about the 1990s, that the Clinton policies didn't work and that, in 2001, the Bush policies did—where I come from, in Ohio, we say that doesn't pass the straight-face test. I don't think anybody believes them. These columnists and pundits and rightwing ideologues and think-tank academics keep saying it, so I guess they are talking to each other but not to the American public.

Let me talk about the stimulus. The Senate, yesterday, took a major step toward revitalizing this stumbling economy.

We passed legislation that would create jobs in construction, engineering, green energy, social work, health care, the retail sector, the service sector, and the manufacturing sector—preserving those jobs now and building jobs in the future.

These are jobs that stimulate consumer spending, which stimulates economic activity, economic activity that fuels growth and gets us out of recession. When you build a bridge, you put money in the pockets of sheet metal workers and operating engineers and laborers and carpenters and electricians.

When you build an infrastructure project, that money does two things: It goes directly into the economy because

these are good-paying jobs that create a middle class, and they will spend that money on homes, cars, and consumer items. It also, as I have learned in doing roundtables around Ohio—I have done 125 roundtables in all of Ohio; I have been in all the 88 counties listening to people talk. I invite 20 or 25 people in a community, a good cross-section of people. It is not just the mayors and county engineers who say we need more sewers, broadband, water systems, bridges, highways, and roads. It is also economic development directors of the communities' chambers of commerce, the plant managers, and other business people who understand that to do economic development, you need clean water for manufacturing, you need a good transportation system, bridges, water, sewer systems, broadband, and all these things. That is what this stimulus package is about—infrastructure. It creates 4 million jobs, some directly and immediately, as we set the table and build a foundation for economic development.

The bill, I also add, invests in alternative energy. That means good-paying jobs, energy innovation, and energy independence. It means fighting for global independence and fighting global warming, a force that is threatening animal species and could only jeopardize the human species as well. An overwhelming number of scientists say that.

This bill will not only stimulate our economy, it will make sure our Nation can regain its economic footing and does not do it just to lose it again in the future.

We cannot be dependent on foreign oil and hope to thrive in the global economy. We cannot let our transportation infrastructure erode. That is what has happened in the last 10 years.

At the beginning of this decade that some of my Republican friends brag about, the economic policy of the early Bush years, we had a budget surplus when he stood on the Capitol steps and took the oath of office. We had a budget surplus in this country. Then the President went to war with Iraq, spending $3 billion a week. The President did tax cuts for the wealthiest Americans. And all of a sudden, we have this huge budget deficit that my Republican friends rail against we are adding to.

When President Obama took office, the budget deficit was at $1 trillion for that fiscal year. It went from zero to $1 trillion. Madam President, $1 trillion is a thousand billion; a billion is a thousand million. If you spent $1,000 every second of every minute of every hour of every day, it would take you 33 years to spend $1 trillion. The pages sitting in front of me average in age about half that; am I correct? Sixteen years or so? They have lived about half a billion seconds. For them to spend $1 trillion, they would have had to spend $2,000 every second of every minute of every hour of every day in their young lives to get to $1 trillion. You, Madam President, would have to spend a little less, being very young but a bit older than they are.

Let me talk for a moment about what is happening with the States.

Every State in this country—unless they are energy States, unless they make money in their State treasuries from oil production, coal production, natural gas production—is faced with a huge budget deficit. My State of Ohio, for instance, as so many States, is forced to cut services. Cutting services means cutting jobs, it means laying off people, and it means hurting communities. It means all of that.

We cannot dismiss this situation. We must confront it. We must do something about it. It means as people lose their jobs, as a plant in Jackson, OH, the Meridian plant, closes or a plant somewhere else in Gallipolis or Mansfield or Toledo, OH, closes—when a plant shuts down, it is not just those workers who lose, as tragic as it is; it also puts more demands on the mental health system, more demands on the food pantry, more demands on communities that simply cannot afford it. As their tax base shrivels, they cannot afford it.

Economic recovery will not happen at the national level unless it happens at the State level. With dramatically reduced revenues, States are left with no options. They are cutting basic jobs, and they are cutting basic services. They are cutting social workers, teachers, mental health counselors, and public safety personnel. We cannot function that way. If what we do in the recovery bill adds jobs but the States take them away, we will be left treading water.

The House-passed economic recovery bill includes dollars the States can use to weather this economic storm. And if they don't weather it, none of us will.

So I hope Senators and Representatives negotiating the final bill will agree upon the House-passed State stabilization fund. It just makes sense.

This bill, as I said earlier, is endorsed by the National Chamber of Commerce, the National Association of Manufacturers, the Realtors, and businesses all over the Presiding Officer's State of North Carolina and my State of Ohio. It is endorsed by small businesses, by manufacturing businesses—all those companies that create so much wealth and jobs in our society.

In my State, from Toledo to Columbus, our universities are engaging in groundbreaking research. From Cleveland to Cincinnati, regional partnerships are being formed to advance solar and wind technology. My State is well on the way to becoming the Silicon Valley of alternative energy. We are about to put wind turbines in Lake Erie—the only place in the world where wind turbines will actually be located in freshwater. We are building hydropower on the Ohio River. We have the largest solar manufacturer of any State in the country in northwest Ohio. The University of Toledo is doing all kinds of wind turbine research, fuel cells in Stark State and Canton and Rolls Royce and Mount Vernon. Fuel cell development and research is far ahead of most places in the country, with biomass, Battelle in Columbus, all kinds of coal research. We are doing things that, with this bill, we can do better.

There is $33 billion in green energy tax incentives in this bill to grow jobs by encouraging green energy production. What value is it if we wean ourselves from foreign oil by using solar but we are not producing solar in our country?

Oberlin College, which is 15 minutes from my house, has the largest single building on any college campus in America powered fully by solar energy built 3, 4 years ago. We got those solar panels from Germany and Japan. Why do we do that? We do it because in the early part of this decade President Bush pushed through this Senate and the House—I was a Member of the House—an energy bill that dumped all of its tax incentives, subsidies and incentives, to oil and gas, not to solar, not to wind, not to fuel cells, not to biomass, not to where we should have been looking. It was the same old game, same old politics, same old ''help your friends in the oil and gas industry, cash your campaign checks, and do the country wrong.'' That is why this bill is so important to do something else.

Lastly, I wish to talk about another provision of the bill which probably is the strongest provision of the bill; that is, the ''Buy American'' provision Senator DORGAN and I worked on in the last couple of years.

In a recent survey of Americans, 84 percent support the ''Buy American'' provision—perhaps the strongest statement of the public on any provision in the stimulus bill. The fact is, we are asking people in North Carolina, Ohio, and around this country to reach into their pockets and come up with hundreds of billions of dollars to spend on the stimulus package. They ask three things: first, that we be accountable in doing this right; second, they ask that the jobs be in the United States; third, they ask that the materials used for this infrastructure also be made in the United States. That is the compact we have come to, and I believe that is so very important.

I have had discussions with people at the highest levels of the Obama administration about the importance of ''Buy American'' and about enforcement. We have had some of these ''Buy American'' laws on the books since the Roosevelt years. It is part of the reason he was successful. The Bush administration simply turned its back on this

law. They simply did not enforce it. They granted waivers, waivers that were not even public. For instance, the 800-mile fence along the Mexico-United States border was made with Chinese steel, probably illegally. But the Bush administration just said: OK, buy the steel wherever you want, instead of putting Americans to work.

I close with, as all of us in this body—most of us—understand, we need to get this economy back on track, we need to set the stage for a prosperous future. Partisanship at this stage is a slap in the face of unemployed Americans, families facing foreclosures, communities sinking into poverty, and, frankly, to middle-class America, who just wants an even break and wants us to get our economy back on track. Action is our only option. Let's move.

I yield the floor. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF WILLIAM J. LYNN, III, TO BE DEPUTY SECRETARY OF DEFENSE

Mr. LEVIN. Mr. President, I ask unanimous consent now that the Senate proceed to executive session to consider Calendar No. 14, the nomination of William Lynn to be Deputy Secretary of Defense; that there be 3 hours of debate with respect to the nomination, with 1 hour each under the control of Senator GRASSLEY and Senator MCCAIN or his designee, 1 hour under my control or my designee's, and that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be laid upon the table, no further motions be in order, that the President then be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The bill clerk read the nomination of William J. Lynn, III, of Virginia, to be Deputy Secretary of Defense.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield myself as much time as I utilize.

Mr. President, I urge my colleagues to join me in supporting the nomination of Bill Lynn to be Deputy Secretary of Defense. This nomination was reported to the Senate by the Armed Services Committee by voice vote on February 5, without objection or dissenting vote.

Since the time that he received his law degree from Cornell Law School and his master's degree in public affairs from the Woodrow Wilson School more than 25 years ago, Mr. Lynn has devoted his life to public service and the national defense. For 6 years, Mr. Lynn worked as the military legislative assistant and legislative counsel to Senator TED KENNEDY. In 1993, he moved to the Department of Defense, where he served first as director of program analysis and evaluation, and then as comptroller until 2001. Over the years, he has also served as a senior fellow at the National Defense University, on the professional staff at the Institute for Defense Analyses, and as an executive director of the Defense Organization Project at the Center for Strategic and International Studies.

At the end of the Clinton administration, Mr. Lynn went to the private sector for the first time, working first for DFI international and then for Raytheon Corporation, where he has served as senior vice president of government operations and strategy, overseeing the company's strategic planning and government relations. As a result of the senior positions he has held with Raytheon, Mr. Lynn has vested and unvested stock in the company, as well as salary, bonus, and retirement payments that are due now and in the future

Mr. Lynn's situation is of course not unique. Numerous nominees to senior positions in prior administrations—including nominees to serve as Secretary of Defense, Deputy Secretary of Defense, Under Secretary of Defense for Acquisition, Technology and Logistics, Secretaries of the Military Departments, and Service Acquisition Executives—have served in similar industry positions and held similar financial interests at the time of their nominations.

Over the years, the Senate Armed Services Committee has developed a strict set of ethics guidelines to address potential conflicts of interest, and the appearance of conflicts of interest, arising out of such nominations. These guidelines are tougher and more comprehensive than the rules historically imposed by the executive branch or by other congressional committees. When I say ''These guidelines'' are tougher and more comprehensive, I am referring here to the guidelines that the Senate Armed Services Committee has developed.

For example, under generally applicable executive branch ethics rules, a nominee could address actual or potential conflicts without divesting stock or other financial interests by recusing himself from matters involving his former employer—subject to a waiver by DOD ethics officials. However, the Armed Services Committee of the Senate takes a stricter approach. We require that nominees to Senate-confirmed positions divest themselves of stock, stock options, and other financial interests in companies that do business with the Department of Defense. In the case of stock options that have not yet vested, and will not vest within 90 days after confirmation, the committee insists that the nominee renounce the options—in other words, forfeiting the entire value of the stock options.

The committee's strict divestiture requirements are added to the requirements of statutory and regulatory ethics rules applicable to all executive branch officials. Our rules require senior executive branch officials to recuse themselves from decisions impacting their former employers for a period of 1 year, even if they have already divested all financial interest. When I said ''our rules'' I was referring here to the executive branch rules. As a result, nominees to senior DOD positions are subject to both divestiture and recusal requirements.

These ethics requirements have been effective. Over the 12 years that I have served as chairman or ranking member of the Armed Services Committee, I am not aware of a single instance in which a Senate-confirmed defense official who previously served in industry has even been alleged to have taken an action favoring his former employer. We may agree or disagree with some of the decisions that these senior officials have made, but conflict of interest does not appear to have been alleged in any of those disagreements.

Mr. Lynn has complied with all of the committee's requirements. In accordance with our ethics guidelines, Mr. Lynn has agreed to divest his financial interest in his former employer within 90 days of his confirmation. In order to accomplish this purpose, he has agreed to forfeit restricted stock. By the way, this stock has a value between $250,000 and $500,000. But that stock does not vest until late in 2009 or 2010. In short, Mr. Lynn has agreed to forfeit that restricted stock and thereby make a significant financial sacrifice in order to return to Government service.

In addition, Mr. Lynn will be subject to the statutory and regulatory recusal requirements that I have already discussed. These recusal requirements are subject to waiver by the senior ethics official in the Department of Defense. However, Mr. Lynn has taken an additional step by agreeing not to seek any waiver of the recusal requirements during his first year in office with regard to any matter on which he personally lobbied either Congress or the executive branch. This commitment on Mr.

Lynn's part goes beyond the steps taken by previous nominees to senior positions at the Department of Defense.

The bottom line is this. Mr. Lynn, if confirmed, will be subject to ethics restrictions that are stricter than those historically imposed by the executive branch, stricter than those applied by other congressional committees, and stricter even than those applied by the Armed Services Committee to previous nominees with similar backgrounds.

On January 21, 2009, President Obama issued an Executive order on ethics commitments by executive branch personnel. This Executive order includes a provision that would, for the first time, preclude registered lobbyists from seeking or accepting employment with an agency that they had lobbied within the previous 2 years. Because Mr. Lynn was a registered lobbyist for Raytheon, he could not have been appointed Deputy Secretary of Defense without a waiver of this prohibition.

On January 23, 2009, the Director of the Office of Management and Budget approved a waiver to two paragraphs of the executive order, clearing the way for Mr. Lynn to serve.

Mr. Lynn will still be subject to the tough new postemployment restrictions in the executive order. Those would preclude him from lobbying any DOD official for 2 years after leaving office, and from lobbying any political appointee in the Obama administration for the duration of the administration, should he leave his position before the end of the administration.

This waiver was appropriate: Mr. Lynn is a career public servant whose recent history in the private sector was more of an exile than a calling. He didn't leave the Department of Defense 8 years ago because he wanted to cash in on inside connections or information, but because the Clinton administration came to an end. When Mr. Lynn hopefully passes through the doors of the Pentagon as Deputy Secretary of Defense, he will return to his roots as a public servant, put his relationships in industry behind him, and recognize that his sole duty and obligation is to his country and the national defense.

Today, the Department of Defense faces huge management challenges. The Government Accountability Office reported last year that the cost overruns on the Department's 95 largest acquisition programs alone now total almost $300 billion over the original program estimate, even though the Department has cut unit quantities and reduced performance expectations on many programs in an effort to hold down costs.

The Department's financial system remains incapable of producing timely, accurate information on which sound business decisions can be based. The Department's civilian workforce has been decimated by decades of freezes and cuts, leaving us dependent on contractors who perform many functions that should be performed by Government personnel.

Mr. Lynn's background in senior management positions in the Department of Defense and in industry over the last two decades gives him the kind of knowledge and experience that will be useful to address these challenges. In the course of the committee's consideration of Mr. Lynn's nomination, I have spoken to him about the challenges facing the Department of Defense. I have been impressed by his grasp of the problems the Department faces and his ideas for addressing them.

Under these circumstances, and those are the circumstances I have outlined about cost overruns, we cannot afford a Deputy Secretary who is either disengaged or ineffectual. We need someone with the kind of experience and background Mr. Lynn will bring to the job. His nomination, again, was approved by the Senate Armed Services Committee without a single dissenting vote. I hope our colleagues will support this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I intend to vote in favor of the nomination of Mr. Lynn to be the Deputy Secretary of Defense. Mr. Lynn has an extensive record of public service. He has served as the Director of Program Analysis and Evaluation in the Pentagon during the Clinton administration, and following that he was the Under Secretary of Defense, Comptroller, from 1997 to 2001. He served as, obviously, the chief financial officer for the Department of Defense.

After his DOD service, Mr. Lynn, as we know, became a registered lobbyist and the Raytheon Company's senior vice president of government operations. In that position he led Raytheon's strategic planning and oversaw all of their Government relations activities.

Mr. Lynn has served as I mentioned, but nowhere, I might point out, does he have in his resume any extensive managerial experience. One of the major functions of the Deputy Secretary of Defense is to make the Pentagon run. Mr. Lynn does not have that executive managerial experience.

Having said that, elections have consequences, as we all know, and this is the selection that the President of the United States made, and the Secretary of Defense also supports his nomination.

I do not view the fact that Mr. Lynn became a lobbyist for Raytheon as, per se, disqualifying. Mr. Lynn has indicated his willingness to comply with the ethical requirements of the executive branch aimed at preventing conflicts of interest, and he has agreed to the additional stock divestment obligations that the Committee on Armed Services has consistently required of nominees.

I have been concerned, however, about the practical problems that would arise from Mr. Lynn's past lobbying activities and the legitimate concerns the American people would have if Mr. Lynn made decisions related to the programs for which he lobbied.

I sent a letter to Mr. Lynn on January 26, with a follow-up letter on January 29, asking him to articulate in detail what specific matters would be affected. Mr. Lynn responded on January 30 indicating that he had worked on the DDG–100 surface combatant, the AMRAAM air-to-air missile, the F–15 airborne radar, the Patriot Pure Fleet Program, the Future Imagery Architecture, and the Multiple Kill Vehicle. He provided me with written assurances that he would refrain from participating in any decisions regarding those programs for 1 year if he is confirmed.

I believe these assurances and with ongoing reviews within DOD that encompass rigorous screening Mr. Lynn will endeavor to perform effectively as the Deputy Secretary of Defense.

I am aware, as I mentioned, that he has the support of Secretary Gates, and I obviously consider that to be an endorsement in Mr. Lynn's favor. President Obama, as we all know, signed an Executive order on January 21, 2009, that established a praiseworthy ''revolving door ban'' that would bar any lobbyist from working for an agency they lobbied within 2 years of an appointment. The Executive order included a provision for granting a public interest waiver, and Mr. Lynn was given a waiver.

It is disappointing that President Obama, who pledged continuously throughout the campaign to change the culture of Washington and the influence of lobbyists, then almost immediately chose to nominate several individuals, including Mr. Lynn, who required a waiver.

So after proudly trumpeting a new change and the new rules and regulations, several individuals—and a couple have had to withdraw their nominations—that Mr. Lynn required a waiver or exemption to that policy. Obviously, the American people were promised one thing but delivered another.

My colleague, Senator GRASSLEY, who will be speaking later, sent a letter on January 29 to OMB Director Peter Orszag asking for a justification for the granting of the waiver. I ask unanimous consent that Mr. Orszag's response on February 3 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, February 3, 2009.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: Thank you for giving the Administration the chance to address the questions you raise in your letter of January 29, 2009 regarding the granting of a waiver that exempts Mr. William J. Lynn from certain provisions in President Obama's Executive Order on Ethics Commitments by Executive Branch Personnel (the ''Order''). We appreciate your concerns and are glad to have the opportunity to fully explain the decision to grant this waiver, which we strongly believe to be the correct one.

I. BACKGROUND

The President signed the Executive Order on Ethics Commitments by Executive Branch Personnel on January 21, 2009. The Order includes some of the strictest ethics rules ever imposed on executive branch personnel. In addition to barring appointees from accepting gifts from registered lobbyists, the Order places sharp limitations on individuals traveling back and forth between government service and the private sector, using their government service for personal enrichment at the expense of the public interest.

The Order takes an especially strong stand against lobbyists moving into and out of the executive branch. The Order restricts registered lobbyists who are appointed to an executive agency from participating in any particular matter on which they lobbied within the past two years and from participating in the specific issue area in which that particular matter falls, subject to the waiver provision discussed below. Registered lobbyists are also restricted from seeking or accepting any employment within an executive agency that they lobbied within the past two years.

The Order has been roundly praised by commentators and leading good government advocates as the toughest ever of its kind. To cite just a few, Democracy 21 said that ''the new Executive Order contains the toughest and most far reaching revolving door provisions ever adopted,'' and went on to say that the Order ''goes further than any previous action taken by a President to restrict the ability of presidential appointees who serve in the Executive Branch from coming back to lobby the Administration, and also to limit the role of lobbyists coming in to serve in the Administration.'' The Washington Post reported that experts viewed the Order as ''considerably broader than those other presidents imposed,'' and Meredith McGehee, policy director of the Campaign Legal Center, said in a statement that ''[no] two ways about it, the revolving-door provisions in the new executive order issued by President Obama are very tough.''

Even the toughest rules, however, need reasonable exceptions. That is why the Order provides that a waiver of these restrictions may be granted in limited circumstances. The waiver may be granted when it is determined ''(i) that the literal application of the restriction is inconsistent with the purposes of the restriction, or (ii) that it is in the public interest to grant the waiver.'' Sec. 3(a). The Order goes on to explain that the ''public interest'' may include, but is not limited to, exigent circumstances relating to national security or to the economy. Sec. 3(b). The Order also instructs the Director of the Office of Management and Budget to consult with the White House Counsel when determining whether a waiver is necessary and appropriate.

Experts have praised the inclusion of a waiver provision in the Order. For example, Norman Ornstein, a Resident Scholar at the American Enterprise Institute stated that: ''This tough and commendable new set of ethics provisions goes a long way toward breaking the worst effects of the revolving door. There are many qualified people for the vast majority of government posts. But a tough ethics provision cannot be so tough and rigid that it hurts the country unintentionally. Kudos to President Obama for adding a waiver provision, to be used sparingly for special cases in the national interest. This is all about appropriate balance, and this new executive order strikes just the right balance.''

Similarly, Thomas Mann, Senior Fellow of Governance Studies and the Brookings Institution notes: ''The new Obama ethics code is strict and should advance the objective of reducing the purely financial incentives in public service. I applaud another provision of the EO, namely the waiver provision that allows the government to secure the essential services of individuals who might formally be constrained from doing so by the letter of the code. The safeguards built into the waiver provision strike the right balance.''

II. RESPONSES TO YOUR QUESTIONS

In considering the waiver for Mr. Lynn so that he might serve as Deputy Secretary of Defense, we believe the right balance has been struck by granting a waiver at the request of the Secretary of Defense to a qualified candidate whose service to the country is critical to our national security. With that in mind, we want to address your specific questions.

First, you asked what criteria were used in determining that Mr. Lynn's waiver was necessary to further ''the public interest.'' As noted above, the Order specifically states that the public interest includes ''exigent circumstances relating to national security.'' These circumstances include the urgent need to have the best-qualified individuals serving at the highest levels of the President's national security team. As Secretary Gates stated with regard to asking the President to nominate Mr. Lynn to be the Deputy Secretary: ''I interviewed Bill Lynn; I was very impressed with his credentials; he came with the highest recommendations of a number of people that I respect a lot. And I asked that an exception be made, because I felt that he could play the role of the deputy in a better manner than anybody else that I saw.''

Mr. Lynn's qualifications for the Deputy position are well known. Mr. Lynn served as Under Secretary of Defense (Comptroller) under President Clinton, before which he had served as the Director for Program Analysis and Evaluation in the office of the Secretary of Defense. Prior to that, he served as an Assistant to the Secretary of Defense for Budget. High-level experience in managing Pentagon budgetary, finance and procurement functions is extremely rare, and it was particularly important to Mr. Lynn's selection here.

As you are aware, the Department of Defense faces enormous management challenges. During Mr. Lynn's previous tenure at DoD, there were significant efforts to improve financial reporting, including two major initiatives. First, in 1998, DoD adopted for the first time a Financial Management Improvement Plan, which was a strategic framework for improving critical financial systems and feeder systems in the future. Second, the DoD Senior Financial Management Council was reconstituted during 2000 and adopted a comprehensive program management plan in January 2001.

Mr. Lynn was generally credited with putting appropriate managerial emphasis on improving financial reporting. For example, on February 17, 2000, the Deputy Inspector General testified to Congress that ''the DoD has seldom, if ever, been so committed to across the board management improvement . . . . with continuous management emphasis, th[e] initiatives should dramatically improve the efficiency of DoD support operations over the next several years.'' DOD IG Report No. D–2000–077 at 4.

Similarly, on May 9, 2000, Jeffrey Steinhoff from the General Accounting Office (now the Government Accountability Office) testified that ''DOD has made genuine progress in many areas throughout the department. . . . We have seen a strong commitment by the DOD Controller and his counterparts in the military services to addressing long-standing, deeply rooted problems.'' GAO/T–AIMD/NSIAD–00–163 at 2.

This progress could be seen in several areas. For example, when Mr. Lynn took over as Comptroller, DoD could not even generate a list of its finance and accounting systems. GAO/AIMD–97–29 (Jan. 31, 1997). By the time he had left, DoD had identified 167 critical systems, had achieved compliance with federal financial management standards in 19 of those systems, and had a plan to achieve compliance for the balance of its systems by FY 2003. To take another example, under Mr. Lynn's watch, DoD continued its progress in significantly consolidating and streamlining its financial centers and financial systems. Between 1991 and 2000, DoD consolidated 330 accounting and finance locations into 26, and reduced the number of finance and accounting systems from 648 to 190. Accomplishments like these led John Hamre, who was Mr. Lynn's predecessor as Comptroller and who also served as Deputy Secretary, to state that ''I don't know anybody who did the job better than Bill Lynn.''

Mr. Lynn's experience is not limited to the Pentagon. From 1987 until 1993, Mr. Lynn served on the staff of Senator Edward Kennedy as the legislative counsel for defense and arms control matters and as the Senator's staff representative on the Senate Armed Services Committee. Prior to 1987, he was a senior fellow in the Strategic Concepts Development Center at National Defense University, where he specialized in strategic nuclear forces and arms control issues. He was also on the professional staff of the Institute of Defense Analyses. From 1982 to 1985, he served as the executive director of the Defense Organization Project at the Center for Strategic and International Studies.

In short, Mr. Lynn's executive branch experience, combined with his legislative, think-tank and private sector experience, gives him the precise set of skills that are not only necessary to the job, but are rare in their breadth and depth. That is why former Secretary of Defense William Cohen, who served as Mr. Lynn's supervisor during the Clinton Administration, commented that he has ''precisely the kinds of skills required'' to serve as the Deputy Secretary. We share both the current and former Secretaries' views that Mr. Lynn's experience and skill set would make him an exceptional Deputy Secretary of Defense.

Second, you asked about the potential for conflicts of interest given Mr. Lynn's past position at Raytheon Company (''Raytheon''). These issues were carefully reviewed as part of the consideration of Mr. Lynn, and we believe that strong safeguards

have been erected that address these concerns and allow Mr. Lynn to serve. We note that these arrangements were structured in conformance with the Armed Services Committee's longstanding requirements and practices. These arrangements have also been approved by the Defense Department's ethics official as eliminating potential conflicts and providing for appropriate protective measures.

Specifically, Mr. Lynn will divest his Raytheon stock within 90 days of his appointment, including his shares in the Raytheon Savings and Investment Plan. He also will forfeit all of his restricted stock units that he holds under the 2007–2009 Raytheon Long-Term Performance Plan (LTPP) and the 2008–2010 LTPP, and will divest those shares he holds under the 2006–2008 LTPP within 90 days of their vesting in February. To ensure there are no conflicts regarding the stock, he will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of Raytheon until he has divested the stock, unless he first obtains a written waiver, pursuant to 18 U.S.C. §208(b)(1), or qualifies for a regulatory exemption, pursuant to 18 U.S.C. §208(b)(2).

Further, for a period of one year after his resignation from Raytheon, he will not participate personally and substantially in any particular matter involving specific parties in which Raytheon is a party, unless first authorized to participate, pursuant to 5 C.F.R. δ2635.502(d). As an additional precaution, Mr. Lynn has promised not to seek authorization to participate in decisions on any of the six specific programs where he personally lobbied: the DDG–1000 surface combatant, the AMRAAM air-to-air missile, the F–15 airborne radar, the Patriot Pure Fleet program, the Future Imagery Architecture, and the Multiple Kill Vehicle.

Finally, consistent with the customary practice for departing executives of Raytheon, Mr. Lynn will continue to participate in the Raytheon Defined Benefit Plan, which would pay him about $4,300 monthly beginning on January 1, 2019. In accord with the letter signed by the Chairman and Ranking Member of the Senate Committee on Armed Services dated September 23, 2005, Mr. Lynn has agreed that prior to acting in any particular matter that is likely to have a direct, predictable, and substantial effect on the financial interest of Raytheon, he will consult with his Designated Agency Ethics Official, and will not act in the matter unless that official determines that the interest of the Government in his participation outweighs any appearance of impropriety, and issues a written determination authorizing his participation. Mr. Lynn understands that such an authorization does not constitute a waiver of 18 U.S.C. §208 and does not affect the applicability of that section.

Under the circumstances, we believe this arrangement accomplishes the twin goals of enforcing tough ethical standards that protect the public interest, while also assuring that the nation is not deprived of a talented and badly-needed public servant to assist with the defense of our nation.

Third, you ask about the process for selecting Mr. Lynn. We can assure you that the selection of Mr. Lynn came at the end of an extensive process that resulted in a consensus opinion that Mr. Lynn was the best-qualified candidate for this job. Multiple candidates were considered and interviewed over the course of what was a long and rigorous review. Ultimately, though, this is a position for which there is a short list of truly qualified applicants who have the kind of experience we detailed earlier in response to your first question. Taking into account all of the factors, including the concerns raised in your letter, the President and Secretary Gates felt that Mr. Lynn was the best person for the job.

Fourth and finally, you have asked whether Mr. Lynn's ability to perform his job will be impaired by any necessary recusals. We do not believe the ethics compliance process described above will hinder Mr. Lynn from doing his job. The process strikes a reasonable balance under the circumstances. It waives the need for Mr. Lynn to recuse himself from issues that would otherwise be implicated by paragraphs 2 and 3 of the ethics pledge, but still requires him to follow the remainder of the Order, including the revolving door exit provisions and the gift ban, as well as the other restrictions detailed in this letter.

Again, thank you for this opportunity to address these issues. As the Ethics Executive Order and the other Orders and Presidential Memoranda signed on the same day reflect, President Obama and all of us in the Executive Office of the President are committed to running a highly transparent and accountable administration. We look forward to working with you on these issues and on government reform issues more broadly.

Sincerely,

PETER R. ORSZAG,
Director, Office of Management and Budget.

GREGORY B. CRAIG,
Counsel to the President.

Mr. MCCAIN. With respect to the waiver, Mr. Orszag stated:

The selection of Mr. Lynn came at the end of an extensive process that resulted in a consensus opinion that Mr. Lynn was the best qualified candidate for the job.

He went on to say:

Mr. Lynn's executive branch experience, combined with his legislative, think tank and private sector experience—

As you note, he did not mention a managerial role that he might have had in his career—

gives him the precise set of skills that are not only necessary to do the job, but are rare in their breadth and depth.

I hope Mr. Lynn will be a rare exception to the new rule—you know, one of the things I had hoped would happen because of the deep disapproval the American people have in the way we do business is this kind of cycle of lobbyists to executive branch, to legislative branch, to lobbyists. It goes on in this town with enormous frequency and has led to scandals, indictments, and convictions of former staff members, former Members of Congress, and former members of the executive branch. I had hoped that somewhere in America there would be someone who had the experience and knowledge and background in running what probably, I believe, is the largest organization in the world, the Department of Defense, rather than again having to go inside the beltway.

But as I mentioned, elections have consequences. The President has designated Mr. Lynn and others to positions which are in violation of the much heralded Executive order he made concerning not having lobbyists serve in Government.

So I will give him at least, in my opinion, my vote, the benefit of the doubt, and will vote in favor of Mr. Lynn's nomination.

He responded to, albeit belatedly, the questions I submitted to him. I wish him well. We face enormous challenges both in the way the Department of Defense operates, the acquisition programs—and many of them are completely out of control, with cost overruns that are staggering—to a lack of efficiency in a number of areas.

I not only wish Mr. Lynn well, but I look forward to working with him as we do whatever we can to defend this Nation's vital national security interests as well as manage the functions of a bureaucracy which, in all candor, has defied sound management under both Republican and Democratic administrations.

I know Senator COBURN and Senator GRASSLEY will be over later on. I am confident that Mr. Lynn's nomination will be voted out overwhelmingly by the Senate. I hope Mr. Lynn will do well in his new position of responsibility. I pledge to work with him as much as possible, as I have done with Secretaries of Defense and Deputy Secretaries of Defense in Republican and Democratic administrations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I wanted to thank Senator MCCAIN for his support. It is exceedingly important, and his very thoughtful statement makes a real contribution to the debate.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I come to the floor to raise questions about whether Mr. Lynn ought to be Deputy Secretary of Defense. I do it with the normal courtesy, that a President ought to be able to name people to his team, and I do it based upon two questions: One, the use of the waiver for him to be in this position contrary to the Executive order of President Obama; and, secondly, to raise questions about his activity as chief financial officer in the second Clinton administration, and now coming to be Deputy Secretary of Defense. I will try to lay this out as best I can with documentation.

I will not be able nor do I need to document the first consideration on the waiver. I wanted to express views on it.

I thought I had seen the last of Mr. Lynn when President George W. Bush first took office. I was dead wrong. So I had to send my staff out to where the Senate buries old skeletons. It is the Records Center out in Maryland, the scenic countryside about 20 miles from the Capitol. There I had my staff dig up the remains of what came to be known, and what I came to know about Mr. Lynn's activities as chief financial officer about 10 years ago.

I would give a little bit of word of advice to my colleagues, archival of your materials. I found that political nominees, good and bad, come back like Australian boomerangs. Some take longer than others to return, but eventually you will see them again.

Mr. Lynn is currently employed as senior vice president, government operations, of a major defense contractor, Raytheon. Until June 2008, Mr. Lynn was registered as Raytheon's principal lobbyist to the Department of Defense.

I have serious questions about the nomination. My first area of concern is that Mr. Lynn does not appear to meet President Obama's strict new ethical standards for executive branch appointees. Those standards were laid down in an Executive order of January 21, 2009.

It is important for me to say what ethics means to me. Everyone has a different idea as to what ethics represents. This is a complicated issue, and I don't want there to be any confusion about this word or principle. The Merriam Webster dictionary defines the word ''ethics,'' one, as the discipline dealing with what is good and bad, with moral duty and obligation. This definition is very clear, but I want to go a step further to say that, to me, ethics are very uncomplicated principles of life. Simply put, when faced with tough choices or decisions, we must always do what is true and correct.

Throughout the Presidential campaign, candidate Barack Obama repeatedly promised to close the revolving door and change the political culture in Washington. This was one of his top priorities. Consistent with those promises, within 24 hours of being sworn in, he signed the Executive order that set new ethical standards in stone. Under the ''revolving door ban'' section of those rules, Mr. Lynn should have been barred from serving as Deputy Secretary of Defense until July 2011. I understand Mr. Lynn has been given a special order by the administration to further the public interest.

According to a letter I have received from OMB Director Peter Orszag of February 3, 2009—and I have it here if anybody is interested in reading it. Senator LEVIN has already had this letter printed in the RECORD.

According to this letter from OMB Director Peter Orszag of February 3, 2009, Mr. Lynn's waiver was based on ''exigent circumstances relating to national security.''

Director Orszag stated:

Mr. Lynn is uniquely qualified for this position and is urgently needed to serve on the President's national security team.

Mr. Orszag was responding to my letter of January 29, 2009, asking for the justification of the waiver.

I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, January 29, 2009.

Hon. PETER ORSZAG,
Director, Office of Management and Budget, Washington, DC.

DEAR DIRECTOR ORSZAG: I write today to express my concerns with the recent decision to grant a waiver for Mr. William J. Lynn, exempting him from the strict new ethics rules outlined in President Obama's Executive Order titled ''Ethics Commitments by Executive Branch Personnel,'' signed on January 21, 2009.

Mr. Lynn has been nominated by the President to serve as the Deputy Secretary of Defense. He is currently employed as a senior vice president at a major Department of Defense (DOD) contractor—Raytheon Company. Until very recently, he was also registered as Raytheon's principal lobbyist to the DOD.

Throughout the presidential campaign, President Obama repeatedly promised the American voters that he would ''close the revolving door'' in order to greatly limit the role of lobbyists in his administration. He warned lobbyists, they ''won't find a job in my White House'' and [lobbyists] ''will not run my White House, and they will not drown out the voices of the American people.'' He also stated: ''*If you are a lobbyist entering my administration, you will not be able to work on matters you lobbied on or in the agencies you lobbied during the previous two years* [emphasis added].'' Further, President Obama explained why it was important to close the revolving door: ''Lobbyists spend millions of dollars to get their way. The status quo sets in. . . . They use their money and influence to stop us from reforming [government policies]''. He added, ''. . . together, we will tell the Washington lobbyists that their days of setting the agenda are over.''

President Obama's message was crystal clear: allowing lobbyists to pass freely through the revolving door was simply not in the public interest. He espoused that lobbyists in government ''are a problem'' because they block needed reforms—reforms that Mr. Obama promised to the American people.

President Obama's promises to ''close the revolving door'' seemed to be a top priority. He meant what he said. He kept his promise. In fact, within 24 hours of being sworn in, President Obama signed a new Executive Order titled, ''Ethics Commitments by Executive Branch Personnel'' to cement his campaign pledge into an official order. Paragraphs two and three of Section One—entitled ''Revolving Door Ban''—appeared to solidify President Obama's pledge to ''close the revolving door.''

However, exactly two days after signing the Executive Order, you exercised authority delegated to you under Section 3 of the Executive Order and issued a waiver to Mr. Lynn, which effectively gutted the ethical heart of the President's ''Revolving Door Ban.'' I find it difficult to reconcile Mr. Lynn's nomination to be the Deputy Secretary of Defense with the purpose and intent of the Executive Order.

Mr. Lynn was a registered Raytheon lobbyist for six years. His lobbying reports clearly indicate that he lobbied extensively on a very broad range of DOD programs and issues in both the House and Senate and at the Department of Defense. If confirmed, Mr. Lynn would become the top operations manager in the Pentagon. He would be the final approval authority on most—if not all—contract, program and budget decisions. Surely, a number of Raytheon issues would come across his desk. Mr. Lynn's conflict of interest has been characterized by some as an ''impossible conflict.'' The Chairman of the Armed Services Committee, Senator LEVIN, has stated that Mr. Lynn will have to recuse himself from those decisions for one year. Since Raytheon is a big defense contractor, those recusal requirements could limit Mr. Lynn's effectiveness as Deputy Secretary of Defense.

Based upon President Obama's statements made during the presidential campaign and leading up to and following the signing of the Executive Order, I simply cannot comprehend how this particular lobbyist could be nominated to fill such a key position at DOD overseeing procurement matters, much less be granted a waiver from the ethical limitations listed in the Executive Order.

Additionally, I have serious questions about the message that this waiver sends to other lobbyists seeking employment in President Obama's administration. Despite strong language limiting the role of lobbyists in the Executive Order, it appears to me that Mr. Lynn's nomination and the waiver granted to him leaves ''the barn door wide open'' for other potential nominees with lobbying backgrounds to circumvent the Executive Order. This is a giant loophole that places the burden of granting waivers strictly with the Director of the Office of Management and Budget (OMB). As such, I believe a detailed explanation of the reason for granting the waiver is warranted in order to ensure that the granting of future waivers is done in a fully transparent manner and given the sunshine such an important decision deserves.

The waiver provision in the Executive Order provides that the OMB Director may grant a waiver for two reasons, (1) ''that the literal application of the restriction is inconsistent with the purposes of the restriction'' or (2) ''that it is in the public interest to grant the waiver''. These provisions are general and provide wide latitude in determining when a waiver is applicable. For instance, in Mr. Lynn's case, the waiver simply states: ''After consultation with Counsel to the President, I hereby waive the requirements of Paragraphs 2 and 3 of the Ethics Pledge of Mr. William Lynn. I have determined that it is *in the public interest* [emphasis added] to grant the waiver given Mr. Lynn's qualifications for his position and the current national security situation. I understand that Mr. Lynn will otherwise comply with the remainder of the pledge and with all preexisting government ethics rules.''

While I am glad to see that the waiver does not appear to fully circumvent the Executive Order or other existing government ethics rules, the broad language used in determining that the waiver is in the ''public interest'' is a concern. Little detail is provided

as to why the waiver is necessary. Only general criteria used in the analysis and justification for the waiver are given. Accordingly, I strongly urge OMB to publicly set forth a list of criteria utilized to examine whether a waiver would be in ''the public interest.'' Further, OMB should also publicly set forth criteria examined to determine when ''literal application of the restriction is inconsistent with the purposes of the restriction.'' By making these criteria public, it will go a long way toward making OMB decisions transparent and providing the American people with a full accounting of why waivers to the Executive Order are necessary. I strongly encourage OMB to do this as soon as possible to ensure those decisions do not merely become an arbitrary basis to circumvent the Executive Order.

Additionally, I respectfully request that OMB provide responses to the following questions:

(1) What criteria did OMB use to determine that Mr. Lynn's waiver was necessary to further ''the public interest''?

(2) Does OMB believe there are no inherent conflicts of interest to have Mr. Lynn serve as the Deputy Secretary of Defense overseeing procurement from a company he formerly lobbied for? If not, why not?

(3) Given President Obama's position on lobbyists serving in government positions, did anyone in OMB ask the President or his Counsel to consider whether other candidates for the position would be better qualified before granting the Lynn waiver?

(4) Does OMB believe Mr. Lynn's requirement that he recuse himself in certain instances under provisions of the Executive Order not impacted by the waiver will hinder him from doing the job? Why or why not?

The idea behind President Obama's promise to close the revolving door and ban lobbyists from his administration had one purpose: to protect the public interest. The new rules are designed to protect the taxpayers against wasteful and unnecessary expenditures and policies that might be advocated by ''special interests'' inside the government. By granting Mr. Lynn's waiver, it appears that OMB has undermined the principal purpose of the new ethics rules—to protect the public interest. It seems like the OMB waiver embraces the lobbyist culture that President Obama promised to change. As Director of OMB, your decisions set the tone for the entire federal bureaucracy. By making the waiver process more public, OMB would send a clear and unambiguous message: transparency is first and foremost when it comes to dealing with ethics rules.

Please bring transparency and accountability to Mr. Lynn's waiver and all future waivers of the Executive Order by providing details about why waivers have been granted and the criteria used to determine them.

I would very much appreciate a prompt answer to my questions.

Sincerely,

CHARLES GRASSLEY,
Ranking Member.

Mr. GRASSLEY. I also understand that President Obama's picks for these key positions should be respected. I said that about President Bush. I have to say it about President Obama. They were elected. They have a certain respect of the people, and that respect should not be questioned by the Senate except under extraordinary circumstances. I think these are extraordinary circumstances, and I am bringing it up.

Mr. Lynn has informed me that he would be divesting his financial stakes in Raytheon in the next 90 days. He also said he would not engage in any Raytheon-related decisions for 1 year at DOD unless he receives a special waiver.

Regrettably, for Mr. Lynn and for American taxpayers, getting rid of conflicts of interest is not as easy as it might sound. The Raytheon Corporation has hundreds of potential contracts and programs with the Department of Defense. As such, the Office of Government Ethics will have to set up a full-time department just to handle Mr. Lynn's conflict-of-interest Raytheon waivers.

On the one hand, I believe the best leaders lead by example. So mean what you say. For that reason, I challenge Mr. Lynn to take control of this ethical debate and demonstrate true leadership on this issue by sticking to the principles set forth by President Obama's Executive order on ethics commitments by executive branch personnel. Special waivers and exemptions undermine the basic principle of good government.

Changing the rules as you go along tends to foster a basic sense of distrust of the Government of all Americans. We all know that is a problem. We have to be cautious to make sure we don't make the situation worse. Why make rules if you know you are going to break them? How can gutting the ethical heart of the new ethics rule be in the public interest when those very same rules were created in the first place in the public interest?

Even the best qualified nominees with the highest recommendation should recognize when serving in his or her post would not be in the public interest. I believe the American people expect nominees to be true and honest. Given his chosen career path, Mr. Lynn should know he does not comply with the spirit or intent of the Executive order on ethics.

If he is seriously devoted to serving his country and this President, Mr. Lynn should consider withdrawing his nomination and ask to be reconsidered when he is within the ethics ''revolving door'' principles laid down by my President, Mr. Obama. Then he would come back in 2 years to seek such appointment. This country will always need good leaders who lead by example. By doing this, he would set the standard of excellence for all other nominees to follow. It would restore integrity and credibility to President Obama's new ethics rules. As it stands now, unfortunately, the Lynn nomination is rolling down a very low road at high speed. By setting the new rules aside for the first top-level appointee to come down the pike, President Obama and his administration appear to embrace the very same culture President Obama promised to change.

None of us knows for sure whether Mr. Lynn's nomination is truly in the public interest. We can only hope it is. In time, we will find out.

What is going to take me longest to explain is documentation of some activity of Mr. Lynn when he was Chief Financial Officer and how that fits into some questions I have about the position to which he was nominated.

My second area of concern pertains to Mr. Lynn's financial management record at the Pentagon. Mr. Lynn served as Chief Financial Officer at the Department of Defense from November 1997 through 2000. I first came to know Mr. Lynn in 1998, after he was appointed to the position. Between June 1997 and July 1998—1 month, approximately—I conducted an in-depth investigation of internal financial controls at the Department of Defense. I was testing basically internal controls within the Department. I reviewed about 200 financial transactions from Pentagon offices where the fraud had occurred. We examined purchase orders, contracts, invoices, delivery verifications or receipts, and, finally, we examined final payments. We even checked to see if remit addresses were correct. In short, we looked at the whole ball of wax.

The results of this investigation were presented in a report in September 1998. This is a report my staff and other people put together. The report concluded, in September 1998, involving the Chief Financial Officer and/or things under his command or jurisdiction:

Internal controls at the Department of Defense were weak or nonexistent.

The Government Accountability Office, then called the General Accounting Office, concurred with my assessment.

Our investigations found that not one of the accounts payable files examined was 100 percent up to snuff. I was alarmed to find they all had either minor or major accounting deficiencies. If the Department of Defense had followed standard accounting practices, none of the bills should have been paid. Unfortunately, all went out the payment door.

The most glaring and persistent shortcoming observed was the near total absence of valid receiving reports in the accounts examined at the Defense Finance and Accounting Service Center in Denver, CO. A receiving report is one of the most important internal control devices. They provide written verification that the goods and services billed on an invoice were received and matched with what was ordered. In all the files examined, we found only 6 out of 200 genuine receiving reports, or what they call DD–250 forms. The rest of the files contained none. Of the six receiving reports found, all were either invalid or incorrect.

We also noticed gaping holes in another key control mechanism, remit addresses. A remit address is important because it is at the end of the money trail, where the money goes. The review found zero control over remit addresses. A total of 286 technicians in the Dallas center had authority to alter remit addresses. This was a violation of another basic internal control principle—separation of duties. A person responsible for paying bills should never be allowed to change a remit address.

On September 23, 1998, I met with Mr. Lynn to discuss the findings of my investigation. I provided him with a draft of the report. I asked him to review it and provide comment. In his response, dated 5 days later, September 28, 1998, Mr. Lynn did not challenge the findings in this report. So we have this report I have been referring to, and I asked Mr. Lynn for comment on that report. I have his letter here not challenging the findings.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNDER SECRETARY OF DEFENSE,
Washington, DC, September 28, 1998.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: At our meeting of September 23, 1998, you requested that I review and comment on the ''Joint Review of Internal Controls at Department of Defense'' draft report dated September 21, 1998.

I am very troubled by the problems cited in this report, as well as the related General Accounting Office (GAO) report. Effective internal controls are essential to the detection and prevention of fraudulent activity in our vendor payment operations. Without question, the Krenick and Miller fraud cases, which are at the core of both reports, indicate that there are unacceptable weaknesses in our internal control programs. Although both individuals were caught and convicted, and funds were recovered, we must ensure that the appropriate actions are taken to prevent further abuses. Let me briefly describe for you the measures that the Defense Finance and Accounting Service (DFAS) is taking to improve internal management controls.

First, we are taking steps to ensure that the vendor pay process establishes positive control over payment-related information. An important step in this regard is to tighten controls over remittance addresses through use of a Central Contractor Registration database maintained by the acquisition community. Eliminating the ability of personnel in the paying offices to change the addresses to which payments are sent will correct a critical weakness that was exploited in the fraud cases cited.

Second, to reinforce the principle that there must be a strong separation of responsibilities for providing and verifying payment information, we are strengthening the processes that preclude a single individual from controlling multiple critical portions of the payment process. In particular, pursuant to a GAO recommendation, DFAS is reducing by at least half the number of employees who have the highest level of access to the Integrated Accounts Payment System.

Third, a critical internal control is the positive check of payment information with accounting data prior to disbursement. To ensure the effectiveness of this control, we will make systems changes to eliminate the ability of a single individual to have concurrent access to both the vendor payment system and the accounting system.

No internal control system will work if it is not rigorously adhered to throughout the organization. During August of this year, a top to bottom review of the various vendor pay operations was accomplished at each DFAS center and operating location. This review concentrated on identifying weaknesses in the application of these controls and business practices. At the same time, DFAS has conducted a stand down of all vendor pay operations to provide formal training in internal controls and fraud awareness. Finally, earlier this month, I met personally with all of the directors of the DFAS centers and operating locations to stress the need to strengthen our management controls.

To ensure a more permanent senior level oversight of internal controls, DFAS has established a separate organization which reports directly to the Director's office. The mission of this organization will be internal review, fraud prevention, fraud detection, and audit follow-up. One of the primary functions of this office is to track and ensure that accepted recommendations from existing fraud oases, GAO audits, along with other internal and external reviews and reports are implemented. This unit will be operational within the next 30 days.

In closing, Senator, I want you to know that I place the highest priority on ensuring that we have the best possible protections against fraud and wrongful payments. We have more to do, but I believe that we have made a strong start in responding to the lessons of the Miller and Krenick cases. I have conveyed these thoughts to Senator Durbin as well.

Sincerely,

WILLIAM J. LYNN.

Mr. GRASSLEY. In this letter, Mr. Lynn appeared to agree with all of my findings and recommendations 100 percent. That is a conclusion I make. The letter will be in the RECORD, so Members can read it for themselves. He said that he was ''very troubled'' by every one of the control weaknesses cited in the report.

Mr. Lynn further stated:

There are unacceptable weaknesses in our internal control programs.

He promised me he would be taking aggressive corrective action to improve and tighten controls. He concluded by saying:

I want you to know that I place the highest priority on ensuring that we have the best possible protections against fraud and wrongful payments.

I also shared my concerns with Secretary of Defense Bill Cohen in a letter dated October 5, 1998. In his response on November 16, 1998—and I have that response from Secretary Cohen here—he offered identical assurances.

I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 5, 1998.

Hon. WILLIAM S. COHEN,
Secretary of Defense, Pentagon,
Washington, DC.

DEAR BILL, I am writing to follow up on my recent Subcommittee hearing that examined the results of the Joint Review of Internal controls at the Department of Defense.

First, I would like to extend my sincere appreciation to the Department of Defense (DOD) for excellent cooperation and support throughout the Joint Review of Internal Controls. The person who is most responsible for energizing this project is Mr. Bob Hale, Assistant Secretary of the Air Force for Financial Management and Comptroller. We first met on June 27, 1997 to lay the ground work for the project. At that meeting, Mr. Hale agreed—with the full backing of the Secretary of the Air Force—that this would be a joint review between his office and my Subcommittee on Administrative Oversight and the Courts. As part of this arrangement, Mr. A. Ernest Fitzgerald, Management Systems Deputy of the Air Force, was authorized to participate. Mr. Fitzgerald was a key asset, since internal controls are one of his primary areas of responsibility. The ''jointness'' of this project contributed greatly to its success. Despite some rough spots, this approach could serve as a model for future cooperative efforts. Due largely to Mr. Fitzgerald's active participation, the department directed some corrective action as problems were being discovered and documented.

Second, I have the distinct impression that no one in the department takes much exception to the findings and recommendations contained in either the Joint Staff Report or the accompanying reports issued by the General Accounting Office. The attached letter from the Under Secretary of Defense, Mr. Bill Lynn, is testimony to that fact. He admits that he is ''very troubled'' by the control weaknesses that were uncovered by the Joint Review and is taking aggressive corrective action. Those efforts appear to be focused in one critical area—tightening controls over the process for placing ''remittance addresses'' on checks and electronic fund transfers. I am encouraged by Mr. Lynn's positive attitude and his determination to address these problems in meaningful ways. However, my long experience with the department causes me to feel some skepticism. In the past, I have found wide disconnects between what is promised by senior DOD officials and what is really done. I hope you will personally make sure that Mr. Lynn and other responsible officials fix this terrible problem.

I intend to follow up until I feel that the taxpayers' money is adequately protected.

Third, as Mr. Lynn said, he was ''very troubled'' by the problems cited in the reports. The Joint Staff Report, for example, states that the control environment within the Defense Finance and Accounting Service (DFAS) is characterized by ''fraud and deceit''—to use the exact words of a senior DFAS official. Between late 1995 and early 1997, there were repeated reports and allegations of fraudulent activity in DFAS—particularly at the OPLOC at Dayton, Ohio. In at least three instances, the Director of the Denver center, Mr. John Nabil, ordered the Director of Internal Review, LTC Boyle, to investigate. In each case, LTC Boyle confirmed the existence of fraudulent activity within DFAS. Mr. Nabil even signed a memorandum (attached) on September 30, 1996

that substantiates the existence of criminal activity within his organization. Yet every one of these ''red warning flags'' was ignored, and DFAS management failed to report suspected violations of 18 U.S.C. 1001 and other laws to the proper authorities—as required by law. The end result of this mismanagement was costly to the taxpayers. Embezzlers like SSGT Miller—and certainly others—were allowed to tap into the DOD money pipe—unrestricted—and steal huge sums of money—undetected. Eventually, an employee at Dayton blew the whistle and called the law directly. Maybe those persons who raised red flags at Dayton deserve awards?

In conclusion, I don't believe that the problems at the Dayton OPLOC are an isolated case. I think they are part of a general pattern of fraud and abuse within DFAS. The Joint Staff Report uncovered evidence of similar kinds of fraudulent activities at the Denver center in 1997 and 1998. I intend to refer this matter and other related matters to investigative and audit agencies for further investigation.

Bill, someone needs to be held accountable for what happened at the Dayton OPLOC and for what appears to be happening at the Denver center today. Who is responsible? Without some accountability, Mr. Lynn's promises will, in fact, come to nothing. Please let me know what you decide to do.

Sincerely,

CHARLES E. GRASSLEY, *Chairman, Subcommittee on Administrative Oversight and the Courts.*

Attachment.

THE SECRETARY OF DEFENSE,
Washington, DC, November 16, 1998.

Hon. CHARLES GRASSLEY,
Chairman, Subcommittee on Administrative Oversight and the Courts, U.S. Senate, Washington, DC.

DEAR CHUCK: This is in response to your recent letter following your Subcommittee hearing regarding internal controls at the Department of Defense (DoD). Be assured we take this matter very seriously. I know my Comptroller, Mr. Bill Lynn, has discussed with you measures the Defense Finance and Accounting Service (DFAS) is taking to improve internal management controls.

Your letter made specific mention of the DFAS Denver Center in Colorado, and the fraud case at its subsidiary office in Dayton, Ohio. Even though the perpetrator at Dayton was caught and convicted, the case indicates weaknesses in internal management controls that must be remedied. Toward that end, DFAS has implemented a number of very specific, system-oriented improvements to strengthen existing controls, establish new controls, and ensure that published procedures are followed. In addition, we have instituted an extensive, in-depth internal review of the entire Denver Center network. DFAS also established a separate office to strengthen internal controls and ensure compliance at all levels.

DFAS, as an organization, is 7 years old and is composed of approximately 20,000 personnel located in 17 states. We should acknowledge the dedicated public servants who go out of their way every day to ensure that the taxpayers' money is protected. Bill Lynn and I will help them in every way we can to make sure that the suggestions for improvement, which have been presented in the various reports, hearings, and meetings, are evaluated and implemented where necessary.

Chuck, you and I share a common interest in protecting scarce financial resources, while supporting the great men and women of our armed forces. The hard work by you and your staff has assisted significantly in the progress we have made. We will continue to work to improve our financial management.

Sincerely,

BILL.

Mr. GRASSLEY. While Secretary Cohen and Chief Financial Officer Lynn, the nominee now under consideration, both assured me over and over that they were taking steps to tighten internal controls—I am shocked to say this—they were already quietly moving in the opposite direction. They were busy pushing other policies to weaken and undermine internal financial controls.

So I want to get into that. In 1998, when Mr. Lynn was chief financial officer, something we call pay-and-chase was the Pentagon lingo used to describe the Department of Defense vendor paying process. With pay-and-chase, the Pentagon paid bills under $2,500 first, and then worried about chasing down receipts later. You get it—pay-and-chase: pay without worrying about what you are buying or the invoice and then, after you pay, go out and find some justification for the payment.

Ever wonder why there is waste in the Defense Department? Sometimes receipts were found under pay-and-chase, sometimes not. Nobody seems to care either way. This is how the Department of Defense ended up with not $2,500 here and there but with billions of dollars in what they refer to as unmatched disbursements—another big control problem with which chief financial officer Bill Lynn was thoroughly familiar.

Pay-and-chase accurately characterized the core DFAS problem I witnessed during my review of internal controls from 1997 through 1998. I saw pay-and-chase up close and personal. Pay-and-chase was not an official policy; it was an unofficial policy. It was actively practiced but not authorized by any Government regulation or laws.

As I understand it, pay-and-chase was supposed to end in October 1997 when the Department of Defense general counsel determined it was illegal. But it did not stop. Secretary Cohen wanted to, instead, legalize pay-and-chase and make it the law of the land.

On February 2, 1998, when Mr. Lynn was chief financial officer, Secretary Cohen asked the Senate for legal authority to pay bills without receipt with no dollar limit. Now, that is pretty high up in the Department that you are deciding that we ought to have a policy to pay bills without receipts, and to do it not with a $2,500 limit but with no dollar limit. This proposal was embodied in section 401 of the Defense Reform Initiative. It was touted—can you believe it—as a measure to ''streamline'' the DOD payment process.

Fortunately, the Congress rejected this absurd and misguided legislative proposal. But you know what the thinking was at the highest levels of the Defense Department. So I discussed Secretary Cohen's pay-and-chase proposal in great detail in a speech on the floor of this body on May 5, 1998. You will find that on pages S4247 through S4250. I placed, at that time, Secretary Cohen's request in the RECORD.

So what was Mr. Lynn's position on section 401 of Secretary Cohen's Defense Reform Initiative? I asked him this question on February 5, 2009. This is what he said: He could not ''recall'' taking a position on it but agreed it was wrong ''to pay bills without a receipt.''

This seems like a real cop-out. I responded this way:

In February 1998, you had been [chief financial officer] for several months. This issue fell directly under your purview. How could you possibly avoid taking a position on an issue the Secretary of Defense was urging the Senate to adopt? As the Chief DOD Lobbyist for Raytheon, you say it was wrong. As the DOD [chief financial officer] back in 1998, why didn't you know it was wrong and speak up about it [at that time]?

My records appear to indicate that pay-and-chase continued as the unofficial policy through 1998 and eventually evolved into another more troublesome policy known as ''straight pay.'' This policy was even more dangerous for the taxpayers. The straight pay policy had much higher dollar thresholds than the old pay-and-chase plan. Believe it or not, it was a whopping half million dollars.

Straight pay was Mr. Bill Lynn's baby. This policy was personally approved by Mr. Lynn in a memorandum on December 17, 1998, and reauthorized in another memo on March 9, 1999, and possibly again later. This is that document:

Memorandum for Director, Defense Finance and Accounting Service

Subject: Prevalidation Threshold

In a memorandum dated December 17, 1998, I authorized a temporary $500,000 threshold on new contracts paid by the Mechanization of Contract Administration Services (MOCAS) system. This temporary authorization is scheduled to expire on March 22, 1999. However, while the Defense Finance and Accounting Service Columbus Center has made significant improvements in the backlog of payments, we are not at the point where we can lower the threshold to $2,500. Therefore, the temporary threshold of $500,000 is extended for another 90 days for Columbus MOCAS payments only.

I request you continue to provide me with a monthly report showing progress in resolving the current prevalidation process delays. The monthly report should include your plan to lower the threshold at the appropriate pace to reach the goal of total prevalidation by July 2000. As we improve our systems capabilities, we will continue to aggressively reduce the threshold until all payments are prevalidated.

WILLIAM J. LYNN.

On January 19, 1999, I addressed a letter to Mr. Lynn expressing grave concern about straight pay and requesting

verification of certain facts surrounding this policy. The facts in question were provided to me anonymously by a DFAS employee. I wanted Mr. Lynn to check out all of this for me.

Prior to the implementation of straight pay, the DFAS center in Colombia, OH, had a prevalidation policy that required that all disbursements over $2,500 be matched with obligations or contracts prior to payment, which is the way it ought to be—well, no; it ought to be for every dollar, but at least over $2,500 it had to be matched. When an invoice was submitted to the center for payment, a DFAS technician searched the database for supporting obligations and receipts.

If supporting documentation could not be found, a red warning flag was supposedly run up the pole. Accounting due diligence was needed to confirm if this particular invoice was valid, a duplicate, or fraudulent payment. In theory, these red flags had to be resolved. As you would expect, in practice, that did not always happen.

Mr. Lynn's straight pay policy raised the prevalidation threshold by $497,500, up to finally a half million dollars. This allowed the DFAS technicians to make payments up to a half million dollars without a valid obligation. To cover these payments, technicians were ordered to create a bogus account known as negative unliquidated obligations. Now, that is a Harvard word, isn't it. But they called it NULO for short, the acronym. So we have these negative unobligated obligations. Bills were then paid from these bogus NULO accounts which carried negative balances.

Mr. Lynn's policy gave DFAS accountants up to 6 months to link the payments to valid supporting obligations in the accounting records. If valid supporting documentations could not be found in that timeframe, then the center was authorized to cover the payments with other available funds with no further investigation. This is how the unmatched disbursements of the Department of Defense were born and eventually built into the billions of dollars.

In my January 19, 1999, letter to Mr. Lynn, I drew some comparisons between straight pay and the case of Air Force SSgt Robert L. Miller. Now, Robert L. Miller may not be a very famous name to most people around here, and he would not be to me if I had not run into him through this investigation. So I wanted to draw a comparison between the straight pay policy and the case of this Air Force staff sergeant.

I think Mr. Lynn and others in the Pentagon at the time remember the Miller case, and remember it all too well, or at least they did at that time. I examined that case and several others just like it in great detail at a hearing before my Judiciary Subcommittee on Oversight on September 28, 1998.

As chief of vendor pay at a DFAS center, then-Staff Sergeant Miller had pursued his own unlawful versions of straight pay. Miller had full access to the Integrated Accounts Payable System. As such, Miller was able to manipulate Department of Defense systems to create obligations and invoices where none existed and generate nearly $1 million in allegedly fraudulent payments to his mother and his girlfriend. Miller was not apprehended because internal controls at DFAS were effective, the things that were under the control of Mr. Lynn; he was caught because a coworker blew the whistle on him. She was one of Miller's subordinates who had allegedly been sexually harassed by him.

At that time, I told Mr. Lynn—the same Mr. Lynn whose confirmation we are considering now—that his straight pay policy appeared to authorize DFAS accountants to do essentially what Staff Sergeant Miller did: create false bookkeeping entries to cover large payments in the absence of valid obligations. DFAS and Miller obviously had different goals, but there was a common denominator, and that common denominator was manipulation of the accounting system.

DFAS payment policies practiced on Mr. Lynn's watch left the barn door wide open to fraud and outright theft of the taxpayers' dollars.

The Government Accountability Office, which provided excellent support all the way through my investigation, fully agreed with this assessment.

There was another disturbing facet of the Miller case that I took up with Mr. Lynn. On October 19, 1995, the date that Staff Sergeant Miller became chief of vendor pay at the Dayton center—a position considered far above his rank—he was already under investigation in connection with, one, the alleged disappearance of Government checks at Castle Air Force Base and, two, allegedly directing at least eight fraudulent checks valued at $50,769 to his mother.

On October 26, 1995, just 1 week after Staff Sergeant Miller became chief of vendor pay at Dayton, an investigating officer at Castle Air Force Base made this recommendation about Miller:

> Management should not place SSgt Miller in a position where he is entrusted with funds again . . .

After this report was issued, Miller should have been removed from his position at the Dayton center immediately. But it took 2 years, until June 1997, when Miller was arrested for allegedly stealing the million dollars.

The whole Miller story, of course, is unbelievable.

In view of his problems at Castle Air Force Base, why did the DFAS center place him in charge of vendor pay? Why did DFAS keep him there after an official report indicated he could not be trusted with the money? That makes as much sense as hiring a bank robber to be the bank teller.

On September 18, 1998, I wrote another letter that I have. This is letter No. 9, which I ask unanimous consent be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 18, 1998.

Hon. WILLIAM J. LYNN III,
Comptroller and Chief Financial Officer, Pentagon, Washington, DC.

DEAR BILL: I am writing to thank you for providing the ''Investigation of Major Loss of Funds'' at Castle AFB involving Staff Sergeant (SSGT) Robert L. Miller, Jr. and to raise several additional questions.

I am very disturbed by what I found in the investigative report on the disappearance of U.S. Treasury checks at Castle AFB. The very obvious red warning flag raised by this report was totally ignored by management at the Defense Finance and Accounting Service (DFAS).

The report states that ''SSGT Miller was negligent in the loss of the two treasury checks entrusted to him.'' It says: ''He breached his duty,'' and it says ''he failed to safeguard his funds.'' For a military pay agent, that would normally be a death sentence. And if those words didn't ruin SSGT Miller's career in money matters forever, the report's recommendation number one should have done it. The investigating officer recommended that: ''Management should not place SSGT Miller in a position where he is entrusted with funds again. . . .'' Those are strong words.

The recommendation that SSGT Miller not be trusted with money again was made on October 26, 1995. That recommendation came exactly one week after SSGT Miller was ''forced'' into a position at the DFAS/Dayton finance center that was far above his rank. A much more senior civilian—Mr. Chuck Tyler—who occupied that position, was summarily removed to make room for SSGT Miller. Although official organizational charts indicate that SSGT Miller was just Chief of the Data Entry Branch, officials familiar with SSGT Miller's operation contend that he was, in fact, Chief of the entire Vendor Pay Department. In that position, he had direct control over billions of dollars in payments. In addition, for unknown reasons, SSGT Miller was given unrestricted access to the check generating system known as the Integrated Accounts Payable System or IAPS. This was a clear violation of internal control procedures. His predecessor—Mr. Tyler—had much more limited access.

On October 19, 1995—the date on which SSGT Miller was ''forced'' into Mr. Tyler's position, SSGT Miller was under active investigation for the disappearance of a large sum of money at Castle AFB. Unfortunately, his suspicious and improper conduct at Castle was not limited to the two missing Treasury checks. He had also generated at least 8 fraudulent checks worth $50,769.00, which were addressed to his mother, Ruby J. Miller. Only these facts were apparently not known at the time. Furthermore, on October 19, 1995, he was just a few days away from generating his first fraudulent check at Dayton. This one was for $12,934.67 and was also addressed to his mother.

All the new information that surfaced in connection with SSGT Miller's court-martial clearly shows that the investigating officer's concerns about SSGT Miller and money were based on sound judgement. SSGT Miller

could not be trusted with money again. If the investigating officer's advice had been followed, SSGT Miller's criminal activities could have been brought to a screeching halt in October 1995 instead of June 1997. In November 1995, a trusted employee at the Dayton center, Mr. Otas Horn, even warned Colonel Berger about the dangers of placing SSGT Miller in Mr. Tyler's position with unrestricted access to IAPS. This early warning was followed by repeated reports of criminal conduct at Dayton throughout 1996, including an internal DFAS memo signed by Mr. Nabil, Director of the Denver Center, on September 30, 1996. Most involved fraudulent documents created in SSGT Miller's section. All involved criminal conduct—violations of 18 U.S.C. 1001—as noted in Mr. Nabil's memo. Why didn't DFAS management report this criminal activity to the law as required by every rule in the book?

Bill, I would like to return to the investigating officer's recommendations: ''Management should not place SSGT Miller in a position where he is entrusted with funds again. . . .'' When this report was issued, SSGT Miller should have been removed from his new position at Dayton—on the spot. Who in SSGT Miller's chain of command at Dayton was responsible for acting on the findings and recommendations in the investigative report? Was it Mr. Nabil? Was it the Commander at Dayton, Colonel Berger? Or was it Captain Brown, SSGT Miller's immediate supervisor? Who at Dayton had knowledge of this report? Who in DFAS management was responsible for totally ignoring this very dangerous red warning flag?

Bill, the responsible person or persons in your organization need to be held accountable for ignoring obvious and repeated warning signals about SSGT Miller's trustworthiness and giving him unrestricted access to your department's money vault.

I respectfully request a response to my questions by September 23, 1998.

Sincerely,

CHARLES E. GRASSLEY, *Chairman, Subcommittee on Administrative Oversight and the Courts.*

Mr. GRASSLEY. I wrote this letter to Mr. Lynn and asked him two questions: Who at Dayton—that means the financial center at Dayton—had knowledge of the Castle Air Force Base report on Miller? Who in the finance center management was responsible for totally ignoring this very dangerous red warning flag? I ended my letter to Mr. Lynn this way:

Bill, the responsible person or persons in your organization need to be held accountable for ignoring obvious and repeated warning signals about SSGT Miller's trustworthiness and giving him unrestricted access to your department's money vault.

I asked for answers to these two questions by September 23, 1998. That would have been 5 days after I wrote the letter. None ever arrived, as far as I know.

When I did not get a prompt response to my January 19 letter to Mr. Lynn on straight pay, I raised those same issues with Secretary Cohen. I did that at a hearing before the Budget Committee on March 2, 1999. This is what Secretary Cohen said at the time:

There is no authorized procedure called Straight Pay.

Now, get that. You have straight pay that people talk about, and you have a Secretary of Defense saying there is no authorized procedure called straight pay.

The process described is not correct and is not authorized.

These answers do not square with the evidence I have tried to lay out.

Then, on March 9, came further explanation from Chief Financial Officer Lynn. He said essentially the same thing but with a slightly different twist:

The Straight Pay policy you refer to in your letter is not used at our Columbus Center. . . .

There are some words left out. It goes on to say:

''Straight Pay,'' as reported to you, does not exist at the Columbus Center.

This letter No. 10 explains that in great detail, and I ask unanimous consent to have printed in the RECORD letter No. 10.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNDER SECRETARY OF DEFENSE,
Washington, DC, March 9, 1999.

Hon. CHARLES B. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: This is in reply to your recent letter on my decision to raise the prevalidation dollar threshold for payments of contracts paid using the Mechanization of Contract Administration System (MOCAS) at the Defense Finance and Accounting Service (DFAS) Columbus Center.

In the prevalidation plan that we submitted to Congress, we stated we would gradually lower the threshold until all payments were prevalidated by July 2000. We took an aggressive approach in our attempt to reach the goal of 100 percent prevalidation before July 2000. Contracts awarded before FY 1997 are now prevalidated at the current statutory level of $1,000,000. Since March 1997, we have attempted to prevalidate all contracts above $2,500 that were issued in FY 1997 and later.

Unfortunately, we could not sustain the new prevalidation level in MOCAS and meet our obligations under the Prompt Payment Act. The imposition of the $2,500 prevalidation threshold, together with other factors, caused critical delays in our connector payments. In December 1998, after carefully considering the need to reduce our payment backlogs while complying with the Prompt Payment Act, I temporarily raised the prevalidation dollar threshold to $500,000 for centrally administered contracts paid through MOCAS. I also recently extended this threshold increase until June 1999. However, we still plan to meet our July 2000 goal to prevalidate all payments. We will continue to lower the prevalidation threshold, but at a deliberate pace to achieve our goal of prevalidating all payments by July 2000 and ensuring compliance with the Prompt Payment Act.

The ''Straight Pay'' policy you refer to in your letter is not used at our Columbus Center. Before a payment is made in Columbus using MOCAS, the system must have entries that validate a contract exists, an invoice has been presented, and goods or services have been received or accepted. Increasing the prevalidation threshold does not waive the requirement to have these items before a payment is made. In addition, MOCAS does not allow one person to enter all three data elements into the system. I have enclosed a description of the MOCAS payment process. I believe that after you review our contract payment process, you will agree that some critical elements of the process were not provided to you and that ''Straight Pay,'' as reported to you, does not exist at the Columbus Center.

You also expressed concern that with the threshold raised to $500,000, DFAS experience the same type of fraud in MOCAS that SSgt Miller perpetuated using the Integrated Accounts Payable System (IAPS) in Dayton. The MOCAS payment environment is significantly different from the IAPS environment. The MOCAS system architecture does not permit multiple levels of access. The internal controls built into MOCAS that force separations of functions all but eliminate the possibility of one person creating fraudulent payments.

I am still committed to reaching the goal of total prevalidation by July 2000. As we improve our systems capability, we will combine to aggressively reduce the threshold until all payments are prevalidated. I appreciate your interest and look forward to working with you to improve our operations.

Sincerely,

WILLIAM J. LYNN.

Mr. GRASSLEY. I felt as though then-Secretary Cohen on the one hand and Chief Financial Officer Lynn were trying to convince me that straight pay did not exist. Their statements appear to be, even today, misleading and inaccurate.

Just because I didn't explain the policy exactly right did not mean the policy did not exist. Everything that was coming over the transom at night to me was telling me that I was on the right track.

I responded to the denials this way—and they are in this letter, my letter No. 11. I wish to quote a couple of sentences:

If this statement is indeed accurate—and ''Straight Pay'' doesn't exist, then why do I have official DFAS documents establishing ''Straight Pay Procedures?'' Are these documents a fake?

Are these documents I am getting a fake if they come directly from the financial center?

I later discovered another DFAS document, dated March 8, 1999, which states:

Due to concerns over the use of the term ''straight pay'' and its connotation, we must delete all references to ''straight pay'' the from the policy. . . .

Now, how does that square with what the Secretary of Defense Cohen told me? How does that square with the exchange I had with Bill Lynn, Chief Financial Officer at that time? Those things are in this document No. 12.

I ask unanimous consent to have document No. 12 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE FINANCE
AND ACCOUNTING SERVICE,
March 8, 1999.

MEMORANDUM FOR SEE DISTRIBUTION

Subject: Policy for Processing Unmatched Disbursements

Effective November 1, 1999, you were authorized to post unmatched disbursements (UMDs) without posting a negative unliquidated obligation (NULO) offset for transactions meeting criteria described in the attached policy. Due to concerns over the use of the term ''straight pay'' and its connotation, we must delete all references to ''straight pay'' from the policy, and clarify that the policy does not create an environment for fraudulent payments. Terms such as unmatched disbursements or direct disbursements were substituted.

Operating location (OPLOC) recommendations to add other categories under paragraph F, ''Unmatched Disbursements Which May Be Recorded Without Research, Approval, and NULO Offset,'' were incorporated. For example, Fund Type K transactions for Deposit/Suspense Accounts and disbursements posted under processing center ''Y,'' etc., were added. The inclusion of these categories did not change the intent or scope of the policy. We also clarified that for disbursements made against obligations recorded as Miscellaneous Obligation Reimbursement Documents (MORD) where the difference exceeds $3,000, Financial Service Office/Accounting Liaison office (FSO/ALO) approval is not required, but the FSO/ALO should be notified within 4 work days.

The revised policy is attached for your action. OPLOCs will continue to maintain a log on unmatched disbursements requiring FSO/ALO review. Copies of attached Missing Commitment/Obligation form (Atch 1) may be kept in lieu of a log.

We are requesting you to submit another report from the log statistics you gather for UMDs processed between February 1—May 31, 1999. The UMD Report, in Excel 5.0 format, is due to DFAS-DE/ASP on June 11, 1999. Please submit report via cc:mail to address indicated on attached report format. At that time we will decide whether another reporting cycle is necessary.

These procedures were coordinated with the Office of the Assistant Secretary of the Air Force for Financial Management-Air Force Accounting and Finance Office (AFAFO/FMF). If you have any questions, my project officer is Ms. Mirta Valdez, DFAS-DE/ASP, (303) 676–7708 or DSN 926–7708.

SALLY A. SMITH,
Dierctor for Accounting.

Mr. GRASSLEY. I say to my colleagues, is the March 8, 1999, date on this document a coincidence or was this a bureaucratic tactic to suppress, to bury or to rename the policy to conform with the highest level of rhetoric that I heard in March of that year?

Not getting the straight story from the Pentagon, I brought the issue of straight pay to the attention of one of our colleagues now and a colleague back then, Senator INHOFE, who was chairman of the Readiness Subcommittee on Armed Services. My letter to Senator INHOFE is dated April 8, 1999, and I have that letter here as No. 13 document.

I ask unanimous consent to have document No. 13 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 8, 1999.

Hon. JAMES M. INHOFE,
Chairman, Subcommittee on Readiness and Management Support, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR JIM: In view of your upcoming hearing on financial management at the Department of Defense (DOD) along with my continuing interest in these matters, I am submitting several questions bearing on internal control issues for your consideration.

Back on January 19, 1999, I wrote a letter to DOD's Chief Financial Officer (CFO), Mr. Bill Lynn, to verify certain facts pertaining to a policy known as ''straight pay.'' The facts in question were provided anonymously by an employee at the Defense Finance and Accounting Service (DFAS). In a nutshell, this policy authorizes DFAS to make payments up to $500,000.00 when no corresponding obligation or contract could be located in the database or otherwise identified. When bills are paid in the absence of contracts, how does DFAS know how much money, if any, is owed? As I understand it, this policy was personally approved by Mr. Lynn.

In my mind, this is a very dangerous policy. But it is not only dangerous. It is also misguided, and it may violate the law. It is certainly helping to erode one of the last visible traces of internal controls at DOD, and its continued use will undermine any hope of a ''clean'' audit opinion on the department's annual financial statements—as required by the Chief Financial Officers Act.

Last year, during my investigation of the breakdown of internal controls at DOD, I learned that Air Force Staff Sergeant (SSGT) Robert L. Miller, Jr. had pursued his own version of ''straight pay'' while Chief of Vendor Pay at DFAS' Dayton center during 1995–1997. With full access to the Integrated Accounts Payable System, SSGT Miller was able to create obligations, where none existed, and generate nearly a $1,000,000.00 in fraudulent payments to his mother and girlfriend. Now, Mr. Lynn's ''straight pay'' policy authorizes DFAS technicians to do exactly what SSGT Miller did—create false bookkeeping entries to cover large payments in the absence of supporting contracts. This policy leaves the door wide open to fraud and mismanagement.

I am attaching a copy of my letter to Mr. Lynn on ''straight pay'' dated January 19, 1999. Since Mr. Lynn never answered this letter, I had to verify the facts on my own in consultation with the General Accounting Office. According to a March 8, 1999 DFAS memorandum, Mr. Lynn's ''straight pay'' policy is still in place today, though its name has been changed to avoid any negative connotations. DFAS is concerned that the term ''straight pay'' may suggest a permissive ''environment for fraudulent payments.''

I would very much appreciate it if you would place a copy of my letter in the hearing record and raise my enclosed questions on DOD's ''straight pay'' policy. My questions should be directed to Mr. Lynn.

Again, thank you very much for giving me the opportunity to submit questions for your upcoming hearing on DOD Financial Management problems.

In addition, in the very near future, I expect to be submitting ''a legislative reform package'' to you and other colleagues for consideration. The rationale for this draft legislation is outlined under the heading ''The Need for DOD Financial Reforms'' on pages 25 to 29 of the Budget Committee's report on the Concurrent Resolution on the Budget for FY 2000 (Senate Report No. 106–27).

I look forward to having Mr. Lynn's responses to my questions on ''straight pay'' and working with you in the future on these matters.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

Mr. GRASSLEY. I told my friend from Oklahoma that I considered straight pay to be ''a very dangerous and misguided policy that might violate the law.'' I also told him about the Miller case heretofore referenced. I urged Senator INHOFE to ask Secretary Cohen and Chief Financial Officer Lynn five questions on straight pay at an upcoming hearing.

Mr. Lynn attempted to clarify the Department of Defense position on straight pay in a letter dated June 18, 1999. That is document No. 14.

I ask unanimous consent to have document No. 14 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNDER SECRETARY OF DEFENSE,
Washington, DC, June 18, 1999.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: This is in reply to your recent letter to the Honorable William S. Cohen, Secretary of Defense, concerning the Department of Defense responses to your questions submitted for the record following a March 2, 1999, hearing before the Senate Budget Committee. Enclosed is the Department's response to your questions.

Sincerely,

WILLIAM J. LYNN.

Enclosure.

RESPONSES TO THE QUESTIONS OF SENATOR CHARLES E. GRASSLEY

Question. The General Accounting Office (GAO)—in report No. AIMD–99–19—states that Mr. Hamre's policy authorizes the Navy to delay recording obligations in excess of available budget authority for up to five years. The GAO further indicates that the purpose of the policy allowing such delays in recording obligations in the books of account is to avoid a potential over obligation and violation of the Antideficiency Act. Are these two statements accurate and correct?

Answer. The policy referenced in GAO report No. AIMD–99–19 is not intended to and, in fact, in no way does, shield any DoD Component from a violation of the Antideficiency Act. Similarly, in no instance is the policy intended to allow any DoD Component to willingly defer the recording of a known valid obligation in excess of available budget authority.

The Department's policies require that an obligation be established at the time a contract is entered into or a good or service is ordered, and to be recorded within 10 days of the date on which the obligation is incurred. Additionally, prior to making a disbursement, the applicable technician is required to verify that an appropriate contract or other ordering instrument exists, that a government official has verified that the goods or services have been received and that a proper invoice requesting payment has been received. Also, depending on the amount of the payment, the technician may be required

to prevalidate an obligation. (Prevalidation is the process of checking to ensure that a matching obligation has been recorded in the accounting records prior to making a disbursement.) Additionally, the technician also is required to identify the proper appropriation to be charged and the accounting office responsible for the related obligation. Further, the disbursement should be matched to the applicable obligation at the time the disbursement is made, if feasible, or as soon thereafter as is feasible.

The GAO report referred to above addresses in-transit disbursements. In-transit disbursements occur when the paying office (the office making the disbursement) is different than the accounting office (the office accounting for the obligation). In such instances, in addition to determining the existence of a contract or ordering document and verifying the receipt of the goods or services before making the payment, and deducting the amount of the payment from the cash balance of the appropriation involved, the paying office also must forward the disbursement information to the accounting office to enable the disbursement to be recorded against the related obligation. (Only the applicable accounting office, and not the paying office, can record a disbursement against its related obligation. Thus, this latter action is required irrespective of whether the disbursement was prevalidated prior to payment.)

Since the amount of in-transit disbursements is deducted from the cash balance of the applicable appropriation at the time of disbursement, the Department can determine if the cash balance of the appropriation involved is positive or negative. Since a negative cash balance is an indication of a potential Antideficiency Act violation, if an appropriation has a negative cash balance, the Defense Finance and Accounting Service is required to stop making any further payments chargeable to the appropriation. Additionally, the DoD Component involved is required to initiate an investigation of a potential Antideficiency Act violation. Except in very rare instances, in-transit disbursements do not result in a negative cash balance in the applicable appropriation. Since the appropriations charged have a positive cash balance that means that amounts disbursed from those appropriations are not in excess of available budget authority.

As stated above, when the paying office is different than the accounting office, the paying office must forward the disbursement information to the accounting office to enable the disbursement to be recorded against the related obligation. During the time that the information is being transmitted from the paying office to the accounting office the information is said to be in-transit, and the disbursement is said to be an in-transit disbursement. Once the information is received by the accounting office, the accounting office attempts to match the disbursement to an obligation, and the disbursement no longer is considered to be an in-transit disbursement. At that point, the disbursement becomes a matched disbursement, an unmatched disbursement or a negative unliquidated obligation.

Over 90 percent of in-transit disbursements are matched to an obligation within 60 days of arriving at the applicable accounting station. However, in some instances the information does not arrive at the applicable accounting office or the information that does arrive is not sufficient to allow the applicable accounting office to attempt to match the disbursement to an obligation. In such circumstances, the accounting office must take additional steps to research and obtain the information required to allow it to attempt to match the disbursement to an obligation.

Until the 1990s, the Department had no policy regarding such research efforts and did not require that obligations be recorded for unresolved in-transit disbursements. The policy addressed in the referenced GAO report recognized that, consistent with DoD policy, in most instances, obligations are established at the time an applicable contract is entered into or goods or services are ordered. However, in those instances where an accounting office does not receive detailed information on an in-transit disbursement, this lack of detailed information often precludes the accounting office from being able to attempt to identify the disbursement to an obligation. Establishment of a new obligation for such disbursements, in many instances, could result in a duplicate obligation. In order to avoid such duplicate obligations, the Department allows the DoD Components time to conduct additional research. Often, this requires a considerable period of time and involves significant manual research. This is especially so for those in-transit disbursements made by one of the over 300 former paying offices that now have been closed.

Question. If a bill for $499,999.99 is submitted to the Defense Finance and Accounting Service (DFAS) Columbus Center for payment and the responsible technician is unable to identify a matching obligation, and Mr. Lynn's waiver is used to authorize the payment, exactly how is the payment posted in the books of account? Without a valid, matching obligation, there are just three options: (a) post it to a bogus account; (b) post it to the wrong account; or (c) don't post it. How does DFAS do it?

Answer. In the example described above, the technician at the DFAS Columbus Center would not be required to validate that an obligation was recorded in the official accounting records prior to making the payment because the dollar amount would be below the prevalidation threshold amount in effect at the DFAS Columbus Center. (However, at any DFAS location other than the Columbus Center, this amount would be above the prevalidation threshold amount and the technician would be required to match the proposed disbursement to the applicable obligation prior to making the disbursement.) Although in the above example, the technician at the DFAS Columbus Center would not be required to match the payment to an obligation prior to payment, the technician would be required to determine that the payment otherwise is valid. This would require that the technician verify that an appropriate contract or other ordering instrument exists and that a government official verified that the goods or services were received. Also, the technician would be required to identify the proper appropriation to be charged and the accounting station where the related obligation is recorded. Generally, this information would reside, and could be found, in the payment system at the DFAS Columbus Center.

Irrespective of whether a disbursement is matched to an obligation prior to payment, once a payment is made by the DFAS Columbus Center, the amount of the disbursement would be deducted from the cash balance of the applicable appropriation charged and information concerning the disbursement would be forwarded to the applicable accounting station. When that information arrived at the applicable accounting station, the accounting station would: match the disbursement to the applicable obligation recorded in the accounting system; or if the amount of the disbursement exceeded the amount of the applicable obligation, match the disbursement to the applicable obligation but record a negative unliquidated obligation against the same account for the amount of the difference between the disbursement and the obligation; or if no corresponding obligation record can be found in the accounting system, treat the disbursement as an unmatched disbursement.

Question. While the DFAS attempts to identify the matching obligation, is the payment placed in the ''in-transit'' status?

Answer. The Columbus Center, using the Department's existing finance network, would forward information on the disbursement to the applicable accounting station. That information would be considered to be ''in-transit'' for the period of time necessary for the information to be forwarded from the Columbus Center to the applicable accounting station. Once the information arrived at the accounting station, the accounting station would match the disbursement to the applicable obligation and the transaction no longer would be considered to be in an in-transit disbursement.

Question. If a valid, matching obligation cannot be found, how is the problem resolved?

Answer. If a valid, matching obligation cannot be found, the disbursement is treated as an unmatched disbursement. In the case of an unmatched disbursement, the applicable accounting station and DoD Component involved are given 180 days to conduct research to identify the matching obligation. If, after the 180-day period, a valid matching obligation cannot be found, the DoD Component involved is required to establish a new obligation for the disbursement.

Mr. GRASSLEY. In his followup letter, Mr. Lynn backed away from his assertion that straight pay did not exist. So they said it didn't exist, and now you see an assertion backing away from that. While he never used the term ''straight pay,'' he did not try to disassociate himself from the policy. His description of the policy was generally accurate, though somewhat incomplete.

I raised essentially the same question with Mr. Lynn in a recent letter, dated January 29, 2009, because of his appointment to this position of Deputy Secretary of Defense. Regrettably, he provided essentially the same answers in a letter dated February 3, 2009.

I ask unanimous consent to have printed in the RECORD those two letters, documents 15 and 16.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, January 29, 2009.

Mr. WILLIAM J. LYNN,
Senior Vice President, Raytheon Company, Arlington, VA.

DEAR MR. LYNN: I am writing to follow-up on six questions I submitted for the record at your nomination hearing before the Senate Armed Services Committee earlier this month.

Two of my questions pertain to a potential conflict of interest flowing from your status

as a registered lobbyist with the Raytheon Company. Four of the questions pertain to your efforts as the Department of Defense (DOD) Chief Financial Officer (CFO) to bring the department into compliance with the CFO Act. I am eagerly waiting for your answers to my six questions.

Since submitting those questions for the record, I have had an opportunity to retrieve and examine certain archived files on DOD financial management issues that I investigated in the late 1990's while you were the DOD CFO and Comptroller. I came across two files of particular interest as follows: 1) ''Straight Pay;'' and 2) ''Pay and Chase.'' These are DOD payment policies that were either attributed to you and/or adopted while you were the department's Chief Financial Officer in charge of such matters. My follow-up questions pertain to these matters.

In 1998, when you were CFO, ''Pay and Chase'' was a term used to describe DOD vendor payment policy. With ''Pay and Chase,'' the Pentagon paid bills first and worried about tracking down the receipts later. Sometimes receipts were found; sometimes not; And sometimes no effort was made to look. This is how DOD ended up with billions of dollars in unmatched disbursements. As I understand it, this was SOP when you were CFO. It was unofficial policy. It was practiced but not authorized in government regulations or law.

Secretary of Defense Cohen attempted to legalize ''Pay and Chase.'' He wanted to make it the law of the land. He forwarded his proposal to the Senate on February 2, 1998 as part of a larger package of so-called defense reforms. At that point in time, you were CFO, and this matter fell directly under your area of responsibility. ''Pay and Chase'' was just one small piece of the Defense Reform Act of 1988—also known as the Defense Reform Initiative (DRI). ''Pay and Chase'' was embodied in Section 401 of that bill. It was touted as a measure to ''streamline'' DOD payment practices.

Section 401 would have authorized DOD to pay bills without receipts with no dollar limit. It would have required only random after-the-fact verification of some receipts. And it would have relieved disbursing officers of all responsibility for fraudulent payments that might have resulted from the policy.

There is nothing in my files to indicate Section 401 of Secretary Cohen's DRI became law. I believe ''Pay and Chase'' continued as an unofficial policy and evolved into another troublesome one known as ''Straight Pay.'' This policy was initially approved by you in a signed memorandum on December 17, 1988.

On January 19, 1999, I wrote to you, expressing grave concern about ''Straight Pay.''

Prior to the implementation of ''Straight Pay,'' the Defense Finance and Accounting Center (DFAS), Columbus, Ohio had a pre-validation policy that required all disbursements over $2,500.00 be matched with obligations prior to payment. When a bill was submitted to the center for payment, a technician searched the database for the supporting obligation or contract. If one could not be found, a red warning flag was allegedly run up the pole. Was it a duplicate or fraudulent payment? Your ''Straight Pay'' policy raised the pre-validation threshold to $500,000.00. ''Straight Pay'' allowed the technician to ignore the warning signals and make payments up to $500,000.00 without checking documentation. Then the accountants at the center were directed to create bogus accounts for negative unliquidated obligations or ''NULO'' to cover the payment. The bill was then paid from the bogus account with a negative balance. The center had six months to locate valid supporting obligation. If a valid, matching obligation could not be found within that time frame, then the center would cover the payment with other available funds with no further investigation.

In my letter to you, I drew some comparisons between ''Straight Pay'' and the scenario in the case of Air Force Staff Sergeant (SSGT) Robert L. Miller, Jr. You may remember the Miller case. I examined that case—and others like it—in great detail at a hearing before my Judiciary Oversight Subcommittee on September 28, 1998. As Chief of Vendor Pay at another DFAS Center, SSGT Miller had pursued his own version of ''Straight Pay.'' With full access to the Integrated Accounts Payable System, SSGT Miller was able to create obligations, where none existed, and to generate nearly a $1,000,000.00 in allegedly fraudulent payments to his mother and girlfriend. He was not caught until a co-worker blew the whistle.

Mr. Lynn, on the surface at least, your ''Straight Pay'' policy appeared to authorize DFAS technicians to do essentially what SSGT Miller allegedly did—create false bookkeeping entries to cover large payments in the absence of supporting documentation. Your policy left the barn door wide open to fraud and mismanagement. At the time, the General Accounting Office agreed with that assessment.

Also, at the time, I told you and other senior officials—and spoke extensively about this problem on the floor—that ''Straight Pay'' was a dangerous, misguided, irresponsible, and unbusinesslike policy. Furthermore, it was totally inconsistent with various provisions of Title 31 of the U.S. Code, Money and Finance.

American taxpayers deserved to know that their hard earned money was being protected and properly accounted for under your leadership at DOD. So please help me understand your position on ''Straight Pay.'' It seemed to be completely inconsistent with your responsibilities under the CFO Act. As CFO, how could you endorse such a policy?

Your prompt response to my questions would be appreciated,

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

FEBRUARY 3, 2009.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Committee on Finance, U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: Thank you for your letter of January 29, 2009 concerning my tenure as Under Secretary of Defense (Comptroller) and Chief Financial Officer from November 1997 to January 2001. You asked specifically about two payment practices: ''Pay and Chase'' and ''Straight Pay''.

The Denver Center of the Defense Finance and Accounting Service (DFAS) initiated the ''Pay and Chase'' pilot 'in early 1997 in order to achieve more timely payments. It was a limited test that allowed certain payments under $2,500 to be made based on matching a proper invoice to the corresponding contract. Receipt and acceptance was followed up after the payment was made. The pilot was discontinued by October 1997 when the DoD General Counsel and DFAS General Counsel found that matching a proper invoice and contract alone was not legally sufficient to make a payment. The Department proposed legislation to Congress in 1998 called Verification After Payment that would have authorized making payments from the invoice/contract match, but that request was later dropped without Congressional action.

''Straight Pay'' is an informal term used to describe the practice of making payment based on a three way match of a proper invoice, receiving report and contract when an obligation has not yet been recorded in the accounting records. ''Straight Pay'' recognizes the government's legal obligation to make payment and was used to ensure contractors were paid on time and to reduce payment backlogs and associated interest penalties due to late payments. Under ''Straight Pay'' policies, payments could not be made on an invoice alone. But if DFAS had a proper invoice together with a valid contract for the goods/services and a valid receiving report that the goods/services had been delivered, payment could be made without a matching obligation. DFAS then contacted the Military Services to update the accounting records, ensuring that the expenditure was recorded and valid.

The Defense Department has two important obligations: to ensure that those who provide goods and services to the Department are paid on time pursuant to the Prompt Payment Act and to make certain there are proper controls that ensure the Department has received the goods and services pursuant to a valid contract. At a time when the Department faced a backlog of unpaid invoices and mounting interest costs due to late payments, ''Straight Pay'' was an attempt to draw the right balance between those objectives by reducing late payments while still ensuring that the Department had received what it paid for and that the accounting records were accurate.

Best practices require that all proper invoices be matched with a receiving report and contract, and that the obligation be pre-validated in the accounting records prior to payment. The Department made progress toward this pre-validation objective while I was Under Secretary. And I understand that further progress has been made since I left. If confirmed, I will work with the Chief Financial Officer and the Military Departments to achieve this important goal.

Finally, you raised the case of Air Force Staff Sergeant Robert L. Miller, who defrauded the Department in a series of activities between October 1994 and June 1997. The Miller case did not actually involve ''Straight Pay''. It did, however, expose significant internal control weaknesses within both DFAS and the Air Force. As a consequence of the Miller case, I directed DFAS to take a series of corrective actions, including revising internal control guidance to ensure better segregation of duties, reviewing and adjusting vendor payment access to the minimum number of personnel needed to properly conduct business, ensuring proper documentation existed to pay invoices, and correcting deficiencies in computer system security. In addition, DFAS in November 1999 established an Internal Review office to examine its systems and operations for weaknesses and potential cases of fraud.

As you requested, I have also included answers to the six questions you submitted for the record after my nomination hearing on January 15, 2009. Looking ahead, if confirmed as Deputy Secretary of Defense, I will do my utmost to strengthen the Department's financial management and internal controls designed to prevent fraud. I will also work to accelerate the modernization and integration of the Department's management information systems. From my earlier DoD tenure, I know the obstacles to achieving this,

but I also know its vital importance. In this era of increasing fiscal strain, financial stewardship at the Department of Defense is essential, and I look forward to making that happen.

Sincerely,

WILLIAM J. LYNN, III.

SENATE ARMED SERVICES COMMITTEE

QUESTIONS FOR THE RECORD

(To consider the following nominations: William J. Lynn III to be Deputy Secretary of Defense; Robert F. Hale to be Under Secretary of Defense (Comptroller) and Chief Financial Officer; Michèle Flournoy to be Under Secretary of Defense for Policy; and Jeh Charles Johnson to be General Counsel, Department of Defense. Witnesses: Lynn, Hale, Flournoy, Johnson)

Senator Chuck Grassley

FINANCIAL MANAGEMENT

93. Mr. Lynn, as the Under Secretary of Defense (Comptroller), you were the Department's Chief Financial Officer (CFO). That position was established by the CFO Act of 1990. Section 902 of the CFO Act states: ''The CFO shall develop and maintain an integrated agency accounting and financial management system, including financial reporting and internal controls.'' This requirement existed for at least 5 years before you became the DOD CFO. While you were CFO, did DOD operate a fully integrated accounting and financial management system that produced accurate and complete information? If not, why?

Answer: The DoD financial and business management systems were designed and created before the CFO Act of 1990 to meet the prior requirements to track obligation and expenditure of congressional appropriations accurately. The CFO Act required the Department to shift from its long-time focus on an obligation-based system designed to support budgetary actions to a broader, more commercial style, accrual-based system. To accomplish this transformation, several things needed to be done. First, the Department created the Defense Finance and Accounting Service (DFAS) to consolidate financial operations, which was accomplished in 1991 before my tenure as Under Secretary. Second, the Department had too numerous and incompatible finance and accounting systems. From a peak of over 600 finance and accounting systems, I led an effort to reduce that number by over two thirds. This consolidation effort also strove to eliminate outdated financial management systems and replace them with systems that provided more accurate, more timely and more meaningful data to decision makers. The third and most difficult step in developing an integrated accounting and financial management system has been to integrate data from outside the financial systems. More than 80 percent of the data on the Defense Department's financial statement comes from outside the financial systems themselves. It comes from the logistics systems, the personnel systems, the acquisition systems, the medical systems and so on. On this effort, we made progress while I was Under Secretary but much more needs to be done. If confirmed, I will take this task on as a high priority.

94. Mr. Lynn, under section 3515 of the CFO Act, all agencies, including DOD, are supposed to prepare and submit financial statements that are then subjected to audit by the Inspectors General. While you were the CFO, did DOD ever prepare a financial statement in which all DOD components earned a ''clean'' audit opinion from the DOD IG? If not, why?

Answer: In the 1997, the Department of Defense had twenty-three reporting entities, only one of which, the Military Retirement Fund, had achieved a clean audit. Over the next four years, the Department under my leadership as Under Secretary earned a ''clean'' opinion on three other entities: most importantly, the Defense Finance and Accounting Service in 2000, followed by the Defense Commissary Agency and the Defense Contract Audit Agency in 2001. We were unable to obtain clean opinions on the other reporting entities. The primary reason for not earning clean opinions on the remaining entities was the difficulty of capturing data from non-financial systems and integrating that data into the financial systems in an auditable manner. It is my understanding that the Department still faces the challenge of integrating financial and non-financial systems to support the auditability of the DOD financial statements.

95. Mr. Lynn, as CFO, what specific steps did you take to correct this problem?

Answer: Under my leadership, the DOD instituted several important efforts to achieve a ''clean'' audit opinion. The primary effort was described in the Biennial Financial Management Improvement Plan (FMIP) which was submitted to Congress in 1998. That plan merged previous initiatives with new ones into a single comprehensive effort to achieve both financial management improvement and auditability. To directly address auditability, the FMIP included an effort in collaboration with the Office of Management and Budget, the General Accounting Office, and the Office of the Inspector General to address ten major issues identified by the audit community: 1) internal controls and accounting systems related to general property plant and equipment; 2) inventory; 3) environmental liabilities; 4) military retirement health benefits liability; 5) material lines within the Statement of Budgetary Resources; 6) unsupported adjustments to financial data; 7) financial management systems not integrated; 8) systems not maintaining adequate audit trails; 9) systems not valuing and depreciating property, plant and equipment; and 10) systems not using the Standard General Ledger at the transaction level. Due to this effort, substantial progress was made on most of these issues and several were resolved, including valuation of the military retirement health benefits liability, the reduction of unsupported adjustments to financial data, and the identification of environmental liabilities.

96. Mr. Lynn, 18 years after the CFO Act was signed into law, DOD is still unable to produce a comprehensive financial statement that has been certified as a ''clean'' audit. It may be years before that goal is met. If DOD's books cannot be audited, then the defense finance and accounting system is disjointed and broken. Financial transactions are not recorded in the books of account in a timely manner and sometimes not at all. Without accurate and complete financial information, which is fed into a central management system, DOD managers do not know how the money is being spent or what anything costs. That also leaves DOD financial resources vulnerable to fraud, waste and abuse, and even outright theft. The last time I looked at this problem billions—and maybe hundreds of billions—of tax dollars could not be properly linked to supporting documentation. As Deputy Secretary of Defense, what will you do to address this problem? Please give me a realistic timeline for fixing this problem.

Answer: The Department needs stronger management information systems. I can assure you that, if confirmed, I will be committed to improving financial information and business intelligence needed for sound decision making. I have not yet completed my review of all the information needed to provide a specific timeline; however, I will continue to examine this issue, including consideration of this and other Committees' views as well as the resources needed for the audit, before forming my assessment of how close DoD is to a clean audit.

POTENTIAL CONFLICT OF INTEREST

97. Mr. Lynn, as a Senior Vice President of Government Operations at the Raytheon Company, you were a registered lobbyist until July 2008. Correct? How long were you a registered lobbyist?

Answer: I was a registered lobbyist for Raytheon from July 2002 to March 2008.

98. Mr. Lynn, in his ''Blueprint for Change,'' President-elect Obama promises to ''Shine Light on Washington Lobbying.'' He promises to ''Enforce Executive Branch Ethics'' and ''Close the Revolving Door.'' He promises: ''no political appointees in an Obama-Biden administration will be permitted to work on regulation or contracts directly and substantially related to their prior employer for 2 years.'' Raytheon is one of the big defense contractors. As Deputy Secretary, Raytheon issues will surely come across your desk. If you have to recuse yourself from important decisions, you would limit your effectiveness as Deputy Secretary of Defense. How will you avoid this problem for 2 years?

Answer: I have received a waiver of the ''Entering Government'' restrictions under the procedures of the Executive Order implementing the ethics pledge requirements. The waiver, however, does not affect my obligations under current ethics laws and regulations. Until I have divested my Raytheon stock, which will be within 90 days of appointment, I will take no action on any particular matter that has a direct and predictable effect on the financial interests of Raytheon. Thereafter, for a period of one year after my resignation from Raytheon, I also will not participate personally and substantially in any particular matter involving Raytheon, unless I am first authorized to do so under 5 C.F.R. § 1A2635.502(d). In addition, for the one year period covered by Section 502, I have agreed not to seek a written authorization for the handful of issues on which I personally lobbied over the past two years. If confirmed, I pledge to abide by the foregoing provisions. I would add that I have not been exempted from the other Executive Order pledge requirements, including the ones that restrict appointees leaving government from communicating with their former executive agency for two years and bar them from lobbying covered executive branch officials for the remainder of the Administration.

Mr. GRASSLEY. Mr. Lynn continues to defend straight pay, a policy that Secretary Cohen said didn't exist back then. He said it was necessary ''to ensure that contractors were paid on time.''

Well, can't you pay contractors on time by having invoices and all the proper documentation to write even a $1 check? That is the streamlining effect that former Secretary Cohen argued for in his failed June 2, 1998 DRI legislative initiative.

I exchanged followup Q and A on these matters with Mr. Lynn on February 5 and 6 this year, and I will include those letters in the record as well. As Chief Financial Officer at one of our biggest departments, Mr. Lynn signed the memo authorizing straight pay policy. It was his policy.

I ask unanimous consent that the followup documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC February 5, 2009.

Mr. WILLIAM J. LYNN,
Senior Vice President, Raytheon Company, Arlington, VA

DEAR MR. LYNN: I am writing to follow-up on our recent exchange of correspondence regarding your record as the Chief Financial Officer (CFO) at the Department of Defense (DOD).

I respectfully request that you respond to the following questions in writing:

(1) On February 2, 1998, when you were CFO, Secretary of Defense Cohen asked the Senate for legal authority to pay bills without receipts with no dollar limit. This proposal was embodied in Section 401 of the Defense Reform Initiative (DRI). What was your position on this legislative proposal?

(2) In a letter to you dated January 19, 1999, I expressed grave concern about a DOD payment policy known as ''Straight Pay.'' This policy was authorized by you in documents that bear your signature. The purpose of my letter was to verify the facts pertaining to this policy that was brought to my attention by a Defense Finance and Accounting Service (DFAS) employee, Your response to this letter is dated March 9, 1999. In your letter, you report that ''Straight Pay'' does not exist. This is what you said: ''Straight Pay'' is not used at our Columbus Center . . . 'Straight Pay,' as it was reported to you, does not exist at the Columbus Center.'' Secretary Cohen made essentially the same statement in response to questions I raised at a Budget Committee hearing on March 2, 1999. He stated: ''there is no authorized procedure called straight pay.'' In your February 3, 2009 letter, by comparison, you provided a description of the ''Straight Pay'' policy. Did ''Straight Pay'' exist at the Columbus Center in 1998–99?

(3) How do you explain a DFAS Memo dated March 8, 1999 that contains the following instructions: ''Due to concerns over the use of the term 'Straight Pay' and its connotation, we must delete all references, to 'straight pay' from the policy and clarify that policy does not create an environment for fraudulent payments. Terms such as unmatched disbursements or direct disbursements were substituted.'' Did you instruct DFAS to get rid of the term ''Straight Pay.''

(4) Do you believe unmatched disbursements were a satisfactory outcome?

(5) One day after DFAS gave ''Straight Pay'' policy a new name, you issued orders to keep the policy alive. Your memo of March 9, 1999 actually re-authorized the policy for another 90 days beyond the March 22, 1999 expiration date. Is that true?

(6) When you were CFO, were you knowledgeable or aware of the arbitrary allocation scheme used by DFAS at the Columbus Center for making progress payments? That policy also had an informal name. It was called ''bucket billing.'' Both the GAO. and IG had conducted numerous audits and reviews of these procedures and declared them to be illegal. If you knew about these bill paying practices, what specific steps did you take to correct the problem?

(7) I note that the waiver granted to you in connection with President Obama's new ethics rules was co-signed by OMB Director Orszag and Mr. Gregory B. Craig, Counsel to the President. I understand that you have past associations with Mr. Craig. Please characterize your relationship with Mr. Craig?

(8) According to the Project on Government Oversight (POGO), Raytheon is ''ranked #4 in a top 50 corrupt list'' of government contractors. POGO reports numerous instances of double billing on aircraft maintenance contracts, contractor kickbacks, defective pricing, False Claims Act violations, substitution/nonconforming products, violations of SEC rules, etc. involving Raytheon. As the top Raytheon lobbyist, to what extent did you know about or become involved with any of these issues? Did you ever discuss any of these issues with DOD officials or Members of Congress or congressional staff?

(9) In view of the fact that your nomination appears to be inconsistent with President Obama's rules pertaining to the ''Revolving Door Ban,'' do you belief you have compromised any of your personal and/or professional values by accepting it?

Your continuing cooperation in this matter would be greatly appreciated.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

FEBRUARY 5, 2009.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Committee on Finance, U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: I am writing to respond to your letter of February 5, 2009. Following my February 3, 2009 letter, you asked nine additional questions.

(1) Although I took office as Under Secretary just before the Defense Reform Initiative was submitted to Congress, I did not participate in the development of Section 401. I do not recall having taken a position on it. At this time, I would not support a proposal that with no dollar limit would allow the Defense Department to pay bills without a receipt.

(2) In your letter of January 19, 1999, you equated an obligation to a contract, implying that ''Straight Pay'' allowed payment without a valid contract. As I explained in both my recent February 3, 2009 letter and the earlier March 9, 1999 letter, ''Straight Pay'' required that the Department be in possession of a valid contract as well as a valid invoice and a valid receiving report prior to payment being authorized. If this three way match existed, the policy allowed payment without a matching obligation in the accounting records, with the proviso that the Military Services update the accounting records to ensure that a valid payment had been made. In short, ''Straight Pay'' did exist at the Columbus Center in 1998–99, but the process was different than the one you described in your January 19, 1999 letter.

(3) I am not aware of the March 8, 1999 DFAS memo that you referenced. To my knowledge, I did not sign or authorize it.

(4) Unmatched disbursements are not a satisfactory outcome. They reflect the age and inadequacy of some of our finance and accounting systems. This is one of the primary reasons that I supported the modernization of our finance and accounting infrastructure when I was Under Secretary in the late 1990s and why I will continue to support that modernization should I be confirmed as Deputy Secretary.

(5) As I stated in my February 3, 2009 letter, ''Straight Pay'' was an attempt to strike the right balance between meeting our obligations to pay on time and ensuring the Department only paid vendors for what was actually received under a valid contract. The 90-day extension of that policy on March 9, 1999 was done because the backlog of unpaid invoices remained at an unacceptable level.

(6) With regard to progress payments, I took steps to ensure that payment procedures were tightened. In 1998, I directed that on all new contracts, other than firm fixed price contracts, the practice of prorating payments proportionately to all accounting classification reference numbers be discontinued. Effective August 31, 1998, the Department began distributing progress payments on the basis of the best available estimates of the specific work being performed under the contract. Both the Office of the Inspector General and the Office of the General Counsel of the Department of Defense reviewed and approved the new policy.

(7) I served on the staff of Senator Edward Kennedy in the late 1980s with Gregory B. Craig, who is now Counsel to the President.

(8) While at Raytheon, I did not participate in any of the of the issues that you cite. Nor did I lobby on those issues with either Defense Department officials or any Members or staff in Congress.

(9) I am honored that President Obama nominated me to serve as Deputy Secretary of Defense. If confirmed, I will serve the Department and the nation to the best of my ability. It is fully consistent with my personal and professional values to return to public service at this time.

Sincerely,

WILLIAM J. LYNN III

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, February 6, 2009.

Mr. WILLIAM J. LYNN,
Senior Vice President,
Raytheon Company, Arlington, VA

DEAR MR. LYNN: I have reviewed your letter of February 5, 2009, in which you attempt to address the questions I raised in a letter to you also dated February 5th.

I am baffled by some of your answers. You have answered questions I did not ask; you have not answered questions I did ask; and some of your answers appear to be incomplete as follows:

First, in question #1, I asked you about your position on Section 401 of Secretary Cohen's Defense Reform Initiative presented to the Senate in February 1998. You responded as follows: ''I did not participate in the development of Section 401. I do not recall having taken a position on it. At this time, I would not support a proposal that with no dollar limit would allow the DOD to pay bills without a receipt.'' In February 1998, you had been CFO for several months. This issue fell directly under your purview. How could you possibly avoid taking a position on an issue the Secretary of Defense was urging the Senate to adopt? As the Chief DOD lobbyist for Raytheon today, you say it was wrong. My question is: As the DOD CFO back in 1998, why didn't you know it was wrong and speak up?

Second, in question #2, I asked: ''Did 'Straight Pay' exist at the Columbus Center

in 1998–99?'' You responded this way: ''Straight Pay' did exist at the Columbus Center in 1998–99, but the process was different than the one you described.'' Your response today is a bit different from the one you provided me in 1999. In early March 1999, both you and Secretary Cohen reported to me that ''Straight Pay'' did not exist. Period. This is what Secretary Cohen said in response to my questions at a Budget Committee hearing on March 2, 1999: ''there is no authorized procedure called straight pay.'' And he attributed that statement to you. You are saying it existed but not exactly as I described it. I find these explanations somewhat confusing. Even if I did not describe it exactly right, it still existed. And this is why I raised question #3.

Third, The Defense Finance and Accounting Service (DFAS) employees were providing me with documents that clearly indicated that the ''Straight Pay'' did, in fact, exist.

DFAS employees even provided me with an elaborate set of rules on how this policy was to be implemented. Then I received a high-level DFAS memo that appeared to constitute a direct order to suppress the policy, bury it, if necessary, or re-name it. This memo, dated March 8, 1999, contained the following instructions: ''Due to concerns over the use of the term 'Straight Pay' and its connotation, we must delete all references to 'straight pay' from the policy and clarify that policy does not create an environment for fraudulent payments. Terms such as unmatched disbursements or direct disbursements were substituted.'' As you know, unmatched disbursements—like ''Straight Pay''—leave the door wide open to fraud and theft. But that is a separate issue. In question #3, I asked: ''Did you instruct DFAS to get rid of the term ''Straight Pay?'' You did not answer this question. You responded by saying you are not aware of that memo and did not sign it or authorize it. I will rephrase the question, because some high official was probably creating pressure for this change. While CFO, did you ever issue any instructions to DFAS or anyone else regarding use of the term or words ''Straight Pay''?

Fourth, in question #5, I asked you if you approved and signed documents authorizing ''Straight Pay.'' In your response, you tell me why the policy was necessary but do not accept direct responsibility for approving the policy. While CFO, did you ever approve and sign documents authorizing ''Straight Pay''?

Fifth, in question #6, I asked you about your knowledge of the arbitrary allocation scheme—also known as ''Bucket Billing''—used at the Columbus Center for making progress payments on contracts. At the time, both the GAO and DOD IG had declared that this policy was illegal. As you may remember, I addressed this matter in great detail with your predecessor, Mr. John Hamre. You now report that a new policy was put in place on August 31, 1998. You also reported that the IG reviewed and approved that policy. Having a new policy is an important first step, but my question is this: Is the new policy working as advertised? In 1999, did you follow-up and check to see if payments were being posted to the correct appropriation accounts?

Sixth, in question #7, I asked you about your association with Mr. Gregory B. Craig, who was directly involved in the review and approval of the waiver you were granted in connection with President Obama's new ethics rules. I asked this question: ''Please characterize your relationship with Mr, Craig?'' You answered: ''I served with him on the staff of Senator Kennedy in the late 1980s.'' Again, please characterize your relationship with Mr. Craig? What discussions took place between you and Mr. Craig regarding this matter?

Seventh, I will re-phrase question #9 as follows: Do you believe that your nomination is fully consistent with the spirit and intent of the ''Revolving Door Ban'' in paragraphs 2 & 3 of Section 1 of the new rules?

I very much appreciate your patience and cooperation with this matter.

Sincerely

CHARLES GRASSLEY,
Ranking Member.

FEBRUARY 9, 2009.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Committee on Finance, U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: I am writing in response to your letter of February 6, 2009. You asked some additional follow up questions to your letters of February 3, 2009 and February 5, 2009.

(1) You asked about my position on Section 401 of the Defense Reform Initiative in 1998. As I indicated, the development of Section 401 took place before I took office as Under Secretary in late 1997, so I was not engaged in the process that led to the inclusion of Section 401 in the Defense Reform Initiative. Further, Section 401 was dropped before I ever had an opportunity to review or take a position on the provision.

(2) You asked for further clarification on the issue of ''Straight Pay'' at the Defense Finance and Accounting Service (DFAS) Columbus Center. To my knowledge, ''Straight Pay'' was an informal term used to describe a payment process in the Air Force network. Your March 1999 letter and your Budget Committee hearing question to Secretary Cohen used the term ''Straight Pay'' differently, that is to describe the pre-validation process used by the Mechanization of Contract Administration System (MOCAS) at the Columbus Center. The purpose of my response to your letter and Secretary Cohen's response to your hearing question in 1999 was not to argue over the term ''Straight Pay'', but rather to explain the pre-validation process used at Columbus accurately and fully. Specifically, we both described how the three-way match procedures worked. They required that no payments could be made without a valid invoice, a valid contract, and a valid receiving report. If this three-way match existed, the policy allowed payment without a matching obligation in the accounting records, with the proviso that the Military Services update the accounting records to ensure that a valid payment had been made.

(3) As I wrote previously, I was not aware of the March 8, 1999 DFAS memo that DFAS employees provided to you. Nor do I recall ever issuing instructions to DFAS or anyone else regarding the use of the term ''Straight Pay''.

(4) You asked about documents that I signed authorizing ''Straight Pay''. I am not aware of any official documents that I signed that included the term ''Straight Pay''. I did, however, approve and sign documents that authorized the three-way match process described in my answer in paragraph 2 above. These included the March 9, 1999 memo, to which you referred in your February 5, 2009 letter. This memo re-authorized a temporary increase in the threshold on new contracts paid by the MOCAS system due to the backlog of payments. The original authority for the temporary increase in the threshold was a December 1998 memo, which I also approved and signed.

(5) With regard to the new policy that I directed on progress payments in 1998, I did follow up and found DFAS was following the payment distribution instructions required by that policy. It is my understanding that the policy remains in practice today with some enhancements to further ensure payment distribution is made in accordance with the contract.

(6) As I stated in my previous letter, Mr. Gregory Craig and I were co-workers on Senator Kennedy's staff in the late 1980s. Over the ensuing decades, we have had only very few contacts. Additionally, my contacts with the review and approval of my waiver were not with Mr. Craig, but with his colleagues in the White House Counsel's office, who conducted the extensive analysis supporting the waiver. Ultimately, this analysis was then reported and approved by Mr. Craig.

(7) I believe that my nomination is consistent with the spirit and intent of President Obama's Executive Order. I, like every nominee, am bound by the Order's provisions. However, because of my previous work experience, I was granted a waiver to a portion of Section 1, which is allowed under Section 3 of the Order. The reasons for receiving the waiver were described in a February 3, 2009 letter to you from Mr. Peter Orszag, Director of OMB and Mr. Craig, White House Counsel. Notwithstanding, I remain bound by the Order's revolving door exit provisions as well as all other provisions contained in the Order.

Thank you for the opportunity to respond to your questions.

Sincerely,

WILLIAM J. LYNN III.

Mr. GRASSLEY. I believe this policy developed under Mr. Lynn's leadership was dangerous, misguided, and irresponsible. It demonstrated a lack of sound business judgment. It may have been inconsistent with various provisions of law. Because don't the taxpayers expect you write a check, you have a reason for writing it, you have an invoice or something that says you owe X number of dollars? Straight pay left the taxpayers' hard-earned money vulnerable to fraud and theft, and we have had that.

I was not alone in this assessment. At my subcommittee hearing on September 28, 1998, the Government Accountability Office witness said essentially the same thing. DFAS payment policies in Mr. Lynn's watch left the door wide open to fraud.

For all these reasons, I have to say Mr. Lynn, as Chief Financial Officer, did not do everything humanly possible to protect the taxpayers' interests. When he pushed the straight pay policy and went silent on pay-and-chase, he did not act in the public interest.

As Chief Financial Officer, Mr. Lynn was also supposed to do his part to develop and integrate a finance and accounting system that would allow the Department of Defense to produce a financial statement that could earn a clean audit opinion. I know this is a massive and complex undertaking, but Mr. Lynn could have gotten the ball rolling in the right direction, even if he didn't get it under control.

I can guarantee one thing: The principle of straight pay was not conducive to the creation of an integrated accounting system. One of the first steps in that process is to link obligations to disbursements. Straight pay truncated that link and undermined integration.

Although he claimed to have launched several important reform initiatives, there appears to be little or no measurable progress toward the goal of integration on his watch. In fact, his payment policies probably took us in the wrong and opposite direction and had an opposite effect. The Department's books of account were a mess when Mr. Lynn became Chief Financial Officer, they were a mess when he left, and I have a feeling they remain a mess today, with no fix in sight.

Congress passed the Chief Financial Officers Act in 1990 in an attempt to fix the problems in accounting of Government finances in every department. Eighteen years after this legislation, the Department of Finance, as a whole, has yet to earn a clean audit.

Mr. Lynn should not be the only person held accountable for poor accounting at the Department of Defense. He was one of many individuals in a long line of Chief Financial Officers and Comptrollers who, for whatever reason, were unsuccessful in solving the financial misstep at the Defense Department. Mr. Hamre, his predecessor, used to say: ''Fixing this problem is like changing a tire on a car going at 100 miles per hour.''

I have shared some of my sentiments on Mr. Lynn's performance as Chief Financial Officer. I hope these insights are helpful to my colleagues before they vote yes or no on this nomination. If confirmed, we hope he will do everything possible to protect our national security. We hope he will protect the taxpayers' hard-earned money, and we hope he will make sure the taxpayers' money is wisely spent and, most importantly, spent according to law. We hope he will usher in a new era of financial accountability at the Department of Defense. At this point, we simply don't know what Mr. Lynn will do. I don't own that crystal ball that would be necessary to make that determination. It is all about the future, and that is relatively unknown. But we do know something about what he did in the past as the Department of Defense Chief Financial Officer.

As Chief Financial Officer, he advocated very questionable accounting practices that obviously were not in the public interest. Writing a check in any department without knowing what that check is paying for is not in the public's interest. It is not a wise expenditure of public money. We need accounting systems that account for every dollar going out, having a purpose of a service or a product that it bought. I urge my colleagues then to weigh those considerations in reaching a decision on how to vote on the Lynn nomination.

Lastly, I wish to take a moment to thank the Senate Armed Services Committee leadership, both Republican and Democratic, and their staff for their patience on this issue. I appreciate the time Chairman LEVIN has given me to discuss this nomination. I lay everything I have said before the Senate for consideration.

I have already sought permission to have some of these documents printed in the RECORD, so I don't think I have to do that.

I yield the floor.

Mr. LEVIN. Mr. President, I yield myself 10 minutes.

Let me, first, thank Senator GRASSLEY for his dedication to trying to change the climate around here. He has been on the forefront. I happen to disagree with him on the conclusion he has reached—or apparently reached—relative to Mr. Lynn for reasons I will go into. Nonetheless, he has been an advocate of reform and he continues to do that. I will explain why I think, in this instance, his concerns do not fit the situation.

In the first instance, when he suggested the President is changing the rules as we go along by providing a waiver to Mr. Lynn as part of the new Executive order, that is part of the Executive order.

Let's not change the rules during the game. That is part of the rule President Obama has adopted in the new Executive order. It has some very stringent requirements. Part of them are waived by the President's Office of Management and Budget—in this case, for reasons they gave. Part of the new rule is not waived, the critical postemployment prohibition that applies to Mr. Lynn. I think that for the reasons given by President Obama's Budget Director, the waiver is a legitimate one, central in this case for the reasons given.

By the way, when we talk about waivers, this is not at all unique. Mr. Lynn's situation is not in the least bit unique. Waivers have been given and provided in previous cases because senior officers have had experience in the private sector. Secretary Gates was subject to the same rule, subject to the same waiver requirement. Secretary Rumsfeld was subject to the same waiver and the same waiver requirement, as were Deputy Secretary England and Secretary Wolfowitz. This has been a common practice. I don't think anybody in those cases, or in any other case we know about, where either a waiver has been required or the waiver provision has been applicable—we know of no situation where there was a conflict of interest.

What President Obama has done is tighten the requirement. He also provided for the possibility of a waiver for part or all of the new requirement. Part of the new requirement has been waived by the new President, but to suggest that he simply has waived his new requirement is not accurate because part of it was not waived. The critical part not waived is that the new officeholder, if confirmed—Deputy Secretary Lynn—will be subject to the prohibition that he may not lobby anybody in the Government if he leaves before the administration finishes, nor may he lobby anybody in the Department of Defense for a year after he leaves. These are very strict, new requirements that are not waived in the case of Secretary Lynn. What has been waived by the administration is the other part of the Executive order. That is No. 1.

Senator GRASSLEY has gone into a lot of technical arguments relative to Mr. Lynn when he previously served. I want to deal with that the best we can.

These events took place 7 to 10 years ago, but they don't involve ethics issues at all. They involve what Mr. Lynn said in letters relative to certain accounting practices at the Department of Defense at that time. I have reviewed these answers, and the questions were very appropriate questions asked by Senator GRASSLEY. I commend him for asking the questions.

There were 4 separate letters to Mr. Lynn, with 30 detailed questions about practices for validating vendor payments in certain parts of the Department of Defense more than 10 years ago. Mr. Lynn has responded to every one of the letters Senator GRASSLEY very appropriately wrote, and to each of his questions. It is my view, after reading all of the questions and the answers, that while the vendor payments that were described by Senator GRASSLEY are real, No. 1, it is not fair to attribute those problems to Mr. Lynn. Secondly, the problems as described by Mr. Lynn and the responses he gave were accurate.

First, the description was of the pay-and-chase—the way of paying vendors. That system was illegal. You cannot pay a vendor without checking that invoice against the contract or against the receipt of the goods. That was the problem with the pay-and-chase system. There was a failure to check the invoice that came in, the document that the goods were received and that they were proper under the contract. That system ended. It had to end; it was illegal. A new system was put into place where the vendor's bill was checked against the receipt of the goods and against the contract. That is a very different deal. It is a legal system. Unlike so-called pay-and-chase, which preceded it, which was illegal, what Senator GRASSLEY and others have described as a straight pay system was legal. The problem is that it was a confusing name because it implied that the previous system of not checking an invoice against the receipt

of the goods or the contract continued, when it did not continue. It was dramatically changed from something that was illegal to something that was legal.

For instance, Senator GRASSLEY, when he wrote Mr. Lynn back on January 29, 2009, said:

> Straight pay allowed the technician to ignore the warning signals and make payments up to half a million dollars without checking documentation.

That is not accurate. They had to check documentation. There were some things they could not check because the systems are deficient at the Department of Defense, including what is the original source of the money in the Defense Department's budget. Does it come from R&D or does it come from acquisition? That part, they still cannot check. Those systems have been deficient, and continue to be, but with the help of this body and hopefully real energy in the DOD, that can be corrected. We all need that.

Senator GRASSLEY has been in the forefront of trying to get these kinds of controls in place. I commend him for that. But it is not accurate to say that straight pay, so-called, which was the followup system, allowed these payments without checking documentation. That is what Mr. Lynn disagrees with. When you look at his answers, that is the disagreement between Mr. Lynn's answers and what Senator GRASSLEY describes as being accurate.

Part of the problem here, by the way, that Senator GRASSLEY had is not with Mr. Lynn, it is with Secretary Cohen. Repeatedly and accurately, Senator GRASSLEY points to the action of then-Secretary of Defense Cohen, saying he didn't do this, and Mr. Lynn didn't change it, or Secretary Cohen didn't do something, and Mr. Lynn did not disagree. The problem was with the Secretary of Defense, which is outlined by Senator GRASSLEY, to the extent that it exists.

It is hard for me to believe Secretary Cohen would not be eligible to be Secretary of Defense again or would not be confirmed unanimously by this body. Yet the mistakes attributed to Mr. Lynn are also attributed to then-Secretary Cohen, for whom Mr. Lynn worked. But does anyone seriously suggest that if Secretary Cohen were reappointed as Secretary of Defense, we would not confirm Bill Cohen by a vote of 100 to 0?

So, Mr. President, without getting into a lot more detail—and these are incredibly complicated and detailed issues—let me summarize by saying that the difference here has been described—there is a difference over the description of a system of payment and the way in which Mr. Lynn describes it. When you look at his complete answers, it seems to me, there is a fair description of what the problem was.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise to express my support for William Lynn to be confirmed as Deputy Secretary of Defense. Bill has a combination of experience and sound judgment. He worked here on Capitol Hill as a significant policy aide to Senator KENNEDY on the Armed Services Committee. He has been the comptroller of the Department of Defense. He has detailed and specific knowledge of the vast programs that will be handed over to the DOD. He has also worked in industry. Frankly, the job of Deputy Secretary of Defense is a place in which all these roads come together—the relationship with Capitol Hill, the relationship with industry, and a detailed understanding and knowledge of the way the Pentagon really works from the inside, not from the outside.

He is uniquely situated to take on these daunting challenges that face us, at a time when we are engaged in two conflicts—Afghanistan and Iraq—and a continuing war against extremists across the globe and at a time when our budget is going to be challenged because of a declining economy in the United States and across the globe. The difficult judgments that have to be made require the expertise and experience Bill Lynn can bring and few can match.

One other thing that I think is particularly compelling about this nomination is the enthusiastic support of it by the Secretary of Defense, Bob Gates. There is no one in Government whom I admire more for their patriotism, their sacrifice to the Nation, and their service. The Secretary of Defense has made it very clear that he believes Bill Lynn is someone whom he not only can work with, but he will aid him immensely in his extraordinary challenges to face the threats I have already illustrated. For me, Bob Gates's testimony and endorsement is compelling evidence that this Senate should confirm Bill Lynn immediately this afternoon.

As I mentioned before, Bill worked in the Department of Defense. He has knowledge of the whole range of programs. That is absolutely critical because he will have to make judgments about these programs to advise the Secretary of Defense.

For his work at the Department of Defense—which has been talked about this afternoon, but this wasn't mentioned—he received the Joint Distinguished Civilian Service Award from the Chairman of the Joint Chiefs of Staff. Again, the military understands not only the important duty he is performing but also, in their own conduct and affairs, understands the values of integrity, character, and commitment to the national interest. He has won awards from the Army, Navy, and Air Force. He also received the 2000 Distinguished Federal Leadership Award from the Association of Government Accountants for his efforts to improve defense accounting practices.

He also gained valuable experience within private industry. Again, Bill is not unique in having an industry background. In fact, the current Deputy Secretary of Defense, Gordon England, came from an industry background. My observation of Secretary England is that his performance has been outstanding, aided by the insight he has had into the multibillion-dollar contracts that industry has with the Department of Defense, insight he has into the decisionmaking in corporate America, insight he has into the way business is done in the defense community. That has aided him, not disabled him, in doing an excellent job. Once again, Bill Lynn comes from a similar background. As Chairman LEVIN pointed out, the Secretary of the Navy, who I also believe has done an outstanding job, also came from a background in the defense industry.

This goes also to the other issue raised about the waiver. Essentially, Bill Lynn stands in the same shoes, I think, as Gordon England and others—ladies and gentlemen who worked in private industry but recognized when they took the oath to serve the people in this country, they had only one boss—the people of the United States. They are committed to that duty.

Also, I think, frankly, the rules have been followed scrupulously by his predecessors and will be followed by Bill Lynn regarding conflicts with his previous employer. I believe he is going to err on the side of caution when it comes to programs that may be under the purview of his previous employer, or anyone else, because having gotten to know Bill, I understand he is not only a man of intelligence but a man of character.

We have someone uniquely situated to begin to aid the Secretary of Defense in the important challenges before us: How do we create a strategy of redeploying forces successfully out of Iraq? How do we increase our presence in Afghanistan and help military and civilian agencies to deal with that troubling situation? How do we deal with issues of defense modernization? How do we prepare for longer term threats? How do we continue to be active across the globe to, we hope, preempt terrorist activities, whether it be in the Near East, Far East, or anyplace on this globe?

Again, Bill Lynn is superbly qualified to do this. He is a graduate of Dartmouth with a law degree from Cornell Law School, and a master's in Public Affairs from the Woodrow Wilson School at Princeton—again, superb academic preparation and superb life preparation. He is someone who has, again, the character and the insights to render remarkable service to the Department of Defense.

I hope my colleagues will join with me in supporting this nomination, rounding out a team of excellent patriots and professionals in the Department of Defense. I must commend President Obama. He made a very sound, I won't say unusual, but unexpected announcement early on by offering the position of Secretary of Defense to Bob Gates. Bob served with distinction under President Bush. President Obama recognized, first, the quality of this Secretary, Secretary Gates, and also the need for continuity in the operations of the Department of Defense. That was a strong not only signal of continuity but endorsement of the work and effort of thousands and thousands of uniformed military personnel and civilian employees in the Department of Defense. That choice was amplified in his selection of Bill Lynn. Again, the endorsement of Secretary Gates speaks volumes about the team President Obama has put together.

I hope at the conclusion of this debate, we could send a very strong vote of confirmation and confidence in the team that President Obama has assembled—Secretary Gates, hopefully Deputy Secretary Lynn, and the other members—because the tasks before them are, indeed, daunting and because their success will be our success.

Mr. GRASSLEY. Mr. President, I apologize to Chairman LEVIN. I had to leave the floor to attend a conference meeting on the stimulus bill before he finished his remarks.

I would like to rebut his remarks regarding Mr. Bill Lynn.

In regards to the Executive order on ethics, I agree President Obama is attempting to set high standards for executive branch appointees; however, giving special waivers to nominees such as Mr. Lynn water down the spirit and authority of his own Executive order. I would ask President Obama: How many more waivers will you grant in the next 4 years?

I say to Chairman LEVIN, you seemed to blame former Defense Secretary Cohen for the financial troubles at DOD, not Mr. Lynn. I could not disagree with you more on this issue. Chief Financial Officer Lynn was chiefly responsible for the policies and regulations governing accounting practices. His straight-pay policy went against all commonsense accounting practices. DFAS technicians should not have paid bills like they did without first confirming that the proper obligations were in the books of account.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for 10 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Chair.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 412 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I ask to speak as if in morning business and have the time counted against our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ENSIGN are printed to today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I thank my friend from Nevada. I wish to spend just a few minutes. I am not going to talk for a long period of time, and I will yield back my time.

I am extremely concerned with the nomination of Mr. Lynn. It has nothing to do with Mr. Lynn. Some can be critical of his time as Comptroller. Some can be critical of some of the lack of forthrightness in some of the answers about the accounting and controlling and auditing systems in the Pentagon, and I think that is rightly so. We had several hearings on IT improvements and waste in the contracting of IT through the Pentagon. We had several hearings in the last two Congresses about the waste in contracting. Mr. Lynn dealt with a large amount of that.

Let that be as it may. The reason I stand to speak against his nomination is this is a nomination that is going to be the person who runs the day-to-day operation of the Pentagon. If you look at management experience, what there has been in running an organization that has 2.9 million employees—it is the largest component, even including mandatory programs, that we have.

It also is the area where we have some of the greatest amount of waste. We had it during his tenure as Comptroller. We had it during the Bush administration years. Why would we put someone into that position who has not performed in a stellar fashion when given the authority to fix a lot of those problems before? Why would we put someone in charge who is going to be handicapped? There is no question, given the waiver he has received, he will be absolutely handicapped in all the contracting that goes before the Pentagon.

Let me explain. His former company is one of the five largest defense contractors in the country. It is not just the areas he has lobbied in the past few years, such as the Aegis Ballistic Missile, the DDG–1000 destroyer, the Excalibur precision-guided munitions, the Joint Land Attack Cruise Missile Defense Netted Sensor System and the Multiple Kill Vehicle System, which comes to $41 billion, 10 percent of the Pentagon's budget, but every other contract that has Raytheon as a subcontractor from which he is going to have to recuse himself.

What he is going to be limited to is personnel matters and accounting matters. He will not be able to make those decisions without first getting a waiver to make them and then, if you are granting a waiver to make the exception and make a decision, here is what is going to happen.

Let me give the history of the tanker program in the United States. We, first, had a contract let to Boeing, which was complicated by some very bad acting on the part of Boeing and some Defense Department officials, and it got thrown out.

We last had a contract for the tanker program that was awarded to EADS. There was a protest filed on it. It got thrown out.

Everything he is not involved with, Raytheon can file a protest that they were excluded because the management chain was not the same. We have created the basis for a new protest on everything Raytheon will not win in the future. If Raytheon does win a contract, we have created a protest for everyone who wasn't Raytheon to protest because there is a conflict of interest.

Ask yourself, in this dire economic time we are in, with the largest agency we have, why we would put somebody in that position who is going to be—for at least 1 year and probably for 2, if we wanted to ethically look at it—totally out of the realm of the most important, outside our military men and women, most important aspect of the Pentagon, which is purchasing, contracting defense weapons systems.

We are setting a man in a position. It is no reflection on him. He is very knowledgeable. He has been a good public servant. We are putting him in a position to fail. We have guaranteed that contracting will not go smoothly at the Pentagon because we have created two new bases for protests over contracts. We can go through all the contracting, and it is going to be raised—and rightly so. There is going to be a legitimate protest on both sides of these issues that is going to delay the ability of the American people to contract for things we should be contracting for. More importantly, it is going to significantly raise the cost.

The third point I would make is, because he is going to have to exclude himself from the vast majority of decisions in contracting and purchasing, the very position he is meant to fill, to run the day-to-day operations, means Secretary Gates is going to have to run the operations. If he has to run the operations himself, why does he need a Deputy Secretary of Defense?

President Obama, I think rightly, has asked Secretary Gates to stay on. I think the continuity with that was great. I am sorry he didn't ask others to stay on until we got past this period of time. In spite of the good will of Mr. Lynn, a man of character, a man of integrity, we have set him up to fail.

I have no doubt he is going to be placed in that position today when we vote. But we ought to think. The biggest problem we have with our body, in terms of what we do, is we do not think long run. We think short term. What we have done is totally handicapped him, but we are also going to handicap our military.

This is not a time we should be doing that. We should be creating a streamlined procurement process that rebuilds the procurement offices, which need to be rebuilt—that has no question about the authority of the Deputy Secretary of Defense to make solid, fair, clear, and decisive actions and decisions. What we are going to do is ensure that does not happen.

I thought it was interesting that Senator MCCAIN's main point was he did not have the managerial experience to do this. Senator MCCAIN is going to vote for him because he has such high regard for Secretary Gates. But think about that statement. He does not have the managerial experience to run a 2.9 million individual organization, and he is handicapped. We are going to handicap him so he meets the ethical outlines President Obama so rightly has put in place.

I think it is a bad decision. I think it is a wrong decision. Once again, the consequences for that will be inefficiency, ineffectiveness, and a greater cost for this country. Anytime we have a greater cost on anything now, it goes directly to our kids and our grandkids.

I hope my associates in the Senate will give a rethought to whether we ought to handicap this man this way. Surely somebody can fill the bill and let Mr. Lynn wait a year and then come in and do what he wants to do and what President Obama wants him to do.

Again, we will make a serious mistake if we approve him, not only for us, not only for our kids but for him as he attempts to run the largest organization in the world.

Mr. HATCH. Mr. President, today I rise in support of the confirmation of William J. Lynn to be the next Deputy Secretary of Defense.

I recently had the opportunity to meet with Mr. Lynn and discuss many of the important defense challenges that face our Nation. I came away from that meeting duly impressed by his dedication to seek new and innovative solutions to many of these issues.

Throughout his career, he has demonstrated a singular devotion to our national defense. In the early 1980s he was the executive director of the Defense Organization Project at the Center for Strategic and International Studies. This organization was a major catalyst for the Goldwater-Nichols Act of 1986 which transformed and modernized the Department of Defense. Those reforms are still the foundation from which the Department operates today.

As a senior fellow at the National Defense University, Mr. Lynn continued his work collecting ideas and crafting solutions to solve a myriad of national defense issues. Then, prior to entering the Department of Defense, he worked for 6 years as the military legislative assistant to my good friend and colleague, Senator KENNEDY, a senior member of the Senate Armed Services Committee.

In 1993, Mr. Lynn joined the Defense Department and served 4 years as the director of program analysis and evaluation in the Office of the Secretary of Defense. There he oversaw the Department's ever-evolving strategic planning progress. He was then appointed as the Under Secretary of Defense Comptroller where he served 4 years providing candid advice to the Secretary of Defense on all budgetary and fiscal matters.

His most recent endeavor was as senior vice president at Raytheon Company where he focused his energy and expertise on strategic planning. In this role, he ensured that a major American corporation developed and produced technologies that met the conflicts of today and the dangers of tomorrow.

During these challenging times, it is essential we have leaders in our Defense Department with strength of purpose and a vision for innovation. William Lynn is such a leader. I am proud to pledge my support and look forward to working with him to create smart and effective solutions that support the brave men and women who defend our Nation.

Mr. FEINGOLD. Mr. President, consistent with my practice of deferring to Presidents on executive branch nominations, I will vote to confirm William Lynn to be Deputy Secretary of Defense. I do have some concerns, however, about Mr. Lynn's longtime service as a lobbyist for a major defense contractor. I hope that, if confirmed, Mr. Lynn will take seriously the need for serious reforms to address the Department's troubling record of financial mismanagement.

Mr. LEVIN. Mr. President, I ask unanimous consent that the vote on the confirmation of the nomination of William J. Lynn occur at 5 p.m. today, with the other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I am pleased today to support the confirmation of Mr. William J. Lynn, III, for the important position of Deputy Secretary of Defense. He will be the chief deputy to the Secretary of Defense, the largest Department of Government, with great responsibilities for weapons systems and to our men and women who serve in harm's way.

If confirmed, Mr. Lynn would be the thirtieth deputy secretary. I firmly believe that he is uniquely qualified for the position and would serve well in that post. He served as Under Secretary of Defense-Comptroller during President Clinton's administration from 1997 to 2001. He was widely commended for providing strong managerial emphasis on improving the Department's financial management.

In addition to his service as comptroller, he has served as Director for Program Analysis and Evaluation and as Assistant Secretary of Defense for the Budget. He has broad experience with many of the core issues within the Department of Defense.

My meeting with him was positive and I have heard people comment on his strong character. Many of the issues that come before the Department of Defense are contentious. Rather than basing decisions on merit, people often try to infect those decisions with politics. I believe he will stand firm to ensure that our men and women in uniform get the best equipment and training for the best value. This type of judgement is a critical attribute for a deputy. If the deputy is weak; if he compromises or tries to play politics with a defense contractor, or allows a Member of Congress or the executive branch to have undue influence, he can damage the reputation of the Department of Defense. More importantly, such influence can prevent our servicemembers from getting the best equipment at the best value in a timely manner.

He also has 6 years of experience working in the defense industry. He well understands the challenges facing both the defense industry and the Department of Defense.

I am convinced his experience in DOD, coupled with his experience in the defense industry, makes him a nominee we can support for this very important position.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from Alabama for his statement. It is a very important and valuable statement. He is a highly valued member of the Armed Services Committee and comments coming from him will have an impact on this body. I am grateful.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of William J. Lynn, III, of Virginia, to be Deputy Secretary of Defense?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 4, as follows:

[Rollcall Vote No. 62 Ex.]

YEAS—93

Akaka	Dorgan	Martinez
Alexander	Durbin	McCain
Barrasso	Ensign	McConnell
Baucus	Enzi	Menendez
Bayh	Feingold	Merkley
Begich	Feinstein	Mikulski
Bennet	Gillibrand	Murkowski
Bennett	Graham	Murray
Bingaman	Hagan	Nelson (FL)
Bond	Harkin	Nelson (NE)
Boxer	Hatch	Pryor
Brown	Hutchison	Reed
Brownback	Inhofe	Reid
Bunning	Inouye	Risch
Burr	Isakson	Roberts
Burris	Johanns	Rockefeller
Byrd	Johnson	Sanders
Cantwell	Kaufman	Schumer
Cardin	Kerry	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Kyl	Snowe
Cochran	Landrieu	Specter
Collins	Lautenberg	Stabenow
Conrad	Leahy	Tester
Corker	Levin	Thune
Crapo	Lieberman	Udall (CO)
DeMint	Lincoln	Udall (NM)
Dodd	Lugar	Vitter
Voinovich	Webb	Wicker
Warner	Whitehouse	Wyden

NAYS—4

Coburn	Grassley
Cornyn	McCaskill

NOT VOTING—2

Gregg	Kennedy

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative action.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate go into a period of morning business, with Senators permitted to speak therein up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STIMULUS

Mr. ENSIGN. Mr. President, I wish to speak briefly. I know my friend from Oklahoma is going to come back and speak, but I wish to make a couple comments. I know there has been a deal reached on the stimulus bill. I wish to make a couple comments about that.

We have not received the bill. There are rumors going around about this, that, and the other. One of the details that seems to be coming out is that the housing portion of the stimulus bill has been cut down dramatically.

I had an alternative to the stimulus bill that focused on housing, to a great degree, and also targeted some tax cuts to families and small businesses to create jobs. The reason we focused a great deal of it on the housing problem was because the housing problem is the cancer that has dragged the rest of the economy down. It has spread throughout the rest of the economy.

As any person in the medical field understands that if you just treat the symptoms and not the underlying cause, the patient gets sicker and sicker. Unfortunately, the President is talking about fixing housing but certainly not at this point.

It is regrettable that we didn't take a big portion of the money that is being spent in this stimulus bill and actually fix housing. It is very disturbing because we are going to spend $800 billion and who knows how much more in order to fix the housing problem. We are running up debt after debt on our children. This is their credit card we are running up, and they are going to have to pay higher taxes into the future.

Once we get the bill, we are going to have to take a close look over the next day or two and go through it. It is very disappointing, it appears, that this stimulus bill is going to do very little, if anything, to fix the housing problem in the United States. My home State of Nevada leads the country in foreclosures. We understand what other States are starting to go through or just recently have been going through, and how severely it affects the economy. It is unfortunate that the stimulus bill that is supposed to fix the economy is not addressing the No. 1 problem we have in the United States.

LAS VEGAS TRAVEL

Mr. ENSIGN. Mr. President, it seems as though reason and common sense are once again being tossed aside. I am referring to the recent remarks by President Obama when he singled out one of the most premiere cities in the world, Las Vegas.

When it comes to convenience and affordability, very few, if any, places in the world can compare to Las Vegas. It is home to more than 140,000 hotel rooms, millions of feet of meeting space, and a central geographic location that makes it easy for employees from around the country to come to meet.

It is no wonder so many businesses decide to have their conventions in Las Vegas. It is more than convenience, though. Las Vegas offers a value that is unique. For instance, the average hotel room today in Las Vegas is $119 a night. That is why I find it disturbing that Las Vegas is being singled out.

It is more than that. Take Goldman Sachs as one example. First, it goes without saying that all companies that are receiving TARP funds must be responsible and not waste precious taxpayer dollars. Because of recent criticism, Goldman Sachs announced that it was moving a 3-day conference from Las Vegas to San Francisco. To do this though, they had to pay a $600,000 cancellation fee, re-route flights, and rebook the same trip in another city, which is even more expensive than Las Vegas.

I ask, is that common sense? Let me repeat this. They had to pay more than a half million dollars in cancellation fees, re-route flights, and re-book the same trip in another, more expensive city. For what? So that Goldman can promote a false sense that it was spending the taxpayers' money more wisely. This is ridiculous. This is what the American people are sick of.

Is San Francisco a more affordable city than Las Vegas? Actually, it is much more expensive. I will shoot this straight. What Goldman Sachs did was purely a phony public relations gimmick, but it is not fooling anyone. The conference they booked in Las Vegas is still taking place. Now it is just much

more expensive. This makes no sense at all. So let's cut to the chase.

Wherever these meetings take place, business takes place. Let me give you an example. The Consumer Electronics Show, known as CES: This is an annual business meeting in Las Vegas. CES attendees come to Las Vegas from over 140 countries around the world. They can conduct a year's worth of business in one location, minimizing travel and saving energy in the process.

During the Consumer Electrons Show, approximately 1.7 million meetings are conducted. Transactions are ordered, commerce is buzzing, and the entrepreneurial spirit of business flourishes. This is economic activity that extends beyond whichever city serves as the host.

It benefits all of us when an opportunity for business growth and productivity takes place. So let's not lose sight of this fact, especially now. Business meetings are an important tool. Let's make sure we do not leave common sense off the agenda.

RETIREMENT OF GUY ROCHA

Mr. REID. Mr. President, I rise today to recognize Guy Rocha, who retired from his post as Nevada State archivist on February 2 exactly 28 years to the day from the time he assumed this position. He began as the youngest State archivist in the Nation. At this time, only the New Hampshire and Maryland State archivists have served longer than him. His exceptional archival and research abilities have earned him an impressive reputation and have made him an invaluable asset to the State of Nevada.

Guy Louis Rocha was born on September 23, 1951. He grew up in Las Vegas and later moved to Reno. His first job with the State was with the Nevada Historical Society in Reno in 1976. He was appointed to be the State archivist in 1981. As the State archivist, Guy was responsible for managing Nevada's historically valuable records dating all the way back to 1851. For his longtime service, he received the Award of Merit for Leadership in History from the American Association for State and Local History.

Above all, Guy is known for his love of truth. He commonly corrects the inaccuracies of reporters and journalists. For 12 years he has written the ''Historical Myth a Month'' column for Sierra Sage, and since 2000 he has written a biweekly column in Reno Gazette-Journal. For his work in debunking popular Nevada myths he has come to be known as the ''myth-buster.''

His research expertise and impartiality have even been called upon to provide historical evidence in settling legal disputes. In addition to his archival duties, he has authored two books and many articles and book reviews and he has served as a rotating host for Reno's National Public Radio show ''High Desert Forum.'' Guy also owns a production company that produces historical documentaries.

Guy Rocha has been rightly called a ''State treasure.'' His contributions as the State archivist, as an historian, and as a writer form an impressive legacy to be honored by current and future generations. All Nevadans have reason to be proud of Guy Rocha, and I know I join them in congratulating him on a well-earned retirement from his duties as Nevada State archivist.

TRIBUTE TO GARY AND JONATHAN HARRIS

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to two heroic soldiers of the U.S. Army from my home Commonwealth of Kentucky, Gary and Jonathan Harris. Father and son, each was awarded the Silver Star for valorous acts in two separate wars.

The Silver Star is the Nation's third-highest award for gallantry in action against an enemy of the United States. Those rare few who receive it do so because of their display of selfless sacrifice and unparalleled courage under fire.

Jonathan Harris, a UH–60 Black Hawk helicopter pilot holding the rank of chief warrant officer 2, came under attack near Gardez, Afghanistan, on July 2, 2008, while attempting to transport soldiers. His Blackhawk was attacked by the enemy with rocket-propelled grenades and anti-aircraft gun systems. Jonathan was able to relocate and land the burning helicopter in a nearby field and safely evacuate the passengers. He then contacted another helicopter to extract his crew.

During the evacuation, while helping escort his wounded fellow soldiers to the new helicopter, Jonathan exposed himself to gunfire while protecting his wounded men and killing at least one attacker. Only after every member of the crew, ground forces, and extraction team were safely onboard did CW2 Jonathan Harris himself get into the helicopter. Because of these heroic deeds, Jonathan Harris is the first aviator to receive the Silver Star since the Vietnam war.

Gary Harris, Jonathan's father, was a staff sergeant serving in Vietnam when he performed the acts of gallantry that would earn him the same medal as his son's. Gary was a squad leader on August 15, 1969, when he and his fellow soldiers came under intense mortar and rocket fire while on combat patrol. He instructed his men to return fire and moved them into a more strategic position.

During the battle, Gary ran across the field of combat to assist medics while ignoring the risk to his own life from the enemy's gunfire. He helped transport the wounded to the medical-evacuation helicopter, saving the lives of many.

SSG Gary Harris received his original Silver Star in the mail, never having the benefit of a formal ceremony—until now. This past November, Gary Harris was honored at a ceremony in Fort Campbell, KY., while Jonathan Harris received his award at the Combined Joint Task Force-101 Headquarters in Bagram Air Base, Afghanistan. They were able to view each other's ceremonies via video teleconference. At his ceremony, Gary Harris also received the Bronze Star Medal for his meritorious service in Vietnam as well as the Silver Star.

As is typical of so many of the brave men and women in uniform I have had the honor to meet over the years, both the father and the son insist that their own actions are not particularly remarkable. Each was quick to point to the other as more worthy of admiration and respect.

''For me, I feel like my grandfathers and my dad, those are the true heroes,'' said Jonathan Harris. ''I would like to think that something was passed on to me.''

Gary, on the other hand, recognized the value of the strong bond his son had with his fellow soldiers. ''These guys really stick together,'' he said. ''We did the same thing, but I don't think we were near as cohesive a group as they are. They are really gung ho about taking care of each other. . . . I know what it is like, every day facing death. It just tears your nerves all to pieces for a while.''

Gary and Jonathan Harris are excellent examples of the brave and dedicated soldiers that make America's Armed Forces the best in the world. And clearly there is a strong sense of duty, honor and love of country that runs in the Harris family and has been passed on from father to son. Their spirit of service represents the very best of what Kentucky has to offer our great Nation.

Mr. President, I ask my colleagues to join me in recognizing SSG Gary Harris and CWO Jonathan Harris for the many sacrifices they have made to our country. Kentuckians everywhere are honored to know and love such brave heroes.

IRAQ

Mr. KYL. Mr. President, I call this body's attention to the recent developments in Iraq. Last month, Iraqis went to the polls to vote in the second provincial election since the hand-over of power in 2004. Elections were conducted peacefully under the watchful eyes of Iraqi security forces, and the results were quickly certified by the United Nations.

This peaceful expression of political will is yet another demonstration of political progress in Iraq. Less than 2 years after some were declaring the war lost and the surge a failure, violence has declined, and the world—

most importantly the Arab world—saw Iraqis peacefully voting, their security ensured by an increasingly competent Iraqi army and police.

Not only was the election process successful, the results also merit attention. The Iraqi people voted in favor of secular parties competing with the Iranian-backed religious parties. These results in many ways represent a remarkable change from the 2005 provincial elections that strengthened many extremist and foreign-backed parties opposed to the central government. Sunnis, who largely boycotted the 2005 elections, participated broadly in January's election. Their involvement should enhance national reconciliation and bolster a more moderate and diverse government representative of the Iraqi people.

This progress is reversible. A lot rests on whether the President listens to his generals in the coming weeks and months or whether he bows to liberal interest groups and his campaign rhetoric and initiates a premature retreat. But this is an important sign of what our soldiers and the Iraqi people have worked so hard to achieve. Again, in 2 years since the surge began, and now that it has been over for 6 months, we have seen a constant decrease in violence, increased capabilities by the Iraqi government and military, and now an election where the Iraqi people largely chose moderate parties over extremist ones.

Unfortunately, the media devoted little attention to the success of these peaceful elections, just as they have neglected many of the noble efforts of our men and women in uniform. I recently received an email from a constituent whose brother-in-law is currently serving in the 10th Combat Support Hospital at Ibn Sina Hospital, Baghdad. In the building that used to provide health care to Saddam's family and the Baathist elite, these servicemen and women provide some of the best care in the country to all types of patients, from Iraqi children burned by household kerosene lamps to American soldiers with traumatic injuries. Their hard work and the self-sacrifice of all who serve in Iraq has contributed to the dramatic progress made in Iraq.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

COMMUNITY ORIENTING POLICING SERVICES

Mr. LEAHY. Mr. President, I rise to join Senator MIKULSKI, the chairwoman of the Commerce, Justice, and Science, CJS, Appropriations Subcommittee, and Senator KLOBUCHAR in a colloquy about the importance of the Community Orienting Policing Services, COPS, grant program. I would first like to thank my friend from Maryland for her tireless work and leadership on this bill. I know Senator KLOBUCHAR and I and many others are very thankful that the Appropriations Committee included funding for the COPS Universal Hiring Program in this bill.

It is important now more than ever that we support our State and local law enforcement agencies that are on the front lines in combating crime. With unemployment on the rise and tax revenues plummeting, the conditions are ripe for crime rates to climb again. States and municipalities are being forced to slash their budgets, including critical funding for police, who will need to cut their already depleted ranks even further without help. As crime escalates, there will be fewer officers and resources to protect our families and communities, unless we act now.

Providing timely funding for the COPS Hiring Program will not only help to address vital crime prevention needs but will also have an immediate and positive impact on the economy by allowing State and local police forces to quickly fill vacancies and hire new officers and staff. In police hiring, nearly 100 percent of the money goes directly to job creation. These are good, middle-class jobs for middle-class people, and they can be filled immediately. These are often jobs for people who live in the hardest hit communities and will spend their money close to home.

Eliminating the 25-percent nonfederal match requirement, as the House bill does, will ensure that funds get to State and local law enforcement fast, meaning that law enforcement officers can be hired fast, without putting a new burden on states and localities that are already strapped during this time of financial distress. The match requirement could cause strained States and localities to decline COPS funding they would otherwise take, meaning fewer jobs would be created.

In its first hearing of the new Congress, the Senate Judiciary Committee received testimony from police chiefs and former Justice Department officials who explained that helping our local police during this economic downturn is needed now more than ever to keep America safe and keep our economy moving. Waiving the nonfederal match requirement in the economic recovery and reinvestment package will further ensure that police forces will be able to quickly refill their ranks and get more cops on the beat.

Ms. MIKULSKI. I thank the Senator from Vermont working with me to restore funding for this important program. We have worked together in the fight to turn back the cuts made by the previous administration to Federal resources that assist State and local communities in fighting violent crime. I know all too well the importance of the COPS Hiring Program and share your concerns about the effect of the economic downturn on our neighborhoods. We need to make sure those on the blue line have a full team to combat increased crime in communities. My subcommittee recognizes that need, which is why we put $3.5 billion total for State and local law enforcement activities. This includes $1 billion for COPS hiring grants, for which we waived the salary cap for hiring or rehiring career law enforcement officers and civilian public safety personnel.

Ms. KLOBUCHAR. I thank Chairwoman MIKULSKI and the Senator from Vermont. As we work toward economic recovery, ensuring the safety of America's communities is a critical component to economic stability and growth. Local governments across the country are facing extraordinary budget shortfalls necessitating cutbacks in services, programs, and personnel. I have heard from police in my State how drastically the substantial decline in Federal funding for State and local law enforcement has affected them. The financial situation in our country is dire and requires us to do everything we can to help our struggling police forces so they can protect our neighborhoods and communities.

Apart from the program's benefit to community safety, the COPS Hiring Program has obvious and important economic value. All of the funding goes directly to pay the salaries of officers hired to work in police departments across the country. Moreover, many neighborhoods in inner cities and rural towns throughout America that were once crime-ridden and depressed have flourished in the nineties and in this decade, creating businesses, increasing value, and powering local economies. Maintaining a strong community police presence can allow us to protect these economic gains.

With the rising unemployment rate and the foreseeable increase in crime, we cannot afford the continuing depletion of the ranks of our State and local law enforcement officers, nor can we ask them to operate without the resources needed to do the job effectively. Waiving the match requirement, as the House has done, will ensure that all States and localities will be able to afford and accept the COPS funding which is so badly needed.

No city or State has been spared from this recession. I know the chairwoman and the Senator from Vermont understand the importance of ensuring the COPS funding is as accessible as possible and have witnessed the need in their own States as well.

Ms. MIKULSKI. The Senator from Minnesota is right that this is an issue in Maryland, as well as nationwide. As the economic recovery package moves to conference, we will work to ensure mechanisms are in place for this critical program to be quickly and effectively implemented and accessible to those in need of assistance.

Mr. LEAHY. I thank Chairwoman MIKULSKI and Senator KLOBUCHAR. I am hopeful that as the economic recovery and reinvestment plan moves forward that we may work together to see if this important issue can be addressed in conference.

VICTIMS' COMPENSATION AND ASSISTANCE GRANTS

Mr. President, I wish to join Senator MIKULSKI, the chairwoman of the Commerce, Justice, and Science, CJS, Appropriations Subcommittee, in a colloquy about the importance of including additional funding to States for victims' compensation and assistance in the American Recovery and Reinvestment Act of 2009. I would first like to thank my friend from Maryland, who has worked so hard for the success of this bill. I commend her for fighting to include and maintain vital funding to support some of the most vulnerable Americans today, who need our help.

During the past year, victim service professionals have seen a clear increase in victimization and victim need. The National Crime Victim Helpline has experienced a 25-percent increase in calls, as job losses and economic stress translate into increased violence in the home and in our communities. The shortage of affordable housing and rising unemployment are causing victims to require longer stays in emergency shelters. The increasing unemployment rate also means victims are less likely to have insurance to cover their crime-related expenses. In addition to significant State and county budget cuts, corporate and individual donations are decreasing. Across the board, victim service providers are strapped for funding.

As the Senate considers extraordinary legislation to address the current economic crisis, I believe it is imperative for the record to reflect the intent behind the provisions included in this legislation. To ensure that there is no doubt about what we intended, I ask my friend from Maryland whether it is her understanding that the funding included for State victims' compensation and assistance programs would be in addition to any funding states receive from their annual Victims of Crime Act, VOCA, Grants in the 2009 and 2010 appropriations bills?

Ms. MIKULSKI. I would say to the chairman of the Judiciary Committee, that is what we intend.

Mr. LEAHY. I thank the Senator. It is not the Senate's intent to deduct the funding for victims compensation included in the economic recovery package from the grant money they would receive from regular VOCA formula grants. Through this bill, we intend to provide extra funding for compensation programs, to pay more costs for victims' recovery.

Ms. MIKULSKI. That is correct as well. The funding I included in the CJS portion of economic recovery package for crime victim compensation programs will be in addition to their annual VOCA grants, and will not be deducted from their annual VOCA grants.

Mr. LEAHY. I thank the chairwoman of the CJS Appropriations Subcommittee, Senator MIKULSKI, for engaging in this colloquy. And I thank her for working with me to include victim services in the economic recovery legislation, which will help ensure that those already victimized by crime are not also victims of our economic crisis.

Mr. FEINGOLD. Mr. President, I commend this body for including provisions in the American Recovery and Reinvestment Act of 2009 to energize the fledgling green economy. While I am concerned by the enormous cost of this bill and lack of offsets, I recognize the need for urgent action as we strive to keep and create jobs for those who are suffering because of our failing economy.

Earlier this year, I introduced the Community Revitalization Energy Conservation Act, S. 222, as part of my E4 Initiative aimed at fueling job creation and spurring economic development. I am very pleased that so much of what I proposed in this bill has been included in the economic recovery package. The economic recovery legislation passed by the Senate includes an increase for the bond limit for the Qualified Energy Conservation Bond program from $800 million to $3.2 billion, more than a 300 percent increase. While I proposed increasing the program to $3.6 billion, I thank the chairman of the Finance Committee for including such a significant increase.

The second component of my Community Revitalization Energy Conservation Act would boost job growth and help businesses and homeowners go green by expanding the types of projects that are eligible for the Qualified Energy Conservation Bond program, which was established by Congress last fall. I am pleased the Senate adopted my amendment making this change as part of the economic recovery package.

Business and labor leaders and others in Wisconsin have told me about the tremendous potential for energy efficiency retrofits to generate more green-collar jobs. And already, Wisconsin communities are beginning to pursue these improvements. My amendment will allow Wisconsin to launch programs—modeled after Milwaukee's proposed Me2 program—throughout the State by utilizing the tax credit bonds allocated to Wisconsin under the Qualified Energy Conservation Bond program.

My amendment specifically ensures that States and local governments can increase the number of building retrofits by eliminating significant financial barriers facing homeowners and businesses interested in making energy efficiency and conservation improvements. It does this by allowing energy efficiency projects to be performed as part of a ''green community program'' using grants, loans, or other repayment mechanisms, such as periodic fees included on a utility bill or municipal bill. By using utilities as intermediaries, States and localities can ensure homeowners and businesses do not incur upfront costs and can gradually pay back the costs of the energy efficiency retrofits through their electricity or water bills at a rate that reflects energy savings. For example, if a monthly energy bill before energy efficiency improvements is $150 and with improvements the energy costs are down to $110, then at most a homeowner or business would pay $40 monthly towards paying off the costs of the energy efficiency building retrofits.

Presently, buildings account for 40 percent of total U.S. energy consumption and 70 percent of U.S. electricity consumption so there are significant gains to be made with energy efficiency. Projects that could qualify for the funding include heat-saving measures like insulation, electricity-saving measures like lighting and appliances, water-saving measures like low-flow shower heads and toilets, renewable energy generating devices like photovoltaic solar installations, storm water management like rain barrels, or other measures that also result in reduced energy use.

My amendment will allow Qualified Energy Conservation Bonds to support these partnerships among cities, utilities, homeowners, and businesses to make energy efficiency improvements within more people's reach and put Americans to work.

I thank Senator DEBBIE STABENOW for cosponsoring this amendment, and I appreciate the endorsements from the Air Conditioning Contractors of America, American Council for an Energy Efficient Economy, Apollo Alliance, National Electrical Contractors Association, National SAVE Energy Coalition, and the Plumbing-Heating-Cooling Contractors-National Association.

I am pleased my provision was included, offering another opportunity to help jumpstart the green economy and bring relief to our citizens as we reinvest in America. I intend to work with conferees to ensure the provision is retained and look forward to its enactment as part of economic recovery legislation.

I am also pleased that funding was included for several other energy programs that I sought funding for including the Energy Efficiency and Conservation Block Grant Program and the Weatherization Assistance Program, both of which can quickly generate jobs and generate lasting energy savings.

VOTE EXPLANATION

Mr. VOINOVICH. Mr. President, I rise today to speak in regards to a recent rollcall vote held in the Senate. On February 5, 2009, the Senate voted 32 to 65 on Senate amendment No. 140, which was offered by the junior Senator from Wisconsin. Due to an inadvertent error, I recorded my support for this amendment. I would like to take a few moments to clarify my views regarding this amendment.

As my colleagues know, this amendment would have allowed a point of order to be raised against congressionally directed spending for programs whose authorization has lapsed. This amendment would have hamstrung the Senate in the exercise of its constitutionally delegated ''power of the purse.'' Procedures already exist for Senators to strike provisions of bills they find objectionable, including language in appropriation bills. For example, Members may offer amendments to strike or amend such provisions as they deem appropriate. In addition, as my friend, the senior Senator from Hawaii, has pointed out, this amendment would have exempted funding requests for unauthorized programs included in the President's budget request from this so-called ''earmark point of order.'' In effect, this would have allowed unelected bureaucrats the ability to request funding for programs whose authorization has lapsed while denying elected and accountable members of the Senate from doing likewise. Finally, important programs like the ones that could be affected by this point of order should not be penalized by Congress's inability to enact authorization bills in a timely fashion.

Together, the distinguished chairman and ranking member of the Senate Committee on Appropriations are taking steps to provide for unprecedented levels of transparency in the appropriations process. As a new member of the Senate Committee on Appropriations, I look forward to working with my colleagues to address the pressing issues that will come before the committee, and I appreciate the opportunity to clarify my views on this issue.

COMMITTEE ON FOREIGN RELATIONS RULES OF PROCEDURE

Mr. KERRY. Mr. President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask to have printed in the RECORD the rules of the Committee on Foreign Relations for the 111th Congress adopted by the committee on February 5, 2009.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted February 5, 2009)

RULE 1—JURISDICTION

(a) *Substantive.*—In accordance with Senate Rule XXV.1(j), the jurisdiction of the committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) *Oversight.*—The committee also has a responsibility under Senate Rule XXVI.8, which provides that ''. . . . each standing committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the committee.''

(c) *''Advice and Consent'' Clauses.*—The committee has a special responsibility to assist the Senate in its constitutional function of providing ''advice and consent'' to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) *Creation.*—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the committee and shall deal with such legislation and oversight of programs and policies as the committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the chairman or by vote of a majority of the committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the chairman or the committee may refer the matter to two or more subcommittees for joint consideration.

(b) *Assignments.*—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the committee may receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the committee may serve on more than four subcommittees at any one time.

The chairman and ranking member of the committee shall be *ex officio* members, without vote, of each subcommittee.

(c) *Meetings.*—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the chairman of the full committee or by decision of the full committee. Meetings of subcommittees shall be scheduled after consultation with the chairman of the committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full committee.

The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 3—MEETINGS

(a) *Regular Meeting Day.*—The regular meeting day of the Committee on Foreign Relations for the transaction of committee business shall be on Tuesday of each week, unless otherwise directed by the chairman.

(b) *Additional Meetings.*—Additional meetings and hearings of the committee may be called by the chairman as he may deem necessary. If at least three members of the committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon filing of the request, the chief clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk shall notify all members of the committee that such special meeting will be held and inform them of its date and hour.

(c) *Hearings, Selection of Witnesses.*—To ensure that the issue which is the subject of the hearing is presented as fully and fairly as possible, whenever a hearing is conducted by the committee or a subcommittee upon any measure or matter, the ranking member of the committee or subcommittee may call an

equal number of non-governmental witnesses selected by the ranking member to testify at that hearing.

(d) *Public Announcement.*—The committee, or any subcommittee thereof, shall make public announcement of the date, place, time, and subject matter of any meeting or hearing to be conducted on any measure or matter at least one week in advance of such meetings or hearings, unless the chairman of the committee, or subcommittee, in consultation with the ranking member, determines that there is good cause to begin such meeting or hearing at an earlier date.

(e) *Procedure.*—Insofar as possible, proceedings of the committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the chairman, in consultation with the ranking member. The chairman, in consultation with the ranking member, may also propose special procedures to govern the consideration of particular matters by the committee.

(f) *Closed Sessions.*—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by government officers and employees; or

(B) the information has been obtained by the government on a confidential basis, other than through an application by such person for a specific government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or government regulations.

A closed meeting may be opened by a majority vote of the committee.

(g) *Staff Attendance.*—A member of the committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at committee meetings.

Each member of the committee may designate members of his or her personal staff, who hold a top secret security clearance, for the purpose of their eligibility to attend closed sessions of the committee, subject to the same conditions set forth for committee staff under Rules 12, 13, and 14.

In addition, the majority leader and the minority leader of the Senate, if they are not otherwise members of the committee, may designate one member of their staff with a top secret security clearance to attend closed sessions of the committee, subject to the same conditions set forth for committee staff under Rules 12, 13, and 14. Staff of other Senators who are not members of the committee may not attend closed sessions of the committee.

Attendance of committee staff at meetings shall be limited to those designated by the staff director or the minority staff director.

The committee, by majority vote, or the chairman, with the concurrence of the ranking member, may limit staff attendance at specified meetings.

RULE 4—QUORUMS

(a) *Testimony.*—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the committee and each subcommittee thereof shall consist of one member.

(b) *Business.*—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

(c) *Reporting.*—A majority of the membership of the committee, including at least one member from each party, shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members is physically present, and a majority of those present concurs.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he or she be so recorded.

RULE 6—WITNESSES

(a) *General.*—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the committee.

(b) *Presentation.*—If the chairman so determines, the oral presentation of witnesses shall be limited to 10 minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) *Filing of Statements.*—A witness appearing before the committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the chairman and the ranking member following their determination that there is good cause for failure to file such a statement. Witnesses appearing on behalf of the executive branch shall provide an additional 100 copies of their statement to the committee.

(d) *Expenses.*—Only the chairman may authorize expenditures of funds for the expenses of witnesses appearing before the committee or its subcommittees.

(e) *Requests.*—Any witness called for a hearing may submit a written request to the chairman no later than 24 hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The chairman shall determine whether to grant any such request and shall notify the committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) *Authorization.*—The chairman or any other member of the committee, when authorized by a majority vote of the committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. At the request of any member of the committee, the committee shall authorize the issuance of a subpoena only at a meeting of the committee. When the committee authorizes a subpoena, it may be issued upon the signature of the chairman or any other member designated by the committee.

(b) *Return.*—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the chairman or any other member designated by him may convene a hearing by giving 2 hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) *Depositions.*—At the direction of the committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) *Filing.*—When the committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) *Supplemental, Minority and Additional Views.*—A member of the committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee, with the 3 days to begin at 11:00 p.m. on the same day that the committee has ordered a measure or matter reported. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

(c) *Rollcall Votes.*—The results of all rollcall votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee.

RULE 9—TREATIES

(a) The committee is the only committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent to ratification. Because the House of Representatives has no role in the approval of treaties, the committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the committee and remains on its calendar from Congress to Congress until the committee takes action to report it to the Senate or recommend its return to the President, or until the committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress ''shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.''

(d) Insofar as possible, the committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) *Waiting Requirement.*—Unless otherwise directed by the chairman and the ranking member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) *Public Consideration.*—Nominees for any post who are invited to appear before the committee shall be heard in public session, unless a majority of the committee decrees otherwise, consistent with Rule 3(f).

(c) *Required Data.*—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) the nominee has filed a financial disclosure report and a related ethics undertaking with the committee; (3) the committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the 4 preceding years; and (5) for persons nominated to be chiefs of mission, the report required by Section 304(a)(4) of the Foreign Service Act of 1980 on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) *Foreign Travel.*—No member of the Committee on Foreign Relations or its staff shall travel abroad on committee business unless specifically authorized by the chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the ranking member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the committee within 30 days. This report shall be furnished to all members of the committee and shall not be otherwise disseminated without authorization of the chairman or the ranking member. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded to consult the Senate Code of Conduct, and, as appropriate, the Senate Select Committee on Ethics, in the case of travel sponsored by non-U.S. Government sources.

Any proposed travel by committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking member prior to submission of the request to the chairman and ranking member of the full committee.

(b) *Domestic Travel.*—All official travel in the United States by the committee staff shall be approved in advance by the staff director, or in the case of minority staff, by the minority staff director.

(c) *Personal Staff.*—As a general rule, no more than one member of the personal staff of a member of the committee may travel with that member with the approval of the chairman and the ranking member of the committee. During such travel, the personal staff member shall be considered to be an employee of the committee.

(d) *Personal Representatives of the Member (PRM).*—For the purposes of this rule regarding staff foreign travel, the officially-designated personal representative of the member (PRM) shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations. Furthermore, for the purposes of this section, each member of the committee may designate one personal staff member as the ''Personal Representative of the Member.''

RULE 12—TRANSCRIPTS

(a) *General.*—The Committee on Foreign Relations shall keep verbatim transcripts of all committee and subcommittee meetings and such transcripts shall remain in the custody of the committee, unless a majority of the committee decides otherwise. Transcripts of public hearings by the committee shall be published unless the chairman, with the concurrence of the ranking member, determines otherwise.

(b) *Classified or Restricted Transcripts.*—

(1) The chief clerk of the committee shall have responsibility for the maintenance and security of classified or restricted transcripts, and shall ensure that such transcripts are handled in a manner consistent with the requirements of the United States Senate Security Manual.

(2) A record shall be maintained of each use of classified or restricted transcripts as required by the Senate Security Manual.

(3) Classified transcripts may not leave the committee offices, or SVC–217 of the Capitol Vistors Center, except for the purpose of declassification.

(4) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(5) Subject to any additional restrictions imposed by the chairman with the concurrence of the ranking member, only the following persons are authorized to have access to classified or restricted transcripts.

(A) Members and staff of the committee in the committee offices or in SVC–217 of the Capitol Vistors Center;

(B) Designated personal representatives of members of the committee, and of the majority and minority leaders, with appropriate security clearances, in the committee offices or in SVC–217 of the Capitol Vistors Center;

(C) Senators not members of the committee, by permission of the chairman, in the committee offices or in SVC–217 of the Capitol Vistors Center; and

(D) Officials of the executive departments involved in the meeting, in the committee offices or SVC–217 of the Capitol Vistors Center.

(6) Any restrictions imposed upon access to a meeting of the committee shall also apply to the transcript of such meeting, except by special permission of the chairman and ranking member.

(7) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a committee meeting, members and staff shall not discuss with anyone the proceedings of the committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the chairman, the ranking member, or in the case of staff, by the staff director or minority staff director. A record shall be kept of all such authorizations.

(c) *Declassification.*—

(1) All noncurrent records of the committee are governed by Rule XI of the Standing Rules of the Senate and by S. Res. 474 (96th Congress). Any classified transcripts transferred to the National Archives and Records Administration under Rule XI may not be made available for public use unless they have been subject to declassification review in accordance with applicable laws or Executive orders.

(2) Any transcript or classified committee report, or any portion thereof, may be declassified, in accordance with applicable laws or Executive orders, sooner than the time period provided for under S. Res. 474 if:

(A) the chairman originates such action, with the concurrence of the ranking member;

(B) the other current members of the committee who participated in such meeting or report have been notified of the proposed declassification, and have not objected thereto, except that the committee by majority vote may overrule any objections thereby raised to early declassification; and

(C) the executive departments that participated in the meeting or originated the classified information have been consulted and consented to the declassification.

RULE 13—CLASSIFIED INFORMATION

(a) The handling of classified information in the Senate is governed by S. Res. 243 (100th Congress), which established the Office of Senate Security. All handling of classified information by the committee shall be consistent with the procedures set forth in the United States Senate Security Manual issued by the Office of Senate Security.

(b) The chief clerk is the security manager for the committee. The chief clerk shall be responsible for implementing the provisions of the Senate Security Manual and for serving as the committee liaison to the Office of Senate Security. The staff director, in consultation with the minority staff director, may appoint an alternate security manager as circumstances warrant.

(c) Classified material may only be transported between Senate offices by appropriately cleared staff members who have been specifically authorized to do so by the security manager.

(d) In general, Senators and staff undertake to confine their access to classified information on the basis of a ''need to know''

such information related to their committee responsibilities.

(e) The staff director is authorized to make such administrative regulations as may be necessary to carry out the provisions of this rule.

RULE 14—STAFF

(a) *Responsibilities.*—

(1) The staff works for the committee as a whole, under the general supervision of the chairman of the committee, and the immediate direction of the staff director, except that such part of the staff as is designated minority staff shall be under the general supervision of the ranking member and under the immediate direction of the minority staff director.

(2) Any member of the committee should feel free to call upon the staff at any time for assistance in connection with committee business. Members of the Senate not members of the committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the committee and its individual members, the staff has a responsibility to originate suggestions for committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) *Restrictions.*—

(1) The staff shall regard its relationship to the committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(A) members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group;

(B) members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the staff director, or, in the case of minority staff, from the minority staff director. In the case of the staff director and the minority staff director, such advance permission shall be obtained from the chairman or the ranking member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, committee action; and

(C) staff shall not discuss their private conversations with members of the committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the staff director or minority staff director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) *Status.*—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate, which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the committee with respect to certain matters, as well as the timing and procedure for their consideration in committee, may be governed by statute.

(b) *Amendment.*—These rules may be modified, amended, or repealed by a majority of the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, rules of the committee which are based upon Senate rules may not be superseded by committee vote alone.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, the Committee on Homeland Security and Governmental Affairs has adopted rules governing its procedures for the 111th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator COLLINS, I ask unanimous consent to have a copy of the committee rules printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

PURSUANT TO RULE XXVI, SEC. 2, STANDING RULES OF THE SENATE

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. Meeting dates. The Committee shall hold its regular meetings on the first Wednesday of each month, when the Congress is in session, or at such other times as the Chairman shall determine. Additional meetings may be called by the Chairman as he/she deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. Calling special Committee meetings. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the offices of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the offices of the Committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour. Immediately upon the filing of such notice, the Committee clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. Meeting notices and agenda. Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee Members at least 3 days in advance of such meetings, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. The written notices required by this Rule may be provided by electronic mail. In the event that unforeseen requirements or Committee business prevent a 3-day notice of either the meeting or agenda, the Committee staff shall communicate such notice and agenda, or any revisions to the agenda, as soon as practicable by telephone or otherwise to Members or appropriate staff assistants in their offices.

D. Open business meetings. Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.) Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chairman to enforce order on his or her own initiative and without any point of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he/she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

E. Prior notice of first degree amendments. It shall not be in order for the Committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each Member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, at least 24 hours before the meeting of the Committee or Subcommittee at which the amendment is to be proposed. The written copy of amendments in the first degree required by this Rule may be provided by electronic mail. This subsection may be waived by a majority of the Members present. This subsection shall apply only when at least 72 hours written notice of a session to mark-up a measure is provided to the Committee or Subcommittee.

F. Meeting transcript. The Committee or Subcommittee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting whether or not such meeting or any part thereof is closed to the public, unless a majority of the Committee or Subcommittee Members vote to forgo such a record. (Rule XXVI, Sec. 5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. Reporting measures and matters. A majority of the Members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. Transaction of routine business. One-third of the membership of the Committee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

C. Taking testimony. One Member of the Committee shall constitute a quorum for taking sworn or unsworn testimony. (Rule XXVI, Sec. 7(a)(2) and 7(c)(2), Standing Rules of the Senate.)

D. Subcommittee quorums. Subject to the provisions of sections 7(a)(1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

E. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. Quorum required. Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. Reporting measures and matters. No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee Members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those Members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a)(1) and (3), Standing Rules of the Senate.)

C. Proxy voting. Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittee thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a Member's position on the pending question. Proxy voting shall be allowed only if the absent Committee or Subcommittee Member has been informed of the matter on which he or she is being recorded and has affirmatively requested that he or she be so recorded. All proxies shall be filed with the chief clerk of the Committee or Subcommittee thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the Committee or Subcommittee as to how the Member establishes his or her vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. Announcement of vote. (1) Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each Member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by roll call vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each Member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a roll call vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7(b) and (c), Standing Rules of the Senate.)

E. Polling. (1) The Committee, or any Subcommittee thereof, may poll (a) internal Committee or Subcommittee matters including the Committee's or Subcommittee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee or Subcommittee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) Only the Chairman, or a Committee Member or staff officer designated by him/her, may undertake any poll of the Members of the Committee. If any Member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the Members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee Member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

F. Naming postal facilities. The Committee will not consider any legislation that would name a postal facility for a living person with the exception of bills naming facilities after former Presidents and Vice Presidents of the United States, former Members of Congress over 70 years of age, former State or local elected officials over 70 years of age, former judges over 70 years of age, or wounded veterans.

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The Chairman shall preside at all Committee meetings and hearings except that he or she shall designate a temporary Chairman to act in his or her place if he or she is unable to be present at a scheduled meeting or hearing. If the Chairman (or his or her designee) is absent 10 minutes after the scheduled time set for a meeting or hearing, the Ranking Majority Member present shall preside until the Chairman's arrival. If there is no Member of the Majority present, the Ranking Minority Member present, with the prior approval of the Chairman, may open and conduct the meeting or hearing until such time as a Member of the Majority arrives.

RULE 5. HEARINGS AND HEARING PROCEDURES

A. Announcement of hearings. The Committee, or any Subcommittee thereof, shall make public announcement of the date, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the Committee, or Subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. Open hearings. Each hearing conducted by the Committee, or any Subcommittee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chairman to enforce order on his or her own initiative and without any point of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he or she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

C. Full Committee subpoenas. The Chairman, with the approval of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing or deposition, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided in this subsection, the subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Committee designated by the Chairman.

D. Witness counsel. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or deposition to advise such witness while he or she is testifying, of his or her legal rights; provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Committee Chairman may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Committee by personal counsel not from the government, corporation, or association or by personal counsel not representing other witnesses. This subsection shall not be construed to excuse a witness from testifying in the event his or her counsel is ejected for conducting himself or herself in such manner so as to prevent, impede, disrupt, obstruct or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

E. Witness transcripts. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in public or executive session shall be made available for inspection by the witness or his or her counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors; the Chairman or a staff officer designated by him/her shall rule on such requests.

F. Impugned persons. Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a Member of the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) File a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(b) Request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(c) Submit questions in writing which he or she requests be used for the cross-examination of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. Radio, television, and photography. The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. Advance statements of witnesses. A witness appearing before the Committee, or any Subcommittee thereof, shall provide electronically a written statement of his or her proposed testimony at least 48 hours prior to his or her appearance. This requirement may be waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. Minority witnesses. In any hearings conducted by the Committee, or any Subcommittee thereof, the Minority Members of the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of the Minority Members, to call witnesses of their selection during at least 1 day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. Full Committee depositions. Depositions may be taken prior to or after a hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the Chairman, with the approval of the Ranking Minority Member of the Committee, provided that the Chairman may initiate depositions without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the deposition within 72 hours, excluding Saturdays and Sundays, of being notified of the deposition notice. If a deposition notice is disapproved by the Ranking Minority Member as provided in this subsection, the deposition notice may be authorized by a vote of the Members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the Committee Member or Members or staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 5D.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee Member or Members or staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee Member or Members or staff may proceed with the remainder of the deposition.

(4) The Committee shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the transcript shall be made available for inspection by the witness or his or her counsel under Committee supervision. The witness shall sign a copy of the transcript and may request changes to it, which shall be handled in accordance with the procedure set forth in subsection (E). If the witness fails to sign a copy, the staff shall note that fact on the transcript. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the Committee. The Chairman or a staff officer designated by him/her may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. Timely filing. When the Committee has ordered a measure or matter reported, following final action, the report thereon shall

be filed in the Senate at the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. Supplemental, Minority, and additional views. A Member of the Committee who gives notice of his or her intention to file supplemental, Minority or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. Notice by Subcommittee Chairmen. The Chairman of each Subcommittee shall notify the Chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. Draft reports of Subcommittees. All draft reports prepared by Subcommittees of this Committee on any measure or matter referred to it by the Chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. Impact statements in reports. All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next 5 years thereafter (or for the authorized duration of the proposed legislation, if less than 5 years); and (2) a comparison of such cost estimates with any made by a Federal agency; or (3) in lieu of such estimate or comparison, or both, a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the forgoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. Regularly established Subcommittees. The Committee shall have three regularly established Subcommittees. The Subcommittees are as follows: Permanent Subcommittee on Investigations; Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia; and Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security.

B. Ad hoc Subcommittees. Following consultation with the Ranking Minority Member, the Chairman shall, from time to time, establish such ad hoc Subcommittees as he/she deems necessary to expedite Committee business.

C. Subcommittee membership. Following consultation with the Majority Members, and the Ranking Minority Member of the Committee, the Chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

D. Subcommittee meetings and hearings. Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 2(D) and 7(E).

E. Subcommittee subpoenas. Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; provided, however, that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue a subpoena immediately.

F. Subcommittee budgets. During the first year of a new Congress, each Subcommittee that requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, by a date and time prescribed by the Chairman, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the 2 following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the Chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The Chairman may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. Standards. In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. Information concerning the Nominee. Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, in such specificity as the Committee deems necessary, including a list of assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office. At the request of the Chairman or the Ranking Minority Member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor. Information received pursuant to this subsection shall be made available for public inspection; provided, however, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. Procedures for Committee inquiry. The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the 3 years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated. For the purpose of assisting the Committee in the conduct of this inquiry, a Majority investigator or investigators shall be designated by the Chairman and a Minority investigator or investigators shall be designated by the Ranking Minority Member. The Chairman, Ranking Minority Member, other Members of the Committee, and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that

only the Chairman, the Ranking Minority Member, or other Members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the General Accounting Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made in the case of judicial nominees and may be made in the case of non-judicial nominees by the designated investigators to the Chairman and the Ranking Minority Member and, upon request, to any other Member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and the results of the Committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

E. Hearings. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: The nominee has responded to prehearing questions submitted by the Committee; and, if applicable, the report described in subsection (D) has been made to the Chairman and Ranking Minority Member, and is available to other Members of the Committee, upon request.

F. Action on confirmation. A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. Application. The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the Chairman and Ranking Minority Member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

In accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104–1), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, state of physical handicap, or disability.

COMMITTEE ON VETERANS' AFFAIRS RULES OF PROCEDURE

Mr. AKAKA. Mr. President, the Committee on Veterans' Affairs has adopted rules governing its procedures for the 111th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator BURR, I ask unanimous consent to have a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS

RULES OF PROCEDURE, 111TH CONGRESS

I. MEETINGS

(A) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as deemed necessary.

(B) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee shall be open to the public. The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceedings of each meeting whether or not such meeting or any part thereof is closed to the public.

(C) The Chairman of the Committee, or the Ranking Majority Member present in the absence of the Chairman, or such other Member as the Chairman may designate, shall preside over all meetings.

(D) Except as provided in rule XXVI of the Standing Rules of the Senate, no meeting of the Committee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(E) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(F) Written or electronic notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee Members at least 72 hours (not counting Saturdays, Sundays, and federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to Members or appropriate staff assistants of Members and an agenda shall be furnished prior to the meeting.

(G) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written or electronic copy of such amendment has been delivered to each Member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the Members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (F).

II. QUORUMS

(A) Subject to the provisions of paragraph (B), eight Members of the Committee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Five Members of the Committee shall constitute a quorum for purposes of transacting any other business.

(B) In order to transact any business at a Committee meeting, at least one Member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a Member, the matter shall lay over for a calendar day. If the presence of a minority Member is not then obtained, business may be transacted by the appropriate quorum.

(C) One Member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(A) Votes may be cast by proxy. A proxy shall be written and may be conditioned by personal instructions. A proxy shall be valid only for the day given.

(B) There shall be a complete record kept of all Committee actions. Such record shall contain the vote cast by each Member of the Committee on any question on which a roll call vote is requested.

IV. HEARINGS AND HEARING PROCEDURES

(A) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(B) At least one week in advance of the date of any hearing, the Committee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(C) The Committee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the Committee not later than 48 hours prior to the witness' scheduled appearance unless the Chairman and Ranking Minority Member determine there is good cause for failure to do so.

(D) The presiding Member at any hearing is authorized to limit the time allotted to each witness appearing before the Committee.

(E) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's non-concurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other Member of the Committee designated by the Chairman.

(F) Except as specified in Committee Rule VII (requiring oaths, under certain circumstances, at hearings to confirm Presidential nominations), witnesses at hearings will be required to give testimony under oath whenever the presiding Member deems such to be advisable.

V. MEDIA COVERAGE

Any Committee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming, or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee Members or staff or with the orderly conduct of the meeting or hearing. The presiding Member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee.

VII. PRESIDENTIAL NOMINATIONS

(A) Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts:

(1) Information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated and which is to be made public; and

(2) Information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

(B) At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath.

(C) Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

VIII. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless:

(A) Such individual is deceased and was:

(1) A veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) A Member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) An Administrator of Veterans Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) An individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans.

(B) Each Member of the Congressional delegation representing the State in which the designated facility is located must indicate in writing such Member's support of the proposal to name such facility after such individual.

(C) The pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 must indicate in writing its support of such proposal.

IX. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.

TRIBUTE TO CONGRESSMAN JOHN DINGELL

Mr. LEVIN. Mr. President, today Congressman JOHN DINGELL of Michigan becomes the longest serving member in the history of the United States House of Representatives. As we observe this notable milestone in time, however, JOHN DINGELL's longevity is really a footnote that does not even begin to tell the full story of JOHN and his wonderful partner Debbie.

Fifty-four years from now, or 154 years from now, when historians look back for models of public service, JOHN DINGELL will stand among the best America has to offer. His commitment to the public good, his sense of fiduciary duty as a public servant and most of all the spirit, the passion, and the motivation that JOHN brings to his work day in and day out, year after year, are nothing short of remarkable.

Before JOHN DINGELL became a Member of the House, he was a son and a student of the House. His father, Congressman John Dingell Sr., was a New Dealer and a passionate advocate of FDR's agenda.

As a House page in the late 1930s and early 1940s, JOHN learned the intricacies of House procedure. He got to know his way around, and developed a profound respect for leaders like Sam Rayburn.

Even in his youth, JOHN was anything but a passive observer. When Japan attacked Pearl Harbor and FDR came to Congress and declared it a ''date which will live in infamy,'' JOHN was in the Chamber. In fact, JOHN saw to it that one audio recorder continued to run even after FDR's speech ended, so thanks to him we have a fascinating record of the deliberations afterward that quickly led to the declaration of war on Japan.

When he was 18, JOHN enlisted in the Army. After the war he returned to Washington, and, ever a student of the House, he worked as an elevator operator here in the Capitol while attending Georgetown, where he received undergraduate and law degrees. As a young lawyer, JOHN served as a clerk for Sandy's and my uncle, Theodore Levin, a Federal judge in Michigan who, along with our Dad, had actually campaigned for JOHN's Dad in the 1930s.

A few years later, when his father passed away, JOHN Jr. won the special election to fill the vacant seat. The son and student became a Member of the institution that he had studied so closely and that he respected so deeply. And over the years, the Member would become the Chairman, and the Chairman would become the Dean—the most senior member of the House of Representatives.

While that alone is a significant achievement, the true mark of JOHN DINGELL is his devotion to public service that connects him to the great men and women of America's storied past whose statues grace this Capitol, and the legislation he has influenced that has so improved the lives of our people. He contributed to the creation of Medicaid and Medicare, to the Civil Rights bills, to the Endangered Species Act and the Clean Air Act. He fought to protect Social Security—which his father helped create.

Like all great fighters, when JOHN DINGELL is knocked down, he picks himself up. For example, he has helped keep the fight for universal health care alive by introducing legislation to achieve it in each new Congress, just as his father did.

JOHN can be tough, running procedural circles around even the most skilled legislative adversaries. And he can be gruff, for instance comparing a proposal he thinks is foolish or unnecessary to ''side pockets on a cow'' or ''feathers on a fish.''

But this tough and gruff Congressman has a softer side. His wife Debbie is personable and glowing and brings extraordinary energy to everything she touches. JOHN and Debbie are each powerhouses in their own right, and their relationship is a perfect synergy.

While Debbie is everywhere, raising funds for great causes, creating personal relationships that enrich so many lives, JOHN is only where he needs to be—focusing like a laser on legislative and policy goals.

There is a common thread in the Dingells' legislative maneuvers, charitable endeavors and even JOHN's unique use of language: they are all devoted to the goal of helping working people. People back home love ''Big JOHN'' because they know he is on their side—fighting for their jobs, their health, their children.

That is why, as much evidence as there is of John's influence and respect in the House of Representatives, the best way to really understand JOHN's impact on the people he represents is to make a visit to ''Dingell Country.'' In JOHN's district, people have placed JOHN's name on a road, a bridge, a park and a library not just to honor him but to inspire others. Just talk to a few of JOHN's fellow veterans at the VA Medical Center in Detroit. Those vets feel a little better and a little stronger knowing that they live in the JOHN DINGELL VA Medical Center. Or stop by the UAW Region 1a headquarters in Taylor, Michigan, and tell them you've stood shoulder to shoulder with JOHN DINGELL fighting for American workers—and you won't get a warmer welcome anywhere in America.

JOHN is beloved in his district, and he has been a role model to me and to my older brother Sandy since we arrived in Congress. He has also been a wonderful

mentor to us and to the entire Michigan delegation.

JOHN has been a son of the House, a student of the House, a Member and a Chairman in the House he loves so much. On behalf of Michigan, I offer thanks to the now all-time Dean of the House of Representatives, JOHN DINGELL, a great institution within a great institution, for his devotion to public service and to the people of Michigan and the Nation.

BELARUS IMPRISONMENT

Mr. CARDIN. Mr. President, as chairman of the Helsinki Commission, I would like to bring to the attention of the Senate a situation which is literally a matter of life and death for an American citizen, Emanuel Zeltser, who has been imprisoned in Belarus since March 12, 2008. Mr. Zeltser is in desperate and immediate need of serious medical treatment—including a coronary bypass operation.

The poor human rights record of President Lukashenka's regime is well known. No American—indeed no human being—should be subjected to the kind of treatment Mr. Zeltser has been forced to endure during his incarceration. Despite Mr. Zeltser's grave health condition—he suffers from heart disease, type 2 diabetes, severe arthritis, gout, and dangerously elevated blood pressure—Belarusian authorities have repeatedly refused to provide Mr. Zeltser with his prescribed medications.

He was initially denied two independent medical evaluations and he has reported being physically assaulted and abused while incarcerated. Amnesty International has urged that Belarusian authorities no longer subject Mr. Zeltser to ''further torture and other ill-treatment.''

Mr. Zeltser was convicted of ''using false official documents'' and ''attempted economic espionage'' in a closed judicial proceeding. The U.S. Embassy in Minsk criticized the proceedings, noting that it was denied the opportunity to observe the trial. The State Department has repeatedly called for Mr. Zeltser's release on humanitarian grounds. So have others in Congress, especially my colleague on the Helsinki Commission, cochairman Representative ALCEE HASTINGS.

But now the situation appears dire. Earlier this month, Mr. Zeltser was examined by an American doctor. It was only the second time an American physician has been permitted to see Mr. Zeltser. The doctor concluded that ''there is a clear and high risk of sudden death from heart attack unless the patient is immediately transferred to a U.S. hospital with the proper equipment and facilities. . . . Refusal to transfer Mr. Zeltser to a U.S. hospital is equivalent to a death sentence.'' Specifically, Mr. Zeltser is in dire need of a coronary bypass procedure. The doctor also determined that because he had been denied prescribed diabetes medication, Mr. Zeltser's left foot may need to be amputated.

In response to a press inquiry in December, the State Department called for ''the Belarusian authorities to release Mr. Zeltser on humanitarian grounds before this situation takes an irrevocable turn.'' Based on the recent doctor's report it is apparent that such an irrevocable turn is imminent unless this American citizen can be brought home promptly for the medical treatment necessary to save his life.

Belarus has taken some tentative steps to improve its notably poor human rights record, in particular the release of several political prisoners last August. However, Mr. Zeltser's continued, and potentially terminal, imprisonment threatens to override those initially encouraging signs. As such, I strongly urge the Belarusian authorities to release Emanuel Zeltser on humanitarian grounds so that he may obtain the immediate medical treatment his doctor has concluded is required if he is to live.

REMEMBERING CONGRESSMAN WENDELL WYATT

Mr. WYDEN. Mr. President, I wish to mark a sad occasion: the recent death of one of Oregon's most respected Members of Congress, Wendell Wyatt, who represented the First District of Oregon from 1965 to 1975. He died peacefully on January 28th at the age of 91 in Portland, OR.

With good humor and little interest in partisanship, Wendell Wyatt's congressional career began with his service on the House Interior Committee. He is best known, however, for his work on the House Interior Appropriations Subcommittee where his working relationship with its chair, distinguished Washingtonian Julia Butler Hansen, was a model of effective teamwork across party lines and—in this case—across the Columbia River that separated their congressional districts.

The same was true of his relationship with Democratic Congresswoman Edith Green, who represented Oregon's Third Congressional District, which includes most of Portland and is the district I was privileged to represent in the House before coming to the Senate. In fact, my Portland office is housed in the Edith Green-Wendell Wyatt Federal Building. Congressman Wyatt and Congresswoman Green—known simply in Oregon as Edith and Wendell—worked tirelessly together on many worthwhile civic projects that improved their city and their adjoining congressional districts. Their good work helped lay the foundation for the Portland we are proud of today.

Wendell Wyatt was an advocate for the Federal workforce in Oregon, Government workers he regarded as good civil servants dedicated to serving the public interest. He also loved the individual service element of his work in Congress. Today, most offices call this ''casework,'' but to Wendell Wyatt it gave him the chance to help an individual constituent with his or her problem when the Federal Government was unresponsive or trying to put a square peg in a round hole. He never disrespected any Government official who was implementing something that had an adverse impact on one of his constituents, but he pressed the case strongly and effectively.

As a young Member of the House, I remember other House members and longtime staffers talking about Wendell with great affection and admiration, someone who worked hard, got results, and always with good humor and without partisanship.

His colleagues during that era in Congress included Gerald Ford, Melvin Laird, George H.W. Bush, and other like-minded House Republican moderates. Like them, he epitomized the saying that ''You could disagree without being disagreeable.'' In Oregon, he was part of a generation of elected officials whose goals were service, not partisanship, including Mark Hatfield and Tom McCall.

When he retired from Congress in 1974, Wendell Wyatt returned to Oregon to become a partner in what is now the State's second largest law firm, Schwabe Williamson & Wyatt, where he is remembered as someone who rolled up his sleeves to help his clients, to close the deal, and to help add economic activity that created jobs for Oregonians.

The commitment to public service runs strong in Wendell Wyatt's family. His son, Bill, was a member of the Oregon Legislature as a young man, later the chief of staff to an Oregon Governor, and is now the very effective executive director of the Port of Portland. Bill Wyatt is a longtime friend of mine and of others in the economic and political leadership of our State, and we all know that the Wyatt bloodline for service to our State has passed from father to son.

I join his family, colleagues in his law firm, and his many good friends in mourning his death. I join the good citizens of the First Congressional District of Oregon, who salute his effective voice for them in Congress. And I stand with so many people throughout Oregon whose lives are better because of Wendell Wyatt's commitment to service in Congress.

Mr. President, I ask unanimous consent that at the conclusion of my remarks a few articles about Congressman Wyatt be printed in the RECORD. First, is the announcement of his death that appeared in the Portland City Club Bulletin, followed by the notice of

Wyatt's death that appeared in the Oregonian newspaper and the warm editorial about Wendell. I ask that there next be printed the article in his hometown newspaper, the Daily Astorian, in which local residents reflect on his service to their community. The final document that I request be printed in the RECORD is the editorial in the Daily Astorian paying tribute to the dignity with which Wendell Wyatt served his district, our State and the Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Portland City Club Bulletin, Feb. 13, 2009]

CITY CLUB REMEMBERS WENDELL J. WYATT

Former City Club member Wendell J. Wyatt passed away on Wednesday, January 28 at the age of 91. Wyatt graduated from the University of Oregon School of Law. He served as an FBI agent and a Marine Corps pilot before being elected to Congress where he served a distinguished, decade-long career. After retiring from office, Wyatt became a partner in the law firm Schwabe, Williamson & Wyatt.

Wyatt was a Club member for almost twenty years. He made notable speaking appearances at City Club with the late Congresswoman Edith Green, and the Federal Building on Third Street is dedicated jointly in their names. Wyatt's law firm is a City Club sponsor and his family members continue to play a significant role in the Club.

Wyatt's contributions to the community will be celebrated at 1 p.m. Saturday, Feb. 21, 2008 in St. Anne's Chapel at Marylhurst University.

[From the Oregonian, Jan. 29, 2009]

EX-CONGRESSMAN WENDELL WYATT DIES AT 91

(By Joan Harvey)

Wendell Wyatt, who represented Oregon's 1st Congressional District for 10 years, died Wednesday in his Portland home. He was 91.

Wyatt was a popular and respected Republican lawmaker who was known as an adroit deal-maker.

As a member of the House Committee on the Interior and later the powerful House Appropriations Committee, he finessed through Congress bills that permanently affected Oregon, including bills that established the Tualatin Reclamation Project (Scoggins Dam) in Washington County, the Columbia River 40-foot shipping channel from Astoria to Portland, and Lincoln City's Cascade Head Scenic Area, as well as a bill authorizing the $4 million purchase of ranchlands along the Snake River for public recreation.

He stayed active in Republican politics after retiring from Congress. He became a partner in the law firm of Schwabe Williamson & Wyatt, and was a commissioner for the Port of Portland and a lobbyist. He became inactive as an attorney in 2001 but continued consulting for the firm.

In 1975, he pleaded guilty to a technical violation of federal campaign laws, admitting that as chairman of the Oregon Committee to Re-Elect the President, he failed to report a donation to President Richard Nixon's campaign. The Oregonian defended him in an editorial:

''He has had a long and honorable career both in private and public life, including 10 years in Congress; and he has gained the reputation of being not only an exceptionally effective public servant, but one who is scrupulously honest in all of his dealings. He has had both the respect and warm friendship of colleagues in both parties. No one who knows him well believes he intentionally violated the law.''

Wyatt was born June 15, 1917, in Eugene and moved to Portland as a teenager. He was editor of the Jefferson High School newspaper and went to the University of Oregon. He dropped out and joined The Oregonian as a copy aide. After a year, he applied to the University of Oregon Law School and was admitted without an undergraduate degree.

Wayne Morse was one of his professors, and Wyatt often recalled four-hour evening sessions led by the man who would become the legendary ''Tiger of the Senate.'' Later, the two became political adversaries.

After obtaining his law degree, he was an FBI agent and then served as a Marine Corps pilot in the Pacific during World War II.

He moved to Astoria after the war and joined the law firm of Albin Norblad, a former Oregon governor and father of U.S. Rep. Walter Norblad; after Walter Norblad died in 1964, Wyatt was elected to fill his vacancy. He was re-elected four times, retiring in 1975, the same year colleague and friend Edith Green, a Democratic congresswoman for 20 years, stepped down. The federal building in downtown Portland is named for Green and Wyatt.

Wyatt married Anne Elizabeth Buchanan in the mid-1940s; they divorced. He married Faye Hill in 1962. She predeceased him. He is survived by daughters, Ann Wyatt and Jane Wyatt; stepdaughter, Sandi Kinsley; son, Wendell ''Bill'' Jr., executive director of the Port of Portland; stepson, Larry D. Hill; four grandchildren; and one great-grandchild.

A memorial service will be at 1 p.m. Saturday, Feb. 21, 2009, in St. Anne's Chapel at Marylhurst University. The family suggests remembrances to the Clatsop County Historical Society. Arrangements are by Finley's Sunset Hills Mortuary.

WENDELL WYATT: SUCCESS THROUGH PERSONAL VALUES

(By The Oregonian Editorial Board)

Back when Rep. Wendell Wyatt, R-Ore., was in Congress, from 1965 to 1975, you didn't hear the word bipartisan much, because at many levels of American politics, it was a way of life, thus taken for granted.

Wyatt died this week at age 91 after a life in politics, law and community leadership. He should be remembered as someone who put the problems of his individual constituents at the forefront of his service in the U.S. House of Representatives.

His congressional office was geared toward listening to constituent problems, then bending every effort to solve them—whether the issue was of great national or regional import or simply a mishandled Social Security benefit. Wyatt himself often got personally engaged in the most challenging and vexing details of constituent service.

It would not have been useful for Wyatt or his constituents for him to adopt a highly partisan stance when he was in Congress.

He was elected to the House in the small GOP freshman class of 1964, the year that Democratic President Lyndon B. Johnson laid a historic electoral whipping on Sen. Barry Goldwater, R-Ariz., the great hope of the right wing of the Republican party.

It was clear that Wyatt was never going to be part of the majority, and he never was. Thus he had to develop the skills necessary to adequately represent all of the people of Oregon's 1st Congressional District.

''This was more effective than sitting in the back benches and throwing spitballs all day long,'' said his son Bill Wyatt. Instead, the elder Wyatt developed good working relationships with powerful Democrats such as Wayne Aspinall, D-Colo., chairman of the House Interior Committee and Tom Foley, who also entered Congress in 1964 and, much later, became Speaker of the House for a short time.

As a congressman, Wyatt was pro-choice, pro-gun-control and the driving force behind efforts to bring commerce to Oregon via the Columbia River. His social views would not sit well in the modern Republican Party, at least the official part of it. They didn't sit that well with the party's establishment back then either, but it still was possible to disagree and be independent-minded and still remain in good standing within the party. Today? It's not as clear. But Wyatt's views then are positions that many Republicans hold privately—or even not-so-privately—today, even if the right's hold on party leadership is much stronger.

For Wyatt, though, service was a far bigger motivator than political ideology. In his last campaign, Wyatt even went retail with his orientation toward constituents. His campaign slogan was: ''Wendell Wyatt, your door-to-door Congressman.''

His son Bill, of course, has been prominent in Oregon political and economic circles for years, serving as chief of staff for Gov. John Kitzhaber and now as executive director of the Port of Portland. Bill Wyatt also tried elective politics early in his career, as a Democratic candidate for the Oregon Legislature. Worried about whether he would somehow step on his father's political toes, the younger Wyatt brought the matter up. ''He told me, 'What makes you happy makes me happy. You don't have to protect me from what you think is the right thing to do.','' Bill Wyatt said. ''He was able to separate what was most important to him and keep it there.''

That was the key to what made Wendell Wyatt successful in life—public and private.

[From the Daily Astorian, Feb. 9, 2009]

NORTH COAST MOURNS FORMER OREGON CONGRESSMAN WENDELL WYATT

(By Patrick Webb)

Former Astoria Congressman Wendell Wyatt died Wednesday. He was 91.

Wyatt, a Republican, served the 1st Congressional District from 1964 until retiring in 1975.

Tributes to him focused on his honesty and his ability to get the job done.

Denny Thompson of Astoria, who served as honorary Finnish Consul for 35 years, worked closely with Wyatt and praised his ability to reach across the aisle.

''My union friends were all Democrats, but they were working for Wendell Wyatt. They all respected him and he respected everyone in return,'' said Thompson, whose wife, Frankye, was Wyatt's campaign chairwoman for Clatsop County.

''He did everything the proper way—he was completely honest, and he did as much for Clatsop County as anyone.''

Wyatt was a well-respected Republican leader who worked especially effectively with Democrat Congresswoman Edith Green. The federal building in Portland was later named for them.

Born in Eugene in 1917, Wyatt moved with his family to Portland. He graduated from Jefferson High School, where he had been editor of the high school newspaper, in 1935. He worked briefly as a copy aide for The Oregonian newspaper, earned a bachelor's degree

from the University of Oregon in 1941 then worked briefly as an FBI agent.

When World War II broke out in the Pacific, he enlisted in the U.S. Marine Air Corps and served as a pilot from 1942 until 1946.

Afterward, he moved to Astoria and worked for the law firm of Albin Norblad, the former Oregon governor and father of U.S. Rep. Walter Norblad.

Tom Brownhill, of Eugene, was district attorney in Clatsop County from 1952 to 1960 and regularly faced Wyatt in the courtroom. ''I had a lot of cases against him,'' said Brownhill, whose daughter Paula, continues the family's legal tradition as a circuit court judge. ''As a lawyer, when he got into a case, he was all-in.''

Wyatt hired longtime legal secretary Doris Hughes from another firm in the 1950s—by offering her a raise from $160 to $200 a month. Hughes remembered Wyatt today as a ''wonderful person.''

''He gave the best dictation of anyone I know,'' she recalled. ''He was so smooth. The words just flowed out.''

Wyatt was chairman of the Oregon State Republican Central Committee from 1955 until 1957. During that time, George C. Fulton, of Astoria, another contemporary, worked closely with him while serving as Clatsop County GOP chairman.

Fulton, also an attorney, described Wyatt as a hard worker. ''He was a good lawyer. He worked hard and he played hard.''

When Walter Norblad died in 1965, Wyatt was elected to his congressional seat and served five terms, retiring in 1974.

Ted Bugas, a Bumblebee Seafood executive and supporter of Salmon For All, knew Wyatt because both had worked for the FBI and their Astoria offices were in the Post Office and across the street.

He recalled one incident as if yesterday.

''One morning we woke up and thought 'There's someone in the house! The wife and I were still in bed. In came Wendell—into our room—and said, 'I might go to Congress. What do you think of that?' ''

Bugas worked with Wyatt on fisheries issues, often traveling to Washington, D.C., often for lobbying efforts. His daughter, Christine, served as an intern in Wyatt's Congressional office.

''He was a great personality,'' said Bugas, who splits his time in retirement between Astoria and California. ''He was very pleasant.''

He worked on bills that established the Tualatin Reclamation Project in Washington County and the 40-foot shipping channel in the Columbia River from Astoria to Portland.

He was also credited with bills that created Lincoln City's Cascade Head Scenic Area, as well as a bill authorizing the $4 million purchase of ranchlands along the Snake River for public recreation.

U.S. Sen. Jeff Merkley said, ''Wendell Wyatt truly made his mark on Oregon. Everyone who has appreciated Cascade Head owes Congressman Wyatt a debt of gratitude for establishing this scenic area and those who visit public lands along the Snake River can thank Wendell Wyatt for opening the region to recreation.''

The Daily Astorian Publisher Steve Forrester covered Wyatt's political activities in 1974 while substituting for Washington columnist A. Robert Smith.

''Wyatt said to me that he earned 'the equivalent of a master's degree' every time he took on a new issue. He was the kind of Republican we no longer see—a solid, pragmatic middle-of-the-road guy,'' Forrester said.

''He was close to President Richard Nixon, and he was unfortunately tarred with that brush when he admitted to his involvement with Nixon's fund-raising—an embarrassing moment in an otherwise unblemished political career.''

In 1975, Wyatt admitted a technical violation of campaign laws for failing to report an Oregon GOP donation to Nixon.

He stayed active in Republican politics after retiring from Congress and became a partner in the law firm of Schwabe Williamson and Wyatt until his retirement.

He became inactive as an attorney in 2001, but continued consulting for the firm. He also served as a commissioner for the Port of Portland and a lobbyist.

Wyatt was married twice. He divorced his first wife, Anne Elizabeth Buchanan. He married Faye Hill in 1962. She died last year. He had two daughters, Ann and Jane, and a son, Wendell ''Bill'' Wyatt Jr., who is executive director of the Port of Portland and a former chief of staff for Gov. John Kitzhaber, plus step son and stepdaughter, four grandchildren and one great grandchild.

A memorial service will be held 1 p.m. Feb. 21 at St. Anne's Chapel at Marylhurst University near Lake Oswego. Contributions may go to the Clatsop County Historical Society.

[From the Daily Astorian, Feb. 2, 2009]

WENDELL WYATT SERVED WITH DIGNITY

Wendell Wyatt, who died last week, was one of those old-school, gentlemanly fellows who served his country and his community without the need for a brass band playing in the background.

A Republican, he served the 1st Congressional District, which includes Astoria and the North Coast, from 1965 until retiring in 1975.

An Oregonian through and through, he moved to Astoria to practice law after serving as a U.S. Marine Air Corps pilot in World War II. His buddies around the courthouse smile when they remember he practiced law with what they describe as ''considerable tenacity.''

When Congressman Walter Norblad died in office, Wyatt took over.

In the decade that followed, he served with dignity and pragmatism. Often politicians wax eloquent about bipartisan efforts but don't really mean it. Wyatt talked the talk, and walked the walk, working especially closely with Democrat Congresswoman Edith Green, to get the job done.

On fisheries issues, he worked to ensure the interests of the Columbia River came first.

Oregon U.S. Sen. Jeff Merkley summed it up best: ''Wendell Wyatt truly made his mark on Oregon.''

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

We are your typical lower middle class family. My husband has a good job at FedEx where we are blessed to have good insurance benefits and stability; he is on the bottom of the totem pole, however so the wages leave something to be desired. I used to work for a local childcare center where I got free daycare for our 1-year-old son and was able to contribute an income. Last summer we were in a tight but good place in our lives and decided to purchase our first home. It is not much (it is a humble home) but it is ours. We moved in a week before Christmas and though things were very tight we were still doing ''ok''. We got pregnant again in January and were very excited. After all we were making it. Then in March I lost my job and the economy really started to hit us hard. Our tax returns were spent getting my car fixed, and our incentive package paid the mortgage and some bills. We were thankful that that money was there when we needed it but it was not spent as the government intended. We applied for public assistance while I looked for work but found out that we overqualify by only $60 a month. This was frustrating considering most of the people in the waiting room were not here on a legal basis but their children (born in the U.S.) have right to the same assistance I was applying for. They pay no taxes because they are not here legally and are not required to report their income so of course they qualify and the funny thing is that I saw several drive away in nicer cars than even my parents own. I take in a child or two into our home to bring in some income because I do not have a degree and cannot find a job that pays more than daycare costs.

On to gas prices: I drive a Ford Focus, an affordable economical car, and my hubby has his old F–150, which is one of the only assets we actually own. We do not drive big fancy cars that take hundreds of dollars to fill up. My focus cost $43 dollars last time I filled up (last Monday night) and my hubby's truck costs around $65–$70. That may not be a lot to you or anyone with a better job than we, but it is a lot more than we paid last year at this time and it is almost double to fill up my car from what it was when we got married (two years ago in October). Honestly, Senator, we pray our way through every month. It is an honest miracle that we still have our home and that we have made our mortgage for the last 4 months. My husband works 12-hour days so the only logical solution was for me to look for a second job. It took a while given that no one wants to hire a lady who is 6 months pregnant. But I am blessed to have found a job at Cracker Barrel being a part-time waitress and working when my husband gets home to take our son and, with the help of family, we make it work. As

you can imagine, it does not pay much ($3.35/hour and then tips). I hate this arrangement, and I have not been working there long enough to see the benefits of having two jobs but I keep thinking that if I just keep at it then maybe we can get caught up and maybe even save enough money to pay the mortgage when I go on maternity leave in October. This is a long shot.

If gas prices (among other things) were lower it would help alleviate some of the strain on our family. The cost of food has gone up, though, too. If both of those things could be what they were, I may not have to work two jobs never seeing my husband and worrying about if I am going to do something bad to my unborn child by driving my body so hard. Even if it were only gas that went down, we might be able to swing it with just one job once we get caught up. Anything would help us at this point. I work any odd jobs I can find in addition my others. I went and counted votes when the elections took place in May and I made $40, not much but it adds up if you save it! I know we are not as bad off as a lot of other people but we are not doing as well as we let people think either. Who wants to tell their friends and family that they are on the verge of losing everything? We are walking a tight scary line and if we fall off we are screwed. We just keep praying and working hard and so far God has not let us down. I know he will not but I do not know what his definition of ok is either. Maybe you could be the blessing we have been praying for, a small piece of a very big problem but like I said even a little bit can help a lot.

Thank you for your time,

KRISTI, *Boise.*

I travel about 20 miles each direction to work. It is really hurting me financially to continue paying these gas prices, but what am I to do? Quit my job? Try to sell my house so I can move closer to work? At this time I am going to continue to commute and reluctantly put my trust in my government to fix the problem. I am very skeptical that you folks will do anything about it because it seems like the government is more concerned about investigating professional sports and finger pointing about who is to blame for our nation's problems. As a citizen of Idaho and of the United States of America, I can tell you that I really do not care if our nation's problems are a result of Democrats, Republicans, or President Bush. Somebody has to act like a responsible adult, and the American public is waiting to see if our leaders are going to help us. Do you know what it is like to go to the gas station and see the dollar amount on the pump scroll so fast that your head spins?

My idea to alleviate our oil problems is to drill in the United States in those areas we know to contain oil. Why not? Who are we saving it for? How many jobs would be created if we were to drill on our own soil? Do not you think that creation of those jobs just might help our economy, as well as diminish our reliance on foreign countries for oil?

I appreciate the opportunity to share my story and ideas. Thank you, Senator Crapo. You seem to be the one that is stepping up.

MARK, *Nampa.*

In response to your email letter I would like to say that this country must do all of the things you mentioned such as developing our domestic oil and refining capacity; nuclear energy; clean coal; wind; solar; hydroelectric and hamsters on spinning wheels if that is what it takes. However, in order to realistically achieve these goals we must first deal with those forces that have been the stumbling block for many years; the environmentalists and their lackeys.

Now is the time to expose these people and their extremist hand-wringing positions for what they are. No reasonable person wants to pollute the air and/or water, but observe the ''sky is falling'' mentality when the Alaska pipeline was proposed. Every conceivable environmental catastrophe was predicted by the environmental lobby. Unfortunately for them, none of it happened. In fact, wildlife flourished after the pipeline went in and there has been no environmental degradation. The time is right to put on the fore court press against these people. Do it; do it today; and do it boldly and courageously. I look forward to reading the headlines in the newspaper to the affect ''Senator Crapo shouts the truth from the Capitol Rotunda''.

MIKE, *Coeur d'Alene.*

Finally a politician that is listening to the people. Now I know why I voted for you. The first few emails on this site are far more astute in presenting their views than I, but I think we should finally ignore the environmentalists and drill ASAP. The very act of starting to drill would probably bring down oil prices. Thanks for listening to your citizens in Idaho.

AUDEANE COX.

My initial reaction to the request for response was that it would be a waste of time. I am very frustrated with the ineffectiveness of Congress. The [partisan] in-fighting seems to be more important than the welfare of the Nation. I wish I could believe that the Senator would actually see/read the responses sent to him instead of just a compilation of data, but I do not.

In response to your request: One solution to saving gas, which would only be a small savings per vehicle but huge nationwide, would be to better manage the stoplights in every town and city. During the times of day and/or at locations where there is light traffic, the stoplights could be set such that the busiest street would get a flashing yellow caution signal and the minor street would have a flashing red stop/go signal. Each intersection would have to be evaluated separately for peak loads versus times of day. The largest impact would be during the night time hours. Not only would this save gas, it would save wear and tear on the vehicles—especially the brakes. Major intersections should be unaffected, day or night. What I have suggested would have a minimal cost—only manpower, to re-set the timers in the control boxes. Another possibility, which would be costly, would be to change-out the stoplight controllers to the type that senses traffic and only change the signal as needed. But either way, having to sit at a red light when there is zero cross traffic is foolish, especially when there is an easy solution.

A second topic that is energy-related is the ethanol craze. Too many people are getting too caught-up in the ''green'' philosophy, and not enough people are looking at the real costs of what they are promoting. You are taking food off of people's tables just to put it into fuel tanks. It costs every bit as much to process corn into gas as crude costs, there is no savings at the pump and the price of food at the grocer's is skyrocketing. This is a joke at this time! If the use of wheat straw, corn stalks, hay, etc. (i.e. by-products), for ethanol production can be perfected, then you would have something worthwhile.

Further, the request also asked for a brief statement as to how the energy problem was affecting people. I am somewhat past the age that I expected/wanted to retire. But with the problems with the stock market, banking, mortgages, inflation (principally due to energy policies—or lack of same), etc., I am reluctant to go into retirement. Congress could help many retirees if they would rescind the income tax on Social Security. One of the assurances when Social Security was implemented was that it would not be taxed.

DON.

I thank you for the opportunity to share my thoughts. Next to the air we breathe and the water we drink, energy is tied to everything in life we do. Our entire economy is centered on affordable energy. As energy increases in cost (far too fast to be able to adjust to) everything else does as well since it is energy that is used for production, delivery, and services. As a nation, we cannot be held hostage to a dependency on other countries who hold major energy reserves that they are willing to exploit and yet keep the majority of their citizens uneducated and living in the stone ages. These foreign energy-controlling countries know that the American way of life and our infrastructure and economy is based on energy and will continue to use energy to gain control over our domestic and foreign politics. We as Americans must not allow ourselves to be dependent on foreign energy sources and not allow ourselves to be held hostage by domestic legal blocks by certain environmental groups who wish to prevent our country from being able to explore and produce our own energy sources. What we need to be able to do is take a step back to the early 60s where John Kennedy was able to spur on an all out effort to put a man on the moon by the end of the decade. We need to approve a measure to take emergency action now to start utilizing our own resources of energy to shift away from foreign dependence and at the same time take major efforts to promote expansion and creation of other resources as alternatives and how to make a gallon of gas go much farther than it does today. We need to stop blocking nuclear power plant creations with years of legal/environmental suits, push for the development of affordable efficient battery cells for electric vehicle conversion. For roughly $5,000 a small car or truck can be converted to use DC electric but current lead acid cells do not hold enough charge for reasonable distance (limited to approximately 40 miles mile per charge) and are limited to lower speeds of 35–45 mph, making impractical for interstate or longer commutes, and lead acid batteries will only handle a limited number of charge and discharge cycles before needing replacement. I am all for and encourage wind and solar alternatives as well. These alternatives need to be backed and supported by state and federal incentives (tax credits to offset some of the costs) to encourage resident and business use and promote demand so that production costs can be reduced. Prizes have been offered privately to developed space vehicles that can takes passengers on joy rides to the edge of space. Our government should be doing the same to encourage development of alternative energy. From a constituent viewpoint, congress and our countries executive administration have been ignoring for too long developing these alternatives. We should have learned from the 1970s implied shortage of oil and effects it had on our economy, but as soon as cheap oil was dumped on the market we became happy and no efforts

have been made to move away from foreign dependence on oil. We as a country did this to ourselves and now have to act immediately to solve our energy issues. This was probably more then you were asking for. How I am personally affected by high fuel prices is no different than others. I cannot afford to fly my aircrafts as often as I use to, or drive to my cabin in Garden Valley as often as I like. The pump is painful and it has impacted my desire to make larger purchases. I am remodeling my home instead of looking to move to a new one. If I were to buy new where I would like to buy to have a large home or lot, it would increase my commute and commute expenses. We eat out less and as people who love to travel, we have three time shares that are going to waste because of the rising cost of airfare. So far we can still feed ourselves but as large company expenses for energy goes up, cut backs will be made in other areas such as employee salary and head count. So rising fuel costs is going to be felt everywhere and on everything.

MICHAEL, *Meridian.*

The question seems to be whether or not the United States needs to drill for our own oil. That seems a no brainer to me. I believe we depend on other countries far too much as it is. It is time we started developing our own method of providing energy without the use of foreign oil. There seems to be an argument that drilling our own oil will not help in the short term. That may be right, but we need to start now so that this development can get underway for the future. If not now, when? We are a nation founded on the principal that we can take care of ourselves and do not need others to make our country self-reliant and strong. The time is now to start to drill for our own oil and if need be to build more refineries to develop it into usable forms. I truly believe if our country does not start taking care of its own energy resources, we will be putting ourselves in jeopardy as a strong independent nation.

Personally, I will have enough gas to get to work and back. However, I will no longer have enough to go visit my 3-week-old grandson and my other family who live 200 miles away. I teach school and even though I am at the top of the pay scale I have to live on a very tight budget. I am waiting to see how this gas increase affects the amount of money I have left to eat on. I am afraid the old adage, ''To rob Peter to pay Paul'', will be in use shortly. My whole family helps each other financially. I help my son who has a hard time finding a job that pays more than minimum wage. My sisters help their children who also have minimum wage-paying jobs and our parents help all of us. Now that these prices are so high, we will not be able to help each other and who knows what will happen. One of my sisters and I do not even own our own homes, so we do not have the equity of a home to rely on.

There are many other issues I feel strongly about; demanding countries pay us the money they have borrowed, equal taxation for all Americans, minimum wages, the war in Iraq, etc, but those are issues for other communications

Thanks for asking for our input. I hope this input helps convince legislators that we had better start taking care of our middle and lower classes if this nation is to once again be strong, self-reliant, and independent.

KATHY, *Nampa.*

There are six of us living in our house. The recent hike in electrical which may go up again due to the high price of fuel. It has strapped us big time. We are not keeping up as we once were because my wages aren't going up to compensate for price hikes in food, and services besides the fuel hikes.

I have been vague about actual numbers because of our privacy, but it is still none the less true about not being able to keep up due to everything going up along with the fuel prices, and not the wages. I really do not like government getting involved in this too much. What can we really do as a people to reduce this or better yet stop it?

JIM.

TRIBUTE TO ROBERT AND VIRGINIA HOWRIGAN

Mr. LEAHY. Mr. President, tomorrow marks the 60th wedding anniversary of Richard and Virginia Howrigan. I am happy to have the opportunity to congratulate my good friends who have given so much to the State of Vermont.

The Howrigans are one of the best-known families in Franklin County; their family name has been synonymous with successful and conscientious dairy farming for decades. Marcelle and I value our friendship with them.

Over the course of the past 60 years, Robert and Virginia have worked and grown together. They are wonderful parents, hard workers, and have always remained true to their faith.

Mr. President, I ask unanimous consent to have an excerpt from a February 8, 2009, Burlington Free Press article honoring the Howrigans printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Feb. 8, 2009]

COUPLES SHARE SECRETS OF LOVE, MARRIAGE

(By Sally Pollack)

Flowers, chocolates and candlelight dinners mark Valentine's Day. But what marks marriage, day after day, year by year, decade upon decade? The Burlington Free Press asked four couples who together have been married a combined 240 years what it takes to make a marriage work. We'll let the pros do the talking:

VIRGINIA AND ROBERT HOWRIGAN, FAIRFIELD, 60 YEARS

Virginia and Robert Howrigan will celebrate their 60th anniversary Thursday. They are retired farmers who live in Fairfield. The couple worked together on their dairy farm and raised nine children.

Robert Howrigan will turn 90 in May; Virginia is 80. They met at a soda fountain in a St. Albans drugstore, where Virginia scooped ice cream. For the Howrigans, who were married on Lincoln's birthday, Valentine's Day was never a significant event. ''Mostly we remember Lincoln,'' Virginia said.

Robert milked cows the morning the couple were married at a church in St. Albans. The work went on and on: The Howrigans stopped doing farm chores four years ago. Tolerance, patience and perseverance are central to the marriage's longevity, Virginia said.

''You make the best of what you have and keep going,'' Virginia said. ''You get up in the morning and go with the flow. You know what you've got to do. You don't have to look around for work. There's plenty of it everywhere.'' Robert and Virginia and their children ate all their meals together. Together, the couple talked everything over.

''We were able to keep family together,'' she said. ''All our decisions were joint. We do our bills together.'' Robert said two things form the cornerstone of his 60-year marriage: Love and understanding.

ADDITIONAL STATEMENTS

REMEMBERING MILLARD FULLER

● Mr. MERKLEY. Mr. President, this week, Millard Fuller, cofounder of Habitat for Humanity, passed away. Millard Fuller dedicated his life to helping families fulfill the dream of homeownership. Fuller was a selfless entrepreneur who left his fruitful career to start a nonprofit organization that used no-interest loans and ''sweat equity'' to give low income families the chance to own their own homes. I can tell you from firsthand experience that Fuller made a huge difference in the lives of thousands of American families.

Millard Fuller's efforts didn't stop at our national borders. Indeed, Habitat for Humanity builds homes in partnership with homeowners in virtually every country on the planet.

Fifteen years ago, I was the executive director for Habitat for Humanity in Portland, OR. Helping build homes for those who couldn't otherwise afford them provides stability and gives families confidence.

I saw in the faces of the Habitat family members how much it meant to own their own homes. These homes were also important to the children. I remember one family with two young daughters who were so excited to be able to have their friends over for the very first time in their lives.

Millard Fuller will be missed, but his legacy and organization will live on. I know that I join hundreds of thousands of families in being so appreciative for everything Fuller has done for so many hardworking Americans and for our country.●

HONORING BANGOR FLORAL COMPANY

● Ms. SNOWE. Mr. President, this Saturday, we celebrate Valentine's Day, when couples across the world take a moment to slow down and show each other their appreciation and love. Along with ''Be My Valentine'' cards and boxes of chocolate, one of the symbols most connected with this special day is a beautiful bouquet of red roses. With that in mind, I rise to recognize a small florist in my home State of Maine that continually provides customers with quality flowers and gifts—and at this time of year, makes Valentine's Day a sweet event.

Bangor Floral Company, founded in 1925, is a historic floral shop located in downtown Bangor. Housed in a converted, turn-of-the-century church, Bangor Floral prides itself on fresh flowers, creative arrangements, and responsive customer service. From red and pastel roses, to bright lilies, chrysanthemums, and snapdragons, Bangor Floral expertly prepares beautiful bouquets for any occasion. Bangor Floral also organizes a variety of fresh fruit baskets and gift baskets that include cookies, candies, stuffed animals, and balloons. To keep his flowers fresh, Phil Frederick, owner of Bangor Floral Company, purchases his flowers locally whenever possible, and does not pass any additional costs onto the customer. Mr. Frederick, a third generation florist, also offers his clients a 50 percent discount off all cut flowers from 4 p.m. to 5 p.m. each afternoon, fashioning this sale a ''happy hour.''

Around Valentine's Day, Mr. Frederick engages in a creative and humorous television and radio advertising campaign for his flowers that residents from across the region will recognize. In his television ad, Mr. Frederick dresses as a doctor and carries a stethoscope, calling himself ''Doctor Valentine.'' The popular ad has run in the Bangor area for several years, bringing smiles to the faces of his customers and increasing Mr. Frederick's sales.

Mr. Frederick is also very committed to the local community. A member of the Bangor Rotary Club, Mr. Frederick gives flowers to fellow Rotarians for their birthdays. He also donates flowers to various organizations across Bangor for fundraising purposes. Mr. Frederick is currently president of the Husson Alumni Board, as well as a board member of the Oncology Support Foundation, which provides resources and information to cancer patients and their families throughout Maine. The latter is a cause near and dear to Mr. Frederick, who is a cancer survivor himself. Additionally, the Bangor Rotary Club has honored Mr. Frederick by naming him a Paul Harris Fellow, as someone who has truly exhibited the creed of ''service above self'' in his everyday life.

In the era of online and telephone-based florists, Bangor Floral Company allows customers the opportunity to see and discuss the proper arrangement, and to truly ''smell the roses.'' My sincerest thanks to Phil Frederick for all of his generous efforts, and my best wishes to everyone at Bangor Floral for a pleasant Valentine's season and a successful year.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 632. An act to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

H.R. 908. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 41. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House: Mr. OBEY, Mr. RANGEL, Mr. WAXMAN, Mr. LEWIS of California, and Mr. CAMP of Michigan.

At 4:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 47. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 11. To amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 632. An act to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes; to the Committee on the Judiciary.

H.R. 908. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–683. A communication from the Director of the Legislative Affairs Division, Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Regional Equity'' (RIN0578–AA44) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–684. A communication from the Director of the Legislative Affairs Division, Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Technical Service Provider Assistance'' (RIN0578–AA48) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–685. A communication from the Director of the Legislative Affairs Division, Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''State Technical Committees'' (RIN0578–AA51) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–686. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''HUD Office of Hearings and Appeals; Conforming Changes To Reflect Office Address and Staff Title Changes, and Notification of Retention of Chief Administrative Law Judge'' (RIN2501–AD46) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–687. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Interactive Data to Improve Financial Reporting'' (RIN3235–AJ71) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–688. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of

a rule entitled ''Rules of Practice'' (16 CFR Parts 3 and 4) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–689. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Revised Jurisdictional Thresholds for Section 8 of the Clayton Act'', received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–690. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Revised Jurisdictional Thresholds for Section 7A of the Clayton Act'', received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–691. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Charges For Certain Disclosures'', received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–692. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Federal Civil Penalties Inflation Adjustment Act'' (16 CFR Part 1) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–693. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Basin, Wyoming'' (MB Docket No. 08-43) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–694. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Danville, Kentucky'' (MM Docket No. 08-104) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–695. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Montgomery, Alabama'' (MB Docket No. 08-230) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–696. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments'' ((Docket No. 30645)(Amendment No. 3302)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–697. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Miscellaneous Cargo Tank Motor Vehicle and Cylinder Issues; Petitions for Rulemaking'' (RIN2137–AE23) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–698. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Alamosa, CO'' ((Docket No. FAA–2008–0982)(Airspace Docket No. 08–ANM–6)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–699. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Lycoming Engines IO, (L)IO, TIO, (L)TIO, AEIO, AIO, IGO, IVO, and HIO Series Reciprocating Engines, Teledyne Continental Motors (TCM) LTSIO–360–RB and TSIO–360–RB Reciprocating Engines, and Superior Air Parts, Inc. IO-360 Series Reciprocating Engines with certain Precision Airmotive LLC RSA–5 and RSA–10 Series, and Bendix RSA–5 and RSA–10 Series, Fuel Injection Servos'' ((RIN2120–AA64)(Docket No. FAA–2008–0420)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–700. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800 and –900 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA2007–28283)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–701. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Arriel 2B and 2B1 Turboshaft Engines'' ((RIN2120–AA64)(Docket No. FAA–2008–0935)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–702. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) and Model CL–600–2D24 (Regional Jet Series 900) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0540)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–703. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0558)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–704. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Polskie Zaklady Lotnicze Spolka zo.o Model PZL M26 01 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0010)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) Airplanes; CL–600–2D15 (Regional Jet Series 705) Airplanes; and CL–600–2D24 (Regional Jet Series 900) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0625)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–706. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–1083)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–707. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including 3 regulations beginning with USCG–2008–0100)'' (RIN1625–AA09) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–708. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Potomac and Anacostia Rivers, Washington, DC, Arlington and Fairfax Counties, VA, and Prince George's County, MD'' ((RIN1625–AA87)(Docket No. USCG–2008–1001)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–709. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Anchorage Area ''A'', Boston Harbor, MA'' ((RIN1625–AA01)(Docket No. USCG–2008–0497)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–710. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations (including 2 regulations beginning with USCG–2008–0984)'' (RIN1625–AA00) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–711. A communication from the Attorney Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Steam Generator Transit, Captain of the Port Zone San Diego; San Diego, California'' ((RIN1625–AA87)(Docket No. USCG–2008–1236)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–712. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Tank Level or Pressure Monitoring Devices on Single-Hull Tank Ships and Single-Hull Tank Barges Carrying Oil or Oil Residue as Cargo'' ((RIN1625–AB12)(Docket No. USCG–2001–9046)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–713. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations (including 2 regulations beginning with USCG–2008–1081)'' (RIN1625–AA00) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–714. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Willamette River, Portland, OR, Schedule Change'' ((RIN1625–AA09)(Docket No. USCG–2008–0721)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–715. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil'' ((RIN1625–AA19)(Docket No. USCG–1998–3417)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–716. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the progress of the Comprehensive Plan report on the Mississippi Coastal Improvements Program; to the Committee on Environment and Public Works.

EC–717. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the progress of the report on Louisiana Coastal Protection and Restoration; to the Committee on Environment and Public Works.

EC–718. A communication from the Acting Chief of Recovery and Delisting, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Reinstatement of Protections for the Gray Wolf in the Western Great Lakes and Northern Rocky Mountains in Compliance with Court Orders'' (RIN1018–AW35) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Environment and Public Works.

EC–719. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Reticulated Flatwoods Salamander; Designation of Critical Habitat for Frosted Flatwoods Salamander and Reticulated Flatwoods Salamander'' (RIN1018–AU85) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Environment and Public Works.

EC–720. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the interdiction of aircraft engaged in illicit drug trafficking; to the Committee on Foreign Relations.

EC–721. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2008, through September 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–722. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–663, ''Real Property Tax Benefits Revision Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–723. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–664, ''Emergency Care for Sexual Assault Victims Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–724. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–665, ''Grocery Store Sidewalk Cafe in the Public Space Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–725. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–666, ''Eckington One Residential Project Economic Development Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–726. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–667, ''Approval of the Verizon Washington, DC Inc. Cable Television System Franchise Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–727. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–668, ''Mortgage Lender and Broker Temporary Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–728. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–685, ''Walker Jones/Northwest One Unity Health Center Tax Abatement Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–729. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–686, ''Bicycle Safety Enhancement Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–730. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–687, ''Technical Amendments Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–731. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–688, ''Conversion Fee Clarification and Technical Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–732. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–689, ''St. Martin's Apartments Tax Exemption Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–733. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–690, ''Inoperable Pistol Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–734. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–691, ''Emergency Medical Services Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–735. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–692, ''Domestic Partnership Police and Fire Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–736. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–693, ''Gateway Market Center and Residences Real Property Tax Exemption Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–737. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–694, ''Equitable Street Time Credit Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–738. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–695, ''Limitation on Borrowing and Establishment of the Operating Cash Reserve Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–739. A communication from the Chairman, Council of the District of Columbia,

transmitting, pursuant to law, a report on D.C. Act 17–696, ''Alcoholic Beverage Enforcement Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–740. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–697, ''Office of Public Education Facilities Modernization Clarification Temporary Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–741. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–698, ''AED Installation for Safe Recreation and Exercise Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–742. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–699, ''Housing Waiting List Elimination Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–743. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–700, ''Housing Production Trust Fund Stabilization Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–744. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–701, ''Housing Regulation Administration Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–745. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–702, ''Timely Transmission of Compensation Agreements Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–746. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–703, ''Intrafamily Offenses Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–747. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–704, ''Medical Insurance Empowerment Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–748. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–705, ''Water and Sewer Authority Equitable Ratemaking Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–749. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–706, ''Comprehensive Stormwater Management Enhancement Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–750. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–707, ''Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc. Real Property Tax Relief Temporary Act of 2009'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–751. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''2007 Annual Report of the National Institute of Justice''; to the Committee on the Judiciary.

EC–752. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Reporting Contributions Bundled by Lobbyists, Registrants and the PACs of Lobbyists and Registrants'' (Notice 2009–03) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Rules and Administration.

EC–753. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Escorted Vessels in Captain of the Port Zone Jacksonville, Florida'' ((RIN1625–AA87)(Docket No. USCG–2008–0203)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 31. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. Res. 32. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. Res. 33. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN, from the Select Committee on Intelligence, without amendment:

S. Res. 34. An original resolution authorizing expenditures by the Select Committee on Intelligence.

By Mr. REID (for Mr. KENNEDY), from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. Res. 36. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 234. A bill to designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the ''Colonel John H. Wilson, Jr. Post Office Building''.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

*Austan Dean Goolsbee, of Illinois, to be a Member of the Council of Economic Advisers.

*Cecilia Elena Rouse, of California, to be Member of the Council of Economic Advisers.

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Hilda L. Solis, of California, to be Secretary of Labor.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*Leon E. Panetta, of California, to be Director of the Central Intelligence Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KYL (for himself and Mr. MCCAIN):

S. 409. A bill to secure Federal ownership and management of significant natural, scenic, and recreational resources, to provide for the protection of cultural resources, to facilitate the efficient extraction of mineral resources by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself, Ms. COLLINS, Mr. CASEY, Mr. BAYH, Mr. JOHNSON, Ms. LANDRIEU, Mr. ROCKEFELLER, Ms. SNOWE, Mr. KERRY, and Ms. STABENOW):

S. 410. A bill to amend part E of title IV of the Social Security Act to ensure States follow best policies and practices for supporting and retaining foster parents and to require the Secretary of Health and Human Services to award grants to States to improve the empowerment, leadership, support, training, recruitment, and retention of foster care, kinship care, and adoptive parents; to the Committee on Finance.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 411. A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the City of St. George, Utah for airport purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 412. A bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BURR (for himself and Mr. BINGAMAN):

S. 413. A bill to establish a grant program to improve high school graduation rates and prepare students for college and work; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Mr. LEVIN, Mr. MENENDEZ, Mr. REED, Mr. AKAKA, Mr. SCHUMER, Mr. TESTER, Mr. BROWN, Mr. MERKLEY, Mr. KERRY, Mr. LEAHY, Mr. DURBIN, Mr. HARKIN, Mrs. MCCASKILL, Mr. WHITEHOUSE, and Mr. CASEY):

S. 414. A bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN:

S. 415. A bill for the relief of Maha Dakar; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. CARDIN, Mr. CASEY, Mr. DURBIN, Mr. FEINGOLD, Mr. KENNEDY, Ms. MIKULSKI, Mr. MENENDEZ, Mr. MERKLEY, Mr. SANDERS, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 416. A bill to limit the use of cluster munitions; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. FEINGOLD, Mr. WHITEHOUSE, and Mrs. MCCASKILL):

S. 417. A bill to enact a safe, fair, and responsible state secrets privilege Act; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Mr. HATCH):

S. 418. A bill to require secondary metal recycling agents to keep records of their transactions in order to deter individuals and enterprises engaged in the theft and interstate sale of stolen secondary metal, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BINGAMAN:

S. Res. 31. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. LIEBERMAN:

S. Res. 32. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs; from the Committee on Homeland Security and Governmental Affairs; to the Committee on Rules and Administration.

By Mr. AKAKA:

S. Res. 33. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mrs. FEINSTEIN:

S. Res. 34. An original resolution authorizing expenditures by the Select Committee on Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. Res. 35. A resolution honoring Miami University for its 200 years of commitment to public higher education; considered and agreed to.

By Mr. REID (for Mr. KENNEDY):

S. Res. 36. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions; from the Committee on Health, Education, Labor, and Pensions; to the Committee on Rules and Administration.

By Mr. LAUTENBERG:

S. Res. 37. A bill calling on officials of the Government of Brazil and the federal courts of Brazil to comply with the requirements of the Convention on the Civil Aspects of International Child Abduction and to assist in the safe return of Sean Goldman to his father, David Goldman; to the Committee on Foreign Relations.

By Ms. STABENOW (for herself, Ms. MIKULSKI, Mrs. MURRAY, and Mr. SANDERS):

S. Con. Res. 6. A concurrent resolution expressing the sense of Congress that national health care reform should ensure that the health care needs of women and of all individuals in the United States are met; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. DEMINT, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 34, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 160

At the request of Mr. LIEBERMAN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 211

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 298

At the request of Mr. ISAKSON, the names of the Senator from Florida (Mr. NELSON) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 298, a bill to establish a Financial Markets Commission, and for other purposes.

S. 331

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 331, a bill to increase the number of Federal law enforcement officials investigating and prosecuting financial fraud.

S. 371

At the request of Mr. THUNE, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 371, a bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

S. 374

At the request of Mr. DEMINT, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), the Senator from Idaho (Mr. CRAPO) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 374, a bill to amend the Consumer Product Safety Act to provide regulatory relief to small and family-owned businesses.

S. 405

At the request of Mr. LEAHY, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 405, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S.J. RES. 1

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL (for himself and Mr. MCCAIN):

S. 409. A bill to secure Federal ownership and management of significant natural, scenic, and recreational resources, to provide for the protection of cultural resources, to facilitate the efficient extraction of mineral resources by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Southeast Arizona Land Exchange and Conservation Act of 2009''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to authorize, direct, facilitate, and expedite the conveyance and exchange of land between the United States and Resolution Copper;

(2) to provide for the permanent protection of cultural resources and uses of the Apache Leap escarpment located near the town of Superior, Arizona; and

(3) to secure Federal ownership and protection of land with significant natural, scenic, recreational, water, riparian, cultural and other resources.

SEC. 3. DEFINITIONS.

In this Act:

(1) APACHE LEAP.—The term ''Apache Leap'' means the approximately 822 acres of land (including the approximately 110 acres of land of Resolution Copper described in section 4(c)(1)(G)), as depicted on the map entitled ''Apache Leap'' and dated January 2009.

(2) FEDERAL LAND.—The term ''Federal land'' means the approximately 2,406 acres of land located in Pinal County, Arizona, depicted on the map entitled ''Southeast Arizona Land Exchange and Conservation Act of 2009–Federal Parcel–Oak Flat'' and dated January 2009.

(3) NON-FEDERAL LAND.—The term ''non-Federal land'' means each parcel of land described in section 4(c).

(4) OAK FLAT CAMPGROUND.—The term ''Oak Flat Campground'' means the campground that is—

(A) comprised of approximately 16 developed campsites and adjacent acreage at a total of approximately 50 acres; and

(B) depicted on the map entitled ''Oak Flat Campground'' and dated January 2009.

(5) OAK FLAT WITHDRAWAL AREA.—The term ''Oak Flat Withdrawal Area'' means the approximately 760 acres of land depicted on the map entitled ''Oak Flat Withdrawal Area'' and dated January 2009.

(6) RESOLUTION COPPER.—The term ''Resolution Copper'' means—

(A) Resolution Copper Mining, LLC, a Delaware limited liability company; and

(B) any successor, assign, affiliate, member, or joint venturer of Resolution Copper Mining, LLC.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(8) SECRETARY CONCERNED.—The term ''Secretary concerned'' means the Secretary of Agriculture or the Secretary of the Interior, as applicable.

(9) TOWN.—The term ''Town'' means the Town of Superior, Arizona, an incorporated municipality.

SEC. 4. LAND CONVEYANCES AND EXCHANGES.

(a) PURPOSES.—The purposes of the land conveyances and exchanges under this section are—

(1) to secure Federal ownership and protection of significant natural, scenic, and recreational resources; and

(2) to facilitate efficient extraction of mineral resources.

(b) OFFER BY RESOLUTION COPPER.—

(1) IN GENERAL.—Subject to section 9(b)(1), if Resolution Copper submits to the Secretary of Agriculture a written offer, in accordance with paragraph (2), to convey to the United States all right, title, and interest of Resolution Copper in and to the non-Federal land, the Secretary shall—

(A) accept the offer; and

(B) convey to Resolution Copper all right, title, and interest of the United States in and to the Federal land, subject to—

(i) section 10(c); and

(ii) any valid existing right or title reservation, easement, or other exception required by law or agreed to by the Secretary concerned and Resolution Copper.

(2) REQUIREMENTS.—Title to any non-Federal land conveyed by Resolution Copper to the United States under paragraph (1) shall—

(A) be in a form that is acceptable to the Secretary concerned; and

(B) conform to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

(c) RESOLUTION COPPER LAND EXCHANGE.—On receipt of title to the Federal land under subsection (b)(1)(B), Resolution Copper shall simultaneously convey—

(1) to the Secretary of Agriculture, all right, title, and interest that the Secretary determines to be acceptable in and to—

(A) the approximately 147 acres of land located in Gila County, Arizona, depicted on the map entitled ''Southeast Arizona Land Exchange and Conservation Act of 2009–Non-Federal Parcel–Turkey Creek'' and dated January 2009;

(B) the approximately 148 acres of land located in Yavapai County Arizona, depicted on the map entitled ''Southeast Arizona Land Exchange and Conservation Act of 2009–Non-Federal Parcel–Tangle Creek'' and dated January 2009;

(C) the approximately 149 acres of land located in Maricopa County, Arizona, depicted on the map entitled ''Southeast Arizona Land Exchange and Conservation Act of 2009–Non-Federal Parcel–Cave Creek'' and dated January 2009;

(D) the approximately 88 acres of land located in Pinal County, Arizona, depicted on the map entitled ''Southeast Arizona Land Exchange and Conservation Act of 2009–Non-Federal Parcel–J-I Ranch'' and dated January 2009;

(E) the approximately 640 acres of land located in Coconino County, Arizona, depicted on the map entitled ''Southeast Arizona Land Exchange and Conservation Act of 2009–Non-Federal Parcel–East Clear Creek'' and dated January 2009;

(F) the approximately 95 acres of land located in Pinal County, Arizona, depicted on the map entitled ''Southeast Arizona Land Exchange and Conservation Act of 2009–Non-Federal Parcel–The Pond'' and dated January 2009; and

(G) subject to the retained rights under subsection (d)(2), the approximately 110 acres of land located in Pinal County, Arizona, depicted on the map entitled ''Southeast Arizona Land Exchange and Conservation Act of 2009–Non-Federal Parcel–Apache Leap South End'' and dated January 2009; and

(2) to the Secretary of the Interior, all right, title, and interest that the Secretary of the Interior determines to be acceptable in and to—

(A) the approximately 3,073 acres of land located in Pinal County, Arizona, depicted on the map entitled ''Southeast Arizona Land Exchange and Conservation Act of 2009–Non-Federal Parcel–Lower San Pedro River'' and dated January 2009;

(B) the approximately 160 acres of land located in Gila and Pinal Counties, Arizona, depicted on the map entitled ''Southeast Arizona Land Exchange and Conservation Act of 2009–Non-Federal Parcel–Dripping Springs'' and dated January 2009; and

(C) the approximately 956 acres of land located in Santa Cruz County, Arizona, depicted on the map entitled ''Southeast Arizona Land Exchange and Conservation Act of 2009–Non-Federal Parcel–Appleton Ranch'' and dated January 2009.

(d) ADDITIONAL CONSIDERATION TO UNITED STATES.—

(1) SURRENDER OF RIGHTS.—Subject to paragraph (2), in addition to the non-Federal land to be conveyed to the United States under subsection (c), and as a condition of the land exchange under this section, Resolution Copper shall surrender to the United States, without compensation, the rights held by Resolution Copper under mining and other laws of the United States—

(A) to commercially extract minerals under—

(i) Apache Leap; or

(ii) the parcel identified in subsection (c)(1)(F); and

(B) to disturb the surface of Apache Leap, except with respect to such fences, signs, monitoring wells, and other devices, instruments, or improvements as are necessary to monitor the public health and safety or achieve other appropriate administrative purposes, as determined by the Secretary, in consultation with Resolution Copper.

(2) EXPLORATION ACTIVITIES.—Nothing in this Act prohibits Resolution Copper from using any existing mining claim held by Resolution Copper on Apache Leap, or from retaining any right held by Resolution Copper to the parcel described in subsection (c)(1)(G), to carry out any underground activities under Apache Leap in a manner that the Secretary determines will not adversely impact the surface of Apache Leap (including drilling or locating any tunnels, shafts, or other facilities relating to mining, monitoring, or collecting geological or hydrological information) that do not involve commercial mineral extraction under Apache Leap.

(e) USE OF EQUALIZATION PAYMENT.—

(1) PAYMENT.—Resolution Copper shall pay into the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)) (or any successor account) any cash equalization funds owed by Resolution Copper to the United States under section 7(b)(1), to remain available until expended, without further appropriation, to the Secretary and the Secretary of the Interior, as the Secretaries jointly determine to be appropriate, for—

(A) the acquisition from willing sellers of land or interests in land within the hydrographic boundary of the San Pedro River and tributaries in the State of Arizona; and

(B) the management and protection of endangered species and other sensitive environmental values and land within the San Pedro Riparian National Conservation Area established by section 101(a) of the Arizona-Idaho Conservation Act of 1988 (16 U.S.C. 460xx(a)) (including any additions to the area), including management under any cooperative management agreement entered into by the Secretary of the Interior and a State or local agency under section 103(c) of that Act (16 U.S.C. 460xx–2(c)).

(2) PERIOD OF USE.—To the maximum extent feasible, the amount paid into the Federal Land Disposal Account by Resolution Copper under paragraph (1) shall be used by the Secretary and the Secretary of the Interior during the 2-year period beginning on the date of payment.

(3) COOPERATIVE MANAGEMENT AGREEMENTS.—The Secretary of the Interior may enter into such cooperative management agreements with qualified organizations (as defined in section 170(h) of the Internal Revenue Code of 1986) as the Secretary of the Interior determines to be appropriate to administer portions of the San Pedro Riparian National Conservation Area.

SEC. 5. TIMING AND PROCESSING OF EXCHANGE.

(a) SENSE OF CONGRESS REGARDING TIMING OF EXCHANGE.—It is the sense of Congress that the land exchange directed by section 4 should be consummated by not later than 1 year after the date of enactment of this Act.

(b) EXCHANGE PROCESSING.—Before the date of consummation of the exchange under section 4, the Secretary concerned shall complete any necessary land surveys and required preexchange clearances, reviews, mitigation activities, and approvals relating to—

(1) threatened or endangered species;

(2) cultural or historic resources;

(3) wetland or floodplains; or

(4) hazardous materials.

(c) POST-EXCHANGE PROCESSING.—Before commencing production in commercial quantities of any valuable mineral from the Federal land conveyed to Resolution Copper under section 4(b)(1)(B) (except for any such production from any exploration and mine development shafts, adits, and tunnels needed to determine feasibility and pilot plant testing of commercial production or to access the ore body and tailings deposition areas), the Secretary shall publish an environmental impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4322(2)(C)) regarding any Federal agency action carried out relating to the commercial production, including an analysis of the impacts of the production.

(d) OAK FLAT WITHDRAWAL AREA RESTRICTION.—

(1) MINERAL EXPLORATION.—To ensure the collection and consideration of adequate information to analyze possible commercial production of minerals by Resolution Copper from the Oak Flat Withdrawal Area, notwithstanding any other provision of law, Resolution Copper may carry out mineral exploration activities under the Oak Flat Withdrawal Area during the period beginning on the date of enactment of this Act and ending on the date of conveyance of the Oak Flat Withdrawal Area to Resolution Copper under section 4(b)(1)(B) by directional drilling or any other method that will not disturb the surface of the land.

(2) SENSE OF CONGRESS REGARDING PERMIT.—It is the sense of Congress that the Secretary should issue to Resolution Copper a permit to conduct appropriate directional drilling or other nonsurface-disturbing exploration in the Oak Flat Withdrawal Area as soon as practicable after the date of enactment of this Act.

(e) EXCHANGE AND POST-EXCHANGE COSTS.—In accordance with sections 254.4 and 254.7 of title 36, Code of Federal Regulations (or successor regulations), Resolution Copper shall assume responsibility for—

(1) hiring such contractors as are necessary for carrying out any exchange or conveyance of land under this Act; and

(2) paying, without compensation under section 254.7 of title 36, Code of Federal Regulations (or a successor regulation)—

(A) the costs of any appraisal relating to an exchange or conveyance under this Act, including any reasonable reimbursements to the Secretary on request of the Secretary for the cost of reviewing and approving an appraisal;

(B) the costs of any clearances, reviews, mitigation activities, and approvals under subsection (b), including any necessary land surveys conducted by the Bureau of Land Management Cadastral Survey program;

(C) the costs of achieving compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under subsection (c); and

(D) any other cost agreed to by Resolution Copper and the Secretary concerned.

(f) CONTRACTOR WORK AND APPROVALS.—

(1) IN GENERAL.—Any work relating to the exchange or conveyance of land under this Act that is performed by a contractor shall be subject to the mutual agreement of the Secretary concerned and Resolution Copper, including any agreement with respect to—

(A) the selection of the contractor; and

(B) the scope of work performed by the contractor.

(2) REVIEW AND APPROVAL.—Any required review and approval of work by a contractor shall be performed by the Secretary concerned, in accordance with applicable law (including regulations).

(3) LEAD ACTOR AGREEMENT.—The Secretary of Agriculture and the Secretary of the Interior may mutually agree to designate the Secretary of Agriculture as the lead actor for any action under this subsection.

SEC. 6. CONVEYANCE OF LAND TO TOWN.

(a) CONVEYANCE REQUIREMENTS.—

(1) IN GENERAL.—On receipt of a request from the Town described in paragraph (2), the Secretary shall convey to the Town each parcel requested.

(2) DESCRIPTION OF REQUEST.—A request referred to in paragraph (1) is a request by the Town—

(A) for the conveyance of 1 or more of the parcels identified in subsection (b); and

(B) that is submitted to the Secretary by not later than 90 days after the date of consummation of the land exchange under section 4.

(3) PRICE.—The Town shall pay to the Secretary a price equal to the market value of any land conveyed under this subsection, as appraised under section 7, less the amount of any credit under section 7(b)(3).

(b) IDENTIFICATION OF PARCELS.—The Town may request conveyance of any of—

(1) the approximately 30 acres of land located in Pinal County, Arizona, occupied on the date of enactment of this Act by the Fairview Cemetery and depicted on the map entitled ''Southeast Arizona Land Exchange and Conservation Act of 2009–Federal Parcel–Fairview Cemetery'' and dated January 2009;

(2) the reversionary interest, and any reserved mineral interest, of the United States in the approximately 265 acres of land located in Pinal County, Arizona, depicted on the map entitled ''Southeast Arizona Land Exchange and Conservation Act of 2009–Federal Reversionary Interest–Superior Airport'' and dated January 2009; and

(3) all or any portion of the approximately 250 acres of land located in Pinal County, Arizona, depicted on the map entitled ''Southeast Arizona Land Exchange and Conservation Act of 2009–Federal Parcel–Superior Airport Contiguous Parcels'' and dated January 2009.

(c) CONDITION OF CONVEYANCE.—A conveyance of land under this section shall be carried out in a manner that provides the United States manageable boundaries on any parcel retained by the Secretary, to the maximum extent practicable.

SEC. 7. VALUATION OF LAND EXCHANGED OR CONVEYED.

(a) EXCHANGE VALUATION.—

(1) IN GENERAL.—The value of the land to be exchanged under section 4 or conveyed to the Town under section 6 shall be determined by the Secretary through concurrent appraisals conducted in accordance with paragraph (2).

(2) APPRAISALS.—

(A) IN GENERAL.—An appraisal under this section shall be—

(i) performed by an appraiser mutually agreed to by the Secretary and Resolution Copper;

(ii) performed in accordance with—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions (Department of Justice, 5th Edition, December 20, 2000);

(II) the Uniform Standards of Professional Appraisal Practice; and

(III) Forest Service appraisal instructions; and

(iii) submitted to the Secretary for review and approval.

(B) REAPPRAISALS AND UPDATED APPRAISED VALUES.—After the final appraised value of a parcel is determined and approved under subparagraph (A), the Secretary shall not be required to reappraise or update the final appraised value—

(i) for a period of 3 years after the approval by the Secretary of the final appraised value under subparagraph (A)(iii); or

(ii) at all, in accordance with section 254.14 of title 36, Code of Federal Regulations (or a successor regulation), after an exchange agreement is entered into by Resolution Copper and the Secretary.

(C) PUBLIC REVIEW.—Before consummating the land exchange under section 4, the Secretary shall make available for public review a summary of the appraisals of the land to be exchanged.

(3) FAILURE TO AGREE.—If the Secretary and Resolution Copper fail to agree on the value of a parcel to be exchanged, the final value of the parcel shall be determined in accordance with section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)).

(4) FEDERAL LAND APPRAISAL.—

(A) IN GENERAL.—The Federal land shall be appraised in accordance with the standards and instructions referred to in paragraph (2)(A)(ii) and other applicable requirements of this section.

(B) TREATMENT AS UNENCUMBERED.—The value of the Federal land outside the Oak Flat Withdrawal Area shall be determined as if the land is unencumbered by any unpatented mining claims of Resolution Copper.

(C) EFFECT.—Nothing in this Act affects the validity of any unpatented mining claim or right of Resolution Copper.

(D) ADDITIONAL APPRAISAL INFORMATION.—To provide information necessary to calculate a value adjustment payment for purposes of section 12, the appraiser under this paragraph shall include in the appraisal report a detailed royalty income approach analysis, in accordance with the Uniform Appraisal Standards for Federal Land Acquisition, of the market value of the Federal land, even if the royalty income approach analysis is not the appraisal approach relied on by the appraiser to determine the final market value of the Federal land.

(b) EQUALIZATION OF VALUE.—

(1) SURPLUS OF FEDERAL LAND VALUE.—

(A) IN GENERAL.—If the final appraised value of the Federal land exceeds the value of the non-Federal land involved in the exchange under section 4, Resolution Copper shall make a cash equalization payment into the Federal Land Disposal Account (as provided in subsection (e)) to equalize the values of the Federal land and non-Federal land.

(B) AMOUNT OF PAYMENT.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the United States may accept a cash equalization payment under subparagraph (A) in

an amount that is greater than 25 percent of the value of the Federal land.

(2) SURPLUS OF NON-FEDERAL LAND VALUE.—If the final appraised value of the non-Federal land exceeds the value of the Federal land involved in the exchange under section 4—

(A) the United States shall not make a payment to Resolution Copper to equalize the values of the land; and

(B) the surplus value of the non-Federal land shall be considered to be a donation by Resolution Copper to the United States.

(3) PAYMENT FOR LAND CONVEYED TO TOWN.—

(A) IN GENERAL.—The Town shall pay the Secretary market value for any land acquired by the Town from the Secretary under section 6, as determined by the Secretary through an appraisal conducted in accordance with subsection (a)(2).

(B) CREDIT.—If the final appraised value of the non-Federal land exceeds the value of the Federal land in the exchange under section 4, the obligation of the Town to pay the United States under subparagraph (A) shall be reduced by an amount equal to the excess value of the non-Federal land conveyed to the United States.

(4) DISPOSITION AND USE OF PROCEEDS.—

(A) CASH EQUALIZATION PAYMENTS.—Any cash equalization payment under paragraph (1)(A) shall be deposited, without further appropriation, in the Federal Land Disposal Account for use in accordance with section 4(e).

(B) PAYMENT FOR LAND CONVEYED TO TOWN.—Any payment received by the Secretary from the Town under paragraph (3)(A) shall be—

(i) deposited in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a); and

(ii) made available to the Secretary, without further appropriation, for the acquisition of land for addition to the National Forest System in the State of Arizona.

SEC. 8. APACHE LEAP PROTECTION AND MANAGEMENT.

(a) APACHE LEAP PROTECTION AND MANAGEMENT.—

(1) IN GENERAL.—To permanently protect the cultural, historic, educational, and natural resource values of Apache Leap, effective beginning on the date of enactment of this Act, the Secretary shall—

(A) manage Apache Leap in accordance with the laws (including regulations) applicable to the National Forest System; and

(B) place special emphasis on preserving the natural character of Apache Leap.

(2) WITHDRAWAL.—Subject to the valid existing rights of Resolution Copper under section 4(d)(2), effective beginning on the date of enactment of this Act, Apache Leap shall be permanently withdrawn from all forms of entry and appropriation under—

(A) the public land laws (including the mining and mineral leasing laws); and

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(b) ADDITIONAL PROTECTIONS, ANALYSIS, AND PLAN.—

(1) MANAGEMENT PLAN.—Not later than 4 years after the date of enactment of this Act, the Secretary, in consultation with the Town, Resolution Copper, the Yavapai and Apache Indian tribes, and other interested members of the public, shall solicit public comment regarding, and initiate implementation of, a management plan for Apache Leap.

(2) PLANNING CONSIDERATIONS.—The plan described in paragraph (1) shall examine, among other matters, whether Apache Leap should be managed to establish—

(A) additional cultural and historical resource protections or measures, including permanent or seasonal closures of any portion of Apache Leap to protect cultural or archeological resources;

(B) additional or alternative public access routes, trails, and trailheads to Apache Leap; or

(C) additional opportunities (including appropriate access) for rock climbing, with special emphasis on improved rock climbing access to Apache Leap from the west.

(c) MINING ACTIVITIES.—Nothing in this section imposes any restriction on any exploration or mining activity carried out by Resolution Copper outside of Apache Leap after the date of enactment of this Act.

SEC. 9. INCORPORATION, MANAGEMENT, AND STATUS OF ACQUIRED LAND.

(a) LAND ACQUIRED BY SECRETARY.—

(1) IN GENERAL.—Land acquired by the Secretary under this Act shall—

(A) become part of the National Forest within which the land is located; and

(B) be administered in accordance with the laws (including regulations) applicable to the National Forest System.

(2) BOUNDARIES.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601 et seq.), the boundaries of a National Forest in which land acquired by the Secretary is located shall be deemed to be the boundaries of that forest as in existence on January 1, 1965.

(3) MANAGEMENT OF J-I RANCH.—

(A) IN GENERAL.—On the date on which the Secretary acquires the J-I Ranch parcel described in section 4(c)(1)(D), the Secretary shall manage the land to allow Yavapai and Apache Indian tribes—

(i) to access the land; and

(ii) to undertake traditional activities relating to the gathering of acorns.

(B) AUTHORITY OF SECRETARY.—On receipt of a request from the Yavapai or Apache Indian tribe, the Secretary may temporarily or seasonally close to the public any portion of the J-I Ranch during the period in which the Yavapai or Apache Indian tribe carries out any activity described in subparagraph (A)(ii).

(b) ROCK CLIMBING.—

(1) IN GENERAL.—Before consummating the land exchange under section 4, Resolution Copper shall pay to the Secretary $1,250,000.

(2) USE OF FUNDS.—The Secretary shall use the amount described in paragraph (1), without further appropriation, to construct or improve road access, turnouts, trails, camping, parking areas, or other facilities to promote and enhance rock climbing, bouldering, and such other outdoor recreational opportunities as the Secretary determines to be appropriate—

(A) in the general area north of Arizona State Highway 60 encompassing the parcel described in section 4(c)(1)(F) and adjacent National Forest land to the north of that parcel (commonly known as the ''upper Pond area''); or

(B) in the areas commonly known as ''Inconceivables'' and ''Chill Hill'' located in or adjacent to secs. 26, 35, and 36, T. 2 S., R. 12 E. , Gila and Salt River Meridian.

(3) TIMING.—To the maximum extent practicable, the Secretary shall use the amount described in paragraph (1) during the 2-year period beginning on the date of consummation of the land exchange under section 4.

(4) THE POND PARCEL WORK.—

(A) IN GENERAL.—To improve rock climbing opportunities in the parcel described in section 4(c)(1)(F) and the upper Pond area, Resolution Copper, in consultation with the Secretary and rock climbing interests, may construct roads or improve road access to, construct trails, camping, parking areas, or other facilities on, or provide other access to, the Pond parcel described in section 4(c)(1)(F) before the date of the conveyance under section 4(c).

(B) COSTS.—Resolution Copper shall pay the cost of any activity carried out under subparagraph (A), in addition to the amount specified in paragraph (1).

(c) LAND ACQUIRED BY SECRETARY OF INTERIOR.—

(1) IN GENERAL.—Land acquired by the Secretary of the Interior under this Act shall—

(A) become part of the Federal administrative area (including the Las Cienegas National Conservation Area or other national conservation area, if applicable) within which the land is located or to which the land is adjacent; and

(B) be managed in accordance with the laws (including regulations) applicable to the Federal administrative area or national conservation area within which the land is located or to which the land is adjacent.

(2) LOWER SAN PEDRO RIVER LAND.—To preserve and enhance the natural character and conservation value of the lower San Pedro River land described in section 4(c)(2)(A), on acquisition of the land by the Secretary of the Interior, the land shall be automatically incorporated in, and administered as part of, the San Pedro Riparian National Conservation Area.

(d) WITHDRAWAL.—On acquisition by the United States of any land under this Act, subject to valid existing rights and without further action by the Secretary concerned, the acquired land is permanently withdrawn from all forms of entry and appropriation under—

(1) the public land laws (including the mining and mineral leasing laws); and

(2) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

SEC. 10. OAK FLAT CAMPGROUND.

(a) REPLACEMENT CAMPGROUNDS.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary, in consultation with Resolution Copper, the Town, and other interested parties, shall design and construct in the Globe Ranger District of the Tonto National Forest 1 or more replacement campgrounds for the Oak Flat Campground (including appropriate access routes to any replacement campgrounds).

(2) PUBLIC FACILITIES.—Any replacement campgrounds under this subsection shall be designed and constructed in a manner that adequately (as determined in the sole discretion of the Secretary) replaces, or improves on, the facilities, functions, and amenities available to the public at the Oak Flat Campground.

(b) COSTS OF REPLACEMENT.—Resolution Copper shall pay the actual cost of designing, constructing, and providing access to any replacement campgrounds under this subsection, not to exceed $1,000,000.

(c) INTERIM OAK FLAT CAMPGROUND ACCESS.—The document conveying the Federal land to Resolution Copper under section 4(b) shall specify that—

(1) during the 4-year period beginning on the date of enactment of this Act, the Secretary shall retain title to, operate, and maintain the Oak Flat Campground; and

(2) at the end of that 4-year period—

(A) the withdrawal of the Oak Flat Campground shall be revoked; and

(B) title to the Oak Flat Campground shall be simultaneously conveyed to Resolution Copper.

(d) BOULDERBLAST COMPETITION.—During the 5-year period beginning on the date of enactment of this Act, the Secretary, in consultation with Resolution Copper, may issue not more than 1 special use permit per calendar year to provide public access to the bouldering area on the Federal land for purposes of the annual ''BoulderBlast'' competition.

SEC. 11. TRADITIONAL ACORN GATHERING AND RELATED ACTIVITIES IN AND AROUND OAK FLAT CAMPGROUND.

(a) SENSE OF CONGRESS REGARDING ACORN GATHERING.—In addition to the acorn gathering opportunities described in section 9(a)(3)(A)(ii), it is the sense of Congress that, on receipt of a request from the Apache or Yavapai Indian tribe or any other Indian tribe during the 180-day period beginning on the date of conveyance of the Federal land to Resolution Copper under section 4, Resolution Copper should endeavor to negotiate and execute a revocable authorization to each applicable Indian tribe to use an area in and around the Oak Flat Campground for traditional acorn gathering and related activities.

(b) AREA AND TERMS.—The precise area and terms of use described in subsection (a)—

(1) shall be agreed to by Resolution Copper and the applicable Indian tribes; and

(2) may be modified or revoked by Resolution Copper if Resolution Copper, in consultation with the Indian tribes, determines that all or a portion of the authorized use area needs to be closed on a temporary or permanent basis—

(A) to protect the health or safety of users; or

(B) to accommodate an exploration or mining plan of Resolution Copper.

SEC. 12. VALUE ADJUSTMENT PAYMENT TO UNITED STATES.

(a) ANNUAL PRODUCTION REPORTING.—

(1) IN GENERAL.—Beginning on February 15 of the first calendar year beginning after the date of commencement of production of valuable locatable minerals in commercial quantities (as defined by applicable Federal laws (including regulations)) from the Federal land conveyed to Resolution Copper under section 4(b), and annually thereafter, Resolution Copper shall file with the Secretary of the Interior a report indicating the quantity of locatable minerals in commercial quantities produced from the Federal land during the preceding calendar year.

(2) REPORT CONTENTS.—The reports under paragraph (1) shall comply with all recordkeeping and reporting requirements of applicable Federal laws (including regulations) in effect at the time of production relating to the production of valuable locatable minerals in commercial quantities on any federally owned land.

(b) PAYMENT ON PRODUCTION.—If the cumulative production of valuable locatable minerals in commercial quantities produced from the Federal land conveyed to Resolution Copper under section 4(b) exceeds the quantity of production of locatable minerals from the Federal land used in the royalty income approach analysis under the Uniform Appraisal Standards for Federal Land Acquisitions prepared under section 7(a)(4)(D), Resolution Copper shall pay to the United States, by not later than March 15 of each applicable calendar year, a value adjustment payment for the quantity of excess production at a rate equal to—

(1) the Federal royalty rate in effect for the production of valuable locatable minerals from federally owned land, if such a rate is enacted before December 31, 2012; or

(2) if no Federal royalty rate is enacted by the date described in paragraph (1), the royalty rate used for purposes of the royalty income approach analysis prepared under section 7(a)(4)(D).

(c) STATE LAW UNAFFECTED.—Nothing in this Act modifies, expands, diminishes, amends, or otherwise affects any State law (including regulations) relating to the imposition, application, timing, or collection of a State excise or severance tax under Arizona Revised Statutes 42–5201–5206.

(d) USE OF FUNDS.—The funds paid to the United States under this section shall—

(1) be deposited in a special account of the Treasury; and

(2) remain available, without further appropriation, to the Secretary and the Secretary of the Interior, as the Secretaries jointly determine to be appropriate, for the acquisition of land or interests in land from willing sellers in the State of Arizona.

SEC. 13. MISCELLANEOUS PROVISIONS.

(a) REVOCATION OF ORDERS; WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public land order that withdraws the Federal land from appropriation or disposal under a public land law shall be revoked to the extent necessary to permit disposal of the land.

(2) WITHDRAWAL.—On the date of enactment of this Act, if the Federal land or any Federal interest in the non-Federal land to be exchanged under section 4 is not withdrawn or segregated from entry and appropriation under a public land law (including mining and mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.)), the land or interest shall be withdrawn, without further action required by the Secretary concerned, from entry and appropriation, subject to the valid existing rights of Resolution Copper, until the date of the conveyance of Federal land under section 4(b).

(b) MAPS, ESTIMATES, AND DESCRIPTIONS.—

(1) MINOR ERRORS.—The Secretary concerned and Resolution Copper, may correct, by mutual agreement, any minor errors in any map, acreage estimate, or description of any land conveyed or exchanged under this Act.

(2) CONFLICT.—If there is a conflict between a map, an acreage estimate, or a description of land under this Act, the map shall control unless the Secretary concerned and Resolution Copper mutually agree otherwise.

(3) AVAILABILITY.—On the date of enactment of this Act, the Secretary shall file and make available for public inspection in the Office of the Supervisor, Tonto National Forest, each map referred to in this Act.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 411. A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the City of St. George, Utah for airport purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BENNETT. Mr. President, I, along with the senior senator from Utah, am introducing today legislation to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of St. George, Utah for airport purposes.

On October 17, 2008, the City of St. George, UT, and the Federal Aviation Administration, FAA, broke ground on the construction of a new replacement airport, which will provide enhanced air service to the over 300,000 residents of southern Utah. The total project will cost $168 million and the start of operations at the replacement airport is scheduled for January 1, 2011.

The project is being funded largely through Federal grants covered by a letter of intent from the FAA in the amount of $119 million.

The City of St. George is financing its $44 million local share of the replacement airport through the sale of the existing airport property totaling 274 acres to Anderson Development Services Inc.

Recently it was discovered that 40 acres of the existing airport site was acquired by the City of St. George under Section 16 of the Federal Airport Act of 1946 (60 Stat. 173; 49 U.S.C. 1115) and can only be used for airport purposes.

The United States Secretary of the Interior issued a patent to the city of St. George in 1951 for the 40 acres and the city signed a deed to the land dated August 28, 1973, which contains a reverter deed restriction that if the land ceased to be used for airport purposes, the title would revert back to the United States Secretary of Transportation.

Federal legislation is required to authorize the Secretary of Transportation to release this reverter deed restriction on the use of this 40 acre parcel so the sale of the entire 274 acre airport can go through. A similar legislation (Public Law 94–244) releasing identical deed restrictions was enacted for the City of Grand Junction, CO; in 1976.

The legislation requires that upon release from these restrictions, the City of St. George, UT, must sell the 40 acre parcel for fair market value, which is estimated at $5 million, and the proceeds must be given to the FAA for the development, improvement, operation, or maintenance of the replacement airport as part of St. George's local contribution.

I urge my colleagues to support this straight-forward legislation. All funds will still be directed to the FAA. However, this minor correction will go a long way in assisting one of the fastest growing counties in the United States.

By Mr. INHOFE:

S. 412. A bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. INHOFE. Mr. President, today I am reintroducing a bill I had introduced with then-Senator Hillary Clinton on two previous occasions. It is interesting, because this bill didn't have a lot of opposition in the Senate. It did, however, have some opposition from the Bush administration. What we were

attempting to do was to take the Federal Emergency Management Agency out from under where it was put, in the Department of Homeland Security, by the previous administration and give it independent status. This is something that has been talked about for a long period of time.

We can draw from our experience in Oklahoma and the fact that we had a devastating tornado go through—as we did last night, although it was even worse—which killed many people. At that time, James Lee Witt was the FEMA Director. He was President Clinton's appointee. I will always remember when that happened. A matter of a few short hours after it happened, I called Mr. Witt and he met me in Oklahoma, and we got it done. At that time, FEMA was under the Environment and Public Works Committee. It was under the Stafford Act and virtually had independent status at that time.

Contrast that with only a few months ago when GEN Russel Honore, the general placed in charge of the military's relief efforts following Hurricane Katrina, said that FEMA and the Department of Homeland Security should be separate agencies. In an interview reported in Politico, General Honore said of FEMA:

I just think we've had some experience that demonstrates that the best thing to do is separate it and make it a separate agency.

Most importantly, President Obama said in remarks he delivered in New Orleans in February of last year:

If catastrophe comes, the American people must be able to call on a competent government . . . the Director of FEMA will report to me . . . and as soon as we take office, my FEMA director will work with emergency management officials in all 50 States to create a National Response Plan. Because we need to know—before disaster comes—who will be in charge; and how the Federal, State and local governments will work together to respond.

I talked to the President a few minutes ago. He still has these same feelings. I think it is very appropriate now to bring up something we had talked about before. I know the Democratic platform, for example, has a provision which states that the FEMA Director will report directly to the President, and I couldn't agree more. I don't agree with a lot of things from the Democratic platform, but I do agree with that.

Oklahoma has had more than its share of natural disasters. Only last night, three confirmed tornadoes touched down throughout Oklahoma, impacting the communities of Oklahoma City, Edmond, Pawnee, and a small community called Lone Grove. In Lone Grove, this very tiny community, eight people were killed. There are 35 still missing, so I think the death toll, unfortunately, could rise above that. I had occasion to talk to civic leaders there—Gary Hicks and city manager Marianne Elfert—this morning, and the number of Lone Grove residents who are missing right now is still not determined. So I think it is a real disaster.

It wasn't that long ago that we had the Eagle Picher area of Oklahoma hit by a tornado, and that was a very similar thing there, with seven deaths in that case. On May 1 of last year, I surveyed other tornado damage up there with Secretary Chertoff and FEMA Director Paulison, Governor Henry, and Congressman BOREN. As I said, seven people were killed, but that didn't go quite as smoothly as we would have hoped.

FEMA's integration into the Department of Homeland Security in 2003 added an extra layer of bureaucracy and removed much of the autonomy that once kept the agency operating efficiently. We learned in the aftermath of Hurricane Katrina that the extra coordination required between the Department of Homeland Security and the Federal Emergency Management Agency was at least partly responsible for the shortcomings of the Federal response. I visited the area right after Katrina, and I think they did a much better job than the press portrayed, but I still think that extra level of bureaucracy created a problem in getting things done immediately.

My legislation takes the necessary steps in giving the Director of FEMA Cabinet level status in the event of a natural disaster and acts of terrorism and makes that person the principal adviser to the President, Homeland Security Council, and the Secretary of Homeland Security. So we are kind of reversing it, and he is going to be in a Cabinet-level position. Obviously, things can then be done a lot faster and a lot better. Perhaps most importantly, the legislation defines the primary mission and specific activities of the Federal Emergency Management Agency and its Director, and places directly upon them the obligation to ensure FEMA's mission is carried out.

Now, that is exactly what President Obama said while he was campaigning for President and what he reaffirmed to me today on the telephone.

Let me explain some other events that originally led me to introduce this legislation. Oklahoma first encountered significant problems with FEMA when wildfires ravaged the State in 2005 and 2006. These devastating wildfires swept through the entire State, leading to declarations for public assistance, individual assistance, and hazard mitigation funding. In January of 2007, Oklahoma encountered severe winter storms with devastating results. These storms led to prolonged loss of power and extensive building damage for many of my constituents. One of my constituents happened to be my wife—we have been married 49 years—and she was without electricity for 9 days, so that does get your attention.

Later this year, Oklahoma was hit by heavy rain, tornadoes, and flooding from May through September. The State made a number of disaster declarations during each of these periods, but each and every time, the process it took to obtain aid from FEMA became increasingly difficult, wrought with indecisiveness and an inability of Homeland Security to communicate with each other. Prior to the placement of FEMA under DHS, my State had not encountered nearly the same level of bureaucratic delays or communications as it has since that time.

Oklahoma has also struggled with FEMA regarding the determination of dates of incident periods, which is why I put language in my bill to give deference to the State's documentation regarding the dates of such incidents. Now, some of you guys are not from States where you have the number of disasters we have had, so it is something you are not as familiar with. But we certainly are. I see the junior Senator from Oklahoma on the floor here, and he knows too that we live through these things on a regular basis. We have had tornadoes, ice storms, windstorms, and other things people haven't had.

I think Senator Clinton and I were right when we introduced this the first time, and I believe it is consistent with what President Obama has reaffirmed to me as recently as today. It will be a better arrangement and I will be looking for supporters.

We have introduced the bill. It is S. 412. Again, this bill takes FEMA out from under DHS and gives it more of an independent status so it can respond in a more rapid way as it did prior to 2003.

By Mr. DODD (for himself, Mr. LEVIN, Mr. MENENDEZ, Mr. REED, Mr. AKAKA, Mr. SCHUMER, Mr. TESTER, Mr. BROWN, Mr. MERKLEY, Mr. KERRY, Mr. LEAHY, Mr. DURBIN, Mr. HARKIN, Mrs. MCCASKILL, Mr. WHITEHOUSE, and Mr. CASEY):

S. 414. A bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I am pleased today to be reintroducing comprehensive credit card legislation that would reform credit card practices and prohibit card issuers from continuing policies that are threatening the financial security of American consumers and their families. The Credit Card Accountability, Responsibility and Disclosure Act, Credit CARD Act, will help to end the practices that cost American families billions of dollars each year.

This is a time of serious hardship for American families. As losses mount as

a result of the economic crisis, lenders are squeezing consumers, often unfairly and without adequate notice, by raising credit card rates and tightening repayment terms. Credit card delinquency rates are inching higher, and repayment rates are dipping. At a time when Americans are becoming increasingly reliant on credit cards, credit card companies are being more aggressive about finding ways to charge their customers. Over $17 billion in credit card penalty fees were charged to Americans in 2006—a ten-fold increase from what was charged just ten years ago. These penalties are contributing to the avalanche of credit card debt under which many American consumers increasingly find themselves buried.

In my travels around Connecticut, I hear frequently about the burden of these credit card practices from constituents. Connecticut has the third-highest median amount of credit card debt in the country—$2,094 per person. Non-business bankruptcy filings in the State are increasing, and in the second quarter of last year, credit card delinquencies increased in 7 of the 8 counties in the State.

In December, the Federal Reserve, Office of Thrift Supervision, and National Credit Union Administration finalized unfair and deceptive acts and practices rules aimed at curbing some of these practices. For example, for customers in good standing the new rules will prevent issuers from applying interest rate increases retroactively to credit card debt incurred prior to the interest rate increase. They will also help ensure that issuers apply payments fairly, and extend the time that consumers have to make their credit card payments. The rules are a good first step in providing needed consumer protections in some areas. They fall short in other important areas, however, failing to address issues including universal default, ''any time any reason'' repricing, multiple overlimit fees, and youth marketing, which I'll explain in a moment.

In anticipation of rules going into effect in July of 2010, issuers are raising their interest rates and cutting lines of credit even on consumers with a long and unblemished history of good payment, thereby underscoring the need for this legislation.

That is why I am reintroducing the Credit CARD Act. This bill will help to reform credit card practices that drag so many American families further and further into debt, and prevent banks from taking advantage of consumers through confusing, misleading, and unfair terms and procedures. It strengthens regulation and oversight of the credit card industry and prohibits the unfair and deceptive practices that in far too many instances keep consumers mired in debt.

Among its other provisions, the CARD Act will eliminate imposition of excessive fees and penalties; universal default provisions that permit credit card issuers to increase interest rates on cardholders in good standing for reasons unrelated to the cardholder's behavior with respect to that card; ''Any time any reason'' changes to credit card agreements—the bill prevents issuers from unilaterally changing the terms of a credit card contract for the length of the card agreement; and retroactive interest rate increases, unfair payment allocation practices, and double-cycle billing.

The Credit Card Act also contains additional critical consumer protections. Among other things, the bill would: allow customers who close their accounts to pay under the terms existing at the time the account is closed; ensure that cardholders receive sufficient information about the terms of their account; require issuers to lower penalty rates that have been imposed on a cardholder after 6 months if the cardholder meets the obligations of the credit card terms; and enhance regulators' ability to protect consumers against unfair credit card practices by giving each federal banking agency the authority to prescribe regulations governing unfair or deceptive practices by the institutions they regulate.

The bill also reins in irresponsible lending through a number of provisions aimed at protecting young consumers who lack the ability to repay substantial credit card debt.

This legislation incorporates several key concepts included in the legislative proposals put forth by some of my colleagues, notably Senators LEVIN, MENENDEZ, AKAKA, and TESTER. Each is a cosponsor of this legislation, as are Senators REED, SCHUMER, BROWN, MERKLEY, KERRY, LEAHY, DURBIN, HARKIN, MCCASKILL, WHITEHOUSE, and CASEY.

This bill has the support of a wide array of consumer advocates and labor organizations, including the Center for Responsible Lending, Connecticut Public Interest Research Group, the Connecticut Association for Human Services, Consumer Action, Consumer Federation of America, Consumers Union, Demos, the Leadership Conference on Civil Rights, the NAACP, the National Association of Consumer Advocates, the National Consumer Law Center, the National Council of LaRaza, the Service Employees International Union, and the U.S. Public Interest Research Group. The bill also has the support of the National Small Business Association.

As the U.S. economy tightens, financially vulnerable families need the protections of the Credit CARD Act more than ever. That is what the American people and the people of Connecticut are demanding. For this reason, I urge my colleagues to join me in cosponsoring, and eventually in enacting the Credit CARD Act.

Mr. LEVIN. Mr. President, I am pleased today to join my friend and colleague Senator DODD in reintroducing comprehensive legislation to combat credit card abuses that have been hurting American consumers for far too long. Our bill, which is supported and cosponsored by other Senate colleagues as well, is called the Credit Card Accountability Responsibility and Disclosure Act, or CARD Act of 2009. With the economic hardships facing Americans today, from falling home prices to rising unemployment, it is more important than ever for Congress to act now to stop credit card abuses and protect American families and businesses from unfair credit card practices.

Every day the taxpayer is being asked to foot the bill for our biggest banks' irresponsible lending decisions. America's banking giants can't be allowed to dig themselves out of the hole they are in by loading up American families with unfair fees and interest charges. Even as the prime rate has plummeted, some credit card companies are hiking interest rates on millions of customers who play by the rules. In other words, the banks are punishing the very taxpayers that they have come to, hat in hand, for financial rescue. It can't be allowed to continue.

Credit card companies regularly use a host of unfair practices. They hike the interest rates of cardholders who pay on time and comply with their credit card agreements. They impose interest rates as high as 32 percent, charge interest for debt that was paid on time, and, in some cases, apply higher interest rates retroactively to existing credit card debt. They pile on excessive fees and then charge interest on those fees. And they engage in a number of other unfair practices that are burying American consumers in a mountain of debt. It's long past time to enact legislation to protect American consumers.

In December, the Federal Reserve and other bank regulators finally issued a regulation to stop some of the most egregiously unfair practices. For example, the new credit card regulation stops banks from retroactively raising interest rates on cardholders who meet their obligations, requires banks to mail credit card bills at least 21 days before the payment due date, and forces banks to more fairly apply consumer payments. It is a good first step, and long overdue. But the regulation regrettably leaves in place many blatantly unfair credit card practices that mire families in debt. It fails to stop, for example, abuses such as charging interest on debt that was paid on time, charging folks a fee simply to pay their bills, and hiking interest rates on a credit card because of a misstep on another, unrelated debt, a practice known as universal default. Legislation is needed not only to end

those abusive practices—which are not prohibited by the Federal Reserve regulation—but also to provide a statutory foundation for that new regulation so that it cannot be weakened in the future.

The bill we are introducing today will not only help protect consumers and ensure their fair treatment, but it will also make certain that credit card companies willing to do the right thing are not put at a competitive disadvantage by companies continuing unfair practices.

Some argue that Congress doesn't need to ban unfair credit card practices; they contend that improved disclosure alone will empower consumers to seek out better deals. Sunlight can be a powerful disinfectant, but credit cards have become such complex financial products that even improved disclosure will frequently not be enough to curb the abuses. Some practices are so confusing that consumers can't easily understand them. Additionally, better disclosure does not always lead to greater market competition, especially when essentially an entire industry is using and benefiting from practices that unfairly hurt consumers.

In 2006, Americans used 700 million credit cards to buy about $2 trillion in goods and services. The average family now has 5 credit cards. Credit cards are being used to pay for groceries, mortgage payments, even taxes. And they are saddling U.S. consumers, from college students to seniors, with a mountain of debt. The latest figures show that U.S. credit card debt is now approaching $1 trillion. These consumers are routinely being subjected to unfair practices that squeeze them for ever more money, sinking them further and further into debt.

Congress acted boldly and quickly to bail out the banks; now is time to do something for the consumer. Too many American families are being hurt by too many unfair credit card practices to delay action any longer. I commend Senator DODD, Chairman of the Senate Banking Committee, for tackling credit card reform, and look forward to Congress promptly and urgently taking the steps needed to ban unfair practices that are causing so much pain and financial damage to American families.

Abusive credit card practices are a concern that I have been tracking over the past several years through the Permanent Subcommittee on Investigations, which I chair. The Subcommittee held two investigative hearings in 2007, exposing those practices, and based on those hearings, I introduced legislation—the Stop Unfair Practices in Credit Cards Act, S. 1395—to ban the outrageous credit card abuses we documented. I am pleased that Senators MCCASKILL, LEAHY, DURBIN, BINGAMAN, CANTWELL, WHITEHOUSE, KOHL, BROWN, KENNEDY, and SANDERS joined as cosponsors. The Dodd-Levin bill we are introducing today incorporates almost all of S. 1395, and adds other important protections as well. It is the strongest credit card bill yet.

The Dodd-Levin bill includes, for example, the following provisions that also appeared in the bill I introduced with Senator MCCASKILL and others. It would:

No Interest on Debt Paid on Time. Prohibit interest charges on any portion of a credit card debt which the card holder paid on time during a grace period.

Prohibition on Universal Default. Prohibit credit card issuers from increasing interest rates on cardholders in good standing for reasons unrelated to the cardholder's behavior with respect to that card.

Apply Interest Rate Increases Only to Future Debt. Require increased interest rates to apply only to future credit card debt, and not to debt incurred prior to the increase.

No Interest on Fees. Prohibit the charging of interest on credit card transaction fees, such as late fees and over-the-limit fees.

Restrictions on Over-Limit Fees. Prohibit the charging of repeated over-limit fees for a single instance of exceeding a credit card limit.

Prompt and Fair Crediting of Card Holder Payments. Require payments to be applied first to the credit card balance with the highest rate of interest, and to minimize finance charges.

Fixed Credit Limits. Require card issuers to offer consumers the option of operating under a fixed credit limit that cannot be exceeded.

No Pay-to-Pay Fees. Prohibit charging a fee to allow a credit card holder to make a payment on a credit card debt, whether payment is by mail, telephone, electronic transfer, or otherwise.

The Dodd-Levin bill also includes important additional protections. It would:

Require issuers to lower penalty rates that have been imposed on a cardholder after 6 months if the cardholder commits no further violations.

Enhance protection against unfair and deceptive practices by giving each federal banking agency the authority to prescribe regulations governing unfair or deceptive practices by banks or savings and loan institutions.

Improve disclosure requirements by, for example, requiring issuers to provide individual consumer account information and to disclose the period of time and total interest it will take to pay off the card balance if only minimum monthly payments are made.

Protect young consumers from credit card solicitations.

To understand why these protections are needed, I would like to provide a brief overview of some of the most prevalent credit card abuses we uncovered and some of the stories that American consumers shared with us during the course of the inquiries carried out by my Permanent Subcommittee on Investigations.

The first case history we examined illustrates the fact that major credit card issuers today impose a host of fees on their cardholders, including late fees and over-the-limit fees that are not only substantial in themselves but can contribute to years of debt for families unable to immediately pay them.

Wesley Wannemacher of Lima, Ohio, testified at our March 2007 hearing. In 2001 and 2002, Mr. Wannemacher used a new credit card to pay for expenses mostly related to his wedding. He charged a total of about $3,200, which exceeded the card's credit limit by $200. He spent the next six years trying to pay off the debt, averaging payments of about $1,000 per year. As of February 2007, he'd paid about $6,300 on his $3,200 debt, but his billing statement showed he still owed $4,400.

How is it possible that a man pays $6,300 on a $3,200 credit card debt, but still owes $4,400? Here's how. On top of the $3,200 debt, Mr. Wannemacher was charged by the credit card issuer about $4,900 in interest, $1,100 in late fees, and $1,500 in over-the-limit fees. He was hit 47 times with over-limit fees, even though he went over the limit only 3 times and exceeded the limit by only $200. Altogether, these fees and the interest charges added up to $7,500, which, on top of the original $3,200 credit card debt, produced total charges to him of $10,700.

In other words, the interest charges and fees more than tripled the original $3,200 credit card debt, despite payments by the cardholder averaging $1,000 per year. Unfair? Clearly, but our investigation has shown that sky-high interest charges and fees are not uncommon in the credit card industry. While the Wannemacher account happened to be at Chase, penalty interest rates and fees are also employed by other major credit card issuers.

The week before our March hearing, Chase decided to forgive the remaining debt on the Wannemacher account, and while that was great news for the Wannemacher family, that decision didn't begin to resolve the problem of excessive credit card fees and sky-high interest rates that trap too many hard-working families in a downward spiral of debt.

These high fees are made worse by the industry-wide practice of including all fees in a consumer's outstanding balance so that they also incur interest charges. Those interest charges magnify the cost of the fees and can quickly drive a family's credit card debt far beyond the cost of their initial purchases. It is one thing for a bank to charge interest on funds lent to a consumer; charging interest on penalty fees goes too far.

A second troubling case history involves Charles McClune, a 51–year-old Michigan resident who is married with one child. Mr. McClune has a credit card account which he closed in 1998, and has been trying to pay off for more than 10 years. Due to excessive fees and interest rates, and despite paying more than four times his original credit card debt of less than $4,000, Mr. McClune still owes thousands on his credit card, with no end in sight.

Mr. McClune first opened his credit card account while in college, in 1986, at Michigan National Bank through a student-targeted credit promotion. After leaving college, the credit limit on his card was increased to $4,000. By 1993, although he had not exceeded the credit limit through purchases, Mr. McClune had missed some payments and was assessed interest and fees that pushed his balance over the $4,000 limit. From 1993 to 1996, he exceeded his limit again, on several occasions, due to interest and fee charges. He stopped making purchases on the credit card in 1995.

In 1996, Mr. McClune's credit card account was purchased by Chase Bank. In 1998, Mr. McClune asked Chase to close the account, and Chase did so. Although he never made a single purchase on his credit card while the account was with Chase, Chase repeatedly increased the interest rate on his account, including after the account was closed. In 2002, for example, his interest rate was about 21 percent; by October 2005, it had climbed to 29.99 percent where it remained for more than two years until March 2008; it then dropped slightly to 29.24 percent. The higher interest rates were applied retroactively to Mr. McClune's closed account balance, increasing the size of his minimum payments and his overall debt.

Chase also assessed Mr. McClune repeated over-the-limit and late fees, which began at $29 and increased over time to $39 per fee. Chase cannot locate statements for Mr. McClune's account prior to February 2001, so there is no record of all the fees he has paid. The records in existence show that, since February 2001, he has paid 64 over-the-limit fees totaling $2,200. Those fees stopped after the March 2007 hearing before my Subcommittee, in which Chase promised to stop charging more than three over-the-limit fees for a single violation of a credit card limit. In addition to the 64 over-the-limit fees, since February 2001, Chase has charged Mr. McClune nearly $2,000 in late fees.

The records also show that since 2001, Mr. McClune was contacted by telephone on several occasions by Chase representatives seeking payment on his account. If he agreed to make a payment over the telephone, Chase charged him—without notifying him at the time—a fee of $12 to $15 per telephone payment. When asked about these fees, Chase told the Subcommittee that the fees were imposed, because on each occasion Mr. McClune had spoken with a ''live advisor.'' Since 2001, he has paid a total of $160 in these pay-to-pay fees.

Altogether, since 2001, Mr. McClune has paid nearly $4,400 in fees on a debt of less than $4,000. If the more than four years of missing credit card bills were available from 1996 to 2000, this fee total would be even higher. In addition, each fee was added to Mr. McClune's outstanding credit card balance, and Chase charged him interest on the fee amounts, thereby increasing his debt by thousands of additional dollars.

In February 2001, Chase records show that Mr. McClune's credit card debt totaled nearly $5,200. For the next 7 years, although he did not pay every month, Mr. McClune paid nearly $2,000 per year toward his credit card debt, but was unable to pay it off. At one time, he paid $150 every two weeks for several weeks. Those payments did not bring his debt under the $4,000 credit limit, or reduce his interest rate.

In January 2007, Mr. McClune received a letter from Chase stating that if he made his next payment on time, he would receive a $50 credit on his debt. Mr. McClune cashed out his IRA and paid $4,000 on his credit card debt. Because he made this payment in February, however, he did not receive the $50 credit for an on-time payment. Instead, he was assessed a $39 late fee, a $39 over-the-limit fee, and a $14.95 payment fee for making the $4,000 payment over the telephone.

Mr. McClune was never offered a payment plan or a reduced interest rate by Chase to help him pay down his debt. His credit card bills show that from February 2001 to June 2008, he paid Chase a total of $15,800. If the four years of missing credit card bills from 1996 to 2000 were available, his total payments would likely exceed $20,000. In June 2008, his credit card bill showed he was charged 29 percent interest and a $39 late fee on a balance of $3,300.

How could Mr. McClune pay $15,000 to $20,000 on credit card purchases of less than $4,000, and still owe $3,300? His credit card statements since 2001 show that he was socked with over $9,700 in interest charges, $2,200 in over-the-limit fees, $2,000 in late fees, and $160 in pay-to-pay fees. All of these interest charges and fees were assessed by Chase while the account was closed and without a single purchase having been made since 1995. Despite his lack of purchases and payments totaling $15,800, Chase records show that, from February 2001 until June 2008, Mr. McClune was able to reduce his credit card balance by only about $1,850.

Mr. McClune is not trying to avoid his debt. He has made years of payments on a closed credit card account that he has not used to make a purchase in 13 years. He has paid thousands and thousands of dollars—four and possibly five times what he originally owed—in an attempt to pay off his credit card account. He is still paying. But his thousands of dollars in payments are not enough for his credit card issuer which is squeezing him for every cent it can, fair or not, for years on end.

Tragically, Mr. McClune and Mr. Wannemacher have a lot of company in their credit card experiences. The many case histories investigated by the Subcommittee show that responsible cardholders across the country are being squeezed by unfair credit card lending practices involving excessive fee and interest charges. The current regulatory regime—even with the new Federal Reserve regulation—is insufficient to prevent these ongoing credit card abuses. Legislation is badly needed.

Another galling practice featured in our March hearing involves the fact that credit card debt that is paid on time routinely accrues interest charges, and credit card bills that are paid on time and in full are routinely inflated with what I call ''trailing interest.'' Every single credit card issuer contacted by the Subcommittee engaged in both of these unfair practices which squeeze additional interest charges from responsible cardholders.

Here's how it works. Suppose a consumer who usually pays his account in full, and owes no money on December 1st, makes a lot of purchases in December, and gets a January 1 credit card bill for $5,020. That bill is due January 15. Suppose the consumer pays that bill on time, but pays $5,000 instead of the full amount owed. What do you think the consumer owes on the next bill?

If you thought the bill would be the $20 past due plus interest on the $20, you would be wrong. In fact, under industry practice today, the bill would likely be twice as much. That's because the consumer would have to pay interest, not just on the $20 that wasn't paid on time, but also on the $5,000 that was paid on time. In other words, the consumer would have to pay interest on the entire $5,020 from the first day of the new billing month, January 1, until the day the bill was paid on January 15, compounded daily. So much for a grace period! In addition, the consumer would have to pay the $20 past due, plus interest on the $20 from January 15 to January 31, again compounded daily. In this example, using an interest rate of 17.99 percent (which is the interest rate charged to Mr. Wannamacher), the $20 debt would, in one month, rack up $35 in interest charges and balloon into a debt of $55.21.

You might ask—hold on—why does the consumer have to pay any interest at all on the $5,000 that was paid on time? Why does anyone have to pay interest on the portion of a debt that was

paid by the date specified in the bill—in other words, on time? The answer is, because that's how the credit card industry has operated for years, and they have gotten away with it.

There's more. You might think that once the consumer gets gouged in February, paying $55.21 on a $20 debt, and pays that bill on time and in full, without making any new purchases, that would be the end of it. But you would be wrong again. It's not over.

Even though, on February 15, the consumer paid the February bill in full and on time—all $55.21—the next bill has an additional interest charge on it, for what we call ''trailing interest.'' In this case, the trailing interest is the interest that accumulated on the $55.21 from February 1 to 15, which is the time period from the day when the bill was sent to the day when it was paid. The total is 38 cents. While some issuers will waive trailing interest if the next month's bill is less than $1, if a consumer makes a new purchase, a common industry practice is to fold the 38 cents into the end-of-month bill reflecting the new purchase.

Now 38 cents isn't much in the big scheme of things. That may be why many consumers don't notice these types of extra interest charges or try to fight them. Even if someone had questions about the amount of interest on a bill, most consumers would be hard pressed to understand how the amount was calculated, much less whether it was incorrect. But by nickel and diming tens of millions of consumer accounts, credit card issuers reap large profits. I think it is indefensible to make consumers pay interest on debt which they pay on time. It is also just plain wrong to charge trailing interest when a bill is paid on time and in full.

My Subcommittee's second hearing focused on another set of unfair credit card practices involving unfair interest rate increases. Cardholders who had years-long records of paying their credit card bills on time, staying below their credit limits, and paying at least the minimum amount due, were nevertheless socked with substantial interest rate increases. Some saw their credit card interest rates double or even triple. At the hearing, three consumers described this experience.

Janet Hard of Freeland, Michigan, had accrued over $8,000 in debt on her Discover card. Although she made payments on time and paid at least the minimum due for over two years, Discover increased her interest rate from 18 percent to 24 percent in 2006. At the same time, Discover applied the 24 percent rate retroactively to her existing credit card debt, increasing her minimum payments and increasing the amount that went to finance charges instead of the principal debt. The result was that, despite making steady payments totaling $2,400 in twelve months and keeping her purchases to less than $100 during that same year, Janet Hard's credit card debt went down by only $350. Sky-high interest charges, inexplicably increased and unfairly applied, ate up most of her payments.

Millard Glasshof of Milwaukee, Wisconsin, a retired senior citizen on a fixed income, incurred a debt of about $5,000 on his Chase credit card, closed the account, and faithfully paid down his debt with a regular monthly payment of $119 for years. In December 2006, Chase increased his interest rate from 15 percent to 17 percent, and in February 2007, hiked it again to 27 percent. Retroactive application of the 27 percent rate to Mr. Glasshof's existing debt meant that, out of his $119 payment, about $114 went to pay finance charges and only $5 went to reducing his principal debt. Despite his making payments totaling $1,300 over twelve months, Mr. Glasshof found that, due to high interest rates and excessive fees, his credit card debt did not go down at all. Later, after the Subcommittee asked about his account, Chase suddenly lowered the interest rate to 6 percent. That meant, over a one year period, Chase had applied four different interest rates to his closed credit card account: 15 percent, 17 percent, 27 percent, and 6 percent, which shows how arbitrary those rates are.

Then there is Bonnie Rushing of Naples, Florida. For years, she had paid her Bank of America credit card on time, providing at least the minimum amount specified on her bills. Despite her record of on-time payments, in 2007, Bank of America nearly tripled her interest rate from 8 to 23 percent. The Bank said that it took this sudden action because Ms. Rushing's FICO credit score had dropped. When we looked into why it had dropped, it was apparently because she had opened Macy's and J. Jill credit cards to get discounts on purchases. Despite paying both bills on time and in full, the automated FICO system had lowered her credit rating, and Bank of America had followed suit by raising her interest rate by a factor of three. Ms. Rushing closed her account and complained to the Florida Attorney General, my Subcommittee, and her card sponsor, the American Automobile Association. Bank of America eventually restored the 8 percent rate on her closed account.

In addition to these three consumers who testified at the hearing, the Subcommittee presented case histories for five other consumers who experienced substantial interest rate increases despite complying with their credit card agreements.

I'd also like to note that, in each of these cases, the credit card issuer told our Subcommittee that the cardholder had been given a chance to opt out of the increased interest rate by closing their account and paying off their debt at the prior rate. But each of these cardholders denied receiving an opt-out notice, and when several tried to close their account and pay their debt at the prior rate, they were told they had missed the opt-out deadline and had no choice but to pay the higher rate. Our Subcommittee examined copies of the opt-out notices and found that some were filled with legal jargon, were hard to understand, and contained procedures that were hard to follow. When we asked the major credit card issuers what percentage of persons offered an opt-out actually took it, they told the Subcommittee that 90 percent did not opt out of the higher interest rate—a percentage that is contrary to all logic and strong evidence that current opt-out procedures don't work.

The case histories presented at our hearings illustrate only a small portion of the abusive credit card practices going on today. Since early 2007, the Subcommittee has received letters and emails from thousands of credit card cardholders describing unfair credit card practices and asking for help to stop them, more complaints than I have received in any investigation I've conducted in more than 25 years in Congress. The complaints stretch across all income levels, all ages, and all areas of the country. The bottom line is that these abuses have gone on for too long. In fact, these practices have been around for so many years that they have in many cases become the industry norm, and our investigation has shown that many of the practices are too entrenched, too profitable, and too immune to consumer pressure for the companies to change them on their own.

For these reasons, I urge my colleagues to support enactment of the Dodd-Levin Credit CARD Act this year. Congress has already gone to bat for the banks that engage in abusive credit card practices; it's time we go to bat for the American family.

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. CARDIN, Mr. CASEY, Mr. DURBIN, Mr. FEINGOLD, Mr. KENNEDY, Ms. MIKULSKI, Mr. MENENDEZ, Mr. MERKLEY, Mr. SANDERS, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 416. A bill to limit the use of cluster munitions; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise today with my friend and colleague from Vermont, Senator LEAHY, to re-introduce the Cluster Munitions Civilian Protection Act.

The bill is also co-sponsored by Senators BINGAMAN, BOXER, BROWN, CARDIN, CASEY, DURBIN, FEINGOLD, KENNEDY, MIKULSKI, MENENDEZ, MERKLEY, SANDERS, STABENOW, and WHITEHOUSE.

Our legislation places common sense restrictions on the use of cluster bombs. It prevents any funds from being spent to use cluster munitions that have a failure rate of more than one percent; and unless the rules of engagement specify: the cluster munitions will only be used against clearly defined military targets and; will not be used where civilians are known to be present or in areas normally inhabited by civilians.

The bill also requires the President to submit a report to the appropriate Congressional committees on the plan to clean up unexploded cluster bombs.

Finally, the bill includes a national security waiver that allows the President to waive the prohibition on the use of cluster bombs with a failure rate of more than one percent, if he determines it is vital to protect the security of the United States to do so.

Cluster munitions are large bombs, rockets, or artillery shells that contain up to hundreds of small submunitions, or individual ''bomblets.''

They are intended for attacking enemy troop formations and armor covering over a half mile radius.

Yet, in practice, they pose a real threat to the safety of civilians when used in populated areas because they leave hundreds of unexploded bombs over a very large area and they are often inaccurate.

Indeed, the human toll of these weapons has been terrible:

In Laos, approximately 11,000 people, 30 percent of them children, have been killed or injured by U.S. cluster munitions since the Vietnam War ended.

In Afghanistan, between October 2001 and November 2002, 127 civilians lost their lives due to cluster munitions, 70 percent of them under the age of 18.

An estimated 1,220 Kuwaitis and 400 Iraqi civilians have been killed by cluster munitions since 1991.

In the 2006 war in Lebanon, Israeli cluster munitions, many of them manufactured in the U.S., injured and killed 200 civilians.

During the 2003 invasion of Baghdad, the last time the U.S. used cluster munitions, these weapons killed more civilians than any other type of U.S. weapon.

The U.S. 3rd Infantry Division described cluster munitions as ''battlefield losers'' in Iraq, because they were often forced to advance through areas contaminated with unexploded duds.

During the 1991 Gulf War, U.S. cluster munitions caused more U.S. troop casualties than any single Iraqi weapon system, killing 22 U.S. servicemen.

Yet we have seen significant progress in the effort to protect innocent civilians from these deadly weapons since we first introduced this legislation in the 110th Congress.

In December, 95 countries came together to sign the Oslo Convention on Cluster Munitions which would prohibit the production, use, and export of cluster bombs and requires signatories to eliminate their arsenals within 8 years.

This group includes key NATO allies such as Canada, the United Kingdom, France, and Germany, who are fighting alongside our troops in Afghanistan.

In 2007, Congress passed and President Bush signed into law a provision from our legislation contained in the fiscal year 2008 Consolidated Appropriations Act prohibiting the sale and transfer of cluster bombs with a failure rate of more than one percent.

In addition, the Senate Appropriations Committee approved the fiscal year 2009 State, Foreign Operations and Related Programs Appropriations bill renewing the ban for another year.

I am confident this ban will be included in an fiscal year 2009 Omnibus appropriations bill.

These actions will help save lives. But much more work remains to be done and significant obstacles remain.

For one, the United States chose not to participate in the Oslo process or sign the treaty.

The Pentagon continues to believe that cluster munitions are ''legitimate weapons with clear military utility in combat.'' It would prefer that the United States work within the Geneva-based Convention on Certain Conventional Weapons, CCW, to negotiate limits on the use of cluster munitions.

Yet these efforts have been going on since 2001 and it was the inability of the CCW to come to any meaningful agreement which prompted other countries, led by Norway, to pursue an alternative treaty through the Oslo process.

A lack of U.S. leadership in this area has given cover to other major cluster munitions producing nations—China, Russia, India, Pakistan, Israel, and Egypt—who have refused to sign the Oslo Convention as well.

Recognizing the United States could not remain silent in the face of international efforts to restrict the use of cluster bombs, Secretary of Defense Robert Gates issued a new policy on cluster munitions in June 2008 stating that after 2018, the use, sale and transfer of cluster munitions with a failure rate of more than 1 percent would be prohibited.

The policy is a step in the right direction, but under the terms of this new policy, the Pentagon will still have the authority to use cluster bombs with high failure rates for the next ten years.

That is unacceptable and runs counter to our values.

The United States maintains an arsenal of an estimated 5.5 million cluster munitions containing 728 million submunitions which have an estimated failure rate of between 5 and 15 percent.

What does that say about us, that we are still prepared to use, sell and transfer these weapons with well known failure rates?

The fact is, cluster munition technologies already exist, that meet the one percent standard. Why do we need to wait ten years?

This delay is especially troubling given that in 2001, former Secretary of Defense William Cohen issued his own policy on cluster munitions stating that, beginning in fiscal year 2005, all new cluster munitions must have a failure rate of less than one percent.

Unfortunately, the Pentagon was unable to meet this deadline and Secretary Gates' new policy essentially postpones any meaningful action for another ten years.

That means, if we do nothing, by 2018 close to twenty years will have passed since the Pentagon first recognized the threat these deadly weapons pose to innocent civilians.

We can do better.

Our legislation simply moves up the Gates policy by ten years. For those of my colleagues who are concerned that it may be too soon to enact a ban on the use of cluster bombs with failure rates of more than one percent, I point out again that our bill allows the President to waive this restriction if he determines it is vital to protect the security of the United States to do so.

I would also remind my colleagues that the United States has not used cluster bombs in Iraq since 2003 and has observed a moratorium on their use in Afghanistan since 2002.

We introduced this legislation to make this moratorium permanent for the entire U.S. arsenal of cluster munitions.

We introduced this legislation for children like Hassan Hammade.

A 13-year-old Lebanese boy, Hassan lost four fingers and sustained injuries to his stomach and shoulder after he picked up an unexploded cluster bomb in front of an orange tree.

He said:

I started playing with it and it blew up. I didn't know it was a cluster bomb—it just looked like a burned out piece of metal.

All the children are too scared to go out now, we just play on the main roads or in our homes.

I urge my colleagues to support this legislation. We should do whatever we can to protect more innocent children and other civilians from these dangerous weapons.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cluster Munitions Civilian Protection Act of 2009''.

SEC. 2. LIMITATION ON THE USE OF CLUSTER MUNITIONS.

No funds appropriated or otherwise available to any Federal department or agency may be obligated or expended to use any cluster munitions unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments; and

(2) the policy applicable to the use of such cluster munitions specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

SEC. 3. PRESIDENTIAL WAIVER.

The President may waive the requirement under section 2(1) if, prior to the use of cluster munitions, the President—

(1) certifies that it is vital to protect the security of the United States; and

(2) not later than 30 days after making such certification, submits to the appropriate congressional committees a report, in classified form if necessary, describing in detail—

(A) the steps that will be taken to protect civilians; and

(B) the failure rate of the cluster munitions that will be used and whether such munitions are fitted with self-destruct or self-deactivation devices.

SEC. 4. CLEANUP PLAN.

Not later than 90 days after any cluster munitions are used by a Federal department or agency, the President shall submit to the appropriate congressional committees a plan, prepared by such Federal department or agency, for cleaning up any such cluster munitions and submunitions which fail to explode and continue to pose a hazard to civilians.

SEC. 5. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term ''appropriate congressional committees'' means the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

Mr. LEAHY. Mr. President, I am pleased to join with my friend from California, Senator FEINSTEIN, in introducing the Cluster Munitions Civilian Protection Act of 2009. This is a slightly revised version of a bill of the same name which we introduced in 2007.

Since December 3, 2008, when the Convention on Cluster Munitions opened for signature in Dublin, 96 countries have signed the treaty including Great Britain, Germany, Canada, Norway, Australia and other allies of the United States.

The treaty is the culmination of a year of negotiations, launched by Norway, among 107 governments that came together to prohibit the use of cluster munitions that cause unacceptable harm to civilians.

The Bush administration did not participate in the negotiations, which I believe was a mistake. As the Nation with the world's most powerful military we should not be on the sidelines while others are trying to protect the lives and limbs of civilians who comprise the vast majority of war casualties today.

The Pentagon continues to insist that cluster munitions have military utility, and that the U.S. should retain the ability to use millions of cluster munitions in its arsenal which have estimated failure rates of 5 to 20 percent.

Of course, any weapon, whether cluster munitions, landmines, or even poison gas, has some military utility. But anyone who has seen the indiscriminate devastation cluster munitions cause over a wide area understands the unacceptable threat they can pose to civilians. These are not the laser guided weapons the Pentagon showed destroying their targets during the invasion of Baghdad.

There is the insidious problem of cluster munitions that fail to explode as designed and remain as active duds, like landmines, until they are triggered by whoever comes into contact with them. Often it is an unsuspecting child, or a farmer. We saw that recently in Lebanon, and in Laos people are still being killed and maimed by U.S. cluster munitions left from the Vietnam War.

Current law prohibits U.S. sales, exports and transfers of cluster munitions that have a failure rate exceeding 1 percent. That law also requires any sale, export or transfer agreement to include a requirement that the cluster munitions will be used only against military targets and not in areas where civilians are known to be present.

Last year, the Pentagon announced that it would meet the failure rate requirement for U.S. use of cluster munitions in 2018. While a step forward, I do not believe we can justify continuing to use weapons that so often fail, so often kill and injure civilians, and which many of our allies have renounced. That is not the kind of leadership the world needs and expects from the United States.

Senator FEINSTEIN's and my bill would apply similar restrictions to the use of cluster munitions beginning immediately on the date of enactment. However, the bill does permit the President to waive the 1 percent requirement if he certifies that it is vital to protect the security of the United States. I urge the Pentagon to work with us by supporting this reasonable step.

I want to express my appreciation to all nations that have signed the treaty, and urge the Obama administration to review its policy on cluster munitions with a view toward putting the U.S. on a path to join the treaty as soon as possible. In the meantime, our legislation would go a long way toward putting the United States on that path.

There are some who dismissed the Cluster Munitions Convention as a pointless exercise, since it does not yet have the support of the United States and other major powers such as Russia, China, Pakistan, India, and Israel. These are some of the same critics of the Ottawa treaty banning anti-personnel landmines, which the U.S. and the other countries I named have also refused to sign. But that treaty has dramatically reduced the number of landmines produced, used, sold and stockpiled, and the number of mine victims has fallen sharply. Any government that contemplates using landmines today does so knowing that it will be condemned by the international community. I suspect it is only a matter of time before the same is true for cluster munitions.

It is important to note that the U.S. today has the technological ability to produce cluster munitions that would not be prohibited by the treaty. What is lacking is the political will to expend the necessary resources. There is no other excuse for continuing to use cluster munitions that cause unacceptable harm to civilians. I am committed to working in the Defense Appropriations Subcommittee to help secure the resources needed to make this new technology available.

I want to commend Senator FEINSTEIN who has shown real passion and persistence in raising this issue and seeking every opportunity to protect civilians from these indiscriminate weapons.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. FEINGOLD, Mr. WHITEHOUSE, and Mrs. MCCASKILL):

S. 417. A bill to enact a safe, fair, and responsible state secrets privilege Act; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am introducing the bipartisan State Secrets Protection Act. I am pleased that Senator KENNEDY, who had so much to do with developing this proposal last Congress is an original cosponsor of the bill along with Senators SPECTER, FEINGOLD, WHITEHOUSE and MCCASKILL. After a lengthy debate, this bill was reported by the Judiciary Committee last April.

The State secrets privilege is a common law doctrine that the Government can claim in court to prevent evidence that could harm national security from being publicly revealed. During the Bush administration, the State secrets privilege was used to avoid judicial review and skirt accountability by ending cases without consideration of the merits. It was used to stymie litigation at its very inception in cases alleging egregious Government misconduct, such as extraordinary rendition and warrantless eavesdropping on the communications of Americans.

The 2006 case of Khaled El-Masri, who was kidnapped and transported against his will to Afghanistan, where he was detained and tortured as part of the Bush administration's extraordinary

rendition program, is one such example. He sued the government alleging unlawful detention and treatment. A district court judge dismissed the entire lawsuit after the Government invoked the State secrets privilege, solely on the basis of an ex parte declaration from the Director of the Central Intelligence Agency, and despite the fact that the Government had admitted that the rendition program exists. Mr. El-Masri has no other remedy. Our justice system is off limits to him, and no judge ever reviewed any of the actual evidence.

The State secrets privilege serves important goals where properly invoked. But there are serious consequences for litigants and for the American public when the privilege is used to terminate litigation alleging serious Government misconduct. For the aggrieved parties, it means that the courthouse doors are closed forever regardless of the severity of their injury. They will never have their day in court. For the American public, it means less accountability, because there will be no judicial scrutiny of improper actions of the executive, and no check or balance.

The State Secrets Protection Act will help guide the courts to balance the Government's interests in secrecy with accountability and the rights of citizens to seek judicial redress. The bill does not restrict the Government's ability to assert the privilege in appropriate cases. Rather, the bill would allow judges to look at the actual evidence the Government submits so that they, neutral judges, rather than self-interested executive branch officials, would render the ultimate decision whether the State secrets privilege should apply. This is consistent with the procedure for other privileges recognized in our courts.

We held a Committee hearing on this issue last year, and the appropriate use of this privilege remains an area of concern for me and for the cosponsors of this bill. In light of the pending cases where this privilege has been invoked, involving issues including torture, rendition and warrantless wiretapping, we can ill-afford to delay consideration of this important legislation. I hope all Senators will join us in supporting this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''State Secrets Protection Act''.

SEC. 2. STATE SECRETS PROTECTION.

(a) IN GENERAL.—Title 28 of the United States Code is amended by adding after chapter 180, the following:

''CHAPTER 181—STATE SECRETS PROTECTION

''§ 4051. Definitions

''In this chapter—

''(1) the term 'evidence' means any document, witness testimony, discovery response, affidavit, object, or other material that could be admissible in court under the Federal Rules of Evidence or discoverable under the Federal Rules of Civil Procedure; and

''(2) the term 'state secret' refers to any information that, if disclosed publicly, would be reasonably likely to cause significant harm to the national defense or foreign relations of the United States.

''§ 4052. Rules governing procedures related to this chapter

''(a) DOCUMENTS.—A Federal court—

''(1) shall determine which filings, motions, and affidavits, or portions thereof, submitted under this chapter shall be submitted ex parte;

''(2) may order a party to provide a redacted, unclassified, or summary substitute of a filing, motion, or affidavit to other parties; and

''(3) shall make decisions under this subsection taking into consideration the interests of justice and national security.

''(b) HEARINGS.—

''(1) IN CAMERA HEARINGS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), all hearings under this chapter shall be conducted in camera.

''(B) EXCEPTION.—A court may not conduct a hearing under this chapter in camera based on the assertion of the state secrets privilege if the court determines that the hearing relates only to a question of law and does not present a risk of revealing state secrets.

''(2) EX PARTE HEARINGS.—A Federal court may conduct hearings or portions thereof ex parte if the court determines, following in camera review of the evidence, that the interests of justice and national security cannot adequately be protected through the measures described in subsections (c) and (d).

''(3) RECORD OF HEARINGS.—The court shall preserve the record of all hearings conducted under this chapter for use in the event of an appeal. The court shall seal all records to the extent necessary to protect national security.

''(c) ATTORNEY SECURITY CLEARANCES.—

''(1) IN GENERAL.—A Federal court shall, at the request of the United States, limit participation in hearings conducted under this chapter, or access to motions or affidavits submitted under this chapter, to attorneys with appropriate security clearances, if the court determines that limiting participation in that manner would serve the interests of national security. The court may also appoint a guardian ad litem with the necessary security clearances to represent any party for the purposes of any hearing conducted under this chapter.

''(2) STAYS.—During the pendency of an application for security clearance by an attorney representing a party in a hearing conducted under this chapter, the court may suspend proceedings if the court determines that such a suspension would serve the interests of justice.

''(3) COURT OVERSIGHT.—If the United States fails to provide a security clearance necessary to conduct a hearing under this chapter in a reasonable period of time, the court may review in camera and ex parte the reasons of the United States for denying or delaying the clearance to ensure that the United States is not withholding a security clearance from a particular attorney or class of attorneys for any reason other than protection of national security.

''(d) PROTECTIVE ORDERS.—A Federal court may issue a protective order governing any information or evidence disclosed or discussed at any hearing conducted under this chapter if the court determines that issuing such an order is necessary to protect national security.

''(e) OPINIONS AND ORDERS.—Any opinions or orders issued under this chapter may be issued under seal or in redacted versions if, and to the extent that, the court determines that such measure is necessary to protect national security.

''(f) SPECIAL MASTERS.—A Federal court may appoint a special master or other independent advisor who holds the necessary security clearances to assist the court in handling a matter subject to this chapter.

''§ 4053. Procedures for answering a complaint

''(a) INTERVENTION.—The United States may intervene in any civil action in order to protect information the Government determines may be subject to the state secrets privilege.

''(b) IMPERMISSIBLE AS GROUNDS FOR DISMISSAL PRIOR TO HEARINGS.—Except as provided in section 4055, the state secrets privilege shall not constitute grounds for dismissal of a case or claim. If a motion to dismiss or for summary judgment is based in whole or in part on the state secrets privilege, or may be affected by the assertion of the state secrets privilege, a ruling on that motion shall be deferred pending completion of the hearings provided under this chapter, unless the motion can be granted on grounds unrelated to, and unaffected by, the assertion of the state secrets privilege.

''(c) PLEADING STATE SECRETS.—In answering a complaint, if the United States or an officer or agency of the United States is a party to the litigation, the United States may plead the state secrets privilege in response to any allegation in any individual claim or counterclaim if the admission or denial of that allegation in that individual claim or counterclaim would itself divulge a state secret to another party or the public. If the United States has intervened in a civil action, it may assert the state secrets privilege in response to any allegation in any individual claim or counterclaim if the admission or denial by a party of that allegation in that individual claim or counterclaim would itself divulge a state secret to another party or the public. No adverse inference or admission shall be drawn from a pleading of state secrets in an answer to an item in a complaint.

''(d) SUPPORTING AFFIDAVIT.—In each instance in which the United States asserts the state secrets privilege in response to 1 or more claims, it shall provide the court with an affidavit signed by the head of the executive branch agency with responsibility for,

and control over, the asserted state secrets explaining the factual basis for the assertion of the privilege and attesting that personal consideration was given to the assertion of the privilege. The duties of the head of an executive branch agency under this subsection may not be delegated.

"§ 4054. Procedures for determining whether evidence is protected from disclosure by the state secrets privilege

''(a) ASSERTING THE STATE SECRETS PRIVILEGE.—The United States may, in any civil action to which the United States is a party or in any other civil action before a Federal or State court, assert the state secrets privilege as a ground for withholding information or evidence in discovery or for preventing the disclosure of information through court filings or through the introduction of evidence.

''(b) SUPPORTING AFFIDAVIT.—In each instance in which the United States asserts the state secrets privilege with respect to an item of information or evidence, the United States shall provide the court with an affidavit signed by the head of the executive branch agency with responsibility for, and control over, the state secrets involved explaining the factual basis for the claim of privilege. The United States shall make public an unclassified version of the affidavit.

''(c) HEARING.—A Federal court shall conduct a hearing, consistent with the requirements of section 4052, to examine the items of evidence that the United States asserts are subject to the state secrets privilege, as well as any affidavit submitted by the United States in support of any assertion of the state secrets privilege, and to determine the validity of any assertion of the state secrets privilege made by the United States.

''(d) REVIEW OF EVIDENCE.—

''(1) SUBMISSION OF EVIDENCE.—In addition to the affidavit provided under subsection (b), and except as provided in paragraph (2) of this subsection, the United States shall make all evidence the United States claims is subject to the state secrets privilege available for the court to review, consistent with the requirements of section 4052, before any hearing conducted under this section.

''(2) SAMPLING IN CERTAIN CASES.—If the volume of evidence the United States asserts is protected by the state secrets privilege precludes a timely review of each item of evidence, or the court otherwise determines that a review of all of that evidence is not feasible, the court may substitute a sufficient sampling of the evidence if the court determines that there is no reasonable possibility that review of the additional evidence would change the determination on the privilege claim and the evidence reviewed is sufficient to enable to court to make the determination required under this section.

''(3) INDEX OF MATERIALS.—The United States shall provide the court with a manageable index of evidence it contends is subject to the state secrets privilege by formulating a system of itemizing and indexing that would correlate statements made in the affidavit provided under subsection (b) with portions of the evidence the United States asserts is subject to the state secrets privilege. The index shall be specific enough to afford the court an adequate foundation to review the basis of the invocation of the privilege by the United States.

''(e) DETERMINATIONS AS TO APPLICABILITY OF STATE SECRETS PRIVILEGE.—

''(1) IN GENERAL.—Except as provided in subsection (d)(2), as to each item of evidence that the United States asserts is protected by the state secrets privilege, the court shall review, consistent with the requirements of section 4052, the specific item of evidence to determine whether the claim of the United States is valid. An item of evidence is subject to the state secrets privilege if it contains a state secret, or there is no possible means of effectively segregating it from other evidence that contains a state secret.

''(2) ADMISSIBILITY AND DISCLOSURE.—

''(A) PRIVILEGED EVIDENCE.—If the court agrees that an item of evidence is subject to the state secrets privilege, that item shall not be disclosed or admissible as evidence.

''(B) NON-PRIVILEGED EVIDENCE.—If the court determines that an item of evidence is not subject to the state secrets privilege, the state secrets privilege does not prohibit the disclosure of that item to the opposing party or the admission of that item at trial, subject to the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

''(3) STANDARD OF REVIEW.—The court shall give substantial weight to an assertion by the United States relating to why public disclosure of an item of evidence would be reasonably likely to cause significant harm to the national defense or foreign relations of the United States. The court shall weigh the testimony of a Government expert in the same manner as the court weighs, and along with, any other expert testimony in the applicable case.

''(f) NON-PRIVILEGED SUBSTITUTE.—If the court finds that material evidence is subject to the state secrets privilege and it is possible to craft a non-privileged substitute for that privileged material evidence that provides a substantially equivalent opportunity to litigate the claim or defense as would that privileged material evidence, the court shall order the United States to provide such a substitute, which may consist of—

''(1) a summary of such privileged information;

''(2) a version of the evidence with privileged information redacted;

''(3) a statement admitting relevant facts that the privileged information would tend to prove; or

''(4) any other alternative as directed by the court in the interests of justice and protecting national security.

''(g) REFUSAL TO PROVIDE NON-PRIVILEGED SUBSTITUTE.—In a suit against the United States or an officer or agent of the Unites States acting in the official capacity of that officer or agent, if the court orders the United States to provide a non-privileged substitute for evidence in accordance with this section, and the United States fails to comply, the court shall resolve the disputed issue of fact or law to which the evidence pertains in the non-government party's favor.

"§ 4055. Procedures when evidence protected by the state secrets privilege is necessary for adjudication of a claim or counterclaim

''After reviewing all pertinent evidence, privileged and non-privileged, a Federal court may dismiss a claim or counterclaim on the basis of the state secrets privilege only if the court determines that—

''(1) it is impossible to create for privileged material evidence a non-privileged substitute under section 4054(f) that provides a substantially equivalent opportunity to litigate the claim or counterclaim as would that privileged material evidence;

''(2) dismissal of the claim or counterclaim would not harm national security; and

''(3) continuing with litigation of the claim or counterclaim in the absence of the privileged material evidence would substantially impair the ability of a party to pursue a valid defense to the claim or counterclaim.

"§ 4056. Interlocutory appeal

''(a) IN GENERAL.—The courts of appeal shall have jurisdiction of an appeal by any party from any interlocutory decision or order of a district court of the United States under this chapter.

''(b) APPEAL.—

''(1) IN GENERAL.—An appeal taken under this section either before or during trial shall be expedited by the court of appeals.

''(2) DURING TRIAL.—If an appeal is taken during trial, the district court shall adjourn the trial until the appeal is resolved and the court of appeals—

''(A) shall hear argument on appeal as expeditiously as possible after adjournment of the trial by the district court;

''(B) may dispense with written briefs other than the supporting materials previously submitted to the trial court;

''(C) shall render its decision as expeditiously as possible after argument on appeal; and

''(D) may dispense with the issuance of a written opinion in rendering its decision.

"§ 4057. Security procedures

''(a) IN GENERAL.—The security procedures established under the Classified Information Procedures Act (18 U.S.C. App.) by the Chief Justice of the United States for the protection of classified information shall be used to protect against unauthorized disclosure of evidence protected by the state secrets privilege.

''(b) RULES.—The Chief Justice of the United States, in consultation with the Attorney General, the Director of National Intelligence, and the Secretary of Defense, may create additional rules or amend the rules to implement this chapter and shall submit any such additional rules or amendments to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate. Any such rules or amendments shall become effective 90 days after such submission, unless Congress provides otherwise. Rules and amendments shall comply with the letter and spirit of this chapter, and may include procedures concerning the role of magistrate judges and special masters in assisting courts in carrying out this chapter. The rules or amendments under this subsection may include procedures to ensure that a sufficient number of attorneys with appropriate security clearances are available in each of the judicial districts of the United States to serve as guardians ad litem under section 4052(c)(1).

"§ 4058. Reporting

''(a) ASSERTION OF STATE SECRETS PRIVILEGE.—

''(1) IN GENERAL.—The Attorney General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report on any case in which the United States asserts the state secrets privilege, not later than 30 calendar days after the date of such assertion.

''(2) CONTENTS.—Each report submitted under this subsection shall include any affidavit filed in support of the assertion of the state secrets privilege and the index required under section 4054(d)(2).

''(3) EVIDENCE.—Upon a request by any member of the Permanent Select Committee on Intelligence or the Committee on the Judiciary of the House of Representatives or

the Select Committee on Intelligence or the Committee on the Judiciary of the Senate, the Attorney General shall provide to that member any item of evidence relating to which the United States has asserted the state secrets privilege.

''(4) PROTECTION OF INFORMATION.—An affidavit, index, or item of evidence provided under this subsection may be included in a classified annex or provided under any other appropriate security measures.

''(b) OPERATION AND EFFECTIVENESS.—

''(1) IN GENERAL.—The Attorney General shall deliver to the committees of Congress described in subsection (a) a report concerning the operation and effectiveness of this chapter and including suggested amendments to this chapter.

''(2) DEADLINE.—The Attorney General shall submit a report under paragraph (1) not later than 1 year after the date of enactment of this chapter, and every year there after until the date that is 3 years after that date of enactment. After the date that is 3 years after that date of enactment, the Attorney General shall submit a report under paragraph (1) as necessary.

''§ 4059. Rule of construction

''Nothing in this chapter—

''(1) is intended to supersede any further or additional limit on the state secrets privilege under any other provision of law; or

''(2) may be construed to preclude a court from dismissing a claim or counterclaim or entering judgment on grounds unrelated to, and unaffected by, the assertion of the state secrets privilege.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part VI of title 28, United States Code, is amended by adding at the end the following:

181. State secrets protection 4051

SEC. 3. SEVERABILITY.

If any provision of this Act, any amendment made by the Act, or the application of such provision or amendment to any person or circumstances is held to be invalid, the remainder of this Act, the amendments made by the Act, and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

SEC. 4. APPLICATION TO PENDING CASES.

The amendments made by this Act shall apply to any civil case pending on or after the date of enactment of this Act.

Mr. FEINGOLD. Mr. President, I am proud to join Senators LEAHY, SPECTER, and KENNEDY in introducing the State Secrets Protection Act of 2009. This bill establishes uniform procedures for courts to use when evaluating governmental assertions of the state secrets privilege in civil litigation. It takes an important step toward restoring the rule of law by ensuring that the privilege will be used only to protect true state secrets, and not as a means for the Government to avoid accountability for its actions.

In a democracy, the public should have the right to know what its government is doing. That should be the rule, and secrecy should be the rare exception, reserved for the very few cases in which the national security is truly at stake. Unfortunately, the Bush administration stood that presumption on its head, cloaking its actions in secrecy whenever possible and grudgingly submitting to public scrutiny only when it couldn't be avoided. The ''state secrets'' privilege was a favorite weapon in that administration's arsenal of secrecy.

None of us disputes that information may properly be withheld as a ''state secret'' when disclosing the information would cause grave damage to national security. The problem arises when the privilege is abused and invoked to shield Government wrongdoing. Indeed, that is exactly what happened the first time the Supreme Court recognized the privilege in 1953, in the case of United States v. Reynolds. The Government had been sued after a military aircraft crash killed nine people, and it invoked the ''state secrets'' privilege to shield an internal investigative report. Decades later, when the report was declassified, it revealed nothing that could fairly be characterized as a ''state secret'' but it did reveal faulty maintenance of the aircraft.

Abuses like these can be prevented, but only if the courts fulfill their responsibility to carefully review claims of privilege. In the Reynolds case, no court actually looked at the supposedly privileged report. That simple step would have prevented the miscarriage of justice that ensued. Yet, despite the fact that courts have the acknowledged authority to order in camera review of the evidence, fewer than one third of courts have actually exercised that option when the Government has asserted the ''state secrets'' privilege. And a host of other tools available to the courts to evaluate and respond to claims of privilege have been employed inconsistently at best, resulting in a confused body of case law that preserves accountability in some cases while granting the government a ''get out of jail free'' card in others.

In the last Congress, Senators KENNEDY, SPECTER, and LEAHY introduced the State Secrets Protection Act to standardize the procedures courts use in cases where the Government asserts the ''state secrets'' privilege and to ensure adequate scrutiny of such claims. The bill was reported by the Judiciary Committee last April after extensive debate. Much of the credit for this legislation goes to Senator KENNEDY, whose unfailing commitment to the rule of law inspired both the concept and the particulars of this bill. I had the honor of working with him to develop this legislation, and it is a pleasure now to cosponsor its reintroduction, with Senator LEAHY as the lead sponsor.

The bill makes use of existing tools that are available to the courts when handling national security information. Perhaps the most fundamental of these is in camera review of the allegedly privileged evidence, which the bill requires. The idea here is simple: Determining what information the evidence contains is the threshold step in determining whether that evidence is privileged. This step is far too important to be left to a party with a built-in conflict of interest. Just as a court would never accept a private litigant's description of his or her evidence in lieu of the evidence itself, the court should not rely solely on the Government's description of the evidence when the Government has a clear interest in the outcome of the case.

That courts may examine sensitive national security information in camera is beyond any serious dispute. Since 1974, the Freedom of Information Act has allowed courts to engage in in camera review of any records that the Government claims are exempt from disclosure under the Act. Courts have also reviewed the most sensitive national security information in criminal cases, pursuant to the Classified Information Procedures Act. In fact, courts handle highly classified information on a regular basis. There is no legitimate justification for skipping this crucial step.

The bill also requires courts to hold in camera hearings on the question of whether the evidence is privileged. Based on the court's previous review of the evidence, the court may conduct the hearing ex parte i.e., without any participation by the plaintiff or the plaintiff's lawyers but only if the court finds that national security cannot adequately be protected through other means. For example, the court may limit attendance at the hearing to attorneys with the requisite clearances, or the court may appoint a guardian ad litem to represent the plaintiff's interests at the hearing. The bill thus preserves the adversarial process to the maximum extent consistent with protecting national security.

That's important, for at least two reasons. First, our justice system is premised on the notion of fairness, and that principle of fairness is undermined any time a party to litigation is excluded from the proceedings. But fairness isn't the only principle at stake. For all its complications and occasional inefficiencies, the adversarial process remains the best system for getting to the truth. If only one party is present at the hearing, the court is more likely to reach the wrong result it's as simple as that.

Taken together, the requirements of in camera review of the evidence and an in camera hearing ensure that the Government's claim of privilege is evaluated fairly and thoroughly. A fair, thorough review is necessary, because the bill makes absolutely clear that once evidence is found to be privileged, it cannot be disclosed, however great the plaintiff's need for the evidence may be. The interest of national security, once the court determines that interest is truly at stake, is given absolute protection.

That may mean the end of the lawsuit but it may not. As Congress recognized when it passed the Classified Information Procedures Act, courts have many tools at their disposal to move litigation forward even when some of the evidence cannot be disclosed. For example, courts can require the Government to submit non-privileged substitutes for the privileged evidence, such as summaries of the evidence, redacted versions, or admissions of certain facts. Under the bill, where the court finds that it would be feasible for the Government to craft a non-privileged substitute for privileged evidence, it may order the Government to do so. Again, however, the court can never compel the production of privileged evidence. If the Government refuses to craft a non-privileged substitute, the remedy is the same one that exists in the CIPA: the court may resolve the relevant issue of fact or law against the Government.

The bill does not allow courts to dismiss lawsuits at the pleadings stage based on a claim of ''subject matter privilege.'' As the Fourth Circuit has explained, ''subject matter privilege'' applies if the case is so pervaded with state secrets, it would be impossible to conduct the lawsuit without revealing them. Such cases undoubtedly exist. But until all of the relevant evidence is identified and the privilege determinations are made, any conclusion that a case will be pervaded with state secrets is simply a prediction. Only by proceeding through discovery and pre-trial hearings can that prediction be replaced with certainty. And this can be done without revealing a single state secret, since the bill allows privilege determinations to be made in camera and ex parte.

The bill does not change the ordinary rules of summary judgment. If a court determines, after discovery and pretrial hearings are completed, that the key evidence is privileged and the plaintiff cannot prove his or her case using non-privileged evidence, then the Government may move for summary judgment and prevail. The bill thus retains the concept of ''subject matter privilege'' it simply requires a more thorough testing of the claim.

Nor does the bill ever put the Government to the ''Hobson's choice'' of either revealing privileged evidence or conceding the lawsuit. Under the bill, even if the plaintiff has made out a prima facie case, the court can and must dismiss the lawsuit if the Government would need to disclose privileged evidence in order to present a valid defense. The Government's interests, as well as the national security, are thus scrupulously protected.

Finally, the bill facilitates congressional oversight by requiring the executive branch to share with the Judiciary and Intelligence Committees the documents it makes available to the courts: the Government affidavit explaining why the evidence is privileged, the index of privileged evidence, and, where requested, the evidence itself. This information will help Congress monitor the Government's use of the privilege and assess the need for any further legislation.

Perhaps even more important, it will provide a means of accountability in those cases where the privilege prevents a court from ruling on allegations of Government wrongdoing. The idea of simply letting such allegations go unaddressed should be profoundly troubling to anyone who respects the rule of law yet for eight years, the response of the Bush administration was little more than a shrug. This bill rejects such a cavalier attitude toward the rule of law. The citizens of this country should never again be told that there is simply no remedy for wrongs their Government has committed. In cases where the courts cannot provide that remedy, then Congress should step in and providing the necessary information to the relevant committees of Congress will enable that to happen.

I am pleased that both the new Attorney General, Eric Holder, and the nominee for Associate Attorney General, Thomas Perrelli, have indicated a willingness to review this bill and work with us on it. I hope that it will be possible to fashion legislation that the Administration can support. The public deserves to have confidence that the state secrets privilege is not going to be used to cover up Government misconduct. This bill provides the courts a system for resolving claims of privilege that will inspire that confidence.

A country where the Government need not answer to allegations of wrongdoing is a country that has strayed dangerously far from the rule of law. We must ensure that the ''state secrets'' privilege does not become a license for the Government to evade the laws that we pass. This bill accomplishes that goal, while simultaneously providing the strongest of protections to those items of evidence that truly qualify as state secrets. I urge all of my colleagues to support the rule of law by supporting this legislation.

By Ms. KLOBUCHAR (for herself and Mr. HATCH):

S. 418. A bill to require secondary metal recycling agents to keep records of their transactions in order to deter individuals and enterprises engaged in the theft and interstate sale of stolen secondary metal, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HATCH. Mr. President, I rise today to introduce with my friend from Minnesota, Senator AMY KLOBUCHAR, the Secondary Metal Theft Prevention Act of 2009.

Once again, I am partnering with Senator KLOBUCHAR to combat metal theft in our country. Last Congress we introduced the Copper Theft Prevention Act of 2008, S. 3666, which focused solely on copper theft. Since then, after a series of meetings with industry stakeholders, we concluded that the bill would be more effective if it were expanded to address secondary metal thefts, including those involving copper.

There is no doubt that we are living in difficult economic times. As we witness the unfortunate job losses spreading across the country, I am mindful of those who are struggling to make ends meet. Unfortunately some, motivated by quick profits and a variety of vulnerable targets, are engaging in the fast-growing crime of metal theft.

On the surface, stealing precious metal, like copper, appears to be a relatively small theft. However, metal thieves compromise U.S. critical infrastructure by targeting electrical substations, cellular towers, telephone land lines, railroads, water wells, construction sites, and vacant homes—all for fast cash.

Some argue that there is no need for this legislation because metal is being traded at low prices. I disagree. As we know, the market shifts and prices will eventually increase as demand surges. Moreover, law enforcement officials confirm that thieves are only stealing more metal to offset current metal prices.

On September 15, 2008, the Federal Bureau of Investigation released an unclassified intelligence assessment entitled, Copper Thefts Threaten U.S. Critical Infrastructure.

This assessment states that ''thieves are typically individuals or organized groups who operate independently or in loose association with each other and commit thefts in conjunction with fencing activities and the sale of contraband. Organized groups of drug addicts, gang members, and metal thieves are conducting large scale thefts from electric utilities, warehouses, foreclosed and vacant properties, and oil well sites for tens of thousands of dollars in illicit proceeds per month.''

I am mindful of the hardworking scrap metal dealers in my home state. Recycling secondary metal not only generates revenue but is environmentally friendly and saves energy, it takes a lot less energy to melt down secondary metal and recycle it than it does to produce new metal.

Take for example the City Creek project in downtown Salt Lake City, Utah. It is my understanding that when the construction contractors tore down the downtown malls to make way for the 20-acre retail-office-residential complex, more than half of what came down was reused either in the City Creek development or somewhere else. Steel frames were sold as scrap metal, which was recycled and used for other purposes.

Utah metal recyclers deal with hundreds of people and thousands of pounds of metal on a regular basis. I imagine in some cases it is difficult to tell if the scrap metal is stolen, especially if a customer has, what appears to be, a legitimate story. I know that many of Utah's scrap metal dealers are not turning a blind eye to this problem. In fact, several metal recycling companies have partnered with local law enforcement and use a theft alert system to warn and watch for reported stolen items. I commend them for their efforts and hope that police, prosecutors, and members of the metal recycling industry continue to communicate and work together to combat metal theft along the Wasatch Front.

Yet on the Federal level, we need a baseline from which all states must operate. This is important because many states in the Union do not have metal theft laws and lure thieves across State lines. It should be noted that the proposed bill does not preempt states from enacting their own laws.

I believe the proposed legislation will help tighten-up how secondary metal transactions are performed across the country and, in return, send a clear message that metal theft will be met with serious consequences. The bill calls for enforcement by the Federal Trade Commission and gives state attorneys general the ability to bring a civil action to enforce the provisions of the legislation.

This bill also contains a ''Do Not Buy'' provision wherein specific items listed cannot be purchased by scrap metal dealers unless sellers establish, by written documentation, that they are authorized to sell the secondary metal in question.

Additionally, the bill requires scrap metal dealers to keep records of secondary metal purchases, including the name and address of the seller, the date of the transaction, the quantity and description of the secondary metal being purchased, an identifying number from a driver's license or other government-issued identification and, where possible, the make, model and tag number of the vehicle used to deliver the metal to the dealer.

Secondary metal dealers must maintain these records for a minimum of two years from the date of the transaction and make them available to law enforcement agencies for use in tracking down and prosecuting secondary metal theft crimes.

There is real concern about how easy it is to access cash in scrap metal transactions. For this reason, the bill requires that checks will be the method of payment for transactions over $75. While that may sound low for some, it is important to recognize that it takes a lot of secondary metal to obtain even $75 in return.

To discourage multiple cash transactions from one seller, the bill limits metal dealers from paying cash to the same seller within a 48-hour period. The intent of this provision is not to be a hardship on the honest seller. The purpose is to dissuade some sellers from going around the bill's check payment requirement by making multiple cash transactions. Again, we must remove the incentives for thieves to access fast cash.

I am aware that some scrap metal dealers do not want to issue checks for fear of check fraud or additional transactional costs. Senator KLOBUCHAR and I have given careful consideration to these concerns and have consulted law enforcement officials to determine how best to proceed. We believe that checks are a valuable benefit to law enforcement because they provide trace evidence by creating a paper trail, a signature, and possibly even a fingerprint.

Let me conclude my remarks by saying that considering our country's serious economic situation, I believe we need to ensure that our critical infrastructure is not viewed as a treasure trove for desperate metal thieves.

I am committed to moving this bill forward and hope that my colleagues will join me in perfecting this bill as it moves through the legislative process.

Mr. President, I ask unanimous consent that the support material be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

COPPER THEFTS THREATEN US CRITICAL INFRASTRUCTURE

SCOPE NOTE

The assessment highlights copper theft and its impact on US critical infrastructure. Copper thefts are occurring throughout the United States and are perpetrated by individuals and organized groups motivated by quick profits and a variety of vulnerable targets. Information for the assessment was developed through May 2008 from the following sources: FBI and Open sources.

SOURCE AND CONFIDENCE STATEMENT

Reporting relative to the impact of copper thefts on US critical infrastructure was derived from the FBI and open sources. The FBI has high confidence that the FBI source reporting used to prepare the assessment is reliable. The FBI also has high confidence in the reliability of information derived from open-source reporting.

KEY JUDGMENTS

Copper thieves are threatening US critical infrastructure by targeting electrical substations, cellular towers, telephone land lines, railroads, water wells, construction sites, and vacant homes for lucrative profits. The theft of copper from these targets disrupts the flow of electricity, telecommunications, transportation, water supply, heating, and security and emergency services and presents a risk to both public safety and national security.

Copper thieves are typically individuals or organized groups who operate independently or in loose association with each other and commit thefts in conjunction with fencing activities and the sale of contraband. Organized groups of drug addicts, gang members, and metal thieves are conducting large scale thefts from electric utilities. warehouses, foreclosed or vacant properties, and oil well sites for tens of thousands of dollars in illicit proceeds per month.

The demand for copper from developing nations such as China and India is creating a robust international copper trade. Copper thieves are exploiting this demand and the resulting price surge by stealing and selling the metal for high profits to recyclers across the United States. As the global supply of copper continues to tighten, the market for illicit copper will likely increase.

COPPER THEFTS THREATEN US CRITICAL INFRASTRUCTURE

Copper thieves are threatening US critical infrastructure by targeting electrical substations, cellular towers, telephone land lines, railroads, water wells, construction sites, and vacant homes for lucrative profits. Copper thefts from these targets have increased since 2006; and they are currently disrupting the flow of electricity, telecommunications, transportation, water supply, heating, and security and emergency services, and present a risk to both public safety and national security.

According to open-source reporting, on 4 April 2008, five tornado warning sirens in the Jackson, Mississippi, area did not warn residents of an approaching tornado because copper thieves had stripped the sirens of copper wiring, thus rendering them inoperable.

According to open-source reporting, on 20 March 2008, nearly 4,000 residents in Polk County, Florida, were left without power after copper wire was stripped from an active transformer at a Tampa Electric Company (TECO) power facility. Monetary losses to TECO were approximately $500,000.

According to agricultural industry reporting, as of March 2007, farmers in Pinal County, Arizona, were experiencing a copper theft epidemic as perpetrators stripped copper from their water irrigation wells and pumps resulting in the loss of crops and high replacement costs. Pinal County's infrastructure loss due to copper theft was $10 million.

CRIMINAL GROUPS INVOLVED IN COPPER THEFTS

Copper thieves are typically individuals or organized groups who operate independently or in loose association with each other and commit thefts in conjunction with fencing activities and the sale of contraband. Organized groups of drug addicts, gang members, and metal thieves are conducting large scale thefts from electric utilities, warehouses, foreclosed and vacant properties, and oil well sites for tens of thousands of dollars in illicit proceeds per month.

According to open sources, as recently as April 2008, highly organized theft rings specializing in copper theft from houses and warehouses were operating in Minneapolis, Minnesota. These rings or gangs hit several houses per day, yielding more than $20,000 in profits per month. The targets were most often foreclosed homes.

Open-source reporting from March 2008 indicates that an organized copper theft ring used the Cuyahoga County Sheriff's foreclosure lists to pinpoint targets in Cleveland, Ohio. Perpetrators had 200 pounds of stolen copper in their van, road maps, and tools. Three additional perpetrators were found to be using the US Department of Housing and Urban Development's list of mortgage and bank foreclosures to target residences in Cleveland, South Euclid, Cleveland Heights, and other cities in Ohio.

GLOBAL DEMAND INCREASING

China, India, and other developing nations are driving the demand for raw materials

such as copper and creating a robust international trade. Copper thieves are receiving cash from recyclers who often fill orders for commercial scrap dealers. Recycled copper flows from these dealers to smelters, mills, foundries, ingot makers, powder plants, and other industries to be re-used in the United States or for supplying the international raw materials demand. As the global supply of copper continues to tighten, the market for illicit copper will likely increase.

Open-source reporting from February 2007 indicates that the global copper supply tightened due to a landslide at the Freeport-McMoran Copper and Gold mine in Grasberg, Indonesia in October 2003 and a worker's strike at the El Abra copper mine in Clama, Chile in November 2004. These events contributed to copper production shortfalls and led to an increase in recycling, which in turn created a market for copper.

Open-source reporting from October 2006 indicated that the demand for copper from China increased substantially due to the construction of facilities for the 2008 Olympics.

Open-source reporting indicated that from January 2001 to March 2008, the price of copper increased more than 500 percent. This has prompted unscrupulous and sometimes unwitting independent and commercial scrap metal dealers to pay record prices for copper, regardless of its origin, making the material a more attractive target for theft.

OUTLOOK

The global demand for copper, combined with the economic and home foreclosure crisis, is creating numerous opportunities for copper-theft perpetrators to exploit copper-rich targets. Organized copper theft rings may increasingly target vacant or foreclosed homes as they are a lucrative source of unattended copper inventory. Current economic conditions, such as the rising cost of gasoline, food, and consumer goods, the declining housing market, the ease through which copper is exchanged for cash, and the lack of a significant deterrent effect, make it likely that copper thefts will remain a lucrative financial resource for criminals.

Industry officials have taken some countermeasures to address the copper theft problem. These include the installment of physical and technological security measures, increased collaboration among the various industry sectors, and the development of law enforcement partnerships. Many states are also taking countermeasures by enacting or enhancing legislation regulating the scrap industry—to include increased recordkeeping and penalties for copper theft and noncompliant scrap dealers However, there are limited resources available to enforce these laws, and a very small percentage of perpetrators are arrested and convicted. Additionally, as copper thefts are typically addressed as misdemeanors, those individuals convicted pay relatively low fines and serve short prison terms

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 31—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN submitted the following resolution; from the Committee on Energy and Natural-Resources; which was referred to the Committee on Rules and Administration:

S. RES. 31

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2009, I through September 30, 2009, under this resolution shall not exceed $3,833,400.

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $6,740,569.

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $2,870,923.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 32—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LIEBERMAN submitted the following resolution; from the Committee on Homeland Security and Governmental Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 32

Resolved,

SECTION 1. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs (referred to in this resolution as the ''committee'') is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed $6,742,824, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed $11,856,527, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed $5,049,927, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 2. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 3. EXPENSES; AGENCY CONTRIBUTIONS; AND INVESTIGATIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee for the period March 1, 2009, through September 30, 2009, for the period October 1, 2009, through September 30, 2010, and for the period October 1, 2010, through February 28, 2011, to be paid from the appropriations account for `Expenses of Inquiries and Investigations' of the Senate.

(c) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2009, through February 28, 2011, is authorized, in its, his, her, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 89, agreed to March 1, 2007 (110th Congress), are authorized to continue.

SENATE RESOLUTION 33—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. AKAKA submitted the following resolution; from the Committee on Veterans' Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 33

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010 and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $1,565,089 of which amount (1) not to exceed $59,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $2,752,088 of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such

committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $1,172,184, of which amount (1) not to exceed $42,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,334 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendation for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009, and February 28, 2010, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for (1) the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 34—AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mrs. FEINSTEIN submitted the following resolution; from the Select Committee on Intelligence; which was referred to the Committee on Rules and Administration:

S. RES. 34

Resolved, That, in carrying out its powers, duties, and functions under Senate Resolution 400, agreed to May 19, 1976 (94th Congress), as amended by Senate Resolution 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under section 3 and section 17 of such Senate Resolution 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such Senate Resolution 400, the Select Committee on Intelligence is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2a. The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $4,151,023, of which amount (1) not to exceed $37,917 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses for the committee under this resolution shall not exceed $7,298,438, of which amount (1) not to exceed $65,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $3,108,302, of which amount (1) not to exceed $27,083 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009 through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 35—HONORING MIAMI UNIVERSITY FOR ITS 200 YEARS OF COMMITMENT TO PUBLIC HIGHER EDUCATION

Mr. VOINOVICH (for himself and Mr. BROWN) submitted the following resolution; which was considered and agreed to:

S. RES. 35

Whereas article III of the Northwest Ordinance, enacted by the Second Continental Congress in 1787, states that: ''Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.'';

Whereas Miami University was chartered on February 17, 1809;

Whereas Miami University is the Nation's tenth oldest public institution of higher learning;

Whereas Miami University's motto is ''Prodesse Quam Conspici'', meaning, ''to accomplish without being conspicuous'';

Whereas, former Poet Laureate Robert Frost once referred to Miami University as ''the most beautiful college there is'';

Whereas Miami University is the birthplace of the ''McGuffey Eclectic Readers'', written by William Holmes McGuffey, who was known as ''School Master to the Nation'' and who wrote and complied the first 4 such readers while a Miami University faculty member;

Whereas Miami University is cited annually by national college rankings as being one of the Nation's best values among public universities;

Whereas Miami University is a university committed to empowering its students, faculty, and staff to become engaged citizens who use their knowledge and skills with integrity and compassion to improve the future of our global society;

Whereas Miami University has continued to fulfill its mission by attracting some of the Nation's brightest faculty, staff, and students;

Whereas Miami University consistently ranks among the top 25 colleges and universities in the Nation for the number of undergraduate students who study abroad;

Whereas Miami University has a graduation rate that exceeds the national averages for undergraduates, students of color, and athletes;

Whereas Miami University is known as the ''Mother of Fraternities'', as it is the Alpha Chapter for 5 National Greek organizations: Beta Theta Pi, Sigma Chi, Phi Delta Theta, Phi Kappa Tau, and Delta Zeta;

Whereas Miami University has more than 150,000 living alumni who reside in every State in the Nation and numerous countries throughout the world, where they contribute significantly to their local and global communities;

Whereas Miami University ranks forty-fourth among all schools for producing Peace Corps volunteers since the inception of the Peace Corps and is ranked seventh on the Peace Corps' 2009 list of the top 25 volunteer-producing, medium-sized schools in the Nation, with 39 alumni currently serving as volunteers and a total of 809 Miami alumni having served as volunteers since the inception of the Peace Corps in 1961;

Whereas Miami University alumni have a history of service to the United States and include a President of the United States, the Honorable Benjamin Harrison; 9 United

States Senators, including one sitting Senator, the Honorable Maria Cantwell of Washington; 31 United States Representatives, including two sitting Members, the Honorable Paul Ryan of Wisconsin and the Honorable Steve Driehaus of Ohio, and a former Speaker of the House; the parents of a First Lady; the grandparents of a President; 6 Governors; 11 United States Generals; 6 United States Ministers to foreign governments; and 1 United States Ambassador;

Whereas Miami University's alumni include 27 college presidents;

Whereas Miami University has enriched our Nation in the arts, humanities, and sciences through students and alumni who have reached the pinnacle of their professions, such as a United States Poet Laureate, Pulitzer Prize winners, a National Teacher of the Year, National Institutes of Health Fellows, National Science Foundation award recipients, National Endowment of the Arts awardees, and renowned journalists;

Whereas Miami University is known as the ''Cradle of Coaches'' for the unparalleled number of nationally prominent collegiate and professional coaches it has produced, 18 of whom have been recognized as national coaches of the year, including Paul Brown (Cleveland Browns), Walter ''Smokey'' Alston (Brooklyn/Los Angeles Dodgers), Woody Hayes (Ohio State University), Bo Schembechler (University of Michigan), and Vicki Korn (Miami University);

Whereas Miami University has created a ''Culture of Champions'', an environment that teaches student athletes to excel in their chosen endeavors, and which led students to earn distinctions that include a National Football League Rookie of the Year, National Football League Super Bowl Champions, National Basketball Association World Champions, National Hockey League Stanley Cup Champions, Major League Baseball World Series Champions, and Olympic gold medalists;

Whereas Miami University has contributed to the economic growth of the United States through the education of men and women who have gone on to lead some of our most august corporations such as AT&T, Proctor & Gamble, the J.M. Smucker Company, and United Parcel Service of America; and

Whereas Miami University is the largest employer in Butler County, Ohio, with an economic impact of over $1,000,000,000 per year to the State of Ohio: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Miami University on the momentous occasion of the university's 200th anniversary;

(2) expresses its best wishes for Miami University's continued success; and

(3) requests that the Secretary of the Senate transmit an official copy of this resolution to Miami University for appropriate display.

SENATE RESOLUTION 36—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID (for Mr. KENNEDY) submitted the following resolution; from the Committee on Health, Education, Labor, and Pensions; which was referred to the Committee on Rules and Administration:

S. RES. 36

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2009 through September 30, 2009; October 1, 2009, through September 30, 2010, and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $5,973,747 of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $10,503,951 of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $4,473,755 of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together I with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2010 and February 28, 2011, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 37—A BILL CALLING ON OFFICIALS OF THE GOVERNMENT OF BRAZIL AND THE FEDERAL COURTS OF BRAZIL TO COMPLY WITH THE REQUIREMENTS OF THE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION AND TO ASSIST IN THE SAFE RETURN OF SEAN GOLDMAN TO HIS FATHER, DAVID GOLDMAN

Mr. LAUTENBERG submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 37

Whereas Sean Goldman is the son of David Goldman and Bruna Goldman, and is a United States citizen and a resident of Tinton Falls, New Jersey;

Whereas Bruna Goldman took Sean Goldman to Brazil on June 16, 2004;

Whereas, after Bruna and Sean Goldman arrived in Brazil, Bruna Goldman informed David Goldman that she would remain permanently in Brazil and would not return Sean Goldman to David Goldman in New Jersey;

Whereas, on August 26, 2004, the Superior Court of New Jersey issued a ruling awarding David Goldman physical and legal custody of Sean Goldman and ordering that Sean Goldman be immediately returned to the United States;

Whereas David Goldman initiated judicial proceedings in the Federal Court of Rio de Janeiro, under the Convention on the Civil Aspects of International Child Abduction, done at the Hague October 25, 1980 (TIAS 11670) (the ''Convention''), to which both the United States and Brazil are parties;

Whereas the Convention requires that a child who is a habitual resident of a country that is a party to the Convention, and who has been removed from or retained in a country that is also a party to the Convention in violation of the custodial rights of a parent of that child, be returned to the country of habitual residence;

Whereas, despite the petition filed in the Federal Court of Rio de Janeiro by David Goldman for the return of his child, less than one year after Sean Goldman was taken to Brazil, David Goldman was prevented from exercising his legal custody of Sean Goldman by rulings of the Federal Regional Court and the 3rd Chamber of the Superior Court of Justice of Brazil;

Whereas Bruna Goldman passed away in August 2008, and her new husband filed a petition to replace the name of David Goldman with his own name on the birth certificate of Sean Goldman;

Whereas the new husband of Bruna Goldman filed a petition for custody of Sean

Goldman with the 2nd Family Court of Brazil on August 28, 2008;

Whereas the 2nd Family Court of Brazil granted temporary custody to the new husband of Bruna Goldman, despite specific provisions in the Convention that prohibit action by a family court while a case brought under the Convention is pending;

Whereas Sean Goldman remains in the temporary custody of the new husband of Bruna Goldman;

Whereas David Goldman traveled to Rio de Janeiro, Brazil, in October 2008 for court-approved visitation with Sean Goldman;

Whereas the new husband of Bruna Goldman failed to present Sean Goldman for such visitation;

Whereas the Convention requires the Government of Brazil to ''take all appropriate measures to secure within [its territory] the implementation of the objects of the Convention'' and ''to use the most expeditious procedures available'';

Whereas the Federal Court of Rio de Janeiro has failed to comply with the obligations of the Government of Brazil under article 11 of the Convention by failing to expeditiously adjudicate the petition of David Goldman under the Convention;

Whereas it is customary under international law to adjudicate a petition under the Convention within six weeks;

Whereas the Department of State reported in the 2008 report on compliance with the Convention, as required under section 2803 of the Foreign Affairs Reform and Restructuring Act of 1998 (42 U.S.C. 11611), that the judicial authorities of Brazil ''continued to demonstrate patterns of noncompliance with the Convention'';

Whereas the Special Secretariat for Human Rights of the Presidency of the Republic of Brazil, the central authority for carrying out the Convention in Brazil, wrote to the Office of the Attorney General of Brazil to express concern with the manner in which the 2d Family Court of Brazil conducted the case of Sean Goldman and to state that the issuance of temporary custody rights by the 2d Family Court of Brazil was a violation of the Convention;

Whereas Sean Goldman is being deprived of his rightful opportunity to live with and be raised by his biological father, David Goldman; and

Whereas it is consistent with international law that Sean Goldman be reunited with his father, David Goldman, in New Jersey: Now, therefore, be it

Resolved, That the Senate calls on officials of the Government of Brazil and the federal courts of Brazil—

(1) to fulfill the obligations of Brazil under the Convention on the Civil Aspects of International Child Abduction, done at the Hague October 25, 1980 (TIAS 11670); and

(2) to assist in the safe return of Sean Goldman to his father, David Goldman, in the United States.

SENATE CONCURRENT RESOLUTION 6—EXPRESSING THE SENSE OF CONGRESS THAT NATIONAL HEALTH CARE REFORM SHOULD ENSURE THAT THE HEALTH CARE NEEDS OF WOMEN AND OF ALL INDIVIDUALS IN THE UNITED STATES ARE MET

Ms. STABENOW (for herself, Ms. MIKULSKI, Mrs. MURRAY, and Mr. SANDERS) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 6

Whereas women often make health care decisions for themselves and their families;

Whereas women have expressed a desire to have affordable health care on which they can depend throughout their lives and through life transitions, including starting a family, changing jobs, working part-time or full-time, divorce, caring for an elderly or sick family member, having a major disease, and retirement;

Whereas women with good health care coverage worry about maintaining such coverage and keeping their health care providers;

Whereas women are more likely than men to seek essential preventive and routine care, to have a chronic health condition, and to take a prescription drug on a daily basis;

Whereas women pay 68 percent more than men for out-of-pocket medical costs, due in large part to reproductive health care needs;

Whereas approximately 53 percent of underinsured individuals, and 68 percent of uninsured individuals, forgo needed care and approximately 45 percent of underinsured individuals, and 51 percent of uninsured individuals, report difficulty paying medical bills;

Whereas in 2004, 1 in 6 women with individual health care coverage reported that they postponed, or went without, needed health care because they could not afford such health care;

Whereas high-deductible health insurance plans often are marketed to young women as an inexpensive health care coverage option, but such plans often fail to cover pregnancy-related care, the most expensive health care event most young families face and the leading cause of hospital stays for young women;

Whereas in 2007, 42 percent of the under-65 population in the United States, approximately 75,000,000 adults, had either no insurance or inadequate insurance, up from 35 percent in 2003;

Whereas nearly 16 percent of people in the United States (approximately 47,000,000 people) are uninsured, including 18 percent of adult women aged 18 to 64 (approximately 17,000,000 women) and 12 percent of children (approximately 9,000,000 children);

Whereas the Institute of Medicine estimated that, in 2000, lack of health care coverage resulted in 18,000 excess deaths in the United States (a number that the Urban Institute estimated grew to 22,000 by 2006) and estimated that acquiring health insurance reduces mortality rates for previously uninsured individuals by 10 to 15 percent;

Whereas women rely on women's health care providers throughout their lives, for comprehensive primary and preventive care, surgical care, and treatment and management of both acute and long-term health problems;

Whereas a ''medical home'' should ensure each woman direct access to women's health care providers and care coordination throughout her lifetime;

Whereas uninsured women with breast cancer are 30 to 50 percent more likely than insured women with breast cancer to die from the disease, and uninsured women are 3 times less likely than insured women to have had a Pap test in the last 3 years, putting uninsured women at a 60 percent greater risk of late-stage cervical cancer;

Whereas 13 percent of all pregnant women are uninsured, making them less likely to seek prenatal care in the first trimester of their pregnancies, less likely to receive the optimal number of prenatal health care visits during their pregnancies, and 31 percent more likely to experience an adverse health outcome after giving birth;

Whereas the lack, or inadequate receipt, of prenatal care is associated with pregnancy-related mortality 2 to 3 times higher, and infant mortality 6 times higher, than that of women receiving early prenatal care, and also is associated with an increased risk of low birth weight and preterm birth;

Whereas heart disease is the leading cause of death for both women and men, but women are less likely than men to receive lifestyle counseling, diagnostic and therapeutic procedures, and cardiac rehabilitation and are more likely to die or have a second heart attack, demonstrating inequalities between women and men in access to health care;

Whereas persisting health care disparities also are evident in that Hispanic and Native American women and children are 3 times as likely, and African-American women are nearly twice as likely, to be uninsured than non-Hispanic white women;

Whereas in 2005, nearly 80 percent of the female population with HIV/AIDS was African-American or Hispanic, and HIV/AIDS incidence rates are dramatically higher for African-American and Hispanic women and adolescents (60.2 and 15.8 per 100,000, respectively) than for white women and adolescents (3.0 per 100,000);

Whereas women are less likely than men to receive health insurance through their employers and more likely than men to be insured as a dependent, making them more vulnerable than men to insurance loss in the event of divorce or death of a spouse;

Whereas 64 percent of uninsured women are in families with at least 1 adult working full-time;

Whereas health care costs are increasingly unaffordable for working families and employers, with employer-sponsored health insurance premiums having increased 87 percent between 2000 and 2006;

Whereas the approximately 9,100,000 women-owned businesses in the United States employ 27,500,000 individuals, contribute $3,600,000,000,000 to the economy, and face serious obstacles in obtaining affordable health care coverage for their employees;

Whereas the lack of affordable health care coverage creates barriers for women who want to change jobs or create their own small businesses;

Whereas health care professionals, a significant portion of which are women, have a stake in achieving reform that allows them to provide the highest quality of care for their patients;

Whereas 56 percent of all health caregivers are women;

Whereas although the United States spends twice as much on health care as the median industrialized nation, among the 30 developed nations of the Organisation for Economic Co-operation and Development, the health care system of the United States ranks near the bottom on most measures of health status and ranks 37th in overall health performance among 191 nations; and

Whereas the Institute of Medicine estimates that the cost of achieving full health insurance coverage in the United States would be less than the loss in economic productivity from existing coverage gaps: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commits to passing, not later than 18 months after the adoption of this resolution

by Congress, legislation that guarantees health care for women and all individuals and establishes coverage that enables women to attain good health that they can maintain during their reproductive years and throughout their lives and that—

(A) recognizes the special role that women play as health care consumers, caregivers, and providers;

(B) guarantees a level of benefits and care, including comprehensive reproductive health care, pregnancy-related care, and infant care, that is necessary to achieve and maintain good health throughout a woman's lifetime and lessen the burdens caused by poor health;

(C) promotes primary and preventive care, including family planning, contraceptive equity, and care continuity;

(D) provides a choice of public and private health insurance plans and direct access to a choice of health care providers to ensure continuity of coverage and a delivery system that meets the needs of women;

(E) eliminates health disparities in coverage, treatment, and outcomes on the basis of gender, culture, race, ethnicity, socioeconomic status, health status, and sexual orientation;

(F) shares responsibility for financing among employers, individuals, and the government, while taking into account the needs of small businesses;

(G) ensures that access to health care is affordable;

(H) enhances health care quality and patient safety;

(I) ensures a sufficient supply of qualified providers through expanded medical and public health education and adequate reimbursement;

(J) ensures every woman access to a women's ''medical home'', including direct access to women's health care providers and care coordination, throughout each woman's lifetime;

(K) recognizes and promotes the role of women as providers of health care; and

(L) promotes administrative efficiency, reduces unnecessary paperwork, and is easy for health care consumers and providers to use; and

(2) urges the President to sign such legislation into law.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 26, 2009, at 2:15 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to provide recommendations for reducing energy consumption in buildings through improved implementation of authorized DOE programs and through other innovative federal energy efficiency policies and programs.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Deborah Estes at (202) 224–5360 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, February 11, 2009, at 11:30 a.m., in room SD366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 11, 2009, at 2:30 p.m., to hold a roundtable entitled ''Foreign Policy Implications of the Global Economic Crisis.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, February 11, 2009, at 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, February 11, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''The Need for Increased Fraud Enforcement in the Wake of the Economic Downturn'' on Wednesday, February 11, 2009, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, February 11, 2009, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, February 11, 2009, to conduct a hearing to review veterans' disability compensation and the appeals process. The Committee will meet in 418 Russell Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. STABENOW. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 11, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Tom Edwards, a Secret Service fellow in my office, be granted floor privileges during the consideration of the nomination of Mr. William J. Lynn, III, to be the Deputy Secretary of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING MIAMI UNIVERSITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 35, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 35) honoring Miami University for its 200 years of commitment to public higher education.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 35) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 35

Whereas article III of the Northwest Ordinance, enacted by the Second Continental Congress in 1787, states that: ''Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.'';

Whereas Miami University was chartered on February 17, 1809;

Whereas Miami University is the Nation's tenth oldest public institution of higher learning;

Whereas Miami University's motto is ''Prodesse Quam Conspici'', meaning, ''to accomplish without being conspicuous'';

Whereas, former Poet Laureate Robert Frost once referred to Miami University as ''the most beautiful college there is'';

Whereas Miami University is the birthplace of the ''McGuffey Eclectic Readers'', written by William Holmes McGuffey, who was known as ''School Master to the Nation'' and who wrote and complied the first 4 such readers while a Miami University faculty member;

Whereas Miami University is cited annually by national college rankings as being one of the Nation's best values among public universities;

Whereas Miami University is a university committed to empowering its students, faculty, and staff to become engaged citizens who use their knowledge and skills with integrity and compassion to improve the future of our global society;

Whereas Miami University has continued to fulfill its mission by attracting some of the Nation's brightest faculty, staff, and students;

Whereas Miami University consistently ranks among the top 25 colleges and universities in the Nation for the number of undergraduate students who study abroad;

Whereas Miami University has a graduation rate that exceeds the national averages for undergraduates, students of color, and athletes;

Whereas Miami University is known as the ''Mother of Fraternities'', as it is the Alpha Chapter for 5 National Greek organizations: Beta Theta Pi, Sigma Chi, Phi Delta Theta, Phi Kappa Tau, and Delta Zeta;

Whereas Miami University has more than 150,000 living alumni who reside in every State in the Nation and numerous countries throughout the world, where they contribute significantly to their local and global communities;

Whereas Miami University ranks forty-fourth among all schools for producing Peace Corps volunteers since the inception of the Peace Corps and is ranked seventh on the Peace Corps' 2009 list of the top 25 volunteer-producing, medium-sized schools in the Nation, with 39 alumni currently serving as volunteers and a total of 809 Miami alumni having served as volunteers since the inception of the Peace Corps in 1961;

Whereas Miami University alumni have a history of service to the United States and include a President of the United States, the Honorable Benjamin Harrison; 9 United States Senators, including one sitting Senator, the Honorable Maria Cantwell of Washington; 31 United States Representatives, including two sitting Members, the Honorable Paul Ryan of Wisconsin and the Honorable Steve Driehaus of Ohio, and a former Speaker of the House; the parents of a First Lady; the grandparents of a President; 6 Governors; 11 United States Generals; 6 United States Ministers to foreign governments; and 1 United States Ambassador;

Whereas Miami University's alumni include 27 college presidents;

Whereas Miami University has enriched our Nation in the arts, humanities, and sciences through students and alumni who have reached the pinnacle of their professions, such as a United States Poet Laureate, Pulitzer Prize winners, a National Teacher of the Year, National Institutes of Health Fellows, National Science Foundation award recipients, National Endowment of the Arts awardees, and renowned journalists;

Whereas Miami University is known as the ''Cradle of Coaches'' for the unparalleled number of nationally prominent collegiate and professional coaches it has produced, 18 of whom have been recognized as national coaches of the year, including Paul Brown (Cleveland Browns), Walter ''Smokey'' Alston (Brooklyn/Los Angeles Dodgers), Woody Hayes (Ohio State University), Bo Schembechler (University of Michigan), and Vicki Korn (Miami University);

Whereas Miami University has created a ''Culture of Champions'', an environment that teaches student athletes to excel in their chosen endeavors, and which led students to earn distinctions that include a National Football League Rookie of the Year, National Football League Super Bowl Champions, National Basketball Association World Champions, National Hockey League Stanley Cup Champions, Major League Baseball World Series Champions, and Olympic gold medalists;

Whereas Miami University has contributed to the economic growth of the United States through the education of men and women who have gone on to lead some of our most august corporations such as AT&T, Proctor & Gamble, the J.M. Smucker Company, and United Parcel Service of America; and

Whereas Miami University is the largest employer in Butler County, Ohio, with an economic impact of over $1,000,000,000 per year to the State of Ohio: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Miami University on the momentous occasion of the university's 200th anniversary;

(2) expresses its best wishes for Miami University's continued success; and

(3) requests that the Secretary of the Senate transmit an official copy of this resolution to Miami University for appropriate display.

PROVIDING FOR A JOINT SESSION OF CONGRESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 41 at the desk and just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 41) providing for a joint session of Congress to receive a message from the President.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 41) was agreed to.

ORDERS FOR THURSDAY, FEBRUARY 12, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Thursday, February 12, for the celebration of the 200th anniversary of Abraham Lincoln's birth; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each; further, that the Senate recess from 11:30 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, at 11:30 a.m., there will be a ceremony honoring the 200th anniversary of the birth of President Abraham Lincoln in the Capitol Rotunda. All Members are encouraged to attend.

ORDER FOR ADJOURNMENT

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator MURRAY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN RECOVERY AND REINVESTMENT ACT

Mrs. MURRAY. Mr. President, I recently received a letter from a woman in Sultan, WA, that I want to share with you today as we work to finalize the American Recovery and Reinvestment Act. She wrote to me because her family is going through some very hard times and she doesn't know where else to turn.

Her husband, who is a veteran who received a Purple Heart, lost his job in October. Her own wages have been cut and her daughter and her 3-year-old granddaughter had to move in with them because they can't afford rent and childcare. At the end of this month, they are going to lose their home to foreclosure.

She said her family is living ''both literally and figuratively on the edge.'' As she put it:

We are the textbook middle class . . . sliding into a jobless, homeless, and hopeless future.

Mr. President, I come this afternoon to share her story with you because the pain she is going through is being felt by millions of Americans who have lost their jobs and their homes in the last couple of years. Families such as hers feel as though their lives are slipping out from under them, and they are looking to us for help.

The House and the Senate have taken a critical step forward by passing the American Recovery and Reinvestment Act. It is going to give our economy the jolt it needs to create jobs and help our country get back on track. But we are not done yet. We still need to get that bill to the President. Every day we wait, the economy gets worse. Every day, more jobs are cut, more small businesses close their doors, more homes are lost, and more families are forced to make new sacrifices just to make ends meet. That is why I have come to the floor this evening.

The American people need action now. They need us to set aside our differences and put a final bill into President Obama's hands so we can start the real work of getting our country moving again. So I urge my colleagues in the House and the Senate to finish this job and give this bill final approval.

We know the bill that is coming out of conference is not perfect, but it makes tried-and-true investments that will help create jobs and get our country back on track. It makes a downpayment on the future by rebuilding our roads and bridges, our water and sewer plants—investments that will put people to work today and strengthen our economy for years to come.

The bill expands our renewable energy options, creating good-paying jobs in a growing industry and helping to end our addiction to oil. It will also help improve health care and cut costs by computerizing health records and boosting research. It invests in education and job training that will help our laid-off workers learn new skills and find new jobs.

Mr. President, our economy is not going to recover overnight. We still have very hard times ahead. But I am confident this is the urgent action we need to begin moving forward again. I want to take a few minutes this evening to talk about what it will mean for families in my home State of Washington.

To begin with, this bill offers a helping hand to thousands of families in Washington State who are struggling to meet their basic needs. In the last couple of months, we have seen a demand for food stamps, Medicaid, and other programs rise dramatically. Food stamp applications are up 15 percent over last year. State workers have said they are having trouble keeping up with the demand. This bill is going to help us meet the needs of the most vulnerable families by extending unemployment insurance benefits, expanding food stamps, and increasing funding to help with Medicaid costs.

This isn't just the moral thing to do, we would not be able to dig ourselves out of this economic crisis until people have money to spend. So this is the right decision economically as well. The money we spend on unemployment and food stamps will go right back into the economy as people use the benefits to pay for things they need. That is the same reason we are working to get money into the hands of working families and small business owners.

Like families all across the country, people in my home State are scared, they are struggling to make ends meet, and they aren't spending. So we include in this bill an income tax cut that will give almost 2½ million Washington workers some extra money in their paychecks every week. Because this bill is about stabilizing our economy and getting our country back on track, we are also including funding to help struggling families pay for critical expenses, such as childcare or health care or college tuition.

I was a working mom. I know that reliable childcare is what makes it possible for millions of parents to go to work every day. This bill increases the childcare development block grant so more parents can afford quality daycare for their kids. It increases Pell grants and higher education tax credits to help thousands of our students stay in college, get their degree, and then qualify for a good-paying job. Importantly, the bill also makes COBRA more affordable so people who have lost their jobs can keep their health insurance while they look for work.

So we are helping working families pay for their basic expenses, stay in school, and keep their jobs and their health care. That is critical to getting our country back on track.

But the biggest jolt to our economy will come from the millions of jobs we are creating in construction, in environmental cleanup, and in energy development. In my State, this bill will help put thousands of people to work fixing our roads and bridges and upgrading our mass transit and ferry systems. These are investments that will also make our communities stronger and more attractive to businesses in the long run. It will help us take a big step toward energy independence and lower energy costs for everyone.

This bill expands the Bonneville Power Administration's existing borrowing authority, and it will help us take advantage of more renewable energy sources and hire hundreds of thousands of new employees who will be trained to update our energy transmission systems. That will allow the new energy we hope to produce, such as wind, get to our homes and our businesses and save all of us money in the future.

This bill will also help create and preserve jobs at Hanford, and it will keep our legal and moral commitment to cleaning up nuclear waste in Washington State and across the country. It will also ensure that we can fulfill our responsibility to our Nation's veterans by making investments in badly needed construction and repair projects at our VA hospitals and medical facilities in Washington State and across the country.

But we are not just creating construction jobs in this bill. We are helping our local and State governments keep critical employees on the job—our police and our firefighters, our teachers, our university employees. This economic crisis has hit State and local governments terribly hard. They have had to make cuts across the board, including in education and emergency response. Local officials have told me they are very worried about what that will mean for their communities. Police chiefs and sheriffs have been warning me that I.D. theft, burglary, bank robbery, fraud, and gang activity are going to increase as jobs vanish and people become more desperate.

In this bill we provide money for Byrne and COPS grants to help keep our police on the beat and our families safe. Just as important, this bill will help our schools and our colleges and our universities keep their doors open and keep the teachers in the classroom.

School board members from across my home State of Washington told me this week they are struggling to afford everything from salaries to their light bills. Several of them have already started laying off, and they are worried there is more to come. Universities in my home State are looking at hundreds of job cuts.

Education is critical to our communities, especially when the economy is bad. We need strong schools and colleges to train the workforce of the future. We need to make sure they are strong so our current workforce can get the skills and training they need to qualify for better jobs as well. We can't afford to take a step backward. So we are sending billions of critically needed dollars to schools and colleges across the country to keep the lights on, the doors open, teachers on the job, and to make sure we can meet the needs of students who have been hurt by this economic crisis.

Mr. President, let me add one other note. We aren't just helping to make up for State budget cuts. We are adding incentives that make sure schools keep working to increase standards and improve education for all of our students.

Finally, we are also investing in our greatest resource—our workers—so

that our communities can stay productive and competitive in the global economy. This bill includes $64 million for training and job research services that will help our laid-off workers in Washington State learn the skills they need so they can begin new careers and stay in the middle class. It also provides incentives to encourage businesses to hire homeless veterans and disadvantaged teenagers who are looking for jobs today.

Mr. President, this isn't just going to help our teens and our veterans find jobs, it is good for the economy too. Teenagers, in particular, as we all know, are more likely to spend the money they earn in their own communities, and some of them also contribute to their families' incomes to help pay rent or put food on the table. So this is a smart investment.

This bill we are going to consider in the next day or so is critical for my home State. In Washington alone it will create thousands of jobs and make investments that will strengthen our communities for years to come. It isn't perfect. It is not a silver bullet that will solve all of our problems, but it certainly is the first of many steps that we are going to have to take to get our country turned around.

As President Obama has outlined, getting our economy back on track is going to take an aggressive three-pronged approach. The first step is to recover and reinvest. We also have to stabilize our financial institutions to fix the credit and banking system. We need to address the housing crisis. But I want to emphasize, we have to do all three if we are going to get this economy moving again. We are starting today with a bold recovery bill. While there are no guarantees with any of this, we can guarantee that if we do nothing, things are going to get worse. As hard as it has been to write and put this bill together, it does not even compare to the pain that is being felt by millions of Americans who are going to wake up tomorrow without a job.

They are watching us now, and they are expecting us to make good on the promises we have made—to bring change to Washington and restore confidence and security in our country. They expect us to work together. They expect us to put our differences aside and make the difficult decisions that will move our country forward. They cannot afford to wait any longer.

When I was growing up, my father was diagnosed with multiple sclerosis and all of a sudden he couldn't work any longer. My family—all seven kids, my mom—had to survive on food stamps. My brothers and sisters and I were able to go to college because of Pell grants and student loans. So I want you to know I understand what a lot of our families are going through today as they struggle in this economy. That is why I am working so hard with so many others to find ways that our Government and our country can help today.

President Obama made it clear Monday night that if we do not act, the economic crisis we are in now could become an economic catastrophe. I urge my colleagues to help pass this bill out of the conference, through the Senate and House, get it signed, get Americans back to work, and get our country on the road to recovery.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until Thursday, February 12, 2009, at 10 a.m.

Thereupon, the Senate, at 5:53 p.m., adjourned until Thursday, February 12, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF JUSTICE

DAVID S. KRIS, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE J. PATRICK ROWAN, RESIGNED.

DAWN ELIZABETH JOHNSEN, OF INDIANA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JACK LANDMAN GOLDSMITH III, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JANICE M. HAMBY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) STEVEN R. EASTBURG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL A. BROWN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) THOMAS P. MEEK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JOSEPH F. CAMPBELL
REAR ADM. (LH) JOHN C. ORZALLI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) TOWNSEND G. ALEXANDER
REAR ADM. (LH) DAVID H. BUSS
REAR ADM. (LH) KENDALL L. CARD
REAR ADM. (LH) NEVIN P. CARR, JR.
REAR ADM. (LH) JOHN N. CHRISTENSON
REAR ADM. (LH) MICHAEL J. CONNOR
REAR ADM. (LH) KENNETH E. FLOYD
REAR ADM. (LH) WILLIAM D. FRENCH
REAR ADM. (LH) PHILIP H. GREENE
REAR ADM. (LH) BRUCE E. GROOMS
REAR ADM. (LH) EDWARD S. HEBNER
REAR ADM. (LH) MICHELLE J. HOWARD
REAR ADM. (LH) WILLIAM E. SHANNON III
REAR ADM. (LH) CHARLES E. SMITH
REAR ADM. (LH) SCOTT H. SWIFT
REAR ADM. (LH) DAVID M. THOMAS
REAR ADM. (LH) KURT W. TIDD
REAR ADM. (LH) MICHAEL P. TILLOTSON
REAR ADM. (LH) MARK A. VANCE
REAR ADM. (LH) EDWARD G. WINTERS III

CONFIRMATION

Executive nomination confirmed by the Senate, Wednesday, February 11, 2009:

DEPARTMENT OF DEFENSE

WILLIAM J. LYNN, III, OF VIRGINIA, TO BE DEPUTY SECRETARY OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, February 11, 2009*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Divine source of life and love, to whom all nations are accountable and each person is uniquely worthy of attention and care, be with the Members of Congress today. Guide them in their negotiations and decisions. Make of them Your custodian of the Nation, leading to unity and stability.

Meanwhile, Lord, show Your mercy and grant Your healing power to all the sick and all those in recovery. In such human weakness, reveal Your strength of faith, both to sustain their own hope and for their families. In their darkest moments, manifest Your presence, surround them with love, and assist them with the best of medical care. Restore them to health that they may serve in the building of Your kingdom all the days of their lives. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Connecticut (Mr. COURTNEY) come forward and lead the House in the Pledge of Allegiance.

Mr. COURTNEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

SAVING AMERICAN HOMES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. According to today's Wall Street Journal, moodys-economy.com claims that nearly 5 million families could lose their homes to foreclosure between 2009 and 2011. Now is the time for our government to take a controlling interest in mortgage-backed securities, and then direct loan modification, lowering principal and interest rates, extending terms of payment, keeping people in their homes.

Banks are not lending money; they are hoarding money, because they fear their own balance sheets understate their losses. Instead of giving the banks more of taxpayers' money in the hopes that banks will loan the money to keep people in their homes, the government must take charge to save the homes of so many American families, again, take a controlling interest in mortgage-backed securities and direct loan modification. Keep people in their homes. The banks will get their money as well. It is time to stand up for the dream of American home ownership by saving the homes that are in jeopardy.

A REAL STIMULUS PACKAGE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. My constituents are outraged at Washington's reckless spending, and they insist this jumbo government giveaway won't stimulate the economy, won't help them find good jobs, won't keep a roof over their head, and won't help them pay the bills.

I am deeply concerned the government keeps writing checks that our children and grandchildren cannot cash. We must know who is going to pay for all this. Our constituents deserve much better. Taxpayers should not be exposed to even more risks.

Many have been hurting from the economic crunch; yet experts project most of this stimulus spending won't happen until after 2010, years into our recession. That will not help struggling America right now.

I think our country would benefit from a real stimulus package that boosts our lagging economy with job creation, tax relief, and smart, targeted spending. Let's work together to get this done right for America.

SOLAR IN THE ECONOMIC STIMULUS

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GIFFORDS. Mr. Speaker, a strong solar power industry creates good jobs and widespread economic growth. It increases our energy independence and reduces the threat of global warming. Unfortunately, the economic downturn has caused many energy investors to put their projects on hold. They are unable to take advantage of the investment tax credit that we fought so hard to pass and extend last year.

To get these projects moving again, the American Recovery and Reinvestment Act allows solar energy developers to take grants in lieu of tax credits. But for the grant program to be an incentive for the largest renewable energy programs, it has to be expanded. Simply put, renewable projects will not get off the starting line until there is a usable incentive waiting for them at the finish line.

As the conferees work to finalize this bill, I urge them to expand these grants. This will safeguard the solar industry's ability to fully contribute to our economic recovery. I commend the excellent work done on the energy provisions in this bill and greatly appreciate the conferees' willingness to work to make them as effective as possible.

THERE ARE BETTER SOLUTIONS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, our friends on the other side of the aisle continue to frame the stimulus debate as between doing what they want or doing nothing at all. This is simply not the case, as even the Washington Post reported today.

Since the very beginning of this economic crisis and from day one of this Congress, House Republicans have worked to develop proposals that promote job creation. Our solutions provide immediate relief to American families, small businesses, real estate recovery, and homeowners. Our solutions aim at creating jobs. We can create twice the jobs at half the spending. We can bring our set of proposals to the table in a spirit of bipartisanship. We have done so in recognition of the fact that millions of Americans are in financial distress. We must not keep quiet when we know there are solutions that can create jobs without burdening our children with even greater debt and threatening destructive inflation.

In conclusion, God bless our troops, and we will never forget September the 11th.

THE BEST SOCIAL PROGRAM IS A JOB

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, the best social program is a job. A job provides a person not only wages but also confidence in themselves and their future.

Over the last 4 months of the Bush administration, the U.S. economy hemorrhaged jobs, over 2 million from August to December 2008. In Connecticut, one of our largest employers, Mohegan Sun, suspended construction in September of a one-half billion dollar addition and, as a result, carpenters, electricians, sheet metal workers, and the entire construction trades are now barely getting by collecting unemployment.

We have a choice in the Congress in the next few days—to support President Obama and pass his Recovery Act, putting thousands of construction workers back to work building roads, bridges, and green energy buildings; or we can listen to the Do Nothing Herbert Hoover crowd who want to trip up our new President only a few weeks in office who is only trying to clean up the mess he inherited.

I say vote ''yes'' for jobs, and tell the Do Nothing crowd, as they say in the military: Lead, follow, or get out of the way.

ENOUGH IS ENOUGH

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, this big government spending plan being called a stimulus is deeply flawed and being rushed through Congress with little regard for the consequences.

Take a look at some of the provisions, including $1.1 billion in spending to prepare the country for socialized medicine. Under the guise of economic stimulus, the bill creates a Council for Comparative Effectiveness, which amounts to government bureaucracy deciding what is best for your health care based on cost averages, not what is best for each individual sick patient.

President Obama's health care advisers have made clear that this is part of their overall plan to move toward universal government-run health care.

People don't want socialized medicine in this country. This has nothing to do with creating jobs and getting our economy back on track.

Using this so-called stimulus bill to move the country towards the agenda of the left is wrong. First the bailout, now the stimulus, millions of dollars in pork. Enough is enough.

JOBS, JOBS, JOBS

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, I rise this morning to bring to everyone's attention something that is on everyone's mind: Jobs, jobs, jobs.

America needs to get back to work, because without a job you can't pay off your mortgage, without a job you can't pay your health care bills. We need jobs in this country. How can we get that done?

I think it is time that we treat small business on Main Street the same way the past administration treated their friends on Wall Street, and that is with the number ''zero.'' Zero percent interest. If the Federal funds rate of zero percent is good for their friends on Wall Street and between bank lending, maybe that is the number that small businesses ought to get on Main Street.

When credit is available to small businesses, we can generate millions and millions of new higher wage jobs. Let's treat Main Street like the past administration treated Wall Street.

HUGO CHAVEZ'S QUEST FOR POWER

(Mr. MACK asked and was given permission to address the House for 1 minute.)

Mr. MACK. Mr. Speaker, this weekend, the Venezuelan people will go to the polls to determine the future of freedom and democracy in their country. Venezuela's Hugo Chavez, in his continued quest for power, is demanding that the people of Venezuela get rid of presidential term limits.

Chavez has just celebrated 10 years in power, and his legacy is clear: Higher poverty, more crime, rampant inflation, growing anti-Semitism, less freedom, alliances with Iran, Russia, and Cuba, and a loss of hope and opportunity for the Venezuelan people.

Mr. Speaker, Venezuelans cannot afford to have Chavez leading them into the Communist abyss. Today, I am introducing a resolution calling upon the Members of the House to stand for free and fair elections this weekend in Venezuela. I urge my colleagues to join me in supporting the important resolution and to stand with the Venezuelan people in their fight for freedom from the iron fist of Hugo Chavez.

A MELTDOWN OF CONFIDENCE

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, over the past few months we have seen not only a financial meltdown, but also a meltdown of confidence. People we had worshiped, people who ran huge businesses, people we had considered experts proved to be simply Wizards of Oz. We pulled back the curtain and found they were as flawed and fallible as the rest of us. And now we have an economy that gets worse from day to day.

Each of us has stood here and preached about what steps we think will fix our economy. We have heard Members who have never worked in the private sector talk about how to create jobs; we have heard people who can't balance their own checkbooks talk about admonishing bankers; and we have heard the head of the Republican Party incomprehensibly say, ''Work is not a job.''

None of us has confidence that everything in the economic recovery package will work; but we should all realize that unless the American people have confidence that we are working together, the odds of its success are greatly diminished.

I urge all my colleagues to forget their political calculations, calculate the consequences of failure to our country, and support the only plan available for fixing our economy.

A STIMULUS FOR MAIN STREET

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, you know, this Nation is in a recession, and our constituents are absolutely outraged with what they see happening in this House. They want action. But they do not want the Democrat stimulus bill that passed the Senate yesterday. What they want is a stimulus for Main Street. They know the best stimulus is a job.

They do not want the Democrat big government stimulus bill that was passed across in the other Chamber yesterday. They know that stimulus should be targeted, it should be immediate, it should be temporary, and it should yield results.

Yesterday's bill brings us $400 million on social services block grants, $300 million for green golf carts, $198 million on the DHS headquarters consolidation, $300 million on FBI construction, $125 million for District of Columbia water and sewer projects.

What they want is focused, targeted stimulus, not a big bill that our children and grandchildren are going to continue to pay for the rest of their lives. Let's oppose this bill. Let's focus on targeted stimulus that will yield results.

□ 1015

HOOVERVILLE IS COMING AROUND

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, there is a saying that what goes around comes around. And the Republicans have adopted this as their mantra for their response to the American economic problem. Republican President Herbert Hoover presided over the Great Depression and stood by while millions of Americans stood in soup lines and unemployment lines. It produced Hoovervilles across the land, a kind of how-to guide on what not to do during an economic crisis.

Today, Republicans are replaying the same old movie, responding in the same old way. And they offer America the same old outcome. Hooverville is the model community of the Republican plan to solve America's economic crisis. You won't need a mortgage in a Republican Hooverville because the town is already bankrupt. You don't need a stimulus package to revive the economy in a Hooverville because it is a Republican-planned community, and they have planned for soup lines and unemployment lines. And you won't see light at the end of the tunnel in Hooverville, because they drove the economy into the ditch over the last 8 long years. And they offer an economic plan to drive it deeper.

What goes around comes around. And Hooverville is right around the corner. Republicans offer America an economic blueprint called ''Hooverville.'' It didn't work the last time, and it won't work this time.

ASSOCIATED PRESS SHOWS FAIRNESS IN FACT-CHECKING PRESIDENT OBAMA

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Mr. Speaker, it is just as important to recognize examples of fair reporting as it is to criticize biased news. Earlier this week, the Associated Press released an article fact-checking President Obama's claims about the economic stimulus package. The AP found that the President ''had it both ways'' when at first he bragged about getting Congress to produce a stimulus with no pork, but later boasted the stimulus would do good things for pet projects in Indiana. The AP also found the President guilty of ''projecting job creation numbers that may be impossible to verify and glossing over some ethical problems that bedeviled his team.''

Americans count on the media to checks the facts on important issues and report the truth about officials in both parties. Fair reporting like this will go a long way towards restoring Americans' trust in the media.

HONORING CONGRESSMAN JOHN DINGELL

(Mr. CHILDERS asked and was given permission to address the House for 1 minute.)

Mr. CHILDERS. Mr. Speaker, I rise on a bit of good news today. This is a great day in this body because on this day, a great man will become the longest-serving Member of this House. This is especially important to me because the record he is breaking belonged to that of my predecessor once removed, the great Jamie Whitten, my wonderful boyhood friend and hero. But today, Chairman JOHN DINGELL from Michigan will break that record. On this day, when the sun came up this morning, he became the longest-serving Member of the United States House of Representatives.

He is a great man, a gentleman, a man's man, if you will, and a giant in this institution, a record that will no doubt probably never be equaled or broken. I had the great pleasure, Mr. Speaker, to know them both. I had the great pleasure to know what great public servants they were. I had the great pleasure to call them both my friends and one of them my colleague. I will remember this day a long, long time.

And I salute you, Chairman DINGELL.

TAX CUTS, NOT HANDOUTS

(Mr. MCCAUL asked and was given permission to address the House for 1 minute.)

Mr. MCCAUL. Mr. Speaker, I rise today to bring to your attention a Trojan horse for billions of dollars in pork spending under the guise of a stimulus. This $1 trillion bill is designed to spend taxpayer money on programs that have nothing to do with creating jobs. It takes a step toward government-controlled health care and takes limits off of welfare spending to create endless handouts.

This should be about creating jobs, not about making work. We can do this with long-term, meaningful tax cuts. The President's own economic advisers say the Republican plan will create twice the jobs for half the cost.

We cannot spend our way out of debt. The nonpartisan Congressional Budget Office says that long-term, this bill will cause more harm than good. Yet Democrats intend to spend the equivalent of $1 million a day for the next 3,000 years. The hardworking people in my district are also hurting from this economy. But under this bill, their tax dollars will only dig a deeper hole for us to climb out of.

DEMOCRATS WILL TURN THIS ECONOMY AROUND

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, when the Clinton administration concluded 8 years, it had created 23 million jobs. It left the new administration with a $236 billion surplus and an estimated $5.6 trillion of projected surpluses. It took only 4 years to turn that surplus into deficits. And now when this administration leaves office, they leave this country with an annual deficit over $1 trillion. They have doubled our public debt—from $3.4 trillion to $6.4 trillion—of the amount of debt held by the public.

And it began because instead of balancing the budget, as President Bush the 41st had done and President Clinton succeeded in that policy, they threw the PAYGO concept aside, gave us two tax cuts in 2001 and 2003, and bankrupted this country. And that is why we have to act this week to restore our fiscal solvency.

THE SKY IS FALLING

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the sky is falling, the sky is falling, but never fear, the Federal Government is here. But in another failed attempt to save the day, the administration announced they would use the full force of the government to spend our way out of this crisis. Congress hasn't even passed the $835 billion stimulus package and the Treasury Department announces $2 trillion more for the bailout for the fat cats on Wall Street. With that new emerging threat on the horizon, the stock markets tanked.

Government is not the answer. They are the problem. These ideas do little to address the economic situation. It is just more scare tactics and government-savior rhetoric. Reagan once said that the most feared words in the American language are, ''We are here from the Federal Government, and we are here to help you.''

The Federal Government can't spend money it doesn't have. This will be debt that Americans yet to be born will have to pay off. The Congressional Budget Office said all of this spending will have a negative effect on the economy. Let Americans keep more of their own money, tax cuts for all those that pay and report their taxes. Wasteful government spending is not the answer. It is the problem.

And that's just the way it is.

STOP DEFICIT SPENDING

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. I take some delight in listening to my friend from Texas rail about the government not being able to spend money it doesn't have. Yet these Republicans are the

people who have been spending money the government didn't have for years, putting a war in Iraq on our children's credit card, putting massive tax cuts in place to benefit a tiny portion of the tax-paying public and ignoring the needs of the vast majority. They have been on a spending binge under the Bush administration and Republican control to fund special interests and ''bridges to nowhere.''

We invite anybody to look at the proposals that have been advanced. It is to stimulate the economy, to help stop the economic free-fall in our States, to shore up the problems in States from Michigan to Oregon to Florida, to keep the promises that the President made during the campaign, and most of all, to stop the wasteful spending for special interests and focus it on the taxpayers who need it the most.

OPPOSE THE STIMULUS PACKAGE

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, I, too, rise and congratulate my colleague from Michigan. The long and distinguished career of Mr. DINGELL is to be congratulated by all of us.

But today I rise in strong opposition to what is working its way back to the floor of this House in the form of a so-called ''stimulus package.'' This package will stimulate Big Government. It is not going to stimulate our economy.

And with regard to the comments of the gentleman from Oregon, let me just say that I would invite all of my colleagues and everyone in the country to look at what is in this legislation and they will see that this is all about growing the size of government, not creating jobs to grow our economy.

And I would invite people to look at the Republican alternative, which we have offered, which costs half as much money and is projected to create twice as many jobs. That is what people want. That is what people understand. They want to see the great engine of growth in this country, the small businesses empowered by the kinds of incentives that are contained in our legislation to create the jobs that are needed in this country. Oppose the stimulus. This is not the way to rebuild the American economy.

ECONOMISTS AGREE WE NEED TO ACT

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, millions of Americans across the country, including many in my home State of New Jersey, are losing their jobs, their homes, and their health care. The economists agree that unless Congress acts to stem the tide of unemployment and the disappearing jobs, the American economy will continue to decline.

Chad Stone from the Center on Budget and Policy Priorities said, ''There is no time to waste.'' Mark Zandi, an economist who was an adviser to Senator MCCAIN's Presidential campaign, said the economic downturn is likely to ''intensify further unless policymakers respond aggressively.'' John Ogg from the ''24/7 Wall Street'' warns the economy ''is going to get worse, much worse'' without this legislation. An economist from California State University said ''without the stimulus package, the downside of this economy won't be arrested.''

Economists are united in the need for this Congress to act boldly and quickly. We must pass an economic stimulus recovery package immediately so that we can begin the long process of turning this economy around and ending the pain so many Americans are feeling all over our country.

CUT TAXES AND CONTROL SPENDING

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. Mr. Speaker, as our country faces tough economic times, I think it is very important that we act responsibly to do the right thing to address this problem as opposed to what some people are proposing, and that is just to ram through something with expediency, not worrying about the consequences. I think we don't need to look any further than in our past to make sure, as people said before, if you don't learn from the mistakes of your past, you're doomed to repeat them.

Let's look at what the Treasury Secretary under FDR said during the New Deal. Henry Morgenthau said, ''After 8 years of this administration, we have just as much unemployment as when we started, and an enormous debt to boot.'' He went on to say about the New Deal during the 1930s, ''I have got my responsibility to my country, which comes first. We have tried spending money. We are spending more than we have ever spent before, and it does not work.'' That is not a Republican speaking. That was the Treasury Secretary under FDR.

Spending massive amounts of money doesn't work. It saddles future generations with more debt. There is a better alternative, and that is to cut taxes and control the spending like many of us propose.

SUPPORT H.R. 156

(Mr. MITCHELL asked and was given permission to address the House for 1 minute.)

Mr. MITCHELL. I rise today to thank Speaker PELOSI for agreeing to block the next congressional pay raise. As government acts to cap executive compensation and as millions of Americans watch their incomes shrink, a pay raise for Members of Congress would seem glaringly out of touch. If we are going to talk the talk of fiscal discipline, we must also walk the walk of self-restraint. The American people are not getting a pay raise this year, and neither should Congress.

I also wish to thank Dr. RON PAUL and 107 of our colleagues, Republicans and Democrats, who are willing to support H.R. 156, the Stop the Congressional Pay Raise Act. Without the leadership of these Members, so many of them new Members, we may not have taken this important step.

□ 1030

WORKING FAMILIES WANT THE RIGHT THING

(Mr. MCCOTTER asked and was given permission to address the House for 1 minute.)

Mr. MCCOTTER. Mr. Speaker, we in Michigan understand the need for timely action on a stimulus plan that can help create jobs. We have suffered long. We have suffered hard. We believe that the proper action of the Federal Government can play a temporary stimulative effect that helps us. But perhaps we are being finicky, because we do not merely want something, we want the right thing. And we know that, above all, working families cannot afford a $1 trillion mistake that does not help them keep their jobs, keep their homes and keep their hopes for the future.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SCHAUER). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

HONORING JOHN D. DINGELL FOR HOLDING THE RECORD AS THE LONGEST SERVING MEMBER OF THE HOUSE OF REPRESENTATIVES

Mr. KILDEE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 154) honoring JOHN D. DINGELL for holding the record as the longest serving member of the House of Representatives.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 154

Whereas John D. Dingell was sworn in as a Member of the United States House of Representatives on January 3, 1956;

Whereas John D. Dingell took office after winning a special election on December 13, 1955, to replace his father, who had served with distinction as a 12-term Congressman and proud supporter of President Roosevelt during the New Deal;

Whereas John D. Dingell, prior to being sworn in as a Member of Congress, had already dedicated himself to public service through his work as a National Park Ranger, a Second Lieutenant in the United States Army during World War II, and an Assistant Prosecutor in Wayne County;

Whereas John D. Dingell was appointed by Speaker of the House Sam Rayburn to the Committee on Interstate and Foreign Commerce, which would later become the Committee on Energy and Commerce;

Whereas John D. Dingell has authored or been instrumental in the passage of some of the Nation's most important environmental laws, including the National Environmental Policy Act, the Endangered Species Act, and the Clean Air Act Amendments of 1990;

Whereas John D. Dingell's length of service has given him the wisdom to foresee the long-term implications of congressional actions, as shown in his warning during the 1999 debate over deregulation of the financial services industry that ''You are going to find that they [banks] are too big to fail, so the Fed is going to be in and other Federal agencies are going to be in to bail them out. Just expect that'';

Whereas John D. Dingell has been a strong and vigorous defender of civil rights and civil liberties, having led the drafting and supported the Civil Rights Acts of 1957 and 1964, the Voting Rights Act of 1965, and is well known as a champion of the Second Amendment;

Whereas John D. Dingell made health care for all Americans a priority during his entire career, having offered legislation (first introduced by his father) in every Congress since 1957 that would provide for national health insurance, having presided over the House of Representatives on April 8, 1965, when Medicare passed the House, having been a leader in getting the Children's Health Insurance Program signed into law in 1997 and an expansion of the program signed into law in 2009, and having been an active leader on many other health care issues during his tremendous career;

Whereas John D. Dingell has been a tireless advocate on behalf of working Americans, and was described by President Obama on June 15, 2008, as ''somebody who has done more for working people than just about anybody in the history of the House of Representatives'';

Whereas John D. Dingell was elected to his 28th term as a Member of the House of Representatives on November 4, 2008, and has served as the Dean of the House since the 104th Congress; and

Whereas John D. Dingell will become the longest serving Member of the House of Representatives on February 11, 2009: Now, therefore, be it

Resolved,

SECTION 1. HONORING JOHN D. DINGELL FOR HOLDING THE RECORD AS THE LONGEST SERVING MEMBER OF THE HOUSE OF REPRESENTATIVES.

The House of Representatives—

(1) recognizes the Honorable John D. Dingell for his tireless advocacy on behalf of his constituents in the State of Michigan in the past, present, and future;

(2) honors the Honorable John D. Dingell for his lifelong commitment to public service;

(3) celebrates the Honorable John D. Dingell and his more than 53 years of dedication to the United States Congress, as well the Nation and the ideals upon which it was founded; and

(4) congratulates the Honorable John D. Dingell upon attaining the record for longest serving Member of the House of Representatives.

SEC. 2. TRANSMISSION OF ENROLLED RESOLUTION.

The Clerk of the House of Representatives shall transmit an enrolled copy of this resolution to the Honorable John D. Dingell.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Michigan (Mr. UPTON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I introduced this resolution, along with my Michigan colleagues, so that we might recognize the milestone reached by the gentleman from Michigan, JOHN D. DINGELL, who, as of today, has served longer in the House of Representatives than any Member in its history.

I have had the great privilege to work closely with JOHN DINGELL the past 32 years. I can tell you that through all the changes we have seen in this institution over those years, JOHN DINGELL has played a major role in those that have made this a better country. Throughout his tenure here, he has remained constant in his determination, his toughness, and certainly, in his fairness.

JOHN knows of the great importance of the automobile industry in this country. He knows that when line workers can earn a decent enough wage to support their family and send their children to college, our whole economy prospers. He knows that what America drives drives America.

JOHN played an essential role in the passage of the Chrysler loan guarantee in 1979, which actually earned $311 million for our government. Recently, he provided a wealth of knowledge necessary to pass the bridge loans to the Big Three automakers.

JOHN's expertise and devotion to providing all Americans with health care is unsurpassed in this Congress. Historians writing about health care will always note the role of two men bearing the name JOHN DINGELL, the one serving today and his father.

His rich Polish heritage is demonstrated each year on Fat Tuesday when I enjoy the delicious paczki which he presents to me.

I've always been grateful to have a reliable friend and adviser in JOHN DINGELL. Mr. Speaker, this is a better Congress, a better country, and I know I am a better congressman, but more importantly, a better human being, because of JOHN DINGELL.

Mr. Speaker, I ask unanimous consent that the gentleman from Michigan (Mr. PETERS) be permitted to control the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Thank you, Mr. Speaker.

Mr. Speaker, today is Dingell Day. JOHN DINGELL has served more than 53 years in this body. And at a wonderful reception last night in Statuary Hall it was commented over and over, it is not length of his service, but it in fact is the quality of that service.

As chairman of the powerful Energy and Commerce Committee, he has been certainly one of the most influential legislators in the history of the United States, as he'd like to say, with jurisdiction over almost everything. In fact, I think he coined this term many years ago when he said, ''If it moves it's energy, and if it doesn't, it's commerce. With that, our committee has that jurisdiction.'' And this resolution honors that service.

Mr. Speaker, time will judge all of our actions, and serves as the legacy that each of us will carry as it relates to the difference that we made on behalf of the districts that we represented, but also the Nation that we serve. And history will certainly look favorably on the wonderful service of JOHN DINGELL in this body. He has been on the right side almost all the time, but not always, but certainly he's been an architect of the great debates that we have had in this Chamber.

JOHN DINGELL is a governing type of legislator, and he knows that good ideas are not just Democratic ideas, and that awful ideas are not just Republican ideas. He demands the best from all of us. And, as a consequence, he has had tremendous relationships with the ranking member or the chairman of the Energy and Commerce Committee, certainly, for all the years that I've served, whether it be with Norman Lent, Tom Bliley, Billy Tauzin, and certainly JOE BARTON, one of his best friends.

JOHN DINGELL doesn't care about the pride of authorship. He wants the job done. We've sat and had many conversations about issues that he's asked me to carry, and it has strengthened those bills as we moved those pieces of legislation to the floor.

We teamed most recently on the auto legislation. DALE KILDEE, the sponsor of this resolution, and myself are cochairs of the Auto Caucus. But together, we teamed together with all of our Michigan colleagues, regardless of party, and we were able to shepherd that legislation through to really help try and save the manufacturing base of this country over these last few months.

For me, I've always enjoyed the relationship that I've had with my good friend, JOHN DINGELL. Obviously, there are times when we've been on the opposing side of an issue, but plenty of times when we've been in the same foxhole, on the same side. And I'll confess, it's the latter that I enjoy the most. It's a lot easier for, I would like to think, the both of us when we're on the same side.

But JOHN DINGELL plays by the rules. I think maybe in another life he would have been an umpire or a referee. Ken Duberstein, Ronald Reagan's former Chief of Staff, said this most recently: ''He followed wherever the facts dictated. Sometimes you don't like what he finds, but you know that he did it honestly. He is a straight shooter.'' Indeed, he is.

We are a wonderful and diverse country, and we know that sometimes this is a very tough place to govern. And it comes with the territory that to be a good legislator, you need to be blessed with a lot of things. Luck is one. You need a great staff. You need a district back home that respects your decisionmaking, you need colleagues that know that you're somewhat of an expert and they will listen. But you also need a great spouse. All of those elements make a necessary and personal sacrifice to the success of your career.

Well, JOHN DINGELL has been one that has hit a home run with all of those qualities. He has been a man for all seasons. He is a true giant in the history of this institution. We wish him well in the many years that he has left.

I reserve the balance of my time.

Mr. PETERS. Mr. Speaker, I would like to thank my colleague from Michigan (Mr. KILDEE) for yielding, and for introducing this resolution honoring the distinguished dean of our delegation, Congressman JOHN D. DINGELL.

Mr. Speaker, I would also like to yield myself such time as I may consume.

GENERAL LEAVE

Mr. PETERS. I also, Mr. Speaker, would like to ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 154.

The SPEAKER pro tempore (Mr. MELANCON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. PETERS. Thank you, Mr. Speaker.

Here in Washington and across the country, Congressman DINGELL is known and respected for his legislative accomplishments. But as a lifelong resident of Southeast Michigan, I know that Mr. DINGELL's responsiveness and service to his constituents over 53 years is just as impressive. John Dingell has never lost touch with the people that he serves, and being their voice in Washington has always been his top priority. His service to the residents of his community sets an example for other lawmakers to follow, and certainly sets the bar for me, as a new Member of Congress.

Mr. DINGELL's constituents know that he cares more about getting things done for them than he does about getting honors for himself, and that's why I think it's fitting that, as we are honoring him here on the floor today, he is preparing to actively participate in a hearing being held by the Energy and Commerce Committee's Oversight and Investigation Subcommittee, making sure that the food that our children and our families consume is safe.

Mr. DINGELL is an inspiration for all of us.

I now yield 1 minute to the distinguished gentleman from Michigan (Mr. SCHAUER).

Mr. SCHAUER. Colleagues, I can think of no greater honor than to pay tribute to JOHN D. DINGELL, Jr. of Michigan, who, today, becomes the longest serving Member in the 220-year history of the U.S. House of Representatives.

As one of Michigan's newest Members, today is my 36th day as a Member of Congress. Today is JOHN DINGELL's 19,420th day. As Chairman DINGELL told the press this week, ''It isn't how long, it's how well.'' No one has done it better than Chairman DINGELL.

As a Representative whose district is next door to his, what is most remarkable to me is how universally loved, revered and respected he is by his constituents. Their faith in him is acknowledgment of his selfless service and unblemished record of always putting the needs of real people first, whether championing universal health care, clean water or good jobs and a strong middle class.

In the many years I've known Chairman DINGELL, he has been a great and supportive mentor. My first week on the job here, the Dean offered me a simple piece of advice, stay focused on the issues that are most important to your constituents and your district, and ignore the rest.

Chairman DINGELL, thank you for sharing your wisdom and being the statesman that our founders envisioned. And most of all, thank you for all that you continue to do.

Mr. UPTON. Mr. Speaker, at this point I would yield 1 minute to the distinguished minority leader of the House, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague from Michigan for sponsoring this resolution.

I rise today to congratulate our colleague and my friend, JOHN DINGELL, as the longest serving Member in the history of the United States House of Representatives. And while we've heard this said, I think, in some way before, it's not the fact that Mr. DINGELL is the longest serving man or Member of the House, it's the fact that he's been a giant of a man over all these years.

I know I've only been here 18 years and 2 months, but early on in my congressional career, I had a chance to work with Mr. DINGELL. And over the course of my time here in Washington, he and I have developed a very close friendship. And his word is his bond. Whether he's with you or against you, you never have to have any doubts about where JOHN DINGELL is.

And we've been on the same side, thankfully, many times. But even when we're in opposition to each other, it's not as though we are opposed to each other. We maybe have different ideas about which way to move ahead, but he really is someone that is revered by all of our colleagues on both sides of the aisle.

□ 1045

And it is my honor as the Republican leader, JOHN, to come here today and to say thank you and congratulations.

Mr. PETERS. Mr. Speaker, I would now yield 2 minutes to the distinguished gentleman from Indiana (Mr. HILL).

Mr. HILL. Mr. Speaker, some of you may know that, in my younger days, I broke a few athletic records, but today, JOHN DINGELL has broken a record that shows exactly what kind of man he is—a devoted public servant. I rise today to honor JOHN DINGELL's service to the people of Michigan and to the Nation.

He is an undeniable leader but also a teacher and a mentor. He has been in Washington for some years now, but he has never strayed from his midwestern roots. Everything he does is for the betterment of his constituents.

Mr. Speaker, back in the '50s and '60s, the reputation of Congress was much higher than what it is today. Today, the low approval ratings are of concern to me and to, I think, a lot of people, but back in the '50s and '60s when Mr. DINGELL was a prominent Member of this body, the reputation of Congress was high. People in America respected the Congress of the United States, and it was because of the way people like JOHN DINGELL respected the institution of our Congress.

We need to return to those days. The days of slashing and burning this institution need to disappear. We need to follow the leadership of people like JOHN DINGELL, who throughout his entire career was never a slash and burn politician. He was a person who may have disagreed with you, but he never disrespected you, and that is why all of us in this body respect a man like JOHN DINGELL. It has been an honor and a privilege for me to serve on the commerce committee with him. He has helped me tremendously.

JOHN, I pause today to thank you for your service and to tell you how much I respect you, not only for what you have done for me but for what you have done for this institution.

Mr. UPTON. Mr. Speaker, at this point, I would yield 2 minutes to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Mr. Speaker, it is a great day for Michigan. Having grown up there, I first heard the name DINGELL used in conjunction with the auto industry because the people in my neighborhood, whether they were blue collar, white collar or car dealers, knew that there was one person in this Congress who would always look out for them and that, as long as he was in this body, they would have a voice and a hope.

Today, we celebrate the fact that that voice has been in this Chamber longer than any other Member of the United States House. As someone from Michigan, I am eternally grateful, not only for his service to this institution but for his service to neighborhoods like mine throughout our entire State and our country.

As I have told you earlier, it is often said on the radio that mere greatness is fleeting but that goodness and greatness are timeless.

Chairman DINGELL, with your service to this institution, to your beloved State of Michigan and to the country which you defended as a veteran, they will always consider your service timeless as will be their gratitude for it.

Mr. PETERS. Mr. Speaker, I now would like to yield 3 minutes to a colleague of mine, the distinguished gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Well, for you, JOHN—and I guess I'm not supposed to be directing my comments to a particular Member. To JOHN DINGELL and to Debbie Dingell, this is an emotional moment, but it is for all of us.

To know JOHN DINGELL, one has to know his roots and his father's—coming from an area that saw the middle class develop. Really, for many, for the first time, there were jobs that really paid. There was health care for so many for the first time. They were provided pensions for the first time, and in most cases, in many cases for the first time, provided for a single family house.

For JOHN DINGELL, the automotive industry was not a special interest. It was an area that had interests that were special, and so JOHN DINGELL has never forgotten those roots. He has never forgotten the blossoming of the middle class and his determination to fight for it. JOHN DINGELL has never forgotten his roots. It is a good example for all of us.

Another example has been that JOHN DINGELL was able to grow beyond his roots in a sense, to have a sense that there were underdogs virtually everywhere. So JOHN DINGELL came here, not only fighting for those who were part of a new middle class but for those who were not, and he had the courage, if one remembers, it was not so easy, to fight for the rights of every human being.

As has been so often said, JOHN DINGELL's service here is more than the days numbered; it is the issues fought for with esteem and success. So this is an emotional moment for us all—as I said, for JOHN and Debbie DINGELL but, I hope, for all America—because his service has been a truly American service and story.

Mr. UPTON. Mr. Speaker, at this point, I would yield 2 minutes to the gentlewoman from the great State of Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I come to the floor today to join so many of our colleagues, not just from the great State of Michigan but from the great, great Nation of America to honor our colleague here—truly a giant, a giant of this House and a legendary leader in Michigan as well—Congressman JOHN DINGELL, as he becomes the longest serving Member of this House in the history of this body.

Every Member of this House is addressed by the term ''the honorable,'' but perhaps no other Member of this House deserves that title more than the Honorable JOHN DINGELL.

For the last 19,420 days—an amazing number—more than 53 years, JOHN DINGELL has served the people of Michigan and of our Nation with honor and with distinction. He has been a vocal fighter for our State, a champion for working men and women across this great Nation. He is a man whose word is his bond, and I know that personally from so many experiences. His word is his bond. If he gives you his word, Mr. Speaker, take it to the bank.

None of us can ever doubt the sincerity with which he approaches his cause nor his ability to work with Members across the aisle in different Chambers to find solutions to the enormous challenges that have been facing our Nation during his long tenure here, and there is no better ally to have when fighting an issue than JOHN DINGELL. Again, I know this from personal experience because he is a zealous advocate for his cause and an incredible leader and, again, has that rare ability to bring people together.

As my colleague from Michigan said, there is simply no better person with whom to share a foxhole than JOHN DINGELL, and while I will respect and honor JOHN DINGELL for his service to the people of his district, Michigan and this Nation, the thing that gives me the greatest pleasure is to be able to call JOHN DINGELL ''friend.'' I say that with the greatest sincerity, Mr. DINGELL.

Congratulations, Mr. Chairman, and my sincere best wishes for another 19,000 days of service here in this establishment.

Mr. PETERS. Mr. Speaker, I would like to yield 2 minutes to the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in strong support of this resolution and with the greatest reverence for my colleague and my mentor, the Honorable JOHN DINGELL.

I was fortunate enough to join the Energy and Commerce Committee in 1999. Over the past 10 years, we have confronted difficult times and difficult legislation, but whether as ranking member or as chairman, JOHN led us all honorably and always with the greater good in mind.

As a nurse, working with Mr. DINGELL on health care has been an honor. Indeed, it has been the privilege of a lifetime. In fact, I have kept my R.N. current because, with Team Dingell, I work on health care advocacy as much in this body as I ever did as a school nurse in Santa Barbara County, whether it was in passing the Nurse Reinvestment Act or in opposing the misguided Medicare Modernization Act or, when we were back in the majority, in holding our very first hearing on children's health care, and in passing also the Genetic Information Nondiscrimination Act. First and foremost, Mr. DINGELL has always been concerned about improving health care for all Americans.

Of course, behind every great man is, quite often, a strong woman. This has never been more true than it is with the Dingells. In fact, I had the pleasure of getting to know Debbie Dingell before I really got to know JOHN because I first came to Washington as a congressional spouse. She worked hard with JOHN to ensure that the Energy and Commerce Committee remained collegial, and she would often keep JOHN and all of us company during late-night markups. I use this occasion then also to pay tribute to her today for all she does to support JOHN's great work and service.

Congratulations to Mr. JOHN DINGELL and to the entire Dingell family for reaching this incredible, amazing milestone.

Mr. UPTON. Mr. Speaker, I have a number of Members who may be coming over. We have no one here at the moment, but I would ask at this point to give all Members the opportunity to revise and extend their remarks and to be able to submit that material for the RECORD.

The SPEAKER pro tempore (Mr. SCHAUER). The request the gentleman is making was granted earlier in the debate.

Mr. PETERS. Mr. Speaker, I would like to yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Many times you will hear us suggest that we

are privileged to be on the floor and to be able to speak to a particular resolution. I know that the distinguished gentleman who I speak of this morning, Congressman DINGELL, is a respecter and a lover of this institution. He often supports and calls for regular order, but this morning, I would like to be given a waiver to speak particularly in a personal manner because I believe that the courage of JOHN DINGELL truly has impacted my life. So, even though I might have been—and I can probably say this—just a junior high school student as JOHN DINGELL took his oath of office, he does not realize the many lives like mine that he impacted. I am what I am today because JOHN DINGELL had the courage and the fortitude, the strength and love of this country to stand in times of difficulty.

Where would this Nation be if a man by the name of Martin Luther King had not been listened to by a man like JOHN DINGELL, who then stood on the floor of the House, alongside of a southern President, and voted for the 1964 Civil Rights Act and the 1965 Voting Rights Act?

The southern districts were created and opportunities for many of us to ascend to higher office and to be welcomed in places of accommodation, maybe even for this young President, President Obama, to attend Columbia University or for myself to attend Yale University.

JOHN DINGELL was not thinking about individual persons, nameless persons like me, but he took a stand when he knew that he might be subjected to an enormous primary fight or that he would be considered, if you will, a lover of those colored people.

□ 1100

But like Thomas Jefferson said, ''Some men are born for the public.''

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PETERS. Mr. Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON-LEE of Texas. Jefferson continued, ''Nature, by fitting them for the service of the human race on a broad scale, has stamped them with the evidences of her destination and their duty.''

JOHN DINGELL has protected my mother. She's in a nursing home. How is she able to do that having worked 37 years as a vocational nurse? Because of Medicare. There are many children in my district who are glad that in 1997 I was able to join JOHN DINGELL for the implementation of the children's health coverage.

So JOHN, I know that you like regular order, but I decided to be personal today. I want to thank you for those 19,420 days because they were not in vain. You saved many lives, you gave us opportunities. I am forever grateful, and I stand here as a daughter of America saying thank you on behalf of the United States of America.

Mr. Speaker, I am overjoyed today that I have the opportunity to speak on one of America's true public servants. The resolution before us today on the House floor recognizes Representative JOHN DINGELL for his distinguished public service and for his holding the record as the longest serving member of the House of Representatives. I urge my colleagues to support this resolution.

Thomas Jefferson said that ''Some men are born for the public. Nature by fitting them for the service of the human race on a broad scale, has stamped them with the evidences of her destination and their duty.'' If any man or woman I have ever served with is born for the public, it is my good friend from Michigan.

Congressman JOHN DINGELL has been devoted to this chamber since he first started working as a Congressional Page in 1938. He was already a seasoned Washington, D.C. veteran when he won a special election to replace his father who had served his constituents the last 22 years of his life. While few back then knew that he would serve undisrupted for 53 years, everyone knew that he would be a difference maker. He now has an office that is named for the Speaker of the House that first swore him in, Speaker Sam Rayburn from my home State of Texas.

In his illustrious career, Congressman DINGELL has seen it all. He has gone from rank and file member, to Chairman, and accomplished more than most can even dream possible. Starting his career under John F. Kennedy, he has been a driver on the course of history. He has never apologized for his beliefs even during a time when being a ''Liberal'' was as bad an insult as you could sling.

A devoted advocate for nationalized health care, he has never relented in introducing a national healthcare system at the start of every Congressional Session. He was never able to stomach that there were people among us who lacked the ability to have access to the basic right to care for their health. He has used his natural ability to talk to his fellow Members to help those who need the help the most.

A strict watchman for the people's resources, he went against his own leadership to bring attention to government waste. Making sure that any person, Democrat or Republican, who came to give testimony to his Committee were sworn in under oath, he made sure that even subjects that most would want to keep quiet, he brought in to the light. Whether it is holding hearings on $600 dollar Pentagon toilet seats or preventing scientific fraud with who discovered the AIDS virus, Congressman DINGELL is the quintessential defender of the little guy. He has never believed that just because an injustice is small it should not be fought with every ounce of effort that he had. I also must thank his lovely, wife Debbie; she has been a mighty force in all he has done and a great support for all his causes.

This man is an American hero and I am honored to be able to vote on this important resolution. We have a chance to thank the man who has done so much for all of our constituents and I hope to be one of the first ''yes'' votes on this resolution. This resolution can show us all that remaining committed to our constituents is the best path to keep our jobs.

Mr. Speaker, I strongly urge the passage of this resolution.

Mr. PETERS. Mr. Speaker, I would now like to yield 2 minutes to the distinguished gentlewoman from the State of California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, it's a privilege to stand here today to honor a man who is so many things to this body: public servant, respected legislator, champion of the working family, colleague, counsel, and friend. Above all, JOHN DINGELL is a legend in the halls of the Capitol.

He fought bravely in World War II and performed so admirably that he rose to the rank of second lieutenant. Yet, by the end of the war, JOHN's service to this country was just beginning. He probably did not expect that he would serve in this body for more than half a century. Longevity is impressive, particularly in a hard-nose business like politics.

But what makes JOHN's tenure here so significant is not how long he's served, but what he has accomplished during his tenure. Thousands and thousands of children and families across this country have lived healthier lives because of laws written by JOHN DINGELL. Workers and consumers enjoy protections today that they never had before JOHN came along.

It's been an honor for me to serve with JOHN as he burnishes his legacy on the Energy and Commerce Committee. He's achieved this feat while staying true to the values that drew him to public service: fairness, justice, hard work, and loyalty. And we cannot think about JOHN without thinking about Debbie, the love of his life. Their partnership is an inspiration for all of us, and we honor them both.

Congratulations, JOHN, on this honor and achieving this milestone. We look forward to many, many more.

Mr. PETERS. Mr. Speaker, I would now like to yield 3 minutes to the distinguished gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I want to thank the gentleman from Michigan (Mr. PETERS) for the time.

It is with great honor that I am a Member of this House and stand today on this resolution that honors one of the great Members of this House, the Honorable JOHN DINGELL of Michigan.

As a freshman Member last year, I knew of Mr. DINGELL's reputation—which all of America should know—but I knew it from personal knowledge from a former staffer, T.J. Oden, a good friend of mine in Memphis who always referred to Mr. DINGELL with great honor and great distinction and talked of stories of the past and I'd always heard of Mr. DINGELL.

So when I came here, it was one of the great pleasures to meet him, and

he treated me not as a freshman, not as a person who wasn't necessarily expected to win their re-election and somebody who would be here for a blip, but as a fellow Member and an equal and offered me advice and courtesies that you don't always see from a senior Member extended to a freshman. And I certainly didn't see them from every Member in this body.

But his term here in the House should be an example to young people all over this Nation who want to enter public service.

While I was a freshman in this House, I was not a freshman in the legislative process having served 24 years in the State Senate in Tennessee. In my political career, I've seen many people who get into office and the first thing that it seems they want to do is move to a higher office. They take the position and they take votes that will extend them to a higher constituency, whether it's a Congressperson wanting to be a senator, or a State representative wanting to be a State senator, or somebody wanting to be a governor or a statewide officer or President or cabinet member. That's not the purpose, the reason why one should hold public office and be a Member of this House of Representatives.

This is a position that is worthy of dedication unto itself and to this Chamber, as Mr. DINGELL has and his father has served for over three-quarters of a century. He has dedicated himself to this House and to his district and to the issues of importance and not to the advancement of JOHN DINGELL as Senator, Secretary, Governor, or President.

It is that resoluteness and that purpose that I think holds itself out as an example to young people who enter office is to enter an office and to do good in that office and know that that office, when you take an oath, is what you're sworn to uphold and the duty that you should stand to and not to seek self-promotion constantly.

Mr. DINGELL has done that, and that's part of what this record of service shows: a dedication to this House and his district and to the purpose of which he was elected.

In Washington, I have experienced a little over 2 years as a Member of this House, and I have seen people in this community who revere Mr. DINGELL and his bride.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PETERS. Mr. Speaker, I would yield another 30 seconds to the gentleman.

Mr. COHEN. And in law when a person's reputation and character is put on display for a jury, it is the reputation as they're known throughout the community. And in this community of Washington, there are no two people who are thought of more highly and more revered for their charitable works and their friendship than JOHN DINGELL and his lovely bride, Debbie.

So it's with those issues, the purpose for which he was elected in which he served for this House and for this country. And when he closed his remarks yesterday in the great Rotunda at a celebration honoring him, he closed by saying, ''God bless the United States of America.'' I think it was perfect for Mr. DINGELL because he loves this country, and that's why he served so long and so well.

So I join everybody and ask you to join in voting for this resolution.

Mr. UPTON. Mr. Speaker, at this point I would yield 2 minutes to another gentleman from the great State of Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I am honored to stand here and give a moment of honor and praise to a gentleman who has committed himself to this institution and to his country and certainly to his State.

And I have often said along the way that if you ever want to tangle with somebody in politics, there is no better rival you can have than JOHN DINGELL, and you better buckle up and show up and be ready to go. And when you're on his side, there is no better friend to have in this House. And it has been a fun experience to get to know him in a better and more personal way the last 8 years that I've been here.

I will never forget the first day I got here. We happened to meet, I think, in the hallway on the way to the Chamber, and he offered his hand in congratulations. And I said, ''Sir, do you have any advice for a new Member here in the House of Representatives?'' And he thought about it for a minute and he said, ''Michael, if you're going to sup with the devil, make sure you do so with a very long spoon.'' I thought it was the very best advice that I have ever gotten in this Chamber and in the life of politics in the last 8 years.

He has always been there with a kind word and an offer for help. And when he's against you, as I said before, believe me, you'll know it. He even had some good advice when we were in opposition to certain positions along the way.

But he is truly one of the statesmen of this institution, and we shouldn't forget it. The fact that you can disagree and passionately disagree with civility has always been the hallmark of JOHN DINGELL. And he has that same passion, and you can imagine him having some 53-plus years ago when he showed up in these chambers. And that I draw inspiration from, to know that you can be through all of these tough and very difficult political issues and still show up with a little bit of hip in your getalong, as my dad used to say.

All of those years, all of those accomplishments, all of that civility, that, my friend, is what a statesman is all about.

It has been an honor and a privilege to know you, sir, in the capacity as a United States Representative. You're one of the intellectual giants. Thank you for your service to your State. Thank you for your service to your country.

Mr. PETERS. Mr. Speaker, I would like to reserve the balance of my time.

Mr. UPTON. Mr. Speaker, at this point I would yield 2 minutes to the gentleman from the good State of Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I came to the institution of Congress as a very young man—not as young as you were, JOHN, perhaps—I was 32 years old. I was a fresh, young captain right out of the first gulf war, and I came to the institution of Congress because I wanted to serve my country in another capacity; and I was very upset having seen what men and women do in the name of liberty on a distant battlefield and then to see what had happened to Congress.

To my friend JOHN DINGELL, your party controlled for 40 years, and then the institution became dark and mismanaged, unorganized. There were some bad things that were going on. That propelled me to come to Congress.

And when I came to Congress, I then looked upon my mentors. As a young man, I had great respect because I grew up in an American Legion family, and those guys that would be out in the alley at the fish fries and shooing me out of the way because they were drinking a beer while they were telling stories and war stories, they were the World War II generation. And I come here to Congress and I got to serve, then, with some of the remaining World War II generation.

And upon my reflection, JOHN, as you reflect upon your 50 years-plus of being here in Congress, I think about what a joy it must have been to have served here in Congress in the 1950s and the 1960s when there were so many individuals here in Congress that were of the product of World War II and Korea. Because these were individuals who had truly crossed over and had seen the world in a different dimension and didn't have time for the political games; what were the great interests that could help our country move forward; Republicans and Democrats working together, building bridges across any of those divides of which individuals who didn't understand that type of dimension or reasoning or the bridge builders of those policies were the products of World War II and Korea.

And I kind of look back to your career and say, you know, it would have been a real joy to serve here in Congress during those two decades. And I got to see the end of that when I was here, and it was Bob Stump and Sonny Montgomery and others.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. UPTON. I yield an additional 2 minutes to the gentleman from Indiana.

Mr. BUYER. And I think about what a real joy.

And then I watched you, not only as the great JOHN DINGELL, as what you were referred to here in the town as you led the Energy and Commerce Committee, and then how you also then served in the minority. You are a man who believes in the institution, and by that way you teach a lot of us on how to act, our deportment, our demeanor, our tone, and our tenor; but you also respect the institution. And when you respect the institution, that means you respect each other.

And right now, Lady Liberty is weeping. And the reason Lady Liberty is weeping is because we take one of the great men of this institution, and the Democrat leadership moved you out. And they moved you out, JOHN, because you were an institutional man. You're a man that respects open deliberation and debate, and that's who you are.

But if you're an individual who believes that no, it's my way or the highway and I'm going to do it my way, an individual who permits open debate and deliberation of all individuals—everyone here was elected to represent their districts. So we are in equal capacity.

But your leadership, JOHN, moved you out, and that was unfortunate. And that's why I said Lady Liberty is weeping today because right now, we're voting on bills that did not go through particular markups. You know, the Speaker, we spend that 10 hours in the Energy and Commerce Committee and do amendments, and she takes her own bill on up to the Rules Committee, brings it to floor, don't even do amendments so we don't even get to participate in the process.

□ 1115

The reason you can do that is because you move someone out like JOHN DINGELL.

This is a man that everyone in the institution respects, and so when I will reflect upon my tenure in Congress, I will say that I got to serve with some great men and women.

In particular, when I think of Henry Hyde, I will put him in the same arena as Daniel Webster and Henry Clay, the great orators. And I will put you in the same category as Sam Rayburn and some of those great individuals that have served this country, JOHN. I am proud to have served here with you.

Mr. PETERS. Mr. Speaker, it is indeed my great honor to yield 1 minute to the distinguished gentlewoman from California, our Speaker of the House, NANCY PELOSI.

Ms. PELOSI. Thank you very much. It's so wonderful to see the two gentlemen from Michigan, the two newest Members on the Democratic side from Michigan, one presiding, Mr. SCHAUER, and one controlling the time, Mr. PETERS, as we pay tribute to the dean of the House and certainly the dean of the Michigan delegation, Mr. DINGELL.

Pretty exciting, isn't it, Mr. Chairman, to see these two new young Members to come here to reinvigorate the Congress? You've seen that happen time and time again.

My colleagues, as you know, today, the American flag is flying over the Capitol in honor of the leadership and service of our colleague JOHN DINGELL for becoming the longest-serving Member of the House of Representatives. As we recognize JOHN today, we thank and congratulate his family for sharing him with us: his wife, the lovely Deborah as he refers to her; and his children, John, the Third, Christopher, Jeannie and Jennifer.

Last night, hundreds of people gathered under the Capitol dome as we had a reception on the eve of this historic event at the site of the original House of Representatives to pay tribute to JOHN DINGELL. It was an amazing group to see, Democrats and Republicans, new Members just newly sworn in, and those who had been here for decades.

We were honored to be joined by President Clinton, who on more than one occasion has honored JOHN DINGELL for his service. I think most recently before was for the 50-year anniversary of your service in Congress when many of us came together at that time.

We were joined also by Speaker Foley and former Minority Leader Bob Michel, again as a sign of bipartisanship. All came together to pay tribute to the 19,420 days JOHN DINGELL has served alongside us.

Today, we have an opportunity to again pay tribute on the actual day that he breaks the record. Yesterday was a tie; today, break the record.

It's also a personal privilege for me to speak about JOHN, as my father, Thomas D'Alesandro, Jr., served with JOHN's father in the Congress before JOHN came here.

Every chapter in JOHN DINGELL's life has been lived in service to our country. JOHN came first to these halls, as I mentioned last night and as we all know, as a congressional page. I see that all the pages are gathered in the back of the room to hear the story of one of their colleagues, a former page, who has reached the heights in the Congress of the United States. Thank you, Pages.

He was a page in 1941 when he was standing on the floor when President Roosevelt asked Congress to declare war on Japan. That war called JOHN to serve again, not now as a page but a few years older, and old enough to serve in the military where he rose to the rank of second lieutenant in the Army. It also began a public life dedicated to make America strong, both at home and abroad.

Just barely old enough to be a member of the Greatest Generation, JOHN DINGELL applied his brilliant mind, his great judgment, and his broad vision to making the future better for generations to come. JOHN always made clear that a strong America had to be a healthy America. Continuing a tradition his father had begun in every Congress, JOHN has introduced a bill for universal national health insurance.

Because of his tireless work in securing health care for the elderly, JOHN presided in the House in 1965—he presided where you stand now, Congressman SCHAUER—when Medicare was passed into law. He gaveled it down, and that gavel he used that day still sits on his desk.

To work alongside JOHN DINGELL is to be inspired by the history of our institution and humbled by the seriousness of our work.

JOHN, as I said, yesterday tied the record; today, he broke the record. And every day that he serves from now on he will continue to set a new record, certainly a new record of time in Congress, but that's the least of it, a record of leadership, combined with experience and longevity that makes him such a powerhouse.

To JOHN, we love and respect you, and by any measure, your leadership and your success have been unsurpassed. Congratulations on this wonderful honor. I look forward to working with you for many weeks, years, every day to break the record, a new record, but as that piles up into years, our country will continue to be well-served by your tremendous leadership.

Thank you, Mr. Chairman.

Mr. UPTON. Mr. Speaker, at this point, I would yield 4 minutes to the former chairman and now distinguished ranking member of the powerful and influential Energy and Commerce Committee, Mr. BARTON.

Mr. BARTON of Texas. Thank you, Congressman UPTON.

Mr. Speaker, we're here today to honor one of the true lions of the Congress. I feel like since this is the third time I've made this type of a speech that I'm at a funeral, except for the fact that our honoree is not only alive, but he's still kicking and has lots of life left to give to his constituency and to the Congress and certainly to the committee that he's served as chairman for so many years in the Energy and Commerce Committee.

I've known JOHN DINGELL in some ways since 1985 when I got sworn in as a freshman Member. I've served on the committee that he was the chairman of since 1987. I've served 22 years on the committee, and for the last 17 years, in some shape, form or fashion, I have sat beside him as subcommittee chairman, as ranking member, as full committee chairman, as ranking member of the

full committee, and now again as ranking member with he as chairman emeritus.

There is a public side of JOHN DINGELL, and there is a private side of JOHN DINGELL. We have numerous stories about the public side of JOHN DINGELL, the powerful, gruff chairman. You know, some of the private sides of JOHN DINGELL, much less public but just as important, when I had my heart attack 3 years ago, JOHN DINGELL is one of the people that called and gave me solace and counsel and checked on my wife and made sure that she was okay.

When Terri and I had our son 3 years ago, JOHN and Debbie called and asked what kind of a gift, and knowing of their association with the auto industry, I thought a Cadillac Escalade might be in order. But what we got were car seats, a car seat for Washington and a car seat for Texas, very practical gift, also within the House ethics rules and also very thoughtful.

One of the things that has not been said that I'm aware of is that in spite of the many legislative achievements, the Clean Water Act, Safe Water Drinking Act, the Clean Air Act Amendments, a lead role in the original Clean Air Act, JOHN DINGELL is a very humble man. He has not asked that his name be put on any of that legislation.

When I chaired the energy conference report that later became the Energy Policy Act of 2005, I wanted my name on the bill and Senator Domenici and Senator BINGAMAN and Congressman DINGELL. And so I went to Mr. DINGELL. I said, Let's put your name on the bill; we will call it the Barton-Domenici-Dingell-Bingaman bill. And he said, no, he didn't want his name on the bill. I said, Is it because it's too controversial? He said, No, I don't believe that a man should be that presumptuous.

And I may be wrong, but I'm not aware of any piece of legislation that is called the Dingell bill because he just wants to get the job done. He's not interested in personal memorials.

As I've said numerous times, when they write the history of the Congress, of the 20,000 men and women who have had the honor to call themselves U.S. representatives, JOHN DINGELL will be one of those representatives that is highlighted.

I think he's probably the most influential House Member in the history of the Congress who has not been Speaker of the House, and he could have been Speaker at some point in time. And I don't mean that as a personal attack on our current Speaker. I'm just saying the esteem that this man has been held in for over 50 years is something that we should all try to emulate, because on both sides of the aisle, he is really, really held in high esteem and is considered, as I said earlier, one of the lions, not just of this Congress but every Congress.

I consider it one of the highest honors of my life that I have been able to serve with him and by him and learn from him and, on occasion, emulate him.

And, Mr. Speaker, I will also say that he still has work to do. The fact that we're all honoring him with this resolution today—

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. UPTON. I yield the gentleman 1 additional minute.

Mr. BARTON of Texas. The fact that we're honoring this fine gentleman today does not mean that he can rest on his laurels. I fully expect within the month to be totally engaged on opposite sides in the public health care debate as he tries to fulfill one of his lifetime obligations of moving some sort of a national health care bill. I believe in a more market-oriented, private sector approach.

So, while part of me says I wish he would go ahead and retire, the better part of me says we want you here, Chairman DINGELL. We want you engaged in the debate. We want you giving your ideas on what you think is right for the American people, just like you've been doing for the last 53-years-and-some-odd days, because on your best day you make this body and our country a better body and a better country, and even on your worst day, you improve the atmosphere and improve the prospects for a brighter future for our people of the United States of America.

God bless you.

Mr. PETERS. Mr. Speaker, before yielding more time I ask unanimous consent to extend the time by 10 minutes, equally split between both sides.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. PETERS. Mr. Speaker, I'd like to now yield 1 minute to the distinguished gentleman from Maryland and the majority leader of the House of Representatives, Mr. HOYER.

Mr. HOYER. I thank the two gentlemen from Michigan, Mr. PETERS and my good friend Mr. UPTON.

There is no partisanship on this floor today. There is a universal expression of respect, affection, admiration, sometimes fear, always awe. I rise to note the service of a great American, a good man, who has advantaged this House, his State, and the American people by his service.

Today, we honor a man who has sat in this Chamber for nearly a quarter of its existence. Think about it. He and his father have served longer than a quarter of the existence of this House. In so many ways, the history of this House is the history of JOHN DINGELL and his family.

His father helped create Social Security. JOHN presided over the House, as has been noted, when we passed Medicare. In his time here, JOHN has had his hand in everything from the Clean Air Act to the Endangered Species Act, to the just recently passed Children's Health Insurance Program.

And JOHN DINGELL sat to the right of the President of the United States as the President signed that bill, and President Obama took that first pen with which he signed that bill and turned to Chairman DINGELL and gave it to him. How appropriate it was for President Obama, a young and vigorous President, whose tenure in public office is relatively short, to turn and give that pen to an individual whose term in office has exceeded now that of every other American in history.

□ 1130

JOHN was here when we passed the first civil rights bill. JOHN was here when we put a man on the Moon. He was here when the Berlin Wall and the Twin Towers fell.

So much of our institutional memory is embodied in this one giant of a man, the longest-serving Member in the history of the House—a walking, talking, Library of Congress.

One way to last this long is to keep your head down, to stay quiet and unobtrusive, to hope that no one notices you year after year. That may be one way. It was not JOHN DINGELL's way. But the other way is to make yourself so instrumental that your constituents and this body could hardly imagine life and legislation without your input, without your advice, without your counsel, without your prodding, without your expressing a vision for a better America. Everyone here knows that that is the path that our friend JOHN DINGELL took.

For more than half a century—it's been mentioned, 19,420 days—JOHN came here, to this Chamber, every day, asking what he could do to bring a little more security, a little more dignity, a little more prosperity, to his constituents and to my constituents, and to all of our constituents, to his fellow citizens.

And he came here to this Chamber, every day, asking what he could do to advance the ideals that he has held so tenaciously and so ably and defended so passionately throughout his life and throughout his career in this body.

As Michael Barone wrote a few years ago, and I quote, ''Whether you agree or disagree, the social Democratic tradition is one of the great traditions in our history, and JOHN DINGELL has fought for it for a very long time.''

The good news for my great granddaughter is that JOHN DINGELL is still fighting for that tradition. Still fighting for her and the millions of her cohorts, very small. They will not know JOHN DINGELL personally, but all of them will benefit by JOHN DINGELL's

service and passion and caring and effectiveness as a giant among the legislators of our history. He is still fighting. And he will go on fighting.

We know how much more JOHN has to contribute to the life of this House and this Nation as he adds to his record every 24 hours, from here on out. I want to join my friend JOE BARTON, who's JOHN DINGELL's friend, as is FRED UPTON, his friends and his admirers join JOE BARTON in saying that we look forward to JOHN DINGELL's leading us as we confront the issue of the passion of his life and of his father's life. And that is ensuring that every American has the availability of quality health care.

JOHN DINGELL will be the principal sponsor of that health bill, and our principal leader on that effort. He has much to do. As Ulysses once said, ''Tho' much is taken, much abides.''

I understand that President Clinton quoted that famous Ulysses poem by Alfred Lord Tennyson. That poem ends by saying that, ''Tho' we are not now that strength which in old days moved earth and heaven, that which we are, we are. One equal temper of heroic hearts, made weak by time and fate, but strong in will to strive, to seek, to find, and not to yield.''

Tennyson did not know JOHN DINGELL, but Tennyson spoke of the character and courage and commitment of our friend, of our historic colleague, our chairman, JOHN DINGELL of Michigan.

Congratulations, and thank you.

Mr. UPTON. Mr. Speaker, at this time I would yield 2 minutes to my good friend, the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, the distinguished majority leader, my classmate and friend from Maryland, was absolutely right when he reminded us that just last night at the great ceremony in Statuary Hall, President Clinton directed us to in fact read Tennyson's Ulysses last night.

The thing that struck me as I listened to the majority leader again talk about JOHN DINGELL was something else that President Clinton said. He said, ''Interestingly enough, if you look at the number of Presidents with whom,'' and I underscore, John, with whom, as you said last night, ''JOHN DINGELL has served, it is 25 percent of the Presidents—25 percent of the Presidents that we have had in the United States of America.''

It is an absolutely amazing accomplishment, and it's a great privilege and honor for me to be able to be part of this.

JOHN DINGELL and I, Mr. Speaker, have not always agreed on every single issue, and I know that has clearly come to the forefront from probably people on both sides of the aisle. But one of the interesting things that I have observed is that alliances regularly shift around here.

In the early 1990s, there was a clash that Mr. DINGELL and I had over the issue of jurisdiction. I was charged by then-Speaker Gingrich early on to bring about a modification in committee jurisdiction. And I did some things that my friend JOHN DINGELL didn't particularly like.

But when I talk about how alliances shift, I have to say that then, just a few years ago, Mr. DINGELL approached me and asked me to help him as he was dealing with a jurisdictional challenge, and I totally agreed with what it was he was trying to do at that point.

And so as you look at a long period of time, while we can have passionate disagreements, it's clear that we can just as passionately come together and agree on some issues.

JOHN DINGELL is clearly an institutionalist. And I told him last night, Mr. Speaker, at the great ceremony in Statuary Hall, that I have always been struck—I have served in almost every capacity one can on the House Rules Committee just upstairs on the third floor, and as all of our colleagues know, this is where Members come to testify on behalf of amendments or proposals that they would like to have considered on the House floor.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. UPTON. I yield the gentleman an additional 2 minutes.

Mr. DREIER. I thank my very good friend for yielding me additional time.

In the Rules Committee, Members have to stand in line to offer their testimony. And sometimes, if questions go on, we don't impose limits there on questioning, as in the case in other committees, and often one person can be there and testify for a long period of time if the questioning goes on.

Well, we will have maybe two-term, second-term Members come in and they will get antsy and start to pace around and grumble over the fact they are not being immediately recognized before the Rules Committee to testify on behalf of the legislation.

And I will say that I have been regularly struck at the fact that JOHN DINGELL, the Dean of the House, the chairman of the Energy and Commerce Committee, has often come before the House Rules Committee and literally sat patiently for 45 minutes, an hour, an hour and a half, as others have gone before him to testify, never thinking for one second that he should be recognized.

Now, of course I should say parenthetically that when I was chairman of the Rules Committee, I always wanted to rush to recognize JOHN DINGELL as quickly as I possibly could. But his understanding of this institution is, to me, evidenced in what he regularly did when I would see him in that capacity in the House Rules Committee.

And I have to say that he talked about staff members last night, and recognizing the people who give us the opportunity to do the work that we do is something that JOHN DINGELL did so well. And he, of course, talked about his wonderful partner, Debbie.

So, I have to say, Mr. Speaker, this job has a tendency to become very frustrating. When you have gone from the majority to the minority, and Mr. DINGELL knows this, it is frustrating and challenging and difficult. But I am in the minority now, and some of the days aren't as exciting as they were when I was in the majority.

To be able to be here on the day that recognizes JOHN DINGELL's amazing service to this institution is something of which I am very proud, and has given me just the boost that I need.

So, thank you very much, and I thank my friend for yielding.

Mr. PETERS. Mr. Speaker, I would now like to yield 2 minutes to the distinguished gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. As I am a junior Member of the House of Representatives, I am very pleased to join you, Mr. Speaker, in this recognition. I know that there are a lot of old friends in the House of Representatives. But, Mr. Speaker, I hope that Mr. DINGELL will count me as one of his new friends.

19,420 days. I can't even imagine, having only served in this House for a mere 7½ months. And, today I think, Mr. Speaker, we value more than just the longevity of the service, but we value its character, its quality, its substance, and its leadership.

And so I am really pleased to be here today, Mr. Speaker, in celebration of a wonderful time of public service in this institution. And I want to share with you that when I arrived in this Congress, Mr. Speaker, there was one gentleman who pulled me aside in the Members' Cloakroom and he said to me something that I won't forget, and I believe will carry many of our junior Members through our time in service.

Mr. DINGELL said, ''You are my peer, and don't you ever forget that, because it will serve you well in this institution.'' And already that has been true.

Now we talk a lot about the substance of the legislation that Mr. DINGELL has ushered through for all of us—for my parents, my grandparents, for me. But I'd like to talk to about what it means to be a Member because very recently Mr. DINGELL approached me about a situation with a group of high school students from Wyandotte High School in Michigan, who were staying in Hershey, Pennsylvania, but had to play in the inauguration. And it would have been impossible for them to get to the inauguration on time. And so we found a high school out in the Fourth Congressional District in Maryland for these students from Wyandotte.

And what that demonstrated to me again, Mr. Speaker, is that Mr. DINGELL isn't simply about the substance and about the time, but the service.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PETERS. I yield 1 additional minute.

Ms. EDWARDS of Maryland. Thank you. But it isn't simply about that substance, but it's also about what it means to serve the people. And sometimes that service comes in small ways, and other times it comes in big ways.

And so, already, Mr. Speaker, Mr. DINGELL has demonstrated to me that we are here for the public service, and that means to our constituents in Michigan, in Maryland, and across this country. But we can't forget that. And so I thank Mr. DINGELL for his longevity and for his knowledge and the breadth and also for teaching me a lesson as a junior Member of this institution about what it means to serve.

Mr. UPTON. I reserve the balance of my time.

Mr. PETERS. Mr. Speaker, I would now like to yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

□ 1145

Mr. MARKEY of Massachusetts. I thank the gentleman from Michigan very much.

I think that this is just an incredibly appropriate moment to be honoring Mr. DINGELL, because he is the living link to the principles of fairness, justice, and advancing the public interest that animated the New Deal, and which remain so relevant today to the important issues which we are discussing here, not only on the floor of the House, but all across America: The lessons of why we regulate Wall Street, why we ensure that those who control the finances of all the families in our country have to be watched with an eagle eye. Mr. DINGELL, who ensured that our securities laws were rewritten to provide for protection against insider trading, curbing penny stock manipulation, increased civil penalties, the 1990 Market Reform Act. He is responsible for so many of the laws that are now going to be looked to, to ensure that we enforce our securities laws against those who have abused the public trust.

So while many people look at his work on the National Environmental Policy Act, the Clean Air Act, the Endangered Species Act, the Children's Health Insurance Act, North America's first international wildlife refuge, there are so many other areas that Mr. DINGELL has been working on, including the financial regulatory area, and all of the telecommunications laws that have made it possible for us to have this revolution which now has the words Google and E-Bay and Amazon and YouTube part of our vocabulary.

But for me, the six words that will be remembered are those six words that are the most feared words that have ever been spoken in the history of the United States Congress, ''I'm just a poor Polish lawyer.'' Those words always preceded a dissection by Mr. DINGELL in brilliant form of the arguments made by those making presentations to the Energy and Commerce Committee.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PETERS. I yield 1 additional minute to the gentleman.

Mr. MARKEY of Massachusetts. Invariably, this brilliant dissection of the flaws and the arguments of those who were testifying before our committee resulted in legislation that ultimately produced protections for the American people in areas across the entire spectrum of the lives of every single American. And this legendary legislator has left a legacy which will benefit families in our country for centuries to come, because like the New Deal principles that his father fought to put on the books, JOHN DINGELL has ensured that those principles were carried forward in the laws that were written during his time here. They have been embodied and extended in a way that will protect families in our country and, I might say, around the world, because they will be emulated for generations to come. And we come here today to honor our friend JOHN DINGELL for the incredible service that he has provided to our country.

Mr. UPTON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I just want to say that my good friend ED MARKEY's statement that, ''I'm just a poor Polish lawyer,'' that reminds me of a story. I wasn't going to tell this until then, but those of us on the committee certainly know the story because our good friend Mr. Tauzin has told this story many, many times. And that was when Mr. DINGELL, I think then the chairman, used that line, ''I'm just a poor Polish lawyer.'' And Mr. Tauzin, who is always known to have one of the best wits ever not only in this body but across the country, was about to relate to him a ''Polish joke,'' Mr. DINGELL reminded him that he was just a poor Polish lawyer. And Mr. Tauzin then said, ''Well, I will then tell the joke very slowly.''

Mr. Speaker, in the short time that I have served in this body, JOHN DINGELL and I have had really countless conversations and stories. Our offices were across the hall for a number of years, so we would walk to the floor for votes. We would do joint press conferences. We often sat together on the Northwest flight to Detroit, where I then would fly on to Kalamazoo or South Bend and he would stay with his constituents on that side of the State. We obviously worked very closely and in my work on the committee and subcommittees in so many different ways, as not only the dean of the House for Mr. DINGELL, he was also the dean of our delegation and I have been dean of the Republican side of that delegation as well. So our delegations work very closely on many fronts. And in all of those conversations, I want to say I think they have all ended with his closing, ''God bless you, my friend.''

We are fortunate that God has blessed the Dingell family, certainly this House in all the great work that he has done as a real legislator, a good friend of all the people regardless of party or affiliation, or staying on the issue. He has been there for the country.

So we say, God bless you, our friend, Mr. DINGELL. We salute you for your service. And we look forward to our continuing strong relationship in so many ways.

I yield back the balance of my time.

Mr. PETERS. Mr. Speaker, I would certainly like to thank Mr. UPTON for his comments and for managing the time on his side, and I would also like to thank Mr. KILDEE for putting forth this resolution.

Today, we have certainly heard some just incredible testimonials from individuals in this House honoring the incredible work of an incredible public servant and statesman, Mr. DINGELL. It certainly is an honor for me to be here and serving with Mr. DINGELL, and it is certainly going to be an honor to continue to serve with him in the weeks and years ahead.

So it is with great pride that I move that the House suspend the rules and agree to House Resolution 154.

Mr. BOSWELL. Mr. Speaker, I rise today to honor a great American, a great servant of the people, a great patriot, and a great friend, the longest serving Member of the House, the gentleman from Michigan, Congressman JOHN D. DINGELL.

Mr. Speaker, JOHN DINGELL has served his district, his State, his Nation, and this great and noble body with distinction and honor. His achievements on behalf of our Nation are profound, and they are numerous. John's unyielding commitment to bettering the lives of the people he serves, in fact bettering the lives of all Americans, in this great body shines as an example that we can only hope to live up to.

The gentleman's contribution to our country, and the House of Representatives, will stand the test of time. I wish him many more years of good health, active service, and I look forward to working with him on meeting many of the challenges that we face today. I for one can say, with all honesty and a sense of humility, that I feel fortunate to have been able to serve with our dean, the gentleman from Michigan, JOHN DINGELL.

Mr. HOEKSTRA. Mr. Speaker, it is with great honor that I recognize JOHN D. DINGELL and his service to the House of Representatives.

JOHN DINGELL has proven to be a friend, a colleague and an effective legislator in all of the years that I have known him as a Member of Congress.

As a fellow member of the Michigan delegation, I am very familiar with his tireless advocacy on behalf of his constituents in the State

of Michigan. With JOHN, Michigan always comes first. You can always turn to him for help, regardless of your party.

For more than 53 years, he has proven to be an unwavering champion of Michigan's working men and women.

His powerful voice is appreciated across the State of Michigan, throughout the American automotive and manufacturing industries, and within our delegation.

Congratulations on your historic achievement, Representative DINGELL. Your dedication to this institution and the people you represent is beyond compare.

Mr. LARSON of Connecticut. Mr. Speaker, I would like to join the House of Representatives in honoring Representative JOHN DINGELL as the longest serving member of the House. Mr. DINGELL began his service to his country at the young age of 18, when he decided to join the Army. Ten years later, Mr. DINGELL, the son of a Michigan Congressman, would soon follow in his father's footsteps; in 1955, he was elected to represent a Michigan district outside Detroit and would continue to serve this district for 54 years under 11 presidents.

A friend and colleague from whom I have gained insight and inspiration, Mr. DINGELL has provided this chamber with unprecedented leadership, presiding over the House Energy and Commerce Committee for 15 years and heading important issues such as air quality, consumer protection, health care, protection for automakers, and energy policy. He authored notable bills such as the National Environmental Policy Act of 1970 and the Endangered Species Act of 1973. Today, I regard Mr. DINGELL as one of Washington's most skilled law makers, and am eager to work with him as he helps oversee one of the most important reforms in this Congress: health care legislation. Throughout his legislative career and continuing today, Mr. DINGELL has been focused and has acted with purpose—a purpose to improve social conditions for not only his constituents, but for people across the Nation.

Representative DINGELL continues to provide exceptional leadership to the House of Representatives and will serve as an example of democratic leadership long after he leaves this chamber. I am proud to extend my congratulations and thanks to the Honorable JOHN DINGELL.

Mr. STEARNS. Mr. Speaker, I rise today to honor the distinguished gentleman from Michigan, JOHN DINGELL, has now become the longest serving Member of the U.S. House of Representatives. While Mr. DINGELL's service to this Congress is worth recognition alone, his many accomplishments ensures that he will go down as one of the most influential members in the history of Congress.

JOHN DINGELL's service to this body started all the way back in 1938, when he served as a Page. Later on, he served in the United States Army leaving with the rank of Second Lieutenant. In 1955, Mr. DINGELL was sworn into office to succeed his father and began a remarkable and productive career as a Member of the House.

In 1981, Mr. DINGELL's tenure as the top Democrat on the Energy and Commerce Committee began and continued until this very year. I have served with Mr. DINGELL on the Energy and Commerce Committee for 16 years. In all that time, he always treated Republicans with respect even when we vociferously disagreed, which was fairly often. He was always fair and willing to work to find common ground. He is a true model for all of us to follow.

Mr. DINGELL has received so many awards and so much recognition in his career, that I do not have time to list them all. So I'll highlight a few. He has received recognition from the NAACP for his avid support of civil rights and from the NRA for his support of the Second Amendment. In addition, Mr. DINGELL has been Congress' most outspoken and tireless advocate for the American automobile industry, which is a key component of our nation's economy and of particular importance to the district he represents.

In closing, let's all honor JOHN DINGELL for his vigorous and unflagging support for this institution and for his long and productive tenure in Congress.

Mr. MCGOVERN. Mr. Speaker, it is my honor to rise today alongside my colleagues to pay tribute to an extraordinary legislator, my friend JOHN DINGELL.

JOHN DINGELL is, quite simply, a giant of this House. Today he reaches a remarkable milestone, becoming the longest-serving member of this institution. That achievement alone would be worthy of commemoration and celebration. But it's not simply the length of his service that makes JOHN remarkable—it's what he has accomplished in those 53 years.

He held the gavel when the House passed the original Medicare legislation. He shepherded the landmark Clean Air Act into law. He championed the Endangered Species Act. He has fought for health care, for workers' rights and for the people of his beloved Michigan.

He has done all of this—all of this amazing work—with wit, passion, and an unshakeable belief in the American spirit. As he recently said in an interview, ''Eighty-two years ago, I hit the jackpot. I was born in the United States of America. That's the greatest thing that ever happened to me.''

And on a personal note, Mr. Speaker, I want to thank JOHN and his wife Debbie for their kindness and friendship to my wife Lisa and me. They have enriched our lives in so many ways, and we will be forever grateful.

So congratulations, JOHN DINGELL. Here's to another 53 years of service to America.

Mr. EHLERS. Mr. Speaker, I rise in strong support of House Resolution 140 to honor Congressman JOHN D. DINGELL for holding the record as the longest serving Member of the House of Representatives.

JOHN D. DINGELL's exemplary record of public service and dedication to serving the American people began at the age of 18. During World War II, he served as a Second Lieutenant in the United States Army and received orders to take part in the first wave of a planned invasion of Japan. Fortunately, the war ended, probably saving the life of Mr. DINGELL.

After finishing his military service, Congressman DINGELL attended Georgetown University where he studied Chemistry, and later continued his studies at Georgetown Law School. Mr. DINGELL returned to Michigan to work successively as a National Park Ranger, a prosecuting attorney for Wayne County, and he also ran his own private law office.

In 1955, JOHN D. DINGELL took office in the U.S. House of Representatives after winning a special election to replace his father. Congressman DINGELL was elected to his 28th term this past November, and has served as Dean of the House since the 104th Congress.

As a scientist, I recognize that JOHN D. DINGELL's background in Chemistry and his experience as a National Park Ranger helped him understand science and environmental policy. In fact, Congressman DINGELL has authored or been instrumental in the passage of some of our nation's most important environmental laws, including the National Environmental Policy Act, the Endangered Species Act, and the Clean Air Act Amendments of 1990.

Mr. DINGELL's more than 53-year length of service has given him considerable wisdom and a deep understanding of Congressional procedures. He has earned the titles ''Dean of the House'' and ''Dean of the Michigan Delegation''. He is a model public servant, and we all benefit from his wisdom and good counsel. New Members of Congress and our youth should seek his advice.

On a personal note, I am deeply grateful for Congressman DINGELL's helpful guidance when I joined the U.S. House of Representatives after winning a special election. Also, I sincerely appreciate his willingness to work with me on environmental policy issues. I truly value Mr. DINGELL's friendship and certainly wish him many more years of successful work in the U.S. Congress.

Congressman has tirelessly advocated on behalf of his constituents and the people of Michigan. He deserves to be honored for his lifelong commitment to public service, and his dedication to the U.S. Congress should be celebrated.

Please join me honoring JOHN D. DINGELL by supporting this important resolution.

Mr. RAHALL. Mr. Speaker, history is fleeting, unless you are part of making it. Few in this House, nor outside this body, would take issue with the proposition that JOHN D. DINGELL has been a maker of history most of his days here. I rise today to honor our esteemed colleague, Congressman JOHN D. DINGELL, as the longest serving member of the U.S. House of Representatives.

As the youngest elected, longest serving Member of Congress in the history of the House, I can attest to the trials and tribulations, the trophies and triumphs of tenure. It has been my honor to work alongside Mr. DINGELL over the last 32-plus years.

We have fought together in the trenches of Congress to bring affordable healthcare to the elderly, to craft a reasoned and balanced view of the U.S. role in a lasting peace in the Middle East, and to champion the safe usage of our precious natural resources.

Today, the ''Dynamo of Detroit'' has reached a remarkable milestone: 19,420 days of service in the House of Representatives. He stepped into a seat vacated by his late father, John Dingell, Sr., on September 19, 1955, but his service to our Nation began many years prior.

In 1941, when serving as a congressional page in our hallowed halls, he was standing on the House Floor, when President Roosevelt

asked Congress to declare war on Japan. He not only heard that call but answered it, and went on to serve in the Army, rising to the rank of second lieutenant.

After taking up his father's mantle to represent the people of Michigan's 15th Congressional District, he worked on legislation that has strengthened the fabric of our Nation, voting on the Civil Rights legislation of the 1960s and helping pass into law Medicare in 1965.

Congressman DINGELL has not just lived history; he has truly made history.

Public service at times rises and sadly falls in the imaginations of our Nation's youth. As testament to what can be the very best of public service, we need to look no further than the legacy of JOHN DINGELL. The length of his tenure only serves to underscore his noble service.

Mr. Speaker, I take this opportunity to congratulate my colleague on this great milestone. It has been an honor and unique privilege to serve beside him as my senior colleague, my mentor, and my friend. With my election to this Congress, I am now the longest serving House member from the State of West Virginia, and I look forward to many more years of working together with the gentleman who has served his State and this Nation longer than anyone in the history of this House.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to honor JOHN DINGELL as the longest serving member of the House of Representatives and to offer my support for this resolution. He has been a mentor to many members of Congress, including me.

I have had the privilege of serving and working with Congressman DINGELL on the Energy and Commerce Committee since joining that Committee in 1996. Under his leadership, we have worked to expand and improve healthcare coverage, develop sound energy policy, enhance consumer protection, and address numerous other issues under the Committee's jurisdiction.

I cannot say enough about his leadership to make healthcare more affordable and accessible to all Americans. We worked together on the State Children's Health Insurance Program, or SCHIP reauthorization, which the President signed into law last week, and legislation to expand federally qualified health centers that significantly improves healthcare access for individuals in underserved areas like our district.

Over his career, JOHN DINGELL has had a hand in pieces of legislation from Medicare passing in 1965, to the Clean Air Act, to the Endangered Species Act, the Do Not Call list, and numerous other laws. He also played an unprecedented and vigorous roll in oversight while Chairman of the Committee to ensure government programs are working for the people, and he continues to do so today.

It has truly been an honor to serve with JOHN DINGELL and work closely with him on the Energy and Commerce Committee. I congratulate him becoming the longest serving member in the history of the House of Representatives, and look forward to continuing to work with him on the many issues he has championed as long as I have known him.

Mr. HINOJOSA. Mr. Speaker, I rise today to commend my colleague Congressman JOHN DINGELL on his five decades of distinguished service to the people of Michigan and the United States.

Today we celebrate Congressman DINGELL becoming the longest-serving Member of the United States House of Representatives in this body's history. As we recognize our colleague's longevity, we reserve our highest of praise for the exceptional record of service he has compiled over his years of service.

Our Nation owes a debt of gratitude for Mr. DINGELL's career. If not for JOHN DINGELL, millions of children would not have received health care under the Children's Health Insurance Program. If not for JOHN DINGELL, hundreds of animal species would not have been saved from extinction by the Endangered Species Act. If not for JOHN DINGELL, our atmosphere would not have been protected by the effects of the Clean Air Act. If not for JOHN DINGELL, our Nation's workers, environment, children, and people would not enjoy so many of the protections they do today.

As we commemorate this historical milestone in Congressman DINGELL's career, we must recognize his determination to continue advocating on behalf of all American citizens. Every Congress, Congressman DINGELL introduces legislation creating a health care system guaranteeing coverage to every American. As this House honors its Dean with our words today, I hope that we may have the opportunity to honor him with our deeds by finally creating a long-overdue universal health care system before the end of this Congressional session.

I join my colleagues in applauding the career of Congressman DINGELL and thank Mr. DINGELL for his decades of service to our Nation.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in honor of Representative JOHN DINGELL Jr., who today becomes the longest serving Member in House history passing the Honorable Jamie L. Whitten. I want to thank Representative DINGELL for his friendship and all the guidance he has shown me over the more than twelve years I have been in Congress. From his service in the United States Army to his diligent study of law at Georgetown University, his unwavering commitment and service to our nation has and will continue to be a benchmark my colleagues and I strive to match.

Representative DINGELL, Jr. began his service in the House on December 13, 1955, and since then has honorably filled the seat his father once held. Over the course of his accomplished career, he has championed legislation that over time has proven to be critical to our nation's well being. As chairman of the Energy and Commerce Committee for twelve years, he was an ardent advocate of environmental legislation and broke down partisan barriers in his pursuit to uncover instances of government waste and corruption. Under his watch, the Committee became one of the largest and wide-ranging in the House carrying with it a reputation for intolerance of federal mismanagement.

While steadfast in his own principles, the Representative's determination to work with others continually sets him apart from other lawmakers. On a personal note, his critical work with me in passing the National Instance Criminal Background Check System (NICS) Improvement Amendments Act of 2007 is a testament to his uncanny ability to find middle-ground on often divisive issues. The work that we did on that legislation will hopefully go a long way towards making our communities safer.

As Representative DINGELL, Jr. begins his 19,420th day in office, I extend my congratulations to him in what has been and what will continue to be an exceptional career.

Mr. CARNAHAN. Mr. Speaker, today I congratulate Chairman Emeritus DINGELL for achieving a great milestone that no one has achieved before—serving the people of Michigan for 19,420 days and becoming the longest serving member of the House of Representatives in U.S. history.

Long before I was elected to Congress, I looked to Chairman DINGELL for inspiration and guidance. In fact his service began before I was born.

I was deeply honored after being elected to represent Missouri in this great body when DINGELL, as the Dean of the House, agreed to meet with me and offer his unmatched advice and counsel. What made it even more worthwhile was the fact that he had served with my grandfather ASJ Carnahan in this same body in the 1950s. It was a pleasure to hear of stories he and my grandfather shared together.

He has achieved a great deal since 1955 when he was first elected having presided over the House when Medicare was created to care for some of our most vulnerable citizens 10 years after he was first elected.

Both Congressman John D. Dingell Sr., the Chairman's father, and President Harry S. Truman of Missouri fought for a national health care system together. It was a cause important to Congressman Dingell Sr. and has continued to be a cause Chairman DINGELL has championed. Chairman DINGELL has worked with eleven U.S. presidents spanning his career—a quarter of the 44 Presidents in the entire history of our country.

Today I am delighted that I can continue to tell friends and family that I have served with Chairman DINGELL and look forward to working with him to expand health care so that the more than 47 million Americans without health care can have the peace of mind that they and their loved ones will be cared for.

Mrs. MALONEY. Mr. Speaker, I rise today, as do so many, to honor JOHN DINGELL as he achieves a great milestone: our longest-serving House member.

In December 1955, at the age of 29, JOHN won a special election to replace his father. 19,420 days later, we honor him and his spectacular record in serving the people of the United States and of his Michigan district.

In December 1955—just to give you a sense of the eras, then and now—Rosa Parks took a stand by refusing to give up her seat on a bus home from work in Montgomery, Alabama.

Today, as we honor JOHN, we have an African-American President.

People make change—and JOHN DINGELL has made more than his share.

As Chairman, now Chairman Emeritus, of the Committee on Energy and Commerce, he has carried perhaps the broadest portfolio of any House member in history, from energy, trade and telecommunications to Medicare,

Medicaid, consumer protection and government oversight and investigations—Energy and Commerce handled up to 40% of all House legislation in some sessions.

An avid outdoorsman and former forest ranger, JOHN was an ''environmentalist'' before the word ''environmentalist'' existed.

He was instrumental in the passage of some of our nation's most important environmental laws, including the Endangered Species Act, the National Environmental Policy Act, and the 1990 Clean Air Act.

And JOHN almost single-handedly has created the Detroit River International Wildlife Refuge, which began in 2001 with some 400 acres and has grown since then to encompass over 4,000 acres from River Rouge to Lake Erie.

He has been steadfast in supporting health care for all Americans. Each Congress, he sponsors a national health insurance plan—picking up the baton from his father who first introduced it in 1943. He fought for the Patient's Bill of Rights and the Children's Health Insurance Program. And he was the presiding officer as this House passed Medicare in 1965.

Together, JOHN and I worked on identifying the persistence of the ''glass ceiling'' which limits the advancement of women in the workplace.

JOHN could not have known in 1955 the changes he would see, and the change he would make, as a member of this body. It has been a career of accomplishment—but now, also, it is a career of longevity.

Martin Luther King once said ''It is the quality, not the longevity of one's life that is important.'' But JOHN DINGELL has had BOTH quality and longevity. May he keep up the great work.

JOHN, please accept my humble congratulations and extend my love to Debbie and your family.

Mr. EDWARDS of Texas. Mr. Speaker, I rise today to congratulate my friend and colleague, JOHN DINGELL for becoming the longest serving Member of the U.S. House of Representatives.

Mr. DINGELL's service is unparalleled. For 53 years, he has worked diligently for the American people and his legislative accomplishments are unparalleled. Serving alongside Chairman DINGELL, I've come to know why he has earned the deep respect and admiration of scores of House Members, Senators and 11 different Presidents.

A true champion of health care reform, JOHN DINGELL has been at the center of every major health policy reform of the last 50 years. In 1965, he was central to the creation of Medicare, a program that saves millions of elderly Americans from the horrors of poverty and disease every year. Continuing his fight for a healthier country, JOHN has worked on behalf of children, the poor, and many others who can't afford quality heath care and has been a visionary in authoring legislation to ensure affordable health care for all.

Today JOHN DINGELL broke a record, but that record won't be why we remember him. It will be his character, his accomplishments, and his unyielding belief that this institution can make a positive impact in the lives of everyday Americans. Today JOHN DINGELL made history, but his lasting legacy will be how he has shaped the history of a great nation through a lifetime of public service.

I consider it one of the true privileges of my lifetime to know JOHN DINGELL as a colleague, a mentor and a close personal friend. His wisdom and his example of leadership will continue to make a difference for American families long after we here are long gone. God bless JOHN DINGELL and the love of his life, his wife, Debra.

Mr. HOLT. Mr. Speaker, I rise today in support of House Resolution 154, which honors JOHN DINGELL for being the longest serving member of the House of Representatives.

JOHN DINGELL came to Congress in 1955 at the age of 29 and in his more than 53 years in the House, including 16 as the chairman of the Committee on Energy and Commerce, has represented energetically and effectively the constituents of his southeastern Michigan district.

Longevity alone, however, does not distinguish JOHN DINGELL, and the Dean of the House has been at the center of almost every major legislative accomplishment of this body since his earliest days in Congress. In 1965, Representative DINGELL presided over the House chamber when the House passed the Social Security Act of 1965, creating Medicare. Years later, the one-time forest ranger, and avid outdoorsman, helped usher through Congress the Endangered Species Act of 1973 and the Clean Air Act of 1990.

Throughout his distinguished career, he has led the fight to ensure that all Americans have access to affordable health care, fought to close corporate loopholes, investigated government waste of taxpayer dollars, and advocated for the safety of consumers. Most recently, Representative DINGELL played a key roll in the passage of the. Consumer Products Safety and Improvement Act, which was signed into law last August.

In my few years in the House, I have been honored to have served beside JOHN DINGELL. I have learned a great deal from such a thoughtful, serious legislator, and I look forward to working with him as Congress continues to address the country's economic, health care, and climate challenges.

I join my colleagues in honoring an institution in the House of Representatives, JOHN DINGELL, for his service to his constituents, the Congress, and the country.

Ms. MCCOLLUM. Mr. Speaker, I rise today in strong support of H. Res. 154, which honors JOHN D. DINGELL for holding the record as the longest serving member of the House of Representatives.

This resolution pays tribute to a man who has given his life to public service. Prior to Congress, JOHN served with dedication as a Congressional page, National Park Ranger, a Second Lieutenant in the U.S. Army, and a county prosecutor.

On December 13, 1955, JOHN won a special election to replace his father in the House or Representatives and has been reelected 27 times to represent the families of Michigan. He has served honorably as dean of House of Representatives since the 104th Congress.

I first met Congressman DINGELL when I was elected to the House of Representatives in 2000. It has been a true honor to serve as a Representative along with such a distinguished gentleman.

Throughout his tenure in the House, JOHN has fought tirelessly for working families. As a member, ranking member, and chairman of the House Energy and Commerce Committee, he has been a leader in protecting the environment and health of all Americans.

As the Congress looks towards reforming our healthcare system, we must thank JOHN for paving the way by increasing access for family and children. Every year since 1957, JOHN has introduced a bill that would provide national health insurance for all Americans. The passage of the Children's Health Insurance Program signed into law in 1997 and an expansion of the program in 2009 could not have been done without him.

JOHN has also been instrumental in the passage of environmental legislation including the National Environmental Policy Act, the Endangered Species Act, and the Clean Air Act Amendments of 1990.

I want to take this time to recognize JOHN's wife Debbie who has been his dedicated partner during his service to our great nation.

Congratulations JOHN. I urge my colleagues to support this resolution.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to support this resolution and to recognize my dear friend, JOHN DINGELL, on his lifetime of public service.

Over the last 53 years, JOHN DINGELL has stood larger than life. His dedication to his district, state and country has been a tremendous source of inspiration to me and my colleagues. I know that the United States of America is a safer, cleaner and healthier country because of his tireless efforts.

As a member of the Energy and Commerce Committee, I have had the privilege of serving under Chairman DINGELL. As Chairman, his wisdom and judgment were only outdone by his kindness and generosity. I know that every member in this chamber is a better representative today because of the lessons we have learned from him.

In the 111th Congress, I look forward to continue working with, and learning from, JOHN DINGELL as he continues to fight for American families. This year we plan to work to provide universal health care, improve safety standards in toys, and find a solution to address global climate change, and JOHN DINGELL will be a major factor in each of these efforts.

On a personal note I also deeply appreciate the friendship extended to me and my family by John and Debbie Dingell. They are always there for friends who need comfort and care. I congratulate and thank JOHN DINGELL for everything that he has and will accomplish in the years ahead.

Ms. KILPATRICK of Michigan. Mr. Speaker, I have been proud to have served as a Member of the State House of Representatives in Michigan and now as a Member of the United States House of Representatives for more than three decades. I know first-hand of the hard work and leadership of the long-term Chairman Emeritus JOHN DINGELL. People outside of the great State of Michigan, in which I have been proud to serve as a Member of the State House of Representatives in Michigan and now as a Member of the U.S. House of Representatives for more than three decades know the long-time Chairman Emeritus

of the powerful Energy and Commerce Committee as JOHN D. DINGELL. In Michigan, we know Chairman DINGELL as a dedicated, devoted and dutiful public servant who continues to serve the people of Michigan's 15th Congressional District and the United States superbly. As the Dean of the U.S. House of Representatives, Chairman DINGELL has been a fighter for the automotive industry; a protector of our environment; a dogged investigator and leader of Federal oversight; and one of the leading supporters of health care for all Americans.

Chairman DINGELL's sense of public service goes beyond his service as a Member of Congress for more than the past five decades. Chairman DINGELL, who began learning his skill as a legislator at the feet of his father, John, the Chairman joined the U.S. Army at the age of 18 to fight in WWII. After graduating from college, working as a forest ranger and becoming a lawyer, Chairman DINGELL became a member of our august body after winning the seat of his departed dad.

Chairman DINGELL's influence upon the lives of all Americans is broad and deep. As the longtime Chairman of the Energy and Commerce Committee, to which more than two-thirds of all legislation in Congress is referred, Chairman DINGELL has been at the forefront of legislation that has improved the health of minorities, women, and men; improved the quality of the water we drink, the food we eat, and the very air that we breathe; and uncovered some of the worst fraud, waste and abuse of scarce American tax dollars.

Every Congress for more than the past five decades, Chairman DINGELL has introduced legislation that would guarantee each and every American access to health care. This is carrying on a family tradition that was begun by his father, and continued by the son. This is but one of the hundreds of bills and laws that Chairman DINGELL has directly influenced. Under Chairman DINGELL, we discovered that the Department of Defense were paying more than $600 for a toilet seat. The ''Do Not Call'' law that restricted telemarketers from interrupting our homes. The recently-signed into law State Children's Health Insurance Plan, guaranteeing health insurance for millions of children of working families. Saving our beloved Great Lakes from pollution. Preserving America's forestry and animal heritage with the Endangered Species Act. Ensuring that women and minorities are counted and considered as we find cures for cancer, AIDS, and other debilitating diseases. Fighting for the American automobile industry. And finally, Chairman DINGELL's work to establish a ''Patient's Bill of Rights'' that means that doctors, not insurance bureaucrats, make decisions for our health care. In more than half a century of service to all Americans, Chairman DINGELL has a record of achievement that will not be surpassed. It is a record that I respected as a Member of Michigan's State legislature, and it is one that I continue to respect to this very day.

I join my colleagues in congratulating Chairman JOHN DINGELL, along with all of Michigan's sons and daughters, regardless of race, religion, or party affiliation, on his record length of service to our Nation. Chairman DINGELL's service has made a difference for us all. I am proud to honor Chairman DINGELL for a lifetime of dedication to our country.

Mr. ETHERIDGE. Mr. Speaker, I rise in honor of JOHN D. DINGELL's distinguished service in the House of Representatives, and in support of H. Res. 154. As many of the other speakers have noted, we do not just honor him for this longevity in this institution, but for what he has done while he has served here. For more than 50 years, he has represented the interests of working Americans from across this country, and particularly from his home district in Michigan. He has been a strong defender of rights: a strong voice for civil rights and civil liberties, and a leader in environmental protection. He has brought his intellect and passion to bear to address the challenge of health care access, helping establish Medicare in 1965, the Children's Health Insurance Program in 1997, and many other health initiatives since and between. He understands the urgency that remains on this issue, and I can think of no person better positioned to make expanding health coverage for all Americans a reality.

One of the things I really respect about JOHN, beyond his commitment and dedication to this country, is his honesty. When he says something, his word is his bond. It says a lot about this institution when the Dean of the House is reliable like that, and whether he is with you or against you know where you stand. I have appreciated working alongside him throughout my own service in this distinguished House.

I salute Congressman DINGELL's long commitment to public service, his impressive record of accomplishment, and his defense of working Americans. I urge my colleagues to join me in honoring his service by voting for H. Res. 154.

Mr. HARE. Mr. Speaker, I rise today in strong support of H. Res. 154, a resolution honoring my good friend and colleague, Representative JOHN DINGELL for becoming the longest-serving member of the U.S. House of Representatives.

A true public servant, Mr. DINGELL has devoted more than half of his life to the service of our nation both in his home state of Michigan and in the United States Congress. Today marks the 54th year of his commitment and dedication to the American people and a day when Mr. DINGELL has surpassed every other member of the House of Representatives with the longest tenure in House history.

Over the past half-century, Mr. DINGELL has proudly championed the rights of workers from being a longtime supporter of equal pay for equal work, to supporting collective bargaining rights. However, he is perhaps best known for his vigorous approach to government oversight.

As an icon serving on the House Committee on Energy and Commerce, Mr. DINGELL fought for environmental protections and defended consumer rights. He displayed great leadership and stewardship in ushering through important pieces of legislation such as the landmark Endangered Species Act of 1973, and the Clean Air Act of 1990. Additionally, Mr. DINGELL has consistently sought to uncover government corruption and waste, ensuring American tax dollars are spent wisely and transparently.

Today, I proudly recognize Mr. DINGELL's distinguished service to the United States. He has been and will continue to be a role model to me and hundreds of others in this chamber. I am honored to serve with him and wish him well on this historic day.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. KILDEE) that the House suspend the rules and agree to the resolution, H. Res. 154.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PETERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE SIGNIFICANCE OF MERCED ASSEMBLY CENTER

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 129) recognizing the historical significance of the Merced Assembly Center to the Nation and the importance of establishing an appropriate memorial at that site to serve as a place for remembering the hardships endured by Japanese-Americans, so that the United States remains vigilant in protecting our Nation's core values of equality, due process of law, justice, and fundamental fairness.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 129

Whereas, on February 19, 1942, President Franklin D. Roosevelt signed Executive Order No. 9066, authorizing the forced internment of both United States citizens and legal residents of Japanese ancestry during World War II;

Whereas in the largest single relocation of individuals in the history of our Nation, approximately 120,000 Japanese-Americans were forced into internment camps by the United States Government in violation of their fundamental constitutional rights;

Whereas due to this unjust internment, these Japanese-Americans faced tremendous hardships, such as family separation, the loss of their homes, businesses, jobs, and dignity;

Whereas following Executive Order No. 9066, Japanese-Americans in parts of Washington, Oregon, California, and southern Arizona were ordered to report to assembly centers before being removed to more permanent war relocation centers;

Whereas the Merced Assembly Center, located in Merced, California, was the reporting site for 4,669 Japanese-Americans;

Whereas as a young child, United States Congressman Mike Honda and his family were held at the Merced Assembly Center prior to being interned in Amache, Colorado, and his public career has been dedicated to educating and preventing this type of injustice from reoccurring;

Whereas in 1998, then Assembly member Mike Honda authored the World War II Internment of Japanese-Americans: California Civil Liberties Public Education Act, which became California public law in 1999 and serves as an important program to educate the public about the internment;

Whereas February 19th, the 67th anniversary of Executive Order No. 9066, is known as the Day of Remembrance;

Whereas the Merced Assembly Center Commemorative Committee has been charged with the task of establishing a memorial to recognize the historic tragedy that took place at the Merced Assembly Center; and

Whereas the unveiling ceremony for the memorial at the Merced Assembly Center will take place on February 21, 2009: Now, therefore, be it

Resolved, That the House of Representatives recognizes the historical significance of the Merced Assembly Center to the Nation and the importance of establishing an appropriate memorial at that site to serve as a place for remembering the hardships endured by Japanese-Americans, so that the United States remains vigilant in protecting our Nation's core values of equality, due process of law, justice, and fundamental fairness.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. I yield myself such time as I may consume.

Born of war hysteria and racial prejudice, Executive Order 9066, issued 2 months after the United States entered World War II, would come to represent a stain on America's reputation.

Pursuant to Executive Order 9066, 120,000 Japanese Americans were ordered to leave behind their entire lives, and bring only their bare necessities to an unknown place with an unknown future. They spent 3 long years in internment camps in Arizona, Northern and Central California, Wyoming, Utah, Colorado, Arizona, and Arkansas. And when the war ended and they attempted to return home, many found their houses looted. Others lost their homes to foreclosure in their absence, and many could not find jobs to feed and shelter their families.

One of those wrongly interned was our own Representative MIKE HONDA from California. He was a young boy when he and his family were ordered to report to the Merced Assembly Center in California, along with close to 5,000 other Japanese Americans. He and his family were sent from Merced to internment in Colorado.

Sadly, it took our government almost 50 years to formally apologize for this mistake and offer compensation to those who suffered through internment.

On August 10, 1988, the Civil Liberties Act was signed into law, offering an official apology for internment and authorizing payments of $20,000 to each person wrongfully interned.

Although there is hardly anything that can replace 3 years of freedom wrongfully lost to internment, an official apology and some compensation provided solace to those who had suffered and helped heal a Nation stained by this terrible mistake during World War II.

It is extremely important that this Nation never forget this dark chapter in American history so that it is never repeated. As part of that effort of remembrance, a memorial to that dark chapter is being placed at the Merced Center later this month. So today, with this resolution introduced by Representative DENNIS CARDOZA of California, we recognize the historical significance of the Merced Assembly Center to the United States, and the importance of that memorial being placed there as a pledge to national vigilance in protecting our core values of equality, due process of law, justice, and fundamental fairness. I strongly urge the House to support this resolution.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support House Resolution 129, which recognizes the historical significance of the Merced Assembly Center to the memory of the internment of Japanese Americans during World War II.

Following the attack on Pearl Harbor on December 7, 1941, President Franklin Delano Roosevelt signed his Executive Order 9066, which authorized the internment of Japanese Americans. President Roosevelt took this action even though, as chief historian for the Army Stetson Conn said, ''The only responsible commander in the military who backed the War Department's mass evacuation plan was the President himself, the Commander in Chief.'' Even Attorney General Frances Biddle and FBI Director J. Edgar Hoover advised against this policy.

□ 1200

In 1942, President Roosevelt authorized the Army to evacuate more than 100,000 Japanese Americans from the Pacific coast States including Washington, Oregon, California and Arizona.

Interestingly, Mr. Speaker, many Japanese Americans loyally served in the United States military during World War II while their families were interned. This overbroad and unnecessary approach to maintaining America's security serves as a continuing reminder that the civil rights of American citizens should never be lost even in the mist of the chaos of war. Also, Mr. Speaker, this policy did not apply to German-Americans. Approximately 20 percent of the United States military during World War II were made up of Americans with German heritage. But German-Americans were not interned as Japanese Americans were.

Congress eventually enacted the Civil Liberties Act of 1988 in which it apologized on behalf of the Nation for the fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese descent. President Ronald Reagan signed that act into law on August 10, 1988, proclaiming it ''a great day for America.''

Over 20 years later, we stand here today to renew our Nation's commitment to remember the past and shepherd its lessons into the future. Part of remembering those lessons is remembering some of the tragic details. One site in particular, the Merced Assembly Center, located in Merced, California, was the reporting site for almost 5,000 Japanese Americans during the war. As a young child, it has already been said, our colleague MIKE HONDA and his family were held at the Merced Assembly Center prior to being interned in Colorado. Since then, he has championed the cause of preventing this type of injustice from ever happening again.

The Merced Assembly Center serves as a symbol of America's stumbling. But our country has regained footing and has appropriately apologized for the tragic mistake of President Roosevelt and his Executive Order 9066. And it is reaffirming its commitment, through this resolution before us today, to never forget its mistakes lest they be repeated to the detriment of our children and our children's children.

I urge all my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield as much time as the gentleman from California (Mr. CARDOZA) may consume.

Mr. CARDOZA. Mr. Speaker, I rise today on this momentous occasion of honoring a great man, JOHN DINGELL. And as we do so, I remember another colleague who is no longer with us, Bob Matsui from California, whose wife, DORIS MATSUI, so ably serves with us today in remembering the work he did on the bill to establish reparations and to make sure that we never forget what happened in the past. President Roosevelt was a great President. He led us through a great war. But he did not do so without making some errors.

Mr. Speaker, as it has been said, February 19, 1942, on that day, President Roosevelt signed Executive Order 9066 setting in motion the forced relocation of 120,000 Japanese Americans. As a result, on May 7, 1942, all persons of Japanese ancestry were ordered to leave

their homes and property, their farms, and take with them only what they could carry and report to a designated assembly center before 12 o'clock noon on Wednesday, May 13. This order was issued by the U.S. War Department and posted to telephone poles, store windows, placed across lawns of Japanese American's homes in Merced County, in my home city and throughout the West Coast.

Nearly 4,700 Japanese Americans from over seven counties reported to a structure that had been built in just 11 days at the Merced County fairgrounds in my district. They entered the assembly center not as Japanese Americans but as prisoners. Families were searched for weapons and surrounded by barbed wire. Armed guards watched over them as they settled in to makeshift housing. Mr. Speaker, no one had ever been accused of any crime, yet they were detained for over 131 days.

Among the victims of this unconscionable act was a young child and his family, someone very familiar to this Chamber, as has been mentioned. He was born of Japanese ancestry. His name is Congressman MIKE HONDA. And his family were among those assembled at the fairgrounds in Merced before taken to a more permanent internment camp in Colorado.

There were hundreds of other of my friends that I have gotten to know over the years, also, that lost their farms from Livingston, California, from so many areas throughout the Central Valley. And it just pains me to remember how they lost so much during this relocation.

Each year, the Japanese American community comes together for a Day of Remembrance to reflect on the events that took place and to educate the community on the need to remain vigilant in protecting America's values of equality, justice, due process of law and fundamental fairness.

This February 21, the Merced Assembly Center Commemorative Committee will unveil a memorial on the fairgrounds to remember this time in our Nation's history and the unjust hardships faced by so many of our brothers and sisters. Mr. Speaker, I can also tell you that in that event there will be a lot of people thinking about our U.S. Constitution and reaffirming our devotion to it.

To my friend and colleague, Mr. HONDA, I want to say, I'm sorry this took so long. I have served with you for over 12 years. You have been my friend all that time. And I am just glad that we can honor you in this way now. To my friends back home in the Merced area and in the Nissei farming community, I want to say I'm sorry it took so long, but I am so proud that I am the person who is able to do this. You are truly great mentors to me and great friends to our community.

Mr. Speaker, there is no better time to come together as a community, to heal the wounds of our past and to reaffirm our commitment to preserving the fundamental values of our great Nation than today. I wish my friend, Bob Matsui, was here to pass this bill with us.

Mr. POE of Texas. Mr. Speaker, I yield 5 minutes to my fellow Texan, Mr. BARTON.

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished gentleman from Houston, Texas (Mr. POE).

Mr. Speaker, I first want to say I support this particular bill. And I will vote for it based on Mr. POE's recommendation.

But the real reason I'm here is that I'm getting a little bit frustrated on behalf of the American people of being shut out of the process. We have this suspension bill and then three or four others from the Science Committee this afternoon. We're basically treading water because a decision was made last night by our Speaker and the majority leader in the Senate and the President to lock down the stimulus conference. The Speaker apparently has a plane trip scheduled to leave to go to Italy on Friday at 6:00 and can't be bothered with an open and transparent process on spending in the neighborhood of $800 to $900 billion to theoretically stimulate the economy. And to put that number in perspective, that is larger than the entire economy of the nation of Australia. It is 20 years worth of State spending. The State budget of the State of Texas, which I represent, is the second largest in terms of population in the country, second only to California. You would think if we were going to spend that kind of money, and it is an issue of such importance, that we would have some sort of a process around here that would have input from everybody.

Well, the committee that I'm on, Energy and Commerce Committee, Chairman WAXMAN did hold a markup. But the Republican amendments that were accepted, most of them were stripped out when the bill came to the floor. They did allow a few Republican amendments on the bill that came to the floor. And one or two of those were accepted. It went to the Senate. The Senate has worked its will. We have come back here. And now we have a conference that has been appointed so-called, it is the ''no conference'' conference. It is not going to meet because the deal has been made. There are five Members from the House. There are five Members from the Senate. At some point in time, the two House Members, Mr. LEWIS, the senior Republican on the Appropriations Committee, and Mr. CAMP, the senior Republican on the Ways and Means Committee, are going to be given a report, probably just a document sheet, that says sign or don't sign, and oh, by the way, you can maybe offer minority views if you object.

There is no conference going on right now. There's nothing happening. And in the case of the committee that I'm on, for the first time that I can ever tell, we don't even officially have a conferree. Now Chairman WAXMAN is a conferree. And he should be. But as the ranking member, I'm not a conferee nor is the Health ranking Republican, Mr. DEAL, or Mr. STEARNS, the ranking Republican on the Telecommunications, or Mr. UPTON, the ranking member on Energy. This bill only spends $200 billion under the jurisdiction of the Energy and Commerce Committee. It's only $200 billion. But, again, there is not going to be a conference.

Now I think the American people have a right to know. I think there ought to be a real conference. I think there ought to be a transparent process. I think we can take an extra day or two. If Speaker PELOSI doesn't get to leave to go to Italy until Monday or Tuesday, Italy is still going to be there. The ruins in the Forum are still going to be there. Venice is still going to be there. Pompeii is still going to be there. I'm not sure where she is going in Italy.

But I just think it is wrong. Eight hundred billion dollars or $900 billion is a lot of money. There is a process. We just honored JOHN DINGELL of Michigan for the being the longest-serving Member. He believes in process. He believed in it when he was chairman. He believed in it when I became chairman of the Energy Committee. If he told me once, he told me 100 times, you have got to have regular order. You have got to have hearings. You have got to have subcommittee markups. You have got to have full committee. You have got to have markup. You have got to go to the Rules Committee. You have to make sure that the minority views are heard. And I believed him. That is one reason he has got such acclamation.

So we're here doing the suspension bill. The people who are sponsors of it, bless their hearts. It is a good thing to do. But there are a lot of other things that we ought to be doing, Mr. Speaker, and we're not doing them. The American people are in the dark. We've got the ''no-conference'' conference with no Republican input from the House side. And we've got to vote it before 6:00 o'clock Friday. I think that is a tragedy. It is a disservice to the American people.

Mr. COHEN. Mr. Speaker, we don't have any further speakers, and I would like to know if the minority has any speakers.

Mr. POE of Texas. I have one other speaker.

Mr. COHEN. Then we reserve the balance of our time, and we will return to the subject matter at hand.

Mr. POE of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for speaking, and I certainly am going to support this bill.

All I have to say is here we are with high unemployment, with economic disaster happening, and yet we are spending time debating a bill which is going to pass by 435 votes. It is a good bill. It is a noncontroversial bill. It will pass. It should be voice voted. But why are we spending time to do this when we have millions of unemployed Americans and other people who are on the brink of getting laid off?

We have a stimulus bill that the Democrats are very proud about. It has about $830 billion price tag at the moment. It creates 3.7 million jobs. Now the Republican alternative is half the cost and twice the jobs. I want to repeat that. Twice the jobs and half the cost. It is a bill that targets small business job creation. It targets Main Street, not Washington, D.C., not Wall Street, but Main Street, so that the jobs could come from the bottom up rather than centralized bureaucratic governmental planning here in Washington, which failed in Moscow. It has failed everywhere else that the government thinks they know best.

The Democrat bill costs $280,000 per job in a country where the household income, on an average, is $50,000. Just 7 percent of this money goes to public works, roads, bridges, highways, things that actually put people to work with shovel-in-hand, only 7 percent of their money. And the nonpartisan Congressional Budget Office has determined that only 22 percent of the entire bill could be spent this year. So much for urgency.

And one interesting provision that now the Senate has rejected is the E-Verify, the electronic verification language of the House that will make sure that the jobs go to legal American workers, now that might get thrown out. Boy, that is such a signal to our Americans. The Senate compromise continues the House folly of creating 32 net new Federal programs.

□ 1215

Some of the programs include $29 billion for weatherization, $1.2 billion for the National Science Foundation, $1.3 billion for NASA.

Now, remember, this is a jobs program. It's not a normal appropriations program. These things the Federal Government has a hand in. I understand that. But they're not job creation.

This bill has $200 billion in undisclosed, phantom earmarks, $200 billion which will be used for earmarks, but it won't be disclosed because decisions will be made by State and local government.

It contains about $8 billion for corporate welfare, by saying to telecommunication companies who want to expand broadband, we know you're doing that right now with your own money, but we want to give you the money to do that. In fact, there's even language in there that specifies the speed at which the broadband tax credits will be available, and there's only one company that will be eligible for that.

This bill rolls back the 10-year long welfare reform. It eliminates the back-to-work provision in welfare, and you don't have to necessarily land a job, you have to be searching for the job if you're able-bodied, and this bill eliminates that.

This bill creates a brand new program, $100 million to allow schools to buy new lunchroom equipment. Popcorn, anybody? Smoothies? Don't worry, the Federal Government will put the machine in the lunchroom near you.

And then $100 million for an ag disaster, even though we just passed a permanent agriculture disaster bill in the farm bill. This bill still goes out and puts another $100 million for it.

This bill doubles the annual budget for the Department of Energy. It goes from $23 billion to $40 billion.

This bill allows a new program which puts the Federal Government in charge of buying $300 million worth of electric cars like this. Now, I am a strong proponent of alternative energy, and I think that these cars have a purpose. But it doesn't belong in a jobs bill. We do not need that in a jobs bill at this point.

The list goes on. This bill has $4 million for a Federal high-performance green buildings office. This bill actually has language in there to study the private sector profits in the Northern Mariana Islands and American Samoa.

The SPEAKER pro tempore (Mr. PASTOR). The time of the gentleman has expired.

Mr. POE of Texas. I yield the gentleman 1 additional minute.

Mr. KINGSTON. Why is that money there? What is the interest of the Speaker with American Samoa and the Northern Mariana Islands? What is that about? Why would that be in a jobs bill? To study private sector profits? It makes no sense.

You know, our national debt right now is $10.6 trillion. We spend $450 billion each year just paying interest on the debt. That's almost as much as what we pay for the entire Department of Defense. We are letting the generation that's in charge rob from the next generation. That would be our kids.

You know, Democrats and Republicans have done a lousy job of controlling spending and, certainly, as a Republican, I want to say we have not done the job we should have done. But our worst deficit when we were in charge of Congress was $412 billion. This quarter, this quarter alone, the Democrats will exceed $1 trillion in deficit spending.

Ladies and gentlemen, we need to go back to the table. The Republican bill provides twice the jobs at half the cost.

Mr. COHEN. I would like to inquire if the minority has any additional speakers.

Mr. POE of Texas. We have two additional speakers.

Mr. COHEN. With the understanding that they don't have to be germane, but with my personal concern because I think this is a solemn moment honoring Japanese Americans interned during World War II and should be respected as such, I yield to the minority to continue.

I reserve my time to speak on this important resolution that recognizes a failing of our country and the fact that we apologized and we will find times to reflect on that error to the Japanese Americans and other minorities, and that this respectful moment should conclude with my remarks.

Mr. POE of Texas. May I inquire of the Speaker how much time I have left?

The SPEAKER pro tempore. The gentleman from Texas has 6 minutes.

Mr. POE of Texas. I yield 2 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Speaker, on the so-called stimulus bill, instead of engaging in constructive solutions to address the economic crisis gripping the Nation, the majority chooses to take advantage of it, using fear tactics to try and shame us into supporting an over $1 trillion spending package loaded with questionable programs that have nothing to do with getting the American people back to work.

At the end of January, the Federal debt stood at a whopping $10.6 trillion, a third of which was held by foreign nations, mainly and namely, Communist China. This month, the Treasury has already announced a record debt sale, thanks in part to our failed $700 billion Wall Street bailout. A staggering $941 billion was added to our children's tab this year alone, and with passage of this latest package, the Federal debt will reach a record $13 trillion by the end of fiscal 2009.

In the next few months, for the first time in world history, the United States will be offering for sale on the market upwards of $5 trillion worth of Treasury notes. Who's going to buy those notes? Will we have to raise interest to attract that capital? What happens when we raise interest rates? That means inflation takes over and the devaluation of the dollar continues unabated. That's what the result will be.

And while the majority celebrates over the so-called stimulus package, the effects of this bill will be the opposite: interest rates will soar, inflation will rise, the value of the dollar will plummet.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POE of Texas. I give the gentleman an additional 30 seconds.

Mr. ROGERS of Kentucky. The world has never seen a nation borrow so much money in the span of just a few months. Any temporary gains or glamorous headlines brought on by this stimulus bill will soon be forgotten when the recession deepens, and our children bear the long-term effects of a massive government spending spree.

Mr. COHEN. I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. As we talk about this resolution that we're debating that's a resolution I support, I want to read the very last segment of this, in the resolve portion, where it says, ''so that the United States remains vigilant in protecting our Nation's core values of equality, due process of law, justice and fundamental fairness.'' I think it would be real helpful for a lot of people on the other side to go and read those statements and then look at what's happening with this massive $840 billion spending bill that's rolling through this Congress at breakneck speed, with no debate, no opportunity, as we're finding out, to have any real formal presentation of a conference report on a bill that's going to saddle our next generation and future generations with the most massive debt in this biggest spending bill in the history of our country.

And I think if we look, we're starting to hear today that one of the reasons that they're rolling with so much haste, much more important to them that they pass it quickly than that we get it right, and one of the reasons we're finding out is that some of the leadership are taking a vacation.

Now, I don't know about other Members, but I know people in my district that are unemployed that are looking for jobs, would much rather see us spend the time, stay here, cancel the vacations, because many of them are canceling their vacations; make sure we spend the time to get it right. That's the most important thing to the American people.

And so as we look at this bill that we're debating, this resolution that talks about fundamental fairness, I think we need to be concerned about the fundamental fairness to the American people of getting it right. And we don't need to look back and figure out how to start over from scratch. History tells us that massive spending doesn't work. FDR's Treasury Secretary, in one of the largest spending bills in history, this bill, this spending bill that the administration's pushing through tops it. FDR's own Treasury Secretary said, we have tried spending money. We're spending more money than we ever have spent before and it does not work.

We need to take a different approach. There's a much better alternative on the table, and for whatever reason, some in the leadership don't even want to look at it. Let's take the time and get it right.

Mr. COHEN. Mr. Speaker, once again I inquire whether the minority has any more time or if they are going to yield.

Mr. POE of Texas. I'm prepared to close. We have no other speakers.

Mr. COHEN. I will reserve my time.

Mr. POE of Texas. I yield myself the balance of the time.

Mr. Speaker, I want to thank Mr. CARDOZA from California for bringing this bill to the House floor, and I agree with my friend from Tennessee (Mr. COHEN) that we need to refocus on the legislation presently before the House of Representatives. This bill brings a close to a long memory, a bad memory in the United States of the internment of Japanese Americans during World War II. We need to show all Americans, and in this case, Japanese Americans, the due respect that they are entitled to, as being American citizens. And that's why this resolution is very important to establish the Merced Center in California.

I yield back the balance of my time, and urge the adoption of this resolution.

Mr. COHEN. Mr. Speaker, first I would like to thank the honorable gentleman from Texas for his remarks and the bringing back to the purpose of this resolution and why we're here now.

It is, I understand, the rules of the House, and when one is in the minority, one takes the opportunity to have time on this floor to speak to the American people when they can. Although we just honored Mr. DINGELL, and one of the things we honored Mr. DINGELL for was his appropriateness and order and appreciation for the House and germaneness.

Now, I was a history major, Mr. Speaker, and maybe because of that I've got a certain perspective of these type of resolutions. I'm also Jewish, and being a minority, I've known discrimination in my life, and known discrimination against Jewish people all over this globe. And so, because this particular resolution recognizes a failing of our country in our efforts to become a more perfect union, and talks about the errors of the past in interning what shouldn't have to be hyphenated people, Japanese Americans, interning Americans in work camps and prison camps for 3 years, including one of our very own members, the Honorable MIKE HONDA. I find it a moment that should be dealt with with solemnity, and we should reflect on the errors of the past and understand that we can become a more perfect union if we remember those times and correct those injustices. This Congress did that in 1988, and now, in Merced, California, and this resolution talks about that, they are placing a marker to remind all Americans of the injustices that were done in World War II to Japanese Americans.

This Congress, in the 110th Congress, we recognized for the first time in our country's history, the errors of our ways in Jim Crow and slavery laws in this country and what we did to African Americans. There have been several incidents, with African Americans, with Japanese Americans, with American Indians, where this country has done wrong, but we've tried to correct those ways with apologies and with memorials.

□ 1230

It is appropriate that this resolution by Mr. CARDOZA be brought and that it be considered and that it be passed. I am honored to speak in favor of it and ask that all Members vote in favor of it.

I know the other side did not mean to disrespect Japanese Americans or others who have been dishonored by errors in our country's past or, in fact, our country for taking such a noble step as to apologize, which a great country does, and the rules permit what they did. So I know they did not intend to do that, but I, as a history major and as a minority, feel somewhat concerned that Japanese Americans could feel that way.

Mr. Speaker, I am proud that this Congress in 1988 apologized. I am proud that this Congress apologized last year to African Americans. In order to become a more perfect union, we have to see our wrongs and try to correct them. The city of Merced, California, at the Merced Assembly Center, is trying to do that. They will be placing a marker, which Mr. CARDOZA, I am sure, will participate in and in this House of Representatives resolution which recognizes the significance of that with an appropriate marker to remember the hardships endured by Japanese Americans so that United States, the country and its citizens, remain vigilant in protecting our Nation's core values of equality, due process of law, justice, fundamental fairness, and respect for the process and for people.

I would like to ask that all Members vote in favor of H. Res. 129.

Mr. HONDA. Mr. Speaker, I rise today to express my support for H. Res. 129, a resolution which recognizes the historical significance of the Merced Assembly Center.

I want to thank my friend, Congressman DENNIS CARDOZA, for taking the initiative to introduce this resolution. The Merced Assembly Center is a meaningful piece of our nation's history, and it strikes a very personal chord with me. I am grateful and honored that Congressman CARDOZA asked to include me in this resolution.

Mr. Speaker, February 19th, known as the Day of Remembrance, marks the day in 1942

that President Franklin D. Roosevelt signed Executive Order 9066, which forced approximately 120,000 Japanese Americans into holding centers and subsequently internment camps. As February 19th approaches and we recognize the Day of Remembrance, we are again reminded of the lessons learned from this experience.

Internment changed the paths of many lives. Families were separated, relocated in some cases across the country, and property and businesses were lost. As some of my colleagues know, when I was a young child, my family was uprooted from California and I spent time at the Merced Assembly Center before moving to an internment camp in Amache, Colorado. This experience undoubtedly shaped my life and my career, as I have fought arduously to protect civil liberties in our nation, and make sure that no community experiences the discrimination and violation of rights that Japanese Americans did during World War II.

During my time in the California State Assembly, I authored AB1915, the World War II Internment of Japanese Americans: California Civil Liberties Public Education Act, which became California public law in 1999. This legislation provides competitive grants for public educational activities and the development of educational materials to ensure that the events surrounding internment will be remembered and taught.

As a former teacher, I place a high value on education in order to understand the mistakes our Government has made, and how we can learn from them. I firmly believe that through education, our Nation will improve itself and avoid making the same mistake twice.

The Merced Assembly Center Commemorative Committee is currently charged with establishing a memorial to recognize the historic tragedy that took place at the Merced Assembly Center. This Memorial, which will be unveiled on February 21, 2009, will also serve to educate our Nation that we are committed to healing historical wounds and replacing prejudice and fear with the American values of equality and justice.

Once again, Mr. Speaker, I commend my friend, Congressman CARDOZA, for his leadership on this resolution, for personally reaching out to me, and for rightfully recognizing the significance of the significance of the Merced Assembly Center.

Mr. COSTA. Mr. Speaker, I rise today in support of House Resolution 129, recognizing the historical significance of the Merced Assembly Center in California, which will be unveiled February 21st 2009. I thank my distinguished colleague and fellow San Joaquin Valley Representative, DENNIS CARDOZA, for his leadership and perseverance on this issue.

As we all know, on February 19, 1942, President Franklin D. Roosevelt signed the Executive Order 9066 authorizing the forced internment of 120,000 Japanese Americans, placing tremendous hardship on the innocent that in many cases resulted in the loss of their jobs, businesses, property, and dignity. The Merced Assembly Center was the reporting site for 4,669 Japanese Americans, before they were removed to more permanent war relocation centers.

A dear friend of mine and a beloved Member of this body, Congressman MIKE HONDA, arrived at the Merced Assembly Center with his family as a young boy. As Japanese Americans, they were forced to endure years of hardship at an internment camp in Colorado. Congressman HONDA fought against the odds, and despite prejudice and adversity, has risen to become a great leader in this nation.

What once was a place of loss, hatred and fear now will be transformed into a place for remembrance, healing and hope. The Memorial would not be possible without the dedication, diligence and passion of my college and friend, Congressman DENNIS CARDOZA, and I commend him for his efforts to this end. I would also like to recognize the efforts of the Merced Assembly Center Commemorative Committee. Two years ago, the Pinedale Assembly Center Memorial Project established a similar memorial in Fresno County which recognizes the historic tragedy that took place at that site. Its been said that, ''Those who cannot learn from history are doomed to repeat it.'' This memorial will help us learn.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 129, recognizing the historical significance of the Merced Assembly Center to the Nation and the importance of establishing an appropriate memorial at that site to serve as a place for remembering the hardships endured by Japanese-Americans, so that the United States remains vigilant in protecting our Nation's core values of equality, due process of law, justice and fundamental fairness. This resolution embodies the ideals and precepts that we hold so dear in the United States. I support this resolution and I strongly encourage my colleagues to do the same.

As a Senior member of the House Judiciary Committee and a member of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, I know the importance of due process, fairness, and equality. Indeed, as a child of the Civil Rights Movement, I have championed these uniquely American precepts that are the bedrock of our Democracy. We must never forget this fundamental infringement of civil rights that had a deleterious and one-sided effect upon a race of Americans. We must never forget so that we will never repeat the tragic horrors of that era. Spawned by a fear of a race during a time of war, this Great Country was led to do act and behave toward a race in a way that we must never allow again.

On February 19, 1942, President Franklin D. Roosevelt signed Executive Order No. 9066, authorizing the forced internment of both United States citizens and legal residents of Japanese ancestry during World War II. This Executive Order resulted in the largest single relocation of individuals in the history of our Nation. As a result of this relocation, 120,000 Japanese-Americans were forced into internment camps by the United States Government in violation of their fundamental constitutional rights.

Japanese-Americans faced tremendous hardships due to their unjust treatment. The hardships this group faced were reminiscent of the days of slavery where families were torn asunder and faced separation. Individuals endured the loss of their homes, businesses, jobs, and their dignity.

Pursuant to Executive Order No. 9066, Japanese-Americans in the western United States, specifically Washington, Oregon, California, and southern Arizona were ordered to report to so called assembly centers before being removed to more permanent wartime relocation centers.

The Merced Assembly Center, located in Merced, California, was the reporting site for nearly 5,000 Japanese-Americans. Sadly, as a child, United States Congressman MIKE HONDA and his family were held at the Merced Assembly Center prior to being interned in Amache, Colorado. Through this tragedy and sadness, and in spite of this situation, Representative HONDA forged a public career dedicated to educating and preventing this type of injustice from ever occurring again in this great country.

The Merced Assembly Center Commemorative Committee has been charged with the task of establishing a memorial to recognize the historic tragedy that took place at the Merced Assembly Center. The unveiling ceremony for the memorial at the Merced Assembly Center will take place on February 21, 2009.

I stand today to support this resolution. As a champion of civil rights for all Americans, I will continue to fight to ensure that Americans are treated fairly, humanely, and to the letter of the Constitution. I urge my colleagues to stand with me today to support this resolution and to continue to fight against prejudice in this country. As Members of Congress, we must never forget the injustice of the Japanese internment in this country and all of us need to continue in the fight to ensure that all Americans are treated fairly under law without regard to the race, color, creed, sexual orientation or any other form of differentiation.

Mr. Speaker. I support this bill and urge my colleagues to do the same.

Ms. MATSUI. Mr. Speaker, on February 19th, this nation will recognize the 67th Anniversary of the ''Day of Remembrance.'' This was the day in 1942 that President Roosevelt signed Executive Order 9066, which led to the internment of over 120,000 Americans of Japanese ancestry.

The President's decision to intern Americans was an avoidable consequence of racial prejudice and wartime hysteria. The government at all levels was blinded by war, and made decisions that were contrary to our Constitution. The failure of each branch of government to uphold the rights of individuals must be taught so that future generations resist succumbing to the politics of fear.

Because of one of the darkest periods of our Nation's history, we learned of the damage that can be done when we let the politics of fear cloud our judgment. Congress has not only recognized a Day of Remembrance, but it also supports and funds assembly center and internment site preservation as a physical reminder of past inequality.

Today, we recognize the historical significance of the Merced Assembly Center, located in Merced, California, where 4,669 Japanese-Americans were detained prior to being transferred to internment sites. My dear friend and colleague, Congressman MIKE HONDA, was held at the Merced Assembly Center prior to being interned.

It is important to preserve these sites to ensure that future generations can learn from

past events in order to prevent anything like this from ever occurring again. The unveiling of the Merced Assembly Center on February 21, will allow the site to serve as a place for remembering the hardships endured by Japanese-Americans.

As we look back on a time in our Nation's history, and how our country has responded since, we should have hope for the future. Around the world, human rights violations continue unabated. Yet, we can combat this by working with a single purpose towards a future wherein every person, regardless of race, gender, nationality or creed enjoys equal treatment in this world.

And today, 67 years after the signing of Executive Order 9066, we must renew our commitment to bringing these rights to all people.

Though the internment remains one of the darkest periods in our Nation's history, preservations like the Merced Assembly Center help to remind us of the distinctly American power of redemption. Our collective commitment to fairness and justice is the only way to prevent such a blatant form of injustice from ever becoming a reality again.

Mr. COHEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 129.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL NANOTECHNOLOGY INITIATIVE AMENDMENTS ACT OF 2009

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 554) to authorize activities for support of nanotechnology research and development, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Nanotechnology Initiative Amendments Act of 2009''.

SEC. 2. NATIONAL NANOTECHNOLOGY PROGRAM AMENDMENTS.

The 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501 et seq.) is amended—

(1) by striking section 2(c)(4) and inserting the following new paragraph:

''(4) develop, within 12 months after the date of enactment of the National Nanotechnology Initiative Amendments Act of 2009, and update every 3 years thereafter, a strategic plan to guide the activities described under subsection (b) that specifies near-term and long-term objectives for the Program, the anticipated time frame for achieving the near-term objectives, and the metrics to be used for assessing progress toward the objectives, and that describes—

''(A) how the Program will move results out of the laboratory and into applications for the benefit of society, including through cooperation and collaborations with nanotechnology research, development, and technology transition initiatives supported by the States;

''(B) how the Program will encourage and support interdisciplinary research and development in nanotechnology; and

''(C) proposed research in areas of national importance in accordance with the requirements of section 5 of the National Nanotechnology Initiative Amendments Act of 2009;'';

(2) in section 2—

(A) in subsection (d)—

(i) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(ii) by inserting the following new paragraph before paragraph (2), as so redesignated by clause (i) of this subparagraph:

''(1) the Program budget, for the previous fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to subsection (b)(10);''; and

(B) by inserting at the end the following new subsection:

''(e) STANDARDS SETTING.—The agencies participating in the Program shall support the activities of committees involved in the development of standards for nanotechnology and may reimburse the travel costs of scientists and engineers who participate in activities of such committees.'';

(3) by striking section 3(b) and inserting the following new subsection:

''(b) FUNDING.—(1) The operation of the National Nanotechnology Coordination Office shall be supported by funds from each agency participating in the Program. The portion of such Office's total budget provided by each agency for each fiscal year shall be in the same proportion as the agency's share of the total budget for the Program for the previous fiscal year, as specified in the report required under section 2(d)(1).

''(2) The annual report under section 2(d) shall include—

''(A) a description of the funding required by the National Nanotechnology Coordination Office to perform the functions specified under subsection (a) for the next fiscal year by category of activity, including the funding required to carry out the requirements of section 2(b)(10)(D), subsection (d) of this section, and section 5;

''(B) a description of the funding required by such Office to perform the functions specified under subsection (a) for the current fiscal year by category of activity, including the funding required to carry out the requirements of subsection (d); and

''(C) the amount of funding provided for such Office for the current fiscal year by each agency participating in the Program.'';

(4) by inserting at the end of section 3 the following new subsection:

''(d) PUBLIC INFORMATION.—(1) The National Nanotechnology Coordination Office shall develop and maintain a database accessible by the public of projects funded under the Environmental, Health, and Safety, the Education and Societal Dimensions, and the Nanomanufacturing program component areas, or any successor program component areas, including a description of each project, its source of funding by agency, and its funding history. For the Environmental, Health, and Safety program component area, or any successor program component area, projects shall be grouped by major objective as defined by the research plan required under section 3(b) of the National Nanotechnology Initiative Amendments Act of 2009. For the Education and Societal Dimensions program component area, or any successor program component area, the projects shall be grouped in subcategories of—

''(A) education in formal settings;

''(B) education in informal settings;

''(C) public outreach; and

''(D) ethical, legal, and other societal issues.

''(2) The National Nanotechnology Coordination Office shall develop, maintain, and publicize information on nanotechnology facilities supported under the Program, and may include information on nanotechnology facilities supported by the States, that are accessible for use by individuals from academic institutions and from industry. The information shall include at a minimum the terms and conditions for the use of each facility, a description of the capabilities of the instruments and equipment available for use at the facility, and a description of the technical support available to assist users of the facility.'';

(5) in section 4(a)—

(A) by striking ''or designate'';

(B) by inserting ''as a distinct entity'' after ''Advisory Panel''; and

(C) by inserting at the end ''The Advisory Panel shall form a subpanel with membership having specific qualifications tailored to enable it to carry out the requirements of subsection (c)(7).'';

(6) in section 4(b)—

(A) by striking ''or designated'' and ''or designating''; and

(B) by adding at the end the following: ''At least one member of the Advisory Panel shall be an individual employed by and representing a minority-serving institution.'';

(7) by amending section 5 to read as follows:

''SEC. 5. TRIENNIAL EXTERNAL REVIEW OF THE NATIONAL NANOTECHNOLOGY PROGRAM.

''(a) IN GENERAL.—The Director of the National Nanotechnology Coordination Office shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a triennial review of the Program. The Director shall ensure that the arrangement with the National Research Council is concluded in order to allow sufficient time for the reporting requirements of subsection (b) to be satisfied. Each triennial review shall include an evaluation of the—

''(1) research priorities and technical content of the Program, including whether the allocation of funding among program component areas, as designated according to section 2(c)(2), is appropriate;

''(2) effectiveness of the Program's management and coordination across agencies and disciplines, including an assessment of the effectiveness of the National Nanotechnology Coordination Office;

''(3) Program's scientific and technological accomplishments and its success in transferring technology to the private sector; and

''(4) adequacy of the Program's activities addressing ethical, legal, environmental, and other appropriate societal concerns, including human health concerns.

''(b) EVALUATION TO BE TRANSMITTED TO CONGRESS.—The National Research Council shall document the results of each triennial

review carried out in accordance with subsection (a) in a report that includes any recommendations for ways to improve the Program's management and coordination processes and for changes to the Program's objectives, funding priorities, and technical content. Each report shall be submitted to the Director of the National Nanotechnology Coordination Office, who shall transmit it to the Advisory Panel, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives not later than September 30 of every third year, with the first report due September 30, 2010.

''(c) FUNDING.—Of the amounts provided in accordance with section 3(b)(1), the following amounts shall be available to carry out this section:

''(1) $500,000 for fiscal year 2010.

''(2) $500,000 for fiscal year 2011.

''(3) $500,000 for fiscal year 2012.''; and

(8) in section 10—

(A) by amending paragraph (2) to read as follows:

''(2) NANOTECHNOLOGY.—The term 'nanotechnology' means the science and technology that will enable one to understand, measure, manipulate, and manufacture at the nanoscale, aimed at creating materials, devices, and systems with fundamentally new properties or functions.''; and

(B) by adding at the end the following new paragraph:

''(7) NANOSCALE.—The term 'nanoscale' means one or more dimensions of between approximately 1 and 100 nanometers.''.

SEC. 3. SOCIETAL DIMENSIONS OF NANOTECHNOLOGY.

(a) COORDINATOR FOR SOCIETAL DIMENSIONS OF NANOTECHNOLOGY.—The Director of the Office of Science and Technology Policy shall designate an associate director of the Office of Science and Technology Policy as the Coordinator for Societal Dimensions of Nanotechnology. The Coordinator shall be responsible for oversight of the coordination, planning, and budget prioritization of activities required by section 2(b)(10) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(10)). The Coordinator shall, with the assistance of appropriate senior officials of the agencies funding activities within the Environmental, Health, and Safety and the Education and Societal Dimensions program component areas of the Program, or any successor program component areas, ensure that the requirements of such section 2(b)(10) are satisfied. The responsibilities of the Coordinator shall include—

(1) ensuring that a research plan for the environmental, health, and safety research activities required under subsection (b) is developed, updated, and implemented and that the plan is responsive to the recommendations of the subpanel of the Advisory Panel established under section 4(a) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7503(a)), as amended by this Act;

(2) encouraging and monitoring the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary to ensure that the ethical, legal, environmental, and other appropriate societal concerns related to nanotechnology, including human health concerns, are addressed under the Program, including the implementation of the research plan described in subsection (b); and

(3) encouraging the agencies required to develop the research plan under subsection (b) to identify, assess, and implement suitable mechanisms for the establishment of public-private partnerships for support of environmental, health, and safety research.

(b) RESEARCH PLAN.—

(1) IN GENERAL.—The Coordinator for Societal Dimensions of Nanotechnology shall convene and chair a panel comprised of representatives from the agencies funding research activities under the Environmental, Health, and Safety program component area of the Program, or any successor program component area, and from such other agencies as the Coordinator considers necessary to develop, periodically update, and coordinate the implementation of a research plan for this program component area. In developing and updating the plan, the panel convened by the Coordinator shall solicit and be responsive to recommendations and advice from—

(A) the subpanel of the Advisory Panel established under section 4(a) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7503(a)), as amended by this Act; and

(B) the agencies responsible for environmental, health, and safety regulations associated with the production, use, and disposal of nanoscale materials and products.

(2) DEVELOPMENT OF STANDARDS.—The plan required under paragraph (1) shall include a description of how the Program will help to ensure the development of—

(A) standards related to nomenclature associated with engineered nanoscale materials;

(B) engineered nanoscale standard reference materials for environmental, health, and safety testing; and

(C) standards related to methods and procedures for detecting, measuring, monitoring, sampling, and testing engineered nanoscale materials for environmental, health, and safety impacts.

(3) COMPONENTS OF PLAN.—The plan required under paragraph (1) shall, with respect to activities described in paragraphs (1) and (2)—

(A) specify near-term research objectives and long-term research objectives;

(B) specify milestones associated with each near-term objective and the estimated time and resources required to reach each milestone;

(C) with respect to subparagraphs (A) and (B), describe the role of each agency carrying out or sponsoring research in order to meet the objectives specified under subparagraph (A) and to achieve the milestones specified under subparagraph (B);

(D) specify the funding allocated to each major objective of the plan and the source of funding by agency for the current fiscal year; and

(E) estimate the funding required for each major objective of the plan and the source of funding by agency for the following 3 fiscal years.

(4) TRANSMITTAL TO CONGRESS.—The plan required under paragraph (1) shall be submitted not later than 60 days after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives.

(5) UPDATING AND APPENDING TO REPORT.—The plan required under paragraph (1) shall be updated annually and appended to the report required under section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)).

(c) NANOTECHNOLOGY PARTNERSHIPS.—

(1) ESTABLISHMENT.—As part of the program authorized by section 9 of the National Science Foundation Authorization Act of 2002, the Director of the National Science Foundation shall provide 1 or more grants to establish partnerships as defined by subsection (a)(2) of that section, except that each such partnership shall include 1 or more businesses engaged in the production of nanoscale materials, products, or devices. Partnerships established in accordance with this subsection shall be designated as ''Nanotechnology Education Partnerships''.

(2) PURPOSE.—Nanotechnology Education Partnerships shall be designed to recruit and help prepare secondary school students to pursue postsecondary level courses of instruction in nanotechnology. At a minimum, grants shall be used to support—

(A) professional development activities to enable secondary school teachers to use curricular materials incorporating nanotechnology and to inform teachers about career possibilities for students in nanotechnology;

(B) enrichment programs for students, including access to nanotechnology facilities and equipment at partner institutions, to increase their understanding of nanoscale science and technology and to inform them about career possibilities in nanotechnology as scientists, engineers, and technicians; and

(C) identification of appropriate nanotechnology educational materials and incorporation of nanotechnology into the curriculum for secondary school students at one or more organizations participating in a Partnership.

(3) SELECTION.—Grants under this subsection shall be awarded in accordance with subsection (b) of such section 9, except that paragraph (3)(B) of that subsection shall not apply.

(d) UNDERGRADUATE EDUCATION PROGRAMS.—

(1) ACTIVITIES SUPPORTED.—As part of the activities included under the Education and Societal Dimensions program component area, or any successor program component area, the Program shall support efforts to introduce nanoscale science, engineering, and technology into undergraduate science and engineering education through a variety of interdisciplinary approaches. Activities supported may include—

(A) development of courses of instruction or modules to existing courses;

(B) faculty professional development; and

(C) acquisition of equipment and instrumentation suitable for undergraduate education and research in nanotechnology.

(2) COURSE, CURRICULUM, AND LABORATORY IMPROVEMENT AUTHORIZATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out activities described in paragraph (1) through the Course, Curriculum, and Laboratory Improvement program from amounts authorized under section 7002(c)(2)(B) of the America COMPETES Act, $5,000,000 for fiscal year 2010.

(3) ADVANCED TECHNOLOGY EDUCATION AUTHORIZATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out activities described in paragraph (1) through the Advanced Technology Education program from amounts authorized under section 7002(c)(2)(B) of the America COMPETES Act, $5,000,000 for fiscal year 2010.

(e) INTERAGENCY WORKING GROUP.—The National Science and Technology Council shall establish under the Nanoscale Science, Engineering, and Technology Subcommittee an Education Working Group to coordinate, prioritize, and plan the educational activities supported under the Program.

(f) SOCIETAL DIMENSIONS IN NANOTECHNOLOGY EDUCATION ACTIVITIES.—Activities supported under the Education and Societal Dimensions program component area, or any successor program component area, that involve informal, precollege, or undergraduate nanotechnology education shall include education regarding the environmental, health and safety, and other societal aspects of nanotechnology.

(g) REMOTE ACCESS TO NANOTECHNOLOGY FACILITIES.—(1) Agencies supporting nanotechnology research facilities as part of the Program shall require the entities that operate such facilities to allow access via the Internet, and support the costs associated with the provision of such access, by secondary school students and teachers, to instruments and equipment within such facilities for educational purposes. The agencies may waive this requirement for cases when particular facilities would be inappropriate for educational purposes or the costs for providing such access would be prohibitive.

(2) The agencies identified in paragraph (1) shall require the entities that operate such nanotechnology research facilities to establish and publish procedures, guidelines, and conditions for the submission and approval of applications for the use of the facilities for the purpose identified in paragraph (1) and shall authorize personnel who operate the facilities to provide necessary technical support to students and teachers.

SEC. 4. TECHNOLOGY TRANSFER.

(a) PROTOTYPING.—

(1) ACCESS TO FACILITIES.—In accordance with section 2(b)(7) of 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(7)), the agencies supporting nanotechnology research facilities as part of the Program shall provide access to such facilities to companies for the purpose of assisting the companies in the development of prototypes of nanoscale products, devices, or processes (or products, devices, or processes enabled by nanotechnology) for determining proof of concept. The agencies shall publicize the availability of these facilities and encourage their use by companies as provided for in this section.

(2) PROCEDURES.—The agencies identified in paragraph (1)—

(A) shall establish and publish procedures, guidelines, and conditions for the submission and approval of applications for use of nanotechnology facilities;

(B) shall publish descriptions of the capabilities of facilities available for use under this subsection, including the availability of technical support; and

(C) may waive recovery, require full recovery, or require partial recovery of the costs associated with use of the facilities for projects under this subsection.

(3) SELECTION AND CRITERIA.—In cases when less than full cost recovery is required pursuant to paragraph (2)(C), projects provided access to nanotechnology facilities in accordance with this subsection shall be selected through a competitive, merit-based process, and the criteria for the selection of such projects shall include at a minimum—

(A) the readiness of the project for technology demonstration;

(B) evidence of a commitment by the applicant for further development of the project to full commercialization if the proof of concept is established by the prototype; and

(C) evidence of the potential for further funding from private sector sources following the successful demonstration of proof of concept.

The agencies may give special consideration in selecting projects to applications that are relevant to important national needs or requirements.

(b) USE OF EXISTING TECHNOLOGY TRANSFER PROGRAMS.—

(1) PARTICIPATING AGENCIES.—Each agency participating in the Program shall—

(A) encourage the submission of applications for support of nanotechnology related projects to the Small Business Innovation Research Program and the Small Business Technology Transfer Program administered by such agencies; and

(B) through the National Nanotechnology Coordination Office and within 6 months after the date of enactment of this Act, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives—

(i) the plan described in section 2(c)(7) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(7)); and

(ii) a report specifying, if the agency administers a Small Business Innovation Research Program and a Small Business Technology Transfer Program—

(I) the number of proposals received for nanotechnology related projects during the current fiscal year and the previous 2 fiscal years;

(II) the number of such proposals funded in each year;

(III) the total number of nanotechnology related projects funded and the amount of funding provided for fiscal year 2004 through fiscal year 2008; and

(IV) a description of the projects identified in accordance with subclause (III) which received private sector funding beyond the period of phase II support.

(2) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—The Director of the National Institute of Standards and Technology in carrying out the requirements of section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) shall—

(A) in regard to subsection (d) of that section, encourage the submission of proposals for support of nanotechnology related projects; and

(B) in regard to subsection (g) of that section, include a description of how the requirement of subparagraph (A) of this paragraph is being met, the number of proposals for nanotechnology related projects received, the number of such proposals funded, the total number of such projects funded since the beginning of the Technology Innovation Program, and the outcomes of such funded projects in terms of the metrics developed in accordance with such subsection (g).

(3) TIP ADVISORY BOARD.—The TIP Advisory Board established under section 28(k) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(k)), in carrying out its responsibilities under subsection (k)(3), shall provide the Director of the National Institute of Standards and Technology with—

(A) advice on how to accomplish the requirement of paragraph (2)(A) of this subsection; and

(B) an assessment of the adequacy of the allocation of resources for nanotechnology related projects supported under the Technology Innovation Program.

(c) INDUSTRY LIAISON GROUPS.—An objective of the Program shall be to establish industry liaison groups for all industry sectors that would benefit from applications of nanotechnology. The Nanomanufacturing, Industry Liaison, and Innovation Working Group of the National Science and Technology Council shall actively pursue establishing such liaison groups.

(d) COORDINATION WITH STATE INITIATIVES.—Section 2(b)(5) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(5)) is amended to read as follows:

''(5) ensuring United States global leadership in the development and application of nanotechnology, including through coordination and leveraging Federal investments with nanotechnology research, development, and technology transition initiatives supported by the States;''.

SEC. 5. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

(a) IN GENERAL.—The Program shall include support for nanotechnology research and development activities directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits. The activities supported shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in such areas as nano-electronics, energy efficiency, health care, and water remediation and purification. The Advisory Panel shall make recommendations to the Program for candidate research and development areas for support under this section.

(b) CHARACTERISTICS.—

(1) IN GENERAL.—Research and development activities under this section shall—

(A) include projects selected on the basis of applications for support through a competitive, merit-based process;

(B) involve collaborations among researchers in academic institutions and industry, and may involve nonprofit research institutions and Federal laboratories, as appropriate;

(C) when possible, leverage Federal investments through collaboration with related State initiatives; and

(D) include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities to industry for commercial development.

(2) PROCEDURES.—Determination of the requirements for applications under this subsection, review and selection of applications for support, and subsequent funding of projects shall be carried out by a collaboration of no fewer than 2 agencies participating in the Program. In selecting applications for support, the agencies shall give special consideration to projects that include cost sharing from non-Federal sources.

(3) INTERDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section may be supported through interdisciplinary nanotechnology research centers, as authorized by section 2(b)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(4)), that are organized to investigate basic research questions and carry out technology demonstration activities in areas such as those identified in subsection (a).

(c) REPORT.—Reports required under section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)) shall include a description of research and development areas supported in accordance with this section, including the same budget information as is required for program component areas under paragraphs (1) and (2) of such section 2(d).

SEC. 6. NANOMANUFACTURING RESEARCH.

(a) RESEARCH AREAS.—The Nanomanufacturing program component area, or any successor program component area, shall include research on—

(1) development of instrumentation and tools required for the rapid characterization of nanoscale materials and for monitoring of nanoscale manufacturing processes; and

(2) approaches and techniques for scaling the synthesis of new nanoscale materials to achieve industrial-level production rates.

(b) GREEN NANOTECHNOLOGY.—Interdiciplinary research centers supported under the Program in accordance with section 2(b)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(4)) that are focused on nanomanufacturing research and centers established under the authority of section 5(b)(3) of this Act shall include as part of the activities of such centers—

(1) research on methods and approaches to develop environmentally benign nanoscale products and nanoscale manufacturing processes, taking into consideration relevant findings and results of research supported under the Environmental, Health, and Safety program component area, or any successor program component area;

(2) fostering the transfer of the results of such research to industry; and

(3) providing for the education of scientists and engineers through interdisciplinary studies in the principles and techniques for the design and development of environmentally benign nanoscale products and processes.

(c) REVIEW OF NANOMANUFACTURING RESEARCH AND RESEARCH FACILITIES.—

(1) PUBLIC MEETING.—Not later than 12 months after the date of enactment of this Act, the National Nanotechnology Coordination Office shall sponsor a public meeting, including representation from a wide range of industries engaged in nanoscale manufacturing, to—

(A) obtain the views of participants at the meeting on—

(i) the relevance and value of the research being carried out under the Nanomanufacturing program component area of the Program, or any successor program component area; and

(ii) whether the capabilities of nanotechnology research facilities supported under the Program are adequate—

(I) to meet current and near-term requirements for the fabrication and characterization of nanoscale devices and systems; and

(II) to provide access to and use of instrumentation and equipment at the facilities, by means of networking technology, to individuals who are at locations remote from the facilities; and

(B) receive any recommendations on ways to strengthen the research portfolio supported under the Nanomanufacturing program component area, or any successor program component area, and on improving the capabilities of nanotechnology research facilities supported under the Program.

Companies participating in industry liaison groups shall be invited to participate in the meeting. The Coordination Office shall prepare a report documenting the findings and recommendations resulting from the meeting.

(2) ADVISORY PANEL REVIEW.—The Advisory Panel shall review the Nanomanufacturing program component area of the Program, or any successor program component area, and the capabilities of nanotechnology research facilities supported under the Program to assess—

(A) whether the funding for the Nanomanufacturing program component area, or any successor program component area, is adequate and receiving appropriate priority within the overall resources available for the Program;

(B) the relevance of the research being supported to the identified needs and requirements of industry;

(C) whether the capabilities of nanotechnology research facilities supported under the Program are adequate—

(i) to meet current and near-term requirements for the fabrication and characterization of nanoscale devices and systems; and

(ii) to provide access to and use of instrumentation and equipment at the facilities, by means of networking technology, to individuals who are at locations remote from the facilities; and

(D) the level of funding that would be needed to support—

(i) the acquisition of instrumentation, equipment, and networking technology sufficient to provide the capabilities at nanotechnology research facilities described in subparagraph (C); and

(ii) the operation and maintenance of such facilities.

In carrying out its assessment, the Advisory Panel shall take into consideration the findings and recommendations from the report required under paragraph (1).

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Advisory Panel shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report on its assessment required under paragraph (2), along with any recommendations and a copy of the report prepared in accordance with paragraph (1).

SEC. 7. DEFINITIONS.

In this Act, terms that are defined in section 10 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7509) have the meaning given those terms in that section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 554, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

H.R. 554 is a bipartisan bill which I and Ranking Member HALL jointly introduced along with 20 additional Democratic and Republican cosponsors. H.R. 554 is the same legislation that the House passed by an overwhelming majority of 407–6 votes in the last Congress. I urge my colleagues to again support this legislation as it will strengthen our Nation's competitiveness in the rapidly advancing field of nanotechnology.

I want to begin by thanking my colleague Mr. HALL for working with me to craft this legislation. I also want to thank Dr. BAIRD and Dr. EHLERS, who have both been instrumental in the development of this bill. As well, I want to thank a former staff director, Jim Wilson, who recently retired but who played a major role in putting this bill together.

Finally, I want to thank all of the members of the Science and Technology Committee on both sides of the aisle for their contributions to this bill and for helping to move it expeditiously and unanimously through the committee last year, and I want to thank them for their support of the legislation again this year.

I would like to spend just a few moments reminding my colleagues as to why nanotechnology is important to the Nation and why we bring this bill before the House for approval today.

The term ''revolutionary technology'' has become a cliche, but nanotechnology truly is revolutionary. We stand at the threshold of an age in which materials and devices can be fashioned atom by atom to satisfy very specific design requirements. Nanotechnology-based applications that were not even imagined a decade ago are being developed today in our universities and in companies across the country. The range of potential applications for nanotechnology is broad, and it will have enormous consequence in electronics, materials, energy transformation, and storage, as well as in medicine and health. Indeed, the scope of this technology is so broad as to leave virtually no product untouched.

The Science and Technology Committee recognized that promise of nanotechnology early on, holding our first hearing a decade ago to review the Federal activities in the field. In 2003, the committee was subsequently instrumental in the development and in the enactment of the 21st Century Nanotechnology Research and Development Act, which authorized the multiagency National Nanotechnology Initiative, or the NNI, as it is called.

The NNI supports productive, cooperative research efforts across a spectrum of disciplines, and it is establishing a network of national facilities for the support of nanoscale research and development. The NNI now receives funding from 13 agencies, and it had a budget of $1.5 billion in fiscal year 2008, which represents a doubling of the budget over 5 years.

The cooperation and planning process among the participating agencies has been largely effective. Therefore, H.R. 554 does not substantially alter the NNI, but makes adjustments to some of the priorities of the program, and it strengthens one of its core components—environmental and safety research.

Nanotechnology is advancing rapidly. Currently, at least 800 products contain

nanoscale materials. The successful development of nanotechnology-related products can only occur if the potential downsides of the technology are addressed from the beginning and in a straightforward and open way.

We know too well that negative public perceptions about the safety of a technology can have serious consequences for its acceptance and use. This has been the case with nuclear power and with genetically modified foods. From the beginning, the NNI has included research to understand the environmental and safety aspects of nanotechnology, and last year, the NNI formally developed a strategy for nanotechnology-related environmental and safety research. However, a National Academies assessment found the strategy inadequate ''to gain public acceptance and realize the promise of nanotechnology.''

H.R. 554 addresses this concern by requiring that the NNI agencies develop a plan for the environmental and safety research component of the program, which includes explicit near-term and long-term goals, which specifies the funding required to reach those goals, which identifies the role of each participating agency, and which includes a roadmap for implementation.

The bill also assigns responsibility to a senior official at the Office of Science and Technology Policy to oversee this planning and implementation process and to ensure the agencies allocate the resources necessary to carry it out. A well-designed, adequately funded and effectively executed research program in this area is the essential first step to ensuring that sound science guides the formulation of regulatory rules and requirements. It will reduce the current uncertainty that inhibits the commercial development of nanotechnology, and it will provide a sound basis for future rulemaking.

Another key component of H.R. 554 that I want to highlight involves provisions in the bill aimed at capturing the economic benefits of nanotechnology. In 2007, $60 billion nano-enabled products were sold, and it is predicted that the number will rise to $2.6 trillion by 2014. Too often, the U.S. has been the leader in basic research, pushing the frontiers of science and technology, but has failed to commercialize those discoveries. To that end, H.R. 554 strengthens public-private partnerships by encouraging the creation of industry liaison groups to foster nanotechnology transfer and to help guide the NNI research agenda. The bill also promotes the use of nanotechnology research facilities to assist companies in the development of prototypes.

Additionally, to increase the relevance and value of NNI, the bill authorizes large-scale, focused, multiagency research and development initiatives in areas of national need. For example, such efforts could be organized around developing a replacement for the silicon-based transistor or by developing new nanotechnology-based devices for harvesting solar energy.

Lastly, the legislation addresses future STEM workforce needs by supporting the development of undergraduate courses in nanotechnology fields and by creating education partnerships between nanotechnology companies and secondary schools.

Mr. Speaker, nanotechnology will soon touch the lives of all Americans. It is already in our cell phones, cosmetics, paints, and refrigerators. It will soon help to protect the lives of our police officers and military servicemen, and it is showing promise in the treatment of cancer and in promoting wound healing. There is no doubt that the potential for this technology is vast.

The bill before us today has the support of many business, professional and higher education associations that recognize that H.R. 554 will enhance America's efforts in nanotechnology research and development, ensuring that nanotechnology is developed in a safe and environmentally benign way and ensuring that the Nation reaps the benefits of our research investment.

Mr. Speaker, I commend this bipartisan legislation to my colleagues, and urge their support for its passage by the House.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I rise today, of course, in support of H.R. 554, the National Nanotechnology Initiative Amendments of 2009.

This initiative was first named in the 2001 budget request, and it was made a priority by the previous administration. Last year, we created a necessary and responsible reauthorization bill for this important program. The House took an already good statute and improved it just a bit to streamline some administrative issues and to ensure that areas such as nanomanufacturing, education and environmental health and safety are adequately recognized. Unfortunately, the Senate did not act on it prior to adjournment, so we will try it again with the same bill this year.

Just what is ''nanotechnology,'' and why is it important?

Well, according to the NNI Web site, ''Encompassing nanoscale science, engineering and technology, nanotechnology involves imaging, measuring, modeling, and manipulating matter . . . at dimensions between 1 and 100 nanometers.''

Now, a nanometer is one-billionth of a meter. To put it into perspective, this piece of paper that I am reading from is 100,000-nanometers thick. It is 100,000 nanometers. The fact that our scientists and engineers can create and manipulate matter on that small of a scale to be used in electronic, biomedical, pharmaceutical, cosmetic, energy, catalytic, and materials applications is mind boggling. It is the kind of research and technology that makes the United States the leader in innovation.

It is important that we continue to make this area of research a national priority. There are numerous examples of nanotechnology being used today. Not only is it being used to create clean, secure energy, but its uses range from stain-free clothing to glare-resistant eyewear to car bumpers to improved tennis balls. Nanotechnology is also being utilized to cut down on drug counterfeiting and to improve computer capacity. The list is long, and the potential for nanotechnology at this time is endless.

Once again, I am pleased to join Chairman GORDON. He is a good chairman to work with. As well, the overwhelming majority of our committee members are good folks on both sides of the aisle. We do work together, and I am honored to be an original cosponsor of the NNI Amendments Act of 2009. This has been a bipartisan effort from the beginning. While we have made some changes to the program, I believe that, by and large, we have continued to give the NNI and all of the Federal agencies involved with it the flexibility needed to do their work without being overly prescriptive.

I support this measure, and I encourage my colleagues to do the same. Likewise, I hope my friends in the Senate will do a better job this year and will soon follow suit.

I reserve the balance of my time.

□ 1245

Mr. GORDON of Tennessee. Mr. Speaker, I thank my friend and ranking member, Mr. HALL.

I yield now 5 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. I thank the gentleman from Tennessee for yielding.

Mr. Speaker, today I rise in support of H.R. 554, reauthorizing the National Nanotechnology Initiative, the NNI.

I want to commend Chairman GORDON and Ranking Member HALL for their hard work in crafting this important bill and thank all of the Members on both sides of the aisle and the Science and Technology Committee for their hard work last year on quickly doing a great job getting this done, getting it to the floor where we passed it. Now, hopefully this year, as we move quickly—we're off to a quick start thanks to Chairman GORDON. We can finally get this reauthorization done this year.

I really firmly believe that nanotech represents one of the most important—if not the most important—technological keys to improving our Nation's future economic growth and improving our way of life.

Now, a lot of people don't know what nanotech is. I want to really thank

Ranking Member HALL for his great and impressive tutorial he gave on what nanotech is. It may be one of the most important things that people could learn from listening to the floor today.

Nanotech is the next industrial revolution. It is so critical that we take the necessary steps in this reauthorization so that our country remains on the cutting edge of this revolution.

Nanotech has the potential to deliver many revolutionary advances, from energy efficient, low-emission ''green'' manufacturing systems, to inexpensive portable water purification systems that provide universal access to safe water.

Nanotechnology has the potential to impact every sector of our economy. In just 6 years, the global market for nanoscale materials and products is expected to reach $2.6 trillion and to be incorporated into 15 percent of the global manufacturing output.

The NNI has been effective in supporting productive, cooperative research efforts across a wide spectrum of disciplines. The Initiative has established a network of state-of-the-art national facilities that are conducting groundbreaking work in nanoscale research and development. These centers of excellence have helped the U.S. lead the world in development and expansion of nanotechnology, leadership that has been vital to economic development and essential to the creation of innovative jobs leading to a stronger and more competitive America.

My home State of Illinois is one of the leaders in nanotech research. Many universities and businesses have become deeply invested through programs like the NNI. For example, my alma mater, Northwestern University, houses the Institute for Nanotechnology, which supports research and facilitates collaboration in solving major problems such as finding more precise ways to deliver chemotherapy, along with other medical applications of nanotech.

The Institute includes the Center for Nanofabrication and Molecular Self-Assembly, a multimillion-dollar research facility and one of the first federally funded centers of its kind. It helps foster partnerships to encourage researchers and entrepreneurs to become involved in this cutting-edge field, creating jobs and potential for entirely new industries.

Now, the reauthorization of the NNI includes three significant adjustments. First, it strengthens the planning and implementation of research on environmental health and safety aspects of nanotech ensuring that possible unintended impacts of nanotech products will not defeat the enormous promise of this technology. We need to make sure that people are confident in nanotech, and we need to make sure we can be confident in the safety of nanotech. That's one of the critical things that this reauthorization does with the NNI.

Second, it requires the NNI to place increased emphasis on technology transfer, which entails moving basic research results out of the lab and into commercial products. From my own experience in Illinois with our national labs and research universities, I know that technology transfer is not simple, but it is an important part of ensuring that R&D investments serve the public. Remember, we, the American people, are making these investments. We need to do everything we can that we have technology transfers, that everything that is found, everything developed, is something that we can bring to market.

And finally, this reauthorization creates new education programs to attract secondary school students to science and technology studies and to help prepare the nanotechnology workforce of tomorrow. As a former educator and as chairman of the Research and Science Education Subcommittee, I understand the vital role of education in promoting the success of individual Americans, and more broadly, the economic competitiveness of our Nation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GORDON of Tennessee. I yield the gentleman 30 additional seconds.

Mr. LIPINSKI. The field of nanotechnology holds great promise for our future, and it's critical that we do all that we can to help ensure that America leads the way in nanotech innovation. H.R. 554 will place the U.S. in a key position to drive technology breakthroughs and go even further to ensuring our long-term competitiveness in the global economic marketplace.

Mr. Speaker, I encourage my colleagues to support the passage of H.R. 554, move this authorization forward and get this done this year so we can keep America moving forward on the cutting edge of this new revolution.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding. And let me say to start with that I am in complete agreement, as approximately 407 of our Members-plus will be with the gentleman from Texas, the gentleman from Tennessee, and the gentleman from Illinois. I appreciate the work Mr. GORDON and Mr. HALL have done to get this bill to the floor.

In fact, Missouri State University, right next to my home in Springfield, has a leading project going on in nanotechnology. I think it is important. I was one of those 407 people that voted for this bill last year. I expect a vote for this bill today.

And as Mr. COHEN earlier said, as a Member of the minority, I want to talk about what we're not doing on the floor today. I want to talk about the fact that somewhere, while we're out here debating a bill where we'll spend $1 million a year that's already passed the House last year, 407–6, somewhere in this building—and that's significant because I don't know where it is and I don't think the Republican conferees, all two of them, know either—somewhere in this building, meetings are going on to decide how we spend $800 billion.

For $800 billion, if I could use the analogy that Mr. HALL used, if the thickness of this paper is 100,000 nanometers, the thickness of this paper is 100,000 nanometers, if you stacked these pieces of paper one on top of each other, 27½ feet high, you'd be at 800 billion nanometers.

So if pieces of paper represented $100,000, you'd have to be 27½ feet high to be to $800 billion. This is a huge amount of money. And later, if greater experts than me at nanotechnology figure out that it's only 26 feet, it's still a lot of money. It's $800 billion.

Last year when we worked together on a stimulus package—not the case this year—we said, the Speaker said, I said, others said, a stimulus package has to be timely, it has to be targeted, it has to be temporary. And I'd advance the idea that this is none of those. It's certainly not timely. Alice Rivlin said the other day—this is the former budget director for President Clinton—no more than one out of ten of these dollars can be spent this year. There are some other estimates that, well, maybe it's as high as two out of ten.

So my question is, why are we spending the other 80 or 90 percent as if it was a stimulus package as opposed to just something somebody in this building wants to do and in fact is going to do for a long time which comes to targeted.

I'd also suggest that more than anything else, this bill is a collection of what the new majority has wanted to do for a decade. I believe I could go through the debates of the House over the last 10 years and find virtually every single thing in this bill having been proposed some time during the last 10 years and we didn't do it because sometimes because the majority thought it was a bad idea, often because the majority at that time, the other side, my side, thought we just simply couldn't afford it.

And temporary? The last dollar to be spent in that bill wherever it's being developed is spent in 2019. Not timely, not temporary, not targeted. And if you're measuring it in money, lots of nanometers of money. In fact, the bill that we think we saw earlier the size of, the total cost per page of that bill was over $7 million. The total cost per word, rather, was $7 million. The total cost per page was $1.2 billion.

One thing the Congress will do in all likelihood this week is set a record

that won't be challenged for a long time in how fast we can spend how much money. We're going to make nanotechnology look like it's an old science compared to the new technology of spending money.

So while we're debating this bill that absolutely will pass, that there is virtually unanimous agreement on, some group of people in the majority of the House and Senate is deciding what that big bill is going to look like. And believe me, most of us will have no idea what's in it the day we vote for it. It will be impossible to know, and only over the next 6 months when the American people find out what's in that bill, will Members of Congress begin to wish that they had not voted for the bill today and taken the time this kind of spending deserves.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself 3 minutes.

I want to just make my friend from Missouri feel better and let him know that at 3 o'clock today there is a bicameral, bipartisan conference that will be held. And so I just wanted to give him that comfort.

And now I want to yield the balance of my time to the gentlelady from Pennsylvania (Mrs. DAHLKEMPER), a very active and important member of the Science and Technology Committee.

Mrs. DAHLKEMPER. Mr. Speaker, I rise today in support of H.R. 554, the National Nanotechnology Initiative Amendments Act.

This legislation strengthens and provides transparency to Federal research and development efforts in understanding both the risks and promise associated with nanotechnology. While wanting to learn and apply advancements in nanotechnology to some of our Nation's most pressing challenges, we must also ensure that we are aware of any safety risks associated with the technology.

In the field of health care, one of the most promising developments in cancer treatments involve the placement of carbon nanotubes in cancerous tumors, subjecting them to radiowaves, which heat the cancer cells to the point of destruction yet spare the surrounding healthy cells. This unique treatment was conceived by my constituent John Kanzius and is now in active development.

I am pleased that this bill strengthens the public-private partnerships as this will help us leverage private sector investments underway in our communities for projects such as this.

H.R. 554 reaffirms our Nation's commitment to harnessing the promise of nanotechnology research for advancements in health care and beyond, while also strengthening our commitment to safety in all Federal research and development.

I am particularly proud to support this bill and urge my colleagues' support.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to Colonel PITTS, the gentleman from Pennsylvania.

Mr. PITTS. Thank you, Mr. Chairman. Thank you for yielding.

Mr. Speaker, I rise in support of H.R. 554 and the importance of nanotechnology. It's a very important part of our economy. It's an important part of health care. Our stimulus bill has a lot of things to do with our economy that this could be a part of. And so I'm glad we're taking time to recognize the importance of this.

An hour ago, we stood here honoring one of our colleagues, JOHN DINGELL, and his service as chairman of the Energy and Commerce Committee. And I just want to say he served with dignity. He was always fair to the minority. It was a pleasure to serve with him as chairman.

And the Energy and Commerce Committee is one of the three committees that has jurisdiction over this stimulus, this massive stimulus bill that's coming up later this week.

The gentleman from Tennessee mentioned there is a bipartisan conference today at 3 o'clock on this bill. The problem is there are only two Republicans. Not one Republican from Energy and Commerce, which has jurisdiction over a lot of this bill, is on this conference committee.

□ 1300

We spent 12 hours a week ago in marking up this bill, and then our amendments were promptly stripped out of the bill.

Debate has been limited. Literally in this case, we're not even given a seat at the table, with a Republican Member of this important committee of jurisdiction being included in the conference committee and negotiating the final bill.

We're barreling full steam ahead, railroading through Congress a trillion dollar massive spending bill that is masquerading as an economic stimulus bill, and I think on a day when we honor good men like JOHN DINGELL and his service, the kind of governance he has provided for so many years in this institution and with this committee that has jurisdiction, that it would be appropriate that we govern differently.

And I thank the gentleman.

Mr. GORDON of Tennessee. I reserve the balance of my time.

Mr. HALL of Texas. I yield the gentlelady from North Carolina (Ms. FOXX) 2 minutes.

Ms. FOXX. I thank the ranking member.

I am sure from hearing the speakers on the other side that this nanotechnology bill is worthwhile and that what we have gotten from nanotechnology in the past are very good results. But what we have to be looking at right now, because the major issue before us and before the people in this country is what's going to happen in this so-called stimulus bill.

I got a call a little while ago from a lady who wanted to know if what she had heard on the radio was true, that part of this bill is going to fund chips to go inside United States citizens so the government can track them. We frankly don't know what is going to be in this bill.

But what we do know is the Republicans have an alternative to this bill. And contrary to what the leadership on the Democratic side has been saying, it's not that Republicans don't want to do anything. We want to do things. We understand Americans are hurting. We understand that. But we want to do what's right, not waste American people's money on what fits.

You know, Rahm Emanuel said never waste a crisis, so go in and put in all this pork that we want to get passed that we can't get passed in other bills, put it in this and get it done. But that's not what Republicans want to do. We want to make sure the money is being spent well.

Here we have in this bill some things we know: $1,500 tax credit to anyone who purchases neighborhood electric vehicles. Those are also known as golf carts. So we are going to subsidize people to buy golf carts. We have a $750 million earmark for the National Computer Center. You know, the President says no earmarks. That's not true. There are plenty of earmarks in this bill. We have $275 million for flood prevention. How long have we known that we needed to prevent floods in certain areas of this country? Why are we using this bill for $100 million for lead paint hazard reduction?

This is the wrong bill for this country at this time.

Mr. HALL of Texas. I yield the gentleman from Illinois (Mr. SHIMKUS) 2 minutes.

Mr. SHIMKUS. Mr. Speaker, I thank the ranking member. It's good to be with my friend Mr. GORDON, who's the chairman.

Nanotechnology is a very important aspect. I know Newt Gingrich for years has talked about the benefits of nanotechnology.

Benefits, what this can do for current competitiveness and future competitiveness, I think a lot of people don't know because it's so small. That's why it's called nano. Water filtration, dental bonding agents, bumpers and catalytic converters on cars, protective and glare reducing coatings, burn and wound dressings. But other things, solar cells in roofing tiles and siding, tires that improve skid resistance, high performance footwear, automotive parts. I think it is very, very exciting.

I think this is something that if we were to move in a stimulus package that would be helpful would be putting money into nanotechnology. That's not what we're doing.

We are going to be putting more money into the repairing of three golf courses in the District of Columbia than we're going to be doing for putting money into nanotechnology. We're going to be putting more money into creating cafe table settings for lunch in the District of Columbia than we're going to be putting in nanotechnology. We are going to be putting more money into free spring lunch jazz concerts for people in the District of Columbia than we're going to be putting into nanotechnology.

The chairman of this committee also has the benefit of sitting on the great Energy and Commerce Committee. One of our issues of concern is the conference committee that I sat on on the energy bill in 2005, the much-maligned energy bill, was open. We had hearings. We had a markup.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HALL of Texas. I yield the gentleman an additional 30 seconds.

Mr. SHIMKUS. We actually had C–SPAN covering it. We had amendments offered by both sides. We had votes. We had discussions on the conference committee.

On this stimulus bill, there is none. It's going to be cut in the back rooms by 10 Members. There's 435 of us who are elected to represent this government here. Ten Members are going to decide what is in the bill, and we're going to end up with cafe tables for people to have lunch in D.C. instead of research into nanotechnologies.

Mr. HALL of Texas. Mr. Speaker, I recognize the chairman of the House Republican Conference, the gentleman from Indiana (Mr. PENCE) for 3 minutes.

Mr. PENCE. House Republicans know we are in a serious recession. The American people are hurting, and despite the claims by some in the administration and some here on the House floor, House Republicans know that Congress must act and must act now to deal with this serious economic downturn affecting America's businesses and families.

Despite the accusations of some that Republicans want to do nothing, because somehow a choice between one party that wants to do something and another party that wants to do nothing, I was struck, Mr. Speaker, this morning when even the Washington Post called that allegation a straw man.

In fact, the choice before us here today is whether or not we will move the legislation that's now become a back-room deal that has the size and magnitude of the entire discretionary budget of the United States of America, whether we will move that bill without any input whatsoever from House Republicans.

But this is not an argument about who had their say. This is an argument about what would be the best solution to deal with these challenging economic times.

Republicans oppose this bill because this back-room deal is simply a long wish list of big government spending that won't work to put Americans back to work. It won't create jobs. The only thing it will stimulate is more government and more debt.

And it will probably do more harm than good, and it sounds from news reports at this point, Mr. Speaker, that the conferees on this committee have made this bad bill even worse. I'm hearing reports that modest tax relief in this bill has been reduced to pay for even more big government spending.

And the American people have a right to know what's in this bill. Yesterday, Republicans and Democrats came together and unanimously voted in this Chamber that when this bill was completed it would be posted on the Internet for a minimum of 48 hours for the American people to review it. The question today is, will the House majority keep their promise to the American people and post the legislation, that is about to be imminently revealed to this Nation, on the Internet to be carefully examined? The American people have a right to know what's in this bill.

And I believe with all my heart that the more they know, the more they will agree that Republicans have a better solution. Rather than more government, more debt and more spending, Republicans want to take half the amount of money that the majority wants to spend and use it for fast-acting tax relief for working families and small businesses.

Using the economic analysis of the Obama administration, the Republican plan would create twice the jobs at half the cost. We simply believe we have a better solution.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, let me just close by again giving my friend some comfort to know that at 3 o'clock today there's going to be a bicameral, bipartisan conference, conferees appointed by the Speaker for the Democrats and by Mr. BOEHNER for the Republicans. We all look forward to steady progress.

And I will finally close by again thanking Mr. HALL for his help as well in putting together this good, bipartisan bill.

Mr. HONDA. Mr. Speaker, I rise today in support of H.R. 554, the National Nanotechnology Initiative Amendments Act.

I commend Chairman BART GORDON and the other members of the Science and Technology Committee, on which I am proud to have once served, for the hard work and thoughtful consideration that went into this bill. I am pleased that this bill includes numerous provisions that I originally proposed in my own legislation, the Nanotechnology Advancement and New Opportunities (NANO) Act, H.R. 820.

Nanotechnology has the potential to create entirely new industries and radically transform the basis of competition in other fields, and I am proud of my work with former Science Committee Chairman Sherwood Boehlert on the Nanotechnology Research and Development Act of 2003 to foster research in this area.

But one of the things policymakers have heard from experts is that while the United States is a leader in nanotechnology research, our foreign competitors are focusing more resources and effort on the commercialization of those research results than we are.

Both H.R. 554 and my own bill would focus America's nanotechnology research and development programs on areas of national need such as energy, health care, and the environment, and have provisions to help assist in the commercialization of nanotechnology.

In recent months, there has been much discussion about potential health and safety risks associated with nanotechnology. Uncertainty is one of the major obstacles to the commercialization of nanotechnology—uncertainty about what the risks might be and uncertainty about how the federal government might regulate nanotechnology in the future. Both my bill and H.R. 554 require the development of a nanotechnology research plan that will ensure the development and responsible stewardship of nanotechnology.

Other important areas that are addressed by both H.R. 554 and H.R. 820 include: the development of curriculum tools to help improve nanotechnology education; the establishment of educational partnerships to help prepare students to pursue postsecondary education in nanotechnology; support for the development of environmentally beneficial nanotechnology; and the development of advanced tools for simulation and characterization to enable rapid prediction, characterization and monitoring for nanoscale manufacturing.

I am also pleased that H.R. 554 will require that the NNI Advisory Panel must be a standalone advisory committee. This is a concept I originally proposed in 2002 in the Nanoscience and Nanotechnology Advisory Board Act (H.R. 5669 in the 107th Congress).

I would like to thank the members of the Blue Ribbon Task Force on Nanotechnology (BRTFN), a panel of California nanotechnology experts with backgrounds in established industry, startup companies, consulting groups, non-profits, academia, government, medical research, and venture capital that I convened with then-California State Controller Steve Westly during 2005, for the important recommendations included in its report, Thinking Big About Thinking Small, many of which are reflected in the bill we are considering today. I would also like to thank Scott Hubbard, who was the Director of the NASA Ames Research Center at that time and who served as working chair of the BRTFN, and all of the staff at Ames whose hard work made the task force run so well and helped produced a great report. The report is available on my Web site at http://honda.house.gov/issues/links/brtfn_report_final.pdf.

Again, I congratulate the Science and Technology Committee and Chairman GORDON for

their work on this bill and thank them for incorporating so many of the provisions from my bill into H.R. 554, and I urge my colleagues to support this important legislation to reauthorize the nation's nanotechnology research and development program.

Mr. SMITH of Texas. Mr. Speaker, I strongly support H.R. 554—"The National Nano-technology Initiative Amendments Act."

This legislation supports research and innovation in the field of nanotechnology and strengthens the National Nanotechnology Initiative (NNI) by adding provisions to encourage nanotechnology education, studies, and economic development.

Whether it's medical research, military systems, or energy advancements, nano-technology plays a vital role in our lives today and will help drive innovation for tomorrow.

We see nanotechnology used in computers and other nano-electronics, as well as a wide variety of products from landmine detectors to water filtration systems to sunscreens.

The future of nanotechnology is limitless. Nanotechnology will pave the way for significant advances in many fields, including medical diagnostics, automotive performance, and solar energy.

In short, nanotechnology is the convergence of 21st century science and technologies. It is proof that small technology can have a huge impact in the world.

This legislation helps ensure that American companies have the resources they need to further develop nanotechnology, which will help American businesses remain on the cutting edge of technology and drive the American economy.

I want to thank Chairman GORDON and Ranking Member HALL for their work in bringing this bipartisan legislation to the Floor today.

I urge my colleagues to support H.R. 554.

Mr. GINGREY of Georgia. Mr. Speaker, I rise in strong support of H.R. 554, the National Nanotechnology Initiative Amendments Act of 2009. As a former Member of the Science Committee, I am pleased to lend my support to this important legislation brought forward today by Chairman GORDON.

Nanotechnology represents the future of science and information technology. These scientific methods have already been responsible for a number of products that are used everyday in our country like car parts, cosmetics, and first aid dressings.

Furthermore, Mr. Speaker, the future of nanotechnology holds a world of possibility in a number of fields—including health care, which is incredibly important to me as a physician Member of the House.

The National Nanotechnology Initiative is a multi-agency federal program aimed at accelerating the discovery, development, and deployment of nanometer-scale science, engineering, and technology. Since its implementation in 2003, the NNI represents the federal government's commitment to harnessing and developing the world's most cutting edge technology to help keep our country competitive in a technology-based global economy.

H.R. 554 is a bill that builds on the successful aspects of the NNI by making some improvements and modifications while keeping much of the Initiative intact. For example, this legislation strengthens the environment, health, and safety research component of the NNI, and it increases the emphasis on nanomanufacturing research and technology transfer. H.R. 554 acknowledges and addresses the need for enhanced research and education in the field of nanotechnology and provides the framework for K–12 education in nanotechnology that will help future generations stay at the cutting edge of scientific advances.

I am very pleased that this legislation moved through the Science and Technology Committee in a bipartisan manner, much like it did in the 110th Congress. I hope that the Senate will act on this legislation in the near future, so this important legislation can be signed into law by the President.

Mr. Speaker, I am very supportive of H.R. 554 and the possibility that nanotechnology has for the future of science. I urge all of my colleagues to support its passage.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 554.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WATER USE EFFICIENCY AND CONSERVATION RESEARCH ACT

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 631) to increase research, development, education, and technology transfer activities related to water use efficiency and conservation technologies and practices at the Environmental Protection Agency.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Water Use Efficiency and Conservation Research Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Between 1950 and 2000, the United States population increased nearly 90 percent. In that same period, public demand for water increased 209 percent. Americans now use an average of 100 gallons of water per person each day. This increased demand has put additional stress on water supplies and distribution systems, threatening both human health and the environment.

(2) Thirty-six States are anticipating local, regional, or statewide water shortages by 2013. In addition, climate change related effects are expected to exacerbate already scarce water resources in many areas of the country.

(3) The Intergovernmental Panel on Climate Change's 2007 assessment states that water stored in glaciers and snow cover is projected to decline, reducing water availability to one-sixth of the world's population that relies upon meltwater from major mountain ranges. The Intergovernmental Panel on Climate Change also predicts droughts will become more severe and longer lasting in a number of regions.

(4) Water conservation should be a national goal and the Environmental Protection Agency should work with nongovernmental partners to achieve that goal. The Environmental Protection Agency should support the research, development, and dissemination of technologies and processes that will achieve greater water use efficiency.

(5) WaterSense is a voluntary public-private partnership program established by the Environmental Protection Agency to promote water efficiency by helping consumers identify water-efficient products and practices. The Environmental Protection Agency estimates that if all United States households installed water-efficient appliances, the country would save more than 3,000,000,000,000 gallons of water and more than $17,000,000,000 per year.

(6) The WaterSense program has developed a network of partners, and therefore can disseminate the results of research on technologies and processes that achieve greater water use efficiency.

SEC. 3. RESEARCH PROGRAM.

(a) IN GENERAL.—The Assistant Administrator for Research and Development of the Environmental Protection Agency (in this Act referred to as the ''Assistant Administrator'') shall establish a research and development program consistent with the plan developed under section 4 that promotes water use efficiency and conservation, including—

(1) technologies and processes that enable the collection, storage, treatment, and reuse of rainwater, stormwater, and greywater;

(2) water storage and distribution systems;

(3) behavioral, social, and economic barriers to achieving greater water use efficiency; and

(4) use of watershed planning directed toward water quality, conservation, and supply.

(b) CONSIDERATIONS.—In planning and implementing the program, the Assistant Administrator shall consider—

(1) research needs identified by water resource managers, State and local governments, and other interested parties; and

(2) technologies and processes likely to achieve the greatest increases in water use efficiency and conservation.

(c) MINORITY SERVING INSTITUTIONS.—In the execution of this program, the Assistant Administrator may award extramural grants to institutions of higher education and shall encourage participation by Minority Serving Institutions.

SEC. 4. STRATEGIC RESEARCH PLAN.

(a) IN GENERAL.—The Assistant Administrator shall coordinate the development of a strategic research plan (in this Act referred to as the ''plan'') for the water use efficiency and conservation research and development program established in section 3 with all other Environmental Protection Agency research and development strategic plans.

(b) PLAN CONTENTS.—The plan shall—

(1) outline research goals and priorities for a water use efficiency and conservation research agenda, including—

(A) developing innovative water supply-enhancing processes and technologies; and

(B) improving existing processes and technologies, including wastewater treatment, desalinization, and groundwater recharge and recovery schemes;

(2) identify current Federal research efforts on water that are directed toward

meeting the goals of improving water use efficiency, water conservation, or expanding water supply and describe how such efforts are coordinated with the program established in section 3 in order to leverage resources and avoid duplication; and

(3) consider and utilize, as appropriate, recommendations in reports and studies conducted by Federal agencies, the National Research Council, the National Science and Technology Council, or other entities in the development of the plan.

(c) SCIENCE ADVISORY BOARD REVIEW.—The Assistant Administrator shall submit the plan to the Science Advisory Board of the Environmental Protection Agency for review.

(d) REVISION.—The plan shall be revised and amended as needed to reflect current scientific findings and national research priorities.

SEC. 5. TECHNOLOGY TRANSFER.

The Assistant Administrator, building on the results of the activities of the program established under section 3, shall—

(1) facilitate the adoption of technology and processes to promote water use efficiency and conservation; and

(2) collect and disseminate information, including the establishment of a publicly accessible clearinghouse, on technologies and processes to promote water use efficiency and conservation, including information on—

(A) incentives and impediments to development and commercialization;

(B) best practices; and

(C) anticipated increases in water use efficiency and conservation resulting from the implementation of specific technologies and processes.

SEC. 6. ADVANCED WATER EFFICIENCY DEVELOPMENT PROJECTS.

(a) IN GENERAL.—As part of the program under section 3, the Assistant Administrator shall carry out at least 4 projects under which the funding is provided for the incorporation into a building of the latest water use efficiency and conservation technologies and designs. Funding for each project shall be provided only to cover incremental costs of water-use efficiency and conservation technologies.

(b) CRITERIA.—Of the 4 projects described in subsection (a), at least 1 shall be for a residential building and at least 1 shall be for a commercial building.

(c) PUBLIC AVAILABILITY.—The designs of buildings with respect to which funding is provided under subsection (a) shall be made available to the public, and such buildings shall be accessible to the public for tours and educational purposes.

SEC. 7. REPORT.

Not later than 18 months after the date of enactment of this Act, and once every 2 years thereafter, the Assistant Administrator shall transmit to Congress a report which details the progress being made by the Environmental Protection Agency with regard to—

(1) water use efficiency and conservation research projects initiated by the Agency;

(2) development projects initiated by the Agency;

(3) outreach and communication activities conducted by the Agency concerning water use efficiency and conservation; and

(4) development and implementation of the plan.

SEC. 8. WATER MANAGEMENT STUDY AND REPORT.

(a) STUDY.—

(1) REQUIREMENT.—The Administrator of the Environmental Protection Agency shall enter into an arrangement with the National Academy of Sciences to complete a study of low impact and soft path strategies for management of water supply, wastewater, and stormwater.

(2) CONTENTS.—The study shall—

(A) examine and compare the state of research, technology development, and emerging practices in other developed and developing countries with those in the United States;

(B) identify and evaluate relevant system approaches for comprehensive water management, including the interrelationship of water systems with other major systems such as energy and transportation;

(C) identify priority research and development needs; and

(D) assess implementation needs and barriers.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the key findings of the study conducted under subsection (a). The report shall evaluate challenges and opportunities and serve as a practical reference for water managers, planners, developers, scientists, engineers, non-governmental organizations, Federal agencies, and regulators by recommending innovative and integrated solutions.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''low impact'' means a strategy that manages rainfall at the source using uniformly distributed decentralized micro-scale controls to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source; and

(2) the term ''soft path'' means a general framework that encompasses—

(A) increased efficiency of water use;

(B) integration of water supply, wastewater treatment, and stormwater management systems; and

(C) protection, restoration, and effective use of the natural capacities of ecosystems to provide clean water.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Environmental Protection Agency for carrying out this section $1,000,000 for fiscal year 2010.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Assistant Administrator for carrying out this Act $20,000,000 for each of the fiscal years 2010 through 2014.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 631, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 631, the Water Use Efficiency and Conservation Act, and I would like to thank Congressman JIM MATHESON for introducing this important legislation. I would also like to thank my colleagues on the Science and Technology Committee for their unanimous support in making this a good, bipartisan bill.

Water scarcity is a significant and growing problem in the United States and around the world. Americans use an average of 100 gallons of water per person each day, which results in a daily water use of approximately 26 billion gallons of water.

This increase demand has put additional stress on water supplies and distribution systems, threatening the environment and constraining economic activity.

Imbalances between supply and demand, combined with the degradation of ground water and surface water, negatively impact all regions of the country and all facets of life.

The biggest and cheapest source of water to meet our Nation's growing water demands is the water currently wasted by inefficient water practices.

Conserving water provides significant cost savings for water and wastewater systems. Water efficiency and reuse programs help water suppliers avoid, downsize and postpone expensive infrastructure projects.

H.R. 631 establishes a research and development program within the Environmental Protection Agency Office of Research and Development to promote water-use efficiency and conservation.

Through this program, EPA will be able to develop and encourage the adoption of technologies and processes that will achieve greater water-use efficiency, thus helping to address the water supply shortages.

In addition, H.R. 631 directs EPA to disseminate information on current water-use efficient technologies and conservation practices. Broad dissemination of this information will facilitate wider usage of these proven technologies and practices.

□ 1315

In order to meet the water demands of the 21st century, we need innovative solutions to maximize our available resources. Again, I want to thank my colleagues on the Science and Technology Committee for their bipartisan support and collaboration on this legislation, and I urge all Members to support this bill.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

According to the American Water Works Association, an international

nonprofit scientific and educational organization, daily indoor per capita water consumption in a typical single family home is about 70 gallons. By installing more efficient water fixtures and checking for leaks, single family homes can reduce their daily per capita water consumption by, we are told, 35 percent.

Now, while some of these technologies are already on the market and being used, many water-saving ideas have not gotten past the research phase for lack of a coordinated Federal research program. While the Environmental Protection Agency is charged with protecting water sources, EPA's research and development program is not comprehensive or rationally organized and does not address water efficiency and conservation.

H.R. 631 establishes a research and development program for water efficiency technologies and conservation at the EPA. It instructs the Assistant Administrator of the Office of Research and Development to develop a single coordinated research plan.

EPA is tasked with using recommendations and existing reports from the National Academies and the National Science and Technology Council in the development of the plan. The EPA should develop a comprehensive strategic research plan for technologies that embodies our national priorities, particularly water efficiency and water conservation.

Mr. Speaker, at a time when our Nation is facing water shortages, we just can't afford to fall behind on technological research and development. We need to invest resources so that we can better manage water shortages in the future. I urge all of my colleagues to support H.R. 631.

I reserve the balance of my time.

Mr. GORDON of Tennessee. I yield myself 1 minute.

Mr. Speaker, Chairman OBERSTAR of the Transportation and Infrastructure Committee has worked cooperatively with us on this legislation, and I would like to ask that an exchange of letters between us regarding H.R. 631 be placed in the RECORD.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, February 11, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Washington, DC.

DEAR CHAIRMAN GORDON: I write to you regarding H.R. 631, the ''Water Use Efficiency and Conservation Research Act.'' This legislation authorizes the Environmental Protection Agency to establish a research and development program to promote water use efficiency and conservation technologies and practices.

H.R. 631 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forego a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 631.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 631 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Congressional Record during consideration of the measure on the House Floor.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, February 11, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for your February 11, 2009 letter regarding H.R. 631, the Water Use Efficiency and Conservation Research Act. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are of jurisdictional interest to the Committee on Transportation and Infrastructure. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Transportation and Infrastructure has jurisdiction in H.R. 631. A copy of our letters will be placed in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,
Chairman.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, the bill before us calls for the efficient use of water, and I think that is a very, very good goal. One place that water is not being efficiently used by the environmental community is in my district back in California. Due to drought conditions and the abuse of the Endangered Species Act, which is placing the needs of fish over the needs of farmers, the agriculture economy in our region stands to lose over 40,000 jobs and over $1 billion in revenue.

Considering the bleak outlook for California's economy, one would think that this so-called economic stimulus legislation might do something to address this problem. Further, one might also think that if there was a way to address this problem without spending one dime of the taxpayers' money, this stimulus plan would include that option.

In fact, there is a way to save those 40,000 jobs in my district, and billions of dollars in lost income, at no cost. Just temporarily suspend the Endangered Species Act as it applies to the pumps in the Sacramento San Joaquin Delta Pumps.

But does this stimulus plan include that proposal? Of course not. Because the stimulus plan is not stimulus at all—it is a big spending bill of gigantic proportions. Heaven forbid that our friends on the other side of the aisle would try to save jobs without spending money.

Instead, we are spending money: $4 billion per year on the voter fraud organization called ACORN. How can this be considered stimulus? Instead, we are going to spend barely 1 day passing a trillion-dollar stimulus bill that spends nearly $300 million to purchase golf carts. Maybe the majority feels that the country club community are the people who are really hurting right now.

This bill only sends our country and our children deeper and deeper in debt, and the special interest spending contained within it are not in America's best interest. Please join me in voting ''no'' on this bill.

Mr. GORDON of Tennessee. I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Water infrastructure is important. And certainly I see in the stimulus bill, at least the version that the House passed, that there will be investment in that infrastructure. And I think it's probably a good thing, although there's a budgetary process, an appropriation process, an authorization process, called WRDA, where the same thing could be done, and in an appropriate way where we can have appropriate discussions on that merit.

What I have learned today during the 15-minute break I had to eat lunch is that there is now a deal that has been reached between the Speaker's office and the majority leader of the Senate's office on the stimulus bill—the conference.

We always knew or anticipated that the whole process was just going to be rammed down the throats of the Members of Congress and that, in all likelihood, the conference was going to be the Speaker's office and Harry Reid, the Senate majority leader's office.

Yesterday, they came out and said, We are going to have a conference.

Even called our majority leader and said we are actually going to let two Republicans on the conference committee. Of course, none have been appointed. And, evidently, the deal has already been sealed, and now there's going to be some faux meeting, probably just for the television cameras to come out and display how great this process is, when the reality is not one opportunity has been given to the Republicans to be part of this process to talk about a stimulus plan that, yes, is different than the Pelosi-Reid-Obama stimulus plan that was put before this House and in a slightly different version in the Senate.

I think that we should be afforded the opportunity to at least discuss the merits of our stimulus plan that is different, is philosophically different, because what we say is instead of growing government and programs, we want to stimulate the growth of business, particularly small businesses. And so we have got a laundry list of tax breaks or relief and regulatory relief that would be focused on small businesses so they cannot only retain their employees but, hopefully, even grow.

Several economists have looked at our plan in comparison to the Pelosi-Reid-Obama-endorsed plan.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HALL of Texas. I yield the gentleman 1 additional minute.

Mr. TERRY. Thank you.

And those economists have said, when they have compared the two bills, the Republican one and the one that we are going to have rammed down our throats in the next day or two, if they give it 48 hours from now, that ours will be half the cost to the taxpayers, but yet create a million and a half new private sector jobs. Yet, we haven't even had the opportunity to have an open debate about which plan is better, even though we were promised that earlier.

So, what we are left with is to rifle through a monstrous bill where we have uncovered money being funded to ACORN, door-to-door activities to find the 1.2 million people in the United States who evidently haven't bought their DTV converter box—$650 million for that—and a health committee that is going to second-guess physicians. We need the opportunity to be heard and to show sunlight on this process.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself 30 seconds.

I want to give some comfort to my friend from Nebraska. The Republicans did have an opportunity to offer a substitute, which they did, on the floor, when the original bill came up, and it was rejected on a bipartisan vote. So I just want to bring that up.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. INGLIS).

Mr. INGLIS. I thank the gentleman for yielding.

Back to the nanotechnology bill for a moment. This bill is a good bill, and I wanted to congratulate the chairman, Mr. GORDON, for something that he said earlier in this debate about the need to help the public understand new technology.

Of course, use the example of nuclear power. In South Carolina, we use nuclear power very effectively. It does take some education to get people comfortable with the concept. The same with nanotechnology. An important part of this bill, I think, is enabling the public to begin to understand nanotechnology—all of us to understand nanotechnology.

It's a little bit difficult. But, as we do, we get more comfortable with it, the uses of the technology, the safe uses of that technology will benefit us and will drive, hopefully, an increase in productivity within our economy.

And that brings me, of course, to the other discussion that is going on here today about how to get the economy going. What is the best way to accomplish this sort of thing long term?

In this nanotechnology bill we are taking good steps that the House is wise to take. In the stimulus package I wish we were doing the same sort of things. I wish that we were setting up a trajectory forward where we are going to have higher productivity out of this economic downturn. The risk that we have got is what we are going to do is simply spend some money that we borrow, which means that we pile on the debt, and the result is that we don't really get the growth we are looking for because the growth will be eaten up in inflation and perhaps a risk of hyperinflation once this debt really comes to be digested by our economy.

So, the hope that I have is that we could actually come up with the same sort of approach we are using here in this nanotechnology bill, a collaborative approach, where we have Republicans and Democrats working together to accomplish something good for the long-term benefit of our economy and our country.

In the case of the stimulus, what we have is not that process. We have sort of the opposite, where this basically compromise, which is a zero sum game, as opposed to collaboration, which uses the strengths of both parties to come together and solve problems that America faces.

So, it's with excitement that I vote for the nanotechnology bill. It's with real disappointment that I vote against the stimulus package.

I thank the gentleman for yielding.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GINGREY of Georgia. Mr. Speaker, I rise in strong support of H.R. 631—the Water Use Efficiency and Conservation Research Act. I commend my colleague—Mr. MATHESON of Utah—for crafting this thoughtful legislation that was reported to the House on a broad bipartisan basis.

Over the past couple of years, my home State of Georgia—and specifically my district—has experienced significant and historic drought conditions that have brought to the forefront what the future may hold for our local water supply.

In addition to the drought conditions in my district, a number of other states are facing similar challenges. Over the next five years, more than half of the states in our country anticipate some sort of water shortage that will wreak havoc on our environment, as well as our economy. In these currently tumultuous economic times, we need to take every step possible to efficiently use our water supply to assist our struggling economy.

Mr. Speaker, H.R. 631 promotes the adoption of emerging technologies to help us make better use of one of our most precious resources—water. This legislation addresses ways in which the Environmental Protection Agency can use its Office of Research and Development to promote technologies that increase water efficiency and conservation via collection, treatment, and reuse of rainwater and greywater, and research on water storage.

Mr. Speaker, at a time when water shortages are becoming more commonplace in our Nation, I applaud the bipartisan work of the Science Committee under the leadership of Chairman GORDON and Ranking Member HALL on this important legislation. They understand the need for us to work across the aisle on these important issues, and I commend them both for their leadership.

I urge all of my colleagues to support H.R. 631.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support H.R. 631, the "Water Use Efficiency and Conservation Research Act." H.R. 631 recognizes the need to increase research, development, education, and technology transfer activities related to water use efficiency and conservation technologies and practices at the Environmental Protection Agency. I urge my colleagues to support this bill.

Mr. Speaker, the importance of protecting our water resource cannot be overstated. In economic terms, the measurable contribution of water to the economy is difficult to estimate. In environmental terms, water is the lifeblood of the planet. Without a steady supply of clean, fresh water, all life, including human, would cease to exist.

The quantity, quality and economic problems we face as a result of our use of water are complex but, at least one of the causes of these problems is easy to manage—the way we waste water. And, the solution is straight forward—water conservation. Simply stated, water conservation means doing the same with less, by using water more efficiently or reducing, where appropriate, to protect the resource now, and for the future. Using water wisely will reduce pollution and health risks, lower water costs, and extend the useful life of existing supply and waste treatment facilities.

The United States Environmental Protection Agency (EPA) estimates that water utilities will

need about $277 billion for infrastructure construction, upgrades, and replacement during the next 20 years. In addition, waste water treatment utilities will need multi-billion dollar infrastructure upgrades and expansions, with much of this investment tied to the volume of water needing treatment. By reducing water consumption through efficiency measures, water and wastewater utilities can delay or reduce infrastructure costs, while reducing environmental impacts.

Mr. Speaker, H.R. 631 will allow for the leading authorities to conduct the research on water consumption within major economic sectors. The surveys are highly detailed, carefully constructed to be statistically representative of the entire population, and are indispensable analysis and policy planning. In gauging the success of any water efficiency program, data on consumption, price, and product—both prior to and after the research program's implementation—are needed to calculate the change in water use, cost, and product purchase tendencies.

Establishing a baseline of consumption and price levels by sector for a variety of end-uses and customer classes will assists policy planners to better identify the highest-value products to target in designing their programs.

Mr. Speaker, at least 31 water efficiency projects in Texas are ready to go and will create jobs and improve clean water supply, according to a quick survey conducted by the Alliance for Water Efficiency. The projects which provide a sample of water efficiency projects across the state include retro-fitting plumbing fixtures and irrigation systems, upgrading water meters, and planting water wise plants and other vegetation to decrease wasteful water use.

I thank my colleague, Rep. JIM MATHESON, of Utah, for introducing this important legislation, to ensure that we preserve our planet's most treasured resource, and I urge my colleagues to join me in supporting this H.R. 631.

Mr. GORDON of Tennessee. Mr. Speaker, I urge passage of this bipartisan bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 631.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1330

SUPPORTING THE GOALS AND IDEALS OF NATIONAL ENGINEERS WEEK

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 117) supporting the goals and ideals of National Engineers Week, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 117

Whereas engineers use their professional, scientific, and technical knowledge and skills in creative and innovative ways to fulfill society's needs;

Whereas engineers have helped meet the major technological challenges of our time—from rebuilding towns devastated by natural disasters to designing an information superhighway that will speed our country into the future;

Whereas engineers are a crucial link in research, development, and demonstration and in transforming scientific discoveries into useful products, and we will look more than ever to engineers and their knowledge and skills to meet the challenges of the future;

Whereas engineers play a crucial role in developing the consensus engineering standards that permit modern economies and societies to exist;

Whereas the 2006 National Academy of Sciences report entitled ''Rising Above the Gathering Storm'' highlighted the worrisome trend that fewer students are now focusing on engineering in college at a time when increasing numbers of today's 2,000,000 United States engineers are nearing retirement;

Whereas the National Society of Professional Engineers through National Engineers Week and other activities is raising public awareness of engineers' significant, positive contributions to societal needs;

Whereas National Engineers Week activities at engineering schools and in other forums are encouraging our young math and science students to see themselves as possible future engineers and to realize the practical power of their knowledge;

Whereas National Engineers Week has grown into a formal coalition of more than 70 engineering, education, and cultural societies, and more than 50 major corporations and government agencies;

Whereas National Engineers Week is celebrated during the week of George Washington's birthday to honor the contributions that our first President, a military engineer and land surveyor, made to engineering; and

Whereas February 15 to 21, 2009, has been designated by the President as National Engineers Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Engineers Week and its aims to increase understanding of and interest in engineering and technology careers and to promote literacy in math and science; and

(2) will work with the engineering community to make sure that the creativity and contribution of that community can be expressed through research, development, standardization, and innovation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 117, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 117, supporting the goals and ideals of National Engineers Week. And I would first like to thank my colleague, Mr. LIPINSKI from Illinois, for introducing this resolution. As one of the only handful of engineers in Congress, Mr. LIPINSKI has and will continue to be a strong advocate for engineers and engineering on the Science and Technology Committee and here in the Congress.

As the sponsor of the bill, I now yield the balance of my time to the gentleman from Illinois (Mr. LIPINSKI).

The SPEAKER pro tempore. Without objection, the gentleman from Illinois will control the time.

There was no objection.

Mr. LIPINSKI. Mr. Speaker, I thank the chairman for yielding, and I rise today in support of H. Res. 117, supporting the goals and ideals of the National Engineers Week.

As an engineer, I am proud to sponsor this resolution again honoring National Engineers Week, and I would like to thank the gentleman from Michigan (Mr. EHLERS) for working with me on this resolution and on so many other important issues. Mr. EHLERS and I are the cochairs of the STEM Ed, the Science, Technology, Engineering and Math Caucus. STEM Ed is really critical to the future of our country and the future of American technology and leadership in the world. And promoting STEM Ed, especially in engineering, is a big part of what National Engineers Week is all about.

I want to begin by sharing a few statistics: Three hours, 44 percent, and 45,000 teachers. Three hours is the average amount of weekly science instruction currently received by early elementary school students in the United States, 3 hours; 44 percent of districts cut the time devoted to elementary science education since the enactment of No Child Left Behind; and, at the end of 2000, the last year that we have good statistics for, 45,000 math and science teachers left the teaching profession.

Couple these statistics with the projection that, by 2012, about 46 percent of all engineering jobs could become vacant due to retirement by the aging workforce, and it becomes clear we need a renewed emphasis on educating and exciting America's youth about engineering and science.

Next week is the 18th annual Engineers Week, a week which features events aimed at educating youth and fostering public awareness about the vital contributions made by engineers to our quality of life and our economic prosperity. Through programs like the

Future City Competition, Introduce a Girl to Engineering Day, and the first robotics competition, the National Engineers Week Foundation confronts the challenge of plugging the leaky pipeline and encouraging more students to pursue careers in engineering. We lose far too many students through this leaky pipeline, and we are not producing enough engineers right now through our educational system.

Engineers Week comprises numerous events. For example, students learn the value of teamwork as they work in groups to develop creative and practical solutions to some of the most important problems facing our world. Projects like designing future cities make engineering come alive for students, planting a seed that can lead to further studies or a career in engineering. Indeed, research shows that children's early experiences with science and engineering are a stronger prediction of long-lasting interest in science fields than aptitude tests.

I can attest that my own childhood experiences with science and engineering captivated me. As a child growing up in Chicago, I was fascinated with figuring out how mechanical devices worked. I remember that my high school calculus and physics teachers at St. Ignatius, Father Thul and Father Fergus, were the ones who helped mold this childhood fascination into an interest in engineering.

As a child, I also remember going to the Museum of Science and Industry. I remember touring the coal mine exhibit. I remember seeing the enormous train set teaching about trains and setting out the tracks and about how locomotives work. I remember all the exhibits there, and how much that excited and captivated me. And all these experiences instilled in me the knowledge, confidence, and intellectual curiosity needed to pursue an undergraduate degree in mechanical engineering at Northwestern University and then a master's degree in engineering from Stanford. One of the central goals of National Engineers Week is to provide this kind of inspiration for the next generation of students.

Engineers have played a critical role throughout our history, and there are numerous challenges facing our world that require immediate engineering solutions, including developing American energy independence, finding solutions to confront global climate change, and making our Nation more secure. We need to make sure that our country remains capable of designing, planning, and building these projects. We need to help grow the next generation of talent by removing the social, educational, and economic barriers that deter young students from careers in engineering and technology. Now more than ever we need to recognize the many contributions that engineers have made to our country and the role that they must continue to play if we are to remain competitive in an increasingly connected global economy.

Mr. Speaker, I would like to again thank the gentleman from Michigan (Mr. EHLERS), I would like to thank Ranking Member HALL, as well as the 37 other cosponsors of H. Res. 117. I would like to especially thank the engineers who have contributed so much to America. I urge my colleagues to pass this resolution.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, H. Res. 117 supports the goals and ideals of National Engineers Week, which will be celebrated this year in just a few days, starting on February 15.

The National Society of Professional Engineers established one of America's oldest professional outreach efforts, National Engineers Week, in the year 1951.

During this week coming up, a wide range of activities are planned in order to increase the understanding of and the interest in engineering and technology careers, and to promote K–12 literacy in math and science. Among these activities is the Future City competition, which has engaged more than 30,000 middle school students in more than 1,000 schools across the Nation to tackle water conservation issues. The finals for this competition will be held during National Engineers Week.

Introduce a Girl to Engineering Day is another activity during the week, intended to help spark enthusiasm for science and engineering in our daughters and our granddaughters. Currently, less than 20 percent of engineering undergraduates are women, and only 10 percent of our professional engineering workforce is women.

These activities and many others will also highlight the contributions that engineers have made to our society. The innovation path that our country has trail blazed would not be possible without the work of engineers. From designing satellites to help us predict the weather to creating bandages that don't hurt when you pull them off, engineers play a role in nearly every facet of our lives. It is essential that we capitalize on opportunities such as National Engineers Week to raise awareness of the valuable work and contributions of engineers to society, and to attract young people of all ages to this very rewarding profession.

I commend the corporate sponsors of the week, who recognize that their future depends on our engineers of tomorrow. I support the goals and ideals of National Engineers Week, and I urge my colleagues to join me in this support.

NATIONAL ENGINEERS WEEK CORPORATE SPONSORS

3M; Bechtel Group Foundation; Bentley; Boeing; BP; CH2MHill; Conoco Phillips; DuPont; ExxonMobil; Fluor; Hitachi; IBM; Intel; Lockheed Martin; Motorola; Northrop Grumman; Raytheon's Math Moves; Rockwell Collins; Symantec.

I reserve the balance of my time.

Mr. GORDON of Tennessee. I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I commend the House today for taking up the important issue of engineers.

I was talking just recently in my district in Michigan; we are hit incredibly hard, 11 percent unemployment and growing.

A single mom, college educated, lost her job. She was a marketing manager for a large retailer, went to work for a small cafe. She found out last week her hours are being cut because they didn't have enough traffic. It is pretty difficult for her to even make ends meet. We just got an announcement that 10,000 General Motors white collar employees will be out by May 1. Some of them will be engineers. It is incredibly devastating.

And when you think about what we are talking about today and how important it is laid over the fact that we are having a discussion about the most massive spending bill in the history of the United States, these people are hurting. And if I could for just one minute look in their eyes and say, ''This is the bill that will save you and your children's future,'' I could be on board. But what we are telling them is that it is more important for fancy golf carts here for bureaucrats in Washington, D.C., billions of dollars spent in this town, in this town, when people living in places like Lansing and Howell and Brighton, Michigan, and Holt are fighting to keep their jobs today.

And, by the way, I am going to have to go to that eighth grade class and say, you know, we are going to go to the market for the first time in American history with something on the order of $2.6 trillion. And do you know what that means for you? Maybe you can't get a loan for a car that you would like to buy some day. You probably will be crowded out when you are trying to get a student loan, or paying maybe double digit, close to 20 percent interest. Your milk will be more expensive, your bread will be more expensive. And, guess what. We will have the most massive debt in the United States history to show for it.

So if we want to encourage people to go into engineering, and I think we should, we ought do smart things. And, oh, by the way, something else in this bill for our engineers.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HALL of Texas. I yield the gentleman an additional 1 minute.

Mr. ROGERS. I thank the gentleman.

If you do really great stuff and you innovate our way out of this problem

and we start using less energy and become more energy independent, guess what. In this bill, it says: Utility companies, to make up the difference, you can charge your customers more.

So you know what, people who are losing their job, go out and buy really fancy light bulbs that save you money. And when you do, the utility gets to come in and charge you more for your electricity.

This is a sham and it is unconscionable what we are doing to real working Americans. I would hope, Mr. Speaker, that we would take a moment to stop and think about the people that we are impacting. This isn't about a political victory. It is about people who right today are getting pink slips from General Motors. Or maybe they already have, and are hoping and praying that they will get a chance at a job in the future.

This bill is wrongheaded. It is dangerous to the future of this country. And we are telling our children: Guess what, we are sentencing you to debtors prison, and foreign governments are going to be the jailers. Good luck.

Mr. GORDON of Tennessee. I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, you know, I find it amazing that we are in the middle of a debate of a good resolution. We are all for engineers. We like the innovation and the creativity that they bring forward. But, Mr. Speaker, what we are faced with is, is this the appropriate time for this type discussion? Or, is the time now to try to read through this, let's see, 1,500 pages that we have had laid before us? The spending bill that is masquerading under the title of stimulus, when we are told by the Congressional Budget Office that, at best, 10 percent of this bill would be spent this year?

We know that stimulus is to be timely, it is to be targeted. But we also know that this bill is going to spend money for 10 years. And I will tell you what. It is of great concern to me that our children and our grandchildren are the ones that are going to be paying for this, because we are heaping on their head another $1.2 trillion. And that doesn't include the interest, another $1.2 trillion of debt.

Now, I am told that this bill spends, per page, $1,206,185,569 per page.

□ 1345

That is how much is being spent in this legislation that has not gone through regular order, that has not been debated. All the programmatic spending that is in here, there is not time for that. And we are hearing one of the reasons is because there are codels that are leaving at 6 o'clock on Friday. Now a codel is a congressional delegation.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HALL of Texas. I yield the gentlewoman 1 additional minute.

Mrs. BLACKBURN. So because we have to hurry up and finish and get to recess, we can't get inside the numbers and figure out what we're going to do with this bill.

Now some of it we have found out, if you're into golf carts, there is $300 million for green golf carts. We have also $125 million for sewers in D.C. We have $500 million for NASA exploration activities. We have $2 billion for FutureGen. We have $70 million for an energy-efficient visitors centers program.

These are all items that may be worthy of standing on their own merit. The problem is this is not a stimulus bill. It is a spending bill. It has become the biggest pork barrel bill that we have ever seen. It is full of special interest earmarks and favors that will go to specific industries.

I urge everyone to vote ''no'' on this, and I urge us to take our time to debate.

Mr. GORDON of Tennessee. I yield 2 minutes to my friend from Oregon.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this resolution as I appreciate his leadership in these areas.

As I listened to my colleague a moment ago conclude her comments, one could be confused a little bit about why we are here. We are here celebrating the engineering profession. But it is interesting in the context of stimulating the economy and rebuilding and renewing America the role that our engineers have played. Just last week, the American Society of Civil Engineers introduced their report card. Every 5 years they provide a snapshot of the role that infrastructure plays in this country. Last week, their report card graded infrastructure in the United States as a D. And the gap of meeting the infrastructure needs just for the next 5 years has increased from $1.6 trillion to $2.2 trillion.

I have appreciated over the years working with the engineering profession. One of the most rewarding portions of my career was 10 years as Portland, Oregon's Commissioner of Public Works, where working with people in the engineering profession to deal with long-term value, environmental protection, and the infrastructure for transportation, safety, environmental protection are invaluable.

For us to take a little time recognizing on the floor of the House the role that this profession has played in helping us do our job, if each Member of this body would spend time at home working with their local engineers, thinking about the challenges that they face with clean air, clean water and transportation in their own communities, they would have greater confidence in coming back and supporting a robust economic stimulus package, but one that deals with the future of this country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GORDON of Tennessee. I yield the gentleman 1 additional minute.

Mr. BLUMENAUER. I hope that people take the time to listen to the men and women who are working with local business and with local governments to understand the fix that we are in. If we're ever going to restore a robust economy and prepare with protecting the future of the planet while we deal with the liveability of our communities now and making our families safe, healthy and economically secure, it will be in large measure because we're able to link with and to utilize the power of this profession, people who are there working with us to try and get it right.

So I rise in support of this resolution. I salute the engineers that I have had the privilege to work with over the years. And I strongly urge my colleagues not just to vote for the resolution, but to go home and work with and listen to the engineers at home, because they have got a prescription for restoring our economy, rebuilding America's future and making all our families safer, healthier and more economically secure.

Mr. HALL of Texas. Mr. Speaker, I yield my neighbor from Louisiana (Mr. FLEMING) 2 minutes.

Mr. FLEMING. From my neck of the woods, north Louisiana, we have quite a number of engineers. And right now I'm very concerned about engineers because of our current economic situation. President Obama just mentioned that his stimulus bill is better than no bill at all. However, I have to point out that we Republicans have submitted H.R. 470, which is a far better version and far more stimulative. We talk in increments of billions and trillions of dollars, $1 billion here, $100 million there. But I want to put a real face on the stimulus bill. A few days ago, we were contacted by Michael Moss, a constituent. He is a small business owner in Shreveport, Louisiana. Michael is 51. He owns a financial services business that has been operating in our community for over 30 years. Michael called and asked, where is the bailout for his small business? Everybody else is getting a bailout. He employs six hardworking Louisianans. And they work themselves to death. Also he employs elderly parents who rely on him or his business for their income. Michael doesn't own a jet plane. Yet he gets no bailout. He owns a used Ford Explorer instead. He doesn't own a home. He merely rents one. But he is still working his small business. He discussed the stimulus package. And what he is saying is, look, the small businesses are creating the jobs and need the help.

Small businesses create jobs so families have stable incomes in order to go out and spend. He suggests, and I agree with him, that we need to expedite depreciation schedules, eliminate capital gains tax and eliminate payroll deductions immediately. Remember that we make plans based on what we expect our tax situation to be, especially my fellow business owners. We know that the tax returns are going to be there, and we go ahead and plan to spend the money.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GORDON of Tennessee. I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time. We have no further requests.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support H. Res. 117, to ''support the goals and ideals of National Engineers Week, and for other purposes.''

Mr. Speaker, H. Res. 117 recognizes the need to support the goals and ideals of National Engineers Week and its aims to increase understanding of and interest in engineering and technology careers and to promote literacy in math and science; and will work with the engineering community to make sure that the creativity and contribution of that community can be expressed through research, development, standardization, and innovation.

New discoveries and technologies are changing the way Americans live and work. Through dedicated research and development, engineers expand our knowledge and lay the foundation for the progress of our country. This week is an opportunity to recognize engineers for their many contributions to our way of life and to encourage young people to pursue their curiosity by studying math and science.

Engineering education began in America under circumstances that differ substantially from those of the other leading professions. Medical schools, for example, were established by individual physicians, and then loosely affiliated with universities.

By contrast, engineers were first trained by apprenticeship, particularly on canal construction projects. This tradition was perpetuated on railroad construction projects, and later in factories and machine shops, long after college engineering programs were established. Eventually, engineering schools in the United States were sponsored by the federal government (the U.S. Military Academy in 1802) and the land-grant colleges (beginning in 1862). They were also fostered by public-spirited citizens who fostered the Rensselaer Polytechnic Institute and the Massachusetts Institute of Technology, and from within established universities in response to interest or demand.

The engineering workforce is the driver of society's technological engine, an awesome responsibility. We will not be able to address this responsibility without diversifying the pool of science and engineering talent. This broadening of participation must come from The Land of Plenty, our mostly untapped potential of underrepresented minorities and women—America's ''competitive edge'' for the 21st century.

We know that more than any other species, humans are configured to be the most flexible learners. Humans are intentional learners, proactive in acquiring knowledge and skills. And, it turns out that we are more successful learners if we are mindful or cognizant of ourselves as learners and thinkers.

The revolution in information technologies connected and integrated researchers and research fields in a way never before possible. The nation's IT capability has acted like 'adrenaline' to all of science and engineering. A next step is to build the most advanced computer-communications infrastructure for researchers to use, while simultaneously broadening its accessibility.

The great state of Texas boasts excellent schools that produce many of the nation's outstanding engineers. Texas Tech University's Whitacre College of Engineering is an internationally recognized research institution ranked among the best in the country. The Dwight Look College of Engineering at Texas A&M University is one of the largest engineering colleges in the nation, with nearly 9,000 students and 12 departments. Texas A&M University ranks among the top five producers in the country for undergraduate engineering degrees. Prairie View A&M University's College of Engineering has a rich and well established legacy of producing some of the most outstanding engineers, computer scientists and technologists in the nation.

To date, our knowledge of the ''science of learning,'' is just the tip of the iceberg of what we have yet to learn. Our ultimate goal is truly not to waste a single child and to teach and train a workforce that is well prepared and can adapt and change.

I thank my colleague, Rep. DANIEL LIPINSKI, of Illinois, for introducing this important resolution, to ensure that we continue to cultivate the understanding of and interest in engineering and technology careers that will be quite beneficial to society. I urge my colleagues to join me in supporting this resolution.

Mr. HOLT. Mr. Speaker, I am very pleased to rise today in support of this resolution recognizing National Engineers Week and the important contributions to society made by engineers. A range of activities and programs highlighting Engineers Week will be taking place across the country. Communities, schools, and museums will host events to excite young people about engineering by helping them see the role this discipline plays in the world around them.

This resolution and National Engineers Week come at a fitting time. We are in a dire economic situation, in part because of a failure to sufficiently support science and engineering in the past. Research and development will be the foundation for the discoveries that will fuel our economic recovery and sustain our long term economic growth. Engineering is often the critical bridge between the basic science and the productive innovation or the marketable product. It is entirely proper that we acknowledge this important field at this critical time.

National Engineers Week is the most visible event in an ongoing, year-round effort by the National Engineers Week Foundation to support and encourage interest in engineering and technology. As Congress supports the excellent programming of National Engineers week, it should follow the Foundation's lead in making a commitment to science, research, engineering, and education. Congress should work to ensure that all individuals who choose to pursue an education in engineering and related fields have the opportunity to do so. And Congress should fully fund the America COMPETES Act and make a sustained investment in our national innovation infrastructure.

This resolution recognizes the value of National Engineers Week and engineering-related disciplines generally. I am delighted to support it.

Mr. GORDON of Tennessee. Again, I urge and encourage support for this bipartisan good bill and resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 117.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GORDON of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PRODUCED WATER UTILIZATION ACT OF 2009

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 469) to encourage research, development, and demonstration of technologies to facilitate the utilization of water produced in connection with the development of domestic energy resources, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Produced Water Utilization Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PRODUCED WATER.—The term ''produced water'' means water from an underground source that is brought to the surface as part of the process of exploration for or development of coalbed methane, oil, natural gas, or any other substance to be used as an energy source.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3. PURPOSES.

(a) IN GENERAL.—The Secretary shall carry out under this Act a program of research, development, and demonstration of technologies for environmentally sustainable utilization of produced water for agricultural, irrigational, municipal, and industrial uses, or other environmentally sustainable purposes. The program shall be designed to

maximize the utilization of produced water in the United States by increasing the quality of produced water and reducing the environmental impacts of produced water.

(b) PROGRAM ELEMENTS.—The program under this Act shall address the following areas, including improving safety and minimizing environmental impacts of activities within each area:

(1) Produced water recovery, including research for desalination and demineralization to reduce total dissolved solids in the produced water.

(2) Produced water utilization for agricultural, irrigational, municipal, and industrial uses, or other environmentally sustainable purposes.

(3) Re-injection of produced water into subsurface geological formations to increase energy production.

(c) PROGRAM ADMINISTRATION.—To carry out the purposes under this Act, the Secretary may enter into an agreement with a consortium whose members have collectively demonstrated capabilities and experience in planning and managing research, development, demonstration, and commercial application programs for unconventional natural gas and other petroleum production and produced water utilization.

(d) ACTIVITIES AT THE NATIONAL LABORATORIES.—The Secretary, through the appropriate National Laboratory, shall carry out a program of research, development, and demonstration activities complementary to and supportive of the research, development, and demonstration programs under subsection (b).

SEC. 4. CONSULTATION AND COORDINATION.

(a) CONSULTATION.—In carrying out this Act, the Secretary shall consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency.

(b) COORDINATION.—To the maximum extent practicable, the Secretary shall ensure that the activities under this Act are coordinated with, and do not duplicate the efforts of, programs at the Department of Energy and other government agencies.

SEC. 5. FUNDING.

(a) ALLOCATION.—Amounts appropriated for this Act for each fiscal year shall be allocated as follows:

(1) 75 percent shall be for activities under section 3(a), (b), and (c).

(2) 25 percent shall be for activities under section 3(d) and other activities under section 3, including administrative functions such as program direction, overall program oversight, and contract management.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act $20,000,000 for each of fiscal years 2010 through 2014.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 469, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I'm pleased the House will consider today H.R. 469, the Produced Water Utilization Act. And I would like to thank my good friend and ranking member, Mr. HALL, for his legislation and interest in this field of research.

H.R. 469, the Produced Water Utilization Act, creates a research, development and demonstration program to promote the beneficial reuse of water produced in connection with oil and gas exploration, something that Mr. HALL knows a lot about.

In the United States, up to 2.3 billion gallons per day of produced water is generated. Unfortunately, this water is not of sufficient quality to be used to meet our many needs for water. This legislation will provide innovative treatment technologies that will enable the reuse of this water in an environmentally responsible way.

Once again, I thank Mr. HALL for bringing this to our attention and for passing it out of our committee on a unanimous vote.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of H.R. 469, the Produced Water Utilization Act of 2009. I had the pleasure of working with Chairman BART GORDON on this and introduced H.R. 469 in the 110th Congress as H.R. 2339. In July of 2008, the bill was reported out of the Committee on Science and Technology by a voice vote and then was passed by the House of Representatives again by a voice vote on July 30. It comes to the floor today virtually unchanged. Only the short title and the authorization years have been updated.

For those who are not familiar with the term, the Department of the Interior defines ''produced water'' as mainly salty water trapped in reservoir rock and brought up along with oil or gas during production. Produced water cannot, in its current form, be used for any purposes, and it is most commonly reinjected into the ground at great expense to small producers across the country. Each barrel of oil that is produced generates approximately 10 barrels of produced water, and we currently produce over 5 billion gallons of produced water a day in the U.S. That is enough water to accommodate 14.3 million homes a day.

As we face shortages in energy and water, this bill could not be more timely. H.R. 469 is legislation that has two main purposes, first, to increase domestic energy production by lowering production costs for small producers and, second, to increase the amount of water available for agricultural, irrigational, municipal and industrial uses by making produced water stable. The Produced Water Utilization Act will provide important funding for research, development, demonstration and commercial application of technologies to purify and use the produced water.

There is a critical interdependency between energy and water. Water is needed to produce energy, and the treatment and distribution of water requires energy. And as our population grows, so will the demands on both. According to a report by the Department of Energy on the Interdependency of Energy and Water ''the lack of integrated energy and water planning and management has already impacted energy production in many basins and regions across the country. For example, in three of the fastest-growing regions in the country, the Southeast, Southwest and the Northwest, new power plants have been opposed because of potential negative impacts on water supplies. Also, recent droughts and emerging limitations of water resources have many States, including my State of Texas, also South Dakota, Wisconsin and Tennessee, scrambling to develop water use priorities for different water use sectors.''

□ 1400

We obviously need to take a serious look at how we can avoid a water/energy crisis, and this bill certainly helps.

Mr. Speaker, produced water is currently considered an expensive nuisance by oil and gas producers, but it needs to be considered a valuable, usable commodity. With the research and development set forth in the Produced Water Utilization Act, we can make it happen. I urge my colleagues to vote for the bill.

I reserve the balance of my time.

Mr. GORDON of Tennessee. I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the distinguished ranking member. I assume I'm rising in support of the bill, so I guess I need to compliment our distinguished chairman and our ranking member on this excellent legislative work.

But what I really want to talk about is the no-conference conference on the stimulus package. I just came out of a meeting with Leader BOEHNER, the minority leader. There is going to be some sort of a conference meeting at 3 o'clock this afternoon in the LBJ room on the other side of the Capitol. We've been told, though, that the Speaker and the majority leader have locked the conference down, and they want to have it voted on and passed by 6 o'clock Friday afternoon so that the Speaker can go on her trip to Italy and Afghanistan.

So, in this meeting in Leader BOEHNER's office, since I'm not a conferee, even though we've got about $200

billion of jurisdiction on the Energy and Commerce Committee, things like Medicare and broadband and something called electricity decoupling, where people that actually use less electricity are going to pay more for it, I'm not sure I understand how that's stimulative to the economy.

But I asked what the agenda was and nobody seems to know. The good news is there actually is going to be a conference meeting, although the decision has already been made. So my question to the majority in this body is, how do you move an $800 billion package, which is larger than the entire economy of the nation of Australia, with almost no transparency, no accountability, and a conference committee that's already been pre-ordained what they're going to report out some time tonight or tomorrow? Somehow that strikes me as a bad thing for democracy, a bad thing for the House and the Senate, and a bad deal for the American people.

So if I were a conferee, and there was a real conference I would ask questions, how does electricity decoupling really work? Why should we ask our consumers to use less electricity and pay for more the electricity that they use? Why is that a good thing? And why was it put in a bill that we haven't had a hearing on and most of the Members of the body on both sides of the aisle don't even know what the concept of electricity decoupling is.

So I guess, Mr. Speaker, I will end up by saying I wish that we ran the whole House like Chairman GORDON and Ranking Member HALL run the Science Committee, where there really is cooperation, there really is bipartisanship, and the result is that bills come to the floor that both sides can support.

Mr. HALL of Texas. Will the gentleman yield?

Mr. BARTON of Texas. I would be happy to yield.

Mr. HALL of Texas. You are ranking member on Energy and Commerce and former chairman of Energy and Commerce.

Mr. BARTON of Texas. That's correct.

Mr. HALL of Texas. And you are not on the conference committee?

Mr. BARTON of Texas. I am not.

Mr. HALL of Texas. Is that unusual?

Mr. BARTON of Texas. It's unprecedented.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I rise in strong support of H.R. 469—the Produced Water Utilization Act of 2009—introduced by the Ranking Member of the Science Committee, Mr. HALL of Texas. I want to thank Mr. HALL for constructing this thoughtful legislation and for the constant leadership he has provided to both Energy and Commerce Committee and the Science Committee.

Produced water is comprised mainly of salty water that is trapped in reservoir rock below ground. It comes to the surface when drilling for oil or natural gas and usually contains oil and metals from production. Approximately 10 barrels of produced water are captured for every barrel of oil derived, and that results in a total of 15–20 billion barrels of produced water generated here in the United States on an annual basis.

Mr. Speaker, as the population of the United States continues to grow, additional potable water supplies will be required to sustain individuals, agriculture, and industry all over the country. H.R. 469 represents an innovative way in which we can utilize the produced water resources that would otherwise go to waste.

Mr. Speaker, this legislation directs the Secretary of Energy to establish a program for research and development to harvest produced water in an environmentally safe way for irrigation, municipal, and industrial purposes. Once this program is established, we can help address the droughts that are occurring across the country—including in my Northwest Georgia district—simply by providing the public with additional water resources.

Mr. Speaker, I have to commend my colleague from Texas on his leadership on this issue and working in a bipartisan manner to bring it to the floor today.

I urge all of my colleagues to support H.R. 469.

Mr. GORDON of Tennessee. I yield back the balance of my time and urge passage of this bill.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 469.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. GORDON of Tennessee. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 47

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, February 12, 2009, through Monday, February 16, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, February 23, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, February 13, 2009, through Friday, February 20, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 2 p.m. on Monday, February 23, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROGERS of Michigan. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote will be followed by 5-minute votes on the following motions to suspend the rules: H. Res. 154, by the yeas and nays; H.R. 448, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 238, nays 181, answered ''present'' 1, not voting 12, as follows:

[Roll No. 60]

YEAS—238

Abercrombie	Cohen	Green, Gene
Ackerman	Connolly (VA)	Griffith
Altmire	Conyers	Grijalva
Andrews	Cooper	Gutierrez
Arcuri	Costa	Hall (NY)
Baca	Costello	Halvorson
Baird	Courtney	Hare
Baldwin	Crowley	Hastings (FL)
Barrow	Cuellar	Heinrich
Bean	Cummings	Herseth Sandlin
Becerra	Dahlkemper	Higgins
Berkley	Davis (AL)	Hill
Berman	Davis (CA)	Himes
Berry	Davis (IL)	Hinchey
Bishop (GA)	Davis (TN)	Hinojosa
Bishop (NY)	DeFazio	Hirono
Blumenauer	DeGette	Hodes
Boccieri	Delahunt	Holt
Boren	DeLauro	Honda
Boswell	Dicks	Hoyer
Boucher	Dingell	Inslee
Boyd	Doggett	Israel
Brady (PA)	Doyle	Jackson (IL)
Braley (IA)	Driehaus	Jackson-Lee (TX)
Bright	Edwards (MD)	Johnson (GA)
Brown, Corrine	Edwards (TX)	Johnson, E. B.
Butterfield	Ellison	Jones
Capps	Engel	Kagen
Capuano	Eshoo	Kanjorski
Cardoza	Etheridge	Kaptur
Carnahan	Farr	Kennedy
Carney	Filner	Kildee
Carson (IN)	Foster	Kilpatrick (MI)
Castor (FL)	Frank (MA)	Kilroy
Chandler	Fudge	Kind
Childers	Giffords	Kirkpatrick (AZ)
Clarke	Gonzalez	Kissell
Clay	Gordon (TN)	Klein (FL)
Cleaver	Grayson	Kosmas
Clyburn	Green, Al	

Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—181

Aderholt
Adler (NJ)
Akin
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Moore (WI)

NOT VOTING—12

Alexander
Campbell
Fattah
Harman
Holden
Johnson (IL)
Meeks (NY)
Solis (CA)
Stark
Tiberi
Van Hollen
Welch

□ 1432

Messrs. POSEY, SMITH of New Jersey, HOEKSTRA, Ms. FALLIN, and Mr. SESTAK changed their vote from ''yea'' to ''nay.''

Mr. MICHAUD changed his vote from ''nay'' to ''yea.''

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING JOHN D. DINGELL FOR HOLDING THE RECORD AS THE LONGEST SERVING MEMBER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 154, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. KILDEE) that the House suspend the rules and agree to the resolution, H. Res. 154.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, answered ''present'' 1, not voting 9, as follows:

[Roll No. 61]

YEAS—423

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)

Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Dingell

NOT VOTING—9

Alexander
Campbell
Harman
Holden
Johnson (IL)
Solis (CA)
Stark
Tiberi
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

□ 1446

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE FOR THOSE WHO LOST THEIR FAMILIES AND THOSE WHO ARE WORKING TO RESCUE AND COMFORT THE BEREAVED AFTER STORMS IN OKLAHOMA AND TEXAS

(Mr. COLE asked and was given permission to address the House for 1 minute.)

Mr. COLE. Mr. Speaker, it's my very sad duty to inform the House, as many of you know, my part of the country in Oklahoma and parts of Texas were devastated last night by a series of tornados. We lost eight people in the little, tiny town of Lone Grove in the southern end of the district, at least eight. Rescue workers are still going through and trying to see if there are any additional losses, about 43 injured, 17 severely. So pretty devastating for a small town.

So I would ask, Mr. Speaker, for the House to observe a moment of silence for those who lost their families and those who are working to rescue and comfort the bereaved.

The SPEAKER pro tempore. Members will rise and observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will resume.

There was no objection.

ELDER ABUSE VICTIMS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 448, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 448, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 25, not voting 10, as follows:

[Roll No. 62]

YEAS—397

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—25

Akin
Barrett (SC)
Brady (TX)
Broun (GA)
Carter
Conaway
Deal (GA)
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Hensarling
Inglis
King (IA)
Kingston
Linder
Lummis
McClintock
Neugebauer
Paul
Rohrabacher
Sensenbrenner
Shadegg
Thornberry
Westmoreland

NOT VOTING—10

Alexander
Campbell
Clarke
Harman
Holden
Johnson (IL)
Solis (CA)
Stark
Tiberi
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1457

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING RETIRED LIEUTENANT COLONEL LEO GRAY

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Mr. Speaker, I rise today to recognize Retired Lieutenant Colonel Leo Gray, a resident of Dania Beach and one of the original Tuskegee Airmen, the legendary African American fighter pilots of World War II.

As you know, February is Black History Month, and it is up to all of us to recognize and celebrate achievements in black history.

Lieutenant Colonel Gray and his colleagues are heroes not only of African American history but of American history. Their brave and daring missions over enemy territory contributed to our victory in World War II and helped convince President Truman to desegregate our military.

The Tuskegee Airmen received the Congressional Gold Medal, the Nation's highest civilian honor, in 2007 and were invited to witness President Obama's historic inauguration this January.

Yet despite this recognition, Lieutenant Colonel Gray remains rooted in our south Florida community, attending public events to inspire the next generation of African American, and simply American, heroes.

□ 1500

TWICE THE JOBS, HALF THE COST

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, several weeks ago, when the Democrats shut the Republican Party out of negotiations and from having any input on this alleged stimulus package, the big spending package, $836 billion, the Republicans had their own set of hearings. They were open to the public and open to Democrats.

The result of the Republican Working Committee, according to the nonpartisan Congressional Budget Office, was a plan, an alternative, that created twice the jobs at half the cost. Now, just roughly, the Democrat proposal creates 3.7 million jobs at a cost of $830 billion. The Republican plan creates 6 million jobs—over 6 million, in fact—at a cost of just less than $400 billion.

Tax breaks that are targeted at job creation, tax breaks that are targeted for small businesses, tax breaks for people who are unemployed so they would not have to pay taxes on their unemployment insurance, these are things that we need. Twice the jobs, half the cost.

MORTGAGING FUTURE GENERATIONS

(Mr. CULBERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Mr. Speaker, never I think in history has so much money been spent by so few people in such a short period of time, mortgaging future generations to an extent we have never seen in American history.

It's important that the American public pay attention to this spendulous bill and look carefully at what's in it. Go to the Internet, make sure you read it and see it and, remember, the fiscal conservatives in the House have laid out a thoughtful alternative based on tax cuts where you keep your money immediately to invest, spend, save as you wish.

That is the best way to stimulate this economy quickly and in a way that will preserve the core principles of this Nation, which are based on freedom, individual liberty, and the government getting out of the way and letting free people make their own decisions about their own money. That is the best way to stimulate this economy.

It's, I think, vitally important, Mr. Speaker, and I am grateful we have a rule now where people can see this bill on the Internet for up to 48 hours. Take the time, folks, to review it and look at it, because we have certainly not had enough public hearings to do so.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DRIEHAUS). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PUBLICATION OF THE RULES OF THE COMMITTEE ON NATURAL RESOURCES, 111TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 5 minutes.

Mr. RAHALL. Madam Speaker, I am pleased to submit for printing in the CONGRESSIOINAL RECORD, pursuant to clause 2(a) of Rule XI, of the Rules of the House, a copy of the Rules of the Committee on Natural Resources, which were adopted at the organizational meeting of the committee on February 4, 2009.

RULES FOR THE COMMITTEE ON NATURAL RESOURCES, U.S. HOUSE OF REPRESENTATIVES, 111TH CONGRESS, ADOPTED FEBRUARY 4, 2009

RULE 1. RULES OF THE HOUSE; VICE CHAIRMEN

(a) Applicability of House Rules.

(1) The Rules of the House of Representatives, so far as they are applicable, are the rules of the Committee on Natural Resources (hereinafter in these rules referred to as the ''Committee'') and its Subcommittees.

(2) Each Subcommittee is part of the Committee and is subject to the authority, direction and rules of the Committee. References in these rules to ''Committee'' and ''Chairman'' shall apply to each Subcommittee and its Chairman wherever applicable.

(3) House Rule XI is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) Vice Chairmen.—Unless inconsistent with other rules, the Chairman shall appoint a Vice Chairman of the Committee and the Subcommittee Chairmen will appoint Vice Chairmen of each of the Subcommittees. If the Chairman of the Committee or Subcommittee is not present at any meeting of the Committee or Subcommittee, as the case may be, the Vice Chairman shall preside. If the Vice Chairman is not present, the ranking Member of the Majority party on the Committee or Subcommittee who is present shall preside at that meeting.

RULE 2. MEETINGS IN GENERAL

(a) Scheduled Meetings.—The Committee shall meet at 10 a.m. every Wednesday when the House is in session, unless canceled by the Chairman. The Committee shall also meet at the call of the Chairman subject to advance notice to all Members of the Committee. Special meetings shall be called and convened by the Chairman as provided in clause 2(c)(1) of House Rule XI. Any Committee meeting or hearing that conflicts with a party caucus, conference, or similar party meeting shall be rescheduled at the discretion of the Chairman, in consultation with the Ranking Minority Member. The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(b) Open Meetings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a Subcommittee shall be open to the public, except as provided by clause 2(g) and clause 2(k) of House Rule XI.

(c) Broadcasting.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of House Rule XI. The provisions of clause 4(f) of House Rule XI are specifically made part of these rules by reference. Operation and use of any Committee Internet broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of House Rule XI and all other applicable rules of the Committee and the House.

(d) Oversight Plan.—No later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of House Rule X.

RULE 3. PROCEDURES IN GENERAL

(a) Agenda of Meetings; Information for Members.—An agenda of the business to be considered at meetings shall be delivered to the office of each Member of the Committee no later than 48 hours before the meeting. This requirement may be waived by a majority vote of the Committee at the time of the

consideration of the measure or matter. To the extent practicable, a summary of the major provisions of any bill being considered by the Committee, including the need for the bill and its effect on current law, will be available for the Members of the Committee no later than 48 hours before the meeting.

(b) Meetings and Hearings to Begin Promptly.—Each meeting or hearing of the Committee shall begin promptly at the time stipulated in the public announcement of the meeting or hearing.

(c) Addressing the Committee.—A Committee Member may address the Committee or a Subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing only when recognized by the Chairman for that purpose. The time a Member may address the Committee or Subcommittee for any purpose or to question a witness shall be limited to five minutes, except as provided in Committee Rule 4(g). A Member shall limit his remarks to the subject matter under consideration. The Chairman shall enforce the preceding provision.

(d) Quorums.

(1) A majority of the Members of the Committee shall constitute a quorum for the reporting of any measure or recommendation, the authorizing of a subpoena, the closing of any meeting or hearing to the public under clause 2(g)(1), clause 2(g)(2)(A) and clause 2(k)(5)(B) of House Rule XI, and the releasing of executive session materials under clause 2(k)(7) of House Rule X. Testimony and evidence may be received at any hearing at which there are at least two Members of the Committee present. For the purpose of transacting all other business of the Committee, one third of the Members shall constitute a quorum.

(2) When a call of the roll is required to ascertain the presence of a quorum, the offices of all Members shall be notified and the Members shall have not less than 15 minutes to prove their attendance. The Chairman shall have the discretion to waive this requirement when a quorum is actually present or whenever a quorum is secured and may direct the Chief Clerk to note the names of all Members present within the 15-minute period.

(e) Participation of Members in Committee and Subcommittees.—Any Member of the Committee may sit with any Subcommittee during any meeting or hearing, and by unanimous consent of the Members of the Subcommittee may participate in such meeting or hearing. However, a Member who is not a Member of the Subcommittee may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum or raise points of order.

(f) Proxies.—No vote in the Committee or its Subcommittees may be cast by proxy.

(g) Record Votes.—Record votes shall be ordered on the demand of one-fifth of the Members present, or by any Member in the apparent absence of a quorum.

(h) Postponed Record Votes.

(1) Subject to paragraph (2), the Chairman may, after consultation with the Ranking Minority Member, postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman shall resume proceedings on a postponed request at any time after reasonable notice, but no later than the next meeting day.

(2) Notwithstanding any intervening order for the previous question, when proceedings resume on a postponed question under paragraph (1), an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(3) This rule shall apply to Subcommittee proceedings.

(i) Privileged Motions.—A motion to recess from day to day, a motion to recess subject to the call of the Chairman (within 24 hours), and a motion to dispense with the first reading (in full) of a bill or resolution if printed copies are available, are nondebatable motions of high privilege.

(j) Layover and Copy of Bill.—No measure or recommendation reported by a Subcommittee shall be considered by the Committee until two calendar days from the time of Subcommittee action. No bill shall be considered by the Committee unless a copy has been delivered to the office of each Member of the Committee requesting a copy. These requirements may be waived by a majority vote of the Committee at the time of consideration of the measure or recommendation.

(k) Access to Dais and Conference Room.—Access to the hearing rooms' daises [and to the conference rooms adjacent to the Committee hearing rooms] shall be limited to Members of Congress and employees of the Committee during a meeting of the Committee, except that Committee Members' personal staff may be present on the daises if their employing Member is the author of a bill or amendment under consideration by the Committee, but only during the time that the bill or amendment is under active consideration by the Committee. Access to the conference rooms adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting of the Committee.

(l) Cellular Telephones.—The use of cellular telephones is prohibited on the Committee dais or in the Committee hearing rooms during a meeting of the Committee.

(m) Motion to go to Conference with the Senate. The Chairman may offer a motion under clause 1 of Rule XXII whenever the Chairman considers it appropriate.

RULE 4. HEARING PROCEDURES

(a) Announcement.—The Chairman shall publicly announce the date, place, and subject matter of any hearing at least one week before the hearing unless the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote. In these cases, the Chairman shall publicly announce the hearing at the earliest possible date. The Chief Clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information on the Committee's web site as soon as possible after the public announcement is made.

(b) Written Statement; Oral Testimony.—Each witness who is to appear before the Committee or a Subcommittee shall file with the Chief Clerk of the Committee or Subcommittee Clerk, at least two working days before the day of his or her appearance, a written statement of their proposed testimony. Failure to comply with this requirement may result in the exclusion of the written testimony from the hearing record and/or the barring of an oral presentation of the testimony. Each witness shall limit his or her oral presentation to a five-minute summary of the written statement, unless the Chairman, in consultation with the Ranking Minority Member, extends this time period. In addition, all witnesses shall be required to submit with their testimony a resume or other statement describing their education, employment, professional affiliations and other background information pertinent to their testimony.

(c) Minority Witnesses.—When any hearing is conducted by the Committee or any Subcommittee upon any measure or matter, the Minority party Members on the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of those Minority Members before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Information for Members.—After announcement of a hearing, the Committee shall make available as soon as practicable to all Members of the Committee a tentative witness list and to the extent practicable a memorandum explaining the subject matter of the hearing (including relevant legislative reports and other necessary material). In addition, the Chairman shall make available to the Members of the Committee any official reports from departments and agencies on the subject matter as they are received.

(e) Subpoenas.—The Committee or a Subcommittee may authorize and issue a subpoena under clause 2(m) of House Rule XI if authorized by a majority of the Members voting. In addition, the Chairman of the Committee may authorize and issue subpoenas during any period of time in which the House of Representatives has adjourned for more than three days. Subpoenas shall be signed only by the Chairman of the Committee, or any Member of the Committee authorized by the Committee, and may be served by any person designated by the Chairman or Member.

(f) Oaths.—The Chairman of the Committee or any Member designated by the Chairman may administer oaths to any witness before the Committee. All witnesses appearing in hearings may be administered the following oath by the Chairman or his designee prior to receiving the testimony: ''Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?''.

(g) Opening Statements; Questioning of Witnesses.

(1) Opening statements by Members may not be presented orally, unless the Chairman or his designee makes a statement, in which case the Ranking Minority Member or his designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee is a constituent of a Member of the Committee, that Member shall be entitled to introduce the witness at the hearing.

(2) The questioning of witnesses in Committee and Subcommittee hearings shall be initiated by the Chairman, followed by the Ranking Minority Member and all other Members alternating between the Majority and Minority parties. In recognizing Members to question witnesses, the Chairman shall take into consideration the ratio of the Majority to Minority Members present and shall establish the order of recognition for questioning in a manner so as not to disadvantage the Members of the Majority or the Members of the Minority. A motion is in order to allow designated Majority and Minority party Members to question a witness for a specified period to be equally divided between the Majority and Minority parties. This period shall not exceed one hour in the aggregate.

(h) Materials for Hearing Record.—Any materials submitted specifically for inclusion in the hearing record must address the

announced subject matter of the hearing and be submitted to the relevant Subcommittee Clerk or Chief Clerk no later than 10 business days following the last day of the hearing.

(i) Claims of Privilege.—Claims of common-law privileges made by witnesses in hearings, or by interviewees or deponents in investigations or inquiries, are applicable only at the discretion of the Chairman, subject to appeal to the Committee.

RULE 5. FILING OF COMMITTEE REPORTS

(a) Duty of Chairman.—Whenever the Committee authorizes the favorable reporting of a measure from the Committee, the Chairman or his designee shall report the same to the House of Representatives and shall take all steps necessary to secure its passage without any additional authority needing to be set forth in the motion to report each individual measure. In appropriate cases, the authority set forth in this rule shall extend to moving in accordance with the Rules of the House of Representatives that the House be resolved into the Committee of the Whole House on the State of the Union for the consideration of the measure; and to moving in accordance with the Rules of the House of Representatives for the disposition of a Senate measure that is substantially the same as the House measure as reported.

(b) Filing.—A report on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House of Representatives is not in session) after the day on which there has been filed with the Committee Chief Clerk a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing with the Committee Chief Clerk of this request, the Chief Clerk shall transmit immediately to the Chairman notice of the filing of that request.

(c) Supplemental, Additional or Minority Views.—Any Member may, if notice is given at the time a bill or resolution is approved by the Committee, file supplemental, additional, or minority views. These views must be in writing and signed by each Member joining therein and be filed with the Committee Chief Clerk not less than two additional calendar days (excluding Saturdays, Sundays and legal holidays except when the House is in session on those days) of the time the bill or resolution is approved by the Committee. This paragraph shall not preclude the filing of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(d) Review by Members.—Each Member of the Committee shall be given an opportunity to review each proposed Committee report before it is filed with the Clerk of the House of Representatives. Nothing in this paragraph extends the time allowed for filing supplemental, additional or minority views under paragraph (c).

(e) Disclaimer.—All Committee or Subcommittee reports printed and not approved by a majority vote of the Committee or Subcommittee, as appropriate, shall contain the following disclaimer on the cover of the report: ''This report has not been officially adopted by the {Committee on Natural Resources} {Subcommittee} and may not therefore necessarily reflect the views of its Members.''.

RULE 6. ESTABLISHMENT OF SUBCOMMITTEES; FULL COMMITTEE JURISDICTION; BILL REFERRALS

(a) Subcommittees.—There shall be four standing Subcommittees of the Committee, with the following jurisdiction and responsibilities:

Subcommittee on National Parks, Forests and Public Lands

(1) Measures and matters related to the National Park System and its units, including Federal reserved water rights.

(2) The National Wilderness Preservation System.

(3) Wild and Scenic Rivers System, National Trails System, national heritage areas and other national units established for protection, conservation, preservation or recreational development, other than coastal barriers.

(4) Military parks and battlefields, national cemeteries administered by the Secretary of the Interior, parks in and within the vicinity of the District of Columbia and the erection of monuments to the memory of individuals.

(5) Federal and non-Federal outdoor recreation plans, programs and administration including the Land and Water Conservation Fund Act of 1965 and the Outdoor Recreation Act of 1963.

(6) Preservation of prehistoric ruins and objects of interest on the public domain and other historic preservation programs and activities, including national monuments, historic sites and programs for international cooperation in the field of historic preservation.

(7) Matters concerning the following agencies and programs: Urban Parks and Recreation Recovery Program, Historic American Buildings Survey, Historic American Engineering Record, and U.S. Holocaust Memorial.

(8) Public lands generally, including measures or matters relating to entry, easements, withdrawals, grazing and Federal reserved water rights.

(9) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

(10) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(11) Forest reservations, including management thereof, created from the public domain.

(12) Public forest lands generally, including measures or matters related to entry, easements, withdrawals, grazing and Federal reserved water rights.

(13) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Insular Affairs, Oceans and Wildlife

(1) All matters regarding insular areas of the United States.

(2) All measures or matters regarding the Freely Associated States and Antarctica.

(3) Fisheries management and fisheries research generally, including the management of all commercial and recreational fisheries, the Magnuson-Stevens Fishery Conservation and Management Act, interjurisdictional fisheries, international fisheries agreements, aquaculture, seafood safety and fisheries promotion.

(4) Wildlife resources, including research, restoration, refuges and conservation.

(5) All matters pertaining to the protection of coastal and marine environments, including estuarine protection.

(6) Coastal barriers.

(7) Oceanography.

(8) Ocean engineering, including materials, technology and systems.

(9) Coastal zone management.

(10) Marine sanctuaries.

(11) U.N. Convention on the Law of the Sea.

(12) Sea Grant programs and marine extension services.

(13) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(14) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Water and Power

(1) Generation and marketing of electric power from Federal water projects by Federally chartered or Federal regional power marketing authorities.

(2) All measures and matters concerning water resources planning conducted pursuant to the Water Resources Planning Act, water resource research and development programs and saline water research and development.

(3) Compacts relating to the use and apportionment of interstate waters, water rights and major interbasin water or power movement programs.

(4) All measures and matters pertaining to irrigation and reclamation projects and other water resources development and recycling programs, including policies and procedures.

(5) Indian water rights and settlements.

(6) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(7) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Energy and Mineral Resources

(1) All measures and matters concerning the U.S. Geological Survey, except for the activities and programs of the Water Resources Division or its successor.

(2) All measures and matters affecting geothermal resources.

(3) Conservation of United States uranium supply.

(4) Mining interests generally, including all matters involving mining regulation and enforcement, including the reclamation of mined lands, the environmental effects of mining, and the management of mineral receipts, mineral land laws and claims, long-range mineral programs and deep seabed mining.

(5) Mining schools, experimental stations and long-range mineral programs.

(6) Mineral resources on public lands.

(7) Conservation and development of oil and gas resources of the Outer Continental Shelf.

(8) Petroleum conservation on the public lands and conservation of the radium supply in the United States.

(9) Measures and matters concerning the transportation of natural gas from or within Alaska and disposition of oil transported by the trans-Alaska oil pipeline.

(10) Rights of way over public lands for underground energy-related transportation.

(11) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and

the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(12) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(b) Full Committee.—The following measures and matters shall be retained at the Full Committee:

(1) Environmental and habitat measures of general applicability.

(2) Measures relating to the welfare of Native Americans, including management of Indian lands in general and special measures relating to claims which are paid out of Indian funds.

(3) All matters regarding the relations of the United States with Native Americans and Native American tribes, including special oversight functions under Rule X of the Rules of the House of Representatives.

(4) All matters regarding Native Alaskans and Native Hawaiians.

(5) All matters related to the Federal trust responsibility to Native Americans and the sovereignty of Native Americans.

(6) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Full Committee under this paragraph.

(7) All other measures and matters retained by the Full Committee, including those retained under Committee Rule 6(e).

(8) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Committee under House Rule X.

(c) Ex-officio Members.—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio Members of each standing Subcommittee to which the Chairman or the Ranking Minority Member have not been assigned. Ex-officio Members shall have the right to fully participate in Subcommittee activities but may not vote and may not be counted in establishing a quorum.

(d) Powers and Duties of Subcommittees.—Each Subcommittee is authorized to meet, hold hearings, receive evidence and report to the Committee on all matters within its jurisdiction. Each Subcommittee shall review and study, on a continuing basis, the application, administration, execution and effectiveness of those statutes, or parts of statutes, the subject matter of which is within that Subcommittee's jurisdiction; and the organization, operation, and regulations of any Federal agency or entity having responsibilities in or for the administration of such statutes, to determine whether these statutes are being implemented and carried out in accordance with the intent of Congress. Each Subcommittee shall review and study any conditions or circumstances indicating the need of enacting new or supplemental legislation within the jurisdiction of the Subcommittee. Each Subcommittee shall have general and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(e) Referral to Subcommittees; Recall.

(1) Except as provided in paragraph (2) and for those measures or matters retained at the Full Committee, every legislative measure or other matter referred to the Committee shall be referred to the Subcommittee of jurisdiction within two weeks of the date of its referral to the Committee. If any measure or matter is within or affects the jurisdiction of one or more Subcommittees, the Chairman may refer that measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence subject to appropriate time limits, or divide the matter into two or more parts and refer each part to a Subcommittee.

(2) The Chairman, with the approval of a majority of the Majority Members of the Committee, may refer a legislative measure or other matter to a select or special Subcommittee. A legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee for direct consideration by the Full Committee, or for referral to another Subcommittee, provided Members of the Committee receive one week written notice of the recall and a majority of the Members of the Committee do not object. In addition, a legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee at any time by majority vote of the Committee for direct consideration by the Full Committee or for referral to another Subcommittee.

(f) Consultation.—Each Subcommittee Chairman shall consult with the Chairman of the Full Committee prior to setting dates for Subcommittee meetings with a view towards avoiding whenever possible conflicting Committee and Subcommittee meetings.

(g) Vacancy.—A vacancy in the membership of a Subcommittee shall not affect the power of the remaining Members to execute the functions of the Subcommittee.

RULE 7. TASK FORCES, SPECIAL OR SELECT SUBCOMMITTEES

(a) Appointment.—The Chairman of the Committee is authorized, after consultation with the Ranking Minority Member, to appoint Task Forces, or special or select Subcommittees, to carry out the duties and functions of the Committee.

(b) Ex-Officio Members.—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio Members of each Task Force, or special or select Subcommittee if they are not otherwise members. Ex-officio Members shall have the right to fully participate in activities but may not vote and may not be counted in establishing a quorum.

(c) Party Ratios.—The ratio of Majority Members to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee shall be as close as practicable to the ratio on the Full Committee.

(d) Temporary Resignation.—A Member can temporarily resign his or her position on a Subcommittee to serve on a Task Force, special or select Subcommittee without prejudice to the Member's seniority on the Subcommittee.

(e) Chairman and Ranking Minority Member.—The Chairman of any Task Force, or special or select Subcommittee shall be appointed by the Chairman of the Committee. The Ranking Minority Member shall select a Ranking Minority Member for each Task Force, or standing, special or select Subcommittee.

RULE 8. RECOMMENDATION OF CONFEREES

Whenever it becomes necessary to appoint conferees on a particular measure, the Chairman shall recommend to the Speaker as conferees those Majority Members, as well as those Minority Members recommended to the Chairman by the Ranking Minority Member, primarily responsible for the measure. The ratio of Majority Members to Minority Members recommended for conferences shall be no greater than the ratio on the Committee.

RULE 9. COMMITTEE RECORDS

(a) Segregation of Records.—All Committee records shall be kept separate and distinct from the office records of individual Committee Members serving as Chairmen or Ranking Minority Members. These records shall be the property of the House and all Members shall have access to them in accordance with clause 2(e)(2) of House Rule XI.

(b) Availability.—The Committee shall make available to the public for review at reasonable times in the Committee office the following records:

(1) transcripts of public meetings and hearings, except those that are unrevised or unedited and intended solely for the use of the Committee; and

(2) the result of each rollcall vote taken in the Committee, including a description of the amendment, motion, order or other proposition voted on, the name of each Committee Member voting for or against a proposition, and the name of each Member present but not voting.

(c) Archived Records.—Records of the Committee which are deposited with the National Archives shall be made available for public use pursuant to House Rule VII. The Chairman of the Committee shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of House Rule VII, to withhold, or to provide a time, schedule or condition for availability of any record otherwise available. At the written request of any Member of the Committee, the matter shall be presented to the Committee for a determination and shall be subject to the same notice and quorum requirements for the conduct of business under Committee Rule 3.

(d) Records of Closed Meetings.—Notwithstanding the other provisions of this rule, no records of Committee meetings or hearings which were closed to the public pursuant to the Rules of the House of Representatives shall be released to the public unless the Committee votes to release those records in accordance with the procedure used to close the Committee meeting.

(e) Classified Materials.—All classified materials shall be maintained in an appropriately secured location and shall be released only to authorized persons for review, who shall not remove the material from the Committee offices without the written permission of the Chairman.

(f) Record Votes.—In addition to any other requirement of these rules or the Rules of the House of Representatives, the Chairman shall make available to the public on the Committee's website a record of the votes on any question on which a recorded vote is demanded. Such record shall be posted no later than two business days after the vote is taken. The record shall include:

(1) a copy of the amendment or a detailed description of the motion, order or other proposition; and

(2) the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, the names of those Members voting present, and the names of any Member not present.

RULE 10. COMMITTEE BUDGET AND EXPENSES

(a) Budget.—At the beginning of each Congress, after consultation with the Chairman of each Subcommittee and the Ranking Minority Member, the Chairman shall present

to the Committee for its approval a budget covering the funding required for staff, travel, and miscellaneous expenses.

(b) Expense Resolution.—Upon approval by the Committee of each budget, the Chairman, acting pursuant to clause 6 of House Rule X, shall prepare and introduce in the House a supporting expense resolution, and take all action necessary to bring about its approval by the Committee on House Administration and by the House of Representatives.

(c) Amendments.—The Chairman shall report to the Committee any amendments to each expense resolution and any related changes in the budget.

(d) Additional Expenses.—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out under this rule.

(e) Monthly Reports.—Copies of each monthly report, prepared by the Chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year, anticipated expenditures for the projected Committee program, and detailed information on travel, shall be available to each Member.

RULE 11. COMMITTEE STAFF

(a) Rules and Policies.—Committee staff members are subject to the provisions of clause 9 of House Rule X, as well as any written personnel policies the Committee may from time to time adopt.

(b) Majority and Nonpartisan Staff.—The Chairman shall appoint, determine the remuneration of, and may remove, the legislative and administrative employees of the Committee not assigned to the Minority. The legislative and administrative staff of the Committee not assigned to the Minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of these staff members and delegate any authority he determines appropriate.

(c) Minority Staff.—The Ranking Minority Member of the Committee shall appoint, determine the remuneration of, and may remove, the legislative and administrative staff assigned to the Minority within the budget approved for those purposes. The legislative and administrative staff assigned to the Minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate any authority he determines appropriate.

(d) Availability.—The skills and services of all Committee staff shall be available to all Members of the Committee.

RULE 12. COMMITTEE TRAVEL

In addition to any written travel policies the Committee may from time to time adopt, all travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences and investigations, including all foreign travel, must be authorized by the Full Committee Chairman prior to any public notice of the travel and prior to the actual travel. In the case of Minority staff, all travel shall first be approved by the Ranking Minority Member. Funds authorized for the Committee under clauses 6 and 7 of House Rule X are for expenses incurred in the Committee's activities within the United States.

RULE 13. CHANGES TO COMMITTEE RULES

The rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that 48 hours' written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted on. A change to the rules of the Committee shall be published in the CONGRESSIONAL RECORD no later than 30 days after its approval.

RULE 14. OTHER PROCEDURES

The Chairman may establish procedures and take actions as may be necessary to carry out the rules of the Committee or to facilitate the effective administration of the Committee, in accordance with the rules of the Committee and the Rules of the House of Representatives.

WHAT ABRAHAM LINCOLN MEANS TO AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ALTMIRE) is recognized for 5 minutes.

Mr. ALTMIRE. Tomorrow we commemorate the 200th anniversary of the birth of Abraham Lincoln. While it's tempting to think that there could not possibly be anything original or profound left to say about Lincoln, that's not why we commemorate this occasion.

The life of Lincoln is more than the story of our greatest President. It is the story of America itself. We are not here to repeat the history of the man who was elected at a time of unprecedented national challenge, tested time and again by adversity, and taken away during his moment of greatest glory.

All of that is known and has been discussed and studied by students and scholars the world over. But that is not what this bicentennial was about. This is a celebration of America, because the life of Abraham Lincoln is, in and of itself, a celebration of America.

Abraham Lincoln is the everlasting embodiment of the American dream—the belief that any American, through hard work and determination, can achieve anything their imagination and perseverance can conceive.

Born in a Kentucky log cabin in 1809, he would have seemed to be among the least likely Americans to live a life of distinction. That is why his story is so important to America. It could have been the story of any one of us—of any American.

Throughout his early life, he was never considered extraordinary. He tried many jobs and went through many phases. Farmer, rail splitter, raftsman, shopkeeper, lawyer, and politician. And through it all he met with his times of failure, but he also had his times of success.

He served just a single term in this U.S. House of Representatives, and would not achieve national prominence until much later, when his own ambition collided with our Nation's destiny. And it's what came next that brought Lincoln to his moment and America to her rebirth.

We know about the Lincoln-Douglas debates, the Gettysburg Address, and the Second Inaugural. We know about the Emancipation Proclamation, the Team of Rivals, and the ups and downs of the Civil War. We know about the surrender at Appomattox and that fateful night at Ford's Theater.

All of those are etched into our Nation's history. They're the reasons that Abraham Lincoln, the man, is immortalized. But they are not the reason that we commemorate the bicentennial of his birth.

Now and forevermore, the role of Lincoln in the American memory is to remind us that, in America, everything is possible. Like Lincoln's own life, our Nation's history has not been perfect, it has not been without tragedy, and not been without adversity. But, also like Lincoln, as we strive for recovery, endure our hardships and mourn our losses, we as a Nation will always overcome. And, in the end, we celebrate our success. And Abraham Lincoln is one of our Nation's greatest successes.

Now, a lot has been written and said about Abraham Lincoln over these past 200 years. In fact, more words have been written about Abraham Lincoln than any other American. Every one of our 50 States and many of our cities have some sort of memorial to him, the most famous of which is located just down the National Mall from this Capitol building. And that Lincoln Memorial, which we treasure, and we can see from here, was dedicated in 1922—87 years ago. Four score and 7 years ago.

In life, he was taken from us far too soon, but in history he will always endure. Now and forever he truly does belong to the ages.

Some have said that without Abraham Lincoln, there may not be a United States of America. Well, this can be debated, but one thing is certain. Without a United States of America, there could never have been an Abraham Lincoln. And that is what we celebrate.

CHINA SEEKS GUARANTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, this chart shows the amount of money that we have in circulation in dollars. And, as you can see, that up until recently there wasn't a great deal of increase in the amount of money in circulation.

But, just in the last few years, last couple of years, it has shot straight up. Straight up. That means that we are seeing an inflationary trend unparalleled in American history. But that is not the end of it. People need to know that their money is going to buy a lot less if we continue down the road we are on.

Now just to let you know where some of the money is that is not on this chart, China has given us about $690 billion in loans. And, just this week, leaders in the Chinese government said that they were very concerned about the value of those loans being eroded by ''reckless policies'' in the United States of America. The U.S., ''should make the Chinese feel confident that the value of the assets at least will not be eroded in a significant way.''

And Secretary Geithner of the Treasury has been told this. And yet he said just today that there could be as much as $2 trillion printed and put into circulation, at least a large part of it, because who's going to loan us money when the Chinese, who are the biggest holders of our debt, are saying that they want guarantees that the value of the currency is not going to go down. And so who's going to buy these loans? The Social Security trust fund has an awful lot of that money, and it's already bankrupt.

But the fact of the matter is the Treasury Department of the United States, in my opinion, and I'm very sure this is going to happen, they are going to have to print more money. Billions and billions of dollars in additional money. And when they put that into circulation, the law of supply and demand is going to make it very clear that everything that we buy is going to cost a heck of a lot more.

Now, if you have $100 and 100 quarts of milk, a quart of milk would cost $1. But if you triple the money supply and you have $300 and 100 quarts of milk, it's going to cost $3 for a quart of milk. And that is the way inflation works.

This is a very clear signal that our money supply is going up like a rocket right now. And Secretary Geithner is talking about $2 trillion more in addition to what they are talking about in the supplemental. The supplemental is over $800 billion, almost another trillion dollars. The omnibus spending bill which we are going to be passing is $410 billion. And there's a $100 billion supplemental.

Now think about that. Where is all that money going to come from? You can't give people something unless you take it away, as far as taxes are concerned. So we can't tax people that much. And so what they are going to have to do is they're going to have to inflate the money supply. And they are going to do it.

The manipulation of our money supply is something that everybody in this country ought to be concerned about. They really should be concerned about it because the value of the money you have in the bank, and a lot of people have already lost a ton in the stock market, but the value of the money that you have in the bank and under the mattress, or wherever you keep your money, is going to be devalued dramatically because they are going to print so much more money. So there will be trillions of dollars more chasing the same amount or fewer goods and services.

And everybody in America ought to be saying that we have got to put a hammer on the spending and put a hammer on these big policies that we are coming up with right now. I don't think people realize, honestly.

I understand we have economic problems, but this is going to put our kids, our grandkids, and our posterity in one heck of a situation because they are either going to be taxed to the limit, or way above the limit, or they're going to have to deal with an inflationary spiral that means that the amount of money they have won't amount to anything.

In Zimbabwe right now, one piece of currency is worth about 12 million of their former currency. So they just put more zeroes on it. When people go to buy bread or food, they have to take buckets of money. That happened in post-World War II Germany. And we are going to do it here right in the United States if we don't get control of spending. This is real, folks. This isn't baloney.

Geithner said today he may have to monetize up to $1 trillion, or get loans for $1 trillion or $2 trillion; $410 billion in the omnibus; $800-plus billion in the stimulus; $100 billion in the supplemental. I mean where is this money going to come from? Where is it going to come from?

So, I'd just like to say, Mr. Speaker, to my colleagues and the American people, This ain't baloney. This is real dollars and cents. This is the future of our kids, our grandkids, and the future of our system of government in the United States of America. We must not let this happen. We must not let this happen.

The National Debt currently stands at approximately $9.13 Trillion.

$4 Trillion of this debt is owed to Social Security and other government accounts.

$5.1 Trillion of this debt is held as ''Public Debt'' by banks, pension funds, mutual fund companies, ordinary citizens, State and local governments, and increasingly, foreign governments.

As of November 2008—the latest figures available from the Treasury Department—$3.08 Trillion of our ''Public Debt'' is held by foreign countries:

Top Six

[In billions of dollars]

Country	*U.S. Debt Held*
Mainland China	681.9
Japan	577.1
United Kingdom	360.0
Carib. Banking Centers	220.9
Oil Exporters	198.0
Brazil	129.6

Carib. Banking Centers include Bahamas, Bermuda, Cayman Islands, Netherlands Antilles, Panama and the British Virgin Islands

Oil Exporters include Ecuador, Venezuela, Indonesia, Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates, Algeria, Gabon, Libya, and Nigeria.

$1.517 Trillion of the ''Public Debt'' is outstanding as T-bonds and Notes.

$427.2 Billion is outstanding as Treasury Bills.

$1.944 Trillion appears to be loans held by Foreign Governments.

* We are unable to determine the interest rate on our National Debt but we do know that interest payment on the debt for FY 2008 (when our outstanding debt was smaller) was $430 Billion.

THE PROBLEM

In addition to a $410 billion Omnibus, Congress is poised to enact an $800 billion Stimulus and a $100 billion Supplemental.

Added to CBO's projected deficit of $1.2 trillion, Congress's legislation will force the Bureau of Public Debt to attempt a borrowing of $2.1 trillion this year.

This is over four times the amount of new debt ever sold by the United States.

HOW DOES THE GOVERNMENT ACTUALLY BORROW MONEY?

The Federal Government currently owes about $10 trillion: $6 trillion to private lenders and $4 trillion to Government trust funds, mainly Social Security.

Most of the debt owed to private lenders is short-term debt—owed for less than a year. Last year, the U.S. Government sold over $6 trillion in debt as it refinanced short-term debt and added to this number due to the deficit.

When Congress approves the Stimulus and related spending bills, our action will force the Bureau of Debt to attempt to sell $2.1 trillion of our debt. Back in 2000, the U.S. auctioned debt 145 times. With borrowing exploding, our debt was sold 263 times last year and the number will rise dramatically after enactment of the Stimulus.

Between the short-term current debt to be refinanced and the new debt sold, the Bureau of the Debt will attempt to borrow nearly $150 billion a week from world markets.

While the number of primary purchasers used to top 40, only 17 ''primary dealers'' buy U.S. debt today.

As recently as 2003, most purchasers of U.S. debt were American. Now the buyers are mainly foreign, with China topping the list of purchasers.

WHO WILL BUY FEDERAL IOUS?

We can already see warning signs of offering so much debt for sale.

After buying over $1 trillion of U.S. debt (including over $300 billion of Fannie Mae and Freddie Mac), China's desire for buying more American IOUs is waning.

Fitch Ratings reported that China's purchases of U.S. debt will decline from over $400 billion last year to just $177 billion this year.

China announced recently that it will decrease its buying of foreign securities worldwide as it borrows for its own $586 billion stimulus program.

OTHER GOVERNMENTS ARE COMPETING FOR INVESTORS STILL WILLING TO BUY

The debt the U.S. will sell will compete with other governments wanting loans.

The European Union, Japan, China, South Korea and 10 other governments announced

2009 borrowing plans of their own totaling another $1.2 trillion. One question we might ask—who has the money to purchase all of this U.S. and foreign government debt?

Treasury officials express confidence that there are plenty of entities willing to lend the U.S. Government money. In these uncertain times, there is a ''flight to safety'' in U.S. treasuries. Last year, we borrowed $6.7 trillion against the $17 trillion offered. With such demand, why worry?

Unfortunately, this year conditions are changing. With the U.S. offering four times the amount of new debt ever offered and Chinese willingness to loan us money disappearing, there may come a time when the interest we have to pay to sell our debt goes up. Most of our debt is held for less than one year.

Any increase in the interest we have to pay to sell our debt will effect interest rates and constrain the Federal budget. Reuters recently reported that the ''Fed faces uphill battle to hold U.S. yields down.''

The Wall Street Journal reported, that the Fed may enter the market as a direct purchaser of U.S. debt. If demand for U.S. debt was so strong, why would the Fed join the current list of 17 purchasers of U.S. debt to hold an auction? Are they worried that with so much debt to sell, they may be needed to save an auction?

WHAT HAPPENS IF WE CANNOT SELL MORE DEBT?

The worst case scenario would be an auction of Federal debt that failed to attract enough buyers.

Recently, the German government failed at an auction of its government debts.

Such an event in America would trigger another panic. Since U.S. debt auctions are reported openly within 90 seconds, a failed U.S. auction would trigger a panic on Wall Street long before Treasury officials could get the President on the phone.

HOW MUCH WILL ALL THIS DEBT COST?

Beyond the short-term concerns about quickly borrowing $2.1 trillion, we should be concerned about the long-term.

There are only 111 million American individuals and families who actually pay taxes.

Their pre-Stimulus debt per taxpayer totals $54,000 each.

After adding $2.1 trillion to the $6 trillion currently owed, their debt rises in just one year to $75,000 each. Each family's debt will total more than a college education.

Interest payments for the Government are rising too. In 1980, interest on our debt cost $52 billion. Last year, the payments were eight times more—$412 billion.

To maintain faith in our dollar, these interest payments must be made before the first Social Security check or salary of a soldier can be covered.

CONCLUSION

In these times, it is easy to see where Stimulus dollars will be spent. But before we approve such legislation, we should answer two other questions: (1) should we borrow this money and if so, (2) can we borrow so much money in just one year? Never in the history of our nation have we borrowed so much from so few.

□ 1515

TURNING THE PAGE ON THE PAST ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the swearing in of President Obama on January 20 marked the beginning of a new day in our country and the end of a dark time in American history. Our country has learned painful lessons from the last administration's failure to respect the rule of law and the voice of the American people.

Never once during the last 8 years did the past administration ask whether what it was doing was legal, morale, or right. As a result, its failures may have been criminal. Its actions may have been unconstitutional. Its unwillingness to take responsibility, glaring.

President Obama and the 111th Congress will face huge, huge challenges as we repair the damage of the last 8 years.

Across the country, people are worse off today than they were 8 years ago. The American people have lost loved ones, they have lost their jobs and their homes because of the last administration.

America now finds itself in the worst economic shape since the Great Depression, fighting two wars overseas, and struggling to restore our reputation around the world and mend the fabric of the Constitution that has been damaged by the last administration. We face this situation today because the last administration acted above the law and looked down on anyone who challenged its right to do so. It followed the law when it was convenient, and ignored the law when it wasn't. It ignored good advice, and was quick to call its critics traitors and al Qaeda types rather than respect their viewpoints. It favored its rose-colored view of the world over reality even when the truth came crashing down around them.

The new President understands the importance of learning from these mistakes as we rebuild our country and as we restore our Constitution. Since the Democrats took back the Congress in 2007, Mr. Speaker, we have aggressively sought to uncover the truth about the last administration. Hearing after hearing has shown abuse of power, disregard for the law, and contempt for Congress. Congress will continue with subpoenas, lawsuits, hearings, and questions. We will reaffirm that no one, not the President and not the Vice President, is above the law.

As we move forward, Congress must address past abuses and failures. From keeping working families in their homes after record numbers of foreclosures, to reinvesting in health care and education for everyone, we will fulfill the priorities of the American people that have been so neglected. From closing the prison at Guantanamo Bay to banning torture, we will restore America's standing in the world. From ending the occupation of Iraq to protecting America's civil liberties, we will be a government that respects the Constitution and the American people.

By correcting the mistakes of the past and reinvesting in our country, we can return equality and justice for all. By looking forward and renewing the promise of America, we will right the wrongs of the last 8 years. By working for the American people instead of working around them, we will return to a government by the people, for the people, and of the people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DRIEHAUS). The Chair will remind occupants of the gallery that they are not to manifest approval or disapproval of the proceedings.

TAX CODE TERMINATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, it has become abundantly clear that the Internal Revenue Code is no longer working in a fair manner for our Nation's citizens. Many Americans look at the dim state of our economy and the billions of their tax dollars that are being given to private businesses, and they want to know why their Tax Code is so unfair. The Tax Code Americans are forced to comply with discourages savings and investment, and it is impossibly complex. It has become all too clear that the current code is broken beyond repair and cannot be fixed, so we must start over. For this reason, I rise today to reintroduce the Tax Code Termination Act.

This bipartisan legislation, which I have introduced with nearly 70 cosponsors, will accomplish two goals: It will abolish the Internal Revenue Code by December 31, 2012, and call on Congress to approve a new Federal tax system by July of that same year.

At a time when Americans devote a total of 7 billion hours each year to comply with the Tax Code, we need tax simplification. A few years ago, Money Magazine asked 50 professional tax preparers to file a return for a fictional family. No one came up with the same tax total, nor did any of the preparers calculate what Money Magazine thought was the correct Federal income tax. Results varied by thousands of dollars.

The need for tax simplification is further highlighted by the tax problems experienced by some of President

Obama's cabinet nominees. These are highly educated individuals, some of whom claim specialized knowledge of the Tax Code, and one of whom will actually be in charge of ensuring compliance with the Tax Code, Treasury Secretary Geithner. And even they cannot correctly file their taxes.

In addition, in today's Politico, there was an article detailing the problems that members of the Senate have in filing and complying with the Tax Code. In fact, the title is, ''For Senators, Tax Questions Are Taxing.''

If it is this hard for government officials, including those who write and enforce the Tax Code, to comply with the code, then imagine what it is like for the average American family to comply with it. All Americans find the Tax Code, well, taxing.

While almost every Member would recognize that our Tax Code is no longer working in a fair manner for Americans, nothing has been done to create a more equitable Tax Code. Congress won't act on fundamental tax reform unless it is forced to do so. My bill will force Congress to finally debate and address fundamental tax reform.

Once this bill becomes law, today's oppressive Tax Code would survive for only 4 more years, at which time it would expire and be replaced by a new Tax Code that will be determined by Congress, the President, and the American people. This legislation will allow us as a Nation to collectively decide what the new tax system should look like. Having a date certain to end the current Tax Code will force the issue to the top of the national agenda. Although many questions remain about the best way to reform our tax system, I am certain that if Congress is forced to address the issue, we can create a Tax Code that is simpler, fairer, and better for our economy than the one we are forced to comply with today.

Whichever tax system is adopted, the key ingredients should be a low rate for all Americans, tax relief for working people, protection of the rights of taxpayers, and reduction in tax collection abuses, promotion of savings and investment, and encouragement of economic growth and job creation. Taxes may be unavoidable, but they don't have to be unfair and overcomplicated. Just like other programs that require reauthorization, the Tax Code must be reviewed to examine whether it is fulfilling its intended purpose, and then Congress must make any changes that are necessary.

America's future depends on overcoming the handicap of the current Tax Code. There is a widespread consensus that the current system is broken, and keeping it is not in America's best interest. I urge my colleagues to support this legislation and end the broken tax system that exists today.

CONGRATULATING THE PEOPLE OF KOSOVA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I rise today to congratulate the people of Kosova who next week, on February 17, will be celebrating their first anniversary of statehood.

The people of Kosova, born out of the former Yugoslavia, are among the most pro-American people on the face of the earth. I have had the pleasure of visiting Kosova many, many times, and I can tell there is no country that welcomes Americans as happily as the people of Kosova.

Last year, I had the great honor to address their parliament, being the first foreigner to address the Kosova parliament since their independence. I was there with our colleague, the gentlewoman from Ohio, JEAN SCHMIDT, and we had a wonderful time.

There are many problems in Kosova. Unemployment is rampant. There is a de facto division of the country which must not stand. But the people are going about their business, working as hard as they can to build a new nation. More than 50 countries have recognized them, and I have urged and will continue to urge every country on the face of the earth to recognize the new independent nation of Kosova.

When Congresswoman SCHMIDT and I were there, their Constitution was formally adopted and turned over, and I can tell you that they pattern themselves after what we have done here in the United States.

In 1999, when the then-dictator of Yugoslavia, Slobodan Milosevic, was trying to do his ethnic cleansing of Albanians in Kosova, the United States intervened and bombed and prevented ethnic cleansing from happening. And so today, Kosova is a multiethnic society, and will continue to be so. And minority rights of Serbs and others must be and will be protected, and institutions, religious institutions, monasteries, orthodox monasteries must be protected, and will be. I know the president and prime minister of Kosova very well and know the political leadership, and know that they are all committed to building a multiethnic society.

But problems remain. The Serb officials have occupied the northern part of Kosova. The city of Mitrovica is a divided city. The mine in the north, Trepca, is occupied by Serb forces, and that must not be allowed to stand in the long run. Kosova must not be partitioned, whether it is de facto partition or de jure partition. Kosova's borders must be respected.

The United States has a very, very important role to play, and we will continue to play that role. First under President Clinton, then under President Bush, and now under President Obama, we must continue to let the people of Kosova know that the United States stands with them every step of the way.

And when I mentioned that they are a multiethnic society, the majority of the population is Muslim. They are secular Muslims, and they debunk the theory that somehow the United States is opposed to Muslim religion, which of course is not true. And these people understand that the United States is the best ally and the strongest ally, and will continue to support them.

As co chair of the Albanian Issues Caucus, along with the gentleman from Illinois, Congressman KIRK, I want to say to the people of Kosova that we will continue to support them, to be with them, to watch them as they build their nation, and the democracy and freedoms that the United States stands for and that the people of Kosova stand for will always be strengthened.

And let me say in conclusion, on last February 17, when Kosova declared its independence and there were flags all over the capital of the Kosova, Prishtina, there were Albanian flags around, there was the Kosova flag. But the American flag was being waved more so than any other flag in the country. That is still true today.

The people of Kosova want to continue their great partnership with the United States, and I say to the people of Kosova: We will be with you, we will stand with you, we will help you build you a new democracy, and we will work together and continue to welcome you into the league of free nations of the world.

I again congratulate the people of the Kosova for their 1-year anniversary as a free and independent nation.

STIMULUS PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I just got off a call with Carolyn Greco, a constituent of mine from Lumber City Borough in Clearfield County, Pennsylvania. Now, this young lady, who is now retired, has voted in every primary and general election since her 21st birthday; yet, she has never called an elected official before to voice her concern regarding legislation until this now so-called stimulus package.

When asked why, her response was somewhat heartening: ''I had faith in the system,'' a notion that she is now questioning for the first time in her life based on this legislation alone. Let me repeat that. She had faith in the system, a notion she is now questioning for the first time in her life based on the stimulus package alone.

Mr. Speaker, the more the American people have an opportunity to evaluate and dissect this massive spending measure, the more frustrated they grow. Does Congress need to act? Absolutely.

House Republicans stand ready to work with our counterparts across the aisle, if given the opportunity to sit at the table, to craft a package that creates and preserves jobs, invests in our roads and bridges, and offers tax relief to middle-class Americans and small business owners. I don't think you can find one person in this Chamber who believes that we should wait this out.

□ 1530

But this backroom deal is not what the American people want nor deserve. Yesterday the Secretary of the Treasury spoke about accountability and transparency. It is time for the House and Senate Democratic leadership to heed the Secretary's advice and instill that same transparency and accountability into the legislative process.

Mr. Speaker, for the past three decades, I have been working, prior to coming to Congress, as a health care professional. And the first rule you learn as a health care professional is ''do no harm.'' And as I look at this stimulus package, I find few good provisions that will fulfill the intent of an economic stimulus within the period of time dictated. Other provisions I find ineffective at best. And overall, I find this bill is harmful, harmful in the sense it will lead to a deeper and a worse recession through deficit spending which will lead to increased inflation, and it will provide a legacy for this Congress of a bloated national debt well beyond where we are today. It enhances and increases our foreign financial dependence. And it provides for non-stimulus, wasteful spending that will only detract from the true strategic priorities and the real needs that our country faces.

Mr. Speaker, there are 435 able-minded Members of this body. And while we all come from different corners of the country with differing opinions, and I do believe that is what makes us stronger, and unique backgrounds, this is the people's House where debate should be encouraged and thoughtful deliberation should be the standard. This backroom style of politics is not the change President Obama promised. And it is not the change the American people voted for in November.

HONORING CONGRESSMAN JOHN DINGELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, 5 minutes is not nearly enough time to do justice to Congressman JOHN DINGELL's record-breaking 53 years of service in the U.S. House of Representatives, but I wish to highlight the profound impact his work has had on the lives of Americans.

It is not the length of time you serve here but rather what you do with that time that counts. Today we are honoring not only JOHN DINGELL's record tenure but also his many successes over the past 53 years that have improved the lives of all Americans and made our country a better place. Whether it was passage of landmark environmental laws, implementation of Medicare or passage of the Civil Rights Act, the history that dominates the past half century was being shaped by JOHN DINGELL.

From his first days in the House, Mr. DINGELL has carried on his father's fight to provide health care for every American. He has proposed a national health insurance bill in every Congress since 1957.

In April of 1965, Mr. DINGELL was presiding over the U.S. House of Representatives for the historic vote to create the Medicare program. Those who have had the pleasure of visiting Mr. DINGELL's office know that the gavel he used on that occasion sits on his desk. Congressman DINGELL was there to see history in the making as President Johnson signed the Medicare bill into law at the Truman Library in Independence, Missouri.

More than 40 years after that historic day, Chairman DINGELL was instrumental in expanding and improving Medicare, to make it a widely successful effort at improving health care for our Nation's elderly and preventing them from falling into poverty.

In 1993, Mr. DINGELL took the lead in the House in working with the Clinton administration to push for universal health insurance coverage for all Americans. Although Mr. DINGELL points to that effort as one of his ''biggest disappointments,'' it was that debate that kept the issue of universal coverage alive for the past 16 years. We are now poised with JOHN DINGELL once again serving as the lead House negotiator to work with President Obama to make health insurance for all Americans a reality in this Congress.

Mr. DINGELL and I share a passion for oversight. When I first came to Congress, and particularly once I became a member of the Commerce Committee, Mr. DINGELL provided valuable mentorship that has enabled me to continue his tradition of aggressive oversight through the Oversight and Investigations Subcommittee. Mr. DINGELL not only understands the role of Congress to oversee the executive branch, he, perhaps more than anyone else before him, used this authority to uncover abuses of power including corruption, waste and fraud that jeopardized not only taxpayer dollars but also the health and safety of the American people.

JOHN DINGELL has proven that investigations can accomplish as much as legislation. As chairman of the Energy and Commerce Committee and the Subcommittee on Oversight and Investigations, Mr. DINGELL used broad jurisdiction over the committee to effect changes on issues such as defense contracting, insider trading, Superfund cleanup, medical device safety, unfair foreign trade practices, food and drug safety, blood banks and pipeline safety.

In an age when State legislatures are quick to enact term limits, JOHN DINGELL is a shining example of how valuable tenure can be. The perspective and knowledge he brings to the table after 53 years of service is a critical part of the legislative process that allows us to avoid repeating past mistakes and continue to push for longstanding goals such as universal health care.

Whether it is battling in committee or on the floor, teaming up in an investigation or relaxing with JOHN and Debbie Dingell on Mackinac Island, I have valued Mr. DINGELL as a colleague, mentor and friend.

Our country is a better place, and Congress is a stronger institution because of the contributions of JOHN DINGELL.

TAKING CARE OF OUR NATION'S VETERANS: A MOTHER'S LETTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, while our Nation faces many serious issues, from the economy to health care, there is one important issue we must not forget. That is the issue of American servicemembers who are returning from Iraq and Afghanistan with mental health challenges.

Earlier this month, I received a letter from the mother of a marine who is stationed in my district at Camp Lejeune. This mother is very concerned about how the Marine Corps is treating her son. And I would like to read from her letter.

''Congressman Jones, my son joined the United States Marine Corps while still in high school. I remember him as a little boy looking in awe at his grandfather in his Marine Corps uniform and telling me that was what he was going to be when he grew up.

''Growing up, he was the son every parent could be proud of. He never got into any trouble in school, was always there to help with his younger siblings, held a job after school and was extremely active in the Boy Scouts. He earned his rank of Eagle Scout at the age of 16 and held many positions within the Boy Scouts.

''Because of his Eagle Scout status, he entered the Marine Corps as a PFC and quickly rose to the rank of sergeant within his first 3 years in the

Marines. He was an exemplary marine and an exemplary young man.

''If you review his military record, you can plainly see that he had no problems with behavior or performance prior to his deployments to Iraq and Afghanistan.

''He has had a very difficult time readjusting to life after conflict. He came home to a 'Dear John' letter, had several friends injured and killed and has seen more destruction than most of us will see in a lifetime. And having no one to turn to for help because of the stigma and the fear of losing his career, he started drinking to self-medicate so that he would be able to sleep.

''Congressman, do you know what it is like to listen to your once-strong son cry like a baby at 3:30 in the morning three to four times a week because he can't handle what he has been through? Wanting to kill himself because he doesn't feel he is worthy to live because his brothers were shot down?

''Do you know what it is like to be 1,500 miles away and not have the ability to help him through this? All the while wondering and asking why the Corps he served so proudly and willingly has written him off as worthless and weak and offer no help to prevent him from faltering further?

''I am so sadly disappointed in the way the Corps has treated my son. My son left for the Marine Corps 100 percent intact. He will be leaving the Marine Corps with two feet that are fractured, back and knee problems, decreased hearing and decreased vision and PTSD that will carry a lifetime burden for him.

''And yet, according to the Corps, he has disgraced them by his behavior and he is no longer worthy. The way I see it, they used him, abused him and now will discard him and find some fresh young man who 'isn't tainted' and they will mold him and ask him to sacrifice himself for their cause. And when he is no longer of use to them, they will discard him, as well.

''I hope with all my heart that the Marine Corps will find the moral courage to do the right thing when it comes to not only my son, but all those other young men and women who need their help and guidance.''

Mr. Speaker, this letter may tell the story of just one marine, but this is not an uncommon tale. An April 2008 study by the RAND Corporation found that nearly 20 percent of the Iraq and Afghanistan veterans who were surveyed have symptoms of PTSD or other major depression. The study also found that many servicemembers say they do not seek treatment for psychological illness because they feel it will harm their careers.

While Congress has implemented some positive reforms in funding increases to improve veterans' health care in recent years, more must be done to ensure that our veterans are receiving adequate care and compensation.

Promises made should be promises kept. And our Nation must never forget the servicemembers and veterans who have gone to war for this country.

Mr. Speaker, in closing, I want to put into the RECORD that I have been talking with the Marine Corps. They have promised me they will try to help this young marine. And I must close, Mr. Speaker, for all those serving in Afghanistan and Iraq and all those who were killed and all of those wounded both physically and mentally, that God continue to bless our servicemen and God continue to bless America.

THE TRUE COST OF THE STIMULUS PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, we hear a lot about the economy, as we should, but I would like to focus on the cost of all of this money that the government says it needs to spend. The front page of today's USA Today is headlined, ''Trillions Aimed At Financial Recovery,'' and here we see a photograph of the Treasury Secretary, Mr. Geithner, scratching his head as he is talking to Members of Congress when he testified yesterday.

Now we hear about the billions spent for this program and the trillions spent for this program all in the name of helping the economy. I would like to focus on the cost of all of this. If you add up all of the bailout packages from last year, the so-called stimulus packages, and the bills yet to be passed but promised to be passed this year, plus the debt that it will cost Americans yet to be born, it is $9,700,000,000,000.

Now that is the biggest number I have ever seen in my life. And $9 billion, it is hard to relate to what 9 billion or $9,700,000,000,000 is. Well, let's try to focus on how much that really is in terms maybe we can understand. If you add up all of the major wars that the United States has been involved in since we were a country, and you put 2009 dollars to those figures, this amount of money still would not cover the cost of the American Revolution, the War of 1812, the War Between the States, the Spanish-American War, World War I, World War II, the Korean war, the Vietnam war, the Iraqi wars and the Afghanistan wars. We would still have enough money left over in 2009 dollars to pay for the Louisiana Purchase in 2009 dollars, the Gadsden Purchase in 2009 dollars, and Alaska in 2009 dollars with money still left over. Now that is a lot of money.

It has been estimated also that this amount of money would pay for 90 percent of all of the home mortgages in the whole United States. Now we're talking about real money. Or looking at it another way, if you divided this money up with all the people on the face of the Earth, each one of them would get about $1,500. That is a lot of money. And yet, this is the amount of money we are going to try to spend all in the name of saving the economy and saving the country.

I question, first of all, whether or not it will work. But more importantly, where are we going to get the money? We don't have the money. So we are going to have to borrow the money. And probably we will borrow the money from our good friends over in China. Oh, they're ready to lend us money and let Americans pay interest on it.

The Congressional Budget Office has done some work, it hasn't been publicized much, about the new stimulus bill, the $835 billion bill that just passed the Senate that is coming back to the House in a conference bill maybe tomorrow, Friday or whatever. And they said even if you spend that money, that is not going to help the economy. So now we've got two problems. One, we don't have the money. And the stimulus bill may not even help the economy.

This country has done the stimulus bill thing before. This is not the first stimulus bill. It was tried right after World War II. In fact, we now have a total of eight stimulus bills that one Congress or another has passed all in the name of trying to stimulate the economy.

□ 1545

And history has shown, basically, they just didn't work. They weren't as effective as they were expected to be. So, although we have philosophical differences between this side and the other side about how to help the economy, I would submit maybe we need to step back and rather than say government's the answer in spending money that we don't have, taking money from taxpayers who are paying their taxes and working, taking it and giving it to the government and letting the government dole it out to different special interest groups throughout the country in the effort to stimulate the economy, rather than follow that philosophy, why don't we let Americans just keep more of their own money? Do something really remarkable, tell the American public, everybody that pays taxes is going to get a tax deduction. Everybody, including corporations and small businesses.

Then, when Americans have more of their own money, they will be able to stimulate the economy by spending it the way they decide, rather than the way we decide how to spend that money. And that will give small businesses, when they have more capital, the ability to hire people to come work for them. You see, businesses, especially small businesses, are where jobs

are created. They're not created by the Federal Government; they're created by the private sector. I submit we ought to try the tax cut approach.

And that's just the way it is.

THE AMERICAN PEOPLE KNOW WHAT THE BOTTOM LINE IS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Florida (Mr. KLEIN) is recognized for 60 minutes as the designee of the majority leader.

Mr. KLEIN of Florida. Mr. Speaker, it is a pleasure to be here this afternoon as I get together with a number of the members of our class of 2006. We've now finished our first 2 years, and we're beginning the third year of our service here in Washington, and it's truly an honor and a privilege to be serving on behalf of the American people, particularly at a time when the challenges are so great.

Just to boil it down very simply, all you have to do is go home, talk to your neighbors, talk to your friends, talk to the people you go to church or synagogue with, see people at the grocery store. And what you're hearing in Washington is quite different and the people that come before our committees, that represent large banks, or people that are even coming up before this Chamber. We have a respectful difference of opinion. But I think the American people know what the bottom line is. The bottom line is they are hurting, and they are hurting in numbers like we haven't seen in our lifetimes.

I spoke to my dad the other day. My dad is 80 years old. He just had his birthday, we celebrated. It was a wonderful opportunity for our family to be together. And he grew up, he was born in 1928, so he was born right at the beginning of the Depression, but he certainly lived through the 1930s and '40s, and told me what it was like and how their family had to make do, and what it took to save for that last thing that they needed, the clothes, the hand-medowns, all the other things they did to make do.

Well, we don't live like that today, by and large. But more and more people are forced to make very, very difficult decisions about how they're going to put food on the table, pay for their mortgage, pay for their insurance, put their kids through school, buy medicine, all the most basic things.

And I'm just going to take a quick showing of a graph here that was prepared, very interesting graph. It's from our United States Bureau of Labor Statistics. And it talks about recessions, the last few recessions we had. One was in 1990, one was right after September 11, and unfortunately, the aftermath of that, and now we have the current one.

If you just look at the lines, here's the beginning of the recession. They all start at the same place, and that's zero, at the point in which there are no new jobs created but no jobs lost, what they call the beginning of the recession. And if you take a look at the blue line, that was the one from 1990, it basically, after 10, 11 months it began turning around, actually it was 9 or 10 months, began turning around; and within about 2 years it was back to normal and on its way up in a very nice steep incline, the way we like to see growth in this country. And the people that create the growth are the people that have small businesses. These are the people we're focusing on.

The one after September 11 went on a little longer, but still you saw this big increase after a period of time, a nice spectacular increase.

Well, now we take a look at this green one. This is the one, unfortunately, we're in right now. This is the recession that started a number of months ago, and it is a line that's going almost straight down. That's the level and the depth of which we're at right now, which is far deeper than the last two recessions.

Now, you probably heard a lot of people say that this is probably the worst it's been since the Great Depression, and it certainly seems that way. Thank God that at the present time many people are still working, but more and more people are on the edge, and more and more people are making decisions on what they can buy and what they can afford and decisions about the choices on the daily life of whether they're going to make an investment as a business owner or not. And these are the things that affect the broad base of our economy.

So it's interesting when I hear people say, well, we're going to spend this; we're going to spend that. But it's also very fascinating to me that over the last number of years, there hasn't been that kind of questioning when we're spending billions and billions of dollars every month in Iraq or other places around the world.

Well, as far as I'm concerned, yes, of course we have to worry about our national security and we're going to do what it takes to protect people in America and our interests. But you know something? It's also about time we start thinking about Americans and the lives that we lead and the roads that we live on, the schools that we build for our children, and the universities and opportunities to move our country ahead. These are the important things that we're going to have to do, and we're going to work very hard, and we've been working very hard at trying to get this going.

What I'd like to do, I've got a number of members from our class to join us. I'm going to first ask the gentleman from Connecticut (Mr. COURTNEY) to lead off here and just share with us some of your thoughts and what's going on in Connecticut.

Mr. COURTNEY. Thank you, Congressman KLEIN. Thank you for organizing this colloquy which we are, as a Congress, on the verge of one of the, I think, biggest votes of the 111th Congress. And it's important that I think we take the time to spend a few minutes to explain why the stakes are so high and what, in fact, the proposal is before us because there's a lot of bad information out there.

First of all, just to follow up on your point, This is not a normal downturn, a normal business recession. As the chart that you just showed demonstrates, the drop-off in terms of job losses in this economy and the velocity with which it's happened is something that again we have not seen as a Nation, certainly at least since the Great Depression.

Just using as a quick snapshot in the State of Connecticut, I talked to some companies which have experienced downturns in the past. Pratt and Whitney has had layoffs because the commercial aircraft market has certainly shrunk in recent months as the economy has closed down. The insurance industry has had layoffs as business has fallen off.

But I was talking the other day to a guy who is in charge of a trash collection agency, which trash tends to be sort of recession proof. He's never had a layoff in the time that his family has owned this trash hauling business that goes back decades. They just laid off 15 folks there because the volume of trash that's actually being generated in the State of Connecticut has turned down, something that he has never seen before.

The price for commodities, in terms of aluminum scrap metal, some of the other scrap that they normally, newspaper scrap that they usually resell on the market, has completely collapsed because the price for those commodities, again, has just vanished.

We have seen in the casino industry, again, an industry in Connecticut with the large tribal casinos that we have, Foxwoods casino and Mohigan Sun, again, the first layoffs since those casinos ever opened. Mohigan Sun cancelled an $800 million expansion last September.

The construction trade industry in Eastern Connecticut has completely fallen apart. Electricians, sheet metal workers, carpenters, the construction trades all across the board, are home basically barely getting by collecting on benefits.

So, given that situation that we're seeing on the private sector, this pullback that's happening, causing, again, contraction that never has been seen before all across the board, we're seeing local governments and State governments as a result feeling the ripple effect of shrinking State budgets and

layoffs of teachers at every single school district, certainly in my area and I'm sure at other members.

We have a decision to make as a country about whether or not we are going to use the Federal Government's purchasing power to step in and stop this precipitous decline and keep us from falling into a further downward spiral.

Now, let's be clear because we just heard a bunch of criticisms about whether or not the government is capable of making wise choices about spending and actually creating jobs. Well, the fact of the matter is, every single day in the American economy, the Federal Government is spending money and creating work. In the defense industry, again, you can go across the board. And the gentleman from Texas who just spoke, we could go through his district, I'm sure, and certainly his portion of Texas, and look at military spending that's going on every single day and that people are collecting pay checks, whether they're building aircraft or military weapons for the Army and our ground forces, or whether they're just employing actually military personnel.

Certainly, in Connecticut where we make nuclear submarines, we build aircraft at Pratt and Whitney, the F–22, we build Blackhawk helicopters. There are people this morning working two and three shifts that are going to work because of the customer that the Federal Government acts as to make sure that they have work every single day.

Every school district, every health care institution receives Federal funds that really determine whether or not the doors stay open.

So what President Obama is doing is using existing programs, existing formulas, whether it's Title I, special education, whether it's aid to States through Medicaid programs, which we know work because they've been in place for decades. But what he's doing is boosting the spending back to States so that we, in fact, will not allow the total collapse, both in the public sector and the private sector as this economy continues in its downward spiral.

And frankly, in the next day or so, this Congress is going to have a choice before it. A ''yes'' vote will be a ''yes'' vote for jobs. A ''no'' vote, which is the do-nothing Herbert Hoover approach to an economic crisis that we have before it will basically condemn millions of Americans to further joblessness, to extended unemployment and a loser strategy in terms of whether or not this country, this great Nation is going to be capable of leading the world out of a global recession.

And I think the President has put forward a balanced proposal, using both tax relief and spending programs and State fiscal assistance to ensure that we are not going to allow this mess which he inherited to become any longer and any more prolonged for working families and middle class families than we have the tools and the capability of turning around.

So that's the choice that's before us. We can act, we can save jobs, or we can do nothing and follow the failed policies of the last 8 years of the Bush administration that got us into this mess to begin with.

And someone who is from a State that's been hard hit as well, from Kentucky, is here to, I think, again, share his thoughts and his perspective from his corner of America, Congressman YARMUTH.

Mr. YARMUTH. I thank my colleague from Connecticut and I'm glad to be here today to talk about something that touches every American. I think it's never been more true that, in this situation, no American remains untouched from, as we've seen very vividly, the giants of Wall Street to the citizens in Louisville, Kentucky, to the citizens in Connecticut and Florida and Ohio. Everyone is touched in every field.

Legal practices are making changes and cuts because lawyers can't even get business. And you know when lawyers can't get business, you know everybody's hurting.

But this is something that is an intriguing situation. And as I said this morning on the floor, I mean, over the past few months we've seen, as one after another of the giants of the economy have come before Congress to talk about this situation and others, we've seen that all of them, these people we worship, these people we thought were the masters of the universe, turns out that they're all the wizards of Oz. You pull back the curtain and they're normal, fallible people who have made mistakes and who could not foresee the predicament that we've been in and, in many cases, they contributed to it.

The point of that is, that we talk about what we want to do to help, don't even say stimulate the economy or help us to recovery. I think this is a parachute plan. I think we are in free fall, and this plan is designed to serve as a parachute to give us a soft landing, because before we can recover, we've got to find bottom. And business after business that I talk to in my district and elsewhere says, you know, times are rough and we're hurting, but what we're really concerned about is we don't know if we're at the bottom.

□ 1600

We were off 10 percent last month. We were off 40 percent this month. We can survive that if we're not down 60 percent next month, but nobody knows where the bottom is, so we're all, in a sense, looking for a way to put a floor under this economy right now.

I know and I have listened to Members on our side and on their side and in our House and down the hall in the Senate talk about things: Well, they know what small business does and what will create jobs in small business, and these are people who have never been in the private sector in their lives. They have no clue what really creates a job in the private sector. We've heard people who cannot even balance their own bank accounts admonish the bankers of the country. So I think we need to be honest with the American people and be honest with each other and say that we're in a situation that is unprecedented, that we truly are in unchartered waters. We are trying everything we know how to do at the Federal level to salvage this economy and to get us on the right footing to stage a recovery.

Are we sure it's going to work? No. Would we all write the bill differently? I think it is true; we would all write the bill differently. We would write the bill differently on our side. They would write it differently. Even among ourselves, we would write it differently. We think some things are more effective than others, but we have to try everything we know how to do in this situation in order to be effective.

As many on the other side believe, we cannot say, oh, tax cuts are going to be the salvation. I mean, as you've mentioned, we've tried that. We tried tax cuts in the early part of this decade. Look where we are? I have talked to businesspeople, and I have asked them specifically, ''Tell me if there is any tax incentive or tax break that we can provide that would make you do something that you otherwise would not do, i.e., hire people whom you don't need?'' They've said there is no such tax cut. The only thing that will help them get going again and that will make them do things that we want them to do, which is to create jobs and to save jobs, is to provide demand. That is what is sorely lacking from this economy. People don't have confidence.

They say, ''If I'm going to buy a car, not now, not now. I don't know whether this company is going to be in business. I don't know whether I might be able to get it cheaper in 6 months. I don't know if the rates will be more favorable.'' It's the same with housing, the same with a suit, the same with a computer, and the same with a flat screen TV. There is no confidence, and we need to restore confidence.

That's why I think it is imperative that as we move toward this vote that we get some cooperation from the other side because the American people should have confidence that we are working on this together. I think we have seen a noticeable reluctance from the other side to work with us on this. I know they claim they've not had any input, which we know is not true. They've had input. Much of this bill was crafted with the other side in mind, but suffice it to say that we are all in this together. None of us is getting exactly what we want in this bill.

So I would implore everyone, and I would implore the American citizens to call their Representatives on both sides and say it is important that the American people have confidence in this plan because this is the only plan there is. Right now, it is the only chance we have, again, to give us a soft landing in this economy and to start us on the road to rebuilding.

So, with that, I thank you for allowing me this time.

Mr. KLEIN of Florida. Well, thank you. The gentleman from Kentucky has hit it right on the mark, the gentleman from Connecticut as well.

We are joined by Members from all over the country today. Everyone is going to have their opportunity. I think I'll just highlight one point really fast:

As we've been working on this for the last number of months, in speaking to people at home, to economists, to experts, to businesspeople from the Reagan administration or from the Clinton administration, and to everything in between, I think the great thing about this opportunity is that we've gotten a very broad perspective, and the message has been very clear. There is no silver bullet. There is no one answer that is going to solve this in terms of creating consumer demand and confidence. You're going to have to try a number of things—be bold. Move it along because we're hemorrhaging—so we can get things stabilized as quickly as possible.

The great thing is that 90 percent of the jobs being created are private-sector jobs. The private sector is going to drive the economy. As Mr. COURTNEY clearly said, the private sector is stimulated at a time like this by the government's doing things that are good for us, whether it's enhancing school buildings, broadband technology, things like that.

We are joined by the gentlewoman from Ohio, from our Midwest, from the heartland, and she has just been a great leader on so many of these issues affecting families and small businesses. So, if you could, certainly give us your insight from the Ohio perspective.

Ms. SUTTON. Well, I thank the gentleman, and I thank you for organizing this today on the floor.

It is just so critical—and you have heard it here from every speaker thus far—that we get this bill passed. The reason for that is we need to get the American recovery going.

I come from Ohio. I arrived in these halls, and it was shortly thereafter that, as I walked down the halls, people started saying to me when they saw me coming, ''Jobs, jobs, jobs.'' The reason they said that is, from the day I arrived in Congress, I have been fighting for economic opportunities for the people whom I am so honored to represent, and I know that that need extends beyond Ohio.

As you have heard, this bill—but it bears repeating—will create and will save up to 4 million jobs. We will be doing things like rebuilding America. It will make us more globally competitive. We are going to give 95 percent of American workers an immediate tax cut that they desperately need. We will invest in roads, bridges and mass transit, flood control, clean water projects, and other infrastructure projects that all need to be done. This is work that has to be accomplished for many, many reasons, not just because it will, in effect, also stimulate our economy.

But if you're going to make massive infusions and investments in America, doesn't it make sense to invest in doing the work that needs to be done that will benefit the good of our whole and that will also strengthen our Nation's going forward? That is what this bill does.

It also contains unprecedented accountability measures. So important. So important. We've all seen the news, and those in Congress have watched with amazement as we've seen irresponsible behavior in the expenditure of funds that are taxpayer funds. We're all very disgusted by some of what has happened with the first tranche of the TARP funding. So these accountability measures under this new administration are critically important to restoring the trust of this Nation and of the people whom we are so, so fortunate to represent.

We have heard also about this bill and its scope. The truth of the matter is this is not about being a Democrat, and this is not about being a Republican. We just need a bill that will work for the American people. There is room for everybody who wants to help. Now, it is true that we won't all get everything we want into this bill, and I won't go into the things for which I am dismayed may or may not ultimately end up in this bill.

The fact of the matter is it creates those jobs, jobs, jobs that the people in Ohio and across this country so need. As for the support of this bill, as I said, it's not about being a Democrat, and it's not about being a Republican. It has broad support across this country.

Sometimes we get wrapped up with what goes on here, but you know, it's from the U.S. Chamber of Commerce, from the National Association of Manufacturers, from the Associated General Contractors of America to Representatives like MIKE CASTLE, who is a Republican from Delaware, who said, ''I am always concerned when the Republican party takes a negative position on something that should be moving forward.'' Now, I'm not sure that's a statement of support, but I do know that that is something that he said about some who may not be willing to act yet even though we need so much done.

Governor Charlie Crist appeared with President Obama to talk about the plan and about the hope that it offers for this great country. Charlie Crist said, ''This is a time when our country needs all of us to pull together.'' We have all heard before that we come here on different ships, perhaps, but we are all in the same boat now on this thing. It's about jobs, jobs, jobs for Americans and Floridians. The list goes on.

There are people of both parties who are working diligently to try and get us to a place that will allow us to pass this bill because action delayed is very, very costly as you have already heard here today. Even if you have not heard it today, you have seen it because you've seen it in your neighborhoods; you've seen it on the streets where you live; you've seen it in your neighbors who are losing their homes; you've seen it in your friends who are losing their jobs.

This is a great country. What this bill is really about is our making a massive investment in this country and in the people who live here. So let us get this bill passed. I am looking forward to it. I invite all to join us in that effort who have that opportunity. Let us put Americans back to work, doing things that America needs to have done.

Mr. KLEIN of Florida. Thank you very much. The gentlelady from Ohio has hit the nail on the head, and I think we agree with everything you said. It really is about Americans first. It is about putting aside every bit of the politics. There is a time for jousting and a time for debate, and there is a time for action. This is the time for action. The next couple of days will be a signal to the American people, to our business community, to our consumers that we are ready to turn the corner.

With that, I would like to turn it over to the gentleman from New York State (Mr. ARCURI) and get his perspective, please.

Mr. ARCURI. Thank you. Thank you for organizing this today and for the advocacy that you do on behalf of not only your constituents but of all Americans.

I would like to just associate myself with the words of my former colleague from the Rules Committee, Ms. SUTTON. I think no State has been hit as hard as Ohio has over the years, and I think her remarks certainly ring true for all of the country, including my district that I represent in upstate New York.

As the economy falls deeper into recession, economists tell us that we must act quickly and that we must act boldly. That is exactly what the House did last month when we voted on the American Recovery and Reinvestment Act of 2009. We must—and I repeat this—we must send a final bill to the President's desk this week. Every day that we wait and every moment that

we hesitate come more and more layoffs to regular people. These are working people in our backyards. These are people who we go to church with on Sundays. These are people who we work with and who we see at the supermarkets. These are people who we know are losing their jobs. Let me just talk a little bit about that because, to my way of thinking, nothing is more important and nothing is more significant than trying to help the people who have lost their jobs.

In my district, I represent about eleven counties, all or part of eleven counties, actually, in upstate New York. Broome County, which is where Binghamton is located, has an unemployment rate of 7.1 percent. Almost 7,000 people are unemployed there. Tioga County has 7.2 percent. In Herkimer County, it's 7.7 percent. In Oneida County, it's 6.7 percent. Nearly 7,500 people are out of work in Oneida County. In Cayuga County, it's 7.4 percent. In Chenango County, it's 8.2 percent. In Otsego County, it's 7.3 percent. In Seneca County, it's 6.9 percent. In Ontario County, it's 6.8 percent. In Tompkins County, it's 4.7 percent, and in Cortland County, it's 9.1 percent.

These are real people. These are more than 35,000 people in my district in upstate New York who are out of work. This is why we need to stop talking, why we need to stop debating and why we need to put a bill on the President's desk.

Last year, more than 2.6 million jobs were lost here in the United States, and economists warn us that without immediate action here in Washington those numbers will and can be significantly higher in 2009. In fact, we have already seen a significant jump in the number of job losses over the last 3 months. The numbers that I just gave you were for December. That's the frightening thing. They were for December when employment is supposed to be lower as a result of people going to work at the holidays.

What will the numbers be like in January? Congress must support an economic recovery package that creates and saves 3 million to 4 million jobs over the next 2 years.

You know, I want to talk about something. I was in my office, listening to my colleagues just a little while ago. I don't like to point fingers, but there was a point when I just had to respond. They talk about the deficit's being $9.7 trillion. They're right. It's very high. But where have they been? We've been talking about that deficit for years. We've been talking about the problems of spending, spending, spending. Yet they continue to vote for it.

The thing that troubles me so much is that they had no problem at all in voting to build roads in Afghanistan, that they had no problem in voting to fix the water systems in Iraq and that they had no problem in voting to build schools to help educate children in Iraq and in Afghanistan. That is noble, but you know what? It is just as important to educate and to make sure that our children have the very best schools, that our roads are safe, that our bridges are safe, and that our water systems work. This stimulus plan not only will employ 3 or 4 million Americans, but it will restore the infrastructure in this country to the degree that it needs to be. It will help to fix our education system.

Domestic spending is important. How is it that people on the other side of the aisle have absolutely no problem whatsoever in voting for funding for foreign countries, and yet, when it comes to domestic spending, they stand up here and poke fun at it and say it's not necessary? I would submit it is critically necessary to this country, that it is critically necessary to our future and that it is critically important to the 35,000 people in my district who are out of work.

□ 1615

We cannot afford to wait, as some of my Republican friends suggest. Economic experts have warned us that the longer we wait, the more difficult it will become for the economy to turn around. The time for talk is over; the time for action is upon us.

Madam Speaker, we cannot afford to delay. Congress must act this week to begin the long process of saving and creating jobs.

Mr. KLEIN of Florida. I appreciate the personal experiences and personal observations from your district. I think we share that same experience from all of the people we're talking to. And as we had in the Financial Services Committee today, we heard from a lot of the large New York banks, and they talked about how the fact that—if you listen to them, that they're lending, they're doing this, they're doing that. I don't understand why it's not translating to our communities. I mean, if you believe what they're saying, it sounds like everything is okay.

And we know the lifeblood of the economy is credit, consumer credit, people being able to buy automobiles or consumer goods or student loans, things like that—and not to mention small businesses that needed just to invest in their small businesses to keep their business going. It's not happening. And that needs to change, and that's part of this goal of fixing the economy, stimulating it, and getting the financial system fixed.

We have a gentleman, Mr. WALZ. We really appreciate your being here and being part of the explanation and the experience that you've had up to this point. I know you've been hearing from your people back home. We were just talking about it over the weekend.

And why don't you share some of that with us.

Mr. WALZ. I thank the gentleman from Florida, and I thank you for leading this conversation.

I think the American public, what they're seeing is they're seeing a cross-section of this country. Listening to the gentleman from New York, listening to the gentlewoman from Ohio, from Connecticut, from Kentucky, talk about what they're hearing amongst the people. And I can tell you when we go back home—and I live in a small house in Mankato, Minnesota, in southern Minnesota. The house in front of me has been foreclosed for a year and a half. The property value on my house has dropped about 50 percent. We're seeing that across the country.

The pinch of this economy coming down and the frustration amongst the American people is palatable. You can feel it. They are frustrated, and they are angry. And the questions they are asking is this: ''How come it seems like I'm working harder and getting further behind, and when I turn on the television, somebody else is taking a trip to the spa? Somebody else is getting a private jet? Somebody else is getting something for failing when I seem to be making the right decisions? I'm paying my mortgage. I'm trying to save money to send my child to school, and I'm not asking for the lottery. I'm not asking for a ten-bedroom house. I'm asking to try and achieve the American dream.''

And I think it's important to remember, we're as frustrated as you are. The Members you hear speaking today come from that. This is the people's House. This is where the voice of regular Americans is expressed.

Before coming to this House, my job in May of 2006, I was teaching high school and had done it for 20 years and never made more than $50,000 a year. I have proudly served our Nation in the National Guard, but I asked the same questions, too. How are we not getting further ahead? When I talked to someone about trying to get my two small children, Hope, age 8, Gus, age 2, how do I save for college? I said, ''Well, then I will have to sell my house and live in a box because that is impossible for us to do that.''

The lifeblood and the ladder to success of the middle class was the ability to educate our children, to get a good public school education, to go to a good trade school or to a good college to try and move up. Those things are becoming further and further from us.

And the frustration that is felt in this country is because we have a system that did not respect those things, that did not put things in place to help the middle class. We were told if we helped and gave tax cuts to the wealthiest, wisest amongst us, they would rain down on us all of those blessings to get us there.

Well, what's happened is the average worker has lost $2,000 in real salary

over the last 10 years. We are working longer hours. The American people deserve better. They are the most productive, most innovative people in the world. The middle class that built this country is now feeling the pinch. This piece of legislation is the down payment on putting things back in balance.

We're not against a free market. You will hear people come in here and talk about it. But there is no free market when those at the top are benefiting from everything, when those at the top are not being held to the same standards as those who are actually doing the labor.

And this piece of legislation and the gentleman—we've heard from many of them—I heard the gentleman from Kentucky talking about this being a parachute. My colloquialism, coming from a land of 10,000 lakes, is it's a life preserver. And that's what it is.

This isn't going to get us to where we need to go. What's going to get us is people standing in this people's House and hearing these Members talk: talk about the truth, talk about where the issues are, make real sacrifices. Don't ask the American people to believe talking points. Don't regurgitate the same old stories to them. Tell them where the economy is at. Speak to them as President Obama spoke to us about where we need to go, and then have the courage to say, ''If it's not working, we need to readjust.''

This piece of legislation is going to be about $1,000 for 95 percent of the public. It's going to refund education and make sure that we're doing the things we need to do to build for the future. It's going to start moving us off our dependence on foreign oil and the tyranny of oil that drags us into conflicts we have no business in. Those are the types of things we can adjust. We can bring this back in, and we can debate in this House how we get there. Very valid points. I can tell you this deficit troubles me deeply.

But the fact of the matter is right now the private sector is not creating jobs. The private sector doesn't have capital, and we were slowly spiraling down. More layoffs, more people that are going to go hungry, more people that are going to depend on the government to get things that they don't want to. These are proud people. They want to work hard, be compensated fairly, and do the things that they enjoy doing with their families trying to move forward.

This piece of legislation can do that.

I say it time and time again—I heard the gentleman talk about it from New York—you stand here long enough and you listen to this long enough, and you will hear people re-talking about the issues and trying to frame it in a certain way.

The fact of the matter is this: our economy is not working correctly. The middle class is feeling the brunt of this. We are bleeding jobs, and we are slowly pulling things down making it more difficult for the middle class to achieve the American dream. This piece of legislation stops the fall or throws the life preserver, yet let's us readjust, get a handle on health care costs, make it easier to invest in education, make sure people are rewarded for doing the right thing—not for simply speculating—and get back to innovation and entrepreneurship.

So the gentleman from Florida, I want to thank you for continuously hosting these discussions, for gathering people from across this land, for making sure the people's representatives stand here and speak what's happening in southern Minnesota, what's happening in Connecticut, what's happening in Ohio, and to get the American public to understand this is not about politics; this is not about games; this is not about who's winning the House and how we can drive down support of the House. You people have a 14 percent approval rating.

Here is what I'm here to tell you. If we have a 14 percent approval rating, our Democracy is in trouble. We must speak the truth, we must be bold, we must move this legislation, and we must find solutions for the American people. That's what our purpose is. That's the greatness of this country. And the gentleman has brought together people who express that from across the country.

With that, I appreciate the gentleman's time.

Mr. KLEIN of Florida. I thank you for your passion and your expression of what's going on in Minnesota.

I think we're seeing that the same situation is going on in all 50 states. For those of us who lived during recessions before, some recessions were tied to real estate, some were tied to manufacturing, different parts of the country. But you know something? People from every corner of this country are feeling this right now, which is why we have to act now. Do the right thing. We'll adjust as we go along. But every economist has told us that this is the right combination: some tax cuts, some investments, but all towards the future.

I want to express my appreciation to the President who has expressed it this way because I think he's right on the mark.

What I'd now like to do, if I could, is introduce my friend, the gentleman from Connecticut, who's been a great leader also on small business incentives and making sure small business has all of the opportunities to grow, and we know this is the moment for that.

So why don't you give us some expression on that issue.

Mr. MURPHY of Connecticut. Thank you very much, Mr. KLEIN, and I always enjoy hearing our friend from Minnesota speak on the floor.

Mr. KLEIN, let me talk about one small business in particular. Let me talk about Angelo's Deli in New Britain, Connecticut. Angelo's has been serving the people of New Britain, where my great-grandparents came to work decades ago, for 60 or 70 years. Now, Angelo doesn't own the place anymore.

Now, for the last 20 years, it's been owned by a guy by the name of Joe Tropea. Joe is not a political guy, doesn't get involved in political fights very often; but he sees as clearly as any business owner out there—small, medium, or large—what's happening to this economy.

Joe's holding on. He's doing all right. But he's having to cut back hours. He's starting to think about layoffs. This is a business that has been doing business in New Britain for decades, for decades, and is feeling the crunch right now along with everybody else.

Now, why is that? Well, sometimes when people think of Connecticut, they just think of the big houses along the coast where all of the investment bankers, folks coming back and forth from New York live.

Well, in New Britain, Connecticut, before this recession began, our employment rate was 11 percent. It was 11 percent to start. It's up to about 12 or 13 percent right now. Why? Because as Ms. SUTTON has talked about so many times on this floor, we have allowed the kind of jobs that built up New Britain, Connecticut, and Waterbury, Connecticut, and Meriden, Connecticut, to filter out of this country because for the last 8 years in particular, we have had no strategy to try to build our manufacturing base in this country. We were weak already before we lurched into this economic downturn. Jobs have been really hard to come by for a long time in New Britain. Now it's getting to a crisis point.

And the folks that have been coming in for weeks and weeks and years and years to Angelo's Market aren't coming in any longer. The folks who used to come in for a sandwich every couple of weeks are now coming in once every month. The people who used to come in every day are now coming in one day a week. And this story can be told over and over and over again.

And so the important parts of this bill to Joe Tropea and Angelo's Market are the parts that start inspiring consumer confidence again.

Now, we may not know all of the keys to unlock consumer confidence, but we know that if we start putting money back in people's pockets—and the right people's pockets—we can start to make them feel good about spending again. That's why 30, 40 percent of the stimulus bill is dedicated to tax cuts but targeted tax cuts to middle class families and to small businesses like Angelo's Market.

That is part of what is going to start getting people to spend again, start getting people to walk into places like Angelo's Market again and get this economy moving again.

A lot of attention has been given to this spending provision of the bill or that spending provision of the bill. Those are important parts. But a large part of this bill is dedicated to putting money back into the pockets of hard working Americans for them to begin to feel the confidence in this economy that's been lacking for too long.

But what also matters to Joe is getting jobs to people of New Britain. Nobody's going to come in and spend money in his business or anybody else's business in New Britain if the unemployment rate in that city continues to lurch upward to 14 and 15 percent.

So that's why the 4 million jobs that are preserved or created in this bill are so critical to Joe and the thousands of other business owners in my district.

And it's also why he cares about the provisions of this stimulus bill that apply to State government because right around the corner from Joe is the Connecticut Works Office, the arm of the State government that retrains and trains workers for the next economy.

If the State of Connecticut continues to face a $6 billion 2-year budget deficit, as it does, it is going to be forced to cut jobs at our worker training programs, to eviscerate the very safety net that's going to help people who are losing jobs find new ones. It makes absolutely no sense to take money away from States that they're going to use to try to train and retrain workers as this economy transforms itself.

So Joe and other small business owners like him look to what the Republicans are proposing as an alternative. And when they look to this retread of Bush economics, when they look to the alternatives sponsored by the Republicans, which, in essence, seems to amount to an excuse to simply perpetuate the policy of the Bush administration where tax cuts seem to be the exclusive domain of the people at the upper 1 or 2 percent of the income echelon, he knows that does nothing for him. He knows that for the businesses that line West Main Street in New Britain, that that policy hasn't worked for the last 10 years, and it is not going to get us out of this recession. It's not going to get people coming back into his shop. It's not going to create jobs again.

As President Obama has said over and over again, we cannot use this economic recession as an excuse to go back to the policies that have not worked up until now.

So I think it's incumbent upon all of us to spend our time, as we try to chart a course forward, spend time in those small businesses that are trying to survive, that are trying to figure out a way forward.

The tax cuts in this bill for middle class families, the money to go help States keep that safety net strong, and the 4 million jobs that will be created or saved are instrumental to our economy at large, but are important to small business owners like my friend Joe across this country.

□ 1630

So I thank my friend from Florida for bringing us together today. I think you're hearing different versions of the same story. To borrow Ms. SUTTON's words, it's jobs, it's jobs, it's jobs.

Ultimately what gets people feeling good about this economy, back spending again, is a sense of security about their own job and the knowledge that their neighbors and their friends and their families are going to have their jobs preserved as well.

This stimulus bill gets us there. It is not the salvation, but it puts us on that road.

I thank Mr. KLEIN very much for giving us the time this afternoon

Mr. KLEIN of Florida. I thank the gentleman from Connecticut, and I think we all have a number of Angelos in our communities, whether they're little bake shops or barbershops or supermarkets or florist shops or little machine shops. I grew up in a variety store. My dad worked 6 days a week, like most of our parents did. And I worked with him alongside, like a Woolworth type of little local store, and he taught me about what it takes to make a budget, and I think most Americans understand that right now when we know that we have to get jobs back on target here.

I'd now like to add another State to the mix here. The gentleman from Maryland (Mr. SARBANES), if you can give us your understanding and your thoughts, I'd like to yield to Mr. SARBANES.

Mr. SARBANES. Well, I thank the Representative from Florida for convening us to talk about this incredibly important stimulus package.

The Economic Recovery and Reinvestment Act is our opportunity to put America back to work in the short run and to invest in things that make sense in the long run, and I really look at that package through four different lenses.

The first is that it's going to save jobs. It's going to save a tremendous number of jobs, just the State stabilization portion of this bill. What many people don't appreciate is that all across the country States right now are making their budgets. They are constitutionally obligated under their State charters to balance those budgets. If they don't get the assistance that is represented by this stimulus package, they're going to have to make Draconian cuts to their budgets. That means police officers losing their jobs, safety officers, fire officers and others, teachers. All the people that make the economy work, that make these States function are going to be potentially in jeopardy. So the first element of this that's so critical is that we're going to save hundreds of thousands of jobs across this country.

The second lens to be applied is that we're going to create new jobs, and that's going to be done both directly and indirectly. Directly it's going to happen, for example, through these infrastructure projects. That is going to put a lot of people to work. It's going to create a lot of new jobs, and it's also going to invest in things that we need to be doing.

We need to be repairing our bridges and our tunnels and our highways. We need to be improving mass transit. All of that can happen as a part of this stimulus package, but it's also going to create jobs indirectly because it's investing now in a green economy. It's investing in new energy technologies that are going to create the next generation of jobs in this country, and that can happen very quickly.

So, again, it meets this prescription of having two impacts: one, to create jobs in the near term; two, to invest in things that we want to do anyway in this country.

The third important element of this, of course, is to stimulate demand more broadly, and that can be done through the tax cut component of the bill. There is significant tax relief that is being offered to the working families of America. Ninety-five percent of the working families across this country are going to receive a tax cut. That means more money in their pocket. It means they can go out and they can purchase the things that they need, not purchase in excess which unfortunately was what has been happening in recent years, but to go out and purchase the things that they need and to stimulate the economy in that fashion.

And the final piece of this, which in my mind is almost the most important, is that it's going to help people get through this very, very difficult economic period that we're in. We are facing a grave situation in this country, and there are many people that are living on the edge. There are many people that have fallen over the edge.

This bill includes needed resources to support Medicaid programs across the country, to extend unemployment benefits and unemployment insurance to people who have lost their jobs. There are a lot of people that are suffering. There are a lot of families that are hurting right now across America, and one of the goals of this legislation is to help them get through this very difficult period.

Yesterday, I was with Secretary Salazar, the new Secretary of the Department of the Interior. We did an event at the Patuxent Wildlife Refuge, which is located in my district in

Maryland, to highlight the upgrading of facilities that can occur at that wildlife refuge in the near term using some of this stimulus resource. It's going to create jobs there. It's going to upgrade those facilities, which is a long-term investment in our wildlife refuge system across the country. So there are many different objectives that are being satisfied as a result of this investment.

A hundred thousand jobs in Maryland are projected to be saved or created as a result of this legislation. That is too critical for me and the other Representatives of my State to look away from. That's why we're going to so strongly support this bill.

And in closing, let me say that President Obama is not going to lead us out of this economic recession, and this Congress is not going to lead us out of this economic recession. What we are going to do is we are going to give the American people the tools and the opportunity and the hope so that they can lead us out of this economic recession. I am so confident that if we put our hopes and dreams into the American worker and we give them the tools to do the job, they're the ones that will lead us through this thing. And that's what this stimulus package is all about: giving the American worker the resources, the opportunity, the tools to lead us out of this difficult, difficult economic time.

Mr. KLEIN of Florida. I thank the gentleman from Maryland.

You're absolutely right, and if we think about it, we're approximately 3 weeks from the inauguration of President Obama, and right now, we're on track for a historic Economic Recovery and Reinvestment Act that he laid out principles before, during and after that inauguration. And I think all of us are very dedicated as Americans to making sure that we get it right.

It's not a question of how much time it takes to pass the bill. It's a question of getting it right, and I think that after weeks and weeks and weeks of getting experts and lots of people from back home and up here to help us understand what we need to do, the combination of the right tax cuts, the right investments will help us get it right.

Madam Speaker, I'm going to yield back to the Chair, and I want to thank you.

The SPEAKER pro tempore. The gentleman from Connecticut (Mr. COURTNEY) will control the remainder of the hour.

Mr. COURTNEY. Madam Speaker, we have a few minutes left in Mr. KLEIN's hour that he's allotted for discussing the Economic Recovery and Reinvestment Act, and I think a lot of the speakers who have already had a chance to weigh in are going to kind of give their final closing arguments.

Again, we are hours away from the decision that's before this country, about whether or not to support President Obama's effort to turn this economy around, and I think it's so important, again, for the facts really to have an opportunity to be heard before that vote takes place.

Back in Connecticut, the head of The Carpenters Union, Chuck Appleby, once said at a hearing we had the other day on the need for infrastructure investment that the best social program is a job. A job provides people with wages. A good job provides people with wages and benefits, but even more importantly, it gives people dignity and confidence in themselves and their future, and that's what's missing right now.

We have seen an economy that's lost 3.6 million jobs in the last 13 months, and people are just hunkering down and pulling back because of a legitimate fear about not knowing where the future is headed and whether or not that future has a place for them. And President Obama gets that, and that's why this measure is aimed directly at stopping that hemorrhaging and making sure that we inject not just investment but also confidence back into the American economy.

I'd like to yield again for his final comments to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. I thank my friend from Connecticut, and all of our districts and all of our States have similar problems, but I'd like to just in closing bring reality once again to the American people.

In my district of Louisville, Kentucky, my mayor faces a $20 million shortage in his budget. He's trying to exact concessions from firefighters and police officers and sanitation workers.

My school district, one of the 20 largest school districts in the country, has a $32 million deficit they're facing this year. He's looking at the prospect of laying off teachers and important staff and thereby jeopardizing the education of the children in my district.

In my State of Kentucky, the governor is facing an almost $500 million deficit this year, and vital human services are having to be cut.

These are not because our State or our school district or our city is being mismanaged. In fact, they are being managed extremely well. The economy has just come to that situation in which everyone is suffering, and unfortunately, we in the Federal Government are the last resort.

This is a kitchen sink approach, I concede. We don't know for sure that it will work, but it is the only plan on the table right now. I think the best minds available have come to the conclusion that this is what can help us begin the road to recovery and providing jobs and a higher standard of living for our citizens.

That's why I strongly support this and urge my colleagues on both sides to vote for it. As my colleague from Maryland said, I know the American people will join us in the shared sacrifice and the shared effort it will take to restore the American economy. And I am not a pessimist. I am an optimist, but it is important that we instill and restore confidence in the American people by what we're doing. I think this plan is the right way to do it, and I look forward to voting for it.

Mr. COURTNEY. I thank Mr. YARMUTH for demonstrating what the stakes are in this vote that's coming up again in a few short hours.

Again, for closing comments, I'd like to yield to the gentlelady from Ohio, Congresswoman SUTTON.

Ms. SUTTON. I thank the gentleman from Connecticut and all of my colleagues who have risen here today to talk about what is so important for this country.

It's been said so well, but it bears again, as I've mentioned, repeating. Time is of the essence, and so here we are 3 weeks and 1 day from President Obama's inauguration, and we're on track to reach agreement on an historic Economic Recovery and Reinvestment Act. We know it's going to create millions of jobs. We know that it is going to help 95 percent of American workers with tax cuts. It will begin the process of transforming our economy, and it contains that necessary unprecedented accountability and transparency.

But in its simplest form, in its simplest summary, this bill is all about restoring the promise of the middle class, restoring the promise that this country is founded on and has grown to greatness because of. You know, this is about our workers, and this is about our businesses. This is about our States and our communities and all the families and the people who live there.

It has components about health care. It has components about putting people to work, building things, our infrastructure that we all know is crumbling and has resulted in tragedy. And my good friend from Minnesota knows that all too well, as we watched that bridge crumble and lives were lost.

This is a great, challenging time for this country. But we do have opportunity in this moment, and this bill is the beginning of it because this is our beginning on the path back to restoring the promise of the middle class.

Mr. COURTNEY. I thank Congresswoman SUTTON for your, again, eloquent, colorful plea for manufacturing jobs and the middle class of America.

Here to bat cleanup and to finish the colloquy that has lasted over the last hour, again, is our good friend from Minnesota, Congressman WALZ.

Mr. WALZ. I thank the gentleman, and again, it's a privilege for me to speak with each of these Members who represent this great country: 435 congressional districts, 300 million Americans, all with a dream that this country, by working hard, by making good

choices, you can achieve those things that are not asking for the world, maybe have a home, be able to own that, be able to have a job that pays a living wage, be able to send your kids to college and see them live that dream. That's what we're asking for, and as the gentlewoman said, now is the time for opportunity.

All of us grew up in this Nation hearing the stories of whenever it got tough, the perseverance of the American spirit survived. Whether it was Valley Forge, whether it was Gettysburg, whether it was the deepest, darkest days of segregation in this country, we come out the other end.

□ 1645

Well, the American people need to know this chapter is not yet written. The end is not guaranteed. We have come to be somewhat complacent that it will work its way out. We need leaders like President Obama. We need the American public to stand up and say, We can get this right.

And, as the gentlewoman from Ohio said, I am optimistic. In southern Minnesota, we are leading the way in wind production. My district is the home of the Mayo Clinic. We are going to find a cure for the diseases that cause so much anguish in this country. We have groups like the Hormel Institute, public-private partnerships teaming together to find the cures for cancer, for diabetes, for other things down the road.

Those innovations will bring this country back. Those innovations will take us off this dependency on cheap imported goods while American jobs are outsourced and a living wage is crushed down. We heard that the auto industry failed because people made a living wage.

Those are the type of things that aren't solutions. They are talking points for politics. The group of people who got here today, here's what they care about: Making sure the voice of the people in their district is heard, making sure that we have a level, fair playing field, and we reward work and creating something. That is what we are asking for. This piece of legislation moves us in that direction.

I thank the gentleman for his passion and the gentlewoman from Ohio and all others who gathered. We're all in this together. The opportunities are there. But the time to do something is now. This piece of legislation is it.

I yield back to the gentleman.

Mr. COURTNEY. Thank you, Mr. WALZ. If we have a few seconds left, maybe we can squeeze in final comments from Congressman SARBANES. I yield to the gentleman from Maryland.

Mr. SARBANES. I think I have about 45 seconds. I just wanted to say this. I have been here 3 years. I don't know how long my career in this body will be. None of us do.

I am convinced that this is the most important vote I will ever cast on an economic measure that faces our country. And I will have to explain that vote for many years to come. And what I will say to people is, I did what I thought was right. And I think it is the right thing to do to pass this, for the American worker, for families across this country who are suffering, for people who just want a job so they can contribute. And that is why I am going to support the Economic Recovery and Reinvestment Act.

SUDAN SPECIAL ENVOY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. I rise today to call on the Obama administration and Secretary of State Clinton to appoint a special envoy for the genocide that is taking place in Darfur. Senator BROWNBACK and I were the first Members of Congress to go to Darfur. The genocide continues, and yet there's almost the sound of silence.

This is a photo that SAM and I took of a village that had been bombed and the janjaweed come riding in on horseback. This is the janjaweed. They ride in, the Antonov bombers come over, they drop bombs here on these Russian-made bombers, then Soviet Hind helicopters come in and gun the people down. Then, the janjaweed people like this on horseback or camel come in, they rape the women, they burn, they torch the villages, then move on.

Now, President Bush put a lot of time in this effort. Unfortunately, it was not concluded. But I want to commend the Obama administration for appointing a special envoy for the Middle East, former Senator Mitchell and also former Ambassador Holbrooke, for a special envoy for Afghanistan and Pakistan. But why not a special envoy for the people of Sudan and for Darfur?

We call on them in a letter that went out today, particularly, and also asking Secretary Clinton to, when she goes to China, to publicly and privately urge the Chinese to help bring about the end of genocide.

The Chinese have the largest embassy in Khartoum. They sell the weapons, the guns and all, to the Khartoum government, that are later given to the janjaweed to then continue this effort.

Five years of genocide. And, Secretary Clinton, when she was a Senator, voted, I'm sure, for the first Brownback amendment that designated this activity in Darfur as genocide.

So, in closing, Madam Speaker, I commend the administration for Mitchell in the Middle East. But when the people of Darfur are looking, they say, Special envoy to the Middle East, special envoy to Pakistan. Why not? Why not?

I urge them today, before the end of this month, hopefully, even before the end of this week, a special envoy to help the people of Darfur.

CONDITIONS IN THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Thank you, Madam Speaker. It's a pleasure to be able to join you again this evening and to talk about the subject that is certainly on the minds and hearts of Americans everywhere, and that is the conditions in the economy.

We find ourselves this time at a unique position. We have heard for the past 6 and 7 years about the tremendous cost—how there's billions of dollars being spent day after day in Iraq and in a costly war in Afghanistan. And so it is a bit of a surprise that we find now that if you were to add the cost of the war in Iraq for the past 6 years, and then add up the cost in Afghanistan, the war there for the past 7 years, and then add those two numbers together, you would find that here, in the first 6 weeks of the administration, we are going to spend more money in 6 weeks than we did in those wars over a 6- and 7-year period of time.

How did we get to this curious place? When we start talking about $800 billion, one of the dangers of entering this kind of unchartered territory is that our eyes glaze over. What is $800 billion anyway?

Well, there are different ways of looking at it. If you think of it from the point of view of the defense budget, we currently have 12 or 13 aircraft carriers. Those are considered by defense people as very valuable. And you don't want to let people torpedo your aircraft carriers because 12 or 13 aircraft carriers have got a lot of airplanes on them, a lot of people on them. Costs a whole lot of money.

How many aircraft carriers could you buy with $800 billion? Well, we are talking about, at the price we paid for some of them, about 250 aircraft carriers. Or, if you buy the most brand new, fancy one and don't discount it any for mass production, you're talking about over 100 aircraft carriers that we are going to spend—kaboom—in the first few weeks of a new administration.

So how was it that we got to this curious point that there appears to be a crisis this severe? I have to say as a Republican, I don't disagree that we have our economic problems and that there are things that we should do about them. Fortunately, we have history as our North Star to show us what will and what will not work.

First of all, how did we get here? Well, it was something that developed,

as you can imagine, over time. It didn't just happen overnight. Going back to the Carter years, there was the Community Reinvestment Act. What Carter and the people that were in Congress at this time said was, Hey, we've got certain areas in some of our cities where banks are not willing to give people loans. And that is not fair because every American ought to have the opportunity to own their own home.

So what we are going to do is we are going to tell the banks that they have to give loans around to people all over their communities. Of course, the banks were a little reluctant because the banks' concerns were, Hey, some of these loans may not be paid and we are going to end up picking up the tab. So that was starting with Carter.

Then, after Carter, we ended up creating what was known as Freddie Mac and Fannie Mae. And those also were partly government, but partly not government agencies, and their whole purpose was designed to try to provide average Americans with loans for their houses, which is a nice thing to do. They were really not under the administration control, and yet it was implied that these loans would be backed up by the Federal Government. So they were not really public, but not really private. They were half and half.

And Freddie and Fannie started doing more and more and more investment. They grew and they started picking up more loans of people in America, to the point that last year Freddie and Fannie had more than 50 percent of the loans of Americans, that Americans had on their houses. So Freddie and Fannie got really big.

Well, when Clinton comes along, Clinton, during his last year in office, he changed the rules some for Freddie and Fannie and increased the percentage of the loans that Freddie and Fannie had to make to people who were high risk people that would be getting these mortgages.

So that, in combination then with the fact that Greenspan drops the interest rate low, you start to get a combination of more and more people being loaned money that they can't afford to pay back, and speculators who can't afford to pay the money, borrow money, knowing that the housing market is going up like a skyrocket because, who knows, housing has never come down in America, so just keep betting on the fact that housing is going to be going up. So they continued to do that.

Well, was this something that nobody saw coming? Not so. You can go to the New York Times, not exactly a Republican right wing oracle, and the New York Times on September 11, 2003, includes an article that says, President Bush is asking for authority to regulate Freddie and Fannie because they are getting crazy with the kinds of loans they are making. He says, We are going to have a big problem if we don't regulate Freddie and Fannie. These two entities. This is a New York Times article. You can look it up. It's September 11, 2003.

So, Bush is pushing for regulation of Freddie and Fannie. In the meantime, he is being opposed by who? Well, he is being opposed by the Democrats. Particularly, Barney Frank makes this statement, These two entities, Fannie Mae, Freddie Mac, are not facing any kind of financial crisis, said Representative Barney Frank of Massachusetts, the ranking Democrat on the Financial Services Committee.

That's interesting, isn't it? This is the man who's responsible for fixing the problem, and he's the man that said, There isn't any problem at all. We don't need to regulate these things.

The more people exaggerate these problems, the more pressure there is on these companies, and we'll see in terms of affordable housing. He's saying, Well, we're not going to be able to do enough affordable housing if we were to limit any of the activities of Freddie and Fannie.

Well, people have said, Well, this whole financial crisis we have got in America, this is a problem of free enterprise. It has nothing to do with free enterprise. This is a Big Government socialistic program that was not regulated properly, and it started to cause trouble. And, as you know, these loans got worse and worse. It was exaggerated and exasperated by the fact that you have got rating agencies in New York that were playing along with a very greedy Wall Street. They were raiding these loans at AAA rating when a lot of people who made the loans knew there's no way people could pay that kind of loan. They weren't asking, How much money do you make; they weren't saying, How are you going to pay it back? You want half a million? Fine. We'll write you the loan. Boom. Give it to Freddie and Fannie and let the government pick up the pieces when it crashes.

And so these loans, as the real estate market gets higher and higher and higher because of low interest rates, when that bubble starts to pop, all of a sudden these loans start coming down and it poisons the entire world economy. And that is what we have seen happen. Now, half of those loans are still outstanding.

So this is not a problem with free enterprise. This is a simple problem of the Democrats in the Senate killing a bill that the Republicans passed in the House, allowing the President to try and regulate. They couldn't do it.

□ 1700

So, this problem is one of another social program, perhaps even sold and marketed as compassionate, yet I don't know how it is compassionate to have somebody borrow money that they can't afford to pay back. And that's how things got started here.

Now what we're going to talk about is a couple of things: How bad really is the problem? And I also want to mention the fact that there are really two views at how to solve this problem. What you see on the floor, we just saw an hour ago, the Democrats were saying, you know, our package is fantastic, it's going to fix all the problems, it's really great, we've got to hurry up and pass this thing which, as I mentioned, is the equivalent of more than a hundred brand new, modern aircraft carriers parked in a row. That's a fair amount of money, okay? It's more than the entire economy of Australia. We're talking about spending more money than we will receive in tax revenues for the year 2008 in America. In other words, you take all the money we collect at the Federal Government in tax revenues and add it together, we're spending more than that in the first 6 weeks. This is a fair amount of money we're talking about here.

I am joined, though, right now by some very good friends and colleagues of mine, and I think they've got some perspective on this. I would like to go first to Congressman MIKE COFFMAN. MIKE brings us some very unique qualifications from the State of Colorado. He was the treasurer of the State of Colorado, so you've dealt some with money, MIKE. And then also you ran your own small business. I think that what we need is not a lot of cries of crisis but some cold-blooded analysis of what the problem is, what the proper solution is, and then we need to be moving forward boldly but to do the right thing and not just waste a whole lot of money.

I would yield time to Congressman COFFMAN from Colorado.

Mr. COFFMAN. Thank you, Congressman AKIN. You're absolutely right. This legislation will hurt this country. It will hurt us in the short run. It will hurt us in the long run. Primarily because it does a couple of things. First of all what it doesn't do is provide the kind of stimulus that the advocates for this legislation are talking about. It is not front end, so it is not timely; it is not targeted in the sense that all of its elements are not stimulative in terms of being jobs-producing; and it is not temporary in that it creates a lot of recurring obligations. And so that as the economy is moving up out of a recession, what you then have is the government is still running deficits to pay for these programs and that that borrowing, competing with private sector borrowing, driving up interest rates, driving up inflation and hurting the long-term abilities of this economy to recover from that. So I think that it's absolutely the wrong course for this country. A lot of actions have already occurred. The Congress has already enacted $700 billion in the form of TARP to get the

credit markets moving. Some of that well spent, some of that not.

Mr. AKIN. Congressman, if I could reclaim my time for just a minute because you're making some great points. I would like to back up to just a little bit higher altitude. What I'm hearing you say is, first of all, the package that the Democrats are proposing includes a whole lot of spending. If it's got a whole lot of spending, the assumption then appears to be that if the government spends a whole lot of money, it's going to make everything better. Now when you had to run the treasury of Colorado, is that the approach you used, that when you got in trouble you spent more money?

I would yield.

Mr. COFFMAN. Fortunately States such as Colorado have a balanced budget requirement so they're not allowed to run an ocean of red ink like the Federal Government, so there is certainly an advantage there in terms of fiscal responsibility and accountability that certainly doesn't exist with this legislation.

Mr. AKIN. As a small businessman, then, when you got in trouble economically, did you spend a whole lot of money to get out of trouble?

Mr. COFFMAN. What you had to do as a small business owner is to restructure your business to make it more efficient. There's no effort whatsoever to restructure government to make it more efficient. And States are asking for their own bailout. It relieves them of that responsibility.

Mr. AKIN. Reclaiming my time, it seems like what I'm hearing from the Democrats and Republicans is that people look at this from a totally different point of view. What I keep hearing the Democrats saying is we've got to stimulate spending. Most of the people I know, if they had money, they would love to spend it. They don't need to be stimulated to spend the money. And it seems like what you are saying is that it's not that we need to stimulate spending, what we need to be doing is stimulating productivity, that we need to be having those jobs created by small business or larger businesses and that those jobs then put money in people's pocket and then they're going to spend naturally.

I yield.

Mr. COFFMAN. Congressman AKIN, we are ignoring small business, which is the backbone of this economy, in this equation. And the central issue there is I think we've got to look at the grassroots of our financial system and we see there that credit markets aren't moving. And I think if we examine some of the regulatory framework around that as well as the TARP elements that are not working at that level, that's the central issue to get the economy moving, not pouring in billions and billions of dollars in wasteful spending.

Mr. AKIN. In other words, it seems to me that in that we already have a huge Federal debt, if going into debt more was going to make the economy good, we'd have a rip-roaring, great economy right now if you agree with that Keynesian assumption that was started.

I'm just going to go way back in history, a little bit even before my time, to the guy who was in charge of spending a whole lot of money the first time this Keynesian notion came to be. This is a guy that worked for FDR, the guy who started this whole thing. And his theory was spend enough Federal money and the economy's going to turn around. So we start with a recession and it becomes the Great Depression.

Eight years later this guy, Henry Morgenthau, he is appearing before the Ways and Means Committee right here in Washington, D.C., and he's talking about this theory about spending in order to stimulate the economy that we've heard for the last hour and he talks about how well it worked, because this is a guy that thought it was a great idea, this Keynesian model. He says: ''We have tried spending money. We are spending more than we have ever spent before and it does not work. I say after 8 years, the administration, we have just as much unemployment as when we started and an enormous debt to boot.''

And here we go again. It's like we can't learn from history. This is the author of this whole program and it just doesn't work. It wouldn't work for your small business, would it, gentlemen? And it didn't work for the State of Colorado. That's why you have a balanced budget, because you have the same common sense most American families know, that when you get in trouble you don't go buy a new car and run up a whole lot of debt.

We're joined tonight by another great colleague, a gentleman from Virginia, been a legislator for many years, a very good friend of mine, Congressman FORBES. It's just a treat to have you here.

I yield.

Mr. FORBES. Thank you, Congressman AKIN, for having this special order and for allowing me a few moments to talk about this very important topic. We hear a lot of times people on the other side of the aisle saying, well, you voted for this package, why aren't you voting for this package? As I stand here tonight with you, I'm one of 16 Members of this body who voted against all of them.

Mr. AKIN. Reclaiming my time, I claim the same badge.

Mr. FORBES. You do.

Congressman, one of the things that I would say tonight as I come here, I don't have any charts and I don't have any graphs with me, but just a couple of weeks ago I was home and my nephew's house burned down. I walked in there with him as we went through that house and his children were looking through just ashes. They had nothing left of even their memories. And when I go around back to my district, I've got some friends and some constituents who feel that way right now in this economy. The graphs aren't important to them. What they know is that they're suffering pain and they're looking and worried about losing everything they have in their lives. But it's because of them and it's because they understand that we can't wastefully spend money, we've got to make sure that the help we give them is directed and it's going to work, that we need to ask the tough questions. And there is one enormously tough, fundamental question that we have to ask America tonight and it's simply this. Last year, Americans lost $14 trillion of net value, net worth. The question we have, the question facing America today, is whether or not we are simply going to redistribute what's left or whether we're going to rebuild what we lost.

Our friends on the other side of the aisle want to redistribute what's left. We have a program that will rebuild what was lost.

Mr. AKIN. Reclaiming my time for just a minute, because I'd like to underline what you said. You're working on the same assumption that has worked historically, time after time, and that is to look to the productivity of the private sector to create wealth instead of government to redistribute it. You know, we just tax or don't tax, we slop the money around, but we don't create anything, the government.

I yield back.

Mr. FORBES. I'm not prepared to throw in the towel and say, let's just redistribute what's left. I think we can have a bold program that will rebuild what we lost and go beyond that. The other thing that's very interesting is this. If you look at the bailouts that were spent last year, as we all know, those bailouts total almost the entire amount of discretionary spending Congress had in 2007. We're getting ready to double that. Once we do that, I think most Americans don't realize that we will not pay for that, we will give that to my granddaughter who turns 2 years old on February 14. But here's the cost we will pay until she reaches our age and one day pays it off. The interest carry on that alone equals the entire budgets for NASA, the National Science Foundation, the Department of Transportation, the entire cost of the White House, the entire cost of the Department of Justice, the entire cost of the FBI, the entire cost of the Department of Homeland Security, every Army Corps of Engineers project in the country, the Small Business Administration, and every expense of Congress combined. That's the interest

we have thrown away for the next 20 or 30 years. And, Congressman, I would say this. When you come in and lay that on the budget table for this Congress, they have got to ask this: How do we pay for those lost budgets? They will do it either with massive, massive tax increases which our economy cannot withstand, or they will do it by having to find massive cuts somewhere else. And I would suggest one of the places is defense that they're going to go to.

Let me just close with this. The other questions when I go in the McDonald's and I go in the Sunday school classes and I just go to ordinary citizens who don't have the charts and they don't have the graphs and look them in the eye, and just ask them this: Have you received your check from the bailout yet? Because I guarantee you the CEOs on Wall Street have received theirs. And everyone looks at me and says no. And then you ask them, are you able to borrow more easily today than you could before all these bailouts started? They look you back in the eye and say no. And then I ask them, are you less worried about the future today than you were before the bailouts began? And they all say no. And then I ask them this simple question: If government would come to you today, would you feel better if we gave you a $6,700 check and said, here, you go pay down your credit cards, do whatever you want, or trust government to do it? What do you think their answer is: Give me the money.

So, Congressman, I would just say today, it's important we get this right. This stimulus package doesn't get it right. I believe we can rebuild instead of redistributing. I hope that's what Americans will ultimately hold out for.

Mr. AKIN. It's just such a treat to have the gentleman here from Virginia, Congressman FORBES, who gives us such good advice. You have a great voting record, such tremendous common sense. I think the American public agrees with you. We've taken just a bunch of phone calls and a sense of where our district is all the way out in the State of Missouri, and the people realize that just massive, massive levels of Federal spending is not going to solve this problem. And it isn't about stimulating people to buy stuff. It's about productivity. It's about a very positive vision that you've set forth this evening, the fact that we can rebuild, that we have the can-do attitude in America that if we just let freedom work, we can take care of this problem, and there are very simple, straightforward solutions that through history have worked. And what you're proposing is that very simple idea. The other alternative is, quite frankly, socialism, redistributing a whole lot of wealth, huge, massive government spending, and at the end of all of that, the author of that Keynesian economics under FDR said, 8 years later, we're tremendously in debt and we've got the same unemployment we had. It flat didn't work.

Thank you so much for joining us.

Mr. FORBES. Thank you.

Mr. AKIN. We're joined by another great colleague of mine from the State of Indiana, my very respected friend and senior statesman, Congressman BURTON.

Mr. BURTON of Indiana. First of all, let me thank you for taking this Special Order and if you wouldn't mind I would like to put that chart up there for just a minute and then we'll take it back down.

That chart shows a line that shows the amount of money in circulation. And you can see that it was pretty constant up until, I think, right in the middle of the eighties or maybe in the nineties. And then you see it shot up like a rocket. And that's because we had to print more money and get it into circulation and that's called inflation. And when we start having inflation like that, the cost of doing business, the cost of buying products, everything goes up, goes right out the window. Now they're talking about putting trillions of dollars back into this economy, and it's going to be borrowed money. It's going to be borrowed from the taxpayers. And a lot of that is going to have to be printed, which means we're going to have more and more dollars in circulation, so we're going to have very high inflation, and some people believe it will be hyperinflation.

□ 1715

I would just like to say to my colleague that back in the 1970s, when Jimmy Carter was President, we had the same identical problem, only worse. And back then, the inflation went to 14 percent. Unemployment went to 12 percent. And then they brought a guy in named Volcker, who is back here again today.

Mr. AKIN. Could I reclaim my time for just a minute? Because I think what you're saying is so important.

People are saying that today things are worse than at any time since the Great Depression. And yet what you just said was that under President Carter, what did you say the rate of inflation was?

Mr. BURTON of Indiana. Fourteen percent.

Mr. AKIN. What was the jobless rate?

Mr. BURTON of Indiana. The unemployment rate was about 12 percent.

Mr. AKIN. Reclaiming my time. Twelve percent jobless rate, rate of inflation at 14, and what was the interest rate?

Mr. BURTON of Indiana. Well, Mr. Volcker, who is now back with this administration, he came in and started ratcheting up the interest rates to slow down the rate of inflation. Interest went up to 21.5 percent. And I had a business then. And we had to close our doors, because we couldn't sell real estate because nobody could afford to buy it at 21.5 percent interest. And so what happened was he ratcheted up the interest rate to slow down the rate of inflation. And he killed the economy. He absolutely killed it. And that is when Ronald Reagan was elected in 1980, and he came in with tax cuts which stimulated economic growth. And we had one of the longest periods of economic recovery in history.

Mr. AKIN. Reclaiming my time for just 1 minute. Let's just go back and talk about what has worked. It is not that we are in unchartered territory in terms of the condition of our economy right now. We've got some problems, but we can deal with them. And what we can do is use what has worked in the past. And one of the things that worked was what President Kennedy did, and then President Reagan did it, and then Bush did it very selectively in the year 2003. And what it was was not just any kind of tax cut, but a specific kind of tax cut which gets businesses going, which encourages innovation and the creativity of better processes, and taking the risk to hire new people to make products that are better and less expensive. So it is that productivity engine that gets going. It worked for JFK. It worked for Ronald Reagan. And it worked in the second quarter of 2003.

So yielding back, I didn't mean to interrupt, but I just want to underline the fact that this, what you're proposing has hard evidence historically it is working, not to mention Ireland in contrast to Japan, Ireland dropped their corporate tax rates, and their businesses just shot up like a skyrocket. Japan did the opposite, and they had 10 years of malaise.

Yielding again to the distinguished gentleman.

Mr. BURTON of Indiana. Let me just conclude by saying this. The economic problems we had in the 1970s were almost identical to the ones we have today, but they were worse. And the economy got out of control. Inflation got out of control. Unemployment got out of control, and it ended up killing us, killing the economy with rising interest rates of up to 21 percent.

The way to solve the problem is what my colleague just said, and that is to cut taxes, as Kennedy and Reagan and Bush did, to stimulate economic growth. If we do that, we won't have to deal with these inflationary problems. These inflationary problems are going to be borne not just by us, but by our kids and our grandkids. And they will be paying four, five, 10, 15 times what it costs today for bread, milk and everything else if we don't cut this spending out and quit wasting all this money. And then, of course, they will probably get stuck with taxes and less

defense and things that are very important.

So I would just like to say to my colleague, and anybody who is paying attention, we're going to see hyperinflation. Today, Mr. Geithner, the Secretary of the Treasury, said he was going to have to put another $1 trillion or maybe $2 trillion into the financial institutions to make them viable again. That is going to be money that is not going to be sold on the market to borrowers. A lot of the money is going to have to be printed. And we're going to have very high inflation. And we don't really need it.

Mr. AKIN. Reclaiming my time.

I just really appreciate, Congressman BURTON, your long experience here in Congress, the fact that you have really earned a great reputation. It is a treat to have you here and to have this common sense and this warning about inflation. This is a form of theft. It is a form of theft because everybody, particularly old people who are trying to live on a fixed income, are going to be penalized because their money just won't go as far. And that is what happens when you start to spend massive amounts of money. We're talking, if you take a look at the debt after World War II, you're looking at 6 percent. We're jumping this thing to 10 percent. This is unchartered waters. And that is the kinds of spikes that we're talking about is inflation. This is very, very serious. And it demands a good solution and not just shooting off more Federal programs.

I will yield.

Mr. BURTON of Indiana. That is what is taking place already. There is a spike in inflation already, and people are starting to feel it. When you go to the supermarket and you buy a pound of something that you used to pay for a pound, now they're putting the same product in a bag, but they're only giving you two-thirds of a pound. And that is because they want to keep the price constant. But there are inflationary pressures right now. It is already existing. And what Geithner and what we're doing with this so-called stimulus package and the other legislation that is going to be coming down the pike is going to make this thing a lot worse. That is why we need to do as you said and as our colleagues said, cut taxes and get this economy moving in the right direction again.

Mr. AKIN. Reclaiming my time.

It just seems to me that every family in America has the common sense to know that when times get tough, one thing you don't do is go out and spend money like mad. We have already been spending money like mad. In fact, we allowed this whole situation to get away from us because of a bunch of social programs that there was no fiscal accountability on them. We tried to control it. But we were blocked by the Democrats. And so now we have got ourselves in a little bit of a fix. But it is not the end of the world. As you said, gentleman, it is not as bad as it was under Carter when we had double-digit inflation, we were double-digit on unemployment and those kinds of things. We're not there yet. It is important we do the right thing but not just waste a whole lot of money on things. I'm joined by a good friend of mine, a judge from Texas. And he is a sober judge, too, which is a good kind. I think it is the only kind they have in Texas.

And so I would yield to my dear friend from Texas.

Mr. CARTER. I might question that last statement just a little bit. But I do thank the gentleman for yielding.

We've got the package back that is back from the Senate. And we were hopeful that we would see better news. And actually we may have seen worse news. And now we're at the level of the conference and we've got things coming out of the conference which we see as basically we have got a version of the House stimulus package which we all got to see before we sent it over to the Senate.

A lot of people around here don't like Ronald Reagan. I happen to think he is one of the best men that ever lived. But he made some statements that the American people understand. One of my favorite statements that Ronald Reagan said was ''the closest thing to eternal life that you will ever see in your lifetime is a Federal program.''

Now I think we should step back and look at this ''stimulus package,'' this ''temporary infusion of capital to make our markets work'' and find that we are creating 32 new programs. That is a potential for 32 new eternal lives.

Mr. AKIN. Reclaiming my time.

So what you're saying is this big bill that is proposed isn't necessarily about creating jobs at all. It is talking about creating new Federal programs. When is the last time you ever saw a Federal program die?

Mr. CARTER. They never die. They continue to grow.

If the gentleman will yield back.

Mr. AKIN. I yield.

Mr. CARTER. What is very interesting is that as many of you can remember, do you know the Food Stamp program that we started out with was supposed to be a $25 million program and never would get above that? And in this package alone, when we look at food stamps, over $17 billion is put into the food stamps in the stimulus bill, a 32 percent increase over the just-increased program which was increased by 23 percent in October of last year.

Now that is one of those programs that we talk about that has eternal life. It has gone from $25 million to just the increase in this package of $17 billion. This is the kind of thing that I think the American people will look at it and get a clearer picture of what we're talking about when we talk about spending $1 trillion. The example that we all learned and are giving now is what is $1 trillion? If you take 1 million brand new $1,000 bills, if you take $1,000 bills and you stack them up until it is 4 inches high, you have $1 million. A $1 trillion would be 63 miles high.

So, this spending, as the people look at it, they need to realize what we are getting ourselves into. And every dollar is borrowed money. We already got credit issues. We supposedly were going to fix it with $750 billion, which we don't seem to have got to. And now we're going for another trillion. When does it stop?

And I yield back.

Mr. AKIN. Reclaiming my time.

What you're talking about here is really unchartered water for us. What we saw that FDR did back in the Great Depression was spending a whole lot of money, and we still had a high unemployment rate. In fact, his top guy, his Secretary of the Treasury said, after 8 years, all we've done is get ourselves into debt. We've got the same level of unemployment.

And so one of the things that we've been hearing to some degree is that the President has been claiming is the Republicans don't want to do anything. It is not that we don't want to do anything. It is that we don't want to do the wrong thing. We don't want to do something that historically has never worked. That is crazy. It didn't work for FDR. It was tried by the Japanese where they kept throwing more and more of their money at their economy. And the thing was just absolutely wallowed in the water, and the Japanese economy, for 10 years, was a mess.

And yet you look at what is the right thing to do and it is a little bit of discipline, isn't it? It is the idea that the Federal Government should tighten their belt and stop spending so much, and they need to return the money back to the private sector to get it working again. And the ironic thing about this is that when that is done, the bottom line is that the government gets more money in tax revenues. So everybody does well when the economy is strong. But when we suck all the money out of the private sector and use it all and spend ourselves and our grandchildren into debt, that is not a good solution. So we don't want to do the wrong thing.

It is not that we don't understand the pressure and what is going on in the economy. Judge, I have some constituents that have written me a few letters, as you can imagine. I'll bet you have got some, too, on this subject. Here is one. This is one that comes from Town and Country, Missouri. ''For those of us who pay our bills on time, have no car payments and live beneath our means, I appreciate your effort,'' he is talking about my effort to vote ''no'' on all of these stimulus, and I guess I call it ''porkulous'' plans,

''at some point, will you ask your Democrat colleagues to once in a while think of me when they seek to take my money and give it to my neighbor who either can't or won't pay his bills and be responsible for his life?''

Now what we're talking about here is socialism. We're going to take, after the economy takes a hit, we're going to spend money like mad. We're not going to create jobs. We're just going to slop it around and hope somehow it is going to make the economy better. And the facts of history are that it doesn't work.

I yield.

Mr. CARTER. Sometimes when you hear the term ''socialism,'' those of us my age and your age, we know what we're talking about. Young people really don't know what you're saying. But they do know people interfering with their lives. Because quite frankly, whether they were going to college and paying exorbitant fees to go to school, or whatever it is, as they have moved into the workforce, they see that the government is available to interfere with their lives. And the real issue here is we're growing government and we're giving government the ability to interfere more and more in the lives of people.

One of the things that people are very upset about was a proposal, I am not sure whether they're going to be in the conference committee or not, but those proposals about having an organization of the government make decisions as to what health care elderly people should be allowed to have and not be allowed to have, who will be allowed to live and who will be allowed to die, that kind of rationing of health care that is at least being looked at and discussed should frighten everybody in the age group, the young age group right now feel like they're invincible and immortal, but some day they're going to be reaching the golden years. And they must realize that not their family or their loved ones will make those decisions, but Uncle Sam, through some agency, will make the decision as to whether you live or die.

These are serious issues.

Mr. AKIN. Reclaiming my time, Judge CARTER from Texas, you say, well, now wait a minute, we're talking about an economic question. And you're all of a sudden moving over to a subject of essentially government rationing of health care. Why in the world would you be talking about the government rationing of health care in a bill like this?

□ 1730

Well, the reason is because that was put in the bill. You know, when you get some hundreds and hundreds of pages of legislation, nobody's had a chance to read it except a few people they slip stuff into it. And one of the things is the idea if we're going to move to the government running all of health care, somebody's going to have to decide how we're going to control costs. And so the way to do it in a socialized medical system is that some bureaucrat has to tell you I'm sorry, Judge, you're just too old for that replacement hip that you have to have. Now, people think wow, that's really wild and wooly. That would never happen in America. Well, it's sure going on up in Canada.

There is an example of a guy younger than I am, so this is getting close to home and he, just like I do, he needed a new hip replacement, and the Canadians said no, we can't afford to give you that. And by the way, if you had enough money to pay for it on your own that would be a crime. So what's he do? He comes down to America. But that's slipped into this bill too, is the beginning or greasing the skids for this rationing of health care by bureaucrats, and I believe that, and I think Republicans believe that those health care decisions need to be made by the patient and by the doctor and not by some bureaucrat rationing health care.

I'd yield to the gentleman for this point.

Mr. CARTER. Also I hope that the American people understand, those of us who oppose things like omnibus appropriations bills, and I serve on the Appropriations Committee, there's a reason we don't, we want to divide these appropriations bills out and deal with each subject separately, because it prevents the hiding of things in massive bills. When you put a bill on the desk that looks like all the Manhattan, all of the Greater New York City phone books put together, and you're supposed to figure out what's hidden in there that shouldn't be a part of this, it is a tremendous task. And this is an exact example of just that.

Mr. AKIN. Reclaiming my time, figuring it out in a very short period of time. Within a day or two, you're going to have to vote on this thing and you're supposed to go through that huge stack of a bill and the system's designed that way so you can hide stuff in it.

I yield.

Mr. CARTER. And that's the whole issue. This is a massive, voluminous spending bill. You know, we were all so proud, I've heard President Clinton brag quite a bit about the fact that welfare reform that took place back in the 1990s. And an integral part of that welfare reform was the requirement that people go to work. I mean, that's kind of what made the new welfare reform start to get people off welfare for the first time in decades.

Right now, in this bill, there are provisions which are going to take away that requirement of work on welfare reform, which means it's going to put back into the old welfare system, that was a clearly failed system, I've heard President Clinton stand up and say he takes full credit for the welfare reform that took place in the 1990s, even though some would argue that it was done by the Republican Congress. Irrespective, we shouldn't be taking that away.

Mr. AKIN. Reclaiming my time, the Republican Congress did pass that. Several times in a row he vetoed it and finally, I guess it was the third time around I think he did sign the Republican Congress bill.

But I yield to my good friend, Judge Carter.

Mr. CARTER. That's exactly right. The whole point being that it's something, when it worked we were proud to say we got people off welfare and into real jobs. And one of the reasons was because we put a go-to-work provision in that bill. This bill would take that out, which is casting us back to the era of the 1960s and the 1970s and the failed economic policies that we clearly corrected in the 1990s.

Now, that's going backwards, and I think the American people need to know that this is not just too much money and too little stimulus. This is also messing with their lives. Hidden in this bill there are things that are messing with their lives.

Mr. AKIN. There was an interesting cover on Newsweek. It says, we are all socialists. But judged by the way you're talking, reclaiming my time, it doesn't sound like you're quite a socialist yet, and I think there's an awful lot of people in your district and in my district that are thankful for your common sense and your willingness to just basically state it the way it is.

Now, I'd just like to take a minute or two here and talk about the fact, and you alluded to this, as other Republicans have, this isn't the end of the world. We've been in a lot worse places back when Carter was President. It's not as bad as the New Deal yet, unless we keep doing the wrong things.

But the vision of a bright and prosperous America where freedom reigns, where people's God-given rights, particularly to own property, are respected, that still is there. That heritage is deeply ingrained in American spirit and a pride and a joy. People aren't interested in a handout in America. They're more, or some are, but most true Americans are much more interested in a good job and being able to be responsible and provide for their families. And there is an economic system that allows that to happen. It's what we've always done in America. It's called free enterprise. It's not such a big surprise.

Now, what one of the things that seems to be a little disjointed, and that is, where I disagree with my Democratic colleagues, and that is, there's a connection between businesses, particularly small businesses, and jobs. And that is, the connection is, that the

businesses hire people, and if you hammer the business into the dirt, you can't be surprised if there aren't as many jobs there. And so the solution to this is not for government spending. If government spending were the solution, we would have a great economy right now. We've been spending way too much money, and you and I have voted, Judge, to make sure that we don't spend as much as we have been.

But here's actually graphs that show this concept of allowing free enterprise to work. This vertical line on the chart is the second quarter of the year 2003. Now, we've done some tax cuts in these first couple of years. But take a look at what was going on with jobs. All of these lines that go down means it was a month that we lost jobs. But if you look over here, after we did the dividend capital gains tax cut, now this is not a popular tax cut because what you're doing is you're allowing people that own small businesses to keep more of their money so they can invest it in their own business. When they do that, they create jobs.

Look what happens. All the vertical lines are months when we had a net increase in jobs in America. So if you're caring about unemployment, which we should be if we have any heart in us at all, what we should be saying is, let's do what works. The people who create the permanent jobs that make the economy go, 80 percent of them are small businesses. So you cannot take all their money away from them by overspending Federally, and expect them to have any money left over to do an improvement.

I would yield to my good friend, the judge from Texas.

Mr. CARTER. Y'all may have talked about this earlier. This legislation would create, according to the Democrats, 3.7 million jobs. Price tag is $838 billion. This is approximately $280,000 per job. And it's estimated that the average income that would be derived—

Mr. AKIN. Reclaiming my time. That statistic just kind of got my attention. You're saying that this package, it's going to cost us $280,000 for every job we create?

Mr. CARTER. For every $50,000 a year job.

Mr. AKIN. Gentleman, I yield, but if you could sign me up for one of those jobs, that sounds pretty good to me.

Mr. CARTER. I think the common sense of the American people is boundless, and they know that what goes on in Washington is a whole lot of smoke and mirrors. But when you say something very simple, we're going to spend $280,000 to create a $50,000-a-year job, they say, what? That makes no sense. And oh, by the way, we're saying this is temporary, but it's got the potential to be permanent spending. That's the real fear we have to be afraid of because then we go farther and farther and farther in debt because it's all borrowed money.

Did you know that when this package hits the market to ask people to loan us the money, it will be the largest amount of indebtedness in the history of man that's ever been placed on the market?

Mr. AKIN. Just reclaiming my time, you're saying that when we go out, because we've got to raise this 800-some billion dollars. We've got to raise that money in the market. That means somebody's got to loan the government that money, right?

Mr. CARTER. That's right.

Mr. AKIN. And we're counting on what, foreign countries like China to loan us the money? And we're hoping that they're going to buy, what, our Treasury bills?

Mr. CARTER. That's right.

Mr. AKIN. How far can we push this?

Mr. CARTER. The other thing we have to remember is what looms on the horizon is even more borrowed money to where some estimates are this year we'll put in 2.3, I think it is, trillion dollars we will be seeking that to borrow that amount of money. The $838 billion will be the largest indebtedness ever put into the market, according to the experts. So what happens when we've got almost $2.5 trillion?

Mr. AKIN. Reclaiming my time, what you're saying once again, in other words, is we're going into uncharted waters. We're talking about something in the neighborhood of $7,000 per family, just in the first six weeks of this administration.

Mr. CARTER. And if the gentleman would yield for one more thing.

Mr. AKIN. I do yield.

Mr. CARTER. On the commonsense side of this whole thing, this all started, if you remember what you heard from the administration and from our colleagues on the other side of the aisle, this was an infrastructure building bill. That's what we were going to do. We were going to rebuild the infrastructure of America. When people hear infrastructure, they think roads and bridges. And yet, it's my understanding that the $30 billion that the House sent over to be spent for roads and bridges has been reduced to $28 billion coming back. So it's a joke.

Mr. AKIN. Reclaiming my time. 28 billion out of 800-something billion?

Mr. CARTER. Is going for roads and bridges, that's right.

Mr. AKIN. Well, my understanding, though, is, gentleman, that they had money, at least in the version that came from the House, for millions of dollars for education on sexually transmitted diseases. Now, that's a totally different definition of stimulus, isn't it? How does that help us to get jobs in the economy?

Mr. CARTER. Well, that's a good question. If you'd yield back. That's the kind of thing that we ought to be thinking about. And let's be clear. Some of the things that they're spending money on are good causes and they're causes that ought to be in the regular budgetary process which, by the way, comes up very shortly. We should be getting a budget from the Obama administration within the next couple of weeks. This is all above that.

Mr. AKIN. Reclaiming my time, though, gentleman, you talked about a culture of smoke and mirrors here. This was supposed to be a jobs package. It was supposed to be a stimulus. I'm calling it a ''porkulus.'' But that was the theory. And yet what you're saying that it has in here, it really isn't; it's more about big government spending. I yield.

Mr. CARTER. Well, as we look back, and I've heard the chairman of the Appropriations Committee rail in favor of what FDR did in the Great Depression and how successful it was. And yet, right there by his own Secretary of Treasury's admittance, the spending programs failed. And I think history is now showing us that the spending programs and the tax increases that came in the latter part of the ''New Deal'' kept us in the Depression, didn't get us out of the Depression.

Mr. AKIN. Reclaiming my time. Essentially what happened, we had a recession during the time of the New Deal. They tried this Keynesian economics, which, at that time, you could at least give them credit; while it didn't make any common sense, at least it hadn't been tried. And here you have the author, the guy that was really behind it, even almost before Little Lord Keynes came along, this guy, Henry Morganthau was supporting this thing. And then 8 years later he comes before our committee and says, it does not work. And then it says, also at an enormous debt, to boot.

Now, why would we want to turn around and do the same thing over again, when there is a bold initiative that can be taken, just as has been done, that history has proved works. I had just shown the chart of what happened when we did the dividend and capital gains tax cut to allow small businesses to keep more of their money to make the investments in their businesses. And we saw the fact that right after that tax cut right here, we see all these jobs being created.

What else happened? Well, let's take a look at the Gross Domestic Product of the country. These lines to the right are after that tax cut. You can see that the average has gone up to 3 percent, whereas before that tax cut it was at 1.1. And here's the best thing of all. If you care about all these different other ways that the Federal Government could spend money, one of the things you'd want would be the economy to be strong because then you have more revenue.

Take a look at—let's see. I've got to try and find the chart that shows what happened. Somewhere along the line we

lost one of the charts here. But the bottom line was when you did that tax cut, second quarter of 2003, what you find is immediately the Federal revenues start going up. Well, it doesn't surprise you when you think about it because look at all the more people that have jobs. They're all paying taxes. And you see the Gross Domestic Product going up.

So when the economy gets better, we have more money to spend. And that is what has always made America great. It's because there are certain basic true principles that are not smoke and mirrors. It's not a whole lot of government redistribution of wealth, and not everybody is a socialist, in spite of what the cover of Newsweek wants to tell us. And I'd yield.

Mr. CARTER. Well, I would hope that we're not all socialists. I have a young man whose wife is from Canada, who works for me. And I'll tell you, he said to me, he said, you know what? I love my wife dearly, but I didn't want to go live in Canada with those socialists. Please don't bring it to our country. So there are people that are really concerned deeply about socialism.

Mr. AKIN. Reclaiming my time, you know, what we're talking about here is, are we going to let the marketplace work? Are we going to trust in productivity? Are we going to trust in Americans that have always been able to deal with these situations?

We have been through a lot of crises as Americans, and yet there's something very, very special about our country. So many unique things. Aside from just the beautiful land that we enjoy, as soon as there's a tsunami or some huge storm or something, you see the Americans there trying to help all around the world. And you see the Americans in a positive way helping.

But then there's some things that we're proud of that they didn't do. We won a couple of world wars at various times, and after we won those wars, after every other Nation in the world wins a war, they claim more territories and more jurisdiction. Instead, we didn't claim anybody's territory. We simply taxed ourselves to help rebuild our enemies. That's what makes us a different kind of country. And we're a country that has always put a premium on freedom. Every time we get a chance to give a talk, Judge, we ask people what's so special about America, the word that just bubbles out of their hearts is it's about freedom; it's about a chance to have a dream and to go out, and you may succeed, you may fail, but we're the land where dreams can become reality.

□ 1745

We are the only Nation in the world that is based on a creed, that is based on a philosophical statement:

We hold these truths to be self-evident, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

Earlier versions have life, liberty and property. That means it's not the job of the government to take everybody's property away from them and to slop it around and redistribute it. That is socialism. This idea was tried by the Soviet Union. The government is going to provide you with a job and with health care and with food, and the government is going to give you your education. That idea died in the dustbin of history when the Soviet Union collapsed.

Our system is based on the idea of freedom and of allowing people to go out and invest their lives in businesses, not in the government's taxing their great grandchildren into the dirt.

I will yield to my good friend.

Mr. CARTER. You know, the great saviors of the socialist states' medical plans were the medical facilities of the United States of America. The reality came when the rationing took place as you described. Just exactly what you described took place. The people who had the money to get the health care came to the last bastion of freedom for health care—the United States of America—and they got that hip transplant or had a heart transplant or whatever it took so that they could continue productive lives. That's the way we want it in this country. We want to be able to work hard and to have the best, and that's why we're standing up here today.

I don't fault the good consciences of many people who support this plan. It is not going to work, and we can do better. Rushing to judgment has already proven in the ''bailout bill'' to be a disaster. Let's not rush to judgment.

Mr. AKIN. Reclaiming my time, I really appreciate your perspective. It's not about doing something fast. It's about doing the right thing. It is the thing that has always worked in history.

We are joined by our colleague, and I am just so thankful to have another perspective on what we're talking about. It's not that we don't believe that there are good principles that make things work, but specifically, if people want to say, ''well, what sorts of things would the Republicans suggest?'' there have been different Republicans suggesting ideas.

One says, hey, let's just have a moratorium on Federal taxes. Let's go 2 months or 4 months where we just don't charge anybody any taxes. It will cost less than this $800 billion loan and bailout we're talking about. Let's just let people keep their own taxes for a couple of months and see what that does to the economy. I'll bet you would see some immediate results.

Yet that is not a Washington-based solution. That is not a big government solution. It is allowing freedom to work, and that is what we are about.

There are other solutions which say, hey, let the small businessmen keep more of what they make so they can invest and can create those jobs. That's what happened before that worked fantastically. Why don't we do that kind of thing again?

I will yield to my good friend.

Mr. CONAWAY. Well, I thank my colleague from Missouri for yielding me some time. I want to talk about how we pay for this issue.

At least for the last 40 years, maybe a little bit longer than that, the people in charge—currently us—have made an art form out of solving our problems with somebody else's money. You can look at what this Federal Government has done over and over and over. This just happens to be the single most dramatic occurrence of this concept that we have had in history.

What we will do to fix a temporary problem: In my view, this recession is temporary. Expanding economies are temporary. We had a pretty good 7- or 8-year run, and we enjoyed that. It ended. This recession will end. It is not permanent. So what we are going to do is we are going to borrow money that, in all likelihood, will never be paid back to fix a temporary problem.

So why would you borrow money at this scope and at this scale to fix a temporary problem that never gets paid back?

This is what we are doing to our children, to our grandchildren and, actually, to every child yet to be born in America: Because this debt will never get paid off, the interest carried on this debt currently cumulative will be about $12 trillion. That interest carried, whatever it is, will be a permanent burden, as it were, on every child yet to be born. So, when my great grandchildren are in this position, they are going to have to pay the interest on this debt, which means whatever those resources are, those are resources that they will not have available to them to fix their problems.

So, as we go about this $790 billion deal, just understand that this, in all likelihood, ought to be considered the fiscal abuse of our children, grandchildren and great grandchildren

Mr. AKIN. Reclaiming my time, I really appreciate the gentleman from Texas (Mr. CONAWAY) for coming out and for joining us tonight and for adding your perspective and particularly that point, because there is an almost ethical point to what you are saying: We are saddling our kids and our grandkids with a tremendous debt level.

Again, let's put this into perspective. We are talking about somewhere between 100 and 200 aircraft carriers end to end. We've got about twelve aircraft carriers. Now, that's what we're talking about. This is a lot of money. This is more money than we spent in Afghanistan and in Iraq during all of those years of those wars.

I very much appreciate my colleagues for joining me. Thank you, Madam Speaker. I yield back.

THE ECONOMIC STIMULUS AND A NEW PARADIGM FOR ALL AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Illinois (Mr. JACKSON) is recognized for 60 minutes.

Mr. JACKSON of Illinois. Madam Speaker, I rise today to talk about the economic stimulus but also to advance the idea of a new paradigm for all Americans in terms of public-private cooperation in advancing economic opportunities for all Americans.

It is difficult when you listen to my esteemed colleagues on the other side of the aisle whose arguments seem to rehash the past as the American people at this hour find themselves fearful, in some contexts desperate, as our economy has taken an unprecedented turn for the worse. Yet the arguments of rehashed tax cuts and tax breaks for too few Americans and for too few businesses have brought us to this very unique moment in American history.

The President of the United States, President Barack Obama, essentially has said to us that the arguments that we have heard have taken us down this road over and over and over again. Yet we are looking at unprecedented layoffs. We are looking at plants closing on workers without notice. We are looking at the 401(k)s of the American people essentially diminishing right before their eyes. We have seen Members of Congress in the last years whose homes as Members of Congress have gone into foreclosure. Each of us has heard from our constituents who have lost their jobs and who have experienced the kind of unprecedented economic desperation that has brought us to this unique moment in American history, an unprecedented moment.

At least according to A.P., a few moments ago, the Senate leader announced that we now have a stimulus deal.

''Moving with lightning speed, key lawmakers announced agreement Wednesday on a $789 billion economic stimulus measure, designed to create millions of jobs in a Nation reeling from recession.'' Conservative economists, liberal economists, almost everyone agrees that the government at this hour cannot stand idly by and do nothing. We must do something. ''The middle ground we have reached,'' the leader says, ''creates more jobs than the original Senate bill and costs less than the original House bill.''

The bill includes help for victims of the recession in the form of unemployment benefits and food stamps and health coverage and more as well as billions for States that face the prospects of making deep cuts in their other programs.

Who here does not represent a State that is not experiencing unprecedented economic disaster?

No Democrat and no Republican in this body can sit idly by and play politics as usual—blame the other side, not work in a bipartisan way to bring about the kind of growth and jobs that are necessary.

While I come to this floor to talk tonight about innovative public-private partnerships, which I fundamentally believe are and represent the new paradigm, I cannot help during this Democratic hour to at least rebut some of what I have heard tonight in the context of the 20th bicentennial of our 16th President. Either we are a government of, for and by the people or we are not.

During this hour of economic desperation, the American people are not turning to their governors; they are not turning to their city council persons; they are not turning to their mayors; they are not turning to any of the major industries in this country that are laying off workers. They are turning to some entity, to some flag, to some church, to some god, to some sense of higher being, to something that calls us as a Nation to turn beyond that which we do on a daily basis and just see ourselves and see our country. Maybe we, together, can work our way out of this profound crisis.

Before the American Civil War, our 16th President lived in an environment where the States, themselves, asserted themselves and where the United States Government was, at best, fledgling in terms of its national responsibility because, before the American Civil War, it never had to assert itself. Yet, through Abraham Lincoln, ''the United States are a government'' became ''the United States is a government'' because the idea of saving the Union took on national cause whether you were for slavery or against slavery, whether you were in the northern States, the border States or the southern States or whether you were following the movement of popular sovereignty into the western States, making arguments, as you have heard from some of my colleagues, about their property and their liberty.

But the real question that confronted the Nation at that hour was whether or not we were going to be one Nation under God that was indivisible. Questions of what to do with the slaves, questions of what to do with women's rights and the suffragettes who would later culminate in the 19th amendment would be left for other generations to resolve. But one thing is for sure: The question of ending slavery and the question of stopping and providing women with equality was something that required one Nation to accomplish, not 50 different States, not the private sector and different industries but the leadership of an executive—the President.

So, in the Gettysburg Address, Abraham Lincoln took what was a celebration, if you will, after the American Civil War—July 4, our Independence Day—and he redefined it in Gettysburg by saying that the men who paid the ultimate sacrifice in Gettysburg and in Vicksburg have paid a sacrifice higher than our ability to add or detract. He essentially relegates it to the future to make the judgment about what kind of a Nation we would become, not that I would become, not the people of Virginia, not the people of Georgia, not the people of Illinois, not the people of California. What kind of a Nation we will become.

In my own lifetime and at 43 years old, all of us felt that tremendous sense of angst when our Nation was attacked on September the 11th. For a moment, we stopped being Democrats; we stopped being Republicans; we stopped being black and white. We were attacked. We were attacked and we wanted to respond. We looked to our national government to protect us. We did something extraordinary for a moment. We became Americans.

□ 1800

There are these moments in American history where we look beyond our individual selves and we make the judgment that we have to do something for ourselves or our people for our future. And the American people find themselves economically at that hour.

So we have a stimulus deal. Roosevelt said, ''During these troubling economic times that we have nothing to fear but fear itself.'' But that's what we've been hearing from the other side. I've even heard it from some Democrats—just fear; fear—when we should be turning to each other and not on each other to work and provide the American people with some hope, a way out of our predicament.

The American people at this hour don't need to hear the Democratic proposal, the Republican proposal. They need to hear an American proposal that suggests that we are coming together as one people to solve an American problem. That was the best of Abraham Lincoln—not that he was our Nation's first Republican President fighting many southern Democrats in a great war, in a great battle—but our President rose above the circumstances of the hour to ensure that you and I would have a very different future.

So we heard the past. For the last hour we've heard the past. We've heard a recycling of the same old ideas.

President Obama has hinted at a new future. That new future suggests a new paradigm economically. Recently, he said that he wants to limit executive compensation, which I believe many Members of this body applaud if we are

giving taxpayer funds to the private sector so that they might help shore up the economy and financially troubled institutions. Certainly people shouldn't be buying Leer jets and jet planes and taking excursions and vacations with taxpayer funds.

There's the hint of a public-private partnership and greater responsibility during this desperate hour for the American people.

I want to talk for a few moments about public-private partnerships as a stimulus plan, a recovery plan for all Americans.

We were once a manufacturing-based economy. We moved from a manufacturing-based economy with trade deals and with other opportunities that took place in the global economy to a more service-based economy. During the Clinton administration, a new economy emerged: the information-based economy. However short-lived, it gave birth to the Internet, the high tech companies with computers, and has automated our system to the point that computers do the jobs now that people used to do.

From a company's perspective, computers obviously don't need health care and don't need benefits. But from a government of, for, and by the people, the responsibility for health care, for decent housing, for a higher quality of life must fall on a caring government. Not everyone can make the transition from a manufacturing-based economy to a service-based economy based upon education level and skill as quickly.

My mother. Love momma to death, but momma is not as proficient on computers as my children are. My children are better able to transition from the last economy to the new economy much faster than the last generation.

But most jobs in America, while they may not be in manufacturing and because of the education levels associated with the information-based economy, are in the service-based economy, the services that we provide. The hard-working men and women of the United States Postal Service, of UPS, of Federal Express, of the Hyatt Hotel, and the Hilton Hotel, and the Fairmont Hotel. The service-based economy employs more Americans than any single aspect of the Nation's economy.

Whatever it is that stimulates the service-based economy by definition is good for the Nation and can stimulate job creation for more and more Americans. I support the stimulus bill. We've got to do something, and we have to do something right now.

What few Members of Congress will tell you is that behind this trillion dollar bill is probably another trillion dollar bill. And given the depth and nature of the crisis, maybe even another trillion dollar bill. And it is my sincere hope that out of the idea of repairing our economy and restructuring our economy, a new partnership will emerge between the public sector and the private sector in unique public-private partnerships to accomplish and finish public works projects.

Before I came to the floor, I went to Wikipedia and I pulled up ''public-private partnership.'' And it describes, specifically, a ''government service or private business venture which is funded and operated through a partnership of government and one or more private sector companies.''

In some types of public-private partnerships, the government uses tax revenue to provide capital for investment, with operations run jointly by the private sector or under contract. In other types, capital investment is made by the private sector on the strength of a contract with government to provide agreed-upon services.

Government contributions to a public-private partnership may also be in kind, i.e., transferring existing assets to the private sector; i.e., leasing them land for the purposes of putting a business on top of the land to create jobs, to grow the business, and to grow the economy.

In some ways, and particularly in urban areas, public-private partnerships manifest themselves in the forms of tax incrementally financed districts, or TIFS. They manifest themselves in the form of enterprise zones to attract businesses that have moved to other areas to open up shop in high unemployment, high density areas.

And in some other cases, the government may support the project by providing revenue subsidies, including tax breaks or providing guaranteed annual revenues for a fixed period.

The idea of a public-private partnership is part of a new paradigm. Public-private partnerships are not the same as private-private partnerships, that is, a quasi-government entity allowing the private sector to run and operate without any public accountability. Private-private partnerships or quasi-private partnerships do not work and are ripe with corruption, waste, fraud, and abuse.

I wish that the TARP funds that we voted on in the last session of the Congress had taken the idea of a public-private partnership approach before President Obama had become elected President. The responsibility for limiting executive compensation should not have been an afterthought. It should have been in the original bill. Public accountability for taxpayer funds: It's fair, it's right, it's accountable.

Typically, however, when Congress moves big economic stimulus bills and emergency supplemental bills, more often than not, some of the best ideas are afterthoughts. And so, before Congress spends the next trillion dollars after we vote on this trillion dollars, I want to put a marker in the next bill that public-private partnerships, public oversight that encourages private spending to help create jobs and grow the economy for most Americans, is something that all Americans ought to support.

For the 14 years that I've had the privilege of serving in the United States Congress, I have been working on such a project, and I want to discuss and share with you in some details the nature of that project. I believe that the goals of this project are consistent with the goals of the stimulus.

Long before I decided to run for Congress, the head of the Federal Aviation Administration, I believe under President George Herbert Walker Bush, said that we needed to build 10 new airports the size of O'Hare Airport in the City of Chicago to handle today's congestion problem.

Some of you may argue, ''Congressman JACKSON, what do airports have to do with stimulating the economy?''

Airports are like the heart of the service-based economy. It's like the central organ that pumps blood to every artery in the body. You show me an airport and I will show you several hotels: the Hyatt, the Hilton, the Fairmont. You show me an airport and I will show you Hertz that buys fleets of cars, and Avis, and Dollar, and Enterprise.

You show me an airport, and I will show you convention centers. They're never that far from airports. You show me a convention center and I will show you conventions: visitors, shows, and hardware shows, and auto shows, and trade shows. You show me an airport and I will show you Boeing; I will show you Airbus; I will show you Lockheed Martin, and Gulf Stream, and Jet Star, and Leer.

You show me an airport and I will show you roads and highways and interstates and intermodal transportation. You show me an airport and I will show you metro; I will show you bus service, limo service, CTA, Pace.

You show me an airport and I will show you tens of thousands of jobs tied to the service-based economy. Even when airports close at night to customer service, they're still open for cargo service, and so Fed Ex packages move all throughout the night, UPS and DHL packages move in the third shift, 24-hours delivery. You show me an airport and I will show you an economic engine that keeps on giving.

So during the George Herbert Walker Bush administration, President Bush, the First, the director of the FAA said that we needed to create 10 new airports the size of O'Hare, O'Hare Airport in the City of Chicago responsible for creating nearly 286,000 jobs conservatively; 10 new airports the size of O'Hare Airport, 286,000 jobs times 10, 2.8 million jobs. Nearly 3 million jobs associated with expanding and building 10 new airports.

How many airports have we built in the United States since George Herbert

Walker Bush's administration said that we needed to build ten new airports? Not one because Congress is a slow-moving institution.

All of us have our interests in expanding existing facilities and tweaking a few runways here and there and lengthening a few runways here and there in existing facilities. But the problem is even though aviation capacity is growing nationally at our existing facilities, they're all constrained, meaning that aviation traffic has to be moved to new airports in new air space.

□ 1815

Mr. Speaker, 2.8 million new jobs associated with the service-based economy, if the Congress of the United States can find a way to enter into public-private partnership, if State governments can find a way to enter into public-private partnerships, that is, taking the best of public oversight with private ingenuity and capital, buying land, leasing it to the private sector like a TIFF or enterprise zone, allowing airport developers to put an airport on existing land and begin the process of generating jobs, this is the stimulus.

Airports generate economic activity in communities that desperately need them. Building airports is consistent and compatible with the goals of the President in this stimulus. It's stimulative by creating jobs and developing infrastructure and expanding aviation capacity.

In Chicago, a third airport as a unique public-private partnership would be the biggest job generator in the region for my congressional district. In some of the communities in my congressional district—I've been here for 14 years—there were 60 people for every one job when I got to Congress. Today, in some of those communities, there are still 60 people for every one job.

Why? Because Wal-Mart is not the answer. Another drugstore is not the answer. Another liquor store is not the answer. Incremental, small businesses, sure, we welcome small businesses, but we need some big businesses on the south side of Chicago. We need growth. We need development. If we have growth and development, our crime rate will go down. People can afford their homes because they will be working, and they can pay taxes and they can pay their mortgages. And because they're paying their taxes, their schools can subsequently flourish.

But it's one thing in a stimulus bill to be fighting for unemployment compensation—I'm for that. It's one thing in a stimulus bill to be fighting for more health care for those who lose their jobs and are uninsured—I'm for that. I'm for all of the programs that make sense in the stimulus bill, but we need a jobs bill.

And so the infrastructure components of the stimulus bill are most attractive to me, the infrastructure components, the permanent, lasting components so that decent men and women in this country can get up every morning and do exactly what we do, go to work. The American people want to work. They don't want a handout.

They're looking to this Congress not to be Democrat and Republican and bickering back and forth. They're looking for us to come up with a solution to a real problem, not with hints of the past, pre-Civil War arguments about the Federal Government shouldn't be involved in the lives of the American people. We didn't have a problem with them being involved after 9/11. We didn't have a problem with them being involved after the Great Depression.

There are these moments in the history of our Nation when we look to our Nation and the source of our strength, our faith in each other, our faith and belief in country, our faith and belief in who we are that we can somehow rise above our petty differences. That's what I experienced and witnessed over the course of the last 2 years in the Presidential cycle, in the election of the 44th President.

So with that said, Mr. Speaker, I want to talk with you about public-private partnerships and the approach to creating 286,000 jobs, with the hopes, Mr. Speaker, that you're listening to me today and that other Members in their offices are listening to me today, with the hopes that my constituents can hear me and the American people can hear us as we wrestle with issues that matter to them, not partisan bickering and division, but issues that matter to them, real solutions to real problems.

So the first thing I want to talk about is the public side of a partnership, and Mr. Speaker, the example that I have is the example that I've been working on for 14 years, and so I'll need my charts.

The late Congressman Henry Hyde and I, distinguished gentleman from Illinois who is now deceased, but I must say up until the moment that he expired Henry Hyde was probably the closest Member of Congress that I was with and to in the Congress of the United States. The late Henry Hyde took me all around the world and showed me how the institution of Congress works. I miss my good friend Henry.

Henry was kind enough to recognize that the south side of Chicago and the south suburbs had a profound economic problem: too few jobs, too many people who wanted to work, too few people interested in trying to provide them with a real solution to a real problem. It was Henry Hyde who helped me understand that the manufacturing economy had fundamentally shifted in our country to other parts of the world.

I knew it because United States Steel, which used to employ 22,000 people in my congressional district at its South Works facility, had closed, and those 22,000 people, while they lived next door to the plant, suddenly woke up without employment opportunities, without health care. And while Gary Works still produces high quality steel, there was nothing quite like the economic impact on the south side of Chicago when United States Steel closed. Henry Hyde understood that.

I asked Henry what was the key to his congressional district. I have 60 people in some of my communities, 60 people for every one job. In his congressional district, three jobs for every one person. Did Henry come to me and tell me my constituents needed more tax breaks? No. Did Henry make the occasional argument—and he did—that somehow welfare was bad and wrong? Yeah, he made the argument.

But most importantly, beyond the partisan bickering, which dominated the politics of the 1980s and the 1990s, Henry Hyde said the key to what's taking place in the northwest suburbs is the service-based economy.

Sixty years ago, there was no O'Hare airport in the northwest suburbs. In fact, those of you who travel through O'Hare, your baggage tag says ORD. It doesn't say O'Hare airport. It says ORD because it was called Orchard Field in DuPage County, not even in Chicago. It's just a big, old field outside of the metropolitan area.

He said, When the goose laid the golden egg, when O'Hare was built, it brought with it unprecedented economic growth. We extended the Kennedy Expressway all the way to O'Hare. We extended the CTA all the way to O'Hare. The mayor of the City of Chicago is advancing the O'Hare modernization program. He wants billions of dollars in future bills in this Congress to throw them at O'Hare. And United has expanded its terminal, and American expanded its terminal, and we built a Hilton and Hyatt and a Fairmont and a Doubletree and a Sofitel and the Rosemont Horizon. And communities that never existed before began popping up around the economic engine, but the goal was always to get to the jewel of the region, the City of Chicago.

The only way to get to Chicago is through O'Hare airport and through Midway airport. Midway's most profound problem is that its runways are too short for a 747 to ever land there. So O'Hare airport remains the crown jewel of our area.

Henry Hyde said, JESSE, O'Hare airport has reached operational capacity, but out in your area where they need jobs, if we can expand aviation capacity to your area, you get to lay a golden egg on the south side of Chicago, Hyatt and Hilton and Fairmont. And we can hardly some days catch a taxi on the south side of Chicago, but if we build an airport, guess what taxicab

drivers like to do. When they see you standing out on the corner here in Washington or anywhere in America with a suitcase, you can immediately get a taxicab because the cab driver assumes you're going to some local airport. It's the best fare even for a cab driver. The trip to the airport is the golden jewel of a hack.

So we began the process. I said, Chairman Hyde, the Federal Government doesn't build airports. State governments build airports. However, State governments build airports with the assumption that the States have in their budgets the financial wherewithal to actually build an airport. There's no State in the Union that's in a position to build a new airport. But George H.W. Bush, the former President, said we needed 10 new airports the size of O'Hare 20 years ago, and we haven't built one, and with each airport, about 286,000 jobs or 2.8 million jobs.

Every time I say that we need to build a new airport in this Congress, someone from the other side says, oh, here comes a Jackson earmark. A Jackson earmark? 286,000 jobs, a Jackson earmark? Oh, you can't put that in the bill, that's earmarking. You haven't worked out the local politics yet. The local politics? The State of Illinois lost 1,200 jobs a day in December, 36,000 jobs in the month of December alone. And I want an earmark? And someone comes down to the floor arguing about, why are you putting in an earmark? I didn't get elected to Congress to hear rhetoric about earmarks. 286,000 jobs at stake with just building one airport.

So the public side of the partnership has to be structured under State law. The Abraham Lincoln National Airport Commission—how appropriate—we hope to start construction on the 200th birthday of our 16th President.

ALNAC, Abraham Lincoln National Airport Commission, is a local airport authority that was formed through an intergovernmental agreement between its constituent members comprised of 32 Illinois municipalities located within the Chicago region. The Abraham Lincoln National Airport Commission publicly solicited private entities to build and finance a commercial airport—there it is, public municipalities, 32 of them, solicited through a bidding process private developers to build an airport—at the site approved by the FAA in their Record of Decision on the Tier 1 Environmental Impact Statement. After evaluation of proposals submitted in response to their solicitation, the Abraham Lincoln National Airport Commission selected the joint venture of SNC-Lavalin America and LCOR as their private development partners.

So now we have the public side, the 32 municipalities, the government oversight, making sure that the facility is consistent with the public's intent, and we also have private capital. Notice what I have said so far. I've not asked for a Federal dollar. I've not asked for a State dollar, yet. Public-private partnership.

ALNAC's private partners then submitted a comprehensive airport alternative concept to IDOT—the Illinois Department of Transportation—in 2004, 2004. Of course, everyone knows that our government and the State of Illinois, the Illinois Department of Transportation in 2004, just like many of us are now realizing in very public ways, has not been a functioning government. But in 2004, we submitted the paperwork for the public-private partnership.

Due to their financing proposal, ALNAC believes that their alternative offers the best flexibility to provide for optimum land utilization, maximized cost efficiencies, and create better long-term planning for their private capital and investors, as well as airports, commercial stakeholders, and tenants. This is a really important part of public-private partnerships.

If we're going to have a public-private partnership, there is some give and there is some take. The private sector is not just in this for the public good, and the public sector is not just in this to restrain the private sector. The private sector must be able to make a profit out of a public-private partnership.

□ 1830

And so the appropriate balance between public accountability and the goals of the private sector, its investors, and its stakeholders is a unique balance that has to be struck in any public-private partnership.

Our proposal is analyzed and compared to all other alternatives in ALNAC's report, according to the Illinois Department of Transportation, addressing the ultimate airport concepts, along with the inaugural airfield passenger terminal facilities and landside access concepts.

In short, the Illinois Department of Transportation determined that the Abraham Lincoln National Airport Commission had the Nation's first public-private partnership for building commercial aviation in the United States. A perfect model.

So, where do the jobs come from? Well, for nearly a decade now the State of Illinois has been acquiring land for this inaugural airport, albeit at a snail's pace. The public-private partnership is simply a business between the public sector and the private sector on the State land, like a TIFF or an enterprise loan.

Let's say, for example, you want to attract Wal-Mart to the south side of Chicago or you want to attract Costco to the south side of Chicago. The city of Chicago, the city of San Francisco, the city of Atlanta offers land in an area and says, Hey, if you put 300 jobs right here, we will give you tax incentives, we will give you tax rebates for however long, whatever the terms of the agreement are. And, as a result of that, 300 Illinoisans, 300 Americans, are somehow working because of the public-private partnership. Well, we are the same thing.

The State of Illinois has been purchasing land for an airport. But they cannot afford to build an airport. And the Federal Government does not build airports. So somehow a balance must be struck between the goals of the public to relieve national aviation, and the private sector, who has got the money. And the private sector needs to be able to get their profit out of the project.

What do we get out of the project? Well, remember, I said some communities have 60 people for every 1 job. An airport with one runway and five gates in this market, on State land, creates 15,000 new jobs. One runway, five gates, 15,000 jobs paid for by the private sector, with public oversight.

Why public oversight? Well, you just don't launch planes into the air. They have to have air traffic controllers, they have be integrated into the national aviation system. So the national aviation system is part of the process. The FAA is part of the process.

You have to have cooperation between the Federal Government. No tired arguments about Federal Government. You have to have the FAA in order to fly a plane. You have to have State governments. This land is owned by the State of Illinois. But the State of Illinois leases land all the time. But one runway, five gates, in a unique public-private partnership, creates 15,000 jobs.

Well, Congressman, how do 15,000 people get into a terminal with only five gates? Fifteen thousand people don't get into a terminal with only five gates. Fifteen thousand people come in the form of pilots, flight attendants, engineers, gate workers, maintenance workers, TSA, Hertz, Avis, Enterprise, Dollar, Hyatt, Hilton, Fairmont, Radisson, Double Tree, the Zanzibar Hotel on Stony Island Avenue. Taxicabs, convention-goers, visitors, hardware shows, auto shows, trade shows. It comes in the form of people coming and going from the Nation's aviation system. That's one runway and five gates.

Within 10 years, the plan then progresses from a small terminal with five gates to, very quickly and very inexpensively, 13 terminals, 13 gates. A $400 million investment goes from five gates—one, two, three, four, five—to 13 gates very quickly. And every time the airport expands, if five gates equals 15,000 jobs, well, how many jobs do we think the next five gates equal? That's right. A 10-gate airport is 30,000 jobs. Still paid for by the private sector.

So now we have gone from 5 gates to 15 gates—phase one of the airport—at

very little cost to the private sector. Phase two of the airport. While this part of the airport is under construction, you then build phase two of the airport. And then you build phase three of the airport. And then you build phase four of the airport. All using modular construction paid for by the private sector, with the finances of the airport reinvested in the airport; reinvested in the business, because that is what it is; reinvested in the landside development of the airport; while paying the State back for the land that it acquired from the beginning of the project.

So the taxpayer gets their money back associated from their initial investment in the land, the airport gets built, hotels, and tax bases expand, and schools are funded and people who work pay for their own health care or any other form of health care they choose to because they have a job.

I'm voting for the stimulus bill. But I'd like to see an airport built on this House floor that builds 10 of these monsters right here. Ten of them. And I am sure 2.8 million jobs will be created. This is just the initial terminal.

So, remember, our airport was phase one. We then built phase two. We accomplished additional capacity by just extending the terminal with a very modest expansion and very cheap expansion to 13 gates. And then we build phase four, we build phase five, and once this side of the airport is operational, then we come back to the other side of the airport, without any disruption in service, and we turn this very modest gate into a much more consistent and pronounced enterprise.

So, the initial long-range phasing of the airport, an airport of this magnitude, about 85,000 jobs to a local economy. In the service-based economy. No, this is not manufacturing, although there are still steel implications and glass implications for building airport terminals and concrete and asphalt associated with building airports. So there is some manufacturing impact associated with building airports.

No, this is not a computer-generated information-based economy, where people write software programs and participate in online chats and engagements of information, although there will be WiFi at the airport.

But airports are central to the service-based economy. The service-based economy. Different than the manufacturing-based economy and very different than the information-based economy. And very different, quite frankly—and I know some members of my staff are going to be a little upset about this—very different than some of the approaches even in this bill that I am supporting.

Yes, this bill has gone from a stimulus bill that was supposed to be stimulating the economy, and this is truly stimulative construction, to a—watch this now—recovery bill. The economy is so bad, we are now in recovery. And we still need even more stimulation.

But we are moving now from the language of stimulation to recovery because the problem is profound. But if we can find private developers anywhere in this country who are willing to put up their own money under public oversight to build public works projects, that is the point. That really is the point. Because the private sector, many of these corporations, do have the money, and are willing to put it up, if the State, if the Federal Government is willing to cooperate so that we can create jobs, move beyond the local politics.

I began this presentation, Mr. Speaker, by saying that there are unique moments in American politics, in American life, in American history, where we no longer look to the States; to the locals; to the old, tired arguments—tax breaks and Big Government and socialism—to doing something for all Americans.

Lincoln did it in Gettysburg and during the Civil War to save the Union. Roosevelt did it when he appealed to something greater in each of us to save our Nation and our economic system. President Bush did it after September 11th, albeit some of us had problems with the direction. But we did rally behind our President and behind the flag because of our sense of insecurity associated with those profound events of September 11th.

I'm suggesting to you, Mr. Speaker, that we can rally behind our President. But we ought to rally behind a new paradigm that makes a difference for all Americans. So, 85,000 jobs associated with this facility, paid for by the private sector, under public-private partnerships. Future stimulus bills ought to encourage them.

Mr. Speaker, it's not just about the traveling public. Serious airport design and planning includes the possibility of cargo, because there are tens of thousands of jobs associated with cargo. Handling mail, handling packages. The global economy. Moving goods and services throughout the world. Making it more efficient. Every time we add a cargo plane carrying cargo to our Nation's aviation capacity, it constrains commercial aviation. Every time we add a new commercial flight, it means one less cargo plane that can fly unless, of course, we are expanding and building new airports.

I'm particularly proud that this concept is conceived of by the private sector at no cost or risk to the taxpayers because the private business model pays the State and the Federal Government back for its investment in building the project. There are no airports in the country to do that. They are like sinkholes. They serve a valuable purpose, but they don't pay back the taxpayer for the public works projects.

Well, this is the example that I like to talk about. Airports. But this could be a port. Any port in America could be built under a public-private partnership model. Job growth in this country in almost any sector of the economy can be built under a public-private partnership model. Not a private-private partnership model, but a public-private partnership model.

□ 1845

Where does this airport go? Well, how about this: Because the private sector has an interest in profitability, they also have little tolerance for graft or corruption. They don't do political fund-raisers. They reinvest in their project for their stockholders and for their investors. They're in it to turn a profit.

You enter into a public-private partnership with the full knowledge that the private sector investor wants to make a profit out of the project. So when the private sector develops and plans an airport of this magnitude, they start with the entire land use scope as part of the project. They start with the big vision first, what the airport could become. An airport of this magnitude in the exact same space, 286,000 jobs, Mr. Speaker. There it is. That's what 286,000 jobs looks like. That's what it looks like. Nothing else that we've discussed on this House floor comes close to that. Not a tax incentive, not a tax break, not stopgap measures to help us recover. And we do need to recover, helping the poor, the disenfranchised and those who have been locked out. We do need to help those Americans who are suffering. But many of those Americans who are suffering also want full-time work. We need infrastructure projects like this that uses the private sector's money that pays the Federal taxpayer and the State taxpayer their money back in a unique public-private partnership.

So, airports usually designed by States start with big plans like this and they never find the money to build an airport of this magnitude. So what the private sector does, as I prepare to close, Mr. Speaker, they start with complete land use, what it could look like, how we get to the 286,000 jobs. And then they do just the opposite of what we do in government.

I really like this part. They start with the big use plan, they then scale it back to 1X, they then scale it back to various phases because they can't build the whole thing at one time, phase 1, phase 2, and phase 3. They only build what they need. And they work it all the way back to the smallest, least expensive facility that creates the most jobs that allows them to operate their business—one runway with five gates. And this one runway and five gates, that same one runway and that same five gates is right here, and this is the same runway. When it becomes a

four-runway airport, they've wasted nothing. When it becomes a six-runway airport, they've wasted nothing. They've taken the big plan and they've scaled it all the way back down to the smallest common denominator and they're in a position to go to their investors and say, okay, we have public support in the partnership, we have private capital, only $400 million. That's what it costs to build one runway and five gates, $400 million. They're ready to pay for it. They're ready to put up their own money. And as their business begins to expand, they then move from one runway and five gates to 13 gates while they're working on phase 2. And then they work on phase 3. And they're constantly reinvesting their profit.

Not coming to Mr. OBERSTAR's committee or going over to the Senate looking for another earmark, more taxpayer funds, hustling around Capitol Hill, going to receptions, trying to get the Congressmen's attention. No more of that. Enough of that. The new model shouldn't have them coming up here every year hustling a transportation bill. The new model ought to free them to do what they do with public oversight and expedited interaction from the FAA. Not the old rigmarole. If we want a new Washington, set them free to build the economy. Set them free to grow. Let them do what they do, accountable for their money and their oversight within the rules of local public accountability. Break up the routine where, can I get an earmark this year? Can I get another earmark this year? I've got a worthy project. One more worthy project. And then when we support the worthy projects, we then get criticized for doing what we've been elected to do.

Mr. Speaker, the new model for all Americans, the new paradigm, is a paradigm of public and private partnership that creates a new era of accountability. We don't have to look back to the old America where we don't turn to our government for help. Sure our government can play a role. It can establish a new paradigm of participation for all Americans.

And so, Mr. Speaker, it is my sincere hope that my colleagues who are in their offices, who want to advance the idea of public-private partnerships, that they will look closely at the arguments that we made in the CONGRESSIONAL RECORD, look at our approach and our processes that we followed at the local level with complete transparency, so that we can grow an economy for all Americans that all Americans can be proud of.

I want to enter one more thing into the RECORD, Mr. Speaker, just before I yield back the balance of my time. I was reading in a local newspaper here that in the month of December, our Nation's busiest airport experienced the worst delays ever.

''Chicago's air travelers endured the worst delays in the Nation during December, as foul weather offset any benefit that airlines might have gained from a steep drop in flights at the city's major airports, new data show. O'Hare International Airport, the gem of our city and the gem of our region, reported the worst performance for on-time departures among major U.S. airports for December and calendar year 2008, even after the November opening of a new runway that is designed to help reduce the problem in the first place.''

Because it's not just a function of new runways at existing airports, it's about new runways in a new airspace. God has only given us so much space above this building. He's only given us so much space above airports. And so there's only so many circles they can drive around or fly around an airport. You have to build new airports in new space. But by building them in new space, it means that we change the habitual traffic patterns of people who normally go one way to go to the airport, they now have options to go both ways. And by doing that, Mr. Speaker, we create balanced economic growth for all Americans and all Americans can begin to participate in the bounty that is America.

With that, Mr. Speaker, I thank the leadership for allowing me this opportunity, and I thank the Speaker for his indulgence.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 41. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

The message also announced that pursuant to section 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senator as Vice Chairman of the Senate Delegation to the Canada-United States Interparliamentary Group conference during the One Hundred Eleventh Congress:

The Senator from Idaho (Mr. CRAPO).

The message also announced that pursuant to section 5 of title I of Division H of Public Law 110–161, the Chair, on behalf of the Vice President, appoints the following Senator as Chairman of the United States-Japan Interparliamentary Group conference for the One Hundred Eleventh Congress:

The Senator from Hawaii (Mr. INOUYE).

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. POLIS of Colorado, from the Committee on Rules (during the Special Order of Mr. JACKSON of Illinois), submitted a privileged report (Rept. No. 111–14) on the resolution (H. Res. 157) providing for consideration of motions to suspend the rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. POLIS of Colorado, from the Committee on Rules (during the Special Order of Mr. JACKSON of Illinois), submitted a privileged report (Rept. No. 111–15) on the resolution (H. Res. 158) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

ECONOMIC STIMULUS BILL AND THE FREEDOM OF CHOICE ACT

The SPEAKER pro tempore (Mr. KISSELL). Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes.

Mr. GINGREY of Georgia. Mr. Speaker, thank you, and I'm grateful for the opportunity to be before my colleagues this evening to discuss a couple of very important issues. One, of course, is immediate and that is this crisis in our economic situation and the so-called economic spendulous—excuse me, stimulus—bill. I use that slip of the tongue, Mr. Speaker, deliberately, because when I talk to my colleagues about the amount of money that we're about to spend to try to stimulate our economy, I think all of my colleagues will agree it's a tremendous amount of spending. And so we do want to spend at least the first half of this allotted time, Mr. Speaker, talking about that issue, about this bill that we're going to be voting on, probably tomorrow, if my intelligence is correct, and then the Senate will vote on the conference report on Friday and President Obama, no doubt, will sign this spendulous bill into law. So we want to spend at least half of our time talking about that and talking about the process and talking about the policy and talking about the missed opportunity to have done this in a better way.

And then in the final time allotted to me this evening, I want to speak about something that is of great concern to a

lot of people across this country, certainly of great concern to the members of St. Joseph's Catholic Church in my district, the 11th of Georgia, in my parish, St. Joseph's Catholic Church. As my pastor and my fellow parishioners asked me, many of them I'm sure didn't realize that one of their co-parishioners was their Congressman, but from the pulpit the request to ask Members of Congress to not allow something called the Freedom of Choice Act to be allowed to come into law. And so we are going to discuss that.

I'm very pleased, though, that I have a colleague with me tonight and we'll share time, that's Representative MICHELE BACHMANN from Minnesota, and we may have other Members that will join us. I want them at any time to feel free to ask for time and to speak, or we can have a colloquy on either one of these issues.

Let me just start out, Mr. Speaker, as I said at the outset, and let's talk about this economic stimulus package. It is, as I understand, in the final analysis going to be $798 billion. We currently have a national debt of $10.7 trillion. This is almost going to increase that national debt by 10 percent, Mr. Speaker—by 10 percent—and under the ruse, unfortunately, I truly believe that it is a ruse, of stimulating jobs. Now we have had, indeed, an opportunity, many opportunities over the last several weeks to look at some alternatives, to do things under the regular order, regular process, of subcommittee, committee markups, amendments made in order, so that both sides of the aisle had an opportunity to do this right, to make it better, to concentrate more on across-the-board tax cuts at every marginal tax level as the Republican alternative does, to lower the corporate income tax rate from 35 percent to 25 percent, so that these multitude of small business men and women across this country who create most of the jobs. In fact, the organization of franchisee members are on the Hill right now for their first annual, first inaugural advocacy day, and they will be across the Capitol tomorrow in both Chambers, in the offices of the Members, talking to them about the strain and struggle that they're going through in regard to very thin margins, high taxes, high cost of health care.

When we designed, we Republicans in the minority, designed a bill, I think it's H.R. 470 is the number, but, Mr. Speaker, it had a strong emphasis on a tax break for all Americans, anybody that paid taxes, 5 percent across the board, to give them an opportunity to have money in their pockets right away, to either spend or save or pay down debt. In addition to that, we are very much in favor of spending on infrastructure projects, roads and bridges and mass transit, things that indeed would put people back to work, I have no doubt.

My State of Georgia, our Department of Transportation board members and commissioner and senior staff are up here as we speak to talk about the shovel-ready projects that they have. And when this bill was first discussed back when President Obama was President-elect Obama, all the talk was about the amount of money that would be spent in all 50 States, all 50 States that are suffering, my home State of Georgia facing a $3 billion deficit, to have the opportunity, as I say, to get some of these projects done and put people back to work.

Mr. Speaker, in the final bill, now could it have changed a little bit in the conference report? It is possible, but unfortunately the Democratic majority who pledged to allow the bill to be posted on the Internet so that we could see it 48 hours in advance and be able to know what exactly is in there, but that hasn't happened, but it is my suspicion that the percentage of that $789.5 billion is probably no more than 7 percent, Mr. Speaker. No more than 7 percent. It's almost as tricky as the so-called TARP legislation.

□ 1900

Remember that, Mr. Speaker? My colleagues, remember that one? Just before the end of the 110th Congress, when Secretary Paulson came to us and said ''the sky is indeed falling, and you have no more than 48 hours to give me the absolute power to take $750 billion of taxpayer money and use it to buy toxic assets, troubled assets, from financial institutions.'' And of course, what happened was something far different from that. The TARP became a totally inappropriate acronym. The Troubled Asset Relief Program turned into a capital infusion program. And $750 billion, half of it, was doled out to the biggest financial institutions in the country, I think nine total. Some of them were even forced to take the money. And then, of course, the money that went to General Motors and Chrysler. We even made the GMAC a bank so they could qualify for the capital infusion with no oversight, no responsibility and no transparency.

And so you say, Mr. Speaker, as a Member of Congress, and also as one of our constituents, a voter, whether a Democrat, Republican, independent, libertarian, said look, ''fool me once, shame on you. Fool me twice, shame on me.'' And I don't think the American public is going to fall for this so-called ''stimulus package'' that was supposed to be money for infrastructure projects with a good balanced amount of tax cuts. It is just not there. It is just not there.

So, Mr. Speaker, we're going to talk about that this evening. And before I yield to my colleague from Minnesota, I just want to put these numbers a little bit in perspective. Now I have a few posters. And these were drawn up as we voted on the House version. In the House version, the number was a little higher than the $789.5 billion that we're going to vote on tomorrow. But it was in the same ballpark, believe me.

Let me show this first poster to my colleagues, Mr. Speaker, and this one is entitled, ''Sizing Up the Stimulus.'' Well, the proposed stimulus in the bill that passed the House a few days ago was $1.2 trillion. Now that includes the debt service over the next 10 years on that borrowed money, and it would be disingenuous not to. You could say, ''oh, no, no, Congressman, you have got it wrong. It was $826 billion. Where do you come up with that $1.2 trillion?'' Well, ladies and gentlemen, that is the debt service. And you cannot ignore that. That has to be paid. And pretty soon, the debt service and the payment for Medicare, Medicaid and entitlement programs is going to take every dollar of our budget.

So, anyway, the proposed stimulus, $1.2 trillion, put in comparison, I know this is a little difficult to see, the writing is a little small, but the Vietnam war, $111 billion, the invasion of Iraq, $551 billion. The New Deal, the New Deal, remember that one? Thirty-two billion dollars. And then the Marshall Plan, $12.7 billion. Just to kind of put these numbers in perspective of what we're talking about because people, Mr. Speaker, easily get a little confused here. Did he say $1 million or did he say $1 billion? And what is $1 trillion? We could describe that. And maybe my colleague knows a good description of how far you could stretch $1 trillion. It would probably cross the globe three times.

Also continuing on that vein of trying to put the cost of this in perspective. Now this is based on the estimated number of jobs that would be created by the Democratic majority by this ''spendulous plan'' that we're going to vote on, as I say, tomorrow. They're estimating that the number of jobs that would be created may be five or six, well, I think it is down to 4 million. And actually the President is not even saying the creation, Mr. Speaker, of 4 million jobs. He is saying the sustainment of and/or creation. So there is really no guarantee and no pledge of that, indeed, but if it does create 4 million jobs, the cost of this, just simple math, $275,000 a job, $275,000 a job. And I'm sure many of these jobs will be paying $25,000 a year. You could hand that money to a worker and keep him or her employed for 8½ years at that rate with a good benefit package. So, again, the cost per job is prohibitive in my opinion.

Colleagues, I'm going to show you one more poster before I yield to the gentlelady from Minnesota. This is a very, very telling chart. And again, strain your eyes a bit because it is

worth seeing. And I will try to walk you through it. And it is titled, ''Can You Afford to Pay for the Democratic Spending Bill?'' Can you afford to pay for it? At $825 billion, the economic stimulus plan sailing through Congress, and indeed it is sailing through. We're not going to have 48 hours to look at it. The stimulus plan would cost each American family more than $10,000 on average, each American family more than $10,000. Here is how that price tag compares with typical family expenses in a year. And, Mr. Speaker, I realize I'm talking to my colleagues on this floor, both Republicans and Democrats. I'm not talking to the television audience back home. But the men and women who serve here have families. And they have family expenses. And I'm sure when I point out that on average, a typical family spends $10,400 a year on food, clothing and health care and on shelter, their home, whether they own their home or rental cost, their shelter is $11,657 for their family. And the stimulus spending is going to cost them $10,520. Thirty percent of their overall family budget is going to go toward this stimulus ''spendulous'' bill that is supposedly going to create all these jobs and get us out of this severe economic recession.

Well, would it be worth taking the chance even if we had no other alternatives? Well President Obama says ''yes.'' Vice President BIDEN says, ''well it does have, I hate to admit, a 30 percent chance of failing.'' Mr. Speaker, in my opinion, that is too great a chance. Those odds are not good, not good enough for the American people. The Members of this side of the aisle, the Republican Members, the minority Members, and quite honestly, if they had a chance to speak up and to submit amendments, maybe 50 of the conservative Blue Dog Democrats would agree with us. I wish they would have the opportunity to take a vote. Unfortunately, that has not occurred in this new open bipartisanship spirit that Speaker PELOSI has promised in the 111th Congress.

With that, Mr. Speaker, I would love to yield some time now to my colleague from Minnesota. MICHELE BACHMANN is in her second term, but you would think that it was her tenth term. She is doing an outstanding job. She is very knowledgeable on this issue.

And I will gladly yield to my colleague.

Mrs. BACHMANN. I want to thank the gentleman from Georgia (Mr. GINGREY). He has done a marvelous job laying the groundwork and pouring the pillars of this important discussion. This is historic, as we all know. Our colleagues understand how historic this level of spending is. Never before in the history of this country have we seen the type of profligate spending that has occurred just since January of this year. Just yesterday, as a matter of fact, we had a $3 trillion day here on Capitol Hill. That is big money. You have heard of fantasy football before. Well, this is fantasy economics that is happening here in Washington, D.C.

My colleague will recall it wasn't that long ago that we were fighting on expanding the SCHIP program by $35 billion before we first take care of the children who needed to be on the SCHIP program. We didn't want to expand eligibility until we first took care of the poor children that needed to have that SCHIP funding. So to just get things in perspective for the American people, we've moved from fighting tooth and nail over spending $35 billion to today we're talking, as my colleague mentioned, what appears to be $798 billion. But again, that is the raw number. It is just like when you buy a house or if you buy a car on credit and you're making your mortgage payment, you know you pay an awful lot more back to the bank because you have to make all those interest payments. This bill will be well over $1 trillion, including the debt service. So we're not talking about a small amount of money.

And just also to put this in perspective and in context, normally this Congress spends about $1 trillion a year in Federal discretionary spending. And we will take what, perhaps 1,000, 1,200 votes in the course of a year until we finally spend about $1 trillion in spending. Well, consider, it wasn't even the end of January and this body spent, in one vote, what this body normally spends in over 1,000 votes over the course of 12 months to spend in discretionary spending.

And remember, this body has hasn't even taken up yet the normal appropriations bills that we have to take up for parks, public safety and education. We haven't even gone there yet with regular budgetary spending that is the duty of this House of Representatives to spend. We've already over and above spent now another $1 trillion on the spending package. We're very concerned about the level of profligate spending.

I wanted to mention a study that was completed by Harvard in the year 2002. It was a long-term study. It looked at 18 different economies across the globe. And it asked this very simple question. What is it that governments can do to stimulate or cause economies to prosper, and concomitantly, what do governments do to cause economies to go in a downward spiral? Well, here is the bottom line. Here is what the nutshell of what this long-term study discovered. It was this: If you want an economy, any kind of economy, to prosper and advance, governments need to do two things. You need to cut government wages, number one, and number two, you need to cut transfer payments, which is redistribution of wealth.

This stimulus package, which is a big government bailout package, does just the opposite. It increases funding eventually of government wages and also of transfer payments. The reverse then also is true in this Harvard study. It said what can governments do to hurt their economies? And it is very simple: Tax increases. That is what hasn't been talked about in this discussion. The only subject of discussion in Washington, D.C. has been, how big can this bill be? How much can we spend?

I'm a former Federal tax litigation attorney. That is what I did for a living, deal with taxes. This bill doesn't answer the question, how are we going to pay for this bill? I don't think the American people realize that yet. Congress has been so free with the American people's money to spend it in every direction they possibly can, but they haven't even addressed the question yet of how they are going to pay for this trillion dollars. And my colleague from Georgia (Mr. GINGREY) is exactly right when he said that we have over $10 trillion of debt, $10 trillion in debt. And now we're going to add to that another 10 percent, and we haven't answered the question, how are we going to pay for it? Well, it is real simple. This is not too tough to figure out. There are only two ways to pay for that kind of spending. You either borrow it from other countries, or you increase the tax load on your citizens, or the Federal Government prints money and puts that money out into the money supply.

□ 1915

Well, what does that mean? Massive tax increases. We already know it's going to hurt the individual. It will hurt the economy. What about borrowing? Borrowing is the same thing. We have to pay that money back. We pay it back to other countries. Well, guess what? Other countries right now are suffering globally with their economies as well.

What about printing money, putting that into the money supply? We could do that, but that's the cruelest tax of all because that's the tax of inflation. So hardworking, prudent Americans who've done all the right things, who've invested well, will see the value of their dollar drop dramatically because their money isn't worth what it once was.

Mr. GINGREY of Georgia. If the gentlelady will yield just for a second. Reclaiming my time. I'm so glad that Representative BACHMANN brought that out about inflationary spiral; and that's absolutely true. You print this money and this debt has to be paid back. First thing you know, the value of our money goes down, and then we've created all these jobs that maybe pay $25,000 a year, and first thing you know, people wake up and realize that their money is only worth $15,000 a year. So that is a huge, huge problem.

And I wanted to make one other point before yielding back to my colleague. As we look at what she was talking about, this national debt, we are approaching a, what, $15 trillion national debt, which is the Gross Domestic Product. The sum of all goods and services in this country is about $15 trillion. And after we add on this death we're going to be at $12.5 trillion. So anybody that has just a scintilla of knowledge of economics knows that this is unsustainable.

And I yield back to my colleague.

Mrs. BACHMANN. I thank the gentleman from Georgia to bring that point up, because what he is stating for the American people is that this Congress is making a decision, together with the Obama administration, we are adding to uncertainty in the marketplace, and that's really the issue, will this Congress address the issue of certainty versus uncertainty in the economy.

I have the largest window manufacturer in the United States in my district. I met with the president of that company several years ago and he said to me, MICHELE, what we need more than anything is certainty in the marketplace.

If you go back to January of 2008, when this Congress made a decision to spend $168 billion in rebate payments that went back into the economy, that decision only led to uncertainty for the American people, uncertainty for American business.

We could go through all of the spending initiatives that Congress took through all of 2008 and now into 2009. But I think yesterday said it all, when our United States Treasury Secretary, Mr. Tim Geithner, made his press conference that was well anticipated, what will the Obama administration do about the TARP monies that are available? We saw Wall Street's response, and it was to tank. Why? Because the Obama administration said what they want to do is have bigger and more powerful government. That's what they wanted, bottom line, bigger more powerful government. That did not calm the markets. That only led to uncertainty in the marketplace. It didn't lead to certainty. That's what we need. What would lead to certainty? And what would lead to certainty into the marketplace would be permanent tax reductions. If businesses and individuals who were interested in risk-taking with their investments knew that we would permanently cut the capital gains tax, permanently lower the business tax, the corporate tax rate, permanently lower marginal tax rates, do something about the estate tax problem that's going to spring open in 2010, and also, if they knew that we were going to radically reform the Sarbanes-Oxley rules, that would send a signal.

Instead, what does the stimulus do? It tells the American people, well, we're also going to embrace socialized medicine. What? Embrace socialized medicine? This is not what the American people bargained for. This is not what they asked for.

We also know that the current administration wants to impose the largest energy tax we've ever seen in the history of our country, also known as the cap-and-trade system. This leads to massive uncertainty.

If we would have taken $1 trillion last year that we spent on spending and put $1 trillion into permanent tax relief, I think the gentleman from Georgia would agree, this year, our biggest problem would be finding enough workers to fill the jobs that would have been created from permanent tax relief. That's an alternative that the Republican positive solution has put on the table for American business and American individuals. We've got a plan. We've got a big plan. And that's the genius of America. We trust the American people to take their ingenuity to pour it into the marketplace, because we understand that's true wealth creation.

Governments can't create wealth. They never have, they never will. It's the American people and American businesses that create wealth. How? By productivity. How do you get productivity? You produce goods, you produce services. How do you do that? You put capital at work. Why do you do that? You know that you're going to have a return on your investment.

Today, the American business world sees there will be very little return on investment. But the Republican plan offers all sorts of return on investment. And that's why, to the gentleman from Georgia I know this is a marvelous way to go, and I'll be happy to add to your colloquy as we go.

I'll yield back.

Mr. GINGREY of Georgia. Reclaiming my time. Absolutely, what you say couldn't be more true.

And I want to briefly, Mr. Speaker, talk about another colleague from Georgia in the other body, and that's our junior Senator, JOHNNY ISAKSON, a neighbor of mine in Cobb County who has been serving so well, first in this House, Mr. Speaker, and now in the United States Senate.

But JOHNNY ISAKSON, who has been in the real estate business, I think he spent 40 years in the real estate business. His dad owned Northside Realty. And he has gone, he's seen us go through periods like this in the past. And as he was explaining to me, I believe Gerald Ford was President when we went through the last real downturn in the housing market. And what stimulated the market to come back, Mr. Speaker, was a $2,000 tax credit for the purchase of a new home, not for flipping or investment, but as a homestead. And within a short period of time, I'm going to say, 6 months to a year, that economy, that housing market was back to life, and nails were being driven, and walls were being framed and foundations were being laid and, indeed, happy times were here again.

So what JOHNNY ISAKSON, Senator ISAKSON proposed, Mr. Speaker, to get this housing market going and stimulated, and let's face it. As he pointed out, and I completely agree, it was the housing market which brought us down and got us in this situation, and it's going to be the resumption, restoration of the housing market that is going to pull us out.

And Senator ISAKSON had an amendment on the Senate side. And his amendment, my colleagues, that anybody that purchased a home, it doesn't have to be a home in foreclosure, it could be one of these homes that 200, 300, $400,000 homes that are just sitting there with weeds growing in the front yard, beautiful new homes that have been in inventory for a year and a half, builders, many of them, of course, bankrupt and out of business. But if any homeowner purchased a new home, they would get a $15,000 refundable tax credit. And it would not have to be paid back. And of course that amendment was welcomed with open arms on the Senate side, as I understand. I think it may have been approved by voice vote.

And now, all of a sudden, maybe it's they're suspecting that the Senator cannot, in good conscience, support this overall package. I'm not really sure. But his amendment is pulled out. And I get a notice of that, Mr. Speaker, when I'm looking at the fact that the conferees have come to an agreement on this $789.5 billion, and Senator ISAKSON's amendment is gone and we've receded to the House version, which is a pittance in comparison and, quite honestly, not nearly enough to stimulate the housing market.

You know, Mr. Speaker, and my colleagues on both sides of the aisle, let's speak frank on occasion. The meddlesome activity of this Congress, and maybe former administrations caused the problem that we're in. It caused the subprime loan crisis. It turned renters into homeowners when they had poor credit, they had no money to pay down, not a bit. They didn't have to verify their income. They didn't even have to verify they had a job. And then the thinking was, well, it doesn't matter, because the houses are going to appreciate in value, and they can pull the equity out. And you know, we've got this never-ending, wonderful cycle heading for the pot of gold at the end of the rainbow.

Well, all of a sudden that bubble burst, and now we're in a terrible situation. But that what started it all. That's what started it all, Mr. Speaker.

And it seems to me, and I'm sure my colleague will agree with me, that if we

address the housing crisis with a bold amendment, it should maybe now should be a stand-alone bill that Senator JOHNNY ISAKSON has presented, and we take a spending bill, a true stimulus spending bill with a major emphasis, as Representative BACHMANN has just pointed out, on tax relief, tax relief for men and women who are paying taxes at every marginal rate, and certainly for these small businessmen and women who bear the brunt of the taxation, and create most of the jobs, if we combine those two things with maybe some targeted, meaningful infrastructure spending for the 50 States that are struggling, many of them here in town this week, and I understand their needs, then I could support that and I could support it with enthusiasm and I think you could see bipartisan support.

But this bill, it became just a wish list for the Democratic majority for things, Mr. Speaker, that they've been wanting to do under regular order for years and couldn't do it. I mean, I can enumerate and I can point out certain things and it would make you laugh if it didn't make you sick. But did it have anything to do truly with creating jobs? I say no. And that's why I said no when I voted.

By the way, Mr. Speaker, before I yield back to my colleague from Minnesota, we did have a bipartisan vote on the floor of this House of Representatives. We, indeed had a bipartisan vote. We had 11 Democrats joining 178 Republicans voting ''no.'' We did not have one single Republican voting ''yes.'' So the bipartisan vote was the ''no'' vote because I think you've got wise men and women on both sides of the aisle that realize that this is not the way to go.

And I yield back to my colleague.

Mrs. BACHMANN. I thank Mr. GINGREY from Georgia for his fine words. And I think one thing that also we should address is the issue that was brought up earlier this week by our President in his press conference, when he stated that only the Federal Government, he said the Federal Government is the only entity left big enough and powerful enough to pull us out of this recession. And I was really struck by that comment that he made. That is a tremendous amount of faith to have in the Federal Government. And it views the Federal Government almost as a Good Fairy, or as the Easter Bunny, or as Santa Claus, that it's the Federal Government that's going to be able to pull the economy out of the doldrums. If that is the case, then why doesn't the Federal Government go ahead and take over everything and just run this country and we just decide we're going to become full-blown, socialist state. I don't think that's what the American people are calling for.

If you look at the living laboratory of the last 100 years of economics, you look at when America has prospered, what economic policies we followed, and when America has foundered, and it's almost like an economic punctuated equilibrium. If you look at the 1930s, under FDR, with historic levels of government spending, historic levels of government intervention, the United States Secretary of the Treasury during the 1930s was Mr. Henry Morganthau. And after nearly 8 years of historic levels of government spending, and historic levels of government intervention, unemployment levels remained the same as they were at the beginning, about 20, 22 percent level. That's horrific in the United States. The economy had not turned around after that period of time, after historic levels of spending.

□ 1930

Sitting before the Democratic controlled Ways and Means Committee in 1939, Henry Morgenthau said this:

''After historic levels of spending, we aren't any better off now than we were when we first started. The formula we tried did not work.''

Then if you leap forward to the 1960s and 1970s and look at the historic levels of spending that occurred under both LBJ and again under Jimmy Carter, we heard my colleague Mr. GINGREY talk about the housing recession that we had during the time of Gerald Ford and about this massive government spending. This was not the policy that brought us out of the economic doldrums. You look at what did work. Look at the dramatic tax cuts that took place in the early 1980s under Ronald Reagan that turned this country around, that pivoted us economically and started us moving forward. Under that policy, under welfare reform that President Bill Clinton signed into law in the 1990s, we saw the government rise, and we saw the local economy rise across our Nation.

It is phenomenal what can happen, and it is because of the genius of American initiative. We could do that again. We are still the United States of America. We can still flower and can succeed. When I think that all across the globe we look at global economies that are tanking right now, the United States has the potential for being the center of the storm of security because we have so much in place that could offer the world a safe haven for dollars if we were to embrace the policy that both Representative GINGREY and I have been behind, which is this:

Dramatic cuts in government spending and dramatic cuts in taxation. If we have permanent levels of taxation cuts where we lay a ground of certainty in the marketplace, we will see investors want to put capital out if we can zero out capital gains for 3 years. The United States now has the second highest level of taxation in the world. Why would anyone choose the United States to invest in right now? We are not a positive investment climate, but if we would cut corporate tax rates from 34 percent down to 9 percent, zero out capital gains for 3 years, cut marginal tax rates at all levels, as Representative GINGREY has said, and also wipe out the death tax, you would see the economy turn around. Within 6 months, we would be shooting up. Within 18 months, I believe we would have gone through a recession and that we would be roaring, and the rest of the world would look to the United States to invest their currency, and we would forever, I think, be the leader on into the future. We have a good story to tell.

Mr. GINGREY of Georgia. Reclaiming my time, yes, there is no question about it. As for many of these companies—international companies and United States domestic companies that might have an offshore location—the reason they don't bring their profits back into the United States and bring their employment bases as well is due to this tax burden that Representative BACHMANN just pointed out in regard to—I think she is right—the industrialized countries. We may have the second highest corporate tax rate of any country. Of course, then you add State and local. So no wonder we're struggling.

But I will yield back, and we will continue this very, very important discussion.

Mrs. BACHMANN. I thank the gentleman for yielding back.

One thing that I am very concerned about as a former Federal tax lawyer is the burden on the 20- to 25-year-olds. I cannot look 20- and 25-year-olds in the eye and in good conscience say to them, ''This stimulus bill will be good for you.'' It will not. Why? Because kids born during that time period already are inheriting a huge tax bill.

Studies have been done. In my postdoctoral studies that I did in tax law, what my research showed is that, by the time they reach their peak earning years, 20- to 25-year-olds will have to pay a tax burden. Just the Social Security portion of their tax burden will be about 25 percent of their total income. That does not include the Medicaid portion of their tax bills, the Federal tax portion of their tax bills, the State portion, their property tax, their gas tax, their local taxes. By the time all of it is added up, the estimates are, in their peak earning years, that 20- to 25-year-olds could be paying anywhere from 70 to 85 percent of their income in taxation. You heard me right. They could be paying 70 to 85 percent in taxation. That cannot happen. We will see a revolt in this country before people get out of bed in the morning to go and hand over 70 to 85 percent of their checks in taxation.

We can not do that to the next generation. We can not impoverish them

by taxing them against the wall. That is why the kindest thing that we could do for the next generation is to hand them a well-run country with low tax rates. We cannot spend our way into prosperity. That is something that Leader BOEHNER has said over and over again. My colleague from Georgia agrees with that. We cannot spend our way into prosperity. What we can do is look at the fundamentals of what works. This Harvard study from 2002 bears it out. This is how you do it:

You cut government wages. You cut transfer payments. You do not increase taxes. Under this current stimulus bill, there is no provision for payment for this $1 trillion in expenditures. The day will come when we have to pay this bill, and it will come sooner than anyone thinks. That is what we are concerned about today.

We have to be adults now. We are Representatives in Congress. We have to be adults with people's money. We cannot just spend money without thinking through how it is going to be paid for, and I think it is important that the American people realize that this Congress has not made provisions for paying for this party, and it is the 20- to 25-year-olds, in the mother of all ironies, who will be the ones to pay for this bill.

Mr. GINGREY of Georgia. Reclaiming my time, I am going to finish up on this very important subject, Mr. Speaker. I want to save some time for the other issue that I want to discuss, and I hope Representative BACHMANN will be able to stay with me for a little while longer because I know this is something that is very near and dear to her heart as well.

In conclusion, when the Democrats—Mr. Speaker, your party—took control in the 110th Congress and when Madam Speaker became the first female Speaker in the history of this body, it was an exciting time. I think we were all excited. Obviously, we Republicans would have preferred the Speaker to be our minority leader, JOHN BOEHNER, but certainly we had to tip our hat to NANCY PELOSI for that historic occasion. You could not ignore her words and what she had said and what her promises were, particularly during the campaign in 2006 that led up to that historic win and to the new Democratic majority:

It is going to be a new day. It is not going to be the same old bipartisan stuff. We are going to make sure the minority has an opportunity to participate. We have been in the minority for 12 years, and it has been a little painful. We feel like we have been shut out. We have not been able to have amendments. There have been too many closed rules, and there have been too many bills brought to the floor without going through the regular process, without going through subcommittee and committee and the Rules Committee and without amendments made in order and without giving Members on both sides of the aisle, who might not have been on the committee of jurisdiction, an opportunity to weigh in.

That is the right way. That is the way, Mr. Speaker, that I and MICHELE BACHMANN and everybody in this Chamber discuss it with our youngsters, whether they're from middle school, high school or whether they're in their first year of college, when we're talking about government and civics and about how things are done.

Speaking of process, I want to take just a minute and describe the comparison now in the way we Republicans did an energy bill back in 2005—in fact, the Energy Policy Act of 2005. Listen to this, Mr. Speaker:

Hearings and subcommittee markups. The Energy and Commerce Committee held eight public hearings and six subcommittee markups, consuming 29 hours and 10 minutes of public consideration, followed by the full committee markup. The full markup consumed a total of 24 hours during which time 86 amendments were considered. I am sure 86 amendments were not just from one side of the aisle. Then there was the conference committee on this bill.

In advance of the formal conference committee meeting, Representative JOE BARTON, the gentleman from Texas, who was the chairman of the Energy and Commerce Committee, and Representative JOHN DINGELL, the distinguished gentleman from Michigan whom we honored today because of his longevity and wonderful service to this body, were on the conference committee. There was a Democratic Senator and a Republican Senator, and they actually met. Now, this was not a faux pas conference committee. This was a real committee. They met eleven times for a total of 23 hours to create the basic text of legislation that would then be presented to the full conference committee.

Finally, the formal House-Senate conference committee included Members from multiple House and Senate committees. It conducted five public sessions in the cavernous Energy and Commerce main hearing room during which 90 amendments were debated over a total of 20 hours.

Now compare that to the American Recovery and Reinvestment Act of 2009. This bill, this conference report that we're going to vote on tomorrow and that the Senate will vote on Friday: Hearings? Subcommittee markups? No hearings. No subcommittee markups. Full committee markup. The Energy and Commerce Committee spent 12 hours and considered 56 amendments. Three Republican amendments were made in order by the committee only to be immediately pulled out by the Speaker, so none of those amendments were made in order. The conference committee? Our ranking member, JOE BARTON, who included Mr. DINGELL on his conference committee for the energy bill that I talked about in 2005, was not even on the committee. He was not even on the committee. Where is the bipartisanship?

So the Speaker, I guess, and the Senate majority leader met in private to rewrite this stimulus package to come up with this final number. A total of two House Republicans were appointed to the conference committee, neither of them from the Energy and Commerce Committee, and I'm sure neither of them were called to any meeting. They were probably asked to sign the final conference report, which I fully trust that they did not.

Of course, in conclusion, I will say, Mr. Speaker, that the process part of it is annoying and degrading. It is demeaning. It is disrespectful. It is hurtful to our constituents and to 48 percent of the American people. It does not help at all when the President of the United States says, hey, there was an election last November—and guess what? I won. Well, if that is the spirit of bipartisanship, I will have none of it. I want none of it. That is not exactly what I had in mind nor had any of my colleagues.

Well, let me take a breath because I want to talk to you tonight, my colleagues, about something else that is troubling me.

I said this at the outset. I was in church this past Sunday morning when our parish priest said to the parishioners—and I don't know whether my parish priest is a Republican or a Democrat. I have absolutely no idea. I know some of my pastors in the past have been Democrat because they've told me I am the only Republican they've ever voted for. So they weren't playing partisan politics from the pulpit.

The parishioners at mass were asked to contact their House Member or their two Senators about something that was of great concern to the church community, and that was something called the Freedom of Choice Act. I know my colleague from Minnesota is very familiar with this. The bill was introduced in the last Congress, and my parish priest fears that it will be introduced again.

What alerts them? What is their concern? Well, the concern is that President Obama, who is pro-choice, has already rescinded something called the Mexico City Policy.

Mr. Speaker and my colleagues, you all know what I'm talking about. The Mexico City Policy is a policy that we have had in place for the last 8 years. It was in place under President Reagan; it was rescinded by President Clinton, and now it has been rescinded by President Obama.

□ 1945

That policy prohibited any Federal tax dollars that went to international

non-government organizations through our foreign aid appropriations bill. It prevented any money going to any of these organizations involving family planning activities if they performed or referred or advised for abortion knowing full well that most Americans don't want their hard-earned tax dollars to be spent on abortion, particularly overseas.

And now President Obama has rescinded that policy. That money can be spent in that way.

President Obama has also stated that he is going to rescind President Bush's restriction on using Federal dollars to destroy human life in the form of embryos at fertility clinics for the sole purpose of harvesting stem cells. I think that was a very good decision that President Bush made back in the summer of 2001 shortly before 9/11 because it's not necessary. And that's what I've argued with my colleagues, Mr. Speaker, repeatedly.

The science has brought us to the point now where we can get stem cells, adult stem cells, from many, many sources. We can get plural potential cells, and the success rate has been with harvesting those cells and not the cells that have been obtained from destroying human life.

So this bill that was introduced in the last Congress called the Freedom of Choice Act, says this, Mr. Speaker, and I want my colleagues to listen very carefully: ''Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that it is a policy of the United States that every woman has a fundamental right to choose to bear a child, also the fundamental right to terminate a pregnancy prior to fetal viability, or to terminate a pregnancy after fetal viability when necessary to protect the life or the health of the woman, and to restrict any State or local government from putting any limits on that whatsoever.''

So that means basically, Mr. Speaker, that a woman at any stage of pregnancy—I mean, carrying an 8-month baby—could terminate that pregnancy.

Now, we have laws in the State of Georgia that say after the period of viability, a pregnancy cannot be terminated without two additional consenting physicians to verify that this is an extreme medical necessity.

But this would take any ability, any power of any State, away from them, and the Federal Government will say a woman has a right to choose. That right includes not only to terminate her pregnancy in the first trimester, not only to terminate her pregnancy in the second trimester, but even in the third trimester when you're talking about maybe even a 6-pound child if someone just says, ''Well, you know, we're doing this because we're concerned about the health of the mother.''

And the health of the mother can be a case of panic attack, a sleep disorder, an episode of anxiety, you know. So we are very concerned about that.

And I wanted to ask my colleague from Minnesota to be with me tonight to help bring this issue, Mr. Speaker, to our colleagues to really kind of tug at your heart strings and at your conscience and help you to understand that we—it looks like that we may be heading in that direction. God forbid, Mr. Speaker, it looks like with the policies that have been enacted thus far in the pronouncements of the new President, that we may be headed in that direction.

I'd like to yield to my colleague on this.

Mrs. BACHMANN. I thank my colleague, Mr. GINGREY of Georgia. I think he has every reason to be very concerned about this Freedom of Choice Act coming before this body, the House of Representatives, and the Senate.

Why? Because during the campaign, the President stated quite clearly that he wanted the Freedom of Choice Act to be the first piece of legislation that he would sign as President. So important to this pro-abortion President is the issue of the Freedom of Choice Act, he wanted to make that the signature item of his Presidency.

It's a cruel statement to make to the children of this country because there's a lie that's been perpetrated over the years since the 1960s. Planned Parenthood has said ''every child, a wanted child;'' which, by implication, means that if a mother does not want the child, it's better to kill the child than to allow that child to receive life.

But I can attest to the fact that I believe every child in the United States and across the world is a wanted child because there are arms that are open and waiting of childless parents all across this country who would love to receive a child, but children just aren't available for adoption.

My husband and I are fortunate enough to have 5 children born to us, and we were also fortunate to have 23 foster children come into our home. We were delighted to take at-risk children into our home, thrilled that we could have that opportunity. There are people all across this country who would also like to have that opportunity.

It is horrific to know that in the African American community, 50 percent of all African American pregnancies in the United States end in abortion, 50 percent. That is a genocide of African Americans of the United States. It should not be. There are Americans all across this country who would love to adopt African American babies, but they can't because 50 percent of all African American pregnancies today are ending in abortion.

What would the Freedom of Choice Act do? Very simply, it's this: It would eviscerate, it would take away every State and local restriction that there is today on abortion—reasonable restrictions, restrictions like making sure every woman has the right to know what options are available to her, to know what is an abortion, what does it mean. For women who have the opportunity to see their unborn child on an ultrasound machine, it's an earthshaking experience to see your baby, your flesh and blood, moving on an ultrasound machine.

It takes a woman, it takes the father of that baby to think of what this means. This is human life, and it causes them to want to choose life and give life to that unborn child.

Reasonable restrictions have been passed all across this country in many hard-fought battles, and 35 years of effort from the pro-life community would be extinguished just like that. But that's what our President wants to have happen. He wants to take away any pro-life opportunity available from American women.

Mr. GINGREY of Georgia. Reclaiming my time just for a second because I had a little difficulty pulling up the bill.

But this is what Representative BACHMANN is talking about, and this is what the bill says. ''A government may not''—a government may not—''number 1, deny or interfere with a woman's right to choose, (a) to bear a child, (b) to terminate a pregnancy prior to viability''—that's probably about 24 weeks of life—or (c) to terminate a pregnancy after 24 weeks of life, viability, ''where termination is necessary to protect the life or the health of the woman.''

And then it goes on to say a government may not ''discriminate against the exercise of these rights set forth'' in that paragraph ''in the regulation or provision of benefits, facilities, services, or information.''

Just like the gentlelady from Minnesota was talking about. Let them see an ultrasound. Why not? It's being taken anyway. Why shouldn't they have the opportunity to see it?

Well, I want to thank, first of all, my colleague for being with me this evening. Two important issues. I thank Mr. Speaker for his indulgence.

Let's be thinking, men and women, and ask God for the wisdom of Socrates as we debate and make decisions on these terribly important issues facing our Nation and our people.

With that, I yield back my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALTMIRE) to revise and extend their remarks and include extraneous material:)

Mr. ALTMIRE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. STUPAK, for 5 minutes, today.
Mr. ENGEL, for 5 minutes, today.
Mr. RAHALL, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, today.

ADJOURNMENT

Mr. GINGREY of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Thursday, February 12, 2009, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarter of 2008 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MICHAEL PATRICK RYAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 20 AND DEC. 24, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Mike Ryan	12/20	12/21	Kuwait		167.00						167.00
	12/21	12/22	Iraq								—
	12/23	12/23	Afghanistan								—
	12/23	12/24	Germany		321.00						321.00
Committee total					488.00						488.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICHAEL RYAN, Jan. 26, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Collin C. Peterson	11/30	12/2	United Kingdom		614.12		10,501.39				11,115.51
Hon. Tim Holden	11/30	12/2	United Kingdom		614.12		7,928.39				8,542.51
Hon. Bob Etheridge	12/1	12/2	United Kingdom		399.92		7,565.39				7,965.31
Hon. Jim Marshall	11/30	12/2	United Kingdom		614.12		7,928.39				8,542.51
Hon. Jim Costa	12/1	12/2	United Kingdom		399.92		9,793.39				10,193.31
Rob Larew	12/1	12/2	United Kingdom		399.92		8,699.39				9,099.31
Clark Ogilvie	11/30	12/2	United Kingdom		614.12		7,898.39				8,512.51
Kevin Kramp	11/30	12/2	United Kingdom		614.12		7,898.39				8,512.51
Cherie Slayton	11/30	12/2	United Kingdom		614.12		7,928.39				8,542.51
Hon. Collin C. Peterson	12/2	12/3	Brussells		383.40		380.21				763.61
Hon. Tim Holden	12/2	12/3	Brussells		383.40		380.21				763.61
Hon. Bob Etheridge	12/2	12/3	Brussells		383.40		380.21				763.61
Hon. Jim Marshall	12/2	12/3	Brussells		383.40		380.21				763.61
Hon. Jim Costa	12/2	12/3	Brussells		383.40		380.21				763.61
Rob Larew	12/2	12/3	Brussells		383.40		380.21				763.61
Clark Ogilvie	12/2	12/3	Brussells		383.40		380.21				763.61
Kevin Kramp	12/2	12/3	Brussells		383.40		380.21				763.61
Cherie Slayton	12/2	12/3	Brussells		383.40		380.21				763.61
Hon. Collin C. Peterson	12/3	12/6	Frankfurt		1,428.00		102.27				1,530.27
Hon. Tim Holden	12/3	12/6	Frankfurt		1,428.00		102.27				1,530.27
Hon. Bob Etheridge	12/3	12/5	Frankfurt		952.00		102.27				1,054.27
Hon. Jim Marshall	12/3	12/5	Frankfurt		952.00		102.27				1,054.27
Hon. Jim Costa	12/3	12/5	Frankfurt		952.00		102.27				1,054.27
Rob Larew	12/3	12/6	Frankfurt		1,428.00		102.27				1,530.27
Clark Ogilvie	12/3	12/5	Frankfurt		952.00		102.27				1,054.27
Kevin Kramp	12/3	12/6	Frankfurt		1,428.00		102.27				1,530.27
Cherie Slayton	12/3	12/6	Frankfurt		1,428.00		102.27				1,530.27
CODEL Total					19,283.08		80,483.83				99,766.91
Hon. Charles W. Boustany, Jr.	11/30	12/1	Germany		168.00						168.00
Hon. Charles W. Boustany, Jr.	12/1	12/4	Ethiopia		264.00						264.00
Hon. Charles W. Boustany, Jr.	12/4	12/5	Tanzania		136.00						136.00
Hon. Charles W. Boustany, Jr.	12/5	12/7	Tunsia		284.00						284.00
Hon. Jean Schmidt	10/10	10/11	Germany		358.00		5,161.52				5,519.52
Hon. Leonard L. Boswell	12/13	12/15	Japan		824.00						824.00
Hon. Bob Goodlatte	12/13	12/15	Japan		824.00						824.00
Hon. Steve King	12/13	12/15	Japan		824.00						824.00
Hon. Henry Cuellar	12/13	12/15	Japan		824.00						824.00
Hon. Adrian Smith	12/13	12/15	Japan		824.00						824.00
Chandler Goule	12/13	12/15	Japan		824.00						824.00
Richard Thomson	12/13	12/15	Japan		824.00						824.00
Keith Jones	12/13	12/15	Japan		824.00						824.00
Tyler Jameson	12/13	12/15	Japan		824.00						824.00
April Slayton	12/13	12/15	Japan		824.00						824.00
Hon. Leonard L. Boswell	12/15	12/17	South Korea		700.00						700.00
Hon. Bob Goodlatte	12/15	12/17	South Korea		700.00						700.00
Hon. Steve King	12/15	12/17	South Korea		700.00						700.00
Hon. Henry Cuellar	12/15	12/17	South Korea		700.00						700.00
Hon. Adrian Smith	12/15	12/17	South Korea		700.00						700.00
Chandler Goule	12/15	12/17	South Korea		700.00						700.00
Richard Thomson	12/15	12/17	South Korea		700.00						700.00
Keith Jones	12/15	12/17	South Korea		700.00						700.00
Tyler Jameson	12/15	12/17	South Korea		700.00						700.00
April Slayton	12/15	12/17	South Korea		700.00						700.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Leonard L. Boswell	12/17	12/19	Vietnam		612.00						612.00
Hon. Bob Goodlatte	12/17	12/19	Vietnam		612.00						612.00
Hon. Steve King	12/17	12/19	Vietnam		612.00						612.00
Hon. Henry Cuellar	12/17	12/19	Vietnam		612.00						612.00
Hon. Adrian Smith	12/17	12/19	Vietnam		612.00						612.00
Chandler Goule	12/17	12/19	Vietnam		612.00						612.00
Richard Thomson	12/17	12/19	Vietnam		612.00						612.00
Keith Jones	12/17	12/19	Vietnam		612.00						612.00
Tyler Jameson	12/17	12/19	Vietnam		612.00						612.00
April Slayton	12/17	12/19	Vietnam		612.00						612.00
Committee total					41,853.08		$85,645.35				$127,498.43

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. COLLIN C. PETERSON, Chairman, Jan. 27, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jo Ann Emerson	9/29	9/30	Kosovo		176.00		(3)				
	10/1	10/2	Italy		203.00		(3)				
Jeff Shockey	10/5	10/10	Kuwait		1,911.70						
	10/10	10/12	Germany		681.10						
Commercial/Military Air							13,563.10				
Tom McLemore	10/5	10/10	Kuwait		1,911.70						
	10/10	10/12	Germany		681.10						
Commercial/Military Air							13,563.10				
Ann Marie Chotvacs	10/5	10/10	Kuwait		1,911.70						
	10/10	10/12	Germany		681.10						
Commercial/Military Air							13,563.10				
John Blazey	10/12	10/16	China		2,282.00						
	10/17	10/22	Vietnam		1,696.00						
Commercial Air							13,194.92				
Elizabeth Dawson	10/5	10/7	Belgium		884.00						
	10/7	10/8	Luxembourg		413.00						
	10/8	10/9	Belgium		884.00						
Commercial Air							8,275.93				
Sarah Young	10/9	10/10	Afghanistan		25.00						
	10/10	10/12	Kuwait		964.00						
	10/12	10/15	Iraq		33.00						
Commercial/Military Air							8,281.30				
Celes Hughes	10/9	10/10	Afghanistan		25.00						
	10/10	10/12	Kuwait		964.00						
	10/12	10/15	Iraq		33.00						
Commercial/Military Air							8,302.30				
Hon. Steve Israel	10/11	10/12	Germany		383.00		(3)				
	10/12	10/13	Afghanistan				(3)				
	10/13	10/14	Germany				(3)				
Taunja Berquam	10/5	10/7	Canada		847.46						
Commercial Air							617.00				
Rob Blair	10/5	10/7	Canada		847.46						
Commercial Air							602.00				
Linda Pagelsen	10/20	10/25	United Kingdom		1,696.00						
Commercial Air							9,619.41				
Misc. Transportation Costs							561.37				
Hon. Maurice Hinchey	11/6	11/9	Peru		1,384.12		(3)				
	11/9	11/11	Chile		635.56		(3)				
	11/11	11/13	Paraguay		372.37		(3)				
Paul Terry	10/27	10/30	Italy		1,350.00						
	10/30	11/1	Qatar		768.13						
	11/1	11/2	United Arab Emirates		490.00						
	11/2	11/4	Kuwait		964.00						
Commercial Air							12,959.07				
Kristi Mallard	10/27	10/30	Italy		1,350.00						
	10/30	11/1	Qatar		768.13						
	11/1	11/2	United Arab Emirates		490.00						
	11/2	11/4	Kuwait		964.00						
Commercial Air							12,909.19				
Misc. Transportation Costs							49.88				
Hon. Ed Pastor	11/10	11/11	Spain		392.00		(3)				
	11/11	11/12	United Arab Emirates		877.14		(3)				
	11/12	11/14	Qatar		773.72		(3)				
	11/14	11/16	Italy		1,399.00		(3)				
Greg Lankler	11/13	11/16	Afghanistan		536.75						
Misc. Transportation Costs							144.70				
Hon. David Price	11/29	11/30	Hawaii		177.00						
	12/1	12/3	Philippines		572.00						
	12/3	12/5	China		1,045.14						
	12/5	12/7	Vietnam		758.00						
	12/7	12/8	Hawaii		450.70						
Misc. Embassy Costs									1,004.09		
Commercial Air											
Hon. John Carter	11/29	11/30	Hawaii		177.00		(3)				
	12/1	12/3	Philippines		572.00		(3)				
	12/3	12/5	China		1,045.14		(3)				
	12/5	12/7	Vietnam		758.00		(3)				
	12/7	12/8	Hawaii		450.70		(3)				
Misc. Embassy Costs									1,004.09		
Hon. Sam Farr	11/29	11/30	Hawaii		177.00		(3)				
	12/1	12/3	Philippines		572.00		(3)				
	12/3	12/5	China		1,045.14		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/5	12/7	Vietnam		723.36		(3)				
	12/7	12/8	Hawaii		450.70		(3)				
Misc. Embassy Costs									1,004.09		
Misc. Transportation Costs							370.50				
Hon. Lucille Roybal-Allard	11/29	11/30	Hawaii		312.00		(3)				
	12/1	12/3	Philippines		572.00		(3)				
	12/3	12/5	China		1,045.14		(3)				
	12/5	12/7	Vietnam		758.00		(3)				
	12/7	12/8	Hawaii		450.70		(3)				
Misc. Embassy Costs									1,004.09		
Hon. Mike Honda	11/29	11/30	Hawaii		177.00		(3)				
	12/1	12/3	Philippines		572.00		(3)				
	12/3	12/5	China		1,045.14		(3)				
	12/5	12/7	Vietnam		723.36		(3)				
	12/7	12/8	Hawaii		450.70		(3)				
Misc. Embassy Costs									1,004.09		
Stephanie Gupta	11/29	11/30	Hawaii		211.09		(3)				
	12/1	12/3	Philippines		572.00		(3)				
	12/3	12/5	China		1,045.14		(3)				
	12/5	12/7	Vietnam		723.36		(3)				
	12/7	12/8	Hawaii		450.70		(3)				
Misc. Embassy Costs									1,004.09		
Jeff Ashford	11/29	11/30	Hawaii		177.00						
	12/1	12/3	Philippines		572.00						
	12/3	12/4	China		522.57						
Misc. Embassy Costs									426.33		
Commercial/Military Air							5,388.71				
Jim Holm	11/29	11/30	Hawaii		211.09		(3)				
	12/1	12/3	Philippines		572.00		(3)				
	12/3	12/5	China		1,045.14		(3)				
	12/5	12/7	Vietnam		723.36		(3)				
	12/7	12/8	Hawaii		450.70		(3)				
Misc. Embassy Costs									1,004.09		
Ben Nicholson	11/29	11/30	Hawaii		211.09		(3)				
	12/1	12/3	Philippines		572.00		(3)				
	12/3	12/5	China		1,045.14		(3)				
	12/5	12/7	Vietnam		723.36		(3)				
	12/7	12/8	Hawaii		450.70		(3)				
Misc. Embassy Costs									1,004.09		
Hon. John P. Murtha	11/24	11/28	Czech Republic		1,737.10		(3)				
	11/28	12/1	United Arab Emirates		1,656.12		(3)				
	12/1	12/3	Italy		1,049.62		(3)				
Paul Juola	11/24	11/28	Czech Republic		1,737.10		(3)				
	11/28	12/1	United Arab Emirates		1,656.12		(3)				
	12/1	12/3	Italy		1,049.62		(3)				
Chris White	11/24	11/28	Czech Republic		1,737.10		(3)				
	11/28	12/1	United Arab Emirates		1,656.12		(3)				
	12/1	12/3	Italy		1,049.62		(3)				
Sarah Young	11/24	11/28	Czech Republic		1,737.10		(3)				
	11/28	12/1	United Arab Emirates		1,656.12		(3)				
	12/1	12/3	Italy		1,049.62		(3)				
Misc. Transportation Costs							804.00				
Adam Harris	12/8	12/10	England		1,128.41						
Commercial Air/Train							9,632.04				
Adrienne Ramsay	12/8	12/10	England		2,015.79						
Commercial Air/Train							9,711.04				
Celes Hughes	12/8	12/10	Germany		708.00						
	12/10	12/12	Djibouti		672.00						
	12/12	12/13	South Africa		238.00						
	12/13	12/15	Botswana		290.00						
Commercial Air							10,426.54				
Christopher White	12/8	12/10	Germany		708.00						
	12/10	12/12	Djibouti		672.00						
	12/12	12/13	South Africa		238.00						
	12/13	12/15	Botswana		290.00						
Commercial Air/Misc. Transportation Costs							10,361.54				
Hon. Robert Aderholt	12/3	12/4	Nigeria		132.00		(3)				
	12/4	12/5	Ethiopia		303.00		(3)				
	12/5	12/6	Qatar				(3)				
	12/6	12/7	United Kingdom				(3)				
Jeff Shockey	12/14	12/18	United Kingdom		1,198.25						
Commercial Air/Misc. Transportation							9,649.01				
Tom McLemore	12/14	12/18	United Kingdom		1,198.25						
Commercial Air/Misc. Transportation							9,646.01				
Hon. Steve Israel	12/20	12/21	Kuwait		167.00		(3)				
	12/21	12/22	Iraq				(3)				
	12/23	12/23	Afghanistan				(3)				
	12/23	12/24	Germany		321.00		(3)				
Committee Total					87,058.66		182,195.76		8,459.05		

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. DAVID R. OBEY, Chairman, Jan. 31, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Italy, Kosovo, September 29–October 2, 2008:											
Hon. Ike Skelton	9/30	10/1	Kosovo		176.00						176.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	10/1	10/2	Italy		203.00						203.00
Hon. Madeleine Z. Bordallo	9/30	10/1	Kosovo		176.00						176.00
	10/1	10/2	Italy		203.00						203.00
Erin Conaton	9/30	10/1	Kosovo		176.00						176.00
	10/1	10/2	Italy		203.00						203.00
Paul Arcangeli	9/30	10/1	Kosovo		176.00						176.00
Commercial Transportation							3,705.60				3,705.60
Kyle Wilkens	9/30	10/1	Kosovo		176.00						176.00
	10/1	10/2	Italy		203.00						203.00
Michael Casey	9/30	10/1	Kosovo		176.00						176.00
	10/1	10/2	Italy		203.00						203.00
Stephanie Sanok	9/30	10/1	Kosovo		176.00						176.00
	10/1	10/2	Italy		203.00						203.00
Delegation Expenses	9/30	10/1	Kosovo				44.50		10,397.07		10,441.57
Delegation Expenses	10/1	10/2	Italy						922.94		922.94
Visit to Dominican Republic, October 10–13, 2008:											
David Kildee	10/10	10/12	Dominican Republic								
Commercial Transportation							1,421.00				1,421.00
Visit to Paraguay, Colombia, October 11–18, 2008:											
William Natter	10/12	10/14	Paraguay		180.00						180.00
	10/14	10/18	Colombia		1,101.00						1,101.00
Commercial Transportation							6,386.59				6,386.59
Timothy McClees	10/12	10/14	Paraguay		180.00						180.00
	10/14	10/18	Colombia		1,101.00						1,101.00
Commercial Transportation							7,178.59				7,178.59
Alexander Kugajevsky	10/14	10/18	Colombia		1,101.00						1,101.00
Commercial Transportation							4,186.39				4,186.39
Eryn Robinson	10/14	10/18	Colombia		1,101.00						1,101.00
Commercial Transportation							2,314.86				2,314.86
Visit to Indonesia, Kazakhstan, Thailand, October 13–23, 2008:											
Mark Lewis	10/16	10/17	Thailand								
	10/17	10/19	Indonesia		849.00						849.00
	10/19	10/23	Kazahkstan		327.00						327.00
Commercial Transportation							6,944.18				6,944.18
Stephanie Sanok	10/16	10/17	Thailand								
	10/17	10/19	Indonesia		849.00						849.00
	10/19	10/23	Kazahkstan		327.00						327.00
Commercial Transportation							6,944.18				6,944.18
Joseph Hicken	10/16	10/17	Thailand								
	10/17	10/19	Indonesia		849.00						849.00
	10/19	10/23	Kazahkstan		327.00						327.00
Commercial Transportation							6,944.18				6,944.18
Visit to Afghanistan, Pakistan, Qatar, India, October 17–25, 2008:											
Erin Conaton	10/19	10/20	Pakistan		126.00						126.00
	10/20	10/24	Afghanistan		290.00						290.00
	10/24	10/25	Qatar		390.00						390.00
Commercial Transportation							9,181.29				9,181.29
Julie Unmacht	10/19	10/20	Pakistan		126.00						126.00
	10/20	10/24	Afghanistan		290.00						290.00
	10/24	10/25	Qatar		390.00						390.00
Commercial Transportation							9,181.29				9,181.29
Aileen Alexander	10/19	10/20	Pakistan		126.00						126.00
	10/20	10/24	Afghanistan		290.00						290.00
	10/24	10/25	Qatar		390.00						390.00
Commercial Transportation							9,181.29				9,181.29
Thomas Hawley	10/19	10/20	Pakistan		126.00						126.00
	10/20	10/24	Afghanistan		290.00						290.00
	10/24	10/25	Qatar		390.00						390.00
Commercial Transportation							9,651.29				9,651.29
Paul Oostburg Sanz	10/18	10/21	India		236.00						236.00
	10/20	10/24	Afghanistan		215.00						215.00
	10/24	10/25	Qatar		390.00						390.00
Commercial Transportation							12,288.81				12,288.81
Andrew Hunter	10/18	10/21	India		468.00						468.00
	10/20	10/24	Afghanistan		215.00						215.00
	10/24	10/25	Qatar		390.00						390.00
Commercial Transportation							12,288.81				12,288.81
Visit to Japan, South Korea, October 20–November 4, 2008:											
Vickie Plunkett	10/21	10/30	Japan		3,003.00						3,003.00
	10/30	11/4	South Korea		579.00						579.00
Commercial Transportation							12,156.41				
Paul Arcangeli	10/25	10/30	Japan		1,618.00						1,618.00
	10/30	11/4	South Korea		579.00						579.00
Commercial Transportation							7,917.77				
Lara Battles	10/21	10/29	Japan		2,737.00						2,737.00
	10/28	11/1	South Korea		480.00						480.00
Commercial Transportation							14,071.41				
Cathleen Garman	10/21	10/29	Japan		3,003.00						3,003.00
	10/28	11/1	South Korea		579.00						579.00
Commercial Transportation							13,035.41				
Thomas Hawley	10/25	10/28	Japan		992.00						992.00
	10/28	11/1	South Korea		480.00						480.00
Commercial Transportation							7,670.18				
Lynn Williams	10/21	10/30	Japan		3,003.00						3,003.00
	10/30	11/4	South Korea		579.00						579.00
Commercial Transportation							14,950.53				
David Sienicki	10/23	10/28	Japan		1,645.00						1,645.00
	10/28	11/1	South Korea		480.00						480.00
Commercial Transportation							12,089.67				
Eryn Robinson	10/23	10/28	Japan		1,645.00						1,645.00
	10/28	11/1	South Korea		480.00						480.00
Commercial Transportation							13,300.67				
Visit to Spain, November 11–16, 2008, With CODEL Sires;											
Hon. Phil Gingrey	11/13	11/16	Spain		1,281.00						1,281.00
Visit to France, United Arab Emirates, Germany, Afghanistan, November 23–28, 2008:											
Hon. Ike Skelton	11/23	11/25	France		1,103.38						1,103.38

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	11/25	11/26	United Arab Emirates		863.97						863.97
	11/26	11/27	Afghanistan		25.00						25.00
	11/27	11/28	Germany		271.18						271.18
Hon. Solomon Ortiz	11/23	11/25	France		1,103.38						1,103.38
	11/25	11/26	United Arab Emirates		863.97						863.97
	11/26	11/27	Afghanistan		25.00						25.00
	11/27	11/28	Germany		271.18						271.18
Hon. Rick Larsen	11/23	11/25	France		1,103.38						1,103.38
	11/25	11/26	United Arab Emirates		863.97						863.97
	11/26	11/27	Afghanistan		25.00						25.00
	11/27	11/28	Germany		271.18						271.18
Hon. Dave Loebsack	11/23	11/25	France		1,103.38						1,103.38
	11/25	11/26	United Arab Emirates		863.97						863.97
	11/26	11/27	Afghanistan		25.00						25.00
	11/27	11/28	Germany		271.18						271.18
Hon. Madeleine Bordallo	11/23	11/25	France		1,103.38						1,103.38
	11/25	11/26	United Arab Emirates		863.97						863.97
	11/26	11/27	Afghanistan		25.00						25.00
	11/27	11/28	Germany		271.18						271.18
Erin Conaton	11/23	11/25	France		1,103.38						1,103.38
	11/25	11/26	United Arab Emirates		863.97						863.97
	11/26	11/27	Afghanistan		25.00						25.00
	11/27	11/28	Germany		271.18						271.18
Kyle Wilkens	11/23	11/25	France		1,103.38						1,103.38
	11/25	11/26	United Arab Emirates		863.97						863.97
	11/26	11/27	Afghanistan		25.00						25.00
	11/27	11/28	Germany		271.18						271.18
Thomas Hawley	11/23	11/25	France		1,103.38						1,103.38
	11/25	11/26	United Arab Emirates		863.97						863.97
	11/26	11/27	Afghanistan		25.00						25.00
	11/27	11/28	Germany		271.18						271.18
Visit to Tunisia, Tanzania, Ethiopia, Germany, November 29–December 8, 2008:											
Hon. Kendrick Meek	11/30	12/1	Germany		168.00						168.00
	12/1	12/4	Ethiopia		264.00						264.00
	12/4	12/5	Tanzania		136.00						136.00
	12/5	12/7	Tunsia		284.00						284.00
Mark Lewis	11/30	12/1	Germany		168.00						168.00
	12/1	12/4	Ethiopia		264.00						264.00
	12/4	12/5	Tanzania		136.00						136.00
	12/5	12/7	Tunsia		284.00						284.00
Visit to Nigeria, Rwanda, Uganda, Ethiopia, Djibouti, Qatar, United Kingdom, Afghanistan, With CODEL Inhofe, December 2–7, 2008:											
Hon. Jeff Miller	12/3	12/4	Nigeria		132.00						132.00
	12/4	12/4	Rwanda								
	12/4	12/5	Ethiopia		303.00						303.00
	12/5	12/5	Uganda								
	12/5	12/5	Qatar								
	12/6	12/6	Afghanistan								
	12/6	12/6	Kuwait								
	12/6	12/7	United Kingdom								
Visit to Israel, With STAFFDEL Fieldhouse, December 7–12, 2008:											
Frank Rose	12/8	12/12	Israel		3,856.00						3,856.00
Commercial Transportation							8,406.75				8,406.75
Visit to Austria, Belgium, Guinea-Bissau, Senegal, December 7–13, 2008:											
Paul Oostburg Sanz	12/8	12/8	Austria								
	12/8	12/9	Belgium		241.00						241.00
	12/9	12/10	Senegal		233.33						233.33
	12/10	12/11	Guinea Bissau		217.00						217.00
	12/11	12/13	Senegal		466.66						466.66
Commercial Transportation							11,356.02				11,356.02
Alexander Kugajevsky	12/8	12/8	Austria								
	12/8	12/9	Belgium		341.00						341.00
	12/9	12/10	Senegal		316.67						316.67
	12/10	12/11	Guinea Bissau		267.00						267.00
	12/11	12/13	Senegal		633.32						633.32
Commercial Transportation							11,356.02				11,356.02
Visit to Czech Republic, Poland, Russia, December 12–18, 2008:											
Hon. Ellen Tauscher	12/12	12/14	Germany		933.97						933.97
	12/14	12/16	Russia		252.00						252.00
	12/16	12/17	Poland		763.00						763.00
	12/17	12/18	Czech Republic		389.00						389.00
Commercial Transportation							2,829.60				2,829.60
Hon. Rick Larsen	12/12	12/14	Germany		933.97						933.97
	12/14	12/16	Russia		252.00						252.00
	12/16	12/17	Poland		763.00						763.00
	12/17	12/18	Czech Republic		389.00						389.00
Commercial Transportation							2,829.60				2,829.60
Hon. Loretta Sanchez	12/12	12/14	Germany		933.97						933.97
	12/14	12/16	Russia		252.00						252.00
	12/16	12/17	Poland		763.00						763.00
	12/17	12/18	Czech Republic		389.00						389.00
Commercial Transportation							6,414.58				6,414.58
Hon. Buck McKeon	12/12	12/14	Germany		933.97						933.97
	12/14	12/16	Russia		252.00						252.00
	12/16	12/17	Poland		763.00						763.00
	12/17	12/18	Czech Republic		389.00						389.00
Hon. K. Michael Conaway	12/12	12/14	Germany		933.97						933.97
	12/14	12/16	Russia		252.00						252.00
	12/16	12/17	Poland		763.00						763.00
	12/17	12/18	Czech Republic		389.00						389.00
Hon. Doug Lamborn	12/12	12/14	Germany		933.97						933.97
	12/14	12/16	Russia		252.00						252.00
	12/16	12/17	Poland		763.00						763.00
	12/17	12/18	Czech Republic		389.00						389.00
Commercial Transportation							2,085.60				2,085.60
Hon. Robert W. DeGrasse, Jr	12/12	12/14	Germany		933.97						933.97

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/14	12/16	Russia		252.00						252.00
	12/16	12/17	Poland		763.00						763.00
	12/17	12/18	Czech Republic		389.00						389.00
Commercial Transportation							2,829.60				2,829.60
Rudy Barnes	12/12	12/14	Germany		933.97						933.97
	12/14	12/16	Russia		252.00						252.00
	12/16	12/17	Poland		763.00						763.00
	12/17	12/18	Czech Republic		389.00						389.00
Commercial Transportation							2,829.60				2,829.60
Kari Bingen Tytler	12/12	12/14	Germany		933.97						933.97
	12/14	12/16	Russia		252.00						252.00
	12/16	12/17	Poland		763.00						763.00
	12/17	12/18	Czech Republic		389.00						389.00
Commercial Transportation							2,829.60				2,829.60
Visit to Bahrain, Afghanistan, Germany, Kuwait, Iraq, December 15–22, 2008:											
Hon. Gene Taylor	12/16	12/17	Kuwait		117.00						117.00
	12/17	12/18	Iraq								
	12/18	12/20	Bahrain		248.00						248.00
	12/20	12/21	Afghanistan								
	12/21	12/22	Germany		113.00						113.00
Hon. Rob Wittman	12/16	12/17	Kuwait		117.00						117.00
	12/17	12/18	Iraq								
	12/18	12/20	Bahrain		248.00						248.00
	12/20	12/21	Afghanistan								
	12/21	12/22	Germany		113.00						113.00
Hon. Loretta Sanchez	12/18	12/20	Bahrain		248.00						248.00
	12/20	12/21	Afghanistan								
	12/21	12/22	Germany		113.00						113.00
Hon. K. Michael Conaway	12/16	12/17	Kuwait		117.00						117.00
	12/17	12/18	Iraq								
	12/18	12/20	Bahrain		248.00						248.00
	12/20	12/21	Afghanistan								
	12/21	12/22	Germany		113.00						113.00
Hon. Joe Courtney	12/16	12/17	Kuwait		117.00						117.00
	12/17	12/18	Iraq								
	12/18	12/20	Bahrain		248.00						248.00
	12/20	12/21	Afghanistan								
	12/21	12/22	Germany		113.00						113.00
William Ebbs	12/16	12/17	Kuwait		117.00						117.00
	12/17	12/18	Iraq								
	12/18	12/20	Bahrain		248.00						248.00
	12/20	12/21	Afghanistan								
	12/21	12/22	Germany		113.00						113.00
Erin Conaton	12/16	12/17	Kuwait		117.00						117.00
	12/17	12/18	Iraq								
	12/18	12/20	Bahrain		248.00						248.00
	12/20	12/21	Afghanistan								
	12/21	12/22	Germany		113.00						113.00
Visit to Iraq, Kuwait, Dubai, Germany, Afghanistan, With CODEL Weiner, December 19–24, 2008:											
Hon. Tom Cole	12/20	12/21	Kuwait		167.00						167.00
	12/21	12/22	Iraq								
	12/22	12/23	Dubai								
	12/23	12/23	Afghanistan								
	12/23	12/24	Germany		321.00						321.00
Committee Total					90,621.55		256,802.23		11,320.01		263,551.74

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. IKE SKELTON, Chairman, Feb. 2, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008.

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
STAFEDEL—Almeida, Dec. 14–20, 2008 to Guatemala/Panama							2,450.30				
Tico Almeida	12/14	12/17	Guatemala		420.00				421.00		
	12/17	12/19	Panama		444.00				462.00		
CODEL—Hinojosa, Nov. 9–17, 2008 to Spain/Italy/Quatar/UAE											
Hon. Rubén Hinojosa	11/9	11/11	Barcelona, Spain		392.00		(3)		436.00		
	11/11	11/12	Dubai, UAE		193.00		(3)		351.00		
	11/12	11/14	Quatar		278.00		(3)		496.00		
	11/14	11/15	Florence, Italy		209.00		(3)		372.00		
	11/15	11/16	Rome, Italy		244.00		(3)		318.00		
Hon. Mazie Hirono	11/9	11/11	Barcelona, Spain		392.00		(3)		436.00		
	11/11	11/12	Dubai, UAE		193.00		(3)		351.00		
	11/12	11/14	Quatar		278.00		(3)		496.00		
	11/14	11/15	Florence, Italy		209.00		(3)		372.00		
	11/15	11/16	Rome, Italy		244.00		(3)		318.00		
Ricardo Martinez	11/9	11/11	Barcelona, Spain		392.00		(3)		436.00		
	11/11	11/12	Dubai, UAE		193.00		(3)		351.00		
	11/12	11/14	Quatar		278.00		(3)		496.00		
	11/14	11/15	Florence, Italy		209.00		(3)		372.00		
	11/15	11/16	Rome, Italy		244.00		(3)		318.00		
Julie Radocchia	11/9	11/11	Barcelona, Spain		392.00		(3)		436.00		
	11/11	11/12	Dubai, UAE		193.00		(3)		351.00		
	11/12	11/14	Quatar		278.00		(3)		496.00		
	11/14	11/15	Florence, Italy		209.00		(3)		372.00		
	11/15	11/16	Rome, Italy		244.00		(3)		318.00		

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008.—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee Total					6.128.00		2,450.30		8,775.00		17,353.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. GEORGE MILLER, Chairman, Feb. 2, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Richard Miller [4]	10/3	10/8	France		2,760.00						2,760.00
John Jimison [4]	10/3	10/8	France		2,760.00						2,760.00
Hon. Joe Barton	10/18	10/21	Kuwait		432.00		8,192.30				8,624.30
	10/20	10/21	Iraq								
David Cavicke	10/18	10/21	Kuwait		432.00		8,192.30				8,624.30
	10/20	10/21	Iraq								
Ryan Thompson	10/18	10/21	Kuwait		432		8,192.30				8,624.30
	10/20	10/21	Iraq								
Lisa Miller	12/6	12/12	Poland		840.00		8,844.86				9,684.86
Peter Spencer	12/6	12/12	Poland		840.00		8,844.86				9,684.86
Alex Barron	12/8	12/13	Poland		840.00		9,006.36				9,846.36
Lorie Schmidt	12/8	12/13	Poland		840.00		9,006.36				9,846.36
Lance Kotschwar	11/12	11/15	Belgium		1,173.00		617.60				1,790.60
Hon. Tim Murphy	11/23	11/25	France		1,103.38		(3)				1,103.38
	11/25	11/26	United Arab Emir.		863.97		(3)				863.97
	11/26	11/27	Afghanistan		25.00		(3)				25.00
	11/27	11/28	Germany		271.18		(3)				271.18
David Nelson	11/28	12/4	Hong Kong		3,474.00						3,474.00
	12/4	12/8	Hanoi, Vietnam		1,512.00						1,512.00
	12/8	12/11	Ho Chi Minh, Vietnam		1,218.00						1,218.00
	12/11	12/17	Bangkok, Thailand		1,908.00						1,908.00
Commercial Air							10,740.31				10,740.31
Krista Rosenthal	11/29	12/4	Hong Kong		2,645.00						2,645.00
	12/4	12/12	Vietnam		2,730.00						2,730.00
	12/12	12/16	Thailand		1,970.00						1,979.00
Commercial Air [5]							11,823.40				11,823.40
Hon. Ed Whitfield	12/20	12/21	Ireland/Kuwait		340.00		(3)				340.00
	12/21	12/22	Iraq/Kuwait				(3)				
	12/22	12/23	Afghanistan				(3)				
	12/23	12/24	Germany		230.48		(3)				230.48
Committee Total					$29,649.01		$83,460.65				$113,109.66

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Commercial airfare paid for by DOE, under the MECEA program, this report does not include the DOE program.
[5] Total airfare includes $559.16 credit.

HON. JOHN D. DINGELL, Chairman, Jan. 28, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ackerman	12/12	12/14	Cyprus		306.00		(3)				306.00
	12/14	12/15	Afghanistan		75.00		(3)				75.00
	12/15	12/16	Belgium		425.00		(3)				425.00
David Adams	12/12	12/14	Cyprus		306.00		(3)				306.00
	12/14	12/15	Afghanistan		75.00		(3)				75.00
	12/15	12/16	Belgium		306.00		(3)				306.00
Jasmeet Ahuja	12/11	12/16	Sri Lanka		875.00						875.00
	12/17	12/19	Pakistan		152.00						152.00
	12/11	12/19	Round Trip Airfare.				11,382.33				11,382.33
David Beraka	11/30	12/3	Algeria		1,081.00						1,081.00
	12/3	12/6	Tunisia		616.00						616.00
	11/30	12/6	Round Trip Airfare.				10,412.18				10,412.18
Hon. Berman	10/12	10/16	Russia		1,984.00		11,497.37				13,481.37
	12/15	12/19	Israel		1,724.00		9,254.30				10,978.30
Paul Berkowitz	12/1	12/5	Germany		1,760.00						1,760.00
	12/5	12/11	Russia		2.934.00						2,934.00
	12/1	12/11	Round Trip Airfare.				9,845.46				9,845.46
Hon. Burton	11/6	11/9	Peru		1,384.12		(3)				1,384.12
	11/9	11/11	Chile		635.56		(3)				635.56
	11/11	11/13	Paraguay		372.37		(3)				372.37
Douglas Campbell	10/12	10/16	Russia		1,984.00		8,872.17				10,856.17
Hon. Carnahan	9/30	10/1	Kosovo		176.00		(3)				176.00
	10/1	10/2	Italy		203.00		(3)				203.00
Joan Condon	12/8	12/9	Belgium		341.00						341.00
	12/9	12/10	Senegal		249.00						249.00
	12/10	12/11	Guinea-Bissau		217.00						217.00
	12/11	12/13	Senegal		551.00						551.00
	12/8	12/13	Round Trip Airfare.				11,668.18				11,668.18

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Delahunt	11/30	12/5	Germany		1,886.00						1,886.00
	12/5	12/11	Russia		2,967.00						2,967.00
	12/5	12/11	Round Trip Airfare.				9,209.98				9,209.98
Howard Diamond	12/12	12/14	Cyprus		306.00		(3)				306.00
	12/14	12/15	Afghanistan		75.00		(3)				75.00
	12/15	12/16	Belgium		425.00		(3)				425.00
Hon. Engel	11/6	11/9	Peru		1,384.12		(3)				1,384.12
	11/9	11/11	Chile		635.56		(3)				635.56
	11/11	11/13	Paraguay		372.37		(3)				372.37
Hon. Faleomavaega	12/9	12/10	Samoa		466.00						466.00
	12/10	12/15	Tonga		1,290.00						1,290.00
	12/9	12/15	Round Trip Airfare.				1,966.93				1,966.93
Hon. Flake	12/12	12/14	Cyprus		306.00		(3)				306.00
	12/14	12/15	Afghanistan		75.00		(3)				75.00
	12/15	12/16	Belgium		425.00		(3)				425.00
Lelia Gomez	11/5	11/9	El Salvador		726.00		2,025.30				2,751.30
Dennis Halpin	12/2	12/7	Taiwan		1,250.00		11,059.36				12,309.36
Daniel Harsha	11/13	11/16	Spain		1,281.00		(3)				1,281.00
Hon. Hinojosa	12/12	12/15	Peru		766.00		(3)				766.00
	12/15	12/16	Chile		319.00		(3)				319.00
	12/16	12/18	Argentina		599.42		(3)				599.42
Hans Hogrefe	11/8	11/13	Ecuador		1,223.00		2,241.30				3,464.30
Eric Jacobstein	11/6	11/9	Peru		1,384.12		(3)				1,384.12
	11/9	11/11	Chile		635.56		(3)				635.56
	11/11	11/13	Paraguay		372.37		(3)				372.37
Jonathan Katz	11/11	11/12	Austria		369.00						369.00
	11/12	11/13	Belgium		425.00						425.00
	11/11	11/13	Round Trip Airfare.				7,610.38				7,610.38
	12/2	12/4	Israel		862.00						862.00
	12/4	12/5	Czech Republic		413.48						413.48
	12/2	12/5	Round Trip Airfare.				7,904.81				7,904.81
David Killion	11/30	12/3	Tunisia		1,081.00						1,081.00
	12/3	12/6	Algeria		616.00						616.00
	12/6	12/10	France		1,692.00						1,692.00
	11/30	12/10	Round Trip Airfare.				10,453.60				10,453.60
Robert King	10/12	10/16	Russia		1,984.00		8,872.17				10,856.17
Sophia King	12/12	12/15	Peru		766.00		(3)				766.00
	12/15	12/16	Chile		319.00		(3)				319.00
	12/16	12/18	Argentina		599.42		(3)				599.42
Hon. Klein	11/13	11/16	Spain		1,281.00		(3)				1,281.00
	12/12	12/14	Cyprus		306.00		(3)				306.00
	12/14	12/15	Afghanistan		75.00		(3)				75.00
	12/15	12/16	Belgium		425.00		(3)				425.00
Jessica Lee	12/2	12/7	Taiwan		1,388.00		11,059.36				12,447.36
Vili Lei	12/4	12/9	Italy		2,475.00		8,260.83				10,735.83
Gregory McCarthy	12/12	12/14	Cyprus		306.00		(3)				306.00
	12/14	12/15	Afghanistan		75.00		(3)				75.00
	12/15	12/16	Belgium		425.00		(3)				425.00
Mary McVeigh	12/2	12/7	Taiwan		1,388.00		11,059.36				12,447.36
Alan Makovsky	12/15	12/23	Israel		3,448.00		7,100.30				10,548.30
Pearl-Alice Marsh	11/9	11/11	Senegal		530.00						530.00
	11/11	11/12	Italy		415.00						415.00
	11/12	11/14	Germany		668.00						668.00
	11/9	11/14	Round Trip Airfare.				16,718.35				16,718.35
	12/8	12/9	Belgium		341.00						341.00
	12/9	12/10	Senegal		269.00						269.00
	12/10	12/11	Guinea-Bissau		217.00						217.00
	12/11	12/13	Senegal		551.00						551.00
	12/8	12/13	Round Trip Airfare.				11,356.02				11,356.02
Hon. Meeks	11/6	11/10	Colombia		1,499.00		2,341.90				3,840.90
	12/12	12/15	Peru		766.00		(3)				766.00
	12/15	12/16	Chile		319.00		(3)		[4] 8,124.15		8,443.15
	12/16	12/18	Argentina		599.42		(3)		[4] 5,016.86		5,616.28
Hon. Miller	11/6	11/9	Peru		1,384.12		(3)				1,384.12
	11/9	11/11	Chile		635.56		(3)				635.56
	11/11	11/13	Paraguay		372.37		(3)				372.37
Jonathan Cobb Mixter	10/12	10/15	Malaysia		500.00		13,371.44				13,871.44
	12/2	12/7	Taiwan		1,388.00		11,059.36				12,447.36
Taylor Morgan	12/8	12/10	Kazakhstan		679.00						679.00
	12/10	12/12	Kyrgyzstan		562.00						562.00
	12/12	12/16	Uzbekistan		824.00						824.00
	12/16	12/17	United Kingdom		425.00						425.00
	12/8	12/17	Round Trip Airfare.				13,570.93				13,570.93
Jim Nichols	12/16	12/20	Poland, Georgia, Iceland.		1,495.00		(3)				1,495.00
Elisa Perry	12/5	12/1	Russia		2,967.00		8,770.36				11,737.36
Hon. Poe	11/1	11/2	France		463.00						463.00
	11/2	11/4	Georgia		1,004.00						1,004.00
	11/1	11/4	Round Trip Airfare.				13,175.79				13,175.79
	12/15	12/17	Greece		631.00						631.00
	12/17	12/19	Macedonia		373.00						373.00
	12/15	12/19	Round Trip Airfare.				11,827.97				11,827.97
Peter Quilter	11/6	11/9	Argentina		595.00		3,829.90				4,424.90
	11/9	11/11	Chile		635.56		(3)				635.56
	11/11	11/13	Paraguay		372.37		(3)				372.37
David Richmond	12/4	12/9	Italy		2,475.00		8,260.83				10,735.83
Sheri Rickert	11/24	11/28	Brazil		1,212.00		8,891.30				10,103.30
	12/3	12/6	Russia		1,336.00		8,141.45				9,479.45
Joshua Rogin	11/10	11/12	Austria		738.00						738.00
	11/12	11/13	Belgium		425.00						425.00
	11/10	11/13	Round Trip Airfare.				8,727.49				8,727.49

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Rohrabacher	12/2	12/5	Germany		1,320.00						1,320.00
	12/5	12/11	Russia		2,867.00						2,867.00
	12/2	12/11	Round Trip Airfare.				9,283.78				9,283.78
Julie Schoenthaler	11/6	11/9	Peru		1,384.12		(3)				1,384.12
	11/9	11/11	Chile		635.56		(3)				635.56
	11/11	11/13	Paraguay		372.37		(3)				372.37
Daniel Silverberg	12/17	12/18	Pakistan		76.00		10,974.45				11,050.45
Hon. Sires	11/13	11/16	Spain		1,281.00		(3)				1,281.00
Amanda Sloat	10/12	10/16	Russia		1,984.00						1,984.00
	10/16	10/18	Ukraine		708.00						708.00
	10/12	10/18	Round Trip Airfare.				8,021.48				8,021.48
	12/15	12/20	Bosnia		1,424,00		0,276.36				10,700.36
Hon. Smith (NJ)	12/3	12/6	Russia		1,338.00		8,141.45				9,479.45
Jason Steinbaum	11/6	11/11	Chile		635.56		(3)				635.56
	11/9	11/9	Peru		1,384.12		(3)				1,384.12
	11/11	11/13	Paraguay		372.37		(3)				372.37
Mark Walker	11/6	11/9	Peru		1,384.12		(3)				1,384.12
	11/9	11/11	Chile		635.56		(3)				635.56
	11/11	11/13	Paraguay		372.37		(3)				372.37
Robyn Wapner	11/6	11/9	Peru		1,384.12		(3)				1,384.12
	11/9	11/11	Chile		635.56		(3)				635.56
	11/11	11/13	Paraguay		372.37		(3)				372.37
Lynne Weil	11/30	12/3	Algeria		826.00						826.00
	12/3	12/7	Tunisia		768.00						768.00
	12/7	12/10	France		1,031.00						1,031.00
	11/30	12/10	Round Trip Airfare.				10,428.60				10,428.60
Kristin Wells	11/24	11/28	Brazil		1,212.00		7,563.30				8,775.30
Hon. Wexler	11/11	11/12	Austria		369.00						369.00
	11/12	11/13	Belgium		425.00						425.00
	11/11	11/13	Round Trip Airfare.				7,610.38				7,610.38
	12/2	12/4	Israel		862.00						862.00
	12/4	12/5	Czech Republic		413.48						413.48
	12/2	12/5	Round Trip Airfare.				7,904.81				7,904.81
Lisa Williams	12/4	12/9	Italy		2,475.00		8,260.83				10,735.83
Hon. Wilson	12/12	12/14	Cyprus		306.00		(3)				306.00
	12/14	12/15	Afghanistan		75.00		(3)				75.00
	12/15	12/16	Belgium		425.00		(3)				425.00
Brent Woolfork	12/8	12/10	Kazakhstan		679.00						679.00
	12/10	12/12	Kyrgyzstan		562.00						562.00
	12/12	12/16	Uzbekistan		824.00						824.00
	12/16	12/17	United Kingdom		425.00						425.00
	12/8	12/17	Round Trip Airfare.				13,570.93				13,570.93
Hon. Woolsey	11/13	11/16	Spain		1,281.00		(3)				1,281.00
Committee Total					119,813.55		412,835.13		13,141.01		545,789.69

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Indicates Delegation costs.

HON. HOWARD L. BERMAN, Chairman, Feb. 2, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Virginia Fox	11/6	11/9	Peru		1,384.12		(3)				1,384.12
	11/9	11/11	Chile		635.56						635.56
	11/11	11/13	Paraguay		372.37						372.37
Hon. Kenny Marchant	10/18	10/21	Kuwait		432.00		8,192.30				8,624.30
	10/20	10/21	Iraq								
R.N. Palarino	12/2	12/3	Qatar		393.00		8,219.27				8,612.27
	12/3	12/4	Afghanistan		75.00						75.00
	12/4	12/5	Bahrain		299.00						299.00
	12/5	12/6	Qatar		389.00						389.00
	12/6	12/7	Kuwait		342.00						342.00
	12/7	12/8	Iraq								
	12/8	12/9	Kuwait		342.00						342.00
Aimee Brooke Bennett	12/2	12/3	Qatar		393.00		9,138.27				9,531.27
	12/3	12/4	Afghanistan		75.00						75.00
	12/4	12/5	Bahrain		299.00						299.00
	12/5	12/6	Qatar		389.00						389.00
	12/6	12/7	Kuwait		342.00						342.00
	12/7	12/8	Iraq								
	12/8	12/9	Kuwait		342.00						342.00
Robin Appleberry	11/16	11/22	South Africa		323.00		9,982.13				10,305.13
Alexandra Teitz	12/9	12/13	Poland		1,837.00		7,639.86				9,476.86
Robin Appleberry	10/19	10/26	Switzerland		2,029.57		9,014.07				11,043.64
Hon. Todd Platts	10/7	10/7	Kuwait				7,959.40				7,959.40
	10/7	10/8	Iraq								
	10/8	10/8	Kuwait								
Bruce Fernandez	10/7	10/7	Kuwait				7,959.40				7,959.40
	10/7	10/8	Iraq								
	10/8	10/8	Kuwait								
Bruce Fernandez	10/7	10/7	Kuwait				7,959.40				7,959.40
	10/7	10/8	Iraq								
	10/8	10/8	Kuwait								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Stephen Lynch	10/7	10/7	Kuwait				7,959.40				7,959.40
	10/8	10/8	Iraq								
	10/8	10/8	Kuwait								
Davis Hake	10/7	10/7	Iraq				12,388.00				12,388.00
	10/8	10/8	Kuwait								
	10/8	10/8	Kuwait								
Meredith Liberty	10/19	10/19	France				13,851.29				13,851.29
	10/19	10/21	Mali		456.00						456.00
	10/22	10/24	Kenya		853.00						853.00
	10/24	10/25	Djibouti		336.00						336.00
	10/25	10/26	Ethiopia		264.00						264.00
	10/27	10/28	Germany		174.00						174.00
Aimee Brooke Bennett	10/19	10/19	France				13,851.29				13,851.29
	10/19	10/21	Mali		456.00						456.00
	10/22	10/24	Kenya		853.00						853.00
	10/24	10/25	Djibouti		336.00						336.00
	10/25	10/26	Ethiopia		264.00						264.00
	10/27	10/28	Germany		174.00						174.00
Davis Hake	10/19	10/19	France				13,851.29				13,851.29
	10/19	10/21	Mali		456.00						456.00
	10/22	10/24	Kenya		853.00						853.00
	10/24	10/25	Djibouti		336.00						336.00
	10/25	10/26	Ethiopia		264.00						264.00
	10/27	10/28	Germany		174.00						174.00
Dave Turk	10/19	10/19	France				13,851.29				13,851.29
	10/19	10/21	Mali		456.00						456.00
	10/22	10/24	Kenya		853.00						853.00
	10/24	10/25	Djibouti		336.00						336.00
	10/25	10/26	Ethiopia		264.00						264.00
	10/27	10/28	Germany		174.00						174.00
Andrew Wright	10/19	10/19	France				13,851.29				13,851.29
	10/19	10/21	Mali		456.00						456.00
	10/22	10/24	Kenya		853.00						853.00
	10/24	10/25	Djibouti		336.00						336.00
	10/25	10/26	Ethiopia		264.00						264.00
	10/27	10/28	Germany		174.00						174.00
Lauren Ploch	10/22	10/24	Kenya		853.00		6,696.39				7,549.39
	10/24	10/25	Djibouti		336.00						336.00
	10/25	10/26	Ethiopia		264.00						264.00
	10/27	10/28	Germany		174.00						174.00
Hon. Brian Higgins	12/12	12/14	Cyprus		306.00		(3)				306.00
	12/14	12/15	Afghanistan		75.00						75.00
	12/15	12/16	Belgium		425.00						425.00
Committee Total					23,541.62		172,364.34				195,905.96

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.

HON. EDOLPHUS TOWNS, Chairman, Jan. 30, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Chuck Atkins	10/12	10/16	China		1,117.02		13,126.91		97.93		14,341.86
	10/16	10/22	Vietnam		1,916.00						1,916.00
Alisa Ferguson	10/12	10/16	China		1,117.02		13,126.91		97.93		14,341.86
	10/16	10/22	Vietnam		1,916.00						1,916.00
Richard Obermann	10/12	10/16	China		1,117.02		13,126.91		97.93		14,341.86
	10/16	10/22	Vietnam		1,696.00						1,696.00
Dahlia Sokolov	10/12	10/16	China		1,117.02		13,126.91		97.93		14,341.86
	10/16	10/22	Vietnam		1,696.00						1,696.00
Janet Poppleton	10/12	10/16	China		1,117.02		13,126.91		97.93		14,341.86
	10/16	10/22	Vietnam		1,696.00						1,696.00
Edward Feddeman	10/10	10/11	Russia		446.00		10,444.73		552.00		11,442.73
	10/11	10/12	Kazakhstan		474.00		1,830.00				2,304.00
	10/12	10/14	Russia		992.00						992.00
	10/14	10/18	Germany		1,702.00						1,702.00
Ken Monroe	10/10	10/11	Russia		446.00		10,444.73		552.00		11,442.73
	10/11	10/12	Kazakhstan		474.00		1,830.00				2,304.00
	10/12	10/14	Russia		992.00						992.00
	10/14	10/20	Germany		1,702.00						1,702.00
Jean Fruci	12/7	12/15	Poland		4,544.00		3,668.68				8,212.68
Chris King	12/8	12/15	Poland		3,626.00		3,641.68				7,267.00
Margaret Caravelli	12/8	12/12	Poland		1,472.00		9,434.86				10,906.86
	12/12	12/14. [4]	Czech Republic								
Bart Forsyth	12/6	12/13	Poland		3,976.00		9,099.45				13,075.45
Tara Rothschild	12/8	12/12	Poland		1,472.00		9,434.86				10,906.86
	12/12	12/14. [4]	Czech Republic								
Hon. Brian Baird [5]	12/2	12/3	Qatar		393.00		8,219.27				8,612.27
	12/3	12/4	Afghanistan		75.00		(3)				75.00
	12/4	12/5	Bahrain		349.00		(3)				349.00
	12/5	12/6	Qatar		389.00		(3)				389.00
	12/6	12/7	Kuwait		342.00		(3)				342.00
	12/7	12/8	Iraq				(3)				
	12/8	12/9	Kuwait		342.00		(3)				342.00
Hon. Randy Neugebauer [5]	12/3	12/4	Nigeria		132.00		(3)				132.00
	12/4	12/4	Rwanda				(3)				
	12/4	12/5	Ethiopia		[6] 303.00		(3)				303.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Depar-ture		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/5 ..	12/5 ..	Uganda				([3])				
	12/5 ..	12/6 ..	Qatar				([3])				
	12/6 ..	12/6 ..	Afghanistan				([3])				
	12/6 ..	12/6 ..	Kuwait				([3])				
	12/6 ..	12/7 ..	United Kingdom		([7])		([3])				
Committee Total											174,424.88

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Two nights at personal expense.
[5] Financial information not yet received from State Department.
[6] Includes U.K.
[7] Included with Ethiopia per diem.

HON. BART GORDON, Chairman, Jan. 29, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Laura Richardson	11/13	11/16	Spain		869.00		([3])				869.00
Hon. Mazio Hirono	12/1	12/2	Philippines		572.00		([3])				572.00
	12/3	12/4	Hong Kong		1,045.14		([3])				1,045.14
	12/5	12/6	Vietnam		758.00		([3])				758.00
Committee Total											3,244.14

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. JIM OBERSTAR, Chairman, Jan. 27, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at the right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ZOE LOFGREN, Chairman, Jan. 28, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bud Cramer	10/1	10/13	Europe		937.25		([3])				
	10/1	10/13	Europe		1,011.23		([3])				
	10/1	10/13	Europe		1,215.18		([3])				
	10/1	10/13	Europe		1,333.00		([3])				
	10/1	10/13	Europe		1,229.83		([3])				
Military aircraft											5,726.49
Mark Young	10/11	10/13	Latin America		230.00						
	10/14	10/18	Latin America								
Laurence Hanauer	10/12	10/13	Europe		399.00						
	10/14	10/15	Europe		808.00						
	10/16	10/18	Europe		760.00						
	10/19	10/21	Europe		399.00						
Commercial Aircraft							11,009.41				13,375.41
Joshua Kirshner	10/12	10/13	Europe		399.00						
	10/14	10/15	Europe		808.00						
	10/16	10/18	Europe		760.00						
	10/19	10/21	Europe		399.00						
Commercial Aircraft							10,514.41				12,880.41
Jay Heath	10/12	10/13	Europe		399.00						
	10/14	10/15	Europe		808.00						
	10/16	10/18	Europe		760.00						
	10/19	10/21	Europe		399.00						
Commercial Aircraft							10,514.41				12,880.41
Donald Campbell	10/18	10/21	Asia								
Commercial Aircraft							12,449.17				
Frank Garcia	10/18	10/21	Asia								
Commercial Aircraft							12,449.17				
Hon. Mike Thompson	11/10	11/14	Middle East		25.00						
	11/14	11/15	Middle East		289.00						
Commercial Aircraft							9,844.54				10,158.54
Hon. Rush Holt	11/10	11/14	Middle East		25.00						
	11/14	11/15	Middle East		289.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial Aircraft							9,844.54				10,158.54
Hon. Anna Eashoo	11/10	11/14	Middle East		25.00						
	11/14	11/15	Middle East		289.00						
Commercial Aircraft							9,844.54				10,158.54
Iram Ali	11/10	11/14	Middle East		25.00						
	11/14	11/15	Middle East		289.00						
Commercial Aircraft							9,714.54				10,028.54
George Pappas	11/10	11/14	Middle East		25.00						
	11/14	11/15	Middle East		289.00						
Commercial Aircraft							9,714.54				10,028.54
Hon. Darrell Issa	12/11	12/13	Asia		340.00						
	12/14	12/16	Asia		690.00						
	12/16	12/18	Asia		1,384.00						
Commercial Aircraft							10,023.05				12,437.05
Jim Lewis	12/11	12/13	Asia		340.00						
	12/14	12/16	Asia		690.00						
	12/16	12/18	Asia		1,384.00						
Commercial Aircraft							13,529.55				15,943.55
Hon. Mike Thompson	12/17	12/20	Asia		711.00						
	12/20	12/22	Asia		948.00		9,290.24				
Commercial Aircraft							7,757.39				9,416.39
Laurence Hanauer	12/17	12/20	Asia		711.00						
	12/20	12/22	Asia		948.00						
Commercial Aircraft							7,412.55				9,071.55
Joshua Kirshner	12/17	12/20	Asia		711.00						
	12/20	12/22	Asia		948.00						
Commercial Aircraft							9,800.77				11,459.77
Sarah Roland-Geffroy	12/17	12/20	Asia		711.00						
	12/20	12/22	Asia		948.00						
Commercial Aircraft							9,290.24				10,949.24
Stacey Dixon	12/16	12/19	Middle East		76.00						
Commercial Aircraft							11,566.04				11,642.04
Donald Vieira	12/20	12/22	Middle East		167.00		(3)				
	12/22	12/24	Europe		321.00		(3)				
Military aircraft											488.00
Committee Total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. SILVESTRE REYES, Chairman, Jan. 30, 2009.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bud Cramer	10/1	10/13	Europe		937.25		(3)				
	10/1	10/13	Europe		1,011.23		(3)				
	10/1	10/13	Europe		1,215.18		(3)				
	10/1	10/13	Europe		1,333.00		(3)				
	10/1	10/13	Europe		1,229.83		(3)				
Military aircraft											5,726.49
Mark Young	10/11	10/13	Latin America		230.00						
	10/14	10/16	Latin America		820.00						
	10/16	10/18	Latin America		862.00						
Commercial aircraft							7,173.59				9,085.59
Laurence Hanauer,	10/12	10/13	Europe		399.00						
	10/14	10/15	Europe		808.00						
	10/16	10/18	Europe		760.00						
	10/19	10/21	Europe		399.00						
Commercial Aircraft							11,009.41				13,375.41
Joshua Kirshner	10/12	10/13	Europe		399.00						
	10/14	10/15	Europe		808.00						
	10/16	10/18	Europe		760.00						
	10/19	10/21	Europe		399.00						
Commercial Aircraft							10,514.41				12,880.41
Jay Heath	10/12	10/13	Europe		399.00						
	10/14	10/15	Europe		808.00						
	10/16	10/18	Europe		760.00						
	10/19	10/21	Europe		399.00						
Commercial Aircraft							10,514.41				12,880.41
Donald Campbell	10/19	10/22	Asia		1,098.00						
	10/23	10/25	Asia		548.00						
Commercial Aircraft							12,449.17				14,095.17
Frank Garcia	10/19	10/22	Asia		1,098.00						
	10/23	10/25	Asia		548.00						
Commercial Aircraft							12,449.17				14,095.17
Hon. Mike Thompson	11/10	11/14	Middle East		25.00						
	11/14	11/15	Middle East		289.00						
Commercial Aircraft							9,844.54				10,158.54
Hon. Rush Holt	11/10	11/14	Middle East		25.00						
	11/14	11/15	Middle East		289.00						
Commercial Aircraft							9,844.54				10,158.54
Hon. Anna Eshoo	11/10	11/14	Middle East		25.00						
	11/14	11/15	Middle East		289.00						
Commercial Aircraft							9,844.54				10,154.54
Iram Ali	11/10	11/14	Middle East		25.00						
	11/14	11/15	Middle East		289.00						
Commercial Aircraft							9,714.54				10,028.54
George Pappas	11/10	11/14	Middle East		25.00						
	11/14	11/15	Middle East		289.00						
Commercial Aircraft							9,714.54				10,028.54

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Darrell Issa	12/11	12/13	Asia		340.00						
	12/14	12/16	Asia		690.00						
	12/16	12/18	Asia		1,384.00						
Commercial Aircraft							10,023.05				12,437.05
Jim Lewis	12/11	12/13	Asia		340.00						
	12/14	12/16	Asia		690.00						
	12/16	12/18	Asia		1,384.00						
Commercial Aircraft							13,529.55				15,943.55
Hon. Mike Thompson	12/17	12/20	Asia		711.00						
	12/20	12/22	Asia		948.00						
Commercial Aircraft							7,757.39				9,416.39
Laurence Hanauer	12/17	12/20	Asia		711.00						
	12/20	12/22	Asia		948.00						
Commercial Aircraft							7,412.55				9,071.55
Joshua Kirshner	12/17	12/20	Asia		711.00						
	12/20	12/22	Asia		948.00						
Commercial Aircraft							9,800.77				11,459.77
Sarah Roland-Geffroy	12/17	12/20	Asia		711.00						
	12/20	12/22	Asia		948.00						
Commercial Aircraft							9,290.24				10,949.24
Stacey Dixon	12/16	12/19	Middle East		76.00						
Commercial aircraft							11,566.04				11,642.04
Donald Vieira	12/20	12/22	Middle East		167.00	[3]					
	12/22	12/24	Europe		321.00	[3]					
Military aircraft											488.00
Committee Total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. SILVESTRE REYES, Chariman, Feb. 2, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Shelly Han	10/07	10/12	Georgia		1,690.00		10,340.70				12,030.70
	10/12	10/16	Azerbaijan		1,268.00						1,268.00
	10/16	10/18	Czech Republic		832.00						832.00
Kyle Parker	10/07	10/12	Georgia		1,690.00		10,569.99				12,259.99
	10/12	10/17	Azerbaijan		1,585.00						1,585.00
Winsome Packer	10/07	10/12	Georgia		1,352.00		2,733.00				4,085.00
Mischa Thompson	10/01	10/9	Poland		3,197.60		10,635.61				13,833.21
Clifford Bond	9/28	10/10	Poland		3,117.00		8,742.89				11,859.89
Erika Schlager	9/28	10/11	Poland		3,590.00		8,830.91				12,420.91
Alex T. Johnson	10/04	10/8	Poland		1,032.00		9,745.18				10,777.18
	10/08	10/12	Germany		1,412.00						1,412.00
Ronald McNamara	10/05	10/11	Poland		1,548.00		8,735.41				10,283.41
Fred Turner	10/02	10/5	Poland		1,010.00		10,977.70				11,987.70
	10/05	10/7	Portugal		946.34						946.34
Winsome Packer	9/30	10/5	Poland		1,265.25		1,670.88				2,936.13
Alex T. Johnson	10/24	10/30	Jordan		1,806.00		8,159.09				9,965.09
Winsome Packer	10/26	10/29	Jordan		903.00		1,710.00				2,613.00
Hon. Alcee L. Hastings	11/29	12/1	Morocco		749.00		8,223.92				8,972.92
	12/01	12/2	Algeria		385.44						385.44
	12/02	12/3	Tunisia		247.00						247.00
	12/03	12/7	Egypt		1,541.86						1,541.86
	12/07	12/9	Israel		862.00						862.00
	12/09	12/15	Portugal		1,838.26						1,838.26
Alex T. Johnson	11/29	12/1	Morocco		749.00		8,553.39				9,302.39
	12/01	12/2	Algeria		385.44						385.44
	12/02	12/3	Tunisia		247.00						247.00
	12/03	12/7	Egypt		1,541.86						1,541.86
	12/07	12/9	Israel		862.00						862.00
	12/09	12/13	Portugal		1,225.51						1,225.51
Lale Mamaux	11/29	12/1	Morocco		749.00		7,278.81				8,027.81
	12/01	12/2	Algeria		385.44						385.44
	12/02	12/3	Tunisia		247.00						247.00
	12/03	12/7	Egypt		1,541.86						1,541.86
	12/07	12/9	Israel		862.00						862.00
	12/09	12/11	Portugal		612.75						612.75
Winsome Packer	12/02	12/6	Finland		1,288.00		1,246.00				2,534.00
Clifford Bond	12/08	12/12	Kosovo		976.00		10,126.61				11,102.61
Robert Hand	12/08	12/12	Kosovo		726.00		6,769.61				7,495.61
Winsome Packer	10/05	10/24	Austria		10,323.00						10,323.00
	11/08	11/30	Austria		7,337.00		7,394.93				14,731.93
	12/06	12/23	Austria		6,960.00						6,960.00
Committee Total					70,886.61		142,444.63				213,331.24

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ALCEE L. HASTINGS, Chairman, Jan. 27, 2009.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

551. A letter from the Under Secretary Natural Resources and Environment, Department of Agriculture, transmitting reports on the Mendocino National Forest Fire Management Plan and the Cultural and Historic Resources, pursuant to Public Law 109-362, section 7(b); to the Committee on Agriculture.

552. A letter from the Secretary, Department of the Navy, transmitting notification of an increase in the Program Acquisition Unit Cost for the VH-71 Presidential Helicopter Replacement Program that exceeds the original Unit Cost Report baseline by at least 50 percent, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

553. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Portfolio Holdings (RIN: 2590-AA22) received February 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

554. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Capital Classifications and Critical Capital Levels for the Federal Home Loan Banks (RIN: 2590-AA21) received February 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

555. A letter from the Dir., Office of Policy, Reports and Disclosure, Department of Labor, transmitting the Department's final rule — Labor Organization Annual Financial Reports (RIN: 1215-AB62) received February 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

556. A letter from the Deputy Inspector General, Environmental Protection Agency, transmitting the Inspector General's report entitled, ''Annual Superfund Report to Congress for Fiscal Year 2008,'' pursuant to the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Energy and Commerce.

557. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting notification that Asylum Access's project was not selected to establish a legal assistance program for refugees in Tanzania; to the Committee on Foreign Affairs.

558. A letter from the Director, Congressional Budget Office, transmitting notification of a waiver of the deduction of pay requirement for a reemployed annuitant, pursuant to Public Law 102-190, section 655(d); to the Committee on Oversight and Government Reform.

559. A letter from the Colonel, Corps of Engineers Secretary, Mississippi River Commission, Department of the Army, transmitting the Annual Report for the Mississippi River Commission covering calendar year 2008, pursuant to Public Law 94-409; to the Committee on Oversight and Government Reform.

560. A letter from the Acting Administrator, General Services Administration, transmitting notification of the new mileage reimbursement rates for Federal employees who use privately owned vehicles (POVs), including privately owned automobiles, motorcycles, and airplanes, while on official travel, pursuant to 5 U.S.C. 5707(b)(1)(A); to the Committee on Oversight and Government Reform.

561. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security zone; Steam generator transit, Captain of the Port zone San Diego; San Diego, California [Docket No.: USCG-2008-1236] (RIN: 1625-AA87) received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

562. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — 2008 Rates for Pilotage on the Great Lakes [Docket No.: USCG-2007-0039] (RIN: 1625-AB23) received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

563. A letter from the Project Counsel, Department of Homeland Security, transmitting the Department's final rule — Tank Level or Pressure Monitoring Devices on Single-Hull Tank Ships and Single-Hull Tank Barges Carrying Oil or Oil Residue as Cargo [Docket No.: USCG-2001-9046] (RIN: 1625-AB12) received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

564. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Saftey Zone: Oregon Inlet, North Carolina, Dredge Project [Docket No.: USCG-2008-1081] (RIN: 1625-AA00) received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

565. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Saftey Zone; Saugus River, Lynn, MA [Docket No.: USCG-2008-1026] (RIN: 1625-AA00) received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

566. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention; Non-Transportation Related Onshore Facilities; Spill Prevention, Control, and Countermeasure Rule — Final Amendments [EPA-HQ-OPA-2007-0584; FRL-8770-7] (RIN: 2050-AG16) received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

567. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oklahoma: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R06-RCRA-2008-0754 FRL-8767-9] received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

568. A letter from the Director, Regulatory management Division, Environmental Protection Agency, transmitting the Agency's final rule — Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions [EPA-HQ-OECA-2009-0006; FRL-8766-2] (RIN: 2020-AA48) received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 157. Resolution providing for consideration of motions to suspend the rules, and for other purposes (Rept. 111–14). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 158. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 111–15). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PETERSON:

H.R. 977. A bill to amend the Commodity Exchange Act to bring greater transparency and accountability to commodity markets, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALTMIRE (for himself, Mrs. MILLER of Michigan, Mr. CLEAVER, Mr. HOLDEN, Mr. MASSA, Mr. PLATTS, Ms. PINGREE of Maine, Mr. SHULER, Mr. PETERSON, Mr. SPACE, Mr. EHLERS, Mr. MCINTYRE, Mr. CAPUANO, and Mr. MICHAUD):

H.R. 978. A bill to recognize and clarify the authority of the States to regulate intrastate helicopter medical services pursuant to their authority over public health planning and protection, patient safety and protection, emergency medical services, the quality and coordination of medical care, and the practice of medicine within their jurisdictions; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARE (for himself, Mr. ARCURI, Mr. KISSELL, Ms. GIFFORDS, Mr. SPACE, Mr. BOCCIERI, Mr. MASSA, Mr. LIPINSKI, Mrs. KIRKPATRICK of Arizona, Ms. PINGREE of Maine, and Mr. TONKO):

H.R. 979. A bill to limit excessive and luxury expenses by recipients of assistance under the Emergency Economic Stabilization Act of 2008, and for other purposes; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mr. GRIJALVA, Mr. BACA, Ms. BORDALLO, Mrs. CAPPS, Mr. CARNAHAN, Mr. CARSON of Indiana, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. COSTA, Mr. GUTIERREZ, Mr. HINCHEY, Ms. HIRONO, Mr. INSLEE, Mr. KUCINICH, Mr. LANGEVIN, Mrs. LOWEY, Mr. MARKEY of Massachusetts, Ms. MCCOLLUM, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. NADLER of New York, Mrs. NAPOLITANO, Mr. RAHALL, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. WAXMAN, Mr. BERMAN, Ms. SCHWARTZ, Mr. JONES, Mr. MEEKS of New York, Mr. STARK, Ms. WATERS, Mr. SHERMAN, Mr. ACKERMAN, Ms. CORRINE BROWN of Florida, Mr. CLEAVER, Ms. DELAURO, Ms. LEE of California, Mr. CUMMINGS, and Mr. LANCE):

H.R. 980. A bill to designate certain National Forest System lands and public lands

under the jurisdiction of the Secretary of the Interior in the States of Idaho, Montana, Oregon, Washington, and Wyoming as wilderness, wild and scenic rivers, wildland recovery areas, and biological connecting corridors, and for other purposes; to the Committee on Natural Resources.

By Mr. MCGOVERN (for himself, Mr. ISSA, Ms. MCCOLLUM, Mr. BOUSTANY, Mr. MORAN of Virginia, Mr. ELLISON, and Mr. RAHALL):

H.R. 981. A bill to limit the use of cluster munitions; to the Committee on Armed Services.

By Mr. GOODLATTE (for himself, Mr. MCINTYRE, Mr. BOOZMAN, Mr. BACHUS, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BLUNT, Mr. BROUN of Georgia, Mr. DUNCAN, Ms. FOXX, Mr. GOHMERT, Mr. GRAVES, Mr. FRANKS of Arizona, Mr. JONES, Mr. LATHAM, Mr. LINDER, Mr. LUCAS, Mr. MACK, Mr. MANZULLO, Mr. MCCOTTER, Mr. SIMPSON, Mr. WESTMORELAND, Mr. YOUNG of Alaska, Mr. ISSA, Mr. COLE, Mrs. MCMORRIS RODGERS, Mr. HASTINGS of Washington, Mrs. MYRICK, Mr. AKIN, Mr. KING of Iowa, Mr. NEUGEBAUER, Mr. CONAWAY, Mr. SMITH of Texas, Mr. LAMBORN, Mr. SENSENBRENNER, Mr. PENCE, Mr. THORNBERRY, Mr. HENSARLING, Mr. INGLIS, Mr. BILBRAY, Mr. BISHOP of Utah, Mr. BONNER, Mr. BURGESS, Mr. CANTOR, Mr. CULBERSON, Mr. FORBES, Mr. HUNTER, Mr. MCCARTHY of California, Mr. MCHENRY, Mr. MILLER of Florida, Mr. ROGERS of Kentucky, Mr. SESSIONS, Mr. SHADEGG, Mr. SHUSTER, Mr. PETERSON, Mr. SOUDER, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. TIAHRT, Mr. WITTMAN, Mr. GINGREY of Georgia, Mr. PITTS, Mr. PRICE of Georgia, Mr. WILSON of South Carolina, Mr. LATTA, and Mr. DREIER):

H.R. 982. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself, Mr. BOUSTANY, Mr. WILSON of South Carolina, Mr. PAUL, Mr. SESSIONS, Mr. MCHENRY, Mr. HARPER, Mr. SCALISE, Mr. CULBERSON, Mr. MARCHANT, Mr. ROONEY, Mrs. BLACKBURN, Mrs. MYRICK, Mr. CASSIDY, Mr. KLINE of Minnesota, Mr. WESTMORELAND, Mr. GINGREY of Georgia, Mr. BUYER, Mr. FLEMING, Ms. FALLIN, Mr. BARRETT of South Carolina, Mrs. BACHMANN, and Mr. ALEXANDER):

H.R. 983. A bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects; to the Committee on Oversight and Government Reform.

By Mr. NADLER of New York (for himself, Mr. PETRI, Mr. CONYERS, Mr. DELAHUNT, Ms. ZOE LOFGREN of California, Mr. FRANK of Massachusetts, and Mr. DOGGETT):

H.R. 984. A bill to provide safe, fair, and responsible procedures and standards for resolving claims of state secret privilege; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself, Mr. PENCE, Mr. CONYERS, Mr. GOODLATTE, Mr. YARMUTH, Mr. WALDEN, Ms. ZOE LOFGREN of California, Mr. COBLE, Mr. WEXLER, Mr. BLUNT, Ms. BERKLEY, Mr. WU, Ms. SCHAKOWSKY, Ms. LEE of California, Mr. DELAHUNT, Mr. MACK, Mr. MCCAUL, Ms. NORTON, Mr. WOLF, Ms. WOOLSEY, Mr. MURPHY of Connecticut, Mr. UPTON, Ms. SLAUGHTER, Mr. BERRY, Ms. GIFFORDS, Mr. GONZALEZ, Mr. PUTNAM, Mr. WEINER, Mr. PAYNE, Mr. COHEN, Mr. KENNEDY, Mr. RADANOVICH, Mr. COOPER, Mr. DOYLE, Ms. BALDWIN, Ms. WASSERMAN SCHULTZ, Ms. ESHOO, Mr. BUTTERFIELD, and Mr. REHBERG):

H.R. 985. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

By Mr. ADLER of New Jersey (for himself, Mr. SIRES, Mr. FRELINGHUYSEN, Mr. PASCRELL, Mr. PALLONE, Mr. HOLT, Mr. LANCE, Mr. LOBIONDO, Mr. ANDREWS, Mr. PAYNE, Mr. ROTHMAN of New Jersey, Mr. GARRETT of New Jersey, and Mr. SMITH of New Jersey):

H.R. 986. A bill to designate the facility of the United States Postal Service located at 28 Washington Street in Mount Holly, New Jersey, as the ''Jim Saxton Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. ALTMIRE (for himself, Mr. DOYLE, Mr. TIM MURPHY of Pennsylvania, Mrs. DAHLKEMPER, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SESTAK, Mr. HOLDEN, Ms. SCHWARTZ, Mr. PLATTS, Mr. SHUSTER, Mr. FATTAH, Mr. BRADY of Pennsylvania, Mr. CARNEY, Mr. KANJORSKI, Mr. THOMPSON of Pennsylvania, Mr. PITTS, Mr. GERLACH, Mr. DENT, and Mr. MURTHA):

H.R. 987. A bill to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the ''John Scott Challis, Jr. Post Office''; to the Committee on Oversight and Government Reform.

By Mr. BERRY (for himself and Mrs. EMERSON):

H.R. 988. A bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GERLACH (for himself and Mr. ALEXANDER):

H.R. 989. A bill to provide a Federal income tax credit for Eagle employers, and for other purposes; to the Committee on Ways and Means.

By Mr. GRAVES (for himself and Mr. CLEAVER):

H.R. 990. A bill to amend title 49, United States Code, to establish additional goals for airport master plans; to the Committee on Transportation and Infrastructure.

By Mr. GUTIERREZ:

H.R. 991. A bill to treat arbitration clauses which are unilaterally imposed on consumers as an unfair and deceptive trade practice and prohibit their use in consumer transactions, and for other purposes; to the Committee on Financial Services.

By Mr. HILL:

H.R. 992. A bill to establish the James Madison Memorial Commission to develop a plan of action for the establishment and maintenance of a James Madison memorial in Washington, DC, and for other purposes; to the Committee on Natural Resources.

By Mr. LUJÁN:

H.R. 993. A bill to establish a Presidential commission to determine and evaluate the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty; to the Committee on Natural Resources.

By Mr. GARY G. MILLER of California (for himself, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. BOOZMAN, Mr. CAMPBELL, Mr. DREIER, Mr. BILBRAY, Mr. FLEMING, Mr. GALLEGLY, and Mrs. MYRICK):

H.R. 994. A bill to remove the incentives and loopholes that encourage illegal aliens to come to the United States to live and work, provide additional resources to local law enforcement and Federal border and immigration officers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Oversight and Government Reform, Education and Labor, House Administration, Financial Services, Homeland Security, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER of New York (for himself, Mr. ACKERMAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Ms. BORDALLO, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. COHEN, Ms. EDWARDS of Maryland, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HONDA, Ms. KAPTUR, Mr. KUCINICH, Ms. LEE of California, Mrs. MALONEY, Mr. MICHAUD, Mrs. NAPOLITANO, Ms. NORTON, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SIRES, Ms. SUTTON, Ms. ROS-LEHTINEN, Ms. WASSERMAN SCHULTZ, and Mr. SCOTT of Virginia):

H.R. 995. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older and for such screening and annual magnetic resonance imaging for women at high risk for breast cancer if the coverage or plans include coverage for diagnostic mammography for women 40 years of age or older; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUNES (for himself and Mr. MCCARTHY of California):

H.R. 996. A bill to temporarily exempt certain public and private development projects from any requirement for a review, statement, or analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa (for himself, Mrs. BACHMANN, Mrs. BLACKBURN, Mr. LUETKEMEYER, Mr. BURGESS, Mr. BURTON of Indiana, Mr. COBLE, Mr. CULBERSON, Mr. ROHRABACHER, Mr. DREIER, Mr. DUNCAN, Mr. FRANKS of

Arizona, Mr. BROWN of South Carolina, Mr. HERGER, Mr. INGLIS, Mr. JONES, Mr. MCCAUL, Mr. MCHENRY, Mr. PAUL, Mr. ROE of Tennessee, Mr. ROGERS of Alabama, Mr. TIBERI, Mr. BROUN of Georgia, Mr. GRAVES, Mr. BILIRAKIS, Mrs. MYRICK, Mr. SIMPSON, Mr. MCHUGH, Mr. PLATTS, Mr. HOEKSTRA, Mr. SULLIVAN, Mr. BILBRAY, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. WOLF, Mr. FLEMING, Mr. SMITH of Nebraska, Mr. SHUSTER, Ms. FOXX, Mr. POE of Texas, Mr. LUCAS, Mr. BARTLETT, Mr. WHITFIELD, Mr. GARY G. MILLER of California, Mr. KLINE of Minnesota, Mr. MARCHANT, Mrs. LUMMIS, Mr. WITTMAN, Mr. STEARNS, Mr. LATOURETTE, Mr. AKIN, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Ms. FALLIN, Mr. WAMP, Mr. PITTS, Mrs. SCHMIDT, Mr. WESTMORELAND, and Mr. MCCLINTOCK):

H.R. 997. A bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a uniform rule of naturalization under article I, section 8, of the Constitution; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROONEY:

H.R. 998. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds by property and casualty insurance companies for the payment of policyholders' claims arising from future catastrophic events; to the Committee on Ways and Means.

By Mr. ROSKAM (for himself and Mr. KIRK):

H.R. 999. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve food safety; to the Committee on Energy and Commerce.

By Mr. SALAZAR (for himself, Ms. MARKEY of Colorado, Mr. PERLMUTTER, Ms. DEGETTE, Mr. COFFMAN of Colorado, Mr. POLIS of Colorado, and Mr. LAMBORN):

H.R. 1000. A bill to provide environmental assistance to non-Federal interests in the State of Colorado; to the Committee on Transportation and Infrastructure.

By Mr. SHADEGG (for himself, Mr. FLAKE, and Mr. PASTOR of Arizona):

H.R. 1001. A bill to create a new nonimmigrant visa category for registered nurses, and for other purposes; to the Committee on the Judiciary.

By Mr. SHULER (for himself, Mr. BUTTERFIELD, Mr. COBLE, Mr. CONNOLLY of Virginia, Mr. ETHERIDGE, Mr. JONES, Mr. KISSELL, Mr. MCHENRY, Mr. MCINTYRE, Mrs. MYRICK, Mr. PRICE of North Carolina, Mr. MILLER of North Carolina, Mr. WATT, and Ms. FOXX):

H.R. 1002. A bill to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina; to the Committee on Agriculture.

By Mr. SMITH of New Jersey:

H.R. 1003. A bill to prohibit the closure of Fort Monmouth, New Jersey, notwithstanding the recommendations of the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

By Mr. SMITH of New Jersey:

H.R. 1004. A bill to amend title 38, United States Code, to provide an enhanced funding process to ensure an adequate level of funding for veterans health care programs of the Department of Veterans Affairs, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of New Jersey:

H.R. 1005. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to improve public notification and community relations concerning actions for the removal of environmental hazards; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself, Mr. TERRY, and Mr. PAULSEN):

H.R. 1006. A bill to require secondary metal recycling agents to keep records of their transactions in order to deter individuals and enterprises engaged in the theft and interstate sale of stolen secondary metal, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi (for himself, Mr. CHILDERS, and Mr. HARPER):

H.R. 1007. A bill to establish the Mississippi Delta National Heritage Area and the Mississippi Hills National Heritage Area, and for other purposes; to the Committee on Natural Resources.

By Mr. THOMPSON of Mississippi (for himself, Ms. LORETTA SANCHEZ of California, Mr. MCDERMOTT, Mr. CUELLAR, Mr. CARNEY, and Mr. CLEAVER):

H.R. 1008. A bill to reaffirm and clarify the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. SENSENBRENNER, and Mr. PIERLUISI):

H.J. Res. 21. A joint resolution proposing an amendment to the Constitution of the United States relative to the election of Senators; to the Committee on the Judiciary.

By Mr. GORDON of Tennessee:

H. Con. Res. 47. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Ms. SCHAKOWSKY (for herself, Ms. BALDWIN, Mr. BISHOP of Georgia, Ms. BORDALLO, Mrs. CAPPS, Ms. CASTOR of Florida, Ms. DELAURO, Mr. HINCHEY, Mr. HODES, Ms. LEE of California, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM, Mr. NADLER of New York, Mr. SCOTT of Virginia, Ms. SHEA-PORTER, Ms. SLAUGHTER, Mr. STARK, Ms. SUTTON, Mrs. NAPOLITANO, and Mr. MCGOVERN):

H. Con. Res. 48. Concurrent resolution expressing the sense of Congress that national health care reform should ensure that the health care needs of women and of all individuals in the United States are met; to the Committee on Energy and Commerce.

By Mr. KILDEE (for himself, Mr. UPTON, Mr. CONYERS, Mr. CAMP, Mr. LEVIN, Mr. EHLERS, Mr. STUPAK, Mr. HOEKSTRA, Ms. KILPATRICK of Michigan, Mr. ROGERS of Michigan, Mr. PETERS, Mrs. MILLER of Michigan, Mr. SCHAUER, and Mr. MCCOTTER):

H. Res. 154. A resolution honoring John D. Dingell for holding the record as the longest serving member of the House of Representatives; considered and agreed to.

By Mr. FILNER (for himself, Mr. BILBRAY, Mr. HONDA, Mr. ISSA, and Mr. SCOTT of Virginia):

H. Res. 155. A resolution recognizing Filipino American Heritage Month and celebrating the heritage and culture of Filipino Americans and their immense contributions to the Nation; to the Committee on Oversight and Government Reform.

By Mr. MCCOTTER (for himself and Ms. ROS-LEHTINEN):

H. Res. 156. A resolution supporting Charter 08 and the ideals of the Charter 08 movement; to the Committee on Foreign Affairs.

By Mr. HODES (for himself and Ms. SHEA-PORTER):

H. Res. 159. A resolution honoring the New Hampshire State Senate for becoming the 1st statewide legislative body with a majority of women in the United States; to the Committee on Oversight and Government Reform.

By Mr. KENNEDY (for himself, Mrs. BONO MACK, Mr. MCDERMOTT, Ms. BORDALLO, Mr. MCGOVERN, Mr. VAN HOLLEN, Ms. KAPTUR, Ms. BALDWIN, Mr. HONDA, Mr. CUMMINGS, Mrs. CHRISTENSEN, Mrs. NAPOLITANO, Mr. BACA, Mr. WEXLER, and Mr. STARK):

H. Res. 160. A resolution honoring Mental Health America (formerly known as the National Mental Health Association) on the 100th anniversary of its founding and for a century of significant contributions; to the Committee on Energy and Commerce.

By Mr. MACK:

H. Res. 161. A resolution expressing the sense of the House of Representatives regarding the need for free, democratic, transparent, and fair elections in the Bolivarian Republic of Venezuela without threats or intimidation; to the Committee on Foreign Affairs.

By Mr. RANGEL (for himself and Mr. CAMP):

H. Res. 162. A resolution providing amounts for the expenses of the Committee on Ways and Means in the One Hundred Eleventh Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LIPINSKI introduced a bill (H.R. 1009) for the relief of Corina de Chalup Turcinovic; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. WALZ, Mr. EDWARDS of Texas, Mr. PASTOR of Arizona, Mr. THOMPSON of

Mississippi, Mr. ABERCROMBIE, Mr. SESTAK, Mr. LATHAM, Mr. KAGEN, Mr. BOREN, Mr. MASSA, Mr. KUCINICH, Mr. HOLDEN, Mr. BARTLETT, and Ms. ROS-LEHTINEN.

H.R. 31: Mr. BRADY of Pennsylvania, Mr. SCOTT of Virginia, Mr. SMITH of Washington, and Mr. MCDERMOTT.

H.R. 74: Mr. CALVERT.

H.R. 81: Mr. WITTMAN.

H.R. 104: Mr. FILNER.

H.R. 118: Mr. HOLT.

H.R. 131: Mrs. CAPITO, Mr. BUYER, Mr. BROUN of Georgia, Mr. DAVIS of Kentucky, Mr. JONES, Mr. KING of New York, and Mr. BACHUS.

H.R. 156: Mrs. BIGGERT.

H.R. 158: Mr. MCGOVERN.

H.R. 159: Mr. ROYCE.

H.R. 179: Mr. GEORGE MILLER of California and Mr. WEINER.

H.R. 182: Mr. KUCINICH and Mr. PAYNE.

H.R. 219: Mr. MORAN of Kansas.

H.R. 230: Ms. BERKLEY.

H.R. 272: Mr. CARNAHAN.

H.R. 273: Mr. WALZ.

H.R. 362: Mr. SALAZAR and Mr. OBERSTAR.

H.R. 503: Mr. FRANK of Massachusetts, Ms. ROS-LEHTINEN, Mr. ABERCROMBIE, and Ms. HIRONO.

H.R. 529: Mr. LINCOLN DIAZ-BALART of Florida and Mr. MARIO DIAZ-BALART of Florida.

H.R. 614: Mr. MANZULLO.

H.R. 622: Mr. ALEXANDER.

H.R. 630: Mr. MCCOTTER.

H.R. 634: Mr. LIPINSKI, Mr. SCHOCK, Mr. BARRETT of South Carolina, and Mr. PETRI.

H.R. 658: Mr. BLUMENAUER.

H.R. 676: Mr. HONDA, Mr. WEXLER, Mr. FATTAH, Mr. FILNER, Mr. BRADY of Pennsylvania, Ms. MOORE of Wisconsin, and Mr. ABERCROMBIE.

H.R. 697: Mr. FRANK of Massachusetts.

H.R. 716: Mr. NADLER of New York.

H.R. 721: Mr. GENE GREEN of Texas and Mr. PAUL.

H.R. 752: Mr. ROONEY.

H.R. 800: Mr. SOUDER.

H.R. 816: Mr. HALL of New York, Mr. BERRY, Mr. KENNEDY, Mr. WILSON of Ohio, Ms. BORDALLO, Ms. NORTON, Mr. BOUCHER, Ms. GIFFORDS, Mr. RODRIGUEZ, Mr. JOHNSON of Georgia, Mrs. Kirkpatrick of Arizona, Ms. SCHWARTZ, Mr. WITTMAN, Mr. BRADY of Pennsylvania, Mr. MICHAUD, Mr. ROGERS of Alabama, Mr. Adler of New Jersey, Mr. ORTIZ, Ms. WOOLSEY, Mr. GORDON of Tennessee, Mr. FRANK of Massachusetts, Mr. HOLT, Mr. FILNER, Mr. KAGEN, Mr. OBERSTAR, Mr. PASTOR of Arizona, and Mr. COURTNEY.

H.R. 826: Mr. MCINTYRE and Mr. BUTTERFIELD.

H.R. 857: Ms. WATERS, Ms. ZOE LOFGREN of California, and Mr. TONKO.

H.R. 867: Mr. MARSHALL.

H.R. 875: Mr. CARSON of Indiana and Ms. BERKLEY.

H.R. 893: Mr. ENGEL.

H.R. 897: Ms. GINNY BROWN-WAITE of Florida and Mr. SOUDER.

H.R. 900: Mr. NEUGEBAUER.

H.R. 930: Mr. SIRES.

H.R. 968: Mr. PAUL.

H.J. Res. 18: Mr. MURPHY of Connecticut, Mr. SMITH of Washington, Mr. SCHIFF, Ms. SHEA-PORTER, Mr. JOHNSON of Georgia, Ms. BERKLEY, Ms. PINGREE of Maine, Mr. THOMPSON of California, and Ms. WOOLSEY.

H. Con. Res. 36: Mr. STEARNS.

H. Con. Res. 40: Mr. LANCE, Mr. RUSH, Mr. BACA, Mr. Rooney, Mr. Adler of New Jersey, Mr. SALAZAR, Mr. PETERSON, Mr. STEARNS, and Mr. PERRIELLO.

H. Res. 22: Ms. PINGREE of Maine.

H. Res. 55: Mr. MCDERMOTT, Mr. LUCAS, Mr. WOLF, Mr. HINCHEY, Mr. CALVERT, Mr. BILBRAY, and Mr. RADANOVICH.

H. Res. 65: Ms. SUTTON, Mr. HARE, and Mr. BERMAN.

H. Res. 75: Mr. DREIER and Mr. LEVIN.

H. Res. 76: Mr. SMITH of Washington and Mr. COSTA.

H. Res. 101: Mr. PASTOR of Arizona, Mr. ROTHMAN of New Jersey, Mr. BISHOP of New York, and Ms. ROYBAL-ALLARD.

H. Res. 125: Mr. BOEHNER, Mr. BURGESS, Mr. DREIER, Mr. DUNCAN, Mr. GARRETT of New Jersey, Mr. HOLT, Mr. LOBIONDO, Mr. DANIEL E. LUNGREN of California, Mr. PENCE, Mrs. SCHMIDT, and Mr. STUPAK.

H. Res. 147: Mr. SENSENBRENNER.

H. Res. 153: Ms. HARMAN and Mr. HELLER.

PETITIONS, ETC.

Under clause 3 of rule XII,

15. The SPEAKER presented a petition of the New Orleans City Council, relative to Resolution (R-08-618) expressing its support of efforts toward passage of H.R. 4048: the Gulf Coast Civic Works Act; which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

HONORING PASTOR EL-YATEEM

HON. MICHAEL M. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. MCMAHON. Madam Speaker, I am here to pay tribute to a religious leader from my district who is a pillar of our community.

Pastor Khader El-Yateem was born in Beit Jala, a town in the West Bank of Palestine. In 1968, after his graduation from high school, he studied at the Bethlehem Bible College, graduated with a Diploma in Theology, and proceeded to study at the Evangelical Theological Seminary in Cairo, Egypt, where he received his B.A. degree. He was invited by the ELCA to work as a mission developer among the Arab and Middle Eastern community in the United States. He studied at the Lutheran Theological Seminary, Philadelphia, where he graduated with a Master of Divinity degree.

In February 1999, Pastor El-Yateem was called by the Division for Outreach to start the Salam Arabic Lutheran Church in Brooklyn, which became the first official Arabic Lutheran Church in North America. Civic leaders within the Bay Ridge community requested his assistance in October 2000, to help establish a committee to bring the Christian, Jewish and Arabic communities together in a pledge to live in peace. He opened his church to all and successfully helped the committee bring the various groups together. The inter-faith dialogue continues with great success. This endeavor prompted Pastor El-Yateem to ask District Attorney, Charles Hynes to co-chair a Brooklyn wide Unity Task Force, which has also been successful in bringing together various ethnic and religious groups within the borough.

Pastor El-Yateem continues to contribute to the spiritual well being of our community with the support of his lovely wife Grace and children Rowan, Janette, Naim and Isabelle.

I am honored by the work Pastor El-Yateem carries out in my district and for the people of Brooklyn. I congratulate him and his family for the work they have done to make a stronger community.

DUNEDIN, FLORIDA NAMED FLORIDA CITY OF EXCELLENCE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. YOUNG of Florida. Madam Speaker, The Florida League of Cities has named the city of Dunedin, which I have the privilege to represent, as its 2008 City of Excellence.

The League of Cities honored the City of Dunedin for its commitment to public service by achieving the highest standards of city leadership, citizen outreach and involvement, and the development of innovative programs. Dunedin, a small town feeling city of 37,000, has done all that and more.

Under the leadership of Mayor Bob Hackworth, Vice Mayor Julie Ward Bujalski, Commissioner Deborah Kynes, Commissioner Julie Scales, and Commissioner Dave Eggers, the City of Dunedin has created a family friendly, business friendly, and environmental friendly community along Florida's Gulf Coast. This latest honor is the result of years of hard work by the city, by its many community organizations, and by its residents. Dunedin is home to Dr. Beach's top rated ''America's Beach'', it is on CNN's list of Best Places to Retire, it has been ranked as a top place for walkers, and it is America's first Purple Heart City.

Dunedin has great parks, great schools, great programs, and most importantly great people. The city government can only do so much without the commitment of the people they represent to create a great place to live, to work, to play, and to raise their families.

Madam Speaker, it is my hope that my colleagues join me in congratulating the people of Dunedin, Florida, their elected leadership, their city staff, the many fine organizations represented by the Dunedin Council of Organizations and the residents themselves for what we have long known, that Dunedin is a Florida City of Excellence.

CELEBRATING THE ALEXANDRIA MARDI GRAS ASSOCIATION

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. ALEXANDER. Madam Speaker, I rise today to commemorate the Alexandria Mardi Gras Association (AMGA) for enhancing economic development and quality of life by unifying and celebrating Louisiana's interests each year.

On March 3, 1994, the 295th Anniversary of the Founding of Louisiana by Iberville, the AMGA was officially established to ensure Alexandria Mardi Gras is among the best cultural and social events in Central Louisiana.

The goal of Alexandria Mardi Gras, or Mardi Gras au Coeur de la Louisiana, which means Mardi Gras in the Heart of Central Louisiana, is to exemplify unity and cohesiveness through family-friendly festivities.

As Mardi Gras in the heart of Louisiana kicks off its 16th year, the goal is truly illustrated through numerous cultural events that appeal to all cross sections of the community, state, and region, while helping stimulate the economy.

Madam Speaker, I ask my colleagues to join me in commending the AMGA for its continued hard work and dedication to ensure that Mardi Gras in Central Louisiana retains the charm and spirit of the first official celebration 16 years prior.

TRIBUTE TO BRIGIT STORHOFF

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize the excellence in education in the 4th Congressional District of Iowa, and to specifically congratulate Brigit Storhoff of Decorah Community School District, who earned the National Board Certification—the highest level of certification in the teaching profession.

National Board Certification is a voluntary assessment program designed to recognize and reward great teachers. National Board Certified Teachers (NBCTs) have successfully demonstrated advanced teaching knowledge, skills and practices. Certification is achieved through a rigorous, performance-based assessment that typically takes one to three years to complete. Certification is offered in 25 different subjects, covering 97 percent of the subjects taught in K–12 schools.

I congratulate Brigit Storhoff on her well-deserved certification, and I'm certain that she will continue to touch the lives of many youth in her community. It is a great honor to represent Brigit in the United States Congress, and I wish her continued success.

HONORING ANDREW SHEPARD

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Ms. WOOLSEY. Madam Speaker, I rise with sadness today to honor my friend Andrew Shepard who passed away on January 20, 2009, in Santa Rosa, California. Andy was a longtime executive with Exchange Bank who devoted himself to his family, his community, and his fly fishing.

Born in Chicago in 1924, Andy grew up in Omaha, Nebraska, and Pebble Beach, California. He joined the Army in 1943 and distinguished himself fighting in France where he won numerous honors including the Combat Infantryman's Badge 1st Award and the Bronze Star. After his discharge in 1946, Andy attended Stanford University, graduating in 1949 with a degree in Economics. He soon joined Exchange Bank as a teller, working his way up to CEO in a career that spanned 60 years.

By 1969, Andy was appointed CEO and President of the bank, a position he held until

1991 when he was named Chairman of the Board. Upon his retirement in 2003, Andy served as Chairman Emeritus and continued to visit his office until a few months ago, despite being debilitated by a bone marrow disorder.

Andy was known as a banker's banker, and his years of leadership at Exchange Bank were marked by solid investments that assured good dividends combined with innovations such as being one of the first banks in the community to introduce ATMs and drive-through tellers. He also set a priority on personable customer and employee relations, which he exemplified with his own ready smile and kind words. During his tenure the bank grew from three offices to 19, with a focus on small account-holders.

But it is his promotion of Exchange Bank's greatest gift to the community—the Frank P. Doyle Scholarships—that truly marked Andy's banking career. The scholarship program, founded by Frank Doyle almost 60 years ago, provides bank dividends for a fund which assists students at Santa Rosa Junior College. Over the years, $78 million has been awarded to more than 112,000 students. Unfortunately, the bank has recently had to suspend these dividends, but Andy was confident that, with the bank's long-term stability, they will be restored. He also founded and/or served on the boards of numerous community organizations such as the Community Foundation Sonoma County, Santa Rosa Symphony, Memorial Hospital, Heart Association of the Redwood Empire, and United Way.

Andy also had active leadership roles in two key banking organizations, the California Bankers Association and the American Bankers Association as well as the Independent Bankers of Northern California, the American Institute of Banking and the Conference of State Bank Supervisors. Among his numerous awards are the California Human Development Corporation Aztec Award, Pacific Coast Banking School Hall of Fame, Santa Rosa Junior College Floyd Bailey Award and President's Medallion, and the Junior Chamber of Commerce Boss of the Year.

In 1993, Andy married Mardi Casebolt who shared his passions for golf and fly fishing. Andy was proud of his chairmanship of the Ladies Professional Golf Association and enjoyed his time at a fly fishing lodge he cofounded in Colorado which has been featured on national television fishing shows. In addition to Mardi, Andy is survived by daughters Marcy Lyons and Susan Ball, stepdaughters Debbie Bird and Trece O'Donnell, four grandchildren, and five step grandchildren.

Madam Speaker, Andrew Shepard's life leaves a deep imprint on the banking industry, on the Sonoma community, and on his many friends and family. He was an inspiration to me, and I will miss him so much. Thank you, Andy, for all your wonderful work and commitment and for your friendship.

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Ms. BERKLEY. Madam Speaker, I was unable to vote on rollcall Nos. 54 through 59. Had I been present, I would have voted ''aye'' on each.

TRIBUTE TO DAWN REMSBURG

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize the excellence in education in the 4th Congressional District of Iowa, and to specifically congratulate Dawn Remsburg of Ames Community School District, who earned the National Board Certification—the highest level of certification in the teaching profession.

National Board Certification is a voluntary assessment program designed to recognize and reward great teachers. National Board Certified Teachers (NBCTs) have successfully demonstrated advanced teaching knowledge, skills and practices. Certification is achieved through a rigorous, performance-based assessment that typically takes one to three years to complete. Certification is offered in 25 different subjects, covering 97 percent of the subjects taught in K–12 schools.

I congratulate Dawn Remsburg on her well-deserved certification, and I'm certain that she will continue to touch the lives of many youth in her community. It is a great honor to represent Dawn in the United States Congress, and I wish her continued success.

EXPRESSING REGRET FOR AUSTRALIA'S LOSSES AS A CONSEQUENCE OF WILDFIRES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to express my deep regret for the loss of life and destruction of property that is occurring in Australia as a consequence of wildfires, and to extend my condolences to the Australian people.

Although wildfires are common during the Australian summer, strong winds, extreme temperatures and dry conditions have combined in recent days to fuel fires, which have ravaged Australia's southern State of Victoria with unparalleled force. Despite the prompt and earnest efforts of rescue crews and firefighters, 181 deaths have been confirmed and, according to yesterday's edition of Australia's Sydney Morning Herald, police fear that as many as 300 people have already passed. More than 750 properties spanning 350,000 hectares of land have been destroyed. Whole communities have been decimated; in the town of Marysville, which was hit by a 60-mile-long fire front, it is feared that 100 of the 519 residents have been killed. Tragically, these numbers are likely to deteriorate further, there being approximately 23 fires which remain uncontained.

Encouragingly, the size of the tragedy has been matched by the size and speed of the response. I extend my sincere appreciation to the emergency rescue crews, firefighters and Australia's Federal and Victorian Governments for their well-coordinated response to this calamity. The loss suffered would have been far greater were it not for the skill, dedication, compassion and sacrifice of these emergency responders.

I also extend my best wishes to law enforcement authorities as they investigate the causes of this tragedy. Unfortunately, preliminary investigations indicate that some of the fires may have been deliberately lit. I have full confidence that the Australian authorities will bring anyone responsible for this death and destruction to justice, and take such other action as is necessary to minimize the likelihood of future calamities of this nature.

Madam Speaker, the fires that continue to burn in Southeast Australia have caused loss and destruction on a catastrophic scale. The Australian people will truly be in my thoughts and prayers over the coming weeks. I wish the affected communities the very best as they fight to retain and rebuild their lives, and encourage my colleagues to do so as well.

CONGRESSIONAL PAY RAISE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. MITCHELL. Madam Speaker, I rise today to thank Speaker PELOSI for agreeing to bloc the next scheduled congressional pay raise.

As government acts to cap executive compensation, and as millions of Americans watch their incomes shrink, a pay raise for Members of Congress would have seemed glaringly out of touch.

If we are going to talk the talk of fiscal discipline, we must also walk the walk of self-restraint. The American people are not getting a raise this year. Neither should Congress.

I also wish to thank Dr. RON PAUL and 107 of our colleagues—Republicans and Democrats—who were willing to support H.R. 156, the Stop the Congressional Pay Raise Act. Without the leadership of these Members—so many of them new Members—we may not have taken this important step.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, February 10, 2009, I was unable to cast my votes on the Motion to

Instruct Conferees on H.R. 1, H. Res. 114, H. Res. 60, H. Res. 143, H. Res. 128, and H. Res. 134 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 54, on the Motion to Instruct Conferees to H.R. 1, stating that the Economic Stimulus bill must be made available for 48 hours before a final vote, I would have voted ''aye.'' It is unbelievable to me that we are more than likely going to be asked to vote on an $800 billion piece of legislation, that will be drafted behind closed doors, after having less than 24 hours to review it. We owe it to our constituents to take our time with this bill, study it extensively and ensure that the stimulus will actually create jobs.

Had I been present for rollcall No. 55, on suspending the rules and passing H. Res. 114, Supporting the goals and ideals of ''National Girls and Women in Sports Day,'' I would have voted ''aye.''

Had I been present for rollcall No. 56, on suspending the rules and passing H. Res. 60, Recognizing and commending University of Oklahoma quarterback Sam Bradford for winning the 2008 Heisman Trophy and for his academic and athletic accomplishments, I would have voted ''aye.''

Had I been present for rollcall No. 57, on a motion to table H. Res. 143, the personal resolution offered by Rep. JOHN CARTER to ensure that Chairman CHARLIE RANGEL steps aside during his ethics investigation, I would have voted ''no.'' Over the past couple of years we have had an unbelievable number of ethics violations by Members of Congress that have deteriorated the trust that the American people had for its Representatives and it is about time we took a hard line on ethics violations. Rep. RANGEL has admitted that he has made mistakes and the House ethics committee is currently investigating him on numerous separate cases. To make clear to the American people that this is a House of integrity, I must ask Chairman RANGEL to step aside until the ethics committee can complete its work.

Had I been present for rollcall No. 58, on suspending the rules and passing H. Res. 128, Honoring Miami University for its 200 years of commitment to extraordinary higher education, I would have voted ''aye.''

Had I been present for rollcall No. 59, on suspending the rules and passing H. Res. 134, Recognizing the 50th Anniversary of Dr. Martin Luther King, Jr.'s visit to India, and the positive influence that the teachings of Mahatma Gandhi had on Dr. King's work during the Civil Rights Moement, I would have voted ''aye.''

TRIBUTE TO JUDITH MONGIN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize the excellence in education in the 4th Congressional District of Iowa, and to specifically congratulate Judith Mongin of Ames Community School District, who earned the National Board Certification—the highest level of certification in the teaching profession.

National Board Certification is a voluntary assessment program designed to recognize and reward great teachers. National Board Certified Teachers (NBCTs) have successfully demonstrated advanced teaching knowledge, skills and practices. Certification is achieved through a rigorous, performance-based assessment that typically takes one to three years to complete. Certification is offered in 25 different subjects, covering 97 percent of the subjects taught in K–12 schools.

I congratulate Judith Mongin on her well-deserved certification, and I'm certain that she will continue to touch the lives of many youth in her community. It is a great honor to represent Judith in the United States Congress, and I wish her continued success.

CONGRATULATING THE ''MISS MADISON''

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. HILL. Madam Speaker, on Saturday, February 14, 2009, the *Miss Madison* will be crowned the 2008 National Championship Winner by the American Boat Racing Association in Madison, Indiana. I regret that I will not be able to attend the event, but want to reiterate my heartfelt congratulations to those responsible for the win and the entire Madison community.

Miss Madison is a real source of pride to Southern Indiana, and rightfully so. As the only city-owned hydroplane race boat, the *Miss Madison* is not only this year's champion, but holds the record for most consecutive seasons run at 47. *Miss Madison* has been racing since 1961 and can boast of a Turbine Engine motor capable of reaching about 19000 rpms.

Congratulations, again, to the *Miss Madison*, its fans and supporters. I look forward to attending award banquets in the future for this powerful boat.

INTRODUCTION OF THE FREE FLOW OF INFORMATION ACT OF 2009

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. BOUCHER. Madam Speaker, I rise today to join with Congressman MIKE PENCE in introducing the Free Flow of Information Act of 2009. We are joined by Judiciary Committee Chairman JOHN CONYERS, Judiciary Committee Vice Ranking Member BOB GOODLATTE, and 35 other original cosponsors.

Our bipartisan legislation provides a privilege in federal court proceedings for reporters to refrain from revealing their confidential sources of information.

The privilege is similar in nature to that currently offered by 36 states and the District of Columbia. Such broad-based support for assuring the confidentiality of journalists' sources at the state level lays bare the glaring lack of similar protection at the federal level.

The ability to assure confidentiality to people who provide information is essential to effective news gathering and reporting on highly sensitive and important issues.

Typically, the best information about corruption in government or misdeeds in a private organization will come from someone on the inside who feels a responsibility to bring the information to light.

But that person has a lot to lose if his or her identity becomes known. In many cases, the person responsible for the corruption or the misdeeds can punish the source through dismissal or more subtle forms of punitive action if the source's identity becomes known.

It is only by assuring anonymity to the source that a reporter can gain access to the information in order to bring it to public scrutiny.

I have long thought that the ability to protect the confidentiality of sources is so essential to effective news gathering that a privilege to refrain from revealing sources should be interpreted to be extended to reporters by the 1st Amendment.

Unfortunately, to date the 1st Amendment has not been so interpreted. Furthermore, in the past few years more than thirty reporters have been subpoenaed or questioned in federal court proceedings about confidential sources, and several have been handed or threatened with jail sentences. The time has clearly arrived for the Congress to enact this statutory privilege to address the increasing use of subpoenas to extract confidential source information from reporters.

Our legislation sets criteria which must be met to compel the disclosure of information from reporters in any federal criminal or civil matter, with heightened protection for the identities of confidential sources. While extending a broad privilege, we have included some exceptions for instances in which source information can be disclosed where a strong public interest compels the disclosure. Provisions have been incorporated to allow disclosure to prevent imminent death or significant bodily harm, to determine who has disclosed trade secrets or personal health or personal financial information in violation of law, and to assure that national security interests are protected.

An exception to the privilege will only apply if the court determines that the public interest in disclosing the information outweighs the public interest in the gathering and dissemination of news and information.

The bill is a carefully constructed measure which will provide a broad new and much needed privilege for reporters to refrain from revealing confidential sources.

The measure protects the public's right to know, and its passage should be a priority in this Congress. The measure we are reintroducing today is identical to the measure which passed the House in 2007 by a large, bipartisan majority of 398 to 21.

I want to commend MIKE PENCE who has devoted substantial personal time and attention to this effort.

He has done much to bring the need for the privilege to public attention, and he is a highly effective advocate for the cause.

It was a pleasure coauthoring a similar bill with MIKE in the last two Congresses and in writing with him the bill we are introducing today.

I also want to thank Chairman CONYERS for his helpful suggestions and his support in moving the bill through the Judiciary Committee.

Given the broad bipartisan support this measure enjoys, I am optimistic that we will be able to enact the legislation into law during the course of this Congress.

I hope my colleagues will join with us in enacting into law the Free Flow of Information Act of 2009.

REMEMBERING THE LIFE AND CONTRIBUTIONS OF ROBERT (BOB) NESTA MARLEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. RANGEL. Madam Speaker, I rise today to commemorate the life and contributions of Robert (Bob) Nesta Marley and the impact that he has had on the world. This is a man whose music has inspired the world over and whose lyrics began a movement of revolution not just in actions and words but in the core being of individuals and he made his contribution and achieved his wonderful legacy in a short life cut off by cancer at the age of thirty-six. On his birthday on February 6th of this year he would have been only sixty-four.

Bob Marley's humble beginnings in a small town in Jamaica instilled in him an appreciation of the various stations in life and especially that of the most unfortunate. His early life influenced the majority of his music which heralded the strength of the worker and denounced the unfortunate plight of the disenfranchised. Throughout his life Bob Marley strove to create music that would inspire people for generations to come. His music was born in a time of turmoil and heavy racial prejudice throughout the world and his music absorbed the hatred and bigotry only to release lyrics that spoke of reconciliation and harmony.

One of his most celebrated songs, ''One Love'' is a perfect example of his music that seeks to find the beauty in the midst of darkness. He sings of a nation with ''one love'' and ''one heart'' that is united towards the achievement of harmony and peace. This song is rightfully acclaimed as a global anthem and recognized as one of the most influential songs of the 20th century. Bob Marley asks ''Let's get together and feel all right, I'm pleading to mankind'', and in so doing, he challenges us all to respond to our better selves.

HONORING WILLIAM BERLINER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Ms. WOOLSEY. Madam Speaker, I rise with sadness today to honor a friend of the Petaluma Community, William ''Bill'' Berliner, who passed away at his home in Petaluma, California, on January 21, 2009.

Bill was a central figure in his adopted community of Petaluma, California, while remaining true to his Chicago roots. After visiting his brother Andy in Petaluma, Bill moved to town in 1973 and noticed the absence of any place serving a good deep-dish pizza, a style invented in Chicago. In 1978 he opened Old Chicago Pizza in the heart of downtown where it has provided locals with an authentic and tasty food in a warm and family-friendly environment.

The restaurant has also provided opportunities for jobs for young people and long-term work for trusted employees. My son Michael worked at Old Chicago as a youth learning his way in the workforce, as did my daughter-in-law Lisa. Happily the restaurant, under the ownership of two employees who have been with the restaurant for well over 20 years, will continue in business.

Bill was active in the Petaluma Downtown Association and supported nonprofits such as the Carousel Fund which assists children battling serious illnesses. He always spoke his mind about the issues of the day in Petaluma, while he continued to root for Chicago sports teams. As a former drag racer and pianist in a jazz ensemble, Bill used his wide-ranging interests and hands-on style to create a special place and a special spirit for the community.

Madam Speaker, Bill Berliner's passing has left an empty space in our town and in his family. He is survived by twin daughters Angela and Jordana and his mother Clarice Saltiel as well as his brother Andy Berliner. Petaluma will miss Bill's involvement, but we are grateful for his imprint on our community, as well as for the delicious Old Chicago pizza.

TRIBUTE TO JENNIFER PARSONS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize the excellence in education in the 4th Congressional District of Iowa, and to specifically congratulate Jennifer Parsons of Ames Community School District, who earned the National Board Certification—the highest level of certification in the teaching profession.

National Board Certification is a voluntary assessment program designed to recognize and reward great teachers. National Board Certified Teachers (NBCTs) have successfully demonstrated advanced teaching knowledge, skills and practices. Certification is achieved through a rigorous, performance-based assessment that typically takes one to three years to complete. Certification is offered in 25 different subjects, covering 97 percent of the subjects taught in K–12 schools.

I congratulate Jennifer Parsons on her well-deserved certification, and I'm certain that she will continue to touch the lives of many youth in her community. It is a great honor to represent Jennifer in the United States Congress, and I wish her continued success.

INTRODUCTION OF THE NORTHERN ROCKIES ECOSYSTEM PROTECTION ACT (NREPA) OF 2009

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mrs. MALONEY. Madam Speaker, today, along with my friend Mr. GRIJALVA, I am pleased to reintroduce the Northern Rockies Ecosystem Protection Act, NREPA, in the 111th Congress.

NREPA differs from traditional state-by-state wilderness bills by offering a variety of designations that work in concert to achieve one goal: the protection of entire functioning ecosystems on federal public lands. These are lands that belong to all American taxpayers, and we have a right and responsibility to protect our precious resources.

First, NREPA protects over 24 million acres of America's premiere roadless lands as wilderness. It also protect the rivers and streams that are the last habitats for many of America's wild trout stocks, by protecting 1800 miles of river and streams as wild and scenic rivers.

Importantly, NREPA emphasizes that all of these wild places are linked together in the most vital ways possible. By protecting natural biological corridors, NREPA connects the region's core wildlands into a functioning ecological whole. NREPA also creates jobs by putting people to work restoring the land in wildland restoration and recovery areas designated in the bill.

Finally, I want to be very clear about what NREPA doesn't do. NREPA does not impact private landowners. It impacts only federal public lands—lands owned by all Americans.

Some years ago, two NREPA supporters from Manhattan, Montana wrote to me and said ''We feel that there is a little ray of hope for the incredible but dwindling wildlands we are so lucky to live near and love.'' All of us have a responsibility to sustain that hope.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. PUTNAM. Madam Speaker, on Tuesday, February 10, 2009, I was not present for six recorded votes. Had I been present, I would have voted the following way: roll No. 54—''yea''; roll No. 55—''yea''; roll No. 56—''yea''; roll No. 57—''nay''; roll No. 58—''yea''; roll No. 59—''yea.''

FREE FLOW OF INFORMATION ACT OF 2009

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. PENCE. Madam Speaker, in October 2007, the House of Representatives overwhelmingly passed the Free Flow of Information Act, legislation that would provide a qualified privilege to journalists to shield confidential sources from compelled disclosure by a federal court. I am pleased to join over 30 of my colleagues today in reintroducing that same legislation that previously garnered 398 votes here on the House floor. Today, we take up the mantle and renew the push to make this bill law.

I am honored to be joined by my distinguished colleague Congressman RICK BOUCHER, who is such a tireless advocate for the First Amendment. Also, we are pleased to have Chairman CONYERS and Reps. COBLE, WALDEN, BLUNT, GOODLATTE, LOFGREN, WEXLER, YARMUTH and many others as original cosponsors. This is truly a bipartisan issue. It is a First Amendment issue, and I thank these Members for their leadership. They are truly champions for a free press.

Enshrined in the First Amendment are these words: ''Congress shall make no law . . . abridging the freedom of speech, or of the press.''

As a conservative who believes in limited government, I know the only check on government power in real time is a free and independent press. The Free Flow of Information Act is not about protecting reporters; it is about protecting the public's right to know. Our Founders did not enshrine the freedom of the press in the Constitution because they got good press. And, I am certainly not advocating a free and independent press because I always get good press.

We all remember when not long ago a confidential source brought to light abuses at the highest levels of government in the long national nightmare of Watergate. History records that W. Mark Felt never would have come forward without the assurance made to him of confidentiality.

But, thirty-plus years later the press cannot make that assurance to sources, and we face the real danger that there may never be another Deep Throat. The protections provided by the Free Flow of Information Act are necessary so that members of the media can bring forward information to the American public without fear of retribution or prosecution.

In recent years, we have famously seen reporters such as Judith Miller jailed and David Ashenfelter, Mark Fainaru-Wada and Lance Williams threatened with jail sentences. They are a few names among many who have been subpoenaed for taking a stand for the First Amendment and refusing to reveal confidential sources.

Compelling reporters to testify, and in particular, compelling them to reveal the identity of their confidential sources, is a detriment to the public interest. Without the promise of confidentiality, many important conduits of information about our government will be shut down. The dissemination of information by the media to the public on matters ranging from the operation of our government to events in our local communities is invaluable to the operation of our democracy. Without the free flow of information from sources to reporters, the public is ill-equipped to make informed decisions.

Thirty-six states and the District of Columbia have various statutes that protect reporters from being compelled to testify or disclose sources and information in court. Thirteen states have protections for reporters as a result of judicial decisions. The Free Flow of Information Act would set national standards similar to those that are in effect in the states.

The Free Flow of Information Act closely follows existing Department of Justice guidelines for issuing subpoenas to members of the news media. It simply makes the guidelines mandatory and provides protection against compelled disclosure of confidential sources. In doing so, this legislation strikes a balance between the public interest in the free flow of information against the public interest in compelling testimony in highly limited circumstances such as situations involving grave risk to national security or imminent threat of bodily harm.

Abraham Lincoln said, ''Give the people the facts and the Republic will be saved.'' The Free Flow of Information Act is designed to ensure that the American people have the facts that they need to make choices as an informed electorate.

A free and independent press is the only agency in America that has complete freedom to hold government accountable. Integrity in government is not a Democratic or Republican issue, and corruption cannot be laid at the feet of one party. When scandal hits either party, any branch of government, or any institution in our society, it wounds our nation.

As a conservative, I believe that concentrations of power should be subject to great scrutiny. The longer I serve in Congress, the more firmly I believe in the wisdom of our Founders—especially as it pertains to the First Amendment and freedom of the press. It is imperative that we preserve the transparency and integrity of American government, and the only way to do that is by preserving a free and independent press.

Thomas Jefferson warned that, ''Our liberty cannot be guarded but by the freedom of the press, nor that limited without danger of losing it.''

This Congress would be wise to take those words to heart. Now is the time to heed the advice of Mr. Jefferson.

I believe there are bipartisan majorities in the House and Senate sufficient to enact this bill this year. President Obama pledged his support for a federal media shield during his service in the Senate.

With the bipartisan support of my colleagues in Congress and the President, I believe the time has come to stitch this tear in the First Amendment freedom of the press.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Ms. WOOLSEY. Madam Speaker, on February 10, 2009, I was unavoidably detained and was not able to record my vote for rollcall Nos. 54–56.

Had I been present I would have voted: rollcall No. 54—''yes''—On Motion to Instruct Conferees; rollcall No. 55—''yes''—Supporting the goals and ideals of ''National Girls and Women in Sports Day''; rollcall No. 56—''yes''—Recognizing and commending University of Oklahoma quarterback Sam Bradford for winning the 2008 Heisman Trophy and for his academic and athletic accomplishments.

EARMARK REFORM

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. PUTNAM. Madam Speaker, on January 28, 2009, I introduced a resolution, H. Res. 100, to amend the Rules of the House of Representatives to provide for earmark reform. The bill that I introduced will not only promote accountability and transparency in Congress, but push its Members in a direction that better serves their constituents.

All too frequently, Congressional spending requests are funding embarrassing and unworthy projects. This institution has lost credibility because earmarks fund ''monuments-to-me,'' bizarre private enterprises, or even projects to subsidize their family. This growing trend is unacceptable and, as guardians of taxpayer dollars, we owe it to the citizens of the United States to be good stewards of their money.

Congressional spending requests deserve to be scrutinized and publicly debated, that is why I introduced this commonsense approach to reform the earmark process. This resolution will prohibit earmarks from being used for non-public entities, except for institutions of higher education. Likewise, this bill will prohibit any earmark for any entity named after an individual serving in Congress, which will eliminate controversial ''monuments-to-me.''

With regard to Congressional spending requests, proper disclosure of earmarks has come to the forefront of this debate. In an effort to encourage accountability and transparency, this bill will also require Members of the House to disclose earmark requests within 24 hours to the Clerk of the House of Representatives. The Clerk will then be tasked with publicly posting all earmark requests on the website designated for the Office of the Clerk in a uniform and searchable format.

As a reflection of my own principles in government spending, I have also included a provision to require certification that non-federal recipients will provide matching funds of at least 10 percent of the earmark request. Recipients of federal funds are more likely to spend their federal financial support efficiently and effectively if they too have a vested interest in the final project.

Lastly, H. Res. 100 will require that Members requesting earmarked funds certify that no family member is a beneficiary of the funding. This earmark reform measure will bring an end to deplorable family payouts.

Earmark abuse not only wastes taxpayer money, but it also erodes the credibility of this legislative body. It is time for Congress to regain the trust of the American people and bring integrity back to Capitol Hill through substantive earmark reform.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. HINOJOSA. Madam Speaker, I regret that I was unavoidably detained yesterday evening. Had I been present, I would have voted ''yea'' on rollcall votes 57, 58, and 59.

IN RECOGNITION OF SHELLY O'NEILL STONEMAN

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. ROTHMAN. Madam Speaker, I rise to recognize the outstanding contributions and dedication of my Deputy Chief of Staff, Shelly O'Neill Stoneman, as she leaves my office to work in the Office of Legislative Affairs for President Barack Obama. Shelly served on my staff for more than 5 years, and during that time she advised me expertly on issues of defense and foreign policy. Shelly continuously demonstrated extraordinary intellect, grace under pressure, and the highest ethical and professional standards. Shelly's vast sphere of knowledge and her friendship will genuinely be missed in my office.

Shelly was born in Newport Beach, California, and later moved to Orlando, Florida where she attended Dr. Phillips High School. She attended Vassar College in Poughkeepsie, New York, and graduated with a Bachelor of Arts in Political Science. She has also earned a Master of Arts in National Security Studies from the United States Naval War College, as well as a Master of Arts in International Relations from the University of Oklahoma's Program in Europe.

Prior to joining my office, Shelly worked as an intern in the White House Office of Legislative Affairs in 1997 during the Clinton Administration. This is the same office which Shelly will now be joining as a staffer within the Obama Administration. In 1999, Shelly joined the United States Senate Governmental Affairs Committee's Subcommittee on International Security, Proliferation, and Federal Services under Senator DANIEL AKAKA (D–HI), and later worked as a research consultant for the Small Arms Survey, evaluating the arms export control systems of Central, Eastern, and Southeastern European countries. Her previous experience has served her well and helped make her an extraordinarily effective member of my staff, and I know those same capabilities will serve her well in the White House.

While serving long hours as the brilliant Deputy Chief of Staff for my office, Shelly directed my legislative agenda and staffed me on the House Appropriations Committee's Subcommittee on State and Foreign Operations, as well as the Subcommittee on Defense. In addition to her work within my office, Shelly founded the Democratic Legislative Directors Study Group, a wonderful support and networking system for Democratic senior staff on Capitol Hill.

Madam Speaker, over the past 5 years, my office has come to know Shelly O'Neill Stoneman well and we will remember her as a conscientious and dedicated colleague, a gifted writer, and a loyal friend to her fellow coworkers. Shelly is a passionate advocate for the protection of human rights and international aid, and has used her well-honed skills as a policy-maker to help ensure that these vital aspects of United States foreign policy are maintained. Throughout her tenure with my office, Shelly provided me with thoughtful and accurate counsel, which has allowed me to better serve the people of New Jersey's Ninth District. She is now, and forever, an honorary ''Jersey Girl'', and has my deep respect and appreciation for all of the contributions she has made to my office and the work she has done. While I will miss her dearly, I wish Shelly the very best and know that she has a bright future ahead of her. The White House is lucky to have her.

INTRODUCTION OF THE CONSUMER FAIRNESS ACT OF 2009

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. GUTIERREZ. Madam Speaker, I rise today to announce the introduction of my bill, the Consumer Fairness Act of 2009. In the last decade, too many of our nation's consumers have been subjected to abusive payday lending and increasingly relied on high-cost credit cards and predatory mortgage loans. To make matters worse, a consumer's ability to fight back against predatory lenders or to challenge unfair credit card fees and rates has been severely constrained by consumer contracts that require binding, mandatory arbitration to settle disputes between the borrower and the lender. We cannot allow these unfair practices to compound our economic challenges.

Mandatory arbitration clauses undermine existing consumer protections. They prohibit class action lawsuits by requiring consumers to waive their right to access a court of law and by forcing them into an arbitration system that has been set up for the benefit and expediency of corporate America. In many cases, individual consumers are required to pay thousands of dollars in arbitration fees that they cannot afford before their case is even heard. If this strikes my colleagues as unfair, then I ask them to support my bill, the Consumer Fairness Act of 2009.

The Consumer Fairness Act of 2009 would prohibit binding arbitration clauses in any consumer contract by recognizing these clauses as an unfair and deceptive trade practice. This legislation will help to level the playing field in the fight against predatory lending practices by giving consumers access to the courts and to class action lawsuits in order to address these unfair practices in an environment free of bias. When our constituents suffer through the worst recession in decades, the very least we can do is to give them a fair environment to defend themselves against predatory practices.

TRIBUTE TO HAMILTON COUNTY, NEBRASKA

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise today to congratulate Hamilton County, Nebraska, for being named Progressive Farmer's Best Place to Raise a Family.

Anyone who has ever visited Nebraska has seen first hand it is a wonderful place to raise a family. It looks like the message is getting out.

Founded in 1867 and named after the first Secretary of the Treasury Alexander Hamilton, and anchored by the city of Aurora, this area of my district truly lives up to the moniker ''The Good Life.''

This designation wasn't an accident. Hamilton County is a strong community of people who care for each other, who help out during hard times, and who live up to the benchmarks set by our forefathers.

So, congratulations to the good people of Hamilton County for representing Nebraska and making us proud.

HONORING MARTIN DELANEY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Ms. WOOLSEY. Madam Speaker, I rise today to honor Mr. Martin Delaney who passed away in his home in San Rafael, California, on January 23, 2009, of liver cancer. Mr. Delaney, who was 63, was a leader in AIDS activism, especially the movement to represent the needs of HIV patients in the drug approval process.

Although not HIV positive himself, Martin's experience with experimental treatments for his Hepatitis B infection and his dismay at the devastating spread of AIDS (including the death of his partner), led him to found Project Inform in 1985. Based in San Francisco, Project Inform soon became the leading national advocacy organization focusing on ensuring that promising anti-retroviral medications reached patients quickly and expeditiously. He worked with government officials to develop accelerated approval for the drugs as well as to implement policies ensuring that

those most seriously ill had access to treatments before approval.

Martin served as the director of Project Inform until 2008 and also led the Fair Pricing Coalition which negotiates affordable rates for HIV medications with the industry. He dedicated himself to educating and shaping public policy as well, working with everyone from AIDS patients to research scientists to government officials. He is credited with saving thousands of lives.

For his work, Martin was recently given the Director's Special Recognition Award from the National Institute of Allergy and Infectious Diseases, a division of the National Institutes of Health. The award was for "extraordinary contributions to framing the HIV research agenda," and the Institute's Director, Dr. Anthony S. Faud, M.D. stated that Martin "is a formidable activist and a dear friend. It is without hyberbole that I call Marty Delaney a public health hero."

Madam Speaker, Martin Delaney is truly a hero. He not only saved lives; he also forged a path with his heart, his head, and his conviction that he could take action to fight the suffering he witnessed. I join people all over this country in mourning his passing.

PAYING TRIBUTE TO A LEADER IN NEW YORK STATE POLITICS AND JOURNALISM: M. PAUL REDD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. RANGEL. Madam Speaker, I rise today to pay tribute to a fixture in New York State politics and journalism, M. Paul Redd—the strong-willed publisher of the country's only black-owned newspaper, the Westchester County Press. The weekly celebrated its 80th anniversary last year, just a few months prior to the passing of its longtime publisher and muse. Redd was an African American leader whose foray into journalism and politics made him a premier advocate for equality and fairness. With a seriousness of purpose, outpouring of passion, and great eloquence, he and his paper prodded politicians towards responsible, progressive stances and held them accountable to the people and communities they served. He traversed the world of media and public service, blurring the line that separates them and serving as vice chairman of the state Democratic Party for a number of years.

A voice—when as clear, cogent, and powerful as his was—cannot be silenced, even in death, as the following WVOX radio tribute titled "M. Paul Redd Dies Suddenly" makes clear. He will continue to reverberate and resound in the minds of those he touched, in the words of those he influenced, in the work we public servants have yet to do for our constituencies, our state, and our country.

M. PAUL REDD DIES SUDDENLY

One of Westchester's most prominent and durable African-American leaders has died.

Word came within the hour from the office of NYS Assemblyman George Latimer that M. Paul Redd died suddenly last night of a massive heart attack. He was in his mid-80's.

Paul Redd published the Westchester County Press which last month at Manhattanville College celebrated its 80th anniversary as the county's only black-owned newspaper.

Paul Redd purchased the weekly many years ago from the late Dr. Alger Adams. In addition to his publishing activities . . . M. Paul Redd was very active in New York State and Westchester politics serving as Vice Chairman of the State Democratic Party for many years. He was married to political activist Orial Redd and their daughter Paula Redd Zeeman is the County's Director of Human Resources.

He was also a fixture at many WVOX broadcasts. For almost 40 years, Mr. Redd attended this station's St. Patrick's Day salute broadcasts. (WVOX is dedicating this year's broadcast to Mr. Redd).

One of the features of his newspaper—the Westchester County Press—was the "Snoopy Allgood" column which tweeked politicians in a good natured, if occasionally pointed, way. Mr. Redd never revealed who actually wrote those Snoopy Allgood columns.

He was also a frequent guest on our radio and tv talk shows and discussion programs.

STATEMENT OF WILLIAM O'SHAUGHNESSY

The legendary publisher Roy Howard used to say: "You can't have a great newspaper unless you have one man or woman who has something to say."

Paul Redd had a lot of things to say . . . and he said them passionately, clearly and with great eloquence.

His Westchester weekly had influence far beyond its circulation area . . . mostly because of that one man.

He went all the way back in this county to the time of Bill Luddy . . . Max Berking . . . Sam Fredman . . . Mario Cuomo . . . Al DelBello . . . Miriam Jackson . . . Andy O'Rourke . . . John Flynn . . . Edwin Gilbert Michaelian . . . Ossie Davis . . . Malcolm Wilson . . . Richard Ottinger . . . Joe Shannon . . . Napoleon Holmes . . . Milt Hoffmann . . . Paul Dennis . . . Whitney Young . . . Hugh Price . . . Guido Cribari . . . Nancy Q. Keefe . . . Ogden Reid . . . Vinnie Rippa . . . Tony Gioffre . . . Dennis Mehiel . . . Franklyn Richardson . . . Dr. Lester Cousin . . . Anthony J. Colavita . . . Bobby & Jack Kennedy . . . Ernie Davis . . . Ed Brady . . . Jack Javits . . . Vin Draddy . . . Bill Butcher . . . Fred Powers . . . Brother Jack Driscoll . . . Al Sulla . . . Tony Veteran . . . Francis X. O'Rourke . . . Wellington Mara . . . B.J. Harrington . . . William Congdon . . . Alvin Richard Ruskin . . . Angelo Martinelli . . . Bob Abplanalp . . . Kirby Scollon . . . Ed Hughes . . . Daniel Patrick Moynihan . . . Hugh Carey . . . and our magnificent neighbor Nelson Aldrich Rockefeller.

He amplified all their voices.

And we will miss his . . .

STATEMENT OF GOVERNOR MARIO M. CUOMO

I've just learned of Paul Redd's passing . . . and I am saddened by it.

Paul Redd had an awful lot of strength . . . and a whole lot of strong opinions. He had a strong voice, and a strong will that inspired him to use that voice . . . speaking the truth, and spreading it, as he saw it . . . about politics, about politicians . . . and even beyond, whether politicians liked it or not.

He was a proud owner of the only Black newspaper in the county . . . for . . . I think it was . . . eighty years.

And he spoke in that paper all he could on all these truths. And in doing it . . . the color of what he was saying was not black . . . it wasn't white . . . and it certainly wasn't yellow, as in "yellow journalism."

The color of what he was saying and writing and believing was red, white and blue . . . as American as it could be.

It really was as basic as red, white and blue . . . because what he was talking about . . . all the time . . . was equality and fairness . . . the same thing Lincoln talked about . . . and the same thing the Declaration of Independence talks about.

We're going to miss him.

IRAN CONTINUES SYSTEMATIC PERSECUTION OF BAHA'IS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. WOLF. Madam Speaker, I would like to bring to my colleagues' attention some deeply disturbing news coming out of Tehran. Tehran's deputy prosecutor recently announced that the revolutionary court will hear the cases of seven members of the Baha'i faith accused of spying for Israel. The continued systematic persecution of the Baha'is by the tyrannical government of President Mahmud Ahmadinejad is unacceptable and must stop. I ask that a report from the Agence France Press be inserted into the RECORD, as well.

IRAN TO TRY BAHAIS FOR SPYING FOR ISRAEL

TEHRAN (AFP)—Iran will soon try seven members of the banned Bahai religion on charges including "espionage for Israel," the ISNA news agency reported on Wednesday.

"The charges against seven defendants in the case of the illegal Bahai group were examined . . . and the case will be sent to the revolutionary court next week," deputy Tehran prosecutor Hassan Haddad was quoted as saying.

Haddad said the charges included "espionage for Israel, insulting religious sanctities and propaganda against the Islamic republic."

Iran and Israel are arch-enemies, and Iranian President Mahmud Ahmadinejad has repeatedly called for the Jewish state to be wiped off the map.

In late January, judiciary spokesman Ali Reza Jamshidi said Iran had arrested six adherents of the Bahai faith on the same charges.

Earlier last month, the Fars news agency said the ex-secretary of Nobel laureate Shirin Ebadi's office was detained for links with an organisation of the Bahai faith, adding that the ex-staffer was a Bahai herself.

Haddad did not say if the seven being charged were the same as those arrested in January.

Followers of the Bahai faith, founded in Iran in 1863, are regarded as infidels and have suffered persecution both before and after the 1979 Islamic revolution.

Bahai teachings emphasise the underlying unity of major religions, with history having produced a succession of divine messengers, each of which founded a religion suitable for the times.

Bahais consider Bahaullah, born in 1817, to be the last prophet sent by God. This is in direct conflict with Islam, the religion of the vast majority of Iranians, which considers Mohammed to be the last prophet.

In late 2008, Iran reported the hanging of a Bahai man for rape and adultery.

The European Union has expressed ''serious concern about the continuing systematic discrimination and harassment of the Iranian Bahais on the grounds of their religion.''

PERSONAL EXPLANATION

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mrs. BACHMANN. Madam Speaker, I was detained and unable to cast a vote for rollcall vote No. 57, the motion to table the privileged resolution, H. Res. 143. I would have voted "nay" on that motion.

A TRIBUTE IN HONOR OF THE SALESIAN SISTERS OF ST. JOHN BOSCO ON THE OCCASION OF THEIR 100 YEARS OF SERVICE TO YOUTH IN THE UNITED STATES

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to pay tribute to the Salesian Sisters of St. John Bosco for their 100 years of dedicated service to young people across the country, and particularly in our communities of Boyle Heights, Bellflower and Bell Gardens in the 34th Congressional District of California.

The Salesian Sisters, also known as the Daughters of Mary Help of Christians, were founded by one of the great Italian educators of the 19th century, Saint John Bosco, with the collaboration of Saint Mary Domenica Mazzarello. During that time, Northern Italy was becoming increasingly industrialized and both of these religious leaders recognized the great need to establish schools for the disadvantaged, as well as the many abandoned youth in working class communities.

The history of the Salesian Sisters in this country begins in July of 1908 when four Sisters made the voyage from Northern Italy to the United States, setting out to replicate the good work they had accomplished in Italy. Like millions of others who emigrated to our shores at that time, the Sisters arrived at Ellis Island in the port of New York. Knowing no English and with limited resources, these pioneering women made a living taking in orders of sewing and embroidery while ministering to the Italian immigrants at St. Michael's parish in Paterson, New Jersey.

Gradually, the Sisters began to broaden their work in this country by opening an orphanage and a small school. As more and more young women joined the Sisterhood, the reach of their mission expanded to New Jersey, New York, Pennsylvania, and Florida. In time, the Sisters opened centers in other parts of the country, including Louisiana, Texas, Colorado, Arizona, and California.

In 1921, the first Salesian Sisters arrived in California where they took over the care of an orphanage and, later, the care of the boys in the junior seminary operated by the Salesian Fathers and Brothers in the Central Coast area of California. They eventually established several schools throughout the state, and in 1950, the Sisters opened St. Margaret Mary School in Lomita in Southern California.

In the 34th Congressional District, the first educational center established by the Sisters was St. Dominic Savio School in Bellflower, opened in 1956. By 1960, the nearby aerospace plant employed thousands of workers—many of them school parents—and the school population was at a maximum. When the plant closed, many families relocated. The local population was replaced by different ethnic groups, making the area today one of the most diverse in the United States. The school adapted well to the demographic changes, and continues to thrive today serving the spiritual and educational needs of the community.

Another school in the 34th District administered by the Salesian Sisters is St. Mary's Catholic School in Boyle Heights. St. Mary's was established in 1907 by the Holy Name Sisters. During that time, Boyle Heights became highly industrialized and many people moved in from various countries seeking new opportunities. After World War II, much of the non-Latino population moved to outlying areas, and the community became increasingly populated by Mexican immigrants. By 1990, school enrollment at St. Mary's dropped significantly and the Holy Name Sisters could no longer provide personnel for the school. The Salesian Sisters were then asked to take over the school, and they have been there to this day.

The Salesian Sisters also operated St. Gertrude's School in Bell Gardens in the 34th District for 30 years.

Madam Speaker, on a personal note, I attended St. Mary's Catholic School prior to the coming of the Salesian Sisters, and I am very pleased the school continues to serve local youth today under the Sisters' devoted guidance. I might also add that my father, the late Congressman Edward R. Roybal, was a committed supporter of Salesian schools. He was instrumental in helping establish the Bishop Mora Salesian High School for young men in Boyle Heights, which many area boys attend today following their 8th grade graduation from St. Mary's.

Madam Speaker, I ask my colleagues to please join me in honoring the noble mission of the Salesian Sisters in the United States in educating our youth over the past 100 years, and I extend to all of them my fondest wishes for many more years of dedicated service.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 12, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 24

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the semi-annual monetary policy report to the Congress.
SH–216

2 p.m.
Veterans' Affairs
To hold joint hearings to examine the legislative presentation of the Disabled American Veterans.
345, Cannon Building

FEBRUARY 25

10 a.m.
Judiciary
To hold hearings to examine ensuring television carriage in the digital age.
SD–226

FEBRUARY 26

2:15 p.m.
Energy and Natural Resources
To hold hearings to examine recommendations for reducing energy consumption in buildings through improved implementation of authorized Department of Energy (DOE) programs and through other innovative federal energy efficiency policies and programs.
SD–366

MARCH 5

10 a.m.
Veterans' Affairs
To hold joint hearings to examine the legislative presentations of veterans' service organizations.
SD–106

MARCH 12

10 a.m.
Veterans' Affairs
To hold joint hearings to examine legislative presentations of veterans' service organizations.
SD–106

MARCH 18

9:30 a.m.
Veterans' Affairs
To hold joint hearings to examine the legislative presentation of the Veterans of Foreign Wars.
334, Cannon Building

SENATE—*Thursday, February 12, 2009*

The Senate met at 10 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by the Reverend Marshal Ausberry, Sr., from Antioch Baptist Church in Fairfax Station, VA.

The guest Chaplain offered the following prayer:

Let us pray.

Dear Lord, we pause at this moment to thank You for the day at hand: a day that You have given us. In this day, may You grant us wisdom and grace to do what is right, what is best, though it may not always be popular or politically expedient, but may it be right and best.

I ask Your blessings over each man and woman who serves in this body. As we serve our communities, our constituents, and our country, may we do it with respect, as we engage in sometimes spirited debate.

Dear Lord, grant us the ability to clearly see the common ground that unites us so we may work together to address the great challenges confronting our Nation.

May we appreciate that You have raised us up for such a time as this and not we ourselves. We pray that You will keep Your hand, Your mighty hand upon this great Nation and protect us from those who would do us harm.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 12, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

SCHEDULE

Mr. DURBIN. Mr. President, following leader remarks, the Senate will proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each. The Senate will recess from 11:30 a.m. until 1 p.m. for the ceremony in the Capitol Rotunda honoring the 200th anniversary of the birth of President Abraham Lincoln. All Members are encouraged to attend.

It is the leader's intention to try to bring for consideration today the Economic Recovery and Reinvestment Act Conference Report. They are continuing to work on it as we speak in the hopes of accomplishing that goal.

COMMEMORATING THE LIFE AND LEGACY OF PRESIDENT ABRAHAM LINCOLN ON THE BICENTENNIAL OF HIS BIRTH

Mr. DURBIN. Mr. President, I have a resolution commemorating the life and legacy of President Lincoln, which I wish to offer if it meets with the approval of the Republican leader.

I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 38, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 38) commemorating the life and the legacy of President Abraham Lincoln on the bicentennial of his birth.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 38) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 38

Whereas President Abraham Lincoln was born on February 12, 1809, to modest means, in a 1-room log cabin in Kentucky;

Whereas Abraham Lincoln spent his childhood in Indiana, and, despite having less than a year of formal schooling, developed an avid love of reading and learning;

Whereas Abraham Lincoln arrived in Illinois at the age of 21;

Whereas, while living in Illinois, Abraham Lincoln met and married his wife, Mary Todd Lincoln, built a successful legal practice, served in the State legislature of Illinois, was elected to Congress, and participated in the famous ''Lincoln-Douglas'' debates;

Whereas Abraham Lincoln left Illinois 4 months after being elected President of the United States in 1860;

Whereas Abraham Lincoln was the first member of the Republican party elected President of the United States and helped build the Republican party into a strong national organization;

Whereas, after his election and the secession of the southern States, Abraham Lincoln steered the United States through the most profound moral and political crisis, and the bloodiest war, in the history of the Nation;

Whereas, by helping to preserve the Union and by holding a national election, as scheduled, during a civil war, Abraham Lincoln reaffirmed the commitment of the people of the United States to majority rule and democracy;

Whereas the Emancipation Proclamation signed by Abraham Lincoln declared that slaves within the Confederacy would be forever free and welcomed more than 200,000 African American soldiers and sailors into the armed forces of the Union;

Whereas the Emancipation Proclamation signed by Abraham Lincoln fundamentally transformed the Civil War from a battle for political unity to a moral fight for freedom;

Whereas the faith Abraham Lincoln had in democracy was strong, even after the bloodiest battle of the war at Gettysburg;

Whereas the inspiring words spoken by Abraham Lincoln at Gettysburg still resonate today: ''that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth'';

Whereas Abraham Lincoln was powerfully committed to unity, turning rivals into allies within his own Cabinet and welcoming the defeated Confederacy back into the Union with characteristic generosity, ''with malice toward none; with charity for all'';

Whereas Abraham Lincoln became the first President of the United States to be assassinated, days after giving a speech promoting voting rights for African Americans;

Whereas, through his opposition to slavery, Abraham Lincoln set the United States on a path toward resolving the tension between the ideals of ''liberty and justice for all'' espoused by the Founders of the United States and the ignoble practice of slavery,

and redefined what it meant to be a citizen of the United States;

Whereas, in his commitment to unity, Abraham Lincoln did more than simply abolish slavery; he ensured that the promise that ''all men are created equal'' was an inheritance to be shared by all people of the United States;

Whereas the story of Abraham Lincoln and the example of his life, including his inspiring rise from humble origins to the highest office of the land and his decisive leadership through the most harrowing time in the history of the United States, continues to bring hope and inspiration to millions in the United States and around the world, making him one of the greatest Presidents and humanitarians in history; and

Whereas February 12, 2009, marks the bicentennial of the birth of Abraham Lincoln: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the bicentennial of the birth of President Abraham Lincoln;

(2) recognizes and echoes the commitment of Abraham Lincoln to what he called the ''unfinished work'' of unity and harmony in the United States; and

(3) encourages the people of the United States to recommit to fulfilling the vision of Abraham Lincoln of equal rights for all.

Mr. DURBIN. Mr. President, I wish to make a statement relative to this anniversary of Lincoln's birth, but I would be prepared first to yield to the Republican leader if he wishes to make a statement.

Mr. MCCONNELL. I thank my friend from Illinois. I do have a couple of brief observations.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

STIMULUS PACKAGE

Mr. MCCONNELL. Mr. President, we have not seen all the details of the deal between House and Senate Democrats, but some of the early reports suggest this bill has only gotten worse. The President has asked for 40 percent in tax cuts; this bill falls short of that. But Congressional Democrats did make sure it contains billions in questionable, nonstimulative projects and the most highly touted tax cut in the original proposal now translates to $7.70 a week for middle-class workers.

This bill was meant to be a stimulus that was timely, targeted, and temporary. Unfortunately, it appears to be none of the above. Democrats in Congress have said this plan will help ensure long-term economic growth. Yet the CBO suggests that over the long term, this bill will result in an economy that either declines or remains flat. The only thing we know for sure about this bill is it will lead to more debt for our children—and that is just the beginning. This week, Congressional Democrats are handing the taxpayers a bill for $1.2 trillion. Soon they will spend $400 billion to finish spending from last year. We are being told to get ready for untold hundreds of billions for the financial industry.

Since taking over Congress and the White House, Democrats have been making up for lost time with a Government spending spree on the taxpayers' credit card. Even without this massive spending bill, the deficit continues to grow. Yesterday, Treasury reported that the first 4 months of the fiscal year, the deficit rose to $569 billion. That is nearly $500 billion more than the same period last year.

Let me repeat that. According to Treasury, we ran a deficit in the first quarter of this fiscal year that is nearly $500 billion more than the same period last year. You do not have to be Suze Orman to know this is not sustainable.

I know everyone involved believes their efforts will help strengthen the economy and create jobs. No one should doubt that everyone is trying to do the right thing. My concern is not with the motivation behind these efforts but the wisdom of these efforts. Everyone wants to help Americans get back on their feet, but we need to do it smartly. In my view and in the view of my Republican colleagues, this is not a smart approach. The taxpayers of today and tomorrow will be left to clean up the mess.

LINCOLN BICENTENNIAL

Mr. MCCONNELL. Mr. President, later today Members of Congress will join President Obama and the Lincoln Bicentennial Commission to honor the bicentennial of President Lincoln's birth. My good friend Senator BUNNING has my gratitude for his work on the Commission.

The people of my State are rightly proud of the fact that Abraham Lincoln was born 3 miles south of Hodgenville, KY. And there are events across our State and others honoring this great man. And the ceremony later today will be an opportunity for us all to remember his life and service.

NAACP CENTENNIAL

Mr. MCCONNELL. Mr. President, I rise today to congratulate the NAACP on this, its 100th anniversary.

One hundred years ago, 60 men and women answered a call to promote social equality in this country. This effort brought together a diverse group of prominent Americans, including Kentucky native William English Walling, who signed a manifesto forming the NAACP. They chose February 12 as their founding date to honor the birth of Abraham Lincoln.

Since then, the NAACP has recognized the contributions of Americans who have made strides in eliminating prejudice.

This year, the NAACP will honor Kentucky native Muhammad Ali for a lifetime of contributions. When I was growing up in Louisville, I went to DuPont Manual High School. A young man who was then named Cassius Clay was in the same grade at Central High School. He was the most well known teenager in town by far. We all knew him as the local Golden Gloves champ.

His spirit of hard work and efforts to improve his community are being rightly honored by the NAACP this year, and Kentucky is proud that one of its own is being honored this week.

So to all at the NAACP, congratulations on this centennial. It is an opportunity to reflect on the efforts and accomplishments of those who worked so hard over the past century to advance your founding goals.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

STIMULUS PACKAGE

Mr. DURBIN. Mr. President, before I make some remarks about the bicentennial of Abraham Lincoln's birth, I wish to respond to the Republican leader's comments about the ongoing negotiations that have been inspired by President Obama's request that we pass a stimulus package, a spending bill and tax cut package that will reinvigorate this economy and try to stop the loss of jobs in America.

It is troubling to hear the frequent criticism from the Republican side that this is going to add to our deficit. No one doubts that. We are talking about the need to spend money immediately to stop the downward spiral of our economy. It will surely add to the deficit. But doing nothing, taking the approach that has been espoused by many on the other side of the aisle, will lead to even greater deficits and more suffering.

What we are trying to do is to step in with this tourniquet and try to stop the bleeding in this economy so we can turn it around for the families and businesses that are suffering today.

It troubles me, as I hear the Republican leader come and tell us of their concerns about deficits. I think, frankly, the air in the Senate Chamber leads to political amnesia, because many of the critics of our current efforts have forgotten that when President Bush came to office 8 years ago, he inherited a surplus from the Clinton administration—a surplus. We were giving longevity to the Social Security Program because we had a surplus in the Treasury. What happened to that surplus? I will tell you what happened. President Bush, George W. Bush, inherited the debt of the United States, the accumulated debt of every President from George Washington to George W. Bush, which was $5 trillion.

At the end of his 8 years we had more than doubled the national debt of America. His decisions to double that debt by a war he did not pay for and tax cuts for wealthy people at a time when we should not have had tax cuts were endorsed by that side of the aisle. They stood in approval of President Bush's policies that doubled the national debt from $5 trillion to $10 trillion.

President Obama, 3 weeks ago, inherited the worst economic crisis since Franklin Roosevelt came to office in 1933 with the Great Depression. He is doing everything in his power to turn this around and he knows we need to spend money into this economy to create and save 3 to 4 million jobs. The criticism from the other side of the aisle is it is going to add to the national debt. Where have these tears been for the last 8 years when their President doubled the national debt?

I am also troubled by the fact that when this package came before the Congress, many Republican Senators who refused to vote for it added costs to the package. A Senator from Iowa in the Finance Committee added an amendment that cost $70 billion to the package and then said he couldn't vote for the package because it costs too much. A Senator from Georgia added anywhere from $11 to $30 billion, depending on the best estimate, to the cost of the package and then said he couldn't vote for the package because it costs too much.

I have to tell you, I do not believe that the message from the other side of the aisle is consistent.

Three Republican Senators have had the courage to step up and say we will work with you, we will come together and try to solve this problem. I salute them—Senators SNOWE and COLLINS of Maine and Senator SPECTER of Pennsylvania. But, they said, if you are going to do that we want to reduce the cost of the package.

I did not happen to agree with that approach, but I am prepared to compromise. I am prepared to work with them. It took $100 billion out of this package, this recovery and reinvestment package. Frankly, I do not, as I said, agree with that—at a time we had to basically come together if we were going to have any agreement.

Now the Senate Republican leader comes to the floor and criticizes the cuts in the package. Why did the amount of tax cuts for families go from $500 to $400? It was because the Republican Senators said we want to bring down the cost and that was one of the ways we did it. I can't follow the logic, if there is any, on the other side of the aisle—criticizing adding to the deficit after they doubled it over the last 8 years, then criticizing cuts in the package, reducing its spending when in fact they say it costs too much, and offering amendments on that side of the aisle to add cost to the package and then arguing that it is too expensive. It is completely inconsistent. Their arguments are completely inconsistent and I think the American people know it.

They want Congress to come together and find solutions. They want partnership, not partisanship. They want us to stop squabbling and start working together. That is what we are trying to do, even today. It is hard. It is difficult. We are trying to find the votes to make this happen. It is essential that we do.

READING THE GETTYSBURG ADDRESS ON THE BICENTENNIAL OF ABRAHAM LINCOLN'S BIRTH

Mr. DURBIN. Mr. President, today marks the bicentennial of the birth of America's greatest President, Abraham Lincoln. This morning, as part of the nationwide celebration of this historic anniversary, the Abraham Lincoln Presidential Library and Museum in my hometown of Springfield, IL, is sponsoring a simultaneous reading of the Gettysburg Address by schoolchildren from coast to coast. I remember as a schoolchild memorizing the Gettysburg Address. I am happy to see that a new generation of American children is studying what many consider to be the greatest speech in our Nation's history.

But we can all learn from Lincoln. We are never too old. So this morning we in the Senate will also listen to the speech that many consider the greatest summation in our Nation's history of the meaning and price of freedom.

After that, some of us will take the floor and share our thoughts on President Lincoln's immortal words and his powerful and enduring legacy.

These are the words President Abraham Lincoln spoke on the blood-drenched battlefield in Gettysburg, PA, on November 19, 1863:

> Four score and seven years ago our fathers brought forth, on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.
>
> Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.
>
> But, in a larger sense, we cannot dedicate—we cannot consecrate—we cannot hallow—this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

The Battle of Gettysburg in Pennsylvania was the largest battle ever fought on American soil. In the third summer of the Civil War, the Army of the Potomac met the Army of Northern Virginia at a crossroads near the small market town of Gettysburg, PA. For 3 brutal days, from July 1 to July 3, more than 160,000 American solders clashed in what would prove to be a decisive Union victory and a turning point in the war.

When the cannons and guns fell silent on July 4, our Nation's birthday, more than 51,000 Confederate and Union soldiers were wounded, missing, or dead. And 4½ months later, when President Lincoln traveled to Gettysburg to help dedicate America's first national cemetery, the battlefield was still covered with scars and signs of the carnage.

One soldier recalled, '' . . . all about were traces of the fierce conflict. Rifle pits, cut and scarred trees, broken fences, pieces of artillery wagons and harness, scraps of blue and gray clothing, bent canteens . . . ''

President Lincoln was not supposed to be the main speaker at this dedication. In fact, there was a 2-hour speech given by Edward Everett, who was considered one of the great orators of his day. Abraham Lincoln's remarks took 2 minutes. They were so brief that when he finished, many in the crowd of 30,000 were not even sure he had spoken. Yet his words continue to inspire the world and the Nation today. In 272 words is what it took for President Lincoln to explain to a war-weary nation why it must continue to fight. He called on the Nation to look up from the devastation and division of the war to a higher purpose. He redefined the meaning and the value of the continuing struggle: ''that these dead shall not have died in vain; that this nation shall have a new birth of freedom.''

He said that the ceremony at Gettysburg was more than the consecration of a cemetery; it represented an opportunity and an obligation for us, the living, to finish the work of those who had fallen there, to ensure that ''this government of the people, by the people, and for the people shall not perish from the earth.''

It may have been the greatest speech in American history. Yet, after President Lincoln delivered it, there was only polite applause. On his trip back to Washington, Lincoln expressed disappointment. He said of his address, ''It was a flat failure. I am distressed about it. I ought to have prepared it with more care.''

The Chicago Times was even less charitable. They editorialized and said:

The cheek of every American must tingle with shame as he reads the silly, flat and dishwatery utterances of the president.

Edward Everett, the famed orator and former Governor of Massachusetts who had been the main speaker at Gettysburg, was one of the first to recognize the greatness of Lincoln's words. Within days, he wrote to the President, ''I should be glad if I could flatter myself that I came as near to the central idea of the occasion, in two hours, as you did in two minutes.''

In June 1865, in his eulogy to the fallen President, the fiery abolitionist Senator Charles Sumner called the Gettysburg Address ''a monumental act.'' He said President Lincoln had been mistaken when he predicted that ''the world will little note, nor long remember what we say here.'' The truth, Senator Sumner said, is that ''[t]he world noted at once what he said, and will never cease to remember it. The battle itself was less important than the speech.''

President Lincoln did not live to see his legacy: a United States of America that has endured, a nation so far removed from the hated institution of legalized human slavery that today President Lincoln's old office in the White House is occupied by our first African-American President.

As we commemorate today the 200th birthday of the man whose leadership saved our Union, saved our Nation and created a new birth of freedom, let us pledge that we too will dedicate ourselves to preserving his legacy and continuing the still-unfinished work for America.

I yield the floor.

COMMENDING THE GUEST CHAPLAIN

Mr. WEBB. Mr. President, I rise today to speak about today's guest Chaplain, Reverend Marshal Ausberry of Antioch Baptist Church, located in Fairfax Station, VA. I am pleased to welcome Dr. Ausberry to the U.S. Senate today.

Dr. Ausberry holds a master of divinity degree from the Samuel DeWitt Proctor School of Theology at Virginia Union University and a doctorate of ministry degree in preaching at Gordon-Conwell Theological Seminary. He and his wife Robyn have been married for nearly 30 years, and have three children: Marshal Jr., Rian, and Mycah.

Antioch Baptist Church was founded in January 1989, and in its 20th year continues to bring its mission and ministry to the greater DC metro area. Since 1995, Dr. Ausberry has led this vibrant and robust congregation, expanding not only their membership, but their outreach and community involvement as well.

Through the dozens of missions and ministries at Antioch, Dr. Ausberry has made a profound impact on the lives of many members of not only my constituency but those throughout the DC metro area. I am certain that he will continue to guide his congregation for many years to come, and I look forward to seeing the direction of Antioch Baptist Church under his leadership.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Vermont.

ECONOMIC STIMULUS

Mr. LEAHY. Mr. President, I wish to state my strong support of the economic recovery plan because the American people and their communities need it to create jobs, to stabilize the economy, and to protect those who have been most hurt by the current global economic and financial crises.

Many Americans, especially my fellow Vermonters who have watched this process, look at the resistance the economic recovery plan has met from many on the other side of the aisle, and they are somewhat dispirited. They remember how readily Congress rubberstamped hundreds of billions of dollars the previous administration earmarked for Iraq. Now they see how difficult it has been to get bipartisan approval for investments here at home that are desperately needed to jump start an economy that is in the midst of the worst economic crisis since the Great Depression.

I call on fellow Senators—who were willing and eager to vote for billions of dollars to rebuild the infrastructure of Iraq, who were willing to vote for billions of dollars to create jobs in Iraq, who were willing to vote for billions of dollars to help law enforcement in Iraq—to focus on the needs we have here at home. Let's spend some of that money in America to repair our infrastructure, to create jobs in America, and to help law enforcement in America.

No one disputes the clear fact that we are confronting the most severe economic problem we have had in generations. The U.S. economy has been in recession since December 2007. America's GDP declined 3.8 percent in the fourth quarter of 2008, the steepest drop since 1982. The United States lost 2.6 million jobs last year, the most since 1945. Last week we learned the U.S. economy shed almost 600,000 jobs in January, putting the unemployment rate at 7.6 percent.

In Vermont, not only has the amount of credit available to small businesses shrunk significantly, but our unemployment rate jumped to 6.4 percent in December. That is the highest it has been in 15 years. Vermont is not alone in this struggle. Workers, businesses, State and local governments all across the country face mounting debt, slumping orders, and sagging budgets.

To respond to this extraordinary crisis, I agree with President Obama and the vast majority of Americans that we have to act quickly and responsibly to pass an economic recovery and job creation plan as bold as the challenges we face. Americans want jobs. They want to work. They want to support their families. We have to help create those jobs. If we act now to strengthen our economy and invest in America's future, we can create good-paying jobs, we can cut taxes for working families, and we can make responsible investments in our future.

Our first priority should be to put America back to work. This economic recovery plan will help create or save over three million jobs, including an entire generation of green jobs that will make public and private investments in renewable energy and make America more energy efficient.

Investing in our country's infrastructure and education will do more than create jobs today—it can put us on a long-term path toward prosperity. Rebuilding our roads and bridges, expanding broadband access to rural communities; making our energy grid smart and more efficient; creating state-of-the-art classrooms and labs and libraries; and investing in job training that Americans will need to succeed in the 21st century global economy will give us tangible assets we can use for years to come to foster additional economic growth.

As chairman of the Senate Judiciary Committee, I would like to highlight that the funding for State and local law enforcement in this recovery package will not only help to address vital crime prevention needs, but it will have an immediate and positive impact on the economy, as police chiefs and experts from across the country told the Judiciary Committee in its first hearing this year. Hiring new police officers will stimulate the economy and lead to safer communities and neighborhoods.

Nobody thinks this bill is perfect. We could write 100 different perfect bills

based on our own analysis. But America is hurting, and Americans urgently need our help. I believe this economic recovery package will make a timely and constructive difference across the country by creating and saving jobs, making needed infrastructure investments, reducing the tax burden on struggling families, and relieving the strain on State budget deficits.

Vermonters are watching and waiting. Working families across the country are watching and waiting. Time is running out. I will vote aye.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

TRIBUTE TO MILLARD FULLER

Ms. LANDRIEU. Mr. President, I come to the floor today to pay tribute to a great American who we lost earlier this month.

Millard Fuller, the founder and former president of Habitat for Humanity, was a personal friend to me and many Members of Congress. Many of us worked closely with Millard Fuller, particularly in the last 15 years of his extraordinary leadership.

I wish to take a minute today to pay tribute to Millard and his family—his wife Linda, his son Christopher, his daughters Kim, Faith and Georgia and his nine grandchildren. He has left behind these loved ones who will carry on his important work. Linda was a cofounder of Habitat for Humanity, and a driving force in the creation of this organization that has touched the lives of literally millions of people around the world.

When I think of where Millard Fuller died unexpectedly earlier this month, near the small town of Americus, GA, I cannot help but be reminded of the Universal Declaration of Human Rights, one of the most inspiring documents ever written. This declaration reminds us that when we speak about human rights, we must remember that the recognition of these rights begins in small places close to home, places so small that they can't necessarily be seen on maps. It is in these small places that people long for dignity and respect.

Sometimes in the Senate, we get carried away with grand visions of universal rights and broad, sweeping policies to protect these rights. But when you get right down to it, our visions are carried out in our own neighborhoods, in our own courthouses and in very small places like Americus, GA.

By the age of 29, Millard Fuller had made his first million dollars. He was a man with a great mind and extraordinary leadership abilities, who could have made a great fortune for his wife, his children and himself. But instead, with his wife's urging, Millard Fuller and Linda decided to take the multiple talents God had given them and refocus their lives on Christian service. They set their hearts on making a difference in the world, and the result was an organization that is one of the greatest nonprofits I have come to know.

In 1968, Millard Fuller and Linda began a Christian ministry on a farm in southwest Georgia where they built decent housing for low-income families using volunteer labor and donations. This concept was expanded into what is now Habitat for Humanity International and the Fuller Center for Housing. By 1981, Habitat had affiliates in 14 States, and was carrying out its mission to build homes with volunteer labor, ensuring that these homes were affordable to the poor and those of modest means.

Many Senators have commented privately and publicly about his extraordinary organization, and President Carter once remarked that Millard Fuller was one of the greatest talents he had ever known—serious words coming from a President. President Carter was a personal friend of Millard Fuller, and in 1984, he became a Habitat volunteer, giving his name and resources to Millard Fuller's organization. President and Mrs. Carter became the faces of Habitat for Humanity, and would attract thousands of people to volunteer during the Jimmy Carter Work Project, an annual week-long effort to build Habitat homes all over the world. By 1992, Habitat had a presence in 92 nations.

I was very fortunate to have met Millard Fuller. He was an inspiration to me and, as I have said, to many Senators. Many of us come into our young adulthood and say we want to make a difference in the world, and we all try in our various ways. Many of us never quite accomplish that. But Millard Fuller did. He had an impact on the world, and the world will remember his life and his vision. The world will remember that in this great land of wealth and opportunity, Millard Fuller thought it was shameful that people were living without decency and respect.

He said it is not what Jesus would want. It is not what the Bible teaches. It is not what those of the Christian faith believe. He built Habitat on a simple principle that the poor are not lazy, but very industrious—that if the poor were given a chance, they could accomplish a great deal.

In order to occupy a Habitat house, the family who is going to live there gets to build the home with their neighbors, with the kind of old-fashioned, rock-ribbed community values of pitching in, building a home, and building upon that solid foundation.

Not only was it Millard Fuller's vision to give families a decent place to live, he wanted to give them something to own. Owning a home paves the way for being able to finance against the equity in that home to build a business, to send children to college, and to establish a future.

I want people to know that paying tribute to Millard Fuller is about more than just building homes. Millard Fuller's life was about building hope, building a future and literally changing the course of life—creating an upward trajectory for people around the world.

I don't believe that Millard Fuller knew what an impact he had. I only hope we will remember him often. And when we do, as leaders in the Senate and the House, as Governors, and in the White House, we will recommit ourselves to realizing the simple principles that Millard Fuller lived every day.

After Hurricanes Katrina and Rita and the devastation that hit the gulf coast, Habitat was one of the first organizations on the ground. Millard and his wife Linda came to Louisiana and helped us to start building on higher ground. They built not just in the New Orleans area and along the gulf coast of Mississippi, but also in Shreveport, LA, where they joined with a group of local leaders to start new organizations that built homes for people in northwest Louisiana.

I would like to read one personal testimony from Cherie Ashley, who is the executive director of Habitat for Humanity in Northwest Louisiana. She and her family were beneficiaries of this work. Cherie was originally from New Orleans, but the flood waters of Katrina forced her out. She fled to Shreveport with her family. She said:

> I was blessed with one of the first of the three homes that was built in Allendale, in Northwest Louisiana. Mr. Fuller was passionate about the work he did and he was passionate about eliminating poverty across this nation. The Fuller Center for Housing and Habitat for Humanity of Northwest Louisiana have provided me and my children the opportunity to regain stability and normalcy after such a life altering event—Hurricane Katrina. I am not just the Executive Director for Habitat for Humanity of Northwest Louisiana, most importantly, I am a proud Habitat homeowner, and that's what God—through Millard Fuller—did for me.

He most certainly was a man who lived up to God's calling. I believe we would do ourselves well to remember him often, to thank Linda and his family for the tremendous sacrifice they made, and to honor him by continuing his work.

I ask unanimous consent that his obituaries from the New York Times and the Atlanta Journal-Constitution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Atlanta Journal-Constitution, Feb. 11, 2009]

HABITAT FOUNDER'S GONE, BUT WORK CAN'T BE FORGOTTEN

(By Lynda Spofford)

During a time of renewed optimism yet extreme economic distress, our country is

searching for heroes. I can't help but feel we took a big step backward with the death of Millard Fuller last week.

Like the country he loved, Millard Fuller was a man of great contrasts. Someone once described him as part honey, part jet fuel, and surely that was true.

Fuller was a highly educated son of the Deep South who made his first million by the time he was 29. A practicing lawyer, Fuller was troubled by racial and economic injustice and worked to redress it, first by defending black citizens in Sumter County, and later at Koinonia Farms—an interracial community founded by Clarence Jordan for black people and white people to live and work together in a spirit of partnership. There, Habitat for Humanity was formed.

As the founder of Habitat, Fuller transformed the concept of philanthropy, mobilizing armies of volunteers to shelter a million people in need. For his vision, inspiration and labor, he was awarded the Presidential Medal of Freedom.

When his 30-year career as founder and president of Habitat for Humanity ended, Fuller started a similar organization in his own name.

In the four years it operated, the Fuller Center brought thousands of families and communities together to build decent, affordable homes in places as close as the hurricane-ravaged U.S. Gulf coast to as far away as Romania, Nigeria and Sri Lanka. Bringing inspiration to the inner city, Fuller also set about renovating low-income homes in poor condition, asking that the beneficiaries mail modest contributions on a regular basis to keep the ''repair cycle'' going.

The Fuller Center model rested on the small community efforts often deemed unworthy of the administrative hassle by other, larger organizations. Yet it was precisely these grass-roots programs that had the greatest appeal to Fuller.

In defiance of those who felt he was too slow to shed his unapologetic Christian bent, Fuller called his new organization a ''housing ministry.'' Ironically, as he held tight to the Christian origins that were part of the founding of the group, his organization embraced people of all backgrounds around the world to achieve his goals—Muslims, Hindus, Christians and Jews—a multi-faith appeal that is increasingly popular today. Fuller knew what many evangelists often forget: that decent shelter should be a matter of conscience and action no matter who you worship or what books you read.

For those who followed him, he was part deity, part rock star. The people who gathered in churches and town meeting halls to hear him speak understood his almost otherworld appeal. I knew him more as a kindly grandfather and green-shade fiduciary who took time to write personal responses to every letter and e-mail he received. A woman from North Dakota always asked Fuller to send a stamp along with his reply so that she could write back. (He did.) Another entrusted his stewardship to everything she owned of value—a pencil, some loose change and her wedding ring—all crammed into a padded envelope.

In the years he worked, he took a modest salary for himself. In 2008, his annual salary was $21,000 a year (often donating a portion back)—and he insisted on driving a 1992 Ford Taurus with a torn roof liner. Yet he quietly paid for college tuition for many bright young people who couldn't afford it, including children he met when their families received a new Habitat house. He did this quietly and without fanfare.

As I read the news, I can't help but note the irony of the hype and attention we bestow upon our celebrities and athletic champions, society's heroes. I watch the television at night to find that even reputable news organizations are wasting time on Jessica Simpson's high-waisted jeans and other trivial Hollywood gossip. I wonder how many other Millard Fullers are working in the trenches we ignore while glorifying others with far less notable accomplishments.

Last week, our country lost a true hero. There was no halftime show, no parade, no costumed dancers. He was buried in a plain wooden shipping crate and laid to rest in a pecan orchard without a headstone.

I hope the world remembers.

[From the New York Times, Feb. 4, 2009]

MILLARD FULLER, 74, WHO FOUNDED HABITAT FOR HUMANITY, IS DEAD

(By Douglas Martin)

Millard Fuller, who at 29 walked away from his life as a successful businessman to devote himself to the poor, eventually starting Habitat for Humanity International, which spread what he called ''the theology of the hammer'' by building more than 300,000 homes worldwide, died Tuesday near Americus, Ga. He was 74.

His brother, Doyle, said Mr. Fuller became ill with a severe headache and chest pains and was taken to a hospital in Americus, his hometown. He died in an ambulance on the way to a larger hospital in Albany, Ga. Doyle Fuller said the cause had not been determined, but may have been an aneurysm.

Propelled by his strong Christian principles, Millard Fuller used Habitat to develop a system of using donated money and material, and voluntary labor, to build homes for low-income families. The homes are sold without profit and buyers pay no interest. Buyers are required to help build their houses, contributing what Mr. Fuller called sweat equity.

More than a million people live in the homes, which are in more than 100 countries. There are 180 in New York City, including some that former President Jimmy Carter, a longtime Habitat supporter and volunteer, personally helped construct. Mr. Carter said of him on Tuesday that ''he was an inspiration to me, other members of our family, and an untold number of volunteers who worked side by side under his leadership.''

Former President Bill Clinton has also volunteered on Habitat projects. When he presented Mr. Fuller the Presidential Medal of Freedom in 1996, he said, ''I don't think it's an exaggeration to say that Millard Fuller has literally revolutionized the concept of philanthropy.''

Mr. Fuller said his inspiration came from the Bible, starting with the injunction in Exodus 22:25 against charging interest to the poor. He spoke of the ''economics of Jesus'' and insisted that providing shelter to all was ''a matter of conscience.'' Christianity Today in 1999 called him ''God's contractor.''

His skills included fund-raising finesse, an exuberant speaking style and a talent for making use of the news media. In 1986, The Chicago Tribune quoted him asking a publicity man about a woman in front of her ramshackle apartment, ''Don't you think that'd make some great pictures to show her in that rat-infested place?''

The article later said Mr. Fuller did not expect to house the world. ''Instead,'' it said, ''he sees Habitat as a hammer that can drive the image of a woman in a rat-infested apartment as deep into the mind of America as the image of an African child with a distended stomach.''

Mr. Fuller liked to tell and re-tell the stories of his earliest houses. One man had moved from a leaky shack into a new house.

''When it rains, I love to sit by the window and see it raining outside,'' one new homeowner said, ''and it ain't raining on me!''

Another new resident saw his new home as a literal resurrection. ''Being in this house is like we were dead and buried, and got dug up!'' she said.

In 2005, a woman employed by Habitat accused Mr. Fuller of verbally and physically harassing her, a widely publicized charge that an investigation by the organization did not prove. But he and a new generation of Habitat board members were disagreeing on organizational and other issues, and he and his wife agreed to resign.

Mr. Fuller started a new organization called the Fuller Center for Housing. It is active in 24 states and 14 foreign countries.

Millard Dean Fuller was born on Jan. 3, 1935, in Lanett, Ala., then a small cotton-mill town. His mother died when he was 3, and his father remarried. Millard's business career began at 6 when his father gave him a pig. He fattened it up and sold it for $11. Soon he was buying and selling more pigs, then rabbits and chickens as well. He dabbled in selling worms and minnows to fishermen.

When he was 10, his father acquired 400 acres of farmland, and Mr. Fuller sold his small animals to raise cattle. He remembered helping his father repair a tiny, ramshackle shack that an elderly couple had inhabited on the property. He was thrilled to see their joy when the work was complete.

Mr. Fuller went to Auburn University, running unsuccessfully for student body president, and in 1956 was a delegate to the Democratic National Convention in Chicago. He graduated from Auburn with a degree in economics in 1957 and entered the University of Alabama School of Law.

He and Morris S. Dees Jr., another law student, decided to go into business together while in the law school. They set a goal: get rich.

They built a successful direct-mail operation, published student directories and set up a service to send cakes to students on their birthdays. They also bought dilapidated real estate and refurbished it themselves. They graduated and went into law practice together after Mr. Fuller briefly served in the Army as a lieutenant.

As law partners, they continued to make money. Selling 65,000 locally produced tractor cushions to the Future Farmers of America made $75,000. Producing cookbooks for the Future Homemakers of America did even better, and they became one of the nation's largest cookbook publishers. By 1964, they were millionaires. Mr. Dees went on to help found the Southern Poverty Law Center.

Mr. Fuller's life changed completely after his wife, the former Linda Caldwell, whom he had married in 1959, threatened to leave him. She was frustrated that her busy husband was almost never around, and she had had an affair, their friend Bettie B. Youngs wrote in ''The House That Love Built'' (2007), a joint biography. For the rest of his career, he talked openly about repairing the marriage.

There was much soul-searching. Finally, the two agreed to start their life anew on Christian principles. Eschewing material things was the first step. Gone were the speedboat, the lakeside cabin, the fancy cars.

The Fullers went to Koinonia Farm, a Christian community in Georgia, where they planned their future with Clarence Jordan, a Bible scholar and leader there. In 1968, they

began building houses for poor people nearby, then went to Zaire in 1973 to start a project that ultimately built 114 houses.

In 1976, a group met in a converted chicken barn at Koinonia Farm and started Habitat for Humanity International. Participants agreed the organization would work through local chapters. They decided to accept government money only for infrastructure improvements like streets and sidewalks.

Handwritten notes from the meeting stated the group's grand ambition: to build housing for a million low-income people. That goal was reached in August 2005, when home number 200,000 was built. Each home houses an average of five people.

The farm announced plans for a simple public burial service for Mr. Fuller on Wednesday.

Besides his brother, Doyle, of Montgomery, Ala., and his wife, Mr. Fuller is survived by their son, Christopher, of Macon, Ga.; their daughters, Kim Isakson of Argyle, Tex., Faith Umstattd of Americus, and Georgia Luedi of Jacksonville, Fla.; and nine grandchildren.

After Hurricanes Katrina and Rita, the Fuller Center built a house in Shreveport, La., for a mother and her daughters, one named Genesis, the other Serenity. Mr. Fuller loved the religious connotations he saw in their names.

''What will little Genesis become?'' he asked at the time. ''What will little Serenity become? We don't know, but we know one thing: if we give them a good place to live, they've got a better chance.''

Ms. LANDRIEU. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

TRIBUTE TO AMBASSADOR RYAN CROCKER

Mr. MCCAIN. Mr. President, I rise to pay tribute to an American patriot, a man of the finest caliber, and a diplomat whose skills and determination have helped alter history's course for the better.

In a few days, Ambassador Ryan Crocker will depart his post as the chief American diplomat in Iraq. His departure will mark the close of a storied career, one of nearly 40 years of distinguished service to our country. In dedicating his career to furthering America's interests and ideals in the far reaches of the globe, and in coupling his dedication with a tremendously adventurous spirit, Ryan Crocker has become known informally as our own ''Lawrence of Arabia.''

As a young man in Walla Walla, WA, Ryan Crocker decided to depart not for the beaches of southern California but, rather, abroad, hitchhiking from western Europe to Southeast Asia. By the time he graduated from Whitman College in 1971, Ambassador Crocker had already visited more of the world than most Americans will throughout their lifetimes. His extensive travel and interest in global politics and culture led him to join the Foreign Service in 1971.

Ambassador Crocker quickly developed a reputation for incredible dedication in the face of challenges. From his early days at the State Department, he was assigned to some of the most difficult posts in the Foreign Service. He worked in Iran, Qatar, Egypt, and in Saddam Hussein's Iraq. He was in the Embassy in Beirut in 1983, when a Hezbollah suicide bomber killed 63 people. Thrown against the wall by the blast, Ambassador Crocker immediately began helping others escape the rubble.

He went on to serve as Ambassador to Lebanon, Kuwait, Syria, Pakistan, and Iraq. During his time in Damascus, demonstrators assaulted his residence and, in 2002, he reopened the U.S. Embassy in Kabul, which had been untouched by Americans since 1989. A newspaper account illustrates the spirit that animates this selfless patriot:

He arrived to find a cobweb-strewn wreck full of 1989 newspapers, broken Wang computers and maps of the old Soviet Union. U.S. Marines outnumbered diplomats by 3 to 1, and all 100 Americans slept on cots and shared two working toilets. Yet Crocker was upbeat. ''The men and women of this mission are extremely proud to be a forward element,'' Crocker told [Secretary of State] Powell at the time.

Throughout all these assignments, Ryan Crocker has approached his work with resolve, tenacity, and a unique ability to see the broader strategic issues in play. Had he never gone to lead the U.S. Embassy in Iraq, the American people would owe him deep gratitude. Had he not accepted the challenge in Baghdad, he would have nevertheless won the sincere appreciation and admiration of all Senators. Yet it was in his decision to become America's Ambassador to Iraq that Ryan Crocker has left his true mark on history, and we are all the better off for it.

He was sworn in not here in Washington, as is customary, but in Baghdad, and in March 2007, as the surge of troops to Iraq was commencing, GEN David Petraeus had taken over as commander, and our Nation was making its greatest, and possibly final, push to avoid disaster in Iraq. Let us remember that in 2007, as public support for the war plummeted, we in Congress were engaged in a great debate about the way forward in Iraq. Sectarian violence was spiraling out of control, life had become a struggle for survival, and a full-scale civil war seemed almost unavoidable. Al-Qaida in Iraq was on the offensive and entire Iraqi provinces were under the control of extremists. Noting that ''here in Iraq, America faces its most critical foreign policy challenge,'' Ambassador Crocker did not sugarcoat the situation or present an overly rosy scenario. He never does. He stressed just how hard the path ahead would be but stressed also that it was not impossible. As he would later testify before the Armed Services Committee, ''hard does not mean hopeless.''

It was this combination—cold-eyed appraisal of the reality of Iraq combined with hope that things could change for the better—that was so refreshing every time I visited Baghdad. In a true partnership with General Petraeus, Ambassador Crocker executed a civil military counterinsurgency plan for Iraq that turned the tide of violence in a timeframe and to a degree that surprised even the optimists. He ensured unprecedented cooperation between the military, the Embassy, and our allies. His decades of experience in the Middle East proved invaluable as he navigated an increasingly complex and contentious regional dynamic. His efforts, in coordination with the brave men and women of the military and State Department, are the reason we find ourselves in a situation many thought was not possible.

Ryan Crocker's determination to succeed in a situation where many would have failed should inspire us all. Yet any who have followed the career of this skilled and extraordinary diplomat shouldn't be surprised. His creative and pragmatic approach to diplomacy has earned respect both at home and abroad. His list of awards and achievements is long and distinguished, including the Presidential Meritorious Service Award, the State Department Distinguished Honor Award, the American Foreign Service Association Rivkin Award, and most recently the Presidential Medal of Freedom, the Nation's highest civilian commendation.

I am immensely grateful for the enormous contributions that Ambassador Crocker has made to the Department of State, to our Nation, and the people of Iraq. As he departs Baghdad, he will be sorely missed. We wish Ambassador Crocker and his family all the best as he enters the next chapter of his life. He has earned the respect and admiration of a grateful nation.

I have had the great honor for many years to travel the world and encounter many of our wonderful Foreign Service personnel and the men and women who serve in posts throughout the world. They serve with dedication and most of the time without the appreciation they deserve. I have been so impressed with the people who have dedicated their lives to serving this Nation all around the world, in many cases in the most difficult of circumstances. I know of no one I have met in my life who epitomizes public service more than Ryan Crocker; a quiet demeanor, modesty, and, frankly, a knowledge of the issues and the complexities which would take many hours

to describe that prevail in the Middle East.

Ryan Crocker came at a seminal time to the Embassy in Baghdad, and in partnership with one of our great military leaders, General Petraeus—a true and equal partnership—those two individuals changed the course of history. Many in this body at that time had believed there was no hope for Iraq and that the situation could not be salvaged. Because of Ryan Crocker, David Petraeus, and many others, with their leadership we have just witnessed an election taking place in Iraq that was virtually without incident.

Ambassador Crocker will be the first to tell us there is a long way to go in Iraq. There are many challenges ahead, but we do have an ally, a democratic nation, and the hope of a society free of the oppression and repression that unfortunately has characterized the situation in Iraq for centuries.

So, again, I know in the future young Americans who serve this country will continue to be inspired by the performance and the dedication of Ryan Crocker. We will miss him. We will miss him enormously, but I know he will continue to serve this country in any way possible for as long as he lives. Thank you, Ryan Crocker.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

HONORING ABRAHAM LINCOLN

Mr. ENSIGN. Mr. President, today marks the 200th anniversary of the birth of one of this Nation's finest leaders. Abraham Lincoln was born in 1809 destined for greatness but with humble beginnings. It is remarkable and inspiring to study the life of Abraham Lincoln. Today is a fitting time to reflect on some of the lessons we can continue to learn from him, especially in light of the challenges we are facing today.

President Lincoln's rise to leadership was full of trials and setbacks, most of which would have deterred a lesser man but not Abraham Lincoln. Throughout his lifetime, he was the picture of incomparable character, willing to put his ego aside for the greater good, committed to freedom for the generations, and a true believer that he was not superior to anyone.

These traits may seem like words that are easy to put together, but to live your life by them is truly exemplary. It is especially remarkable in the face of adversity. It is said that trials don't build character, they simply reveal it. Well, President Lincoln served in the highest office of our country at one of the most tumultuous times in our history. His character was revealed time and time again. Americans are still proud of his leadership and his vision.

During Lincoln's Presidency, our Nation faced the gravest of challenges. We were at war amongst ourselves, and the consequences of our leadership would go down in history. Either America would cease to exist, or we would survive, heal, and one day be stronger than ever. Abraham Lincoln made it possible for us to be here today as the United States of America.

Today, we face many overwhelming challenges. They are significant, but they are not as dire as the Civil War. We can work together to get out of this economic downturn.

In 1862, Lincoln declared:

The bottom is out of the tub.

It sort of feels that way today. All you have to do is talk to people to realize the numbness that is permeating our country. Those who have lost jobs or homes are facing a painful reality. Most Americans are not sure what to do. If you are thinking about buying a home or a car, you think many times about it because of the uncertainty of our economy today. We have to do something here that will boost the confidence of Americans. They have to become consumers again if we want to get this economy going. That means dealing with the underlying housing crisis that set off the bottom falling out of this ''tub.''

The other issue we have to remember is that the money we spend today will have to be paid for by our children and our grandchildren. So each dollar that goes into this stimulus bill needs to be spent efficiently, and it needs to be far reaching. Each dollar needs to go toward creating jobs and stimulating growth. That way, we can recover from this deepening recession and continue to grow.

Unfortunately, this so-called stimulus bill is not even close to ideal legislation. It will bury us in debt, reduce our creditworthiness as a nation, and only minimally stimulate the economy. It just doesn't speak to the opportunity Abraham Lincoln knew was possible in this country.

He once said:

There is no permanent class of hired laborers amongst us. Twenty-five years ago, I was a hired laborer.

Americans have a unique gift in this country. That gift is opportunity—the opportunity to grow, change course, and improve one's circumstances.

One of the great freedoms we have in America is the freedom to fail. Abraham Lincoln knew a lot about that freedom. He failed many times, but he also knew about the gift of opportunity, and he took advantage of it. We have seen the resilience and ingenuity of the American people throughout history. Our job is to do what we can to let that promise grow and not get in the way.

I believe the stimulus bill we will vote on soon could have been vastly improved if it had been written from the beginning with Republicans and Democrats as part of the process. That is a lesson we should take from President Lincoln. The political process can be messy and petty. We should put our egos aside, as Lincoln did when he brought his greatest rivals into his Cabinet. We should focus on the end goal being the good of our country, not groups to whom each of us is beholden.

We should understand there are no guarantees when it comes to the future of our country. We always have to work to protect what has been defended for more than 200 years. Lincoln reminded us that ''it is not merely for today, but for all time to come that we should perpetuate for our children's children this great and free government, which we have enjoyed all of our lives.'' If we ignore the consequences of our actions today, then we take for granted what is to come for the future of our great country.

President Lincoln was a visionary. On this special day, we cannot lose sight of the tremendous lessons of his lifetime. It is never too late for us to join together as Americans to create a better and a stronger future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, it is my great honor to stand here today and commemorate Abraham Lincoln on the bicentennial of his birth.

Abraham Lincoln's leadership during one of our darkest periods forever changed the face of our Nation. Because of his bold vision and undivided faith in the future of our great Nation, freedom and justice for all was realized. Without doubt, as this resolution affirms, President Lincoln ''redefined what it means to be an American.'' Today, I wish to take a moment to recognize another part of his legacy.

In this resolution, it states that ''despite less than a year of formal schooling, he developed an avid love for reading and learning.'' Lincoln's stepmother, Sarah Bush Johnston, encouraged Lincoln to read, write, and think freely, even as she and Lincoln's father could not afford to send him to school. And herein lies the brilliance of Lincoln's rise.

From the backcountry in Illinois to the White House in Washington, DC, Abraham Lincoln rose to the highest office in the land by educating himself. In his first political address in 1832, seeking a seat in the Illinois General Assembly, he said:

I desire to see the time when education . . . shall become much more general than at present, and I should be gratified to have it in my power to contribute something to its advancement.

As President Lincoln showed us, education is the foundation of our future success. In this period of economic stress and uncertainty, we draw on Lincoln's legacy and move forward because of his strength.

Mr. LUGAR. Mr. President, I rise today to recognize the 200th anniversary of the birth of Abraham Lincoln. On February 12, 1809, our 16th President was born to Thomas and Nancy Lincoln in Kentucky. President Lincoln spent the majority of his adult life in Illinois where he became a successful lawyer and politician. But in between these periods, he lived with his family in the backwoods of Indiana, 20 miles east of Evansville. In these famous salt lick hunting grounds near the Ohio River, the young Abe Lincoln learned about farming, suffered the death of his mother, and grew into a man. Although his potential as a leader would not be fully revealed until later in life, his experiences in Indiana formed the basis of his self-taught genius and helped shape his belief system.

Abe Lincoln's family moved to Indiana in December 1816 when Abe was 7, arriving shortly after Indiana entered the Union as the 19th State. In Kentucky, the Lincolns had struggled with legal controversies related to the title to their land. They were attracted to Indiana, in part, because buying land from the Federal Government under the clear terms of the Northwest Ordinance would eliminate these troubles. Thomas Lincoln acquired 160 acres of land near Little Pigeon Creek in what is now Spencer County and set up a farm.

The family initially lived in a three-sided cabin, known as a half-faced camp. Abraham, who was always tall for his age, helped his father with farming chores. By age 9, he began to learn the detailed skill of wielding an ax, which later would be the basis for his backwoods ''rail splitter'' campaign persona.

Soon after arriving in Indiana, tragedy struck the family when Nancy Lincoln died of ''milk sickness'' on October 5, 1818. Thomas Lincoln married Sarah Bush Johnston on December 2, 1819. Sarah Johnston and her three children from her previous marriage joined Abe and his older sister Sarah.

Being situated in a sparsely populated region of southern Indiana made access to school difficult. The closest school was a great distance over rough terrain from the Lincoln farm, and Abe's attendance was sporadic, at best. In 1859 Lincoln wrote a letter to his friend Jesse Fell describing his early life and education in Indiana:

We reached our new home about the time the State came into the Union. It was a wild region, with many bears and other wild animals still in the woods. There I grew up. There were some schools, so called; but no qualification was ever required of a teacher, beyond readin, writin, and cipherin' to the Rule of Three. If a straggler supposed to understand latin, happened to so-journ in the neighborhood, he was looked upon as a wizzard. There was absolutely nothing to excite ambition for education. Of course when I came of age I did not know much. Still somehow, I could read, write, and cipher to the Rule of Three; but that was all. I have not been to school since. The little advance I now have upon this store of education, I have picked up from time to time under the pressure of necessity.[sic]

Thomas Lincoln, who had received no formal education himself, saw little value in Abe's schooling. But Abe's stepmother Sarah encouraged him to read on his own. Abe immersed himself in the family Bible and borrowed books from neighbors. He read Parson Weems' ''Life of Washington'' at an early age, as well as such classics as Benjamin Franklin's ''Autobiography'' and Daniel Defoe's ''Robinson Crusoe.''

The first exposure that President Lincoln had to political argument came at a country store owned by James Gentry, a local land owner and friend of the Lincoln family. Abe worked in Gentry's store, soaking up conversation on politics and frontier life. As Lincoln grew, his horizons expanded beyond Spencer County. In 1828, he worked on a flatboat carrying goods for Gentry all the way to New Orleans. On this trip he encountered slavery for the first time.

The Lincolns moved to Illinois in 1830 where Abe went on to become a lawyer and State politician, Member of the U.S. House of Representatives, and finally President of the United States.

The strong feelings of pride that Hoosiers feel for President Lincoln are amplified by remembrances of the President around the State. For example, the Indiana State Museum located in Indianapolis houses the largest private collection of President Lincoln memorabilia in the world. Included in this collection are signed copies of the Emancipation Proclamation and the 13th amendment, family photos, and more than 20,000 other items. Additionally, the Lincoln Boyhood National Memorial continues to fascinate visitors and preserve Lincoln's Hoosier legacy.

Hoosiers are proud to celebrate President Lincoln's life and the 14 formative years he spent in Indiana. The ties of the Lincoln family in Spencer County will never be forgotten, and new generations of Hoosiers will learn how Lincoln lifted himself up from humble circumstances to become a great President and a true American hero.

Mr. MARTINEZ. Mr. President, today our Nation celebrates the bicentennial of Abraham Lincoln's birth, a man who became one of the finest leaders America has ever known. Given his service to our Nation, it is fitting that we pause to acknowledge President Lincoln's lasting contributions to our society.

President Lincoln was a writer, an attorney, and a statesman, but above all else he was a strong advocate for the common man. This was due in large part to the fact that he was a common man. He was born into a family with modest means, became self-educated, and entered into a life of public service at the age of 23.

During his Presidency, Lincoln once remarked, ''God must love the common man, he made so many of them.'' He gave a voice to the disenfranchised, the destitute, and the dispirited, and even in the face of adversity, he stood strong in support of the notion that ''all men are created equal.''

He also led with conviction during a turbulent time in our Nation's history. As President, Lincoln guided our divided Nation with moral clarity and persevered when the fabric of our democracy was tested. He helped to heal our Nation after the Civil War and put America on a path to overcome the dark days of slavery.

Today, President Lincoln's virtue extends far beyond our borders. He has inspired generations of individuals seeking to advance the cause of freedom and liberty even when their voices have been silenced. These individuals find inspiration in places like Havana, where a statue of Lincoln still stands proudly along the Avenida de los Presidentes. I join them in hoping for the day when Lincoln's dreams can be realized and the people of Cuba can taste the same fruits of liberty we as Americans cherish.

On this day, we are reminded not only of Lincoln's contributions to our society, but also his vision, which continues to guide our Nation. May his life continue to inspire us and his words always serve as a source of hope. As he once wrote, ''The cause of liberty must not be surrendered at the end of one, or even one hundred defeats.'' May God bless Abraham Lincoln, and may He continue to bless the United States of America.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 1 p.m.

Thereupon, the Senate, at 11:24 a.m., recessed and reassembled at 1 p.m. when called to order by the Presiding Officer (Mr. UDALL of Colorado).

The PRESIDING OFFICER. The Senator from Alabama.

STIMULUS PACKAGE

Mr. SESSIONS. Mr. President, I will share a few remarks about the stimulus package that we understand is making its way here after going through conference. I believe there

may be some opportunity to change what is in it. I hope so because one of the most disappointing aspects of the process we have been going through is that I was denied a vote on an amendment that would simply say that every business that gets contracts out of this job stimulus package will have to use the very simple-to-operate E-verify system that over one hundred thousand American corporations are using voluntarily.

With that system, you simply punch in the Social Security number of a job applicant in order to verify work eligibility. Employers run the social security number through the system and they receive information as to whether this individual has a legitimate Social Security number. It accurately identifies quite a number of people illegally in the country who are passing themselves off as being legal. In fact, we have had testimony over the years that there are quite a number of individuals who have used the same social security number; possibly thousands who have used the same Social Security number. Until the E-Verify program, nobody checked.

This system has successfully been set up. President Bush was somewhat reluctant but moved forward with it, and the system is up and running. It was supposed to be fully implemented for every business in America. It is available to every business in America today on a voluntarily basis. Last year, the Bush Administration issued Executive Order 12989, which would require all Federal Government contractors and subcontractors to use E-Verify.

It is not an unusual idea. It is a popular idea in the House, the Senate and with the American people. Out of all the potential applicant queries made, E-Verify only identifies about 3 percent a year who are apparently not legally in the country and should not be getting a job. We are passing a bill, a huge piece of legislation that, frankly, is less stimulative and less job creative than we would like it to be.

Gary Becker and one of his partners, a Nobel Prize economist, in the Wall Street Journal yesterday wrote a big piece in which he questioned how many jobs would actually be created and how stimulative this package is. It has too much in it that is not stimulative. He said you would normally hope to get 1.5 percent of GDP of stimulation for every dollar spent. In his opinion, because of the way it is written, it would be less than 1 percent. Not good.

The idea was to create jobs, but not for people illegally in the country; for Americans, legal Americans. These include citizens, green cardholders and legal workers in America. They should all be eligible for jobs created under this bill, but not illegally here should not.

The House unanimously accepted 2 E-Verify amendments. The House passed legislation by Congressman CALVERT of California that said the E-verify system, which will expire this spring, will be extended for 4 years. In addition to being accepted in their stimulus bill, that language passed the House 407 to 2 last July. Unfortunately, the Democrat majority blocked the Senate from voting on it in the last Congress.

Congressman KINGSTON offered an amendment that every contractor who gets money under the stimulus bill should use E-verify to try to ensure the people who are hired, those who get jobs, are lawful Americans.

How much simpler can it be than that? How much more common sense can we have in a bill than that? That was accepted as part of the final package. When the vote was held in the House, I guess all but 11 Democrats voted for both of those provisions.

They are kind of proud of themselves. They are telling their constituents: I voted to make sure, as best we could—it is not a perfect system—but as best we could, that contractors would use E-verify and prohibit some of the people who should not be getting jobs from doing so.

Then when I offered an identical amendment in the Senate, it was never allowed to be brought up for a vote. I have been through this process for some time. I have seen how things work. I am beginning to see what might be afoot. I know that the majority leader, Senator REID, whom I respect so much, who has such a difficult job—I don't see how anybody can handle it—but he has to make decisions. He has made one with which I don't agree.

Somewhere along the way, the leadership decided they would not allow the Senate to vote on this amendment, although they claimed everybody gets votes on their amendments. They would not allow a vote on it.

Why was this significant? My amendment, supported by Senator BEN NELSON, one of the people who helped arrange this final settlement, a Democratic Senator, an experienced Governor—was the same as the language included in the House version of this bill. Under our rules, if the Senate passes legislation that has the same language as the House, it should remain in the final bill. It should not be taken out. If it was validated by both Houses of Congress, it should not be altered by the conferees. But if one body does not have the language in their version of the bill, then the conferees have a choice. They can either take the House language that had the E-verify provisions in it, or they could take the Senate language that did not.

Let me tell you why I was pretty worried about it. Under this maneuver, this is what happened. The House Members all get to claim they voted for it, and the Senate Members never have to say they voted against it. If anybody complains about it not being in the bill, any Member of the Senate can say: I would have voted for it; I just didn't get the vote. That works a lot of times, and it is not good because I truly believe that if this amendment had been voted on in the Senate, it would have received very large bipartisan support.

I don't think there is any doubt in my mind that many Senators would take the position that E-verify, an essential system for creating a lawful system of immigration, should be extended. I think very few Senators would take the position that somebody getting money under this jobs package, this stimulus package paid for by the American taxpayers, shouldn't have to hire those who are not lawfully in the country.

I am disappointed. I think the American people should be disappointed.

I want to go back a little bit further and discuss it some more because I firmly believe that one reason the American people distrust Congress and that we have such a low approval rating is this very kind of manipulation and chicanery.

Back when the effort was made to move the comprehensive immigration bill in the Judiciary Committee, it would have given, I think it is fair to say, amnesty to those here illegally, while only promising a lot of enforcement measures in the future. During markup in the Judiciary Committee, I offered several amendments to tighten up enforcement. I was a little bit surprised because amendments I had offered before were accepted, amendments to extend the fence, to add to the number of investigators, and to add necessary detention space so people could be deported if they were apprehended.

Two years ago, we were apprehending 1.1 million people a year attempting to enter the country illegally. We arrested that many people at the border and we had a lot of things we needed to do.

It finally dawned on me what was happening. This is what happened in 1986. Why did the 1986 amnesty bill ultimately fail? The amnesty bill in 1986 gave legal status and a path to citizenship for millions—it turned out to be more than estimated—but it promised enforcement. What I want you to know is the amnesty provisions become law at once. But the enforcement was merely a promise. Unless the money for enforcement is actually appropriated by the appropriators, no additional Border Patrol agents get added, no fence and barriers get built, no detention spaces get added, no systems, such as E-verify, get set up. That is why it failed before, and I saw that we were heading down the same path again in 2006 and 2007.

Those of us who questioned the legislation and demanded that we have confidence in the enforcement provisions

did not receive those assurances. And that is why the American people made their voice heard and the bill ended up going down in flames with an overwhelming vote against it. This was a far different outcome than people had been projecting even a few months before.

I remember how we handled the amendment I offered on defensive barriers at the border. It was obvious that at the California border, barriers were working. We wanted to extend that barrier. I introduced an amendment to authorize the construction of barriers of various kinds—some vehicles, some fixed—and it would pass with 86 votes. But when the appropriations bills came back, where we actually disburse the money to fund these programs, the money for the barriers was not included. So we began to have a serious discussion on the floor of the Senate about that kind of duplicity, I felt, where we would vote overwhelmingly to take an action and then when came time to put up the money to make it happen, we would vote it down, and everybody would say: I voted to build a fence. It is not my fault. It just didn't happen.

I want to say, this is what is happening with these E-Verify provisions. The American people need to know it. This was a very reasonable and restrained provision. It is common sense, if there is any such thing as common sense associated with the way this stimulus bill was handled. It tries to help Americans get jobs. Unemployment is up to 7.6 percent now. Unfortunately, I think it may go up more. Why in the world would we not take this reasonable, simple step to try to ensure that the $800 billion we are spending goes to American citizens or those lawfully in our country? It does not create police. It does not create enforcement. It does not create a bureaucracy. It simply extends the already successful program and says every employer ought to use this simple E-verify system, a 2-minute computer check to find out if the person is likely to be illegal or legal.

I could not imagine why we would not do that, but now I understand. I saw one publication, an inside trade publication that said the chicken processors and the Chamber of Commerce, big business Chamber of Commerce, had written the leaders and asked them not to pass my amendment. They didn't write to me. They didn't write to other Members. Somebody is talking in secret. Somewhere, somehow this plan was developed to keep this provision from becoming part of this law. And it is not right. I protested. Three or four times I came to this floor, and I asked that this language either be put in the bill or that, at the very least, the Senate be allowed to vote on it. I expressed my concern that this very thing was happening. But the leadership in the Senate has the power to pick and choose the amendments they allow to be voted on, and they didn't want this one to be voted on. They didn't want it because they didn't want the language in the bill, I conclude. What else could I conclude because if we had had a vote, it would have passed, I am convinced.

Senator BEN NELSON and I supported it. We had a whole lot of Members on the Democratic side who did not go for this last comprehensive immigration bill. This is just a tiny step compared to that historic vote. I believe virtually all of our Members would have believed this was a reasonable amendment, and, overwhelmingly, I am confident a strong majority would have voted for it and it would have been in the bill.

So that is the kind of thing we are doing. If people are unhappy with their Congress and the process we have ongoing, then they need to do like they did back during the immigration debate and send letters and make phone calls. That apparently made a tremendous difference then.

You may ask: Well, why did the conference not include the House-passed language; isn't there a process? Well, the Senate conference was very small, and the Senate conferees were a majority of Democrats selected by the majority leader. In the House they have a majority appointed by the Speaker. That means basically the Speaker and the majority leader control what comes out of the conference. They pick the people who run it and vote on it and they get to decide. So somewhere along the way the Speaker and the majority leader agreed to take this language out. It should not have happened. It should have been in this bill, and I am very sorry it was not.

Mr. President, I will just say that will be one of the reasons I will oppose this bill. I am very disappointed we didn't have the free ability this great Senate is so famous for to have a vote on a clearly relevant, germane amendment. It was already in the House bill. That guarantees it to be a germane amendment. It would be germane under any circumstances, I believe. I am deeply disappointed we didn't have a right to vote on that.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, to follow up on my earlier remarks about E-Verify, I would note it is ironic that it appears the final version of this legislation will result in a huge expansion of Government, but it also could result in termination of a key program, and that is the E-Verify Program. It has been proven to be successful. People like it—on a bipartisan basis they like it—and it will terminate this spring if we don't do something about it.

According to both Robert Rector at the Heritage Foundation, and Steven Camarota from the Center for Immigration Studies—Mr. Rector was the architect of welfare reform and one of the best minds in the country on these issues—this legislation we are talking about passing today or tomorrow could result in several hundred thousand jobs being given to illegal immigrants—several hundred thousand.

The version of the stimulus bill that passed the Senate contained $104 billion in construction spending, including highways, schools, and public housing. Only about $30 billion is for highways—a little over 3 percent of the bill's value, just for perspective—but it would total about $104 billion for infrastructure and construction. Government estimates suggest this spending could create about 2 million new construction jobs.

Consistent with other research, the Center for Immigration Studies has previously estimated that 15 percent of construction workers are illegal immigrants, which means about 300,000 of the construction jobs created by the Senate stimulus plan could go to those who are not lawfully in the country.

The E-Verify—formerly called the Basic Pilot/Employment Eligibility Verification Program—is an online system operated jointly by the Department of Homeland Security and the Social Security Administration. Participating employers can check the work status of new hires online by comparing information from the employee's submitted I–9 form against the Social Security and Department of Homeland Security databases. More than 107,000 employers voluntarily are using that system today, and happily so.

E-Verify is free—it doesn't cost the employer anything—it is voluntary, and the best means available for determining employment eligibility for new hires and the validity of their Social Security number. According to the Department of Homeland Security, 96.1 percent of employees are cleared automatically, and growth continues at a rate of 2,000 additional businesses using the system each week.

Now, this 96 percent, I know, is for all employees and all companies, and I am sure there might be a higher number with construction workers. As of February 2, 2009, there have been over 2.5 million inquiries through the system. In 2008, there were more than 6.6 million inquiries run. The number is really going up.

An employer who verifies work authorization under the E-Verify system has an advantage. That employer has

created a rebuttable presumption that they have taken reasonable steps to make sure they are not filling their employment rolls with illegals. If the investigators come out and find someone who is illegal, they can say: Well, I ran the number on your system, and if it had been bad, I wouldn't have hired them and I can show you where that cleared your system. So it protects the employer from any false charges.

So Senator BEN NELSON and I wrote a letter to Senators REID and MCCONNELL asking that this legislation include provisions to require E-Verify for the jobs created under this proposal.

As an aside, there is another problem, and we might as well talk about it. I was very worried and concerned because, on January 28 of this year, President Obama pushed back the implementation of Executive Order No. 12989, executed by President Bush, which would require all Federal contractors and subcontractors to use E-Verify. In other words, those who are doing work now on military bases and roads and other things would be required to use a successful system that has long been planned and being phased in. Now, the implementation date has been pushed back to May 21.

So are we now seeing some sort of serious movement to undermine one of the most effective, least intrusive systems we have ever developed, the cornerstone of Homeland Security's enforcement efforts? I don't know. When you add that decision to what has happened on the floor of the Senate, my concerns are increasing.

Recently, the Bureau of Labor Statistics reported that the unemployment rate in January had gotten to 7.6 percent, including 598,000 jobs lost in January. This is the highest unemployment rate in 17 years. We know and expect it will go higher—hopefully, not a whole lot higher, but certainly those trends are not good.

Immigration by illegal immigrants and other poorly educated aliens has a serious and depressing effect on the standard of living of low-skilled, hard-working Americans, and I will tell you that is a fact. The United States Commission on Immigration Reform, chaired by the late civil rights pioneer, Barbara Jordan, found that immigration of unskilled immigrants comes at a cost to unskilled U.S. workers. I don't think there is any doubt about that.

The Center for Immigration Studies has estimated that such immigration has reduced the wage of the average native-born worker in a low-skilled occupation by 12 percent or $2,000 a year. It may not impact people in universities and Senators, but hard-working Americans are having to compete against persons who are willing to work for so much less and who often are being taken advantage of.

I just give this aside: I talked to the CEO of a company—a family company. They do right-of-way clearing and other type work of that kind for utilities in States and counties. He said they have had good employees. They have hired them for many years. They pay retirement and health care benefits and competitive wages. All of a sudden, just a few years ago, they started losing bid after bid after bid. They could not understand how the competitor could bid so low. They began to look into it, and it appears, quite clear to him, the reason a company from Texas was able to outbid him was because they were paying their employees much less, and he believes many of them were illegally in the country. Now, how did that help his employees? He may be forced to go out of business simply because he was obeying the law.

In addition, a Harvard economist, Professor George Borjas, who has written a book on this subject—himself a Cuban refugee; at a young age he came from Cuba—has estimated that immigration in recent decades has reduced the wages of native-born workers without a high school degree by 8.2 percent.

Doris Meissner, former head of INS—the immigration service—under President Clinton, wrote this in February of this year:

> Mandatory employer verification must be at the center of legislation to combat illegal immigration. The E-Verify system provides a valuable tool for employers who are trying to comply with the law. E-Verify also provides an opportunity to determine the best electronic means to implement verification requirements. The administration should support reauthorization of E-Verify and expand the program.

That is Doris Meissner, who is certainly a moderate on immigration issues. She served under President Clinton and said just recently this is a key thing for us to do.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I thank the Chair, and I would suggest finally that these are very important issues for American citizens. We need to speak out clearly on them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, we are in a period of morning business, up to 10 minutes?

The PRESIDING OFFICER. The Senator is correct.

STIMULUS CONFERENCE REPORT

Mr. BUNNING. Mr. President, I rise to speak on the conference report to the so-called stimulus bill. While we have not seen the actual bill, the outlines of the final agreement are available, and not much has changed from the bill since it passed the Senate earlier this week. The bill will still cost more than $1 trillion over the next 10 years after interest on the borrowed money necessary to finance the bill is added. This is $1 trillion added to our national debt and $1 trillion we have to take away from our American workers in the future to pay off that debt. That is why the bill also raises the limit on the national debt to over $12 trillion. That is almost a $2 trillion increase in the national debt.

But $1 trillion of new debt is not the whole story. Many of the tax and spending provisions in this bill last only a few months or years. The President and many in Congress have promised to extend those provisions or even make them permanent. Obviously, that means the cost of the bill as written does not show the true cost of the changes it puts in place. In fact, in a letter sent yesterday, the Congressional Budget Office said that when you add in the cost of extending the programs the President has promised to extend, the total cost of the bill over the next 10 years is actually $2½ trillion. Add the interest on that $2½ trillion of new debt, and the bill will cost the taxpayer $3.3 trillion over the next 10 years. That is $3.3 trillion we will have to tax our children, my grandchildren and your grandchildren, and our neighbors.

It is true the conference report is a bit smaller than the House-passed bill, so those numbers will have to be figured again when the final language is available, but they are close enough to understand the massive size of this debt spending bill.

If all this new debt spending would actually fix the economy and create jobs, it might be worth it. But that is not what is going to happen. Even the Congressional Budget Office agrees with that. In another letter they sent yesterday, they said the bill will reduce—you heard me right—reduce GDP over the long term. They also estimated it will lower wages over the long term because Government spending now will take money away from productive use by the private sector later.

We cannot spend our way out of this crisis. The solution to the crisis that was created by too much debt is not more debt, and America cannot afford to waste several trillion dollars. If we really want to stimulate the economy, we need to focus our attention on tax cuts for individuals, investments, and businesses. We need to enact legislation that will have a direct and immediate impact. We need a bill that will create more jobs through targeted tax relief, not a bill that will spend money on programs that offer no immediate or long-term return to the American taxpayer. We could have done that on this bill, but the majority refused to work with the minority to craft a truly bipartisan bill. In all of Congress, there were only 3 members of the minority who supported this flawed spending

bill, and 3 out of 218 does not make this a bipartisan bill.

I hope the actual bill is made available with time for Senators and the American public to examine it before we vote. I cannot support the conference report that has been described by the House and Senate leadership, and I hope we can do better the next time.

I ask unanimous consent that the two letters from the Congressional Budget Office that I mentioned earlier be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 11, 2009.

Hon. PAUL RYAN,
Ranking Member, Committee on the Budget, House of Representatives, Washington, DC.

DEAR CONGRESSMAN, as you requested, the Congressional Budget Office and the Joint Committee on Taxation have estimated the impact of permanently extending more than 20 of the provisions contained in H.R. 1, the American Recovery and Reinvestment Act of 2009, as passed by the House of Representatives. As specified in H.R. 1 as passed, those provisions would either explicitly expire or would specify appropriations only for a limited number of years (usually 2009 and 2010).

CBO estimates that H.R. 1, as passed by the House of Representatives, would increase budget deficits by about $820 billion over the 2009–2019 period; we estimate that permanently extending the programs you identified would increase the cumulative deficit over that period by another $1.7 trillion (see attached table).

As you requested, the Congressional Budget Office has also estimated the costs of debt service that would result from enacting the bill with these extensions. Such costs are not included in CBO's cost estimates for individual pieces of legislation and are not counted for Congressional scorekeeping purposes for such legislation. If the specified provisions of H.R. 1 are continued, under CBO's current economic assumptions and assuming that none of the direct budgetary effects of the legislation are offset by future legislation, CBO estimates that enacting the bill would increase the government's interest costs by a total of about $745 billion over the 2009–2019 period.

I hope this information is helpful to you. If you would like further details about this estimate, the CBO staff contacts are Christi Hawley Anthony and Barry Blom.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

ESTIMATED COST OF EXTENDING CERTAIN PROVISIONS OF H.R. 1, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON JANUARY 28, 2009, AS SPECIFIED BY CONGRESSMEN RYAN AND CAMP

		(By fiscal year, in billions of dollars)—											
		2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Total, 2009–2019
Revenues:													
Making Work Pay Tax Credit	.....	0	0	−39	−56	−57	−58	−58	−58	−58	−58	−58	−498
Expansion of EITC	.....	0	0	0	−1	−1	−1	−1	−1	−1	−1	−1	−9
American Opportunity Education Tax Credit	.....	0	0	−1	−6	−6	−6	−6	−6	−6	−6	−6	−51
Renewable Energy Production Credit	.....	0	0	0	0	0	−1	−1	−2	−3	−4	−5	−15
UC Interaction with Health Care Coverage for the Unemployed	.....	0	0	*	*	*	*	*	*	*	*	*	3
Total, Revenues	.....	0	0	−40	−64	−64	−65	−66	−67	−68	−69	−69	−571
Direct Spending:													
Child Support Enforcement	BA	0	0	1	1	1	1	1	1	1	1	1	6
	OT	0	0	1	1	1	1	1	1	1	1	1	6
Medicaid for the Unemployed	BA	0	3	7	7	7	8	8	8	9	10	11	78
	OT	0	3	7	7	7	8	8	8	9	10	11	78
Health Care Coverage for the Unemployed under COBRA	BA	0	7	13	14	13	12	12	12	12	12	12	121
	OT	0	7	13	14	13	12	12	12	12	12	12	121
Medicaid FMAP Increase	BA	0	0	34	43	32	29	31	33	35	38	42	316
	OT	0	0	34	43	32	29	31	33	35	38	42	316
Increase in Funding for SNAP [1]	BA	0	5	8	9	10	12	11	11	11	11	11	99
	OT	0	5	8	9	10	12	11	11	11	11	11	99
Foster Care (part of FMAP increase)	BA	0	0	0	0	0	0	0	0	1	1	1	5
	OT	0	0	0	0	0	0	0	0	1	1	1	5
Increase in Funding for SSI Payments	BA	0	4	5	5	5	5	5	5	5	6	6	51
	OT	0	4	5	5	5	5	5	5	5	6	6	51
UC Interaction with Health Care Coverage for the Unemployed	BA	0	*	*	*	*	*	*	*	*	1	1	4
	OT	0	*	*	*	*	*	*	*	*	1	1	4
Making Work Pay Tax Credit	BA	0	0	1	18	18	18	18	18	18	18	18	144
	OT	0	0	1	18	18	18	18	18	18	18	18	144
Earned Income Tax Credit	BA	0	0	0	3	3	3	3	3	3	3	3	26
	OT	0	0	0	3	3	3	3	3	3	3	3	26
American Opportunity Education Tax Credit	BA	0	0	*	2	1	1	1	1	1	1	1	11
	OT	0	0	*	2	1	1	1	1	1	1	1	11
Subtotal, Direct Spending	BA	0	20	69	102	92	90	91	94	97	101	105	861
	OT	0	20	69	102	92	90	91	94	97	101	105	861
Discretionary Spending:													
Pell Grants and College Work Study [2]	BA	0	0	4	4	4	4	4	4	5	5	3	37
	OT	0	0	1	4	4	4	4	4	4	5	5	35
Head Start	BA	0	0	1	1	1	1	1	1	1	1	1	5
	OT	0	0	*	0	0	0	1	1	1	1	1	4
Early Head Start	BA	0	0	1	1	1	1	1	1	1	1	1	5
	OT	0	0	*	*	*	*	1	1	1	1	1	4
Title 1 Help for Disadvantaged Kids	BA	0	0	7	7	7	7	7	7	7	7	8	63
	OT	0	0	*	4	6	7	7	7	7	7	7	53
Education for Homeless Children & Youth	BA	0	0	*	*	*	*	*	*	*	*	*	*
	OT	0	0	*	*	*	*	*	*	*	*	*	*
IDEA Special Education [3]	BA	0	0	7	7	8	8	8	8	8	8	9	71
	OT	0	0	*	4	7	8	8	8	8	8	8	59
CCDBG	BA	0	0	1	1	1	1	1	1	1	1	1	10
	OT	0	0	*	1	1	1	1	1	1	1	1	9
NSF Employment in Science and Engineering	BA	0	3	3	3	3	3	3	3	3	3	3	28
	OT	0	*	2	2	2	3	3	3	3	3	3	24
NIH Funding for Biomedical Research	BA	0	3	3	3	4	4	4	4	4	4	4	36
	OT	0	*	2	3	3	3	4	4	4	4	4	30
Increased Funding for Prevention and Wellness [4]	BA	0	0	2	2	2	2	2	2	2	2	3	21
	OT	0	0	1	2	2	2	2	2	2	2	2	19
Increased Funding for Senior Nutrition	BA	0	0	*	*	*	*	*	*	*	*	*	1
	OT	0	0	*	*	*	*	*	*	*	*	*	1
Increased Funding for LIHEAP	BA	0	0	1	1	1	1	1	1	1	1	1	10
	OT	0	0	1	1	1	1	1	1	1	1	1	9
Expansion of Americorps	BA	0	*	*	*	*	*	*	*	*	*	*	2
	OT	0	*	*	*	*	*	*	*	*	*	*	2
Increase in Funding for State & Local Law Enforcement	BA	0	3	3	3	3	3	3	3	3	3	4	33
	OT	0	1	2	2	3	3	3	3	3	3	3	27
Subtotal, Discretionary Spending	BA	0	8	33	33	34	34	35	36	36	37	36	323
	OT	0	1	9	24	31	33	34	35	35	36	37	276
Total Increase in the Deficit from Extensions	.....	0	21	118	190	187	188	192	195	200	205	212	1,708
Increase in the Deficit from H.R. 1 as Passed	.....	170	356	175	49	26	24	11	*	1	3	4	820
Total Impact of H.R. 1 with Extension of Certain Provisions	.....	170	377	293	239	213	212	203	196	201	208	215	2,527

ESTIMATED COST OF EXTENDING CERTAIN PROVISIONS OF H.R. 1, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON JANUARY 28, 2009, AS SPECIFIED BY CONGRESSMEN RYAN AND CAMP—Continued

	(By fiscal year, in billions of dollars)—											
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Total, 2009–2019
Memorandum:												
Debt Service on H.R. 1 as Passed with Extensions	1	4	13	30	51	68	84	99	115	131	149	744

[1] H.R. 1 would increase the maximum SNAP benefit by 13.6% in 2009 and hold it steady until the impact of annual indexing has exceeded that increase. For this estimate, CBO assumed that the maximum benefit would increase by 13.6% in 2009 and that benefits would be indexed annually from this new, higher base.

[2] Includes CBO's estimate of the cost of raising the maximum award for the Pell Grant Program from $4,241 under current law to $4,860 under H.R. 1. In addition, this estimate inflates the level of budget authority appropriated for the College Work Study Program in 2011.

[3] Includes higher funding for infants and special education.

[4] Assumes the level of funding provided in 2009 will be provided in each year, adjusted for inflation, beyond 2010.

Notes: EITC = Earned Income Tax Credit; COBRA = Consolidated Omnibus Budget Reconciliation Act; FMAP = Federal Medical Assistance Percentage; SSI = Supplemental Security Income; IDEA = Individuals with Disabilities Education Act; CCDBG = Child Care Development Block Grant; NSF = National Science Foundation; NIH = National Institutes of Health; LIHEAP = Low Income Home Energy Assistance Program; SNAP = Supplemental Nutrition Assistance Program; UC = Unemployment Compensation; BA = Budget Authority; OT = Outlays; * = less than $500 million.

Sources: Congressional Budget Office and Joint Committee on Taxation.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 11, 2009.

Hon. JUDD GREGG,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR: At your request, the Congressional Budget Office (CBO) has prepared a year-by-year analysis of the economic effects of pending stimulus legislation. This analysis is based on an average of the effects of two versions of H.R. 1—as passed by the House and as passed by the Senate. (The economic effects of those two bills are broadly similar.)

SHORT-RUN EFFECTS

The macroeconomic impacts of any economic stimulus program are very uncertain. Economic theories differ in their predictions about the effectiveness of stimulus. Furthermore, large fiscal stimulus is rarely attempted, so it is difficult to distinguish among alternative estimates of how large the macroeconomic effects would be. For those reasons, some economists remain skeptical that there would be any significant effects, while others expect very large ones.

CBO has developed a range of estimates of the effects of stimulus legislation on gross domestic product (GDP) and employment that encompasses a majority of economists' views. By CBO's estimation, in the short run the stimulus legislation would raise GDP and increase employment by adding to aggregate demand and thereby boosting the utilization of labor and capital that would otherwise be unused because the economy is in recession. Most of the budgetary effects of the legislation would occur over the next few years, and as those effects diminished the short-run impact on the economy would fade.

LONG-RUN EFFECTS

In the long run, the economy produces close to its potential output on average, and that potential level is determined by the stock of productive capital, the supply of labor, and productivity. Short-run stimulative policies can affect long-run output by influencing those three factors, although such effects would generally be smaller than the short-run impact of those policies on demand.

In contrast to its positive near-term macroeconomic effects, the legislation would reduce output slightly in the long run, CBO estimates, as would other similar proposals. The principal channel for this effect is that the legislation would result in an increase in government debt. To the extent that people hold their wealth as government bonds rather than in a form that can be used to finance private investment, the increased debt would tend to reduce the stock of productive private capital. In economic parlance, the debt would ''crowd out'' private investment. (Crowding out is unlikely to occur in the short run under current conditions, because most firms are lowering investment in response to reduced demand, which stimulus can offset in part.) CBO's basic assumption is that, in the long run, each dollar of additional debt crowds out about a third of a dollar's worth of private domestic capital (with the remainder of the rise in debt offset by increases in private saving and inflows of foreign capital). Because of uncertainty about the degree of crowding out, however, CBO has incorporated both more and less crowding out into its range of estimates of the long-run effects of the stimulus legislation.

The crowding-out effect would be offset somewhat by other factors. Some of the legislation's provisions, such as funding for improvements to roads and highways, might add to the economy's potential output in much the same way that private capital investment does. Other provisions, such as funding for grants to increase access to college education, could raise long-term productivity by enhancing people's skills. And some provisions would create incentives for increased private investment. According to CBO's estimates, provisions that could add to long-term output account for between one-fifth and one-quarter of the legislation's budgetary cost.

The effect of individual provisions could vary greatly. For example, increased spending for basic research and education might affect output only after a number of years, but once those investments began to boost GDP, they might pay off over more years than would the average investment in physical capital (in economic terms, they have a low rate of depreciation). Therefore, in any one year, their contribution to output might be less than that of the average private investment, even if their overall contribution to productivity over their lifetime was just as high. Moreover, although some carefully chosen government investments might be as productive as private investment, other government projects would probably fall well short of that benchmark, particularly in an environment in which rapid spending is a significant goal. The response of state and local governments that received federal stimulus grants would also affect their long-run impact; those governments might apply some of that money to investments they would have carried out anyway, thus lowering the long-run economic return on those grants. In order to encompass a wide range of potential effects, CBO used two assumptions in developing its estimates: first, that all of the relevant investments together would, on average, add as much to output as would a comparable amount of private investment, and second, that they would, on average, not add to output at all.

In principle, the legislation's long-run impact on output also would depend on whether it permanently changed incentives to work or save. However, according to CBO's estimates, the legislation would not have any significant permanent effects on those incentives.

NET EFFECTS ON OUTPUT AND EMPLOYMENT

Taking all of the short- and long-run effects into account, CBO estimates that the legislation implies an increase in GDP relative to the agency's baseline forecast of between 1.4 percent and 3.8 percent by the fourth quarter of 2009, between 1.1 percent and 3.3 percent by the fourth quarter of 2010, between 0.4 percent and 1.3 percent by the fourth quarter of 2011, and declining amounts in later years (see Table 1). Beyond 2014, the legislation is estimated to reduce GDP by between zero and 0.2 percent. This long-run effect is slightly smaller than CBO estimated in its preliminary analysis of the Senate stimulus legislation last week due to refinements in our methodology.

Correspondingly, the legislation would increase employment by 0.8 million to 2.3 million by the fourth quarter of 2009, by 1.2 million to 3.6 million by the fourth quarter of 2010, by 0.6 million to 1.9 million by the fourth quarter of 2011, and by declining numbers in later years. The effect on employment is never estimated to be negative, despite lower GDP in later years, because CBO expects that the U.S. labor market will be at nearly full employment in the long run. The reduction in GDP is therefore estimated to be reflected in lower wages rather than lower employment, as workers will be less productive because the capital stock is smaller.

I hope this information is helpful to you. If you have any further questions, I would be glad to answer them. The staff contacts for the analysis are Ben Page and Robert Arnold, who may be reached at (202) 226–2750.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

TABLE 1.—ESTIMATED MACROECONOMIC IMPACTS OF A STIMULUS PACKAGE (AVERAGE OF HOUSE-PASSED AND SENATE-PASSED VERSIONS OF H.R.1), FOURTH QUARTERS OF CALENDAR YEARS 2009 THROUGH 2019

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Real GDP (Percentage change from baseline):											
Low estimate of effect of plan	1.4	1.1	0.4	0.1	0.0	−0.1	−0.2	−0.2	−0.2	−0.2	−0.2
High estimate of effect of plan	3.8	3.3	1.3	0.7	0.4	0.3	0.0	0.0	0.0	0.0	0.0
GDP Gap [1] (Percent):											
Baseline	−7.4	−6.3	−4.1	−2.2	−0.7	−0.1	0.0	0.0	0.0	0.0	0.0
Low estimate of effect of plan	−6.2	−5.3	−3.7	−2.0	−0.6	−0.1	0.0	0.0	0.0	0.0	0.0
High estimate of effect of plan	−3.9	−3.2	−2.9	−1.7	−0.4	0.0	0.0	0.0	0.0	0.0	0.0
Unemployment Rate (Percent):											
Baseline	9.0	8.7	7.5	6.4	5.5	5.0	4.8	4.8	4.8	4.8	4.8
Low estimate of effect of plan	8.5	8.1	7.2	6.3	5.4	5.0	4.8	4.8	4.8	4.8	4.8
High estimate of effect of plan	7.7	6.8	6.5	6.0	5.3	4.9	4.8	4.8	4.8	4.8	4.8
Employment (Millions of jobs):											
Baseline	141.6	143.3	146.2	149.3	152.1	153.9	154.9	155.7	156.4	157.0	157.7
Low estimate of effect of plan	142.4	144.5	146.8	149.6	152.2	154.0	154.9	155.7	156.4	157.0	157.7
High estimate of effect of plan	143.9	146.9	148.1	150.1	152.5	154.2	154.9	155.7	156.4	157.0	157.7

[1] Real GDP is gross domestic product, excluding the effects of inflation. The GDP gap is the percentage difference between gross domestic product and CBO's estimate of potential GDP. Potential GDP is the estimated level of output that corresponds to a high level of resource—labor and capital—use. A negative gap indicates a high unemployment rate and low utilization rates for plant and equipment.

Source: Congressional Budget Office.

Mr. BUNNING. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Hampshire is recognized.

STIMULUS PACKAGE

Mrs. SHAHEEN. Mr. President, I rise today in support of the economic recovery package on which we will soon vote. We are in the midst of the most severe recession since the Great Depression. Families and small businesses across this country and in my home State of New Hampshire are hurting. As a former Governor and small business owner, I know it is business and not government that creates jobs and drives new ideas and innovation. But I believe government has a vital role to play in helping business create jobs, especially in these very difficult economic times.

These are very difficult economic times. New Hampshire is a small State. We have just over 1.3 million people. Yet, in December alone, nearly 73,000 weekly claims were filed for unemployment compensation. As you can see on this chart, that is more than double the number of unemployment claims of a year ago and almost triple what the unemployment claims were 2 years ago. Nationally, we lost almost 600,000 jobs in January alone. We are shedding jobs at an alarmingly fast rate in New Hampshire and across this country. That is why it is critical that we pass a robust economic recovery package and that we do it immediately.

The economic recovery bill we are going to vote on is not perfect. I would have preferred more investment for roads and bridges, for water treatment plants, for K–12 and higher education buildings. Over the past year in New Hampshire, we lost almost 10 percent of our construction jobs, and investing in infrastructure creates good-paying construction jobs now, with the money earned by these workers generating a multiplier effect of economic activity so that it strengthens our economy, not just now but in the future. If it were up to me alone, we would be investing more heavily in infrastructure. But, as President Obama said the other day, we cannot let the perfect be the enemy of the good.

This economic recovery bill is good. For example, with this bill, over $132 million in highway funding will come to New Hampshire for road and bridge construction. Monday, I toured the construction site for a long planned access road to our major airport in New Hampshire, the Manchester-Boston Regional Airport. The highway funding in this economic recovery package will expedite the completion of that access road to our major airport in Manchester. It will create 1,000 construction jobs, and it will unleash the full potential of the Manchester Airport.

Almost $60 million will come to New Hampshire for water and wastewater treatment plants. That will create good construction jobs. It will enable cities and towns to move forward with long overdue projects.

The economic recovery package will also help small businesses obtain the financing they need to retain and create good jobs. This is critically important in New Hampshire, where 94 percent of our businesses have fewer than 100 employees, yet they employ half of the State's workforce.

The credit crunch has hit small businesses particularly hard. By temporarily waiving the Small Business Administration fees and increasing the loan guarantee cap, this economic recovery package is estimated to stimulate up to $20 billion in small business loans.

We may need to do more in the coming months to help small businesses access the working capital they need to survive during the recession. Too many small businesses today are relying on credit cards and they are paying exorbitant interest rates to obtain working capital. As a member of the Small Business Committee, I will be vigilant at monitoring whether the actions we are taking now in this economic package are sufficient to provide small businesses with access to financing.

This economic package will also put us on the path to energy independence by doubling our renewable energy-generating capacity over the next 3 years. By passing this legislation, we will make it possible for great projects across the country to get up and running.

I had the opportunity to talk to some people behind one of those projects in our capital city of Concord, NH. A company called Concord Steam has a fully permitted 20-megawatt biomass plant that is ready to go right now. Their challenge is getting the financing they need. If they are able to go forward, this combined heat and power plant will be built on a restored brownfields site. It will employ over 100 construction workers for the next year and a half, and it will create 25 permanent jobs at the plant. Because its fuel will be New Hampshire forest waste, this renewable powerplant will also create about 100 jobs in the timber industry. This project will benefit every single American because the steam heat and power that it produces will displace 12 million gallons of foreign oil each year.

We need to pass this economic recovery package, not only because it will put people back to work and lay a foundation for long-term economic growth but also because we need to restore confidence in our economy. The American people have always risen to meet every challenge. They need to see their Government is ready to meet this economic challenge as well.

I urge my colleagues to join me in voting for this economic recovery package and doing it as soon as possible.

I suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

200TH ANNIVERSARY OF PRESIDENT LINCOLN'S BIRTH

Mr. BROWN. Mr. President, today, as we all know, if we read the papers, we celebrated the 200th anniversary of Abraham Lincoln's birth. Our Nation's 16th President is remembered and celebrated, of course, for his many accomplishments that shaped our Nation.

Most of us recall hearing about the Lincoln-Douglas debates in 1858, a series of debates between the two Senate candidates over the issues of slavery, and how that led to the 1860 Presidential election.

President Lincoln is celebrated for signing the Emancipation Proclamation, the beginning of the end to slavery. All of us remember learning in grade school, some of us failing to perhaps memorize it, but learning of the Gettysburg Address, the prophetic words to a nation in turmoil that a ''government of the people, by the people, and for the people, shall not perish from the earth.''

One of the great places to go in Washington, DC, on a hot summer night is to sit on the marble floor at the Lincoln Memorial and read the Gettysburg Address on one side, then turn around and walk over and read perhaps Lincoln's greatest speech, in my opinion, the second inaugural address: With charity for all, with malice toward none, and all that he said in the second inaugural.

We often remember elements of his legacy but sometimes forget the world view that drove his actions. Lincoln's fight for social and economic justice changed the face of our Nation forever. His fight for economic justice, his fight to ensure that work is rewarded and that wealth accrues to those who produce it, has also changed the face of our Nation.

He forged a path toward prosperity, shared rather than hoarded, a path toward economic opportunity, rather than economic stratification.

President Lincoln knew then what so many of us are reminded of today. That is one reason we celebrate him the way we do, not just his 200th birthday but what he stood for, and especially in light of today's economy. He knew that a nation with the economic priorities skewed toward the wealthiest citizens is a nation with a fragile foundation.

One of my favorite Lincoln quotes:

> It has so happened in all ages of the world, that some have laboured and others have, without labour, enjoyed a huge proportion of the fruits. This is wrong, and should not continue.

President Lincoln could stand before this Chamber and deliver those same words and find equal resonance within the these walls and in the homes of middle-class families in the Presiding Officer's State of Colorado, and my home State of Ohio.

President Lincoln's commitment to economic opportunity for America's workers was a tenet of what he stood for from his early days in the State legislature, in Springfield, IL, all the way to his final days in the White House.

Those efforts were amplified through the fight against slavery, the hallmark of his legacy, which was founded on a fight for economic opportunity, opportunity for all.

President Lincoln saw the fight for our Nation's workers, all workers, as a moral, a political, and an economic issue, one that put the Nation on a new path to prosperity and opportunity. Lincoln, in effect, fought for what we would today call the American dream. Americans who work hard, play by the rules, should get the opportunity and will get ahead.

While he may have not have said it in so many words, he may have not have used the term American dream, he may not have mentioned the framework ''work hard and play by the rules,'' he was laying the groundwork for the creation of our Nation's middle class.

He applied his philosophy that ''labor is the true standard of value'' and that workers should be justly rewarded for their labor. President Lincoln saw Government as a catalyst that could propel the son of a farmer or a tradesman to a better life, to greater economic stability. He believed that Government investment in public works projects created jobs for millions of Americans, and history has shown him right—projects such as the transcontinental railroad, the Morrill Act to create land grants for colleges, and the building of canals through much of what was then the United States.

It was the same philosophy championed by Franklin Delano Roosevelt some 70 years later on behalf of a nation in turmoil. Once again, the economic might of our Government was harnessed to promote public works projects, to create jobs, and to create economic prosperity.

President Roosevelt's New Deal projects led to the construction of electricity-generating dams—I know what it did in the Presiding Officer's part of the country—in schools, in hospitals, in highways and bridges.

The WPA, the Works Progress Administration, was responsible for putting millions of Americans back to work to support their families, back on the path to the American dream. Our Nation once again faces chronically uncertain economic times. During the last 8 years, the wealthiest 1 percent of our Nation got wealthier and wealthier. Most of the rest of America saw their wages stagnate. Yet the 1 percent got the hugest tax breaks. Middle-class families, the backbone of our Nation, saw their income stagnate, their jobs disappear, their health care costs rise, and sometimes their health care itself evaporate, their energy costs rise, their homes go into foreclosure, their retirement security vanish.

Productivity rose and real wages declined. You would think in the history of this country, in the postwar years especially, when productivity went up, when workers were more productive, their wages kept up. During the Bush administration, that was truncated, where prosperity continued to go up, but wages flattened and the workers simply did not share in the wealth they created.

That would so violate the spirit of Abraham Lincoln and so run counter to what he said about labor and about workers. Let me read that line again: It has so happened in all ages of the world, that some have laboured and others have, without labour, enjoyed a huge proportion of the fruits. This is wrong, and should not continue.

Our Government's priorities in the last few years were focused on enabling the wealthiest Americans to accrue more wealth, not focused on ensuring that hard work would enable middle-class families to thrive. Lincoln knew better. Roosevelt knew better. And we know better. That is why what we are doing this week is so important. We are walking away from priorities that undervalue Main Street, Lima, OH, Main Street, Akron, OH, Main Street, Mansfield, OH, and overvalue Wall Street. We are walking away from priorities that undervalue Main Street and overvalue Wall Street.

We are focusing on making sure that there are jobs to be had, and that Americans who work hard and play by the rules are rewarded for doing those jobs and renewing American prosperity by rebuilding its infrastructure, an infrastructure that has been starved by a war in Iraq, and starved by tax cuts going overwhelmingly to the wealthy. We are investing in public works projects because we know that the path carved out by President Lincoln, expanded by President Roosevelt, and now the one we follow along with President Obama, is the right path for job creation. It is the right path for our Nation's economy and our Nation's workers. It is the right path to the American dream.

Abraham Lincoln, first and foremost, believed in American workers. He believed in American businesses. He believed in America itself. This economic recovery package is an investment in our great country, it is a fitting way to mark President Lincoln's birthday. I think he would have been proud.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. ALEXANDER. I ask unanimous consent that I be allowed to lead a colloquy among my colleagues for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STIMULUS PACKAGE

Mr. ALEXANDER. Mr. President, the stimulus bill is the subject of discussion. There are some things we know about it and some we don't. We know, for example, it is a massive amount of money, almost $800 billion. These are numbers we throw around. But according to the Politico newspaper last month, this is more than we spent on Iraq, more than we spent on Afghanistan, more than we spent going to the Moon in today's dollars, and more than the Federal Government spent in the entire New Deal in today's dollars. It's a massive amount of money. It is not like some of the money we were authorizing to be spent in October and November, when we were giving the Department of the Treasury, in effect, a line of credit to help financial institutions begin to lend again so people could get auto loans. This is money we are spending. It goes out the door. We have to pay it back. It adds to the national debt. It took from the founding of our country all the way to the late 1970s to accumulate a national debt as large as the amount of money we are spending in this bill. We have been moving rapidly on this legislation. It is not only spending. The amount of money spent for education is such that it may be the largest Federal education bill we have ever passed in terms of dollars. The amount of money spent for energy is enough that it will be one of the largest Energy bills. The amount of money spent for Medicaid in the House and Senate bills, nearly $90 billion over 2 years to the States, may completely distort the discussion we are about to have on national health care policy. These are all topics that normally we would take weeks to consider.

For example, if we are going to add $40 billion to a Department of Education that only spends $68 billion today, we would ask the question: $40 billion for more of the same, or do we have some better ideas about how we might reward outstanding teachers or give teachers more discretion or parents more choices of schools?

I ask the assistant Republican leader from Arizona, this is one of the most important, massive bills. Republicans want a stimulus package. We have made clear we think we ought to start by fixing housing first, letting people keep more of their own money, and confining the spending to only those projects that create jobs.

I ask the Senator from Arizona, where are we? Has he had an opportunity to read the legislation to know how much is being spent, how much is actually targeted for jobs, and how temporary that targeting might be?

Mr. KYL. Mr. President, we do not know yet. I received an e-mail that said the Speaker of the House would be holding a press conference sometime in about an hour. I assume that, therefore, by then they will actually have produced the bill, that there will actually be a bill she can then share with her colleagues in the House and then would come over here and we could begin to read as well.

The answer to the first question is, despite all the discussion, we don't know yet exactly what is in it, how much it is, and what the long-term consequences will be. We do know from news media that certain things in the bill that passed the Senate have been changed. We are also told the basic amount is somewhere in the neighborhood of $20 or $30 billion less than the House-passed bill. If that is true, we can make some rough guesses. I will be happy to share what the Congressional Budget Office says about those guesses about future amounts of money.

If I may indulge by setting one bit of background first, when the Congressional Budget Office, the nonpartisan staff for the Congress, develops their cost estimates, they base it on what the language of the bill is and how the bill needs to work in the future. They always provide us with a 10-year cost. That is particularly important because we hear about the cost of the bill, and we assume that is all there is. The truth is, there is a lot of cost that isn't calculated into the bill. When we hear about a bill that is $790 billion or $820 billion, that is not the true cost.

I will give an example. One of the programs in the bill expands Medicaid. It is called the FMAP increase in Medicaid. That went through the Finance Committee. For about 25 years, they calculate the cost of expanding the eligibility for Medicaid. Then they simply assume, because the cost was getting to be too big, that it stops at that point. For the rest of the 5 years for the 10-year total, in effect, the program goes away. Everybody knows the program is not going away. One program that is not going away is Medicaid. The eligible people on Medicaid are not going to suddenly be wiped off the program. Obviously, Congress will continue the program. What CBO had to do is calculate not only the first-year cost or the 5-year cost but what will it cost over 10 years. They have done the same thing with Head Start, Early Head Start, title I education—incidentally, there is something about all these programs; they do not in any way create jobs or stimulate economic growth, as they are social programs deemed to be a good thing but having nothing to do with stimulus—the LIHEAP program, the National Institutes of Health, COBRA insurance coverage, Medicaid, and other programs.

What CBO did was to take the House bill and calculate the true cost over the 10-year period. When one does that, it jumps from $820 billion to over $2.5 trillion. Then add in the interest payments on that amount which are about $744 billion. The total deficit impact, then, over the 10-year period would be $3.27 trillion. Assume that the bill might be slightly less expensive than what CBO is estimating, it is still, obviously, going to be in the neighborhood of $3 trillion over 10 years.

It is important to look at expenses over an extended period because, as the Senator noted, this is borrowed money. This is not money we have today. We are borrowing it. Therefore, the long-term consequences of that borrowing are important. What the CBO also said was that by the 10th year, we are actually going to be creating negative economic growth. The GDP will grow by between .1 and .3 of a percent less in the year 2019 than it would if we hadn't even passed this bill.

I compare it to kids eating sugar. They get a sugar high. They have all kinds of energy for a while. But when they crash, we have seen what that can be. While some of this might be stimulative early on, once the sugar high is gone, we are going to be left with the longer term consequences. Over this 10-year period the CBO has to calculate, we are talking about getting into negative economic growth, over $3 trillion in cost.

The question is, At that point, what is that going to do to our economy? I don't think anybody can say it is good news. But it is the kind of thing we have been talking about, to think about the long-term consequences of what we are doing. If one is gambling with a couple hundred million, that is one thing. Start gambling with $3 trillion, one better be right. I don't think anybody can say, with any degree of certainty, that what is in this legislation we can doggone guarantee is going to work and be worth the expenditure.

Mr. ALEXANDER. As I listen to the Senator, what occurs to me is, we have some laws about truth in labeling, truth in packaging. This bill wouldn't meet any definition I have ever seen. The whole argument for this legislation is, we are in an economic downturn. We Republicans know that. Americans are hurting. We feel that too. So we thought, what can we do to help make a difference? The thought was, fix housing first. We suggested lower interest rate mortgages. We suggested, with the leadership of Senator ISAKSON, a $15,000 tax credit for home buyers for the next 2 years to create more demand to stabilize home values. Those ideas would have been actually stimulative. But most of the legislation the Senator from Arizona talks about is very different. Medicaid would come up in the regular appropriations process.

As I am thinking about it, what has the Senator heard about one of the aspects of this bill that would be actually stimulative, the one I mentioned, Senator ISAKSON's proposal for a tax credit of $15,000 for home buyers, so that if they bought a home, they would get $15,000 off their taxes, cash in their pocket, as a way of stimulating the market? Is that in the compromise legislation?

Mr. KYL. Mr. President, I say to my colleague, obviously, we don't know because we haven't read it. But what my staff believes, from contact they have had with other staff, is that in order to make room for a bunch of other spending, that incentive program has been slashed. The amount of money has at least been cut in half. The people eligible to take advantage of it have been narrowed to first-time home buyers. There would be an income cap. I think now that CBO would score that somewhere in the neighborhood of about $2 billion, meaning that the impact of it on the economy could not be particularly significant.

May I mention one other thing, because it reminded me of another idea that we had. We had a lot of good ideas because we wanted to make sure this would work. We mentioned, several of us, the fact that 80 percent of the jobs are created by small business. So we looked in the bill to see where the relief would be targeted to small businesses to encourage them to hire more folks. When we finally found what was in there, it amounted to .8 of 1 percent of all of tax provisions in here that could be utilized by small business, hiring 80 percent of the jobs. Only .8 of 1 percent of the bill is dedicated to those kind of businesses as tax relief.

So when we talk about targeted, well, our idea of targeting relief obviously does not comport with the authors of the bill, and that is another one of the real questions and concerns we have about this legislation.

Mr. ALEXANDER. Mr. President, if I could ask the Senator from Arizona one more question.

Over the last couple days, we have heard testimony from the Secretary of Treasury about the importance of moving now to help strengthen financial institutions so they can lend money, so people can buy cars, buy homes, send their kids to college. We have heard about the importance of the housing plan that is coming. We have heard numbers of $1 trillion, $2.5 trillion. We have had testimony from experts outside the administration who have estimated that the so-called bad bank option for taking toxic assets out of banks might need $2 trillion and that we ought to capitalize that bank at several hundred billion dollars.

I ask the Senator, is it possible, if we spend the whole piggy bank on this so-called stimulus package, we will not have the dollars left to get the economy moving again by fixing housing and strengthening our financial institutions?

Mr. KYL. Mr. President, I say to the Senator from Tennessee, a friend of mine has a saying that probably applies here: You broke the code. That is one of the big problems. We know we are going to need a massive amount of money to deal with the housing problem and to deal with the credit problem so when you go to the bank, they will have money to lend to you.

Because this so-called stimulus bill is taking so much borrowed money—well over a trillion dollars just in the first 2 years; $3 trillion over 10 years—there is a real question about how much money we can afford to spend on these other things that, as you note, are absolutely critical. There will come a point in time when the people who buy U.S. debt—primarily foreign governments and foreign entities now—are going to believe we are so heavily in debt they are not going to trust our debt or be willing to give us as good a rate on that debt, the result of which there will come a tipping point when we cannot afford to borrow anymore. By, in effect, wasting a lot of it on this stimulus bill, I think the Senator's question is exactly on point: Will we have what is necessary when the real time comes?

If I could finish with an analogy. Some of my friends on the other side have said: Well, when the house is on fire, you just go put it out. You don't worry about how much water it takes or whatever. Well, that is fine, unless the fire is going to spread to the second house and the third house and the fourth house. You better not waste all your water on the first house. That is the essence of the question from the Senator from Tennessee, and I think it is a very good point. I thank him.

Mr. ALEXANDER. Or to put it another way: Don't dump the water out on the street and fertilize the field if you need to throw it on the house.

Mr. KYL. Right.

Mr. ALEXANDER. We have a limited amount of water, a limited amount of money. I note the Senator from Arizona as well as I both voted to give President Obama the money he needed to work on housing and to work on financial institutions, and we may have to do it again. So it is not just a matter of saying no to proposals; it is a matter of being greatly disappointed this legislation is not targeted, is not temporary.

The Senator from Wyoming is in the Chamber. He has been an outstanding spokesman on the importance of the stimulus legislation, how to fashion that. I ask the Senator from Wyoming, as he looks at this legislation—and I know we have not yet seen the entire compromise—but how satisfied is he the legislation focuses on the problem that will actually create new jobs for Americans in a short period of time?

Mr. BARRASSO. Well, Mr. President, that is my biggest concern. I make a point of getting home to Wyoming every weekend. I have been to Wyoming just last weekend and the weekend before that and the weekend before that and this is what the people of Wyoming want to know. Is this money going to be well spent? Are they going to get value for their taxpayer dollars?

Similar to the other Members of this body, I have not yet seen a copy of the final proposal. But I think the answer, from what I see of the little snippets, is the value is not there for taxpayers. In today's Investor's Business Daily there is a front-page story, and the headline is ''Stimulus Bill Funds Programs Deemed 'Ineffective' by OMB''—the Office of Management and Budget. Stimulus bill funds programs deemed ineffective.

Well, if they are going to be ineffective at stimulating the economy, my question is: Why are they in a stimulus bill? The people at home get it right. This past Saturday I was at a Boys & Girls Clubs function. We had 700 people trying to help our Positive Place For Kids in the community, and many of them talked to me about this and said: We want to help. We want a program that will succeed. We need a program that will help our Nation and will help our economy. But they say, every dollar you put into this that is not really targeted and timely—and then, of course, temporary—every dollar that is spent that is not stimulating the economy is an extra dollar we or our kids or our grandkids are going to owe to people from around the world—owe to the Chinese, owe to others—and that is not the way to have a strong economy for our Nation.

Mr. ALEXANDER. Mr. President, I wonder if I might ask the Senator, he has been especially effective as a spokesman for the importance of fixing housing first. Many of us, especially on this side, believe housing got us into this mess and helping housing restart will get us out of the mess. Can you explain why there seems to be, in a nearly $1 trillion bill, so little focus on housing?

Mr. BARRASSO. Well, I think they did not focus where they should have put the focus, which is where we got into the problem in the first place and that was housing. I believe this body said unanimously we need to fix housing first, and we put in a significant amount of money: a $15,000 tax credit, tax relief for people who buy a house, to get the economy moving in the area that got us into the problem in the first place. Then—while we have not seen the bill yet—that has been stripped away, I understand, in this new compromise between the House and the Senate, and they have taken billions out of it, to a very small number, where it is $8,000 for certain, limited numbers of first-time home buyers.

So there is a significant decrease in dealing with housing. But there is money in for all sorts of other things that will not effectively help our economy, and that is what I have trouble with. I am looking for something I can support, can vote for. President Clinton's economic adviser, Alice Rivlin, said there should be something much smaller, something that is targeted at the problem. Because, to me, this seems rushed. We are making rushed judgments on energy, education, health care that, to me, do not belong in a stimulus package. We should be focused on what got us into the problem in the first place. That, to me, is housing.

So we can go on about other problems I see with this legislation. People all say to me: Hey, how are you going to judge success? I say: Well, the American people are going to judge success. They will be the ones to decide whether this will be a successful program. If people believe things are working and the Government is working for them, then terrific. But if the people of America feel the burden of this whole package—the burden is on them with inflation, with increased taxes, with less buying power, with more Government rules—well, then, the people of America will judge this to not be a successful package.

But whether it is throwing water on a fire or breaking the piggy bank, the people of Wyoming think of this as we are using so much money, we are shooting all our bullets at once, and we are not going to have any ammunition left over if we have to come after this again.

Mr. ALEXANDER. Mr. President, I thank the Senator from Wyoming for his leadership, especially as a spokesman on the importance of fixing housing first, which we believe the American people have gotten that message, but apparently the majority writing this bill has not gotten that message.

The Senator from South Dakota has arrived. He is vice chairman of the Republican conference, one of the leaders, too, in this debate. I have heard him speak about the importance of this legislation for stimulus being temporary and targeted. Actually, to give credit where credit is due, I believe we borrowed that phrase from the Speaker of the House, who said last year that stimulus packages, programs to create jobs for the American people, should meet the test of temporary, timely, and targeted.

I ask the Senator from South Dakota, specifically in light of the McCain amendment, which was offered—which you may want to describe—whether he looks at this compromise which is coming our way as temporary, timely, and targeted on the problem of creating jobs for Americans?

Mr. THUNE. Mr. President, I appreciate the Senator from Tennessee yielding and the comments of my colleague from Wyoming in focusing this debate where it should be, on things that are actually stimulus, that actually do create jobs in the economy, that actually do stimulate the economy and create growth and economic opportunity for more Americans.

I would say to my colleague from Tennessee that there are lots of things about this bill that do not meet that criteria, that do not meet that definition. You used the phrase ''timely, targeted, and temporary.'' I would argue that much of the substance of this bill is much different than that. In fact, it is slow, it is unfocused, and it is unending.

Again, we do not know exactly what is in it, unfortunately, because we have yet to see the bill. All we know is it is going to be somewhere in the neighborhood of $800 billion in face amount. When you add in the interest to that—some $350 billion—you are talking about almost $1.2 trillion in obligations we are handing off to future generations.

I think whenever you talk about that, you need to make sure you are understanding what you are getting for that amount of investment and what that means to future generations. For example, a lot of people do not realize or think about the debt we have today. The gross Federal debt is $10.7 trillion. Now, that means that every man, woman, and child in the United States owes approximately $35,000. That is their personal part of the Federal debt. CBO projects the fiscal year 2009 deficit to be $1.2 trillion before—before—any additional stimulus measures are considered. So when you start adding that in, the deficit as a percentage of our gross domestic product will be 10 percent, which is the highest level—the last time we saw that kind of a deficit-to-GDP ratio was back in 1945 when it was 8 percent. That is the amount of debt we are talking about.

I heard my colleague from Tennessee say before that this generation of Americans will be the first generation of Americans who will not have the same standard of living as their parents. If you think about what we are doing, we are making matters much worse. We have a lot of young people out there who do not have a voice in this debate. I would characterize them as the ''silent generation'' who are not going to be heard. Somebody needs to be their voice in this debate too. Somebody needs to bring some rhyme or reason to what is happening here and hope we can get something reasonable passed through the Senate that is focused on job creation, that is temporary, that is targeted, that is timely—all the things we have talked about should be but this bill is not.

Mr. ALEXANDER. Mr. President, if I could ask the Senator from South Dakota: As I recall, Senator MCCAIN offered one amendment which almost all of us voted for, which was very targeted and cost about $400 billion, but he also offered another amendment which would have guaranteed that whatever was passed actually be temporary.

Mr. THUNE. Yes, that is correct. We had an opportunity to vote on a number of alternatives. The McCain alternative, which you and I both supported, was one that, in my judgment, made a lot of sense because it got you about twice the effectiveness, twice the job creation, at half the cost.

It was focused, as you mentioned earlier, and as our colleague from Wyoming mentioned, on the central issue of housing, which is so critical to bringing our economy back on a pathway to recovery. It also focused on tax relief for middle-income Americans and for small businesses which are responsible for creating most of the jobs in this country. It had an appropriate focus on infrastructure, which many of us agree is an area that can create jobs. It also had a trigger in there, a hard trigger that said when you have two consecutive quarters of economic growth, the spending would cease or would terminate. In other words, when we start to get our way out of the recession, we would actually bring some fiscal responsibility to this debate.

What troubles me about where we are going with this particular bill right now is it does not have that. In fact, much of the spending in here is long term and extends well beyond the so-called period we are looking at in terms of getting some stimulus into the economy. Many of the commitments that are made, many of the obligations will be obligations we are going to experience for months and years to come. Much of the spending in the bill is on what we call mandatory spending; in other words, spending that will be factored into the baseline and that we are going to be responsible for going into the future.

Senator MCCAIN's amendment would have addressed that issue. It would have brought some fiscal responsibility to this proposal. Unfortunately, it was defeated. But that being said, there are lots of things in here that still I think the average American, when they look at this, they will wonder: What is Washington doing, and why are they spending money on these sorts of things?

I am looking here at another proposal: $750 million for the replacement of the Social Security Administration's National Computer Center. Now, that is almost a billion dollars we are talking about, and you have to ask the question: What does this do to create jobs? How is it that this in any way stimulates anything other than perhaps some jobs in a government agency in Washington, DC? We have $2.5 billion to turn Federal buildings into

green buildings; $1 billion for the U.S. Census; $850 million in new subsidies for Amtrak; $650 million in additional funds for digital TV conversion boxes; $645 million for new and repaired facilities at the National Oceanic and Atmospheric Administration; $448 million for the headquarters of the Department of Homeland Security in Washington; $300 million for new cars for government workers; $228 million to the State Department for information technology upgrades; $125 million for the Washington, DC, sewer system; $20 million for the removal of fish barriers. These are all things that are included. I forgot this one: $3 million tax benefit for golf carts, electric motorcycles, and ATVs, provided they don't exceed 25 miles per hour. These are all things that are in this legislation, and I think it would be very hard to convince the majority of the American people these have anything to do with stimulus.

Furthermore, as the Senator from Tennessee has very appropriately pointed out on many occasions, with some of the spending in here, what the States are asking for in terms of assistance—because many of them have shortfalls in their budget. My State is an example of Medicaid now constituting a bigger portion of our State's budget. It was 15.83 percent of the State's budget in 2000, and in 2008 it was 23.33 percent of the budget—a dramatic increase. What we are talking about is sending a lot more money out there. I have heard the Senator from Tennessee talk about it as the States asking for a life raft, and we are sending them the yacht from Washington, DC—

Mr. ALEXANDER. And we are going down to the bank and borrowing the money in their name?

Mr. THUNE.—to do it, almost eight times the amount of money they would need just to cover additional enrollment due to the downturn. Eight times the amount the States would need to get that done is what we are going to be shipping out there and, as the Senator from Tennessee mentioned, borrowing from future generations and piling on to that $35,000 that every man, woman, and child in America already owes as their part or their share of the Federal debt.

This is a very bad direction, in my view, to be heading for the country. I think we have had some opportunities to improve the bill, to make it better. We have had some alternatives offered. The McCain alternative which the Senator mentioned was one that I think, again, was very well balanced, focused on housing and tax relief and infrastructure and had the kind of fiscal responsibility and discipline in it that makes sure a lot of the spending doesn't go on ad infinitum—forever.

So I would concur with the points and the arguments that have been made by my colleague from Tennessee and say that we ought to be thinking not just about today but about the next generation because we have always had a history in this country—for 200 years Americans have sacrificed to make the next generation's lives better, to create a better life for our children and grandchildren. We are asking our children and grandchildren to sacrifice for us. That is a reversal of 200 years of American history. For generation after generation after generation, we have attempted to build a better, brighter, more prosperous future for our children and grandchildren. What we are essentially asking them to do is to loan us $1 trillion to do these things—some of which I mentioned and that I think are just completely outside the realm of anything that fits within the mission of job creation or stimulating the economy—at enormous cost to them because it is going to pile additional debt on top of the $35,000 they already owe, their share of the Federal debt we have today.

So I hope in the end people will come to the realization that this is a mistake and that we will see the necessary votes to defeat it and perhaps go back to the drawing board and put something together that really does, in fact, address the fundamental problem we are facing in the country right now, to get the focus back on housing, to get the focus back on the American people and families and small businesses, and to make sure we are doing it in a fiscally responsible way.

Mr. ALEXANDER. I thank the Senator from South Dakota. I imagine my 30 minutes has expired, but seeing none of my colleagues, I ask unanimous consent for up to 10 more minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I thank the Senator from South Dakota for his eloquent words. The numbers being thrown around are so huge—and numbers get thrown around so often in Washington, DC—that it is sometimes hard to distinguish between $1 million and $1 trillion or $1 billion or $10.

One thing I was thinking of as the Senator from South Dakota was speaking, I believe he said as much as 10 percent of the gross domestic product of the United States would be the size of this year's Federal deficit. What that means is, this country—even in these bad times—is such a marvelous country that we will produce about 25 percent of all of the money in the world just for Americans, 5 percent of the people in the world. So what we are saying is, just this year we are going to run up a debt of 10 percent of 25 percent of all of the money in the world and add it to the national debt we already have and which we already know we are going to be increasing because of the responsibilities we have to try to help fix housing and encourage the financial institutions to support the efforts that the President is making to get the economy moving again.

What we are asking is, why would we spend the whole piggybank on a $1 trillion piece of legislation that isn't targeted to create jobs when we have so many other pressing responsibilities for this limited amount of borrowed money—namely, fixing housing and getting lending moving again? That is where we would put our attention. So we have a lot of questions about the bill.

As the Senator from South Dakota said, Republicans offered our legislation, which was voted down, and it focused on housing, it focused on letting people keep more of their own money and on a limited amount of spending for targeted, job-creating infrastructure projects. That saved $500 or $600 billion which could have been reserved for housing, for lending, or to reduce the debt. But this bill, I am afraid—and we will know more about it as it comes—is mostly spending instead of mostly stimulus. Not enough of the jobs come quickly enough to make as much difference as this borrowed money should make. Even most of the tax cuts in the bill aren't stimulative. They may be welcome, they may leave 13 more dollars in your paycheck each week. But is running up the debt this much more worth that? This is a lot of money—according to one report, more than the Federal Government spent in the entire New Deal, more than we spent in Iraq, more than we spent in Afghanistan, and we should spend this money carefully.

As the Senators from South Dakota and Arizona have pointed out, what happens after 2 years? The Senate rejected our amendment that said once the economy recovers, the new spending stops so we don't continue to run up an unimaginable debt.

States are having trouble and in a shortfall. Tennessee has a $900 million shortfall this year. But we are sending Tennessee, according to the latest estimates—even with the cuts and the compromise—about $3.8 billion. We are establishing policy without even thinking about it. In this legislation, which has never been to the authorization committees, we are having possibly the largest, I believe, Federal education bill in our history in terms of dollars. We are having one of the largest health care bills. We are having one of the largest energy bills. That is not the way we make energy, education, and health care policy—just by passing an appropriations bill with a huge amount of money.

We are very disappointed about the lack of bipartisanship. We respect our new President. We want him to succeed because if he succeeds, our country succeeds. We expected that in this first major piece of legislation, a number of us would sit down on both sides of the

aisle and compare our notes and say: Let's go forward. We know the Democrats have the majority and we have the minority, and so more of their ideas are going to be included than more of our ideas, but 58 Democrats and 3 Republicans is not a bipartisan effort. That is not the way we do things around here.

The way we do things in a bipartisan way around here is when we had the Energy bill in 2005 and Senator Domenici and Senator BINGAMAN worked side by side. All ideas were considered. We had our votes. It took weeks and we got a big result. Another example is when we passed the America COMPETES Act and we worked side by side, or even with a contentious area such as intelligence surveillance when Senator BOND and Senator ROCKEFELLER worked side by side and we came to a conclusion together. The American people gained more confidence in what we could do and in the result that we came to. I am afraid in this case we have not had that kind of bipartisanship.

What I fear is that this is not a good sign for the future because this is the easy piece of legislation. This is the first major proposal from the President. This is just a spending bill, albeit a massive spending bill. Next comes health care and controlling entitlements and whether we want to authorize more money to take bad assets out of banks and to help housing. Next comes whether we want to pass this version of climate change or that version of climate change. All of these are difficult pieces of legislation.

I have said on this floor before that President Bush technically did not have to have broad-based congressional support to wage the war in Iraq because he was the Commander in Chief. So he went ahead, and it made the war more difficult. It made his Presidency less successful. ''We won the election, we will write the bill'' is not a recipe for resolving a difficult problem or for a successful Presidency.

I would hope we can either do as the South Dakota Senator said, which is start over again on this bill and retarget it, make it temporary, make it timely, and save hundreds of billions of dollars while focusing on housing and lending. That somehow we can get the Congress on track with the President so that when we say bipartisan, we do bipartisan, and we don't have an attitude that says, in effect: We won the election; we will write the bill.

Unless the Senator from South Dakota has additional comments—I am finished with mine, so I yield the floor and yield to him.

Mr. THUNE. Who controls the time, Mr. President?

The PRESIDING OFFICER. The Senator's time has expired.

Senators are authorized to speak for up to 10 minutes each.

Mr. THUNE. Mr. President, I ask unanimous consent to use up to that amount of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Again, to my colleague from Tennessee, I thank him for his leadership on this issue and particularly for bringing to the forefront of the debate the housing issue which, as so many have mentioned already, really is an integral, essential part of the solution. If we don't deal with that, then I think we are not going to be able to lead our country out of the recession. I don't think anybody will dispute the fact that housing played a very important role in where we are today, and I think trying to recover is going to require a good amount of focus and attention on that issue which, in this bill, is very light. In fact, if you look at what is included in the bill—let me see—1 percent of the Senate bill goes toward fixing housing. Even the $15,000 new home buyer credit that was reportedly cut in half in the final version of the bill, I am told—and I don't know the answer to this because I have not seen the final bill, nor, I don't think, have any of us seen the details in it—that entire housing tax credit may, in fact, be gone which would eliminate any commitment to helping to repair that aspect of our economy—the housing sector of the economy—which I think is going to be so important in helping us to recover.

So 1 percent of the Senate bill goes toward housing currently, 2.3 percent of the Senate bill goes toward small business tax relief, and, as I mentioned before, small businesses create two-thirds or three-fourths of all of the new jobs in our economy. It seems to me at least that ought to be a very proper and important focus of this legislation.

Of course, some of the alternatives we voted on last week, one of which was the McCain alternative which we referenced earlier, did include a significant amount of incentive for small businesses to invest and to create jobs. I offered a couple of tax amendments to a couple of alternatives to the bill which really did focus on tax relief for middle-income families and for small businesses. That, of course, was defeated as well.

I guess my point is, the bill as we have it in front of us is going to be very much oriented toward spending, and spending on government programs and spending which, in many cases, doesn't go away; that isn't temporary, that, in fact, makes obligations and commitments and liabilities well into the future. We talked about up to about $200 billion of funding in the bill being what we call mandatory spending; in other words, spending that is built into the baseline, that isn't temporary, and it is hard to see how that fits into the definition of temporary, targeted, and timely, which was the criteria that was set out by the President and by the Democratic leadership in developing this bill in the first place.

The Senator from Tennessee, when he touched upon the amount of money his State of Tennessee will receive and what the State's need is—and I would repeat what I said earlier, that under this bill, we are not giving States what they have estimated their amount is to cover the increased Medicaid enrollment due to the economic downturn.

We are giving them—if you can believe this—almost eight times the amount of money they would need to cover additional enrollment due to the economic downturn. Why? States, of course, aren't going to refuse it. Which Governor out there will turn down additional resources? It is estimated that States would need about $11 billion in additional funding to cover enrollment-driven growth in State Medicaid Programs.

Under this bill, we provide $87 billion with absolutely no strings attached and no requirements that States get their own spending and fraud and abuse under control. I hope we have pointed out—and we will continue to point out—the ways in which the funding under this bill is being spent. Again, I mention some of the particular earmarks here, much of which go to Government agencies: $20 million for the removal of fish barriers; $300 million for new cars for Government workers; $645 million for new and repaired facilities at the NOAA; and $750 million for the new computer center for the Social Security Administration.

It is hard to argue that these things are stimulus. Perhaps they are needed and, in fact, perhaps ought to be debated, but it ought to be done in the regular order, handled through the normal annual appropriations process, not included in a bill that is being sold to the American people as stimulating the economy and creating jobs. There is little in here I can see that meets that definition.

I want to make a final point with regard to the whole issue of job creation, because the CBO, in a letter dated February 11, 2009, clearly describes the false economic theories behind this Government spending bill. The CBO letter encompasses the majority of the economists' views on this legislation. Specifically, the letter states that beyond the year 2014, this legislation is estimated to reduce gross domestic product by up to two-tenths of 1 percent. The reduction in GDP is therefore estimated to be reflected in lower wages, rather than lower employment. Workers will be less productive because the capital stock is smaller. The legislation's long-run impact on output also would depend on whether it permanently changed incentives to work or save. The legislation would not have any significant permanent effects on those incentives.

Those are quotes from the CBO letter that came out last week. Even the most optimistic CBO projection states that long-run GDP growth will increase by zero percent. Even the most optimistic projection is built on an assumption that all of the relevant investments, on average, would add as much to output as would a comparable amount of private investment.

The Government spending included in the House and Senate bills doesn't change GDP at all due to Government spending crowding out private investment.

Most of us would agree—I think most of us on this side would agree—that we are much better served in terms of creating economic growth and jobs, in seeing that the jobs are created in the private sector, and that we are providing the necessary incentives for investments in new jobs. This bill is very light on the types of incentives that would lead small businesses to go out and invest and do the sorts of things that actually will create jobs and help us recover and build a better and more prosperous future for our children and grandchildren which, as I said earlier, in my view, is in serious jeopardy because of this legislation—primarily because of the enormous amount of borrowing it includes and how much it adds to the debt for every man, woman, and child in America, and $35,000 is that share of the debt. Under this bill, that would grow $2,700 per every man, woman, and child in America.

What we are doing to future generations is wrong, it is not fair to them. This Government needs to learn to live within its means. We need to think about building and sacrificing so that our children and grandchildren and future generations will have a brighter future. That is the way it has always been in this country. It is part of our culture and ethic that we work hard and sacrifice so that future generations can have a brighter and better future. This completely turns that whole history, that legacy, we have as a nation on its head by asking future generations to sacrifice for us. That is the wrong thing to do.

I hope we will reject this legislation and go back to the drawing board and do something that is effective and creates jobs and does work and will give the American taxpayer a good return on their investment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I want to join my colleagues and discuss the spending package that will be back in front of us—the $800 billion but, with interest, probably $1.2 trillion, which will be in the package, and it will all be borrowed—every cent of it. We don't have that money presently. So we are going to be borrowing it to do this.

A couple of things strike me. One, we learned last fall—and there is an old saying that is true in government and certainly with individuals as well, which is ''haste makes waste.'' I grew up with that saying. People say, look, if you hurry at this and you don't get it right, you are going to have to do it again. We saw that last fall with TARP. We put in $750 billion because they said we have to do it now and we have to do it fast. But at the end of the day, that haste made waste. The Treasury Department went pillar to post, saying we are going to do this or we are going to do that, and they ended up spending the money. Now we are looking at TARP II and the banks still need help. I have a lot of people back home saying: What happened to the first hundreds of billions of dollars you gave the banks? Haste makes waste. We saw it then.

There is no reason for us to rush to get this wrong on the stimulus package. Yes, we need a stimulus package. My State needs a stimulus package. This country needs it. We need a stimulus package, not a spending bill. If we slow down a little bit—I think we should refer this back to the Committees on Finance and the Appropriations and put a requirement on it that every dollar spent must yield at least $1.50 in economic activity over and above what is spent.

We should make it a stimulus bill, not a spending bill. We have not done that. We are hastily putting this forward. I believe, tragically, we will be wastefully putting it out. There will be a number of programs that can use the funds, I have no doubt about that. But if the target is to get this economy off its knees and moving forward, we have to hit that target and not a multiple set of targets, and not a set of spending targets that are not stimulative in nature.

There is another saying that President Reagan was fond of using, and it was that there is nothing so permanent as a temporary Government program. That was his experience and it has been mine as well. Once something gets started, it is hard to stop, because it gets a constituency built up around it, and people build up their expectations and infrastructure around it. When you go to eliminate it once it has started, it is like, wait a minute, now this has a multiplier impact on a broader cross-section of individuals. That is why there is nothing so permanent as a temporary Government program.

I think that is probably why some people are looking at starting things under the guise of stimulus that are, in actuality, starting new Federal spending programs with the hope that infrastructure builds up around it and in future years, when it goes to be cut, people will say you cannot do this because it will have this multiplier impact. That is the history of the Federal Government and its growth.

According to a CBO analysis, if most of the new spending programs enacted under the proposed stimulus were to become long-term spending programs—and that is our history and what we have seen in the past—the cost of the stimulus package would rise to $2.5 trillion over the next decade, and $3.3 trillion if you include interest payments on that debt. We are borrowing every cent. You are looking at long-term spending in the $3.3 trillion category. If you do and you look at a rough outline of this, you are going to move the Federal Government from about 20 percent of the economy, which it has been, up to 25 and possibly 30 percent of the economy. At what time do you come to the tipping point? And that is before you add in the baby boomers retiring and the increased costs in Medicare, and when that baby boomer generation is retired and using the Government programs instead of paying into them. You will get to a tipping point where people cannot afford the tax structure that is needed underneath that. That is not wise for us to do.

In this stimulus bill, we will take the Federal debt in private hands relative to our gross domestic product from below 40 percent of GDP to move it well over 60 percent of GDP. So that will be like saying I have a job and I make $100,000 a year, and I borrowed $40,000 that I am paying on, and now I am going to jump it to $60,000. You are looking at that in this soft economy and saying, is that a smart thing to do? Most people would say, no, that is not the right thing to do. You want to try to stimulate things, not harm them.

Finally is this thought: I don't believe that hastily constructed bills such as this one being sold as stimulative is a plan to help our economy weather this recession. It strikes me as a highly leveraged, speculative bet on larger Government and massive long-term spending as a cure to our economic woes. We have seen what the aftermath of highly leveraged speculative bets can bring. That is what we have gotten into in the first place, where you have had highly speculative leveraged events taking place in the housing market and expanding into credit card use, into automobile loans. A number of homes were bought with 100 or 110 percent borrowing, and they thought the appreciation would pay for that. Those were completely leveraged events. That doesn't bring economic prosperity; it brings bubbles. I don't think you are even going to see that with this one. You are going to see long-term costs. We are going to see speculative debt with the Government using our children as leverage. Is that the way we want to go?

Clearly, the people in my State believe no, and they believe we need a stimulus package, and that we need to work together on a bipartisan package. We should take it through the regular order, through the Appropriations

Committee and the Finance Committee, and hold hearings on it, look at what actually works, set a criteria on this. When we had this very rapid, hastily put together TARP legislation—and everybody is mad about that now—we didn't hold hearings on it. We did it quickly and in closed sessions. Out pops the package, and now we are back at it. I think we will be back at this one also if we don't do what we need to do. But only our ammo box will be empty. We are not going to have anything in it, because haste makes waste. We rush out there trying to get it done and we don't work the process and work together on it. We are not going to hit the target and that will be sad for the American public.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, there has been a generous amount of discussion on the floor today about the economic recovery package that has been put together and about the dire conditions of our economy. If you listen, they have been described in so many different ways—financial crisis, deep recession, economic trouble, a wreck, a dire condition—and I suspect almost anybody who has been experiencing trouble in the workplace as a result of this rather steep economic decline would understand all of those terms.

I have been listening to the debate on the floor of the Senate, and I had to come to see if we could add a little clarity to what has caused all this. It is pretty hard to describe a remedy unless you understand what has caused it.

I understand from a lot of discussion a bit ago that there are a lot of people who don't want to do anything or they want to do something much less or they are not sure. In any event, I was thinking of how many people in the Senate lined up to help the banks. The Treasury Secretary said we have to pass legislation to help the big Wall Street banks. He said we have to pass a 3-page bill in 3 days for $750 billion. Boy, there was a big-old traffic jam trying to get up here to the well to vote in favor of that legislation, helping out all the big banks with hundreds of billions of dollars. Now we are talking about helping someone else out, helping out folks who need jobs, and all of a sudden, there is a big problem. Mr. President, $700 billion to bail out big banks and steer this economy in the ditch—that is OK, big traffic jam to do that, but some money to help put people get back on payrolls, no, that is deficit spending, we are told.

I showed this chart the other day on the floor of the Senate. There were 35 jobs available in Miami for firefighters, and 1,000 people showed up on the sidewalk and lined up to apply.

For some, it may be easy to come to the floor of the Senate and talk about the 598,000 people who lost their jobs last month, the 1 million people who lost their jobs in the last 2 months, and the 3.6 million people who lost their jobs since this recession began. But name 1, name 10, name 1,000, name 1 million or look at their picture and see the faces of people who want to work but cannot because they were told their jobs no longer exist. Then ask whether this is important, and ask yourself: What are you going to do about it? What do you think the remedy is? What do you think the priority ought to be with respect to putting people, such as these people, back to work: giving them an opportunity with a job or lining up in the well of the Senate to say to the big banks: Here I come; here is $700 billion. Big difference, in my judgment.

The difficulties we face in this country today are not some natural disaster. This is not Hurricane Katrina that came raging through our country. This is not some disaster over which we had no control. This is an economy which is collapsing and has very serious trouble as a result of specific things that have been done that have been irresponsible.

How on Earth do you describe a solution unless you are willing to admit what has caused it? Let me go through some of it. It is not a question of pointing fingers, it is just a matter of deciding, let's be straight about where we are and how we got here. They will write in the history books about this era and this age. We studied the Gay Nineties. We studied the Roaring Twenties. Somebody will study this age, this age of excess, this carnival of greed in the history books in the future.

So how did we get here? Let me describe it by saying we got, in my judgment, several fundamentally flawed policy changes that happened over a long period of time.

Trade. First of all, you cannot suggest this problem we have does not lay right on the doorstep of those who have allowed this trade deficit in this country to rise to $700 billion to $800 billion a year, buying $2 billion more each day than we sell abroad and racking up a giant deficit for this country that we must repay to other countries. Most of the Members of this body have been perfectly willing to be brain dead on that subject for a long time. Trade doesn't matter, the deficits don't count. Don't worry about jobs going overseas, don't worry about unfair trade agreements, just ignore it and just keep chanting about free trade. That is one big mistake that has been made for a very long time and no more so than during the past 8 years of the past administration.

With a trade deficit of $700 billion to $800 billion a year, add to that budget deficits. I know what they say about the budget deficit in the newspaper. OMB puts out a number. I think the last administration said it is some $450 billion. That is not true at all. It is not $450 billion. The question is how much did we have to borrow last year. That is the impact. It is between $700 billion and $800 billion, even more depending on whose counting. So with an economy of $14 trillion or so, a $700 billion to $800 billion trade deficit, a budget deficit of somewhere around $700 billion to $800 billion, that is 10-percent or so indebtedness in 1 single year.

But it is not just the fact we have this budget deficit that has been so out of whack ever since the last administration took office—and by the way, they inherited a budget surplus. We had a big debate on the floor of the Senate, and those now saying: Let's not do much to remedy this economy, were standing on the floor of the Senate saying: We want to get rid of the budget surplus; we want very big tax cuts for a very long time, most of which will go to the very wealthy. Some of us said: Let's be careful, let's be conservative. No. Katy, bar the door. They passed their legislation. We ran into very big budget deficits in a very big hurry.

Trade deficits, budget deficits—and by the way, a budget deficit that was, in part, constructed by deciding to fight a war and not paying for it. Can you imagine, fighting a war and saying we are going to charge every penny. We say to the American people: You go shopping. That is what President Bush said: Your job is to go shopping. We are going to fight this war. We are going to spend $10 billion, $12 billion a month, and we don't intend to pay a penny of it. Some of us who wanted to pay for part of it were told: We will veto the legislation if you try. He said: I will veto the legislation if you try.

Trade deficits and budget deficits have weighed this economy down in a very significant way. And the very folks who have come today to talk about spending and deficits are the ones who supported all along a fiscal policy that created the most significant budget deficits in the history of this country.

Those are not the only two things. They are significant—trade deficit, a budget deficit, reckless fiscal policy. They are significant, but something else happened, something very significant, and I talked about it frequently on the floor of the Senate. The same

people who are so concerned about these issues now joined forces to say: You know what, we need to modernize America's banking system. It is way old-fashioned, way out of date. We put in place all kinds of things since the Great Depression to prevent banks from being modernized, and we need to have one-stop shopping. We need to let banks get involved in real estate investments again. We need banks to get involved in securities investments again. And so they passed—yes, the Congress did; incidentally, there was bipartisan support for it—a piece of legislation called the Financial Services Modernization Act. It got rid of old-fashioned things that were put in place after the Great Depression and helped create the big bank holding companies that could get involved in securities, real estate, and all kinds of risk ventures attached to banking which we had prevented for 80 years.

All of a sudden, we saw the pyramid created, the big holding companies, and it was Katy, bar the door. What we saw was the buildup of unbelievable leveraged debt in these institutions and a substantial amount of risk brought into America's banking system.

Almost immediately, that system allowed greed to permeate. Here is how it manifested itself in one significant part of the contributor to this economic malaise, and that is the housing bubble and the subprime loan scandal. I have spoken about it at great length—I am sure people are tired of hearing it—the subprime loan scandal. We know people who were cold-called by brokers to say: We know you are paying a 7-percent interest rate. We will give you a 2-percent interest rate, and by the way, you don't have to pay any principal; 2-percent interest rate and no principal, and you don't have to document your income to us. No-doc loan, no principal, 2-percent rate. They put people in subprime loans not telling or emphasizing that it is going to reset in 2 years to 10 percent or 11 percent and you can't prepay because there is a prepayment penalty for doing it.

They larded up a whole lot of securities because they wrapped these into securities with bad loans, bad mortgages, and then sold them upstream to mortgage banks, hedge funds, investment banks. They were all fat and happy, and that included the rating agencies that would take a look at that security and say: That is a good security; that is AAA. They were all in on the take. By ''the take,'' I mean infected with greed. So we had the housing bubble. We had all of these mortgages out there.

Consider this: A $14,000-a-year strawberry picker buying a $720,000 home placed by a broker who got a big bonus for placing the mortgage without any chance of that person being able to make payments. But that mortgage then becomes a mortgage wrapped into a security sold to a hedge fund, rated as a security as AAA, sold to an investment bank. Now all of a sudden you have brokers who are happy because they are making massive amounts of money; you have the mortgage banks, they love it, they are making lots of money; hedge funds, they are making so much money they can't count it.

By the way, the top hedge fund manager a year and a half ago earned $3.7 billion. By my calculation, that is $300 million a month, about $10 million a day.

Honey, how are you doing at work?

I am doing pretty well, $10 million a day. I make as much in 3 minutes as the average American worker does in a year.

They were all happy, all making massive amounts of money. The problem is, they built a pyramid. The scheme of this pyramid is not much different from Mr. Madoff, who apparently allegedly got away with a $50 billion Ponzi scheme. This scheme was not much different. All of a sudden, it began to collapse.

Huge trade debt, big federal debt, reckless fiscal policy, fighting a war and not paying for it, charging every penny, in fact, insisting on continuing tax cuts even during the war, and then this unbelievable banking scandal by removing the protections that existed since the Great Depression and saying to the big banks: You can create holding companies, you can attach risk, such as securities and other issues, and it will be just fine. You can do that. And so they did. All of it was built on leverage—trade debt, budget debt, leverage debt in the private sector, almost unparalleled in the history of this country. Then the tent pole began to come down. All of a sudden, we discover a very serious problem.

To describe how significant the money that was being paid was, there was a discussion in the last couple of days in the Congress about maybe doing what President Obama suggested; that is, to those big companies that got bailout funds, for the top 25 people in those companies, their compensation should be limited to half a million dollars a year. It is interesting, when they tried to do that, my understanding is there was a budget cost to that of something close to $10 billion. Why would there be a budget cost? Because they were all making so much money that the income tax they would pay as a result of that money was so significant that you had a $10 billion budget cost if you limited the income of the top people on Wall Street in these firms to $500,000 a year. That is almost unbelievable to me. But having done some work to study how much income exists in those areas, that is exactly true.

There was an investigative story in the Washington Post about the failure of one of the largest investment banks. They described the top trader in that organization, a person trading securities and the person who was in charge of risk management. It turns out they carpooled every day from Connecticut to New York. It wasn't very hard to have the top trader deal with his best friend risk manager and get things done pretty easily. The top trader, they said, was making $20 million to $30 million a year. So that company turns out to be loaded with toxic assets, as were most of the other institutions engaged in exactly the same business because they were making so much money.

Now we are told the taxpayers have to come to the rescue of these banking institutions. So $700 billion has been voted in what is called the Troubled Asset Relief Program, TARP. I did not support that legislation. I didn't think the Treasury Secretary had the foggiest idea what he was doing, and I think history shows that to be the case.

But one of the questions I think needs to be asked at this moment, is: Is there a requirement that we bail out these specific banks? Is that some divine right of existing institutions, to come to the Government to say: We are in trouble, you need to help us. Well, what has happened is the Government has allowed them to become so big they are referred to as being too big to fail. That is an actual specific category at the Federal Reserve Board—too big to fail. Despite the fact that they are bailing them out, our Government—the Federal Reserve Board and the Treasury, which have said these institutions are too big to fail, and have in fact failed and need taxpayer money to bail them out—our Government is actually pursuing mergers to make them bigger. It is unbelievably ignorant, in my judgment, as a policy matter. But I think it is important for us to ask some basic questions here. Do we care about too big to fail; and should we, at some point, decide to take apart those institutions and create different entities, smaller institutions?

I understand we can't tomorrow decide there will not be any major banking institutions in this country. Our country can't function like that. Credit is critical to every business in this country. I know many profitable Main Street businesses that are having great difficulty finding credit from established credit sources they have had for decades. So I understand the urgency and the need for credit from banking institutions. My only observation is this: If we are pushing $700 billion after failed institutions in order to try to make them well, even as we are saying to them, we want you to become bigger, and when, in fact, they are already too big to fail, I am saying that doesn't add up to me. I think maybe we should have a discussion here in this Congress

about whether there is some inherent right to preserve institutions, or whether those that are too big to fail should be perhaps taken apart and create institutions that will better serve this country's interest.

Now, some say there are only two choices in the future as we try to take a look at financial reform. And by the way, there is very little action on that at this point, and I believe it ought to go concurrent with all the discussion about trying to put people back to work and so on. But it seems to me the two choices are: You go back to a world in which you had Glass-Steagall and separation of banks from other inherently risky things, such as securities and real estate. And I believe we should do that. That means banks essentially become very much like a utility. That is the way it was. They were regulated, but generally performing traditional banking functions and making money. Then risky enterprises are over here, regulated in a different way but nonetheless able to engage in substantial amounts of risk with securities, real estate, and other items.

We have to make that choice, and the sooner the better. I think to ignore that is to suggest, as some are now doing, that what we are going to do is we are going to have taxpayer money chase current institutions that have failed, and perhaps even make them bigger when they are already too big to fail. That makes no sense to me at all.

And that brings me to this issue today of the economic recovery plan that has been negotiated. I don't think anyone comes willingly to this either starting line or finish line with this kind of a plan to say, I am pleased to be here. But I do think this: I see all of the energy of people who rush to try to help the big banks with $700 billion, and then see so much concern about trying to help people who are out of work, and I say: Wait a second; maybe we have our priorities wrong here. I believe that the economic engine in this country works best when people have something to work with, when American families have a job to go to, a job that pays well and allows them to take care of their family. I think that is a percolating-up kind of strategy with the economic engine, and I think it is perfectly appropriate and important. In fact, I think it is essential for us to worry about trying to put people back to work during a very deep recession.

No one can say that what happened last month doesn't matter. You can't say that 598,000 people coming home at night and telling their loved ones they lost their job doesn't matter to this place. If it mattered to this place that the biggest banks in the country were having some difficulty, and they had to get $700 billion, why doesn't it matter that we care a little bit about the people who lined up in Miami, FL, a thousand of them, trying to get a little shot at 35 firefighting jobs? This too ought to matter. It is not unfair, as some have suggested last week when I showed this chart, and said I was playing on sympathy. This isn't sympathy. This is reality. Isn't it important that we talk a little about reality and a little less about theory here in the Chamber of the Senate? The fact is these people got up, stood in line, because they need a job, and we ought to be able to do something about that, to try to put people back to work and give this economy a lift.

I think it is pretty clear that no one knows exactly what the medicine is or the menu is to try to make this economy well and healthy once again. But this legislation we are going to be considering contains a couple of things that I put in during this past week when it was considered. One is very simple: If we are going to put people back to work building roads and dams and bridges and so on and so forth, putting people on payrolls to do these projects that will invest in America's infrastructure, then let's try to buy American products while we do it so that we are putting people on factory floors to produce those products. I am talking about steel and iron and manufactured projects.

When I suggested that we buy American for the major purchases that we are going to make to put people back to work, I did that because I know when we buy those products we will put our people back to work in those factories. But you would have thought I was talking the most radical kind of talk in the world, by the reaction of some—you are going to upset the international balance of trade. That is absurd. We are already so out of balance in trade. We are $700 billion to $800 billion in red in trade. At any rate, my legislation is here. So as we try to put people back to work and invest in our infrastructure to create jobs, we should buy American. It is common sense.

The second amendment I put in this piece of legislation is different than anything that has been required with all the other money that has been shoved out the door by the Federal Reserve Board, by the Treasury Department, by the FDIC, and, yes, with TARP, supported by the Congress, and that is a provision that says: I want accountability. If you get money from this economic recovery package, you have to report to us on a quarterly basis that says: Here is who I am, here is the money I got, here is how I used it, and here is how many jobs I created. That kind of accountability, demanding that kind of reporting, is essential for my support for this bill. And that is in this piece of legislation because I put it there last week.

Now, one final point, if I might. I understand, as I have said many times, that in most ways the issue of trying to promote economic recovery in this country is not about some menu. It is not about a menu of tax cuts or more spending. It is not about a menu of M1B or anything of that sort in fiscal or monetary policy. It is about trying to give the American people some increased confidence about the future. That is critical in order to have an expansion of our economy. People have to feel confident about the future in order to act on that confidence—to buy a suit, buy a new washing machine, buy a car, buy a home, take a trip. It is the kind of things people do when they are working and they feel good about the future and their job is secure. They do things that expand the economy.

When people aren't confident, they do the exact opposite, and that causes a contraction of the economy. That is where we are today. People aren't confident about the future. I understand that. I mean, I think all of us know why. They have seen the most significant era of greed perhaps since the 1920s, and they do not like it. They have seen a collapse of the housing bubble, they have seen big investment bankers get rich, they have seen all these things—the scandals—and it is hard to be confident. They have seen the country fight a war without paying for it. Some people have given their lives. So I understand that we have a lack of confidence. The question is not whether that exists; the question is what do we do about it? Do we decide to do something about it? And if so, what?

I have described often the response of Mark Twain when asked if he would engage in a debate at this organization, and he said: Oh yes, if I can take the negative side. They said, but we haven't even told you the subject yet. He said: Oh, the subject doesn't matter. The negative side will take no preparation.

So I understand how easy it is to simply be opposed to everything. The question now, however, is: What do we do to lift this country? What do we do to help lift this country out of this deep recession and give people some confidence that we are on the right road? Perhaps a trade policy that begins to insist on some balance in trade so we are not deep in the red; a budget policy that at some point says you can't spend what you don't have on what you don't need. You have to have some balance in fiscal policy and you have to recognize that. And you have to have a policy on banking and finance that says we're not going to allow you to do this anymore. We are not going to merge the safety and soundness of banking with speculation and risk in real estate and securities. We are not going to do it. If we would take those steps, it seems to me we would give some substantial confidence to the American people.

Passing the legislation that is going to be proposed today or tomorrow—the

American Recovery and Reinvestment Act—is not the easiest thing, I understand, because it is counterintuitive to somehow believe that the way out, when you are deep in debt, is to spend some money. Well, I understand that is counterintuitive. Yet all of the lessons we have learned are that you have to prime the pump to put people back on a payroll. If you have half a million people a month losing their jobs, you have to find a way to put people back on the payroll and to inspire some confidence in the economy again.

I have heard discussions today about, well, I worry about this piece or that piece, and people won't go back to work. I am telling you, I think there are a lot of things in this bill that will put people back to work.

I chair the Appropriations Subcommittee on Energy and Water. We have $4.6 billion in this with the Corps of Engineers, and the Corps of Engineers will be repairing mostly bridges and water projects—that are designed, engineered, and ready to go. They will be being hiring contractors who will be hiring workers. The fact is there will be a lot of jobs created with this package—we believe 3.5 to 4 million jobs. That is going to make a difference, I believe.

Having described in some cases our disagreements, let me say that I do think every single person in this Chamber wants the same thing for this country. We perhaps have different approaches to how to get there, but we all want this country to prosper, the economy to be lifted and to recover, for people to go back to work, and for us to have the kind of future that we expect for our children. I believe that is possible. If I didn't believe it was possible, I would hardly be able to go to work in the morning.

Let me tell one story, if I might—I have mentioned it before, a couple of weeks ago—and some people have heard of this. I talked about this guy named Ken Mink from Kentucky, because it is so inspiring. It is so indicative of people in this country who think we can do anything and they can do anything.

Ken Mink, from a news report I read, was 73 years old. He was out in the back yard shooting baskets, and he came in and said to his wife: Honey, it is back. She said what is back? He said: My shot. My basketball shot is back. No matter where I shoot in the back yard, I don't miss. So he sat down that night and wrote applications to colleges—junior colleges—at age 73. He got into a junior college and tried out for the basketball team, at age 73, and made the basketball team. About a month and a half ago, he made two points in a college basketball game. The oldest man, by 40 years, ever to score at a college basketball game, at age 73. I was thinking about that the other day, and I thought: What a wonderful inspirational story, of somebody who didn't understand what he couldn't do. Who says you can't play basketball at age 73 for a junior college some place in Kentucky?

My point is: I think that represents the story of our country. We have so many stories of people who, against the odds, do things that make this a better place. And if we work together and believe in ourselves, and believe in what we have accomplished in decades past and will accomplish in the future, this country is going to be fine. So we are going to get through this week, and hopefully we will give some boost to this economy, and after which I believe we will see an economy that provides more jobs and begins to expand and provides opportunity for American families once again.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BENNETT and Mr. WYDEN pertaining to the introduction of S. 426 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, in the course of debating the economic stimulus legislation, every Senator I have talked to has been interested in trying to find savings to keep down the cost of the economic stimulus bill. I have come to the floor this afternoon because it appears that when the Senate debates the final stimulus legislation, it is not going to include a bipartisan provision to protect taxpayers, a bipartisan provision which would require that Wall Street companies that recently paid excessive bonuses be required to pay those bonuses back to the taxpayers.

Taxpayers in this country were horrified several weeks ago to learn about the fact that recently Wall Street companies that had received TARP financing—TARP, of course, being the Troubled Asset Relief Program—had just paid $18 billion in bonuses. Once that news became public, everybody in Government spoke out against the bonuses. Everybody lined up in front of the television cameras to say the bonuses were wrong. Everybody said that it was outrageous and unacceptable for these Wall Street bonuses to have been paid when these institutions were receiving billions and billions of dollars of taxpayer money.

After the news, three of us on the Senate Finance Committee—a bipartisan group—said we were going to do more than say the bonuses were wrong; we were going to take steps to make sure the bonuses were actually paid back. So we came together and put forward a bipartisan proposal. We collaborated with law professors across the country and had the Joint Committee on Taxation, under the able leadership of Edward Kleinbard, review the financial underpinnings of the proposal, and they found that our modest approach that would allow taxpayers to be paid back the excessive amount of the cash bonuses would generate $3.2 billion for American taxpayers—just a fraction of what had been paid out. We felt it was a modest proposal. We felt it was a bipartisan proposal.

The fact is, nobody would oppose our idea in broad daylight, but it now seems that when the ink is dry on the final legislation, the taxpayers of this country are still going to get soaked. It is not right. It is not right because taxpayers in this country have been taking a beating with their health care costs and their fuel costs and trying to figure out how to stay in their homes.

Companies normally pay bonuses when they are doing well. That wasn't the case with these Wall Street financial firms. Here is the math. The Wall Street firms took $274 billion in taxpayer money. When they weren't doing well, they paid $18 billion in bonuses, but they couldn't pay the taxpayers $3.2 billion of the amount paid—the excessive amount paid—in cash bonuses when the taxpayers are being hit in their wallets, as we all have seen every time we are home and talking to our constituents.

The arguments of the financial firms don't add up to me, and they aren't going to add up to the millions of taxpayers whose money has gone to the financial firms. The taxpayers deserve to see in this stimulus legislation that somebody was actually standing up for them; that it wasn't just about speeches; it wasn't just about saying something was wrong; it was about backing up those words and taking concrete action to protect taxpayers.

So I have come to the floor more than anything else to make it clear that I am a persistent guy, and I am going to stay at this until there is a better accounting for our taxpayers' money, until Congress puts a stop to these kinds of actions where financial firms take taxpayers' money and give the citizens of this country a runaround. This needs to end, and it needs to end now. It means concrete action has to be taken. That means more than speeches.

We know in the days ahead these financial firms are likely to come back to the Congress of the United States and say they need additional sums of money to deal with the toxic loans that are on their books. How can one have confidence about giving these

firms additional money when they have just paid bonuses during these tough times and they have fought—I know for a fact—against a reasonable provision to require that these bonuses be paid back.

I intend to stay at this. It concerns me greatly that we didn't have a recorded vote here on the floor of the Senate on this provision. I knew that nobody would oppose this in broad daylight, but I had no idea there would be such an aggressive effort behind the scenes to kill a modest step to protect taxpayers, and particularly to find savings in this legislation. For days now, Senators of both political parties have been talking about ways to hold down the costs. A bipartisan group of Senators found a way—a reasonable way—to save more than $3 billion, according to the Joint Committee on Taxation.

It is time to put a stop to financial firms taking taxpayers' money and using the money to pay bonuses to many of the same people responsible for the current financial crisis. I am old enough to know that normally you pay bonuses when you do well. That is what the American economy is all about. That is what capitalism is all about. Somehow, some of these institutions think they ought to be able to privatize their gains and socialize their losses. That is not right, and it wasn't right to kill this modest provision to force the repayment of the excessive amount of these Wall Street bonuses.

So I intend to come back to the floor of the Senate on this subject. I will do everything I can to get a fair shake for the taxpayers of Oregon and the taxpayers of this country. I wish this bonus recovery provision was in the stimulus legislation that will be voted on here in the Senate. I regret greatly that it is not. I am going to stay with this until the taxpayers recover this money that shouldn't have been paid out in the first place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Madam President, I wish to speak on the pending matter, which is the so-called stimulus plan, with great concern about where we are. As we hear, the plan has been agreed to and the package is being put together; however, we have yet to see it. So I am going to make some assumptions about the things I hear that may or may not be included in it.

It appears we have some clear idea of some things that definitely won't be a part of this package. The fact is that as we approach this problem—and this is a serious problem for our Nation—the President talked about a timely, targeted, and temporary spending package. The President talked about it being timely because we needed to get the money out the door now so that it would get into the mainstream of commerce, so that it could get into the economy so that we could avoid a deep and long-lasting recession. It also needed to be targeted because it made no sense to do those things that would spend money but not create jobs, not create economic activity; the types of tax cuts that are geared toward creating more jobs in the marketplace, not simply to give money to people that may or may not ultimately be spent. It needed to be temporary because we all know that Government spending in excess during a time of a recovery, when the Government should not be overspending, should not be overheating the economy, could lead to a slowdown of the recovery because it would increase inflation.

So that is why, when the President made those comments, I was excited. I was positive. I was very positive in thinking this is exactly what our country needed at this point in time. However, we have found that as this has evolved through the Halls of Congress, that is not what we are getting. We are getting an unfocused spending plan which spends money on things that are far afield from shovel ready, ready-to-get-out-the-door types of projects, but which is really an unfocused spending measure that, in my view and in the view of many others, spends too much at a time when we can hardly afford to be overspending needlessly, but it also does not spend on that which is designed to create the jobs America desperately needs today.

In my view, there are ways we could have crafted a package. I made a proposal because I do believe that to simply oppose what the President proposes and what the majority of this body and across the hall have put together is—it is not enough to just say no, don't do it. We have a responsibility to be responsible and offer alternatives, to offer a proposal, because at this point in time we know we are in deep and serious economic times. So the key to this is oppose but propose.

The fact is that some of us did attempt mightily to see if we could not come to a bipartisan compromise, a spending package that would have spent about $650 billion—a very big package of spending. But the spending would have been focused on what I believe would have gotten out the door quickly. We also know it would have been good to spend on things that we needed to spend the money on anyway. In fact, military reset, the resetting of equipment that has been damaged or lost in the long struggles in Iraq and Afghanistan would have been a great way for us to be spending it—those things that we have to spend money on anyway but at the same time be doing so now in a manner that gets it out the door in a hurry.

We have the infrastructure in place for military purchases of equipment. That would have helped. We could have also done more in the infrastructure field. I think this plan is not big enough as it relates to the building of highways and bridges. The fact is that the Presiding Officer well knows the need for bridges. In Minnesota, there is a tremendous need for infrastructure. I wanted to see more bridges. Across this Nation, we have bridges that are failing and need to be rebuilt, and more highways and bridges and infrastructure in that sense would have been the right way to approach it.

Obviously, a part of the package should also be tax cuts geared to job creation. There is a difference between giving money to the people who would use it to pay down debt or hoard and hold it because they are fearful of what is coming in the economy. I believe in more focused tax cuts, such as payroll deduction or the corporate tax rate being reduced, which ultimately is America's small businesses that will put America back to work. Giving those small businesses a tax break would have encouraged them to get people back on the rolls of the employed.

My largest disappointment of all is that this plan fails to address the problem that got us into this mess in the first place. Why did the President and my Governor appear in Fort Myers a couple of days ago? Because that is the foreclosure capital of America, and that is where more houses are being foreclosed than anyplace else in Florida. I was speaking with a group of government officials from Charlotte County, a little north of Fort Myers, where there is 11 percent unemployment and a terrible problem with foreclosures. They said: Please do something about foreclosures. If we can stop houses from being foreclosed, we can do two very important things. We can keep a family in their home and keep that family whole; we can keep that street from having a foreclosed house, and we keep that community from yet declining further and further in the prices of homes.

In addition, we also do something else; we sustain home values in a way that will help yet another foreclosure from occurring as the declining spiral of housing prices continues to go downhill.

The second one I would have loved to have seen in this package—and I am disappointed to know it is not in there—is the proposal by Senator ISAKSON, which is to give a $15,000 tax credit to anybody who purchases a home—not just first-time home buyers but anybody. We know one of the great problems in the housing market today is that there is an enormous inventory of unsold homes, many the result of foreclosures. If we encourage potential home buyers by giving them a significant tax break, they would get into the marketplace and make the decision to buy, and we could begin then to stave off this continuing cycle of declining

home prices, stalled sales, and more foreclosures.

I know when the President went to Fort Myers, he went there because there is a foreclosure problem. If there wasn't a foreclosure problem in Fort Myers, there would not be double digit inflation in Lee County and Charlotte County. I know my Governor wishes to see this package passed. I don't know that my Governor understands all of the details in the package. There will be nothing here to help with Florida's housing economy, which is the No. 1 problem we have today. Until we address the housing problem, we are not going to bring Florida back to economic health.

There is not enough largess that can come to Florida from the Federal Government to fill the coffers of the State's needs. We need for Florida's economy to get back on its feet. We need tax cuts so that the taxpayers have more money to spend, and we need to work on the housing problem. We need to work on the overall economy of the country so that tourism comes back to our State. All of these things working in unison will bring America back to economic health.

This package, unfortunately, misses the mark. One of the great dangers in it is that at the cost of almost just a hair under $800 billion, there are not enough additional hundreds of billions that we can safely spend. We have to get it right, because some of us in the Banking Committee this week heard from the Secretary of the Treasury, who told us to get ready, another almost $2 trillion more is going to be asked of you for the financial institutions. At the end of the day, this is very costly. At some point, continued Government spending isn't going to cut it. So that is why it is so important that this package be gotten right.

I hate to oppose this package, because I would have loved for us to have come up with something that was a truly bipartisan package—not just a way of getting three votes but a way of, in fact, working together and getting the best thinking of both sides and working on something that was bipartisan. Not working in that fashion has caused some of us to oppose this package. I hate doing that. I wanted to work with President Obama. I wish our new President well, and I hope the package succeeds and has the desired effect. In my conscience, I cannot support it because I don't feel it will do what this economy currently needs or that it will do what in fact all of us need to work together toward doing, and that is getting our country back on the road to recovery.

With great regret, I will not be able to support this package. I look forward to seeing the final outcome because we have not all read the bill yet. I will analyze it again to see if the component parts are there that will allow me to support it. But it appears clear to me, in the information we have, that that in fact will not be the case. I am increasingly disappointed, but at the same time my hope is that it will succeed because, at this moment, at this juncture in history, we need for our country to be successful, so that Americans can get back to work and our Nation can get back to prosperity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I have been listening to the remarks of the Senator from Florida. I find myself in agreement with him. I want to elaborate a little bit. For that reason, I ask unanimous consent that my 10 minutes be extended to 15 minutes should I need that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

(The remarks of Mr. INHOFE pertaining to the introduction of S.J. Res. 10 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Utah.

Mr. HATCH. Mr. President, I rise to express my opposition to the conference report that has been granted and put together accompanying the American recovery and Reinvestment Act of 2009, more commonly known as the stimulus package.

When I spoke on the floor last week about my disappointments in the Senate version of the stimulus bill, I did not think the bill would get much worse in conference. In fact, I harbored some hope it would actually improve. Unfortunately, I was wrong.

What we have seen emerge from the conference weakens the stronger provisions of the Senate bill and worsens the less effective provisions.

Many Utahans have called and written me to express their concerns about this stimulus package and the process by which it has been legislated. They are rightly worried about the consequences of an economic stimulus package that, with interest, will cost taxpayers well over $1 trillion. That is just the beginning, by the way. They are particularly worried it will be ineffective in saving or creating jobs.

Last year, President Obama's campaign was based on ''hope not fear.'' That is until he needs fear to help him pass a bill, as Charles Krauthammer of the Washington Post points out. The pressure is on the majority to convince the American people this is the right economic package.

On Tuesday, President Obama spoke to the American people, not about the audacity of hope but rather to instill fear into Americans. He said at that time:

> A failure to act will only deepen the crisis as well as the pain of Americans.

He also said:

> The Federal Government is the only entity left with the resources to jolt our economy.

While I do not disagree with these statements, it is wrong to use fear to force the completion of an unbalanced, largely partisan package that the Congressional Budget Office estimates will create at most 1.9 million jobs by the end of 2011 and leave us with a lower gross domestic product in 10 years than if we do nothing at all.

Keep in mind, the head of the Congressional Budget Office is a Democratic appointee.

It is clear we are in an economic recession and that action is needed to stimulate the Government. I think every one of our colleagues agrees with this. What troubles me is the misperception about why most Republicans are opposed to this bill. The President and many of our Democratic colleagues have unfairly implied that Republicans prefer to do nothing. That is absolutely not true. Yes, we are opposed to this bill, but we are not opposed to stimulating the economy. We simply want to do it in the most effective and least wasteful way as possible. We do not want to see us make a $1 trillion mistake, and this is a $1 trillion-plus mistake.

Yet we Republicans were shut out of negotiating the final conference report, which is something President Obama vowed to the American people he would change. According to President Obama's Presidential campaign Web site, change.gov, he vowed to ''end the practice of writing legislation behind closed doors.''

Specifically he said he would '' . . . work to reform congressional rules to require all legislative sessions, including committee mark-ups, and conference committees, to be conducted in public.''

That certainly did not happen here. I believe this bill could be much more effective and so does President Obama. At his Tuesday press conference, he admitted as much when he said:

> I cannot tell you for sure that everything in this plan will work exactly as we hope.

That concerns me. If we plan to spend an amount equal to the 15th largest economy in the world, we ought to make sure the stimulus plan is drafted in the most effective way possible.

For example, many economists say the make work pay tax credit provision in the plan, which will give workers roughly $15 more a week in each paycheck, will largely be ineffective in stimulating the economy. It is not going to help the economy. Yet it is a tremendous cost, around $150 billion, that could have easily been spent on something that would help the economy, create jobs. I suggested the research and development tax credit by

making that permanent. I cannot begin to tell you how that would keep our unqualified lead in the high-tech world.

My objection to this bill is not based on the fact it includes spending, it is because it lacks an effective balance of spending and tax relief.

If we look closely at the bill, we will see that much of what the majority lists as tax relief is actually spending. In other words, those who do not pay any income taxes, as well as State and local governments, are receiving money through the Tax Code. How can there be tax relief to those who do not pay taxes? That is more taxes for those who do. Tax relief from what? I am not saying those who do not pay income taxes should not benefit from this stimulus package. I am saying if you are going to give money to people who do not pay taxes, call it what it is—it is spending, it is not tax relief.

Like I say, I would far rather would have had a permanent research and development tax credit, which would cost about only two-thirds of what they are going to spend on this so-called make work pay provision that would create millions of jobs in America and throughout the world.

In fact, when one adds up all the provisions in the bill, more than 70 percent is spending and less than 30 percent is real tax relief. Where is the balance? Even worse, only one-half of 1 percent of this bill—one-half of 1 percent of this bill—is devoted to tax relief to help struggling businesses keep their doors open. One-half of 1 percent—that is pathetic. We know small business produces most of the jobs. Yet this is what we are doing. Moreover, the bill fails to adequately address the housing crisis. Unfortunately, the $15,000 tax credit for home buyers, which is one of the few bipartisan amendments accepted into the Senate bill during the Senate debate, has now been watered down drastically. So has the other major bipartisan amendment added on the Senate floor—the deduction for interest on a new auto loan. And one of the few provisions to help struggling companies keep their doors open—the expanded period for carryback net operating losses—has been erased from the conference report, except for small businesses.

Now, I have some news for my Democratic colleagues. Small businesses are not the only companies that are laying off workers. Allowing companies to get quick refunds of taxes previously paid was one of the few smart and efficient provisions in the Senate bill, designed to directly save jobs. Now that has been whittled down to a mere shadow of what it was.

I worry that my friends on the other side of the aisle are looking through rose-colored glasses, spectacles tinted by spending priorities, such as expanding Government programs, which they hope will stimulate the economy. They are trying to convince America that spending millions on Government vehicles will somehow stimulate the economy. They refuse to listen to even the President's Chair of the Council of Economic Advisers, Christina Romer, who in a study determined that every dollar of Government spending increases the gross domestic product by $1.40, while every dollar of tax relief increases the gross domestic product by $3. That is what the study says. The President's own Chair of the Council of Economic Advisers says that $1 of Government spending equals a $1.40 increase in GDP, but if you do it in tax relief, $1 will give you a $3 increase in GDP. Doesn't take too many brains to figure out it is far better to do it the second way.

The Congressional Budget Office recently estimated that the Senate version of this so-called stimulus package would only save or create between 600,000 and 1.9 million jobs by the end of 2011. At a cost of $1.2 trillion, including interest, the cost to the taxpayer for each job saved or created under the plan is at least $632,000 and as much as $2 million if that goes up. We are spending taxpayer money to create one job at the rate of $632,000 per job.

Now that the Senate bill has been scaled back significantly, this job-creation estimate is almost sure to go down significantly. We can do better than this, Mr. President. This is not good enough for Government work. With the amount of money spent in this bill, you could give every man, woman, and child in America $4,000. I think Utahns and all Americans would put $1.2 trillion to better use than what this bill does.

A large share of this stimulus bill will go to States to implement temporary programs. When that funding runs out, what do we tell all of those employees who were hired and now have to be let go? Will we say: Sorry, this is just a temporary job. Who are we kidding? This makes about as much sense as denying an undefeated football team the chance to play in the national championship game. I know that sounds a little bit like sour grapes since the University of Utah was the only undefeated team this last year but had absolutely zero chance to play in the national championship game.

The majority knows the American people want to see more tax relief in this stimulus bill. A February 9 poll conducted by the Rasmussen Report found that 62 percent of U.S. voters want the plan to include more tax relief and less Government spending. It appears as if the more time Americans have to review this bill, the less they like it. That is certainly the case for me.

While time is of the essence, we cannot afford to get this wrong. The stakes are too high. Yet President Obama has chosen to break the theme of his Presidential campaign and use fear to hurriedly pass this flawed economic stimulus package. Now, I am not sure I can blame him for that because he is stuck with what the people up here have done to him and to what he said he would do. So I suppose he was limited to using fear to get this package passed. I have a lot of respect for him. I personally have helped him, and I intend to help him more. But, gee whiz, this is pathetic.

Mr. President, we Republicans realize the severity of this economic situation. We recognize the need to stimulate the economy with a balanced stimulus package that has an appropriate mix of spending and real tax relief. We want to create jobs and spur economic growth. But haste makes waste, and, like many of my constituents, I believe our efforts are about to be wasted—squandered on a stimulus bill that will stimulate more criticism and feeling of futility than the economy.

The great American poet and abolitionist John Greenleaf Whittier wrote:

> For of all sad words of tongue or pen, the saddest are these: ''It might have been!''

And while those words were written more than a century ago, they can certainly be applied now to Congress. Faced with serious recession, we need to do our very best to get the economy moving again. Instead, it looks as if this body will settle for a partisan bill that could well fail to do the job our Nation requires. We should do better. We could do much better. The American people need us to do much better. And if this legislation passes, many of us will one day shake our heads at the opportunity lost and wonder aloud about what might have been.

I have told a few people over the last number of weeks who have blamed both parties for what has gone on here over the last number of years that I have been here 33 years and there hasn't been 1 day in the Senate that I can point to where a fiscal conservative majority has been in control of the Senate—not 1 day in 33 years—because there are always enough liberal Republicans, combined with the mostly all liberal Democrats, to do just about anything they want to in spending. It is discouraging, I have to admit. We have won some battles because we have outworked the other side or we have had a President who has made a difference on some issues, no question about it. But not 1 day that I can recall where, if you count the liberals on our side and the liberals on the Democratic side and you put them together—it is usually only five or six, really, on our side—we always have the majority on the other side. That is why President Bush was hammered all the time for his spending programs when, in fact, his budgets were at all times less than what we ultimately passed here in both Houses.

Mr. President, I would like to now take a few minutes to talk about the

health care provisions in this so-called stimulus package or, more appropriately, the next installment of the ''Socialized Health Care for All Act of 2009.'' Democrats hate to hear that. They think it is terrible to hear the word ''socialism.''

President Obama recently made the media rounds stating that any delay in passing this Government spending package would be inexcusable and irresponsible. Well, today I am going to highlight certain health care provisions in this Trojan horse legislation that, in the President's own words, should be classified as inexcusable and irresponsible.

First and foremost, let me make this point again, even though I am starting to sound like a broken record. Reforming our health care system to ensure that every American has access to quality, affordable, and portable health care is not a Republican or Democratic issue, it is an American issue. When we are dealing with 17 percent of our total economy, it is absolutely imperative that we address this challenge in an open and bipartisan process.

Think about it. We are going to talk about this for just a minute. Just like the partisan SCHIP exercise preceding this bill, this stimulus legislation is another example of the Democrats justifying the current economic turmoil to simply expand our entitlement programs and make the Federal Government bigger. More and more Americans are being pushed into Government-run health care programs. Special interests have taken priority over families; politics, of course, over policy.

In this time of national crisis, we should have come together as one group to write a responsible bill for the American families who are faced with rising unemployment and dropping home values. Instead, the other side has simply chosen to turn this into a government-expansion exercise and a grab-bag of favors for the liberal special interests.

I continue to hope that the other side's promise of change was more than a campaign slogan that did not expire on November 4, 2008. Let's all remember: Actions speak louder than words.

Let me start with the COBRA provisions in this package. The Senate version of the stimulus includes more than $20 billion in subsidies for health insurance premiums for those who have lost their jobs in these tough economic conditions. However, this subsidy will only go to those Americans who had access to COBRA coverage through their employers.

Now, let me put this inequity into perspective. If you worked for a large employer, such as Lehman Brothers or Bear Stearns in New York City, which had access to a COBRA qualified group health plan, you will get help under this bill. But mom-and-pop stores in Salt Lake City that could not afford a group health plan for their hard-working employees, they get nothing. Not a thing. Now, let me repeat again—nothing. This is not only unfair, it is unconscionable.

That is not all. It gets worse. Both the Senate- and the House-passed language gave the same COBRA subsidy—50 percent and 65 percent respectively—regardless of one's income threshold. Look at this chart. You probably recognize the fellow on the left. This is Richard Fuld, the former CEO of the now-bankrupt Lehman Brothers, who made almost half a billion dollars in salary, bonuses, and stock options since the year 2000. He is going to get the same level of subsidy for his health insurance premiums as the laid-off construction worker on the right here in Utah.

I worked with Senator GRASSLEY to write an amendment that would have applied income testing to this provision to target this taxpayer-funded help to those who needed it the most. We income test Medicare Part B for our seniors, so why not do the same for these subsidies? Unfortunately, it was not included in the Senate package.

Another concern Americans need to be mindful about is the impact of this massive COBRA subsidy on our Nation's employers, who are already struggling to meet their payroll needs.

By the way, just so everybody understands what COBRA means, if you get fired or the business ends or you have to leave the business, you have a right under COBRA to continue the insurance, but you have to pay for it rather than your employer.

Even though employers are not explicitly liable for the COBRA subsidies in this legislation, they will suffer from this phenomenon of adverse selection. A number of COBRA-eligible individuals have premiums that exceed those of active workers. Studies have shown that the average COBRA premiums are at 145 percent of active worker premium payments. According to a study by PricewaterhouseCoopers, the 10-year impact of this provision on employers, even when limited to those in the 55-to-64 age group, could be up to $65 billion. Economics 101 dictates that these additional costs will simply be passed on to employers, which in return will result in lower wages and more layoffs. This is not exactly what would qualify as ''stimulus'' in my book—spending, sure, but definitely not stimulus.

Let me shift my attention to the comparative effectiveness provision. The idea behind this concept is simple: Compare the effectiveness of medical treatments and procedures so payers, providers, and patients can make smart choices. Sounds good. However, the difficulty arises when you decide to compare on the basis of what is cheaper rather than what works well. Both the House- and the Senate-passed versions provided $1.1 billion for comparative effectiveness, including a $400 million slush fund to be used by the Secretary at his or her discretion. Once again, this is a topic of bipartisan interest and concern that should have been discussed in the context of comprehensive reform.

We can all agree that a one-size-fits-all approach is the wrong approach for the American health care system. Based on our own personal experiences, we know that what works best for one does not always work the same for the other. Allowing comparative effectiveness on the basis of cost can have disastrous consequences not only on innovation of lifesaving treatments but also in the delivery of quality care.

On this chart, for example, we see Jack Tagg, a former World War II pilot, who in 2006 suffered from a severe case of macular degeneration. The regional health board that utilized cost-based comparative effectiveness rejected his request for treatment citing high cost, unless the disease hit his other eye also.

It took 3 years to overturn that decision. Now let's just all remember that a family member with cancer in an intensive care unit would probably neither have the time nor the resources to appeal such an egregious decision. We need to remember the real implications of these provisions—not simply in terms of political spin and special interests—but in terms of its impact on real people who are our mothers, fathers, husbands, wives, brother and sisters—children.

During the Finance Committee consideration of the stimulus legislation, Senators BAUCUS, ENZI, CONRAD, and I discussed the importance of getting the comparative effectiveness provision right.

I believe that comparative effectiveness must focus on clinical effectiveness, not cost, and it should maintain patient choice and innovation. Failure to do so could have disastrous consequences.

As I have already said multiple times, I am disappointed that Democrats have decided to use the stimulus legislation to address health care reform in a partisan and piecemeal manner. Health IT—information technology—is another perfect example. It is an area of consensus that should have been part of a comprehensive and bipartisan health care reform dialogue.

It is my hope that the Health Information Technology Standards Committee that is created in this legislation will take into account the work of States like Utah that already have adopted statewide HIT. standards for the exchange of clinical data. Utah is much further down the road than other States in this area. Therefore, when the committee is making recommendations for HIT standards, it is my hope that the work of States like Utah will

be taken into account and seriously considered by the HIT Standards Committee members. Utah has been a national leader in this area and I believe that its work in this area should be used as a template when national HIT standards are developed.

In addition, as we incentivize physicians, hospitals and other health care providers to use electronic health records—EHR, it is important that we provide assistance for them with both the purchase and maintenance of EHR systems. I have heard from one Utah physician in Ogden who paid over $8,000 for software only to discover that the software simply does not work. This is unacceptable. Therefore, if we are going to incentivize health providers to use electronic health records, we need to make sure that providers will have assistance in choosing, implementing and using electronic health records.

Utah has been a leader in physician EHR implementation as a result of its participation in the Centers for Medicare and Medicaid Services—CMS—Medicare Care Management Performance—MCMP demonstration project which was created through the Medicare Modernization Act. The demonstration provided incentive funding to Utah physicians for adopting EHRs and offered these doctors support and assistance with their EHRs systems. In the bill we are considering, I included language to ensure that health providers in Utah and across the country will continue to receive that assistance. Without such assistance, many practices will move forward with a commitment to adopt EHRs, but will not choose the right product for their needs or could have difficulty using the system.

Another concern that has been brought to my attention by Utah health care providers is that the maintenance of effort provision in this legislation only applies to eligible State and local governments and not to State and local health care providers. This is a real concern in Utah. My State, like others across the Nation, is experiencing economic difficulties and, as a result, is contemplating reducing provider payments. I am deeply concerned about the impact this provision could have not only on providers but patient access to quality health care.

Finally, I would like to briefly address the enforcement provisions contained in section 13410 of this legislation relating to the State attorneys general. When adopting rules to implement the health information technology provisions in this act, I would urge Secretary of HHS to include rules to require the States to notify the HHS Secretary as to any outside groups that will have contracts to assist with the enforcement of these provisions. I appreciate the opportunity to work with my colleagues on this important issue.

I look forward to working together to transform our sick-care system into a true health care system. However, the other side at this time seems focused on transforming it into a socialized welfare system through this Government-spending bill. I continue to hold deep hope in my heart that we will soon move beyond these beltway games and work together to fix Main Street and make sure that our Nation continues to be the shining city on the hill.

Let me just make one other comment. When our bill went over to the House—the House bill was passed too—I happened to notice that the welfare reform program that we worked so hard on in the mid-1990s, that President Clinton vetoed twice until he finally decided that it was worthwhile and signed it, has been greatly modified in this bill. I may be wrong in this because I have not read that section, but I have had indications that that section basically has changed our welfare reform law. It basically put, within a short time thereafter, two-thirds of the people who had been on welfare to work, many of those people second and third generations on welfare. They found out that they could work and get the self-esteem that comes from being able to work, while still having a welfare system to care for those who can't care for themselves but would if they could.

My understanding is they have changed the rules now where people can stay on welfare their whole lifetime. I hope that has been changed. I have not looked at this final version, but I hope that has been changed. If not, let me make a prediction. For most all of my time in the Senate, the percentage of GDP that our Federal Government has required is somewhere between 18 and 20 percent. If this bill goes through and there is another $2 or $3 trillion in spending, without being done right, we are talking about Europeanizing America. We are talking about the percentage of GDP going up as high as 39 percent—according to the economists I talked to. That would be disastrous.

Some are so crude that they suggest that is the plan of our more liberal friends on the other side because the more they get people dependent on the Federal Government, the more they think the Democratic Party is the only one that is going to take care of them.

We prefer a little different approach to it. We prefer to help those who can't take care of themselves but would if they could, to help them in every way we possibly can. We have difficulty—at least I do—helping those who can help themselves but will not.

I hope that provision is no longer in this bill, but I strongly suspect it is. If that is so, we will have done the American economy tremendous harm.

I am concerned about this. I can't vote for this bill, but I would have liked to have voted for a really good bill that really provided appropriate tax relief and made it possible to expand jobs in such a way as to bring this economy back to the greatest economy in the world, bar none, without question, and without question of its future greatness.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I wanted to spend a few minutes this evening talking about what we think, what we think—I am going to emphasize that—because nobody has seen the bill that I understand we are supposed to vote on tomorrow morning, that spends almost $700 plus billion. We have not seen the bill. We have not seen the report language. And I can assure you that this Senator is not about to vote on this bill until he has read the bill and we will do due diligence to do that, if we ever get a copy of the bill.

But I wanted to talk about a couple of things that are important that we think are in the bill, and it has to do with health care. I have a little bit of experience in that. I have practiced medicine now for 28, 29 years. I find parts of this bill that I know when it is explained to the American public, they will agree with me, it is ludicrous.

Let me tell you the first part of the bill. There is $20 billion in this bill to pay hospitals and doctors to buy health IT. Now, at the beginning you would say, well, what is wrong with that? We want electronic medical records. We want to see the benefits that come from the economy of scale, the increased productivity that comes from IT to help us in health care.

Where this bill does not understand what is happening out there is doctors will buy health IT, and hospitals will improve—they all have health IT right now, by the way—will improve their health IT once there is a program out there that is interoperable with the rest of the program. The reason doctors are not buying programs for electronic medical records has nothing to do with a lack of money, it is this very simple reason: They know if they buy it now they get to buy it again, because none of the computers in health IT talk to each other. They will not talk.

The way to make them talk is called an interoperable standard. And a good example for you to compare, think about where we had ATMs. How did we make an ATM, where you can go anywhere in the country if you have a credit card that allows you to get cash and go into any ATM in this country

and get cash. How did we do that? How did ATMs come about? They came about because the private sector, the banking industry, created an interoperable standard first. Because they had the interoperability standard, where every bank could make sure that they could talk to every other bank, they put in ATMs.

All of a sudden, voila, anywhere in the world today, if you have money in the bank and you have an ATM card, you can get money out of the bank. They did not build the ATMs first, they did not have the Government buy the ATMs before they had the standard set.

People say, well, we have taken care of that in this bill. We are going to have the Government decide what the interoperable standard is. Well, the Government has been working for 6 years to develop an interoperability standard. They are at least doing it through a private consortium now, and 80 percent of that standard has been accomplished. It will be completed in 2011. But it will not be completed the way this bill is written, because we are going to pull it all back from this public-private consortium and we are going to have some bureaucrats at HHS decide what the standard is going to be.

There are a lot of problems with that. One is nobody at HHS knows that information. No. 2 is, everything that is out there in the market today is now put at risk, so you are going to absolutely stop private investment in this area that is so much needed.

So what we are going to do is we are going to allow bureaucrats to decide what is it going to be. We are going to eliminate companies that have great ideas, because they are not going to be in the mix, and we are going to accept a standard that is not going to be the best standard.

The way HHS has it set up now with a public-private consortium was a poor way to do it, but at least it has got it 80 percent of the way there. We are going to backtrack on it. Just so you know, we are so good at spending money. We have spent $780 million already of your money trying to get this, that we are going to now throw down the toilet so we can start over and have bureaucrats exactly decide what the standard is going to be.

Well, I will predict to you, everything else we do in IT in the Federal Government, 50 percent of the money we waste. That is what our studies show. We waste $32 billion a year on IT programs that never work, out of a $64 billion budget for IT programs alone. So we are going to waste a ton of money.

But that is not the important thing in this bill. We are going to give every doctor in the country, no matter how much money they make, if they do not have electronic medical records, we are going to give them $60,000 to buy an electronic medical record.

Now, it would seem to me that with the incomes of the average physician being over $200,000, the last place we want to give $60,000 to buy a piece of software that is not going to work, that is going to have to be replaced anyway, is to those who are in the upper income in this country.

But that is probably not as important as we are going to give for-profit hospitals and the profitable non-profit hospitals $11 million each to buy electronic medical record software that still will not talk to the doctors who bought it and we gave $60,000.

The total cost of this, and what we are doing, is going to be in excess, by the time all of the problems are solved and all of the defects are figured out, and all of the wasted money, of $100 billion. This bill is going to waste $100 billion.

Now, tell me for a minute why we would give some of the most profitable companies in the country, the for-profit hospitals and the not-for-profit hospitals who last year made in excess of $6 billion—that is the not-for-profit hospitals made in excess of $6 billion besides doing the charity care that they did—why are we going to give them $11 million each to accomplish something that cannot be accomplished?

I will tell you why we are going to do it. Because some Congressman or some Senator said the way you solve this problem is to throw money at it. They haven't thought it through. There has been no development on or recognition of what is needed, which is an interoperable standard. What should we have done? Seven years ago when we started down this process, there were three great programs out there: one at Mayo—I am talking big programs—one at Cleveland Clinic, and one at Kaiser Permanente. What should we have done? We should have bought all three of those, created the ability for those three programs to talk to each other and given it away. We would have spent about $20 or $30 million, maybe $100 million, maybe $200 million, but not $100 billion. So again, Washington has messed it up. The very thing we are hoping to fix we are going to ruin. As we do it, we are going to waste $100 billion, and $30 billion of that total is in this bill.

The other interesting thing is none of this money starts rolling out until the middle of next year.

I am told I have 1 minute remaining. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. That is one of the problems with this bill.

Let's talk about the big problem. As a practicing physician, I know what physicians are taught. First, do no harm. Second, listen to your patient, and they will tell you what is wrong with them. Third, if it has already been done, don't do it again. That is what they are taught. With that comes years of experience, clinical judgment, and in-depth knowledge about people and their disease. In this bill is a statement that says: We are going to develop, through a large slush fund at Health and Human Services, a model called comparative effectiveness. There is nothing wrong with comparing effective outcomes. There is nothing wrong with trying to use clinical data to move us in a better direction. But that is not what this is about. This is comparative effectiveness to control cost.

I warn the American people tonight, if this bill goes through, we are well on the way to absolute government control of the patient-doctor relationship, because we are going to assume that there is no way that a doctor can make a better decision than a computer. I will give two examples that happened in the last 5 years in my practice, two people who came in who had no clinical signs, had no indications other than my knowing them for years and developing a suspicion that something was wrong. They didn't come with a complaint. Their complaint was something else. I ordered MRIs on both patients. They were both denied by their insurance company. I arranged for both of them to get MRIs. Both had deadly brain tumors. They never would have fit in the comparative effectiveness or the cost control mechanism that we are setting up with this so we can control Medicare costs. This is the first step for the government to start rationing the very care it says it wants to give to the American people.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COBURN. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. The American people better pay very close attention to this bill. If you are on Medicare today or if you are 55 years of age, you better be plenty afraid of the language in this bill, because it is setting up the basis with which the Government will decide what kind of care you get. We are going to use a chart. If you don't fit in the chart, you are out of luck. You are going to lose the ability for clinical skills to make a difference in your life. Talk to the people of Great Britain where cancer cure rates are lower than ours because they don't have access to treatments Americans have today.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from New Mexico.

(The remarks of Mr. UDALL of New Mexico pertaining to the introduction of S. 433 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise to discuss the economic stimulus plan, and I rise in dismay. I am dismayed because we are about to spend $786 billion—or whatever the latest figure is that keeps changing almost by the hour—one of the most expensive bills this or any other Congress has ever seen that will not truly stimulate anything. I am also dismayed that in doing so we are placing an almost insurmountable fiscal yoke across the next generation's shoulders.

Yesterday, I became the proud grandfather of two twin granddaughters. It saddens me to know the result of the votes we cast, I assume, tomorrow—and the ultimate cost of this bill—is going to be borne by those two little girls in their lifetimes and not by my generation in ours. We are saddling this next generation of our children and grandchildren with an unbelievable debt for the purpose of trying to stimulate the economy when, in fact, there is virtually nothing in this bill that truly is going to stimulate the economy in the current crisis we are in.

Georgians and Americans are struggling. They need jobs. They need food on the table. They need to be able to go to bed at night knowing, at the very least, they have the blessing of a roof over their heads.

But provisions in the bill that could have truly helped Americans, such as a $500-per-worker tax credit, have been so watered down that now the experts say that particular provision is going to provide about $13 more per week in workers' pockets. That is not a stimulus plan.

I commend my good friend and my colleague, Senator ISAKSON from Georgia, who worked to put an idea in this bill, a housing tax credit that we know would have stimulated the economy and revived the plummeting housing market.

Now, why are we in this economic crisis we are in today? If you ask any economist to point to one thing that has put us in this crisis, every single one of them—Republican and Democratic economists, conservative and liberal economists, Independent economists—every one of them will tell you the housing crisis is the No. 1 issue that put us into this crisis.

Unfortunately, the bill that came out of the House, the bill that originally came out of the Finance Committee in the Senate, contained not one single provision, in either bill, that was focused on addressing this issue of the housing crisis.

Under Senator ISAKSON's proposal that was an amendment to the bill on the floor of the Senate, a $15,000 home buyer tax credit would have been given to anyone who purchased a home during the next year. That would have had a very positive effect on the economy. How do we know that? We know that because Congress passed a similar housing tax credit in 1975, when we were in the midst of another declining housing industry situation in a crisis that was not as severe as this one but still in a crisis. What we found then was that particular provision turned around America's sagging economic fortunes.

I know families across the country were waiting for this tax credit to pass. I have heard from Georgians over and over again, over the last several weeks, who are looking for a new home to buy, but they, frankly, have been waiting on the proposal because they have been reading about it.

I got a call from a radio talk show host in my home State today who made the statement to me, before we started the interview: Tell me about Senator ISAKSON's tax credit provision. Where does it stand because I am looking for a home to buy and my realtor called me and said: Look, you can afford to pay a little bit more because here is what is going to be the result of your buying this house: a $15,000 tax credit.

Now, with the way this provision has been watered down, it may as well not even be in there. It is unfortunate. This was a bipartisan amendment, an amendment that was talked about on both sides of the aisle by Senators in this Chamber, and was agreed to without even calling for a vote because everybody recognizes the housing sector has to be fixed and that this would play a major role in fixing that sector.

All week we have read in the papers and heard from a majority of our colleagues that this bill is a compromise. Well, let me say this: This bill is no compromise. When deals of this magnitude are struck in closed-door, backroom sessions, when the White House talks to this side of the aisle but does not truly listen, you do not have a compromise.

It is pretty clear the White House has not listened to this side of the aisle in crafting this final proposal that apparently is in the process of being agreed to. My Republican colleagues have offered proposal after proposal to create jobs, to fix the real crux of our economic troubles—the housing crisis—and to lend a hand to laid-off workers who are suffering through no fault of their own. Instead, we are spending money we do not have on projects or programs that are not needed.

What taxpayers are getting instead is a bloated Government giveaway packed with pet projects. Let me say there has been a lot of conversation coming from the White House, as well as on the floor of the Senate, that this bill does not contain earmarks. Well, anybody who says that simply has not read the bill. This bill is packed with as many earmarks as I have seen in any bill that has come into this body in the time I have been here. There is earmark after earmark in here, and we are going to talk some more about that before this bill is voted on, presumably tomorrow.

The American people know something needs to be done, and I agree that it does. But this legislation is not what is needed to address the housing crisis, put hard-earned dollars back in our citizens' pockets to spend as they wish, and put Americans back to work.

Our side of the aisle offered a very targeted combination of spending and tax reductions in the McCain amendment. A truly bipartisan effort by the majority and the Senate as a whole would have passed that amendment, and we could be headed down the road of reaching a bipartisan agreement on the issue of trying to solve this economic crisis. Unfortunately, that amendment was not agreed to because it was not voted on in a bipartisan way.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Georgia for his excellent comments about the housing proposal offered by our colleague, Senator ISAKSON. I thought it was a good idea when he first brought it up. It would have pleased me if that had been included at the time President Bush sent out those checks a year ago that had no real permanent benefit, and I thought it should have been included then. I was very much supportive of it when he brought it forward later, last week, and I thought we had adopted it. But it looks like it is going to be taken out or so reduced it will not have the same effect.

The advantage of that was it would target the real problem we have; which is the housing supply that is growing. The growing supply of unoccupied housing causes the price of everyone's home to decline. We know it had to decline some because we had a bubble in housing. But there is a danger when home prices fall below what the real market value is. When they fall too low, it does begin to have serious ramifications in the economy.

Similar to Senator CHAMBLISS, I thought Senator MCCAIN's proposal had some real infrastructure spending, some targeted tax reductions that would put money in people's pockets immediately but would not necessarily be permanent, and we could shut that off without creating a bureaucracy. I thought that was a real good piece of legislation. It cost about half the cost of this legislation.

So there are some things we could do. I was certainly prepared to consider other options and other alternatives. But, as it is, there has been very little input into this bill. Right now, we still have not seen it. There was talk about trying to vote on it tonight. That is unthinkable: to have a 700-plus page piece of legislation, spending almost

$800 billion, and people who have not read it are going to vote on it? Surely, that will not happen. It is not a good process, in my view.

I am disturbed about it, and I think the financial soul of our country is at stake. If this becomes a pattern, if this becomes the way we do business and the way we spend money and throw money around, it seems to me, too much in a political way, rather than in a stimulative way, we will say to our constituents and to the world: The United States does not have its house in order, it is not a safe place to put money, and there is no certainty about what will happen next because unpredictable Government actions may dwarf the natural economic forces that people relied on in the past to make their investments. So I am worried about that.

I would share something here. When you get the Government spending a large amount of money, it creates a lot of problems. Our economy has always been less dominated by Government spending than the European economies, at least Germany and France in particular. They have had Government spending that represents as much as 45 or 50 percent of their gross domestic product. It is a huge portion of their economy. Their unemployment rate has always tended to be higher than ours, and their growth has not kept up with ours.

One other thing happens when the Government injects itself into the economy; and that is, it has a tendency to corrupt the Government itself. We have had a lot of criticisms about lobbyists, that we have too many lobbyists. Lobbyists have too much influence, and we should have fewer lobbyists and they should have less influence. But as the size and power of the Government expands, I think it is only natural that one would expect companies worth billions of dollars would feel a necessity to have more lobbyists. This is a Washington Times piece not long ago dealing with the $700 billion Wall Street bailout, and it shows some of the things that were happening. During the fourth quarter, Citigroup had $1.28 million in lobbyist expenses. In the third quarter, they had $1.39 million in lobbyist expenses. People say, well, that is unbelievable. That is a lot of money. There are 1,000 million dollars in a billion. That is how many 1 billion is, 1,000 million. During that time, Citigroup gets $45 billion from the U.S. Government. So what is that? Forty-five billion is forty-five thousand million. So it is probably a pretty good idea, from the company's point of view, to spend $1 million on lobbyists. That is a pretty good bargain. That is all I am saying. The bigger the Government, the more the Government gets interfaced with what has historically been a private sector that we didn't stick our nose in. Historically, the companies paid taxes, they obeyed the law, and the Government didn't subsidize winners and losers in the banking industry.

So AIG, they actually got, I think now, over $100 billion. They spent $390,000 in fourth quarter expenses. General Motors, look at that: $3,320,000. They got money out of this Wall Street financial bailout that nobody ever thought they could get. They got the Government to give them $10 billion. So I guess they consider $3 million in lobbying expenses to be a pretty good bargain. Those are some of the dangers when we stick our nose into matters that we out not to meddle in.

Once again, I wish to share this chart because I think it is instructive of the situation in which we find ourselves. Back in 2004, President Bush had the biggest deficit up to that time since World War II—maybe ever, in terms of real dollars. It was $413 billion. That is when he was criticized so aggressively, as many of my colleagues will remember, for reckless spending and running up the deficit. I thought a lot of that criticism was valid, but we had a war going on and we had some other things. We didn't contain spending as well as we should have. The recession that occurred was biting into revenue, and we ended up with a $413 billion deficit, the biggest we had ever had. It dropped in 2005 to $318 billion, it dropped to $248 billion in 2006, and in 2007 the deficit dropped to $161 billion. It was definitely heading in the right direction. That represented only 1.2 percent of GDP. This 3.6 percent of GDP for the deficit was the highest in about 30 years, since the recession in 1980, as I recall.

So what about 2008, the last fiscal year, ending September 30 of 2008. We sent out the $150 billion in checks to Americans in the hope that it would do something good for the economy. People blamed the President for it. I think he deserves blame for it because it didn't work. However, the President has no authority whatsoever to spend a dime that Congress doesn't give him. He had to come to Congress and ask for that money. The Democratic leadership supported it and moved the bill forward, and we sent out the checks. That, plus the economic slowdown, caused the 2008 deficit. Last September 30, it was $455 billion, the largest ever.

What about this year? Our own Congressional Budget Office has done some analysis. And I would just say that the CBO is a nonpartisan group. We just elected a new Director. He was basically selected by the Democratic majority. The Republican members of the Budget Committee liked him. We thought he was an honest, capable man, and we voted for him. So we got a new Director. He is, I believe, an honorable person, gives us good numbers, as the previous Director did. So the CBO estimates, without the stimulus, the deficit ending September 30 of this year will be $1.3 trillion. That will represent 8.3 percent of GDP, the highest ever.

Now we are about to pass another almost $800 billion stimulus package on top of that. It all would not get spent in 2009. It is not all going to get spent before September 30 of this year, so of that 800 they are scoring about 232 to be spent in this year, meaning the total deficit would be $1.4 trillion, three times—three times—the size of the highest deficit we have ever had in history.

I have to tell my colleagues, Gary Becker, the Nobel Prize-winning economist, and another one of his associates, just wrote an op-ed in the Wall Street Journal. He questioned this stimulus package. He used careful language. He said normally in a stimulus package, for every dollar you expend, you hope to get a dollar and a half of growth. He said in their opinion, because of the nature of this legislation—I will say the political nature of it rather than the stimulus nature of it—they conclude each dollar spent will produce less than a dollar of stimulus.

So we are adding another $800 billion on to our debt total for very little benefit. When you go to next year, they are expecting it to be another $1 trillion deficit and the year after that, $640 billion. By the way, these 2 years at least have $70 billion more which will be added because we are going to fix the AMT, the alternative minimum tax. It costs $70 billion to fix it, and we do it every year, and that is never scored until we fix it. So that will be added on to both of those. Also, physicians are set to get a 20-percent reduction next year in their physician payments. Why do we do that? Well, we passed a law a long time ago that would call for that. We have long since recognized we can't cut our doctors' pay that way, we can't cut them 20 percent. Every year, we put the money back in. It is about $30 billion, I believe, a year. That doesn't score in these numbers. So you can assume the deficit next year will be at least about $100 billion higher than current estimates. Those are gimmicks we use to hide the real nature of the deficit.

According to the Congressional Budget Office, interest in the stimulus bill alone over the next 10 years will amount to $326 billion, and that includes the first 2 years when all is not yet spent. It will actually be about $40 billion a year thereafter once it all gets spent. That is a huge thing. That is $400 billion every decade. Who is going to pay it? Our children and grandchildren. There is no plan to pay this off. So this is not a minor matter.

Finally, our own Congressional Budget Office, after studying this package, concluded these things: It would have a temporary stimulus effect in the first 2 to 3 years, but over a 10-year period,

they conclude the gross domestic product would grow less if the legislation were enacted than if we didn't pass anything. They project that over a 10-year period it would hurt the economy—not a lot, but it would be down. Why? Because when we borrow $1 trillion from the private economy to pay this debt, it crowds out private people who may want to borrow money and create jobs.

Secondly, you have to pay the interest on it every year; we have to pay $40 billion a year in interest. How much is $40 billion? That is the amount of the entire Federal highway budget each year, $40 billion—a lot of money. Now we are going to add that every year, just in interest, which we will be paying indefinitely. Some people have said—even some conservatives have said deficits don't matter. Wrong. Deficits do matter.

Finally, I would just point out these facts about why the bill is not effective to do what it says it wants to do, which is to create jobs. It is simple arithmetic. We wrote this chart when the bill was $826 billion. It actually came out of the Senate at $838 billion. We are hearing it is going to come out less than that, and that we will end up with about $789 billion. So we don't know. Apparently, they are still arguing over what to spend and how to spend the money. The interest on that version, according to CBO, would run $347 billion, give or take a billion or two, over the next decade.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. So that totals over $1.1 trillion. You divide that out per taxpayer, per person who pays taxes—don't think that something can be created for nothing. To inject $800 billion into the economy today, we have to borrow it. How much does that mean that the average American is assuming as new debt? Well, what we conclude is—just from simple arithmetic—it is about $8,400 per taxpayer. Think about that. Just like that, we are going to pass a bill that over 10 years will cost over $1.1 trillion and increase the average taxpayer's share of the debt by about $8,400. It is like adding it to your mortgage or something.

If it produces 3.9 million jobs, which is the high end of what the Congressional Budget Office says it would create—the goal for those pushing the legislation say they want to create 4 million jobs. That is the high side of what—it is higher, actually, than what CBO, our own budget office, tells us it will create. So 3.9 million jobs, that costs $300,000 per job. Do the arithmetic.

Is that a good deal for America? Is that worth burdening us with $8,400 each? What if it came out on the low side? What if it only created 1.3 million jobs, which was the low side that CBO scored—1.3 to 3.9? That would be $900,000 per job.

Mr. President, I would say that, yes, we can do some things to improve this economy, but we are moving a political agenda; we are moving programmatic ideas. A lot of people might like to see some of these things become law, but they don't want to go through the entire budget process, to compete and debate. They just stick these programs into this emergency stimulus bill that goes straight to the debt, none of which is paid for, and then it is all debt. I don't think it is a good idea.

Good people might disagree, but I firmly believe it is not a good idea for my constituents. My phones are ringing off the hook against it. I don't believe it is good for my children, my grandchildren, or yours.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I understand we are in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, what we are debating in the Senate is about fighting for the economic future of America.

Dr. King talked about the ''fierce urgency of now'' in the context of a struggle for civil rights. We have to remember the fierce urgency of now when we are tackling the worst economic crisis our country has seen in generations.

We have to understand the urgency for the 3.6 million Americans who have lost their job since December 2007—almost 600,000 in the last month alone. It is an urgent situation when millions of American families are in danger of losing their homes. It is a dire situation when State budgets are stretched so thin they have to watch school buildings crumble. It is an emergency situation when local communities are forced to consider cutting police or firefighters who protect their residents. It is an immediate crisis when a young girl needs an operation but her parents cannot afford health insurance. The Dow lost 40 percent in a year's time. Businesses are closing. Life savings are being drained.

Even for the hard-working Americans who still have their jobs, pensions, and health care, there is still a lot of fear out there that their careers and health insurance aren't secure; that the job loss or foreclosure that hit their neighbor might knock on their door next. Yet in the midst of all of that, I hear so many of my colleagues basically saying: Oh, no, do nothing.

Without bold and decisive action, the country faces the possibility of a prolonged economic collapse rivaling the worst we have ever seen.

In a crisis this severe, the Federal Government has the responsibility to step in and to stabilize the economy and lay the groundwork for recovery. We are not just talking about the financial recovery of individuals; we are talking about the renewal of a nation.

We have before us a tremendous opportunity to strengthen the 21st-century economy, to make investments so the private sector can create the innovations that will help our country prosper in the future, to transition away from fossil fuels and stop sending our money abroad, enhance America's energy security and meet the climate crisis that threatens our planet.

We have an opportunity very soon to vote on a bold plan to create and maintain more than 3.5 million jobs in America and 100,000 in my home State of New Jersey, helping workers damaged by this crisis and laying the foundations for economic growth well into the future.

Is the bill we are considering perfect? No. But in my many years of legislating, I have never seen a perfect bill. People are losing their jobs, their homes, and their life savings. The unemployment rate in New Jersey is the highest it has been in a decade and a half. More Americans are filing first-time jobless claims than any time in a quarter of a century. This isn't a time for delay, and it isn't a time for games or political posturing. It is time for quick, bold action. This is a complicated piece of legislation, so I will take a little time to lay out its most important provisions.

First, this bill brings tax relief to the middle class—about $230 billion worth of tax cuts. In the Finance Committee, I introduced an amendment to save over 1 million New Jerseyans from the alternative minimum tax, saving families up to $5,600.

That AMT tax was originally designed to ensure that the wealthiest Americans could not use creative accounting to avoid all taxes, but it was never intended to hit the middle class as hard as it is hitting them now. If we don't act, millions of taxpayers could wake up next tax season to realize they owe more in taxes even though their income hasn't changed.

The cornerstone of this legislation, in terms of tax relief, is a making work pay credit—the credit that is available to those who are working. The average working family—95 percent of all working families—are going to get a tax cut of up to $800 to put money back into their pockets to support their families and, at the same time, create demand for goods and services in this economy that will be provided largely by the private sector that creates other jobs for

those who provide those goods and service.

It expands the earned-income and child tax credit to help low-income working families get through these difficult times. Those are the individuals who need money, and when they have it, they spend it in an economy that also creates demand for goods and services, created largely by the private sector. In fact, 90 percent of all of the jobs created under this bill will be from the private sector. It supports tax incentives for businesses to make new investments and hire new employees.

This recovery package would not just create jobs; it will create a new generation of green jobs. What we are considering today is a green recovery package, which will help change the direction of our economy for one based on fossil fuels to one based on clean renewable energy. It makes important investments in building efficiency, renewable fuels, clean vehicles, and green job training. It makes a massive investment in weatherizing homes, which will reduce emissions while bringing down energy costs. All along the way, each of those initiatives creates a different sector of the job marketplace that Americans will be able to fulfill.

Just like the rest of it, the energy piece of this legislation isn't perfect. I would have liked to have seen more support for mass transit. They are facing major budget crises and have to consider service cutbacks, just as ridership is growing and climate change is accelerating. Transit funding is essential if we are going to meet our emissions goals, get cars off the streets, and keep efficient transportation affordable.

The Federal Government has been dragging its feet on energy security and climate change for too long. Our local governments have been leading the way. That is why I am proud to have created the energy efficiency and conservation block grant in 2007, along with Senator SANDERS, to help fund and reward them for that work. I am thrilled this Economic Recovery Act contains substantial funding for these grants, including tens of millions of dollars for New Jersey. Cities and communities across the country can use the funding to promote efficiency, lower greenhouse gas emissions, and invest in renewable energy and the jobs that will go along with that in doing that work.

A municipality could work to insulate office buildings, install fluorescent light bulbs, install solar panels, invest in LED lighting for traffic signals or purchase more efficient municipal vehicles. Of course, what a municipality would do for energy efficiency in New Jersey would be different from what one might do in Alaska or Arizona. So the funding allows for flexibility.

There is strong support for solar energy, including a manufacturing tax credit and tax incentives for homeowners to install solar panels. That is good news for New Jersey, which is the second-biggest solar-producing State in the country and where the solar cell was invented.

The support for energy efficiency is complemented by important investments in infrastructure. With this recovery plan, we can start building and rehabilitating scores of roads, bridges, and bypasses.

We have the chance to secure a stream of funding to start construction on the ARC rail tunnel, to ease commutes across the Hudson, reduce traffic, and clean our air. Most important, those kinds of projects put people to work. Not only the construction people but the engineers and architects, the clerical workers in their office, and everybody who creates supplies for these jobs at their places of work, and the transportation that brings it to the job site. This is how we create all of these jobs, and they're mostly in the private sector.

We understand a major part of helping the economic recovery is allowing workers who have lost their jobs to keep their families afloat, develop the skills necessary to maintain long-term employment and find new jobs.

This economic recovery package makes exactly this type of bold investment. It helps States close gaps in their unemployment programs. It rewards States for innovative reforms, providing benefits to more than 500,000 workers a year who are now falling through the cracks of the unemployment program. It stimulates the broader economy as every dollar put into the hands of temporarily displaced workers and their families generates $1.64 in economic growth, whether it is spent on housing, groceries, or other basic necessities.

For those who have fallen on the hardest of times—who have been laid off and haven't been able to find work and are having trouble putting food on the table or keeping a roof overhead—the recovery package includes important support for food assistance, as well as housing programs that will help prevent foreclosures, rehabilitate homes, and provide emergency housing in New Jersey.

This legislation that we are talking about is not only recovery but investment. This legislation also means about $4 billion for worker training and employment services. The labor market has fundamentally changed. If we are going to stay competitive in our State and country, we need to invest in human capital and give our workers the skills to thrive in the 21st-century economy.

Preparing those students and workers and those who will prepare them for the high-tech, high-paying jobs means investing in education at every level. That is also not only going to lay the foundation for long-term economic growth but give immediate opportunities for jobs as well. These are ways in which we, in fact, can modernize our schools. At least 205 New Jersey schools will have the opportunity to modernize themselves with the technology necessary and the laboratory necessary for preparation for this 21st-century economy. It is an investment that could mean the difference between a crumbling schoolroom and a science lab that prepares a child for a career in biomedical engineering.

I was raised in a tenement, poor, the son of immigrants, the first in my family to go to college. I know I would not be standing in the Senate today if it weren't for the Federal Government's support and those opportunities. Whether it is our public education program or in college through the Pell grants and the opportunities in the American opportunity tax credit to make college more affordable, it will produce a workforce that can compete anywhere in the world and be able to capture the new jobs created under this bill.

Any parent in America knows the challenges of affording health care, even if you haven't lost your job. Families working in low-wage or even moderate-wage jobs struggle every month just to pay the bills, not to mention the medical bills on top of that. Those who have recently lost jobs are pretty much out of luck. Unfortunately, a child's illness doesn't always wait for a good-paying job with health care to come along.

That is why we have included provisions in this bill to help States continue to provide health coverage to those children and families they are serving. For those who lose their jobs and their health insurance with it, we have included a tax break to help them pay for the COBRA coverage they are eligible for in between jobs.

I will end where this whole crisis began, in housing. This bill includes provisions that will allow more families to get tax relief when they buy a home, provide additional funding for those who recently lost their home, and provide additional funding for a provision I authored to help children affected by a home foreclosure stay in school.

This plan may be detailed; the investments it makes may be diverse. But we are not talking about just throwing money haphazardly. We understand every dollar in the plan belongs to the American taxpayer. They deserve assurances that their money is invested wisely. So we are going to ensure unprecedented transparency, oversight, and accountability to the plan so Americans can see not only how their money is being spent, but also the results of their investments.

This includes requiring the President to report quarterly on the plan's

progress, as well as establishing an oversight panel to review the management of taxpayer dollars.

We have had a vigorous debate in the legislation. That is part of our democracy and it is always welcome. It has been troubling to me to see such a bad case of amnesia in some of my colleagues on the other side of the aisle. I think it would make every American who loss his or her job in this recession cringe to hear that some of my Republican colleagues want to repeat the policies that helped create this crisis in the first place.

Republican policies dominated the last Presidency over the last 8 years and dominated Congress for a good part of that period of time. All of a sudden, they are guardians of fiscal responsibility, after taxing the middle class while passing capital gains and dividend tax cuts aimed at the wealthy, after turning President Clinton's record surpluses into President Bush's record deficits and doubling the national debt to more than $11 trillion—$11 trillion. If we did absolutely nothing, if President Obama did absolutely nothing, he will have inherited a $1.2 trillion debt. I hear these voices now of fiscal responsibility. Where were they when they were driving this enormous deficit to the Nation?

Now, to top it all off, they added amendment after amendment that added to the debt, and then they turned around, after adding to the debt and complaining about it, and voted against the package because they said it adds too much to the Federal debt. Only in Washington can one believe that.

Finally, I hope our Republican colleagues are not of the belief that by hoping this package does not succeed they will achieve political victory because, in essence, they would be voting and betting against an American economic recovery, against the American people's hopes and dreams and aspirations to live a better life.

I fear, after reading some of the articles today, that is exactly where they are: no plan to meet the economic challenges we have, complain about the plan that is there, and then ultimately find ourselves in a set of circumstances in which they are betting against the American people and this economic recovery. That is not only bad politics, it is pad policy for the Nation. I hope they will see the light when it comes time to vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. RISCH. Mr. President, first, let me say to my distinguished colleague from New Jersey, I sincerely appreciate his passion about this problem. I think everyone on this side of the aisle likewise feels as passionately about the difficulties facing the American people today. There is no one who believes this is not a problem. There is no one here who does not feel the empathy every one of us should feel about Americans who are losing their jobs and about Americans who are underemployed.

There are over 92 percent of Americans employed, but there are over 7 percent who are not. The fact that 92 percent are employed in no way denigrates the fact that we have a substantial and a high rate of unemployment.

With all due respect to my colleague from New Jersey, he made reference to the fact that there are people encouraging that we do nothing. I don't know who that person is. I have not run into them yet. It is not anyone on this floor that I know of.

I think this problem is so serious and I believe my Republican colleagues believe this problem is so serious that it does not only deserve something be done but that something major be done, something aggressive be done, and something quickly be done.

With all due respect, I strongly disagree with his characterization that there is anyone on this side of the aisle who hopes this plan does not succeed. We pray every day that this package does succeed. It has to succeed. If it does not, this country is going to be in very serious trouble.

Let there be no mistake about it, this is clearly a Democratic plan. The people who are saying this is a bipartisan plan are flat wrong. This is a Democratic plan. I hope it works. I pray that it works. I pray that we will be able to come out here one day in the very near future and say congratulations to the Democrats for putting together this package and putting it to work so that we turn this economy around. The Democrats own this plan.

Having said that, I urge, and my colleagues on this side of the aisle urge, that this is not just a single path that is going to take us out of the problem we have. Indeed, it is going to take more than just spending. Just spending has not worked in the past. It did not work at the time of the Great Depression. It did not work for Japan in the nineties. It did not even work for us last year when this Congress gave $600 to every individual to go out and spend. It did not even put a blip on the screen as far as helping the downturn in the economy.

The real problem, the systemic problem is the frozen credit markets. It is not Government spending that is going to get us out of this situation; it is the spending by the great American people, by the great American consumer, by businesses large and businesses small. It is their spending that will get us out of the deep hole we are in.

With all due respect to my good friend from New Jersey, I would like to see as much passion about attacking the problem with the banking sector and the frozen credit markets that we are seeing for this spending of $800 billion which, when all is said and done, will turn out to be $1.2 trillion when we include the interest that is going to have to be paid.

I congratulate the good Senator for referring to the work done in the housing sector. With all due respect, I urge it is not enough. This Senate added an excellent provision to this particular package. It was taken out when the conference committee met, and that portion that was taken out reduced in half what needed to be done to help stimulate the housing sector.

Mr. President, you heard my distinguished colleague from New Jersey talk about the amount people will be able to use to go out and get a home. It was reduced in the conference committee. It was cut virtually in half. On top of that, it only allows for first-time buyers, which just does not make sense. If we are trying to stimulate the housing sector, why just first-time house buyers? Everyone should be given this opportunity to go out and to purchase a new home or a previously occupied home and should get the credit.

With all due respect, what this Senate did was taken out in the conference committee. I would like to see the same passion as the other two paths—that is, attacking the frozen credit market and the housing sector—that we keep seeing from the other side as far as the spending of this $800 billion.

I close with this. I asked this on the floor the other day: Why $800 billion? It is really important that history knows why America settled on $800 billion. There is no doubt this is going to pass. The Democrats will vote together on this. Three Republicans have shown they are going to vote with them. And there is no doubt this is going to pass. But we need, America needs, America requires an explanation of why $800 billion.

I heard the President of the United States say earlier this week: That is not just a number I pulled out of the air. I take him at his word. If it was not just pulled out of the air, it was carefully constructed with a formula. I want to see that formula. America wants to see that formula. Historians are going to need to see that formula because if it works, we are going to need that formula in the future again someday. If it does not work, we need to look at that formula and see if we can figure out why it did not work.

Somebody, please, deliver us that formula so we know how the number of $800 billion was reached. It could be $50 billion. It could be $200 billion. It could be $600 billion. It could be $1.5 trillion. We don't know. But if we have that formula, we Republicans can help fine-tune that formula to either spend more if more needs to be spent based on the formula or to spend less if less can be spent and if we can save this money.

We are strapping our children, grandchildren, and great grandchildren with a horrendous debt. They are going to be paying this back. The money will have to be borrowed probably from China. They are the ones who usually put up the money for this. Future generations are going to be working to pay back the Chinese Government $800 billion. Future generations have the absolute right to know how this administration and how the Democratic Party constructed a formula that spent $800 billion. It is only fair.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I have been listening to the criticisms of the recovery and reinvestment plan from the other side of the aisle, and I have tried to put them into categories so I can address them and consider them. The first complaint appears to be that this is an $800 billion stimulus package which will add to our deficit.

There is no question about the premise. The facts are right. It is $800 billion, and it will add to our deficit. But I find it interesting that the Republicans who are criticizing this come from the same party which, over the last 8 years, saw America's national debt double from $5 trillion to $10 trillion and they went along with all of it. When the President wanted a war and did not want to pay for it, which added to the debt of the country, they voted for it. The final cost was about $800 billion, and it is still accumulating. When the President wanted tax cuts in the midst of a weak economy, which added to the deficit—and cuts that went primarily to the wealthiest people—his Republican Party supported him and no questions asked.

In fact, the argument for many years was that deficits don't matter, when President Bush was in the White House, during that 8-year period of time. Now deficits do matter. It is an accumulated debt of America. It has a lot of negative impact on our economy. But for a party which ignored this reality for so many years to come and tell us now, in the midst of the worst economic crisis in modern times, that we have to be so careful of the deficit we cannot address this economic crisis, is a little hard to take. That is the first point.

The second point is they criticize this package for costing too much, when in fact on two separate occasions Republican Senators offered amendments to this package which added to the costs dramatically. In the Senate Finance Committee, the Republican Senator from Iowa offered an amendment that added $70 billion in cost to this package. It passed with the support of both parties, I will add. At the end of the day, the package cost $70 billion more, and the Senator from Iowa said he couldn't vote for the final work product because it was too expensive. He had authored an amendment that added $70 billion in cost and then said he couldn't vote for the package because it was too expensive.

Another Senator, from Georgia, added an amendment on the floor—I thought it was a thoughtful amendment—that added in cost $11 billion to $30 billion, by some estimates, to give incentives for people to buy homes. It makes sense. We need help in the housing market. Yet this added expense on the bill, this added amendment, which we adopted, could not win that Senator's support. He too was critical of the final product: It cost too much.

So it is hard to follow why so many Republican Senators are criticizing the President's attempt to get this economy back and moving forward, because they are saying it cost too much, when they introduced and passed amendments which added to the cost of the package. It doesn't follow.

And the third point, made by the Republican leader, who came to the floor today and criticized the compromise—the final bill here that we will consider probably tomorrow night—said they cut back on some of the tax cuts for working families.

It is true. The President's original proposal was $500 for individuals, I think it was up to $70,000 or $80,000 in income, and $1,000 for families. Then when we had to cut back in the cost of the overall bill to win the support of several Republican Senators, the President offered to make a cutback in that area. So when we try to cut back in the cost of the bill to win Republican support, we are criticized for those cutbacks; and when the bill comes to the committee, or to the floor, Republican Senators add amendments that add cost to the bill and then tell us it costs too much. It is hard to follow their logic. I can't.

I am glad that it appears, with our fingers crossed, that there will be at least 60 Senators tomorrow when we vote on this bill that will do something about the state of our economy. This President has inherited the worst economic crisis of any President since Franklin Roosevelt's in 1933. This situation is terrible. It is no Great Depression, thank goodness, but it is terrible. We have lost jobs all over America—500,000 jobs in the month of December—and 36,000 of them, incidentally, in my home State of Illinois. That is 1,200 jobs a day we have lost in my State in December, I am afraid a like number in the month of January, and there is no end in sight.

The President has stepped up and said: We cannot let the American economy slide into this spiral that is going to create so much hardship for workers losing their jobs and businesses closing. We have to do something. We need a solution. We can't stand back and watch the parade go by. We have to step in and try to stop the negative impact of this economic crisis.

Most Americans—in fact, the overwhelming majority of Americans—believe the President is right in trying to solve this problem. He has said, and they understand, this may not be a 100-percent solution. At the end of the day, we may need to do more or something different. But the alternative is to do nothing, and that seems to be the position of many Senators who are opposing this. They want to wait. They want to wait and see if this economy gets better or they want to return to the old-time religion. What is the old-time religion? It is what we tried last April. When the economy was softening, President George W. Bush came to us and said: I know the solution. I know how to get us out of this problem. It is a tax cut.

Well, if you have been around Congress for a while, you know that when it comes to the Republican Party, the answer to every challenge, every issue, every circumstance is a tax cut. We have a surplus. Is the economy booming? Cut taxes. Do we have problems. Is the economy cratering? Cut taxes. Well, tax cuts do have value, but in certain circumstances they may not work effectively. And we found out last April that our $150 billion package—and I think that was the number—that President Bush asked for, enacted by the Democratic Congress, didn't work. I believe it was $300 to individuals and $600 to families. It may have helped an individual family put some money in savings or pay off a credit card, but at the end of the day, when you step back and look at the big picture—the macroeconomic picture—it didn't work. The economy continued to slide downhill.

So the magic elixir of tax cuts, which we hear consistently from the Republican side, even during this crisis, is one that has been tried and failed.

We included tax cuts in this package in an effort to try to win over some Republican votes. It didn't work very well. We got no Republican support in the House and only three Republican Senators who stepped up in the Senate and said they would support it.

What we are trying here is something that is dramatically different; not just tax cuts for working families, which they need, but injecting money into the economy. Why do we need to have the government spending money in this economy? Because Americans are not spending enough of their own money. We anticipate that this year Americans will spend about $1 trillion less on goods and services than they ordinarily would.

We have a gross domestic product of about $14 trillion a year. Well, that is about 7 or 8 percent of it that won't be spent this year. And when you cut back in that much spending, when people are not buying the things they buy—refrigerators and cars and homes and clothing, and all the rest—jobs are lost, businesses contract, and our recession gets deeper. So the President said: Let's put this money into a stimulus or recovery package that will inject new life into this economy and try to get it moving forward again.

It turns out economists—conservatives, liberals, most economists—have said it is worth a try. Historically, it has worked; we should do it now. And the President went further. He said that our goal will be creating or saving 3½ million jobs over the next 2 years. That is an ambitious goal, and I hope we can reach it.

I know those on the other side criticize it. They say: You know what, when you take the total cost of this bill and divide it into the number of jobs, it is a fantastic amount of money for each job. But they have forgotten one basic thing: That new worker in Illinois or in Iowa is not only going to get a paycheck, that worker is going to spend the paycheck. And when the worker spends the paycheck downtown, the people who work at that shop have a job, too. And the people who work at the shop with the job take a paycheck home, and they will go to another shop and spend the paycheck. It moves through the economy over and over again. So to argue that we are spending so much money for a single job overlooks the obvious, overlooks Economics 101. I think I learned this in Georgetown in one of the first classes. It is called the multiplier. That says if I go out and spend a dollar at shop, then maybe 80 cents of that is going to be spent by a worker there, and on and on. So the dollar may turn out to be worth a lot more in terms of the economic activity.

That is the President's goal, to create enough jobs and save enough jobs to breathe life into this economy to start people moving forward again with confidence in making purchases. That is the bottom line.

It also provides, this bill we are going to consider tomorrow, 40 percent in direct relief to working and middle-class families. I talked about the President's tax cuts. He focuses on the working and middle-class families. I think it is the right thing to do. It is about $400 an individual, $800 for a family. That will give them a helping hand.

It also doubles the renewable energy generating capacity of our country over 3 years. Is there anyone who doubts the President's position that if we are going to have a strong economy over a long term we need to have more energy independence, we need to have more renewable sustainable sources of energy right here in our country? This bill, this stimulus package, invests in energy for America's future—good energy, reliable energy, energy that we do not have to bargain with OPEC to have in future years to build our economy.

It invests $29 billion in the Clean Energy Finance Authority and renewable tax credits. This is a way to encourage the renewable energy sector. In my State of Illinois, in the State of Iowa and a lot of other States, you see the wind turbines when you drive down the highway. In one section of central Illinois are 240 wind turbines that will generate enough clean electricity to supply the electricity needs of Bloomington-Normal, a large—at least by Illinois downstate standards—metropolitan area. More and more of these need to be built. Solar panels, using wind energy, geothermal sources, all of these are clean, thoughtful, homegrown, and make us less dependent on energy sources from overseas.

There is also a dramatic investment, $150 billion, in infrastructure. Infrastructure is a generic word that does not paint a very specific picture. We are talking about roads and bridges and highways. We are talking about making certain that what we have in our State and States across the Nation is in good repair and safe, and is expanding opportunities for the economy to grow by building these roads and bridges for the future. It is money well spent, as far as I am concerned.

And health care, too. The first casualty for unemployed workers is usually health insurance, so we want to help the families facing unemployment with the costs of health insurance. That to me is money well spent. These families need the peace of mind to know that if somebody gets sick they have a doctor they can go to and a medical bill that at least will get a helping hand to be paid.

There is $25 billion for school construction—no, not for new buildings but modernizing schools. If you bring energy efficiency to a school, it is going to reduce the cost to the school district and to the property taxpayers who sustain that district.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. In addition to that, we are going to try to make sure this bill moves us forward when it comes to health care. One of the things we need to do in America, which we have done in the Veterans' Administration, is start putting medical records on computers. The importance of that is obvious to anyone who has visited a modern hospital. You know if a doctor has access to all of your medical records on computer, or a nurse, that they are more likely to make a better diagnosis, come up with better treatment, save money in the process and have a safer outcome. So if we are going to move toward a health care system ready for this century, we need to bring the Internet into the hospital room and into the hospital setting. This bill makes the investment to do that. It is a critically important investment and it is the starting point I think in moving toward the health care system we need to provide for Americans.

There will be critics. Many of them want to do nothing, let the economy solve its own problems. But most of them are not students of history. The last President facing a major economic crisis, who said let's ride it out, was Herbert Hoover. Herbert Hoover, a Republican President during the Great Depression, said things will get better, the economy will cure itself, the market is a miracle. Guess what happened. More and more people lost jobs, more businesses failed, the stock market cratered and Franklin Roosevelt rode to the rescue.

We have to understand that standing back and watching this economy crater is unacceptable. This President was elected last November 4 to bring real change to this town in the way we do business and real change to this economy so we have a fighting chance for excellence in the 21st century. I think he has the right approach.

Let me add another element. There is a big section of this bill that demands accountability. All of us, whether we voted for or against President Bush's attempts to help the economy—all of us were frustrated at the end of the day that so few dollars could be accounted for. We gave them $350 billion. At the end of the day we wanted an accounting—those who voted for it and for the taxpayers. We couldn't get it. We still don't know what happened to the money.

This bill is different. This bill not only is going to provide inspectors general in each of the departments to watch the money as it is being spent, accountability through the States and through the local units of government, but Web sites as well for taxpayers to follow the course of this bill. It is a new level of openness and transparency we have not seen before and it is long overdue. I am glad it is there. I think that kind of openness is what the American taxpayers want to see, too.

They want solutions, they do not want political squabbling. They want to have people working together here rather than like in the House of Representatives, where no Republicans would even support the idea of a stimulus package. They want accountability, transparency—so they know their Federal tax dollars are being spent wisely—and they want honesty too. This President has been honest

from the beginning and he said: I believe this will work. The best minds in the economy tell me this will work. If it does not, we are going to try something that does. We are going to be honest with you about the outcome here.

That is the best we can ask from our leaders, that they give it their best effort, good-faith efforts to solve our problems and be honest with us if they do not succeed. We need to succeed. There is too much at stake here.

I have seen it in Illinois. We have seen it all across this country. This particular proposal for Illinois is one I am excited about, creating or saving 148,000 jobs over the next 2 years. We need it. As I mentioned, we lost 36,000 jobs in December. We need to do something to stop this outflow of jobs.

A making work pay tax cut of up to $800 will affect about 5 million workers and their families in my State; 156,000 families are going to be eligible for an American opportunity tax credit, which makes college affordable. When I talk to college presidents, they tell me: I am worried. Kids are coming into the dean's office and saying: Dad's business is going down or Mom lost her job. I may not be able to finish here.

Let's give these families a helping hand, a tax credit so these kids can stay in school. If these young people end up dropping out of school with a mountain of student loans and no degree, that's the worst possible outcome. This will help us avoid it.

An additional $100 a month in unemployment insurance for those who lost their job doesn't sound like much to most families, but for these folks $100 means an awful lot.

We are providing funding sufficient to modernize 412 schools in Illinois so our children have the labs and classrooms and libraries and energy efficiency they need.

We are doubling the renewable energy generating capacity. I think there will be more wind turbines that will be installed in my State. There will be some happy farmers renting their plots of land for that and some communities that will have cleaner energy sources.

This is a bill that looks forward. To those looking in the rearview mirror of what we tried last year and want to try it again—we gave them their chance and it didn't work. It is worth a try now. I am glad three Republican Senators stepped forward and said they are willing to give this President a chance. It shows the kind of bipartisan cooperation we need more of.

I hope at the end of the day even more will vote for this and I hope the next time we debate an important issue on the floor that more Senators from both sides of the aisle will come together to solve the problems the American people face and do the job they sent us here to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, we have seen a whirlwind of activity on this so-called economic stimulus package.

We began by watching the partisanship in the House prevail, where the House passed a package strictly along party lines. No House Republican voted for it. And 11 Democrats joined the Republicans in voting no.

Then we had a mark-up in the Senate Finance Committee, the committee that I am ranking member on. Over 200 amendments were filed. Some amendments were agreed to, like the amendment I filed for a 1-year alternative minimum tax ''AMT'' patch.

But many others, specifically Republican amendments, failed or were never brought to a vote.

Unfortunately, there was a tacit agreement among the Democratic members of my committee to vote no on any Republican amendment, regardless of the merits. Those on my side of the aisle did not find that very bipartisan.

Then a floor debate in the Senate ensued. It lasted a full week. I am happy that the debate gave many Members on my side of the aisle an opportunity to discuss how this legislation could be improved. I was dismayed, however, on the process. For example, there were a number of amendments that I filed that were never given a fair vote.

Bottom line, they were blocked. I was not the only Republican Senator that got locked out of the process.

And speaking of process, let me briefly discuss how this conference committee process worked. Or shall I say did not work. It was not a conference that permitted bipartisan negotiations.

I have often used the following analogy to define bipartisanship. It is an analogy that married couples can understand. That analogy comes from the example of Barbara and CHUCK GRASSLEY going to buy a car. If I buy the car and take it to Barbara that is not a truly marital decision. If we both go to the dealership and agree on the car, then that is truly a joint marital decision.

The same logic applies to bipartisan legislating. If Senator REID shows me a deal that has been done by Democratic conferees, which he was courteous enough to do Wednesday morning, without my participation as the leading Republican tax writer, that's not bipartisan. There is no ''bi'' in that partisan.

So let no one be mistaken that this conference agreement is the result of bipartisan negotiations. While Republicans were courteously consulted at the member and staff level, we were never at the negotiating table. Speaker PELOSI best described the bottom line on the process.

She said: ''Yes, we wrote the bill. Yes, we won the election.'' That quote comes right out of the front page of the Washington Post, dated Friday, January 23, 2009.

Now, one can argue that all that I have just described is water under the bridge. We now have a conference agreement that both Houses of Congress are on the verge of approving. I will be voting against the package.

But before I cast my vote I wanted to take this time to applaud the inclusion of specific proposals in this conference agreement that I advocated for. While being locked out of the process, I am happy to see that my commonsense proposals were ultimately included in this final bill.

The first commonsense proposal is placing income limits on the subsidy for COBRA benefits. As the provision was originally drafted, which provided involuntarily terminated workers a subsidy to help pay for their health insurance, there were no income limits on the eligibility for the subsidy.

I want to remind my friends in the media that the House passed this provision with no income limits. The Senate Finance Committee approved this provision with no income limits. And the Nelson-Collins substitute, which garnered 61 votes in the Senate, was passed with no income limits.

That means if the original provision that cleared so many legislative hurdles made it into law, Wall Street CEOs and hedge fund managers, who made millions of dollars while running our economy into the ground, would have received a taxpayer-funded subsidy to pay for their health insurance.

In my opinion, this is outrageous. Just last week the Obama administration released guidelines for capping compensation paid to executives whose financial institution receives taxpayer dollars through the Troubled Asset Relief Program. The COBRA subsidy provision was in clear contradiction to our President's policy.

During the Senate Finance Committee mark-up, however, I offered an amendment that would have placed income limits on the eligibility for the COBRA subsidy. When I offered my amendment, some Democratic committee members rebuffed my efforts with trumped up charges that the IRS would not be able to administer income limits. It appeared that my Democratic friends on the committee, who voted in favor of the chairman's mark, wanted to give the taxpayer-funded subsidy to Wall Street CEOs and hedge fund managers. But in the end, Chairman BAUCUS gave me a commitment to at least look at an income cap.

So I filed an amendment during the floor debate. And I continued pressing the point both publicly and privately. I was disappointed that my amendment was never given a fair vote.

Simply put, my amendment provided that if a worker who was involuntarily

terminated from their job earned income in excess of $125,000 for individuals and $250,000 for families during 2008, this worker would not be eligible to receive the subsidy.

Some Members of this body asked me why I set these limits at $125,000 and $250,000. It is simple. When candidate Obama was campaigning to be President Obama, he continually said that he wanted to raise taxes on families making over $250,000 a year. Why? Because then, candidate Obama felt that these people are too ''rich'' to pay lower taxes.

So it logically followed that if these families are too ''rich'' to receive a tax benefit in the form of lower taxes, are these people not too ''rich'' to receive a taxpayer-funded subsidy for health insurance?

I applaud the inclusion of income limits for the COBRA subsidy. Although, the income limits are set at $145,000 and $290,000, I am happy that my work was the reason it was added during the conference committee.

The second proposal included in this final conference agreement is something that is of vital importance to workers who have been displaced by trade. I am talking about the temporary reauthorization of the Trade Adjustment Assistance Act, or TAA.

At the beginning of this year, I engaged with Chairman BAUCUS and our counterparts on the Ways and Means Committee, Chairman RANGEL and Ranking Member CAMP, to see if we could work out a compromise to reauthorize the trade adjustment assistance programs that we could all support.

That engagement led to weeks of intensive negotiations. They were not easy negotiations. But they were truly bipartisan and bicameral negotiations. And they resulted in a compromise that I am proud to support.

That is the way the process should work. I wish the rest of the provisions in the conference report had been developed in such a bipartisan way. If they had, we would have seen more Republican support for this conference report.

Hopefully, the majority will not repeat the partisan process that produced this conference report.

I want to highlight some of the reasons why I support our compromise on trade adjustment assistance.

The fact is, the current trade adjustment assistance program is not doing enough to help American workers. It is outdated, overly rigid, and fails to incorporate appropriate oversight and accountability at the State and Federal level.

Our compromise addresses each of those concerns.

First, it extends the benefits of the program to service workers. Services now account for almost 80 percent of our economy. It doesn't make sense to exclude service workers from eligibility for trade adjustment assistance if they lose their job due to trade.

If a call center in the United States is closed and the operation moved to India, for example, those workers are not currently eligible for trade adjustment assistance. Our compromise changes that.

But it does so in a way that preserves the requirement that there be a causal link between trade and the loss of a job. Our compromise treats manufacturing workers and service workers the same, if trade contributed importantly to the workers' job loss, then they may be eligible for adjustment assistance.

We also improved the program by interjecting much more flexibility, so that individual workers are empowered to decide for themselves how best to respond if they lose their jobs.

Workers can choose between full-time and part-time training, or full-time work with limited wage insurance. Trade-impacted workers can even take advantage of training and case management services before they lose their jobs.

Our compromise increases the funding for worker retraining to accommodate these expansions in the pool of potentially eligible workers and the array of benefits that are made available to eligible workers.

But it does so in a way that protects against inefficient spending of taxpayer dollars. For example, for the first time, we have capped funding for administrative expenses at an amount equal to 10 percent of training funds. I insisted on that.

In addition, our compromise requires changes in the way the Secretary of Labor allocates and distributes funds, so that States that do not need additional funds are not building up their kitties at the expense of States that need those funds now.

We also require States to implement control measures to ensure that the data they collect and report is accurate and timely. The Department of Labor needs accurate data in order to administer the trade adjustment assistance program efficiently.

And we require the Department of Labor to collect and post the data on the Department's Web site, to increase transparency and make the information more readily accessible to the public.

I am confident that the compromise legislation that it have helped to craft will provide immediate and long-term benefits for workers in Iowa and across the United States.

Separately, our compromise reauthorizes the trade adjustment assistance for firms program, and it improves and reauthorizes the trade adjustment assistance for farmers program.

The farmers program was enacted as part of the Trade Act of 2002, and it has not operated as planned.

We have made it easier for farmers to demonstrate that they are eligible for benefits under the program, and we have redirected those benefits to focus on developing and implementing business plans to better adjust to imports.

We also established a trade adjustment assistance for communities program to help entire communities respond to the pressures of globalization. One component of that program is a new community college and career training grant program which I have been working to develop over the past few years.

This is a timely, targeted, and temporary grant program to help educational institutions develop and offer the most appropriate courses to retrain trade-impacted workers.

The program will improve and expand the educational opportunities available to eligible workers. It is an investment in the long-term competitiveness of the American workforce.

Mr. President, I have already noted that our compromise is the result of a bipartisan effort that reflects the work of four offices.

There are portions of the amendment that I might have done differently if it were solely up to me.

But that is the nature of compromise. And the overall policy embodied in this amendment is a good one that will do a lot of good for a lot of Americans, in Iowa and across the United States.

Equally important, if we enact this amendment into law, it will help unlock the trade agenda so we can progress with other important priorities.

Chief among those is implementation of the Colombia trade agreement, which is my top trade priority.

And then we need to turn to our other trade agreements with Panama and South Korea as well.

We need to level the playing field so that our exporters, service suppliers, and farmers can increase their sales to foreign countries.

It is more important than ever.

We have had a social compact on trade for over 45 years.

One side of that compact is to address them of trade-displaced workers, and we are doing that with the compromise I have helped to negotiate on trade adjustment assistance.

The other side is to open up new markets for U.S. exports. That was a driving principle when President Kennedy established the Trade Adjustment Assistance program.

President Obama should hold true to that principle by doing everything he can to create new export opportunities, starting with implementation of our pending trade agreements.

A pro-growth trade agenda should be integral to our economic recovery strategy. I stand ready to work with the President and my colleagues on

both sides of the aisle to accomplish that.

Mr. BAUCUS. Mr. President, the conference report for H.R. 1, the American Recovery and Reinvestment Act of 2009, includes provisions that would modernize and expand the trade adjustment assistance program to reflect today's economy. This has been my highest trade priority. It has been the priority of workers and labor unions. And it has been the priority of the business community. We all recognize the importance of passing a TAA bill that helps American workers, firms, farmers and communities.

Earlier this week, I received letters of support from the following groups: AFL–CIO; Change to Win; United Auto Workers; United Steelworkers; Trade and American Competitiveness Coalition with over 50 businesses; and the Information Technology Industry Council. I ask unanimous consent that a few of these letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHANGE TO WIN,
Washington, DC, February 11, 2009.

Hon. HARRY REID,
Senate Majority Leader,
Washington, DC.
Hon. MITCH MCCONNELL,
Senate Minority Leader,
Washington, DC.
Hon. NANCY PELOSI,
Speaker of the House,
Washington, DC.
Hon. JOHN BOEHNER,
House Minority Leader,
Washington, DC.

DEAR CONGRESSIONAL LEADERS AND CONFEREES: Change to Win's seven affiliated unions and more than six million members urge you to include the Baucus-Grassley-Rangel-Camp Trade Adjustment Assistance amendment in the American Recovery and Reinvestment Act conference report.

This amendment will bring many long-needed improvements in the TAA program, such as extending assistance to workers in services-related industries, increasing access to wage insurance and health insurance benefits, and expanding training. This bipartisan, bicameral compromise is an important part of our economic recovery and should be incorporated into the recovery package.

Sincerely,

CHRISTOPHER CHAFE,
Executive Director.

FEBRUARY 9, 2009.

Hon. HARRY REID,
Senate Majority Leader,
Washington, DC.
Hon. NANCY PELOSI
Speaker of the House,
Washington, DC.
Hon. MITCH MCCONNELL
Senate Minority Leader,
Washington, DC.
Hon. JOHN BOEHNER,
House Minority Leader,
Washington, DC.

We, the undersigned companies and associations, urge you to include the Trade and Globalization Adjustment Act of 2009 in the conference report for H.R. 1, the American Recovery and Reinvestment Act.

We applaud Chairman Baucus, Ranking Member Grassley, Chairman Rangel, and Ranking Member Camp for their tireless bipartisan, bicameral efforts to craft the Trade and Globalization Adjustment Act of 2009. Their hard work has created a good compromise package that will be a significant improvement over existing law, offering more flexible training opportunities so workers can transition into new careers in a dynamic 21st century economy.

We support the Trade and Globalization Adjustment Act of 2009 and hope you will include it in the conference report for the American Recovery and Investment Act.

Sincerely,

Abbott; American Chemistry Council; Applied Materials, Inc.; Auto Trade Policy Council; Bechtel Corporation; Business Roundtable; California Chamber of Commerce; Cargill, Incorporated; Caterpillar Inc.; Chevron.

Cisco Systems, Inc.; Citi; Coalition of Service Industries; CompTIA; Corning Incorporated; Eastman Kodak Company; Emergency Committee for American Trade; FedEx; Financial Services Forum.

Grocery Manufacturers Association; Hewlett-Packard Company; IBM Corporation; Information Technology Industry Council (ITI); Intel Corporation; Microsoft Corporation; National Association of Manufacturers; National Foreign Trade Council; National Electrical Manufacturers Association; Ohio Alliance for International Trade.

Oracle Corporation; Pharmaceutical Research and Manufacturers of America; Pyramid Mountain Lumber; Retail Industry Leaders Association; Software & Information Industry Association (SIIA); Sun Microsystems; Sun Mountain Lumber; TechAmerica; Telecommunications Industry Association.

The American Business Council; The Association of Equipment Manufacturers; The Boeing Company; The Coca-Cola Company; The Dow Chemical Company; The General Electric Company; The McGraw-Hill Companies; The Stanford Financial Group; United States Council for International Business; United Technologies Corporation; UPS; U.S. Chamber of Commerce; Wal-Mart Stores, Inc.; Whirlpool.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA,
Washington, DC, February 10, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.
Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SPEAKER PELOSI AND MAJORITY LEADER REID: This week the House and Senate are expected to have a conference on the proposed American Economic Recovery and Reinvestment Act. The UAW wishes to share with you and the other conferees our views on several important provisions in this legislation.

The UAW strongly supports the core elements of the House and Senate bills, including the provisions that would:

Give tax relief to 95% of working families, amounting to $500 for individuals and $1,000 for couples;

Increase spending on infrastructure, energy efficiency, and health care information technology;

Provide fiscal relief for states and localities through an increase in FMAP and other mechanisms; and

Extend assistance to the unemployed through an extension and expansion of UI benefits and COBRA.

We believe these initiatives will create millions of jobs and provide an immediate stimulus for our economy, while also helping to alleviate the impact of the current recession on the most vulnerable Americans. Many of these measures also represent important investments that will lay the basis for long-term economic growth.

The UAW applauds the inclusion of provisions in the House and Senate bills that would encourage investment in advanced technology vehicles and their key components, while also providing assistance to the struggling domestic auto industry. This includes funding for advanced battery manufacturing, the purchase of fuel efficient vehicles by the federal government, and the purchase and manufacturing of plug-in hybrids, as well as monetization of banked tax credits and restoration of the tax deduction for interest and taxes related to the purchase of vehicles. We urge you to retain these provisions in the final conference report.

In addition to these elements, the UAW urges you to include in the final conference report:

The stronger Buy American language in the Senate bill; these provisions will help to ensure that taxpayer funds are used to create jobs for American workers and to stimulate the U.S. economy, rather than being sent overseas;

The TAA reform package that has been agreed to by Senators Baucus and Grassley and Representatives Rangel and Camp; these historic reforms will provide vital assistance to workers who have lost their jobs due to trade, and correct numerous longstanding deficiencies in the TAA program;

The more expansive provisions in the House bill that would provide health care to more laid off workers both through an expansion of Medicaid and through a 65% subsidy under COBRA; and

The provisions in the House bill that would provide greater spending for school construction and assistance to states and localities; in addition to generating jobs and boosting the economy, these measures would provide important investments in education and other vital social programs.

The UAW believes it is critically important that Congress act quickly to approve the proposed American Recovery and Reinvestment Act. Thank you for considering the points discussed above as you fashion the final conference report on this legislation.

Sincerely,

ALAN REUTHER,
Legislative Director.

Mr. SCHUMER. Mr. President, I have always been a steadfast supporter of Federal funding for museums and the arts in New York and across the country. When I voted in favor of Senator COBURN's amendment No. 309 to H.R. 1, the American Recovery and Reinvestment Act, I thought the amendment was only targeted to casinos and golf courses and was not aware it also included museums and other cultural centers. The arts community knows they have had—and will certainly continue to have—my full support.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. REID. Mr. President, the papers from the House will be here momentarily, within the next few minutes. Senator MCCONNELL and I have spoken a number of times during the day. We believe it is fair that Members have an opportunity to study this big document. The basic document people have already read but, of course, that is what the conference is about. They change things. So this should be here in a short time. This will give Members all night to look at this. Senator MCCONNELL and I talked a few minutes ago. We will come in tomorrow at a reasonable hour, spend all day debating this. This would give people the opportunity to read all the papers. Then we would vote sometime late tomorrow afternoon or in the early evening. I have talked to Senator MCCONNELL. He has been certainly more than fair. As everyone knows, Senator KENNEDY is ill. He came here earlier this week, and it would be to his health advantage not to have to come back tomorrow. Senator MCCONNELL has agreed that is, in fact, the case. It doesn't change the vote count, but it means we can set a definite time which is very helpful.

In addition, Senator BROWN's mother died. The celebration of his mother's life starts tomorrow. Senator BROWN has agreed to leave for, I don't know what it would be called in his religious belief, a viewing, and people will come and greet his family. It is a very large extended family. They will do that. That would be completed around 8 tomorrow night. So we are going to keep the vote open for Senator BROWN until he arrives tomorrow night. This is not the first time we have done this.

I have announced we will hold our votes to 15 minutes, plus we give Members 5 minutes' leeway. After that, the vote is closed. But we have always said that on a close vote, we would keep the vote open until everything is done. Everyone understands that when one's mother dies, we have to be a little more understanding of the situation. This is very difficult for SHERROD BROWN to go home because he has to turn right around and come back here the same night. He is going to fly here and fly back the same night so he can be at the funeral Saturday morning. I appreciate Senator MCCONNELL and all Senators working toward doing this. We will come in at some reasonable time and enter a unanimous consent request that I am confident will be granted so we can do this. We are going to close shortly and come back in the morning at an agreed-upon time with the minority leader.

100TH ANNIVERSARY OF THE NAACP

Mr. DURBIN. Mr. President, I rise to speak on the 100th anniversary of the founding of the National Association for the Advancement of Colored People, NAACP, and to congratulate this remarkable organization on its historic achievements.

In the summer of 1908, a race riot took place in Springfield, IL, my hometown and the hometown of President Abraham Lincoln. A mob of White residents destroyed homes and businesses owned by African Americans, and forced thousands of Black residents to flee Springfield. Two prominent Black men were lynched within half a mile of the home President Lincoln had owned and within 2 miles of his grave.

One of these two men was William Donnegan, a longtime resident of Springfield who was a friend of President Lincoln and the cobbler who made the President's boots. The mob went to Mr. Donnegan's home, cut his throat and lynched him in a school yard across the street.

These tragic events were widely reported at the time and shocked the Nation. It seemed clear that if African Americans living in President Lincoln's hometown could be attacked, then such violence could happen anywhere in the Unites States.

A group of brave individuals responded to these events by establishing the NAACP 100 years ago today, turning tragedy into hope for a better future. The founders of the NAACP issued a call to the Nation on President Lincoln's birthday in 1909, urging their fellow Americans to take stock of the progress since the Emancipation Proclamation and to measure how well the country had lived up to its obligation to ensure that each and every citizen was afforded equal opportunity and protection.

Less than 50 years after the end of the Civil War, the founders of the NAACP concluded that President Lincoln would be tremendously disappointed by the situation in 1909: the disenfranchisement of African Americans in several States between 1890 and 1908, the failure of the Supreme Court to strike down these disenfranchisement provisions, the segregation in trains and other public places, and attacks on African Americans, even in his hometown of Springfield, IL.

In 1909, Springfield held a banquet to celebrate President Lincoln's centennial. Booker T. Washington was invited to speak at this banquet, but declined to come to the city where race riots had taken place only 6 months before. Not a single African-American resident of Springfield was invited to this banquet. Black residents of Springfield held their own commemoration at the nearby African Methodist Episcopal Church, where the Reverend L. H. Magee expressed his disappointment at the exclusion of African Americans from the official commemoration of the Lincoln Centennial and predicted that by the bicentennial in 2009 Americans would have banished prejudice.

Over the last 100 years, the NAACP has been at the forefront of the struggle for equality. The NAACP led the fight to desegregate public schools, culminating in the Supreme Court's 1954 Brown v. Board of Education decision, and played a central role in the passage of the 1964 Civil Rights Act and the 1965 Voting Rights Act. Thanks to the hard work of the NAACP and many others, we have taken tremendous steps since the tragic events that led to its creation.

Tonight, at Springfield's bicentennial banquet in honor of President Lincoln, the minister of the African Methodist Episcopal Church will deliver the benediction and President Barack Obama will be the keynote speaker. President Obama's election and so much else that we treasure about America today is possible in part because of the vision and leadership of Abraham Lincoln and shows that there is still within us a passionate longing to be the America that President Lincoln believed we could and must become.

A hundred years later, I believe the founders of the NAACP might conclude that President Lincoln would be proud about many things in our country. But I think they would also remind us that there is still much to be done in the struggle for equality for all persons. I am reassured in knowing that the NACCP will continue to lead the fight to ensure political, educational, social and economic equality for all persons.

Mr. WEBB. Mr. President, I rise today to celebrate the 100th anniversary of the founding of the National Association for the Advancement of Colored People, NAACP, one of our Nation's oldest and most influential civil rights organizations.

Founded on February 12, 1909, the NAACP's original and primary goal was to secure for African Americans the rights that our Constitution guarantees under the 13th, 14th and 15th amendments. The NAACP played a leading role in the civil rights movement in the mid-20th century, stirring the conscience of our nation against segregation and institutionalized racism. Today, the NAACP continues its work to eliminate racial prejudice, and the organization has expanded its endeavors to ensure equal access to political, educational, social and economic advancement for all Americans.

Throughout its 100-year history, the NAACP has effected change at all levels of society and politics, working tirelessly through organizing, advocacy, and judicial action. From a small

group of determined citizens in the early 1900s to an organization with over a half-million members and supporters today, the NAACP has established itself throughout America and the world as a leading champion for civil and human rights.

I am proud to be a lifetime member of the NAACP. I share its desire to ensure economic fairness and social justice in this country, and I am pleased to congratulate the NAACP on the occasion of its 100th anniversary.

SOUTHEAST ARIZONA LAND EXCHANGE AND CONSERVATION ACT OF 2009

Mr. KYL. Mr. President, yesterday I was pleased to join with Senator MCCAIN to introduce the Southeast Arizona Land Exchange and Conservation Act, which has been introduced in previous Congresses and has been modified only slightly from the version introduced last year. This bill is a culmination of several years of negotiation with local and State stakeholders and other interested parties.

Let me briefly explain the new provisions in this bill. First, a previous version of this bill would have placed 822 acres of Federal land, including the Apache Leap, in a conservation easement to ensure that these sensitive lands were protected. This modified bill goes a step further by keeping the Apache Leap under the control of the Forest Service, thereby providing Federal protection in perpetuity. In addition, I am pleased to announce that representatives from Resolution Copper have agreed to add an additional 110 acres of privately owned land adjacent to the federally owned portion of the Leap in this version of the land exchange.

Besides addressing concerns with Apache Leap, this modified bill also would provide for continued acorn gathering by the Apache tribes at the Oak Flat campground, and transfer additional private lands that will also serve this purpose.

In summary, this land exchange would preserve highly sought after land that is important for wildlife habitat, cultural resources, watershed and land-management objectives; promote outdoor recreation and tourism; and generate economic opportunities for state and local residents in the copper triangle region in Arizona. It is good for our environment and our economy. At a time when our economy is in desperate need of new jobs, this land exchange could create more than a thousand jobs at its peak, and generate more than $10 billion in total Federal, State, county and local tax revenues. The mine could also meet as much as a quarter of the U.S. demand for copper in the future.

I urge my colleagues to approve the legislation at the earliest possible date.

SELECT COMMITTEE ON ETHICS RULES OF PROCEDURE

Mrs. BOXER. Mr. President, in accordance with rule XXVI(2) of the Standing Rules of the Senate, Senator ISAKSON and I ask, unanimous consent that the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised November 1999, be printed in the CONGRESSIONAL RECORD for the 111th Congress. The committee procedural rules for the 111th Congress are identical to the procedural rules adopted by the committee for the 110th Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE SELECT COMMITTEE ON ETHICS

PART I: ORGANIC AUTHORITY

SUBPART A—S. RES. 338 AS AMENDED

S. Res. 338, 88th Cong., 2d Sess. (1964)

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the ''Select Committee'') consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph 1 of Rule XXIV of the Standing Rules of the Senate at the beginning of each Congress. For purposes of paragraph 4 of Rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c) (1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a member of the majority Party and one member of the quorum is a member of the minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(d) (1) A member of the Select Committee shall be ineligible to participate in—

(A) any preliminary inquiry or adjudicatory review relating to—

(i) the conduct of—

(I) such member;

(II) any officer or employee the member supervises; or

(III) any employee of any officer the member supervises; or

(ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Select Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of Rule XXXVII of the Standing Rules of the Senate.

(2) A member of the Select Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Select Committee and the determinations and recommendations of the Select Committee with respect to any such preliminary inquiry or adjudicatory review. Notice of such disqualification shall be given in writing to the President of the Senate.

(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review or disqualifies himself or herself under paragraph (2) from participating in any preliminary inquiry or adjudicatory review, another Senator shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Select Committee with respect to such preliminary inquiry or adjudicatory review. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself or herself.

Sec. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2) (A) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action to be taken with respect to such violations which the Select Committee shall determine, after according to the individual concerned due notice and opportunity for a hearing, to have occurred;

(B) pursuant to subparagraph (A) recommend discipline, including—

(i) in the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these; and

(ii) in the case of an officer or employee, dismissal, suspension, payment of restitution, or a combination of these;

(3) subject to the provisions of subsection (e), by a unanimous vote of 6 members, order that a Member, officer, or employee be reprimanded or pay restitution, or both, if the Select Committee determines, after according to the Member, officer, or employee due

notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate;

(4) in the circumstances described in subsection (d)(3), issue a public or private letter of admonition to a Member, officer, or employee, which shall not be subject to appeal to the Senate;

(5) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities;

(6) by a majority vote of the full committee, report violations of any law, including the provision of false information to the Select Committee, to the proper Federal and State authorities; and

(7) develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(b) FOR THE PURPOSES OF THIS RESOLUTION—

(1) the term ''sworn complaint'' means a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate;

(2) the term ''preliminary inquiry'' means a proceeding undertaken by the Select Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred; and

(3) the term ''adjudicatory review'' means a proceeding undertaken by the Select Committee after a finding, on the basis of a preliminary inquiry, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

(c) (1) No—

(A) adjudicatory review of conduct of a Member or officer of the Senate may be conducted;

(B) report, resolution, or recommendation relating to such an adjudicatory review of conduct may be made; and

(C) letter of admonition pursuant to subsection (d)(3) may be issued, unless approved by the affirmative recorded vote of no fewer than 4 members of the Select Committee.

(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the Members of the Select Committee voting.

(d) (1) When the Select Committee receives a sworn complaint or other allegation or information about a Member, officer, or employee of the Senate, it shall promptly conduct a preliminary inquiry into matters raised by that complaint, allegation, or information. The preliminary inquiry shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred. The Select Committee may delegate to the chairman and vice chairman the discretion to determine the appropriate duration, scope, and conduct of a preliminary inquiry.

(2) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall dismiss the matter. The Select Committee may delegate to the chairman and vice chairman the authority, on behalf of the Select Committee, to dismiss any matter that they determine, after a preliminary inquiry, lacks substantial merit. The Select Committee shall inform the individual who provided to the Select Committee the complaint, allegation, or information, and the individual who is the subject of the complaint, allegation, or information, of the dismissal, together with an explanation of the basis for the dismissal.

(3) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that a violation is inadvertent, technical, or otherwise of a de minimis nature, the Select Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline. The Select Committee may issue a public letter of admonition upon a similar determination at the conclusion of an adjudicatory review.

(4) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that there is such substantial credible evidence and the matter cannot be appropriately disposed of under paragraph (3), the Select Committee shall promptly initiate an adjudicatory review. Upon the conclusion of such adjudicatory review, the Select Committee shall report to the Senate, as soon as practicable, the results of such adjudicatory review, together with its recommendations (if any) pursuant to subsection (a)(2).

(e) (1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (a)(3) may, within 30 days of the Select Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the basis for the appeal to the Select Committee and the presiding officer of the Senate. The presiding officer of the Senate shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) A motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Select Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting preliminary inquiries and adjudicatory reviews.

(i) The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

Sec. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners, and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.

(b) (1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

(2) Any adjudicatory review as defined in section 2(b)(3) shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.

(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

(d) (1) Subpoenas may be authorized by—

(A) the Select Committee; or

(B) the chairman and vice chairman, acting jointly.

(2) Any such subpoena shall be issued and signed by the chairman and the vice chairman and may be served by any person designated by the chairman and vice chairman.

(3) The chairman or any member of the Select Committee may administer oaths to witnesses.

(e) (1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: Provided, however, that the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and, (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

(8) A brief description of a waiver granted under paragraph 2(c) [NOTE: Now Paragraph 1] of Rule XXXIV or paragraph 1 of Rule XXXV of the Standing Rules of the Senate shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned.

Sec. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

Sec. 5. As used in this resolution, the term ''officer or employee of the Senate'' means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a Member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

SUBPART B—PUBLIC LAW 93–191—FRANKED MAIL, PROVISIONS RELATING TO THE SELECT COMMITTEE

Sec. 6. (a) The Select Committee on Standards and Conduct of the Senate [NOTE: Now the Select Committee on Ethics] shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3218(2) or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United State Code, referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of 1 year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by that complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559 and 701–706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

SUBPART C—STANDING ORDERS OF THE SENATE REGARDING UNAUTHORIZED DISCLOSURE OF INTELLIGENCE INFORMATION, S. RES. 400, 94TH CONGRESS, PROVISIONS RELATING TO THE SELECT COMMITTEE

SEC. 8. * * *

(c) (1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed, shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct shall

release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SUBPART D—RELATING TO RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS RECEIVED BY MEMBERS, OFFICERS AND EMPLOYEES OF THE SENATE OR THEIR SPOUSES OR DEPENDENTS, PROVISIONS RELATING TO THE SELECT COMMITTEE ON ETHICS

Section 7342 of title 5, United States Code, states as follows:

Sec. 7342. Receipt and disposition of foreign gifts and decorations.

''(a) For the purpose of this section—

''(1) 'employee' means—

''(A) an employee as defined by section 2105 of this title and an officer or employee of the United States Postal Service or of the Postal Rate Commission;

''(B) an expert or consultant who is under contract under section 3109 of this title with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

''(C) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the government of the District of Columbia;

''(D) a member of a uniformed service;

''(E) the President and the Vice President;

''(F) a Member of Congress as defined by section 2106 of this title (except the Vice President) and any Delegate to the Congress; and

''(G) the spouse of an individual described in subparagraphs (A) through (F) (unless such individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986) of such an individual, other than a spouse or dependent who is an employee under subparagraphs (A) through (F);

''(2) 'foreign government' means—

''(A) any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

''(B) any international or multinational organization whose membership is composed of any unit of foreign government described in subparagraph (A); and

''(C) any agent or representative of any such unit or such organization, while acting as such;

''(3) 'gift' means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

''(4) 'decoration' means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government;

''(5) 'minimal value' means a retail value in the United States at the time of acceptance of $100 or less, except that—

''(A) on January 1, 1981, and at 3 year intervals thereafter, 'minimal value' shall be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period; and

''(B) regulations of an employing agency may define 'minimal value' for its employees to be less than the value established under this paragraph; and

''(6) 'employing agency' means—

''(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e)(1), and (g)(2)(B) shall be carried out by the Clerk of the House;

''(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate, except that those responsibilities (other than responsibilities involving approval of the employing agency) specified in subsections (c)(2),(d), and (g)(2)(B) shall be carried out by the Secretary of the Senate;

''(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

''(D) the department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

''(b) An employee may not—

''(1) request or otherwise encourage the tender of a gift or decoration; or

''(2) accept a gift or decoration, other than in accordance with, the provisions of subsections (c) and (d).

''(c)(1) The Congress consents to—

''(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

''(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that

''(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

''(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.

''(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(ii)), an employee shall—

''(A) deposit the gift for disposal with his or her employing agency; or

''(B) subject to the approval of the employing agency, deposit the gift with that agency for official use. Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e)(1) or provide for its disposal in accordance with subsection (e)(2).

''(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

''(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use, for forwarding to the Administrator of General Services for disposal in accordance with subsection (e)(1), or for disposal in accordance with subsection (e)(2).

''(e) (1) Except as provided in paragraph (2), gifts and decorations that have been deposited with an employing agency for disposal shall be (A) returned to the donor, or (B) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

''(2) Gifts and decorations received by a Senator or an employee of the Senate that are deposited with the Secretary of the Senate for disposal, or are deposited for an official use which has terminated, shall be disposed of by the Commission on Arts and Antiquities of the United States Senate. Any such gift or decoration may be returned by the Commission to the donor or may be transferred or donated by the Commission, subject to such terms and conditions as it may prescribe, (A) to an agency or instrumentality of (i) the United States, (ii) a State, territory, or possession of the United States, or a political subdivision of the foregoing, or (iii) the District of Columbia, or (B) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code. Any such gift or decoration not disposed of as provided in the preceding sentence shall be forwarded to the Administrator of General Services for disposal in accordance with paragraph (1). If the Administrator does not dispose of such gift or decoration within one year, he shall, at the request of the Commission, return it to the Commission and the Commission may dispose of such gift or decoration in such manner as it considers proper, except that such gift or decoration may be sold only with the approval of the Secretary of State upon a determination that the sale will not adversely affect the foreign relations of the United States.

'' (f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

''(2) Such listings shall include for each tangible gift reported—

''(A) the name and position of the employee;

''(B) a brief description of the gift and the circumstances justifying acceptance;

''(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

''(D) the date of acceptance of the gift;

''(E) the estimated value in the United States of the gift at the time of acceptance; and

''(F) disposition or current location of the gift.

''(3) Such listings shall include for each gift of travel or travel expenses—

''(A) the name and position of the employee;

''(B) a brief description of the gift and the circumstances justifying acceptance; and

''(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

''(4) In transmitting such listings for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

''(g)(1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

''(2) Each employing agency shall—

''(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

''(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and

''(C) take any other actions necessary to carry out the purpose of this section.

''(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus $5,000.

''(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

''(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

''(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies.''

PART II: SUPPLEMENTARY PROCEDURAL RULES

145 Cong. Rec. S1832 (daily ed. Feb. 23, 1999)

RULE 1: GENERAL PROCEDURES

(a) OFFICERS: In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) PROCEDURAL RULES: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) MEETINGS:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3) (A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) QUORUM:

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 5 and any deposition taken outside the presence of a Member under Rule 6, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the Majority Party and the Vice Chairman has designated a Member of the Minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) ORDER OF BUSINESS: Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) HEARINGS ANNOUNCEMENTS: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) OPEN AND CLOSED COMMITTEE MEETINGS: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5 (b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specific period or purpose.

(h) RECORD OF TESTIMONY AND COMMITTEE ACTION: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness's testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 5 on Procedures for Conducting Hearings.)

(i) SECRECY OF EXECUTIVE TESTIMONY AND ACTION AND OF COMPLAINT PROCEEDINGS:

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a complaint or allegation shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) RELEASE OF REPORTS TO PUBLIC: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization

of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) INELIGIBILITY OR DISQUALIFICATION OF MEMBERS AND STAFF:

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) a preliminary inquiry or adjudicatory review relating to (i) the conduct of (I) such member; (II) any officer or employee the member supervises; or (ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of Rule XXXVII of the Standing Rules of the Senate.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member of the Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Committee and the determinations and recommendations of the Committee with respect to any such preliminary inquiry or adjudicatory review.

(4) Whenever any member of the Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review, or disqualifies himself or herself under paragraph (3) from participating in any preliminary inquiry or adjudicatory review, another Senator shall be appointed by the Senate to serve as a member of the Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Committee with respect to such preliminary inquiry or adjudicatory review. Any member of the Senate appointed for such purposes shall be of the same party as the member who is ineligible or disqualifies himself or herself.

(5) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any preliminary inquiry, adjudicatory review, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(4).

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member. At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) RECORDED VOTES: Any member may require a recorded vote on any matter.

(m) PROXIES; RECORDING VOTES OF ABSENT MEMBERS:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of a preliminary inquiry or an adjudicatory review, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested of the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) APPROVAL OF BLIND TRUSTS AND FOREIGN TRAVEL REQUESTS BETWEEN SESSIONS AND DURING EXTENDED RECESSES: During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV.

(o) COMMITTEE USE OF SERVICES OR EMPLOYEES OF OTHER AGENCIES AND DEPARTMENTS: With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR COMPLAINTS, ALLEGATIONS, OR INFORMATION

(a) COMPLAINT, ALLEGATION, OR INFORMATION: Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate. Such complaints or allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) SOURCE OF COMPLAINT, ALLEGATION, OR INFORMATION: Complaints, allegations, and information to be reported to the Committee may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints, defined as a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the Senate;

(2) anonymous or informal complaints;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) FORM AND CONTENT OF COMPLAINTS: A complaint need not be sworn nor must it be in any particular form to receive Committee consideration, but the preferred complaint will:

(1) state, whenever possible, the name, address, and telephone number of the party filing the complaint;

(2) provide the name of each member, officer or employee of the Senate who is specifically alleged to have engaged in improper conduct or committed a violation;

(3) state the nature of the alleged improper conduct or violation;

(4) supply all documents in the possession of the party filing the complaint relevant to or in support of his or her allegations as an attachment to the complaint.

RULE 3: PROCEDURES FOR CONDUCTING A PRELIMINARY INQUIRY

(a) DEFINITION OF PRELIMINARY INQUIRY: A ''preliminary inquiry'' is a proceeding undertaken by the Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) BASIS FOR PRELIMINARY INQUIRY: The Committee shall promptly commence a preliminary inquiry whenever it has received a sworn complaint, or other allegation of, or

information about, alleged misconduct or violations pursuant to Rule 2.

(c) SCOPE OF PRELIMINARY INQUIRY:

(1) The preliminary inquiry shall be of such duration and scope as is necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Chairman and Vice Chairman, acting jointly, on behalf of the Committee may supervise and determine the appropriate duration, scope, and conduct of a preliminary inquiry. Whether a preliminary inquiry is conducted jointly by the Chairman and Vice Chairman or by the Committee as a whole, the day to day supervision of a preliminary inquiry rests with the Chairman and Vice Chairman, acting jointly.

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, or subpoenas deemed appropriate to obtain information upon which to make any determination provided for by this Rule.

(d) OPPORTUNITY FOR RESPONSE: A preliminary inquiry may include an opportunity for any known respondent or his or her designated representative to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(e) STATUS REPORTS: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(f) FINAL REPORT: When the preliminary inquiry is completed, the staff or outside counsel shall make a confidential report, oral or written, to the Committee on findings and recommendations, as appropriate.

(g) COMMITTEE ACTION: As soon as practicable following submission of the report on the preliminary inquiry, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence and, in such case, the Committee shall dismiss the matter. The Committee, or Chairman and Vice Chairman acting jointly on behalf of the Committee, may dismiss any matter which, after a preliminary inquiry, is determined to lack substantial merit. The Committee shall inform the complainant of the dismissal.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In such case, the Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline and which shall not be subject to appeal to the Senate. The issuance of a letter of admonition must be approved by the affirmative recorded vote of no fewer than four members of the Committee voting.

(3) The Committee may determine that there is such substantial credible evidence and that the matter cannot be appropriately disposed of under paragraph (2). In such case, the Committee shall promptly initiate an adjudicatory review in accordance with Rule 4. No adjudicatory review of conduct of a Member, officer, or employee of the Senate may be initiated except by the affirmative recorded vote of not less than four members of the Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN ADJUDICATORY REVIEW

(a) DEFINITION OF ADJUDICATORY REVIEW: An ''adjudicatory review'' is a proceeding undertaken by the Committee after a finding, on the basis of a preliminary inquiry, that there is substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) SCOPE OF ADJUDICATORY REVIEW: When the Committee decides to conduct an adjudicatory review, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. An adjudicatory review shall be conducted by outside counsel as authorized by section 3(b)(1) of Senate Resolution 338 unless the Committee determines not to use outside counsel. In the course of the adjudicatory review, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct any inquiries or interviews, take sworn statements, use compulsory process as described in Rule 6, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make a determination.

(c) NOTICE TO RESPONDENT: The Committee shall give written notice to any known respondent who is the subject of an adjudicatory review. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an adjudicatory review. The notice shall include a statement of the nature of the possible violation, and description of the evidence indicating that a possible violation occurred. The Committee may offer the respondent an opportunity to present a statement, orally or in writing, or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) RIGHT TO A HEARING: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand (not requiring discipline by the full Senate).

(e) PROGRESS REPORTS TO COMMITTEE: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the adjudicatory review. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) FINAL REPORT OF ADJUDICATORY REVIEW TO COMMITTEE: Upon completion of an adjudicatory review, including any hearings held pursuant to Rule 5, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the adjudicatory review and which may recommend disciplinary action, if appropriate. Findings of fact of the adjudicatory review shall be detailed in this report whether or not disciplinary action is recommended.

(g) COMMITTEE ACTION:

(1) As soon as practicable following submission of the report of the staff or outside counsel on the adjudicatory review, the Committee shall prepare and submit a report to the Senate, including a recommendation or proposed resolution to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No adjudicatory review of conduct of a Member, officer or employee of the Senate may be conducted, or report or resolution or recommendation relating to such an adjudicatory review of conduct may be made, except by the affirmative recorded vote of not less than four members of the Committee.

(2) Pursuant to S. Res. 338, as amended, section 2 (a), subsections (2), (3), and (4), after receipt of the report prescribed by paragraph (f) of this rule, the Committee may make any of the following recommendations for disciplinary action or issue an order for reprimand or restitution, as follows:

(i) In the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these;

(ii) In the case of an officer or employee, a recommendation to the Senate of dismissal, suspension, payment of restitution, or a combination of these;

(iii) In the case where the Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate, and subject to the provisions of paragraph (h) of this rule relating to appeal, by a unanimous vote of six members order that a Member, officer or employee be reprimanded or pay restitution or both;

(iv) In the case where the Committee determines that misconduct is inadvertent, technical, or otherwise of a de minimis nature, issue a public or private letter of admonition to a Member, officer or employee, which shall not be subject to appeal to the Senate.

(3) In the case where the Committee determines, upon consideration of all the evidence, that the facts do not warrant a finding that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the Committee may dismiss the matter.

(4) Promptly, after the conclusion of the adjudicatory review, the Committee's report and recommendation, if any, shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation, if any, shall be printed and made public, unless the Committee determines by the recorded vote of not less than four members of the Committee that it should remain confidential.

(h) RIGHT OF APPEAL:

(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (g)(2)(iii), may, within 30 days of the Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the appeal to the Committee and the presiding officer of the Senate. The presiding officer shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) S. Res. 338 provides that a motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to

proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

RULE 5: PROCEDURES FOR HEARINGS

(a) RIGHT TO HEARING: The Committee may hold a public or executive hearing in any preliminary inquiry, adjudicatory review, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand. (See Rule 4(d).)

(b) NON-PUBLIC HEARINGS: The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) ADJUDICATORY HEARINGS: The Committee may, by the recorded vote of not less than four members of the Committee, designate any public or executive hearing as an adjudicatory hearing; and any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) SUBPOENA POWER: The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 6.)

(e) NOTICE OF HEARINGS: The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) PRESIDING OFFICER: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) WITNESSES:

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by recorded vote of not less than four members of the Committee, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness's scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) RIGHT TO TESTIFY: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) CONDUCT OF WITNESSES AND OTHER ATTENDEES: The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) ADJUDICATORY HEARING PROCEDURES:

(1) NOTICE OF HEARINGS: A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) PREPARATION FOR ADJUDICATORY HEARINGS:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) SWEARING OF WITNESSES: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) RIGHT TO COUNSEL: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) RIGHT TO CROSS-EXAMINE AND CALL WITNESSES:

(A) In adjudicatory hearings, any respondent and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness's scheduled appearance, a witness or a witness's counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness's counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) ADMISSIBILITY OF EVIDENCE:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a recorded vote of not less than four members of the Committee before the recess of that day's hearings.

(C) Notwithstanding paragraphs (A) and (B), in any matter before the Committee involving allegations of sexual discrimination, including sexual harassment, or sexual misconduct, by a Member, officer, or employee within the jurisdiction of the Committee, the Committee shall be guided by the standards and procedures of Rule 412 of the Federal Rules of Evidence, except that the Committee may admit evidence subject to the provisions of this paragraph only upon a determination of not less than four members of the full Committee that the interests of justice require that such evidence be admitted.

(7) SUPPLEMENTARY HEARING PROCEDURES: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) TRANSCRIPTS:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript

retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness's testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 6: SUBPOENAS AND DEPOSITIONS

(a) SUBPOENAS:

(1) AUTHORIZATION FOR ISSUANCE: Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time during a preliminary inquiry, adjudicatory review, or other proceeding.

(2) SIGNATURE AND SERVICE: All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) WITHDRAWAL OF SUBPOENA: The Committee, by recorded vote of not less than four members of the Committee, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) DEPOSITIONS:

(1) PERSONS AUTHORIZED TO TAKE DEPOSITIONS: Depositions may be taken by any member of the Committee designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) DEPOSITION NOTICES: Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time during a preliminary inquiry, adjudicatory review or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) COUNSEL AT DEPOSITIONS: Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) DEPOSITION PROCEDURE: Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) FILING OF DEPOSITIONS: Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness's request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

RULE 7: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; EDUCATIONAL MANDATE; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) VIOLATIONS OF LAW: Whenever the Committee determines by the recorded vote of not less than four members of the full Committee that there is reason to believe that a violation of law, including the provision of false information to the Committee, may have occurred, it shall report such possible violation to the proper Federal and state authorities.

(b) PERJURY: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) LEGISLATIVE RECOMMENDATIONS: The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in a preliminary inquiry, adjudicatory review, or other proceeding.

(d) Educational Mandate: The Committee shall develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(e) APPLICABLE RULES AND STANDARDS OF CONDUCT:

(1) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

RULE 8: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE MATERIALS:

(1) Committee Sensitive information or material is information or material in the

possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, adjudicatory review or other proceeding by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) PROCEDURES FOR HANDLING CLASSIFIED MATERIALS:

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED DOCUMENTS:

(1) Committee Sensitive documents and materials shall be stored in the Committee's offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be hand delivered by a member of the Committee staff to the member of the Committee, or to a staff person(s) specifically designated by the member, for the Member's or designated staffer's examination. A member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the possession of the Member or his or her designated staffer.

(3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, adjudicatory review, or other proceeding, shall be hand delivered to the Member or to his or her specifically designated representative.

(4) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(5) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) NON-DISCLOSURE POLICY AND AGREEMENT:

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the nondisclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 9: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by recorded vote of not less than four members of the Committee that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, the coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 10: PROCEDURES FOR ADVISORY OPINIONS

(a) WHEN ADVISORY OPINIONS ARE RENDERED:

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) FORM OF REQUEST: A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the

specific question or questions which the requestor wishes the Committee to address.

(c) OPPORTUNITY FOR COMMENT:

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) ISSUANCE OF AN ADVISORY OPINION:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) RELIANCE ON ADVISORY OPINIONS:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 11: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) BASIS FOR INTERPRETATIVE RULINGS: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) REQUEST FOR RULING: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) ADOPTION OF RULING:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) PUBLICATION OF RULINGS: The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) RELIANCE ON RULINGS: Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) RULINGS BY COMMITTEE STAFF: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 12: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) AUTHORITY TO RECEIVE COMPLAINTS: The Committee is directed by section 6(b) of Public Law 93–191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) DISPOSITION OF COMPLAINTS:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing, pursuant to the franking statute, if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an adjudicatory review, must be summarized, together with the disposition, in a report to the Senate, as appropriate.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) ADVISORY OPINIONS AND INTERPRETATIVE RULINGS: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 10 and 11.

RULE 13: PROCEDURES FOR WAIVERS

(a) AUTHORITY FOR WAIVERS: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) REQUESTS FOR WAIVERS: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) RULING: The Committee shall rule on a waiver request by recorded vote with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver.

(d) AVAILABILITY OF WAIVER DETERMINATIONS: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 14: DEFINITION OF ''OFFICER OR EMPLOYEE''

(a) As used in the applicable resolutions and in these rules and procedures, the term ''officer or employee of the Senate'' means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

RULE 15: COMMITTEE STAFF

(a) COMMITTEE POLICY:

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) APPOINTMENT OF STAFF:

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular preliminary inquiry, adjudicatory review, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, preliminary inquiry, adjudicatory review, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any adjudicatory review undertaken after a preliminary inquiry, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) DISMISSAL OF STAFF: A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) STAFF WORKS FOR COMMITTEE AS WHOLE: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) NOTICE OF SUMMONS TO TESTIFY: Each member of the Committee staff or outside counsel shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 16: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) ADOPTION OF CHANGES IN SUPPLEMENTARY RULES: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a recorded vote of not less than four members of the full Committee taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) PUBLICATION: Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.

SELECT COMMITTEE ON ETHICS

PART III—SUBJECT MATTER JURISDICTION

Following are sources of the subject matter jurisdiction of the Select Committee:

(a) The Senate Code of Official Conduct approved by the Senate in Title I of S. Res. 110, 95th Congress, April 1, 1977, as amended, and stated in Rules 34 through 43 of the Standing Rules of the Senate;

(b) Senate Resolution 338, 88th Congress, as amended, which states, among others, the duties to receive complaints and investigate allegations of improper conduct which may reflect on the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate; recommend disciplinary action; and recommend additional Senate Rules or regulations to insure proper standards of conduct;

(c) Residual portions of Standing Rules 41, 42, 43 and 44 of the Senate as they existed on the day prior to the amendments made by Title I of S. Res. 110;

(d) Public Law 93–191 relating to the use of the mail franking privilege by Senators, officers of the Senate; and surviving spouses of Senators;

(e) Senate Resolution 400, 94th Congress, Section 8, relating to unauthorized disclosure of classified intelligence information in the possession of the Select Committee on Intelligence;

(f) Public Law 95–105, Section 515, relating to the receipt and disposition of foreign gifts and decorations received by Senate members, officers and employees and their spouses or dependents;

(g) Preamble to Senate Resolution 266, 90th Congress, 2d Session, March 22, 1968; and

(h) The Code of Ethics for Government Service, H. Con. Res. 175, 85th Congress, 2d Session, July 11, 1958 (72 Stat. B12). Except that S. Res. 338, as amended by Section 202 of S. Res. 110 (April 2, 1977), and as amended by Section 3 of S. Res. 222 (1999), provides:

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

APPENDIX A—OPEN AND CLOSED MEETINGS

Paragraphs 5(b) to (d) of Rule XXVI of the Standing Rules of the Senate reads as follows:

(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in classes (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

APPENDIX B—"SUPERVISORS" DEFINED

Paragraph 12 of Rule XXXVII of the Standing Rules of the Senate reads as follows:

For purposes of this rule—

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the

committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

(e) the Secretary of the Senate is the supervisor of the employees of his office;

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, and other assistants assigned to their respective offices;

(h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION RULES OF PROCEDURE

Mr. ROCKEFELLER: Mr. President, the Committee on Commerce, Science, and Transportation adopted rules governing its procedures for the 111th Congress earlier today. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that the accompanying rules from the Senate Committee on Commerce, Science, and Transportation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

February 10, 2009

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as the Chairman may deem necessary, or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matter to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement;

(E) will disclose information relating to the trade secrets of, or financial or commercial information pertaining specifically to, a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of the witness's testimony in as many copies as the Chairman of the Committee or subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

5. The Chairman, with the approval of the ranking minority member of the Committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, except that the Chairman may subpoena attendance or production without the approval of the ranking minority member where the Chairman or a member of the Committee staff designated by the Chairman has not received notification from the ranking minority member or a member of the Committee staff designated by the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph, the subpoena may be authorized by vote of the Members of the Committee, the quorum required by paragraph (1) of section II being present. When the Committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Committee designated by the Chairman.

6. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of the witness at any public or executive hearing to advise the witness, while the witness is testifying, of the witness's legal rights, except that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during testimony before the Committee by personal counsel not from the government, corporation, or association or by personal counsel not representing other witnesses. This paragraph shall not be construed to excuse a witness from testifying in the event the witness's counsel is ejected for conducting himself or herself in such manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings. This paragraph may not be construed as authorizing counsel to coach the witness or to answer for the witness. The failure of any witness to secure counsel shall not excuse the witness from complying with a subpoena.

7. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of a witness's testimony, whether in public or executive session, shall be made available for inspection by the witness or the witness's counsel under Committee supervision. A copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to that witness at the witness's expense if so requested. Upon inspecting the transcript, within a time limit set by the Clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors. The Chairman or a member of the Committee staff designated by the Chairman shall rule on such requests.

II. QUORUMS

1. A majority of the members, which includes at least 1 minority member, shall constitute a quorum for official action of the Committee when reporting a bill, resolution, or nomination. Proxies may not be counted in making a quorum for purposes of this paragraph.

2. Eight members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill, resolution, or nomination or authorizing a subpoena. Proxies may not be counted in making a quorum for purposes of this paragraph.

3. For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of 1 Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, the required quorum being present, a member who is unable to attend the meeting may submit his or her vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during its hearings.

2. Subcommittees shall be considered de novo whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

VI. CONSIDERATION OF BILLS AND RESOLUTIONS

It shall not be in order during a meeting of the Committee to move to proceed to the consideration of any bill or resolution unless the bill or resolution has been filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting, in as many copies as the Chairman of the Committee prescribes. This rule may be waived with the concurrence of the Chairman and the ranking minority member of the full Committee.

COMMITTEE ON RULES AND ADMINISTRATION RULES AND PROCEDURE

Mr. SCHUMER. Mr. President, the Committee on Rules and Administration has adopted rules governing its procedures for the 111th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator BENNETT, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE

COMMITTEE ON RULES AND ADMINISTRATION, UNITED STATES SENATE

(Adopted: February 11, 2009)

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the second and fourth Wednesdays of each month, at 10:00 a.m. in room SR–301, Russell Senate Office Building. Additional meetings of the Committee may be called by the Chairman as he may deem necessary or pursuant to the provision of paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the Members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings:

A. will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

B. will relate solely to matters of the committee staff personnel or internal staff management or procedure;

C. will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

D. will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

E. will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if:

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

F. may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all Members of the committee at least a week in advance. In addition, the committee staff will telephone or e-mail reminders of committee meetings to all Members of the committee or to the appropriate assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all Members of the committee and released to the public at least 1 day in advance of all meetings. This does not preclude any Member of the committee from discussing appropriate non-agenda topics.

5. After the Chairman and the Ranking Minority Member, speaking order shall be based on order of arrival, alternating between Majority and Minority Members, unless otherwise directed by the Chairman.

6. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the Chairman and the Ranking Minority Member waive such requirement for good cause.

7. In general, testimony will be restricted to 5 minutes for each witness. The time may be extended by the Chairman, upon the Chair's own direction or at the request of a Member. Each round of questions by Members will also be limited to 5 minutes.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, a majority of the Members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, one-third of the Members of the committee shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 Members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 1 Member of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one Member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the Members present so demand a roll call vote instead of a voice vote, a record vote will be taken on any question by roll call.

3. The results of roll call votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each Member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the Members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a Member's position on the question and then only in those instances when the absentee committee Member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a) (3) of rule XXVI of the Standing Rules.)

TITLE IV—AMENDMENTS

1. Provided at least five business days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least five business calendar days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 p.m. the day prior to the scheduled start of the meeting.

2. In the event the Chairman introduces a substitute amendment or a Chairman's mark, the requirements set forth in Paragraph 1 of this Title shall be considered waived unless such substitute amendment or Chairman's mark has been made available at least five business days in advance of the scheduled meeting.

3. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

4. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The Chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The Chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The Chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE VI—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The Chairman and Ranking Minority Member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to Members of the committee.

COMMITTEE ON THE BUDGET RULES OF PROCEDURE

Mr. CONRAD. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the Committee on the Budget Rules of Procedure.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON THE BUDGET

One-Hundred-Eleventh Congress

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chair as the chair deems necessary to expedite committee business.

(2) Each meeting of the committee, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(3) Notice of, and the agenda for, any business meeting or markup shall be provided to each member and made available to the public at least 48 hours prior to such meeting or markup.

II. QUORUMS AND VOTING

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator. (4)(a) The committee may poll—

(i) internal committee matters including those concerning the committee's staff, records, and budget;

(ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and

(iii) other committee business that the committee has designated for polling at a meeting, except that the committee may not vote by poll on reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.

(b) To conduct a poll, the chair shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member requests, the matter shall be held for a meeting rather than being polled. The chief clerk shall keep a record of polls; if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule 1(2)(a)–(e), then the record of the poll shall be confidential. Any member may move at the committee meeting following a poll for a vote on the polled decision.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking member determine that there is good cause to begin such hearing at an earlier date.

(2) In the event that the membership of the Senate is equally divided between the two parties, the ranking member is authorized to call witnesses to testify at any hearing in an amount equal to the number called by the chair. The previous sentence shall not apply in the case of a hearing at which the committee intends to call an official of the Federal government as the sole witness.

(3) A witness appearing before the committee shall file a written statement of proposed testimony at least 1 day prior to appearance, unless the requirement is waived by the chair and the ranking member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee, who gives notice of an intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report.

In the absence of timely notice, the committee report may be filed and printed immediately without such views.

VI. USE OF DISPLAY MATERIALS IN COMMITTEE

Graphic displays used during any meetings or hearings of the committee are limited to the following:

Charts, photographs, or renderings:

Size: no larger than 36 inches by 48 inches.

Where: on an easel stand next to the member's seat or at the rear of the committee room.

When: only at the time the member is speaking.

Number: no more than two may be displayed at a time.

VII. CONFIRMATION STANDARDS AND PROCEDURES

(1) Standards. In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The committee shall recommend confirmation if it finds that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

(2) Information Concerning the Nominee. Each nominee shall submit the following information to the committee:

(a) A detailed biographical resume which contains information concerning education, employment, and background which generally relates to the position to which the individual is nominated, and which is to be made public;

(b) Information concerning financial and other background of the nominee which is to be made public; provided, that financial information that does not relate to the nominee's qualifications to hold the position to which the individual is nominated, tax returns or reports prepared by federal agencies that may be submitted by the nominee shall, after review by the chair, ranking member, or any other member of the committee upon request, be maintained in a manner to ensure confidentiality; and,

(c) Copies of other relevant documents and responses to questions as the committee may so request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office.

(3) Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee may be prepared by the committee staff for the chair, the ranking member and, upon request, for any other member of the committee. The report shall summarize the steps taken and the results of the committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

(4) Hearings. The committee shall conduct a hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she would pursue while in that position. No hearing or meeting to consider the confirmation shall be held until at least 72 hours after the following events have occurred: the nominee has responded to the requirements set forth in subsection (2), and, if a report described in subsection (3) has been prepared, it

has been presented to the chairman and ranking member, and is available to other members of the committee, upon request.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS RULES OF PROCEDURE

Mrs. BOXER. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the Committee on Environment and Public Works Rules of Procedure.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Jurisdiction

Rule XXV, Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

RULES OF PROCEDURE

RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) REGULAR MEETING DAYS: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) ADDITIONAL MEETINGS: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) PRESIDING OFFICER:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) OPEN MEETINGS: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) BROADCASTING:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) BUSINESS MEETINGS: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, one third of the members of the committee, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) STATEMENTS OF WITNESSES:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) NOTICE: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) AMENDMENTS: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) MODIFICATIONS: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) PROXY VOTING:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) SUBSEQUENT VOTING: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so

that same business day and their vote does not change the outcome.

(c) PUBLIC ANNOUCEMENT:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) REGULARLY ESTABLISHED SUBCOMMITTEES: The committee has seven subcommittees: Transportation and Infrastructure; Clean Air and Nuclear Safety; Superfund, Toxics and Environmental Health; Water and Wildlife; Green Jobs and the New Economy; Children's Health; and Oversight.

(b) MEMBERSHIP: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS:

(1) Whenever the committee authorizes a project under Public Law 89–298, the Rivers and Harbors Act of 1965; Public Law 83–566, the Watershed Protection and Flood Prevention Act; or Public Law 86–249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the General Services Administration and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, former Justices of the United States Supreme Court over 70 years of age, or Federal judges who are fully retired and over 75 years of age or have taken senior status and are over 75 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

75TH ANNIVERSARY OF THE EXPORT IMPORT BANK

Mr. DODD. Mr. President, I rise today to mark the 75th anniversary of the Export-Import Bank of the United States, this country's official export credit agency. Its mandate is to create and support jobs here in the United States by financing U.S. exports that might otherwise be lost because private sector financing is unavailable or to meet the competition of foreign governments' export credit agencies that are supporting their exporters to secure the deal. Obviously, the work of Ex-Im Bank is especially relevant in difficult economic times such as we are currently experiencing, because U.S. exports equal U.S. jobs.

The Export-Import Bank falls under the jurisdiction of the Senate Banking, Housing, and Urban Affairs Committee, and I am aware of the many positive effects it has had for U.S. manufacturers. In the past 5 years, it has helped at least 75 companies in 43 communities in Connecticut finance over $700 million in exports. These export sales create and sustain high-paying manufacturing and other jobs related to exports.

Ex-Im Bank is also accustomed to stepping in when times are hard. It was founded on February 12, 1934, in order to help facilitate exports during the Great Depression. Since then, it has supported over $400 billion in U.S. exports that would not have gone forward without it—exports that support U.S. jobs.

Just after World War II, Ex-Im Bank became a precursor of the Marshall Plan, authorizing over $2 billion for the reconstruction of Europe. In more recent times, Ex-Im Bank has stepped in to assist U.S. exporters during the Mexican debt crisis of the 1980s and the Asian debt crisis of the 1990s.

Don't confuse this with foreign aid. Ex-Im Bank charges for its services and is self-financing, and is therefore not a drain on U.S. taxpayers. Ex-Im Bank makes credit judgments on the basis of reasonable assurance of repayment, and has a historical default rate under 2 percent. Over 80 percent of Ex-Im Bank's transactions directly benefit small businesses, which are the most effective generators of jobs in our economy.

Over the past 75 years, Ex-Im Bank has responded in difficult times to the problems of U.S. exporters. In this time of economic hardship, we need government institutions like the Ex-Im Bank to provide strong leadership in responding effectively and efficiently to the challenges facing U.S. exporters, large and small.

I am happy to join with leaders from across the political spectrum in wishing the Export-Import Bank of the United States well on its 75th anniversary.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you for asking for the opinions from residents of the great state of Idaho. Clearly only one answer for this . . . do something now! We all know that it will take a couple of years to implement; however, we must remember this is for the long term. I believe that nuclear and hydroelectric is the way of the future, and the cleanest approach.

My husband and I are long-haul truckers, and pay over $1,400 per day to fuel. Yes, there are other countries that pay more, but we have not prepared ourselves for ''mass transit'' in the United States, and we are also, in my opinion, very spoiled with our cars.

Most Americans do not stop to realize what impact all of this madness will have on them. It is not just ''fuel costs'' at the gas pump; it is the big picture of the fuel costs. I have seen all the corn fields in Iowa and Midwest that have been bought out by foreigners. Our country is literally vanishing

before our eyes, and ''fuel'' does not even touch the surface of our internal problems.

Let us stop selling off America and do for ourselves, quick. We could be a self-sufficient country, and get back some of our power that we have so easily sold off.

Thank you for your considerations.

DIANNE, *Boise Valley*.

We are in our early 70s retired and on a fixed income. We now plan every trip to town (16 Miles one way) to do senior things and shop. Our costs are going up on every area: food, medications (Plan D ran out this month June; paying 100 percent now for the rest of the year). We have had to pull money out of savings every year since retirement. Gas and diesel is a joke and you people in Washington, DC are out of touch with reality. Open up our reserve and kill the profit takers. Open up by Federal Law our Drilling and harvesting our own oil products while working on other alternative fuel sources. We citizens know what is happening; why do not you? Stop being lawyers and start being citizens and do what is right for the USA.

The environmentalists are OK along with the civil liberty union folks but once in a while you have to make decisions they are not going to be happy about for the good of the country. You should all now know corn to fuel is not the answer.—We need to build refineries back here in our own country along with our manufacturing jobs. Do something right and open up our own reserves and give us citizens a chance to enjoy our retirement after 60 years of work. Thank you for reading my letter.

MARVIN and GLORIA, *New Meadows*.

Please do not support off-shore drilling and exploration for additional domestic oil. Sure, Idaho is a big state and we have to drive from here to there, but finding us more domestic oil is not the solution. Even if we starting domestic oil exploration today, I understand we would not be producing that oil for many more years, and that would not solve our immediate self-induced crisis today.

Conservation is not a ''personal virtue''—conservation is key to reducing our oil consumption, and Idahoans have a long history of conserving when it is necessary. Unfortunately, we got lulled into a false sense of security and prosperity by cheap oil prices for many years, and thought we could drive our SUVs inexpensively forever. We chose to ignore the warnings that we would eventually run out of cheap oil.

And, nuclear energy is not the alternative, not if the nuclear waste is going to continue to be stored in Idaho.

Better use of funding: mass transit (even in Idaho) and renewable energy sources, not domestic oil exploration.

BECKI, *Hailey*.

I am retired (66 years old) and live with my wife. We have carefully budgeted our retirement for a home, cars and a dog. We find ourselves keeping our air conditioner off until it is unbearable. We do not travel because of the high gas prices and our children cannot afford to come see us. We keep the lights off and use a couple of fans during the day. Food prices are up forcing us to use some of our food storage and rotation. We pay twice as much for food then we did last year and electricity and gas are prohibited and there is no leveling off in sight. House market is down and we cannot even sell our house if we are forced to. It appears the government wants to force greater taxes on Social Security without factoring in that we paid into for many years and a decrease of Social Security and other high costs will cause us buying less food, gas, and electricity use. We need some relief and quick decisions on solving these problems now. I am for drilling, building new refiners, obtaining other sources energy with protection of wildlife. We can do it.

JAMES, *Eagle*.

Thank you for the opportunity to sound off my concerns regarding the rising oil prices. The rising cost of gasoline affects my family not only with the higher cost to fill our van but prevents us from spending our dollars in ways that we would prefer: family trips, clothing and shoes, an occasional TV update. This is the first year in our 11-year marriage that my husband and I have been able to enroll our children (we have 4) into extracurricular programs (karate and swimming lessons) and we will now need to cancel one or both due to the higher cost of driving to and from work. Food costs have skyrocketed, making it difficult to feed our family in a healthy way. It surprises me to see that the less healthy foods are less expensive than healthy options like fresh vegetables and fruit. Hamburger with a higher fat content is much cheaper than a more healthy option. Like all families, we make accommodations—we buy much less snack foods, sodas and breads to allow us to purchase basics such as chicken, hamburger, some vegetables and a few fruits. There are no evening or weekend excursions to the movies, Boondocks Entertainment Center or the water park. We will be unable to travel around Idaho this year to show the kids how wonderful their state is. Our heating bill this coming winter is something I am afraid to think of.

Many families that we know have lost jobs from Micron cuts and now Albertson's cuts putting their very families into jeopardy for homelessness and hunger, let alone higher gas prices. With higher prices in everything and wages not increasing to accommodate the rise, crime is also on the rise and police departments are facing even higher costs than we are because they are unable to do their jobs properly which will reflect in a very negative way despite the fact that it is not their fault. The elderly and people with disabilities are affected by higher gas prices in the same ways as the rest but additionally with higher taxi fares and reduced bus routes preventing them from getting to medical appointments, Social Security Administration appointments and other appointments or events critical to their well-being.

Solutions that we can think of: We believe in the nuclear options and hydrogen powered cars. We believe in increasing the use of solar power and wind power—especially in Idaho. These need to be priorities in Washington. Our dependence on oil hurts the USA in many ways other than basic dollars—such as our very credibility. It would also be prudent of our Congressmen to encourage their state counterparts to encourage and develop public transportation options, especially in rural areas. It is an expense that would eventually pay off.

Thank you for your time.

GINNY, *Boise*.

What can we do about the rising cost of fuel in this country? Once the economic power country of the world is now in a very sad situation. Opec is dictating what we pay for oil and we are standing still letting it happen. Some of the politicians are suggesting tax the oil companies on the huge profits. Really who would wind up paying for that tax? The consumer that is who.

Here are some suggestions, which I am sure you have heard:

1. Start using our reserves now and begin using pumps that are standing idle. We have the oil in reserve to cut off importing Opec country oil and put the squeeze on them.

2. Begin drilling ANWR and forget about the environmentalists crying about it. They will soon realize we have to do this before it is too late. At the same time stop exporting oil we now drill in Alaska and use it here at home.

3. Give the big oil companies incentives to build new refineries in the form of tax credits etc. Maybe if we use our oil and they build new refineries the supply would increase. I have a hard time dealing with the saying ''supply and demand.'' Why should we be paying nearly the minimum wage for a gallon of gasoline. Why should people have to worry about buying fuel or food. This is The United States of America, and it is time our reputation of being the economic leader of the world return to us.

I have a small business and the cost of having products shipped to me is eating away at my profit margin. I cannot continue to have to raise my prices and get sales in my type of business.

I am sure a person of your level does not even have to worry about what you spend on food and fuel but the majority of this country does and we cannot sit still and wonder when this is going to end. It is up to our elected leaders to step up and do something about it now. The American dream is not the American nightmare. Mr. Craig has been on the news and had some good ideas. All of you in Washington need to band together as one and do something to fix the situation. When 9/11 happened Republicans and Democrats united together as one and again it is time that you do that.

TERRY.

You asked how high fuel prices have affected our lives.

1. I am a sales rep and travel S. Idaho & E. Oregon. Since April 15th I have driven 13,000 miles. I am sure that I have spent over $600.00 since then on gas. I knew that I could no longer afford my Toyota Sequoia. So I downsized to a Honda Accord. I now get 27 MPG's. I have had to make a tough decision. I now have to ask my customers if they will be spending over $2,000. Otherwise I can no longer afford to make the trip. What I would be making off the sale would basically be going back into gas making me nothing. It is not fair to my customers. They no longer get the personalized customer service they deserve. The company I work for does not reimburse us for fuel, food, and hotel. My customers have also had an increase in shipping costs.

2. My husband switched jobs. He was driving 60 miles round trip 5 days a week. The cost to fill up his diesel truck is over $100.00 now (it used to cost $60.00 2 years ago). He now works closer to home being able to make the tank last 2–3 days longer now.

3. I now run errands once a week. I conserve gas by making one trip into town. I could halfway understand the high cost of fuel if the gas companies (Chevron, Texaco, etc.) were posting huge losses in their profits. But they are not. They are posting some of the largest profits in history.

Everyone is feeling the pinch. Something must be done and fast. Thanks for your time.

Cheerfully,

ALYSON.

I firmly believe that our answers will not be found simply by extending our addiction to oil. Saying that drilling in the Alaskan wilderness or off the coast of Florida will fix our problem is akin to saying that the cure for an alcoholic is to go to a bar with a larger selection of drinks. We, as a nation, must eliminate our need for the limited resource that is oil.

We have spent, by conservative estimates, over $550 billion on the Iraq war during the last five years. By ending the war and spending even ¼ of that amount solely on alternative, renewable energy resources, we would be off of oil in a decade and the Mideast would no longer mean anything of consequence to us except as a coalition of countries to which we could sell food and goods.

President Kennedy made up his mind to lead us to the moon in a decade, and he made it our national goal. We succeeded in that national goal. It is now your turn, Senator Crapo, to lead us toward our new national goal. Clean renewable energy that will forever take us out of the shackles in which limited oil has us bound. Imagine how this goal affects us by taking us out of war during the next ten years. Boosting our economy by injecting money into ground breaking research and industry. Helping to balance our budget by eliminating the need for at least another $550 billion of war funding and directing the remaining dollars to technology that builds our country. It would help level the trade imbalance by reducing our imports of foreign oil and increasing our exports of food, technology, energy, etc. Our economy is built up, the dollar is strengthened and our independence is safeguarded while we maintain our role as a world leading nation.

Thank you for the opportunity to be heard,

BRIAN, *Twin Falls.*

P.S. I also believe that nuclear energy is not the answer as it sacrifices the long-term future for a short-term gain. Leaving the nuclear waste problem to our children and grandchildren is simply the wrong thing to do. We are greater than that. Be part of the long term answer, Senator Crapo; do not be a hostage to re-election politics. Be great, do the right thing and let history show that you held future generations in the highest regard and laid the foundation for the enormous success those generations will create.

I currently pay about $9.25 a day to get to and from work. That is nearly double what I paid this time last year. I have not had a pay raise in about two years. Its only obvious that gas and food prices are causing a strain on our way of life in the current economy. Its like I am making less now than I was before.

I believe our main focus should be to recover the valuation of the dollar on the international market. At the time of this email, the dollar is at 73.544. Oil prices have gone straight up because the value of the dollar is way down from its typical 100.000 mark. Drilling for more oil would certainly help our economy in the short run, but without the focus being on the valuation of the dollar, we are just applying band-aids. I believe that America should apply working solutions that reinvigorate American pride. Businesses need tax breaks to survive the current shaky economy. Businesses that deal strictly with products made in the USA should be rewarded quite a bit more beyond generalized tax breaks. The rebuilding of our economy needs to focus on the true roots of our economic engine.

BOB.

First off, I want to thank you for taking the time to listen to the average American on how high energy prices are affecting our daily lives.

My husband and I are getting close to retirement age. My husband is in his 60s, Viet Nam vet and very proud of the fact he was able to serve his county. I am 56. We live in a small rural community, surround by farm ground, population 600. Both my husband and I commute to work—I have about 25 miles, he has about 17. I understand that it is our choice to live ''out in the country,'' but the choice was made to start up a business in our little town; my husband opened up a small engine repair shop. Things were clicking along great for a few years. We weren't setting the world on fire, but life was good, until the economy took a downward turn. We had to close our shop and my husband went back to into the workforce resulting in the commute.

I would say we have an average income, the two of us bringing in approx $50,000. We do not own a lot of fancy things, do not drive fancy cars, and we are just average down home folks. As the price of fuel begins to climb, I see the extra we set aside for our ''retirement'' dwindle, it now fills the gas tank so we can go to work to pay the bills to put gas in the gas tank. The circle continues with no end. I worry about the ''golden'' years; will there be enough for us to actually retire and when we do retire will there be enough money to live on and enjoy a few things in life that we worked so long and hard for. Such as travel, that now does not seem to be in our future. We will not be able to afford it. I worry about my children and their children, and their future, will they be able to afford food, medical and fuel for their cars.

In our community, the rumbling at the local coffee shop is the talk of the high energy cost, how it is starting to affect all aspects of our lives, the farmers are struggling, many are selling out because they just cannot make it. We must make a change in our country to continue to be the greatest, strongest, self supporting, independent county we once were.

For you in Congress, I urge you not to forget the everyday people, there has to be way to work though this crisis. We support off shore drilling, increase domestic oil production, build refineries, study alternative fuel such as wind energy and lastly tax credits on renewable energy. Environmentalists have a place in our world, but the extremes they have taken have tied our hands at making the USA self supportive as we can and should be. Please urge your fellow Senators to work for and with you on this much-needed cause.

Again, thank you for your continued support for Idahoans.

GAIL, *Melba.*

I hear cries for drilling. We should be hearing a challenge from a President. Do you remember when John F. Kennedy issued the following challenge ''within the decade we will put a man on the moon''? Well—I was hoping that President Bush would have cemented his name in history with a similar challenge—something like ''I challenge the Nation to effectively become energy self-sufficient and efficient inside of the decade'' but no—we just continue to hear—we need oil.

I personally say—get off of foreign oil now. The technology the world is benefiting from came from JFK's challenge and think of all of the new technology if a President were to stand up and issue a challenge in the current era. Thanks for listening.

JOE, *Nampa.*

ADDITIONAL STATEMENTS

TRIBUTE TO ERIC BOE

● Mr. CHAMBLISS. Mr. President, today I recognize an exceptional Georgian, COL Eric Boe. Eric grew up in Atlanta and graduated from Henderson High School in Chamblee in 1983. A distinguished graduate with honors from the U.S. Air Force Academy, Eric earned his bachelor of science in astronautical engineering and subsequently a masters of science in electrical engineering from Georgia Institute of Technology.

Eric has served his country with distinction. He has been an F–4E pilot, a T–38 instructor pilot, F–15C flight commander, and a test pilot for the F–15 and UH–1N, logging over 4,000 flight hours in 45 different aircraft. Additionally, Eric flew 55 combat missions over Iraq in support of Operation Southern Watch.

In 2008, Eric was selected by NASA as a pilot and served in the Astronaut Office Advanced Vehicles Branch, Station Operations Branch, and Space Shuttle Branch as well as the Exploration Branch. In 2005–2006, Eric served as NASA Director of Operations at the Gagarin Cosmonaut Training Center in Star City, Russia.

On November 14, 2008, Eric made his first trip to space serving as the pilot on STS–126 Endeavour. The Endeavour launched from NASA's Kennedy Space Center with no delays or issues and docked with the International Space Station on November 16, 2008. The successful 16-day mission, which completed 250 orbits of Earth covering over 6 million miles, expanded the living quarters of the international space station and included four space walks by members of the Endeavour crew.

Eric has been recognized with numerous awards and honors. Serving as a Cadet in the Georgia Wing of the Civil Air Patrol, Eric earned the Spaatz Award, the highest award given to Civil Air Patrol cadets. Further, Eric has received various military decorations such as two Meritorious Service Medals, two Air Medals, five Aerial Achievement Medals, the three Air Force Achievement Medals, and the Air Force Commendation Medals, three Outstanding Unit Awards, and the Combat Readiness Medal.

I want to acknowledge the achievements of the entire STS–126 Endeavour crew and congratulate them on their successful mission. As a fellow Georgian, I want to especially thank Eric for his outstanding service to our nation as a combat pilot and astronaut. His love of country and dedication are an inspiration, and he is a role model and an example of leadership of which we can all be proud.●

MESSAGE FROM THE HOUSE

At 1:28 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 448. An act to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes.

H.R. 469. An act to encourage research, development, and demonstration of technologies to facilitate the utilization of water produced in connection with the development of domestic energy resources, and for other purposes.

H.R. 554. An act to authorize activities for support of nanotechnology research and development, and for other purposes.

H.R. 631. An act to increase research, development, education, and technology transfer activities related to water use efficiency and conservation technologies and practices at the Environmental Protection Agency.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 448. An act to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes; to the Committee on the Judiciary.

H.R. 469. An act to encourage research, development, and demonstration of technologies to facilitate the utilization of water produced in connection with the development of domestic energy resources, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 554. An act to authorize activities for support of nanotechnology research and development, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 631. An act to increase research, development, education, and technology transfer activities related to water use efficiency and conservation technologies and practices at the Environmental Protection Agency; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. Res. 39. An original resolution authorizing expenditures by the Committee on the Judiciary.

By Mr. CONRAD, from the Committee on the Budget, without amendment:

S. Res. 41. An original resolution authorizing expenditures by the Committee on the Budget.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. Res. 42. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 43. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. Res. 44. An original resolution authorizing expenditures by the Committee on Armed Services.

By Mr. KOHL, from the Special Committee on Aging, without amendment:

S. Res. 45. An original resolution authorizing expenditures by the Special Committee on Aging.

By Mr. SCHUMER, from the Committee on Rules and Administration, without amendment:

S. Res. 46. An original resolution authorizing expenditures by the Committee on Rules and Administration.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 47. A resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 160. A bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 419. A bill for the relief of Luay Lufti Hadad; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 420. A bill for the relief of Josephina Valera Lopez; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 421. A bill to impose a temporary moratorium on the phase out of the Medicare hospice budget neutrality adjustment factor; to the Committee on Finance.

By Ms. STABENOW (for herself, Ms. MURKOWSKI, Mrs. FEINSTEIN, Ms. COLLINS, Mrs. LINCOLN, Mr. CHAMBLISS, Ms. MIKULSKI, Mr. COCHRAN, Ms. LANDRIEU, Mrs. BOXER, Mrs. SHAHEEN, Mr. CARDIN, Mr. KERRY, Mr. WHITEHOUSE, Mr. AKAKA, Mr. SANDERS, Mr. INOUYE, Mr. BEGICH, Mr. CASEY, Mr. MENENDEZ, Mr. BAYH, Mr. CARPER, Mr. WYDEN, and Mr. CONRAD):

S. 422. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diesases in women; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself, Ms. SNOWE, Mr. JOHNSON, Mr. ROCKEFELLER, Mr. SANDERS, Mr. TESTER, Mr. BEGICH, Mr. BINGAMAN, Mrs. BOXER, Mr. FEINGOLD, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. MENENDEZ, Ms. MURKOWSKI, Ms. STABENOW, Mr. THUNE, Mr. VITTER, Mr. SCHUMER, and Mr. BURR):

S. 423. A bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself, Mr. FEINGOLD, Mr. SCHUMER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. KERRY, Mr. BROWN, Mr. MENENDEZ, Mrs. MURRAY, Mr. DODD, Mr. AKAKA, Mr. LAUTENBERG, Mr. INOUYE, and Mrs. BOXER):

S. 424. A bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships; to the Committee on the Judiciary.

By Mr. BROWN:

S. 425. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the establishment of a traceability system for food, to amend the Federal Meat Inspection Act, the Poultry Products Inspections Act, the Egg Products Inspection Act, and the Federal Food, Drug, and Cosmetic Act to provide for improved public health and food safety through enhanced enforcement, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENNETT:

S. 426. A bill to amend title II of the Social Security Act to provide for progressive indexing and longevity indexing of Social Security old-age insurance benefits for newly retired and aged surviving spouses to ensure the future solvency of the Social Security program, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Ms. SNOWE, and Mr. JOHNSON):

S. 427. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. ENZI, Mr. LUGAR, and Mr. DODD):

S. 428. A bill to allow travel between the United States and Cuba; to the Committee on Foreign Relations.

By Mr. CASEY (for himself and Mr. GRASSLEY):

S. 429. A bill to ensure the safety of imported food products for the citizens of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INHOFE:

S. 430. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WHITEHOUSE:

S. 431. A bill to establish the Temporary Economic Recovery Adjustment Panel to curb excessive executive compensation at firms receiving emergency economic assistance; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself and Mr. MCCAIN):

S. 432. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes; to the Committee on Environment and Public Works.

By Mr. UDALL of New Mexico (for himself and Mr. UDALL of Colorado):

S. 433. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE:

S.J. Res. 10. A joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. BAYH, Mr. BUNNING, Mr. BURRIS, Mr. LUGAR, and Mr. MCCONNELL):

S. Res. 38. A resolution commemorating the life and legacy of President Abraham Lincoln on the bicentennial of his birth; considered and agreed to.

By Mr. LEAHY:

S. Res. 39. An original resolution authorizing expenditures by the Committee on the Judiciary; from the Committee on the Judiciary; to the Committee on Rules and Administration.

By Mr. LAUTENBERG (for himself, Ms. COLLINS, Mr. KAUFMAN, Mr. SANDERS, Mr. MENENDEZ, and Mr. LEVIN):

S. Res. 40. A resolution designating September 2009 as ''Campus Fire Safety Month''; to the Committee on the Judiciary.

By Mr. CONRAD:

S. Res. 41. An original resolution authorizing expenditures by the Committee on the Budget; from the Committee on the Budget; to the Committee on Rules and Administration.

By Mrs. BOXER:

S. Res. 42. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration .

By Mr. DODD:

S. Res. 43. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mr. LEVIN:

S. Res. 44. An original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. KOHL:

S. Res. 45. An original resolution authorizing expenditures by the Special Committee on Aging; from the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. SCHUMER:

S. Res. 46. An original resolution authorizing expenditures by the Committee on Rules and Administration; from the Committee on Rules and Administration; placed on the calendar.

By Mr. ROCKEFELLER:

S. Res. 47. A resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. Res. 48. A resolution honoring the sesquicentennial of Oregon statehood; considered and agreed to.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 61, a bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes.

S. 252

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 252, a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans, and for other purposes.

S. 354

At the request of Mr. WEBB, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 354, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 371

At the request of Mr. THUNE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 371, a bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

S. 394

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 394, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literacy, musical, artistic, or scholarly compositions created by the donor.

S. 416

At the request of Mrs. FEINSTEIN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Maine (Ms. SNOWE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 416, a bill to limit the use of cluster munitions.

S. 417

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 417, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. CON. RES. 3

At the request of Mr. DODD, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 100th anniversary.

S. RES. 20

At the request of Mr. VOINOVICH, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 421. A bill to impose a temporary moratorium on the phase out of the Medicare hospice budget neutrality adjustment factor; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Medicare Hospice Protection Act, which will place a one-year moratorium on a final rule issued by the Centers for Medicare and Medicaid Services, CMS, reducing payments to hospice providers and ensure Medicare beneficiaries' access to hospice care.

More than 1.3 million Americans depend on hospice for high quality and compassionate end-of-life care each year. Unfortunately, on October 1, 2008, CMS issued a final rule to reduce hospice reimbursement rates in Medicare. This reduction of the hospice wage index will take $2.1 billion out of hospice care for Medicare beneficiaries over the next 5 years.

The Medicare Payment Advisory Commission, MedPAC, is currently examining the payment system for hospice care. We must allow MedPAC to complete this important review of the hospice Medicare benefit and make payment recommendations, which is expected in 2009. The Hospice Protection Act, introduced by myself and Senators HARKIN, WYDEN, ROBERTS, and ROCKEFELLER, will maintain access to hospice care for seniors.

Hospice is an efficient and cost-effective health care model. Hospice provides individuals at the end of their lives, as well as their families, with comfort and compassion when they are

needed most. Hospice care enables a person to retain his or her dignity and maintain quality of life during the end of life. An independent Duke University study in 2007 showed that patients receiving hospice care cost the Medicare program about $2,300 less than those who did not, resulting in an annual savings of more than $2 billion.

In April 28, 2008, just before the Notice of Proposed Rule Making was released, a bipartisan group of more than 40 Senators wrote to Secretary Leavitt and asked him to stop further action and wait for MedPAC recommendations on hospice payment issues. On July 28, 2008, before the final rule was released, Senators HARKIN, WYDEN, ROBERTS and I wrote to White House Chief of Staff Joshua Bolton, to urge him to stop the regulation from being finalized and to consider the burden that this regulation will put on the hospice community.

Access to quality compassionate hospice care is critical for Medicare beneficiaries. I ask my fellow Senators to join me in support of the Hospice Protection Act and to work toward its swift passage.

By Ms. STABENOW (for herself, Ms. MURKOWSKI, Mrs. FEINSTEIN, Ms. COLLINS, Mrs. LINCOLN, Mr. CHAMBLISS, Ms. MIKULSKI, Mr. COCHRAN, Ms. LANDRIEU, Mrs. BOXER, Mrs. SHAHEEN, Mr. CARDIN, Mr. KERRY, Mr. WHITEHOUSE, Mr. AKAKA, Mr. SANDERS, Mr. INOUYE, Mr. BEGICH, Mr. CASEY, Mr. MENENDEZ, Mr. BAYH, Mr. CARPER, Mr. WYDEN, and Mr. CONRAD):

S. 422. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women; to the Committee on Health, Education, Labor, and Pensions.

Ms. STABENOW. Mr. President, I rise today to discuss a critical health issue affecting too many women: heart disease, a disease that surprisingly affects more women than men.

As women, we tend to be great at taking care of everyone around us—our children, our spouses, our aging parents. Unfortunately, we do not do nearly as well taking care of ourselves sometimes. I suspect we all know women who have been to their doctors or to emergency rooms exhibiting symptoms of heart attack, only to be told they were suffering from ''stress'' or indigestion.

For women, there are a lot of misconceptions about heart disease, but here are the facts.

Heart disease and stroke actually kill more women each year than men.

Heart disease, stroke, and other cardiovascular diseases are the leading cause of death for women in the United States and in Michigan. According to the Michigan Department of Community Health, a third of all deaths in women are due to cardiovascular disease.

One in three adult women has some form of cardiovascular disease.

Minority women, particularly African American, Hispanic and Native American women, are at even greater risk from heart disease and stroke.

These reasons are why Senator LISA MURKOWSKI and I are reintroducing the HEART for Women Act in the Senate today to turn these startling statistics around. Our bill is a three-prong approach to fighting heart disease by raising awareness, strengthening research, and increasing access to screening programs for more women. I am so pleased that nearly a quarter of the Senate is joining us today in sponsoring this legislation, and that that Congresswomen LOIS CAPPS and MARY BONO MACK are introducing companion legislation in the U.S. House of Representatives.

Mr. President, I ask unanimous consent that support material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN HEART ASSOCIATION,
FEBRUARY 12, 2009.

Heart Disease and Stroke. You're the Cure.

Hon. DEBBIE A. STABENOW,
U.S. Senate,
Washington, DC.
Hon. LISA MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW AND SENATOR MURKOWSKI: On behalf of the American Heart Association and our approximately 22 million volunteers and supporters nationwide, we applaud you for your re-introduction of the HEART for Women Act.

As your legislation recognizes, too many American women and their healthcare providers still think of heart disease as a ''man's disease,'' even though about 50,000 more women than men die from cardiovascular diseases each year. And unfortunately, while we as a nation have made significant progress in reducing the death rate from cardiovascular diseases in men, the death rate in women has barely declined (17 percent decline in men versus a 2 percent decline in women over the last 25 years). Even more alarmingly, the death rate in younger women ages 35 to 44 has actually been increasing in recent years.

The American Heart Association and its American Stroke Association division is a strong supporter of the HEART for Women Act because it would improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women and ultimately help end the disparity that women face. Your legislation is particularly important in the current economic recession, where Americans are losing their jobs and their health insurance coverage and women may be foregoing needed screening that could aid in the early identification and treatment of heart disease and stroke.

More specifically, your legislation would: 1) authorize the expansion of the Centers for Disease Control and Prevention's WISEWOMAN program, which provides free heart disease and stroke screening and lifestyle counseling to low-income, uninsured and underinsured women, to all 50 states; 2) educate women and healthcare professionals about the risks women face from cardiovascular diseases; and 3) provide clinicians and their women patients with better information about the efficacy and safety of new treatments for heart disease and stroke.

Thank you again for your leadership on this important legislation. We look forward to working with you to get the HEART for Women Act enacted into law in this Congress.

Sincerely,

DAVID A. JOSSERAND,
Chairman of the Board.
TIMOTHY J. GARDNER, MD, FAHA,
President.

[From the Chicago Tribune, Dec. 29, 2008]

WOMEN'S HEART DISEASE: IT'S THE LEADING KILLER, BUT PATIENT CARE LAGS THAT FOR MEN—AS CARDIAC SCIENCE ADVANCES, WOMEN FIND TREATMENT LAGGING

(By Judith Graham)

Heart disease is the leading cause of death for women in the U.S., yet a wealth of data shows female cardiac patients receive inferior medical care compared with men.

Too many physicians still discount the idea that a woman could be suffering from heart disease, delaying or denying needed medical interventions, experts note. Most community hospitals in the U.S. still are not following guidelines for treating women with heart attacks. And primary care doctors don't do as much as they could to emphasize prevention.

As a result, women are failing to reap the full benefits of enormous advances in cardiovascular medicine.

The point was underscored this month by a study published in the journal Circulation finding that women who have heart attacks receive fewer recommended treatments in hospitals than men, including aspirin, beta blocker medications, angioplasties, clot-busting drugs and surgeries to re-establish blood flow. Women with the most serious heart attacks, known as STEMIs, were significantly more likely to die at a hospital than men.

''We need to do a better job of defining women's symptoms and treating them aggressively and rapidly, as we do for men,'' said Dr. Hani Jneid, the study's lead author and assistant professor of medicine at the Baylor College of Medicine in Houston.

In Israel, when guidelines have been applied much more rigorously, the mortality difference between the sexes all but disappeared, according to a July study in the American Journal of Medicine.

Outside hospitals, too few internists, family doctors, obstetricians and gynecologists are implementing recommendations for preventing heart disease in women, experts say. Eighty percent of heart attacks in women could be prevented if women changed their eating habits, got regular exercise, managed their cholesterol and blood pressure, and followed other preventive measures.

Although death rates from cardiovascular disease have fallen, the condition killed 455,000 women in 2006, according to data from the American Heart Association. Heart disease causes about 72 percent of cardiovascular fatalities; the rest are strokes and other related conditions.

The next decade could see major advances as scientists better understand how the biology of heart disease differs in women, said

Dr. Joan Briller, director of the Heart Disease in Women program at the University of Illinois Medical Center at Chicago.

Already, for example, researchers have learned that plaque deposits tend to be spread more widely in women than in men, resulting in fewer big blockages in the arteries. That means standard therapies such as angioplasty are often less effective in women. Also, women metabolize certain heart drugs at a different rate than men.

Women should learn about the symptoms of acute heart disease—which can differ from those in men—respond promptly if they sense something is wrong, and ''find physicians who care about them,'' said Dr. Annabelle Volgman, medical director of the Heart Center for Women at Rush University Medical Center.

''Ask your doctor: Are you familiar with the guidelines for the prevention of heart disease in women published in 2007? Do you follow them? If they say 'no,' find yourself another doctor,'' she said.

These Chicago-area women learned the importance of that advice the hard way:

Elizabeth Hein of Chicago was 27 when she began feeling a tight, squeezing feeling in her chest, ''like a bone was stuck in my heart,'' she said.

When it didn't go away, Hein visited her primary-care doctor. ''You're young and healthy; don't worry,'' she remembers him saying. Take aspirin, he advised.

The disturbing sensation sent Hein to the doctor four more times over the next six months. She was fine, he repeated. Hein was in good shape and running 3 to 5 miles daily.

One day at work, Hein felt numbness spread up her arm and into her neck. Breathing became difficult. ''I'm sitting there thinking my doctor doesn't believe anything is wrong; what should I do?'' said Hein, now 38.

At a nearby hospital, Hein remembers, a triage nurse briefed a skeptical emergency room doctor on her electrocardiogram.

''She's too young. It can't be a heart attack,'' she heard the doctor say behind a curtain.

When he examined Hein, he asked what drugs she took. (Cocaine can simulate heart attack symptoms.) After several hours, the doctor sent Hein home. She later learned from her primary-care physician that she had, indeed, had a heart attack.

''My overwhelming feeling was relief: Finally he acknowledged something was really wrong,'' said Hein, who soon changed doctors.

''If your doctor won't listen, fire him and find one who will,'' she said.

That lesson was brought home painfully three years ago when Hein's mother began to suffer lower back pain and fatigue. Her Minnesota doctor sent her to a masseuse. A month later, when she returned to the doctor because she was retaining water, he reportedly told her: ''You're an older woman. It's normal.''

Weeks later, Mabel Hein died of a massive heart attack.

''They missed it because they dismissed her too,'' her daughter said. ''What I tell other women now is don't let it happen to you.''

In March 2007, a screening test told Michelle Smietana of Gurnee her blood pressure and cholesterol levels were excellent.

''I thought that's fantastic, no problems there,'' said Smietana, 35.

Eight hours later, she was in a hospital emergency room with a heart attack.

It began at dinner with a friend, when the computer specialist felt an achy pain at the right shoulder blade. By the time she got to her car, the feeling had crept up into her throat, where it settled in the soft spot under her chin.

''At first I thought I'd hurt a muscle. Then I thought: 'Am I having an allergic reaction?' '' Smietana said. ''All the time, I felt, whatever this is, I really don't like it.''

Doctors at an urgent care center sent Smietana to Condell Medical Center after a test for a cardiac marker came back positive. There Smietana received aggressive treatment and ultimately discovered that a prolonged coronary artery spasm had interrupted blood flow through her narrower-than-usual arteries.

''My first reaction was a weird feeling of shame, because I was only 33 and this wasn't supposed to be happening,'' Smietana said. ''Then, I felt kind of guilty, because I'm a little heavy and a little underexercised.''

Moving on from the episode was terrifying, she said. ''Because it came out of nowhere, you're not sure if it's going to come back again and if you'll survive the next time,'' she said.

She credits three months of cardiac rehabilitation with defeating that fear and learning how to move again and take better care of herself.

Today, Smietana tells women: ''If your body tells you something doesn't feel right, listen to it and take it seriously. I did and I got lucky.''

Helen Pates' grandmother died in her sleep of a massive heart attack around age 40. Her mother also suffered from heart disease, as did several maternal relatives.

All this was detailed in her medical records. Yet when Pates developed persistent fatigue and occasional bouts of nausea, not one of seven Chicago doctors she consulted ordered cardiac exams.

Instead, they scanned her liver, her brain, her gastrointestinal tract. ''They all said the same thing: 'We're not finding anything. You have a demanding career, a busy life. It's probably stress-related,' '' said Pates, who lives in Chicago and manages money for people with high net worth.

Then in 2005 Pates awoke at 3 a.m. with excruciating pain on the left side of her back and severe shortness of breath. Crawling out of bed, she managed to drive to Rush University Medical Center.

A few hours later, surgeons told Pates she had a large aortic aneurysm—a bulge in her body's main blood vessel—that was about to rupture. Doctors inserted a stent that caused the aneurysm to shrink and eventually vanish.

Within three months Pates' energy began to return, and a year later she was feeling like herself again.

Now 43, Pates said she's upset so many doctors dismissed her symptoms.

''As a woman, you need to stay on top of your health,'' she said. ''Make yourself a priority. And if you have a family history, like I did, and don't feel well, ask your doctor if you could be having problems with your heart.''

The first time Debbie Dunn collapsed, doctors diagnosed pneumonia. A high fever, they said, had caused her cold sweats and thumping heart.

The next three times Dunn felt on the verge of collapse, her heart racing wildly, medical providers told her she was having panic attacks.

Eventually a cardiologist gave her a new diagnosis: supraventricular tachycardia, an abnormally rapid heart rhythm. ''It's benign,'' Dunn says he told her.

For years, Dunn visited the cardiologist occasionally but primarily relied on a technique he taught her to control symptoms. Still, more and more often, she said, ''My heart felt like tennis shoes in the drier doing flip-flops.''

In 2002, at a restaurant with her husband, Dunn felt what she calls a ''ripping, burning sensation above my breast.'' Her left arm went numb, then started to ache.

At a nearby hospital, after hours of waiting, a nurse casually told Dunn she'd had a massive heart attack. A cardiologist said her heart was profoundly damaged and operating at about 30 percent of capacity. Dunn was prescribed medications but felt perpetually exhausted.

''I tried to be a good mom, a good wife, and go back to my activities but I couldn't keep up,'' said Dunn, 52. Her cardiologist prescribed another medication for inflammation, but it didn't help either.

A turning point came when Dunn read an article in O magazine on women and heart disease. Seeing herself in the story, she went to see Oprah Winfrey's cardiologist. In the physician's office, having a cardiac stress test for the first time, Dunn had another heart attack.

Today, the Libertyville resident has a pacemaker. Channeling anger over her mistreatment into activism, Dunn runs a support group for women with heart disease at Glenbrook Hospital in Glenview and Condell Medical Center and is starting another at Lake Forest Hospital.

By Mr. AKAKA (for himself, Ms. SNOWE, Mr. JOHNSON, Mr. ROCKEFELLER, Mr. SANDERS, Mr. TESTER, Mr. BEGICH, Mr. BINGAMAN, Mrs. BOXER, Mr. FEINGOLD, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. MENENDEZ, Ms. MURKOWSKI, Ms. STABENOW, Mr. THUNE, Mr. VITTER, Mr. SCHUMER, and Mr. BURR):

S. 423. A bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, this is an important day for Congress, for veterans, and their families. Today we take another step towards securing timely, predictable funding for the Veterans Health Care system. Our plan will create a transparent funding process that will yield sufficient, on-time funding that will enable VA to care for veterans more effectively.

Historically, VA's health care system has been plagued by underfunding. Only a few years ago, VA reported a shortfall of over $1 billion dollars. VA has had to come back to Congress repeatedly to get supplementary funding for health care costs. Fortunately, in the past two years, we have begun to change course, by providing record-funding to meet the increased needs of veterans and their families.

Even with sufficient funding, however, the money for VA has been provided late in 19 of the past 22 fiscal

years. Sometimes, the appropriations have come as late as February, when VA needed the funds to spend in the preceding October.

Funding levels and the timing of funding depend on the federal appropriations process—a process vulnerable to partisan posturing and last minute changes.

This means that the largest health care system in the country—to which millions of wounded and indigent veterans turn to for care—does not know what funds it will receive, when it will be funded, or, in reality, whether vital programs will receive funding at all. This is no way to finance a national health care system with such a sacred obligation.

Today we suggest a better option. I am proud to introduce the Senate-version of the Veterans Health Care Budget Reform Act. This bill would require that veterans' health care be funded one-year in advance of the regular appropriations process.

Unlike Medicare and Medicaid, veterans' health care would not be funded as an entitlement: Congress would still review and manage funding, as necessary, so as to maintain oversight.

By knowing what funding they will receive one year in advance, VA would be able to plan more efficiently, and better use taxpayer dollars to care for veterans.

In addition to improving timeliness, this bill will deliver a more transparent funding process. A GAO audit and public report to Congress on VA funding would be provided annually.

I am proud to join a number of our nation's leading veterans' organizations, and a bipartisan team of supporters from the House and Senate in calling for this bill's passage. Joining me as cosponsors on this bill are Senators SNOWE, JOHNSON, ROCKEFELLER, SANDERS, TESTER, BEGICH, BINGAMAN, BOXER, FEINGOLD, LANDRIEU, LAUTENBERG, MENENDEZ, MURKOWSKI, STABENOW, THUNE, VITTER, and Mr. SCHUMER.

Now is the time to secure timely, predictable veterans' health care funding. Mr. President, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Health Care Budget Reform and Transparency Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Title 38, United States Code, authorizes the Secretary of Veterans Affairs to furnish hospital and domiciliary care, medical services, nursing home care, and related services to eligible and enrolled veterans, but only to the extent that appropriated resources and facilities are available for such purposes.

(2) For 19 of the past 22 fiscal years, funds have not been appropriated for the Department of Veterans Affairs for the provision of health care as of the commencement of the new fiscal year, causing the Department great challenges in planning and managing care for enrolled veterans, to the detriment of veterans.

(3) The cumulative effect of insufficient, late, and unpredictable funding for the Department for health care endangers the viability of the health care system of the Department and impairs the specialized health care resources the Department requires to maintain and improve the health of sick and disabled veterans.

(4) Appropriations for the health care programs of the Department have too often proven insufficient over the past decade, requiring the Secretary to ration health care and Congress to approve supplemental appropriations for those programs.

(5) Providing sufficient, timely, and predictable funding would ensure the Government meets its obligation to provide health care to sick and disabled veterans and ensure that all veterans enrolled for health care through the Department have ready access to timely and high quality care.

(6) Providing sufficient, timely, and predictable funding would allow the Department to properly plan for and meet the needs of veterans.

SEC. 3. TWO-FISCAL YEAR BUDGET AUTHORITY FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) TWO-FISCAL YEAR BUDGET AUTHORITY.—

(1) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 113 the following new section:

''§ 113A. Two-fiscal year budget authority for certain medical care accounts

''(a) IN GENERAL.—Beginning with fiscal year 2011, new discretionary budget authority provided in an appropriations Act for the appropriations accounts of the Department specified in subsection (b) shall be made available for the fiscal year involved, and shall include new discretionary budget authority for such appropriations accounts that first become available for the first fiscal year after such fiscal year.

''(b) MEDICAL CARE ACCOUNTS.—The medical care accounts of the Department specified in this subsection are the medical care accounts of the Veterans Health Administration as follows:

''(1) Medical Services.

''(2) Medical Support and Compliance.

''(3) Medical Facilities.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 113 the following new item:

''113A. Two-fiscal year budget authority for certain medical care accounts.''.

SEC. 4. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR HEALTH CARE EXPENDITURES.

(a) STUDY OF ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS.—The Comptroller General of the United States shall conduct a study of the adequacy and accuracy of the budget projections made by the Enrollee Health Care Projection Model, its equivalent, or other methodologies, as utilized for the purpose of estimating and projecting health care expenditures of the Department of Veterans Affairs (in this section referred to as the ''Model'') with respect to the fiscal year involved and the subsequent four fiscal years.

(b) REPORTS.—

(1) IN GENERAL.—Not later than the date of each year in 2011, 2012, and 2013, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the appropriate committees of Congress and to the Secretary a report.

(2) ELEMENTS.—Each report under this paragraph shall include, for the fiscal year beginning in the year in which such report is submitted, the following:

(A) A statement whether the amount requested in the budget of the President for expenditures of the Department for health care in such fiscal year is consistent with anticipated expenditures of the Department for health care in such fiscal year as determined utilizing the Model.

(B) The basis for such statement.

(C) Such additional information as the Comptroller General determines appropriate.

(3) AVAILABILITY TO THE PUBLIC.—Each report submitted under this subsection shall also be made available to the public.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate; and

(B) the Committees on Veterans' Affairs, Appropriations, and the Budget of the House of Representatives.

By Mr. LEAHY (for himself, Mr. FEINGOLD, Mr. SCHUMER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. KERRY, Mr. BROWN, Mr. MENENDEZ, Mrs. MURRAY, Mr. DODD, Mr. AKAKA, Mr. LAUTENBERG, Mr. INOUYE, and Mrs. BOXER):

S. 424. A bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am proud to reintroduce the Uniting American Families Act. This legislation will allow U.S. citizens and legal permanent residents to petition for their foreign same-sex partners to come to the United States under our family immigration system. I thank Senators WHITEHOUSE, KERRY, SCHUMER, FEINGOLD, WYDEN, CARDIN, MENENDEZ, MURRAY, BROWN, AKAKA, and LAUTENBERG for their support of this legislation. I hope that the Senate will act to demonstrate our Nation's commitment to equality under the law by passing this measure.

I am also grateful that Congressman NADLER is introducing this same measure in the House of Representatives.

Congressman NADLER has been a steady champion of this legislation, and I commend his efforts.

When the marker for the Senate's comprehensive immigration legislation was introduced at the beginning of this Congress, I said that among the changes needed in our immigration laws is equality for gay and lesbian Americans. The burdens and benefits of the laws created by the elected officials who represent all Americans should be shared equally, and without discrimination. With an historic election behind us, and the promise of a more just, peaceful, and prosperous world ahead of us, let us begin to break down the barriers that still remain for so many American citizens.

Under current law, committed same-sex foreign partners of American citizens are unable to use the family immigration system, which accounts for a majority of the green cards and immigrant visas granted annually by the United States. As a result, gay Americans who are in this situation must either live apart from their partners, or leave the country if they want to live with them legally and permanently. According to the most recent census, there are approximately 35,000 bi-national, same-sex couples living in the United States. It is all but certain that many of these couples will eventually be forced to make a choice with which no American should be faced—to choose between the country they love and the person they love.

Some have expressed concern that providing this equality in our immigration law will lead to more immigration fraud. At best these concerns are misguided, and at worst they are a pretext for discrimination. This bill retains strong protections against fraud already in immigration law. To qualify as a permanent partner, petitioners must prove that they are at least 18-years-old and are in a committed, financially interdependent relationship with another adult in which both parties intend a lifelong commitment. They must also prove that they are not married to, or in a permanent partnership with, anyone other than that person, and are unable to contract with that person in a marriage cognizable under the Immigration and Nationality Act. Proof could include sworn affidavits from friends and family and documentation of financial interdependence. Penalties for fraud would be the same as penalties for marriage fraud—up to five years in prison and $250,000 in fines for the U.S. citizen partner, and deportation for the foreign partner. Discrimination based upon sexual orientation should play no role in guarding against those who seek to abuse our immigration laws.

Like many people across the country, there are Vermonters whose partners are foreign nationals and who feel abandoned by our laws in this area: Vermonters like Gordon Stewart who has come to talk to me about the unfairness of our current laws, or a committed, loving couple of 24 years in Brattleboro, VT, who travel back and forth between Vermont and England, and who wish nothing more than to be able to be together in the United States. This bill would allow them, and other gay and lesbian Americans throughout our Nation who have felt that our immigration laws are discriminatory, to be a fuller part of our society. The promotion of family unity has long been part of Federal immigration policy, and we should honor that principle by providing all Americans the opportunity to be with their loved ones.

The idea that immigration benefits should be extended to same-sex couples is not a novel one. Many nations have come to recognize that their respective immigration laws should respect family unity, regardless of a person's sexual orientation. Indeed, 16 of our closest allies—Australia, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, South Africa, Sweden and the United Kingdom—recognize same-sex couples for immigration purposes.

I would ask all Senators to take heed of what my friend, Congressman JOHN LEWIS has said about discrimination against gay and lesbian Americans, when he wrote in 2003: ''Rather than divide and discriminate, let us come together and create one nation. We are all one people. We all live in the American house. We are all the American family. Let us recognize that the gay people living in our house share the same hopes, troubles, and dreams. It's time we treated them as equals, as family.'' Congressman LEWIS is right. I hope all Senators will join me in supporting equality for all Americans and their loved ones.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Uniting American Families Act of 2009''.

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this Act, if an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS OF PERMANENT PARTNER AND PERMANENT PARTNERSHIP.

Section 101(a) (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(K)(ii), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(52) The term 'permanent partner' means an individual 18 years of age or older who—

''(A) is in a committed, intimate relationship with another individual 18 years of age or older in which both individuals intend a lifelong commitment;

''(B) is financially interdependent with that other individual;

''(C) is not married to, or in a permanent partnership with, any individual other than that other individual;

''(D) is unable to contract with that other individual a marriage cognizable under this Act; and

''(E) is not a first, second, or third degree blood relation of that other individual.

''(53) The term 'permanent partnership' means the relationship that exists between 2 permanent partners.''.

SEC. 3. WORLDWIDE LEVEL OF IMMIGRATION.

Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(1) by ''spouse'' each place it appears and inserting ''spouse or permanent partner'';

(2) by striking ''spouses'' and inserting ''spouse, permanent partner,'';

(3) by inserting ''(or, in the case of a permanent partnership, whose permanent partnership was not terminated)'' after ''was not legally separated from the citizen''; and

(4) by striking ''remarries.'' and inserting ''remarries or enters a permanent partnership with another person.''.

SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.

(a) PER COUNTRY LEVELS.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—

(1) in the paragraph heading, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES'';

(2) in the heading of subparagraph (A), by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(3) in the heading of subparagraph (C), by striking ''AND DAUGHTERS'' inserting ''WITHOUT PERMANENT PARTNERS AND UNMARRIED DAUGHTERS WITHOUT PERMANENT PARTNERS''.

(b) RULES FOR CHARGEABILITY.—Section 202(b)(2) (8 U.S.C. 1152(b)(2)) is amended—

(1) by striking ''his spouse'' and inserting ''his or her spouse or permanent partner'';

(2) by striking ''such spouse'' each place it appears and inserting ''such spouse or permanent partner''; and

(3) by inserting ''or permanent partners'' after ''husband and wife''.

SEC. 5. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY MEMBERS OF PERMANENT RESIDENT ALIENS.—Section 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

(1) by striking the paragraph heading and inserting the following:

''(2) SPOUSES, PERMANENT PARTNERS, UNMARRIED SONS WITHOUT PERMANENT PARTNERS, AND UNMARRIED DAUGHTERS WITHOUT PERMANENT PARTNERS OF PERMANENT RESIDENT ALIENS.—'';

(2) in subparagraph (A), by inserting '', permanent partners,'' after ''spouses''; and

(3) in subparagraph (B), by striking ''or unmarried daughters'' and inserting ''without permanent partners or the unmarried daughters without permanent partners''.

(b) PREFERENCE ALLOCATION FOR SONS AND DAUGHTERS OF CITIZENS.—Section 203(a)(3) (8 U.S.C. 1153(a)(3)) is amended—

(1) by striking the paragraph heading and inserting the following:

''(2) MARRIED SONS AND DAUGHTERS OF CITIZENS AND SONS AND DAUGHTERS WITH PERMANENT PARTNERS OF CITIZENS.—''; and

(2) by inserting '', or sons or daughters with permanent partners,'' after ''daughters''.

(c) EMPLOYMENT CREATION.—Section 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended by inserting ''permanent partner,'' after ''spouse,''.

(d) TREATMENT OF FAMILY MEMBERS.—Section 203(d) (8 U.S.C. 1153(d)) is amended—

(1) by inserting ''or permanent partner'' after ''section 101(b)(1)''; and

(2) by inserting '', permanent partner,'' after ''the spouse''.

SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.

(a) CLASSIFICATION PETITIONS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by inserting ''or permanent partner'' after ''spouse'';

(B) in clause (iii)—

(i) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(ii) in subclause (I), by inserting ''or permanent partnership'' after ''marriage'' each place it appears;

(C) in clause (v)(I), by inserting ''permanent partner,'' after ''is the spouse,'';

(D) in clause (vi)—

(i) by inserting ''or termination of the permanent partnership'' after ''divorce''; and

(ii) by inserting '', permanent partner,'' after ''spouse''; and

(2) in subparagraph (B)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears;

(B) in clause (ii)—

(i) in subclause (I)(aa), by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I)(bb), by inserting ''or permanent partnership'' after ''marriage'' the first place it appears; and

(iii) in subclause (II)(aa), by inserting ''(or the termination of the permanent partnership)'' after ''termination of the marriage''.

(b) IMMIGRATION FRAUD PREVENTION.—Section 204(c) (8 U.S.C. 1154(c)) is amended—

(1) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(2) by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES.

Section 207(c) (8 U.S.C. 1157(c)) is amended—

(1) in paragraph (2)—

(A) by inserting '', permanent partner,'' after ''spouse'' each place it appears; and

(B) by inserting '', permanent partner's,'' after ''spouse's''; and

(2) in paragraph (4), by inserting '', permanent partner,'' after ''spouse''.

SEC. 8. ASYLUM.

Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amended—

(1) in the paragraph heading, by inserting '', PERMANENT PARTNER,'' after ''SPOUSE''; and

(2) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse''.

SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.

Section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 10. INADMISSIBLE ALIENS.

(a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) in paragraph (3)(D)(iv), by inserting ''permanent partner,'' after ''spouse,'';

(2) in paragraph (4)(C)(i)(I), by inserting '', permanent partner,'' after ''spouse'';

(3) in paragraph (6)(E)(ii), by inserting ''permanent partner,'' after ''spouse,''; and

(4) in paragraph (9)(B)(v), by inserting '', permanent partner,'' after ''spouse''.

(b) WAIVERS.—Section 212(d) (8 U.S.C. 1182(d)) is amended—

(1) in paragraph (11), by inserting ''permanent partner,'' after ''spouse,''; and

(2) in paragraph (12), by inserting '', permanent partner,'' after ''spouse''.

(c) WAIVERS OF INADMISSIBILITY ON HEALTH-RELATED GROUNDS.—Section 212(g)(1)(A) (8 U.S.C. 1182(g)(1)(A)) is amended by inserting '', permanent partner,'' after ''spouse''.

(d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C. 1182(h)(1)(B)) is amended by inserting ''permanent partner,'' after ''spouse,''.

(e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is amended by inserting ''permanent partner,'' after ''spouse,''.

SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PARTNERS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

Section 214(r) (8 U.S.C. 1184(r)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES, PERMANENT PARTNERS, AND SONS AND DAUGHTERS.

(a) SECTION HEADING.—

(1) IN GENERAL.—The heading for section 216 (8 U.S.C. 1186a) is amended by striking ''AND SONS'' and inserting '', PERMANENT PARTNERS, SONS, '' after

(2) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216 to read as follows:

''Sec. 216. Conditional permanent resident status for certain alien spouses, permanent partners, sons, and daughters.''.

(b) IN GENERAL.—Section 216(a) (8 U.S.C. 1186a(a)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting ''or permanent partner'' after ''spouse'';

(B) in subparagraph (B), by inserting ''permanent partner,'' after ''spouse,''; and

(C) in subparagraph (C), by inserting ''permanent partner,'' after ''spouse,''.

(c) TERMINATION OF STATUS IF FINDING THAT QUALIFYING MARRIAGE IMPROPER.—Section 216(b) (8 U.S.C. 1186a(b)) is amended—

(1) in the subsection heading, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE''; and

(2) in paragraph (1)(A)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) in clause (ii)—

(i) by inserting ''or has ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(ii) by inserting ''or permanent partner'' after ''spouse''.

(d) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216(c) (8 U.S.C. 1186a(c)) is amended—

(1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii), (3)(C), (4)(B), and (4)(C), by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(2) in paragraph (3)(A), (3)(D), (4)(B), and (4)(C), by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

(e) CONTENTS OF PETITION.—Section 216(d)(1) (8 U.S.C. 1186a(d)(1)) is amended—

(1) in subparagraph (A)—

(A) in the heading, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE'';

(B) in clause (i)—

(i) by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I), by inserting before the comma at the end '', or is a permanent partnership recognized under this Act'';

(iii) in subclause (II)—

(I) by inserting ''or has not ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(II) by inserting ''or permanent partner'' after ''spouse'';

(C) in clause (ii), by inserting ''or permanent partner'' after ''spouse''; and

(2) in subparagraph (B)(i)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) by inserting ''or permanent partner'' after ''spouse''.

(f) DEFINITIONS.—Section 216(g) (8 U.S.C. 1186a(g)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marriage'' each place it appears;

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'';

(3) in paragraph (3), by inserting ''or permanent partnership'' after ''marriage''; and

(4) in paragraph (4)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marriage''.

SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, PERMANENT PARTNERS, AND CHILDREN.

(a) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended—

(1) in the section heading, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(2) in paragraphs (1), (2)(A), (2)(B), and (2)(C), by inserting ''or permanent partner'' after ''spouse'' each place it appears.

(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by inserting ''or permanent partner'' after ''spouse'' in the matter following subparagraph (C).

(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216A(c) (8 U.S.C. 1186b(c)) is amended, in paragraphs (1), (2)(A)(ii), and (3)(C), by inserting ''or permanent partner'' after ''spouse''.

(d) DEFINITIONS.—Section 216A(f)(2) (8 U.S.C. 1186b(f)(2)) is amended by inserting ''or permanent partner'' after ''spouse'' each place it appears.

(e) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216A to read as follows:

''Sec. 216A. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.''.

SEC. 14. DEPORTABLE ALIENS.

Section 237(a)(1) (8 U.S.C. 1227(a)(1)) is amended—

(1) in subparagraph (D)(i), by inserting ''or permanent partners'' after ''spouses'' each place it appears;

(2) in subparagraphs (E)(ii), (E)(iii), and (H)(i)(I), by inserting ''or permanent partner'' after ''spouse'';

(3) by inserting after subparagraph (E) the following:

''(F) PERMANENT PARTNERSHIP FRAUD.—An alien shall be considered to be deportable as having procured a visa or other documentation by fraud (within the meaning of section 212(a)(6)(C)(i)) and to be in the United States in violation of this Act (within the meaning of subparagraph (B)) if—

''(i) the alien obtains any admission to the United States with an immigrant visa or other documentation procured on the basis of a permanent partnership entered into less than 2 years before such admission and which, within 2 years subsequent to such admission, is terminated because the criteria for permanent partnership are no longer fulfilled, unless the alien establishes to the satisfaction of the Secretary of Homeland Security that such permanent partnership was not contracted for the purpose of evading any provision of the immigration laws; or

''(ii) it appears to the satisfaction of the Secretary of Homeland Security that the alien has failed or refused to fulfill the alien's permanent partnership, which the Secretary of Homeland Security determines was made for the purpose of procuring the alien's admission as an immigrant.''; and

(4) in paragraphs (2)(E)(i) and (3)(C)(ii), by inserting ''or permanent partner'' after ''spouse'' each place it appears.

SEC. 15. REMOVAL PROCEEDINGS.

Section 240 (8 U.S.C. 1229a) is amended—

(1) in the heading of subsection (c)(7)(C)(iv), by inserting ''PERMANENT PARTNERS,'' after ''SPOUSES,''; and

(2) in subsection (e)(1), by inserting ''permanent partner,'' after ''spouse,''.

SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS.

Section 240A(b) (8 U.S.C. 1229b(b)) is amended—

(1) in paragraph (1)(D), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting '', PERMANENT PARTNER,'' after ''SPOUSE''; and

(B) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse'' each place it appears.

SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE.

(a) PROHIBITION ON ADJUSTMENT OF STATUS.—Section 245(d) (8 U.S.C. 1255(d)) is amended by inserting ''or permanent partnership'' after ''marriage''.

(b) AVOIDING IMMIGRATION FRAUD.—Section 245(e) (8 U.S.C. 1255(e)) is amended—

(1) in paragraph (1), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(4)(A) Paragraph (1) and section 204(g) shall not apply with respect to a permanent partnership if the alien establishes by clear and convincing evidence to the satisfaction of the Secretary of Homeland Security that—

''(i) the permanent partnership was entered into in good faith and in accordance with section 101(a)(52);

''(ii) the permanent partnership was not entered into for the purpose of procuring the alien's admission as an immigrant; and

''(iii) no fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a lawful petition) for the filing of a petition under section 204(a) or 214(d) with respect to the alien permanent partner.

''(B) The Secretary shall promulgate regulations that provide for only 1 level of administrative appellate review for each alien under subparagraph (A).''.

(c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS PAYING FEE.—Section 245(i)(1)(B) (8 U.S.C. 1255(i)(1)(B)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 18. APPLICATION OF CRIMINAL PENALTIES TO FOR MISREPRESENTATION AND CONCEALMENT OF FACTS REGARDING PERMANENT PARTNERSHIPS.

Section 275(c) (8 U.S.C. 1325(c)) is amended to read as follows:

''(c) Any individual who knowingly enters into a marriage or permanent partnership for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, fined not more than $250,000, or both.''.

SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL CHARACTER, ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION.

Section 316(b) (8 U.S.C. 1427(b)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 20. APPLICATION OF FAMILY UNITY PROVISIONS TO PERMANENT PARTNERS OF CERTAIN LIFE ACT BENEFICIARIES.

Section 1504 of the LIFE Act Amendments of 2000 (division B of Public Law 106–554; 114 Stat. 2763–325) is amended—

(1) in the heading, by inserting '', **PERMANENT PARTNERS,**'' after ''**SPOUSES**'';

(2) in subsection (a), by inserting '', permanent partner,'' after ''spouse''; and

(3) in each of subsections (b) and (c)—

(A) in each of the subsection headings, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(B) by inserting '', permanent partner,'' after ''spouse'' each place it appears.

SEC. 21. APPLICATION TO CUBAN ADJUSTMENT ACT.

(a) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) is amended—

(1) in the next to last sentence, by inserting '', permanent partner,'' after ''spouse'' the first 2 places it appears; and

(2) in the last sentence, by inserting '', permanent partners,'' after ''spouses''.

(b) CONFORMING AMENDMENT.—Section 101(a)(51)(D) (8 U.S.C. 1101(a)(51)(D)) is amended by striking ''or spouse'' and inserting '', spouse, or permanent partner''.

By Mr. BROWN:

S. 425. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the establishment of a traceability system for food, to amend the Federal Meat Inspection Act, the Poultry Products Inspections Act, the Egg Products Inspection Act, and the Federal Food, Drug, and Cosmetic Act to provide for improved public health and food safety through enhanced enforcement, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BROWN. Mr. President, recent events involving E. coli- and salmonella-tainted foods demonstrate once again that our country's food inspection, tracking, and safety system is unable to adequately protect American consumers. At a time when too many Ohioans are struggling to put food on their tables, it is simply unacceptable that they also have to worry about the safety of that food.

The most recent food-borne illness outbreak was identified as a salmonella contamination linked on January 12, 2009 to the Peanut Corporation of America's, PCA, plant in Blakely, GA. Since October of last year, this salmonella outbreak has sickened 600 people in 43 states. More an 1,900 products have been recalled—representing one of the largest food recalls in our Nation's history. Yesterday, the nationwide death toll rose to nine. Ohio has reported 92 cases linked to this outbreak and two deaths, including this week's death of a Medina woman.

Unfortunately, the current salmonella outbreak is not the only food-borne illness outbreak to have plagued our Nation in recent years. Just last year, Nebraska beef, an Omaha slaughterhouse, issued a recall of 5.3 million pounds of meat after widespread reports indicated that its meat was tainted with the sometimes-deadly strain of E. coli 0157:H7 bacteria. Health officials confirmed that 21 Ohioans, and 45 people in total, were made ill by this outbreak.

The current salmonella outbreak—taken alone—is a tragedy. The current salmonella outbreak—taken in combination with recent beef, spinach, and jalapeno pepper disease outbreaks, which have sickened and killed many—is evidence of a complete break-down in our nation's food safety system.

More can—and must—be done to improve the safety of our food supply. It is for this reason that I am introducing legislation today to address some of the major problems plaguing the Food and Drug Administration and the United States Department of Agriculture, the Federal agencies tasked with overseeing and protecting our nation's food supply.

The bill I am introducing today, the Food Safety and Tracking Improvement Act, closely mirrors legislation that I introduced in the 110th Congress, and would give the Federal Government the authority it needs to protect American consumers. It would give the Government the authority to recall tainted food and the tools to track the source of food outbreaks. Most importantly, it would save lives by ensuring a swift and thorough Federal response to contamination outbreaks.

I think most Americans would be alarmed to learn that the. Federal government does not currently have the authority to issue a mandatory recall of contaminated food. Instead, America's food safety system relies on voluntary recalls and self-policing by industry. The top priority for both USDA and FDA should be to protect the public's health—a mission that will sometimes require swift and decisive action that, let's face it, may not be to industry's liking.

In the most recent outbreak, PCA was identified as the source of the salmonella outbreak on January 12, 2009. While PCA issued a voluntary recall of a limited number of peanut butter products the next day, it wasn't until 16 days later that PCA expanded its recall to encompass all peanut and peanut products processed at its Georgia facility.

In the Nebraska Beef case, had USDA been able to issue a mandatory recall once it became clear that consumers' safety was at risk, unsafe food would have been taken off of the shelves quicker and fewer citizens would have purchased and consumed the contaminated meat.

We will never know how many more people consumed dangerous foods in the 16 days that PCA kept its products on the market, or in the weeks that Nebraska Beef decided to keep selling its products. But we do know that allowing private companies to unilaterally decide whether or not to recall their products is not in the best interest of our country. We must provide the relevant Federal agencies with mandatory recall authority so that they can act swiftly and efficiently to ensure that the public's safety is not compromised.

It is vital that FDA have the authority to remove dangerous products from grocery store shelves, from school cafeterias, and from nursing home dinner trays as soon as regulators believe a threat exists. It is also vital that we establish a Federal program to allow for quick and accurate tracing of tainted food back to the source of the problem. If the United States Postal Service can track a package from my office in Washington to my office in Cincinnati, we should be able to do the same for food products.

My legislation would provide $40 million over three years for the FDA to set up a national traceability system for all food under its jurisdiction. This system would allow the Federal government to quickly identify the origin of contaminated food and would be developed by an Advisory Committee comprised of consumer advocates, industry leaders, and relevant representatives from FDA and USDA. The Committee would determine which tracking mechanisms, such as tracking numbers, electronic barcodes, and Federal databases, should be employed to protect consumers.

I have partnered in these initiatives with Representative DIANA DEGETTE, a close colleague of mine in the House, who has long been an advocate of providing our food safety regulators with these much-needed powers.

The time to reform our Nation's food safety system is now. We cannot wait for another peanut or beef or spinach disaster. It is the responsibility of FDA and USDA to protect our nation's food supply and it is the responsibility of the United States Congress to ensure that these agencies have the tools and authority they need to do their job. I urge all of my colleagues to join me in support of the Food Safety and Tracking Improvement Act.

By Mr. BENNETT:

S. 426. A bill to amend title II of the Social Security Act to provide for progressive indexing and longevity indexing of Social Security old-age insurance benefits for newly retired and aged surviving spouses to ensure the future solvency of the Social Security program, and for other purposes; to the Committee on Finance.

Mr. BENNETT. Mr. President, we are awaiting the conference report on the stimulus package. The papers and the airwaves are full of the fact that this will be the largest expenditure we have made in peacetime perhaps in our history.

I think it well, as we wait for the details of the package, for us to pause for a moment and take a longer look, beyond the recession, beyond the financial circumstances we are facing at the moment, and look down the road at what we are facing as a nation as a whole.

So I am going to make a historic pattern today and then introduce, at the end, a bill I believe is necessary for us to deal with our financial problems. Let's go back a moment in history to the year 1966. Why do I pick 1966? Because that was the year we significantly expanded the entitlement spending in the United States. That was the year we adopted Medicare as a Federal program.

As you see from the chart, at that time the mandatory spending constituted 26 percent of the budget. By ''mandatory,'' I mean spending that we have to do. People are entitled to receive that money whether we have the money or not; it is mandatory under the law.

The largest portion of the mandatory spending in 1966 was Social Security.

We were paying roughly 7 percent of our budget for interest. We had nondefense discretionary spending which was 23 percent. The big item, the big ticket item that dominated the budget in 1966 was defense. It constituted 44 percent of Federal spending in 1966.

Let's see what has happened since that time. Let's see where we are today. In fiscal 2008, this is where we are. The mandatory spending has grown from 26 percent to 54 percent. Interest costs are roughly the same. They were 7 percent; now they are 8. Nondiscretionary spending has shrunk to 17 percent. Defense discretionary, even though we are in a wartime, is 21 percent. It is clear the mandatory spending is taking over control of the Federal budget. And interest costs, of course, are mandatory. We owe those interest costs.

If you add the two together, 54 and 8, you get 62 percent of the Federal budget beyond the control of Congress. That is, when we pass the appropriations bills, when we make our decisions what to spend money for, we are spending money in the minority; whereas, 62 percent majority is out of our control. When you take away the defense spending and assume that has a semimandatory aspect to it and put defense spending in the mix, that means the Congress only has control of 17 percent of the budget, an amazing change in the roughly 40 years from 1966 until today.

What does the future look like? I must make the point that every projection we make around here is wrong. Every projection is an educated guess. But the educated guess of what will happen 10 years from now is that mandatory spending will have grown to 61 percent and interest costs to 10 percent. That is 71. The Congressional Budget Office won't make a guess as to the divide between defense and nondefense discretionary spending. So all discretionary spending will be 29 percent, if we divide it in half, as it has historically been. That means the Congress, just 10 years from now, will only

control 10 percent of the Federal budget. All the rest of it will be on automatic pilot. That is a startling thing to look forward to.

So as we talk about the stimulus package, we need to pause and pay a little attention to the entitlement spending that will go on and the kind of spending that will be built up, and we are adding to that with this stimulus.

Here it is in the projections of what it will be. It constitutes a wave. Indeed, it has been referred to almost as a tsunami of spending. It is broken down into the three primary sources of mandatory spending, the three biggest entitlements. At the bottom is the one that is the biggest now, and that is Social Security. But Social Security does not grow as fast as the next one, which is Medicare. And then on top of that is Medicaid. One can see this tsunami of spending will take our mandatory spending, which at the moment is less than 10 percent of GDP, up to more than 20 percent of GDP.

Let me show another chart that illustrates the same point in a slightly different way. You have the same entitlements. We have added in this chart discretionary spending. The solid line across is the average revenue of the Federal Government. It is recorded in percentage of GDP. We have historically had a revenue average of 18.4 percent of GDP. As we can see in 2007, the expenditures were slightly above that line. The largest portion of the expenditure was the combination of defense and nondefense discretionary spending. But the projection, as you go out, you see that at some point the entitlements will take over every dime we take in. The largest portion of it will be Medicare. Social Security will still be there. Medicaid will still be there. Discretionary spending will shrink even further as a percentage of what we are dealing with.

Why is this happening? Is this some kind of a plot that somebody is involved in? No. This is a result of the demographic changes that are occurring in our country. This chart summarizes it with the headline: ''Americans Are Getting Older.''

If you go back to 1950, the percentage of Americans who were age 65 or older was about 7 percent. It grew, the percentage, at a relatively slow level and then actually began to shrink. Why did it begin to shrink, the percentage of Americans 65 and over? This is a reflection of the Great Depression. People had fewer children in the Great Depression. So it follows that 65 years later, there were fewer people who were of retirement age. But following the Great Depression, you had the Second World War and then, when people came home from war, you had what historians refer to as the baby boom. All of those who came as a consequence of that are called the boomers.

Starting in 2008, which is now history, the line started upward in a dramatic fashion. In the next 20 years, we are going to see something happen that has never happened in American history. In the next 20 years, the percentage of Americans who are over 65 is going to double. That is what is driving all the numbers I put up before, all the changes in entitlement spending. These people are already born. This is not a projection that depends on guesses. This is something we can be sure of because the demographics of these folks are already there.

Now the projection is that 20 years from now, when the baby boomers finish retiring, the rate of increase will slow down again and go back to the somewhat gentle rate it was before we got into this situation. But that is the reality we are dealing with. In the next 20 years, the percentage of Americans who are 65 or over is going to double.

Let's look at some of the detail behind these demographics. Seniors are living longer. Not only are we going to get more of them, but they are living longer. That is why that trend is not going to turn down once the baby boomers have been absorbed. If you go back to 1940, after you reached 65 in 1940, if you were a male, your life expectancy was another 12 years, female 13. The chart shows how it has changed. Now if you are male and you reach 65, your life expectancy is another 16 years. If you are female, it is another 19 years. And roughly a short decade away, a male will go to 18 and female to 21. That means all the entitlement programs geared toward our senior citizens are going to be tapped into for many more years than was the case when they were put in place.

If we go back to the history of Social Security, we realize Social Security was something of a lottery. When Social Security started in the 1930s, roughly half of American workers did not survive until they were 65. So it was a lottery with 100 percent of the people paying in and only 50 percent taking anything out. Those who paid in got nothing for having done so. Those who survived to 65 got the benefit of their survival. Now you see they are living longer today, something like 75 or 80 percent of workers who join the workforce at age 20 are still alive at 65, so the lottery doesn't work anymore. Instead of half the people paying into the lottery, not getting anything out, you have more than three-quarters of the people who pay into the lottery getting something out. Then, once they get it, they get it for longer. The life expectancy of Americans is going up, as was shown in the last chart. This shows the trend lines for male and female.

Again, in 1940, the life expectancy of Americans who had reached 65 was, for males, about 75. When we get out into the future, it will be 86. Put those two facts together. More people survive to 65 and, then, more people who get into the pool over 65 stay there for more years.

All this means that the financial structure of Social Security is simply unsustainable. Social Security cannot deal with these demographic changes. This is not a Republican plot or a Democratic plot. This is the demographics of the reality of the fact that Americans are healthier, living longer, and surviving to older age. So you get this reaction to the Social Security situation.

We go to the next chart that shows how Social Security works, in terms of the lottery I was discussing. In 1945, the program was still in its infancy. So this is a bit of a distortion. There were 42 people working and paying into the program for every one retiree drawing out. As the program matured and more and more of the workers retired, this number very appropriately came down. By 1950, there were still 17 workers paying into the program for every one retiree drawing out. Today there are three workers paying into the program for every one drawing out. With the demographic realities I described in the previous charts, we are looking at a time when there will be two workers for every retiree. That means, if the retiree is going to take out $1,000 a month, each worker has to be putting in $500 a month in order to make that happen and for a long period of time. This is how we have dealt with this demographic change throughout our history. We have dealt with it by raising taxes. Every step along the way, as the number of workers to retirees has gone down, the amount of taxes every worker pays has gone up.

Here is the history of the payroll tax increases: In 1937, you paid taxes on $3,000. That was it. Now it is $106,000. It has gone up and up all the way through.

This is unsustainable. You cannot continue to deal with the demographic changes in Social Security by simply ratcheting up the taxes. You have to do something to stabilize Social Security in a way that it will be there for our children and our grandchildren.

There is a reported survey—I have seen it many places, but I have never seen the source—that says a poll shows that among the young people in America, more believe in the existence of UFOs than believe Social Security will be available for them when they retire. I have grandmothers come up to me spontaneously on the streets in Utah and tell me how concerned they are their children and grandchildren will not have Social Security. I have people entering the workforce who come to me and say: Senator, my biggest question is, Will Social Security be there for me? And, increasingly, people are sure it is not.

The legislation I introduce today is geared to make sure Social Security

will be there for our children and our grandchildren and that it will be there at roughly the same level it is for us; that is, they will not have to accept significantly less than we accept in order to make this program work.

How do we do that in the face of this demographic challenge? How is that possible? Well, one of our colleagues in the Senate for many years, Senator Pat Moynihan of New York, had the answer. Senator Moynihan looked back on how Social Security benefits were calculated, and he said: We calculate the increase in Social Security benefits on the wrong base. I do not want to get too technical, but the term that applies is ''wage-based'' increases for cost of living. Senator Moynihan pointed out the cost of living is not going up as rapidly as wages are. So if we would just adjust the base from wage base to cost-of-living base, a true cost-of-living base—that means we would slow down the rate of growth in benefits, and in slowing down the rate of growth in benefits in that fashion, we would solve the problem. It would become solvent.

That is fine. But what if you are someone who depends upon Social Security as your sole source of retirement? It was never intended that would be the case when it was put in place, but it has become that way for too many Americans. If they were to give up the benefit that comes from an overpayment—that is the form of wage-based adjustments—to go to the true payment of cost of increasing, which is the cost of the Consumer Price Index, it would hurt them. They would give up significant benefits. On the other hand, if you look at people such as Warren Buffett and Oprah Winfrey, they do not really need to have Social Security go beyond the true increase in cost of living.

So the solution is to say, for those who are at the bottom of the economic ladder, we keep Social Security benefits exactly as they are. For Warren Buffett and Oprah Winfrey and those who are at the exact top end of the economic ladder, we take Senator Moynihan's idea and we put it in place and say: You will have to struggle by with a Social Security plan based on the actual increase in cost of living rather than an inflated increase in cost of living.

What about those of us who are in between, the people at the bottom and the people at the very top? For those of us who fall in between those two areas, we get a mix, a blend, if you will, of wage base or cost-of-living base. It is called progressive indexing. All of the details are available in hearings that have been held on this subject which I chaired when I was chairman of the Joint Economic Committee and in other publications that have addressed this question.

What will this do to the actual benefits of the people in Social Security? We have asked the Social Security Administration to tell us. Now, again, these are projections, and as projections, they are subject to some kind of challenge. But they are the best analysis that people can make.

We start out with people who are currently 55; that is, only 10 years away from the 65 retirement date, although Social Security, by the time they get there, will be at 67. But what is going to happen to them under the bill I am introducing?

As shown on this chart, the dark bar is what a 2009 retiree will get. The red bar is what a 2019 retiree will get. These are in constant dollars; that is, an adjustment has been made for inflation. You see in every instance, the 2019 retiree will get more than the 2009 retiree.

Now, this is for the low earner. These are the people who are at the bottom third of our economic structure. Then the medium earner, and the high earner. So you see, in every case, people are made whole and protected.

This last chart is for the max earner, the maximum earner, who, quite frankly, probably does not exist. That would assume that somebody entered the workforce at age 20, earned $106,000 a year the first year, and continued to earn that level going on up through his entire career. The maximum he could possibly draw from Social Security: that would be that one.

But 82 percent of Americans fall in these two categories. So for someone age 55, under this bill, they come out just fine. They have nothing they should worry about.

Well, what about somebody who is 45, a little bit younger? What happens to them? Again, these are the estimates made by the Social Security Administration. Once again, the low earners, they do better under the Bennett plan. The medium earners, they do better under the Bennett plan. The high earners, virtually the same under the Bennett plan.

We can make the statement that we are going to hold everybody harmless. We will adjust Social Security in a way that makes it solvent, while at the same time preserving the same level of benefits we have for those of us who are currently drawing Social Security benefits, and we can see the same level of benefits would be available to those who come after us.

We will reach out all the way to 2075 and see what the estimates are from the Social Security Administration. These are people who will be born in 2010. It is a little hard to make a projection as to how much money they will have when they are not alive yet, but the projections are made.

Once again, under the bill I am introducing today, in 2075, the people at the bottom will do substantially better comparing today's benefit of $800 to the potential benefit of nearly $1,300 because they are the ones who are held harmless in the way Social Security benefits are currently calculated. So they will get a significant position of significantly greater benefit than they do under current law. The medium earner—well, they also will do better. The high earner also will do better. Even the max earner will come out essentially the same.

Now, I cannot guarantee these numbers. You cannot guarantee with any certainty what the numbers are going to be in 2075. But the fact is that the Social Security Administration, looking over a past version of this bill I have introduced, has said everyone can look forward with some certainty—this is my description of it, not their words—everyone can look forward with some certainty to seeing that his or her Social Security benefits will be roughly the same as the benefits that are being paid to retirees today, and the system will be solvent, not requiring any increase in taxes throughout the life of the system.

We have had a lot of debates about Social Security, and we have had a lot of proposals about Social Security. To my knowledge, this is the only one that can say the two things I have just said; that is, that everybody's benefit, wherever they fall on the economic continuum, will be held at roughly the same level as today's benefit—in the case of the low earners, substantially better—and it can be done without raising any taxes. That is why we call this the Social Security Solvency Act.

Let me go back to the charts I put up in the beginning to stress once again the importance of bringing entitlements under control.

As shown on this chart, this is where we were in 1966 before entitlements started to get out of control. We in the Congress controlled 23 percent of the budget in nondefense discretionary spending and 44 percent of the budget in defense spending. So we controlled the majority. Today, we have shrunk that to the point where we control only 17 percent of the Federal budget, with 21 percent for defense spending, and the mandatory and interest costs have grown to a majority—a significant majority. Looking ahead just 10 years, if we do not do something about the entitlements, the mandatory spending will be 61 percent, 71 percent when you add interest costs. If you divide defense and nondefense in this historic pattern, we will only have 15 percent of the entire Federal budget under our control for nondefense discretionary spending.

We are talking about the largest single expenditure in our peacetime history. As we adopt it, we should do so against the backdrop of what we are looking at in mandatory spending down the road and realize if we are going to be able to afford this stimulus package, we have to have the courage to tackle mandatory spending at the same time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, before he leaves the floor, I simply want to say to Senator BENNETT, my partner lo these many years in the bipartisan effort to fix health care, how much I appreciate his leadership on the Social Security issue.

I think everybody understands what the demographics are all about. In fact, the demographics on Social Security are very similar to the demographics on health care. Yet Senator BENNETT has been out there prosecuting the case of trying to bring the Senate together for a bipartisan approach on Social Security, just as we have sought to do on health care.

I want to let the Senator from Utah know how much I am looking forward to working with him on this issue. I think he knows there are a number of us who believe this is going to take a bipartisan effort. Like most of the big issues, if you are going to get an enduring reform, bring the country together, you have to take the pursuit that Senator BENNETT has followed, which is to do your homework and get the financial underpinnings in place.

I commend my colleague for all his effort to zero the attention of the Senate in on the Social Security question. I am looking forward to working with him in partnership on this issue as well as continuing our health care effort.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I thank my friend and colleague from Oregon for his kind words. He was not here when I put up one chart which has now been taken away that showed the tsunami of entitlement spending, consisting of a band of three programs. The largest portion of that tsunami band was made up of health care spending. I will confess to having taken the easy route. Social Security is the easiest one to fix because we can make the kinds of changes I described here that go back to the effort started by Senator Moynihan.

Here is the chart. We can see Social Security is the easy one and eventually the small one. Medicare and Medicaid are the ones that are going to overwhelm us. They are the most difficult ones to fix.

So I am honored to have the Senator from Oregon say what he has to say because he has been the leader in recognizing that this challenge; that is, the challenge of dealing with the health care costs, is the tougher challenge, but, as with most tough challenges, it is also the one that will produce the biggest reward. It is where the biggest opportunity lies.

As I have said many times and repeated here on the floor of the Senate, one of the things I realized while working with the Senator from Oregon is that the best way to get all of these costs under control and turn these lines downward is to get quality going in our health care program. The bill I have had the honor to cosponsor, along with the Senator from Oregon, is focused on getting proper quality into our health care system.

If the Senator from Oregon is successful, with whatever help I can give him along with those others who have joined us, he will have made a significant contribution to our country, not only in terms of the benefits that come from having done health care right but from the economic impact of having done health care right. He will have made it possible for us to even consider such expenditures as a target in the stimulus package because this is the backdrop against which we are going to have to pay for those. So I thank the Senator from Oregon for his kind words, but I thank him even more for his valiant effort and his leadership on the whole issue of trying to deal with the health care challenge.

Mr. WYDEN. Mr. President, I would close this discussion with Senator BENNETT by saying that I think, having listened to his comments with respect to Social Security and knowing of our work together on health care, if anything, we have seen during this last couple of weeks of discussion about the economic stimulus how important it is going to be to bring the Senate together in the months ahead in a bipartisan way to tackle these most significant economic questions. You are not going to fix Social Security and you are not going to fix health care on a narrowly partisan approach. The Senator has made that clear with the ideas he has advanced on Social Security.

It is a pleasure to team up with the Senator on health care. I look forward to joining with him in following up on the Social Security proposal he has made this afternoon. I thank him for his work.

Mr. BENNETT. Mr. President, I again stress how grateful I am to the Senator for his leadership and how happy I am to be one of his cadre of loyal followers on this issue.

By Mr. CASEY (for himself and Mr. GRASSLEY):

S. 429. A bill to ensure the safety of imported food products for the citizens of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CASEY. Mr. President, I rise today to introduce, along with my colleague Senator GRASSLEY, the EAT SAFE Act of 2009. Our bill is an important piece of foodsafety legislation that brings common sense solutions to give Americans peace of mind that the foods they eat and give their families is safe to consume.

We continue to see major problems in our food safety systems. Most recently, there was both contaminated salsa and a massive peanut butter recall. Two years ago, there was the major recall of animal feed and pet food that contained contaminated Chinese gluten. These examples highlight the need for action to ensure the safety of both domestic and foreign food products. Ensuring the safety of food products and food ingredients brought into this country from other nations has taken on a greater urgency.

A report issued in September 2007 by the Interagency Working Group on Import Safety stated that, ''aspects of our present import system must be strengthened to promote security, safety, and trade for the benefit of American consumers.'' The EAT SAFE Act that we are reintroducing today is designed to address one of those critical aspects of the food and agricultural import system that, in the face of the mounting imported food safety crisis, has received little public focus. That issue is food and other agricultural products that are being smuggled into the United States.

When many people think of food smuggling, they likely think of it as something that occurs when travelers attempt to bring small amounts of foreign food or agricultural products into the U.S. by concealing it in their vehicles, luggage, or other personal affects. While this type of smuggling is unquestionably a problem that U.S. authorities must and do address, the larger threat of smuggled food and agricultural products comes from the companies, importers, and individuals who circumvent U.S. inspection requirements or restrictions on imports of certain products from a particular country.

The ways in which these companies, importers, and individuals circumvent the system can happen in any number of ways. Many times smuggled products are intentionally mislabeled and bear the identification of a product that can legally enter the country. Other times, smuggled products gain import entry through falsifying the products' countries of origin. And, many times, products that have previously been denied entry are later ''shopped around,'' that is, presented to another U.S. port of entry in the effort to gain importation undetected.

Just some examples of prohibited products discovered in commerce in the United States in recent years include duck parts from Vietnam and poultry products from China, both nations with confirmed human cases of avian influenza; unpasteurized raw cheeses from Mexico containing a bacterium that causes tuberculosis; strawberries from Mexico contaminated with Hepatitis A; and mislabeled puffer fish from China containing a potentially deadly toxin. These smuggled food and agriculture products present safety risks to our food, plants, and animals,

and pose a threat to our Nation's health, economy, and security.

The EAT SAFE Act addresses these serious risks by applying commonsense measures to protect our food and agricultural supply. This legislation authorizes funding for the U.S. Department of Agriculture and the Food and Drug Administration to bolster their efforts by hiring additional personnel to detect and track smuggled products. It also authorizes funding to provide food safety cross training for Homeland Security Agricultural Specialists and agricultural cross training for Customs' Border Patrol Agents to ensure that those men and women working on the front lines are knowledgeable about these serious food and agricultural threats.

In addition to focusing on increased personal and training, the EAT SAFE Act also seeks to increase importer accountability. The legislation requires private laboratories conducting tests on FDA-regulated products on behalf of importers to apply for and be certified by FDA. It also imposes civil penalties for laboratories or importers who knowingly or conspire to falsify imported product laboratory sampling and for importers who circumvent the USDA import reinspection system.

Finally, the EAT SAFE Act will also ensure increased public awareness of smuggled products, as well as recalled food products, by requiring the USDA and FDA to provide this information to the public in a timely and easily searchable manner.

These commonsense measures are an important first step towards safeguarding American's food and agricultural supply and ensuring our Nation's health, economy, and security. I urge all of my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ending Agricultural Threats: Safeguarding America's Food for Everyone (EAT SAFE) Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS.

Congress finds that—

(1) the safety of the food supply of the United States is vital to—

(A) the health of the citizens of the United States;

(B) the preservation of the confidence of those citizens in the food supply of the United States; and

(C) the success of the food sector of the United States economy;

(2) the United States has the safest food supply in the world, and maintaining a secure domestic food supply is imperative for the national security of the United States;

(3) in a report published by the Government Accountability Office in January 2007, the Comptroller General of the United States described food safety oversight as 1 of the 29 high-risk program areas of the Federal Government; and

(4) the task of preserving the safety of the food supply of the United States is complicated by pressures relating to—

(A) food products that are smuggled or imported into the United States without being screened, monitored, or inspected as required by law; and

(B) the need to improve the enforcement of the United States in reducing the quantity of food products that are—

(i) smuggled into the United States; and

(ii) imported into the United States without being screened, monitored, or inspected as required by law.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the Food and Drug Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Animal and Plant Health Inspection Service.

(3) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(4) FOOD DEFENSE THREAT.—The term ''food defense threat'' means any intentional contamination, including any disease, pest, or poisonous agent, that could adversely affect the safety of human or animal food products.

(5) SMUGGLED FOOD PRODUCT.—The term ''smuggled food product'' means a prohibited human or animal food product that a person fraudulently brings into the United States.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 4. FOOD SAFETY TRAINING, PERSONNEL, AND COORDINATION.

(a) DEPARTMENT.—

(1) TRAINING PROGRAMS.—

(A) AGRICULTURAL SPECIALISTS.—

(i) ESTABLISHMENT.—The Secretary shall establish training programs to educate each Federal employee who is employed in a position described in section 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 231(g)) on issues relating to food safety and agroterrorism.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $1,700,000.

(B) CROSS-TRAINING OF EMPLOYEES OF UNITED STATES CUSTOMS AND BORDER PROTECTION.—

(i) ESTABLISHMENT.—The Secretary shall establish training programs to educate border patrol agents employed by the United States Customs and Border Protection of the Department of Homeland Security about identifying human, animal, and plant health threats and referring the threats to the appropriate agencies.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $4,800,000.

(2) ILLEGAL IMPORT DETECTION PERSONNEL.—Subtitle G of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6981 et seq.) is amended by adding at the end the following:

''SEC. 263. FOOD SAFETY PERSONNEL AND TRAINING.

''(a) ADDITIONAL EMPLOYEES.—Not later than 2 years after the date of enactment of the Ending Agricultural Threats: Safeguarding America's Food for Everyone (EAT SAFE) Act of 2009, the Secretary shall hire a sufficient number of employees to increase the number of full-time field investigators, import surveillance officers, support staff, analysts, and compliance and enforcement experts employed by the Food Safety and Inspection Service as of October 1, 2007, by 100 employees, in order to—

''(1) provide additional detection of food defense threats;

''(2) detect, track, and remove smuggled human food products from commerce; and

''(3) impose penalties on persons or organizations that threaten the food supply.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.''.

(b) ADMINISTRATION.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 418. FOOD SAFETY PERSONNEL AND TRAINING.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Ending Agricultural Threats: Safeguarding America's Food for Everyone (EAT SAFE) Act of 2009, the Secretary shall hire a sufficient number of employees to increase the number of full-time field investigators, import surveillance officers, support staff, analysts, and compliance and enforcement experts employed by the Food and Drug Administration as of October 1, 2007, by 150 employees, in order to—

''(1) provide additional detection of food defense threats;

''(2) detect, track, and remove smuggled food products from commerce; and

''(3) impose penalties on persons or organizations that threaten the food supply.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.''.

(c) COORDINATION OF FEDERAL AGENCIES.—Section 411(b) of the Homeland Security Act of 2002 (6 U.S.C. 211(b)) is amended by adding at the end the following:

''(4) COORDINATION OF FEDERAL AGENCIES.—The Commissioner of United States Customs and Border Protection, in coordination with the Secretary of Agriculture and the Commissioner of Food and Drugs, shall conduct activities to target, track, and inspect shipments that—

''(A) contain human and animal food products; and

''(B) are imported into the United States.''.

SEC. 5. REPORTING OF SMUGGLED FOOD PRODUCTS.

(a) DEPARTMENT.—

(1) PUBLIC NOTIFICATION.—

(A) IN GENERAL.—Not later than 3 days after the date on which the Department identifies a smuggled food product, the Secretary shall provide to the public notification describing the food product identified

by the Department and, if available, the individual or entity that smuggled the food product.

(B) REQUIRED FORMS OF NOTIFICATION.—The Secretary shall provide public notification under subparagraph (A) through—

(i) a news release of the Department for each smuggled food product identified by the Department;

(ii) a description of each smuggled food product on the website of the Department;

(iii) the management of a periodically updated list that contains a description of each individual or entity that smuggled the food product identified by the Secretary under subparagraph (A); and

(iv) any other appropriate means, as determined by the Secretary.

(2) NOTIFICATION TO DEPARTMENT OF HOMELAND SECURITY.—Not later than 30 days after the date on which the Department identifies a smuggled food product, the Secretary shall provide to the Department of Homeland Security notification of the smuggled food product.

(b) ADMINISTRATION.—

(1) PUBLIC NOTIFICATION.—

(A) IN GENERAL.—Not later than 3 days after the date on which the Administration identifies a smuggled food product, the Secretary of Health and Human Services shall provide to the public notification describing the smuggled food product identified by the Administration and, if available, the individual or entity that smuggled the food product.

(B) REQUIRED FORMS OF NOTIFICATION.—The Secretary of Health and Human Services shall provide public notification under subparagraph (A) through—

(i) a press release of the Administration for each smuggled food product identified by the Administration;

(ii) a description of each smuggled food product on the website of the Administration;

(iii) the management of a periodically updated list that contains a description of each individual or entity that smuggled the food product identified by the Secretary of Health and Human Services under subparagraph (A); and

(iv) any other appropriate means, as determined by the Secretary of Health and Human Services.

(2) NOTIFICATION TO DEPARTMENT OF HOMELAND SECURITY.—Not later than 30 days after the date on which the Administration identifies a smuggled food product, the Secretary of Health and Human Services shall provide to the Department of Homeland Security notification of the smuggled food product.

SEC. 6. CIVIL PENALTIES RELATING TO ILLEGALLY IMPORTED MEAT AND POULTRY PRODUCTS.

(a) MEAT PRODUCTS.—Section 20(b) of the Federal Meat Inspection Act (21 U.S.C. 620(b)) is amended—

(1) by striking ''(b) The Secretary'' and inserting the following:

''(b) DESTRUCTION; CIVIL PENALTIES.—

''(1) DESTRUCTION.—The Secretary''; and

(2) by adding at the end the following:

''(2) CIVIL PENALTIES.—Each individual or entity that fails to present each meat article that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed $25,000 for each meat article that the individual or entity fails to present to the inspection facility.''.

(b) POULTRY PRODUCTS.—Section 12 of the Poultry Products Inspection Act (21 U.S.C. 461) is amended—

(1) by striking the section heading and all that follows through ''(a) Any person'' and inserting the following:

''SEC. 12. PENALTIES.

''(a) PENALTIES RELATING TO THE VIOLATION OF CERTAIN SECTIONS.—

''(1) IN GENERAL.—Any person''; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

''(2) FAILURE TO PRESENT POULTRY PRODUCTS AT DESIGNATED INSPECTION FACILITIES.—Each individual or entity that fails to present each poultry product that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed $25,000 for each poultry product that the individual or entity fails to present to the inspection facility.''.

(c) EGG PRODUCTS.—Section 12 of the Egg Products Inspection Act (21 U.S.C. 1041) is amended—

(1) by striking the section heading and all that follows through ''(a) Any person'' and inserting the following:

''SEC. 12. PENALTIES.

''(a) PENALTIES RELATING TO THE VIOLATION OF CERTAIN PROHIBITED ACTIONS.—

''(1) IN GENERAL.—Any person''; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

''(2) FAILURE TO PRESENT EGG PRODUCTS AT DESIGNATED INSPECTION FACILITIES.—Each individual or entity that fails to present each egg product that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed $25,000 for each egg product that the individual or entity fails to present to the inspection facility.''.

SEC. 7. CERTIFICATION OF FOOD SAFETY LABS; SUBMISSION OF TEST RESULTS.

(a) IN GENERAL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.), as amended by section 4(b), is amended by adding at the end the following:

''SEC. 419. CERTIFICATION OF FOOD SAFETY LABS; SUBMISSION OF TEST RESULTS.

''(a) DEFINITION OF FOOD SAFETY LAB.—In this section, the term 'food safety lab' means an establishment that conducts testing, on behalf of an importer through a contract or other arrangement, to ensure the safety of articles of food.

''(b) CERTIFICATION REQUIREMENT.—

''(1) IN GENERAL.—A food safety lab shall submit to the Secretary an application for certification. Upon review, the Secretary may grant or deny certification to the food safety lab.

''(2) CERTIFICATION STANDARDS.—The Secretary shall establish criteria and methodologies for the evaluation of applications for certification submitted under paragraph (1). Such criteria shall include the requirements that a food safety lab—

''(A) be accredited as being in compliance with standards set by the International Organization for Standardization;

''(B) agree to permit the Secretary to conduct an inspection of the facilities of the food safety lab and the procedures of such lab before making a certification determination;

''(C) agree to permit the Secretary to conduct routine audits of the facilities of the food safety lab to ensure ongoing compliance with accreditation and certification requirements;

''(D) submit with such application a fee established by the Secretary in an amount sufficient to cover the cost of application review, including inspection under subparagraph (B); and

''(E) agree to submit to the Secretary, in accordance with the process established under subsection (c), the results of tests conducted by such food safety lab on behalf of an importer.

''(c) SUBMISSION OF TEST RESULTS.—The Secretary shall establish a process by which a food safety lab certified under this section shall submit to the Secretary the results of all tests conducted by such food safety lab on behalf of an importer.''.

(b) ENFORCEMENT.—Section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (7), (8), and (9), respectively;

(2) by inserting after paragraph (4) the following:

''(5) An importer (as such term is used in section 419) shall be subject to a civil penalty in an amount not to exceed $25,000 if such importer knowingly engages in the falsification of test results submitted to the Secretary by a food safety lab certified under section 419.

''(6) A food safety lab certified under section 419 shall be subject to a civil penalty in an amount not to exceed $25,000 for knowingly submitting to the Secretary false test results under section 419.'';

(3) in paragraph (2)(C), by striking ''paragraph (5)(A)'' and inserting ''paragraph (7)(A)'';

(4) in paragraph (7), as so redesignated, by striking ''or (4)'' each place it appears and inserting ''(4), (5), or (6)'';

(5) in paragraph (8), by striking ''paragraph (5)(A)'' and inserting ''paragraph (7)(A)''; and

(6) in paragraph (9), as so redesignated, by striking ''paragraph (6)'' each place it appears and inserting ''paragraph (8)''.

SEC. 8. DATA SHARING.

(a) DEPARTMENT OF AGRICULTURE MEMORANDA OF UNDERSTANDING.—The Secretary shall ensure that the agencies within the Department of Agriculture, including the Food Safety and Inspection Service, the Agricultural Research Service, and the Animal and Plant Health Inspection Service, enter into a memorandum of understanding to ensure the timely and efficient sharing of all information collected by such agencies related to foodborne pathogens, contaminants, and illnesses.

(b) INTERAGENCY MEMORANDUM OF UNDERSTANDING.—The Secretary, in collaboration with the Secretary of Health and Human Services, shall enter into a memorandum of understanding between the agencies within the Department of Agriculture, including those described in subsection (a), and the agencies within the Department of Health and Human Services, including the Centers for Disease Control and Prevention and the Food and Drug Administration, to ensure the timely and efficient sharing of all information collected by such agencies related to foodborne pathogens, contaminants, and illnesses.

SEC. 9. PUBLIC NOTICE REGARDING RECALLED FOOD PRODUCTS.

(a) DEPARTMENT.—

(1) NEWS RELEASES REGARDING RECALLED FOOD PRODUCTS.—

(A) IN GENERAL.—On the date on which a human or animal food product regulated by the Department is voluntarily recalled, the Secretary shall provide to the public a news

release describing the human or animal food product.

(B) CONTENTS.—Each news release described in subparagraph (A) shall contain a comprehensive list of each human and animal food product regulated by the Department that is voluntarily recalled.

(2) WEBSITE.—The Secretary shall modify the website of the Department to contain—

(A) not later than 1 business day after the date on which a human or animal food product regulated by the Department is voluntarily recalled, a news release describing the human or animal food product;

(B) if available, an image of each human and animal food product that is the subject of a news release described in subparagraph (A); and

(C) not later than 90 days after the date of enactment of this Act, a search engine that—

(i) is consumer-friendly, as determined by the Secretary; and

(ii) provides a means by which an individual could locate each human and animal food product regulated by the Department that is voluntarily recalled.

(3) STATE-ISSUED AND INDUSTRY PRESS RELEASES.—To meet the requirement under paragraph (1)(A), the Secretary—

(A) may provide to the public a press release issued by a State; and

(B) shall not provide to the public a press release issued by a private industry entity in lieu of a press release issued by the Federal Government or a State.

(4) PROHIBITION ON DELEGATION OF DUTY.—The Secretary may not delegate, by contract or otherwise, the duty of the Secretary—

(A) to provide to the public a news release under paragraph (1); and

(B) to make any required modification to the website of the Department under paragraph (2).

(b) ADMINISTRATION.—

(1) PRESS RELEASES REGARDING RECALLED FOOD PRODUCTS.—

(A) IN GENERAL.—On the date on which a human or animal food product regulated by the Administration is voluntarily recalled, the Secretary of Health and Human Services shall provide to the public a press release describing the human or animal food product.

(B) CONTENTS.—Each press release described in subparagraph (A) shall contain a comprehensive list of each human and animal food product regulated by the Administration that is voluntarily recalled.

(2) WEBSITE.—The Secretary of Health and Human Services shall modify the website of the Administration to contain—

(A) not later than 1 business day after the date on which a human or animal food product regulated by the Administration is voluntarily recalled a press release describing the human or animal food product;

(B) if available, an image of each human and animal food product that is the subject of a press release described in subparagraph (A); and

(C) not later than 90 days after the date of enactment of this Act, a search engine that—

(i) is consumer-friendly, as determined by the Secretary of Health and Human Services; and

(ii) provides a means by which an individual could locate each human and animal food product regulated by the Administration that is voluntarily recalled.

(3) STATE-ISSUED AND INDUSTRY PRESS RELEASES.—For purposes of meeting the requirement under paragraph (1)(A), the Secretary of Health and Human Services—

(A) may provide to the public a press release issued by a State; and

(B) may not provide to the public a press release issued by a private industry entity in lieu of a press release issued by a State or the Federal Government.

(4) PROHIBITION ON DELEGATION OF DUTY.—The Secretary of Health and Human Services may not delegate, by contract or otherwise, the duty of the Secretary of Health and Human Services—

(A) to provide to the public a press release under paragraph (1); and

(B) to make any required modification to the website of the Administration under paragraph (2).

SEC. 10. FOODBORNE ILLNESS EDUCATION AND OUTREACH COMPETITIVE GRANTS PROGRAM.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 is amended by adding after section 412 (7 U.S.C. 7632) the following:

''SEC. 413. FOODBORNE ILLNESS EDUCATION AND OUTREACH COMPETITIVE GRANTS PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Food Safety and Inspection Service.

''(2) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Food and Drugs.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) the government of a State (including a political subdivision of a State);

''(B) an educational institution;

''(C) a private for-profit organization;

''(D) a private non-profit organization; and

''(E) any other appropriate individual or entity, as determined by the Secretary.

''(b) ESTABLISHMENT.—The Secretary (acting through the Administrator of the Cooperative State Research, Education, and Extension Service), in consultation with the Administrator and the Commissioner, shall establish and administer a competitive grant program to provide grants to eligible entities to enable the eligible entities to carry out educational outreach partnerships and programs to provide to health providers, patients, and consumers information to enable those individuals and entities—

''(1) to recognize—

''(A) foodborne illness as a serious public health issue; and

''(B) each symptom of foodborne illness to ensure the proper treatment of foodborne illness;

''(2) to understand—

''(A) the potential for contamination of human and animal food products during each phase of the production of human and animal food products; and

''(B) the importance of using techniques that help ensure the safe handling of human and animal food products; and

''(3) to assess the risk of foodborne illness to ensure the proper selection by consumers of human and animal food products.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,500,000 for fiscal year 2009 and each fiscal year thereafter.''.

Mr. GRASLEY. Mr. President, today I rise to speak about the EAT SAFE Act which I am once again cosponsoring with Senator CASEY.

It seems like all too often we have a new food safety problem. It might be contaminated food right here at home, or tainted goods coming in from other countries.

Now, as everyone in this body knows, I am a family farmer. And I take pride in the food that I grow on my farm that helps to feed the world. I have never met a farmer who didn't want to produce safe food.

Many of us in Congress are parents and grandparents. We are always looking at the foods we buy to stock our shelves because we know it will impact the health of our loved ones. And so, everyone in this body should have the same goal in protecting our food supply.

That is why the senator from Pennsylvania and I have seen the importance of introducing a bipartisan food safety bill.

As part of our national security, we require a safe and secure food supply. The importers of food into the U.S. have a duty to make sure what they supply is safe. At the same time, with trillions of dollars worth of products being imported into the U.S. every year, we need to make sure that our inspectors can handle the workload.

The EAT SAFE Act puts an emphasis on training and personnel. We authorize funding for both the Food and Drug Administration and the U.S. Department of Agriculture to hire additional personnel to detect and track smuggled food and a agricultural products. The bill would also crosstrain Department of Homeland Security border patrol agents and agricultural specialists on food safety since they are our first line of defense to imported threats.

In addition, our bill requires private laboratories conducting tests on FDA-regulated products on behalf of importers, to apply for and be certified by FDA. It directs FDA to develop a determination, certification, and audit process for these private laboratories, and authorizes FDA to collect user fees to cover certification costs. Finally, it imposes civil penalties for laboratories and importers who knowingly falsify laboratory sampling results and for importers who circumvent the USDA import reinspection system.

Consumer confidence in America's food supply has always been high. But as each week passes with a recall on something in our fridges and pantries, that consumer confidence is slipping.

I believe this bill helps alleviate the threats from imported products and puts reliability into private lab testing. FDA does not have the resources as we have seen with the recent peanut products recall to fully monitor all the threats against our food supply.

I hope the introduction of this bill will get the seeds planted on what is sure to be a comprehensive look at our Nation's food system. I urge my colleagues to join Senator CASEY and me and support this important legislation.

By Mr. INHOFE:

S. 430. A bill to amend the Public Works and Economic Development Act

of 1965 to reauthorize that Act, and for other purposes; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, today I am introducing a bill to reauthorize the Economic Development Administration, EDA. EDA works with partners in economically distressed communities to create wealth and minimize poverty by promoting favorable business environments to attract private investment and encourage long-term economic growth. Authorization of EDA's programs expired on September 30, 2008. I originally introduced this bill in July 2008 so that we could avert this lapse in authorization. Unfortunately, my bill was never enacted, so I am reintroducing it today.

Unlike the majority of the spending in the so-called ''stimulus'' bill passed by the Senate earlier this week, EDA investments actually provide economic benefits. In fact, studies show that EDA uses federal dollars efficiently and effectively, creating and retaining long-term jobs at an average cost that is among the lowest in government. Knowing that, I was pleased to see some funding for EDA included in that massive spending bill; I only wish more of that bill had been legitimate economic stimulus.

Last year, I was disappointed to see an Obama campaign document refer to EDA as wasteful and ineffective government spending and propose cutbacks in funding for the agency. While I, too, am committed to eliminating wasteful spending, I couldn't disagree more with that characterization of EDA.

In my home State of Oklahoma, for example, EDA has worked long and hard with many communities in need to bring in private capital investment and jobs. Durant, Clinton, Oklahoma City, Seminole, Miami and Elgin are just some of the Oklahoma communities that have made good use of EDA assistance. In fact, over the past six years, EDA grants awarded in my home state have resulted in more than 9,000 jobs being created or saved. With an investment of about $26 million, we have leveraged another 30 million in State and local dollars and more than 558 million in private sector dollars. I would call that a wonderful success story.

Particularly in these difficult economic times, we should be doing all we can to ensure the continuation of such successful programs, and reauthorization is an important step. I hope now-President Obama reconsiders the rhetoric of then-candidate Obama and recognizes the effectiveness and importance of this agency. I look forward to working with my colleagues here in the Senate, as well as in the House of Representatives, to reauthorize the programs of the Economic Development Administration as quickly as possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Economic Development Administration Reauthorization Act of 2009''.

SEC. 2. ECONOMIC DEVELOPMENT PARTNERSHIPS.

Section 101 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131) is amended by adding at the end the following:

''(e) EXCELLENCE IN ECONOMIC DEVELOPMENT AWARDS.—

''(1) ESTABLISHMENT OF PROGRAM.—To recognize innovative economic development strategies of national significance, the Secretary may establish and carry out a program, to be known as the 'Excellence in Economic Development Award Program' (referred to in this subsection as the 'program').

''(2) ELIGIBLE ENTITIES.—To be eligible for recognition under the program, an entity shall be an eligible recipient that is not a for-profit organization or institution.

''(3) NOMINATIONS.—Before making an award under the program, the Secretary shall solicit nominations publicly, in accordance with such selection and evaluation procedures as the Secretary may establish in the solicitation.

''(4) CATEGORIES.—The categories of awards under the program shall include awards for—

''(A) urban or suburban economic development;

''(B) rural economic development;

''(C) environmental or energy economic development;

''(D) economic diversification strategies that respond to economic dislocations, including economic dislocations caused by natural disasters and military base realignment and closure actions;

''(E) university-led strategies to enhance economic development;

''(F) community- and faith-based social entrepreneurship;

''(G) historic preservation-led strategies to enhance economic development; and

''(H) such other categories as the Secretary determines to be appropriate.

''(5) PROVISION OF AWARDS.—The Secretary may provide to each entity selected to receive an award under this subsection a plaque, bowl, or similar article to commemorate the accomplishments of the entity.

''(6) FUNDING.—Of amounts made available to carry out this Act, the Secretary may use not more than $2,000 for each fiscal year to carry out this subsection.''.

SEC. 3. ENHANCEMENT OF RECIPIENT FLEXIBILITY TO DEAL WITH PROJECT ASSETS.

(a) REVOLVING LOAN FUND PROGRAM FLEXIBILITY.—Section 209(d) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(d)) is amended by adding at the end the following:

''(5) CONVERSION OF PROJECT ASSETS.—

''(A) REQUEST.—If a recipient determines that a revolving loan fund established using assistance provided under this section is no longer needed, or that the recipient could make better use of the assistance in light of the current economic development needs of the recipient if the assistance was made available to carry out any other project that meets the requirements of this Act, the recipient may submit to the Secretary a request to approve the conversion of the assistance.

''(B) METHODS OF CONVERSION.—A recipient the request to convert assistance of which is approved under subparagraph (A) may accomplish the conversion by—

''(i) selling to a third party any assets of the applicable revolving loan fund; or

''(ii) retaining repayments of principal and interest amounts on loans provided through the applicable revolving loan fund.

''(C) REQUIREMENTS.—

''(i) SALE.—

''(I) IN GENERAL.—Subject to subclause (II), a recipient shall use the net proceeds from a sale of assets under subparagraph (B)(i) to pay any portion of the costs of 1 or more projects that meet the requirements of this Act.

''(II) TREATMENT.—For purposes of subclause (I), a project described in that subclause shall be considered to be eligible under section 301.

''(ii) RETENTION OF REPAYMENTS.—Retention by a recipient of any repayment under subparagraph (B)(ii) shall be carried out in accordance with a strategic reuse plan approved by the Secretary that provides for the increase of capital over time until sufficient amounts (including interest earned on the amounts) are accumulated to fund other projects that meet the requirements of this Act.

''(D) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions regarding a proposed conversion of the use of assistance under this paragraph as the Secretary determines to be appropriate.

''(E) EXPEDIENCY REQUIREMENT.—The Secretary shall ensure that any assistance intended to be converted for use pursuant to this paragraph is used in an expeditious manner.

''(6) PROGRAM ADMINISTRATION.—The Secretary may allocate not more than 2 percent of the amounts made available for grants under this section for the development and maintenance of an automated tracking and monitoring system to ensure the proper operation and financial integrity of the revolving loan program established under this section.''.

(b) MAINTENANCE OF EFFORT.—Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3211 et seq.) is amended by adding at the end the following:

''SEC. 613. MAINTENANCE OF EFFORT.

''(a) EXPECTED PERIOD OF BEST EFFORTS.—

''(1) ESTABLISHMENT.—To carry out the purposes of this Act, before providing investment assistance for a construction project under this Act, the Secretary shall establish the expected period during which the recipient of the assistance shall make best efforts to achieve the economic development objectives of the assistance.

''(2) TREATMENT OF PROPERTY.—To obtain the best efforts of a recipient during the period established under paragraph (1), during that period—

''(A) any property that is acquired or improved, in whole or in part, using investment assistance under this Act shall be held in trust by the recipient for the benefit of the project; and

''(B) the Secretary shall retain an undivided equitable reversionary interest in the property.

''(3) TERMINATION OF FEDERAL INTEREST.—

''(A) IN GENERAL.—Beginning on the date on which the Secretary determines that a recipient has fulfilled the obligations of the recipient for the applicable period under paragraph (1), taking into consideration the economic conditions existing during that period, the Secretary may terminate the reversionary interest of the Secretary in any applicable property under paragraph (2)(B).

''(B) ALTERNATIVE METHOD OF TERMINATION.—

''(i) IN GENERAL.—On a determination by a recipient that the economic development needs of the recipient have changed during the period beginning on the date on which investment assistance for a construction project is provided under this Act and ending on the expiration of the expected period established for the project under paragraph (1), the recipient may submit to the Secretary a request to terminate the reversionary interest of the Secretary in property of the project under paragraph (2)(B) before the date described in subparagraph (A).

''(ii) APPROVAL.—The Secretary may approve a request of a recipient under clause (i) if—

''(I) in any case in which the request is submitted during the 10-year period beginning on the date on which assistance is initially provided under this Act for the applicable project, the recipient repays to the Secretary an amount equal to 100 percent of the fair market value of the pro rata Federal share of the project; or

''(II) in any case in which the request is submitted after the expiration of the 10-year period described in subclause (I), the recipient repays to the Secretary an amount equal to the fair market value of the pro rata Federal share of the project as if that value had been amortized over the period established under paragraph (1), based on a straight-line depreciation of the project throughout the estimated useful life of the project.

''(b) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions under this section as the Secretary determines to be appropriate, including by extending the period of a reversionary interest of the Secretary under subsection (a)(2)(B) in any case in which the Secretary determines that the performance of a recipient is unsatisfactory.

''(c) PREVIOUSLY EXTENDED ASSISTANCE.—

''(1) IN GENERAL.—With respect to any recipient to which the term of provision of assistance was extended under this Act before the date of enactment of this section, the Secretary may approve a request of the recipient under subsection (a) in accordance with the requirements of this section to ensure uniform administration of this Act, notwithstanding any estimated useful life period that otherwise relates to the assistance.

''(2) CONVERSION OF USE.—If a recipient described in paragraph (1) demonstrates to the Secretary that the intended use of the project for which assistance was provided under this Act no longer represents the best use of the property used for the project, the Secretary may approve a request by the recipient to convert the property to a different use for the remainder of the term of the Federal interest in the property, subject to the condition that the new use shall be consistent with the purposes of this Act.

''(d) STATUS OF AUTHORITY.—The authority of the Secretary under this section is in addition to any authority of the Secretary pursuant to any law or grant agreement in effect on the date of enactment of this section.''.

SEC. 4. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 701(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231(a)) is amended—

(1) in paragraph (1), by striking ''2004'' and inserting ''2009'';

(2) in paragraph (2), by striking ''2005'' and inserting ''2010'';

(3) in paragraph (3), by striking ''2006'' and inserting ''2011'';

(4) in paragraph (4), by striking ''2007'' and inserting ''2012''; and

(5) in paragraph (5), by striking ''2008'' and inserting ''2013''.

SEC. 5. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

Section 704 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3234) is amended to read as follows:

''SEC. 704. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

''(a) IN GENERAL.—Subject to subsection (b), of the amounts made available under section 701 for each fiscal year, not less than $27,000,000 shall be made available to provide grants under section 203.

''(b) SUBJECT TO TOTAL APPROPRIATIONS.—For any fiscal year, the amount made available pursuant to subsection (a) shall be increased to—

''(1) $28,000,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $300,000,000;

''(2) $29,500,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $340,000,000;

''(3) $31,000,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $380,000,000;

''(4) $32,500,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $420,000,000; and

''(5) $34,500,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $460,000,000.''.

By Mr. BINGAMAN (for himself and Mr. MCCAIN):

S. 432. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I am pleased to join with Senator MCCAIN in introducing a bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental Policy Act, both to enhance the Udall Foundation and to honor one of the foremost environmental visionaries of American history, Stewart L. Udall.

The Morris K. Udall Foundation was established by Congress in 1992 to provide federal-funded scholarships to the growing number of students in America who wish to become environmental professionals in the public and private sectors and importantly, to identify and educate new generations of leaders in Indian Country. By now, there are more than 1,100 young Udall Scholars and Udall Native American interns around the country. The educational programs of the Foundation have earned national significance and are among the most sought after on American campuses.

In 1998, Foundation grew to include a new Federal environmental mediation program created by Congress. Named the U.S. Institute for Environmental Conflict Resolution, the agency has played a quiet leading role to find common ground on issues as diverse as Everglades Restoration to the joint tribal-federal management of the National Bison Range Complex. The Institute's small in-house staff, often working in partnership with members of its national roster of mediators, have handled important conflict resolution processes in collaboration with many federal departments including Interior, Defense, USDA Forest Service, and Transportation. Now more than ever, these skills are needed to move infrastructure projects and restore the economy.

The Udall Foundation is also a founder and funder of the Native Nations Institute, NNI, a graduate educator and policy center for Indian Country. NNI teaches a new way of governance on the reservations which embraces tribal identity as a core principle and smart business practices as a way to assist Indian nations rebuild their economies. In the last 5 years, more than 2,000 Native American leaders have benefitted from its courses. New leaders emerging from the Foundation's education programs are beginning to take their places in Tribal governance.

The Udall Foundation's Parks in Focus aims to connect underserved youth to nature through the art of photography. The Foundation organizes week-long trips, introduces members of local Boys & Girls Clubs, many of whom have never before left their communities, to some of the most beautiful natural landscapes in the country; provides them with Canon digital cameras to use and keep; and teaches the basics of photography, ecology, and conservation while exploring national parks, wildlife refuges, and other public lands. The Foundation will be expanding the Parks in Focus program significantly in the coming years.

The proposed legislation includes additional resources for operations of this fine agency as well as renaming it the Morris K. Udall and Stewart L. Udall Foundation, in recognition of the historic Interior Secretary's contributions.

Stewart Udall was Secretary of the Interior under Presidents Kennedy and Johnson, where his accomplishments earned him a special place among those ever to serve in that post and have made him an icon in the environmental and conservation communities. His

best-selling book on environmental attitudes in the U.S., The Quiet Crisis, 1963, along with Rachel Carson's Silent Spring, is credited with creating a consciousness in the country leading to the environmental movement.

Stewart's remarkable career in public service has left an indelible mark on the Nation's environmental and cultural heritage. Born in 1920, and educated in Saint Johns, Arizona, Udall attended the University of Arizona for 2 years until World War II. He served 4 years in the Air Force as an enlisted B24 gunner flying 50 missions over Western Europe for which he received the Air Medal with three Oak Leaf Clusters. He returned to the University of Arizona in 1946 where he played guard on a championship basketball team and attended law school. He received his law degree and was admitted to the Arizona bar in 1948. He married Erma Lee Webb during this time. They raised 6 children.

Stewart was elected to the U.S. House of Representatives from Arizona in 1954. He served with distinction in the House for 3 terms on the Interior and Education and Labor committees. In 1960, President Kennedy appointed Stewart Udall Secretary of Interior. In this role, he oversaw the addition of four parks, 6 national monuments, 8 seashores and lakeshores, 9 recreation areas, 20 historic sites and 56 wildlife refuges to the National Park system. During his tenure as the Interior Secretary, President Johnson signed into law the Wilderness Act, the Water Quality Act, the Wild and Scenic Rivers Act and National Trails Bill. Stewart also helped spark a cultural renaissance in America by setting in motion initiatives that led to the Kennedy Center, Wolf Trap Farm Park, the National Endowments for Arts and the Humanities, and the revived Ford's Theatre.

Stewart currently resides in Santa Fe, NM, and will turn 90 years old in the coming year.

The Udall Foundation is an exemplary organization doing remarkable work and I am pleased to support additional resources to this agency. In addition, Stewart displayed significant leadership in helping to enact much of the legislation that protects our environment and lands today as well as being one of the first people to point to problems in the environment. For these and many other reasons, he deserves inclusion in the Foundation on par with his brother, Morris.

I look forward to working with my colleagues to ensure swift passage of this bill.

By Mr. UDALL, of New Mexico (for himself and Mr. UDALL, of Colorado):

S. 433. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of New Mexico. Mr. President, I rise to introduce legislation to establish a Federal renewable electricity standard. Before I talk about what that will do, let me tell you a little bit about the people it will help.

Luna County, NM has a double-digit unemployment rate. More than half of its children live in poverty. It was in recession before our current economic crisis. If nothing changes, it will be in recession long after the rest of the country recovers. Now, let me be clear. Luna County deserves help, but I'm not looking to spend a lot of money. We usually think of economic development as something you pay for. But the proposal I am introducing today does not spend a dime. In fact, my plan will generate tax revenue.

Luna County has something else worth noting. When you look at the United States on a map that measures solar thermal energy, Luna County is red hot. Like hundreds of small communities across our country, Luna has immense untapped potential for renewable energy. If Luna can find a way to sell its sunlight, its future will be secure. But Luna has a problem. America's energy markets do not value Luna's sunlight the way they should. These markets ignore three critical things. First, growing demand and stagnant supply mean rising prices for fossil fuels. The price of natural gas has more than tripled since 1995. Unless we act, we can expect more price spikes in the future, spikes that threaten the economy. But it is easier for utilities to buy a little more natural gas than it is to invest in clean technologies. The result is that we are moving forward as if our energy use is sustainable, when we know it is not.

In most markets, this would be bad enough, but our energy markets have two other problems. Americans care whether our energy comes from farmers in Iowa or mullahs in Iran, but our markets do not. When we buy solar energy from Luna County, we keep our money in this country, and we make ourselves less dependent on countries such as Russia and Iran, countries that have shown their willingness to use our dependence against us. America's energy markets also ignore global climate change. Right now a clean electron produced by the sun costs as much as an electron produced by burning carbon. Our markets don't care whether the energy we consume is leading to fewer farms and more forest fires. They don't care whether our grandchildren will be able to live comfortably on this Earth. They just don't care. And we are paying the price. Even the most conservative economists will tell us that energy is a classic case of market failure. The energy market ignores our economic security, our national security, and the future of our world. Economists call these things externalities. I call them the basis of our way of life.

So what do we do? I am proposing that we demand a little bit more from our utilities. Let's require that they produce 25 percent of their electricity from renewable sources by 2025. Thanks in large part to Senator BINGAMAN, the Senate has already passed a similar proposal three times. Last year I was proud to help pass a proposal such as this in the other body.

Renewable electricity standards have succeeded at the State level. In fact, more than 28 States have renewable standards, including the State of New Mexico. But a national RES has never become the law of the land. It is time for Congress to make it so.

There are many reasons to support this plan. To start, it is good for consumers. Scientists looking at a 20-percent standard concluded that it could save utility customers $31.8 billion. A 25-percent standard would save even more. A renewable energy standard would also strengthen rural communities and provide new income for farmers and ranchers.

This plan will make America safer. The billions of dollars it will generate are dollars that cannot be used to hold our foreign policy hostage.

Most importantly, a national renewable standard will create hundreds of thousands of high-paying jobs, jobs that cannot be outsourced. Study after study shows that shifting capital to renewable energy increases job creation. Not only will this plan stimulate job creation today, it will put us on a path toward dominance in the industries of the future.

Some of my colleagues will probably say a renewable standard makes sense for sunny New Mexico, but it won't work for their States. I urge them to take another look at their States. Scientists predict that Florida could one day meet one-third of its energy needs by tapping the power of the gulf stream. Louisiana has wind energy potential offshore, and New Orleans has already begun to rebuild its economy by creating jobs developing solar energy. Alaska has wind energy potential all over its coast and geothermal potential in the south. The State of Tennessee concluded its existing investment in renewables could yield 4,500 jobs and additional investment could yield 45,000.

Everywhere we look, America has untapped renewable energy potential. But for the sake of argument, let's say that Louisiana might have to import some energy from Florida under a national renewable standard. Louisiana already imports a big chunk of its energy. As consumption rises, more and more of Louisiana's energy comes from imports. Today those imports come largely from natural gas, and 43 percent of

the world's natural gas is under Russia and Iran. So Louisiana is bidding up the price of a commodity that is largely controlled by countries that don't like us. I would rather buy hydropower from Florida than fossil fuels from Iran.

The choice is not between importing and not importing. It is between Charlie Crist and Mahmoud Ahmadinejad. This is not a tough choice.

Of course, some people say they support a renewable standard, but not yet. They say America cannot afford to reduce our contribution to climate change because the growth of China and India will drown out the impact of our emissions reductions. This concern is very real, but it represents a failure of our moral imagination. If we are to have a future as a country and as a global community, we cannot see the world's aspiring middle class as potential threats. We have to see them as potential customers. And we should be racing to develop the technologies they will need.

Waiting for China to address its emissions problem before we address ours is like waiting for an opponent to finish the race before we start to lace up.

Right now, the world is engaged in a high-stakes competition; America just does not always admit it. As the world's citizens see the impact of climate change, we are demanding energy supplies that do not endanger our collective future. That means soon clean energy will not be an alternative, it will be the standard. When that happens, whichever country dominates the clean energy industry will be able to create jobs on a grand scale.

Do not take my word for it. The CEO of GE Energy has testified before the Congress that ''wind and solar energy are likely to be among the largest sources''—largest sources—''of new manufacturing jobs worldwide during the 21st Century.'' Think about what he said:

[W]ind and solar energy are likely to be among the largest sources of new manufacturing jobs. . . .

We hear a lot of discussion on this floor about new manufacturing jobs and us losing manufacturing jobs. Well, this is where the new manufacturing jobs are going to be.

A growing chorus of economists and business leaders agree with what this GE Energy CEO has said.

America cannot afford to let another country become the world's clean energy leader. But right now we are falling behind. Countries that have done much more to shape their energy markets have already created thriving green energy industries. With a population roughly one-quarter as large as America's, Germany has more than twice as many workers developing wind energy technologies. Spain has almost five times as many workers in the solar thermal industry as America. China has more than 300 times as many.

America is not falling behind because our scientists are not smart enough. Some of the big ideas now powering the economies of Europe originated right here. From 1970 to 1996, Los Alamos National Lab developed a technique for cleanly and efficiently using the Earth's heat to generate electricity. Estimates indicated the technique could eventually power the Earth for hundreds of years. But without market incentives to encourage continued development, progress stagnated. Germany took that technology and brought it to market in just 3 years. They now have 150 geothermal plants nearing completion. Think of the jobs that will create. Those could be our jobs. Those should be our jobs.

A renewable electricity standard would let America catch up and take the lead. We still have the world's most productive workers. We still have the most creative entrepreneurs. Our culture encourages individual initiative to solve tough problems. But if we want to win, we have to act now.

The American people are ready for this. I have driven to every county in New Mexico, and everywhere I saw innovation. I saw wind turbines going up in Little Texas. I saw the spot in Deming, NM, where the world's largest solar plant will sit. At Mesalands Community College in Tucumcari, NM, I saw a classroom in a wind turbine hundreds of feet over the desert. Even Luna County is starting to develop its resources. They just need help.

The Federal Government is late to the party. We should be leading the clean energy revolution. Instead, our constituents are leaving us in the dust. The private sector is working hard, but they need us to create a market that supports their efforts. They need a market that values our economic security, our national security, our environmental security.

Mr. President, it is time for us to lead.

Now, you might have noticed that we New Mexicans are passionate about renewable energy. As I said earlier, JEFF BINGAMAN has led on this issue for years. As I said earlier, he has passed a renewable standard in the Senate three times. I introduced this legislation today because I want to help Senator BINGAMAN win this fight. I look forward to working with him and with all of you to get a renewable electricity standard signed into law.

I am also pleased to be introducing this legislation with another Senator, a Senator with a very distinguished last name: my cousin, the senior Senator from Colorado. We spent a decade in the other body together. And much of that time was spent working to pass a renewable electricity standard. We were both attracted to his proposal because it reflects the kind of Western pragmatism that people in Colorado and New Mexico like. I know this issue is important to both of us. I want to thank the Senator for continuing this effort with me, and for his support through the years.

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By Mr. INHOFE:

S.J. Res. 10. A joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product; to the Committee on Armed Services.

Mr. INHOFE. Mr. President, I am introducing today a joint resolution, S.J. Res. 10, with Congressman TRENT FRANKS introducing the identical joint resolution in the House, which sets a minimum baseline for defense spending.

By establishing a minimum defense base budget of 4 percent, this country can achieve two critical needs—national security and economic growth.

For the past few weeks, this Congress has been debating an economic stimulus plan. Defense spending, along with infrastructure spending and tax cuts, has a greater stimulative impact on the economy than some of the provisions in there. In fact, I had amendments, which I will describe in a minute, that would have increased the percentage in this huge bill, so that you would have maybe up to 10 percent for transportation infrastructure and then defense—I will explain that in more detail later.

Our level of defense spending must consider the resources needed to meet current and future needs. In order to

provide this stability, Congress needs to guarantee a not less than baseline in defense funding, enabling the Pentagon to execute sustained multiyear program investments. Guaranteeing a baseline budget, not including supplemental, that sets the floor based on our GDP is the best way to accomplish this.

At this point, I acknowledge that I had an experience back during the first hearing we had for the confirmation of then-Defense Secretary Rumsfeld. I asked the question at that time: We have serious problems. We don't know what our future needs are going to be. We may think we know what they are going to be today—and we have a lot of smart generals who will tell us, but they are going to be wrong. I remember at that time I said that in 1994 someone testified and said in 10 years we would no longer need to have a ground force, that everything would be done from the air in a precision, clean way. That would be awfully nice, but that is not the way it happened. I said, recognizing that we need to have the best of everything, what would be your recommendation? He said that he made a study of this—it was not his, but he said that if you will go back and study it over the last 100 years, the average amount of defense spending has been 5.7 percent of GDP. That was all during the 20th century, for 100 years.

Now, we went down at the end of the 1990 to as low as 2.9 percent, and now we are at 3.6 percent. The problem is the predictability. It is not there. We don't know in these systems what we can rely on. We know the cost of closing down a manufacturing line, but we don't have the predictability we need.

There are some who think by cutting unnecessary weapons systems along with reforming DOD's procurement process, we can reduce defense spending and still maintain a military level that could defend our Nation and reach the minimum expectations of the American people. The problem with that is that it doesn't happen that way. Yes, we need acquisition reform, I agree. But the overall budget outlays and the problems we have—this alone will not rebuild our military.

We could eliminate weapons systems that are called low-hanging fruit. That has already been done several years ago. I think we all remember—and some would rather forget—that after the Cold War, there were so many in this Chamber who said we were in a position then where we did not need the military because the Cold War was over. We talked about all kinds of schemes that would transfer previous military spending into current spending for social programs. This is the way people were thinking at that time, that the Cold War is over. They had this euphoric attitude that we didn't need to continue a strong defense.

We have been trying to get past a bow wave created in the 1990s. As a result, the amount of defense spending actually appropriated during that 8 years, the 1990s, was $412 billion above the budget request. In other words, the budget request was $412 billion below what was sustained at the beginning of that 8-year period. This is what we are paying for now. Little did we know at that time that 9/11 would come, and that while we are trying to rebuild our military in terms of modernization, force strength, we would be attacked and have to start defending America and prosecuting a war.

I believe we should spend only as much as we need to ensure our national defense—no more, no less. This joint resolution sets a minimum baseline for defense spending. By establishing a minimum defense budget of 4 percent, this country can achieve two critical needs—national security and economic health.

First, it will allow our military to develop and build the next generation of weapons and equipment. This is something we have been concerned about—weapons and equipment that will be needed to maintain our national security over the next 40 years or more. The age of the last KC–135R, when it retires, will be 70 years old, and the B–52 will be even older than that. We are still doing this. We need this contribution for more heavy equipment. Right now, we have gotten into a problem of not developing them. They say the old KC–135R—we have a few more years on that. If we started today on a new lift vehicle to replace that, it would be several years before we would be able to have these replaced.

The second thing is it will create and maintain jobs across America and sustain our military industrial base. Investing in our Nation's defense provides thousands of sustainable American jobs and provides for our national security at the same time. Experts estimate that each $1 billion in procurement spending correlates to 6,500 jobs.

Major defense procurement programs are all manufactured in the United States with our aerospace industry alone employing 655,000 workers spread across 44 States. The U.S. shipbuilding industry supports more than 400,000 workers in 47 States.

Establishing a minimum baseline defense budget will allow the Department of Defense and the services to plan for and fund acquisition programs based on a minimum known budget through what we call our FYDP program.

We are no longer able to complete purchases of large acquisition programs in 3 to 5 years. The KC–X will take over 30 years to complete once its contract is awarded. We will still be flying these up until that time.

Programming from a known minimum budget for the outyears will translate to less programming and more stability for thousands of businesses throughout the United States at decreased costs.

This week, I voted against this massive Government spending bill that provided plenty in the way of more wasteful Government spending and little in the way of stimulative opportunities such as defense spending.

I offered two amendments. One would have increased defense spending, and without changing the top line of the bill that was before us, it would change within it to have more defense spending and provide jobs. At the same time, in this entire $900 billion—or whatever it ends up being—bill that we are prepared to vote on out of conference, only $27 billion was in roads, bridges, and the things that Americans know we need.

If we had that along with the additional amount or percentage that would go to defense spending, it would equate to an increase of an additional 4 million jobs. This is what we have heard President Obama talking about for quite some time. That is one way to do it. At the same time, we have something that is lasting.

We—and certainly the Chair knows this because she sits on the same committee, the Environment and Public Works Committee—we are going to be doing a reauthorization of the highway bill. There is more we could have done in this particular bill that is totally inadequate in terms of putting people to work. The amendments we offered were defeated.

Today Congressman TRENT FRANKS and I are simultaneously offering a joint resolution to keep this country safe, restore our military to the level of capability and readiness the people of this country demand, and provide for sustainable jobs in almost every State in the country.

By voting for this joint resolution, we send a clear signal to our military, to our allies, to our enemies—all alike—that we are committed to the security of this Nation and that we will not have to go through something like we went through during the nineties.

One of the great heroes of our time is GEN John Jumper. Before he was Chief of the Air Force, he stood in 1998 and made a very courageous statement. He said now the Russians are cranking out through their SU–30s, SU–35s, a strike vehicle better than anything we have in this country. The best ones at that time were the F–15 and F–16. Had it not been for his statement as a wakeup call to the American people, China, that bought a bunch of SU vehicles from Russia would have better vehicles than we were sending up with our fliers in potential combat. All of a sudden, we were able to turn around and start programs such as the F–22 and F–35 so we could be No. 1.

The American people assume all the time we are No. 1, and obviously we are not. When the American people find out the best artillery piece we have right now, which is called Paladin—it

is World War II technology. You have to get out and swab the breach after every shot. It is outrageous. Prospective enemies in the field would have better equipment than we would have.

The best way to do this and ensure this in the future is to have a baseline. I am hoping we will get the support of enough Senators to get this passed in both the House and the Senate since it is a joint resolution.

Lastly, let me address some of the points that were said by the Senator from Florida. I agree with all his comments. He is a little nicer about it than I am, I guess. Don't lose sight of the fact that this is supposed to be a stimulus bill, not a spending bill. But it is a spending bill.

We had people analyze what in this bill will stimulat the economy. There are two things that can do it: the right types of tax relief. We know this is true. We remember what happened during President Kennedy's term and the recommendation he made when he said we have to have more revenues to run our Great Society programs. The best way to increase revenue is decrease marginal rates. He decreased marginal rates. Between the years 1961 and 1968, our revenues increased by 62 percent. Unbelievable.

In the year 1980, the total amount of money that came from marginal rates was $244 billion. In 1990, it was $466 billion. It almost doubled in the decade when we had the greatest reductions in capital gains rates, in marginal rates, inheritance tax rates.

There are only two very minor items in this bill that address the tax situation. One has to do with accelerated depreciation. Another is with loss carryback, increasing it from 2 years to 5 years, I believe it is. If you add that together in terms of the cost that is in the bill, this $900 billion bill we are going to be passing, we have to keep in mind that is a very small part. It amounts to about 3⅓ percent. The other way you can stimulate is to increase jobs.

I mentioned we had an amendment to increase jobs. It is outrageous that there is only $27 billion worth of highway construction, road construction, and bridge construction that we desperately need in this country in this bill.

We have right now $64 billion worth of shovel-ready jobs that we could actually produce in this country, and all we have is 3⅓ percent of the entire amount of $900 billion going to that type of program. That is where I come up with the conclusion that this bill is 7 percent stimulus and 93 percent spending.

I have to tell you, back when the first $700 billion program came along in October, yes, that came from our administration, a Republican administration, a Republican Secretary of the Treasury. But also the Democrats were all very enthusiastically behind it. I opposed it at that time and said there are two problems with it. No. 1, this amount of money, $700 billion, is more money, it is the largest expenditure, largest authorization in the history of the world, and we are giving it, No. 2, to a guy with no guidelines, without any kind of oversight.

We have seen now that has not worked. Now we have the second half of that, and we find out yesterday the current Secretary of the Treasury is going to use it any way he wants. Again, no oversight. This was a horrible mistake. That was the $700 billion last October.

Now we are faced with something far greater than that. I know it is going to go through. It is a Democratic bill. It is not a bipartisan bill. It is not a compromise. It is a Democratic bill. They took the House bill and the Senate bill and something will come from that. Whether it is closer to the House bill or the Senate bill, it does not matter. It is going to be close to $900 billion, something we should not have had.

We are thinking in new terms now. I used to say back during the $700 billion, if you take the total number of families in America who are filing tax returns and do your math, it comes to $5,000 a family. That was bad enough. This bill comes to $17,400 a family over a 10-year period. That is what we have to start thinking about.

I am hoping the American people will look at this bill and realize this gigantic spending bill follows a philosophy that you can spend your way out of a recession. It has never happened before. It is not going to happen with this bill.

We want to do the very best we can. I know President Obama did not want to go as far this way. I think the House and the Senate have steered this into a bigger spending bill than he would have liked. I think he would have liked more stimulants in this bill.

Let's do the best we can with it and then let's get busy and try the things we know have worked in the past and will work in the future.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 38—COMMEMORATING THE LIFE AND LEGACY OF PRESIDENT ABRAHAM LINCOLN ON THE BICENTENNIAL OF HIS BIRTH

Mr. DURBIN (for himself, Mr. BAYH, Mr. BUNNING, Mr. BURRIS, Mr. LUGAR, and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 38

Whereas President Abraham Lincoln was born on February 12, 1809, to modest means, in a 1-room log cabin in Kentucky;

Whereas Abraham Lincoln spent his childhood in Indiana, and, despite having less than a year of formal schooling, developed an avid love of reading and learning;

Whereas Abraham Lincoln arrived in Illinois at the age of 21;

Whereas, while living in Illinois, Abraham Lincoln met and married his wife, Mary Todd Lincoln, built a successful legal practice, served in the State legislature of Illinois, was elected to Congress, and participated in the famous ''Lincoln-Douglas'' debates;

Whereas Abraham Lincoln left Illinois 4 months after being elected President of the United States in 1860;

Whereas Abraham Lincoln was the first member of the Republican party elected President of the United States and helped build the Republican party into a strong national organization;

Whereas, after his election and the secession of the southern States, Abraham Lincoln steered the United States through the most profound moral and political crisis, and the bloodiest war, in the history of the Nation;

Whereas, by helping to preserve the Union and by holding a national election, as scheduled, during a civil war, Abraham Lincoln reaffirmed the commitment of the people of the United States to majority rule and democracy;

Whereas the Emancipation Proclamation signed by Abraham Lincoln declared that slaves within the Confederacy would be forever free and welcomed more than 200,000 African American soldiers and sailors into the armed forces of the Union;

Whereas the Emancipation Proclamation signed by Abraham Lincoln fundamentally transformed the Civil War from a battle for political unity to a moral fight for freedom;

Whereas the faith Abraham Lincoln had in democracy was strong, even after the bloodiest battle of the war at Gettysburg;

Whereas the inspiring words spoken by Abraham Lincoln at Gettysburg still resonate today: ''that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth'';

Whereas Abraham Lincoln was powerfully committed to unity, turning rivals into allies within his own Cabinet and welcoming the defeated Confederacy back into the Union with characteristic generosity, ''with malice toward none; with charity for all'';

Whereas Abraham Lincoln became the first President of the United States to be assassinated, days after giving a speech promoting voting rights for African Americans;

Whereas, through his opposition to slavery, Abraham Lincoln set the United States on a path toward resolving the tension between the ideals of ''liberty and justice for all'' espoused by the Founders of the United States and the ignoble practice of slavery, and redefined what it meant to be a citizen of the United States;

Whereas, in his commitment to unity, Abraham Lincoln did more than simply abolish slavery; he ensured that the promise that ''all men are created equal'' was an inheritance to be shared by all people of the United States;

Whereas the story of Abraham Lincoln and the example of his life, including his inspiring rise from humble origins to the highest office of the land and his decisive leadership through the most harrowing time in the history of the United States, continues to bring hope and inspiration to millions in the United States and around the world, making him one of the greatest Presidents and humanitarians in history; and

Whereas February 12, 2009, marks the bicentennial of the birth of Abraham Lincoln: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the bicentennial of the birth of President Abraham Lincoln;

(2) recognizes and echoes the commitment of Abraham Lincoln to what he called the ''unfinished work'' of unity and harmony in the United States; and

(3) encourages the people of the United States to recommit to fulfilling the vision of Abraham Lincoln of equal rights for all.

SENATE RESOLUTION 39—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. LEAHY submitted the following resolution; from the Committee on the Judiciary; which was referred to the Committee on Rules and Administration:

S. RES. 39

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period of March 1, 2009, through September 30, 2009, under this resolution shall not exceed $6,528,294, of which amount (1) not to exceed $116,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $11,667 may be expended for the training of the professional staff of such committee (Under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) for the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $11,481,341, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $4,890,862, of which amount (1) not to exceed $83,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,333 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009, October 1, 2009 through September 30, 2010; and October 1, 2010 through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 40—DESIGNATING SEPTEMBER 2009 AS ''CAMPUS FIRE SAFETY MONTH''

Mr. LAUTENBERG (for himself, Ms. COLLINS, Mr. KAUFMAN, Mr. SANDERS, Mr. MENENDEZ, and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 40

Whereas, each year, States across the Nation formally designate September as Campus Fire Safety Month;

Whereas, since January 2000, at least 129 people, including students, parents, and children have died in campus-related fires;

Whereas more than 80 percent of those deaths occurred in off-campus residences;

Whereas a majority of college students in the United States live in off-campus residences;

Whereas a number of fatal fires have occurred in buildings in which the fire safety systems had been compromised or disabled by the occupants;

Whereas automatic fire alarm systems provide the early warning of a fire that is necessary for occupants and the fire department to take appropriate action;

Whereas automatic fire sprinkler systems are a highly effective method of controlling or extinguishing a fire in its early stages, protecting the lives of the building's occupants;

Whereas many college students live in off-campus residences, fraternity and sorority housing, and residence halls that are not adequately protected with automatic fire sprinkler systems and automatic fire alarm systems;

Whereas fire safety education is an effective method of reducing the occurrence of fires and reducing the resulting loss of life and property damage;

Whereas college students do not routinely receive effective fire safety education during their time in college;

Whereas it is vital to educate young people in the United States about the importance of fire safety to help ensure fire-safe behavior by young people during their college years and beyond; and

Whereas, by developing a generation of fire-safe adults, future loss of life from fires may be significantly reduced: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2009 as ''Campus Fire Safety Month''; and

(2) encourages administrators of institutions of higher education and municipalities across the country—

(A) to provide educational programs to all students during September and throughout the school year;

(B) to evaluate the level of fire safety being provided in both on- and off-campus student housing; and

(C) to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems, and the development and enforcement of applicable codes relating to fire safety.

SENATE RESOLUTION 41—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. CONRAD submitted the following resolution; from the Committee on the Budget; which was referred to the Committee on Rules and Administration:

S. RES. 41

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $4,384,507, of which amount (1) not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $70,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed

$7,711,049, of which amount (1) not to exceed $60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $120,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $3,284,779, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 42—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. BOXER submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Rules and Administration:

S. RES. 42

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $3,529,786, of which amount (1) not to exceed $4,666.67 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $1,166.67 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $6,204,665, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $2,641,940, of which amount (1) not to exceed $3,333.33 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $833.33 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009 through September 30, 2010; and October 1, 2010, through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 43—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD submitted the following resolution; from the Committee on Banking, Housing, and Urban Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 43

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2009 through September 30, 2009; October 1, 2009, through September 30, 2010, and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $4,204,901 of which amount (1) not to exceed $11,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $700 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $7,393,024 of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,200 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $3,148,531 of which amount (1) not to exceed $8,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United

States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 44—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. LEVIN submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration:

S. RES. 44

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) For the period March 1, 2009, through September 30, 2009, expenses of the committee under this resolution shall not exceed $4,639,258, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $8,158,696, of which amount—

(1) not to exceed $80,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $3,475,330, of which amount—

(1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 4. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 45—AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. KOHL submitted the following resolution; from the Special Committee on Aging; which was referred to the Committee on Rules and Administration:

S. RES. 45

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $1,892,515, of which amount (1) not to exceed $117,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $3,327,243, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $15,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $1,416,944, of which amount (1) not to exceed $85,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 46—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

S. RES. 46

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such

hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and, Oct. 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $1,797,669, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $6,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $3,161,766, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $1,346,931, of which amount (1) not to exceed $21,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,200 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 47—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER submitted the following resolution; from the Committee on Commerce, Science, and Transportation; which was referred to the Committee on Rules and Administration:

S. RES. 47

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2009, through September 30, 2009, October 1, 2009, through September 30, 2010, and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the Committee for the period from March 1, 2009, through September 30, 2009, under this resolution shall not exceed $4,529,245, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the Committee under this resolution shall not exceed $7,963,737, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $3,391,751, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2010, and February 28, 2011, respectively.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, (4) for payments to the Postmaster, United States Senate, (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (6) for the payment of Senate Recording and Photographic Services, or (7) for the payment of franked and mass mail costs by the Office of the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee from March 1, 2009, through September 30, 2009, October 1, 2009, through September 30, 2010, and October 1, 2010, through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 48—HONORING THE SESQUICENTENNIAL OF OREGON STATEHOOD

Mr. WYDEN (for himself and Mr. MERKLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 48

Whereas 53,000 settlers traveled the Oregon Trail, the longest of the overland routes used in westward expansion of the United States;

Whereas approximately 80 Native American tribes inhabited Oregon before the pioneers settled, making Oregon rich with Native American history and culture;

Whereas the ''Father'' of Oregon, John McLoughlin, valued the Oregon Country and reached out to settlers from the United States who were heading west to seek a new life in a land rich with resources and opportunity;

Whereas Oregon was admitted to the Union 150 years ago, on February 14th, 1859;

Whereas Oregon is the only State in the United States to have a 2-sided flag;

Whereas Oregon is home to the deepest lake in the United States, Crater Lake, known for its beautiful deep blue waters;

Whereas Oregon is home to the Sea Lion Caves, the largest sea lion caves in the world, where Steller sea lions and a variety of wild birds reside;

Whereas the State fish of Oregon, the Chinook salmon, is the largest of the Pacific salmon;

Whereas among the natural bounty of Oregon, the State produces some of the finest nuts, berries, pears, wines, and microbrews in the world;

Whereas the varied geography of Oregon ranges from mountains to rivers, deserts to lakes, fossil beds to deep canyons;

Whereas the forests of Oregon have diverse ecologies and histories, from temperate rainforests to ancient old growth forests;

Whereas Oregon is home to Forest Park, the largest urban forest reserve in the United States;

Whereas Oregon is the home of companies such as Nike, Intel, and Columbia Sportswear, which are responsible for employing tens of thousands of people in the United States;

Whereas the largest city in Oregon, Portland, known as the ''Rose City'', is home to the International Rose Test Garden, which was founded in 1917 and is the oldest official rose garden in the United States;

Whereas Oregon has been a national leader in democratic innovations, such as a ballot initiative system that dates back to the turn of the 20th century;

Whereas the Oregon legislature was the first in the United States to pass a ''bottle bill'', a landmark piece of legislation that promoted conservation and environmental responsibility; and

Whereas the Oregon legislature has passed a ''beach bill'' and instituted a state-wide land use planning process to protect the very resources that brought people to Oregon: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) the people of the United States should observe and celebrate the sesquicentennial of Oregon on February 14, 2009, to honor the admission of Oregon as the 33rd State of the United States; and

(B) Oregonians should be honored for their pioneering spirit and innovation; and

(2) the Senate respectfully requests the Secretary of the Senate to transmit to the Governor of the State of Oregon an enrolled copy of this resolution for appropriate display.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. LANDRIEU. Mr. President, I would like to inform Members that the Committee on Small Business and Entrepreneurship will meet in the Reception room, immediately off the Floor to conduct a vote on the Committee's budget and rules for the 111th Congress. The Committee will meet immediately after the first roll call vote occurring on Thursday, February 12, 2009.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled, ''Tax Haven Banks and U.S. Tax Compliance—Obtaining the Names of U.S. Clients with Swiss Accounts.'' This hearing will continue the Subcommittee's examination of financial institutions which are located in offshore tax havens and which use practices that facilitate tax evasion and other misconduct by U.S. clients. One of the banks featured in a July 2008 hearing on this topic is UBS, a major financial institution headquartered in Switzerland. The hearing will examine issues related to a John Doe summons served by the IRS on UBS seeking the names of U.S. clients with UBS Swiss accounts that have not been disclosed to the IRS. In July, UBS representatives estimated that about 19,000 U.S. clients had about $18 billion in assets in such Swiss accounts. UBS stated at the July 2008 hearing that it would cooperate with the IRS summons, but to date virtually none of the requested information has been provided to either the IRS or the U.S. Department of Justice which is also examining the matter. The hearing will examine the status of the information exchange, the role of U.S.-Swiss tax and legal assistance treaties, and the effect of Swiss secrecy laws on the information requests. A witness list will be available Friday, February 20, 2009.

The Subcommittee hearing is scheduled for Tuesday, February 24, 2009, at 10:00 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 202–224–9505.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 12, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 12, 2009 at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, February 12, 2009, immediately following the Committee's business meeting at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, February 12, 2009, at 10 a.m., in room SD366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, February 12, 2009, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 12, 2009, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, February 12, 2009, at 10 a.m. to conduct a hearing entitled ''Structuring National Security and Homeland Security at the White House.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, February 12, 2009 at 9:30 a.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, February 12, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship to meet, during the session of the Senate in the Reception Room, immediately off the Floor to conduct a vote on the Committee's budget and rules for the 111th Congress. The Committee will meet immediately after the first roll call vote occurring on Thursday, February 12, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on February 12, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 17, the nomination of Leon Panetta to be Director of the CIA; that the nomination be confirmed and the motion to reconsider be laid upon the table; that no further motions be in order; that any statements relating to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action; and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

CENTRAL INTELLIGENCE AGENCY

Leon E. Panetta, of California, to be Director of the Central Intelligence Agency.

Mrs. FEINSTEIN. Mr. President, I rise today as chairman of the Select Committee on Intelligence on the Senate's confirmation of Leon Panetta to be the next Director of the Central Intelligence Agency.

Mr. Panetta is well-known to many of us for his long, distinguished record of public service, including eight terms in Congress and service as a presidential chief of staff.

Mr. Panetta knows well the inner workings of government at the highest levels. He has an impeccable reputation for integrity, and I am confident that he is the right man at the right time to lead the CIA.

Leon Panetta is a product of my home State, California, born in Monterey. His parents, Carmelo and Carmelina, ran a local cafe and later purchased a walnut ranch, which he still owns. He majored in political science at Santa Clara University, where he graduated magna cum laude in 1960.

In 1963, he received his JD from Santa Clara University as well. After law school, he served in the United States Army from 1964 to 1966, and attended the Army Intelligence School.

In 1966, Mr. Panetta joined the Washington, DC, staff of Republican Senator Thomas Kuchel of California.

In 1969, he served as Director of the Office of Civil Rights in the Office of Health, Education and Welfare in the Nixon Administration.

From 1970 to 1971, he worked as the executive assistant to New York City Mayor John Lindsay. Afterward, he returned to Monterey, to private law practice.

In 1976, he ran and won election to the U.S. House of Representatives, and he served in the House for 16 years. During that time, he also served as chairman of the Budget Committee.

In 1993, he joined the Clinton administration as head of the Office of Management and Budget. In July 1994, Mr. Panetta became President Clinton's chief of staff.

He served in that capacity until January 1997, when he returned to California to found and lead the Leon and Sylvia Panetta Institute for Public Policy at California State University Monterey Bay.

Mr. Panetta and his wife, Sylvia, have three sons and five grandchildren.

It is very fair and safe for me to say that he has a reputation for intelligence and integrity.

In speaking with Mr. Panetta and President Obama multiple times, I am convinced that Mr. Panetta will surround himself with career professionals, including Deputy Director Stephen Kappes. He has committed to keeping the senior leadership of the CIA in place, but at the same time has vowed to bring new policies and new leadership to the Agency.

I know Mr. Panetta has immersed himself in CIA matters since being nominated, and his top priority, if confirmed, will be to conduct a complete review of all the Agency's activities.

Moreover, I strongly believe that the CIA needs a Director who will take the reins of the Agency and provide the supervision and oversight so that this agency, which operates in a clandestine world of its own, must have.

President Obama has made clear that his selection of Leon Panetta was intended as a clean break from the past—a break from secret detentions and coercive interrogations; a break from outsourcing its work to a small army of contractors; and a break from analysis that was not only wrong, but the product of bad practice that helped lead our Nation to war.

President Obama said when announcing this nomination that this will be a CIA Director ''who has my complete trust and substantial clout.''

This is a hugely important but difficult post. The CIA is the largest civilian intelligence agency with the most disparate of missions.

It produces the most strategic analysis of the intelligence agencies and it is the center for human intelligence collection. It is unique in that it carries out covert action programs, implementing policy through intelligence channels. The Intelligence Committee held confirmation hearings on Mr. Panetta's nomination on February 5 and 6.

Our responsibility was clear: to make sure that Leon Panetta will be a Director who makes the CIA effective in what it does—but also to make sure that it operates in a professional manner that reflects the true values of this country.

The committee did its work. It questioned Mr. Panetta on a broad array of issues he will confront as Director of the CIA, and it submitted followup questions, all of which were answered.

These questions, and Mr. Panetta's answers, can be found at the Intelligence Committee Web site.

I urge all Members of the Senate, as well as the public, to review them in order to obtain a better understanding of his views about the office to which he has been nominated.

I am pleased to report that yesterday the Intelligence Committee voted unanimously to report favorably the nomination of Leon Panetta to be the Director of the CIA. He has the confidence of the committee, and we believe we will be able to work closely with him during his tenure.

Leon Panetta will mark a new beginning for the CIA as its next Director.

He has the integrity, the drive and the judgment to ensure that the CIA fulfills its mission of producing information critical to our national security, without sacrificing our national values.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

COLONEL JOHN H. WILSON, JR. POST OFFICE BUILDING

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 21, S. 234.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 234) to designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the ''Colonel John H. Wilson, Jr. Post Office Building.''

There being no objection, the Senate proceeded to consider the bill.

Mr. BEGICH. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 234) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COLONEL JOHN H. WILSON, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2105

East Cook Street in Springfield, Illinois, shall be known and designated as the ''Colonel John H. Wilson, Jr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Colonel John H. Wilson, Jr. Post Office Building''.

HONORING THE SESQUICENTENNIAL OF OREGON STATEHOOD

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 48, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 48) honoring the sesquicentennial of Oregon statehood.

There being no objection, the Senate proceeded to consider the resolution.

(Mr. BEGICH assumed the Chair.)

Mr. WYDEN. Mr. President, we rise to offer this resolution in recognition of a historic day for my STATE and the people of Oregon. On February 14, 1859, 150 years ago, President James Buchanan signed the bill that admitted Oregon as the 33rd STATE to join this great union.

Mr. President, 150 years ago, there were barely 50,000 people living in Oregon. Pictures from that era show hearty men and women standing in mud streets in front of clapboard buildings. That would soon change as thousands migrated across the continent on the Oregon Trail, a trek that would become synonymous with the American spirit.

Those who made that arduous journey were not nomads aimlessly wandering the land looking for a quick buck. They came with a purpose: to work hard and to make a new start in a new land. And what a new land it was. Oregon was graced by providence with endless forests, rivers teeming with fish, fertile valleys, majestic mountains, a dramatic coast line, and rugged high deserts.

Today, more than 3,500,000 people live in Oregon, which continues to boast some of the NATION's most unique and beautiful forests, farm lands, mountains, coast line and high deserts. They still beckon to those who seek a better life, much in the same way as those who endured the Oregon Trail. In some parts of Oregon the tracks made by the pioneers covered wagons are still visible, forever etched in the landscape.

Oregon has its geographic icons such as the Columbia River, Crater Lake, and Mount Hood. It has its great names: Wayne Morse, Mark Hatfield, Tom McCall. It has been a national leader with innovations such as an initiative stem that dates back to the turn of the last century, a beach bill, a bottle bill and a statewide land use planning process to protect those things that brought people to Oregon in the first place.

Over its 150-year history, Oregon has earned a reputation as a progressive, forward thinking STATE. We Oregonians are not without our quirks, but we embrace them with enthusiasm and wear them with pride. We have watched our economy change from one based on forestry and wood products to one that has become a leader in high-tech innovation, from wood chips to silicon chips. Millions of people around the world know of Oregon because of companies like Nike, Intel, and Columbia Sportswear that call Oregon home.

As our STATE embarks on another 150 years, Oregon is already working to cultivate new economies grounded in alternative energy, green buildings, and clean technology. Wind, geothermal, and wave energy are either already being generated in Oregon or will be soon. The solar energy industry has recognized the quality of Oregon's workforce and is moving to our STATE in a big way.

But as Oregon embraces the new economy and new technology, we have not forgotten those places for which we have become famous. With the help of this body, thousands of acres of Oregon's most beautiful, rugged, and pristine areas are destined for permanent protection. The anticipated additions of the Lewis and Clark Mount Hood Wilderness, the Copper Salmon Wilderness, the Badlands Wilderness, the Spring Basin Wilderness, and the Cascade Siskiyou National Monument guarantee future generations of Americans will see firsthand why Oregon was the NATION's first destination resort.

We are all aware that these are serious times that require our full and undivided attention if we are going to restore America's greatness as an economic power and rebuild our reputation with the rest of the world. But at the same time, I believe there is value at looking back to celebrate a place which has done so much to help make this country great. Please join me at wishing the great STATE of Oregon a happy birthday and many more to come.

Mr. MERKLEY. Mr. President, I rise today to honor Oregon's 150th birthday. On February 14 of this year, we will begin a year-long celebration of those who invested their lives in making Oregon a great place to live, work, and raise a family.

I was born in Myrtle Creek, OR, the son of a sawmill worker and grew up in Roseburg, OR. I later moved to East Multnomah County with my family and am truly blessed to call Oregon my home and share all of its natural beauty with my family.

There are so many diverse events that take place all across Oregon which give our State its unique character. The Shakespeare Festival held in Ashland, OR, draws tens of thousands of people from all over the country and is one of the oldest non-profit theater companies in the world. The Pendleton Roundup, located in Eastern Oregon, is one of the largest rodeos in the world and has been going strong for nearly one hundred years.

Oregon is one of the most geographically diverse States in the country and people from all across the state love to celebrate the great Oregon outdoors. The Hood to Coast Relay, which starts at Mount Hood and ends in Seaside Oregon, is the largest relay in the world. Every year, Oregonians compete in six events at the Pole Peddle Paddle in Bend, OR, a relay race that begins at the top of Mount Bachelor and ends on the grassy banks of the Deschutes River. The Pole Peddle Paddle consists of a leg in alpine skiing/snowboarding, cross-country skiing, biking, running, canoe/kayaking and a sprint to the finish line.

Each of these events and the many other cultural, artistic and civic festivals held in the State—will have a special resonance this year as we honor our sesquicentennial.

But even more than the beautiful vistas of Oregon or the countless celebrations, Oregon is defined by the people who live there. I've traveled all over the State and met so many amazing Oregonians who continue to carry on the legacy of innovation and hard work that has transformed our State into an influential civic laboratory and high tech hub. Oregon has taken the lead on issues vital to our natural resources and led the way in producing of some of the finest goods in the country. As a United States Senator, I couldn't be prouder to represent such a wonderful State, filled with people who are incredibly kind and welcoming.

I encourage my fellow Oregonians to commemorate Oregon's 150th birthday by taking part in local celebrations of our culture and history and volunteering some of your time to a service project in your community. I invite my colleagues here in the Senate, your constituents, and citizens from around the world to come to Oregon this year and experience all our wonderful State has to offer. Regardless of where you live whether you are in North Carolina or Texas or Europe or South America a world of opportunity awaits you in Oregon. Come see how together we can make Oregon's next 150 years even more memorable.

(Mr. MERKLEY assumed the Chair.)

Mr. BEGICH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 48) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 48

Whereas 53,000 settlers traveled the Oregon Trail, the longest of the overland routes used in westward expansion of the United States;

Whereas approximately 80 Native American tribes inhabited Oregon before the pioneers settled, making Oregon rich with Native American history and culture;

Whereas the ''Father'' of Oregon, John McLoughlin, valued the Oregon Country and reached out to settlers from the United States who were heading west to seek a new life in a land rich with resources and opportunity;

Whereas Oregon was admitted to the Union 150 years ago, on February 14th, 1859;

Whereas Oregon is the only State in the United States to have a 2-sided flag;

Whereas Oregon is home to the deepest lake in the United States, Crater Lake, known for its beautiful deep blue waters;

Whereas Oregon is home to the Sea Lion Caves, the largest sea lion caves in the world, where Steller sea lions and a variety of wild birds reside;

Whereas the State fish of Oregon, the Chinook salmon, is the largest of the Pacific salmon;

Whereas among the natural bounty of Oregon, the State produces some of the finest nuts, berries, pears, wines, and microbrews in the world;

Whereas the varied geography of Oregon ranges from mountains to rivers, deserts to lakes, fossil beds to deep canyons;

Whereas the forests of Oregon have diverse ecologies and histories, from temperate rainforests to ancient old growth forests;

Whereas Oregon is home to Forest Park, the largest urban forest reserve in the United States;

Whereas Oregon is the home of companies such as Nike, Intel, and Columbia Sportswear, which are responsible for employing tens of thousands of people in the United States;

Whereas the largest city in Oregon, Portland, known as the ''Rose City'', is home to the International Rose Test Garden, which was founded in 1917 and is the oldest official rose garden in the United States;

Whereas Oregon has been a national leader in democratic innovations, such as a ballot initiative system that dates back to the turn of the 20th century;

Whereas the Oregon legislature was the first in the United States to pass a ''bottle bill'', a landmark piece of legislation that promoted conservation and environmental responsibility; and

Whereas the Oregon legislature has passed a ''beach bill'' and instituted a state-wide land use planning process to protect the very resources that brought people to Oregon: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) the people of the United States should observe and celebrate the sesquicentennial of Oregon on February 14, 2009, to honor the admission of Oregon as the 33rd State of the United States; and

(B) Oregonians should be honored for their pioneering spirit and innovation; and

(2) the Senate respectfully requests the Secretary of the Senate to transmit to the Governor of the State of Oregon an enrolled copy of this resolution for appropriate display.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the minority leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105–275, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 20, 2004, the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 111th Congress: Senator THAD COCHRAN of Mississippi, Co-chairman; Senator JON KYL of Arizona, Administrative Co-chairman; Senator MITCH MCCONNELL of Kentucky, Co-chairman; Senator RICHARD LUGAR of Indiana; Senator JEFF SESSIONS of Alabama; Senator GEORGE VOINOVICH of Ohio; and Senator BOB CORKER of Tennessee.

ORDERS FOR FRIDAY, FEBRUARY 13, 2009

Mr. BEGICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Friday, February 13; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 5 p.m., with Senators permitted to speak for up to 10 minutes each, and that the time be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BEGICH. Mr. President, as announced earlier, we expect to be in a position tomorrow evening to vote on the adoption of the conference report to accompany H.R. 1, the American Recovery and Reinvestment Act.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BEGICH. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:12 p.m., adjourned until Friday, February 13, 2009, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate, Thursday, February 12, 2009:

CENTRAL INTELLIGENCE AGENCY

LEON E. PANETTA, OF CALIFORNIA, TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Thursday, February 12, 2009*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 12, 2009.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Dr. Albert C. Lynch, St. Andrew's United Methodist Church, Richmond, Virginia, offered the following prayer:

Eternal God, as we gather in this hallowed place on the 200th anniversary of the birth of President Abraham Lincoln, we are reminded that in the midst of times of greatest national adversity, You have watched over this Nation and have inspired leaders who have zealously stood for what is just and what is right and what is honorable. On this day, may we be reminded of the leadership that Lincoln gave to this country.

Though virtually uneducated and unqualified in every conventional way to lead, it became his duty to lead our Nation through civil war and to preserve the Union. Like Lincoln, we pray that You would instill within the Members of this House of Representatives the courage to lead our people in this time of economic and international uncertainty, and the resolve to carry out Your will in all they undertake. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. BUCHANAN) come forward and lead the House in the Pledge of Allegiance.

Mr. BUCHANAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNIZING PASTOR ALBERT C. LYNCH

The SPEAKER pro tempore. Without objection, the gentleman from Virginia (Mr. CANTOR) is recognized for 1 minute.

There was no objection.

Mr. CANTOR. Madam Speaker, today I have the distinct honor of inviting for the opening prayer a man for whom I have tremendous respect, Pastor Al Lynch. Pastor Lynch, who is here with his wife Susan and his son Matthew, serves as the St. Andrew's United Methodist Church in Henrico County, Virginia. He has a passion for public service, in particular in the public safety arena, where he has been appointed chaplain of the Henrico County Sheriff's Office. His years of contributions to the greater Richmond region have left a profound imprint on our community, and we are all grateful for his service.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

SAVING OUR JOBS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, unfortunately, there are still obstructionists who are attempting to obstruct this bold plan to create jobs in this country of President Barack Obama, and you will hear a lot of smoke in the next 24 hours about that. I thought it was helpful to look at some objective assessment of this bill that was performed by Christina Romer, Chair of the Council of Economic Advisers, and Jared Bernstein, an economist in the office of the Vice President. This assessment has shown that this will create or save 3.5 million jobs for Americans in the next 2 years.

All across this country, and in the Second District of Texas it has been shown that 8,800 jobs will be saved. And people have said these are somehow make-work jobs? We on this side of the aisle don't think that teachers are make-work jobs, and their jobs are going to be preserved all across the country with this bill. We don't think firefighters are make-work jobs. We don't think that construction workers are make-work jobs. And 90 percent of these jobs will be in the private sector, Madam Speaker.

These are honest, paycheck-every-Friday jobs that are going to help to save this economy. I hope the obstructionists will realize these are saving jobs today and tomorrow and vote for this bill.

COLONEL SAM JOHNSON, PRISONER OF WAR

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the date: February 12, 1973, 36 years ago this day, when a tall, lean, underfed POW boldly boarded a C–141 transport plane with a tin can in his hand flying from Vietnam back home to America. His name? Colonel SAM JOHNSON, now a Member of this United States House of Representatives, from Texas.

SAM JOHNSON was a fighter pilot, flew 62 missions in Korea, and on his 25th mission in Vietnam he was shot down. He landed in a rice paddy, was captured by the North Vietnamese, and for 7 years was a prisoner of war. He was tortured, beaten, but never broken. He did have a broken arm, and his other arm was useless. April 16, 1966 is when he began his 7 years of confinement. But today is his 36th anniversary from his 7 years in a POW camp. He served in a cell the size of a tomb with that tin cup and polluted rice, and sometimes a rat would come by.

Madam Speaker, we want all of America's sons to grow up to have the character of Colonel SAM JOHNSON. We thank SAM JOHNSON for his 7 years of service in a POW camp. We thank all the Americans that served in those POW camps—those that survived and came home, and those that did not.

And that's just the way it is.

H.R. 852, THE REBUILD AMERICA BOND ACT OF 2009

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, during these difficult economic times, President Obama has called on Americans to embrace a new era of responsibility. To

that end, last week I introduced H.R. 852, the Rebuild America Bonds Act of 2009.

The proceeds from these bonds would be set aside in a Rebuild America trust fund, to be used only to build infrastructure projects, including rail, transit, water, highway, bridge, and road projects. Rebuild America savings bonds would provide every American with the opportunity not only to invest in their country but to also provide the financial support that we need for our infrastructure in America.

In addition, the new savings bonds will improve the morale of the American people. People want to know, what can I do now? They want to know, where can I put my money? Where will it be safe? How can I help America.

From bridge collapses, water main breaks, and other infrastructure accidents across this country, it is clear that America's infrastructure is aging. So I urge my colleagues to cosponsor H.R. 852, the Rebuild America Bonds Act.

A NEW APPROACH

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, our Democratic colleagues have said we need a new approach in Washington that does not rely on tired ideas and politics of the past. So I am curious, what exactly is new and novel about a massive spending package, developed behind closed doors, and devoid of bipartisan input? That is not change. It repeats mistakes of the past.

Instead of trying to borrow and spend our way to recovery, House Republicans have laid out a commonsense, timely, and targeted alternative. Our proposal would create jobs by providing immediate relief to American taxpayers, small businesses, and home buyers. These tax cuts have been tried before under President Kennedy and President Reagan. Each time, they created jobs and led to economic recovery.

The American people are hurting. They care about keeping their jobs, paying their bills, and sending their children to school. They deserve much better than this massive spending bill, which will raise interest rates.

In conclusion, God bless our troops, and we will never forget September the 11th.

SUPPORT PRESIDENT OBAMA'S PLAN

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Madam Speaker, while Democrats in Congress are pushing for a recovery package to put Americans back to work, the recovery is delayed by the same Washington Republicans who helped craft the Bush-onomics that created this recession.

In 1993, Washington Republicans said that the Clinton budget would lead to a job-killing recession. Instead, the Clinton economy created 22 million jobs in just 8 years. Compare that to the 2.6 million jobs lost just last year, in the last year of President Bush's administration.

In 2001, Washington Republicans swore that their tax cuts would lead to the most robust economy we have ever seen. Instead, their theory went bust and drained the surplus that President Clinton had created and left us with a staggering deficit that we are now dealing with.

The American people demanded in November for a change, and for a reason: Republican economic theories don't work and certainly don't put American people back to work.

I urge Washington Republicans to join fellow Republicans like Governor Crist and Governor Schwarzenegger and help us enact President Obama's plan to turn this economy around.

WE MUST DO BETTER

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Madam Speaker, this bill that we are going to consider or vote on in the next day or so should be about jobs, small business, and working families. However, small business, which I am on that committee, make up 99 percent of businesses in Florida and they create 70 percent of the jobs, but only 1 percent of this will actually go in terms of helping small business.

The Congressional Budget Office says it will do more harm than good long term; 300 leading economists say this bill will not help the economy. It explodes the debt. We are at $10 trillion now; this year we will be at $1.2 trillion plus the stimulus with interest, over $1 trillion. This is about our children and grandchildren. We are going to put them further behind. We will not leave it better for them, and that is why I cannot support this bill.

HONORING LAWRENCE ''LARRY'' KING

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, I rise this morning to honor the life of my constituent, Larry King.

Larry was shot at his middle school by a fellow student. That was 1 year ago today. He died 2 days later. Larry was 15 years old. The police classified the murder as a hate crime. Almost 200 vigils in all 50 States were held to honor this young man's life.

Larry's death serves as a tragic reminder that we must work to end violence and harassment directed at lesbian, gay, bisexual, and transgendered people.

Every child should be guaranteed an education free from bullying, harassment, discrimination, and violence.

Today, I honor Larry's full but tragically short life. I am introducing a resolution in his honor to bring attention to the violence he experienced in school and for all those who face harassment because of their sexual orientation and gender expression.

We must, and we will, end this discrimination.

ENOUGH IS ENOUGH

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, Members were informed yesterday that a deal has been struck on the $1 trillion spending bill that Speaker PELOSI is calling an economic stimulus plan.

The American people have a right to know what is in this bill, but I have serious doubts that the majority party will allow the American people to view the bill for the 48 hours like they said they would; so let's look at a couple of the provisions of the bill.

Davis-Bacon, a policy that forces government contractors to pay union wages, will force the cost of all infrastructure and construction projects up by millions and millions of dollars in every part of the country.

The bill directly undermines key welfare reforms passed by Congress in the nineties that got people off welfare and back to work. In fact, under provisions in the bill, States are actually incentivized to put more people on welfare.

Not to mention the pork: $4.8 million for a polar bear exhibit, $3 million for golf carts, $150 million for honey bee insurance, and on and on.

This isn't much about creating jobs; it is massive government spending. First the bailout, now the so-called stimulus. Enough is enough.

□ 1015

COMPREHENSIVE IMMIGRATION REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. I believe that the stimulus package is very important for working families. And we must pass this bill on behalf of the American people. But our Nation is in desperate need of comprehensive immigration reform,

as well. Politicians have used the immigration issue as white noise for every important bill that is brought up here in the House. We can keep dancing around the problems. We need real reform with border enforcement that also addresses the 14 million undocumented people living here in this country.

Just yesterday, The Washington Post reported that local counties in the area are stepping up their collaboration with ICE. This will only be creating more fear and dividing our communities and our families. This is why we cannot use a wide brush to paint a solution to deal with the immigration issues. We must not forget that we're talking about families, not just numbers and statistics.

I urge my colleagues to help these families and join me in working towards real comprehensive immigration reform. I ask President Obama and Speaker NANCY PELOSI to address this issue of comprehensive immigration.

DEFENDING THE PUBLIC'S RIGHT TO KNOW

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Today Congress will begin to consider, under the guise of stimulus, what will amount to the largest spending bill since the Second World War. As millions of Americans have come to realize, this spending bill is not so much about creating jobs as it is about creating more government and more debt. Senator CHUCK SCHUMER referred to the ''porky'' elements of this bill. And we're learning about millions of dollars for golf carts. And this morning we learned about millions of dollars to protect San Francisco mice.

But I don't rise this morning to debate the bill, Madam Speaker, so much as to defend the public's right to know. Just a few short days ago, Congress unanimously voted to post the so-called stimulus bill on the Internet for 48 hours to let the American people judge for themselves. I rise to challenge my colleagues in the Democrat majority, slow this process down. Post this bill on the Internet. Let the American people see this so-called stimulus bill in all of its details and they can decide whether we're creating jobs or just more government and more debt.

SCHOOL FUNDING

(Mr. WALZ asked and was given permission to address the House for 1 minute.)

Mr. WALZ. Madam Speaker, you hear everyone in this body talking about strengthening our economy, leading in innovation and creating that entrepreneurial spirit. But to do this, there is one thing we must do to ensure a solid base for our economic future, and that is to provide the best education possible for our children.

Like most States, my State of Minnesota is facing a severe budget crisis. Without Federal assistance, the largest community in my district, Rochester, Minnesota, will have to cut up to 35 teachers. That is home of the famous Mayo Clinic, which is also a place that uses research on mice to cure some of the most debilitating diseases in this country. What it means to our local schools is that students will get less time to become those researchers of the future and less attention from their teachers.

I recently watched a video from my district from the United South Central Schools showing children entering a crumbling literally 1932 building. I know in my 20 years of teaching, children do much better when they're in a safe and efficient environment. We're going to get the opportunity to invest in America's future, to invest in that economy and to invest in those children. The stabilization money will do exactly that. I urge my colleagues to vote ''yes'' for America's future.

OPPOSE THE STIMULUS PLAN

(Mr. LUETKEMEYER asked and was given permission to address the House for 1 minute.)

Mr. LUETKEMEYER. Madam Speaker, I'm acutely aware that many folks in the Ninth Congressional District of Missouri are hurting. They're contacting me every day about the challenges they're facing. They're worried about keeping their jobs and providing for their families. But those same people are telling me that this so-called ''stimulus package'' is not the answer. I'm hearing from 49 percent of my people that are saying ''no'' to this massive spending bill. And the other 51 percent are saying ''heck no.''

It is time to cut up our Nation's taxpayer-funded credit card and get our fiscal house in order. The Republican alternative plan creates twice as many jobs at half the cost. There is a better plan. The people of the Ninth Congressional District of Missouri sent me here to make tough decisions on their behalf. They also sent me here to make good decisions. That is why I simply refuse to spend taxpayer money irresponsibly. And I refuse to saddle our citizens and families with more debt.

VOTE FOR THE STIMULUS BILL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, on this day of celebration and commemoration of the 200th birthday of Abraham Lincoln, a man of conviction and conscience and patriotism, I'm proud to be able to say that this Congress will have a historic opportunity to put their special interests aside and vote for the American people. Vote for the 3 to 4 million jobs saved or made. Vote for the 269,000 jobs that were made in the State of Texas. Vote for the 7,000-plus jobs in the 18th Congressional District in Houston. Vote for the opportunity to modernize and repair our schools, to ensure that the broken roads and freeways will be repaired and to put men to work such as the gentleman that I met in my district in an unemployment office who had 17 years of experience in heavy equipment and couldn't find a job. Vote for those who need a more improved medical system. And vote for those who want extensive research in renewable energy.

I'm proud to stand alongside of the history of Abraham Lincoln, the history that points to others and not to self. Voting for this bill recognizes the needs of Americans who are outside the Beltway begging for us to do something. I'm proud to stand with them.

LINCOLN MEMORIAL UNIVERSITY

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Madam Speaker, on the 200th birthday of our great President, Abraham Lincoln, I rise to pay tribute to his accomplishments. But primarily I want to tell my colleagues and others about Tennessee's great Lincoln Memorial University.

General Howard, President Lincoln's main military adviser, said the President told him that the people of east Tennessee had been loyal to the Union, and he wanted to form a school for them. Remembering Lincoln's words, General Howard formed LMU in 1897. Today, the university is reaching new heights. It has the Nation's newest medical school, and it is in the process of forming a new law school. Its main campus is in a beautiful setting in Harrogate, Tennessee, but it has very large nursing and graduate education programs in Knoxville, which will also be the home for the law school.

Under the great leadership of President Nancy Moody, Vice President Cindy Witt and Board Chairman Pete DeBusk, the university has its highest enrollment ever. The main mission of the school is to educate the young people of Appalachia, 97 percent of whom receive financial aid.

Lincoln Memorial University, Madam Speaker, also has an outstanding Lincoln Museum and continues to be in every way a fitting tribute to a great President.

HONORING THE LIFE OF LAWRENCE ''LARRY'' KING

(Ms. BALDWIN asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. BALDWIN. Madam Speaker, I rise today to honor the life of Lawrence ''Larry'' King, a California eighth-grader who was shot and killed 1 year ago today by a classmate because of his sexual orientation and gender identity. Larry's tragic death is a reminder of what we already know, lesbian, gay, bisexual and transgender students continue to face pervasive harassment and victimization in schools.

On this anniversary of Larry's death, vigils are being organized across the country in his memory, and young Americans are raising their voices to demand an end to violence and harassment directed at LBGT people in schools. This morning, I raise my voice with them. Every young American deserves an education free from name-calling, bullying, harassment, discrimination and violence regardless of his or her sexual orientation, gender identity or expression.

I want to thank my colleague, LOIS CAPPS, for her work in authoring a resolution to honor Larry's memory. I urge my colleagues to join us in calling for an end to all violence and harassment in our schools.

HONORING ARMY PRIVATE FIRST CLASS ALBERT JEX

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. Madam Speaker, today I rise to pay tribute to Army Private First Class Albert Jex, a Lockport, New York native who made the ultimate sacrifice on February 9, 2009, in Mosul, Iraq. Private Jex was deployed to Iraq in December from Fort Hood as part of the 1st Cavalry Division which is the Army's premier heavy-armored division.

Named after a great-uncle who died fighting the Nazis in World War II, Private Jex devoted his life to public service. He was a junior volunteer fighter for the South Lockport Fire Company, and he heard the call of duty after the events of September 11, 2001.

The close-knit neighborhood where Private Jex grew up has been lined with yellow ribbons since he first became a soldier and was sent to Iraq in 2003. These symbols now serve as quiet tributes to the bravest of patriots.

Finally, I want to recognize the courage of Private Jex's family. The thoughts and prayers of all western New Yorkers go out to his family.

JOB LOSS

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute.)

Ms. EDWARDS of Maryland. Madam Speaker, I rise today to address the suffering felt throughout our Nation as Americans lose homes, businesses, jobs and opportunity. The job loss is proceeding at an alarming pace, one that hasn't been seen in decades. In January alone, 598,000 jobs were lost, the largest 1-month loss in 35 years. And it marked the 13th straight month that more workers were laid off than were hired. And just this morning, the Department of Labor announced that 623,000 initial jobless claims were filed last week. It is a sober reminder that it is time to get this country back on track.

The American Recovery and Reinvestment Act will create 3 to 4 million new jobs over the next years, 66,000 in my home State of Maryland, 8,000 in the Fourth Congressional District of Maryland. And our actions are necessary to stop the free fall and to get this country back on track.

Madam Speaker, what we do in this crisis will affect our Nation for generations. And I will vote for the recovery package because it will create jobs. It will create hope, opportunity and confidence for the American people. It is time to restore that hope and opportunity.

BIG GOVERNMENT IS BACK

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, the question isn't whether we should do something. The question is, what should we do when we have this stimulus package in front of us? And why is that important? Well, Newsweek magazine says it all. The cover says: ''We Are All Socialists Now.'' And inside they say, referring to the debate that is taking place on the floor, ''big government is back big-time.''

They go on to tell us that in many ways, our economy already resembles a European one. And they then project we will soon become even more French. I don't know about you, but I didn't believe that the people voted in the last election to become more French. And when I look at the stimulus package and learn that it has $30 million to protect the San Francisco marsh mice, I have to ask, is that becoming more French, or is that just becoming more absurd?

GOOD NEWS

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Madam Speaker, Americans today can breathe a sigh of relief as we take a first step toward repairing our badly damaged economy. This bill will begin to put Americans back to work fixing roads, repairing bridges, building schools and laying the bases for the economy of tomorrow.

The good news is already starting to come in. Caterpillar Tractor, an iconic American machinery manufacturer, announced that it will rescind some of the 20,000 announced layoffs as soon as this bill passes.

This bill is expected to produce 4 million jobs. And it contains tax cuts that will benefit 95 percent of working Americans, including a $400 tax credit for individuals and an $800 tax credit for couples. This is a bill that says to the world, ''yes, we can.''

RECIPE FOR DISASTER

(Mr. COLE asked and was given permission to address the House for 1 minute.)

Mr. COLE. Madam Speaker, I rise today to speak about the proposed stimulus legislation. To paraphrase Winston Churchill, never have so few spent so much so quickly to do so little. The stimulus bill, now totaling a staggering $789 billion, does little to aid our ailing economy. Let me put $789 billion in perspective. That is more money than we spent in 5 years of war in Iraq. That is more money than we spent in Afghanistan. Seven hundred eight-nine billion dollars is nearly as much as the total of all United States currency currently circulating worldwide.

This spending bill creates some 30 new Federal programs and agencies, growing government to the largest size ever. In fact, the spending in this bill is larger than the budgets of most governments and nearly twice the size of the oil-rich economy of Saudi Arabia. What we need is more money in the hands of those who pay taxes, create jobs and invest in our economy. Instead, we're giving billions to those who will grow government and raise taxes.

Madam Speaker, this is not a road to recovery. This is a recipe for disaster.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. PERLMUTTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 157 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 157

Resolved, That it shall be in order at any time through the legislative day of February 13, 2009, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 2. The matter after the resolved clause of House Resolution 10 is amended to read as follows: ''That unless otherwise ordered, before Monday, May 18, 2009, the hour of daily meeting of the House shall be 2 p.m.

on Mondays; noon on Tuesdays; 10 a.m. on Wednesday and Thursday, and 9 a.m. on all other days of the week; and from Monday, May 18, 2009, until the end of the first session, the hour of daily meeting of the House shall be noon on Mondays; 10 a.m. on Tuesdays, Wednesdays, and Thursdays; and 9 a.m. on all other days of the week.''.

□ 1030

The SPEAKER pro tempore. The gentleman from Colorado (Mr. PERLMUTTER) is recognized for 1 hour.

Mr. PERLMUTTER. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina (Ms. FOXX). All time yielded during consideration of this rule is for debate only, and I yield myself such time as I may consume.

GENERAL LEAVE

Mr. PERLMUTTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. PERLMUTTER. Madam Speaker, House Resolution 157 authorizes the Speaker to entertain motions for the House to suspend the rules at any time between now and tomorrow.

As most Members know, clause 1(a) of rule XV of the Standing Rules of the House only allows for consideration of bills under suspension of the rules on Monday, Tuesday and Wednesday.

The House has before us today and tomorrow many bills honoring the service of great Americans, recognizing the achievement of amazing athletes, and bringing attention to Americans issues affecting millions of our countrymen.

In order for the House to proceed, we must allow for consideration of these matters under suspension. Therefore, the House must pass House Resolution 157.

Should this resolution pass, the House will debate several measures of importance to the American people. First is House Resolution 110 by Representative MIKE DOYLE of Pennsylvania, which congratulates the Pittsburgh Steelers for winning Super Bowl XLIII. It's hard for me to say that, because I am a lifelong Denver Broncos fan, and it hurts to see the Pittsburgh Steelers winning that game. But it was certainly one of the Super Bowl's most exciting games ever, and the Steelers played a tough and entertaining game that earned them the championship. The final minutes of that game will surely go down in football history as some of the most thrilling ever. While the Steelers did well this year, next year they're going to have to go through Denver if they want to repeat.

Second is House Resolution 112 by Representative CHRISTOPHER LEE of New York, which expresses support for American Heart Month and the National Wear Red Day.

Roughly 80 million Americans have some form of heart disease. Many forms of heart disease are preventable through proper diet and exercise. And as a member of the Congressional Fitness Caucus, we continually strive to promote these principles of healthy living.

Representative LEE's resolution promoting awareness of heart disease will demonstrate Congress' commitment to saving lives across this Nation.

House Resolution 139 by Representative PHIL HARE of Illinois commemorates the bicentennial of the birth of our great President, Abraham Lincoln. I certainly cannot describe the achievements and history of President Lincoln in the manner in which he deserves. Every Member of Congress knows Abraham Lincoln gave his life for his country and saved our Nation, as does almost every single person in this country. Honoring his bicentennial is a small token to show our gratitude. And today we will have a ceremony at 11:30 Eastern Standard Time in the Capitol Rotunda honoring President Lincoln's birthday, and President Obama will attend that ceremony.

House Resolution 663, by Representative JOHN BARROW of Georgia, designates a post office in Sparta, Georgia, as the Yvonne Ingram-Ephraim Post Office. Yvonne Ingram-Ephraim was a beloved elected official in Sparta, Georgia, and designating a post office in her honor is a wonderful tribute.

These bills and resolutions celebrate great Americans and bring attention to an issue important to millions of Americans. I look forward to hearing more about these bills and resolutions so that the House of Representatives can express to the Nation our recognition of these individual and team achievements. For this reason, I hope we will agree to the resolution.

There is an additional provision in the resolution which amends the rules of the 111th Congress so that we can convene at 9 a.m. on Fridays and Saturdays, instead of 10 a.m., so that we can begin our work earlier, in hopes that we can return to our families and our homes and our districts earlier on those days. This is an important rule which will allow us to debate several matters, and will allow a change to our rules so we can return to our districts a little earlier on Fridays and Saturdays.

I urge my colleagues to support this rule.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I thank the gentleman for yielding the customary time.

I am here to say that this is a very important time in our country. The House Republicans know we are in a serious recession, and this is the time when we should be dealing with what's on the minds of the American people.

We were promised 3 years ago by the majority, who were then in the minority, that we were going to have a different way to do things once they took over. But it seems like it's business as usual. Things are being done secretly. Bills are being crafted behind the scenes without any involvement from Republicans. We're dealing with things that don't need to be dealt with on the floor because we are avoiding dealing with the things that we should be dealing with and debating them in open.

We don't know what's going to be coming up tomorrow. This rule is very open-ended.

We certainly have no objections to honoring the legacy of President Abraham Lincoln. After all, he was the first Republican President, and we honor him for keeping our country together and for all that he stood for.

But frankly, Madam Speaker, there are more important things that we should be dealing with, and I am concerned that the majority is going in this direction. And I will recommend to my colleagues that we vote against the rule, and we will be talking more about what we should be dealing with as others of my colleagues speak.

I reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I would remind my friend from North Carolina, this is about four suspension matters: Abraham Lincoln, the Pittsburgh Steelers, Ms. Ephraim and National Heart Month. And so I appreciate her comments, but they're not on point. This is about four suspension bills, as well as conducting our business earlier on Fridays and Saturdays.

And I will continue to reserve the balance of my time.

Ms. FOXX. Madam Speaker, I now yield such time as he may consume to my distinguished colleague from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Speaker, I sometimes find serving in Congress greatly baffling because here we are, while many, many Americans, millions of Americans are unemployed, and we're actually going to debate a bill on if we should start working at 9 a.m. Why are we having that debate? Let's just go ahead and do it. Maybe we should show up for work at 8 a.m. and start voting. This is not exactly a real controversial issue.

And then, while unemployment is at an all-time high, foreclosures right and left, and there's a big credit crunch, we're going to spend time and tax dollars congratulating the Pittsburgh Steelers. Why don't we just say, hey, congratulations. Now we've got to get people working again. But we are actually printing a bill that congratulates the Pittsburgh Steelers, while people are having their houses foreclosed.

Meanwhile, out in San Francisco, a rat is going to get $30 million in the so-

called stimulus bill. Apparently, it's a full employment bill for rats in the San Francisco Bay area. Of course we would never call this an earmark because the Speaker has told us there are no earmarks in this bill. And the fact that this rat lives in her district and it's a $30 million specified earmark, would not suggest that it's an earmark because we've been told there are no earmarks in it. Thirty million dollars to preserve a rat, while the Federal Government also spends millions of dollars eliminating rats. This is hard to understand. I guess it's a job-creation program because you're creating jobs eliminating rats in some areas, and creating jobs preserving rats in other areas. Thirty million dollars.

Meanwhile, if you've been laid off or your house is being foreclosed, what's in this bill for you? Well, very little. But perhaps you could go to San Francisco and borrow some money from the rats. Maybe they could say, hey, you know, we actually can reproduce without $30 million. Oh, wait a minute. I just thought about it. That's why it's called a stimulus bill. It stimulates rat activities so we can grow more rat families out in San Francisco.

You know, the Republican alternative has twice the jobs created at half the cost. The Democrat big government spending plan creates 3.7 million jobs, or saves 3.7 million jobs. We're not sure exactly what saving means. We do know it saves lots of government jobs. We know that if you're in the rat preservation business, certainly that $30 million will be saving your very important job during this time. But I'm going to go ahead and say, it does create or save 3.7 million jobs.

But the Republican plan, according to the nonpartisan Congressional Budget Office, creates 6 million jobs. The Democrat big spending plan is about $790 billion, as the opening bid. Because we all know that what the government plan does is create new floors for the budget. So when we go back on the regular budget process, these temporary expenditures will become the permanent floor.

And we also know that there will be billions of dollars spent on interest as we borrow this money. So the Democrat plan, basically, is about $1 trillion. The Republican plan is less than $400 billion, and it's in targeted tax cuts that create jobs in the small business sector. That's what we need right now. We need small businesses to go out and expand. We need them to buy new equipment. We need them to hire new employees. That's what the Republican plan does.

The Federal Government, under the Democrat plan, will continue to borrow and print money. We know right now we owe foreign governments $3 trillion, 22 percent of which is held by the Chinese, followed by Japan, followed by Great Britain, but $3 trillion that we are borrowing from foreign governments, and we will have to borrow more money. In fact, in 1 year, we will borrow more money than we did the first 200 years of history in the United States of America. That is, from 1799 to 1980, we've borrowed less money than we will this 1 year. We are doubling the money supply, which will lead to inflation.

This Democrat big government expansion plan that is using the tragedy of people's unemployment and foreclosures as an excuse to expand good government includes 32 brand new Federal programs. As Ronald Reagan said, if you don't believe in resurrection, try killing a Federal program. You just can't do it.

There's $100 million in here for school lunchroom equipment. I guess now we can start serving popcorn and maybe put in smoothie machines, maybe even cotton candy. That probably will help kids' self-esteem, so we probably should do it.

There's $4 million in here to create a green building oversight agency in the Federal Government. So $4 million, again, create some government jobs, I guess, but we'll have a green building monitoring system. I'm sure that that 4 million is targeted, temporary, and will disappear at the end of this budget cycle, but that's not going to be the case and we know that.

The Department of Energy, their budget, their annual budget is doubled in the stimulus plan. Now, there may be reason to double the bureaucrat budget over at the Department of Energy because I know that that creates lots more government jobs. But why aren't we doing that in the annual budget?

□ 1045

Why does that have to be sneaked in the back door?

There is money in here. Of course, we never call this an earmark, but there is a non-earmark ''earmark'' in here to study the profit-making of private industries in the Northern Mariana Islands and in American Samoa. I don't know why. I don't think anybody on the floor can tell us why we need to study the profit-making ability of private industry in the Northern Marianas and in American Samoa. I certainly would say that is not an earmark, but I wonder who put that in. Who sneaked it into this voluminous piece of legislation?

Now, there is also $200 billion in phantom earmarks, phantom earmarks because they don't have anybody's name by it. There is $200 billion in largess that will be spent by State and local governments. The difference is, in these non-earmarks, they are phantom earmarks because no one's names will be by them.

I am a member of the Appropriations Committee, and if I request new barracks for the soldiers of the 3rd Infantry down in Fort Stewart, Georgia, my name will be listed by it. I will have to be justified as to why I think those barracks should be paid for by the taxpayers. I will explain why the soldiers who have been in Iraq need to come home to good barracks. That's fair. It gives sunshine to it. It gives transparency. Yet $200 billion in phantom earmarks of which we won't know how it is spent?

You know, I'll say this: At least with regard to the $30 million for the San Francisco rat we've got an idea as to who put that one in, and we certainly know where it's going to be spent. I am looking forward to seeing these $30 million rats one day if I can get out to San Francisco, because they must be some fine-looking animals. I mean we don't just spend money like that on any rat. They've got to be San Francisco marsh rats. They're probably walking around, have got some nice looking clothes on—San Francisco stuff. They're probably wearing flip flops and sunglasses as they're going over to Sausalito for lunch and looking out across the bay at Alcatraz and saying, ''Hey, is that where the Guantanamo prisoners are going to end up?'' Probably not. Of course, that would be an earmark if we did that.

Anyway, Madam Speaker, here we are with a bill that I will venture to say not one Member of Congress has seen yet. I know that there have been some inside-the-beltway people who have seen it, but I don't think there is one Member of Congress who has seen this stimulus bill which we may be about to vote on. This bill is bigger than the leftover budget from last year. It is $790 billion. It is the largest single vote in terms of an expenditure in the history of the United States Congress. Yet I have not seen the bill. I would love to know where I could see the bill. Where can I find this bill? I want to start reading it.

I will ask my friend from North Carolina: Have you seen this bill?

Ms. FOXX. No, sir. I agree with you. I don't think anybody else has seen it either.

Mr. KINGSTON. Here we are. You are a member of the Rules Committee. The bill has to go through the Rules Committee. You have to be the one to sign off on it.

Would the gentlewoman tell me this: Would we be able to offer an amendment—I don't want to say to ''kill the rats''—but maybe to let them continue breeding on their own as they have since—well, some will say ''creation'' and some will say ''evolution''? I don't want to touch on some tenderness out there, but rats have probably been doing really well. Here they are, surviving.

Could we offer an amendment to kill this proposal?

Mr. PERLMUTTER. Will the gentleman yield?

Ms. FOXX. Unfortunately, we know that the conference report cannot be amended, so we will not be able to take out the egregious pieces in this conference report. So it's going to be an up-or-down vote on anything that is good in this bill, and there is not very much good in it, and there is all that is bad.

Mr. KINGSTON. Well, I appreciate that.

My friend from Colorado, I will be glad to yield.

Mr. PERLMUTTER. No. I will wait and speak in my time. Okay. Thank you very much.

Mr. KINGSTON. Okay. Well, I want to say this to my friend from Colorado, and I want to say this to my friend from North Carolina: where I am very frustrated is that here we have this huge bill. As I understand it—and I know the gentleman supports this—they lay it on the table for 48 hours so that people can look at it. I'm afraid, beyond the people who are in the Chamber right now, that that rule is going to be waived. That is not what we're voting on now as I understand it, but I am concerned that, later on in the course of this day, we will get a rule that will say we will waive the requirement that a bill has to sit on the table for 48 hours so that Members of Congress can read it.

Now, remember that we have philosophical disagreements on this bill. I support tax cuts, a little spending, more money for public works—more money for highways, roads, dams, and bridges—as does the next person, and I understand we're going to have a good debate on it, but I think that the democratic way of doing business in a legislative chamber should be to put this bill on the table so that everybody has time to read it. I would venture to say, whether you are Democrat or Republican, rank-and-file Members have not been able to read this bill. It is very important that we read the bill and that we have transparency and sunshine and an open debate on it. So, when that time comes, I hope that we will have bipartisan support that does not waive the 48-hour requirement so that we have an opportunity to see what is in this bill.

Also, I want to say this: you know the Republican proposal. It is twice the jobs created at half the cost, which I support, but with the passage of this, it doesn't end the debate. I'm going to continue to fight for it. I know the gentlewoman will, and I look forward to working with my friend from Colorado on these things because there will be some opportunities down the road to change and to modify this because, if this stimulus package that was cut in a backroom deal last night is voted on today or maybe tomorrow instead of next week sometime after we've already read it, then I think we're just going to have to continue to stay engaged and see what we can do to improve upon it.

I will take the President at his word when he says he wants to do bipartisan things. I want to engage in that process on a bipartisan basis. I don't think three Republicans in the Senate who move over constitutes something as being bipartisan. In fact, if you want to talk bipartisan, there were eleven Democrats who voted against it in the House, so the bipartisan vote in the House was against the stimulus package. Yet, if we need to keep working and not vote on this bill for two or three more days, I think it's very important, because no one, Democrat or Republican, is talking about not doing anything. Not doing anything is not an option that anybody on this side of the aisle is discussing. We're talking about twice the jobs at half the cost.

Couldn't we combine the best ideas of the Republican Party with the best ideas of the Democrat Party and put aside the labels and try to do what is best for America?

That person out there who cannot borrow money, that person out there who has been foreclosed on, that person out there who has lost his kid's college education or his savings, and that person out there who is unemployed, that is who we need to focus on.

Mr. PERLMUTTER. Madam Speaker, I appreciate my friend from Georgia who has gotten my blood boiling at 10:15 in the morning.

So, to my friend from Georgia, I have to say, first of all, the rule that we have before us is about the Pittsburgh Steelers, the American Heart Month, Abraham Lincoln, and about Ms. Ephraim. I look forward to him and to our other colleagues on the Republican side of the aisle voting against the rule for Abraham Lincoln, for the Pittsburgh Steelers, for the American Heart Month, and for Ms. Ephraim.

The focus needs to be on those four suspension rules, but since he has brought up the fact that he is concerned——

Ms. FOXX. Will my colleague yield?

Mr. PERLMUTTER. I will yield in a moment, but first, I want to talk a little bit about what is actually in the Recovery Act and not as it has been trivialized by my good friend from Georgia.

First of all, in looking at some notes we have here, he, in his district—and I think it is the First District of Georgia—would get 7,700 jobs from the bill that is being considered. The Republicans had two Members from the House as part of the conference committee, and the Republicans had at least two Members on the Senate conference team, and the Senate chaired the entire conference. So if he rails about anything, he ought to rail against his friends and against his colleagues who were on the committee for not sharing information with him. His Republican colleagues had a chance and have been part and parcel of every discussion if they've wanted to be. So let's just shove that aside and really talk about what the bill is about.

The bill is about jobs, jobs all across this country, from 7,700 new jobs in his district in the Savannah, Georgia area to my neighborhood in Colorado, to Lakewood, to Wheat Ridge, to Arvada, to Aurora where I get approximately 7,600 jobs.

Ms. FOXX, I'm not sure which district you represent in North Carolina.

Ms. FOXX. The Fifth.

Mr. PERLMUTTER. The Fifth. Let's see what you would get. You would get approximately 7,600 jobs.

So this is about jobs across this country. We've been losing jobs at an incredible rate, at a rate of at least 600,000 jobs per month for the last 3 months. We must stop it. We must stop that job loss now. We cannot let it go any further. There were 2.6 million jobs lost in 2008. It is time to reverse this. We cannot continue to go on this path. We are going into a spiral. The purpose of the American Recovery and Reinvestment Act is to rejuvenate this economy and to get it back on track. It is not going to be easy. It will take a series of bills and efforts, and it will take time, but this is about action, about action now.

So let's talk about what is really in the bill. First of all, there are no earmarks. For anybody and everybody who is listening to me speak this morning: There are no earmarks in this bill. There is no earmark for rats in San Francisco. There is money that goes to the EPA and to the Department of the Interior for the cleanup of wetlands or for maintaining wetlands. Apparently, this is on a list of ready-to-go projects, but it, like many others, must compete within the departments for that money. It is not a specific earmark within the bill.

Now, that trivializes this bill. This bill is in five parts. The first part is construction and the reconstruction of this country. It is new construction for roads, bridges, transit, and the energy grid. It is billions of dollars which will create hundreds of thousands of jobs. In fact, this bill is intended to maintain or to create 3.5 million jobs in America for Americans. Number one, construction.

Number two, it is to really capitalize on the science and technology that we have within this country. It is so that we develop a new energy economy, energy research, energy development, energy manufacturing so that we are not hooked on oil from across the seas and so that we aren't at the whim of countries that, in some instances, would not like to see us do well. So this is about developing a new energy economy, and there are thousands and thousands of jobs, including upgrading some million homes across America to

energy-efficient standards. One, it is jobs. It is jobs for carpenters, laborers, electricians, and for steelworkers—every kind of job imaginable. It is for lots of small businesses and for lots of contractors, and it has the added benefit of helping to reduce our energy consumption. Wow, that would be a real wonderful thing if we could have that.

There are also billions of dollars in this to upgrade our medical information technology, our health information technology, so that records are available to doctors, to hospitals, to health care providers so that there are no mistakes, so that there are clear directions, but there are also safeguards within the bill to make sure that people's personal health privacy issues are protected. That is an important element to move us forward in the health care industry. Ultimately, it will save billions of dollars.

First of all, there is IT business, IT work in here for a whole variety of people, and it ultimately will save the health care system and our country billions of dollars.

□ 1100

I want to get through the five sections, and I will yield to you for 30 seconds or so.

The first piece is construction and reconstruction of this country so that we have jobs now and an investment for the long term.

The second piece is innovation and science and creating a new energy economy. And also there is significant money in this bill for the National Institutes of Health, NIH, and the Centers for Disease Control to develop new ways to combat various diseases across this country.

The third section is to assist our States who have seen their revenue fall off tremendously because people are not earning incomes, businesses are not deriving revenues, business has fallen off, people are being laid off. And so the States have tremendous shortfalls which will result in the loss of jobs across America through our State governments and our local governments at a time when we can least afford it.

We need people to be doing teaching, we need our policemen, we need our firefighters, we need our maintenance workers, we need our engineers. We need the people in the system who are going to help folks who have been laid off, for goodness sakes. Tremendous piece in this bill to help our States maintain the services that they provide today because those are safety nets. Those are important across the board.

The fourth piece is the tax cut piece, and my friend from Georgia (Mr. KINGSTON) was talking about tax cuts.

In this bill, 35 percent of the bill is devoted to tax cuts, and 95 percent of Americans will benefit by this bill with respect to tax cuts, not the wealthiest 5 percent, but 95 percent of us in middle income and the middle income range. So 95 percent of Americans will benefit by this bill in terms of certain tax cuts, as will small businesses.

Unlike the prior administration, which focused on the wealthiest people in America and gave them tax cuts, this administration and this Congress will look out for the regular American, the regular Joe and Jill out there so that they can benefit by some tax cuts and not just the richest people in America.

The fifth piece in this bill is to assist folks who are hurting, who've been laid off, who need unemployment insurance, who may need Medicaid because they can't get any medical care otherwise, who may need food stamps. So it's just the basic assistance that this country gives to its people in times of trouble.

So this bill—and it is a big bill, no doubt about it—but we have a big problem to combat. And the purpose of this is to create jobs and maintain jobs and rebuild this country, and that's precisely what it does.

And I'm not going to allow my good friend from Georgia to trivialize this bill. It is too big and it is too important. And I appreciate his comments, but we've got to focus on the key piece of this which is jobs and taking this country into the future instead of hanging back as we have over the past 8 years.

With that, I would yield my friend 30 seconds.

Ms. FOXX. I thank my colleague from Colorado, and I want to say that you're being a really good soldier today, and I commend you for doing that.

You talk about this bill as though you have read the bill. And I want to ask, has the bill been made available to the Democrats in the Chamber?

Mr. PERLMUTTER. To my good friend from North Carolina, I have seen the House version and I have seen the Senate version, and I have highlights of the compromise. That's what I have. And so between the House version and the Senate version and the description that we received, the outline that we received as the bill is being drafted, as the compromise is being drafted, I can tell you what's in the bill. And I'm not going to let my friend from Georgia trivialize this thing because too many people's lives are at stake here.

Ms. FOXX. Madam Speaker, I thank my colleague for his comments.

Mr. PERLMUTTER. To my good friend, let me reserve the balance of my time and turn it back over to you.

Ms. FOXX. Madam Speaker, I thank my colleague for his response.

What I'm trying to get at and what I'm intrigued about in terms of his comments is where do we know these jobs are going to be created?

You know, we've heard from the other side; we've even heard from the President. We want accountability. You know, that's something I have debated over and over and over. We're getting all of these pie-in-the-sky numbers about what this bill is going to do, and even my colleague admitted it's too big a bill. I appreciate his mentioning that. But we have no idea where these 4 million jobs are going to be created. There is no accountability in terms of tracking that.

You know, I come from a background in education where people are asked always to have an evaluation of what you do. We could have lots of inputs, but if we don't know what the outcome is going to be and we have to measure that outcome, we're forcing people in education to do that all the time. But that never gets done in government. We're never forcing people to have an outcome and a measurable outcome.

Again, we can talk about these, but we don't know how. We don't know how many jobs also are going to be lost to this suffocating spending that's contained in this bill.

And I find it intriguing that as you went through the parts of the bill, that tax cuts were number four in the list. That's where it is in the priorities of the Democrats. For us, tax cuts are the number one priority. And what you say it's going to do, that's going to result in about $13 a week for the average citizen in this country. And you're going to assist people who are being laid off. That's the fifth thing. I find it intriguing again that that's your order of priorities.

I read the Constitution, too, a lot, and I noticed that you said one of the things that you're doing is helping the States with their shortfalls. I don't understand why we're doing that. You know, this Federal Government was formed for the defense of this Nation. The States are supposed to be taking care of these things. And what we're doing is we're rewarding bad behavior on the parts of the States. If they know the Federal Government is going to continue to bail them out over and over and over for bad behavior, it's like bailing out your children when they make mistakes.

I want to say the motto of the State of North Carolina, which is ''to be, rather than to seem.'' I wish the Democratic Party would take on that motto because we keep hearing what it is you say is happening, but that's not really what's happening.

I'd like to point out to the distinguished gentleman from Colorado that the Clerk read the resolution. Nowhere in that resolution does it mention these four bills that we're going to talk about today. This is a wide-open resolution, lots of things could be talked about. In fact, I'm, again, as I said before, happy to talk about the legacy of President Abraham Lincoln, happy to

talk about American Heart Month. I'm even wearing my red today. I wore red last week when we were asked to do that. I'm happy to name the post office, even happy to congratulate the Pittsburgh Steelers because I didn't have a dog in that fight.

But I think that we need to say to the American people, ''This is a sham. This is a sham.'' All we're doing is delaying because we're not doing the real work of the American people, which is to deal with this issue.

And contrary to what our colleagues on the other side of the aisle have said, we don't want to avoid this issue; we want to hit it head-on.

We have an alternative. We have a superior alternative that has never been allowed to be considered. And even when we have amendments that were adopted unanimously in committee, they were taken out in the Speaker's office because they were too good to be dealt with and they did too many good things.

So again, I would like the Democratic Party to adopt the motto of the State of North Carolina, ''to be, rather than to seem.'' You get a lot of publicity for talking about what you want to do.

Let's take the motion to instruct that passed unanimously the other day that said we'd have 48 hours to deal with this bill. We aren't going to have a chance to do that. But you all are going to be able to go home and say, ''Oh, I voted for that,'' but then you're going to completely ignore it. And this is going to be a bill that nobody is going to have read. We're not going to know all of the bad things that's in it. And I will tell you, as I say, a rose by any other name is still as sweet, an earmark by any other name is still an earmark.

I reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I'd like to know how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Colorado has 14½ minutes remaining, and the gentlewoman from North Carolina has 9 minutes remaining.

Mr. PERLMUTTER. Madam Speaker, I'd like first to respond to my friend from North Carolina when she was making complaints about the States and the States should stand on their own. Generally I would agree with that. The trouble is we're in some unprecedented times.

In Colorado, for instance, our economy was humming along. We were doing very well. And in the last 3 months, we've seen things really come to a halt in many ways, and job losses have been mounting. This is the same thing that is occurring across the country. And unless we jolt this economy back moving in the right direction, we're going to have greater and greater trouble for a longer and longer period of time.

And I would just point, as my good friend knows, to an economist named Mark Zandi—who was the consultant and adviser to Senator MCCAIN—in a report that he gave to people on January 21, 2009, about the importance of moving a major piece of legislation like this forward so that we develop jobs across this country.

And the proposal that the Republicans had put forth, instead of 3.5 million jobs, was only going to create 1.3 million jobs. And it was based only on tax cuts, which is sort of what we heard through the last 8 years: Let's cut taxes, let's prosecute a war in Iraq, let's turn this country's finances upside down.

It's time to change the direction of this Nation. That's what we're doing with this bill. We want to get it going again. We want to create a good future for ourselves, our kids, and our grandkids and leave them with a country they can be proud of. And that starts with this administration of Barack Obama. It is going to be key that we pass this recovery act.

But the bill in front of us, the rule in front of us is about suspension measures. And as you mentioned there are Abraham Lincoln, and at this point we expect the Heart Association, the Pittsburgh Steelers, and Ms. Ephraim.

The bill on the Recovery and Reinvestment Act will be taken up, and it will have 500,000 jobs being created to develop a smart grid, advanced battery technology, and energy efficiency across the country, tax incentives to spur energy savings and green jobs, energy efficiency savings in homes across the country, upgrading low- to moderate-income housing that is either owned or underwritten by the Housing and Urban Development authority across the country, transforming our economy with new science and technology, lowering health care costs.

One of the key pieces—and to my friend from North Carolina as you were complaining about assisting the States—is maintaining our teachers in our local schools who have seen their tax revenue fall off, who have seen the ability of the States to help them fall off. I know I want my kids to get the best education they can get. I don't want there to be any disruption, and I want them to be in schools that are well constructed. This bill will help do that.

Finally, the Recovery and Reinvestment Act has been an effort at bipartisanship unlike anything that I've seen while I have been in Congress. President Obama reaching out to your side of the aisle, inviting and participating with the members of your caucus, much of the bill being driven by at least three Republican Senators—two from Maine and one from Pennsylvania. The use of the moneys will be on the web so that every American or anybody across the globe who wants to check in to see how the money is being used and where it's going will be visible and open and apparent to them.

This is a time we must act, and we are going to act. We're going to get this country back on track. We're going to change the direction of this Nation.

With that, I reserve the balance of my time.

□ 1115

Ms. FOXX. Madam Speaker, there are several points that need to be responded to from my colleague from Colorado.

Again, certainly, we want to honor these people who are being brought up today on suspension, but it's really an opportunity for the majority party to bring up things that are not the most important things for us to be dealing with. But I want to reject the argument that we are in unprecedented times. The seventies were much worse in terms of economics than we're in now.

I'm frankly getting sick and tired of that argument being used for why we have to do these really terrible things that are being proposed in this so-called stimulus package. Obviously, people have very, very short memories.

They say it's the worst time since the Great Depression. Well, we had 20 percent interest rates. We had 14 percent unemployment. Much, much worse. What was the answer? What was the Republican answer? What did Ronald Reagan suggest and the Republican Congress pass? The Republican Senate and the Democrats in charge then had the good sense to understand that cutting taxes did it.

What we have to do is cut off the money coming to the Federal Government that is often very, very poorly spent. My colleague says he's concerned about his kids and grandkids. Well, are you concerned about the fact that you're putting every family in this country in debt for $6,700 as a result of this bill and they're going to get a $13 a week tax cut?

Again, I wish you would remember the motto of the State of North Carolina, ''To be, rather than to seem.'' Yet, this bill certainly deserves the emperor's new clothes award. This is a sham on the American people. You know, in Dante's ''Divine Comedy'' the worst place in hell was designated for the lawyers.

I really am concerned about the promises that are being made in this bill and how the American people are going to be so disappointed that instantaneously these jobs aren't going to be out there for these poor folks who have lost their jobs.

Republicans are very sympathetic to this. We know the American people are hurting. We've offered real alternatives to this, and I want to say to my colleague and his colleagues who keep

talking about the last 8 years, I know you didn't come until 2007 and you don't remember that we had 54 straight months of job growth up until January of 2007 when the Democrats took control of this House. You talk about the last 3 months losing 2.6 million jobs. Who's been in charge for the last 3 months? The Democrats have been in charge of the Congress, and we elected a Democratic President last November.

I think you-all need to look in the mirror and see where the problems have come from. We haven't caused this problem. Republicans haven't. The Democrats have been in charge of this Congress. Things started going downhill when they took over in January of 2007. Bipartisanship and invitation to a cocktail party and to watch the Super Bowl, no, thanks; I don't think that's true bipartisanship.

True bipartisanship is including the amendments that Republicans offer in committee, that are passed unanimously by Democrats and Republicans. It's including those in the final version of the bill.

And my colleague speaks so positively about what's in this bill, but yet he hasn't read the bill. He's telling me he's read the bills that were passed in the Senate and the House, but you don't know. I don't believe anybody knows what's in the final version of this bill. You talk about it being on the Web and being available to people. It's going to be available after it's passed, not before it's passed.

Again, the promises that were made are not being kept. A promise that the President said he would let any bill stay out there for 5 days before it's signed, that's been breached more than it has been kept. The bill, we're supposed to have 48 hours. That was passed unanimously in here to read the bill. That has been not dealt with or not kept to, and it could have been so easy.

Let me tell you the nonpartisan, nonpartisan Congressional Budget Office in today's publication says we are going to increase the deficit $838.1 billion with this bill, and because we know so many of the jobs that are going to be created are going to be government jobs, that are going to stay on the payroll forever, this bill is really going to cost $3 trillion. $3 trillion. I'm concerned about my children and grandchildren and great-grandchildren and more because we are loading them up with a debt that is irresponsible. This is generational abuse. We're taking the easy road out and giving the burden to our future generations.

And I want to say, since we were going to talk about President Lincoln, some of the things he said. ''You cannot bring about prosperity by discouraging thrift. You cannot borrow your way to prosperity.''

This is what is happening. It's a shame that today, when we're supposed to be honoring Lincoln on his birthday, that we are doing absolutely the opposite of everything that Lincoln stood for. We are borrowing our way or trying to borrow our way into prosperity, and it never works.

We can't ''strengthen the weak by weakening the strong,'' Lincoln said. ''You cannot help small men by tearing down big men. You cannot help the poor by destroying the rich. You cannot lift the wage-earner by pulling down the wage-payer. You cannot keep out of trouble by spending more than your income.''

That's the role that the Democrats have taken, go in the direction opposite of what Lincoln preached. I think it's a sad day in our country when we say we're going to honor Lincoln, and we go just in the opposite of the values he stood for.

Madam Speaker, could I inquire as to how much time is left.

The SPEAKER pro tempore. The gentlewoman from North Carolina has 2½ minutes remaining. The gentleman from Colorado has 10 minutes remaining.

Ms. FOXX. Thank you, Madam Speaker. I will close.

As my colleague has said, we're here to debate a rule which is going to allow us to deal with four fairly good bills today, but that's not all that the rule is going to allow us to deal with. It's an open-ended rule. Many, many things can come up under this rule, and it's not the kind of rule that we should be voting on.

We have lots of quotes that I'm not going to give today about how the majority has said that we should do things in regular order; we should revert to doing things the right way in this body. We're not doing that. We had a wonderful opportunity to do that with this bill, but we're not.

I have no objections to congratulating the Pittsburgh Steelers, to supporting the goals and ideals of American Heart Month. Certainly, I am extremely in favor of commemorating the life and legacy of President Abraham Lincoln, the first Republican President, the President who freed the slaves and who kept this country together, or in terms of naming a post office. But what we should be dealing with is the so-called stimulus bill that we know is going to come to us without the proper debate.

Republicans are very concerned about the recession we find ourselves in. We are very concerned about the American people who are hurting. We want to deal with those issues. We have a plan. We have an alternative. We want a stimulus bill that will work.

As I've said, I think this is a cruel hoax on the American people because they're expecting something good to happen, and they're expecting it to happen right away, and that isn't going to be the case.

My heart goes out to those who have lost their jobs and who are going to be fooled into thinking that what the Democrats are doing with this bill is going to bring about real progress in this country.

So I will urge my colleagues to vote against the rule, not because of the bills that we're going to be dealing with today as a result of the rule, but because of other things that might come up and because of the very serious nature of the issues we're facing that we're not dealing with.

With that, I yield back, Madam Speaker.

Mr. PERLMUTTER. Madam Speaker, just by way of closing, I want to remind everyone, we're here on House Resolution 157, which is to allow us to hear certain bills under suspension today and tomorrow. Among those are bills concerning American Heart Month; Abraham Lincoln, his 200th birthday; Ms. Ephraim, who was a leading citizen in Sparta, Georgia; and then, of course, the Pittsburgh Steelers. Also, we're asking that on Fridays and Saturdays for the rest of the year that we begin business at 9 o'clock in the morning as opposed to 10 o'clock.

That's the resolution that's before the body today. We've had a lot of discussion about the American Recovery and Reinvestment Act, which has been debated really as part of the election, through the end of the year, through this last month, and it will be debated hotly, I'm sure, today and tomorrow concerning how to get this Nation back on track.

I just want to read something from Mark Zandi, again, an adviser to Senator JOHN MCCAIN, but somebody who, as many economists across the country, is concerned about this Nation and its economy in terrific terms. This is what he says on page 17: ''The financial system is in disarray, and the economy's struggles are intensifying. Policymakers are working hard to quell the panic and shore up the economy; but considering the magnitude of the crisis and the continuing risks, policy-makers must be aggressive. Whether from a natural disaster, a terrorist attack, or a financial calamity, crises end only with overwhelming government action.''

That's what we will see in the American Recovery and Reinvestment Act. It's about jobs, maintaining and creating 3.5 million jobs. It isn't the end. There will be a series of measures taken, and it will take time to get this Nation back on track. It took time to get into this ditch. It's going to take time to get out. But we're acting about it. It's going to be done.

With that, Madam Speaker, I urge a ''yes'' vote on the previous question.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 28 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1300

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at 1 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Adopting of House Resolution 157, and suspending the rules and agreeing to House Resolution 117 and House Concurrent Resolution 35.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 157, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 248, nays 174, not voting 10, as follows:

[Roll No. 63]

YEAS—248

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—174

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Blunt
Boehner
Buyer
Campbell
Kind
Pingree (ME)
Schock
Solis (CA)
Stark
Tiberi

□ 1327

Messrs. BECERRA, GUTIERREZ, RUSH, NADLER of New York and Ms. ROYBAL-ALLARD changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 63, had I been present, I would have voted ''yea.''

SUPPORTING THE GOALS AND IDEALS OF NATIONAL ENGINEERS WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 117, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 117.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 10, as follows:

[Roll No. 64]

YEAS—422

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Aderholt
Blunt
Campbell
Pingree (ME)
Roskam
Ryan (OH)
Schock
Solis (CA)
Stark
Tiberi

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1336

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''Resolution supporting the goals and ideals of National Engineers Week, and for other purposes''.

A motion to reconsider was laid on the table.

HONORING THE NAACP ON ITS 100TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 35.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 35.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CHAFFETZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 8, as follows:

[Roll No. 65]

YEAS—424

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin

Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Blunt
Campbell
Roskam
Ryan (OH)
Schock
Solis (CA)
Stark
Tiberi

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1344

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. PRICE of Georgia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, 2 days ago, the House adopted unanimously a motion to instruct the conferees on H.R. 1 that stipulated that the text of the language of the nonstimulus bill must be available for 48 hours prior to the conferees signing off on the bill.

Can the Speaker apprise the House as to the availability of that text at this point?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. PRICE of Georgia. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. PRICE of Georgia. Mr. Speaker, will the House know the timing for the vote to be scheduled on H.R. 1 and whether or not this text will be available for the 48 hours stipulated in the motion to instruct unanimously adopted by the House?

The SPEAKER pro tempore. The Chair does not advise on scheduling decisions.

Mr. PRICE of Georgia. So the Speaker is not aware of whether or not that text will be available 48 hours prior to the vote?

The SPEAKER pro tempore. The Chair is not involved in scheduling decisions, and Members should consult their leadership.

Mr. WESTMORELAND. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, is it the Chair's responsibility to call the vote?

The SPEAKER pro tempore. The Chair is the presiding officer for the proceedings of the House.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. WESTMORELAND. So it is not your responsibility to call for a vote, an electronic vote or a voice vote, but you call for the vote of the bill that is on the calendar; is that correct?

The SPEAKER pro tempore. Scheduling decisions are made by the leadership.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CONGRATULATING THE PITTSBURGH STEELERS

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 110) congratulating the National Football League champion Pittsburgh Steelers for winning Super Bowl XLIII and becoming the most successful franchise in NFL history with their record 6th Super Bowl title.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 110

Whereas the Pittsburgh Steelers won Super Bowl XLIII by defeating the Arizona Cardinals 27 to 23 in Tampa, Florida, on February 1, 2009, winning their second Super Bowl championship in 4 years;

Whereas with this victory the Pittsburgh Steelers franchise has set a new National Football League standard for most Super Bowl victories with their record 6th Super Bowl championship;

Whereas the Pittsburgh Steelers went 15–4 against the hardest-ranked 2008–2009 schedule in the NFL and defeated the San Diego Chargers, Baltimore Ravens, and Arizona Cardinals during their record-setting post season run;

Whereas linebacker James Harrison returned a goal line interception 100 yards for the longest play in Super Bowl history;

Whereas quarterback Ben Roethlisberger went 21–30 for 256 yards and led the team down the field for the 19th and most important 4th quarter comeback of his career;

Whereas wide receiver Santonio Holmes won the Super Bowl MVP award with a 9-catch, 131-yard performance, including the game-winning touchdown in the corner of the endzone with 35 seconds left in the game;

Whereas the Pittsburgh Steelers new ''Steel Curtain'' defense, including stars James Harrison, Ryan Clark, Troy Polamalu, James Farrior, Ike Taylor, Larry Foote, Casey Hampton, LaMarr Woodley, Brett Keisel, Deshea Townsend, and Aaron Smith were ranked first in the NFL in overall team defense for the 2008–2009 season;

Whereas the Pittsburgh Steelers defense during the 2008–2009 season allowed the least points scored, lowest average passing yards per game, and the least overall yards per game in the entire NFL;

Whereas head coach Mike Tomlin is the youngest coach to win a Super Bowl championship and has continued in the legendary tradition of head coaches Chuck Noll and Bill Cowher by bringing a Super Bowl championship to Pittsburgh;

Whereas linebacker James Harrison was named the NFL Defensive Player of the Year for the 2008–2009 season;

Whereas team owner Dan Rooney and team President Art Rooney II, the son and grandson, respectively, of Pittsburgh Steelers founder Art Rooney, have remarkable loyalty to Steelers fans and the City of Pittsburgh, and have assembled an exceptional team of players, coaches, and staff that made achieving a championship possible;

Whereas the Pittsburgh Steelers fan base, known as ''Steeler Nation'', was ranked in

August 2008 by ESPN.com as the best in the NFL, citing their current streak of 299 consecutive sold out games going back to the 1972 season; and

Whereas, for 76 years, the people of the City of Pittsburgh have seen themselves in the grit, tenacity, and success of the Pittsburgh Steelers franchise, and they proudly join the team in celebrating their NFL record 6th Super Bowl championship: Now therefore, be it

Resolved, That the House of Representatives congratulates the National Football League Champion Pittsburgh Steelers for winning Super Bowl XLIII and setting a new championship standard for the entire NFL.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I now yield myself such time as I may consume.

As chairman of the House Subcommittee on Federal Workforce, Post Office, and the District of Columbia, and on behalf of the House Oversight and Government Reform Committee, I'm pleased to join my colleagues from the State of Pennsylvania, even though this may be a little painful for me as a New England Patriots fan, but I do heartily join them in congratulating the Pittsburgh Steelers in the consideration of House Res. 110, which provides for the recognition of the National Football League's champion Pittsburgh Steelers for winning Super Bowl XLIII and for becoming, indeed, the most successful franchise in NFL history by capturing their sixth Super Bowl title. I also want to take this opportunity to welcome our new ranking member, Mr. CHAFFETZ from Utah, in his new role as ranking member of the committee.

House Resolution 110 was introduced by Representative MIKE DOYLE of Pennsylvania, of Pittsburgh, on February 3, 2009, and currently has the support of over 60 Members in cosponsorship, including myself. Also through the courtesy of Chairman TOWNS, the measure has been considered and approved by the Oversight Committee and now comes to the House floor as a means of highlighting the Steelers' successful 2008–2009 NFL season and their Super Bowl victory.

Mr. Speaker, the Pittsburgh Steelers stand as one of sporting history's greatest franchise stories. Founded back in 1933 during the heyday of Pittsburgh's steel-producing era by the legendary Art Rooney, or who many refer to as ''The Chief,'' the Steelers are the fifth oldest NFL franchise. And as a result of their remarkable win against the Arizona Cardinals in Super Bowl XLIII, the Steelers are now the most successful NFL team with six Super Bowl rings.

Led by Coach Mike Tomlin, the youngest coach to capture the coveted Lombardi trophy, the Steelers road to Super Bowl XLIII was lined with its fair share of advancements and challenges as the Steelers moved through the hardest ranked 2008–2009 NFL schedule, a road that I must mention, came through Foxboro, Massachusetts, the home of my beloved New England Patriots. And that road ended in Tampa Bay, Florida, with the unforgettable game winning touchdown pass from Ben Roethlisberger to Santonio Holmes in the waning seconds of the fourth quarter.

For this accomplishment, Mr. Speaker, we stand to commend the Pittsburgh Steelers, their franchise, their organization, the players, coaches and the Rooney family, and of course, the supportive fans that make up the ''Steeler Nation,'' on a job well done. As the city of Pittsburgh and its surrounding countryside continue to celebrate its 250th anniversary, I'm certain that the Steelers win in Super Bowl XLIII only adds to the occasion of such a historical landmark.

In closing, I urge adoption of House Resolution 110.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 110, congratulating the Pittsburgh Steelers for winning Super Bowl XLIII and becoming the most successful franchise in NFL history with their record sixth Super Bowl title.

Mr. Speaker, the Steelers 27–23 victory over the Arizona Cardinals in Tampa, Florida, on February 1, 2009, marked a truly historic moment in NFL history in several ways. The victory marked the sixth Super Bowl win for the Steelers, giving them more Super Bowl titles than any other team in the history of the National Football League. It also gave rise to a new nickname for the storied franchise that has many nicknames, ''Sixburgh.''

This is the first Super Bowl win for Coach Mike Tomlin, who became the youngest coach in NFL history to win the championship game. In only his second season as the Steelers head coach, he joins the ranks of other legendary Steelers coaches, Chuck Noll and Bill Cowher.

This epic win came against a dangerous and surprising underdog. This is the first appearance in franchise history for the Arizona Cardinals. The unlikely Super Bowl contender shook off their reputation as being one of the most dysfunctional teams in the NFL. The Cardinals soared through the NFC playoffs, which ended with a convincing win over the heavily fortified Philadelphia Eagles.

In a game marked by miraculous receptions and tremendous plays, who could forget one of the most exciting, and longest, plays in Super Bowl history? With Arizona on the Pittsburgh 2 yard line, poised to take a 14–10 lead with 18 seconds left in the first half, Pittsburgh linebacker, James Harrison, the NFL's defensive MVP, picked off Kurt Warner's pass at the Pittsburgh goal line. Harrison rumbled and stumbled 100 yards for a Steelers touchdown and a 17–7 half-time lead.

While Pittsburgh largely outplayed Arizona for most of the game, the hopes of the Cardinals fans took flight when Kurt Warner hit receiver Larry Fitzgerald for a 64-yard touchdown pass putting the Cardinals up 23–20 with 2:37 left in the game. But those hopes came crashing to the ground when Steelers quarterback, Ben Roethlisberger, engineered a 78-yard drive culminating in a touchdown pass to Santonio Holmes, who made a stunning, acrobatic catch with 35 seconds left to give the Steelers the lead and, after a stalled Cardinals drive, their historic sixth Lombardi trophy.

Regardless of who you were rooting for, this was widely regarded as one of the greatest Super Bowl games in recent memory, and the fans at home agreed. According to Nielsen Media Research data, the game had 151.6 million viewers, which made it the most-viewed program in television history.

With that, I would like to congratulate the owners of the Steelers, the great Rooney family, my colleague, Mr. ROONEY, from Florida, the coaches and players as well as ''Steeler Nation'' and the legions of Terrible Towel waving fans in Pittsburgh and across the country.

Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, at this point, I would like to yield to the chief sponsor of this resolution, the gentleman from Pittsburgh, MIKE DOYLE, for 5 minutes.

Mr. DOYLE. Mr. Speaker, I was hoping that I would get 6 minutes, 1 minute for each Super Bowl. But we will settle for 5. I can't tell you how courageous it is to hear my good friend and colleague, Mr. LYNCH, a New England Patriot fan, have to stand up here on the House floor and say such wonderful things about the Pittsburgh Steelers. I'm sure this is going to hurt him back home in his district. And STEVE, I appreciate those gracious words.

This was a gritty team. In the beginning of the season, not too many people picked the Pittsburgh Steelers to be in the Super Bowl. We were said to have the toughest schedule in the NFL. And there was some talk that we might not even win our division. Cleveland

was seen as the up-and-coming team in our division, and with the schedule, things just didn't look like they were going to fall in place with the Steelers.

We had a young coach, Mike Tomlin, 36 years old. He has only been head coach for a couple of years. And Pittsburgh just wasn't one of the teams mentioned when you talked about who is going be in the Super Bowl. But this was a gritty team, emblematic of the people they play for, the people of the city of Pittsburgh. And they finished the season with a 12–4 record.

When you look at the four toughest schedules in the NFL, three of those four teams didn't finish with winning records. Only one did, the Pittsburgh Steelers. And they did it behind the Nation's best defense, the number one defense in the NFL, the Pittsburgh Steelers. We went on to beat the San Diego Chargers and the Baltimore Ravens to get into the Super Bowl. And then one of the most exciting games I have ever seen in my lifetime, and I have watched lots of Steeler football, and I want to compliment the Arizona Cardinals, that team played a great game. I don't think many people mentioned the Arizona Cardinals when it came to who was going to be in the Super Bowl either. And they deserve a lot of credit for the way they played that game and how hard they fought.

Pittsburgh really dominated them for quite some time, and they came back in the fourth quarter. And for a while, it looked like we didn't know what hit us. But then, as Ben Roethlisberger has done 18 other times in his career, he took the Steelers down on a final drive to win the ball game with just 35 seconds left as Santonio Holmes made a catch that was ballerina like in the way he was able to keep his two feet in bounds. And when we first saw it on television, it looked like he was out of bounds. But the replay clearly showed that he had caught that ball. So Pittsburgh now has been in seven Super Bowls. We have won six of them.

As someone who has been born and raised in Pittsburgh, my grandparents, when they came from Ireland and Italy, they ended up in the little town of Pittsburgh. We've been there ever since. I can tell you that this is a blue collar team, a team that plays with grit, determination and character. And that character is emblematic of the ownership of the Steelers, the Rooney family. There isn't a better family in football. And the Steelers played because of the way the Rooney family has set the standard for that. We are privileged in the House of Representatives to have the grandson of the founder of the Pittsburgh Steelers here, and one of my chief cosponsors of the bill.

So along with the entire Pennsylvania delegation, my colleagues, TIM MURPHY and JASON ALTMIRE, we want to congratulate the Rooney family. We want to congratulate the people of the city of Pittsburgh. This team epitomizes the tough, resilient spirit of the city of Pittsburgh in southwestern Pennsylvania. I'm proud to represent these folks. And I hope my colleagues will join me in recognizing six-time Super Bowl champs, the Pittsburgh Steelers, on the occasion of this latest victory.

Mr. Speaker, do I have any time left?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 1½ minutes remaining.

Mr. DOYLE. I normally don't yield to people from cities that have sore losers. But my good friend, Mr. STUPAK, who represents the Green Bay Packers, has asked for some time to dispute the resolution. And I guess in the spirit of camaraderie, I will yield him some time.

Mr. STUPAK. I thank the gentleman for yielding and thank him for his friendship.

As you know, I have been to Pittsburgh. We went to the new stadium in Pittsburgh when the Steelers played. When they opened up the new stadium, we were there. I congratulate the Pittsburgh Steelers on their sixth Super Bowl ring and their championship this year. But the last part of your resolution, and every football fan knows, that the standard for the entire NFL for championships is the Green Bay Packers with 13, with 13.

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So I would ask the gentleman, you don't want to lower the standard, obviously, that we should recognize the fact that the standard for championships, as your resolution says, in the entire NFL belongs to the Green Bay Packers, and not to my other nice team, the Pittsburgh Steelers.

So I just want to make note of it that I think all of us being football fans recognize the fact that the standard for NFL championships is with the Green Bay Packers.

Mr. DOYLE. Reclaiming my time, Mr. Speaker, I would just say to my good friend from Green Bay, I feel your pain. I understand what it's like to be on the losing end. You know, Pittsburgh went through 40 years of teams that didn't have winning records, so we understand how it feels to be a Green Bay fan.

Mr. CHAFFETZ. Mr. Speaker, I yield 3 minutes to my distinguished colleague from the State of Florida (Mr. ROONEY).

Mr. ROONEY. Mr. Speaker, thank you to Congressman DOYLE for sponsoring this bill. You know, it's not really in our family's disposition to sort of brag on itself, but given the opportunity that I have as a new Member of this Congress and the accomplishments that we've had, I'll do so briefly.

Our old quarterback, Terry Bradshaw, called my grandfather, Art Rooney, a good king. But for 40 years, MIKE, as you said, the Pittsburgh Steelers never won. And then the chief, who founded the team in 1933, saw his team win four Super Bowls in the 1970s, before he died in 1988. Now, we have two more in the last couple of years, and that's six, more than any team ever. I know my grandfather is up there in heaven looking down, smiling, smoking a cigar. I miss him every day, and I love him very much.

My Uncle, Dan, and my cousin, Artie, have done a great job carrying his torch, but the other owners in my family who are part of this team, my Uncle Art, who scouted all those players you saw play in the 1970s that won four Lombardi trophies, my Uncle Tim of New York, my Uncle John of Philadelphia, my dad, Pat Rooney, Sr. of Florida, and the McGinleys, all ''North Siders'' of Pittsburgh, but all make up the ownership of the Pittsburgh Steelers and play a role in who the Rooneys are and how they conduct business.

Instilled by my grandfather, the secret of the success of the Pittsburgh Steelers and the Rooney family is, quite simply, patience, humility, faith, trust in our coaches and our players, but most importantly, defense. Defense.

I want to say congratulations to our coaches, Mike Tomlin and Dick LeBeau, who should be in the Hall of Fame, our front office, our players, Glades Central High School MVP Santonio Holmes, James Harrison, with the longest touchdown in Super Bowl history. But most of all to Steeler Nation, get ready for Number 7 in 2009.

Go Steelers.

Mr. LYNCH. Madam Speaker, at this time I would like to yield 2 minutes to Mr. SCOTT of Virginia.

Mr. SCOTT of Virginia. Madam Speaker, I rise today to congratulate the Pittsburgh Steelers on their historic sixth Super Bowl victory. In a game that was exciting down to the last minute, the Steelers defeated the Arizona Cardinals 27–23 in Super Bowl XLIII on Sunday, February 1, 2009.

Now, I want to deliver a special note of congratulations to the head coach of the team, Mike Tomlin. Coach Tomlin is a native of the Third Congressional District of Virginia. He's a product of the Newport News public schools, graduating from Denbigh High School in 1990. Mike was a 3-year starter at the College of William and Mary football team, and graduated from the college in 1994.

Mike's dedication to coaching at the professional level places him in the pantheon of great coaches that the Steelers have had over the last 53 years, including Chuck Noll and Bill Cowher.

But what many people do not know about Coach Tomlin is that his dedication to coaching comes from the impact that coaches and other role models have had in his life. His biggest role model was his stepfather, who came into his life at the age of six and, according to Tomlin, taught him what it was to be a man. In describing the impact his father had on him, Mike said, and I quote, ''I had big dreams when I was a child. But without my dad, those dreams might not have come true. He brought stability to my life. He made my world a safe place in which to think, to learn, and yes, to dream. I would not be coaching the Steelers in the Super Bowl today if it weren't for the man who walked into my life when I was a young boy and became my dad.''

Mike has never forgotten the impact his father had on him and has dedicated himself to be that kind of role model, both to his immediate family, and in the community.

And now, Madam Speaker, I include the following article entitled ''Coach Makes a Difference for Many on the Peninsula; Those who know him say Mike Tomlin relishes his status as a role model'' for the RECORD to highlight the work that Mike has done in his hometown community. It was published in the Daily Press on February 1.

I'd like to once again congratulate Coach Tomlin and the entire Pittsburgh Steelers team on their historic victory.

COACH MAKES A DIFFERENCE FOR MANY ON PENINSULA—THOSE WHO KNOW HIM SAY MIKE TOMLIN RELISHES HIS STATUS AS A ROLE MODEL

(By Dave Fairbank)

Larry Orie watched Mike Tomlin grow up. Saw him play youth sports. Attended his football games at Denbigh High and later at William and Mary.

A close friend of Tomlin's parents since high school, Orie followed Tomlin's coaching career when he reached the National Football League. He attended games and visited Tomlin at professional coaching stops in Tampa, Minnesota and now as head coach of the Pittsburgh Steelers.

''What I find about him is he's the same all the time,'' said Orie, a retired Newport News fire chief. ''He's constant. He wants to give back to the community. He's a role model, even for older folks like me. * * * He definitely wants to be a role model for the community, especially for where he came from.''

That's why Orie, in his capacity as vice president for membership of the 100 Black Men of the Virginia Peninsula, recommended that the organization recognize Tomlin during its annual gala in April.

''Larry said, 'This is a great guy,' '' chapter President Everett Browning said. ''He's not just a football coach. This is a person we want our kids to know about and model their lives after.''

Tomlin—who will attempt to become the youngest head coach to win a Super Bowl today, when the Steelers face the Arizona Cardinals—was the first sports figure selected as Role Model of the Year in the 16 years of the local chapter of 100 Black Men, the national organization dedicated to improving the lives and opportunities of young blacks.

The group usually honors business, political and community leaders, all of whom have longer resumes than the 36-year-old Tomlin. In the past, it has recognized such figures as former Gov. Doug Wilder, U.S. Rep. Robert C. ''Bobby'' Scott Jr. and Hampton University President William Harvey.

After spending time around Tomlin on that April day, Browning was convinced that the group had chosen wisely. What sold Browning wasn't Tomlin's demeanor and message the night of the affair but an appearance that morning.

Tomlin spoke to more than 100 high school and middle school students at the Downing-Gross Cultural Arts Center in downtown Newport News, where Browning said the coach was sincere, humble and inspirational.

''He said, 'Twenty years ago, I was you guys, sitting down in the audience,' '' Browning remembered. ''A high school student, listening to people trying to tell me about life and the things you need to do to be successful. Let me tell you, what people are telling you is the truth.''

Browning said of Tomlin, ''He said he lived his life by the code of being a hard worker, of being true to one's self and realizing if you want to get ahead, you have to make sacrifices. I was just elated to hear him say those things to the students.''

Tomlin doesn't need a black-tie gala or a proclamation in his honor to return to the Peninsula, either.

He took a couple of days' vacation time this past summer and drove from Pittsburgh to attend the Peninsula All-Star Football Camp, the annual affair staged by Hampton native and NFL Players Association communications director Carl Francis.

''I was shocked, but I wasn't shocked,'' Francis said, ''if you know what I mean.''

Tomlin didn't simply put in an appearance and stand in the shade, sipping Gatorade. He was on the field at Christopher Newport University, bouncing around, working up a sweat, coaching kids and chattering endlessly.

''You could see he was excited to be around kids and talk football,'' said Bethel High coach Jeff Nelson, who also worked the camp. ''Sometimes you see a head coach of a big-time program or an NFL team in a setting like that, and you get the feeling that they're above everybody. With him, he was like one of the kids, running around and coaching. Kids feed off that.''

Francis said, ''I am tremendously grateful to Mike for what he's done for me and our camp. His humility and generosity are genuine. He's a caring person. There is no armor on Mike.''

Francis' football camp is part of his work with the Hampton Roads Youth Foundation. He remembered that almost two years ago, he had a conversation with Tomlin—shortly after Tomlin became Steelers head coach—about the camp and about lining up speakers for the foundation's annual pre-camp banquet.

''I was using him as a sounding board,'' Francis said. ''I didn't ask him to do anything, and he said, 'Carl, why don't I just do it?'

''I was like, 'Mike, look, you're a new head coach. You've got a million things on your plate. He said, 'No, no, no. Let's get it done. Just tell me when and where, and I'll be there.' ''

Tomlin makes an impression, whether it's speaking to kids in a community center or in the NFL, where he has led the Steelers to the playoffs in both his years as a head coach.

''I think he's very important,'' Francis said.

''I don't know that our area really understands the magnitude of what he's doing and how he's perceived.

''If you listen to people around the National Football League, all the way up to the commissioner's office, they'll tell you that he's made a tremendous impact around the league. His maturity and his ability to communicate with people is remarkable.''

Tomlin, a father of three, has expanded his charitable work to the Pittsburgh area.

He has participated in charity events there and is a member of the group All Pro Dad, an organization with deep NFL ties that helps men become better fathers.

''Most of the kids looking up to athletes think that there's a possibility that they can get there,'' Orie said, ''but there's a lot more that don't get there than do. But having Mike as another alternative—it's just like Mr. Obama being the president now—a kid can look up and say, 'I can do that.'

''He's a good role model because everyone that aspires to be an athlete is not going to be one, and he's an example that you don't have to be one to have a good life and have an impact on people.''

Mr. CHAFFETZ. Madam Speaker, I yield 4 minutes to my distinguished colleague from the State of Pennsylvania (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I thank my friend, MIKE DOYLE from Pittsburgh, for introducing this resolution and helping the Nation know once again what this towel means.

The six pack, Six-burgh, six Lombardi trophies, six Super Bowl wins, six Super Bowl rings, the only team to have achieved that landmark status.

The incredible Super Bowl XLIII champions, from Roethlisberger to Polamalu to Holmes to Miller to Ward to Harrison, a super team that brings pride to Pittsburgh, to Pennsylvania and professional football.

But there is a back story here that needs to be told. How is it that the Steelers are able to do so much? After all, other cities have great teams and great talent. What happens here with this team that unites them so closely with the city and its fans, it's also the Steeler Nation.

First, has to be their attitude about winning, the attitude about pushing themselves harder each week, of playing not just the 60 minutes on the field till the last second ticks off the clock, but playing hard in their practice and being part of the community. It's about that drive to do better each time; knowing that the line for excellence keeps moving up, whatever or wherever it is, you've got to get there. Period. And that's what they do.

Second, it's about trust and loyalty. This is a team that raises loyalty and trust to a whole new standard. Three coaches only in the last 30 years; the Rooney family owning the team from the start, that not only stays loyal to their hometown of Pittsburgh, where it works to make the town better for

their charitable work and quiet leadership. The players trust the coaches and the owners to do the right thing and the best thing. The fans in the city trust the team, and the loyalty shows every Sunday in football season when the black and gold terrible towel waves proudly at every stadium for every game, wherever the Steeler Nation is.

Third, know this: The Steelers aren't just a team, and it's not just a game. They represent the people and our hearts. They aren't some players on the field that we passively watch. We are there on the field with them, and they are with us. During that couple of hours every autumn Sunday, we can dream and we know that all together, we can make dreams come true. This ain't fantasy football. It's the real thing. It's what we believe in. It's what we expect. It's what we all do. And that's why they win.

In the 1970s, Pittsburgh was feeling the pains of the steel industry hurting. But the Steelers were winning. The steel mills were closing down, but the Steelers were winning. The steel jobs were disappearing, but the Steelers were winning. When Pittsburgh was struggling the most, the Steelers were winning the most. Four Super Bowls in the 1970s. We saw and we believed that no matter what, we could still work together and make it, the 11 players on the field and the 12th player all over the country.

And here we are again, a fifth Super Bowl just a few years ago and a sixth a few weeks ago. Again, we may be struggling in our town, in our Nation, but the Steelers find a way to win. The Nation may be hoping we can, but the Steelers Nation know we can and we do. The talent and tenacity of tens of thousands of Terrible Towel wielding fans make it happen.

And the way the Steelers won Super Bowl XLIII was the way we win, fourth quarter, behind in the score, but with an on-the-money throw, a long reach, a fingertip catch and by the tip of the toes, a touchdown that puts them ahead. And that's how they win, and they do it with class.

This is not just the Pittsburgh Steelers. They're the Steelers that are symbolic of our Nation. Being behind doesn't mean you give up. Losing a game doesn't mean you slink off in the sunset and write off the season. Like our Nation, we will keep at it and fight, time and time over again until we win. That's when we play as a team, all with the same goal and determination. We can, we do, we will. Not just champions for the City of Pittsburgh, but for our Nation. Taking a page from their playbook, we will all come from behind, we will all be stronger, better smarter and, as a Nation, just like the Pittsburgh Steelers, we will win.

Mr. LYNCH. Madam Speaker, I continue to reserve.

Mr. CHAFFETZ. Madam Speaker, I yield 3 minutes to my distinguished colleague from the State of Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Growing up in Steeler country, I have long viewed the franchise the golden standard of the NFL. Now in their sixth Super Bowl title the entire world knows what we in central and western Pennsylvania have known for some time, the Steelers are the greatest professional football franchise of all time.

From the ownership to the coaching staff, the players, the fans, the Steelers organization continues to impress me, both on and off the field. Their commitment to enriching the lives of western Pennsylvania's youth and their partnership with the community is as strong today as it was in 1933 when Arthur J. Rooney first founded the team.

To the Rooney family and the team, Coach Tomlin, who I may add is the youngest head coach in history to win a world championship, my good friend from Florida and classmate TOM ROONEY, on behalf of the Fifth District of Pennsylvania, congratulations, and thank you for everything that you do for central and western Pennsylvania.

Mr. LYNCH. Madam Speaker, we continue to reserve.

Mr. CHAFFETZ. Madam Speaker, I yield 1 minute to my distinguished colleague from the State of Illinois (Mr. KIRK).

Mr. KIRK. I might just ask the leadership why we're debating this resolution, taking time away from serious debate on the hidden stimulus bill. Why, as the economy tanks, congressional leaders are voting to borrow $2 trillion, but we're debating National Engineers Week and a football resolution.

Now I watched the game and it was a good game, but it's not our core mission. We should be debating the $2 billion appropriation for, ''neighborhood stabilization'' available to organizations currently under criminal scrutiny like ACORN, a new wellness fund or a government medical effectiveness board now with powers to override decisions of you and your doctor.

When we take up resolutions like this, it's because we are trying to distract Members and the American people from knowing what they cannot read in the stimulus bill. We can debate the Super Bowl, but you know, the results are not in doubt. What we ought to be debating is should we borrow $2 trillion on behalf of the American people and does anyone have that cash.

We debate Engineer Week instead of asking the Fed when you ''monetize'' debt, doesn't that really mean you're printing money?

It's resolutions like this that weaken the reputation of the U.S. House.

The SPEAKER pro tempore (Ms. DEGETTE). The time of the gentleman has expired.

Mr. CHAFFETZ. Madam Speaker, I yield the gentleman from Illinois an additional minute.

Mr. KIRK. It's resolutions like this that weaken the image of this Congress as a serious legislative body. Let's take another look at resolutions like these for what they really are, distractions so that we do not see what is currently happening behind closed doors on the stimulus bill, the growing debt of our country, and decisions by Federal officials to begin printing money.

Mr. LYNCH. Madam Speaker, may I inquire how many more speakers the gentleman has?

Mr. CHAFFETZ. None.

Mr. LYNCH. We will reserve the balance of our time.

Mr. CHAFFETZ. Madam Speaker, I urge all Members to support the passage of H.R. 110, and yield back the balance of my time.

Mr. LYNCH. Again, I ask that all Members support the underlying Resolution 110, congratulating the Pittsburgh Steelers on their Super Bowl championship.

I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 110.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

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SUPPORTING THE GOALS AND IDEALS OF AMERICAN HEART MONTH AND NATIONAL WEAR RED DAY

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 112) supporting the goals and ideals of American Heart Month and National Wear Red Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 112

Whereas heart disease affects adult men and women of every age and race in the United States;

Whereas heart disease continues to be the leading cause of death in the United States;

Whereas an estimated 80,000,000 adult Americans, nearly one in every 3, have one or more types of heart disease, including high blood pressure, coronary heart disease, congestive heart failure, stroke, and congenital heart defects;

Whereas extensive clinical and statistical studies have identified major and contributing factors that increase the risk of heart disease;

Whereas these studies have identified the following as major risk factors that cannot be changed: Age (the risk of developing heart disease gradually increases as people age; advanced age significantly increases the risk), gender (men have greater risk of developing heart disease than women), and heredity (children of parents with heart disease are more likely to develop it themselves; African-Americans have more severe high blood pressure than Caucasians and therefore are at higher risk; the risk is also higher among Latina Americans, some Asian-Americans, and Native Americans and other indigenous populations);

Whereas these studies have identified the following as major risk factors that Americans can modify, treat, or control by changing their lifestyle or seeking appropriate medical treatment: High blood pressure, high blood cholesterol, smoking tobacco products and exposure to tobacco smoke, physical inactivity, obesity, and diabetes mellitus;

Whereas these studies have identified the following as contributing risk factors that Americans can also take action to modify, treat or control by changing their lifestyle or seeking appropriate medical treatment: Individual response to stress, excessive consumption of alcoholic beverages, use of certain illegal drugs, and hormone replacement therapy;

Whereas more than 106,000,000 adult Americans have high blood pressure;

Whereas more than 37,000,000 Americans have cholesterol levels of 240 mg/dL or higher, the level at which it becomes a major risk factor;

Whereas an estimated 43,000,000 Americans put themselves at risk for heart disease every day by smoking cigarettes;

Whereas data released by the Centers for Disease Control and Prevention shows that more than 65 percent of American adults do not get enough physical activity, and more than 39 percent are not physically active at all;

Whereas 66 percent of adult Americans are overweight or obese;

Whereas 24 million adult Americans have diabetes and 65 percent of those so afflicted will die of some form of heart disease;

Whereas the American Heart Association projects that in 2009 1,200,000 Americans will have a first or recurrent heart attack and 452,000 of these people will die as a result;

Whereas in 2009 approximately 800,000 Americans will suffer a new or recurrent stroke and 160,000 of these people will die as a result;

Whereas advances in medical research have significantly improved our capacity to fight heart disease by providing greater knowledge about its causes, innovative diagnostic tools to detect the disease, and new and improved treatments that help people survive and recover from this disease;

Whereas Congress by Joint Resolution approved on December 30, 1963 (77 Stat. 843; 36 U.S.C. 101), has requested that the President issue an annual proclamation designating February as ''American Heart Month'';

Whereas the National Heart, Lung, and Blood Institute of the National Institutes of Health, the American Heart Association, and many other organizations celebrate ''National Wear Red Day'' during February by ''going red'' to increase awareness about heart disease as the leading killer of women; and

Whereas every year since 1964 the President has issued a proclamation designating the month February as ''American Heart Month'': Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of American Heart Month and National Wear Red Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Madam Speaker, I now yield myself such time as I may consume.

On behalf of the House Committee on Oversight and Government Reform, under the leadership of our new chairman, the Honorable EDOLPHUS TOWNS of New York, I am pleased to stand in support of House Resolution 112, which expresses support for the goals and ideals of both the American Heart Month and for National Wear Red Day.

The measure now before us was authored by Representative CHRIS LEE of New York, and it enjoys the cosponsorship of nearly 60 Members of Congress. On Wednesday, February 11, the House Oversight Committee took up House Resolution 112 and reported the bill favorably, which brings us to today's consideration of this thoughtful, commemorative resolution.

Madam Speaker, House Resolution 112 is designed to support the goals of American Heart Month, which is annually commemorated during the month of February as a way of highlighting the devastating impact of cardiovascular disease on our Nation. In fact, heart disease, including stroke, serves as the number one killer of Americans. Since 1963, the American Heart Association and Congress have worked collectively to draw our attention to the causes and effects of heart disease, and I am happy to be joining the gentleman from New York today as we continue to emphasize the need for greater research and awareness of heart disease through House Resolution 112.

In addition to American Heart Month, House Resolution 112 also expresses support for National Wear Red Day, which this year was held on Friday, February 6. National Wear Red Day is designed to support the fight against heart disease in women by encouraging Americans to wear red at their workplaces, in places of worship, out in their communities or at home. While a simple concept in theory, in practice, National Wear Red Day is a powerful way of raising awareness among our population of heart disease and stroke among women.

Madam Speaker, given the worthy causes prompted by the American Heart Month and by National Wear Red Day, I stand in full support of House Resolution 112, and I urge my colleagues to do the same by voting in support of the resolution.

I now reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of this resolution, urging the support of the American Heart Month and National Wear Red Day.

In 1963, Congress required the President to proclaim February as American Heart Month in an effort to bring awareness and to urge Americans to join the battle against today's number one killer, heart disease.

Heart disease has and remains the leading cause of death in the United States of America. Its tragic grip encompasses men, women and children of every age and race in every State in our Nation. Approximately one in three adult Americans have one or more types of heart disease, including high blood pressure, coronary heart disease, congestive heart failure, stroke, and congenital heart disease.

There are currently 106 million Americans diagnosed with high blood pressure. A staggering 66 percent of adult Americans are overweight or are obese, and 43 million Americans are at risk for heart disease because of smoking. All of these lifestyles, among many others, have a direct impact on heart disease, therefore, making it imperative that we should sound the alarm and should remain supportive of heart disease awareness programs. By exercising regularly, by avoiding tobacco, by limiting the consumption of alcohol, by following a nutritious diet and by monitoring high cholesterol and high blood pressure, we can all work to decrease the chances of developing cardiovascular disease.

Although heart disease does not care what you wear, which is a slogan used by the National Heart, Lung and Blood Institute as part of American Heart Month, February 6 is National Wear Red Day, a day when people across the United States wear red to show their support for women's heart disease awareness.

Studies show that women tend to receive delayed emergency heart care compared to men because their symptoms are less recognized; although, women account for more than half of the total heart disease deaths. There are currently a number of initiatives that are underway to raise awareness of the dangers of cardiovascular disease in women. However, the challenging work of promoting awareness continues as cardiovascular disease increases in the country.

While encouraging all citizens to take advantage of regular screenings and to consult their doctors about reducing the risks for heart disease, I am proud to do my part through the support of this resolution. It is also important that we support organizations such as the American Heart Association, the National Institutes of Health and many other organizations that celebrate National Wear Red Day. American Heart Month in February is an effort to educate the public, to promote awareness and to fund the research of this serious disease.

Madam Speaker, I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, I continue to reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield as much time as he may consume to my distinguished colleague from the State of New York, Mr. LEE.

Mr. LEE of New York. Madam Speaker, as we all know, the United States has marked American Heart Month every February for the last 45 years.

I want to thank the chairman, Mr. TOWNS, and the ranking member, Mr. ISSA, for their cooperation in getting this resolution to the floor so quickly. I also want to thank our nearly 60 cosponsors from both sides of the aisle.

Two years ago, I lost my father-in-law to heart disease. Ironically, three nights ago, a very close friend of mine—49 years old, in the best shape of his life—had a stroke. So it tells you this can strike at any time and anywhere to anyone.

Heart disease and stroke affect more people in western New York than anywhere else in the country. Here are some other facts: The rate of stroke death in western New York is 23 percent higher than the national rate and is 79 percent higher than the aggregate New York State rate. Heart disease kills ten times as many women in western New York as breast cancer and six times as many women as lung cancer. Of course, heart disease remains the number one cause of death for both women and men throughout the United States.

The one fact that troubles me greatly is that only 58 percent of western New York residents report visiting doctors on a routine basis or having their blood pressure and cholesterol checked. That number is just simply too low.

The one thing we can do is raise public awareness for both heart disease and stroke without spending a dime. We just need to talk to family and friends about the warning signs of these silent killers and what preventative steps we can take to ensure it does not happen. The simple act of going to a doctor or even visiting the American Heart Web site may be all it takes to save a life.

I also want to point out that this resolution also recognizes the importance of National Wear Red Day. Last Friday, companies, organizations and cities across America, including Rochester and Buffalo, New York, showed their support for women's heart disease awareness by wearing red.

I am also entering into the RECORD a letter from the American Heart Association in support of this resolution and the goals and ideals of American Heart Month.

I hope that, in addition to the passage of this resolution, my colleagues will join me in talking to constituents so as to raise awareness of these deadly diseases.

AMERICAN HEART ASSOCIATION,
Washington, DC, February 12, 2009.

Hon. CHRIS LEE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LEE: On behalf of the American Heart Association and our more than 22 million volunteers and supporters nationwide, thank you for your leadership in introducing your Congressional resolution (H. Res. 112) supporting the goals and ideals of American Heart Month and National Wear Red Day. The Association is pleased to support this resolution.

As you know, heart disease, stroke and other cardiovascular diseases remain the No. 1 killer and a major cause of permanent disability in the United States. And although one in three American adults suffer from some form of cardiovascular disease, too many people still don't know the risk factors, warning signs, or steps they can take to reduce their risk.

Each year in February, we recognize American Heart Month as a way of reaffirming our national commitment to fighting heart disease and raising awareness among Americans about the need to know their risk for heart disease and to take action to reduce that risk. Likewise, we recognize the first Friday of each February as National Wear Red Day to raise awareness among women and their healthcare providers about heart disease as the leading killer of women.

We applaud your efforts to help educate your constituents and Americans nationwide about heart disease, its risk factors and warning signs. You're making a real difference in people's lives.

Thanks again for introducing this resolution. Please don't hesitate to call on the American Heart Association and our American Stroke Association division again in the future if we can be of assistance to you on health policy issues or concerns.

Sincerely,

SUE A. NELSON,
Vice President, Federal Advocacy.

Mr. CHAFFETZ. Madam Speaker, I urge all Members to support the passage of H. Res. 112. I congratulate my colleague, Mr. LEE, for his important work on this resolution.

I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, again, I join my colleagues across the aisle in supporting the underlying resolution (H. Res. 112), and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 112.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COMMEMORATING ABRAHAM LINCOLN ON THE BICENTENNIAL OF HIS BIRTH

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 139) commemorating the life and legacy of President Abraham Lincoln on the bicentennial of his birth.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 139

Whereas Abraham Lincoln was born on February 12, 1809, to modest means, in a one-room log cabin in Kentucky;

Whereas Abraham Lincoln spent his childhood in Indiana, and, despite having less than a year of formal schooling, developed an avid love of reading and learning;

Whereas Abraham Lincoln arrived in Illinois at the age of 21;

Whereas, while living in Illinois, Abraham Lincoln met and married his wife, Mary Todd Lincoln, built a successful legal practice, served in the State legislature of Illinois, was elected to Congress, and participated in the famous ''Lincoln-Douglas'' debates;

Whereas Abraham Lincoln left Illinois 4 months after being elected President of the United States in 1860;

Whereas Abraham Lincoln was the first member of the Republican party elected President of the United States and helped build the Republican party into a strong national organization;

Whereas, after his election and the secession of the southern States, Abraham Lincoln steered the United States through the most profound moral and political crisis, and the bloodiest war, in the history of the Nation;

Whereas, by helping to preserve the Union and by holding a national election, as scheduled, during a civil war, Abraham Lincoln reaffirmed the commitment of the people of the United States to majority rule and democracy;

Whereas the Emancipation Proclamation signed by Abraham Lincoln declared that slaves within the Confederacy would be forever free and welcomed more than 200,000 African-American soldiers and sailors into the Armed Forces of the Union;

Whereas the Emancipation Proclamation signed by Abraham Lincoln fundamentally transformed the Civil War from a battle for political unity to a moral fight for freedom;

Whereas the faith Abraham Lincoln had in democracy was strong, even after the bloodiest battle of the war at Gettysburg;

Whereas the inspiring words spoken by Abraham Lincoln at Gettysburg still resonate today: ''that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth'';

Whereas Abraham Lincoln was powerfully committed to unity, turning rivals into allies within his own Cabinet and welcoming the defeated Confederacy back into the Union with characteristic generosity, ''with malice toward none; with charity for all'';

Whereas Abraham Lincoln became the first President of the United States to be assassinated, days after giving a speech promoting voting rights for African-Americans;

Whereas, through his opposition to slavery, Abraham Lincoln set the United States on a path toward resolving the tension between the ideals of ''liberty and justice for all'' espoused by the Founders of the United States and the ignoble practice of slavery, and redefined what it meant to be a citizen of the United States;

Whereas, in his commitment to unity, Abraham Lincoln did more than simply abolish slavery; he ensured that the promise that ''all men are created equal'' was an inheritance to be shared by all people of the United States;

Whereas the story of Abraham Lincoln and the example of his life, including his inspiring rise from humble origins to the highest office of the land and his decisive leadership through the most harrowing time in the history of the United States, continues to bring hope and inspiration to millions in the United States and around the world, making him one of the greatest Presidents and humanitarians in history; and

Whereas February 12, 2009, marks the bicentennial of the birth of Abraham Lincoln: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commemorates the bicentennial of the birth of President Abraham Lincoln;

(2) recognizes and echoes the commitment of Abraham Lincoln to what he called the ''unfinished work'' of unity and harmony in the United States; and

(3) encourages the people of the United States to recommit to fulfilling the vision of Abraham Lincoln of equal rights for all.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Madam Speaker, I now yield myself as much time as I may consume.

On this exact day 200 years ago, the great Abraham Lincoln was born in a small cabin in Hardin County, Kentucky. Therefore, it is with extreme honor and admiration that I stand before the American people today to call up House Resolution 139, which celebrates both the life and legacy of President Abraham Lincoln which he left behind.

House Resolution 139 was introduced by Representative HARE from the Land of Lincoln—the State of Illinois. It is cosponsored by some 63 Members of Congress. I thank the gentleman for introducing the measure which gives us the opportunity to, once again, highlight the accomplishments and greatness of our 16th President.

Born into very humble beginnings, Abraham Lincoln was a self-educated man who would rise from his midwestern roots to lead our Nation through its most divisive moments. A fervent believer in the principles of the Declaration of Independence, Abraham Lincoln fought for the rights of all Americans and for the preservation of the Union, the very union that makes us one Nation under God, indivisible, with liberty and justice for all.

It was in this same spirit that Lincoln wrote in his second inaugural address that it is ''with malice toward none, with charity for all; with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in.''

Madam Speaker, as we tackle our country's economic crisis, let us be reminded of Lincoln's famous words and work together to carry out the people's business in order that we may form a perfect Union.

I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield myself as much time as I may consume.

It is a personal honor, thrill and privilege to stand in this body at this time and to recognize such an American hero. I rise today to pay honor and tribute to the life of Abraham Lincoln, our 16th President, on the 200th anniversary of his birth.

Born in modest circumstances in Hardin County, Kentucky, this great man went on to have a profound effect on the life and times of this Nation for over two centuries. President Lincoln's service to his country began in 1832 when he served with distinction and was elected to the rank of captain in an Illinois militia company in the Black Hawk War.

After completing his military service, he was elected to the State legislature in 1834 where he served the citizens of Sangamon County until 1840.

In 1846, President Lincoln moved on to serve in the U.S. House of Representatives, serving one term before he decided not to seek reelection and return to the private sector as a lawyer.

Spurred by the turmoil that gripped the Nation after the passage of the Kansas-Nebraska Act of 1854, Mr. Lincoln decided to reenter the public arena, lending his clarion voice to the causes of liberty.

Notably, while addressing the opponents of the repeal of the Missouri Compromise in Peoria, Illinois in July 1854, the then former Congressman Lincoln declared, ''No man is good enough to govern another man without the other's consent.''

Four years later in 1858, Mr. Lincoln continued to be troubled by the practice of slavery, and wrote, ''As I would not be a slave, so I would not be a master. This expresses my idea of democracy.''

In the following year, in a letter to Massachusetts Representative Henry L. Pierce, Mr. Lincoln wrote: ''Those who deny freedom to others deserve it not for themselves.''

Abraham Lincoln's views clearly resounded with the American people, and he was elected the President of the United States in 1860 during the national crisis that would ultimately lead to the Civil War in America. Abraham Lincoln's singular vision that the Union must be preserved guided this Nation through some of its darkest days. Reelected in 1864, Mr. Lincoln lived to see the end of the war and the abolishment of slavery.

□ 1430

Sadly, only 6 weeks into his second term, the President was shot and killed at Ford's Theater.

Two hundred years after he was born, this humble man of great courage and conviction continues to be one of our country's most beloved statesmen.

To this very day, he continues to symbolize through his writings and deeds the promises of liberty, equality, and humility first put forth in our founding declaration.

I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, at this time I'd like to recognize the gentleman who is the lead sponsor of this resolution, the distinguished gentleman from Illinois (Mr. HARE), for 5 minutes.

Mr. HARE. I thank my friend for yielding.

Madam Speaker, I rise today in strong support of House Resolution 139, commemorating the life and legacy of Abraham Lincoln on the bicentennial of his birth. As a Member who proudly represents west central Illinois—the Land of Lincoln—I was honored to introduce this resolution.

My congressional district includes Decatur where Abraham Lincoln found his political voice at the young age of 21. Illinois' 17th District is also home to three sites of the famous Lincoln-Douglas debates that carried the future President to national prominence. Not far is the town of Springfield, Illinois, which Lincoln himself said, ''To this place, and the kindness of these people, I owe everything.''

Today, February 12, 2009, marks the 200th anniversary of President Lincoln's birth and provides the entire country an opportunity to reflect on the life and the contributions of this great man.

Madam Speaker, at a time of great division, President Lincoln played a central role in our Nation's history. His mission to preserve the Union ultimately resulted in the abolition of slavery. On January 1, 1863, President Lincoln issued the Emancipation Proclamation that declared forever free southern slaves. Still today, two centuries after his birth, President Lincoln's leadership continues to serve as an example and an inspiration to people all over the world.

I ask my colleagues to vote ''yes'' on House Resolution 139 and join me in celebrating Illinois' favorite son. I would also like to thank Lincoln scholar Harold Holzer for working with me to craft this legislation, and acknowledge Senator RICHARD DURBIN, Transportation Secretary Ray LaHood, and other members of the Abraham Lincoln Bicentennial Commission for their efforts to ensure the legacy of Lincoln's service and sacrifice is honored and will never be forgotten.

Mr. CHAFFETZ. Madam Speaker, I have no other speakers at the moment, and I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, I urge that all Members join us in supporting the underlying resolution.

I yield back the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I urge all Members to support the passage of H. Res. 139.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to support H. Res. 139 ''Commemorating the life and legacy of President Abraham Lincoln on the bicentennial of his birth.''

Madam Speaker, this resolution recognizes the 200th anniversary and the accomplishments of the 16th President of the United States of America, Abraham Lincoln.

The great state of Illinois has contributed immensely to the progression of America. Illinois has produced three African American Senators; Carol Mosely Braun, now President Barack Obama, and ROLAND BURRIS, which is more than any other state. It is the achievements of perhaps Illinois' greatest son, Abraham Lincoln, which can be credited for this feat.

He was a true champion of liberty for all Americans, and he led the Nation during very turbulent political times from the Civil War. Abraham Lincoln was portrayed as a self-made man, the liberator of the slaves, and the savior of the Union who had given his life so that others could be free. President Lincoln became Father Abraham, a near mythological hero, ''lawgiver'' to African Americans, and a ''Masterpiece of God'' sent to save the Union. His humor was presented as an example of his humanity; his numerous pardons demonstrated his ''great soul''; and his sorrowful demeanor reflected the burdens of his lonely journey as the leader of a ''blundering and sinful'' people.

Abraham Lincoln was born on February 12, 1809, to Thomas Lincoln and Nancy Hanks, two uneducated farmers, in a one-room log cabin on the 348-acre Sinking Spring Farm, in southeast Hardin County, Kentucky. Lincoln began his political career in 1832, at age 23, with an unsuccessful campaign for the Illinois General Assembly, as a member of the Whig Party.

Lincoln was a true opponent of injustice. In 1837, he made his first protest against slavery in the Illinois House, stating that the institution was ''founded on both injustice and bad policy.''

Opposed to the 1854 Kansas-Nebraska Act, Lincoln spoke to a crowd in Peoria, Illinois, on October 16, 1854, outlining the moral, political and economic arguments against slavery that he would continue to uphold throughout his career.

His ''Western'' origins also appealed to the newer states: other contenders, especially those with more governmental experience, had acquired enemies within the party and were weak in the critical western states, while Lincoln was perceived as a moderate who could win the West.

On November 6, 1860, Lincoln was elected as the 16th President of the United States. In his First Inaugural Address, Lincoln declared, ''I hold that in contemplation of universal law and of the Constitution the Union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments,'' arguing further that the purpose of the United States Constitution was ''to form a more perfect union.''

Lincoln possessed a keen understanding of strategic points and understood the importance of defeating the enemy's army, rather than simply capturing cities. He had, however, limited success in motivating his commanders to adopt his strategies until late 1863, when he found a man who shared his vision of the war in Ulysses S. Grant. Only then could he insist on using African American troops and relentlessly pursue a series of coordinated offensives in multiple theaters.

Throughout the war, Lincoln showed a keen curiosity with the military campaigns. He spent hours at the War Department telegraph office, reading dispatches from his generals. He visited battle sites frequently, and seemed fascinated by scenes of war.

The Emancipation Proclamation, freed slaves in territories not already under Union control. Lincoln later said: ''I never, in my life, felt more certain that I was doing right, than I do in signing this paper.''

As the war was drawing to a close, Lincoln became the first American President to be assassinated. On April 14, 1865. As a lone bodyguard wandered, and Lincoln sat in his state box, John Wilkes Booth crept up behind the President and fired a single fatal shot into the President. However, his triumphs live on far past this date.

In 1982, forty-nine historians and political scientists were asked by the Chicago Tribune to rate all the Presidents through Jimmy Carter in five categories: leadership qualities, accomplishments/crisis management, political skills, appointments, and character/integrity. At the top of the list stood Abraham Lincoln. The judgment of historians and the public tells us that Abraham Lincoln was the nation's greatest President by every measure applied.

Because he was committed to preserving the Union and thus vindicating democracy no matter what the consequences to himself, the Union was indeed saved. Because he understood that ending slavery required patience, careful timing, shrewd calculations, and an iron resolve, slavery was indeed killed. Lincoln managed in the process of saving the Union and killing slavery to define the creation of a more perfect Union in terms of liberty and economic equality that rallied the citizenry behind him. Because he understood that victory in both great causes depended upon purposeful and visionary presidential leadership as well as the exercise of politically acceptable means, he left as his legacy a United States that was both whole and free. His great achievement, historians tell us, was his ability to energize and mobilize the nation by appealing to its best ideals while acting ''with malice towards none'' in the pursuit of a more perfect, more just, and more enduring Union.

Madam Speaker, President Lincoln has paved the way for people of color such as myself to serve in Congress and represent the people of the 18th District of Texas proudly. He has been a trailblazer, opening the door for our first African American President, President Barack Obama.

Today we celebrate the life of President Abraham Lincoln. He has given America many victories. Importantly, his presidency opened the door to ensure that all Americans would be assured their constitutional freedoms and that all Americans would enjoy the triumph against oppression and injustice. President Lincoln has lit the candle, let us today continue to carry it and make sure that it will never go out.

I thank my colleague, Representative PHIL HARE, of Illinois, for introducing this important legislation, to ensure that we celebrate, treasure and recognize the impact of President Abraham Lincoln as a national treasure and I urge my colleagues to join me in supporting this resolution.

Ms. SCHAKOWSKY. Madam Speaker, I rise today to add my voice in celebration of today's Lincoln Bicentennial. In Illinois—the Land of Lincoln—we always cherish our 16th President, taking pride in a man who steered this nation through turbulent times and whose legacy continues to guide us today. Today we all join in recognizing his greatness.

There have been many, many books written about President Lincoln, detailing his remarkable life and his towering achievements. I want to encourage my colleagues to explore one of those books, Lincoln at Gettysburg: The Words That Remade America. Written by Garry Wills, my constituent and a professor at Northwestern University, this Pulitzer Prize-winning analysis underscores why the Gettysburg Address remains the most well-known speech in American history.

President Lincoln spoke on the battlefield where 50,000 Americans were killed or wounded. He certainly didn't realize that the words in his short oration would be recited by schoolchildren across the nation. He said that ''the world will little note nor long remember what we say here.'' In this instance, he was wrong.

President Lincoln didn't just speak in memory of those who had fought and died in the battle. He used his oration to instruct, inspire and set a vision for our nation's future. He asked those who were present at Gettysburg

and those of us who today study his words to remember the very ideals on which our nation was founded. He began by asking us to recall that our nation was ''conceived in Liberty'' and equality. As Professor Wills writes,

Lincoln was able to achieve the loftiness, ideality, and brevity of the Gettysburg Address because he had spent a good part of the 1850s repeatedly relating all the most sensitive issues of the day to the Declaration's supreme principle. If all men are created equal, they cannot be property. They cannot by ruled by owner-monarchs . . . Their equality cannot be denied if the nation is to live by its creed, and voice it, and test it, and die for it . . . a nation free to proclaim its ideal is freed, again, to approximate that ideal over the years, in ways that run far beyond any specific or limited reforms . . .

The theme of liberty and equality runs through the Gettysburg Address, just as it ran through the entire life of President Lincoln. His very life was a symbol of our country—a boy of humble beginnings who through hard work and his own talents was able not just to become President of the United States but to become a symbol of democracy across the generations and across the globe. Because of his confidence in the ideals and potential of America, he was able to give a speech of hope at a time of unprecedented crisis in our country.

The Gettysburg Address ends with a clarion call for ''a new birth of freedom.'' His faith in our country—in a ''government of the people, by the people, and for the people''—continues to inspire us in the United States and proponents of participatory democracy across the globe.

President Lincoln is recognized for what he did for our country—not just his actions but also his words. As Professor Wills says, ''Words were weapons for him, even though he meant them to be weapons of peace in the midst of war.'' He continues,

Lincoln does not argue law or history, as Daniel Webster did. He makes history. He does not come to present a theory, but to impose a symbol, one tested in experience and appealing to national values, with an emotional urgency entirely expressed in calm abstractions (fire in ice). He came to change the world, to effect an intellectual revolution. No other words could have done it. The miracle is that these words did. In his brief time before the crowd at Gettysburg he wove a spell that has not, yet, been broken—he called up a new nation out of the blood and trauma.

As we celebrate the Lincoln Bicentennial, our nation is faced with serious economic and global challenges; and President Lincoln's words still guide us today. He understood that the core of our nation is our commitment to liberty and equality—not just under the law but in the opportunity for every individual to achieve and prosper. He reminded us that our government must recognize its responsibility to the public good and encourage public participation and investment in that government.

In these trying times, we are fortunate to have another President who has the ability to inspire, to lead and to act to bring us out of crisis. Like President Lincoln, President Obama's life is a model of not just what an individual can achieve given the opportunity to succeed but what our nation can accomplish when we remember our founding values of liberty and equality.

Mr. COSTELLO. Madam Speaker, I rise today in support of H. Res. 139, a resolution to commemorate the life and legacy of Abraham Lincoln on the bicentennial of his birth.

As we celebrate the bicentennial of Lincoln's birth, we are reminded of Lincoln's commitment to the unity, and harmony of all people and our nation. Abraham Lincoln, born on February 12, 1809, in Kentucky, was a man of humble beginnings. He was primarily self-educated, teaching himself to read and write by candlelight, and possessed an avid thirst for knowledge. Mr. Lincoln began his political career at the age of 23, running unsuccessfully for the Illinois State Legislature. He won his first election in 1834 to that same body and began a public service career characterized by his dedication to fairness and justice and his keen political mind.

Mr. Lincoln was elected as the 16th President of the United States during a tumultuous time in our nation's history. With the outbreak of the Civil War eminent, President Lincoln led our country through its bloodiest and most profound moral crisis. He felt the reason behind southern succession was contrary to democratic ideals and remained steadfast in his commitment to preserving our founding fathers fundamental principles as defined in the Constitution. Once the end of the Civil War was in sight, President Lincoln was accommodating and generous in his plans for peace, encouraging Southerner's to join in a speedy reunion.

Abraham Lincoln was a man of sincere integrity and virtue who will always be remembered for his commitment to the principles of freedom, democracy and union. With incredible leadership and courage, President Lincoln exemplified the American experience and became its archetype—that anyone, no matter their background, can accomplish great things in the land of the free and the home of the brave. Illinois is proud to be known as the Land of Lincoln and we cherish the legacy he has left us.

Madam Speaker, as a cosponsor of the bill, I urge my colleagues' support.

Mr. PENCE. Madam Speaker, Abraham Lincoln was our nation's sixteenth President, and its greatest.

His vision and courage in our nation's darkest, most perilous moments were instrumental in unifying a fractured nation, and preserving its precious founding principles.

On this—what would have been his 200th birthday—we pause to remember Lincoln the Statesman, and as is befitting of such times, there will be many things said. There will be many aspects of Lincoln's legacy that will be remembered, many traits of Lincoln that will be exalted and many deeds of Lincoln admired.

While there are many who would lay claim to the mantle of Lincoln, I believe that an honest appraisal of Lincoln's legacy lays bare two critical distinctions of the Great Emancipator.

First, he was a Hoosier; secondly, he was a conservative.

Lincoln, though born in the heart of Kentucky, spent his formative years in southern Indiana. The Lincolns moved to Spencer County, Indiana when young Abe was 7 and for the next 14 years, lived in the Hoosier State. It was during this time as a Hoosier of humble circumstance, living in a log cabin on 160 acres near Little Pigeon Creek, that Lincoln developed his voracious appetite for reading and learning, once walking 20 miles to borrow a book.

He also learned the power and promise of the free market as a young entrepreneur. He crafted his own boat and started his own ferry service to and from the Ohio River. On one occasion, when two patrons each tossed him a silver half-dollar, Lincoln noted, ''It was a most important incident in my life. The world seemed wider and fairer before me; I was a more hopeful and thoughtful boy from that time.'' Indeed, from then on, he was a staunch advocate for the free market and the equality of opportunity.

He also cultivated a real affinity for the ideas of the Founding Fathers as enshrined in the Declaration of Independence—natural rights, economic freedom and equality under the law. It was this commitment to the ''first principles'' of our nation that served as the fulcrum of Lincoln's leadership during his most heroic—and ultimately heralded-moments.

When others looked forward at an unknowable and uncertain future, Lincoln looked back—he looked back to what sustained this nation through the birth pains of its Founding—and it was in this act of looking back that Lincoln serves as a model of true conservatism.

In 1859, in a speech given in Columbus, Ohio, Lincoln asserted that the ''chief and real purpose of the Republican party is eminently conservative'' and that the party's sole aim should be to ''restore this government to its original tone . . . and thereto maintain it, looking for no further change than that which the original framers of the government themselves expected and looked forward to.''

More to the point, to the question ''what is conservatism?'' Lincoln succinctly answered, ''Is it not the adherence to the old and the tried, against the new and the untried?'' Surely there are those who would do well to heed those words in these times.

It has been said in many ways and many places before, and it bears repeating, that the promise that all men are created equal—as written in the Declaration of the Independence—and the incredible potential that is inherent in the notion of equality under law—as established in the Constitution—are both realized in the person and Presidency of Abraham Lincoln. Lincoln himself said that he ''never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence.''

As the Indianapolis Star noted today, ''An old Indiana farm boy still has many lessons to teach America.''

I close with the words of Lincoln that ring as true today as they did when they were first spoken nearly two centuries ago:

''Our republican robe is soiled, and trailed in the dust. Let us repurify it. Let us re-adopt the Declaration of Independence, and with it, the practices and policy, which harmonize with it. Let north and south—let all Americans—let all lovers of liberty everywhere—join in the great and good work. If we do this, we shall not only have saved the Union; but we shall have so saved it, as to make, and to keep it, forever worthy of the saving. We shall have so saved

it, that the succeeding millions of free happy people, the world over, shall rise up, and call us blessed, to the latest generation.''

Mr. HENSARLING. Madam Speaker, it is with profound admiration and respect that I commemorate the 200th anniversary of President Abraham Lincoln's birth. From humble beginnings in a one room log cabin in the backwoods of Kentucky, Lincoln, a self-taught lawyer, went on to win a narrow victory in 1860 to become our 16th president.

Not long after he took office, our country was plunged into a war between the states that threatened to destroy everything our Founding Fathers had fought so hard to establish. As the war raged, Lincoln led the Union through the maelstrom to save our Republic. At the same time, he paved the way to freedom for millions who had never known it. Sadly, an assassin's bullet stole Lincoln from his people just days after the Civil War ended.

Madam Speaker, as we commemorate his 200th birthday, I reflect upon the life of President Lincoln and the sacrifices he made to protect the principles of freedom we cherish so deeply. A man of great wisdom and courage who guided our country through some of its darkest hours, President Lincoln embodies the true meaning of what it is to be an American.

While, in the words of Secretary of War Edwin M. Staunton, Lincoln ''belongs to the ages,'' he lives in the hearts of freedom loving people in the United States and around the world.

Mr. CHAFFETZ. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 139.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

YVONNE INGRAM-EPHRAIM POST OFFICE BUILDING

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 663) to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the ''Yvonne Ingram-Ephraim Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. YVONNE INGRAM-EPHRAIM POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, shall be known and designated as the ''Yvonne Ingram-Ephraim Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Yvonne Ingram-Ephraim Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Madam Speaker, I now yield myself such time as I may consume.

Madam Speaker, as Chair of the House subcommittee with jurisdiction of the United States Postal Service, I am pleased to present for consideration H.R. 663 which renames the postal facility located at 12877 Broad Street in Sparta, Georgia, as the ''Yvonne Ingram-Ephraim Post Office building.''

A lifelong public servant, Yvonne Ingram-Ephraim rose from public school teacher to become the first African American elected to serve on the city council of Sparta, Georgia.

H.R. 663 has the support of the entire Georgia congressional delegation, and the measure was authored by my friend from Georgia, Representative JOHN BARROW, who at this moment I'd like to yield to for 4 minutes to speak further on the bill.

Mr. BARROW. I thank the gentleman, and I thank the chairman of the committee, Mr. TOWNS, and the ranking member, Mr. ISSA, for advancing the consideration of this resolution.

Madam Speaker, I rise today in support of H.R. 663, a bill to designate the post office in Sparta, Georgia, as the ''Yvonne Ingram-Ephraim Post Office Building.''

Yvonne Ingram-Ephraim—or ''Von'' as she was known to all who knew and loved her—was one of Sparta's most respected citizens before her untimely death nearly 2 years ago. Von was the first African American to be elected to the Sparta city government when she was elected city councilwoman in 1992, and she was re-elected three more times before her passing.

As a former four-term city councilman myself, I can tell you that doing what it takes to keep folks in your hometown happy enough to keep you in office for that many terms is no easy task.

In 1997, she was appointed Mayor protem of Sparta, a title she held until her death in 2007. During this time, she also served as secretary of the Georgia Association of Black Elected Officials, one of our State's most respected and influential political organizations.

Von married Reverend Michael Ephraim in 2000 and found herself managing the demands of a preacher's wife, mother, fourth grade school teacher, and elected official. Any one of those jobs is big enough, but Von was able to perform each of these roles in such a way as to make all those around her feel loved and respected.

On a purely personal note, Von was a good friend to me, and showed by her example that the things we have in common are a whole lot more important than the things that tend to divide us.

And I can't think of a better way to commemorate her example than to pass this legislation, which would give us all a lasting reminder of what Von accomplished during her too-short life on this earth.

Mr. CHAFFETZ. Madam Speaker, I yield myself as much time as I may consume.

I rise today in support of this bill to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the ''Yvonne Ingram-Ephraim Post Office Building.''

Born on January 12, 1965, in Bibb County, Georgia, Yvonne Ingram-Ephraim—or ''Von'' as she was known by those close to her—was a generous and passionate member of the community.

Having grown up in Hancock County, she graduated from high school in 1982 before continuing her education at Macon Technical College. Driven by a desire to serve her country, she took time off from her education to enlist in the United States Air Force Reserve.

After basic training, she continued her academic pursuits at Fort Valley State College where she earned a bachelor's in home economics and a master's in elementary education. Her thirst for knowledge unquenched, in 1997 Von received her Educational Specialist degree in Elementary Education from Troy State University.

After graduation, she returned to Hancock County where she worked as a teacher and assisted part time at the family business, the Ingram Brothers Funeral Home, as a funeral director apprentice and staff member.

Always devoted to her community, Yvonne became active in politics through the Hancock County Democratic Executive Committee. In 1992, she became the first African American elected to serve on the city council and later served as Mayor pro-tem for the City of Sparta.

Throughout her life, Von nourished a tremendous connection to her faith. Joining the Hickory Grove Missionary Baptist Church at a very young age, she remained an active member of the church throughout her life. In December of 2000, Yvonne married the love of her life, Reverend Michael G. Ephraim, Senior.

Sadly, in April of 2007, Von passed away. This devoted wife, mother, and friend will forever be remembered for her loving generosity to those around her.

I rise today to urge my colleagues to support this legislation so that the accomplishments and qualities of this wonderful citizen will not soon be forgotten.

Madam Speaker, I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, I continue to reserve.

Mr. CHAFFETZ. Madam Speaker, I urge all Members to support the passage of H.R. 663. I have no additional speakers.

I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, again, I stand with my colleagues, especially our sponsor, Representative JOHN BARROW of Georgia, in full support of H.R. 663 to designate the ''Yvonne Ingram-Ephraim Post Office Building,'' and I urge my colleagues to do the same.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 663.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COMMUNICATION FROM DEPUTY CHIEF OF STAFF, THE HONORABLE EDOLPHUS TOWNS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Roberta Hopkins, Deputy Chief of Staff, the Honorable EDOLPHUS TOWNS, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, The Capitol, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the U.S. District Court for the Eastern District of Virginia, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ROBERTA HOPKINS,
Deputy Chief of Staff.

COMMUNICATION FROM COUNSEL, THE HONORABLE BOBBY L. RUSH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Angelle G. Kwemo, Counsel, the Honorable BOBBY L. RUSH, Member of Congress:

FEBRUARY 12, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the U.S. District Court for the Eastern District of Virginia, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ANGELLE B. KWEMO,
Counsel.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 42 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1601

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. KIRKPATRICK of Arizona) at 4 o'clock and 1 minute p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on one motion to suspend the rules previously postponed.

HONORING GRIFFIN BELL

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 71.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 71.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE 90TH BIRTHDAY OF MARY S. (KWIK) CHMIELEWSKI

(Mr. MCCOTTER asked and was given permission to address the House for 1 minute.)

Mr. MCCOTTER. Madam Speaker, I stand today before the House to recognize an early resident of Redford Township. Mary Chmielewski will celebrate her 90th birthday this Sunday with a celebration for family and friends.

Mary was born on February 23, 1919 in Detroit. Her maiden name was Kwik, and she was one of ten children, all of whom, sadly, are now deceased except her sister Clara. She lived in Hamtramck, attended St. Florian's and worked as a bookkeeper during World War II. After World War II, she married Edward Chmielewski, who was a machinist. He was also of Hamtramck. They moved to Redford in 1951, and lived a long and happy life together in Redford, raising three children.

Sadly, Ed passed away in 2006, but Mary has continued, and she has been an example for us all.

She has three children, along with their spouses. She has six grandchildren and two great grandchildren. Mary is very active and enjoys church activities, gardening, sewing, and family gatherings. One of her great talents and joys is baking, and she is noted for her excellent pies.

Happy birthday, Mary.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PUBLICATION OF THE RULES OF THE COMMITTEE ON SMALL BUSINESS, 111TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. VELÁZQUEZ) is recognized for 5 minutes.

Ms. VELÁZQUEZ. Madam Speaker, in accordance with Clause 2 of Rule XI of the Rules of the House, please find the Rules and Procedures approved by the House Committee on Small Business, on January 28, 2009, for the 111th Congress:

RULES AND PROCEDURES ADOPTED BY THE COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, 111TH CONGRESS, 2009–2010

1. GENERAL PROVISIONS

The Rules of the House of Representatives, and in particular the committee rules enumerated in rule XI, are the rules of the Committee on Small Business to the extent applicable and by this reference are incorporated. Each subcommittee of the Committee on Small Business (hereinafter referred to as the ''committee'') is a part of the committee and is subject to the authority and direction of the committee, and to its rules to the extent applicable.

2. REFERRAL OF BILLS BY CHAIRWOMAN

Unless retained for consideration by the committee, all legislation and other matters referred to the committee shall be referred by the Chairwoman as she deems appropriate to the subcommittee of appropriate jurisdiction within 14 days. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdictions, the Chairwoman shall refer the matter, as she may deem advisable.

In referring any measure or matter to a subcommittee, the Chairwoman may specify a date by which the subcommittee shall report thereon to the subcommittee. The Chairwoman may also discharge a subcommittee from consideration of any measure or matter referred to a subcommittee.

3. DATE OF MEETING

The regular meeting date of the committee shall be the second Thursday of every month when the House is in session. A regular meeting of the committee may be dispensed with if, in the judgment of the Chairwoman, there is no need for the meeting. Additional meetings may be called by the Chairwoman as she may deem necessary or at the request of a majority of the members of the committee in accordance with clause 2(c) of rule XI of the House.

At least 3 days notice of such an additional meeting shall be given unless the Chairwoman determines that there is good cause to call the meeting on less notice.

The determination of the business to be considered at each meeting shall be made by the Chairwoman subject to clause 2(c) of rule XI of the House.

A regularly scheduled meeting need not be held if there is no business to be considered or, upon at least 3 days notice, it may be set for a different date.

4. ANNOUNCEMENT OF HEARINGS

Unless the Chairwoman, with the concurrence of the Ranking Minority Member, or the committee by majority vote, determines that there is good cause to begin a hearing at an earlier date, public announcement shall be made of the date, place and subject matter of any hearing to be conducted by the committee at least 7 calendar days before the commencement of that hearing.

After announcement of a hearing, the committee shall make available as soon as practicable to all Members of the committee a tentative witness list and to the extent practicable a memorandum explaining the subject matter of the hearing (including relevant legislative reports and other necessary material). In addition, the Chairwoman shall make available as soon as practicable to the Members of the committee any official reports from departments and agencies on the subject matter as they are received.

5. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(A) Meetings

Each meeting of the committee or its subcommittees for the transaction of business, including the markup of legislation, shall be open to the public, including to radio, television and still photography coverage, except as provided by clause 4 of rule XI of the House, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House; Provided, however, that no person other than members of the committee, and such congressional staff and such executive branch representatives as they may authorize, shall be present in any business meeting or markup session which has been closed to the public.

(B) Hearings

Each hearing conducted by the committee or its subcommittees shall be open to the public, including radio, television and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House; Provided, however, that the committee or subcommittee may by the same procedure vote to close one subsequent day of hearings. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, (i) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate clause 2(k)(5) of rule XI of the House; or (ii) may vote to close the hearing, as provided in clause 2(k)(5) of rule XI of the House.

All members of the committee shall be able to participate in any subcommittee hearing.

No member of the House may be excluded from non-participatory attendance at any hearing of the committee or any subcommittee, unless the House of Representatives shall by majority vote authorize the committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearing to members by the same procedures designated for closing hearings to the public. Additionally, such members who would like to not only attend, but participate shall notify the Ranking Minority Member and submit a request in writing to the Chairwoman two days in advance of such hearing. Such requests shall be subject to approval of the Chairwoman and the Ranking Member.

6. WITNESSES

(A) Statement of witnesses

Each witness who is to appear before the committee or subcommittee shall file with the committee at least two business days before the day of his or her appearance 75 copies of his or her written statement of proposed testimony. Each witness shall also submit to the committee a copy of his or her final prepared statement in an electronic format at that time.

At least one copy of the statement of each witness shall be furnished directly to the Ranking Minority Member. In addition, all witnesses shall be required to submit with their testimony a curriculum vitae or other statement describing their education, employment, professional affiliations and other background information pertinent to their testimony unless waived by the Chairwoman. Each witness will complete a disclosure form detailing any contracts or business that they currently have with the federal government.

The committee will provide public access to its printed materials, including the proposed testimony of witnesses, in electronic form.

(B) Interrogation of witnesses

Whenever any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairwoman by a majority of those minority members, to call a witness or witnesses selected by the minority to testify with respect to that measure or matter. The minority shall be entitled to a ratio of one-third of the witnesses testifying. For the purposes of determining this ratio, it shall not include testifying government officials. The witnesses requested by the minority shall be invited to testify by the Chairwoman and must furnish at least one copy of his or her statement and any supplementary materials directly to the Chairwoman within two business days before the day of his or her appearance unless waived by the Chairwoman.

Except when the committee adopts a motion pursuant to subdivisions (B) and (C) of clause 2(j)(2) of rule XI of the rules of the House, committee members may question witnesses only when they have been recognized by the Chairwoman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The Chairwoman and the Ranking Member shall not be subject to the 5-minute period limitation. For all other Committee Members, the 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The Chairwoman, followed by the Ranking Minority Member and all other members alternating between the majority and minority, shall initiate the questioning of witnesses in both the full and subcommittee hearings. The order for questioning by members of each party shall be determined by the time in which the member arrived at the hearing after the gavel has been struck, with the first arriving having priority over members of his or her party. If members arrive at the same time, then seniority on the committee shall dictate the order.

In recognizing members to question witnesses, the Chairwoman may take into consideration the ratio of majority and minority members present in such a manner as not to disadvantage the Members of either party. The Chairwoman, in consultation with the Ranking Minority Member, may decrease the 5-minute time period in order to accommodate the needs of all the Members present and the schedule of the witnesses.

7. SUBPOENAS

A subpoena may be authorized and issued by the committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witness and the production of such books, records, correspondence, memoranda, papers and documents, as deemed necessary. Such a subpoena shall be authorized by a majority vote of the full committee. The requirement that the authorization of a subpoena require a majority vote may be waived by the Ranking Minority Member. The Chairwoman may issue a subpoena, in consultation with the Ranking Minority Member, when the House is out of session for a period of 3 days or longer.

8. QUORUM

No measure or recommendation shall be reported unless a majority of the committee was actually present. For purposes of taking testimony or receiving evidence, there shall be one member from the majority and one member from the minority for the purposes of a quorum. Such requirement may be waived for field hearings by the Chairwoman. For all other purposes, one-third of the members (or 11 Members) shall constitute a quorum.

9. AMENDMENTS DURING MARK-UP

Any amendment offered to any pending legislation before the committee or subcommittee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the Chair shall allow an appropriate period for the provision thereof.

10. POSTPONEMENT OF PROCEEDINGS

The Chairwoman in consultation with the Ranking Minority Member may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairwoman may resume proceedings postponed at any time, but no later than the next meeting day. In exercising postponement authority, the Chairwoman shall take all reasonable steps necessary to notify members on the resumption of proceedings on any postponed recorded vote. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

11. NUMBER AND JURISDICTION OF SUBCOMMITTEES

There will be five subcommittees as follows:

Subcommittee on Finance and Tax

The Small Business Administration (SBA) Lending and Investment programs: Section 7(a) loan program, 504 Certified Development Company program, Small Business Investment Company program, Disaster Loan Assistance programs, and Microloan program.

Access to capital and finance issues generally.

Oversight over tax policy and retirement/pension matters affecting small businesses.

Subcommittee on Contracting and Technology

SBA Contracting programs including the following: Section 8(a) Business Development program, Small Disadvantaged Business (SDB) certification operated by SBA, Women's Procurement Program, HUBZone program, Surety Bond program, Service-disabled veteran procurement, and Section 7(j) management and technical assistance program.

SBA Technology programs: Small Business Innovation Research (SBIR) program, Small Business Technology Transfer program.

Oversight of government-wide procurement practices and programs affecting small businesses.

Oversight of technology and patent issues.

Subcommittee on Regulations and Healthcare

The Regulatory Flexibility Act, the Small Business Regulatory Enforcement Fairness Act, and the Paperwork Reduction Act.

SBA's Office of Advocacy, National Ombudsman, and SBA small business size standards.

Oversight of regulations and regulatory issues that affect small businesses.

Oversight of healthcare coverage issues.

Oversight over issues affecting small healthcare providers.

Subcommittee on Rural Development, Entrepreneurship and Trade

SBA entrepreneurial development programs: Women's Business Centers, National Veterans Business Development Corporation, Small Business Development Centers, SCORE, Drug Free Workplace program, Office of Women's Business Ownership, and National Women's Business Council (NWBC)

New Markets Venture Capital (NMVC) program, New Markets Tax Credit program, BusinessLINC and the Program for Re-Investment in Micro entrepreneurs.

General oversight of programs targeted toward rural development and economic growth as well as general federal government entrepreneurial development programs.

Oversight of agricultural issues.

Oversight of energy issues.

Oversight of trade issues, including SBA's Office of International Trade.

Subcommittee on Investigations and Oversight

Oversight of SBA Administration, Management, and Agency Practices.

Oversight of activities by the Office of the Inspector General at SBA.

Oversight over general issues impacting small businesses.

12. COMMITTEE STAFF

(A) Majority staff

The employees of the committee, except those assigned to the minority as provided below, shall be appointed and assigned, and may be removed by the Chairwoman. The Chairwoman shall fix their remuneration, and they shall be under the general supervision and direction of the Chairwoman.

(B) Minority staff

The employees of the committee assigned to the minority shall be appointed and assigned, and their remuneration determined, as the Ranking Minority Member of the committee shall determine.

(C) Subcommittee staff

The Chairwoman and Ranking Minority Member of the full committee shall endeavor to ensure that sufficient committee staff is made available to each subcommittee to carry out its responsibilities under the rules of the committee.

13. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall hold such meetings and hearings after approval of the Chairwoman of the full committee. Meetings and hearings of subcommittees shall not be scheduled to occur simultaneously with meetings or hearings of the full committee.

14. RECORDS

The committee shall keep a complete record of all actions, which shall include a record of the votes on any question on which a record vote is demanded. The result of each subcommittee record vote, together with a description of the matter voted upon, shall promptly be made available to the full committee. A record of such votes shall be made available for inspection by the public at reasonable times in the offices of the committee.

The committee shall keep a complete record of all committee and subcommittee activity which, in the case of any meeting or hearing transcript, shall include a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

The records of the committee at the National Archives and Records Administration shall be made available in accordance with rule VII of the Rules of the House. The Chairwoman of the full committee shall notify the Ranking Minority Member of the full committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule VII of the House, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination of the written request of any member of the committee.

15. ACCESS TO CLASSIFIED OR SENSITIVE INFORMATION

Access to classified or sensitive information supplied to the committee and attendance at closed sessions of the committee or its subcommittees shall be limited to members and necessary committee staff and stenographic reporters who have appropriate security clearance when the Chairwoman determines that such access or attendance is essential to the functioning of the committee.

The procedures to be followed in granting access to those hearings, records, data, charts, and files of the committee which involve classified information or information deemed to be sensitive shall be as follows:

(A) Only Members of the House of Representatives and specifically designated committee staff of the Committee on Small Business may have access to such information.

(B) Members who desire to read materials that are in the possession of the committee should notify the clerk of the committee.

(C) The clerk will maintain an accurate access log, which identifies the circumstances surrounding access to the information, without revealing the material examined.

(D) If the material desired to be reviewed is material which the committee or subcommittee deems to be sensitive enough to require special handling, before receiving access to such information, individuals will be required to sign an access information sheet acknowledging such access and that the individual has read and understands the procedures under which access is being granted.

(E) Material provided for review under this rule shall not be removed from a specified room within the committee offices.

(F) Individuals reviewing materials under this rule shall make certain that the materials are returned to the proper custodian.

(G) No reproductions or recordings may be made of any portion of such materials.

(H) The contents of such information shall not be divulged to any person in any way, form, shape, or manner, and shall not be discussed with any person who has not received the information in an authorized manner.

(I) When not being examined in the manner described herein, such information will be kept in secure safes or locked file cabinets in the committee offices.

(J) These procedures only address access to information the committee or a subcommittee deems to be sensitive enough to require special treatment.

(K) If a member of the House of Representatives believes that certain sensitive information should not be restricted as to dissemination or use, the member may petition the committee or subcommittee to so rule. With respect to information and materials provided to the committee by the executive branch, the classification of information and materials as determined by the executive branch shall prevail unless affirmatively changed by the committee or the subcommittee involved, after consultation with the appropriate executive agencies.

(L) Other materials in the possession of the committee are to be handled in accordance with the normal practices and traditions of the committee.

16. OTHER PROCEDURES

The Chairwoman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

17. AMENDMENTS TO COMMITTEE RULES

The rules of the committee may be modified, amended or repealed by a majority of the members, at a meeting specifically called for such purpose, but only if written notice of the proposed change has been provided to each such member at least 3 days before the time of the meeting.

18. BUDGET AND TRAVEL

(A) From the amount provided to the Committee in the primary expense resolution adopted by the U.S. House of Representatives for the 111th Congress, the Chairwoman, after consultation with the Ranking Minority Member, shall designate one-third of the budget under the direction of the Ranking Minority Member for the purposes of minority staff, travel expenses of minority staff and members, and minority office expenses.

(B) The Chairwoman may authorize travel in connection with activities or subject matters under the general jurisdiction of the Committee.

(C) The Ranking Minority Member may authorize travel for any minority member or minority committee staff member in connection with activities or subject matters under the general jurisdiction of the Committee. Before such travel, there shall be submitted to the Chairwoman in writing the following at least seven calendar days prior:

(a) The purpose of the travel.

(b) The dates during which the travel is to occur.

(c) The names of the States or countries to be visited and the length of time spent in each.

(d) The names of members and staff of the committee participating in such travel.

At the conclusion of such travel, a summary of the activity and its accomplishments shall be provided to the Chairwoman within ten calendar days.

19. COMMITTEE WEBSITE

The Chairwoman shall maintain an official Committee website for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee members and other Members of the House. The Ranking Minority Members may maintain a similar website for the same purpose, including communicating information about the activities of the minority to Committee members and other Members of the House.

20. VICE CHAIR

Pursuant to House Rules, the Chairwoman shall designate a member of the majority party to serve as Vice Chairman of the Committee. The Vice Chairman shall preside at any meeting or hearing during the temporary absence of the Chairwoman. The Chair also reserves the right to designate a committee member of the majority to serve as the Chair at a hearing or meeting.

21. AVAILABILITY OF RECORD VOTES ON THE COMMITTEE'S WEBSITE

In addition to any other requirement of these rules or the Rules of the House, the Chair shall make the record of the votes on any questions on which a record vote is demanded available on the Committee's website and for inspection by the public at reasonable times in the Offices of the Committee not later than 2 business days after such a vote is taken. Such record shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the name of those members of the committee present but not voting.

CREEKWOOD MIDDLE SCHOOL, KINGWOOD, TEXAS, AND THE LOST DOUGHBOY, FRANK BUCKLES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, they say that World War I is the forgotten war, but it is not so in Kingwood, Texas at Creekwood Middle School.

The school did what is called a ''service learning project'' that is a hands-on, in-depth study of the survivors of World War I. Thanks to the work of the teachers of the school, the history teachers—but especially teacher Jan York—the kids studied World War I and the survivors who still are alive today.

World War I, 90 years ago last November, the war to end all wars, ended. It started in the early 20th century. The United States got involved in 1917, and the United States sent 4.7 million doughboys across the seas to fight in that great war.

When American troops landed in Europe, our allies were stunned at the enthusiasm and at the aggressiveness of our troops, and our enemies were shocked by their determination and relentless spirit.

After that war was over on the eleventh day of the eleventh month at the eleventh hour in 1918, when all hostilities ceased, 114,000 doughboys, as they were called, did not come home. Many are still buried in Europe in graves only known to God.

After those troops did get home, thousands of others died from the Spanish flu that they contracted in Europe during that war. There was just one doughboy left. His name is Frank Buckles. He is the lone survivor, the last doughboy.

Madam Speaker, this is a photograph of Frank Buckles that was taken not long ago by photographer David DeJonge from Michigan. David has made it his ambition and life's work to take photographs of the survivors of World War I and of events that occurred in World War I.

Frank Buckles, he was an interesting individual. When the war started, he was just 16, so he tried to join the United States Army, but he was too little. He didn't weigh enough and he was not 18. So he lied about his age. He finally got a recruiter to take him, and he went to Europe as a 16-year-old and fought in the great World War I. He drove an ambulance and rescued other doughboys who had been wounded in World War I.

After the war was over with, he came back to the United States and started a farm in West Virginia, and when World War II started, he found himself in the Philippines. He was captured by the Japanese, and during World War II, he was held as a prisoner of war for 3 years until that war was over with. Frank Buckles in this photograph is now 108 years old, the lone survivor.

Last Friday, I had the honor to be present with those 1,000 school kids at Creekwood Middle School who are studying in-depth World War I and their survivors, like Frank Buckles, and what happened. Not only did they have an exhibit and photographs, but they got Frank Buckles on the telephone, and they sang to him ''happy birthday'' for his 108th birthday.

But that's not all, Madam Speaker. The choir sang the song that the World War I doughboys went off to war with the song ''Over There, Over There.'' They will not be back until it's over over there. But it was more than just to honor Frank Buckles. It was to raise money for a memorial on the National Mall for the World War I veterans. Let me explain.

We had four great wars in the last century, and we have built monuments for three of those—Vietnam, Korea and World War II—but if you look on the mall, there is no national monument for people like Frank Buckles. We just didn't get around to it as a Nation. It is true, as in this photograph, that this is a memorial for the D.C. veterans of World War I. It is decrepit, cracking, and the sidewalk, itself, is broken where Frank Buckles is sitting in his wheelchair when rain was coming down when this photograph was taken. So

the kids raised $13,000 to build a memorial to the World War I veterans.

I have introduced legislation to expand this D.C. memorial for all veterans of World War I. You see, those veterans don't have high-dollar lobbyists in D.C. who are advocating for a memorial for them. They just have the kids of the Nation, kids like those at Creekwood Middle School, who are doing everything they can to honor another generation, that generation that was the fathers of the greatest generation.

So I commend them for their relentless spirit and for studying American history and about American people like Frank Buckles. Their slogan was ''bucks for Buckles, dough for the doughboys'' to privately raise funds for this memorial. He is the lone survivor, but his voice will be heard throughout this country because David DeJonge is going to schools throughout the country on this national exhibit that started in a little place called Kingwood, Texas at Creekwood Middle School.

So God bless those kids, and God bless those doughboys who served and who went over there for the rest of us. They went to a land they did not know. They fought for a people that they had never met all because they were asked to do their duty. The American spirit and the American youth of this country should be congratulated.

And that's just the way it is.

INTRODUCTION OF SUPPORT 21 ACT OF 2009

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. ROYBAL-ALLARD) is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Madam Speaker, in 2006, Congress passed the STOP Act to reduce the tragedy of underage drinking in our country.

Today, I rise to introduce the Support 21 Act of 2009, which builds upon that effort. The 2006 STOP Act provided the first Federal community grants to address under age drinking as a public health crisis.

While we are encouraged by reports of localized positive results, alcohol remains a dangerous primary drug of choice among our youth. Just listen to these statistics:

In 2007, about 10.7 million teens, aged 12 to 20, reported drinking alcohol in the past month. Approximately 7.2 million were binge drinkers, and 2.3 million were heavy drinkers. According to the latest Monitoring the Future Survey, slightly over 43 percent of twelfth graders said they had used alcohol in the past 30 days. Clearly, too many children and parents are ignoring the facts or do not fully understand the dangers that under age drinking poses.

Equally alarming is a recent movement by a group of college presidents to lower the minimum drinking age to 18. These college presidents are choosing to ignore research finding that alcohol has a potentially damaging impact on adolescent brain development.

Madam Speaker, the teenage years represent a critical window of opportunity for understanding, preventing and treating alcoholism. We know that people who begin drinking before the age of 15 are four times more likely to develop alcohol dependence as an adult than those who wait until the age of 21. We know that each additional year of delayed drinking onset reduces the probability of alcohol dependence by 14 percent and that, if drinking is delayed until age 21, a child's risk of serious alcohol-related problems is decreased by 70 percent.

For all of these reasons, I am introducing the Support 21 Act, along with my lead cosponsor, Congresswoman MARY BONO MACK. Support 21 authorizes a new, highly visible media campaign to educate the public about under age drinking laws and to build support for their enforcement. Our bill directs the Institute of Medicine to report to Congress about the influence of drinking alcohol on the development of the adolescent brain.

□ 1615

The legislation also authorizes grants to pediatric medical organizations in educating providers on best practices and provides supplemental grants to community coalitions to work with pediatric health care providers and parents to reduce underage drinking.

Finally, the bill provides funds for CDC to establish a new focus on underage drinking, surveillance, and prevention.

Madam Speaker, we can no longer afford to address alcohol dependence exclusively as a disease of middle age. Delaying the time when our children begin drinking until age 21 is a critical public health challenge that can offer them a safer and more productive adolescence, as well as a brighter future.

I urge my colleagues to cosponsor the Support 21 Act of 2009.

WHAT IF?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, I have a few questions for my colleagues.

What if our foreign policy of the past century is deeply flawed and has not served our national security interests?

What if we wake up one day and realize that the terrorist threat is a predictable consequence of our meddling in the affairs of others and has nothing to do with us being free and prosperous?

What if propping up repressive regimes in the Middle East endangers both the United States and Israel?

What if occupying countries like Iraq and Afghanistan—and bombing Pakistan—is directly related to the hatred directed towards us?

What if some day it dawns on us that losing over 5,000 American military personnel in the Middle East since 9/11 is not a fair trade-off for the loss of nearly 3,000 American citizens—no matter how many Iraqi, Pakistani, and Afghan people are killed or displaced?

What if we finally decide that torture—even if called ''enhanced interrogation techniques''—is self-destructive and produces no useful information and that contracting it out to a third world nation is just as evil?

What if it is finally realized that war and military spending is always destructive to the economy?

What if all wartime spending is paid for through the deceitful and evil process of inflating and borrowing?

What if we finally see that wartime conditions always undermine personal liberty?

What if conservatives, who preach small government, wake up and realize that our interventionist foreign policy provides the greatest incentive to expand the government?

What if conservatives understood once again that their only logical position is to reject military intervention and managing an empire throughout the world?

What if the American people woke up and understood the official reasons for going to war are almost always based on lies and promoted by war propaganda in order to serve special interests?

What if we, as a Nation, came to realize that the quest for empire eventually destroys all great nations?

What if Obama has no intention of leaving Iraq?

What if a military draft is being planned for the wars that will spread if our foreign policy is not changed?

What if the American people learn the truth: that our foreign policy has nothing to do with national security and it never changes from one administration to the next?

What if war and preparation for war is a racket serving the special interests?

What if President Obama is completely wrong about Afghanistan and it turns out worse than Iraq and Vietnam put together?

What if Christianity actually teaches peace and not preventive wars of aggression?

What if diplomacy is found to be superior to bombs and bribes in protecting America?

What happens if my concerns are completely unfounded? Nothing.

But what happens if my concerns are justified and ignored? Nothing good.

HONORING OUR WAR DEAD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, I rise to praise President Obama's decision to review President Bush's policy of banning the media from photographing the coffins of our fallen soldiers.

The American people were not allowed to see the flag-draped coffins when they arrived from Iraq and from Afghanistan. It was said that it protected the privacy of the soldiers and their families. There was a group who didn't want the American people to see the terrible human costs of the war because if they did, they would be more likely to oppose it.

Secretary of Defense Gates says he will now review the policy. He said this week that if the needs of the families can be met and the privacy concerns can be addressed, then the more honor we can accord these fallen heroes, the better.

He also said that reviewing the policy ''makes all kinds of sense.''

President Obama also addressed the issue at his news conference Monday night. He said he will make a decision about the policy after evaluating Secretary Gates' review and after he has an opportunity to understand all of the implications involved.

The President and Secretary Gates are 100 percent right to proceed carefully because this is a very sensitive issue.

Some families may not want pictures taken of their loved ones' coffins, and their privacy should certainly be protected. Other families will want photographs taken.

For example, one father of a fallen soldier was interviewed recently, and he said, ''Looking back, I would have wanted to see the reverence and the honors given to him by the receiving military. I would have loved to have had that captured and to be able to hold it.''

Madam Speaker, families should be able to decide on a case-by-case basis whether to allow photographs. If that can be done in a practical and respectful way, then I fully support changing the policy. But I also believe that the best way to handle the issue of coffins is to make sure that there are no more coffins in the first place.

That is why I've called for a redeployment of our troops out of Iraq and Afghanistan and for a worldwide ceasefire or a timeout from war.

The Taliban is resurgent in Afghanistan, and the Middle East is still as unstable as ever. It is time for us to use the more effective tools of diplomacy, reconciliation, and humanitarian assistance to build a lasting peace.

President Obama has pledged to use these tools, and he has already talked about making diplomatic overtures to Iran.

The people of the world love and admire Barack Obama, and I believe they will respond positively to an American President who reaches out to them with an unclenched fist.

Madam Speaker, 4,238 brave American soldiers have died in Iraq, another 640 have died in Afghanistan. Tens of thousands more have been wounded, and their families are also suffering.

We must also remember soldiers of other countries who died as they served alongside our troops. They returned to their countries in flag-draped coffins.

I support the Obama administration's decision to review the coffin policy. But the way to honor the fallen is to make sure that there will be no more coffins.

THE STEAMROLLER OF SOCIALISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Speaker, I stand here today because Americans face a fork in the road. One path leads to socialism, and the other path leads to freedom. This non-stimulus bill is the road to socialism. It will give us a journey that includes bureaucratic controls, high taxes, government intervention, Cuba-style medicine, and economic collapse of America.

This steamroller of socialism is being shoved down our throats, and it will strangle our economy. This porkulous bill has a few decent provisions in it, but it's mostly filled with mystery meat. Rancid meat. Like the millions for plug-in government cars and millions for mouse restoration that will ruin the entire meal. The captivating rhetoric about openness and transparency is providing cover for the rancid meat.

Another tainted bite includes a move towards socialized medicine. As a physician, I'm deeply concerned about the breach of privacy and the abuse of care that is hidden in this stimulus bill, especially for senior citizens. The vague language could potentially deny life-giving care to the elderly.

You see, $2 billion is allocated in this non-stimulus bill for the new National Coordinator of Health Information—or you can call him ''Dr. Doom.'' Dr. Doom, the government's own human health care calculator, will make his or her own calculations to determine if your needed care is cost efficient.

The vague nature of this language could lead to health care rationing for elderly people and handcuffing the development of life-saving drugs to fight infections all because Dr. Doom doesn't deem them to be cost efficient. When momma falls and breaks her hip, she will just lie in her bed in pain until she dies with pneumonia because her needed surgery is not cost efficient.

I'm a medical doctor, and I'm certain that the Federal Government can no more determine what type of case is the most cost-effective and appropriate for my patients than they can determine how best to educate our children or spend our hard-earned tax dollars.

This is what happens when Congress considers a bill that costs $1 trillion. Convenient little billions just slip on in. You'd think $1 trillion would at least buy time and public scrutiny. Not by this bill.

It's true that our economy needs a significant jolt that requires immediate attention, but there is another direction we can go.

Congress could come together promptly to create jobs, restore faith in markets, and again unleash America's entrepreneurial spirit. The American people have a choice. There's a better alternative that I've cosponsored to provide fast-acting tax relief for hardworking families and small businesses that will create twice the jobs at half the cost of this bill.

We must give small businesses the capital they need to employ workers and to buy inventory. Congress should suspend or eliminate the capital gains tax to provide an inflow of tax into our economy. Next, we must eliminate the death tax so that family businesses can continue to thrive and produce high-paying jobs. And ultimately, let's support tax relief for our hardworking families and save future generations from this 784-pound gorilla that's in this room.

Americans must choose in which direction we will go. It will be disastrous to let politicians make that decision for us. Are we going to have government run our families and our neighborhoods? Are we going to take care of ourselves and help our neighbors? Are we going to make decisions about our own lives, where our children go the school, make our own health care decisions, and how to spend our own hard-earned money; or is government going to do that for us?

Liberals need to stop pretending that the American people can't tell the difference between SPAM and filet mignon. Instead of the wasteful mystery pork that this bill gives us, let's give the American taxpayers and entrepreneurs the red meat that they need to stimulate the American economy: permanent tax relief and job creation incentives.

Madam Speaker, let me be clear. The people in Georgia are hurting. They want action, and they want it now. But nine out of ten of them oppose this bill. They want an alternative. We have alternatives that won't even be considered by leadership.

Normally, I implore my colleagues to vote a certain way, but today I urge the American people to call, write, and

e-mail and tell your U.S. senator and congressman to vote ''no'' on this rancid meat and demand alternatives be considered.

Let's demand the road to freedom.

□ 1630

TAX CUTS ARE NOT THE ANSWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. If the Republicans hadn't run the economy into a ditch and if they had a credible alternative, maybe we'd listen to them.

Tax cuts, tax cuts, tax cuts—tell me about a tax cut that ever built a public school. Tell me about a tax cut that ever educated a child at a public school. Tell me about a tax cut that built a bridge. We've got tax cuts to nowhere. They just want to carry on about bridges to nowhere.

We've got 160,000 bridges in this country on the national highway system that are falling down. They're functionally obsolete or they are structurally deficient. A tax cut will not fix a single one of them. I guess maybe after they give the rich people all their money back, we can take up a collection for public schools, a collection to educate our kids. Maybe they'll be generous. Maybe they will even build us some bridges. I don't think so.

The Republicans don't have a credible alternative. Unfortunately, this bill also has too much tax cuts in it because of Republican insistence, particularly from the Senate side. We have lost so many jobs and potential jobs in this bill because of tax cuts.

Now, let's look at infrastructure spending. In this bill, $29 billion to modernize roads and bridges, rebuild roads and bridges. That creates 835,000 jobs. $18 billion for clean water environmental restoration projects, 375,000 jobs. That's $47 billion—that's 6 percent of the bill, nowhere near enough—is going to create 1.2 million jobs. That means 35 percent of the jobs in this bill come out of 6 percent of the bill, and none of them come out of the tax cuts they're talking about on that side of the aisle.

Infrastructure spending was cut to make room for tax cuts. Mass transit was cut to make room for tax cuts. Two of the largest transit districts in Oregon, they're suffering the same thing as transit districts across the country. They have too many passengers so they're going to have to cut service. Americans are turning to transit to avoid high gas prices. They're turning to transit as an effective alternative and a good way to get to work, and the service is going to go away. There's no transit district in the world, not a one, that makes money, but the Republicans say, oh, we can't afford to support those transit districts; let's give the money back to people. Well, what are they going to do? How are they going to get to work? There's a lot of people who don't have an alternative.

And then the making work paid tax cut, which is in this bill, is down to eight bucks a week per person. Now, I can just see, you know, someone of the generation that gets that $8, there's a lot of people in my district could use eight bucks a week, they sure could, but they don't think it's going to put America back to work. They don't think it's going to turn this economy around. They don't think that's going to give us a better future. It can help them with some essentials. It can help their kids with some essentials, but they would rather see the money invested to put other people to work in good jobs and rebuild this country and give us a better future. Eight bucks a week.

I can just see, you know, 20 years from today when our kids and grandkids are still paying for the money we borrowed to give some people $8 a week back will say, Grandpa, what did you spend that eight bucks a week on because I'm paying taxes to pay that money back. Grandpa probably won't remember where the eight bucks a week went.

The education cuts, to make room for tax cuts, which can mean some of the school districts in my State have to chop 20 days off the year, 20 days. Now, tax cuts aren't going to help those kids get their education. They're not going to keep those schools open.

School construction, remodernization, out. Had to make room for tax cuts. Now, why are we making all this room for tax cuts when none of the Republicans are supporting the bill? Because there's three Republicans in the Senate who are writing this policy. They're more powerful than the President of the United States and the Congress combined apparently because the Senate is so dysfunctional, and they're writing the bill and they want the tax cuts. They're delivering tax cuts for these guys, and they're sticking it to the American people in terms of a meaningful jobs creation stimulus package.

Veterans took a big cut. Everybody loves to come to the floor and wrap themselves in the flag and talk about how much they support our troops. You can measure it in this bill. Veterans and our servicemembers were cut in their housing and other services to make room for tax cuts.

Tax cuts are not the answer. I personally think we should start over, reject the tax cut mantle from that side of the aisle, and invest the money in rebuilding this country. If we're going to borrow the money, it should provide benefits for years to come, not a transient benefit and not a tax cut.

PAYING TRIBUTE TO NISWONGER CHILDREN'S HOSPITAL IN JOHNSON CITY, TENNESSEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. ROE) is recognized for 5 minutes.

Mr. ROE of Tennessee. Madam Speaker, I rise to pay tribute to Niswonger Children's Hospital in Johnson City, Tennessee. On March 2, 2009, the hospital will open its doors and the new home for the Children's Hospital, our region's first hospital for children. The Children's Hospital at Johnson City Medical Center has offered premier health services in approximately 20 pediatric subspecialties for the past 16 years.

Once open, Niswonger Children's Hospital will serve children from birth until 18 years of age in a four-State region, including parts of Tennessee, North Carolina, Virginia, and Kentucky. With the financial assistance of Scott and Nikki Niswonger and the people of our region, the hospital will be a place where children will feel comfortable coming to for their care.

Niswonger's patient-centered care philosophy will put families in control of their care, and I certainly commend them for their work

Madam Speaker, when I began my medical practice some 30-plus years ago in Johnson City, we used a closet and had a one-bed neonatal intensive care unit. Today, we have a state-of-the-art intensive care unit to care for children.

When I began practice, when I graduated from medical school, almost half of the children who were born at 7 months died. Today, they have the same life expectancy as a term birth, and from the bottom of my heart, I want to thank this family for what they have done to make the health care of our region better and our children's lives better.

DON'T USE FEDERAL FUNDS TO BUY UP AT-RISK LOANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, today the White House apparently made an announcement that they're considering a proposal to head off potentially millions of more home foreclosures by using Federal funds to buy up at-risk loans and apparently refinance them. It's one of several proposals that the White House is looking at.

I would urge the new President of the United States not to allow the Federal Government to purchase toxic assets, and I'm placing in the RECORD an article from late last fall by William Isaac, the former head of the Federal Deposit Insurance Corporation during the 1980s, the early part of the eighties, late seventies, when over 3,000 banks in our

country were resolved without going to the taxpayers to bail out the problem loans.

PRIMARY DEALER LIST—MEMORANDUM TO ALL PRIMARY DEALERS AND RECIPIENTS OF THE WEEKLY PRESS RELEASE ON DEALER POSITIONS AND TRANSACTIONS

The latest list reflects the following changes:

Effective February 11, 2009, Merrill Lynch Government Securities Inc. was deleted from the list of primary dealers as a result of the acquisition of Merrill Lynch & Co., Inc. by Bank of America Corporation.

List of the Primary Government Securities Dealers Reporting to the Government Securities Dealers Statistics Unit of the Federal Reserve Bank of New York:

BNP Paribas Securities Corp.
Banc of America Securities LLC
Barclays Capital Inc.
Cantor Fitzgerald & Co.
Citigroup Global Markets Inc.
Credit Suisse Securities (USA) LLC
Daiwa Securities America Inc.
Deutsche Bank Securities Inc.
Dresdner Kleinwort Securities LLC
Goldman, Sachs & Co.
Greenwich Capital Markets, Inc.
HSBC Securities (USA) Inc.
J.P. Morgan Securities Inc.
Mizuho Securities USA Inc.
Morgan Stanley & Co. Incorporated
UBS Securities LLC.

Note: This list has been compiled and made available for statistical purposes only and has no significance with respect to other relationships between dealers and the Federal Reserve Bank of New York. Qualification for the reporting list is based on the achievement and maintenance of the standards outlined in the Federal Reserve Bank of New York's memorandum of January 22, 1992.

Government Securities Dealers Statistics Unit Federal Reserve Bank of New York, February 11, 2009.

[From The Washington Post, Sept. 27, 2008]

A BETTER WAY TO AID BANKS

(By William M. Isaac)

Congressional leaders are badly divided on the Treasury plan to purchase $700 billion in troubled loans. Their angst is understandable: It is far from clear that the plan is necessary or will accomplish its objectives.

It's worth recalling that our country dealt with far more credit problems in the 1980s in a far harsher economic environment than it faces today. About 3,000 bank and thrift failures were handled without producing depositor panics and massive instability in the financial system.

The Federal Deposit Insurance Corp. has just handled Washington Mutual, now the largest bank failure in history, in an orderly manner, with no cost to the FDIC fund or taxpayers. This is proof that our time-tested system for resolving banking problems works.

One argument for the urgency of the Treasury proposal is that money market funds were under a great deal of pressure last week as investors lost confidence and began withdrawing their money. But putting the government's guarantee behind money market funds—as Treasury did last week—should have resolved this concern.

Another rationale for acting immediately on the bailout is that bank depositors are getting panicky—mostly in reaction to the July failure of *IndyMac*, in which uninsured depositors were exposed to loss.

Does this mean that we need to enact an emergency program to purchase $700 billion worth of real estate loans? If the problem is depositor confidence, perhaps we need to be clearer about the fact that the FDIC fund is backed by the full faith and credit of the government.

If stronger action is needed, the FDIC could announce that it will handle all bank failures, except those involving significant fraudulent activities, as assisted mergers that would protect all depositors and other general creditors. This is how the FDIC handled Washington Mutual. It would be easy to announce this as a temporary program if needed to calm depositors.

An additional benefit of this approach is that community banks would be put on a par with the largest banks, reassuring depositors who are unconvinced that the government will protect uninsured depositors in small banks.

I have doubts that the $700 billion bailout if enacted, would work. Would banks really be willing to part with the loans, and would the government be able to sell them in the marketplace on terms that the taxpayers would find acceptable?

To get banks to sell the loans, the government would need to buy them at a price greater than what the private sector would pay today. Many investors are open to purchasing the loans now, but the financial institutions and investors cannot agree on price. Thus private money is sitting on the sidelines until there is clear evidence that we are at the floor in real estate.

Having financial institutions sell the loans to the government at inflated prices so the government can turn around and sell the loans to well-heeled investors at lower prices strikes me as a very good deal for everyone but U.S. taxpayers. Surely we can do better.

One alternative is a ''net worth certificate'' program along the lines of what Congress enacted in the 1980s for the savings and loan industry. It was a big success and could work in the current climate. The FDIC resolved a $100 billion insolvency in the savings banks for a total cost of less than $2 billion.

The net worth certificate program was designed to shore up the capital of weak banks to give them more time to resolve their problems. The program involved no subsidy and no cash outlay.

The FDIC purchased net worth certificates (subordinated debentures, a commonly used form of capital in banks) in troubled banks that the agency determined could be viable if they were given more time. Banks entering the program had to agree to strict supervision from the FDIC, including oversight of compensation of top executives and removal of poor management.

The FDIC paid for the net worth certificates by issuing FDIC senior notes to the banks; there was no cash outlay. The interest rate on the net worth certificates and the FDIC notes was identical, so there was no subsidy.

If such a program were enacted today, the capital position of banks with real estate holdings would be bolstered, giving those banks the ability to sell and restructure assets and get on with their rehabilitation. No taxpayer money would be spent, and the asset sale transactions would remain in the private sector where they belong.

If we were to (1) implement a program to ease the fears of depositors and other general creditors of banks; (2) keep tight restrictions on short sellers of financial stocks; (3) suspend fair-value accounting (which has contributed mightily to our problems by marking assets to unrealistic fire-sale prices); and (4) authorize a net worth certificate program, we could settle the financial markets without significant expense to taxpayers.

Say Congress spends $700 billion of taxpayer money on the loan purchase proposal. What do we do next? If, however, we implement the program suggested above, we will have $700 billion of dry powder we can put to work in targeted tax incentives if needed to get the economy moving again.

The banks do not need taxpayers to carry their loans. They need proper accounting and regulatory policies that will give them time to work through their problems.

Essentially, the Federal Deposit Insurance Corporation used something called the net worth certificate program whereby they were able to resolve over $100 billion worth of insolvency in the savings banks for a total expenditure to them of less than $2 billion. The program involved no subsidy and no cash outlay. The FDIC purchased net worth certificates in troubled banks, and the agency determined then whether they could be viable over time, and banks entering the program had to agree to strict supervision from the FDIC.

If such a program were enacted today, the capital position of banks with real estate holdings would be bolstered, giving those banks the ability to sell and restructure assets and get on with their rehabilitation. No taxpayer money would be spent, and the asset sale transactions would remain in the private sector where they belong.

The banks do not need taxpayer money to carry their loans. They need for the FDIC, time-tested in what it has done in the past, to use proper accounting and regulatory policies that will give them time to work through all of these problem loans.

When the FDIC handled the Washington Mutual situation in an orderly manner, there was no cost to the FDIC nor the taxpayers.

What I'm fearful of is that the very same securities dealers on Wall Street that have benefited handsomely from the TARP and from all of the housing bubble of the 1990s are now going to find another way to put these same loans together and make more money off of us, the American people.

And you know, they're so powerful, they even sit on the New York Federal Reserve Board up there in New York City, primary dealers whose names you will recognize: Goldman Sachs, JP Morgan, HSBC. The worst wrong-doers in the crisis are sitting right up there in New York City with their hands on the money spigots. They send their associates down here to head up the Treasury Department.

And what was interesting is that Countrywide used to be on the Fed. They took them off a couple of years ago. I guess I complained too much because I don't see Countrywide. I guess they collapsed. They're not on the list anymore.

You look down this list, Dresdner Kleinwort Securities over in Germany,

that bank is on its knees. It's being bought by Commerzbank and then Commerzbank by the Allianz Insurance Group in Germany. They're on the list of our primary dealers in New York City at the Federal Reserve there. This is a closed circle.

Over the next few days, I will be talking about what happened during the 1990s, where these very same Wall Street and money center banks, the very same ones on this list, planned to over-leverage the U.S. economy and housing market through such schemes as mortgage-backed securities, through which they benefited handsomely in home equity loans and they made extraordinary profits, their executives, their shareholders, their board members.

And the net result of their combined actions has been to indebt our country on the private side and ultimately now try to shift all of that debt to us, to our children and to our grandchildren, and they sit on the board of the Federal Reserve Board up in New York, the 10 or 15 primary dealers, the very same ones that did all of this damage? These same institutions lobbied all during the 1990s and in this decade to change Federal laws that aided and abetted their plan.

In 1994, the Riegle-Neal Interstate Banking and Branching Act was passed into law that hastened all these mergers that made them bigger; and then in 1993 and 1994, changing the rules over at the Department of Housing and Urban Development to allow home builders like Countrywide to approve their own loans, they changed the underwriting and appraisal standards; and then, again, allowing lenders to select their own appraisers back in the early 1990s; and then in 1995 changed the Securities Litigation Act here; and finally the Graham-Leach-Bliley Act overturned in 1999.

Madam Speaker, I have to tell you, the American people will begin to see how the pieces of this puzzle fit together and they all lead back to the Wall Street megacenter banks.

Let's not reward Wall St. and the money center banks that have caused America and the world such great harm. How did they do it?

In the 1990's—Plan is set in place by Wall Street and the largest money center banks—like JP Morgan Chase, Citigroup, Bank of America, HSBC, Wachovia, and Wells Fargo—to over-leverage U.S. housing market through such schemes as mortgage-backed securities and home equity loans to make extraordinary profits and enrich executives, Boards, and their shareholders. The net result of their combined actions has been to indebt the U.S. on the private side, and ultimately shift the cost of their excesses to the public side.

These same institutions lobbied changes to Federal laws along with executive actions that aided and abetted their plan.

1994—Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 was passed into law with Congress hastening bank mergers with further concentration of financial power in large money center banks. The traditional concept of community banking where residential lending took the form of a ''loan'' which was made on the time-tested standards of character, collateral, and collectability was transformed to a ''bond'' or ''security'' which was then broken into pieces and sold into the international market, largely through Wall Street dealers. Essentially, collateral was overvalued, risk was masked, and proper underwriting and oversight of the loan were dispensed with.

1993–1994—HUD removes normal underwriting standards (HUD Mortgage Letter 93–2, ''Mandatory Direct Endorsement Processing'' gave authority to homebuilder owned lenders like KB Mortgage and affiliate lenders like Countrywide to independently approve their own loans; in 1994, Mortgage Letter 94–54 allowed lenders to select their own appraisers. Secretary of HUD, Henry Cisneros, upon departure from the Department became a KB Home Board Member as well as a Countrywide Board Member.)

In 1995 the Private Securities Litigation Reform Act, the only bill ever passed over a Clinton veto and a part of the Contract with America, made securities class action law suits more difficult. Congressman Ed Markey offered an amendment to that bill that would have made those that sold derivatives still subject to class actions. The amendment failed.

1999 Gramm Leach Bliley Act passed Congress and for the first time since the 1930's removed the regulatory barriers between banks, commerce, insurance and real estate. Over the next several years, the fury of an inflating housing market and mergers of financial institutions increased. Today, Dresdner, the second largest bank in Germany, has been victimized by the subprime crisis, and has been put up for sale, and is likely being acquired by Commerzbank which is owned by Allianz Insurance Group of Germany. Effective June 5, 2008, Dresdner Kleinwort Securities LLC was listed on the Federal Reserve Bank of New York ''Primary Government Securities Dealers.'' This means a foreign institution, with severe financial problems, is brought under the umbrella of the Federal Reserve. In addition, if one studies the Primary Dealer list, one will also note the presence of Countrywide Securities Corporation, one of the subsidiaries of Countrywide, the most egregious subprime lender in the U.S. The Federal Reserve has become an encampment for the most culpable.

The Boards and executive staff of U.S. housing secondary market instrumentalities, like FNMA and Freddie Mac, further enflamed the boom housing market during the 1990's by masking risk and fraudulent account schemes. All the while, their Boards and executives were making handsome compensation and benefit packages.

ABRAHAM LINCOLN BICENTENNIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Madam Speaker, my district includes the largest city in the world named for Abraham Lincoln. Lincoln is the capital of Nebraska, a State that bore great significance to our President's legacy.

On October 16, 1854, Abraham Lincoln delivered a speech that changed the world. One of the famed Lincoln-Douglass debates, this 3-hour speech challenged the Kansas-Nebraska Act and presented arguably the most thorough moral, legal, and political argument against slavery to that date. He deplored Stephen Douglass' invocations of the quote '''sacred right' of taking slaves to Nebraska.'' He spoke passionately against the act, declaring:

''I cannot but hate. I hate it because of the monstrous injustice of slavery itself. I hate it because it deprives our republican example of its just influence in the world—enables the enemies of free institutions, with plausibility, to taunt us as hypocrites—causes the real friends of freedom to doubt our sincerity, and especially because it forces so many really good men amongst ourselves into an open war with the very fundamental principles of civil liberty.''

Were Abraham Lincoln to not have spoken these words, my State may have suffered a past of grave injustice. Nebraskans are thankful for his stand for the principle enshrined in the preamble to our Declaration of Independence: All men are created equal.

Abraham Lincoln's legacy, 200 years after his birth, is now deeply rooted in our American tradition. He led our Nation through our greatest and most profound crisis and strengthened our country.

□ 1645

Though Lincoln's work at healing a fractured Nation was tragically and reprehensibly cut short, countless Americans have carried the mantle set forth in his remarkable orations. We work, as Lincoln said, ''to do all which may achieve and cherish a just and lasting peace among ourselves and with all Nations.'' Even today, and even while our Nation is under many pressures at the moment, it is a testament to Lincoln's legacy that the world still turns to us to lead on critical human rights issues.

Madam Speaker, as a Representative of Nebraska, as a resident of Lincoln, as an American citizen, deeply moved by the grand yet simple ideal of equality, I am honored to stand here today and pay tribute to President Abraham Lincoln on the 200th anniversary of his birth.

CHINA SEEKS GUARANTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. China yesterday said that they held $682 billion of our debt and that they were very concerned about the ''reckless policies'' of our spending. And they were concerned so much that they contacted our new Secretary of the Treasury and said, We want some kind of a guarantee that our money is going to be worth something if you guys keep spending so much over there and devalue not only your currency, but the currencies throughout the world.

Well, today China reversed its position and said—Luo Ping, the Director General of the Chinese Banking Regulatory Commission—said in a speech in New York, ''We're still going to buy your Treasuries because where else are we going to put our money, because the United States is still the biggest economy and the best place to put our money. But we're really upset with you because you're devaluing your currency, and you're going to be devaluing ours as well.''

And he said this, ''Except for U.S. Treasuries, what can you hold? Gold? You don't hold Japanese government bonds or UK bonds. U.S. Treasuries are still the safest haven. For everyone, including China.'' But, you're devaluing your currency over there, and we don't want ours devalued, but we don't have anyplace to go.

He said further on, ''We hate you guys,'' using his language, ''We hate you guys. Once you start issuing $1 trillion, $2 trillion or more in dollars, we know the dollar is going to depreciate, so we hate you guys, but there's nothing else we can do.'' Now what does this tell us as Americans?

This is a chart showing the amount of money in circulation in the United States. And you can't see—my colleagues who might be watching in their offices—but you can see the amount of money in circulation was pretty steady up until about the last 10 or 12 years, and then you see it has just risen like a rocket. It's just gone straight up. And that's before we started all this spending we are talking about right now, which worries not only us but the Chinese and Japanese and others that hold an awful lot of our debt and are buying more right now as we speak.

What's going to happen tomorrow is we're going to spend another $800 billion. Almost $1 trillion. The Secretary of the Treasury said the other day that he was going to have to put probably another $1 trillion or maybe even $2 trillion into the banking system in this country to make sure everything continues on the right path.

We are going to spend another $400 billion in an omnibus spending bill in a couple of weeks. So we are looking at probably $2 to $3 trillion in additional spending before too long, and it's going to probably triple the amount of money we have in circulation over the long haul. In the short haul, maybe only about half of that. Maybe only $1 trillion or $1.5 trillion.

But what that means is the amount of money in circulation is going to go up like a rocket. And that is what we call inflation, because the amount of goods and services produced by this country is not increasing at a rapid rate right now because of the economy. And so we are going to have pretty much the same amount or maybe a little bit less of goods and services being sold in this country, but we are going to have almost twice as much money.

So, the amount of money chasing goods and services is going to double, which means when you go to buy something, it's going to cost a lot more. If you have 100 quarts of milk, and I used this illustration the other night, and you have $100, then a quart of milk is going to cost about $1. But if you double the amount of money to $200 or $300, then the quart of milk is going to go up at the same rate. That's the law of supply and demand. And we're putting so much money in circulation that we are going to have, in my opinion, hyperinflation.

Now we had this back in the 1970s. It was worse then than it is now. Jimmy Carter was President. We had double-digit inflation. Fourteen percent. That's what we call hyperinflation. It will probably be worse than that now. We had double-digit unemployment. We have 7 percent now. It was 12 percent back then.

And so they brought a guy in named Volcker to do something about it. And he raised interest rates to 21½ percent, and we had the worst recession up until that time for probably 30 or 40 years. And then Ronald Reagan was elected. He came in and he cut taxes and stimulated economic growth. We had one of the longest periods of income recovery in American history.

We are doing the same thing today that Carter did back in the seventies. I don't think my colleagues—most of them—remembered that, because they are too young. And we are not going to profit from history. But what we are doing is we're throwing money at the problem instead of solving the problem by creating an economic recovery.

The way to create an economic recovery is to give business, industry, and American citizens as much of their tax money back as possible so they can spend it. They can spend it more wisely than the government of the United States. And if you ask all of your neighbors, said, Who could spend $100 better, you or the government? And most of them will say, We can.

We have got to control spending, and we're not doing it. We're heading in the wrong direction. We're printing money. We're going to be printing money at a very rapid rate, and it's going to cost everybody in this country and the future generations a great deal, not only in inflation, but more taxes and the quality of life.

200TH ANNIVERSARY OF THE BIRTH OF ABRAHAM LINCOLN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Madam Speaker, I appreciate so much the privilege to be recognized to address you here on the floor of the House of Representatives on this 200th anniversary of the birth of Abraham Lincoln.

I've watched, of course, Lincoln's life and history from the perspective of actually a youth who was pointed out to me by my family back in those years. So I have always paid a lot of attention to Abraham Lincoln.

As our 16th President of the United States, the man who saved the Union—who did a lot of things—but a man who saved the Union, kept us from being forever divided. I played a little with the history and the question of that. What would have happened if the Civil War would have ended with a division rather than the unity of the United States of America?

All history that flows from that date—from the 1860s—of this country, would be changed. The history of any involvement that we might have had during the Spanish-American conflict; during World War II; as we heard, from Judge POE; World War II; Korea; Vietnam, all of the wars, but also the geopolitics, the economy. We would not have become the preeminent economic power in the world if Abraham Lincoln hadn't come along and this Nation hadn't been blessed with him at the time it was.

His perseverance to save the Union has positioned this Nation to go forward to a level of destiny I believe unimagined by our Founding Fathers and unimagined by Abraham Lincoln himself.

One cannot say enough about what Abraham Lincoln did for this country or for the free world, Madam Speaker. But here we are today, on the 200th anniversary of his birth, celebrating these two centuries of prosperity that we've had, and I mean the prosperity of liberty, the prosperity of freedom, the prosperity of the Union holding together, and the constitutional point being preserved that this is an indissolvable Union of the States, of the several States and, today, of the 50 States, Madam Speaker.

I can't help but reflect that today is the day that it was planned by our current President of the United States, President Obama, to bring this huge spending stimulus package to the floor of the House of Representatives for what they anticipated and hoped would be a final passage vote of the conference report here in the House so that the bill may or may not have been handled by the Senate today, but so it had the chance to at least have been

passed in this Chamber—this Chamber—where Abraham Lincoln served one term before he went back and went through some political bumps in the road and then became President of the United States.

And one can walk through those doors and down the hallway and stand on the brass plate, the very spot where Abraham Lincoln's desk was when he served this country in this United States House of Representatives, where we are today, Madam Speaker.

Abraham Lincoln, the man who saved the Union, the man who stood on constitutional principles, the man who abhorred slavery but still understood that the language in the Constitution allowed for it. The man who cleared the way so we could pass the 13th and 14th and 15th amendments. The man who made it possible that we could have constitutional protection for rights of all men, and later paved the way for the rights of all women. Abraham Lincoln, Madam Speaker.

Abraham Lincoln, his ghost is with us, his spirit is with us today. But this was the day that the man who's postured himself as a second Lincoln wanted to see this massive stimulus plan come to this floor for a final passage.

It's not going to happen today, Madam Speaker. And I'm grateful it's not going to happen today because for me to hold back my tears thinking about what that says about the memory of Abraham Lincoln, to move an agenda that is a massive, irresponsible spending agenda to the floor of the House as a way of commemorating and connecting the 44th President of the United States, who is from Illinois, with the 16th President of the United States, who was a conservative from Illinois who stood for these constitutional principles. I can't think how they can be any further apart from a monetary perspective, Abraham Lincoln and President Obama, than what we see here today.

Abraham Lincoln was a conservative, Madam Speaker. Abraham Lincoln was a constitutionalist. Abraham Lincoln was on a strong national defense. Abraham Lincoln believed a series of things that I think this Chamber needs to hear about. And they don't fit very well with the legislation that has been pushed out of the White House today, or with the legislation that has been pushed from the Speaker's office.

And so, Madam Speaker, Lincoln—Lincoln, the conservative; Lincoln, the objective person who believed in personal responsibility; Lincoln, the man who was credited with saying, You can't help the poor by punishing the rich, You can't help the weak by weakening the strong; the whole series of those other statements made by President Lincoln—and here we are with this massive spending bill, this $838 billion spending bill. And when you add the interest on it, it has been back down now to something like $791 billion in the negotiations. And you add the interest on it and you come to $1.138 trillion sitting today in a conference report that is being printed, we think, with the idea that America's economy will be stimulated if we just spend enough money.

John Maynard Keynes wasn't born in time to influence Abraham Lincoln's philosophy. If he had been, I do not think he would have found favor with Abraham Lincoln or the cabinet. But Keynes was a contemporary of Franklin Delano Roosevelt, and Keynes did advocate that spending money stimulated the economy. Just by the virtue of spending the money, it stimulated the economy.

And so the simplest way to describe that would be—first, I need to tie this together. That President Obama has often articulated his belief that spending money stimulates the economy. He has said that—and the language is, ''Stimulus is spending,'' if we remember his angry speech the other day. ''Stimulus is spending.''

And so he's advocated this spending as if it doesn't matter where it goes, it just matters the size of it. And as I've listened to him speak, my disagreement is I don't believe the New Deal worked. His argument is that if FDR would have just not lost his nerve, if FDR, Franklin Delano Roosevelt, father of the New Deal, which has directly reflected the policies promoted by John Maynard Keynes, if FDR had just spent enough money, the New Deal would have gotten us out of the Depression. Well, Madam Speaker, it didn't get us out of the Depression.

And the President, the current President, President Obama, has said that we are going to grow this economy by spending. Stimulus is spending. And indexing it into this belief of Keynes. Here's what Keynes said. ''When it comes to public works, the more wasteful, the better.'' Because if you waste a lot of money spending it on public works, at least you're not competing directly with the private sector and taking away the things they might be doing that actually stimulate the economy. That private sector is generally the productive sector of the economy, Madam Speaker.

And, Keynes went on. Now, remember, this is at the basis, the foundation for FDR's New Deal, which is the basis for Barack Obama's new ''new deal,'' this uber new deal that hangs out above us today, that seems to have been at least temporarily suspended by the image of Abraham Lincoln and maybe the conscience of Abraham Lincoln, holding this thing back, maybe for another day, maybe longer.

□ 1700

Here is what Keynes said: If the Treasury were to fill old bottles with bank notes, bury them at suitable depths in disused coal mines which are then filled up to the surface with town rubbish, and leave it to private enterprise on well-tried principles of laissez fair to dig the notes up again, there need be no more unemployment.

Keynes said if we would just print a lot of Federal money and put it in bottles and go to the coal mine and bury it in the ground, and then dump the coal mine full of garbage and step back and watch the flurry of activity, that we would solve unemployment. That seems to be the approach that is brought today. It brings to mind for me the movie that the Beatles published some years ago, Magic Christian. If you remember the scene in Magic Christian where there was all kinds of garbage and refuse and just revolting material dumped into this swimming pool along with a lot of money, and there you had greedy people diving into the swimming pool and fighting each other for the money to get their hands on it. The same image: Keynes, the Beatles, Magic Christian; Keynes, FDR, Barack Obama. Their economic policy is the same. NANCY PELOSI's economic policy, the same.

We are here today doing all we can to hold back this disaster that is intergenerational theft of hundreds of billions of dollars cumulating into multiple trillions of dollars that are debt that we will not pay in our lifetime but will be debt that is passed along to our children and grandchildren. And if we saddle this economy, they may not be able to pay it in their lifetime, even if they come to the senses that we can't seem to get in a majority on the floor of this House.

I am happy to yield to the gentleman from Missouri. I am looking forward to the input that he would have on this economic issue, Mr. AKIN, such time as he may consume.

Mr. AKIN. I thank the gentleman, and I appreciate your comments. And I think that, as we have been trying to discover more and more what is in the bill; now, it is a secret what is in the bill, in spite of the discussions about transparency and the chance that people will have a 48-hour window to actually read what is in the bill. Yet, the bill we still have not seen it. There have been people out saying, well, here is the deal we cut. But in terms of transparency and 48 hours, that of course was just campaign rhetoric, apparently.

But what it seems like, as we look more and more at this thing, is that this is really a form of financial infanticide, because what we are going to be doing is burdening not only our children but our grandchildren.

But I would like to back up just a minute on the gentleman from Iowa, a man that has been a small business owner, a great Congressman, and a great commonsense guy, and I want to

just sort of back up because there is two theories about how to treat the situation. And I think it is important that we state that, as a Republican, and I believe you as a Republican gentleman, believe that this is a serious situation that we are facing.

At a town hall meeting, a little girl stood up and she said, ''My daddy just lost his job from 40 hours to 24 hours. Is there anything in this bill that is going to help my daddy?'' And the answer to that question is, ''no.'' And that is exactly the reason why we have to vote ''no,'' because it doesn't solve the problem.

Now, there are two theories about how you approach the situation that our economy faces right now. And one of them, this word Keynesian, which is some old musty historical guy, some Lord Keynes from England, I suppose, and he had a theory that was convenient for government people; and that was, the more government money you spend, the better off you are. And the guy who really tried that theory, worked for FDR. He was Secretary of the Treasury. His name was Henry Morgenthau.

Henry Morgenthau went out and, boy, did he spend money. And he did just exactly what the Democrats are doing he said that they want to do, and that is to build schools and to do all of these different public works projects. And at the end of 8 years, he appeared before the Ways and Means Committee. Now, this guy was doing Keynesian economics before Keynes even made it popular.

At the end of 8 years he appears in the Congress here before the Ways and Means Committee and he says, ''It did not work.'' He said, ''We have spent money and spent money for 8 years, and I am telling you, it does not work. The unemployment is just as bad now as it was 8 years ago, and, to boot, we have a tremendous debt.'' Now, that was our first experiment with the idea that you just go out and spend tons of money and everything is going to be okay.

Now, I don't know too many households in America, Congressman KING, that have such a lack of common sense that when their family budget gets in trouble, that they go buy a brand-new car, take out a second loan on their house, buy a motorboat, and just go spend money to make it better. There are not too many people that have that little common sense. And yet, right here in Washington, D.C., we seem to have all of them that doesn't have any common sense ready to jump on this idea that just spending a whole lot of money is going to make the problem better.

Now, we haven't even talked about what we are spending the money on yet. The theory is that we are going to do stimulative things, such as building roads and bridges and stuff, which in fact most of this bill has nothing to do with that at all, just expanding entitlements. I really don't understand how millions and millions of dollars spent on sexually transmitted disease education is really going to put people to work.

But aside from that, I just wanted to mention one other thing, and that is something that is a problem of scale. Sometimes numbers get so many zeroes behind them that people get a little batty and don't realize what they are talking about. So let's try and put this $800 billion into perspective. And it is not $800 billion; it is going to be more than $1 trillion, because what this does is it commits us to all kinds of additional spending which it is not going to stay anywhere near. But let's just say we talk about $800 billion. What does that mean?

Well, one of the things we have heard for the last 7 years is all of the money that we have wasted on the war in Iraq and how much money the war in Afghanistan has cost us. So let's start, first of all, go back to the beginning of the war in Afghanistan 7 years ago, the beginning of the war in Iraq 6 years ago, let's add it all up. Add all of those two wars up from the beginning of when they started, and it is less than what is in this bill. So that 800-some billion dollars, that is a pretty fair amount of money.

Let's put it in other terms. Let's picture, we now currently have 11 aircraft carriers in the military. Those are considered the most valuable assets, other than just the American cities that we have. We really try to protect our 11 aircraft carriers. How many aircraft carriers could we build for $800 billion? Well, if we got them at the old price, about 250. Can you picture 250 aircraft carriers end to end? But let's say we get the newest, most fancy brand-new aircraft carriers. Still, even with no discount for buying a large number, we are talking 100 aircraft carriers. The debt service in one year on this $800 billion would buy us 9 aircraft carriers.

And so what are we going to do? We are talking about protecting mice in the Speaker's district, and we are talking about all of these things that have nothing to do other than just spending a whole lot of government money.

So, first of all, the question is: Does spending a lot of money do any good? And the answer is: Historically, the Japanese tried it and it didn't work for them, either, any better than it did for FDR. They turned a recession into a depression using this theory.

And so what the common sense is, the Federal Government has got to stop spending so much money. That isn't too complicated. People are saying Republicans don't have an answer. We have got an answer: Don't spend all this money. What part of ''don't spend money'' don't you understand? It seems so simple. Everybody else in America can figure it out. Why can't we figure it out?

We don't want to spend a lot of money. What we want to do is we want to let the capital, the money, remain with the people that actually create the jobs. Don't we?

And I see that you have got a number of other really qualified people to join you on this hour. I just thank you for taking the time to try to get the truth out on a bill that is still smoke and mirrors.

Mr. KING of Iowa. Reclaiming my time, and thanking the gentleman from Missouri for his many hours here and for his many hours in front and behind the scenes standing up for our American values. It triggers in my memory how much money an aircraft carrier can be built for.

Bloomberg reported on Monday that if you add up the commitments that the United States has made within the last year in economic stimulus plan in one kind or another, including Fannie Mae and Freddie Mac, including the rebate check, including the $700 billion bailout, the risk in Fannie and Freddie and these bailouts, it comes to $9.7 trillion. That is with a ''T.'' And if we applied the $9.7 trillion to the home mortgages in America, it would pay off 90 percent of the home mortgages in America. That is how much money is at risk here, taxpayers' money, the people's money in this country, Madam Speaker.

I would be so happy to yield so much time as she might want to utilize to the gentlelady from Minnesota, Mrs. BACHMANN.

Mrs. BACHMANN. And I want to thank the stunning representative from Iowa, Mr. KING, who is putting this effort together for this hour. There are many of my colleagues who are here, and many more who want to join and add their words to the wonderful repertoire we are having this evening.

As Mr. KING had mentioned, it is absolutely true; as we look at the risk that we put the American taxpayer at, we are looking at essentially $9.7 trillion of potential risk.

One fact you mentioned, that potentially 90 percent of all home mortgages could be completely paid off with that amount of money. Here is another fact. You could take that $9.7 trillion that the American taxpayer is on the hook for, and you could write a check today to every man, woman, and child in the world for $1,430. That is how much money we are on the hook for.

And the reason why I wanted to have the opportunity to stand up right now; my husband and I have been married 30 years, we have 5 biological kids, and we have been blessed to have 23 foster kids. I can't look my 22-year-old in the eye and say to him, ''Harrison, this stimulus is good for you and good for your generation.'' Why? Because I know for a fact that just the Social Security burden alone, the unfunded net

liability that the next generation will owe just on Social Security will equal 25 percent of their income when they come into their prime earning years. That is before this level of spending.

We are looking at $1 trillion in spending. $1 trillion just in stimulus spending is equal to the entire amount of money that we have in currency, in the currency today, in the United States. This is an enormous amount of money. And that doesn't include the $2 trillion that the Federal Reserve has also just been in the process of promising this week. We had a $3 trillion day here in Washington, D.C. just a couple of days ago.

But the great news is that we do have an answer to these economic doldrums. Republicans don't disagree that there is a problem. There is a tremendous problem. But we also know the solution.

How do we know? Well, there is a Harvard long-term study that was completed in 2002, and it said very simply this, ''After studying 18 economies, we know what the answer is to increasing economic competitiveness. It is this: Governments need to cut government wages and they need to cut transfer payments, which are welfare payments.'' How do you characterize a downturned economy? Very simply: Increase taxes.

We know what the solution is. Imagine if last year, under the Democrat controlled Congress and under President Bush, had we chosen to reject $1 trillion in new spending, and instead had we put in place permanent tax cuts in the capital gains tax, zeroing that out, cutting the corporate tax rate down to 9 percent, cutting marginal tax rates for every American, our problem this year would be finding enough workers to fill the jobs.

There is a reason why we aren't seeing an investment in the United States; it is because we are currently the second highest tax rate, corporate tax rate, in the world. We can change that very quickly. And now when the rest of the globe is in economic doldrums, wouldn't it be a pleasure to have the United States be the best climate for investment? We can do that.

That is what the Republican plan aims to do. That is what all of us are down here tonight to offer that positive solution to the American people.

We are going to hear a lot about how bad this bill is. In fact, we know it is bad, because Senator JUDD GREGG just announced that he is withdrawing his name for consideration as Commerce Secretary under President Obama for two reasons: One being that the stimulus package is so bad he can't be associated with it; and, number two, he is so outraged that the current Obama White House has taken the Census out of the Commerce Department, where it has historically been, and pulled it into the White House for what we believe are obvious political reasons that he has said, ''I can't abide by this. I am gone.''

That is why we are here tonight. That is why I commend you, Representative KING, for holding this forum, because we know we have solutions that work. And, after all, the American people deserve no less. And I thank you.

□ 1715

Mr. KING of Iowa. I thank the gentlelady from Minnesota for the quick mind that she has and the background that she has not only as a tax attorney, but also as a mother and a foster parent. She is someone who has also plied the trade and understands taxes and the incentives that are involved. She has been involved in the private sector for many years starting and operating businesses successfully. All of this background gets threaded into the judgment that comes here. And that was how it was envisioned, that we would bring our skills from our private life to this Congress and work together.

The stimulus package, I might add, Madam Speaker, is not one of those. It didn't benefit from one side of the aisle here. It didn't have the bipartisan negotiations. It didn't really reflect the free market attitudes of the Republicans. It only reflects the grow government, grow entitlement and grow the dependency philosophy of Democrats. And part of me says, well, if it is going to be one or the other, then let the people decide. And if they can't decide for allowing for a legitimate debate and amendment process here on the floor of the House, then perhaps they will decide in the next election, Madam Speaker. And that is what this is about is making this case. I'm very well aware of the inertia that is there. But I still say, maybe, maybe the image of Abraham Lincoln is holding this disastrous stimulus plan back. Maybe America will come to pass and actually people will wake up tomorrow morning having had an epiphany and come to their senses that spending money for the sake of spending money is the equivalent, as Keynes said, of digging a hole and burying it. And the President said we're not just digging a hole and filling it back up. But yes, we are. We are with about $2 out of every $3 in the stimulus plan.

I recognize some Members here on the floor. Since I have spoken to the Illinois issue, I have been looking forward to hearing from a son of Illinois, since this is the 200th anniversary of Abraham Lincoln's birth, the gentleman with all of the vigor that Illinois could muster on any given day, the gentleman from Illinois (Mr. MANZULLO) for so much time as he may consume.

Mr. MANZULLO. The Republicans have been offering an alternative to this $800 billion stimulus. The Republican plan includes, among other things, decreasing the lowest two income tax brackets by 5 percent, which results in a $3,300 income tax cut for married couples, money that you can use for any purpose that you want. And it includes a 20 percent tax deduction for small business income and a home buyers tax credit of $7,500. A real stimulus means that the country needs to be able to present something to the American people and say, look, here is what you can do in order to restart the lines of production to get the economy going again.

Mostly what we see is a trickle-down economy. And people from the other side of the aisle don't like me to mention it because that was associated with Reagan. But the trickle-down stimulus means you pour money in from the top, and you use it as a bandage in hoping that sometime the economy will recover and people will start buying again. It doesn't work that way.

Let me give you an example of a trickle-up economy, an economic stimulus, that is so simple. Two years ago, this Nation sold 17 million new cars. Then that dropped to 10 million new automobiles. And at an average price of $25,000 per vehicle, that means that there was $175 billion in direct sales of motor vehicles that simply vanished. If you take that by any economic factor, three or seven, whatever it is, that is $1 trillion that was deleted from our economy. And that has resulted in hundreds of thousands of people not only directly involved in manufacturing automobiles becoming unemployed, but the OEMs and the people on supply lines, and in fact people such as Ron Bullard, who has a place called Bison Gear in St. Charles, Illinois, just over the congressional line from the district that I'm pleased to represent. And Ron Bullard makes electrical motors. And a couple of years ago, he put in two lines of equipment, Hoss equipment, proudly made in America. And with those two lines, he is going head to head with the Chinese and the Mexicans making a better and cheaper electric motor and serviced locally. And many of those motors go into the manufacturing process. And so when we look at the impact of the loss of orders in the manufacturing cycle, we can't even begin to realize how big this is.

Take this example: If we gave a $5,000 voucher to every person who wants to buy a brand new automobile, and we brought automobiles up to the 15 million sold as opposed to the 17 million that were sold, the total cost to the taxpayer is $75 billion. Well, that is a lot of money. It is 15 times 25, 15 times $5,000 for the voucher. So somebody could go into a Chrysler dealer, for example, and buy a brand new Jeep Patriot proudly made in the 16th Congressional District, which I serve, and instead of paying $20,000 for it, you pay $15,000, a little under $300 for 5 years.

There are enough people working in America today that would love to buy a brand new automobile at 20 to 25 to 15 percent off. It is a quick turn-around. You exchange the VIN numbers on the cars for a $5,000 check coming directly from Treasury to the automobile dealer. And what does that do? It gets rid of the cars that are on the floors of the automobile dealers. It gets rid of the cars that are sitting on the lots of the manufacturers. People go back to work making more automobiles. People come off unemployment compensation and start paying income tax. And when people start buying automobiles, State and local sales tax coffers start up again. OEMs put their people back to work.

We need to restart the entire supply chain of manufacturing in America for us to have the opportunity to come out of this economic doldrums, or whatever word we want to find for this recession. That is trickle-up economics. The voucher goes directly for the intended purpose. People go back to work. The economy gets restarted. This is what we need as part of the Republican stimulus. This is what America needs.

What is the cost to restart manufacturing to sell 15 million cars in America? Seventy-five billion dollars. That is a lot of money, but it is a long, long way from the $800 billion in spending, very little of which is related to stimulating the economy.

Mr. KING of Iowa. I thank the gentleman from Illinois and appreciate listening to him.

I have listened also to the President of the United States. And one of the pieces of this recovery package as he describes it and in the stimulus package as some others describe it and the ''porkulous'' package as others describe it, is that there would be no earmarks. I remember the Presidential campaign. I remember JOHN MCCAIN and Barack Obama both taking the pledge that there would be no earmarks in their administration.

And I want to point out that President Obama made the point specifically about this recovery package that there would be no earmarks. And he said, ''we will ban all earmarks in the recovery package.'' I'm quoting the President of the United States. ''And I describe earmarks as the process by which individual Members insert pet projects without review. So what I'm saying is, we're not having earmarks in the recovery package, period.'' That is the clear statement the President of the United States recently made within the context of this recovery package.

And so, Madam Speaker, I brought along this little poster to illustrate how a deal doesn't long stay a deal. We've already heard that we were going to have a bill up for 48 hours for public scrutiny before it would come to the floor for a vote. That looks like that is a thing of the past. Remember the language, ''individual Members will not be inserting pet projects without review. So what I'm saying is, we're not having earmarks in the recovery package, period,'' Barack Obama.

Well, Madam Speaker, here we have a pet, a mouse, a pet project, a pet project of the Speaker of the House, NANCY PELOSI. This little mouse here, a desert mouse, I don't know what he is, a sand mouse, it is a mouse that NANCY PELOSI has been seeking to create habitat for for some time. It is her pet project, this pet mouse.

Mr. DANIEL E. LUNGREN of California. Would the gentleman yield? It is a salt marsh mouse, a salt marsh mouse from San Francisco.

Mr. KING of Iowa. I thank the gentleman. Hopefully I didn't offend the mouse. He is a salt marsh mouse, a salt marsh mouse from California, and conservatives are more numerous, I recognize. However, this $30 million is an earmark in the stimulus plan, in the recovery plan. It is a direct violation of the mark laid down by the President of the United States that there wouldn't be any special projects set up by individual Members, period. No earmarks. Well, here is $30 million for the salt marsh water mouse of California. This mouse, who has not affected my life in any way whatsoever, but will affect yours soon, because we will be paying taxes, interest and debt on this $30 million mouse.

Ms. FOXX. Would the gentleman yield?

Mr. KING of Iowa. I would yield.

Ms. FOXX. I think specifically the money is for those mice in San Francisco, California, not just California, but specifically San Francisco, California.

Mr. KING of Iowa. I thank the gentlelady. I would hope they would not be San Franciscan monk mice. But I appreciate they are salt marsh mice with San Francisco leanings.

And I might say also if you take a look at this mouse real closely, there has got to be an earmark right there in that mouse. The salt marsh mouse with San Francisco leanings, not a monk mouse, has an earmark in him. And it is a $30 million notch punched in there that is identified by the Speaker of the House, who has taken positions against earmarks, but has not apparently sworn off them for herself. And so this is just one piece.

This is $30 million out of what is over $1 trillion stimulus package, a porkulous package. This is just a symbol of what we're up against. And by the way, nobody has seen the draft of this bill yet. We only see the reports on the discussions that leak out of the rooms where it is being drafted. It is not going to be hanging up on the Web for 48 hours. It is not going to have the scrutiny of the public. It is simply going to be a bill that is written in the dark and rushed to the floor under a rule that doesn't allow open discussion beyond a limited amount of debate on the rules and a limited amount of debate on the conference report.

So, since we have had a good look at this salt marsh mouse, and we have had a good look at his earmark, I think it is important to go to someone from California who knows a little bit about conservatives in California who I think hopefully are not an endangered species like the salt marsh mouse, the gentleman, Mr. MCCLINTOCK, from California.

Mr. MCCLINTOCK. I thank the gentleman from Iowa for yielding. Being from California, I do have to note how frustrating it is to see the same folly that has brought California to the brink of insolvency now being practiced here in the seat of our national government. After all, there are still 49 other States that Californians can move to if the left succeeds in bankrupting California. If they succeed in bankrupting America, I wonder where we will all move.

We've had a lot of fun tonight with the salt marsh mouse. He is about to be a very wealthy mouse. I think it is also important for us to note that this Congress is on the eve of a momentous decision, a decision that is going to follow us and follow our children many, many years into the future.

I particularly want to compliment the gentleman from Iowa for taking to the floor tonight on the eve of this vote to try again to sound the alarm to our fellow Americans of what is at stake. And I again want to urge the majority to consider very carefully the damage that they are doing to our Nation's economy by passing this unprecedented spending bill. There is still time, fleeting time, to heed the warnings from economists across the Nation that this bill will do long-term damage to the growth of our Nation's economy for many years to come. This is not mere economic theory, Madam Speaker. It is the consistent effect every time and everywhere that a government has tried to spend its way to prosperity.

□ 1730

Tonight history is shouting its warnings at us. Never has a nation spent its way to prosperity, and many nations have spent their way to ruin and to collapse. If government bailouts and handouts and loan guarantees actually worked, we should today be enjoying a period of unprecedented economic expansion. After all, we began down this road more than a year ago with the failed Bush stimulus plan, and now we have squandered or placed at risk some $9.7 trillion; as the gentleman said earlier, enough to buy up 90 percent of all the mortgages in America, not 90 percent of the bad mortgages, 90 percent of all the mortgages.

Another way to look at that, as an economist pointed out recently, is that

that figure vastly exceeds the modern-day inflation adjusted cost of the Space Race, the Vietnam War, the Marshall Plan, the Louisiana Purchase, and the New Deal combined. The problem is, this policy doesn't work.

Now, we've been told from a residence about a mile from here, not to, ''come to the table with the same tired arguments and worn ideas that helped to create this crisis.''

And yet, Madam Speaker, that is exactly what this administration and this Congress are now doing. This is exactly the same policy that the Bush administration pursued for more than a year, to no avail, and we're hearing the same tired rhetoric to justify it. Different singer, same tired old song.

At best, the proponents of this policy are trading a fleeting economic surge for a sustained, chronic and long-term reduction in economic growth. And there's a simple reason for that.

The $800 billion that they have to borrow just to finance this single bill, let alone all of the other trillions of dollars that they have either spent or placed at risk, that $800 billion they have to borrow for this plan comes from exactly the same capital pool that would otherwise have been available to loan to employers seeking to add jobs, or home buyers seeking to buy homes, or to consumers seeking to buy consumer goods. They're literally taking $800 billion from loans that could have been made to expand the economy, and shifting them to loans that are going merely to expand government. And that $800 billion, plus interest, will have to be repaid from the future earnings of American families, directly sapping the future economic growth of our Nation.

On average, this single measure will reduce the disposable income of every taxpaying family by more than $7,000. Now, instead of reducing their disposable income by $7,000, maybe we ought to consider increasing their disposable income by reducing their tax burdens now. That's what the Republican alternative proposes, a plan that economists tell us will produce twice the jobs as the President's plan, at half the cost.

And to those who doubt that, listen to the President's own numbers. He's repeatedly promised that the $800 billion in this bill will create or save as many as 4 million jobs. That comes to $200,000 per job. We could literally save half of what he has proposed spending if we were to send $100,000 checks to each of those 4 million lucky families. That's by the President's own numbers.

Now, nobody here suggests the government should do nothing in the face of this terrible recession. But this plan is actually worse than doing nothing, because it robs us of our economic future.

Madam Speaker, perhaps we need to add the Hippocratic Oath to the oaths of office for the President and the Congress. First do no harm.

Mr. KING of Iowa. I thank the gentleman from California. And picking up on the point that you've made so succinctly, the projection, as reported this morning, is that this ''porkulus'' plan will create or save 3,675,000 thousand jobs. And the formula is that, this is a rule of thumb formula that's also used by the Federal Reserve, that if you spend enough money to increase the Gross Domestic Product by 1 percent, that equates into roughly 1 million new jobs. So if you increase it by 3.675 percent, by spending money, whether you dig a hole and bury it in the coal mine, as we talked earlier, wherever it goes, that's the rule of thumb.

And I'd point out also that the President has taken this position that it's create or save. Well, anything can save a job. Doing nothing would save jobs. And this formula that's only indexed back to a loose idea that investing, spending money, just spending money creates jobs, that's all it is. It's just that formula, that rule of thumb.

And looking at the order of arrival on the floor, I think it might be appropriate to hear a little from Texas before we go back to the other coast. And I'd appreciate it if the gentleman from Texas (Mr. GOHMERT), my good friend, would illuminate us with some of his wisdom.

Mr. GOHMERT. I thank my friend from Iowa for yielding.

This is a deeply troubling time. And all of us know people who have lost their jobs and people who are endangered.

I got the message just earlier that Lone Star Steel shares a lot of employees in my district and RALPH HALL's districts, that, as I understand it, they were holding out, hoping that there would be true stimulus would be coming so that they could keep people working. But they've apparently indicated today they're letting 1,200 people go, suspending their employment.

It appears, we've been hearing over and over from the Democratic leadership, and even from the President, people are losing jobs every day. And if this stimulus, so-called stimulus package, ''spendulous'' package, if it were really providing hope, then people wouldn't have been losing their jobs for the last year. They just wouldn't. People would have held on and said, the hope, the change, the help is coming that's going to help us keep providing jobs and open up new jobs and save these jobs. But they're getting it. And every day, people are being laid off because everything they've heard about the ultimate spending package is not providing hope.

There's no hope. There's no change in this bill. It's a massive spending bill. And much of it, we'd heard before, is going to be spent in the next, well, 2 years or more from now. So that's very disconcerting.

We were told that the reason that we had to have someone who had cheated on his taxes be made the Treasury Secretary was because he had worked hand in hand with Secretary Paulson. Well, to me, that was a good reason not to confirm him, that he had worked with Secretary Paulson. Good grief. That did no good as far as we can tell.

And then he announced his plan yesterday, and he was so stirring and so uplifting, the market immediately fell nearly 400 points.

But I did a town hall meeting, and I guess that was Tuesday maybe he announced that. But I did a telephone meeting with some people, and a lady from my district, Ms. Maxwell, has just retired from the IRS. And she said there are lots of IRS agents who are outraged, but they work for the IRS still and they don't want to lose their job so they're not going to say anything.

But the fact is, she said, when you work for the IRS, if you make a mistake on your income tax, you're gone. She said that she had gotten $600, she'd won $600 at a casino in Shreveport, and she forgot to report it by the end of the year. And they were going to fire her because she forgot to list it. Immediately, when she remembered, she amended the return right after she'd filed it. But the thing that saved her was she had overpaid her taxes, so she didn't owe money that had to be paid back, that she overpaid. And she said, so her supervisor went to battle for her, and she just barely was able to keep her job, and then just recently retired.

Every IRS agent is expected to make no mistakes on their, and especially intentional, like Geithner signed that form saying, I certify I will pay all the taxes if you just give me the money. And he didn't do it. And now he's in charge.

The market doesn't have confidence in him. It keeps going down the more he talks. He was not indispensable as we were told by this administration. As my former pastor used to say, the cemetery is full of indispensable people. We needed somebody who was a leader, not somebody that cheated or was completely negligent on his taxes. And so we're not getting the leadership we need.

But people, in the meantime, are hurting. We have proposals that would stimulate the economy, and it galls me to no end to see this kind of throwing money at the problem, and not trusting the American people, the real power behind this country, to do what will be necessary to save the country.

And, in fact, what we have here is an atmosphere of arrogance in Washington that says you can't trust the American people. We don't want them to have their own tax dollars back because they might not spend it the way we want them to. And that's why Senator KERRY said here, ''But a tax cut is non-targeted. You put a tax cut into

the hands of either a business or an individual today, there is no guarantee they are going to invest their money. There is no guarantee they are going to invest their money in the United States. They are free to invest anywhere they want, they choose to invest it.'' That was just a few days ago by Senator KERRY.

The bottom line is, they don't trust the American people to use their own money. A tax holiday for two or 3 months with people getting their own money back, let them save the economy. They can do it.

This plan is a disaster, and it's not fair to the American people.

I appreciate my friend yielding.

Mr. KING of Iowa. Reclaiming my time and thanking the gentleman from Texas.

I'd like to briefly recognize the gentlewoman from Minnesota (Mrs. BACHMANN) before I go to California for an insert here of a piece of knowledge I think we need.

Mrs. BACHMANN. Thank you, Representative KING.

Just listening to this very important discussion among all of our colleagues, it just struck me that it seems very telling to me that President Obama, who has strong majorities in both the House and the Senate, seems to be pointing as his nemesis in this very historic debate to radio talk show hosts like Rush Limbaugh and Sean Hannity as being the nemesis in this debate of this wasteful historic level of spending. And so I just wonder if it's a coincidence that now we have Democrat Senators who are calling for Congress to reinstate the fairness doctrine, to now silence these voices.

I think the American people need to pay attention to what happens when we challenge this current Democrat majority, because now we're hearing United States Senators calling to silence the very voices that have tried to sound the alarm so the American people can know what's happening here in this Congress.

And I yield back.

Mr. KING of Iowa. Reclaiming my time, we would soon have Al Franken's version of fair and balanced. And before we go to the salt marsh mouse expert of California, I just want to point out that President Obama said that there would be no pet projects, and no earmarks. But we have this pet project of the pet of the Speaker of the House, this San Francisco $30 million winner of this stimulus plan, even though it violates all the rules that have been laid out here, except maybe he will be on display for 48 hours before he comes to final passage.

Gentleman from California (Mr. DANIEL E. LUNGREN) for so much time as he may consume.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman from Iowa.

Let me make several points. First of all, as we look at this stimulus package, the American people are asking us what's in it. It's difficult for us to tell because we haven't seen it. But we do know it's premised on the proposition that if excessive bad spending got us into this problem, excessive bad spending is going to get us out. And I would just suggest this to the gentleman from Iowa.

Did not we learn our lesson from Fannie Mae and Freddie Mac?

There were a small number of us on the floor just a couple of years ago who tried to apply the brakes to a runaway situation. But we were overwhelmed by the sentiment that, you know, the taxpayers can pay and pay and pay, or stand behind and stand behind or go into debt interminably. We can promise more than we can perform. We can do it for all good intentions, and it will never, the day will never come when we have to actually deal with the consequences. That should be an object lesson for us now. How long ago was that? That's just a couple of years ago. And yet, here we are now dealing with that same situation.

The second point I would make is this: As we understand in this plan, they have put the Davis-Bacon provisions in, with respect to the stimulus infrastructure projects. Let me just say this: That cuts down on the number of jobs that will be created. Don't worry about a fight with the unions. That's not the point. The point is, when you impose those stringent standards on the States and localities for their infrastructure projects, you will have fewer jobs created.

□ 1745

The third point I would like to make is this: How are we going to pay for it? We're going to pay for it out of public debt. We're going to have this nearly $800 billion stimulus. In another 2 weeks, we're going to be on this floor, and we're going to be talking about a $410 billion omnibus spending bill, followed by an additional $100 billion supplemental.

How are we going to pay for that?

We're going to have to go to the market. We will, in fact, have to go to the market. The Bureau of the Public Debt will attempt to borrow $2.1 trillion in a single year. This is 4 times the amount of debt we have ever tried to put on the market in a single year. You don't think this is going to have consequences? It is.

I am the proud father of three. I have three grandchildren. I have two stepgrandchildren. My youngest grandchild is 1 year of age. What we do tomorrow will affect him far more than it will affect me or any of my constituents of an older age, because he is going to have to pay. When we say, ''you don't have to worry about that,'' just think back to Fannie Mae and Freddie Mac. It not only helped destroy the housing industry, but it had a corrupting influence on the banking industry, and it has cascaded into the entire economy. Maybe we ought to think about that before we vote tomorrow.

I thank the gentleman.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman from California.

I happen to remember that debate. The last one I heard on Fannie and Freddie was an amendment offered by Congressman Leach on October 26, 2005 right here, and it was the chairman of the Financial Services Committee today who came down and who most vigorously opposed requiring the capitalization and regulation of Fannie and Freddie, and they're beginning to clean up that which is now a $5.5 trillion contingent liability for the taxpayers of America.

I would like to turn to Ohio. I recognize our time is a little short, but we will grant however much latitude the gentleman from Ohio might like to have.

Mr. LATTA.

Mr. LATTA. Well, I thank the gentleman for yielding, and I would really like to follow up a little bit on what the gentleman from California just said.

I come from a State and from a district that has heavy manufacturing, and we're hurting out there, and there is no question about it in my district in the State of Ohio. America is hurting. You know, the stimulus package has been talked about. We're not talking about a package that is going to help America. This has turned not into a jobs bill but into a spending bill.

If I could just follow up a little bit, I was on a tele-town hall last night with my constituents. The big question those people had was: What's in this for me? How is it going to help me? I couldn't tell them. I couldn't tell these folks how this package was going to help them. Just today, they asked: What happened to that $700 billion that we just had in that financial bailout? It's gone.

As the gentleman from California said: What's going to happen right now?

Well, we're going to raise the national debt ceiling that we have here for Federal debt to over $11.1 trillion. It just went up last fall to $10.3 trillion. He is absolutely right. Where is this money going to come from? Well, we're going to go out, and we're going to have to get our tin cans out and ask for it from our foreign creditors out there, who already own $3 trillion of our debt today. The Chinese own $682 billion. We're going to have to say: Can you bail us out? Those people are saying: Wait a minute. We've got our own problems in our own country right now.

As the gentleman so rightly pointed out, when that day comes as to when

these countries say, ''we're not going to bail you out,'' we're going to have to raise the rate that we're going to get for that interest. As had been pointed out a little bit earlier, what is going to happen is that our credit markets are going to dry up.

Today, I had 14 local bankers in town. These folks are worried. They're worried about what happens when it's a tight market right now and they're trying to get out there. They want to get out there and lend and make sure that people can run their businesses and that people can buy houses. Yet the problem we're going to have is that the Federal Government is going to take that money, and there is going to be a huge sucking sound around this country of the dollars coming into the Federal Government as it's using that money to borrow. We can't have that happen because, when that does, we're going to be in the same situation that we were in years ago until we can get those markets back and can let them borrow and start again.

So I just want to sum up. I know there is another speaker here.

The American people are rightly concerned. The people of the Fifth Congressional District are rightly concerned as to what this bill is going to do, not for them but to them. So I thank the gentleman for sponsoring and for yielding. Thank you very much.

Mr. KING of Iowa. I thank the gentleman from Ohio, and I thank all the folks who have come down here to lend some wisdom.

Recognizing we have about 2 minutes left, unless he should run out of material, I will be happy to yield the balance of time, or so much time as he might consume, to the gentleman from Louisiana.

Mr. SCALISE. I want to thank the gentleman from Iowa for yielding.

This is a very critical debate. It is a debate on the most important issue facing our country. We are talking now about the single largest spending bill in the history of our country being rammed through with very little debate. There are closed-door, backroom deals being cut right now on the actual final product that we're going to vote on today. None of us here can even see it. We were told this was going to be the most transparent administration. The American people can't even go online right now and see it. They can't even get a copy faxed to them because there is no copy available. It's being debated behind closed doors and with no public input, and we're starting to hear about some things that may be in it. I think it concerns a lot of people as they have already seen some things that are in this bill that are very concerning.

We are hearing that there are going to be billions of dollars for a railroad between California and Las Vegas. I don't know about you, my good friend from Iowa, but we used to hear that what happens in Vegas stays in Vegas. I guess now what happens in Vegas is going to affect every taxpayer in this country. Billions of dollars on that one item.

There is language that we're hearing is going to be in this bill that will undermine the welfare reforms that were made in the 1990s, welfare reforms that have been dramatically successful in helping people get off of welfare and get off of that government dependence and finally get jobs—good, healthy jobs, good-paying jobs, good careers. For those single women who are out there who are, maybe, single mothers who are finally getting a good career opportunity, that is being taken away from them with the undermining of this welfare reform that is in this language.

The health care czar, this is something that we have never even heard about before. Now we're finding out there is language that is going to create some kind of health care czar that will basically be able to ration health care.

So there are some major changes in here that do not stimulate the economy at all, that do not create any jobs but that make some very dramatic policy changes that will affect adversely many, many millions of people across this country and that will hurt our economy even worse at a time when we need to be turning it around. We have presented good alternatives to try to get our economy back on track which would create jobs in the middle class for those small businesses.

I just want to read one final word before we leave, because all of this massive spending is creating tremendous debt. Just look at what FDR's Treasury Secretary said after the New Deal with all of the spending they did.

''We are spending more than we have ever spent before, and it does not work. I say, after 8 years of this administration, we have just as much unemployment as when we started and an enormous debt to boot.''

Let's not make the mistakes of the past.

I yield back.

Mr. KING of Iowa. Thank you, Madam Speaker. I want to thank you for your indulgence this evening, and I appreciate your attention.

I would yield back the balance of my time.

COMPREHENSIVE HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Thank you very much, Madam Speaker, for allowing us to have the time this evening.

I am very glad to be joined by a number of colleagues over the next hour as we start what we hope will be a fairly regular Special Order hour here on the floor of the House of Representatives to talk about the great need for comprehensive health care reform this year in the United States Congress.

I think it is very appropriate that we kick off this Special Order hour in the midst of an incredibly important and critical debate about the economic future of this country, both in the short term and in the long term, because one of the things we're going to talk about in this Special Order hour is the very fact that, for millions of families out there and businesses—small and large—this economy did not just lurch into crisis this past summer. It happened long before that.

One of the biggest contributing factors to the economic crisis that businesses and families have been feeling for years is the mounting cost of health care. Businesses have not been able to expand because they cannot afford to pay the increasing health care premiums. Our domestic manufacturers are hamstrung by a system that burdens them with health care costs that aren't shared by their foreign competitors, and families who are being asked to pick up more and more of the tab of health care simply cannot do everything they would like to do. For potential entrepreneurs who want to go out and start those new businesses, who have great ideas but cannot leave their current places of employment because their health care benefits tie them to those jobs, they cannot take the risk to go out and start those new endeavors because they cannot take the risk that their families will not have health care.

This economy has been held back for too many years by our current health care system, and one of the things that I hope we will get to talk about here is the increasing burden on our economy by our current health care system. We have an opportunity in this economic crisis to learn from our mistakes. One of those will be our efforts to try to fix this very broken health care system.

We have a number of people here who may have to leave before our hour is up, so I do want to yield some time right off the bat. Representative BALDWIN, who started doing health care hours before I came to Congress, is going to share some letters from our constituents over the course of the next hour.

Before we get into that, I want to yield some time to, really, one of the great leaders for those of us who have come here to Congress in the past several years. He has been fighting the general fight for health care reform, but he has done yeoman's work in the

past several years on the issue of mental health care. He is my good friend, Mr. KENNEDY, from Rhode Island.

Mr. KENNEDY. Thank you, Mr. MURPHY from Connecticut. Let me just say what a tremendous honor it is for me to join you on what, I think, is the moral question of our time.

We have gone through historic times. We have just had a swearing-in that has galvanized this Nation, and now people are asking us: What has the country yet to challenge us? This country is now challenged with the most profound economic crisis that we have seen in over a century. We are coming to terms with the very basic system of government and what it should provide its people.

Every other single major industrial power in this country provides its people with health care. The exception is the United States of America even though in the United States of America, per capita, we spend twice what every other industrialized nation in the world spends on health care. As for our infant mortality rates, our health care statistics fall well below that of all of our industrial competitors.

If our Nation were a patient, we would be a sick patient. Tragically, for millions of families, this comes home to them ever so frequently when they have a member of their family get sick, and they come to realize that the insurance they purchased is not enough to cover the basic health care that they need to rest comfortably at night, knowing that their loved one is going to be cared for without bankrupting them. Health care in this country is the single leading cause of bankruptcies in this country. We have to change this.

It is immoral that everyone in this country has their health and no discrimination until they get sick. Then what happens? Then they are discriminated against because then the insurance companies start saying, ''You can get health care, and you cannot. You are too costly to cover, but we can cover you because you aren't as costly to cover. We are going to provide coverage for this healthy set of people but not for this group of people because they may be disabled; they might be older people; they might not be a people that we want to insure.''

This is not what America is about. We have come too far to include people in our society in order for us to continue to have a system that excludes people in our society, and our insurance system is really based upon the notion of exclusion, not inclusion.

So we need to demand of this Congress and of this President that they follow through on the commitment to include all Americans in health care and not just those who are privileged enough to have access to the best in health insurance. Certainly, that includes those of us who serve in Congress. If it is good enough for Members of Congress, it certainly should be good enough for all of the constituents whom we represent.

To my colleagues in government, I want to thank you for including me in this debate. Let me say this is a moral issue, but it is an economic issue, as you said. Far be it for us to think that we are going to pass this stimulus package and then a banking bill but not address health care. If we do not address health care, this economy is never going to come out of the doldrums because double-digit interest rates and increases of inflation every year are going to continue to drag our economy down.

This is the time for us to address health care from not only a moral point of view but from an economic point of view. So I am glad to join my colleagues in this hour of debate.

□ 1800

Mr. MURPHY of Connecticut. Thank you very much, Mr. KENNEDY.

There is no more forceful advocate for the moral authority that we lack as a Nation as we try to go out and broker compromises around the world to try to preach to other countries about their rights and wrongs. It's very hard to do that when they look at us as the most affluent Nation in the world, and in our midst are 45 million people who can't afford health care insurance, children going to bed at night sick simply because their parents can't afford to get them to a doctor. That, I think, cheapens our ability to go around this world and try to set the kind of example that we would like.

Mr. KENNEDY. And very many more Americans who have insurance that is inadequate such that they fear getting health care because the deductible is so high that they don't go for the necessary preventative services. And then what happens? They get even sicker. And then once they get so sick, then they come in when it's so costly to take care of them; when if we had a health care system rather than a sick care system, we could have taken care of them, and it costs a fraction as much as what we end up ultimately paying for taking care of them at the end of the line, which is what we end up doing in paying for our current health care system is a sick care system where we pay for it at the end of the line.

Mr. MURPHY of Connecticut. That is the genius of health care reform is that you are going to get a system that covers everyone for less money, that we can do the right thing morally and the right thing financially at the same time, Mr. KENNEDY.

We're joined here by a number of Members, but I'd love to yield the floor at this point to Mr. BOCCIERI for a few moments, a new Member of Congress.

You know, I think we want to talk about the importance of health care reform. But in our current system, the way that you get health care reform most often is through a job. And this stimulus bill that we're debating right now can be looked at overall not only as a jobs' package but as a health care package. Because if we can get more people employed, we can get them jobs.

And so I know Mr. BOCCIERI wants to talk about our efforts to get health care reform generally, but also the importance of this stimulus bill for millions of families out there who are at risk of losing their jobs.

Mr. BOCCIERI. I thank the gentleman from Connecticut for his efforts, as well as Congressman KENNEDY for his stalwart work for making sure that we do the right thing for Americans.

And my friends, Ohio is struggling. Ohioans have lost their jobs over the last 8 years in record numbers. In fact, we have not crawled out of the recession from 2001. And so many, so many Ohioans—just like so many Americans—are one accident, one medical emergency, one diagnosis away from complete and utter bankruptcy.

Yet we spend here in America, like Mr. KENNEDY said, more than any other industrialized country in the world on health care. More than any other industrialized country. Yet, our life expectancy is on par with Cuba. We, as a Nation, spend nearly $12,000 for family coverage; $12,000 of disposable income is going for health care insurance.

My friends, this not only makes moral sense and makes sense in terms of the right thing to do, but makes sense in economic terms.

Let me tell you this. We have to cover every American. We have to have a system that covers every American. We need to emphasize prevention, and we have to make sure that health care is portable between jobs, something that has been played out so often in Ohio as Ohioans transfer from job to job because of the downturn in our economy. And we need to end the discrimination that's based on pre-existing conditions.

And I tell you, Mr. Speaker, there is no issue more important than this one because this issue alone is costing millions of jobs and costing thousands of people from seeking preventative care. We spend 75 percent of all that health care money, nearly $7,000 per person, we spend 75 percent responding to chronic illnesses, illnesses that could be treated if we just saw routine visits to the doctor. Chronic diseases like diabetes, asthma, and heart disease.

And we see that only 4 cents on every dollar, Mr. Speaker, 4 cents on every dollar is spent to promote healthy lifestyles. There is a huge disconnect.

And when we see the fact that big insurance companies block and prevent people from going to see routine visits to their doctor, we are actually costing

the American taxpayer, small businesses, and larger businesses that have huge legacy costs more money.

In fact, a recent study—my colleague from Connecticut, I'm sure he knows this one—a recent study suggests that $84 billion a year is spent by big insurance companies to block and deny claims. From you going to see your doctor, whether it's for a diabetes treatment, whether it's for asthma, or for heart condition; and that same study pointed out that nearly 77 billion is all that it would cost to cover the nearly 50 million uninsured or underinsured Americans in this great country.

We must take action now, because let me give you two scenarios before I yield back my time that has been played out in Ohio over the last 8 years.

That factory worker that worked at Rubbermaid where the plant closed and the job went overseas, now they've got to find new work and they also have to find new health care insurance. And when you see those individuals struggling, those families trying to send their kids to a dental appointment or try to send their young family to go see their physician because they have some sort of ailment—maybe the worker themselves, Mr. Speaker, has diabetes and they can't go see routine visits to their physician now. So they get an ulcer on their foot. It goes to a point where they now have to go to an emergency room to seek care.

And it costs all of us paying into the system, four, if not five times more by seeking emergency room care versus seeking care from a primary care physician.

So we are actually losing money, costing ourselves more money by not ensuring everyone. We need a robust system that allows an employer-based system that is portable that they can take from job to job and the like.

So if that person now who worked at Rubbermaid is working at Wal*Mart, they should have a portable health care plan that allows them that transition period.

But what we do now is we have to pass an extension of COBRA benefits because the Congress—and especially our former President—did not address this issue and take it head on. Small businesses are asking for relief, American families are asking for relief, and it's about time we deliver that to them.

Mr. MURPHY of Connecticut. Mr. BOCCIERI, thank you very much for joining us.

You know the statistics. You just look at the auto industry. And that statistic that we've heard over and over again, that $1,500 of every automobile produced in the United States goes to pay health care costs. The comparable number to our domestic auto manufacturers for their competitors in Japan or all over the word is nearly zero because they don't bear the full burden of paying health care costs. They pay it a different way. They pay it through taxes to the government for a different system, but they're paying for systems that cost 11 or 10 percent of their GDP where we're paying for a system that costs 16 to 17 to 18 percent of our GDP. It's a tremendous competitive disadvantage for small businesses that are trying to pay those premiums and also for those large manufacturers, Mr. BOCCIERI.

Mr. BOCCIERI. I would submit to my colleague from Connecticut, who has taken on this issue headstrong—and we appreciate that—that a recent poll in Ohio from the University of Cincinnati showed that nearly 20 percent of all Ohioans—11½ people in Ohio—nearly 20 percent, 1.4 million Ohioans from age 18 to 64 lacked health care insurance.

So that person who is transitioning from job to job who can't provide the health care insurance they need, it makes economic sense that we cover them to make sure that they can seek treatment because it's going to cost us more down at the end, four, if not five times if they have to take their child to a hospital emergency room to seek routine care that they could have done if they just went to their physician. It not only makes moral sense, it makes sense for all of Americans.

And I have to tell you this. We hear the diatribe and the arguments from the other side of the aisle, but my colleagues and the Speaker need to know this: that in 2004, George Bush's Secretary of Health and Human Services, Tommy Thompson, flew to Iraq with one of many billion dollar checks in hand to make sure that every man, woman, and child in Iraq had universal health care coverage. And what he said is that Iraqi families and their children deserve health care, but you do not. And we're going to spend American taxpayer dollars to make sure Iraqis can go and seek routine care with their physicians but not American families.

And I think that is a huge disconnect. And we need to talk about that because we are building brand new roads and bridges and hospitals and waste water treatment facilities over in Iraq. But when it comes time to put Americans back to work and to ensure that Americans can seek routine care with their physicians and with their family doctors, we hear nothing but blocking.

And I tell you, Mr. Speaker, if we were to give a Heisman award, we would give it today to some of the dialogue that I heard today on this floor.

This is about putting America first, putting Americans first, putting Americans back into their doctors' offices so that they can have valuable health care and they can seek routine care. It's about the American family and putting Americans first.

That's what the stimulus and economic recovery package is all about, and that's what providing health care insurance to every American is about.

Mr. MURPHY of Connecticut. I thank the gentleman.

We've heard the numbers on how much we've spent on this war in Iraq. We're approaching $3 trillion if you factor everything together. We're talking about spending a fraction of that money to put people to work here, to give people jobs in this country to start spending our taxpayer dollars on investing in American jobs and in American health care.

Representative BALDWIN has done just an amazing job of personalizing this issue for years on the House floor, and I really, taking from her example, have brought down with me a few letter to really try to tell the stories of people from my district who are struggling with this very issue from both a human perspective and from an economic perspective.

And Representative BALDWIN, I'd love to read one letter to start it off and then kick it over to you.

We all have these letters piling up, they are coming in, unfortunately, more and more often every day, every week, and every month because as the number of unemployed grows, the number of people without insurance grows. And in fact, more and more employers as a means of keeping their doors open are passing on more and more costs to their employees even if they do keep their jobs.

Let me share one letter that came from a constituent of mine, and I will read an excerpt of it.

She talks about her inability to find a good job in Connecticut, that she can find a job but she can't find a job with health care insurance.

She says, ''Because I cannot get a good job in Connecticut, I have no insurance. I went to get my teeth cleaned the other day, and I had to pay $173 out of my pocket. A few weeks ago, I was sick and I went to the doctor, and it cost me $120. Making minimum wage, I'm getting $7 or $8 an hour.

''These bills that are mounting are going to take a long, long time to pay off. I shudder to think what would happen if I got seriously ill or got in an accident.

''My family has invested so much time and energy and spirit in making this country and this State a great place. But it's increasingly becoming a place that I can no longer afford to live.''

Representative KENNEDY talked about the largest number of bankruptcies coming from medical costs. This is a woman doing everything we ask. She's working a minimum wage job, dignity in the labor she provides, and yet she knows that she is just around the corner—one illness or one accident—from losing everything, from

having her entire life changed both from a health standpoint and from a financial standpoint. And these are the letters that are piling up in our office.

The uninsured sometimes get cast as people who brought it on themselves, that they should just go out and find a job, just go out and seek out health care insurance. Well, we know that whether the number is four out of six or five out of six, the vast majority of people who don't have insurance come from families with full-time workers who have a job but just simply don't have health care for themselves or don't have it for their families or dependents.

So at this time, I would be happy to have my friend and the leader on this effort of bringing the human side of the story to the House, Ms. BALDWIN, to join us.

Ms. BALDWIN. Thank you.

I want to start by thanking you for your leadership. It is so important that you bring us together to highlight the issue, and I think it is powerful to hear what our constituents have to say in their own words.

We all travel back and forth between Washington, D.C., and our home districts. I represent an extraordinary constituency in south central Wisconsin, and there is nowhere I travel in my district that I don't hear these stories that tug on your heartstrings and tell us in no uncertain terms that we must take action, and we must take action in this session of Congress.

I want to share with you a sampling—and we could probably have endless special orders and not get to all of the communications that we receive.

Michael in Poynette, Wisconsin, in my district says, ''I am a [Federal employee] and a member of the Wisconsin WI Air National Guard. This past year we were granted a wage increase of roughly 2.3 percent. At the same time, the cost of our FEHBP plan benefit increased by up to 44 percent.'' For he and his coworkers.

Michael writes, ''Along with this, many of the co-pays also increased. This has put a tremendous strain on my colleagues in the Air National Guard, many who have been deployed three and four times in support of operations throughout the Middle East region.''

Ed in Monroe, Wisconsin, writes to me, ''My wife and I live in the gap. Between our Social Security and a disability policy she had, we get too much money to qualify for help, but not really enough to get by. With the donut hole in Medicare D, we would only be able to get my wife's meds for 3 months if it were not for the samples provided by one of her doctors.''

□ 1815

''Four of her 10 meds would take 65 percent of our total income if it were not for the help of that doctor. I live with chronic pain because of a cancer treatment, but as the years go by, it helps less and I have other medical problems that are gradually getting worse.''

Ed continues: ''I have a wife and a son that I have to take care of because neither can do it all for themselves. I am the one who battles with Social Security and the insurance companies. I have to deal with problems that arise with their medications, their finances and many day-to-day things.''

Ed continues: ''Every time I hear a politician talking about cutting Medicare and other programs for the elderly and disabled, it scares me to death because I am just hanging on by a thread.''

Sue in Beloit writes about her situation. Sue writes: ''My husband was diagnosed with lung cancer. After treatment began, we found out that the insurance company had a small loophole for the treatment of cancer. Under our insurance, they have a $13,000 limit per year on radiation and chemotherapy. That amount did not even cover the first treatment of either the radiation or chemo. I was not going to have my husband die for lack of treatment, so we started to use our savings and available credit to pay for medical expenses. My husband later died,'' Sue wrote. ''After having completely depleted our savings and facing insurmountable credit card debt, I had no choice but to file bankruptcy last year.''

Greg in Verona, Wisconsin, who owns a small business writes: ''Since 1998, we've been providing health care to our employees. Every year, we've had double digit increases in our costs. This year, the insurance company has informed us we'll be paying 42 percent more next year, which will lead to one of several eventualities:

''One. We'll have to reduce what we cover as a benefit for our employees and hopefully retain them. Reality is, many will leave and we'll have trouble replacing them.

''Two. We'll eat the increase but offer no employee raises for the next 3 years.

''Three. We'll raise our prices and force customers to look elsewhere for the services we currently provide them.

''The very real possibility is we'll end up with some element of all the scenarios and end up not being able to keep the doors open. Very scary thought when one considers that my business has been around for 55 years.''

Michael in Burlington, Wisconsin, writes: ''My late daughter was diagnosed with lymphangiomatosis and Gorham's Vanishing Bone disease in March 2005. We found out how much a child with a terminal illness costs a person. My wife and I used every amount of credit and refinanced our house three times just to take care of her. Since her death, the bills mounted so bad that now we will have to file bankruptcy and we already have been foreclosed on our home.

''Secondly, my wife was born with a hole in her heart. In 1972, the doctors repaired the hole. In doing so, through the blood transfusion they gave her hepatitis C. Now she is preexisting at 37 and can't get life insurance and has been repeatedly denied health care coverage. Her mental breakdown because of the death of our daughter left the insurance companies another reason to not let her have health care. This needs to change.''

Carol from Madison, Wisconsin, writes: ''As someone who has had no health insurance at all for 3 years, I can tell you that it was pretty miserable being one of the millions of people in this country without health insurance. Not long ago, my best friend died at age 42 because of ovarian cancer because she did not have health insurance and waited too long to see what was causing all of her symptoms. Yes, people in America actually die from not having health insurance.''

Susan in Baraboo, Wisconsin, writes: ''I am writing you today regarding health insurance coverage for single people with no children. As of this time, I feel that I am left out of the loop in regards to this topic. I am 42, and last September I was diagnosed with breast cancer. In January of this year, the company that I worked for informed us that they would be closing down. I was laid off in December while I was out due to my cancer treatment. I have been searching for health care everywhere because my COBRA will be going up and I am on unemployment and barely able to pay the $244.76 for the coverage now. I cannot get insurance because of the breast cancer. HIRSP, which is the Wisconsin State High Risk Program, is too expensive for me to get coverage since they want 4 months of premiums up front, and as they only cover some things.

''What are single people supposed to do? We don't qualify for any government assistance because we are single. We cannot go without insurance. There are no programs to help us out. So when you are working on health care in the House of Representatives, please remember that there are single people out there also in my shoes. I am at a crossroad because I have no avenue for assistance when it comes to health care. Come November, I will be unable to get coverage when I need it at this point in my life.''

I hope, Mr. Speaker, that my colleagues will join me, and on behalf of those constituents whose stories I've shared, in recognizing the absolute critical nature of our efforts to enact national health care that covers all Americans. The crisis is only worsening at this particular moment, and I invite my colleagues to join me in working on this most pressing issue.

I again thank the gentleman from Connecticut, my friend, CHRIS MURPHY, for bringing us together this evening to

give voice to the American people who are suffering so much in the current circumstance.

Mr. MURPHY of Connecticut. I thank the gentlelady. You have some pretty articulate constituents. We hope to come down here and do this fairly regularly, and the unfortunate nature is that there are enough letters that come in every week to be able to fill at least an hour every week or every 2 weeks with their stories. So I thank the gentlelady for joining us and being part of this and hopefully keeping this message going forward, which is that these stories are endless, the crisis is real, and we have an opportunity to do something about it and do something about it now. We can't wait any longer. Our economy can't wait. Our families can't wait. Our businesses can't wait.

This year, this session, we have an opportunity to do real health care reform, and the ultimate consequence of that is hopefully that the number of those letters that Ms. BALDWIN read aloud will reduce over time as people see real health care come to them and their family and the businesses they work for.

Mr. ALTMIRE, we normally join each other down here for a more wide-ranging conversation amongst the 30-somethings, but I'm thrilled you were able to come down and join us this evening.

Mr. ALTMIRE. I want to thank the gentleman from Connecticut. There's no one in this House—a lot of us care and work hard for health care—but that works on health care more and cares more than Mr. MURPHY, and I appreciate you putting this together.

And the reason this is an important issue is because it affects everybody. It affects every individual. It affects every family. It affects every business in America. Health care is something that we all need, and health care is something that we all have a right to.

Now, there's differences of opinion on what reform should look like, but there's no difference of opinion that our system is broken. And if you look at the facts, we as a Nation spend almost $2.5 trillion on health care as a country, far more than any other country in the world; yet we still get mediocre results when compared to other countries in some things like life expectancies and infant mortality, and Mr. KENNEDY talked a little bit about that earlier. Now, we're the not in the middle of the pack. We're in the bottom of the pack in some of those when compared to other countries.

Now, if you can afford to get in and if you have access to the system and if you're one of the fortunate that has a quality health plan and you don't have any preexisting conditions, then you might say, well, we have the finest health care system anywhere in the world. And that's true, too, for that segment that's able to access our health care system.

The problem that we have is we have 50 million Americans, approaching that number, that lack any health insurance at all; 50 million people with no health care. As the gentleman from Connecticut talked about earlier, it's a common misconception to say those are people that it's their own fault, they should have health care, they should get a job. Three-quarters of those people have a job or they live in a household where the head of the household has a job. They don't have health care.

We passed an expansion of SCHIP in this Congress in the past 2 weeks here, signed into law by President Obama, that extends 4 million children access to the SCHIP program. Those are working families. Those are kids that didn't have health care. They live in families that work hard and play by the rules, but they can't afford health care for their kids. Is there anything more important that we could be doing for our children than making sure they have access to quality health care?

And if you look at our country, a big issue that we talked about in the stimulus was the information technology system in this country. And I just think it's crazy that you can go—I live in Pittsburgh. So somebody who lives in San Diego, they might not think this is so crazy. But if you live in Pittsburgh and you go to San Diego and you put your bank card in the ATM machine, you can pull up all your records in a safe and secure way, all your financial documents, get your balance. You don't worry about it. You don't think about privacy.

But if on that same trip you show up in the emergency room in San Diego and you need services, they can't pull up your record. They don't have your family medical history. They don't have your allergies. They don't have your imaging, your X-rays. They don't know anything about you, and you start from scratch, and they're going to ask you half a dozen times when you're there, what are you allergic to.

It's crazy that health care is the only industry in the country that doesn't have an interconnected information technology system. You would think that would be the most important one to have it. We don't have it.

Now, there are some health systems in this country, including the VA, that has done a pretty good job of putting together an information technology system, but what we can't allow happen is that we develop a nationwide network of small information systems that are incompatible with each other because that doesn't solve the problem at all.

So, what we tried to do in the discussion of the stimulus package was put together a roadmap for the future with information technology systems so that anywhere you go in this country, if you need health care, you can pull up your records in a safe and secure way. And with health care changing the way that it is and treatment protocols changing, the patient will have access to that, and in some cases, in a safe and secure way, the patient who is a diabetic from home that does their own self-tests can update their own record in conjunction with their physician.

So these are things that we need to aspire to in the future. We cannot allow our health care system to continue to languish behind the times of technology, and we certainly cannot continue to allow 50 million Americans and growing every day to go without health care. Because it's been said many times in this hour and many times before, we have people that do have health care outside of that 50 million that are one accident or injury or illness away from losing everything. The gentleman said it a moment ago. Those are the people that are lucky enough to have health insurance.

I hear from small businesses in my district all the time, with say 10 employees. They will say if one of their employee's kids, not the employee, the employee's kid gets sick or injured, they get a phone call from the insurance company, and they say, well, you're too big of a risk, we have to drop you. What's the point of having health insurance if you only have it until you need it, until somebody needs to use it? That's not what health insurance is supposed to be about.

We need to find a way to allow small businesses to pool their employees, either through their States or their regions or metropolitan statistical areas or, moving forward, the entire Nation. Put them all in the same community-rated risk pool and say that your individual health status doesn't matter when setting your rates. You can still have the same choices in the market. You can still, as an employer, choose what coverage you're going to offer your employees. And you as an employee have the same choice, but the insurance company can't use your individual health status to set your rates.

□ 1830

And that would make the system more fair. But the larger issue moving forward, as the gentleman said, and I'll conclude, is we have to find a way to ensure the highest quality care that is available to some parts of our society is available to everyone, to all 300-plus million Americans in this country, has access to the highest quality care, and they have health care not just when they do need it, but when they do need it. That's the key.

Again, we're going to have a long discussion about what does reform look like. We've talked about it before. And that's an issue that this Nation needs to come to terms with. But there can be no disagreement on the need for health care reform which, once we get

past this economic situation that we're in now, has to be the number one course of action for this Congress.

I thank the gentleman.

Mr. MURPHY of Connecticut. I thank you, Mr. ALTMIRE, and I think by focusing in on that question of quality, you really talk about the third leg of the stool—is about coverage, is about prices, is about quality.

I think, although all of us come from a little bit different perspective on the ultimate path forward on the parameters of that health care reform effort, we know that it can advance all three legs. We can get a more affordable system that covers more people for better quality than we have now. And I don't think it's too ambitious to suggest that we're going to get a system of coverage that covers everybody for less money than we're spending today.

If you shift the money from crisis care to preventative care, if you start pooling the purchasing ability of the people that are paying, you can drive down the cost and expand out the number of people. And that sounds impossible. I mean, how do you get more for less? But every other country has shown a way to do that. We're not going to copy other countries' systems. We're going to create our own, taking already from the best that we have. But we can do both, Mr. ALTMIRE.

We're joined as well today by my colleague from Connecticut, Representative COURTNEY. Representative COURTNEY and I got the chance to chair the Public Health Committee in our respective State legislature, and we both know firsthand how hard it's been for States to toil under the system, as 50 different States try to cobble together 50 different systems of health care to insure their citizens in the absence of any national strategy.

Mr. COURTNEY, I thank you for joining us here this evening.

Mr. COURTNEY. Thank you, Mr. MURPHY. As you said, we both sat on the Public Health Committee in Hartford, Connecticut, in the State legislature. You did an absolutely outstanding job for the people of the State. You were the guy that was there to implement SCHIP. We call it HUSKY in Connecticut, for obvious reasons—because we have the best men's and women's basketball teams in the country right now in the NCAA.

You also did, again, a lot of other path breaking legislation during your time there. It's very exciting to see you now on the Energy and Commerce Committee to continue that work at the national level.

I wanted to follow up actually on a couple of comments that our colleague from Pennsylvania brought up regarding the fact that, A, in the short time that President Obama has been in office, he followed through on a campaign promise to extend health insurance to 4 million more children in this country. As the three of us know, this was an issue that people clawed at each for 2 solid years. And then, within 2 weeks of coming into office, we were able to accomplish that historic expansion and strengthen coverage for things like dental care and mental health care, which anybody out there talking to the pediatric community knows, was a real weakness in the SCHIP program that has now been in effect for the last 10 years.

His stimulus plan, the American Recovery and Reinvestment Act, recognizes the fact that we have lost 3 million jobs in this country and, unfortunately, in America, when people lose their jobs, they also lose their health care in many instances because we have an employment-based system. And his proposal which creates a COBRA subsidy, providing 65 percent of the premium costs for unemployed individuals, is really just a major change in the health care landscape in this country.

Like a lot of Members, I have been at unemployment offices over the last 3 weeks or so. Connecticut has been hard hit, like other parts of the country. And talking to the folks who are in the offices describing the individuals coming in, who in many instances have never experienced a layoff in their lifetime, and in many instances had very solid, upper middle-income salaries, now have all these problems thrust at them.

But the number one issue that constantly comes up for people who are at that desk trying to contend with a blizzard of new programs that they have never dealt with before is, How do I keep my health insurance for my families? And the cost of COBRA extension is brutal. It averages around $700 or $800 a month. If you just do the simple math in terms of what an unemployment check will cover, this COBRA extension, which President Obama has included in the Recovery and Reinvestment Act, is just going to be a tremendous help for working families who are trying to get through this very difficult patch.

There's another issue, though, which Mr. ALTMIRE mentioned, which is also in the plan, which is an investment, really an infrastructure investment, in health IT. About $19 billion is included in the plan. And JASON mentioned earlier that the VA and the military health care system is actually kind of ahead of the curve in terms of the civilian sector.

I had a chance actually to personally see that in December when I was over in Iraq and Afghanistan. I was at Walter Reed Hospital in December, visiting a young soldier from East Lyme, Connecticut, who was shot by a sniper in mid November. He was being treated at Walter Reed. Talked about the great care that he received at Landstuhl Hospital in Germany.

And on our way back from Iraq and Afghanistan, we stopped at Landstuhl Hospital and I was up talking to the nurses on the ward and the doctor who actually performed surgery on him. I mentioned his name. This was about 6 weeks after the fact. They all knew him right away.

One of the reasons why, other than the fact they're just great people who really care about their patients, is that they have a totally interoperable system of health IT within the military hospital system. So the doctor can pull up on a computer the treatment files of this soldier who's in Washington, D.C., at Walter Reed Hospital, and interact with his doctors, answer any questions that may come up in terms of his recuperation. It was remarkable.

And the question JASON asked is, Why can't we have this in the regular health care system in this country? Obviously, it's because we have a very fragmented system, and we need to overcome these issues of interoperability.

One of the ways it does it is to build on a system that George Bush started. He created the Office of National Coordinator of Health Care Information Technology. That was a Bush Executive Order. And what the recovery plan does is it basically takes that office, which is dealing with these issues of interoperability, and pump new funds into the program and just moving this country forward much quicker than it otherwise might have done under the prior administration's budget.

Well, there's an urban legend already out there claiming—and it's in the blogs and it's on some of the cable TV shows—that somehow this National Coordinator of Health Care Information is creating a nationalized socialized system of health care and it's going to mandate treatments that doctors and hospitals are going to have to administer. Nothing could be further from the truth.

This office, which was created by George W. Bush, is strictly an IT office that is dealing, again, with implementation of computer technology in this system which, again, as Congressman ALTMIRE said, needs a lot of work because it's a very fragmented system, particularly when you're trying to bring in doctors and health care providers who are outside of the hospital network into the system of health care information technologies.

So, for anybody out there listening who has heard these ridiculous claims that somehow this bill is going to create a one-size-fits-all system of health care, nothing could be further from the truth. This bill is about trying to, again, implement what George Bush started, and which makes common sense for anybody. All the stakeholders and health care systems agree that health care IT, making the system more efficient, coordinating care by

just sharing information in a safe and secure manner, is a way to really move the ball forward in this country towards a system of universal access and high-quality care.

So, if people are hearing those rumors—and I have had some seniors call the office saying they don't like the idea of this—the fact of the matter is that this is a program which the military uses, which the VA uses, which is going to be good for care in terms of eliminating errors in the system because of just the fact that bad information is being shared by different providers.

It does nothing in terms of changing the doctor-patient relationship, the patient-hospital relationship. The government is not getting involved in the decision-making of how your health care is going to be decided or administered.

Holding this forum on the night before the vote, Mr. MURPHY, I think is a great opportunity to clarify, again, some of the really good steps forward that President Obama is asking the Congress to vote for.

Like yourself, I know we believe that, as folks who have worked on this issue for an awful long time, that this is a real opportunity in a very difficult time of our country to move forward for all Americans.

So, with that, I will be happy to yield back to you.

Mr. MURPHY of Connecticut. Thank you very much, Mr. COURTNEY. I preceded him or came after him as the chair of the Health Committee. The work that had been done under your leadership to start what really was a model program for getting prescription drugs to Connecticut citizens, the ConPACE program, was really an amazing piece of work due to your great leadership. And I thank you for joining us here.

I'm glad that you brought up, Mr. COURTNEY, this issue of what this new Office of Health Care Information Technology is going to do. One of the things that has held us back as a Nation in trying to create a sensible system of health care information technology is that we don't have any national standards, that we don't guarantee the ability of one system to be interoperable with another system.

It just makes absolutely no sense that someone that has been treated their entire life at a hospital in Torrington, Connecticut, who gets brought into the emergency room 20 minutes down the road in New Milford Hospital, even if they want that hospital, that emergency room to have data about their care, their illnesses, their treatment, their tests, that that data can't be transmitted. That those two hospitals who have spent millions of dollars building up their own information technology and medical records system can't communicate with each other.

And ultimately as we move forward on some sensible form of comprehensive national health care, it's going to have to have at its foundation a health care information technology system that communicates with each other. It's going to have to be, I think, very strong patient protections built into that system. But it is going to have to be interoperable. And the only way that that happens is through a Federal effort to try to set up some basic standards to guarantee that these systems are not just individual silos and they can communicate with each other.

That doesn't mean that we're going to dictate one software program or one hardware program. But we're going to have some ability for those systems to communicate with each other. And I think of all the pieces that many of us are excited about in this stimulus bill, the ability for this piece of legislation to move us leaps and bounds forward on the issue of health care information technology is just absolutely, absolutely critical.

Representative COURTNEY also mentioned the issue of the expensive COBRA system. Representative BALDWIN was reading us some letters before. And seeing that you brought it up, I figured I'd read a portion of a letter on that very subject.

George from my district writes, I'm 63 years old and was recently laid off from my job. I was told that I would have 30 days of additional insurance coverage from the day that I was laid off. But when I went in to schedule a minor operation, I was told that I didn't have insurance coverage anymore and the operation had to be canceled. I was given the option to continue coverage under COBRA, for a price. When I looked at the cost of COBRA insurance, it was over $753 a month. My unemployment check per week was roughly $498 a week, less taxes and any part-time job.

''How are we as Americans able to maintain our homes and this when things like this happen to us? I think it's a real crisis and you and your fellow Congressmen and Senators should really make an effort to fix these problems that we're facing.''

That story can be told over and over and over again in this current economy as people are losing their health care insurance. They have that option of COBRA, a great decision that this Congress made to allow that option. And now, under President Obama's stimulus bill, people will actually be able to afford that option. It will be a realistic option for people that are losing their jobs as a bridge to reentering the workforce.

I know we have a Special Order hour awaiting us so we will wrap it up at this point. I hope that as we come down to the floor and have these Special Order hours surrounding health care reform, that we're going to be united by a single purpose of getting health care reform done this year.

As Representative ALTMIRE and I were talking about, everyone is going to have very different perspectives from both sides of the aisle as to what should be the component of that reform legislation. And people's ideas may vary greatly, but my hope and I think all of our hope of those that joined us here for this hour, is that our unity of purpose is in getting a bill done. Getting a comprehensive piece of health care reform legislation done this year.

This Congress and this town has been stymied year after year in that effort. But the stars may be aligning this year to get something done. And, in particular, I think that this economic crisis that we're going through right now should be that final impetus to get us over the hump.

We have known for a long time that as a moral imperative we have to step up to the plate and deal with the fact that there are too many people getting sick for no reason except that they can't get care. This—it's too expensive. But we now have a much sharper idea of what the economic imperative is behind health care reform.

We can cover more people for less money. We can save jobs by reducing health care costs.

□ 1845

And if we set that as the very realistic goal heading into a health care reform debate, I think we will find, despite the cacophony of voices that will surround this hall from the outside interest groups that have so much concern and stake in the status quo, that there is probably much more agreement in this House than there is disagreement.

I thank my colleagues for joining us here today. I look forward to coming down and having this hour several times over the coming weeks and months.

With that, I yield back the balance of my time.

STIMULUS PLAN

The SPEAKER pro tempore (Mr. GRIFFITH). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. I thank the Speaker for the recognition.

Tonight, Mr. Speaker, I thought it is appropriate that we talk a little bit more about the stimulus plan, the spending plan that we will have on the floor of the House I believe tomorrow. In fact, the actual text of the bill has not been completely released yet. My understanding is that it become available at about 8:00 p.m. eastern time tonight. So we don't have the final wording on the stimulus bill. In fact, the

bill as it went to conference the other day was 1,425 pages.

As you can see, this is going to be a daunting task for any Member of Congress to read through between 8:00 tonight and whatever time we have our vote tomorrow. But I do hope that many Members will take the time to spend as much time with the bill this evening as is practical, because obviously this is a very, very big bill. It encompasses a great deal of policy, both energy policy, health policy, some health information technology infrastructure policies we heard from the previous hour, and will affect the lives of literally every American over the next many, many years, because the cost of this bill is something that is going to be borne by Americans for the next decades. In fact, many Americans who have not been born yet will be bearing the consequences of this bill well into their adult lives, because the price tag of this bill as has been advertised will be just a little bit under $800 billion. Well, that is $800 billion, $788 billion, in actual spending.

One of the things that we never do when we talk about the cost of bills here in the Federal Government, we never talk about it in terms of what someone would encounter in the real world if someone wanted to go out and borrow $788 billion for their business. Well, of course they would have to include the cost of capital, the cost of borrowing, the interest expense on a loan of that magnitude that they would have to carry on their balance sheets. Well, we don't bother ourselves about that in Congress. But if we were honest about it, the correct cost of that bill, just including the interest expense, would likely take it well over $1 trillion, perhaps in the range of $1.1 trillion or $1.2 trillion.

Why is this important? Well, it is important because we have got some other big spending priorities to come up this year. We ended the year, the last session of Congress, with a significant deficit of nearly $1 trillion, and now we are talking about adding another $1 trillion in debt onto that. And this is money that we don't have sitting in the Federal Treasury; this is money that we will have to go out into the markets and borrow. And, as a consequence, it is important that we bear in mind what the effect of that borrowing activity will be on our monetary system here at home and, indeed, on the world markets at large.

And, indeed, in this stimulus bill, in this spending bill as it is proposed to us as we have heard talked about earlier this evening, there are going to be a number of health care measures that are compressed into this bill.

One of the things that we have heard about is the coverage with COBRA insurance. The reason that, when someone loses employment, if they wish to continue their employer-based insurance, their employer-sponsored insurance, obviously the employer is no longer paying the 66 percent that they were paying during that person's employment, so the cost of that insurance increases. So during the time of the stimulus bill, the proposal is that COBRA will be covered, or a portion of COBRA, 60 to 65 percent of that expense will be covered by new spending in the stimulus bill.

Other health care spending that is going to be in this bill will include an expanded role for Medicaid and an expanded amount of Federal money that goes into the Federal component of Medicaid, because Medicaid is a shared expense between the Federal Government and the State government. Currently, on average, about 57 cents out of every dollar spent in Medicaid has a Federal origination, and the other component, the other 43 cents is a State origination. But this stimulus bill will change that so-called Federal matching rate, and the Federal matching rate will increase 4 percent, 5 percent, or 6 percent, depending upon where those final numbers come down.

Now, that will not be in perpetuity. That will be for a period of time, 12 months to 18 months into the future, purportedly to get us through the time of turmoil within the economy. And while that may be well intentioned, I would just certainly ask people to ask themselves and do a little bit of arithmetic: 18 months from now puts us very, very close to an election day in the year 2010. And if you think Congress has the courage to roll back a Medicare expenditure 1 month or 2 months before election day, I think you'd better think that through again, because that is not likely to happen.

So what is the effect of this? We are asking the American people to essentially take out what you might describe as a subprime loan. We are going to loan some money into the Medicaid system for a period of months, but there will be a balloon payment that comes due; that is, Congress will have to continue to fund those programs beyond 18 months. And, again, if we were honest about the cost of the bill, it clearly begins to expand well above that $1.1 trillion or $1.2 trillion, and now probably pushing up closer to the $2 trillion range, because there will be a large balloon payment that occurs at the end.

So you might think in terms of the United States Congress as being a predatory lender or offering a subprime loan to the American people on this Medicaid proposal, because eventually, eventually, that money will have to be funded.

Funding cliffs are something this Congress likes to do. We see them all the time. When we encounter the perennial problem with a reduction in rate for reimbursement of physicians, we say, ''Oh, no problem. We will fix that.'' But then there is always another cliff. Right now, we have a cliff coming up in December of 2009 which we have failed to address. In fact, I asked if it would not be reasonable, since it seemed to be that there was so much money available to borrow and spend right now, maybe we could just go ahead and fix that little problem early and not wait until December of this year to have our physicians fall off that funding cliff.

In fact, in a discussion I had with a reporter from the New York Times, Robert Pear, when I was trying to explain the intricacies of getting some additional money into this program he questioned where that money might come from. And, in exasperation, I pointed out that, ''Money was no object right now. It is raining money. Money is coming from all corners. So why not fix this problem?'' Well, we all understand that that money will have to be repaid. And when that repayment comes, it is going to come at a very steep price.

I had an opportunity to go with several other Members to the Bureau of Public Debt earlier this week, on Tuesday, and I watched the auction of $32 billion in debt that the United States Government was putting up for auction to various entities around the world that might want to buy United States debt. $32 billion, these were going to be notes that matured in 3 years.

There was a 30-minute auction. All of the notes were sold at a fairly low interest rate, 1.3 percent, and certainly the Treasury had no problem in satisfying that sale. But it certainly begs the question as we continue. This was the third such sale that day, each at a little over $30 billion. You do some quick math and you think, wow, so that was almost $100 billion that the Treasury auctioned off in short-term and medium-term debt this past week. And, in fact, that is going on week in and week out. There are one or two auction days a week that are occurring, and currently we are auctioning off between $100 billion and $200 billion of debt every week.

With this stimulus bill that we are enacting, we are going to put additional pressure on that system, on that Bureau of Public Debt in order to distribute that paper amongst the various lenders across the globe who will be interested in buying our Treasury notes. And you have to ask yourself, who is going to be buying those notes, that paper, as it becomes available? Well, typically there are foreign entities who are willing to buy American IOUs. After all, the state of the economy not just in America but around the world is somewhat unsettled, and there is a flight to quality, and dollars are still seen as quality.

But as more and more of this debt is sold, what will happen or what could happen is there will be less and less enthusiasm for purchasing that debt;

then, the interest rate will of necessity rise to make that debt more attractive to those people who are purchasing. And for all of that money that goes up there, those are dollars then that cannot be borrowed by the private sector because they are being taken up in debt that is being sold by the Federal Government. And of course, then there is the cost, as I alluded to earlier, the cost of capital. And eventually that cost is going to be borne, probably not by people in my age bracket, but by people in age brackets that are younger than myself and perhaps some individuals who have not even yet been born.

But this is from where those stimulus dollars are going to need to arise. So bear that in mind tomorrow as you watch the debate and watch the impassioned rhetoric on how important it is that we spend these dollars, and spend them quickly, because action must be taken, something must be done.

Mr. Speaker, I understand that the economy is in tough shape in this country. I understand that people are hurting. I understand that businesses, particularly small businesses, are suffering.

At the same time, as we roll out this massive spending bill we have to ask ourselves: Are we spending money simply to satisfy political constituencies? Or, are we actually trying to create the jobs that we maintain to everyone that we want to create? The problem is so many questionable items that occur in this nonstimulative spending bill that we have before us. And you have heard it all before: The money for the National Endowments of the Arts. I think in the previous hour we saw a nice little picture of a wetland marsh mouse somewhere out in California, additional money to study climate change, additional money for Pell Grants, money for educational expenses for building schools. A reasonable expense. But does it belong in an emergency stimulus measure; or, should that go through the regular order of title I funding, which we are obligated to do every year anyway?

We will do this stimulus bill, but don't forget, we never did eight out of our required 13 appropriations bills last year, so we have got what is called an omnibus bill coming at us. And, oh, yeah, there will be a housing bill where we will have to come back with more money for Fannie and Freddie. And there will likely be another TARP-type bailout coming our way if we are to believe the comments of the new Secretary of the Treasury. And, likely as not, there will be an additional Department of Defense emergency spending bill that will come our way sometime between the end of the spring and the end of the summer. So there is a lot of unscheduled spending that is yet to occur. And remember that all of that spending, all of that spending will come down to the sale of public debt at the Bureau of Public Debt in those auctions that I was describing.

I have been joined by some of my colleagues. And in order to be fair with the distribution of the time, let me yield such time as he may consume to my colleague from Texas, the Honorable Judge TED POE.

Mr. POE of Texas. I want to thank you for yielding, Dr. BURGESS. I appreciate your comments, especially on the health care portions of that. It is an issue that the country needs to solve eventually, the whole concept of health care.

But the stimulus bill is before us. We have yet to see this bill. We know it is going to be several hundred pages long when it is finally brought to the House floor. I suspect that if we want to read it, most of us will need to stay up all night and read the bill so that we can be adequately prepared to debate it and vote on it tomorrow.

I wish that we weren't trying to rush this bill to the floor, and do as the House voted earlier this week, that at least 72 hours before a bill is voted on, it would be posted on the Internet for not only us to read but for the American public to read. For some reason that rule that we agreed on has been overlooked in this stimulus bill; and, at least we should wait until Saturday or Monday so that we can get a lively debate.

□ 1900

And at least we should wait until Saturday or Monday so that we can get a lively debate. But be that as it may, we've heard a lot of numbers regarding this so-called ''stimulus'' bill. And I think it is appropriate to ask a question that I've asked a lot of people, both those that are in favor of the bill and those that are opposed to the bill as it currently stands. Where are we going to get the money to pay for this? And generally I don't get an answer from anyone. That doesn't seem to be a concern that a lot of people have here on the House floor, for some reason, about where the money is going to come from. I think that is a valid question because I've been getting a lot of calls from people in southeast Texas wanting to know how much it is going to cost them to stimulate the economy.

Well, a couple of numbers. The bill is about $800 billion. As you mentioned, it is going to be about $300 billion additional because of the debt that we will have to obtain for this bill. So we're talking about $1,100,000,000,000. We don't have that kind of money. We're going to have to borrow it, as you said, probably from the Chinese. It kind of bothers me that we pay interest to the Chinese on American debt. That is another issue.

But down the road, eventually, somebody is going to have to pay for this $1.1 trillion. That amounts to about $10,000 per every family in the United States. So every family in the United States is going to be responsible for $10,000 to help stimulate the economy. We still don't know whether it will help or not. But that is the cost. Someone will have to pay for it. Eventually, debt has to be paid. Even the Federal Government's debt has to be paid. And with all of these programs, the bailout bills from last year, the bailout bills that we hear coming down the pike that we haven't even voted on yet, and other stimulus packages, we're now told all of this is going to cost about $9,700,000,000,000. Now we're talking about real money, Dr. BURGESS, when we're talking about $9,700,000,000,000. And that is the biggest number I have ever seen. It is hard for me to write it down. I have it on a chart over there. It took two charts to put that number on there.

And that amounts to about $1,500 for every person that lives on planet Earth. That is how much money $9,700,000,000,000 is. And that is debt we're going to acquire for stimulus packages, bailout packages, more stimulus packages that we hear are coming later this year. Now that is a lot of money. Somebody has to pay. Unfortunately, the American taxpayer has to pay it. Taxpayers always have to pay. It has been that way, and it is unfortunate that they are being saddled with that debt, still not even understanding it, and it is very questionable whether this stimulus package will work.

We have heard from the Congressional Budget Office, a nonpartisan group that is a bunch of mathematicians that does a lot of accounting for us. They told us that even if it passed the stimulus package, it probably will not help the economy in a positive way. Now that is really disturbing to spend all this money and it not work.

Now there is one project in this bill that I want to mention. There are a lot of them that have been mentioned tonight and they have been mentioned yesterday. But one of the projects that is in the bill that the House didn't even vote on—as you know, the third bill, the conference bill, is a bill that is written behind closed doors with very little input from both sides—and there is $8 billion for high-speed rail, another $400 million for Amtrak. And specifically, one of the new rail projects is going to be from Los Angeles to Las Vegas. Now that is not going to affect or help people down in southeast Texas. I mean Amtrak goes through Beaumont in my district, but Hurricane Ike blew away the station, so it doesn't even stop there anymore. All that's there for Amtrak is a concrete slab. But anyway, I don't understand why we're building high-speed rail from Los Angeles into Las Vegas. Are we trying to get folks into Las Vegas to gamble? Are we trying to get folks into

Las Vegas to see the new mob museum that this bill provides for? That's right. The mob museum, where taxpayers are going to pay money to build a museum to organized crime in Las Vegas. Yes, it is in that bill. And it disturbs me that we are trying to stimulate the economy with all of these, what I think, are earmarks that are put in the bill for special interest groups. Maybe we do and maybe we don't need high-speed rail from Los Angeles to Las Vegas so people can go out there and spend their money. I don't know. But that doesn't create jobs for Americans. It certainly doesn't create jobs for most Americans.

You are correct. We need to do something. We have to help this economy, not hinder the economy with the stimulus package. And one way that I see is maybe back up, look at the whole concept of spending money we don't have, and maybe rethink that and not spend money. But yet, let Americans keep more of their own money to begin with, not take money from them like the government does and then dole it out a little bit in $500 checks. That doesn't work. Maybe not take their money to begin with. Maybe tell all Americans, and maybe Congress ought to think this through, everybody who pays taxes and reports their taxes ought to get a tax cut across the board, and then they will have more of their own money, and they can decide how to spend their money and stimulate the economy the way they decide, rather than Big Brother up here in Washington trying to make that decision for them.

I think that is something we ought to have the debate on. We haven't had that debate because we're rushing to pass this bill because we have to get it passed before Valentine's Day. That is what we have been told. And I thank the gentleman for his efforts on this. And I'm glad that we're having at least a discussion about some alternatives tonight.

Mr. BURGESS. I thank the gentleman for his keen insight into the problems that face us. And I guess being somewhat of a student of irony, I would just point out if you're rushing to get something done before Valentine's Day, you're very apt to pass a very large spending bill on Friday the 13th. And so that is perhaps one of the things we have facing us tomorrow.

I also need to point out that Republicans have been very involved in generating alternative strategies and alternative proposals and have put them forth on this floor confidently night after night, day after day. A plan from Representative CANTOR's office, our minority whip, detailed immediate tax relief for working families, tax relief for small business, no tax increases to pay for spending, assistance for the unemployed and stabilizing home values. That formed the core of the Republican plan that was offered as an alternative to this massive, massive spending plan that has been proposed to us by the Democratic House leadership.

Mr. Speaker, I know many people will wonder if there is anything, if there is a way to interact with their Member of Congress. There always is, Mr. Speaker. There are ways, of course, that people can interact with their Member of Congress or with the leadership of the House. And perhaps that is something that, Mr. Speaker, the American people should consider during this next 24 or 48 hours before we vote on this bill.

I see I have been joined by other Members, and not to make this too Texas centric, I will be happy to yield such time as he may consume to the gentleman from Texas (Mr. HENSARLING) who is on the House Financial Services Committee and the former chairman of the House Republican Study Committee.

Mr. HENSARLING. Well, I thank the gentleman for yielding. I thank my friend for his leadership in helping educate the American people, in this case they no longer need it, on the perils involved in this so-called ''stimulus'' bill. And Mr. Speaker, I guess it is a stimulus bill. It is a bill to stimulate Big Government. Unfortunately, it is not a bill to stimulate our economy.

When I come to the House floor, I understand that elections have consequences. And I usually don't complain about the process. But I must note that when Speaker PELOSI took over the speakership of the House of Representatives, she said publicly that she wanted a new day to dawn, that we would have more openness, more transparency, that there would be input from the minority. It is not true. Not one meeting, not one meeting with the Republican leadership with respect to this bill. There are no amendments allowed on the floor. She told us that it was immoral the debt that we were placing on future generations and that with Democrats in control of the House of Representatives and of this government, that they would end deficit spending.

And now, according to the Congressional Budget Office, we're looking at the largest single increase in the deficit that we've seen in our history. And it wasn't, what, 48 hours ago that on this very floor we voted as a House to ensure that the American people had at least 48 hours to view what the press says will be a 1,400-page bill, the single most expensive piece of legislation in the history of America. And Mr. Speaker, as I look at the clock, it is a little after 7 o'clock East Coast time, and we're due to vote on this thing tomorrow. I haven't seen the bill. I don't know if my colleagues have seen the bill. I doubt seriously the American people have seen the bill. I stand corrected. Apparently the gentleman from Texas has one hot off the press.

Mr. BURGESS. Will the gentleman yield?

Mr. HENSARLING. I will be happy to yield.

Mr. BURGESS. I actually brought this as a prop. This was a copy of the bill as it went to conference on the 10th. So this is 2 days old. It is 1,425 pages. Knowing how things work around here, I doubt it has gotten smaller in the last 48 hours.

I will yield to the gentleman.

Mr. HENSARLING. Mr. Speaker, people are hurting in this economy. Personal friends of mine, hardworking, smart individuals and well educated individuals are laid off from their jobs. People are having to dig deep into their savings. People are running out of their savings. And so the Republicans have come up with not just a theory, but a piece of legislation that is backed up by history that can help preserve jobs, help create jobs, help expand that take-home pay for American families, help the unemployed, and get to the root cause, the root cause of this economic calamity, and that is to help remove some of this excess real estate from the market.

Every time we have faced a recession, you can go to earlier this decade, you can go back to 1981 and 1982. You can go back to the Kennedy administration, every time you lower marginal rates for hardworking American people, you expand their paychecks. And that is how you expand the economy. But, Mr. Speaker, when you look at this bill, less than 18 percent of this bill has anything to do with tax relief. And at least in the last version we were able to see, since the Democrats have not had the courtesy to show us what we're going to vote on tomorrow, less than 3 percent of that was geared towards small businesses. The job engine in America is small business.

I looked at this bill, and there is next to nothing, next to nothing for the small businesses that I represent in the Fifth Congressional District of Texas. I looked at the House version that was voted on earlier. I can tell you, there is nothing in it for First Choice Tax Service in Seagoville, Texas. I looked very hard. I can find nothing for Gator Auto Transport in Canton. I really looked down deep, and there is nothing here for Tallyho Plastics in Jacksonville, Texas. Nothing to preserve jobs and create jobs in small business. Instead, what we have is a 40-year wish list of the left to grow Big Government.

And so that is why we see debt service and growing Big Government is about 80 percent of this legislation. That is why we give $200 million for computer centers at community colleges and $10 million for urban canals. I'm not completely certain what an urban canal is, but I'm fairly certain that the taxpayers, the struggling families, the struggling small businesses of the Fifth District of Texas don't want

to pay for it. There is $255 million for a polar icebreaker for the Coast Guard. Now, Mr. Speaker maybe the Coast Guard does need a new polar icebreaker. But somebody needs to explain to me and my constituents how that is going to stimulate the economy and how that is going to make their paycheck safer. I don't see it. There is $75 million for the Smithsonian Institution. I love the Smithsonian. But Mr. Speaker, this doesn't stimulate the economy. There is $20 million to remove fish passage barriers. Maybe the fish enjoy it. But again, I see nothing in it for the small businesses in America. And I think it is such a pivotal point in our Nation's history. What a poor charade, a poor charade on the American people.

In a spate of candor, the former chairman of the Democratic Congressional Campaign Committee, now Chief of Staff to the President, said to his former colleagues, our friends on the other side of the aisle, the Democrats, ''never let a serious crisis go to waste.'' And Mr. Speaker, I assure you, they haven't.

□ 1915

And they have loaded it up with every big government idea known to mankind. And I see we have other colleagues here, and I don't want to dominate all the time.

But I think it's also important, Mr. Speaker, that we know that when you look at this so-called stimulus bill, this bill to stimulate big government, it's been tried before. Anybody who has studied economic history knows about Japan's lost decade. In fact, I have a recent story from the New York Times dated February 6, not exactly a bastion of conservative thought, I might add, Mr. Speaker. It's entitled ''Japan's Big-Works Stimulus is a Lesson.'' And it talks about the time when Japan faced a similar economic challenge.

And it says, ''During those 2 decades, Japan accumulated the largest public debt in the developed world, totaling 180 percent of its economy, while failing to generate a convincing recovery.''

I read further in the article. ''This has led many to conclude that spending did little more than sink Japan deeply into debt, leaving an enormous tax burden for future generations.''

I've studied the model. The Democrat stimulus bill is based on that model. You know what happened? Not only did Japan have the highest per capita debt of any industrialized nation in the world, they didn't create any new jobs in the entire decade of the nineties. Their per capita income went from second in the world to tenth in the world, and they left a legacy of debt for generations to come.

And that's why, Mr. Speaker, I'm so sad to come to this House floor, knowing that this body, the People's House, is on the precipice of doing exactly the same thing. And so I come down to this House floor to raise my voice. I'm the father of two small children, a 5-year-old and a 6-year-old. I don't want to leave them a legacy of debt that this bill will leave them, the largest single debt in American history. How are they ever, ever going to work that off?

There's an alternative. Help small businesses. Increase the family paycheck. Help the unemployed. Get the excess housing off the market. It's the Republican alternative. It is the alternative that creates twice as many jobs at half the cost, and does not leave an unconscionable, unconscionable and immoral debt burden on our children and grandchildren.

And so I thank the gentleman for yielding. I thank him for his leadership. And I yield back.

Mr. BURGESS. I thank the gentleman too. There's no one in Congress who has spoken with more eloquence and clarity on the problems of government spending and government debt.

I wonder if the gentleman would maintain his position for one moment, just for the purposes of a colloquy. Of course, as you so correctly pointed out, Democratic leadership did not involve the Republican Members of the House in crafting a solution to the Nation's economic difficulties.

But to his credit, our new President did come and spend an hour with us a week or so ago. And it was about exactly an hour more than the Democratic leadership had spent with us up until that time. But in that hour, I was particularly struck by an exchange between you and the President as far as on the issue of that long term debt that we are assigning to those that will come after us.

I will yield to the gentleman. Would you share with this body the result of that exchange.

Mr. HENSARLING. Well, I thank the gentleman for yielding. And indeed, President Obama, contrary to Speaker PELOSI, did reach out a hand to Republicans. He met with all the Republicans in the House of Representatives, something I don't think Speaker PELOSI has ever done. He met with our leadership twice in trying to craft legislation. I give him the utmost credit for that.

I don't know our President well. I've met him a few times, but he struck me as a very sincere and honest man. And we disagree on many aspects of the stimulus bill. But the exchange I had with him, I know that he is also a father of two small children. And it's so easy in Washington to spend other people's money and hand the bill to the next generation. Frankly, it happens here every single day of the week.

And I just asked the President and implored the President, please, Mr. President, please, Mr. President, before you sign this piece of legislation, in whatever final form it may be, think first of your children, my children and the Nation's children and how will we ever pay for this.

Now, again, he disagreed with me on certain issues, but I believe he was sincere and passionate in his concern about this debt. And I believe he made a commitment to us, and I hope he'll have ample opportunities in his term as President to see it good, that, regardless of what the cost is of this legislation, that he knows that other legislation will be necessary. And I believe—I don't want to quote the President. People will have to, reporters can talk to him about what he said.

But what I thought I heard him say is that if all we passed is this stimulus bill, we would be doing a disservice to future generations. So I'll take him at his word.

I don't believe this is the right legislation. I feel he has concern, but I'm always, always curious how Speaker PELOSI and some of my other friends on the other side of the aisle think that we will ever, ever, ever, be able to pay off this debt. And I certainly want to give the President plenty of opportunities in the future to do something about that.

And again, I thank the gentleman for his leadership. I thank him for yielding.

Mr. BURGESS. And I thank the gentleman from Texas for sharing that very personal story with us.

As the gentleman points out, Speaker PELOSI does owe, perhaps this body an explanation as to how that debt will be paid.

Of course, the State of Texas would be nothing without the State of Tennessee, so I'm now happy to yield such time as she may consume to gentlelady from Tennessee, a fellow member of my Committee on Energy and Commerce, the Honorable MARSHA BLACKBURN.

Mrs. BLACKBURN. I thank the gentleman from Texas. And I thank him for his leadership on this issue, and also for leadership on health care and for his passion and concern for the American people and their ability to control their health care information and to retain that relationship they have between the physician and the patient. And we know that from actions in this bill that relationship will be damaged, and possibly could be done away with, and a bureaucrat at the Comparative Analysis Center beginning to make decisions on what kind of health care individuals can seek.

Mr. Speaker, I do rise tonight, and I follow right along with the comments from the gentleman from Texas. I have deep and abiding concerns about this legislation.

We are in a recession. The American people want to see action. This is not the action that they want. Indeed, I have had constituents that have called and e-mailed, and local officials who have said, you know, stop, and do this right. Do not give us a spending bill

that is going to leave us with an insurmountable debt.

Today is the birthday, the 9-month birthday of my first grandchild. His name is Jack Ketchel. And as Jack turns 9 months old today, Jack is receiving from the Federal Government a $35,000 debt. Tomorrow Jack's share of the national debt will go up. By the time young Jack Ketchel turns 21 and starts to enter the work force, there is no telling what that is going to be because Jack is going to be heaped upon his head, and he will see this every single year, a growing debt that comes from a growing deficit that comes because Members of this body chose to take the easy way out, to grow government, to pass a government stimulus bill; not a stimulus bill, Mr. Speaker, that would address the needs of the American people, not a stimulus bill that is going to encourage small business and private sector growth, but a stimulus bill that is going to include in it nearly a thousand pages. And by the way, the gentleman from Texas has the size of the bill as it passed the House.

Mr. Speaker, this body, the members of the Democrat leadership in this body and in the Senate, will choose to spend 1,206,185,567 taxpayer dollars. That is a billion dollars, $1.2 billion per page of that bill. That is what they're spending.

Now, you know, I thought this was to be the Congress that was about the children. I think that we are going to look back at this, I think our children are going to look at this and our grandchildren are going to look at this and say, no, this was the Congress that fleeced the children and the grandchildren. And it grieves my heart that my grandchild, and my grandchild that is going to be born in June, are going to face limited opportunities and a future that, many times, may be in jeopardy because the economic health of our Nation is impaired by the debt that we have.

We know, Mr. Speaker, that economic freedom and political freedom are inextricably linked. They go hand in hand. And when we choose to spend for the moment instead of planning for the future, we jeopardize that future.

Now, we have to stop and say, as we look at this bill, there's $400 million in here for a social services block grant. There's $30 million for the San Francisco Bay area wetland project to save a mouse. There's $125 million for D.C. sewers. There is $140 billion to the States to reward States that have not planned for a balanced budget that they are mandated to have by their State constitutions. It includes 31 new programs and growth in 70 government programs. This is a big government stimulus bill.

I think it is a very sad day. We know our Nation is in recession. We know the American people want action. They are begging this body to halt and to not pass this bill. It is a spending bill, Mr. Speaker. It is not a stimulus bill.

I yield back to the gentleman from Texas.

Mr. BURGESS. I thank the gentlelady for her comments.

I think I heard earlier today that if the total spending in this bill were to be returned to the taxpayers, there would be no tax liability on families earning under $150,000 a year between now and some time in the middle of the fall. Imagine what the American people would do if we would take that type of tax burden off of them, even for a very short period of time.

Well, I've been joined by other members of the Republican Conference, and I would like to yield such time as he may consume to the gentleman from Utah, the Honorable Mr. BISHOP.

Mr. BISHOP of Utah. I thank you. I thank the gentleman from Texas for allowing me to have a few words on this body about this significant issue, which is tomorrow's vote on the stimulus package.

I, like many people, perhaps I'm a little bit older than a lot of people here, but I was born in the early 1950s. This was the Eisenhower era when the United States was taking its role as the true leader of the world. It was an era of optimism. It wasn't always smooth sailing at all times, because we clearly remember the economic conditions when Ronald Reagan became President equaled and surpassed the situations we are facing today. That was an era when mortgage rates were 20 percent, and inflation was 14 percent. Unemployment was in the double digits throughout this entire country. And yet, at that time, in the 1980s there was something within the core value of American citizens that allowed them to respond and to rebound and to solve that problem.

And, Mr. Speaker, Mr. BURGESS of Texas, I am convinced that within the core value of Americans today we still have that which it takes to respond and rebound to face this situation where we are and to move forward in a positive way. We will succeed at this time. There is nothing that will hold us down.

The only question that we really have is the vote tomorrow. Is that something that helps propel us to the solution of this dilemma, or is it one that actually hinders us in reaching that solution?

□ 1930

I am still confident Americans can do it because Americans have always been underestimated.

In the 1700s, the theory in England was that these colonies had their atmospheric conditions, they said, which meant that anything over here would be in a permanent state of decay and deterioration. Nothing permanent could be built in these colonies. Now, as somebody who actually grew up and lives in the desert part of America, with these atmospheric conditions, of which they mean humidity back here, I have to agree there is some truth to that.

The bottom line is still, when Alexander Hamilton wrote the Federalist Papers, he challenged Americans to respond to that image that the Europeans had of us and to build a system of government that would transpire anything in the transatlantic community, and we responded with a divinely inspired Constitution.

After the Civil War, months after the Civil War ended and Lincoln was assassinated, there were many people who thought: Will violence be the way of life on this entire continent? But Americans responded, and we built an empire from coast to coast.

During World War II, Hitler thought that this Nation was too weak in our democracies and in our traditions to ever respond militarily to the danger that he sent, but the greatest generation responded to the greatest challenge, and we did greatness, not only out of one plank but in the Pacific theater as well.

In the 1970s, when we were facing the same kind of economic difficulties we are facing today, there were those people who said we should just cut our losses and run, that the U.S.S.R. would always be superior to us in our manufacturing and material bases. We can never succeed with them. Just make the best deal possible. Once again, Americans responded, and we won the Cold War. Americans will respond to this particular challenge as well.

Now, I understand how difficult it is for people. I'll take that back. Having grown up in the '50s, I don't understand how difficult it is for people who have been in the condition of losing their jobs, but I do want this body to know that my father was 26 when the Depression hit. He was a young father with a new family, and he lost his job. It was doubly significant because his brother had been his employer and had to let him go. So he moved back to Utah, and for 2 years in the height of that Depression, he did not have full-time employment. He had odd jobs. He was doing the best he could. He was growing a large garden to feed his family, which I used to hate because, when I was younger, I had to weed that thing, but that was what he went through.

I do admit his first real job in 2 years was a New Deal program. He became an administrator in the CCC program and then in the PWA and then in the housing authority.

My father also told me to be wary of the government jobs like the one he had because, as he said, ''When the government program ended, so did my job.'' What he really needed and what he eventually attained was a real job in the real world, which even though the

programs he had under those entities no longer exist, the job he was doing afterwards is still being done by somebody else today.

As my father advised me, our goal has to be looking to find a way to stimulate real employment. A stimulus bill is always a risky thing to do. Most stimulus bills always work after the recession is over, and by putting money into the economy, a stimulus bill does something that spurs it on, but for the government to get that money, it has to pull it out in the form of borrowing, which spurs it down. A tax increase is also counterproductive, but a tax decrease, especially to small business, which creates 50 percent of the jobs in this country, would not have a negative aspect, but would have a positive stimulating aspect into what we are trying to do. Those are the kinds of jobs my father told me we should venerate and that we should try and do.

Now, the question we have is the same thing that President Obama said when he spoke to us that first time when he reached out to us. He said his economic advisers told him that a stimulus bill correctly structured could have an impact that is positive on our economy. The question we have to ask is: Is the bill that we will be voting on tomorrow correctly structured?

I think what we have found with the other versions of that bill is, the longer people look at it, the greater their questions as to: Is this really something that will produce jobs for real Americans or are we simply spending money on government growth? Are we wasting the money in short-term employment and not building long-term employment?

As the gentleman from Texas has already said, we were promised 48 hours to look at it or it was intimated it would be 48 hours. Obviously, I'm getting older, so I must have misunderstood. It was not 48 hours to look at it. They probably said we would have 4 to 8 hours to look at it. In that regard, it will probably be accurate.

As a history teacher, I am reading a book about the Depression, which scares me to no end. Contrary to what many people think, Herbert Hoover was an activist President. He was excited when the crash hit because it was his opportunity, in his words, to reshape government. The first thing he did was pass a government stimulus bill. To add other ironies to the situation, because it was a worldwide situation, other countries were sending a lot of bullion into the United States, but the Federal Reserve thought it would be inflationary, so they specifically instituted programs to make sure that that money would not be circulated and that it would stay put in special places. It's kind of like when the bailout money was supposed to go out to try and circulate money through the economy. Instead, it has stayed put in place and has not gone down to community banks and to credit unions and to small people who need those types of loans.

Now, I still think there is hope because there is an alternative out there. The Republican Party has placed an alternative whose goal is not just to create or to save 3 million jobs but, by using principles that we know to be true, to create 6 million real jobs, long-lasting jobs in the sector that will remain the private sector.

I am pledged to try and see if we can actually pass that because that is something that would provide relief to this country. That is the way Americans can respond to win in this situation. Otherwise, we will still ask the question: Did we craft this stimulus bill correctly? I think the more we look at it, probably after it has passed, the more and more we will answer, no, we did not. We blew a wonderful opportunity that we had.

I thank you for allowing me the chance to say a few things about this particular bill. I yield back to the gentleman from Texas.

Mr. BURGESS. I thank the gentleman for yielding back. He is correct, the hour is late. I am afraid the cake is almost baked, as they say. I have some other Members who wish to speak on this.

Mr. Speaker, might I ask as to how much time remains.

The SPEAKER pro tempore. The gentleman from Texas has approximately 10 minutes remaining.

Mr. BURGESS. I thank the Speaker.

The remaining Members who wish to speak, help me be judicious with the time, but let me yield a few moments to the gentleman from Nebraska.

Mr. FORTENBERRY. Thank you, Congressman BURGESS, Dr. BURGESS, for hosting the hour tonight.

We all know the economy is in very difficult straits. Families are hurting; businesses are taking downturns, and people, in general, are suffering. I do not want to see any family face unemployment or foreclosure or see any business take a downturn, but I think the question before us is: What is the right thing to do?

There is not a Member of this body nor a member of the administration who is not carrying that heavy burden in his heart—we understand that—but I do think that we should ask the right question: What is the responsible, appropriate response to maximize economic productivity and to create jobs in order to help families?

Dr. BURGESS, you might be interested in knowing that we have a long tradition as the Nebraska delegation. A group of Nebraskans—anybody who is in town during the week—meets for breakfast on Wednesday mornings. It has been going on for 66 years. One of the things that I like to do with constituents who are in town is to just give a basic overview of the Federal budget.

I hope you can see this adequately, but this is basically the Federal budget. This is the projected budget for fiscal 2009. It is $3.5 trillion. Basically, this is where the expenditures go. The red part of the pie is what we call up here in Washington ''mandatory expenditures,'' including Social Security, Medicare, Medicaid, as well as other expenditures, which include food stamps, farm payments, the Earned Income Tax Credit, as well as unemployment insurance and Federal worker benefits.

This plus net interest on the debt is well over 60 percent of the entire Federal budget. National defense is in an area of this purple sector of the pie. We call that up here in Washington ''discretionary'' because we tend to haggle over it, but it is about 18 percent of the overall Federal budget. This small sliver right here is called ''nondefense discretionary,'' and that is where other important programmatic elements lie.

Many of the constituents who come up here come to talk to us about that very small area of the budget, whether that's parks or roads or programs to meet special education needs and a variety of governmental functions.

This chart is very telling as well because it shows where our revenues come from. In fiscal 2009, the revenue estimates are $2.4 trillion.

Now, you'll remember the expenditure chart, $3.5 trillion. To do a quick little bit of math, it says a $1.1 trillion budget deficit for this year for our ordinary budget. This is where the money comes from. Individual income tax is about 45 percent, which is in the purple area of the pie here. This maroon area is the corporate income. Corporate income tax is about 10 percent. Payroll taxes are about 40 percent. There are others—the excise, estate and gift taxes.

But it's that figure that I want to talk about, the $1.1 trillion. Unfortunately, our process here, in order to create an opportunity to help their economy, has resulted in an unrestrained, unsustainable, massive, Washington-style spending bill that will be very, very difficult to reverse.

Before the year 2000, by the way, the Federal budget was about $1.8 trillion. This year, it is almost going to be double that at $3.5 trillion. We have been on a massive spending spree, and it should have been stimulated, but here we find ourselves in serious economic straits.

I was on the radio the other day, and the radio announcer said that it's very difficult to get your mind around $1 trillion—and it really is—but think about this. The very deficit that we're leaving, should this bill pass along with other expenditures at this time, is larger than the Federal Government's entire expenditures were just a few

short years ago. The deficit this year will be larger than that of the entire Federal Government before the year 2000. That is a very serious problem because we are going to pass debt on to children or we are going to sell the wealth asset value of this country overseas. That is a shift of the wealth of this country into the hands of foreign debt holders or we are simply going to monetize it and are going to create inflation, which is a regressive form of taxation, particularly for the poor. These are very serious issues.

So, if we are to do a stimulus that is appropriate, it needs to be targeted and temporary, moving tomorrow's decisions to today in order to maximize economic leverage and to create jobs. We should also have some basic outline of a plan to pay for it. So those are some of the real dilemmas here that I see that I wanted to come down and point out.

Thank you for hashing this out, not only among Members but for anyone who might be watching. I thank you for the time.

Mr. BURGESS. I thank the gentleman for yielding back. Again, he points out an excellent point that the level of debt is unsustainable, and the rate of growth of those so-called ''mandatory expenditures'' is in the range of 6 to 9 percent a year.

Let me yield a few moments to the gentleman from Texas, Judge GOHMERT, to speak eloquently on this subject.

Mr. GOHMERT. Well, I don't know about eloquently, but I am certainly coming from the heart.

There are a lot of people who we've heard from who are hurting, and they had great hopes because we elected a President who said he brought hope. Yet what we have seen so far is not hope. It is not change. It is the same thing Secretary Paulson started. It's just throwing more money at the wrong places.

So what we have heard—and again, as my friend from Texas has pointed out—is that we do not have a final bill. We are supposed to vote tomorrow on the biggest spending bill in the history of the world, not just of this country, and we still do not have the bill. The latest information we've heard is that people, the taxpayers, are down to—it has kept coming down—what may be $800 per family. It may be less than that. It depends on your circumstances. People were promised better than that.

There is a plan out there that has been proposed. I don't care who puts his name on it. It is a very good plan. It puts money immediately in people's next paychecks. If we pass it tomorrow, they could have it in their checks as soon as the President signs it. They could have it that day or the next day. It's a tax holiday where people get their own withholding, where they get their own FICA back. For the small businesses, they don't have to pay FICA in, and it's paid for by money that has already been allocated.

When I brought this up to President Obama a few weeks ago, I really think he was genuine.

He said, ''Oh, have you talked to Larry Summers about that?'' his Harvard economist, and Larry was standing behind him.

I said, ''No. I'd love to talk to Larry about it.''

So Larry steps out, and he said, ''Oh, do you have a card?'' I gave him my card. He said, ''Yes, I'll give you a call.''

After I didn't hear for a week or so, I called, and I made clear that the President had said, ''Call Larry Summers and talk to him.'' So I waited. Eventually, I got connected. Was it Larry Summers? No. It was some young man named Brian. It was his voice mail. I thought maybe it was a mistake. So I've called back since then, and they always put me through to some voice mail of some young man named Brian. I'm sure he's a fine young man. They're not interested—apparently, Larry isn't or whoever is advising this administration—in letting they money get back to the people who can do the most good.

□ 1945

And the average median income a household was going to get, on the average, $2,000 or more, the average. I mean, that's hardworking families getting a couple of thousand dollars to catch up on things

Now that is a stimulus. That would allow them to do all kinds of things and get—including getting a down payment for a nongas-guzzling car like someone had told me.

The American people can get us stimulated and going if the government, if the people that are in charge in this House and in the Senate and in the White House, had had enough confidence like so many of us do.

And I appreciate the gentleman yielding, and I hope that people, Mr. Speaker, will let our Speaker, the majority leader in the Senate, HARRY REID, and the President know they can stimulate the economy if they get to have some of their own money back.

Mr. BURGESS. The gentleman brings up an excellent point, and maybe the Speaker people perhaps should weigh in on that issue with our leadership.

COMMEMORATING THE BICENTENNIAL OF ABRAHAM LINCOLN'S BIRTH

(Mr. GUTHRIE asked and was given permission to address the House for 1 minute.)

Mr. GUTHRIE. Mr. Speaker, I rise today to commemorate the bicentennial of President Lincoln's birth. Today, as we celebrate the 200th birthday of one of our greatest Presidents, I take great pride in representing the district where President Abraham Lincoln was born. From a one-room log cabin in Hodgenville, Kentucky, Abraham Lincoln rose to the highest office in our land, where he worked diligently to heal our Nation from deep wounds.

As the place of his most formative years, Kentucky played a primary role in forging the family and political life of President Abraham Lincoln. It was in the Bluegrass State that he began the path to the highest office in our Nation. It was in the Bluegrass State that the foundation for President Lincoln's ideals and beliefs were laid. It was from the Bluegrass State that President Lincoln met his closest friends and mentors.

Often remembered for his physical height, measuring over 6 feet, 4 inches tall, Abraham Lincoln's 200th birthday also reminds us of his height of character—a character that was formed on the banks of Knob Creek, Kentucky. A man of faith and wisdom who loved his country, President Lincoln's birth is clearly worthy of commemoration.

I would be remiss if I did not take a moment to thank Tommy Turner, the County Judge/Executive of LaRue County, Dan Kelly, my former colleague in the State Senate, and the rest of the Kentucky Abraham Lincoln Bicentennial Commission for their tireless work since 2004 to organize and coordinate the many events celebrating President Lincoln's birth. Judge Turner and Senator Kelly's roles to ensure that Kentucky played an essential part in the national celebration of Abraham Lincoln's 200th birthday deserve recognition.

I trust that my colleagues will join me in commemorating this historic day for Kentucky's Second Congressional District, the entire Commonwealth, and our nation.

STIMULUS MONEY NEEDS TO PURCHASE AMERICAN GOODS

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, thank you so much.

I just want to add one other element to what's being discussed here.

As the final moments are taking place in putting together this economic stimulus package, I'm still holding out a little bit of hope that we can put some things in there that protect American jobs.

There is a segment in the bill, we think, that would say that steel used in transportation infrastructure would be bought in America. There is no provisions yet that say that $600 million worth of cars purchased would be bought in America, $400 million worth of buses would be bought in America, hundreds of millions of dollars worth of furniture for Federal buildings would be bought in America, $1 billion worth of computers.

It is so important. This is not a violation of any treaty. It's clear that when a Nation is spending money to create jobs, we ought to be creating those jobs in this country. We love other countries, but we can't trade with other countries if we don't have the money to buy their products.

I still hope this is part of what may end up in this bill. The American people are depending on it. I hate to see our dollars go overseas or where we're borrowing money from other countries. Let's make sure it's used to purchase American goods.

CELEBRATING ABRAHAM LINCOLN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Illinois (Mr. JACKSON) is recognized for 60 minutes.

Mr. JACKSON of Illinois. Mr. Speaker, as a member of the Abraham Lincoln Bicentennial Commission, this commission has worked for a few years now to help pay homage to commemorate the life of, from my perspective, the most extraordinary American who ever lived: Abraham Lincoln.

Abraham Lincoln was our 16th President who, today, would have been 200 years old. This President's impact on the lives of every American has been told in more books than any book written on any single figure in human history.

I have been honored and privileged by Speaker NANCY PELOSI to serve as the Democratic representative on the extraordinary commission that has worked tirelessly to pay, globally, the kind of homage to the 16th President that President Abraham Lincoln deserves.

I got up early this morning and went to a dedication ceremony at the Lincoln Memorial. And there, Mr. Speaker, I had this awesome sense of the impact, in my own small way, that the 16th President had on his generation of Americans.

To look at that extraordinary temple, to see the figure, the enormous figure of Abraham Lincoln recessed into the temple with a constant vigilance over our Republic, even in death, the presence of Abraham Lincoln is felt and it is awe inspiring.

To see President Lincoln looking out over the National Mall, looking out over the activities of the Congress of the United States, gives him a sense of divine presence in the life of our democracy. In fact, he becomes, and is, the most pre-eminent figure in American history.

And as you sit there looking at the enormity of the temple, it's not that Lincoln is looking over us; it's also that we look to Lincoln for guidance. In other words, because Mr. Lincoln offered the last full measure of his devotion, saved the Union and saved our country, President Abraham Lincoln has earned the trust of the American people.

And since his Presidency, very few Presidents of the United States have not ventured in deep and reflective thought upon the single proposition of what is it that Mr. Lincoln would have me do. Members of Congress and others who have entered into public life throughout this country, they look to the example of Lincoln knowing that he gave the last full measure of his devotion to keep this country together, to guarantee for us the future; that even as our newest President, President Barack Obama, said today in the Capitol Rotunda, he said, ''It seems that the problems that we have as Americans are small compared to the problems that Mr. Lincoln dealt with. And yet, Mr. Lincoln persevered.''

Sure. We're arguing about to vote for the stimulus or to not vote for the stimulus, to support the President's agenda or to not support the President's agenda, to help our economy, and from some others' perspective to not help our economy.

But the central issues that we deal with, President Barack Obama said are small by comparison to the issues that Lincoln dealt with. We owe him a tremendous debt of gratitude.

There have been some questions raised during the Lincoln bicentennial about whether or not Abraham Lincoln should be credited with freeing the slaves. And I came to the floor tonight, Mr. Speaker, to address three central issues.

The first part of my presentation is to answer the question, Did Lincoln free the slaves. The second part of my presentation tonight, Mr. Speaker, is to answer the question, What is it that Lincoln saw. And it's in that second part of the presentation that we will venture back through American history to understand the complex issues that Abraham Lincoln had to deal with—and I apologize for the limitations upon my time to answer all of those questions.

And I hope tonight, Mr. Speaker, to close on the future that Abraham Lincoln guaranteed for all of us. I hope to accomplish this in the allotted time frame.

Interpreting Lincoln's life and work is extremely important. It's important to the past, it's important to the present, and it's important to the future. It's why I've come here tonight to lay before the House of Representatives my understanding of that interpretation.

Recently, there have been questions raised as to whether Lincoln should be credited with freeing the slaves. The argument goes, given some of Lincoln's history, his racial attitudes and statements, his moderate views on the subject, his noninterference with slavery where it already existed, his once proposed solution of colonization, his gradualist approach to ending the institution, his hesitancy with respect to issuing the Emancipation Proclamation, and using colored troops in the war, his late conversion to limited voting rights for blacks and more, why should Abraham Lincoln be credited with freeing the slaves?

Some have even argued that it was the various actions taken by the slaves, including the power given to the Union cause as a result of the moral case for overturning slavery, plus the actual military role of working and fighting in the Union campaigns that actually freed the slaves.

I've heard the arguments. I've read the arguments of our Nation's most profound historians who make this case.

By forcing the Emancipation Proclamation issue on to the agenda, first of military officers, then of the Congress of the United States—which we all know then and now know to be reluctant—and finally of Lincoln, it was their actions, the actions of the slaves themselves that led to their freedom.

I think when looking at this argument—clearly just as the Congress and President Lyndon Johnson would not have been able to pass and sign the civil rights and social legislation of the 1960s apart from a modern civil and human rights movement—so, too, the military commanders, the Congress, and Lincoln would not have been able to achieve what they did without the agitation and the movement of the slaves and their allies. There is no doubt about that.

On the other hand, the slaves would not have become freed men apart from what these leaders did. Because historical interpretation has played up the role of white male leaders while playing down the role of mass movements and leaders of color and women, our understanding of history has been skewed. Some of the current put-down of traditional historical interpretation is legitimate rejection and reaction to this past, limited, and distorted understanding and interpretation of our history.

The search now, Mr. Speaker, it seems to me, should be for a more balanced interpretation, which includes striving to put many forces and multiple players in proper balance and perspective. That, I think, is what is at issue with regard to the question did Lincoln free the slaves.

To answer this question, James McPherson says in ''Drawn with the Sword,'' that we must first ask what was the essential condition, the one thing without which it would not have happened? And the clear answer, the clear answer to the essential condition, the one thing without which it would not have happened, is the war.

Slavery had existed for nearly two-and-a-half centuries. It was more deeply entrenched in the South than ever.

And every effort at self-emancipation—and there were plenty—had failed.

He said, ''Without the civil war, there would have been no Confiscation Act, no Emancipation Proclamation, no 13th amendment to the Constitution, not to mention a 14th and a 15th amendment, and almost certainly no end of slavery for several more decades, at least.''

Fifteen Presidents before Abraham Lincoln had failed to sustain all of these forces to bring the politics of a peculiar institution to a moral head in our Nation.

As to the first question, what brought on the war, there are two interrelated answers.

What brought on the war was slavery.

□ 2000

What triggered the war was disunion over the issue of slavery. Disunion resulted because initially 7, and ultimately 11, Southern States saw Lincoln as an anti-slavery advocate and candidate, running in an anti-slavery party on an anti-slavery platform who would be an anti-slavery President. Rather than abide such a black President and black Republican party, Southern States, led by the Democratic Party, severed their ties to the Union.

Through secession, which Lincoln and the Union refused to accept, they went to war over preserving the Union. While Lincoln was willing to allow slavery to stand where it stood from 1854 when he reentered politics onward, Lincoln never wavered or compromised on one central issue, one central issue, the extension of slavery into the territories. And while gradual in his approach, Lincoln and the slave States of the South knew this would eventually mean the end of slavery.

It was Lincoln who brought out and sustained all of these factors. Thus, while Lincoln's primary emphasis throughout was on saving the Union, the result of saving the Union was emancipation for the slaves. If the Union had not been preserved, slavery would not have been ended and may have even been strengthened.

In fact, the first 13th amendment to the Constitution of the United States, the very first one, passed the Congress of the United States, and only the secession of States from the Union kept that 13th amendment from being added to the Constitution. It was the 13th amendment that would have allowed slavery to exist in all States and all territories.

Lincoln strategically understood that the Union was a common ground issue. It wasn't about black. It wasn't about white. It wasn't about slavery versus non-slavery. Lincoln said, Whatever your position is on the question of slavery, no State has the right to leave the Union. The Union became the rallying cry, the common ground issue around which he could rally the American people.

Some of us want the American people rallied around whatever we want them rallied around, but from the perspective of a President, particularly Abraham Lincoln, keeping the country together was central.

Today, we have agreements and disagreements with President Barack Obama, but President Barack Obama sees something that we don't see, unprecedented economic catastrophe. And he's driven by saving our country for future generations, not by tax cuts versus spending or spending versus tax cuts, but a way to work our way out of the economic condition that we find ourselves in. And so the language that the President uses is about saving all of us.

Look at Lincoln in perspective. By holding the coalition together around the issue of the Union, enough Unionists eventually saw the connection between the two issues that he could ease into emancipation in the middle of the war when it gave the North a huge boost.

Even when Lincoln believed he was going to lose the presidency in August of 1864 he said, There have been men who proposed to me to return to slavery the black warriors who had fought for the Union. I should be damned in time and eternity for doing so. The world shall know that I will keep my faith to friends and enemies, come what will.

In effect, our 16th President was saying that he would rather be right than President, and as matters turned out, he was both right and President.

Clearly, Mr. Speaker, many slaves did self-emancipate themselves through the Underground Railroad before the war and throughout and even during the war, but even so, this is not the same as bringing an end to the peculiar institution of slavery, which only the Civil War and Lincoln's leadership did.

Therefore, Mr. Speaker, by pronouncing slavery a moral evil that must come to an end and then winning the Presidency of the United States in 1860, provoking the South to secede by refusing to compromise on the issue of slavery's expansion, or on Fort Sumter, by careful leadership and timing that kept a fragile Unionist coalition together in the first year of the war and committed it to emancipation in the second, and by refusing to compromise this policy once he had adopted it, and by prosecuting the war to unconditional victory as Commander in Chief of an Army of liberation, Abraham Lincoln freed the slaves. All of these factors came together in President Abraham Lincoln.

Now, did he sign the Emancipation Proclamation? Of course he did. Was it a political act? Of course, it may have been. In 1862, President Lincoln had Northern free States that were committed to staying in the Union where slavery was already illegal. He had border States all around the Nation's capital where slavery was legal, but these border States agreed, from their perspective, that while they felt they had the right to maintain slavery, they did not believe the South had the right to leave the Union.

And so Lincoln had to balance the politics of Members of Congress who were running in mid-term election saying, you know, I'm for keeping slavery alive in Maryland, but I also believe that our State needs to stay in the Union. Now, if I catch Mr. Lincoln saying something like this is about slavery, then I'm going to say we need to join the South because this is about our property.

Lincoln had to balance the politics of Members of Congress and balance the politics of Senators and balance the politics of Governors who were threatening to join the Confederacy but chose to stay in the Union because they agreed with Abraham Lincoln's position that the South did not have the right to secede.

Other States in the South, before he was even sworn in as President, had left the Union, and yet Abraham Lincoln from the outset pronounced slavery a moral evil that must come to an end. And then winning the Presidency in 1860, some of us believe that slavery was a moral end at that time, and it was a moral disgrace at that time, but it's one thing to advocate for it. It's another thing to advocate for the slavery being a moral inconsistency and immoral and wrong and run for President on that position.

He pronounced slavery a moral evil that must come to end, and he won the Presidency, and because he pronounced it and because he won, the South seceded. And by refusing to compromise on the issue of slavery's expansion into the western territory, which would have brought more pro-Confederate congressmen to the Congress and more Confederate pro-States rights Senators to the United States Senate, the President of the United States refused to compromise. No, not in the western States, you do not have the right the carry the institution into the Western States or on Fort Sumter.

And by careful leadership and timing that kept a fragile Unionist coalition together in the first year of the war, and committed it to emancipation in the second, by refusing to compromise this policy once he had adopted it and by prosecuting the war to an unconditional victory as Commander in Chief of an Army of liberation, Abraham Lincoln freed the slaves. Fifteen Presidents before him, Mr. Speaker, did not do that.

And so, Mr. Speaker, I would like to now turn my attention to what Lincoln

saw, having at least in my own mind settled the question that the 16th President was divinely inspired and helped define a brand new and very different future for America. So I think it most appropriate, Mr. Speaker, to start with the question: What did Lincoln see? What did Abraham Lincoln see?

Well, we know that the 16th President of the United States was assassinated in 1865, and given the depth of his writings, the speeches that he delivered and thousands of books written by Lincoln historians, Lincoln, who passed in 1865 by assassination, understood all of American history up until this point, which means Abraham Lincoln clearly understood that just as we commemorated and memorialized the 19 Africans who arrived in Jamestown, Virginia, in 1619, Abraham Lincoln saw that. Those 19 Africans arrived in Jamestown, Virginia, 157 years before the Declaration of Independence.

Abraham Lincoln understood that on July 4, 1776, when our Founding Fathers and the Founding Fathers of this Republic issued the magnificent words that Martin Luther King called the magnificent words of the Declaration of Independence, that all men are created equal, that this document, this question of equality, this question of the idea that all men and women are endowed by their Creator with certain inalienable rights, that among them are life, liberty and the pursuit of happiness.

I heard a Presidential historian, Doris Kearns Goodwin, this morning deliver an oration at the commemoration celebration in the Rotunda, and she said that as President Abraham Lincoln was riding the train from Illinois through Pennsylvania, he stopped in the hall where the Declaration of Independence had been written. And when he walked out of the hall, a number of people in the crowd began chanting as the 16th President was heading to his inauguration, Mr. Lincoln, Mr. Lincoln, would you please give a speech.

And according to Doris Kearns Goodwin, as best my recollection as I can remember, she said this morning that Mr. Lincoln walked out of the Liberty Hall and said: I've often pondered what the men who were in this room thinking when they issued the Declaration of Independence. I've often pondered what was on their mind when they advanced the idea that all men are created equal. I've often thought about what they were thinking and how I would imagine how divinely inspired they were to utter such immortal words on that occasion.

And yet, by 1787, when our Constitution is written, the biggest sticking point, even while the Founding Fathers had declared in the Declaration of Independence, in that Constitutional Convention was a sticking point about how slaves should be counted for the purposes of representation. In 1776, all men are created equal to the date in 1787 about how human beings should be treated is a significant departure from the founding principle of this Nation.

The other big debate at the Constitutional Convention, which Abraham Lincoln clearly understood, was the debate between big States versus small States and Northern States versus Southern States. He understood the questions of how Senators are elected by Representatives. At that time, there was no direct election of United States Senators, which laid the foundation for the Lincoln-Douglass debate as they traveled across the State of Illinois trying to elect a very different State House that might elect Abraham Lincoln to the United States Senate.

He understood this question of the electoral college and how weighted votes could ultimately determine the President of the United States, not by direct election or by popular vote.

□ 2015

He had to have thought about all men being created equal when he looked at the Constitution and its ratification in 1788 and the amendments to the Constitution in 1791, known as the Bill of Rights, and to watch the advocates of States' rights argue for a 10th amendment to the Constitution creating dual federalism. Two systems. One system where the Constitution spoke specifically to powers relegated to the Federal Government. And those powers not relegated to the Federal Government would somehow remain in the purview of the States.

President Abraham Lincoln recognized that this amendment, this question of the 10th amendment, had a lot of moral ambiguity, because if the Constitution of the United States is silent on a question, it allows the States themselves to assume responsibility for the questions not raised in the United States Constitution, including moral questions.

While Abraham Lincoln may have never talked about it, he had to recognize that the 10th amendment to the Constitution, however appropriate—I am not anti States' rights. It has its appropriate place in American life. But Abraham Lincoln had to know that on the question of human rights, States' rights presented a profound problem. A dual system.

If all men are created equal in our Declaration of Independence, then States cannot treat women differently. If all men are created equal, then some States can't have an institution, peculiar institution of slavery, while other States do not allow slavery. In contemporary times, some States cannot be advancing health care for all children and some States have no children's health care program at all. Separate and unequal.

Some States can't be spending more per capita on public education for America's children while other States either can or don't, or don't have the wherewithal or don't have the political wherewithal to advance a higher quality education or an equal high-quality education for all Americans. Lincoln understood that the advocates of the 10th amendment presented a profound problem for the future of America.

Lincoln, in 1865, looking back on his life, looking back on American history, understood the Nation's oldest political party was founded by Thomas Jefferson in 1792. The Democratic party. Abraham Lincoln understood that Thomas Jefferson, the founder of the Democratic Party, was one of the Nation's great advocates for local control and States' rights, who happened to also own slaves.

Abraham Lincoln understood that that generation of Americans saw themselves identified with their States first and not as Americans. I'm the gentleman from Virginia; I'm the gentleman from Illinois; I'm the gentleman from Georgia; I'm the gentleman or the gentlelady from. They saw themselves identified with their States first and not with our flag.

The primary party that made the arguments for local control and States' rights, the primary defender of the peculiar institution of slavery, the Democratic Party. Between 1794 and 1823, the Federalist Party came into existence. And, during that period, the Missouri Compromise.

Abraham Lincoln saw the Missouri Compromise. The Missouri Compromise was an agreement passed in 1820 between pro-slavery and anti-slavery factions in the United States Congress. Statuary Hall is where this debate took place involving primarily the regulation of slavery in the western territories. It prohibited slavery in the former Louisiana Territory north of the parallel 3630, except within the boundaries of the proposed State of Missouri.

Prior to the agreement, the U.S. House of Representatives had refused to except the compromise, and a conference committee was appointed. The United States Senate refused to concur in the amendment, and the whole measure was lost. These disputes involved the competition between southern and northern States for power in Congress and for control over the future territories.

There were also different factions emerging as the Democratic-Republican Party began to lose its coherence. In a letter, April 21, to John Holmes, Thomas Jefferson wrote that, ''The division of the country created by the compromise line would eventually lead to the destruction of the Union.'' This is April 21, 1820.

And I quote, ''But this momentous question, like a fire bell in the night, awakened and filled me with terror. I considered it at once as the knell of the

Union. It is hushed indeed for the moment, but this is a reprieve only, not a final sentence, a geographical line coinciding with the marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark deeper and deeper.''

The Missouri compromise between northern and southern Congressmen. Abraham Lincoln in 1865 had to have understood the consequences of Jefferson's thinking in that compromise.

In 1834, another party comes into existence. The Whig Party. And though the Federalist Party has now expired, we are now left with Democratic Party and Whig Party between 1834 and 1856. The most notable pieces of legislation that advanced through this body were the California Act and the Kansas-Nebraska Act.

The California Act. The Compromise of 1850, which Abraham Lincoln had to have understood, was a series of bills from Congress aimed at resolving the territorial and slavery controversies arising out of the Mexican-American War. There were five of these such laws.

California was admitted as a free State. Texas received compensation for relinquishing claims to land west of the Rio Grande, what is now New Mexico. The territory of New Mexico, Arizona, and portions of southern Nevada was organized without any specific prohibition of slavery. The slave trade, but not slavery itself, was terminated in the District of Columbia, and the stringent fugitive slave laws were passed, requiring all citizens to assist in the return of a runaway slave, regardless of the legality of slavery in the specific States.

I want to talk about that for a moment, the fugitive slave laws. Not really to make anyone feel bad about this very unique and special moment in American history, Mr. Speaker, but to show you us how the government functioned during this period.

Here we had a government, a central government, that was unwilling to end the peculiar institution of slavery, relegating through most of its arguments the power over slavery to the States. But, if one slave escaped from slavery, the Congress of the United States would pass a law allowing anyone in the country to return that slave back to the State from which it escaped.

Now this is an amazing expansion of Federal power over the lives of one individual. Imagine that. A Federal Government with the power, when someone escapes from slavery to freedom, to pass a law to take that one person who made it to Massachusetts, the one person who made it to freedom, the one person who got out of slavery by his own admonition and his own efforts, the Federal Government hunted him down and sent him back to slavery.

Now that's an amazing amount of Federal power over the life of one individual. I'd like to put the reverse on that. I'd like to imagine a little differently. I'd like to see the Federal Government having the power to go into a community on the south side of Chicago and give one person health care. And I don't want to hear from the other side or even from some Democrats that there's never been a moment in the Federal Government's history where it's not been able to have the power over a single individual. That's just not true. It hauled a slave to slavery. Now why can't it provide, in a positive sense, health care for someone who doesn't have insurance? Why someone is going to tell me that's not a Federal responsibility, it's not a State responsibility, it's a private sector responsibility. That's old, tired argument. At one moment in American history, the Federal Government had the power over one individual's life who escaped to freedom. Now why can't the Federal Government have the power to find one person in a coal mine in West Virginia and give them a better job?

And who are we to be making the argument that we can't imagine a Federal Government that doesn't have that? That's just too much power. Too much power to give a man a job? To provide a higher quality of life for an American from a government of, for, and by the people?

Well, there has been a moment in American history where the Federal Government had the power to do something similar but, however, in a negative way. Rather than helping someone get to freedom, it returned someone back to slavery.

The Kansas-Nebraska Act. Abraham Lincoln had to have seen it. The Kansas-Nebraska Act of 1854 created the territories of Kansas and Nebraska. It opened new lands, repealed the Missouri Compromise of 1820, and allowed settlers in those territories to determine if they would allow slavery within their boundaries.

Now, how about this? The Kansas-Nebraska Act. Talking about moral leadership. Look at what Congress did. We passed legislation that said, We don't want to deal with it here in Washington any more. We're going to turn this fight over to the people. You determine for yourself how you're going to handle the moral issues of our day. We're not going to show any national leadership. When we create these States, we're going to create a movement, the Ruffians and everyone else who can run to the west. If you get to the State before someone else, you can set up a free State or you can set up a slave State. What kind of leadership is that?

Well, that actually happened. And Abraham Lincoln saw it.

Abraham Lincoln saw the Dred Scott decision. That decision, Dred Scott versus Sanford, by the United States Supreme Court, that rules that people of African descent imported into the United States and held as slaves, or their descendants, whether or not they were slaves, were not legal persons and could never be citizens of the United States.

It also held that slavery, which had been illegal in some States, was now legal everywhere. Justice Taney, in this building, in this building where the Old Supreme Court Chambers are still preserved, ruled in this building that slavery was legal everywhere.

Lincoln, even while constructing the Capitol during the Civil War, fully understood that Members of Congress knew the Dred Scott decision about the same time the Dred Scott decision was being made because Justice Taney worked in the building.

And that Congress, specifically in the Dred Scott decision, had acted beyond the boundaries of the Constitution. That is, if the Congress of the United States—and this is important for contemporary times—seeks to provide health care for all Americans, or it seeks to expand its authority in these difficult economic times, Justice Tawney at that time could have easily argued that Congress is acting beyond the boundaries of the Constitution.

Of course, we have gone through several and subsequent amendments to the Constitution that have expanded Congress's role in these affairs.

Interestingly enough, I want to say something kind about Justice Taney. Justice Taney was a nationalist who rendered decisions that expanded our Nation's railroads. He rendered decisions that helped establish a single currency as opposed to the bartering system of just trading wears, but the establishment of a national infrastructure.

Justice Taney, actually, one of our court's most profound jurists towards the idea of building a more perfect union for all Americans, until it came to the decisions of race. And, on decisions of race, Justice Taney was a product of his time. The Dred Scott decision remains one of the most infamous and dreaded decisions in the history of the United States Supreme Court.

Lincoln, in the Lincoln-Douglas debates—remember, we're not discussing 1860, we're not discussing 1861. In 1858, Lincoln had heard all of these arguments and he had watched Senator Stephen Douglas play a role in the Kansas-Nebraska debate. He had watched these guys play roles in California. And he is questioning what it is about Members of Congress in these discussions that would lead to the suggestion that Congress did not have a role and that the Federal Government did not have a role in stopping the expansion of slavery into the western States.

□ 2030

Lincoln would obviously not be elected to the United States Senate. But in 1854, before the Lincoln-Douglas debates by about 4 years, a little known party would come into existence, a little known antislavery party called the Republican Party in Ripon, Wisconsin. By 1860, Abraham Lincoln would be elected the Nation's first Republican President. Before he can even be sworn in as President of the United States, southern States would begin leaving the union because he would be perceived as an antislavery candidate who ran on an antislavery ticket who was committed to the idea that all men are created equal.

And so, Mr. Speaker, this is what Lincoln saw. Between 1860 when he was elected President and 1865, we could go through the details of the American Civil War, but I purge the timeline to make this point. Abraham Lincoln sustains important forces in our Nation's public life to issue the Emancipation Proclamation. He pronounced slavery a moral evil that must come to an end. And then he ran for President. And he won. And because he won, States who believed in the 10th amendment and the rights of States to make judgments about their internal affairs would leave the union, and then he would press the question, provoking the South to secede by refusing to compromise on the expansion of slavery and filling Congress with even more pro-slavery Congressmen. And because the South knew that Abraham Lincoln was expanding States into the western territories, he just didn't want them to be pro-slavery States, that eventually, through his gradual approach, more Members of Congress would come here and Members of Congress who had been brought into the union, one free and one slave, would now confront a majority in Congress of people who understood the immoral nature of the peculiar institution. So this question of States rights has dominated our Nation's history until Abraham Lincoln gave us a sense of national union.

Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore (Mr. LUJÁN). The gentleman has 16 minutes.

Mr. JACKSON of Illinois. I thank the Speaker.

Toward that national union, around July 4, 1863, a couple of extraordinary events converge at a battlefield not far from here in Gettysburg and in Vicksburg in the South. Tens of thousands of Americans, both North and South, have lost their lives. And yet Abraham Lincoln understood that while some States were in the union because they believed in union, other States remained border States but believed in union and fundamentally believed that the southern States, our countrymen, did not have the right to secede from the union, he offered a redemptive tone to redefine our national existence. Look at what Abraham Lincoln says on November 19, 1863, in a eulogy in a battlefield not far from here, with the dead still unburied, with thousands of men still unburied and with the stench having been smelled for miles from that battlefield and that battle on July 4. He says:

''Four score and seven years ago—at that eulogy—our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation or any nation so conceived and so dedicated can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that the nation might live. It is altogether fitting and proper that we should do this. But in a larger sense, we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here have consecrated it far above our power to add or detract. The world will little note, nor long remember, what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us that we are highly resolved that these dead shall not have died in vain, that this nation under God shall have a new birth of freedom, and that government of the people, by the people and for the people shall not perish from the earth.''

Abraham Lincoln delivered the Gettysburg eulogy, better known as the Gettysburg Address, in 3½ minutes. He redefined July 4. Watch this, Mr. Speaker. On July 4, 1776, African Americans found themselves in a position of chattel slavery. And women could not vote.

On July 4, 1854, I believe it was, Frederick Douglass delivered an oration talking about how hypocritical the nation's independence celebration was given that African Americans found themselves in a position of chattel slavery.

By July 4, 1863, Abraham Lincoln is saying that the men who died in this battlefield have paid a price higher than any of us can ever add or detract, but the future belongs to us.

By July 4, 2007, Hillary Clinton and Barack Obama were locked in an unprecedented campaign for President of the United States, a beneficiary of the events on July 4, 1863.

By July 4, 2008, Barack Obama would be the presumptive Democratic nominee of the Democratic Party, the very party that was responsible for States rights and localism and denying people of color their basic freedoms, including the right to vote.

And by July 4, 2009, he's the 44th President of the United States.

Here's what Abraham Lincoln saw. He saw all the other July 4ths, all those Americans who were stuck in time and could not move on. That's part of what Lincoln saw. And so in the Gettysburg Address, he decided to give all of us a brand new July 4.

And so July 4, 2007, we saw Hillary and Barack running.

And July 4, 2008, we saw President Barack Obama, the Democratic nominee.

And by July 4, 2009, he's the 44th President of the United States.

And by July 4, some date in the future, your child will be President or could be President of the United States.

And by July 4, some distant future date, all Americans could have health care.

And by July 4, some distant future date, all Americans could have decent, safe and affordable housing.

And by July 4, we're not just known by our States, but we will be known as Americans.

That's what makes Abraham Lincoln the greatest American. That's why we commemorate his 200th birthday, because the gift that Abraham Lincoln gave us, he keeps giving us. It just never goes away. That the America that we once were is not the America that we are. And it's certainly not the America that we will be. Oh, yes, there are some efforts at regression. As President Obama says, some of the old, tired arguments that we've heard over and over and over again. Some of the old adherents to dogma. Some of us don't even know why we're Republicans. Some of us don't even know why we're Democrats. We're just out of habit up here speaking and doing things. Some of us. Others of us are clear on the history and clear on the ideologies—in both parties. And yet there is a part of us, Mr. Speaker, that wants to build a more perfect union for all Americans, to move beyond the past, to forge a new future, where we turn to each other and not on each other, and bring about change for everybody. That somehow we rise together and we fall together, that who cares what color the hand is that reaches into the hole to pull you out of the hole that you find yourself in, as long as someone extends a hand.

This, I believe, Mr. Speaker, is the spirit of our 16th President. It makes him the greatest American, as he sits at one end of the national mall recessed into a temple, forever enshrined in the Nation's memory, as someone who loved his country so much that he would carefully use the power of the Commander in Chief, the great powers of his office, to bring wayward States back into the union and at the conclusion of the war to treat his countrymen as countrymen again. Sure, from the

perspective of African Americans and as an African American, I have a lot of misgivings about how national reconciliation during that period was handled. If the northerners fought the war to save the union, they never had to acknowledge the underlying moral cause of the war—slavery. So it's not about freeing African Americans. And many northerners fought the war to save the union, not to free the slaves. Southerners, many of them argue they weren't fighting to preserve the institution of slavery, they were protecting their way of life down here, that big government doesn't have a right to come down here and tell us what to do, a very different principle. And so at the end of the war, the northerners can forgive the southerners because, well, we've settled it on a battlefield. Except the central issue for which the war is fought, the issue of slavery from a northern perspective and the issue of slavery from the southern perspective, the people for whom the war is being fought over are never brought into the reconciliation: When are we going to get the right to vote? When are we going to get housing? When are we going to get equality? When are we going to help the nation live up to the true meaning of its creed? And that process would begin immediately after the Civil War during reconstruction—I wish the House of Representatives would let me line up the rest of my charts—through reconstruction and then through Jim Crow and the struggle by the NAACP which the House of Representatives passed legislation commemorating the 100 years of their existence because many of the promises of reconstruction had never come to fruition for all Americans and women were still struggling for equality in our country beyond the war. But it was Abraham Lincoln who ordained the human rights movements that would allow us to come to Washington, Mr. Speaker, and begin to argue our case that this nation must live up to the truest and the highest means by which it was founded.

And so there sits Abraham Lincoln, and just a few steps down from Abraham Lincoln would stand Martin Luther King in August of 1963.

□ 2045

''Today we stand in the shadow of a man who, 100 years ago, set the slaves free,'' that 100 years later, Martin Luther King, Jr., would say, 100 years later, that is 1963, we would still find ourselves trapped in segregation with Governors using words like ''interposition'' and ''nullification,'' that if Congress passes a law to extend people's civil rights or if the Supreme Court would render a decision that might expand people's human rights in 1963, it is hard to imagine that we still had Governors using words like ''interposition'' and ''nullification'' meaning that their State had the right to ignore a decision of Congress or a decision of the Supreme Court of the United States. Because in 1963, some of our leadership was showing more adherence to their State than they were to that Union, to that Flag, to that one country for which those men in a battlefield in Gettysburg had already paid the price for us not to have to revisit again. We already paid the price that we are going to be one Nation, not multiple nations, not 50 different States, all separate and all unequal.

Oh, the problems for President Obama are even more complex today. Because our system is still separate and unequal. Yes, we have a Federal system. And yes, we have respect for our State system. Some States are in surplus. Some are in deficit spending. Most are in deficit spending. And in deficit spending, it is very difficult to provide a high quality education for every single child in every single county. Even before the economy was in the condition that it was in, we had problems. And the problems now are only more exacerbated by the fact, any adherence to dogma that doesn't allow the Federal Government and the States to work cooperatively to bring relief to the American people should be seen as problematic by any side of the aisle. Why are we adhering to old dogma about what the States can do and about what the Federal Government isn't supposed to do? The American people at this hour are asking of us to do something for them. But the fact that President Barack Obama can even say that our problems today are small by comparison to the problems that Mr. Lincoln confronted is a statement about the magnitude of the problems that Abraham Lincoln, our 16th President, confronted.

And so, Mr. Speaker, even as we come to the floor and I stand here as the 91st African American to ever have the privilege of serving in a Congress where more than 12,000 people have served, and I'm just the 91st, I owe my service in the Congress to the unsung heroes, to the men and women, the sheroes and the heroes, who fought to advance the idea that all men are created equal, to Medgar Evers and Schwerner, Goodman and Chaney, two Jews and a black, to Viola Liuzzo, to those martyrs, to those champions of equality and equal rights. But all of us owe a tremendous debt of gratitude to the 16th President who allowed our generation and those succeeding generations to fight for what is right, to have the right to agree to agree and agree to disagree in the context of our magnificent Republic. And so, Mr. President, Mr. Speaker, on the 200th anniversary of the greatest American who ever lived, and on behalf of the American people, we say thank you. And we say happy birthday.

I yield back the balance of my time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 49 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2225

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PERLMUTTER) at 10 o'clock and 25 minutes p.m.

CONFERENCE REPORT ON H.R. 1, AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Mr. OBEY submitted the following conference report and statement on the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes:

CONFERENCE REPORT (H. REPT. 111–16)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1) ''making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Recovery and Reinvestment Act of 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. PURPOSES AND PRINCIPLES.

(a) STATEMENT OF PURPOSES.—The purposes of this Act include the following:

(1) To preserve and create jobs and promote economic recovery.

(2) To assist those most impacted by the recession.

(3) To provide investments needed to increase economic efficiency by spurring technological advances in science and health.

(4) To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.

(5) To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

(b) GENERAL PRINCIPLES CONCERNING USE OF FUNDS.—The President and the heads of Federal departments and agencies shall manage and expend the funds made available in this Act so as to achieve the purposes specified in subsection (a), including commencing expenditures and activities as quickly as possible consistent with prudent management.

SEC. 4. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 5. EMERGENCY DESIGNATIONS.

(a) IN GENERAL.—Each amount in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

(b) PAY-AS-YOU-GO.—All applicable provisions in this Act are designated as an emergency for purposes of pay-as-you-go principles.

DIVISION A—APPROPRIATIONS PROVISIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

For an additional amount for ''Agriculture Buildings and Facilities and Rental Payments'', $24,000,000, for necessary construction, repair, and improvement activities.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $22,500,000, to remain available until September 30, 2013, for oversight and audit of programs, grants, and activities funded by this Act and administered by the Department of Agriculture.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for ''Buildings and Facilities'', $176,000,000, for work on deferred maintenance at Agricultural Research Service facilities: Provided, That priority in the use of such funds shall be given to critical deferred maintenance, to projects that can be completed, and to activities that can commence promptly following enactment of this Act.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for ''Farm Service Agency, Salaries and Expenses,'' $50,000,000, for the purpose of maintaining and modernizing the information technology system.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'', $290,000,000, of which $145,000,000 is for necessary expenses to purchase and restore floodplain easements as authorized by section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) (except that no more than $30,000,000 of the amount provided for the purchase of floodplain easements may be obligated for projects in any one State): Provided, That such funds shall be allocated to projects that can be fully funded and completed with the funds appropriated in this Act, and to activities that can commence promptly following enactment of this Act.

WATERSHED REHABILITATION PROGRAM

For an additional amount for ''Watershed Rehabilitation Program'', $50,000,000: Provided, That such funds shall be allocated to projects that can be fully funded and completed with the funds appropriated in this Act, and to activities that can commence promptly following enactment of this Act.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $1,000,000,000 for section 502 direct loans; and $10,472,000,000 for section 502 unsubsidized guaranteed loans.

For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: $67,000,000 for section 502 direct loans; and $133,000,000 for section 502 unsubsidized guaranteed loans.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

For an additional amount for the cost of direct loans and grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $130,000,000.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

For an additional amount for the cost of guaranteed loans and grants as authorized by sections 310B(a)(2)(A) and 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $150,000,000.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

For an additional amount for the cost of direct loans and grants for the rural water, waste water, and waste disposal programs authorized by sections 306 and 310B and described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act, $1,380,000,000.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For an additional amount for the cost of broadband loans and loan guarantees, as authorized by the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) and for grants (including for technical assistance), $2,500,000,000: Provided, That the cost of direct and guaranteed loans shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That, notwithstanding title VI of the Rural Electrification Act of 1936, this amount is available for grants, loans and loan guarantees for broadband infrastructure in any area of the United States: Provided further, That at least 75 percent of the area to be served by a project receiving funds from such grants, loans or loan guarantees shall be in a rural area without sufficient access to high speed broadband service to facilitate rural economic development, as determined by the Secretary of Agriculture: Provided further, That priority for awarding such funds shall be given to project applications for broadband systems that will deliver end users a choice of more than one service provider: Provided further, That priority for awarding funds made available under this paragraph shall be given to projects that provide service to the highest proportion of rural residents that do not have access to broadband service: Provided further, That priority shall be given for project applications from borrowers or former borrowers under title II of the Rural Electrification Act of 1936 and for project applications that include such borrowers or former borrowers: Provided further, That priority for awarding such funds shall be given to project applications that demonstrate that, if the application is approved, all project elements will be fully funded: Provided further, That priority for awarding such funds shall be given to project applications for activities that can be completed if the requested funds are provided: Provided further, That priority for awarding such funds shall be given to activities that can commence promptly following approval: Provided further, That no area of a project funded with amounts made available under this paragraph may receive funding to provide broadband service under the Broadband Technology Opportunities Program: Provided further, That the Secretary shall submit a report on planned spending and actual obligations describing the use of these funds not later than 90 days after the date of enactment of this Act, and quarterly thereafter until all funds are obligated, to the Committees on Appropriations of the House of Representatives and the Senate.

FOOD AND NUTRITION SERVICE CHILD NUTRITION PROGRAMS

For an additional amount for the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child

Nutrition Act of 1966 (42 U.S.C. 1771 et. seq.), except sections 17 and 21, $100,000,000, to carry out a grant program for National School Lunch Program equipment assistance: Provided, That such funds shall be provided to States administering a school lunch program in a manner proportional with each State's administrative expense allocation: Provided further, That the States shall provide competitive grants to school food authorities based upon the need for equipment assistance in participating schools with priority given to schools in which not less than 50 percent of the students are eligible for free or reduced price meals under the Richard B. Russell National School Lunch Act.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $500,000,000, of which $400,000,000 shall be placed in reserve to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates, and of which $100,000,000 shall be for the purposes specified in section 17(h)(10)(B)(ii): Provided, That up to one percent of the funding provided for the purposes specified in section 17(h)(10)(B)(ii) may be reserved by the Secretary for Federal administrative activities in support of those purposes.

COMMODITY ASSISTANCE PROGRAM

For an additional amount for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), $150,000,000: Provided, That of the funds made available, the Secretary may use up to $50,000,000 for costs associated with the distribution of commodities, of which up to $25,000,000 shall be made available in fiscal year 2009.

GENERAL PROVISIONS—THIS TITLE

SEC. 101. TEMPORARY INCREASE IN BENEFITS UNDER THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM. (a) MAXIMUM BENEFIT INCREASE.—

(1) IN GENERAL.—Beginning the first month that begins not less than 25 days after the date of enactment of this Act, the value of benefits determined under section 8(a) of the Food and Nutrition Act of 2008 and consolidated block grants for Puerto Rico and American Samoa determined under section 19(a) of such Act shall be calculated using 113.6 percent of the June 2008 value of the thrifty food plan as specified under section 3(o) of such Act.

(2) TERMINATION.—

(A) The authority provided by this subsection shall terminate after September 30, 2009.

(B) Notwithstanding subparagraph (A), the Secretary of Agriculture may not reduce the value of the maximum allotments, minimum allotments or consolidated block grants for Puerto Rico and American Samoa below the level in effect for fiscal year 2009 as a result of paragraph (1).

(b) REQUIREMENTS FOR THE SECRETARY.—In carrying out this section, the Secretary shall—

(1) consider the benefit increases described in subsection (a) to be a ''mass change'';

(2) require a simple process for States to notify households of the increase in benefits;

(3) consider section 16(c)(3)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A)) to apply to any errors in the implementation of this section, without regard to the 120-day limit described in that section;

(4) disregard the additional amount of benefits that a household receives as a result of this section in determining the amount of overissuances under section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022); and

(5) set the tolerance level for excluding small errors for the purposes of section 16(c) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)) at $50 through September 30, 2009.

(c) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—For the costs of State administrative expenses associated with carrying out this section and administering the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the Secretary shall make available $145,000,000 in fiscal year 2009 and $150,000,000 in fiscal year 2010, of which $4,500,000 is for necessary expenses of the Food and Nutrition Service for management and oversight of the program and for monitoring the integrity and evaluating the effects of the payments made under this section.

(2) TIMING FOR FISCAL YEAR 2009.—Not later than 60 days after the date of enactment of this Act, the Secretary shall make available to States amounts for fiscal year 2009 under paragraph (1).

(3) ALLOCATION OF FUNDS.—Except as provided for management and oversight, funds described in paragraph (1) shall be made available as grants to State agencies for each fiscal year as follows:

(A) 75 percent of the amounts available for each fiscal year shall be allocated to States based on the share of each State of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture for the most recent 12-month period for which data are available, adjusted by the Secretary (as of the date of enactment) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)); and

(B) 25 percent of the amounts available for each fiscal year shall be allocated to States based on the increase in the number of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture over the most recent 12-month period for which data are available, adjusted by the Secretary (as of the date of enactment) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)).

(d) FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.—For the costs relating to facility improvements and equipment upgrades associated with the Food Distribution Program on Indian Reservations, as established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)), the Secretary shall make available $5,000,000: Provided, That administrative cost-sharing requirements are not applicable to funds provided in accordance with this provision.

(e) TREATMENT OF JOBLESS WORKERS.—

(1) REMAINDER OF FISCAL YEAR 2009 THROUGH FISCAL YEAR 2010.—Beginning with the first month that begins not less than 25 days after the date of enactment of this Act and for each subsequent month through September 30, 2010, eligibility for supplemental nutrition assistance program benefits shall not be limited under section 6(o)(2) of the Food and Nutrition Act of 2008 unless an individual does not comply with the requirements of a program offered by the State agency that meets the standards of subparagraphs (B) or (C) of that paragraph.

(2) FISCAL YEAR 2011 AND THEREAFTER.—Beginning on October 1, 2010, for the purposes of section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)), a State agency shall disregard any period during which an individual received benefits under the supplemental nutrition assistance program prior to October 1, 2010.

(f) FUNDING.—There are appropriated to the Secretary out of funds of the Treasury not otherwise appropriated such sums as are necessary to carry out this section.

SEC. 102. AGRICULTURAL DISASTER ASSISTANCE TRANSITION. (a) FEDERAL CROP INSURANCE ACT. Section 531(g) of the Federal Crop Insurance Act (7 U.S.C. 1531(g)) is amended by adding at the end the following:

''(7) 2008 TRANSITION ASSISTANCE.—

''(A) IN GENERAL.—Eligible producers on a farm described in subparagraph (A) of paragraph (4) that failed to timely pay the appropriate fee described in that subparagraph shall be eligible for assistance under this section in accordance with subparagraph (B) if the eligible producers on the farm—

''(i) pay the appropriate fee described in paragraph (4)(A) not later than 90 days after the date of enactment of this paragraph; and

''(ii)(I) in the case of each insurable commodity of the eligible producers on the farm, excluding grazing land, agree to obtain a policy or plan of insurance under subtitle A (excluding a crop insurance pilot program under that subtitle) for the next insurance year for which crop insurance is available to the eligible producers on the farm at a level of coverage equal to 70 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage; and

''(II) in the case of each noninsurable commodity of the eligible producers on the farm, agree to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the next year for which a policy is available.

''(B) AMOUNT OF ASSISTANCE.—Eligible producers on a farm that meet the requirements of subparagraph (A) shall be eligible to receive assistance under this section as if the eligible producers on the farm—

''(i) in the case of each insurable commodity of the eligible producers on the farm, had obtained a policy or plan of insurance for the 2008 crop year at a level of coverage not to exceed 70 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage; and

''(ii) in the case of each noninsurable commodity of the eligible producers on the farm, had filed the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the 2008 crop year, except that in determining the level of coverage, the Secretary shall use 70 percent of the applicable yield.

''(C) EQUITABLE RELIEF.—Except as provided in subparagraph (D), eligible producers on a farm that met the requirements of paragraph (1) before the deadline described in paragraph (4)(A) and are eligible to receive, a disaster assistance payment under this section for a production loss during the 2008 crop year shall be eligible to receive an amount equal to the greater of—

''(i) the amount that would have been calculated under subparagraph (B) if the eligible producers on the farm had paid the appropriate fee under that subparagraph; or

''(ii) the amount that would have been calculated under subparagraph (A) of subsection (b)(3) if—

''(I) in clause (i) of that subparagraph, '120 percent' is substituted for '115 percent'; and

''(II) in clause (ii) of that subparagraph, '125' is substituted for '120 percent'.

''(D) LIMITATION.—For amounts made available under this paragraph, the Secretary may make such adjustments as are necessary to ensure that no producer receives a payment under this paragraph for an amount in excess of the assistance received by a similarly situated producer that had purchased the same or higher

level of crop insurance prior to the date of enactment of this paragraph.

''(E) AUTHORITY OF THE SECRETARY.—The Secretary may provide such additional assistance as the Secretary considers appropriate to provide equitable treatment for eligible producers on a farm that suffered production losses in the 2008 crop year that result in multiyear production losses, as determined by the Secretary.

''(F) LACK OF ACCESS.—Notwithstanding any other provision of this section, the Secretary may provide assistance under this section to eligible producers on a farm that—

''(i) suffered a production loss due to a natural cause during the 2008 crop year; and

''(ii) as determined by the Secretary—

''(I)(aa) except as provided in item (bb), lack access to a policy or plan of insurance under subtitle A; or

''(bb) do not qualify for a written agreement because 1 or more farming practices, which the Secretary has determined are good farming practices, of the eligible producers on the farm differ significantly from the farming practices used by producers of the same crop in other regions of the United States; and

''(II) are not eligible for the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).''.

(b) TRADE ACT OF 1974.—Section 901(g) of the Trade Act of 1974 (19 U.S.C. 2497(g)) is amended by adding at the end the following:

''(7) 2008 TRANSITION ASSISTANCE.—

''(A) IN GENERAL.—Eligible producers on a farm described in subparagraph (A) of paragraph (4) that failed to timely pay the appropriate fee described in that subparagraph shall be eligible for assistance under this section in accordance with subparagraph (B) if the eligible producers on the farm—

''(i) pay the appropriate fee described in paragraph (4)(A) not later than 90 days after the date of enactment of this paragraph; and

''(ii)(I) in the case of each insurable commodity of the eligible producers on the farm, excluding grazing land, agree to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (excluding a crop insurance pilot program under that Act) for the next insurance year for which crop insurance is available to the eligible producers on the farm at a level of coverage equal to 70 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage; and

''(II) in the case of each noninsurable commodity of the eligible producers on the farm, agree to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the next year for which a policy is available.

''(B) AMOUNT OF ASSISTANCE.—Eligible producers on a farm that meet the requirements of subparagraph (A) shall be eligible to receive assistance under this section as if the eligible producers on the farm—

''(i) in the case of each insurable commodity of the eligible producers on the farm, had obtained a policy or plan of insurance for the 2008 crop year at a level of coverage not to exceed 70 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage; and

''(ii) in the case of each noninsurable commodity of the eligible producers on the farm, had filed the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the 2008 crop year, except that in determining the level of coverage, the Secretary shall use 70 percent of the applicable yield.

''(C) EQUITABLE RELIEF.—Except as provided in subparagraph (D), eligible producers on a farm that met the requirements of paragraph (1) before the deadline described in paragraph (4)(A) and are eligible to receive, a disaster assistance payment under this section for a production loss during the 2008 crop year shall be eligible to receive an amount equal to the greater of—

''(i) the amount that would have been calculated under subparagraph (B) if the eligible producers on the farm had paid the appropriate fee under that subparagraph; or

''(ii) the amount that would have been calculated under subparagraph (A) of subsection (b)(3) if—

''(I) in clause (i) of that subparagraph, '120 percent' is substituted for '115 percent'; and

''(II) in clause (ii) of that subparagraph, '125' is substituted for '120 percent'.

''(D) LIMITATION.—For amounts made available under this paragraph, the Secretary may make such adjustments as are necessary to ensure that no producer receives a payment under this paragraph for an amount in excess of the assistance received by a similarly situated producer that had purchased the same or higher level of crop insurance prior to the date of enactment of this paragraph.

''(E) AUTHORITY OF THE SECRETARY.—The Secretary may provide such additional assistance as the Secretary considers appropriate to provide equitable treatment for eligible producers on a farm that suffered production losses in the 2008 crop year that result in multiyear production losses, as determined by the Secretary.

''(F) LACK OF ACCESS.—Notwithstanding any other provision of this section, the Secretary may provide assistance under this section to eligible producers on a farm that—

''(i) suffered a production loss due to a natural cause during the 2008 crop year; and

''(ii) as determined by the Secretary—

''(I)(aa) except as provided in item (bb), lack access to a policy or plan of insurance under subtitle A; or

''(bb) do not qualify for a written agreement because 1 or more farming practices, which the Secretary has determined are good farming practices, of the eligible producers on the farm differ significantly from the farming practices used by producers of the same crop in other regions of the United States; and

''(II) are not eligible for the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).''.

(c) FARM OPERATING LOANS.—

(1) IN GENERAL.—For the principal amount of direct farm operating loans under section 311 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941), $173,367,000.

(2) DIRECT FARM OPERATING LOANS.—For the cost of direct farm operating loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), $20,440,000.

(d) 2008 AQUACULTURE ASSISTANCE.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE AQUACULTURE PRODUCER.—The term ''eligible aquaculture producer'' means an aquaculture producer that during the 2008 calendar year, as determined by the Secretary—

(i) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(ii) experienced a substantial price increase of feed costs above the previous 5-year average.

(B) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(2) GRANT PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $50,000,000, to remain available until September 30, 2010, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2008 calendar year.

(B) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(C) PROVISION OF GRANTS.—

(i) IN GENERAL.—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2007 calendar year, as determined by the Secretary.

(ii) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(D) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(i) use grant funds to assist eligible aquaculture producers;

(ii) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(iii) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(I) the manner in which the State provided assistance;

(II) the amounts of assistance provided per species of aquaculture; and

(III) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(3) REDUCTION IN PAYMENTS.—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2008 relating to the same species of aquaculture.

(4) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (2)(D)(iii).

SEC. 103. For fiscal years 2009 and 2010, in the case of each program established or amended by the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), other than by title I of such Act, that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for the purpose of covering salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 104. In addition to other available funds, of the funds made available to the Rural Development mission area in this title, not more than

3 percent of the funds can be used for administrative costs to carry out loan, loan guarantee and grant activities funded in this title, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses'': Provided, That of this amount $1,750,000 shall be committed to agency projects associated with maintaining the compliance, safety, and soundness of the portfolio of loans guaranteed through the section 502 guaranteed loan program.

SEC. 105. Of the amounts appropriated in this title to the ''Rural Housing Service, Rural Community Facilities Program Account'', the ''Rural Business-Cooperative Service, Rural Business Program Account'', and the ''Rural Utilities Service, Rural Water and Waste Disposal Program Account'', at least 10 percent shall be allocated for assistance in persistent poverty counties: Provided, That for the purposes of this section, the term ''persistent poverty counties'' means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1980, 1990, and 2000 decennial censuses.

TITLE II—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for ''Economic Development Assistance Programs'', $150,000,000: Provided, That $50,000,000 shall be for economic adjustment assistance as authorized by section 209 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3149): Provided further, That in allocating the funds provided in the previous proviso, the Secretary of Commerce shall give priority consideration to areas of the Nation that have experienced sudden and severe economic dislocation and job loss due to corporate restructuring: Provided further, That not to exceed 2 percent of the funds provided under this heading may be transferred to and merged with the appropriation for ''Salaries and Expenses'' for purposes of program administration and oversight: Provided further, That up to $50,000,000 of the funds provided under this heading may be transferred to federally authorized regional economic development commissions.

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for ''Periodic Censuses and Programs'', $1,000,000,000.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM

For an amount for ''Broadband Technology Opportunities Program'', $4,700,000,000: Provided, That of the funds provided under this heading, not less than $4,350,000,000 shall be expended pursuant to division B of this Act, of which: not less than $200,000,000 shall be available for competitive grants for expanding public computer center capacity, including at community colleges and public libraries; not less than $250,000,000 shall be available for competitive grants for innovative programs to encourage sustainable adoption of broadband service; and $10,000,000 shall be transferred to ''Department of Commerce, Office of Inspector General'' for the purposes of audits and oversight of funds provided under this heading and such funds shall remain available until expended: Provided further, That of the funds provided under this heading, up to $350,000,000 may be expended pursuant to Public Law 110–385 (47 U.S.C. 1301 note) and for the purposes of developing and maintaining a broadband inventory map pursuant to division B of this Act: Provided further, That of the funds provided under this heading, amounts deemed necessary and appropriate by the Secretary of Commerce, in consultation with the Federal Communications Commission (FCC), may be transferred to the FCC for the purposes of developing a national broadband plan or for carrying out any other FCC responsibilities pursuant to division B of this Act, and only if the Committees on Appropriations of the House and the Senate are notified not less than 15 days in advance of the transfer of such funds: Provided further, That not more than 3 percent of funds provided under this heading may be used for administrative costs, and this limitation shall apply to funds which may be transferred to the FCC.

DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM

For an amount for ''Digital-to-Analog Converter Box Program'', $650,000,000, for additional coupons and related activities under the program implemented under section 3005 of the Digital Television Transition and Public Safety Act of 2005: Provided, That of the amounts provided under this heading, $90,000,000 may be for education and outreach, including grants to organizations for programs to educate vulnerable populations, including senior citizens, minority communities, people with disabilities, low-income individuals, and people living in rural areas, about the transition and to provide one-on-one assistance to vulnerable populations, including help with converter box installation: Provided further, That the amounts provided in the previous proviso may be transferred to the Federal Communications Commission (FCC) if deemed necessary and appropriate by the Secretary of Commerce in consultation with the FCC, and only if the Committees on Appropriations of the House and the Senate are notified not less than 5 days in advance of transfer of such funds.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for ''Scientific and Technical Research and Services'', $220,000,000.

CONSTRUCTION OF RESEARCH FACILITIES

For an additional amount for ''Construction of Research Facilities'', $360,000,000, of which $180,000,000 shall be for a competitive construction grant program for research science buildings.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $230,000,000.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', $600,000,000.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $6,000,000, to remain available until September 30, 2013.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,000,000, to remain available until September 30, 2013.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For an additional amount for ''Violence Against Women Prevention and Prosecution Programs'', $225,000,000 for grants to combat violence against women, as authorized by part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.): Provided, That, $50,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', $2,000,000,000, for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (''1968 Act''), (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act).

For an additional amount for ''State and Local Law Enforcement Assistance'', $225,000,000, for competitive grants to improve the functioning of the criminal justice system, to assist victims of crime (other than compensation), and youth mentoring grants.

For an additional amount for ''State and Local Law Enforcement Assistance'', $40,000,000, for competitive grants to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotics activity stemming from the Southern border, of which $10,000,000 shall be transferred to ''Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses'' for the ATF Project Gunrunner.

For an additional amount for ''State and Local Law Enforcement Assistance'', $225,000,000, for assistance to Indian tribes, notwithstanding Public Law 108–199, division B, title I, section 112(a)(1) (118 Stat. 62), which shall be available for grants under section 20109 of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

For an additional amount for ''State and Local Law Enforcement Assistance'', $100,000,000, to be distributed by the Office for Victims of Crime in accordance with section 1402(d)(4) of the Victims of Crime Act of 1984 (Public Law 98–473).

For an additional amount for ''State and Local Law Enforcement Assistance'', $125,000,000, for assistance to law enforcement in rural States and rural areas, to prevent and combat crime, especially drug-related crime.

For an additional amount for ''State and Local Law Enforcement Assistance'', $50,000,000, for Internet Crimes Against Children (ICAC) initiatives.

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for ''Community Oriented Policing Services'', for grants under section 1701 of title I of the 1968 Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3796dd) for hiring and rehiring of additional career law enforcement officers under part Q of such title, notwithstanding subsection (i) of such section, $1,000,000,000.

SALARIES AND EXPENSES

For an additional amount, not elsewhere specified in this title, for management and administration and oversight of programs within the Office on Violence Against Women, the Office of Justice Programs, and the Community Oriented Policing Services Office, $10,000,000.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For an additional amount for ''Science'', $400,000,000.

AERONAUTICS

For an additional amount for ''Aeronautics'', $150,000,000.

EXPLORATION

For an additional amount for ''Exploration'', $400,000,000.

CROSS AGENCY SUPPORT

For an additional amount for ''Cross Agency Support'', $50,000,000.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,000,000, to remain available until September 30, 2013.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for ''Research and Related Activities'', $2,500,000,000: Provided, That $300,000,000 shall be available solely for the Major Research Instrumentation program and $200,000,000 shall be for activities authorized by title II of Public Law 100–570 for academic research facilities modernization.

EDUCATION AND HUMAN RESOURCES

For an additional amount for ''Education and Human Resources'', $100,000,000.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For an additional amount for ''Major Research Equipment and Facilities Construction'', $400,000,000.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,000,000, to remain available until September 30, 2013.

GENERAL PROVISION—THIS TITLE

SEC. 201. Sections 1701(g) and 1704(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(g) and 3796dd–3(c)) shall not apply with respect to funds appropriated in this or any other Act making appropriations for fiscal year 2009 or 2010 for Community Oriented Policing Services authorized under part Q of such Act of 1968.

TITLE III—DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $1,474,525,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $657,051,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $113,865,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $1,095,959,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $98,269,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $55,083,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $39,909,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $13,187,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $266,304,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $25,848,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $75,000,000, to remain available for obligation until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $75,000,000, to remain available for obligation until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $75,000,000, to remain available for obligation until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $75,000,000, to remain available for obligation until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $400,000,000 for operation and maintenance, to remain available for obligation until September 30, 2010, to improve, repair and modernize military medical facilities, and invest in the energy efficiency of military medical facilities.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $15,000,000 for operation and maintenance, to remain available for obligation until September 30, 2011.

TITLE IV—ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for ''Investigations'', $25,000,000: Provided, That funds provided under this heading in this title shall only be used for programs, projects or activities that heretofore or hereafter receive funds provided in Acts making appropriations available for Energy and Water Development: Provided further, That funds provided under this heading in this title shall be used for programs, projects or activities or elements of programs, projects or activities that can be completed within the funds made available in that account and that will not require new budget authority to complete: Provided further, That for projects that are being completed with funds appropriated in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: Provided further, That the Secretary of the Army shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, beginning not later than 45 days after enactment of this Act: Provided further, That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

CONSTRUCTION

For an additional amount for ''Construction'', $2,000,000,000: Provided, That not less than $200,000,000 of the funds provided shall be for water-related environmental infrastructure assistance: Provided further, That section 102 of Public Law 109–103 (33 U.S.C. 2221) shall not apply to funds provided in this title: Provided further, That notwithstanding any other provision of law, funds provided in this paragraph shall not be cost shared with the Inland Waterways Trust Fund as authorized in Public Law 99–662: Provided further, That funds provided under this heading in this title shall only be used for programs, projects or activities that heretofore or hereafter receive funds provided in Acts making appropriations available for Energy and Water Development: Provided further,

That funds provided under this heading in this title shall be used for programs, projects or activities or elements of programs, projects or activities that can be completed within the funds made available in that account and that will not require new budget authority to complete: Provided further, That the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2009 to any project that received funds provided in this title: Provided further, That funds appropriated under this heading may be used by the Secretary of the Army, acting through the Chief of Engineers, to undertake work authorized to be carried out in accordance with section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r); section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s); section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330); or section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), notwithstanding the program cost limitations set forth in those sections: Provided further, That for projects that are being completed with funds appropriated in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: Provided further, That the Secretary of the Army shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, beginning not later than 45 days after enactment of this Act: Provided further, That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'', $375,000,000: Provided, That funds provided under this heading in this title shall only be used for programs, projects or activities that heretofore or hereafter receive funds provided in Acts making appropriations available for Energy and Water Development: Provided further, That funds provided under this heading in this title shall be used for programs, projects or activities or elements of programs, projects or activities that can be completed within the funds made available in that account and that will not require new budget authority to complete: Provided further, That the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2009 to any project that received funds provided in this title: Provided further, That for projects that are being completed with funds appropriated in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead engineering, and design on those projects and on subsequent claims, if any: Provided further, That the Secretary of the Army shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, beginning not later than 45 days after enactment of this Act: Provided further, That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'', $2,075,000,000: Provided, That funds provided under this heading in this title shall only be used for programs, projects or activities that heretofore or hereafter receive funds provided in Acts making appropriations available for Energy and Water Development: Provided further, That funds provided under this heading in this title shall be used for programs, projects or activities or elements of programs, projects or activities that can be completed within the funds made available in that account and that will not require new budget authority to complete: Provided further, That section 9006 of Public Law 110–114 shall not apply to funds provided in this title: Provided further, That for projects that are being completed with funds appropriated in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: Provided further, That the Secretary of the Army shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, beginning not later than 45 days after enactment of this Act: Provided further, That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

REGULATORY PROGRAM

For an additional amount for ''Regulatory Program'', $25,000,000.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For an additional amount for ''Formerly Utilized Sites Remedial Action Program'', $100,000,000: Provided, That funds provided under this heading in this title shall be used for programs, projects or activities or elements of programs, projects or activities that can be completed within the funds made available in that account and that will not require new budget authority to complete: Provided further, That for projects that are being completed with funds appropriated in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: Provided further, That the Secretary of the Army shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, beginning not later than 45 days after enactment of this Act: Provided further, That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for ''Water and Related Resources'', $1,000,000,000: Provided, That of the amount appropriated under this heading, not less than $126,000,000 shall be used for water reclamation and reuse projects authorized under title XVI of Public Law 102–575: Provided further, That funds provided in this Act shall be used for elements of projects, programs or activities that can be completed within these funding amounts and not create budgetary obligations in future fiscal years: Provided further, That $50,000,000 of the funds provided under this heading may be transferred to the Department of the Interior for programs, projects and activities authorized by the Central Utah Project Completion Act (titles II–V of Public Law 102–575): Provided further, That $50,000,000 of the funds provided under this heading may be used for programs, projects, and activities authorized by the California Bay-Delta Restoration Act (Public Law 108–361): Provided further, That not less than $60,000,000 of the funds provided under this heading shall be used for rural water projects and shall be expended primarily on water intake and treatment facilities of such projects: Provided further, That not less than $10,000,000 of the funds provided under this heading shall be used for a bureau-wide inspection of canals program in urbanized areas: Provided further, That the costs of extraordinary maintenance and replacement activities carried out with funds provided in this Act shall be repaid pursuant to existing authority, except the length of repayment period shall be as determined by the Commissioner, but in no case shall the repayment period exceed 50 years and the repayment shall include interest, at a rate determined by the Secretary of the Treasury as of the beginning of the fiscal year in which the work is commenced, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable reimbursement period of the project adjusted to the nearest one-eighth of 1 percent on the unamortized balance of any portion of the loan: Provided further, That for projects that are being completed with funds appropriated in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: Provided further, That the Secretary of the Interior shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, beginning not later than 45 days after enactment of this Act: Provided further, That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For an additional amount for ''Energy Efficiency and Renewable Energy'', $16,800,000,000: Provided, That $3,200,000,000 shall be available for Energy Efficiency and Conservation Block Grants for implementation of programs authorized under subtitle E of title V of the Energy Independence and Security Act of 2007 (42 U.S.C. 17151 et seq.), of which $2,800,000,000 is available through the formula in subtitle E: Provided further, That the Secretary may use the most recent and accurate population data available to satisfy the requirements of section 543(b) of the Energy Independence and Security Act of 2007: Provided further, That the remaining $400,000,000 shall be awarded on a competitive basis: Provided further, That $5,000,000,000 shall be for the Weatherization Assistance Program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.): Provided further, That $3,100,000,000 shall be for the State Energy Program authorized under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321): Provided further, That $2,000,000,000 shall be available for grants for the manufacturing of advanced batteries and components and the Secretary shall provide facility funding awards under this section to manufacturers of advanced battery systems and vehicle batteries that are produced in the United States, including advanced lithium ion batteries, hybrid electrical systems, component manufacturers, and software designers: Provided further, That notwithstanding section 3304 of title 5, United States Code, and without regard to the provisions of sections 3309 through 3318 of such title 5, the Secretary of Energy, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular

positions, may from within the funds provided, recruit and directly appoint highly qualified individuals into the competitive service: Provided further, That such authority shall not apply to positions in the Excepted Service or the Senior Executive Service: Provided further, That any action authorized herein shall be consistent with the merit principles of section 2301 of such title 5, and the Department shall comply with the public notice requirements of section 3327 of such title 5.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For an additional amount for ''Electricity Delivery and Energy Reliability,'' $4,500,000,000: Provided, That funds shall be available for expenses necessary for electricity delivery and energy reliability activities to modernize the electric grid, to include demand responsive equipment, enhance security and reliability of the energy infrastructure, energy storage research, development, demonstration and deployment, and facilitate recovery from disruptions to the energy supply, and for implementation of programs authorized under title XIII of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381 et seq.): Provided further, That $100,000,000 shall be available for worker training activities: Provided further, That notwithstanding section 3304 of title 5, United States Code, and without regard to the provisions of sections 3309 through 3318 of such title 5, the Secretary of Energy, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, may from within the funds provided, recruit and directly appoint highly qualified individuals into the competitive service: Provided further, That such authority shall not apply to positions in the Excepted Service or the Senior Executive Service: Provided further, That any action authorized herein shall be consistent with the merit principles of section 2301 of such title 5, and the Department shall comply with the public notice requirements of section 3327 of such title 5: Provided further, That for the purpose of facilitating the development of regional transmission plans, the Office of Electricity Delivery and Energy Reliability within the Department of Energy is provided $80,000,000 within the available funds to conduct a resource assessment and an analysis of future demand and transmission requirements after consultation with the Federal Energy Regulatory Commission: Provided further, That the Office of Electricity Delivery and Energy Reliability in coordination with the Federal Energy Regulatory Commission will provide technical assistance to the North American Electric Reliability Corporation, the regional reliability entities, the States, and other transmission owners and operators for the formation of interconnection-based transmission plans for the Eastern and Western Interconnections and ERCOT: Provided further, That such assistance may include modeling, support to regions and States for the development of coordinated State electricity policies, programs, laws, and regulations: Provided further, That $10,000,000 is provided to implement section 1305 of Public Law 110–140: Provided further, That the Secretary of Energy may use or transfer amounts provided under this heading to carry out new authority for transmission improvements, if such authority is enacted in any subsequent Act, consistent with existing fiscal management practices and procedures.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For an additional amount for ''Fossil Energy Research and Development'', $3,400,000,000.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Non-Defense Environmental Cleanup'', $483,000,000.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for ''Uranium Enrichment Decontamination and Decommissioning Fund'', $390,000,000, of which $70,000,000 shall be available in accordance with title X, subtitle A of the Energy Policy Act of 1992.

SCIENCE

For an additional amount for ''Science'', $1,600,000,000.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For the Advanced Research Projects Agency—Energy, $400,000,000, as authorized under section 5012 of the America COMPETES Act (42 U.S.C. 16538).

TITLE 17—INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

For an additional amount for the cost of guaranteed loans authorized by section 1705 of the Energy Policy Act of 2005, $6,000,000,000, available until expended, to pay the costs of guarantees made under this section: Provided, That of the amount provided for title XVII, $25,000,000 shall be used for administrative expenses in carrying out the guaranteed loan program: Provided further, That of the amounts provided for title XVII, $10,000,000 shall be transferred to and available for administrative expenses for the Advanced Technology Vehicles Manufacturing Loan Program.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $15,000,000, to remain available until September 30, 2012.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Defense Environmental Cleanup,'' $5,127,000,000.

CONSTRUCTION, REHABILITATION, OPERATION, AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, $10,000,000, to remain available until expended: Provided, That the Administrator shall establish such personnel staffing levels as he deems necessary to economically and efficiently complete the activities pursued under the authority granted by section 402 of this Act: Provided further, That this appropriation is non-reimbursable.

GENERAL PROVISIONS—THIS TITLE

SEC. 401. BONNEVILLE POWER ADMINISTRATION BORROWING AUTHORITY. For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the authority of the Administrator of the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional $3,250,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any time.

SEC. 402. WESTERN AREA POWER ADMINISTRATION BORROWING AUTHORITY. The Hoover Power Plant Act of 1984 (Public Law 98–381) is amended by adding at the end the following:

''TITLE III—BORROWING AUTHORITY

''SEC. 301. WESTERN AREA POWER ADMINISTRATION BORROWING AUTHORITY.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Western Area Power Administration.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(b) AUTHORITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, subject to paragraphs (2) through (5)—

''(A) the Western Area Power Administration may borrow funds from the Treasury; and

''(B) the Secretary shall, without further appropriation and without fiscal year limitation, loan to the Western Area Power Administration, on such terms as may be fixed by the Administrator and the Secretary, such sums (not to exceed, in the aggregate (including deferred interest), $3,250,000,000 in outstanding repayable balances at any one time) as, in the judgment of the Administrator, are from time to time required for the purpose of—

''(i) constructing, financing, facilitating, planning, operating, maintaining, or studying construction of new or upgraded electric power transmission lines and related facilities with at least one terminus within the area served by the Western Area Power Administration; and

''(ii) delivering or facilitating the delivery of power generated by renewable energy resources constructed or reasonably expected to be constructed after the date of enactment of this section.

''(2) INTEREST.—The rate of interest to be charged in connection with any loan made pursuant to this subsection shall be fixed by the Secretary, taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date of the loan.

''(3) REFINANCING.—The Western Area Power Administration may refinance loans taken pursuant to this section within the Treasury.

''(4) PARTICIPATION.—The Administrator may permit other entities to participate in the financing, construction and ownership projects financed under this section.

''(5) CONGRESSIONAL REVIEW OF DISBURSEMENT.—Effective upon the date of enactment of this section, the Administrator shall have the authority to have utilized $1,750,000,000 at any one time. If the Administrator seeks to borrow funds above $1,750,000,000, the funds will be disbursed unless there is enacted, within 90 calendar days of the first such request, a joint resolution that rescinds the remainder of the balance of the borrowing authority provided in this section.

''(c) TRANSMISSION LINE AND RELATED FACILITY PROJECTS.—

''(1) IN GENERAL.—For repayment purposes, each transmission line and related facility project in which the Western Area Power Administration participates pursuant to this section shall be treated as separate and distinct from—

''(A) each other such project; and

''(B) all other Western Area Power Administration power and transmission facilities.

''(2) PROCEEDS.—The Western Area Power Administration shall apply the proceeds from the use of the transmission capacity from an individual project under this section to the repayment of the principal and interest of the loan from the Treasury attributable to that project, after reserving such funds as the Western Area Power Administration determines are necessary—

''(A) to pay for any ancillary services that are provided; and

''(B) to meet the costs of operating and maintaining the new project from which the revenues are derived.

''(3) SOURCE OF REVENUE.—Revenue from the use of projects under this section shall be the only source of revenue for—

''(A) repayment of the associated loan for the project; and

''(B) payment of expenses for ancillary services and operation and maintenance.

''(4) LIMITATION ON AUTHORITY.—Nothing in this section confers on the Administrator any additional authority or obligation to provide ancillary services to users of transmission facilities developed under this section.

''(5) TREATMENT OF CERTAIN REVENUES.—Revenue from ancillary services provided by existing Federal power systems to users of transmission projects funded pursuant to this section shall be treated as revenue to the existing power system that provided the ancillary services.

''(d) CERTIFICATION.—

''(1) IN GENERAL.—For each project in which the Western Area Power Administration participates pursuant to this section, the Administrator shall certify, prior to committing funds for any such project, that—

''(A) the project is in the public interest;

''(B) the project will not adversely impact system reliability or operations, or other statutory obligations; and

''(C) it is reasonable to expect that the proceeds from the project shall be adequate to make repayment of the loan.

''(2) FORGIVENESS OF BALANCES.—

''(A) IN GENERAL.—If, at the end of the useful life of a project, there is a remaining balance owed to the Treasury under this section, the balance shall be forgiven.

''(B) UNCONSTRUCTED PROJECTS.—Funds expended to study projects that are considered pursuant to this section but that are not constructed shall be forgiven.

''(C) NOTIFICATION.—The Administrator shall notify the Secretary of such amounts as are to be forgiven under this paragraph.

''(e) PUBLIC PROCESSES.—

''(1) POLICIES AND PRACTICES.—Prior to requesting any loans under this section, the Administrator shall use a public process to develop practices and policies that implement the authority granted by this section.

''(2) REQUESTS FOR INTEREST.—In the course of selecting potential projects to be funded under this section, the Administrator shall seek Requests For Interest from entities interested in identifying potential projects through one or more notices published in the Federal Register.''

SEC. 403. SET-ASIDE FOR MANAGEMENT AND OVERSIGHT. Up to 0.5 percent of each amount appropriated in this title may be used for the expenses of management and oversight of the programs, grants, and activities funded by such appropriation, and may be transferred by the head of the Federal department or agency involved to any other appropriate account within the department or agency for that purpose: Provided, That the Secretary will provide a report to the Committees on Appropriations of the House of Representatives and the Senate 30 days prior to the transfer: Provided further, That funds set aside under this section shall remain available for obligation until September 30, 2012.

SEC. 404. TECHNICAL CORRECTIONS TO THE ENERGY INDEPENDENCE AND SECURITY ACT OF 2007. (a) Section 543(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17153(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by striking paragraph (1) and inserting the following:

''(1) 34 percent to eligible units of local government—alternative 1, in accordance with subsection (b);

''(2) 34 percent to eligible units of local government—alternative 2, in accordance with subsection (b);''.

(b) Section 543(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17153(b)) is amended by striking ''subsection (a)(1)'' and inserting ''subsection (a)(1) or (2)''.

(c) Section 548(a)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17158(a)(1)) is amending by striking ''; provided'' and all that follows through ''541(3)(B)''.

SEC. 405. AMENDMENTS TO TITLE XIII OF THE ENERGY INDEPENDENCE AND SECURITY ACT OF 2007. Title XIII of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381 and following) is amended as follows:

(1) By amending subparagraph (A) of section 1304(b)(3) to read as follows:

''(A) IN GENERAL.—In carrying out the initiative, the Secretary shall provide financial support to smart grid demonstration projects in urban, suburban, tribal, and rural areas, including areas where electric system assets are controlled by nonprofit entities and areas where electric system assets are controlled by investor-owned utilities.''.

(2) By amending subparagraph (C) of section 1304(b)(3) to read as follows:

''(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) or to other parties financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility or other party to carry out a demonstration project.''.

(3) By inserting after section 1304(b)(3)(D) the following new subparagraphs:

''(E) AVAILABILITY OF DATA.—The Secretary shall establish and maintain a smart grid information clearinghouse in a timely manner which will make data from smart grid demonstration projects and other sources available to the public. As a condition of receiving financial assistance under this subsection, a utility or other participant in a smart grid demonstration project shall provide such information as the Secretary may require to become available through the smart grid information clearinghouse in the form and within the timeframes as directed by the Secretary. The Secretary shall assure that business proprietary information and individual customer information is not included in the information made available through the clearinghouse.

''(F) OPEN PROTOCOLS AND STANDARDS.—The Secretary shall require as a condition of receiving funding under this subsection that demonstration projects utilize open protocols and standards (including Internet-based protocols and standards) if available and appropriate.''.

(4) By amending paragraph (2) of section 1304(c) to read as follows:

''(2) to carry out subsection (b), such sums as may be necessary.''.

(5) By amending subsection (a) of section 1306 by striking ''reimbursement of one-fifth (20 percent)'' and inserting ''grants of up to one-half (50 percent)''.

(6) By striking the last sentence of subsection (b)(9) of section 1306.

(7) By striking ''are eligible for'' in subsection (c)(1) of section 1306 and inserting ''utilize''.

(8) By amending subsection (e) of section 1306 to read as follows:

''(e) PROCEDURES AND RULES.—(1) The Secretary shall, within 60 days after the enactment of the American Recovery and Reinvestment Act of 2009, by means of a notice of intent and subsequent solicitation of grant proposals—

''(A) establish procedures by which applicants can obtain grants of not more than one-half of their documented costs;

''(B) require as a condition of receiving funding under this subsection that demonstration projects utilize open protocols and standards (including Internet-based protocols and standards) if available and appropriate;

''(C) establish procedures to ensure that there is no duplication or multiple payment for the same investment or costs, that the grant goes to the party making the actual expenditures for the qualifying Smart Grid investments, and that the grants made have a significant effect in encouraging and facilitating the development of a smart grid;

''(D) establish procedures to ensure there will be public records of grants made, recipients, and qualifying Smart Grid investments which have received grants; and

''(E) establish procedures to provide advance payment of moneys up to the full amount of the grant award.

''(2) The Secretary shall have discretion and exercise reasonable judgment to deny grants for investments that do not qualify.''.

SEC. 406. RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION LOAN GUARANTEE PROGRAM. (a) AMENDMENT.—Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding the following at the end:

''SEC. 1705. TEMPORARY PROGRAM FOR RAPID DEPLOYMENT OF RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION PROJECTS.

''(a) IN GENERAL.—Notwithstanding section 1703, the Secretary may make guarantees under this section only for the following categories of projects that commence construction not later than September 30, 2011:

''(1) Renewable energy systems, including incremental hydropower, that generate electricity or thermal energy, and facilities that manufacture related components.

''(2) Electric power transmission systems, including upgrading and reconductoring projects.

''(3) Leading edge biofuel projects that will use technologies performing at the pilot or demonstration scale that the Secretary determines are likely to become commercial technologies and will produce transportation fuels that substantially reduce life-cycle greenhouse gas emissions compared to other transportation fuels.

''(b) FACTORS RELATING TO ELECTRIC POWER TRANSMISSION SYSTEMS.—In determining to make guarantees to projects described in subsection (a)(2), the Secretary may consider the following factors:

''(1) The viability of the project without guarantees.

''(2) The availability of other Federal and State incentives.

''(3) The importance of the project in meeting reliability needs.

''(4) The effect of the project in meeting a State or region's environment (including climate change) and energy goals.

''(c) WAGE RATE REQUIREMENTS.—The Secretary shall require that each recipient of support under this section provide reasonable assurance that all laborers and mechanics employed in the performance of the project for which the assistance is provided, including those employed by contractors or subcontractors, will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the 'Davis-Bacon Act').

''(d) LIMITATION.—Funding under this section for projects described in subsection (a)(3) shall not exceed $500,000,000.

''(e) SUNSET.—The authority to enter into guarantees under this section shall expire on September 30, 2011.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for the Energy Policy Act of 2005 is amended by inserting after the item relating to section 1704 the following new item:

''Sec. 1705. Temporary program for rapid deployment of renewable energy and electric power transmission projects.''.

SEC. 407. WEATHERIZATION ASSISTANCE PROGRAM AMENDMENTS. (a) INCOME LEVEL.—Section 412(7) of the Energy Conservation and Production Act (42 U.S.C. 6862(7)) is amended by striking ''150 percent'' both places it appears and inserting ''200 percent''.

(b) ASSISTANCE LEVEL PER DWELLING UNIT.—Section 415(c)(1) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)(1)) is amended by striking ''$2,500'' and inserting ''$6,500''.

(c) EFFECTIVE USE OF FUNDS.—In providing funds made available by this Act for the Weatherization Assistance Program, the Secretary may encourage States to give priority to using such funds for the most cost-effective efficiency activities, which may include insulation of attics, if, in the Secretary's view, such use of funds would increase the effectiveness of the program.

(d) TRAINING AND TECHNICAL ASSISTANCE.—Section 416 of the Energy Conservation and Production Act (42 U.S.C. 6866) is amended by striking ''10 percent'' and inserting ''up to 20 percent''.

(e) ASSISTANCE FOR PREVIOUSLY WEATHERIZED DWELLING UNITS.—Section 415(c)(2) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)(2)) is amended by striking ''September 30, 1979'' and inserting ''September 30, 1994''.

SEC. 408. TECHNICAL CORRECTIONS TO PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978. (a) Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by redesignating paragraph (16) relating to consideration of smart grid investments (added by section 1307(a) of Public Law 110–140) as paragraph (18) and by redesignating paragraph (17) relating to smart grid information (added by section 1308(a) of Public Law 110–140) as paragraph (19).

(b) Subsections (b) and (d) of section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) are each amended by striking ''(17) through (18)'' in each place it appears and inserting ''(16) through (19)''.

SEC. 409. RENEWABLE ELECTRICITY TRANSMISSION STUDY. In completing the 2009 National Electric Transmission Congestion Study, the Secretary of Energy shall include—

(1) an analysis of the significant potential sources of renewable energy that are constrained in accessing appropriate market areas by lack of adequate transmission capacity;

(2) an analysis of the reasons for failure to develop the adequate transmission capacity;

(3) recommendations for achieving adequate transmission capacity;

(4) an analysis of the extent to which legal challenges filed at the State and Federal level are delaying the construction of transmission necessary to access renewable energy; and

(5) an explanation of assumptions and projections made in the Study, including—

(A) assumptions and projections relating to energy efficiency improvements in each load center;

(B) assumptions and projections regarding the location and type of projected new generation capacity; and

(C) assumptions and projections regarding projected deployment of distributed generation infrastructure.

SEC. 410. ADDITIONAL STATE ENERGY GRANTS. (a) IN GENERAL.—Amounts appropriated under the heading ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'' in this title shall be available to the Secretary of Energy for making additional grants under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.). The Secretary shall make grants under this section in excess of the base allocation established for a State under regulations issued pursuant to the authorization provided in section 365(f) of such Act only if the governor of the recipient State notifies the Secretary of Energy in writing that the governor has obtained necessary assurances that each of the following will occur:

(1) The applicable State regulatory authority will seek to implement, in appropriate proceedings for each electric and gas utility, with respect to which the State regulatory authority has ratemaking authority, a general policy that ensures that utility financial incentives are aligned with helping their customers use energy more efficiently and that provide timely cost recovery and a timely earnings opportunity for utilities associated with cost-effective measurable and verifiable efficiency savings, in a way that sustains or enhances utility customers' incentives to use energy more efficiently.

(2) The State, or the applicable units of local government that have authority to adopt building codes, will implement the following:

(A) A building energy code (or codes) for residential buildings that meets or exceeds the most recently published International Energy Conservation Code, or achieves equivalent or greater energy savings.

(B) A building energy code (or codes) for commercial buildings throughout the State that meets or exceeds the ANSI/ASHRAE/IESNA Standard 90.1–2007, or achieves equivalent or greater energy savings.

(C) A plan for the jurisdiction achieving compliance with the building energy code or codes described in subparagraphs (A) and (B) within 8 years of the date of enactment of this Act in at least 90 percent of new and renovated residential and commercial building space. Such plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(3) The State will to the extent practicable prioritize the grants toward funding energy efficiency and renewable energy programs, including—

(A) the expansion of existing energy efficiency programs approved by the State or the appropriate regulatory authority, including energy efficiency retrofits of buildings and industrial facilities, that are funded—

(i) by the State; or

(ii) through rates under the oversight of the applicable regulatory authority, to the extent applicable;

(B) the expansion of existing programs, approved by the State or the appropriate regulatory authority, to support renewable energy projects and deployment activities, including programs operated by entities which have the authority and capability to manage and distribute grants, loans, performance incentives, and other forms of financial assistance; and

(C) cooperation and joint activities between States to advance more efficient and effective use of this funding to support the priorities described in this paragraph.

(b) STATE MATCH.—The State cost share requirement under the item relating to ''Department of Energy; Energy Conservation'' in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861) shall not apply to assistance provided under this section.

(c) EQUIPMENT AND MATERIALS FOR ENERGY EFFICIENCY MEASURES AND RENEWABLE ENERGY MEASURES.—No limitation on the percentage of funding that may be used for the purchase and installation of equipment and materials for energy efficiency measures and renewable energy measures under grants provided under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) shall apply to assistance provided under this section.

TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, $7,000,000, to remain available until September 30, 2013, for oversight and audits of the administration of the making work pay tax credit and economic recovery payments under the American Recovery and Reinvestment Act of 2009.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

For an additional amount for ''Community Development Financial Institutions Fund Program Account'', $100,000,000, to remain available until September 30, 2010, for qualified applicants under the fiscal year 2009 funding round of the Community Development Financial Institutions Program, of which up to $8,000,000 may be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers and up to $2,000,000 may be used for administrative expenses: Provided, That for the purpose of the fiscal year 2009 funding round, the following statutory provisions are hereby waived: 12 U.S.C. 4707(e) and 12 U.S.C. 4707(d): Provided further, That no awardee, together with its subsidiaries and affiliates, may be awarded more than 5 percent of the aggregate funds available during fiscal year 2009 from the Community Development Financial Institutions Program: Provided further, That no later than 60 days after the date of enactment of this Act, the Department of the Treasury shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading.

INTERNAL REVENUE SERVICE

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For an additional amount to implement the health insurance tax credit under the TAA Health Coverage Improvement Act of 2009, $80,000,000, to remain available until September 30, 2010.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in the Federal Buildings Fund, $5,550,000,000, to carry out the purposes of the Fund, of which not less than $750,000,000 shall be available for Federal buildings and United States courthouses, not less than $300,000,000 shall be available for border stations and land ports of entry, and not less than $4,500,000,000 shall be available for measures necessary to convert GSA facilities to High-Performance Green Buildings, as defined in section 401 of Public Law 110–140: Provided, That not to exceed $108,000,000 of the amounts provided under this heading may be expended for rental of space, related to leasing of temporary space in connection with projects funded under this heading: Provided further,

That not to exceed $127,000,000 of the amounts provided under this heading may be expended for building operations, for the administrative costs of completing projects funded under this heading: Provided further, That not to exceed $3,000,000 of the funds provided shall be for on-the-job pre-apprenticeship and apprenticeship training programs registered with the Department of Labor, for the construction, repair, and alteration of Federal buildings: Provided further, That not less than $5,000,000,000 of the funds provided under this heading shall be obligated by September 30, 2010, and the remainder of the funds provided under this heading shall be obligated not later than September 30, 2011: Provided further, That, hereafter, the Administrator of General Services is authorized to initiate design, construction, repair, alteration, and other projects through existing authorities of the Administrator: Provided further, That the General Services Administration shall submit a detailed plan, by project, regarding the use of funds made available in this Act to the Committees on Appropriations of the House of Representatives and the Senate within 45 days of enactment of this Act, and shall provide notification to the Committees within 15 days prior to any changes regarding the use of these funds: Provided further, That, hereafter, the Administrator shall report to the Committees on the obligation of these funds on a quarterly basis beginning on June 30, 2009: Provided further, That of the amounts provided, $4,000,000 shall be transferred to and merged with ''Government-Wide Policy'', for the Office of Federal High-Performance Green Buildings as authorized in the Energy Independence and Security Act of 2007 (Public Law 110–140): Provided further, That amounts provided under this heading that are savings or cannot be used for the activity for which originally obligated may be deobligated and, notwithstanding any other provision of law, reobligated for the purposes identified in the plan required under this heading not less than 15 days after notification has been provided to the Committees on Appropriations of the House of Representatives and the Senate.

ENERGY-EFFICIENT FEDERAL MOTOR VEHICLE FLEET PROCUREMENT

For capital expenditures and necessary expenses of acquiring motor vehicles with higher fuel economy, including: hybrid vehicles; electric vehicles; and commercially-available, plug-in hybrid vehicles, $300,000,000, to remain available until September 30, 2011: Provided, That none of these funds may be obligated until the Administrator of General Services submits to the Committees on Appropriations of the House of Representatives and the Senate, within 90 days after enactment of this Act, a plan for expenditure of the funds that details the current inventory of the Federal fleet owned by the General Services Administration, as well as other Federal agencies, and the strategy to expend these funds to replace a portion of the Federal fleet with the goal of substantially increasing energy efficiency over the current status, including increasing fuel efficiency and reducing emissions: Provided further, That, hereafter, the Administrator shall report to the Committees on the obligation of these funds on a quarterly basis beginning on September 30, 2009.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, to remain available until September 30, 2013, for oversight and audit of programs, grants, and projects funded under this title, $7,000,000.

RECOVERY ACT ACCOUNTABILITY AND TRANSPARENCY BOARD

For necessary expenses of the Recovery Act Accountability and Transparency Board to carry out the provisions of title XV of this Act, $84,000,000, to remain available until September 30, 2011.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount, to remain available until September 30, 2010, $69,000,000, of which $24,000,000 is for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program, and of which $20,000,000 is for improving, streamlining, and automating information technology systems related to lender processes and lender oversight: Provided, That no later than 60 days after the date of enactment of this Act, the Small Business Administration shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under the heading ''Small Business Administration'' in this Act.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $10,000,000, to remain available until September 30, 2013, for oversight and audit of programs, grants, and projects funded under this title.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act of 1958, $15,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, $6,000,000, to remain available until September 30, 2010, and for an additional amount for the cost of guaranteed loans, $630,000,000, to remain available until September 30, 2010: Provided, That of the amount for the cost of guaranteed loans, $375,000,000 shall be for reimbursements, loan subsidies and loan modifications for loans to small business concerns authorized in section 501 of this title; and $255,000,000 shall be for loan subsidies and loan modifications for loans to small business concerns authorized in section 506 of this title: Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

SEC. 501. FEE REDUCTIONS. (a) ADMINISTRATIVE PROVISIONS SMALL BUSINESS ADMINISTRATION.—Until September 30, 2010, and to the extent that the cost of such elimination or reduction of fees is offset by appropriations, with respect to each loan guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and section 502 of this title, for which the application is approved on or after the date of enactment of this Act, the Administrator shall—

(1) in lieu of the fee otherwise applicable under section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)), collect no fee or reduce fees to the maximum extent possible; and

(2) in lieu of the fee otherwise applicable under section 7(a)(18)(A) of the Small Business Act (15 U.S.C. 636(a)(18)(A)), collect no fee or reduce fees to the maximum extent possible.

(b) TEMPORARY FEE ELIMINATION FOR THE 504 LOAN PROGRAM.—

(1) IN GENERAL.—Until September 30, 2010, and to the extent the cost of such elimination in fees is offset by appropriations, with respect to each project or loan guaranteed by the Administrator pursuant to title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) for which an application is approved or pending approval on or after the date of enactment of this Act—

(A) the Administrator shall, in lieu of the fee otherwise applicable under section 503(d)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 697(d)(2)), collect no fee;

(B) a development company shall, in lieu of the processing fee under section 120.971(a)(1) of title 13, Code of Federal Regulations (relating to fees paid by borrowers), or any successor thereto, collect no fee.

(2) REIMBURSEMENT FOR WAIVED FEES.—

(A) IN GENERAL.—To the extent that the cost of such payments is offset by appropriations, the Administrator shall reimburse each development company that does not collect a processing fee pursuant to paragraph (1)(B).

(B) AMOUNT.—The payment to a development company under subparagraph (A) shall be in an amount equal to 1.5 percent of the net debenture proceeds for which the development company does not collect a processing fee pursuant to paragraph (1)(B).

(c) APPLICATION OF FEE ELIMINATIONS.—

(1) To the extent that amounts are made available to the Administrator for the purpose of fee eliminations or reductions under subsection (a), the Administrator shall—

(A) first use any amounts provided to eliminate or reduce fees paid by small business borrowers under clauses (i) through (iii) of paragraph (18)(A), to the maximum extent possible; and

(B) then use any amounts provided to eliminate or reduce fees under paragraph (23)(A) paid by small business lenders with assets less than $1,000,000,000 as of the date of enactment; and

(C) then use any remaining amounts appropriated under this title to reduce fees paid by small business lenders other than those with assets less than $1,000,000,000.

(2) The Administrator shall eliminate fees under subsections (a) and (b) until the amount provided for such purposes, as applicable, under the heading ''Business Loans Program Account'' under the heading ''Small Business Administration'' under this Act are expended.

SEC. 502. ECONOMIC STIMULUS LENDING PROGRAM FOR SMALL BUSINESSES. (a) PURPOSE.—The purpose of this section is to permit the Small Business Administration to guarantee up to 90 percent of qualifying small business loans made by eligible lenders.

(b) DEFINITIONS.—For purposes of this section:

(1) The term ''Administrator'' means the Administrator of the Small Business Administration.

(2) The term ''qualifying small business loan'' means any loan to a small business concern pursuant to section 7(a) of the Small Business Act (15 U.S.C. 636) or title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 and following) except for such loans made under section 7(a)(31).

(3) The term ''small business concern'' has the same meaning as provided by section 3 of the Small Business Act (15 U.S.C. 632).

(c) QUALIFIED BORROWERS.—

(1) ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.—A loan guarantee may not be made under this section for a loan made to a concern if an individual who is an alien unlawfully present in the United States—

(A) has an ownership interest in that concern; or

(B) has an ownership interest in another concern that itself has an ownership interest in that concern.

(2) FIRMS IN VIOLATION OF IMMIGRATION LAWS.—No loan guarantee may be made under this section for a loan to any entity found, based on a determination by the Secretary of Homeland Security or the Attorney General to have engaged in a pattern or practice of hiring, recruiting or referring for a fee, for employment in the United States an alien knowing the person is an unauthorized alien.

(d) CRIMINAL BACKGROUND CHECKS.—Prior to the approval of any loan guarantee under this section, the Administrator may verify the applicant's criminal background, or lack thereof, through the best available means, including, if possible, use of the National Crime Information Center computer system at the Federal Bureau of Investigation.

(e) APPLICATION OF OTHER LAW.—Nothing in this section shall be construed to exempt any activity of the Administrator under this section from the Federal Credit Reform Act of 1990 (title V of the Congressional Budget and Impoundment Control Act of 1974; 2 U.S.C. 661 and following).

(f) SUNSET.—Loan guarantees may not be issued under this section after the date 12 months after the date of enactment of this Act.

(g) SMALL BUSINESS ACT PROVISIONS.—The provisions of the Small Business Act applicable to loan guarantees under section 7 of that Act and regulations promulgated thereunder as of the date of enactment of this Act shall apply to loan guarantees under this section except as otherwise provided in this section.

(h) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 503. ESTABLISHMENT OF SBA SECONDARY MARKET GUARANTEE AUTHORITY. (a) PURPOSE.—The purpose of this section is to provide the Administrator with the authority to establish the SBA Secondary Market Guarantee Authority within the SBA to provide a Federal guarantee for pools of first lien 504 loans that are to be sold to third-party investors.

(b) DEFINITIONS.—For purposes of this section:

(1) The term ''Administrator'' means the Administrator of the Small Business Administration.

(2) The term ''first lien position 504 loan'' means the first mortgage position, non-federally guaranteed loans made by private sector lenders made under title V of the Small Business Investment Act.

(c) ESTABLISHMENT OF AUTHORITY.—

(1) ORGANIZATION.—

(A) The Administrator shall establish a Secondary Market Guarantee Authority within the Small Business Administration.

(B) The Administrator shall appoint a Director of the Authority who shall report to the Administrator.

(C) The Administrator is authorized to hire such personnel as are necessary to operate the Authority and may contract such operations of the Authority as necessary to qualified third party companies or individuals.

(D) The Administrator is authorized to contract with private sector fiduciary and custom dial agents as necessary to operate the Authority.

(2) GUARANTEE PROCESS.—

(A) The Administrator shall establish, by rule, a process in which private sector entities may apply to the Administration for a Federal guarantee on pools of first lien position 504 loans that are to be sold to third-party investors.

(B) The Administrator is authorized to contract with private sector fiduciary and custom dial agents as necessary to operate the Authority.

(3) RESPONSIBILITIES.—

(A) The Administrator shall establish, by rule, a process in which private sector entities may apply to the SBA for a Federal guarantee on pools of first lien position 504 loans that are to be sold to third-party investors.

(B) The rule under this section shall provide for a process for the Administrator to consider and make decisions regarding whether to extend a Federal guarantee referred to in clause (i). Such rule shall also provide that:

(i) The seller of the pools purchasing a guarantee under this section retains not less than 5 percent of the dollar amount of the pools to be sold to third-party investors.

(ii) The Administrator shall charge fees, upfront or annual, at a specified percentage of the loan amount that is at such a rate that the cost of the program under the Federal Credit Reform Act of 1990 (title V of the Congressional Budget and Impoundment Control Act of 1974; 2 U.S.C. 661) shall be equal to zero.

(iii) The Administrator may guarantee not more than $3,000,000,000 of pools under this authority.

(C) The Administrator shall establish documents, legal covenants, and other required documentation to protect the interests of the United States.

(D) The Administrator shall establish a process to receive and disburse funds to entities under the authority established in this section.

(d) LIMITATIONS.—

(1) The Administrator shall ensure that entities purchasing a guarantee under this section are using such guarantee for the purpose of selling 504 first lien position pools to third-party investors.

(2) If the Administrator finds that any such guarantee was used for a purpose other than that specified in paragraph (1), the Administrator shall—

(A) prohibit the purchaser of the guarantee or its affiliates (within the meaning of the regulations under 13 CFR 121.103) from using the authority of this section in the future; and

(B) take any other actions the Administrator, in consultation with the Attorney General of the United States deems appropriate.

(e) OVERSIGHT.—The Administrator shall submit a report to Congress not later than the third business day of each month setting forth each of the following:

(1) The aggregate amount of guarantees extended under this section during the preceding month.

(2) The aggregate amount of guarantees outstanding.

(3) Defaults and payments on defaults made under this section.

(4) The identity of each purchaser of a guarantee found by the Administrator to have misused guarantees under this section.

(5) Any other information the Administrator deems necessary to fully inform Congress of undue risk to the United States associated with the issuance of guarantees under this section.

(f) DURATION OF PROGRAM.—The authority of this section shall terminate on the date 2 years after the date of enactment of this section.

(g) FUNDING.—Such sums as necessary are authorized to be appropriated to carry out the provisions of this section.

(h) BUDGET TREATMENT.—Nothing in this section shall be construed to exempt any activity of the Administrator under this section from the Federal Credit Reform Act of 1990 (title V of the Congressional Budget and Impoundment Control Act of 1974; 2 U.S.C. 661 and following).

(i) EMERGENCY RULEMAKING AUTHORITY.—The Administrator shall issue regulations under this section within 15 days after the date of enactment of this section. The notice requirements of section 553(b) of title 5, United States Code shall not apply to the promulgation of such regulations.

SEC. 504. STIMULUS FOR COMMUNITY DEVELOPMENT LENDING. (a) LOW INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

''(7) PERMISSIBLE DEBT REFINANCING.—

''(A) IN GENERAL.—Any financing approved under this title may include a limited amount of debt refinancing.

''(B) EXPANSIONS.—If the project involves expansion of a small business concern, any amount of existing indebtedness that does not exceed 50 percent of the project cost of the expansion may be refinanced and added to the expansion cost, if—

''(i) the proceeds of the indebtedness were used to acquire land, including a building situated thereon, to construct a building thereon, or to purchase equipment;

''(ii) the existing indebtedness is collateralized by fixed assets;

''(iii) the existing indebtedness was incurred for the benefit of the small business concern;

''(iv) the financing under this title will be used only for refinancing existing indebtedness or costs relating to the project financed under this title;

''(v) the financing under this title will provide a substantial benefit to the borrower when prepayment penalties, financing fees, and other financing costs are accounted for;

''(vi) the borrower has been current on all payments due on the existing debt for not less than 1 year preceding the date of refinancing; and

''(vii) the financing under section 504 will provide better terms or rate of interest than the existing indebtedness at the time of refinancing.''.

(b) JOB CREATION GOALS.—Section 501(e)(1) and section 501(e)(2) of the Small Business Investment Act (15 U.S.C. 695) are each amended by striking ''$50,000'' and inserting ''$65,000''.

SEC. 505. INCREASING SMALL BUSINESS INVESTMENT. (a) SIMPLIFIED MAXIMUM LEVERAGE LIMITS.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended as follows:

(1) By striking so much of paragraph (2) as precedes subparagraphs (C) and (D) and inserting the following:

''(2) MAXIMUM LEVERAGE.—

''(A) IN GENERAL.—The maximum amount of outstanding leverage made available to any one company licensed under section 301(c) of this Act may not exceed the lesser of—

''(i) 300 percent of such company's private capital; or

''(ii) $150,000,000.

''(B) MULTIPLE LICENSES UNDER COMMON CONTROL.—The maximum amount of outstanding leverage made available to two or more companies licensed under section 301(c) of this Act that are commonly controlled (as determined by the Administrator) and not under capital impairment may not exceed $225,000,000.'';

(2) By amending paragraph (2)(C) by inserting ''(i)'' before ''In calculating'' and adding the following at the end thereof:

''(ii) The maximum amount of outstanding leverage made available to—

''(I) any 1 company described in clause (iii) may not exceed the lesser of 300 percent of private capital of the company, or $175,000,000; and

''(II) 2 or more companies described in clause (iii) that are under common control (as determined by the Administrator) may not exceed $250,000,000.

''(iii) A company described in this clause is a company licensed under section 301(c) in the first fiscal year after the date of enactment of this clause or any fiscal year thereafter that certifies in writing that not less than 50 percent of the dollar amount of investments of that company shall be made in companies that are located in a low-income geographic area (as that term is defined in section 351).''.

(3) By striking paragraph (4).

(b) SIMPLIFIED AGGREGATE INVESTMENT LIMITATIONS.—Section 306(a) of the Small Business Investment Act of 1958 (15 U.S.C. 686(a)) is amended to read as follows:

''(a) PERCENTAGE LIMITATION ON PRIVATE CAPITAL.—If any small business investment company has obtained financing from the Administrator and such financing remains outstanding, the aggregate amount of securities acquired and for which commitments may be

issued by such company under the provisions of this title for any single enterprise shall not, without the approval of the Administrator, exceed 10 percent of the sum of—

''(1) the private capital of such company; and

''(2) the total amount of leverage projected by the company in the company's business plan that was approved by the Administrator at the time of the grant of the company's license.''.

(c) INVESTMENTS IN SMALLER ENTERPRISES.—Section 303(d) of the Small Business Investment Act of 1958 (15 U.S.C. 683(d)) is amended to read as follows:

''(d) INVESTMENTS IN SMALLER ENTERPRISES.—The Administrator shall require each licensee, as a condition of approval of an application for leverage, to certify in writing that not less than 25 percent of the aggregate dollar amount of financings of that licensee shall be provided to smaller enterprises.''.

SEC. 506. BUSINESS STABILIZATION PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator of the Small Business Administration shall carry out a program to provide loans on a deferred basis to viable (as such term is determined pursuant to regulation by the Administrator of the Small Business Administration) small business concerns that have a qualifying small business loan and are experiencing immediate financial hardship.

(b) ELIGIBLE BORROWER.—A small business concern as defined under section 3 of the Small Business Act (15 U.S.C. 632).

(c) QUALIFYING SMALL BUSINESS LOAN.—A loan made to a small business concern that meets the eligibility standards in section 7(a) of the Small Business Act (15 U.S.C. 636(a)) but shall not include loans guarantees (or loan guarantee commitments made) by the Administrator prior to the date of enactment of this Act.

(d) LOAN SIZE.—Loans guaranteed under this section may not exceed $35,000.

(e) PURPOSE.—Loans guaranteed under this program shall be used to make periodic payment of principal and interest, either in full or in part, on an existing qualifying small business loan for a period of time not to exceed 6 months.

(f) LOAN TERMS.—Loans made under this section shall:

(1) carry a 100 percent guaranty; and

(2) have interest fully subsidized for the period of repayment.

(g) REPAYMENT.—Repayment for loans made under this section shall—

(1) be amortized over a period of time not to exceed 5 years; and

(2) not begin until 12 months after the final disbursement of funds is made.

(h) COLLATERAL.—The Administrator of the Small Business Administration may accept any available collateral, including subordinated liens, to secure loans made under this section.

(i) FEES.—The Administrator of the Small Business Administration is prohibited from charging any processing fees, origination fees, application fees, points, brokerage fees, bonus points, prepayment penalties, and other fees that could be charged to a loan applicant for loans under this section.

(j) SUNSET.—The Administrator of the Small Business Administration shall not issue loan guarantees under this section after September 30, 2010.

(k) EMERGENCY RULEMAKING AUTHORITY.—The Administrator of the Small Business Administration shall issue regulations under this section within 15 days after the date of enactment of this section. The notice requirements of section 553(b) of title 5, United States Code shall not apply to the promulgation of such regulations.

SEC. 507. GAO REPORT.

(a) REPORT.—Not later than 60 days after the enactment of this Act, the Comptroller General of the United States shall report to the Congress on the actions of the Administrator in implementing the authorities established in the administrative provisions of this title.

(b) INCLUDED ITEM.—The report under this section shall include a summary of the activity of the Administrator under this title and an analysis of whether he is accomplishing the purpose of increasing liquidity in the secondary market for Small Business Administration loans.

SEC. 508. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 4119a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)'';

(2) by striking ''$2,000,000'' and inserting ''$5,00,000''; and

(3) by adding at the end the following:

''(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed $10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.''.

(b) DENIAL OF LIABILITY.—

Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended

(1) by striking subsection (c) and inserting the following:

''(c) Reimbursement of surety; conditions

Pursuant to any such guarantee or agreement, the Administration shall reimburse the surety, as provided in subsection (c) of this section, except that the Administration shall be relieved of liability (in whole or in part within the discretion of the Administration) if—

(1) the surety obtained such guarantee or agreement, or applied for such reimbursement, by fraud or material misrepresentation,

(2) the total contract amount at the time of execution of the bond or bonds exceeds $5,000,000,

(3) the surety has breached a material term or condition of such guarantee agreement, or

(4) the surety has substantially violated the regulations promulgated by the Administration pursuant to subsection (d).''

(2) by adding at the end the following:

''(k) For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon material information that was provided as part of the guaranty application.''

(c) SIZE STANDARDS.—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended by adding at the end the following:

''(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purposes of sections 410, 411, and 412 the term 'small business concern' means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.''.

(d) STUDY The Administrator of the Small Business Administration shall conduct a study of the current funding structure of the surety bond program carried out under part B (15 U.S.C. 694a et seq.) of title IV of the Small Business Investment Act of 1958. The study shall include—

(1) an assessment of whether the program's current funding framework and program fees are inhibiting the program's growth:

(2) an assessment of whether surety companies and small business concerns could benefit from an alternative funding structure; and

(e) REPORT—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the study required under subsection (d).

(f) SUNSET—The amendments made by this section shall remain in effect until September 30, 2010.

SEC. 509. ESTABLISHMENT OF SBA SECONDARY MARKET LENDING AUTHORITY

(a) PURPOSE.—The purpose of this section is to provide the Small Business Administration with the authority to establish a Secondary Market Lending Authority within the SBA to make loans to the systemically important SBA secondary market broker-dealers who operate the SBA secondary market.

(b) DEFINITIONS.—For purposes of this section.

(1) The term '' Administrator'' means the Administrator of the SBA.

(2) The term ''SBA'' means the Small Business Administration.

(3) The terms ''Secondary Market Lending Authority'' and ''Authority'' mean the office established under subsection (c).

(4) The term ''SBA secondary market'' means the market for the purchase and sale of loans originated, underwritten, and closed under the Small Business Act.

(5) The term ''Systemically Important Secondary Market Broker-Dealers'' mean those entities designated under subsection (c)(1) as vital to the continued operation of the SBA secondary market by reason of their purchase and sale of the government guaranteed portion of loans, or pools of loans, originated, underwritten, and closed under the Small Business Act.

(c) RESPONSIBILITIES, AUTHORITIES, ORGANIZATION, AND LIMITATIONS.—

(1) DESIGNATION OF SYSTEMICALLY IMPORTANT SBA SECONDARY MARKET BROKER-DEALERS.—The Administrator shall establish a process to designate, in consultation with the Board of Governors of the Federal Reserve and the Secretary of the Treasury, Systemically Important Secondary Market Broker-Dealers.

(2)ESTABLISHMENT OF SBA SECONDARY MARKET LENDING AUTHORITY.—

(A) ORGANIZATION.—

(i) The Administrator shall establish within the SBA an office to provide loans to Systemically Important Secondary Market Broker-dealers to be used for the purpose of financing the inventory of the government guaranteed portion of loans, originated, underwritten, and closed under the Small Business Act or pools of such loans.

(ii) The Administrator shall appoint a Director of the Authority who shall report to the Administrator.

(iii) The Administrator is authorized to hire such personnel as are necessary to operate the Authority.

(iv) The Administrator may contract such Authority operations as he determines necessary to qualified third-party companies or individuals.

(v) The Administrator is authorized to contract with private sector fiduciary and custodial agents as necessary to operate the Authority.

(B) LOANS.—

(i) The Administrator shall establish by rule a process under which Systemically Important SBA Secondary Market Broker-Dealers designated under paragraph (1) may apply to the Administrator for loans under this section.

(ii) The rule under clause (i) shall provide a process for the Administrator to consider and make decisions regarding whether or not to extend a loan applied for under this section. Such rule shall include provisions to assure each of the following:

(I) That loans made under this section are for the sole purpose of financing the inventory of the government guaranteed portion of loans, originated, underwritten, and closed under the Small Business Act or pools of such loans.

(II) That loans made under this section are fully collateralized to the satisfaction of the Administrator.

(III) That there is no limit to the frequency in which a borrower may borrow under this section unless the Administrator determines that doing so would create an undue risk of loss to the agency or the United States.

(IV) That there is no limit on the size of a loan, subject to the discretion of the Administrator.

(iii) Interest on loans under this section shall not exceed the Federal Funds target rate as established by the Federal Reserve Board of Governors plus 25 basis points.

(iv) The rule under this section shall provide for such loan documents, legal covenants, collateral requirements and other required documentation as necessary to protect the interests of the agency, the United States, and the taxpayer.

(v) The Administrator shall establish custodial accounts to safeguard any collateral pledged to the SBA in connection with a loan under this section.

(vi) The Administrator shall establish a process to disburse and receive funds to and from borrowers under this section.

(C) LIMITATIONS ON USE OF LOAN PROCEEDS BY SYSTEMICALLY IMPORTANT SECONDARY MARKET BROKER-DEALERS.—The Administrator shall ensure that borrowers under this section are using funds provided under this section only for the purpose specified in subparagraph (B)(ii)(I). If the Administrator finds that such funds were used for any other purpose, the Administrator shall—

(i) require immediate repayment of outstanding loans;

(ii) prohibit the borrower, its affiliates, or any future corporate manifestation of the borrower from using the Authority; and

(iii) take any other actions the Administrator, in consultation with the Attorney General of the United States, deems appropriate.

(d) REPORT TO CONGRESS.—The Administrator shall submit a report to Congress not later than the third business day of each month containing a statement of each of the following:

(1) The aggregate loan amounts extended during the preceding month under this section.

(2) The aggregate loan amounts repaid under this section during the proceeding month.

(3) The aggregate loan amount outstanding under this section.

(4) The aggregate value of assets held as collateral under this section;

(5) The amount of any defaults or delinquencies on loans made under this section.

(6) The identity of any borrower found by the Administrator to misuse funds made available under this section.

(7) Any other information the Administrator deems necessary to fully inform Congress of undue risk of financial loss to the United States in connection with loans made under this section.

(e) DURATION.—The authority of this section shall remain in effect for a period of 2 years after the date of enactment of this section.

(f) FEES.—The Administrator shall charge fees, up front, annual or both, at a specified percentage of the loan amount that is at such a rate that the cost of the program under the Federal Credit Reform Act of 1990 ((title V of the Congressional Budget and Impoundment Control Act of 1974; 2 U.S.C. 661) shall be equal to zero.

(h) BUDGET TREATMENT.—Nothing in this section shall be construed to exempt any activity of the Administrator under this section from the Federal Credit Reform Act of 1990 (title V of the Congressional Budget and Impoundment Control Act of 1974; 2 U.S.C. 661 and following).

(i) EMERGENCY RULEMAKING AUTHORITY.—The Administrator shall promulgate regulations under this section within 30 days after the date of enactment of this section. In promulgating these regulations, the Administrator the notice requirements of section 553(b) of title 5 of the United States Code shall not apply.

TITLE VI—DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For an additional amount for the ''Office of the Under Secretary for Management'', $200,000,000 for planning, design, construction costs, site security, information technology infrastructure, fixtures, and related costs to consolidate the Department of Homeland Security headquarters: Provided, That no later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Administrator of General Services, shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for the expenditure of these funds.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the ''Office of Inspector General'', $5,000,000, to remain available until September 30, 2012, for oversight and audit of programs, grants, and projects funded under this title.

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $160,000,000, of which $100,000,000 shall be for the procurement and deployment of non-intrusive inspection systems; and of which $60,000,000 shall be for procurement and deployment of tactical communications equipment and radios: Provided, That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for expenditure of these funds.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For an additional amount for ''Border Security Fencing, Infrastructure, and Technology'', $100,000,000 for expedited development and deployment of border security technology on the Southwest border: Provided, That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for expenditure of these funds.

CONSTRUCTION

For an additional amount for ''Construction'', $420,000,000 solely for planning, management, design, alteration, and construction of U.S. Customs and Border Protection owned land border ports of entry: Provided, That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for expenditure of these funds.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

AUTOMATION MODERNIZATION

For an additional amount for ''Automation Modernization'', $20,000,000 for the procurement and deployment of tactical communications equipment and radios: Provided, That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for expenditure of these funds.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for ''Aviation Security'', $1,000,000,000 for procurement and installation of checked baggage explosives detection systems and checkpoint explosives detection equipment: Provided, That the Assistant Secretary of Homeland Security (Transportation Security Administration) shall prioritize the award of these funds to accelerate the installations at locations with completed design plans: Provided further, That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for the expenditure of these funds.

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'', $98,000,000 for shore facilities and aids to navigation facilities; for priority procurements due to materials and labor cost increases; and for costs to repair, renovate, assess, or improve vessels: Provided, That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for the expenditure of these funds.

ALTERATION OF BRIDGES

For an additional amount for ''Alteration of Bridges'', $142,000,000 for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516): Provided, That the Coast Guard shall award these funds to those bridges that are ready to proceed to construction: Provided further, That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for the expenditure of these funds.

FEDERAL EMERGENCY MANAGEMENT AGENCY

STATE AND LOCAL PROGRAMS

For an additional amount for grants, $300,000,000, to be allocated as follows:

(1) $150,000,000 for Public Transportation Security Assistance and Railroad Security Assistance under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135 and 1163).

(2) $150,000,000 for Port Security Grants in accordance with 46 U.S.C. 70107, notwithstanding 46 U.S.C. 70107(c).

FIREFIGHTER ASSISTANCE GRANTS

For an additional amount for competitive grants, $210,000,000 for modifying, upgrading, or constructing non-Federal fire stations: Provided, That up to 5 percent shall be for program administration: Provided further, That no grant shall exceed $15,000,000.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

Notwithstanding section 417(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the amount of any such loan issued pursuant to this section for major disasters occurring in calendar year 2008 may exceed $5,000,000, and may be equal to not more than 50 percent of the annual operating budget of the local government in any case in which that local government has suffered a loss of 25 percent or more in tax revenues: Provided, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

EMERGENCY FOOD AND SHELTER

For an additional amount to carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $100,000,000: Provided, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. Notwithstanding any other provision of law, the President shall establish an arbitration panel under the Federal Emergency Management Agency public assistance program to expedite the recovery efforts from Hurricanes Katrina and Rita within the Gulf Coast Region. The arbitration panel shall have sufficient authority regarding the award or denial of disputed public assistance applications for covered hurricane damage under section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, or 5173) for a project the total amount of which is more than $500,000.

SEC. 602. The Administrator of the Federal Emergency Management Agency may not prohibit or restrict the use of funds designated under the hazard mitigation grant program for damage caused by Hurricanes Katrina and Rita if the homeowner who is an applicant for assistance under such program commenced work otherwise eligible for hazard mitigation grant program assistance under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) without approval in writing from the Administrator.

SEC. 603. Subparagraph (E) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)(E)) shall not apply with respect to funds appropriated in this or any other Act making appropriations for fiscal year 2009 or 2010 for grants under such section 34.

SEC. 604. (a) REQUIREMENT.—Except as provided in subsections (c) through (g), funds appropriated or otherwise available to the Department of Homeland Security may not be used for the procurement of an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

(b) COVERED ITEMS.—An item referred to in subsection (a) is any of the following, if the item is directly related to the national security interests of the United States:

(1) An article or item of—

(A) clothing and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof);

(B) tents, tarpaulins, covers, textile belts, bags, protective equipment (including but not limited to body armor), sleep systems, load carrying equipment (including but not limited to fieldpacks), textile marine equipment, parachutes, or bandages;

(C) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

(D) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

(c) AVAILABILITY EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary of Homeland Security determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b)(1) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed at United States market prices. This section is not applicable to covered items that are, or include, materials determined to be nonavailable in accordance with Federal Acquisition Regulation 25.104 Nonavailable Articles.

(d) DE MINIMIS EXCEPTION.—Notwithstanding subsection (a), the Secretary of Homeland Security may accept delivery of an item covered by subsection (b) that contains non-compliant fibers if the total value of non-compliant fibers contained in the end item does not exceed 10 percent of the total purchase price of the end item.

(e) EXCEPTION FOR CERTAIN PROCUREMENTS OUTSIDE THE UNITED STATES.—Subsection (a) does not apply to the following:

(1) Procurements by vessels in foreign waters.

(2) Emergency procurements.

(f) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold referred to in section 2304(g) of title 10, United States Code.

(g) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR PROCUREMENT OF COMMERCIAL ITEMS.—This section is applicable to contracts and subcontracts for the procurement of commercial items not withstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430), with the exception of commercial items listed under subsections (b)(1)(C) and (b)(1)(D) above. For the purposes of this section, ''commercial'' shall be as defined in the Federal Acquisition Regulation—Part 2.

(h) GEOGRAPHIC COVERAGE.—In this section, the term ''United States'' includes the possessions of the United States.

(i) NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In the case of any contract for the procurement of an item described in subsection (b)(1), if the Secretary of Homeland Security applies an exception set forth in subsection (c) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied on the Internet site maintained by the General Services Administration known as FedBizOps.gov (or any successor site).

(j) TRAINING DURING FISCAL YEAR 2009.—

(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that each member of the acquisition workforce in the Department of Homeland Security who participates personally and substantially in the acquisition of textiles on a regular basis receives training during fiscal year 2009 on the requirements of this section and the regulations implementing this section.

(2) INCLUSION OF INFORMATION IN NEW TRAINING PROGRAMS.—The Secretary shall ensure that any training program for the acquisition workforce developed or implemented after the date of the enactment of this Act includes comprehensive information on the requirements described in paragraph (1).

(k) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.

(l) EFFECTIVE DATE.—This section applies with respect to contracts entered into by the Department of Homeland Security 180 days after the date of the enactment of this Act.

TITLE VII—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for ''Management of Lands and Resources'', for activities on all Bureau of Land Management lands including maintenance, rehabilitation, and restoration of facilities, property, trails and lands and for remediation of abandoned mines and wells, $125,000,000.

CONSTRUCTION

For an additional amount for ''Construction'', for activities on all Bureau of Land Management lands including construction, reconstruction, decommissioning and repair of roads, bridges, trails, property, and facilities and for energy efficient retrofits of existing facilities, $180,000,000.

WILDLAND FIRE MANAGEMENT

For an additional amount for ''Wildland Fire Management'', for hazardous fuels reduction, $15,000,000.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for ''Resource Management'', for deferred maintenance, construction, and capital improvement projects on national wildlife refuges and national fish hatcheries and for high priority habitat restoration projects, $165,000,000.

CONSTRUCTION

For an additional amount for ''Construction'', for construction, reconstruction, and repair of roads, bridges, property, and facilities and for energy efficient retrofits of existing facilities, $115,000,000.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for ''Operation of the National Park System'', for deferred maintenance of facilities and trails and for other critical repair and rehabilitation projects, $146,000,000.

HISTORIC PRESERVATION FUND

For an additional amount for ''Historic Preservation Fund'', for historic preservation projects at historically black colleges and universities as authorized by the Historic Preservation Fund Act of 1996 and the Omnibus Parks and Public Lands Act of 1996, $15,000,000: Provided, That any matching requirements otherwise required for such projects are waived.

CONSTRUCTION

For an additional amount for ''Construction'', for repair and restoration of roads; construction of facilities, including energy efficient retrofits of existing facilities; equipment replacement; preservation and repair of historical resources within the National Park System; cleanup of abandoned mine sites on park lands; and other critical infrastructure projects, $589,000,000.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ''Surveys, Investigations, and Research'', $140,000,000, for repair, construction and restoration of facilities; equipment replacement and upgrades including stream gages, and seismic and volcano monitoring systems; national map activities; and other critical deferred maintenance and improvement projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for ''Operation of Indian Programs'', for workforce training programs and the housing improvement program, $40,000,000.

CONSTRUCTION

For an additional amount for ''Construction'', for repair and restoration of roads; replacement school construction; school improvements and repairs; and detention center maintenance and repairs, $450,000,000: Provided, That section 1606 of this Act shall not apply to tribal contracts entered into by the Bureau of Indian Affairs with this appropriation.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For an additional amount for ''Indian Guaranteed Loan Program Account'', $10,000,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for ''Office of Inspector General'', $15,000,000, to remain available until September 30, 2012.

ENVIROMENTAL PROTECTION AGENCY

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $20,000,000, to remain available until September 30, 2012.

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for ''Hazardous Substance Superfund'', $600,000,000, which shall be for the Superfund Remedial program: Provided, That the Administrator of the Environmental Protection Agency (Administrator) may retain up to 3 percent of the funds appropriated herein for management and oversight purposes.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For an additional amount for ''Leaking Underground Storage Tank Trust Fund Program'', $200,000,000, which shall be for cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act: Provided, That none of these funds shall be subject to cost share requirements under section 9003(h)(7)(B) of such Act: Provided further, That the Administrator may retain up to 1.5 percent of the funds appropriated herein for management and oversight purposes.

STATE AND TRIBAL ASSISTANCE GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''State and Tribal Assistance Grants'', $6,400,000,000, which shall be allocated as follows:

(1) $4,000,000,000 shall be for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act and $2,000,000,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: Provided, That the Administrator may retain up to 1 percent of the funds appropriated herein for management and oversight purposes: Provided further, That funds appropriated herein shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3) or 202 of the Federal Water Pollution Control Act nor the matching requirements of section 1452(e) of the Safe Drinking Water Act: Provided further, That the Administrator shall reallocate funds appropriated herein for the Clean and Drinking Water State Revolving Funds (Revolving Funds) where projects are not under contract or construction within 12 months of the date of enactment of this Act: Provided further, That notwithstanding the priority rankings they would otherwise receive under each program, priority for funds appropriated herein shall be given to projects on a State priority list that are ready to proceed to construction within 12 months of the date of enactment of this Act: Provided further, That notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act or section 1452(f) of the Safe Drinking Water Act, for the funds appropriated herein, each State shall use not less than 50 percent of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: Provided further, That, to the extent there are sufficient eligible project applications, not less than 20 percent of the funds appropriated herein for the Revolving Funds shall be for projects to address green infrastructure, water or energy efficiency improvements or other environmentally innovative activities: Provided further, That notwithstanding the limitation on amounts specified in section 518(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the funds appropriated herein for the Clean Water State Revolving Funds may be reserved by the Administrator for tribal grants under section 518(c) of such Act: Provided further, That up to 4 percent of the funds appropriated herein for tribal set-asides under the Revolving Funds may be transferred to the Indian Health Service to support management and oversight of tribal projects: Provided further, That none of the funds appropriated herein shall be available for the purchase of land or easements as authorized by section 603(c) of the Federal Water Pollution Control Act or for activities authorized by section 1452(k) of the Safe Drinking Water Act: Provided further, That notwithstanding section 603(d)(2) of the Federal Water Pollution Control Act and section 1452(f)(2) of the Safe Drinking Water Act, funds may be used to buy, refinance or restructure the debt obligations of eligible recipients only where such debt was incurred on or after October 1, 2008;

(2) $100,000,000 shall be to carry out Brownfields projects authorized by section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980: Provided, That the Administrator may reserve up to 3.5 percent of the funds appropriated herein for management and oversight purposes: Provided further, That none of the funds appropriated herein shall be subject to cost share requirements under section 104(k)(9)(B)(iii) of such Act; and

(3) $300,000,000 shall be for Diesel Emission Reduction Act grants pursuant to title VII, subtitle G of the Energy Policy Act of 2005: Provided, That the Administrator may reserve up to 2 percent of the funds appropriated herein for management and oversight purposes: Provided further, That none of the funds appropriated herein for Diesel Emission Reduction Act grants shall be subject to the State Grant and Loan Program Matching Incentive provisions of section 793(c)(3) of such Act.

ADMINISTRATIVE PROVISION, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFERS OF FUNDS)

Funds made available to the Environmental Protection Agency by this Act for management and oversight purposes shall remain available until September 30, 2011, and may be transferred to the ''Environmental Programs and Management'' account as needed.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for ''Capital Improvement and Maintenance'', $650,000,000, for priority road, bridge and trail maintenance and decommissioning, including related watershed restoration and ecosystem enhancement projects; facilities improvement, maintenance and renovation; remediation of abandoned mine sites; and support costs necessary to carry out this work.

WILDLAND FIRE MANAGEMENT

For an additional amount for ''Wildland Fire Management'', $500,000,000, of which $250,000,000 is for hazardous fuels reduction, forest health protection, rehabilitation and hazard mitigation activities on Federal lands and of which $250,000,000 is for State and private forestry activities including hazardous fuels reduction, forest health and ecosystem improvement activities on State and private lands using all authorities available to the Forest Service: Provided, That up to $50,000,000 of the total funding may be used to make wood-to-energy grants to promote increased utilization of biomass from Federal, State and private lands: Provided further, That funds provided for activities on State and private lands shall not be subject to matching or cost share requirements.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for ''Indian Health Services'', for health information technology activities, $85,000,000: Provided, That such funds may be used for both telehealth services development and related infrastructure requirements that are typically funded through the ''Indian Health Facilities'' account: Provided further, That notwithstanding any other provision of law, health information technology funds provided within this title shall be allocated at the discretion of the Director of the Indian Health Service.

INDIAN HEALTH FACILITIES

For an additional amount for ''Indian Health Facilities'', for facilities construction projects, deferred maintenance and improvement projects, the backlog of sanitation projects and the purchase of equipment, $415,000,000, of which $227,000,000 is provided within the health facilities construction activity for the completion of up to two facilities from the current priority list for which work has already been initiated: Provided, That for the purposes of this Act, spending caps included within the annual appropriation for ''Indian Health Facilities'' for the purchase of medical equipment shall not apply: Provided further, That section 1606 of this Act shall not apply to tribal contracts entered into by the Service with this appropriation.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

FACILITIES CAPITAL

For an additional amount for ''Facilities Capital'', for repair and revitalization of existing facilities, $25,000,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For an additional amount for ''Grants and Administration'', $50,000,000, to be distributed in direct grants to fund arts projects and activities which preserve jobs in the non-profit arts sector threatened by declines in philanthropic and other support during the current economic downturn: Provided, That 40 percent of such funds shall be distributed to State arts agencies and regional arts organizations in a manner similar to the agency's current practice and 60 percent of such funds shall be for competitively selected arts projects and activities according to sections 2 and 5(c) of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 951, 954(c)): Provided further, That matching requirements under section 5(e) of such Act shall be waived.

GENERAL PROVISIONS—THIS TITLE

SEC. 701. (a) Within 30 days of enactment of this Act, each agency receiving funds under this title shall submit a general plan for the expenditure of such funds to the House and Senate Committees on Appropriations.

(b) Within 90 days of enactment of this Act, each agency receiving funds under this title shall submit to the Committees a report containing detailed project level information associated with the general plan submitted pursuant to subsection (a).

SEC. 702. In carrying out the work for which funds in this title are being made available, the Secretary of the Interior and the Secretary of Agriculture shall utilize, where practicable, the Public Lands Corps, Youth Conservation Corps, Student Conservation Association, Job Corps and other related partnerships with Federal, State, local, tribal or non-profit groups that serve young adults.

SEC. 703. Each agency receiving funds under this title may transfer up to 10 percent of the funds in any account to other appropriation accounts within the agency, if the head of the agency (1) determines that the transfer will enhance the efficiency or effectiveness of the use of the funds without changing the intended purpose; and (2) notifies the Committees on Appropriations of the House of Representatives and the Senate 10 days prior to the transfer.

TITLE VIII—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for ''Training and Employment Services'' for activities under the Workforce Investment Act of 1998 (''WIA''), $3,950,000,000, which shall be available for obligation on the date of enactment of this Act, as follows:

(1) $500,000,000 for grants to the States for adult employment and training activities, including supportive services and needs-related payments described in section 134(e)(2) and (3) of the WIA: Provided, That a priority use of these funds shall be services to individuals described in 134(d)(4)(E) of the WIA;

(2) $1,200,000,000 for grants to the States for youth activities, including summer employment for youth: Provided, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: Provided further, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed $1,000,000,000: Provided further, That with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting ''age 24'' for ''age 21'': Provided further, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds;

(3) $1,250,000,000 for grants to the States for dislocated worker employment and training activities;

(4) $200,000,000 for the dislocated workers assistance national reserve;

(5) $50,000,000 for YouthBuild activities: Provided, That for program years 2008 and 2009, the YouthBuild program may serve an individual who has dropped out of high school and re-enrolled in an alternative school, if that re-enrollment is part of a sequential service strategy; and

(6) $750,000,000 for a program of competitive grants for worker training and placement in high growth and emerging industry sectors: Provided, That $500,000,000 shall be for research, labor exchange and job training projects that prepare workers for careers in energy efficiency and renewable energy as described in section 171(e)(1)(B) of the WIA: Provided further, That in awarding grants from those funds not designated in the preceding proviso, the Secretary of Labor shall give priority to projects that prepare workers for careers in the health care sector:

Provided, That funds made available in this paragraph shall remain available through June 30, 2010: Provided further, That a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for ''Community Service Employment for Older Americans'' to carry out title V of the Older Americans Act of 1965, $120,000,000, which shall be available for obligation on the date of enactment of this Act and shall remain available through June 30, 2010: Provided, That funds shall be allotted within 30 days of such enactment to current grantees in proportion to their allotment in program year 2008: Provided further, That funds made available under this heading in this Act may, in accordance with section 517(c) of the Older Americans Act of 1965, be recaptured and reobligated.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for ''State Unemployment Insurance and Employment Service Operations'' for grants to States in accordance with section 6 of the Wagner-Peyser Act, $400,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, and which shall be available for obligation on the date of enactment of this Act: Provided, That such funds shall remain available to the States through September 30, 2010: Provided further, That $250,000,000 of such funds shall be used by States for reemployment services for unemployment insurance claimants (including the integrated Employment Service and Unemployment Insurance information technology required to identify and serve the needs of such claimants): Provided further, That the Secretary of Labor shall establish planning and reporting procedures necessary to provide oversight of funds used for reemployment services.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Departmental Management'', $80,000,000, for the enforcement of worker protection laws and regulations, oversight, and coordination activities related to the infrastructure and unemployment insurance investments in this Act: Provided, That the Secretary of Labor may transfer such sums as necessary to ''Employment and Standards Administration'', ''Employee Benefits Security Administration'', ''Occupational Safety and Health Administration'', and ''Employment and Training Administration—Program Administration'' for enforcement, oversight, and coordination activities: Provided further, That prior to obligating any funds proposed to be transferred from this account, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan describing the planned uses of each amount proposed to be transferred.

OFFICE OF JOB CORPS

For an additional amount for ''Office of Job Corps'', $250,000,000, for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available upon the date of enactment of this Act and remain available for obligation through June 30, 2010: Provided, That section 1552(a) of title 31, United States Code shall not apply if funds are used for a multi-year lease agreement that will result in construction activities that can commence within 120 days of enactment of this Act: Provided further, That notwithstanding section 3324(a) of title 31, United States Code, the funds used for an agreement under the preceding proviso may be used for advance, progress, and other payments: Provided further, That the Secretary of Labor may transfer up to 15 percent of such funds to meet the operational needs of such centers, which may include training for careers in the energy efficiency, renewable energy, and environmental protection industries: Provided further, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan describing the allocation of funds, and a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than September 30, 2009 and quarterly thereafter as long as funding provided under this heading is available for obligation or expenditure.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the ''Office of Inspector General'', $6,000,000, which shall remain available through September 30, 2012, for salaries and expenses necessary for oversight and audit of programs, grants, and projects funded in this Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for ''Health Resources and Services'', $2,500,000,000 which shall be used as follows:

(1) $500,000,000 shall be for grants to health centers authorized under section 330 of the Public Health Service Act (''PHS Act'');

(2) $1,500,000,000 shall be available for grants for construction, renovation and equipment, and for the acquisition of health information technology systems, for health centers including health center controlled networks receiving operating grants under section 330 of the PHS Act, notwithstanding the limitation in section 330(e)(3); and

(3) $500,000,000 to address health professions workforce shortages, of which $75,000,000 for the National Health Service Corps shall remain available through September 30, 2011: Provided, That funds may be used to provide scholarships, loan repayment, and grants to training programs for equipment as authorized in the PHS Act, and grants authorized in sections 330L, 747, 767 and 768 of the PHS Act: Provided further, That 20 percent of the funds allocated to the National Health Service Corps shall be used for field operations:

Provided, That up to 0.5 percent of funds provided in this paragraph may used for administration of such funds: Provided further, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan detailing activities to be supported and timelines for expenditure prior to making any Federal obligations of funds provided in this paragraph but not later than 90 days after the date of enactment of this Act: Provided further, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded in this paragraph not later than November 1, 2009 and every 6 months thereafter as long as funding provided in this paragraph is available for obligation or expenditure.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CENTER FOR RESEARCH RESOURCES

For an additional amount for ''National Center for Research Resources'', $1,300,000,000, of which $1,000,000,000 shall be for grants or contracts under section 481A of the Public Health Service Act to construct, renovate or repair existing non-Federal research facilities: Provided, That sections 481A(c)(1)(B)(ii), paragraphs (1), (3), and (4) of section 481A(e), and section 481B of such Act shall not apply to the use of such funds: Provided further, That the references to ''20 years'' in subsections (c)(1)(B)(i) and (f) of

section 481A of such Act are deemed to be references to ''10 years'' for purposes of using such funds: Provided further, That the National Center for Research Resources may also use $300,000,000 to provide, under the authority of section 301 and title IV of such Act, shared instrumentation and other capital research equipment to recipients of grants and contracts under section 481A of such Act and other appropriate entities: Provided further, That the Director of the Center shall provide to the Committees on Appropriations of the House of Representatives and the Senate an annual report indicating the number of institutions receiving awards of a grant or contract under section 481A of such Act, the proposed use of the funding, the average award size, a list of grant or contract recipients, and the amount of each award.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the Director'', $8,200,000,000: Provided, That $7,400,000,000 shall be transferred to the Institutes and Centers of the National Institutes of Health (''NIH'') and to the Common Fund established under section 402A(c)(1) of the Public Health Service Act in proportion to the appropriations otherwise made to such Institutes, Centers, and Common Fund for fiscal year 2009: Provided further, That these funds shall be used to support additional scientific research and shall be merged with and be available for the same purposes as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the NIH: Provided further, That none of these funds may be transferred to ''National Institutes of Health—Buildings and Facilities'', the Center for Scientific Review, the Center for Information Technology, the Clinical Center, or the Global Fund for HIV/AIDS, Tuberculosis and Malaria: Provided further, That the funds provided in this Act to the NIH shall not be subject to the provisions of 15 U.S.C. 638(f)(1) and 15 U.S.C. 638(n)(1): Provided further, That $400,000,000 may be used to carry out section 215 of division G of Public Law 110–161.

BUILDINGS AND FACILITIES

For an additional amount for ''Buildings and Facilities'', $500,000,000, to fund high-priority repair, construction and improvement projects for National Institutes of Health facilities on the Bethesda, Maryland campus and other agency locations.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Healthcare Research and Quality'' to carry out titles III and IX of the Public Health Service Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, $700,000,000 for comparative effectiveness research: Provided, That of the amount appropriated in this paragraph, $400,000,000 shall be transferred to the Office of the Director of the National Institutes of Health (''Office of the Director'') to conduct or support comparative effectiveness research under section 301 and title IV of the Public Health Service Act: Provided further, That funds transferred to the Office of the Director may be transferred to the Institutes and Centers of the National Institutes of Health and to the Common Fund established under section 402A(c)(1) of the Public Health Service Act: Provided further, That this transfer authority is in addition to any other transfer authority available to the National Institutes of Health: Provided further, That within the amount available in this paragraph for the Agency for Healthcare Research and Quality, not more than 1 percent shall be made available for additional full-time equivalents.

In addition, $400,000,000 shall be available for comparative effectiveness research to be allocated at the discretion of the Secretary of Health and Human Services (''Secretary''): Provided, That the funding appropriated in this paragraph shall be used to accelerate the development and dissemination of research assessing the comparative effectiveness of health care treatments and strategies, through efforts that: (1) conduct, support, or synthesize research that compares the clinical outcomes, effectiveness, and appropriateness of items, services, and procedures that are used to prevent, diagnose, or treat diseases, disorders, and other health conditions; and (2) encourage the development and use of clinical registries, clinical data networks, and other forms of electronic health data that can be used to generate or obtain outcomes data: Provided further, That the Secretary shall enter into a contract with the Institute of Medicine, for which no more than $1,500,000 shall be made available from funds provided in this paragraph, to produce and submit a report to the Congress and the Secretary by not later than June 30, 2009, that includes recommendations on the national priorities for comparative effectiveness research to be conducted or supported with the funds provided in this paragraph and that considers input from stakeholders: Provided further, That the Secretary shall consider any recommendations of the Federal Coordinating Council for Comparative Effectiveness Research established by section 804 of this Act and any recommendations included in the Institute of Medicine report pursuant to the preceding proviso in designating activities to receive funds provided in this paragraph and may make grants and contracts with appropriate entities, which may include agencies within the Department of Health and Human Services and other governmental agencies, as well as private sector entities, that have demonstrated experience and capacity to achieve the goals of comparative effectiveness research: Provided further, That the Secretary shall publish information on grants and contracts awarded with the funds provided under this heading within a reasonable time of the obligation of funds for such grants and contracts and shall disseminate research findings from such grants and contracts to clinicians, patients, and the general public, as appropriate: Provided further, That, to the extent feasible, the Secretary shall ensure that the recipients of the funds provided by this paragraph offer an opportunity for public comment on the research: Provided further, That research conducted with funds appropriated under this paragraph shall be consistent with Departmental policies relating to the inclusion of women and minorities in research: Provided further, That the Secretary shall provide the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate with an annual report on the research conducted or supported through the funds provided under this heading: Provided further, That the Secretary, jointly with the Directors of the Agency for Healthcare Research and Quality and the National Institutes of Health, shall provide the Committees on Appropriations of the House of Representatives and the Senate a fiscal year 2009 operating plan for the funds appropriated under this heading prior to making any Federal obligations of such funds in fiscal year 2009, but not later than July 30, 2009, and a fiscal year 2010 operating plan for such funds prior to making any Federal obligations of such funds in fiscal year 2010, but not later than November 1, 2009, that detail the type of research being conducted or supported, including the priority conditions addressed; and specify the allocation of resources within the Department of Health and Human Services: Provided further, That the Secretary, jointly with the Directors of the Agency for Healthcare Research and Quality and the National Institutes of Health, shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than November 1, 2009, and every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For an additional amount for ''Payments to States for the Child Care and Development Block Grant'', $2,000,000,000, which shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That, in addition to the amounts required to be reserved by the States under section 658G of the Child Care and Development Block Grant Act of 1990, $255,186,000 shall be reserved by the States for activities authorized under section 658G, of which $93,587,000 shall be for activities that improve the quality of infant and toddler care.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for ''Children and Families Services Programs'', $3,150,000,000, which shall be used as follows:

(1) $1,000,000,000 for carrying out activities under the Head Start Act.

(2) $1,100,000,000 for expansion of Early Head Start programs, as described in section 645A of the Head Start Act: Provided, That of the funds provided in this paragraph, up to 10 percent shall be available for the provision of training and technical assistance to such programs consistent with section 645A(g)(2) of such Act, and up to 3 percent shall be available for monitoring the operation of such programs consistent with section 641A of such Act.

(3) $1,000,000,000 for carrying out activities under sections 674 through 679 of the Community Services Block Grant Act, of which no part shall be subject to section 674(b)(3) of such Act: Provided, That notwithstanding section 675C(a)(1) and 675C(b) of such Act, 1 percent of the funds made available to each State from this additional amount shall be used for benefits enrollment coordination activities relating to the identification and enrollment of eligible individuals and families in Federal, State, and local benefit programs: Provided further, That all funds remaining available to a State from this additional amount after application of the previous proviso shall be distributed to eligible entities as defined in section 673(1) of such Act: Provided further, That for services furnished under such Act during fiscal years 2009 and 2010, States may apply the last sentence of section 673(2) of such Act by substituting ''200 percent'' for ''125 percent''.

(4) $50,000,000 for carrying out activities under section 1110 of the Social Security Act.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For an additional amount for ''Aging Services Programs'' under subparts 1 and 2 of part C, of title III, and under title VI, of the Older Americans Act of 1965, $100,000,000, of which $65,000,000 shall be for Congregate Nutrition Services, $32,000,000 shall be for Home-Delivered

Nutrition Services and $3,000,000 shall be for Nutrition Services for Native Americans.

OFFICE OF THE SECRETARY

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the National Coordinator for Health Information Technology'', $2,000,000,000, to carry out title XIII of this Act, to remain available until expended: Provided, That of such amount, the Secretary of Health and Human Services shall transfer $20,000,000 to the Director of the National Institute of Standards and Technology in the Department of Commerce for continued work on advancing health care information enterprise integration through activities such as technical standards analysis and establishment of conformance testing infrastructure, so long as such activities are coordinated with the Office of the National Coordinator for Health Information Technology: Provided further, that $300,000,000 is to support regional or sub-national efforts toward health information exchange: Provided further, That 0.25 percent of the funds provided in this paragraph may be used for administration of such funds: Provided further, That funds available under this heading shall become available for obligation only upon submission of an annual operating plan by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the fiscal year 2009 operating plan shall be provided not later than 90 days after enactment of this Act and that subsequent annual operating plans shall be provided not later than November 1 of each year: Provided further, That these operating plans shall describe how expenditures are aligned with the specific objectives, milestones, and metrics of the Federal Health Information Technology Strategic Plan, including any subsequent updates to the Plan; the allocation of resources within the Department of Health and Human Services and other Federal agencies; and the identification of programs and activities that are supported: Provided further, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each major set of activities not later than November 1, 2009, and every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the ''Office of Inspector General'', $17,000,000 which shall remain available until September 30, 2012.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for ''Public Health and Social Services Emergency Fund'' to improve information technology security at the Department of Health and Human Services, $50,000,000.

PREVENTION AND WELLNESS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for a ''Prevention and Wellness Fund'' to be administered through the Department of Health and Human Services, Office of the Secretary, $1,000,000,000: Provided, That of the amount provided in this paragraph, $300,000,000 shall be transferred to the Centers for Disease Control and Prevention (''CDC'') as an additional amount to carry out the immunization program (''section 317 immunization program'') authorized by section 317(a), (j), and (k)(1) of the Public Health Service Act (''PHS Act''): Provided further, That of the amount provided in this paragraph, $650,000,000 shall be to carry out evidence-based clinical and community-based prevention and wellness strategies authorized by the PHS Act, as determined by the Secretary, that deliver specific, measurable health outcomes that address chronic disease rates: Provided further, That funds appropriated in the preceding proviso may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate: Provided further, That of the amount appropriated in this paragraph, $50,000,000 shall be provided to States for an additional amount to carry out activities to implement healthcare-associated infections reduction strategies: Provided further, That not more than 0.5 percent of funds made available in this paragraph may be used for management and oversight expenses in the office or division of the Department of Health and Human Services administering the funds: Provided further, That the Secretary shall, directly or through contracts with public or private entities, provide for annual evaluations of programs carried out with funds provided under this heading in order to determine the quality and effectiveness of the programs: Provided further, That the Secretary shall, not later than 1 year after the date of enactment of this Act, submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report summarizing the annual evaluations of programs from the preceding proviso: Provided further, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan for the Prevention and Wellness Fund prior to making any Federal obligations of funds provided in this paragraph (excluding funds to carry out the section 317 immunization program), but not later than 90 days after the date of enactment of this Act, that indicates the prevention priorities to be addressed; provides measurable goals for each prevention priority; details the allocation of resources within the Department of Health and Human Services; and identifies which programs or activities are supported, including descriptions of any new programs or activities: Provided further, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than November 1, 2009, and every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For an additional amount for ''Education for the Disadvantaged'' to carry out title I of the Elementary and Secondary Education Act of 1965 (''ESEA''), $13,000,000,000: Provided, That $5,000,000,000 shall be available for targeted grants under section 1125 of the ESEA: Provided further, That $5,000,000,000 shall be available for education finance incentive grants under section 1125A of the ESEA: Provided further, That $3,000,000,000 shall be for school improvement grants under section 1003(g) of the ESEA: Provided further, That each local educational agency receiving funds available under this paragraph shall be required to file with the State educational agency, no later than December 1, 2009, a school-by-school listing of per-pupil educational expenditures from State and local sources during the 2008–2009 academic year: Provided further, That each State educational agency shall report that information to the Secretary of Education by March 31, 2010.

IMPACT AID

For an additional amount for ''Impact Aid'' to carry out section 8007 of title VIII of the Elementary and Secondary Education Act of 1965, $100,000,000, which shall be expended pursuant to the requirements of section 805.

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount for ''School Improvement Programs'' to carry out subpart 1, part D of title II of the Elementary and Secondary Education Act of 1965 (''ESEA''), and subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, $720,000,000: Provided, That $650,000,000 shall be available for subpart 1, part D of title II of the ESEA: Provided further, That the Secretary shall allot $70,000,000 for grants under McKinney-Vento to each State in proportion to the number of homeless students identified by the State during the 2007–2008 school year relative to the number of such children identified nationally during that school year: Provided further, That State educational agencies shall subgrant the McKinney-Vento funds to local educational agencies on a competitive basis or according to a formula based on the number of homeless students identified by the local educational agencies in the State: Provided further, That the Secretary shall distribute the McKinney-Vento funds to the States not later than 60 days after the date of the enactment of this Act: Provided further, That each State shall subgrant the McKinney-Vento funds to local educational agencies not later than 120 days after receiving its grant from the Secretary.

INNOVATION AND IMPROVEMENT

For an additional amount for ''Innovation and Improvement'' to carry out subpart 1, part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA''), $200,000,000: Provided, That these funds shall be expended as directed in the fifth, sixth, and seventh provisos under the heading ''Innovation and Improvement'' in the Department of Education Appropriations Act, 2008: Provided further, That a portion of these funds shall also be used for a rigorous national evaluation by the Institute of Education Sciences, utilizing randomized controlled methodology to the extent feasible, that assesses the impact of performance-based teacher and principal compensation systems supported by the funds provided in this Act on teacher and principal recruitment and retention in high-need schools and subjects: Provided further, That the Secretary may reserve up to 1 percent of the amount made available under this heading for management and oversight of the activities supported with those funds.

SPECIAL EDUCATION

For an additional amount for ''Special Education'' for carrying out parts B and C of the Individuals with Disabilities Education Act (''IDEA''), $12,200,000,000, of which $11,300,000,000 shall be available for section 611 of the IDEA: Provided, That if every State, as defined by section 602(31) of the IDEA, reaches its maximum allocation under section 611(d)(3)(B)(iii) of the IDEA, and there are remaining funds, such funds shall be proportionally allocated to each State subject to the maximum amounts contained in section 611(a)(2) of the IDEA: Provided further, That by July 1, 2009, the Secretary of Education shall reserve the amount needed for grants under section 643(e) of the IDEA, with any remaining funds to be allocated in accordance with section 643(c) of the IDEA: Provided further, That the total amount for each of sections 611(b)(2) and 643(b)(1) of the IDEA, under this and all other Acts, for fiscal year 2009, whenever enacted, shall be equal to the amounts respectively available for these activities under these sections during fiscal year 2008 increased by the amount of inflation as specified in section 619(d)(2)(B) of

the IDEA: Provided further, That $400,000,000 shall be available for section 619 of the IDEA and $500,000,000 shall be available for part C of the IDEA.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For an additional amount for ''Rehabilitation Services and Disability Research'' for providing grants to States to carry out the Vocational Rehabilitation Services program under part B of title I and parts B and C of chapter 1 and chapter 2 of title VII of the Rehabilitation Act of 1973, $680,000,000: Provided, That $540,000,000 shall be available for part B of title I of the Rehabilitation Act: Provided further, That funds provided herein shall not be considered in determining the amount required to be appropriated under section 100(b)(1) of the Rehabilitation Act of 1973 in any fiscal year: Provided further, That, notwithstanding section 7(14)(A), the Federal share of the costs of vocational rehabilitation services provided with the funds provided herein shall be 100 percent: Provided further, That $140,000,000 shall be available for parts B and C of chapter 1 and chapter 2 of title VII of the Rehabilitation Act: Provided further, That $18,200,000 shall be for State Grants, $87,500,000 shall be for independent living centers, and $34,300,000 shall be for services for older blind individuals.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for ''Student Financial Assistance'' to carry out subpart 1 of part A and part C of title IV of the Higher Education Act of 1965 (''HEA''), $15,840,000,000, which shall remain available through September 30, 2011: Provided, That $15,640,000,000 shall be available for subpart 1 of part A of title IV of the HEA: Provided further, That $200,000,000 shall be available for part C of title IV of the HEA.

The maximum Pell Grant for which a student shall be eligible during award year 2009–2010 shall be $4,860.

STUDENT AID ADMINISTRATION

For an additional amount for ''Student Aid Administration'' to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, $60,000,000.

HIGHER EDUCATION

For an additional amount for ''Higher Education'' to carry out part A of title II of the Higher Education Act of 1965, $100,000,000.

INSTITUTE OF EDUCATION SCIENCES

For an additional amount for ''Institute of Education Sciences'' to carry out section 208 of the Educational Technical Assistance Act, $250,000,000, which may be used for Statewide data systems that include postsecondary and workforce information, of which up to $5,000,000 may be used for State data coordinators and for awards to public or private organizations or agencies to improve data coordination.

DEPARTMENTAL MANAGEMENT

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $14,000,000, which shall remain available through September 30, 2012, for salaries and expenses necessary for oversight and audit of programs, grants, and projects funded in this Act.

RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operating Expenses'' to carry out the Domestic Volunteer Service Act of 1973 (''1973 Act'') and the National and Community Service Act of 1990 (''1990 Act''), $160,000,000: Provided, That $89,000,000 of the funds made available in this paragraph shall be used to make additional awards to existing AmeriCorps grantees and may be used to provide adjustments to awards under subtitle C of title I of the 1990 Act made prior to September 30, 2010 for which the Chief Executive Officer of the Corporation for National and Community Service (''CEO'') determines that a waiver of the Federal share limitation is warranted under section 2521.70 of title 45 of the Code of Federal Regulations: Provided further, That of the amount made available in this paragraph, not less than $6,000,000 shall be transferred to ''Salaries and Expenses'' for necessary expenses relating to information technology upgrades, of which up to $800,000 may be used to administer the funds provided in this paragraph: Provided further, That of the amount provided in this paragraph, not less than $65,000,000 shall be for programs under title I, part A of the 1973 Act: Provided further, That funds provided in the previous proviso shall not be made available in connection with cost-share agreements authorized under section 192A(g)(10) of the 1990 Act: Provided further, That of the funds available under this heading, up to 20 percent of funds allocated to grants authorized under section 124(b) of title I, subtitle C of the 1990 Act may be used to administer, reimburse, or support any national service program under section 129(d)(2) of the 1990 Act: Provided further, That, except as provided herein and in addition to requirements identified herein, funds provided in this paragraph shall be subject to the terms and conditions under which funds were appropriated in fiscal year 2008: Provided further, That the CEO shall provide the Committees on Appropriations of the House of Representatives and the Senate a fiscal year 2009 operating plan for the funds appropriated in this paragraph prior to making any Federal obligations of such funds in fiscal year 2009, but not later than 90 days after the date of enactment of this Act, and a fiscal year 2010 operating plan for such funds prior to making any Federal obligations of such funds in fiscal year 2010, but not later than November 1, 2009, that detail the allocation of resources and the increased number of members supported by the AmeriCorps programs: Provided further, That the CEO shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than November 1, 2009, and every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the ''Office of Inspector General'', $1,000,000, which shall remain available until September 30, 2012.

NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''National Service Trust'' established under subtitle D of title I of the National and Community Service Act of 1990 (''1990 Act''), $40,000,000, which shall remain available until expended: Provided, That the Corporation for National and Community Service may transfer additional funds from the amount provided within ''Operating Expenses'' for grants made under subtitle C of title I of the 1990 Act to this appropriation upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the amount appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Limitation on Administrative Expenses'', $1,000,000,000 shall be available as follows:

(1) $500,000,000 shall remain available until expended for necessary expenses of the replacement of the National Computer Center and the information technology costs associated with such Center: Provided, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 10 days prior to each public notice soliciting bids related to site selection and construction and prior to the lease or purchase of such site: Provided further, That the construction plan and site selection for such center shall be subject to review and approval by the Office of Management and Budget: Provided further, That such center shall continue to be a government-operated facility; and

(2) $500,000,000 for processing disability and retirement workloads, including information technology acquisitions and research in support of such activities: Provided, That up to $40,000,000 may be used by the Commissioner of Social Security for health information technology research and activities to facilitate the adoption of electronic medical records in disability claims, including the transfer of funds to ''Supplemental Security Income Program'' to carry out activities under section 1110 of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the ''Office of Inspector General'', $2,000,000, which shall remain available through September 30, 2012, for salaries and expenses necessary for oversight and audit of programs, projects, and activities funded in this Act.

GENERAL PROVISIONS—THIS TITLE

SEC. 801. (a) Up to 1 percent of the funds made available to the Department of Labor in this title may be used for the administration, management, and oversight of the programs, grants, and activities funded by such appropriation, including the evaluation of the use of such funds.

(b) Funds designated for these purposes may be available for obligation through September 30, 2010.

(c) Not later than 30 days after enactment of this Act, the Secretary of Labor shall provide an operating plan describing the proposed use of funds for the purposes described in (a).

SEC. 802. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES. (a) IN GENERAL.—Section 8104 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 189) is amended to read as follows:

''SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

''(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

''(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110–28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers

such as inflation in the cost of food, energy, and other commodities; and

''(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

''(b) REPORT.—No earlier than March 15, 2010, and not later than April 15, 2010, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

''(c) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of the study under subsection (a) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands in its County Business Patterns data with the same regularity and to the same extent as each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands in such surveys and data compilations requires time to structure and implement, the Bureau of the Census shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim report shall describe the steps the Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 803. ELIGIBLE EMPLOYEES IN THE RECREATIONAL MARINE INDUSTRY. Section 2(3)(F) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(3)(F)) is amended—

(1) by striking '', repair or dismantle''; and

(2) by striking the semicolon and inserting '', or individuals employed to repair any recreational vessel, or to dismantle any part of a recreational vessel in connection with the repair of such vessel;''.

SEC. 804. FEDERAL COORDINATING COUNCIL FOR COMPARATIVE EFFECTIVENESS RESEARCH. (a) ESTABLISHMENT.—There is hereby established a Federal Coordinating Council for Comparative Effectiveness Research (in this section referred to as the ''Council'').

(b) PURPOSE.—The Council shall foster optimum coordination of comparative effectiveness and related health services research conducted or supported by relevant Federal departments and agencies, with the goal of reducing duplicative efforts and encouraging coordinated and complementary use of resources.

(c) DUTIES.—The Council shall—

(1) assist the offices and agencies of the Federal Government, including the Departments of Health and Human Services, Veterans Affairs, and Defense, and other Federal departments or agencies, to coordinate the conduct or support of comparative effectiveness and related health services research; and

(2) advise the President and Congress on—

(A) strategies with respect to the infrastructure needs of comparative effectiveness research within the Federal Government; and

(B) organizational expenditures for comparative effectiveness research by relevant Federal departments and agencies.

(d) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Council shall be composed of not more than 15 members, all of whom are senior Federal officers or employees with responsibility for health-related programs, appointed by the President, acting through the Secretary of Health and Human Services (in this section referred to as the ''Secretary''). Members shall first be appointed to the Council not later than 30 days after the date of the enactment of this Act.

(2) MEMBERS.—

(A) IN GENERAL.—The members of the Council shall include one senior officer or employee from each of the following agencies:

(i) The Agency for Healthcare Research and Quality.

(ii) The Centers for Medicare and Medicaid Services.

(iii) The National Institutes of Health.

(iv) The Office of the National Coordinator for Health Information Technology.

(v) The Food and Drug Administration.

(vi) The Veterans Health Administration within the Department of Veterans Affairs.

(vii) The office within the Department of Defense responsible for management of the Department of Defense Military Health Care System.

(B) QUALIFICATIONS.—At least half of the members of the Council shall be physicians or other experts with clinical expertise.

(3) CHAIRMAN; VICE CHAIRMAN.—The Secretary shall serve as Chairman of the Council and shall designate a member to serve as Vice Chairman.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than June 30, 2009, the Council shall submit to the President and the Congress a report containing information describing current Federal activities on comparative effectiveness research and recommendations for such research conducted or supported from funds made available for allotment by the Secretary for comparative effectiveness research in this Act.

(2) ANNUAL REPORT.—The Council shall submit to the President and Congress an annual report regarding its activities and recommendations concerning the infrastructure needs, organizational expenditures and opportunities for better coordination of comparative effectiveness research by relevant Federal departments and agencies.

(f) STAFFING; SUPPORT.—From funds made available for allotment by the Secretary for comparative effectiveness research in this Act, the Secretary shall make available not more than 1 percent to the Council for staff and administrative support.

(g) RULES OF CONSTRUCTION.—

(1) COVERAGE.—Nothing in this section shall be construed to permit the Council to mandate coverage, reimbursement, or other policies for any public or private payer.

(2) REPORTS AND RECOMMENDATIONS.—None of the reports submitted under this section or recommendations made by the Council shall be construed as mandates or clinical guidelines for payment, coverage, or treatment.

SEC. 805. GRANTS FOR IMPACT AID CONSTRUCTION. (a) RESERVATION FOR MANAGEMENT AND OVERSIGHT.—From the funds appropriated to carry out this section, the Secretary may reserve up to 1 percent for management and oversight of the activities carried out with those funds.

(b) CONSTRUCTION PAYMENTS.—

(1) FORMULA GRANTS.—(A) In General.—From 40 percent of the amount not reserved under subsection (a), the Secretary shall make payments in accordance with section 8007(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)), except that the amount of such payments shall be determined in accordance with subparagraph (B).

(B) AMOUNT OF PAYMENTS.—The Secretary shall make a payment to each local educational agency eligible for a payment under section 8007(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)) in an amount that bears the same relationship to the funds made available under subparagraph (A) as the number of children determined under subparagraphs (B), (C), and (D)(i) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)(B), (C), and (D)(i)) who were in average daily attendance in the local educational agency for the most recent year for which such information is available bears to the number of such children in all the local educational agencies eligible for a payment under section 8007(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)).

(2) COMPETITIVE GRANTS.—From 60 percent of the amount not reserved under subsection (a), the Secretary—

(A) shall award emergency grants in accordance with section 8007(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(b)) to eligible local educational agencies to enable the agencies to carry out emergency repairs of school facilities; and

(B) may award modernization grants in accordance with section 8007(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(b)) to eligible local educational agencies to enable the agencies to carry out the modernization of school facilities.

(3) PROVISIONS NOT TO APPLY.—Paragraphs (2), (3), (4), (5)(A)(i), and (5)(A)(vi) of section 8007(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(b)(2), (3), (4), (5)(A)(i), and (5)(A)(vi)) shall not apply to grants made under paragraph (2).

(4) ELIGIBILITY.—A local educational agency is eligible to receive a grant under paragraph (2) if the local educational agency—

(A) was eligible to receive a payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702 and 7703) for fiscal year 2008; and

(B) has—

(i) a total taxable assessed value of real property that may be taxed for school purposes of less than $100,000,000; or

(ii) an assessed value of real property per student that may be taxed for school purposes that is less than the average of the assessed value of real property per student that may be taxed for school purposes in the State in which the local educational agency is located.

(5) CRITERIA FOR GRANTS.—In awarding grants under paragraph (2), the Secretary shall consider the following criteria:

(A) Whether the facility poses a health or safety threat to students and school personnel, including noncompliance with building codes and inaccessibility for persons with disabilities, or whether the existing building capacity meets the needs of the current enrollment and supports the provision of comprehensive educational services to meet current standards in the State in which the local educational agency is located.

(B) The extent to which the new design and proposed construction utilize energy efficient and recyclable materials.

(C) The extent to which the new design and proposed construction utilizes non-traditional or alternative building methods to expedite construction and project completion and maximize cost efficiency.

(D) The feasibility of project completion within 24 months from award.

(E) The availability of other resources for the proposed project.

SEC. 806. MANDATORY PELL GRANTS. Section 401(b)(9)(A) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(9)(A)) is amended—

(1) in clause (ii), by striking ''$2,090,000,000'' and inserting ''$2,733,000,000''; and

(2) in clause (iii), by striking ''$3,030,000,000'' and inserting ''$3,861,000,000''.

SEC. 807. (a) IN GENERAL.—Notwithstanding any other provision of law, and in order to begin expenditures and activities under this Act as quickly as possible consistent with prudent management, the Secretary of Education may—

(1) award fiscal year 2009 funds to States and local educational agencies on the basis of eligibility determinations made for the award of fiscal year 2008 funds; and

(2) require States to make prompt allocations to local educational agencies.

(b) INTEREST NOT TO ACCRUE.—Notwithstanding sections 3335 and 6503 of title 31, United States Code, or any other provision of law, the United States shall not be liable to any State or other entity for any interest or fee with respect to any funds under this Act that are allocated by the Secretary of Education to the State or other entity within 30 days of the date on which they are available for obligation.

TITLE IX—LEGISLATIVE BRANCH

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' of the Government Accountability Office, $25,000,000, to remain available until September 30, 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 901. GOVERNMENT ACCOUNTABILITY OFFICE REVIEWS AND REPORTS. (a) REVIEWS AND REPORTS.—

(1) IN GENERAL.—The Comptroller General shall conduct bimonthly reviews and prepare reports on such reviews on the use by selected States and localities of funds made available in this Act. Such reports, along with any audits conducted by the Comptroller General of such funds, shall be posted on the Internet and linked to the website established under this Act by the Recovery Accountability and Transparency Board.

(2) REDACTIONS.—Any portion of a report or audit under this subsection may be redacted when made publicly available, if that portion would disclose information that is not subject to disclosure under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act).

(b) EXAMINATION OF RECORDS.—The Comptroller General may examine any records related to obligations and use by any Federal, State, or local government agency of funds made available in this Act.

SEC. 902. ACCESS OF GOVERNMENT ACCOUNTABILITY OFFICE. (a) ACCESS.—Each contract awarded using funds made available in this Act shall provide that the Comptroller General and his representatives are authorized—

(1) to examine any records of the contractor or any of its subcontractors, or any State or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract; and

(2) to interview any officer or employee of the contractor or any of its subcontractors, or of any State or local government agency administering the contract, regarding such transactions.

(b) RELATIONSHIP TO EXISTING AUTHORITY.—Nothing in this section shall be interpreted to limit or restrict in any way any existing authority of the Comptroller General.

TITLE X—MILITARY CONSTRUCTION AND VETERANS AFFAIRS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $180,000,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: Provided further, That of the amount provided under this heading, $80,000,000 shall be for child development centers, and $100,000,000 shall be for warrior transition complexes: Provided further, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $280,000,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: Provided further, That of the amount provided under this heading, $100,000,000 shall be for troop housing, $80,000,000 shall be for child development centers, and $100,000,000 shall be for energy conservation and alternative energy projects: Provided further, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $180,000,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: Provided further, That of the amount provided under this heading, $100,000,000 shall be for troop housing and $80,000,000 shall be for child development centers: Provided further, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $1,450,000,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: Provided further, That of the amount provided under this heading, $1,330,000,000 shall be for the construction of hospitals and $120,000,000 shall be for the Energy Conservation Investment Program: Provided further, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for ''Military Construction, Army National Guard'', $50,000,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: Provided further, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Director of the Army National Guard, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For an additional amount for ''Military Construction, Air National Guard'', $50,000,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: Provided further, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Director of the Air National Guard, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

FAMILY HOUSING CONSTRUCTION, ARMY

For an additional amount for ''Family Housing Construction, Army'', $34,507,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: Provided further, That within 30 days of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Family Housing Operation and Maintenance, Army'', $3,932,000: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended for maintenance and repair and minor construction projects in the United States not otherwise authorized by law.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For an additional amount for ''Family Housing Construction, Air Force'', $80,100,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: Provided further, That within 30 days of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Family Housing Operation and Maintenance, Air Force'', $16,461,000: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended for maintenance and repair and minor construction projects in the United States not otherwise authorized by law.

HOMEOWNERS ASSISTANCE FUND

For an additional amount for ''Homeowners Assistance Fund'', established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), $555,000,000, to remain available until expended: Provided, That the Secretary of Defense

shall submit quarterly reports to the Committees on Appropriations of both Houses of Congress on the expenditure of funds made available under this heading in this or any other Act.

ADMINISTRATIVE PROVISION

SEC. 1001. (a) TEMPORARY EXPANSION OF HOMEOWNERS ASSISTANCE PROGRAM TO RESPOND TO MORTGAGE FORECLOSURE AND CREDIT CRISIS. Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1), (2), and (3) as clauses (i), (ii), and (iii), respectively, and indenting such subparagraphs, as so redesignated, 6 ems from the left margin;

(B) by striking ''Notwithstanding any other provision of law'' and inserting the following:

''(1) ACQUISITION OF PROPERTY AT OR NEAR MILITARY INSTALLATIONS THAT HAVE BEEN ORDERED TO BE CLOSED.—Notwithstanding any other provision of law'';

(C) by striking ''if he determines'' and inserting ''if—

''(A) the Secretary determines—'';

(D) in clause (iii), as redesignated by subparagraph (A), by striking the period at the end and inserting ''; or''; and

(E) by adding at the end the following:

''(B) the Secretary determines—

''(i) that the conditions in clauses (i) and (ii) of subparagraph (A) have been met;

''(ii) that the closing or realignment of the base or installation resulted from a realignment or closure carried out under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part XXIX of Public Law 101–510; 10 U.S.C. 2687 note);

''(iii) that the property was purchased by the owner before July 1, 2006;

''(iv) that the property was sold by the owner between July 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

''(v) that the property is the primary residence of the owner; and

''(vi) that the owner has not previously received benefit payments authorized under this subsection.

''(2) HOMEOWNER ASSISTANCE FOR WOUNDED MEMBERS OF THE ARMED FORCES, DEPARTMENT OF DEFENSE AND UNITED STATES COAST GUARD CIVILIAN EMPLOYEES, AND THEIR SPOUSES.—Notwithstanding any other provision of law, the Secretary of Defense is authorized to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling which was at the time of the relevant wound, injury, or illness, the primary residence of—

''(A) any member of the Armed Forces in medical transition who—

''(i) incurred a wound, injury, or illness in the line of duty during a deployment in support of the Armed Forces;

''(ii) is disabled to a degree of 30 percent or more as a result of such wound, injury, or illness, as determined by the Secretary of Defense; and

''(iii) is reassigned in furtherance of medical treatment or rehabilitation, or due to medical retirement in connection with such disability;

''(B) any civilian employee of the Department of Defense or the United States Coast Guard who—

''(i) was wounded, injured, or became ill in the performance of his or her duties during a forward deployment occurring on or after September 11, 2001, in support of the Armed Forces; and

''(ii) is reassigned in furtherance of medical treatment, rehabilitation, or due to medical retirement resulting from the sustained disability; or

''(C) the spouse of a member of the Armed Forces or a civilian employee of the Department of Defense or the United States Coast Guard if—

''(i) the member or employee was killed in the line of duty or in the performance of his or her duties during a deployment on or after September 11, 2001, in support of the Armed Forces or died from a wound, injury, or illness incurred in the line of duty during such a deployment; and

''(ii) the spouse relocates from such residence within 2 years after the death of such member or employee.

''(3) TEMPORARY HOMEOWNER ASSISTANCE FOR MEMBERS OF THE ARMED FORCES PERMANENTLY REASSIGNED DURING SPECIFIED MORTGAGE CRISIS.—Notwithstanding any other provision of law, the Secretary of Defense is authorized to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling situated at or near a military base or installation, if the Secretary determines—

''(A) that the owner is a member of the Armed Forces serving on permanent assignment;

''(B) that the owner is permanently reassigned by order of the United States Government to a duty station or home port outside a 50-mile radius of the base or installation;

''(C) that the reassignment was ordered between February 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

''(D) that the property was purchased by the owner before July 1, 2006;

''(E) that the property was sold by the owner between July 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

''(F) that the property is the primary residence of the owner; and

''(G) that the owner has not previously received benefit payments authorized under this subsection.'';

(2) in subsection (b), by striking ''this section'' each place it appears and inserting ''subsection (a)(1)'';

(3) in subsection (c)—

(A) by striking ''Such persons'' and inserting the following:

''(1) HOMEOWNER ASSISTANCE RELATED TO CLOSED MILITARY INSTALLATIONS.—

''(A) IN GENERAL.—Such persons'';

(B) by striking ''set forth above shall elect either (1) to receive'' and inserting the following: ''set forth in subsection (a)(1) shall elect either—

''(i) to receive'';

(C) by striking ''difference between (A) 95 per centum'' and all that follows through ''(B) the fair market value'' and inserting the following: ''difference between—

''(I) 95 per centum of the fair market value of their property (as such value is determined by the Secretary of Defense) prior to public announcement of intention to close all or part of the military base or installation; and

''(II) the fair market value'';

(D) by striking ''time of the sale, or (2) to receive'' and inserting the following: ''time of the sale; or

''(ii) to receive'';

(E) by striking ''outstanding mortgages. The Secretary may also pay a person who elects to receive a cash payment under clause (1) of the preceding sentence an amount'' and inserting ''outstanding mortgages.

''(B) REIMBURSEMENT OF EXPENSES.—The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount''; and

(F) by striking ''best interest of the Federal Government. Cash payment'' and inserting the following: ''best interest of the United States.

''(2) HOMEOWNER ASSISTANCE FOR WOUNDED INDIVIDUALS AND THEIR SPOUSES.—

''(A) IN GENERAL.—Persons eligible under the criteria set forth in subsection (a)(2) may elect either—

''(i) to receive a cash payment as compensation for losses which may be or have been sustained in a private sale, in an amount not to exceed the difference between—

''(I) 95 per centum of prior fair market value of their property (as such value is determined by the Secretary of Defense); and

''(II) the fair market value of such property (as such value is determined by the Secretary of Defense) at the time of sale; or

''(ii) to receive, as purchase price for their property an amount not to exceed 90 per centum of prior fair market value as such value is determined by the Secretary of Defense, or the amount of the outstanding mortgages.

''(B) DETERMINATION OF BENEFITS.—The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount that the Secretary determines appropriate to reimburse the person for the costs incurred by the person in the sale of the property if the Secretary determines that such payment will benefit the person and is in the best interest of the United States.

''(3) HOMEOWNER ASSISTANCE FOR PERMANENTLY REASSIGNED INDIVIDUALS.—

''(A) IN GENERAL.—Persons eligible under the criteria set forth in subsection (a)(3) may elect either—

''(i) to receive a cash payment as compensation for losses which may be or have been sustained in a private sale, in an amount not to exceed the difference between—

''(I) 95 per centum of prior fair market value of their property (as such value is determined by the Secretary of Defense); and

''(II) the fair market value of such property (as such value is determined by the Secretary of Defense) at the time of sale; or

''(ii) to receive, as purchase price for their property an amount not to exceed 90 per centum of prior fair market value as such value is determined by the Secretary of Defense, or the amount of the outstanding mortgages.

''(B) DETERMINATION OF BENEFITS.—The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount that the Secretary determines appropriate to reimburse the person for the costs incurred by the person in the sale of the property if the Secretary determines that such payment will benefit the person and is in the best interest of the United States.

''(4) COMPENSATION AND LIMITATIONS RELATED TO FORECLOSURES AND ENCUMBRANCES.—Cash payment'';

(4) by striking subsection (g);

(5) in subsection (l), by striking ''(a)(2)'' and inserting ''(a)(1)(A)(ii)'';

(6) in subsection (m), by striking ''this section'' and inserting ''subsection (a)(1)'';

(7) in subsection (n)—

(A) in paragraph (1), by striking ''this section'' and inserting ''subsection (a)(1)''; and

(B) in paragraph (2), by striking ''this section'' and inserting ''subsection (a)(1)'';

(8) in subsection (o)—

(A) in paragraph (1), by striking ''this section'' and inserting ''subsection (a)(1)'';

(B) in paragraph (2), by striking ''this section'' and inserting ''subsection (a)(1)''; and

(C) by striking paragraph (4); and

(9) by adding at the end the following new subsection:

''(p) DEFINITIONS.—In this section:

''(1) the term 'Armed Forces' has the meaning given the term 'armed forces' in section 101(a) of title 10, United States Code;

''(2) the term 'civilian employee' has the meaning given the term 'employee' in section 2105(a) of title 5, United States Code;

''(3) the term 'medical transition', in the case of a member of the Armed Forces, means a member who—

''(A) is in Medical Holdover status;

''(B) is in Active Duty Medical Extension status;

''(C) is in Medical Hold status;

''(D) is in a status pending an evaluation by a medical evaluation board;

''(E) has a complex medical need requiring six or more months of medical treatment; or

''(F) is assigned or attached to an Army Warrior Transition Unit, an Air Force Patient Squadron, a Navy Patient Multidisciplinary Care Team, or a Marine Patient Affairs Team/Wounded Warrior Regiment; and

''(4) the term 'nonappropriated fund instrumentality employee' means a civilian employee who—

''(A) is a citizen of the United States; and

''(B) is paid from nonappropriated funds of Army and Air Force Exchange Service, Navy Resale and Services Support Office, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.''.

(b) CLERICAL AMENDMENT.—Such section is further amended in the section heading by inserting ''and certain property owned by members of the Armed Forces, Department of Defense and United States Coast Guard civilian employees, and surviving spouses'' after ''ordered to be closed''.

(c) AUTHORITY TO USE APPROPRIATED FUNDS.—Notwithstanding subsection (i) of such section, amounts appropriated or otherwise made available by this title under the heading ''Homeowners Assistance Fund'' may be used for the Homeowners Assistance Fund established under such section.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL FACILITIES

For an additional amount for ''Medical Facilities'' for non-recurring maintenance, including energy projects, $1,000,000,000, to remain available until September 30, 2010: Provided, That not later than 30 days after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

NATIONAL CEMETERY ADMINISTRATION

For an additional amount for ''National Cemetery Administration'' for monument and memorial repairs, including energy projects, $50,000,000, to remain available until September 30, 2010: Provided, That not later than 30 days after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for ''General Operating Expenses'', $150,000,000, to remain available until September 30, 2010, for additional expenses related to hiring and training temporary surge claims processors.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $50,000,000, to remain available until September 30, 2010, for the Veterans Benefits Administration: Provided, That not later than 30 days after the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $1,000,000, to remain available until September 30, 2011, for oversight and audit of programs, grants and projects funded under this title.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For an additional amount for ''Grants for Construction of State Extended Care Facilities'', $150,000,000, to remain available until September 30, 2010, for grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code.

ADMINISTRATIVE PROVISION

SEC. 1002. PAYMENTS TO ELIGIBLE PERSONS WHO SERVED IN THE UNITED STATES ARMED FORCES IN THE FAR EAST DURING WORLD WAR II. (a) FINDINGS.—Congress makes the following findings:

(1) The Philippine islands became a United States possession in 1898 when they were ceded from Spain following the Spanish-American War.

(2) During World War II, Filipinos served in a variety of units, some of which came under the direct control of the United States Armed Forces.

(3) The regular Philippine Scouts, the new Philippine Scouts, the Guerrilla Services, and more than 100,000 members of the Philippine Commonwealth Army were called into the service of the United States Armed Forces of the Far East on July 26, 1941, by an executive order of President Franklin D. Roosevelt.

(4) Even after hostilities had ceased, wartime service of the new Philippine Scouts continued as a matter of law until the end of 1946, and the force gradually disbanded and was disestablished in 1950.

(5) Filipino veterans who were granted benefits prior to the enactment of the so-called Rescissions Acts of 1946 (Public Laws 79–301 and 79–391) currently receive full benefits under laws administered by the Secretary of Veterans Affairs, but under section 107 of title 38, United States Code, the service of certain other Filipino veterans is deemed not to be active service for purposes of such laws.

(6) These other Filipino veterans only receive certain benefits under title 38, United States Code, and, depending on where they legally reside, are paid such benefit amounts at reduced rates.

(7) The benefits such veterans receive include service-connected compensation benefits paid under chapter 11 of title 38, United States Code, dependency indemnity compensation survivor benefits paid under chapter 13 of title 38, United States Code, and burial benefits under chapters 23 and 24 of title 38, United States Code, and such benefits are paid to beneficiaries at the rate of $0.50 per dollar authorized, unless they lawfully reside in the United States.

(8) Dependents' educational assistance under chapter 35 of title 38, United States Code, is also payable for the dependents of such veterans at the rate of $0.50 per dollar authorized, regardless of the veterans' residency.

(b) COMPENSATION FUND.—

(1) IN GENERAL.—There is in the general fund of the Treasury a fund to be known as the ''Filipino Veterans Equity Compensation Fund'' (in this section referred to as the ''compensation fund'').

(2) AVAILABILITY OF FUNDS.—Subject to the availability of appropriations for such purpose, amounts in the fund shall be available to the Secretary of Veterans Affairs without fiscal year limitation to make payments to eligible persons in accordance with this section.

(c) PAYMENTS.—

(1) IN GENERAL.—The Secretary may make a payment from the compensation fund to an eligible person who, during the one-year period beginning on the date of the enactment of this Act, submits to the Secretary a claim for benefits under this section. The application for the claim shall contain such information and evidence as the Secretary may require.

(2) PAYMENT TO SURVIVING SPOUSE.—If an eligible person who has filed a claim for benefits under this section dies before payment is made under this section, the payment under this section shall be made instead to the surviving spouse, if any, of the eligible person.

(d) ELIGIBLE PERSONS.—An eligible person is any person who—

(1) served—

(A) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

(B) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538); and

(2) was discharged or released from service described in paragraph (1) under conditions other than dishonorable.

(e) PAYMENT AMOUNTS.—Each payment under this section shall be—

(1) in the case of an eligible person who is not a citizen of the United States, in the amount of $9,000; and

(2) in the case of an eligible person who is a citizen of the United States, in the amount of $15,000.

(f) LIMITATION.—The Secretary may not make more than one payment under this section for each eligible person described in subsection (d).

(g) CLARIFICATION OF TREATMENT OF PAYMENTS UNDER CERTAIN LAWS.—Amounts paid to a person under this section—

(1) shall be treated for purposes of the internal revenue laws of the United States as damages for human suffering; and

(2) shall not be included in income or resources for purposes of determining—

(A) eligibility of an individual to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits;

(B) eligibility of an individual to receive benefits under title VIII of the Social Security Act, or the amount of such benefits; or

(C) eligibility of an individual for, or the amount of benefits under, any other Federal or federally assisted program.

(h) RELEASE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the acceptance by an eligible person or surviving spouse, as applicable, of a payment under this section shall be final, and shall constitute a complete release of any claim against the United States by reason of any service described in subsection (d).

(2) PAYMENT OF PRIOR ELIGIBILITY STATUS.—Nothing in this section shall prohibit a person from receiving any benefit (including health care, survivor, or burial benefits) which the person would have been eligible to receive based on laws in effect as of the day before the date of the enactment of this Act.

(i) RECOGNITION OF SERVICE.—The service of a person as described in subsection (d) is hereby recognized as active military service in the Armed Forces for purposes of, and to the extent provided in, this section.

(j) ADMINISTRATION.—

(1) The Secretary shall promptly issue application forms and instructions to ensure the prompt and efficient administration of the provisions of this section.

(2) The Secretary shall administer the provisions of this section in a manner consistent with applicable provisions of title 38, United States Code, and other provisions of law, and shall apply the definitions in section 101 of such title in the administration of such provisions, except to the extent otherwise provided in this section.

(k) REPORTS.—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible persons receiving benefits, the amounts paid out of the compensation fund, and the administration of the compensation fund for the most recent fiscal year for which such data is available.

(l) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the compensation fund $198,000,000, to remain available until expended, to make payments under this section.

TITLE XI—STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'' for urgent domestic facilities requirements for passport and training functions, $90,000,000: Provided, That the Secretary of State shall submit to the Committees on Appropriations within 90 days of enactment of this Act a detailed spending plan for funds appropriated under this heading: Provided further, That with respect to the funds made available for passport agencies, such plan shall be developed in consultation with the Department of Homeland Security and the General Services Administration and shall coordinate and co-locate, to the extent feasible, passport agencies with other Federal facilities.

CAPITAL INVESTMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Capital Investment Fund'', $290,000,000, for information technology security and upgrades to support mission-critical operations, of which up to $38,000,000 shall be transferred to, and merged with, funds made available under the heading ''Capital Investment Fund'' of the United States Agency for International Development: Provided, That the Secretary of State and the Administrator of the United States Agency for International Development shall coordinate information technology systems, where appropriate, to increase efficiencies and eliminate redundancies, to include co-location of backup information management facilities, and shall submit to the Committees on Appropriations within 90 days of enactment of this Act a detailed spending plan for funds appropriated under this heading.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for oversight requirements, $2,000,000.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Construction'' for the water quantity program to meet immediate repair and rehabilitation requirements, $220,000,000: Provided, That up to $2,000,000 may be transferred to, and merged with, funds available under the heading ''International Boundary and Water Commission, United States and Mexico—Salaries and Expenses'': Provided further, That the Secretary of State shall submit to the Committees on Appropriations within 90 days of enactment of this Act a detailed spending plan for funds appropriated under this heading.

TITLE XII—TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SUPPLEMENTAL DISCRETIONARY GRANTS FOR A NATIONAL SURFACE TRANSPORTATION SYSTEM

For an additional amount for capital investments in surface transportation infrastructure, $1,500,000,000, to remain available through September 30, 2011: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to State and local governments or transit agencies on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code, including interstate rehabilitation, improvements to the rural collector road system, the reconstruction of overpasses and interchanges, bridge replacements, seismic retrofit projects for bridges, and road realignments; public transportation projects eligible under chapter 53 of title 49, United States Code, including investments in projects participating in the New Starts or Small Starts programs that will expedite the completion of those projects and their entry into revenue service; passenger and freight rail transportation projects; and port infrastructure investments, including projects that connect ports to other modes of transportation and improve the efficiency of freight movement: Provided further, That of the amount made available under this paragraph, the Secretary may use an amount not to exceed $200,000,000 for the purpose of paying the subsidy and administrative costs of projects eligible for federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds and an appropriate balance in addressing the needs of urban and rural communities: Provided further, That a grant funded under this heading shall be not less than $20,000,000 and not greater than $300,000,000: Provided further, That the Secretary may waive the minimum grant size cited in the preceding proviso for the purpose of funding significant projects in smaller cities, regions, or States: Provided further, That not more than 20 percent of the funds made available under this paragraph may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading may be up to 100 percent: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package, and to projects that are expected to be completed within 3 years of enactment of this Act: Provided further, That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading not later than 90 days after enactment of this Act: Provided further, That the Secretary shall require applications for funding provided under this heading to be submitted not later than 180 days after the publication of such criteria, and announce all projects selected to be funded from such funds not later than 1 year after enactment of this Act: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary may retain up to $1,500,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Maritime Administration, to fund the award and oversight of grants made under this heading.

FEDERAL AVIATION ADMINISTRATION

SUPPLEMENTAL FUNDING FOR FACILITIES AND EQUIPMENT

For an additional amount for necessary investments in Federal Aviation Administration infrastructure, $200,000,000, to remain available through September 30, 2010: Provided, That funding provided under this heading shall be used to make improvements to power systems, air route traffic control centers, air traffic control towers, terminal radar approach control facilities, and navigation and landing equipment: Provided further, That priority be given to such projects or activities that will be completed within 2 years of enactment of this Act: Provided further, That amounts made available under this heading may be provided through grants in addition to the other instruments authorized under section 106(l)(6) of title 49, United States Code: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be 100 percent: Provided further, That amounts provided under this heading may be used for expenses the agency incurs in administering this program: Provided further, That not more than 60 days after enactment of this Act, the Administrator shall establish a process for applying, reviewing and awarding grants and cooperative and other transaction agreements, including the form and content of an application, and requirements for the maintenance of records that are necessary to facilitate an effective audit of the use of the funding provided: Provided further, That section 50101 of title 49, United States Code, shall apply to funds provided under this heading.

GRANTS-IN-AID FOR AIRPORTS

For an additional amount for ''Grants-In-Aid for Airports'', to enable the Secretary of Transportation to make grants for discretionary projects as authorized by subchapter 1 of chapter 471 and subchapter 1 of chapter 475 of title 49, United States Code, and for the procurement, installation and commissioning of runway incursion prevention devices and systems at airports of such title, $1,100,000,000, to remain available through September 30, 2010: Provided, That such funds shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471: Provided further, That the Secretary shall distribute funds provided under this heading as discretionary grants to airports, with priority given to those projects that demonstrate to his satisfaction their ability to be completed within 2 years of enactment of this Act, and serve to

supplement and not supplant planned expenditures from airport-generated revenues or from other State and local sources on such activities: Provided further, That the Secretary shall award grants totaling not less than 50 percent of the funds made available under this heading within 120 days of enactment of this Act, and award grants for the remaining amounts not later than 1 year after enactment of this Act: Provided further, That the Federal share payable of the costs for which a grant is made under this heading shall be 100 percent: Provided further, That the amount made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: Provided further, That the Administrator of the Federal Aviation Administration may retain up to 0.2 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY INFRASTRUCTURE INVESTMENT

For an additional amount for restoration, repair, construction and other activities eligible under paragraph (b) of section 133 of title 23, United States Code, and for passenger and freight rail transportation and port infrastructure projects eligible for assistance under subsection 601(a)(8) of such title, $27,500,000,000, to remain available through September 30, 2010: Provided, That, after making the set-asides required under this heading, 50 percent of the funds made available under this heading shall be apportioned to States using the formula set forth in section 104(b)(3) of title 23, United States Code, and the remaining funds shall be apportioned to States in the same ratio as the obligation limitation for fiscal year 2008 was distributed among the States in accordance with the formula specified in section 120(a)(6) of division K of Public Law 110–161: Provided further, That funds made available under this heading shall be apportioned not later than 21 days after the date of enactment of this Act: Provided further, That in selecting projects to be carried out with funds apportioned under this heading, priority shall be given to projects that are projected for completion within a 3-year time frame, and are located in economically distressed areas as defined by section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161): Provided further, That 120 days following the date of such apportionment, the Secretary of Transportation shall withdraw from each State an amount equal to 50 percent of the funds awarded to that State (excluding funds suballocated within the State) less the amount of funding obligated (excluding funds suballocated within the State), and the Secretary shall redistribute such amounts to other States that have had no funds withdrawn under this proviso in the manner described in section 120(c) of division K of Public Law 110–161: Provided further, That 1 year following the date of such apportionment, the Secretary shall withdraw from each recipient of funds apportioned under this heading any unobligated funds, and the Secretary shall redistribute such amounts to States that have had no funds withdrawn under this proviso (excluding funds suballocated within the State) in the manner described in section 120(c) of division K of Public Law 110–161: Provided further, That at the request of a State, the Secretary of Transportation may provide an extension of such 1-year period only to the extent that he feels satisfied that the State has encountered extreme conditions that create an unworkable bidding environment or other extenuating circumstances: Provided further, That before granting such an extension, the Secretary shall send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension: Provided further, That 3 percent of the funds apportioned to a State under this heading shall be set aside for the purposes described in subsection 133(d)(2) of title 23, United States Code (without regard to the comparison to fiscal year 2005): Provided further, That 30 percent of the funds apportioned to a State under this heading shall be suballocated within the State in the manner and for the purposes described in the first sentence of subsection 133(d)(3)(A), in subsection 133(d)(3)(B), and in subsection 133(d)(3)(D): Provided further, That such suballocation shall be conducted in every State Provided further, That funds suballocated within a State to urbanized areas and other areas shall not be subject to the redistribution of amounts required 120 days following the date of apportionment of funds provided under this heading: Provided further, That of the funds provided under this heading, $105,000,000 shall be for the Puerto Rico highway program authorized under section 165 of title 23, United States Code, and $45,000,000 shall be for the territorial highway program authorized under section 215 of title 23, United States Code: Provided further, That of the funds provided under this heading, $60,000,000 shall be for capital expenditures eligible under section 147 of title 23, United States Code (without regard to subsection(d)): Provided further, That the Secretary of Transportation shall distribute such $60,000,000 as competitive discretionary grants to States, with priority given to those projects that demonstrate to his satisfaction their ability to be completed within 2 years of enactment of this Act: Provided further, That of the funds provided under this heading, $550,000,000 shall be for investments in transportation at Indian reservations and Federal lands: Provided further, That of the funds identified in the preceding proviso, $310,000,000 shall be for the Indian Reservation Roads program, $170,000,000 shall be for the Park Roads and Parkways program, $60,000,000 shall be for the Forest Highway Program, and $10,000,000 shall be for the Refuge Roads program: Provided further, That for investments at Indian reservations and Federal lands, priority shall be given to capital investments, and to projects and activities that can be completed within 2 years of enactment of this Act: Provided further, That 1 year following the enactment of this Act, to ensure the prompt use of the $550,000,000 provided for investments at Indian reservations and Federal lands, the Secretary shall have the authority to redistribute unobligated funds within the respective program for which the funds were appropriated: Provided further, That up to 4 percent of the funding provided for Indian Reservation Roads may be used by the Secretary of the Interior for program management and oversight and project-related administrative expenses: Provided further, That section 134(f)(3)(C)(ii)(II) of title 23, United States Code, shall not apply to funds provided under this heading: Provided further, That of the funds made available under this heading, $20,000,000 shall be for highway surface transportation and technology training under section 140(b) of title 23, United States Code, and $20,000,000 shall be for disadvantaged business enterprises bonding assistance under section 332(e) of title 49, United States Code: Provided further, That funds made available under this heading shall be administered as if apportioned under chapter 1 of title 23, United States Code, except for funds made available for investments in transportation at Indian reservations and Federal lands, and for the territorial highway program, which shall be administered in accordance with chapter 2 of title 23, United States Code, and except for funds made available for disadvantaged business enterprises bonding assistance, which shall be administered in accordance with chapter 3 of title 49, United States Code: Provided further, That the Federal share payable on account of any project or activity carried out with funds made available under this heading shall be, at the option of the recipient, up to 100 percent of the total cost thereof: Provided further, That funds made available by this Act shall not be obligated for the purposes authorized under section 115(b) of title 23, United States Code: Provided further, That funding provided under this heading shall be in addition to any and all funds provided for fiscal years 2009 and 2010 in any other Act for ''Federal-aid Highways'' and shall not affect the distribution of funds provided for ''Federal-aid Highways'' in any other Act: Provided further, That the amount made available under this heading shall not be subject to any limitation on obligations for Federal-aid highways or highwaty safety construction programs set forth in any Act: Provided further, That section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this heading: Provided further, That the Administrator of the Federal Highway Administration may retain up to $40,000,000 of the funds provided under this heading to fund the oversight by the Administrator of projects and activities carried out with funds made available to the Federal Highway Administration in this Act and such funds shall be available through September 30, 2012.

FEDERAL RAILROAD ADMINISTRATION

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

For an additional amount for section 501 of Public Law 110–432 and discretionary grants to States to pay for the cost of projects described in paragraphs (2)(A) and (2)(B) of section 24401 of title 49, United States Code, subsection (b) of section 24105 of such title, $8,000,000,000, to remain available through September 30, 2012: Provided, That the Secretary of Transportation shall give priority to projects that support the development of intercity high speed rail service: Provided further, That within 60 days of the enactment of this Act, the Secretary shall submit to the House and Senate Committees on Appropriations a strategic plan that describes how the Secretary will use the funding provided under this heading to improve and deploy high speed passenger rail systems: Provided further, That within 120 days of enactment of this Act, the Secretary shall issue interim guidance to applicants covering grant terms, conditions, and procedures until final regulations are issued: Provided further, That such interim guidance shall provide separate instructions for the high speed rail corridor program, capital assistance for intercity passenger rail service grants, and congestion grants: Provided further, That the Secretary shall waive the requirement that a project conducted using funds provided under this heading be in a State rail plan developed under chapter 227 of title 49, United States Code: Provided further, That the Federal share payable of the costs for which a grant is made under this heading shall be, at the option of the recipient, up to 100 percent: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That section 24405 of title 49, United States Code, shall apply to funds provided under this heading: Provided further, That the Administrator of the Federal Railroad Administration may retain up to one-quarter of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading, and funds retained for said purposes shall remain available through September 30, 2014.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for the National Railroad Passenger Corporation (Amtrak) to enable the Secretary of Transportation to make capital grants to Amtrak as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432), $1,300,000,000, to remain available through September 30, 2010, of which $450,000,000 shall be used for capital security grants: Provided, That priority for the use of non-security funds shall be given to projects for the repair, rehabilitation, or upgrade of railroad assets or infrastructure, and for capital projects that expand passenger rail capacity including the rehabilitation of rolling stock: Provided further, That none of the funds under this heading shall be used to subsidize the operating losses of Amtrak: Provided further, That funds provided under this heading shall be awarded not later than 30 days after the date of enactment of this Act: Provided further, That the Secretary shall take measures to ensure that projects funded under this heading shall be completed within 2 years of enactment of this Act, and shall serve to supplement and not supplant planned expenditures for such activities from other Federal, State, local and corporate sources: Provided further, That the Secretary shall certify to the House and Senate Committees on Appropriations in writing compliance with the preceding proviso: Provided further, That not more than 60 percent of the funds provided for non-security activities under this heading may be used for capital projects along the Northeast Corridor: Provided further, That of the funding provided under this heading, $5,000,000 shall be made available for the Amtrak Office of Inspector General and made available through September 30, 2013.

FEDERAL TRANSIT ADMINISTRATION

TRANSIT CAPITAL ASSISTANCE

For an additional amount for transit capital assistance grants authorized under section 5302(a)(1) of title 49, United States Code, $6,900,000,000, to remain available through September 30, 2010: Provided, That the Secretary of Transportation shall provide 80 percent of the funds appropriated under this heading for grants under section 5307 of title 49, United States Code, and apportion such funds in accordance with section 5336 of such title (other than subsections (i)(1) and (j)): Provided further, That the Secretary shall apportion 10 percent of the funds appropriated under this heading in accordance with section 5340 of such title: Provided further, That the Secretary shall provide 10 percent of the funds appropriated under this heading for grants under section 5311 of title 49, United States Code, and apportion such funds in accordance with such section: Provided further, That funds apportioned under this heading shall be apportioned not later than 21 days after the date of enactment of this Act: Provided further, That 180 days following the date of such apportionment, the Secretary shall withdraw from each urbanized area or State an amount equal to 50 percent of the funds apportioned to such urbanized areas or States less the amount of funding obligated, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method he deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly: Provided further, That 1 year following the date of such apportionment, the Secretary shall withdraw from each urbanized area or State any unobligated funds, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method he deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly: Provided further, That at the request of an urbanized area or State, the Secretary of Transportation may provide an extension of such 1-year period if he feels satisfied that the urbanized area or State has encountered an unworkable bidding environment or other extenuating circumstances: Provided further, That before granting such an extension, the Secretary shall send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension: Provided further, That of the funds provided for section 5311 of title 49, United States Code, 2.5 percent shall be made available for section 5311(c)(1): Provided further, That of the funding provided under this heading, $100,000,000 shall be distributed as discretionary grants to public transit agencies for capital investments that will assist in reducing the energy consumption or greenhouse gas emissions of their public transportation systems: Provided further, That for such grants on energy-related investments, priority shall be given to projects based on the total energy savings that are projected to result from the investment, and projected energy savings as a percentage of the total energy usage of the public transit agency: Provided further, That applicable chapter 53 requirements shall apply to funding provided under this heading, except that the Federal share of the costs for which any grant is made under this heading shall be, at the option of the recipient, up to 100 percent: Provided further, That the amount made available under this heading shall not be subject to any limitation on obligations for transit programs set forth in any Act: Provided further, That section 1101(b) of Public Law 109–59 shall apply to funds appropriated under this heading: Provided further, That the funds appropriated under this heading shall not be comming led with any prior year funds: Provided further, That notwithstanding any other provision of law, three-quarters of 1 percent of the funds provided for grants under section 5307 and section 5340, and one-half of 1 percent of the funds provided for grants under section 5311, shall be available for administrative expenses and program management oversight, and such funds shall be available through September 30, 2012.

FIXED GUIDEWAY INFRASTRUCTURE INVESTMENT

For an amount for capital expenditures authorized under section 5309(b)(2) of title 49, United States Code, $750,000,000, to remain available through September 30, 2010: Provided, That the Secretary of Transportation shall apportion funds under this heading pursuant to the formula set forth in section 5337 of title 49, United States Code: Provided further, That the funds appropriated under this heading shall not be commingled with any prior year funds: Provided further, That funds made available under this heading shall be apportioned not later than 21 days after the date of enactment of this Act: Provided further, That 180 days following the date of such apportionment, the Secretary shall withdraw from each urbanized area an amount equal to 50 percent of the funds apportioned to such urbanized area amounts to other urbanized areas that have had no funds withdrawn under this proviso utilizing whatever method he or she deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly: Provided further, That 1 year following the date of such apportionment, the Secretary shall withdraw from each urbanized area any unobligated funds, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this provision utilizing whatever method he or she deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly: Provided further, That at the request of an urbanized area, the Secretary of Transportation may provide an extension of such 1-year period if he or she feels satisfied that the urbanized area has encountered an unworkable bidding environment or other extenuating circumstances: Provided further, That hbefore granting such an extension, the Secretary shall send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension: Provided further, That applicable chapter 53 requirements shall apply except that the Federal share of the costs for which a grant is made under this heading shall be, at the option of the recipient, up to 100 percent: Provided further, That the provisions of section 1101(b) of Public Law 109–59 shall apply to funds made available under this heading: Provided further, That notwithstanding any other provision of law, up to 1 percent of the funds under this heading shall be available for administrative expenses and program management oversight and shall remain available for obligation until September 30, 2012.

CAPITAL INVESTMENT GRANTS

For an additional amount for ''Capital Investment Grants'', as authorized under section 5338(c)(4) of title 49, United States Code, and allocated under section 5309(m)(2)(A) of such title, to enable the Secretary of Transportation to make discretionary grants as authorized by section 5309(d) and (e) of such title, $750,000,000, to remain available through September 30, 2010: Provided, That such amount shall be allocated without regard to the limitation under section 5309(m)(2)(A)(i): Provided further, That in selecting projects to be funded, priority shall be given to projects that are currently in construction or are able to obligate funds within 150 days of enactment of this Act: Provided further, That the provisions of section 1101(b) of Public Law 109–59 shall apply to funds made available under this heading: Provided further, That funds appropriated under this heading shall not be commingled with any prior year funds: Provided further, That applicable chapter 53 requirements shall apply, except that notwithstanding any other provision of law, up to 1 percent of the funds provided under this heading shall be available for administrative expenses and program management oversight, and shall remain available through September 30, 2012.

MARITIME ADMINISTRATION

SUPPLEMENTAL GRANTS FOR ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3508 of Public Law 110–417 or section 54101 of title 46, United States Code, $100,000,000, to remain available through September 30, 2010: Provided, That the Secretary of Transportation shall institute measures to ensure that funds provided under this heading shall be obligated within 180 days of the date of their distribution: Provided further, That the Maritime Administrator may retain and transfer to ''Maritime Administration, Operations and Training'' up to 2 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $20,000,000, to remain available through September 30, 2013: Provided, That the funding made available under this heading shall be used for conducting audits and investigations of projects and activities carried out with funds made available in this Act to the Department of Transportation: Provided further, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as

amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the Government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department.

GENERAL PROVISION—DEPARTMENT OF TRANSPORTATION

SEC. 1201. (a) MAINTENANCE OF EFFORT.—Not later than 30 days after the date of enactment of this Act, for each amount that is distributed to a State or agency thereof from an appropriation in this Act for a covered program, the Governor of the State shall certify to the Secretary of Transportation that the State will maintain its effort with regard to State funding for the types of projects that are funded by the appropriation. As part of this certification, the Governor shall submit to the Secretary of Transportation a statement identifying the amount of funds the State planned to expend from State sources as of the date of enactment of this Act during the period beginning on the date of enactment of this Act through September 30, 2010, for the types of projects that are funded by the appropriation.

(b) FAILURE TO MAINTAIN EFFORT.—

If a State is unable to maintain the level of effort certified pursuant to subsection (a), the State will be prohibited by the Secretary of Transportation from receiving additional limitation pursuant to the redistribution of the limitation on obligations for Federal-aid highway and highway safety construction programs that occurs after August 1 for fiscal year 2011.

(c) PERIODIC REPORTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, each grant recipient shall submit to the covered agency from which they received funding periodic reports on the use of the funds appropriated in this Act for covered programs. Such reports shall be collected and compiled by the covered agency and transmitted to Congress. Covered agencies may develop such reports on behalf of grant recipients to ensure the accuracy and consistency of such reports.

(2) CONTENTS OF REPORTS.—For amounts received under each covered program by a grant recipient under this Act, the grant recipient shall include in the periodic reports information tracking-

(A) the amount of Federal funds appropriated, allocated, obligated, and outlayed under the appropriation;

(B) the number of projects that have been put out to bid under the appropriation and the amount of Federal funds associated with such projects;

(C) the number of projects for which contracts have been awarded under the appropriation and the amount of Federal funds associated with such contracts;

(D) the number of projects for which work has begun under such contracts and the amount of Federal funds associated with such contracts;

(E) the number of projects for which work has been completed under such contracts and the amount of Federal funds associated with such contracts;

(F) the number of direct, on-project jobs created or sustained by the Federal funds provided for projects under the appropriation and, to the extent possible, the estimated indirect jobs created or sustained in the associated supplying industries, including the number of job-years created and the total increase in employment since the date of enactment of this Act; and

(G) for each covered program report information tracking the actual aggregate expenditures by each grant recipient from State sources for projects eligible for funding under the program during the period beginning on the date of enactment of this Act through September 30, 2010, as compared to the level of such expenditures that were planned to occur during such period as of the date of enactment of this Act.

(3) TIMING OF REPORTS.—Each grant recipient shall submit the first of the periodic reports required under this subsection not later than 90 days after the date of enactment of this Act and shall submit updated reports not later than 180 days, 1 year, 2 years, and 3 years after such date of enactment.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED AGENCY.—The term ''covered agency'' means the Office of the Secretary of Transportation, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the Federal Transit Administration and the Maritime Administration of the Department of Transportation.

(2) COVERED PROGRAM.—The term ''covered program'' means funds appropriated in this Act for ''Supplemental Discretionary Grants for a National Surface Transportation System'' to the Office of the Secretary of Transportation, for ''Supplemental Funding for Facilities and Equipment'' and ''Grants-in-Aid for Airports'' to the Federal Aviation Administration; for ''Highway Infrastructure Investment'' to the Federal Highway Administration; for ''Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service'' and ''Capital Grants to the National Railroad Passenger Corporation'' to the Federal Railroad Administration; for ''Transit Capital Assistance'', ''Fixed Guideway Infrastructure Investment'', and ''Capital Investment Grants'' to the Federal Transit Administration; and ''Supplemental Grants for Assistance to Small Shipyards'' to the Maritime Administration.

(3) GRANT RECIPIENT.—The term ''grant recipient'' means a State or other recipient of assistance provided under a covered program in this Act. Such term does not include a Federal department or agency.

(e) Notwithstanding any other provision of law, sections 3501–3521 of title 44, United States Code, shall not apply to the provisions of this section.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

PUBLIC HOUSING CAPITAL FUND

For an additional amount for the ''Public Housing Capital Fund'' to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the ''Act''), $4,000,000,000, to remain available until September 30, 2011: Provided, That the Secretary of Housing and Urban Development shall distribute $3,000,000,000 of this amount by the same formula used for amounts made available in fiscal year 2008, except that the Secretary may determine not to allocate funding to public housing agencies currently designated as troubled or to public housing agencies that elect not to accept such funding: Provided further, That the Secretary shall obligate funds allocated by formula within 30 days of enactment of this Act: Provided further, That the Secretary shall make available $1,000,000,000 by competition for priority investments, including investments that leverage private sector funding or financing for renovations and energy conservation retrofit investments: Provided further, That the Secretary shall obligate competitive funding by September 30, 2009: Provided further, That public housing authorities shall give priority to capital projects that can award contracts based on bids within 120 days from the date the funds are made available to the public housing authorities: Provided further, That public housing agencies shall give priority consideration to the rehabilitation of vacant rental units: Provided further, That public housing agencies shall prioritize capital projects that are already underway or included in the 5-year capital fund plans required by the Act (42 U.S.C. 1437c–1(a)): Provided further, That notwithstanding any other provision of law, (1) funding provided under this heading may not be used for operating or rental assistance activities, and (2) any restriction of funding to replacement housing uses shall be inapplicable: Provided further, That notwithstanding any other provision of law, the Secretary shall institute measures to ensure that funds provided under this heading shall serve to supplement and not supplant expenditures from other Federal, State, or local sources or funds independently generated by the grantee: Provided further, That notwithstanding section 9(j), public housing agencies shall obligate 100 percent of the funds within 1 year of the date on which funds become available to the agency for obligation, shall expend at least 60 percent of funds within 2 years of the date on which funds become available to the agency for obligation, and shall expend 100 percent of the funds within 3 years of such date: Provided further, That if a public housing agency fails to comply with the 1-year obligation requirement, the Secretary shall recapture all remaining unobligated funds awarded to the public housing agency and reallocate such funds to agencies that are in compliance with those requirements: Provided further, That if a public housing agency fails to comply with either the 2-year or the 3-year expenditure requirement, the Secretary shall recapture the balance of the funds awarded to the public housing agency and reallocate such funds to agencies that are in compliance with those requirements: Provided further, That in administering funds appropriated or otherwise made available under this heading, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation by the Secretary or the use of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such a waiver is necessary to expedite or facilitate the use of such funds: Provided further, That, in addition to waivers authorized under the previous proviso, the Secretary may direct that requirements relating to the procurement of goods and services arising under state and local laws and regulations shall not apply to amounts made available under this heading: Provided further, That of the funds made available under this heading, up to .5 percent shall be available for staffing, training, technical assistance, technology, monitoring, travel, enforcement, research and evaluation activities: Provided further, That funds set aside in the previous proviso shall remain available until September 30, 2012: Provided further, That any funds made available under this heading used by the Secretary for personnel expenses related to administering funding under this heading shall be transferred to ''Personnel Compensation and Benefits, Office of Public and Indian Housing'' and shall retain the terms and conditions of this account, including reprogramming provisions, except that the period of availability set forth in the previous proviso shall govern such transferred funds: Provided further, That any funds made available under this heading used by the Secretary for training or other administrative expenses shall be transferred to ''Administration, Operations, and Management'', for non-personnel expenses of the Department of Housing and Urban Development: Provided further, That any funds made available under this heading used by the Secretary for technology shall be transferred to ''Working Capital Fund''.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For an additional amount for ''Native American Housing Block Grants'', as authorized

under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (''NAHASDA'') (25 U.S.C. 4111 et seq.), $510,000,000 to remain available until September 30, 2011: Provided, That $255,000,000 of the amount provided under this heading shall be distributed according to the same funding formula used in fiscal year 2008: Provided further, That the Secretary shall obligate funds allocated by formula within 30 days of enactment of this Act: Provided further, That the amounts distributed through the formula shall be used for new construction, acquisition, rehabilitation including energy efficiency and conservation, and infrastructure development: Provided further, That in selecting projects to be funded, recipients shall give priority to projects for which contracts can be awarded within 180 days from the date that funds are available to the recipients: Provided further, that the Secretary may obligate $255,000,000 of the amount provided under this heading for competitive grants to eligible entities that apply for funds authorized under NAHASDA: Provided further, That the Secretary shall obligate competitive funding by September 30, 2009: Provided further, That in awarding competitive funds, the Secretary shall give priority to projects that will spur construction and rehabilitation and will create employment opportunities for low-income and unemployed persons: Provided further, That recipients of funds under this heading shall obligate 100 percent of such funds within 1 year of the date funds are made available to a recipient, expend at least 50 percent of such funds within 2 years of the date on which funds become available to such recipients for obligation and expend 100 percent of such funds within 3 years of such date: Provided further, That if a recipient fails to comply with the 2-year expenditure requirement, the Secretary shall recapture all remaining funds awarded to the recipient and reallocate such funds through the funding formula to recipients that are in compliance with these requirements: Provided further, That if a recipient fails to comply with the 3-year expenditure requirement, the Secretary shall recapture the balance of the funds originally awarded to the recipient: Provided further, That notwithstanding any other provision of law, the Secretary may set aside up to 2 percent of funds made available under this paragraph for a housing entity eligible to receive funding under title VIII of NAHASDA (25 U.S.C. 4221 et seq.): Provided further, That in administering funds appropriated or otherwise made available under this heading, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation by the Secretary or the use of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such a waiver is necessary to expedite or facilitate the use of such funds: Provided further, That of the funds made available under this heading, up to .5 percent shall be available for staffing, training, technical assistance, technology, monitoring, travel, enforcement, research and evaluation activities: Provided further, That funds set aside in the previous proviso shall remain available until September 30, 2012: Provided further, That any funds made available under this heading used by the Secretary for personnel expenses related to administering funding under this heading shall be transferred to ''Personnel Compensation and Benefits, Office of Public and Indian Housing'' and shall retain the terms and conditions of this account, including reprogramming provisions, except that the period of availability set forth in the previous proviso shall govern such transferred funds: Provided further, That any funds made available under this heading used by the Secretary for training or other administrative expenses shall be transferred to ''Administration, Operations, and Management'', for non-personnel expenses of the Department of Housing and Urban Development: Provided further, That any funds made available under this heading used by the Secretary for technology shall be transferred to ''Working Capital Fund''.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for ''Community Development Fund'' $1,000,000,000, to remain available until September 30, 2010 to carry out the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.): Provided, That the amount appropriated in this paragraph shall be distributed pursuant to 42 U.S.C. 5306 to grantees that received funding in fiscal year 2008: Provided further, That in administering the funds appropriated in this paragraph, the Secretary of Housing and Urban Development shall establish requirements to expedite the use of the funds: Provided further, That in selecting projects to be funded, recipients shall give priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipients: Provided further, That in administering funds appropriated or otherwise made available under this heading, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such waiver is necessary to expedite or facilitate the timely use of such funds and would not be inconsistent with the overall purpose of the statute.

For the provision of emergency assistance for the redevelopment of abandoned and foreclosed homes, as authorized under division B, title III of the Housing and Economic Recovery Act of 2008 (''the Act'') (Public Law 110–289) (42 U.S.C. 5301 note), $2,000,000,000, to remain available until September 30, 2010: Provided, That grantees shall expend at least 50 percent of allocated funds within 2 years of the date funds become available to the grantee for obligation, and 100 percent of such funds within 3 years of such date: Provided further, That unless otherwise noted herein, the provisions of the Act govern the use of the additional funds made available under this heading: Provided further, That notwithstanding the provisions of sections 2301(b) and (c)(1) and section 2302 of the Act, funding under this paragraph shall be allocated by competitions for which eligible entities shall be States, units of general local government, and nonprofit entities or consortia of nonprofit entities, which may submit proposals in partnership with for profit entities: Provided further, That in selecting grantees, the Secretary of Housing and Urban Development shall ensure that the grantees are in areas with the greatest number and percentage of foreclosures and can expend funding within the period allowed under this heading: Provided further, That additional award criteria for such competitions shall include demonstrated grantee capacity to execute projects, leveraging potential, concentration of investment to achieve neighborhood stabilization, and any additional factors determined by the Secretary of Housing and Urban Development: Provided further, That the Secretary may establish a minimum grant size: Provided further, That the Secretary shall publish criteria on which to base competition for any grants awarded under this heading not later than 75 days after the enactment of this Act and applications shall be due to HUD not later than 150 days after the enactment of this Act: Provided further, That the Secretary shall obligate all funding within 1 year of enactment of this Act: Provided further, That section 2301(d)(4) of the Act is repealed: Provided further, That section 2301(c)(3)(C) of the Act is amended to read ''establish and operate land banks for homes and residential properties that have been foreclosed upon'': Provided further, That funding used for section 2301(c)(3)(E) of the Act shall be available only for the redevelopment of demolished or vacant properties as housing: Provided further, That no amounts made available from a grant under this heading may be used to demolish any public housing (as such term is defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a)): Provided further, That a grantee may not use more than 10 percent of its grant under this heading for demolition activities under section 2301(c)(3)(C) and (D) unless the Secretary determines that such use represents an appropriate response to local market conditions: Provided further, That the recipient of any grant or loan from amounts made available under this heading or, after the date of enactment under division B, title III of the Housing and Economic Recovery Act of 2008, may not refuse to lease a dwelling unit in housing with such loan or grant to a participant under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) because of the status of the prospective tenant as such a participant: Provided further, That in addition to the eligible uses in section 2301, the Secretary may also use up to 10 percent of the funds provided under this heading for grantees for the provision of capacity building of and support for local communities receiving funding under section 2301 of the Act or under this heading: Provided further, That in administering funds appropriated or otherwise made available under this section, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation by the Secretary or the use of funds except for requirements related to fair housing, nondiscrimination, labor standards and the environment, upon a finding that such a waiver is necessary to expedite or facilitate the use of such funds: Provided further, That in the case of any acquisition of a foreclosed upon dwelling or residential real property acquired after the date of enactment with any amounts made available under this heading or under division B, title III of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), the initial successor in interest in such property pursuant to the foreclosure shall assume such interest subject to: (1) the provision by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and (2) the rights of any bona fide tenant, as of the date of such notice of foreclosure: (A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90-day notice under this paragraph; or (B) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90-day notice under this paragraph, except that nothing in this paragraph shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants: Provided further, That, for purposes of this paragraph, a lease or tenancy shall be considered bona fide only if: (1) the mortgagor under the contract is not the tenant; (2) the lease or tenancy was the result of an arms-length transaction; and (3) the lease or

tenancy requires the receipt of rent that is not substantially less than fair market rent for the property: Provided further, That the recipient of any grant or loan from amounts made available under this heading or, after the date of enactment, under division B, title III of the Housing and Economic Recovery Act of 2008 (Public Law 110–289) may not refuse to lease a dwelling unit in housing assisted with such loan or grant to a holder of a voucher or certificate of eligibility under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) because of the status of the prospective tenant as such a holder: Provided further, That in the case of any qualified foreclosed housing for which funds made available under this heading or, after the date of enactment, under division B, title III of the Housing and Economic Recovery Act of 2008 (Public Law 110–289) are used and in which a recipient of assistance under section 8(o) of the U.S. Housing Act of 1937 resides at the time of foreclosure, the initial successor in interest shall be subject to the lease and to the housing assistance payments contract for the occupied unit: Provided further, That vacating the property prior to sale shall not constitute good cause for termination of the tenancy unless the property is unmarketable while occupied or unless the owner or subsequent purchaser desires the unit for personal or family use: Provided further, That if a public housing agency is unable to make payments under the contract to the immediate successor in interest after foreclosures, due to (1) an action or inaction by the successor in interest, including the rejection of payments or the failure of the successor to maintain the unit in compliance with section 8(o)(8) of the United States Housing Act of 1937 (42 U.S.C.1437f) or (2) an inability to identify the successor, the agency may use funds that would have been used to pay the rental amount on behalf of the family—(i) to pay for utilities that are the responsibility of the owner under the lease or applicable law, after taking reasonable steps to notify the owner that it intends to make payments to a utility provider in lieu of payments to the owner, except prior notification shall not be required in any case in which the unit will be or has been rendered uninhabitable due to the termination or threat of termination of service, in which case the public housing agency shall notify the owner within a reasonable time after making such payment; or (ii) for the family's reasonable moving costs, including security deposit costs: Provided further, That this paragraph shall not preempt any Federal, State or local law that provides more protections for tenants: Provided further, That of the funds made available under this heading, up to 1 percent shall be available for staffing, training, technical assistance, technology, monitoring, travel, enforcement, research and evaluation activities: Provided further, That funds set aside in the previous proviso shall remain available until September 30, 2012: Provided further, That any funds made available under this heading used by the Secretary for personnel expenses related to administering funding under this heading shall be transferred to ''Personnel Compensation and Benefits, Community Planning and Development'' and shall retain the terms and conditions of this account, including reprogramming provisions, except that the period of availability set forth in the previous proviso shall govern such transferred funds: Provided further, That any funds made available under this heading used by the Secretary for training or other administrative expenses shall be transferred to ''Administration, Operations, and management'', for non-personnel expenses of the Department of Housing and Urban Development: Provided further, That any funds made available under this heading used by the Secretary for technology shall be transferred to ''Working Capital Funds''.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for capital investments in low-income housing tax credit projects, $2,250,000,000, to remain available until September 30, 2011: Provided, That such funds shall be made available to State housing credit agencies, as defined in section 42(h) of the Internal Revenue Code of 1986, and shall be apportioned among the States based on the percentage of HOME funds apportioned to each State and the participating jurisdictions therein for Fiscal Year 2008: Provided further, That the housing credit agencies in each State shall distribute these funds competitively under this heading and pursuant to their qualified allocation plan (as defined in section 42(m) of the Internal Revenue Code of 1986) to owners of projects who have received or receive simultaneously an award of low-income housing tax credits under section 42(h) of the Internal Revenue Code of 1986: Provided further, That housing credit agencies in each State shall commit not less than 75 percent of such funds within one year of the date of enactment of this Act, and shall demonstrate that the project owners shall have expended 75 percent of the funds made available under this heading within two years of the date of enactment of this Act, and shall have expended 100 percent of the funds within 3 years of the date of enactment of this Act: Provided further, That failure by an owner to expend funds within the parameters required within the previous proviso shall result in a redistribution of these funds by a housing credit agency to a more deserving project in such State, except any funds not expended after 3 years from enactment shall be redistributed by the Secretary to other States that have fully utilized the funds made available to them: Provided further, That projects awarded low income housing tax credits under section 42(h) of the IRC of 1986 in fiscal years 2007, 2008, or 2009 shall be eligible for funding under this heading: Provided further, That housing credit agencies shall give priority to projects that are expected to be completed within 3 years of enactment: Provided further, That any assistance provided to an eligible low income housing tax credit project under this heading shall be made in the same manner and be subject to the same limitations (including rent, income, and use restrictions, in lieu of corresponding limitations under the HOME program) as required by the state housing credit agency with respect to an award of low income housing credits under section 42 of the IRC of 1986: Provided further, That the housing credit agency shall perform asset management functions, or shall contract for the performance of such services, in either case, at the owner's expense, to ensure compliance with section 42 of the IRC of 1986, and the long term viability of buildings funded by assistance under this heading: Provided further, That the term eligible basis (as such term is defined in such section 42) of a qualified low-income housing tax credit building receiving assistance under this heading shall not be reduced by the amount of any grant described under this heading: Provided further, That the Secretary shall be given access upon reasonable notice to a State housing credit agency to information related to the award of Federal funds from such housing credit agency pursuant to this heading and shall establish an Internet site that shall identify all projects selected for an award, including the amount of the award and such site shall provide linkage to the housing credit agency allocation plan which describes the process that was used to make the award decision, Provided further, That in administering funds under this heading, the Secretary may waive any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds except for requirements imposed by this heading and requirements related to fair housing, non-discrimination, labor standards and the environment, upon a finding that such waiver is required to expedite the use of such funds: Provided further, That for purposes of environmental compliance review, funds under this heading that are made available to State housing credit agencies for distribution to projects awarded low income housing tax credits shall be treated as funds under the HOME program and shall be subject to Section 288 of the HOME Investment Partnership Act.

HOMELESSNESS PREVENTION FUND

For homelessness prevention and rapid re-housing activities, $1,500,000,000, to remain available until September 30, 2011: Provided, That funds provided under this heading shall be used for the provision of short-term or medium-term rental assistance; housing relocation and stabilization services including housing search, mediation or outreach to property owners, credit repair, security or utility deposits, utility payments, rental assistance for a final month at a location, moving cost assistance, and case management; or other appropriate activities for homelessness prevention and rapid re-housing of persons who have become homeless: Provided further, That grantees receiving such assistance shall collect data on the use of the funds awarded and persons served with this assistance in the HUD Homeless Management Information System (''HMIS'') or other comparable database: Provided further, That grantees may use up to 5 percent of any grant for administrative costs: Provided further, That funding made available under this heading shall be allocated to eligible grantees (as defined and designated in sections 411 and 412 of subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, (the ''Act'')) pursuant to the formula authorized by section 413 of the Act: Provided further, That the Secretary may establish a minimum grant size: Provided further, That grantees shall expend at least 60 percent of funds within 2 years of the date that funds became available to them for obligation, and 100 percent of funds within 3 years of such date, and the Secretary may recapture unexpended funds in violation of the 2-year expenditure requirement and reallocate such funds to grantees in compliance with that requirement: Provided further, That the Secretary may waive statutory or regulatory provisions (except provisions for fair housing, nondiscrimination, labor standards, and the environment) necessary to facilitate the timely expenditure of funds: Provided further, That the Secretary shall publish a notice to establish such requirements as may be necessary to carry out the provisions of this section within 30 days of enactment of this Act and that this notice shall take effect upon issuance: Provided further, That of the funds provided under this heading, up to .5 percent shall be available for staffing, training, technical assistance, technology, monitoring, research and evaluation activities: Provided further, That funds set aside under the previous proviso shall remain available until September 30, 2012: Provided further, That any funds made available under this heading used by the Secretary for personnel expenses related to administering funding under this heading shall be transferred to ''Community Planning and Development Personnel Compensation and Benefits'' and shall retain the terms and conditions of this account including reprogramming provisions except that the period of availability set forth in the previous proviso shall govern such transferred funds: Provided further, That any funds made available under this heading used by the Secretary for training or other administrative expenses shall be transferred to ''Administration, Operations, and Management'' for non-personnel expenses of the

Department of Housing and Urban Development: Provided further, That any funding made available under this heading used by the Secretary for technology shall be transferred to ''Working Capital Fund.''

HOUSING PROGRAMS

ASSISTED HOUSING STABILITY AND ENERGY AND GREEN RETROFIT INVESTMENTS

For assistance to owners of properties receiving project-based assistance pursuant to section 202 of the Housing Act of 1959 (12 U.S.C. 17012), section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), or section 8 of the United States Housing Act of 1937 as amended (42 U.S.C. 1437f), $2,250,000,000, of which $2,000,000,000 shall be for an additional amount for paragraph (1) under the heading ''Project-Based Rental Assistance'' in Public Law 110–161 for payments to owners for 12-month periods, and of which $250,000,000 shall be for grants or loans for energy retrofit and green investments in such assisted housing: Provided, That projects funded with grants or loans provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That such grants or loans shall be provided through the policies, procedures, contracts, and transactional infrastructure of the authorized programs administered by the Office of Affordable Housing Preservation of the Department of Housing and Urban Development, on such terms and conditions as the Secretary of Housing and Urban Development deems appropriate to ensure the maintenance and preservation of the property, the continued operation and maintenance of energy efficiency technologies, and the timely expenditure of funds: Provided further, That the Secretary may provide incentives to owners to undertake energy or green retrofits as a part of such grant or loan terms, including, but not limited to, fees to cover investment oversight and implementation by said owner, or to encourage job creation for low-income or very low-income individuals: Provided further, That the Secretary may share in a portion of future property utility savings resulting from improvements made by grants or loans made available under this heading: Provided further, That the grants or loans shall include a financial assessment and physical inspection of such property: Provided further, That eligible owners must have at least a satisfactory management review rating, be in substantial compliance with applicable performance standards and legal requirements, and commit to an additional period of affordability determined by the Secretary, but of not fewer than 15 years: Provided further, That the Secretary shall undertake appropriate underwriting and oversight with respect to grant and loan transactions and may set aside up to 5 percent of the funds made available under this heading for grants or loans for such purpose: Provided further, That the Secretary shall take steps necessary to ensure that owners receiving funding for energy and green retrofit investments under this heading shall expend such funding within 2 years of the date they received the funding: Provided further, That in administering funds appropriated or otherwise made available under this heading, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation by the Secretary or the use of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such a waiver is necessary to expedite or facilitate the use of such funds: Provided further, That of the funds provided under this heading for grants and loans, up to 1 percent shall be available for staffing, training, technical assistance, technology, monitoring, research and evaluation activities: Provided further, That funds set aside in the previous proviso shall remain available until September 30, 2012: Provided further, That funding made available under this heading and used by the Secretary for personnel expenses related to administering funding under this heading shall be transferred to ''Housing Personnel Compensation and Benefits'' and shall retain the terms and conditions of this account including reprogramming provisos except that the period of availability set forth in the previous proviso shall govern such transferred funds: Provided further, That any funding made available under this heading used by the Secretary for training and other administrative expenses shall be transferred to ''Administration, Operations and Management'' for non-personnel expenses of the Department of Housing and Urban Development: Provided further, That any funding made available under this heading used by the Secretary for technology shall be transferred to ''Working Capital Fund.''

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

For an additional amount for the ''Lead Hazard Reduction Program'', as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, and by sections 501 and 502 of the Housing and Urban Development Act of 1974, $100,000,000, to remain available until September 30, 2011: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(e) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That funds shall be awarded first to applicants which had applied under the Lead Hazard Reduction Program Notices of Funding Availability for fiscal year 2008, and were found in the application review to be qualified for award, but were not awarded because of funding limitations, and that any funds which remain after reservation of funds for such grants shall be added to the amount of funds to be awarded under the Lead Hazard Reduction Program Notices of Funding Availability for fiscal year 2009: Provided further, That each applicant for the Lead Hazard Program Notices of Funding Availability for fiscal year 2009 shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds: Provided further, That recipients of funds under this heading shall expend at least 50 percent of such funds within 2 years of the date on which funds become available to such jurisdictions for obligation, and expend 100 percent of such funds within 3 years of such date: Provided further, That if a recipient fails to comply with the 2-year expenditure requirement, the Secretary shall recapture all remaining funds awarded to the recipient and reallocate such funds to recipients that are in compliance with those requirements: Provided further, That if a recipient fails to comply with the 3-year expenditure requirement, the Secretary shall recapture the balance of the funds awarded to the recipient: Provided further, That in administering funds appropriated or otherwise made available under this heading, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation by the Secretary or the use of these funds (except for requirements related to fair housing, nondiscrimination, labor standards and the environment), upon a finding that such a waiver is necessary to expedite or facilitate the use of such funds: Provided further, That of the funds made available under this heading, up to .5 percent shall be available for staffing, training, technical assistance, technology, monitoring, travel, enforcement, research and evaluation activities: Provided further, That funds set aside in the previous proviso shall remain available until September 30, 2012: Provided further, That any funds made available under this heading used by the Secretary for personnel expenses related to administering funding under this heading shall be transferred to ''Personnel Compensation and Benefits, Office of Lead Hazard Control and Healthy Homes'' and shall retain the terms and conditions of this account, including reprogramming provisions, except that the period of availability set forth in the previous proviso shall govern such transferred funds: Provided further, That any funds made available under this heading used by the Secretary for training or other administrative expenses shall be transferred to ''Administration, Operations, and Management'', for non-personnel expenses of the Department of Housing and Urban Development: Provided further, That any funds made available under this heading used by the Secretary for technology shall be transferred to ''Working Capital Fund''.

MANAGEMENT AND ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $15,000,000, to remain available until September 30, 2013: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 1202. FHA LOAN LIMITS FOR 2009. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2009, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for any area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 620), notwithstanding any other provision of law, the maximum dollar amount limitation on the principal obligation of a mortgage for such size residence for such area for purposes of such section 203(b)(2) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z–20(g))) to be such dollar amount limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Secretary may, for mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2009, increase the maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

SEC. 1203. GSE CONFORMING LOAN LIMITS FOR 2009. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages originated during calendar year 2009, if the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1754(a)(2)), respectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 619), notwithstanding any other provision of law, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during 2009, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(1)(B) of the Economic Stimulus Act of 2008.

SEC. 1204. FHA REVERSE MORTGAGE LOAN LIMITS FOR 2009. For mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2009, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) shall be considered to require that in no case may the benefits of insurance under such section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

TITLE XIII—HEALTH INFORMATION TECHNOLOGY

SEC. 13001. SHORT TITLE; TABLE OF CONTENTS OF TITLE.

(a) SHORT TITLE.—This title (and title IV of division B) may be cited as the ''Health Information Technology for Economic and Clinical Health Act'' or the ''HITECH Act''.

(b) TABLE OF CONTENTS OF TITLE.—The table of contents of this title is as follows:

Subtitle A—Promotion of Health Information Technology

PART 1—IMPROVING HEALTH CARE QUALITY, SAFETY, AND EFFICIENCY

SEC. 13101. ONCHIT; STANDARDS DEVELOPMENT AND ADOPTION.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

''TITLE XXX—HEALTH INFORMATION TECHNOLOGY AND QUALITY

''SEC. 3000. DEFINITIONS.

''In this title:

''(1) CERTIFIED EHR TECHNOLOGY.—The term 'certified EHR technology' means a qualified electronic health record that is certified pursuant to section 3001(c)(5) as meeting standards adopted under section 3004 that are applicable to the type of record involved (as determined by the Secretary, such as an ambulatory electronic health record for office-based physicians or an inpatient hospital electronic health record for hospitals).

''(2) ENTERPRISE INTEGRATION.—The term 'enterprise integration' means the electronic linkage of health care providers, health plans, the government, and other interested parties, to enable the electronic exchange and use of health information among all the components in the health care infrastructure in accordance with applicable law, and such term includes related application protocols and other related standards.

''(3) HEALTH CARE PROVIDER.—The term 'health care provider' includes a hospital, skilled nursing facility, nursing facility, home health entity or other long term care facility, health care clinic, community mental health center (as defined in section 1913(b)(1)), renal dialysis facility, blood center, ambulatory surgical center described in section 1833(i) of the Social Security Act, emergency medical services provider, Federally qualified health center, group practice, a pharmacist, a pharmacy, a laboratory, a physician (as defined in section 1861(r) of the Social Security Act), a practitioner (as described in section 1842(b)(18)(C) of the Social Security Act), a provider operated by, or under contract with, the Indian Health Service or by an Indian tribe (as defined in the Indian Self-Determination and Education Assistance Act), tribal organization, or urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act), a rural health clinic, a covered entity under section 340B, an ambulatory surgical center described in section 1833(i) of the Social Security Act, a therapist (as

defined in section 1848(k)(3)(B)(iii) of the Social Security Act), and any other category of health care facility, entity, practitioner, or clinician determined appropriate by the Secretary.

''(4) HEALTH INFORMATION.—The term 'health information' has the meaning given such term in section 1171(4) of the Social Security Act.

''(5) HEALTH INFORMATION TECHNOLOGY.—The term 'health information technology' means hardware, software, integrated technologies or related licenses, intellectual property, upgrades, or packaged solutions sold as services that are designed for or support the use by health care entities or patients for the electronic creation, maintenance, access, or exchange of health information

''(6) HEALTH PLAN.—The term 'health plan' has the meaning given such term in section 1171(5) of the Social Security Act.

''(7) HIT POLICY COMMITTEE.—The term 'HIT Policy Committee' means such Committee established under section 3002(a).

''(8) HIT STANDARDS COMMITTEE.—The term 'HIT Standards Committee' means such Committee established under section 3003(a).

''(9) INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—The term 'individually identifiable health information' has the meaning given such term in section 1171(6) of the Social Security Act.

''(10) LABORATORY.—The term 'laboratory' has the meaning given such term in section 353(a).

''(11) NATIONAL COORDINATOR.—The term 'National Coordinator' means the head of the Office of the National Coordinator for Health Information Technology established under section 3001(a).

''(12) PHARMACIST.—The term 'pharmacist' has the meaning given such term in section 804(2) of the Federal Food, Drug, and Cosmetic Act.

''(13) QUALIFIED ELECTRONIC HEALTH RECORD.—The term 'qualified electronic health record' means an electronic record of health-related information on an individual that—

''(A) includes patient demographic and clinical health information, such as medical history and problem lists; and

''(B) has the capacity—

''(i) to provide clinical decision support;

''(ii) to support physician order entry;

''(iii) to capture and query information relevant to health care quality; and

''(iv) to exchange electronic health information with, and integrate such information from other sources.

''(14) STATE.—The term 'State' means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

''Subtitle A—Promotion of Health Information Technology

''SEC. 3001. OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY.

''(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services an Office of the National Coordinator for Health Information Technology (referred to in this section as the 'Office'). The Office shall be headed by a National Coordinator who shall be appointed by the Secretary and shall report directly to the Secretary.

''(b) PURPOSE.—The National Coordinator shall perform the duties under subsection (c) in a manner consistent with the development of a nationwide health information technology infrastructure that allows for the electronic use and exchange of information and that—

''(1) ensures that each patient's health information is secure and protected, in accordance with applicable law;

''(2) improves health care quality, reduces medical errors, reduces health disparities, and advances the delivery of patient-centered medical care;

''(3) reduces health care costs resulting from inefficiency, medical errors, inappropriate care, duplicative care, and incomplete information;

''(4) provides appropriate information to help guide medical decisions at the time and place of care;

''(5) ensures the inclusion of meaningful public input in such development of such infrastructure;

''(6) improves the coordination of care and information among hospitals, laboratories, physician offices, and other entities through an effective infrastructure for the secure and authorized exchange of health care information;

''(7) improves public health activities and facilitates the early identification and rapid response to public health threats and emergencies, including bioterror events and infectious disease outbreaks;

''(8) facilitates health and clinical research and health care quality;

''(9) promotes early detection, prevention, and management of chronic diseases;

''(10) promotes a more effective marketplace, greater competition, greater systems analysis, increased consumer choice, and improved outcomes in health care services; and

''(11) improves efforts to reduce health disparities.

''(c) DUTIES OF THE NATIONAL COORDINATOR.—

''(1) STANDARDS.—The National Coordinator shall—

''(A) review and determine whether to endorse each standard, implementation specification, and certification criterion for the electronic exchange and use of health information that is recommended by the HIT Standards Committee under section 3003 for purposes of adoption under section 3004;

''(B) make such determinations under subparagraph (A), and report to the Secretary such determinations, not later than 45 days after the date the recommendation is received by the Coordinator; and

''(C) review Federal health information technology investments to ensure that Federal health information technology programs are meeting the objectives of the strategic plan published under paragraph (3).

''(2) HIT POLICY COORDINATION.—

''(A) IN GENERAL.—The National Coordinator shall coordinate health information technology policy and programs of the Department with those of other relevant executive branch agencies with a goal of avoiding duplication of efforts and of helping to ensure that each agency undertakes health information technology activities primarily within the areas of its greatest expertise and technical capability and in a manner towards a coordinated national goal.

''(B) HIT POLICY AND STANDARDS COMMITTEES.—The National Coordinator shall be a leading member in the establishment and operations of the HIT Policy Committee and the HIT Standards Committee and shall serve as a liaison among those two Committees and the Federal Government.

''(3) STRATEGIC PLAN.—

''(A) IN GENERAL.—The National Coordinator shall, in consultation with other appropriate Federal agencies (including the National Institute of Standards and Technology), update the Federal Health IT Strategic Plan (developed as of June 3, 2008) to include specific objectives, milestones, and metrics with respect to the following:

''(i) The electronic exchange and use of health information and the enterprise integration of such information.

''(ii) The utilization of an electronic health record for each person in the United States by 2014.

''(iii) The incorporation of privacy and security protections for the electronic exchange of an individual's individually identifiable health information.

''(iv) Ensuring security methods to ensure appropriate authorization and electronic authentication of health information and specifying technologies or methodologies for rendering health information unusable, unreadable, or indecipherable.

''(v) Specifying a framework for coordination and flow of recommendations and policies under this subtitle among the Secretary, the National Coordinator, the HIT Policy Committee, the HIT Standards Committee, and other health information exchanges and other relevant entities.

''(vi) Methods to foster the public understanding of health information technology.

''(vii) Strategies to enhance the use of health information technology in improving the quality of health care, reducing medical errors, reducing health disparities, improving public health, increasing prevention and coordination with community resources, and improving the continuity of care among health care settings.

''(viii) Specific plans for ensuring that populations with unique needs, such as children, are appropriately addressed in the technology design, as appropriate, which may include technology that automates enrollment and retention for eligible individuals.

''(B) COLLABORATION.—The strategic plan shall be updated through collaboration of public and private entities.

''(C) MEASURABLE OUTCOME GOALS.—The strategic plan update shall include measurable outcome goals.

''(D) PUBLICATION.—The National Coordinator shall republish the strategic plan, including all updates.

''(4) WEBSITE.—The National Coordinator shall maintain and frequently update an Internet website on which there is posted information on the work, schedules, reports, recommendations, and other information to ensure transparency in promotion of a nationwide health information technology infrastructure.

''(5) CERTIFICATION.—

''(A) IN GENERAL.—The National Coordinator, in consultation with the Director of the National Institute of Standards and Technology, shall keep or recognize a program or programs for the voluntary certification of health information technology as being in compliance with applicable certification criteria adopted under this subtitle. Such program shall include, as appropriate, testing of the technology in accordance with section 13201(b) of the Health Information Technology for Economic and Clinical Health Act.

''(B) CERTIFICATION CRITERIA DESCRIBED.—In this title, the term 'certification criteria' means, with respect to standards and implementation specifications for health information technology, criteria to establish that the technology meets such standards and implementation specifications.

''(6) REPORTS AND PUBLICATIONS.—

''(A) REPORT ON ADDITIONAL FUNDING OR AUTHORITY NEEDED.—Not later than 12 months after the date of the enactment of this title, the National Coordinator shall submit to the appropriate committees of jurisdiction of the House of Representatives and the Senate a report on any additional funding or authority the Coordinator or the HIT Policy Committee or HIT Standards Committee requires to evaluate and develop standards, implementation specifications, and certification criteria, or to achieve full participation of stakeholders in the adoption of a nationwide health information technology infrastructure that allows for the electronic use and exchange of health information.

''(B) IMPLEMENTATION REPORT.—The National Coordinator shall prepare a report that identifies lessons learned from major public and private health care systems in their implementation of health information technology, including information on whether the technologies and practices developed by such systems may be applicable to and usable in whole or in part by other health care providers.

''(C) ASSESSMENT OF IMPACT OF HIT ON COMMUNITIES WITH HEALTH DISPARITIES AND UNINSURED, UNDERINSURED, AND MEDICALLY UNDERSERVED AREAS.—The National Coordinator shall assess and publish the impact of health information technology in communities with health disparities and in areas with a high proportion of individuals who are uninsured, underinsured, and medically underserved individuals (including urban and rural areas) and identify practices to increase the adoption of such technology by health care providers in such communities, and the use of health information technology to reduce and better manage chronic diseases.

''(D) EVALUATION OF BENEFITS AND COSTS OF THE ELECTRONIC USE AND EXCHANGE OF HEALTH INFORMATION.—The National Coordinator shall evaluate and publish evidence on the benefits and costs of the electronic use and exchange of health information and assess to whom these benefits and costs accrue.

''(E) RESOURCE REQUIREMENTS.—The National Coordinator shall estimate and publish resources required annually to reach the goal of utilization of an electronic health record for each person in the United States by 2014, including—

''(i) the required level of Federal funding;

''(ii) expectations for regional, State, and private investment;

''(iii) the expected contributions by volunteers to activities for the utilization of such records; and

''(iv) the resources needed to establish a health information technology workforce sufficient to support this effort (including education programs in medical informatics and health information management).

''(7) ASSISTANCE.—The National Coordinator may provide financial assistance to consumer advocacy groups and not-for-profit entities that work in the public interest for purposes of defraying the cost to such groups and entities to participate under, whether in whole or in part, the National Technology Transfer Act of 1995 (15 U.S.C. 272 note).

''(8) GOVERNANCE FOR NATIONWIDE HEALTH INFORMATION NETWORK.—The National Coordinator shall establish a governance mechanism for the nationwide health information network.

''(d) DETAIL OF FEDERAL EMPLOYEES.—

''(1) IN GENERAL.—Upon the request of the National Coordinator, the head of any Federal agency is authorized to detail, with or without reimbursement from the Office, any of the personnel of such agency to the Office to assist it in carrying out its duties under this section.

''(2) EFFECT OF DETAIL.—Any detail of personnel under paragraph (1) shall—

''(A) not interrupt or otherwise affect the civil service status or privileges of the Federal employee; and

''(B) be in addition to any other staff of the Department employed by the National Coordinator.

''(3) ACCEPTANCE OF DETAILEES.—Notwithstanding any other provision of law, the Office may accept detailed personnel from other Federal agencies without regard to whether the agency described under paragraph (1) is reimbursed.

''(e) CHIEF PRIVACY OFFICER OF THE OFFICE OF THE NATIONAL COORDINATOR.—Not later than 12 months after the date of the enactment of this title, the Secretary shall appoint a Chief Privacy Officer of the Office of the National Coordinator, whose duty it shall be to advise the National Coordinator on privacy, security, and data stewardship of electronic health information and to coordinate with other Federal agencies (and similar privacy officers in such agencies), with State and regional efforts, and with foreign countries with regard to the privacy, security, and data stewardship of electronic individually identifiable health information.

''SEC. 3002. HIT POLICY COMMITTEE.

''(a) ESTABLISHMENT.—There is established a HIT Policy Committee to make policy recommendations to the National Coordinator relating to the implementation of a nationwide health information technology infrastructure, including implementation of the strategic plan described in section 3001(c)(3).

''(b) DUTIES.—

''(1) RECOMMENDATIONS ON HEALTH INFORMATION TECHNOLOGY INFRASTRUCTURE.—The HIT Policy Committee shall recommend a policy framework for the development and adoption of a nationwide health information technology infrastructure that permits the electronic exchange and use of health information as is consistent with the strategic plan under section 3001(c)(3) and that includes the recommendations under paragraph (2). The Committee shall update such recommendations and make new recommendations as appropriate.

''(2) SPECIFIC AREAS OF STANDARD DEVELOPMENT.—

''(A) IN GENERAL.—The HIT Policy Committee shall recommend the areas in which standards, implementation specifications, and certification criteria are needed for the electronic exchange and use of health information for purposes of adoption under section 3004 and shall recommend an order of priority for the development, harmonization, and recognition of such standards, specifications, and certification criteria among the areas so recommended. Such standards and implementation specifications shall include named standards, architectures, and software schemes for the authentication and security of individually identifiable health information and other information as needed to ensure the reproducible development of common solutions across disparate entities.

''(B) AREAS REQUIRED FOR CONSIDERATION.—For purposes of subparagraph (A), the HIT Policy Committee shall make recommendations for at least the following areas:

''(i) Technologies that protect the privacy of health information and promote security in a qualified electronic health record, including for the segmentation and protection from disclosure of specific and sensitive individually identifiable health information with the goal of minimizing the reluctance of patients to seek care (or disclose information about a condition) because of privacy concerns, in accordance with applicable law, and for the use and disclosure of limited data sets of such information.

''(ii) A nationwide health information technology infrastructure that allows for the electronic use and accurate exchange of health information.

''(iii) The utilization of a certified electronic health record for each person in the United States by 2014.

''(iv) Technologies that as a part of a qualified electronic health record allow for an accounting of disclosures made by a covered entity (as defined for purposes of regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996) for purposes of treatment, payment, and health care operations (as such terms are defined for purposes of such regulations).

''(v) The use of certified electronic health records to improve the quality of health care, such as by promoting the coordination of health care and improving continuity of health care among health care providers, by reducing medical errors, by improving population health, by reducing health disparities, by reducing chronic disease, and by advancing research and education.

''(vi) Technologies that allow individually identifiable health information to be rendered unusable, unreadable, or indecipherable to unauthorized individuals when such information is transmitted in the nationwide health information network or physically transported outside of the secured, physical perimeter of a health care provider, health plan, or health care clearinghouse.

''(vii) The use of electronic systems to ensure the comprehensive collection of patient demographic data, including, at a minimum, race, ethnicity, primary language, and gender information.

''(viii) Technologies that address the needs of children and other vulnerable populations.

''(C) OTHER AREAS FOR CONSIDERATION.—In making recommendations under subparagraph (A), the HIT Policy Committee may consider the following additional areas:

''(i) The appropriate uses of a nationwide health information infrastructure, including for purposes of—

''(I) the collection of quality data and public reporting;

''(II) biosurveillance and public health;

''(III) medical and clinical research; and

''(IV) drug safety.

''(ii) Self-service technologies that facilitate the use and exchange of patient information and reduce wait times.

''(iii) Telemedicine technologies, in order to reduce travel requirements for patients in remote areas.

''(iv) Technologies that facilitate home health care and the monitoring of patients recuperating at home.

''(v) Technologies that help reduce medical errors.

''(vi) Technologies that facilitate the continuity of care among health settings.

''(vii) Technologies that meet the needs of diverse populations.

''(viii) Methods to facilitate secure access by an individual to such individual's protected health information.

''(ix) Methods, guidelines, and safeguards to facilitate secure access to patient information by a family member, caregiver, or guardian acting on behalf of a patient due to age-related and other disability, cognitive impairment, or dementia.

''(x) Any other technology that the HIT Policy Committee finds to be among the technologies with the greatest potential to improve the quality and efficiency of health care.

''(3) FORUM.—The HIT Policy Committee shall serve as a forum for broad stakeholder input with specific expertise in policies relating to the matters described in paragraphs (1) and (2).

''(4) CONSISTENCY WITH EVALUATION CONDUCTED UNDER MIPPA.—

''(A) REQUIREMENT FOR CONSISTENCY.—The HIT Policy Committee shall ensure that recommendations made under paragraph (2)(B)(vi) are consistent with the evaluation conducted under section 1809(a) of the Social Security Act.

''(B) SCOPE.—Nothing in subparagraph (A) shall be construed to limit the recommendations under paragraph (2)(B)(vi) to the elements described in section 1809(a)(3) of the Social Security Act.

''(C) TIMING.—The requirement under subparagraph (A) shall be applicable to the extent that evaluations have been conducted under section 1809(a) of the Social Security Act, regardless of whether the report described in subsection (b) of such section has been submitted.

''(c) MEMBERSHIP AND OPERATIONS.—

''(1) IN GENERAL.—The National Coordinator shall take a leading position in the establishment and operations of the HIT Policy Committee.

''(2) MEMBERSHIP.—The HIT Policy Committee shall be composed of members to be appointed as follows:

''(A) 3 members shall be appointed by the Secretary, 1 of whom shall be appointed to represent the Department of Health and Human Services and 1 of whom shall be a public health official.

''(B) 1 member shall be appointed by the majority leader of the Senate.

''(C) 1 member shall be appointed by the minority leader of the Senate.

''(D) 1 member shall be appointed by the Speaker of the House of Representatives.

''(E) 1 member shall be appointed by the minority leader of the House of Representatives.

''(F) Such other members as shall be appointed by the President as representatives of other relevant Federal agencies.

''(G) 13 members shall be appointed by the Comptroller General of the United States of whom—

''(i) 3 members shall advocates for patients or consumers;

''(ii) 2 members shall represent health care providers, one of which shall be a physician;

''(iii) 1 member shall be from a labor organization representing health care workers;

''(iv) 1 member shall have expertise in health information privacy and security;

''(v) 1 member shall have expertise in improving the health of vulnerable populations;

''(vi) 1 member shall be from the research community;

''(vii) 1 member shall represent health plans or other third-party payers;

''(viii) 1 member shall represent information technology vendors;

''(ix) 1 member shall represent purchasers or employers; and

''(x) 1 member shall have expertise in health care quality measurement and reporting.

''(3) PARTICIPATION.—The members of the HIT Policy Committee appointed under paragraph (2) shall represent a balance among various sectors of the health care system so that no single sector unduly influences the recommendations of the Policy Committee.

''(4) TERMS.—

''(A) IN GENERAL.—The terms of the members of the HIT Policy Committee shall be for 3 years, except that the Comptroller General shall designate staggered terms for the members first appointed.

''(B) VACANCIES.—Any member appointed to fill a vacancy in the membership of the HIT Policy Committee that occurs prior to the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has been appointed. A vacancy in the HIT Policy Committee shall be filled in the manner in which the original appointment was made.

''(5) OUTSIDE INVOLVEMENT.—The HIT Policy Committee shall ensure an opportunity for the participation in activities of the Committee of outside advisors, including individuals with expertise in the development of policies for the electronic exchange and use of health information, including in the areas of health information privacy and security.

''(6) QUORUM.—A majority of the member of the HIT Policy Committee shall constitute a quorum for purposes of voting, but a lesser number of members may meet and hold hearings.

''(7) FAILURE OF INITIAL APPOINTMENT.—If, on the date that is 45 days after the date of enactment of this title, an official authorized under paragraph (2) to appoint one or more members of the HIT Policy Committee has not appointed the full number of members that such paragraph authorizes such official to appoint, the Secretary is authorized to appoint such members.

''(8) CONSIDERATION.—The National Coordinator shall ensure that the relevant and available recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of policies.

''(d) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14 of such Act, shall apply to the HIT Policy Committee.

''(e) PUBLICATION.—The Secretary shall provide for publication in the Federal Register and the posting on the Internet website of the Office of the National Coordinator for Health Information Technology of all policy recommendations made by the HIT Policy Committee under this section.

''SEC. 3003. HIT STANDARDS COMMITTEE.

''(a) ESTABLISHMENT.—There is established a committee to be known as the HIT Standards Committee to recommend to the National Coordinator standards, implementation specifications, and certification criteria for the electronic exchange and use of health information for purposes of adoption under section 3004, consistent with the implementation of the strategic plan described in section 3001(c)(3) and beginning with the areas listed in section 3002(b)(2)(B) in accordance with policies developed by the HIT Policy Committee.

''(b) DUTIES.—

''(1) STANDARDS DEVELOPMENT.—

''(A) IN GENERAL.—The HIT Standards Committee shall recommend to the National Coordinator standards, implementation specifications, and certification criteria described in subsection (a) that have been developed, harmonized, or recognized by the HIT Standards Committee. The HIT Standards Committee shall update such recommendations and make new recommendations as appropriate, including in response to a notification sent under section 3004(a)(2)(B). Such recommendations shall be consistent with the latest recommendations made by the HIT Policy Committee.

''(B) HARMONIZATION.—The HIT Standards Committee recognize harmonized or updated standards from an entity or entities for the purpose of harmonizing or updating standards and implementation specifications in order to achieve uniform and consistent implementation of the standards and implementation specifications.

''(C) PILOT TESTING OF STANDARDS AND IMPLEMENTATION SPECIFICATIONS.—In the development, harmonization, or recognition of standards and implementation specifications, the HIT Standards Committee shall, as appropriate, provide for the testing of such standards and specifications by the National Institute for Standards and Technology under section 13201(a) of the Health Information Technology for Economic and Clinical Health Act.

''(D) CONSISTENCY.—The standards, implementation specifications, and certification criteria recommended under this subsection shall be consistent with the standards for information transactions and data elements adopted pursuant to section 1173 of the Social Security Act.

''(2) FORUM.—The HIT Standards Committee shall serve as a forum for the participation of a broad range of stakeholders to provide input on the development, harmonization, and recognition of standards, implementation specifications, and certification criteria necessary for the development and adoption of a nationwide health information technology infrastructure that allows for the electronic use and exchange of health information.

''(3) SCHEDULE.—Not later than 90 days after the date of the enactment of this title, the HIT Standards Committee shall develop a schedule for the assessment of policy recommendations developed by the HIT Policy Committee under section 3002. The HIT Standards Committee shall update such schedule annually. The Secretary shall publish such schedule in the Federal Register.

''(4) PUBLIC INPUT.—The HIT Standards Committee shall conduct open public meetings and develop a process to allow for public comment on the schedule described in paragraph (3) and recommendations described in this subsection. Under such process comments shall be submitted in a timely manner after the date of publication of a recommendation under this subsection.

''(5) CONSIDERATION.—The National Coordinator shall ensure that the relevant and available recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of standards.

''(c) MEMBERSHIP AND OPERATIONS.—

''(1) IN GENERAL.—The National Coordinator shall take a leading position in the establishment and operations of the HIT Standards Committee.

''(2) MEMBERSHIP.—The membership of the HIT Standards Committee shall at least reflect providers, ancillary healthcare workers, consumers, purchasers, health plans, technology vendors, researchers, relevant Federal agencies, and individuals with technical expertise on health care quality, privacy and security, and on the electronic exchange and use of health information.

''(3) PARTICIPATION.—The members of the HIT Standards Committee appointed under this subsection shall represent a balance among various sectors of the health care system so that no single sector unduly influences the recommendations of such Committee.

''(4) OUTSIDE INVOLVEMENT.—The HIT Policy Committee shall ensure an opportunity for the participation in activities of the Committee of outside advisors, including individuals with expertise in the development of standards for the electronic exchange and use of health information, including in the areas of health information privacy and security.

''(5) BALANCE AMONG SECTORS.—In developing the procedures for conducting the activities of the HIT Standards Committee, the HIT Standards Committee shall act to ensure a balance among various sectors of the health care system so that no single sector unduly influences the actions of the HIT Standards Committee.

''(6) ASSISTANCE.—For the purposes of carrying out this section, the Secretary may provide or ensure that financial assistance is provided by the HIT Standards Committee to defray in whole or in part any membership fees or dues charged by such Committee to those consumer advocacy groups and not for profit entities that work in the public interest as a part of their mission.

''(d) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14, shall apply to the HIT Standards Committee.

''(e) PUBLICATION.—The Secretary shall provide for publication in the Federal Register and the posting on the Internet website of the Office of the National Coordinator for Health Information Technology of all recommendations made by the HIT Standards Committee under this section.

''SEC. 3004. PROCESS FOR ADOPTION OF ENDORSED RECOMMENDATIONS; ADOPTION OF INITIAL SET OF STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.

''(a) PROCESS FOR ADOPTION OF ENDORSED RECOMMENDATIONS.—

''(1) REVIEW OF ENDORSED STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—Not later than 90 days after the date of receipt of standards, implementation specifications, or certification criteria endorsed under section 3001(c), the Secretary, in consultation with representatives of other relevant Federal agencies, shall jointly review such standards, implementation specifications, or certification criteria and shall determine whether or not to propose adoption of such standards, implementation specifications, or certification criteria.

''(2) DETERMINATION TO ADOPT STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—If the Secretary determines—

''(A) to propose adoption of any grouping of such standards, implementation specifications, or certification criteria, the Secretary shall, by regulation under section 553 of title 5, United States Code, determine whether or not to adopt such grouping of standards, implementation specifications, or certification criteria; or

''(B) not to propose adoption of any grouping of standards, implementation specifications, or certification criteria, the Secretary shall notify the National Coordinator and the HIT Standards Committee in writing of such determination and the reasons for not proposing the adoption of such recommendation.

''(3) PUBLICATION.—The Secretary shall provide for publication in the Federal Register of all determinations made by the Secretary under paragraph (1).

''(b) ADOPTION OF STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—

''(1) IN GENERAL.—Not later than December 31, 2009, the Secretary shall, through the rulemaking process consistent with subsection (a)(2)(A), adopt an initial set of standards, implementation specifications, and certification criteria for the areas required for consideration under section 3002(b)(2)(B). The rulemaking for the initial set of standards, implementation specifications, and certification criteria may be issued on an interim, final basis.

''(2) APPLICATION OF CURRENT STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—The standards, implementation specifications, and certification criteria adopted before the date of the enactment of this title through the process existing through the Office of the National Coordinator for Health Information Technology may be applied towards meeting the requirement of paragraph (1).

''(3) SUBSEQUENT STANDARDS ACTIVITY.—The Secretary shall adopt additional standards, implementation specifications, and certification criteria as necessary and consistent with the schedule published under section 3003(b)(2).

''SEC. 3005. APPLICATION AND USE OF ADOPTED STANDARDS AND IMPLEMENTATION SPECIFICATIONS BY FEDERAL AGENCIES.

''For requirements relating to the application and use by Federal agencies of the standards and implementation specifications adopted under section 3004, see section 13111 of the Health Information Technology for Economic and Clinical Health Act.

''SEC. 3006. VOLUNTARY APPLICATION AND USE OF ADOPTED STANDARDS AND IMPLEMENTATION SPECIFICATIONS BY PRIVATE ENTITIES.

''(a) IN GENERAL.—Except as provided under section 13112 of the HITECH Act, nothing in such Act or in the amendments made by such Act shall be construed—

''(1) to require a private entity to adopt or comply with a standard or implementation specification adopted under section 3004; or

''(2) to provide a Federal agency authority, other than the authority such agency may have under other provisions of law, to require a private entity to comply with such a standard or implementation specification.

''(b) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to require that a private entity that enters into a contract with the Federal Government apply or use the standards and implementation specifications adopted under section 3004 with respect to activities not related to the contract.

''SEC. 3007. FEDERAL HEALTH INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The National Coordinator shall support the development and routine updating of qualified electronic health record technology (as defined in section 3000) consistent with subsections (b) and (c) and make available such qualified electronic health record technology unless the Secretary determines through an assessment that the needs and demands of providers are being substantially and adequately met through the marketplace.

''(b) CERTIFICATION.—In making such electronic health record technology publicly available, the National Coordinator shall ensure that the qualified electronic health record technology described in subsection (a) is certified under the program developed under section 3001(c)(3) to be in compliance with applicable standards adopted under section 3003(a).

''(c) AUTHORIZATION TO CHARGE A NOMINAL FEE.—The National Coordinator may impose a nominal fee for the adoption by a health care provider of the health information technology system developed or approved under subsection (a) and (b). Such fee shall take into account the financial circumstances of smaller providers, low income providers, and providers located in rural or other medically underserved areas.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require that a private or government entity adopt or use the technology provided under this section.

''SEC. 3008. TRANSITIONS.

''(a) ONCHIT.—To the extent consistent with section 3001, all functions, personnel, assets, liabilities, and administrative actions applicable to the National Coordinator for Health Information Technology appointed under Executive Order No. 13335 or the Office of such National Coordinator on the date before the date of the enactment of this title shall be transferred to the National Coordinator appointed under section 3001(a) and the Office of such National Coordinator as of the date of the enactment of this title.

''(b) NATIONAL EHEALTH COLLABORATIVE.—Nothing in sections 3002 or 3003 or this subsection shall be construed as prohibiting the AHIC Successor, Inc. doing business as the National eHealth Collaborative from modifying its charter, duties, membership, and any other structure or function required to be consistent with section 3002 and 3003 so as to allow the Secretary to recognize such AHIC Successor, Inc. as the HIT Policy Committee or the HIT Standards Committee.

''(c) CONSISTENCY OF RECOMMENDATIONS.—In carrying out section 3003(b)(1)(A), until recommendations are made by the HIT Policy Committee, recommendations of the HIT Standards Committee shall be consistent with the most recent recommendations made by such AHIC Successor, Inc.

''SEC. 3009. MISCELLANEOUS PROVISIONS.

''(a) RELATION TO HIPAA PRIVACY AND SECURITY LAW.—

''(1) IN GENERAL.—With respect to the relation of this title to HIPAA privacy and security law:

''(A) This title may not be construed as having any effect on the authorities of the Secretary under HIPAA privacy and security law.

''(B) The purposes of this title include ensuring that the health information technology standards and implementation specifications adopted under section 3004 take into account the requirements of HIPAA privacy and security law.

''(2) DEFINITION.—For purposes of this section, the term 'HIPAA privacy and security law' means—

''(A) the provisions of part C of title XI of the Social Security Act, section 264 of the Health Insurance Portability and Accountability Act of 1996, and subtitle D of title IV of the Health Information Technology for Economic and Clinical Health Act; and

''(B) regulations under such provisions.

''(b) FLEXIBILITY.—In administering the provisions of this title, the Secretary shall have flexibility in applying the definition of health care provider under section 3000(3), including the authority to omit certain entities listed in such definition when applying such definition under this title, where appropriate.''.

SEC. 13102. TECHNICAL AMENDMENT.

Section 1171(5) of the Social Security Act (42 U.S.C. 1320d) is amended by striking ''or C'' and inserting ''C, or D''.

PART 2—APPLICATION AND USE OF ADOPTED HEALTH INFORMATION TECHNOLOGY STANDARDS; REPORTS

SEC. 13111. COORDINATION OF FEDERAL ACTIVITIES WITH ADOPTED STANDARDS AND IMPLEMENTATION SPECIFICATIONS.

(a) SPENDING ON HEALTH INFORMATION TECHNOLOGY SYSTEMS.—As each agency (as defined by the Director of the Office of Management and Budget, in consultation with the Secretary of Health and Human Services) implements, acquires, or upgrades health information technology systems used for the direct exchange of individually identifiable health information between agencies and with non-Federal entities, it shall utilize, where available, health information technology systems and products that meet standards and implementation specifications adopted under section 3004 of the Public Health Service Act, as added by section 13101.

(b) FEDERAL INFORMATION COLLECTION ACTIVITIES.—With respect to a standard or implementation specification adopted under section 3004 of the Public Health Service Act, as added by section 13101, the President shall take measures to ensure that Federal activities involving the broad collection and submission of health information are consistent with such standard or implementation specification, respectively, within three years after the date of such adoption.

(c) APPLICATION OF DEFINITIONS.—The definitions contained in section 3000 of the Public Health Service Act, as added by section 13101, shall apply for purposes of this part.

SEC. 13112. APPLICATION TO PRIVATE ENTITIES.

Each agency (as defined in such Executive Order issued on August 22, 2006, relating to promoting quality and efficient health care in Federal government administered or sponsored health care programs) shall require in contracts or agreements with health care providers, health plans, or health insurance issuers that as each provider, plan, or issuer implements, acquires, or upgrades health information technology systems, it shall utilize, where available, health information technology systems and products that meet standards and implementation specifications adopted under section 3004 of the Public Health Service Act, as added by section 13101.

SEC. 13113. STUDY AND REPORTS.

(a) REPORT ON ADOPTION OF NATIONWIDE SYSTEM.—Not later than 2 years after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services shall submit to the appropriate committees of jurisdiction of the House of Representatives and the Senate a report that—

(1) describes the specific actions that have been taken by the Federal Government and private entities to facilitate the adoption of a nationwide system for the electronic use and exchange of health information;

(2) describes barriers to the adoption of such a nationwide system; and

(3) contains recommendations to achieve full implementation of such a nationwide system.

(b) REIMBURSEMENT INCENTIVE STUDY AND REPORT.—

(1) STUDY.—The Secretary of Health and Human Services shall carry out, or contract with a private entity to carry out, a study that examines methods to create efficient reimbursement incentives for improving health care quality in Federally qualified health centers, rural health clinics, and free clinics.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of jurisdiction of the House of Representatives and the Senate a report on the study carried out under paragraph (1).

(c) AGING SERVICES TECHNOLOGY STUDY AND REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall carry out, or contract with a private entity to carry out, a study of matters relating to the potential use of new aging services technology to assist seniors, individuals with disabilities, and their caregivers throughout the aging process.

(2) MATTERS TO BE STUDIED.—The study under paragraph (1) shall include—

(A) an evaluation of—

(i) methods for identifying current, emerging, and future health technology that can be used to meet the needs of seniors and individuals with disabilities and their caregivers across all aging services settings, as specified by the Secretary;

(ii) methods for fostering scientific innovation with respect to aging services technology within the business and academic communities; and

(iii) developments in aging services technology in other countries that may be applied in the United States; and

(B) identification of—

(i) barriers to innovation in aging services technology and devising strategies for removing such barriers; and

(ii) barriers to the adoption of aging services technology by health care providers and consumers and devising strategies to removing such barriers.

(3) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of jurisdiction of the House of Representatives and of the Senate a report on the study carried out under paragraph (1).

(4) DEFINITIONS.—For purposes of this subsection:

(A) AGING SERVICES TECHNOLOGY.—The term ''aging services technology'' means health technology that meets the health care needs of seniors, individuals with disabilities, and the caregivers of such seniors and individuals.

(B) SENIOR.—The term ''senior'' has such meaning as specified by the Secretary.

Subtitle B—Testing of Health Information Technology

SEC. 13201. NATIONAL INSTITUTE FOR STANDARDS AND TECHNOLOGY TESTING.

(a) PILOT TESTING OF STANDARDS AND IMPLEMENTATION SPECIFICATIONS.—In coordination with the HIT Standards Committee established under section 3003 of the Public Health Service Act, as added by section 13101, with respect to the development of standards and implementation specifications under such section, the Director of the National Institute for Standards and Technology shall test such standards and implementation specifications, as appropriate, in order to assure the efficient implementation and use of such standards and implementation specifications.

(b) VOLUNTARY TESTING PROGRAM.—In coordination with the HIT Standards Committee established under section 3003 of the Public Health Service Act, as added by section 13101, with respect to the development of standards and implementation specifications under such section, the Director of the National Institute of Standards and Technology shall support the establishment of a conformance testing infrastructure, including the development of technical test beds. The development of this conformance testing infrastructure may include a program to accredit independent, non-Federal laboratories to perform testing.

SEC. 13202. RESEARCH AND DEVELOPMENT PROGRAMS.

(a) HEALTH CARE INFORMATION ENTERPRISE INTEGRATION RESEARCH CENTERS.—

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology, in consultation with the Director of the National Science Foundation and other appropriate Federal agencies, shall establish a program of assistance to institutions of higher education (or consortia thereof which may include nonprofit entities and Federal Government laboratories) to establish multidisciplinary Centers for Health Care Information Enterprise Integration.

(2) REVIEW; COMPETITION.—Grants shall be awarded under this subsection on a merit-reviewed, competitive basis.

(3) PURPOSE.—The purposes of the Centers described in paragraph (1) shall be—

(A) to generate innovative approaches to health care information enterprise integration by conducting cutting-edge, multidisciplinary research on the systems challenges to health care delivery; and

(B) the development and use of health information technologies and other complementary fields.

(4) RESEARCH AREAS.—Research areas may include—

(A) interfaces between human information and communications technology systems;

(B) voice-recognition systems;

(C) software that improves interoperability and connectivity among health information systems;

(D) software dependability in systems critical to health care delivery;

(E) measurement of the impact of information technologies on the quality and productivity of health care;

(F) health information enterprise management;

(G) health information technology security and integrity; and

(H) relevant health information technology to reduce medical errors.

(5) APPLICATIONS.—An institution of higher education (or a consortium thereof) seeking funding under this subsection shall submit an application to the Director of the National Institute of Standards and Technology at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum, a description of—

(A) the research projects that will be undertaken by the Center established pursuant to assistance under paragraph (1) and the respective contributions of the participating entities;

(B) how the Center will promote active collaboration among scientists and engineers from different disciplines, such as information technology, biologic sciences, management, social sciences, and other appropriate disciplines;

(C) technology transfer activities to demonstrate and diffuse the research results, technologies, and knowledge; and

(D) how the Center will contribute to the education and training of researchers and other professionals in fields relevant to health information enterprise integration.

(b) NATIONAL INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.—The National High-Performance Computing Program established by section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) shall include Federal research and development programs related to health information technology.

Subtitle C—Grants and Loans Funding

SEC. 13301. GRANT, LOAN, AND DEMONSTRATION PROGRAMS.

Title XXX of the Public Health Service Act, as added by section 13101, is amended by adding at the end the following new subtitle:

''Subtitle B—Incentives for the Use of Health Information Technology

''SEC. 3011. IMMEDIATE FUNDING TO STRENGTHEN THE HEALTH INFORMATION TECHNOLOGY INFRASTRUCTURE.

''(a) IN GENERAL.—The Secretary shall, using amounts appropriated under section 3018, invest in the infrastructure necessary to allow for and promote the electronic exchange and use of health information for each individual in the United States consistent with the goals outlined in the strategic plan developed by the National Coordinator (and as available) under section 3001. The Secretary shall invest funds through the different agencies with expertise in such goals, such as the Office of the National Coordinator for Health Information Technology, the Health Resources and Services Administration, the Agency for Healthcare Research and Quality, the Centers of Medicare & Medicaid Services, the Centers for Disease Control and Prevention, and the Indian Health Service to support the following:

''(1) Health information technology architecture that will support the nationwide electronic exchange and use of health information in a secure, private, and accurate manner, including connecting health information exchanges, and which may include updating and implementing the infrastructure necessary within different agencies of the Department of Health and Human Services to support the electronic use and exchange of health information.

''(2) Development and adoption of appropriate certified electronic health records for categories of health care providers not eligible for support under title XVIII or XIX of the Social Security Act for the adoption of such records.

''(3) Training on and dissemination of information on best practices to integrate health information technology, including electronic health records, into a provider's delivery of care, consistent with best practices learned from the Health Information Technology Research Center developed under section 3012(b), including community health centers receiving assistance under section 330, covered entities under section 340B, and providers participating in one or more of the programs under titles XVIII, XIX, and XXI of the Social Security Act (relating to Medicare, Medicaid, and the State Children's Health Insurance Program).

''(4) Infrastructure and tools for the promotion of telemedicine, including coordination among Federal agencies in the promotion of telemedicine.

''(5) Promotion of the interoperability of clinical data repositories or registries.

''(6) Promotion of technologies and best practices that enhance the protection of health information by all holders of individually identifiable health information.

''(7) Improvement and expansion of the use of health information technology by public health departments.

''(b) COORDINATION.—The Secretary shall ensure funds under this section are used in a coordinated manner with other health information promotion activities.

''(c) ADDITIONAL USE OF FUNDS.—In addition to using funds as provided in subsection (a), the Secretary may use amounts appropriated under section 3018 to carry out health information technology activities that are provided for under laws in effect on the date of the enactment of this title.

''(d) STANDARDS FOR ACQUISITION OF HEALTH INFORMATION TECHNOLOGY.—To the greatest extent practicable, the Secretary shall ensure that where funds are expended under this section for the acquisition of health information technology, such funds shall be used to acquire health information technology that meets applicable standards adopted under section 3004. Where it is not practicable to expend funds on health information technology that meets such applicable standards, the Secretary shall ensure that such health information technology meets applicable standards otherwise adopted by the Secretary.

''SEC. 3012. HEALTH INFORMATION TECHNOLOGY IMPLEMENTATION ASSISTANCE.

''(a) HEALTH INFORMATION TECHNOLOGY EXTENSION PROGRAM.—To assist health care providers to adopt, implement, and effectively use certified EHR technology that allows for the electronic exchange and use of health information, the Secretary, acting through the Office of the National Coordinator, shall establish a health information technology extension program to provide health information technology assistance services to be carried out through the Department of Health and Human Services. The National Coordinator shall consult with other Federal agencies with demonstrated experience and expertise in information technology services, such as the National Institute of Standards and Technology, in developing and implementing this program.

''(b) HEALTH INFORMATION TECHNOLOGY RESEARCH CENTER.—

''(1) IN GENERAL.—The Secretary shall create a Health Information Technology Research Center (in this section referred to as the 'Center') to provide technical assistance and develop or recognize best practices to support and accelerate efforts to adopt, implement, and effectively utilize health information technology that allows for the electronic exchange and use of information in compliance with standards, implementation specifications, and certification criteria adopted under section 3004.

''(2) INPUT.—The Center shall incorporate input from—

''(A) other Federal agencies with demonstrated experience and expertise in information technology services such as the National Institute of Standards and Technology;

''(B) users of health information technology, such as providers and their support and clerical staff and others involved in the care and care coordination of patients, from the health care and health information technology industry; and

''(C) others as appropriate.

''(3) PURPOSES.—The purposes of the Center are to—

''(A) provide a forum for the exchange of knowledge and experience;

''(B) accelerate the transfer of lessons learned from existing public and private sector initiatives, including those currently receiving Federal financial support;

''(C) assemble, analyze, and widely disseminate evidence and experience related to the adoption, implementation, and effective use of health information technology that allows for the electronic exchange and use of information including through the regional centers described in subsection (c);

''(D) provide technical assistance for the establishment and evaluation of regional and local health information networks to facilitate the electronic exchange of information across health care settings and improve the quality of health care;

''(E) provide technical assistance for the development and dissemination of solutions to barriers to the exchange of electronic health information; and

''(F) learn about effective strategies to adopt and utilize health information technology in medically underserved communities.

''(c) HEALTH INFORMATION TECHNOLOGY REGIONAL EXTENSION CENTERS.—

''(1) IN GENERAL.—The Secretary shall provide assistance for the creation and support of regional centers (in this subsection referred to as 'regional centers') to provide technical assistance and disseminate best practices and other information learned from the Center to support and accelerate efforts to adopt, implement, and effectively utilize health information technology that allows for the electronic exchange and use of information in compliance with standards, implementation specifications, and certification criteria adopted under section 3004. Activities conducted under this subsection shall be consistent with the strategic plan developed by the National Coordinator, (and, as available) under section 3001.

''(2) AFFILIATION.—Regional centers shall be affiliated with any United States-based nonprofit institution or organization, or group thereof, that applies and is awarded financial assistance under this section. Individual awards shall be decided on the basis of merit.

''(3) OBJECTIVE.—The objective of the regional centers is to enhance and promote the adoption of health information technology through—

''(A) assistance with the implementation, effective use, upgrading, and ongoing maintenance of health information technology, including electronic health records, to healthcare providers nationwide;

''(B) broad participation of individuals from industry, universities, and State governments;

''(C) active dissemination of best practices and research on the implementation, effective use, upgrading, and ongoing maintenance of health information technology, including electronic health records, to health care providers in order to improve the quality of healthcare and protect the privacy and security of health information;

''(D) participation, to the extent practicable, in health information exchanges;

''(E) utilization, when appropriate, of the expertise and capability that exists in Federal agencies other than the Department; and

''(F) integration of health information technology, including electronic health records, into the initial and ongoing training of health professionals and others in the healthcare industry that would be instrumental to improving the quality of healthcare through the smooth and accurate electronic use and exchange of health information.

''(4) REGIONAL ASSISTANCE.—Each regional center shall aim to provide assistance and education to all providers in a region, but shall prioritize any direct assistance first to the following:

''(A) Public or not-for-profit hospitals or critical access hospitals.

''(B) Federally qualified health centers (as defined in section 1861(aa)(4) of the Social Security Act).

''(C) Entities that are located in rural and other areas that serve uninsured, underinsured, and medically underserved individuals (regardless of whether such area is urban or rural).

''(D) Individual or small group practices (or a consortium thereof) that are primarily focused on primary care.

''(5) FINANCIAL SUPPORT.—The Secretary may provide financial support to any regional center created under this subsection for a period not to exceed four years. The Secretary may not provide more than 50 percent of the capital and annual operating and maintenance funds required to create and maintain such a center, except in an instance of national economic conditions which would render this cost-share requirement detrimental to the program and upon notification to Congress as to the justification to waive the cost-share requirement.

''(6) NOTICE OF PROGRAM DESCRIPTION AND AVAILABILITY OF FUNDS.—The Secretary shall publish in the Federal Register, not later than 90 days after the date of the enactment of this title, a draft description of the program for establishing regional centers under this subsection. Such description shall include the following:

''(A) A detailed explanation of the program and the programs goals.

''(B) Procedures to be followed by the applicants.

''(C) Criteria for determining qualified applicants.

''(D) Maximum support levels expected to be available to centers under the program.

''(7) APPLICATION REVIEW.—The Secretary shall subject each application under this subsection to merit review. In making a decision whether to approve such application and provide financial support, the Secretary shall consider at a minimum the merits of the application, including those portions of the application regarding—

''(A) the ability of the applicant to provide assistance under this subsection and utilization of health information technology appropriate to the needs of particular categories of health care providers;

''(B) the types of service to be provided to health care providers;

''(C) geographical diversity and extent of service area; and

''(D) the percentage of funding and amount of in-kind commitment from other sources.

''(8) BIENNIAL EVALUATION.—Each regional center which receives financial assistance under this subsection shall be evaluated biennially by an evaluation panel appointed by the Secretary. Each evaluation panel shall be composed of private experts, none of whom shall be connected with the center involved, and of Federal officials. Each evaluation panel shall measure the involved center's performance against the objective specified in paragraph (3). The Secretary shall not continue to provide funding to a regional center unless its evaluation is overall positive.

''(9) CONTINUING SUPPORT.—After the second year of assistance under this subsection, a regional center may receive additional support under this subsection if it has received positive evaluations and a finding by the Secretary that continuation of Federal funding to the center was in the best interest of provision of health information technology extension services.

''SEC. 3013. STATE GRANTS TO PROMOTE HEALTH INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The Secretary, acting through the National Coordinator, shall establish a program in accordance with this section to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards.

''(b) PLANNING GRANTS.—The Secretary may award a grant to a State or qualified State-designated entity (as described in subsection (f)) that submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify, for the purpose of planning activities described in subsection (d).

''(c) IMPLEMENTATION GRANTS.—The Secretary may award a grant to a State or qualified State designated entity that—

''(1) has submitted, and the Secretary has approved, a plan described in subsection (e) (regardless of whether such plan was prepared using amounts awarded under subsection (b); and

''(2) submits an application at such time, in such manner, and containing such information as the Secretary may specify.

''(d) USE OF FUNDS.—Amounts received under a grant under subsection (c) shall be used to conduct activities to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards through activities that include—

''(1) enhancing broad and varied participation in the authorized and secure nationwide electronic use and exchange of health information;

''(2) identifying State or local resources available towards a nationwide effort to promote health information technology;

''(3) complementing other Federal grants, programs, and efforts towards the promotion of health information technology;

''(4) providing technical assistance for the development and dissemination of solutions to barriers to the exchange of electronic health information;

''(5) promoting effective strategies to adopt and utilize health information technology in medically underserved communities;

''(6) assisting patients in utilizing health information technology;

''(7) encouraging clinicians to work with Health Information Technology Regional Extension Centers as described in section 3012, to the extent they are available and valuable;

''(8) supporting public health agencies' authorized use of and access to electronic health information;

''(9) promoting the use of electronic health records for quality improvement including through quality measures reporting; and

''(10) such other activities as the Secretary may specify.

''(e) PLAN.—

''(1) IN GENERAL.—A plan described in this subsection is a plan that describes the activities to be carried out by a State or by the qualified State-designated entity within such State to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards and implementation specifications.

''(2) REQUIRED ELEMENTS.—A plan described in paragraph (1) shall—

''(A) be pursued in the public interest;

''(B) be consistent with the strategic plan developed by the National Coordinator, (and, as available) under section 3001;

''(C) include a description of the ways the State or qualified State-designated entity will carry out the activities described in subsection (b); and

''(D) contain such elements as the Secretary may require.

''(f) QUALIFIED STATE-DESIGNATED ENTITY.—For purposes of this section, to be a qualified State-designated entity, with respect to a State, an entity shall—

''(1) be designated by the State as eligible to receive awards under this section;

''(2) be a not-for-profit entity with broad stakeholder representation on its governing board;

''(3) demonstrate that one of its principal goals is to use information technology to improve health care quality and efficiency through the authorized and secure electronic exchange and use of health information;

''(4) adopt nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory participation by stakeholders; and

''(5) conform to such other requirements as the Secretary may establish.

''(g) REQUIRED CONSULTATION.—In carrying out activities described in subsections (b) and (c), a State or qualified State-designated entity shall consult with and consider the recommendations of—

''(1) health care providers (including providers that provide services to low income and underserved populations);

''(2) health plans;

''(3) patient or consumer organizations that represent the population to be served;

''(4) health information technology vendors;

''(5) health care purchasers and employers;

''(6) public health agencies;

''(7) health professions schools, universities and colleges;

''(8) clinical researchers;

''(9) other users of health information technology such as the support and clerical staff of providers and others involved in the care and care coordination of patients; and

''(10) such other entities, as may be determined appropriate by the Secretary.

''(h) CONTINUOUS IMPROVEMENT.—The Secretary shall annually evaluate the activities conducted under this section and shall, in awarding grants under this section, implement the lessons learned from such evaluation in a manner so that awards made subsequent to each such evaluation are made in a manner that, in the determination of the Secretary, will lead towards the greatest improvement in quality of care, decrease in costs, and the most effective authorized and secure electronic exchange of health information.

''(i) REQUIRED MATCH.—

''(1) IN GENERAL.—For a fiscal year (beginning with fiscal year 2011), the Secretary may not make a grant under this section to a State unless the State agrees to make available non-Federal contributions (which may include in-kind contributions) toward the costs of a grant awarded under subsection (c) in an amount equal to—

''(A) for fiscal year 2011, not less than $1 for each $10 of Federal funds provided under the grant;

''(B) for fiscal year 2012, not less than $1 for each $7 of Federal funds provided under the grant; and

''(C) for fiscal year 2013 and each subsequent fiscal year, not less than $1 for each $3 of Federal funds provided under the grant.

''(2) AUTHORITY TO REQUIRE STATE MATCH FOR FISCAL YEARS BEFORE FISCAL YEAR 2011.—For any fiscal year during the grant program under this section before fiscal year 2011, the Secretary may determine the extent to which there shall be required a non-Federal contribution from a State receiving a grant under this section.

''SEC. 3014. COMPETITIVE GRANTS TO STATES AND INDIAN TRIBES FOR THE DEVELOPMENT OF LOAN PROGRAMS TO FACILITATE THE WIDESPREAD ADOPTION OF CERTIFIED EHR TECHNOLOGY.

''(a) IN GENERAL.—The National Coordinator may award competitive grants to eligible entities for the establishment of programs for loans to health care providers to conduct the activities described in subsection (e).

''(b) ELIGIBLE ENTITY DEFINED.—For purposes of this subsection, the term 'eligible entity' means a State or Indian tribe (as defined in the Indian Self-Determination and Education Assistance Act) that—

''(1) submits to the National Coordinator an application at such time, in such manner, and containing such information as the National Coordinator may require;

''(2) submits to the National Coordinator a strategic plan in accordance with subsection (d) and provides to the National Coordinator assurances that the entity will update such plan annually in accordance with such subsection;

''(3) provides assurances to the National Coordinator that the entity will establish a Loan Fund in accordance with subsection (c);

''(4) provides assurances to the National Coordinator that the entity will not provide a loan from the Loan Fund to a health care provider unless the provider agrees to—

''(A) submit reports on quality measures adopted by the Federal Government (by not later than 90 days after the date on which such measures are adopted), to—

''(i) the Administrator of the Centers for Medicare & Medicaid Services (or his or her designee), in the case of an entity participating in the Medicare program under title XVIII of the Social Security Act or the Medicaid program under title XIX of such Act; or

''(ii) the Secretary in the case of other entities;

''(B) demonstrate to the satisfaction of the Secretary (through criteria established by the Secretary) that any certified EHR technology purchased, improved, or otherwise financially supported under a loan under this section is used to exchange health information in a manner that, in accordance with law and standards (as adopted under section 3004) applicable to the exchange of information, improves the quality of health care, such as promoting care coordination; and

''(C) comply with such other requirements as the entity or the Secretary may require;

''(D) include a plan on how health care providers involved intend to maintain and support the certified EHR technology over time;

''(E) include a plan on how the health care providers involved intend to maintain and support the certified EHR technology that would be purchased with such loan, including the type of resources expected to be involved and any such other information as the State or Indian Tribe, respectively, may require; and

''(5) agrees to provide matching funds in accordance with subsection (h).

''(c) ESTABLISHMENT OF FUND.—For purposes of subsection (b)(3), an eligible entity shall establish a certified EHR technology loan fund (referred to in this subsection as a 'Loan Fund') and comply with the other requirements contained in this section. A grant to an eligible entity under this section shall be deposited in the Loan Fund established by the eligible entity. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any Loan Fund.

''(d) STRATEGIC PLAN.—

''(1) IN GENERAL.—For purposes of subsection (b)(2), a strategic plan of an eligible entity under this subsection shall identify the intended uses of amounts available to the Loan Fund of such entity.

''(2) CONTENTS.—A strategic plan under paragraph (1), with respect to a Loan Fund of an eligible entity, shall include for a year the following:

''(A) A list of the projects to be assisted through the Loan Fund during such year.

''(B) A description of the criteria and methods established for the distribution of funds from the Loan Fund during the year.

''(C) A description of the financial status of the Loan Fund as of the date of submission of the plan.

''(D) The short-term and long-term goals of the Loan Fund.

''(e) USE OF FUNDS.—Amounts deposited in a Loan Fund, including loan repayments and interest earned on such amounts, shall be used only for awarding loans or loan guarantees, making reimbursements described in subsection (g)(4)(A), or as a source of reserve and security

for leveraged loans, the proceeds of which are deposited in the Loan Fund established under subsection (c). Loans under this section may be used by a health care provider to—

''(1) facilitate the purchase of certified EHR technology;

''(2) enhance the utilization of certified EHR technology (which may include costs associated with upgrading health information technology so that it meets criteria necessary to be a certified EHR technology);

''(3) train personnel in the use of such technology; or

''(4) improve the secure electronic exchange of health information.

''(f) TYPES OF ASSISTANCE.—Except as otherwise limited by applicable State law, amounts deposited into a Loan Fund under this section may only be used for the following:

''(1) To award loans that comply with the following:

''(A) The interest rate for each loan shall not exceed the market interest rate.

''(B) The principal and interest payments on each loan shall commence not later than 1 year after the date the loan was awarded, and each loan shall be fully amortized not later than 10 years after the date of the loan.

''(C) The Loan Fund shall be credited with all payments of principal and interest on each loan awarded from the Loan Fund.

''(2) To guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible for assistance under this subsection) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation involved.

''(3) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the eligible entity if the proceeds of the sale of the bonds will be deposited into the Loan Fund.

''(4) To earn interest on the amounts deposited into the Loan Fund.

''(5) To make reimbursements described in subsection (g)(4)(A).

''(g) ADMINISTRATION OF LOAN FUNDS.—

''(1) COMBINED FINANCIAL ADMINISTRATION.—An eligible entity may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with applicable State law, the financial administration of a Loan Fund established under this subsection with the financial administration of any other revolving fund established by the entity if otherwise not prohibited by the law under which the Loan Fund was established.

''(2) COST OF ADMINISTERING FUND.—Each eligible entity may annually use not to exceed 4 percent of the funds provided to the entity under a grant under this section to pay the reasonable costs of the administration of the programs under this section, including the recovery of reasonable costs expended to establish a Loan Fund which are incurred after the date of the enactment of this title.

''(3) GUIDANCE AND REGULATIONS.—The National Coordinator shall publish guidance and promulgate regulations as may be necessary to carry out the provisions of this section, including—

''(A) provisions to ensure that each eligible entity commits and expends funds allotted to the entity under this section as efficiently as possible in accordance with this title and applicable State laws; and

''(B) guidance to prevent waste, fraud, and abuse.

''(4) PRIVATE SECTOR CONTRIBUTIONS.—

''(A) IN GENERAL.—A Loan Fund established under this section may accept contributions from private sector entities, except that such entities may not specify the recipient or recipients of any loan issued under this subsection. An eligible entity may agree to reimburse a private sector entity for any contribution made under this subparagraph, except that the amount of such reimbursement may not be greater than the principal amount of the contribution made.

''(B) AVAILABILITY OF INFORMATION.—An eligible entity shall make publicly available the identity of, and amount contributed by, any private sector entity under subparagraph (A) and may issue letters of commendation or make other awards (that have no financial value) to any such entity.

''(h) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—The National Coordinator may not make a grant under subsection (a) to an eligible entity unless the entity agrees to make available (directly or through donations from public or private entities) non-Federal contributions in cash to the costs of carrying out the activities for which the grant is awarded in an amount equal to not less than $1 for each $5 of Federal funds provided under the grant.

''(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—In determining the amount of non-Federal contributions that an eligible entity has provided pursuant to subparagraph (A), the National Coordinator may not include any amounts provided to the entity by the Federal Government.

''(i) EFFECTIVE DATE.—The Secretary may not make an award under this section prior to January 1, 2010.

''SEC. 3015. DEMONSTRATION PROGRAM TO INTEGRATE INFORMATION TECHNOLOGY INTO CLINICAL EDUCATION.

''(a) IN GENERAL.—The Secretary may award grants under this section to carry out demonstration projects to develop academic curricula integrating certified EHR technology in the clinical education of health professionals. Such awards shall be made on a competitive basis and pursuant to peer review.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

''(2) submit to the Secretary a strategic plan for integrating certified EHR technology in the clinical education of health professionals to reduce medical errors, increase access to prevention, reduce chronic diseases, and enhance health care quality;

''(3) be—

''(A) a school of medicine, osteopathic medicine, dentistry, or pharmacy, a graduate program in behavioral or mental health, or any other graduate health professions school;

''(B) a graduate school of nursing or physician assistant studies;

''(C) a consortium of two or more schools described in subparagraph (A) or (B); or

''(D) an institution with a graduate medical education program in medicine, osteopathic medicine, dentistry, pharmacy, nursing, or physician assistance studies;

''(4) provide for the collection of data regarding the effectiveness of the demonstration project to be funded under the grant in improving the safety of patients, the efficiency of health care delivery, and in increasing the likelihood that graduates of the grantee will adopt and incorporate certified EHR technology, in the delivery of health care services; and

''(5) provide matching funds in accordance with subsection (d).

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—With respect to a grant under subsection (a), an eligible entity shall—

''(A) use grant funds in collaboration with 2 or more disciplines; and

''(B) use grant funds to integrate certified EHR technology into community-based clinical education.

''(2) LIMITATION.—An eligible entity shall not use amounts received under a grant under subsection (a) to purchase hardware, software, or services.

''(d) FINANCIAL SUPPORT.—The Secretary may not provide more than 50 percent of the costs of any activity for which assistance is provided under subsection (a), except in an instance of national economic conditions which would render the cost-share requirement under this subsection detrimental to the program and upon notification to Congress as to the justification to waive the cost-share requirement.

''(e) EVALUATION.—The Secretary shall take such action as may be necessary to evaluate the projects funded under this section and publish, make available, and disseminate the results of such evaluations on as wide a basis as is practicable.

''(f) REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report that—

''(1) describes the specific projects established under this section; and

''(2) contains recommendations for Congress based on the evaluation conducted under subsection (e).

''SEC. 3016. INFORMATION TECHNOLOGY PROFESSIONALS IN HEALTH CARE.

''(a) IN GENERAL.—The Secretary, in consultation with the Director of the National Science Foundation, shall provide assistance to institutions of higher education (or consortia thereof) to establish or expand medical health informatics education programs, including certification, undergraduate, and masters degree programs, for both health care and information technology students to ensure the rapid and effective utilization and development of health information technologies (in the United States health care infrastructure).

''(b) ACTIVITIES.—Activities for which assistance may be provided under subsection (a) may include the following:

''(1) Developing and revising curricula in medical health informatics and related disciplines.

''(2) Recruiting and retaining students to the program involved.

''(3) Acquiring equipment necessary for student instruction in these programs, including the installation of testbed networks for student use.

''(4) Establishing or enhancing bridge programs in the health informatics fields between community colleges and universities.

''(c) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give preference to the following:

''(1) Existing education and training programs.

''(2) Programs designed to be completed in less than six months.

''SEC. 3017. GENERAL GRANT AND LOAN PROVISIONS.

''(a) REPORTS.—The Secretary may require that an entity receiving assistance under this subtitle shall submit to the Secretary, not later than the date that is 1 year after the date of receipt of such assistance, a report that includes—

''(1) an analysis of the effectiveness of the activities for which the entity receives such assistance, as compared to the goals for such activities; and

''(2) an analysis of the impact of the project on health care quality and safety.

''(b) REQUIREMENT TO IMPROVE QUALITY OF CARE AND DECREASE IN COSTS.—The National Coordinator shall annually evaluate the activities conducted under this subtitle and shall, in

awarding grants, implement the lessons learned from such evaluation in a manner so that awards made subsequent to each such evaluation are made in a manner that, in the determination of the National Coordinator, will result in the greatest improvement in the quality and efficiency of health care.

''SEC. 3018. AUTHORIZATION FOR APPROPRIATIONS.

''For the purposes of carrying out this subtitle, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013.''.

Subtitle D—Privacy

SEC. 13400. DEFINITIONS.

In this subtitle, except as specified otherwise:

(1) BREACH.—

(A) IN GENERAL.—The term ''breach'' means the unauthorized acquisition, access, use, or disclosure of protected health information which compromises the security or privacy of such information, except where an unauthorized person to whom such information is disclosed would not reasonably have been able to retain such information.

(B) EXCEPTIONS.—The term ''breach'' does not include—

(i) any unintentional acquisition, access, or use of protected health information by an employee or individual acting under the authority of a covered entity or business associate if—

(I) such acquisition, access, or use was made in good faith and within the course and scope of the employment or other professional relationship of such employee or individual, respectively, with the covered entity or business associate; and

(II) such information is not further acquired, accessed, used, or disclosed by any person; or

(ii) any inadvertent disclosure from an individual who is otherwise authorized to access protected health information at a facility operated by a covered entity or business associate to another similarly situated individual at same facility; and

(iii) any such information received as a result of such disclosure is not further acquired, accessed, used, or disclosed without authorization by any person.

(2) BUSINESS ASSOCIATE.—The term ''business associate'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(3) COVERED ENTITY.—The term ''covered entity'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(4) DISCLOSE.—The terms ''disclose'' and ''disclosure'' have the meaning given the term ''disclosure'' in section 160.103 of title 45, Code of Federal Regulations.

(5) ELECTRONIC HEALTH RECORD.—The term ''electronic health record'' means an electronic record of health-related information on an individual that is created, gathered, managed, and consulted by authorized health care clinicians and staff.

(6) HEALTH CARE OPERATIONS.—The term ''health care operation'' has the meaning given such term in section 164.501 of title 45, Code of Federal Regulations.

(7) HEALTH CARE PROVIDER.—The term ''health care provider'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(8) HEALTH PLAN.—The term ''health plan'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(9) NATIONAL COORDINATOR.—The term ''National Coordinator'' means the head of the Office of the National Coordinator for Health Information Technology established under section 3001(a) of the Public Health Service Act, as added by section 13101.

(10) PAYMENT.—The term ''payment'' has the meaning given such term in section 164.501 of title 45, Code of Federal Regulations.

(11) PERSONAL HEALTH RECORD.—The term ''personal health record'' means an electronic record of PHR identifiable health information (as defined in section 13407(f)(2)) on an individual that can be drawn from multiple sources and that is managed, shared, and controlled by or primarily for the individual.

(12) PROTECTED HEALTH INFORMATION.—The term ''protected health information'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(14) SECURITY.—The term ''security'' has the meaning given such term in section 164.304 of title 45, Code of Federal Regulations.

(15) STATE.—The term ''State'' means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(16) TREATMENT.—The term ''treatment'' has the meaning given such term in section 164.501 of title 45, Code of Federal Regulations.

(17) USE.—The term ''use'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(18) VENDOR OF PERSONAL HEALTH RECORDS.—The term ''vendor of personal health records'' means an entity, other than a covered entity (as defined in paragraph (3)), that offers or maintains a personal health record.

PART 1—IMPROVED PRIVACY PROVISIONS AND SECURITY PROVISIONS

SEC. 13401. APPLICATION OF SECURITY PROVISIONS AND PENALTIES TO BUSINESS ASSOCIATES OF COVERED ENTITIES; ANNUAL GUIDANCE ON SECURITY PROVISIONS.

(a) APPLICATION OF SECURITY PROVISIONS.—Sections 164.308, 164.310, 164.312, and 164.316 of title 45, Code of Federal Regulations, shall apply to a business associate of a covered entity in the same manner that such sections apply to the covered entity. The additional requirements of this title that relate to security and that are made applicable with respect to covered entities shall also be applicable to such a business associate and shall be incorporated into the business associate agreement between the business associate and the covered entity.

(b) APPLICATION OF CIVIL AND CRIMINAL PENALTIES.—In the case of a business associate that violates any security provision specified in subsection (a), sections 1176 and 1177 of the Social Security Act (42 U.S.C. 1320d–5, 1320d–6) shall apply to the business associate with respect to such violation in the same manner such sections apply to a covered entity that violates such security provision.

(c) ANNUAL GUIDANCE.—For the first year beginning after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services shall, after consultation with stakeholders, annually issue guidance on the most effective and appropriate technical safeguards for use in carrying out the sections referred to in subsection (a) and the security standards in subpart C of part 164 of title 45, Code of Federal Regulations, including the use of standards developed under section 3002(b)(2)(B)(vi) of the Public Health Service Act, as added by section 13101 of this Act, as such provisions are in effect as of the date before the enactment of this Act.

SEC. 13402. NOTIFICATION IN THE CASE OF BREACH.

(a) IN GENERAL.—A covered entity that accesses, maintains, retains, modifies, records, stores, destroys, or otherwise holds, uses, or discloses unsecured protected health information (as defined in subsection (h)(1)) shall, in the case of a breach of such information that is discovered by the covered entity, notify each individual whose unsecured protected health information has been, or is reasonably believed by the covered entity to have been, accessed, acquired, or disclosed as a result of such breach.

(b) NOTIFICATION OF COVERED ENTITY BY BUSINESS ASSOCIATE.—A business associate of a covered entity that accesses, maintains, retains, modifies, records, stores, destroys, or otherwise holds, uses, or discloses unsecured protected health information shall, following the discovery of a breach of such information, notify the covered entity of such breach. Such notice shall include the identification of each individual whose unsecured protected health information has been, or is reasonably believed by the business associate to have been, accessed, acquired, or disclosed during such breach.

(c) BREACHES TREATED AS DISCOVERED.—For purposes of this section, a breach shall be treated as discovered by a covered entity or by a business associate as of the first day on which such breach is known to such entity or associate, respectively, (including any person, other than the individual committing the breach, that is an employee, officer, or other agent of such entity or associate, respectively) or should reasonably have been known to such entity or associate (or person) to have occurred.

(d) TIMELINESS OF NOTIFICATION.—

(1) IN GENERAL.—Subject to subsection (g), all notifications required under this section shall be made without unreasonable delay and in no case later than 60 calendar days after the discovery of a breach by the covered entity involved (or business associate involved in the case of a notification required under subsection (b)).

(2) BURDEN OF PROOF.—The covered entity involved (or business associate involved in the case of a notification required under subsection (b)), shall have the burden of demonstrating that all notifications were made as required under this part, including evidence demonstrating the necessity of any delay.

(e) METHODS OF NOTICE.—

(1) INDIVIDUAL NOTICE.—Notice required under this section to be provided to an individual, with respect to a breach, shall be provided promptly and in the following form:

(A) Written notification by first-class mail to the individual (or the next of kin of the individual if the individual is deceased) at the last known address of the individual or the next of kin, respectively, or, if specified as a preference by the individual, by electronic mail. The notification may be provided in one or more mailings as information is available.

(B) In the case in which there is insufficient, or out-of-date contact information (including a phone number, email address, or any other form of appropriate communication) that precludes direct written (or, if specified by the individual under subparagraph (A), electronic) notification to the individual, a substitute form of notice shall be provided, including, in the case that there are 10 or more individuals for which there is insufficient or out-of-date contact information, a conspicuous posting for a period determined by the Secretary on the home page of the Web site of the covered entity involved or notice in major print or broadcast media, including major media in geographic areas where the individuals affected by the breach likely reside. Such a notice in media or web posting will include a toll-free phone number where an individual can learn whether or not the individual's unsecured protected health information is possibly included in the breach.

(C) In any case deemed by the covered entity involved to require urgency because of possible imminent misuse of unsecured protected health information, the covered entity, in addition to notice provided under subparagraph (A), may provide information to individuals by telephone or other means, as appropriate.

(2) MEDIA NOTICE.—Notice shall be provided to prominent media outlets serving a State or jurisdiction, following the discovery of a breach described in subsection (a), if the unsecured protected health information of more than 500 residents of such State or jurisdiction is, or is reasonably believed to have been, accessed, acquired, or disclosed during such breach.

(3) NOTICE TO SECRETARY.—Notice shall be provided to the Secretary by covered entities of unsecured protected health information that has been acquired or disclosed in a breach. If the breach was with respect to 500 or more individuals than such notice must be provided immediately. If the breach was with respect to less than 500 individuals, the covered entity may maintain a log of any such breach occurring and annually submit such a log to the Secretary documenting such breaches occurring during the year involved.

(4) POSTING ON HHS PUBLIC WEBSITE.—The Secretary shall make available to the public on the Internet website of the Department of Health and Human Services a list that identifies each covered entity involved in a breach described in subsection (a) in which the unsecured protected health information of more than 500 individuals is acquired or disclosed.

(f) CONTENT OF NOTIFICATION.—Regardless of the method by which notice is provided to individuals under this section, notice of a breach shall include, to the extent possible, the following:

(1) A brief description of what happened, including the date of the breach and the date of the discovery of the breach, if known.

(2) A description of the types of unsecured protected health information that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code).

(3) The steps individuals should take to protect themselves from potential harm resulting from the breach.

(4) A brief description of what the covered entity involved is doing to investigate the breach, to mitigate losses, and to protect against any further breaches.

(5) Contact procedures for individuals to ask questions or learn additional information, which shall include a toll-free telephone number, an e-mail address, Web site, or postal address.

(g) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT PURPOSES.—If a law enforcement official determines that a notification, notice, or posting required under this section would impede a criminal investigation or cause damage to national security, such notification, notice, or posting shall be delayed in the same manner as provided under section 164.528(a)(2) of title 45, Code of Federal Regulations, in the case of a disclosure covered under such section.

(h) UNSECURED PROTECTED HEALTH INFORMATION.—

(1) DEFINITION.—

(A) IN GENERAL.—Subject to subparagraph (B), for purposes of this section, the term ''unsecured protected health information'' means protected health information that is not secured through the use of a technology or methodology specified by the Secretary in the guidance issued under paragraph (2).

(B) EXCEPTION IN CASE TIMELY GUIDANCE NOT ISSUED.—In the case that the Secretary does not issue guidance under paragraph (2) by the date specified in such paragraph, for purposes of this section, the term ''unsecured protected health information'' shall mean protected health information that is not secured by a technology standard that renders protected health information unusable, unreadable, or indecipherable to unauthorized individuals and is developed or endorsed by a standards developing organization that is accredited by the American National Standards Institute.

(2) GUIDANCE.—For purposes of paragraph (1) and section 13407(f)(3), not later than the date that is 60 days after the date of the enactment of this Act, the Secretary shall, after consultation with stakeholders, issue (and annually update) guidance specifying the technologies and methodologies that render protected health information unusable, unreadable, or indecipherable to unauthorized individuals, including the use of standards developed under section 3002(b)(2)(B)(vi) of the Public Health Service Act, as added by section 13101 of this Act.

(i) REPORT TO CONGRESS ON BREACHES.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act and annually thereafter, the Secretary shall prepare and submit to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report containing the information described in paragraph (2) regarding breaches for which notice was provided to the Secretary under subsection (e)(3).

(2) INFORMATION.—The information described in this paragraph regarding breaches specified in paragraph (1) shall include—

(A) the number and nature of such breaches; and

(B) actions taken in response to such breaches.

(j) REGULATIONS; EFFECTIVE DATE.—To carry out this section, the Secretary of Health and Human Services shall promulgate interim final regulations by not later than the date that is 180 days after the date of the enactment of this title. The provisions of this section shall apply to breaches that are discovered on or after the date that is 30 days after the date of publication of such interim final regulations.

SEC. 13403. EDUCATION ON HEALTH INFORMATION PRIVACY.

(a) REGIONAL OFFICE PRIVACY ADVISORS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall designate an individual in each regional office of the Department of Health and Human Services to offer guidance and education to covered entities, business associates, and individuals on their rights and responsibilities related to Federal privacy and security requirements for protected health information.

(b) EDUCATION INITIATIVE ON USES OF HEALTH INFORMATION.—Not later than 12 months after the date of the enactment of this Act, the Office for Civil Rights within the Department of Health and Human Services shall develop and maintain a multi-faceted national education initiative to enhance public transparency regarding the uses of protected health information, including programs to educate individuals about the potential uses of their protected health information, the effects of such uses, and the rights of individuals with respect to such uses. Such programs shall be conducted in a variety of languages and present information in a clear and understandable manner.

SEC. 13404. APPLICATION OF PRIVACY PROVISIONS AND PENALTIES TO BUSINESS ASSOCIATES OF COVERED ENTITIES.

(a) APPLICATION OF CONTRACT REQUIREMENTS.—In the case of a business associate of a covered entity that obtains or creates protected health information pursuant to a written contract (or other written arrangement) described in section 164.502(e)(2) of title 45, Code of Federal Regulations, with such covered entity, the business associate may use and disclose such protected health information only if such use or disclosure, respectively, is in compliance with each applicable requirement of section 164.504(e) of such title. The additional requirements of this subtitle that relate to privacy and that are made applicable with respect to covered entities shall also be applicable to such a business associate and shall be incorporated into the business associate agreement between the business associate and the covered entity.

(b) APPLICATION OF KNOWLEDGE ELEMENTS ASSOCIATED WITH CONTRACTS.—Section 164.504(e)(1)(ii) of title 45, Code of Federal Regulations, shall apply to a business associate described in subsection (a), with respect to compliance with such subsection, in the same manner that such section applies to a covered entity, with respect to compliance with the standards in sections 164.502(e) and 164.504(e) of such title, except that in applying such section 164.504(e)(1)(ii) each reference to the business associate, with respect to a contract, shall be treated as a reference to the covered entity involved in such contract.

(c) APPLICATION OF CIVIL AND CRIMINAL PENALTIES.—In the case of a business associate that violates any provision of subsection (a) or (b), the provisions of sections 1176 and 1177 of the Social Security Act (42 U.S.C. 1320d–5, 1320d–6) shall apply to the business associate with respect to such violation in the same manner as such provisions apply to a person who violates a provision of part C of title XI of such Act.

SEC. 13405. RESTRICTIONS ON CERTAIN DISCLOSURES AND SALES OF HEALTH INFORMATION; ACCOUNTING OF CERTAIN PROTECTED HEALTH INFORMATION DISCLOSURES; ACCESS TO CERTAIN INFORMATION IN ELECTRONIC FORMAT.

(a) REQUESTED RESTRICTIONS ON CERTAIN DISCLOSURES OF HEALTH INFORMATION.—In the case that an individual requests under paragraph (a)(1)(i)(A) of section 164.522 of title 45, Code of Federal Regulations, that a covered entity restrict the disclosure of the protected health information of the individual, notwithstanding paragraph (a)(1)(ii) of such section, the covered entity must comply with the requested restriction if—

(1) except as otherwise required by law, the disclosure is to a health plan for purposes of carrying out payment or health care operations (and is not for purposes of carrying out treatment); and

(2) the protected health information pertains solely to a health care item or service for which the health care provider involved has been paid out of pocket in full.

(b) DISCLOSURES REQUIRED TO BE LIMITED TO THE LIMITED DATA SET OR THE MINIMUM NECESSARY.—

(1) IN GENERAL.—

(A) IN GENERAL.—Subject to subparagraph (B), a covered entity shall be treated as being in compliance with section 164.502(b)(1) of title 45, Code of Federal Regulations, with respect to the use, disclosure, or request of protected health information described in such section, only if the covered entity limits such protected health information, to the extent practicable, to the limited data set (as defined in section 164.514(e)(2) of such title) or, if needed by such entity, to the minimum necessary to accomplish the intended purpose of such use, disclosure, or request, respectively.

(B) GUIDANCE.—Not later than 18 months after the date of the enactment of this section, the Secretary shall issue guidance on what constitutes ''minimum necessary'' for purposes of subpart E of part 164 of title 45, Code of Federal Regulation. In issuing such guidance the Secretary shall take into consideration the guidance under section 13424(c) and the information necessary to improve patient outcomes and to detect, prevent, and manage chronic disease.

(C) SUNSET.—Subparagraph (A) shall not apply on and after the effective date on which

the Secretary issues the guidance under subparagraph (B).

(2) DETERMINATION OF MINIMUM NECESSARY.—For purposes of paragraph (1), in the case of the disclosure of protected health information, the covered entity or business associate disclosing such information shall determine what constitutes the minimum necessary to accomplish the intended purpose of such disclosure.

(3) APPLICATION OF EXCEPTIONS.—The exceptions described in section 164.502(b)(2) of title 45, Code of Federal Regulations, shall apply to the requirement under paragraph (1) as of the effective date described in section 13423 in the same manner that such exceptions apply to section 164.502(b)(1) of such title before such date.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the use, disclosure, or request of protected health information that has been de-identified.

(c) ACCOUNTING OF CERTAIN PROTECTED HEALTH INFORMATION DISCLOSURES REQUIRED IF COVERED ENTITY USES ELECTRONIC HEALTH RECORD.—

''(1) IN GENERAL.—In applying section 164.528 of title 45, Code of Federal Regulations, in the case that a covered entity uses or maintains an electronic health record with respect to protected health information—

''(A) the exception under paragraph (a)(1)(i) of such section shall not apply to disclosures through an electronic health record made by such entity of such information; and

''(B) an individual shall have a right to receive an accounting of disclosures described in such paragraph of such information made by such covered entity during only the three years prior to the date on which the accounting is requested.

''(2) REGULATIONS.—The Secretary shall promulgate regulations on what information shall be collected about each disclosure referred to in paragraph (1), not later than 6 months after the date on which the Secretary adopts standards on accounting for disclosure described in the section 3002(b)(2)(B)(iv) of the Public Health Service Act, as added by section 13101. Such regulations shall only require such information to be collected through an electronic health record in a manner that takes into account the interests of the individuals in learning the circumstances under which their protected health information is being disclosed and takes into account the administrative burden of accounting for such disclosures.

''(3) PROCESS.—In response to an request from an individual for an accounting, a covered entity shall elect to provide either an—

''(A) accounting, as specified under paragraph (1), for disclosures of protected health information that are made by such covered entity and by a business associate acting on behalf of the covered entity; or

''(B) accounting, as specified under paragraph (1), for disclosures that are made by such covered entity and provide a list of all business associates acting on behalf of the covered entity, including contact information for such associates (such as mailing address, phone, and email address).

A business associate included on a list under subparagraph (B) shall provide an accounting of disclosures (as required under paragraph (1) for a covered entity) made by the business associate upon a request made by an individual directly to the business associate for such an accounting.

''(4) EFFECTIVE DATE.—

''(A) CURRENT USERS OF ELECTRONIC RECORDS.—In the case of a covered entity insofar as it acquired an electronic health record as of January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such a record on and after January 1, 2014.

''(B) OTHERS.—In the case of a covered entity insofar as it acquires an electronic health record after January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such record on and after the later of the following:

''(i) January 1, 2011; or

''(ii) the date that it acquires an electronic health record.

''(C) LATER DATE.—The Secretary may set an effective date that is later that the date specified under subparagraph (A) or (B) if the Secretary determines that such later date is necessary, but in no case may the date specified under—

''(i) subparagraph (A) be later than 2016; or

''(ii) subparagraph (B) be later than 2013.''

(d) PROHIBITION ON SALE OF ELECTRONIC HEALTH RECORDS OR PROTECTED HEALTH INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a covered entity or business associate shall not directly or indirectly receive remuneration in exchange for any protected health information of an individual unless the covered entity obtained from the individual, in accordance with section 164.508 of title 45, Code of Federal Regulations, a valid authorization that includes, in accordance with such section, a specification of whether the protected health information can be further exchanged for remuneration by the entity receiving protected health information of that individual.

(2) EXCEPTIONS.—Paragraph (1) shall not apply in the following cases:

(A) The purpose of the exchange is for public health activities (as described in section 164.512(b) of title 45, Code of Federal Regulations).

(B) The purpose of the exchange is for research (as described in sections 164.501 and 164.512(i) of title 45, Code of Federal Regulations) and the price charged reflects the costs of preparation and transmittal of the data for such purpose.

(C) The purpose of the exchange is for the treatment of the individual, subject to any regulation that the Secretary may promulgate to prevent protected health information from inappropriate access, use, or disclosure.

(D) The purpose of the exchange is the health care operation specifically described in subparagraph (iv) of paragraph (6) of the definition of healthcare operations in section 164.501 of title 45, Code of Federal Regulations.

(E) The purpose of the exchange is for remuneration that is provided by a covered entity to a business associate for activities involving the exchange of protected health information that the business associate undertakes on behalf of and at the specific request of the covered entity pursuant to a business associate agreement.

(F) The purpose of the exchange is to provide an individual with a copy of the individual's protected health information pursuant to section 164.524 of title 45, Code of Federal Regulations.

(G) The purpose of the exchange is otherwise determined by the Secretary in regulations to be similarly necessary and appropriate as the exceptions provided in subparagraphs (A) through (F).

(3) REGULATIONS.—Not later than 18 months after the date of enactment of this title, the Secretary shall promulgate regulations to carry out this subsection. In promulgating such regulations, the Secretary—

(A) shall evaluate the impact of restricting the exception described in paragraph (2)(A) to require that the price charged for the purposes described in such paragraph reflects the costs of the preparation and transmittal of the data for such purpose, on research or public health activities, including those conducted by or for the use of the Food and Drug Administration; and

(B) may further restrict the exception described in paragraph (2)(A) to require that the price charged for the purposes described in such paragraph reflects the costs of the preparation and transmittal of the data for such purpose, if the Secretary finds that such further restriction will not impede such research or public health activities.

(4) EFFECTIVE DATE.—Paragraph (1) shall apply to exchanges occurring on or after the date that is 6 months after the date of the promulgation of final regulations implementing this subsection.

(e) ACCESS TO CERTAIN INFORMATION IN ELECTRONIC FORMAT.—In applying section 164.524 of title 45, Code of Federal Regulations, in the case that a covered entity uses or maintains an electronic health record with respect to protected health information of an individual—

(1) the individual shall have a right to obtain from such covered entity a copy of such information in an electronic format and, if the individual chooses, to direct the covered entity to transmit such copy directly to an entity or person designated by the individual, provided that any such choice is clear, conspicuous, and specific; and

(2) notwithstanding paragraph (c)(4) of such section, any fee that the covered entity may impose for providing such individual with a copy of such information (or a summary or explanation of such information) if such copy (or summary or explanation) is in an electronic form shall not be greater than the entity's labor costs in responding to the request for the copy (or summary or explanation).

SEC. 13406. CONDITIONS ON CERTAIN CONTACTS AS PART OF HEALTH CARE OPERATIONS.

(a) MARKETING.—

(1) IN GENERAL.—A communication by a covered entity or business associate that is about a product or service and that encourages recipients of the communication to purchase or use the product or service shall not be considered a health care operation for purposes of subpart E of part 164 of title 45, Code of Federal Regulations, unless the communication is made as described in subparagraph (i), (ii), or (iii) of paragraph (1) of the definition of marketing in section 164.501 of such title.

(2) PAYMENT FOR CERTAIN COMMUNICATIONS.—A communication by a covered entity or business associate that is described in subparagraph (i), (ii), or (iii) of paragraph (1) of the definition of marketing in section 164.501 of title 45, Code of Federal Regulations, shall not be considered a health care operation for purposes of subpart E of part 164 of title 45, Code of Federal Regulations if the covered entity receives or has received direct or indirect payment in exchange for making such communication, except where—

(A)(i) such communication describes only a drug or biologic that is currently being prescribed for the recipient of the communication; and

(ii) any payment received by such covered entity in exchange for making a communication described in clause (i) is reasonable in amount;

(B) each of the following conditions apply—

(i) the communication is made by the covered entity; and

(ii) the covered entity making such communication obtains from the recipient of the communication, in accordance with section 164.508 of title 45, Code of Federal Regulations, a valid authorization (as described in paragraph (b) of such section) with respect to such communication; or

(C) each of the following conditions apply—

(i) the communication is made by a business associate on behalf of the covered entity; and

(ii) the communication is consistent with the written contract (or other written arrangement

described in section 164.502(e)(2) of such title) between such business associate and covered entity.

(3) REASONABLE IN AMOUNT DEFINED.—For purposes of paragraph (2), the term ''reasonable in amount'' shall have the meaning given such term by the Secretary by regulation.

(4) DIRECT OR INDIRECT PAYMENT.—For purposes of paragraph (2), the term ''direct or indirect payment'' shall not include any payment for treatment (as defined in section 164.501 of title 45, Code of Federal Regulations) of an individual.

(b) OPPORTUNITY TO OPT OUT OF FUNDRAISING.—The Secretary shall by rule provide that any written fundraising communication that is a healthcare operation as defined under section 164.501 of title 45, Code of Federal Regulations, shall, in a clear and conspicuous manner, provide an opportunity for the recipient of the communications to elect not to receive any further such communication. When an individual elects not to receive any further such communication, such election shall be treated as a revocation of authorization under section 164.508 of title 45, Code of Federal Regulations.

(c) EFFECTIVE DATE.—This section shall apply to written communications occurring on or after the effective date specified under section 13423.

SEC. 13407. TEMPORARY BREACH NOTIFICATION REQUIREMENT FOR VENDORS OF PERSONAL HEALTH RECORDS AND OTHER NON-HIPAA COVERED ENTITIES.

(a) IN GENERAL.—In accordance with subsection (c), each vendor of personal health records, following the discovery of a breach of security of unsecured PHR identifiable health information that is in a personal health record maintained or offered by such vendor, and each entity described in clause (ii), (iii), or (iv) of section 13424(b)(1)(A), following the discovery of a breach of security of such information that is obtained through a product or service provided by such entity, shall—

(1) notify each individual who is a citizen or resident of the United States whose unsecured PHR identifiable health information was acquired by an unauthorized person as a result of such a breach of security; and

(2) notify the Federal Trade Commission.

(b) NOTIFICATION BY THIRD PARTY SERVICE PROVIDERS.—A third party service provider that provides services to a vendor of personal health records or to an entity described in clause (ii), (iii). or (iv) of section 13424(b)(1)(A) in connection with the offering or maintenance of a personal health record or a related product or service and that accesses, maintains, retains, modifies, records, stores, destroys, or otherwise holds, uses, or discloses unsecured PHR identifiable health information in such a record as a result of such services shall, following the discovery of a breach of security of such information, notify such vendor or entity, respectively, of such breach. Such notice shall include the identification of each individual whose unsecured PHR identifiable health information has been, or is reasonably believed to have been, accessed, acquired, or disclosed during such breach.

(c) APPLICATION OF REQUIREMENTS FOR TIMELINESS, METHOD, AND CONTENT OF NOTIFICATIONS.—Subsections (c), (d), (e), and (f) of section 13402 shall apply to a notification required under subsection (a) and a vendor of personal health records, an entity described in subsection (a) and a third party service provider described in subsection (b), with respect to a breach of security under subsection (a) of unsecured PHR identifiable health information in such records maintained or offered by such vendor, in a manner specified by the Federal Trade Commission.

(d) NOTIFICATION OF THE SECRETARY.—Upon receipt of a notification of a breach of security under subsection (a)(2), the Federal Trade Commission shall notify the Secretary of such breach.

(e) ENFORCEMENT.—A violation of subsection (a) or (b) shall be treated as an unfair and deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(f) DEFINITIONS.—For purposes of this section:

(1) BREACH OF SECURITY.—The term ''breach of security'' means, with respect to unsecured PHR identifiable health information of an individual in a personal health record, acquisition of such information without the authorization of the individual.

(2) PHR IDENTIFIABLE HEALTH INFORMATION.—The term ''PHR identifiable health information'' means individually identifiable health information, as defined in section 1171(6) of the Social Security Act (42 U.S.C. 1320d(6)), and includes, with respect to an individual, information—

(A) that is provided by or on behalf of the individual; and

(B) that identifies the individual or with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.

(3) UNSECURED PHR IDENTIFIABLE HEALTH INFORMATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ''unsecured PHR identifiable health information'' means PHR identifiable health information that is not protected through the use of a technology or methodology specified by the Secretary in the guidance issued under section 13402(h)(2).

(B) EXCEPTION IN CASE TIMELY GUIDANCE NOT ISSUED.—In the case that the Secretary does not issue guidance under section 13402(h)(2) by the date specified in such section, for purposes of this section, the term ''unsecured PHR identifiable health information'' shall mean PHR identifiable health information that is not secured by a technology standard that renders protected health information unusable, unreadable, or indecipherable to unauthorized individuals and that is developed or endorsed by a standards developing organization that is accredited by the American National Standards Institute.

(g) REGULATIONS; EFFECTIVE DATE; SUNSET.—

(1) REGULATIONS; EFFECTIVE DATE.—To carry out this section, the Federal Trade Commission shall promulgate interim final regulations by not later than the date that is 180 days after the date of the enactment of this section. The provisions of this section shall apply to breaches of security that are discovered on or after the date that is 30 days after the date of publication of such interim final regulations.

(2) SUNSET.—If Congress enacts new legislation establishing requirements for notification in the case of a breach of security, that apply to entities that are not covered entities or business associates, the provisions of this section shall not apply to breaches of security discovered on or after the effective date of regulations implementing such legislation.

SEC. 13408. BUSINESS ASSOCIATE CONTRACTS REQUIRED FOR CERTAIN ENTITIES.

Each organization, with respect to a covered entity, that provides data transmission of protected health information to such entity (or its business associate) and that requires access on a routine basis to such protected health information, such as a Health Information Exchange Organization, Regional Health Information Organization, E-prescribing Gateway, or each vendor that contracts with a covered entity to allow that covered entity to offer a personal health record to patients as part of its electronic health record, is required to enter into a written contract (or other written arrangement) described in section 164.502(e)(2) of title 45, Code of Federal Regulations and a written contract (or other arrangement) described in section 164.308(b) of such title, with such entity and shall be treated as a business associate of the covered entity for purposes of the provisions of this subtitle and subparts C and E of part 164 of title 45, Code of Federal Regulations, as such provisions are in effect as of the date of enactment of this title.

SEC. 13409. CLARIFICATION OF APPLICATION OF WRONGFUL DISCLOSURES CRIMINAL PENALTIES.

Section 1177(a) of the Social Security Act (42 U.S.C. 1320d–6(a)) is amended by adding at the end the following new sentence: ''For purposes of the previous sentence, a person (including an employee or other individual) shall be considered to have obtained or disclosed individually identifiable health information in violation of this part if the information is maintained by a covered entity (as defined in the HIPAA privacy regulation described in section 1180(b)(3)) and the individual obtained or disclosed such information without authorization.''.

SEC. 13410. IMPROVED ENFORCEMENT.

(a) IN GENERAL.—

(1) NONCOMPLIANCE DUE TO WILLFUL NEGLECT.—Section 1176 of the Social Security Act (42 U.S.C. 1320d–5) is amended—

(A) in subsection (b)(1), by striking ''the act constitutes an offense punishable under section 1177'' and inserting ''a penalty has been imposed under section 1177 with respect to such act''; and

(B) by adding at the end the following new subsection:

''(c) NONCOMPLIANCE DUE TO WILLFUL NEGLECT.—

''(1) IN GENERAL.—A violation of a provision of this part due to willful neglect is a violation for which the Secretary is required to impose a penalty under subsection (a)(1).

''(2) REQUIRED INVESTIGATION.—For purposes of paragraph (1), the Secretary shall formally investigate any complaint of a violation of a provision of this part if a preliminary investigation of the facts of the complaint indicate such a possible violation due to willful neglect.''.

(2) ENFORCEMENT UNDER SOCIAL SECURITY ACT.—Any violation by a covered entity under thus subtitle is subject to enforcement and penalties under section 1176 and 1177 of the Social Security Act.

(b) EFFECTIVE DATE; REGULATIONS.—

(1) The amendments made by subsection (a) shall apply to penalties imposed on or after the date that is 24 months after the date of the enactment of this title.

(2) Not later than 18 months after the date of the enactment of this title, the Secretary of Health and Human Services shall promulgate regulations to implement such amendments.

(c) DISTRIBUTION OF CERTAIN CIVIL MONETARY PENALTIES COLLECTED.—

(1) IN GENERAL.—Subject to the regulation promulgated pursuant to paragraph (3), any civil monetary penalty or monetary settlement collected with respect to an offense punishable under this subtitle or section 1176 of the Social Security Act (42 U.S.C. 1320d–5) insofar as such section relates to privacy or security shall be transferred to the Office for Civil Rights of the Department of Health and Human Services to be used for purposes of enforcing the provisions of this subtitle and subparts C and E of part 164 of title 45, Code of Federal Regulations, as such provisions are in effect as of the date of enactment of this Act.

(2) GAO REPORT.—Not later than 18 months after the date of the enactment of this title, the Comptroller General shall submit to the Secretary a report including recommendations for a methodology under which an individual who is

harmed by an act that constitutes an offense referred to in paragraph (1) may receive a percentage of any civil monetary penalty or monetary settlement collected with respect to such offense.

(3) ESTABLISHMENT OF METHODOLOGY TO DISTRIBUTE PERCENTAGE OF CMPS COLLECTED TO HARMED INDIVIDUALS.—Not later than 3 years after the date of the enactment of this title, the Secretary shall establish by regulation and based on the recommendations submitted under paragraph (2), a methodology under which an individual who is harmed by an act that constitutes an offense referred to in paragraph (1) may receive a percentage of any civil monetary penalty or monetary settlement collected with respect to such offense.

(4) APPLICATION OF METHODOLOGY.—The methodology under paragraph (3) shall be applied with respect to civil monetary penalties or monetary settlements imposed on or after the effective date of the regulation.

(d) TIERED INCREASE IN AMOUNT OF CIVIL MONETARY PENALTIES.—

(1) IN GENERAL.—Section 1176(a)(1) of the Social Security Act (42 U.S.C. 1320d–5(a)(1)) is amended by striking ''who violates a provision of this part a penalty of not more than'' and all that follows and inserting the following: ''who violates a provision of this part—

''(A) in the case of a violation of such provision in which it is established that the person did not know (and by exercising reasonable diligence would not have known) that such person violated such provision, a penalty for each such violation of an amount that is at least the amount described in paragraph (3)(A) but not to exceed the amount described in paragraph (3)(D);

''(B) in the case of a violation of such provision in which it is established that the violation was due to reasonable cause and not to willful neglect, a penalty for each such violation of an amount that is at least the amount described in paragraph (3)(B) but not to exceed the amount described in paragraph (3)(D); and

''(C) in the case of a violation of such provision in which it is established that the violation was due to willful neglect—

''(i) if the violation is corrected as described in subsection (b)(3)(A), a penalty in an amount that is at least the amount described in paragraph (3)(C) but not to exceed the amount described in paragraph (3)(D); and

''(ii) if the violation is not corrected as described in such subsection, a penalty in an amount that is at least the amount described in paragraph (3)(D).

In determining the amount of a penalty under this section for a violation, the Secretary shall base such determination on the nature and extent of the violation and the nature and extent of the harm resulting from such violation.''.

(2) TIERS OF PENALTIES DESCRIBED.—Section 1176(a) of such Act (42 U.S.C. 1320d–5(a)) is further amended by adding at the end the following new paragraph:

''(3) TIERS OF PENALTIES DESCRIBED.—For purposes of paragraph (1), with respect to a violation by a person of a provision of this part—

''(A) the amount described in this subparagraph is $100 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed $25,000;

''(B) the amount described in this subparagraph is $1,000 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed $100,000;

''(C) the amount described in this subparagraph is $10,000 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed $250,000; and

''(D) the amount described in this subparagraph is $50,000 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed $1,500,000.''.

(3) CONFORMING AMENDMENTS.—Section 1176(b) of such Act (42 U.S.C. 1320d–5(b)) is amended—

(A) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(B) in paragraph (2), as so redesignated—

(i) in subparagraph (A), by striking ''in subparagraph (B), a penalty may not be imposed under subsection (a) if'' and all that follows through ''the failure to comply is corrected'' and inserting ''in subparagraph (B) or subsection (a)(1)(C), a penalty may not be imposed under subsection (a) if the failure to comply is corrected''; and

(ii) in subparagraph (B), by striking ''(A)(ii)'' and inserting ''(A)'' each place it appears.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to violations occurring after the date of the enactment of this title.

(e) ENFORCEMENT THROUGH STATE ATTORNEYS GENERAL.—

(1) IN GENERAL.—Section 1176 of the Social Security Act (42 U.S.C. 1320d–5) is amended by adding at the end the following new subsection:

''(d) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

''(1) CIVIL ACTION.—Except as provided in subsection (b), in any case in which the attorney general of a State has reason to believe that an interest of one or more of the residents of that State has been or is threatened or adversely affected by any person who violates a provision of this part, the attorney general of the State, as parens patriae, may bring a civil action on behalf of such residents of the State in a district court of the United States of appropriate jurisdiction—

''(A) to enjoin further such violation by the defendant; or

''(B) to obtain damages on behalf of such residents of the State, in an amount equal to the amount determined under paragraph (2).

''(2) STATUTORY DAMAGES.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B), the amount determined under this paragraph is the amount calculated by multiplying the number of violations by up to $100. For purposes of the preceding sentence, in the case of a continuing violation, the number of violations shall be determined consistent with the HIPAA privacy regulations (as defined in section 1180(b)(3)) for violations of subsection (a).

''(B) LIMITATION.—The total amount of damages imposed on the person for all violations of an identical requirement or prohibition during a calendar year may not exceed $25,000.

''(C) REDUCTION OF DAMAGES.—In assessing damages under subparagraph (A), the court may consider the factors the Secretary may consider in determining the amount of a civil money penalty under subsection (a) under the HIPAA privacy regulations.

''(3) ATTORNEY FEES.—In the case of any successful action under paragraph (1), the court, in its discretion, may award the costs of the action and reasonable attorney fees to the State.

''(4) NOTICE TO SECRETARY.—The State shall serve prior written notice of any action under paragraph (1) upon the Secretary and provide the Secretary with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Secretary shall have the right—

''(A) to intervene in the action;

''(B) upon so intervening, to be heard on all matters arising therein; and

''(C) to file petitions for appeal.

''(5) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State.

''(6) VENUE; SERVICE OF PROCESS.—

''(A) VENUE.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

''(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

''(i) is an inhabitant; or

''(ii) maintains a physical place of business.

''(7) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Secretary has instituted an action against a person under subsection (a) with respect to a specific violation of this part, no State attorney general may bring an action under this subsection against the person with respect to such violation during the pendency of that action.

''(8) APPLICATION OF CMP STATUTE OF LIMITATION.—A civil action may not be instituted with respect to a violation of this part unless an action to impose a civil money penalty may be instituted under subsection (a) with respect to such violation consistent with the second sentence of section 1128A(c)(1).''.

(2) CONFORMING AMENDMENTS.—Subsection (b) of such section, as amended by subsection (d)(3), is amended—

(A) in paragraph (1), by striking ''A penalty may not be imposed under subsection (a)'' and inserting ''No penalty may be imposed under subsection (a) and no damages obtained under subsection (d)'';

(B) in paragraph (2)(A)—

(i) after ''subsection (a)(1)(C),'', by striking ''a penalty may not be imposed under subsection (a)'' and inserting ''no penalty may be imposed under subsection (a) and no damages obtained under subsection (d)''; and

(ii) in clause (ii), by inserting ''or damages'' after ''the penalty'';

(C) in paragraph (2)(B)(i), by striking ''The period'' and inserting ''With respect to the imposition of a penalty by the Secretary under subsection (a), the period''; and

(D) in paragraph (3), by inserting ''and any damages under subsection (d)'' after ''any penalty under subsection (a)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to violations occurring after the date of the enactment of this Act.

(f) ALLOWING CONTINUED USE OF CORRECTIVE ACTION.—Such section is further amended by adding at the end the following new subsection:

''(e) ALLOWING CONTINUED USE OF CORRECTIVE ACTION.—Nothing in this section shall be construed as preventing the Office for Civil Rights of the Department of Health and Human Services from continuing, in its discretion, to use corrective action without a penalty in cases where the person did not know (and by exercising reasonable diligence would not have known) of the violation involved.''.

SEC. 13411. AUDITS.

The Secretary shall provide for periodic audits to ensure that covered entities and business associates that are subject to the requirements of this subtitle and subparts C and E of part 164 of title 45, Code of Federal Regulations, as such provisions are in effect as of the date of enactment of this Act, comply with such requirements.

PART 2—RELATIONSHIP TO OTHER LAWS; REGULATORY REFERENCES; EFFECTIVE DATE; REPORTS

SEC. 13421. RELATIONSHIP TO OTHER LAWS.

(a) APPLICATION OF HIPAA STATE PREEMPTION.—Section 1178 of the Social Security Act (42 U.S.C. 1320d–7) shall apply to a provision or requirement under this subtitle in the same manner that such section applies to a provision or requirement under part C of title XI of such Act or a standard or implementation specification adopted or established under sections 1172 through 1174 of such Act.

(b) HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT.—The standards governing the privacy and security of individually identifiable health information promulgated by the Secretary under sections 262(a) and 264 of the Health Insurance Portability and Accountability Act of 1996 shall remain in effect to the extent that they are consistent with this subtitle. The Secretary shall by rule amend such Federal regulations as required to make such regulations consistent with this subtitle.

(c) CONSTRUCTION.—Nothing in this subtitle shall constitute a waiver of any privilege otherwise applicable to an individual with respect to the protected health information of such individual.

SEC. 13422. REGULATORY REFERENCES.

Each reference in this subtitle to a provision of the Code of Federal Regulations refers to such provision as in effect on the date of the enactment of this title (or to the most recent update of such provision).

SEC. 13423. EFFECTIVE DATE.

Except as otherwise specifically provided, the provisions of part I shall take effect on the date that is 12 months after the date of the enactment of this title.

SEC. 13424. STUDIES, REPORTS, GUIDANCE.

(a) REPORT ON COMPLIANCE.—

(1) IN GENERAL.—For the first year beginning after the date of the enactment of this Act and annually thereafter, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report concerning complaints of alleged violations of law, including the provisions of this subtitle as well as the provisions of subparts C and E of part 164 of title 45, Code of Federal Regulations, (as such provisions are in effect as of the date of enactment of this Act) relating to privacy and security of health information that are received by the Secretary during the year for which the report is being prepared. Each such report shall include, with respect to such complaints received during the year—

(A) the number of such complaints;

(B) the number of such complaints resolved informally, a summary of the types of such complaints so resolved, and the number of covered entities that received technical assistance from the Secretary during such year in order to achieve compliance with such provisions and the types of such technical assistance provided;

(C) the number of such complaints that have resulted in the imposition of civil monetary penalties or have been resolved through monetary settlements, including the nature of the complaints involved and the amount paid in each penalty or settlement;

(D) the number of compliance reviews conducted and the outcome of each such review;

(E) the number of subpoenas or inquiries issued;

(F) the Secretary's plan for improving compliance with and enforcement of such provisions for the following year; and

(G) the number of audits performed and a summary of audit findings pursuant to section 13411.

(2) AVAILABILITY TO PUBLIC.—Each report under paragraph (1) shall be made available to the public on the Internet website of the Department of Health and Human Services.

(b) STUDY AND REPORT ON APPLICATION OF PRIVACY AND SECURITY REQUIREMENTS TO NON-HIPAA COVERED ENTITIES.—

(1) STUDY.—Not later than one year after the date of the enactment of this title, the Secretary, in consultation with the Federal Trade Commission, shall conduct a study, and submit a report under paragraph (2), on privacy and security requirements for entities that are not covered entities or business associates as of the date of the enactment of this title, including—

(A) requirements relating to security, privacy, and notification in the case of a breach of security or privacy (including the applicability of an exemption to notification in the case of individually identifiable health information that has been rendered unusable, unreadable, or indecipherable through technologies or methodologies recognized by appropriate professional organization or standard setting bodies to provide effective security for the information) that should be applied to—

(i) vendors of personal health records;

(ii) entities that offer products or services through the website of a vendor of personal health records;

(iii) entities that are not covered entities and that offer products or services through the websites of covered entities that offer individuals personal health records;

(iv) entities that are not covered entities and that access information in a personal health record or send information to a personal health record; and

(v) third party service providers used by a vendor or entity described in clause (i), (ii), (iii), or (iv) to assist in providing personal health record products or services;

(B) a determination of which Federal government agency is best equipped to enforce such requirements recommended to be applied to such vendors, entities, and service providers under subparagraph (A); and

(C) a timeframe for implementing regulations based on such findings.

(2) REPORT.—The Secretary shall submit to the Committee on Finance, the Committee on Health, Education, Labor, and Pensions, and the Committee on Commerce of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report on the findings of the study under paragraph (1) and shall include in such report recommendations on the privacy and security requirements described in such paragraph.

(c) GUIDANCE ON IMPLEMENTATION SPECIFICATION TO DE-IDENTIFY PROTECTED HEALTH INFORMATION.—Not later than 12 months after the date of the enactment of this title, the Secretary shall, in consultation with stakeholders, issue guidance on how best to implement the requirements for the de-identification of protected health information under section 164.514(b) of title 45, Code of Federal Regulations.

(d) GAO REPORT ON TREATMENT DISCLOSURES.—Not later than one year after the date of the enactment of this title, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report on the best practices related to the disclosure among health care providers of protected health information of an individual for purposes of treatment of such individual. Such report shall include an examination of the best practices implemented by States and by other entities, such as health information exchanges and regional health information organizations, an examination of the extent to which such best practices are successful with respect to the quality of the resulting health care provided to the individual and with respect to the ability of the health care provider to manage such best practices, and an examination of the use of electronic informed consent for disclosing protected health information for treatment, payment, and health care operations.

(e) REPORT REQUIRED.—Not later than 5 years after the date of enactment of this section, the Government Accountability Office shall submit to Congress and the Secretary of Health and Human Services a report on the impact of any of the provisions of this Act on health insurance premiums, overall health care costs, adoption of electronic health records by providers, and reduction in medical errors and other quality improvements.

(f) STUDY.—The Secretary shall study the definition of ''psychotherapy notes'' in section 164.501 of title 45, Code of Federal Regulations, with regard to including test data that is related to direct responses, scores, items, forms, protocols, manuals, or other materials that are part of a mental health evaluation, as determined by the mental health professional providing treatment or evaluation in such definitions and may, based on such study, issue regulations to revise such definition.

TITLE XIV—STATE FISCAL STABILIZATION FUND

DEPARTMENT OF EDUCATION

STATE FISCAL STABILIZATION FUND

For necessary expenses for a State Fiscal Stabilization Fund, $53,600,000,000, which shall be administered by the Department of Education.

GENERAL PROVISIONS—THIS TITLE

SEC. 14001. ALLOCATIONS.

(a) OUTLYING AREAS.—From the amount appropriated to carry out this title, the Secretary of Education shall first allocate up to one-half of 1 percent to the outlying areas on the basis of their respective needs, as determined by the Secretary, in consultation with the Secretary of the Interior, for activities consistent with this title under such terms and conditions as the Secretary may determine.

(b) ADMINISTRATION AND OVERSIGHT.—The Secretary may, in addition, reserve up to $14,000,000 for administration and oversight of this title, including for program evaluation.

(c) RESERVATION FOR ADDITIONAL PROGRAMS.—After reserving funds under subsections (a) and (b), the Secretary shall reserve $5,000,000,000 for grants under sections 14006 and 14007.

(d) STATE ALLOCATIONS.—After carrying out subsections (a), (b), and (c), the Secretary shall allocate the remaining funds made available to carry out this title to the States as follows:

(1) 61 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 39 percent on the basis of their relative total population.

(e) STATE GRANTS.—From funds allocated under subsection (d), the Secretary shall make grants to the Governor of each State.

(f) REALLOCATION.—The Governor shall return to the Secretary any funds received under subsection (e) that the Governor does not award as subgrants or otherwise commit within two years of receiving such funds, and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (d).

SEC. 14002. STATE USES OF FUNDS.

(a) EDUCATION FUND.—

(1) IN GENERAL.—For each fiscal year, the Governor shall use 81.8 percent of the State's allocation under section 14001(d) for the support of elementary, secondary, and postsecondary education and, as applicable, early childhood education programs and services.

(2) RESTORING STATE SUPPORT FOR EDUCATION.—

(A) IN GENERAL.—The Governor shall first use the funds described in paragraph (1)—

(i) to provide the amount of funds, through the State's primary elementary and secondary funding formulae, that is needed—

(I) to restore, in each of fiscal years 2009, 2010, and 2011, the level of State support provided through such formulae to the greater of the fiscal year 2008 or fiscal year 2009 level; and

(II) where applicable, to allow existing State formulae increases to support elementary and secondary education for fiscal years 2010 and 2011 to be implemented and allow funding for phasing in State equity and adequacy adjustments, if such increases were enacted pursuant to State law prior to October 1, 2008.

(ii) to provide, in each of fiscal years 2009, 2010, and 2011, the amount of funds to public institutions of higher education in the State that is needed to restore State support for such institutions (excluding tuition and fees paid by students) to the greater of the fiscal year 2008 or fiscal year 2009 level.

(B) SHORTFALL.—If the Governor determines that the amount of funds available under paragraph (1) is insufficient to support, in each of fiscal years 2009, 2010, and 2011, public elementary, secondary, and higher education at the levels described in clauses (i) and (ii) of subparagraph (A), the Governor shall allocate those funds between those clauses in proportion to the relative shortfall in State support for the education sectors described in those clauses.

(C) FISCAL YEAR.—For purposes of this paragraph, the term ''fiscal year'' shall have the meaning given such term under State law.

(3) SUBGRANTS TO IMPROVE BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.—After carrying out paragraph (2), the Governor shall use any funds remaining under paragraph (1) to provide local educational agencies in the State with subgrants based on their relative shares of funding under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent year for which data are available.

(b) OTHER GOVERNMENT SERVICES.—

(1) IN GENERAL.—The Governor shall use 18.2 percent of the State's allocation under section 14001 for public safety and other government services, which may include assistance for elementary and secondary education and public institutions of higher education, and for modernization, renovation, or repair of public school facilities and institutions of higher education facilities, including modernization, renovation, and repairs that are consistent with a recognized green building rating system.

(2) AVAILABILITY TO ALL INSTITUTIONS OF HIGHER EDUCATION.—A Governor shall not consider the type or mission of an institution of higher education, and shall consider any institution for funding for modernization, renovation, and repairs within the State that—

(A) qualifies as an institution of higher education, as defined in subsection 14013(3); and

(B) continues to be eligible to participate in the programs under title IV of the Higher Education Act of 1965.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall allow a local educational agency to engage in school modernization, renovation, or repair that is inconsistent with State law.

SEC. 14003. USES OF FUNDS BY LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—A local educational agency that receives funds under this title may use the funds for any activity authorized by the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) (''ESEA''), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (''IDEA''), the Adult and Family Literacy Act (20 U.S.C. 1400 et seq.), or the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) (''the Perkins Act'') or for modernization, renovation, or repair of public school facilities, including modernization, renovation, and repairs that are consistent with a recognized green building rating system.

(b) PROHIBITION.—A local educational agency may not use funds received under this title for—

(1) payment of maintenance costs;

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) purchase or upgrade of vehicles; or

(4) improvement of stand-alone facilities whose purpose is not the education of children, including central office administration or operations or logistical support facilities.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall allow a local educational agency to engage in school modernization, renovation, or repair that is inconsistent with State law.

SEC. 14004. USES OF FUNDS BY INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—A public institution of higher education that receives funds under this title shall use the funds for education and general expenditures, and in such a way as to mitigate the need to raise tuition and fees for in-State students, or for modernization, renovation, or repair of institution of higher education facilities that are primarily used for instruction, research, or student housing, including modernization, renovation, and repairs that are consistent with a recognized green building rating system.

(b) PROHIBITION.—An institution of higher education may not use funds received under this title to increase its endowment.

(c) ADDITIONAL PROHIBITION.—No funds awarded under this title may be used for—

(1) the maintenance of systems, equipment, or facilities;

(2) modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or

(3) modernization, renovation, or repair of facilities—

(A) used for sectarian instruction or religious worship; or

(B) in which a substantial portion of the functions of the facilities are subsumed in a religious mission.

SEC. 14005. STATE APPLICATIONS.

(a) IN GENERAL.—The Governor of a State desiring to receive an allocation under section 14001 shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) APPLICATION.—In such application, the Governor shall—

(1) include the assurances described in subsection (d);

(2) provide baseline data that demonstrates the State's current status in each of the areas described in such assurances; and

(3) describe how the State intends to use its allocation, including whether the State will use such allocation to meet maintenance of effort requirements under the ESEA and IDEA and, in such cases, what amount will be used to meet such requirements.

(c) INCENTIVE GRANT APPLICATION.—The Governor of a State seeking a grant under section 14006 shall—

(1) submit an application for consideration;

(2) describe the status of the State's progress in each of the areas described in subsection (d), and the strategies the State is employing to help ensure that students in the subgroups described in section 1111(b)(2)(C)(v)(II) of the ESEA (20 U.S.C. 6311(b)(2)(C)(v)(II)) who have not met the State's proficiency targets continue making progress toward meeting the State's student academic achievement standards;

(3) describe the achievement and graduation rates (as described in section 1111(b)(2)(C)(vi) of the ESEA (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations) of public elementary and secondary school students in the State, and the strategies the State is employing to help ensure that all subgroups of students identified in section 1111(b)(2) of the ESEA (20 U.S.C. 6311(b)(2)) in the State continue making progress toward meeting the State's student academic achievement standards;

(4) describe how the State would use its grant funding to improve student academic achievement in the State, including how it will allocate the funds to give priority to high-need local educational agencies; and

(5) include a plan for evaluating the State's progress in closing achievement gaps.

(d) ASSURANCES.—An application under subsection (b) shall include the following assurances:

(1) MAINTENANCE OF EFFORT.—

(A) ELEMENTARY AND SECONDARY EDUCATION.—The State will, in each of fiscal years 2009, 2010, and 2011, maintain State support for elementary and secondary education at least at the level of such support in fiscal year 2006.

(B) HIGHER EDUCATION.—The State will, in each of fiscal years 2009, 2010, and 2011, maintain State support for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at least at the level of such support in fiscal year 2006.

(2) ACHIEVING EQUITY IN TEACHER DISTRIBUTION.—The State will take actions to improve teacher effectiveness and comply with section 1111(b)(8)(C) of the ESEA (20 U.S.C. 6311(b)(8)(C)) in order to address inequities in the distribution of highly qualified teachers between high- and low-poverty schools, and to ensure that low-income and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.

(3) IMPROVING COLLECTION AND USE OF DATA.—The State will establish a longitudinal data system that includes the elements described in section 6401(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871).

(4) STANDARDS AND ASSESSMENTS.—The State—

(A) will enhance the quality of the academic assessments it administers pursuant to section 1111(b)(3) of the ESEA (20 U.S.C. 6311(b)(3)) through activities such as those described in section 6112(a) of such Act (20 U.S.C. 7301a(a));

(B) will comply with the requirements of paragraphs (3)(C)(ix) and (6) of section 1111(b) of the ESEA (20 U.S.C. 6311(b)) and section 612(a)(16) of the IDEA (20 U.S.C. 1412(a)(16)) related to the inclusion of children with disabilities and limited English proficient students in State assessments, the development of valid and reliable assessments for those students, and the provision of accommodations that enable their participation in State assessments; and

(C) will take steps to improve State academic content standards and student academic achievement standards consistent with section 6401(e)(1)(9)(A)(ii) of the America COMPETES Act.

(5) SUPPORTING STRUGGLING SCHOOLS.—The State will ensure compliance with the requirements of section 1116(a)(7)(C)(iv) and section 1116(a)(8)(B) of the ESEA with respect to schools identified under such sections.

SEC. 14006. STATE INCENTIVE GRANTS.

(a) IN GENERAL.—

(1) RESERVATION.—From the total amount reserved under section 14001(c) that is not used for section 14007, the Secretary may reserve up to 1 percent for technical assistance to States to assist them in meeting the objectives of paragraphs (2), (3), (4), and (5) of section 14005(d).

(2) REMAINDER.—Of the remaining funds, the Secretary shall, in fiscal year 2010, make grants to States that have made significant progress in meeting the objectives of paragraphs (2), (3), (4), and (5) of section 14005(d).

(b) BASIS FOR GRANTS.—The Secretary shall determine which States receive grants under this section, and the amount of those grants, on the basis of information provided in State applications under section 14005 and such other criteria as the Secretary determines appropriate, which may include a State's need for assistance to help meet the objective of paragraphs (2), (3), (4), and (5) of section 14005(d).

(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each State receiving a grant under this section shall use at least 50 percent of the grant to provide local educational agencies in the State with subgrants based on their relative shares of funding under part A of title I of the ESEA (20 U.S.C. 6311 et seq.) for the most recent year.

SEC. 14007. INNOVATION FUND.

(a) IN GENERAL.—

(1) ELIGIBLE ENTITIES.—For the purposes of this section, the term ''eligible entity'' means—

(A) a local educational agency; or

(B) a partnership between a nonprofit organization and—

(i) one or more local educational agencies; or

(ii) a consortium of schools.

(2) PROGRAM ESTABLISHED.—From the total amount reserved under section 14001(c), the Secretary may reserve up to $650,000,000 to establish an Innovation Fund, which shall consist of academic achievement awards that recognize eligible entities that meet the requirements described in subsection (b).

(3) BASIS FOR AWARDS.—The Secretary shall make awards to eligible entities that have made significant gains in closing the achievement gap as described in subsection (b)(1)—

(A) to allow such eligible entities to expand their work and serve as models for best practices;

(B) to allow such eligible entities to work in partnership with the private sector and the philanthropic community; and

(C) to identify and document best practices that can be shared, and taken to scale based on demonstrated success.

(b) ELIGIBILITY.—To be eligible for such an award, an eligible entity shall—

(1) have significantly closed the achievement gaps between groups of students described in section 1111(b)(2) of the ESEA (20 U.S.C. 6311(b)(2));

(2) have exceeded the State's annual measurable objectives consistent with such section 1111(b)(2) for 2 or more consecutive years or have demonstrated success in significantly increasing student academic achievement for all groups of students described in such section through another measure, such as measures described in section 1111(c)(2) of the ESEA;

(3) have made significant improvement in other areas, such as graduation rates or increased recruitment and placement of high-quality teachers and school leaders, as demonstrated with meaningful data; and

(4) demonstrate that they have established partnerships with the private sector, which may include philanthropic organizations, and that the private sector will provide matching funds in order to help bring results to scale.

(c) SPECIAL RULE.—In the case of an eligible entity that includes a nonprofit organization, the eligible entity shall be considered to have met the eligibility requirements of paragraphs (1), (2), (3) of subsection (b) if such nonprofit organization has a record of meeting such requirements.

SEC. 14008. STATE REPORTS.

For each year of the program under this title, a State receiving funds under this title shall submit a report to the Secretary, at such time and in such manner as the Secretary may require, that describes—

(1) the uses of funds provided under this title within the State;

(2) how the State distributed the funds it received under this title;

(3) the number of jobs that the Governor estimates were saved or created with funds the State received under this title;

(4) tax increases that the Governor estimates were averted because of the availability of funds from this title;

(5) the State's progress in reducing inequities in the distribution of highly qualified teachers, in implementing a State longitudinal data system, and in developing and implementing valid and reliable assessments for limited English proficient students and children with disabilities;

(6) the tuition and fee increases for in-State students imposed by public institutions of higher education in the State during the period of availability of funds under this title, and a description of any actions taken by the State to limit those increases;

(7) the extent to which public institutions of higher education maintained, increased, or decreased enrollment of in-State students, including students eligible for Pell Grants or other need-based financial assistance; and

(8) a description of each modernization, renovation and repair project funded, which shall include the amounts awarded and project costs.

SEC. 14009. EVALUATION.

The Comptroller General of the United States shall conduct evaluations of the programs under sections 14006 and 14007 which shall include, but not be limited to, the criteria used for the awards made, the States selected for awards, award amounts, how each State used the award received, and the impact of this funding on the progress made toward closing achievement gaps.

SEC. 14010. SECRETARY'S REPORT TO CONGRESS.

The Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate, not less than 6 months following the submission of State reports, that evaluates the information provided in the State reports under section 14008 and the information required by section 14005(b)(3) including State-by-State information.

SEC. 14011. PROHIBITION ON PROVISION OF CERTAIN ASSISTANCE.

No recipient of funds under this title shall use such funds to provide financial assistance to students to attend private elementary or secondary schools.

SEC. 14012. FISCAL RELIEF.

(a) IN GENERAL.—For the purpose of relieving fiscal burdens on States and local educational agencies that have experienced a precipitous decline in financial resources, the Secretary of Education may waive or modify any requirement of this title relating to maintaining fiscal effort.

(b) DURATION.—A waiver or modification under this section shall be for any of fiscal year 2009, fiscal year 2010, or fiscal year 2011, as determined by the Secretary.

(c) CRITERIA.—The Secretary shall not grant a waiver or modification under this section unless the Secretary determines that the State or local educational agency receiving such waiver or modification will not provide for elementary and secondary education, for the fiscal year under consideration, a smaller percentage of the total revenues available to the State or local educational agency than the amount provided for such purpose in the preceding fiscal year.

(d) MAINTENANCE OF EFFORT.—Upon prior approval from the Secretary, a State or local educational agency that receives funds under this title may treat any portion of such funds that is used for elementary, secondary, or postsecondary education as non-Federal funds for the purpose of any requirement to maintain fiscal effort under any other program, including part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), administered by the Secretary.

(e) SUBSEQUENT LEVEL OF EFFORT.—Notwithstanding (d), the level of effort required by a State or local educational agency for the following fiscal year shall not be reduced.

SEC. 14013. DEFINITIONS.

Except as otherwise provided in this title, as used in this title—

(1) the terms ''elementary education'' and ''secondary education'' have the meaning given such terms under State law;

(2) the term ''high-need local educational agency'' means a local educational agency—

(A) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

(B) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line;

(3) the term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(4) the term ''Secretary'' means the Secretary of Education;

(5) the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(6) any other term used that is defined in section 9101 of the ESEA (20 U.S.C. 7801) shall have the meaning given the term in such section.

TITLE XV—ACCOUNTABILITY AND TRANSPARENCY

SEC. 1501. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given under section 551 of title 5, United States Code.

(2) BOARD.—The term ''Board'' means the Recovery Accountability and Transparency Board established in section 1521.

(3) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Board.

(4) COVERED FUNDS.—The term ''covered funds'' means any funds that are expended or obligated from appropriations made under this Act.

(5) PANEL.—The term ''Panel'' means the Recovery Independent Advisory Panel established in section 1541.

Subtitle A—Transparency and Oversight Requirements

SEC. 1511. CERTIFICATIONS.

With respect to covered funds made available to State or local governments for infrastructure investments, the Governor, mayor, or other chief executive, as appropriate, shall certify that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Such certification shall include a description of the investment, the estimated total cost, and the amount of covered funds to be used, and shall be posted on a website and linked to the website established by

section 1526. A State or local agency may not receive infrastructure investment funding from funds made available in this Act unless this certification is made and posted.

SEC. 1512. REPORTS ON USE OF FUNDS.

(a) SHORT TITLE.—This section may be cited as the ''Jobs Accountability Act''.

(b) DEFINITIONS.—In this section:

(1) RECIPIENT.—The term ''recipient''—

(A) means any entity that receives recovery funds directly from the Federal Government (including recovery funds received through grant, loan, or contract) other than an individual; and

(B) includes a State that receives recovery funds.

(2) RECOVERY FUNDS.—The term ''recovery funds'' means any funds that are made available from appropriations made under this Act.

(c) RECIPIENT REPORTS.—Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a Federal agency shall submit a report to that agency that contains—

(1) the total amount of recovery funds received from that agency;

(2) the amount of recovery funds received that were expended or obligated to projects or activities; and

(3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including—

(A) the name of the project or activity;

(B) a description of the project or activity;

(C) an evaluation of the completion status of the project or activity;

(D) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and

(E) for infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.

(4) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282), allowing aggregate reporting on awards below $25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

(d) AGENCY REPORTS.—Not later than 30 days after the end of each calendar quarter, each agency that made recovery funds available to any recipient shall make the information in reports submitted under subsection (c) publicly available by posting the information on a website.

(e) OTHER REPORTS.—The Congressional Budget Office and the Government Accountability Office shall comment on the information described in subsection (c)(3)(D) for any reports submitted under subsection (c). Such comments shall be due within 45 days after such reports are submitted.

(f) COMPLIANCE.—Within 180 days of enactment, as a condition of receipt of funds under this Act, Federal agencies shall require any recipient of such funds to provide the information required under subsection (c).

(g) GUIDANCE.—Federal agencies, in coordination with the Director of the Office of Management and Budget, shall provide for user-friendly means for recipients of covered funds to meet the requirements of this section.

(h) REGISTRATION.—Funding recipients required to report information per subsection (c)(4) must register with the Central Contractor Registration database or complete other registration requirements as determined by the Director of the Office of Management and Budget.

SEC. 1513. REPORTS OF THE COUNCIL OF ECONOMIC ADVISERS.

(a) IN GENERAL.—In consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, the Chairperson of the Council of Economic Advisers shall submit quarterly reports to the Committees on Appropriations of the Senate and House of Representatives that detail the impact of programs funded through covered funds on employment, estimated economic growth, and other key economic indicators.

(b) SUBMISSION OF REPORTS.—

(1) FIRST REPORT.—The first report submitted under subsection (a) shall be submitted not later than 45 days after the end of the first full quarter following the date of enactment of this Act.

(2) LAST REPORT.—The last report required to be submitted under subsection (a) shall apply to the quarter in which the Board terminates under section 1530.

SEC. 1514. INSPECTOR GENERAL REVIEWS.

(a) REVIEWS.—Any inspector general of a Federal department or executive agency shall review, as appropriate, any concerns raised by the public about specific investments using funds made available in this Act. Any findings of such reviews not related to an ongoing criminal proceeding shall be relayed immediately to the head of the department or agency concerned. In addition, the findings of such reviews, along with any audits conducted by any inspector general of funds made available in this Act, shall be posted on the inspector general's website and linked to the website established by section 1526, except that portions of reports may be redacted to the extent the portions would disclose information that is protected from public disclosure under sections 552 and 552a of title 5, United States Code.

SEC. 1515. ACCESS OF OFFICES OF INSPECTOR GENERAL TO CERTAIN RECORDS AND EMPLOYEES.

(a) ACCESS.—With respect to each contract or grant awarded using covered funds, any representative of an appropriate inspector general appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.), is authorized—

(1) to examine any records of the contractor or grantee, any of its subcontractors or subgrantees, or any State or local agency administering such contract, that pertain to, and involve transactions relating to, the contract, subcontract, grant, or subgrant; and

(2) to interview any officer or employee of the contractor, grantee, subgrantee, or agency regarding such transactions.

(b) RELATIONSHIP TO EXISTING AUTHORITY.—Nothing in this section shall be interpreted to limit or restrict in any way any existing authority of an inspector general.

Subtitle B—Recovery Accountability and Transparency Board

SEC. 1521. ESTABLISHMENT OF THE RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD.

There is established the Recovery Accountability and Transparency Board to coordinate and conduct oversight of covered funds to prevent fraud, waste, and abuse.

SEC. 1522. COMPOSITION OF BOARD.

(a) CHAIRPERSON.—

(1) DESIGNATION OR APPOINTMENT.—The President shall—

(A) designate the Deputy Director for Management of the Office of Management and Budget to serve as Chairperson of the Board;

(B) designate another Federal officer who was appointed by the President to a position that required the advice and consent of the Senate, to serve as Chairperson of the Board; or

(C) appoint an individual as the Chairperson of the Board, by and with the advice and consent of the Senate.

(2) COMPENSATION.—

(A) DESIGNATION OF FEDERAL OFFICER.—If the President designates a Federal officer under paragraph (1)(A) or (B) to serve as Chairperson, that Federal officer may not receive additional compensation for services performed as Chairperson.

(B) APPOINTMENT OF NON-FEDERAL OFFICER.—If the President appoints an individual as Chairperson under paragraph (1)(C), that individual shall be compensated at the rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) MEMBERS.—The members of the Board shall include—

(1) the Inspectors General of the Departments of Agriculture, Commerce, Education, Energy, Health and Human Services, Homeland Security, Justice, Transportation, Treasury, and the Treasury Inspector General for Tax Administration; and

(2) any other Inspector General as designated by the President from any agency that expends or obligates covered funds.

SEC. 1523. FUNCTIONS OF THE BOARD.

(a) FUNCTIONS.—

(1) IN GENERAL.—The Board shall coordinate and conduct oversight of covered funds in order to prevent fraud, waste, and abuse.

(2) SPECIFIC FUNCTIONS.—The functions of the Board shall include—

(A) reviewing whether the reporting of contracts and grants using covered funds meets applicable standards and specifies the purpose of the contract or grant and measures of performance;

(B) reviewing whether competition requirements applicable to contracts and grants using covered funds have been satisfied;

(C) auditing or reviewing covered funds to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring and referring matters it considers appropriate for investigation to the inspector general for the agency that disbursed the covered funds;

(D) reviewing whether there are sufficient qualified acquisition and grant personnel overseeing covered funds;

(E) reviewing whether personnel whose duties involve acquisitions or grants made with covered funds receive adequate training; and

(F) reviewing whether there are appropriate mechanisms for interagency collaboration relating to covered funds, including coordinating and collaborating to the extent practicable with the Inspectors General Council on Integrity and Efficiency established by the Inspector General Reform Act of 2008 (Public Law 110–409).

(b) REPORTS.—

(1) FLASH AND OTHER REPORTS.—The Board shall submit to the President and Congress, including the Committees on Appropriations of the Senate and House of Representatives, reports, to be known as ''flash reports'', on potential management and funding problems that require immediate attention. The Board also shall submit to Congress such other reports as the Board considers appropriate on the use and benefits of funds made available in this Act.

(2) QUARTERLY REPORTS.—The Board shall submit quarterly reports to the President and Congress, including the Committees on Appropriations of the Senate and House of Representatives, summarizing the findings of the Board and the findings of inspectors general of agencies. The Board may submit additional reports as appropriate.

(3) ANNUAL REPORTS.—The Board shall submit annual reports to the President and Congress, including the Committees on Appropriations of the Senate and House of Representatives, consolidating applicable quarterly reports on the use of covered funds.

(4) PUBLIC AVAILABILITY.—

(A) IN GENERAL.—All reports submitted under this subsection shall be made publicly available and posted on the website established by section 1526.

(B) REDACTIONS.—Any portion of a report submitted under this subsection may be redacted when made publicly available, if that portion would disclose information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—The Board shall make recommendations to agencies on measures to prevent fraud, waste, and abuse relating to covered funds.

(2) RESPONSIVE REPORTS.—Not later than 30 days after receipt of a recommendation under paragraph (1), an agency shall submit a report to the President, the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives, and the Board on—

(A) whether the agency agrees or disagrees with the recommendations; and

(B) any actions the agency will take to implement the recommendations.

SEC. 1524. POWERS OF THE BOARD.

(a) IN GENERAL.—The Board shall conduct audits and reviews of spending of covered funds and coordinate on such activities with the inspectors general of the relevant agency to avoid duplication and overlap of work.

(b) AUDITS AND REVIEWS.—The Board may—

(1) conduct its own independent audits and reviews relating to covered funds; and

(2) collaborate on audits and reviews relating to covered funds with any inspector general of an agency.

(c) AUTHORITIES.—

(1) AUDITS AND REVIEWS.—In conducting audits and reviews, the Board shall have the authorities provided under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.). Additionally, the Board may issue subpoenas to compel the testimony of persons who are not Federal officers or employees and may enforce such subpoenas in the same manner as provided for inspector general subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) STANDARDS AND GUIDELINES.—The Board shall carry out the powers under subsections (a) and (b) in accordance with section 4(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(d) PUBLIC HEARINGS.—The Board may hold public hearings and Board personnel may conduct necessary inquiries. The head of each agency shall make all officers and employees of that agency available to provide testimony to the Board and Board personnel. The Board may issue subpoenas to compel the testimony of persons who are not Federal officers or employees at such public hearings. Any such subpoenas may be enforced in the same manner as provided for inspector general subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(e) CONTRACTS.—The Board may enter into contracts to enable the Board to discharge its duties under this subtitle, including contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Board.

(f) TRANSFER OF FUNDS.—The Board may transfer funds appropriated to the Board for expenses to support administrative support services and audits, reviews, or other activities related to oversight by the Board of covered funds to any office of inspector general, the Office of Management and Budget, the General Services Administration, and the Panel.

SEC. 1525. EMPLOYMENT, PERSONNEL, AND RELATED AUTHORITIES.

(a) EMPLOYMENT AND PERSONNEL AUTHORITIES.—

(1) IN GENERAL.—

(A) AUTHORITIES.—Subject to paragraph (2), the Board may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

(B) APPLICATION.—For purposes of exercising the authorities described under subparagraph (A), the term ''Chairperson of the Board'' shall be substituted for the term ''head of a temporary organization''.

(C) CONSULTATION.—In exercising the authorities described under subparagraph (A), the Chairperson shall consult with members of the Board.

(2) EMPLOYMENT AUTHORITIES.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under paragraph (1) of this subsection—

(A) paragraph (2) of subsection (b) of section 3161 of that title (relating to periods of appointments) shall not apply; and

(B) no period of appointment may exceed the date on which the Board terminates under section 1530.

(b) INFORMATION AND ASSISTANCE.—

(1) IN GENERAL.—Upon request of the Board for information or assistance from any agency or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Board, or an authorized designee.

(2) REPORT OF REFUSALS.—Whenever information or assistance requested by the Board is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives, without delay.

(c) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide the Board with administrative support services, including the provision of office space and facilities.

SEC. 1526. BOARD WEBSITE.

(a) ESTABLISHMENT.—The Board shall establish and maintain, no later than 30 days after enactment of this Act, a user-friendly, public-facing website to foster greater accountability and transparency in the use of covered funds.

(b) PURPOSE.—The website established and maintained under subsection (a) shall be a portal or gateway to key information relating to this Act and provide connections to other Government websites with related information.

(c) CONTENT AND FUNCTION.—In establishing the website established and maintained under subsection (a), the Board shall ensure the following:

(1) The website shall provide materials explaining what this Act means for citizens. The materials shall be easy to understand and regularly updated.

(2) The website shall provide accountability information, including findings from audits, inspectors general, and the Government Accountability Office.

(3) The website shall provide data on relevant economic, financial, grant, and contract information in user-friendly visual presentations to enhance public awareness of the use of covered funds.

(4) The website shall provide detailed data on contracts awarded by the Federal Government that expend covered funds, including information about the competitiveness of the contracting process, information about the process that was used for the award of contracts, and for contracts over $500,000 a summary of the contract.

(5) The website shall include printable reports on covered funds obligated by month to each State and congressional district.

(6) The website shall provide a means for the public to give feedback on the performance of contracts that expend covered funds.

(7) The website shall include detailed information on Federal Government contracts and grants that expend covered funds, to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282), allowing aggregate reporting on awards below $25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

(8) The website shall provide a link to estimates of the jobs sustained or created by the Act.

(9) The website shall provide a link to information about announcements of grant competitions and solicitations for contracts to be awarded.

(10) The website shall include appropriate links to other government websites with information concerning covered funds, including Federal agency and State websites.

(11) The website shall include a plan from each Federal agency for using funds made available in this Act to the agency.

(12) The website shall provide information on Federal allocations of formula grants and awards of competitive grants using covered funds.

(13) The website shall provide information on Federal allocations of mandatory and other entitlement programs by State, county, or other appropriate geographical unit.

(14) To the extent practical, the website shall provide, organized by the location of the job opportunities involved, links to and information about how to access job opportunities, including, if possible, links to or information about local employment agencies, job banks operated by State workforce agencies, the Department of Labor's CareerOneStop website, State, local and other public agencies receiving Federal funding, and private firms contracted to perform work with Federal funding, in order to direct job seekers to job opportunities created by this Act.

(15) The website shall be enhanced and updated as necessary to carry out the purposes of this subtitle.

(d) WAIVER.—The Board may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security or to protect information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code.

SEC. 1527. INDEPENDENCE OF INSPECTORS GENERAL.

(a) INDEPENDENT AUTHORITY.—Nothing in this subtitle shall affect the independent authority of an inspector general to determine whether to conduct an audit or investigation of covered funds.

(b) REQUESTS BY BOARD.—If the Board requests that an inspector general conduct or refrain from conducting an audit or investigation and the inspector general rejects the request in whole or in part, the inspector general shall, not later than 30 days after rejecting the request, submit a report to the Board, the head of the applicable agency, and the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives. The report shall state the reasons that the inspector general has rejected the request in whole or in part. The inspector general's decision shall be final.

SEC. 1528. COORDINATION WITH THE COMPTROLLER GENERAL AND STATE AUDITORS.

The Board shall coordinate its oversight activities with the Comptroller General of the United States and State auditors.

SEC. 1529. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this subtitle.

SEC. 1530. TERMINATION OF THE BOARD.

The Board shall terminate on September 30, 2013.

Subtitle C—Recovery Independent Advisory Panel

SEC. 1541. ESTABLISHMENT OF RECOVERY INDEPENDENT ADVISORY PANEL.

(a) ESTABLISHMENT.—There is established the Recovery Independent Advisory Panel.

(b) MEMBERSHIP.—The Panel shall be composed of 5 members who shall be appointed by the President.

(c) QUALIFICATIONS.—Members shall be appointed on the basis of expertise in economics, public finance, contracting, accounting, or any other relevant field.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Panel have been appointed, the Panel shall hold its first meeting.

(e) MEETINGS.—The Panel shall meet at the call of the Chairperson of the Panel.

(f) QUORUM.—A majority of the members of the Panel shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Panel shall select a Chairperson and Vice Chairperson from among its members.

SEC. 1542. DUTIES OF THE PANEL.

The Panel shall make recommendations to the Board on actions the Board could take to prevent fraud, waste, and abuse relating to covered funds.

SEC. 1543. POWERS OF THE PANEL.

(a) HEARINGS.—The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from any agency such information as the Panel considers necessary to carry out this subtitle. Upon request of the Chairperson of the Panel, the head of such agency shall furnish such information to the Panel.

(c) POSTAL SERVICES.—The Panel may use the United States mails in the same manner and under the same conditions as agencies of the Federal Government.

(d) GIFTS.—The Panel may accept, use, and dispose of gifts or donations of services or property.

SEC. 1544. PANEL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Panel who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel. All members of the Panel who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Panel to perform its duties. The employment of an executive director shall be subject to confirmation by the Panel.

(2) COMPENSATION.—The Chairperson of the Panel may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Panel who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(B) MEMBERS OF PANEL.—Subparagraph (A) shall not be construed to apply to members of the Panel.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide the Panel with administrative support services, including the provision of office space and facilities.

SEC. 1545. TERMINATION OF THE PANEL.

The Panel shall terminate on September 30, 2013.

SEC. 1546. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this subtitle.

Subtitle D—Additional Accountability and Transparency Requirements

SEC. 1551. AUTHORITY TO ESTABLISH SEPARATE FUNDING ACCOUNTS.

Although this Act provides supplemental appropriations for programs, projects, and activities in existing Treasury accounts, to facilitate tracking these funds through Treasury and agency accounting systems, the Secretary of the Treasury shall ensure that all funds appropriated in this Act shall be established in separate Treasury accounts, unless a waiver from this provision is approved by the Director of the Office of Management and Budget.

SEC. 1552. SET-ASIDE FOR STATE AND LOCAL GOVERNMENT REPORTING AND RECORDKEEPING.

Federal agencies receiving funds under this Act, may, after following the notice and comment rulemaking requirements under the Administrative Procedures Act (5 U.S.C. 500), reasonably adjust applicable limits on administrative expenditures for Federal awards to help award recipients defray the costs of data collection requirements initiated pursuant to this Act.

SEC. 1553. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS.

(a) PROHIBITION OF REPRISALS.—An employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), a court or grand jury, the head of a Federal agency, or their representatives, information that the employee reasonably believes is evidence of—

(1) gross mismanagement of an agency contract or grant relating to covered funds;

(2) a gross waste of covered funds;

(3) a substantial and specific danger to public health or safety related to the implementation or use of covered funds;

(4) an abuse of authority related to the implementation or use of covered funds; or

(5) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

(b) INVESTIGATION OF COMPLAINTS.—

(1) IN GENERAL.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint regarding the reprisal to the appropriate inspector general. Except as provided under paragraph (3), unless the inspector general determines that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint, the inspector general shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the person's employer, the head of the appropriate agency, and the Board.

(2) TIME LIMITATIONS FOR ACTIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the inspector general shall, not later than 180 days after receiving a complaint under paragraph (1)—

(i) make a determination that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint; or

(ii) submit a report under paragraph (1).

(B) EXTENSIONS.—

(i) VOLUNTARY EXTENSION AGREED TO BETWEEN INSPECTOR GENERAL AND COMPLAINANT.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A) and the person submitting the complaint agrees to an extension of time, the inspector general shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the inspector general and the person submitting the complaint.

(ii) EXTENSION GRANTED BY INSPECTOR GENERAL.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A), the inspector general may extend the period for not more than 180 days without agreeing with the person submitting the complaint to such extension, provided that the inspector general provides a written explanation (subject to the authority to exclude information under paragraph (4)(C)) for the decision, which shall be provided to both the person submitting the complaint and the non-Federal employer.

(iii) SEMI-ANNUAL REPORT ON EXTENSIONS.—The inspector general shall include in semi-annual reports to Congress a list of those investigations for which the inspector general received an extension.

(3) DISCRETION NOT TO INVESTIGATE COMPLAINTS.—

(A) IN GENERAL.—The inspector general may decide not to conduct or continue an investigation under this section upon providing to the person submitting the complaint and the non-Federal employer a written explanation (subject to the authority to exclude information under paragraph (4)(C)) for such decision.

(B) ASSUMPTION OF RIGHTS TO CIVIL REMEDY.—Upon receipt of an explanation of a decision not to conduct or continue an investigation under subparagraph (A), the person submitting a complaint shall immediately assume the right to a civil remedy under subsection (c)(3) as if the 210-day period specified under such subsection has already passed.

(C) SEMI-ANNUAL REPORT.—The inspector general shall include in semi-annual reports to Congress a list of those investigations the inspector general decided not to conduct or continue under this paragraph.

(4) ACCESS TO INVESTIGATIVE FILE OF INSPECTOR GENERAL.—

(A) IN GENERAL.—The person alleging a reprisal under this section shall have access to the investigation file of the appropriate inspector general in accordance with section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act''). The investigation of the inspector general shall be deemed closed for purposes of disclosure under such section when an employee files an appeal to an agency head or a court of competent jurisdiction.

(B) CIVIL ACTION.—In the event the person alleging the reprisal brings suit under subsection (c)(3), the person alleging the reprisal and the non-Federal employer shall have access to the investigative file of the inspector general in accordance with the Privacy Act.

(C) EXCEPTION.—The inspector general may exclude from disclosure—

(i) information protected from disclosure by a provision of law; and

(ii) any additional information the inspector general determines disclosure of which would impede a continuing investigation, provided that such information is disclosed once such disclosure would no longer impede such investigation, unless the inspector general determines that disclosure of law enforcement techniques, procedures, or information could reasonably be expected to risk circumvention of the law or disclose the identity of a confidential source.

(5) PRIVACY OF INFORMATION.—An inspector general investigating an alleged reprisal under this section may not respond to any inquiry or disclose any information from or about any person alleging such reprisal, except in accordance with the provisions of section 552a of title 5, United States Code, or as required by any other applicable Federal law.

(c) REMEDY AND ENFORCEMENT AUTHORITY.—

(1) BURDEN OF PROOF.—

(A) DISCLOSURE AS CONTRIBUTING FACTOR IN REPRISAL.—

(i) IN GENERAL.—A person alleging a reprisal under this section shall be deemed to have affirmatively established the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal.

(ii) USE OF CIRCUMSTANTIAL EVIDENCE.—A disclosure may be demonstrated as a contributing factor in a reprisal for purposes of this paragraph by circumstantial evidence, including—

(I) evidence that the official undertaking the reprisal knew of the disclosure; or

(II) evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

(B) OPPORTUNITY FOR REBUTTAL.—The head of an agency may not find the occurrence of a reprisal with respect to a reprisal that is affirmatively established under subparagraph (A) if the non-Federal employer demonstrates by clear and convincing evidence that the non-Federal employer would have taken the action constituting the reprisal in the absence of the disclosure.

(2) AGENCY ACTION.—Not later than 30 days after receiving an inspector general report under subsection (b), the head of the agency concerned shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief in whole or in part or shall take 1 or more of the following actions:

(A) Order the employer to take affirmative action to abate the reprisal.

(B) Order the employer to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), compensatory damages, employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the employer to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency or a court of competent jurisdiction.

(3) CIVIL ACTION.—If the head of an agency issues an order denying relief in whole or in part under paragraph (1), has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under subsection (b)(2)(B)(i), within 30 days after the expiration of the extension of time, or decides under subsection (b)(3) not to investigate or to discontinue an investigation, and there is no showing that such delay or decision is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the employer to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

(4) JUDICIAL ENFORCEMENT OF ORDER.—Whenever a person fails to comply with an order issued under paragraph (2), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorneys fees and costs.

(5) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (2) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

(d) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

(1) WAIVER OF RIGHTS AND REMEDIES.—Except as provided under paragraph (3), the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) PREDISPUTE ARBITRATION AGREEMENTS.—Except as provided under paragraph (3), no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising under this section.

(3) EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS.—Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under the collective bargaining agreement.

(e) REQUIREMENT TO POST NOTICE OF RIGHTS AND REMEDIES.—Any employer receiving covered funds shall post notice of the rights and remedies provided under this section.

(f) RULES OF CONSTRUCTION.—

(1) NO IMPLIED AUTHORITY TO RETALIATE FOR NON-PROTECTED DISCLOSURES.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

(2) RELATIONSHIP TO STATE LAWS.—Nothing may be construed to preempt, preclude, or limit the protections provided for public or private employees under State whistleblower laws.

(g) DEFINITIONS.—In this section:

(1) ABUSE OF AUTHORITY.—The term ''abuse of authority'' means an arbitrary and capricious exercise of authority by a contracting official or employee that adversely affects the rights of any person, or that results in personal gain or advantage to the official or employee or to preferred other persons.

(2) COVERED FUNDS.—The term ''covered funds'' means any contract, grant, or other payment received by any non-Federal employer if—

(A) the Federal Government provides any portion of the money or property that is provided, requested, or demanded; and

(B) at least some of the funds are appropriated or otherwise made available by this Act.

(3) EMPLOYEE.—The term ''employee''—

(A) except as provided under subparagraph (B), means an individual performing services on behalf of an employer; and

(B) does not include any Federal employee or member of the uniformed services (as that term is defined in section 101(a)(5) of title 10, United States Code).

(4) NON-FEDERAL EMPLOYER.—The term ''non-Federal employer''—

(A) means any employer—

(i) with respect to covered funds—

(I) the contractor, subcontractor, grantee, or recipient, as the case may be, if the contractor, subcontractor, grantee, or recipient is an employer; and

(II) any professional membership organization, certification or other professional body, any agent or licensee of the Federal government, or any person acting directly or indirectly in the interest of an employer receiving covered funds; or

(ii) with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor or subcontractor of the State or local government; and

(B) does not mean any department, agency, or other entity of the Federal Government.

(5) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' means—

(A) the government of each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States; or

(B) the government of any political subdivision of a government listed in subparagraph (A).

SEC. 1554. SPECIAL CONTRACTING PROVISIONS.

To the maximum extent possible, contracts funded under this Act shall be awarded as fixed-price contracts through the use of competitive procedures. A summary of any contract awarded with such funds that is not fixed-price and not awarded using competitive procedures shall be posted in a special section of the website established in section 1526.

TITLE XVI—GENERAL PROVISIONS—THIS ACT

RELATIONSHIP TO OTHER APPROPRIATIONS

SEC. 1601. Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved. Enactment of this Act shall have no effect on the availability of amounts under the Continuing Appropriations Resolution, 2009 (division A of Public Law 110–329).

PREFERENCE FOR QUICK-START ACTIVITIES

SEC. 1602. In using funds made available in this Act for infrastructure investment, recipients shall give preference to activities that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds for activities that can be initiated not later than 120 days after the date of the enactment of this Act. Recipients shall also use grant funds in a manner that maximizes job creation and economic benefit.

PERIOD OF AVAILABILITY

SEC. 1603. All funds appropriated in this Act shall remain available for obligation until September 30, 2010, unless expressly provided otherwise in this Act.

LIMIT ON FUNDS

SEC. 1604. None of the funds appropriated or otherwise made available in this Act may be used by any State or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

BUY AMERICAN

SEC. 1605. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS. (a) None of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) Subsection (a) shall not apply in any case or category of cases in which the head of the Federal department or agency involved finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the head of a Federal department or agency determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the head of the department or agency shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

WAGE RATE REQUIREMENTS

SEC. 1606. Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

ADDITIONAL FUNDING DISTRIBUTION AND ASSURANCE OF APPROPRIATE USE OF FUNDS

SEC. 1607. (a) CERTIFICATION BY GOVERNOR.—Not later than 45 days after the date of enactment of this Act, for funds provided to any State or agency thereof, the Governor of the State shall certify that: (1) the State will request and use funds provided by this Act; and (2) the funds will be used to create jobs and promote economic growth.

(b) ACCEPTANCE BY STATE LEGISLATURE.—If funds provided to any State in any division of this Act are not accepted for use by the Governor, then acceptance by the State legislature, by means of the adoption of a concurrent resolution, shall be sufficient to provide funding to such State.

(c) DISTRIBUTION.—After the adoption of a State legislature's concurrent resolution, funding to the State will be for distribution to local governments, councils of government, public entities, and public-private entities within the State either by formula or at the State's discretion.

ECONOMIC STABILIZATION CONTRACTING

SEC. 1608. REFORM OF CONTRACTING PROCEDURES UNDER EESA. Section 107(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5217(b)) is amended by inserting ''and individuals with disabilities and businesses owned by individuals with disabilities (for purposes of this subsection the term 'individual with disability' has the same meaning as the term 'handicapped individual' as that term is defined in section 3(f) of the Small Business Act (15 U.S.C. 632(f)),'' after ''(12 U.S.C. 1441a(r)(4)),''.

SEC. 1609. (a) FINDINGS.—

(1) The National Environmental Policy Act protects public health, safety and environmental quality: by ensuring transparency, accountability and public involvement in federal actions and in the use of public funds;

(2) When President Nixon signed the National Environmental Policy Act into law on January 1, 1970, he said that the Act provided the ''direction'' for the country to ''regain a productive harmony between man and nature'';

(3) The National Environmental Policy Act helps to provide an orderly process for considering federal actions and funding decisions and prevents ligation and delay that would otherwise be inevitable and existed prior to the establishment of the National Environmental Policy Act.

(b) Adequate resources within this bill must be devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act are completed on an expeditious basis and that the shortest existing applicable process under the National Environmental Policy Act shall be utilized.

(c) The President shall report to the Senate Environment and Public Works Committee and the House Natural Resources Committee every 90 days following the date of enactment until September 30, 2011 on the status and progress of projects and activities funded by this Act with respect to compliance with National Environmental Policy Act requirements and documentation.

SEC. 1610. (a) None of the funds appropriated or otherwise made available by this Act, for projects initiated after the effective date of this Act, may be used by an executive agency to enter into any Federal contract unless such contract is entered into in accordance with the Federal Property and Administrative Services Act (41 U.S.C. 253) or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

(b) All projects to be conducted under the authority of the Indian Self-Determination and Education Assistance Act, the Tribally-Controlled Schools Act, the Sanitation and Facilities Act, the Native American Housing and Self-Determination Assistance Act and the Buy-Indian Act shall be identified by the appropriate Secretary and the appropriate Secretary shall incorporate provisions to ensure that the agreement conforms with the provisions of this Act regarding the timing for use of funds and transparency, oversight, reporting, and accountability, including review by the Inspectors General, the Accountability and Transparency Board, and Government Accountability Office, consistent with the objectives of this Act.

SEC. 1611. HIRING AMERICAN WORKERS IN COMPANIES RECEIVING TARP FUNDING. (a) SHORT TITLE.—This section may be cited as the ''Employ American Workers Act''.

(b) PROHIBITION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, it shall be unlawful for any recipient of funding under title I of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343) or section 13 of the Federal Reserve Act (12 U.S.C. 342 et seq.) to hire any nonimmigrant described in section 101(a)(15)(h)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(h)(i)(b)) unless the recipient is in compliance with the requirements for an H–1B dependent employer (as defined in section 212(n)(3) of such Act (8 U.S.C. 1182(n)(3))), except that the second sentence of section 212(n)(1)(E)(ii) of such Act shall not apply.

(2) DEFINED TERM.—In this subsection, the term ''hire'' means to permit a new employee to commence a period of employment.

(c) SUNSET PROVISION.—This section shall be effective during the 2-year period beginning on the date of the enactment of this Act.

SEC. 1612. During the current fiscal year not to exceed 1 percent of any appropriation made available by this Act may be transferred by an agency head between such appropriations funded in this Act of that department or agency: Provided, That such appropriations shall be merged with and available for the same purposes, and for the same time period, as the appropriation to which transferred: Provided further, That the agency head shall notify the Committees on Appropriations of the Senate and House of Representatives of the transfer 15 days in advance: Provided further, That notice of any transfer made pursuant to this authority be posted on the website established by the Recovery Act Accountability and Transparency Board 15 days following such transfer: Provided further, That the authority contained in this section is in addition to transfer authorities otherwise available under current law: Provided further, That the authority provided in this section shall not apply to any appropriation that is subject to transfer provisions included elsewhere in this Act.

DIVISION B—TAX, UNEMPLOYMENT, HEALTH, STATE FISCAL RELIEF, AND OTHER PROVISIONS

TITLE I—TAX PROVISIONS

SEC. 1000. SHORT TITLE, ETC.

(a) SHORT TITLE.—This title may be cited as the ''American Recovery and Reinvestment Tax Act of 2009''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this title is as follows:

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 is amended by inserting after section 36 the following new section:

"SEC. 36A. MAKING WORK PAY CREDIT.

''(a) ALLOWANCE OF CREDIT.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the lesser of—

''(1) 6.2 percent of earned income of the taxpayer, or

''(2) $400 ($800 in the case of a joint return).

''(b) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(1) IN GENERAL.—The amount allowable as a credit under subsection (a) (determined without regard to this paragraph and subsection (c)) for the taxable year shall be reduced (but not below zero) by 2 percent of so much of the taxpayer's modified adjusted gross income as exceeds $75,000 ($150,000 in the case of a joint return).

''(2) MODIFIED ADJUSTED GROSS INCOME.—For purposes of subparagraph (A), the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

''(c) REDUCTION FOR CERTAIN OTHER PAYMENTS.—The credit allowed under subsection (a) for any taxable year shall be reduced by the amount of any payments received by the taxpayer during such taxable year under section 2201, and any credit allowed to the taxpayer under section 2202, of the American Recovery and Reinvestment Tax Act of 2009.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) ELIGIBLE INDIVIDUAL.—

''(A) IN GENERAL.—The term 'eligible individual' means any individual other than—

''(i) any nonresident alien individual,

''(ii) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

''(iii) an estate or trust.

''(B) IDENTIFICATION NUMBER REQUIREMENT.—Such term shall not include any individual who does not include on the return of tax for the taxable year—

''(i) such individual's social security account number, and

''(ii) in the case of a joint return, the social security account number of one of the taxpayers on such return.

For purposes of the preceding sentence, the social security account number shall not include a TIN issued by the Internal Revenue Service.

''(2) EARNED INCOME.—The term 'earned income' has the meaning given such term by section 32(c)(2), except that such term shall not include net earnings from self-employment which are not taken into account in computing taxable income. For purposes of the preceding sentence, any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.

''(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2010.''.

(b) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section with respect to taxable years beginning in 2009 and 2010. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section for taxable years beginning in 2009 and 2010 if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to the residents of such possession.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes for any taxable year under section 36A of the Internal Revenue Code of 1986 (as added by this section) to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 36A of the Internal Revenue Code of 1986 (as added by this section).

(c) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of section 36A of the Internal Revenue Code of 1986 (as added by this section) or by reason of subsection (b) of this section shall not be

taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(d) AUTHORITY RELATING TO CLERICAL ERRORS.—Section 6213(g)(2) is amended by striking ''and'' at the end of subparagraph (L)(ii), by striking the period at the end of subparagraph (M) and inserting '', and'', and by adding at the end the following new subparagraph:

''(N) an omission of the reduction required under section 36A(c) with respect to the credit allowed under section 36A or an omission of the correct social security account number required under section 36A(d)(1)(B).''.

(e) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by inserting ''36A,'' after ''36,''.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''36A,'' after ''36,''.

(3) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 36 the following new item:

''Sec. 36A. Making work pay credit.''.

(f) EFFECTIVE DATE.—This section, and the amendments made by this section, shall apply to taxable years beginning after December 31, 2008.

SEC. 1002. TEMPORARY INCREASE IN EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subsection (b) of section 32 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR 2009 AND 2010.—In the case of any taxable year beginning in 2009 or 2010—

''(A) INCREASED CREDIT PERCENTAGE FOR 3 OR MORE QUALIFYING CHILDREN.—In the case of a taxpayer with 3 or more qualifying children, the credit percentage is 45 percent.

''(B) REDUCTION OF MARRIAGE PENALTY.—

''(i) IN GENERAL.—The dollar amount in effect under paragraph (2)(B) shall be $5,000.

''(ii) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in 2010, the $5,000 amount in clause (i) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

''(iii) ROUNDING.—Subparagraph (A) of subsection (j)(2) shall apply after taking into account any increase under clause (ii).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1003. TEMPORARY INCREASE OF REFUNDABLE PORTION OF CHILD CREDIT.

(a) IN GENERAL.—Paragraph (4) of section 24(d) is amended to read as follows:

''(4) SPECIAL RULE FOR 2009 AND 2010.—Notwithstanding paragraph (3), in the case of any taxable year beginning in 2009 or 2010, the dollar amount in effect for such taxable year under paragraph (1)(B)(i) shall be $3,000.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1004. AMERICAN OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—Section 25A (relating to Hope scholarship credit) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) AMERICAN OPPORTUNITY TAX CREDIT.—In the case of any taxable year beginning in 2009 or 2010—

''(1) INCREASE IN CREDIT.—The Hope Scholarship Credit shall be an amount equal to the sum of—

''(A) 100 percent of so much of the qualified tuition and related expenses paid by the taxpayer during the taxable year (for education furnished to the eligible student during any academic period beginning in such taxable year) as does not exceed $2,000, plus

''(B) 25 percent of such expenses so paid as exceeds $2,000 but does not exceed $4,000.

''(2) CREDIT ALLOWED FOR FIRST 4 YEARS OF POST-SECONDARY EDUCATION.—Subparagraphs (A) and (C) of subsection (b)(2) shall be applied by substituting '4' for '2'.

''(3) QUALIFIED TUITION AND RELATED EXPENSES TO INCLUDE REQUIRED COURSE MATERIALS.—Subsection (f)(1)(A) shall be applied by substituting 'tuition, fees, and course materials' for 'tuition and fees'.

''(4) INCREASE IN AGI LIMITS FOR HOPE SCHOLARSHIP CREDIT.—In lieu of applying subsection (d) with respect to the Hope Scholarship Credit, such credit (determined without regard to this paragraph) shall be reduced (but not below zero) by the amount which bears the same ratio to such credit (as so determined) as—

''(A) the excess of—

''(i) the taxpayer's modified adjusted gross income (as defined in subsection (d)(3)) for such taxable year, over

''(ii) $80,000 ($160,000 in the case of a joint return), bears to

''(B) $10,000 ($20,000 in the case of a joint return).

''(5) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, so much of the credit allowed under subsection (a) as is attributable to the Hope Scholarship Credit shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this subsection and sections 23, 25D, and 30D) and section 27 for the taxable year.

Any reference in this section or section 24, 25, 26, 25B, 904, or 1400C to a credit allowable under this subsection shall be treated as a reference to so much of the credit allowable under subsection (a) as is attributable to the Hope Scholarship Credit.

''(6) PORTION OF CREDIT MADE REFUNDABLE.—40 percent of so much of the credit allowed under subsection (a) as is attributable to the Hope Scholarship Credit (determined after application of paragraph (4) and without regard to this paragraph and section 26(a)(2) or paragraph (5), as the case may be) shall be treated as a credit allowable under subpart C (and not allowed under subsection (a)). The preceding sentence shall not apply to any taxpayer for any taxable year if such taxpayer is a child to whom subsection (g) of section 1 applies for such taxable year.

''(7) COORDINATION WITH MIDWESTERN DISASTER AREA BENEFITS.—In the case of a taxpayer with respect to whom section 702(a)(1)(B) of the Heartland Disaster Tax Relief Act of 2008 applies for any taxable year, such taxpayer may elect to waive the application of this subsection to such taxpayer for such taxable year.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) is amended by inserting ''25A(i),'' after ''23,''.

(2) Section 25(e)(1)(C)(ii) is amended by inserting ''25A(i),'' after ''24,''.

(3) Section 26(a)(1) is amended by inserting ''25A(i),'' after ''24,''.

(4) Section 25B(g)(2) is amended by inserting ''25A(i),'' after ''23,''.

(5) Section 904(i) is amended by inserting ''25A(i),'' after ''24,''.

(6) Section 1400C(d)(2) is amended by inserting ''25A(i),'' after ''24,''.

(7) Section 6211(b)(4)(A) is amended by inserting ''25A by reason of subsection (i)(6) thereof,'' after ''24(d),''.

(8) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''25A,'' before ''35''.

(c) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of section 25A(i)(6) of the Internal Revenue Code of 1986 (as added by this section) with respect to taxable years beginning in 2009 and 2010. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the application of section 25A(i)(6) of such Code (as so added) for taxable years beginning in 2009 and 2010 if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to the residents of such possession.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—Section 25A(i)(6) of such Code (as added by this section) shall not apply to a bona fide resident of any possession of the United States.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 25A of the Internal Revenue Code of 1986 by reason of subsection (i)(6) of such section (as added by this section).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(e) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (b)(1) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

(f) TREASURY STUDIES REGARDING EDUCATION INCENTIVES.—

(1) STUDY REGARDING COORDINATION WITH NON-TAX STUDENT FINANCIAL ASSISTANCE.—The Secretary of the Treasury and the Secretary of Education, or their delegates, shall—

(A) study how to coordinate the credit allowed under section 25A of the Internal Revenue Code of 1986 with the Federal Pell Grant program under section 401 of the Higher Education Act of 1965 to maximize their effectiveness at promoting college affordability, and

(B) examine ways to expedite the delivery of the tax credit.

(2) STUDY REGARDING INCLUSION OF COMMUNITY SERVICE REQUIREMENTS.—The Secretary of the Treasury and the Secretary of Education, or their delegates, shall study the feasibility of requiring including community service as a condition of taking their tuition and related expenses into account under section 25A of the Internal Revenue Code of 1986.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, shall report to Congress on the results of the studies conducted under this paragraph.

SEC. 1005. COMPUTER TECHNOLOGY AND EQUIPMENT ALLOWED AS A QUALIFIED HIGHER EDUCATION EXPENSE FOR SECTION 529 ACCOUNTS IN 2009 AND 2010.

(a) IN GENERAL.—Section 529(e)(3)(A) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii), and by adding at the end the following:

''(iii) expenses paid or incurred in 2009 or 2010 for the purchase of any computer technology or equipment (as defined in section 170(e)(6)(F)(i)) or Internet access and related services, if such technology, equipment, or services are to be used by the beneficiary and the beneficiary's family during any of the years the beneficiary is enrolled at an eligible educational institution.

Clause (iii) shall not include expenses for computer software designed for sports, games, or hobbies unless the software is predominantly educational in nature.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred after December 31, 2008.

SEC. 1006. EXTENSION OF AND INCREASE IN FIRST-TIME HOMEBUYER CREDIT; WAIVER OF REQUIREMENT TO REPAY.

(a) EXTENSION.—

(1) IN GENERAL.—Section 36(h) is amended by striking ''July 1, 2009'' and inserting ''December 1, 2009''.

(2) CONFORMING AMENDMENT.—Section 36(g) is amended by striking ''July 1, 2009'' and inserting ''December 1, 2009''.

(b) INCREASE.—

(1) IN GENERAL.—Section 36(b) is amended by striking ''$7,500'' each place it appears and inserting ''$8,000''.

(2) CONFORMING AMENDMENT.—Section 36(b)(1)(B) is amended by striking ''$3,750'' and inserting ''$4,000''.

(c) WAIVER OF RECAPTURE.—

(1) IN GENERAL.—Paragraph (4) of section 36(f) is amended by adding at the end the following new subparagraph:

''(D) WAIVER OF RECAPTURE FOR PURCHASES IN 2009.—In the case of any credit allowed with respect to the purchase of a principal residence after December 31, 2008, and before December 1, 2009—

''(i) paragraph (1) shall not apply, and

''(ii) paragraph (2) shall apply only if the disposition or cessation described in paragraph (2) with respect to such residence occurs during the 36-month period beginning on the date of the purchase of such residence by the taxpayer.''.

(2) CONFORMING AMENDMENT.—Subsection (g) of section 36 is amended by striking ''subsection (c)'' and inserting ''subsections (c) and (f)(4)(D)''.

(d) COORDINATION WITH FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—Subsection (e) of section 1400C is amended by adding at the end the following new paragraph:

''(4) COORDINATION WITH NATIONAL FIRST-TIME HOMEBUYERS CREDIT.—No credit shall be allowed under this section to any taxpayer with respect to the purchase of a residence after December 31, 2008, and before December 1, 2009, if a credit under section 36 is allowable to such taxpayer (or the taxpayer's spouse) with respect to such purchase.''.

(2) CONFORMING AMENDMENT.—Section 36(d) is amended by striking paragraph (1).

(e) REMOVAL OF PROHIBITION ON FINANCING BY MORTGAGE REVENUE BONDS.—Section 36(d), as amended by subsection (c)(2), is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased after December 31, 2008.

SEC. 1007. SUSPENSION OF TAX ON PORTION OF UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 85 of the Internal Revenue Code of 1986 (relating to unemployment compensation) is amended by adding at the end the following new subsection:

''(c) SPECIAL RULE FOR 2009.—In the case of any taxable year beginning in 2009, gross income shall not include so much of the unemployment compensation received by an individual as does not exceed $2,400.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1008. ADDITIONAL DEDUCTION FOR STATE SALES TAX AND EXCISE TAX ON THE PURCHASE OF CERTAIN MOTOR VEHICLES.

(a) IN GENERAL.—Subsection (a) of section 164 is amended by inserting after paragraph (5) the following new paragraph:

''(6) Qualified motor vehicle taxes.''.

(b) QUALIFIED MOTOR VEHICLE TAXES.—Subsection (b) of section 164 is amended by adding at the end the following new paragraph:

''(6) QUALIFIED MOTOR VEHICLE TAXES.—

''(A) IN GENERAL.—For purposes of this section, the term 'qualified motor vehicle taxes' means any State or local sales or excise tax imposed on the purchase of a qualified motor vehicle.

''(B) LIMITATION BASED ON VEHICLE PRICE.—The amount of any State or local sales or excise tax imposed on the purchase of a qualified motor vehicle taken into account under subparagraph (A) shall not exceed the portion of such tax attributable to so much of the purchase price as does not exceed $49,500.

''(C) INCOME LIMITATION.—The amount otherwise taken into account under subparagraph (A) (after the application of subparagraph (B)) for any taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which is so treated as—

''(i) the excess (if any) of—

''(I) the taxpayer's modified adjusted gross income for such taxable year, over

''(II) $125,000 ($250,000 in the case of a joint return), bears to

''(ii) $10,000.

For purposes of the preceding sentence, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year (determined without regard to sections 911, 931, and 933).

''(D) QUALIFIED MOTOR VEHICLE.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified motor vehicle' means—

''(I) a passenger automobile or light truck which is treated as a motor vehicle for purposes of title II of the Clean Air Act, the gross vehicle weight rating of which is not more than 8,500 pounds, and the original use of which commences with the taxpayer,

''(II) a motorcycle the gross vehicle weight rating of which is not more than 8,500 pounds and the original use of which commences with the taxpayer, and

''(III) a motor home the original use of which commences with the taxpayer.

''(ii) OTHER TERMS.—The terms 'motorcycle' and 'motor home' have the meanings given such terms under section 571.3 of title 49, Code of Federal Regulations (as in effect on the date of the enactment of this paragraph).

''(E) QUALIFIED MOTOR VEHICLE TAXES NOT INCLUDED IN COST OF ACQUIRED PROPERTY.—The last sentence of subsection (a) shall not apply to any qualified motor vehicle taxes.

''(F) COORDINATION WITH GENERAL SALES TAX.—This paragraph shall not apply in the case of a taxpayer who makes an election under paragraph (5) for the taxable year.

''(G) TERMINATION.—This paragraph shall not apply to purchases after December 31, 2009.''.

(c) DEDUCTION ALLOWED TO NONITEMIZERS.—

(1) IN GENERAL.—Paragraph (1) of section 63(c) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) the motor vehicle sales tax deduction.''.

(2) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

''(9) MOTOR VEHICLE SALES TAX DEDUCTION.—For purposes of paragraph (1), the term 'motor vehicle sales tax deduction' means the amount allowable as a deduction under section 164(a)(6). Such term shall not include any amount taken into account under section 62(a).''.

(d) TREATMENT OF DEDUCTION UNDER ALTERNATIVE MINIMUM TAX.—The last sentence of section 56(b)(1)(E) is amended by striking ''section 63(c)(1)(D)'' and inserting ''subparagraphs (D) and (E) of section 63(c)(1)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases on or after the date of the enactment of this Act in taxable years ending after such date.

PART II—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 1011. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2008) is amended—

(1) by striking ''or 2008'' and inserting ''2008, or 2009'', and

(2) by striking ''**2008**'' in the heading thereof and inserting ''**2009**''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1012. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($69,950 in the case of taxable years beginning in 2008)'' in subparagraph (A) and inserting ''($70,950 in the case of taxable years beginning in 2009)'', and

(2) by striking ''($46,200 in the case of taxable years beginning in 2008)'' in subparagraph (B) and inserting ''($46,700 in the case of taxable years beginning in 2009)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

Subtitle B—Energy Incentives

PART I—RENEWABLE ENERGY INCENTIVES

SEC. 1101. EXTENSION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—Subsection (d) of section 45 is amended—

(1) by striking ''2010'' in paragraph (1) and inserting ''2013'',

(2) by striking ''2011'' each place it appears in paragraphs (2), (3), (4), (6), (7) and (9) and inserting ''2014'', and

(3) by striking ''2012'' in paragraph (11)(B) and inserting ''2014''.

(b) TECHNICAL AMENDMENT.—Paragraph (5) of section 45(d) is amended by striking ''and before'' and all that follows and inserting '' and before October 3, 2008.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to property placed in service after the date of the enactment of this Act.

(2) TECHNICAL AMENDMENT.—The amendment made by subsection (b) shall take effect as if included in section 102 of the Energy Improvement and Extension Act of 2008.

SEC. 1102. ELECTION OF INVESTMENT CREDIT IN LIEU OF PRODUCTION CREDIT.

(a) IN GENERAL.—Subsection (a) of section 48 is amended by adding at the end the following new paragraph:

''(5) ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—

''(A) IN GENERAL.—In the case of any qualified property which is part of a qualified investment credit facility—

''(i) such property shall be treated as energy property for purposes of this section, and

''(ii) the energy percentage with respect to such property shall be 30 percent.

''(B) DENIAL OF PRODUCTION CREDIT.—No credit shall be allowed under section 45 for any taxable year with respect to any qualified investment credit facility.

''(C) QUALIFIED INVESTMENT CREDIT FACILITY.—For purposes of this paragraph, the term 'qualified investment credit facility' means any of the following facilities if no credit has been allowed under section 45 with respect to such facility and the taxpayer makes an irrevocable election to have this paragraph apply to such facility:

''(i) WIND FACILITIES.—Any qualified facility (within the meaning of section 45) described in paragraph (1) of section 45(d) if such facility is placed in service in 2009, 2010, 2011, or 2012.

''(ii) OTHER FACILITIES.—Any qualified facility (within the meaning of section 45) described in paragraph (2), (3), (4), (6), (7), (9), or (11) of section 45(d) if such facility is placed in service in 2009, 2010, 2011, 2012, or 2013.

''(D) QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'qualified property' means property—

''(i) which is—

''(I) tangible personal property, or

''(II) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualified investment credit facility, and

''(ii) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2008.

SEC. 1103. REPEAL OF CERTAIN LIMITATIONS ON CREDIT FOR RENEWABLE ENERGY PROPERTY.

(a) REPEAL OF LIMITATION ON CREDIT FOR QUALIFIED SMALL WIND ENERGY PROPERTY.—Paragraph (4) of section 48(c) is amended by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C).

(b) REPEAL OF LIMITATION ON PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—

(1) IN GENERAL.—Section 48(a)(4) is amended by adding at the end the following new subparagraph:

''(D) TERMINATION.—This paragraph shall not apply to periods after December 31, 2008, under rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 25C(e)(1) is amended by striking ''(8), and (9)'' and inserting ''and (8)''.

(B) Section 25D(e) is amended by striking paragraph (9).

(C) Section 48A(b)(2) is amended by inserting ''(without regard to subparagraph (D) thereof)'' after ''section 48(a)(4)''.

(D) Section 48B(b)(2) is amended by inserting ''(without regard to subparagraph (D) thereof)'' after ''section 48(a)(4)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to periods after December 31, 2008, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(2) CONFORMING AMENDMENTS.—The amendments made by subparagraphs (A) and (B) of subsection (b)(2) shall apply to taxable years beginning after December 31, 2008.

SEC. 1104. COORDINATION WITH RENEWABLE ENERGY GRANTS.

Section 48 is amended by adding at the end the following new subsection:

''(d) COORDINATION WITH DEPARTMENT OF TREASURY GRANTS.—In the case of any property with respect to which the Secretary makes a grant under section 1603 of the American Recovery and Reinvestment Tax Act of 2009—

''(1) DENIAL OF PRODUCTION AND INVESTMENT CREDITS.—No credit shall be determined under this section or section 45 with respect to such property for the taxable year in which such grant is made or any subsequent taxable year.

''(2) RECAPTURE OF CREDITS FOR PROGRESS EXPENDITURES MADE BEFORE GRANT.—If a credit was determined under this section with respect to such property for any taxable year ending before such grant is made—

''(A) the tax imposed under subtitle A on the taxpayer for the taxable year in which such grant is made shall be increased by so much of such credit as was allowed under section 38,

''(B) the general business carryforwards under section 39 shall be adjusted so as to recapture the portion of such credit which was not so allowed, and

''(C) the amount of such grant shall be determined without regard to any reduction in the basis of such property by reason of such credit.

''(3) TREATMENT OF GRANTS.—Any such grant shall—

''(A) not be includible in the gross income of the taxpayer, but

''(B) shall be taken into account in determining the basis of the property to which such grant relates, except that the basis of such property shall be reduced under section 50(c) in the same manner as a credit allowed under subsection (a).''.

PART II—INCREASED ALLOCATIONS OF NEW CLEAN RENEWABLE ENERGY BONDS AND QUALIFIED ENERGY CONSERVATION BONDS

SEC. 1111. INCREASED LIMITATION ON ISSUANCE OF NEW CLEAN RENEWABLE ENERGY BONDS.

Subsection (c) of section 54C is amended by adding at the end the following new paragraph:

''(4) ADDITIONAL LIMITATION.—The national new clean renewable energy bond limitation shall be increased by $1,600,000,000. Such increase shall be allocated by the Secretary consistent with the rules of paragraphs (2) and (3).''.

SEC. 1112. INCREASED LIMITATION ON ISSUANCE OF QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Section 54D(d) is amended by striking ''$800,000,000'' and inserting ''$3,200,000,000''.

(b) CLARIFICATION WITH RESPECT TO GREEN COMMUNITY PROGRAMS.—

(1) IN GENERAL.—Clause (ii) of section 54D(f)(1)(A) is amended by inserting ''(including the use of loans, grants, or other repayment mechanisms to implement such programs)'' after ''green community programs''.

(2) SPECIAL RULES FOR BONDS FOR IMPLEMENTING GREEN COMMUNITY PROGRAMS.—Subsection (e) of section 54D is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULES FOR BONDS TO IMPLEMENT GREEN COMMUNITY PROGRAMS.—In the case of any bond issued for the purpose of providing loans, grants, or other repayment mechanisms for capital expenditures to implement green community programs, such bond shall not be treated as a private activity bond for purposes of paragraph (3).''.

PART III—ENERGY CONSERVATION INCENTIVES

SEC. 1121. EXTENSION AND MODIFICATION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C is amended by striking subsections (a) and (b) and inserting the following new subsections:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the sum of—

''(1) the amount paid or incurred by the taxpayer during such taxable year for qualified energy efficiency improvements, and

''(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.

''(b) LIMITATION.—The aggregate amount of the credits allowed under this section for taxable years beginning in 2009 and 2010 with respect to any taxpayer shall not exceed $1,500.''.

(b) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

''(B) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2009.''.

(2) CENTRAL AIR CONDITIONERS.—Subparagraph (C) of section 25C(d)(3) is amended by striking ''2006'' and inserting ''2009''.

(3) WATER HEATERS.—Subparagraph (D) of section 25C(d)(3) is amended to read as follows:

''(D) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.82 or a thermal efficiency of at least 90 percent.''.

(4) WOOD STOVES.—Subparagraph (E) of section 25C(d)(3) is amended by inserting '', as measured using a lower heating value'' after ''75 percent''.

(c) MODIFICATIONS OF STANDARDS FOR OIL FURNACES AND HOT WATER BOILERS.—

(1) IN GENERAL.—Paragraph (4) of section 25C(d) is amended to read as follows:

''(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

''(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any

natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

''(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.''.

(2) CONFORMING AMENDMENT.—Clause (ii) of section 25C(d)(2)(A) is amended to read as follows:

''(ii) any qualified natural gas furnace, qualified propane furnace, qualified oil furnace, qualified natural gas hot water boiler, qualified propane hot water boiler, or qualified oil hot water boiler, or''.

(d) MODIFICATIONS OF STANDARDS FOR QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Subsection (c) of section 25C is amended by adding at the end the following new paragraph:

''(4) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Such term shall not include any component described in subparagraph (B) or (C) of paragraph (2) unless such component is equal to or below a U factor of 0.30 and SHGC of 0.30.''.

(2) ADDITIONAL QUALIFICATION FOR INSULATION.—Subparagraph (A) of section 25C(c)(2) is amended by inserting ''and meets the prescriptive criteria for such material or system established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009'' after ''such dwelling unit''.

(e) EXTENSION.—Section 25C(g)(2) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) EFFICIENCY STANDARDS.—The amendments made by paragraphs (1), (2), and (3) of subsection (b) and subsections (c) and (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 1122. MODIFICATION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) REMOVAL OF CREDIT LIMITATION FOR PROPERTY PLACED IN SERVICE.—

(1) IN GENERAL.—Paragraph (1) of section 25D(b) is amended to read as follows:

''(1) MAXIMUM CREDIT FOR FUEL CELLS.—In the case of any qualified fuel cell property expenditure, the credit allowed under subsection (a) (determined without regard to subsection (c)) for any taxable year shall not exceed $500 with respect to each half kilowatt of capacity of the qualified fuel cell property (as defined in section 48(c)(1)) to which such expenditure relates.''.

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 25D(e) is amended—

(A) by striking all that precedes subparagraph (B) and inserting the following:

''(4) FUEL CELL EXPENDITURE LIMITATIONS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit with respect to which qualified fuel cell property expenditures are made and which is jointly occupied and used during any calendar year as a residence by two or more individuals, the following rules shall apply:

''(A) MAXIMUM EXPENDITURES FOR FUEL CELLS.—The maximum amount of such expenditures which may be taken into account under subsection (a) by all such individuals with respect to such dwelling unit during such calendar year shall be $1,667 in the case of each half kilowatt of capacity of qualified fuel cell property (as defined in section 48(c)(1)) with respect to which such expenditures relate.'', and

(B) by striking subparagraph (C).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1123. TEMPORARY INCREASE IN CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) IN GENERAL.—Section 30C(e) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR PROPERTY PLACED IN SERVICE DURING 2009 AND 2010.—In the case of property placed in service in taxable years beginning after December 31, 2008, and before January 1, 2011—

''(A) in the case of any such property which does not relate to hydrogen—

''(i) subsection (a) shall be applied by substituting '50 percent' for '30 percent',

''(ii) subsection (b)(1) shall be applied by substituting '$50,000' for '$30,000', and

''(iii) subsection (b)(2) shall be applied by substituting '$2,000' for '$1,000', and

''(B) in the case of any such property which relates to hydrogen, subsection (b)(1) shall be applied by substituting '$200,000' for '$30,000'.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

PART IV—MODIFICATION OF CREDIT FOR CARBON DIOXIDE SEQUESTRATION

SEC. 1131. APPLICATION OF MONITORING REQUIREMENTS TO CARBON DIOXIDE USED AS A TERTIARY INJECTANT.

(a) IN GENERAL.—Section 45Q(a)(2) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) disposed of by the taxpayer in secure geological storage.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 45Q(d)(2) is amended—

(A) by striking ''subsection (a)(1)(B)'' and inserting ''paragraph (1)(B) or (2)(C) of subsection (a)'',

(B) by striking ''and unminable coal seems'' and inserting '', oil and gas reservoirs, and unminable coal seams'', and

(C) by inserting ''the Secretary of Energy, and the Secretary of the Interior,'' after ''Environmental Protection Agency''.

(2) Section 45Q(a)(1)(B) is amended by inserting ''and not used by the taxpayer as described in paragraph (2)(B)'' after ''storage''.

(3) Section 45Q(e) is amended by striking ''captured and disposed of or used as a tertiary injectant'' and inserting ''taken into account in accordance with subsection (a)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act.

PART V—PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES

SEC. 1141. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Section 30D is amended to read as follows:

''SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE DOLLAR LIMITATION.—

''(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

''(2) BASE AMOUNT.—The amount determined under this paragraph is $2,500.

''(3) BATTERY CAPACITY.—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $417, plus $417 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $5,000.

''(c) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(d) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle—

''(A) the original use of which commences with the taxpayer,

''(B) which is acquired for use or lease by the taxpayer and not for resale,

''(C) which is made by a manufacturer,

''(D) which is treated as a motor vehicle for purposes of title II of the Clean Air Act,

''(E) which has a gross vehicle weight rating of less than 14,000 pounds, and

''(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

''(i) has a capacity of not less than 4 kilowatt hours, and

''(ii) is capable of being recharged from an external source of electricity.

''(2) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle which is manufactured primarily for use on public streets, roads, and

highways (not including a vehicle operated exclusively on a rail or rails) and which has at least 4 wheels.

''(3) MANUFACTURER.—The term 'manufacturer' has the meaning given such term in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

''(e) LIMITATION ON NUMBER OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

''(1) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after December 31, 2009, is at least 200,000.

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

''(A) 50 percent for the first 2 calendar quarters of the phaseout period,

''(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(C) 0 percent for each calendar quarter thereafter.

''(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

''(f) SPECIAL RULES.—

''(1) BASIS REDUCTION.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(2) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a new qualified plug-in electric drive motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such vehicle.

''(3) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (c)).

''(4) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1).

''(5) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(6) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(7) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—A motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 30B(d)(3)(D) is amended by striking ''subsection (d) thereof'' and inserting ''subsection (c) thereof''.

(2) Section 38(b)(35) is amended by striking ''30D(d)(1)'' and inserting ''30D(c)(1)''.

(3) Section 1016(a)(25) is amended by striking ''section 30D(e)(4)'' and inserting ''section 30D(f)(1)''.

(4) Section 6501(m) is amended by striking ''section 30D(e)(9)'' and inserting ''section 30D(e)(4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2009.

SEC. 1142. CREDIT FOR CERTAIN PLUG-IN ELECTRIC VEHICLES.

(a) IN GENERAL.—Section 30 is amended to read as follows:

''SEC. 30. CERTAIN PLUG-IN ELECTRIC VEHICLES.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 10 percent of the cost of any qualified plug-in electric vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE DOLLAR LIMITATION.—The amount of the credit allowed under subsection (a) with respect to any vehicle shall not exceed $2,500.

''(c) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23, 25D, and 30D) and section 27 for the taxable year.

''(d) QUALIFIED PLUG-IN ELECTRIC VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified plug-in electric vehicle' means a specified vehicle—

''(A) the original use of which commences with the taxpayer,

''(B) which is acquired for use or lease by the taxpayer and not for resale,

''(C) which is made by a manufacturer,

''(D) which is manufactured primarily for use on public streets, roads, and highways,

''(E) which has a gross vehicle weight rating of less than 14,000 pounds, and

''(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

''(i) has a capacity of not less than 4 kilowatt hours (2.5 kilowatt hours in the case of a vehicle with 2 or 3 wheels), and

''(ii) is capable of being recharged from an external source of electricity.

''(2) SPECIFIED VEHICLE.—The term 'specified vehicle' means any vehicle which—

''(A) is a low speed vehicle within the meaning of section 571.3 of title 49, Code of Federal Regulations (as in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009), or

''(B) has 2 or 3 wheels.

''(3) MANUFACTURER.—The term 'manufacturer' has the meaning given such term in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

''(e) SPECIAL RULES.—

''(1) BASIS REDUCTION.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(2) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a new qualified plug-in electric drive motor vehicle shall be reduced by the amount of credit allowable under subsection (a) for such vehicle.

''(3) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (c)).

''(4) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1).

''(5) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(6) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(f) TERMINATION.—This section shall not apply to any vehicle acquired after December 31, 2011.''.

(b) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B) is amended by inserting ''30,'' after ''25D,''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30,'' after ''25D,''.

(C) Section 25B(g)(2) is amended by inserting ''30,'' after ''25D,''.

(D) Section 26(a)(1) is amended by inserting ''30,'' after ''25D,''.

(E) Section 904(i) is amended by striking ''and 25B'' and inserting ''25B, 30, and 30D''.

(F) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30''.

(2) Paragraph (1) of section 30B(h) is amended to read as follows:

''(1) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and which has at least 4 wheels.''.

(3) Section 30C(d)(2)(A) is amended by striking '', 30,''.

(4)(A) Section 53(d)(1)(B) is amended by striking clause (iii) and redesignating clause (iv) as clause (iii).

(B) Subclause (II) of section 53(d)(1)(B)(iii), as so redesignated, is amended by striking ''increased in the manner provided in clause (iii)''.

(5) Section 55(c)(3) is amended by striking ''30(b)(3),''.

(6) Section 1016(a)(25) is amended by striking ''section 30(d)(1)'' and inserting ''section 30(e)(1)''.

(7) Section 6501(m) is amended by striking ''section 30(d)(4)'' and inserting ''section 30(e)(6)''.

(8) The item in the table of sections for subpart B of part IV of subchapter A of chapter 1 is amended to read as follows:

''Sec. 30. Certain plug-in electric vehicles.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after the date of the enactment of this Act.

(d) TRANSITIONAL RULE.—In the case of a vehicle acquired after the date of the enactment of this Act and before January 1, 2010, no credit shall be allowed under section 30 of the Internal Revenue Code of 1986, as added by this section, if credit is allowable under section 30D of such Code with respect to such vehicle.

(e) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (b)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 1143. CONVERSION KITS.

(a) IN GENERAL.—Section 30B (relating to alternative motor vehicle credit) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

''(i) PLUG-IN CONVERSION CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is 10 percent of so much of the cost of the converting such vehicle as does not exceed $40,000.

''(2) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this subsection, the term 'qualified plug-in electric drive motor vehicle' means any new qualified plug-in electric drive motor vehicle (as defined in section 30D, determined without regard to whether such vehicle is made by a manufacturer or whether the original use of such vehicle commences with the taxpayer).

''(3) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection) in any preceding taxable year.

''(4) TERMINATION.—This subsection shall not apply to conversions made after December 31, 2011.''.

(b) CREDIT TREATED AS PART OF ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(a) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) the plug-in conversion credit determined under subsection (i).''.

(c) NO RECAPTURE FOR VEHICLES CONVERTED TO QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.—Paragraph (8) of section 30B(h) is amended by adding at the end the following: '', except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 1144. TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT ALLOWED AGAINST AMT.

(a) IN GENERAL.—Paragraph (2) of section 30B(g) is amended to read as follows:

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23, 25D, 30, and 30D) and section 27 for the taxable year.''.

(b) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by this Act, is amended by inserting ''30B,'' after ''30,''.

(B) Section 25(e)(1)(C)(ii), as amended by this Act, is amended by inserting ''30B,'' after ''30,''.

(C) Section 25B(g)(2), as amended by this Act, is amended by inserting ''30B,'' after ''30,''.

(D) Section 26(a)(1), as amended by this Act, is amended by inserting ''30B,'' after ''30,''.

(E) Section 904(i), as amended by this Act, is amended by inserting ''30B,'' after ''30''.

(F) Section 1400C(d)(2), as amended by this Act, is amended by striking ''and 30'' and inserting ''30, and 30B''.

(2) Section 30C(d)(2)(A), as amended by this Act, is amended by striking ''sections 27 and 30B'' and inserting ''section 27''.

(3) Section 55(c)(3) is amended by striking ''30B(g)(2),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(d) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (b)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

PART VI—PARITY FOR TRANSPORTATION FRINGE BENEFITS

SEC. 1151. INCREASED EXCLUSION AMOUNT FOR COMMUTER TRANSIT BENEFITS AND TRANSIT PASSES.

(a) IN GENERAL.—Paragraph (2) of section 132(f) is amended by adding at the end the following flush sentence:

''In the case of any month beginning on or after the date of the enactment of this sentence and before January 1, 2011, subparagraph (A) shall be applied as if the dollar amount therein were the same as the dollar amount in effect for such month under subparagraph (B).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months beginning on or after the date of the enactment of this section.

Subtitle C—Tax Incentives for Business

PART I—TEMPORARY INVESTMENT INCENTIVES

SEC. 1201. SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED DURING 2009.

(a) EXTENSION OF SPECIAL ALLOWANCE.—

(1) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(A) by striking ''January 1, 2010'' and inserting ''January 1, 2011'', and

(B) by striking ''January 1, 2009'' each place it appears and inserting ''January 1, 2010''.

(2) CONFORMING AMENDMENTS.—

(A) The heading for subsection (k) of section 168 is amended by striking ''JANUARY 1, 2009'' and inserting ''JANUARY 1, 2010''.

(B) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking ''PRE-JANUARY 1, 2009'' and inserting ''PRE-JANUARY 1, 2010''.

(C) Subparagraph (B) of section 168(l)(5) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(D) Subparagraph (C) of section 168(n)(2) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(E) Subparagraph (B) of section 1400N(d)(3) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(3) TECHNICAL AMENDMENTS.—

(A) Subparagraph (D) of section 168(k)(4) is amended—

(i) by striking ''and'' at the end of clause (i),

(ii) by redesignating clause (ii) as clause (iii), and

(iii) by inserting after clause (i) the following new clause:

''(ii) 'April 1, 2008' shall be substituted for 'January 1, 2008' in subparagraph (A)(iii)(I) thereof, and''.

(B) Subparagraph (A) of section 6211(b)(4) is amended by inserting ''168(k)(4),'' after ''53(e),''.

(b) EXTENSION OF ELECTION TO ACCELERATE THE AMT AND RESEARCH CREDITS IN LIEU OF BONUS DEPRECIATION.—

(1) IN GENERAL.—Section 168(k)(4) (relating to election to accelerate the AMT and research credits in lieu of bonus depreciation) is amended—

(A) by striking ''2009'' and inserting ''2010''in subparagraph (D)(iii) (as redesignated by subsection (a)(3)), and

(B) by adding at the end the following new subparagraph:

''(H) SPECIAL RULES FOR EXTENSION PROPERTY.—

''(i) TAXPAYERS PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who made the election under subparagraph (A) for its first taxable year ending after March 31, 2008—

''(I) the taxpayer may elect not to have this paragraph apply to extension property, but

''(II) if the taxpayer does not make the election under subclause (I), in applying this paragraph to the taxpayer a separate bonus depreciation amount, maximum amount, and maximum increase amount shall be computed and applied to eligible qualified property which is extension property and to eligible qualified property which is not extension property.

''(ii) TAXPAYERS NOT PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who did not make the election under subparagraph (A) for its first taxable year ending after March 31, 2008—

''(I) the taxpayer may elect to have this paragraph apply to its first taxable year ending after December 31, 2008, and each subsequent taxable year, and

''(II) if the taxpayer makes the election under subclause (I), this paragraph shall only apply to eligible qualified property which is extension property.

''(iii) EXTENSION PROPERTY.—For purposes of this subparagraph, the term 'extension property'

means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 1201(a) of the American Recovery and Reinvestment Tax Act of 2009 (and the application of such extension to this paragraph pursuant to the amendment made by section 1201(b)(1) of such Act).''.

(2) TECHNICAL AMENDMENT.—Section 6211(b)(4)(A) is amended by inserting ''168(k)(4),'' after ''53(e),''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2008, in taxable years ending after such date.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsections (a)(3) and (b)(2) shall apply to taxable years ending after March 31, 2008.

SEC. 1202. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (7) of section 179(b) is amended—

(1) by striking ''2008'' and inserting ''2008, or 2009'', and

(2) by striking ''2008'' in the heading thereof and inserting ''2008, AND 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

PART II—SMALL BUSINESS PROVISIONS

SEC. 1211. 5-YEAR CARRYBACK OF OPERATING LOSSES OF SMALL BUSINESSES.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) is amended to read as follows:

''(H) CARRYBACK FOR 2008 NET OPERATING LOSSES OF SMALL BUSINESSES.—

''(i) IN GENERAL.—If an eligible small business elects the application of this subparagraph with respect to an applicable 2008 net operating loss—

''(I) subparagraph (A)(i) shall be applied by substituting any whole number elected by the taxpayer which is more than 2 and less than 6 for '2',

''(II) subparagraph (E)(ii) shall be applied by substituting the whole number which is one less than the whole number substituted under subclause (I) for '2', and

''(III) subparagraph (F) shall not apply.

''(ii) APPLICABLE 2008 NET OPERATING LOSS.—For purposes of this subparagraph, the term 'applicable 2008 net operating loss' means—

''(I) the taxpayer's net operating loss for any taxable year ending in 2008, or

''(II) if the taxpayer elects to have this subclause apply in lieu of subclause (I), the taxpayer's net operating loss for any taxable year beginning in 2008.

''(iii) ELECTION.—Any election under this subparagraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the taxpayer's return for the taxable year of the net operating loss. Any such election, once made, shall be irrevocable. Any election under this subparagraph may be made only with respect to 1 taxable year.

''(iv) ELIGIBLE SMALL BUSINESS.—For purposes of this subparagraph, the term 'eligible small business' has the meaning given such term by subparagraph (F)(iii), except that in applying such subparagraph, section 448(c) shall be applied by substituting '$15,000,000' for '$5,000,000' each place it appears.''.

(b) CONFORMING AMENDMENT.—Section 172 is amended by striking subsection (k) and by redesignating subsection (l) as subsection (k).

(c) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary's designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to net operating losses arising in taxable years ending after December 31, 2007.

(2) TRANSITIONAL RULE.—In the case of a net operating loss for a taxable year ending before the date of the enactment of this Act—

(A) any election made under section 172(b)(3) of the Internal Revenue Code of 1986 with respect to such loss may (notwithstanding such section) be revoked before the applicable date,

(B) any election made under section 172(b)(1)(H) of such Code with respect to such loss shall (notwithstanding such section) be treated as timely made if made before the applicable date, and

(C) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before the applicable date.

For purposes of this paragraph, the term ''applicable date'' means the date which is 60 days after the date of the enactment of this Act.

SEC. 1212. DECREASED REQUIRED ESTIMATED TAX PAYMENTS IN 2009 FOR CERTAIN SMALL BUSINESSES.

Paragraph (1) of section 6654(d) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR 2009.—

''(i) IN GENERAL.—Notwithstanding subparagraph (C), in the case of any taxable year beginning in 2009, clause (ii) of subparagraph (B) shall be applied to any qualified individual by substituting '90 percent' for '100 percent'.

''(ii) QUALIFIED INDIVIDUAL.—For purposes of this subparagraph, the term 'qualified individual' means any individual if—

''(I) the adjusted gross income shown on the return of such individual for the preceding taxable year is less than $500,000, and

''(II) such individual certifies that more than 50 percent of the gross income shown on the return of such individual for the preceding taxable year was income from a small business.

A certification under subclause (II) shall be in such form and manner and filed at such time as the Secretary may by regulations prescribe.

''(iii) INCOME FROM A SMALL BUSINESS.—For purposes of clause (ii), income from a small business means, with respect to any individual, income from a trade or business the average number of employees of which was less than 500 employees for the calendar year ending with or within the preceding taxable year of the individual.

''(iv) SEPARATE RETURNS.—In the case of a married individual (within the meaning of section 7703) who files a separate return for the taxable year for which the amount of the installment is being determined, clause (ii)(I) shall be applied by substituting '$250,000' for '$500,000'.

''(v) ESTATES AND TRUSTS.—In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).''.

PART III—INCENTIVES FOR NEW JOBS

SEC. 1221. INCENTIVES TO HIRE UNEMPLOYED VETERANS AND DISCONNECTED YOUTH.

(a) IN GENERAL.—Subsection (d) of section 51 is amended by adding at the end the following new paragraph:

''(14) CREDIT ALLOWED FOR UNEMPLOYED VETERANS AND DISCONNECTED YOUTH HIRED IN 2009 OR 2010.—

''(A) IN GENERAL.—Any unemployed veteran or disconnected youth who begins work for the employer during 2009 or 2010 shall be treated as a member of a targeted group for purposes of this subpart.

''(B) DEFINITIONS.—For purposes of this paragraph—

''(i) UNEMPLOYED VETERAN.—The term 'unemployed veteran' means any veteran (as defined in paragraph (3)(B), determined without regard to clause (ii) thereof) who is certified by the designated local agency as—

''(I) having been discharged or released from active duty in the Armed Forces at any time during the 5-year period ending on the hiring date, and

''(II) being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks during the 1-year period ending on the hiring date.

''(ii) DISCONNECTED YOUTH.—The term 'disconnected youth' means any individual who is certified by the designated local agency—

''(I) as having attained age 16 but not age 25 on the hiring date,

''(II) as not regularly attending any secondary, technical, or post-secondary school during the 6-month period preceding the hiring date,

''(III) as not regularly employed during such 6-month period, and

''(IV) as not readily employable by reason of lacking a sufficient number of basic skills.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2008.

PART IV—RULES RELATING TO DEBT INSTRUMENTS

SEC. 1231. DEFERRAL AND RATABLE INCLUSION OF INCOME ARISING FROM BUSINESS INDEBTEDNESS DISCHARGED BY THE REACQUISITION OF A DEBT INSTRUMENT.

(a) IN GENERAL.—Section 108 (relating to income from discharge of indebtedness) is amended by adding at the end the following new subsection:

''(i) DEFERRAL AND RATABLE INCLUSION OF INCOME ARISING FROM BUSINESS INDEBTEDNESS DISCHARGED BY THE REACQUISITION OF A DEBT INSTRUMENT.—

''(1) IN GENERAL.—At the election of the taxpayer, income from the discharge of indebtedness in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument shall be includible in gross income ratably over the 5-taxable-year period beginning with—

''(A) in the case of a reacquisition occurring in 2009, the fifth taxable year following the taxable year in which the reacquisition occurs, and

''(B) in the case of a reacquisition occurring in 2010, the fourth taxable year following the taxable year in which the reacquisition occurs.

''(2) DEFERRAL OF DEDUCTION FOR ORIGINAL ISSUE DISCOUNT IN DEBT FOR DEBT EXCHANGES.—

''(A) IN GENERAL.—If, as part of a reacquisition to which paragraph (1) applies, any debt instrument is issued for the applicable debt instrument being reacquired (or is treated as so issued under subsection (e)(4) and the regulations thereunder) and there is any original issue discount determined under subpart A of part V

of subchapter P of this chapter with respect to the debt instrument so issued—

''(i) except as provided in clause (ii), no deduction otherwise allowable under this chapter shall be allowed to the issuer of such debt instrument with respect to the portion of such original issue discount which—

''(I) accrues before the 1st taxable year in the 5-taxable-year period in which income from the discharge of indebtedness attributable to the reacquisition of the debt instrument is includible under paragraph (1), and

''(II) does not exceed the income from the discharge of indebtedness with respect to the debt instrument being reacquired, and

''(ii) the aggregate amount of deductions disallowed under clause (i) shall be allowed as a deduction ratably over the 5-taxable-year period described in clause (i)(I).

If the amount of the original issue discount accruing before such 1st taxable year exceeds the income from the discharge of indebtedness with respect to the applicable debt instrument being reacquired, the deductions shall be disallowed in the order in which the original issue discount is accrued.

''(B) DEEMED DEBT FOR DEBT EXCHANGES.—For purposes of subparagraph (A), if any debt instrument is issued by an issuer and the proceeds of such debt instrument are used directly or indirectly by the issuer to reacquire an applicable debt instrument of the issuer, the debt instrument so issued shall be treated as issued for the debt instrument being reacquired. If only a portion of the proceeds from a debt instrument are so used, the rules of subparagraph (A) shall apply to the portion of any original issue discount on the newly issued debt instrument which is equal to the portion of the proceeds from such instrument used to reacquire the outstanding instrument.

''(3) APPLICABLE DEBT INSTRUMENT.—For purposes of this subsection—

''(A) APPLICABLE DEBT INSTRUMENT.—The term 'applicable debt instrument' means any debt instrument which was issued by—

''(i) a C corporation, or

''(ii) any other person in connection with the conduct of a trade or business by such person.

''(B) DEBT INSTRUMENT.—The term 'debt instrument' means a bond, debenture, note, certificate, or any other instrument or contractual arrangement constituting indebtedness (within the meaning of section 1275(a)(1)).

''(4) REACQUISITION.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'reacquisition' means, with respect to any applicable debt instrument, any acquisition of the debt instrument by—

''(i) the debtor which issued (or is otherwise the obligor under) the debt instrument, or

''(ii) a related person to such debtor.

''(B) ACQUISITION.—The term 'acquisition' shall, with respect to any applicable debt instrument, include an acquisition of the debt instrument for cash, the exchange of the debt instrument for another debt instrument (including an exchange resulting from a modification of the debt instrument), the exchange of the debt instrument for corporate stock or a partnership interest, and the contribution of the debt instrument to capital. Such term shall also include the complete forgiveness of the indebtedness by the holder of the debt instrument.

''(5) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

''(A) RELATED PERSON.—The determination of whether a person is related to another person shall be made in the same manner as under subsection (e)(4).

''(B) ELECTION.—

''(i) IN GENERAL.—An election under this subsection with respect to any applicable debt instrument shall be made by including with the return of tax imposed by chapter 1 for the taxable year in which the reacquisition of the debt instrument occurs a statement which—

''(I) clearly identifies such instrument, and

''(II) includes the amount of income to which paragraph (1) applies and such other information as the Secretary may prescribe.

''(ii) ELECTION IRREVOCABLE.—Such election, once made, is irrevocable.

''(iii) PASS-THRU ENTITIES.—In the case of a partnership, S corporation, or other pass-thru entity, the election under this subsection shall be made by the partnership, the S corporation, or other entity involved.

''(C) COORDINATION WITH OTHER EXCLUSIONS.—If a taxpayer elects to have this subsection apply to an applicable debt instrument, subparagraphs (A), (B), (C), and (D) of subsection (a)(1) shall not apply to the income from the discharge of such indebtedness for the taxable year of the election or any subsequent taxable year.

''(D) ACCELERATION OF DEFERRED ITEMS.—

''(i) IN GENERAL.—In the case of the death of the taxpayer, the liquidation or sale of substantially all the assets of the taxpayer (including in a title 11 or similar case), the cessation of business by the taxpayer, or similar circumstances, any item of income or deduction which is deferred under this subsection (and has not previously been taken into account) shall be taken into account in the taxable year in which such event occurs (or in the case of a title 11 or similar case, the day before the petition is filed).

''(ii) SPECIAL RULE FOR PASS-THRU ENTITIES.—The rule of clause (i) shall also apply in the case of the sale or exchange or redemption of an interest in a partnership, S corporation, or other pass-thru entity by a partner, shareholder, or other person holding an ownership interest in such entity.

''(6) SPECIAL RULE FOR PARTNERSHIPS.—In the case of a partnership, any income deferred under this subsection shall be allocated to the partners in the partnership immediately before the discharge in the manner such amounts would have been included in the distributive shares of such partners under section 704 if such income were recognized at such time. Any decrease in a partner's share of partnership liabilities as a result of such discharge shall not be taken into account for purposes of section 752 at the time of the discharge to the extent it would cause the partner to recognize gain under section 731. Any decrease in partnership liabilities deferred under the preceding sentence shall be taken into account by such partner at the same time, and to the extent remaining in the same amount, as income deferred under this subsection is recognized.

''(7) SECRETARIAL AUTHORITY.—The Secretary may prescribe such regulations, rules, or other guidance as may be necessary or appropriate for purposes of applying this subsection, including—

''(A) extending the application of the rules of paragraph (5)(D) to other circumstances where appropriate,

''(B) requiring reporting of the election (and such other information as the Secretary may require) on returns of tax for subsequent taxable years, and

''(C) rules for the application of this subsection to partnerships, S corporations, and other pass-thru entities, including for the allocation of deferred deductions.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges in taxable years ending after December 31, 2008.

SEC. 1232. MODIFICATIONS OF RULES FOR ORIGINAL ISSUE DISCOUNT ON CERTAIN HIGH YIELD OBLIGATIONS.

(a) SUSPENSION OF SPECIAL RULES.—Section 163(e)(5) (relating to special rules for original issue discount on certain high yield obligations) is amended by redesignating subparagraph (F) as subparagraph (G) and by inserting after subparagraph (E) the following new subparagraph:

''(F) SUSPENSION OF APPLICATION OF PARAGRAPH.—

''(i) TEMPORARY SUSPENSION.—This paragraph shall not apply to any applicable high yield discount obligation issued during the period beginning on September 1, 2008, and ending on December 31, 2009, in exchange (including an exchange resulting from a modification of the debt instrument) for an obligation which is not an applicable high yield discount obligation and the issuer (or obligor) of which is the same as the issuer (or obligor) of such applicable high yield discount obligation. The preceding sentence shall not apply to any obligation the interest on which is interest described in section 871(h)(4) (without regard to subparagraph (D) thereof) or to any obligation issued to a related person (within the meaning of section 108(e)(4)).

''(ii) SUCCESSIVE APPLICATION.—Any obligation to which clause (i) applies shall not be treated as an applicable high yield discount obligation for purposes of applying this subparagraph to any other obligation issued in exchange for such obligation.

''(iii) SECRETARIAL AUTHORITY TO SUSPEND APPLICATION.—The Secretary may apply this paragraph with respect to debt instruments issued in periods following the period described in clause (i) if the Secretary determines that such application is appropriate in light of distressed conditions in the debt capital markets.''.

(b) INTEREST RATE USED IN DETERMINING HIGH YIELD OBLIGATIONS.—The last sentence of section 163(i)(1) is amended—

(1) by inserting ''(i)'' after ''regulation'', and

(2) by inserting '', or (ii) permit, on a temporary basis, a rate to be used with respect to any debt instrument which is higher than the applicable Federal rate if the Secretary determines that such rate is appropriate in light of distressed conditions in the debt capital markets'' before the period at the end.

(c) EFFECTIVE DATE.—

(1) SUSPENSION.—The amendments made by subsection (a) shall apply to obligations issued after August 31, 2008, in taxable years ending after such date.

(2) INTEREST RATE AUTHORITY.—The amendments made by subsection (b) shall apply to obligations issued after December 31, 2009, in taxable years ending after such date.

PART V—QUALIFIED SMALL BUSINESS STOCK

SEC. 1241. SPECIAL RULES APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK FOR 2009 AND 2010.

(a) IN GENERAL.—Section 1202(a) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR 2009 AND 2010.—In the case of qualified small business stock acquired after the date of the enactment of this paragraph and before January 1, 2011—

''(A) paragraph (1) shall be applied by substituting '75 percent' for '50 percent', and

''(B) paragraph (2) shall not apply.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to stock acquired after the date of the enactment of this Act.

PART VI—S CORPORATIONS

SEC. 1251. TEMPORARY REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Paragraph (7) of section 1374(d) (relating to definitions and special rules) is amended to read as follows:

''(7) RECOGNITION PERIOD.—

''(A) IN GENERAL.—The term 'recognition period' means the 10-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation.

''(B) SPECIAL RULE FOR 2009 AND 2010.—In the case of any taxable year beginning in 2009 or 2010, no tax shall be imposed on the net recognized built-in gain of an S corporation if the 7th taxable year in the recognition period preceded such taxable year. The preceding sentence shall be applied separately with respect to any asset to which paragraph (8) applies.

''(C) SPECIAL RULE FOR DISTRIBUTIONS TO SHAREHOLDERS.—For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e)—

''(i) subparagraph (A) shall be applied without regard to the phrase '10-year', and

''(ii) subparagraph (B) shall not apply.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

PART VII—RULES RELATING TO OWNERSHIP CHANGES

SEC. 1261. CLARIFICATION OF REGULATIONS RELATED TO LIMITATIONS ON CERTAIN BUILT-IN LOSSES FOLLOWING AN OWNERSHIP CHANGE.

(a) FINDINGS.—Congress finds as follows:

(1) The delegation of authority to the Secretary of the Treasury under section 382(m) of the Internal Revenue Code of 1986 does not authorize the Secretary to provide exemptions or special rules that are restricted to particular industries or classes of taxpayers.

(2) Internal Revenue Service Notice 2008–83 is inconsistent with the congressional intent in enacting such section 382(m).

(3) The legal authority to prescribe Internal Revenue Service Notice 2008–83 is doubtful.

(4) However, as taxpayers should generally be able to rely on guidance issued by the Secretary of the Treasury legislation is necessary to clarify the force and effect of Internal Revenue Service Notice 2008–83 and restore the proper application under the Internal Revenue Code of 1986 of the limitation on built-in losses following an ownership change of a bank.

(b) DETERMINATION OF FORCE AND EFFECT OF INTERNAL REVENUE SERVICE NOTICE 2008–83 EXEMPTING BANKS FROM LIMITATION ON CERTAIN BUILT–IN LOSSES FOLLOWING OWNERSHIP CHANGE.—

(1) IN GENERAL.—Internal Revenue Service Notice 2008–83—

(A) shall be deemed to have the force and effect of law with respect to any ownership change (as defined in section 382(g) of the Internal Revenue Code of 1986) occurring on or before January 16, 2009, and

(B) shall have no force or effect with respect to any ownership change after such date.

(2) BINDING CONTRACTS.—Notwithstanding paragraph (1), Internal Revenue Service Notice 2008–83 shall have the force and effect of law with respect to any ownership change (as so defined) which occurs after January 16, 2009, if such change—

(A) is pursuant to a written binding contract entered into on or before such date, or

(B) is pursuant to a written agreement entered into on or before such date and such agreement was described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission required by reason of such ownership change.

SEC. 1262. TREATMENT OF CERTAIN OWNERSHIP CHANGES FOR PURPOSES OF LIMITATIONS ON NET OPERATING LOSS CARRYFORWARDS AND CERTAIN BUILT-IN LOSSES.

(a) IN GENERAL.—Section 382 is amended by adding at the end the following new subsection:

''(n) SPECIAL RULE FOR CERTAIN OWNERSHIP CHANGES.—

''(1) IN GENERAL.—The limitation contained in subsection (a) shall not apply in the case of an ownership change which is pursuant to a restructuring plan of a taxpayer which—

''(A) is required under a loan agreement or a commitment for a line of credit entered into with the Department of the Treasury under the Emergency Economic Stabilization Act of 2008, and

''(B) is intended to result in a rationalization of the costs, capitalization, and capacity with respect to the manufacturing workforce of, and suppliers to, the taxpayer and its subsidiaries.

''(2) SUBSEQUENT ACQUISITIONS.—Paragraph (1) shall not apply in the case of any subsequent ownership change unless such ownership change is described in such paragraph.

''(3) LIMITATION BASED ON CONTROL IN CORPORATION.—

''(A) IN GENERAL.—Paragraph (1) shall not apply in the case of any ownership change if, immediately after such ownership change, any person (other than a voluntary employees' beneficiary association under section 501(c)(9)) owns stock of the new loss corporation possessing 50 percent or more of the total combined voting power of all classes of stock entitled to vote, or of the total value of the stock of such corporation.

''(B) TREATMENT OF RELATED PERSONS.—

''(i) IN GENERAL.—Related persons shall be treated as a single person for purposes of this paragraph.

''(ii) RELATED PERSONS.—For purposes of clause (i), a person shall be treated as related to another person if—

''(I) such person bears a relationship to such other person described in section 267(b) or 707(b), or

''(II) such persons are members of a group of persons acting in concert.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to ownership changes after the date of the enactment of this Act.

Subtitle D—Manufacturing Recovery Provisions

SEC. 1301. TEMPORARY EXPANSION OF AVAILABILITY OF INDUSTRIAL DEVELOPMENT BONDS TO FACILITIES MANUFACTURING INTANGIBLE PROPERTY.

(a) IN GENERAL.—Subparagraph (C) of section 144(a)(12) is amended—

(1) by striking ''For purposes of this paragraph, the term'' and inserting ''For purposes of this paragraph—

''(i) IN GENERAL.—The term'', and

(2) by striking the last sentence and inserting the following new clauses:

''(ii) CERTAIN FACILITIES INCLUDED.—Such term includes facilities which are directly related and ancillary to a manufacturing facility (determined without regard to this clause) if—

''(I) such facilities are located on the same site as the manufacturing facility, and

''(II) not more than 25 percent of the net proceeds of the issue are used to provide such facilities.

''(iii) SPECIAL RULES FOR BONDS ISSUED IN 2009 AND 2010.—In the case of any issue made after the date of enactment of this clause and before January 1, 2011, clause (ii) shall not apply and the net proceeds from a bond shall be considered to be used to provide a manufacturing facility if such proceeds are used to provide—

''(I) a facility which is used in the creation or production of intangible property which is described in section 197(d)(1)(C)(iii), or

''(II) a facility which is functionally related and subordinate to a manufacturing facility (determined without regard to this subclause) if such facility is located on the same site as the manufacturing facility.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 1302. CREDIT FOR INVESTMENT IN ADVANCED ENERGY FACILITIES.

(a) IN GENERAL.—Section 46 (relating to amount of credit) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4), and by adding at the end the following new paragraph:

''(5) the qualifying advanced energy project credit.''.

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48B the following new section:

''SEC. 48C. QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the qualifying advanced energy project credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year with respect to any qualifying advanced energy project of the taxpayer.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying advanced energy project.

''(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(3) LIMITATION.—The amount which is treated for all taxable years with respect to any qualifying advanced energy project shall not exceed the amount designated by the Secretary as eligible for the credit under this section.

''(c) DEFINITIONS.—

''(1) QUALIFYING ADVANCED ENERGY PROJECT.—

''(A) IN GENERAL.—The term 'qualifying advanced energy project' means a project—

''(i) which re-equips, expands, or establishes a manufacturing facility for the production of—

''(I) property designed to be used to produce energy from the sun, wind, geothermal deposits (within the meaning of section 613(e)(2)), or other renewable resources,

''(II) fuel cells, microturbines, or an energy storage system for use with electric or hybrid-electric motor vehicles,

''(III) electric grids to support the transmission of intermittent sources of renewable energy, including storage of such energy,

''(IV) property designed to capture and sequester carbon dioxide emissions,

''(V) property designed to refine or blend renewable fuels or to produce energy conservation technologies (including energy-conserving lighting technologies and smart grid technologies),

''(VI) new qualified plug-in electric drive motor vehicles (as defined by section 30D), qualified plug-in electric vehicles (as defined by section 30(d)), or components which are designed specifically for use with such vehicles, including electric motors, generators, and power control units, or

''(VII) other advanced energy property designed to reduce greenhouse gas emissions as may be determined by the Secretary, and

''(ii) any portion of the qualified investment of which is certified by the Secretary under subsection (d) as eligible for a credit under this section.

''(B) EXCEPTION.—Such term shall not include any portion of a project for the production of any property which is used in the refining or blending of any transportation fuel (other than renewable fuels).

''(2) ELIGIBLE PROPERTY.—The term 'eligible property' means any property—

''(A) which is necessary for the production of property described in paragraph (1)(A)(i),

''(B) which is—

''(i) tangible personal property, or

''(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualified investment credit facility, and

''(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

''(d) QUALIFYING ADVANCED ENERGY PROJECT PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a qualifying advanced energy project program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program shall not exceed $2,300,000,000.

''(2) CERTIFICATION.—

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require during the 2-year period beginning on the date the Secretary establishes the program under paragraph (1).

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 1 year from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

''(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 3 years from the date of issuance of the certification in order to place the project in service and if such project is not placed in service by that time period, then the certification shall no longer be valid.

''(3) SELECTION CRITERIA.—In determining which qualifying advanced energy projects to certify under this section, the Secretary—

''(A) shall take into consideration only those projects where there is a reasonable expectation of commercial viability, and

''(B) shall take into consideration which projects—

''(i) will provide the greatest domestic job creation (both direct and indirect) during the credit period,

''(ii) will provide the greatest net impact in avoiding or reducing air pollutants or anthropogenic emissions of greenhouse gases,

''(iii) have the greatest potential for technological innovation and commercial deployment,

''(iv) have the lowest levelized cost of generated or stored energy, or of measured reduction in energy consumption or greenhouse gas emission (based on costs of the full supply chain), and

''(v) have the shortest project time from certification to completion.

''(4) REVIEW AND REDISTRIBUTION.—

''(A) REVIEW.—Not later than 4 years after the date of enactment of this section, the Secretary shall review the credits allocated under this section as of such date.

''(B) REDISTRIBUTION.—The Secretary may reallocate credits awarded under this section if the Secretary determines that—

''(i) there is an insufficient quantity of qualifying applications for certification pending at the time of the review, or

''(ii) any certification made pursuant to paragraph (2) has been revoked pursuant to paragraph (2)(B) because the project subject to the certification has been delayed as a result of third party opposition or litigation to the proposed project.

''(C) REALLOCATION.—If the Secretary determines that credits under this section are available for reallocation pursuant to the requirements set forth in paragraph (2), the Secretary is authorized to conduct an additional program for applications for certification.

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.

''(e) DENIAL OF DOUBLE BENEFIT.—A credit shall not be allowed under this section for any qualified investment for which a credit is allowed under section 48, 48A, or 48B.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding after clause (iv) the following new clause:

''(v) the basis of any property which is part of a qualifying advanced energy project under section 48C.''.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48B the following new item:

''48C. Qualifying advanced energy project credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

Subtitle E—Economic Recovery Tools

SEC. 1401. RECOVERY ZONE BONDS.

(a) IN GENERAL.—Subchapter Y of chapter 1 is amended by adding at the end the following new part:

''PART III—RECOVERY ZONE BONDS

''SEC. 1400U–1. ALLOCATION OF RECOVERY ZONE BONDS.

''(a) ALLOCATIONS.—

''(1) IN GENERAL.—

''(A) GENERAL ALLOCATION.—The Secretary shall allocate the national recovery zone economic development bond limitation and the national recovery zone facility bond limitation among the States in the proportion that each such State's 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all of the States.

''(B) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under subparagraph (A) for any calendar year for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the national recovery zone economic development bond limitation and 0.9 percent of the national recovery zone facility bond limitation.

''(2) 2008 STATE EMPLOYMENT DECLINE.—For purposes of this subsection, the term '2008 State employment decline' means, with respect to any State, the excess (if any) of—

''(A) the number of individuals employed in such State determined for December 2007, over

''(B) the number of individuals employed in such State determined for December 2008.

''(3) ALLOCATIONS BY STATES.—

''(A) IN GENERAL.—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation among the counties and large municipalities in such State in the proportion to each such county's or municipality's 2008 employment decline bears to the aggregate of the 2008 employment declines for all the counties and municipalities in such State. A county or municipality may waive any portion of an allocation made under this subparagraph.

''(B) LARGE MUNICIPALITIES.—For purposes of subparagraph (A), the term 'large municipality' means a municipality with a population of more than 100,000.

''(C) DETERMINATION OF LOCAL EMPLOYMENT DECLINES.—For purposes of this paragraph, the employment decline of any municipality or county shall be determined in the same manner as determining the State employment decline under paragraph (2), except that in the case of a municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

''(4) NATIONAL LIMITATIONS.—

''(A) RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.—There is a national recovery zone economic development bond limitation of $10,000,000,000.

''(B) RECOVERY ZONE FACILITY BONDS.—There is a national recovery zone facility bond limitation of $15,000,000,000.

''(b) RECOVERY ZONE.—For purposes of this part, the term 'recovery zone' means—

''(1) any area designated by the issuer as having significant poverty, unemployment, rate of home foreclosures, or general distress,

''(2) any area designated by the issuer as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990, and

''(3) any area for which a designation as an empowerment zone or renewal community is in effect.

''SEC. 1400U–2. RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.

''(a) IN GENERAL.—In the case of a recovery zone economic development bond—

''(1) such bond shall be treated as a qualified bond for purposes of section 6431, and

''(2) subsection (b) of such section shall be applied by substituting '45 percent' for '35 percent'.

''(b) RECOVERY ZONE ECONOMIC DEVELOPMENT BOND.—

''(1) IN GENERAL.—For purposes of this section, the term 'recovery zone economic development bond' means any build America bond (as defined in section 54AA(d)) issued before January 1, 2011, as part of issue if—

''(A) 100 percent of the excess of—

''(i) the available project proceeds (as defined in section 54A) of such issue, over

''(ii) the amounts in a reasonably required reserve (within the meaning of section 150(a)(3)) with respect to such issue,

are to be used for one or more qualified economic development purposes, and

''(B) the issuer designates such bond for purposes of this section.

''(2) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated by any issuer under paragraph (1) shall not exceed the amount of the recovery zone economic development bond limitation allocated to such issuer under section 1400U–1.

''(c) QUALIFIED ECONOMIC DEVELOPMENT PURPOSE.—For purposes of this section, the term 'qualified economic development purpose' means expenditures for purposes of promoting development or other economic activity in a recovery zone, including—

''(1) capital expenditures paid or incurred with respect to property located in such zone,

''(2) expenditures for public infrastructure and construction of public facilities, and

''(3) expenditures for job training and educational programs.

''SEC. 1400U–3. RECOVERY ZONE FACILITY BONDS.

''(a) IN GENERAL.—For purposes of part IV of subchapter B (relating to tax exemption requirements for State and local bonds), the term 'exempt facility bond' includes any recovery zone facility bond.

''(b) RECOVERY ZONE FACILITY BOND.—

''(1) IN GENERAL.—For purposes of this section, the term 'recovery zone facility bond' means any bond issued as part of an issue if—

''(A) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for recovery zone property,

''(B) such bond is issued before January 1, 2011, and

''(C) the issuer designates such bond for purposes of this section.

''(2) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated by any issuer under paragraph (1) shall not exceed the amount of recovery zone facility bond limitation allocated to such issuer under section 1400U–1.

''(c) RECOVERY ZONE PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'recovery zone property' means any property to which section 168 applies (or would apply but for section 179) if—

''(A) such property was constructed, reconstructed, renovated, or acquired by purchase (as defined in section 179(d)(2)) by the taxpayer after the date on which the designation of the recovery zone took effect,

''(B) the original use of which in the recovery zone commences with the taxpayer, and

''(C) substantially all of the use of which is in the recovery zone and is in the active conduct of a qualified business by the taxpayer in such zone.

''(2) QUALIFIED BUSINESS.—The term 'qualified business' means any trade or business except that—

''(A) the rental to others of real property located in a recovery zone shall be treated as a qualified business only if the property is not residential rental property (as defined in section 168(e)(2)), and

''(B) such term shall not include any trade or business consisting of the operation of any facility described in section 144(c)(6)(B).

''(3) SPECIAL RULES FOR SUBSTANTIAL RENOVATIONS AND SALE-LEASEBACK.—Rules similar to the rules of subsections (a)(2) and (b) of section 1397D shall apply for purposes of this subsection.

''(d) NONAPPLICATION OF CERTAIN RULES.—Sections 146 (relating to volume cap) and 147(d) (relating to acquisition of existing property not permitted) shall not apply to any recovery zone facility bond.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter Y of chapter 1 of such Code is amended by adding at the end the following new item:

''PART III. RECOVERY ZONE BONDS.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 1402. TRIBAL ECONOMIC DEVELOPMENT BONDS.

(a) IN GENERAL.—Section 7871 is amended by adding at the end the following new subsection:

''(f) TRIBAL ECONOMIC DEVELOPMENT BONDS.—

''(1) ALLOCATION OF LIMITATION.—

''(A) IN GENERAL.—The Secretary shall allocate the national tribal economic development bond limitation among the Indian tribal governments in such manner as the Secretary, in consultation with the Secretary of the Interior, determines appropriate.

''(B) NATIONAL LIMITATION.—There is a national tribal economic development bond limitation of $2,000,000,000.

''(2) BONDS TREATED AS EXEMPT FROM TAX.—In the case of a tribal economic development bond—

''(A) notwithstanding subsection (c), such bond shall be treated for purposes of this title in the same manner as if such bond were issued by a State,

''(B) the Indian tribal government issuing such bond and any instrumentality of such Indian tribal government shall be treated as a State for purposes of section 141, and

''(C) section 146 shall not apply.

''(3) TRIBAL ECONOMIC DEVELOPMENT BOND.—

''(A) IN GENERAL.—For purposes of this section, the term 'tribal economic development bond' means any bond issued by an Indian tribal government—

''(i) the interest on which would be exempt from tax under section 103 if issued by a State or local government, and

''(ii) which is designated by the Indian tribal government as a tribal economic development bond for purposes of this subsection.

''(B) EXCEPTIONS.—Such term shall not include any bond issued as part of an issue if any portion of the proceeds of such issue are used to finance—

''(i) any portion of a building in which class II or class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act) is conducted or housed or any other property actually used in the conduct of such gaming, or

''(ii) any facility located outside the Indian reservation (as defined in section 168(j)(6)).

''(C) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated by any Indian tribal government under subparagraph (A) shall not exceed the amount of national tribal economic development bond limitation allocated to such government under paragraph (1).''.

(b) STUDY.—The Secretary of the Treasury, or the Secretary's delegate, shall conduct a study of the effects of the amendment made by subsection (a). Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, shall report to Congress on the results of the study conducted under this paragraph, including the Secretary's recommendations regarding such amendment.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 1403. INCREASE IN NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Section 45D(f)(1) is amended—

(1) by striking ''and'' at the end of subparagraph (C),

(2) by striking '', 2007, 2008, and 2009.'' in subparagraph (D), and inserting ''and 2007,'', and

(3) by adding at the end the following new subparagraphs:

''(E) $5,000,000,000 for 2008, and

''(F) $5,000,000,000 for 2009.''.

(b) SPECIAL RULE FOR ALLOCATION OF INCREASED 2008 LIMITATION.—The amount of the increase in the new markets tax credit limitation for calendar year 2008 by reason of the amendments made by subsection (a) shall be allocated in accordance with section 45D(f)(2) of the Internal Revenue Code of 1986 to qualified community development entities (as defined in section 45D(c) of such Code) which—

(1) submitted an allocation application with respect to calendar year 2008, and

(2)(A) did not receive an allocation for such calendar year, or

(B) received an allocation for such calendar year in an amount less than the amount requested in the allocation application.

SEC. 1404. COORDINATION OF LOW-INCOME HOUSING CREDIT AND LOW-INCOME HOUSING GRANTS.

Subsection (i) of section 42 is amended by adding at the end the following new paragraph:

''(9) COORDINATION WITH LOW-INCOME HOUSING GRANTS.—

''(A) REDUCTION IN STATE HOUSING CREDIT CEILING FOR LOW-INCOME HOUSING GRANTS RECEIVED IN 2009.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2009 shall each be reduced by so much of such amount as is taken into account in determining the amount of any grant to such State under section 1602 of the American Recovery and Reinvestment Tax Act of 2009.

''(B) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any grant described in subparagraph (A).''.

Subtitle F—Infrastructure Financing Tools

PART I—IMPROVED MARKETABILITY FOR TAX-EXEMPT BONDS

SEC. 1501. DE MINIMIS SAFE HARBOR EXCEPTION FOR TAX-EXEMPT INTEREST EXPENSE OF FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Subsection (b) of section 265 is amended by adding at the end the following new paragraph:

''(7) DE MINIMIS EXCEPTION FOR BONDS ISSUED DURING 2009 OR 2010.—

''(A) IN GENERAL.—In applying paragraph (2)(A), there shall not be taken into account tax-exempt obligations issued during 2009 or 2010.

''(B) LIMITATION.—The amount of tax-exempt obligations not taken into account by reason of subparagraph (A) shall not exceed 2 percent of the amount determined under paragraph (2)(B).

''(C) REFUNDINGS.—For purposes of this paragraph, a refunding bond (whether a current or advance refunding) shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).''.

(b) TREATMENT AS FINANCIAL INSTITUTION PREFERENCE ITEM.—Clause (iv) of section 291(e)(1)(B) is amended by adding at the end the following: ''That portion of any obligation not taken into account under paragraph (2)(A) of section 265(b) by reason of paragraph (7) of such section shall be treated for purposes of this section as having been acquired on August 7, 1986.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

SEC. 1502. MODIFICATION OF SMALL ISSUER EXCEPTION TO TAX-EXEMPT INTEREST EXPENSE ALLOCATION RULES FOR FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Paragraph (3) of section 265(b) (relating to exception for certain tax-exempt obligations) is amended by adding at the end the following new subparagraph:

''(G) SPECIAL RULES FOR OBLIGATIONS ISSUED DURING 2009 AND 2010.—

''(i) INCREASE IN LIMITATION.—In the case of obligations issued during 2009 or 2010, subparagraphs (C)(i), (D)(i), and (D)(iii)(II) shall each be applied by substituting '$30,000,000' for '$10,000,000'.

''(ii) QUALIFIED 501(C)(3) BONDS TREATED AS ISSUED BY EXEMPT ORGANIZATION.—In the case of a qualified 501(c)(3) bond (as defined in section 145) issued during 2009 or 2010, this paragraph shall be applied by treating the 501(c)(3) organization for whose benefit such bond was issued as the issuer.

''(iii) SPECIAL RULE FOR QUALIFIED FINANCINGS.—In the case of a qualified financing issue issued during 2009 or 2010—

''(I) subparagraph (F) shall not apply, and

''(II) any obligation issued as a part of such issue shall be treated as a qualified tax-exempt obligation if the requirements of this paragraph are met with respect to each qualified portion of the issue (determined by treating each qualified portion as a separate issue which is issued by the qualified borrower with respect to which such portion relates).

''(iv) QUALIFIED FINANCING ISSUE.—For purposes of this subparagraph, the term 'qualified financing issue' means any composite, pooled, or other conduit financing issue the proceeds of which are used directly or indirectly to make or finance loans to 1 or more ultimate borrowers each of whom is a qualified borrower.

''(v) QUALIFIED PORTION.—For purposes of this subparagraph, the term 'qualified portion' means that portion of the proceeds which are used with respect to each qualified borrower under the issue.

''(vi) QUALIFIED BORROWER.—For purposes of this subparagraph, the term 'qualified borrower' means a borrower which is a State or political subdivision thereof or an organization described in section 501(c)(3) and exempt from taxation under section 501(a).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after December 31, 2008.

SEC. 1503. TEMPORARY MODIFICATION OF ALTERNATIVE MINIMUM TAX LIMITATIONS ON TAX-EXEMPT BONDS.

(a) INTEREST ON PRIVATE ACTIVITY BONDS ISSUED DURING 2009 AND 2010 NOT TREATED AS TAX PREFERENCE ITEM.—Subparagraph (C) of section 57(a)(5) is amended by adding at the end a new clause:

''(vi) EXCEPTION FOR BONDS ISSUED IN 2009 AND 2010.—

''(I) IN GENERAL.—For purposes of clause (i), the term 'private activity bond' shall not include any bond issued after December 31, 2008, and before January 1, 2011.

''(II) TREATMENT OF REFUNDING BONDS.—For purposes of subclause (I), a refunding bond (whether a current or advance refunding) shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).

''(III) EXCEPTION FOR CERTAIN REFUNDING BONDS.—Subclause (II) shall not apply to any refunding bond which is issued to refund any bond which was issued after December 31, 2003, and before January 1, 2009.''.

(b) NO ADJUSTMENT TO ADJUSTED CURRENT EARNINGS FOR INTEREST ON TAX-EXEMPT BONDS ISSUED DURING 2009 AND 2010.—Subparagraph (B) of section 56(g)(4) is amended by adding at the end the following new clause:

''(iv) TAX EXEMPT INTEREST ON BONDS ISSUED IN 2009 AND 2010.—

''(I) IN GENERAL.—Clause (i) shall not apply in the case of any interest on a bond issued after December 31, 2008, and before January 1, 2011.

''(II) TREATMENT OF REFUNDING BONDS.—For purposes of subclause (I), a refunding bond (whether a current or advance refunding) shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).

''(III) EXCEPTION FOR CERTAIN REFUNDING BONDS.—Subclause (II) shall not apply to any refunding bond which is issued to refund any bond which was issued after December 31, 2003, and before January 1, 2009.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

SEC. 1504. MODIFICATION TO HIGH SPEED INTERCITY RAIL FACILITY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 142(i) is amended by striking ''operate at speeds in excess of'' and inserting ''be capable of attaining a maximum speed in excess of''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART II—DELAY IN APPLICATION OF WITHHOLDING TAX ON GOVERNMENT CONTRACTORS

SEC. 1511. DELAY IN APPLICATION OF WITHHOLDING TAX ON GOVERNMENT CONTRACTORS.

Subsection (b) of section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

PART III—TAX CREDIT BONDS FOR SCHOOLS

SEC. 1521. QUALIFIED SCHOOL CONSTRUCTION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 54F. QUALIFIED SCHOOL CONSTRUCTION BONDS.

''(a) QUALIFIED SCHOOL CONSTRUCTION BOND.—For purposes of this subchapter, the term 'qualified school construction bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

''(2) the bond is issued by a State or local government within the jurisdiction of which such school is located, and

''(3) the issuer designates such bond for purposes of this section.

''(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under subsection (d) for such calendar year to such issuer.

''(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified school construction bond limitation for each calendar year. Such limitation is—

''(1) $11,000,000,000 for 2009,

''(2) $11,000,000,000 for 2010, and

''(3) except as provided in subsection (e), zero after 2010.

''(d) ALLOCATION OF LIMITATION.—

''(1) ALLOCATION AMONG STATES.—Except as provided in paragraph (2)(C), the limitation applicable under subsection (c) for any calendar year shall be allocated by the Secretary among the States in proportion to the respective amounts each such State is eligible to receive under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for the most recent fiscal year ending before such calendar year. The limitation amount allocated to a State under the preceding sentence shall be allocated by the State to issuers within such State.

''(2) 40 PERCENT OF LIMITATION ALLOCATED AMONG LARGEST SCHOOL DISTRICTS.—

''(A) IN GENERAL.—40 percent of the limitation applicable under subsection (c) for any calendar year shall be allocated under subparagraph (B) by the Secretary among local educational agencies which are large local educational agencies for such year.

''(B) ALLOCATION FORMULA.—The amount to be allocated under subparagraph (A) for any calendar year shall be allocated among large local educational agencies in proportion to the respective amounts each such agency received under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for the most recent fiscal year ending before such calendar year.

''(C) REDUCTION IN STATE ALLOCATION.—The allocation to any State under paragraph (1) shall be reduced by the aggregate amount of the allocations under this paragraph to large local educational agencies within such State.

''(D) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this paragraph to a large local educational agency for any calendar year may be reallocated by such agency to the State in which such agency is located for such calendar year. Any amount reallocated to a State under the preceding sentence may be allocated as provided in paragraph (1).

''(E) LARGE LOCAL EDUCATIONAL AGENCY.—For purposes of this paragraph, the term 'large local educational agency' means, with respect to a calendar year, any local educational agency if such agency is—

''(i) among the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, or

''(ii) 1 of not more than 25 local educational agencies (other than those described in clause (i)) that the Secretary of Education determines (based on the most recent data available satisfactory to the Secretary) are in particular need of assistance, based on a low level of resources for school construction, a high level of enrollment growth, or such other factors as the Secretary deems appropriate.

''(3) ALLOCATIONS TO CERTAIN POSSESSIONS.—The amount to be allocated under paragraph (1) to any possession of the United States other than Puerto Rico shall be the amount which would have been allocated if all allocations under paragraph (1) were made on the basis of respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). In making other allocations, the amount to be allocated under paragraph (1) shall be reduced by the aggregate amount allocated under this paragraph to possessions of the United States.

''(4) ALLOCATIONS FOR INDIAN SCHOOLS.—In addition to the amounts otherwise allocated under this subsection, $200,000,000 for calendar year 2009, and $200,000,000 for calendar year 2010, shall be allocated by the Secretary of the Interior for purposes of the construction, rehabilitation, and repair of schools funded by the Bureau of Indian Affairs. In the case of amounts allocated under the preceding sentence, Indian tribal governments (as defined in section 7701(a)(40)) shall be treated as qualified issuers for purposes of this subchapter.

''(e) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(1) the amount allocated under subsection (d) to any State, exceeds

''(2) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation,

the limitation amount under such subsection for such State for the following calendar year shall be increased by the amount of such excess. A similar rule shall apply to the amounts allocated under subsection (d)(4).''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended by striking ''or'' at the end of subparagraph (C), by inserting ''or'' at the end of subparagraph (D), and by inserting after subparagraph (D) the following new subparagraph:

''(E) a qualified school construction bond,''.

(2) Subparagraph (C) of section 54A(d)(2) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause

(iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) in the case of a qualified school construction bond, a purpose specified in section 54F(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54F. Qualified school construction bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 1522. EXTENSION AND EXPANSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Section 54E(c)(1) is amended by striking ''and 2009'' and inserting ''and $1,400,000,000 for 2009 and 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after December 31, 2008.

PART IV—BUILD AMERICA BONDS

SEC. 1531. BUILD AMERICA BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 is amended by adding at the end the following new subpart:

''Subpart J—Build America Bonds

''Sec. 54AA. Build America bonds.

''SEC. 54AA. BUILD AMERICA BONDS.

''(a) IN GENERAL.—If a taxpayer holds a build America bond on one or more interest payment dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—The amount of the credit determined under this subsection with respect to any interest payment date for a build America bond is 35 percent of the amount of interest payable by the issuer with respect to such date .

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

''(d) BUILD AMERICA BOND.—

''(1) IN GENERAL.—For purposes of this section, the term 'build America bond' means any obligation (other than a private activity bond) if—

''(A) the interest on such obligation would (but for this section) be excludable from gross income under section 103,

''(B) such obligation is issued before January 1, 2011, and

''(C) the issuer makes an irrevocable election to have this section apply.

''(2) APPLICABLE RULES.—For purposes of applying paragraph (1)—

''(A) for purposes of section 149(b), a build America bond shall not be treated as federally guaranteed by reason of the credit allowed under subsection (a) or section 6431,

''(B) for purposes of section 148, the yield on a build America bond shall be determined without regard to the credit allowed under subsection (a), and

''(C) a bond shall not be treated as a build America bond if the issue price has more than a de minimis amount (determined under rules similar to the rules of section 1273(a)(3)) of premium over the stated principal amount of the bond.

''(e) INTEREST PAYMENT DATE.—For purposes of this section, the term 'interest payment date' means any date on which the holder of record of the build America bond is entitled to a payment of interest under such bond.

''(f) SPECIAL RULES.—

''(1) INTEREST ON BUILD AMERICA BONDS INCLUDIBLE IN GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES.—For purposes of this title, interest on any build America bond shall be includible in gross income.

''(2) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of subsections (f), (g), (h), and (i) of section 54A shall apply for purposes of the credit allowed under subsection (a).

''(g) SPECIAL RULE FOR QUALIFIED BONDS ISSUED BEFORE 2011.—In the case of a qualified bond issued before January 1, 2011—

''(1) ISSUER ALLOWED REFUNDABLE CREDIT.—In lieu of any credit allowed under this section with respect to such bond, the issuer of such bond shall be allowed a credit as provided in section 6431.

''(2) QUALIFIED BOND.—For purposes of this subsection, the term 'qualified bond' means any build America bond issued as part of an issue if—

''(A) 100 percent of the excess of—

''(i) the available project proceeds (as defined in section 54A) of such issue, over

''(ii) the amounts in a reasonably required reserve (within the meaning of section 150(a)(3)) with respect to such issue,

are to be used for capital expenditures, and

''(B) the issuer makes an irrevocable election to have this subsection apply.

''(h) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section and section 6431.''.

(b) CREDIT FOR QUALIFIED BONDS ISSUED BEFORE 2011.—Subchapter B of chapter 65 is amended by adding at the end the following new section:

''SEC. 6431. CREDIT FOR QUALIFIED BONDS ALLOWED TO ISSUER.

''(a) IN GENERAL.—In the case of a qualified bond issued before January 1, 2011, the issuer of such bond shall be allowed a credit with respect to each interest payment under such bond which shall be payable by the Secretary as provided in subsection (b).

''(b) PAYMENT OF CREDIT.—The Secretary shall pay (contemporaneously with each interest payment date under such bond) to the issuer of such bond (or to any person who makes such interest payments on behalf of the issuer) 35 percent of the interest payable under such bond on such date.

''(c) APPLICATION OF ARBITRAGE RULES.—For purposes of section 148, the yield on a qualified bond shall be reduced by the credit allowed under this section.

''(d) INTEREST PAYMENT DATE.—For purposes of this subsection, the term 'interest payment date' means each date on which interest is payable by the issuer under the terms of the bond.

''(e) QUALIFIED BOND.—For purposes of this subsection, the term 'qualified bond' has the meaning given such term in section 54AA(g).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1324(b)(2) of title 31, United States Code, is amended by striking ''or 6428'' and inserting ''6428, or 6431,''.

(2) Section 54A(c)(1)(B) is amended by striking ''subpart C'' and inserting ''subparts C and J''.

(3) Sections 54(c)(2), 1397E(c)(2), and 1400N(l)(3)(B) are each amended by striking ''and I'' and inserting '', I, and J''.

(4) Section 6211(b)(4)(A) is amended by striking ''and 6428'' and inserting ''6428, and 6431''.

(5) Section 6401(b)(1) is amended by striking ''and I'' and inserting ''I, and J''.

(6) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''SUBPART J. BUILD AMERICA BONDS.''.

(7) The table of section for subchapter B of chapter 65 is amended by adding at the end the following new item:

''Sec. 6431. Credit for qualified bonds allowed to issuer.''.

(d) TRANSITIONAL COORDINATION WITH STATE LAW.—Except as otherwise provided by a State after the date of the enactment of this Act, the interest on any build America bond (as defined in section 54AA of the Internal Revenue Code of 1986, as added by this section) and the amount of any credit determined under such section with respect to such bond shall be treated for purposes of the income tax laws of such State as being exempt from Federal income tax.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART V—REGULATED INVESTMENT COMPANIES ALLOWED TO PASS-THRU TAX CREDIT BOND CREDITS

SEC. 1541. REGULATED INVESTMENT COMPANIES ALLOWED TO PASS-THRU TAX CREDIT BOND CREDITS.

(a) IN GENERAL.—Part I of subchapter M of chapter 1 is amended by inserting after section 853 the following new section:

''SEC. 853A. CREDITS FROM TAX CREDIT BONDS ALLOWED TO SHAREHOLDERS.

''(a) GENERAL RULE.—A regulated investment company—

''(1) which holds (directly or indirectly) one or more tax credit bonds on one or more applicable dates during the taxable year, and

''(2) which meets the requirements of section 852(a) for the taxable year,

may elect the application of this section with respect to credits allowable to the investment company during such taxable year with respect to such bonds.

''(b) EFFECT OF ELECTION.—If the election provided in subsection (a) is in effect for any taxable year—

''(1) the regulated investment company shall not be allowed any credits to which subsection (a) applies for such taxable year,

''(2) the regulated investment company shall—

''(A) include in gross income (as interest) for such taxable year an amount equal to the amount that such investment company would have included in gross income with respect to such credits if this section did not apply, and

''(B) increase the amount of the dividends paid deduction for such taxable year by the amount of such income, and

''(3) each shareholder of such investment company shall—

''(A) include in gross income an amount equal to such shareholder's proportionate share of the interest income attributable to such credits, and

''(B) be allowed the shareholder's proportionate share of such credits against the tax imposed by this chapter.

''(c) NOTICE TO SHAREHOLDERS.—For purposes of subsection (b)(3), the shareholder's proportionate share of—

''(1) credits described in subsection (a), and

''(2) gross income in respect of such credits,

shall not exceed the amounts so designated by the regulated investment company in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year.

''(d) MANNER OF MAKING ELECTION AND NOTIFYING SHAREHOLDERS.—The election provided in subsection (a) and the notice to shareholders required by subsection (c) shall be made in such manner as the Secretary may prescribe.

''(e) DEFINITIONS AND SPECIAL RULES.—

''(1) DEFINITIONS.—For purposes of this subsection—

''(A) TAX CREDIT BOND.—The term 'tax credit bond' means—

''(i) a qualified tax credit bond (as defined in section 54A(d)),

''(ii) a build America bond (as defined in section 54AA(d)), and

''(iii) any bond for which a credit is allowable under subpart H of part IV of subchapter A of this chapter.

''(B) APPLICABLE DATE.—The term 'applicable date' means—

''(i) in the case of a qualified tax credit bond or a bond described in subparagraph (A)(iii), any credit allowance date (as defined in section 54A(e)(1)), and

''(ii) in the case of a build America bond (as defined in section 54AA(d)), any interest payment date (as defined in section 54AA(e)).

''(2) STRIPPED TAX CREDIT BONDS.—If the ownership of a tax credit bond is separated from the credit with respect to such bond, subsection (a) shall be applied by reference to the instruments evidencing the entitlement to the credit rather than the tax credit bond.

''(f) REGULATIONS, ETC.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including methods for determining a shareholder's proportionate share of credits.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 54(l) is amended by striking paragraph (4) and by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(2) Section 54A(h) is amended to read as follows:

''(h) BONDS HELD BY REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a real estate investment trust, the credit determined under subsection (a) shall be allowed to beneficiaries of such trust (and any gross income included under subsection (f) with respect to such credit shall be distributed to such beneficiaries) under procedures prescribed by the Secretary.''.

(3) The table of sections for part I of subchapter M of chapter 1 is amended by inserting after the item relating to section 853 the following new item:

''Sec. 853A. Credits from tax credit bonds allowed to shareholders.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

Subtitle G—Other Provisions

SEC. 1601. APPLICATION OF CERTAIN LABOR STANDARDS TO PROJECTS FINANCED WITH CERTAIN TAX-FAVORED BONDS.

Subchapter IV of chapter 31 of the title 40, United States Code, shall apply to projects financed with the proceeds of—

(1) any new clean renewable energy bond (as defined in section 54C of the Internal Revenue Code of 1986) issued after the date of the enactment of this Act,

(2) any qualified energy conservation bond (as defined in section 54D of the Internal Revenue Code of 1986) issued after the date of the enactment of this Act,

(3) any qualified zone academy bond (as defined in section 54E of the Internal Revenue Code of 1986) issued after the date of the enactment of this Act,

(4) any qualified school construction bond (as defined in section 54F of the Internal Revenue Code of 1986), and

(5) any recovery zone economic development bond (as defined in section 1400U–2 of the Internal Revenue Code of 1986).

SEC. 1602. GRANTS TO STATES FOR LOW-INCOME HOUSING PROJECTS IN LIEU OF LOW-INCOME HOUSING CREDIT ALLOCATIONS FOR 2009.

(a) IN GENERAL.—The Secretary of the Treasury shall make a grant to the housing credit agency of each State in an amount equal to such State's low-income housing grant election amount.

(b) LOW-INCOME HOUSING GRANT ELECTION AMOUNT.—For purposes of this section, the term ''low-income housing grant election amount'' means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

(1) the sum of—

(A) 100 percent of the State housing credit ceiling for 2009 which is attributable to amounts described in clauses (i) and (iii) of section 42(h)(3)(C) of the Internal Revenue Code of 1986, and

(B) 40 percent of the State housing credit ceiling for 2009 which is attributable to amounts described in clauses (ii) and (iv) of such section, multiplied by

(2) 10.

(c) SUBAWARDS FOR LOW-INCOME BUILDINGS.—

(1) IN GENERAL.—A State housing credit agency receiving a grant under this section shall use such grant to make subawards to finance the construction or acquisition and rehabilitation of qualified low-income buildings. A subaward under this section may be made to finance a qualified low-income building with or without an allocation under section 42 of the Internal Revenue Code of 1986, except that a State housing credit agency may make subawards to finance qualified low-income buildings without an allocation only if it makes a determination that such use will increase the total funds available to the State to build and rehabilitate affordable housing. In complying with such determination requirement, a State housing credit agency shall establish a process in which applicants that are allocated credits are required to demonstrate good faith efforts to obtain investment commitments for such credits before the agency makes such subawards.

(2) SUBAWARDS SUBJECT TO SAME REQUIREMENTS AS LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Any such subaward with respect to any qualified low-income building shall be made in the same manner and shall be subject to the same limitations (including rent, income, and use restrictions on such building) as an allocation of housing credit dollar amount allocated by such State housing credit agency under section 42 of the Internal Revenue Code of 1986, except that such subawards shall not be limited by, or otherwise affect (except as provided in subsection (h)(3)(J) of such section), the State housing credit ceiling applicable to such agency.

(3) COMPLIANCE AND ASSET MANAGEMENT.—The State housing credit agency shall perform asset management functions to ensure compliance with section 42 of the Internal Revenue Code of 1986 and the long-term viability of buildings funded by any subaward under this section. The State housing credit agency may collect reasonable fees from a subaward recipient to cover expenses associated with the performance of its duties under this paragraph. The State housing credit agency may retain an agent or other private contractor to satisfy the requirements of this paragraph.

(4) RECAPTURE.—The State housing credit agency shall impose conditions or restrictions, including a requirement providing for recapture, on any subaward under this section so as to assure that the building with respect to which such subaward is made remains a qualified low-income building during the compliance period. Any such recapture shall be payable to the Secretary of the Treasury for deposit in the general fund of the Treasury and may be enforced by means of liens or such other methods as the Secretary of the Treasury determines appropriate.

(d) RETURN OF UNUSED GRANT FUNDS.—Any grant funds not used to make subawards under this section before January 1, 2011, shall be returned to the Secretary of the Treasury on such date. Any subawards returned to the State housing credit agency on or after such date shall be promptly returned to the Secretary of the Treasury. Any amounts returned to the Secretary of the Treasury under this subsection shall be deposited in the general fund of the Treasury.

(e) DEFINITIONS.—Any term used in this section which is also used in section 42 of the Internal Revenue Code of 1986 shall have the same meaning for purposes of this section as when used in such section 42. Any reference in this section to the Secretary of the Treasury shall be treated as including the Secretary's delegate.

(f) APPROPRIATIONS.—There is hereby appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this section.

SEC. 1603. GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.

(a) IN GENERAL.—Upon application, the Secretary of the Treasury shall, subject to the requirements of this section, provide a grant to each person who places in service specified energy property to reimburse such person for a portion of the expense of such property as provided in subsection (b). No grant shall be made under this section with respect to any property unless such property—

(1) is placed in service during 2009 or 2010, or

(2) is placed in service after 2010 and before the credit termination date with respect to such property, but only if the construction of such property began during 2009 or 2010.

(b) GRANT AMOUNT.—

(1) IN GENERAL.—The amount of the grant under subsection (a) with respect to any specified energy property shall be the applicable percentage of the basis of such property.

(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term ''applicable percentage'' means—

(A) 30 percent in the case of any property described in paragraphs (1) through (4) of subsection (d), and

(B) 10 percent in the case of any other property.

(3) DOLLAR LIMITATIONS.—In the case of property described in paragraph (2), (6), or (7) of subsection (d), the amount of any grant under this section with respect to such property shall not exceed the limitation described in section 48(c)(1)(B), 48(c)(2)(B), or 48(c)(3)(B) of the Internal Revenue Code of 1986, respectively, with respect to such property.

(c) TIME FOR PAYMENT OF GRANT.—The Secretary of the Treasury shall make payment of any grant under subsection (a) during the 60-day period beginning on the later of—

(1) the date of the application for such grant, or

(2) the date the specified energy property for which the grant is being made is placed in service.

(d) SPECIFIED ENERGY PROPERTY.—For purposes of this section, the term ''specified energy property'' means any of the following:

(1) QUALIFIED FACILITIES.—Any qualified property (as defined in section 48(a)(5)(D) of the Internal Revenue Code of 1986) which is part of a qualified facility (within the meaning of section 45 of such Code) described in paragraph (1), (2), (3), (4), (6), (7), (9), or (11) of section 45(d) of such Code.

(2) QUALIFIED FUEL CELL PROPERTY.—Any qualified fuel cell property (as defined in section 48(c)(1) of such Code).

(3) SOLAR PROPERTY.—Any property described in clause (i) or (ii) of section 48(a)(3)(A) of such Code.

(4) QUALIFIED SMALL WIND ENERGY PROPERTY.—Any qualified small wind energy property (as defined in section 48(c)(4) of such Code).

(5) GEOTHERMAL PROPERTY.—Any property described in clause (iii) of section 48(a)(3)(A) of such Code.

(6) QUALIFIED MICROTURBINE PROPERTY.—Any qualified microturbine property (as defined in section 48(c)(2) of such Code).

(7) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Any combined heat and power system property (as defined in section 48(c)(3) of such Code).

(8) GEOTHERMAL HEAT PUMP PROPERTY.—Any property described in clause (vii) of section 48(a)(3)(A) of such Code.

Such term shall not include any property unless depreciation (or amortization in lieu of depreciation) is allowable with respect to such property.

(e) CREDIT TERMINATION DATE.—For purposes of this section, the term ''credit termination date'' means—

(1) in the case of any specified energy property which is part of a facility described in paragraph (1) of section 45(d) of the Internal Revenue Code of 1986, January 1, 2013,

(2) in the case of any specified energy property which is part of a facility described in paragraph (2), (3), (4), (6), (7), (9), or (11) of section 45(d) of such Code, January 1, 2014, and

(3) in the case of any specified energy property described in section 48 of such Code, January 1, 2017.

In the case of any property which is described in paragraph (3) and also in another paragraph of this subsection, paragraph (3) shall apply with respect to such property.

(f) APPLICATION OF CERTAIN RULES.—In making grants under this section, the Secretary of the Treasury shall apply rules similar to the rules of section 50 of the Internal Revenue Code of 1986. In applying such rules, if the property is disposed of, or otherwise ceases to be specified energy property, the Secretary of the Treasury shall provide for the recapture of the appropriate percentage of the grant amount in such manner as the Secretary of the Treasury determines appropriate.

(g) EXCEPTION FOR CERTAIN NON-TAXPAYERS.—The Secretary of the Treasury shall not make any grant under this section to—

(1) any Federal, State, or local government (or any political subdivision, agency, or instrumentality thereof),

(2) any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code,

(3) any entity referred to in paragraph (4) of section 54(j) of such Code, or

(4) any partnership or other pass-thru entity any partner (or other holder of an equity or profits interest) of which is described in paragraph (1), (2) or (3).

(h) DEFINITIONS.—Terms used in this section which are also used in section 45 or 48 of the Internal Revenue Code of 1986 shall have the same meaning for purposes of this section as when used in such section 45 or 48. Any reference in this section to the Secretary of the Treasury shall be treated as including the Secretary's delegate.

(i) APPROPRIATIONS.—There is hereby appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this section.

(j) TERMINATION.—The Secretary of the Treasury shall not make any grant to any person under this section unless the application of such person for such grant is received before October 1, 2011.

SEC. 1604. INCREASE IN PUBLIC DEBT LIMIT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting ''$12,104,000,000,000''.

Subtitle H—Prohibition on Collection of Certain Payments Made Under the Continued Dumping and Subsidy Offset Act of 2000

SEC. 1701. PROHIBITION ON COLLECTION OF CERTAIN PAYMENTS MADE UNDER THE CONTINUED DUMPING AND SUBSIDY OFFSET ACT OF 2000.

(a) IN GENERAL.—Notwithstanding any other provision of law, neither the Secretary of Homeland Security nor any other person may—

(1) require repayment of, or attempt in any other way to recoup, any payments described in subsection (b); or

(2) offset any past, current, or future distributions of antidumping or countervailing duties assessed with respect to imports from countries that are not parties to the North American Free Trade Agreement in an attempt to recoup any payments described in subsection (b).

(b) PAYMENTS DESCRIBED.—Payments described in this subsection are payments of antidumping or countervailing duties made pursuant to the Continued Dumping and Subsidy Offset Act of 2000 (section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c; repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154))) that were—

(1) assessed and paid on imports of goods from countries that are parties to the North American Free Trade Agreement; and

(2) distributed on or after January 1, 2001, and before January 1, 2006.

(c) PAYMENT OF FUNDS COLLECTED OR WITHHELD.—Not later than the date that is 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) refund any repayments, or any other recoupment, of payments described in subsection (b); and

(2) fully distribute any antidumping or countervailing duties that the U.S. Customs and Border Protection is withholding as an offset as described in subsection (a)(2).

(d) LIMITATION.—Nothing in this section shall be construed to prevent the Secretary of Homeland Security, or any other person, from requiring repayment of, or attempting to otherwise recoup, any payments described in subsection (b) as a result of—

(1) a finding of false statements or other misconduct by a recipient of such a payment; or

(2) the reliquidation of an entry with respect to which such a payment was made.

Subtitle I—Trade Adjustment Assistance

SEC. 1800. SHORT TITLE.

This subtitle may be cited as the ''Trade and Globalization Adjustment Assistance Act of 2009''.

PART I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Subpart A—Trade Adjustment Assistance for Service Sector Workers

SEC. 1801. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO SERVICE SECTOR AND PUBLIC AGENCY WORKERS; SHIFTS IN PRODUCTION.

(a) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (1)—

(A) by striking ''or appropriate subdivision of a firm''; and

(B) by striking ''or subdivision'';

(2) in paragraph (2), by striking ''employment—'' and all that follows and inserting ''employment, has been totally or partially separated from such employment.'';

(3) by inserting after paragraph (2) the following:

''(3) Subject to section 222(d)(5), the term 'firm' means—

''(A) a firm, including an agricultural firm, service sector firm, or public agency; or

''(B) an appropriate subdivision thereof.'';

(4) by inserting after paragraph (6) the following:

''(7) The term 'public agency' means a department or agency of a State or local government or of the Federal Government, or a subdivision thereof.'';

(5) in paragraph (11), by striking '', or in a subdivision of which,''; and

(6) by adding at the end the following:

''(18) The term 'service sector firm' means a firm engaged in the business of supplying services.''.

(b) GROUP ELIGIBILITY REQUIREMENTS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsection (a)(2)—

(A) by amending subparagraph (A)(ii) to read as follows:

''(ii)(I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

''(II) imports of articles like or directly competitive with articles—

''(aa) into which one or more component parts produced by such firm are directly incorporated, or

''(bb) which are produced directly using services supplied by such firm,

have increased; or

''(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; and''; and

(B) by amending subparagraph (B) to read as follows:

''(B)(i)(I) there has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; or

''(II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm; and

''(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

''(b) ADVERSELY AFFECTED WORKERS IN PUBLIC AGENCIES.—A group of workers in a public agency shall be certified by the Secretary as eligible to apply for adjustment assistance under this chapter pursuant to a petition filed under section 221 if the Secretary determines that—

''(1) a significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

''(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

''(3) the acquisition of services described in paragraph (2) contributed importantly to such workers' separation or threat of separation.''.

(c) BASIS FOR SECRETARY'S DETERMINATIONS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended, is further amended by adding at the end the following:

''(e) BASIS FOR SECRETARY'S DETERMINATIONS.—

''(1) IN GENERAL.—The Secretary shall, in determining whether to certify a group of workers under section 223, obtain from the workers' firm, or a customer of the workers' firm, information the Secretary determines to be necessary to make the certification, through questionnaires and in such other manner as the Secretary determines appropriate.

''(2) ADDITIONAL INFORMATION.—The Secretary may seek additional information to determine whether to certify a group of workers under subsection (a), (b), or (c)—

''(A) by contacting—

''(i) officials or employees of the workers' firm;

''(ii) officials of customers of the workers' firm;

''(iii) officials of certified or recognized unions or other duly authorized representatives of the group of workers; or

''(iv) one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)); or

''(B) by using other available sources of information.

''(3) VERIFICATION OF INFORMATION.—

''(A) CERTIFICATION.—The Secretary shall require a firm or customer to certify—

''(i) all information obtained under paragraph (1) from the firm or customer (as the case may be) through questionnaires; and

''(ii) all other information obtained under paragraph (1) from the firm or customer (as the case may be) on which the Secretary relies in making a determination under section 223, unless the Secretary has a reasonable basis for determining that such information is accurate and complete without being certified.

''(B) USE OF SUBPOENAS.—The Secretary shall require the workers' firm or a customer of the workers' firm to provide information requested by the Secretary under paragraph (1) by subpoena pursuant to section 249 if the firm or customer (as the case may be) fails to provide the information within 20 days after the date of the Secretary's request, unless the firm or customer (as the case may be) demonstrates to the satisfaction of the Secretary that the firm or customer (as the case may be) will provide the information within a reasonable period of time.

''(C) PROTECTION OF CONFIDENTIAL INFORMATION.—The Secretary may not release information obtained under paragraph (1) that the Secretary considers to be confidential business information unless the firm or customer (as the case may be) submitting the confidential business information had notice, at the time of submission, that the information would be released by the Secretary, or the firm or customer (as the case may be) subsequently consents to the release of the information. Nothing in this subparagraph shall be construed to prohibit the Secretary from providing such confidential business information to a court in camera or to another party under a protective order issued by a court.''.

(d) PENALTIES.—Section 244 of the Trade Act of 1974 (19 U.S.C. 2316) is amended to read as follows:

''SEC. 244. PENALTIES.

''Any person who—

''(1) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for that person or for any other person any payment authorized to be furnished under this chapter or pursuant to an agreement under section 239, or

''(2) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, when providing information to the Secretary during an investigation of a petition under section 221,

shall be imprisoned for not more than one year, or fined under title 18, United States Code, or both.''.

(e) CONFORMING AMENDMENTS.—

(1) Section 221(a) of the Trade Act of 1974 (19 U.S.C. 2271(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''Secretary'' and inserting ''Secretary of Labor''; and

(II) by striking ''or subdivision'' and inserting ''(as defined in section 247)''; and

(ii) in subparagraph (A), by striking ''(including workers in an agricultural firm or subdivision of any agricultural firm)'';

(B) in paragraph (2)(A), by striking ''rapid response assistance'' and inserting ''rapid response activities''; and

(C) in paragraph (3), by inserting ''and on the website of the Department of Labor'' after ''Federal Register''.

(2) Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended, is further amended—

(A) by striking ''(including workers in any agricultural firm or subdivision of an agricultural firm)'' each place it appears;

(B) in subsection (a)—

(i) in paragraph (1), by striking '', or an appropriate subdivision of the firm,''; and

(ii) in paragraph (2), by striking ''or subdivision'' each place it appears;

(C) in subsection (c) (as redesignated)—

(i) in paragraph (2)—

(I) by striking ''(or subdivision)'' each place it appears;

(II) by inserting ''or service'' after ''the article''; and

(III) by striking ''(c) (3)'' and inserting ''(d) (3)''; and

(ii) in paragraph (3), by striking ''(or subdivision)'' each place it appears; and

(D) in subsection (d) (as redesignated)—

(i) by striking ''For purposes'' and inserting ''DEFINITIONS.—For purposes'';

(ii) in paragraph (2), by striking '', or appropriate subdivision of a firm,'' each place it appears;

(iii) by amending paragraph (3) to read as follows:

''(3) DOWNSTREAM PRODUCER.—

''(A) IN GENERAL.—The term 'downstream producer' means a firm that performs additional, value-added production processes or services directly for another firm for articles or services with respect to which a group of workers in such other firm has been certified under subsection (a).

''(B) VALUE-ADDED PRODUCTION PROCESSES OR SERVICES.—For purposes of subparagraph (A), value-added production processes or services include final assembly, finishing, testing, packaging, or maintenance or transportation services.'';

(iv) in paragraph (4)—

(I) by striking ''(or subdivision)''; and

(II) by inserting '', or services, used in the production of articles or in the supply of services, as the case may be,'' after ''for articles''; and

(v) by adding at the end the following:

''(5) REFERENCE TO FIRM.—For purposes of subsection (a), the term 'firm' does not include a public agency.''.

(3) Section 231(a)(2) of the Trade Act of 1974 (19 U.S.C. 2291(a)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''or subdivision of a firm''; and

(B) in subparagraph (C), by striking ''or subdivision''.

SEC. 1802. SEPARATE BASIS FOR CERTIFICATION.

Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended, is further amended by adding at the end the following:

''(f) FIRMS IDENTIFIED BY THE INTERNATIONAL TRADE COMMISSION.—Notwithstanding any other provision of this chapter, a group of workers covered by a petition filed under section 221 shall be certified under subsection (a) as eligible to apply for adjustment assistance under this chapter if—

''(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

''(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1);

''(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or

''(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

''(2) the petition is filed during the one-year period beginning on the date on which—

''(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the Federal Register under section 202(f)(3); or

''(B) notice of an affirmative determination described in subparagraph (B) or (C) of paragraph (1) is published in the Federal Register; and

''(3) the workers have become totally or partially separated from the workers' firm within—

''(A) the one-year period described in paragraph (2); or

''(B) notwithstanding section 223(b), the one-year period preceding the one-year period described in paragraph (2).''.

SEC. 1803. DETERMINATIONS BY SECRETARY OF LABOR.

Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) is amended—

(1) in subsection (b), by striking ''or appropriate subdivision of the firm before his application'' and all that follows and inserting ''before the worker's application under section 231 occurred more than one year before the date of the petition on which such certification was granted.'';

(2) in subsection (c), by striking ''together with his reasons'' and inserting ''and on the website of the Department of Labor, together with the Secretary's reasons'';

(3) in subsection (d)—

(A) by striking ''or subdivision of the firm'' and all that follows through ''he shall'' and inserting '', that total or partial separations from such firm are no longer attributable to the conditions specified in section 222, the Secretary shall''; and

(B) by striking ''together with his reasons'' and inserting ''and on the website of the Department of Labor, together with the Secretary's reasons''; and

(4) by adding at the end the following:

''(e) STANDARDS FOR INVESTIGATIONS AND DETERMINATIONS.—

''(1) IN GENERAL.—The Secretary shall establish standards, including data requirements, for investigations of petitions filed under section 221 and criteria for making determinations under subsection (a).

''(2) CONSULTATIONS.—Not less than 90 days before issuing a final rule with respect to the standards required under paragraph (1), the Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to such rule.''.

SEC. 1804. MONITORING AND REPORTING RELATING TO SERVICE SECTOR.

(a) IN GENERAL.—Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended—

(1) in the heading, by striking ''**SYSTEM**'' and inserting ''**AND DATA COLLECTION**'';

(2) in the first sentence—

(A) by striking ''The Secretary'' and inserting ''(a) MONITORING PROGRAMS.—The Secretary'';

(B) by inserting ''and services'' after ''imports of articles'';

(C) by inserting ''and domestic supply of services'' after ''domestic production'';

(D) by inserting ''or supplying services'' after ''producing articles''; and

(E) by inserting '', or supply of services,'' after ''changes in production''; and

(3) by adding at the end the following:

''(b) COLLECTION OF DATA AND REPORTS ON SERVICE SECTOR.—

''(1) SECRETARY OF LABOR.—Not later than 90 days after the date of the enactment of this subsection, the Secretary of Labor shall implement a system to collect data on adversely affected workers employed in the service sector that includes the number of workers by State and industry, and by the cause of the dislocation of each worker, as identified in the certification.

''(2) SECRETARY OF COMMERCE.—Not later than 1 year after such date of enactment, the Secretary of Commerce shall, in consultation with the Secretary of Labor, conduct a study and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on ways to improve the timeliness and coverage of data on trade in services, including methods to identify increased imports due to the relocation of United States firms to foreign countries, and increased imports due to United States firms acquiring services from firms in foreign countries.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 282 and inserting the following:

''Sec. 282. Trade monitoring and data collection.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subpart B—Industry Notifications Following Certain Affirmative Determinations

SEC. 1811. NOTIFICATIONS FOLLOWING CERTAIN AFFIRMATIVE DETERMINATIONS.

(a) IN GENERAL.—Section 224 of the Trade Act of 1974 (19 U.S.C. 2274) is amended—

(1) by amending the heading to read as follows:

''SEC. 224. STUDY AND NOTIFICATIONS REGARDING CERTAIN AFFIRMATIVE DETERMINATIONS; INDUSTRY NOTIFICATION OF ASSISTANCE.'';

(2) in subsection (a), by striking ''Whenever'' and inserting ''STUDY OF DOMESTIC INDUSTRY.—Whenever'';

(3) in subsection (b)—

(A) by striking ''The report'' and inserting ''REPORT BY THE SECRETARY.—The report''; and

(B) by inserting ''and on the website of the Department of Labor'' after ''Federal Register''; and

(4) by adding at the end the following:

''(c) NOTIFICATIONS FOLLOWING AFFIRMATIVE GLOBAL SAFEGUARD DETERMINATIONS.—Upon making an affirmative determination under section 202(b)(1), the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

''(d) NOTIFICATIONS FOLLOWING AFFIRMATIVE BILATERAL OR PLURILATERAL SAFEGUARD DETERMINATIONS.—

''(1) NOTIFICATIONS OF DETERMINATIONS OF MARKET DISRUPTION.—Upon making an affirmative determination under section 421(b)(1), the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

''(2) NOTIFICATIONS REGARDING TRADE AGREEMENT SAFEGUARDS.—Upon making an affirmative determination in a proceeding initiated under an applicable safeguard provision (other than a provision described in paragraph (3)) that is enacted to implement a trade agreement to which the United States is a party, the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

''(3) NOTIFICATIONS REGARDING TEXTILE AND APPAREL SAFEGUARDS.—Upon making an affirmative determination in a proceeding initiated under any safeguard provision relating to textile and apparel articles that is enacted to implement a trade agreement to which the United States is a party, the President shall promptly notify the Secretary of Labor and the Secretary of Commerce of the determination.

''(e) NOTIFICATIONS FOLLOWING CERTAIN AFFIRMATIVE DETERMINATIONS UNDER TITLE VII OF THE TARIFF ACT OF 1930.—Upon making an affirmative determination under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A)), the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

''(f) INDUSTRY NOTIFICATION OF ASSISTANCE.—Upon receiving a notification of a determination under subsection (c), (d), or (e) with respect to a domestic industry—

''(1) the Secretary of Labor shall—

''(A) notify the representatives of the domestic industry affected by the determination, firms publicly identified by name during the course of the proceeding relating to the determination, and any certified or recognized union or, to the extent practicable, other duly authorized representative of workers employed by such representatives of the domestic industry, of—

''(i) the allowances, training, employment services, and other benefits available under this chapter;

''(ii) the manner in which to file a petition and apply for such benefits; and

''(iii) the availability of assistance in filing such petitions;

''(B) notify the Governor of each State in which one or more firms in the industry described in subparagraph (A) are located of the Commission's determination and the identity of the firms; and

''(C) upon request, provide any assistance that is necessary to file a petition under section 221;

''(2) the Secretary of Commerce shall—

''(A) notify the representatives of the domestic industry affected by the determination and any firms publicly identified by name during the course of the proceeding relating to the determination of—

''(i) the benefits available under chapter 3;

''(ii) the manner in which to file a petition and apply for such benefits; and

''(iii) the availability of assistance in filing such petitions; and

''(B) upon request, provide any assistance that is necessary to file a petition under section 251; and

''(3) in the case of an affirmative determination based upon imports of an agricultural commodity, the Secretary of Agriculture shall—

''(A) notify representatives of the domestic industry affected by the determination and any agricultural commodity producers publicly identified by name during the course of the proceeding relating to the determination of—

''(i) the benefits available under chapter 6;

''(ii) the manner in which to file a petition and apply for such benefits; and

''(iii) the availability of assistance in filing such petitions; and

''(B) upon request, provide any assistance that is necessary to file a petition under section 292.

''(g) REPRESENTATIVES OF THE DOMESTIC INDUSTRY.—For purposes of subsection (f), the term 'representatives of the domestic industry' means the persons that petitioned for relief in connection with—

''(1) a proceeding under section 202 or 421 of this Act;

''(2) a proceeding under section 702(b) or 732(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)); or

''(3) any safeguard investigation described in subsection (d)(2) or (d)(3).''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 224 and inserting the following:

''Sec. 224. Study and notifications regarding certain affirmative determinations; industry notification of assistance.''.

SEC. 1812. NOTIFICATION TO SECRETARY OF COMMERCE.

Section 225 of the Trade Act of 1974 (19 U.S.C. 2275) is amended by adding at the end the following:

''(c) Upon issuing a certification under section 223, the Secretary shall notify the Secretary of Commerce of the identity of each firm covered by the certification.''.

Subpart C—Program Benefits

SEC. 1821. QUALIFYING REQUIREMENTS FOR WORKERS.

(a) IN GENERAL.—Section 231(a)(5)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2291(a)(5)(A)(ii)) is amended—

(1) by striking subclauses (I) and (II) and inserting the following:

''(I) in the case of a worker whose most recent total separation from adversely affected employment that meets the requirements of paragraphs (1) and (2) occurs after the date on which the Secretary issues a certification covering the worker, the last day of the 26th week after such total separation,

''(II) in the case of a worker whose most recent total separation from adversely affected employment that meets the requirements of paragraphs (1) and (2) occurs before the date on which the Secretary issues a certification covering the worker, the last day of the 26th week after the date of such certification,'';

(2) in subclause (III)—

(A) by striking ''later of the dates specified in subclause (I) or (II)'' and inserting ''date specified in subclause (I) or (II), as the case may be''; and

(B) by striking ''or'' at the end;

(3) by redesignating subclause (IV) as subclause (V); and

(4) by inserting after subclause (III) the following:

''(IV) in the case of a worker who fails to enroll by the date required by subclause (I), (II), or (III), as the case may be, due to the failure to provide the worker with timely information regarding the date specified in such subclause, the last day of a period determined by the Secretary, or''.

(b) WAIVERS OF TRAINING REQUIREMENTS.—Section 231(c) of the Trade Act of 1974 (19 U.S.C. 2291(c)) is amended—

(1) in paragraph (1)(B)—

(A) by striking ''The worker possesses'' and inserting the following:

''(i) IN GENERAL.—The worker possesses''; and

(B) by adding at the end the following:

''(ii) MARKETABLE SKILLS DEFINED.—For purposes of clause (i), the term 'marketable skills' may include the possession of a postgraduate degree from an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) or an equivalent institution, or the possession of an equivalent postgraduate certification in a specialized field.'';

(2) in paragraph (2)(A), by striking ''A waiver'' and inserting ''Except as provided in paragraph (3)(B), a waiver''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''Pursuant to an agreement under section 239, the Secretary may authorize a'' and inserting ''An agreement under section 239 shall authorize a'';

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

''(B) REVIEW OF WAIVERS.—An agreement under section 239 shall require a cooperating State to review each waiver issued by the State under subparagraph (A), (B), (D), (E), or (F) of paragraph (1)—

''(i) 3 months after the date on which the State issues the waiver; and

''(ii) on a monthly basis thereafter.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 231 of the Trade Act of 1974 (19 U.S.C. 2291), as amended, is further amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''more than 60 days'' and all that follows through ''section 221'' and inserting ''on or after the date of such certification''; and

(B) in subsection (b)—

(i) by striking paragraph (2); and

(ii) in paragraph (1)—

(I) by striking ''(1)'';

(II) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(III) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(IV) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(2) Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) through (g) as subsections (b) through (f), respectively.

SEC. 1822. WEEKLY AMOUNTS.

Section 232 of the Trade Act of 1974 (19 U.S.C. 2292) is amended—

(1) in subsection (a)—

(A) by striking ''subsections (b) and (c)'' and inserting ''subsections (b), (c), and (d)'';

(B) by striking ''total unemployment'' the first place it appears and inserting ''unemployment''; and

(C) in paragraph (2), by inserting before the period the following: '', except that in the case of an adversely affected worker who is participating in training under this chapter, such income shall not include earnings from work for such week that are equal to or less than the most recent weekly benefit amount of the unemployment insurance payable to the worker for a week of total unemployment preceding the worker's first exhaustion of unemployment insurance (as determined for purposes of section 231(a)(3)(B))''; and

(2) by adding at the end the following:

''(d) ELECTION OF TRADE READJUSTMENT ALLOWANCE OR UNEMPLOYMENT INSURANCE.—Notwithstanding section 231(a)(3)(B), an adversely affected worker may elect to receive a trade readjustment allowance instead of unemployment insurance during any week with respect to which the worker—

''(1) is entitled to receive unemployment insurance as a result of the establishment by the worker of a new benefit year under State law, based in whole or in part upon part-time or short-term employment in which the worker engaged after the worker's most recent total separation from adversely affected employment; and

''(2) is otherwise entitled to a trade readjustment allowance.''.

SEC. 1823. LIMITATIONS ON TRADE READJUSTMENT ALLOWANCES; ALLOWANCES FOR EXTENDED TRAINING AND BREAKS IN TRAINING.

Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—

(1) in paragraph (2), by inserting ''under paragraph (1)'' after ''trade readjustment allowance''; and

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''training approved for him'' and inserting ''a training program approved for the worker'';

(ii) by striking ''52 additional weeks'' and inserting ''78 additional weeks''; and

(iii) by striking ''52-week'' and inserting ''91-week''; and

(B) in the matter following subparagraph (B), by striking ''52-week'' and inserting ''91-week''.

SEC. 1824. SPECIAL RULES FOR CALCULATION OF ELIGIBILITY PERIOD.

Section 233 of the Trade Act of 1974 (19 U.S.C. 2293), as amended, is further amended by adding at the end the following:

''(g) SPECIAL RULE FOR CALCULATING SEPARATION.—Notwithstanding any other provision of this chapter, any period during which a judicial or administrative appeal is pending with respect to the denial by the Secretary of a petition under section 223 shall not be counted for purposes of calculating the period of separation under subsection (a)(2).

''(h) SPECIAL RULE FOR JUSTIFIABLE CAUSE.—If the Secretary determines that there is justifiable cause, the Secretary may extend the period during which trade readjustment allowances are payable to an adversely affected worker under paragraphs (2) and (3) of subsection (a) (but not the maximum amounts of such allowances that are payable under this section).

''(i) SPECIAL RULE WITH RESPECT TO MILITARY SERVICE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this chapter, the Secretary may waive any requirement of this chapter that the Secretary determines is necessary to ensure that an adversely affected worker who is a member of a reserve component of the Armed Forces and serves a period of duty described in paragraph (2) is eligible to receive a trade readjustment allowance, training, and other benefits under this chapter in the same manner and to the same extent as if the worker had not served the period of duty.

''(2) PERIOD OF DUTY DESCRIBED.—An adversely affected worker serves a period of duty described in this paragraph if, before completing training under section 236, the worker—

''(A) serves on active duty for a period of more than 30 days under a call or order to active duty of more than 30 days; or

''(B) in the case of a member of the Army National Guard of the United States or Air National Guard of the United States, performs full-time National Guard duty under section 502(f) of title 32, United States Code, for 30 consecutive days or more when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.''.

SEC. 1825. APPLICATION OF STATE LAWS AND REGULATIONS ON GOOD CAUSE FOR WAIVER OF TIME LIMITS OR LATE FILING OF CLAIMS.

Section 234 of the Trade Act of 1974 (19 U.S.C. 2294) is amended—

(1) by striking ''Except where inconsistent'' and inserting ''(a) IN GENERAL.—Except where inconsistent''; and

(2) by adding at the end the following:

''(b) SPECIAL RULE WITH RESPECT TO STATE LAWS AND REGULATIONS ON GOOD CAUSE FOR WAIVER OF TIME LIMITS OR LATE FILING OF CLAIMS.—Any law, regulation, policy, or practice of a cooperating State that allows for a waiver for good cause of any time limitation relating to the administration of the State unemployment insurance law shall, in the administration of the program under this chapter by the State, apply to any time limitation with respect to an application for a trade readjustment allowance or enrollment in training under this chapter.''.

SEC. 1826. EMPLOYMENT AND CASE MANAGEMENT SERVICES.

(a) IN GENERAL.—Section 235 of the Trade Act of 1974 (19 U.S.C. 2295) is amended to read as follows:

''SEC. 235. EMPLOYMENT AND CASE MANAGEMENT SERVICES.

''The Secretary shall make available, directly or through agreements with States under section 239, to adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A of this chapter the following employment and case management services:

''(1) Comprehensive and specialized assessment of skill levels and service needs, including through—

''(A) diagnostic testing and use of other assessment tools; and

''(B) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

''(2) Development of an individual employment plan to identify employment goals and objectives, and appropriate training to achieve those goals and objectives.

''(3) Information on training available in local and regional areas, information on individual counseling to determine which training is suitable training, and information on how to apply for such training.

''(4) Information on how to apply for financial aid, including referring workers to educational opportunity centers described in section 402F of the Higher Education Act of 1965 (20 U.S.C. 1070a–16), where applicable, and notifying workers that the workers may request financial aid administrators at institutions of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) to use the administrators' discretion under section 479A of such Act (20 U.S.C. 1087tt) to use current year income data, rather than preceding year income data, for determining the amount of need of the workers for Federal financial assistance under title IV of such Act (20 U.S.C. 1070 et seq.).

''(5) Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for employment or training.

''(6) Individual career counseling, including job search and placement counseling, during the period in which the individual is receiving a trade adjustment allowance or training under this chapter, and after receiving such training for purposes of job placement.

''(7) Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

''(A) job vacancy listings in such labor market areas;

''(B) information on jobs skills necessary to obtain jobs identified in job vacancy listings described in subparagraph (A);

''(C) information relating to local occupations that are in demand and earnings potential of such occupations; and

''(D) skills requirements for local occupations described in subparagraph (C).

''(8) Information relating to the availability of supportive services, including services relating to child care, transportation, dependent care, housing assistance, and need-related payments that are necessary to enable an individual to participate in training.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 235 and inserting the following:

''235. Employment and case management services.''.

SEC. 1827. ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.

(a) IN GENERAL.—Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2295 et seq.) is amended by inserting after section 235 the following:

''SEC. 235A. FUNDING FOR ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.

''(a) FUNDING FOR ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.—

''(1) IN GENERAL.—In addition to any funds made available to a State to carry out section 236 for a fiscal year, the State shall receive for the fiscal year a payment in an amount that is equal to 15 percent of the amount of such funds.

''(2) USE OF FUNDS.—A State that receives a payment under paragraph (1) shall—

''(A) use not more than ⅔ of such payment for the administration of the trade adjustment assistance for workers program under this chapter, including for—

''(i) processing waivers of training requirements under section 231;

''(ii) collecting, validating, and reporting data required under this chapter; and

''(iii) providing reemployment trade adjustment assistance under section 246; and

''(B) use not less than ⅓ of such payment for employment and case management services under section 235.

''(b) ADDITIONAL FUNDING FOR EMPLOYMENT AND CASE MANAGEMENT SERVICES.—

''(1) IN GENERAL.—In addition to any funds made available to a State to carry out section 236 and the payment under subsection (a)(1) for a fiscal year, the Secretary shall provide to the State for the fiscal year a payment in the amount of $350,000.

''(2) USE OF FUNDS.—A State that receives a payment under paragraph (1) shall use such payment for the purpose of providing employment and case management services under section 235.

''(3) VOLUNTARY RETURN OF FUNDS.—A State that receives a payment under paragraph (1) may decline or otherwise return such payment to the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 235 the following:

''Sec. 235A. Funding for administrative expenses and employment and case management services.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1828. TRAINING FUNDING.

(a) IN GENERAL.—Section 236(a)(2) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)) is amended to read as follows:

''(2)(A) The total amount of payments that may be made under paragraph (1) shall not exceed—

''(i) for each of the fiscal years 2009 and 2010, $575,000,000; and

''(ii) for the period beginning October 1, 2010, and ending December 31, 2010, $143,750,000.

''(B)(i) The Secretary shall, as soon as practicable after the beginning of each fiscal year, make an initial distribution of the funds made available to carry out this section, in accordance with the requirements of subparagraph (C).

''(ii) The Secretary shall ensure that not less than 90 percent of the funds made available to carry out this section for a fiscal year are distributed to the States by not later than July 15 of that fiscal year.

''(C)(i) In making the initial distribution of funds pursuant to subparagraph (B)(i) for a fiscal year, the Secretary shall hold in reserve 35 percent of the funds made available to carry out this section for that fiscal year for additional distributions during the remainder of the fiscal year.

''(ii) Subject to clause (iii), in determining how to apportion the initial distribution of funds pursuant to subparagraph (B)(i) in a fiscal year, the Secretary shall take into account, with respect to each State—

''(I) the trend in the number of workers covered by certifications of eligibility under this chapter during the most recent 4 consecutive calendar quarters for which data are available;

''(II) the trend in the number of workers participating in training under this section during the most recent 4 consecutive calendar quarters for which data are available;

''(III) the number of workers estimated to be participating in training under this section during the fiscal year;

''(IV) the amount of funding estimated to be necessary to provide training approved under this section to such workers during the fiscal year; and

''(V) such other factors as the Secretary considers appropriate relating to the provision of training under this section.

''(iii) In no case may the amount of the initial distribution to a State pursuant to subparagraph (B)(i) in a fiscal year be less than 25 percent of the initial distribution to the State in the preceding fiscal year.

''(D) The Secretary shall establish procedures for the distribution of the funds that remain available for the fiscal year after the initial distribution required under subparagraph (B)(i). Such procedures may include the distribution of funds pursuant to requests submitted by States in need of such funds.

''(E) If, during a fiscal year, the Secretary estimates that the amount of funds necessary to pay the costs of training approved under this section will exceed the dollar amount limitation specified in subparagraph (A), the Secretary shall decide how the amount of funds made available to carry out this section that have not been distributed at the time of the estimate will be apportioned among the States for the remainder of the fiscal year.''.

(b) DETERMINATIONS REGARDING TRAINING.—Section 236(a)(9) of the Trade Act of 1974 (19 U.S.C. 2296(a)(9)) is amended—

(1) by striking ''The Secretary'' and inserting ''(A) Subject to subparagraph (B), the Secretary''; and

(2) by adding at the end the following:

''(B)(i) In determining under paragraph (1)(E) whether a worker is qualified to undertake and complete training, the Secretary may approve training for a period longer than the worker's period of eligibility for trade readjustment allowances under part I if the worker demonstrates a financial ability to complete the training after the expiration of the worker's period of eligibility for such trade readjustment allowances.

''(ii) In determining the reasonable cost of training under paragraph (1)(F) with respect to a worker, the Secretary may consider whether other public or private funds are reasonably available to the worker, except that the Secretary may not require a worker to obtain such funds as a condition of approval of training under paragraph (1).''.

(c) REGULATIONS.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended by adding at the end the following:

''(g) REGULATIONS WITH RESPECT TO APPORTIONMENT OF TRAINING FUNDS TO STATES.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall issue such regulations as may be necessary to carry out the provisions of subsection (a)(2).

''(2) CONSULTATIONS.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 90 days before issuing any regulation pursuant to paragraph (1).''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act, except that—

(1) subparagraph (A) of section 236(a)(2) of the Trade Act of 1974, as amended by subsection (a) of this section, shall take effect on the date of the enactment of this Act; and

(2) subparagraphs (B), (C), and (D) of such section 236(a)(2) shall take effect on October 1, 2009.

SEC. 1829. PREREQUISITE EDUCATION; APPROVED TRAINING PROGRAMS.

(a) IN GENERAL.—Section 236(a)(5) of the Trade Act of 1974 (19 U.S.C. 2296(a)(5)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' at the end of clause (i);

(B) by adding ''and'' at the end of clause (ii); and

(C) by inserting after clause (ii) the following:

''(iii) apprenticeship programs registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.),'';

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (D) the following:

''(E) any program of prerequisite education or coursework required to enroll in training that may be approved under this section,'';

(4) in subparagraph (F)(ii), as redesignated by paragraph (2), by striking ''and'' at the end;

(5) in subparagraph (G), as redesignated by paragraph (2), by striking the period at the end and inserting '', and''; and

(6) by adding at the end the following:

''(H) any training program or coursework at an accredited institution of higher education (described in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), including a training program or coursework for the purpose of—

''(i) obtaining a degree or certification; or

''(ii) completing a degree or certification that the worker had previously begun at an accredited institution of higher education.

The Secretary may not limit approval of a training program under paragraph (1) to a program provided pursuant to title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).''.

(b) CONFORMING AMENDMENTS.—Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(1) in subsection (a)(2), by inserting ''prerequisite education or'' after ''requires a program of''; and

(2) in subsection (f) (as redesignated by section 1821(c) of this subtitle), by inserting ''prerequisite education or'' after ''includes a program of''.

(c) TECHNICAL CORRECTIONS.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the flush text, by striking ''his behalf'' and inserting ''the worker's behalf''; and

(B) in paragraph (3), by striking ''this paragraph (1)'' and inserting ''paragraph (1)''; and

(2) in subsection (b)(2), by striking '', and'' and inserting a period.

SEC. 1830. PRE-LAYOFF AND PART-TIME TRAINING.

(a) PRE-LAYOFF TRAINING.—

(1) IN GENERAL.—Section 236(a) of the Trade Act of 1974 (19 U.S.C. 2296(a)) is amended—

(A) in paragraph (1), by inserting after ''determines'' the following: '', with respect to an adversely affected worker or an adversely affected incumbent worker,'';

(B) in paragraph (4)—

(i) in subparagraphs (A) and (B), by inserting ''or an adversely affected incumbent worker'' after ''an adversely affected worker'' each place it appears; and

(ii) in subparagraph (C), by inserting ''or adversely affected incumbent worker'' after ''adversely affected worker'' each place it appears;

(C) in paragraph (5), in the matter preceding subparagraph (A), by striking ''The training programs'' and inserting ''Except as provided in paragraph (10), the training programs'';

(D) in paragraph (6)(B), by inserting ''or adversely affected incumbent worker'' after ''adversely affected worker'';

(E) in paragraph (7)(B), by inserting ''or adversely affected incumbent worker'' after ''adversely affected worker''; and

(F) by inserting after paragraph (9) the following:

''(10) In the case of an adversely affected incumbent worker, the Secretary may not approve—

''(A) on-the-job training under paragraph (5)(A)(i); or

''(B) customized training under paragraph (5)(A)(ii), unless such training is for a position other than the worker's adversely affected employment.

''(11) If the Secretary determines that an adversely affected incumbent worker for whom the Secretary approved training under this section is no longer threatened with a total or partial separation, the Secretary shall terminate the approval of such training.''.

(2) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319), as amended, is further amended by adding at the end the following:

''(19) The term 'adversely affected incumbent worker' means a worker who—

''(A) is a member of a group of workers who have been certified as eligible to apply for adjustment assistance under subchapter A;

''(B) has not been totally or partially separated from adversely affected employment; and

''(C) the Secretary determines, on an individual basis, is threatened with total or partial separation.''.

(b) PART-TIME TRAINING.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296), as amended, is further amended by adding at the end the following:

''(h) PART-TIME TRAINING.—

''(1) IN GENERAL.—The Secretary may approve full-time or part-time training for a worker under subsection (a).

''(2) LIMITATION.—Notwithstanding paragraph (1), a worker participating in part-time training approved under subsection (a) may not receive a trade readjustment allowance under section 231.''.

SEC. 1831. ON-THE-JOB TRAINING.

(a) IN GENERAL.—Section 236(c) of the Trade Act of 1974 (19 U.S.C. 2296(c)) is amended—

(1) by redesignating paragraphs (1) through (10) as subparagraphs (A) through (J) and moving such subparagraphs 2 ems to the right;

(2) by striking ''(c) The Secretary shall'' and all that follows through ''such costs,'' and inserting the following:

''(c) ON-THE-JOB TRAINING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may approve on-the-job training for any adversely affected worker if—

''(A) the worker meets the requirements for training to be approved under subsection (a)(1);

''(B) the Secretary determines that on-the-job training—

''(i) can reasonably be expected to lead to suitable employment with the employer offering the on-the-job training;

''(ii) is compatible with the skills of the worker;

''(iii) includes a curriculum through which the worker will gain the knowledge or skills to become proficient in the job for which the worker is being trained; and

''(iv) can be measured by benchmarks that indicate that the worker is gaining such knowledge or skills; and

''(C) the State determines that the on-the-job training program meets the requirements of clauses (iii) and (iv) of subparagraph (B).

''(2) MONTHLY PAYMENTS.—The Secretary shall pay the costs of on-the-job training approved under paragraph (1) in monthly installments.

''(3) CONTRACTS FOR ON-THE-JOB TRAINING.—

''(A) IN GENERAL.—The Secretary shall ensure, in entering into a contract with an employer to provide on-the-job training to a worker under this subsection, that the skill requirements of the job for which the worker is being trained, the academic and occupational skill level of the worker, and the work experience of the worker are taken into consideration.

''(B) TERM OF CONTRACT.—Training under any such contract shall be limited to the period of time required for the worker receiving on-the-job training to become proficient in the job for which the worker is being trained, but may not exceed 104 weeks in any case.

''(4) EXCLUSION OF CERTAIN EMPLOYERS.—The Secretary shall not enter into a contract for on-the-job training with an employer that exhibits a pattern of failing to provide workers receiving on-the-job training from the employer with—

''(A) continued, long-term employment as regular employees; and

''(B) wages, benefits, and working conditions that are equivalent to the wages, benefits, and working conditions provided to regular employees who have worked a similar period of time and are doing the same type of work as workers receiving on-the-job training from the employer.

''(5) LABOR STANDARDS.—The Secretary may pay the costs of on-the-job training,''; and

(3) in paragraph (5), as redesignated—

(A) in subparagraph (I), as redesignated by paragraph (1) of this section, by striking ''paragraphs (1), (2), (3), (4), (5), and (6)'' and inserting ''subparagraphs (A), (B), (C), (D), (E), and (F)''; and

(B) in subparagraph (J), as redesignated by paragraph (1) of this section, by striking ''paragraph (8)'' and inserting ''subparagraph (H)''.

(b) REPEAL OF PREFERENCE FOR TRAINING ON THE JOB.—Section 236(a)(1) of the Trade Act of 1974 (19 U.S.C. 2296(a)(1)) is amended by striking the last sentence.

SEC. 1832. ELIGIBILITY FOR UNEMPLOYMENT INSURANCE AND PROGRAM BENEFITS WHILE IN TRAINING.

Section 236(d) of the Trade Act of 1974 (19 U.S.C. 2296(d)) is amended to read as follows:

''(d) ELIGIBILITY.—An adversely affected worker may not be determined to be ineligible or disqualified for unemployment insurance or program benefits under this subchapter—

''(1) because the worker—

''(A) is enrolled in training approved under subsection (a);

''(B) left work—

''(i) that was not suitable employment in order to enroll in such training; or

''(ii) that the worker engaged in on a temporary basis during a break in such training or a delay in the commencement of such training; or

''(C) left on-the-job training not later than 30 days after commencing such training because the training did not meet the requirements of subsection (c)(1)(B); or

''(2) because of the application to any such week in training of the provisions of State law or Federal unemployment insurance law relating to availability for work, active search for work, or refusal to accept work.''.

SEC. 1833. JOB SEARCH AND RELOCATION ALLOWANCES.

(a) JOB SEARCH ALLOWANCES.—Section 237 of the Trade Act of 1974 (19 U.S.C. 2297) is amended—

(1) in subsection (a)(2)(C)(ii), by striking '', unless the worker received a waiver under section 231(c)''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''90 percent of the cost of'' and inserting ''all''; and

(B) in paragraph (2), by striking ''$1,250'' and inserting ''$1,500''.

(b) RELOCATION ALLOWANCES.—Section 238 of the Trade Act of 1974 (19 U.S.C. 2298) is amended—

(1) in subsection (a)(2)(E)(ii), by striking '', unless the worker received a waiver under section 231(c)''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''90 percent of the'' and inserting ''all''; and

(B) in paragraph (2), by striking ''$1,250'' and inserting ''$1,500''.

Subpart D—Reemployment Trade Adjustment Assistance Program

SEC. 1841. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 246 of the Trade Act of 1974 (19 U.S.C. 2318) is amended—

(1) by amending the heading to read as follows:

''SEC. 246. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE PROGRAM.'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''Not later than'' and all that follows through ''2002, the Secretary'' and inserting ''The Secretary''; and

(ii) by striking ''an alternative trade adjustment assistance program for older workers'' and inserting ''a reemployment trade adjustment assistance program'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''for a period not to exceed 2 years'' and inserting ''for the eligibility period under subparagraph (A) or (B) of paragraph (4) (as the case may be)''; and

(II) by striking clauses (i) and (ii) and inserting the following:

''(i) the wages received by the worker at the time of separation; and

''(ii) the wages received by the worker from reemployment.'';

(ii) in subparagraph (B)—

(I) by striking ''for a period not to exceed 2 years'' and inserting ''for the eligibility period under subparagraph (A) or (B) of paragraph (4) (as the case may be)''; and

(II) by striking '', as added by section 201 of the Trade Act of 2002''; and

(iii) by adding at the end the following:

''(C) TRAINING AND OTHER SERVICES.—A worker described in paragraph (3)(B) participating in

the program established under paragraph (1) is eligible to receive training approved under section 236 and employment and case management services under section 235.''; and

(C) by striking paragraphs (3) through (5) and inserting the following:

''(3) ELIGIBILITY.—

''(A) IN GENERAL.—A group of workers certified under subchapter A as eligible for adjustment assistance under subchapter A is eligible for benefits described in paragraph (2) under the program established under paragraph (1).

''(B) INDIVIDUAL ELIGIBILITY.—A worker in a group of workers described in subparagraph (A) may elect to receive benefits described in paragraph (2) under the program established under paragraph (1) if the worker—

''(i) is at least 50 years of age;

''(ii) earns not more than $55,000 each year in wages from reemployment;

''(iii)(I) is employed on a full-time basis as defined by the law of the State in which the worker is employed and is not enrolled in a training program approved under section 236; or

''(II) is employed at least 20 hours per week and is enrolled in a training program approved under section 236; and

''(iv) is not employed at the firm from which the worker was separated.

''(4) ELIGIBILITY PERIOD FOR PAYMENTS.—

''(A) WORKER WHO HAS NOT RECEIVED TRADE READJUSTMENT ALLOWANCE.—In the case of a worker described in paragraph (3)(B) who has not received a trade readjustment allowance under part I of subchapter B pursuant to the certification described in paragraph (3)(A), the worker may receive benefits described in paragraph (2) for a period not to exceed 2 years beginning on the earlier of—

''(i) the date on which the worker exhausts all rights to unemployment insurance based on the separation of the worker from the adversely affected employment that is the basis of the certification; or

''(ii) the date on which the worker obtains reemployment described in paragraph (3)(B).

''(B) WORKER WHO HAS RECEIVED TRADE READJUSTMENT ALLOWANCE.—In the case of a worker described in paragraph (3)(B) who has received a trade readjustment allowance under part I of subchapter B pursuant to the certification described in paragraph (3)(A), the worker may receive benefits described in paragraph (2) for a period of 104 weeks beginning on the date on which the worker obtains reemployment described in paragraph (3)(B), reduced by the total number of weeks for which the worker received such trade readjustment allowance.

''(5) TOTAL AMOUNT OF PAYMENTS.—

''(A) IN GENERAL.—The payments described in paragraph (2)(A) made to a worker may not exceed—

''(i) $12,000 per worker during the eligibility period under paragraph (4)(A); or

''(ii) the amount described in subparagraph (B) per worker during the eligibility period under paragraph (4)(B).

''(B) AMOUNT DESCRIBED.—The amount described in this subparagraph is the amount equal to the product of—

''(i) $12,000, and

''(ii) the ratio of—

''(I) the total number of weeks in the eligibility period under paragraph (4)(B) with respect to the worker, to

''(II) 104 weeks.

''(6) CALCULATION OF AMOUNT OF PAYMENTS FOR CERTAIN WORKERS.—

''(A) IN GENERAL.—In the case of a worker described in paragraph (3)(B)(iii)(II), paragraph (2)(A) shall be applied by substituting the percentage described in subparagraph (B) for '50 percent'.

''(B) PERCENTAGE DESCRIBED.—The percentage described in this subparagraph is the percentage—

''(i) equal to ½ of the ratio of—

''(I) the number of weekly hours of employment of the worker referred to in paragraph (3)(B)(iii)(II), to

''(II) the number of weekly hours of employment of the worker at the time of separation, but

''(ii) in no case more than 50 percent.

''(7) LIMITATION ON OTHER BENEFITS.—A worker described in paragraph (3)(B) may not receive a trade readjustment allowance under part I of subchapter B pursuant to the certification described in paragraph (3)(A) during any week for which the worker receives a payment described in paragraph (2)(A).''; and

(3) in subsection (b)(2), by striking ''subsection (a)(3)(B)'' and inserting ''subsection (a)(3)''.

(b) EXTENSION OF PROGRAM.—Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking ''the date that is 5 years'' and all that follows through the end period and inserting ''December 31, 2010.''.

(c) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 246 and inserting the following:

''Sec. 246. Reemployment trade adjustment assistance program.''.

Subpart E—Other Matters

SEC. 1851. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Subchapter C of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2311 et seq.) is amended by adding at the end the following:

''SEC. 249A. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

''(a) ESTABLISHMENT.—There is established in the Department of Labor an office to be known as the Office of Trade Adjustment Assistance (in this section referred to as the 'Office').

''(b) HEAD OF OFFICE.—The head of the Office shall be an administrator, who shall report directly to the Deputy Assistant Secretary for Employment and Training.

''(c) PRINCIPAL FUNCTIONS.—The principal functions of the administrator of the Office shall be—

''(1) to oversee and implement the administration of trade adjustment assistance program under this chapter; and

''(2) to carry out functions delegated to the Secretary of Labor under this chapter, including—

''(A) making determinations under section 223;

''(B) providing information under section 225 about trade adjustment assistance to workers and assisting such workers to prepare petitions or applications for program benefits;

''(C) providing assistance to employers of groups of workers that have filed petitions under section 221 in submitting information required by the Secretary relating to the petitions;

''(D) ensuring workers covered by a certification of eligibility under subchapter A receive the employment and case management services described in section 235;

''(E) ensuring that States fully comply with agreements entered into under section 239;

''(F) advocating for workers applying for benefits available under this chapter;

''(G) establishing and overseeing a hotline that workers, employers, and other entities may call to obtain information regarding eligibility criteria, procedural requirements, and benefits available under this chapter; and

''(H) carrying out such other duties with respect to this chapter as the Secretary specifies for purposes of this section.

''(d) ADMINISTRATION.—

''(1) DESIGNATION.—The administrator shall designate an employee of the Department of Labor with appropriate experience and expertise to carry out the duties described in paragraph (2).

''(2) DUTIES.—The employee designated under paragraph (1) shall—

''(A) receive complaints and requests for assistance related to the trade adjustment assistance program under this chapter;

''(B) resolve such complaints and requests for assistance, in coordination with other employees of the Office;

''(C) compile basic information concerning such complaints and requests for assistance; and

''(D) carry out such other duties with respect to this chapter as the Secretary specifies for purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 249 the following:

''Sec. 249A. Office of Trade Adjustment Assistance.''.

SEC. 1852. ACCOUNTABILITY OF STATE AGENCIES; COLLECTION AND PUBLICATION OF PROGRAM DATA; AGREEMENTS WITH STATES.

(a) IN GENERAL.—Section 239(a) of the Trade Act of 1974 (19 U.S.C. 2311(a)) is amended—

(1) by amending clause (2) to read as follows: ''(2) in accordance with subsection (f), shall make available to adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A the employment and case management services described in section 235,''; and

(2) by striking ''will'' each place it appears and inserting ''shall''.

(b) FORM AND MANNER OF DATA.—Section 239 of the Trade Act of 1974 (19 U.S.C. 2311) is amended—

(1) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following:

''(c) FORM AND MANNER OF DATA.—Each agreement under this subchapter shall—

''(1) provide the Secretary with the authority to collect any data the Secretary determines necessary to meet the requirements of this chapter; and

''(2) specify the form and manner in which any such data requested by the Secretary shall be reported.''.

(c) STATE ACTIVITIES.—Section 239(g) of the Trade Act of 1974 (as redesignated) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by amending paragraph (4) to read as follows:

''(4) perform outreach to, intake of, and orientation for adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A with respect to assistance and benefits available under this chapter, and''; and

(3) by adding at the end the following:

''(5) make employment and case management services described in section 235 available to adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A and, if funds provided to carry out this chapter are insufficient to make such services available, make arrangements to make such services available through other Federal programs.''.

(d) REPORTING REQUIREMENT.—Section 239(h) of the Trade Act of 1974 (as redesignated) is amended by striking ''1998.'' and inserting ''1998 (29 U.S.C. 2822(b)) and a description of the State's rapid response activities under section 221(a)(2)(A).''.

(e) CONTROL MEASURES.—Section 239 of the Trade Act of 1974 (19 U.S.C. 2311), as amended,

is further amended by adding at the end the following:

''(i) CONTROL MEASURES.—

''(1) IN GENERAL.—The Secretary shall require each cooperating State and cooperating State agency to implement effective control measures and to effectively oversee the operation and administration of the trade adjustment assistance program under this chapter, including by means of monitoring the operation of control measures to improve the accuracy and timeliness of the data being collected and reported.

''(2) DEFINITION.—For purposes of paragraph (1), the term 'control measures' means measures that—

''(A) are internal to a system used by a State to collect data; and

''(B) are designed to ensure the accuracy and verifiability of such data.

''(j) DATA REPORTING.—

''(1) IN GENERAL.—Any agreement entered into under this section shall require the cooperating State or cooperating State agency to report to the Secretary on a quarterly basis comprehensive performance accountability data, to consist of—

''(A) the core indicators of performance described in paragraph (2)(A);

''(B) the additional indicators of performance described in paragraph (2)(B), if any; and

''(C) a description of efforts made to improve outcomes for workers under the trade adjustment assistance program.

''(2) CORE INDICATORS DESCRIBED.—

''(A) IN GENERAL.—The core indicators of performance described in this paragraph are—

''(i) the percentage of workers receiving benefits under this chapter who are employed during the second calendar quarter following the calendar quarter in which the workers cease receiving such benefits;

''(ii) the percentage of such workers who are employed in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits; and

''(iii) the earnings of such workers in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits.

''(B) ADDITIONAL INDICATORS.—The Secretary and a cooperating State or cooperating State agency may agree upon additional indicators of performance for the trade adjustment assistance program under this chapter, as appropriate.

''(3) STANDARDS WITH RESPECT TO RELIABILITY OF DATA.—In preparing the quarterly report required by paragraph (1), each cooperating State or cooperating State agency shall establish procedures that are consistent with guidelines to be issued by the Secretary to ensure that the data reported are valid and reliable.''.

SEC. 1853. VERIFICATION OF ELIGIBILITY FOR PROGRAM BENEFITS.

Section 239 of the Trade Act of 1974 (19 U.S.C. 2311), as amended, is further amended by adding at the end the following:

''(k) VERIFICATION OF ELIGIBILITY FOR PROGRAM BENEFITS.—

''(1) IN GENERAL.—An agreement under this subchapter shall provide that the State shall periodically redetermine that a worker receiving benefits under this subchapter who is not a citizen or national of the United States remains in a satisfactory immigration status. Once satisfactory immigration status has been initially verified through the immigration status verification system described in section 1137(d) of the Social Security Act (42 U.S.C. 1320b-7(d)) for purposes of establishing a worker's eligibility for unemployment compensation, the State shall reverify the worker's immigration status if the documentation provided during initial verification will expire during the period in which that worker is potentially eligible to receive benefits under this subchapter. The State shall conduct such redetermination in a timely manner, utilizing the immigration status verification system described in section 1137(d) of the Social Security Act (42 U.S.C. 1320b-7(d)).

''(2) PROCEDURES.—The Secretary shall establish procedures to ensure the uniform application by the States of the requirements of this subsection.''.

SEC. 1854. COLLECTION OF DATA AND REPORTS; INFORMATION TO WORKERS.

(a) IN GENERAL.—Subchapter C of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2311 et seq.), as amended, is further amended by adding at the end the following:

''SEC. 249B. COLLECTION AND PUBLICATION OF DATA AND REPORTS; INFORMATION TO WORKERS.

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall implement a system to collect and report the data described in subsection (b), as well as any other information that the Secretary considers appropriate to effectively carry out this chapter.

''(b) DATA TO BE INCLUDED.—The system required under subsection (a) shall include collection of and reporting on the following data for each fiscal year:

''(1) DATA ON PETITIONS FILED, CERTIFIED, AND DENIED.—

''(A) The number of petitions filed, certified, and denied under this chapter.

''(B) The number of workers covered by petitions filed, certified, and denied.

''(C) The number of petitions, classified by—

''(i) the basis for certification, including increased imports, shifts in production, and other bases of eligibility; and

''(ii) congressional district of the United States.

''(D) The average time for processing such petitions.

''(2) DATA ON BENEFITS RECEIVED.—

''(A) The number of workers receiving benefits under this chapter.

''(B) The number of workers receiving each type of benefit, including training, trade readjustment allowances, employment and case management services, and relocation and job search allowances, and, to the extent feasible, credits for health insurance costs under section 35 of the Internal Revenue Code of 1986.

''(C) The average time during which such workers receive each such type of benefit.

''(3) DATA ON TRAINING.—

''(A) The number of workers enrolled in training approved under section 236, classified by major types of training, including classroom training, training through distance learning, on-the-job training, and customized training.

''(B) The number of workers enrolled in full-time training and part-time training.

''(C) The average duration of training.

''(D) The number of training waivers granted under section 231(c), classified by type of waiver.

''(E) The number of workers who complete training and the duration of such training.

''(F) The number of workers who do not complete training.

''(4) DATA ON OUTCOMES.—

''(A) A summary of the quarterly reports required under section 239(j).

''(B) The sectors in which workers are employed after receiving benefits under this chapter.

''(5) DATA ON RAPID RESPONSE ACTIVITIES.—Whether rapid response activities were provided with respect to each petition filed under section 221.

''(c) CLASSIFICATION OF DATA.—To the extent possible, in collecting and reporting the data described in subsection (b), the Secretary shall classify the data by industry, State, and national totals.

''(d) REPORT.—Not later than December 15 of each year, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that includes—

''(1) a summary of the information collected under this section for the preceding fiscal year;

''(2) information on the distribution of funds to each State pursuant to section 236(a)(2); and

''(3) any recommendations of the Secretary with respect to changes in eligibility requirements, benefits, or training funding under this chapter based on the data collected under this section.

''(e) AVAILABILITY OF DATA.—

''(1) IN GENERAL.—The Secretary shall make available to the public, by publishing on the website of the Department of Labor and by other means, as appropriate—

''(A) the report required under subsection (d);

''(B) the data collected under this section, in a searchable format; and

''(C) a list of cooperating States and cooperating State agencies that failed to submit the data required by this section to the Secretary in a timely manner.

''(2) UPDATES.—The Secretary shall update the data under paragraph (1) on a quarterly basis.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 249A the following:

''Sec. 249B. Collection and publication of data and reports; information to workers.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1855. FRAUD AND RECOVERY OF OVERPAYMENTS.

Section 243(a)(1) of the Trade Act of 1974 (19 U.S.C. 2315(a)(1)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''may waive'' and inserting ''shall waive''; and

(B) by striking '', in accordance with guidelines prescribed by the Secretary,''; and

(2) in subparagraph (B), by striking ''would be contrary to equity and good conscience'' and inserting ''would cause a financial hardship for the individual (or the individual's household, if applicable) when taking into consideration the income and resources reasonably available to the individual (or household) and other ordinary living expenses of the individual (or household)''.

SEC. 1856. SENSE OF CONGRESS ON APPLICATION OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Chapter 5 of title II of the Trade Act of 1974 (19 U.S.C. 2391 et seq.) is amended by adding at the end the following:

''SEC. 288. SENSE OF CONGRESS.

''It is the sense of Congress that the Secretaries of Labor, Commerce, and Agriculture should apply the provisions of chapter 2 (relating to adjustment assistance for workers), chapter 3 (relating to adjustment assistance for firms), chapter 4 (relating to adjustment assistance for communities), and chapter 6 (relating to adjustment assistance for farmers), respectively, with the utmost regard for the interests of workers, firms, communities, and farmers petitioning for benefits under such chapters.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 287 the following:

''Sec. 288. Sense of Congress.''.

SEC. 1857. CONSULTATIONS IN PROMULGATION OF REGULATIONS.

Section 248 of the Trade Act of 1974 (19 U.S.C. 2320) is amended—

(1) by striking ''The Secretary shall'' and inserting the following:

''(a) IN GENERAL.—The Secretary shall''; and

(2) by adding at the end the following:

''(b) CONSULTATIONS.—Not later than 90 days before issuing a regulation under subsection (a), the Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the regulation.''.

SEC. 1858. TECHNICAL CORRECTIONS.

(a) DETERMINATIONS BY SECRETARY OF LABOR.—Section 223(c) of the Trade Act of 1974 (19 U.S.C. 2273(c)) is amended by striking ''his determination'' and inserting ''a determination''.

(b) QUALIFYING REQUIREMENTS FOR WORKERS.—Section 231(a) of the Trade Act of 1974 (19 U.S.C. 2291(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''his application'' and inserting ''the worker's application''; and

(B) in subparagraph (A), by striking ''he is covered'' and inserting ''the worker is covered'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking the period and inserting a comma; and

(B) in subparagraph (D), by striking ''5 U.S.C. 8521(a)(1)'' and inserting ''section 8521(a)(1) of title 5, United States Code''; and

(3) in paragraph (3)—

(A) by striking ''he'' each place it appears and inserting ''the worker''; and

(B) in subparagraph (C), by striking ''him'' and inserting ''the worker''.

(c) SUBPOENA POWER.—Section 249 of the Trade Act of 1974 (19 U.S.C. 2321) is amended—

(1) in the section heading, by striking ''**SUBPENA**'' and inserting ''**SUBPOENA**'';

(2) by striking ''subpena'' and inserting ''subpoena'' each place it appears; and

(3) in subsection (a), by striking ''him'' and inserting ''the Secretary''.

(d) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 249 and inserting the following:

''Sec. 249. Subpoena power.''.

PART II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

SEC. 1861. EXPANSION TO SERVICE SECTOR FIRMS.

(a) IN GENERAL.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended by inserting ''or service sector firm'' after ''agricultural firm'' each place it appears.

(b) DEFINITION OF SERVICE SECTOR FIRM.—Section 261 of the Trade Act of 1974 (19 U.S.C. 2351) is amended—

(1) by striking ''chapter,'' and inserting ''chapter:'';

(2) by striking ''the term 'firm' '' and inserting the following:

''(1) FIRM.—The term 'firm' ''; and

(3) by adding at the end the following:

''(2) SERVICE SECTOR FIRM.—The term 'service sector firm' means a firm engaged in the business of supplying services.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 251(c)(1)(C) of the Trade Act of 1974 (19 U.S.C. 2341(c)(1)(C)) is amended—

(A) by inserting ''or services'' after ''articles'' the first place it appears; and

(B) by inserting ''or services which are supplied'' after ''produced''.

(2) Section 251(c)(2)(B)(ii) of such Act is amended to read as follows:

''(ii) Any firm that engages in exploration or drilling for oil or natural gas, or otherwise produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.''.

SEC. 1862. MODIFICATION OF REQUIREMENTS FOR CERTIFICATION.

Section 251(c)(1)(B) of the Trade Act of 1974 (19 U.S.C. 2341(c)(1)(B)) is amended to read as follows:

''(B) that—

''(i) sales or production, or both, of the firm have decreased absolutely,

''(ii) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the 12-month period preceding the most recent 12-month period for which date are available have decreased absolutely,

''(iii) sales or production, or both, of the firm during the most recent 12-month period for which data are available have decreased compared to—

''(I) the average annual sales or production for the firm during the 24-month period preceding that 12-month period, or

''(II) the average annual sales or production for the firm during the 36-month period preceding that 12-month period, and

''(iv) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the most recent 12-month period for which data are available have decreased compared to—

''(I) the average annual sales or production for the article or service during the 24-month period preceding that 12-month period, or

''(II) the average annual sales or production for the article or service during the 36-month period preceding that 12-month period, and''.

SEC. 1863. BASIS FOR DETERMINATIONS.

Section 251 of the Trade Act of 1974 (19 U.S.C. 2341), as amended, is further amended by adding at the end the following:

''(e) BASIS FOR SECRETARY'S DETERMINATIONS.—For purposes of subsection (c)(1)(C), the Secretary may determine that there are increased imports of like or directly competitive articles or services, if customers accounting for a significant percentage of the decrease in the sales or production of the firm certify to the Secretary that such customers have increased their imports of such articles or services from a foreign country, either absolutely or relative to their acquisition of such articles or services from suppliers located in the United States.

''(f) NOTIFICATION TO FIRMS OF AVAILABILITY OF BENEFITS.—Upon receiving notice from the Secretary of Labor under section 225 of the identity of a firm that is covered by a certification issued under section 223, the Secretary of Commerce shall notify the firm of the availability of adjustment assistance under this chapter.''.

SEC. 1864. OVERSIGHT AND ADMINISTRATION; AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended—

(1) by striking sections 254, 255, 256, and 257;

(2) by redesignating sections 258, 259, 260, 261, 262, 264, and 265, as sections 256, 257, 258, 259, 260, 261, and 262, respectively; and

(3) by inserting after section 253 the following:

''SEC. 254. OVERSIGHT AND ADMINISTRATION.

''(a) IN GENERAL.—The Secretary shall, to such extent and in such amounts as are provided in appropriations Acts, provide grants to intermediary organizations (referred to in section 253(b)(1)) throughout the United States pursuant to agreements with such intermediary organizations. Each such agreement shall require the intermediary organization to provide benefits to firms certified under section 251. The Secretary shall, to the maximum extent practicable, provide by October 1, 2010, that contracts entered into with intermediary organizations be for a 12-month period and that all such contracts have the same beginning date and the same ending date.

''(b) DISTRIBUTION OF FUNDS.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this subsection, the Secretary shall develop a methodology for the distribution of funds among the intermediary organizations described in subsection (a).

''(2) PROMPT INITIAL DISTRIBUTION.—The methodology described in paragraph (1) shall ensure the prompt initial distribution of funds and establish additional criteria governing the apportionment and distribution of the remainder of such funds among the intermediary organizations.

''(3) CRITERIA.—The methodology described in paragraph (1) shall include criteria based on the data in the annual report on the trade adjustment assistance for firms program described in section 1866 of the Trade and Globalization Adjustment Assistance Act of 2009.

''(c) REQUIREMENTS FOR CONTRACTS.—An agreement with an intermediary organization described in subsection (a) shall require the intermediary organization to contract for the supply of services to carry out grants under this chapter in accordance with terms and conditions that are consistent with guidelines established by the Secretary.

''(d) CONSULTATIONS.—

''(1) CONSULTATIONS REGARDING METHODOLOGY.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives—

''(A) not less than 30 days before finalizing the methodology described in subsection (b); and

''(B) not less than 60 days before adopting any changes to such methodology.

''(2) CONSULTATIONS REGARDING GUIDELINES.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 60 days before finalizing the guidelines described in subsection (c) or adopting any subsequent changes to such guidelines.

''SEC. 255. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary $50,000,000 for each of the fiscal years 2009 through 2010, and $12,501,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out the provisions of this chapter. Amounts appropriated pursuant to this subsection shall—

''(1) be available to provide adjustment assistance to firms that file a petition for such assistance pursuant to this chapter on or before December 31, 2010; and

''(2) otherwise remain available until expended.

''(b) PERSONNEL.—Of the amounts appropriated pursuant to this section for each fiscal year, $350,000 shall be available for full-time positions in the Department of Commerce to administer the provisions of this chapter. Of such funds the Secretary shall make available to the Economic Development Administration such sums as may be necessary to establish the position of Director of Adjustment Assistance for Firms and such other full-time positions as may be appropriate to administer the provisions of this chapter.''.

(b) RESIDUAL AUTHORITY.—The Secretary of Commerce shall have the authority to modify, terminate, resolve, liquidate, or take any other action with respect to a loan, guarantee, contract, or any other financial assistance that was extended under section 254, 255, 256, or 257 of the Trade Act of 1974 (19 U.S.C. 2344, 2345, 2346,

and 2347), as in effect on the day before the effective date set forth in section 1891.

(c) CONFORMING AMENDMENTS.—

(1) Section 256 of the Trade Act of 1974, as redesignated by subsection (a) of this section, is amended by striking subsection (d).

(2) Section 258 of the Trade Act of 1974, as redesignated by subsection (a) of this section, is amended—

(A) in the first sentence, by striking ''and financial''; and

(B) in the last sentence—

(i) by striking ''sections 253 and 254'' and inserting ''section 253''; and

(ii) by striking ''title 28 of the United States Code'' and inserting ''title 28, United States Code''.

(d) CLERICAL AMENDMENTS.—The table of contents of the Trade Act of 1974 is amended by striking the items relating to sections 254, 255, 256, 257, 258, 259, 260, 261, 262, 264, and 265, and inserting the following:

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act, except that subsections (b) and (d) of section 254 of the Trade Act of 1974 (as added by subsection (a) of this section) shall take effect on such date of enactment.

SEC. 1865. INCREASED PENALTIES FOR FALSE STATEMENTS.

Section 257 of the Trade Act of 1974, as redesignated by section 1864(a), is amended to read as follows:

''SEC. 257. PENALTIES.

''Any person who—

''(1) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or willfully overvalues any security, for the purpose of influencing in any way a determination under this chapter, or for the purpose of obtaining money, property, or anything of value under this chapter, or

''(2) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, when providing information to the Secretary during an investigation of a petition under this chapter,

shall be imprisoned for not more than 2 years, or fined under title 18, United States Code, or both.''.

SEC. 1866. ANNUAL REPORT ON TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.

(a) IN GENERAL.—Not later than December 15, 2009, and each year thereafter, the Secretary of Commerce shall prepare a report containing data regarding the trade adjustment assistance for firms program provided for in chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) for the preceding fiscal year. The data shall include the following:

(1) The number of firms that inquired about the program.

(2) The number of petitions filed under section 251.

(3) The number of petitions certified and denied.

(4) The average time for processing petitions.

(5) The number of petitions filed and firms certified for each congressional district of the United States.

(6) The number of firms that received assistance in preparing their petitions.

(7) The number of firms that received assistance developing business recovery plans.

(8) The number of business recovery plans approved and denied by the Secretary of Commerce.

(9) Sales, employment, and productivity at each firm participating in the program at the time of certification.

(10) Sales, employment, and productivity at each firm upon completion of the program and each year for the 2-year period following completion.

(11) The financial assistance received by each firm participating in the program.

(12) The financial contribution made by each firm participating in the program.

(13) The types of technical assistance included in the business recovery plans of firms participating in the program.

(14) The number of firms leaving the program before completing the project or projects in their business recovery plans and the reason the project was not completed.

(b) CLASSIFICATION OF DATA.—To the extent possible, in collecting and reporting the data described in subsection (a), the Secretary shall classify the data by intermediary organization, State, and national totals.

(c) REPORT TO CONGRESS; PUBLICATION.—The Secretary of Commerce shall—

(1) submit the report described in subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives; and

(2) publish the report in the Federal Register and on the website of the Department of Commerce.

(d) PROTECTION OF CONFIDENTIAL INFORMATION.—The Secretary of Commerce may not release information described in subsection (a) that the Secretary considers to be confidential business information unless the person submitting the confidential business information had notice, at the time of submission, that such information would be released by the Secretary, or such person subsequently consents to the release of the information. Nothing in this subsection shall be construed to prohibit the Secretary from providing such confidential business information to a court in camera or to another party under a protective order issued by a court.

SEC. 1867. TECHNICAL CORRECTIONS.

(a) IN GENERAL.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341), as amended, is further amended—

(1) in subsection (a), by striking ''he has'' and inserting ''the Secretary has''; and

(2) in subsection (d), by striking ''60 days'' and inserting ''40 days''.

(b) TECHNICAL ASSISTANCE.—Section 253(a)(3) of the Trade Act of 1974 (19 U.S.C. 2343(a)(3)) is amended by striking ''of a certified firm'' and inserting ''to a certified firm''.

PART III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

SEC. 1871. PURPOSE.

The purpose of the amendments made by this part is to assist communities impacted by trade with economic adjustment through the coordination of Federal, State, and local resources, the creation of community-based development strategies, and the development and provision of programs that meet the training needs of workers covered by certifications under section 223.

SEC. 1872. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

(a) IN GENERAL.—Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended to read as follows:

''CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

''Subchapter A—Trade Adjustment Assistance for Communities

''SEC. 271. DEFINITIONS.

''In this subchapter:

''(1) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' has the meaning given that term in section 291.

''(2) COMMUNITY.—The term 'community' means a city, county, or other political subdivision of a State or a consortium of political subdivisions of a State.

''(3) COMMUNITY IMPACTED BY TRADE.—The term 'community impacted by trade' means a community described in section 273(b)(2).

''(4) ELIGIBLE COMMUNITY.—The term 'eligible community' means a community that the Secretary has determined under section 273(b)(1) is eligible to apply for assistance under this subchapter.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

''SEC. 272. ESTABLISHMENT OF TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES PROGRAM.

''Not later than August 1, 2009, the Secretary shall establish a trade adjustment assistance for communities program at the Department of Commerce under which the Secretary shall—

''(1) provide technical assistance under section 274 to communities impacted by trade to facilitate the economic adjustment of those communities; and

''(2) award grants to communities impacted by trade to carry out strategic plans developed under section 276.

''SEC. 273. ELIGIBILITY; NOTIFICATION.

''(a) PETITION.—

''(1) IN GENERAL.—A community may submit a petition to the Secretary for an affirmative determination under subsection (b)(1) that the community is eligible to apply for assistance under this subchapter if—

''(A) on or after August 1, 2009, one or more certifications described in subsection (b)(3) are made with respect to the community; and

''(B) the community submits the petition not later than 180 days after the date of the most recent certification.

''(2) SPECIAL RULE WITH RESPECT TO CERTAIN COMMUNITIES.—In the case of a community with respect to which one or more certifications described in subsection (b)(3) were made on or after January 1, 2007, and before August 1, 2009, the community may submit not later than February 1, 2010, a petition to the Secretary for an affirmative determination under subsection (b)(1).

''(b) AFFIRMATIVE DETERMINATION.—

''(1) IN GENERAL.—The Secretary shall make an affirmative determination that a community is eligible to apply for assistance under this subchapter if the Secretary determines that the community is a community impacted by trade.

''(2) COMMUNITY IMPACTED BY TRADE.—A community is a community impacted by trade if—

''(A) one or more certifications described in paragraph (3) are made with respect to the community; and

''(B) the Secretary determines that the community is significantly affected by the threat to, or the loss of, jobs associated with any such certification.

''(3) CERTIFICATION DESCRIBED.—A certification described in this paragraph is a certification—

''(A) by the Secretary of Labor that a group of workers in the community is eligible to apply for assistance under section 223;

''(B) by the Secretary of Commerce that a firm located in the community is eligible to apply for adjustment assistance under section 251; or

''(C) by the Secretary of Agriculture that a group of agricultural commodity producers in

the community is eligible to apply for adjustment assistance under section 293.

''(c) NOTIFICATIONS.—

''(1) NOTIFICATION TO THE GOVERNOR.—The Governor of a State shall be notified promptly—

''(A) by the Secretary of Labor, upon making a determination that a group of workers in the State is eligible for assistance under section 223;

''(B) by the Secretary of Commerce, upon making a determination that a firm in the State is eligible for assistance under section 251; and

''(C) by the Secretary of Agriculture, upon making a determination that a group of agricultural commodity producers in the State is eligible for assistance under section 293.

''(2) NOTIFICATION TO COMMUNITY.—Upon making an affirmative determination under subsection (b)(1) that a community is eligible to apply for assistance under this subchapter, the Secretary shall promptly notify the community and the Governor of the State in which the community is located—

''(A) of the affirmative determination;

''(B) of the applicable provisions of this subchapter; and

''(C) of the means for obtaining assistance under this subchapter and other appropriate economic assistance that may be available to the community.

''SEC. 274. TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall provide comprehensive technical assistance to an eligible community to assist the community to—

''(1) diversify and strengthen the economy in the community;

''(2) identify significant impediments to economic development that result from the impact of trade on the community; and

''(3) develop a strategic plan under section 276 to address economic adjustment and workforce dislocation in the community, including unemployment among agricultural commodity producers.

''(b) COORDINATION OF FEDERAL RESPONSE.—The Secretary shall coordinate the Federal response to an eligible community by—

''(1) identifying Federal, State, and local resources that are available to assist the community in responding to economic distress; and

''(2) assisting the community in accessing available Federal assistance and ensuring that such assistance is provided in a targeted, integrated manner.

''(c) INTERAGENCY COMMUNITY ASSISTANCE WORKING GROUP.—

''(1) IN GENERAL.—The Secretary shall establish an interagency Community Assistance Working Group, to be chaired by the Secretary or the Secretary's designee, which shall assist the Secretary with the coordination of the Federal response pursuant to subsection (b).

''(2) MEMBERSHIP.—The Working Group shall consist of representatives of any Federal department or agency with responsibility for providing economic adjustment assistance, including the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, and any other Federal, State, or regional public department or agency the Secretary determines to be appropriate.

''SEC. 275. GRANTS FOR ELIGIBLE COMMUNITIES.

''(a) IN GENERAL.—The Secretary may award a grant under this section to an eligible community to assist the community in carrying out any project or program that is included in a strategic plan developed by the community under section 276.

''(b) APPLICATION.—

''(1) IN GENERAL.—An eligible community seeking to receive a grant under this section shall submit a grant application to the Secretary that contains—

''(A) the strategic plan developed by the community under section 276(a)(1)(A) and approved by the Secretary under section 276(a)(1)(B); and

''(B) a description of the project or program included in the strategic plan with respect to which the community seeks the grant.

''(2) COORDINATION AMONG GRANT PROGRAMS.—If an entity in an eligible community is seeking or plans to seek a Community College and Career Training Grant under section 278 or a Sector Partnership Grant under section 279A while the eligible community is seeking a grant under this section, the eligible community shall include in the grant application a description of how the eligible community will integrate any projects or programs carried out using a grant under this section with any projects or programs that may be carried out using such other grants.

''(c) LIMITATION.—An eligible community may not be awarded more than $5,000,000 under this section.

''(d) COST-SHARING.—

''(1) FEDERAL SHARE.—The Federal share of a project or program for which a grant is awarded under this section may not exceed 95 percent of the cost of such project or program.

''(2) COMMUNITY SHARE.—The Secretary shall require, as a condition of awarding a grant to an eligible community under this section, that the eligible community contribute not less than an amount equal to 5 percent of the amount of the grant toward the cost of the project or program for which the grant is awarded.

''(e) GRANTS TO SMALL- AND MEDIUM-SIZED COMMUNITIES.—The Secretary shall give priority to grant applications submitted under this section by eligible communities that are small- and medium-sized communities.

''(f) ANNUAL REPORT.—Not later than December 15 in each of the calendar years 2009 through 2011, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

''(1) describing each grant awarded under this section during the preceding fiscal year; and

''(2) assessing the impact on the eligible community of each such grant awarded in a fiscal year before the fiscal year referred to in paragraph (1).

''SEC. 276. STRATEGIC PLANS.

''(a) IN GENERAL.—

''(1) DEVELOPMENT.—An eligible community that intends to apply for a grant under section 275 shall—

''(A) develop a strategic plan for the community's economic adjustment to the impact of trade; and

''(B) submit the plan to the Secretary for evaluation and approval.

''(2) INVOLVEMENT OF PRIVATE AND PUBLIC ENTITIES.—

''(A) IN GENERAL.—To the extent practicable, an eligible community shall consult with entities described in subparagraph (B) in developing a strategic plan under paragraph (1).

''(B) ENTITIES DESCRIBED.—Entities described in this subparagraph are public and private entities within the eligible community, including—

''(i) local, county, or State government agencies serving the community;

''(ii) firms, including small- and medium-sized firms, within the community;

''(iii) local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832);

''(iv) labor organizations, including State labor federations and labor-management initiatives, representing workers in the community; and

''(v) educational institutions, local educational agencies, or other training providers serving the community.

''(b) CONTENTS.—The strategic plan shall, at a minimum, contain the following:

''(1) A description and analysis of the capacity of the eligible community to achieve economic adjustment to the impact of trade.

''(2) An analysis of the economic development challenges and opportunities facing the community as well as the strengths and weaknesses of the economy of the community.

''(3) An assessment of the commitment of the eligible community to the strategic plan over the long term and the participation and input of members of the community affected by economic dislocation.

''(4) A description of the role and the participation of the entities described in subsection (a)(2)(B) in developing the strategic plan.

''(5) A description of the projects to be undertaken by the eligible community under the strategic plan.

''(6) A description of how the strategic plan and the projects to be undertaken by the eligible community will facilitate the community's economic adjustment.

''(7) A description of the educational and training programs available to workers in the eligible community and the future employment needs of the community.

''(8) An assessment of the cost of implementing the strategic plan, the timing of funding required by the eligible community to implement the strategic plan, and the method of financing to be used to implement the strategic plan.

''(9) A strategy for continuing the economic adjustment of the eligible community after the completion of the projects described in paragraph (5).

''(c) GRANTS TO DEVELOP STRATEGIC PLANS.—

''(1) IN GENERAL.—The Secretary, upon receipt of an application from an eligible community, may award a grant to the community to assist the community in developing a strategic plan under subsection (a)(1). A grant awarded under this paragraph shall not exceed 75 percent of the cost of developing the strategic plan.

''(2) FUNDS TO BE USED.—Of the funds appropriated pursuant to section 277(c), the Secretary may make available not more than $25,000,000 for each of the fiscal years 2009 and 2010, and $6,250,000 for the period beginning October 1, 2010, and ending December 31, 2010, to provide grants to eligible communities under paragraph (1).

''SEC. 277. GENERAL PROVISIONS.

''(a) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall prescribe such regulations as are necessary to carry out the provisions of this subchapter, including—

''(A) establishing specific guidelines for the submission and evaluation of strategic plans under section 276;

''(B) establishing specific guidelines for the submission and evaluation of grant applications under section 275; and

''(C) administering the grant programs established under sections 275 and 276.

''(2) CONSULTATIONS.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 90 days prior to promulgating any final rule or regulation pursuant to paragraph (1).

''(b) PERSONNEL.—The Secretary shall designate such staff as may be necessary to carry out the responsibilities described in this subchapter.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary $150,000,000 for each of the fiscal years 2009 and 2010, and $37,500,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out this subchapter.

''(2) AVAILABILITY.—Amounts appropriated pursuant to this subchapter—

''(A) shall be available to provide adjustment assistance to communities that have been approved for assistance pursuant to this chapter on or before December 31, 2010; and

''(B) shall otherwise remain available until expended.

''(3) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this subchapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide economic development assistance for communities.

"Subchapter B—Community College and Career Training Grant Program

"SEC. 278. COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—Beginning August 1, 2009, the Secretary may award Community College and Career Training Grants to eligible institutions for the purpose of developing, offering, or improving educational or career training programs for workers eligible for training under section 236.

''(2) LIMITATIONS.—An eligible institution may not be awarded—

''(A) more than one grant under this section; or

''(B) a grant under this section in excess of $1,000,000.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), but only with respect to a program offered by the institution that can be completed in not more than 2 years.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

''(c) GRANT PROPOSALS.—

''(1) IN GENERAL.—An eligible institution seeking to receive a grant under this section shall submit a grant proposal to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) GUIDELINES.—Not later than June 1, 2009, the Secretary shall—

''(A) promulgate guidelines for the submission of grant proposals under this section; and

''(B) publish and maintain such guidelines on the website of the Department of Labor.

''(3) ASSISTANCE.—The Secretary shall offer assistance in preparing a grant proposal to any eligible institution that requests such assistance.

''(4) GENERAL REQUIREMENTS FOR GRANT PROPOSALS.—

''(A) IN GENERAL.—A grant proposal submitted to the Secretary under this section shall include a detailed description of—

''(i) the specific project for which the grant proposal is submitted, including the manner in which the grant will be used to develop, offer, or improve an educational or career training program that is suited to workers eligible for training under section 236;

''(ii) the extent to which the project for which the grant proposal is submitted will meet the educational or career training needs of workers in the community served by the eligible institution who are eligible for training under section 236;

''(iii) the extent to which the project for which the grant proposal is submitted fits within any overall strategic plan developed by an eligible community under section 276;

''(iv) the extent to which the project for which the grant proposal is submitted relates to any project funded by a Sector Partnership Grant awarded under section 279A; and

''(v) any previous experience of the eligible institution in providing educational or career training programs to workers eligible for training under section 236.

''(B) ABSENCE OF EXPERIENCE.—The absence of any previous experience in providing educational or career training programs described in subparagraph (A)(v) shall not automatically disqualify an eligible institution from receiving a grant under this section.

''(5) COMMUNITY OUTREACH REQUIRED.—In order to be considered by the Secretary, a grant proposal submitted by an eligible institution under this section shall—

''(A) demonstrate that the eligible institution—

''(i) reached out to employers, and other entities described in section 276(a)(2)(B) to identify—

''(I) any shortcomings in existing educational and career training opportunities available to workers in the community; and

''(II) any future employment opportunities within the community and the educational and career training skills required for workers to meet the future employment demand;

''(ii) reached out to other similarly situated institutions in an effort to benefit from any best practices that may be shared with respect to providing educational or career training programs to workers eligible for training under section 236; and

''(iii) reached out to any eligible partnership in the community that has sought or received a Sector Partnership Grant under section 279A to enhance the effectiveness of each grant and avoid duplication of efforts; and

''(B) include a detailed description of—

''(i) the extent and outcome of the outreach conducted under subparagraph (A);

''(ii) the extent to which the project for which the grant proposal is submitted will contribute to meeting any shortcomings identified under subparagraph (A)(i)(I) or any educational or career training needs identified under subparagraph (A)(i)(II); and

''(iii) the extent to which employers, including small- and medium-sized firms within the community, have demonstrated a commitment to employing workers who would benefit from the project for which the grant proposal is submitted.

''(d) CRITERIA FOR AWARD OF GRANTS.—

''(1) IN GENERAL.—Subject to the appropriation of funds, the Secretary shall award a grant under this section based on—

''(A) a determination of the merits of the grant proposal submitted by the eligible institution to develop, offer, or improve educational or career training programs to be made available to workers eligible for training under section 236;

''(B) an evaluation of the likely employment opportunities available to workers who complete an educational or career training program that the eligible institution proposes to develop, offer, or improve; and

''(C) an evaluation of prior demand for training programs by workers eligible for training under section 236 in the community served by the eligible institution, as well as the availability and capacity of existing training programs to meet future demand for training programs.

''(2) PRIORITY FOR CERTAIN COMMUNITIES.—In awarding grants under this section, the Secretary shall give priority to an eligible institution that serves a community that the Secretary of Commerce has determined under section 273 is eligible to apply for assistance under subchapter A within the 5-year period preceding the date on which the grant proposal is submitted to the Secretary under this section.

''(3) MATCHING REQUIREMENTS.—A grant awarded under this section may not be used to satisfy any private matching requirement under any other provision of law.

''(e) ANNUAL REPORT.—Not later than December 15 in each of the calendar years 2009 through 2011, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

''(1) describing each grant awarded under this section during the preceding fiscal year; and

''(2) assessing the impact of each award of a grant under this section in a fiscal year preceding the fiscal year referred to in paragraph (1) on workers receiving training under section 236.

"SEC. 279. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor $40,000,000 for each of the fiscal years 2009 and 2010, and $10,000,000 for the period beginning October 1, 2010, and ending December 31, 2010, to fund the Community College and Career Training Grant Program. Funds appropriated pursuant to this section shall remain available until expended.

''(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support community college and career training programs.

"Subchapter C—Industry or Sector Partnership Grant Program for Communities Impacted by Trade

"SEC. 279A. INDUSTRY OR SECTOR PARTNERSHIP GRANT PROGRAM FOR COMMUNITIES IMPACTED BY TRADE.

''(a) PURPOSE.—The purpose of this subchapter is to facilitate efforts by industry or sector partnerships to strengthen and revitalize industries and create employment opportunities for workers in communities impacted by trade.

''(b) DEFINITIONS.—In this subchapter:

''(1) COMMUNITY IMPACTED BY TRADE.—The term 'community impacted by trade' has the meaning given that term in section 271.

''(2) DISLOCATED WORKER.—The term 'dislocated worker' means a worker who has been totally or partially separated, or is threatened with total or partial separation, from employment in an industry or sector in a community impacted by trade.

''(3) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a voluntary partnership composed of public and private persons, firms, or other entities within a community impacted by trade, that shall include representatives of—

''(A) an industry or sector within the community, including an industry association;

''(B) local, county, or State government;

''(C) multiple firms in the industry or sector, including small- and medium-sized firms, within the community;

''(D) local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832);

''(E) labor organizations, including State labor federations and labor-management initiatives, representing workers in the community; and

''(F) educational institutions, local educational agencies, or other training providers serving the community.

''(4) LEAD ENTITY.—The term 'lead entity' means—

''(A) an entity designated by the eligible partnership to be responsible for submitting a grant proposal under subsection (e) and serving as the eligible partnership's fiscal agent in expending any Sector Partnership Grant awarded under this section; or

''(B) a State agency designated by the Governor of the State to carry out the responsibilities described in subparagraph (A).

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

''(6) TARGETED INDUSTRY OR SECTOR.—The term 'targeted industry or sector' means the industry or sector represented by an eligible partnership.

''(c) SECTOR PARTNERSHIP GRANTS AUTHORIZED.—Beginning on August 1, 2009, and subject to the appropriation of funds, the Secretary shall award Sector Partnership Grants to eligible partnerships to assist the eligible partnerships in carrying out projects, over periods of not more than 3 years, to strengthen and revitalize industries and sectors and create employment opportunities for dislocated workers.

''(d) USE OF SECTOR PARTNERSHIP GRANTS.—An eligible partnership may use a Sector Partnership Grant to carry out any project that the Secretary determines will further the purpose of this subchapter, which may include—

''(1) identifying the skill needs of the targeted industry or sector and any gaps in the available supply of skilled workers in the community impacted by trade, and developing strategies for filling the gaps, including by—

''(A) developing systems to better link firms in the targeted industry or sector to available skilled workers;

''(B) helping firms in the targeted industry or sector to obtain access to new sources of qualified job applicants;

''(C) retraining dislocated and incumbent workers; or

''(D) facilitating the training of new skilled workers by aligning the instruction provided by local suppliers of education and training services with the needs of the targeted industry or sector;

''(2) analyzing the skills and education levels of dislocated and incumbent workers and developing training to address skill gaps that prevent such workers from obtaining jobs in the targeted industry or sector;

''(3) helping firms, especially small- and medium-sized firms, in the targeted industry or sector increase their productivity and the productivity of their workers;

''(4) helping such firms retain incumbent workers;

''(5) developing learning consortia of small- and medium-sized firms in the targeted industry or sector with similar training needs to enable the firms to combine their purchases of training services, and thereby lower their training costs;

''(6) providing information and outreach activities to firms in the targeted industry or sector regarding the activities of the eligible partnership and other local service suppliers that could assist the firms in meeting needs for skilled workers;

''(7) seeking, applying, and disseminating best practices learned from similarly situated communities impacted by trade in the development and implementation of economic growth and revitalization strategies; and

''(8) identifying additional public and private resources to support the activities described in this subsection, which may include the option to apply for a community grant under section 275 or a Community College and Career Training Grant under section 278 (subject to meeting any additional requirements of those sections).

''(e) GRANT PROPOSALS.—

''(1) IN GENERAL.—The lead entity of an eligible partnership seeking to receive a Sector Partnership Grant under this section shall submit a grant proposal to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) GENERAL REQUIREMENTS OF GRANT PROPOSALS.—A grant proposal submitted under paragraph (1) shall, at a minimum—

''(A) identify the members of the eligible partnership;

''(B) identify the targeted industry or sector for which the eligible partnership intends to carry out projects using the Sector Partnership Grant;

''(C) describe the goals that the eligible partnership intends to achieve to promote the targeted industry or sector;

''(D) describe the projects that the eligible partnership will undertake to achieve such goals;

''(E) demonstrate that the eligible partnership has the organizational capacity to carry out the projects described in subparagraph (D);

''(F) explain—

''(i) whether—

''(I) the community impacted by trade has sought or received a community grant under section 275;

''(II) an eligible institution in the community has sought or received a Community College and Career Training Grant under section 278; or

''(III) any other entity in the community has received funds pursuant to any other federally funded training project; and

''(ii) how the eligible partnership will coordinate its use of a Sector Partnership Grant with the use of such other grants or funds in order to enhance the effectiveness of each grant and any such funds and avoid duplication of efforts; and

''(G) include performance measures, developed based on the performance measures issued by the Secretary under subsection (g)(2), and a timeline for measuring progress toward achieving the goals described in subparagraph (C).

''(f) AWARD OF GRANTS.—

''(1) IN GENERAL.—Upon application by the lead entity of an eligible partnership, the Secretary may award a Sector Partnership Grant to the eligible partnership to assist the partnership in carrying out any of the projects in the grant proposal that the Secretary determines will further the purposes of this subchapter.

''(2) LIMITATIONS.—An eligible partnership may not be awarded—

''(A) more than one Sector Partnership Grant; or

''(B) a total grant award under this subchapter in excess of—

''(i) except as provided in clause (ii), $2,500,000; or

''(ii) in the case of an eligible partnership located within a community impacted by trade that is not served by an institution receiving a Community College and Career Training Grant under section 278, $3,000,000.

''(g) ADMINISTRATION BY THE SECRETARY.—

''(1) TECHNICAL ASSISTANCE AND OVERSIGHT.—

''(A) IN GENERAL.—The Secretary shall provide technical assistance to, and oversight of, the lead entity of an eligible partnership in applying for and administering Sector Partnership Grants awarded under this section.

''(B) TECHNICAL ASSISTANCE.—Technical assistance provided under subparagraph (A) shall include providing conferences and such other methods of collecting and disseminating information on best practices developed by eligible partnerships as the Secretary determines appropriate.

''(C) GRANTS OR CONTRACTS FOR TECHNICAL ASSISTANCE.—The Secretary may award a grant or contract to one or more national or State organizations to provide technical assistance to foster the planning, formation, and implementation of eligible partnerships.

''(2) PERFORMANCE MEASURES.—The Secretary shall issue a range of performance measures, with quantifiable benchmarks, and methodologies that eligible partnerships may use to measure progress toward the goals described in subsection (e). In developing such measures, the Secretary shall consider the benefits of the eligible partnership and its activities for workers, firms, industries, and communities.

''(h) REPORTS.—

''(1) PROGRESS REPORT.—Not later than 1 year after receiving a Sector Partnership Grant, and 3 years thereafter, the lead entity shall submit to the Secretary, on behalf of the eligible partnership, a report containing—

''(A) a detailed description of the progress made toward achieving the goals described in subsection (e)(2)(C), using the performance measures required under subsection (e)(2)(G);

''(B) a detailed evaluation of the impact of the grant award on workers and employers in the community impacted by trade; and

''(C) a detailed description of all expenditures of funds awarded to the eligible partnership under the Sector Partnership Grant approved by the Secretary under this subchapter.

''(2) ANNUAL REPORT.—Not later than December 15 in each of the calendar years 2009 through 2011, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

''(A) describing each Sector Partnership Grant awarded to an eligible partnership during the preceding fiscal year; and

''(B) assessing the impact of each Sector Partnership Grant awarded in a fiscal year preceding the fiscal year referred to in subparagraph (A) on workers and employers in communities impacted by trade.

''SEC. 279B. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Labor $40,000,000 for each of the fiscal years 2009 and 2010, and $10,000,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out the Sector Partnership Grant program under section 279A. Funds appropriated pursuant to this section shall remain available until expended.

''(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support the economic development of local communities.

''(c) ADMINISTRATIVE COSTS.—The Secretary may retain not more than 5 percent of the funds appropriated pursuant to this section for each fiscal year to administer the Sector Partnership Grant program under section 279A.

''Subchapter D—General Provisions

''SEC. 279C. RULE OF CONSTRUCTION.

''Nothing in this chapter prevents a worker from receiving trade adjustment assistance under chapter 2 of this title at the same time the worker is receiving assistance in any manner from—

''(1) a community receiving a community grant under subchapter A;

''(2) an eligible institution receiving a Community College and Career Training Grant under subchapter B; or

''(3) an eligible partnership receiving a Sector Partnership Grant under subchapter C.''.

SEC. 1873. CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents of the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting the following:

''CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

''Subchapter A—Trade Adjustment Assistance for Communities

''Sec. 271. Definitions.
''Sec. 272. Establishment of trade adjustment assistance for communities program.
''Sec. 273. Eligibility; notification.
''Sec. 274. Technical assistance.
''Sec. 275. Grants for eligible communities.
''Sec. 276. Strategic plans.
''Sec. 277. General provisions.

(b) JUDICIAL REVIEW.—

(1) Section 284(a) of the Trade Act of 1974 (19 U.S.C. 2395(a)) is amended—

(A) by inserting ''or 296'' after ''section 293'';

(B) by striking ''or any other interested domestic party'' and inserting ''or authorized representative of a community''; and

(C) by striking ''section 271'' and inserting ''section 273''.

(2) Section 1581(d) of title 28, United States Code, is amended—

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (3)—

(i) by striking ''271'' and inserting ''273''; and

(ii) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) any final determination of the Secretary of Agriculture under section 293 or 296 of the Trade Act of 1974 (19 U.S.C. 2401b) with respect to the eligibility of a group of agricultural commodity producers for adjustment assistance under such Act.''.

PART IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

SEC. 1881. DEFINITIONS.

Section 291 of the Trade Act of 1974 (19 U.S.C. 2401) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' includes—

''(A) any agricultural commodity (including livestock) in its raw or natural state;

''(B) any class of goods within an agricultural commodity; and

''(C) in the case of an agricultural commodity producer described in paragraph (2)(B), wild-caught aquatic species.'';

(2) by amending paragraph (2) to read as follows:

''(2) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' means—

''(A) a person that shares in the risk of producing an agricultural commodity and that is entitled to a share of the commodity for marketing, including an operator, a sharecropper, or a person that owns or rents the land on which the commodity is produced; or

''(B) a person that reports gain or loss from the trade or business of fishing on the person's annual Federal income tax return for the taxable year that most closely corresponds to the marketing year with respect to which a petition is filed under section 292.''; and

(3) by adding at the end the following:

''(7) MARKETING YEAR.—The term 'marketing year' means—

''(A) a marketing year designated by the Secretary with respect to an agricultural commodity; or

''(B) in the case of an agricultural commodity with respect to which the Secretary does not designate a marketing year, a calendar year.''.

SEC. 1882. ELIGIBILITY.

(a) IN GENERAL.—Section 292 of the Trade Act of 1974 (19 U.S.C. 2401a) is amended by striking subsections (c) through (e) and inserting the following:

''(c) GROUP ELIGIBILITY REQUIREMENTS.—The Secretary shall certify a group of agricultural commodity producers as eligible to apply for adjustment assistance under this chapter if the Secretary determines that—

''(1)(A) the national average price of the agricultural commodity produced by the group during the most recent marketing year for which data are available is less than 85 percent of the average of the national average price for the commodity in the 3 marketing years preceding such marketing year;

''(B) the quantity of production of the agricultural commodity produced by the group during such marketing year is less than 85 percent of the average of the quantity of production of the commodity produced by the group in the 3 marketing years preceding such marketing year;

''(C) the value of production of the agricultural commodity produced by the group during such marketing year is less than 85 percent of the average value of production of the commodity produced by the group in the 3 marketing years preceding such marketing year; or

''(D) the cash receipts for the agricultural commodity produced by the group during such marketing year are less than 85 percent of the average of the cash receipts for the commodity produced by the group in the 3 marketing years preceding such marketing year;

''(2) the volume of imports of articles like or directly competitive with the agricultural commodity produced by the group in the marketing year with respect to which the group files the petition increased compared to the average volume of such imports during the 3 marketing years preceding such marketing year; and

''(3) the increase in such imports contributed importantly to the decrease in the national average price, quantity of production, or value of production of, or cash receipts for, the agricultural commodity, as described in paragraph (1).

''(d) ELIGIBILITY OF CERTAIN OTHER PRODUCERS.—An agricultural commodity producer or group of producers that resides outside of the State or region identified in the petition filed under subsection (a) may file a request to become a party to that petition not later than 15 days after the date the notice is published in the Federal Register under subsection (a) with respect to that petition.

''(e) TREATMENT OF CLASSES OF GOODS WITHIN A COMMODITY.—In any case in which there are separate classes of goods within an agricultural commodity, the Secretary shall treat each class as a separate commodity in determining under subsection (c)—

''(1) group eligibility;

''(2) the national average price, quantity of production, or value of production, or cash receipts; and

''(3) the volume of imports.''.

(b) CONFORMING AMENDMENTS.—Section 293 of the Trade Act of 1974 (19 U.S.C. 2401b) is amended—

(1) in subsection (a), by striking ''section 292 (c) or (d), as the case may be,'' and inserting ''section 292(c)''; and

(2) in subsection (c), by striking ''decline in price for'' and inserting ''decrease in the national average price, quantity of production, or value of production of, or cash receipts for,''.

SEC. 1883. BENEFITS.

(a) IN GENERAL.—Section 296 of the Trade Act of 1974 (19 U.S.C. 2401e) is amended to read as follows:

''SEC. 296. QUALIFYING REQUIREMENTS AND BENEFITS FOR AGRICULTURAL COMMODITY PRODUCERS.

''(a) IN GENERAL.—

''(1) REQUIREMENTS.—

''(A) IN GENERAL.—Benefits under this chapter shall be available to an agricultural commodity producer covered by a certification under this chapter who files an application for such benefits not later than 90 days after the date on which the Secretary makes a determination and issues a certification of eligibility under section 293, if the producer submits to the Secretary sufficient information to establish that—

''(i) the producer produced the agricultural commodity covered by the application filed under this subsection in the marketing year with respect to which the petition is filed and in at least 1 of the 3 marketing years preceding that marketing year;

''(ii)(I) the quantity of the agricultural commodity that was produced by the producer in the marketing year with respect to which the petition is filed has decreased compared to the most recent marketing year preceding that marketing year for which data are available; or

''(II)(aa) the price received for the agricultural commodity by the producer during the marketing year with respect to which the petition is filed has decreased compared to the average price for the commodity received by the producer in the 3 marketing years preceding that marketing year; or

''(bb) the county level price maintained by the Secretary for the agricultural commodity on the date on which the petition is filed has decreased compared to the average county level price for the commodity in the 3 marketing years preceding the date on which the petition is filed; and

''(iii) the producer is not receiving—

''(I) cash benefits under chapter 2 or 3; or

''(II) benefits based on the production of an agricultural commodity covered by another petition filed under this chapter.

''(B) SPECIAL RULE WITH RESPECT TO CROPS NOT GROWN EVERY YEAR.—For purposes of subparagraph (A)(ii)(II)(aa), if a petition is filed with respect to an agricultural commodity that is not produced by the producer every year, an agricultural commodity producer producing that commodity may establish the average price received for the commodity by the producer in the 3 marketing years preceding the year with respect to which the petition is filed by using average price data for the 3 most recent marketing years in which the producer produced the commodity and for which data are available.

''(2) LIMITATIONS BASED ON ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—Notwithstanding any other provision of this chapter, an agricultural commodity producer shall not be eligible for assistance under this chapter in any year in which the average adjusted gross income (as defined in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(a))) of the producer exceeds the level set forth in subparagraph (A) or (B) of section 1001D(b)(1) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(1)), whichever is applicable.

''(B) DEMONSTRATION OF COMPLIANCE.—An agricultural commodity producer shall provide to the Secretary such information as the Secretary determines necessary to demonstrate that the producer is in compliance with the limitation under subparagraph (A).

''(C) COUNTER-CYCLICAL AND ACRE PAYMENTS.—The total amount of payments made to an agricultural commodity producer under this chapter during any crop year may not exceed the limitations on payments set forth in subsections (b)(2), (b)(3), (c)(2), and (c)(3) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).

''(b) TECHNICAL ASSISTANCE.—

''(1) INITIAL TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—An agricultural commodity producer that files an application and meets the

requirements under subsection (a)(1) shall be entitled to receive initial technical assistance designed to improve the competitiveness of the production and marketing of the agricultural commodity with respect to which the producer was certified under this chapter. Such assistance shall include information regarding—

''(i) improving the yield and marketing of that agricultural commodity; and

''(ii) the feasibility and desirability of substituting one or more alternative agricultural commodities for that agricultural commodity.

''(B) TRANSPORTATION AND SUBSISTENCE EXPENSES.—

''(i) IN GENERAL.—The Secretary may authorize supplemental assistance necessary to defray reasonable transportation and subsistence expenses incurred by an agricultural commodity producer in connection with initial technical assistance under subparagraph (A) if such assistance is provided at facilities that are not within normal commuting distance of the regular place of residence of the producer.

''(ii) EXCEPTIONS.—The Secretary may not authorize payments to an agricultural commodity producer under clause (i)—

''(I) for subsistence expenses that exceed the lesser of—

''(aa) the actual per diem expenses for subsistence incurred by the producer; or

''(bb) the prevailing per diem allowance rate authorized under Federal travel regulations; or

''(II) for travel expenses that exceed the prevailing mileage rate authorized under the Federal travel regulations.

''(2) INTENSIVE TECHNICAL ASSISTANCE.—A producer that has completed initial technical assistance under paragraph (1) shall be eligible to participate in intensive technical assistance. Such assistance shall consist of—

''(A) a series of courses to further assist the producer in improving the competitiveness of the producer in producing—

''(i) the agricultural commodity with respect to which the producer was certified under this chapter; or

''(ii) another agricultural commodity; and

''(B) assistance in developing an initial business plan based on the courses completed under subparagraph (A).

''(3) INITIAL BUSINESS PLAN.—

''(A) APPROVAL BY SECRETARY.—The Secretary shall approve an initial business plan developed under paragraph (2)(B) if the plan—

''(i) reflects the skills gained by the producer through the courses described in paragraph (2)(A); and

''(ii) demonstrates how the producer will apply those skills to the circumstances of the producer.

''(B) FINANCIAL ASSISTANCE FOR IMPLEMENTING INITIAL BUSINESS PLAN.—Upon approval of the producer's initial business plan by the Secretary under subparagraph (A), a producer shall be entitled to an amount not to exceed $4,000 to—

''(i) implement the initial business plan; or

''(ii) develop a long-term business adjustment plan under paragraph (4).

''(4) LONG-TERM BUSINESS ADJUSTMENT PLAN.—

''(A) IN GENERAL.—A producer that has completed intensive technical assistance under paragraph (2) and whose initial business plan has been approved under paragraph (3)(A) shall be eligible for, in addition to the amount under subparagraph (C), assistance in developing a long-term business adjustment plan.

''(B) APPROVAL OF LONG-TERM BUSINESS ADJUSTMENT PLANS.—The Secretary shall approve a long-term business adjustment plan developed under subparagraph (A) if the Secretary determines that the plan—

''(i) includes steps reasonably calculated to materially contribute to the economic adjustment of the producer to changing market conditions;

''(ii) takes into consideration the interests of the workers employed by the producer; and

''(iii) demonstrates that the producer will have sufficient resources to implement the business plan.

''(C) PLAN IMPLEMENTATION.—Upon approval of the producer's long-term business adjustment plan under subparagraph (B), a producer shall be entitled to an amount not to exceed $8,000 to implement the long-term business adjustment plan.

''(c) MAXIMUM AMOUNT OF ASSISTANCE.—An agricultural commodity producer may receive not more than $12,000 under paragraphs (3) and (4) of subsection (b) in the 36-month period following certification under section 293.

''(d) LIMITATIONS ON OTHER ASSISTANCE.—An agricultural commodity producer that receives benefits under this chapter (other than initial technical assistance under subsection (b)(1)) shall not be eligible for cash benefits under chapter 2 or 3.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 296 and inserting the following:

''Sec. 296. Qualifying requirements and benefits for agricultural commodity producers.''.

SEC. 1884. REPORT.

Section 293 of the Trade Act of 1974 (19 U.S.C. 2401b) is amended by adding at the end the following:

''(d) REPORT BY THE SECRETARY.—Not later than January 30, 2010, and annually thereafter, the Secretary of Agriculture shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report containing the following information with respect to adjustment assistance provided under this chapter during the preceding fiscal year:

''(1) A list of the agricultural commodities covered by a certification under this chapter.

''(2) The States or regions in which such commodities are produced and the aggregate amount of such commodities produced in each such State or region.

''(3) The total number of agricultural commodity producers, by congressional district, receiving benefits under this chapter.

''(4) The total number of agricultural commodity producers, by congressional district, receiving technical assistance under this chapter.''.

SEC. 1885. FRAUD AND RECOVERY OF OVERPAYMENTS.

Section 297(a)(1) of the Trade Act of 1974 (19 U.S.C. 2401f(a)(1)) is amended by inserting ''or has expended funds received under this chapter for a purpose that was not approved by the Secretary,'' after ''entitled,''.

SEC. 1886. DETERMINATION OF INCREASES OF IMPORTS FOR CERTAIN FISHERMEN.

For purposes of chapters 2 and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), in the case of an agricultural commodity producer that—

(1) is a fisherman or aquaculture producer, and

(2) is otherwise eligible for adjustment assistance under chapter 2 or 6, as the case may be, the increase in imports of articles like or directly competitive with the agricultural commodity produced by such producer may be based on imports of wild-caught seafood, farm-raised seafood, or both.

SEC. 1887. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.

Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended by striking ''fiscal years 2003 through 2007'' and all that follows through the end period and inserting ''fiscal years 2009 and 2010, and $22,500,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out the purposes of this chapter, including administrative costs, and salaries and expenses of employees of the Department of Agriculture.''.

PART V—GENERAL PROVISIONS

SEC. 1891. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this subtitle, and subsection (b) of this section, this subtitle and the amendments made by this subtitle—

(1) shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act; and

(2) shall apply to—

(A) petitions for certification filed under chapter 2, 3, or 6 of title II of the Trade Act of 1974 on or after the effective date described in paragraph (1); and

(B) petitions for assistance and proposals for grants filed under chapter 4 of title II of the Trade Act of 1974 on or after such effective date.

(b) CERTIFICATIONS MADE BEFORE EFFECTIVE DATE.—Notwithstanding subsection (a)—

(1) a worker shall continue to receive (or be eligible to receive) trade adjustment assistance and other benefits under subchapter B of chapter 2 of title II of the Trade Act of 1974, as in effect on the day before the effective date described in subsection (a)(1), for any week for which the worker meets the eligibility requirements of such chapter 2 as in effect on the day before such effective date, if the worker—

(A) is certified as eligible for trade adjustment assistance benefits under such chapter 2 pursuant to a petition filed under section 221 of the Trade Act of 1974 on or before such effective date; and

(B) would otherwise be eligible to receive trade adjustment assistance benefits under such chapter as in effect on the day before such effective date;

(2) a worker shall continue to receive (or be eligible to receive) benefits under section 246(a)(2) of the Trade Act of 1974, as in effect on the day before the effective date described in subsection (a)(1), for such period for which the worker meets the eligibility requirements of section 246 of that Act as in effect on the day before such effective date, if the worker—

(A) is certified as eligible for benefits under such section 246 pursuant to a petition filed under section 221 of the Trade Act of 1974 on or before such effective date; and

(B) would otherwise be eligible to receive benefits under such section 246(a)(2) as in effect on the day before such effective date; and

(3) a firm shall continue to receive (or be eligible to receive) adjustment assistance under chapter 3 of title II of the Trade Act of 1974, as in effect on the day before the effective date described in subsection (a)(1), for such period for which the firm meets the eligibility requirements of such chapter 3 as in effect on the day before such effective date, if the firm—

(A) is certified as eligible for benefits under such chapter 3 pursuant to a petition filed under section 251 of the Trade Act of 1974 on or before such effective date; and

(B) would otherwise be eligible to receive benefits under such chapter 3 as in effect on the day before such effective date.

SEC. 1892. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAMS.

(a) FOR WORKERS.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

(b) TERMINATION.—Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note prec.) is amended—

(1) in subsection (a), by striking ''December 31, 2007'' each place it appears and inserting ''December 31, 2010''; and

(2) by amending subsection (b) to read as follows:

''(b) OTHER ASSISTANCE.—

''(1) ASSISTANCE FOR FIRMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), technical assistance and grants may not be provided under chapter 3 after December 31, 2010.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any technical assistance or grant approved under chapter 3 on or before December 31, 2010, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the technical assistance or grant is otherwise eligible to receive such technical assistance or grant, as the case may be.

''(2) FARMERS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), technical assistance and financial assistance may not be provided under chapter 6 after December 31, 2010.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any technical or financial assistance approved under chapter 6 on or before December 31, 2010, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the technical or financial assistance is otherwise eligible to receive such technical or financial assistance, as the case may be.

''(3) ASSISTANCE FOR COMMUNITIES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), technical assistance and grants may not be provided under chapter 4 after December 31, 2010.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any technical assistance or grant approved under chapter 4 on or before December 31, 2010, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the technical assistance or grant is otherwise eligible to receive such technical assistance or grant, as the case may be.''.

SEC. 1893. TERMINATION; RELATED PROVISIONS.

(a) SUNSET.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this subtitle to chapters 2, 3, 4, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) shall not apply on or after January 1, 2011.

(2) EXCEPTION.—The amendments made by this subtitle to section 285 of the Trade Act of 1974 shall continue to apply on and after January 1, 2011, with respect to—

(A) workers certified as eligible for trade adjustment assistance benefits under chapter 2 of title II of that Act pursuant to petitions filed under section 221 of that Act before January 1, 2011;

(B) firms certified as eligible for technical assistance or grants under chapter 3 of title II of that Act pursuant to petitions filed under section 251 of that Act before January 1, 2011;

(C) recipients approved for technical assistance or grants under chapter 4 of title II of that Act pursuant to petitions for assistance or proposals for grants (as the case may be) filed pursuant to such chapter before January 1, 2011; and

(D) agricultural commodity producers certified as eligible for technical or financial assistance under chapter 6 of title II of that Act pursuant to petitions filed under section 292 of that Act before January 1, 2011.

(b) APPLICATION OF PRIOR LAW.—Chapters 2, 3, 4, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) shall be applied and administered beginning January 1, 2011, as if the amendments made by this subtitle (other than part VI) had never been enacted, except that in applying and administering such chapters—

(1) section 245 of that Act shall be applied and administered by substituting ''2011'' for ''2007'';

(2) section 246(b) of that Act shall be applied and administered by substituting ''December 31, 2011'' for ''the date that is 5 years'' and all that follows through ''State'';

(3) section 256(b) of that Act shall be applied and administered by substituting ''the 1-year period beginning January 1, 2011'' for ''each of fiscal years 2003 through 2007, and $4,000,000 for the 3-month period beginning October 1, 2007'';

(4) section 298(a) of that Act shall be applied and administered by substituting ''the 1-year period beginning January 1, 2011'' for ''each of the fiscal years'' and all that follows through ''October 1, 2007''; and

(5) subject to subsection (a)(2), section 285 of that Act shall be applied and administered—

(A) in subsection (a), by substituting ''2011'' for ''2007'' each place it appears; and

(B) by applying and administering subsection (b) as if it read as follows:

''(b) OTHER ASSISTANCE.—

''(1) ASSISTANCE FOR FIRMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 3 after December 31, 2011.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 3 on or before December 31, 2011, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

''(2) FARMERS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 after December 31, 2011.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before December 31, 2011, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.''.

SEC. 1894. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

Not later than September 30, 2012, the Comptroller General of the United States shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a comprehensive report on the operation and effectiveness of the amendments made by this subtitle to chapters 2, 3, 4, and 6 of the Trade Act of 1974.

SEC. 1895. EMERGENCY DESIGNATION.

Amounts appropriated pursuant to this subtitle are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

PART VI—HEALTH COVERAGE IMPROVEMENT

SEC. 1899. SHORT TITLE.

This part may be cited as the ''TAA Health Coverage Improvement Act of 2009''.

SEC. 1899A. IMPROVEMENT OF THE AFFORDABILITY OF THE CREDIT.

(a) IMPROVEMENT OF AFFORDABILITY.—

(1) IN GENERAL.—Section 35(a) of the Internal Revenue Code of 1986 (relating to credit for health insurance costs of eligible individuals) is amended by inserting ''(80 percent in the case of eligible coverage months beginning before January 1, 2011)'' after ''65 percent''.

(2) CONFORMING AMENDMENT.—Section 7527(b) of such Code (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by inserting ''(80 percent in the case of eligible coverage months beginning before January 1, 2011)'' after ''65 percent''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to coverage months beginning on or after the first day of the first month beginning 60 days after the date of the enactment of this Act.

SEC. 1899B. PAYMENT FOR MONTHLY PREMIUMS PAID PRIOR TO COMMENCEMENT OF ADVANCE PAYMENTS OF CREDIT.

(a) PAYMENT FOR PREMIUMS DUE PRIOR TO COMMENCEMENT OF ADVANCE PAYMENTS OF CREDIT.—Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by adding at the end the following new subsection:

''(e) PAYMENT FOR PREMIUMS DUE PRIOR TO COMMENCEMENT OF ADVANCE PAYMENTS.—In the case of eligible coverage months beginning before January 1, 2011—

''(1) IN GENERAL.—The program established under subsection (a) shall provide that the Secretary shall make 1 or more retroactive payments on behalf of a certified individual in an aggregate amount equal to 80 percent of the premiums for coverage of the taxpayer and qualifying family members under qualified health insurance for eligible coverage months (as defined in section 35(b)) occurring prior to the first month for which an advance payment is made on behalf of such individual under subsection (a).

''(2) REDUCTION OF PAYMENT FOR AMOUNTS RECEIVED UNDER NATIONAL EMERGENCY GRANTS.—The amount of any payment determined under paragraph (1) shall be reduced by the amount of any payment made to the taxpayer for the purchase of qualified health insurance under a national emergency grant pursuant to section 173(f) of the Workforce Investment Act of 1998 for a taxable year including the eligible coverage months described in paragraph (1).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to coverage months beginning after December 31, 2008.

(c) TRANSITIONAL RULE.—The Secretary of the Treasury shall not be required to make any payments under section 7527(e) of the Internal Revenue Code of 1986, as added by this section, until after the date that is 6 months after the date of the enactment of this Act.

SEC. 1899C. TAA RECIPIENTS NOT ENROLLED IN TRAINING PROGRAMS ELIGIBLE FOR CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 35(c) of the Internal Revenue Code of 1986 (defining eligible TAA recipient) is amended to read as follows:

''(2) ELIGIBLE TAA RECIPIENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'eligible TAA recipient' means, with respect to any month, any individual who is receiving for any day of such month a trade readjustment allowance under chapter 2 of title II of the Trade Act of 1974 or who would be eligible to receive such allowance if section 231 of such Act were applied without regard to subsection (a)(3)(B) of such section. An individual shall continue to be treated as an eligible TAA recipient during the first month that such individual would otherwise cease to be an eligible TAA recipient by reason of the preceding sentence.

''(B) SPECIAL RULE.—In the case of any eligible coverage month beginning after the date of the enactment of this paragraph and before January 1, 2011, the term 'eligible TAA recipient'

means, with respect to any month, any individual who—

''(i) is receiving for any day of such month a trade readjustment allowance under chapter 2 of title II of the Trade Act of 1974,

''(ii) would be eligible to receive such allowance except that such individual is in a break in training provided under a training program approved under section 236 of such Act that exceeds the period specified in section 233(e) of such Act, but is within the period for receiving such allowances provided under section 233(a) of such Act, or

''(iii) is receiving unemployment compensation (as defined in section 85(b)) for any day of such month and who would be eligible to receive such allowance for such month if section 231 of such Act were applied without regard to subsections (a)(3)(B) and (a)(5) thereof.

An individual shall continue to be treated as an eligible TAA recipient during the first month that such individual would otherwise cease to be an eligible TAA recipient by reason of the preceding sentence.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coverage months beginning after the date of the enactment of this Act.

SEC. 1899D. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) IRC AMENDMENT.—Section 9801(c)(2) of the Internal Revenue Code of 1986 (relating to not counting periods before significant breaks in creditable coverage) is amended by adding at the end the following new subparagraph:

''(D) TAA-ELIGIBLE INDIVIDUALS.—In the case of plan years beginning before January 1, 2011—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date which is 7 days after the date of the issuance by the Secretary (or by any person or entity designated by the Secretary) of a qualified health insurance costs credit eligibility certificate for such individual for purposes of section 7527 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual' and 'TAA-related loss of coverage' have the meanings given such terms in section 4980B(f)(5)(C)(iv).''.

(b) ERISA AMENDMENT.—Section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) TAA-ELIGIBLE INDIVIDUALS.—In the case of plan years beginning before January 1, 2011—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 7 days after the date of the issuance by the Secretary (or by any person or entity designated by the Secretary) of a qualified health insurance costs credit eligibility certificate for such individual for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual' and 'TAA-related loss of coverage' have the meanings given such terms in section 605(b)(4).''.

(c) PHSA AMENDMENT.—Section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) TAA-ELIGIBLE INDIVIDUALS.—In the case of plan years beginning before January 1, 2011—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 7 days after the date of the issuance by the Secretary (or by any person or entity designated by the Secretary) of a qualified health insurance costs credit eligibility certificate for such individual for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual' and 'TAA-related loss of coverage' have the meanings given such terms in section 2205(b)(4).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 1899E. CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.

(a) IN GENERAL.—Subsection (g) of section 35 of such Code is amended by redesignating paragraph (9) as paragraph (10) and inserting after paragraph (8) the following new paragraph:

''(9) CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.—In the case of eligible coverage months beginning before January 1, 2011—

''(A) MEDICARE ELIGIBILITY.—In the case of any month which would be an eligible coverage month with respect to an eligible individual but for subsection (f)(2)(A), such month shall be treated as an eligible coverage month with respect to such eligible individual solely for purposes of determining the amount of the credit under this section with respect to any qualifying family members of such individual (and any advance payment of such credit under section 7527). This subparagraph shall only apply with respect to the first 24 months after such eligible individual is first entitled to the benefits described in subsection (f)(2)(A).

''(B) DIVORCE.—In the case of the finalization of a divorce between an eligible individual and such individual's spouse, such spouse shall be treated as an eligible individual for purposes of this section and section 7527 for a period of 24 months beginning with the date of such finalization, except that the only qualifying family members who may be taken into account with respect to such spouse are those individuals who were qualifying family members immediately before such finalization.

''(C) DEATH.—In the case of the death of an eligible individual—

''(i) any spouse of such individual (determined at the time of such death) shall be treated as an eligible individual for purposes of this section and section 7527 for a period of 24 months beginning with the date of such death, except that the only qualifying family members who may be taken into account with respect to such spouse are those individuals who were qualifying family members immediately before such death, and

''(ii) any individual who was a qualifying family member of the decedent immediately before such death (or, in the case of an individual to whom paragraph (4) applies, the taxpayer to whom the deduction under section 151 is allowable) shall be treated as an eligible individual for purposes of this section and section 7527 for a period of 24 months beginning with the date of such death, except that in determining the amount of such credit only such qualifying family member may be taken into account.''.

(b) CONFORMING AMENDMENT.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended by adding at the end the following:

''(8) CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.—In the case of eligible coverage months beginning before January 1, 2011—

''(A) MEDICARE ELIGIBILITY.—In the case of any month which would be an eligible coverage month with respect to an eligible individual but for paragraph (7)(B)(i), such month shall be treated as an eligible coverage month with respect to such eligible individual solely for purposes of determining the eligibility of qualifying family members of such individual under this subsection. This subparagraph shall only apply with respect to the first 24 months after such eligible individual is first entitled to the benefits described in paragraph (7)(B)(i).

''(B) DIVORCE.—In the case of the finalization of a divorce between an eligible individual and such individual's spouse, such spouse shall be treated as an eligible individual for purposes of this subsection for a period of 24 months beginning with the date of such finalization, except that the only qualifying family members who may be taken into account with respect to such spouse are those individuals who were qualifying family members immediately before such finalization.

''(C) DEATH.—In the case of the death of an eligible individual—

''(i) any spouse of such individual (determined at the time of such death) shall be treated as an eligible individual for purposes of this subsection for a period of 24 months beginning with the date of such death, except that the only qualifying family members who may be taken into account with respect to such spouse are those individuals who were qualifying family members immediately before such death, and

''(ii) any individual who was a qualifying family member of the decedent immediately before such death shall be treated as an eligible individual for purposes this subsection for a period of 24 months beginning with the date of such death, except that no qualifying family members may be taken into account with respect to such individual.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2009.

SEC. 1899F. EXTENSION OF COBRA BENEFITS FOR CERTAIN TAA-ELIGIBLE INDIVIDUALS AND PBGC RECIPIENTS.

(a) ERISA AMENDMENTS.—Section 602(2)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)(A)) is amended—

(1) by moving clause (v) to after clause (iv) and before the flush left sentence beginning with ''In the case of a qualified beneficiary'';

(2) by striking ''In the case of a qualified beneficiary'' and inserting the following:

''(vi) SPECIAL RULE FOR DISABILITY.—In the case of a qualified beneficiary''; and

(3) by redesignating clauses (v) and (vi), as amended by paragraphs (1) and (2), as clauses (vii) and (viii), respectively, and by inserting after clause (iv) the following new clauses:

''(v) SPECIAL RULE FOR PBGC RECIPIENTS.—In the case of a qualifying event described in section 603(2) with respect to a covered employee who (as of such qualifying event) has a nonforfeitable right to a benefit any portion of which is to be paid by the Pension Benefit Guaranty Corporation under title IV, notwithstanding clause (i) or (ii), the date of the death of the covered employee, or in the case of the surviving spouse or dependent children of the covered employee, 24 months after the date of the death of the covered employee. The preceding sentence shall not require any period of coverage to extend beyond December 31, 2010.

''(vi) SPECIAL RULE FOR TAA-ELIGIBLE INDIVIDUALS.—In the case of a qualifying event described in section 603(2) with respect to a covered employee who is (as of the date that the period of coverage would, but for this clause or clause (vii), otherwise terminate under clause (i) or (ii)) a TAA-eligible individual (as defined in section 605(b)(4)(B)), the period of coverage

shall not terminate by reason of clause (i) or (ii), as the case may be, before the later of the date specified in such clause or the date on which such individual ceases to be such a TAA-eligible individual. The preceding sentence shall not require any period of coverage to extend beyond December 31, 2010.''.

(b) IRC AMENDMENTS.—Clause (i) of section 4980B(f)(2)(B) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''In the case of a qualified beneficiary'' and inserting the following:

''(VI) SPECIAL RULE FOR DISABILITY.—In the case of a qualified beneficiary'', and

(2) by redesignating subclauses (V) and (VI), as amended by paragraph (1), as subclauses (VII) and (VIII), respectively, and by inserting after clause (IV) the following new subclauses:

''(V) SPECIAL RULE FOR PBGC RECIPIENTS.—In the case of a qualifying event described in paragraph (3)(B) with respect to a covered employee who (as of such qualifying event) has a nonforfeitable right to a benefit any portion of which is to be paid by the Pension Benefit Guaranty Corporation under title IV of the Employee Retirement Income Security Act of 1974, notwithstanding subclause (I) or (II), the date of the death of the covered employee, or in the case of the surviving spouse or dependent children of the covered employee, 24 months after the date of the death of the covered employee. The preceding sentence shall not require any period of coverage to extend beyond December 31, 2010.

''(VI) SPECIAL RULE FOR TAA-ELIGIBLE INDIVIDUALS.—In the case of a qualifying event described in paragraph (3)(B) with respect to a covered employee who is (as of the date that the period of coverage would, but for this subclause or subclause (VII), otherwise terminate under subclause (I) or (II)) a TAA-eligible individual (as defined in paragraph (5)(C)(iv)(II)), the period of coverage shall not terminate by reason of subclause (I) or (II), as the case may be, before the later of the date specified in such subclause or the date on which such individual ceases to be such a TAA-eligible individual. The preceding sentence shall not require any period of coverage to extend beyond December 31, 2010.''.

(c) PHSA AMENDMENTS.—Section 2202(2)(A) of the Public Health Service Act (42 U.S.C. 300bb-2(2)(A)) is amended—

(1) by striking ''In the case of a qualified beneficiary'' and inserting the following:

''(v) SPECIAL RULE FOR DISABILITY.—In the case of a qualified beneficiary''; and

(2) by redesignating clauses (iv) and (v), as amended by paragraph (1), as clauses (v) and (vi), respectively, and by inserting after clause (iii) the following new clause:

''(iv) SPECIAL RULE FOR TAA-ELIGIBLE INDIVIDUALS.—In the case of a qualifying event described in section 2203(2) with respect to a covered employee who is (as of the date that the period of coverage would, but for this clause or clause (v), otherwise terminate under clause (i) or (ii)) a TAA-eligible individual (as defined in section 2205(b)(4)(B)), the period of coverage shall not terminate by reason of clause (i) or (ii), as the case may be, before the later of the date specified in such clause or the date on which such individual ceases to be such a TAA-eligible individual. The preceding sentence shall not require any period of coverage to extend beyond December 31, 2010.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods of coverage which would (without regard to the amendments made by this section) end on or after the date of the enactment of this Act.

SEC. 1899G. ADDITION OF COVERAGE THROUGH VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATIONS.

(a) IN GENERAL.—Paragraph (1) of section 35(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(K) In the case of eligible coverage months beginning before January 1, 2011, coverage under an employee benefit plan funded by a voluntary employees' beneficiary association (as defined in section 501(c)(9)) established pursuant to an order of a bankruptcy court, or by agreement with an authorized representative, as provided in section 1114 of title 11, United States Code.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to coverage months beginning after the date of the enactment of this Act.

SEC. 1899H. NOTICE REQUIREMENTS.

(a) IN GENERAL.—Subsection (d) of section 7527 of the Internal Revenue Code of 1986 (relating to qualified health insurance costs credit eligibility certificate) is amended to read as follows:

''(d) QUALIFIED HEALTH INSURANCE COSTS ELIGIBILITY CERTIFICATE.—

''(1) IN GENERAL.—For purposes of this section, the term 'qualified health insurance costs eligibility certificate' means any written statement that an individual is an eligible individual (as defined in section 35(c)) if such statement provides such information as the Secretary may require for purposes of this section and—

''(A) in the case of an eligible TAA recipient (as defined in section 35(c)(2)) or an eligible alternative TAA recipient (as defined in section 35(c)(3)), is certified by the Secretary of Labor (or by any other person or entity designated by the Secretary), or

''(B) in the case of an eligible PBGC pension recipient (as defined in section 35(c)(4)), is certified by the Pension Benefit Guaranty Corporation (or by any other person or entity designated by the Secretary).

''(2) INCLUSION OF CERTAIN INFORMATION.—In the case of any statement described in paragraph (1) which is issued before January 1, 2011, such statement shall not be treated as a qualified health insurance costs credit eligibility certificate unless such statement includes—

''(A) the name, address, and telephone number of the State office or offices responsible for providing the individual with assistance with enrollment in qualified health insurance (as defined in section 35(e)),

''(B) a list of the coverage options that are treated as qualified health insurance (as so defined) by the State in which the individual resides, and

''(C) in the case of a TAA-eligible individual (as defined in section 4980B(f)(5)(C)(iv)(II)), a statement informing the individual that the individual has 63 days from the date that is 7 days after the date of the issuance of such certificate to enroll in such insurance without a lapse in creditable coverage (as defined in section 9801(c)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to certificates issued after the date that is 6 months after the date of the enactment of this Act.

SEC. 1899I. SURVEY AND REPORT ON ENHANCED HEALTH COVERAGE TAX CREDIT PROGRAM.

(a) SURVEY.—

(1) IN GENERAL.—The Secretary of the Treasury shall conduct a biennial survey of eligible individuals (as defined in section 35(c) of the Internal Revenue Code of 1986) relating to the health coverage tax credit under section 35 of the Internal Revenue Code of 1986 (hereinafter in this section referred to as the ''health coverage tax credit'').

(2) INFORMATION OBTAINED.—The survey conducted under subsection (a) shall obtain the following information:

(A) HCTC PARTICIPANTS.—In the case of eligible individuals receiving the health coverage tax credit (including individuals participating in the health coverage tax credit program under section 7527 of such Code, hereinafter in this section referred to as the ''HCTC program'')—

(i) demographic information of such individuals, including income and education levels,

(ii) satisfaction of such individuals with the enrollment process in the HCTC program,

(iii) satisfaction of such individuals with available health coverage options under the credit, including level of premiums, benefits, deductibles, cost-sharing requirements, and the adequacy of provider networks, and

(iv) any other information that the Secretary determines is appropriate.

(B) NON-HCTC PARTICIPANTS.—In the case of eligible individuals not receiving the health coverage tax credit—

(i) demographic information of each individual, including income and education levels,

(ii) whether the individual was aware of the health coverage tax credit or the HCTC program,

(iii) the reasons the individual has not enrolled in the HCTC program, including whether such reasons include the burden of the process of enrollment and the affordability of coverage,

(iv) whether the individual has health insurance coverage, and, if so, the source of such coverage, and

(v) any other information that the Secretary determines is appropriate.

(3) REPORT.—Not later than December 31 of each year in which a survey is conducted under paragraph (1) (beginning in 2010), the Secretary of the Treasury shall report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means, the Committee on Education and Labor, and the Committee on Energy and Commerce of the House of Representatives the findings of the most recent survey conducted under paragraph (1).

(b) REPORT.—Not later than October 1 of each year (beginning in 2010), the Secretary of the Treasury (after consultation with the Secretary of Health and Human Services, and, in the case of the information required under paragraph (7), the Secretary of Labor) shall report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means, the Committee on Education and Labor, and the Committee on Energy and Commerce of the House of Representatives the following information with respect to the most recent taxable year ending before such date:

(1) In each State and nationally—

(A) the total number of eligible individuals (as defined in section 35(c) of the Internal Revenue Code of 1986) and the number of eligible individuals receiving the health coverage tax credit,

(B) the total number of such eligible individuals who receive an advance payment of the health coverage tax credit through the HCTC program,

(C) the average length of the time period of the participation of eligible individuals in the HCTC program, and

(D) the total number of participating eligible individuals in the HCTC program who are enrolled in each category of coverage as described in section 35(e)(1) of such Code,

with respect to each category of eligible individuals described in section 35(c)(1) of such Code.

(2) In each State and nationally, an analysis of—

(A) the range of monthly health insurance premiums, for self-only coverage and for family coverage, for individuals receiving the health coverage tax credit, and

(B) the average and median monthly health insurance premiums, for self-only coverage and for family coverage, for individuals receiving the health coverage tax credit,

with respect to each category of coverage as described in section 35(e)(1) of such Code.

(3) In each State and nationally, an analysis of the following information with respect to the health insurance coverage of individuals receiving the health coverage tax credit who are enrolled in coverage described in subparagraphs (B) through (H) of section 35(e)(1) of such Code:

(A) Deductible amounts.

(B) Other out-of-pocket cost-sharing amounts.

(C) A description of any annual or lifetime limits on coverage or any other significant limits on coverage services, or benefits.

The information required under this paragraph shall be reported with respect to each category of coverage described in such subparagraphs.

(4) In each State and nationally, the gender and average age of eligible individuals (as defined in section 35(c) of such Code) who receive the health coverage tax credit, in each category of coverage described in section 35(e)(1) of such Code, with respect to each category of eligible individuals described in such section.

(5) The steps taken by the Secretary of the Treasury to increase the participation rates in the HCTC program among eligible individuals, including outreach and enrollment activities.

(6) The cost of administering the HCTC program by function, including the cost of subcontractors, and recommendations on ways to reduce administrative costs, including recommended statutory changes.

(7) The number of States applying for and receiving national emergency grants under section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)), the activities funded by such grants on a State-by-State basis, and the time necessary for application approval of such grants.

SEC. 1899J. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $80,000,000 for the period of fiscal years 2009 through 2010 to implement the amendments made by, and the provisions of, sections 1899 through 1899I of this part.

SEC. 1899K. EXTENSION OF NATIONAL EMERGENCY GRANTS.

(a) IN GENERAL.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)), as amended by this Act, is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) USE OF FUNDS.—

''(A) HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS IN ORDER TO OBTAIN QUALIFIED HEALTH INSURANCE THAT HAS GUARANTEED ISSUE AND OTHER CONSUMER PROTECTIONS.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used to provide an eligible individual described in paragraph (4)(C) and such individual's qualifying family members with health insurance coverage for the 3-month period that immediately precedes the first eligible coverage month (as defined in section 35(b) of the Internal Revenue Code of 1986) in which such eligible individual and such individual's qualifying family members are covered by qualified health insurance that meets the requirements described in clauses (i) through (v) of section 35(e)(2)(A) of the Internal Revenue Code of 1986 (or such longer minimum period as is necessary in order for such eligible individual and such individual's qualifying family members to be covered by qualified health insurance that meets such requirements).

''(B) ADDITIONAL USES.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used by the State or entity for the following:

''(i) HEALTH INSURANCE COVERAGE.—To assist an eligible individual and such individual's qualifying family members with enrolling in health insurance coverage and qualified health insurance or paying premiums for such coverage or insurance.

''(ii) ADMINISTRATIVE EXPENSES AND START-UP EXPENSES TO ESTABLISH GROUP HEALTH PLAN COVERAGE OPTIONS FOR QUALIFIED HEALTH INSURANCE.—To pay the administrative expenses related to the enrollment of eligible individuals and such individuals' qualifying family members in health insurance coverage and qualified health insurance, including—

''(I) eligibility verification activities;

''(II) the notification of eligible individuals of available health insurance and qualified health insurance options;

''(III) processing qualified health insurance costs credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

''(IV) providing assistance to eligible individuals in enrolling in health insurance coverage and qualified health insurance;

''(V) the development or installation of necessary data management systems; and

''(VI) any other expenses determined appropriate by the Secretary, including start-up costs and on going administrative expenses, in order for the State to treat the coverage described in subparagraphs (C) through (H) of section 35(e)(1) of the Internal Revenue Code of 1986 as qualified health insurance under that section.

''(iii) OUTREACH.—To pay for outreach to eligible individuals to inform such individuals of available health insurance and qualified health insurance options, including outreach consisting of notice to eligible individuals of such options made available after the date of enactment of this clause and direct assistance to help potentially eligible individuals and such individual's qualifying family members qualify and remain eligible for the credit established under section 35 of the Internal Revenue Code of 1986 and advance payment of such credit under section 7527 of such Code.

''(iv) BRIDGE FUNDING.—To assist potentially eligible individuals to purchase qualified health insurance coverage prior to issuance of a qualified health insurance costs credit eligibility certificate under section 7527 of the Internal Revenue Code of 1986 and commencement of advance payment, and receipt of expedited payment, under subsections (a) and (e), respectively, of that section.

''(C) RULE OF CONSTRUCTION.—The inclusion of a permitted use under this paragraph shall not be construed as prohibiting a similar use of funds permitted under subsection (g).''; and

(2) by striking paragraph (2) and inserting the following new paragraph:

''(2) QUALIFIED HEALTH INSURANCE.—For purposes of this subsection and subsection (g), the term 'qualified health insurance' has the meaning given that term in section 35(e) of the Internal Revenue Code of 1986.''.

(b) FUNDING.—Section 174(c)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2919(c)(1)) is amended—

(1) in the paragraph heading, by striking ''AUTHORIZATION AND APPROPRIATION FOR FISCAL YEAR 2002'' and inserting ''APPROPRIATIONS''; and

(2) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) to carry out subsection (a)(4)(A) of section 173—

''(i) $10,000,000 for fiscal year 2002; and

''(ii) $150,000,000 for the period of fiscal years 2009 through 2010; and''.

SEC. 1899L. GAO STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study regarding the health insurance tax credit allowed under section 35 of the Internal Revenue Code of 1986.

(b) REPORT.—Not later than March 1, 2010, the Comptroller General shall submit a report to Congress regarding the results of the study conducted under subsection (a). Such report shall include an analysis of—

(1) the administrative costs—

(A) of the Federal Government with respect to such credit and the advance payment of such credit under section 7527 of such Code, and

(B) of providers of qualified health insurance with respect to providing such insurance to eligible individuals and their qualifying family members,

(2) the health status and relative risk status of eligible individuals and qualifying family members covered under such insurance,

(3) participation in such credit and the advance payment of such credit by eligible individuals and their qualifying family members, including the reasons why such individuals did or did not participate and the effect of the amendments made by this part on such participation, and

(4) the extent to which eligible individuals and their qualifying family members—

(A) obtained health insurance other than qualifying health insurance, or

(B) went without health insurance coverage.

(c) ACCESS TO RECORDS.—For purposes of conducting the study required under this section, the Comptroller General and any of his duly authorized representatives shall have access to, and the right to examine and copy, all documents, records, and other recorded information—

(1) within the possession or control of providers of qualified health insurance, and

(2) determined by the Comptroller General (or any such representative) to be relevant to the study.

The Comptroller General shall not disclose the identity of any provider of qualified health insurance or any eligible individual in making any information obtained under this section available to the public.

(d) DEFINITIONS.—Any term which is defined in section 35 of the Internal Revenue Code of 1986 shall have the same meaning when used in this section.

TITLE II—ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUGGLING FAMILIES

SEC. 2000. SHORT TITLE; TABLE OF CONTENTS OF TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Assistance for Unemployed Workers and Struggling Families Act''.

(b) TABLE OF CONTENTS OF TITLE.—The table of contents of this title is as follows:

Subtitle A—Unemployment Insurance

SEC. 2001. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 4 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 122 Stat. 5015), is amended—

(1) by striking ''March 31, 2009'' each place it appears and inserting ''December 31, 2009'';

(2) in the heading for subsection (b)(2), by striking ''MARCH 31, 2009'' and inserting ''DECEMBER 31, 2009''; and

(3) in subsection (b)(3), by striking ''August 27, 2009'' and inserting ''May 31, 2010''.

(b) FINANCING PROVISIONS.—Section 4004 of such Act is amended by adding at the end the following:

''(e) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated)—

''(1) to the extended unemployment compensation account (as established by section 905 of the Social Security Act) such sums as the Secretary of Labor estimates to be necessary to make payments to States under this title by reason of the amendments made by section 2001(a) of the Assistance for Unemployed Workers and Struggling Families Act; and

''(2) to the employment security administration account (as established by section 901 of the Social Security Act) such sums as the Secretary of Labor estimates to be necessary for purposes of assisting States in meeting administrative costs by reason of the amendments referred to in paragraph (1).

There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.''.

SEC. 2002. INCREASE IN UNEMPLOYMENT COMPENSATION BENEFITS.

(a) FEDERAL-STATE AGREEMENTS.—Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (hereinafter in this section referred to as the ''Secretary''). Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—

(1) ADDITIONAL COMPENSATION.—Any agreement under this section shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law of the State were applied, with respect to any week for which the individual is (disregarding this section) otherwise entitled under the State law to receive regular compensation, as if such State law had been modified in a manner such that the amount of regular compensation (including dependents' allowances) payable for any week shall be equal to the amount determined under the State law (before the application of this paragraph) plus an additional $25.

(2) ALLOWABLE METHODS OF PAYMENT.—Any additional compensation provided for in accordance with paragraph (1) shall be payable either—

(A) as an amount which is paid at the same time and in the same manner as any regular compensation otherwise payable for the week involved; or

(B) at the option of the State, by payments which are made separately from, but on the same weekly basis as, any regular compensation otherwise payable.

(c) NONREDUCTION RULE.—An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a manner such that—

(1) the average weekly benefit amount of regular compensation which will be payable during the period of the agreement (determined disregarding any additional amounts attributable to the modification described in subsection (b)(1)) will be less than

(2) the average weekly benefit amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on December 31, 2008.

(d) PAYMENTS TO STATES.—

(1) IN GENERAL.—

(A) FULL REIMBURSEMENT.—There shall be paid to each State which has entered into an agreement under this section an amount equal to 100 percent of—

(i) the total amount of additional compensation (as described in subsection (b)(1)) paid to individuals by the State pursuant to such agreement; and

(ii) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(B) TERMS OF PAYMENTS.—Sums payable to any State by reason of such State's having an agreement under this section shall be payable, either in advance or by way of reimbursement (as determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(3) APPROPRIATION.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, such sums as may be necessary for purposes of this subsection.

(e) APPLICABILITY.—

(1) IN GENERAL.—An agreement entered into under this section shall apply to weeks of unemployment—

(A) beginning after the date on which such agreement is entered into; and

(B) ending before January 1, 2010.

(2) TRANSITION RULE FOR INDIVIDUALS REMAINING ENTITLED TO REGULAR COMPENSATION AS OF JANUARY 1, 2010.—In the case of any individual who, as of the date specified in paragraph (1)(B), has not yet exhausted all rights to regular compensation under the State law of a State with respect to a benefit year that began before such date, additional compensation (as described in subsection (b)(1)) shall continue to be payable to such individual for any week beginning on or after such date for which the individual is otherwise eligible for regular compensation with respect to such benefit year.

(3) TERMINATION.—Notwithstanding any other provision of this subsection, no additional compensation (as described in subsection (b)(1)) shall be payable for any week beginning after June 30, 2010.

(f) FRAUD AND OVERPAYMENTS.—The provisions of section 4005 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2356) shall apply with respect to additional compensation (as described in subsection (b)(1)) to the same extent and in the same manner as in the case of emergency unemployment compensation.

(g) APPLICATION TO OTHER UNEMPLOYMENT BENEFITS.—

(1) IN GENERAL.—Each agreement under this section shall include provisions to provide that the purposes of the preceding provisions of this section shall be applied with respect to unemployment benefits described in subsection (i)(3) to the same extent and in the same manner as if those benefits were regular compensation.

(2) ELIGIBILITY AND TERMINATION RULES.—Additional compensation (as described in subsection (b)(1))—

(A) shall not be payable, pursuant to this subsection, with respect to any unemployment benefits described in subsection (i)(3) for any week beginning on or after the date specified in subsection (e)(1)(B), except in the case of an individual who was eligible to receive additional compensation (as so described) in connection with any regular compensation or any unemployment benefits described in subsection (i)(3) for any period of unemployment ending before such date; and

(B) shall in no event be payable for any week beginning after the date specified in subsection (e)(3).

(h) DISREGARD OF ADDITIONAL COMPENSATION FOR PURPOSES OF MEDICAID AND SCHIP.—The monthly equivalent of any additional compensation paid under this section shall be disregarded in considering the amount of income of an individual for any purposes under title XIX and title XXI of the Social Security Act.

(i) DEFINITIONS.—For purposes of this section—

(1) the terms ''compensation'', ''regular compensation'', ''benefit year'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note);

(2) the term ''emergency unemployment compensation'' means emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2353); and

(3) any reference to unemployment benefits described in this paragraph shall be considered to refer to—

(A) extended compensation (as defined by section 205 of the Federal-State Extended Unemployment Compensation Act of 1970); and

(B) unemployment compensation (as defined by section 85(b) of the Internal Revenue Code of 1986) provided under any program administered by a State under an agreement with the Secretary.

SEC. 2003. SPECIAL TRANSFERS FOR UNEMPLOYMENT COMPENSATION MODERNIZATION.

(a) IN GENERAL.—Section 903 of the Social Security Act (42 U.S.C. 1103) is amended by adding at the end the following:

''Special Transfers in Fiscal Years 2009, 2010, and 2011 for Modernization

''(f)(1)(A) In addition to any other amounts, the Secretary of Labor shall provide for the making of unemployment compensation modernization incentive payments (hereinafter 'incentive payments') to the accounts of the States

in the Unemployment Trust Fund, by transfer from amounts reserved for that purpose in the Federal unemployment account, in accordance with succeeding provisions of this subsection.

''(B) The maximum incentive payment allowable under this subsection with respect to any State shall, as determined by the Secretary of Labor, be equal to the amount obtained by multiplying $7,000,000,000 by the same ratio as would apply under subsection (a)(2)(B) for purposes of determining such State's share of any excess amount (as described in subsection (a)(1)) that would have been subject to transfer to State accounts, as of October 1, 2008, under the provisions of subsection (a).

''(C) Of the maximum incentive payment determined under subparagraph (B) with respect to a State—

''(i) one-third shall be transferred to the account of such State upon a certification under paragraph (4)(B) that the State law of such State meets the requirements of paragraph (2); and

''(ii) the remainder shall be transferred to the account of such State upon a certification under paragraph (4)(B) that the State law of such State meets the requirements of paragraph (3).

''(2) The State law of a State meets the requirements of this paragraph if such State law—

''(A) uses a base period that includes the most recently completed calendar quarter before the start of the benefit year for purposes of determining eligibility for unemployment compensation; or

''(B) provides that, in the case of an individual who would not otherwise be eligible for unemployment compensation under the State law because of the use of a base period that does not include the most recently completed calendar quarter before the start of the benefit year, eligibility shall be determined using a base period that includes such calendar quarter.

''(3) The State law of a State meets the requirements of this paragraph if such State law includes provisions to carry out at least 2 of the following subparagraphs:

''(A) An individual shall not be denied regular unemployment compensation under any State law provisions relating to availability for work, active search for work, or refusal to accept work, solely because such individual is seeking only part-time work (as defined by the Secretary of Labor), except that the State law provisions carrying out this subparagraph may exclude an individual if a majority of the weeks of work in such individual's base period do not include part-time work (as so defined).

''(B) An individual shall not be disqualified from regular unemployment compensation for separating from employment if that separation is for any compelling family reason. For purposes of this subparagraph, the term 'compelling family reason' means the following:

''(i) Domestic violence, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual's continued employment would jeopardize the safety of the individual or of any member of the individual's immediate family (as defined by the Secretary of Labor).

''(ii) The illness or disability of a member of the individual's immediate family (as those terms are defined by the Secretary of Labor).

''(iii) The need for the individual to accompany such individual's spouse—

''(I) to a place from which it is impractical for such individual to commute; and

''(II) due to a change in location of the spouse's employment.

''(C)(i) Weekly unemployment compensation is payable under this subparagraph to any individual who is unemployed (as determined under the State unemployment compensation law), has exhausted all rights to regular unemployment compensation under the State law, and is enrolled and making satisfactory progress in a State-approved training program or in a job training program authorized under the Workforce Investment Act of 1998, except that such compensation is not required to be paid to an individual who is receiving similar stipends or other training allowances for non-training costs.

''(ii) Each State-approved training program or job training program referred to in clause (i) shall prepare individuals who have been separated from a declining occupation, or who have been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the individual's place of employment, for entry into a high-demand occupation.

''(iii) The amount of unemployment compensation payable under this subparagraph to an individual for a week of unemployment shall be equal to—

''(I) the individual's average weekly benefit amount (including dependents' allowances) for the most recent benefit year, less

''(II) any deductible income, as determined under State law.

The total amount of unemployment compensation payable under this subparagraph to any individual shall be equal to at least 26 times the individual's average weekly benefit amount (including dependents' allowances) for the most recent benefit year.

''(D) Dependents' allowances are provided, in the case of any individual who is entitled to receive regular unemployment compensation and who has any dependents (as defined by State law), in an amount equal to at least $15 per dependent per week, subject to any aggregate limitation on such allowances which the State law may establish (but which aggregate limitation on the total allowance for dependents paid to an individual may not be less than $50 for each week of unemployment or 50 percent of the individual's weekly benefit amount for the benefit year, whichever is less), except that a State law may provide for a reasonable reduction in the amount of any such allowance for a week of less than total unemployment.

''(4)(A) Any State seeking an incentive payment under this subsection shall submit an application therefor at such time, in such manner, and complete with such information as the Secretary of Labor may within 60 days after the date of the enactment of this subsection prescribe (whether by regulation or otherwise), including information relating to compliance with the requirements of paragraph (2) or (3), as well as how the State intends to use the incentive payment to improve or strengthen the State's unemployment compensation program. The Secretary of Labor shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary's findings with respect to the requirements of paragraph (2) or (3) (or both).

''(B)(i) If the Secretary of Labor finds that the State law provisions (disregarding any State law provisions which are not then currently in effect as permanent law or which are subject to discontinuation) meet the requirements of paragraph (2) or (3), as the case may be, the Secretary of Labor shall thereupon make a certification to that effect to the Secretary of the Treasury, together with a certification as to the amount of the incentive payment to be transferred to the State account pursuant to that finding. The Secretary of the Treasury shall make the appropriate transfer within 7 days after receiving such certification.

''(ii) For purposes of clause (i), State law provisions which are to take effect within 12 months after the date of their certification under this subparagraph shall be considered to be in effect as of the date of such certification.

''(C)(i) No certification of compliance with the requirements of paragraph (2) or (3) may be made with respect to any State whose State law is not otherwise eligible for certification under section 303 or approvable under section 3304 of the Federal Unemployment Tax Act.

''(ii) No certification of compliance with the requirements of paragraph (3) may be made with respect to any State whose State law is not in compliance with the requirements of paragraph (2).

''(iii) No application under subparagraph (A) may be considered if submitted before the date of the enactment of this subsection or after the latest date necessary (as specified by the Secretary of Labor) to ensure that all incentive payments under this subsection are made before October 1, 2011.

''(5)(A) Except as provided in subparagraph (B), any amount transferred to the account of a State under this subsection may be used by such State only in the payment of cash benefits to individuals with respect to their unemployment (including for dependents' allowances and for unemployment compensation under paragraph (3)(C)), exclusive of expenses of administration.

''(B) A State may, subject to the same conditions as set forth in subsection (c)(2) (excluding subparagraph (B) thereof, and deeming the reference to 'subsections (a) and (b)' in subparagraph (D) thereof to include this subsection), use any amount transferred to the account of such State under this subsection for the administration of its unemployment compensation law and public employment offices.

''(6) Out of any money in the Federal unemployment account not otherwise appropriated, the Secretary of the Treasury shall reserve $7,000,000,000 for incentive payments under this subsection. Any amount so reserved shall not be taken into account for purposes of any determination under section 902, 910, or 1203 of the amount in the Federal unemployment account as of any given time. Any amount so reserved for which the Secretary of the Treasury has not received a certification under paragraph (4)(B) by the deadline described in paragraph (4)(C)(iii) shall, upon the close of fiscal year 2011, become unrestricted as to use as part of the Federal unemployment account.

''(7) For purposes of this subsection, the terms 'benefit year', 'base period', and 'week' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

''Special Transfer in Fiscal Year 2009 for Administration

''(g)(1) In addition to any other amounts, the Secretary of the Treasury shall transfer from the employment security administration account to the account of each State in the Unemployment Trust Fund, within 30 days after the date of the enactment of this subsection, the amount determined with respect to such State under paragraph (2).

''(2) The amount to be transferred under this subsection to a State account shall (as determined by the Secretary of Labor and certified by such Secretary to the Secretary of the Treasury) be equal to the amount obtained by multiplying $500,000,000 by the same ratio as determined under subsection (f)(1)(B) with respect to such State.

''(3) Any amount transferred to the account of a State as a result of the enactment of this subsection may be used by the State agency of such State only in the payment of expenses incurred by it for—

''(A) the administration of the provisions of its State law carrying out the purposes of subsection (f)(2) or any subparagraph of subsection (f)(3);

''(B) improved outreach to individuals who might be eligible for regular unemployment compensation by virtue of any provisions of the State law which are described in subparagraph (A);

''(C) the improvement of unemployment benefit and unemployment tax operations, including responding to increased demand for unemployment compensation; and

''(D) staff-assisted reemployment services for unemployment compensation claimants.''.

(b) REGULATIONS.—The Secretary of Labor may prescribe any regulations, operating instructions, or other guidance necessary to carry out the amendment made by subsection (a).

SEC. 2004. TEMPORARY ASSISTANCE FOR STATES WITH ADVANCES.

Section 1202(b) of the Social Security Act (42 U.S.C. 1322(b)) is amended by adding at the end the following new paragraph:

''(10)(A) With respect to the period beginning on the date of enactment of this paragraph and ending on December 31, 2010—

''(i) any interest payment otherwise due from a State under this subsection during such period shall be deemed to have been made by the State; and

''(ii) no interest shall accrue during such period on any advance or advances made under section 1201 to a State.

''(B) The provisions of subparagraph (A) shall have no effect on the requirement for interest payments under this subsection after the period described in such subparagraph or on the accrual of interest under this subsection after such period.''.

SEC. 2005. FULL FEDERAL FUNDING OF EXTENDED UNEMPLOYMENT COMPENSATION FOR A LIMITED PERIOD.

(a) IN GENERAL.—In the case of sharable extended compensation and sharable regular compensation paid for weeks of unemployment beginning after the date of the enactment of this section and before January 1, 2010, section 204(a)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) shall be applied by substituting ''100 percent of'' for ''one-half of''.

(b) SPECIAL RULE.—At the option of a State, for any weeks of unemployment beginning after the date of the enactment of this section and before January 1, 2010, an individual's eligibility period (as described in section 203(c) of the Federal-State Extended Unemployment Compensation Act of 1970) shall, for purposes of any determination of eligibility for extended compensation under the State law of such State, be considered to include any week which begins—

(1) after the date as of which such individual exhausts all rights to emergency unemployment compensation; and

(2) during an extended benefit period that began on or before the date described in paragraph (1).

(c) LIMITED EXTENSION.—In the case of an individual who receives extended compensation with respect to 1 or more weeks of unemployment beginning after the date of the enactment of this Act and before January 1, 2010, the provisions of subsections (a) and (b) shall, at the option of a State, be applied by substituting ''ending before June 1, 2010'' for ''before January 1, 2010''.

(d) EXTENSION OF TEMPORARY FEDERAL MATCHING FOR THE FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.—

(1) IN GENERAL.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449) is amended by striking ''December 8, 2009'' and inserting ''May 30, 2010''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449).

(e) DEFINITIONS.—For purposes of this section—

(1) the terms ''sharable extended compensation'' and ''sharable regular compensation'' have the respective meanings given such terms under section 204 of the Federal-State Extended Unemployment Compensation Act of 1970;

(2) the terms ''extended compensation'', ''State'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970;

(3) the term ''emergency unemployment compensation'' means benefits payable to individuals under title IV of the Supplemental Appropriations Act, 2008 with respect to their unemployment; and

(4) the term ''extended benefit period'' means an extended benefit period as determined in accordance with applicable provisions of the Federal-State Extended Unemployment Compensation Act of 1970.

(f) REGULATIONS.—The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this section.

SEC. 2006. TEMPORARY INCREASE IN EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) IN GENERAL.—Section 2(c)(2) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)) is amended by adding at the end the following:

''(D) TEMPORARY INCREASE IN EXTENDED UNEMPLOYMENT BENEFITS.—

''(i) EMPLOYEES WITH 10 OR MORE YEARS OF SERVICE.—Subject to clause (iii), in the case of an employee who has 10 or more years of service (as so defined), with respect to extended unemployment benefits—

''(I) subparagraph (A) shall be applied by substituting '130 days of unemployment' for '65 days of unemployment'; and

''(II) subparagraph (B) shall be applied by inserting '(or, in the case of unemployment benefits, 13 consecutive 14-day periods)' after '7 consecutive 14-day periods'.

''(ii) EMPLOYEES WITH LESS THAN 10 YEARS OF SERVICE.—Subject to clause (iii), in the case of an employee who has less than 10 years of service (as so defined), with respect to extended unemployment benefits, this paragraph shall apply to such an employee in the same manner as this paragraph would apply to an employee described in clause (i) if such clause had not been enacted.

''(iii) APPLICATION.—The provisions of clauses (i) and (ii) shall apply to an employee who received normal benefits for days of unemployment under this Act during the period beginning July 1, 2008, and ending on June 30, 2009, except that no extended benefit period under this paragraph shall begin after December 31, 2009. Notwithstanding the preceding sentence, no benefits shall be payable under this subparagraph and clauses (i) and (ii) shall no longer be applicable upon the exhaustion of the funds appropriated under clause (iv) for payment of benefits under this subparagraph.

''(iv) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated $20,000,000 to cover the cost of additional extended unemployment benefits provided under this subparagraph, to remain available until expended.''.

(b) FUNDING FOR ADMINISTRATION.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board $80,000 to cover the administrative expenses associated with the payment of additional extended unemployment benefits under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, as added by subsection (a), to remain available until expended.

Subtitle B—Assistance for Vulnerable Individuals

SEC. 2101. EMERGENCY FUND FOR TANF PROGRAM.

(a) TEMPORARY FUND.—

(1) IN GENERAL.—Section 403 of the Social Security Act (42 U.S.C. 603) is amended by adding at the end the following:

''(c) EMERGENCY FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund which shall be known as the 'Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs' (in this subsection referred to as the 'Emergency Fund').

''(2) DEPOSITS INTO FUND.—

''(A) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2009, $5,000,000,000 for payment to the Emergency Fund.

''(B) AVAILABILITY AND USE OF FUNDS.—The amounts appropriated to the Emergency Fund under subparagraph (A) shall remain available through fiscal year 2010 and shall be used to make grants to States in each of fiscal years 2009 and 2010 in accordance with the requirements of paragraph (3).

''(C) LIMITATION.—In no case may the Secretary make a grant from the Emergency Fund for a fiscal year after fiscal year 2010.

''(3) GRANTS.—

''(A) GRANT RELATED TO CASELOAD INCREASES.—

''(i) IN GENERAL.—For each calendar quarter in fiscal year 2009 or 2010, the Secretary shall make a grant from the Emergency Fund to each State that—

''(I) requests a grant under this subparagraph for the quarter; and

''(II) meets the requirement of clause (ii) for the quarter.

''(ii) CASELOAD INCREASE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the average monthly assistance caseload of the State for the quarter exceeds the average monthly assistance caseload of the State for the corresponding quarter in the emergency fund base year of the State.

''(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the amount (if any) by which the total expenditures of the State for basic assistance (as defined by the Secretary) in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total expenditures of the State for such assistance for the corresponding quarter in the emergency fund base year of the State.

''(B) GRANT RELATED TO INCREASED EXPENDITURES FOR NON-RECURRENT SHORT TERM BENEFITS.—

''(i) IN GENERAL.—For each calendar quarter in fiscal year 2009 or 2010, the Secretary shall make a grant from the Emergency Fund to each State that—

''(I) requests a grant under this subparagraph for the quarter; and

''(II) meets the requirement of clause (ii) for the quarter.

''(ii) NON-RECURRENT SHORT TERM EXPENDITURE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the total expenditures of the State for non-recurrent short term benefits in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total expenditures of the State for non-recurrent short term benefits in the corresponding quarter in the emergency fund base year of the State.

''(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made

to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).

''(C) GRANT RELATED TO INCREASED EXPENDITURES FOR SUBSIDIZED EMPLOYMENT.—

''(i) IN GENERAL.—For each calendar quarter in fiscal year 2009 or 2010, the Secretary shall make a grant from the Emergency Fund to each State that—

''(I) requests a grant under this subparagraph for the quarter; and

''(II) meets the requirement of clause (ii) for the quarter.

''(ii) SUBSIDIZED EMPLOYMENT EXPENDITURE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the total expenditures of the State for subsidized employment in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total such expenditures of the State in the corresponding quarter in the emergency fund base year of the State.

''(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).

''(4) AUTHORITY TO MAKE NECESSARY ADJUSTMENTS TO DATA AND COLLECT NEEDED DATA.—In determining the size of the caseload of a State and the expenditures of a State for basic assistance, non-recurrent short-term benefits, and subsidized employment, during any period for which the State requests funds under this subsection, and during the emergency fund base year of the State, the Secretary may make appropriate adjustments to the data, on a State-by-State basis, to ensure that the data are comparable with respect to the groups of families served and the types of aid provided. The Secretary may develop a mechanism for collecting expenditure data, including procedures which allow States to make reasonable estimates, and may set deadlines for making revisions to the data.

''(5) LIMITATION.—The total amount payable to a single State under subsection (b) and this subsection for fiscal years 2009 and 2010 combined shall not exceed 50 percent of the annual State family assistance grant.

''(6) LIMITATIONS ON USE OF FUNDS.—A State to which an amount is paid under this subsection may use the amount only as authorized by section 404.

''(7) TIMING OF IMPLEMENTATION.—The Secretary shall implement this subsection as quickly as reasonably possible, pursuant to appropriate guidance to States.

''(8) APPLICATION TO INDIAN TRIBES.—This subsection shall apply to an Indian tribe with an approved tribal family assistance plan under section 412 in the same manner as this subsection applies to a State.

''(9) DEFINITIONS.—In this subsection:

''(A) AVERAGE MONTHLY ASSISTANCE CASELOAD DEFINED.—The term 'average monthly assistance caseload' means, with respect to a State and a quarter, the number of families receiving assistance during the quarter under the State program funded under this part or as qualified State expenditures, subject to adjustment under paragraph (4).

''(B) EMERGENCY FUND BASE YEAR.—

''(i) IN GENERAL.—The term 'emergency fund base year' means, with respect to a State and a category described in clause (ii), whichever of fiscal year 2007 or 2008 is the fiscal year in which the amount described by the category with respect to the State is the lesser.

''(ii) CATEGORIES DESCRIBED.—The categories described in this clause are the following:

''(I) The average monthly assistance caseload of the State.

''(II) The total expenditures of the State for non-recurrent short term benefits, whether under the State program funded under this part or as qualified State expenditures.

''(III) The total expenditures of the State for subsidized employment, whether under the State program funded under this part or as qualified State expenditures.

''(C) QUALIFIED STATE EXPENDITURES.—The term 'qualified State expenditures' has the meaning given the term in section 409(a)(7).''.

(2) REPEAL.—Effective October 1, 2010, subsection (c) of section 403 of the Social Security Act (42 U.S.C. 603) (as added by paragraph (1)) is repealed, except that paragraph (9) of such subsection shall remain in effect until October 1, 2011, but only with respect to section 407(b)(3)(A)(i) of such Act.

(b) TEMPORARY MODIFICATION OF CASELOAD REDUCTION CREDIT.—Section 407(b)(3)(A)(i) of such Act (42 U.S.C. 607(b)(3)(A)(i)) is amended by inserting ''(or if the immediately preceding fiscal year is fiscal year 2008, 2009, or 2010, then, at State option, during the emergency fund base year of the State with respect to the average monthly assistance caseload of the State (within the meaning of section 403(c)(9)), except that, if a State elects such option for fiscal year 2008, the emergency fund base year of the State with respect to such caseload shall be fiscal year 2007))'' before ''under the State''.

(c) DISREGARD FROM LIMITATION ON TOTAL PAYMENTS TO TERRITORIES.—Section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by inserting ''403(c)(3),'' after ''403(a)(5),''.

(d) SUNSET OF OTHER TEMPORARY PROVISIONS.—

(1) DISREGARD FROM LIMITATION ON TOTAL PAYMENTS TO TERRITORIES.—Effective October 1, 2010, section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by striking ''403(c)(3),'' (as added by subsection (c)).

(2) CASELOAD REDUCTION CREDIT.—Effective October 1, 2011, section 407(b)(3)(A)(i) of such Act (42 U.S.C. 607(b)(3)(A)(i)) is amended by striking ''(or if the immediately preceding fiscal year is fiscal year 2008, 2009, or 2010, then, at State option, during the emergency fund base year of the State with respect to the average monthly assistance caseload of the State (within the meaning of section 403(c)(9)), except that, if a State elects such option for fiscal year 2008, the emergency fund base year of the State with respect to such caseload shall be fiscal year 2007))'' (as added by subsection (b)).

SEC. 2102. EXTENSION OF TANF SUPPLEMENTAL GRANTS.

(a) EXTENSION THROUGH FISCAL YEAR 2010.—Section 7101(a) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 135), as amended by section 301(a) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended by striking ''fiscal year 2009'' and inserting ''fiscal year 2010''.

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended to read as follows:

''(ii) subparagraph (G) shall be applied as if 'fiscal year 2010' were substituted for 'fiscal year 2001'; and''.

SEC. 2103. CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.

Section 404(e) of the Social Security Act (42 U.S.C. 604(e)) is amended to read as follows:

''(e) AUTHORITY TO CARRY OVER CERTAIN AMOUNTS FOR BENEFITS OR SERVICES OR FOR FUTURE CONTINGENCIES.—A State or tribe may use a grant made to the State or tribe under this part for any fiscal year to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part.''.

SEC. 2104. TEMPORARY RESUMPTION OF PRIOR CHILD SUPPORT LAW.

During the period that begins on October 1, 2008, and ends on September 30, 2010, section 455(a)(1) of the Social Security Act (42 U.S.C. 655(a)(1)) shall be applied and administered as if the phrase ''from amounts paid to the State under section 458 or'' does not appear in such section.

Subtitle C—Economic Recovery Payments to Certain Individuals

SEC. 2201. ECONOMIC RECOVERY PAYMENT TO RECIPIENTS OF SOCIAL SECURITY, SUPPLEMENTAL SECURITY INCOME, RAILROAD RETIREMENT BENEFITS, AND VETERANS DISABILITY COMPENSATION OR PENSION BENEFITS.

(a) AUTHORITY TO MAKE PAYMENTS.—

(1) ELIGIBILITY.—

(A) IN GENERAL.—Subject to paragraph (5)(B), the Secretary of the Treasury shall disburse a $250 payment to each individual who, for any month during the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of this Act, is entitled to a benefit payment described in clause (i), (ii), or (iii) of subparagraph (B) or is eligible for a SSI cash benefit described in subparagraph (C).

(B) BENEFIT PAYMENT DESCRIBED.—For purposes of subparagraph (A):

(i) TITLE II BENEFIT.—A benefit payment described in this clause is a monthly insurance benefit payable (without regard to sections 202(j)(1) and 223(b) of the Social Security Act (42 U.S.C. 402(j)(1), 423(b)) under—

(I) section 202(a) of such Act (42 U.S.C. 402(a));

(II) section 202(b) of such Act (42 U.S.C. 402(b));

(III) section 202(c) of such Act (42 U.S.C. 402(c));

(IV) section 202(d)(1)(B)(ii) of such Act (42 U.S.C. 402(d)(1)(B)(ii));

(V) section 202(e) of such Act (42 U.S.C. 402(e));

(VI) section 202(f) of such Act (42 U.S.C. 402(f));

(VII) section 202(g) of such Act (42 U.S.C. 402(g));

(VIII) section 202(h) of such Act (42 U.S.C. 402(h));

(IX) section 223(a) of such Act (42 U.S.C. 423(a));

(X) section 227 of such Act (42 U.S.C. 427); or

(XI) section 228 of such Act (42 U.S.C. 428).

(ii) RAILROAD RETIREMENT BENEFIT.—A benefit payment described in this clause is a monthly annuity or pension payment payable (without regard to section 5(a)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231d(a)(ii))) under—

(I) section 2(a)(1) of such Act (45 U.S.C. 231a(a)(1));

(II) section 2(c) of such Act (45 U.S.C. 231a(c));

(III) section 2(d)(1)(i) of such Act (45 U.S.C. 231a(d)(1)(i));

(IV) section 2(d)(1)(ii) of such Act (45 U.S.C. 231a(d)(1)(ii));

(V) section 2(d)(1)(iii)(C) of such Act to an adult disabled child (45 U.S.C. 231a(d)(1)(iii)(C));

(VI) section 2(d)(1)(iv) of such Act (45 U.S.C. 231a(d)(1)(iv));

(VII) section 2(d)(1)(v) of such Act (45 U.S.C. 231a(d)(1)(v)); or

(VIII) section 7(b)(2) of such Act (45 U.S.C. 231f(b)(2)) with respect to any of the benefit payments described in clause (i) of this subparagraph.

(iii) VETERANS BENEFIT.—A benefit payment described in this clause is a compensation or pension payment payable under—

(I) section 1110, 1117, 1121, 1131, 1141, or 1151 of title 38, United States Code;

(II) section 1310, 1312, 1313, 1315, 1316, or 1318 of title 38, United States Code;

(III) section 1513, 1521, 1533, 1536, 1537, 1541, 1542, or 1562 of title 38, United States Code; or

(IV) section 1805, 1815, or 1821 of title 38, United States Code,

to a veteran, surviving spouse, child, or parent as described in paragraph (2), (3), (4)(A)(ii), or (5) of section 101, title 38, United States Code, who received that benefit during any month within the 3 month period ending with the month which ends prior to the month that includes the date of the enactment of this Act.

(C) SSI CASH BENEFIT DESCRIBED.—A SSI cash benefit described in this subparagraph is a cash benefit payable under section 1611 (other than under subsection (e)(1)(B) of such section) or 1619(a) of the Social Security Act (42 U.S.C. 1382, 1382h).

(2) REQUIREMENT.—A payment shall be made under paragraph (1) only to individuals who reside in 1 of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, or the Northern Mariana Islands. For purposes of the preceding sentence, the determination of the individual's residence shall be based on the current address of record under a program specified in paragraph (1).

(3) NO DOUBLE PAYMENTS.—An individual shall be paid only 1 payment under this section, regardless of whether the individual is entitled to, or eligible for, more than 1 benefit or cash payment described in paragraph (1).

(4) LIMITATION.—A payment under this section shall not be made—

(A) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(i) or paragraph (1)(B)(ii)(VIII) if, for the most recent month of such individual's entitlement in the 3-month period described in paragraph (1), such individual's benefit under such paragraph was not payable by reason of subsection (x) or (y) of section 202 the Social Security Act (42 U.S.C. 402) or section 1129A of such Act (42 U.S.C. 1320a-8a);

(B) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(iii) if, for the most recent month of such individual's entitlement in the 3 month period described in paragraph (1), such individual's benefit under such paragraph was not payable, or was reduced, by reason of section 1505, 5313, or 5313B of title 38, United States Code;

(C) in the case of an individual entitled to a benefit specified in paragraph (1)(C) if, for such most recent month, such individual's benefit under such paragraph was not payable by reason of subsection (e)(1)(A) or (e)(4) of section 1611 (42 U.S.C. 1382) or section 1129A of such Act (42 U.S.C. 1320a-8a); or

(D) in the case of any individual whose date of death occurs before the date on which the individual is certified under subsection (b) to receive a payment under this section.

(5) TIMING AND MANNER OF PAYMENTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall commence disbursing payments under this section at the earliest practicable date but in no event later than 120 days after the date of enactment of this Act. The Secretary of the Treasury may disburse any payment electronically to an individual in such manner as if such payment was a benefit payment or cash benefit to such individual under the applicable program described in subparagraph (B) or (C) of paragraph (1).

(B) DEADLINE.—No payments shall be disbursed under this section after December 31, 2010, regardless of any determinations of entitlement to, or eligibility for, such payments made after such date.

(b) IDENTIFICATION OF RECIPIENTS.—The Commissioner of Social Security, the Railroad Retirement Board, and the Secretary of Veterans Affairs shall certify the individuals entitled to receive payments under this section and provide the Secretary of the Treasury with the information needed to disburse such payments. A certification of an individual shall be unaffected by any subsequent determination or redetermination of the individual's entitlement to, or eligibility for, a benefit specified in subparagraph (B) or (C) of subsection (a)(1).

(c) TREATMENT OF PAYMENTS.—

(1) PAYMENT TO BE DISREGARDED FOR PURPOSES OF ALL FEDERAL AND FEDERALLY ASSISTED PROGRAMS.—A payment under subsection (a) shall not be regarded as income and shall not be regarded as a resource for the month of receipt and the following 9 months, for purposes of determining the eligibility of the recipient (or the recipient's spouse or family) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(2) PAYMENT NOT CONSIDERED INCOME FOR PURPOSES OF TAXATION.—A payment under subsection (a) shall not be considered as gross income for purposes of the Internal Revenue Code of 1986.

(3) PAYMENTS PROTECTED FROM ASSIGNMENT.—The provisions of sections 207 and 1631(d)(1) of the Social Security Act (42 U.S.C. 407, 1383(d)(1)), section 14(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(a)), and section 5301 of title 38, United States Code, shall apply to any payment made under subsection (a) as if such payment was a benefit payment or cash benefit to such individual under the applicable program described in subparagraph (B) or (C) of subsection (a)(1).

(4) PAYMENTS SUBJECT TO OFFSET.—Notwithstanding paragraph (3), for purposes of section 3716 of title 31, United States Code, any payment made under this section shall not be considered a benefit payment or cash benefit made under the applicable program described in subparagraph (B) or (C) of subsection (a)(1) and all amounts paid shall be subject to offset to collect delinquent debts.

(d) PAYMENT TO REPRESENTATIVE PAYEES AND FIDUCIARIES.—

(1) IN GENERAL.—In any case in which an individual who is entitled to a payment under subsection (a) and whose benefit payment or cash benefit described in paragraph (1) of that subsection is paid to a representative payee or fiduciary, the payment under subsection (a) shall be made to the individual's representative payee or fiduciary and the entire payment shall be used only for the benefit of the individual who is entitled to the payment.

(2) APPLICABILITY.—

(A) PAYMENT ON THE BASIS OF A TITLE II OR SSI BENEFIT.—Section 1129(a)(3) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)) shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(i) or (1)(C) of subsection (a) in the same manner as such section applies to a payment under title II or XVI of such Act.

(B) PAYMENT ON THE BASIS OF A RAILROAD RETIREMENT BENEFIT.—Section 13 of the Railroad Retirement Act (45 U.S.C. 231l) shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(ii) of subsection (a) in the same manner as such section applies to a payment under such Act.

(C) PAYMENT ON THE BASIS OF A VETERANS BENEFIT.—Sections 5502, 6106, and 6108 of title 38, United States Code, shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(iii) of subsection (a) in the same manner as those sections apply to a payment under that title.

(e) APPROPRIATION.—Out of any sums in the Treasury of the United States not otherwise appropriated, the following sums are appropriated for the period of fiscal years 2009 through 2011, to remain available until expended, to carry out this section:

(1) For the Secretary of the Treasury, $131,000,000 for administrative costs incurred in carrying out this section, section 2202, section 36A of the Internal Revenue Code of 1986 (as added by this Act), and other provisions of this Act or the amendments made by this Act relating to the Internal Revenue Code of 1986.

(2) For the Commissioner of Social Security—

(A) such sums as may be necessary for payments to individuals certified by the Commissioner of Social Security as entitled to receive a payment under this section; and

(B) $90,000,000 for the Social Security Administration's Limitation on Administrative Expenses for costs incurred in carrying out this section.

(3) For the Railroad Retirement Board—

(A) such sums as may be necessary for payments to individuals certified by the Railroad Retirement Board as entitled to receive a payment under this section; and

(B) $1,400,000 to the Railroad Retirement Board's Limitation on Administration for administrative costs incurred in carrying out this section.

(4)(A) For the Secretary of Veterans Affairs—

(i) such sums as may be necessary for the Compensation and Pensions account, for payments to individuals certified by the Secretary of Veterans Affairs as entitled to receive a payment under this section; and

(ii) $100,000 for the Information Systems Technology account and $7,100,000 for the General Operating Expenses account for administrative costs incurred in carrying out this section.

(B) The Department of Veterans Affairs Compensation and Pensions account shall hereinafter be available for payments authorized under subsection (a)(1)(A) to individuals entitled to a benefit payment described in subsection (a)(1)(B)(iii).

SEC. 2202. SPECIAL CREDIT FOR CERTAIN GOVERNMENT RETIREES.

(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A of the Internal Revenue Code of 1986 for the first taxable year beginning in 2009 an amount equal $250 ($500 in the case of a joint return where both spouses are eligible individuals).

(b) ELIGIBLE INDIVIDUAL.—For purposes of this section—

(1) IN GENERAL.—The term ''eligible individual'' means any individual—

(A) who receives during the first taxable year beginning in 2009 any amount as a pension or annuity for service performed in the employ of the United States or any State, or any instrumentality thereof, which is not considered employment for purposes of chapter 21 of the Internal Revenue Code of 1986, and

(B) who does not receive a payment under section 2201 during such taxable year.

(2) IDENTIFICATION NUMBER REQUIREMENT.—Such term shall not include any individual who does not include on the return of tax for the taxable year—

(A) such individual's social security account number, and

(B) in the case of a joint return, the social security account number of one of the taxpayers on such return.

For purposes of the preceding sentence, the social security account number shall not include a TIN (as defined in section 7701(a)(41) of the Internal Revenue Code of 1986) issued by the Internal Revenue Service. Any omission of a correct social security account number required

under this subparagraph shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) of such Code to such omission.

(c) TREATMENT OF CREDIT.—

(1) REFUNDABLE CREDIT.—

(A) IN GENERAL.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986.

(B) APPROPRIATIONS.—For purposes of section 1324(b)(2) of title 31, United States Code, the credit allowed by subsection (a) shall be treated in the same manner a refund from the credit allowed under section 36A of the Internal Revenue Code of 1986 (as added by this Act).

(2) DEFICIENCY RULES.—For purposes of section 6211(b)(4)(A) of the Internal Revenue Code of 1986, the credit allowable by subsection (a) shall be treated in the same manner as the credit allowable under section 36A of the Internal Revenue Code of 1986 (as added by this Act).

(d) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

TITLE III—PREMIUM ASSISTANCE FOR COBRA BENEFITS

SEC. 3000. TABLE OF CONTENTS.

The table of contents of this title is as follows:

SEC. 3001. PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) PREMIUM ASSISTANCE FOR COBRA CONTINUATION COVERAGE FOR INDIVIDUALS AND THEIR FAMILIES.—

(1) PROVISION OF PREMIUM ASSISTANCE.—

(A) REDUCTION OF PREMIUMS PAYABLE.—In the case of any premium for a period of coverage beginning on or after the date of the enactment of this Act for COBRA continuation coverage with respect to any assistance eligible individual, such individual shall be treated for purposes of any COBRA continuation provision as having paid the amount of such premium if such individual pays (or a person other than such individual's employer pays on behalf of such individual) 35 percent of the amount of such premium (as determined without regard to this subsection).

(B) PLAN ENROLLMENT OPTION.—

(i) IN GENERAL.—Notwithstanding the COBRA continuation provisions, an assistance eligible individual may, not later than 90 days after the date of notice of the plan enrollment option described in this subparagraph, elect to enroll in coverage under a plan offered by the employer involved, or the employee organization involved (including, for this purpose, a joint board of trustees of a multiemployer trust affiliated with one or more multiemployer plans), that is different than coverage under the plan in which such individual was enrolled at the time the qualifying event occurred, and such coverage shall be treated as COBRA continuation coverage for purposes of the applicable COBRA continuation coverage provision.

(ii) REQUIREMENTS.—An assistance eligible individual may elect to enroll in different coverage as described in clause (i) only if—

(I) the employer involved has made a determination that such employer will permit assistance eligible individuals to enroll in different coverage as provided for this subparagraph;

(II) the premium for such different coverage does not exceed the premium for coverage in which the individual was enrolled at the time the qualifying event occurred;

(III) the different coverage in which the individual elects to enroll is coverage that is also offered to the active employees of the employer at the time at which such election is made; and

(IV) the different coverage is not—

(aa) coverage that provides only dental, vision, counseling, or referral services (or a combination of such services);

(bb) a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

(cc) coverage that provides coverage for services or treatments furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or a combination of such care).

(C) PREMIUM REIMBURSEMENT.—For provisions providing the balance of such premium, see section 6432 of the Internal Revenue Code of 1986, as added by paragraph (12).

(2) LIMITATION OF PERIOD OF PREMIUM ASSISTANCE.—

(A) IN GENERAL.—Paragraph (1)(A) shall not apply with respect to any assistance eligible individual for months of coverage beginning on or after the earlier of—

(i) the first date that such individual is eligible for coverage under any other group health plan (other than coverage consisting of only dental, vision, counseling, or referral services (or a combination thereof), coverage under a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986), or coverage of treatment that is furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or a combination thereof)) or is eligible for benefits under title XVIII of the Social Security Act, or

(ii) the earliest of—

(I) the date which is 9 months after the first day of the first month that paragraph (1)(A) applies with respect to such individual,

(II) the date following the expiration of the maximum period of continuation coverage required under the applicable COBRA continuation coverage provision, or

(III) the date following the expiration of the period of continuation coverage allowed under paragraph (4)(B)(ii).

(B) TIMING OF ELIGIBILITY FOR ADDITIONAL COVERAGE.—For purposes of subparagraph (A)(i), an individual shall not be treated as eligible for coverage under a group health plan before the first date on which such individual could be covered under such plan.

(C) NOTIFICATION REQUIREMENT.—An assistance eligible individual shall notify in writing the group health plan with respect to which paragraph (1)(A) applies if such paragraph ceases to apply by reason of subparagraph (A)(i). Such notice shall be provided to the group health plan in such time and manner as may be specified by the Secretary of Labor.

(3) ASSISTANCE ELIGIBLE INDIVIDUAL.—For purposes of this section, the term ''assistance eligible individual'' means any qualified beneficiary if—

(A) at any time during the period that begins with September 1, 2008, and ends with December 31, 2009, such qualified beneficiary is eligible for COBRA continuation coverage,

(B) such qualified beneficiary elects such coverage, and

(C) the qualifying event with respect to the COBRA continuation coverage consists of the involuntary termination of the covered employee's employment and occurred during such period.

(4) EXTENSION OF ELECTION PERIOD AND EFFECT ON COVERAGE.—

(A) IN GENERAL.—For purposes of applying section 605(a) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(5)(A) of the Internal Revenue Code of 1986, section 2205(a) of the Public Health Service Act, and section 8905a(c)(2) of title 5, United States Code, in the case of an individual who does not have an election of COBRA continuation coverage in effect on the date of the enactment of this Act but who would be an assistance eligible individual if such election were so in effect, such individual may elect the COBRA continuation coverage under the COBRA continuation coverage provisions containing such sections during the period beginning on the date of the enactment of this Act and ending 60 days after the date on which the notification required under paragraph (7)(C) is provided to such individual.

(B) COMMENCEMENT OF COVERAGE; NO REACHBACK.—Any COBRA continuation coverage elected by a qualified beneficiary during an extended election period under subparagraph (A)—

(i) shall commence with the first period of coverage beginning on or after the date of the enactment of this Act, and

(ii) shall not extend beyond the period of COBRA continuation coverage that would have been required under the applicable COBRA continuation coverage provision if the coverage had been elected as required under such provision.

(C) PREEXISTING CONDITIONS.—With respect to a qualified beneficiary who elects COBRA continuation coverage pursuant to subparagraph (A), the period—

(i) beginning on the date of the qualifying event, and

(ii) ending with the beginning of the period described in subparagraph (B)(i), shall be disregarded for purposes of determining the 63-day periods referred to in section 701(c)(2) of the Employee Retirement Income Security Act of 1974, section 9801(c)(2) of the Internal Revenue Code of 1986, and section 2701(c)(2) of the Public Health Service Act.

(5) EXPEDITED REVIEW OF DENIALS OF PREMIUM ASSISTANCE.—In any case in which an individual requests treatment as an assistance eligible individual and is denied such treatment by the group health plan, the Secretary of Labor (or the Secretary of Health and Human Services in connection with COBRA continuation coverage which is provided other than pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974), in consultation with the Secretary of the Treasury, shall provide for expedited review of such denial. An individual shall be entitled to such review upon application to such Secretary in such form and manner as shall be provided by such Secretary. Such Secretary shall make a determination regarding such individual's eligibility within 15 business days after receipt of such individual's application for review under this paragraph. Either Secretary's determination upon review of the denial shall be de novo and shall be the final determination of such Secretary. A reviewing court shall grant deference to such Secretary's determination. The provisions of this paragraph, paragraphs (1) through (4), and paragraph (7) shall be treated as provisions of title I of the Employee Retirement Income Security Act of 1974 for purposes of part 5 of subtitle B of such title.

(6) DISREGARD OF SUBSIDIES FOR PURPOSES OF FEDERAL AND STATE PROGRAMS.—Notwithstanding any other provision of law, any premium reduction with respect to an assistance eligible individual under this subsection shall not be considered income or resources in determining eligibility for, or the amount of assistance or benefits provided under, any other public benefit provided under Federal law or the law of any State or political subdivision thereof.

(7) NOTICES TO INDIVIDUALS.—

(A) GENERAL NOTICE.—

(i) IN GENERAL.—In the case of notices provided under section 606(a)(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of the Internal Revenue Code of 1986, section 2206(4) of the Public Health Service Act (42 U.S.C. 300bb-6(4)), or section 8905a(f)(2)(A) of title 5, United States Code, with respect to individuals who, during the period described in paragraph (3)(A), become entitled to elect COBRA continuation coverage, the requirements of such sections shall not be treated as met unless such notices include an additional notification to the recipient of—

(I) the availability of premium reduction with respect to such coverage under this subsection, and

(II) the option to enroll in different coverage if the employer permits assistance eligible individuals to elect enrollment in different coverage (as described in paragraph (1)(B)).

(ii) ALTERNATIVE NOTICE.—In the case of COBRA continuation coverage to which the notice provision under such sections does not apply, the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall, in consultation with administrators of the group health plans (or other entities) that provide or administer the COBRA continuation coverage involved, provide rules requiring the provision of such notice.

(iii) FORM.—The requirement of the additional notification under this subparagraph may be met by amendment of existing notice forms or by inclusion of a separate document with the notice otherwise required.

(B) SPECIFIC REQUIREMENTS.—Each additional notification under subparagraph (A) shall include—

(i) the forms necessary for establishing eligibility for premium reduction under this subsection,

(ii) the name, address, and telephone number necessary to contact the plan administrator and any other person maintaining relevant information in connection with such premium reduction,

(iii) a description of the extended election period provided for in paragraph (4)(A),

(iv) a description of the obligation of the qualified beneficiary under paragraph (2)(C) to notify the plan providing continuation coverage of eligibility for subsequent coverage under another group health plan or eligibility for benefits under title XVIII of the Social Security Act and the penalty provided under section 6720C of the Internal Revenue Code of 1986 for failure to so notify the plan,

(v) a description, displayed in a prominent manner, of the qualified beneficiary's right to a reduced premium and any conditions on entitlement to the reduced premium, and

(vi) a description of the option of the qualified beneficiary to enroll in different coverage if the employer permits such beneficiary to elect to enroll in such different coverage under paragraph (1)(B).

(C) NOTICE IN CONNECTION WITH EXTENDED ELECTION PERIODS.—In the case of any assistance eligible individual (or any individual described in paragraph (4)(A)) who became entitled to elect COBRA continuation coverage before the date of the enactment of this Act, the administrator of the group health plan (or other entity) involved shall provide (within 60 days after the date of enactment of this Act) for the additional notification required to be provided under subparagraph (A) and failure to provide such notice shall be treated as a failure to meet the notice requirements under the applicable COBRA continuation provision.

(D) MODEL NOTICES.—Not later than 30 days after the date of enactment of this Act—

(i) the Secretary of the Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall prescribe models for the additional notification required under this paragraph (other than the additional notification described in clause (ii)), and

(ii) in the case of any additional notification provided pursuant to subparagraph (A) under section 8905a(f)(2)(A) of title 5, United States Code, the Office of Personnel Management shall prescribe a model for such additional notification.

(8) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this subsection, including the prevention of fraud and abuse under this subsection, except that the Secretary of Labor and the Secretary of Health and Human Services may prescribe such regulations (including interim final regulations) or other guidance as may be necessary or appropriate to carry out the provisions of paragraphs (5), (7), and (9).

(9) OUTREACH.—The Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall provide outreach consisting of public education and enrollment assistance relating to premium reduction provided under this subsection. Such outreach shall target employers, group health plan administrators, public assistance programs, States, insurers, and other entities as determined appropriate by such Secretaries. Such outreach shall include an initial focus on those individuals electing continuation coverage who are referred to in paragraph (7)(C). Information on such premium reduction, including enrollment, shall also be made available on websites of the Departments of Labor, Treasury, and Health and Human Services.

(10) DEFINITIONS.—For purposes of this section—

(A) ADMINISTRATOR.—The term ''administrator'' has the meaning given such term in section 3(16)(A) of the Employee Retirement Income Security Act of 1974.

(B) COBRA CONTINUATION COVERAGE.—The term ''COBRA continuation coverage'' means continuation coverage provided pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (other than under section 609), title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986 (other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines), or section 8905a of title 5, United States Code, or under a State program that provides comparable continuation coverage. Such term does not include coverage under a health flexible spending arrangement under a cafeteria plan within the meaning of section 125 of the Internal Revenue Code of 1986.

(C) COBRA CONTINUATION PROVISION.—The term ''COBRA continuation provision'' means the provisions of law described in subparagraph (B).

(D) COVERED EMPLOYEE.—The term ''covered employee'' has the meaning given such term in section 607(2) of the Employee Retirement Income Security Act of 1974.

(E) QUALIFIED BENEFICIARY.—The term ''qualified beneficiary'' has the meaning given such term in section 607(3) of the Employee Retirement Income Security Act of 1974.

(F) GROUP HEALTH PLAN.—The term ''group health plan'' has the meaning given such term in section 607(1) of the Employee Retirement Income Security Act of 1974.

(G) STATE.—The term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(H) PERIOD OF COVERAGE.—Any reference in this subsection to a period of coverage shall be treated as a reference to a monthly or shorter period of coverage with respect to which premiums are charged with respect to such coverage.

(11) REPORTS.—

(A) INTERIM REPORT.—The Secretary of the Treasury shall submit an interim report to the Committee on Education and Labor, the Committee on Ways and Means, and the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate regarding the premium reduction provided under this subsection that includes—

(i) the number of individuals provided such assistance as of the date of the report; and

(ii) the total amount of expenditures incurred (with administrative expenditures noted separately) in connection with such assistance as of the date of the report.

(B) FINAL REPORT.—As soon as practicable after the last period of COBRA continuation coverage for which premium reduction is provided under this section, the Secretary of the Treasury shall submit a final report to each Committee referred to in subparagraph (A) that includes—

(i) the number of individuals provided premium reduction under this section;

(ii) the average dollar amount (monthly and annually) of premium reductions provided to such individuals; and

(iii) the total amount of expenditures incurred (with administrative expenditures noted separately) in connection with premium reduction under this section.

(12) COBRA PREMIUM ASSISTANCE.—

(A) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new section:

''SEC. 6432. COBRA PREMIUM ASSISTANCE.

''(a) IN GENERAL.—The person to whom premiums are payable under COBRA continuation coverage shall be reimbursed as provided in subsection (c) for the amount of premiums not paid by assistance eligible individuals by reason of section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009.

''(b) PERSON ENTITLED TO REIMBURSEMENT.—For purposes of subsection (a), except as otherwise provided by the Secretary, the person to whom premiums are payable under COBRA continuation coverage shall be treated as being—

''(1) in the case of any group health plan which is a multiemployer plan (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974), the plan,

''(2) in the case of any group health plan not described in paragraph (1)—

''(A) which is subject to the COBRA continuation provisions contained in—

''(i) the Internal Revenue Code of 1986,

''(ii) the Employee Retirement Income Security Act of 1974,

''(iii) the Public Health Service Act, or

''(iv) title 5, United States Code, or

''(B) under which some or all of the coverage is not provided by insurance,

the employer maintaining the plan, and

''(3) in the case of any group health plan not described in paragraph (1) or (2), the insurer providing the coverage under the group health plan.

''(c) METHOD OF REIMBURSEMENT.—Except as otherwise provided by the Secretary—

''(1) TREATMENT AS PAYMENT OF PAYROLL TAXES.—Each person entitled to reimbursement under subsection (a) (and filing a claim for such reimbursement at such time and in such manner as the Secretary may require) shall be treated for purposes of this title and section 1324(b)(2) of title 31, United States Code, as having paid to the Secretary, on the date that the assistance eligible individual's premium payment is received, payroll taxes in an amount equal to the portion of such reimbursement which relates to such premium. To the extent that the amount treated as paid under the preceding sentence exceeds the amount of such person's liability for such taxes, the Secretary shall credit or refund such excess in the same manner as if it were an overpayment of such taxes.

''(2) OVERSTATEMENTS.—Any overstatement of the reimbursement to which a person is entitled under this section (and any amount paid by the Secretary as a result of such overstatement) shall be treated as an underpayment of payroll taxes by such person and may be assessed and collected by the Secretary in the same manner as payroll taxes.

''(3) REIMBURSEMENT CONTINGENT ON PAYMENT OF REMAINING PREMIUM.—No reimbursement may be made under this section to a person with respect to any assistance eligible individual until after the reduced premium required under section 3002(a)(1)(A) of such Act with respect to such individual has been received.

''(d) DEFINITIONS.—For purposes of this section—

''(1) PAYROLL TAXES.—The term 'payroll taxes' means—

''(A) amounts required to be deducted and withheld for the payroll period under section 3402 (relating to wage withholding),

''(B) amounts required to be deducted for the payroll period under section 3102 (relating to FICA employee taxes), and

''(C) amounts of the taxes imposed for the payroll period under section 3111 (relating to FICA employer taxes).

''(2) PERSON.—The term 'person' includes any governmental entity.

''(e) REPORTING.—Each person entitled to reimbursement under subsection (a) for any period shall submit such reports (at such time and in such manner) as the Secretary may require, including—

''(1) an attestation of involuntary termination of employment for each covered employee on the basis of whose termination entitlement to reimbursement is claimed under subsection (a),

''(2) a report of the amount of payroll taxes offset under subsection (a) for the reporting period and the estimated offsets of such taxes for the subsequent reporting period in connection with reimbursements under subsection (a), and

''(3) a report containing the TINs of all covered employees, the amount of subsidy reimbursed with respect to each covered employee and qualified beneficiaries, and a designation with respect to each covered employee as to whether the subsidy reimbursement is for coverage of 1 individual or 2 or more individuals.

''(f) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out this section, including—

''(1) the requirement to report information or the establishment of other methods for verifying the correct amounts of reimbursements under this section, and

''(2) the application of this section to group health plans that are multiemployer plans (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974).''.

(B) SOCIAL SECURITY TRUST FUNDS HELD HARMLESS.—In determining any amount transferred or appropriated to any fund under the Social Security Act, section 6432 of the Internal Revenue Code of 1986 shall not be taken into account.

(C) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 6432. COBRA premium assistance.''.

(D) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to premiums to which subsection (a)(1)(A) applies.

(E) SPECIAL RULE.—

(i) IN GENERAL.—In the case of an assistance eligible individual who pays, with respect to the first period of COBRA continuation coverage to which subsection (a)(1)(A) applies or the immediately subsequent period, the full premium amount for such coverage, the person to whom such payment is payable shall—

(I) make a reimbursement payment to such individual for the amount of such premium paid in excess of the amount required to be paid under subsection (a)(1)(A); or

(II) provide credit to the individual for such amount in a manner that reduces one or more subsequent premium payments that the individual is required to pay under such subsection for the coverage involved.

(ii) REIMBURSING EMPLOYER.—A person to which clause (i) applies shall be reimbursed as provided for in section 6432 of the Internal Revenue Code of 1986 for any payment made, or credit provided, to the employee under such clause.

(iii) PAYMENT OR CREDITS.—Unless it is reasonable to believe that the credit for the excess payment in clause (i)(II) will be used by the assistance eligible individual within 180 days of the date on which the person receives from the individual the payment of the full premium amount, a person to which clause (i) applies shall make the payment required under such clause to the individual within 60 days of such payment of the full premium amount. If, as of any day within the 180-day period, it is no longer reasonable to believe that the credit will be used during that period, payment equal to the remainder of the credit outstanding shall be made to the individual within 60 days of such day.

(13) PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR PREMIUM ASSISTANCE.—

(A) IN GENERAL.—Part I of subchapter B of chapter 68 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 6720C. PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR COBRA PREMIUM ASSISTANCE.

''(a) IN GENERAL.—Any person required to notify a group health plan under section 3002(a)(2)(C)) of the Health Insurance Assistance for the Unemployed Act of 2009 who fails to make such a notification at such time and in such manner as the Secretary of Labor may require shall pay a penalty of 110 percent of the premium reduction provided under such section after termination of eligibility under such subsection.

''(b) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subsection (a) with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.''.

(B) CLERICAL AMENDMENT.—The table of sections of part I of subchapter B of chapter 68 of such Code is amended by adding at the end the following new item:

''Sec. 6720C. Penalty for failure to notify health plan of cessation of eligibility for COBRA premium assistance.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to failures occurring after the date of the enactment of this Act.

(14) COORDINATION WITH HCTC.—

(A) IN GENERAL.—Subsection (g) of section 35 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (9) as paragraph (10) and inserting after paragraph (8) the following new paragraph:

''(9) COBRA PREMIUM ASSISTANCE.—In the case of an assistance eligible individual who receives premium reduction for COBRA continuation coverage under section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009 for any month during the taxable year, such individual shall not be treated as an eligible individual, a certified individual, or a qualifying family member for purposes of this section or section 7527 with respect to such month.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to taxable years ending after the date of the enactment of this Act.

(15) EXCLUSION OF COBRA PREMIUM ASSISTANCE FROM GROSS INCOME.—

(A) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139B the following new section:

''SEC. 139C. COBRA PREMIUM ASSISTANCE.

''In the case of an assistance eligible individual (as defined in section 3002 of the Health Insurance Assistance for the Unemployed Act of 2009), gross income does not include any premium reduction provided under subsection (a) of such section.''.

(B) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139B the following new item:

''Sec. 139C. COBRA premium assistance.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to taxable years ending after the date of the enactment of this Act.

(b) ELIMINATION OF PREMIUM SUBSIDY FOR HIGH-INCOME INDIVIDUALS.—

(1) RECAPTURE OF SUBSIDY FOR HIGH-INCOME INDIVIDUALS.—If—

(A) premium assistance is provided under this section with respect to any COBRA continuation coverage which covers the taxpayer, the taxpayer's spouse, or any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of the taxpayer during any portion of the taxable year, and

(B) the taxpayer's modified adjusted gross income for such taxable year exceeds $125,000 ($250,000 in the case of a joint return),

then the tax imposed by chapter 1 of such Code with respect to the taxpayer for such taxable year shall be increased by the amount of such assistance.

(2) PHASE-IN OF RECAPTURE.—

(A) IN GENERAL.—In the case of a taxpayer whose modified adjusted gross income for the taxable year does not exceed $145,000 ($290,000 in the case of a joint return), the increase in the tax imposed under paragraph (1) shall not exceed the phase-in percentage of such increase (determined without regard to this paragraph).

(B) PHASE-IN PERCENTAGE.—For purposes of this subsection, the term ''phase-in percentage'' means the ratio (expressed as a percentage) obtained by dividing—

(i) the excess of described in subparagraph (B) of paragraph (1), by

(ii) $20,000 ($40,000 in the case of a joint return).

(3) OPTION FOR HIGH-INCOME INDIVIDUALS TO WAIVE ASSISTANCE AND AVOID RECAPTURE.—Notwithstanding subsection (a)(3), an individual shall not be treated as an assistance eligible individual for purposes of this section and section 6432 of the Internal Revenue Code of 1986 if such individual—

(A) makes a permanent election (at such time and in such form and manner as the Secretary of the Treasury may prescribe) to waive the right to the premium assistance provided under this section, and

(B) notifies the entity to whom premiums are reimbursed under section 6432(a) of such Code of such election.

(4) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term ''modified adjusted gross income'' means the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933 of such Code.

(5) CREDITS NOT ALLOWED AGAINST TAX, ETC.—For purposes determining regular tax liability under section 26(b) of such Code, the increase in tax under this subsection shall not be treated as a tax imposed under chapter 1 of such Code.

(6) REGULATIONS.—The Secretary of the Treasury shall issue such regulations or other guidance as are necessary or appropriate to carry out this subsection, including requirements that the entity to whom premiums are reimbursed under section 6432(a) of the Internal Revenue Code of 1986 report to the Secretary, and to each assistance eligible individual, the amount of premium assistance provided under subsection (a) with respect to each such individual.

(7) EFFECTIVE DATE.—The provisions of this subsection shall apply to taxable years ending after the date of the enactment of this Act.

TITLE IV—MEDICARE AND MEDICAID HEALTH INFORMATION TECHNOLOGY; MISCELLANEOUS MEDICARE PROVISIONS

SEC. 4001. TABLE OF CONTENTS OF TITLE.

The table of contents of this title is as follows:

Subtitle A—Medicare Incentives

SEC. 4101. INCENTIVES FOR ELIGIBLE PROFESSIONALS.

(a) INCENTIVE PAYMENTS.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended by adding at the end the following new subsection:

''(o) INCENTIVES FOR ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

''(1) INCENTIVE PAYMENTS.—

''(A) IN GENERAL.—

''(i) IN GENERAL.—Subject to the succeeding subparagraphs of this paragraph, with respect to covered professional services furnished by an eligible professional during a payment year (as defined in subparagraph (E)), if the eligible professional is a meaningful EHR user (as determined under paragraph (2)) for the EHR reporting period with respect to such year, in addition to the amount otherwise paid under this part, there also shall be paid to the eligible professional (or to an employer or facility in the cases described in clause (A) of section 1842(b)(6)), from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 an amount equal to 75 percent of the Secretary's estimate (based on claims submitted not later than 2 months after the end of the payment year) of the allowed charges under this part for all such covered professional services furnished by the eligible professional during such year.

''(ii) NO INCENTIVE PAYMENTS WITH RESPECT TO YEARS AFTER 2016.—No incentive payments may be made under this subsection with respect to a year after 2016.

''(B) LIMITATIONS ON AMOUNTS OF INCENTIVE PAYMENTS.—

''(i) IN GENERAL.—In no case shall the amount of the incentive payment provided under this paragraph for an eligible professional for a payment year exceed the applicable amount specified under this subparagraph with respect to such eligible professional and such year.

''(ii) AMOUNT.—Subject to clauses (iii) through (v), the applicable amount specified in this subparagraph for an eligible professional is as follows:

''(I) For the first payment year for such professional, $15,000 (or, if the first payment year for such eligible professional is 2011 or 2012, $18,000).

''(II) For the second payment year for such professional, $12,000.

''(III) For the third payment year for such professional, $8,000.

''(IV) For the fourth payment year for such professional, $4,000.

''(V) For the fifth payment year for such professional, $2,000.

''(VI) For any succeeding payment year for such professional, $0.

''(iii) PHASE DOWN FOR ELIGIBLE PROFESSIONALS FIRST ADOPTING EHR AFTER 2013.—If the first payment year for an eligible professional is after 2013, then the amount specified in this subparagraph for a payment year for such professional is the same as the amount specified in clause (ii) for such payment year for an eligible professional whose first payment year is 2013.

''(iv) INCREASE FOR CERTAIN ELIGIBLE PROFESSIONALS.—In the case of an eligible professional who predominantly furnishes services under this part in an area that is designated by the Secretary (under section 332(a)(1)(A) of the Public Health Service Act) as a health professional shortage area, the amount that would otherwise apply for a payment year for such professional under subclauses (I) through (V) of clause (ii) shall be increased by 10 percent. In implementing the preceding sentence, the Secretary may, as determined appropriate, apply provisions of subsections (m) and (u) of section 1833 in a similar manner as such provisions apply under such subsection.

''(v) NO INCENTIVE PAYMENT IF FIRST ADOPTING AFTER 2014.—If the first payment year for an eligible professional is after 2014 then the applicable amount specified in this subparagraph for such professional for such year and any subsequent year shall be $0.

''(C) NON-APPLICATION TO HOSPITAL-BASED ELIGIBLE PROFESSIONALS.—

''(i) IN GENERAL.—No incentive payment may be made under this paragraph in the case of a hospital-based eligible professional.

''(ii) HOSPITAL-BASED ELIGIBLE PROFESSIONAL.—For purposes of clause (i), the term 'hospital-based eligible professional' means, with respect to covered professional services furnished by an eligible professional during the EHR reporting period for a payment year, an eligible professional, such as a pathologist, anesthesiologist, or emergency physician, who furnishes substantially all of such services in a hospital setting (whether inpatient or outpatient) and through the use of the facilities and equipment, including qualified electronic health records, of the hospital. The determination of whether an eligible professional is a hospital-based eligible professional shall be made on the basis of the site of service (as defined by the Secretary) and without regard to any employment or billing arrangement between the eligible professional and any other provider.

''(D) PAYMENT.—

''(i) FORM OF PAYMENT.—The payment under this paragraph may be in the form of a single consolidated payment or in the form of such periodic installments as the Secretary may specify.

''(ii) COORDINATION OF APPLICATION OF LIMITATION FOR PROFESSIONALS IN DIFFERENT PRACTICES.—In the case of an eligible professional furnishing covered professional services in more than one practice (as specified by the Secretary), the Secretary shall establish rules to coordinate the incentive payments, including the application of the limitation on amounts of such incentive payments under this paragraph, among such practices.

''(iii) COORDINATION WITH MEDICAID.—The Secretary shall seek, to the maximum extent practicable, to avoid duplicative requirements from Federal and State governments to demonstrate meaningful use of certified EHR technology under this title and title XIX. The Secretary may also adjust the reporting periods under such title and such subsections in order to carry out this clause.

''(E) PAYMENT YEAR DEFINED.—

''(i) IN GENERAL.—For purposes of this subsection, the term 'payment year' means a year beginning with 2011.

''(ii) FIRST, SECOND, ETC. PAYMENT YEAR.—The term 'first payment year' means, with respect to covered professional services furnished by an eligible professional, the first year for which an incentive payment is made for such services under this subsection. The terms 'second payment year', 'third payment year', 'fourth payment year', and 'fifth payment year' mean, with respect to covered professional services furnished by such eligible professional, each successive year immediately following the first payment year for such professional.

''(2) MEANINGFUL EHR USER.—

''(A) IN GENERAL.—For purposes of paragraph (1), an eligible professional shall be treated as a meaningful EHR user for an EHR reporting period for a payment year (or, for purposes of subsection (a)(7), for an EHR reporting period under such subsection for a year) if each of the following requirements is met:

''(i) MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—The eligible professional demonstrates to the satisfaction of the Secretary, in accordance with subparagraph (C)(i), that during such period the professional is using certified EHR technology in a meaningful manner, which shall include the use of electronic prescribing as determined to be appropriate by the Secretary.

''(ii) INFORMATION EXCHANGE.—The eligible professional demonstrates to the satisfaction of the Secretary, in accordance with subparagraph (C)(i), that during such period such certified EHR technology is connected in a manner that

provides, in accordance with law and standards applicable to the exchange of information, for the electronic exchange of health information to improve the quality of health care, such as promoting care coordination.

''(iii) REPORTING ON MEASURES USING EHR.—Subject to subparagraph (B)(ii) and using such certified EHR technology, the eligible professional submits information for such period, in a form and manner specified by the Secretary, on such clinical quality measures and such other measures as selected by the Secretary under subparagraph (B)(i).

The Secretary may provide for the use of alternative means for meeting the requirements of clauses (i), (ii), and (iii) in the case of an eligible professional furnishing covered professional services in a group practice (as defined by the Secretary). The Secretary shall seek to improve the use of electronic health records and health care quality over time by requiring more stringent measures of meaningful use selected under this paragraph.

''(B) REPORTING ON MEASURES.—

''(i) SELECTION.—The Secretary shall select measures for purposes of subparagraph (A)(iii) but only consistent with the following:

''(I) The Secretary shall provide preference to clinical quality measures that have been endorsed by the entity with a contract with the Secretary under section 1890(a).

''(II) Prior to any measure being selected under this subparagraph, the Secretary shall publish in the Federal Register such measure and provide for a period of public comment on such measure.

''(ii) LIMITATION.—The Secretary may not require the electronic reporting of information on clinical quality measures under subparagraph (A)(iii) unless the Secretary has the capacity to accept the information electronically, which may be on a pilot basis.

''(iii) COORDINATION OF REPORTING OF INFORMATION.—In selecting such measures, and in establishing the form and manner for reporting measures under subparagraph (A)(iii), the Secretary shall seek to avoid redundant or duplicative reporting otherwise required, including reporting under subsection (k)(2)(C).

''(C) DEMONSTRATION OF MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY AND INFORMATION EXCHANGE.—

''(i) IN GENERAL.—A professional may satisfy the demonstration requirement of clauses (i) and (ii) of subparagraph (A) through means specified by the Secretary, which may include—

''(I) an attestation;

''(II) the submission of claims with appropriate coding (such as a code indicating that a patient encounter was documented using certified EHR technology);

''(III) a survey response;

''(IV) reporting under subparagraph (A)(iii); and

''(V) other means specified by the Secretary.

''(ii) USE OF PART D DATA.—Notwithstanding sections 1860D–15(d)(2)(B) and 1860D–15(f)(2), the Secretary may use data regarding drug claims submitted for purposes of section 1860D–15 that are necessary for purposes of subparagraph (A).

''(3) APPLICATION.—

''(A) PHYSICIAN REPORTING SYSTEM RULES.—Paragraphs (5), (6), and (8) of subsection (k) shall apply for purposes of this subsection in the same manner as they apply for purposes of such subsection.

''(B) COORDINATION WITH OTHER PAYMENTS.—The provisions of this subsection shall not be taken into account in applying the provisions of subsection (m) of this section and of section 1833(m) and any payment under such provisions shall not be taken into account in computing allowable charges under this subsection.

''(C) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of—

''(i) the methodology and standards for determining payment amounts under this subsection and payment adjustments under subsection (a)(7)(A), including the limitation under paragraph (1)(B) and coordination under clauses (ii) and (iii) of paragraph (1)(D);

''(ii) the methodology and standards for determining a meaningful EHR user under paragraph (2), including selection of measures under paragraph (2)(B), specification of the means of demonstrating meaningful EHR use under paragraph (2)(C), and the hardship exception under subsection (a)(7)(B);

''(iii) the methodology and standards for determining a hospital-based eligible professional under paragraph (1)(C); and

''(iv) the specification of reporting periods under paragraph (5) and the selection of the form of payment under paragraph (1)(D)(i).

''(D) POSTING ON WEBSITE.—The Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services, in an easily understandable format, a list of the names, business addresses, and business phone numbers of the eligible professionals who are meaningful EHR users and, as determined appropriate by the Secretary, of group practices receiving incentive payments under paragraph (1).

''(4) CERTIFIED EHR TECHNOLOGY DEFINED.—For purposes of this section, the term 'certified EHR technology' means a qualified electronic health record (as defined in section 3000(13) of the Public Health Service Act) that is certified pursuant to section 3001(c)(5) of such Act as meeting standards adopted under section 3004 of such Act that are applicable to the type of record involved (as determined by the Secretary, such as an ambulatory electronic health record for office-based physicians or an inpatient hospital electronic health record for hospitals).

''(5) DEFINITIONS.—For purposes of this subsection:

''(A) COVERED PROFESSIONAL SERVICES.—The term 'covered professional services' has the meaning given such term in subsection (k)(3).

''(B) EHR REPORTING PERIOD.—The term 'EHR reporting period' means, with respect to a payment year, any period (or periods) as specified by the Secretary.

''(C) ELIGIBLE PROFESSIONAL.—The term 'eligible professional' means a physician, as defined in section 1861(r).''.

(b) INCENTIVE PAYMENT ADJUSTMENT.—Section 1848(a) of the Social Security Act (42 U.S.C. 1395w–4(a)) is amended by adding at the end the following new paragraph:

''(7) INCENTIVES FOR MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

''(A) ADJUSTMENT.—

''(i) IN GENERAL.—Subject to subparagraphs (B) and (D), with respect to covered professional services furnished by an eligible professional during 2015 or any subsequent payment year, if the eligible professional is not a meaningful EHR user (as determined under subsection (o)(2)) for an EHR reporting period for the year, the fee schedule amount for such services furnished by such professional during the year (including the fee schedule amount for purposes of determining a payment based on such amount) shall be equal to the applicable percent of the fee schedule amount that would otherwise apply to such services under this subsection (determined after application of paragraph (3) but without regard to this paragraph).

''(ii) APPLICABLE PERCENT.—Subject to clause (iii), for purposes of clause (i), the term 'applicable percent' means—

''(I) for 2015, 99 percent (or, in the case of an eligible professional who was subject to the application of the payment adjustment under section 1848(a)(5) for 2014, 98 percent);

''(II) for 2016, 98 percent; and

''(III) for 2017 and each subsequent year, 97 percent.

''(iii) AUTHORITY TO DECREASE APPLICABLE PERCENTAGE FOR 2018 AND SUBSEQUENT YEARS.—For 2018 and each subsequent year, if the Secretary finds that the proportion of eligible professionals who are meaningful EHR users (as determined under subsection (o)(2)) is less than 75 percent, the applicable percent shall be decreased by 1 percentage point from the applicable percent in the preceding year, but in no case shall the applicable percent be less than 95 percent.

''(B) SIGNIFICANT HARDSHIP EXCEPTION.—The Secretary may, on a case-by-case basis, exempt an eligible professional from the application of the payment adjustment under subparagraph (A) if the Secretary determines, subject to annual renewal, that compliance with the requirement for being a meaningful EHR user would result in a significant hardship, such as in the case of an eligible professional who practices in a rural area without sufficient Internet access. In no case may an eligible professional be granted an exemption under this subparagraph for more than 5 years.

''(C) APPLICATION OF PHYSICIAN REPORTING SYSTEM RULES.—Paragraphs (5), (6), and (8) of subsection (k) shall apply for purposes of this paragraph in the same manner as they apply for purposes of such subsection.

''(D) NON-APPLICATION TO HOSPITAL-BASED ELIGIBLE PROFESSIONALS.—No payment adjustment may be made under subparagraph (A) in the case of hospital-based eligible professionals (as defined in subsection (o)(1)(C)(ii)).

''(E) DEFINITIONS.—For purposes of this paragraph:

''(i) COVERED PROFESSIONAL SERVICES.—The term 'covered professional services' has the meaning given such term in subsection (k)(3).

''(ii) EHR REPORTING PERIOD.—The term 'EHR reporting period' means, with respect to a year, a period (or periods) specified by the Secretary.

''(iii) ELIGIBLE PROFESSIONAL.—The term 'eligible professional' means a physician, as defined in section 1861(r).''.

(c) APPLICATION TO CERTAIN MA-AFFILIATED ELIGIBLE PROFESSIONALS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended by adding at the end the following new subsection:

''(l) APPLICATION OF ELIGIBLE PROFESSIONAL INCENTIVES FOR CERTAIN MA ORGANIZATIONS FOR ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

''(1) IN GENERAL.—Subject to paragraphs (3) and (4), in the case of a qualifying MA organization, the provisions of sections 1848(o) and 1848(a)(7) shall apply with respect to eligible professionals described in paragraph (2) of the organization who the organization attests under paragraph (6) to be meaningful EHR users in a similar manner as they apply to eligible professionals under such sections. Incentive payments under paragraph (3) shall be made to and payment adjustments under paragraph (4) shall apply to such qualifying organizations.

''(2) ELIGIBLE PROFESSIONAL DESCRIBED.—With respect to a qualifying MA organization, an eligible professional described in this paragraph is an eligible professional (as defined for purposes of section 1848(o)) who—

''(A)(i) is employed by the organization; or

''(ii)(I) is employed by, or is a partner of, an entity that through contract with the organization furnishes at least 80 percent of the entity's Medicare patient care services to enrollees of such organization; and

''(II) furnishes at least 80 percent of the professional services of the eligible professional covered under this title to enrollees of the organization; and

''(B) furnishes, on average, at least 20 hours per week of patient care services.

''(3) ELIGIBLE PROFESSIONAL INCENTIVE PAYMENTS.—

''(A) IN GENERAL.—In applying section 1848(o) under paragraph (1), instead of the additional payment amount under section 1848(o)(1)(A) and subject to subparagraph (B), the Secretary may substitute an amount determined by the Secretary to the extent feasible and practical to be similar to the estimated amount in the aggregate that would be payable if payment for services furnished by such professionals was payable under part B instead of this part.

''(B) AVOIDING DUPLICATION OF PAYMENTS.—

''(i) IN GENERAL.—In the case of an eligible professional described in paragraph (2)—

''(I) that is eligible for the maximum incentive payment under section 1848(o)(1)(A) for the same payment period, the payment incentive shall be made only under such section and not under this subsection; and

''(II) that is eligible for less than such maximum incentive payment for the same payment period, the payment incentive shall be made only under this subsection and not under section 1848(o)(1)(A).

''(ii) METHODS.—In the case of an eligible professional described in paragraph (2) who is eligible for an incentive payment under section 1848(o)(1)(A) but is not described in clause (i) for the same payment period, the Secretary shall develop a process—

''(I) to ensure that duplicate payments are not made with respect to an eligible professional both under this subsection and under section 1848(o)(1)(A); and

''(II) to collect data from Medicare Advantage organizations to ensure against such duplicate payments.

''(C) FIXED SCHEDULE FOR APPLICATION OF LIMITATION ON INCENTIVE PAYMENTS FOR ALL ELIGIBLE PROFESSIONALS.—In applying section 1848(o)(1)(B)(ii) under subparagraph (A), in accordance with rules specified by the Secretary, a qualifying MA organization shall specify a year (not earlier than 2011) that shall be treated as the first payment year for all eligible professionals with respect to such organization.

''(4) PAYMENT ADJUSTMENT.—

''(A) IN GENERAL.—In applying section 1848(a)(7) under paragraph (1), instead of the payment adjustment being an applicable percent of the fee schedule amount for a year under such section, subject to subparagraph (D), the payment adjustment under paragraph (1) shall be equal to the percent specified in subparagraph (B) for such year of the payment amount otherwise provided under this section for such year.

''(B) SPECIFIED PERCENT.—The percent specified under this subparagraph for a year is 100 percent minus a number of percentage points equal to the product of—

''(i) the number of percentage points by which the applicable percent (under section 1848(a)(7)(A)(ii)) for the year is less than 100 percent; and

''(ii) the Medicare physician expenditure proportion specified in subparagraph (C) for the year.

''(C) MEDICARE PHYSICIAN EXPENDITURE PROPORTION.—The Medicare physician expenditure proportion under this subparagraph for a year is the Secretary's estimate of the proportion, of the expenditures under parts A and B that are not attributable to this part, that are attributable to expenditures for physicians' services.

''(D) APPLICATION OF PAYMENT ADJUSTMENT.—In the case that a qualifying MA organization attests that not all eligible professionals of the organization are meaningful EHR users with respect to a year, the Secretary shall apply the payment adjustment under this paragraph based on the proportion of all such eligible professionals of the organization that are not meaningful EHR users for such year.

''(5) QUALIFYING MA ORGANIZATION DEFINED.—In this subsection and subsection (m), the term 'qualifying MA organization' means a Medicare Advantage organization that is organized as a health maintenance organization (as defined in section 2791(b)(3) of the Public Health Service Act).

''(6) MEANINGFUL EHR USER ATTESTATION.—For purposes of this subsection and subsection (m), a qualifying MA organization shall submit an attestation, in a form and manner specified by the Secretary which may include the submission of such attestation as part of submission of the initial bid under section 1854(a)(1)(A)(iv), identifying—

''(A) whether each eligible professional described in paragraph (2), with respect to such organization is a meaningful EHR user (as defined in section 1848(o)(2)) for a year specified by the Secretary; and

''(B) whether each eligible hospital described in subsection (m)(1), with respect to such organization, is a meaningful EHR user (as defined in section 1886(n)(3)) for an applicable period specified by the Secretary.

''(7) POSTING ON WEBSITE.—The Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services, in an easily understandable format, a list of the names, business addresses, and business phone numbers of—

''(A) each qualifying MA organization receiving an incentive payment under this subsection for eligible professionals of the organization; and

''(B) the eligible professionals of such organization for which such incentive payment is based.

''(8) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of—

''(A) the methodology and standards for determining payment amounts and payment adjustments under this subsection, including avoiding duplication of payments under paragraph (3)(B) and the specification of rules for the fixed schedule for application of limitation on incentive payments for all eligible professionals under paragraph (3)(C);

''(B) the methodology and standards for determining eligible professionals under paragraph (2); and

''(C) the methodology and standards for determining a meaningful EHR user under section 1848(o)(2), including specification of the means of demonstrating meaningful EHR use under section 1848(o)(3)(C) and selection of measures under section 1848(o)(3)(B).''.

(d) STUDY AND REPORT RELATING TO MA ORGANIZATIONS.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study on the extent to which and manner in which payment incentives and adjustments (such as under sections 1848(o) and 1848(a)(7) of the Social Security Act) could be made available to professionals, as defined in 1861(r), who are not eligible for HIT incentive payments under section 1848(o) and receive payments for Medicare patient services nearly-exclusively through contractual arrangements with one or more Medicare Advantage organizations, or an intermediary organization or organizations with contracts with Medicare Advantage organizations. Such study shall assess approaches for measuring meaningful use of qualified EHR technology among such professionals and mechanisms for delivering incentives and adjustments to those professionals, including through incentive payments and adjustments through Medicare Advantage organizations or intermediary organizations.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the findings and the conclusions of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(e) CONFORMING AMENDMENTS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended—

(1) in subsection (a)(1)(A), by striking ''and (i)'' and inserting ''(i), and (l)'';

(2) in subsection (c)—

(A) in paragraph (1)(D)(i), by striking ''section 1886(h)'' and inserting ''sections 1848(o) and 1886(h)''; and

(B) in paragraph (6)(A), by inserting after ''under part B,'' the following: ''excluding expenditures attributable to subsections (a)(7) and (o) of section 1848,''; and

(3) in subsection (f), by inserting ''and for payments under subsection (l)'' after ''with the organization''.

(f) CONFORMING AMENDMENTS TO E-PRESCRIBING.—

(1) Section 1848(a)(5)(A) of the Social Security Act (42 U.S.C. 1395w–4(a)(5)(A)) is amended—

(A) in clause (i), by striking ''or any subsequent year'' and inserting '', 2013 or 2014''; and

(B) in clause (ii), by striking ''and each subsequent year''.

(2) Section 1848(m)(2) of such Act (42 U.S.C. 1395w–4(m)(2)) is amended—

(A) in subparagraph (A), by striking ''For 2009'' and inserting ''Subject to subparagraph (D), for 2009''; and

(B) by adding at the end the following new subparagraph:

''(D) LIMITATION WITH RESPECT TO EHR INCENTIVE PAYMENTS.—The provisions of this paragraph shall not apply to an eligible professional (or, in the case of a group practice under paragraph (3)(C), to the group practice) if, for the EHR reporting period the eligible professional (or group practice) receives an incentive payment under subsection (o)(1)(A) with respect to a certified EHR technology (as defined in subsection (o)(4)) that has the capability of electronic prescribing.''.

SEC. 4102. INCENTIVES FOR HOSPITALS.

(a) INCENTIVE PAYMENT.—

(1) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

''(n) INCENTIVES FOR ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, with respect to inpatient hospital services furnished by an eligible hospital during a payment year (as defined in paragraph (2)(G)), if the eligible hospital is a meaningful EHR user (as determined under paragraph (3)) for the EHR reporting period with respect to such year, in addition to the amount otherwise paid under this section, there also shall be paid to the eligible hospital, from the Federal Hospital Insurance Trust Fund established under section 1817, an amount equal to the applicable amount specified in paragraph (2)(A) for the hospital for such payment year.

''(2) PAYMENT AMOUNT.—

''(A) IN GENERAL.—Subject to the succeeding subparagraphs of this paragraph, the applicable amount specified in this subparagraph for an eligible hospital for a payment year is equal to the product of the following:

''(i) INITIAL AMOUNT.—The sum of—

''(I) the base amount specified in subparagraph (B); plus

''(II) the discharge related amount specified in subparagraph (C) for a 12-month period selected by the Secretary with respect to such payment year.

''(ii) MEDICARE SHARE.—The Medicare share as specified in subparagraph (D) for the eligible hospital for a period selected by the Secretary with respect to such payment year.

''(iii) TRANSITION FACTOR.—The transition factor specified in subparagraph (E) for the eligible hospital for the payment year.

''(B) BASE AMOUNT.—The base amount specified in this subparagraph is $2,000,000.

''(C) DISCHARGE RELATED AMOUNT.—The discharge related amount specified in this subparagraph for a 12-month period selected by the Secretary shall be determined as the sum of the amount, estimated based upon total discharges for the eligible hospital (regardless of any source of payment) for the period, for each discharge up to the 23,000th discharge as follows:

''(i) For the first through 1,149th discharge, $0.

''(ii) For the 1,150th through the 23,000th discharge, $200.

''(iii) For any discharge greater than the 23,000th, $0.

''(D) MEDICARE SHARE.—The Medicare share specified under this subparagraph for an eligible hospital for a period selected by the Secretary for a payment year is equal to the fraction—

''(i) the numerator of which is the sum (for such period and with respect to the eligible hospital) of—

''(I) the estimated number of inpatient-bed-days (as established by the Secretary) which are attributable to individuals with respect to whom payment may be made under part A; and

''(II) the estimated number of inpatient-bed-days (as so established) which are attributable to individuals who are enrolled with a Medicare Advantage organization under part C; and

''(ii) the denominator of which is the product of—

''(I) the estimated total number of inpatient-bed-days with respect to the eligible hospital during such period; and

''(II) the estimated total amount of the eligible hospital's charges during such period, not including any charges that are attributable to charity care (as such term is used for purposes of hospital cost reporting under this title), divided by the estimated total amount of the hospital's charges during such period.

Insofar as the Secretary determines that data are not available on charity care necessary to calculate the portion of the formula specified in clause (ii)(II), the Secretary shall use data on uncompensated care and may adjust such data so as to be an appropriate proxy for charity care including a downward adjustment to eliminate bad debt data from uncompensated care data. In the absence of the data necessary, with respect to a hospital, for the Secretary to compute the amount described in clause (ii)(II), the amount under such clause shall be deemed to be 1. In the absence of data, with respect to a hospital, necessary to compute the amount described in clause (i)(II), the amount under such clause shall be deemed to be 0.

''(E) TRANSITION FACTOR SPECIFIED.—

''(i) IN GENERAL.—Subject to clause (ii), the transition factor specified in this subparagraph for an eligible hospital for a payment year is as follows:

''(I) For the first payment year for such hospital, 1.

''(II) For the second payment year for such hospital, ¾.

''(III) For the third payment year for such hospital, ½.

''(IV) For the fourth payment year for such hospital, ¼.

''(V) For any succeeding payment year for such hospital, 0.

''(ii) PHASE DOWN FOR ELIGIBLE HOSPITALS FIRST ADOPTING EHR AFTER 2013.—If the first payment year for an eligible hospital is after 2013, then the transition factor specified in this subparagraph for a payment year for such hospital is the same as the amount specified in clause (i) for such payment year for an eligible hospital for which the first payment year is 2013. If the first payment year for an eligible hospital is after 2015 then the transition factor specified in this subparagraph for such hospital and for such year and any subsequent year shall be 0.

''(F) FORM OF PAYMENT.—The payment under this subsection for a payment year may be in the form of a single consolidated payment or in the form of such periodic installments as the Secretary may specify.

''(G) PAYMENT YEAR DEFINED.—

''(i) IN GENERAL.—For purposes of this subsection, the term 'payment year' means a fiscal year beginning with fiscal year 2011.

''(ii) FIRST, SECOND, ETC. PAYMENT YEAR.—The term 'first payment year' means, with respect to inpatient hospital services furnished by an eligible hospital, the first fiscal year for which an incentive payment is made for such services under this subsection. The terms 'second payment year', 'third payment year', and 'fourth payment year' mean, with respect to an eligible hospital, each successive year immediately following the first payment year for that hospital.

''(3) MEANINGFUL EHR USER.—

''(A) IN GENERAL.—For purposes of paragraph (1), an eligible hospital shall be treated as a meaningful EHR user for an EHR reporting period for a payment year (or, for purposes of subsection (b)(3)(B)(ix), for an EHR reporting period under such subsection for a fiscal year) if each of the following requirements are met:

''(i) MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—The eligible hospital demonstrates to the satisfaction of the Secretary, in accordance with subparagraph (C)(i), that during such period the hospital is using certified EHR technology in a meaningful manner.

''(ii) INFORMATION EXCHANGE.—The eligible hospital demonstrates to the satisfaction of the Secretary, in accordance with subparagraph (C)(i), that during such period such certified EHR technology is connected in a manner that provides, in accordance with law and standards applicable to the exchange of information, for the electronic exchange of health information to improve the quality of health care, such as promoting care coordination.

''(iii) REPORTING ON MEASURES USING EHR.—Subject to subparagraph (B)(ii) and using such certified EHR technology, the eligible hospital submits information for such period, in a form and manner specified by the Secretary, on such clinical quality measures and such other measures as selected by the Secretary under subparagraph (B)(i).

The Secretary shall seek to improve the use of electronic health records and health care quality over time by requiring more stringent measures of meaningful use selected under this paragraph.

''(B) REPORTING ON MEASURES.—

''(i) SELECTION.—The Secretary shall select measures for purposes of subparagraph (A)(iii) but only consistent with the following:

''(I) The Secretary shall provide preference to clinical quality measures that have been selected for purposes of applying subsection (b)(3)(B)(viii) or that have been endorsed by the entity with a contract with the Secretary under section 1890(a).

''(II) Prior to any measure (other than a clinical quality measure that has been selected for purposes of applying subsection (b)(3)(B)(viii)) being selected under this subparagraph, the Secretary shall publish in the Federal Register such measure and provide for a period of public comment on such measure.

''(ii) LIMITATIONS.—The Secretary may not require the electronic reporting of information on clinical quality measures under subparagraph (A)(iii) unless the Secretary has the capacity to accept the information electronically, which may be on a pilot basis.

''(iii) COORDINATION OF REPORTING OF INFORMATION.—In selecting such measures, and in establishing the form and manner for reporting measures under subparagraph (A)(iii), the Secretary shall seek to avoid redundant or duplicative reporting with reporting otherwise required, including reporting under subsection (b)(3)(B)(viii).

''(C) DEMONSTRATION OF MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY AND INFORMATION EXCHANGE.—

''(i) IN GENERAL.—An eligible hospital may satisfy the demonstration requirement of clauses (i) and (ii) of subparagraph (A) through means specified by the Secretary, which may include—

''(I) an attestation;

''(II) the submission of claims with appropriate coding (such as a code indicating that inpatient care was documented using certified EHR technology);

''(III) a survey response;

''(IV) reporting under subparagraph (A)(iii); and

''(V) other means specified by the Secretary.

''(ii) USE OF PART D DATA.—Notwithstanding sections 1860D–15(d)(2)(B) and 1860D–15(f)(2), the Secretary may use data regarding drug claims submitted for purposes of section 1860D–15 that are necessary for purposes of subparagraph (A).

''(4) APPLICATION.—

''(A) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of—

''(i) the methodology and standards for determining payment amounts under this subsection and payment adjustments under subsection (b)(3)(B)(ix), including selection of periods under paragraph (2) for determining, and making estimates or using proxies of, discharges under paragraph (2)(C) and inpatient-bed-days, hospital charges, charity charges, and Medicare share under paragraph (2)(D);

''(ii) the methodology and standards for determining a meaningful EHR user under paragraph (3), including selection of measures under paragraph (3)(B), specification of the means of demonstrating meaningful EHR use under paragraph (3)(C), and the hardship exception under subsection (b)(3)(B)(ix)(II); and

''(iii) the specification of EHR reporting periods under paragraph (6)(B) and the selection of the form of payment under paragraph (2)(F).

''(B) POSTING ON WEBSITE.—The Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services, in an easily understandable format, a list of the names of the eligible hospitals that are meaningful EHR users under this subsection or subsection (b)(3)(B)(ix) (and a list of the names of critical access hospitals to which paragraph (3) or (4) of section 1814(l) applies), and other relevant data as determined appropriate by the Secretary. The Secretary shall ensure that an eligible hospital (or critical access hospital) has the opportunity to review the other relevant data that are to be made public with respect to the hospital (or critical access hospital) prior to such data being made public.

''(5) CERTIFIED EHR TECHNOLOGY DEFINED.—The term 'certified EHR technology' has the meaning given such term in section 1848(o)(4).

''(6) DEFINITIONS.—For purposes of this subsection:

''(A) EHR REPORTING PERIOD.—The term 'EHR reporting period' means, with respect to a payment year, any period (or periods) as specified by the Secretary.

''(B) ELIGIBLE HOSPITAL.—The term 'eligible hospital' means a subsection (d) hospital.''.

(2) CRITICAL ACCESS HOSPITALS.—Section 1814(l) of the Social Security Act (42 U.S.C. 1395f(l)) is amended—

(A) in paragraph (1), by striking ''paragraph (2)'' and inserting ''the subsequent paragraphs of this subsection''; and

(B) by adding at the end the following new paragraph:

''(3)(A) The following rules shall apply in determining payment and reasonable costs under paragraph (1) for costs described in subparagraph (C) for a critical access hospital that would be a meaningful EHR user (as would be determined under paragraph (3) of section 1886(n)) for an EHR reporting period for a cost reporting period beginning during a payment year if such critical access hospital was treated as an eligible hospital under such section:

''(i) The Secretary shall compute reasonable costs by expensing such costs in a single payment year and not depreciating such costs over a period of years (and shall include as costs with respect to cost reporting periods beginning during a payment year costs from previous cost reporting periods to the extent they have not been fully depreciated as of the period involved).

''(ii) There shall be substituted for the Medicare share that would otherwise be applied under paragraph (1) a percent (not to exceed 100 percent) equal to the sum of—

''(I) the Medicare share (as would be specified under paragraph (2)(D) of section 1886(n)) for such critical access hospital if such critical access hospital was treated as an eligible hospital under such section; and

''(II) 20 percentage points.

''(B) The payment under this paragraph with respect to a critical access hospital shall be paid through a prompt interim payment (subject to reconciliation) after submission and review of such information (as specified by the Secretary) necessary to make such payment, including information necessary to apply this paragraph. In no case may payment under this paragraph be made with respect to a cost reporting period beginning during a payment year after 2015 and in no case may a critical access hospital receive payment under this paragraph with respect to more than 4 consecutive payment years.

''(C) The costs described in this subparagraph are costs for the purchase of certified EHR technology to which purchase depreciation (excluding interest) would apply if payment was made under paragraph (1) and not under this paragraph.

''(D) For purposes of this paragraph, paragraph (4), and paragraph (5), the terms 'certified EHR technology', 'eligible hospital', 'EHR reporting period', and 'payment year' have the meanings given such terms in sections 1886(n).''.

(b) INCENTIVE MARKET BASKET ADJUSTMENT.—

(1) IN GENERAL.—Section 1886(b)(3)(B) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)) is amended—

(A) in clause (viii)(I), by inserting ''(or, beginning with fiscal year 2015, by one-quarter)'' after ''2.0 percentage points''; and

(B) by adding at the end the following new clause:

''(ix)(I) For purposes of clause (i) for fiscal year 2015 and each subsequent fiscal year, in the case of an eligible hospital (as defined in subsection (n)(6)(A)) that is not a meaningful EHR user (as defined in subsection (n)(3)) for an EHR reporting period for such fiscal year, three-quarters of the applicable percentage increase otherwise applicable under clause (i) for such fiscal year shall be reduced by 33⅓ percent for fiscal year 2015, 66⅔ percent for fiscal year 2016, and 100 percent for fiscal year 2017 and each subsequent fiscal year. Such reduction shall apply only with respect to the fiscal year involved and the Secretary shall not take into account such reduction in computing the applicable percentage increase under clause (i) for a subsequent fiscal year.

''(II) The Secretary may, on a case-by-case basis, exempt a subsection (d) hospital from the application of subclause (I) with respect to a fiscal year if the Secretary determines, subject to annual renewal, that requiring such hospital to be a meaningful EHR user during such fiscal year would result in a significant hardship, such as in the case of a hospital in a rural area without sufficient Internet access. In no case may a hospital be granted an exemption under this subclause for more than 5 years.

''(III) For fiscal year 2015 and each subsequent fiscal year, a State in which hospitals are paid for services under section 1814(b)(3) shall adjust the payments to each subsection (d) hospital in the State that is not a meaningful EHR user (as defined in subsection (n)(3)) in a manner that is designed to result in an aggregate reduction in payments to hospitals in the State that is equivalent to the aggregate reduction that would have occurred if payments had been reduced to each subsection (d) hospital in the State in a manner comparable to the reduction under the previous provisions of this clause. The State shall report to the Secretary the methodology it will use to make the payment adjustment under the previous sentence.

''(IV) For purposes of this clause, the term 'EHR reporting period' means, with respect to a fiscal year, any period (or periods) as specified by the Secretary.''.

(2) CRITICAL ACCESS HOSPITALS.—Section 1814(l) of the Social Security Act (42 U.S.C. 1395f(l)), as amended by subsection (a)(2), is further amended by adding at the end the following new paragraphs:

''(4)(A) Subject to subparagraph (C), for cost reporting periods beginning in fiscal year 2015 or a subsequent fiscal year, in the case of a critical access hospital that is not a meaningful EHR user (as would be determined under paragraph (3) of section 1886(n) if such critical access hospital was treated as an eligible hospital under such section) for an EHR reporting period with respect to such fiscal year, paragraph (1) shall be applied by substituting the applicable percent under subparagraph (B) for the percent described in such paragraph (1).

''(B) The percent described in this subparagraph is—

''(i) for fiscal year 2015, 100.66 percent;

''(ii) for fiscal year 2016, 100.33 percent; and

''(iii) for fiscal year 2017 and each subsequent fiscal year, 100 percent.

''(C) The provisions of subclause (II) of section 1886(b)(3)(B)(ix) shall apply with respect to subparagraph (A) for a critical access hospital with respect to a cost reporting period beginning in a fiscal year in the same manner as such subclause applies with respect to subclause (I) of such section for a subsection (d) hospital with respect to such fiscal year.

''(5) There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of—

''(A) the methodology and standards for determining the amount of payment and reasonable cost under paragraph (3) and payment adjustments under paragraph (4), including selection of periods under section 1886(n)(2) for determining, and making estimates or using proxies of, inpatient-bed-days, hospital charges, charity charges, and Medicare share under subparagraph (D) of section 1886(n)(2);

''(B) the methodology and standards for determining a meaningful EHR user under section 1886(n)(3) as would apply if the hospital was treated as an eligible hospital under section 1886(n), and the hardship exception under paragraph (4)(C);

''(C) the specification of EHR reporting periods under section 1886(n)(6)(B) as applied under paragraphs (3) and (4); and

''(D) the identification of costs for purposes of paragraph (3)(C).''.

(c) APPLICATION TO CERTAIN MA-AFFILIATED ELIGIBLE HOSPITALS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23), as amended by section 4101(c), is further amended by adding at the end the following new subsection:

''(m) APPLICATION OF ELIGIBLE HOSPITAL INCENTIVES FOR CERTAIN MA ORGANIZATIONS FOR ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

''(1) APPLICATION.—Subject to paragraphs (3) and (4), in the case of a qualifying MA organization, the provisions of sections 1886(n) and 1886(b)(3)(B)(ix) shall apply with respect to eligible hospitals described in paragraph (2) of the organization which the organization attests under subsection (l)(6) to be meaningful EHR users in a similar manner as they apply to eligible hospitals under such sections. Incentive payments under paragraph (3) shall be made to and payment adjustments under paragraph (4) shall apply to such qualifying organizations.

''(2) ELIGIBLE HOSPITAL DESCRIBED.—With respect to a qualifying MA organization, an eligible hospital described in this paragraph is an eligible hospital (as defined in section 1886(n)(6)(A)) that is under common corporate governance with such organization and serves individuals enrolled under an MA plan offered by such organization.

''(3) ELIGIBLE HOSPITAL INCENTIVE PAYMENTS.—

''(A) IN GENERAL.—In applying section 1886(n)(2) under paragraph (1), instead of the additional payment amount under section 1886(n)(2), there shall be substituted an amount determined by the Secretary to be similar to the estimated amount in the aggregate that would be payable if payment for services furnished by such hospitals was payable under part A instead of this part. In implementing the previous sentence, the Secretary—

''(i) shall, insofar as data to determine the discharge related amount under section 1886(n)(2)(C) for an eligible hospital are not available to the Secretary, use such alternative data and methodology to estimate such discharge related amount as the Secretary determines appropriate; and

''(ii) shall, insofar as data to determine the medicare share described in section 1886(n)(2)(D) for an eligible hospital are not available to the Secretary, use such alternative data and methodology to estimate such share, which data and methodology may include use of the inpatient-bed-days (or discharges) with respect to an eligible hospital during the appropriate period which are attributable to both individuals for whom payment may be made under part A or individuals enrolled in an MA plan under a Medicare Advantage organization under this part as a proportion of the estimated total number of patient-bed-days (or discharges) with respect to such hospital during such period.

''(B) AVOIDING DUPLICATION OF PAYMENTS.—

''(i) IN GENERAL.—In the case of a hospital that for a payment year is an eligible hospital described in paragraph (2) and for which at least one-third of their discharges (or bed-days) of Medicare patients for the year are covered under part A, payment for the payment year shall be made only under section 1886(n) and not under this subsection.

''(ii) METHODS.—In the case of a hospital that is an eligible hospital described in paragraph (2) and also is eligible for an incentive payment under section 1886(n) but is not described in clause (i) for the same payment period, the Secretary shall develop a process—

''(I) to ensure that duplicate payments are not made with respect to an eligible hospital both under this subsection and under section 1886(n); and

''(II) to collect data from Medicare Advantage organizations to ensure against such duplicate payments.

''(4) PAYMENT ADJUSTMENT.—

''(A) Subject to paragraph (3), in the case of a qualifying MA organization (as defined in section 1853(l)(5)), if, according to the attestation of the organization submitted under subsection (l)(6) for an applicable period, one or more eligible hospitals (as defined in section 1886(n)(6)(A)) that are under common corporate governance with such organization and that serve individuals enrolled under a plan offered by such organization are not meaningful EHR users (as defined in section 1886(n)(3)) with respect to a period, the payment amount payable under this section for such organization for such period shall be the percent specified in subparagraph (B) for such period of the payment amount otherwise provided under this section for such period.

''(B) SPECIFIED PERCENT.—The percent specified under this subparagraph for a year is 100 percent minus a number of percentage points equal to the product of—

''(i) the number of the percentage point reduction effected under section 1886(b)(3)(B)(ix)(I) for the period; and

''(ii) the Medicare hospital expenditure proportion specified in subparagraph (C) for the year.

''(C) MEDICARE HOSPITAL EXPENDITURE PROPORTION.—The Medicare hospital expenditure proportion under this subparagraph for a year is the Secretary's estimate of the proportion, of the expenditures under parts A and B that are not attributable to this part, that are attributable to expenditures for inpatient hospital services.

''(D) APPLICATION OF PAYMENT ADJUSTMENT.—In the case that a qualifying MA organization attests that not all eligible hospitals are meaningful EHR users with respect to an applicable period, the Secretary shall apply the payment adjustment under this paragraph based on a methodology specified by the Secretary, taking into account the proportion of such eligible hospitals, or discharges from such hospitals, that are not meaningful EHR users for such period.

''(5) POSTING ON WEBSITE.—The Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services, in an easily understandable format—

''(A) a list of the names, business addresses, and business phone numbers of each qualifying MA organization receiving an incentive payment under this subsection for eligible hospitals described in paragraph (2); and

''(B) a list of the names of the eligible hospitals for which such incentive payment is based.

''(6) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of—

''(A) the methodology and standards for determining payment amounts and payment adjustments under this subsection, including avoiding duplication of payments under paragraph (3)(B);

''(B) the methodology and standards for determining eligible hospitals under paragraph (2); and

''(C) the methodology and standards for determining a meaningful EHR user under section 1886(n)(3), including specification of the means of demonstrating meaningful EHR use under subparagraph (C) of such section and selection of measures under subparagraph (B) of such section.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 1814(b) of the Social Security Act (42 U.S.C. 1395f(b)) is amended—

(A) in paragraph (3), in the matter preceding subparagraph (A), by inserting '', subject to section 1886(d)(3)(B)(ix)(III),'' after ''then''; and

(B) by adding at the end the following: ''For purposes of applying paragraph (3), there shall be taken into account incentive payments, and payment adjustments under subsection (b)(3)(B)(ix) or (n) of section 1886.''.

(2) Section 1851(i)(1) of the Social Security Act (42 U.S.C. 1395w–21(i)(1)) is amended by striking ''and 1886(h)(3)(D)'' and inserting ''1886(h)(3)(D), and 1853(m)''.

(3) Section 1853 of the Social Security Act (42 U.S.C. 1395w–23), as amended by section 4101(d), is amended—

(A) in subsection (c)—

(i) in paragraph (1)(D)(i), by striking ''1848(o)'' and inserting '', 1848(o), and 1886(n)''; and

(ii) in paragraph (6)(A), by inserting ''and subsections (b)(3)(B)(ix) and (n) of section 1886'' after ''section 1848''; and

(B) in subsection (f), by inserting ''and subsection (m)'' after ''under subsection (l)''.

SEC. 4103. TREATMENT OF PAYMENTS AND SAVINGS; IMPLEMENTATION FUNDING.

(a) PREMIUM HOLD HARMLESS.—

(1) IN GENERAL.—Section 1839(a)(1) of the Social Security Act (42 U.S.C. 1395r(a)(1)) is amended by adding at the end the following: ''In applying this paragraph there shall not be taken into account additional payments under section 1848(o) and section 1853(l)(3) and the Government contribution under section 1844(a)(3).''.

(2) PAYMENT.—Section 1844(a) of such Act (42 U.S.C. 1395w(a)) is amended—

(A) in paragraph (2), by striking the period at the end and inserting ''; plus''; and

(B) by adding at the end the following new paragraph:

''(3) a Government contribution equal to the amount of payment incentives payable under sections 1848(o) and 1853(l)(3).''.

(b) MEDICARE IMPROVEMENT FUND.—Section 1898 of the Social Security Act (42 U.S.C. 1395iii), as added by section 7002(a) of the Supplemental Appropriations Act, 2008 (Public Law 110–252) and as amended by section 188(a)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275; 122 Stat. 2589) and by section 6 of the QI Program Supplemental Funding Act of 2008, is amended—

(1) in subsection (a)—

(A) by inserting ''medicare'' before ''fee-for-service''; and

(B) by inserting before the period at the end the following: ''including, but not limited to, an increase in the conversion factor under section 1848(d) to address, in whole or in part, any projected shortfall in the conversion factor for 2014 relative to the conversion factor for 2008 and adjustments to payments for items and services furnished by providers of services and suppliers under such original medicare fee-for-service program''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''during fiscal year 2014,'' and all that follows and inserting the following: ''during—

''(A) fiscal year 2014, $22,290,000,000; and

''(B) fiscal year 2020 and each subsequent fiscal year, the Secretary's estimate, as of July 1 of the fiscal year, of the aggregate reduction in expenditures under this title during the preceding fiscal year directly resulting from the reduction in payment amounts under sections 1848(a)(7), 1853(l)(4), 1853(m)(4), and 1886(b)(3)(B)(ix).''; and

(B) by adding at the end the following new paragraph:

''(4) NO EFFECT ON PAYMENTS IN SUBSEQUENT YEARS.—In the case that expenditures from the Fund are applied to, or otherwise affect, a payment rate for an item or service under this title for a year, the payment rate for such item or service shall be computed for a subsequent year as if such application or effect had never occurred.''.

(c) IMPLEMENTATION FUNDING.—In addition to funds otherwise available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services for the Center for Medicare & Medicaid Services Program Management Account, $100,000,000 for each of fiscal years 2009 through 2015 and $45,000,000 for fiscal year 2016, which shall be available for purposes of carrying out the provisions of (and amendments made by) this subtitle. Amounts appropriated under this subsection for a fiscal year shall be available until expended.

SEC. 4104. STUDIES AND REPORTS ON HEALTH INFORMATION TECHNOLOGY.

(a) STUDY AND REPORT ON APPLICATION OF EHR PAYMENT INCENTIVES FOR PROVIDERS NOT RECEIVING OTHER INCENTIVE PAYMENTS.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study to determine the extent to which and manner in which payment incentives (such as under title XVIII or XIX of the Social Security Act) and other funding for purposes of implementing and using certified EHR technology (as defined in section 1848(o)(4) of the Social Security Act, as added by section 4101(a)) should be made available to health care providers who are receiving minimal or no payment incentives or other funding under this Act, under title XIII of division A, under title XVIII or XIX of such Act, or otherwise, for such purposes.

(B) DETAILS OF STUDY.—Such study shall include an examination of—

(i) the adoption rates of certified EHR technology by such health care providers;

(ii) the clinical utility of such technology by such health care providers;

(iii) whether the services furnished by such health care providers are appropriate for or would benefit from the use of such technology;

(iv) the extent to which such health care providers work in settings that might otherwise receive an incentive payment or other funding under this Act, under title XIII of division A, under title XVIII or XIX of the Social Security Act, or otherwise;

(v) the potential costs and the potential benefits of making payment incentives and other funding available to such health care providers; and

(vi) any other issues the Secretary deems to be appropriate.

(2) REPORT.—Not later than June 30, 2010, the Secretary shall submit to Congress a report on the findings and conclusions of the study conducted under paragraph (1).

(b) STUDY AND REPORT ON AVAILABILITY OF OPEN SOURCE HEALTH INFORMATION TECHNOLOGY SYSTEMS.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall, in consultation with the Under Secretary for Health of the Veterans Health Administration, the Director of the Indian Health Service, the Secretary of Defense, the Director of the Agency for Healthcare Research and Quality, the Administrator of the Health Resources and Services Administration, and the Chairman of the Federal Communications Commission, conduct a study on—

(i) the current availability of open source health information technology systems to Federal safety net providers (including small, rural providers);

(ii) the total cost of ownership of such systems in comparison to the cost of proprietary commercial products available;

(iii) the ability of such systems to respond to the needs of, and be applied to, various populations (including children and disabled individuals); and

(iv) the capacity of such systems to facilitate interoperability.

(B) CONSIDERATIONS.—In conducting the study under subparagraph (A), the Secretary of Health and Human Services shall take into account the circumstances of smaller health care providers, health care providers located in rural or other medically underserved areas, and safety net providers that deliver a significant level of health care to uninsured individuals, Medicaid beneficiaries, SCHIP beneficiaries, and other vulnerable individuals.

(2) REPORT.—Not later than October 1, 2010, the Secretary of Health and Human Services shall submit to Congress a report on the findings and the conclusions of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

Subtitle B—Medicaid Incentives

SEC. 4201. MEDICAID PROVIDER HIT ADOPTION AND OPERATION PAYMENTS; IMPLEMENTATION FUNDING.

(a) IN GENERAL.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(3)—

(A) by striking ''and'' at the end of subparagraph (D);

(B) by striking ''plus'' at the end of subparagraph (E) and inserting ''and''; and

(C) by adding at the end the following new subparagraph:

''(F)(i) 100 percent of so much of the sums expended during such quarter as are attributable to payments to Medicaid providers described in subsection (t)(1) to encourage the adoption and use of certified EHR technology; and

''(ii) 90 percent of so much of the sums expended during such quarter as are attributable to payments for reasonable administrative expenses related to the administration of payments described in clause (i) if the State meets the condition described in subsection (t)(9); plus''; and

(2) by inserting after subsection (s) the following new subsection:

''(t)(1) For purposes of subsection (a)(3)(F), the payments described in this paragraph to encourage the adoption and use of certified EHR technology are payments made by the State in accordance with this subsection—

''(A) to Medicaid providers described in paragraph (2)(A) not in excess of 85 percent of net average allowable costs (as defined in paragraph (3)(E)) for certified EHR technology (and support services including maintenance and training that is for, or is necessary for the adoption and operation of, such technology) with respect to such providers; and

''(B) to Medicaid providers described in paragraph (2)(B) not in excess of the maximum amount permitted under paragraph (5) for the provider involved.

''(2) In this subsection and subsection (a)(3)(F), the term 'Medicaid provider' means—

''(A) an eligible professional (as defined in paragraph (3)(B))—

''(i) who is not hospital-based and has at least 30 percent of the professional's patient volume (as estimated in accordance with a methodology established by the Secretary) attributable to individuals who are receiving medical assistance under this title;

''(ii) who is not described in clause (i), who is a pediatrician, who is not hospital-based, and who has at least 20 percent of the professional's patient volume (as estimated in accordance with a methodology established by the Secretary) attributable to individuals who are receiving medical assistance under this title; and

''(iii) who practices predominantly in a Federally qualified health center or rural health clinic and has at least 30 percent of the professional's patient volume (as estimated in accordance with a methodology established by the Secretary) attributable to needy individuals (as defined in paragraph (3)(F)); and

''(B)(i) a children's hospital, or

''(ii) an acute-care hospital that is not described in clause (i) and that has at least 10 percent of the hospital's patient volume (as estimated in accordance with a methodology established by the Secretary) attributable to individuals who are receiving medical assistance under this title.

An eligible professional shall not qualify as a Medicaid provider under this subsection unless any right to payment under sections 1848(o) and 1853(l) with respect to the eligible professional has been waived in a manner specified by the Secretary. For purposes of calculating patient volume under subparagraph (A)(iii), insofar as it is related to uncompensated care, the Secretary may require the adjustment of such uncompensated care data so that it would be an appropriate proxy for charity care, including a downward adjustment to eliminate bad debt data from uncompensated care. In applying subparagraphs (A) and (B)(ii), the methodology established by the Secretary for patient volume shall include individuals enrolled in a Medicaid managed care plan (under section 1903(m) or section 1932).

''(3) In this subsection and subsection (a)(3)(F):

''(A) The term 'certified EHR technology' means a qualified electronic health record (as defined in 3000(13) of the Public Health Service Act) that is certified pursuant to section 3001(c)(5) of such Act as meeting standards adopted under section 3004 of such Act that are applicable to the type of record involved (as determined by the Secretary, such as an ambulatory electronic health record for office-based physicians or an inpatient hospital electronic health record for hospitals).

''(B) The term 'eligible professional' means a—

''(i) physician;

''(ii) dentist;

''(iii) certified nurse mid-wife;

''(iv) nurse practitioner; and

''(v) physician assistant insofar as the assistant is practicing in a rural health clinic that is led by a physician assistant or is practicing in a Federally qualified health center that is so led.

''(C) The term 'average allowable costs' means, with respect to certified EHR technology of Medicaid providers described in paragraph (2)(A) for—

''(i) the first year of payment with respect to such a provider, the average costs for the purchase and initial implementation or upgrade of such technology (and support services including training that is for, or is necessary for the adoption and initial operation of, such technology) for such providers, as determined by the Secretary based upon studies conducted under paragraph (4)(C); and

''(ii) a subsequent year of payment with respect to such a provider, the average costs not described in clause (i) relating to the operation, maintenance, and use of such technology for such providers, as determined by the Secretary based upon studies conducted under paragraph (4)(C).

''(D) The term 'hospital-based' means, with respect to an eligible professional, a professional (such as a pathologist, anesthesiologist, or emergency physician) who furnishes substantially all of the individual's professional services in a hospital setting (whether inpatient or outpatient) and through the use of the facilities and equipment, including qualified electronic health records, of the hospital. The determination of whether an eligible professional is a hospital-based eligible professional shall be made on the basis of the site of service (as defined by the Secretary) and without regard to any employment or billing arrangement between the eligible professional and any other provider.

''(E) The term 'net average allowable costs' means, with respect to a Medicaid provider described in paragraph (2)(A), average allowable costs reduced by any payment that is made to such Medicaid provider from any other source (other than under this subsection or by a State or local government) that is directly attributable to payment for certified EHR technology or support services described in subparagraph (C).

''(F) The term 'needy individual' means, with respect to a Medicaid provider, an individual—

''(i) who is receiving assistance under this title;

''(ii) who is receiving assistance under title XXI;

''(iii) who is furnished uncompensated care by the provider; or

''(iv) for whom charges are reduced by the provider on a sliding scale basis based on an individual's ability to pay.

''(4)(A) With respect to a Medicaid provider described in paragraph (2)(A), subject to subparagraph (B), in no case shall—

''(i) the net average allowable costs under this subsection for the first year of payment (which may not be later than 2016), which is intended to cover the costs described in paragraph (3)(C)(i), exceed $25,000 (or such lesser amount as the Secretary determines based on studies conducted under subparagraph (C));

''(ii) the net average allowable costs under this subsection for a subsequent year of payment, which is intended to cover costs described in paragraph (3)(C)(ii), exceed $10,000; and

''(iii) payments be made for costs described in clause (ii) after 2021 or over a period of longer than 5 years.

''(B) In the case of Medicaid provider described in paragraph (2)(A)(ii), the dollar amounts specified in subparagraph (A) shall be ⅔ of the dollar amounts otherwise specified.

''(C) For the purposes of determining average allowable costs under this subsection, the Secretary shall study the average costs to Medicaid providers described in paragraph (2)(A) of purchase and initial implementation and upgrade of certified EHR technology described in paragraph (3)(C)(i) and the average costs to such providers of operations, maintenance, and use of such technology described in paragraph (3)(C)(ii). In determining such costs for such providers, the Secretary may utilize studies of such amounts submitted by States.

''(5)(A) In no case shall the payments described in paragraph (1)(B) with respect to a Medicaid provider described in paragraph (2)(B) exceed—

''(i) in the aggregate the product of—

''(I) the overall hospital EHR amount for the provider computed under subparagraph (B); and

''(II) the Medicaid share for such provider computed under subparagraph (C);

''(ii) in any year 50 percent of the product described in clause (i); and

''(iii) in any 2-year period 90 percent of such product.

''(B) For purposes of this paragraph, the overall hospital EHR amount, with respect to a Medicaid provider, is the sum of the applicable amounts specified in section 1886(n)(2)(A) for such provider for the first 4 payment years (as estimated by the Secretary) determined as if the Medicare share specified in clause (ii) of such section were 1. The Secretary shall establish, in consultation with the State, the overall hospital EHR amount for each such Medicaid provider

eligible for payments under paragraph (1)(B). For purposes of this subparagraph in computing the amounts under section 1886(n)(2)(C) for payment years after the first payment year, the Secretary shall assume that in subsequent payment years discharges increase at the average annual rate of growth of the most recent 3 years for which discharge data are available per year.

''(C) The Medicaid share computed under this subparagraph, for a Medicaid provider for a period specified by the Secretary, shall be calculated in the same manner as the Medicare share under section 1886(n)(2)(D) for such a hospital and period, except that there shall be substituted for the numerator under clause (i) of such section the amount that is equal to the number of inpatient-bed-days (as established by the Secretary) which are attributable to individuals who are receiving medical assistance under this title and who are not described in section 1886(n)(2)(D)(i). In computing inpatient-bed-days under the previous sentence, the Secretary shall take into account inpatient-bed-days attributable to inpatient-bed-days that are paid for individuals enrolled in a Medicaid managed care plan (under section 1903(m) or section 1932).

''(D) In no case may the payments described in paragraph (1)(B) with respect to a Medicaid provider described in paragraph (2)(B) be paid—

''(i) for any year beginning after 2016 unless the provider has been provided payment under paragraph (1)(B) for the previous year; and

''(ii) over a period of more than 6 years of payment.

''(6) Payments described in paragraph (1) are not in accordance with this subsection unless the following requirements are met:

''(A)(i) The State provides assurances satisfactory to the Secretary that amounts received under subsection (a)(3)(F) with respect to payments to a Medicaid provider are paid, subject to clause (ii), directly to such provider (or to an employer or facility to which such provider has assigned payments) without any deduction or rebate.

''(ii) Amounts described in clause (i) may also be paid to an entity promoting the adoption of certified EHR technology, as designated by the State, if participation in such a payment arrangement is voluntary for the eligible professional involved and if such entity does not retain more than 5 percent of such payments for costs not related to certified EHR technology (and support services including maintenance and training) that is for, or is necessary for the operation of, such technology.

''(B) A Medicaid provider described in paragraph (2)(A) is responsible for payment of the remaining 15 percent of the net average allowable cost.

''(C)(i) Subject to clause (ii), with respect to payments to a Medicaid provider—

''(I) for the first year of payment to the Medicaid provider under this subsection, the Medicaid provider demonstrates that it is engaged in efforts to adopt, implement, or upgrade certified EHR technology; and

''(II) for a year of payment, other than the first year of payment to the Medicaid provider under this subsection, the Medicaid provider demonstrates meaningful use of certified EHR technology through a means that is approved by the State and acceptable to the Secretary, and that may be based upon the methodologies applied under section 1848(o) or 1886(n).

''(ii) In the case of a Medicaid provider who has completed adopting, implementing, or upgrading such technology prior to the first year of payment to the Medicaid provider under this subsection, clause (i)(I) shall not apply and clause (i)(II) shall apply to each year of payment to the Medicaid provider under this subsection, including the first year of payment.

''(D) To the extent specified by the Secretary, the certified EHR technology is compatible with State or Federal administrative management systems.

For purposes of subparagraph (B), a Medicaid provider described in paragraph (2)(A) may accept payments for the costs described in such subparagraph from a State or local government. For purposes of subparagraph (C), in establishing the means described in such subparagraph, which may include clinical quality reporting to the State, the State shall ensure that populations with unique needs, such as children, are appropriately addressed.

''(7) With respect to Medicaid providers described in paragraph (2)(A), the Secretary shall ensure coordination of payment with respect to such providers under sections 1848(o) and 1853(l) and under this subsection to assure no duplication of funding. Such coordination shall include, to the extent practicable, a data matching process between State Medicaid agencies and the Centers for Medicare & Medicaid Services using national provider identifiers. For such purposes, the Secretary may require the submission of such data relating to payments to such Medicaid providers as the Secretary may specify.

''(8) In carrying out paragraph (6)(C), the State and Secretary shall seek, to the maximum extent practicable, to avoid duplicative requirements from Federal and State governments to demonstrate meaningful use of certified EHR technology under this title and title XVIII. In doing so, the Secretary may deem satisfaction of requirements for such meaningful use for a payment year under title XVIII to be sufficient to qualify as meaningful use under this subsection. The Secretary may also specify the reporting periods under this subsection in order to carry out this paragraph.

''(9) In order to be provided Federal financial participation under subsection (a)(3)(F)(ii), a State must demonstrate to the satisfaction of the Secretary, that the State—

''(A) is using the funds provided for the purposes of administering payments under this subsection, including tracking of meaningful use by Medicaid providers;

''(B) is conducting adequate oversight of the program under this subsection, including routine tracking of meaningful use attestations and reporting mechanisms; and

''(C) is pursuing initiatives to encourage the adoption of certified EHR technology to promote health care quality and the exchange of health care information under this title, subject to applicable laws and regulations governing such exchange.

''(10) The Secretary shall periodically submit reports to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate on status, progress, and oversight of payments described in paragraph (1), including steps taken to carry out paragraph (7). Such reports shall also describe the extent of adoption of certified EHR technology among Medicaid providers resulting from the provisions of this subsection and any improvements in health outcomes, clinical quality, or efficiency resulting from such adoption.''.

(b) IMPLEMENTATION FUNDING.—In addition to funds otherwise available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, $40,000,000 for each of fiscal years 2009 through 2015 and $20,000,000 for fiscal year 2016, which shall be available for purposes of carrying out the provisions of (and the amendments made by) this section. Amounts appropriated under this subsection for a fiscal year shall be available until expended.

Subtitle C—Miscellaneous Medicare Provisions

SEC. 4301. MORATORIA ON CERTAIN MEDICARE REGULATIONS.

(a) DELAY IN PHASE OUT OF MEDICARE HOSPICE BUDGET NEUTRALITY ADJUSTMENT FACTOR DURING FISCAL YEAR 2009.—Notwithstanding any other provision of law, including the final rule published on August 8, 2008, 73 Federal Register 46464 et seq., relating to Medicare Program; Hospice Wage Index for Fiscal Year 2009, the Secretary of Health and Human Services shall not phase out or eliminate the budget neutrality adjustment factor in the Medicare hospice wage index before October 1, 2009, and the Secretary shall recompute and apply the final Medicare hospice wage index for fiscal year 2009 as if there had been no reduction in the budget neutrality adjustment factor.

(b) NON-APPLICATION OF PHASED-OUT INDIRECT MEDICAL EDUCATION (IME) ADJUSTMENT FACTOR FOR FISCAL YEAR 2009.—

(1) IN GENERAL.—Section 412.322 of title 42, Code of Federal Regulations, shall be applied without regard to paragraph (c) of such section, and the Secretary of Health and Human Services shall recompute payments for discharges occurring on or after October 1, 2008, as if such paragraph had never been in effect.

(2) NO EFFECT ON SUBSEQUENT YEARS.—Nothing in paragraph (1) shall be construed as having any effect on the application of paragraph (d) of section 412.322 of title 42, Code of Federal Regulations.

(c) FUNDING FOR IMPLEMENTATION.—In addition to funds otherwise available, for purposes of implementing the provisions of subsections (a) and (b), including costs incurred in reprocessing claims in carrying out such provisions, the Secretary of Health and Human Services shall provide for the transfer from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) to the Centers for Medicare & Medicaid Services Program Management Account of $2,000,000 for fiscal year 2009.

SEC. 4302. LONG-TERM CARE HOSPITAL TECHNICAL CORRECTIONS.

(a) PAYMENT.—Subsection (c) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(1) in paragraph (1)—

(A) by amending the heading to read as follows: ''DELAY IN APPLICATION OF 25 PERCENT PATIENT THRESHOLD PAYMENT ADJUSTMENT'';

(B) by striking ''the date of the enactment of this Act'' and inserting ''July 1, 2007,''; and

(C) in subparagraph (A), by inserting ''or to a long-term care hospital, or satellite facility, that as of December 29, 2007, was co-located with an entity that is a provider-based, off-campus location of a subsection (d) hospital which did not provide services payable under section 1886(d) of the Social Security Act at the off-campus location'' after ''freestanding long-term care hospitals''; and

(2) in paragraph (2)—

(A) in subparagraph (B)(ii), by inserting ''or that is described in section 412.22(h)(3)(i) of such title'' before the period; and

(B) in subparagraph (C), by striking ''the date of the enactment of this Act'' and inserting ''October 1, 2007 (or July 1, 2007, in the case of a satellite facility described in section 412.22(h)(3)(i) of title 42, Code of Federal Regulations)''.

(b) MORATORIUM.—Subsection (d)(3)(A) of such section is amended by striking ''if the hospital or facility'' and inserting ''if the hospital or facility obtained a certificate of need for an increase in beds that is in a State for which such certificate of need is required and that was issued on or after April 1, 2005, and before December 29, 2007, or if the hospital or facility''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective and apply as if included in the enactment of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173).

TITLE V—STATE FISCAL RELIEF

SEC. 5000. PURPOSES; TABLE OF CONTENTS.

(a) PURPOSES.—The purposes of this title are as follows:

(1) To provide fiscal relief to States in a period of economic downturn.

(2) To protect and maintain State Medicaid programs during a period of economic downturn, including by helping to avert cuts to provider payment rates and benefits or services, and to prevent constrictions of income eligibility requirements for such programs, but not to promote increases in such requirements.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE V—STATE FISCAL RELIEF

SEC. 5001. TEMPORARY INCREASE OF MEDICAID FMAP.

(a) PERMITTING MAINTENANCE OF FMAP.—Subject to subsections (e), (f), and (g), if the FMAP determined without regard to this section for a State for—

(1) fiscal year 2009 is less than the FMAP as so determined for fiscal year 2008, the FMAP for the State for fiscal year 2008 shall be substituted for the State's FMAP for fiscal year 2009, before the application of this section;

(2) fiscal year 2010 is less than the FMAP as so determined for fiscal year 2008 or fiscal year 2009 (after the application of paragraph (1)), the greater of such FMAP for the State for fiscal year 2008 or fiscal year 2009 shall be substituted for the State's FMAP for fiscal year 2010, before the application of this section; and

(3) fiscal year 2011 is less than the FMAP as so determined for fiscal year 2008, fiscal year 2009 (after the application of paragraph (1)), or fiscal year 2010 (after the application of paragraph (2)), the greatest of such FMAP for the State for fiscal year 2008, fiscal year 2009, or fiscal year 2010 shall be substituted for the State's FMAP for fiscal year 2011, before the application of this section, but only for the first calendar quarter in fiscal year 2011.

(b) GENERAL 6.2 PERCENTAGE POINT INCREASE.—

(1) IN GENERAL.—Subject to subsections (e), (f), and (g) and paragraph (2), for each State for calendar quarters during the recession adjustment period (as defined in subsection (h)(3)), the FMAP (after the application of subsection (a)) shall be increased (without regard to any limitation otherwise specified in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b))) by 6.2 percentage points.

(2) SPECIAL ELECTION FOR TERRITORIES.—In the case of a State that is not one of the 50 States or the District of Columbia, paragraph (1) shall only apply if the State makes a one-time election, in a form and manner specified by the Secretary and for the entire recession adjustment period, to apply the increase in FMAP under paragraph (1) and a 15 percent increase under subsection (d) instead of applying a 30 percent increase under subsection (d).

(c) ADDITIONAL RELIEF BASED ON INCREASE IN UNEMPLOYMENT.—

(1) IN GENERAL.—Subject to subsections (e), (f), and (g), if a State is a qualifying State under paragraph (2) for a calendar quarter occurring during the recession adjustment period, the FMAP for the State shall be further increased by the number of percentage points equal to the product of—

(A) the State percentage applicable for the State under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) after the application of subsection (a) and after the application of ½ of the increase under subsection (b); and

(B) the applicable percent determined in paragraph (3) for the calendar quarter (or, if greater, for a previous such calendar quarter).

(2) QUALIFYING CRITERIA.—

(A) IN GENERAL.—For purposes of paragraph (1), a State qualifies for additional relief under this subsection for a calendar quarter occurring during the recession adjustment period if the State is 1 of the 50 States or the District of Columbia and the State satisfies any of the following criteria for the quarter:

(i) The State unemployment increase percentage (as defined in paragraph (4)) for the quarter is at least 1.5 percentage points but less than 2.5 percentage points.

(ii) The State unemployment increase percentage for the quarter is at least 2.5 percentage points but less than 3.5 percentage points.

(iii) The State unemployment increase percentage for the quarter is at least 3.5 percentage points.

(B) MAINTENANCE OF STATUS.—If a State qualifies for additional relief under this subsection for a calendar quarter, it shall be deemed to have qualified for such relief for each subsequent calendar quarter ending before July 1, 2010.

(3) APPLICABLE PERCENT.—

(A) IN GENERAL.—For purposes of paragraph (1), subject to subparagraph (B), the applicable percent is—

(i) 5.5 percent, if the State satisfies the criteria described in paragraph (2)(A)(i) for the calendar quarter;

(ii) 8.5 percent if the State satisfies the criteria described in paragraph (2)(A)(ii) for the calendar quarter; and

(iii) 11.5 percent if the State satisfies the criteria described in paragraph (2)(A)(iii) for the calendar quarter.

(B) MAINTENANCE OF HIGHER APPLICABLE PERCENT.—

(i) HOLD HARMLESS PERIOD.—If the percent applied to a State under subparagraph (A) for any calendar quarter in the recession adjustment period beginning on or after January 1, 2009, and ending before July 1, 2010, (determined without regard to this subparagraph) is less than the percent applied for the preceding quarter (as so determined), the higher applicable percent shall continue in effect for each subsequent calendar quarter ending before July 1, 2010.

(ii) NOTICE OF LOWER APPLICABLE PERCENT.—The Secretary shall notify a State at least 60 days prior to applying any lower applicable percent to the State under this paragraph.

(4) COMPUTATION OF STATE UNEMPLOYMENT INCREASE PERCENTAGE.—

(A) IN GENERAL.—In this subsection, the ''State unemployment increase percentage'' for a State for a calendar quarter is equal to the number of percentage points (if any) by which—

(i) the average monthly unemployment rate for the State for months in the most recent previous 3-consecutive-month period for which data are available, subject to subparagraph (C); exceeds

(ii) the lowest average monthly unemployment rate for the State for any 3-consecutive-month period preceding the period described in clause (i) and beginning on or after January 1, 2006.

(B) AVERAGE MONTHLY UNEMPLOYMENT RATE DEFINED.—In this paragraph, the term ''average monthly unemployment rate'' means the average of the monthly number unemployed, divided by the average of the monthly civilian labor force, seasonally adjusted, as determined based on the most recent monthly publications of the Bureau of Labor Statistics of the Department of Labor.

(C) SPECIAL RULE.—With respect to—

(i) the first 2 calendar quarters of the recession adjustment period, the most recent previous 3-consecutive-month period described in subparagraph (A)(i) shall be the 3-consecutive-month period beginning with October 2008; and

(ii) the last 2 calendar quarters of the recession adjustment period, the most recent previous 3-consecutive-month period described in such subparagraph shall be the 3-consecutive-month period beginning with December 2009, or, if it results in a higher applicable percent under paragraph (3), the 3-consecutive-month period beginning with January 2010.

(d) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to subsections (f) and (g), with respect to entire fiscal years occurring during the recession adjustment period and with respect to fiscal years only a portion of which occurs during such period (and in proportion to the portion of the fiscal year that occurs during such period), the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 6 U.S.C. 1308) shall each be increased by 30 percent (or, in the case of an election under subsection (b)(2), 15 percent). In the case of such an election by a territory, subsection (a)(1) of such section shall be applied without regard to any increase in payment made to the territory under part E of title IV of such Act that is attributable to the increase in FMAP effected under subsection (b) for the territory.

(e) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4);

(2) payments under title IV of such Act (42 U.S.C. 601 et seq.) (except that the increases under subsections (a) and (b) shall apply to payments under part E of title IV of such Act (42 U.S.C. 670 et seq.) and, for purposes of the application of this section to the District of Columbia, payments under such part shall be deemed to be made on the basis of the FMAP applied with respect to such District for purposes of title XIX and as increased under subsection (b));

(3) payments under title XXI of such Act (42 U.S.C. 1397aa et seq.);

(4) any payments under title XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)); or

(5) any payments under title XIX of such Act that are attributable to expenditures for medical assistance provided to individuals made eligible under a State plan under title XIX of the Social Security Act (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) because of income standards (expressed as a percentage of the poverty line) for eligibility for medical assistance that are higher than the income standards (as so expressed) for such eligibility as in effect on July 1, 2008, (including as such standards were proposed to be

in effect under a State law enacted but not effective as of such date or a State plan amendment or waiver request under title XIX of such Act that was pending approval on such date).

(f) STATE INELIGIBILITY; LIMITATION; SPECIAL RULES.—

(1) MAINTENANCE OF ELIGIBILITY REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a State is not eligible for an increase in its FMAP under subsection (a), (b), or (c), or an increase in a cap amount under subsection (d), if eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—Subject to subparagraph (C), a State that has restricted eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after July 1, 2008, is no longer ineligible under subparagraph (A) beginning with the first calendar quarter in which the State has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(C) SPECIAL RULES.—A State shall not be ineligible under subparagraph (A)—

(i) for the calendar quarters before July 1, 2009, on the basis of a restriction that was applied after July 1, 2008, and before the date of the enactment of this Act, if the State prior to July 1, 2009, has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008; or

(ii) on the basis of a restriction that was directed to be made under State law as in effect on July 1, 2008, and would have been in effect as of such date, but for a delay in the effective date of a waiver under section 1115 of such Act with respect to such restriction.

(2) COMPLIANCE WITH PROMPT PAY REQUIREMENTS.—

(A) APPLICATION TO PRACTITIONERS.—

(i) IN GENERAL.—Subject to the succeeding provisions of this subparagraph, no State shall be eligible for an increased FMAP rate as provided under this section for any claim received by a State from a practitioner subject to the terms of section 1902(a)(37)(A) of the Social Security Act (42 U.S.C. 1396a(a)(37)(A)) for such days during any period in which that State has failed to pay claims in accordance with such section as applied under title XIX of such Act.

(ii) REPORTING REQUIREMENT.—Each State shall report to the Secretary, on a quarterly basis, its compliance with the requirements of clause (i) as such requirements pertain to claims made for covered services during each month of the preceding quarter.

(iii) WAIVER AUTHORITY.—The Secretary may waive the application of clause (i) to a State, or the reporting requirement imposed under clause (ii), during any period in which there are exigent circumstances, including natural disasters, that prevent the timely processing of claims or the submission of such a report.

(iv) APPLICATION TO CLAIMS.—Clauses (i) and (ii) shall only apply to claims made for covered services after the date of enactment of this Act.

(B) APPLICATION TO NURSING FACILITIES AND HOSPITALS.—

(i) IN GENERAL.—Subject to clause (ii), the provisions of subparagraph (A) shall apply with respect to a nursing facility or hospital, insofar as it is paid under title XIX of the Social Security Act on the basis of submission of claims, in the same or similar manner (but within the same timeframe) as such provisions apply to practitioners described in such subparagraph.

(ii) GRACE PERIOD.—Notwithstanding clause (i), no period of ineligibility shall be imposed against a State prior to June 1, 2009, on the basis of the State failing to pay a claim in accordance with such clause.

(3) STATE'S APPLICATION TOWARD RAINY DAY FUND.—A State is not eligible for an increase in its FMAP under subsection (b) or (c), or an increase in a cap amount under subsection (d), if any amounts attributable (directly or indirectly) to such increase are deposited or credited into any reserve or rainy day fund of the State.

(4) NO WAIVER AUTHORITY.—Except as provided in paragraph (2)(A)(iii), the Secretary may not waive the application of this subsection or subsection (g) under section 1115 of the Social Security Act or otherwise.

(5) LIMITATION OF FMAP TO 100 PERCENT.—In no case shall an increase in FMAP under this section result in an FMAP that exceeds 100 percent.

(6) TREATMENT OF CERTAIN EXPENDITURES.—With respect to expenditures described in section 2105(a)(1)(B) of the Social Security Act (42 U.S.C. 1397ee(a)(1)(B)), as in effect before April 1, 2009, that are made during the period beginning on October 1, 2008, and ending on March 31, 2009, any additional Federal funds that are paid to a State as a result of this section that are attributable to such expenditures shall not be counted against any allotment under section 2104 of such Act (42 U.S.C. 1397dd).

(g) REQUIREMENTS.—

(1) STATE REPORTS.—Each State that is paid additional Federal funds as a result of this section shall, not later than September 30, 2011, submit a report to the Secretary, in such form and such manner as the Secretary shall determine, regarding how the additional Federal funds were expended.

(2) ADDITIONAL REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State Medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State is not eligible for an increase in its FMAP under subsection (b) or (c), or an increase in a cap amount under subsection (d), if it requires that such political subdivisions pay for quarters during the recession adjustment period a greater percentage of the non-Federal share of such expenditures, or a greater percentage of the non-Federal share of payments under section 1923, than the respective percentage that would have been required by the State under such plan on September 30, 2008, prior to application of this section.

(h) DEFINITIONS.—In this section, except as otherwise provided:

(1) FMAP.—The term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as determined without regard to this section except as otherwise specified.

(2) POVERTY LINE.—The term ''poverty line'' has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

(3) RECESSION ADJUSTMENT PERIOD.—The term ''recession adjustment period'' means the period beginning on October 1, 2008, and ending on December 31, 2010.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' has the meaning given such term in section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(i) SUNSET.—This section shall not apply to items and services furnished after the end of the recession adjustment period.

(j) LIMITATION ON FMAP CHANGE.—The increase in FMAP effected under section 614 of the Children's Health Insurance Program Reauthorization Act of 2009 shall not apply in the computation of the enhanced FMAP under title XXI or XIX of the Social Security Act for any period (notwithstanding subsection (i)).

SEC. 5002. TEMPORARY INCREASE IN DSH ALLOTMENTS DURING RECESSION.

Section 1923(f)(3) of the Social Security Act (42 U.S.C. 1396r–4(f)(3)) is amended—

(1) in subparagraph (A), by striking ''paragraph (6)'' and inserting ''paragraph (6) and subparagraph (E)''; and

(2) by adding at the end the following new subparagraph:

''(E) TEMPORARY INCREASE IN ALLOTMENTS DURING RECESSION.—

''(i) IN GENERAL.—Subject to clause (ii), the DSH allotment for any State—

''(I) for fiscal year 2009 is equal to 102.5 percent of the DSH allotment that would be determined under this paragraph for the State for fiscal year 2009 without application of this subparagraph, notwithstanding subparagraphs (B) and (C);

''(II) for fiscal year 2010 is equal to 102.5 percent of the DSH allotment for the State for fiscal year 2009, as determined under subclause (I); and

''(III) for each succeeding fiscal year is equal to the DSH allotment for the State under this paragraph determined without applying subclauses (I) and (II).

''(ii) APPLICATION.—Clause (i) shall not apply to a State for a year in the case that the DSH allotment for such State for such year under this paragraph determined without applying clause (i) would grow higher than the DSH allotment specified under clause (i) for the State for such year.''.

SEC. 5003. EXTENSION OF MORATORIA ON CERTAIN MEDICAID FINAL REGULATIONS.

(a) FINAL REGULATIONS RELATING TO OPTIONAL CASE MANAGEMENT SERVICES AND ALLOWABLE PROVIDER TAXES.—Section 7001(a)(3)(A) of the Supplemental Appropriations Act, 2008 (Public Law 110–252) is amended by striking ''April 1, 2009'' and inserting ''July 1, 2009''.

(b) FINAL REGULATION RELATING TO SCHOOL-BASED ADMINISTRATION AND SCHOOL-BASED TRANSPORTATION.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), as amended by section 7001(a)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252), is amended by inserting ''(July 1, 2009, in the case of the final regulation relating to school-based administration and school-based transportation)'' after ''April 1, 2009,''.

(c) FINAL REGULATION RELATING TO OUTPATIENT HOSPITAL FACILITY SERVICES.—Notwithstanding any other provision of law, with respect to expenditures for services furnished during the period beginning on December 8, 2008, and ending on June 30, 2009, the Secretary of Health and Human Services shall not take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to

State Medicaid directors) to implement the final regulation relating to clarification of the definition of outpatient hospital facility services under the Medicaid program published on November 7, 2008 (73 Federal Register 66187).

(d) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Health and Human Services should not promulgate as final regulations any of the following proposed Medicaid regulations:

(1) COST LIMITS FOR CERTAIN PROVIDERS.—The proposed regulation published on January 18, 2007, (72 Federal Register 2236) (and the purported final regulation published on May 29, 2007 (72 Federal Register 29748) and determined by the United States District Court for the District of Columbia to have been ''improperly promulgated'', Alameda County Medical Center, et al., v. Leavitt, et al., Civil Action No. 08-0422, Mem. at 4 (D.D.C. May 23, 2008)).

(2) PAYMENTS FOR GRADUATE MEDICAL EDUCATION.—The proposed regulation published on May 23, 2007 (72 Federal Register 28930).

(3) REHABILITATIVE SERVICES.—The proposed regulation published on August 13, 2007 (72 Federal Register 45201).

SEC. 5004. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

(a) 18-MONTH EXTENSION.—

(1) IN GENERAL.—Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r–6(f)) are each amended by striking ''September 30, 2003'' and inserting ''December 31, 2010''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on July 1, 2009.

(b) STATE OPTION OF INITIAL 12-MONTH ELIGIBILITY.—Section 1925 of the Social Security Act (42 U.S.C. 1396r–6) is amended—

(1) in subsection (a)(1), by inserting ''but subject to paragraph (5)'' after ''Notwithstanding any other provision of this title'';

(2) by adding at the end of subsection (a) the following:

''(5) OPTION OF 12-MONTH INITIAL ELIGIBILITY PERIOD.—A State may elect to treat any reference in this subsection to a 6-month period (or 6 months) as a reference to a 12-month period (or 12 months). In the case of such an election, subsection (b) shall not apply.''; and

(3) in subsection (b)(1), by inserting ''but subject to subsection (a)(5)'' after ''Notwithstanding any other provision of this title''.

(c) REMOVAL OF REQUIREMENT FOR PREVIOUS RECEIPT OF MEDICAL ASSISTANCE.—Section 1925(a)(1) of such Act (42 U.S.C. 1396r–6(a)(1)), as amended by subsection (b)(1), is further amended—

(1) by inserting ''subparagraph (B) and'' before ''paragraph (5)'';

(2) by redesignating the matter after ''REQUIREMENT.—'' as a subparagraph (A) with the heading ''IN GENERAL.—'' and with the same indentation as subparagraph (B) (as added by paragraph (3)); and

(3) by adding at the end the following:

''(B) STATE OPTION TO WAIVE REQUIREMENT FOR 3 MONTHS BEFORE RECEIPT OF MEDICAL ASSISTANCE.—A State may, at its option, elect also to apply subparagraph (A) in the case of a family that was receiving such aid for fewer than three months or that had applied for and was eligible for such aid for fewer than 3 months during the 6 immediately preceding months described in such subparagraph.''.

(d) CMS REPORT ON ENROLLMENT AND PARTICIPATION RATES UNDER TMA.—Section 1925 of such Act (42 U.S.C. 1396r–6), as amended by this section, is further amended by adding at the end the following new subsection:

''(g) COLLECTION AND REPORTING OF PARTICIPATION INFORMATION.—

''(1) COLLECTION OF INFORMATION FROM STATES.—Each State shall collect and submit to the Secretary (and make publicly available), in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section and of the number and percentage of children who become ineligible for medical assistance under this section whose medical assistance is continued under another eligibility category or who are enrolled under the State's child health plan under title XXI. Such information shall be submitted at the same time and frequency in which other enrollment information under this title is submitted to the Secretary.

''(2) ANNUAL REPORTS TO CONGRESS.—Using the information submitted under paragraph (1), the Secretary shall submit to Congress annual reports concerning enrollment and participation rates described in such paragraph.''.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) through (d) shall take effect on July 1, 2009.

SEC. 5005. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking ''December 2009'' and inserting ''December 2010''.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u–3(g)) is amended—

(1) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (K);

(B) in subparagraph (L), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(M) for the period that begins on January 1, 2010, and ends on September 30, 2010, the total allocation amount is $412,500,000; and

''(N) for the period that begins on October 1, 2010, and ends on December 31, 2010, the total allocation amount is $150,000,000.''; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking ''or (L)'' and inserting ''(L), or (N)''.

SEC. 5006. PROTECTIONS FOR INDIANS UNDER MEDICAID AND CHIP.

(a) PREMIUMS AND COST SHARING PROTECTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''and (i)'' and inserting '', (i), and (j)''; and

(B) by adding at the end the following new subsection:

''(j) NO PREMIUMS OR COST SHARING FOR INDIANS FURNISHED ITEMS OR SERVICES DIRECTLY BY INDIAN HEALTH PROGRAMS OR THROUGH REFERRAL UNDER CONTRACT HEALTH SERVICES.—

''(1) NO COST SHARING FOR ITEMS OR SERVICES FURNISHED TO INDIANS THROUGH INDIAN HEALTH PROGRAMS.—

''(A) IN GENERAL.—No enrollment fee, premium, or similar charge, and no deduction, copayment, cost sharing, or similar charge shall be imposed against an Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization or through referral under contract health services for which payment may be made under this title.

''(B) NO REDUCTION IN AMOUNT OF PAYMENT TO INDIAN HEALTH PROVIDERS.—Payment due under this title to the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, or a health care provider through referral under contract health services for the furnishing of an item or service to an Indian who is eligible for assistance under such title, may not be reduced by the amount of any enrollment fee, premium, or similar charge, or any deduction, copayment, cost sharing, or similar charge that would be due from the Indian but for the operation of subparagraph (A).

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as restricting the application of any other limitations on the imposition of premiums or cost sharing that may apply to an individual receiving medical assistance under this title who is an Indian.''.

(2) CONFORMING AMENDMENT.—Section 1916A(b)(3) of such Act (42 U.S.C. 1396o–1(b)(3)) is amended—

(A) in subparagraph (A), by adding at the end the following new clause:

''(vii) An Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization or Urban Indian Organization or through referral under contract health services.''; and

(B) in subparagraph (B), by adding at the end the following new clause:

''(x) Items and services furnished to an Indian directly by the Indian Health Service, an Indian Tribe, Tribal Organization or Urban Indian Organization or through referral under contract health services.''.

(b) TREATMENT OF CERTAIN PROPERTY FROM RESOURCES FOR MEDICAID AND CHIP ELIGIBILITY.—

(1) MEDICAID.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by sections 203(c) and 211(a)(1)(A)(ii) of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3), is amended by adding at the end the following new subsection:

''(ff) Notwithstanding any other requirement of this title or any other provision of Federal or State law, a State shall disregard the following property from resources for purposes of determining the eligibility of an individual who is an Indian for medical assistance under this title:

''(1) Property, including real property and improvements, that is held in trust, subject to Federal restrictions, or otherwise under the supervision of the Secretary of the Interior, located on a reservation, including any federally recognized Indian Tribe's reservation, pueblo, or colony, including former reservations in Oklahoma, Alaska Native regions established by the Alaska Native Claims Settlement Act, and Indian allotments on or near a reservation as designated and approved by the Bureau of Indian Affairs of the Department of the Interior.

''(2) For any federally recognized Tribe not described in paragraph (1), property located within the most recent boundaries of a prior Federal reservation.

''(3) Ownership interests in rents, leases, royalties, or usage rights related to natural resources (including extraction of natural resources or harvesting of timber, other plants and plant products, animals, fish, and shellfish) resulting from the exercise of federally protected rights.

''(4) Ownership interests in or usage rights to items not covered by paragraphs (1) through (3) that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable tribal law or custom.''.

(2) APPLICATION TO CHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by sections 203(a)(2), 203(d)(2), 214(b), 501(d)(2), and 503(a)(1) of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3), is amended—

(A) by redesignating subparagraphs (C) through (I), as subparagraphs (D) through (J), respectively; and

(B) by inserting after subparagraph (B), the following new subparagraph:

''(C) Section 1902(ff) (relating to disregard of certain property for purposes of making eligibility determinations).''.

(c) CONTINUATION OF CURRENT LAW PROTECTIONS OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.—Section 1917(b)(3) of the Social Security Act (42 U.S.C. 1396p(b)(3)) is amended—

(1) by inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following new subparagraph:

''(B) The standards specified by the Secretary under subparagraph (A) shall require that the procedures established by the State agency under subparagraph (A) exempt income, resources, and property that are exempt from the application of this subsection as of April 1, 2003, under manual instructions issued to carry out this subsection (as in effect on such date) because of the Federal responsibility for Indian Tribes and Alaska Native Villages. Nothing in this subparagraph shall be construed as preventing the Secretary from providing additional estate recovery exemptions under this title for Indians.''.

(d) RULES APPLICABLE UNDER MEDICAID AND CHIP TO MANAGED CARE ENTITIES WITH RESPECT TO INDIAN ENROLLEES AND INDIAN HEALTH CARE PROVIDERS AND INDIAN MANAGED CARE ENTITIES.—

(1) IN GENERAL.—Section 1932 of the Social Security Act (42 U.S.C. 1396u–2) is amended by adding at the end the following new subsection:

''(h) SPECIAL RULES WITH RESPECT TO INDIAN ENROLLEES, INDIAN HEALTH CARE PROVIDERS, AND INDIAN MANAGED CARE ENTITIES.—

''(1) ENROLLEE OPTION TO SELECT AN INDIAN HEALTH CARE PROVIDER AS PRIMARY CARE PROVIDER.—In the case of a non-Indian Medicaid managed care entity that—

''(A) has an Indian enrolled with the entity; and

''(B) has an Indian health care provider that is participating as a primary care provider within the network of the entity,

insofar as the Indian is otherwise eligible to receive services from such Indian health care provider and the Indian health care provider has the capacity to provide primary care services to such Indian, the contract with the entity under section 1903(m) or under section 1905(t)(3) shall require, as a condition of receiving payment under such contract, that the Indian shall be allowed to choose such Indian health care provider as the Indian's primary care provider under the entity.

''(2) ASSURANCE OF PAYMENT TO INDIAN HEALTH CARE PROVIDERS FOR PROVISION OF COVERED SERVICES.—Each contract with a managed care entity under section 1903(m) or under section 1905(t)(3) shall require any such entity, as a condition of receiving payment under such contract, to satisfy the following requirements:

''(A) DEMONSTRATION OF ACCESS TO INDIAN HEALTH CARE PROVIDERS AND APPLICATION OF ALTERNATIVE PAYMENT ARRANGEMENTS.—Subject to subparagraph (C), to—

''(i) demonstrate that the number of Indian health care providers that are participating providers with respect to such entity are sufficient to ensure timely access to covered Medicaid managed care services for those Indian enrollees who are eligible to receive services from such providers; and

''(ii) agree to pay Indian health care providers, whether such providers are participating or nonparticipating providers with respect to the entity, for covered Medicaid managed care services provided to those Indian enrollees who are eligible to receive services from such providers at a rate equal to the rate negotiated between such entity and the provider involved or, if such a rate has not been negotiated, at a rate that is not less than the level and amount of payment which the entity would make for the services if the services were furnished by a participating provider which is not an Indian health care provider.

The Secretary shall establish procedures for applying the requirements of clause (i) in States where there are no or few Indian health providers.

''(B) PROMPT PAYMENT.—To agree to make prompt payment (consistent with rule for prompt payment of providers under section 1932(f)) to Indian health care providers that are participating providers with respect to such entity or, in the case of an entity to which subparagraph (A)(ii) or (C) applies, that the entity is required to pay in accordance with that subparagraph.

''(C) APPLICATION OF SPECIAL PAYMENT REQUIREMENTS FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—

''(i) FEDERALLY-QUALIFIED HEALTH CENTERS.—

''(I) MANAGED CARE ENTITY PAYMENT REQUIREMENT.—To agree to pay any Indian health care provider that is a federally-qualified health center under this title but not a participating provider with respect to the entity, for the provision of covered Medicaid managed care services by such provider to an Indian enrollee of the entity at a rate equal to the amount of payment that the entity would pay a federally-qualified health center that is a participating provider with respect to the entity but is not an Indian health care provider for such services.

''(II) CONTINUED APPLICATION OF STATE REQUIREMENT TO MAKE SUPPLEMENTAL PAYMENT.—Nothing in subclause (I) or subparagraph (A) or (B) shall be construed as waiving the application of section 1902(bb)(5) regarding the State plan requirement to make any supplemental payment due under such section to a federally-qualified health center for services furnished by such center to an enrollee of a managed care entity (regardless of whether the federally-qualified health center is or is not a participating provider with the entity).

''(ii) PAYMENT RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—If the amount paid by a managed care entity to an Indian health care provider that is not a federally-qualified health center for services provided by the provider to an Indian enrollee with the managed care entity is less than the rate that applies to the provision of such services by the provider under the State plan, the plan shall provide for payment to the Indian health care provider, whether the provider is a participating or nonparticipating provider with respect to the entity, of the difference between such applicable rate and the amount paid by the managed care entity to the provider for such services.

''(D) CONSTRUCTION.—Nothing in this paragraph shall be construed as waiving the application of section 1902(a)(30)(A) (relating to application of standards to assure that payments are consistent with efficiency, economy, and quality of care).

''(3) SPECIAL RULE FOR ENROLLMENT FOR INDIAN MANAGED CARE ENTITIES.—Regarding the application of a Medicaid managed care program to Indian Medicaid managed care entities, an Indian Medicaid managed care entity may restrict enrollment under such program to Indians in the same manner as Indian Health Programs may restrict the delivery of services to Indians.

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) INDIAN HEALTH CARE PROVIDER.—The term 'Indian health care provider' means an Indian Health Program or an Urban Indian Organization.

''(B) INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'Indian Medicaid managed care entity' means a managed care entity that is controlled (within the meaning of the last sentence of section 1903(m)(1)(C)) by the Indian Health Service, a Tribe, Tribal Organization, or Urban Indian Organization, or a consortium, which may be composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Service.

''(C) NON-INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'non-Indian Medicaid managed care entity' means a managed care entity that is not an Indian Medicaid managed care entity.

''(D) COVERED MEDICAID MANAGED CARE SERVICES.—The term 'covered Medicaid managed care services' means, with respect to an individual enrolled with a managed care entity, items and services for which benefits are available with respect to the individual under the contract between the entity and the State involved.

''(E) MEDICAID MANAGED CARE PROGRAM.—The term 'Medicaid managed care program' means a program under sections 1903(m), 1905(t), and 1932 and includes a managed care program operating under a waiver under section 1915(b) or 1115 or otherwise.''.

(2) APPLICATION TO CHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(1)), as amended by subsection (b)(2), is amended—

(A) by redesignating subparagraph (J) as subparagraph (K); and

(B) by inserting after subparagraph (I) the following new subparagraph:

''(J) Subsections (a)(2)(C) and (h) of section 1932.''.

(e) CONSULTATION ON MEDICAID, CHIP, AND OTHER HEALTH CARE PROGRAMS FUNDED UNDER THE SOCIAL SECURITY ACT INVOLVING INDIAN HEALTH PROGRAMS AND URBAN INDIAN ORGANIZATIONS.—

(1) CONSULTATION WITH TRIBAL TECHNICAL ADVISORY GROUP (TTAG).—The Secretary of Health and Human Services shall maintain within the Centers for Medicaid & Medicare Services (CMS) a Tribal Technical Advisory Group (TTAG), which was first established in accordance with requirements of the charter dated September 30, 2003, and the Secretary of Health and Human Services shall include in such Group a representative of a national urban Indian health organization and a representative of the Indian Health Service. The inclusion of a representative of a national urban Indian health organization in such Group shall not affect the nonapplication of the Federal Advisory Committee Act (5 U.S.C. App.) to such Group.

(2) SOLICITATION OF ADVICE UNDER MEDICAID AND CHIP.—

(A) MEDICAID STATE PLAN AMENDMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by section 501(d)(1) of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3), (42 U.S.C. 1396a(a)) is amended—

(i) in paragraph (71), by striking ''and'' at the end;

(ii) in paragraph (72), by striking the period at the end and inserting ''; and''; and

(iii) by inserting after paragraph (72), the following new paragraph:

''(73) in the case of any State in which 1 or more Indian Health Programs or Urban Indian Organizations furnishes health care services, provide for a process under which the State seeks advice on a regular, ongoing basis from designees of such Indian Health Programs and Urban Indian Organizations on matters relating to the application of this title that are likely to have a direct effect on such Indian Health Programs and Urban Indian Organizations and that—

''(A) shall include solicitation of advice prior to submission of any plan amendments, waiver requests, and proposals for demonstration projects likely to have a direct effect on Indians, Indian Health Programs, or Urban Indian Organizations; and

''(B) may include appointment of an advisory committee and of a designee of such Indian

Health Programs and Urban Indian Organizations to the medical care advisory committee advising the State on its State plan under this title.''.

(B) APPLICATION TO CHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(1)), as amended by subsections (b)(2) and (d) (2), is amended—

(i) by redesignating subparagraphs (B), (C), (D), (E), (F), (G), (H), (I), (J), and (K) as subparagraphs (D), (F), (B), (E), (G), (I), (H), (J), (K), and (L), respectively;

(ii) by moving such subparagraphs so as to appear in alphabetical order; and

(iii) by inserting after subparagraph (B) (as so redesiganted and moved) the following new subparagraph:

''(C) Section 1902(a)(73) (relating to requiring certain States to seek advice from designees of Indian Health Programs and Urban Indian Organizations).''.

(3) RULE OF CONSTRUCTION.—Nothing in the amendments made by this subsection shall be construed as superseding existing advisory committees, working groups, guidance, or other advisory procedures established by the Secretary of Health and Human Services or by any State with respect to the provision of health care to Indians.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2009.

SEC. 5007. FUNDING FOR OVERSIGHT AND IMPLEMENTATION.

(a) OVERSIGHT.—For purposes of ensuring the proper expenditure of Federal funds under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), there is appropriated to the Office of the Inspector General of the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated and without further appropriation, $31,250,000 for fiscal year 2009, which shall remain available for expenditure until September 30, 2011, and shall be in addition to any other amounts appropriated or made available to such Office for such purposes.

(b) IMPLEMENTATION OF INCREASED FMAP.—For purposes of carrying out section 5001, there is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated and without further appropriation, $5,000,000 for fiscal year 2009, which shall remain available for expenditure until September 30, 2011, and shall be in addition to any other amounts appropriated or made available to such Secretary for such purposes.

SEC. 5008. GAO STUDY AND REPORT REGARDING STATE NEEDS DURING PERIODS OF NATIONAL ECONOMIC DOWNTURN.

(a) IN GENERAL.—The Comptroller General of the United States shall study the period of national economic downturn in effect on the date of enactment of this Act, as well as previous periods of national economic downturn since 1974, for the purpose of developing recommendations for addressing the needs of States during such periods. As part of such analysis, the Comptroller General shall study the past and projected effects of temporary increases in the Federal medical assistance percentage under the Medicaid program with respect to such periods.

(b) REPORT.—Not later than April 1, 2011, the Comptroller General of the United States shall submit a report to the appropriate committees of Congress on the results of the study conducted under paragraph (1). Such report shall include the following:

(1) Such recommendations as the Comptroller General determines appropriate for modifying the national economic downturn assistance formula for temporary adjustment of the Federal medical assistance percentage under Medicaid (also referred to as a ''countercyclical FMAP'') described in GAO report number GAO–07–97 to improve the effectiveness of the application of such percentage in addressing the needs of States during periods of national economic downturn, including recommendations for—

(A) improvements to the factors that would begin and end the application of such percentage;

(B) how the determination of the amount of such percentage could be adjusted to address State and regional economic variations during such periods; and

(C) how the determination of the amount of such percentage could be adjusted to be more responsive to actual Medicaid costs incurred by States during such periods.

(2) An analysis of the impact on States during such periods of—

(A) declines in private health benefits coverage;

(B) declines in State revenues; and

(C) caseload maintenance and growth under Medicaid, the Children's Health Insurance Program, or any other publicly-funded programs to provide health benefits coverage for State residents.

(3) Identification of, and recommendations for addressing, the effects on States of any other specific economic indicators that the Comptroller General determines appropriate.

TITLE VI—BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM

SEC. 6000. TABLE OF CONTENTS.

The table of contents of this title is as follows:

SEC. 6001. BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM.

(a) The Assistant Secretary of Commerce for Communications and Information (Assistant Secretary), in consultation with the Federal Communications Commission (Commission), shall establish a national broadband service development and expansion program in conjunction with the technology opportunities program, which shall be referred to as the Broadband Technology Opportunities Program. The Assistant Secretary shall ensure that the program complements and enhances and does not conflict with other Federal broadband initiatives and programs.

(b) The purposes of the program are to—

(1) provide access to broadband service to consumers residing in unserved areas of the United States;

(2) provide improved access to broadband service to consumers residing in underserved areas of the United States;

(3) provide broadband education, awareness, training, access, equipment, and support to—

(A) schools, libraries, medical and healthcare providers, community colleges and other institutions of higher education, and other community support organizations and entities to facilitate greater use of broadband service by or through these organizations;

(B) organizations and agencies that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by low-income, unemployed, aged, and otherwise vulnerable populations; and

(C) job-creating strategic facilities located within a State-designated economic zone, Economic Development District designated by the Department of Commerce, Renewal Community or Empowerment Zone designated by the Department of Housing and Urban Development, or Enterprise Community designated by the Department of Agriculture;

(4) improve access to, and use of, broadband service by public safety agencies; and

(5) stimulate the demand for broadband, economic growth, and job creation.

(c) The Assistant Secretary may consult a State, the District of Columbia, or territory or possession of the United States with respect to—

(1) the identification of areas described in subsection (b)(1) or (2) located in that State; and

(2) the allocation of grant funds within that State for projects in or affecting the State.

(d) The Assistant Secretary shall—

(1) establish and implement the grant program as expeditiously as practicable;

(2) ensure that all awards are made before the end of fiscal year 2010;

(3) seek such assurances as may be necessary or appropriate from grantees under the program that they will substantially complete projects supported by the program in accordance with project timelines, not to exceed 2 years following an award; and

(4) report on the status of the program to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, every 90 days.

(e) To be eligible for a grant under the program, an applicant shall—

(1)(A) be a State or political subdivision thereof, the District of Columbia, a territory or possession of the United States, an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(b)) or native Hawaiian organization;

(B) a nonprofit—

(i) foundation,

(ii) corporation,

(iii) institution, or

(iv) association; or

(C) any other entity, including a broadband service or infrastructure provider, that the Assistant Secretary finds by rule to be in the public interest. In establishing such rule, the Assistant Secretary shall to the extent practicable promote the purposes of this section in a technologically neutral manner;

(2) submit an application, at such time, in such form, and containing such information as the Assistant Secretary may require;

(3) provide a detailed explanation of how any amount received under the program will be used to carry out the purposes of this section in an efficient and expeditious manner, including a showing that the project would not have been implemented during the grant period without Federal grant assistance;

(4) demonstrate, to the satisfaction of the Assistant Secretary, that it is capable of carrying out the project or function to which the application relates in a competent manner in compliance with all applicable Federal, State, and local laws;

(5) demonstrate, to the satisfaction of the Assistant Secretary, that it will appropriate (if the applicant is a State or local government agency) or otherwise unconditionally obligate, from non-Federal sources, funds required to meet the requirements of subsection (f);

(6) disclose to the Assistant Secretary the source and amount of other Federal or State funding sources from which the applicant receives, or has applied for, funding for activities or projects to which the application relates; and

(7) provide such assurances and procedures as the Assistant Secretary may require to ensure that grant funds are used and accounted for in an appropriate manner.

(f) The Federal share of any project may not exceed 80 percent, except that the Assistant Secretary may increase the Federal share of a project above 80 percent if—

(1) the applicant petitions the Assistant Secretary for a waiver; and

(2) the Assistant Secretary determines that the petition demonstrates financial need.

(g) The Assistant Secretary may make competitive grants under the program to—

(1) acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, and infrastructure for broadband services;

(2) construct and deploy broadband service related infrastructure;

(3) ensure access to broadband service by community anchor institutions;

(4) facilitate access to broadband service by low-income, unemployed, aged, and otherwise vulnerable populations in order to provide educational and employment opportunities to members of such populations;

(5) construct and deploy broadband facilities that improve public safety broadband communications services; and

(6) undertake such other projects and activities as the Assistant Secretary finds to be consistent with the purposes for which the program is established.

(h) The Assistant Secretary, in awarding grants under this section, shall, to the extent practical—

(1) award not less than 1 grant in each State;

(2) consider whether an application to deploy infrastructure in an area—

(A) will, if approved, increase the affordability of, and subscribership to, service to the greatest population of users in the area;

(B) will, if approved, provide the greatest broadband speed possible to the greatest population of users in the area;

(C) will, if approved, enhance service for health care delivery, education, or children to the greatest population of users in the area; and

(D) will, if approved, not result in unjust enrichment as a result of support for non-recurring costs through another Federal program for service in the area; and

(3) consider whether the applicant is a socially and economically disadvantaged small business concern as defined under section 8(a) of the Small Business Act (15 U.S.C. 637).

(i) The Assistant Secretary—

(1) shall require any entity receiving a grant pursuant to this section to report quarterly, in a format specified by the Assistant Secretary, on such entity's use of the assistance and progress fulfilling the objectives for which such funds were granted, and the Assistant Secretary shall make these reports available to the public;

(2) may establish additional reporting and information requirements for any recipient of any assistance made available pursuant to this section;

(3) shall establish appropriate mechanisms to ensure appropriate use and compliance with all terms of any use of funds made available pursuant to this section;

(4) may, in addition to other authority under applicable law, deobligate awards to grantees that demonstrate an insufficient level of performance, or wasteful or fraudulent spending, as defined in advance by the Assistant Secretary, and award these funds competitively to new or existing applicants consistent with this section; and

(5) shall create and maintain a fully searchable database, accessible on the Internet at no cost to the public, that contains at least a list of each entity that has applied for a grant under this section, a description of each application, the status of each such application, the name of each entity receiving funds made available pursuant to this section, the purpose for which such entity is receiving such funds, each quarterly report submitted by the entity pursuant to this section, and such other information sufficient to allow the public to understand and monitor grants awarded under the program.

(j) Concurrent with the issuance of the Request for Proposal for grant applications pursuant to this section, the Assistant Secretary shall, in coordination with the Commission, publish the non-discrimination and network interconnection obligations that shall be contractual conditions of grants awarded under this section, including, at a minimum, adherence to the principles contained in the Commission's broadband policy statement (FCC 05–15, adopted August 5, 2005).

(k)(1) Not later than 1 year after the date of enactment of this section, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report containing a national broadband plan.

(2) The national broadband plan required by this section shall seek to ensure that all people of the United States have access to broadband capability and shall establish benchmarks for meeting that goal. The plan shall also include—

(A) an analysis of the most effective and efficient mechanisms for ensuring broadband access by all people of the United States;

(B) a detailed strategy for achieving affordability of such service and maximum utilization of broadband infrastructure and service by the public;

(C) an evaluation of the status of deployment of broadband service, including progress of projects supported by the grants made pursuant to this section; and

(D) a plan for use of broadband infrastructure and services in advancing consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, worker training, private sector investment, entrepreneurial activity, job creation and economic growth, and other national purposes.

(3) In developing the plan, the Commission shall have access to data provided to other Government agencies under the Broadband Data Improvement Act (47 U.S.C. 1301 note).

(l) The Assistant Secretary shall develop and maintain a comprehensive nationwide inventory map of existing broadband service capability and availability in the United States that depicts the geographic extent to which broadband service capability is deployed and available from a commercial provider or public provider throughout each State. Not later than 2 years after the date of the enactment of this Act, the Assistant Secretary shall make the broadband inventory map developed and maintained pursuant to this section accessible by the public on a World Wide Web site of the National Telecommunications and Information Administration in a form that is interactive and searchable.

(m) The Assistant Secretary shall have the authority to prescribe such rules as are necessary to carry out the purposes of this section.

TITLE VII—LIMITS ON EXECUTIVE COMPENSATION

SEC. 7000. TABLE OF CONTENTS.

The table of contents of this title is as follows:

SEC. 7001. EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.

Section 111 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221) is amended to read as follows:

"SEC. 111. EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.

''(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) SENIOR EXECUTIVE OFFICER.—The term 'senior executive officer' means an individual who is 1 of the top 5 most highly paid executives of a public company, whose compensation is required to be disclosed pursuant to the Securities Exchange Act of 1934, and any regulations issued thereunder, and non-public company counterparts.

''(2) GOLDEN PARACHUTE PAYMENT.—The term 'golden parachute payment' means any payment to a senior executive officer for departure from a company for any reason, except for payments for services performed or benefits accrued.

''(3) TARP RECIPIENT.—The term 'TARP recipient' means any entity that has received or will receive financial assistance under the financial assistance provided under the TARP.

''(4) COMMISSION.—The term 'Commission' means the Securities and Exchange Commission.

''(5) PERIOD IN WHICH OBLIGATION IS OUTSTANDING; RULE OF CONSTRUCTION.—For purposes of this section, the period in which any obligation arising from financial assistance provided under the TARP remains outstanding does not include any period during which the Federal Government only holds warrants to purchase common stock of the TARP recipient.

''(b) EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.—

''(1) ESTABLISHMENT OF STANDARDS.—During the period in which any obligation arising from financial assistance provided under the TARP remains outstanding, each TARP recipient shall be subject to—

''(A) the standards established by the Secretary under this section; and

''(B) the provisions of section 162(m)(5) of the Internal Revenue Code of 1986, as applicable.

''(2) STANDARDS REQUIRED.—The Secretary shall require each TARP recipient to meet appropriate standards for executive compensation and corporate governance.

''(3) SPECIFIC REQUIREMENTS.—The standards established under paragraph (2) shall include the following:

''(A) Limits on compensation that exclude incentives for senior executive officers of the TARP recipient to take unnecessary and excessive risks that threaten the value of such recipient during the period in which any obligation arising from financial assistance provided under the TARP remains outstanding.

''(B) A provision for the recovery by such TARP recipient of any bonus, retention award, or incentive compensation paid to a senior executive officer and any of the next 20 most highly-compensated employees of the TARP recipient based on statements of earnings, revenues, gains, or other criteria that are later found to be materially inaccurate.

''(C) A prohibition on such TARP recipient making any golden parachute payment to a senior executive officer or any of the next 5 most highly-compensated employees of the TARP recipient during the period in which any obligation arising from financial assistance provided under the TARP remains outstanding.

''(D)(i) A prohibition on such TARP recipient paying or accruing any bonus, retention award, or incentive compensation during the period in which any obligation arising from financial assistance provided under the TARP remains outstanding, except that any prohibition developed under this paragraph shall not apply to the payment of long-term restricted stock by such TARP recipient, provided that such long-term restricted stock—

''(I) does not fully vest during the period in which any obligation arising from financial assistance provided to that TARP recipient remains outstanding;

''(II) has a value in an amount that is not greater than ⅓ of the total amount of annual compensation of the employee receiving the stock; and

''(III) is subject to such other terms and conditions as the Secretary may determine is in the public interest.

''(ii) The prohibition required under clause (i) shall apply as follows:

''(I) For any financial institution that received financial assistance provided under the TARP equal to less than $25,000,000, the prohibition shall apply only to the most highly compensated employee of the financial institution.

''(II) For any financial institution that received financial assistance provided under the TARP equal to at least $25,000,000, but less than $250,000,000, the prohibition shall apply to at least the 5 most highly-compensated employees of the financial institution, or such higher number as the Secretary may determine is in the public interest with respect to any TARP recipient.

''(III) For any financial institution that received financial assistance provided under the TARP equal to at least $250,000,000, but less than $500,000,000, the prohibition shall apply to the senior executive officers and at least the 10 next most highly-compensated employees, or such higher number as the Secretary may determine is in the public interest with respect to any TARP recipient.

''(IV) For any financial institution that received financial assistance provided under the TARP equal to $500,000,000 or more, the prohibition shall apply to the senior executive officers and at least the 20 next most highly-compensated employees, or such higher number as the Secretary may determine is in the public interest with respect to any TARP recipient.

''(iii) The prohibition required under clause (i) shall not be construed to prohibit any bonus payment required to be paid pursuant to a written employment contract executed on or before February 11, 2009, as such valid employment contracts are determined by the Secretary or the designee of the Secretary.

''(E) A prohibition on any compensation plan that would encourage manipulation of the reported earnings of such TARP recipient to enhance the compensation of any of its employees.

''(F) A requirement for the establishment of a Board Compensation Committee that meets the requirements of subsection (c).

''(4) CERTIFICATION OF COMPLIANCE.—The chief executive officer and chief financial officer (or the equivalents thereof) of each TARP recipient shall provide a written certification of compliance by the TARP recipient with the requirements of this section—

''(A) in the case of a TARP recipient, the securities of which are publicly traded, to the Securities and Exchange Commission, together with annual filings required under the securities laws; and

''(B) in the case of a TARP recipient that is not a publicly traded company, to the Secretary.

''(c) BOARD COMPENSATION COMMITTEE.—

''(1) ESTABLISHMENT OF BOARD REQUIRED.—Each TARP recipient shall establish a Board Compensation Committee, comprised entirely of independent directors, for the purpose of reviewing employee compensation plans.

''(2) MEETINGS.—The Board Compensation Committee of each TARP recipient shall meet at least semiannually to discuss and evaluate employee compensation plans in light of an assessment of any risk posed to the TARP recipient from such plans.

''(3) COMPLIANCE BY NON-SEC REGISTRANTS.—In the case of any TARP recipient, the common or preferred stock of which is not registered pursuant to the Securities Exchange Act of 1934, and that has received $25,000,000 or less of TARP assistance, the duties of the Board Compensation Committee under this subsection shall be carried out by the board of directors of such TARP recipient.

''(d) LIMITATION ON LUXURY EXPENDITURES.—The board of directors of any TARP recipient shall have in place a company-wide policy regarding excessive or luxury expenditures, as identified by the Secretary, which may include excessive expenditures on—

''(1) entertainment or events;

''(2) office and facility renovations;

''(3) aviation or other transportation services; or

''(4) other activities or events that are not reasonable expenditures for staff development, reasonable performance incentives, or other similar measures conducted in the normal course of the business operations of the TARP recipient.

''(e) SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.—

''(1) ANNUAL SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.—Any proxy or consent or authorization for an annual or other meeting of the shareholders of any TARP recipient during the period in which any obligation arising from financial assistance provided under the TARP remains outstanding shall permit a separate shareholder vote to approve the compensation of executives, as disclosed pursuant to the compensation disclosure rules of the Commission (which disclosure shall include the compensation discussion and analysis, the compensation tables, and any related material).

''(2) NONBINDING VOTE.—A shareholder vote described in paragraph (1) shall not be binding on the board of directors of a TARP recipient, and may not be construed as overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board, nor shall such vote be construed to restrict or limit the ability of shareholders to make proposals for inclusion in proxy materials related to executive compensation.

''(3) DEADLINE FOR RULEMAKING.—Not later than 1 year after the date of enactment of the American Recovery and Reinvestment Act of 2009, the Commission shall issue any final rules and regulations required by this subsection.

''(f) REVIEW OF PRIOR PAYMENTS TO EXECUTIVES.—

''(1) IN GENERAL.—The Secretary shall review bonuses, retention awards, and other compensation paid to the senior executive officers and the next 20 most highly-compensated employees of each entity receiving TARP assistance before the date of enactment of the American Recovery and Reinvestment Act of 2009, to determine whether any such payments were inconsistent with the purposes of this section or the TARP or were otherwise contrary to the public interest.

''(2) NEGOTIATIONS FOR REIMBURSEMENT.—If the Secretary makes a determination described in paragraph (1), the Secretary shall seek to negotiate with the TARP recipient and the subject employee for appropriate reimbursements to the Federal Government with respect to compensation or bonuses.

''(g) NO IMPEDIMENT TO WITHDRAWAL BY TARP RECIPIENTS.—Subject to consultation with the appropriate Federal banking agency (as that term is defined in section 3 of the Federal Deposit Insurance Act), if any, the Secretary shall permit a TARP recipient to repay any assistance previously provided under the TARP to such financial institution, without regard to whether the financial institution has replaced such funds from any other source or to any waiting period, and when such assistance is repaid, the Secretary shall liquidate warrants associated with such assistance at the current market price.

''(h) REGULATIONS.—The Secretary shall promulgate regulations to implement this section.''.

SEC. 7002. APPLICABILITY WITH RESPECT TO LOAN MODIFICATIONS.

Section 109(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5219(a)) is amended—

(1) by striking ''To the extent'' and inserting the following:

''(1) IN GENERAL.—To the extent''; and

(2) by adding at the end the following:

''(2) WAIVER OF CERTAIN PROVISIONS IN CONNECTION WITH LOAN MODIFICATIONS.—The Secretary shall not be required to apply executive compensation restrictions under section 111, or to receive warrants or debt instruments under section 113, solely in connection with any loan modification under this section.''.

And the Senate agreed to the same.

DAVID OBEY,
CHARLES RANGEL,
HENRY WAXMAN,
Managers on the Part of the House.

DANIEL K. INOUYE,
MAX BAUCUS,
HARRY REID,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1), a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendment to the text deleted the entire House bill after the enacting clause and inserted the Senate bill. This conference agreement includes a revised bill.

The conference agreement designates amounts in the Act as emergency requirements pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009. All applicable provisions in the Act are designated as an emergency for purposes of pay-as-you-go principles.

DIVISION A—APPROPRIATIONS PROVISIONS

TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

The conference agreement provides $24,000,000 for the Agriculture Buildings and Facilities and Rental Payments account instead of $44,000,000 as proposed by the House. The Senate bill contained no such account.

The conference agreement provides funding to address priority maintenance, repair, and modernization investments in USDA's headquarter buildings and facilities.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $22,500,000 for the Office of Inspector General as proposed by both the House and Senate.

The conference agreement provides funding to enhance oversight and improve accountability of the use of economic recovery funds appropriated to the Department of Agriculture in this Act, including $7,500,000 for the U.S. Forest Service.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

The conference agreement provides $176,000,000 for the Agricultural Research

Service, Buildings and Facilities account instead of $209,000,000 as proposed by the House. The Senate bill contained no such account.

The conference agreement provides funding to address critical deferred maintenance of the agency's aging laboratory and research infrastructure.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

The conference agreement provides $50,000,000 for the Farm Service Agency, Salaries and Expenses account instead of $245,000,000 as proposed by the House. The Senate bill contained no such account.

The conference agreement provides funding to maintain and modernize the information technology system.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides $290,000,000 for the Watershed and Flood Prevention Operations program instead of $350,000,000 as proposed by the House and $275,000,000 as proposed by the Senate.

Of the total amount, $145,000,000 is for purchasing and restoring floodplain easements under the authorities of the Emergency Watershed Protection Program. Funding is provided for conducting a floodplain restoration enrollment process that encompasses multiple regions of the country and that will provide the greatest public and environmental benefits.

The conference agreement provides funding to invest in both structural and nonstructural watershed infrastructure improvements. When considering project applications, the agency is directed to prioritize funding for projects that most cost-effectively provide the greatest public safety, flood protection, economic, and environmental benefits.

With the funds provided, the agency is directed to complete existing infrastructure projects that have already initiated planning, design, or construction work, as well as prioritize funding for projects that are prepared to initiate work as soon as possible. The agency is further directed to fully fund the cost of completing discrete functional components of both structural and nonstructural projects initiated with the dollars provided in this conference agreement.

WATERSHED REHABILITATION PROGRAM

The conference agreement provides $50,000,000 for the Watershed Rehabilitation Program as proposed by the House instead of $65,000,000 as proposed by the Senate.

The conference agreement provides funding to rehabilitate aging flood control infrastructure. The agency is directed to prioritize funding for projects that are at greatest risk of failure and present threats to public safety. The agency is further directed to prioritize funding for projects that can obligate and expend funds both cost effectively and rapidly. Finally, the agency is directed to fully fund the cost of completing rehabilitation projects initiated with the dollars provided in this conference agreement.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides $200,000,000 in budget authority as proposed by the Senate instead of $500,000,000 as proposed by the House. The amount of funding provided by the conference agreement will support $11,472,000,000 in direct and guaranteed single family housing loans under the Rural Housing Insurance Fund, of which $1,000,000,000 is for direct single family housing loans and $10,472,000,000 is for guaranteed single family housing loans.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

The conference agreement includes $130,000,000 in budget authority for loans and grants for rural community facilities instead of $200,000,000 as proposed by the House and $127,000,000 as proposed by the Senate.

The conference agreement provides funding to support $1,234,000,000 in loans and grants for essential rural community facilities including hospitals, health clinics, health and safety vehicles and equipment, public buildings, and child and elder care facilities. Of this amount, $1,171,000,000 is for direct community facility loans and $63,000,000 is for community facility grants.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

The conference agreement includes $150,000,000 in budget authority for rural business loans and grants as proposed by the Senate instead of $100,000,000 as proposed by the House. The amount of funding provided by the conference agreement will support $3,010,000,000 in rural business loans and grants. Of this amount, $2,990,000,000 is for guaranteed business and industry loans and $20,000,000 is for rural business enterprise grants.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

The conference agreement includes $1,380,000,000 in budget authority for loans and grants for water and waste disposal facilities instead of $1,500,000,000 as proposed by the House and $1,375,000,000 as proposed by the Senate. The amount of funding provided by the conference agreement will support $3,788,000,000 in loans and grants for water and waste disposal facilities in rural areas. Of this amount, $2,820,000,000 is for direct loans and $968,000,000 is for grants.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

The conference agreement includes $2,500,000,000 for the distance learning, telemedicine, and broadband program instead of $2,825,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

The conference agreement includes $100,000 for a grant program for National School Lunch Program equipment assistance as proposed by the Senate. The House bill contained no such account.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The conference agreement includes $500,000,000 for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) as proposed by the Senate instead of $100,000,000 as proposed by the House.

Of the total amount provided by the conference agreement, $400,000,000 is for the program's contingency reserve to ensure that the WIC program will have adequate funds to cover potential increased participation or food costs as a result of economic uncertainty. The conference agreement also provides $100,000,000 from the total amount to help state agencies implement new management information systems or improve existing management information systems for the program.

COMMODITY ASSISTANCE PROGRAM

The conference agreement includes $150,000,000 for the Emergency Food Assistance Program for food purchases as proposed by both the House and Senate. Of the total amount provided by the conference agreement, up to $50,000,000 may be used for administrative funding.

GENERAL PROVISIONS—THIS TITLE

SEC. 101. The conference agreement includes language to increase the value of benefits provided through the Supplemental Nutrition Assistance Program by 13.6 percent. The conference agreement also includes $295,000,000 for the cost of state administrative expenses and $5,000,000 in administrative funding for the Food Distribution Program on Indian Reservations.

SEC. 102. The conference agreement includes language to provide for transitional agricultural disaster assistance.

SEC. 103. The conference agreement includes language to carry out the Food, Conservation, and Energy Act of 2008.

SEC. 104. The conference agreement includes language to carry out the rural development loan and grant programs funded in this title.

SEC. 105. The conference agreement includes language to specify the use of funds in persistent poverty counties.

TITLE II—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

The Department is directed to submit to the House and Senate Committees on Appropriations spending plans, signed by the Secretary, detailing its intended allocation of funds provided in this Act within 60 days of enactment of this Act.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $150,000,000 for Economic Development Assistance Programs to leverage private investment, stimulate employment and increase incomes in economically distressed communities. Of the amounts provided, $50,000,000 shall be for economic adjustment assistance to help communities recover from sudden and severe economic dislocation and massive job losses due to corporate restructuring and $50,000,000 may be transferred to federally authorized, regional economic development commissions.

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

To ensure a successful 2010 Decennial, the conference agreement includes $1,000,000,000 to hire additional personnel, provide required training, increase targeted media purchases, and improve management of other operational and programmatic risks. Of the amounts provided, up to $250,000,000 shall be for partnership and outreach efforts to minority communities and hard-to-reach populations.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM

The conference agreement includes $4,700,000,000 for NTIA's Broadband Technology Opportunities Program (TOP), to be available until September 30, 2010. Funding is provided to award competitive grants to accelerate broadband deployment in unserved and underserved areas and to strategic institutions that are likely to create jobs or provide significant public benefits. Of

the amounts provided, $350,000,000 shall establish the State Broadband Data and Development Grant program, as authorized by Public Law 110–385 and for the development and maintenance of a national broadband inventory map as authorized by division B of this Act. In addition, $200,000,000 shall be for competitive grants for expanding public computer center capacity; $250,000,000 shall be for competitive grants for innovative programs to encourage sustainable broadband adoption; and $10,000,000 is to be transferred to the Department of Commerce Inspector General for audits and oversight of funds provided under this heading, to be available until expended.

DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM

The conference agreement includes $650,000,000 for additional implementation and administration of the digital-to-analog converter box coupon program, including additional coupons to meet new projected demands and consumer support, outreach and administration. Of the amounts provided, up to $90,000,000 may be used for education and outreach to vulnerable populations, including one-on-one assistance for converter box installation.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes $220,000,000 for research, competitive grants, additional research fellowships and advanced research and measurement equipment and supplies. In addition, $20,000,000 is provided by transfer from the Health Information Technology (HIT) initiative within this Act. For HIT activities, NIST is directed to create and test standards related to health security and interoperability in conjunction with partners at the Department of Health and Human Services.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement includes $360,000,000 to address NIST's backlog of maintenance and renovation and for construction of new facilities and laboratories. Of the amounts provided, $180,000,000 shall be for the competitive construction grant program for research science buildings, including fiscal year 2008 and 2009 competitions.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes $230,000,000 for NOAA operations, research, and facilities to address a backlog of research, restoration, navigation, conservation and management activities.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

The conference agreement includes $600,000,000 for construction and repair of NOAA facilities, ships and equipment, to improve weather forecasting and to support satellite development. Of the amounts provided, $170,000,000 shall address critical gaps in climate modeling and establish climate data records for continuing research into the cause, effects and ways to mitigate climate change.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $6,000,000 for the Office of Inspector General, to remain available until September 30, 2013.

DEPARTMENT OF JUSTICE

The Department is directed to submit to the House and Senate Committees on Appropriations a spending plan, signed by the Attorney General, detailing its intended allocation of funds provided in this Act within 60 days of enactment of this Act.

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $2,000,000 for the Office of Inspector General, to be available until September 30, 2013.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

The conference agreement provides $225,000,000 for Violence Against Women Prevention and Prosecution Programs, to be available until September 30, 2010, of which $175,000,000 is for the STOP Violence Against Women Formula Assistance Program, and $50,000,000 is for transitional housing assistance grants. No administrative overhead costs shall be deducted from the programs funded under this accout.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes a total of $2,765,000,000 for the following state and local law enforcement assistance programs, to be available until September 30, 2010. No administrative overhead costs shall be deducted from the programs funded under this account.

Edward Byrne Memorial Justice Assistance Grants	$2,000,000,000
Byrne competitive grants	225,000,000
Rural Law Enforcement	125,000,000
Southwest Border/Project Gunrunner	40,000,000
Victims Compensation	100,000,000
Tribal Law Enforcement Assistance	225,000,000
Internet Crimes Against Children Task Force	50,000,000
Total	2,765,000,000

Byrne-Justice Assistance Grants.—The conference agreement provides $2,000,000,000 for Edward Byrne Memorial Justice Assistance Grants. This funding is allocated by formula to State and local law enforcement agencies to help prevent, fight, and prosecute crime.

Byrne Competitive Grants.—The conference agreement provides $225,000,000 for competitive, peer-reviewed grants to units of State, local, and tribal government, and to national, regional, and local non-profit organizations to prevent crime, improve the administration of justice, provide services to victims of. crime, support critical nurturing and mentoring of at-risk children and youth, and for other similar activities.

Rural Law Enforcement.—The conference agreement provides $125,000,000 for grants to combat the persistent problems of drug-related crime in rural America. Funds will be available on a competitive basis for drug enforcement and other law enforcement activities in rural states and rural areas, including for the hiring of police officers and for community drug prevention and treatment programs.

Southwest Border/Project Gunrunner.—The conference agreement provides $40,000,000 for competitive grants for programs that provide assistance and equipment to local law enforcement along the Southern border or in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity, of which $10,000,000 shall be available, by transfer, to the Bureau of Alcohol, Tobacco, Firearms, and Explosives for Project Gunrunner.

Victims Compensation.—The conference agreement provides $100,000,000 for formula grants to be administered through the Justice Department's Office for Victims of Crime to support State compensation and assistance programs for victims and survivors of domestic violence, sexual assault, child abuse, drunk driving, homicide, and other Federal and state crimes.

Tribal Law Enforcement Assistance.—The conference agreement provides $225,000,000 for grants to assist American Indian and Alaska Native tribes, to be distributed under the guidelines set forth by the Correctional Facilities on Tribal Lands program. The Department is directed to coordinate with the Bureau of Indian Affairs, and to consider the following in the grant approval process: (1) the detention bed space needs of an applicant tribe; and (2) the violent crime statistics of the tribe.

Internet Crimes Against Children (ICAC) Task Force Program.—The conference agreement provides $50,000,000 to help State and local law enforcement agencies enhance investigative responses to offenders who use the Internet, online communication systems, or other computer technology to sexually exploit children.

COMMUNITY ORIENTED POLICING SERVICES

COPS Hiring Grants.—The conference agreement provides $1,000,000,000 for grants to State, local, and tribal governments for the hiring of additional law enforcement officers, to be available until September 30, 2010. No administrative overhead costs shall be deducted from the programs funded under this account.

SALARIES AND EXPENSES

The conference agreement provides $10,000,000 for management and administrative costs of Department of Justice grants funded in this Act.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NASA is directed to submit to the House and Senate Committees on Appropriations a spending plan, signed by the Administrator, detailing its intended allocation of funds provided in this Act within 60 days of enactment of this Act.

SCIENCE

The conference agreement includes $400,000,000 for Science, to remain available until September 30, 2010. Funding is included herein to accelerate the development of the tier 1 set of Earth science climate research missions recommended by the National Academies Decadal Survey and to increase the agency's supercomputing capabilities.

AERONAUTICS

The conference agreement includes $150,000,000 for aeronautics, to remain available until September 30, 2010. These funds are available for system-level research, development and demonstration activities related to aviation safety, environmental impact mitigation and the Next Generation Air Transportation System (NextGen).

EXPLORATION

The conference agreement includes $400,000,000 for exploration, to remain available until September 30, 2010.

CROSS AGENCY SUPPORT

The conference agreement includes $50,000,000 for cross agency support, to remain available until September 30, 2010. In allocating these funds, NASA shall give its

highest priority to restore NASA-owned facilities damaged from hurricanes and other natural disasters occurring during calendar year 2008.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $2,000,000 for the Office of Inspector General, to remain available until September 30, 2013.

NATIONAL SCIENCE FOUNDATION

NSF is directed to submit to the House and Senate Committees on Appropriations a spending plan, signed by the Director, detailing its intended allocation of funds provided in this Act within 60 days of enactment of this Act.

RESEARCH AND RELATED ACTIVITIES

For research and related activities, the conference agreement provides a total of $2,500,000,000, to remain available until September 30, 2010. Within this amount, $300,000,000 shall be available solely for the major research instrumentation program and $200,000,000 shall be available for activities authorized by title II of Public Law 100–570 for academic facilities modernization. In allocating the resources provided under this heading, the conferees direct that NSF support all research divisions and support advancements in supercomputing technology.

EDUCATION AND HUMAN RESOURCES

The conference agreement includes $100,000,000 for education and human resources, to remain available until September 30, 2010. These funds shall be allocated as follows:

Robert Noyce Scholarship Program	$60,000,000
Math and Science Partnerships	25,000,000
Professional Science Master's Programs	15,000,000

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

The conference agreement includes $400,000,000 for major research equipment and facilities construction, to remain available until September 30, 2010.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $2,000,000 for the Office of Inspector General, to remain available until September 30, 2013.

GENERAL PROVISION—THIS TITLE

Sec. 201. For COPS Hiring Grants, waives the $75,000 per officer cap codified at 42 U.S.C. 6dd–3(c) and the 25 percent local match requirement codified at 42 U.S.C. 3796dd(g).

TITLE III—DEFENSE

DEPARTMENT OF DEFENSE

FACILITY INFRASTRUCTURE INVESTMENTS, DEFENSE

Facilities Sustainment, Restoration and Modernization covers expenses associated with maintaining the physical plant at Department of Defense posts, camps and stations. The conference agreement provides $4,240,000,000 for Facilities Sustainment, Restoration and Modernization and directs that this funding shall only be available for facilities in the United States and its territories. Further, of the funds provided, $400,000,000 is for the Defense Health Program as described elsewhere in this statement. Of the funds provided in Operation and Maintenance, Army, $153,500,000 shall be used for barracks renovations. The remainder of the funds provided shall be used to invest in energy efficiency projects and to repair and modernize Department of Defense facilities. The Secretary of Defense shall provide a written report to the congressional defense committees no later than 60 days after enactment of this Act with a project listing of how these funds will be obligated.

NEAR TERM ENERGY EFFICIENCY TECHNOLOGY DEMONSTRATIONS AND RESEARCH

The conference agreement provides $75,000,000 for Research, Development, Test and Evaluation, Army; $75,000,000 for Research, Development, Test and Evaluation, Navy; $75,000,000 for Research, Development, Test and Evaluation, Air Force; and $75,000,000 for Research, Development, Test and Evaluation, Defense-Wide only for the funding of research, development, test and evaluation projects, including pilot projects, demonstrations and energy efficient manufacturing enhancements. Funds are for improvements in energy generation and efficiency, transmission, regulation, storage, and for use on military installations and within operational forces, to include research and development of energy from fuel cells, wind, solar, and other renewable energy sources to include biofuels and bioenergy. The Secretary of Defense is directed to provide a report to the congressional defense committees detailing the planned use of these funds within 60 days after enactment of this Act. Additionally, the Secretary of Defense is directed to provide a report on the progress made by this effort to the congressional defense committees not later than one year after enactment of this Act and an additional report not later than two years after enactment of this Act.

DEFENSE HEALTH PROGRAM

The conference agreement provides $400,000,000 for Facilities Sustainment, Restoration, and Modernization. Of these funds, $220,000,000 shall be for the Army, $50,000,000 shall be for the Navy, and $130,000,000 shall be for the Air Force. Funds shall be used to invest in energy efficiency projects and to improve, repair and modernize military medical facilities in the United States and its territories. The Service Surgeons General shall provide written reports to the congressional defense committees no later than 60 days after enactment of this Act with a project listing of how and when these funds will be obligated.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $15,000,000 for the Office of the Inspector General to conduct vigorous oversight of Department of Defense programs.

TITLE IV—ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INTRODUCTION

The conferees agree to provide an additional $4,600,000,000 for the Corps of Engineers as proposed by the Senate instead of $4,500,000,000 as proposed by the House. The conferees direct the Corps to consider the following criteria when allocating funds:

(a) Programs, projects, or activities that can be obligated/executed quickly;

(b) Programs, projects, or activities that will result in high, immediate employment;

(c) Programs, projects, or activities that have little schedule risk;

(d) Programs, projects, or activities that will be executed by contract or direct hire of temporary labor; and

(e) Programs, projects, or activities that will complete either a project phase, a project, or will provide a useful service that does not require additional funding.

Further, the Corps is directed to utilize the criteria above to execute authorized projects in order to maximize national benefits without regard to the business line amounts proposed in the Senate report, except where statutory language specifies an amount.

INVESTIGATIONS

The conferees agree to provide an additional $25,000,000 as proposed by the Senate. The House proposed no funding for this account. The conference agreement includes or modifies several provisions proposed by the Senate related to availability of funds and reprogramming.

CONSTRUCTION

The conferees agree to provide an additional $2,000,000,000 as proposed by both the House and the Senate.

The conference agreement includes a provision proposed by the Senate regarding availability of funds for authorized environmental infrastructure projects. The House bill included no similar provision.

The conference agreement includes several provisions proposed by the House and the Senate regarding limitations on reimbursement, annual program and total project cost limits, the Inland Waterways Trust Fund, and availability of funds.

The conference agreement deletes a provision proposed by the House directing the prioritization of funds. The Senate carried report language addressing prioritization.

The conference agreement includes a provision proposed by the Senate granting the Secretary of the Army unlimited reprogramming authority for funds provided under this heading. The House bill included no similar provision.

The conference agreement includes a provision proposed by the House requiring specific reports on obligation and expenditure of funds provided in this Act. The Senate bill included no similar provision.

MISSISSIPPI RIVER AND TRIBUTARIES

The conferees agree to provide an additional $375,000,000 instead of $250,000,000 as proposed by the House and $500,000,000 as proposed by the Senate.

The conference agreement deletes a provision proposed by the House directing the prioritization of funds. The Senate carried report language addressing prioritization.

The conference agreement includes several provisions proposed by the House and the Senate regarding total project cost limits and availability of funds.

The conference agreement includes a provision proposed by the Senate granting the Secretary of the Army unlimited reprogramming authority for funds provided under this heading. The House bill included no similar provision.

The conference agreement includes a provision proposed by the House requiring specific reports on obligation and expenditure of funds provided in this Act. The Senate bill included no similar provision.

OPERATION AND MAINTENANCE

The conferees agree to provide an additional $2,075,000,000 instead of $2,225,000,000 as proposed by the House and $1,900,000,000 as proposed by the Senate.

The conference agreement deletes a provision proposed by the House directing the prioritization of funds. The Senate carried report language addressing prioritization.

The conference agreement includes several provisions proposed by the House and the Senate regarding total project cost limits and availability of funds.

The conference agreement deletes a provision proposed by the Senate relating to activities authorized in section 9004 of Public

Law 110–114. The House bill included no similar provision.

The conference agreement includes a provision proposed by the Senate relating to annual project limitations set forth in section 9006 of Public Law 110–114. The House bill included no similar provision.

The conference agreement includes a provision proposed by the Senate granting the Secretary of the Army unlimited reprogramming authority for funds provided under this heading. The House bill included no similar provision.

The conference agreement includes a provision proposed by the House requiring specific reports on obligation and expenditure of funds provided in this Act. The Senate bill included no similar provision.

REGULATORY PROGRAM

The conferees agree to provide an additional $25,000,000 as proposed by both the House and the Senate.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

The conferees agree to provide an additional $100,000,000 as proposed by the Senate. The House proposed no funding for this account.

The conference agreement includes or modifies several provisions proposed by the Senate related to availability of funds and reprogramming.

The conference agreement includes a new provision requiring specific reports on obligation and expenditure of funds provided in this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conferees provide no additional funds, as proposed by the House, instead of $50,000,000 as proposed by the Senate.

DEPARTMENT OF INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

The conferees agree to provide an additional $1,000,000,000 for Water and Related Resources instead of $500,000,000 as proposed by the House and $1,400,000,000 as proposed by the Senate. The conferees direct the Bureau to consider the following criteria when allocating funds:

(a) Programs, projects, or activities that can be obligated/executed quickly;

(b) Programs, projects, or activities that will result in high, immediate employment;

(c) Programs, projects, or activities that have little schedule risk;

(d) Programs, projects, or activities that will be executed by contract or direct hire of temporary labor; and

(e) Programs, projects, or activities that will complete either a project phase, a project, or will provide a useful service that does not require additional funding.

Further, the Bureau is directed to utilize the criteria above to execute authorized projects in order to maximize national benefits without regard to the amounts proposed in the Senate report by purpose, except where statutory language specifies an amount.

The conference agreement includes a provision proposed by the House related to expenditures for authorized title XVI projects. The Senate bill included a similar provision.

The conference agreement deletes several provisions proposed by the Senate related to the Bureau of Reclamation's special fee account; contributed funds; funds advanced under 43 U.S.C. 397a; and limitations on funding programs, projects or activities that receive funding in Acts making appropriations for Energy and Water Development. The House bill included no similar provisions.

The conference agreement includes provisions proposed by the Senate relating to availability of funds for projects that can be completed with funds provided in this Act and the availability of funds for authorized activities under the Central Utah Project Completion Act, California-Bay Delta Restoration Act, and the bureau-wide inspection of canals program in urbanized areas. The House bill included no similar provisions.

The conference agreement includes a provision proposed by the Senate relating to authorized rural water projects. The House bill included a similar provision.

The conference agreement modifies provisions proposed by both the House and the Senate relating to repayment of reimbursable activities.

The conference agreement includes a provision proposed by the Senate relating to availability of funds for costs associated with supervision, inspection, overhead, engineering and design on projects. The House bill included no similar provision.

The conference agreement includes a provision proposed by the Senate granting the Secretary of Interior unlimited reprogramming authority for funds provided under this heading. The House bill included no similar provision.

The conference agreement includes a new provision requiring specific reports on obligation and expenditure of funds provided in this Act.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

The conferees agree to provide an additional $16,800,000,000 for the Energy Efficiency and Renewable Energy program, instead of $18,500,000,000 as proposed by the House and $14,398,000,000 as proposed by the Senate. The conference agreement includes $2,500,000,000 for applied research, development, demonstration and deployment activities to include $800,000,000 for projects related to biomass and $400,000,000 for geothermal activities and projects. Within available funds, the conferees direct $50,000,000 for the Department to support research to increase the efficiency of information and communications technology and improve standards.

Funds under this heading include $3,200,000,000 for the Energy Efficiency and Conservation Block Grant (EECBG) program, instead of $3,500,000,000 as proposed by the House and $4,200,000,000 as proposed by the Senate. Of the funds provided for the EECBG program, $400,000,000 shall be awarded on a competitive basis to grant applicants.

Funds under this heading include $5,000,000,000 for the Weatherization Assistance Program, instead of $6,200,000,000 as proposed in the House bill. The Senate proposed $2,900,000,000 in report language.

Funds under this heading include $3,100,000,000 for the State Energy Program, instead of $3,400,000,000 as proposed in the House bill. The Senate proposed $500,000,000 in report language.

Funds under this heading include $2,000,000,000 for Advanced Battery Manufacturing grants to support the manufacturing of advanced vehicle batteries and components, as proposed by the Senate, instead of $1,000,000,000 as proposed by the House. The conference agreement does not include the Advanced Battery Loan Guarantee program as proposed by the House. The Senate bill carried no similar provision.

Funds under this heading include $300,000,000 for the Alternative Fueled Vehicles Pilot Grant Program, instead of $400,000,000 as proposed in the House bill. The Senate proposed $350,000,000 in report language.

Funds under this heading include $400,000,000 for Transportation Electrification, instead of $200,000,000 as proposed in the House bill. The Senate proposed $200,000,000 in report language.

Funds under this heading include $300,000,000 for the Energy Efficient Appliance Rebate program and the Energy Star Program as proposed by the House. The Senate bill carried no similar provision.

The conference agreement includes language proposed by both the House and Senate that accelerates the hiring of personnel for the Energy Efficiency and Renewable Energy program.

The conference agreement does not include $500,000,000 for incentives for Energy Recovery of Industrial Waste Heat, as proposed by the House. The Senate bill carried no similar provision.

The conference agreement does not include $1,000,000,000 for grants to Institutional Entities for Energy Sustainability and Efficiency as proposed in the House bill. The Senate proposed $1,600,000,000 in report language.

The conference agreement does not include $500,000,000 for the cost of guaranteed loans to Institutional Entities for Energy Sustainability and Efficiency as proposed in the House bill. The Senate bill carried no similar provision.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

The conferees agree to provide an additional $4,500,000,000 for the Electricity Delivery and Energy Reliability program, as proposed by the House and the Senate. The conferees provide $100,000,000 within these funds for worker training, as proposed by the House and the Senate.

The conferees include language enabling the Secretary to use funds for transmission improvements authorized in any subsequent Act, as proposed by the House. The Senate bill contained no similar provision.

The conferees include language proposed by the Senate that accelerates the hiring of personnel for the Electricity Delivery and Energy Reliability program. The House bill contained no similar provision.

The conference agreement modifies bill language proposed by the Senate providing funds to conduct a resource assessment of future demand and transmission requirements. The House bill contained no similar provision.

The conference agreement modifies bill language proposed by the Senate for technical assistance to the North American Electric Reliability Corporation, the regional reliability entities, the States, and other transmission owners and operators for the formation of interconnection-based transmission plans for the Eastern and Western Interconnections and ERCOT. The House bill contained no similar provision.

The conference agreement includes bill language proposed by the Senate providing $10,000,000 to implement section 1305 of Public Law 110–140. The House bill contained no similar provision.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The conferees agree to provide an additional $3,400,000,000 for the Fossil Energy Research and Development program, instead of $2,400,000,000 as proposed by the House and $4,600,000,000 as proposed by the Senate.

Funds under this heading include $1,000,000,000 for fossil energy research and

development programs; $800,000,000 for additional amounts for the Clean Coal Power Initiative Round III Funding Opportunity Announcement; $1,520,000,000 for a competitive solicitation for a range of industrial carbon capture and energy efficiency improvement projects, including a small allocation for innovative concepts for beneficial CO_2 reuse; $50,000,000 for a competitive solicitation for site characterization activities in geologic formations; $20,000,000 for geologic sequestration training and research grants; and $10,000,000 for program direction funding.

The conference agreement does not include $2,400,000,000 for Section 702 of the Energy Independence and Security Act of 2007, as proposed by the House. The Senate bill contained no similar provision.

The conference agreement deletes several provisions proposed by the Senate delineating funding within this account. The House bill contained no similar provisions.

NON-DEFENSE ENVIRONMENTAL CLEANUP

The conferees agree to provide an additional $483,000,000 for the Non-Defense Environmental Cleanup program, as proposed by the Senate. The House bill carried no similar provision.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The conferees agree to provide an additional $390,000,000 for the Uranium Enrichment Decontamination and Decommissioning Fund, as proposed by the Senate. The House bill carried no similar provision. Within available funds, $70,000,000 is provided for the title X uranium and thorium program.

SCIENCE

The conferees agree to provide an additional $1,600,000,000 for the Science program. After taking into account the additional $400,000,000 provided for Advanced Research Projects Agency-Energy (ARPA–E) in a separate account, the funding level for Science is the same as proposed by the House, instead of $330,000,000 as proposed by the Senate.

The conference agreement does not include $100,000,000 for advanced scientific computing as proposed in the House bill. The Senate bill carried no similar provision.

ADVANCED RESEARCH PROJECTS AGENCY-ENERGY

The conferees agree to provide $400,000,000 for the Advanced Research Projects Agency-Energy authorized under section 5012 of the America COMPETES Act (42 U.S.C. 16538). This funding was provided by the House under ''Science''. The Senate bill carried no similar provision.

TITLE 17—INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

The conference agreement includes $6,000,000,000 for the cost of guaranteed loans authorized by section 1705 of the Energy Policy Act of 2005, instead of $8,000,000,000 as proposed by the House and $9,500,000,000 as proposed by the Senate.

This new loan program would provide loan guarantees for renewable technologies and transmission technologies. The $6,000,000,000 in appropriated funds is expected to support more than $60,000,000,000 in loans for these projects.

Funds under this heading include $10,000,000 for administrative expenses to support the Advanced Technology Vehicles Manufacturing Loan program. The House bill and the Senate bill included no similar provision.

The conference agreement does not include a provision proposed by the Senate providing $50,000,000,000 in additional loan authority for commitments to guarantee loans under section 1702(b)(2) of the Energy Policy Act of 2005. The House bill contained no similar provision.

OFFICE OF THE INSPECTOR GENERAL

The conferees agree to provide an additional $15,000,000 for the Office of Inspector General, as proposed by the House. The Senate bill included a similar provision.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

The conference agreement does not provide $1,000,000,000 for the National Nuclear Security Administration, Weapons Activities, as proposed by the Senate. The House bill contained no similar provision.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

The conferees agree to provide an additional $5,127,000,000 for the Defense Environmental Cleanup program, instead of $500,000,000 as proposed by the House and $5,527,000,000 as proposed by the Senate.

CONSTRUCTION, REHABILITATION, OPERATION, AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

The conference agreement includes bill language proposed by the Senate providing $10,000,000 in non-reimbursable funds for construction, rehabilitation, operations, and maintenance for the Western Area Power Administration (WAPA). The House bill contained no similar provision.

The conference agreement includes bill language proposed by the Senate providing additional staffing levels for the WAPA. The House bill contained no similar provision.

Legislative language is also included in the General Provisions of this title providing the WAPA with $3,250,000,000 in borrowing authority, as proposed by both the House and the Senate.

GENERAL PROVISIONS—THIS TITLE

The conference agreement includes a provision proposed by both the House and Senate increasing the borrowing authority ceiling for the Bonneville Power Administration by $3,250,000,000.

The conference agreement includes a provision proposed by the Senate providing the Western Area Power Administration $3,250,000,000 in borrowing authority. The House bill contained a similar provision.

The conference agreement modifies a provision proposed by the House granting transfer authority to the Secretary of Energy under specific circumstances. The Senate bill contained no similar provision.

The conference agreement includes a provision proposed by the House making technical corrections to section 543(a) of the Energy Independence and Security Act of 2007. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House amending title XIII of the Energy Independence and Security Act of 2007 to provide financial support to smart grid demonstration projects including those in urban, suburban, rural and tribal areas including areas where electric system assets are controlled by nonprofit entities and areas where the electric system assets are controlled by investor owned utilities. The Senate bill contained a similar provision.

The conference agreement modifies a provision proposed by the House amending title XVII of the Energy Independence and Security Act of 2007 creating a temporary loan guarantee program for the rapid deployment of renewable energy and electric power transmission projects. The Senate bill contained a similar provision.

The conference agreement modifies a provision proposed by the House expanding the eligibility of low income households for the Weatherization Assistance Program and increasing the funding assistance level per dwelling unit. The provision also provides guidance on effective use of funds. The Senate bill contained a similar provision.

The conference agreement includes a provision proposed by the Senate making technical corrections to redesignate two paragraphs of the Public Utility Regulatory Policies Act of 1978. The House bill contained no similar provision.

The conference agreement includes a provision proposed by the House providing the Secretary of Energy further direction in completing the 2009 National Electric Transmission Congestion Study. The Senate bill contained no similar provision.

The conference agreement includes a provision proposed by the House requiring as a condition of receipt of State Energy Program grants, a Governor to notify the Secretary of Energy that the Governor has obtained certain assurances, regarding certain regulatory policies, building code requirements and the prioritization of existing state programs. The Senate bill contained a similar provision.

The conference agreement deletes a provision proposed by the House waiving per project limitations for grants provided under section 399A(f)(2), (3), and (4) of the Energy Policy and Conservation Act and establishes that grants shall be available for not more than an amount equal to 80 percent of the costs of the project for which the grant is provided. The Senate bill contained no similar provision.

TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides $7,000,000 for oversight and audits of the administration of the making work pay tax credit and economic recovery payments under the American Recovery and Reinvestment Act, as proposed by the Senate. The House did not include funds for this account.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

The conference agreement provides $100,000,000 for qualified applicants under the fiscal year 2009 funding round of the Community Development Financial Institutions Fund program, instead of no funds as proposed by the House and $250,000,000 as proposed by the Senate.

INTERNAL REVENUE SERVICE

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

The conference agreement provides $80,000,000 to cover expected additional costs associated with implementation of the TAA Health Coverage Improvement Act of 2009.

DISTRICT OF COLUMBIA

FEDERAL PAYMENTS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

WATER AND SEWER AUTHORITY

The conference agreement does not provide funding for the District of Columbia Water

and Sewer Authority, instead of $125,000,000 as proposed by the Senate.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $5,550,000,000, for the Federal Buildings Fund, instead of $7,700,000,000 as proposed by the House and $5,548,000,000 as proposed by the Senate. Of the amounts provided, the conference agreement includes $750,000,000 for Federal buildings and United States courthouses, $450,000,000 of which shall be for a new headquarters for the Department of Homeland Security; $300,000,000 for border stations and land ports of entry; and not less than $4,500,000,000 to convert GSA facilities to High-Performance Green buildings as defined in P.L. 110–140. The conference agreement provides $4,000,000 for the Office of Federal High-Performance Green Buildings, authorized in the Energy Independence and Security Act of 2007. The agreement also provides $3,000,000 for a training and apprenticeship program for construction, repair and alteration of Federal buildings. With any funds in the Act that are used for new United States courthouse construction, the conferees advise GSA to consider projects for which the design provides courtroom space for senior judges for up to 10 years from eligibility for senior status, not to exceed one courtroom for every two senior judges.

ENERGY-EFFICIENT FEDERAL MOTOR VEHICLE FLEET PROCUREMENT

The conference agreement includes $300,000,000 for the acquisition of motor vehicles for the Federal fleet as proposed by the Senate, instead of $600,000,000 as proposed by the House. The conferees expect that the funds provided for Federal motor vehicle fleet procurement will help to stimulate the market for high-efficiency motor vehicles and will increase the fuel efficiency and reduce carbon emissions of the Federal motor vehicle fleet. The conferees remain hopeful that domestically produced plug-in hybrid-electric vehicles will be commercially available in sufficient quantities before September 30, 2010, such that these funds could be used to acquire this technology for the Federal fleet. Vehicles must be replaced on at least a one-for-one basis. Each vehicle purchased must have a higher fuel economy, as measured by EPA, than the vehicle being replaced and the overall government-purchased vehicles must have an improved fuel economy at least 10 percent greater than the vehicles being replaced.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $7,000,000 for the General Services Administration Office of Inspector General, as proposed by the Senate, instead of $15,000,000 as proposed by the House. Funds are available through September 30, 2013 for oversight and audit of programs, activities, and projects under this title.

RECOVERY ACT ACCOUNTABILITY AND TRANSPARENCY BOARD

The conference agreement provides $84,000,000 for the Recovery Act Accountability and Transparency Board, instead of $14,000,000 as provided by the House and $7,000,000 as provided by the Senate. Funding will support activities related to accountability, transparency, and oversight of spending under the Act. Funds may be transferred to support the operations of the Recovery Independent Advisory Panel established under section 1541 of the Act and for technical and administrative services and support provided by the General Services Administration. Funds may also be transferred to the Office of Management and Budget for coordinating and overseeing the implementation of the reporting requirements established under section 1526 of the Act. Funds may be transferred not less than 15 days following the notification of such transfer to the Committees on Appropriations of the House of Representatives and the Senate.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides $69,000,000 for Salaries and Expenses of the Small Business Administration, instead of $84,000,000 as proposed by the Senate. The House did not include funds for this account. Of the amount provided, $24,000,000 is for marketing, management, and technical assistance under the Microloan program, $20,000,000 is for improving, streamlining, and automating information technology systems related to lender processes and lender oversight, and $25,000,000 is for administrative expenses to ensure the efficient and effective management of small business programs.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $10,000,000 for the Office of Inspector General, as proposed by the House and the Senate. Funds are made available through September 30, 2013 for oversight and audit of programs, activities, and projects under this title.

SURETY BOND GUARANTEES REVOLVING FUND

The conference agreement provides $15,000,000 for the Surety Bond Guarantees Revolving Fund, as proposed by the Senate. The House did not include funds for this account.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement provides $636,000,000 for the Business Loans Program Account, instead of $430,000,000 as proposed by the House and $621,000,000 as proposed by the Senate. Of this amount, $6,000,000 is for the cost of direct loans provided under the Microloan program. The remaining $630,000,000 will implement the fee reductions and new loan guarantee authorities under sections 501 and 506 of this title.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

Section 501 authorizes temporary fee reductions or eliminations in the 7(a) loan guarantee program and the 504 loan program. The Senate proposed similar language.

Section 502 authorizes up to a 90 percent Small Business Administration guarantee on 7(a) loans. The House proposed similar language.

Section 503 authorizes the establishment of a SBA Secondary Market Guarantee Authority to provide a Federal guarantee for pools of first lien 504 loans that are to be sold to third-party investors. The House proposed similar language.

Section 504 authorizes SBA to refinance community development loans under its 504 program and revises the job creation goals of the program. The House and the Senate proposed similar language.

Section 505 simplifies the maximum leverage limits and aggregate investment limits required of Small Business Investment Companies. The House and the Senate proposed similar language.

Section 506 authorizes the Small Business Administration to carry out a program to provide loans on a deferred basis to viable small business concerns that have a qualifying small business loan and are experiencing immediate financial hardship.

Section 507 requires the Government Accountability Office to report to Congress on the implementation of the Small Business Administration provisions. The House proposed a similar provision.

Section 508 provides an increase in the surety bond maximum amount and modifies size standards. The Senate proposed similar language.

Section 509 establishes a secondary market lending authority within the Small Business Administration. The House proposed similar language.

The conference agreement does not include a provision, proposed by the House, to establish a new lending and refinancing authority within the Small Business Administration.

The conference agreement does not include a provision, proposed by the Senate, regarding the 7(a) loan maximum amount.

The conference agreement does not include a provision, proposed by the Senate, regarding definitions under the heading ''Small Business Administration'' in this title. The conference agreement includes provisions relating to definitions of terms within the individual sections.

TITLE VI—DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The conferees provide $200,000,000 for the Office of the Under Secretary for Management instead of $198,000,000 as proposed by the Senate and no funding proposed by the House. These funds are for planning, design, and construction costs necessary to consolidate the Department of Homeland Security (DHS) headquarters. DHS estimates that this project will create direct employment opportunities for 32,800 people in the region, largely within the construction and renovation industry. The conferees include bill language as proposed by the Senate to require an expenditure plan.

OFFICE OF INSPECTOR GENERAL

The conferees provide $5,000,000 for the Office of Inspector General (OIG) as proposed by the Senate instead of $2,000,000 as proposed by the House. Funding is available until September 30, 2012. These funds shall be used for oversight and audit programs, grants, and projects funded in this Title. The OIG estimates that this funding will provide for approximately 25 temporary federal positions and 40 contractor positions.

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

The conferees provide $160,000,000 for U.S. Customs and Border Protection (CBP) Salaries and Expenses instead of $100,000,000 as proposed by the House and $198,000,000 as proposed by the Senate. This includes $100,000,000 for the procurement and deployment of new or replacement non-intrusive inspection (NII) systems, and $60,000,000 for tactical communications. DHS estimates that funding for NII systems will create 148 new government and private sector jobs, and funding for tactical communications will create an estimated 319 contract positions, as well as manufacturing and systems software jobs. The conferees include bill language as proposed by the Senate to require an expenditure plan.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

The conferees provide $100,000,000 for Border Security Fencing, Infrastructure, and

Technology instead of $200,000,000 as proposed by the Senate and no funding proposed by the House. The conferees include bill language as proposed by the Senate to require an expenditure plan.

CONSTRUCTION

The conferees provide $420,000,000 for Construction, instead of $150,000,000 as proposed by the House and $800,000,000 as proposed by the Senate. The conferees include bill language as proposed by the Senate to make funding available for planning, management, design, alteration, and construction of land ports of entry that are owned by U.S. Customs and Border Protection. Up to five percent of these funds may be used to enhance management and oversight of this construction. DHS estimates that this project will create employment for 4,584 people in the border communities, largely within the construction and renovation industry. The conferees include bill language as proposed by the Senate to require an expenditure plan.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

AUTOMATION MODERNIZATION

The conferees provide $20,000,000 for Automation Modernization instead of $27,800,000 as proposed by the Senate and no funding proposed by the House. U.S. Immigration and Customs Enforcement has estimated this investment will create more than 120 new jobs related to the planning, manufacture, programming and installation of this equipment. The conferees include bill language as proposed by the Senate to require an expenditure plan.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

The conferees provide $1,000,000,000 for Aviation Security as proposed by the Senate instead of $500,000,000 as proposed by the House. This funding shall be used to procure and install checked baggage explosives detection systems and checkpoint explosives detection equipment. The Assistant Secretary of the Transportation Security Administration (TSA) should prioritize the award of these funds based on risk to accelerate the installation at locations with completed design plans. Funds must be competitively awarded. TSA estimates that this funding will create about 3,537 manufacturing and construction jobs as well as a small number of Federal positions.

The conferees include bill language as proposed by the Senate to require an expenditure plan. Consistent with direction provided previously for fiscal year 2009, if a new requirement occurs after the expenditure plan is submitted, TSA shall reassess and reallocate these funds after notifying the Committees on Appropriations. In addition, TSA shall brief the Committees quarterly on these expenditures.

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conferees provide $98,000,000 for Acquisition, Construction, and Improvements instead of $450,000,000 as proposed by the Senate and no funding proposed by the House. This funding cannot be used for pre-acquisition survey, design, or construction of a new polar icebreaker. The conferees include bill language as proposed by the Senate to require an expenditure plan. The Coast Guard estimates that this funding will create or preserve at least 435 jobs.

ALTERATION OF BRIDGES

The conferees provide $142,000,000 for Alteration of Bridges instead of $150,000,000 as proposed by the House and $240,400,000 as proposed by the Senate. The conferees include bill language as proposed by the Senate to require an expenditure plan. The Coast Guard estimates that this funding will create approximately 1,200 jobs.

FEDERAL EMERGENCY MANAGEMENT AGENCY

STATE AND LOCAL PROGRAMS

The conferees provide $300,000,000 for State and Local Programs instead of $950,000,000 as proposed by the Senate and no funding proposed by the House. Of the amount made available, $150,000,000 is for Public Transportation Security Assistance and Railroad Security Assistance, including Amtrak security, and $150,000,000 is for Port Security Grants. The Secretary shall not require a cost share for grants provided for Public Transportation Security Assistance and Railroad Security Assistance (including Amtrak security). In addition, the bill includes a provision waiving the cost-share for Port Security Grants funded in this Act.

The conferees expect funding provided under this heading to support nearly 2,900 jobs based on an estimate by the Department of Homeland Security. The conferees direct that priority be given to construction projects which address the most significant risks and can also be completed in a timely fashion.

FIREFIGHTER ASSISTANCE GRANTS

The conferees provide $210,000,000 for firefighter assistance grants instead of $500,000,000 as proposed by the Senate and no funding proposed by the House. As proposed by the Senate, funds are provided for modifying, upgrading or constructing non-Federal fire stations, not to exceed $15,000,000 per grant. The conferees expect this funding to support nearly 2,000 jobs based on an estimate by the Department of Homeland Security.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The conferees include bill language as proposed by the Senate allowing loans related to calendar year 2008 disasters to exceed $5,000,000 and equal not more than 50 percent of the operating budget of local governments if that local government has suffered a loss of 25 percent or more in tax revenues. The House bill contained no comparable provision.

EMERGENCY FOOD AND SHELTER

The conferees provide $100,000,000 for Emergency Food and Shelter as proposed by the Senate instead of $200,000,000 as proposed by the House.

GENERAL PROVISIONS—THIS TITLE

Section 601. The conferees include a provision, as proposed by the Senate, related to Hurricanes Katrina and Rita establishing an arbitration panel under the Federal Emergency Management Agency.

Section 602. The conferees include a provision, as proposed by the Senate, regarding the Federal Emergency Management Agency's hazard mitigation grant program related to Hurricanes Katrina and Rita.

Section 603. The conferees include a provision, as proposed by the House, waiving the cost-share for grants under section 34 of the Federal Fire Prevention and Control Act of 1974 for fiscal years 2009 and 2010.

Section 604. The conferees include and modify a provision, as proposed by the House, related to the procurement of apparel and textile products by the Department of Homeland Security. This language is modeled after the Berry Amendment (10 U.S.C. 2533a), which has required the Department of Defense to purchase domestically-manufactured textiles and apparel.

PROVISIONS NOT ADOPTED

The conferees do not include section 1114 of the House bill, which relates to the E-Verify program; and sections 7001 through 7004 of the House bill, which House relate to authorization of the Basic Pilot system.

TITLE VII—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides $125,000,000 for management of lands and resources instead of $135,000,000 proposed by the Senate; there was no House proposal. The conference agreement provides flexibility to the agency in determining the allocation of this funding among various program activities and sub-activities. The conferees encourage that selection of individual projects be based on a prioritization process which weighs the capacity of proposals to create the largest number of jobs in the shortest period of time and which creates lasting value for the American public. While maximizing jobs, the Bureau should consider projects on all Bureau managed lands including deferred maintenance, abandoned mine and well site remediation, road and trail maintenance, watershed improvement, and high priority habitat restoration.

CONSTRUCTION

The conference agreement provides $180,000,000 for construction as proposed by the Senate instead of $325,000,000 proposed by the House. The conference agreement provides flexibility to the agency in determining the allocation of this funding among various program activities and sub-activities. The conferees encourage that selection of individual projects be based on a prioritization process which weighs the capacity of proposals to create the largest number of jobs in the shortest period of time and which creates lasting value for the American public. While maximizing jobs, the Bureau should consider priority road, bridge, and trail repair or decommissioning, critical deferred maintenance projects, facilities construction and renovation, and remediation of abandoned mine and well sites on all Bureau managed lands.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $15,000,000 for wildland fire management as proposed by the Senate; there was no House proposal. The funds should be used for high priority hazardous fuels reduction projects on Federal lands.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $165,000,000 for resource management, as proposed by the Senate; there was no House proposal for this account. The conference agreement provides flexibility to the agency in determining the allocation of this funding among various program activities and sub-activities. The conferees encourage that selection of individual projects be based on a prioritization process which weighs the capacity of proposals to create the largest number of jobs in the shortest period of time and which creates lasting value for the American public. While maximizing jobs, the Service should consider priority critical deferred maintenance and capital improvement

projects, trail maintenance, and habitat restoration on National Wildlife Refuges, National Fish Hatcheries, and other Service properties.

CONSTRUCTION

The conference agreement provides $115,000,000 for construction instead of $110,000,000 as proposed by the Senate and $300,000,000 as proposed by the House. The conference agreement provides flexibility to the agency in determining the allocation of this funding among various program activities and sub-activities. The conferees encourage that selection of individual projects be based on a prioritization process which weighs the capacity of proposals to create the largest number of jobs in the shortest period of time and which creates lasting value for the American public. While maximizing jobs, the Service should consider priority construction, reconstruction and repair, critical deferred maintenance and capital improvement projects, road maintenance, energy conservation projects and habitat restoration on National Wildlife Refuges, National Fish Hatcheries and other Service properties.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Appropriates $146,000,000 for operation of the national park system instead of $158,000,000, as proposed by the Senate. The House bill included all National Park Service funding under the construction account. Eligible projects to be funded within this account include but are not limited to repair and rehabilitation of facilities and other infrastructure, trail maintenance projects and other critical infrastructure needs. The conference agreement provides flexibility to the agency in determining the allocation of this funding among various program activities and sub-activities. The conferees encourage that selection of individual projects by the National Park Service be based on a prioritization process which weighs the capacity of proposals to create the largest number of jobs in the shortest period of time and which creates lasting value for the Park System and its visitors.

CENTENNIAL CHALLENGE

No funds are included for the Centennial Challenge program in the conference agreement. The House bill included $100,000,000 for this program. No funding was included by the Senate.

HISTORIC PRESERVATION FUND

$15,000,000 has been included for historic preservation grants for historically black colleges and universities as authorized by the Historic Preservation Fund Act, as amended. Projects will be selected competitively but the agreement waives matching requirements for grants made with these funds. The House bill included $15,000,000 for this activity under the ''Construction'' account. The Senate bill did not fund this program.

CONSTRUCTION

Appropriates $589,000,000 for Construction as proposed by the Senate instead of $1,700,000,000 as proposed by the House. Eligible projects include but are not limited to major facility construction, road maintenance, abandoned mine cleanup, equipment replacement, and preservation and rehabilitation of historic assets. The conference agreement provides flexibility to the agency in determining the allocation of this funding among various program activities and sub-activities. The conferees encourage that selection of individual projects by the National Park Service be based on a prioritization process which weighs the capacity of proposals to create the largest number of jobs in the shortest period of time and which creates lasting value for the Park System and its visitors. Funding for historically black colleges and universities has been provided under the Historic Preservation Fund account.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $140,000,000 for Surveys, Investigations and Research instead of $135,000,000 proposed by the Senate and $200,000,000 proposed by the House. The Survey should consider a wide variety of activities, including repair, construction and restoration of facilities; equipment replacement and upgrades including stream gages, seismic and volcano monitoring systems; national map activities; and other critical deferred maintenance and improvement projects which can maximize jobs and provide lasting improvement to our Nation's science capacity.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The conference agreement includes $40,000,000 for the operation of Indian programs as proposed by the Senate; there was no House proposal for this account. While maximizing jobs, the Bureau should fund workforce development and training programs and the housing improvement program.

CONSTRUCTION

The conference agreement provides $450,000,000 for construction instead of $522,000,000 as proposed by the Senate and $500,000,000 as proposed by the House. The conference agreement provides flexibility to the agency in determining the allocation of this funding among various program activities and sub-activities. The conferees encourage that selection of individual projects be based on a prioritization process which weighs the capacity of proposals to create the largest number of jobs in the shortest period of time and which creates lasting value for the American public. While maximizing jobs, the Bureau should consider priority critical facility improvement and repair, repair and restoration of roads, school replacement, school improvement and repair and detention center maintenance and repair.

INDIAN GUARANTEED LOAN PROGRAM

The conference agreement includes $10,000,000 for construction as proposed by the Senate; there was no House proposal for this account.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides no funding for Assistance to Territories as proposed by the House instead of $62,000,000 proposed the Senate. The managers note that the territories receive funding under many of the infrastructure programs elsewhere in this bill.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $15,000,000 for the Office of Inspector General as proposed by the Senate in this title and as proposed by the House as part of Title I, section 1107. In order to provide adequate oversight of the Department of the Interior, these funds are available through September 30, 2012.

DEPARTMENT-WIDE PROGRAMS

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement does not provide funding for the central hazardous materials fund as proposed by the House instead of $20,000,000 proposed by the Senate.

ENVIRONMENTAL PROTECTION AGENCY

The amended bill includes $7,220,000,000 for the Environmental Protection Agency instead of $9,420,000,000 as proposed by the House and $7,200,000,000 as proposed by the Senate. For each account, the amended bill includes provisions to fund the Agency's program oversight and management costs. The Conferees have included an Administrative Provision which makes available until September 30, 2011 the funds provided for Agency program management and oversight and allows funds appropriated in the State and Tribal Assistance Grants account for that purpose to be transferred to the Environmental Programs and Management account, as needed.

OFFICE OF INSPECTOR GENERAL

The amended bill provides $20,000,000 for the Office of Inspector General account, as proposed by the House and instead of unspecified amounts included in each administrative set aside by the Senate. These funds are available until September 30, 2012.

HAZARDOUS SUBSTANCE SUPERFUND

The amended bill provides $600,000,000 for the Hazardous Substance Superfund as proposed by the Senate and instead of $800,000,000 as proposed by the House. The funds are limited to the Superfund Remedial program, as proposed by the House. The bill allows the Administrator to retain up to 3 percent of the funds for program management and oversight. The Administrator is directed to coordinate oversight activities with the Inspector General.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

The amended bill provides $200,000,000 for the Leaking Underground Storage Tank Trust Fund Account as proposed by both the House and the Senate. The funds are provided for clean up of leaking underground storage tanks as authorized by section 9003(h) of the Solid Waste Disposal Act. The bill allows the Administrator to retain up to 1.5 percent of the funds for program management and oversight. To expedite use of these funds, the bill waives the state matching requirements in section 9003(h)(7)(B) of the Solid Waste Disposal Act.

STATE AND TRIBAL ASSISTANCE GRANTS

(INCLUDING TRANSFERS OF FUNDS)

The amended bill provides $6,400,000,000 for the State and Tribal Assistance Grants account as proposed by the Senate and instead of $8,400,000,000 as proposed by the House. The amended bill includes the following program funding levels and directives:

Clean Water and Drinking Water State Revolving Funds: The amended bill provides $4,000,000,000 for the Clean Water State Revolving Funds and $2,000,000,000 for the Drinking Water State Revolving Funds. To provide for the Agency's management and oversight of these programs, the bill allows the Administrator to retain up to 1 percent of the combined total provided for the Revolving Funds and provides transfer authority to the Environmental Programs and Management account as needed. To expedite use of the funds, the bill waives the mandatory 20 percent State and District of Columbia matching requirements for both Revolving Funds.

To ensure that the funds appropriated herein for the Revolving Funds are used expeditiously to create jobs, the Conferees have included two important provisions. First, the Administrator is directed to reallocate Revolving Fund monies where projects are not under contract or construction within 12 months of the date of enactment. Second, bill language directs priority funding to projects on State priority lists that are ready to proceed to construction within 12 months of enactment.

The bill includes language to require that not less than 50 percent of the capitalization grants each State receives be used to provide assistance for additional subsidization in the form of forgiveness of principal, negative interest loans, or grants, or any combination of these. This provision provides relief to communities by requiring a greater Federal share for local clean and drinking water projects and provides flexibility for States to reach communities that would otherwise not have the resources to repay a loan with interest. The Conferees expect EPA to strongly encourage the States to maximize the use of additional subsidies and to work with the States to ensure expedited award of grants under the additional subsidy provisions. The Conferees also expect the States to continue implementation of their base loan programs funded through the annual appropriations bill. The bill does not include language proposed by the House that would require a specific amount for communities that meet affordability criteria set by the Governor. However, the Conferees expect the States to target, as much as possible, the additional subsidized monies to communities that could not otherwise afford an SRF loan.

The bill requires not less than 20 percent of each Revolving Fund be available for projects to address to green infrastructure, water and/or energy efficiency, innovative water quality improvements, decentralized wastewater treatment, stormwater runoff mitigation, and water conservation. The bill allows States to use less than 20 percent for these types of projects only if the States lack sufficient applications. Further, the States must certify to the Agency that they lack sufficient, eligible applications for these types of projects prior to using funds for conventional projects.

Consistent with the annual appropriations bill, the Conferees have increased the tribal set-aside from the Clean Water State Revolving Funds to up to 1.5 percent of the total amount appropriated. Language has also been included to allow EPA to transfer to the Indian Health Service up to 4 percent of the tribal set-aside amount in each Revolving Fund for administration and management of the projects in Indian country. This amount is consistent with the amount allowed by law for the States to manage their capitalization grants.

Language also has been included to prohibit the use of both Revolving Funds for the purchase of land or easements and to prohibit other set asides under section 1452(k) of the Safe Drinking Water Act that do not directly create jobs. To ensure that funds are used to create jobs, the bill also limits the use of the Revolving Funds to buy, refinance or restructure debt incurred prior to October 1, 2008.

Brownfields Projects: The amended bill provides $100,000,000 for Brownfields projects, as proposed by the both House and the Senate. The funds are provided to implement section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as proposed by the House. The bill allows the Administrator to retain up to 3.5 percent of the funds for program management and oversight, with transfer authority to the Environmental Programs and Management account as needed. Bill language also waives the cost share requirements under section 104(k)(9)(B)(iii) of CERCLA.

Diesel Emission Reduction Act (DERA) Grants: The amended bill provides $300,000,000 for DERA grants as proposed by both the House and the Senate. The bill allows the Administrator to retain up to 2 percent of the funds for program management and oversight, with transfer authority to the Environmental Programs and Management account as needed. The amended bill does not include language proposed by the Senate to waive the statutory limitation on State funds. Instead, the Conferees have included language to waive the State Grant and Loan Program matching incentive provisions of DERA. The Conferees expect the DERA funds provided here to be used on projects that spur job creation, while achieving direct, measurable reductions in diesel emissions.

Competitive Grants: The Conferees expect the Agency to award both the Brownfields and DERA funds in an expeditious manner, consistent with fair and open competition. To ensure the additional goal of creating jobs as quickly as possible, the Agency may make awards for meritorious and quality proposals submitted under competitions that were initiated within the past 18 months.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFERS OF FUNDS)

The amended bill includes language that makes set-asides for program management and oversight available through September 30, 2011. It also allows the funds provided for this purpose in the State and Tribal Assistance Grants account to be transferred to the Environmental Programs and Management account, as needed.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CAPITAL IMPROVEMENT AND MAINTENANCE

The conference agreement provides $650,000,000 for Capital Improvement and Maintenance as proposed by both the House and the Senate. The conference agreement provides flexibility to the agency in determining the allocation of this funding among various program activities and sub-activities. The conferees encourage that selection of individual projects be based on a prioritization process which weighs the capacity of proposals to create the largest number of jobs in the shortest period of time and which creates lasting value for the American public. While maximizing jobs, the Service should consider projects involving reconstruction, capital improvement, decommissioning, and maintenance of forest roads, bridges and trails; alternative energy technologies, and deferred maintenance at Federal facilities; and remediation of abandoned mine sites, and other related critical habitat, forest improvement and watershed enhancement projects.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $500,000,000 for Wildland Fire Management instead of $485,000,000 proposed by the Senate and $850,000,000 proposed by the House. This includes $250,000,000 for hazardous fuels reduction, forest health protection, rehabilitation and hazard mitigation activities on Federal lands and $250,000,000 for cooperative activities to benefit State and private lands. The conference agreement provides flexibility to the Service to allocate funds among existing State and private assistance programs to choose programs that provide the maximum public benefit. The Conferees encourage the Service to select individual projects based on a prioritization process which weighs the capacity of proposals to create the largest number of jobs in the shortest period of time and to create lasting value for the American public. The bill allows the Service to use up to $50,000,000 to make competitive grants for the purpose of creating incentives for increased use of biomass from federal and non-federal forested lands. To better address current economic conditions at the state and local level, funds provided for State and private forestry activities shall not be subject to matching or cost share requirements.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The conference agreement includes $85,000,000 for Indian Health Services instead of $135,000,000 as proposed by the Senate; the House had no proposal for this account. The funding is for Health Information Technology for infrastructure development and deployment.

INDIAN HEALTH FACILITIES

The conference agreement includes $415,000,000 for Indian Health Facilities instead of $410,000,000 as proposed by the Senate and $550,000,000 as proposed by the House. Within this amount, $100,000,000 is for maintenance and improvement, $68,000,000 is for sanitation facilities construction, $227,000,000 is for health care facilities construction, and $20,000,000 is for equipment.

The Indian Health Service is directed to use the funding provided for health care facilities construction to complete ongoing high priority facilities construction projects.

The agreement includes language proposed by the Senate that exempts the funds provided in this bill for the purchase of medical equipment from spending caps carried in the annual appropriation bill in order to provide the maximum flexibility to the Service in meeting the highest priority needs of the tribes.

Funds are provided for the Department of Health and Human Services (HHS) under title VIII (Labor, Health and Human Services, and Education) of this Act for the purpose of providing oversight capability over all HHS programs, including the Indian Health Service.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

FACILITIES CAPITAL

$25,000,000 is included in the bill for the Smithsonian Institution. The House bill included $150,000,000 for the Smithsonian and the Senate bill included $75,000,000.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

The conference agreement includes a total of $50,000,000 for the National Endowment for the Arts as proposed by the House. No funds were included in the Senate bill for this purpose.

GENERAL PROVISIONS—TITLE VII

INTERIOR, ENVIRONMENT AND RELATED AGENCIES

Sec. 701. The agreement includes language proposed by the Senate requiring that agencies receiving funding in the Interior and Environment sections of this Act submit a general spending plan for these appropriations

to the Committees on Appropriations within 30 days of enactment and that they submit detailed project level information within 90 days of enactment. The Conferees further direct that the agencies submit bi-annual progress reports on implementation of the provisions of this Act under their jurisdiction.

Sec. 702. Modifies language proposed by the Senate requiring that the Secretaries of Interior and Agriculture utilize the Public Lands Corps, the Youth Conservation Corps, the Job Corps and the Student Conservation Corps where practicable. The House bill did not include a similar provision.

Sec. 703. Includes a new general provision not included in either the House or Senate bills providing limited transfer authority to move not to exceed 10 percent of funds from one appropriation to another if such move will increase the number of jobs created or the speed with which projects can be undertaken. Transfers are limited to accounts within a particular agency.

Administrative and support costs: The Conferees have agreed that, except where otherwise provided in the bill or this accompanying statement, amounts for administrative and support costs associated with the implementation of title VII activities of this Act shall not exceed five percent of any specific appropriation. The conferees note that this amount is a cap and encourage agencies to balance carefully the goal of proper management and fiscal prudence when setting funding levels for administrative support. In staffing up to handle the increased, but temporary, workloads associated with funding provided in the bill, it is important that the agencies limit the permanent expansion of their workforces and utilize temporary, term or contract personnel as much as possible.

TITLE VIII—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement includes $3,950,000,000 for Workforce Investment Act programs, instead of $4,000,000,000 as proposed by the House and $3,250,000,000 as proposed by the Senate.

Within this amount, $2,950,000,000 is provided for formula grants to the States for training and employment services. These funds are to be allotted to States within 30 days of enactment. Since these funds will be made available during program year 2008, they shall remain available to the States only as long as the other funds allotted in that program year.μμThe conferees intend for these funds to be spent quickly and effectively. To facilitate increased training of individuals for high-demand occupations, the conference agreement modifies language proposed by the Senate to provide the authority for local workforce investment boards to contract with institutions of higher education and other eligible training providers as long as that authority is not used to limit customer choice.

Within the State formula grant programs, $500,000,000 is provided for services for adults. The conference agreement includes language proposed by the Senate to ensure that supportive services and needs-related payments are available to support the employment and training needs of priority populations, including recipients of public assistance and other low-income individuals.

For youth services, $1,200,000,000 is provided. The conferees are particularly interested in these funds being used to create summer employment opportunities for youth and language applying the work readiness performance indicator to such summer jobs is included as an appropriate measure for those activities. Year-round youth activities are also envisioned and the age of eligibility for youth services provided with the additional funds is extended through age 24 to allow local programs to reach young adults who have become disconnected from both education and the labor market.

For dislocated worker services $1,250,000,000 is provided. The conferees urge the Secretary to provide guidance on how States and local workforce areas can establish policies that assure that supportive services and needs-related payments that may be necessary for an individual's participation in job training are a part of the dislocated worker service strategy.

The conferees believe that the Department should integrate reporting on the expenditure of these additional formula funds into its regular reporting system, including the provision of needs-related payments and supportive services, the number of individuals from priority service populations participating in employment and training activities, and the number of youth engaged in summer employment programs. The conferees strongly urge the Department to establish appropriate procedures for monitoring the execution of priority of service provisions.

The conference agreement also includes $200,000,000 for the dislocated worker assistance national reserve, as proposed by the Senate, instead of $500,000,000 as proposed by the House. These funds will allow the Secretary of Labor to award national emergency grants to respond to plant closings, mass layoffs and other worker dislocations. The funds in the national reserve are also available for dislocated worker activities for the outlying areas, consistent with the provisions of the Workforce Investment Act.

The conference agreement includes $50,000,000 for the YouthBuild program, as proposed by the House, instead of $100,000,000 as proposed by the Senate. These funds will allow for expanded services for at-risk youth, who gain education and occupational credentials while constructing or rehabilitating affordable housing. The conference agreement includes language to allow YouthBuild grantees to serve individuals who have dropped out of school and reenrolled in an alternative school, if that reenrollment is part of a sequential service strategy.

The conference agreement includes $750,000,000 for a program of competitive grants for worker training and placement in high growth and emerging industry sectors, as proposed by the House, rather than $250,000,000 for a similar program proposed by the Senate. Within the amount provided, $500,000,000 is designated for projects that prepare workers for careers in energy efficiency and renewable energy as described in the Green Jobs Act of 2007. Priority consideration for the balance of funds shall be given to projects that prepare workers for careers in the health care sector, which continues to grow despite the economic downturn. The conferees believe that training for wireless and broadband deployment is an eligible activity for grants for high growth and emerging industry sectors, along with advanced manufacturing and other high demand industry sectors identified by local workforce areas. In carrying out the program of competitive grants for worker training and placement in high growth and emerging industry sectors, the conferees expect the Department to use a limited portion of the program funds for technical assistance and related research.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

The conference agreement includes $120,000,000 for the Community Service Employment for Older Americans program, as proposed by both the House and the Senate. The economic recovery funds are to be distributed to current grantees to support additional employment opportunities for low income seniors. The wages paid to these low-income seniors will provide a direct stimulus to the economies of local communities, which will also benefit from the community service work performed by participants. The conference agreement includes language to allow for the recapture and reobligation of such funds, as proposed by the Senate and as authorized under Title V of the Older Americans Act.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The conference agreement includes $400,000,000, as proposed by the Senate, instead of $500,000,000 as proposed by the House. Within this amount, $250,000,000 is designated for reemployment services to connect unemployment insurance claimants to employment and training opportunities that will facilitate their reentry to employment. The funds provided will be distributed by the existing Wagner-Peyser formula, as proposed by the Senate, rather than under an alternative formula proposed by the House.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $80,000,000 within the Departmental Management account for worker protection, oversight, and coordination activities, as proposed by the House. The Senate provided funds for this and other purposes through a set-aside of funds available to the Department rather than through a direct appropriation. The conference agreement modifies language providing the Secretary of Labor with the ability to transfer such funds to a number of Department of Labor agencies which have responsibility for enforcement of worker protection laws that apply to the infrastructure investments in this economic recovery bill, and for oversight and coordination of recovery activities, including those provided for unemployment insurance.

OFFICE OF JOB CORPS

The conference agreement includes $250,000,000 for the Office of Job Corps, rather than $300,000,000 as proposed by the House and $160,000,000 as proposed by the Senate. The funds will support construction and modernization of a network of residential facilities serving at-risk youth. The funds will allow the Office of Job Corps to move forward on a number of ready-to-go rehabilitation and construction projects, including those where competitions have already been concluded. The conference agreement modifies language proposed by the House to allow funds to be used in support of multi-year arrangements where such arrangement will result in construction that can commence within 120 days of enactment. A portion of the funds are available for the operational needs of the Job Corps program, including activities to provide additional training for careers in the energy efficiency, renewable energy, and environmental protection industries.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $6,000,000 for the Department of Labor Office of Inspector General, as proposed by the House, rather than $3,000,000 as proposed by the Senate. These funds will be available through September 30, 2012 to support oversight and audit of Department of Labor programs, grants, and projects funded in this Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement includes $2,500,000,000 for health resources and services instead of $2,188,000,000 as proposed by the House and $1,958,000,000 as proposed by the Senate.

The conference agreement includes $500,000,000 for services provided at community health centers as proposed by the House. The Senate did not provide similar funding. These funds are to be used to support new sites and service areas, to increase services at existing sites, and to provide supplemental payments for spikes in uninsured populations. Grants for new sites and service areas are to be two years in length as startup is phased in. The conferees encourage the Health Resources and Services Administration (HRSA) to consider supporting currently unfunded but approved community health center applications.

The agreement also includes $1,500,000,000 for construction, renovation and equipment, and for the acquisition of health information technology systems, for community health centers, including health center controlled networks receiving operating grants under section 330 of the Public Health Service (''PHS'') Act, notwithstanding the limitation in section 330(e)(3). The House proposed $1,000,000,000 for this activity, while the Senate proposed $1,870,000,000.

No funding is provided for a competitive lease procurement to renovate or replace the headquarters building for the Public Health Service. The House and Senate proposed $88,000,000 for this purpose.

The conference agreement provides $500,000,000 for health professions training programs instead of $600,000,000 as proposed by the House. Within this total, $300,000,000 is allocated for National Health Service Corps (NHSC) recruitment and field activities, with $75,000,000 available through September 30, 2011 for extending service contracts and the recapture and reallocation of funds in the event that a participant fails to fulfill his or her term of service. Twenty percent of the NHSC funding shall be used for field operations.

The remaining $200,000,000 is allocated for all the disciplines trained through the primary care medicine and dentistry program, the public health and preventive medicine program, the scholarship and loan repayment programs authorized in Title VII (Health Professions) and Title VIII (Nurse Training) of the PHS Act, and grants to training programs for equipment. Funds may also be used to foster cross-State licensing agreements for healthcare specialists.

The conference agreement provides that up to 0.5 percent of the funds provided in this account may be used for administration. HRSA is required to provide an operating plan to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of enactment of this Act describing activities to be supported and timelines for expenditure, as well as a report every six months on actual obligations and expenditures.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement does not include funding for building and facilities at the Centers for Disease Control and Prevention (CDC). The House proposed $462,000,000 and the Senate proposed $412,000,000 for this activity.

NATIONAL INSTITUTES OF HEALTH

The conference agreement provides $10,000,000,000 for the National Institutes of Health (NIH) as proposed by the Senate instead of $3,500,000,000 as proposed by the House. The components of this total are as follows:

NATIONAL CENTER FOR RESEARCH RESOURCES

The conference agreement includes $1,300,000,000 for the National Center for Research Resources (NCRR) instead of $1,500,000,000 as proposed by the House and $300,000,000 as proposed by the Senate. Bill language identifies $1,000,000,000 of this total for competitive awards for the construction and renovation of extramural research facilities. The conference agreement also provides $300,000,000 for the acquisition of shared instrumentation and other capital research equipment. The conference agreement includes bill language proposed by the House for extramural facilities relating to waiver of non-Federal match requirements, primate centers, and limitation on the term of Federal interest. The conference agreement includes language proposed by the House mandating several reporting requirements on the use of the funds. The conferees expect that NCRR will give priority to those applications that are expected to generate demonstrable energy-saving or beneficial environmental effects.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $8,200,000,000 for the Office of the Director instead of $1,500,000,000 as proposed by the House and $9,200,000,000 as proposed by the Senate. Of this amount, $7,400,000,000 is designated for transfer to Institutes and Centers and to the Common Fund instead of $7,850,000,000 as proposed by the Senate. The conference agreement adopts the Senate guidance that, to the extent possible, the $800,000,000 retained in the Office of the Director shall be used for purposes that can be completed within two years; priority shall be placed on short-term grants that focus on specific scientific challenges, new research that expands the scope of ongoing projects, and research on public and international health priorities. Bill language is included to permit the Director of NIH to use $400,000,000 of the funds provided in this account for the flexible research authority authorized in section 215 of Division G of P.L. 110–161.

The funds available to NIH can be used to enhance central research support activities, such as equipment for the clinical center or intramural activities, centralized information support systems, and other related activities as determined by the Director. The conferees intend that NIH take advantage of scientific opportunities using any funding mechanisms and authorities at the agency's disposal that maximize scientific and health benefit. The conferees include bill language indicating that the funds provided in this Act to NIH are not subject to Small Business Innovation Research and Small Business Technology Transfer set-aside requirements.

BUILDINGS AND FACILITIES

The conference agreement provides $500,000,000 for Buildings and Facilities as proposed by the House and the Senate. Bill language permits funding to be used for construction as well as renovation, as proposed by the Senate. The House language permitted only renovation. These funds are to be used to construct, improve, and repair NIH buildings and facilities, including projects identified in the Master Plan for Building 10.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $1,100,000,000 for comparative effectiveness research, which is the same level as proposed by both the House and the Senate. The conference agreement uses the term, ''comparative effectiveness research'', as proposed by the House and deletes without prejudice the term ''clinical'', which was included by the Senate. Within the total, $300,000,000 shall be administered by the Agency for Healthcare Research and Quality (AHRQ), $400,000,000 shall be transferred to the National Institutes of Health (NIH), and $400,000,000 shall be allocated at the discretion of the Secretary of Health and Human Services.

The conferees do not intend for the comparative effectiveness research funding included in the conference agreement to be used to mandate coverage, reimbursement, or other policies for any public or private payer. The funding in the conference agreement shall be used to conduct or support research to evaluate and compare the clinical outcomes, effectiveness, risk, and benefits of two or more medical treatments and services that address a particular medical condition. Further, the conferees recognize that a ''one-size-fits-all'' approach to patient treatment is not the most medically appropriate solution to treating various conditions and include language to ensure that subpopulations are considered when research is conducted or supported with the funds provided in the conference agreement.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

The conference agreement does not include funding for the Low-Income Home Energy Assistance Program proposed by the House. The Senate did not provide funding for this program.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

The conference agreement includes $2,000,000,000 for the Child Care and Development Block Grant, as proposed by both the House and Senate. The conference agreement adopts the Senate language to make the entire amount available upon enactment, instead of the House language to divide the amount by fiscal year. The conference agreement also adopts the Senate proposal to set aside $255,186,000 of these funds for quality improvement activities, of which $93,587,000 shall be for activities to improve the quality of infant and toddler care.

SOCIAL SERVICES BLOCK GRANT

The conference agreement does not include funding for the Social Services Block Grant proposed by the Senate. The House did not provide funding for this program.

CHILDREN AND FAMILIES SERVICES PROGRAMS

The conference agreement includes $3,150,000,000 for Children and Families Services Programs, instead of $3,200,000,000 as

proposed by the House and $1,250,000,000 as proposed by the Senate. The conference agreement adopts the Senate language to make the entire amount available upon enactment, instead of the House language to divide the amount by fiscal year.

Within the total provided for Children and Families Services Programs, $1,000,000,000 is provided for Head Start, as proposed by the House, instead of $500,000,000 as proposed by the Senate. The Head Start funds shall be allocated according to the current statutory formula. The conferees expect the Department of Health and Human Services (HHS) to work with Head Start grantees in order to manage these resources in order to sustain fiscal year 2009 awards through fiscal year 2010.

The conference agreement also provides $1,100,000,000 for Early Head Start as proposed by the House, instead of $550,000,000 as proposed by the Senate. These funds will be awarded on a competitive basis. The conferees expect HHS to manage these resources in order to sustain fiscal year 2009 awards through fiscal year 2010. The conferees intend for regional and American Indian and Alaska Native Early Head Start programs and Migrant and Seasonal Head Start programs to benefit from the Early Head Start funds, taking into consideration the needs of the communities served by such programs. The conferees remind the Secretary of the authority to temporarily increase or waive the limit on the Federal share of a Head Start or Early Head Start grant under the circumstances described in the authorizing statute and support the Secretary's exercise of that authority where appropriate.

Within the total provided for Children and Families Services Programs, $1,000,000,000 is provided for the Community Services Block Grant (CSBG), as proposed by the House, instead of $200,000,000 as proposed by the Senate. The conference agreement adopts the Senate language to make the entire amount available upon enactment, instead of the House language to divide the amount by fiscal year. The agreement includes bill language requiring States to reserve 1 percent of their allocation for benefit coordination services and to distribute the remaining funds directly to local eligible entities. It also permits States to increase the income eligibility ceiling from 125 percent to 200 percent of the Federal poverty level for services furnished under the CSBG Act during fiscal years 2009 and 2010, as proposed by the House. The Senate did not propose similar language.

Within the total provided for Children and Families Services Programs, $50,000,000 is provided under section 1110 of the Social Security Act to establish a new initiative to award capacity-building grants directly to nonprofit organizations, instead of $100,000,000 for the Compassion Capital Fund as proposed by the House. The Senate did not propose funds for this purpose in this account. The conferees intend that this program will expand the delivery of social services to individuals and communities affected by the economic downturn. The conferees expect that grantees have clear and measurable goals, and must be able to evaluate the success of their program.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The conference agreement includes $100,000,000 for senior meals programs as proposed by the Senate, instead of $200,000,000 as proposed by the House. Within this amount, $65,000,000 is provided for Congregate Nutrition Services and $32,000,000 is provided for Home-Delivered Nutrition Services under Title III of the Older Americans Act of 1965, and $3,000,000 is provided for Native American nutrition services under Title VI of such Act. The conference agreement adopts the Senate proposal that makes all of these funds available upon enactment.

OFFICE OF THE SECRETARY

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $2,000,000,000 for this activity, as proposed by the House. The Senate provided $3,000,000,000. The conferees include bill language creating a 0.25 percent set-aside of the funds provided for the Office of the National Coordinator for Health Information Technology for management and oversight activities. The House proposed similar language. Within the funds provided, the conferees appropriate $300,000,000 to support regional or sub-national efforts toward health information exchange. The conferees include bill language proposed by the House regarding certain operating plan requirements for the Office of the National Coordinator.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $17,000,000 for the Office of Inspector General instead of $19,000,000 as proposed by both the House and Senate. These funds are available until September 30, 2012 as proposed by the Senate instead of September 30, 2013 as proposed by the House.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement includes $50,000,000 for the Public Health and Social Services Emergency Fund (PHSSEF), instead of $900,000,000 as proposed by the House. The Senate did not propose funding for PHSSEF. Funding is provided to improve information technology security at the Department of Health and Human Services as proposed by the House—the Senate did not propose funding for this activity. As proposed by the Senate, the conference agreement does not include funding for pandemic influenza preparedness and biomedical advanced research and development. The House proposed $420,000,000 for pandemic influenza and $430,000,000 for biomedical advanced research and development.

PREVENTION AND WELLNESS FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $1,000,000,000 for the Prevention and Wellness Fund, instead of $3,000,000,000 as proposed by the House. The Senate did not propose funding for a Prevention and Wellness Fund. As proposed by the House, up to 0.5 percent of the funds provided may be used for management and oversight expenses. Additionally, the conference agreement includes language proposed by the House that funding may be transferred to other appropriation accounts of the Department of Health and Human Services (HHS), as determined by the Secretary of HHS to be appropriate.

Within the total, the conference agreement includes $300,000,000 to be transferred to the Centers for Disease Control and Prevention (CDC) to carry out the section 317 immunization program rather than $954,000,000 as proposed by the House. The Senate did not propose funding for this activity.

Also within the total, the conference agreement includes $50,000,000 to be provided to States for carrying out activities to implement healthcare-associated infections (HAI) reduction strategies. The House proposed $150,000,000 for similar HAI prevention activities. The Senate did not propose funding for similar activities.

Also within the total, the conference agreement includes $650,000,000 to carry out evidence-based clinical and community-based prevention and wellness strategies authorized by the Public Health Service Act, as determined by the Secretary, that deliver specific, measurable health outcomes that address chronic disease rates. The House proposed $500,000,000 for similar activities. The Senate did not propose funding for similar activities.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes $13,000,000,000 for the Education for the Disadvantaged account, as proposed by the House. The Senate proposed $12,400,000,000 for this account. The total conference agreement includes $10,000,000,000 for title I formula grants and $3,000,000,000 for School Improvement grants. Both the House and the Senate proposed $11,000,000,000 for title I formula grants, but the House proposed $2,000,000,000 for School Improvement grants, and the Senate proposed $1,400,000,000.

The conferees intend that these funds should be available during school years 2009–2010 and 2010–2011 to help school districts mitigate the effect of the recent reduction in local revenues and State support for education.

The conferees specify that within the total provided for title I formula grants, $5,000,000,000 shall be allocated through the targeted formula and the same amount should be allocated through the education finance incentive grant formula. This language was proposed by the House and the Senate.

The conferees expect States to use some of the funding provided for early childhood programs and activities, as proposed by the Senate. The House did not propose similar language.

The conferees direct the Department to encourage States to use 40 percent of their School Improvement allocation for middle and high schools, as proposed by the Senate. The House did not propose similar language.

Each school district that receives this funding shall report to its State educational agency, a school-by-school listing of per pupil expenditures, from State and local services, during the 2008–2009 academic year, no later than December 1, 2009 as proposed by the Senate. Further, the conferees require each State to compile and submit this information to the Secretary no later than March 1, 2010.

IMPACT AID

The conference agreement includes $100,000,000 for the Impact Aid account, as proposed by the House. The Senate did not propose funding for this account.

The conferees modify current law, exclusively for the purposes of the American Recovery and Reinvestment Act, to allow for greater participation of school districts impacted by both students whose parents are associated with the military and students residing on tribal lands, and to allow funding to be better targeted to districts that have ''shovel ready'' facility projects, including those that address health and safety and ADA compliance issues, among other things.

SCHOOL IMPROVEMENT PROGRAMS

The conference agreement includes $720,000,000 for the School Improvement Programs account, instead of the $1,066,000,000 as proposed by the House and $1,070,000,000 as proposed by the Senate. Within the total, the

conference agreement includes $650,000,000 for the Enhancing Education through Technology program. Both the House and Senate proposed $1,000,000,000 for this program. The conference agreement also includes $70,000,000 for Education for the Homeless Children and Youth program, which is the same amount proposed by the Senate. The House proposed $66,000,000 for this program.

The conferees intend that these funds should be available during school years 2009–2010 and 2010–2011 to help school districts mitigate the effect of the recent reduction in local revenues and State support for education.

The amount provided for the Education for Homeless Children and Youth programs reflects the conferees' understanding of the impact the economic crisis has had on this group of disadvantaged students, and their commitment to helping mitigate the effects. The Secretary shall provide each State a grant that is proportionate to the number of homeless students identified as such during the 2007–2008 academic year relative to the number of homeless children nationally during the same year. States shall award subgrants to local educational agencies on a competitive basis, or using a formula based on the number of homeless students identified in each school district in the State. This language was proposed by the Senate; the House did not propose similar language.

INNOVATION AND IMPROVEMENT

The conference agreement includes $200,000,000 for the Innovation and Improvement account, instead of the $225,000,000 proposed by the House. The Senate did not propose any money for this account. All of the funding provided is for the Teacher Incentive Fund (TIF) program.

The conferees require the Institute for Education Sciences to conduct a rigorous national evaluation of TIF to assess the impact of performance-based teacher and principal compensation systems. This language was proposed by the House; the Senate did not propose similar language.

The conferees specify that these funds must be expended as directed in the 5th, 6th, and 7th provisos under the ''Innovation and Improvement'' account in the Department of Education Appropriations Act, 2008. This language was proposed by the House; the Senate did not propose similar language.

The conferees provide that 1 percent of the total appropriation shall be for management and oversight of the Teacher Incentive Fund. This language was proposed by the House; the Senate did not propose similar language.

The conference agreement does not provide funding for the Credit Enhancement for Charter Schools program.

SPECIAL EDUCATION

The conference agreement includes $12,200,000,000 for the Special Education account, instead of $13,600,000,000 as proposed by the House and $13,500,000,000 as proposed by the Senate. Within the total, the conference agreement includes $11,300,000,000 for section 611 of part B, $400,000,000 for section 619 of part B, and $500,000,000 for part C of IDEA. The House proposed $13,000,000,000 for section 611and $600,000,000 for part C, whereas the Senate proposed the same amount for section 611 and $500,000,000 for part C.

The conferees intend that these funds should be available during school years 2009–2010 and 2010–2011 to help school districts mitigate the effect of the recent reduction in local revenues and State support for education.

Within the amount provided for part C of IDEA, the Secretary is required to reserve the amount needed for grants under section 643(e), and allocate any remaining funds in accordance with section 643(c) of IDEA as specified by both the House and Senate.

The conferees provide that the amount set aside for the Department of Interior transfer for Native Americans shall be equal to the lesser amount available during fiscal year 2008, increased by inflation or the percentage increase in the funds appropriated under section 611(i) (Secretary of the Interior). This language was proposed by the Senate, the House did not propose similar language.

REHABILITATION SERVICES AND DISABILITY RESEARCH

The conference agreement includes $680,000,000 for the Rehabilitation Services and Disability Research account as opposed to $700,000,000 as proposed by the House and $610,000,000 as proposed by the Senate. Within the total provided, $540,000,000 is available for Vocational Rehabilitation State Grants, as opposed to $500,000,000 proposed by the House and the Senate. The conferees include $140,000,000 for Independent Living programs. The House proposed $200,000,000 for Independent Living programs, whereas the Senate proposed $110,000,000 for Independent Living programs. Specifically, of the $140,000,000 available for Independent Living programs, the funding is allocated as follows: $18,200,000 for State Grants; $87,500,000 for Independent Living Centers; and $34,300,000 for Services for Older Blind Individuals.

STUDENT FINANCIAL ASSISTANCE

The conference agreement includes $15,840,000,000 for the Student Financial Assistance account as opposed to $16,126,000,000 as proposed by the House and $13,930,000,000 as proposed by the Senate. Within the total provided, $15,640,000,000 shall be available for Pell Grants, and $200,000,000 shall be available for Work-Study. The House proposed $15,636,000,000 for Pell Grants and $490,000,000 for Work-Study; whereas the Senate proposed $13,869,000,000 for Pell Grants and no money for Work-Study.

The conference agreement does not provide funding for Perkins Loans.

The conference agreement specifies that funding is available to support a $4,860 maximum Pell Grant award for the 2009–2010 award year, as specified in the House bill. With the additional $490 in mandatory funding, combined with the increase in the fiscal year 2009 omnibus, the maximum Pell Grant award will be $5,350. This language was proposed by the House; the Senate did not propose similar language.

STUDENT AID ADMINISTRATION

The conference agreement includes $60,000,000 for the Student Aid Administration account, as opposed to the $50,000,000 as proposed by the House and $0 as proposed by the Senate.

HIGHER EDUCATION

The conference agreement includes $100,000,000 for the Higher Education account, the same amount proposed by the House. The Senate proposed $50,000,000.

INSTITUTE OF EDUCATION SCIENCES

The conference agreement includes $250,000,000 for the Institute of Education Sciences account, as proposed by the House. The Senate did not propose any funding for this program. Within this total, up to $5,000,000 may be used for State data coordinator and for awards to public or private organizations or agencies to improve data coordination, as proposed by the House.

DEPARTMENTAL MANAGEMENT

OFFICE OF THE INSPECTOR GENERAL

The conference agreement includes $14,000,000 for the Office of the Inspector General, as proposed by the House and the Senate.

RELATED AGENCIES

CORPORTATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $160,000,000 for the operating expenses of the programs administered by the Corporation for National and Community Service (CNCS), which is the same level as proposed by both the House and the Senate. The conference agreement includes language, as proposed by the Senate, permitting funds to be used to provide adjustments to awards for which the Chief Executive Officer of CNCS determines that a waiver of the Federal share limitation is warranted.

Within the total provided for Operating Expenses, the conference agreement includes the following amounts:

(1) $89,000,000 shall be used to make additional awards to existing AmeriCorps State and national grantees and to provide adjustments to awards made prior to September 30, 2010 for which the Chief Executive Officer of the CNCS determines that a waiver is warranted the—House proposed similar language with regard to the existing grantees and the Senate proposed similar waiver language;

(2) $6,000,000 shall be transferred to CNCS ''Salaries and Expenses'' for necessary expenses relating to information technology upgrades, of which up to $800,000 may be used to administer the funds provided for CNCS programs—the House proposed similar language with regard to management and oversight of funds and the Senate proposed similar language with regard to information technology upgrades;

(3) not less than $65,000,000, as proposed by the Senate, for the AmeriCorps Volunteers in Service to America (VISTA) program—the House did not propose similar language; and,

(4) up to 20 percent of the funding provided for AmeriCorps State and National grants may be used for national direct grants.

The conference agreement does not include the funding set-asides proposed by the Senate for the National Civilian Community Corps, one-time supplement grants to State commissions, or national service research activities. The House did not propose similar language.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $1,000,000 for the Office of Inspector General, which is the same level as that proposed by both the House and Senate.

NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $40,000,000 for the National Service Trust (Trust), to be available until expended, which is the same level as that proposed by both the House and the Senate. The conference agreement includes language that allows funds appropriated for the Trust to be invested without regard to apportionment requirements. Additionally, bill language is included allowing for funds to be transferred to the Trust from the Operating Expenses account upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $1,000,000,000 for the Social Security Administration (SSA), instead of $900,000,000 as proposed by the House and $890,000,000 as proposed by the Senate. Funds are provided for both infrastructure improvements and critical agency operations.

Within the amount provided, $500,000,000 is provided for a replacement of the SSA National Computer Center (NCC), which is nearly 30 years old and will soon be unable to support the critical systems necessary to SSA's mission. Funds may also be used for the technology costs associated with the new center. Language proposed by both the House and Senate is modified to provide for critical oversight of the site selection, construction and operation of the NCC, and the Committees on Appropriations of the House and the Senate expect regular updates on the progress on site selection and key construction milestones prior to solicitations of bids for these activities.

Within the amount provided, $500,000,000 is provided for processing disability and retirement workloads, including information technology acquisitions and research in support of such activities. These additional funds will allow SSA to process a growing workload of claims in a timely manner and to accelerate activities to reduce the backlog of disability claims. As the largest repository of electronic medical images in the world, SSA has a vital interest in exploring how health information technology can be integrated into the disability process through the widespread adoption of electronic medical records.μ The funds provided for agency operations therefore include resources for SSA health information technology research and activities to facilitate the adoption of electronic medical records in disability claims.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $2,000,000 for the Social Security Administration Office of Inspector General, as proposed by the House, rather than $3,000,000 as proposed by the Senate. These funds will be available through September 30, 2012 to support oversight and audit of Social Security Administration activities funded in this Act.

GENERAL PROVISIONS—THIS TITLE

ADMINISTRATION AND OVERSIGHT OF DEPARTMENT OF LABOR ACTIVITIES

The conference agreement includes a provision similar to one proposed by the Senate that provides that up to 1 percent of the funds made available to the Department of Labor in this title may be used for the administration, management, and oversight of the programs, grants, and activities funded by such appropriation, including the evaluation of the use of such funds, subject to the provision of an operating plan.μ The House bill contained a set-aside for similar purposes.

MINIMUM WAGE STUDY

The conference agreement includes a modification of a provision proposed by the Senate, requiring the Government Accountability Office (GAO) to conduct a study to assess the impact of minimum wage increases that have occurred, and are scheduled to occur, in American Samoa and the Commonwealth of Northern Mariana Islands. To provide sufficient economic information for this study, additional Federal agency economic data collection in the U.S. territories is required.

FEDERAL COORDINATING COUNCIL FOR COMPARATIVE EFFECTIVENESS RESEARCH

The conference agreement includes a general provision establishing a Federal Coordinating Council for Comparative Effectiveness Research (Council), as proposed by the House. The Senate language proposed a similar Council, but included the word, ''Clinical'', in the title and throughout the bill language.

The conference agreement includes language to clarify that the purpose of the Council is to reduce duplication of comparative effectiveness research activities within the Federal government. Duties of the Council are to (1) foster coordination of comparative effectiveness and related health services research conducted or supported by the Federal government; and (2) advise the President and Congress on strategies with respect to the infrastructure needs of comparative effectiveness research and organizational expenditures.

Additionally, the conference agreement includes language that nothing shall be construed to permit the Council to mandate coverage, reimbursement, or other policies for any public or private payer. Further, the conference agreement includes language to clarify that none of the reports submitted or recommendations made by the Council shall be construed as mandates or clinical guidelines for payment, coverage, or treatment.

GRANTS FOR IMPACT AID CONSTRUCTION

The conference agreement authorizes Impact Aid construction payments. Neither the House nor Senate included this provision.

MANDATORY PELL GRANTS

The conference agreement provides $1,474,000,000 for the mandatory part of the Pell Grant program, as proposed by the House. The Senate did not propose any funding for this program.

The additional funding will enable the mandatory add-on to be provided in both award years 2009–2010 and 2010–2011, for a total maximum Pell Grant award of $5,350 in award year 2009–2010.

PROMPT ALLOCATION OF FUNDS FOR EDUCATION

The conference agreement includes a provision enabling the Department of Education to quickly disperse funds provided under this Act. Neither the House nor Senate included this provision.

TITLE IX—LEGISLATIVE BRANCH

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

The conference agreement provides $25,000,000 as proposed by the House instead of $20,000,000 as proposed by the Senate for the Government Accountability Office to hire temporary personnel and obtain contract services to support the agency's oversight responsibilities under this Act.

GENERAL PROVISIONS—THIS TITLE

Section 901. Charges the Government Accountability Office (GAO) with bimonthly reviews and reporting on selected States and localities' use of funds provided in this Act. These reports are to be posted on the Internet and linked to the website established under this Act by the Recovery Accountability and Transparency Board. GAO is authorized to examine any records related to the obligation and use of funds made available in this Act.

Section 902. Provides GAO authority to examine records related to contracts awarded under this Act and to interview relevant employees.

TITLE X—MILITARY CONSTRUCTION AND VETERANS AFFAIRS

Job creation.—The conferees note that the Associated General Contractors of America estimates that each $1,000,000,000 in non-residential construction spending will create or sustain 28,500 jobs. Based on this estimate and data provided by the Department of Defense and the Department of Veterans Affairs, the conferees estimate that the construction funds and other programs in this title will create or sustain 97,200 jobs.

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

The conferees agree to provide $180,000,000, instead of $920,000,000 as proposed by the House and $637,875,000 as proposed by the Senate. Within the amount, the conferees agree to provide $80,000,000 for child development centers and $100,000,000 for warrior transition complexes.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The conferees agree to provide $280,000,000, instead of $350,000,000 as proposed by the House and $990,092,000 as proposed by the Senate. Within the amount, the conferees agree to provide $100,000,000 for troop housing, $80,000,000 for child development centers, and $100,000,000 for energy conservation and alternative energy projects.

MILITARY CONSTRUCTION, AIR FORCE

The conferees agree to provide $180,000,000, instead of $280,000,000 as proposed by the House and $871,332,000 as proposed by the Senate. Within the amount, the conferees agree to provide $100,000,000 for troop housing and $80,000,000 for child development centers.

MILITARY CONSTRUCTION, DEFENSE-WIDE

The conferees agree to provide $1,450,000,000, instead of $3,750,000,000 as proposed by the House and $118,560,000 as proposed by the Senate. Within the amount, the conferees agree to provide $1,330,000,000 for the construction of hospitals and $120,000,000 for the Energy Conservation Investment Program.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

The conferees agree to provide $50,000,000, instead of $140,000,000 as proposed by the House and $150,000,000 as proposed by the Senate.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

The conferees agree to provide $50,000,000, instead of $70,000,000 as proposed by the House and $110,000,000 as proposed by the Senate.

MILITARY CONSTRUCTION, ARMY RESERVE

The conferees agree to provide no funds as proposed by the Senate, instead of $100,000,000 as proposed by the House.

MILITARY CONSTRUCTION, NAVY RESERVE

The conferees agree to provide no funds as proposed by the Senate, instead of $30,000,000 as proposed by the House.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

The conferees agree to provide no funds as proposed by the Senate, instead of $60,000,000 as proposed by the House.

FAMILY HOUSING CONSTRUCTION, ARMY

The conferees agree to provide $34,507,000, instead of no funds as proposed by the House and $34,570,000 as proposed by the Senate.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

The conferees agree to provide $3,932,000 as proposed by the Senate, instead of no funds as proposed by the House.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

The conferees agree to provide $80,100,000 as proposed by the Senate, instead of no funds as proposed by the House.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

The conferees agree to provide $16,461,000 as proposed by the Senate, instead of no funds as proposed by the House.

HOMEOWNERS ASSISTANCE FUND

The conferees agree to provide $555,000,000, instead of no funds as proposed by the House and $410,973,000 as proposed by the Senate.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

The conferees agree to provide no funds as proposed by the Senate, instead of $300,000,000 as proposed by the House.

ADMINISTRATIVE PROVISION

The conferees agree to include a provision (Sec. 1001) as proposed by the Senate, with technical changes, providing for a temporary expansion of homeowners assistance to respond to the foreclosure and credit crisis.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SUPPORT AND COMPLIANCE

The conferees agree to provide no funds as proposed by the House, instead of $5,000,000 as proposed by the Senate.

MEDICAL FACILITIES

The conferees agree to provide $1,000,000,000, instead of $950,000,000 as proposed by the House and $1,370,459,000 as proposed by the Senate.

NATIONAL CEMETERY ADMINISTRATION

The conferees agree to provide $50,000,000 as proposed by the House, instead of $64,961,000 as proposed by the Senate.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

The conferees agree to provide $150,000,000 for a temporary increase in claims processing staff, instead of no funds as proposed by the House and $1,125,000 as proposed by the Senate for contract administration.

INFORMATION TECHNOLOGY SYSTEMS

The conferees agree to provide $50,000,000 for the Veterans Benefits Administration, instead of no funds as proposed by the House and $195,000,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

The conferees agree to provide $1,000,000 as proposed by the House, instead of $4,400,000 as proposed by the Senate.

CONSTRUCTION, MAJOR PROJECTS

The conferees agree to provide no funds as proposed by the House, instead of $1,105,333,000 as proposed by the Senate.

CONSTRUCTION, MINOR PROJECTS

The conferees agree to provide no funds as proposed by the House, instead of $939,836,000 as proposed by the Senate.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

The conferees agree to provide $150,000,000, instead of no funds as proposed by the House and $257,986,000 as proposed by the Senate.

ADMINISTRATIVE PROVISION

The conferees agree to include a provision (Sec. 1002) authorizing the Filipino Veterans Equity Compensation Fund.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

The conferees agree to provide no funds as proposed by the House, instead of $60,300,000 as proposed by the Senate.

TITLE XI—STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes $90,000,000 for urgent domestic facilities requirements for passport and training functions, the same amount as proposed by the Senate. The House did not include any funds for this purpose. Funds under the heading are available for obligation through September 30, 2010.

The Department of State estimates that these investments will create up to 655 jobs in the United States and improve the operational and training capabilities of the Department. The conference agreement includes funds to expand passport agencies, to continue design and begin construction of a consolidated security training facility, and to enlarge domestic facilities to accommodate increased language training requirements for diplomatic and development personnel. The conferees direct that funds made available for a consolidated security training facility should be obligated in accordance with United States General Services Administration procedures.

The conference agreement requires the Secretary of State to submit to the Committees on Appropriations a detailed spending plan for funds made available under the heading not later than 90 days after enactment of this Act. For passport agencies, the spending plan is to be developed in consultation with the Department of Homeland Security and the General Services Administration to coordinate and/or co-locate such agencies with other Federal facilities, to the extent feasible. Funds provided shall be subject to the regular notification procedures of the Committees on Appropriations.

CAPITAL INVESTMENT FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $290,000,000 for immediate information technology security and upgrades to support mission-critical operations, instead of $276,000,000 as proposed by the House and $228,000,000 as proposed by the Senate. Funds under the heading are available for obligation through September 30, 2010.

Within the funds made available under the heading, the conference agreement directs that up to $38,000,000 shall be transferred to, and merged with, funds made available under the heading ''Capital Investment Fund'' of the United States Agency for International Development (USAID) for immediate information technology investments. The conferees direct that the Inspector General of USAID allocate sufficient resources to conduct oversight of the transferred funds.

The Department of State and USAID estimate that these investments will create at least 400 jobs in the United States and improve the security, efficiency, and capability of Department of State and USAID information technology systems. These investments will address the critical requirement of establishing back-up information management facilities in the United States to protect the systems from mission failures, enhance cyber-security, and secure immediate hardware and software upgrades.

The conference agreement includes language requiring the Secretary of State and the USAID Administrator to coordinate information technology systems, where appropriate, in order to increase efficiencies and eliminate redundancies. Such coordination should factor in the costs, service requirements, and program needs of both agencies and should include efforts to co-locate backup information management facilities and improve cyber-security.

The conference agreement requires the Secretary of State and the USAID Administrator to submit to the Committees on Appropriations, not later than 90 days after enactment of this Act, a detailed spending plan for funds made available under the heading. Funds provided shall be subject to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $2,000,000 for the Office of Inspector General to conduct oversight of the funds made available to the Department of State by this Act, instead of $1,500,000 as proposed by the Senate. The House bill did not include a separate appropriation for this purpose. Funds provided are available for obligation through September 30, 2010.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $220,000,000 for immediate repair and rehabilitation requirements in the water quantity program, instead of $224,000,000 as proposed by the House and Senate. Funds are available for obligation through September 30, 2010.

These funds will be used for immediate infrastructure upgrades along 506 miles of flood control levees to rehabilitate the following projects identified by the International Boundary and Water Commission—United States and Mexico in their fiscal year 2009 budget request as unfunded needs: Rio Grande Flood Control System; Safety of Dams; Colorado Boundary; and Capacity Preservation. The Department of State estimates that these investments will create 305 jobs in the United States.

Within the amount provided, the conference agreement provides that up to $2,000,000 may be transferred to, and merged with, funds made available under the heading ''Salaries and Expenses'' of the Commission. The conference agreement also requires the Secretary of State to submit to the Committees on Appropriations, not later than 90 days after enactment of this Act, a detailed spending plan for funds made available under the heading. Funds provided shall be subject to the regular notification procedures of the Committees on Appropriations.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

CAPITAL INVESTMENT FUND

The conference agreement does not include a direct appropriation under this heading of $58,000,000 as proposed by the Senate. Instead, the agreement directs the transfer to USAID of up to $38,000,000, from funds made available in this Act under the heading ''Capital Investment Fund'' of the Department of State, for immediate information technology investments. The House bill did not include funds for this purpose. Funds transferred are subject to the regular notification procedures of the Committees on Appropriations.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL

DEVELOPMENT OFFICE OF INSPECTOR GENERAL

The conference agreement does not include $500,000 under this heading, as proposed by

the Senate. The Office of Inspector General of the United States Agency for International Development is directed to conduct oversight of the funds transferred in this Act to USAID from within available funds.

TITLE XII—TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SUPPLEMENTAL DISCRETIONARY GRANTS FOR A NATIONAL SURFACE TRANSPORTATION SYSTEM

The conference agreement provides $1,500,000,000 instead of $5,500,000,000 as proposed by the Senate. The House did not include a similar provision. Funds will be used to award grants on a competitive basis for projects across all surface transportation modes that will have a significant impact on the Nation, a metropolitan area or a region. Provisions require the Secretary to ensure an equitable geographic distribution of funds and an appropriate balance in addressing the needs of urban and rural communities.

FEDERAL AVIATION ADMINISTRATION

SUPPLEMENTAL FUNDING FOR FACILITIES AND EQUIPMENT

The conference agreement includes $200,000,000 as proposed by the Senate. The House did not include a similar provision. Within the funds provided, $50,000,000 is included to upgrade the Federal Aviation Administration's (FAA) power systems; $50,000,000 is included to modernize aging en route air traffic control centers; $80,000,000 to replace air traffic control towers and TRACONs; and, $20,000,000 is included to install airport lighting, navigation and landing equipment.

GRANTS-IN-AID FOR AIRPORTS

The conference agreement provides $1,100,000,000 as proposed by the Senate instead of $3,000,000,000 as proposed by the House. Funds will be used by the Federal Aviation Administration to provide discretionary airport grants to repair and improve critical infrastructure at our nation's airports. These investments will serve to provide important safety and capacity benefits.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY INFRASTRUCTURE INVESTMENT

The conference agreement provides $27,500,000,000, instead of $30,000,000,000 as proposed by the House and $27,060,000,000 as proposed by the Senate. Funds are distributed by formula, with a portion of the funds within each State being suballocated by population areas. Set asides are also provided for: management and oversight; Indian reservation roads; park roads and parkways; forest highways; refuge roads; ferry boats; on-the-job training programs focused on minorities, women, and the socially and economically disadvantaged; a bonding assistance program for minority and disadvantaged businesses; Puerto Rico and the territories; and environmentally friendly transportation enhancements.

FEDERAL RAILROAD ADMINISTRATION

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

The conference agreement provides $8,000,000,000 instead of $300,000,000 as proposed by the House and $2,250,000,000 as proposed by the Senate. The conferees appropriated funds for purposes outlined in both the Capital Assistance to States and the High Speed Passenger Rail program under a combined heading. The conferees have provided the Secretary flexibility in allocating resources between the programs to advance the goal of deploying intercity high speed rail systems in the United States. The Capital Assistance to States program first received funding in fiscal year 2008. The High Speed Passenger Rail program is a new initiative recently authorized under the Passenger Rail Investment and Improvement Act of 2008.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides $1,300,000,000 instead of $800,000,000 as proposed by the House and $850,000,000 as proposed by the Senate. Of the total funds appropriated, the conferees provide $450,000,000 for capital grants for security improvements to include life safety improvements. The conferees also provide that no more than 60% of the remaining funds shall be spent for capital improvements on the Northeast Corridor.

FEDERAL TRANSIT ADMINISTRATION

TRANSIT CAPITAL ASSISTANCE

The conference agreement provides $6,900,000,000 instead of $8,400,000,000 as proposed by the Senate and $7,500,000,000 as proposed by the House. Within the total amount, 80 percent of the funds shall be provided through the Federal Transit Administration's (FTA) urbanized formula; 10 percent shall be provided through FTA's rural formula, and, 10 percent shall be provided through FTA's growing states and high density formula. In addition, the conference agreement provides 2.5 percent of the rural funds for tribal transit needs and includes $100,000,000 (instead of $200,000,000 as proposed by the Senate) for discretionary grants to public transit agencies for capital investments that will assist in reducing the energy consumption or greenhouse gas emissions of their public transit agencies.

FIXED GUIDEWAY INFRASTRUCTURE INVESTMENT

The conference agreement provides $750,000,000 instead of $2,000,000,000 as proposed by the House. The Senate did not include a similar provision. These funds will be distributed through an existing authorized formula for capital projects to modernize or improve existing fixed guideway systems, including purchase and rehabilitation of rolling stock, track, equipment and facilities. It is estimated that the state-of-good-repair capital backlog for existing fixed guideway systems is nearly $50 billion.

CAPITAL INVESTMENT GRANTS

The conference agreement provides $750,000,000 instead of $2,500,000,000 as proposed by the House. The Senate did not include a similar provision. The funds will be distributed on a discretionary basis for New Starts and Small Starts projects that are already in construction or are nearly ready to begin construction.

MARITIME ADMINISTRATION

SUPPLEMENTAL GRANTS FOR ASSISTANCE TO SMALL SHIPYARDS

The conference agreement provides $100,000,000 for grants to small shipyards as proposed by the Senate. The House did not include a similar provision.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $20,000,000 as proposed by the House and the Senate.

GENERAL PROVISION—DEPARTMENT OF TRANSPORTATION

Section 1201 ensures continued State investment in certain identified programs for which the State receives funding in this Act and requires grant recipients to report regularly on the use of those funds as proposed by the House. The Senate did not include a similar provision.

The conference agreement does not include a provision as proposed by the Senate which extends the Federal Transit Administration's contingent commitment authority.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

PUBLIC HOUSING CAPITAL FUND

The conference agreement provides $4,000,000,000, instead of $5,000,000,000 as proposed by both the House and the Senate. This funding will assist public housing authorities in rehabilitating and retrofitting public housing units, including increasing the energy efficiency of units and making critical safety repairs. Of the funding provided, $3,000,000,000 will be distributed to public housing authorities through the existing formula and $1,000,000,000 will be awarded through a competitive process.

NATIVE AMERICAN HOUSING BLOCK GRANTS

The conference agreement provides $510,000,000, as proposed by the Senate, instead of $500,000,000, as proposed by the House. This funding will rehabilitate and improve energy efficiency in housing units maintained by Native American housing programs. Half of the funding will be distributed by formula and half will be competitively awarded to projects that can be started quickly.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

The conference agreement provides $3,000,000,000, of which $1,000,000,000 is appropriated for the Community Development Block Grant program and $2,000,000,000 is available for the Neighborhood Stabilization Program. This funding is provided instead of the $5,190,000,000 proposed by the House. Funding was not provided in the Senate. The Neighborhood Stabilization Program funding will assist states, local governments, and nonprofits in the purchase and rehabilitation of foreclosed, vacant properties in order to create more affordable housing and reduce neighborhood blight.

HOME INVESTMENT PARTNERSHIPS PROGRAM

The conference agreement provides $2,250,000,000, as proposed by the Senate, instead of $1,500,000,000, as proposed by the House. Funds are provided to coordinate with the Low Income Housing Tax Credit to fill financing gaps caused by the collapse of the tax credit market and to jumpstart stalled housing development projects, thereby creating jobs.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

The conference agreement does not provide funding for this account. The House proposed $10,000,000 for this account, but the Senate did not propose funding under this heading.

HOMELESSNESS PREVENTION FUND

The conference agreement provides $1,500,000,000, as proposed by both the House and the Senate. Funding will provide short term rental assistance, housing relocation, and stabilization services for families who may become homeless due to the economic crisis. Funds are distributed by formula.

The conference agreement directs the Secretary of HUD to submit a report to the House and Senate Committees on Appropriations one year after enactment of the Act that details how the funding provided in this

account has been used to alleviate the effects of the Nation's current economic recession and prevent homelessness.

HOUSING PROGRAMS

ASSISTED HOUSING STABILITY AND ENERGY AND GREEN RETROFIT INVESTMENTS

The conference agreement provides $2,250,000,000 as proposed by the Senate instead of $2,500,000,000 as proposed by the House. Of this amount, $2,000,000,000 will provide full-year payments to landlords participating in the Section 8 Project-Based program, and $250,000,000 will support a program to upgrade HUD sponsored low-income housing to increase energy efficiency, including new insulation, windows, and furnaces.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

The conference agreement provides $100,000,000, as proposed by both the House and the Senate. Funding is provided for competitive grants to local governments and nonprofit organizations to remove lead-based paint hazards in low-income housing. Projects that were highly rated in 2008 competitions but were not funded due to constrained resources will be the focus of these resources, thereby ensuring that the funds are spent quickly and effectively.

MANAGEMENT AND ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $15,000,000 as proposed by the House and Senate. This funding will assist the IG in monitoring the use of these funds to ensure that funding provided in this bill is used in an effective and efficient manner.

GENERAL PROVISIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Section 1202 raises the Federal Housing Administration (FHA) loan limits for calendar year 2009 to the level set in calendar year 2008, as proposed by the House.

Section 1203 raises the Government Sponsored Enterprise (GSE) conforming loan limit for calendar year 2009, as proposed by the House.

Section 1204 raises the Home Equity Conversion Mortgage (HECM) loan limit for calendar year 2009, as proposed by the House.

The conference agreement does not include a provision as proposed by the Senate regarding changes to the Hope for Homeowners program.

TITLE XIII—HEALTH INFORMATION TECHNOLOGY

HEALTH INFORMATION TECHNOLOGY

Short Title; Table of Contents of Title. (House bill Sec. 4001; Senate bill Sec. 13101; Conference agreement Sec. 13001)

This provision specifies that the title may be cited as the ''Health Information Technology for Economic and Clinical Health Act'' or the ''HITECH Act.''

SUBTITLE A—PROMOTION OF HEALTH INFORMATION TECHNOLOGY

PART I—IMPROVING HEALTH CARE QUALITY, SAFETY, AND EFFICIENCY

ONCHIT; Standards Development and Adoption. (House bill Sec. 4101; Senate bill Sec. 13101; Conference agreement Sec. 13101)

Current Law

There are no existing statutory provisions regarding the current Office of the National Coordinator for Health Information Technology (ONCHIT) within the Department of Health and Human Services (HHS). ONCHIT was created by Executive Order 13335, signed by the President on April 27, 2004. The National Coordinator was instructed to develop, maintain, and direct a strategic plan to guide the nationwide implementation of interoperable health information technology (HIT) in the public and private health care sectors. In 2005, the Secretary created the American Health Information Community (AHIC), a public-private advisory body, to make recommendations to the Secretary on how to accelerate the development and adoption of interoperable HIT using a market-driven approach. The AHIC charter required it to provide the Secretary with recommendations to create a successor entity based in the private sector. AHIC Successor, Inc. was established in July 2008 to transition AHIC's accomplishments into a new public-private partnership. That partnership, the National eHealth Collaborative (NeHC), was launched on January 8, 2009.

ONCHIT awarded a contract to the American National Standards Institute (ANSI) to establish a public-private collaborative, known as the Healthcare Information Technology Standards Panel (HITSP), to harmonize existing HIT standards and identify and establish standards to fill gaps. To date, the Secretary has recognized over 100 harmonized standards, including many that allow interoperability of electronic health records (EHRs). To ensure that these standards are incorporated into products, a second contract was awarded to the Certification Commission for Healthcare Information Technology (CCHIT), a private, nonprofit organization created by HIT industry associations, which establishes criteria for certifying products that use recognized standards. CCHIT has certified over 150 ambulatory and inpatient EHR products.

House Bill

The House bill would establish in the Public Health Service Act (PHSA; 42 USC 201 et seq.) a new Title XXX—Health Information Technology and Quality, comprising the following sections.

Sec. 3000. Definitions. The House bill defines the following terms: certified EHR technology, enterprise integration, health care provider, health information, health information technology, health plan, HIT Policy Committee, HIT Standards Committee, individually identifiable health information, laboratory, National Coordinator, pharmacist, qualified electronic health record, and state.

Sec. 3001. Office of the National Coordinator for Health Information Technology. The House bill would establish within HHS the Office of the National Coordinator for Health Information Technology (ONCHIT). The National Coordinator would be appointed by the Secretary and report directly to the Secretary. The National Coordinator would be charged with the following duties. First, the National Coordinator would be required to review and determine whether to endorse standards recommended by the HIT Standards Committee (described below). Second, the National Coordinator would be responsible for coordinating HIT policy and programs within HHS and with those of other federal agencies and would be a leading member in the establishment of the HIT Policy Committee and the HIT Standards Committee and act as a liaison among these Committees and the federal government. Third, the National Coordinator would be required to update the Federal Health IT Strategic Plan (developed as of June 3, 2008) to include specific objectives, milestones, and metrics with respect to the electronic exchange and use of health information, the utilization of an EHR for each person in the United States by 2014, and the incorporation of privacy and security protections for the electronic exchange of an individual's health information, among other things. The plan would include measurable outcome goals and the National Coordinator would be required to republish the plan, including all updates. Fourth, the National Coordinator would maintain and update a website to post relevant information about the work related to efforts to promote a nationwide health information technology infrastructure. Fifth, the National Coordinator would be required, in consultation with the National Institute of Standards and Technology (NIST), to develop a program for the voluntary certification of HIT as being in compliance with applicable certification criteria adopted by the Secretary. Sixth, the National Coordination would have to prepare several reports, including a report on any additional funding or authority needed to evaluate and develop standards for a nationwide health information technology infrastructure; a report on lessons learned from HIT implementation by major public and private health care systems; a report on the benefits and costs of the electronic use and exchange of health information; an assessment of the impact of HIT on communities with health disparities and in areas that serve uninsured, underinsured, and medically underserved individuals; and an estimate of the public and private resources needed annually to achieve utilization of an EHR for each person in the United States by 2014. Seventh, the National Coordinator would be required to establish a national governance mechanism for the national health information network. Finally, the National Coordinator would be permitted to accept or request federal detailees and would be required, within 12 months of enactment, to appoint a Chief Privacy Officer of the Office of the National Coordinator to advise the National Coordinator on privacy, security, and data stewardship.

Sec. 3002. HIT Policy Committee. The House bill would establish an HIT Policy committee to make policy recommendations to the National Coordinator relating to the implementation of a nationwide health information technology infrastructure. The duties of the HIT Policy Committee would include providing recommendations on a policy framework for the development and adoption of a nationwide health information technology infrastructure, recommending areas in which standards are needed for the electronic exchange and use of health information, and recommending an order of priority for the development of such standards. The Committee would be required to provide recommendations in six areas: (1) technologies that protect the privacy and security of electronic health information; (2) a nationwide HIT infrastructure that enables electronic information exchange; (3) nationwide adoption of certified EHRs; (4) EHR technologies that allow for an accounting of disclosures; (5) using EHRs to improve health care quality; and (6) encryption technologies that render individually identifiable health information unusable, unreadable, and indecipherable to unauthorized individuals. The bill describes other areas that the committee might consider, including using HIT to reduce medical errors, and telemedicine. The membership of the HIT Policy Committee would reflect (at least) providers, ancillary healthcare workers, consumers, purchasers, health plans, technology vendors, researchers, relevant federal agencies, and individuals with technical expertise on health care quality and privacy and security. The National Coordinator must ensure that the Committee's recommendations are considered in the development of policies, and the Secretary would be required to publish all of the Committee's recommendations in the Federal Register and post them on a website. The provisions of the Federal Advisory Committee Act, other than section 14, would apply to the HIT Policy Committee.

Sec. 3003. HIT Standards Committee. The House bill would establish an HIT Standards Committee to recommend to the National Coordinator standards, implementation specifications, and certification criteria for the electronic exchange of health information. Duties of the HIT Standards Committee would include the development and pilot testing of standards, and serving as a forum for the participation of a broad range of stakeholders to provide input on the development, harmonization, and recognition of standards. Not later than 90 days after enactment, the HIT Standards Committee would outline (and annually update) a schedule for assessing the policy recommendations developed by the HIT Policy Committee, and this schedule would be published in the Federal Register. In addition, the Committee would be required to conduct open public meetings and develop a process to allow for public comment on this schedule. The membership of the HIT Standards Committee would reflect (at least) providers, ancillary healthcare workers, consumers, purchasers, health plans, technology vendors, researchers, relevant federal agencies, and individuals with technical expertise on health care quality and privacy and security. The National Coordinator would be required to ensure that the Committee's recommendations are considered in the development of policies; the Secretary would be authorized to provide financial assistance to Committee members that are non-profit or consumer advocacy groups in order to defray costs associated with participating in the Committee's activities, and the Committee would be required to publish all its recommendations in the Federal Register and post them on a website. The provisions of the Federal Advisory Committee Act, other than section 14, would apply to the HIT Standards Committee.

Sec. 3004. Process for Adoption of endorsed Recommendations; Adoption of Initial Set of Standards, Implementation Specifications, and Certification Criteria. The House bill would require the Secretary, within 90 days

of receiving from the National Coordinator a recommendation for HIT standards, implementation specifications, or certification criteria, to determine in consultation with representatives of other relevant federal agencies, whether or not to propose adoption of such standards, implementation specifications, or certification criteria. Adoption would be accomplished through regulation, whereas a decision by the Secretary not to adopt would have to be conveyed in writing to the National Coordinator and the HIT Standard Committee. The Secretary would be required to adopt, through rulemaking, an initial set of standards by December 31, 2009.

Sec. 3005. Application and Use of Adopted Standards and Implementation Specifications by Federal Agencies. The House bill refers to Section 4111 (see below) for the requirements relating to the application and use of adopted standards by federal agencies.

Sec. 3006. Voluntary Application and Use of Adopted Standards and Implementation Specifications by Private Entities. The House bill would make the application and use of adopted standards voluntary for private entities.

Sec. 3007. Federal Health Information Technology. The House bill would require the National Coordinator to support the development, routine updating and provision of qualified EHR technology unless the Secretary determined that the needs and demands of providers are being substantially and adequately met through the marketplace. The National Coordinator would be permitted to charge a nominal fee to providers for the adoption of this health information technology system.

Sec. 3008. Transitions. The House bill would provide for the transfer of all functions, personnel, assets, liabilities, and administrative actions of the existing ONCHIT, created under Executive Order 13335, to the new ONCHIT established by this Act. Similarly, all functions, personnel, assets, liabilities applicable to AHIC Successor, Inc., now operating as the National eHealth Collaborative (NeHC), would be transferred to the HIT Policy Committee or the HIT Standards Committee, as appropriate. Nothing in the bill would require the creation of a new entity to the extent that the existing ONCHIT is consistent with the provision of Section 3001. Similarly, nothing in the bill would prohibit NeHC from modifying its charter, duties, membership, and other functions to be consistent with Sections 3002 and 3003 in a manner that would permit the Secretary to recognize it as the HIT Policy Committee or the HIT Standards Committee.

Sec. 3009. Relation to HIPAA Privacy and Security Law. The House bill specifies that this title may not be construed as having any effect on the authorities of the Secretary under HIPAA privacy and security law.

Sec. 3010. Authorization for Appropriations. The House bill would authorize an appropriation of $250 million for FY2009 for implementing this subtitle.

Senate Bill

The Senate bill includes the same provisions as the House bill, other than an authorization for appropriations (Sec. 3010), but with the following additional language: (1) the definition of health care provider is broader than in the House bill; (2) the duties of the National Coordinator would include reviewing federal HIT investments to ensure that federal HIT programs are meeting the objectives of the strategic plan, and providing comments and advice on federal HIT programs at the request of the Office of Management and Budget (OMB); (3) the updated HIT Strategic Plan would include specific plans for ensuring that populations with unique needs, such as children, are appropriately addressed in the technology design; (4) the Secretary would be authorized to recognize an entity or entities for harmonizing or updating standards and implementation specifications; and (5) the National Coordinator's report on resource requirements for achieving nationwide EHR utilization by 2014 would include resources for health informatics and management education programs to ensure a sufficient HIT workforce.

In addition, the Senate bill would require the HIT Policy Committee to provide recommendations on the use of electronic systems to collect patient demographic data (consistent with the evaluation of health disparities data under Sec. 1809 of the Social Security Act) and on technologies and design features that address the needs of children and other vulnerable populations, instead of providing recommendations on encryption technologies as required in the House bill. To the list of other areas that the HIT Policy Committee might consider, the Senate bill includes methods for allowing individuals and their caregivers secure access to protected health information. Unlike the House bill, the Senate bill specifies the size and composition of the HIT Policy Committee, and outlines certain details of its operation.

The Senate bill includes additional provisions regarding the operations of the HIT Standards Committee. They include conducting open and public meetings, adopting a consensus approach to standards development and harmonization, and providing an opportunity for public comment. Unlike the House bill, which would make the HIT Standards Committee subject to the Federal Advisory Committee Act, the Senate bill would apply OMB Circular A–119 (Federal Participation in the Development and Use of Voluntary Consensus Standards) to the Committee. It also would require the Secretary, as necessary and consistent with the HIT Standards Committee's published schedule, to adopt additional standards, implementation specifications, and certification criteria following the adoption of the initial set of requirements by December 31, 2009.

The Senate bill's transition provision states that nothing in the bill would require the creation of a new ONCHIT, to the extent that the existing office is consistent with the Act. Further, nothing in the bill would prohibit National eHealth Collaborative from modifying its structure and function in order to be recognized as the HIT Standards Committee. Finally, the Senate bill specifies that until recommendations are made by the HIT Policy Committee, recommendations of the HIT Standards Committee would have to be consistent with the most recent recommendations of AHIC Successor, Inc.

Conference Agreement

The conference agreement is largely similar to the provisions in both bills. Here are some additions or distinctions:

Sec. 3000.

Definitions. The conference agreement includes a broader definition of health care provider, including additions by the Senate and House. The conference agreement clarified the definition of health information technology to include internet based products and HIT aimed at usage by patients. The term ''qualified electronic health record'' includes computerized provider order entry systems.

Sec. 3001.

Office of the National Coordinator of Health Information Technology. The duties of the National Coordinator include the review of federal health information technology investments from the Senate bill.

The elements of the strategic plan developed by the National Coordinator include the Senate language regarding strategies to enhance increase prevention and coordination of community resources and plans for ensuring that populations with unique needs are addressed in technology design, as appropriate.

The section on harmonization included in the Senate bill was modified and moved to Section 3003 and ensures that harmonization standards or updates developed by other entities can be recognized by the HIT Standards Committee.

The conference agreement retains the intent of the Senate language requiring the National Coordinator to estimate resources needed to establish a sufficient health information technology workforce.

To the extent that this section calls the National Coordinator to ensure that every person in the United States have an EHR by 2014, this goal is not intended to require individuals to receive services from providers that have electronic health records and is aimed at having the National Coordinator take steps to help providers adopt electronic health records. This provision does not constitute a legal requirement on any patient to have an electronic health record. For religious or other reasons, non-traditional health care providers may also choose not to use an electronic health record.

Sec. 3002.

HIT Policy Committee. The conference agreement includes the House language on areas required for consideration regarding security of transmitted individually identifiable health information and includes the Senate language regarding collection of demographic data and modified the Senate language regarding technology to address the needs of children.

The language on other areas of consideration includes the Senate language regarding methods to facilitate secure access by an individual to their protected health information and modified the Senate language regarding access to such information by a family member, caregiver, or guardian acting on behalf of a patient.

The conference agreement adopted the Senate specifics on the membership of the HIT Policy Committee. The conference agreement modified the language by increasing the members appointed by the Secretary and those representing patients or consumers and modified the Senate language regarding participation on the Committee and to allow the Secretary to fill seats if membership has not been filled by 45 days after enactment.

Sec. 3003.

HIT Standards Committee. The Conference report includes provisions from the House and Senate bills. The principal changes from the House-passed bill are: (1) there is a new provision allowing the Standards Committee to recognize harmonized standards from an outside entity; (2) there is a new provision requiring balanced membership and that that no single sector unduly influence the recommendations or procedures of the committee; and (3) there is a new provision requiring the involvement of outside experts with relevant expertise. The principal change from the Senate-passed bill is that the Standards Committee is subject to the Federal Advisory Committee Act.

Sec. 3004.

Process for Adoption of endorsed Recommendations; Adoption of Initial Set of

Standards, Implementation Specifications, and Certification Criteria. The Conference report includes provisions from the House and Senate bills. The principal change from the House-passed bill and the Senate-passed bill is that there is explicit authority to allow the Secretary to issue the initial set of standards as interim final rules. This clarification should not be read to impact the authority or discretion of the Secretary in future regulations regarding standards.

Sec. 3005.

Application and Use of Adopted Standards and Implementation Specifications by Federal Agencies. The conference report includes this provision unaltered.

Sec. 3006.

Voluntary Application and Use of Adopted Standards and Implementation Specifications by Private Entities. The Conference report contains the same policy as the House and Senate bills, with language modified for technical purposes.

Sec. 3007.

Federal Health Information Technology. The Conference report includes provisions from the House and Senate bills. The principal change from the House-passed bill is that the Secretary is authorized to ''make available'' rather than ''provide'' the technology specified under the Section. The principal change from the Senate-passed bill is that only the Secretary is charged with making the assessment of market failure.

Sec. 3008.

Transitions. The Conference report contains the same policy as the House and Senate with language modified for technical purposes.

Sec. 3009.

Relation to HIPAA Privacy and Security Law. The Conference report contains the same Policy as the House and Senate bills, with language modified for technical purposes. In addition, the conference report includes a provision clarifying the discretion of the Secretary.

Sec. 3010.

Authorization for Appropriations. The Conference report does not include this section.

Technical Amendment. (House bill Sec. 4102; Senate bill Sec. 13102; Conference agreement Sec. 13102)

Current Law

Under HIPAA, the definition of a health plan (42 USC 1320(d)(5)) includes Parts A, B, and C of the Medicare program.

House Bill

The House bill would amend the HIPAA definition of health plan to include Medicare Part D.

Senate Bill

Same provision.

Conference Agreement

Same provision.

PART II—APPLICATION AND USE OF ADOPTED HEALTH. INFORMATION TECHNOLOGY STANDARDS; REPORTS

Coordination of Federal Activities with Adopted Standards and Implementation Specifications. (House bill Sec. 4111; Senate bill Sec. 13111; Conference agreement Sec. 13111)

Current Law

No provisions; however, in August 2006, the President issued Executive Order 13410 committing federal agencies that purchase and deliver health care to require the use of HIT that is based on interoperability standards recognized by the Secretary.

House Bill

The House bill would require federal agencies that implement, acquire, or upgrade HIT systems for the electronic exchange of health information to use HIT systems and products that meet the standards adopted by the Secretary under this Act. The President would be required to ensure that federal activities involving the collection and submission of health information are consistent with such standards within three years of their adoption.

Senate Bill

Same provision.

Conference Agreement

Same provision.

Application to Private Entities. (House bill Sec. 4112; Senate bill Sec. 13112; Conference agreement Sec. 13112)

Current Law

No provisions.

House Bill

The House bill would require health care payers and providers that contract with the federal government to use HIT systems and products that meet the standards adopted by the Secretary under this Act.

Senate Bill

Same provision.

Conference Agreement

Same provision.

Study and Reports. (House bill Sec. 4113; Senate bill Sec. 13113; Conference agreement Sec. 13113)

Current Law

No provisions.

House Bill

The House bill would require the Secretary, within two years and annually thereafter, to report to Congress on efforts to facilitate the adoption of a nationwide system for the electronic exchange of health information; to conduct a study, not later than two years after enactment, that examines methods to create efficient reimbursement incentives for improving health care quality in Federally qualified health centers, rural health clinical and free clinics; and to conduct a study, not later than 24 months after enactment, of matters relating to the potential use of new aging services technology to assist seniors, individuals with disabilities and their caregivers throughout the aging process.

Senate Bill

Same provision.

Conference Agreement

Same provision.

SUBTITLE B—TESTING OF HEALTH INFORMATION TECHNOLOGY

National Institute for Standards and Technology Testing. (House bill Sec. 4201; Senate bill Sec. 13201; Conference agreement Sec. 13201)

Current Law

No provisions; however, ONCHIT is working with the National Institute for Standards and Technology (NISI) on testing HIT standards. NIST is assisting with the HITSP standards harmonization process and with CCHIT's certification activities.

House Bill

The House bill would require NIST, in coordination with the HIT Standards Committee, to test HIT standards, as well as support the establishment of a voluntary testing program by accredited testing laboratories.

Senate Bill

Same provision.

Conference Agreement

Same provision.

Research and Development Programs. (House bill Sec. 4202; Senate bill Sec. 13202; Conference agreement Sec. 13202)

Current Law

No provisions.

House Bill

The House bill would require NIST, in consultation with the National Science Foundation and other federal agencies, to award competitive grants to universities (or research consortia) to establish multidisciplinary Centers for Health Care Information Enterprise Integration. The purpose of the Centers would be to generate innovative approaches to the development of a fully interoperable national health care infrastructure, as well as to develop and use HIT. The bill requires the National High-Performance Computing Program to coordinate federal research and development programs related to the deployment of HIT.

Senate Bill

The Senate would authorize but not require the National High-Performance Computing Program to review federal research and development programs relating to the deployment of HIT.

Conference Agreement

The conference agreement has the Senate language with an amendment. The Conference agreement retains the House and Senate language directing NIST to award competitive grants to universities to establish multidisciplinary Centers for Health Care Information Enterprise Integration. With respect to the National High-Performance Computing Program, the agreement notes that the ongoing work of the National Information Technology Research and Development (NITRD) program authorized by section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) shall include health information technology research and development.

SUBTITLE C—INCENTIVES FOR THE USE OF HEALTH INFORMATION TECHNOLOGY

PART I—GRANTS AND LOANS FUNDING

Grant, Loan, and Demonstration Programs. (House bill Sec. 4301; Senate bill Sec. 13301; Conference agreement Sec. 13301)

Current Law

No provisions; however, since 2004, the Agency for Healthcare Research and Quality (AHRQ) has awarded $260 million to support and stimulate investment in HIT. AHRQ-funded projects, many of which are focused on rural and underserved populations, cover a broad range of HIT tools and systems including EHRs, personal health records (a term that refers to health information collected by and under the control of the patient), e-prescribing, privacy and security, quality measurement, and Medicaid technical assistance.

House Bill

The House bill would amend PHSA Title XXX (as added by this Act) by adding a new Subtitle B—Incentives for the Use of Information Technology.

Sec. 3011. Immediate Funding to Strengthen the Health Information Technology Infrastructure. The House bill would require the Secretary, using funds appropriated under Section 3018 and in a manner consistent with

the National Coordinator's strategic plan, to invest in HIT so as to promote the use and exchange of electronic health information. The Secretary must, to the greatest extent practicable, ensure that the funds are used to acquire HIT that meets current standards and certification criteria. Funds would be administered through different agencies with relevant expertise, including ONCHIT, AHRQ, CMS, the Centers for Disease Control and Prevention (CDC), and the Indian Health Service (IHS), to support the following: (1) HIT architecture to support the secure electronic exchange of information; (2) electronic health records for providers not eligible for HIT incentive payments under Medicare and Medicaid; (3) training and dissemination of information on best practices to integrate HIT into health care delivery; (4) telemedicine; (5) interoperable clinical data repositories; (6) technologies and best practices for protecting health information; and (7) HIT use by public health departments. The Secretary must invest $300 million to support regional health information exchanges, and may use funds to carry out other activities authorized under this Act and other relevant laws.

Sec. 3012. Health Information Technology Implementation Assistance. The House bill would require the National Coordinator, in consultation with NIST and other agencies with experience in IT services, to establish an HIT extension program to assist providers in adopting and using certified EHR technology. The Secretary would be required to create an HIT Research Center to serve as a forum for exchanging knowledge and experience, disseminating information on lessons learned and best practices, providing technical assistance to health information networks, and learning about using HIT in medically underserved communities.

The Secretary also would be required to support HIT Regional Extension Centers, affiliated with nonprofit organizations, to provide assistance to providers in the region. Priority would be given to public, nonprofit, and critical access hospitals, community health centers, individual and small group practices, and entities that serve the uninsured, underinsured, and medically underserved individuals. Centers would be permitted to receive up to 4 years of funding to cover up to 50% of their capital and annual operating and maintenance expenditures. The Secretary would be required, within 90 days of enactment, to publish a notice describing the program and the availability of funds. Each regional center receiving funding would be required to submit to a biennial evaluation of its performance against specified objectives. Continued funding after two years of support would be contingent on receiving a positive evaluation.

Sec. 3013. State Grants to Promote Health Information Technology. The National Coordinator would be authorized to award planning and implementation grants to states or qualified state-designated entities to facilitate and expand electronic health information exchange. To qualify as a state-designated entity, an entity would have to be a nonprofit organization with broad stakeholder representation on its governing board and adopt nondiscrimination and conflict of interest policies. In order to receive an implementation grant, a state or qualified state-designated entity would have to submit a plan describing the activities to be carried out (consistent with the National Coordinator's strategic plan) to facilitate and expand electronic health information exchange. The Secretary would be required annually to evaluate the grant activity under this section and implement the lessons learned from each evaluation in the subsequent round of awards in such a manner as to realize the greatest improvement in health care quality, decrease in costs, and the most effective and secure electronic information exchange. Grants would require a match of at least $1 for each $10 of federal funds in FY2011, at least $1 for each $7 of federal funds in FY2012, and at least $1 for each $3 of federal funds in FY2013 and each subsequent fiscal year. For fiscal years before FY2011, the Secretary would determine whether a state match is required.

Sec. 3104. Competitive Grants to States and Indian Tribes for the Development of Loan Programs to Facilitate the Widespread Adoption of Certified EHR Technology. The House bill would authorize the National Coordinator to award competitive grants to states or Indian tribes to establish loan programs for health care providers to purchase certified EHR technology, train personnel in the use of such technology, and improve the secure electronic exchange of health information. To be eligible, grantees would be required to: (1) establish a qualified HIT loan fund; (2) submit a strategic plan, updated annually, describing the intended uses of the funds and providing assurances that loans will only be given to health care providers that submit required reports on quality measures and use the certified EHR technology supported by the loan for the electronic exchange of health information to improve the quality of care; and (3) provide matching funds of at least $1 for every $5 of federal funding. Loans would be repayable over a period of up to 10 years. Each year, the National Coordinator would be required to provide a report to Congress summarizing the annual reports submitted by grantees. Awards would not be permitted before January 1, 2010.

Sec. 3015. Demonstration Program to Integrate Information Technology into Clinical Education. The House bill would authorize the Secretary to create a demonstration program for awarding competitive grants to medical, dental, and nursing schools, and to other graduate health education programs to integrate HIT into the clinical education of health care professionals. To be eligible, grantees would have to submit a strategic plan. A grant could not cover more than 50% of the costs of any activity for which assistance is provided, though the Secretary would have the authority to waive that cost-sharing requirement. The Secretary would be required annually to report to designated House and Senate Committees on the demonstrations, with recommendations.

Sec. 3016. Information Technology Professionals in Health Care. The House bill would require the Secretary, in consultation with the Director of the National Science Foundation, to provide financial assistance to universities to establish or expand medical informatics programs. A grant could not cover more than 50% of the costs of any activity for which assistance is provided, though the Secretary would have the authority to waive that cost-sharing requirement.

Sec. 3017. General Grant and Loan Provision. The Secretary would be permitted to require that grantees, within one year of receiving an award, report on the effectiveness of the activities for which the funds were provided and the impact of the project on health care quality and safety. The House bill would require the National Coordinator annually to evaluate the grant activities under this title and implement the lessons learned from each evaluation in the subsequent round of awards in such a manner as to realize the greatest improvement in the quality and efficiency of health care.

Sec. 3018. Authorization for Appropriations. The House bill would authorize the appropriation of such sums as may be necessary for each of FY2009 through FY2013 to carry out this subtitle. Amounts so appropriated would remain available until expended.

Senate Bill

The Senate bill includes the same provisions as the House bill, but with the following additional language: (1) the list of activities for which state implementation grants may be used includes establishing models that promote lifetime access to health records; and (2) the use of loan funds by providers may include upgrading HIT to meet certification criteria.

Conference Agreement

The Conference report includes the provision from the Senate that the use of loan funds by providers may include upgrading HIT to meet certification criteria. The Conference report does not include the provision from the Senate that the list of activities for which state implementation grants may be used includes establishing models that promote lifetime access to health records.

The Conference report modifies Section 3011 to no longer include a specific description of $300 million in funding for promoting regional and sub-national health information exchange. This funding is reflected in the corresponding sections of the Economic Recovery and Reinvestment Act that appropriate funds for activities authorized under this title.

The Conference report modifies Section 3016 to no longer require matching funds from universities participating in this program.

As a result of the incentives and appropriations for health information technology provided in this bill, it is expected that nonprofit organizations may be formed to facilitate the electronic use and exchange of health-related information consistent with standards adopted by HHS, and that such organizations may seek exemption from income tax as organizations described in IRC sec. 501(c)(3). Consequently, if a nonprofit organization otherwise organized and operated exclusively for exempt purposes described in IRC sec. 501(c)(3) engages in activities to facilitate the electronic use or exchange of health-related information to advance the purposes of the bill, consistent with standards adopted by HHS, such activities will be considered activities that substantially further an exempt purpose under IRC sec. 501(c)(3), specifically the purpose of lessening the burdens of government. Private benefit attributable to cost savings realized from the conduct of such activities will be viewed as incidental to the accomplishment of the nonprofit organization's exempt purpose.

SUBTITLE D—PRIVACY

Definitions. (House bill Sec. 4400; Senate bill Sec. 13400; Conference agreement Sec. 13400)

Current Law

Under the Administrative Simplification provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA; P.L. 104–191), Congress set itself a three-year deadline to enact health information privacy legislation. If, as turned out to be the case, lawmakers were unable to pass such legislation before the deadline, the HHS Secretary was instructed to promulgate regulations containing standards to protect the

privacy of individually identifiable health information. The HIPAA privacy rule (45 CFR Parts 160, 164) established a set of patient rights, including the right of access to one's medical information, and placed certain limitations on when and how health plans and health care providers may use and disclose such protected health information (PHI). Generally, plans and providers may use and disclose health information for the purpose of treatment, payment, and other health care operations without the individual's authorization and with few restrictions. In certain other circumstances (e.g., disclosures to family members and friends), the rule requires plans and providers to give the individual the opportunity to object to the disclosure. The rule also permits the use and disclosure of health information without the individual's permission for various specified activities (e.g., public health oversight, law enforcement) that are not directly connected to the treatment of the individual. For all uses and disclosures of health information that are not otherwise required or permitted by the rule, plans and providers must obtain a patient's written authorization.

The HIPAA privacy rule also permits health plans and health care providers—referred to as HIPAA covered entities—to share health information with their business associates who provide a wide variety of functions for them, including legal, actuarial, accounting, data aggregation, management, administrative, accreditation, and financial services. A covered entity is permitted to disclose health information to a business associate or to allow a business associate to create or receive health information on its behalf, provided the covered entity receives satisfactory assurance in the form of a written contract that the business associate will appropriately safeguard the information.

In addition to health information privacy standards, HIPAA's Administrative Simplification provisions instructed the Secretary to issue security standards to safeguard PHI in electronic form against unauthorized access, use, and disclosure. The security rule (45 CFR Parts 160, 164) specifies a series of administrative, technical, and physical security procedures for providers and plans to use to ensure the confidentiality of electronic health information.

House Bill

The House bill defines the following key privacy and security terms, in most cases by reference to definitions in the HIPAA Administrative Simplification standards: breach, business associate, covered entity, disclose, electronic health record, electronic medical record, health care operations, health care provider, health plan, National Coordinator, payment, personal health record, protected health information, Secretary, security, state, treatment, use, and vendor of personal health records.

Senate Bill

Same provision.

Conference Agreement

The Conference report includes some technical modifications to the definitions.

One set of such modifications is included in the definition of ''breach''. The Conference report includes a technical change to clarify that some inadvertent disclosures can constitute a breach under the meaning of this subtitle. The conference report clarifies the definition to stipulate that disclosures (as defined in 45 CFR 164.103) constitute a breach, except as otherwise provided under the definition. The definition provides that a disclosure where a person would not reasonably be able to retain the information disclosed is not a breach. Also not a breach is any inadvertent disclosure from an individual who is otherwise authorized to access protected health information at a facility operated by a covered entity or business associate to another similarly situated individual at same facility provided that any such information received as a result of such disclosure is not further acquired, accessed, used, or disclosed without authorization by any person.

Another set of such modifications pertains to the definition of Personal Health Records. Specifically, the report clarifies that Personal Health Records are ''managed, shared, and controlled by or primarily for the individual.'' This technical change clarifies that PHRs include the kinds of records managed by or for individuals, but does not include the kinds of records managed by or primarily for commercial enterprises, such as life insurance companies that maintain such records for their own business purposes. By extension, a life insurance company would not be considered a PHR vendor under this subtitle. A second clarification in the definition of PHR is the use of the term ''PHR individual identifiable health information'' (as defined in section 13407(0(2)). In the House and Senate bills, the term ''individually identifiable health information'' was used. Use of that term would have required that, to be considered a PHR, an electronic record would have to include information that was ''created or received by a health care provider, health plan, employer, or health care clearinghouse.'' However, there is increasing use of electronic records that contain personal health information that has not been created or received by a health care provider, health plan, employer, or health care clearinghouse. Use of the term ''individually identifiable health information'' would have thus improperly narrowed the scope of the term Personal Health Record under this subtitle. Thus, the conference report included the broader term, PHR individual identifiable health information, so that the scope of the term Personal Health Record would properly include electronic records of personal health information, regardless of whether they have been ''created or received by a health care provider, health plan, employer, or health care clearinghouse.''

PART I—IMPROVED PRIVACY PROVISIONS AND SECURITY PROVISIONS

Application of Security Provisions and Penalties to Business Associates of Covered Entities; Annual Guidance on Security Provisions. (House bill Sec. 4401; Senate bill Sec. 13401; Conference agreement Sec. 13401)

Current Law

The Security Rule promulgated pursuant to the Health Insurance Portability and Accountability Act (HIPAA) include three sets of safeguards: administrative, physical, and technical, required of covered entities (providers, health plans and healthcare clearinghouses). Administrative safeguards include such functions as assigning or delegating security responsibilities to employees, as well as security training requirements. Physical safeguards are intended to protect electronic systems and data from threats, environmental hazards, and unauthorized access. Technical safeguards are primarily IT functions used to protect and control access to data.

HIPAA permits business associates (those who perform business functions for covered entities) to create, receive, maintain or transmit electronic health information on behalf of that covered entity, provided the covered entity receives satisfactory assurance in the form of a written contract that the business associate will implement administrative, technical, and physical safeguards that reasonably and appropriately protect the information.

Violations cannot be enforced directly against business associates. Although providers and health plans are not liable for, or required to monitor, the actions of their business associates, if it finds out about a material breach or violation of the contract by a business associate, it must take reasonable steps to remedy the situation, and, if unsuccessful, terminate the contract. If termination is not feasible, the covered entity must notify HHS.

House Bill

The House bill would apply the HIPAA security standards and the civil and criminal penalties for violating those standards to business associates in the same manner as they apply to the providers and health plans for whom they are working. It also would require the Secretary, in consultation with stakeholders, to issue annual guidance on the most effective and appropriate technical safeguards, including the technologies that render information unusable, unreadable, or indecipherable recommended by the HIT Policy Committee, for protecting electronic health information.

Senate Bill

Same provision, but without any reference to recommended safeguard technologies standards.

Conference Agreement

The conference agreement includes language contained in the House bill.

Notification in the Case of Breach. (House bill Sec. 4402; Senate bill Sec. 13402; Conference agreement Sec. 13402)

Current Law

The Privacy and Security Rules promulgated pursuant to HIPAA does not require covered entities, providers, health plans or healthcare clearinghouses, to notify HHS or individuals of a breach of the privacy, security, or integrity of their protected health information.

House Bill

In the event of a breach of unsecured PHI that is discovered by a covered entity, the House bill would require the covered entity to notify each individual whose information has been, or is reasonably believed to have been, accessed, acquired, or disclosed as a result of such breach. Exceptions to the breach notification requirement are for unintentional acquisition, access, use or disclosure of protected health information. For a breach of unsecured PHI under the control of a business associate, the business associate upon discovery of the breach would be required to notify the covered entity. Notice of the breach would have to be provided to the Secretary and prominent media outlets serving a particular area if more than 500 individuals in that area were impacted. If the breach impacted fewer than 500 individuals, the covered entity involved would have to maintain a log of such breaches and annually submit it to the Secretary.

The House bill would define unsecured PHI as information that is not secured through the use of a technology or methodology identified by the Secretary as rendering the information unusable, unreadable, and undecipherable to unauthorized individuals.

The House bill would require the Secretary each year to report to appropriate committees in Congress on the number and type of breaches, actions taken in response, and recommendations made by the National Coordinator on how to reduce the number of breaches. Within 180 days of enactment, the Secretary would be required to issue interim final regulations to implement this section. The provisions in the section would apply to breaches discovered at least 30 days after the regulations were published.

Senate Bill

Same provision, but without any reference to recommended encryption standards in issuing annual guidance on securing PHI.

Conference Agreement

Similar provision to the House bill with one difference; notifications in cases of unintentional disclosures would be required unless such disclosure is to an individual authorized to access health information at the same facility.

Education on Health Information Privacy. (House bill Sec. 4403; Senate bill Sec. 13403; Conference agreement Sec. 13403)

Current Law

The Privacy Rule promulgated pursuant to HIPAA requires each covered entity to designate a privacy official for the development and implementation of its policies and procedures.

House Bill

Within six months of enactment, the House bill would require the Secretary to designate a privacy advisor in each HHS regional office to offer education and guidance to covered entities and business associates on their federal health information privacy and security rights and responsibilities. Within 12 months of enactment, OCR would be required to develop and maintain a national education program to educate the public about their privacy rights and the potential uses of their PHI.

Senate Bill

Same provision.

Conference Agreement

Same provision.

Application of Privacy Provisions and Penalties to Business Associates of Covered Entities. (House bill Sec. 4404; Senate bill Sec. 13404; Conference agreement Sec. 13404)

Current Law

The Privacy Rule promulgated pursuant to HIPAA permits a covered entity to disclose health information to a business associate or to allow a business associate to create or receive health information on its behalf, provided the covered entity receives satisfactory assurance in the form of a written contract that the business associate will appropriately safeguard the information.

Violations cannot be enforced directly against business associates. Although covered entities are not liable for, or required to monitor, the actions of their business associates, if it finds out about a material breach or violation of the contract by a business associate, it must take reasonable steps to remedy the situation, and, if unsuccessful, terminate the contract. If termination is not feasible, the covered entity must notify HHS.

House Bill

The House bill would apply the HIPAA Privacy Rule, the additional privacy requirements, and the civil and criminal penalties for violating those standards to business associates in the same manner as they apply to the providers and health plans for whom they are working.

Senate Bill

Same provision.

Conference Agreement

Same provision.

Restrictions on Certain Disclosures and Sales of Health Information; Accounting of Certain Protected Health Information Disclosures; Access to Certain Information in Electronic Format. (House bill Sec. 4405; Senate bill Sec. 13405; Conference agreement Sec. 13405)

Current Law

The privacy rule established several individual privacy rights. First, it established a new federal legal right for individuals to see and obtain a copy of their own PHI in the form or format requested by the individual, if it is readily producible in such form or format. If not, then the information must be provided in hard copy or such form or format as agreed to by the covered entity and the individual. The covered entity can impose reasonable, cost-based fees for providing the information. Second, the rule gives individuals the right to amend or supplement their own PHI. The covered entity must act on an individual's request for amendment within 60 days of receiving the request. That deadline may be extended up to 30 days. Third, individuals have the right to request that a covered entity restrict the use and disclosure of their PHI for the purposes of treatment, payment, or health care operations. However, the covered entity is not required to agree to such a restriction unless it has entered into an agreement to restrict, in which case it must abide by the agreement. Finally, individuals have the right to an accounting of disclosures of their PHI by a covered entity during the previous six years, with certain exceptions. For example, a covered entity is not required to provide an accounting of disclosures that have been made to carry out treatment, payment, and health care operations.

The privacy rule incorporates a minimum necessary standard. Whenever a covered entity uses or discloses PHI or requests such information from another covered entity, it must make reasonable efforts to limit the information to the minimum necessary to accomplish the intended purpose of the use or disclosure. There are a number of circumstances in which the minimum necessary standard does not apply; for example, disclosures to or requests by a health care provider for treatment purposes. The rule also permits the disclosure of a ''limited data set'' for certain specified purposes (e.g., research), pursuant to a data use agreement with the recipient. A limited data set, while not meeting the rule's definition of de-identified information (see below), has most direct identifiers removed and is considered by HHS to pose a low privacy risk.

House Bill

The House bill would give individuals the right to receive an electronic copy of their PHI, if it is maintained in an electronic health record. Any associated fee charged by the covered entity could only cover its labor costs for providing the electronic copy. The bill would require a health care provider to honor a patient's request that the PHI regarding a specific health care item or service not be disclosed to a health plan for purposes of payment or health care operations, if the patient paid out-of-pocket in full for that item or service. The House bill also would give an individual the right to receive an accounting of PHI disclosures made by covered entities or their business associates for treatment, payment, and health care operations during the previous three years, if the disclosures were through an electronic health record. Within 18 months of adopting standards on accounting of disclosures (as required under PHSA Section 3002, as added by Section 4101 of this Act), the Secretary would be required to issue regulations on what information shall be collected about each disclosure. For current users of electronic health records, the accounting requirements would apply to disclosures made on or after January 1, 2014. For covered entities yet to acquire electronic health records, the accounting requirements would apply to disclosures on or after January 1, 2011, or the date of electronic health record acquisition, whichever is later.

The House bill would require covered entities to limit the use, disclosure, or, request of PHI, to the extent practicable, to a limited data set or, if needed, to the minimum necessary to accomplish the intended purpose of such use, disclosure, or request. This requirement would sunset at such a time as the Secretary issues guidance on what constitutes minimum necessary. The Secretary would have 18 months to issue such guidance. In addition, the bill would clarify that the entity disclosing the PHI (as opposed to the requester) makes the minimum necessary determination. The HIPAA privacy rule's exceptions to the minimum necessary standard would continue to apply.

Within 18 months of enactment, the Secretary would be required to issue regulations to eliminate from the definition of health care operations those activities that can reasonably and efficiently be conducted with de-identified information or that should require authorization for the use or disclosure of PHI.

The House bill would prohibit the sale of PHI by a covered entity or business associate without patient authorization except in certain specified circumstances, such as to recoup the costs of preparing and transmitting data for public health or research activities (as defined in the HIPAA privacy rule), or to provide an individual with a copy of his or her PHI. Within 18 months of enactment, the Secretary would be required to issue regulations governing the sale of PHI.

Finally, the House bill specifies that none of its provisions would constitute a waiver of any health privacy privilege otherwise applicable to an individual.

Senate Bill

The Senate bill includes all the same provisions as the House bill, other than the final provision protecting an individual's health privacy privileges, but with the following additional language: (1) in developing guidance on what constitutes minimum necessary, the Secretary would be required to take into consideration the information necessary to improve patient outcomes and to manage chronic disease; (2) in developing regulations on the accounting of disclosures through an EHR, the Secretary would be required to take into account an individual's interest in learning when the PHI was disclosed and to whom, as well as the cost of accounting for such disclosures; (3) regarding the definition of health care operations, the Secretary would be required to review and evaluate the definition and, to the extent necessary, eliminate those activities that could reasonably and efficiently be conducted using de-identified information or that should require authorization; (4) the Secretary could not require the use of de-identified information or

require authorization for the use and disclosure of information for activities within a covered entity that are described in paragraph one of the definition of health care operations; and (6) in developing regulation governing the sale of PHI, the Secretary would be required to evaluate the impact of charging an amount to cover the costs of preparing and transmitting data for public health or research activities.

Conference Agreement

The conference agreement maintains most of these provisions but makes small modifications. The conference agreement takes the Senate changes on issuing guidance on what constitutes minimum necessary and what factors have to be considered. The conference agreement requires an accounting of disclosures but has a longer timeframe for allowing providers to come into compliance with this requirement than the House bill and shorter than the Senate bill. The requirement to account for disclosures under this section is prospective. For example, a covered entity that acquires an electronic health record as of June 30, 2012 would be required to account for disclosures made through that electronic health record as of June 30, 2012 and forward. The covered entity would be required to retain that accounting for a period of three years. Thus, if an individual requested an accounting for disclosures on June 30, 2015, the covered entity would be required to provide that accounting for the period of June 30, 2012 to June 30, 2015, with respect to such individual, consistent with the requirements of Section 13405. However, if an individual requested an accounting of disclosures on June 30, 2013, the covered entity would be required to provide such accounting only for the period of June 30, 2012 to June 30, 2013.

Section 13405(c)(4) of the Senate-passed bill included a provision allowing the imposition of a reasonable fee for the accounting for disclosures required under this Section. However, this statutory provision was duplicative of an existing provision under 45 CFR 164.528(c)(2) which already allows for the imposition of a reasonable fee for providing such accounting, so the provision from the Senate passed bill was struck.

The conference agreement strikes the provision requiring the Secretary to review the definition of health care operations. The conference agreement permits the sale of protected health information in cases of research but only limited to costs of preparing and transmitting data. It also permits the sale of protected health information for public health activities the Secretary is required to study and determine whether costs should be limited. The conference agreement allows an individual to request their health information in an electronic format if it is maintained in such a format for a reasonable cost based fee as it was in the House and Senate bills. The conference agreement permits the individual to designate that the information be sent to another entity or person. Finally, the conference agreement specifies that none of its provisions would constitute a waiver of any health privacy privilege otherwise applicable to an individual, but moves this provision to section 13421 Relationship to Other Laws.

Conditions of Certain Contacts as Part of Health Care Operations. (House bill Sec. 4406; Senate bill Sec. 13406; Conference agreement Sec. 13406)

Current Law

Generally, covered entities may use and disclose health information for the purpose of treatment, payment, and other health care operations without the individual's authorization and with few restrictions. Health care operations are broadly defined to include quality assessment and improvement activities, case management and care coordination, evaluation of health care professionals, underwriting, legal services, business planning, customer services, grievance resolution, and fundraising.

Under the Privacy Rule promulgated pursuant to HIPAA, a covered entity may not disclose health information to a third party (e.g., pharmaceutical company), in exchange for direct or indirect remuneration, for the marketing activities of the third party without first obtaining a patient's authorization. Similarly, a covered entity may not use or disclose health information for its own marketing activities without authorization. Marketing is defined as a communication about a product or service that encourages the recipient to purchase or use the product or service. However, communications made by a covered entity (or its business associate) to encourage a patient to purchase or use a health care-related product or service are excluded from this definition and, therefore, do not require the patient's authorization, even if the covered entity is paid by a third party to engage in such activities.

House Bill

The House bill would clarify that a marketing communication by a covered entity or business associate about a product or service that encourages the recipient to purchase or use the product or service may not be considered a health care operation, unless the communication relates to a health care-related product or service. Further, it would prohibit a covered entity or business associate from receiving direct or indirect payment for marketing a health care-related product or service without first obtaining the recipient's authorization. Business associates would be permitted to receive payment from a covered entity for making any such communication on behalf of the covered entity that is consistent with the contract. Fundraising using a patient's protected health information would not be permitted without a patient's authorization.

Senate Bill

Like the House bill, the Senate bill would clarify that a marketing communication by a covered entity or business associate about a product or service that encourages the recipient to purchase or use the product or service may not be considered a health care operation, unless the communication relates to a health care-related product or service. Further, the Senate bill states that a communication about a health care-related product or service would be permitted as a healthcare operation including where the covered entity receives payment for making the communications where (1) the communication only describes a health care item or service previously prescribed for or administered to the recipient, or (2) the covered entity or business associate obtains authorization. Finally, the Senate bill does not include the House provision on fundraising.

Conference Agreement

The conference agreement retains the general rules about marketing in both the House and Senate bills. The conference report makes an exception and allows providers to be paid reasonable fees as determined by the Secretary to make a communication to their patients about a drug or biologic that the patient is currently prescribed. The conference agreement continues to permit fundraising activities by the provider using a patient's protected health information so long as any written fundraising provide an opportunity to opt out of future fundraising communications. If the recipient chooses to opt out of future fundraising communications, that choice is treated as a revocation of authorization under 45 CFR 164.508. All the protections that apply under 45 CFR 164.508 to an individual who has revoked an authorization would thus apply to a recipient of communications who chooses to opt out of receiving future fundraising communications, including the right not to be denied treatment as a result of making that choice.

Temporary Breach Notification Requirement for Vendors of Personal Health Records and Other Non-HIPAA Covered Entities. (House bill Sec. 4407; Senate bill Sec. 13407; Conference agreement Sec. 13407)

Current Law

There is no Federal law that requires entities to notify individual when their health information has been breached.

House Bill

The House bill would require personal health record (PHR) vendors and entities offering products and services through a PHR vendor's website, upon discovery of a breach of security of unsecured PHR health information, to notify the individuals impacted and the FTC. Further, third party service providers that provide services to PHR vendors and to other entities offering products and services through a PHR vendor's website and, as a result, that handle unsecured PHR health information would, following the discovery of a breach of security of such information, be required to notify the vendor or other entity. The requirements in Section 4402 for the content and timeliness of notifications also would apply to this section. Unsecured PHR health information means PHR health information that is not protected through the use of a technology or methodology specified by the Secretary in guidance issued pursuant to Section 4402.

The FTC would be required to notify HHS of any breach notices it received and would given enforcement authority regarding such breaches of unsecured PHR health information. Within 180 days, the Secretary would be required to issue interim final regulations to implement this section. The provisions in the section would apply to breaches discovered no sooner than 30 days after the regulations are published. The provisions in this section would no longer apply to breaches occurring after HHS or FTC had adopted new privacy and security standards for non-HIPAA covered entities, including requirements relating to breach notification.

Senate Bill

The Senate bill includes the same provisions.

Conference Agreement

The conference agreement is the same as the House and Senate language with minor clarifications. The conference agreement requires the FTC issue regulations as opposed to the Secretary of HHS. The conference agreement applies the breach notification provision to entities that access and receive health information to and from a personal health record.

Business Associate Contracts Required for Certain Entities. (House bill Sec. 4408; Senate bill Sec. 13408; Conference agreement Sec. 13408)

Current Law

A covered entity (a provider, health plan, of clearinghouse) is permitted to disclose

health information to a business associate or to allow a business associate to create or receive health information on its behalf, provided the covered entity receives satisfactory assurance in the form of a written contract that the business associate will appropriately safeguard the information. Current law does not explicitly include or exclude regional health information exchanges, regional health information organizations, and others offering personal health records for a covered entity from regulation under the Privacy Rule promulgated under HIPAA.

House Bill

The House bill requires organizations that contract with covered entities for the purpose of exchanging electronic health information, for example, Health Information Exchanges, Regional Health Information Organizations (RHIOs), and PHR vendors that offer their products through or for a provider or health plan, to have business associate contracts with those providers or health plans.

Senate Bill

Same provision.

Conference Agreement

Same provision.

Clarification of Application of Wrongful Disclosures Criminal Penalties. (House bill Sec. 4409; Senate bill Sec. 13409; Conference agreement Sec. 13409)

Current Law

The HIPAA criminal penalties include fines of up to $250,000 and up to 10 years in prison for disclosing or obtaining health information with the intent to sell, transfer or use it for commercial advantage, personal gain, or malicious harm. In July 2005, the Justice Department Office of Legal Counsel (OLC) addressed which persons may be prosecuted under HIPAA and concluded that only a covered entity could be criminally liable.

House Bill

The House bill clarifies that criminal penalties for wrongful disclosure of PHI apply to individuals who without authorization obtain or disclose such information maintained by a covered entity, whether they are employees or not.

Senate Bill

Same provision.

Conference Agreement

Same provision.

Improved Enforcement. (House bill Sec. 4410; Senate bill Sec. 13410; Conference agreement Sec. 13410)

Current Law

HIPAA authorized the Secretary to impose civil monetary penalties on any person failing to comply with the privacy and security standards. The maximum civil fine is $100 per violation and up to $25,000 for all violations of an identical requirement or prohibition during a calendar year. Civil monetary penalties may not be imposed if (1) the violation is a criminal offense under HIPAA's criminal penalty provisions (see below); (2) the person did not have actual or constructive knowledge of the violation; or (3) the failure to comply was due to reasonable cause and not to willful neglect, and the failure to comply was corrected during a 30-day period beginning on the first date the person liable for the penalty knew, or by exercising reasonable diligence would have known, that the failure to comply occurred. For certain wrongful disclosures of PHI, OCR may refer the case to the Department of Justice for criminal prosecution. HIPAA's criminal penalties include fines of up to $250,000 and up to 10 years in prison for disclosing or obtaining health information with the intent to sell, transfer or use it for commercial advantage, personal gain, or malicious harm.

House Bill

The House bill would amend HIPAA to permit OCR to pursue an investigation and the imposition of civil monetary penalties against any individual for an alleged criminal violation of the Privacy and Security Rule of HIPAA if the Justice Department had not prosecuted the individual. In addition, the bill would amend HIPAA to require a formal investigation of complaints and the imposition of civil monetary penalties for violations due to willful neglect. The Secretary would be required to issue regulations within 18 months to implement those amendments. The bill also would require that any civil monetary penalties collected be transferred to OCR to be used for enforcing the HIPAA privacy and security standards. Within 18 months of enactment, GAO would be required to submit recommendations for giving a percentage of any civil monetary penalties collected to the individuals harmed. Based on those recommendations, the Secretary, within three years of enactment, would be required to establish by regulation a methodology to distribute a percentage of any collected penalties to harmed individuals.

The House bill would increase and tier the penalties for violations of HIPAA. It would preserve the current requirement that a civil fine not be imposed if the violation was due to reasonable cause and was corrected within 30 days.

Finally, the House bill would authorize State Attorneys General to bring a civil action in Federal district court against individuals who violate the HIPAA privacy and security standards, in order to enjoin further such violation and seek damages of up to $100 per violation, capped at $25,000 for all violations of an identical requirement or prohibition in any calendar year. State action against a person would not be permitted if a federal civil action against that same individual was pending. Nothing in this section would prevent OCR from continuing to use corrective action without a penalty in cases where the person did not know, and by exercising reasonable diligence would not have known, about the violation.

Senate Bill

Same provision.

Conference Agreement

Same provision.

Audits. (House bill Sec. 4411; Senate bill Sec. 13411; Conference agreement Sec. 13411)

Current Law

The Secretary is authorized to conduct compliance reviews to determine whether covered entities are complying with HIPAA standards.

House Bill

The House bill would require the Secretary to perform periodic audits to ensure compliance with the Privacy and Security Rule promulgated pursuant to HIPAA and the requirements of this subtitle.

Senate Bill

Same provision.

Conference Agreement

Same provision.

Special Rule for Information to Reduce Medication Errors and Improve Patient Safety. (House bill Sec. 4412)

Current Law

Under the privacy rule, communications made by a covered entity (or its business associate) to encourage a patient to purchase or use a health care-related product or service are excluded from the definition of marketing and, therefore, do not require the patient's authorization, even if the covered entity is paid by a third party to engage in such activities.

House Bill

The House bill states that none of the privacy provisions in the bill would prevent a pharmacist from communicating with patients to reduce medication errors and improve patient safety provided there is no remuneration other than for treatment of the individual and payment for such treatment. The Secretary would be permitted by regulation to allow pharmacists to receive reasonable, cost-based payment for such communications, if it is determined that this would improve patient care and protect PHI.

Senate Bill

Tile Senate bill does not include this same provision, but has corresponding limitation in section 13406 of the Senate bill.

Conference Agreement

The conference agreement does not include this same provision, but has corresponding limitations in section 13406.

PART H—RELATIONSHIP TO OTHER LAWS; REGULATORY REFERENCES; EFFECTIVE DATE; REPORTS

Relationship to Other Laws. (House bill Sec. 4421; Senate bill Sec. 13421; Conference agreement Sec. 13421)

Current Law

Under Section 1178 of the Social Security Act, as amended by HIPAA, the security standards preempt any contrary provision of state law, with certain specified exceptions (e.g., public health reporting). Pursuant to HIPAA Section 264, however, the privacy rule does not preempt a contrary provision of state law that is more protective of patient medical privacy. Psychotherapy notes (i.e., notes recorded by a mental health professional during counseling) are afforded special protection under the privacy rule. Almost all uses and disclosures of such information require patient authorization.

House Bill

The House bill would apply the preemption provisions in SSA Section 1178 to the requirements of this subtitle and preserve the HIPAA privacy and security standards to the extent that they are consistent with the subtitle. The Secretary would be required by rulemaking to amend such standards as necessary to make them consistent with this subtitle.

Senate Bill

The Senate bill includes the same provisions; with the additional requirement that the Secretary revise the definition of psychotherapy notes to include test data that are part of a mental health evaluation.

Conference Agreement

The conference agreement takes language from the House bill. The provision related to psychotherapy notes is moved in the conference report.

Regulatory References. (House bill Sec. 4422; Senate bill Sec. 13422; Conference agreement Sec. 13422)

Current Law

No provision.

House Bill

The House bill states that each reference in this subtitle to a federal regulation refers to the most recent version of the regulation.

Senate Bill

Same provision.

Conference Agreement

Same provision.

Effective Date. (House bill Sec. 4423; Senate bill Sec. 13423; Conference agreement Sec. 13423)

Current Law

No provision.

House Bill

Except as otherwise specifically provided, the provisions in this subtitle would become effective 12 months after enactment.

Senate Bill

Same provision.

Conference Agreement

Same provision.

Studies, Reports, Guidance. (House bill Sec. 4424; Senate bill Sec. 13424; Conference agreement Sec. 13424)

Current Law

Any person who believes a covered entity is not complying with the privacy rule may file a complaint with HHS. The rule authorizes the Secretary to conduct investigations to determine whether covered entities are in compliance. HIPAA does not require the Secretary to issue a compliance report.

The HIPAA Administrative Simplification standards apply to individual and group health plans that provide or pay for medical care; health care clearinghouses (i.e., entities that facilitate and process the flow of information between health care providers and payers); and health care providers. In addition, the privacy and security standards apply to business associates with whom covered entities share health information. They do not apply directly to other entities that collect and maintain health information, including Health Information Exchanges, RHIOs, and PHR vendors, unless they are acting as providers or plans.

The HIPAA standards are intended to protect individually identifiable health information; de-identified information is not subject to the regulations. Under the privacy rule, health information is de-identified if 18 specific identifiers (e.g., name, social security number, address) have been removed, or if a qualified statistician, using accepted principles, determines that the risk if very small that the individual could be identified.

Generally, plans and providers may use and disclose health information for the purpose of treatment, payment, and other health care operations without the individual's authorization and with few restrictions. Covered entities may, but are not required, to obtain an individual's general consent to use or disclose PHI for treatment, payment, or health care operations.

House Bill

The Secretary would be required annually to submit to specified Congressional Committees and post online a compliance report containing information on (1) the number and nature of complaints of alleged violations and how they were resolved, including the imposition of civil fines, (2) the number of covered entities receiving technical assistance in order to achieve compliance, as well as the types of assistance provided, (3) the number of audits performed and a summary of their findings, and (4) the Secretary's plan for the following year for improving compliance with and enforcement of the HIPAA standards and the provisions of this subtitle.

The House bill would require the Secretary, within one year and in consultation with the Federal Trade Commission (FTC), to study the application of health information privacy and security requirements (including breach notification) to non-HIPAA covered entities and report the findings to specified House (Ways and Means, Energy and Commerce) and Senate (Finance, HELP) Committees. The report should include an examination of PHR vendors and other entities that offer products and services through the websites of PHR vendors and covered entities, provide a determination of which federal agency is best equipped to enforce new requirements for non-HIPAA covered entities, and include a time frame for implementing regulations.

The House bill would require the Secretary, within one year of enactment and in consultation with stakeholders, to issue guidance on how best to implement the HIPAA privacy rule's requirements for de-identifying PHI.

The House bill would require GAO, within one year, to report to the House Ways and Means and Energy and Commerce Committees and the Senate Finance Committee on best practices related to the disclosure of PHI among health care providers for the purpose of treatment. The report must include an examination of practices implemented by states and other entities, such as health information exchanges, and how those practices improve the quality of care, as well as an examination of the use of electronic informed consent for disclosing PHI for treatment, payment, and health care operations.

Senate Bill

The Senate bill includes the same provisions, with the additional requirement that GAO, within one year, report to Congress and the Secretary on the impact of the bill's privacy provisions on health care costs.

Conference Agreement

The conference agreement maintains most all study language and add a study to requires the Secretary to review the definition of ''psychotherapy notes'' with regard to including test data that are part of a mental health evaluation. The Secretary may revise the definition by regulation based on the recommendations of the study. In addition, the conference agreement broadened the study added by the Senate on the impact of the bill's privacy provisions on health care costs. It requires the GAO to study all impact of all the provisions of the HITECH Act on health care costs, adoption of electronic health record by providers, and reductions in medical errors and other quality improvements.

TITLE XIV—STATE FISCAL STABILIZATION FUND

DEPARTMENT OF EDUCATION

STATE FISCAL STABILIZATION FUND

The conference agreement provides $53,600,000,000 for a State Fiscal Stabilization Fund, instead of $79,000,000,000 as provided by the House and $39,000,000,000 as provided by the Senate. The conference agreement makes the entire amount available upon enactment of the bill as proposed by the Senate. House bill designated half of these funds to become available on July 1, 2009, and half of the funds to become available on July 1, 2010. The economic recovery bill includes these funds in order to provide fiscal relief to the States to prevent tax increases and cutbacks in critical education and other services.

GENERAL PROVISIONS—THIS TITLE

ALLOCATIONS

The conference agreement provides that up to one-half of 1 percent of the State Fiscal Stabilization Fund is allocated to the outlying areas, based on their respective needs; an additional $14,000,000 is allocated to the Department of Education for administration, oversight, and evaluation; and $5,000,000,000 is reserved for the Secretary of Education for State Incentive Grants and an Innovation Fund. The agreement provides that any remaining funds shall be allocated to States on the following basis: 61 percent based on population ages 5 through 24 and 39 percent based on total population. The House and Senate included similar provisions, except that the House bill provided $15,000,000,000 and the Senate bill provided $7,500,000,000 for State Incentive Grants and an Innovation Fund.

STATE USES OF FUNDS

The conference agreement requires Governors to use 81.8 percent of their State allocations to support elementary, secondary, and higher education. Funding received must first be used to restore State aid to school districts under the State's primary elementary and secondary education funding formulae to the greater of the fiscal year 2008 or 2009 level in each of fiscal years 2009, 2010, and 2011, and, where applicable, to allow existing formula increases for elementary and secondary education for fiscal years 2010 and 2011 to be implemented; and to restore State support to public institutions of higher education to the greater of the fiscal year 2008 or fiscal year 2009 level, to the extent feasible given available Stabilization funds. Any remaining education funds must be allocated to school districts based on the Federal Title I formula. The conference agreement also provides that Governors shall use 18.2 percent of State allocations for public safety and other government services, which may include education services. These funds may also be used for elementary, secondary, and higher education modernization, renovation and repair activities that are consistent with State laws. The agreement also provides that Governors shall consider for modernization funding any institution of higher education in the State that meets certain criteria.

The House and Senate bills contained similar provisions, except that the House bill did not provide for Stabilization funds to be used for existing formula increases for elementary and secondary education for fiscal years 2010 and 2011, while the Senate bill did not provide Stabilization funds for a Governor's discretionary fund for public safety and other government services. Neither House nor Senate bill provided for the use of these funds for facility modernization activities.

USES OF FUNDS BY LOCAL EDUCATIONAL AGENCIES

The conference agreement provides that school districts receiving Stabilization funds may only use the funds for activities authorized under the Elementary and Secondary Education Act (ESEA), the Individuals with Disabilities Act (IDEA), the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins), and for school modernization, renovation, and repair of public school facilities (including charter schools), which may include modernization, renovation, and repairs consistent with a recognized green building rating system. School district modernization activities must be consistent with State laws.

The House and Senate bills included similar provisions, except that neither bill permitted funds for capital projects unless authorized under ESEA, IDEA, or the Perkins Act.

USES OF FUNDS BY INSTITUTIONS OF HIGHER EDUCATION

The conference agreement provides that public institutions of higher education receiving Stabilization funds must use these

funds for educational and general expenditures, and in such a way as to mitigate the need to raise tuition and fees, or for modernization, renovation, or repairs of facilities that are primarily used for instruction, research, or student housing. Use of funds for endowments and certain types of facilities such as athletic stadiums are prohibited. The House and Senate bills included similar provisions, except that neither bill permitted funds for higher education modernization, renovation, or repair projects.

STATE APPLICATIONS

The conference agreement requires that Governors shall submit applications in order to receive Stabilization funds, which shall include certain assurances, provide baseline data regarding each of the areas described in such assurances, and describe how States intend to use their allocations. Such assurances shall include that the State will: in each of fiscal years 2009, 2010, and 2011, maintain State support for elementary, secondary, and public postsecondary education at least at the levels in fiscal year 2006, and address 4 key areas: (1) achieve equity in teacher distribution, (2) establish a longitudinal data system that includes the elements described in the America COMPETES Act, (3) enhance the quality of academic assessments relating to English language learners and students with disabilities, and improve State academic content standards and student academic achievement standards, and (4) ensure compliance with corrective actions required for low-performing schools. The agreement further provides that, in order to receive an Incentive Grant, a Governor shall: submit an application that describes the State's progress in each of the assurances and how the State would use grant funding to continue making progress toward meeting the State's student academic achievement standards. The House and Senate bills contained similar provisions, except both bills included slightly difference requirements pertaining to assurances.

STATE INCENTIVE GRANTS

The conference agreement authorizes the Secretary of Education to award, in fiscal year 2010, Incentive Grants to States that have made significant progress in achieving equity in teacher distribution, establishing a longitudinal data system, and enhancing assessments for English language learners and students with disabilities. Each State receiving an Incentive Grant shall use at least 50 percent of its grant to provide school districts with subgrants based on their most recent relative Title I allocations. The House and Senate bills included similar provisions.

INNOVATION FUND

The conference agreement authorizes up to $650,000,000 for an Innovation Fund, awarded by the Secretary of Education, which shall consist of academic achievement awards to recognize school districts, or partnerships between nonprofit organizations and State educational agencies, school districts, or one or more schools that have made achievement gains. The House and Senate bills included similar provisions.

STATE REPORTS

The conference agreement requires that a State receiving Stabilization funds shall submit an annual report to the Secretary describing the uses of funds provided within the State; the distribution of funds received; the number of jobs saved or created; tax increases averted; the State's progress in reducing inequities in the distribution of highly-qualified teachers, developing a longitudinal data system, and implementing valid assessments; actions taken to limit tuition and fee increases at public institutions of higher education; and the extent to which public institutions of higher education maintained, increased, or decreased enrollments of in-State students. The House and Senate bills included similar provisions.

EVALUATION

The conference agreement requires the Government Accountability Office to conduct evaluations of the programs under this title, which shall include, but not be limited to, the impact of the funding provided on the progress made toward closing achievement gaps. The House and Senate bills included identical provisions.

SECRETARY'S REPORT TO CONGRESS

The conference agreement provides that the Secretary of Education shall submit a report to certain committees of the House of Representatives and the Senate that evaluates the information provided in the State reports submitted under section 14008. The House and Senate bills included identical provisions.

PROHIBITION ON PROVISION OF CERTAIN ASSISTANCE

The conference agreement provides that no recipient of funds under this title shall use such funds to provide financial assistance to students to attend private elementary or secondary schools, except provided in section 14003. The House and Senate bills included similar provisions, although the House bill did not include such exception.

FISCAL RELIEF

The conference agreement provides that the Secretary of Education may waive or modify any requirement of this title relating to maintenance of effort, for States and school districts that have experienced a precipitous decline in financial resources. In granting such a waiver, the Secretary shall determine that the State or school district will maintain the proportionate share of total revenues for elementary and secondary education as in the preceding fiscal year. The House bill did not include a similar provision. The Senate bill included different provisions to waive maintenance of effort and the use of Federal funds to supplement, not supplant, non-Federal funds.

DEFINITIONS

The conference agreement defines certain terms used in this title. The House and Senate bills included nearly identical provisions.

TITLE XV—ACCOUNTABILITY AND TRANSPARENCY

Sec. 1501. Definitions.—The conference agreement includes a section providing various definitions for purposes of this title, as proposed by the Senate.

SUBTITLE A—TRANSPARENCY AND OVERSIGHT REQUIREMENTS

Sec. 1511. Certifications.—With respect to funds under this Act made available to state or local governments for infrastructure investments, the conference agreement requires a certification from the governor, mayor or other chief executive that the project in question has received the full review and vetting required by law and is an appropriate use of taxpayer dollars. This is a modification of provisions contained in both the House and Senate versions of this legislation.

Sec. 1512. Reports on Use of Funds.—The conference agreement requires reporting of various matters by governments and organizations receiving funds from the Federal government under this Act, including amounts received, projects or activities for which the funds are to be used, estimated numbers of jobs created or retained, and information regarding subcontracts and subgrants. This is a modification of provisions in the House and Senate bills.

Sec. 1513. Reports of the Council of Economic Advisors.—The conference report requires quarterly reports from the Council of Economic Advisors regarding the estimated impact of this Act on employment, economic growth, and other key economic indicators. Similar provisions were proposed by the House and the Senate.

Sec. 1514. Inspector General Reviews.—The conference report includes a modified version of a House provision requiring agency inspectors general to review any concerns raised by the public about specific investments using funds made available in this Act, and to relay findings of their reviews to the head of the agency concerned. Subsection (b) of the House provision, relating to inspector general access to records, has been deleted because the matter is addressed more comprehensively in section 1515 of the conference report.

Sec. 1515. Inspector General Access to Records.—The agreement includes a modification of a House provision authorizing agency inspectors general to examine records and interview employees of contractors and grantees receiving funds under this Act. The House provision related only to contractors but applied to the Government Accountability Office (GAO) as well as inspectors general. GAO access is addressed in a separate provision in the Legislative Branch title of this conference report.

SUBTITLE B—RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD

Sec. 1521. Establishment of Board.—The conference agreement, like the House and Senate bills, establishes a Recovery Accountability and Transparency Board to coordinate and conduct oversight of Federal spending under this Act to prevent fraud, waste, and abuse.

Sec. 1522. Composition of Board.—The conference agreement specifies that the Board shall be chaired by an individual to be designated by the President, and shall consist of inspectors general of certain specified agencies and such others as the President may designate. This is quite similar to the Senate provision. The House version called for a somewhat smaller Board chaired by the President's Chief Performance Officer and made up of a combination of inspectors general and agency deputy secretaries.

Secs. 1523 through 1525. Board Functions, Powers and Personnel.—These sections of the conference report, which generally follow the Senate provisions, set out the functions and powers of the Board and provide various authorities related to personnel, details, and information and assistance from other Federal agencies.

Sec. 1526. Board Website.—The conference report requires the Board to establish a website to foster greater accountability and transparency in use of funds in this Act, and specifies a number of categories of information to be posted on that website. This is a modification of language from both the House and the Senate.

Sec. 1527. Independence of Inspectors General.—Like the House and Senate bills, the conference report specifies that it is not intended to affect the independent authority of inspectors general as to whether to conduct audits or investigations of funds under this Act, but requires an inspector general (IG)

which rejects a Board recommendation regarding investigations to submit a report to the Board, the agency head, and congressional committees stating the reasons for that action. The conference report adds language clarifying that the decision of an IG is to be final.

Sec. 1529. Authorization of Appropriations.—The conference report, like the Senate bill, authorizes appropriations of such sums as may be necessary for the Board. The House version did not contain an explicit authorization, but did make an appropriation. In the conference report, an appropriation for the Board is contained in the Financial Services and General Government title.

The conferees note that funding appropriated to the Board will support activities related to accountability, transparency, and oversight of spending under the Act. ''Funds may be transferred to support the operations of the Recovery Independent Advisory Panel established under section 1541 of the Act and for technical and administrative services and support provided by the General Services Administration.µ Funds may also be transferred to the Office of Management and Budget for coordinating and overseeing the implementation of the reporting requirements established under section 1526 of the Act.''

Sec. 1530. Termination of the Board.—The conference report terminates the Board on September 30, 2013—one year later than proposed by the Senate. The House proposed to terminate the Board 1 year after 90 percent of funds appropriated in this Act have been spent.

SUBTITLE C—RECOVERY INDEPENDENT ADVISORY PANEL

Secs. 1541 through 1546. Independent Advisory Panel.—Like both the House and Senate bills, the conference report establishes an Independent Advisory Panel to advise the Board. The conference report is very similar to the Senate version.

SUBTITLE D—ADDITIONAL ACCOUNTABILITY AND TRANSPARENCY REQUIREMENTS

Sec. 1551. Authority To Establish Separate Funding Accounts.—The conference agreement contains new language requiring funds appropriated in this Act to be made available in separate Treasury accounts to facilitate tracking of these funds, unless a waiver is granted by the Director of the Office of Management and Budget.

Sec. 1552. Set-Aside for State and Local Government Reporting and Recordkeeping.—The conference agreement includes new language allowing agencies, after notice and comment rulemaking, to reasonably adjust limits on administrative expenditures for Federal grants to help recipients defray costs of data collection requirements under this Act.

Sec. 1553. Protecting State and Local Government and Contractor Whistleblowers.—The conference agreement includes language providing new protections against reprisals for employees of State and local governments or private contractors who disclose to Federal officials information reasonably believed to be evidence of gross mismanagement, gross waste, or violations of law related to contracts or grants using funds in this Act. This is a modification of provisions appearing in both versions of the legislation. Among other things, the conference version modifies time limits on investigations of complaints and clarifies the burden of proof required to establish violations.

Sec. 1554. Special Contracting Provisions.—The conference report includes a modification of a provision proposed by the House specifying that, to the maximum extent feasible, contracts using funds in this Act shall be awarded as fixed-price contracts and through competitive procedures.

Protection for Federal Whistleblowers.—The conference report does not include language proposed by the House relating to protections for Federal employee whistleblowers.

TITLE—XVI GENERAL PROVISIONS—THIS ACT

Section 1601 provides that each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved. Further, enactment of this Act shall have no effect on the availability of amounts under the continuing resolution for fiscal year 2009.

Section 1602 provides for quick-start activities. For infrastructure investment funds, recipients of funds provided in this Act should give preference to activities that can be started and completed expeditiously, with a goal of using at least 50 percent for activities that can be initiated within 120 days of enactment. Also recipients should use grant funds in a manner that maximizes job creation and economic benefit.

Section 1603 provides that funds appropriated in this Act shall be available until September 30, 2010, unless expressly provided otherwise in this Act.

Section 1604 prohibits the use of funds for particular activities.

Section 1605 provides for the use of American iron, steel and manufactured goods, except in certain instances. Section 1605(d) is not intended to repeal by implication the President's authority under Title III of the Trade Agreements Act of 1979. The conferees anticipate that the Administration will rely on the authority under 19 U.S.C. 2511(b) to the extent necessary to comply with U.S. obligations under the WTO Agreement on Government Procurement and under U.S. free trade agreements and so that section 1605 will not apply to least developed countries to the same extent that it does not apply to the parties to those international agreements. The conferees also note that waiver authority under section 2511(b)(2) has not been used.

Section 1606 provides for specific wage rate requirements. All laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal government pursuant to this Act shall be paid not less than the wages prevailing in the locality for similar projects as determined by the Secretary of Labor in accordance with the Davis-Bacon Act.

Section 1607 provides additional funding distribution and assurance of the appropriate use of funds. Not later than 45 days after the enactment of this Act, the governor of each state shall certify that the state will request and use funds provided by this Act to the state and its agencies. If funds made available to a state in any division of this Act are not accepted for use by its governor, then acceptance by the state legislature, by adoption of a concurrent resolution, shall be sufficient to provide funding to the state. After adoption of a concurrent resolution, funding to the State will be for distribution to local governments, councils of governments, public entities, and public-private entities within the State, either by formula or at the State's discretion.

Section 1608 amends section 107(b) of the Emergency Economic Stabilization Act of 2008 (relating to contracting procedures) to include individuals with disabilities and businesses owned by such individuals.

Section 1609 makes various findings regarding the National Environmental Policy Act (NEPA). In addition, this section provides that adequate resources within this Act must be devoted to ensuring that NEPA reviews are completed expeditiously. The President shall report quarterly to the appropriate congressional committees regarding NEPA requirements and documentation for projects funded in this Act.

Section 1610 prohibits the use of funds for contracts and grants not awarded in accordance with the Federal Property and Administration Services Act, or chapter 137 of title 10, United States Code and Federal Acquisition Regulation, or as otherwise authorized by statute. The provision is not intended to override other specific statutory authorizations for procurements, including the Small Business Act and the Javits-Wagner-O'Day Act.

Section 1611 provides that it shall be unlawful for any recipient of funding of Title I of the Emergency Economic Stabilization Act of 2008 or section 13 of the Federal Reserve Act to hire any nonimmigrant described in section 101(a)(15)(h)(i)(b) of the Immigration and Nationality Act unless the recipient is in compliance with the requirements for an.H–1B dependent employer as defined in that Act. This requirement is effective for a two-year period beginning on the date of enactment of this Act.

Section 1612 provides limited transfer authority. The conferees recognize the challenges that the Administration will face in determining how best to respond to the current economic crisis. Accordingly, the Senate and House passed bills each included permissive authority to reprogram or transfer funds within certain agencies and programs to mitigate these concerns.

It is clearly understood that as the Administration attempts to find the best means to respond to the crisis, the priority and utility of different programs could shift. As such, the conferees have agreed to provide authority during current fiscal year for Agency heads to transfer up to 1% of certain funds within their jurisdiction from the amounts provided in this Act. The conferees do not intend for this 1% transfer provision to either nullify or expand upon the transfer authorities provided for selected agencies and programs elsewhere in this Act. The Committees on Appropriations intend to carefully monitor the use of this authority and expect Agency heads to exercise its use in accordance with established reprogramming practices and only after consulting with the Committees on Appropriations before pursuing any transfer.

The conference agreement does not include the following provisions proposed by the House: requirements for timely award of grants; use it or lose it requirements for grantees; set-asides for management and oversight; as these issues' have been addressed, in certain circumstances, within the appropriate appropriating paragraphs. In addition, the conference agreement does not include the following provisions proposed by the House: requirements regarding funding for the State of Illinois; and requirements for participation in E-Verify.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2009 recommended by the Committee of Conference, comparisons to the House and Senate bills for 2009 follow:

[in thousands of dollars]

House bill, fiscal year 2009	361,038,500
Senate bill, fiscal year 2009	289,794,425
Conference agreement, fiscal year 2009	311,197,500
Conference agreement compared with:.	
House bill, fiscal year 2009	−49,841,000
Senate bill, fiscal year 2009	+21,403,075

DIVISION B—TAX, UNEMPLOYMENT, HEALTH, STATE FISCAL RELIEF, AND OTHER PROVISIONS

TITLE I—TAX PROVISIONS

A. TAX RELIEF FOR INDIVIDUALS AND FAMILIES

1. Making Work Pay Credit (sec. 1001 of the House bill, sec. 1001 of the Senate amendment, sec. 1001 of the conference agreement, and new sec. 36A of the Code)

PRESENT LAW

Earned income tax credit

Low- and moderate-income workers may be eligible for the refundable earned income tax credit (''EITC''). Eligibility for the EITC is based on earned income, adjusted gross income, investment income, filing status, and immigration and work status in the United States. The amount of the EITC is based on the presence and number of qualifying children in the worker's family, as well as on adjusted gross income and earned income.

The EITC generally equals a specified percentage of earned income[1] up to a maximum dollar amount. The maximum amount applies over a certain income range and then diminishes to zero over a specified phaseout range. For taxpayers with earned income (or adjusted gross income (''AGI''), if greater) in excess of the beginning of the phaseout range, the maximum EITC amount is reduced by the phaseout rate multiplied by the amount of earned income (or AGI, if greater) in excess of the beginning of the phaseout range. For taxpayers with earned income (or AGI, if greater) in excess of the end of the phaseout range, no credit is allowed.

The EITC is a refundable credit, meaning that if the amount of the credit exceeds the taxpayer's Federal income tax liability, the excess is payable to the taxpayer as a direct transfer payment. Under an advance payment system, eligible taxpayers may elect to receive the credit in their paychecks, rather than waiting to claim a refund on their tax returns filed by April 15 of the following year.

Child credit

An individual may claim a tax credit for each qualifying child under the age of 17. The amount of the credit per child is $1,000 through 2010 and $500 thereafter. A child who is not a citizen, national, or resident of the United States cannot be a qualifying child.

The credit is phased out for individuals with income over certain threshold amounts. Specifically, the otherwise allowable child tax credit is reduced by $50 for each $1,000 (or fraction thereof) of modified adjusted gross income over $75,000 for single individuals or heads of households, $110,000 for married individuals filing joint returns, and $55,000 for married individuals filing separate returns. For purposes of this limitation, modified adjusted gross income includes certain otherwise excludable income earned by U.S. citizens or residents living abroad or in certain U.S. territories.

The credit is allowable against the regular tax and the alternative minimum tax. To the extent the child credit exceeds the taxpayer's tax liability, the taxpayer is eligible for a refundable credit (the additional child tax credit) equal to 15 percent of earned income in excess of a threshold dollar amount (the ''earned income'' formula). The threshold dollar amount is $12,550 (for 2009), and is indexed for inflation.

Families with three or more children may determine the additional child tax credit using the ''alternative formula,'' if this results in a larger credit than determined under the earned income formula. Under the alternative formula, the additional child tax credit equals the amount by which the taxpayer's social security taxes exceed the taxpayer's earned income tax credit.

Earned income is defined as the sum of wages, salaries, tips, and other taxable employee compensation plus net self-employment earnings. Unlike the EITC, which also includes the preceding items in its definition of earned income, the additional child tax credit is based only on earned income to the extent it is included in computing taxable income. For example, some ministers' parsonage allowances are considered self-employment income, and thus are considered earned income for purposes of computing the EITC, but the allowances are excluded from gross income for individual income tax purposes, and thus are not considered earned income for purposes of the additional child tax credit.

HOUSE BILL

In general

The provision provides eligible individuals a refundable income tax credit for two years (taxable years beginning in 2009 and 2010).

The credit is the lesser of (1) 6.2 percent of an individual's earned income or (2) $500 ($1,000 in the case of a joint return). For these purposes, the earned income definition is the same as for the earned income tax credit with two modifications. First, earned income for these purposes does not include net earnings from self-employment which are not taken into account in computing taxable income. Second, earned income for these purposes includes combat pay excluded from gross income under section 112.[2]

The credit is phased out at a rate of two percent of the eligible individual's modified adjusted gross income above $75,000 ($150,000 in the case of a joint return). For these purposes an eligible individual's modified adjusted gross income is the eligible individual's adjusted gross income increased by any amount excluded from gross income under sections 911, 931, or 933. An eligible individual means any individual other than: (1) a nonresident alien; (2) an individual with respect to whom another individual may claim a dependency deduction for a taxable year beginning in a calendar year in which the eligible individual's taxable year begins; and (3) an estate or trust. Each eligible individual must satisfy identical taxpayer identification number requirements to those applicable to the earned income tax credit.

Treatment of the U.S. possessions

Mirror code possessions[3]

The U.S. Treasury will make payments to each mirror code possession in an amount equal to the aggregate amount of the credits allowable by reason of the provision to that possession's residents against its income tax. This amount will be determined by the Treasury Secretary based on information provided by the government of the respective possession. For purposes of these payments, a possession is a mirror code possession if the income tax liability of residents of the possession under that possession's income tax system is determined by reference to the U.S. income tax laws as if the possession were the United States.

Non-mirror code possessions[4]

To each possession that does not have a mirror code tax system, the U.S. Treasury will make two payments (for 2009 and 2010, respectively) in an amount estimated by the Secretary as being equal to the aggregate credits that would have been allowed to residents of that possession if a mirror code tax system had been in effect in that possession. Accordingly, the amount of each payment to a non-mirror Code possession will be an estimate of the aggregate amount of the credits that would be allowed to the possession's residents if the credit provided by the provision to U.S. residents were provided by the possession to its residents. This payment will not be made to any U.S. possession unless that possession has a plan that has been approved by the Secretary under which the possession will promptly distribute the payment to its residents.

General rules

No credit against U.S. income tax is permitted under the provision for any person to whom a credit is allowed against possession income taxes as a result of the provision (for example, under that possession's mirror income tax). Similarly, no credit against U.S. income tax is permitted for any person who is eligible for a payment under a non-mirror code possession's plan for distributing to its residents the payment described above from the U.S. Treasury.

For purposes of the payments to the possessions, the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands are considered possessions of the United States.

For purposes of the rule permitting the Treasury Secretary to disburse appropriated amounts for refunds due from certain credit provisions of the Internal Revenue Code of 1986, the payments required to be made to possessions under the provision are treated in the same manner as a refund due from the credit allowed under the provision.

Federal programs or Federally-assisted programs

Any credit or refund allowed or made to an individual under this provision (including to

[1] Earned income is defined as (1) wages, salaries, tips, and other employee compensation, but only if such amounts are includible in gross income, plus (2) the amount of the individual's net self-employment earnings.

[2] Unless otherwise stated, all section references are to the Internal Revenue Code of 1986, as amended (the ''Code'').

[3] Possessions with mirror code tax systems are the United States Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands.

[4] Possessions that do not have mirror code tax systems are Puerto Rico and American Samoa.

any resident of a U.S. possession) is not taken into account as income and shall not be taken into account as resources for the month of receipt and the following two months for purposes of determining eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

Income tax withholding

Taxpayers' reduced tax liability under the provision shall be expeditiously implemented through revised income tax withholding schedules produced by the Internal Revenue Service. These revised income tax withholding schedules should be designed to reduce taxpayers' income tax withheld for each remaining pay period in the remainder of 2009 by an amount equal to the amount that withholding would have been reduced had the provision been reflected in the income tax withholding schedules for the entire taxable year.

Effective date

The provision applies to taxable years beginning after December 31, 2008.

SENATE AMENDMENT

In general

The Senate is the same as the House bill, except that the credit is phased out at a rate of four percent (rather than two percent) of the eligible individual's modified adjusted gross income above $70,000 ($140,000 in the case of a joint return).

Also, the Senate amendment provides that the otherwise allowable credit allowed under the provision is reduced by the amount of any payment received by the taxpayer pursuant to the provisions of the bill providing economic recovery payments under the Veterans Administration, Railroad Retirement Board, and the Social Security Administration. The provision treats the failure to reduce the credit by the amount of these payments, and the omission of the correct TIN, as clerical errors. This allows the IRS to assess any tax resulting from such failure or omission without the requirement to send the taxpayer a notice of deficiency allowing the taxpayer the right to file a petition with the Tax Court.

Income tax withholding

The Senate amendment also provides for a more accelerated delivery of the credit in 2009 through revised income tax withholding schedules produced by the Department of the Treasury.

Under the Senate amendment, these revised income tax withholding schedules would be designed to reduce taxpayers' income tax withheld for the remainder of 2009 in such a manner that the full annual benefit of the provision is reflected in income tax withheld during the remainder of 2009.

CONFERENCE AGREEMENT

In general

The provision provides eligible individuals a refundable income tax credit for two years (taxable years beginning in 2009 and 2010).

The credit is the lesser of (1) 6.2 percent of an individual's earned income or (2) $400 ($800 in the case of a joint return). For these purposes, the earned income definition is the same as for the earned income tax credit with two modifications. First, earned income for these purposes does not include net earnings from self-employment which are not taken into account in computing taxable income. Second, earned income for these purposes includes combat pay excluded from gross income under section 112.

The credit is phased out at a rate of two percent of the eligible individual's modified adjusted gross income above $75,000 ($150,000 in the case of a joint return). For these purposes an eligible individual's modified adjusted gross income is the eligible individual's adjusted gross income increased by any amount excluded from gross income under sections 911, 931, or 933. An eligible individual means any individual other than: (1) a nonresident alien; (2) an individual with respect to whom another individual may claim a dependency deduction for a taxable year beginning in a calendar year in which the eligible individual's taxable year begins; and (3) an estate or trust.

Also, the conference agreement provides that the otherwise allowable making work pay credit allowed under the provision is reduced by the amount of any payment received by the taxpayer pursuant to the provisions of the bill providing economic recovery payments under the Veterans Administration, Railroad Retirement Board, and the Social Security Administration and a temporary refundable tax credit for certain government retirees.[5] The conference agreement treats the failure to reduce the making work pay credit by the amount of such payments or credit, and the omission of the correct TIN, as clerical errors. This allows the IRS to assess any tax resulting from such failure or omission without the requirement to send the taxpayer a notice of deficiency allowing the taxpayer the right to file a petition with the Tax Court.

Each tax return on which this credit is claimed must include the social security number of the taxpayer (in the case of a joint return, the social security number of at least one spouse).

Treatment of the U.S. possessions

The conference agreement follows the House bill and the Senate amendment.

Federal programs or Federally-assisted programs

The conference agreement follows the House bill and the Senate amendment.

Income tax withholding

The conference agreement follows the Senate amendment.

Effective date

The provision applies to taxable years beginning after December 31, 2008.

2. Increase in the earned income tax credit (sec. 1101 of the House bill, sec. 1002 of the Senate amendment, sec. 1002 of the conference agreement, and sec. 32 of the Code)

PRESENT LAW

Overview

Low- and moderate-income workers may be eligible for the refundable earned income tax credit (''EITC''). Eligibility for the EITC is based on earned income, adjusted gross income, investment income, filing status, and immigration and work status in the United States. The amount of the EITC is based on the presence and number of qualifying children in the worker's family, as well as on adjusted gross income and earned income.

The EITC generally equals a specified percentage of earned income[6] up to a maximum dollar amount. The maximum amount applies over a certain income range and then diminishes to zero over a specified phaseout range. For taxpayers with earned income (or adjusted gross income (AGI), if greater) in excess of the beginning of the phaseout range, the maximum EITC amount is reduced by the phaseout rate multiplied by the amount of earned income (or AGI, if greater) in excess of the beginning of the phaseout range. For taxpayers with earned income (or AGI, if greater) in excess of the end of the phaseout range, no credit is allowed.

An individual is not eligible for the EITC if the aggregate amount of disqualified income of the taxpayer for the taxable year exceeds $3,100 (for 2009). This threshold is indexed for inflation. Disqualified income is the sum of: (1) interest (taxable and tax exempt); (2) dividends; (3) net rent and royalty income (if greater than zero); (4) capital gains net income; and (5) net passive income (if greater than zero) that is not self-employment income.

The EITC is a refundable credit, meaning that if the amount of the credit exceeds the taxpayer's Federal income tax liability, the excess is payable to the taxpayer as a direct transfer payment. Under an advance payment system, eligible taxpayers may elect to receive the credit in their paychecks, rather than waiting to claim a refund on their tax returns filed by April 15 of the following year.

Filing status

An unmarried individual may claim the EITC if he or she files as a single filer or as a head of household. Married individuals generally may not claim the EITC unless they file jointly. An exception to the joint return filing requirement applies to certain spouses who are separated. Under this exception, a married taxpayer who is separated from his or her spouse for the last six months of the taxable year shall not be considered as married (and, accordingly, may file a return as head of household and claim the EITC), provided that the taxpayer maintains a household that constitutes the principal place of abode for a dependent child (including a son, stepson, daughter, stepdaughter, adopted child, or a foster child) for over half the taxable year,[7] and pays over half the cost of maintaining the household in which he or she resides with the child during the year.

Presence of qualifying children and amount of the earned income credit

Three separate credit schedules apply: one schedule for taxpayers with no qualifying children, one schedule for taxpayers with no qualifying child, and one schedule for taxpayers with more than one qualifying child.[8]

Taxpayers with no qualifying children may claim a credit if they are over age 24 and below age 65. The credit is 7.65 percent of earnings up to $5,970, resulting in a maximum credit of $457 for 2009. The maximum is available for those with incomes between

[5] The credit for certain government employees is available for 2009. The credit is $250 ($500 for a joint return where both spouses are eligible individuals). An eligible individual for these purposes is an individual: (1) who receives an amount as a pension or annuity for service performed in the employ of the United States or any State or any instrumentality thereof, which is not considered employment for purposes of Social Security taxes; and (2) who does not receive an economic recovery payment under the Veterans Administration, Railroad Retirement Board, or the Social Security Administration.

[6] Earned income is defined as (1) wages, salaries, tips, and other employee compensation, but only if such amounts are includible in gross income, plus (2) the amount of the individual's net self-employment earnings.

[7] A foster child must reside with the taxpayer for the entire taxable year.

[8] All income thresholds are indexed for inflation annually.

$5,970 and $7,470 ($10,590 if married filing jointly). The credit begins to phase down at a rate of 7.65 percent of earnings above $7,470 ($10,590 if married filing jointly) resulting in a $0 credit at $13,440 of earnings ($16,560 if married filing jointly).

Taxpayers with one qualifying child may claim a credit in 2009 of 34 percent of their earnings up to $8,950, resulting in a maximum credit of $3,043. The maximum credit is available for those with earnings between $8,950 and $16,420 ($19,540 if married filing jointly). The credit begins to phase down at a rate of 15.98 percent of earnings above $16,420 ($19,540 if married filing jointly). The credit is phased down to $0 at $35,463 of earnings ($38,583 if married filing jointly).

Taxpayers with more than one qualifying child may claim a credit in 2009 of 40 percent of earnings up to $12,570, resulting in a maximum credit of $5,028. The maximum credit is available for those with earnings between $12,570 and $16,420 ($19,540 if married filing jointly). The credit begins to phase down at a rate of 21.06 percent of earnings above $16,420 ($19,540 if married filing jointly). The credit is phased down to $0 at $40,295 of earnings ($43,415 if married filing jointly).

If more than one taxpayer lives with a qualifying child, only one of these taxpayers may claim the child for purposes of the EITC. If multiple eligible taxpayers actually claim the same qualifying child, then a tiebreaker rule determines which taxpayer is entitled to the EITC with respect to the qualifying child. Any eligible taxpayer with at least one qualifying child who does not claim the EITC with respect to qualifying children due to failure to meet certain identification requirements with respect to such children (i.e., providing the name, age and taxpayer identification number of each of such children) may not claim the EITC for taxpayers without qualifying children.

HOUSE BILL

Three or more qualifying children

The provision increases the EITC credit percentage for families with three or more qualifying children to 45 percent for 2009 and 2010. For example, in 2009 taxpayers with three or more qualifying children may claim a credit of 45 percent of earnings up to $12,570, resulting in a maximum credit of $5,656.50.

Provide additional marriage penalty relief through higher threshold phase-out amounts for married couples filing joint returns

The provision increases the threshold phase-out amounts for married couples filing joint returns to $5,000[9] above the threshold phase-out amounts for singles, surviving spouses, and heads of households for 2009 and 2010. For example, in 2009 the maximum credit of $3,043 for one qualifying child is available for those with earnings between $8,950 and $16,420 ($21,420 if married filing jointly). The credit begins to phase down at a rate of 15.98 percent of earnings above $16,420 ($21,420 if married filing jointly). The credit is phased down to $0 at $35,463 of earnings ($40,463 if married filing jointly).

Effective date

The provision is effective for taxable years beginning after December 31, 2008.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

[9]The $5,000 is indexed for inflation in the case of taxable years beginning in 2010.

3. Increase of refundable portion of the child credit (sec. 1102 of the House bill, sec. 1003 of the Senate amendment, sec. 1003 of the conference agreement and sec. 24 of the Code)

PRESENT LAW

An individual may claim a tax credit for each qualifying child under the age of 17. The amount of the credit per child is $1,000 through 2010, and $500 thereafter. A child who is not a citizen, national, or resident of the United States cannot be a qualifying child.

The credit is phased out for individuals with income over certain threshold amounts. Specifically, the otherwise allowable child tax credit is reduced by $50 for each $1,000 (or fraction thereof) of modified adjusted gross income over $75,000 for single individuals or heads of households, $110,000 for married individuals filing joint returns, and $55,000 for married individuals filing separate returns. For purposes of this limitation, modified adjusted gross income includes certain otherwise excludable income earned by U.S. citizens or residents living abroad or in certain U.S. territories.

The credit is allowable against the regular tax and the alternative minimum tax. To the extent the child credit exceeds the taxpayer's tax liability, the taxpayer is eligible for a refundable credit (the additional child tax credit) equal to 15 percent of earned income in excess of a threshold dollar amount (the ''earned income'' formula). The threshold dollar amount is $12,550 (for 2009), and is indexed for inflation.

Families with three or more children may determine the additional child tax credit using the ''alternative formula,'' if this results in a larger credit than determined under the earned income formula. Under the alternative formula, the additional child tax credit equals the amount by which the taxpayer's social security taxes exceed the taxpayer's earned income tax credit (''EITC'').

Earned income is defined as the sum of wages, salaries, tips, and other taxable employee compensation plus net self-employment earnings. Unlike the EITC, which also includes the preceding items in its definition of earned income, the additional child tax credit is based only on earned income to the extent it is included in computing taxable income. For example, some ministers' parsonage allowances are considered self-employment income and thus, are considered earned income for purposes of computing the EITC, but the allowances are excluded from gross income for individual income tax purposes and thus, are not considered earned income for purposes of the additional child tax credit.

Any credit or refund allowed or made to an individual under this provision (including to any resident of a U.S. possession) is not taken into account as income and shall not be taken into account as resources for the month of receipt and the following two months for purposes of determining eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

HOUSE BILL

The provision modifies the earned income formula for the determination of the refundable child credit to apply to 15 percent of earned income in excess of $0 for taxable years beginning in 2009 and 2010.

Effective date.—The provision is effective for taxable years beginning after December 31,

SENATE AMENDMENT

The Senate amendment is the same as the House bill except that the refundable child credit is calculated to apply to 15 percent of earned income in excess of $8,100 for taxable years beginning in 2009 and 2010.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment except that the refundable child credit is calculated to apply to 15 percent of earned income in excess of $3,000 for taxable years beginning in 2009 and 2010.

4. American Opportunity Tax credit (sec. 1201 of the House bill, sec. 1004 of the Senate amendment, sec. 1004 of the conference agreement, and sec. 25A of the Code)

PRESENT LAW

Individual taxpayers are allowed to claim a nonrefundable credit, the Hope credit, against Federal income taxes of up to $1,800 (for 2009) per eligible student per year for qualified tuition and related expenses paid the first two years of the student's post-secondary education in a degree or certificate program[10] The Hope credit rate is 100 percent on the first $1,200 of qualified tuition and related expenses, and 50 percent on the next $1,200 of qualified tuition and related expenses; these dollar amounts are indexed for inflation, with the amount rounded down to the next lowest multiple of $100. Thus, for example, a taxpayer who incurs $1,200 of qualified tuition and related expenses for an eligible student is eligible (subject to the adjusted gross income phaseout described below) for a $1,200 Hope credit. If a taxpayer incurs $2,400 of qualified tuition and related expenses for an eligible student, then he or she is eligible for a $1,800 Hope credit.

The Hope credit that a taxpayer may otherwise claim is phased out ratably for taxpayers with modified adjusted gross income between $50,000 and $60,000 ($100,000 and $120,000 for married taxpayers filing a joint return) for 2009. The adjusted gross income phaseout ranges are indexed for inflation, with the amount rounded down to the next lowest multiple of $1,000.

The qualified tuition and related expenses must be incurred on behalf of the taxpayer, the taxpayer's spouse, or a dependent of the taxpayer. The Hope credit is available with respect to an individual student for two taxable years, provided that the student has not completed the first two years of post-secondary education before the beginning of the second taxable year.

The Hope credit is available in the taxable year the expenses are paid, subject to the requirement that the education is furnished to the student during that year or during an academic period beginning during the first three months of the next taxable year. Qualified tuition and related expenses paid with the proceeds of a loan generally are eligible for the Hope credit. The repayment of a loan itself is not a qualified tuition or related expense.

A taxpayer may claim the Hope credit with respect to an eligible student who is not the taxpayer or the taxpayer's spouse (e.g., in cases in which the student is the taxpayer's child) only if the taxpayer claims the student as a dependent for the taxable year for which the credit is claimed. If a student is

[10]Sec. 25A. The Hope credit generally may not be claimed against a taxpayer's alternative minimum tax liability. However, the credit may be claimed against a taxpayer's alternative minimum tax liability for taxable years beginning prior to January 1, 2009.

claimed as a dependent, the student is not entitled to claim a Hope credit for that taxable year on the student's own tax return. If a parent (or other taxpayer) claims a student as a dependent, any qualified tuition and related expenses paid by the student are treated as paid by the parent (or other taxpayer) for purposes of determining the amount of qualified tuition and related expenses paid by such parent (or other taxpayer) under the provision. In addition, for each taxable year, a taxpayer may elect either the Hope credit, the Lifetime Learning credit, or an above-the-line deduction for qualified tuition and related expenses with respect to an eligible student.

The Hope credit is available for ''qualified tuition and related expenses,'' which include tuition and fees (excluding nonacademic fees) required to be paid to an eligible educational institution as a condition of enrollment or attendance of an eligible student at the institution. Charges and fees associated with meals, lodging, insurance, transportation, and similar personal, living, or family expenses are not eligible for the credit. The expenses of education involving sports, games, or hobbies are not qualified tuition and related expenses unless this education is part of the student's degree program.

Qualified tuition and related expenses generally include only out-of-pocket expenses. Qualified tuition and related expenses do not include expenses covered by employer-provided educational assistance and scholarships that are not required to be included in the gross income of either the student or the taxpayer claiming the credit. Thus, total qualified tuition and related expenses are reduced by any scholarship or fellowship grants excludable from gross income under section 117 and any other tax-free educational benefits received by the student (or the taxpayer claiming the credit) during the taxable year. The Hope credit is not allowed with respect to any education expense for which a deduction is claimed under section 162 or any other section of the Code.

An eligible student for purposes of the Hope credit is an individual who is enrolled in a degree, certificate, or other program (including a program of study abroad approved for credit by the institution at which such student is enrolled) leading to a recognized educational credential at an eligible educational institution. The student must pursue a course of study on at least a half-time basis. A student is considered to pursue a course of study on at least a half-time basis if the student carries at least one half the normal full-time work load for the course of study the student is pursuing for at least one academic period that begins during the taxable year. To be eligible for the Hope credit, a student must not have been convicted of a Federal or State felony consisting of the possession or distribution of a controlled substance.

Eligible educational institutions generally are accredited post-secondary educational institutions offering credit toward a bachelor's degree, an associate's degree, or another recognized post-secondary credential. Certain proprietary institutions and post-secondary vocational institutions also are eligible educational institutions. To qualify as an eligible educational institution, an institution must be eligible to participate in Department of Education student aid programs.

Effective for taxable years beginning after December 31, 2010, the changes to the Hope credit made by the Economic Growth and Tax Relief Reconciliation Act of 2001 (''EGTRRA'') no longer apply. The principal EGTRRA change scheduled to expire is the change that permitted a taxpayer to claim a Hope credit in the same year that he or she claims an exclusion from a Coverdell education savings account. Thus, after 2010, a taxpayer cannot claim a Hope credit in the same year he or she claims an exclusion from a Coverdell education savings account.

HOUSE BILL

The provision modifies the Hope credit for taxable years beginning in 2009 or 2010. The modified credit is referred to as the American Opportunity Tax credit. The allowable modified credit is up to $2,500 per eligible student per year for qualified tuition and related expenses paid for each of the first four years of the student's post-secondary education in a degree or certificate program. The modified credit rate is 100 percent on the first $2,000 of qualified tuition and related expenses, and 25 percent on the next $2,000 of qualified tuition and related expenses. For purposes of the modified credit, the definition of qualified tuition and related expenses is expanded to include course materials.

Under the provision, the modified credit is available with respect to an individual student for four years, provided that the student has not completed the first four years of post-secondary education before the beginning of the fourth taxable year. Thus, the modified credit, in addition to other modifications, extends the application of the Hope credit to two more years of post-secondary education.

The modified credit that a taxpayer may otherwise claim is phased out ratably for taxpayers with modified adjusted gross income between $80,000 and $90,000 ($160,000 and $180,000 for married taxpayers filing a joint return). The modified credit may be claimed against a taxpayer's alternative minimum tax liability.

Forty percent of a taxpayer's otherwise allowable modified credit is refundable. However, no portion of the modified credit is refundable if the taxpayer claiming the credit is a child to whom section 1(g) applies for such taxable year (generally, any child under age 18 or any child under age 24 who is a student providing less than one-half of his or her own support, who has at least one living parent and does not file a joint return).

In addition, the provision requires the Secretary of the Treasury to conduct two studies and submit a report to Congress on the results of those studies within one year after the date of enactment. The first study shall examine how to coordinate the Hope and Lifetime Learning credits with the Pell grant program. The second study shall examine requiring students to perform community service as a condition of taking their tuition and related expenses into account for purposes of the Hope and Lifetime Learning credits.

Effective date.—The provision is effective with respect to taxable years beginning after December 31, 2008.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, except that the Senate amendment provides that only 30 percent of a taxpayer's otherwise allowable modified credit is refundable.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, with the following modifications. Under the conference agreement, bona fide residents of the U.S. possessions (American Samoa, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, Guam, Virgin Islands) are not permitted to claim the refundable portion of the American opportunity credit in the United States. Rather, a bona fide resident of a mirror code possession (Commonwealth of the Northern Mariana Islands, Guam, Virgin Islands) may claim the refundable portion of the credit in the possession in which the individual is a resident. Similarly, a bona fide resident of a non-mirror code possession (Commonwealth of Puerto Rico, American Samoa) may claim the refundable portion of the credit in the possession in which the individual is a resident, but only if that possession establishes a plan for permitting the claim under its internal law.

The conference agreement provides that the U.S. Treasury will make payments to the possessions in respect of credits allowable to their residents under their internal laws. Specifically, the U.S. Treasury will make payments for to each mirror code possession in an amount equal to the aggregate amount of the refundable portion of the credits allowable by reason of the provision to that possession's residents against its income tax. This amount will be determined by the Treasury Secretary based on information provided by the government of the respective possession. To each possession that does not have a mirror code tax system, the U.S. Treasury will make two payments (for 2009 and 2010, respectively) in an amount estimated by the Secretary as being equal to the aggregate amount of the refundable portion of the credits that would have been allowed to residents of that possession if a minor code tax system had been in effect in that possession. Accordingly, the amount of each payment to a non-mirror code possession will be an estimate of the aggregate amount of the refundable portion of the credits that would be allowed to the possession's residents if the credit provided by the provision to U.S. residents were provided by the possession to its residents. This payment will not be made to any U.S. possession unless that possession has a plan that has been approved by the Secretary under which the possession will promptly distribute the payment to its residents.

5. Temporarily allow computer technology and equipment as a qualified higher education expense for qualified tuition programs (sec. 1005 of the Senate amendment, sec. 1005 of the conference agreement, and sec. 529 of the Code)

PRESENT LAW

Section 529 provides specified income tax and transfer tax rules for the treatment of accounts and contracts established under qualified tuition programs.[11] VA qualified tuition program is a program established and maintained by a State or agency or instrumentality thereof, or by one or more eligible educational institutions, which satisfies certain requirements and under which a person may purchase tuition credits or certificates on behalf of a designated beneficiary that entitle the beneficiary to the waiver or payment of qualified higher education expenses of the beneficiary (a ''prepaid tuition program''). In the case of a program established and maintained by a State or agency or instrumentality thereof, a qualified tuition program also includes a program under which a person may make contributions to an account that is established for the purpose of satisfying the qualified higher education expenses of the designated beneficiary

[11] For purposes of this description, the term ''account'' is used interchangeably to refer to a prepaid tuition benefit contract or a tuition savings account established pursuant to a qualified tuition program.

of the account, provided it satisfies certain specified requirements (a ''savings account program''). Under both types of qualified tuition programs, a contributor establishes an account for the benefit of a particular designated beneficiary to provide for that beneficiary's higher education expenses.

For this purpose, qualified higher education expenses means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of a designated beneficiary at an eligible educational institution, and expenses for special needs services in the case of a special needs beneficiary that are incurred in connection with such enrollment or attendance. Qualified higher education expenses generally also include room and board for students who are enrolled at least half-time.

Contributions to a qualified tuition program must be made in cash. Section 529 does not impose a specific dollar limit on the amount of contributions, account balances, or prepaid tuition benefits relating to a qualified tuition account; however, the program is required to have adequate safeguards to prevent contributions in excess of amounts necessary to provide for the beneficiary's qualified higher education expenses. Contributions generally are treated as a completed gift eligible for the gift tax annual exclusion. Contributions are not tax deductible for Federal income tax purposes, although they may be deductible for State income tax purposes. Amounts in the account accumulate on a tax-free basis (i.e., income on accounts in the plan is not subject to current income tax).

Distributions from a qualified tuition program are excludable from the distributee's gross income to the extent that the total distribution does not exceed the qualified higher education expenses incurred for the beneficiary. If a distribution from a qualified tuition program exceeds the qualified higher education expenses incurred for the beneficiary, the portion of the excess that is treated as earnings generally is subject to income tax and an additional 10-percent tax. Amounts in a qualified tuition program may be rolled over to another qualified tuition program for the same beneficiary or for a member of the family of that beneficiary without income tax consequences.

In general, prepaid tuition contracts and tuition savings accounts established under a qualified tuition program involve prepayments or contributions made by one or more individuals for the benefit of a designated beneficiary, with decisions with respect to the contract or account to be made by an individual who is not the designated beneficiary. Qualified tuition accounts or contracts generally require the designation of a person (generally referred to as an ''account owner'') whom the program administrator (oftentimes a third party administrator retained by the State or by the educational institution that established the program) may look to for decisions, recordkeeping, and reporting with respect to the account established for a designated beneficiary. The person or persons who make the contributions to the account need not be the same person who is regarded as the account owner for purposes of administering the account. Under many qualified tuition programs, the account owner generally has control over the account or contract, including the ability to change designated beneficiaries and to withdraw funds at any time and for any purpose. Thus, in practice, qualified tuition accounts or contracts generally involve a contributor, a designated beneficiary, an account owner (who oftentimes is not the contributor or the designated beneficiary), and an administrator of the account or contract.[12]

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision expands the definition of qualified higher education expenses for expenses paid or incurred in 2009 and 2010 to include expenses for certain computer technology and equipment to be used by the designated beneficiary while enrolled at an eligible educational institution.

Effective date.—The provision is effective for expenses paid or incurred after December 31, 2008.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

6. Modifications to homebuyer credit (sec. 1301 of the House bill, sec. 1006 of the Senate amendment, sec. 1006 of the conference agreement, and sec. 36 of the Code)

PRESENT LAW

A taxpayer who is a first-time homebuyer is allowed a refundable tax credit equal to the lesser of $7,500 ($3,750 for a married individual filing separately) or 10 percent of the purchase price of a principal residence. The credit is allowed for the tax year in which the taxpayer purchases the home unless the taxpayer makes an election as described below. The credit is allowed for qualifying home purchases on or after April 9, 2008 and before July 1, 2009 (without regard to whether there was a binding contract to purchase prior to April 9, 2008).

The credit phases out for individual taxpayers with modified adjusted gross income between $75,000 and $95,000 ($150,000 and $170,000 for joint filers) for the year of purchase.

A taxpayer is considered a first-time homebuyer if such individual had no ownership interest in a principal residence in the United States during the three-year period prior to the purchase of the home to which the credit applies.

No credit is allowed if the D.C. homebuyer credit is allowable for the taxable year the residence is purchased or a prior taxable year. A taxpayer is not permitted to claim the credit if the taxpayer's financing is from tax-exempt mortgage revenue bonds, if the taxpayer is a nonresident alien, or if the taxpayer disposes of the residence (or it ceases to be a principal residence) before the close of a taxable year for which a credit otherwise would be allowable.

The credit is recaptured ratably over fifteen years with no interest charge beginning in the second taxable year after the taxable year in which the home is purchased. For example, if the taxpayer purchases a home in 2008, the credit is allowed on the 2008 tax return, and repayments commence with the 2010 tax return. If the taxpayer sells the home (or the home ceases to be used as the principal residence of the taxpayer or the taxpayer's spouse) prior to complete repayment of the credit, any remaining credit repayment amount is due on the tax return for the year in which the home is sold (or ceases to be used as the principal residence). However, the credit repayment amount may not exceed the amount of gain from the sale of the residence to an unrelated person. For this purpose, gain is determined by reducing the basis of the residence by the amount of the credit to the extent not previously recaptured. No amount is recaptured after the death of a taxpayer. In the case of an involuntary conversion of the home, recapture is not accelerated if a new principal residence is acquired within a two year period. In the case of a transfer of the residence to a spouse or to a former spouse incident to divorce, the transferee spouse (and not the transferor spouse) will be responsible for any future recapture.

An election is provided to treat a home purchased in the eligible period in 2009 as if purchased on December 31, 2008 for purposes of claiming the credit on the 2008 tax return and for establishing the beginning of the recapture period. Taxpayers may amend their returns for this purpose.

HOUSE BILL

The provision waives the recapture of the credit for qualifying home purchases after December 31, 2008 and before July 1, 2009. This waiver of recapture applies without regard to whether the taxpayer elects to treat the purchase in 2009 as occurring on December 31, 2008. If the taxpayer disposes of the home or the home otherwise ceases to be the principal residence of the taxpayer within 36 months from the date of purchase, the present law rules for recapture of the credit will still apply.

Effective date.—The provision applies to residences purchased after December 31, 2008.

SENATE AMENDMENT

The Senate amendment repeals the existing section 36 for purchases on or after the date of enactment of the American Recovery and Reinvestment Act of 2009.

A taxpayer is allowed a new nonrefundable tax credit equal to the lesser of $15,000 ($7,500 for a married individual filing separately) or 10 percent of the purchase price of a principal residence. The credit is allowed for the tax year in which the taxpayer purchases the home unless the taxpayer makes an election as described below. The credit is allowed for qualifying home purchases after the date of enactment of the American Recovery and Reinvestment Act and on or before the date that is one year after such date of enactment.

The credit is limited to the excess of regular tax liability plus alternative minimum tax liability over the sum of other nonrefundable personal credits.

No credit is allowed for any purchase for which the section 36 first-time homebuyer credit or the D.C. homebuyer credit is allowable. If a credit is allowed under this provision in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any principal residence, no credit is allowed with respect to the purchase of any other principal residence by such individual or a spouse of such individual.

If the taxpayer disposes of the residence (or it ceases to be a principal residence) at any time within 24 months after the date on which the taxpayer purchased the residence, then the credit shall be subject to recapture for the taxable year in which such disposition occurred (or in which the taxpayer failed to occupy the residence as a principal residence). No amount is recaptured after the death of a taxpayer or in the case of a member of the Armed Forces of the United States on active duty who fails to meet the residency requirement pursuant to a military order and incident to a permanent

[12] Section 529 refers to contributors and designated beneficiaries, but does not define or otherwise refer to the term account owner, which is a commonly used term among qualified tuition programs.

change of station. In the case of an involuntary conversion of the home, recapture is not accelerated if a new principal residence is acquired within a two year period. In the case of a transfer of the residence to a spouse or to a former spouse incident to divorce, the transferee spouse (and not the transferor spouse) will be responsible for any future recapture.

A further election is provided to treat a home purchased in the eligible period as if purchased on December 31, 2008 for purposes of claiming the credit on the 2008 tax return. Taxpayers may amend their returns for this purpose.

Effective date.—The provision applies to purchases after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement extends the existing homebuyer credit for qualifying home purchases before December 1, 2009. In addition, it increases the maximum credit amount to $8,000 ($4,000 for a married individual filing separately) and waives the recapture of the credit for qualifying home purchases after December 31, 2008 and before December 1, 2009. This waiver of recapture applies without regard to whether the taxpayer elects to treat the purchase in 2009 as occurring on December 31, 2008. If the taxpayer disposes of the home or the home otherwise ceases to be the principal residence of the taxpayer within 36 months from the date of purchase, the present law rules for recapture of the credit will apply.

The conference agreement modifies the coordination with the first-time homebuyer credit for residents of the District of Columbia under section 1400C. No credit under section 1400C shall be allowed to any taxpayer with respect to the purchase of a residence during 2009 if a credit under section 36 is allowable to such taxpayer (or the taxpayer's spouse) with respect to such purchase. Taxpayers thus qualify for the more generous national first-time homebuyer credit rather than the D.C. homebuyer credit for qualifying purchases in 2009. No credit under section 36 is allowed for a taxpayer who claimed the D.C. homebuyer credit in any prior taxable year.

The conference agreement removes the prohibition on claiming the credit if the residence is financed by the proceeds of a mortgage revenue bond, a qualified mortgage issue the interest on which is exempt from tax under section 103.

Effective date.—The provision applies to residences purchased after December 31, 2008.

7. Election to substitute grants to states for low-income housing projects in lieu of low-income housing credit allocation for 2009 (secs. 1302 and 1711 of the House bill, secs. 1404 and 1602 of the conference agreement, and sec. 42 of the Code)

PRESENT LAW

In general

The low-income housing credit may be claimed over a 10–year period by owners of certain residential rental property for the cost of rental housing occupied by tenants having incomes below specified levels.[13] The amount of the credit for any taxable year in the credit period is the applicable percentage of the qualified basis of each qualified low-income building. The qualified basis of any qualified low-income building for any taxable year equals the applicable fraction of the eligible basis of the building.

Volume limits

A low-income housing credit is allowable only if the owner of a qualified building receives a housing credit allocation from the State or local housing credit agency. Generally, the aggregate credit authority provided annually to each State for calendar year 2009 is $2.30 per resident, with a minimum annual cap of $2,665,000 for certain small population States.[14] These amounts are indexed for inflation. Projects that also receive financing with proceeds of tax-exempt bonds issued subject to the private activity bond volume limit do not require an allocation of the low-income housing credit.

Basic rule for Federal grants

The basis of a qualified building must be reduced by the amount of any federal grant with respect to such building.

HOUSE BILL

Low-income housing grant election amount

The Secretary of the Treasury shall make a grant to the State housing credit agency of each State in an amount equal to the low-income housing grant election amount.

The low-income housing grant election amount for a State is an amount elected by the State subject to certain limits. The maximum low-income housing grant election amount for a State may not exceed 85 percent of the product of ten and the sum of the State's: (1) unused housing credit ceiling for 2008; (2) any returns to the State during 2009 of credit allocations previously made by the State; (3) 40 percent of the State's 2009 credit allocation; and (4) 40 percent of the State's share of the national pool allocated in 2009, if any.

Grants under this provision are not taxable income to recipients.

Subawards to low-income housing credit buildings

A State receiving a grant under this provision is to use these monies to make subawards to finance the construction, or acquisition and rehabilitation of qualified low-income buildings as defined under the low-income housing credit. A subaward may be made to finance a qualified low-income building regardless of whether the building has an allocation of low-income housing credit. However, in the case of qualified low-income buildings without allocations of the low-income housing credit, the State housing credit agency must make a determination that the subaward with respect to such building will increase the total funds available to the State to build and rehabilitate affordable housing. In conjunction with this determination the State housing credit agency must establish a process in which applicants for the subawards must demonstrate good faith efforts to obtain investment commitments before the agency makes such subawards.

Any building receiving grant money from a subaward is required to satisfy the low-income housing credit rules. The State housing credit agency shall perform asset management functions to ensure compliance with the low-income housing credit rules and the long-term viability of buildings financed with these subawards.[15] Failure to satisfy the low-income housing credit rules will result in recapture enforced by means of liens or other methods that the Secretary of the Treasury (or delegate) deems appropriate. Any such recapture will be payable to the Secretary of the Treasury for deposit in the general fund of the Treasury.

Any grant funds not used to make subawards before January 1, 2011 and any grant monies from subawards returned on or after January 1, 2011 must be returned to the Secretary of the Treasury.

Basic rule for Federal grants

The grants received under this provision do not reduce tax basis of a qualified low-income building.

Reduction in low-income housing credit volume limit for 2009

The otherwise applicable low-income housing credit volume limit for any State for 2009 is reduced by the amount taken into account in determining the low-income housing grant election amount.

Appropriations

The provision appropriates to the Secretary of the Treasury such sums as may be necessary to carry out this provision.

Effective date

The provision is effective on the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

8. Election to accelerate the low-income housing credit allocation (sec. 1903 of the Senate amendment)

PRESENT LAW

In general

The low-income housing credit may be claimed over a 10-year period by owners of certain residential rental property for the cost of rental housing occupied by tenants having incomes below specified levels.[16] The amount of the credit for any taxable year in the credit period is the applicable percentage of the qualified basis of each qualified low-income building. The qualified basis of any qualified low-income building for any taxable year equals the applicable fraction of the eligible basis of the building.

Volume limits

A low-income housing credit is allowable only if the owner of a qualified building receives a housing credit allocation from the State or local housing credit agency. Generally, the aggregate credit authority provided annually to each State for calendar year 2009 is $2.30 per resident, with a minimum annual cap of $2,665,000 for certain small population States.[17] These amounts are indexed for inflation. Projects that also receive financing with proceeds of tax-exempt bonds issued subject to the private activity bond volume limit do not require an allocation of the low-income housing credit.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision allows a taxpayer election to double the amount of the otherwise allowable low-income housing tax credit with respect to a project for each of the taxpayer's first three taxable years beginning after December 31, 2008. The otherwise allowable low-income housing tax credit over the remaining credit period for the project with respect to a taxpayer making the election will be reduced on a pro rata basis by an amount equal to the acceleration in the first three years.

[13] Sec. 42.

[14] Rev. Proc. 2008–66.

[15] The State housing credit agency may collect reasonable fees from subaward recipients to cover the expenses of the agency's asset management duties. Alternatively, the State housing credit agency may retain a thirdparty to perform these asset management duties.

[16] Sec. 42.

[17] Rev. Proc. 2008–66.

The election is only available for non federally subsidized low-income housing projects placed in service after December 31, 2008 which are pursuant to a low-income housing credit allocation from a State housing credit ceiling before 2011 (e.g. an allocation of 2011 credit ceiling makes the project ineligible for the election). Further, the election is limited to low-income housing tax credit initial investments made pursuant to a binding agreement by the taxpayer after December 31, 2008 and before January 1, 2011. For example, a taxpayer could not make this election with respect to initial investments made pursuant to a binding agreement in existence on January 1, 2008 even though the building is not placed-in-service until after December 31, 2008.

The election shall be made in a time and manner prescribed by the Secretary of the Treasury (or his delegate). The election is irrevocable. In the case of a partnership the election can only be made at the partnership level, not by individual partners.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not follow the Senate amendment.

9. Exclusion from gross income for unemployment compensation benefits (sec. 1007 of the Senate amendment, sec. 1007 of the conference agreement, and sec. 85 of the Code)

PRESENT LAW

An individual must include in gross income any unemployment compensation benefits received under the laws of the United States or any State.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides that up to $2,400 of unemployment compensation benefits received in 2009 are excluded from gross income by the recipient.

Effective date.—The provision is effective for taxable years beginning after December 31, 2008.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

10. Deduction for interest on indebtedness for the purchase of qualified motor vehicles (sec. 1008 of the Senate amendment)

PRESENT LAW

In the case of a taxpayer other than a corporation, no deduction is allowed for personal interest paid or accrued during the taxable year. Personal interest is all interest other than 1) interest paid or accrued on indebtedness properly allocable to a trade or business; 2) investment interest; 3) interest which is taken into account in computing income or loss from a passive activity of the taxpayer; 4) qualified home mortgage interest; 5) certain estate tax related interest; and 6) certain interest on educational loans.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides an above-the-line deduction for qualified motor vehicle interest. Qualified motor vehicle interest means any interest paid or accrued during the taxable year on any indebtedness incurred after November 12, 2008 and before January 1, 2010 to acquire a qualified motor vehicle and secured by such vehicle. It also includes interest on any indebtedness secured by such qualified motor vehicle resulting from the refinancing of otherwise qualified motor vehicle interest. The amount of qualified indebtedness is limited to $49,500 ($24,750 in the case of a married individual filing separately). The deduction is phased out for taxpayers with modified adjusted gross income between $125,000 and $135,000 ($250,000 and $260,000 in the case of a joint return).

If the indebtedness includes the amounts of any State or local sales or excise taxes paid or accrued by the taxpayer in connection with the acquisition of a qualified motor vehicle for which a deduction is allowed under section 164(a)(6) (relating to the deduction of State and local sales or excise taxes on qualified motor vehicles), the aggregate amount of such indebtedness taken into account shall be reduced, but not below zero, by the amount of any such taxes for which such deduction is allowed.

A qualified motor vehicle means a passenger automobile or light truck acquired for use by the taxpayer and not for resale after November 12, 2008 and before January 1, 2010, the original use of which commences with the taxpayer and which has a gross vehicle weight rating of not more than 8,500 pounds.

Any person who is engaged in a trade or business and receives from any individual $600 or more of qualified motor vehicle interest for any calendar year is required to report certain information as the Secretary may prescribe and furnish information to such individual on or before January 31 of the year following the calendar year for which the interest is received.

Effective date.—The provision is effective for taxable years beginning after December 31, 2008.

CONFERENCE AGREEMENT

The conference agreement does not follow the Senate amendment.

11. Deduction for State sales tax and excise tax on the purchase of qualified motor vehicles (sec. 1009 of the Senate amendment, sec. 1008 of the conference agreement, and secs. 63 and 164 of the Code)

PRESENT LAW

In general, a deduction from gross income is allowed for certain taxes for the taxable year within which the taxes are paid or accrued. These include State and local, and foreign, real property taxes; State and local personal property taxes; State, local, and foreign income, war profits, and excess profit taxes; generation skipping transfer taxes; environmental taxes imposed by section 59A; and taxes paid or accrued within the taxable year in carrying on a trade or business or an activity described in section 212 (relating to the expenses for production of income). At the election of the taxpayer for the taxable year, a taxpayer may deduct State and local sales taxes in lieu of State and local income taxes. No deduction is allowed for any general sales tax imposed with respect to an item at a rate other than the general rate of tax, except in the case of a lower rate of tax applicable to items of food, clothing, medical supplies, and motor vehicles. In the case of motor vehicles, if the rate of tax exceeds the general rate, such excess shall be disregarded and the general rate shall be treated as the rate of tax.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides an above-the-line deduction for qualified motor vehicle taxes. Qualified motor vehicle taxes include any State or local sales or excise tax imposed on the purchase of a qualified motor vehicle. A qualified motor vehicle means a passenger automobile or light truck acquired for use by the taxpayer and not for resale after November 12, 2008 and before January 1, 2010, the original use of which commences with the taxpayer and which has a gross vehicle weight rating of not more than 8,500 pounds.

The deduction is limited to sales tax of up to $49,500.

The deduction is phased out for taxpayers with modified adjusted gross income between $125,000 and $135,000 ($250,000 and $260,000 in the case of a joint return).

Notwithstanding other provisions of present law, qualified motor vehicle taxes are not treated as part of the cost of acquired property or, in the case of a disposition, as a reduction in the amount realized on the disposition.

A taxpayer who makes an election to deduct State and local sales taxes for the taxable year shall not be allowed the above-the-line deduction for qualified motor vehicle taxes.

If the indebtedness described in section 163(h)(5)(A) includes the amounts of any State or local sales or excise taxes paid or accrued by the taxpayer in connection with the acquisition of a qualified motor vehicle, the aggregate amount of such indebtedness taken into account shall be reduced, but not below zero, by the amount of any such taxes for which a deduction is allowed.

Effective date.—The provision is effective for taxable years beginning after December 31, 2008.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill or the Senate amendment. The conference agreement provides a deduction for qualified motor vehicle taxes. It expands the definition of taxes allowed as a deduction to include qualified motor vehicle taxes paid or accrued within the taxable year. A taxpayer who itemizes and makes an election to deduct State and local sales taxes for qualified motor vehicles for the taxable year shall not be allowed the increased standard deduction for qualified motor vehicle taxes.

Qualified motor vehicle taxes include any State or local sales or excise tax imposed on the purchase of a qualified motor vehicle. A qualified motor vehicle means a passenger automobile, light truck, or motorcycle which has a gross vehicle weight rating of not more than 8,500 pounds, or a motor home acquired for use by the taxpayer after the date of enactment and before January 1, 2010, the original use of which commences with the taxpayer.

The deduction is limited to the tax on up to $49,500 of the purchase price of a qualified motor vehicle. The deduction is phased out for taxpayers with modified adjusted gross income between $125,000 and $135,000 ($250,000 and $260,000 in the case of a joint return).

Effective date.—The provision is effective for purchases on or after the date of enactment and before January 1, 2010.

12. Extend alternative minimum tax relief for individuals (secs. 1011 and 1012 of the Senate amendment, secs. 1011 and 1012 of the conference agreement, and secs. 26 and 55 of the Code)

PRESENT LAW

Present law imposes an alternative minimum tax (''AMT'') on individuals. The AMT is the amount by which the tentative minimum tax exceeds the regular income tax.

An individual's tentative minimum tax is the sum of (1) 26 percent of so much of the taxable excess as does not exceed $175,000 ($87,500 in the case of a married individual filing a separate return) and (2) 28 percent of the remaining taxable excess. The taxable excess is so much of the alternative minimum taxable income (''AMTI'') as exceeds the exemption amount. The maximum tax rates on net capital gain and dividends used in computing the regular tax are used in computing the tentative minimum tax. AMTI is the individual's taxable income adjusted to take account of specified preferences and adjustments.

The exemption amounts are: (1) $69,950 for taxable years beginning in 2008 and $45,000 in taxable years beginning after 2008 in the case of married individuals filing a joint return and surviving spouses; (2) $46,200 for taxable years beginning in 2008 and $33,750 in taxable years beginning after 2008 in the case of other unmarried individuals; (3) $34,975 for taxable years beginning in 2008 and $22,500 in taxable years beginning after 2008 in the case of married individuals filing separate returns; and (4) $22,500 in the case of an estate or trust. The exemption amount is phased out by an amount equal to 25 percent of the amount by which the individual's AMTI exceeds (1) $150,000 in the case of married individuals filing a joint return and surviving spouses, (2) $112,500 in the case of other unmarried individuals, and (3) $75,000 in the case of married individuals filing separate returns or an estate or a trust. These amounts are not indexed for inflation.

Present law provides for certain nonrefundable personal tax credits (i.e., the dependent care credit, the credit for the elderly and disabled, the adoption credit, the child credit, the credit for interest on certain home mortgages, the Hope Scholarship and Lifetime Learning credits, the credit for savers, the credit for certain nonbusiness energy property, the credit for residential energy efficient property, the credit for plug-in electric drive motor vehicles; and the D.C. first-time homebuyer credit).

For taxable years beginning before 2009, the nonrefundable personal credits are allowed to the extent of the full amount of the individual's regular tax and alternative minimum tax.

For taxable years beginning after 2008, the nonrefundable personal credits (other than the adoption credit, the child credit, the credit for savers, the credit for residential energy efficient property, and the credit for plug-in electric drive motor vehicles) are allowed only to the extent that the individual's regular income tax liability exceeds the individual's tentative minimum tax, determined without regard to the minimum tax foreign tax credit. The adoption credit, the child credit, the credit for savers, the credit for residential energy efficient property, and the credit for plug-in electric drive motor vehicles are allowed to the full extent of the individual's regular tax and alternative minimum tax.[18]

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides that the individual AMT exemption amount for taxable years beginning in 2009 is $70,950, in the case of married individuals filing a joint return and surviving spouses; (2) $46,700 in the case of other unmarried individuals; and (3) $35,475 in the case of married individuals filing separate returns.

For taxable years beginning in 2009, the provision allows an individual to offset the entire regular tax liability and alternative minimum tax liability by the nonrefundable personal credits.

Effective date.—The provision is effective for taxable years beginning in 2009.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

B. TAX INCENTIVES FOR BUSINESS

1. Special allowance for certain property acquired during 2009 and extension of election to accelerate AMT and research credits in lieu of bonus depreciation (sec. 1401 of the House bill, sec. 1201 of the Senate amendment, sec. 1201 of the conference agreement, and sec. 168(k) of the Code)

PRESENT LAW

An additional first-year depreciation deduction is allowed equal to 50 percent of the adjusted basis of qualified property placed in service during 2008 (and 2009 for certain longer-lived and transportation property).[19] The additional first-year depreciation deduction is allowed for both regular tax and alteative minimum tax purposes for the taxable year in which the property is placed in service.[20] The basis of the property and the depreciation allowances in the year of purchase and later years are appropriately adjusted to reflect the additional first-year depreciation deduction. In addition, there are no adjustments to the allowable amount of depreciation for purposes of computing a taxpayer's alternative minimum taxable income with respect to property to which the provision applies. The amount of the additional first-year depreciation deduction is not affected by a short taxable year. The taxpayer may elect out of additional first-year depreciation for any class of property for any taxable year.

The interaction of the additional first-year depreciation allowance with the otherwise applicable depreciation allowance may be illustrated as follows. Assume that in 2008, a taxpayer purchases new depreciable property and places it in service.[21] The property's cost is $1,000, and it is five-year property subject to the half-year convention. The amount of additional first-year depreciation allowed is $500. The remaining $500 of the cost of the property is deductible under the rules applicable to 5-year property. Thus, 20 percent, or $100, is also allowed as a depreciation deduction in 2008. The total depreciation deduction with respect to the property for 2008 is $600. The remaining $400 cost of the property is recovered under otherwise applicable rules for computing depreciation.

In order for property to qualify for the additional first-year depreciation deduction it must meet all of the following requirements. First, the property must be (1) property to which MACRS applies with an applicable recovery period of 20 years or less, (2) water utility property (as defined in section 168(e)(5)), (3) computer software other than computer software covered by section 197, or (4) qualified leasehold improvement property (as defined in section 168(k)(3)).[22]

Second, the original use[23] of the property must commence with the taxpayer after December 31, 2007.[24] Third, the taxpayer must purchase the property within the applicable time period. Finally, the property must be placed in service after December 31, 2007, and before January 1, 2009. An extension of the placed in service date of one year (i.e., to January 1, 2010) is provided for certain property with a recovery period of ten years or longer and certain transportation property.[25] Transportation property is defined as tangible personal property used in the trade or business of transporting persons or property.

The applicable time period for acquired property is (1) after December 31, 2007, and before January 1, 2009, but only if no binding written contract for the acquisition is in effect before January 1, 2008, or (2) pursuant to a binding written contract which was entered into after December 31, 2007, and before January 1, 2009.[26] With respect to property that is manufactured, constructed, or produced by the taxpayer for use by the taxpayer, the taxpayer must begin the manufacture, construction, or production of the property after December 31, 2007, and before January 1, 2009. Property that is manufactured, constructed, or produced for the taxpayer by another person under a contract that is entered into prior to the manufacture, construction, or production of the property is considered to be manufactured, constructed, or produced by the taxpayer. For property eligible for the extended placed in service date, a special rule limits the amount of costs eligible for the additional first-year depreciation. With respect to such property, only the portion of the basis that is properly attributable to the costs incurred before January 1, 2009 (''progress expenditures'') is eligible for the additional first-year depreciation.[27]

Property does not qualify for the additional first-year depreciation deduction

[18] The rule applicable to the adoption credit and child credit is subject to the EGTRRA sunset.

[19] Sec. 168(k). The additional first-year depreciation deduction is subject to the general rules regarding whether an item is deductible under section 162 or instead is subject to capitalization under section 263 or section 263A.

[20] However, the additional first-year depreciation deduction is not allowed for purposes of computing earnings and profits.

[21] Assume that the cost of the property is not eligible for expensing under section 179.

[22] A special rule precludes the additional first-year depreciation deduction for any property that is required to be depreciated under the alternative depreciation system of MACRS.

[23] The term ''original use'' means the first use to which the property is put, whether or not such use corresponds to the use of such property by the taxpayer.

If in the normal course of its business a taxpayer sells fractional interests in property to unrelated third parties, then the original use of such property begins with the first user of each fractional interest (i.e., each fractional owner is considered the original user of its proportionate share of the property).

[24] A special rule applies in the case of certain leased property. In the case of any property that is originally placed in service by a person and that is sold to the taxpayer and leased back to such person by the taxpayer within three months after the date that the property was placed in service, the property would be treated as originally placed in service by the taxpayer not earlier than the date that the property is used under the leaseback.

If property is originally placed in service by a lessor (including by operation of section 168(k)(2)(D)(i)), such property is sold within three months after the date that the property was placed in service, and the user of such property does not change, then the property is treated as originally placed in service by the taxpayer not earlier than the date of such sale.

[25] In order for property to qualify for the extended placed in service date, the property is required to have an estimated production period exceeding one year and a cost exceeding $1 million.

[26] Property does not fail to qualify for the additional first-year depreciation merely because a binding written contract to acquire a component of the property is in effect prior to January 1, 2008.

[27] For purposes of determining the amount of eligible progress expenditures, it is intended that rules similar to sec. 46(d)(3) as in effect prior to the Tax Reform Act of 1986 shall apply.

when the user of such property (or a related party) would not have been eligible for the additional first-year depreciation deduction if the user (or a related party) were treated as the owner. For example, if a taxpayer sells to a related party property that was under construction prior to January 1, 2008, the property does not qualify for the additional first-year depreciation deduction. Similarly, if a taxpayer sells to a related party property that was subject to a binding written contract prior to January 1, 2008, the property does not qualify for the additional first-year depreciation deduction. As a further example, if a taxpayer (the lessee) sells property in a sale-leaseback arrangement, and the property otherwise would not have qualified for the additional first-year depreciation deduction if it were owned by the taxpayer-lessee, then the lessor is not entitled to the additional first-year depreciation deduction.

The limitation on the amount of depreciation deductions allowed with respect to certain passenger automobiles (sec. 280F) is increased in the first year by $8,000 for automobiles that qualify (and do not elect out of the increased first year deduction). The $8,000 increase is not indexed for inflation.

Corporations otherwise eligible for additional first year depreciation under section 168(k) may elect to claim additional research or minimum tax credits in lieu of claiming depreciation under section 168(k) for ''eligible qualified property'' placed in service after March 31, 2008 and before December 31, 2008.[28] A corporation making the election forgoes the depreciation deductions allowable under section 168(k) and instead increases the limitation under section 38(c) on the use of research credits or section 53(c) on the use of minimum tax credits.[29] The increases in the allowable credits are treated as refundable for purposes of this provision. The depreciation for qualified property is calculated for both regular tax and AMT purposes using the straight-line method in place of the method that would otherwise be used absent the election under this provision.

The research credit or minimum tax credit limitation is increased by the bonus depreciation amount, which is equal to 20 percent of bonus depreciation[30] for certain eligible qualified property that could be claimed absent an election under this provision. Generally, eligible qualified property included in the calculation is bonus depreciation property that meets the following requirements: (1) the original use of the property must commence with the taxpayer after March 31, 2008; (2) the taxpayer must purchase the property either (a) after March 31, 2008, and before January 1, 2009, but only if no binding written contract for the acquisition is in effect before April 1, 2008,[31] or (b) pursuant to binding written contract which was entered into after March 31, 2008, and before January 1, 2009;[32] and (3) the property must be placed in service after March 31, 2008, and before January 1, 2009 (January 1, 2010 for certain longer-lived and transportation property).

The bonus depreciation amount is limited to the lesser of: (1) $30 million, or (2) six percent of the sum of research credit carryforwards from taxable years beginning before January 1, 2006 and minimum tax credits allocable to the adjusted minimum tax imposed for taxable years beginning before January 1, 2006. All corporations treated as a single employer under section 52(a) are treated as one taxpayer for purposes of the limitation, as well as for electing the application of this provision.

HOUSE BILL

The provision extends the additional first-year depreciation deduction for one year generally through 2009 (through 2010 for certain longer-lived and transportation property).[33]

Effective date.—The provision is effective for property placed in service after December 31, 2008.

SENATE AMENDMENT

The provision extends the additional first-year depreciation deduction for one year, generally through 2009 (through 2010 for certain longer-lived and transportation property).

The provision generally permits corporations to increase the research credit or minimum tax credit limitation by the bonus depreciation amount with respect to certain property placed in service in 2009 (2010 in the case of certain longer-lived and transportation property). The provision applies with respect to extension property, which is defined as property that is eligible qualified property solely because it meets the requirements under the extension of the special allowance for certain property acquired during 2009.

Under the provision, a taxpayer that has made an election to increase the research credit or minimum tax credit limitation for eligible qualified property for its first taxable year ending after March 31, 2008, may choose not to make this election for extension property. Further, the provision allows a taxpayer that has not made an election for eligible qualified property for its first taxable year ending after March 31, 2008, to make the election for extension property for its first taxable year ending after December 31, 2008, and for each subsequent year. In the case of a taxpayer electing to increase the research or minimum tax credit for both eligible qualified property and extension property, a separate bonus depreciation amount, maximum amount, and maximum increase amount is computed and applied to each group of property.[34]

Effective date.—The extension of the additional first-year depreciation deduction is generally effective for property placed in service after December 31, 2008.

The extension of the election to accelerate AMT and research credits in lieu of bonus depreciation is effective for taxable years ending after December 31, 2008.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

2. Temporary increase in limitations on expensing of certain depreciable business assets (sec. 1402 of the House bill, sec. 1202 of the Senate amendment, sec. 1202 of the conference agreement, and sec. 179 of the Code)

PRESENT LAW

In lieu of depreciation, a taxpayer with a sufficiently small amount of annual investment may elect to deduct (or ''expense'') such costs under section 179. Present law provides that the maximum amount a taxpayer may expense for taxable years beginnin in 2008 is $250,000 of the cost of qualifying property placed in service for the taxable year.[35] For taxable years beginning in 2009 and 2010, the limitation is $125,000. In general, qualifying property is defined as depreciable tangible personal property that is purchased for use in the active conduct of a trade or business. Off-the-shelf computer software placed in service in taxable years beginning before 2011 is treated as qualifying property. For taxable years beginning in 2008, the $250,000 amount is reduced (but not below zero) by the amount by which the cost of qualifying property placed in service during the taxable year exceeds $800,000. For taxable years beginning in 2009 and 2010, the $125,000 amount is reduced (but not below zero) by the amount by which the cost of qualifying property placed in service during the taxable year exceeds $500,000. The $125,000 and $500,000 amounts are indexed for inflation in taxable years beginning in 2009 and 2010.

The amount eligible to be expensed for a taxable year may not exceed the taxable income for a taxable year that is derived from the active conduct of a trade or business (determined without regard to this provision). Any amount that is not allowed as a deduction because of the taxable income limitation may be carried forward to succeeding taxable years (subject to similar limitations). No general business credit under section 38 is allowed with respect to any amount for which a deduction is allowed under section 179. An expensing election is made under rules prescribed by the Secretary.[36]

For taxable years beginning in 2011 and thereafter (or before 2003), the following rules apply. A taxpayer with a sufficiently small amount of annual investment may

[28] Sec. 168(k)(4). In the case of an electing corporation that is a partner in a partnership, the corporate partner's distributive share of partnership items is determined as if section 168(k) does not apply to any eligible qualified property and the straight line method is used to calculate depreciation of such property.

[29] Special rules apply to an applicable partnership.

[30] For this purpose, bonus depreciation is the difference between (i) the aggregate amount of depreciation for all eligible qualified property determined if section 168(k)(1) applied using the most accelerated depreciation method (determined without regard to this provision), and shortest life allowable for each property, and (ii) the amount of depreciation that would be determined if section 168(k)(1) did pot ply using the same method and life for each property.

[31] In the case of passenger aircraft, the written binding contract limitation does not apply.

[32] Special rules apply to property manufactured, constructed, or produced by the taxpayer for use by the taxpayer.

[33] The provision does not modify the property eligible for the election to accelerate AMT and research credits in lieu of bonus depreciation under section 168(k)(4). However, the provision includes a technical amendment to section 168(k)(4)(D) providing that no written binding contract for the acquisition of eligible qualified property may be in effect before April 1, 2008 (effective for taxable years ending after March 31, 2008).

[34] In computing the maximum amount, the maximum increase amount for extension property is reduced by bonus depreciation amounts for preceding taxable years only with respect to extension property.

[35] Additional section 179 incentives are provided with respect to qualified property meeting applicable requirements that is used by a business in an empowerment zone (sec. 1397A) or a renewal community (sec. 1400J), qualified section 179 Gulf Opportunity Zone property (sec. 1400N(e)), qualified Recovery Assistance property placed in service in the Kansas disaster area (Pub. L. No. 110–234, sec. 15345 (2008)), and qualified disaster assistance property (sec. 179(e)).

[36] Sec. 179(c)(1). Under Treas. Reg. sec. 1.179–5, applicable to property placed in service in taxable years beginning after 2002 and before 2008, a taxpayer is permitted to make or revoke an election under section 179 without the consent of the Commissioner on an amended Federal tax return for that taxable year. This amended return must be filed within the time prescribed by law for filing an amended return for the taxable year. T.D. 9209, July 12, 2005.

elect to deduct up to $25,000 of the cost of qualifying property placed in service for the taxable year. The $25,000 amount is reduced (but not below zero) by the amount by which the cost of qualifying property placed in service during the taxable year exceeds $200,000. The $25,000 and $200,000 amounts are not indexed for inflation. In general, qualifying property is defined as depreciable tangible personal property that is purchased for use in the active conduct of a trade or business (not including off-the-shelf computer software). An expensing election may be revoked only with consent of the Commissioner.[37]

HOUSE BILL

The provision extends the $250,000 and $800,000 amounts to taxable years beginning in 2009.

Effective date.—The provision is effective for taxable years beginning after December 31, 2008.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

3. Five-year carryback of operating losses (secs. 1411 and 1412 of the House bill, secs. 1211 and 1212 of the Senate amendment, sec. 1211 of the conference agreement, and sec. 172 of the Code)

PRESENT LAW

Under present law, a net operating loss (''NOL'') generally means the amount by which a taxpayer's business deductions exceed its gross income. In general, an NOL may be carried back two years and carried over 20 years to offset taxable income in such years.[38] NOLs offset taxable income in the order of the taxable years to which the NOL may be carried.[39]

The alternative minimum tax rules provide that a taxpayer's NOL deduction cannot reduce the taxpayer's alternative minimum taxable income (''AMTI'') by more than 90 percent of the AMTI.

Different rules apply with respect to NOLs arising in certain circumstances. A three-year carryback applies with respect to NOLs (1) arising from casualty or theft losses of individuals, or (2) attributable to Presidentially declared disasters for taxpayers engaged in a farming business or a small business. A five-year carryback applies to NOLs (1) arising from a farming loss (regardless of whether the loss was incurred in a Presidentially declared disaster area), (2) certain amounts related to Hurricane Katrina, Gulf Opportunity Zone, and Midwestern Disaster Area, or (3) qualified disaster losses.[40] Special rules also apply to real estate investment trusts (no carryback), specified liability losses (10–year carryback), and excess interest losses (no carryback to any year preceding a corporate equity reduction transaction). Additionally, a special rule applies to certain electric utility companies.

In the case of a life insurance company, present law allows a deduction for the operations loss carryovers and carrybacks to the taxable year, in lieu of the deduction for net operation losses allowed to other corporations.[41] A life insurance company is permitted to treat a loss from operations (as defined under section 810(c)) for any taxable year as an operations loss carryback to each of the three taxable years preceding the loss year and an operations loss carryover to each of the 15 taxable years following the loss year.[42] Special rules apply to new life insurance companies.

HOUSE BILL

The House bill provides an election[43] to increase the present-law carryback period for an applicable 2008 or 2009 NOL from two years to any whole number of years elected by the taxpayer which is more than two and less than six. An applicable NOL is the taxpayer's NOL for any taxable year ending in 2008 or 2009, or if elected by the taxpayer, the NOL for any taxable year beginning in 2008 or 2009. If an election is made to increase the carryback period, the applicable NOL is permanently reduced by 10 percent.

These provisions may be illustrated by the following example. Taxpayer incurs a $100 NOL for its taxable year ended January 31, 2008 and elects to carryback the NOL five years to its taxable year ended January 31, 2003. Under the provision, Taxpayer must first permanently reduce the NOL by 10 percent, or $10, and then may carryback the $90 NOL to its taxable year ended January 31, 2003.

The provision also suspends the 90–percent limitation on the use of any alternative tax NOL deduction attributable to carrybacks of losses from taxable years ending during 2008 or 2009, and carryovers of losses to such taxable years (this rule applies to taxable years beginning in 2008 or 2009 if an election is in place to use such years as applicable NOLs).

For life insurance companies, the provision provides an election to increase the present-law carryback period for an applicable loss from operations from three years to four or five years. An applicable loss from operations is the taxpayer's loss from operations for any taxable year ending in 2008 or 2009, or if elected by the taxpayer, the loss from operations for any taxable year beginning in 2008 or 2009. If an election is made to increase the carryback period, the applicable loss from operations is permanently reduced by 10 percent.

The provision does not apply to: (1) any taxpayer if (a) the Federal Government acquires, at any time,[44] an equity interest in the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008, or (b) the Federal Government acquires, at any time, any warrant (or other right) to acquire any equity interest with respect to the taxpayer pursuant to such Act; (2) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; or (3) any taxpayer that in 2008 or 2009[45] is a member of the same affiliated group (as defined in section 1504 without regard to subsection (b) thereof) as a taxpayer to which the provision does not otherwise apply.

Effective date.—The provision is generally effective for net operating losses arising in taxable years ending after December 31, 2007. The modification to the alternative tax NOL deduction applies to taxable years ending after 1997.[46] The modification with respect to operating loss deductions of life insurance companies applies to losses from operations arising in taxable years ending after December 31, 2007.

For an NOL or loss from operations for a taxable year ending before the enactment of the provision, the provision includes the following transition rules: (1) any election to waive the carryback period under either sections 172(b)(3) or 810(b)(3) with respect to such loss may be revoked before the applicable date; (2) any election to increase the carryback period under this provision is treated as timely made if made before the applicable date; and (3) any application for a tentative carryback adjustment under section 6411(a) with respect to such loss is treated as timely filed if filed before the applicable date. For purposes of the transition rules, the applicable date is the date which is 60 days after the date of the enactment of the provision.

SENATE AMENDMENT

The Senate amendment is generally the same as the House bill, except that the Senate amendment does not include the permanent reduction of the NOL for taxpayers electing to increase the carryback period.

Effective date.—The effective date follows the House bill.

CONFERENCE AGREEMENT

The conference agreement provides an eligible small business with an election to increase the present-law carryback period for an applicable 2008 NOL from two years to any whole number of years elected by the taxpayer that is more than two and less than six.[47] An eligible small business is a taxpayer meeting a $15,000,000 gross receipts test.[48] An applicable NOL is the taxpayer's NOL for any taxable year ending in 2008, or if elected by the taxpayer, the NOL for any taxable year beginning in 2008. However, any election under this provision may be made only with respect to one taxable year.

Effective date.—The conference agreement provision is effective for net operating losses arising in taxable yea ending after December 31, 2007.

For an NOL for a taxable year ending before the enactment of the provision, the provision includes the following transition rules: (1) any election to waive the carryback period under either section 172(b)(3) with respect to such loss may be revoked before the applicable date; (2) any election to increase the carryback period under this provision is treated as timely made if made before the applicable date; and (3) any application for a tentative carryback adjustment under section 6411(a) with respect to such loss is treated as timely filed if filed before the applicable date. For purposes of the transition rules, the applicable date is the date which is

[37] Sec. 179(c)(2).
[38] Sec. 172(b)(1)(A).
[39] Sec. 172(b)(2).
[40] Sec. 172(b)(1)(J).
[41] Secs. 810, 805(a)(5).
[42] Sec. 810(b)(1).
[43] For all elections under this provision, the common parent of a group of corporations filing a consolidated return makes the election, which is binding on all such corporations.
[44] For example, if the Federal government acquires an equity interest in the taxpayer during 2010, or in later years, the taxpayer is not entitled to the extended carryback rules under this provision. If the carryback has previously been claimed, amended filings may be necessary to reflect this disallowance.
[45] For example, a taxpayer with an NOL in 2008 that in 2010 joins an affiliated group with a member in which the Federal Government has an equity interest pursuant to the Emergency Economic Stabilization Act of 2008 may not utilize the extended carryback rules under this provision with regard to the 2008 NOL. The taxpayer is required to amend prior filings to reflect the permitted carryback period.
[46] NOL deductions from as early as taxable years ending after 1997 may be carried forward to 2008 and utilize the provision suspending the 90 percent limitation on alternative tax NOL deductions.
[47] For all elections under this provision, the common parent of a group of corporations filing a consolidated return makes the election, which is binding on all such corporations.
[48] For this purpose, the gross receipt test of sec. 448(c) is applied by substituting $15,000,000 for, $5,000,000 each place it appears.

60 days after the date of the enactment of the provision.

4. Estimated tax payments (sec. 1212 of the conference agreement and sec. 6654 of the Code)

PRESENT LAW

Under present law, the income tax system is designed to ensure that taxpayers pay taxes throughout the year based on their income and deductions. To the extent that tax is not collected through withholding, taxpayers are required to make quarterly estimated payments of tax, the amount of which is determined by reference to the required annual payment. The required annual payment is the lesser of 90 percent of the tax shown on the return or 100 percent of the tax shown on the return for the prior taxable year (110 percent if the adjusted gross income for the preceding year exceeded $150,000). An underpayment results if the required payment exceeds the amount (if any) of the installment paid on or before the due date of the installment. The period of the underpayment runs from the due date of the installment to the earlier of (1) the 15th day of the fourth month following the close of the taxable year or (2) the date on which each portion of the underpayment is made. If a taxpayer fails to pay the required estimated tax payments under the rules, a penalty is imposed in an amount determined by applying the underpayment interest rate to the amount of the underpayment for the period of the underpayment. The penalty for failure to pay estimated tax is the equivalent of interest, which is based on the time value of money.

Taxpayers are not liable for a penalty for the failure to pay estimated tax in certain circumstances. The statute provides exceptions for U.S. persons who did not have a tax liability the preceding year, if the tax shown on the return for the taxable year (or, if no return is filed, the tax), reduced by withholding, is less than $1,000, or the taxpayer is a recently retired or disabled person who satisfies the reasonable cause exception.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement provides that the required annual estimated tax payments of a qualified individual for taxable years beginning in 2009 is not greater than 90 percent of the tax liability shown on the tax return for the preceding taxable year. A qualified individual means any individual if the adjusted gross income shown on the tax return for the preceding taxable year is less than $500,000 ($250,000 if married filing separately) and the individual certifies that at least 50 percent of the gross income shown on the return for the preceding taxable year was income from a small trade or business. For purposes of this provision, a small trade or business means any trade or business that employed no more than 500 persons, on average, during the calendar year ending in or with the preceding taxable year.

Effective date.—The proposal is effective on the date of enactment.

5. Modification of work opportunity tax credit (sec. 1421 of the House bill, sec. 1221 of the Senate amendment, sec. 1221 of the conference agreement, and sec. 51 of the Code)

PRESENT LAW

In general

The work opportunity tax credit is available on an elective basis for employers hiring individuals from one or more of nine targeted groups. The amount of the credit available to an employer is determined by the amount of qualified wages paid by the employer. Generally, qualified wages consist of wages attributable to service rendered by a member of a targeted group during the one-year period beginning with the day the individual begins work for the employer (two years in the case of an individual in the long-term family assistance recipient category).

Targeted groups eligible for the credit

Generally an employer is eligible for the credit only for qualified wages paid to members of a targeted group.

(1) Families receiving TANF

An eligible recipient is an individual certified by a designated local employment agency (e.g., a State employment agency) as being a member of a family eligible to receive benefits under the Temporary Assistance for Needy Families Program (''TANF'') for a period of at least nine months part of which is during the 18–month period ending on the hiring date. For these purposes, members of the family are defined to include only those individuals taken into account for purposes of determining eligibility for the TANF.

(2) Qualified veteran

There are two subcategories of qualified veterans related to eligibility for Food stamps and compensation for a service-connected disability.

Food stamps

A qualified veteran is a veteran who is certified by the designated local agency as a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977.

Entitled to compensation for a service-connection disability

A qualified veteran also includes an individual who is certified as entitled to compensation for a service-connected disability and: (1) having a hiring date which is not more than one year after having been discharged or released from active duty in the Armed Forces of the United States; or (2) having been unemployed for six months or more (whether or not consecutive) during the one-year period ending on the date of hiring.

Definitions

For these purposes, being entitled to compensation for a service-connected disability is defined with reference to section 101 of Title 38, U.S. Code, which means having a disability rating of 10 percent or higher for service connected injuries.

For these purposes, a veteran is an individual who has served on active duty (other than for training) in the Armed Forces for more than 180 days or who has been discharged or released from active duty in the Armed Forces for a service-connected disability. However, any individual who has served for a period of more than 90 days during which the individual was on active duty (other than for training) is not a qualified veteran if any of this active duty occurred during the 60–day period ending on the date the individual was hired by the employer. This latter rule is intended to prevent employers who hire current members of the armed services (or those departed from service within the last 60 days) from receiving the credit.

(3) Qualified ex-felon

A qualified ex-felon is an individual certified as: (1) having been convicted of a felony under any State or Federal law; and (2) having a hiring date within one year of release from prison or the date of conviction.

(4) Designated community residents

A designated community resident is an individual certified as being at least age 18 but not yet age 40 on the hiring date and as having a principal place of abode within an empowerment zone, enterprise community, renewal community or a rural renewal community. For these purposes, a rural renewal county is a county outside a metropolitan statistical area (as defined by the Office of Management and Budget) which had a net population loss during the five-year periods 1990–1994 and 1995–1999. Qualified wages do not include wages paid or incurred for services performed after the individual moves outside an empowerment zone, enterprise community, renewal community or a rural renewal community.

(5) Vocational rehabilitation referral

A vocational rehabilitation referral is an individual who is certified by a designated local agency as an individual who has a physical or mental disability that constitutes a substantial handicap to employment and who has been referred to the employer while receiving, or after completing: (a) vocational rehabilitation services under an individualized, written plan for employment under a State plan approved under the Rehabilitation Act of 1973; (b) under a rehabilitation plan for veterans carried out under Chapter 31 of Title 38, U.S. Code; or (c) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act. Certification will be provided by the designated local employment agency upon assurances from the vocational rehabilitation agency that the employee has met the above conditions.

(6) Qualified summer youth employee

A qualified summer youth employee is an individual: (a) who performs services during any 90–day period between May 1 and September 15; (b) who is certified by the designated local agency as being 16 or 17 years of age on the hiring date; (c) who has not been an employee of that employer before; and (d) who is certified by the designated local agency as having a principal place of abode within an empowerment zone, enterprise community, or renewal community (as defined under Subchapter U of Subtitle A, Chapter 1 of the Internal Revenue Code). As with designated community residents, no credit is available on wages paid or incurred for service performed after the qualified summer youth moves outside of an empowerment zone, enterprise community, or renewal community. If, after the end of the 90–day period, the employer continues to employ a youth who was certified during the 90–day period as a member of another targeted group, the limit on qualified first year wages will take into account wages paid to the youth while a qualified summer youth employee.

(7) Qualified food stamp recipient

A qualified food stamp recipient is an individual at least age 18 but not yet age 40 certified by a designated local employment agency as being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for a period of at least six months ending on the hiring date. In the case of families that cease to be eligible for food stamps under section 6(o) of the Food Stamp Act of 1977, the six-month requirement is replaced with a requirement

that the family has been receiving food stamps for at least three of the five months ending on the date of hire. For these purposes, members of the family are defined to include only those individuals taken into account for purposes of determining eligibility for a food stamp program under the Food Stamp Act of 1977.

(8) Qualified SSI recipient

A qualified SSI recipient is an individual designated by a local agency as receiving supplemental security income (''SSI'') benefits under Title XVI of the Social Security Act for any month ending within the 60–day period ending on the hiring date.

(9) Long-term family assistance recipients

A qualified long-term family assistance recipient is an individual certified by a designated local agency as being: (a) a member of a family that has received family assistance for at least 18 consecutive months ending on the hiring date; (b) a member of a family that has received such family assistance for a total of at least 18 months (whether or not consecutive) after August 5, 1997 (the date of enactment of the welfare-to-work tax credit[49] if the individual is hired within two years after the date that the 18–month total is reached; or (c) a member of a family who is no longer eligible for family assistance because of either Federal or State time limits, if the individual is hired within two years after the Federal or State time limits made the family ineligible for family assistance.

Qualified wages

Generally, qualified wages are defined as cash wages paid by the employer to a member of a targeted group. The employer's deduction for wages is reduced by the amount of the credit.

For purposes of the credit, generally, wages are defined by reference to the FUTA definition of wages contained in sec. 3306(b) (without regard to the dollar limitation therein contained). Special rules apply in the case of certain agricultural labor and certain railroad labor.

Calculation of the credit

The credit available to an employer for qualified wages paid to members of all targeted groups except for long-term family assistance recipients equals 40 percent (25 percent for employment of 400 hours or less) of qualified first-year wages. Generally, qualified first-year wages are qualified wages (not in excess of $6,000) attributable to service rendered by a member of a targeted group during the one-year period beginning with the day the individual began work for the employer. Therefore, the maximum credit per employee is $2,400 (40 percent, of the first $6,000 of qualified first-year wages). With respect to qualified summer youth employees, the maximum credit is $1,200 (40 percent of the first $3,000 of qualified first-year wages). Except for long-term family assistance recipients, no credit is allowed for second-year wages.

In the case of long-term family assistance recipients, the credit equals 40 percent (25 percent for employment of 400 hours or less) of $10,000 for qualified first-year wages and 50 percent of the first $10,000 of qualified second-year wages. Generally, qualified second-year wages are qualified wages (not in excess of $10,000) attributable to service rendered by a member of the long-term family assistance category during the one-year period beginning on the day after the one-year period beginning with the day the individual began work for the employer. Therefore, the maximum credit per employee is $9,000 (40 percent of the first $10,000 of qualified first-year wages plus 50 percent of the first $10,000 of qualified second-year wages).

In the case of a qualified veteran who is entitled to compensation for a service connected disability, the credit equals 40 percent of $12,000 of qualified first-year wages. This expanded definition of qualified first-year wages does not apply to the veterans qualified with reference to a food stamp program, as defined under present law.

Certification rules

An individual is not treated as a member of a targeted group unless: (1) on or before the day on which an individual begins work for an employer, the employer has received a certification from a designated local agency that such individual is a member of a targeted group; or (2) on or before the day an individual is offered employment with the employer, a prescreening notice is completed by the employer with respect to such individual, and not later than the 28th day after the individual begins work for the employer, the employer submits such notice, signed by the employer and the individual under penalties of perjury, to the designated local agency as part of a written request for certification. For these purposes, a pre-screening notice is a document (in such form as the Secretary may prescribe) which contains information provided by the individual on the basis of which the employer believes that the individual is a member of a targeted group.

Minimum employment period

No credit is allowed for qualified wages paid to employees who work less than 120 hours in the first year of employment.

Other rules

The work opportunity tax credit is not allowed for wages paid to a relative or dependent of the taxpayer. No credit is allowed for wages paid to an individual who is a more than fifty percent owner of the entity. Similarly, wages paid to replacement workers during a strike or lockout are not eligible for the work opportunity tax credit. Wages paid to any employee during any period for which the employer received on-the-job training program payments with respect to that employee are not eligible for the work opportunity tax credit. The work opportunity tax credit generally is not allowed for wages paid to individuals who had previously been employed by the employer. In addition, many other technical rules apply.

Expiration

The work opportunity tax credit is not available for individuals who begin work for an employer after August 31, 2011.

HOUSE BILL

In general

The provision creates a new targeted group for the work opportunity tax credit. That new category is unemployed veterans and disconnected youth who begin work for the employer in 2009 or 2010.

An unemployed veteran is defined as an individual certified by the designated local agency as someone who: (1) has served on active duty (other than for training) in the Armed Forces for more than 180 days or who has been discharged or released from active duty in the Armed Forces for a service-connected disability; (2) has been discharged or released from active duty in the Armed Forces during 2008, 2009, or 2010; and (3) has received unemployment compensation under State or Federal law for not less than four weeks during the one-year period ending on the hiring date.

A disconnected youth is defined as an individual certified by the designated local agency as someone: (1) at least age 16 but not yet age 25 on the hiring date; (2) not regularly attending any secondary, technical, or post-secondary school during the six-month period preceding the hiring date; (3) not regularly employed during the six-month period preceding the hiring date; and (4) not readily employable by reason of lacking a sufficient number of skills.

Effective date

The provisions are effective for individuals who begin work for an employer after December 31, 2008.

SENATE AMENDMENT

The Senate amendment is the same as the House bill except that the otherwise applicable definition of unemployed veterans is expanded to include individuals who were discharged or released from active duty in the Armed Forces during the period beginning on September 1, 2001 and ending on December 31, 2010.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment with one modification. Under this modification an unemployed veteran for purposes of this new targeted group is defined below:

An unemployed veteran is defined as an individual certified by the designated local agency as someone who: (1) has served on active duty (other than for training) in the Armed Forces for more than 180 days or who has been discharged or released from active duty in the Armed Forces for a service-connected disability; (2) has been discharged or released from active duty in the Armed Forces during the five-year period ending on the hiring date; and (3) has received unemployment compensation under State or Federal law for not less than four weeks during the one-year period ending on the hiring date.

For purposes of the disconnected youths, it is intended that a low-level of formal education may satisfy the requirement that an individual is not readily employable by reason of lacking a sufficient number of skills. Further, it is intended that the Internal Revenue Service, when providing general guidance regarding the various new criteria, shall take into account the administrability of the program by the State agencies.

6. Clarification of regulations related to limitations on certain built-in losses following an ownership change (sec. 1431 of the House bill, sec. 1281 of the Senate amendment, sec. 1261 of the conference agreement, and sec. 382 of the Code)

PRESENT LAW

Section 382 limits the extent to which a ''loss corporation'' that experiences an ''ownership change'' may offset taxable income in any post-change taxable year by pre-change net operating losses, certain built-in losses, and deductions attributable to the pre-change period.[50] In general, the amount

[49] The welfare-to-work tax credit was consolidated into the work .opportunity tax credit in the Tax Relief and Health Care Act of 2006, for qualified individuals who begin to work for an employer after December 31, 2006.

[50] Sec. 383 imposes similar limitations, under regulations, on the use of carryforwards of general business credits, alternative minimum tax credits, foreign tax credits, and net capital loss carryforwards. Sec. 383 generally refers to sec. 382 for the meanings of its terms, but requires appropriate adjustments to take account of its application to credits and net capital losses.

of income in any post-change year that may be offset by such net operating losses, built-in losses and deductions is limited to an amount (referred to as the ''section 382 limitation'') determined by multiplying the value of the loss corporation immediately before the ownership change by the long-term tax-exempt interest.[51]

A ''loss corporation'' is defined as a corporation entitled to use a net operating loss carryover or having a net operating loss carryover for the taxable year in which the ownership change occurs. Except to the extent provided in regulations, such term includes any corporation with a ''net unrealized built-in loss'' (or NUBIL)[52] defined as the amount by which the fair market value of the assets of the corporation immediately before an ownership change is less than the aggregate adjusted basis of such assets at such time. However, if the amount of the NUBIL does not exceed the lesser of (i) 15 percent of the fair market value of the corporation's assets or (ii) $10,000,000, then the amount of the NUBIL is treated as zero.[53]

An ownership change is defined generally as an increase by more than 50-percentage points in the percentage of stock of a loss corporation that is owned yAny one or more five-percent (or greater) shareholders (as defined) within a three-year period.[54] Treasury regulations provide generally that this measurement is to be made as of any ''testing date,'' which is any date on which the ownership of one or more persons who were or who become five-percent shareholders increase.[55]

Section 382(h) governs the treatment of certain built-in losses and built-in gains recognized with respect to assets held by the loss corporation at the time of the ownership change. In the case of a loss corporation that has a NUBIL (measured immediately before an ownership change), section 382(h)(1) provides that any ''recognized built-in loss'' (or RBIL) for any taxable year during a ''recognition period'' (consisting of the five years beginning on the ownership change date) is subject to the section 382 limitation in the same manner as if it were a pre-change net operating loss.[56] An RBIL is defined for this purpose as any loss recognized during the recognition period on the disposition of any asset held by the loss corporation immediately before the ownership change date, to the extent that such loss is attributable to an excess of the adjusted basis of the asset on the change date over its fair market value on that date.[57] An RBIL also includes any amount allowable as depreciation, amortization or depletion during the recognition period, to the extent that such amount is attributable to excess of the adjusted basis of the asset over its fair market value on the ownership change day.[58] In addition, any amount that is allowable as a deduction during the recognition period (determined without regard to any carryover) but which is attributable to periods before the ownership change date is treated as an RBIL for the taxable year in which it is allowable as a deduction.[59]

As indicated above, section 382(h)(1) provides in the case of a loss corporation that has a NUBIG that the section 382 limitation may be increased for any taxable year during the recognition period by the amount of recognized built-in gains (or RBIGs) for such taxable year.[60] An RBIG is defined for this purpose as any gain recognized during the recognition period on the disposition of any asset held by the loss corporation immediately before the ownership change date, to the extent that such gain is attributable to an excess of the fair market value of the asset on the change date over its adjusted basis on that date.[61] In addition, any item of income that is properly taken into account during the recognition period but which is attributable to periods before the ownership change date is treated as an RBIG for the taxable year in which it is properly taken into account.[62]

Internal Revenue Service Notice 2003–65[63] provides two alternative safe harbor approaches for the identification of built-in items for purposes of section 382(h): the ''1374 approach'' and the ''338. approach''

Under the 1374 approach,[64] NUBIG or NUBIL is the net amount of gain or loss that would be recognized in a hypothetical sale of the assets of the loss corporation immediately before the ownership change.[65] The amount of gain or loss recognized during the recognition period on the sale or exchange of an asset held at the time of the ownership change is RBIG or RBIL, respectively, to the extent it is attributable to a difference between the adjusted basis and the fair market value of the asset on the change date, as described above. However, the 1374 approach generally relies on the accrual method of accounting to identify items of income or deduction as RBIG or RBIL, respectively. Generally, items of income or deduction properly included in income or allowed as a deduction during the recognition period are considered attributable to period before the change date (and thus are treated as RBIG or RBIL, respectively), if a taxpayer using an accrual method of accounting would have included the item in income or been allowed a deduction for the item before the change date. However, the 1374 approach includes a number of exceptions to this general rule, including a special rule dealing with bad debt deductions under section 166. Under this special rule, any deduction item properly taken into account during the first 12 months of the recognition period as a bad debt deduction under section 166 is treated as RBIL if the item arises from a debt owed to the loss corporation at the beginning of the recognition period (and deductions for such items properly taken into account after the first 12

[51] If the loss corporation had a ''net unrealized built-in gain'' (or NUBIG) at the time of the ownership change, then the sec. 382 limitation for any taxable year may be increased by the amount of the ''recognized built-in gains'' (discussed further below) for that year. A NUBIG is defined as the amount by which the fair market value of the assets of the corporation immediately before an ownership change exceeds the aggregate adjusted basis of such assets at such time. However, if the amount of the NUBIG does not exceed the lesser of (i) 15 percent of the fair market value of the corporation's assets or (ii) $10,000,000, then the amount of the NUBIG is treated as zero. Sec. 382(h)(1).

[52] Sec. 382(k)(1).

[53] Sec. 382(h)(3).

[54] Determinations of the percentage of stock of any corporation held by any person are made on the basis of value. Sec. 382(k)(6)(C).

[55] See Treas. Reg. sec. 1.382–2(a)(4) (providing that ''a loss corporation is required to determine whether an ownership change has occurred immediately after any owner shift, or issuance or transfer (including an issuance or transfer described in Treas. Reg. sec. 1.382–4(d)(8)(i) or (ii)) of an option with respect to stock of the loss corporation that is treated as exercised under Treas. Reg. sec. 1.382–4(d)(2)'' and defining a ''testing date'' as ''each date on which a loss corporation is required to make a determination of whether an ownership change has occurred'') and Temp. Treas. Reg. sec. 1.382–2T(e)(1) (defining an ''owner shift'' as ''any change in the ownership of the stock of a loss corporation that affects the percentage of such stock owned by any 5-percent shareholder''). Treasury regulations under section 382 provide that, in computing stock ownership on specified testing dates, certain unexercised options must be treated as exercised if certain ownership, control, or income tests are met. These tests are met only if ''a principal purpose of the issuance, transfer, or structuring of the option (alone or in combination with other arrangements) is to avoid or ameliorate the impact of an ownership change of the loss corporation.'' Treas. Reg. sec. 1.382–4(d). Compare prior temporary regulations, Temp. Reg. sec. 1.382–2T(h)(4) (''Solely for the purpose of determining whether there is an ownership change on any testing date, stock of the loss corporation that is subject to an option shall be treated as acquired on any such date, pursuant to an exercise of the option by its owner on that date, if such deemed exercise would result in an ownership change.''). Internal Revenue Service Notice 2008–76, I.R.B. 2008–39 (September 29, 2008), released September 7, 2008, provides that the Treasury Department intends to issue regulations modifying the term ''testing date'' under sec. 382 to exclude any date on or after which the United States acquires stock or options to acquire stock in certain corporations with respect to which there is a ''Housing Act Acquisition'' pursuant to the Housing and Economic Recovery Act of 2008 (P.L. 110–289). The Notice states that the regulations will apply on and after September 7, 2008, unless and until there is additional guidance. Internal Revenue Service Notice 2008–84, I.R.B. 2008–41 (October 14, 2008), provides that the Treasury Department intends to issue regulations modifying the term ''testing date'' under sec. 382 to exclude any date as of the close of which the United States owns, directly or indirectly, a more than 50 percent interest in a loss corporation, which regulations will apply unless and until there is additional guidance. Internal Revenue Service Notice 2008–100, 2008–14 I.R.B. 1081 (released October 15, 2008) provides that the Treasury Department intends to issue regulations providing, among other things, that certain instruments acquired by the Treasury Department under the Capital Purchase Program (CPP) pursuant to the Emergency Economic Stabilization Act of 2008 (P.L. 100–343) (''EESA'') shall not be treated as stock for certain purposes. The Notice also provides that certain capital contributions made by Treasury pursuant to the CPP shall not be considered to have been made as part of a plan the principal purpose of which was to avoid or increase any sec. 382 limitation (for purposes of section 382(l)(1)). The Notice states that taxpayers may rely on the rules described unless and until there is further guidance; and that any contrary guidance will not apply to instruments (i) held by Treasury that were acquired pursuant to the CCP prior to publication of that guidance, or (ii) issued to Treasury pursuant to the CCP under written binding contracts entered into prior to the publication of that guidance. Internal Revenue Service Notice 2009–14, 2009–7 I.R.B. 1 (January 30, 2009) amplifies and supersedes Notice 2008–100, and provides additional guidance regarding the application of sec. 382 and other provisions of law to corporations whose instruments are acquired by the Treasury Department under certain programs pursuant to EESA.

[56] Sec. 382(h)(2). The total amount of the loss corporation's RBILs that are subject to the section 382 limitation cannot exceed the amount of the corporation's NUBIL.

[57] Sec. 382(h)(2)(B).

[58] Id.

[59] Sec. 382(h)(6)(B).

[60] The total amount of such increases cannot exceed the amount of the corporation's NUBIG.

[61] Sec. 382(h)(2)(A).

[62] Sec. 382(h)(6)(A).

[63] 2003–2 C.B. 747.

[64] The 1374 approach generally incorporates rules similar to those of section 1374(d) and the Treasury regulations thereunder in calculating NUBIG and NUBIL and identifying RBIG and RBIL.

[65] More specifically, NUBIG or NUBIL is calculated by determining the amount that would be realized if immediately before the ownership change the loss corporation had sold all of its assets, including goodwill, at fair market value to a third party that assumed all of its liabilities, decreased by the sum of any deductible liabilities of the loss corporation that would be included in the amount realized on the hypothetical sale and the loss corporation's aggregate adjusted basis in all of its assets, increased or decreased by the corporation's section 481 adjustments that would be taken into account on a hypothetical sale, and increased by any RBIL that would not be allowed as a deduction under section 382, 383 or 384 on the hypothetical sale.

months of the recognition period are not RBILs).[66]

The 338 approach identifies items of RBIG and RBIL generally by comparing the loss corporation's actual items of income, gain, deduction and loss with those that would have resulted if a section 338 election had been made with respect to a hypothetical purchase of all of the outstanding stock of the loss corporation on the change date. Under the 338 approach, NUBIG or NUBIL is calculated in the same manner as it is under the 1374 approach.[67] The 338 approach identifies RBIG or RBIL by comparing the loss corporation's actual items of income, gain, deduction and loss with the items of income, gain, deduction and loss that would result if a section 338 election had been made for the hypothetical purchase. The loss corporation is treated for this purpose as using those accounting methods that the loss corporation actually uses. The 338 approach does not include any special rule with regard to bad debt deductions under section 166.

Section 166 generally allows a deduction in respect of any debt that becomes worthless, in whole or in part, during the taxable year.[68] The determination of whether a debt is worthless, in whole or in part, is a question of fact. However, in the case of a bank or other corporation that is subject to supervision by Federal authorities, or by State authorities maintaining substantially equivalent standards, the Treasury regulations under section 166 provide a presumption of worthlessness to the extent that a debt is charged off during the taxable year pursuant to a specific order of such an authority or in accordance with established policies of such an authority (and in the latter case, the authority confirms in writing upon the first subsequent audit of the bank or other corporation that the charge-off would have been required if the audit had been made at the time of the charge-off). The presumption does not apply if the taxpayer does not claim the amount so charged off as a deduction for the taxable year in which the charge-off takes place. In that case, the charge-off is treated as having been involuntary; however, in order to claim the section 166 deduction in a later taxable year, the taxpayer must produce sufficient evidence to show that the debt became partially worthless in the later year or became recoverable only in part subsequent to the taxable year of the charge-off, as the case may be, and to the extent that the deduction claimed in the later year for a partially worthless debt was not involuntarily charged off in prior taxable years, it was charged off in the later taxable year.[69]

The Treasury regulations also permit a bank (generally as defined for purposes of section 581, with certain modifications) that is subject to supervision by Federal authorities, or State authorities maintaining substantially equivalent standards, to make a ''conformity election'' under which debts charged off for regulatory purposes during a taxable year are conclusively presumed to be worthless for tax purposes to the same extent, provided that the charge-off results from a specific order of the regulatory authority or corresponds to the institution's classification of the debt as a ''loss asset'' pursuant to loan loss classification standards that are consistent with those of certain specified bank regulatory, authorities. The conformity election is treated as the adoption of a method of accounting.[70]

Internal Revenue Service Notice 2008–83,[71] released on October 1, 2008, provides that ''[f]or purposes of section 382(h), any deduction properly allowed after an ownership change (as defined in section 382(g)) to a bank with respect to losses on loans or bad debts (including any deduction for a reasonable addition to a reserve for bad debts) shall ne treated as a built-in loss or a deduction that is attributable to periods before the change date.''[72] The Notice further states that the Internal Revenue Service and the Treasury Department are studying the proper treatment under section 382(h) of certain items of deduction or loss allowed after an ownership change to a corporation that is a bank (as defined in section 581) both immediately before and after the change date, and that any such corporation may rely on the treatment set forth in Notice 2008–83 unless and until there is additional guidance.

HOUSE BILL

The provision states that Congress finds as follows: (1) The delegation of authority to the Secretary of the Treasury, or his delegate, under section 382(m) does not authorize the Secretary to provide exemptions or special rules that are restricted to particular industries or classes of taxpayers; (2) Internal Revenue Service Notice 2008–83 is inconsistent with the congressional intent in enacting such section 382(m); (3) the legal authority to prescribe Notice 2008–83 is doubtful; (4) however, as taxpayers should generally be able to rely on guidance issued by the Secretary of the Treasury, legislation is necessary to clarify the force and effect of Notice 200883 and restore the proper application under the Internal Revenue Code of the limitation on built-in losses following an ownership change of a bank.

Under the provision, Treasury Notice 2008–83 shall be deemed to have the force and effect of law with respect to any ownership change (as defined in section 382(g)) occurring on or before January 16, 2009, and with respect to any ownership change (as so defined) which occurs after January 16, 2009, if such change (1) is pursuant to a written binding contract entered in to on or before such date or (2) is pursuant to a written agreement entered into on or before such date and such agreement was described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission required by reason of such ownership change, but shall otherwise have no force or effect with respect to any ownership change after such date.

Effective date.—The provision is effective on the date of enactment.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

7. Treatment of certain ownership changes for purposes of limitations on net operating loss carryforwards and certain built-in losses (sec. 1262 of the conference agreement and sec. 382 of the Code)

PRESENT LAW

Section 382 limits the extent to which a ''loss corporation'' that experiences an ''ownership change'' may offset taxable income in any post-change taxable year by pre-change net orating losses, certain built-in losses, and deductions attributable to the pre-change period.[73] In general, the amount of income in any post-change year that may be offset by such net operating losses, built-in losses and deductions is limited to an amount (referred to as the ''section 382 limitation'') determined by multiplying the value of the loss corporation immediately before the ownership change by the long-term tax-exempt interest rate.[74]

A ''loss corporation'' is defined as a corporation entitled to use a net operating loss carryover or having a net operating loss carryover for the taxable year in which the ownership change occurs. Except to the extent provided in regulations, such term includes any corporation with a ''net unrealized built-in loss'' (or NUBIL),[75] defined as the amount by which the fair market value of the assets of the corporation immediately before an ownership change is less than the aggregate adjusted basis of such assets at such time. However, if the amount of the NUBIL does not exceed the lesser of (i) 15 percent of the fair market value of the corporation's assets or (ii) $10,000,000, then the amount of the NUBIL is treated as zero.[76]

An ownership change is defined generally as an increase by more than 50-percentage points in the percentage of stock of a loss corporation that is owned by any one or more five-percent (or greater) shareholders (as defined) within a three year period.[77] Treasury regulations provide generally that this measurement is to be made as of any ''testing date,'' which is any date on which the ownership of one or more persons who were or who become five-percent shareholders increases.[78]

[66] Notice 2003–65, section III.B.2.b.

[67] Accordingly, unlike the case in which a section 338 election is actually made, contingent consideration (including a contingent liability) is taken into account in the initial calculation of NUBIG or NUBIL, and no further adjustments are made to reflect subsequent changes in deemed consideration.

[68] Section 166 does not apply, however, to a debt which is evidenced by a security, defined for this purpose (by cross-reference to section 165(g)(2)(C)) as a bond, debenture, note or certificate or other evidence of indebtedness issued by a corporation or by a government or political subdivision thereof, with interest coupons or in registered form. Sec. 166(e).

[69] See Treas. Reg. sec. 1.166–2(d)(1) and (2).

[70] See Treas. Reg. sec. 1.166–2(d)(3); cf. Priv. Let. Rul. 9248048 (July 7, 1992); Tech. Ad. Mem. 9122001 (Feb. 8, 1991).

[71] 2008–42 I.R.B. 2008–42 (Oct. 20, 2008).

[72] Notice 2008–83, section 2.

[73] Section 383 imposes similar limitations, under regulations, on the use of carryforwards of general business credits, alternative minimum tax credits, foreign tax credits, and net capital loss carryforwards. Section 383 generally refers to section 382 for the meanings of its terms, but requires appropriate adjustments to take account of its application to credits and net capital losses.

[74] If the loss corporation had a ''net unrealized built in gain'' (or NUBIG) at the time of the ownership change, then the section 382 limitation for any taxable year may be increased by the amount of the ''recognized built-in gains'' (discussed further below) for that year. A NUBIG is defined as the amount by which the fair market value of the assets of the corporation immediately before an ownership change exceeds the aggregate adjusted basis of such assets at such time. However, if the amount of the NUBIG does not exceed the lesser of (i) 15 percent of the fair market value of the corporation's assets or (ii) $10,000,000, then the amount of the NUBIG is treated as zero. Sec. 382(h)(1).

[75] Sec. 382(k)(1).

[76] Sec. 382(h)(3).

[77] Determinations of the percentage of stock of any corporation held by any person are made on the basis of value. Sec. 382(k)(6)(C).

[78] See Treas. Reg. sec. 1.382–2(a)(4) (providing that ''a loss corporation is required to determine whether an ownership change has occurred immediately after any owner shift, or issuance or transfer (including an issuance or transfer described in Treas. Reg. sec. 1.382–4(d)(8)(i) or (ii)) of an option with respect to stock of the loss corporation that is treated as exercised under Treas. Reg. sec. 1.382–4(d)(2)'' and defining a ''testing date'' as ''each date on which a loss

Continued

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement amends section 382 of the Code to provide an exception from the application of the section 382 limitation. Under the provision, the section 382 limitation that would otherwise arise as a result of an ownership change shall not apply in the case of an ownership change that occurs pursuant to a restructuring plan of a taxpayer which is required under a loan agreement or commitment for a line of credit entered into with the Department of the Treasury under the Emergency Economic Stabilization Act of 2008, and is intended to result in a rationalization of the costs, capitalization, and capacity with respect to the manufacturing workforce of, and suppliers to, the taxpayer and its subsidiaries.[79]

However, an ownership change that would otherwise be excepted from the section 382 limitation under the provision will instead remain subject to the section 382 limitation if, immediately after such ownership change, any person (other than a voluntary employees' beneficiary association within the meaning of section 501(c)(9)) owns stock of the new loss corporation possessing 50 percent or more of the total combined voting power of all classes of stock entitled to vote or of the total value of the stock of such corporation. For purposes of this rule, persons who bear a relationship to one another described in section 267(b) or 707(b)(1), or who are members of a group of persons acting in concert, are treated as a single person.

The exception from the application of the section 382 limitation under the provision. not change the fact that an ownership change has occurred for other purposes of section 382.[80]

Effective date.—The conference agreement applies to ownership changes after the date of enactment.

8. Deferral of certain income from the discharge of indebtedness (sec. 1231 of the Senate amendment, sec. 1231 of the conference agreement, and sec. 108 of the Code)

PRESENT LAW

In general, gross income includes income that is realized by a debtor from the discharge of indebtedness, subject to certain exceptions for debtors in title 11 bankruptcy cases, insolvent debtors, certain student loans, certain farm indebtedness, certain real property business indebtedness, and certain qualified principal residence indebtedness.[81] In cases involving discharges of indebtedness that are excluded from gross income under the exceptions to the general rule, taxpayers generally are required to reduce certain tax attributes, including net operating losses, general business credits, minimum tax c its, capital loss carryovers, and basis in property, by the amount of the discharge of indebtedness.[82]

The amount of discharge of indebtedness excluded from income by an insolvent debtor not in a title 11 bankruptcy case cannot exceed the amount by which the debtor is insolvent. In the case of a discharge in bankruptcy or where the debtor is insolvent, any reduction in basis may not exceed the excess of the aggregate bases of properties held by the taxpayer immediately after the discharge over the aggregate of the liabilities of the taxpayer immediately after the discharge.[83]

For all taxpayers, the amount of discharge of indebtedness generally is equal to the excess of the adjusted issue price of the indebtedness being satisfied over the amount paid (or deemed paid) to satisfy such indebtedness.[84] This rule generally applies to (1) the acquisition by the debtor of its debt instrument in exchange for cash, (2) the issuance of a debt instrument by the debtor in satisfaction of its indebtedness, including a modification of indebtedness that is treated as an exchange (a debt-for-debt exchange), (3) the transfer by a debtor corporation of stock, or a debtor partnership of a capital or profits interest in such partnership, in satisfaction of its indebtedness (an equity-for-debt exchange), and (4) the acquisition by a debtor corporation of its indebtedness from a shareholder as a contribution to capital.

Debt-for-debt exchanges

If a debtor issues a debt instrument in satisfaction of its indebtedness, the debtor is treated as having satisfied the indebtedness with an amount of money equal to the issue price of the newly issued debt instrument.[85] The issue price of such newly issued debt instrument generally is determined under sections 1273 and 1274.[86] Similarly, a ''significant modification'' of a debt instrument, within the meaning of Treas. Reg. sec. 1.1001–3, results in an exchange of the original debt instrument for a modified instrument. In such cases, where the issue price of the modified debt instrument is less than the adjusted issue price of the original debt instrument, the debtor will have income from the cancellation of indebtedness.

If any new debt instrument is issued (including as a result of a significant modification to a debt instrument), such debt instrument will have original issue discount equal to the excess (if any) of such debt instrument's stated redemption price at maturity over its issue price.[87] In general, an issuer of a debt instrument with original issue discount may deduct for any taxable year, with respect to such debt instrument, an amount of original issue discount equal the aggregate daily portions of the original issue discount for days during such taxable year.[88]

EQUITY-FOR-DEBT EXCHANGES

If a corporation transfers stock, or a partnership transfers a capital or profits interest in such partnership, to a creditor in satisfaction of its indebtedness, then such corporation or partnership is treated as having satisfied its indebtedness with an amount of money equal to the fair market value of the stock or interest.[89]

Related party acquisitions

Indebtedness directly or indirectly acquired by a person who bears a relationship to the debtor described in section 267(b) or section 707(b) is treated as if it were acquired by the debtor.[90] Thus, where a debtor's indebtedness is acquired for less than its adjusted issue price by a person related to the debtor (within the meaning of section 267(b) or 707(b)), the debtor recognizes income from the cancellation of indebtedness. Regulations under section 108 provide that the indebtedness acquired by the related party is treated as new indebtedness issued by the debtor to the related holder on the acquisition date (the deemed issuance).[91] The new indebtedness is deemed issued with an issue price equal to the amount used under regulations to compute the amount of cancellation of indebtedness income realized by the debtor (i.e., either the holder's adjusted basis or the fair market value of the indebtedness, as the case may be).[92] The indebtedness deemed

corporation is required to make a determination of whether an ownership change has occurred'') and Temp. Treas. Reg. sec. I .382–2T(e)(1) (defining an ''owner shift'' as ''any change in the ownership of the stock of a loss corporation that affects percentage of such stock owned by any 5–percent shareholder''). Treasury regulations under section 382 provide that, in computing stock ownership on specified testing dates, certain unexercised options must be treated as exercised if certain ownership, control, or income tests are met. These tests are met only if ''a principal purpose of the issuance, transfer, or structuring of the option (alone or in combination with other arrangements) is to avoid or ameliorate the impact of an ownership change of the loss corporation.'' Treas. Reg. sec. 1.382–4(d). Compare prior temporary regulations, Temp. Reg. sec. 1.382–2T(h)(4) (''Solely for the purpose of determining whether there is an ownership change on any testing date, stock of the loss corporation that is subject to an option shall be treated as acquired on any such date, pursuant to an exercise of the option by its owner on that date, if such deemed exercise would result in an ownership change.''). Internal Revenue Service Notice 2008–76, I.R.B. 2008–39 (September 29, 2008), released September 7, 2008, provides that the Treasury Department intends to issue regulations modifying the term ''testing date'' under section 382 to exclude any date on or after which the United States acquires stock or options to acquire stock in certain corporations with respect to which there is a ''Housing Act Acquisition'' pursuant to the Housing and Economic Recovery Act of 2008 (P.L. 110–289). The Notice states that the regulations will apply on and after September 7, 2008, unless and until there is additional guidance. Internal Revenue Service Notice 2008–84, I.R.B. 2008–41 (October 14, 2008), provides that the Treasury Department intends to issue regulations modifying the term ''testing date'' under section 382 to exclude any date as of the close of which the United States owns, directly or indirectly, a more than 50 percent interest in a loss corporation, which regulations will apply unless and until there is additional guidance. Internal Revenue Service Notice 2008–100, 2008–14 I.R.B. 1081 (released October 15, 2008) provides that the Treasury Department intends to issue regulations providing, among other things, that certain instruments acquired by the Treasury Department under the Capital Purchase Program (CPP) pursuant to the Emergency Economic Stabilization Act of 2008 (P.L. 100–343)(''EESA'')shall not be treated as stock for certain purposes. The Notice also provides that certain capital contributions made by Treasury pursuant to the CPP shall not be considered to have been made as part of a plan the principal purpose of which was to avoid or increase any section 382 limitation (for purposes of section 382(1)(1)). The Notice states that taxpayers may rely on the rules described unless and until there is further guidance; and that any contrary guidance will not apply to instruments (i) held by Treasury that were acquired pursuant to the CCP prior to publication of that guidance, or (ii) issued to Treasury pursuant to the CCP under written binding contracts entered into prior to the publication of that guidance. Internal Revenue Service Notice 2009–14, 2009–7 I.R.B. 1 (January 30, 2009) amplifies and supersedes Notice 2008–100, and provides additional guidance regarding the application of section 382 and other provisions of law to corporations whose instruments are acquired by the Treasury Department under certain programs pursuant to EESA.

[79] This exception shall not apply in the case of any subsequent ownership change unless such subsequent ownership change also meets the requirements of the exception.

[80] For example, an ownership change has occurred for purposes of determining the testing period under section 382(i)(2).

[81] See sections 61(a)(12) and 108. But see sec. 102 (a debt cancellation which constitutes a gift or bequest is not treated as income to the donee debtor).

[82] Sec. 108(b).

[83] Sec. 1017.

[84] Treas. Reg. sec. 1.61–12(c)(2)(ii). Treas. Reg. sec. 1.1275–1(b) defines ''adjusted issue price.''

[85] Sec. 108(e)(1 0)(A).

[86] Sec. 108(e)(10)(B).

[87] Sec. 1273.

[88] Sec. 163(e).

[89] Sec. 108(e)(8).

[90] Sec. 108(e)(4).

[91] Treas. Reg. sec. 1.108–2(g).

[92] Id.

issued pursuant to the regulations has original issue discount to the extent its stated redemption price at maturity exceeds its issue price.

In the case of a deemed issuance under Treas. Reg. sec. 1.108–2(g), the related holder does not recognize any gain or loss, and the related holder's adjusted basis in the indebtedness remains the same as it was immediately before the deemed issuance.[93] The deemed issuance is treated as a purchase of the indebtedness by the related holder for purposes of section 1272(a)(7) (pertaining to reduction of original issue discount where a subsequent holder pays acquisition premium) and section 1276 (pertaining to acquisitions of debt at a market discount).[94]

Contribution of a debt instrument to capital of a corporation

Where a debtor corporation acquires its indebtedness from a shareholder as a contribution to capital, section 118[95] does not apply, but the corporation is treated as satisfying such indebtedness with an amount of money equal to the shareholder's adjusted basis in the indebtedness.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision permits a taxpayer to elect to defer income from cancellation of indebtedness recognized by the taxpayer as a result of a repurchase by (1) the taxpayer or (2) a person who bears a relationship to the taxpayer described in section 267(b) or section 707(b), of a ''debt instrument'' that was issued by the taxpayer. The provision applies only to repurchases of debt that (1) occur after December 31, 2008, and prior to January 1, 2011, and (2) are repurchases for cash. Thus, for example, the provision does not apply to a debt-for-debt exchange or to any exchange of the taxpayer's equity for a debt instrument of the taxpayer. For purposes of the provision, a ''debt instrument'' is broadly defined to include any bond, debenture, note, certificate or any other instrument or contractual arrangement constituting indebtedness.

Income from the discharge of indebtedness in connection with the repurchase of a debt instrument in 2009 or 2010 must be included in the gross income of the taxpayer ratably in the eight taxable years beginning with (1) for repurchases in 2009, the second taxable year following the taxable year in which the repurchase occurs or (2) for repurchases in 2010, the taxable year following the taxable year in which the repurchase occurs. The provision authorizes the Secretary of the Treasury to prescribe such regulations as may be necessary or appropriate for purposes of applying the provision.

Effective date.—The provision applies to discharges in taxable years ending after December 31, 2008.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with modifications. The provision permits a taxpayer to elect to defer cancellation of indebtedness income arising from a ''reacquisition'' of ''an applicable debt instrument'' after December 31, 2008, and before January 1, 2011. Income deferred pursuant to the election must be included in the gross income of the taxpayer ratably in the five taxable years beginning with (1) for repurchases in 2009, the fifth taxable year following the taxable year in which the repurchase occurs or (2) for repurchases in 2010, the fourth taxable year following the taxable year in which the repurchase occurs.

An ''applicable debt instrument'' is any debt instrument issued by (1) a C corporation or (2 any other person in connection with the conduct of a trade or business by such person. For purposes of the provision, a ''debt instrument'' is broadly defined to include any bond, debenture, note, certificate or any other instrument or contractual arrangement constituting indebtedness (within the meaning of section 1275(a)(1)).

A ''reacquisition'' is any ''acquisition'' of an applicable debt instrument by (1) the debtor that issued (or is otherwise the obligor under) such debt instrument or (2) any person related to the debtor within the meaning of section 108(e)(4). For purposes of the provision, an ''acquisition'' includes, without limitation, (1) an acquisition of a debt instrument for cash, (2) the exchange of a debt instrument for another debt instrument (including an exchange resulting from a modification of a debt instrument), (3) the exchange of corporate stock or a partnership interest for a debt instrument, (4) the contribution of a debt instrument to the capital of the issuer, and (5) the complete forgiveness of a debt instrument by a holder of such instrument.

Special rules for debt-for-debt exchanges

If a taxpayer makes the election provided by the provision for a debt-for-debt exchange in which the newly issued debt instrument issued (or deemed issued, including by operation of the rules in Treas. Reg. sec. 1.108–2(g)) in satisfaction of an outstanding debt instrument of the debtor has original issue discount, then any otherwise allowable deduction for original issue discount with respect to such newly issued debt instrument that (1) accrues before the first year of the five-taxable-year period in which the related, deferred discharge of indebtedness income is included in the gross income of the taxpayer and (2) does not exceed such related, deferred discharge of indebtedness income, is deferred and allowed as a deduction ratably over the same five-taxable-year period in which the deferred discharge of indebtedness income is included in gross income.

This rule can apply also in certain cases when a debtor reacquires its debt for cash. If the taxpayer issues a debt instrument and the proceeds of such issuance are used directly or indirectly to reacquire a debt instrument of the taxpayer, the provision treats the newly issued debt instrument as if it were issued in satisfaction of the retired debt instrument. If the newly issued debt instrument has original issue discount, the rule described above applies. Thus, all or a portion of the interest deductions with respect to original issue discount on the newly issued debt instrument are deferred into the five-taxable-year period in which the discharge of indebtedness income is recognized. Where only a portion of the proceeds of a new issuance are used by a taxpayer to satisfy outstanding debt, then the deferral rule applies to the portion of the original issue discount on the newly issued debt instrument that is equal to the portion of the proceeds of such newly issued instrument used to retire outstanding debt of the taxpayer.

Acceleration of deferred items

Cancellation of indebtedness income and any related deduction for original issue discount that is deferred by an electing taxpayer (and has not previously been taken into account) generally is accelerated and taken into income in the taxable year in which the taxpayer: (1) dies, (2) liquidates or sells substantially all of its assets (including in a title 11 or similar case), (3) ceases to do business, or (4) or is in similar circumstances. In a case under title 11 or a similar case, any deferred items are taken into income as of the day before the petition is filed. Deferred items are accelerated in a case under Title 11 where the taxpayer liquidates, sells substantially all of its assets, or ceases to do business, but not where a taxpayer reorganizes and emerges from the Title 11 case. In the case of a pass thru entity, this acceleration rule also applies to the sale, exchange, or redemption of an interest in the entity by a holder of such interest.

Special rule for partnerships

In the case of a partnership, any income deferred under the provision is allocated to the partners in the partnership immediately before the discharge of indebtedness in the manner such amounts would have been included in the distributive shares of such partners under section 704 if such income were recognized at the time of the discharge. Any decrease in a partner's share of liabilities as a result of such discharge is not taken into account for purposes of section 752 at the time of the discharge to the extent the deemed distribution under section 752 would cause the partner to recognize gain under section 731. Thus, the deemed distribution under section 752 is deferred with respect to a partner to the extent it exceeds such partner's basis. Amounts so deferred are taken into account at the same time, and to the extent remaining in the same amount, as income deferred under the provision is recognized by the partner.

Coordination with section 108(a) and procedures for election

Where a taxpayer makes the election provided by the provision, the exclusions provided by section 108(a)(1)(A), (B), (C), and (D) shall not apply to the income from the discharge of indebtedness for the year in which the taxpayer makes the election or any subsequent year. Thus, for example, an insolvent taxpayer may elect under the provision to defer income from the discharge of indebtedness rather than excluding such income and reducing tax attributes by a corresponding amount. The election is to be made on an instrument by instrument basis; once made, the election is irrevocable. A taxpayer makes an election with respect to a debt instrument by including with its return for the taxable year in which the reacquisition of the debt instrument occurs a statement that (1) clearly identifies the debt instrument and (2) includes the amount of deferred income to which the provision applies and such other information as may be prescribed by the Secretary. The Secretary is authorized to require reporting of the election (and other information with respect to the reacquisition) for years subsequent to the year of the reacquisition.

Regulatory authority

The provision authorizes the Secretary of the Treasury to prescribe such regulations as may be necessary or appropriate for purposes of applying the provision, including rules extending the acceleration provisions to other circumstances where appropriate, rules requiring reporting of the election and such other information as the Secretary may require on returns of tax for subsequent taxable years, rules for the application of the provision to partnerships, S corporations, and other pass thru entities, including for the allocation of deferred deductions.

[93] Treas. Reg. sec. 1.108–2(g)(2).

[94] Id.

[95] Section 118 provides, in general, that in the case of a corporation, gross income does not include any contribution to the capital of the taxpayer.

Effective date.—The provision is effective for discharges in taxable years ending after December 31, 2008.

9. Modifications of rules for original issue discount on certain high yield obligations (sec. 1232 of the conference agreement and sec. 163 of the Code)

PRESENT LAW

In general, the issuer of a debt instrument with original issue discount may deduct the portion of such original issue discount equal to the aggregate daily portions of the original issue discount for days during the taxable year.[96] However, in the case of an applicable high-yield discount obligation (an ''AHYDO'') issued by a corporate issuer: (1) no deduction is allowed for the ''disqualified portion'' of the original issue discount on such obligation, and (2) the remainder of the original issue discount on any such obligation is not allowable as a deduction until paid by the issuer.[97]

An AHYDO is any debt instrument if (1) the maturity date on such instrument is more than five years from the date of issue; (2) the yield to maturity on such instrument exceeds the sum of (a) the applicable Federal rate in effect under section 1274(d) for the calendar month in which the obligation is issued and five percentage points, and (3) such instrument has ''significant original issue discount.[98] An instrument is treated as having ''significant original issue discount'' if the aggregate amount of interest that would be includible in the gross income of the holder with respect to such instrument for periods before the close of any accrual period (as defined in section 1272(a)(5)) ending after the date five years after the date of issue, exceeds the sum of (1) the aggregate amount of interest to be paid under the instrument before the close of such accrual period, and (2) the product of the issue price of such instrument (as defined in sections 1273(b) and 1274(a)) and its yield to maturity.[99]

The disqualified portion of the original issue discount on an AHYDO is the lesser of (1) the amount of original issue discount with respect to such obligation or (2) the portion of the ''total return'' on such obligation which bears the same ratio to such total return as the ''disqualified yield'' (i.e., the excess of the yield to maturity on the obligation over the applicable Federal rate plus six percentage points) on such obligation bears to the yield to maturity on such obligation.[100] The term ''total return'' means the amount which would have been the original issue discount of the obligation if interest described in section 1273(a)(2) were included in the 101 stated redemption to maturity.[101] A corporate holder treats the disqualified portion of original issue discount as a stock distribution for purposes of the dividend received deduction.[102]

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement adds a provision that suspends the rules in section 163(e)(5) for certain obligations issued in a debt-for-debt exchange, including an exchange resulting from a significant modification of a debt instrument, after August 31, 2008, and before January 1, 2010.

In general, the suspension does not apply to any newly issued debt instrument (including any debt instrument issued as a result of a significant modification of a debt instrument) that is issued for an AHYDO. However, any newly issued debt instrument (including any debt instrument issued as a result of a significant modification of a debt instrument) for which the AHYDO rules are suspended under the provision is not treated as an AHYDO for purposes of a subsequent application of the suspension rule. Thus, for example, if a new debt instrument that would be an AHYDO under present law is issued in exchange for a debt instrument that is not an AHYDO, and the provision suspends application of section 163(e)(5), another new debt instrument, issued during the suspension period in exchange for the instrument with respect to which the rule in section 163(e)(5) was suspended, would be eligible for the relief provided by the provision despite the fact that it is issued for an instrument that is an AHYDO under present law.

In addition, the suspension does not apply to any newly issued debt instrument (including any debt instrument issued as a result of a significant modification of a debt instrument) that is (1) described in section 871(h)(4) (without regard to subparagraph (D) thereof) (i.e., certain contingent debt) or (2) issued to a person related to the issuer (within the meaning of section 108(e)(4)).

The provision provides authority to the Secretary to apply the suspension rule to periods after December 31, 2009, where the Secretary determines that such application is appropriate in light of distressed conditions in the debt capital markets. In addition, the provision grants authority to the Secretary to use a rate that is higher than the applicable Federal rate for purposes of applying section 163(e)(5) for obligations issued after December 31, 2009, in taxable years ending after such date if the Secretary determines that such higher rate is appropriate in light of distressed conditions in the debt capital markets.

Effective date.—The temporary suspension of section 163(e)(5) applies to obligations issued after August 31, 2008, in taxable years ending after such date. The additional authority granted to the Secretary to use a rate higher than the applicable Federal rate for purposes of applying section 163(e)(5) applies to obligations issued after December 31, 2009, in taxable years ending after such date.

10. Special rules applicable to qualified small business stock for 2009 and 2010 (sec. 1241 of the Senate amendment, sec. 1241 of the conference agreement, and sec. 1202 of the Code)

PRESENT LAW

Under present law, individuals may exclude 50 percent (60 percent for certain empowerment zone businesses) of the gain from the sale of certain small business stock acquired at original issue and held for at least five years.[103] The portion of the gain includible in taxable income is taxed at a maximum rate of 28 percent under the regular tax.[104] A percentage of the excluded gain is an alternative minimum tax preference,[105] the portion of the gain includible in alternative minimum taxable income is taxed at a maximum rate of 28 percent under the alternative minimum tax.

Thus, under present law, gain from the sale of qualified small business stock is taxed at effective rates of 14 percent under the regular tax[106] and (i) 14.98 percent under the alternative minimum tax for dispositions before January 1, 2011; (ii) 19.98 percent under the alternative minimum tax for dispositions after December 31, 2010, in the case of stock acquired before January 1, 2001; and (iii) 17.92 percent under the alternative minimum tax for dispositions after December 31, 2010, in the case of stock acquired after December 31, 2006.[107]

The amount of gain eligible for the exclusion by an individual with respect to any corporation is the greater of (1) ten times the taxpayer's basis in the stock or (2) $10 million. In order to qualify as a small business, when the stock is issued, the gross assets of the corporation may not exceed $50 million. The corporation also must meet certain active trade or business requirements.

HOUSE BILL

No provision.

SENATE AMENDMENT

Under the Senate amendment, the percentage exclusion for qualified small business stock sold by an individual is increased from 50 percent (60 percent for certain empowerment zone businesses) to 75 percent.

As a result of the increased exclusion, gain from the sale of qualified small business stock to which the provision applies is taxed at effective rates of seven percent under the regular tax[108] and 12.88 percent under the alternative minimum tax.[109]

Effective date.—The provision is effective for stock issued after the date of enactment and before January 1, 2011.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

11. Temporary reduction in recognition period for S corporation built-in gains tax (sec. 1261 of the Senate amendment, sec. 1251 of the conference agreement, and sec. 1374 of the Code)

PRESENT LAW

A ''small business corporation'' (as defined in section 1361(b)) may elect to be treated as an S corporation. Unlike C corporations, S corporations generally pay no corporate-level tax. Instead, items of income and loss of an S corporation pass though to its shareholders. Each shareholder takes into account separately its share of these items on its individual income tax return.[110]

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[96] Sec. 163(e)(1). For purposes of section 163(e)(1), the daily portion of the original issue discount for any day is determined under section 1272(a) (without regard to paragraph (7) thereof and without regard to section 1273(a)(3)).

[97] Sec. 163(e)(5).

[98] Sec. 163(i)(1).

[99] Sec. 163(i)(2).

[100] Sec. 163(e)(5)(C).

[101] Sec. 163(e)(5)(C)(ii).

[102] Sec. 163(e)(5)(B).

[103] Sec. 1202.

[104] Sec. 1(h).

[105] Sec. 57(a)(7). In the case of qualified small business stock, the percentage of gain excluded from gross income which is an alternative minimum tax preference is (i) seven percent in the case of stock disposed of in a taxable year beginning before 2011; (ii) 42 percent in the case of stock acquired before January 1, 2001, and disposed of in a taxable year beginning after 2010; and (iii) 28 percent in the case of stock acquired after December 31, 2000, and disposed of in a taxable year beginning after 2010.

[106] The 50 percent of gain included in taxable income is taxed at a maximum rate of 28 percent.

[107] The amount of gain included in alternative minimum tax is taxed at a maximum rate of 28 percent. The amount so included is the sum of (i) 50 percent (the percentage included in taxable income) of the total gain and (ii) the applicable preference percentage of the one-half gain that is excluded from taxable income.

[108] The 25 percent of gain included in taxable income is taxed at a maximum rate of 28 percent.

[109] The 46 percent of gain included in alternative minimum tax is taxed at a maximum rate of 28 percent. Forty-six percent is the sum of 25 percent (the percentage of total gain included in taxable income) plus 21 percent (the percentage of total gain which is an alternative minimum tax preference).

[110] Sec. 1366.

A corporate level tax, at the highest marginal rate applicable to corporations (currently 35 percent) is imposed on an S corporation's gain that arose prior to the conversion of the C corporation to an S corporation and is recognized by the S corporation during the recognition period, i.e., the first 10 taxable years that the S election is in effect.[111]

Gains recognized in the recognition period are not built-in gains to the extent they are shown to have arisen while the S election was in effect or are offset by recognized built-in losses. The built-in gains tax also applies to gains with respect to net recognized built-in gain attributable to property received by an S corporation from a C corporation in a carryover basis transaction.[112] The amount of the built-in gains tax is treated as a loss taken into account by the shareholders in computing their individual income tax.[113]

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides that, for any taxable year beginning in 2009 and 2010, no tax is imposed on an S corporation under section 1374 if the seventh taxable year in the corporation's recognition period preceded such taxable year. Thus, with respect to gain that arose prior to the conversion of a C corporation to an S corporation, no tax will be imposed under section 1374 after the seventh taxable year the S corporation election is in effect. In the case of built-in gain attributable to an asset received by an S corporation from a C corporation in a carryover basis transaction, no tax will be imposed under section 1374 if such gain is recognized after the date that is seven years following the date on which such asset was acquired.[114]

Effective date.—The provision applies to taxable years beginning after December 31, 2008.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

12. Broadband internet access tax credit (sec. 1271 of the Senate amendment)

PRESENT LAW

A taxpayer is allowed to recover, through annual depreciation deductions, the cost of certain property used in a trade or business or for the production of income. The amount of the depreciation deduction allowed with respect to tangible property for a taxable year is determined under the modified accelerated cost recovery system (''MACRS'').[115] Under MACRS, different types of property generally are assigned applicable recovery periods and depreciation methods. The recovery periods applicable to most tangible personal property (generally tangible property other than residential rental property and nonresidential real property) range from three to 25 years. The depreciation methods generally applicable to tangible personal property are the 200-percent and 150-percent declining balance methods, switching to the straight-line method for the taxable year in which the depreciation deduction would be maximized.

No credit is specifically designed under present law to encourage the development of qualified broadband expenditures.

HOUSE BILL

No provision.

SENATE AMENDMENT

The amendment provides an investment tax credit for ''qualified broadband expenditures.'' Qualified broadband expenditures comprise both ''current-generation'' and ''next-generation'' broadband. The provision establishes a 10 percent credit for investment in current-generation broadband in rural and underserved areas. The provision establishes a 20 percent credit for investment in current-generation broadband in unserved areas. The provision establishes a 20 percent credit for investment in next-generation broadband in rural, underserved, unserved, and residential areas. The basis of qualified property must be reduced by the amount of credit received. To qualify for the credit, the qualified broadband equipment must be placed in service after December 31, 2008, and before January 1, 2011.

''Current-generation'' broadband services are defined as the transmission of signals at a rate of at least 5 million bits per second to the subscriber and at a rate of at least 1 million bits per second from the subscriber or wireless technology transmission of signals at a rate of at least 3 million bits per second to the subscriber and at a rate of at least 768 kilobits per second from the subscriber. ''Next-generation'' broadband services are defined as the transmission of signals at a rate of at least 100 million bits per second to the subscriber and at a rate of at least 20 million bits per second from the subscriber.

Qualified broadband expenditures means the direct or indirect costs properly taken into account for the taxable year for the purchase or installation of qualified equipment (including upgrades) and the connection of the equipment to a qualified subscriber.

Qualified broadband expenditures include only the portion of the purchase price paid by the lessor, in the case of leased equipment, that is attributable to otherwise qualified broadband expenditures by the lessee. In the case of property that is originally placed in service by a person and that is sold to the taxpayer and leased back to such person by the taxpayer within three months after the date that the property was originally placed in service, the property is treated as originally placed in service by the taxpayer not earlier than the date that the property is used under the leaseback.

A qualified subscriber, with respect to current-generation broadband services, means any nonresidential subscriber maintaining a permanent place of business in a rural, underserved, or unserved area, or any residential subscriber residing in a rural, underserved, or unserved area that is not a saturated market. A qualified subscriber, with respect to next generation broadband services, means any nonresidential subscriber maintaining a permanent place of business in a rural, underserved, or unserved area, or any residential subscriber.

For this purpose, a rural area is a low-income community designated under section 45D which is defined as a population census tract located in a with either (1) a poverty rate of at least 20 percent or (2) median family income which does not exceed 80 percent of the greater of metropolitan area median family income or statewide median family income (for a non-metropolitan census tract, does not exceed 80 percent of statewide median family income).

An underserved area means a census tract located in an empowerment zone or enterprise community designated under section 1391, or the District of Columbia Enterprise Zone established under section 1400, or a renewal community designated under section 1400E, or a low-income community designated under section 45D.

An unserved area is an area without current-generation broadband service.

A saturated market, for this purpose, means any census tract in which, as of the date of enactment, current generation broadband services have been provided by a single provider to 85 percent or more of the total potential residential subscribers. The services must be usable at least a majority of the time during periods of maximum demand, and usable in a manner substantially the same as services provided through equipment not eligible for the deduction under this provision.

If current- or next-generation broadband services can be provided through qualified equipment to both qualified subscribers and to other subscribers, the provision provides that the expenditures with respect to the equipment are allocated among subscribers to determine the amount of qualified broad broadband expenditures that may be deducted under the provision.

Qualified equipment means equipment that provides current- or next-generation broadband services at least a majority of the time during periods of maximum demand to each subscriber, and in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no deduction is allowed under the provision. Limitations are imposed under the provision on equipment depending on where it extends, and on certain packet switching equipment, and on certain multiplexing and demultiplexing equipment.

Expenditures generally are not taken into account for purposes of the credit under the provision with respect to property used predominantly outside the United States, used predominantly to furnish lodging, used by a tax-exempt organization (other than in a business whose income is subject to unrelated business income tax), or used by the United States or a political subdivision or by a possession, agency or instrumentality thereof or by a foreign person or entity. The basis of property is reduced by the cost of the property that is taken into account as a deduction under the provision. Recapture rules are provided. The credit is part of the general business credit.

Effective date.—The provision is effective for property placed in service after December 31, 2008.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

C. Fiscal Relief for State and Local Governments

1. De minimis safe harbor exception for tax-exempt interest expense of financial institutions and modification of small issuer exception to tax-exempt interest expense allocation rules for financial institutions (secs. 1501 and 1502 of the House bill, secs. 1501 and 1502 of the Senate amendment, secs. 1501 and 1502 of the conference agreement, and sec. 265 of the Code)

PRESENT LAW

Present law disallows a deduction for interest on indebtedness incurred or continued

[111] Sec. 1374.

[112] Sec. 1374(d)(8). With respect to such assets, the recognition period runs from the day on which such assets were acquired (in lieu of the beginning of the first taxable year for which the corporation was an S corporation). Sec. 1374(d)(8)(B).

[113] Sec. 1366(f)(2).

[114] Shareholders will continue to take into account all items of gain and loss under section 1366.

[115] Sec. 168.

to purchase or carry obligations the interest on which is exempt from tax.[116] In general, an interest deduction is disallowed only if the taxpayer has a purpose of using borrowed funds to purchase or carry tax-exempt obligations; a determination of the taxpayer's purpose in borrowing funds is made based on all of the facts and circumstances.[117]

Two-percent rule for individuals and certain nonfinancial corporations

In the absence of direct evidence linking an individual taxpayer's indebtedness with the purchase or carrying of tax-exempt obligations, the Internal Revenue Service takes the position that it ordinarily will not infer that a taxpayer's purpose in borrowing money was to purchase or carry tax-exempt obligations if the taxpayer's investment in tax-exempt obligations is ''insubstantial.''[118] An individual's holdings of tax-exempt obligations are presumed to be insubstantial if during the taxable year the average adjusted basis of the individual's tax-exempt obligations is two percent or less of the average adjusted basis of the individual's portfolio investments and assets held by the individual in the active conduct of a trade or business.

Similarly, in the case of a corporation that is not a financial institution or a dealer in tax-exempt obligations, where there is no direct evidence of a purpose to purchase or carry tax-exempt obligations, the corporation's holdings of tax-exempt obligations are presumed to be insubstantial if the average adjusted basis of the corporation's tax-exempt obligations is two percent or less of the average adjusted basis of all assets held by the corporation in the active conduct of its trade or business.

Financial institutions

In the case of a financial institution, the Code generally disallows that portion of the taxpayer's interest expense that is allocable to tax-exempt interest.[119] The amount of interest that is disallowed is an amount which bears the same ratio to such interest expense as the taxpayer's average adjusted bases of tax-exempt obligations acquired after August 7, 1986, bears to the average adjusted bases for all assets of the taxpayer.

Exception for certain obligations of qualified small issuers

The general rule in section 265(b), denying financial institutions' interest expense deductions allocable to tax-exempt obligations, does not apply to ''qualified tax-exempt obligations.''[120] Instead, as discussed in the next section, only *percent of the interest expense allocable to ''qualified tax-exempt obligations'' is disallowed.[121] A ''qualified tax-exempt obligation'' is a tax-exempt obligation that (1) is issued after August 7, 1986, by a qualified small issuer, (2) is not a private activity bond, and (3) is designated by the issuer as qualifying for the exception from the general rule of section 265(b).

A ''qualified small issuer'' is an issuer that reasonably anticipates that the amount of tax-exempt obligations that it will issue during the calendar year will be $10 million or less.[122] The Code specifies the circumstances under which an issuer and all subordinate entities are aggregated.[123] For purposes of the $10 million limitation, an issuer and all entities that issue obligations on behalf of such issuer are treated as one issuer. All obligations issued by a subordinate entity are treated as being issued by the entity to which it is subordinate. An entity formed (or availed of) to avoid the $10 million limitation and all entities benefiting from the device are treated as one issuer.

Composite issues (i.e., combined issues of bonds for different entities) qualify for the ''qualified tax-exempt obligation'' exception only if the requirements of the exception are met with respect to (1) the composite issue as a whole (determined by treating the composite issue as a single issue) and (2) each separate lot of obligations that is part of the issue (determined by treating each separate lot of obligations as a separate issue).[124] Thus a composite issue may qualify for the exception only if the composite issue itself does not exceed $10 million, and if each issuer benefitting from the composite issue reasonably anticipates that it will not issue more than $10 million of tax-exempt obligations during the calendar year, including through the composite arrangement.

Treatment of financial institution preference items

Section 291(a)(3) reduces by 20 percent the amount allowable as a deduction with respect to any financial institution preference item. Financial institution preference items include interest on debt to tax-exempt obligations acquired after December 31, 1982, and before acquired on August 7, 1986.[125] Section 265(b)(3) treats qualified tax-exempt obligations as if they were acquired on August 7, 1986. As a result, the amount allowable as a deduction by a financial institution with respect to interest incurred to carry a qualified tax-exempt obligation is reduced by 20 percent.

HOUSE BILL

Two-percent safe harbor for financial institutions

The provision provides that tax-exempt obligations issued during 2009 or 2010 and held by a financial institution, in an amount not to exceed two percent of the adjusted basis of the financial institution's assets, are not taken into account for the purpose of determining the portion of the financial institution's interest expense subject to the pro rata interest disallowance rule of section 265(b). For purposes of this rule, a refunding bond (whether a current or advance refunding) is treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).

The provision also amends section 291(e) to provide that tax-exempt obligations issued during 2009 and 2010, and not taken into account for purposes of the calculation of a financial institution's interest expense subject to the pro rata interest disallowance rule, are treated as having been acquired on August 7, 1986. As a result, such obligations are financial institution preference items, and the amount allowable as a deduction by a financial institution with respect to interest incurred to carry such obligations is reduced by 20 percent.

Modifications to qualified small issuer exception

With respect to tax-exempt obligations issued during 2009 and 2010, the provision increases from $10 million to $30 million the annual limit for qualified small issuers.

In addition, in the case of ''qualified financing issue'' issued in 2009 or 2010, the provision applies the $30 million annual volume limitation at the borrower level (rather than at the level of the pooled financing issuer). Thus, for the purpose of applying the requirements of the section 265(b)(3) qualified small issuer exception, the portion of the proceeds of a qualified financing issue that are loaned to a ''qualified borrower'' that participates in the issue are treated as a separate issue with respect to which the qualified borrower is deemed to be the issuer.

A ''qualified financing issue'' is any composite, pooled or other conduit financing issue the proceeds of which are used directly or indirectly to make or finance loans to one or more ultimate borrowers all of whom are qualified borrowers. A ''qualified borrower'' means (1) a State or political subdivision of a State or (2) an organization described in section 501(c)(3) and exempt from tax under section 501(a). Thus, for example, a $100 million pooled financing issue that was issued in 2009 could qualify for the section 265(b)(3) exception if the proceeds of such issue were used to make four equal loans of $25 million to four qualified borrowers. However, if (1) more than $30 million were loaned to any qualified borrower, (2) any borrower were not a qualified borrower, or (3) any borrower would, if it were the issuer of a separate issue in an amount equal to the amount loaned to such borrower, fail to meet any of the other requirements of section 265(b)(3), the entire $100 million pooled financing issue would fail to qualify for the exception.

For purposes of determining whether an issuer meets the requirements of the small issuer exception, qualified 501(c)(3) bonds issued in 2009 or 2010 are treated as if they were issued by the 501(c)(3) organization for whose benefit they were issued (and not by the actual issuer of such bonds). In addition, in the case of an organization described in section 501(c)(3) and exempt from taxation under section 501(a), requirements for ''qualified financing issues'' shall be applied as if the section 501(c)(3) organization were the issuer. Thus, in any event, an organization described in section 501(c)(3) and exempt from taxation under section 501(a) shall be limited to the $30 million per issuer cap for qualified tax exempt obligations described in section 265(b)(3).

Effective Date.—The provisions are effective for obligations issued after December 31, 2008.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

2. Temporary modification of alternative minimum tax limitations on tax-exempt bonds (sec. 1503 of the House bill, sec. 1503 of the Senate amendment, sec. 1503 of the conference agreement, and secs. 56 and 57 of the Code)

PRESENT LAW

Present law imposes an alternative minimum tax (''AMT'') on individuals and corporations. AMT is the amount by which the tentative minimum tax exceeds the regular income tax. The tentative minimum tax is computed based upon a taxpayer's alternative minimum taxable income (''AMTI''). AMTI is the taxpayer's taxable income modified to take into account certain preferences and adjustments. One of the preference items

[116] Sec. 265(a).
[117] See Rev. Proc. 72–18, 1972–1 C.B. 740.
[118] Id.
[119] Sec. 265(b)(1). A ''financial institution'' is any person that (1) accepts deposits from the public in the ordinary course of such person's trade or business and is subject to Federal or State supervision as a financial institution or (2) is a corporation described in section 585(a)(2). Sec. 265(b)(5).
[120] Sec. 265(b)(3).
[121] Secs. 265(b)(3)(A), 291(a)(3) and 291(e)(1).
[122] Sec. 265(b)(3)(C).
[123] Sec. 265(b)(3)(E).
[124] Sec. 265(b)(3)(F).
[125] Sec. 291(e)(1).

is tax-exempt interest on certain tax-exempt bonds issued for private activities (sec. 57(a)(5)). Also, in the case of a corporation, an adjustment based on current earnings is determined, in part, by taking into account 75 percent of items, including tax-exempt interest, that are excluded from taxable income but included in the corporation's earnings and profits (sec. 56(g)(4)(B)).

HOUSE BILL

The House bill provides that tax-exempt interest on private activity bonds issued in 2009 and 2010 is not an item of tax preference for purposes of the alternative minimum tax and interest on tax exempt bonds issued in 2009 and 2010 is not included in the corporate adjustment based on current earnings. For these purposes, a refunding bond is treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).

Effective date.—The provision applies to interest on bonds issued after December 31, 2008.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement provides that tax-exempt interest on private activity bonds issued in 2009 and 2010 is not an item of tax preference for purposes of the alternative minimum tax and interest on tax exempt bonds issued in 2009 and 2010 is not included in the corporate adjustment based on current earnings. For these purposes, a refunding bond is treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).

The conference agreement also provides that tax-exempt interest on private activity bonds issued in 2009 and 2010 to currently refund a private activity bond issued after December 31, 2003, and before January 1, 2009, is not an item of tax preference for purposes of the alternative minimum tax. Also tax-exempt interest on bonds issued in 2009 and 2010 to currently refund a bond issued after December 31, 2003, and before January 1, 2009, is not included in the corporate adjustment based on current earnings.

Effective date.—The provision applies to interest on bonds issued after December 31, 2008.

3. Temporary expansion of availability of industrial development bonds to facilities creating intangible property and other modifications (sec. 1301 of the Senate amendment, sec. 1301 of the conference agreement, and sec. 144(a) of the Code)

PRESENT LAW

Qualified small issue bonds (commonly referred to as ''industrial development bonds'' or ''small issue IDBs'') are tax-exempt bonds issued by State and local governments to finance private business manufacturing facilities (including certain directly related and ancillary facilities) or the acquisition of land and equipment by certain farmers. In both instances, these bonds are subject to limits on the amount of financing that may be provided, both for a single borrowing and in the aggregate. In general, no more than $1 million of small-issue bond financing may be outstanding at any time for property of a business (including related parties) located in the same municipality or county. Generally, this $1 million limit may be increased to $10 million if, in addition to outstanding bonds, all other capital expenditures of the business (including related parties) in the same municipality or county are counted toward the limit over a six-year period that begins three years before the issue date of the bonds and ends three years after such date. Outstanding aggregate borrowing is limited to $40 million per borrower (including related parties) regardless of where the property is located.

The Code permits up to $10 million of capital expenditures to be disregarded, in effect increasing from $10 million to $20 million the maximum allowable amount of total capital expenditures by an eligible business in the same municipality or county. However, no more than $10 million of bond financing may be outstanding at any time for property of an eligible business (including related parties) located in the same municipality or county. Other limits (e.g., the $40 million per borrower limit) also continue to apply.

A manufacturing facility is any facility which is used in the manufacturing or production of tangible personal property (including the processing resulting in a change in the condition of such property). Manufacturing facilities include facilities that are directly related and ancillary to a manufacturing facility (as described in the previous sentence) if (1) such facilities are located on the same site as the manufacturing facility and (2 not more than 25 percent of the net proceeds of the issue are used to provide such facilities.[126]

HOUSE BILL

No provision.

SENATE AMENDMENT

In general

For bonds issued after the date of enactment and before January 1, 2011, the provision expands the definition of manufacturing facilities to mean any facility that is used in the manufacturing, creation, or production of tangible property or intangible property (within the meaning of section 197(d)(1)(C)(iii)). For this purpose, intangible property means any patent, copyright, formula, process, design, knowhow, format, or other similar item. It is intended to include among other items, the creation of computer software, and intellectual property associated bio-tech and pharmaceuticals.

In lieu of the directly related and ancillary test of present law, the provision provides a special rule for bonds issued after the date of enactment and before January 1, 2011. For these bonds, the provision provides that facilities that are functionally related and subordinate to the manufacturing facility are treated as a manufacturing facility and the 25 percent of net proceeds restriction does not apply to such facilities.[127] Functionally related and subordinate facilities must be located on the same site as the manufacturing facility.

Effective date

The provision is effective for bonds issued after the date of enactment and before January 1, 2011.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

4. Qualified school construction bonds (sec. 1511 of the House bill, sec. 1521 of the Senate amendment, sec. 1521 of the conference agreement, and new sec. 54F of the Code)

PRESENT LAW

Tax-exempt bonds

Interest on State and local governmental bonds generally is excluded from gross income for Federal income tax purposes if the proceeds of the bonds are used to finance direct activities of these governmental units or if the bonds are repaid with revenues of the governmental units. These can include tax-exempt bonds which finance public schools.[128] An issuer must file with the Internal Revenue Service certain information about the bonds issued in order for that bond issue to be tax-exempt.[129] Generally, this information return is required to be filed no later than the 15th day of the second month after the close of the calendar quarter in which the bonds were issued.

The tax exemption for State and local bonds does not apply to any arbitrage bond.[130] An arbitrage bond is defined as any bond that is part of an issue if any proceeds of the issue are reasonably expected to be used (or intentionally are used) to acquire higher-yielding investments or to replace funds that are used to acquire higher yielding investments.[131] In general, arbitrage profits may be earned only during specified periods (e.g., defined ''temporary periods'') before funds are needed for the purpose of the borrowing or on specified types of investments (e.g., ''reasonably required reserve or replacement funds''). Subject to limited exceptions, investment profits that are earned during these periods or on such investments must be rebated to the Federal Government.

Qualified zone academy bonds

As an alternative to traditional tax-exempt bonds, State nd local governments were given the authority to issue ''qualified zone academy bonds.''[132] A total of $400 million of qualified zone academy bonds is authorized to be issued annually in calendar years 1998 through 2009. The $400 million aggregate bond cap is allocated each year to the States according to their respective populations of individuals below the poverty line. Each State, in turn, allocates the credit authority to qualified zone academies within such State.

A taxpayer holding a qualified zone academy bond on the credit allowance date is entitled to a credit. The credit is includible in gross income (as if it were a taxable interest payment on the bond), and may be claimed against regular income tax and alternative minimum tax liability.

The Treasury Department sets the credit rate at a rate estimated to allow issuance of

[126] The 25 percent restriction was enacted by the Technical and Miscellaneous Tax Act of 1988 because of concern over the scope of the definition of manufacturing facility. See H.R. Rpt. No. 100–795 (1988). The amendment was intended to clarify that while the manufacturing facility definition does not preclude the financing of ancillary activities, the 25 percent restriction was intended to limit the use of bond proceeds to finance facilities other than for ''core manufacturing.'' The conference agreement followed the House bill, which the conference report described as follows: ''The House bill clarifies that up to 25 percent of the proceeds of a qualified small issue may be used to finance ancillary activities which are carried out at the manufacturing site. All such ancillary activities must be subordinate and integral to the manufacturing process.''

[127] The provision is based in part on a similar rule applicable to exempt facility bonds. Treas. Reg. sec. 1.103–8(a)(3) provides: ''(3) Functionally related and subordinate. An exempt facility includes any land, building, or other property functionally related and subordinate to such facility. Property is not functionally related and subordinate to a facility if it is not of a character and size commensurate with the character and size of such facility.''

[128] Sec. 103.

[129] Sec. 149(e).

[130] Sec. 103(a) and (b)(2).

[131] Sec. 148.

[132] Sec. 1397E.

qualified zone academy bonds without discount and without interest cost to the issuer.[133] The Secretary determines credit rates for tax credit bonds based on general assumptions about credit quality of the class of potential eligible issuers and such other factors as the Secretary deems appropriate. The Secretary may determine credit rates based on general credit market yield indexes and credit ratings. The maximum term of the bond is determined by the Treasury Department, so that the present value of the obligation to repay the principal on the bond is 50 percent of the face value of the bond.

''Qualified zone academy bonds'' are defined as any bond issued by a State or local government, provided that (1) at least 95 percent of the proceeds are used for the purpose of renovating, providing equipment to, developing course materials for use at, or training teachers and other school personnel in a ''qualified zone academy'' and (2) private entities have promised to contribute to the qualified zone academy certain equipment, technical assistance or training, employee services, or other property or services with a value equal to at least 10 percent of the bond proceeds.

A school is a ''qualified zone academy'' if (1) the school is a public school that provides education and training below the college level, (2) the school operates a special academic program in cooperation with businesses to enhance the academic curriculum and increase graduation and employment rates, and (3) either (a) the school is located in an empowerment zone or enterprise community designated under the Code, or (b) it is reasonably expected that at least 35 percent of the students at the school will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

The arbitrage requirements which generally apply to interest-bearing tax-exempt bonds also generally apply to qualified zone academy bonds. In addition, an issuer of qualified zone academy bonds must reasonably expect to and actually spend 100 percent of the proceeds of such bonds on qualified zone academy property within the three years period that begins on the date of issuance. To the extent less than 100 percent of the proceeds are used to finance qualified zone academy property during the three years spending period, bonds will continue to qualify as qualified zone academy bonds if unspent proceeds are used within 90 days from the end of such three years period to redeem any nonqualified bonds. The three years spending period may be extended by the Secretary if the issuer establishes that the failure to meet the spending requirement is due to reasonable cause and the related purposes for issuing the bonds will continue to proceed with due diligence.

Two special arbitrage rules apply to qualified zone academy bonds. First, available project proceeds invested during the three-year period beginning on the date of issue are not subject to the arbitrage restrictions (i.e., yield restriction and rebate requirements). Available project proceeds are proceeds from the sale of an issue of qualified zone academy bonds, less issuance costs (not to exceed two percent) and any investment earnings on such proceeds. Thus, available project proceeds invested during the three-year spending period may be invested at unrestricted yields, but the earnings on such investments must be spent on qualified zone academy property. Second, amounts invested in a reserve fund are not subject to the arbitrage restrictions to the extent: (1) such fund is funded at a rate not more rapid than equal annual installments; (2) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue; and (3) the yield on such fund is not greater than the average annual interest rate of tax-exempt obligations having a term of 10 years or more that are issued during the month the qualified zone academy bonds are issued.

Issuers of qualified zone academy bonds are required to report issuance to the Internal Revenue Service in a manner similar to the information returns required for tax-exempt bonds.

HOUSE BILL

In general

The provision creates a new category of tax-credit bonds: qualified school construction bonds. Qualified school construction bonds must meet three requirements: (1) 100 percent of the available project proceeds of the bond issue is used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a bond-financed facility is to be constructed; (2) the bond is issued by a State or local government within which such school is located; and (3) the issuer designates such bonds as a qualified school construction bond.

National limitation

There is a national limitation on qualified school construction bonds of $11 billion for calendar years 2009 and 2010, respectively. Allocations of the national limitation of qualified school construction bonds are divided between the States and certain large school districts. The States receive 60 percent of the national limitation for a calendar year and the remaining 40 percent of the national limitation for a calendar year is allocated to certain of the largest school districts.

Allocation to the States

Generally allocations are made to the States under the 60 percent allocation according to their respective populations of children aged five through seventeen. However, the Secretary of the Treasury shall adjust the annual allocations among the States to ensure that for each State the sum of its allocations under the 60 percent allocation plus any allocations to large educational agencies within the States is not less than a minimum percentage. A State's minimum percentage for a calendar year is a product of 1.68 and the minimum percentage described in section 1124(d) of the Elementary and Secondary Education Act of 1965 for such State for the most recent fiscal year ending before such calendar year.

For allocation purposes, a State includes the District of Columbia and any possession of the United States. The provision provides a special allocation for possessions of the United States other than Puerto Rico under the 60 percent share of the national limitation for States. Under this special rule an allocation to a possession other than Puerto Rico is made on the basis of the respective populations of individuals below the poverty line (as defined by the Office of Management and Budget) rather than respective populations of children aged five through seventeen. This special allocation reduces the State allocation share of the national limitation otherwise available for allocation among the States. Under another special rule the Secretary of the Interior may allocate $200 million of school construction bonds for 2009 and 2010, respectively, to Indian schools. This special allocation for Indian schools is to be used for purposes of the construction, rehabilitation, and repair of schools funded by the Bureau of Indian Affairs. For purposes of such allocations Indian tribal governments are qualified issuers. The special allocation for Indian schools does not reduce the State allocation share of the national limitation otherwise available for allocation among the States.

If an amount allocated under this allocation to the States is unused for a calendar year it may be carried forward by the State to the next calendar year.

Allocation to lame school districts

The remaining 40 percent of the national limitation for a calendar year is allocated by the Secretary of the Treasury among local educational agencies which are large local educational agencies for such year. This allocation is made in proportion to the respective amounts each agency received for Basic Grants under subpart 2 of Part A of Title I of the Elementary and Secondary Education Act of 1965 for the most recent fiscal year ending before such calendar year. Any unused allocation of any agency within a State may be allocated by the agency to such State. With respect to a calendar year, the term large local educational agency means any local educational agency if such agency is: (1) among the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, or (2) one of not more than 25 local educational agencies (other than in 1, immediately above) that the Secretary of Education determines are in particular need of assistance, based on a low level of resources for school construction, a high level of enrollment growth, or other such factors as the Secretary of Education deems appropriate. If any amount allocated to large local educational agency is unused for a calendar year the agency may reallocate such amount to the State in which the agency is located.

The provision makes qualified school construction bonds a type of qualified tax credit bond for purposes of section 54A. In addition, qualified school construction bonds may be issued by Indian tribal governments only to the extent such bonds are issued for purposes that satisfy the present law requirements for tax-exempt bonds issued by Indian tribal governments (i.e., essential governmental functions and certain manufacturing purposes).

The provision requires 100 percent of the available project proceeds of qualified school construction bonds to be used within the three-year period that begins on the date of issuance. Available project proceeds are proceeds from the sale of the issue less issuance costs (not to exceed two percent) and any investment earnings on such sale proceeds. To the extent less than 100 percent of the available project proceeds are used to finance qualified purposes during the three-year spending period, bonds will continue to qualify as qualified school construction bonds if unspent proceeds are used within 90 days from the end of such three-year period to redeem bonds. The three-year spending period may be extended by the Secretary upon the issuer's request demonstrating that the failure to satisfy the three-year requirement is due to reasonable cause and the projects will continue to proceed with due diligence:

Qualified school construction bonds generally are subject to the arbitrage requirements of section 148. However, available project proceeds invested during the three-

[133] Given the differences in credit quality and other characteristics of individual issuers, the Secretary cannot set credit rates in a manner that will allow each issuer to issue tax credit bonds at par.

year spending period are not subject to the arbitrage restrictions (i.e., yield restriction and rebate requirements). In addition, amounts invested in a reserve fund are not subject to the arbitrage restrictions to the extent: (I) such fund is funded at a rate not more rapid than equal annual installments; (2) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue; and (3) the yield on such fund is not greater than the average annual interest rate of tax-exempt obligations having a term of 10 years or more that are issued during the month the qualified school construction bonds are issued.

The maturity of qualified school construction bonds is the term that the Secretary estimates will result in the present value of the obligation to repay the principal on such bonds being equal to 50 percent of the face amount of such bonds, using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more that are issued during the month the qualified school construction bonds are issued.

As with present-law tax credit bonds, the taxpayer holding qualified school construction bonds on a credit allowance date is entitled to a tax credit. The credit rate on the bonds is set by the Secretary at a rate that is 100 percent of the rate that would permit issuance of such bonds without discount and interest cost to the issuer. The amount of the tax credit is determined by multiplying the bond's credit rate by the face amount on the holder's bond. The credit accrues quarterly, is includible in gross income (as if it were an interest payment on the bond), and can be claimed against regular income tax liability and alternative minimum tax liability. Unused credits may be carried forward to succeeding taxable years. In addition, credits may be separated from the ownership of the underlying bond in a manner similar to the manner in which interest coupons can be stripped from interest-bearing bonds.

Issuers of qualified school construction bonds are required to certify that the financial disclosure requirements and applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, as well as any other additional conflict of interest rules prescribed by the Secretary with respect to any Federal, State, or local government official directly involved with the issuance of qualified school construction bonds.

Effective date

The provision is effective for bonds issued after December 31, 2008.

SENATE AMENDMENT

In general

The Senate amendment is the same as the House bill.

National limitation

There is a national limitation on qualified school construction bonds of $5 billion for Calendar years 2009 and 2010, respectively. Also, allocations of the national limitation of qualified school construction bonds are divided between the States with no special allocations to certain large school districts.

Allocation to the States

The allocations are made to the States according to their respective populations of children aged five through seventeen. However, the Secretary of the Treasury shall adjust the annual allocations among the States to ensure that for each State is not less than a minimum percentage. A State's minimum percentage for a calendar year is calculated by dividing (1) the amount the State is eligible to receive under section 1124(d) of the Elementary and Secondary Education Act of 1965 for such State for the most recent fiscal year ending before such calendar year by (2) the amount all States are eligible to received under section 1124(d) of the Elementary and Secondary Education Act of 1965 for such fiscal year, and then multiplying the result by 100.

Allocation to large school districts

No portion of the national limitation for a calendar year is allocated by the Secretary of the Treasury among local educational agencies which are large local educational agencies for such year.

Effective Date

The provision is effective for obligations issued after the date of enactment.

CONFERENCE AGREEMENT

In general

The provision creates a new category of tax-credit bonds: qualified school construction bonds. Qualified school construction bonds must meet three requirements: (1) 100 percent of the available project proceeds of the bond issue is used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a bond-financed facility is to be constructed; (2) the bond is issued by a State or local government within which such school is located; and (3) the issuer designates such bonds as a qualified school construction bond.

National limitation

There is a national limitation on qualified school construction bonds of $11 billion for calendar years 2009 and 2010, respectively.

Allocation to the States

The national limitation is tentatively allocated among the States in proportion to respective amounts each such State is eligible to receive under section 1124 of the Elementary and Secondary Education Act of 1965 for the most recent fiscal year ending before such calendar year. The amount each State is allocated under the above formula is then reduced by the amount received by any local large educational agency within the State.

For allocation purposes, a State includes the District of Columbia and any possession of the United States. The provision provides a special allocation for possessions of the United States other than Puerto Rico under the national limitation for States. Under this special rule an allocation to a possession other than Puerto Rico is made on the basis of the respective populations of individuals below the poverty line (as defined by the Office of Management and Budget) rather than respective populations of children aged five through seventeen. This special allocation reduces the State allocation share of the national limitation otherwise available for allocation among the States. Under another special rule the Secretary of the Interior may allocate $200 million of school construction bonds for 2009 and 2010, respectively, to Indian schools. This special allocation for Indian schools is to be used for purposes of the construction, rehabilitation, and repair of schools funded by the Bureau of Indian Affairs. For purposes of such allocations Indian tribal governments are qualified issuers. The special allocation for Indian schools does not reduce the State allocation share of the national limitation otherwise available for allocation among the States.

If an amount allocated under this allocation to the States is unused for a calendar year it may be carried forward by the State to the next calendar year.

Allocation to large school districts

Forty percent of the national limitation is allocated among large local educational agencies in proportion to the respective amounts each agency received under section 1124 of the Elementary and Secondary Education Act of 1965 for the most recent fiscal year ending before such calendar year. Any unused allocation of any agency within a State may be allocated by the agency to such State. With respect to a calendar year, the term large local educational agency means any local educational agency if such agency is: (1) among the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, or (2) one of not more than 25 local educational agencies (other than in 1, immediately above) that the Secretary of Education determines are in particular need of assistance, based on a low level of resources for school construction, a high level of enrollment growth, or other such factors as the Secretary of Education deems appropriate. If any amount allocated to large local educational agency is unused for a calendar year the agency may reallocate such amount to the State in which the agency is located.

Application of qualified tax credit bond rules

The provision makes qualified school construction bonds a type of qualified tax credit bond for purposes of section 54A. In addition, qualified school construction bonds may be issued by Indian tribal governments only to the extent such bonds are issued for purposes that satisfy the present law requirements for tax-exempt bonds issued by Indian tribal governments (i.e., essential governmental functions and certain manufacturing purposes).

The provision requires 100 percent of the available project proceeds of qualified school construction bonds to be used within the three-year period that begins on the date of issuance. Available project proceeds are proceeds from the sale of the issue less issuance costs (not to exceed two percent) and any investment earnings on such sale proceeds. To the extent less than 100 percent of the available project proceeds are used to finance qualified purposes during the three-year spending period, bonds will continue to qualify as qualified school construction bonds if unspent proceeds are used within 90 days from the end of such three-year period to redeem bonds. The three-year spending period may be extended by the Secretary upon the issuer's request demonstrating that the failure to satisfy the three-year requirement is due to reasonable cause and the projects will continue to proceed with due diligence.

Qualified school construction bonds generally are subject to the arbitrage requirements of section 148. However, available project proceeds invested during the three-year spending period are not subject to the arbitrage restrictions (i.e., yield restriction and rebate requirements). In addition, amounts invested in a reserve fund are not subject to the arbitrage restrictions to the extent: (1) such fund is funded at a rate not more rapid than equal annual installments; (2) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue; and (3) the yield on such fund is not greater than the average annual interest rate of tax-exempt obligations having a term of 10 years or more that are issued during the month the qualified school construction bonds are issued.

The maturity of qualified school construction bonds is the term that the Secretary estimates will result in the present value of the obligation to repay the principal on such bonds being equal to 50 percent of the face amount of such bonds, using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more that are issued during the month the qualified school construction bonds are issued.

As with present-law tax credit bonds, the taxpayer holding qualified school construction bonds on a credit allowance date is entitled to a tax credit. The credit rate on the bonds is set by the Secretary at a rate that is 100 percent of the rate that would permit issuance of such bonds without discount and interest cost to the issuer. The amount of the tax credit is determined by multiplying the bond's credit rate by the face amount on the holder's bond. The credit accrues quarterly, is includible in gross income (as if it were an interest payment on the bond), and can be claimed against regular income tax liability and alternative minimum tax liability. Unused credits may be carried forward to succeeding taxable years. In addition, credits may be separated from the ownership of the underlying bond in a manner similar to the manner in which interest coupons can be stripped from interest-bearing bonds.

Issuers of qualified school construction bonds are required to certify that the financial disclosure requirements and applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, as well as any other additional conflict of interest rules prescribed by the Secretary with respect to any Federal, State, or local government official directly involved with the issuance of qualified school construction bonds.

Effective date

The provision is effective for obligations issued after the date of enactment.

5. Extend and expand qualified zone academy bonds (sec. 1512 of the House bill, sec. 1522 of the Senate amendment, sec. 1522 of the conference agreement, and sec. 54E of the Code)

PRESENT LAW

Tax-exempt bonds

Interest on State and local governmental bonds generally is excluded from gross income for Federal income tax purposes if the proceeds of the bonds are used to finance direct activities of these governmental units or if the bonds are repaid with revenues of the governmental units. These can include tax-exempt bonds which finance public schools.[134] An issuer must file with the Internal Revenue Service certain information about the bonds issued in order for that bond issue to be tax-exempt.[135] Generally, this information return is required to be filed no later the 15th day of the second month after the close of the calendar quarter in which the bonds were issued.

The tax exemption for State and local bonds does not apply to any arbitrage bond.[136] An arbitrage bond is defined as any bond that is part of an issue if any proceeds of the issue are reasonably expected to be used (or intentionally are used) to acquire high fielding investments or to replace funds that are used to acquire higher yielding investments.[137] In general, arbitrage profits may be earned only during specified periods (e.g., defined ''temporary periods'') before funds are needed for the purpose of the borrowing or on specified types of investments (e.g., ''reasonably required reserve or replacement funds''). Subject to limited exceptions, investment profits that are earned during these periods or on such investments must be rebated to the Federal Government.

Qualified zone academy bonds

As an alternative to traditional tax-exempt bonds, State nd local governments were given the authority to issue ''qualified zone academy bonds.'' [138] total of $400 million of qualified zone academy bonds is authorized to be issued annually in calendar years 1998 through 2009. The $400 million aggregate bond cap is allocated each year to the States according to their respective populations of individuals below the poverty line. Each State, in turn, allocates the credit authority to qualified zone academies within such State.

A taxpayer holding a qualified zone academy bond on the credit allowance date is entitled to a credit. The credit is includible in gross income (as if it were a taxable interest payment on the bond), and may be claimed against regular income tax and alternative minimum tax liability.

The Treasury Department sets the credit rate at a rate estimated to allow issuance qualified zone academy bonds without discount and without interest cost to the issuer.[139] The Secretary determines credit rates for tax credit bonds based on general assumptions about credit quality of the class of potential eligible issuers and such other factors as the Secretary deems appropriate. The Secretary may determine credit rates based on general credit market yield indexes and credit ratings. The maximum term of the bond is determined by the Treasury Department, so that the present value of the obligation to repay the principal on the bond is 50 percent of the face value of the bond.

''Qualified zone academy bonds'' are defined as any bond issued by a State or local government, provided that (1) at least 95 percent of the proceeds are used for the purpose of renovating, providing equipment to, developing course materials for use at, or training teachers and other school personnel in a ''qualified zone academy'' and (2) private entities have promised to contribute to the qualified zone academy certain equipment, technical assistance or training, employee services, or other property or services with a value equal to at least 10 percent of the bond proceeds.

A school is a ''qualified zone academy'' if (1) the school is a public school that provides education and training below the college level, (2) the school operates a special academic program in cooperation with businesses to enhance the academic curriculum and increase graduation and employment rates, and (3) either (a) the school is located in an empowerment zone or enterprise community designated under the Code, or (b) it is reasonably expected that at least 35 percent of the students at the school will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

The arbitrage requirements which generally apply to interest-bearing tax-exempt bonds also generally apply to qualified zone academy bonds. In addition, an issuer of qualified zone academy bonds must reasonably expect to and actually spend 100 percent or more of the proceeds of such bonds on qualified zone academy property within the three-year period that begins on the date of issuance. To the extent less than 100 percent of the proceeds are used to finance qualified zone academy property during the three-year spending period, bonds will continue to qualify as qualified zone academy bonds if unspent proceeds are used within 90 days from the end of such three-year period to redeem any nonqualified bonds. The three-year spending period may be extended by the Secretary if the issuer establishes that the failure to meet the spending requirement is due to reasonable cause and the related purposes for issuing the bonds will continue to proceed with due diligence.

Two special arbitrage rules apply to qualified zone academy bonds. First, available project proceeds invested during the three-year period beginning on the date of issue are not subject to the arbitrage restrictions (i.e., yield restriction and rebate requirements). Available project proceeds are proceeds from the sale of an issue of qualified zone academy bonds, less issuance costs (not to exceed two percent) and any investment earnings on such proceeds. Thus, available project proceeds invested during the three-year spending period may be invested at unrestricted yields, but the earnings on such investments must be spent on qualified zone academy property. Second, amounts invested in a reserve fund are not subject to the arbitrage restrictions to the extent: (1) such fund is funded at a rate not more rapid than equal annual installments; (2) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue; and (3) the yield on such fund is not greater than the average annual interest rate of tax-exempt obligations having a term of 10 years or more that are issued during the month the qualified zone academy bonds are issued.

Issuers of qualified zone academy bonds are required to report issuance to the Internal Revenue Service in a manner similar to the information returns required for tax-exempt bonds.

HOUSE BILL

In general

The provision extends and expands the present-law qualified zone academy bond program. The provision authorizes issuance of up to $1.4 billion of qualified zone academy bonds annually for 2009 and 2010, respectively.

Effective date

The provision applies to obligations issued after December 31, 2008.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

6. Build America bonds (sec. 1521 of the House bill, sec. 1531 of the Senate amendment, sec. 1531 of the conference agreement, and new secs. 54AA and 6431 of the Code)

PRESENT LAW

In general

Under present law, gross income does not include interest on State or local bonds. State and local bonds are classified generally as either governmental bonds or private activity bonds. Governmental bonds are bonds

[134] Sec. 103.
[135] Sec. 149(e).
[136] Sec. 103(a) and (b)(2).
[137] Sec. 148.
[138] See secs. 54E and 1397E.
[139] Given the differences in credit quality and other characteristics of individual issuers, the Secretary cannot set credit rates in a manner that will allow each issuer to issue tax credit bonds at par.

the proceeds of which are primarily used to finance governmental functions or which are repaid with governmental funds. Private activity bonds are bonds in which the State or local government serves as a conduit providing financing to nongovernmental persons (e.g., private businesses or individuals). The exclusion from income for State and local bonds does not apply to private activity bonds, unless the bonds are issued for certain permitted purposes (''qualified private activity bonds'') and other Code requirements are met.

Private activity bonds

The Code defines a private activity bond as any bond that satisfies (1) the private business use test and the private security or payment test (''the private business test''); or (2) ''the private loan financing test.''[140]

Private business test

Under the private business test, a bond is a private activity bond if it is part of an issue in which:

1. More than 10 percent of the proceeds of the issue (including use of the bond-financed property) are to be used in the trade or business of any person other than a governmental unit (''private business use''); and

2. More than 10 percent of the payment of principal or interest on the issue is, directly or indirectly, secured by (a) property used or to be used for a private business use or (b) to be derived from payments in respect of property, or borrowed money, used or to be used for a private business use (''private payment test'').[141]

A bond is not a private activity bond unless both parts of the private business test (i.e., the private business use test and the private payment test) are met. Thus, a facility that is 100 percent privately used does not cause the bonds financing such facility to be private activity bonds if the bonds are not secured by or paid with private payments. For example, land improvements that benefit a privately-owned factory may be financed with governmental bonds if the debt service on such bonds is not paid by the factory owner or other private parties.

Private loan financing test

A bond issue satisfies the private loan financing test if proceeds exceeding the lesser of $5 million or five percent of such proceeds are used directly or indirectly to finance loans to one or more nongovernmental persons. Private loans include both business and other (e.g., personal) uses and payments by private persons; however, in the case of business uses and payments, all private loans also constitute private business uses and payments subject to the private business test.

Arbitrage restrictions

The exclusion from income for interest on State and local bonds does not apply to any arbitrage bond.[142] An arbitrage bond is defined as any bond that is part of an issue if any proceeds of the issue are reasonably expected to be used (or intentionally are used) to acquire higher yielding investments or to replace funds that are used to acquire higher yielding investments.[143] In general, arbitrage profits may be earned only during specified periods (e.g., defined ''temporary periods'') before funds are needed for the purpose of the borrowing or on specified types of investments (e.g., ''reasonably required reserve or replacement funds''). Subject to limited exceptions, investment profits that are earned during these periods or on such investments must be rebated to the Federal Government.

Qualified tax credit bonds

In lieu of interest, holders of qualified tax credit bonds receive a tax credit that accrues quarterly. The following bonds are qualified tax credit bonds: qualified forestry conservation bonds, new clean renewable energy bonds, qualified energy conservation bonds, and qualified zone academy bonds.[144]

Section 54A of the Code sets forth general rules applicable to qualified tax credit bonds. These rules include requirements regarding credit allowance dates, the expenditure of available project proceeds, reporting, arbitrage, maturity limitations, and financial conflicts of interest, among other special rules.

A taxpayer who holds a qualified tax credit bond on one or more credit allowance dates of the bond during the taxable year shall be allowed a credit against the taxpayer's income tax for the taxable year. In general, the credit amount for any credit allowance date is 25 percent of the annual credit determined with respect to the bond. The annual credit is determined by multiplying the applicable credit rate by the outstanding face amount of the bond. The applicable credit rate for the bond is the rate that the Secretary estimates will permit the issuance of the qualified tax credit bond with a specified maturiy or redemption date without discount and without interest cost to the qualified issuer.[145] The Secretary determines credit rates for tax credit bonds based on general assumptions about credit quality of the class of potential eligible issuers and such other factors as the Secretary deems appropriate. The Secretary may determine credit rates based on general credit market yield indexes and credit ratings.

The credit is included in gross income and, under regulations prescribed by the Secretary, may be stripped (a separation (including at issuance) of the ownership of a qualified tax credit bond and the entitlement to the credit with respect to such bond).

Section 54A of the Code requires that 100 percent of the available project proceeds of qualified tax credit bonds must be used within the three-year period that begins on the date of issuance. Available project proceeds are proceeds from the sale of the bond issue less issuance costs (not to exceed two percent) and any investment earnings on such sale proceeds. To the extent less than 100 percent of the available project proceeds are used to finance qualified projects during the three-year spending period, bonds will continue to qualify as qualified tax credit bonds if unspent proceeds are used within 90 days from the end of such three-year period to redeem bonds. The three-year spending period may be extended by the Secretary upon the issuer's request demonstrating that the failure to satisfy the three-year requirement is due to reasonable cause and the projects will continue to proceed with due diligence.

Qualified tax credit bonds generally are subject to the arbitrage requirements of section 148. However, available project proceeds invested during the three-year spending period are not subject to the arbitrage restrictions (i.e., yield restriction and rebate requirements). In addition, amounts invested in a reserve fund are not subject to the arbitrage restrictions to the extent: (1) such fund is funded at a rate not more rapid than equal annual installments; (2) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue; and (3) the yield on such fund is not greater than the average annual interest rate of tax-exempt obligations having a term of 10 years or more that are issued during the month the qualified tax credit bonds are issued.

The maturity of qualified tax credit bonds is the term that the Secretary estimates will result in the present value of the obligation to repay the principal on such bonds being equal to 50 percent of the face amount of such bonds, using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more that are issued during the month the qualified tax credit bonds are issued.

HOUSE BILL

In general

The provision permits an issuer to elect to have an otherwise tax-exempt bond treated as a ''taxable governmental bond.'' A ''taxable governmental bond'' is any obligation (other than a private activity bond) if the interest on such obligation would be (but for this provision) excludable from gross income under section 103 and the issuer makes an irrevocable election to have the provision apply. In determining if an obligation would be tax-exempt under section 103, the credit (or the payment discussed below for qualified bonds) is not treated as a Federal guarantee. Further, the yield on a taxable governmental bond is determined without regard to the credit. A taxable governmental bond does not include any bond if the issue price has more than a de minimis amount of premium over the stated principal amount of the bond.

The holder of a taxable governmental bond will accrue a tax credit in the amount of 35 percent of the interest paid on the interest payment dates of the bond during the calendar year.[146] The interest payment date is any date on which the holder of record of the taxable governmental bond is entitled to a payment of interest under such bond. The sum of the accrued credits is allowed against regular and alternative minimum tax. Unused credit may be carried forward to succeeding taxable years. The credit, as well as the interest paid by the issuer, is included in gross income and the credit may be stripped under rules similar to those provided in section 54A regarding qualified tax credit bonds. Rules similar to those that apply for S corporations, partnerships and regulated investment companies with respect to qualified tax credit bonds also apply to the credit.

Unlike the tax credit for bonds issued under section 54A, the credit rate would not be calculated by the Secretary, but rather would be set by law at 35 percent. The actual credit that a taxpayer may claim is determined by multiplying the interest payment that the taxpayer receives from the issuer (i.e., the bond coupon payment) by 35 percent. Because the credit that the taxpayer claims is also included in income, the Committee anticipates that State and local

[140] Sec. 141.

[141] The 10 percent private business test is reduced to five percent in the case of private business uses (and payments with respect to such uses) that are unrelated to any governmental use being financed by the issue.

[142] Sec. 103(a) and (b)(2).

[143] Sec. 148.

[144] See secs. 54B, 54C, 54D, and 54E.

[145] Given the differences in credit quality and other characteristics of individual issuers, the Secretary cannot set credit rates in a manner that will allow each issuer to issue tax credit bonds at par.

[146] Original issue discount (OID) is not treated as a payment of interest for purposes of determining the credit under the provision. OID is the excess of an obligation's stated redemption price at maturity over the obligation's issue price (sec. 1273(a)).

issuers will issue bonds paying interest at rates approximately equal to 74.1 percent of comparable taxable bonds. The Committee anticipates that if an issuer issues a taxable governmental bond with coupons at 74.1 percent of a comparable taxable bond's coupon that the issuer's bond should sell at par. For example, if a taxable bond of comparable risk pays a $1,000 coupon and sells at par, then if a State or local issuer issues an equal-sized bond with coupon of $741.00, such a bond should also sell at par. The taxpayer who acquires the latter bond will receive an interest payment of $741 and may claim a credit of $259 (35 percent of $741). The credit and the interest payment are both included in the taxpayer's income. Thus, the taxpayer's taxable income from this instrument would be $1,000. This is the same taxable income that the taxpayer would recognize from holding the comparable taxable bond. Consequently the issuer's bond should sell at the same price as would the taxable bond.

Special rule for qualified bonds issued during 2009 and 2010

A ''qualified bond'' is any taxable governmental bond issued as part of an issue if 100 percent of the available project proceeds of such issue are to be used for capital expenditures.[147] The bond must be issued after the date of enactment of the provision and before January 1, 2011. The issuer must make an irrevocable election to have the special rule for qualified bonds apply.

Under the special rule for qualified bonds, in lieu of the tax credit to the holder, theissuer is allowed a credit equal to 35 percent of each interest payment made under such bond.[148] If in 2009 or 2010, the issuer elects to receive the credit, in the example above, for the State or local issuer's bond to sell at par, the issuer would have to issue the bond with a $1,000 interest coupon. The taxpayer who holds such a bond would include $1,000 on interest in his or her income. From the taxpayer's perspective the bond is the same the taxable bond in the example above and the taxpayer would be willing to pay par for the bond. However, under the provision the State or local issuer would receive a payment of $350 for each $1,000 coupon paid to bondholders. (The net interest cost to the issuer would be $650.)

The payment by the Secretary is to be made contemporaneously with the interest payment made by the issuer, and may be made either in advance or as reimbursement. In lieu of payment to the issuer, the payment may be made to a person making interest payments on behalf of the issuer. For purposes of the arbitrage rules, the yield on a qualified bond is reduced by the amount of the credit/payment.

Transitional coordination with State law

As noted above, interest on a taxable governmental bond and the related credit are includible in gross income to the holder for Federal tax purposes. The provision provides that until a State provides otherwise, the interest on any taxable governmental bond and the amount of any credit, determined with respect to such bond shall be treated as being exempt from Federal income tax for purposes of State income tax laws.

Effective date

The provision is effective for obligations issued after the date of enactment.

SENATE AMENDMENT

In general

The Senate amendment is the same as the House bill except that it renames these bonds ''Build America Bonds.''

The Senate amendment also restricts these bonds to obligations issued before January 1, 2011.

For bonds issued by small issuers,[149] the credit rate is 40 percent instead of 35 percent.

Special rule for qualified bonds issued during 2009 and 2010

The Senate amendment is the same as the House bill, except for bonds issued by small issuers, the credit rate is 40 percent instead of 35 percent.

Transitional coordination with State law

The Senate amendment is the same as the House bill.

Effective date

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

In general

The conference agreement follows the House bill except that it renames these bonds ''Build America Bonds.''

The conference agreement restricts these bonds to obligations issued before January 1, 2011.

Special rule for qualified bonds issued during 2009 and 2010

The conference agreement follows the House bill, except that it allows for a reasonably required reserve fund to be funded from bond proceeds.[150]

Transitional coordination with State law

The conference agreement follows the House bill and the Senate amendment.

Effective date

The conference agreement follows the House bill and the Senate amendment.

7. Recovery zone bonds (sec. 1531 of the House bill, sec. 1401 of the Senate amendment, sec. 1401 of the conference agreement, and new secs. 1400U–1, 1400U–2, and 1400U–3 of the Code)

PRESENT LAW

In general

Under present law, gross income does not include interest on State or local bonds. State and local bonds are classified generally as either governmental bonds or private activity bonds. Governmental bonds are bonds the proceeds of which are primarily used to finance governmental functions or which are repaid with governmental funds. Private activity bonds are bonds in which the State or local government serves as a conduit providing financing to nongovernmental persons (e.g., private businesses or individuals). The exclusion from income for State and local bonds does not apply to private activity bonds unless the bonds are issued for certain permitted purposes (''qualified private activity bonds'') and other Code requirements are met.

Private activity bonds

The Code defines a private activity bond as any bond that satisfies (1) the private business use test and the private security or payment test (''the private business test''); or (2) ''the private loan financing test.''[151]

Private business test

Under the private business test, a bond is a private activity bond if it is part of an issue in which:

1. More than 10 percent of the proceeds of the issue (including use of the bond-financed property) are to be used in the trade or business of any person other than a governmental unit (''private business use''); and

2. More than 10 percent of the payment of principal or interest on the issue is, directly or indirectly, secured by (a) property used or to be used for a private business use or (b) to be derived from payments in respect of property, or borrowed money, used or to be used for a private business use (''private payment test'').[152]

A bond is not a private activity bond unless both parts of the private business test (i.e., the private business use test and the private payment test) are met. Thus, a facility that is 100 percent privately used does not cause the bonds financing such facility to be private activity bonds if the bonds are not secured by or paid with private payments. For example, land improvements that benefit a privately-owned factory may be financed with governmental bonds if the debt service on such bonds is not paid by the factory owner or other private parties and such bonds are not secured by the property.

Private loan financing test

A bond issue satisfies the private loan financing test if proceeds exceeding the lesser of $5 million or five percent of such proceeds are used directly or indirectly to finance loans to one or more nongovernmental persons. Private loans include both business and other (e.g., personal) uses and payments to private persons; however, in the case of business uses and payments, all private loans also constitute private business uses and payments subject to the private business test.

Arbitrage restrictions

The exclusion from income for interest on State and local bonds does not apply to any arbitrage bond.[153] An arbitrage bond is defined as any bond that is part of an issue if any proceeds of the issue are reasonably expected to be used (or intentionally are used) to acquire higher yielding investments or to replace funds that are used to acquire higher yielding investments.[154] In general, arbitrage profits may be earned only during specified periods (e.g., defined ''temporary periods'') before funds are needed for the purpose of the borrowing or on specified types of investments (e.g., ''reasonably required reserve or replacement funds''). Subject to limited exceptions, investment profits that are earned

[147] Under Treas. Reg. sec. 150–1(b), capital expenditure means any cost of a type that is properly chargeable to capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. sec. 1.150–2(c)) under general Federal income tax principles. For purposes of applying the ''general Federal income tax principles'' standard, an issuer should generally be treated as if it were a corporation subject to taxation under subchapter C of chapter 1 of the Code. An example of a capital expenditure would include expenditures made for the purchase of fiber-optic cable to provide municipal broadband service.

[148] Original issue discount (OID) is not treated as a payment of interest for purposes of calculating the refundable credit under the provision.

[149] Small issuer status is determined generally by reference to the rules of sec. 148(f)(4)(D)) and increasing the aggregate face amount of all tax-exempt governmental bonds reasonably expected to be issued during the calendar year from $5 million to $30 million.

[150] Under section 148(d)(2), a bond is an arbitrage bond if the amount of the proceeds from the sale of such issue that is part or any reserve or replacement fund exceeds 10 percent of the proceeds. As such the interest on such bond would not be tax-exempt under section 103 and thus would not be a qualified bond for purposes of the provision.

[151] Sec. 141.

[152] Sec. 103(a) and (b)(20.

[153] Sec. 103(a) and (b)(2).

[154] Sec. 148.

during these periods or on such investments must be rebated to the Federal Government.

Qualified private activity bonds

Qualified private activity bonds permit States or local governments to act as conduits providing tax-exempt financing for certain private activities. The definition of qualified private activity bonds includes an exempt facility bond, or qualified mortgage, veterans' mortgage, small issue, redevelopment, 501(c)(3), or student loan bond (sec. 141(e)).

The definition of an exempt facility bond includes bonds issued to finance certain transportation facilities (airports, ports, mass commuting, and high-speed intercity rail facilities); qualified residential rental projects; privately owned and/or operated utility facilities (sewage, water, solid waste disposal, and local district heating and cooling facilities, certain private electric and gas facilities, and hydroelectric dam enhancements); public/private educational facilities; qualified green building and sustainable design projects; and qualified highway or surface freight transfer facilities (sec. 142(a)).

In most cases, the aggregate volume of qualified private activity bonds is restricted by annual aggregate volume limits imposed on bonds issued by issuers within each State (''State volume cap''). For calendar year 2007, the State volume cap, which is indexed for inflation, equals $85 per resident of the State, or $256.24 million, if greater. Exceptions to the State volume cap are provided for bonds for certain governmentally owned facilities (e.g., airports, ports, high-speed intercity rail, and solid waste disposal) and bonds which are subject to separate local, State, or national volume limits (e.g., public/private educational facility bonds, enterprise zone facility bonds, qualified green building bonds, and qualified highway or surface freight transfer facility bonds).

Qualified private activity bonds generally are subject to restrictions on the use of proceeds for the acquisition of land and existing property. In addition, qualified private activity bonds generally are subject to restrictions on the use of proceeds to finance certain specified facilities (e.g., airplanes, skyboxes, other luxury boxes, health club facilities, gambling facilities, and liquor stores), and use of proceeds to pay costs of issuance (e.g., bond counsel and underwriter fees). Small issue and redevelopment bonds also are subject to additional restrictions on the use of proceeds for certain facilities (e.g., golf courses and massage parlors).

Moreover, the term of qualified private activity bonds generally may not exceed 120 percent of the economic life of the property being financed and certain public approval requirements (similar to requirements that typically apply under State law to issuance of governmental debt) apply under Federal law to issuance of private activity bonds.

Qualified tax credit bonds

In lieu of interest, holders of qualified tax credit bonds receive a tax credit that accrues quarterly. The following bonds are qualified tax credit bonds: qualified forestry conservation bonds, new clean renewable energy bonds, qualified energy conservation bonds, and qualified zone academy bonds.[155]

Section 54A of the Code sets forth general rules applicable to qualified tax credit bonds. These rules include requirements regarding the expenditure of available project proceeds, reporting, arbitrage, maturity limitations, and financial conflicts of interest, among other special rules.

A taxpayer who holds a qualified tax credit bond on one or more credit allowance dates of the bond during the taxable year shall be allowed a credit against the taxpayer's income tax for the taxable year. In general, the credit amount for any credit allowance date is 25 percent of the annual credit determined with respect to the bond. The annual credit is determined by multiplying the applicable credit rate by the outstanding face amount of the bond. The applicable credit rate for the bond is the rate that the Secretary estimates will permit the issuance of the qualified tax credit bond with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.[156] The Secretary determines credit rates for tax credit bonds based on general assumptions about credit quality of the class of potential eligible issuers and such other factors as the Secretary deems appropriate. The Secretary may determine credit rates based on general credit market yield indexes and credit ratings. The credit is included in gross income and, under regulations prescribed by the Secretary, may be stripped.

Section 54A of the Code requires that 100 percent of the available project proceeds of qualified tax credit bonds must be used within the three-year period that begins on the date of issuance. Available project proceeds are proceeds from the sale of the bond issue less issuance costs (not to exceed two percent) and any investment earnings on such sale proceeds. To the extent less than 100 percent of the available project proceeds are used to finance qualified projects during the three-year spending period, bonds will continue to qualify as qualified tax credit bonds if unspent proceeds are used within 90 days from the end of such three-year period to redeem bonds. The three-year spending period may be extended by the Secretary upon the issuer's request demonstrating that the failure to satisfy the three-year requirement is due to reasonable cause and the projects will continue to proceed with due diligence.

Qualified tax credit bonds generally are subject to the arbitrage requirements of section 148. However, available project proceeds invested during the three-year spending period are not subject to the arbitrage restrictions (i.e., yield restriction and rebate requirements). In addition, amounts invested in a reserve fund are not subject to the arbitrage restrictions to the extent: (1) such fund is funded at a rate not more rapid than equal annual installments; (2) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue; and (3) the yield on such fund is not greater than the average annual interest rate of tax-exempt obligations having a term of 10 years or more that are issued during the month the qualified tax credit bonds are issued.

The maturity of qualified tax credit bonds is the term that the Secretary estimates will result in the present value of the obligation to repay the principal on such bonds being equal to 50 percent of the face amount of such bonds, using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more that are issued during the month the qualified tax credit bonds are issued.

HOUSE BILL

In general

The provision permits an issuer to designate one or more areas as recovery zones. The area must have significant poverty, unemployment, general distress, or home foreclosures, or be any area for which a designation as an empowerment zone or renewal community is in effect. Issuers may issue recovery zone economic development bonds and recovery zone facility bonds with respect to these zones.

There is a national recovery zone economic development bond limitation of $10 billion. In addition, there is a separate national recovery zone facility bond limitation of $15 billion. The Secretary is to separately allocate the bond limitations among the States in the proportion that each State's employment decline bears to the national decline in employment (the aggregate 2008 State employment declines for all States). In turn each State is to reallocate its allocation among the counties (parishes) and large municipalities in such State in the proportion that each such county or municipality's 2008 employment decline bears to the aggregate employment declines for all counties and municipalities in such State. In calculating the local employment decline with respect to a county, the portion of such decline attributable to a large municipality is disregarded for purposes of determining the county's portion of the State employment decline and is attributable to the large municipality only.

For purposes of the provision ''2008 State employment decline'' means, with respect to any State, the excess (if any) of (i) the number of individuals employed in such State as determined for December 2007, over (ii) the number of individuals employed in such State as determined for December 2008. The term ''large municipality'' means a municipality with a population of more than 100,000.

Recovery Zone Economic Development Bonds

New section 54AA(h) of the House bill creates a special rule for qualified bonds (a type of taxable governmental bond) issued before January 1, 2011, that entitles the issuer of such bonds to receive an advance tax credit equal to 35 percent of the interest payable on an interest payment date. For taxable governmental bonds that are designated recovery zone economic development bonds, the applicable percentage is 55 percent.

A recovery zone economic development bond is a taxable governmental bond issued as part of an issue if 100 percent of the available project proceeds of such issue are to be used for one or more qualified economic development purposes and the issuer designates such bond for purposes of this section. A qualified economic development purpose means expenditures for purposes of promoting development or other economic activity in a recovery zone, including (1) capital expenditures paid or incurred with respect to property located in such zone, (2) expenditures for public infrastructure and construction of public facilities located in a recovery zone.

The aggregate face amount of bonds which may be designated by any issuer cannot exceed the amount of the recovery zone economic development bond limitation allocated to such issuer.

Recovery Zone Facility Bonds

The provision creates a new category of exempt facility bonds, ''recovery zone facility bonds.'' A recovery zone facility bond means any bond issued as part of an issue if: (1) 95 percent or more of the net proceeds of such issue are to be used for recovery zone property and (2) such bond is issued before January 1, 2011, and (3) the issuer designates such bond as a recovery zone facility bond. The

[155]See secs. 54B, 54C, 54DE, and 54E.

[156]Given the differences in credit quality and other characteristics of individual issuers, the Secretary cannot set credit rates in a manner that will allow each issuer to issue tax credit bonds at par.

aggregate face amount of bonds which may be designated by any issuer cannot exceed the amount of the recovery zone facility bond limitation allocated to such issuer.

Under the provision, the term ''recovery zone property'' means any property subject to depreciation to which section 168 applies (or would apply but for section 179) if (1) such property was acquired by the taxpayer by purchase after the date on which the designation of the recovery zone took effect; (2) the original use of such property in the recovery zone commences with the taxpayer; and (3) substantially all of the use of such property is in the recovery zone and is in the active conduct of a qualified business by the taxpayer in such zone. The term ''qualified business'' means any trade or business except that the rental to others of real property located in a recovery zone shall be treated as a qualified business only if the property is not residential rental property (as defined in section 168(e)(2)) and does not include any trade or business consisting of the operation of any facility described in section 144(c)(6)(B) (i.e., any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack or other facility used for gambling, or any store the principal purpose of which is the sale of alcoholic beverages for consumption off premises).

Subject to the following exceptions and modifications, issuance of recovery zone facility bonds is subject to the general rules applicable to issuance of qualified private activity bonds:

1. Issuance of the bonds is not subject to the aggregate annual State private activity bond volume limits (sec. 146);

2. The restriction on acquisition of existing property does not apply (sec. 147(d));

Effective date

The provision is effective for obligations issued after the date of enactment.

SENATE AMENDMENT

In general

The Senate amendment is the same as the House bill with a modification for allocating t e bonds between the States. Under the Senate amendment each State receives a minimum allocation of one percent of the national recovery zone economic development bond limitation and one percent of the national recovery zone facility bond limitation. The remainder of each bond limitation is separately allocated among the States in the proportion that each State's employment decline bears to the national decline in employment (the aggregate 2008 State employment declines for all States).

Recovery Zone Economic Development Bonds

New section 54AA(g) of the Senate amendment creates a special rule for qualified bonds type of Build America Bond) issued before January 1, 2011, that entitles the issuer of such bonds to receive an advance tax credit equal to 35 percent of the interest payable on an interest payment date. For Build America Bonds that are designated recovery zone economic development bonds, the applicable percentage is 40 percent. In other respects the Senate amendment is the same as the House bill.

Recovery Zone Facility Bonds

The Senate amendment is the same as the House bill.

Effective date

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

In general

The conference agreement follows the House bill, with a modification for allocating the bond limitations among the States. Under the conference agreement the national recovery zone economic development bond limitation and national recovery zone facility bond limitation are allocated among the States in the proportion that each State's employment decline bears to the national decline in employment (the aggregate 2008 State employment declines for all States).[157] The Secretary is to adjust each State's allocation for a calendar year such that no State receives less than 0.9 percent of the national recovery zone economic development bond limitation and no less than 0.9 percent of the national recovery zone facility bond limitation. The conference agreement also permits a county or large municipality to waive all or part of its allocation of the State bond limitations to allow further allocation within that State. With respect to all other aspects of the allocation of the bond limitations, the conference agreement follows the House bill.

The conference agreement also provides that a ''recovery zone'' includes any area designated by the issuer as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990.

Recovery Zone Economic Development Bonds

The conference agreement follows the House bill, except the issuer of recovery zone economic development bonds is entitled to receive an advance tax credit equal to 45 percent of the interest payable on an interest payment date and the conference agreement allows for a reasonably required reserve fund to be funded from the proceeds of a recovery zone economic development bond.

Recovery Zone Facility Bonds

The conference agreement follows the House bill, except ''recovery zone property'' is defined as any property subject to depreciation to which section 168 applies (or would apply but for section 179) if (1) such property was constructed, reconstructed, renovated, or acquired by purchase by the taxpayer after the date on which the designation of the recovery zone took effect; (2) the original use of such property in the recovery zone commences with the taxpayer; and (3) substantially all of the use of such property is in the recovery zone and is in the active conduct of a qualified business by the taxpayer in such zone.

Effective date

The conference agreement follows the House bill and the Senate amendment.

8. Tribal economic development bonds (sec. 1532 of the House bill, sec. 1402 of the Senate amendment, sec. 1402 of the conference agreement, and new sec. 7871(f) of the Code)

PRESENT LAW

Under present law, gross income does not include interest on State or local bonds.[158] State and local bonds are classified generally as either governmental bonds or private activity bonds. Governmental bonds are bonds the proceeds of which are primarily used to finance governmental facilities or the debt is repaid with governmental funds. Private activity bonds are bonds in which the State or local government serves as a conduit providing financing to nongovernmental persons. For these purposes, the term ''nongovernmental person'' includes the Federal government and all other individuals and entities other than States or local governments.[159] Interest on private activity bonds is taxable, unless the bonds are issued for certain purposes permitted by the Code and other requirements are met.[160]

Although not States or subdivisions of States, Indian tribal governments are provided with a tax status similar to State and local governments for specified purposes under the Code.[161] Among the purposes for which a tribal government is treated as a State is the issuance of tax-exempt bonds. Under section 7871(c), tribal governments are authorized to issue tax-exempt bonds only if substantially all of the proceeds are used for essential governmental functions.[162]

The term essential governmental function does not include any function that is not customarily performed by State and local governments with general taxing powers. Section 7871(c) further prohibits Indian tribal governments from issuing tax-exempt private activity bonds (as defined in section 141(a) of the Code) with the exception of certain bonds for manufacturing facilities.

HOUSE BILL

Tribal Economic Development Bonds

The provision allows Indian tribal governments to issue ''tribal economic development bonds.'' There is a national bond limitation of $2 billion, to be allocated as the Secretary determines appropriate, in consultation with the Secretary of the Interior. Tribal economic development bonds issued by an Indian tribal government are treated as if such bond were issued by a State except that section 146 (relating to State volume limitations) does not apply.

A tribal economic development bond is any bond issued by an Indian tribal government (I) the interest on which would be tax-exempt if issued by a State or local government but would be taxable under section 7871(c), and (2) that is designated by the Indian tribal government as a tribal economic development bond. The aggregate face amount of bonds that may be designated by any Indian tribal government cannot exceed the amount of national tribal economic development bond limitation allocated to such government.

Tribal economic development bonds cannot be used to finance any portion of a building in which class II or class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act) is conducted, or housed, or any other property used in the conduct of such gaming. Nor can tribal economic development bonds be used to finance any facility located outside of the Indian reservation.

Treasury study

The provision requires that the Treasury Department study the effects of tribal economic development bonds. One year after the date of enactment, a report is to be submitted to Congress providing the results of such study along with any recommendations, including whether the restrictions of section 7871(c) should be eliminated or otherwise modified.

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[157] The Bureau of Labor Statistics prepares data on regional and State employment and unemployment. See e.g., Bureau of Labor Statistics, USDL 09–0093, *Regional and State Employment and Unemployment: December 2008* (January 27, 2009) <http://www.bls.govnews.release/laus.nr0.htm>.

[158] Sec. 103.

[159] Sec. 141(b)(6); Treas. Reg. sec. 1.151–1(b).

[160] Secs. 103(b)(1) and 141.

[161] Sec. 7871.

[162] Sec. 7871(c).

Effective date

The provision applies to obligations issued after the date of enactment.

SENATE AMENDMENT

The Senate amendment is the same as the House bill except the Senate amendment defines a tribal economic development bond as any bond issued by an Indian tribal government (1) the interest on which would be tax-exempt if issued by a State or local government, and (2) that is designated by the Indian tribal government as a tribal economic development bond.

The Senate amendment also clarifies that for purposes of section 141 of the Code, use of bond proceeds by an Indian tribe, or instrumentality thereof, is treated as use by a State.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

9. Pass-through of credits on tax credit bonds held by regulated investment companies (sec. 1541 of the conference agreement and new section 853A of the Code)

PRESENT LAW

In lieu of interest, holders of qualified tax credit bonds receive a tax credit that accrues quarterly. The credit is treated as interest that is includible in gross income. The following bonds are qualified tax credit bonds: qualified forestry conservation bonds, new clean renewable energy bonds, qualified energy conservation bonds, and qualified zone academy bonds.[163] The Code provides that in the case of a qualified tax credit bond held by a regulated investment company, the credit is allowed to shareholders of such company (and any gross income included with respect to such credit shall be treated as distributed to such shareholders) under procedures prescribed by the Secretary.[164] The Secretary has not prescribed procedures for the pass through of the credit to regulated investment company shareholders.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement provides procedures for passing though credits on ''tax credit bonds'' to the shareholders of an electing regulated investment company. In general, an electing regulated investment company is not allowed any credits with respect to any tax credit bonds it holds during any year for which an election is in effect. The company is treated as having an amount of interest included in its gross income in an amount equal that which would have been included if no election were in effect, and a dividends paid deduction in the same amount is allowed to the company. Each shareholder of the electing regulated investment company is (1) required to include in gross income an amount equal to the shareholder's proportional share of the interest attributable to its credits and (2) allowed such proportional share as a credit against such shareholder's Federal income tax. In order to pass through tax credits to a shareholder, a regulated investment company is required to mail a written notice to such shareholder not later than 60 days after the close of the regulated investment company's taxable year, designating the shareholder's proportionate share of passed-through credits and the shareholder's gross income in respect of such credits.

A tax credit bond means a qualified tax credit bond as defined in section 54A(d), a build America bond (as defined in section 54AA(d)), and any other bond for which a credit is allowable under subpart H of part IV of subchapter A of the Code.

The provision gives the Secretary authority to prescribe the time and manner in which a regulated investment company makes the election to pass through credits on tax credit bonds. In addition, the provision requires the Secretary to prescribe such guidance as may be necessary to carry out the provision, including prescribing methods for determining a shareholder's proportionate share of tax credits.

Effective date.—The provision is applicable to taxable years ending after the date of enactment.

10. Delay in implementation of withholding tax on government contractors (sec. 1541 of the House bill, sec. 1511 of the Senate amendment, sec. 1511 of the conference agreement, and sec. 3402(t) of the Code)

PRESENT LAW

For payments made after December 31, 2010, the Code imposes a withholding requirement at a three-percent rate on certain payments to persons providing property or services made by the Government of the United States, every State, every political subdivision thereof, and every instrumentality of the foregoing (including multi-State agencies). The withholding requirement applies regardless of whether the government entity making such payment is the recipient of the property or services. Political subdivisions of States (or any instrumentality thereof) with less than $100 million of annual expenditures for property or services that would otherwise be subject to withholding are exempt from the withholding requirement.

Payments subject to the three-percent withholding requirement include any payment made in connection with a government voucher or certificate program which functions as a payment for property or services. For example, payments to a commodity producer under a government commodity support program are subject to the withholding requirement. Present law also imposes information reporting requirements on the payments that are subject to withholding requirement.

The three-percent withholding requirement does not apply to any payments made through a Federal, State, or local government public assistance or public welfare program for which eligibility is determined by a needs or income test. The three-percent withholding requirement also does not apply to payments of wages or to any other payment with respect to which mandatory (e.g., U.S.-source income of foreign taxpayers) or voluntary (e.g., unemployment benefits) withholding applies under present law. Although the withholding requirement applies to payments that are potentially subject to backup withholding under section 3406, it does not apply to those payments from which amounts are actually being withheld under backup withholding rules.

The three-percent withholding requirement also does not apply to the following: payments of interest; payments for real property; payments to tax-exempt entities or foreign governments; intra-governmental payments; payments made pursuant to a classified or confidential contract (as defined in section 6050M(e)(3)), and payments to government employees that are not otherwise excludable from the new withholding proposal with respect to the employees' services as employees.

HOUSE BILL

The provision repeals the three-percent withholding requirement on government payments.

Effective date.—The provision is effective on the date of enactment.

SENATE AMENDMENT

The provision delays the implementation of the three percent withholding requirement by one year to apply to payments after December 31, 2011.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

11. Extend and modify the new markets tax credit (sec. 1403 of the Senate amendment, sec. 1403 of the conference agreement, and sec. 45D of the Code)

PRESENT LAW

Section 45D provides a new markets tax credit for qualified equity investments made to acquire stock in a corporation, or a capital interest in a partnership, that is a qualified community development entity (''CDE'').[165] The amount of the credit allowable to the investor (either the original purchaser or a subsequent holder) is (1) a five-percent credit for the year in which the equity interest is purchased from the CDE and for each of the following two years, and (2) a six-percent credit for each of the following four years. The credit is determined by applying the applicable percentage (five or six percent) to the amount paid to the CDE for the investment at its original issue, and is available for a taxable year to the taxpayer who holds the qualified equity investment on the date of the initial investment or on the respective anniversary date that occurs during the taxable year. The credit is recaptured if, at any time during the seven-year period that begins on the date of the original issue of the qualified equity investment, the issuing entity ceases to be a qualified CDE, the proceeds of the investment cease to be used as required, or the equity investment is redeemed.

A qualified CDE is any domestic corporation or partnership: (1) whose primary mission is serving or providing investment capital for low-income communities or low-income persons; (2) that maintains accountability to residents of low-income communities by providing them with representation on any governing board of or any advisory board to the CDE; and (3) that is certified by the Secretary as being a qualified CDE. A qualified equity investment means stock (other than nonqualified preferred stock) in a corporation or a capital interest in a partnership that is acquired directly from a CDE for cash, and includes an investment of a subsequent purchaser if such investment was a qualified equity investment in the hands of the prior holder. Substantially all of the investment proceeds must be used by the CDE to make qualified low-income community investments. For this purpose, qualified low-income community investments include: (1) capital or equity investments in, or loans to, qualified active low-income community businesses; (2) certain financial counseling and other services to businesses and residents in

[163] See secs. 54B, 54C, 54D, and 54E.

[164] See sec. 54A(h), which also covers real estate investment trusts.

[165] Section 45D was added by section 121(a) of the Community Renewal Tax Relief Act of 2000, Pub. L. No. 106–554 (2000).

low-income communities; (3) the purchase from another CDE of any loan made by such entity that is a qualified low-income community investment; or (4) an equity investment in, or loan to, another CDE.

A ''low-income community'' is a population census tract with either (1) a poverty rate of at least 20 percent or (2) median family income which does not exceed 80 percent of the greater of metropolitan area median family income or statewide median family income (for a non-metropolitan census tract, does not exceed 80 percent of statewide median family income). In the case of a population census tract located within a high migration rural county, low-income is defined by reference to 85 percent (rather than 80 percent) of statewide median family income. For this purpose, a high migration rural county is any county that, during the 20-year period ending with the year in which the most recent census was conducted, has a net out-migration of inhabitants from the county of at least 10 percent of the population of the county at the beginning of such period.

The Secretary has the authority to designate ''targeted populations'' as low-income communities for purposes of the new markets tax credit. For this purpose, a ''targeted population'' is defined by reference to section 103(20) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702(20)) to mean individuals, or an identifiable group of individuals, including an Indian tribe, who (A) are low-income persons; or (B) otherwise lack adequate access to loans or equity investments. Under such Act, ''low-income'' means (1) for a targeted population within a metropolitan area, less than 80 percent of the area median family income; and (2) for a targeted population within a non-metropolitan area, less than the greater of 80 percent of the area median family income or 80 percent of the statewide non-metropolitan area median family income.[166] Under such Act, a targeted population is not required to be within any census tract. In addition, a population census tract with a population of less than 2,000 is treated as a low-income community for purposes of the credit if such tract is within an empowerment zone, the designation of which is in effect under section 1391, and is contiguous to one or more low-income communities.

A qualified active low-income community business is defined as a business that satisfies, with respect to a taxable year, the following requirements: (1) at least 50 percent of the total gross income of the business is derived from the active conduct of trade or business activities in any low-income community; (2) a substantial portion of the tangible property of such business is used in a low-income community; (3) a substantial portion of the services performed for such business by its employees is performed in a low-income community; and (4) less than five percent of the average of the aggregate unadjusted bases of the property of such business is attributable to certain financial property or to certain collectibles.

The maximum annual amount of qualified equity investments is capped at $3.5 billion per year for calendar years 2006 through 2009. Lower caps applied for calendar years 2001 through 2005.

HOUSE BILL

No provision.

SENATE AMENDMENT

For calendar years 2008 and 2009, the Senate amendment increases the maximum amount of qualified equity investments by $1.5 billion (to $5 billion for each year). The Senate amendment requires that the additional amount for 2008 be allocated to qualified CDEs that submitted an allocation application with respect to calendar year 2008 and either (1) did not receive an allocation for such calendar year, or (2) received an allocation for such calendar year in an amount less than the amount requested in the allocation application. The Senate amendment also provides alternative minimum tax relief for equity investment allocations subject to the 2009 annual limitation.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement generally follows the Senate amendment but does not provide for any alternative minimum tax relief.

D. ENERGY INCENTIVES

1. Extension of the renewable electricity production credit (sec. 1601 of the House bill, sec. 1101 of the Senate amendment, sec. 1101 of the conference agreement, and sec. 45 of the Code)

PRESENT LAW

In general

An income tax credit is allowed for the production of electricity from qualified energy resources at qualified facilities (the ''renewable electricity production credit'').[167] Qualified energy resources comprise wind, closed-loop biomass, open-loop biomass, geothermal energy, solar energy, small irrigation power, municipal solid waste, qualified hydropower production, and marine and hydrokinetic renewable energy. Qualified facilities are, generally, facilities that generate electricity using qualified energy resources. To be eligible for the credit, electricity produced from qualified energy resources at qualified facilities must be sold by the taxpayer to an unrelated person.

Credit amounts and credit period

In general

The base amount of the electricity production credit is 1.5 cents per kilowatt-hour (indexed annually for inflation) of electricity produced. The amount of the credit was 2.1 cents per kilowatt-hour for 2008. A taxpayer may generally claim a credit during the 10–year period commencing with the date the qualified facility is placed in service. The credit is reduced for grants, tax-exempt bonds, subsidized energy financing, and other credits.

Credit phaseout

The amount of credit a taxpayer may claim is phased out as the market price of electricity exceeds certain threshold levels. The electricity production credit is reduced over a 3–cent phaseout range to the extent the annual average contract price per kilowatt-hour of electricity sold in the prior year from the same qualified energy resource exceeds 8 cents (adjusted for inflation; 11.8 cents for 2008).

Reduced credit periods and credit amounts

Generally, in the case of open-loop biomass facilities (including agricultural livestock waste nutrient facilities), geothermal energy facilities, solar energy facilities, small irrigation power facilities, landfill gas facilities, and trash combustion facilities placed in service before August 8, 2005, the 10-year credit period is reduced to five years, commencing on the date the facility was originally placed in service. However, for qualified open-loop biomass facilities (other than a facility described in section 45(d)(3)(A)(i) that uses agricultural livestock waste nutrients) placed in service before October 22, 2004, the five-year period commences on January 1, 2005. In the case of a closed-loop biomass facility modified to co-fire with coal, to co-fire with other biomass, or to co-fire with coal and other biomass, the credit period begins no earlier than October 22, 2004.

In the case of open-loop biomass facilities (including agricultural livestock waste nutrient facilities), small irrigation power facilities, landfill gas facilities, trash combustion facilities, and qualified hydropower facilities the otherwise allowable credit amount is 0.75 cent per kilowatt-hour, indexed for inflation measured after 1992 (1 cent per kilowatt-hour for 2008).

Other limitations on credit claimants and credit amounts

In general, in order to claim the credit, a taxpayer must own the qualified facility and sell the electricity produced by the facility to an unrelated party. A lessee or operator may claim the credit in lieu of the owner of the qualifying facility in the case of qualifying open-loop biomass facilities and in the case of closed-loop biomass facilities modified to co-fire with coal, to co-fire with other biomass, or to co-fire with coal and other biomass. In the case of a poultry waste facility, the taxpayer may claim the credit as a lessee or operator of a facility owned by a governmental unit.

For all qualifying facilities, other than closed-loop biomass facilities modified to co-fire with coal, to co-fire with other biomass, or to co-fire with coal and other biomass, the amount of credit a taxpayer may claim is reduced by reason of grants, tax-exempt bonds, subsidized energy financing, and other credits, but the reduction cannot exceed 50 percent of the otherwise allowable credit. In the case of closed-loop biomass facilities modified to co-fire with coal, to co-fire with other biomass, or to co-fire with coal and other biomass, there is no reduction in credit by reason of grants, tax-exempt bonds, subsidized energy financing, and other credits.

The credit for elecnicity produced from renewable resources is a component of the general business credit.[168] Generally, the general business credit for any taxable year may not exceed the amount by which the taxpayer's net income tax exceeds the greater of the tentative minimum tax or 25 percent of so much of the net regular tax liability as exceeds $25,000. However, this limitation does not apply to section 45 credits for electricity or refined coal produced from a facility (placed in service after October 22, 2004) during the first four years of production beginning on the date the facility is placed in service.[169] excess credits may be carried back one year and forward up to 20 years.

Qualified facilities

Wind energy facility

A wind energy facility is a facility that uses wind to produce electricity. To be a qualified facility, a wind energy facility must be placed in service after December 31, 1993, and before January 1, 2010.

[166] 12 U.S.C. sec. 4702(17) (defines ''low-income'' for purposes of 12 U.S.C. sec. 4702(20)).

[167] Sec. 45. In addition to the renewable electricity production credit, section 45 also provides income tax credits for the production of Indian coal and refined coal at qualified facilities.

[168] Sec. 38(b)(8).

[169] Sec. 38(c)(4)(B)(ii).

Closed-loop biomass facility

A closed-loop biomass facility is a facility that uses any organic material from a plant which is planted exclusively for the purpose of being used at a qualifying facility to produce electricity. In addition, a facility can be a closed-loop biomass facility if it is a facility that is modified to use closed-loop biomass to co-fire with coal, with other biomass, or with both coal and other biomass, but only if the modification is approved under the Biomass Power for Rural Development Programs or is part of a pilot project of the Commodity Credit Corporation.

To be a qualified facility, a closed-loop biomass facility must be placed in service after December 31, 1992, and before January 1, 2011. In the case of a facility using closed-loop biomass but also co-firing the closed-loop biomass with coal, other biomass, or coal and other biomass, a qualified facility must be originally placed in service and modified to co-fire the closed-loop biomass at any time before January 1, 2011.

A qualified facility includes a new power generation unit placed in service after October 3, 2008, at an existing closed-loop biomass facility, but only to the extent of the increased amount of electricity produced at the existing facility by reason of such new unit.

Open-loop biomass (including agricultural livestock waste nutrients) facility

An open-loop biomass facility is a facility that uses open-loop biomass to produce electricity. For purposes of the credit, open-loop biomass is defined as (1) any agricultural livestock waste nutrients or (2) any solid, nonhazardous, cellulosic waste material or any lignin material that is segregated from other waste materials and which is derived from:

- forest-related resources, including mill and harvesting residues, precommercial thinnings, slash, and brush;
- solid wood waste materials, including waste pallets, crates, dunnage, manufacturing and construction wood wastes, and landscape or right-of-way tree trimmings; or
- agricultural sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.

Agricultural livestock waste nutrients are defined as agricultural livestock manure and litter, including bedding material for the disposition of manure. Wood waste materials do not qualify as open-loop biomass to the extent they are pressure treated, chemically treated, or painted. In addition, municipal solid waste, gas derived from the biodegradation of solid waste, and paper which is commonly recycled do not qualify as open-loop biomass. Open-loop biomass does not include closed-loop biomass or any biomass burned in conjunction with fossil fuel (co-firing) beyond such fossil fuel required for start up and flame stabilization.

In the case of an open-loop biomass facility that uses agricultural livestock waste nutrients, a qualified facility is one that was originally placed in service after October 22, 2004, and before January 1, 2009, and has a nameplate capacity rating which is not less than 150 kilowatts. In the case of any other open-loop biomass facility, a qualified facility is one that was originally placed in service before January 1, 2011. A qualified facility includes a new power generation unit placed in service after October 3, 2008, at an existing open-loop biomass facility, but only to the extent of the increased amount of electricity produced at the existing facility by reason of such new unit.

Geothermal facility

A geothermal facility is a facility that uses geothermal energy to produce electricity. Geothermal energy is energy derived from a geothermal deposit that is a geothermal reservoir consisting of natural heat that is stored in rocks or in an aqueous liquid or vapor (whether or not under pressure). To be a qualified facility, a geothermal facility must be placed in service after October 22, 2004, and before January 1, 2011.

Solar facility

A solar facility is a facility that uses solar energy to produce electricity. To be a qualified facility, a solar facility must be placed in service after October 22, 2004, and before January 1, 2006.

Small irrigation facility

A small irrigation power facility is a facility that generates electric power through an irrigation system canal or ditch without any dam or impoundment of water. The installed capacity of a qualified facility must be at least 150 kilowatts but less than five megawatts. To be a qualified facility, a small irrigation facility must be originally placed in service after October 22, 2004, and before October 3, 2008. Marine and hydrokinetic renewable energy facilities, described below, subsume small irrigation power facilities after October 2, 2008.

Landfill gas facility

A landfill gas facility is a facility that uses landfill gas to produce electricity. Landfill gas is defined as methane gas derived from the biodegradation of municipal solid waste. To be a qualified facility, a landfill gas facility must be placed in service after October 22, 2004, and before January 1, 2011.

Trash combustion facility

Trash combustion facilities are facilities that use municipal solid waste (garbage) to produce steam to drive a turbine for the production of electricity. To be a qualified facility, a trash combustion facility must be placed in service after October 22, 2004, and before January 1, 2011. A qualified trash combustion facility includes a new unit, placed in service after October 22, 2004, that increases electricity production capacity at an existing trash combustion facility. A new unit generally would include a new burner/boiler and turbine. The new unit may share certain common equipment, such as trash handling equipment, with other pre-existing units at the same facility. Electricity produced at a new unit of an existing facility qualifies for the production credit only to the extent of the increased amount of electricity produced at the entire facility.

Hydropower facility

A qualifying hydropower facility is (1) a facility that produced hydroelectric power (a hydroelectric dam) prior to August 8, 2005, at which efficiency improvements or additions to capacity have been made after such date and before January 1, 2011, that enable the taxpayer to produce incremental hydropower or (2) a facility placed in service before August 8, 2005, that did not produce hydroelectric power (a nonhydroelectric dam) on such date, and to which turbines or other electricity generating equipment have been added after such date and before January 1, 2011.

At an existing hydroelectric facility, the taxpayer may claim credit only for the production of incremental hydroelectric power. Incremental hydroelectric power for any taxable year is equal to the percentage of average annual hydroelectric power produced at the facility attributable to the efficiency improvement or additions of capacity determined by using the same water flow information used to determine an historic average annual hydroelectric power production baseline for that facility. The Federal Energy Regulatory Commission will certify the baseline power production of the facility and the percentage increase due to the efficiency and capacity improvements.

Nonhydroelectric dams converted to produce electricity must be licensed by the Federal Energy Regulatory Commission and meet all other applicable environmental, licensing, and regulatory requirements.

For a nonhydroelectric dam converted to produce electric power before January 1, 2009, there must not be any enlargement of the diversion structure, construction or enlargement of a bypass channel, or the impoundment or any withholding of additional water from the natural stream channel.

For a nonhydroelectric dam converted to produce electric power after December 31, 2008, the nonhydroelectric dam must have been (1) placed in service before October 3, 2008, (2) operated for flood control, navigation, or water supply purposes and (3) did not produce hydroelectric power on October 3, 2008. In addition, the hydroelectric project must be operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway. The Secretary, in consultation with the Federal Energy Regulatory Commission, shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets this criteria.

Marine and hydrokinetic renewable energy facility

A qualified marine and hydrokinetic renewable energy facility is any facility that produces electric power from marine and hydrokinetic renewable energy, has a nameplate capacity rating of at least 150 kilowatts, and is placed in service after October 2, 2008, and before January 1, 2012. Marine and hydrokinetic renewable energy is defined as energy derived from (1) waves, tides, and currents in oceans, estuaries, and tidal areas; (2) free flowing water in rivers, lakes, and streams; (3) free flowing water in an irrigation system, canal, or other manmade channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes; or (4) differentials in ocean temperature (ocean thermal energy conversion). The term does not include energy derived from any source that uses a dam, diversionary structure (except for irrigation systems, canals, and other man-made channels), or impoundment for electric power production.

Summary of credit rate and credit period by facility type

TABLE 1.—SUMMARY OF SECTION 45 CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES

Eligible electricity production activity	Credit amount for 2008 (cents per kilowatt-hour)	Credit period for facilities placed in service on or before August 8, 2005 (years from placed-in-service date)	Credit period for facilities placed in service after August 8, 2005 (years from placed-in-service date)
Wind	2.1	10	10
Closed-loop biomass	2.1	[1] 10	10
Open-loop biomass (including agricultural livestock waste nutrient facilities)	1.0	[2] 5	10
Geothermal	2.1	5	10
Solar (pre-2006 facilities only)	2.1	5	10
Small irrigation power	1.0	5	10
Municipal solid waste (including landfill gas facilities and trash combustion facilities)	1.0	5	10
Qualified hydropower	1.0	N/A	10
Marine and hydrokinetic	1.0	N/A	10

[1] In the case of certain co-firing closed-loop facilities, the credit period begins no earlier than October 22, 2004.
[2] For certain facilities placed in service before October 22, 2004, the five-year credit period commences on January 1, 2005.

Taxation of cooperatives and their patrons

For Federal income tax purposes, a cooperative generally computes its income as if it were a taxable corporation, with one exception: the cooperative may exclude from its taxable income distributions of patronage dividends. Generally, a cooperative that is subject to the cooperative tax rules of subchapter T of the Code[170] permitted a deduction for patronage dividends paid only to the extent of net income that is derived from transactions with patrons who are members of the cooperative.[171] The availability of such deductions from taxable income has the effect of allowing the cooperative to be treated like a conduit with respect to profits derived from transactions with patrons who are members of the cooperative.

Eligible cooperatives may elect to pass any portion of the credit through to their patrons. An eligible cooperative is defined as a cooperative organization that is owned more than 50 percent by agricultural producers or entities owned by agricultural producers. The credit may be apportioned among patrons eligible to share in patronage dividends on the basis of the quantity or value of business done with or for such patrons for the taxable year. The election must be made on a timely filed return for the taxable year and, once made, is irrevocable for such taxable year.

HOUSE BILL

The provision extends for three years (generally, through 2013; through 2012 for wind facilities) the period during which qualified facilities producing electricity from wind, closed-loop biomass, open-loop biomass, geothermal energy, municipal solid waste, and qualified hydropower may be placed in service for purposes of the electricity production credit. The provision extends for two years (through 2013) the placed-in-service period for marine and hydrokinetic renewable energy resources.

The provision also makes a technical amendment to the definition of small irrigation power facility to clarify its integration into the definition of marine and hydrokinetic renewable energy facility.

Effective date.—The extension of the electricity production credit is effective for property placed in service after the date of enactment. The technical amendment is effective as if included in section 102 of the Energy Improvement and Extension Act of 2008.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

[170] Secs. 1381–1383.
[171] Sec. 1382.

2. Election of investment credit in lieu of production tax credits (sec. 1602 of the House bill, sec. 1102 of the Senate amendment, sec. 1102 of the conference agreement, and secs. 45 and 48 of the Code)

PRESENT LAW

Renewable electricity credit

An income tax credit is allowed for the production of electricity from qualified energy resources at qualified facilities.[172] Qualified energy resources comprise wind, closed-loop biomass, open-loop biomass, geothermal energy, solar energy, small irrigation power, municipal solid waste, qualified hydropower production, and marine and hydrokinetic renewable energy. Qualified facilities are, generally, facilities that generate electricity using qualified energy resources. To be eligible for the credit, electricity produced from qualified energy resources at qualified facilities must be sold by the taxpayer to an unrelated person. The credit amounts, credit periods, definitions of qualified facilities, and other rules governing this credit are described more fully in section D.1 of this document.

Energy credit

An income tax credit is also allowed for certain energy property placed in service. Qualifying property includes certain fuel cell property, solar property, geothermal power production property, small wind energy property, combined heat and power system property, and geothermal heat pump property.[173] The amounts of credit, definitions of qualifying property, and other rules governing this credit are described more fully in section D.3 of this document.

HOUSE BILL

The House bill allows the taxpayer to make an irrevocable election to have certain qualified facilities placed in service in 2009 and 2010 be treated as energy property eligible for a 30 percent investment credit under section 48. For this purpose, qualified facilities are facilities otherwise eligible for the section 45 production tax credit (other than refined coal, Indian coal, and solar facilities) with respect to which no credit under section 45 has been allowed. A taxpayer electing to treat a facility as energy property may not claim the production credit under section 45.

Effective date.—The provision applies to facilities placed in service after December 31, 2008.

SENATE AMENDMENT

The Senate amendment is similar to the House bill, but with a modification with respect to the placed in service period that determines eligibility for the election. Under the Senate amendment, facilities are eligible if placed in service during the extension period of section 45 as provided in the Senate amendment (generally, through 2013; through 2012 for wind facilities), and with respect to which no credit under section 45 has been allowed.

CONFERENCE AGREEMENT

The conference agreement generally follows the Senate amendment. Property eligible for the credit is tangible personal or other tangible property (not including a building or its structural components), and with respect to which depreciation or amortization is allowable but only if such property is used as an integral part of the qualified facility. For example, in the case of a wind facility, the conferees intend that only property eligible for five-year depreciation under section 168(e)(3)(b)(vi) is treated as credit-eligible energy property under the election.

3. Modification of energy credit[174] (sec. 1603 of the House bill, sec. 1103 of the Senate amendment, sec. 1103 of the conference agreement, and sec. 48 of the Code)

PRESENT LAW

In general

A nonrefundable, 10-percent business energy credit[175] is allowed for the cost of new property that is equipment that either (1) uses solar energy to generate electricity, to heat or cool a structure, or to provide solar process heat, or (2) is used to produce, distribute, or use energy derived from a geothermal deposit, but only, in the case of electricity generated by geothermal power, up to the electric transmission stage. Property used to generate energy for the purposes of heating a swimming pool is not eligible solar energy property.

The energy credit is a component of the general business credit.[176] An unused general business credit generally may be carried back one year and carried forward 20 years.[177] The taxpayer's basis in the property is reduced by one-half of the amount of the credit claimed. For projects whose construction time is expected to equal or exceed two years, the credit may be claimed as progress expenditures are made on the project, rather than during the year the

[172] Sec. 45. In addition to the electricity production credit, section 45 also provides income tax credits for the production of Indian coal and refined coal at qualified facilities.
[173] Sec. 48.

[174] Additional provisions that (1) allow section 45 facilities to elect to be treated as section 48 energy property, and (2) allow section 45 and 48 facilities to elect to receive a grant from the Department of the Treasury rather than the section 45 production credit or the section 48 energy credit, are described in sections D.2 and D.4 of this document.
[175] Sec. 48.
[176] Sec. 38(b)(1).
[177] Sec. 39.

property is placed in service. The credit is allowed against the alternative minimum tax for credits determined in taxable years beginning after October 3, 2008.

Property financed by subsidized energy financing or with proceeds from private activity bonds is subject to a reduction in basis for purposes of claiming the credit. The basis reduction is proportional to the share of the basis of the property that is financed by the subsidized financing or proceeds. The term ''subsidized energy financing'' means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

Special rules for solar energy property

The credit for solar energy property is increased to 30 percent in the case of periods prior to January 1, 2017. Additionally, equipment that uses fiber-optic distributed sunlight to illuminate the inside of a structure is solar energy property eligible for the 30–percent credit.

Fuel cells and microturbines

The energy credit applies to qualified fuel cell power plants, but only for periods prior to January 1, 2017. The credit rate is 30 percent.

A qualified fuel cell power plant is an integrated system composed of a fuel cell stack assembly and associated balance of plant components that (1) converts a fuel into electricity using electrochemical means, and (2) has an electricity-only generation efficiency of greater than 30 percent and a capacity of at least one-half kilowatt. The credit may not exceed $1,500 for each 0.5 kilowatt of capacity.

The energy credit applies to qualifying stationary microturbine power plants for periods prior to January 1, 2017. The credit is limited to the lesser of 10 percent of the basis of the property or $200 for each kilowatt of capacity.

A qualified stationary microturbine power plant is an integrated system comprised of a gas turbine engine, a combustor, a recuperator or regenerator, a generator or alternator, and associated balance of plant components that converts a fuel into electricity and thermal energy. Such system also includes all secondary components located between the existing infrastructure for fuel delivery and the existing infrastructure for power distribution, including equipment and controls for meeting relevant power standards, such as voltage, frequency and power factors. Such system must have an electricity-only generation efficiency of not less than 26 percent at International Standard Organization conditions and a capacity of less than 2,000 kilowatts.

Geothermal heat pump property

The energy credit applies to qualified geothermal heat pump property placed in service prior to January 1, 2017. The credit rate is 10 percent. Qualified geothermal heat pump property is equipment that uses the ground or ground water as a thermal energy source to heat a structure or as a thermal energy sink to cool a structure.

Small wind property

The energy credit applies to qualified small wind energy property placed in service prior to January 1, 2017. The credit rate is 30 percent. The credit is limited to $4,000 per year with respect to all wind energy property of any taxpayer. Qualified small wind energy property is property that uses a qualified wind turbine to generate electricity. A qualifying wind turbine means a wind turbine of 100 kilowatts of rated capacity or less.

Combined heat and power property

The energy credit applies to combined heat and power (''CHP'') property placed in service prior to January 1, 2017. The credit rate is 10 percent.

CHP property is property: (1) that uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications); (2) that has an electrical capacity of not more than 50 megawatts or a mechanical energy capacity of no more than 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities; (3) that produces at least 20 percent of its total useful energy in the form of thermal energy that is not used to produce electrical or mechanical power, and produces at least 20 percent of its total useful energy in the form of electrical or mechanical power (or a combination thereof); and (4) the energy efficiency percentage of which exceeds 60 percent. CHP property does not include property used to transport the energy source to the generating facility or to distribute energy produced by the facility.

The otherwise allowable credit with respect to CHP property is reduced to the extent the property has an electrical capacity or mechanical capacity in excess of any applicable limits. Property in excess of the applicable limit (15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities) is permitted to claim a fraction of the otherwise allowable credit. The fraction is equal to the applicable limit divided by the capacity of the property. For example, a 45 megawatt property would be eligible to claim 15/45ths, or one third, of the otherwise allowable credit. Again, no credit is allowed if the property exceeds the 50 megawatt or 67,000 horsepower limitations described above.

Additionally, the provision provides that systems whose fuel source is at least 90 percent open-loop biomass and that would qualify for the credit but for the failure to meet the efficiency standard are eligible for a credit that is reduced in proportion to the degree to which the system fails to meet the efficiency standard. For example, a system that would otherwise be required to meet the 60–percent efficiency standard, but which only achieves 30–percent efficiency, would be permitted a credit equal to one-half of the otherwise allowable credit (i.e., a 5–percent credit).

HOUSE BILL

The House bill eliminates the credit cap applicable to qualified small wind energy property. The House bill also removes the rule that reduces the basis of the property for purposes of claiming the credit if the property is financed in whole or in part by subsidized energy financing or with proceeds from private activity bonds.

Effective date..—The provision applies to periods after December 31, 2008, under rules similar to the rules of section 48(m) of the Code (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990).

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

4. Grants for specified energy property in lieu of tax credits (secs. 1604 and 1721 of the House bill, secs. 1104 and 1603 of the conference agreement, and secs. 45 and 48 of the Code)

PRESENT LAW

Renewable electricity production credit

An income tax credit is allowed for the production of electricity from qualified energy resources at qualified facilities (the ''renewable electricity production credit'').[178] Qualified energy resources comprise wind, closed-loop biomass, open-loop biomass, geothermal energy, solar energy, small irrigation power, municipal solid waste, qualified hydropower production, and marine and hydrokinetic renewable energy. Qualified facilities are, generally, facilities that generate electricity using qualified energy resources. To be eligible for the credit, electricity produced from qualified energy resources at qualified facilities must be sold by the taxpayer to an unrelated person. The credit amounts, credit periods, definitions of qualified facilities, and other rules governing this credit are described more fully in section D.1 of this document.

Energy credit

An income tax credit is also allowed for certain energy property placed in service. Qualifying property includes certain fuel cell property, solar property, geothermal power production property, small wind mew property, combined heat and power system property, and geothermal heat pump property.[179] The amounts of credit, definitions of qualifying property, and other rules governing this credit are described more fully in section D.3 of this document.

HOUSE BILL

The provision authorizes the Secretary of Energy to provide a grant to each person who places in service during 2009 or 2010 energy property that is either (1) an electricity production facility otherwise eligible for the renewable electricity production credit or (2) qualifying property otherwise eligible for the energy credit. In general, the grant amount is 30 percent of the basis of the property that would (1) be eligible for credit under section 48 or (2) comprise a section 45 credit-eligible facility. For qualified microturbine, combined heat and power system, and geothermal heat pump property, the amount is 10 percent of the basis of the property.

It is intended that the grant provision mimic the operation of the credit under section 48. For example, the amount of the grant is not includable in gross income. However, the basis of the property is reduced by fifty percent of the amount of the grant. In addition, some or all of each grant is subject to recapture if the grant eligible property is disposed of by the grant recipient within five years of being placed in service.[180]

Nonbusiness property and property that would not otherwise be eligible for credit under section 48 or part of a facility that would be eligible for credit under section 45 is not eligible for a grant under the provision. The grant may be paid to whichever party would have been entitled to a credit under section 48 or section 45, as the case may be.

Under the provision, if a grant is paid, no renewable electricity credit or energy credit

[178] Sec. 45. In addition to the renewable electricity production credit, section 45 also provides income tax credits for the production of Indian coal and refined coal at qualified facilities.

[179] Sec. 48.

[180] Section 1604 of the House bill.

may be claimed with respect to the grant eligible property. In addition, no grant may be awarded to any Federal, State, or local government (or any political subdivision, agency, or instrumentality thereof) or any section 501(c) tax-exempt entity.

The provision appropriates to the Secretary of Energy the funds necessary to make the grants. No grant may be made unless the application for the grant has been received before October 1, 2011.

Effective date.—The provision is effective on date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement generally follows the House bill with the following modifications. The conference agreement clarifies that qualifying property must be depreciable or amortizable to be eligible for a grant. The conference agreement also permits taxpayers to claim the credit with respect to otherwise eligible property that is not placed in service in 2009 and 2010 so long as construction begins in either of those years and is completed prior to 2013 (in the case of wind facility property), 2014 (in the case of other renewable power facility property eligible for credit under section 45), or 2017 (in the case of any specified energy property described in section 48). The conference agreement also provides that the grant program be administered by the Secretary of the Treasury.

5. Expand new clean renewable energy bonds (sec. 1611 of the House bill, sec. 1111 of the Senate amendment, sec. 1111 of the conference agreement, and sec. 54C of the Code)

PRESENT LAW

New Clean Renewable Enemy Bonds

New clean renewable energy bonds (''New CREBs'') may be issued by qualified issuers to finance qualified renewable energy facilities.[181] Qualified renewable energy facilities are facilities that: (1) qualify for the tax credit under section 45 (other than Indian coal and refined coal production facilities), without regard to the placed-in-service date requirements of that section; and (2) are owned by a public power provider, governmental body, or cooperative electric company.

The term ''qualified issuers'' includes: (1) public power providers; (2) a governmental body; (3) cooperative electric companies; (4) a not-for-profit electric utility that has received a loan or guarantee under the Rural Electrification Act; and (5) clean renewable energy bond lenders. The term ''public power provider'' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph). A ''governmental body'' means any State or Indian tribal government, or any political subdivision thereof. The term ''cooperative electric company'' means a mutual or cooperative electric company (described in section 501(c)(12) or section 1381(a)(2)(C)). A clean renewable energy bond lender means a cooperative that is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002 (including any affiliated entity which is controlled by such lender).

There is a national limitation for New CREBs of $800 million. No more than one third of the national limit may be allocated to projects of public power providers, governmental bodies, or cooperative electric companies. Allocations to governmental bodies and cooperative electric companies may be made in the manner the Secretary determines appropriate. Allocations to projects of public power providers shall be made, to the extent practicable, in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the maximum allocation limitation to projects of public power providers bears to the cost of all such projects.

New CREBs are a type of qualified tax credit bond for purposes of section 54A of the Code. As such, 100 percent of the available project proceeds of New CREBs must be used within the three-year period that begins on the date of issuance. Available project proceeds are proceeds from the sale of the bond issue less issuance costs (not to exceed two percent) and any investment earnings on such sale proceeds. To the extent less than 100 percent of the available project proceeds are used to finance qualified projects during the three-year spending period, bonds will continue to qualify as New CREBs if unspent proceeds are used within 90 days from the end of such three-year period to redeem bonds. The three-year spending period may be extended by the Secretary upon the qualified issuer's request demonstrating that the failure to satisfy the three-year requirement is due to reasonable cause and the projects will continue to proceed with due diligence.

New CREBs generally are subject to the arbitrage requirements of section 148. However, available project proceeds invested during the three-year spending period are not subject to the arbitrage restrictions (i.e., yield restriction and rebate requirements). In addition, amounts invested in a reserve fund are not subject to the arbitrage restrictions to the extent: (1) such fund is funded at a rate not more rapid than equal annual installments; (2) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue; and (3) the yield on such fund is not greater than the average annual interest rate of tax-exempt obligations having a term of 10 years or more that are issued during the month the New CREBs are issued.

As with other tax credit bonds, a taxpayer holding New CREBs on a credit allowance date is entitled to a tax credit. However, the credit rate on New CREBs is set by the Secretary at a rate that is 70 percent of the rate that would permit issuance of such bonds without discount and interest cost to the issuer.[182] The Secretary determines credit rates for tax credit bonds based on general assumptions about credit quality of the class of potential eligible issuers and such other factors as the Secretary deems appropriate. The Secretary may determine credit rates based on general credit market yield indexes and credit ratings.[183]

The amount of the tax credit is determined by multiplying the bond's credit rate by the face amount of the holder's bond. The credit accrues quarterly, is includible in gross income (as if it were an interest payment on the bond), and can be claimed against regular income tax liability and alternative minimum tax liability. Unused credits may be carried forward to succeeding taxable years. In addition, credits may be separated from the ownership of the underlying bond similar to how interest coupons can be stripped for interest-bearing bonds.

An issuer of New CREBs is treated as meeting the ''prohibition on financial conflicts of interest'' requirement in section 54A(d)(6) if it certifies that it satisfies (i) applicable State and local law requirements governing conflicts of interest and (ii) any additional conflict of interest rules prescribed by the Secretary with respect to any Federal, State, or local government official directly involved with the issuance of New CREBs.

HOUSE BILL

In general

The provision expands the New CREBs program. The provision authorizes issuance of up to an additional $1.6 billion of New CREBs.

Effective date

The provision applies to obligations issued after the date of enactment.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

6. Expand qualified energy conservation bonds (sec. 1612 of the House bill, sec. 1112 of the Senate amendment, sec. 1112 of the conference agreement, and sec. 54D of the Code)

PRESENT LAW

Qualified energy conservation bonds may be used to finance qualified conservation purposes.

The term ''qualified conservation purpose'' means:

1. Capital expenditures incurred for purposes of reducing energy consumption in publicly owned buildings by at least 20 percent; implementing green community programs; rural development involving the production of electricity from renewable energy resources; or any facility eligible for the production tax credit under section 45 (other than Indian coal and refined coal production facilities);

2. Expenditures with respect to facilities or grants that support research in: (a) development of cellulosic ethanol or other nonfossil fuels; (b) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels; (c) increasing the efficiency of existing technologies for producing nonfossil fuels; (d) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation; and (E) technologies to reduce energy use in buildings;

3. Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting;

4. Demonstration projects designed to promote the commercialization of: (a) green building technology; (b) conversion of agricultural waste for use in the production of fuel or otherwise; (c) advanced battery manufacturing technologies; (D) technologies to reduce peak-use of electricity; and (d) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity; and

5. Public education campaigns to promote energy efficiency (other than movies, concerts, and other events held primarily for entertainment purposes).

[181] Sec. 54C.

[182] Given the differences in credit quality and other characteristics of individual issuers, the Secretary cannot set credit rates in a manner that will allow each issuer to issue tax credit bonds at par.

[183] See Internal Revenue Service, Notice 2009–15, Credit Rates on Tax Credit Bonds, 2009–6 I.R.B. 1 (January 22, 2009).

There is a national limitation on qualified energy conservation bonds of $800 million. Allocations of qualified energy conservation bonds are made to the States with sub-allocations to large local governments. Allocations are made to the States according to their respective populations, reduced by any sub-allocations to large local governments (defined below) within the States. Sub-allocations to large local governments shall be an amount of the national qualified energy conservation bond limitation that bears the same ratio to the amount of such limitation that otherwise would be allocated to the State in which such large local government is located as the population of such large local government bears to the population of such State. The term ''large local government'' means: any municipality or county if such municipality or county has a population of 100,000 or more. Indian tribal governments also are treated as large local governments for these purposes (without regard to population).

Each State or large local government receiving an allocation of qualified energy conservation bonds may further allocate issuance authority to issuers within such State or large local government. However, any allocations to issuers within the State or large local government shall be made in a manner that results in not less than 70 percent of the allocation of qualified energy conservation bonds to such State or large local government being used to designate bonds that are not private activity bonds (i.e., the bond cannot meet the private business tests or the private loan test of section 141).

Qualified energy conservations bonds are a type of qualified tax credit bond for purposes of section 54A of the Code. As a result, 100 percent of the available project proceeds of qualified energy conservation bonds must be used for qualified conservation purposes. In the case of qualified conservation bonds issued as private activity bonds, 100 percent of the available project proceeds must be used for capital expenditures. In addition, qualified energy conservation bonds only maybe issued by Indian tribal governments to the extent such bonds are issued for purposes that satisfy the present law requirements for tax-exempt bonds issued by Indian tribal governments (i.e., essential governmental functions and certain manufacturing purposes).

Under present law, 100 percent of the available project proceeds of qualified energy conservation bonds to be used within the three-year period that begins on the date of issuance. Available project proceeds are proceeds from the sale of the issue less issuance costs (not to exceed two percent) and any investment earnings on such sale proceeds. To the extent less than 100 percent of the available project proceeds are used to finance qualified conservation purposes during the three-year spending period, bonds will continue to qualify as qualified energy conservation bonds if unspent proceeds are used within 90 days from the end of such three-year period to redeem bonds. The three-year spending period may be extended by the Secretary upon the issuer's request demonstrating that the failure to satisfy the three-year requirement is due to reasonable cause and the projects will continue to proceed with due diligence.

Qualified energy conservation bonds generally are subject to the arbitrage requirements of section 148. However, available project proceeds invested during the three-year spending period are not subject to the arbitrage restrictions (i.e., yield restriction and rebate requirements). In addition, amounts invested in a reserve fund are not subject to the arbitrage restrictions to the extent: (1) such fund is funded at a rate not more rapid than equal annual installments; (2) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue; and (3) the yield on such fund is not greater than the average annual interest rate of tax-exempt obligations having a term of 10 years or more that are issued during the month the qualified energy conservation bonds are issued.

The maturity of qualified energy conservation bonds is the term that the Secretary estimates will result in the present value of the obligation to repay the principal on such bonds being equal to 50 percent of the face amount of such bonds, using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more that are issued during the month the qualified energy conservation bonds are issued.

As with other tax credit bonds, the taxpayer holding qualified energy conservation bonds on a credit allowance date is entitled to a tax credit. The credit rate on the bonds is set by the Secretary at a rate that is 70 percent of the rate that would permit issuance of such bonds without discount and interest cost to the issuer.[184] The Secretary determines credit rates for tax credit bonds based on general assumptions about credit quality of the class of potential eligible issuers and such other factors as the Secretary deems appropriate. The Secretary may determine credit rates based on general credit market yield indexes and credit ratings.[185] The amount of the tax credit is determined by multiplying the bond's credit rate by the face amount on the holder's bond. The credit accrues quarterly, is includible in gross income (as if it were an interest payment on the bond), and can be claimed against regular income tax liability and alternative minimum tax liability. Unused credits may be carried forward to succeeding taxable years. In addition, credits may be separated from the ownership of the underlying bond similar to how interest coupons can be stripped for interest-bearing bonds.

Issuers of qualified energy conservation bonds are required to certify that the financial disclosure requirements that applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, as well as any other additional conflict of interest rules prescribed by the Secretary with respect to any Federal, State, or local government official directly involved with the issuance of qualified energy conservation bonds.

HOUSE BILL

In general

The provision expands the present-law qualified energy conservation bond program. The provision authorizes issuance of an additional $2.4 billion of qualified energy conservation bonds. The provision expands eligibility for these tax credit bonds to include loans and grants for capital expenditures as part of green community programs. For example, this expansion will enable States to issue these tax credit bonds to finance loans and/or grants to individual homeowners to retrofit existing housing. The use of bond proceeds for such loans and grants will not cause such bond to be treated as a private activity bond for purposes of the private activity bond restrictions contained in the qualified energy conservation bond provisions.

Effective date

The provision is effective for bonds issued after the date of enactment.

SENATE AMENDMENT

In general

The provision expands the present-law qualified energy conservation bond program. The provision authorizes issuance of an additional $2.4 billion of qualified energy conservation bonds. The provision clarifies that capital expenditures to implement green community programs, includes grants, loans and other repayment mechanisms for capital expenditures to implement such programs.

Effective date

The provision is effective for bonds issued after the date of enactment.

CONFERENCE AGREEMENT

In general

The provision expands the present-law qualified energy conservation bond program. The provision authorizes issuance of an additional $2.4 billion of qualified energy conservation bonds. Also, the provision clarifies that capital expenditures to implement green community programs includes grants, loans and other repayment mechanisms to implement such programs. For example, this expansion will enable States to issue these tax credit bonds to finance retrofits of existing private buildings through loans and/or grants to individual homeowners or businesses, or through other repayment mechanisms. Other repayment mechanisms can include periodic fees assessed on a government bill or utility bill that approximates the energy savings of energy efficiency or conservation retrofits. Retrofits can include heating, cooling, lighting, water-saving, storm water-reducing, or other efficiency measures.

Finally, the provision clarifies that any bond used for the purpose of providing grants, loans or other repayment mechanisms for capital expenditures to implement green community programs is not treated as a private activity bond for purposes of determining whether the requirement that not less than 70 percent of allocations within a State or large local government be used to designate bonds that are not private activity bonds (sec. 54D(e)(3)) has been satisfied.

Effective date

The conference agreement follows the House bill and the Senate amendment.

7. Modification to high-speed intercity rail facility bonds (sec. 1504 of the Senate amendment, sec. 1504 of the conference agreement, and sec. 142(i) of the Code)

PRESENT LAW

In general

Under present law, gross income does not include interest on State or local bonds. State and local bonds are classified generally as either governmental bonds or private activity bonds. Governmental bonds are bonds the proceeds of which are primarily used to finance governmental functions or which are repaid with governmental funds. Private activity bonds are bonds in which the State or local government serves as a conduit providing financing to nongovernmental persons

[184] Given the difference in credit quality and other characteristics of individual issuers, the Secretary cannot set credit rates in a manner that will allow each issuer to issue tax credit bonds at par.

[185] See Internal Revenue Services, Notice 2009—15, Credit Rates on Tax Credit Bonds 2009—6 I.R.B. 1 (January 22, 2009).

(e.g., private businesses or individuals). The exclusion from income for State and local bonds does not apply to private activity bonds unless the bonds are issued for certain permitted purposes (''qualified private activity bonds'') and other Code requirements are met.

High-speed rail

An exempt facility bond is a type of qualified private activity bond. Exempt facility bonds can be issued for high-speed intercity rail facilities. A facility qualifies as a high-speed intercity rail facility if it is a facility (other than rolling stock) for fixed guideway rail transportation of passengers and their baggage between metropolitan statistical areas. The facilities must use vehicles that are reasonably expected to operate at speeds in excess of 150 miles per hour between scheduled stops and the facilities must be made available to members of the general public as passengers. If the bonds are to be issued for a nongovernmental owner of the facility, such owner must irrevocably elect not to claim depreciation or credits with respect to the property financed by the net proceeds of the issue.

The Code imposes a special redemption requirement for these types of bonds. Any proceeds not used within three years of the date of issuance of the bonds must be used within the following six months to redeem such bonds.

Seventy-five percent of the principal amount of the bonds issued for high-speed rail facilities is exempt from the volume limit. If all the property to be financed by the net proceeds of the issue is to be owned by a governmental unit, then such bonds are completely exempt from the volume limit.

HOUSE BILL

No provision.

SENATE AMENDMENT

In general

The provision modifies the requirement that high-speed intercity rail transportation facilities use vehicles that are reasonably expected to operate at speeds in excess of 150 miles per hour.

Effective date

The provision is effective for obligations issued after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

8. Extension and modification of credit for nonbusiness energy property (sec. 1621 of the House bill, sec. 1121 of the Senate amendment, sec. 1121 of the conference agreement, and sec. 25C of the Code)

PRESENT LAW

Section 25C provides a 10-percent credit for the purchase of qualified energy efficiency improvements to existing homes. A qualified energy efficiency improvement is any energy efficiency building envelope component (1) that meets or exceeds the prescriptive criteria for such a component established by the 2000 International Energy Conservation Code as supplemented and as in effect on August 8, 2005 (or, in the case of metal roofs with appropriate pigmented coatings, meets the Energy Star program requirements); (2) that is installed in or on a dwelling located in the United States and owned and used by the taxpayer as the taxpayer's principal residence; (3) the original use of which commences with the taxpayer; and (4) that reasonably can be expected to remain in use for at least five years. The credit is nonrefundable.

Building envelope components are: (1) insulation materials or systems which are specifically and primarily designed to reduce the heat loss or gain for a dwelling; (2) exterior windows (including skylights) and doors; and (3) metal or asphalt roofs with appropriate pigmented coatings or cooling granules that are specifically and primarily designed to reduce the heat gain for a dwelling.

Additionally, section 25C provides specified credits for the purchase of specific energy efficient property. The allowable credit for the purchase of certain property is (1) $50 for each advanced main air circulating fan, (2) $150 for each qualified natural gas, propane, or oil furnace or hot water boiler, and (3) $300 for each item of qualified energy efficient property.

An advanced main air circulating fan is a fan used in a natural gas, propane, or oil furnace originally placed in service by the taxpayer during the taxable year, and which has an annual electricity use of no more than two percent of the total annual energy use of the furnace (as determined in the standard Department of Energy test procedures).

A qualified natural gas, propane, or oil furnace or hot water boiler is a natural gas, propane, or oil furnace or hot water boiler with an annual fuel utilization efficiency rate of at least 95.

Qualified energy-efficient property is: (1) an electric heat pump water heater which yields energy factor of at least 2.0 in the standard Department of Energy test procedure, (2) an electric heat pump which has a heating seasonal performance factor (HSPF) of at least 9, a seasonal energy efficiency ratio (SEER) of at least 15, and an energy efficiency ratio (EER) of at least 13, (3) a central air conditioner with energy efficiency of at least the highest efficiency tier established by the Consortium for Energy Efficiency as in effect on Jan. 1, 2006,[186] (4) a natural gas, propane, or oil water heater which has an energy factor of at least 0.80 or thermal efficiency of at least 90 percent, and (5) biomass fuel property.

Biomass fuel property is a stove that bums biomass fuel to heat a dwelling unit located in the United States and used as a principal residence by the taxpayer, or to heat water for such dwelling unit, and that has a thermal efficiency rating of at least 75 percent. Biomass fuel is any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants, grasses, residues, and fibers.

Under section 25C, the maximum credit for a taxpayer with respect to the same dwelling for all taxable years is $500, and no more than $200 of such credit may be attributable to expenditures on windows.

The taxpayer's basis in the property is reduced by the amount of the credit. Special proration rules apply in the case of jointly owned property, condominiums, and tenant-stockholders in cooperative housing corporations. If less than 80 percent of the property is used for nonbusiness purposes, only that portion of expenditures that is used for nonbusiness purposes is taken into account.

For purposes of determining the amount of expenditures made by any individual with respect to any dwelling unit, there shall not be taken into account expenditures which are made from subsidized energy financing. The term ''subsidized energy financing'' means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

The credit applies to expenditures made after December 31, 2008 for property placed in service after December 31, 2008, and prior to January 1, 2010.

HOUSE BILL

The House bill raises the 10 percent credit rate to 30 percent. Additionally, all energy property otherwise eligible for the $50, $100, or $150 credits is instead eligible for a 30 percent credit on expenditures for such property.

The House bill additionally extends the provision for one year, through December 31, 2010. Finally, the $500 lifetime cap (and the $200 lifetime cap with respect to windows) is eliminated and replaced with an aggregate cap of $1,500 in the case of property placed in service after December 31, 2008 and prior to January 1, 2011.

The present law rule related to subsidized energy financing is eliminated.

Effective date.—The provision is effective for taxable years beginning after December 31, 2008.

SENATE AMENDMENT

The Senate amendment is similar to the House bill, but modifies the efficiency standards for qualifying property.

Specifically, the Senate amendment updates the building insulation requirements to follow the prescriptive criteria of the 2009 International Energy Conservation Code. Additionally, qualifying exterior windows, doors, and skylights must have a U-factor at or below 0.30 and a seasonal heat gain coefficient (''SHGC'') at or below 0.30.

Electric heat pumps must achieve the highest efficiency tier of Consortium for Energy Efficiency, as in effect on January 1, 2009. These standards are a SEER greater than or equal to 15, EER greater than or equal to 12.5, and HSPF greater than or equal to 8.5 for split heat pumps, and SEER greater than or equal to 14, EER greater than or equal to 12, and HSPF greater than or equal to 8.0 for packaged heat pumps.

Central air conditioners must achieve the highest efficiency tier of Consortium for Energy Efficiency, as in effect on January 1, 2009. These standards are a SEER greater than or equal to 16 and EER greater than or equal to 13 for split systems, and SEER greater than or equal to 14 and EER greater than or equal to 12 for packaged systems.

Natural gas, propane, or oil water heaters must have an energy factor greater than or equal to 0.82 or a thermal efficiency of greater than or equal to 90 percent. Natural gas, propane, or oil water boilers must achieve an annual fuel utilization efficiency rate of at least 90. Qualified oil furnaces must achieve an annual fuel utilization efficiency rate of at least 90.

Lastly, the requirement that biomass fuel property have a thermal efficiency rating of at least 75 percent is modified to be a thermal efficiency rating of at least 75 percent as measured using a lower heating value.

Effective date.—The provision is generally effective for taxable years beginning after December 31, 2008. The provisions that alter the efficiency standards of qualifying property, other than biomass fuel property, apply to property placed in service after December 31, 2009. The modification with respect to biomass fuel property is effective for taxable years beginning after December 31, 2008.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, with the exception that the

[186] The highest tier in effect at this time was tier 2, requiring SEER of at least 15 and EER of at least 12.5 for split central air conditioning systems and SEER of at least 14 and EER of at least 12 for packaged central air conditioning systems.

new efficiency standards for qualifying property, other than those for biomass fuel property, apply to property placed in service after the date of enactment.

9. Credit for residential energy efficient property (sec. 1622 of the House bill, sec. 1122 of the Senate amendment, sec. 1122 of the conference agreement, and sec. 25D of the Code)

PRESENT LAW

Section 25D provides a personal tax credit for the purchase of qualified solar electric property and qualified solar water heating property that is used exclusively for purposes other than heating swimming pools and hot tubs. The credit is equal to 30 percent of qualifying expenditures, with a maximum credit of $2,000 with respect to qualified solar water heating property. There is no cap with respect to qualified solar electric property.

Section 25D also provides a 30 percent credit for the purchase of qualified geothermal heat pump property, qualified small wind energy property, and qualified fuel cell power plants. The credit for geothermal heat pump property is capped at $2,000, the credit for qualified small wind energy property is limited to $500 with respect to each half kilowatt of capacity, not to exceed $4,000, and the credit for any fuel cell may not exceed $500 for each 0.5 kilowatt of capacity.

The credit with respect to all qualifying property may be claimed against the alternative minimum tax.

Qualified solar electric property is property that uses solar energy to generate electricity for use in a dwelling unit. Qualifying solar water heating property is property used to heat water for use in a dwelling unit located in the United States and used as a residence if at least half of the energy used by such property for such purpose is derived from the sun.

A qualified fuel cell power plant is an integrated system comprised of a fuel cell stack assembly and associated balance of plant components that (1) converts a fuel into electricity using electrochemical means, (2) has an electricity-only generation efficiency of greater than 30 percent. The qualified fuel cell power plant must be installed on or in connection with a dwelling unit located in the United States and used by the taxpayer as a principal residence.

Qualified small wind energy property is property that uses a wind turbine to generate electricity for use in a dwelling unit located in the U.S. and used as a residence by the taxpayer.

Qualified geothermal heat pump property means any equipment which (1) uses the ground or ground water as a thermal energy source to heat the dwelling unit or as a thermal energy sink to cool such dwelling unit, (2) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made, and (3) is installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

The credit is nonrefundable, and the depreciable basis of the property is reduced by the amount of the credit. Expenditures for labor costs allocable to onsite preparation, assembly, or original installation of property eligible for the credit are eligible expenditures.

Special proration rules apply in the case of jointly owned property, condominiums, and tenant-stockholders in cooperative housing corporations. If less than 80 percent of the property is used for nonbusiness purposes, only that portion of expenditures that is used for nonbusiness purposes is taken into account.

For purposes of determining the amount of expenditures made by any individual with respect to any dwelling unit, there shall not be taken into account expenditures which are made from subsidized energy financing. The term ''subsidized energy financing'' means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

The credit applies to property placed in service prior to January 1, 2017.

HOUSE BILL

The House bill eliminates the credit caps for solar hot water, geothermal, and wind property and eliminates the reduction in credits for property using subsidized energy financing.

Effective date.—The provision applies to taxable years beginning after December 31, 2008.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

10. Temporary increase in credit for alternative fuel vehicle refueling property (sec. 1623 of the House bill, sec. 1123 of the Senate amendment, sec. 1123 of the conference agreement, and sec. 30C of the Code)

PRESENT LAW

Taxpayers may claim a 30-percent credit for the cost of installing qualified clean-fuel vehicle refueling property to be used in a trade or business of the taxpayer or installed at the principal residence of the taxpayer.[187] The credit may not exceed $30,000 per taxable year per location, in the case of qualified refueling property used in a trade or business and $1,000 per taxable year per location, in the case of qualified refueling property installed on property which is used as a principal residence.

Qualified refueling property is property (not including a building or its structural components) for the storage or dispensing of a clean-burning fuel or electricity into the fuel tank or battery of a motor vehicle propelled by such fuel or electricity, but only if the storage or dispensing of the fuel or electricity is at the point of delivery into the fuel tank or battery of the motor vehicle. The use of such property must begin with the taxpayer.

Clean-burning fuels are any fuel at least 85 percent of the volume of which consists of ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, or hydrogen. In addition, any mixture of biodiesel and diesel fuel, determined without regard to any use of kerosene and containing at least 20 percent biodiesel, qualifies as a clean fuel.

Credits for qualified refueling property used in a trade or business are part of the general business credit and may be carried back for one year and forward for 20 years. Credits for residential qualified refueling property cannot exceed for any taxable year the difference between the taxpayer's regular tax (reduced by certain other credits) and the taxpayer's tentative minimum tax. Generally, in the case of qualified refueling property sold to a tax-exempt entity, the taxpayer selling the property may claim the credit.

A taxpayer's basis in qualified refueling property is reduced by the amount of the credit. In addition, no credit is available for property used outside the United States or for which an election to expense has been made under section 179.

The credit is available for property placed in service after December 31, 2005, and (except in the case of hydrogen refueling property) before January 1, 2011. In the case of hydrogen refueling property, the property must be placed in service before January 1, 2015.

HOUSE BILL

For property placed in service in 2009 or 2010, the provision increases the maximum credit available for business property to $200,000 for qualified hydrogen refueling property and to $50,000 for other qualified refueling property. For nonbusiness property, the maximum credit is increased to $2,000. In addition, the credit rate is increased from 30 percent to 50 percent, except in the case of hydrogen refueling property.

Effective date.—The provision is effective for taxable years beginning after December 31, 2008.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, except that it adds interoperability, public access, and other standards to qualified refueling property that is used for recharging electric or hybrid-electric motor vehicles.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

11. Recovery period for depreciation of smart meters (sec. 1124 of the Senate amendment)

PRESENT LAW

A taxpayer generally must capitalize the cost of property used in a trade or business and recover such cost over time through annual deductions for depreciation or amortization. Tangible property generally is depreciated under the modified accelerated cost recovery system (''MACRS''), which determines depreciation by applying specific recovery periods, placed-in-service conventions, and depreciation methods to the cost of various types of depreciable property.[188] The class lives of assets placed in service after 1986 are generally set forth in Revenue Procedure 87–56.[189] Present law provides a 10-year recovery period[190] and the 150-percent declining balance method[191] be used for smart meters.

A qualified smart electric meter means any time-based meter and related communication equipment which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services and which is capable of being used by the taxpayer as part of a system that (1) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day; (2) provides for the exchange of information between the supplier or provider and the customer's smart electric meter in support of time-based rates or other forms of demand response; and (3) provides data to such supplier

[187] Sec. 30C.

[188] Sec. 168.

[189] 1987–2 C.B. 674 (as clarified and modified by Rev. Proc. 88–22, 1988–1 C.B. 785). Assets included in class 49.14, describing assets used in the transmission and distribution of electricity for sale and related land improvements, are assigned a class life of 30 years and a recovery period of 20 years.

[190] Sec. 168(e)(3)(D)(iii).

[191] Sec. 168(b)(2)(C).

or provider so that the supplier or provider can provide energy usage information to customers electronically; and (4) provides all commercial and residential customers of such supplier or provider with net metering.[192] The term ''net metering'' means allowing a customer a credit, if any, as complies with applicable Federal and State laws and regulations, for providing electricity to the supplier or provider.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision provides a 5-year recovery period and 200 percent declining balance method for any qualified smart electric meter placed in service before January 1, 2011.

Effective date.—The provision is effective for property placed in service after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

12. Energy research credit (sec. 1631 of the House bill and sec. 1131 of the Senate amendment)

PRESENT LAW

General rule

A taxpayer may claim a research credit equal to 20 percent of the amount by which the taxpayer's qualified research expenses for a taxable year exceed its base amount for that year.[193] Thus, the research credit is generally available with respect to incremental increases in qualified research.

A 20-percent research tax credit is also available with respect to the excess of (1) 100 percent of corporate cash expenses (including grants or contributions) paid for basic research conducted by universities (and certain nonprofit scientific research organizations) over (2) the sum of (a) the greater of two minimum basic research floors plus (b) an amount reflecting any decrease in nonresearch giving to universities by the corporation as compared to such giving during a fixed-base period, as adjusted for inflation. This separate credit computation is commonly referred to as the university basic research credit.[194]

Finally, a research credit is available for a taxpayer's expenditures on research undertaken by an energy research consortium. This separate credit computation is commonly referred to as the energy research credit. Unlike the other research credits, the energy research credit applies to all qualified expenditures, not just those in excess of a base amount.

The research credit, including the university basic research credit and the energy research credit, expires for amounts paid or incurred after December 31, 2009.[195]

Computation of allowable credit

Except for energy research payments and certain university basic research payments made by corporations, the research tax credit applies only to the extent that the taxpayer's qualified research expenses for the current taxable year exceed its base amount. The base amount for the current year generally is computed by multiplying the taxpayer's fixed-base percentage by the average amount of the taxpayer's gross receipts for the four preceding years. If a taxpayer both incurred qualified research expenses and had gross receipts during each of at least three years from 1984 through 1988, then its fixed-base percentage is the ratio that its total qualified research expenses for the 1984–1988 period bears to its total gross receipts for that period (subject to a maximum fixed-base percentage of 16 percent). All other taxpayers (so-called start-up firms) are assigned a fixed-base percentage of three percent.[196]

In computing the credit, a taxpayer's base amount cannot be less than 50 percent of its current-year qualified research expenses.

To prevent artificial increases in research expenditures by shifting expenditures among commonly controlled or otherwise related entities, a special aggregation rule provides that all members of the same controlled group of corporations are treated as a single taxpayer.[197] Under regulations prescribed by the Secretary, special rules apply for computing the credit when a major portion of a trade or business (or unit thereof) changes hands, under which qualified research expenses and gross receipts for periods prior to the change of ownership of a trade or business are treated as transferred with the trade or business that gave rise to those expenses and receipts for purposes of recomputing a taxpayer's fixed-based percentage.[198]

Alternative incremental research credit regime

Taxpayers are allowed to elect an alternative incremental research credit regime.[199] If a taxpayer elects to be subject to this alternative regime, the taxpayer is assigned a three-tiered fixed-base percentage (that is lower than the fixed-base percentage otherwise applicable under present law) and the credit rate likewise is reduced.

Generally, for amounts paid or incurred prior to 2007, under the alternative incremental credit regime, a credit rate of 2.65 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of one percent (i.e., the base amount equals one percent of the taxpayer's average gross receipts for the four preceding years) but do not exceed a base amount computed by using a fixed-base percentage of 1.5 percent. A credit rate of 3.2 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of 1.5 percent but do not exceed a base amount computed by using a fixed-base percentage of two percent. A credit rate of 3.75 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of two percent. Generally, for amounts paid or incurred after 2006, the credit rat listed above are increased to three percent, four percent, and five percent, respectively.[200]

An election to be subject to this alternative incremental credit regime can be made for any taxable year beginning after June 30, 1996, and such an election applies to that taxable year and all subsequent years unless revoked with the consent of the Secretary of the Treasury. The alternative incremental credit regime terminates for taxable years beginning after December 31, 2008.

Alternative simplified credit

Generally, for amounts paid or incurred after 2006, taxpayers may elect to claim an alternative simplified credit for qualified research expenses.[201] The alternative simplified research credit is equal to 12 percent (14 percent for taxable years beginning after December 31, 2008) of qualified research expenses that exceed 50 percent of the average qualified research expenses for the three preceding taxable years. The rate is reduced to six percent if a taxpayer has no qualified research expenses in any one of the three preceding taxable years.

An election to use the alternative simplified credit applies to all succeeding taxable years unless revoked with the consent of the Secretary. An election to use the alternative simplified credit may not be made for any taxable year for which an election to use the alternative incremental credit is in effect. A transition rule applies which permits a taxpayer to elect to use the alternative simplified credit in lieu of the alternative incremental credit if such election is made during the taxable year which includes January 1, 2007. The transition rule applies only to the taxable year which includes that date.

Eligible expenses

Qualified research expenses eligible for the research tax credit consist of: (1) in-house expenses of the taxpayer for wages and supplies attributable to qualified research; (2) certain time-sharing costs for computer use in qualified research; and (3) 65 percent of amounts paid or incurred by the taxpayer to certain other persons for qualified research conducted on the taxpayer's behalf (so-called contract research expenses).[202] Notwithstanding the limitation for contract research expenses, qualified research expenses include 100 percent of amounts paid or incurred by the taxpayer to an eligible small business, university, or Federal laboratory for qualified energy research.

To be eligible for the credit, the research not only has to satisfy the requirements of present-law section 174 (described below) but also must be undertaken for the purpose of discovering information that is technological in nature, the application of which is intended to be useful in the development of a new or improved business component of the

[192] Sec. 168(i)(18).
[193] Sec. 41.
[194] Sec. 41(e).
[195] Sec. 41(h).
[196] The Small Business Job Protection Act of 1996 expanded the definition of start-up firms under section 41(c)(3)(B)(i) to include any firm if the first taxable year in which such firm had both gross receipts and qualified research expenses began after 1983. A special rule (enacted in 1993) is designed to gradually recompute a start-up firm's fixed-base percentage based on its actual research experience. Under this special rule, a start-up firm is assigned a fixed-base percentage of three percent for each of its first five taxable years after 1993 in which it incurs qualified research expenses. A start-up firm's fixed-base percentage for its sixth through tenth taxable years after 1993 in which it incurs qualified research expenses is a phased-in ratio based on the firm's actual research experience. For all subsequent taxable years, the taxpayer's fixed-base percentage is its actual ratio of qualified research expenses to gross receipts for any five years selected by the taxpayer from its fifth through tenth taxable years after 1993. Sec. 41(c)(3)(B).
[197] Sec. 41(f)(1).
[198] Sec. 41(f)(3).
[199] Sec. 41(c)(4).
[200] A special transition rule applies for fiscal year 2006–2007 taxpayers.
[201] A special transition rule applies for fiscal year 2006–2007 taxpayers.
[202] Under a special rule, 75 percent of amounts paid to a research consortium for qualified research are treated as qualified research expenses eligible for the research credit (rather than 65 percent under the general rule under section 41(b)(3) governing contract research expenses) if (1) such research consortium is a tax-exempt organization that is described in section 501(c)(3) (other than a private foundation) or section 501(c)(6) and is organized and operated primarily to conduct scientific research, and (2) such qualified research is conducted by the consortium on behalf of the taxpayer and one or more persons not related to the taxpayer. Sec. 41(b)(3)(C).

taxpayer, and substantially all of the activities of which constitute elements of a process of experimentation for functional aspects, performance, reliability, or quality of a business component. Research does not qualify for the credit if substantially all of the activities relate to style, taste, cosmetic, or seasonal design factors.[203] In addition, research does not qualify for the credit: (1) if conducted after the beginning of commercial production of the business component; (2) if related to the adaptation of an existing business component to a particular customer's requirements; (3) if related to the duplication of an existing business component from a physical examination of the component itself or certain other information; or (4) if related to certain efficiency surveys, management function or technique, market researcNimarket testing, or market development, routine data collection or routine quality control.[204] Research does not qualify for the credit if it is conducted outside the United States, Puerto Rico, or any U.S. possession.

Relation to deduction

Under section 174, taxpayers may elect to deduct currently the amount of certain research or experimental expenditures paid or incurred in connection with a trade or business, notwithstanding the general rule that business expenses to develop create an asset that has a useful life extending beyond the current year must be capitalized.[205] However, deductions allowed to a taxpayer under section 174 (or any other section) are reduced by an amount equal to 100 percent of the taxpayer's research tax credit determined for the taxable year.[206] Taxpayers may alternatively elect to claim a reduced research tax credit amount under section 41 in lieu of reducing deductions otherwise allowed.[207]

HOUSE BILL

The House bill creates a new 20 percent credit for all qualified energy research expenses paid or incurred in 2009 or 2010. Qualified energy research expenses are qualified research expenses related to the fields of fuel cells and battery technology, renewable energy, energy conservation technology, efficient transmission and distribution of electricity, and carbon capture and sequestration.

Effective date.—The provision is effective for taxable years beginning after December 31, 2008.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, except that it adds expenses related to renewable fuels research to the list of qualified energy research expenses.

CONFERENCE AGREEMENT

The conference agreement does not include either the House bill or the Senate amendment provision.

13. Modification of credit for carbon dioxide sequestration (sec. 1141 of the Senate amendment, sec. 1131 of the conference agreement, and sec. 45Q of the Code)

PRESENT LAW

A credit of $20 per metric ton is available for qualified carbon dioxide captured by a taxpayer at a qualified facility and disposed of by such taxpayer in secure geological storage (including storage at deep saline formations and unminable coal seams under such conditions as the Secretary may determine).[208] In addition, a credit of $10 per metric ton is available for qualified carbon dioxide that is captured by the taxpayer at a qualified facility and used by such taxpayer as a tertiary injectant (including carbon dioxide augmented waterflooding and immiscible carbon dioxide displacement) in a qualified enhanced oil or natural gas recovery project. Both credit amounts are adjusted for inflation after 2009.

Qualified carbon dioxide is defined as carbon dioxide captured from an industrial source that (1) would otherwise be released into the atmosphere as an industrial emission of greenhouse gas, and (2) is measured at the source of capture and verified at the point or points of injection. Qualified carbon dioxide includes the initial deposit of captured carbon dioxide used as a tertiary injectant but does not include carbon dioxide that is recaptured, recycled, and re-injected as part of an enhanced oil or natural gas recovery project process. A qualified enhanced oil or natural gas recovery project is a project that would otherwise meet the definition of an enhanced oil recovery project under section 43, if natural gas projects were included within that definition.

A qualified facility means any industrial facility (1) which is owned by the taxpayer, (2) at which carbon capture equipment is placed in service, and (3) which captures not less than 500,000 metric tons of carbon dioxide during the taxable year. The credit applies only with respect to qualified carbon dioxide captured and sequestered or injected in the United States[209] or one of its possessions.[210]

Except as provided in regulations, credits are attributable to the person that captures and physically or contractually ensures the disposal, or use as a tertiary injectant, of the qualified carbon dioxide. Credits are subject to recapture, as provided by regulation, with respect to any qualified carbon dioxide that ceases to be recaptured, disposed of, or used as a tertiary injectant in a manner consistent with the rules of the provision.

The credit is part of the general business credit. The credit sunsets at the end of the calendar year in which the Secretary, in consultation with the Administrator of the Environmental Protection Agency, certifies that 75 million metric tons of qualified carbon dioxide have been captured and disposed of or used as a tertiary injectant.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision requires that carbon dioxide used as a tertiary injectant and otherwise eligible for a $10 per metric ton credit must be sequestered by the taxpayer in permanent geological storage in order to qualify for such credit. The Senate amendment also clarifies that the term permanent geological storage includes oil and gas reservoirs in addition to unminable coal seams and deep saline formations. In addition, the Senate amendment requires that the Secretary of the Treasury consult with the Secretary of Energy and the Secretary of the Interior, in addition to the Administrator of the Environmental Protection Agency, in promulgating regulations relating to the permanent geological storage of carbon dioxide.

Effective date.—The provision is effective for carbon dioxide captured after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

14. Modification of the plug-in electric drive motor vehicle credit (secs. 1151 and 1152 of the Senate amendment, secs. 1141 through 1144 of the conference agreement, and secs. 30B and 30D of the Code)

PRESENT LAW

Alternative motor vehicle credit

A credit is available for each new qualified fuel cell vehicle, hybrid vehicle, advanced lean burn technology vehicle, and alternative fuel vehicle placed in service by the taxpayer during the taxable year.[211] In general, the credit amount varies depending upon the type of technology used, the weight class of the vehicle, the amount by which the vehicle exceeds certain fuel economy standards, and, for some vehicles, the estimated lifetime fuel savings. The credit generally is available for vehicles purchased after 2005. The credit terminates after 2009, 2010, or 2014, depending on the type of vehicle. The alternative motor vehicle credit is not allowed against the alternative minimum tax.

Plug-in electric drive motor vehicle credit

A credit is available for each qualified plug-in electric drive motor vehicle placed in service. A qualified plug-in electric drive motor vehicle is a motor vehicle that has at least four wheels, is manufactured for use on public roads, meets certain emissions standards (except for certain heavy vehicles), draws propulsion using a traction battery with at least four kilowatt-hours of capacity, and is capable of being recharged from an external source of electricity.

The base amount of the plug-in electric drive motor vehicle credit is $2,500, plus another $417 for each kilowatt-hour of battery capacity in excess of four kilowatt-hours. The maximum credit for qualified vehicles weighing 10,000 pounds or less is $7,500. This maximum amount increases to $10,000 for vehicles weighing more than 10,000 pounds but not more than 14,000 pounds, to $12,500 for vehicles weighing more than 14,000 pounds but not more than 26,000 pounds, and to $15,000 for vehicle weighing more than 26,000 pounds.

In general, the credit is available to the vehicle owner, including the lessor of a vehicle subject to lease. If the qualified vehicle is used by certain tax-exempt organizations, governments, or foreign persons and is not subject to a lease, the seller of the vehicle may claim the credit so long as the seller clearly discloses to the user in a document the amount that is allowable as a credit. A vehicle must be used predominantly in the United States to qualify for the credit.

Once a total of 250,000 credit-eligible vehicles have been sold for use in the United States, the credit phases out over four calendar quarters. The phaseout period begins in the second calendar quarter following the quarter during which the vehicle cap has been reached. Taxpayers may claim one-half of the otherwise allowable credit during the first two calendar quarters of the phaseout period and twenty-five percent of the otherwise allowable credit during the next two quarters. After this, no credit is available. Regardless of the phase-out limitation, no credit is available for vehicles purchased after 2014.

[203] Sec. 41(d)(3).
[204] Sec. 41(d)(4).
[205] Taxpayers may elect 10-year amortization of certain research expenditures allowable as a deduction under section 174(a). Secs. 174(f)(2) and 59(e).
[206] Sec. 280C(c).
[207] Sec. 280C(c)(3).
[208] Sec. 45Q.
[209] Sec. 638(1).
[210] Sec. 638(2).
[211] Sec. 30B.

The basis of any qualified vehicle is reduced by the amount of the credit. To the extent a vehicle is eligible for credit as a qualified plug-in electric drive motor vehicle, it is not eligible for credit as a qualified hybrid vehicle under section 30B. The portion of the credit attributable to vehicles of a character subject to an allowance for depreciation is treated as part of the general business credit; the nonbusiness portion of the credit is allowable to the extent of the excess of the regular tax over the alternative minimum tax (reduced by certain other credits) for the taxable year.

HOUSE BILL

No provision.

SENATE AMENDMENT

Credit for electric drive low-speed vehicles, motorcycles, and three-wheeled vehicles

The Senate amendment creates a new 10-percent credit for low-speed vehicles, motorcycles, and three-wheeled vehicles that would otherwise meet the criteria of a qualified plug-in electric drive motor vehicle but for the fact that they are low-speed vehicles or do not have at least four wheels. The maximum credit for such vehicles is $4,000. Basis reduction and other rules similar to those found in section 30 apply under the provision. The new credit is part of the general business credit. The new credit is not available for vehicles sold after December 31, 2011.

Credit for converting a vehicle into a plug-in electric drive motor vehicle

The Senate amendment also creates a new 10–percent credit, up to $4,000, for the cost of converting any motor vehicle into a qualified plug-in electric drive motor vehicle. To be eligible for the credit, a qualified plug-in traction battery module must have a capacity of at least 2.5 kilowatt-hours. In the case of a leased traction battery module, the credit may be claimed by the lessor but not the lessee. The credit is not available for conversions made after December 31, 2012.

Modification of plug-in electric drive motor vehicle credit

The Senate amendment modifies the plug-in electric drive motor vehicle credit by increasing the 250,000 vehicle limitation to 500,000. It also modifies the definition of qualified plug-in electric drive motor vehicle to exclude low-speed vehicles.

Effective date.—The Senate amendment is generally effective for vehicles sold after December 31, 2009. The credit for plug-in vehicle conversion is effective for property placed in service after December 31, 2008, in taxable years beginning after such date.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with substantial modifications.

Credit for electric drive low-speed vehicles, motorcycles, and three-wheeled vehicles

With respect to electric drive low-speed vehicles, motorcycles, and three-wheeled vehicles, the conference agreement follows the Senate amendment with the following modifications. Under the conference agreement, the maximum credit available is $2,500. The conference agreement also makes other technical changes.

Credit for converting a vehicle into a plug-in electric drive motor vehicle

With respect to plug-in vehicle conversions, the conference agreement follows the Senate amendment but increases the minimum capacity of a qualified battery module to four kilowatt-hours, changes the effective date to property placed in service after the date of enactment, and eliminates the credit for plug-in conversions made after December 31, 2011. The conference agreement also removes the rule permitting lessors of battery modules to claim the plug-in conversion credit.

Modification of the plug-in electric drive motor vehicle credit

The conference agreement modifies the plug-in electric drive motor vehicle credit by limiting the maximum credit to $7,500 regardless of vehicle weight. The conference agreement also eliminates the credit for low speed plug-in vehicles and for plug-in vehicles weighing 14,000 pounds or more.

The conference agreement replaces the 250,000 total plug-in vehicle limitation with a 200,000 plug-in vehicles per manufacturer limitation. The credit phases out over four calendar quarters beginning in the second calendar quarter following the quarter in which the manufacturer limit is reached. The conference agreement also makes other technical changes.

The changes to the plug-in electric drive motor vehicle credit are effective for vehicles acquired after December 31, 2009.

Treatment of alternative motor vehicle credit as a personal credit allowed against the alternative minimum tax

The conference agreement provides that the alternative motor vehicle credit is a personal credit allowed against the alternative minimum tax. The provision is effective for taxable years beginning after December 31, 2008.

15. Parity for qualified transportation fringe benefits (sec. 1251 of the Senate amendment, sec. 1151 of the conference agreement, and sec. 132 of the Code)

PRESENT LAW

Qualified transportation fringe benefits provided by an employer are excluded from an employee's gross income for income tax purposes and from an employee's wages for payroll tax purposes.[212] Qualified transportation fringe benefits include parking, transit passes, vanpool benefits, and qualified bicycle commuting reimbursements. Up to $230 (for 2009) per month of employer-provided parking is excludable from income. Up to $120 (for 2009) per month of employer-provided transit and vanpool benefits are excludable from gross income. These amounts are indexed annually for inflation, rounded to the nearest multiple of $5. No amount is includible in the income of an employee merely because the employer offers the employee a choice between cash and qualified transportation fringe benefits. Qualified transportation fringe benefits also include a cash reimbursement by an employer to an employee. However, in the case of transit passes, a cash reimbursement is considered a qualified transportation fringe benefit only if a voucher or similar item which may be exchanged only for a transit pass is not readily available for direct distribution by the employer to the employee.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision increases the monthly exclusion for employer-provided transit and vanpool benefits to the same level as the exclusion for employer-provided parking.

Effective date.—The provision is effective for months beginning on or after date of enactment. The proposal does not apply to tax years beginning after December 31, 2010.

[212] Code secs. 132(f), 3121(b)(2), 3306(b)(16), and 3401(a)(19).

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

16. Credit for investment in advanced energy property (sec. 1302 of the Senate amendment, sec. 1302 of the conference agreement, and new sec. 48C of the Code)

PRESENT LAW

An income tax credit is all wed for the production of electricity from qualified energy resources at qualified facilities.[213] Qualified energy resources comprise wind, closed-loop biomass, open-loop biomass, geothermal energy, solar energy, small irrigation power, municipal solid waste, qualified hydropower production, and marine and hydrokinetic renewable energy. Qualified facilities are, generally, facilities that generate electricity using qualified energy resources.

An income tax credit is also allowed for certain energy property placed in service. Qualifying property includes certain fuel cell property, solar property, geothermal power production property, small wind energy property, combined heat and power system property, and geothermal heat pump property.[214]

In addition to these, numerous other credits are available to taxpayers to encourage renewable energy production and energy conservation, including, among others, credits for certain biofuels, plug-in electric vehicles, and energy efficient appliances, and for improvements to heating, air conditioning, and insulation.

No credit is specifically designed under present law to encourage the development of a domestic manufacturing base to support the industries described above.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment establishes a 30 percent credit for investment in qualified property used in a qualified advanced energy manufacturing project. A qualified advanced energy project is a project that re-equips, expands, or establishes a manufacturing facility for the production: (1) property designed to be used to produce energy from the sun, wind, or geothermal deposits (within the meaning of section 613(e)(2)), or other renewable resources; (2) fuel cells, microturbines, or an energy storage system for use with electric or hybrid-electric motor vehicles; (3) electric grids to support the transmission of intermittent sources of renewable energy, including storage of such energy; (4) property designed to capture and sequester carbon dioxide; (5) property designed to refine or blend renewable fuels (but not fossil fuels) or to produce energy conservation technologies (including energy-conserving lighting technologies and smart grid technologies; or (6) other advanced energy property designed to reduce greenhouse gas emissions as may be determined by the Secretary.

Qualified property must be depreciable (or amortizable) property used in a qualified advanced energy project. Qualified property does not include property designed to manufacture equipment for use in the refining or blending of any transportation fuel other than renewable fuels. The basis of qualified property must be reduced by the amount of credit received.

Credits are available only for projects certified by the Secretary of Treasury, in consultation with the Secretary of Energy. The

[213] Sec. 45. In addition to the electricity production credit, section 45 also provides income tax credits for the production of Indian coal and refined coal at qualified facilities.

[214] Sec. 48.

Secretary of Treasury must establish a certification program no later than 180 days after date of enactment, and may allocate up to $2 billion in credits.

In selecting projects, the Secretary may consider only those projects where there is a reasonable expectation of commercial viability. In addition, the Secretary must consider other selection criteria, including which projects (1) will provide the greatest domestic job creation; (2) will provide the greatest net impact in avoiding or reducing air pollutants or anthropogenic emissions of greenhouse gases; (3) have the greatest readiness for commercial employment, replication, and further commercial use in the United States, (4) will provide the greatest benefit in terms of newness in the commercial market; (5) have the lowest levelized cost of generated or stored energy, or of measured reduction in energy consumption or greenhouse gas emission; and (6) have the shortest project time from certification to completion.

Each project application must be submitted during the three-year period beginning on the date such certification program is established. An applicant for certification has two years from the date the Secretary accepts the application to provide the Secretary with evidence that the requirements for certification have been met. Upon certification, the applicant has five years from the date of issuance of the certification to place the project in service. Not later than six years after the date of enactment of the credit, the Secretary is required to review the credit allocations and redistribute any credits that were not used either because of a revoked certification or because of an insufficient quantity of credit applications.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with the following modifications. The conference agreement increases by $300 million (to $2.3 billion) the amount of credits that may be allocated by the Secretary. The conference agreement expands the list of qualifying advance energy projects to include projects designed to manufacture any new qualified plug-in electric drive motor vehicle (as defined by section 30D(c)), any specified vehicle (as defined by section 30D(f)(2)), or any component which is designed specifically for use with such vehicles, including any electric motor, generator, or power control unit. The conference agreement also replaces the third and fourth project selection criteria with a requirement that the Secretary, in addition to the remaining criteria, consider projects that have the greatest potential for technological innovation and commercial deployment.

In addition, the conference agreement shortens to two years the period during which project applications may be submitted, shortens to one year the period during which the project applicants must provide evidence that the certification requirements have been met, and shortens to three years the period during which certified projects must be placed in service. The conference agreement also shortens the period after which the Secretary must review the credit allocations from six to four years. Finally, the conference agreement clarifies that only tangible personal property and other tangible property (not including a building or its structural components) is credit-eligible.

17. Incentives for manufacturing facilities producing plug-in electric drive motor vehicles and components (sec. 1303 of the Senate amendment)

PRESENT LAW DEPRECIATION RULES

A taxpayer is allowed to recover through annual depreciation deductions the cost of certain property used in a trade or business or for the production of income. The amount of the depreciation deduction allowed with respect to tangible property for a taxable year is determined under the modified accelerated cost recovery system (''MACRS''). Under MACRS, different types of property generally are assigned applicable recovery periods and depreciation methods. The recovery periods applicable to most tangible personal property range from 3 to 25 years. The depreciation methods generally applicable to tangible personal property are the 200–percent and 150–percent declining balance methods, switching to the straight-line method for the taxable year in which the taxpayer's depreciation deduction would be maximized.

Bonus depreciation

For property placed in service in calendar year 2009, an additional first-year depreciation deduction is available equal to 50 percent of the adjusted basis of qualified property.[215] The additional first-year depreciation deduction is allowed for both regular tax and alternative minimum tax (''AMT'') purposes.[216] Certain other rules and limitations apply.

Election to claim additional research or minimum tax credits in lieu of claiming bonus depreciation

Corporations otherwise eligible for bonus depreciation under section 168(k) may elect to claim additional research or minimum tax credits in lieu of claiming depreciation under section 168(k) for ''eligible qualified property'' placed in service after March 31, 2008.[217] A corporation making the election forgoes the depreciation deductions allowable under section 168(k) and instead increases the limitation under section 38(c) on the use of research credits or section 53(c) on the use of minimum tax credits.[218] The increases in the allowable credits are treated as refundable for purposes of this provision. The depreciation for qualified property is calculated for both regular tax and AMT purposes using the straight-line method in place of the method that would otherwise be used absent the election under this provision.

The research credit or minimum tax credit limitation is increased by the bonus depreciation amount, which is equal to 20 percent of bonus depreciation[219] for certain eligible qualified property that could be claimed absent an election under this provision. Generally, eligible qualified property included in the calculation is bonus depreciation property that meets the following requirements: (1) the original use of the property must commence with the taxpayer after March 31, 2008; (2) the taxpayer must purchase the property either (a) after March 31, 2008, and before January 1, 2009, only if no binding written contract for the acquisition is in effect before April 1, 2008,[220] or (b) pursuant to a binding written contract which was entered into after March 31, 2008, and before January 1, 2009;[221] and (3) the property must be placed in service after March 31, 2008, and before January 1, 2009 (January 1, 2010 for certain longer-lived and transportation property).

The bonus depreciation amount is limited to the lesser of: (1) $30 million, or (2) six percent of the sum of research credit carryforwards from taxable years beginning before January 1, 2006 and minimum tax credits allocable to the adjusted minimum tax imposed for taxable years beginning before January 1, 2006. All corporations treated as a single employer under section 52(a) are treated as one taxpayer for purposes of the limitation, as well as for electing the application of this provision.

Credit for plug-in vehicles

A credit is available for each qualified plug-in electric drive motor vehicle placed in service. A qualified plug-in electric drive motor vehicle is a motor vehicle that has at least four wheels, is manufactured for use on public roads, meets certain emissions standards (except for certain heavy vehicles), draws propulsion using a traction battery with at least four kilowatt-hours of capacity, and is capable of being recharged from an external source of electricity.

The base amount of the plug-in electric drive motor vehicle credit is $2,500, plus another $417 for each kilowatt-hour of battery capacity in excess of four kilowatt-hours. The maximum credit for qualified vehicles weighing 10,000 pounds or less is $7,500. This maximum amount increases to $10,000 for vehicles weighing more than 10,000 pounds but not more than 14,000 pounds, to $12,500 for vehicles weighing more than 14,000 pounds but not more than 26,000 pounds, and to $15,000 for vehicle weighing more than 26,000 pounds.

In general, the credit is available to the vehicle owner, including the lessor of a vehicle subject to lease. If the qualified vehicle is used by certain tax-exempt organizations, governments, or foreign persons and is not subject to a lease, the seller of the vehicle may claim the credit so long as the seller clearly discloses to the user in a document the amount that is allowable as a credit. A vehicle must be used predominantly in the United States to qualify for the credit.

Once a total of 250,000 credit-eligible vehicles have been sold for use in the United States, the credit phases out over four calendar quarters. The phaseout period begins in the second calendar quarter following the quarter during which the vehicle cap has been reached. Taxpayers may claim one-half of the otherwise allowable credit during the first two calendar quarters of the phaseout period and twenty-five percent of the otherwise allowable credit during the next two

[215] Sec. 168(k). The additional first-year depreciation deduction is subject to the general rules regarding whether an item is deductible under section 162 or instead is subject to capitalization under section 263 or section 263A.

[216] However, the additional first-year depreciation deduction is not allowed for purposes of computing earnings and profits.

[217] Sec. 168(k)(4). In the case of an electing corporation that is a partner in a partnership, the corporate partner's distributive share of partnership items is determined as if section 168(k) does not apply to any eligible qualified property and the straight line method is used to calculate depreciation of such property.

[218] Special rules apply to an applicable partnership.

[219] For this purpose, bonus depreciation is the difference between (i) the aggregate amount of depreciation for all eligible qualified property determined if section 168(k)(1) applied using the most accelerated depreciation method (determined without regard to this provision), and shortest life allowable for each property, and (ii) the amount of depreciation that would be determined if section 168(k)(1) did not apply using the same method and life for each property.

[220] In the case of passenger aircraft, the written binding contract limitation does not apply.

[221] Special rules apply to property manufactured, constructed, or produced by the taxpayer for use by the taxpayer.

quarters. After this, no credit is available. Regardless of the phase-out limitation, no credit is available for vehicles purchased after 2014.

The basis of any qualified vehicle is reduced by the amount of the credit. To the extent a vehicle is eligible for credit as a qualified plug-in electric drive motor vehicle, it is not eligible for credit as a qualified hybrid vehicle under section 30B. The portion of the credit attributable to vehicles of a character subject to an allowance for depreciation is treated as part of the general business credit; the nonbusiness portion of the credit is allowable to the extent of the excess of the regular tax over the AMT (reduced by certain other credits) for the taxable year.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment permits taxpayers to elect to expense one hundred percent of the cost of any electric drive motor vehicle manufacturing facility property placed in service before 2012 and fifty percent of the cost of such property placed in service after 2011 and before 2015. For purposes of this election, qualified property is property which is a facility or a portion of a facility used for the production of any new qualified plug-in electric drive motor vehicle [222] or any eligible component. Eligible components are any battery, any electric motor or generator, or any power control unit which is designed specifically for use with a new qualified plug-in electric drive motor vehicle.

The original use of any qualified property must begin with the taxpayer. In the case of dual use property, the amount of cost eligible to be expensed is reduced by the total cost of the facility multiplied by the percentage of property expected to be produced that is not qualified property.

The Senate amendment permits taxpayers to waive this election in favor of a loan equal to thirty-five percent of the amount eligible to be expensed under the general provision. The loan is in the form of a senior note, with a 20-year term and an interest rate payable at the applicable Federal rate, issued by the taxpayer to the Secretary of Treasury and secured by the qualified manufacturing property. Upon repayment of the loan, the taxpayer's tax liability a limitations are increased for the research credit [223] and the alternative minimum tax credit [224] by the amount of the loan.

Effective date.—The provision is effective for taxable years beginning after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

E. OTHER PROVISIONS

1. Application of certain labor standards to projects financed with certain tax-favored bonds (sec. 1701 of the House bill, sec. 1901 of the Senate amendment, and sec. 1601 of the conference agreement)

PRESENT LAW

The United States Code (Subchapter IV of Chapter 31 of Title 40) applies a prevailing wage requirement to certain contracts to which the Federal Government is a party.

HOUSE BILL

The provision provides that Subchapter IV of Chapter 31 of Title 40 of the U.S. Code shall apply to projects financed with the proceeds of:

1. any qualified clean renewable energy bond (as defined in sec. 54C of the Code) issued after the date of enactment;

2. any qualified energy conservation bond (as defined in sec. 54D of the Code) issued after the date of enactment; ;

3. any qualified zone academy bond (as defined in sec. 54E of the Code) issued after the date of enactment;

4. any qualified school construction bond (as defined in sec. 54F of the Code); and

5. any recovery zone economic development bond (as defined in sec. 1400U–2 of the Code).

Effective date.—The provision is effective on the date of enactment.

SENATE AMENDMENT

The Senate amendment is the same as the House bill except it makes a technical correction to change ''qualified clean renewable energy bond'' to ''new clean renewable energy bond.''

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

2. Increase in the public debt limit (sec. 1902 of the Senate amendment and sec. 1604 of the conference agreement)

PRESENT LAW

The statutory limit on the public debt is $11,315,000,000,000.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment increases the statutory limit on the public debt by $825,000,000,000 to $12,140,000,000,000.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement increases the statutory limit on the public debt by $789,000,000,000 to $12,104,000,000,000.

Effective date. The provision is effective on the date of enactment.

3. Failure to redeem certain securities from the United States (sec. 6021 of the Senate amendment)

PRESENT LAW

An employer generally may deduct reasonable compensation for personal services as an ordinary and necessary business expense. Section 162(m) (relating to remuneration expenses for certain executives that are in excess of $1 million) and section 280G (relating to excess parachute payments) provide explicit limitations on the deductibility of certain compensation expenses in the case of corporate employers, and section 4999 imposes an additional tax of 20 percent on the recipient of an excess parachute payment. The Emergency Economic Stabilization Act of 2008 (''EESA'') limits the amount of payments that may be deducted as reasonable compensation by certain financial institutions that receive financial assistance from the United States pursuant to the troubled asset relief program (''TARP'') established under EESA by modifying the section 162(m) and section 280G limits. EESA also provided non-tax rules relating to the compensation that is payable by such a financial institution (the ''TARP executive compensation rules'').

HOUSE BILL

No provision.

SENATE AMENDMENT

In general

The provision amends the TARP executive compensation rules to limit payment of ''excessive bonuses'' to ''covered individuals'' by financial institutions whose preferred stock was purchased by the United States using funds provided under TARP. Excessive bonuses are defined as the portion of an ''applicable bonus payment'' made to a covered individual in excess of $100,000.

An applicable bonus payment is any bonus payment that is (1) paid, or payable, for services performed by a covered individual in a tax year of the financial institution ending in 2008, and (2) the amount of which was communicated to the covered individual at some time between January 1, 2008, and January 31, 2009, or was based on a resolution of the financial institution's board of directors and adopted before the end of the financial institution's 2008 taxable year. For purposes of determining an applicable bonus, any bonus payments that relate to a taxable year prior to 2008, but which are wholly or partially contingent on the performance of services in the 2008 taxable year, are disregarded. In addition, any conditions on 2008 bonuses that require the covered individual to perform services in a subsequent taxable year are also disregarded (e.g., if a 2008 bonus is dependent on the performance of services in 2009, the bonus is still considered to be an applicable bonus if it meets all of the other requirements for such status).

The definition of bonus includes discretionary payments for services provided that are in addition to amounts payable for regular services performed and is payable are cash or property other than (1) the stock of the financial institution or (2) an interest in a troubled asset (within the meaning of EESA) held directly or indirectly by the financial institution. Bonuses do not include commissions, welfare and fringe benefits, or expense reimbursements.

A covered individual is any directoA, officer, or other employee of a financial institution or its controlled group of corporations.[225]

Stock redemption

If a financial institution pays one or more excessive bonuses to one or more covered individuals, the financial institution must redeem from the government an amount of preferred stock equal to the aggregate amount of all excessive bonuses paid or payable to such covered individual or individuals. The redemption obligation exists notwithstanding any otherwise applicable restrictions on the redeemability of the preferred stock. The preferred stock must be redeemed by the later of: 120 days after date of enactment (for excessive bonuses that had already been paid) or the day before the excessive bonus (or a portion thereof) is paid.

Excise tax

An excise tax is imposed on any financial institution that pays one or more excessive bonuses but does not redeem its preferred stock from the government in a timely manner. The tax is equal to 35 percent of the amount of preferred stock that the financial institution should have redeemed from the government (i.e., the amount of the excessive bonus). For example, if a financial institution granted a 2008 bonus of $1 million to its chief executive officer, and the financial institution did not redeem $900,000 worth of preferred stock from the United States, it must pay a tax of $315,000 ($1 million minus $100,000 times 35 percent). Once a financial institution pays the 35 percent tax, the institution is no longer required to redeem from

[222] As defined by section 30D(c).

[223] Sec. 38(c).

[224] Sec. 53(c).

[225] Members of a controlled group of corporations are determined as provided under section 52(a).

the government an amount of preferred stock equal to the amount of the excessive bonus. That is, a financial institution that pays an excessive bonus must either redeem stock or pay an excise tax on that bonus but it will not be required to do both for any single bonus.

Payment of the excise tax does not have any effect on otherwise applicable agreements to redeem preferred stock purchased by the Federal Government using funds provided by TARP.

Effective Date

The provision applies to a failure to redeem preferred stock that occurs after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

F. TRADE RELATED PROVISIONS

1. TRADE ADJUSTMENT ASSISTANCE [226]

I. OVERVIEW

The conference report amends the Trade Act of 1974 (''the Trade Act'') to reauthorize trade adjustment assistance (''TAA''), to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

II. HOUSE BILL

No provision.

III. SENATE BILL

First, the Senate bill amends section 245(a) of the Trade Act of 1974 to extend the authorization for the TAA for Workers program until December 31, 2010. Second, the proposal amends section 246(b)(1) of the Trade Act of 1974 to extend the authorization for Alternative Trade Adjustment Assistance program by two years. Third, the proposal amends section 256(b) of the Trade Act of 1974 to extend the authorization for the TAA for Firms program until December 31, 2010. Fourth, the proposal amends section 298(a) of the Trade Act of 1974 to extend the TAA for Farmers program until December 31, 2010. Fifth, the proposal amends section 285 of the Trade Act of 1974 to extend the overall termination date of the TAA programs until December 31, 2010. Sixth, the proposal provides that these amendments shall have an effective date of January 1, 2008. Seventh, the proposal includes a Sense of the Senate that a TAA for Communities program should be revived.

IV. CONFERENCE REPORT

A. PART I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

1. SUBPART A—TRADE ADJUSTMENT ASSISTANCE FOR SERVICE SECTOR WORKERS

Extension of Trade Adjustment Assistance to Service Sector and Public Agency Workers; Shifts in Production (Section 1701 (amending Sections 221, 222, 231, 244, and 247 of the Trade Act of 1974))

Present Law

Section 222 of the Trade Act provides trade adjustment assistance to workers in a firm or an appropriate subdivision of a firm if (1) a significant number or proportion of the workers in the firm or subdivision have become (or are threatened to become) totally or partially separated; (2) the firm produces an article; and (3) the separation or threat of same is due to trade with foreign countries.

There are three ways to demonstrate the connection between job separation and trade. The Secretary of Labor (''the Secretary'') must determine either (1) that increased imports of articles ''like or directly competitive'' with articles produced by the firm have contributed importantly to the separation and to an absolute decrease in the firm's sales or production, or both; (2) that the workers' firm has shifted its production of articles ''like or directly competitive'' with articles produced by the firm to a trade agreement partner of the United States or a beneficiary country under the Andean Trade Preference Act, the African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or (3) that the firm has shifted production of such articles to another country and there has been or is likely to be an increase in imports of like or directly competitive articles.

Section 222 of the Trade Act also provides TAA to adversely affected secondary workers. Eligible secondary workers include (1) secondary workers that supply directly to another firm component parts for articles that were the basis for a certification of eligibility for TAA benefits; and (2) downstream workers that were affected by trade with Mexico or Canada.

When the Department investigates workers' petitions, it requires firms and customers to certify the questionnaires that the workers' firm and the firm's customers submit. Present law also authorizes the Secretary to use subpoenas to obtain information in the course of its investigation of a petition. The law provides for the imposition of criminal and civil penalties for providing false information and failing to disclose material information, but the penalties apply only to petitioners.

Explanation of Provision

The provision would amend section 222 of the Trade Act to expand the availability of TAA to include workers in firms in the services sector. Like workers in firms that produce articles, workers in firms that supply services would be eligible for TAA if a significant number or proportion of the workers have become (or are threatened to become) totally or partially separated, and if increased imports of services ''contributed importantly'' to the workers'' separation or threat of separation.

As with articles, there would be three ways for service sector workers to demonstrate that they are eligible for TAA. First, TAA would be available if increased imports of services like or directly competitive with services supplied by the firm have contributed importantly to the separation and to an absolute decrease in the firm's sales or production, or both. Second, TAA would be available in ''shift in supply'' (''service relocation'') scenarios, if the workers'' firm or subdivision established a facility in a foreign country to supply services like or directly competitive with the services supplied by the trade-impacted workers. Third, TAA would be available in ''foreign contracting'' scenarios, if the workers'' firm or subdivision acquired from a service supplier in a foreign country services like or directly competitive with the services that the trade-impacted workers had supplied. In each scenario, the relevant activity would need to have contributed importantly to the workers' separation or threat of separation.

The provision also expands the ''shift in production'' prong of present law by eliminating the requirement in section 222 that the shift be to a trade agreement partner of the United States or a country that benefits from a unilateral preference program. Under the modified provision, if workers are separated because their firm shifts production from a domestic facility to any foreign country, the separated workers would potentially be eligible for TAA. Additionally, there would be no requirement to demonstrate separately that the shift was accompanied by an increase of imports of products like or directly competitive with those produced by the workers' firm or subdivision.

The provision also amends section 222 to make workers at public agencies eligible for TAA. Under the modified provision, if a public agency acquires services from a foreign country that are like or directly competitive with the services that the public agency supplies, and if the acquisition contributed importantly to the workers' separation or threat thereof, the workers would be able to seek TAA benefits.

The provision also amends section 222 to expand the universe of adversely affected secondary workers that could be eligible for TAA. First, the provision adds firms that supply testing, packaging, maintenance, and transportation services to the list of downstream producers whose workers potentially are eligible for TAA. Second, workers at firms that supply services used in the production of articles or in the supply of services would also become potentially eligible for benefits. Third, the provision permits downstream producers to be eligible for TAA if the primary firm's certification is linked to trade with any country, not just Canada or Mexico. The provision requires the Secretary to obtain information that the Secretary determines necessary to make certifications from workers' firms or customers of workers' firms through questionnaires and in such other manner as the Secretary considers appropriate. The provision also permits the Secretary to seek additional information from other sources, including (1) officials or employees of the workers' firm; (2) officials of customers of the firm; (3) officials of unions or other duly recognized representatives of the petitioning workers; and (4) one-stop operators. The provision states that the Secretary shall require a firm or customer to certify all information obtained through questionnaires, as well as other information that the Secretary relies upon in making a determination under section 223, unless the Secretary has a reasonable basis for determining that the information is accurate and complete.

The provision states that the Secretary shall require a worker's firm or a customer of a worker's firm to provide information by subpoena if the firm or customer fails to provide the information within 20 days after the date of the Secretary's request, unless the firm or customer demonstrates to the Secretary's satisfaction that the firm or customer will provide the information in a reasonable period of time. The Secretary retains the discretion to issue a subpoena sooner than 20 days if necessary. The provision also establishes standards for the protection of confidential business information submitted in response to a request made by the Secretary.

The provision amends the penalties provision in section 244 of the Trade Act to cover persons, including persons who are employed by firms and customers, who provide information during an investigation of a worker's petition.

Finally, the provision amends section 247 of the Trade Act to add definitions for certain key terms and makes various conforming changes to sections 221 and 222.

Reasons for Change

Most service sector workers presently are ineligible for TAA benefits because of a statutory requirement that the workers must

[226] Descriptions prepared by the majority staffs of the House Committee on Ways and Means and the Senate Committee on Finance.

have been employed by a firm that produces an ''article.'' Of the 800 TAA petitions denied in FY2006, almost half were denied for this reason. Most of the denied service-related petitions came from two service industries: business services (primarily computer-related) and airport-related services (e.g., aircraft maintenance). In April 2006, the Department of Labor issued a regulation expanding TAA eligibility to software workers that partially, but not fully, addresses the service worker coverage issue. See GAO Report 07–702. The provision fully addresses the issue by making service sector workers eligible for TAA on equivalent terms to workers at firms that produce articles.

The provision expands the ''shift in production'' prong of present law for similar reasons. Under present law, a worker whose firm relocates to China is not necessarily eligible for TAA; such worker must also show that the relocation to China will result in increased imports into the United States. In contrast, a worker whose firm relocates to a country with which the United States has a trade agreement (e.g., Mexico, Israel, Chile) does not need to show increased imports. The provision eliminates this disparate treatment by making TAA benefits available in both scenarios on the same terms.

Present law also fails to cover foreign contracting scenarios, where a company closes a domestic operation and contracts with a company in a foreign country for the goods or services that had been produced in the United States. For example, if a U.S. airline lays off a number of its U.S.-based maintenance personnel and contracts with an independent aircraft maintenance company in a foreign country, the laid off personnel are not covered under present law, even if they lost their jobs because of foreign competition. The Conferees believe such workers should be potentially eligible for TAA benefits.

Similarly, the Conferees believe that workers who supply services at public agencies should be treated the same as their private-sector counterparts: if such workers are laid off because their employer contracts with a supplier in a foreign country for the services that the workers had supplied, the workers should be able to seek TAA benefits.

The provision provides that in cases involving production or service relocation or foreign contracting, a group of workers (including workers in a public agency) may be certified as eligible for adjustment assistance if the shift ''contributed importantly'' to such workers' separation or threat of separation. This requirement is identical to the existing causal link requirement in section 222(a)(2)(A)(iii), which establishes the criteria for certifying workers on the basis of ''increased imports.''

The Conferees understand that the Department of Labor has interpreted the ''contributed importantly'' requirement in section 222(a)(2)(A)(iii) to mean that imports must have been a factor in the layoffs or threat thereof. Or, in other words, under present law the Secretary of Labor will certify a group of workers as eligible for assistance if the facts demonstrate a causal 153 2502 1,29, nexus between increased imports and the workers' separation or threat thereof. The Conferees approve of the Department's interpretation of the ''contributed importantly'' requirement and expect that the Department will continue to apply it in future cases involving increased imports. Similarly, the Conferees also understand that the existing language in section 222(a)(2)(B) addressing production relocation contains an implicit causation requirement. Thus, the Department has required production relocation under section 222(a)(2)(B) to be a factor in the workers' separation or threat thereof. The provision makes the requirement explicit. The Conferees emphasize that by making the ''contributed importantly'' requirement in section 222(a)(2)(B) explicit, no change in the Department's administration of cases involving production relocation is intended. The Conferees expect that this change in section 222 would not affect the outcomes that the Department has been reaching under present law in such cases, and will not alter outcomes in future cases. Thus, as has been the case, if the Department finds that production relocation was a factor in the layoff (or threat thereof) of a group of workers in the United States, the Conferees expect that the Secretary will certify such workers as eligible for adjustment assistance.

Finally, with respect to certifications involving production or service relocations or foreign contracting, the Conferees recognize that there may be delays in time between when the domestic layoffs (or threat of layoffs) occur, and when the production or service relocation or foreign contracting occurs. The Conferees intend that the Department of Labor certify petitions where there is credible evidence that production or service relocation or foreign contracting will occur, and when the other requirements of the statute are met. Such evidence could include the conclusion of a contract relating to foreign production of the article, supply of services, or acquisition of the article or service at issue; the construction, purchase, or renting of foreign facilities for the production of the article, supply of the service, or acquisition of the article or service at issue; or certified statements by a duly authorized representative at the workers' firm that the firm intends to engage in production or service relocation or foreign contracting. The Conferees are aware of concerns that the Secretary may rely on inaccurate information in making its determinations, including when denying certification of petitions. The provision addresses these concerns by requiring the Secretary to obtain certifications of all information obtained from a firm or customer through questionnaires as well as other information from a firm or customer that the Secretary relies upon in making a determination under section 223, unless the Secretary has a reasonable basis for determining that the information is accurate and complete.

The Conferees are also aware of concerns that some firms and customers fail to respond to the Secretary's requests for information or provide inaccurate or incomplete information. The subpoena, confidentiality of information, and penalty language included in this provision are designed to address these problems.

The provision would also apply if the Secretary needs to obtain information from a customer's customer, such as in an investigation involving component part suppliers.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Group Eligibility—Component Parts (Section 1701 (amending Section 222 of the Trade Act of 1974))

Present Law

Under present law, U.S. suppliers of inputs (i.e., component parts) may be certified for TAA benefits only pursuant to the secondary workers provision of section 222(b), which requires that the downstream producer have employed a group of workers that received TAA certification. Thus, for example, domestic producers of taconite have been unable to obtain certification for TAA benefits when downstream producers of steel slab have not obtained certification. Additionally, U.S. suppliers of inputs have been unable to obtain certification for TAA benefits in situations in which there is a shift in imports from articles incorporating their inputs to articles incorporating inputs produced outside the United States.

Explanation of Provision

The provision allows for the certification of workers in a firm when imports of the finished article incorporating inputs produced outside the United States that are like or directly competitive with imports of the finished article produced using U.S. inputs have increased and the firm has met the other criteria for certification, including a significant number of workers being totally or partially separated, a decrease in sales or production, and the increase in imports has contributed importantly to the workers' separation.

For example, under the new provision, workers in a U.S. fabric plant may be certified if the U.S. firm sold fabric to a Honduran apparel manufacturer for production of apparel subsequently imported into the United States and (1) the Honduran apparel manufacturer ceased purchasing, or decreased its purchasing, of fabric from the U.S. producer and, instead, used fabric from another country; or (2) imports of apparel from another country using non-U.S. fabric that are like or directly competitive with imports of Honduran apparel using U.S. fabric have increased.

Prior to certification, the Department of Labor would also have to determine that the firm met the other statutory requirements for certification, including that a significant number of workers had been totally or partially separated, or are threatened to become totally or partially separated, the sales or production of the petitioning fabric firm had decreased, and the increased imports of apparel using non-U.S. fabric had contributed importantly to that decrease and to the workers' separation or threat thereof.

Likewise, workers in a U.S. picture tube manufacturing plant that sells picture tubes to a Mexican television manufacturer for production of televisions subsequently imported into the United States would be certified under section 222 if the U.S. manufacturer's sales or production of picture tubes decreased and (1) the manufacturer of televisions located in Mexico switched to picture tubes produced in another country; or (2) imports of televisions from another country using non-U.S. picture tubes that are like or directly competitive with imports of Mexican televisions using U.S. picture tubes have increased.

As in the apparel example above, prior to certification, the Department of Labor would also have to determine that the picture tube firm met the other statutory requirements for certification, including that a significant number of workers had been totally or partially separated, or are threatened to become totally or partially separated, the sales or production of the petitioning picture tube firm had decreased, and the increased imports of televisions using non-U.S. picture tubes had contributed importantly to that decrease and to the workers' separation or threat thereof.

Reasons for Change

Section 222(a) is being amended to provide improved TAA coverage for U.S. suppliers of inputs, and to address situations where suppliers of component parts have been unable to obtain certification for TAA benefits because of gaps in coverage under present law.

The amended language is broad enough to encompass both the situation in which the input producer's customer switches to inputs produced outside the United States, and the situation in which the input producer's customer is displaced by a third country producer, because both situations may equally impact the sales or production of the domestic input producer.

Additionally, for purposes of section 222(a)(2)(A)(ii)(III), as in other instances, when company-specific data is unavailable, the Secretary may reasonably rely on such aggregate data or such other information as the Secretary deems appropriate.

As reflected in the examples above, the Conferees intend that the Secretary of Labor should interpret the term component parts, as used in section 222(a)(2)(A)(ii)(III), flexibly. For example, the Conferees intend that uncut fabric would be considered to be a component part of apparel for purposes of this provision, even though, for purposes of other trade laws, U.S. Customs and Border Protection might not consider such fabric to be a component part.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Separate Basis for Certification (Section 1702 (amending Section 222 of the Trade Act of 1974))

Present Law

There is no provision in present law.

Explanation of Provision

The provision amends section 222(c) of the Trade Act by providing that a petition filed under section 221 of the Trade Act on behalf of a group of workers in a firm, or appropriate subdivision of a firm, meets the requirements of subsection 222(a) of the Trade Act if the firm is publicly identified by name by the U.S. International Trade Commission (''ITC'') as a member of a domestic industry in (1) an affirmative determination of serious injury or threat thereof in a global safeguard investigation under section 202(b)(1) of the Trade Act; (2) an affirmative determination of market disruption or threat thereof in a China safeguard investigation under section 421(b)(1) of the Trade Act; or (3) an affirmative final determination of material injury or threat thereof in an antidumping or countervailing duty investigation under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A)), but only if the petition is filed within 1 year of the date that notice of the affirmative ITC determination is published in the Federal Register (or, in the case of a global safeguard investigation under section 202(b)(1), a summary of the report submitted to the President by the ITC under section 202(f)(1) is published in the Federal Register under section 202(f)(3)) and the workers on whose behalf such petition was filed have become totally or partially separated from such workers' firm within either that 1-year period or the 1-year period preceding the date of such publication.

Reasons for Change

The Conferees note that the provision allows workers in firms publicly identified by name in certain ITC investigations to be eligible for adjustment assistance on the basis of an affirmative injury determination by the ITC under certain circumstances, and without an additional determination by the Secretary of Labor that either increased imports of a like or directly competitive article contributed importantly to such workers' separation or threat of separation (and to an absolute decline in the sales or production, or both, of such workers' firm or subdivision), or that a shift in production of articles contributed importantly to such workers' separation or threat of separation.

In order for workers to avail themselves of this provision, the petition must be filed with the Secretary (and with the Governor of the State in which such workers' firm or subdivision is located) within 1 year of the date of publication in the Federal Register of the applicable notice from the ITC and the workers on whose behalf such petition was filed must have become totally or partially separated from such workers' firm within either that 1-year period or the 1-year period preceding such date of publication.

If a petition is filed on behalf of such workers more than 1 year after the date that the applicable notice from the ITC is published in the Federal Register, it will remain necessary for the Secretary of Labor to investigate the petition and determine that the statutory criteria for certifying such workers in section 222 are satisfied.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Determinations by the Secretary of Labor (Section 1703 (amending Section 223 of the Trade Act of 1974))

Present Law

The Secretary is required to investigate petitions filed by workers and determine whether such workers are eligible for TAA benefits. A summary of such group eligibility determination, together with the Secretary's reasons for making the determination, must be promptly published in the Federal Register. Similarly, a termination of a certification, together with the Secretary's reasons for the termination, must be promptly published in the Federal Register.

Explanation of Provision

This section requires the Secretary to publish (1) a summary of a group eligibility determination, together with the Secretary's reasons for the determination; and (2) a certification termination, together with the Secretary's reasons for the termination, promptly on the Department's website (as well as in the Federal Register). The section also requires the Secretary to establish standards for investigating petitions, and criteria for making determinations. Moreover, the Secretary is required to consult with the Senate Committee on Finance (''Senate Finance Committee'') and the Committee on Ways and Means of the House of Representatives (''House Committee on Ways and Means'') 90 days prior to issuing a final rule on the standards.

Reasons for Chance

To improve accountability, transparency, and public access to this information, the Secretary should be required to post (1) a summary of a group eligibility determination, together with the Secretary's reasons for the determination; and (2) a certification termination, together with the Secretary's reasons for the termination, promptly on the Department's website (as well as in the Federal Register). The Secretary also should have objective and transparent standards for investigating petitions, and criteria for the basis on which an eligibility determination is made. The Secretary should consult with Senate Finance and House Ways and Means to ensure the intent of Congress is accurately reflected in such standards.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Monitoring and Reporting Relating to Service Sector (Section 1704 (amending Section 282 of the Trade Act of 1974))

Present Law

Present law requires the Secretaries of Commerce and Labor to establish and maintain a program to monitor imports of articles into the United States, including (1) information concerning changes in import volume; (2) impacts on domestic production; and (3) impacts on domestic employment in industries producing like or competitive products. Summaries must be provided to the Adjustment Assistance Coordinating Committee, the ITC, and Congress.

Explanation of Provision

The provision is renamed ''Trade Monitoring and Data Collection.'' The provision requires the Secretaries of Commerce and Labor to monitor imports of services (in addition to articles). To address data limitations, the provision requires the Secretary of Labor, not later than 90 days after enactment, to collect data on impacted service workers (by State, industry, and cause).

Finally, it requires the Secretary of Commerce, in consultation with the Secretary of Labor, to report to Congress, not later than one year after enactment, on ways to improve the timeliness and coverage of data regarding trade in services.

Reasons for Change

Existing data on trade in services are sparse. Because of the increases in trade in services, the Conferees believe that it is critical that the government collect data on imports of services and the impact of these imports on U.S. workers. Such information will be useful when considering any further refinement of TAA that Congress may contemplate. More generally, the additional data will give U.S. businesses and workers insight into trade in services, helping them better compete in the global marketplace.

Effective Date

The provision goes into effect on the date of enactment of this Act.

2. SUBPART B—INDUSTRY NOTIFICATIONS FOLLOWING CERTAIN AFFIRMATIVE DETERMINATIONS

Notifications following certain affirmative determinations (Section 1711 (amending Section 224 of the Trade Act of 1974))

Present Law

Present law includes a provision requiring the ITC to notify the Secretary of Labor when it begins a section 201 global safeguard investigation. The Secretary must then begin an investigation of (1) the number of workers in the relevant domestic industry; and (2) whether TAA will help such workers adjust to import competition. The Secretary of Labor must submit a report to the President within 15 days of the ITC's section 201 determination. The Secretary's report must be made public and a summary printed in the Federal Register.

Explanation of Provision

The provision expands the notification requirement to instruct the ITC to notify the Secretary of Labor and the Secretary of Commerce, or the Secretary of Agriculture when dealing with agricultural commodities, when it issues an affirmative determination of injury or threat thereof under sections 202 or 421 of the Trade Act, an affirmative safeguard determination under a U.S. trade agreement, or an affirmative determination in a countervailing duty or dumping investigation under sections 705 or 735 of the Tariff Act of 1930. Additionally, the provision requires the President to notify the Secretaries of Labor and Commerce upon making an affirmative determination in a safeguard investigation relating to textile and apparel articles. Whenever an injury determination is made, the Secretary of Labor must notify employers, workers, and unions of firms covered by the determination of the workers' potential eligibility for TAA benefits and provide them with assistance in filing petitions. Similarly, the Secretary of Commerce must notify firms covered by the determination of their potential eligibility for TAA for Firms and provide them with assistance in filing petitions, and the Secretary of Agriculture must do the same for investigations involving agricultural commodities.

Reasons for Change

A significant hurdle to ensuring that workers and firms avail themselves of TAA benefits is the lack of awareness about the program. In situations like these, where the ITC has made a determination that a domestic industry has been injured as a result of trade, giving notice to the workers and firms in that industry of TAA's potential benefits is warranted.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Notification to Secretary of Commerce (Section 1712 (amending Section 225 of the Trade Act of 1974))

Present Law

Under present law, the Secretary of Labor must provide workers with information about TAA and provide whatever assistance is necessary to help petitioners apply for TAA. The Secretary must also reach out to State Vocational Education Boards and their equivalent agencies, as well as other public and private institutions, about affirmative group certification determinations and projections of training needs.

The Secretary must also notify each worker who the State has reason to believe is covered by a group certification in writing via U.S. Mail of the benefits available under TAA. If the worker lost his job before group certification, then the notice occurs at the time of certification. If the worker lost her job after group certification, then the notice occurs at the time the worker loses her job. The Secretary must also publish notice in the newspapers circulating in the area where the workers reside.

Explanation of Provision

The provision requires the Secretary of Labor, upon issuing a certification, to notify the Secretary of Commerce of the identity of the firms covered by a certification.

Reasons for Change

Firms employing workers certified as eligible for TAA benefits may not be aware that they may be eligible for assistance under the TAA for Firms program. Requiring the Secretary of Labor to notify the Secretary of Commerce when workers at a firm are certified as TAA eligible will help put these firms on notice of their potential TAA for Firms eligibility.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

3. SUBPART C—PROGRAM BENEFITS

Qualifying requirements for workers (Section 1721 (amending Section 231 of the Trade Act of 1974))

Present Law

Present law authorizes a worker to receive TAA income support (known as ''Trade Readjustment Allowance'' or ''TRA'') for weeks of unemployment that begin 60 days after the date of filing the petition on which certification was granted.

To qualify for TAA benefits, a worker must have (1) lost his job on or after the trade impact date identified in the certification, and within two years of the date of the certification determination; (2) been employed by the TAA certified firm for at least 26 of the 52 weeks preceding the layoff; and (3) earned at least $30 or more a week in that employment. A worker must qualify for, and exhaust, his State unemployment compensation (''UC'') benefits before receiving a weekly TRA.

Further, to receive TRA, a worker must be enrolled in an approved training program by the later of 8 weeks after the TAA petition was certified, or 16 weeks after job loss (the ''8/16'' deadline). The 8/16 deadline can be extended in certain limited circumstances. Workers may also receive limited waivers of the 8/16 training enrollment deadline.

Present law provides for waivers in the following circumstances: (1) the worker has been or will be recalled by the firm; (2) the worker possesses marketable skills; (3) the worker is within 2 years of retirement; (4) the worker cannot participate in training because of health reasons; (5) training enrollment is unavailable; or (6) training is not reasonably available to the worker (nothing suitable, no reasonable cost, no training funds).

Waivers last 6 months, unless the Secretary determines otherwise, and will be revoked if the basis for the waiver no longer exists. States have the authority to issue waivers. By regulation, State and local agencies must ''review'' the waivers every thirty days.

If a worker fails to begin training or has stopped participating in training without justifiable cause or if the worker's waiver is revoked, the worker will receive no income support until the worker begins or resumes training.

Explanation of Provision

The provision amends existing law to change the date on which a worker can receive TAA income support from 60 days from the date of the petition to the date of certification. The provision strikes the 8/16 rule and extends the deadline for trade-impacted workers. If a worker lost his job before the certification, then the worker has 26 weeks from the date of certification to enroll in training. If the worker lost his job after certification, he has 26 weeks from the date he lost his job to enroll in training.

The provision also gives the Secretary the authority to waive the new 26 week training enrollment deadline if a worker was not given timely notice of the deadline.

The provision clarifies that the ''marketable skills'' training waiver may apply to workers who have post-graduate degrees from accredited institutions of higher education. The provision requires the State to review training waivers 3 months after such waiver is issued, and every month thereafter.

Reasons for Change

The Conferees believe that the 60-day rule makes little sense and leads to the following scenario: a worker laid off well before certification could exhaust his unemployment insurance and yet have to wait to receive the trade readjustment assistance to which the worker was otherwise entitled.

The Government Accountability Office, the Department of Labor, the states, and workers' advocacy groups have criticized the 8/16 deadline as being too short. First, these deadlines often occur while the worker is still on traditional UI (most workers receive up to 26 weeks of State UI compensation). During those 26 weeks, most workers are actively engaged in a job search and are not focused on retraining. Forcing workers to enroll in training at such an early stage can discourage active job search. Second, typically, a worker decides to consider training only after an extended period of unsuccessful job searching. Under present law, workers are only beginning to consider training options close to the 8/16 deadline, and often make hurried decisions about training merely to preserve their TAA eligibility. Third, when large numbers of certified workers are laid off all at once, it can be difficult for TAA administrators to perform adequate training assessments and meet the 8/16 deadline. See GAO Report 04–1012. Therefore, extending the enrollment deadlines to the later of 26 weeks after layoff or certification would provide a reasonable period for a worker to search for employment and consider training options, as well as for the State to assess workers and meet the enrollment deadlines.

While recognizing the necessity of waivers in certain circumstances, states have identified the monthly review of waivers to be burdensome. Many states have complained that processing the sheer volume of waivers requires significant administrative time and cost. For example, according to GAO, 59,375 waivers were issued in 2005 (and 60,948 in 2004). The new requirement that waivers be reviewed initially three months rather than one month after they are issued reduces the administrative burden while continuing to provide for appropriate review, thus allowing the State to ensure the worker continues to qualify for the waiver. The provision does not require a review of waivers issued on the basis that an adversely affected worker is within two years of being eligible for Social Security benefits or a private pension. The status of such workers is unlikely to change and thus, automatic review of their waivers is a waste of resources. States still retain the discretion to review such waivers if circumstances warrant. When a worker has failed to meet the training enrollment deadline through no fault of his own, the Conferees believe that there should be redress. Under present law, there is none. The Department of Labor has acknowledged that this is a problem.

Effective Date

The provision goes into effect upon expiration of the 90–day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Weekly amounts (Section 1722 (amending Section 232 of the Trade Act of 1974))

Present Law

TRA is the income support that workers receive weekly. It is equal to the worker's

weekly UI benefit. TRA is divided into two main periods: ''Basic TRA'' and ''Additional TRA.'' Under present law, because of the operation of State UI laws, workers who are in training and working part-time run the risk of resetting their UI benefits (and their TRA benefit) at the lower part-time level which would leave them with insufficient income support to continue with training.

Explanation of Provision

The provision amends existing law to (1) disregard, for purposes of determining a worker's weekly TRA amount, earnings from a week of work equal to or less than the worker's most recent unemployment insurance benefits where the worker is working part-time and participating in full-time training; and (2) ensure that workers will retain the amount of income support provided initially under TRA even if a new UI benefit period (with a lower weekly amount) is established due to the worker obtaining part-time or short-term full-time employment.

Reasons for Change

The Conferees believe that the disincentive to combining full-time training and part-time work needs to be removed so that workers who might not otherwise be in training, but for the additional income they earn working part-time, are not excluded from the program.

Effective Date

The provision goes into effect upon expiration of the 90–day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Limitations on Trade Readjustment Allowances; Allowances for Extended Training and Breaks in Training (Section 1723 (amending Section 233(a) of the Trade Act of 1974))

Present Law

Basic TRA is available for 52 weeks minus the number of weeks of unemployment insurance for which the worker was eligible (usually 26 weeks). Basic TRA must be used within 104 weeks after the worker lost his job (130 weeks for workers requiring remedial training). Any Basic TRA not used in that period is foregone.

Additional TRA is available for up to 52 more weeks if the worker is enrolled in and participating in training. The worker receives Additional TRA only for weeks in training. A worker on an approved break in training of 30 days or less is considered to be participating in training and therefore eligible for TRA during that period. Additional TRA must otherwise be used over a consecutive period (e.g., 52 consecutive weeks).

Participation in remedial training makes a worker eligible for up to 26 more weeks of TRA.

Explanation of Provision

The provision increases the number of weeks for which a worker can receive Additional TRA from 52 to 78 and expands the time within which a worker can receive such Additional TRA from 52 weeks to 91 weeks.

Reasons for Change

The Conferees believe that the program must provide incentives for eligible workers to participate in long term training, such as a two-year Associate's degree, a nursing certification, or completion of a four-year degree (if that four-year degree was previously initiated or if the worker will complete it using non-TAA funds).

Typically, workers cannot participate in a training program without TAA income support. Thus, because many workers exhaust at least some of their basic TRA while they seek another job instead of beginning training, they are limited to shorter-term training options, both practically and because training approvals are usually tied to the period of TRA eligibility. The purpose of the additional 26 weeks of income support, for a total of 78 weeks of additional TRA, is to provide an opportunity for workers to engage in long term training that might not have otherwise been a viable option.

The Conferees note that the Department of Labor's practice is to approve, before training begins, a training program consisting of a course or related group of courses designed for an individual to meet a specific occupational goal. 20 CFR 617.22(f)(3)(i). Nothing in this section is intended to change current Department of Labor practice. The additional 26 weeks of income support are intended to provide more options for long term training at the time when this individual training program is designed and approved.

In short, the new, additional income support is available only for workers in long term training.

The Conferees note that, at the same time, it is not their intent to limit the Secretary's ability, i certain, limited circumstances, to modify a worker's training program where the Secretary determines that the current training program is no longer appropriate for the individual.

Effective Date

The provision goes into effect upon expiration of the 90–day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Special Rules for Calculation of Eligibility Period (Section 1724 (amending Section 233 of the Trade Act of 1974))

Present Law

There is no provision in present law.

Explanation of Provision

The provision states that periods during which an administrative or judicial appeal of a negative determination is pending will not be counted when calculating a worker's eligibility for TRA. Moreover, the provision also grants justifiable cause authority to the Secretary to extend certain applicable deadlines concerning receipt of Basic and Additional TRA. Further, the provision allows workers called up for active duty military or full-time National Guard service to restart the TAA enrollment process after completion of such service.

The provision also strikes the 210 day rule, which mandates that a worker is not eligible for additional TRA payments if the worker has not applied for training 210 days from certification or job loss, whichever is later.

Reasons for Change

The Conferees believe that tolling of deadlines is necessary; otherwise judicial relief obtained from a successful court challenge would be meaningless, as the decision of the court will inevitably take place after the TAA program eligibility deadlines have passed. The Department of Labor provides for similar tolling in its present and proposed regulations.

Similarly, the Conferees believe that affording the Secretary flexibility in instances where a worker is ineligible through no fault of her own is consistent with the spirit of the program and will help ensure that workers get the retraining they need. The amendment permits the Secretary to extend the periods during which trade readjustment allowances may be paid to an individual if there is justifiable cause. The provision does not increase the amount of such allowances that are payable. The Conferees intend that the justifiable cause extension should allow the Secretary equitable authority to address unforeseen circumstances, such as a health emergency. The 210 day deadline is superseded by the 8/16 deadline in current law, the new 26/26 enrollment deadlines under these amendments, and the requirement that a worker be in training to receive additional TRA.

Effective Date

The provision goes into effect upon expiration of the 90–day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Application of State Laws and Regulations on Good Cause for Waiver of Time Limits or Late Filing of Claims (Section 1725 (amending Section 234 of the Trade Act of 1974))

Present Law

A State's unemployment insurance laws apply to a worker's claims for TRA.

Explanation of Provision

The provision makes a State's ''good cause'' law, regulations, policies, and practices applicable when the State is making determinations concerning a worker's claim for TRA or other adjustment assistance.

Reasons for Change

Most States have ''good cause'' laws allowing the waiver of a statutory deadline when the deadline was missed because of agency error or for other reasons where the claimant was not at fault. These good cause laws apply to administration of State UI laws. The Department of Labor, by regulation, has precluded application of State good cause laws to TAA. This prohibition unjustifiably penalizes workers who miss a deadline through no fault of their own.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Employment and Case Management Services; Administrative Expenses and Employment and Case Management Services (Sections 1726 and 1727 (amending Section 235 of the Trade Act of 1974))

Present Law

Present law requires the Secretary of Labor to make ''every reasonable effort'' to secure services for affected workers covered by a certification including ''counseling, testing, and placement services'' and ''[s]upportive and other services provided for under any other Federal law,'' including WIA one-stop services. Typically, the Secretary provides these services through agreements with the States.

Explanation of Provision

The provisions require the Secretary and the States to, among other things (1) perform comprehensive and specialized assessments of enrollees' skill levels and needs; (2) develop individual employment plans for each impacted worker; and (3) provide enrollees with (a) information on available training and how to apply for such training, (b) information on how to apply for financial aid, (c) information on how to apply for such training, (d) short-term prevocational services, (e) individual career counseling, (f) employment statistics information, and (g) information on the availability of supportive services.

The provision requires the Secretary, either directly or through the States (through

cooperating agreements), to make the employment and case management services described in section 235 available to TAA eligible workers. TAA eligible workers are not required to accept or participate in such services, however, if they choose not to do so.

These provisions provide for each State to receive funds equal to 15 percent of its training funding allocation on top of its training fund allocation. Not more than two-thirds of these additional funds may be used to cover administrative expenses, and not less than one-third of such funds may be used for the purpose of providing employment and case management services, as defined under section 235. Finally, the section provides for an additional $350,000 to be provided to each State annually for the purpose of providing employment and case management services. With respect to these latter funds, States may decline or otherwise return such funds to the Secretary.

Reasons for Change

States incur costs to administer the TAA program, including for processing applications and providing employment and case management services. While appropriators customarily provide the Department of Labor with administrative funds equal to 15 percent of the total training funds for disbursement to the States, the Conferees believe that this practice should be codified, with the changes discussed above.

The Conferees believe that the employment services and case management funding provided for in this section should be in addition to, and not offset, any funds that the State would otherwise receive under WIA or any other program.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Training Funding (Section 1728 (amending Section 236 of the Trade Act of 1974))

Present Law

The total amount of annual training funding provided for under present law is $220,000,000. During the year, if the Secretary determines that there is inadequate funding to meet the demand for training, the Secretary has the authority to decide how to apportion the remaining funds to the States.

Based on internal department policy, at the beginning of each fiscal year, the Department of Labor allocates 75 percent of the training funds to States based on each State's training expenditures and the average number of training participants over the previous 2 1/2 years. The previous year's allocation serves as a floor. The Department of Labor also has a ''hold harmless'' policy that ensures that each State's initial allocation can be no less than 85 percent of its initial allocation in the previous year. The Department of Labor holds the remaining 25 percent in reserve to distribute to States throughout the year according to need; most of the remaining funds are disbursed at the end of the fiscal year. States have 3 years to spend their federal funds. If the funds are not spent, the money reverts back to the General Treasury.

Under present law, the Secretary shall approve training if (1) there is no suitable employment; (2) the worker would benefit from appropriate training; (3) there is a reasonable expectation of employment following training (although not necessarily immediately available employment); (4) the approved training is reasonably available to the worker; (5) the worker is qualified for the training; and (6) training is suitable and available at a reasonable cost. ''Insofar as possible,'' the Secretary is supposed to ensure the provision of training on the job. Training will be paid for directly by the Secretary or using vouchers.

One of the statutory criteria for approval of training is that the worker be qualified to undertake and complete such training. The statute doesn't specifically address how the income support available to a worker is to be considered in determining the length of training the worker is qualified to undertake. Another of the statutory training approval criteria is that the training is available at a reasonable cost. The statute doesn't specifically address if funds other than those available under TAA may be considered in making this determination.

Explanation of Provision

The provision strikes the obsolete requirement that the Secretary of Labor shall ''assure the provision'' of training on the job.

This provision increases the training cap from $220,000,000 to $575,000,000 in FY2009 and FY2010, prorated for the period beginning October 1, 2010 and ending December 31, 2010. The provision requires the Secretary to make an initial distribution of training funds to the States as soon as practicable after the beginning of the fiscal year based on the following criteria: (1) the trend in numbers of certified workers; (2) the trend in numbers of workers participating in training; (3) the number of workers enrolled in training; (4) the estimated amount of funding needed to provide approved training; and (5) other factors the Secretary determines are appropriate. The provision specifies that initial distribution of training funds to a State may not be less than 25 percent of the initial distribution to that State in the previous fiscal year.

The provision requires the Secretary to establish procedures for the distribution of the funds held in reserve, which may include the distribution of such funds in response to requests made by States in need of additional training funds. The provision also requires the Secretary to distribute 65 percent of the training funds in the initial distribution, and to distribute at least 90 percent of training funds for a particular fiscal year by July 15 of that fiscal year.

The provision directs the Secretary to decide how to distribute funds if training costs will exceed available funds.

The provision would specify that in determining if a worker is qualified to undertake and complete training, the training may be approved for a period that is longer than the period for which TRA is available if the worker demonstrates the financial ability to complete the training after TRA is exhausted. It is intended that financial ability means the ability to pay living expenses while in TAA-funded training after the period of TRA eligibility.

The provision would specify that in determining whether the costs of training are reasonable, the Secretary may consider whether other public or private funds are available to the worker, but may not require the worker to obtain such funds as a condition for approval of training. This means, for example, that if a training program would be determined not to have a reasonable cost if only the use of TAA training funds were considered, the Secretary may consider the availability of other public and private funds to the worker. If the worker voluntarily commits to using such funds to supplement the TAA training funds to pay for the training program, the training program may be approved. However, the Secretary may not require the worker to use the other public or private funds where the costs of the training program would be reasonable using only TAA training funds.

Finally, the provision requires the Secretary to issue regulations in consultation with the Senate Finance Committee and the House Committee on Ways and Means.

Reasons for Change

The Conferees believe that the training cap needs to be increased for two reasons. First, more funding is needed to cover the expanded group of TAA eligible workers because of changes made elsewhere in the bill (*e.g.*, coverage of service workers, expanded coverage of manufacturing workers). Second, during high periods of TAA usage, the existing training funding has proved to be insufficient. Some states have run out of training funds, resulting in some States freezing enrollment of eligible workers in training. See GAO–04–1012.

As the GAO has documented, there are significant problems with the Department's method of allocating training funds. The primary problem is that the Department of Labor's method of allocation appears to result in insufficient funds for some States. This appears to be occurring because of the Department's reliance on historical usage and a ''hold harmless'' policy. In particular, States that were experiencing heavy layoffs at the time the initial allocation formula was implemented may no longer be experiencing layoffs at the same rate, but still receive significant allocations from the Department. In contrast, a State experiencing relatively few layoffs several years ago may now have far greater numbers of layoffs, but still receives a limited amount in its distribution. In short, the allocation that States receive at the beginning of the fiscal year may not reflect their present demand for training services. The provision addresses these problems by lowering the ''hold harmless'' provision to 25 percent, requiring initial and subsequent distributions to be based on need, and by requiring that 90 percent of the funds be allocated by July 15 of each fiscal year. Additionally, the Conferees expect the Secretary to distribute the remaining funds as soon as possible after that date.

In order to facilitate the approval of longer-term training, the Conferees intend to ensure that the period of approved training is not necessarily limited to the duration of TRA. Where the worker demonstrates the ability to pay living expenses while in TAA funded training after TRA is exhausted, such training should be approved if the other training approval criteria are also met.

The Conferees intend to ensure that training programs that would otherwise not be approved under TAA due to costs may be approved if a worker voluntarily commits to using supplemental public or private funds to pay a portion of the costs.

It is also the intent that, together, these amendments to the training approval criteria allow training to be approved for a period that is longer than the period for which TRA and TAA-funded training is available if the worker demonstrates the financial ability to pay living expenses and pay for the additional training costs using other funds after TRA and the TAA-funded training are exhausted.

Effective Date

The provision increasing the training cap goes into effect upon the date of enactment of this Act. The provisions relating to training fund distribution procedures go into effect October 1, 2009. The other provisions in

this section go into effect upon expiration of the 90–day period beginning on the date of enactment of this Act, and apply to petitions filed on or after that date.

Prerequisite Education, Approved Training Programs (Section 1729 (amending Section 236 of the Trade Act of 1974))

Present Law

Under present law, approvable training includes employer-based training (on-the-job training/customized training), training approved under the Workforce Investment Act of 1998, training approved by a private industry council, any remedial education program, any training program whose costs are paid by another federal or State program, and any other program approved by the Secretary. Additionally, remedial training is approvable and participation in such training makes a worker eligible for up to 26 more weeks of TAA-related income support.

Explanation of Provision

The provision clarifies that existing law allows training funds to be used to pay for apprenticeship programs, any prerequisite education required to enroll in training, and training at an accredited institution of higher education (such as those covered by 102 of the Higher Education Act), including training to obtain or complete a degree or certification program (where completion of the degree or certification can be reasonably expected to result in employment). The provision also prohibits the Secretary from limiting training approval to programs provided pursuant to the Workforce Investment Act of 1998.

The provision offers up to an additional 26 weeks of income support while workers take prerequisite training or remedial training necessary to enter a training program. A worker may enroll in remedial training or prerequisite training, or both, but may not receive more than 26 weeks of additional income support.

Reasons for Change

Present law does not explicitly state whether TAA training funds may be used to obtain a college or advanced degree. Some States have interpreted this silence to preclude enrollment in a two-year community college or four-year college or university as a training option, even where a TAA participant was working towards completion of a degree prior to being laid off. The Conferees believe that States should be encouraged to approve the use of training funds by TAA enrollees to obtain training or a college or advanced degree, including degrees offered at two-year community colleges and four-year colleges or universities.

While a worker can obtain additional income support while participating in remedial training, there is no corollary support for workers participating in prerequisite training (e.g., individuals enrolling in nursing usually need basic science prerequisites, which are not considered qualifying remedial training). States have requested additional income support for workers who participate in prerequisite training.

The Conferees believe that while WIA-approved training is an approvable TAA training option, it should not be the only one that TAA enrollees are authorized to pursue. The Conferees are concerned that some States have restricted training opportunities to those approved under WIA. According to the Congressional Research Service, many community colleges, for instance, do not get WIA certification because of its costly reporting requirements. To limit TAA training opportunities in this way unacceptably curbs the scope of training that TAA enrollees might elect to participate in and potentially impairs their ability to get retrained and reemployed.

Effective Date

The provision goes into effect upon expiration of the 90–day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Pre-Layoff and Part-Time Training (Section 1730 (amending Section 236 of the Trade Act of 1974))

Present Law

Present law does not permit pre-layoff or part-time training.

Explanation of Provision

This provision specifies that the Secretary may approve training for a worker who (1) is a member of a group of workers that has been certified as eligible to apply for TAA benefits; (2) has not been totally or partially separated from employment; and (3) is determined to be individually threatened with total or partial separation. Such training may not include on-the-job training, or customized training unless such customized training is for a position other than the worker's current position.

Additionally, the provision permits the Secretary to approve part-time training, but clarifies that a worker enrolled in part-time training is not eligible for a TRA.

Reasons for Chance

This provision explicitly establishes Congress' intent that workers be eligible to receive pre-layoff and part-time training.

Effective Date

The provision goes into effect upon expiration of the 90–day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

On-the-Job Training (Section 1731 (amending Section 236 of the Trade Act of 1974))

Present Law

Current law provides that the Secretary may approve on-the-job training (''OJT''), but does not govern the content of acceptable OJT.

Explanation of Provision

This provision permits the Secretary to approve OJT for any adversely affected worker if the worker meets the training requirements, and the Secretary determines the OJT (1) can reasonably lead to employment with the OJT employer; (2) is compatible with the worker's skills; (3) will allow the worker to become proficient in the job for which the worker is being trained; and (4) the State determines the OJT meets necessary requirements. The Secretary may not enter into contracts with OJT employers that exhibit a pattern of failing to provide workers with continued long-term employment and adequate wages, benefits, and working conditions as regular employees.

Reasons for Change

The provision incorporates requirements to ensure OJT is effective. Specifically, OJT must be (1) reasonably expected to lead to suitable employment; (2)compatible with the workers' skills; and (2) include a State-approved benchmark-based curriculum. Moreover, the provision is intended to prevent employers from treating workers participating in OJT differently in terms of wages, benefits, and working conditions from regular employees who have worked a similar period of time and are doing the same type of work.

Effective Date

The provision goes into effect upon expiration of the 90–day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Eligibility for Unemployment Insurance and Program Benefits While in Training (Section 1732 (amending Section 236 of the Trade Act of 1974))

Present Law

Current law states that a worker may not be deemed ineligible for UI (and thus, TAA) if they are in training or leave unsuitable work to enter training.

Explanation of Provision

The provision states that a worker will not be ineligible for UI or TAA if the worker (1) is in training, even if the worker does not meet the requirements of availability for work, active work search, or refusal to accept work under Federal and State UI law; (2) leaves work to participate in training, including temporary work during a break in training; or (3) leaves OJT that did not meet the requirements of this Act within 30 days of commencing such training.

Reasons for Change

The Conferees are concerned that confusion in present UI law surrounding a worker's decision to quit work to enter training and the ramifications of that decision from a UI eligibility perspective may preclude a worker from being able to participate in TAA training. The provision is meant to eliminate that confusion.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Job Search and Relocation Allowances (Section 1733 (amending Section 237 of the Trade Act of 1974))

Present Law

The Secretary may grant an application for a job search allowance where (1) the allowance will help the totally separated worker find a job in the United States; (2) suitable employment is not available in the local area; and (3) the application is filed by the later of (a) 1 year from separation, (b) 1 year from certification, or (c) 6 months after completing training (unless the worker received a waiver, in which case the worker must file by the later of one year after separation or certification). A worker may be reimbursed for 90 percent of his job search costs, up to $1,250.

The Secretary may grant an application for a relocation allowance where: (1) the allowance will assist a totally separated worker relocate within the United States; (2) suitable employment is not available in the local area; (3) the affected worker has no job at the time of relocation; (4) the worker has found suitable employment that may reasonably be expected to be of long-term duration; (5) the worker has a bona fide offer of employment; and (6) the worker filed the application the later of (a) 425 days from separation, (b) 425 days from certification, or (c) 6 months after completing training (unless the worker received a waiver, in which case the worker must file by the later of 425 days after separation or certification). A worker may be reimbursed for 90 percent of his relocation costs plus a lump sum payment of three times the worker's weekly wage up to $1,250.

Explanation of Provision

The provision reimburses 100 percent of a worker's job search expenses, up to $1,500, and 100 percent of a worker's relocation expenses, and increases the additional lump

sum payment for relocation to a maximum of $1,500. It also strikes the provision in existing law under which a worker who has completed training but who received a prior training waiver has a shorter period to apply for a job search allowance and relocation allowance than other workers who have completed training.

Reasons for Change

The Conferees believe that the job search and relocation allowances need to be increased to reflect the cost of inflation and the cost and difficulty a worker faces when looking for work and taking a job outside the worker's local community.

The Conferees believe that workers completing training should have the same periods after training to apply for job search and relocation allowances irrespective of whether a worker received a waiver from the enrollment in training requirements prior to undertaking and completing the training. This period allows workers a reasonable opportunity to obtain the same assistance as other workers needed to find and relocate to a new job after being trained.

Effective Date

The provision goes into effect upon expiration of the 90–day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

4. SUBPART D—REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE PROGRAM

Reemployment Trade Adjustment Assistance Program (Section 1741 (amending Section 246 of the Trade Act of 1974))

Present Law

The Trade Act of 2002 created a demonstration project for alternative trade adjustment assistance for older workers (ATAA or ''wage insurance''). Through this program, some workers who are eligible for TAA and reemployed at lower wages may receive a partial wage subsidy. Under the program, States use Federal funds provided under the Trade Act to pay eligible workers up to 50 percent of the difference between reemployment wages and wages at the time of separation. Eligible workers may not earn more than $50,000 in reemployment wages, and total payments to a worker may not exceed $10,000 during a maximum period of two years. In addition to having been certified for TAA, such workers must be at least 50 years of age, obtain full-time reemployment with a new firm within 26 weeks of separation from employment, and have been separated from a firm that is specifically certified for ATAA. When considering certification of a firm for ATAA, the Secretary of Labor considers whether a significant number of workers in the firm are 50 years of age or older and possess skills that are not easily transferable. ATAA beneficiaries may not receive TAA benefits other than the Health Coverage Tax Credit (HCTC).

Explanation of Provision

The provision renames ATAA ''reemployment TAA.'' The provision eliminates the requirement that a group of workers (in addition to individuals) be specifically certified for wage insurance in addition to TAA certification. The provision eliminates the current-law requirement that a worker must find employment within 26 weeks of being laid off to be eligible for the wage insurance benefit, and replaces it with a requirement that the clock on the two-year duration of the benefit begin at the sooner of exhaustion of regular unemployment benefits or reemployment, allowing initial receipt of the wage insurance benefit at any point during that two-year period. The provision allows workers to shift from receiving a TRA, while training, to receiving reemployment TAA, while employed, at any point during the two-year period. The provision increases the limit on wages in eligible reemployment from $50,000 a year to $55,000 a year. Similarly, it increases the maximum wage insurance benefit (over two years) from up to $10,000 to up to $12,000.

The provision lifts the restriction on wage insurance recipients' participation in TAA-funded training. It also permits workers reemployed less than full-time, but at least 20 hours a week, and in approved training, to receive the wage insurance benefit (which would be prorated if the worker is reemployed for fewer hours compared to previous employment).

Reasons for Change

The Conferees believe that the reemployment TAA, or wage insurance, program is a potentially beneficial option for many older workers, but it includes unnecessary barriers to participation. The Conferees believe that changes to section 246 of the Trade Act will make the wage insurance program a more viable option for many more potentially interested workers. Inflation has lessened the maximum value of the available benefit, and increasing personal, nominal, median income has lowered the share of workers eligible to participate in the program. Several other requirements make the program inaccessible and unattractive.

Findings from the Government Accountability Office (GAO) highlight the need to reform specific aspects of the program. First, the 26–week reemployment deadline was cited by the GAO as one of ''two key factors [that] limit participation.'' The GAO went on to note that ''[o]fficials in States [the GAO] visited said that one of the greatest obstacles to participation was the requirement for workers to find a new job within 26 weeks after being laid off. For example, according to officials in one State, 80 percent of participants who were seeking wage insurance but were unable to obtain it failed because they could not find a job within the 26–week period. The challenges of finding a job within this time frame may be compounded by the fact that workers may actually have less than 26 weeks to secure a job if they are laid off prior to becoming certified for TAA. For example, a local caseworker in one State [the GAO] visited said that the 26 weeks had passed completely before a worker was certified for the benefit.'' Additionally, the GAO found that automatically certifying workers for the wage insurance benefit would cut the Department of Labor's workload and promote program participation. Currently, workers opting for wage insurance must also surrender eligibility for TAA-funded training and be reemployed full-time. The provision eliminates these restrictions.

The Conferees believe that eliminating the 26–week deadline for reemployment, eliminating the need for firms to be certified for wage insurance, eliminating the prohibition on wage insurance beneficiaries receiving TAA-funded training, and allowing part-time workers and former TRA recipients access to the wage insurance benefit should make the wage insurance program more accessible and attractive.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

5. SUBPART E—OTHER MATTERS

Office of Trade Adjustment Assistance (Section 1751 (amending Subchapter C of chapter 2 of title II of the Trade Act of 1974))

Present Law

The TAA for Workers program is currently operated by the Employment and Training Administration at the Department of Labor.

Explanation of Provision

The provision creates an Office of Trade Adjustment Assistance headed by an administrator who shall report directly to the Deputy Assistant Secretary for Employment and Training Administration. Under the provision, the administrator will be responsible for overseeing and implementing the TAA for Workers program and carrying out functions delegated to the Secretary of Labor, including: making group certification determinations; providing TAA information and assisting workers and others assisting such workers prepare petitions or applications for program benefits (including health care benefits); ensuring covered workers receive Section 235 employment and case management services; ensuring States comply with the terms of their Section 239 agreements; advocating for workers applying for benefits; and operating a hotline that workers and employers may call with questions about TAA benefits, eligibility requirements, and application procedures.

The provision requires the administrator to designate an employee of the Department with appropriate experience and expertise to receive complaints and requests for assistance, resolve such complaints and requests, compile basic information concerning the same, and carry out other tasks that the Secretary specifies.

Reasons for Change

It is the view of the Conferees that creating an Office of Trade Adjustment Assistance in the Department of Labor with primary accountability for the management and performance of the TAA for Workers program will improve the program's operation.

The creation of the Office of Trade Adjustment Assistance should not interfere with the coordination of services provided by TAA, the National Emergency Grant program, and Department of Labor Rapid Response services.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act.

Accountability of State Agencies; Collection and Publication of Program Data; Agreements with States (Section 1752 (amending Section 239 of the Trade Act of 1974))

Present Law

Present law gives the Secretary of Labor the authority to delegate to the States through agreements many aspects of TAA implementation, including responsibilities to (1) receive applications for TAA and provide payments; (2) make arrangements to provide certain employment services through other Federal programs; and (3) issue waivers. It also mandates that any agreement entered into shall include sections requiring that the provision of TAA services and training be coordinated with the provision of Workforce Investment Act (WIA) services and training. In carrying out its responsibilities, each State must notify workers who apply for UI about TAA, facilitate early filing for TAA benefits, advise workers to apply for training when they apply for TRA, and interview affected workers as soon as possible for purposes of getting

them into training. States must also submit to the Department of Labor information like that provided under a WIA State plan.

Explanation of Provision

The provision requires the Secretary, either directly or through the States (through cooperating agreements), to make the employment and case management services described in the amended section 235 available to TAA eligible workers. TAA eligible workers are not required to accept or participate in such services, however, if they choose not to do so. The provision requires States and cooperating State agencies to implement effective control measures and to effectively oversee the operation and administration of the TAA program, including by monitoring the operation of control measures to improve the accuracy and timeliness of reported data. The provision also requires States and cooperating State agencies to report comprehensive performance accountability data to the Secretary, on a quarterly basis.

Reasons for Change

To ensure that the employment and case management services described in the amended section 235 are made available to TAA enrollees as required under that section, the Conferees believe that it is necessary to incorporate those obligations into the agreements that the Department of Labor enters into with each of the States concerning the administration of TAA.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Verification of Eligibility for Program Benefits (Section 1753 (amending Section 239 of the Trade Act of 1974))

Present Law

There is no provision in present law.

Explanation of Provision

Section 1753 requires a State to re-verify the immigration status of a worker receiving TAA benefits using the Systematic Alien Verification for Entitlements (SAVE) Program (42 U.S.C. 1320b–7(d)) if the documentation provided during the worker's initial verification for the purposes of establishing the worker's eligibility for unemployment compensation would expire during the period in which that worker is potentially eligible to receive TAA benefits.

The section also requires the Secretary to establish procedures to ensure that the re-verification process is implemented properly and uniformly from State to State.

Reasons for Change

This provision is intended to ensure that workers maintain a satisfactory immigration status while receiving benefits. This section was included for the purposes of the TAA program only and should not be extended to other programs.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Collection of Data and Reports; Information to Workers (Section 1754 (amending Subchapter C of chapter 2 of title II of the Trade Act of 1974))

Present Law

Present law does not contain statutory language requiring the collection of data or performance goals and the TAA program has suffered a history of problems with its performance data that has undermined the data's credibility and limited their usefulness. Most of the outcome data reported in a given program year actually reflects participants who left the program up to 5 calendar quarters earlier. In addition, as of FY 2006, the Department of Labor does not consistently report TAA data by State or industry or by services or benefits received.

While the Department of Labor has take some steps aimed at improving performance data, the data remain suspect and fail to capture outcomes for some of the program's participants, and many participants are not included in the final outcomes at all.

Explanation of Provision

The provision would require the Secretary of Labor to implement a system for collecting data on all workers who apply for or receive TAA. The system must include the following data classified by State, industry, and nationwide totals: number of petitions; number of workers covered; average processing time for petitions; a breakdown of certified petitions by the cause of job loss (increased imports etc.); the number of workers receiving benefits under any aspect of TAA (broken down by type of benefit); the average time during which workers receive each type of benefit; the number of workers enrolled in training, classified by type of training; the average duration of training; the number and type of training waiver granted; the number of workers who complete and do not complete training; data on outcomes, including the sectors in which workers are employed after receiving benefits; and data on rapid response activities.

The provision would also require, by December 15 of each year, the Secretary to provide to the Senate Finance Committee and the House Committee on Ways and Means a report that includes a summary of the information above, information on distributions of training funds under section 236(a)(2), and any recommendations on whether changes to eligibility requirements, benefits, or training funding should be made based on the data collected. Those data must be made available to the public on the Department of Labor's website in a searchable format and must be updated quarterly.

Reasons for Change

The Conferees believe that valuable information on TAA and its impact is neither being collected nor being made publicly available. This, in turn, inhibits the ability of Congress to perform its oversight responsibilities and, if necessary, to refine and improve the program, its performance, and worker outcomes. Additionally, the Conferees believe that all of the data that the Department of Labor gathers should be made available and posted on its website in a searchable format. This will enhance the accountability of the TAA program and the Department of Labor, not just to Congress, but to the American people as well.

Effective Date

The provision goes into effect on the date of enactment of this Act.

Fraud and recovery of overpayments (Section 1755 (amending Section 243(a)(1) of the Trade Act of 1974))

Present Law

An overpayment of TAA benefits may be waived if, in accordance with the Secretary's guidelines, the payment was made without fault on the part of such individual, and requiring such repayment would be contrary to ''equity and good conscience.''

Explanation of Provision

The provision states that the Secretary shall waive repayment if the overpayment was made without fault on the part of such individual and if repayment ''would cause a financial hardship for the individual (or the individual's household, if applicable) when taking into consideration the income and resources reasonably available to the individual or household and other ordinary living expenses of the individual or household.''

Reasons for Change

The Conferees believe that the Department of Labor has adopted a very strict standard for issuing overpayment waivers. In particular, 20 CFR 617.55(a)(2)(ii)(C) defines equity and good conscience to require ''extraordinary and lasting financial hardship'' that would ''result directly'' in the ''loss of or inability to obtain minimal necessities of food, medicine, and shelter for a substantial period of time'' and ''may be expected to endure for the foreseeable future.'' The Conferees understand that no worker has met this strict waiver standard. In including standard statutory waiver language in TAA, there is no indication that Congress intended to make waivers impossible to secure. To the contrary, the Conferees believe that Congress intended that overpaid individuals who are without fault and unable to repay their TAA overpayments should have a reasonable opportunity for waivers of the requirement to return those overpayments. The provision clarifies this intent.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Sense of Congress on Application of Trade Adjustment Assistance (Section 1756 (amending Section Chapter 5 of title II of the Trade Act of 1974))

Present Law

There is no provision in present law.

Explanation of Provision

The provision expresses the Sense of Congress that the Secretaries of Labor, Commerce, and Agriculture should apply the provisions of their respective trade adjustment assistance programs with the utmost regard for the interests of workers, firms, communities, and farmers petitioning for benefits.

Reasons for Change

Courts reviewing determinations by the Department of Labor regarding certification for trade adjustment assistance have stated that the Department is obliged to conduct its investigations with ''utmost regard for the interests of the petitioning workers.'' See, e.g., Former Employees of Komatsu Dresser v. United States Secretary of Labor, 16 C.I.T. 300, 303 (1992) (citations omitted). The courts have explained that such statements flow from the ex parte nature of the Department's certification process (as opposed to a judicial or quasi-judicial proceeding) and the remedial purpose of the trade adjustment assistance program. This section reflects such statements and extends them to the firms, farmers, and communities programs.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Consultations in Promulgation of Regulations (Section 1757 (amending Section 248 of the Trade Act of 1974))

Present Law

The Secretary is required to prescribe necessary regulations.

Explanation of Provision

This provision requires the Secretary to consult with the Senate Finance Committee and the House Committee on Ways and Means 90 days prior to the issuance of a final rule or regulation.

Reasons for Change

Requiring that the Secretary consult with the relevant committees 90 days prior to the issuance of a final rule or regulations will help ensure that such rules and regulations reflect Congress' intent.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

B. PART II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

Trade Adjustment Assistance for Firms (Section 1761–1767 (amending Sections 251, 254, 255, 256, 257, and 258 of the Trade Act of 1974))

Present Law

A firm may file a petition for certification with the Secretary of Commerce. Upon receipt of the petition, the Secretary shall publish a notice in the Federal Register that the petition has been received and is being investigated. The petitioner, or anyone else with a substantial interest, may request a public hearing concerning the petition.

To be certified to receive TAA benefits, a firm must show (1) a ''significant'' number of workers became or are threatened to become totally or partially separated; (2) sales or production of an article, or both, decreased absolutely, or sales or production, or both, of an article that accounted for not less than 25 percent of the total production or sales of the firm during the 12-month period preceding the most recent 12-month period for which data are available have decreased absolutely; and (3) increased imports of competing articles ''contributed importantly'' to the decline in sales, production, and/or workforce.

A firm certified under section 251 has two years in which to file an adjustment assistance application, which must include an economic adjustment proposal.

In deciding whether to approve an application, the Secretary of Commerce must determine that the proposal (1) is reasonably calculated ''to materially contribute'' to the economic adjustment of the firm; (2) gives adequate consideration to the interests of the firm's workers; and (3) demonstrates that the firm will use its own resources for adjustment.

Criminal and civil penalties are applicable for, among other things, making false statements or failing to disclose material facts. However, the penalties do not cover the acts and omissions of customers or others responding to queries made in the course of an investigation of a firm's petition.

The Secretary must make its decisions within 60 days.

Explanation of Provision

The provision makes service sector firms potentially eligible for benefits under the TAA for Firms program. It also expands the look back so that all firms can use the average of one, two, or three years of sales or production data, as opposed to one year, to show that the firm's sales, production, or both, have decreased absolutely or that the firm's sales, production, or both of an article or service that accounts for at least 25 percent of its total production, or sales have decreased absolutely.

In determining eligibility, the provision makes clear that the Secretary may use data from the preceding 36 months to determine an increase in imports, and may determine that increased imports exist if customers accounting for a significant percentage of the decline in a firm's sales or production certify that their purchases of imported articles or services have increased absolutely or relative to the acquisition of such articles or services from suppliers in the United States.

The provision requires the Secretary of Commerce, upon receiving information from the Secretary of Labor that the workers of a firm are TAA-covered, to notify the firm of its potential TAA eligibility.

The provision requires the Secretary of Commerce to provide grants to intermediary organizations to deliver TAA benefits. The provision requires the Secretary to endeavor to align the contracting schedules for all such grants by 2010, and to provide annual grants to the intermediary organizations thereafter. The provision requires the Secretary to develop a methodology to ensure prompt initial distribution of a portion of the funds to each of the intermediary organizations, and to determine how the remaining funds will be allocated and distributed to them. The Secretary must develop the methodology in consultation with the Senate Finance Committee and the House Committee on Ways and Means.

The provision amends the penalties provision in section 259 to cover entities, including customers, providing information during an investigation of a firm's petition. Additionally, the provision requires the Secretary of Commerce to submit an annual report demonstrating the operation, effectiveness, and outcomes of the TAA for Firms program to the Senate Finance Committee and the House Committee on Ways and Means, and to make the report available to the public. The methodology for the distribution of funds to the intermediary organizations shall include criteria based on the data in the report. The provision creates rules relating to the disclosure of confidential business information included in this annual report.

Reasons for Change

Most service sector firms are currently ineligible for the TAA for Firms program because of a statutory requirement that the workers must have been employed by a firm that produces an ''article.'' In an era when 80 percent of U.S. workers are employed in the service sector, the Conferees believe service sector firms should be eligible for TAA.

The Conferees also note that firms currently have a limited ''look back'' under existing law, which unfairly restricts their ability to show that increased imports are hurting their businesses.

Because data is not always readily available to demonstrate an increase in imports of articles or services, or to show how such increased imports compete with the articles or services of a particular firm, the Conferees believe that the Secretary should be able to utilize information from the customers of a firm that account for a significant percentage of the decline in the firm's sales or production to verify these customers have increased their imports of the relevant articles or services, either absolutely or relative to their purchases from domestic suppliers.

Since a firm may not know that it could be eligible for TAA benefits, despite the fact that workers at the firm have qualified for the TAA for workers program, the Conferees believe it is important to give these firms notice of their potential eligibility for TAA benefits.

The Conferees are concerned that at present, the Economic Development Administration (EDA) is entering into contracts with intermediary organizations that vary in length. Thus, the contracts begin and end at different times during the year. The provision requires the Secretary of Commerce to provide grants to intermediary organizations to deliver TAA benefits and, to the maximum extent practicable, that contracts with such organizations be for 12 month periods and have the same beginning and end dates. The Conferees will leave it to the discretion of the Secretary to determine the appropriate 12 month contract cycle.

The Conferees also believe that the methodology for distributing funds to intermediary organizations should be based in part on their performance, the number of firms they serve, and the outcomes of firms completing the program. The Secretary of Commerce should consult Congress before finalizing such methodology.

The Conferees understand that some customers provide inaccurate or incomplete information in response to questionnaires posed by the Secretary. The penalty language included in this provision is designed to address this problem.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Extension of Authorization of Trade Adjustment Assistance for Firms (Section 1764)

Present Law

The authorization of the TAA for Firms program expired on December 31, 2007. The program is currently authorized at $16 million per year.

Explanation of Provision

The provision reauthorizes the program through December 31, 2010, and increases its funding to $50 million per year for fiscal years 2009 and 2010, and prorates such funding for the period beginning October 1, 2010 and ending December 31, 2010. Of that amount, $350,000 is set aside each year to fund full-time TAA for Firms positions at the Department of Commerce, including a director of the TAA for Firms program.

Reasons for Change

The Conferees believe that the TAA for Firms program has been underfunded, as at least $15 million in approved projects lack funding. Additionally, the Firms team at the Department of Commerce lacks adequate full-time staff to administer the program.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

C. PART III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

Trade Adjustment Assistance for Communities (Section 1771–1773)

Present Law

There is no provision in present law.

Explanation of Provision

The provision creates a Trade Adjustment Assistance for Communities program that will allow a community to apply for designation as a community affected by trade. A community may receive such designation from the Secretary of Commerce if the community demonstrates that (1) the Secretary of Labor has certified a group of workers in the community as eligible for TAA for Workers benefits, the Secretary of Commerce has

certified a firm in the community as eligible for TAA for Firms benefits, or a group of agricultural producers in the community has been certified to receive benefits under the TAA for Farmers and Fishermen program; and (2) the Secretary determines that the community is significantly affected by the threat to, or the loss of, jobs associated with that certification. The Secretary of Commerce must notify the community and the Governor of the State in which the community is located upon making an affirmative determination that the community is affected by trade.

The Secretary of Commerce shall provide technical assistance to a community affected by trade to assist the community to (1) diversify and strengthen its economy; (2) identify impediments to economic development that result from the impact of trade; and (3) develop a community strategic plan to address economic adjustment and workforce dislocation in the community. The Secretary of Commerce shall also identify Federal, State and local resources available to assist the community, and ensure that Federal assistance is delivered in a targeted, integrated manner. The Secretary shall establish an Interagency Community Assistance Working Group to assist in coordinating the Federal response.

A community affected by trade may develop a strategic plan for the community's economic adjustment and submit the plan to the Secretary. The plan should be developed, to the extent possible, with participation from local, county, and State governments, local firms, local workforce investment boards, labor organizations, and educational institutions. The plan should include an analysis of the economic development challenges facing the community and the community's capacity to achieve economic adjustment to these challenges; an assessment of the community's long-term commitment to the plan and the participation of community members; a description of projects to be undertaken by the community; a description of educational opportunities and future employment needs in the community; and an assessment of the funding required to implement the strategic plan.

Of the funds appropriated, the Secretary of Commerce may award up to $25 million in grants to assist the community in developing a strategic plan.

The provision authorizes $150 million in discretionary grants to be awarded by the Secretary of Commerce. An eligible community may apply for a grant from the Secretary to implement a project or program included in the community's strategic plan. Grants may not exceed $5 million. The Federal share of the grant may not exceed 95 percent of the cost of the project and the community's share is an amount not less than 5 percent. Priority shall be given to grant applications submitted by small and medium-sized communities.

Educational institutions may also apply for Community College and Career Training grants from the Secretary of Labor. Grant proposals must include information regarding (1) the manner in which the grant will be used to develop or improve an education or training program suited to workers eligible for the TAA for Workers program; (2) the extent to which the program will meet the needs of the workers in the community; (3) the extent to which the proposal fits into a community's strategic plan or relates to a Sector Partnership Grant received by the community; and (4) any previous experience of the institution in providing programs to workers eligible for TAA. Educational institutions applying for a grant must also reach out to employers in the community to assess current deficiencies in training and the future employment opportunities in the community.

The provision authorizes $40 million in discretionary grants to be awarded by the Secretary of Labor for the Community College and Career Training Grant program. Priority shall be given to grant applications submitted by eligible institutions that serve communities that the Secretary of Commerce has certified under section 273.

The provision also establishes a Sector Partnership Grant program that allows the Secretary of Labor to award industry or sector partnership grants to facilitate efforts of the partnership to strengthen and revitalize industries. The partnerships shall consist of representatives of an industry sector; local county, or State government; multiple firms in the industry sector; local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832); local labor organizations, including State labor federations and labor-management initiatives, representing workers in the community; and educational institutions.

The provision authorizes $40 million in discretionary grants to be awarded by the Secretary of Labor for the Sector Partnership Grant program. The Sector Partnership Grants may be used to help the partnerships identify the skill needs of the targeted industry or sector and any gaps in the available supply of skilled workers in the community impacted by trade; develop strategies for filling the gaps; assist firms, especially small- and medium-sized firms, in the targeted industry or sector increase their productivity and the productivity of their workers; and assist such firms to retain incumbent workers.

Reasons for Change

The TAA for Workers program provides assistance to individual workers who lose their jobs because of trade with foreign countries. The program does not, however, provide broader assistance when the closure or downsizing of a key industry, company, or plant creates severe economic challenges for an entire community impacted by trade. The Conferees believe there is a need for additional programs and incentives to assist such communities. Accordingly, the provision creates a TAA for Communities program to provide a coordinated Federal response to eligible communities by identifying Federal, State and local resources and helping such communities to access available Federal assistance.

The provision does not establish precise criteria for determining when a particular community is impacted by trade. In the view of the Conferees, this determination is better left to the discretion of the Secretary of Commerce, who can evaluate specific facts in specific cases. As a general matter, the Conferees believe the Secretary should review the underlying certification(s) that provide a basis for a community's application and evaluate the potential impact of the job losses (or threat thereof) associated with such certification(s) on the broader community, given the community's overall economic situation. The Conferees intend for the Secretary to focus grants on communities facing the most difficult hardships, to the extent practicable.

The Conferees believe small- and medium-sized communities, and in particular, those in rural areas where the manufacturing sector has historically been a significant employer, would benefit from the technical assistance and grants available through this program. Such communities have been disproportionately impacted by the adverse effects of trade, where some lumber mills, factories and call centers, for instance, have scaled back operations or closed entirely in response to increased trade and globalization.

The Conferees do not intend for the preference for such communities to result in all grants, or the majority of grants, going to such communities to the exclusion of other impacted communities.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act.

Authorization of Appropriations for Trade Adjustment Assistance for Communities (Section 1772)

Present Law

There is no provision in present law.

Explanation of Provision

The provision authorizes $150,000,000 to the Secretary of Commerce for each of fiscal years 2009 and 2010, and $37,500,000 for the period beginning October 1, 2010 through December 31, 2010 to carry out the TAA for Communities program.

The provision authorizes $40,000,000 to the Secretary of Labor for each of fiscal years 2009 and 2010, and $10,000,000 for the period beginning October 1, 2010 through December 31, 2010 to carry out the Community College and Career Training Grant Program.

The provision authorizes $40,000,000 to the Secretary of Labor for each of fiscal years 2009 and 2010, and $10,000,000 for the period beginning October 1, 2010 through December 31, 2010 to carry out the Sector Partnership Grant Program.

Effective Date

The provision goes into effect on the date of enactment of this Act.

D. PART IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Trade Adjustment Assistance for Farmers (Section 1781–1786 (amending sections 291, 292, 293, 296 and 297 of the Trade Act of 1974))

Present Law

A group of agricultural producers or their representative may file a petition for certification with the Secretary of Agriculture. Upon receipt of the petition, the Secretary shall publish a notice in the Federal Register that the petition has been received and is being investigated. The petitioner, or anyone else with a substantial interest, may request a public hearing concerning the petition.

To be certified to receive TAA benefits under this chapter, the group of producers must show (1) that the national average price of the agricultural commodity in the most recent marketing year is less than 80 percent of the national average price for the commodity for the 5 previous marketing years, and (2) that increased imports of articles like or directly competitive with the commodity contributed importantly to the decline in price.

A group of producers certified under Section 291 has one year to receive TAA benefits, but may apply to be re-certified for a second year of benefits if the group can show a further 20 percent price decline in the national average price of the commodity, and that imports continued to contribute importantly to that decline.

To qualify to receive benefits, individual agricultural producers that are covered by a

certified petition must show (1) that the individual producer produced the qualified commodity; and (2) the net income of the producer has decreased. Producers meeting these criteria are eligible to participate in an initial technical assistance course, and to receive cash benefits, not to exceed $10,000, based on their production and the decline in price for the commodity. Where available, the producer may also attend more intensive technical assistance.

Explanation of Provision

The provision defines an agricultural commodity producer, for the purpose of the TAA for Farmers program, to include fishermen, as well as farmers.

The provision allows a group of producers to petition the Secretary based on a 15 percent decline in price, value of production, quantity of production, or cash receipts for the commodity, rather than a 20 percent decline in price. The provision shortens the look back period, from an average of 5 years to an average of the national average price for the previous three year period. Petitioning producers must also show that imports contributed importantly to the decline in price, production, value of production, or cash receipts.

Once the Secretary certifies a group of commodity producers for TAA, individual producers can qualify for benefits if the producer shows (1) that they are producers of the commodity; and (2) that the price received, quantity of production, or value of production for the commodity has decreased.

Producers deemed eligible to receive benefits by the Secretary are eligible to receive initial technical assistance, and may opt to receive intensive technical assistance, which consists of a series of courses designed for producers of the certified commodity. Upon completion of the series of courses, the producer develops an initial business plan which (1) reflects the skills gained by the producer during the courses; and (2) demonstrates how the producer intends to apply these skills to the producer's farming or fishing operation. Upon approval by the Secretary of the business plan described above, the producer is entitled to receive up to $4,000 to implement the business plan or to assist in the development of a long-term business plan.

Producers who complete an initial business plan may choose to receive assistance to develop a long-term business adjustment plan. The Secretary must review the plan to ensure that it (1) will contribute to the economic adjustment of the producer; (2) considers the interests of the producer's employees, if any; and (3) demonstrates that the producer has sufficient resources to implement the plan. If the Secretary approves the plan, the producer is eligible to receive up to $8,000 to implement the long-term business plan.

Once a petition is certified for the group of producers, qualifying producers are eligible for benefits for a 36-month period. A producer may not receive more than $12,000 in any 36-month period to develop and implement business plans under the program.

The provision allows fishermen and aquaculture producers who are otherwise eligible to receive TAA benefits to demonstrate increased imports based on imports of farm-raised or wild-caught fish or seafood, or both.

Reasons for Change

The Conferees believe that the 20 percent price decline currently required for a group of producers to be certified under the TAA for Farmers program is too high, and creates an unnecessary barrier for producers to qualify for TAA benefits. Further, producers and the Department of Agriculture were concerned that the current five-year look back period was too long and burdensome for producers.

Additionally, since net farm income is a function of many factors, it has proven very difficult for producers to show the required decline in net income, even when the price for specific commodities had declined significantly. Several disputes regarding whether producers met the net income test were taken to the U.S. Court of International Trade, resulting in significant administrative expense for both the producers and the Department of Agriculture.

The Conferees believe that demonstrating a decline in the production or price of the commodity facing import competition is a better measure of the impact of trade on the individual producer, rather than net income. The provision would allow farmers to demonstrate that either their production decisions or price received for the qualified commodity were affected.

The Conferees also believe that the focus of the TAA for Farmers program should be adjustment assistance, rather than cash benefits. Under the current program, most producers received only initial technical assistance, with little opportunity for additional curricula. The Conferees believe that all producers eligible for TAA benefits should receive more thorough technical assistance and the opportunity for individualized business planning, with financial assistance provided to help the producer implement the business plans.

Further, technical assistance should be provided by the Department of Agriculture through the National Institute on Food and Agriculture (''NIFA''), which may choose to make grants to land grant universities and other outside organizations to assist in the development and delivery of technical assistance. NIFA (formerly the Cooperative State Research, Education, and Extension Service) delivers technical assistance under the current Farmers program, and had successfully developed curricula to respond to producers' adjustment needs.

The Conferees believe that the current one-year limit to obtain TAA benefits unnecessarily limits producers' ability to access technical assistance, particularly when farmers and fishermen must spend significant portions of each year in the fields or at sea. Extending the eligibility period to 36 months will allow producers to take advantage of all the benefits offered, and will eliminate the need for the current burdensome recertification process.

The Conferees believe that fishermen and aquaculture producers who are otherwise eligible for TAA should be able to demonstrate an increase in imports of like or directly competitive products without regard to whether those imported products were wild-caught or farm-raised. Current law allows these producers to apply for benefits based on imports of farm raised fish and seafood only.

The Conferees expect that the Department of Agriculture will fully fund and operate the TAA for Farmers and Fishermen program for the full duration of each fiscal year for which it is authorized.

Effective Date

The provision goes into effect upon expiration of the 90-day period beginning on the date of enactment of this Act, and applies to petitions filed on or after that date.

Extension of Authorization and Appropriation for Trade Adjustment Assistance for Farmers (Section 1787 (amending Section 298 of the Trade Act of 1974))

Present Law

The authorization and appropriation for the TAA for Farmers program expired on December 31, 2007. The program is currently authorized at $90 million per year.

Explanation of Provision

This provision reauthorizes the program through December 30, 2010, and maintains its funding at $90 million per year for fiscal years 2009 and 2010. The provision further provides funding on a prorated basis for the period beginning October 1, 2010, and ending December 31, 2010.

Effective Date

The provision goes into effect on the date of enactment of this Act.

E. PART V—GENERAL PROVISION

Government Accountability Office Report (Section 1793)

Present Law

There is no provision in present law.

Explanation of Provision

The provision requires the Comptroller General of the United States to prepare and submit a report to the Senate Finance Committee and the House Committee on Ways and Means on the operation and effectiveness of these amendments to chapters 2, 3, 4, and 6 of the Trade Act no later than September 30, 2012.

Reasons for Change

It is critical that GAO review and evaluate the TAA program to assess the changes made by this legislation to ensure that they have improved the effectiveness, operation, and performance of the program.

Effective Date

The provision goes into effect on the date of enactment of this Act.

2. CUSTOMS AND BORDER PROTECTION COLLECTIONS[237]

I. OVERVIEW

The conference report prevents U.S. Customs and Border Protection (''CBP'') from collecting over $92 million in antidumping and countervailing duties that CBP collected on imports from Canada and Mexico between 2001 and 2005, and later distributed to U.S. companies that petitioned the U.S. Government for relief.

I. HOUSE BILL

No provision

III. SENATE AMENDMENT

Section 1801 of the American Recovery and Reinvestment Act of 2009, as passed by the Senate, has four sections. First, it prohibits the Secretary of Homeland Security, or any other person, from requiring repayment of, or in any other way recouping, duties that were (1) distributed pursuant to the Continued Dumping and Subsidy Offset Act of 2000 (''CDSOA''); (2) assessed and paid on imports of goods from Canada and Mexico; and (3) distributed on or after January 1, 2001, and before January 1, 2006. Second, it prohibits CBP from offsetting any current or future duty distributions on goods from countries other than Canada and Mexico in an attempt to recoup duties described above. Third, the provision requires CBP to refund any such duty repayments or recoupments it has already received. Further, it requires CBP to

[237] Description prepared by the majority staffs of the House Committee on Ways and Means and the Senate Committee on Finance.

fully distribute any duties it is withholding as an offset against current or future duty distributions. Fourth, the provision clarifies that CBP is not prohibited from collecting payments resulting from (1) false statements or other misconduct by a recipient of a duty payment or (2) re-liquidation of entries with respect to which duty payments were made.

IV. CONFERENCE REPORT

The conferees adopted the Senate provision. The conferees do not intend this provision to amend the antidumping or countervailing duty laws of the United States.

TITLE II OF DIVISION B
ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUGGLING FAMILIES

CONFERENCE DOCUMENT

H.R. 1

TABLE OF CONTENTS

ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUGGLING FAMILIES

Short Title (House bill Section 2000; Senate bill Section 2000; Conference agreement Section 2000)

Current Law

No provision.

House Bill

The ''Assistance for Unemployed Workers and Struggling Families Act.''

Senate Bill

Same as the House bill.

Conference Agreement

The conference agreement is the same as the House and Senate bills.

SUBTITLE A—UNEMPLOYMENT INSURANCE

Extension of Emergency Unemployment Compensation Program Benefits (House bill Sec. 2001; Senate bill Sec. 2001; Conference agreement Sec. 2001)

Current Law

Title IV, Emergency Unemployment Compensation, of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C.3304 note) as amended by the Unemployment Compensation Act of 2008 (Public Law 110–449) created a temporary emergency unemployment compensation program (EUC08). The program ends on the week ending on or before March 31, 2009. No compensation under the program is payable for any week beginning after August 27, 2009. Funds in the extended unemployment compensation account (EUCA) of the unemployment trust fund (UTF) are used for financing EUC08 payments. State administration funds are made from the employment security administration account (ESAA). Compensation for EUC08 payments to former employees of non-profits and governments are from the general fund of the Treasury.

House Bill

The duration of the EUC08 program would extend through the week ending on or before December 31, 2009. No benefits would be payable for any week beginning after May 31, 2010. The extension would be financed through the general fund of the Treasury. The funds would not need to be repaid.

Senate Bill

Same provision.

Conference Agreement

The conference agreement includes the identical provisions of the House and Senate bills.

Increase in Unemployment Compensation Benefits (House bill Sec. 2002; Senate bill Sec. 2002; Conference agreement Sec. 2002)

Current Law

No such provision. Federal law does not provide formulas, floors, or ceilings of regular weekly State unemployment compensation amounts. In general, the States set weekly benefit amounts as a fraction of the individual's average weekly wage up to some State-determined maximum. Some States include dependents' allowances in addition to the underlying benefit.

House Bill

The provision would create an additional, federally-funded $25 weekly benefit that would be available to all individuals receiving regular unemployment compensation (UC) benefits. All the provisions of section 2002 would also apply to regular UC, extended benefits (EB), and EUC08 benefits. It would require States to not take the additional compensation into consideration when determining regular UC benefits (including any dependants' allowances). The additional benefit would be payable either at the same time and in the same manner as any regular UC payable for the week involved or payable separately but on the same weekly basis as any regular compensation otherwise payable. States would not be allowed to alter the method governing the computation of UC under State law in such a manner that the weekly benefit amount would be less than the benefit amount that would have been payable under State law as of December 31, 2008. Funding for the additional benefit would be appropriated from the general fund of the Treasury, without fiscal year limitation. The funds would not be required to be repaid.

States would pay the additional compensation to individuals once the State entered into an agreement with the Labor Secretary and ending before January 1, 2010. The additional compensation would be ''grandfathered'' for individuals who had not exhausted the right to regular compensation as of January 1, 2010. No additional compensation would be payable for any week beginning after June 30, 2010.

The additional benefit would be disregarded in considering the amount of income of any individual for any purposes under Medicaid and SCHIP.

Senate Bill

Same provision.

Conference Agreement

The conference agreement includes the identical provisions of the House and Senate bills.

Special Transfers for Unemployment Compensation Modernization (House bill Sec. 2003; Senate bill Sec. 2003; Conference agreement Sec. 2003)

Current Law

Section 903 of the Social Security Act (SSA) describes the set of conditions under which funds are transferred to eligible State unemployment accounts from the federal accounts in the Unemployment Trust Fund

(UTF) when those federal account balances exceed certain levels. Transfers of excess funds in the UTF to State accounts are called Reed Act distributions. No Reed Act distributions are expected in the next 5 years.

Section 903(a)(2)(B) of the SSA describes the manner in which the distribution of Reed Act funds occurs. Funds are distributed to the State UTF accounts based on the State's share of estimated federal unemployment taxes (excluding reduced credit payments) made by the State's employers.

Unemployment Insurance Policy Letter 44–97, which interpreted section 5401 of P.L. 105–33, the Balanced Budget Act of 1997, says that States are not required to offer an alternative base period (ABP) in determining eligibility for UC benefits.

While federal laws and regulations provide broad guidelines on UC coverage, eligibility, and benefit determination, the specifics of regular UC benefits are determined by each State through State laws and regulations.

House Bill

The House bill would provide a special transfer of UTF funds from the federal unemployment account (FUA) of up to $7 billion to the State accounts within the UTF as ''incentive payments'' for changing or already having in place certain State UC laws. The maximum incentive payment allowable for a State would be calculated using the methods required by the Reed Act if a distribution were to have occurred on October 1, 2008.

One-third of the maximum payment would be contingent on State law calculating the base period by either:

(A) allowing use of a base period that includes the most recently completed calendar quarter before the start of the benefit year for the purpose of determining UC eligibility; or

(B) providing that, in the case of an individual who would not otherwise be UC-eligible under State law, eligibility shall be determined using a base period that includes the most recently completed calendar quarter.

The remaining 2/3 of the incentive payment would be contingent on qualifying for the first 1/3 payment and the applicable State law containing at least two of the following four provisions:

(A) No denial of UC under State law provisions relating to availability for work, active search for work, or refusal to accept work solely because the individual is seeking only part-time work. States may exclude an individual if the majority of the weeks of work in the individual's base period do not include part-time work. The Labor Secretary would define part-time.

(B) No UC disqualification for separation from employment if it is for compelling family reasons. These reasons must include (i) domestic violence, (ii) illness or disability of an immediate family member, and (iii) the need to accompany a spouse to a place from where it is impractical to commute and due to a change in location of the spouse's employment. The Labor Secretary would define immediate family member.

(C) Weekly UC continues for individuals who have exhausted all rights to regular benefits but are enrolled and making satisfactory progress in a State-approved training program or in a job training program authorized under the Workforce Investment Act of 1998. The benefit must be for at least an additional 26 weeks and be equivalent to the previously calculated UC benefit (including dependents' allowances) for the most recent benefit year. The training program must prepare the individual for entry into a ''high-demand'' occupation.

(D) UC Dependents' allowances are provided to all individuals with a dependent (as defined by State law) at a level equal to at least $15 per dependent per week. The aggregate limit on dependents' allowances must be not less than the lesser of $50 or 50% of the weekly benefit amount for the benefit year.

Within 60 days after enactment, the Labor Secretary may prescribe (by regulation or otherwise) information required in relation to the compliance of the modernization requirements. The Labor Secretary would have 30 days after receiving a complete application to determine if modernization incentives are payable to the State.

The Labor Secretary, while determining if State law meets the requirements for an incentive payment, would disregard any State law provisions that are not currently effective as permanent law or are subject to a discontinuation under certain circumstances. Once the Treasury Secretary has been notified of the certification of the incentive payment, the appropriate transfer to the State account would occur within seven days. State law provisions which are to take effect within 12 months after the date of their certification would be considered to be in effect for the purposes of certification. States must be eligible for certification under section 303 [of the Social Security Act] and under section 3304 of the Federal Unemployment Tax Act (FUTA) [section 3304 of the Internal Revenue Code of 1986].

Applications submitted before enactment or after the latest date necessary (as determined by the Labor Secretary) will not be considered in order to ensure that all incentive payments are made before October 1, 2011. Incentive payments may be used only for the payment of UC benefits and dependents' allowances. An exception is made if the State appropriates the funds for administrative expenses. Funds that satisfy this exception may be used for the administration of UC law and for public employment offices.

The Treasury Secretary would be required reserve $7 billion for incentive payments in the Federal Unemployment Account (FUA) of the UTF. Any amount so reserved for which the Secretary of the Treasury has not received a certification under the proposed paragraph (4)(B) of the bill by the deadline determined by the Secretary of Labor shall become unrestricted regarding its use as part of the FUA upon the close of fiscal year 2011.

The bill would transfer a total of $500 million from the federal employment security administration account (ESAA) to the States' accounts in the UTF within 30 days of enactment. Each State's transfers would be calculated using the methods required by the Reed Act if a distribution were to have occurred on October 1, 2008. Any amount transferred to a State account as a result of this $500 million transfer would be required to be used by the State agency of such State only in (A) payment of expenses incurred through carrying out of the purposes in State law required to receive the incentive payments, (B) improved outreach to individuals who might be eligible for regular UC by virtue of the changes in State law, (C) improvement of unemployment benefit and unemployment tax operations, including responding to increased demand for unemployment compensation, and (D) staff-assisted reemployment services for UC claimants.

Senate Bill

Same as the House bill, except that the Senate bill does not explicitly give the Secretary of Labor the ability to define part-time work.

The Senate bill would require that all payments be made before October 1, 2010 (rather than October 1, 2011) except in those States where the first day of the first regularly scheduled session of the State legislature following enactment begins after December 31, 2010. Those States' payments would be made before October 1, 2011.

Conference Agreement

The conference agreement follows the House bill with two exceptions.

If in a training program (option C under the qualifying conditions of the remaining 2/3 incentive payment), the agreement would allow States to not pay UC benefit if the individual is receiving stipends or other training allowances. Under the same training program option, the agreement would also allow States to opt to take any deductible income (as determined under State law) into account and offset the UC payment.

Temporary Assistance for States with Advances (House bill n.a.; Senate bill Sec. 2004; Conference agreement Sec. 2004)

Current Law

Section 1202(b) of the Social Security Act (42 U.S.C. 1322(b)) requires that States are charged interest on new loans that are not repaid by the end of the fiscal year in which they were obtained. The interest rate on the loans is the same rate as that paid by the federal government on State reserves in the UTF for the quarter ending December 31 of the preceding year, but not higher than 10% per annum. States may not pay the interest directly or indirectly from funds in their State account with the UTF.

Section 1202(b)(2) allows a State to borrow funds without interest from the FUA during the year if the State repays the loans by September 30 of the calendar year in which the advances were made. No loans may be made in October, November, or December of the calendar year of such an interest-free loan. Otherwise, the ''interest-free'' loan will accrue interest charges.

House Bill

No provision.

Senate Bill

The Senate bill would temporarily waive interest payments and the accrual of interest on advances to State unemployment funds by amending section 1202(b) of the Social Security Act. The interest payments that come due from the time of enactment of the proposal until December 31, 2010 would be deemed to have been made by the State. No interest on advances accrue during the period.

Conference Agreement

The conference agreement follows the Senate bill.

Full Federal Funding of Extended Unemployment Compensation for a Limited Period (House bill n.a.; Senate bill n.a.; Conference agreement Sec. 2005)

Current Law

The Extended Benefit (EB) program, established by the Federal-State Extended Unemployment Compensation Act of 1970 (EUCA), P.L. 91–373 (26 U.S.C. 3304, note), may extend receipt of unemployment benefits (extended benefits) at the State level if certain economic situations exist within the State.

Extended benefits (EB) are funded half (50%) by the federal government through its account for that purpose in the UTF; States fund the other half (50%) through their State accounts in the UTF.

Individual eligibility for EB payments, among other matters, requires that the worker has exhausted all rights to regular UC benefits and be within the State-determined benefit year (generally within 52 weeks of first claiming regular UC eligibility) when a State's EB program becomes active on account of economic conditions.

States that do not require a one-week UC waiting period, or have an exception for any reason to the waiting period, must pay 100% of the first week of EB (rather than 50%). P.L. 110–449, the Unemployment Compensation Extension Act of 2008, suspended this waiting week requirement from the time of its enactment until the week ending on or before December 8, 2009.

House Bill

No provision.

Senate Bill

No provision.

Conference Agreement

The conference agreement would temporarily alter Federal-State funding ratios. Extended benefits would be 100% federally financed from the date of enactment through January 1, 2010.

The agreement also would temporarily allow States to ignore benefit year calculations but instead base EB eligibility upon having qualified for and exhausted EUC08 benefits, disregarding benefit year calculations as long as the EB period fell between the date of enactment and before January 1, 2010.

The agreement would allow States to opt to grandfather those workers who received EUC08 payments and exhausted them on or after January 1, 2010. Those workers would be eligible to receive EB payments based on EUC08 exhaustion and disregarding benefit year determinations until the week ending on or before June 1, 2010.

The agreement would continue the temporary suspension of the waiting week requirement for federal funding until the week ending before May 30, 2010.

Temporary Increase in Extended Unemployment Benefits under the Railroad Unemployment Insurance Act. (House bill n.a.; Senate bill n.a.; Conference agreement Sec. 2006)

Current Law

The Railroad Unemployment Insurance Act (45 U.S.C. 351–369) provides up to 26 weeks of normal unemployment benefits for railroad employees. It also provides up to 13 weeks of extended benefits for railroad employees with 10 or more years of service.

House Bill

No provision.

Senate Bill

No provision.

Conference Agreement

The conference agreement would temporarily increase the duration of extended unemployment benefits for railroad workers. The agreement would add an additional 13 weeks to the maximum amount of time railroad workers may receive extended unemployment benefits, allowing for up to 26 weeks of extended benefits in addition to the 26 weeks of normal benefits provided under current law.

The agreement would apply to all qualifying railroad employees, regardless of their years of service (i.e., it would apply to those with fewer than 10 years of service, who do not qualify for extended benefits under current law). The provision would apply to employees who received normal unemployment benefits during the benefit year beginning July 1, 2008 and ending June 30, 2009. No extended benefits under this bill would begin after December 31, 2009.

The agreement would appropriate $20 million from the general fund of the Treasury to cover the cost of the additional extended unemployment benefits. Subsection 2006(b) would provide an additional $80,000 for administering the additional benefits. If the additional extended benefits were to reach $20 million in cost before December 31,2009, the additional benefits would terminate.

SUBTITLE B—ASSISTANCE FOR VULNERABLE INDIVIDUALS

Emergency Fund for TANF Program (House bill Section 2101; Senate bill Sec. 2101; Conference agreement Sec. 2101)

Current Law

TANF Recession-Related Funds. The 1996 welfare reform established a contingency fund under the Temporary Assistance for Needy Families (TANF) block grant. To qualify for contingency dollars, States must spend under the TANF program a sum of their own dollars equal to their pre-TANF FY1994 spending and meet a test of economic need. Economic need is established by either: (1) Supplemental Nutrition Assistance Program (SNAP, formerly known as food stamps) participation for the most recent three months for which data are available that is at least 10% higher than it was during the corresponding three-month period in either FY1994 or FY1995; or (2) a three-month average unemployment rate of at least 6.5% and that equals or exceeds 110% of the rate measured in the corresponding three month period in either the of previous two years. Eligible expenditures above the pre-TANF level are matched at the Medicaid (Federal Medical Assistance Percentage or FMAP) rate. A state's annual contingency fund grant is capped at 20% of its basic TANF block grant. The 1996 welfare law appropriated $2 billion to the contingency fund. At the beginning of FY2009, about $1.3 billion remained in the contingency fund. The contingency fund is available to the 50 States and the District of Columbia. The commonwealth of Puerto Rico, Guam, the Virgin Islands, and tribes operating tribal TANF programs are not eligible for contingency funds.

TANF Caseload Reduction Credit. TANF established federal work participation standards, which are numerical performance standards that States must meet or be subject to a financial penalty. A State must meet two standards the all family standard of 50% and the two-parent standard of 90%. These standards may be met either by engaging participants in creditable activities or through reductions in the cash welfare caseload. States are given a caseload reduction credit toward the standards of one percentage point for each percent decline in the caseload from FY2005 to the preceding fiscal year. Under current law, the caseload reduction credit for FY2009 is based on caseload change from FY2005 to FY2008; the credit for FY2010 will be based on caseload change from FY2005 to FY2009; the caseload reduction credit for Fiscal Year 2011 will be based on caseload change from Fiscal Year 2005 to FY2010.

House Bill

TANF Recession Funds. The House bill retains the current TANF contingency fund and creates a new, temporary emergency contingency fund for FY2009 and FY2010. States with increased cash welfare caseloads under TANF or separate State programs funded with TANF State maintenance of effort dollars are eligible for capped grants from the fund. Also eligible are States with increased short-term non-recurrent benefit expenditures or increased subsidized employment expenditures under TANF and separate State programs. The fund reimburses States for 80% of the increased expenditures on basic assistance (cash welfare), short-term non-recurrent benefits, or subsidized employment in TANF and separate State programs, up to a cap. Increased caseloads and expenditures are measured on a quarterly basis, comparing each quarter in FY2009 and FY2010 to the corresponding quarter in the base years of FY2007 and FY2008. The applicable base period for a State varies depending on whichever results in the greatest increase for each State for the cash assistance caseload and by expenditure category.

Total combined State grants from the current law contingency fund and the emergency contingency fund are limited to 25% of a State's basic block grant. The emergency fund is appropriated such sums as necessary (no national funding cap, but total funding is limited by individual State caps discussed above). Puerto Rico, Guam, and the Virgin Islands are eligible for emergency contingency funds.

Caseload Reduction Credit. The House bill gives States an optional measuring period for the caseload reduction credit that would apply to the FY2010 and FY2011 standards. States would have the option to measure caseload reduction from FY2005 to either FY2007 or FY2008 when determining the caseload reduction credit toward the TANF work participation standards for those two years.

Senate Bill

The Senate bill includes all the provisions of the House bill, with modifications. The Senate bill caps the appropriation to the TANF emergency contingency fund at $3 billion. For the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, any payments from the emergency contingency fund are excluded from the overall limit on federal funding for public assistance programs, including TANF, that applies to these jurisdictions. The Senate bill also gives States an optional measuring period for the caseload reduction credit for the FY2009 standards, allowing States to measure caseload reduction from FY2005 to FY2007 for that year.

Conference Agreement

The conference agreement follows the House and Senate bills, with some modifications. It sets the appropriation for the emergency contingency fund at $5 billion. The cap on each State's grant is modified, from a cap on each year's grant, to a cap on cumulative grants over the two years that the emergency fund will operate. Cumulative, combined grants from the existing contingency fund and the emergency fund are limited to 50% of a state's annual basic block grant for FY2009 and FY2010.

The agreement also makes tribes that operate tribal TANF programs eligible for the emergency fund. Tribes will be able to access the fund in the same manner as the States, and are similarly limited to cumulative emergency fund grants equal to 50% of its annual tribal family assistance grant.

The agreement follows the Senate bill for the temporary modifications to the caseload reduction credit. It also clarifies that all temporary provisions will be repealed. The emergency fund is repealed as of October 1, 2010. The change to the caseload reduction credit is repealed as of October 1, 2011.

Extension of Supplemental Grants (House bill n.a.; Senate bill Sec. 2102; Conference Agreement Sec. 2102).

Current Law

TANF provides supplemental grants to 17 States that met historical criteria of low federal grants for welfare per poor person and/or high population growth. Supplemental grants total $319 million, but are set to expire at the end of FY2009.

House Bill

No provision.

Senate Bill

The Senate bill extends supplemental grants through FY2010.

Conference Agreement

The conference agreement includes the Senate provision, extending supplemental grants through FY2010.

Clarification of Authority of States to Use TANF Funds Carried Over From Prior Years To Provide TANF Benefits and Services (House bill n.a.; Senate bill Sec. 2103; Conference Agreement Sec. 2103)

Current Law

States and tribes may reserve unused TANF funds without fiscal year limit. However, the use of these reserves is restricted to providing assistance (essentially cash welfare).

House Bill

No provision.

Senate Bill

Allows States to use reserve TANF funds for any TANF benefit, service, or activity.

Conference Agreement

The conference agreement includes the Senate provision.

Temporary Resumption of Prior Child Support Law (House bill Sec. 2103; Senate bill Sec. 2104; Conference agreement Sec. 2104)

Current Law

The federal government reimburses each State 66% of its expenditures on Child Support Enforcement (CSE) activities. The federal government also provides States with an incentive payment to encourage them to operate effective CSE programs. Federal law requires States to reinvest CSE incentive payments back into the CSE program or related activities. P.L. 109–171 (the Deficit Reduction Act of 2005) prohibited federal matching/reimbursement of CSE incentive payments that are reinvested in the CSE program.

House Bill

The House bill requires HHS to temporarily provide federal matching funds on CSE incentive payments that States reinvest back into the CSE program. This means that CSE incentive payments that are/were received by States and reinvested in the CSE program can be used to draw down federal funds. Federal matching funds for CSE incentive payments are to be provided for FY2009 and FY2010 (i.e., from October 1, 2008 through September 30, 2010).

Senate Bill

Same as the House bill, except that federal matching funds for CSE incentive payments are to be provided for the period October 1, 2008 through December 31, 2010 (i.e., from October 1, 2008 through December 31, 2010).

Conference Agreement

The conference agreement follows the House bill.

One-Time Emergency Payments to Certain Social Security, Supplemental Security Income, Railroad Retirement, Veterans Beneficiaries, and Certain Government Retirees (House bill Sec. 2102; Senate bill Sec. 1601; Conference agreement sections 2201 and 2202).

Section 2201. Economic Recovery Payments to Recipients of Social Security, Supplement Security Income, Railroad Retirement Benefits, and Veterans Disability Compensation or Pension benefits.

Current Law

Title II of the Social Security Act authorizes cash benefits for retired and disabled workers and their dependents and survivors under the Old Age and Survivors Insurance (OASI) and Disability Insurance (DI) programs. Title XVI of the Social Security Act authorizes monthly cash benefits for blind and disabled persons and persons age 65 or over who have limited income and resources under the Supplemental Security Income (SSI) program.

The Railroad Retirement Act of 1974 authorizes cash benefits for retired and disabled railroad workers and their dependents and survivors.

Title 38 of the United States Code authorizes cash benefits for certain veterans and their dependents and survivors.

Current law does not authorize any one-time emergency payments for any of these programs.

Under Title II of the Social Security Act, a person is eligible for Social Security benefits only if he or she has insured status as the result of sufficient employment that was covered by the Social Security system and for which Social Security payroll taxes were paid. Federal employees hired before 1983 were covered by the Civil Service Retirement System (CSRS) and, unless they were eligible for the CSRS-Offset or elected to enroll in the Federal Employees Retirement System (FERS), they are not eligible for Social Security benefits on the basis of their federal service. In addition, some state and local government employees are not covered by the Social Security system and thus are not eligible for Social Security benefits on the basis of their public service.

Current law does not authorize any one-time tax credit for government retirees who are not eligible for Social Security benefits.

House Bill

The House bill authorizes a one-time emergency payment to be made to SSI recipients. This payment must be made by the Social Security Administration (SSA) at the earliest practical date and no more than 120 days after enactment of the law. The amount of this one-time emergency payment would be equal to the average monthly amount of federal SSI benefits paid to an individual (approximately $456) or a married couple (approximately $637) in the most recent month for which data are available.

To be eligible for the one-time emergency payment, a person must be eligible for an SSI benefit, other than a personal needs allowance, for at least one day during the month of the payment. A person who was eligible for an SSI benefit, other than a personal needs allowance, for at least one day during the two-month period preceding the month of the emergency payment and their SSI eligibility ended during the two-month period solely because their income exceeded the SSI income guidelines is also eligible for the one-time emergency payment.

Only persons who are determined by the Commissioner of Social Security in calendar year 2009 to fall into one of the categories described above are eligible for the emergency payment. Thus, a person who is awarded SSI benefits anytime after 2009 would not be eligible for the emergency payment, even if he or she is awarded benefits retroactive to a date before the date of the emergency payment.

The one-time emergency payment would be protected from garnishment and assignment and would not be considered income in the month of receipt and the following 6 months for the purposes of determining eligibility of the recipient (or the recipient's spouse or family) for any means-tested program funded entirely or in part with federal funds.

The House bill provides an appropriation of such sums as may be necessary to carry out this section, including any administrative costs associated with the payment.

Senate Bill

The Senate bill provides for a one-time economic recovery payment of $300 to adult Social Security (Old Age and Survivors Insurance and Disability Insurance) and Railroad Retirement beneficiaries, Supplemental Security Income (SSI) recipients, and veterans receiving compensation or pension benefits from the Department of Veterans Affairs.

The economic recovery payment would be made by the Secretary of the Treasury after eligible beneficiaries are identified by the Social Security Administration (SSA), the Railroad Retirement Board, and the Department of Veterans Affairs. Payments are to be made at the earliest practicable date and in no event later than 120 days after enactment.

To be eligible for the economic recovery payment, a person must have been during the three-month period prior to the month of the enactment: an adult Social Security Old Age and Survivors Insurance (OASI) or Disability Insurance (DI) beneficiary (including adults eligible for child's benefits on the basis of as disability that began before the age of 22, persons eligible under transitional insured status, and persons eligible under special rules for uninsured persons over the age of 72), an adult Railroad Retirement or disability beneficiary (including dependents, survivors, and disabled adult children), a veterans pension or compensation beneficiary, or an SSI recipient (excluding persons who only receive a personal needs allowance).

The Senate bill requires that economic recovery payment recipients live in the United States or its territories. The Senate bill prohibits any person from receiving more than one economic recovery payment regardless of whether the individual is entitled to, or eligible for, more than one benefit or cash payment under this section.

The Senate bill prohibits the payment of an economic recovery payment to any Social Security beneficiary or person eligible for Social Security benefits paid by the Railroad Retirement Board, or SSI recipient, if, for the most recent month of the three-month period prior to enactment the person's benefits were not payable due to his or her status as a prisoner, inmate in a public institute, illegal alien, or fugitive felon.

The bill prohibits an economic recovery payment to any veterans compensation or pension beneficiary if, for the most recent month of the three-month period prior to enactment, the person's benefits were not payable due to his or her status as a prisoner or fugitive felon. It also prohibits the payment of an economic recovery payment to any person who dies before the date he or she is certified as eligible to receive a payment.

The bill limits the applicability of the economic recovery payments to retroactive beneficiaries by providing that no payment may be made for any reason after December 31, 2010.

The economic recovery payment would not be considered income in the month of receipt and the following 9 months for the purposes of determining eligibility of the recipient (or the recipient's spouse or family) for any means-tested program funded entirely or in part with federal funds. The payment would not be considered income for the purposes of taxation and would be protected from garnishment and assignment. However, the payment could be used to collect debts owed to the federal government. Electronic payments and payments to representative payees and fiduciaries would be authorized.

The Senate bill provides additional appropriations for the period from fiscal year 2009 through fiscal year 2011 in the amounts of: $57,000,000 to the Department of the Treasury; $90,000,000 to the SSA; $1,000,000 to the Railroad Retirement Board; and $7,200,000 to the Department of Veterans Affairs for administrative expenses associated with the one-time economic recovery payment. Of the money appropriated to the Department of Veterans Affairs, $100,000 shall be for the Information Systems Technology Account and $7,100,000 for general expenses related to the administration of the economic recovery payment. It also appropriates to the Department of the Treasury such sums as may be necessary for making economic recovery payments.

The Senate bill provides that the amount of a person's Making Work Pay tax credit authorized by Section 1001 of Division A of the Senate bill would be offset by the amount of any economic recovery payment that person receives.

Conference Agreement

The conference agreement follows the Senate bill, with some modifications. The conference agreement directs the Secretary of the Treasury to disburse a onetime Economic Recovery Payment of $250 to adults who were eligible for Social Security benefits, Railroad Retirement benefits, or veteran's compensation or pension benefits; or individuals who were eligible for Supplemental Security Income (SSI) benefits (excluding individuals who receive SSI while in a Medicaid institution). Only individuals who were eligible for one of the four programs for any of the three months prior to the month of enactment shall receive an Economic Recovery Payment.

The provision stipulates that Economic Recovery Payments will only be made to individuals whose address of record is in 1 of the 50 states, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, or the Northern Mariana Islands.

An individual shall only receive one $250 Economic Recovery Payment under this section regardless of whether the individual is eligible for a benefit from more than one of the four federal programs.μ If the individual is also eligible for the ''Making Work Pay'' credit from Section 1001, that credit shall be reduced by the Economic Recovery Payment made under this section.

Individuals who are otherwise eligible for an Economic Recovery Payment will not receive a payment if their federal program benefits have been suspended because they are in prison, a fugitive, a probation or parole violator, have committed fraud, or are no longer lawfully present in the United States.

The provision directs the Commissioner of Social Security, the Railroad Retirement Board, and the Secretary of Veterans Affairs to provide the Secretary of the Treasury with information and data to send the payments to eligible individuals and to disburse the payments.

The provision provides that the Economic Recovery Payments shall not be taken into account as income, or taken into account as resources for the month of receipt and the following 9 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

The provision provides that Economic Recovery Payments shall not be considered gross income for income tax purposes and that the payments are protected by the assignment and garnishment provisions of the four federal benefit programs.μ The payments will be subject to the Treasury Offset Program.

The provision stipulates that if an individual who is eligible for an Economic Recovery Payment has a representative payee, the payment shall be made to the representative payee and the entire payment shall only be used for the benefit of the individual who is entitled to the Economic Recovery Payment.

The provision appropriates the following amounts for FY2009 through FY2011: to the Secretary of the Treasury, $131 million for administrative costs to carry out the provisions of this section and the new Section 36A (the Making Work Pay credit); to the Commissioner of Social Security, such funds as are necessary to make the payments and $90 million to carry out the provisions of this section; to the Railroad Retirement Board, such funds as are necessary to make the payments and $1.4 million to carry out the provisions of this section; and to the Secretary of Veterans Affairs, such funds as are necessary to make the payments, $100,000 for the Information Systems Technology account and $7,100,000 to the General Operating Expenses account.

The Secretary of the Treasury shall commence making payments as soon as possible, but no later than 120 days after the date of enactment. No Economic Recovery Payments shall be made after December 31, 2010.

SECTION 2202. SPECIAL CREDIT FOR CERTAIN GOVERNMENT RETIREES.

Current Law

No provision.

House Bill

No provision.

Senate Bill

No provision.

Conference Agreement

The conference agreement creates a $250 credit ($500 for a joint return where both spouses are eligible) against income taxes owed for tax year 2009 for individuals who receive a government pension or annuity from work not covered by Social Security, and were not eligible to receive a payment under section 2201. If the individual is also eligible for the ''Making Work Pay'' credit from Section 1001, that credit shall be reduced by the credit made under this section.μ Each tax return on which this credit is claimed must include the social security number of the taxpayer (in the case of a joint return, the social security number of at least one spouse).μ The provision states that the credit under this section shall be a refundable credit.

The provision provides that any credit or refund allowed or made by this provision shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following two months for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

The provision is effective on the date of enactment.

TITLE III—HEALTH INSURANCE ASSISTANCE

A. ASSISTANCE FOR COBRA CONTINUATION COVERAGE (SEC. 3002(A) OF THE HOUSE BILL, SEC. 3001 OF THE SENATE AMENDMENT, SEC. 3001 OF THE CONFERENCE AGREEMENT, AND SEC. 4980B AND NEW SECS. 139C, 6432, AND 6720C OF THE CODE)

PRESENT LAW

In general

The Code contains rules that require certain group health plans to offer certain individuals (''qualified beneficiaries'') the opportunity to continue to participate for a specified period of time in the group health plan (''continuation coverage'') after the occurrence of certain events that otherwise would have terminated such participation (''qualifying events'').[228] These continuation coverage rules are often referred to as ''COBRA continuation coverage'' or ''COBRA,'' which is a reference to the acronym for the law that added the continuation coverage rules to the Code.[229]

The Code imposes an excise tax on a group health plan if it fails to comply with the COBRA continuation coverage rules with respect to a qualified beneficiary. The excise tax with respect to a qualified beneficiary generally is equal to $100 for each day in the noncompliance period with respect to the failure. A plan's noncompliance period generally begins on the date the failure first occurs and ends when the failure is corrected. Special rules apply that limit the amount of the excise tax if the failure would not have been discovered despite the exercise of reasonable diligence or if the failure is due to reasonable cause and not willful neglect.

In the case of a multiemployer plan, the excise tax generally is imposed on the group health plan. A multiemployer plan is a plan to which more than one employer is required to contribute, that is maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and more than one employer, and that satisfies such other requirements as the Secretary of Labor may prescribe by regulation. In the case of a plan other than a multiemployer plan (a ''single employer plan''), the excise tax generally is imposed on the employer.

Plans subject to COBRA

A group health plan is defined as a plan of, or contributed to by, an employer (including a self-employed person) or employee organization to provide health care (directly or otherwise) to the employees, former employees, the employer, and others associated or

[228] Sec. 4980B

[229] The COBRA rules were added to the Code by the Consolidated Omnibus Budget Reconciliation Act of 1985, Pub. L. No. 99–272. The rules were originally added as Code sections 162(i) and (k). The rules were later restated as Code section 4980B, pursuant to the Technical and Miscellaneous Revenue Act of 1988, Pub. L. No. 100–647.

formerly associated with the employer in a business relationship, or their families. A group health plan includes a self-insured plan. The term group health plan does not, however, include a plan under which substantially all of the coverage is for qualified long-term care services.

The following types of group health plans are not subject to the Code's COBRA rules: (1) a plan established and maintained for its employees by a church or by a convention or association of churches which is exempt from tax under section 501 (a ''church plan''); (2) a plan established and maintained for its employees by the Federal government, the government of any State or political subdivision thereof, or by any instrumentality of the foregoing (a ''governmental plan'')[230] and (3) a plan maintained by an employer that normally employed fewer than 20 employees on a typical business day during the preceding calendar year[231] (a ''small employer plan'').

Qualifying events and qualified beneficiaries

A qualifying event that gives rise to COBRA continuation coverage includes, with respect to any covered employee, the following events which would result in a loss of coverage of a qualified beneficiary under a group health plan (but for COBRA continuation coverage): (1) death of the covered employee; (2) the termination (other than by reason of such employee's gross misconduct), or a reduction in hours, of the covered employee's employment; (3) divorce or legal separation of the covered employee; (4) the covered employee becoming entitled to Medicare benefits under title XVIII of the Social Security Act; (5) a dependent child ceasing to be a dependent child under the generally applicable requirements of the plan; and (6) a proceeding in a case under the U.S. Bankruptcy Code commencing on or after July 1, 1986, with respect to the employer from whose employment the covered employee retired at any time.

A ''covered employee'' is an individual who is (or was) provided coverage under the group health plan on account of the performance of services by the individual for one or more persons maintaining the plan and includes a self-employed individual. A ''qualified beneficiary'' means, with respect to a covered employee, any individual who on the day before the qualifying event for the employee is a beneficiary under the group health plan as the spouse or dependent child of the employee. The term qualified beneficiary also includes the covered employee in the case of a qualifying event that is a termination of employment or reduction in hours.

Continuation coverage requirements

Continuation coverage that must be offered to qualified beneficiaries pursuant to COBRA must consist of coverage which, as of the time coverage is being provided, is identical to the coverage provided under the plan to similarly situated non-COBRA beneficiaries under the plan with respect to whom a qualifying event has not occurred. If coverage under a plan is modified for any group of similarly situated non-COBRA beneficiaries, the coverage must also be modified in the same manner for qualified beneficiaries. Similarly situated non-COBRA beneficiaries means the group of covered employees, spouses of covered employees, or dependent children of covered employees who (i) are receiving coverage under the group health plan for a reason other than pursuant to COBRA, and (ii) are the most similarly situated to the situation of the qualified beneficiary immediately before the qualifying event, based on all of the facts and circumstances.

The maximum required period of continuation coverage for a qualified beneficiary (i.e., the minimum period for which continuation coverage must be offered) depends upon a number of factors, including the specific qualifying event that gives rise to a qualified beneficiary's right to elect continuation coverage. In the case of a qualifying event that is the termination, or reduction of hours, of a covered employee's employment, the minimum period of coverage that must be offered to the qualified beneficiary is coverage for the period beginning with the loss of coverage on account of the qualifying event and ending on the date that is 18 months[232] after the date of the qualifying event. If coverage under a plan is lost on account of a qualifying event but the loss of coverage actually occurs at a later date, the minimum coverage period may be extended by the plan so that it is measured from the date when coverage is actually lost.

The minimum coverage period for a qualified beneficiary generally ends upon the earliest to occur of the following events: (1) the date on which the employer ceases to provide any group health plan to any employee, (2) the date on which coverage ceases under the plan by reason of a failure to make timely payment of any premium required with respect to the qualified beneficiary, and (3) the date on which the qualified beneficiary first becomes (after the date of election of continuation coverage) either (i) covered under any other group health plan (as an employee or otherwise) which does not include any exclusion or limitation with respect to any preexisting condition of such beneficiary or (ii) entitled to Medicare benefits under title XVIII of the Social Security Act. Mere eligibility for another group health plan or Medicare benefits is not sufficient to terminate the minimum coverage period. Instead, the qualified beneficiary must be actually covered by the other group health plan or enrolled in Medicare. Coverage under another group health plan or enrollment in Medicare does not terminate the minimum coverage period if such other coverage or Medicare enrollment begins on or before the date that continuation coverage is elected.

Election of continuation coverage

The COBRA rules specify a minimum election period under which a qualified beneficiary is entitled to elect continuation coverage. The election period begins not later than the date on which coverage under the plan terminates on account of the qualifying event, and ends not earlier than the later of 60 days or 60 days after notice is given to the qualified beneficiary of the qualifying event and the beneficiary's election rights.

Notice requirements

A group health plan is required to give a general notice of COBRA continuation coverage rights to employees and their spouses at the time of enrollment in the group health plan.

An employer is required to give notice to the plan administrator of certain qualifying events (including a loss of coverage on account of a termination of employment or reduction in hours) generally within 30 days of the qualifying event. A covered employee or qualified beneficiary is required to give notice to the plan administrator of certain qualifying events within 60 days after the event. The qualifying events giving rise to an employee or beneficiary notification requirement are the divorce or legal separation of the covered employee or a dependent child ceasing to be a dependent child under the terms of the plan. Upon receiving notice of a qualifying event from the employer, covered employee, or qualified beneficiary, the plan administrator is then required to give notice of COBRA continuation coverage rights within 14 days to all qualified beneficiaries with respect to the event.

Premiums

A plan may require payment of a premium for any period of continuation coverage. The amount of such premium generally may not exceed 102 percent[233] of the ''applicable premium'' for such period and the premium must be payable, at the election of the payor, in monthly installments.

The applicable premium for any period of continuation coverage means the cost to the plan for such period of coverage for similarly situated non-COBRA beneficiaries with respect to whom a qualifying event has not occurred, and is determined without regard to whether the cost is paid by the employer or employee. The determination of any applicable premium is made for a period of 12 months (the ''determination period'') and is required to be made before the beginning of such 12 month period.

In the case of a self-insured plan, the applicable premium for any period of continuation coverage of qualified beneficiaries is equal to a reasonable estimate of the cost of providing coverage during such period for similarly situated non-COBRA beneficiaries which is determined on an actuarial basis and takes into account such factors as the Secretary of Treasury prescribes in regulations. A self-insured plan may elect to determine the applicable premium on the basis of an adjusted cost to the plan for similarly situated non-COBRA beneficiaries during the preceding determination period.

A plan may not require payment of any premium before the day which is 45 days after the date on which the qualified beneficiary made the initial election for continuation coverage. A plan is required to treat any required premium payment as timely if it is made within 30 days after the date the premium is due or within such longer period as applies to, or under, the plan.

Other continuation coverage rules

Continuation coverage rules which are parallel to the Code's continuation coverage rules apply to group health plans under the Employee Retirement Income Security Act of 1974 (ERISA).[234] ERISA generally permits the Secretary of Labor and plan participants to bring a civil action to obtain appropriate equitable relief to enforce the continuation coverage rules of ERISA, and in the case of a plan administrator who fails to give timely notice to a participant or beneficiary with

[230] A governmental plan also includes certain plans established by an Indian tribal government.

[231] If the plan is a multiemployer plan, then each of the employers contributing to the plan for a calendar year must normally employ fewer than 20 employees during the preceding calendar year.

[232] In the case of a qualified beneficiary who is determined, under Title II or XVI of the Social Security Act, to have been disabled during the first 60 days of continuation coverage, the 18 month minimum coverage period is extended to 29 months with respect to all qualified beneficiaries if notice is given before the end of the initial 18 month continuation coverage period.

[233] In the case of a qualified beneficiary whose minimum coverage period is extended to 29 months on account of a disability determination, the premium for the period of the disability extension may not exceed 150 percent of the applicable premium for the period.

[234] Secs. 601 to 608 of ERISA.

respect to COBRA continuation coverage, a court may hold the plan administrator liable to the participant or beneficiary in the amount of up to $110 a day from the date of such failure.

Although the Federal government and State and local governments are not subject to the Code and ERISA's continuation coverage rules, other laws impose similar continuation coverage requirements with respect to plans maintained by such governmental employers.[235] In addition, many States have enacted laws or promulgated regulations that provide continuation coverage rights that are similar to COBRA continuation coverage rights in the case of a loss of group health coverage. Such State laws, for example, may apply in the case of a loss of coverage under a group health plan maintained by a small employer.

HOUSE BILL

Reduced COBRA premium

The provision provides that, for a period not exceeding 12 months, an assistance eligible individual is treated as having paid any premium required for COBRA continuation coverage under a group health plan if the individual pays 35 percent of the premium.[236] Thus, if the assistance eligible individual pays 35 percent of the premium, the group health plan must treat the individual as having paid the full premium required for COBRA continuation coverage, and the individual is entitled to a subsidy for 65 percent of the premium. An assistance eligible individual is any qualified beneficiary who elects COBRA continuation coverage and satisfies two additional requirements. First, the qualifying event with respect to the covered employee for that qualified beneficiary must be a loss of group health plan coverage on account of an involuntary termination of the covered employee's employment. However, a termination of employment for gross misconduct does not qualify (since such a termination under present law does not qualify for COBRA continuation coverage). Second, the qualifying event must occur during the period beginning September 1, 2008 and ending with December 31, 2009 and the qualified beneficiary must be eligible for COBRA continuation coverage during that period and elect such coverage.

An assistance eligible individual can be any qualified beneficiary associated with the relevant covered employee (e.g., a dependent of an employee who is covered immediately prior to a qualifying event), and such qualified beneficiary can independently elect COBRA (as provided under present law COBRA rules) and independently receive a subsidy. Thus, the subsidy for an assistance eligible individual continues after an intervening death of the covered employee.

Under the provision, any subsidy provided is excludible from the gross income of the covered employee and any assistance eligible individuals. However, for purposes of determining the gross income of the employer and any welfare benefit plan of which the group health plan is a part, the amount of the premium reduction is intended to be treated as an employee contribution to the group health plan. Finally, under the provision, notwithstanding any other provision of law, the subsidy is not permitted to be considered as income or resources in determining eligibility for, or the amount of assistance or benefits under, any public benefit provided under Federal or State law (including the law of any political subdivision).

Eligible COBRA continuation coverage

Under the provision, continuation coverage that qualifies for the subsidy is not limited to coverage required to be offered under the Code's COBRA rules but also includes continuation coverage required under State law that requires continuation coverage comparable to the continuation coverage required under the Code's COBRA rules for group health plans not subject to those rules (e.g., a small employer plan) and includes continuation coverage requirements that apply to health plans maintained by the Federal government or a State government. Comparable continuation coverage under State law does not include every State law right to continue health coverage, such as a right to continue coverage with no rules that limit the maximum premium that can be charged with respect to such coverage. To be comparable, the right generally must be to continue substantially similar coverage as was provided under the group health plan (or substantially similar coverage as is provided to similarly situated beneficiaries) at a monthly cost that is based on a specified percentage of the group health plan's cost of providing such coverage.

The cost of coverage under any group health plan that is subject to the Code's COBRA rules (or comparable State requirements or continuation coverage requirement under health plans maintained by the Federal government or any State government) is eligible for the subsidy, except contributions to a health flexible spending account.

Termination of eligibility for reduced premiums

The assistance eligible individual's eligibility for the subsidy terminates with the first month beginning on or after the earlier of (1) the date which is 12 months after the first day of the first month for which the subsidy applies, (2) the end of the maximum required period of continuation coverage for the qualified beneficiary under the Code's COBRA rules or the relevant State or Federal law (or regulation), or (3) the date that the assistance eligible individual becomes eligible for Medicare benefits under title XVIII of the Social Security Act or health coverage under another group health plan (including, for example, a group health plan maintained by the new employer of the individual or a plan maintained by the employer of the individual's spouse). However, eligibility for coverage under another group health plan does not terminate eligibility for the subsidy if the other group health plan provides only dental, vision, counseling, or referral services (or a combination of the foregoing), is a health flexible spending account or health reimbursement arrangement, or is coverage for treatment that is furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or a combination of such care).

If a qualified beneficiary paying a reduced premium for COBRA continuation coverage under this provision becomes eligible for coverage under another group health plan or Medicare, the provision requires the qualified beneficiary to notify, in writing, the group health plan providing the COBRA continuation coverage with the reduced premium of such eligibility under the other plan or Medicare. The notification by the assistance eligible individual must be provided to the group health plan in the time and manner as is specified by the Secretary of Labor. If an assistance eligible individual fails to provide this notification at the required time and in the required manner, and as a result the individual's COBRA continuation coverage continues to be subsidized after the termination of the individual's eligibility for such subsidy, a penalty is imposed on the individual equal to 110 percent of the subsidy provided after termination of eligibility.

This penalty only applies if the subsidy in the form of the premium reduction is actually provided to a qualified beneficiary for a month that the beneficiary is not eligible for the reduction. Thus, for example, if a qualified beneficiary becomes eligible for coverage under another group health plan and stops paying the reduced COBRA continuation premium, the penalty generally will not apply. As discussed below, under the provision, the group health plan is reimbursed for the subsidy for a month (65 percent of the amount of the premium for the month) only after receipt of the qualified beneficiary's portion (35 percent of the premium amount). Thus, the penalty generally will only arise when the qualified beneficiary continues to pay the reduced premium and does not notify the group health plan providing COBRA continuation coverage of the beneficiary's eligibility under another group health plan or Medicare.

Special COBRA election opportunity

The provision provides a special 60 day election period for a qualified beneficiary who is eligible for a reduced premium and who has not elected COBRA continuation coverage as of the date of enactment. The 60 day election period begins on the date that notice is provided to the qualified beneficiary of the special election period. However, this special election period does not extend the period of COBRA continuation coverage beyond the original maximum required period (generally 18 months after the qualifying event) and any COBRA continuation coverage elected pursuant to this special election period begins on the date of enactment and does not include any period prior to that date. Thus, for example, if a covered employee involuntarily terminated employment on September 10, 2008, but did not elect COBRA continuation coverage and was not eligible for coverage under another group health plan, the employee would have 60 days after date of notification of this new election right to elect the coverage and receive the subsidy. If the employee made the election, the coverage would begin with the date of enactment and would not include any period prior to that date. However, the coverage would not be required to last for 18 months. Instead the maximum required COBRA continuation coverage period would end not later than 18 months after September 10, 2008.

The special enrollment provision applies to a group health plan that is subject to the

[235] Continuation coverage rights similar to COBRA continuation coverage rights are provided to individuals covered by health plans maintained by the Federal government. 5 U.S.C. sec. 8905a. Group health plans maintained by a State that receives funds under Chapter 6A of Title 42 of the United States Code (the Public Health Service Act) are required to provide continuation coverage rights similar to COBRA continuation coverage rights for individuals covered by plans maintained by such State (and plans maintained by political subdivisions of such State and agencies and instrumentalities of such State or political subdivision of such State). 42 U.S.C. sec. 300bb–1.

[236] For this purpose, payment by an assistance eligible individual includes payment by another individual paying on behalf of the individual, such as a parent or guardian, or an entity paying on behalf of the individual, such as a State agency or charity. Further, the amount of the premium used to calculate the reduced premium is the premium amount that the employee would be required to pay for COBRA continuation coverage absent this premium reduction (e.g. 102 percent of the ''applicable premium'' for such period).

COBRA continuation coverage requirements of the Code, ERISA, Title 5 of the United States Code (relating to plans maintained by the Federal government), or the Public Health Service Act (''PHSA'').

With respect to an assistance eligible individual who elects coverage pursuant to the special election period, the period beginning on the date of the qualifying event and ending with the day before the date of enactment is disregarded for purposes of the rules that limit the group health plan from imposing pre-existing condition limitations with respect to the individual's coverage.[237]

Reimbursement of group health plans

The provision provides that the entity to which premiums are payable (determined under the applicable COBRA continuation coverage requirement)[238] shall be reimbursed by the amount of the premium for COBRA continuation coverage that is no aid by an assistance eligible individual on account of the premium reduction. An entity is not eligible for subsidy reimbursement, however, until the entity has received the reduced premium payment from the assistance eligible individual. To the extent that such entity has liability for income tax withholding from wages[239] or FICA taxes[240] with respect to its employees, the entity is reimbursed by treating the amount that is reimbursable to the entity as a credit against its liability for these payroll taxes.[241] To the extent that such amount exceeds the amount of the entity's liability for these payroll taxes, the Secretary shall reimburse the entity for the excess directly. The provision requires any entity entitled to such reimbursement to submit such reports as the Secretary of Treasury may require, including an attestation of the involuntary termination of employment of each covered employee on the basis of whose termination entitlement to reimbursement of premiums is claimed, and a report of the amount of payroll taxes offset for a reporting period and the estimated offsets of such taxes for the next reporting period. This report is required to be provided at the same time as the deposits of the payroll taxes would have been required, absent the offset, or such times as the Secretary specifies.

Notice requirements

The notice of COBRA continuation coverage that a plan administrator is required to provide to qualified beneficiaries with respect to a qualifying event under present law must contain, under the provision, additional information including, for example, information about the qualified beneficiary's right to the premium reduction (and subsidy) and the conditions on the subsidy, and a description of the obligation of the qualified beneficiary to notify the group health plan of eligibility under another group health plan or eligibility for Medicare benefits under title XVIII of the Social Security Act, and the penalty for failure to provide this notification. The provision also requires a new notice to be given to qualified beneficiaries entitled to a special election period after enactment. In the case of group health plans that are not subject to the COBRA continuation coverage requirements of the Code, ERISA, Title 5 of the United States Code (relating to plans maintained by the Federal government), or PHSA, the provision requires that notice be given to the relevant employees and beneficiaries as well, as specified by the Secretary of Labor. Within 30 days after enactment, the Secretary of Labor is directed to provide model language for the additional notification required under the provision. The provision also provides an expedited 10–day review process by the Department of Labor, under which an individual may request review of a denial of treatment as an assistance eligible individual by a group health plan.

Regulatory authority

The provision provides authority to the Secretary of the Treasury to issue regulations or other guidance as may be necessary or appropriate to carry out the provision, including any reporting requirements or the establishment of other methods for verifying the correct amounts of payments and credits under the provision. For example, the Secretary of the Treasury might require verification on the return of an assistance eligible individual who is the covered employee that the individual's termination of employment was involuntary. The provision directs the Secretary of the Treasury to issue guidance or regulations addressing the reimbursement of the subsidy in the case of a multiemployer group health plan. The provision also provides authority to the Secretary of the Treasury to promulgate rules, procedures, regulations, and other guidance as is necessary and appropriate to prevent fraud and abuse in the subsidy program, including the employment tax offset mechanism.

Reports

The provision requires the Secretary of the Treasury to submit an interim and a final report regarding the implementation of the premium reduction provision. The interim report is to include information about the number of individuals receiving assistance, and the total amount of expenditures incurred, as of the date of the report. The final report, to be issued as soon as practicable after the last period of COBRA continuation coverage for which premiums are provided, is to include similar information as provided in the interim report, with the addition of information about the average dollar amount (monthly and annually) of premium reductions provided to such individuals. The reports are to be given to the Committee on Ways and Means, the Committee on Energy and Commerce, the Committee on Health Education, Labor and Pensions and the Committee on Finance.

Effective date

The provision is effective for premiums for months of coverage beginning on or after the date of enactment. However, it is intended that a group health plan will not fail to satisfy the requirements for COBRA continuation coverage merely because the plan accepts payment of 100 percent of the premium from an assistance eligible employee during the first two months beginning on or after the date of enactment while the premium reduction is being implemented, provided the amount of the resulting premium overpayment is credited against the individual's premium (35 percent of the premium) for future months or the overpayment is otherwise repaid to the employee as soon as practical.

SENATE AMENDMENT

The Senate amendment is the same as the House bill with certain modifications. The amount of the COBRA the premium reduction (or subsidy) is 50 percent of the required premium under the Senate amendment (rather than 65 percent as provided under the House bill).

In addition, a group health plan is permitted to provide a special enrollment right to assistance-eligible individuals to allow them to change coverage options under the plan in conjunction with electing COBRA continuation coverage. Under this special enrollment right, the assistance eligible individual must only be offered the option to change to any coverage option offered to employed workers that provides the same or lower health insurance premiums than the individual's group health plan coverage as of the date of the covered employee's qualifying event. If the individual elects a different coverage option under this special enrollment right in conjunction with electing COBRA continuation coverage, this is the coverage that must be provided for purposes of satisfying the COBRA continuation coverage requirement. However the coverage plan option into which the individual must be given the opportunity to enroll under this special enrollment right does not include the following: a coverage option providing only dental, vision, counseling, or referral services (or a combination of the foregoing); a health flexible spending account or health reimbursement arrangement; or coverage for treatment that is furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or a combination of such care).

Effective date.—The provision is effective for months of coverage beginning after the date of enactment. In addition, the Senate amendment specifically provides rules for reimbursement of an assistance eligible individual if such individual pays 100 percent of the premium required for COBRA continuation coverage for any month during the 60-day period beginning on the first day of the first month after the date of enactment. The person who receives the premium overpayment is permitted to provide a credit to the assistance eligible individual for the amount overpaid against one or more subsequent premiums (subject to the 50 percent payment rule) for COBRA continuation coverage, but only if it is reasonable to believe that the credit for the excess will be used by the assistance eligible individual within 180 days of the individual's overpayment. Otherwise, the person must make a reimbursement payment to the individual for the amount of the premium overpayment within 60 days of receiving the overpayment. Further, if as of any day during the 180-day period it is no longer reasonable to believe that the credit will be

[237] Section 9801 provides that a group health plan may impose a pre-existing condition exclusion for no more than 12 months after a participant or beneficiary's enrollment date. Such 12–month period must be reduced by the aggregate period of creditable coverage (which includes periods of coverage under another group health plan). A period of creditable coverage can be disregarded if, after the coverage period and before the enrollment date, there was a 63-day period during which the individual was not covered under any creditable coverage. Similar rules are provided under ERISA and PHSA.

[238] Applicable continuation coverage that qualifies for the subsidy and thus for reimbursement is not limited to coverage required to be offered under the Code's COBRA rules but also includes continuation coverage required under State law that requires continuation coverage comparable to the continuation coverage required under the Code's COBRA rules for group health plans not subject to those rules (e.g., a small employer plan) and includes continuation coverage requirements that apply to health plans maintained by the Federal government or a State government.

[239] Sec. 3401.

[240] Sec. 3102 (relating to FICA taxes applicable to employees) and sec. 3111 (relating to FICA taxes applicable to employers).

[241] In determining any amount transferred or appropriated to any fund under the Social Security Act, amounts credited against an employer's payroll tax obligations pursuant to the provision shall not be taken into account.

used during that period by the assistance eligible individual (e.g., the individual ceases to be eligible for COBRA continuation coverage), payment equal to the remainder of the credit outstanding must be made to the individual within 60 days of such day.

CONFERENCE AGREEMENT

In general

The conference agreement generally follows the House bill. Thus, as under the House bill, the rate of the premium subsidy is 65 percent of the premium for a period of coverage. However, the period of the premium subsidy is limited to a maximum of 9 months of coverage (instead of a maximum of 12 months). As under the House bill and Senate amendment, the premium subsidy is only provided with respect to involuntary terminations that occur on or after September 1, 2008, and before January 1, 2010.

The conference agreement includes the provision in the Senate amendment that permits a group health plan to provide a special enrollment right to assistance eligible individuals to allow them to change coverage options under the plan in conjunction with electing COBRA continuation coverage.[242] This provision only allows a group health plan to offer additional coverage options to assistance eligible individuals and does not change the basic requirement under Federal COBRA continuation coverage requirements that a group health plan must allow an assistance eligible individual to choose to continue with the coverage in which the individual is enrolled as of the qualifying event.[243] However, once the election of the other coverage is made, it becomes COBRA continuation coverage under the applicable COBRA continuation provisions. Thus, for example, under the Federal COBRA continuation coverage provisions, if a covered employee chooses different coverage pursuant to being provided this option, the different coverage elected must generally be permitted to be continued for the applicable required period (generally 18 months or 36 months, absent an event that permits coverage to be terminated under the Federal COBRA continuation provisions) even though the premium subsidy is only for nine months.

The conference agreement adds an income threshold as an additional condition on an individual's entitlement to the premium subsidy during any taxable year. The income threshold applies based on the modified adjusted gross income for an individual income tax return for the taxable year in which the subsidy is received (i.e., either 2009 or 2010) with respect to which the assistance eligible individual is the taxpayer, the taxpayer's spouse or a dependent of the taxpayer (within the meaning of section 152 of the Code, determined without regard to sections 152(b)(1), (b)(2) and (d)(1)(B)). Modified adjusted gross income for this purpose means adjusted gross income as defined in section 62 of the Code increased by any amount excluded from gross income under section 911, 931, or 933 of the Code. Under this income threshold, if the premium subsidy is provided with respect to any COBRA continuation coverage which covers the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer during a taxable year and the taxpayer's modified adjusted gross income exceeds $145,000 (or $290,000 for joint filers), then the amount of the premium subsidy for all months during the taxable year must be repaid. The mechanism for repayment is an increase in the taxpayer's income tax liability for the year equal to such amount. For taxpayers with adjusted gross income between $125,000 and $145,000 (or $250,000 and $290,000 for joint filers), the amount of the premium subsidy for the taxable year that must be repaid is reduced proportionately.

Under this income threshold, for example, an assistance eligible individual who is eligible for Federal COBRA continuation coverage based on the involuntary termination of a covered employee in August 2009 but who is not entitled to the premium subsidy for the periods of coverage during 2009 due to having income above the threshold, may nevertheless be entitled to the premium subsidy for any periods of coverage in the remaining period (e.g. 5 months of coverage) during 2010 to which the subsidy applies if the modified adjusted gross income for 2010 of the relevant taxpayer is not above the income threshold.

The conference report allows an individual to make a permanent election (at such time and in such form as the Secretary of Treasury may prescribe) to waive the right to the premium subsidy for all periods of coverage. For the election to take effect, the individual must notify the entity (to which premiums are reimbursed under section 6432(a) of the Code) of the election. This waiver provision allows an assistance eligible individual who is certain that the modified adjusted gross income limit prevents the individual from being entitled to any premium subsidy for any coverage period to decline the subsidy for all coverage periods and avoid being subject to the recapture tax. However, this waiver applies to all periods of coverage (regardless of the tax year of the coverage) for which the individual might be entitled to the subsidy. The premium subsidy for any period of coverage cannot later be claimed as a tax credit or otherwise be recovered, even if the individual later determines that the income threshold was not exceeded for a relevant tax year. This waiver is made separately by each qualified beneficiary (who could be an assistance eligible individual) with respect to a covered employee.

Technical chances

The conference agreement makes a number of technical changes to the COBRA premium subsidy provisions in the House bill. The conference agreement clarifies that a reference to a period of coverage in the provision is a reference to the monthly or shorter period of coverage with respect to which premiums are charged with respect to such coverage. For example, the provision is effective for a period of coverage beginning after the date of enactment. In the case of a plan that provides and charges for COBRA continuation coverage on a calendar month basis, the provision is effective for the first calendar month following date of enactment.

The conference agreement specifically provides that if a person other than the individual's employer pays on the individual's behalf then the individual is treated as paying 35 percent of the premium, as required to be entitled to the premium subsidy. Thus, the conference agreement makes clear that, for this purpose, payment by an assistance eligible individual includes payment by another individual paying on behalf of the individual, such as a parent or guardian, or an entity paying on behalf of the individual, such as a State agency or charity.

The conference agreement clarifies that, for the special 60 day election period for a qualified beneficiary who is eligible for a reduced premium and who has not elected COBRA continuation coverage as of the date of enactment provided in the House bill, the election period begins on the date of enactment and ends 60 days after the notice is provided to the qualified beneficiary of the special election period. In addition, the conference agreement clarifies that coverage elected under this special election right begins with the first period of coverage beginning on or after the date of enactment. The conference agreement also extends this special COBRA election opportunity to a qualified beneficiary who elected COBRA coverage but who is no longer enrolled on the date of enactment, for example, because the beneficiary was unable to continue paying the premium.

The conference agreement clarifies that a violation of the new notice requirements is also a violation of the notice requirements of the underlying COBRA provision. As under the House bill, a notice must be provided to all individuals who terminated employment during the applicable time period, and not just to individuals who were involuntarily terminated.

As under the House bill, coverage under a flexible spending account (''FSA'') is not eligible for the subsidy. The conference agreement clarifies that a FSA is defined as a health flexible spending account offered under a cafeteria plan within the meaning of section 125 of the Code.[244]

As under the House bill, there is a provision for expedited review, by the Secretary of Labor or Health and Human Services (in consultation with the Secretary of the Treasury), of denials of the premium subsidy. Under the conference agreement, such reviews must be completed within 15 business days (rather than 10 business days as provided in the House bill) after receipt of the individual's application for review. The conference agreement is intended to give the Secretaries the flexibility necessary to make determinations within 15 business days based upon evidence they believe, in their discretion, to be appropriate. Additionally, the conference agreement intends that, if an individual is denied treatment as an assistance eligible individual and also submits a claim for benefits to the plan that would be denied by reason of not being eligible for Federal COBRA continuation coverage (or failure to pay full premiums), the individual would be eligible to proceed with expedited review irrespective of any claims for benefits that may be pending or subject to review under the provisions of ERISA 503. Under the conference agreement, either Secretary's determination upon review is de novo and is the final determination of such Secretary.

The conference agreement clarifies the reimbursement mechanism for the premium subsidy in several respects. First, it clarifies that the person to whom the reimbursement is payable is either (1) the multiemployer group health plan, (2) the employer maintaining the group health plan subject to Federal COBRA continuation coverage requirements, and (3) the insurer providing coverage under an insured plan. Thus, this is the person who is eligible to offset its payroll taxes for purposes of reimbursement. It also clarifies that the credit for the reimbursement is

[242] An employer can make this option available to covered employees under current law.

[243] All references to ''Federal COBRA continuation coverage'' mean the COBRA continuation coverage provisions of the Code, ERISA, and PHSA.

[244] Other FSA coverage does not terminate eligibility for coverage. Coverage under another group Health Reimbursement Account (''HRA'') will not terminate an individual's eligibility for the subsidy as long as the HRA is properly classified as an FSA under relevant IRS guidance. See Notice 2002–45, 2002–2 CB 93.

treated as a payment of payroll taxes. Thus, it clarifies that any reimbursement for an amount in excess of the payroll taxes owed is treated in the same manner as a tax refund. Similarly, it clarifies that overstatement of reimbursement is a payroll tax violation. For example, IRS can assert appropriate penalties for failing to truthfully account for the reimbursement. However, it is not intended that any portion of the reimbursement is taken into account when determining the amount of any penalty to be imposed against any person, required to collect, truthfully account for, and pay over any tax under section 6672 of the Code.

It is intended that reimbursement not be mirrored in the U.S. possessions that have mirror income tax codes (the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands). Rather, the intent of Congress is that reimbursement will have direct application to persons in those possessions. Moreover, it is intended that income tax withholding payable to the government of any possession (American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, or the Virgin Islands) (in contrast with FICA withholding payable to the U.S. Treasury) will not be reduced as a result of the application of this provision. A person liable for both FICA withholding payable to the U.S. Treasury and income tax withholding payable to a possession government will be credited or refunded any excess of (1) the amount of FICA taxes treated as paid under the reimbursement rule of the provision over (2) the amount of the person's liability for those FICA taxes.

Effective date

The provision is effective for periods of coverage beginning after the date of enactment. In addition, specific rules are provided in the case of an assistance eligible individual who pays 100 percent of the premium required for COBRA continuation coverage for any coverage period during the 60-day period beginning on the first day of the first coverage period after the date of enactment. Such rules follow the Senate amendment.

B. EXTENSION OF MINIMUM COBRA CONTINUATION COVERAGE (SEC. 3002(B) OF THE HOUSE BILL)

PRESENT LAW

A covered employee's termination of employment (other than for gross misconduct), whether voluntary or involuntary, is a COBRA qualifying [245] A covered employee's reduction in hours of employment, whether voluntary or involuntary, is also a COBRA qualifying event if the reduction results in a loss of employer sponsored group health plan coverage.[246]

The minimum length of coverage continuation that must be offered to a qualified beneficiary depends upon a number of factors, including the specific qualifying event that gives rise to a qualified beneficiary's right to elect coverage continuation. In the case of a qualifying event that is the termination, or reduction of hours, of a covered employee's employment, the minimum period of coverage that must be offered to each qualified beneficiary generally must extend until 18 months after the date of the qualifying event.[247] Under certain circumstances, however, the coverage continuation period can be extended up to a maximum total of 36 months. For example, if a second qualifying event occurs within the initial 18 month continuation period the initial period will be extended up to an additional 18 months (for a total of 36 months) for qualified beneficiaries other than the covered employee. Similarly, if a qualified beneficiary is determined to be disabled for purposes of Social Security during the first 60 days of the initial 18 month continuation coverage period, the initial 18 month period may be extended up to an additional 11 months (for a total of 29 months) for the disabled beneficiary and all of his or her covered family members. If a second qualifying event then occurs during the additional 11 month coverage period, the continuation period may be extended for another seven months, for a total of 36 months of continuation coverage.

HOUSE BILL

The provision amends section 4980B(f)(2)(B) to provide extended COBRA coverage periods for covered employees who qualify for COBRA continuation coverage due to termination of employment or reduction in hours and who (a) are age 55 or older, or (b) have 10 or more years of service with the employer, at the time of the qualifying event. Such individuals would be permitted to continue their COBRA coverage until the earlier of enrollment for Medicare benefits under title XVIII of the Social Security Act, becomes covered under another group health plan. (described in section 4980B(f)(2)(B)(iv)), or termination of all health plans sponsored by the employer offering the COBRA coverage. The extended coverage period would apply to all qualified beneficiaries of the covered employee.

(3) The provision makes parallel changes to ERISA and PHSA.

Effective date.—The provision is effective for periods of coverage which would (without regard to any amendments made by the provision) end on or after the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

MODIFY THE HEALTH COVERAGE TAX CREDIT (SECS. 1899 TO 1899L OF THE CONFERENCE AGREEMENT AND SECS. 35, 4980B, 7527, AND 9801 OF THE CODE)

PRESENT LAW

In general

Under the Trade Act of 2002,[248] in the case of taxpayers who are eligible individuals, a refundable tax credit is provided for 6 percent of the taxpayer's premiums for qualified health insurance of the taxpayer and qualifying family members for each eligible coverage month beginning in the taxable year. The credit is commonly referred to as the health coverage tax credit (''HCTC''). The credit is available only with respect to amounts paid by the taxpayer. The credit is available on an advance basis.[249]

Qualifying family members are the taxpayer's spouse and any dependent of the taxpayer with respect to whom the taxpayer is entitled to claim a dependency exemption. Any individual who has other specified coverage is not a qualifying family member.

Persons eligible for the credit

Eligibility for the credit is determined on a monthly basis. In general, an eligible coverage month is any month if, as of the first day of the month, the taxpayer (1) is an eligible individual, (2) is covered by qualified health insurance, (3) does not have other specified coverage, and (4) is not imprisoned under Federal, State, or local authority.[250] In the case of a joint return, the eligibility requirements are met if at least one spouse satisfies the requirements.

An eligible individual is an individual who is (1) an eligible TAA recipient, (2) an eligible alternative Trade Adjustment Assistance (''TAA'') recipient, or (3) an eligible Pension Benefit Guaranty Corporation (''PBGC'') pension recipient.

An individual is an eligible TAA recipient during any month the individual (1) is receiving for any day of such month a trade readjustment allowance [251] or who would be eligible to receive such an allowance but for the requirement that the individual exhaust unemployment benefits before being eligible to receive an allowance and (2) with respect to such allowance, is covered under a certification issued under subchapter A or D of chapter 2 of title II of the Trade Act of 1974. An individual is treated as an eligible TAA recipient during the first month that such individual would otherwise cease to be an eligible TAA recipient.

An individual is an eligible alternative TAA recipient during any month if the individual (1) is a worker described in section 246(a)(3)(B) of the Trade Act of 1974 who is participating in the program established under section 246(a)(1) of such Act, and (2) is receiving a benefit for such month under section 246(a)(2) of such Act. An individual is treated as an eligible alternative TAA recipient during the first month that such individual would otherwise cease to be an eligible TAA recipient.

An individual is a PBGC pension recipient for any month if he or she (1) is age 55 or over as of the first day of the month, and (2) is receiving a benefit any portion of which is paid by the PBGC. The IRS has interpreted the definition of PBGC pension recipient to also include certain alternative recipients and recipients who have received certain lump-sum payments on or after August 6, 2002. A person is not an eligible individual if he or she may be claimed as a dependent on another person's tax return.

An otherwise eligible taxpayer is not eligible for the credit for a month if, as of the first day of the month, the individual has other specified coverage. Other specified coverage is (1) coverage under any insurance which constitutes medical care (except for insurance substantially all of the coverage of which is for excepted benefits) [252] maintained

[245] Sec. 4980B(f)(3)(B); Treas. Reg. 54.4980B–4.

[246] Sec. 4980(f)(3)(B).

[247] Sec. 4980B((f)(2)(B)(i)(I). If coverage under a plan is lost on account of a qualifying event but the loss of coverage actually occurs at a later date, the minimum coverage period may be extended by the plan so that it is measured from the date when coverage is actually lost.

[248] Pub. L. No. 107–210 (2002).

[249] An individual is eligible for the advance payment of the credit once a qualified health insurance costs credit eligibility certificate is in effect. Sec. 7527. Unless otherwise indicated, all ''section'' references are to the Internal Revenue Code of 1986, as amended.

[250] An eligible month must begin after November 4, 2002. This date is 90 days after the date of enactment of the Trade Act of 2002, which was August 6, 2002.

[251] The eligibility rules and conditions for such an allowance are specified in chapter 2 of title II of the Trade Act of 1974. Among other requirements, payment of a trade readjustment allowance is conditioned upon the individual enrolling in certain training programs or receiving a waiver of training requirements.

[252] Excepted benefits are: (1) coverage only for accident or disability income or any combination thereof; (2) coverage issued as a supplement to liability insurance; (3) liability insurance, including general liability insurance and automobile liability insurance; (4) worker's compensation or similar insurance; (5) automobile medical payment insurance; (6)

by an employer (or former employer) if at least 50 percent of the cost of the coverage is paid by an employer[253] (or former employer) of the individual or his or her spouse or (2) coverage under certain governmental health programs. Specifically, an individual is not eligible for the credit if, as of the first day of the month, the individual is (1) entitled to benefits under Medicare Part A, enrolled in Medicare Part B, or enrolled in Medicaid or SCHIP, (2) enrolled in a health benefits plan under the Federal Employees Health Benefit Plan, or (3) entitled to receive benefits under chapter 55 of title 10 of the United States Code (relating to military personnel). An individual is not considered to be enrolled in Medicaid solely by reason of receiving immunizations.

A special rule applies with respect to alternative TAA recipients. For eligible alternative TAA recipients, an individual has other specified coverage if the individual is (1) eligible for coverage under any qualified health insurance (other than coverage under a COBRA continuation provision, State-based continuation coverage, or coverage through certain State arrangements) under which at least 50 percent of the cost of coverage is paid or incurred by an employer of the taxpayer or the taxpayer's spouse or (2) covered under any such qualified health insurance under which any portion of the cost of coverage is paid or incurred by an employer of the taxpayer or the taxpayer's spouse.

Qualified health insurance

Qualified health insurance eligible for the credit is: (1) COBRA continuation[254] coverage; (2) State-based continuation coverage provided by the State under a State law that requires such coverage; (3) coverage offered through a qualified State high risk pool; (4) coverage under a health insurance program offered to State employees or a comparable program; (5) coverage through an arrangement entered into by a State and a group health plan, an issuer of health insurance coverage, an administrator, or an employer; (6) coverage offered through a State arrangement with a private sector health care coverage purchasing pool; (7) coverage under a State-operated health plan that does not receive any Federal financial participation; (8) coverage under a group health plan that is available through the employment of the eligible individual's spouse; and (9) coverage under individual health insurance if the eligible individual was covered under individual health insurance during the entire 30-day period that ends on the date the individual became separated from the employment which qualified the individual for the TAA allowance, the benefit for an eligible alternative TAA recipient, or a pension benefit from the PBGC, whichever applies.[255]

Qualified health insurance does not include any State-based coverage (i.e., coverage described in (2)-(7) in the preceding paragraph), unless the State has elected to have such coverage treated as qualified health insurance and such coverage meets certain requirements.[256] Such State coverage must provide that each qualifying individual is guaranteed enrollment if the individual pays the premium for enrollment or provides a qualified health insurance costs eligibility certificate and pays the remainder of the premium. In addition, the State-based coverage cannot impose any pre-existing condition limitation with respect to qualifying individuals. State-based coverage cannot require a qualifying individual to pay a premium or contribution that is greater than the premium or contribution for a similarly situated individual who is not a qualified individual. Finally, benefits under the State-based coverage must be the same as (or substantially similar to) benefits provided to similarly situated individuals who are not qualifying individuals.

A qualifying individual is an eligible individual who seeks to enroll in the State-based coverage and who has aggregate periods of creditable coverage[257] of three months or longer, does not have other specified coverage, and who is not imprisoned. In general terms, creditable coverage includes health care coverage without a gap of more than 63 days. Therefore, if an individual's qualifying coverage were terminated more than 63 days before the individual enrolled in the State-based coverage, the individual would not be a qualifying individual and would not be entitled to the State-based protections. A qualifying individual also includes qualified family members of such an eligible individual.

Qualified health insurance does not include coverage under a flexible spending or similar arrangement or any insurance if substantially all of the coverage is for excepted benefits.

Other rules

Amounts taken into account in determining the credit may not be taken into account in determining the amount allowable under the itemized deduction for medical expenses or the deduction for health insurance expenses of self-employed individuals. Amounts distributed from a medical savings account or health savings accounts are not eligible for the credit. The amount of the credit available through filing a tax return is reduced by any credit received on an advance basis. Married taxpayers filing separate returns are eligible for the credit; however, if both spouses are eligible individuals and the spouses file separate returns, then the spouse of the taxpayer is not a qualifying family member.

The Secretary of the Treasury is authorized to prescribe such regulations and other guidance as may be necessary or appropriate to carry out the credit provision.

COBRA

The Consolidated Omnibus Reconciliation Act of 1985 (''COBRA'') requires that a group health plan must offer continuation coverage to qualified beneficiaries in the case of a qualifying event. An excise tax under the Code applies on the failure of a group health plan to meet the requirement.[258] Qualifying events include the death of the covered employee, termination of the covered employee's employment, divorce or legal separation of the covered employee, and certain bankruptcy proceedings of the employer. In the case of termination from employment, the coverage must be extended for a period of not less than 18 months. In certain other cases, coverage must be extended for a period of not less than 36 months. Under such period of continuation coverage, the plan may require payment of a premium by the beneficiary of up to 102 percent of the applicable premium for the period.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.[259]

CONFERENCE AGREEMENT

Increase in credit percentage amount

The provision increases the amount of the HCTC to 80 percent of the taxpayer's premiums for qualified health insurance of the taxpayer and qualifying family members.

Effective date.—The provision is effective for coverage months beginning on or after the first day of the first month beginning 60 days after date of enactment. The increased credit rate does not apply to months beginning after December 31, 2010.

Payment for monthly premiums paid prior to commencement of advance payment of credit

The provision provides that the Secretary of Treasury shall make one or more retroactive payments on behalf of certified individuals equal to 80 percent of the premiums for coverage of the taxpayer and qualifying family members for qualified health insurance for eligible coverage months occurring prior to the first month for which an advance payment is made on behalf of such individual. The amount of the payment must be reduced by the amount of any payment made to the taxpayer under a national emergency grant pursuant to section 173(f) of the Workforce Investment Act of 1998 for a taxable year including such eligible coverage months.

Effective date.—The provision is effective for eligible coverage months beginning after December 31, 2008. The Secretary of the Treasury, however, is not required to make any payments under the provision until after the date that is six months after the date of enactment. The provision does not apply to months beginning after December 31, 2010.

TAA recipients not enrolled in training programs eligible for credit

The provision modifies the definition of an eligible TAA recipient to eliminate the requirement that an individual be enrolled in training in the case of an individual receiving unemployment compensation. In addition, the provision clarifies that the definition of an eligible TAA recipient includes an individual who would be eligible to receive a

credit-only insurance; (7) coverage for on-site medical clinics; (8) other insurance coverage similar to the coverages in (1)–(7) specified in regulations under which benefits for medical care are secondary or incidental to other insurance benefits; (9) limited scope dental or vision benefits; (10) benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; and (11) other benefits similar to those in (9) and (10) as specified in regulations; (12) coverage only for a specified disease or illness; (13) hospital indemnity or other fixed indemnity insurance; and (14) Medicare supplemental insurance.

[253] An amount is considered paid by the employer if it is excludable from income. Thus, for example, amounts paid for health coverage on a salary reduction basis under an employer plan are considered paid by the employer. A rule aggregating plans of the same employer applies in determining whether the employer pays at least 50 percent of the cost of coverage.

[254] COBRA continuation is defined in section 9832(d)(1).

[255] For this purpose, ''individual health insurance'' means any insurance which constitutes medical care offered to individuals other than in connection with a group health plan. Such term does not include Federal- or State-based health insurance coverage.

[256] For guidance on how a State elects a health program to be qualified health insurance for purposes of the credit, see Rev. Proc. 2004–12, 2004–1 C.B. 528.

[257] Creditable coverage is determined under the Health Insurance Portability and Accountability Act. Sec. 9801(c).

[258] Sec. 4980B.

[259] The Senate amendment did not amend the HCTC, but section 1701 of the Senate amendment provided for a temporary extension of the Trade Adjustment Assistance Program (generally until December 31, 2010). Certain beneficiaries of this program are eligible for the HCTC.

trade readjustment allowance except that the individual is in a break in training that exceeds the period specified in section 233(e) of the Trade Act of 1974, but is within the period for receiving the allowance.

Effective date.—The provision is effective for months beginning after the date of enactment in taxable years ending after such date. The provision does not apply to months beginning after December 31, 2010.

TAA pre-certification period rule for purposes of determining whether there is a 63-day lapse in creditable coverage

Under the provision, in determining if there has been a 63-day lapse in coverage (which determines, in part, if the State-based consumer protections apply), in the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date which is seven days after the date of issuance by the Secretary (or by any person or entity designated by the Secretary) of a qualified health insurance costs credit eligibility certificate (under section 7527) for such individual is not taken into account.

Effective date.—The provision is effective for plan years beginning after the date of enactment. The provision does not apply to plan years beginning after December 31, 2010.

Continued qualification of family members after certain events

The provision provides continued eligibility for the credit for family members after certain events. The rule applies in the case of (1) the eligible individual becoming entitled to Medicare, (2) divorce and (3) death.

In the case of a month which would be an eligible coverage month with respect to an eligible individual except that the individual is entitled to benefits under Medicare Part A or enrolled in Medicare Part B, the month is treated as an eligible coverage month with respect to the individual solely for purposes of determining the amount of the credit with respect to qualifying family members (i.e., the credit is allowed for expenses paid for qualifying family members after the eligible individual is eligible for Medicare). Such treatment applies only with respect to the first 24 months after the eligible individual is first entitled to benefits under Medicare Part A or enrolled in Medicare Part B.

In the case of the finalization of a divorce between an eligible individual and the individual's spouse, the spouse is treated as an eligible individual for a period of 24 months beginning with the date of the finalization of the divorce. Under such rule, the only family members that may be taken into account with respect to the spouse as qualifying family members are those individuals who were qualifying family members immediately before such divorce finalization.

In the case of the death of an eligible individual, the spouse of such individual (determined at the time of death) is treated as an eligible individual for a period of 24 months beginning with the date of death. Under such rule, the only qualifying family members that may be taken into account with respect to the spouse are those individuals who were qualifying family members immediately before such death. In addition, any individual who was a qualifying family member of the decedent immediately before such death[260] treated as an eligible individual for a period of 24 months beginning with the date of death, except that in determining the amount of the HCTC only such qualifying family member may be taken into account.

Effective date.—The provision is effective for months beginning after December 31, 2009. The provision does not apply to months that begin after December 31, 2010.

Alignment of COBRA coverage

The maximum required COBRA continuation coverage period is modified by the provision with respect to certain individuals whose qualifying event is a termination of employment or a reduction in hours. First, in the case of such a qualifying event with respect to a covered employee who has a nonforfeitable right to a benefit any portion of which is paid by the PBGC, the maximum coverage period must end not earlier than the date of death of the covered employee (or in the case of the surviving spouse or dependent children of the covered employee, not earlier than 24 months after the date of death of the covered employee). Second, in the case of such a qualifying event where the covered employee is a TAA eligible individual as of the date that the maximum coverage period would otherwise terminate, the maximum coverage period must extend during the period that the individual is a TAA eligible individual.

Effective date.—The provision is effective for periods of coverage that would, without regard to the provision, end on or after the date of enactment, provided that the provision does not extend any periods of coverage beyond December 31, 2010.

Addition of coverage through voluntary employees' beneficiary associations

The provision expands the definition of qualified health insurance by including coverage under an employee benefit plan funded by a voluntary employees' beneficiary association (''VEBA'', as defined in section 501(c)(9)) established pursuant to an order of a bankruptcy court, or by agreement with an authorized representative, as provided in section 1114 of title 11, United States Code.

Effective date.—The provision is effective on the date of enactment. The provision does not apply with respect to certificates of eligibility issued after December 31, 2010.

Notice requirements

The provision requires that the qualified health insurance costs credit eligibility certificate provided in connection with the advance payment of the HCTC must include (1) the name, address, and telephone number of the State office or offices responsible for providing the individual with assistance with enrollment in qualified health insurance, (2) a list of coverage options that are treated as qualified health insurance by the State in which the individual resides, (3) in the case of a TAA-eligible individual, a statement informing the individual that the individual has 63 days from the date that is seven days after the issuance of such certificate to enroll in such insurance without a lapse in creditable coverage, and (4) such other information as the Secretary may provide.

Effective date.—The provision is effective for certificates issued after the date that is six months after the date of enactment. The provision does not apply to months beginning after December 31, 2010.

Survey and report on enhanced health coverage tax credit program

Survey

The provision requires that the Secretary of the Treasury must conduct a biennial survey of eligible individuals containing the following information:

1. In the case of eligible individuals receiving the HCTC (including those participating in the advance payment program (the ''HCTC program'')) (A) demographic information of such individuals, including income and education levels, (B). satisfaction of such individuals with the enrollment process in the HCTC program, (C) satisfaction of such individuals with available health coverage options under the credit, including level of premiums, benefits, deductibles, cost-sharing requirements, and the adequacy of provider networks, and (D) any other information that the Secretary determines is appropriate.

2. In the case of eligible individuals not receiving the HCTC (A) demographic information on each individual, including income and education levels, (B) whether the individual was aware of the HCTC or the HCTC program, (C) the reasons the individual has not enrolled in the HCTC program, including whether such reasons include the burden of process of enrollment and the affordability of coverage, (D) whether the individual has health insurance coverage, and, if so, the source of such coverage, and (E) any other information that the Secretary determines is appropriate.

Not later than December 31 of each year in which a survey described above is conducted (beginning in 2010), the Secretary of Treasury must report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives the findings of the most recent survey.

Report

Not later than October 1 of each year (beginning in 2010), the Secretary of Treasury must report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives the following information with respect to the most recent taxable year ending before such date:

1. In each State and nationally (A) the total number of eligible individuals and the number of eligible individuals receiving the HCTC, (B) the total number of such eligible individuals who receive an advance payment of the HCTC through the HCTC program, (C) the average length of the time period of participation of eligible individuals in the HCTC program, and (D) the total number of participating eligible individuals in the HCTC program who are enrolled in each category of qualified health insurance with respect to each category of eligible individuals.

2. In each State and nationality, an analysis of (A) the range of monthly health insurance premiums, for self-only coverage and for family coverage, for individuals receiving the benefit of the HCTC and (B) the average and median monthly health insurance premiums, for self-only coverage and for family coverage, for individuals receiving the HCTC with respect to each category of qualified health insurance.

3. In each State and nationally, an analysis of the following information with respect to the health insurance coverage of individuals receiving the HCTC who are enrolled in State-based coverage: (A) deductible amounts, (B) other out-of-pocket cost-sharing amounts, and (C) a description of any annual or lifetime limits on coverage or any other significant limits on coverage services or benefits. The information must be reported with respect to each category of coverage.

4. In each State and nationally, the gender and average age of eligible individuals who

[260] In the case of a dependent, the rule applies to the taxpayer to whom the personal exemption deduction under section 151 is allowable.

receive the HCTC in each category of qualified health insurance with respect to each category of eligible individuals.

5. The steps taken by the Secretary of the Treasury to increase the participation rates in the HCTC program among eligible individuals, including outreach and enrollment activities.

6. The cost of administering the HCTC program by function, including the cost of subcontractors, and recommendations on ways to reduce the administrative costs, including recommended statutory changes.

7. After consultation with the Secretary of Labor, the number of States applying for and receiving national emergency grants under section 173(f) of the Workforce Investment Act of 1998, the activities funded by such grants on a State-by-State basis, and the time necessary for application approval of such grants.

Other non-revenue provisions

The provision also authorizes appropriations for implementation of the revenue provisions of the provision and provides grants under the Workforce Investment Act of 1998 for purposes related to the HCTC.

GAO study

The provision requires the Comptroller General of the United States to conduct a study regarding the HCTC to be submitted to Congress no later than March 31, 2010. The study is to include an analysis of (1) the administrative costs of the Federal government with respect to the credit and the advance payment of the credit and of providers of qualified health insurance with respect to providing such insurance to eligible individuals and their families, (2) the health status and relative risk status of eligible individuals and qualified family members covered under such insurance, (3) participation in the credit and the advance payment of the credit by eligible individuals and their qualifying family members, including the reasons why such individuals did or did not participate and the effects of the provision on participation, and (4) the extent to which eligible individuals and their qualifying family members obtained health insurance other than qualifying insurance or went without insurance coverage. The provision provides the Comptroller General access to the records within the possession or control of providers of qualified health insurance if determined relevant to the study. The Comptroller General may not disclose the identity of any provider of qualified health insurance or eligible individual in making information available to the public.

EFFECTIVE DATE

The provision is generally effective upon the date of enactment, excepted as otherwise noted above.

TITLE IV—HEALTH INFORMATION TECHNOLOGY

Subtitle C—Incentives for the Use of Health Information Technology

Part II—Medicare Program

INCENTIVES FOR ELIGIBLE PROFESSIONALS. (HOUSE BILL SEC. 4311; SENATE BILL SEC. 4201; CONFERENCE AGREEMENT SEC. 4101)

CURRENT LAW

There are several current legislative and administrative initiatives to promote the use of Health Information Technology (HIT) and Electronic Health Records (EHR's) in the Medicare program. The Medicare Modernization Act of 2003 (MMA; P.L. 108–173) established a timetable for the Centers for Medicare and Medicaid Services (CMS) to develop e-prescribing standards, which provide for the transmittal of such information as eligibility and benefits (including formulary drugs), information on the drug being prescribed and other drugs listed in the patient's medication history (including drug-drug interactions), and information on the availability of lower-cost, therapeutically appropriate alternative drugs. CMS issued a set of foundation standards in 2005, then piloted and tested additional standards in 2006, several of which were part of a 2008 final rule. The final Medicare e-prescribing standards, which become effective on April 1, 2009, apply to all Part D sponsors, as well as to prescribers and dispensers that electronically transmit prescriptions and prescription-related information about Part D drugs prescribed for Part D eligible individuals. The MMA did not require Part D drug prescribers and dispensers to e-prescribe. Under its provisions, only those who choose to e-prescribe must comply with the new standards. However, the Medicare Improvement for Patients and Providers Act of 2008 (MIPPA; P.L. 110–275) included an e-prescribing mandate and authorized incentive bonus payments for e-prescribers between 2009 and 2013. Beginning in 2012, payments will be reduced for those who fail to e-prescribe.

CMS is administering a number of additional programs to promote EHR adoption. The MMA mandated a three-year pay-for-performance demonstration in four states (AR, CA, MA, UT) to encourage physicians to adopt and use EHR to improve care for chronically ill Medicare patients. Physicians participating in the Medicare Care Management Performance (MCMP) demonstration receive bonus payments for reporting clinical quality data and meeting clinical performance standards for treating patients with certain chronic conditions. They are eligible for an additional incentive payment for using a certified EHR and reporting the clinical performance data electronically.

CMS has developed a second demonstration to promote EHR adoption using its Medicare waiver authority. The five-year Medicare EHR demonstration is intended to build on the foundation created by the MCMP program. It will provide financial incentives to as many as 1,200 small- to medium-sized physician practices in 12 communities across the country for using certified EHRs to improve quality, as measured by their performance on specific clinical quality measures. Additional bonus payments will be made based on the number of EHR functionalities a physician group has incorporated into its practice.

The Tax Relief and Health Care Act of 2006 (P.L. 109–432) established a voluntary physician quality reporting system, including an incentive payment for Medicare providers who report data on quality measures. The Medicare Physician Quality Reporting Initiative (PQRI) was expanded by the Medicare, Medicaid, and SCHIP Extension Act of 2007 (P.L. 110–173) and by MIPPA, which authorized the program indefinitely and increased the incentive that eligible physicians can receive for satisfactorily reporting quality measures. In 2009, eligible physicians may earn a bonus payment equivalent to 2.0% of their total allowed charges for covered Medicare physician fee schedule services. The PQRI quality measures include a structural measure that conveys whether a physician has and uses an EHR.

HOUSE BILL

The House bill would add an incentive payment to certain eligible professionals for the adoption and ''meaningful use,'' defined below, of a certified EHR system. Professionals eligible for the incentive payments are those who participate in Medicare and who are defined under Sec. 1861(r) of the Social Security Act.

Incentive payments. The amount of EHR incentive payments that eligible providers could receive would be capped, based on the amount of Medicare-covered professional services furnished during the year in question, and the total possible amount of the incentive payment would decrease over time. The bill permits a rolling implementation period, with cohorts starting in 2011, 2012, and 2013, respectively, being eligible for the entire five years of incentives. For example, incentives that start in 2011 would continue through 2015, while those that begin in 2012 would run through 2016 and those starting in 2013 would run through 2017.

For the first calendar year of the designated period described above, the limit would be $15,000. Over the next four calendar years, the total possible amount would decrease respectively by year to $12,000, $8,000, $4,000, and $2,000. The phase-down is different for eligible professionals first adopting EHR after 2013. For these eligible providers, the limit on the amount of the incentive payment would equal the limit in the first payment year for someone whose first payment year is 2013. For example, if the first payment year is after 2014 then the limit on the incentive payments for that year would be $12,000 rather than $15,000. The EHR incentive payments for professionals would not be available to a hospital-based eligible physician, such as a pathologist, anesthesiologist or emergency physician who furnishes substantially all such services in a hospital setting using the hospital's facilities and equipment, including computer equipment. However, health IT incentive payments are made available to hospitals in Sec. 4312.

The payments could be in the form of a single consolidated payment or in periodic installments, as determined by the Secretary. The Secretary would establish rules to coordinate the limits on the incentive payments for eligible professionals who provide covered professional services in more than one practice. The Secretary would seek to avoid duplicative requirements from federal and state governments to demonstrate meaningful use of certified EHR technology under the Medicare and Medicaid programs. The Secretary would be allowed to adjust the reporting periods in order to carry out this clause.

Meaningful use. For purposes of the EHR incentive payment, an eligible professional would be treated as a ''meaningful user'' of EHR technology if the eligible professional meets the following three criteria: (1) the eligible professional demonstrates to the satisfaction of the Secretary that during the period the professional is using a certified EHR technology in a meaningful manner, which would include the use of electronic prescribing as determined to be appropriate by the Secretary; (2) the eligible professional demonstrates to the satisfaction of the Secretary that during such period such certified EHR technology is connected in a manner that provides, in accordance with law and standards applicable to the exchange of information, for the electronic exchange of health information to improve the quality of health care, such as promoting care coordination; and (3) the eligible professional submits information on clinical quality measures.

The Secretary could provide for the use of alternative means for meeting the above requirements in the case of an eligible professional furnishing covered professional services in a group practice (as defined by the Secretary). The Secretary would seek to improve the use of electronic health records and health care quality by requiring more stringent measures of meaningful use over time.

Clinical quality measures. The Secretary would select the clinical quality measures and other measures but must be consistent with the following: (1) the Secretary would provide preference to clinical quality measures that have been endorsed by the consensus-based entity regarding performance measurement with which the Secretary has a contract under Sec. 1890(a) of the Social Security Act; and (2) prior to any measure being selected for the purposes of this provision, the Secretary would publish the measure in the Federal Register and provide for a period of public comment. The Secretary could not require the electronic reporting of information on clinical quality measures unless the Secretary has the capacity to accept the information electronically, which may be on a pilot basis. In selecting the measures and in establishing the form and manner for reporting these measures, the Secretary would seek to avoid redundant or duplicative reporting otherwise required, including reporting under the physician quality reporting initiative.

A professional could satisfy the demonstration requirement above through means specified by the Secretary, which may include the following: (1) an attestation; (2) the submission of claims with appropriate coding (such as a code indicating that a patient encounter was documented using certified EHR technology); (3) a survey response; (4) reporting the clinical quality and other measures mentioned above; and (5) other means specified by the Secretary. Notwithstanding other provisions of law that place restrictions on the use of Part D data, the Secretary could use data regarding drug claims submitted for purposes of determining payment under Part D for purposes of determining the EHR incentive payments under this legislation.

Payment adjustments. Fee schedule payments to eligible professionals would be adjusted under certain conditions. For covered professional services furnished by an eligible professional during 2016 or any subsequent payment year, if the professional is not a meaningful EHR user during the previous year's reporting period, the fee schedule amount would be reduced to 99% in 2016, 98% in 2017, and 97% in 2018 and in each subsequent year.

For 2019 and each subsequent year, if the Secretary finds that the proportion of eligible professionals who are meaningful EHR users is less than 75%, the applicable fee schedule amount would be decreased by 1 percentage point from the applicable percent in the preceding year, but in no case would the applicable percent be less than 95%.

Hardship exemption. The Secretary could, on a case-by-case basis, exempt an eligible professional from the application of the payment adjustment above if the Secretary determines, subject to annual renewal, that being a meaningful EHR user would result in a significant hardship, such as in the case of an eligible professional who practices in a rural area without sufficient Internet access. In no case would an eligible professional be granted such an exemption for more than five years.

Medicare Advantage. In general, Medicare incentives created under this section are not available to Medicare Advantage (MA) plans, and both the payments and penalties made under this section are exempt from the MA benchmark determinations. However, the legislation establishes conditions under which the EHR bonus payments and penalties for the adoption and meaningful use of certified EHR technology would apply to certain HMO-affiliated eligible professionals. In general, with respect to eligible professionals in a qualifying MA organization for whom the organization attests to the Secretary as meaningful users of EHR, the incentive payments and adjustments would apply in a similar manner as they apply to other eligible professionals. Incentive payments would be made to, and payment adjustments would apply to, the qualifying organizations. With respect to a qualifying MA organization, an eligible professional would be an eligible professional who (i) is employed by the organization or is employed by or is a partner of an entity that through contract furnishes at least 80% of the entity's patient care services to enrollees of the organization; and furnishes at least 80% of the professional services of the eligible professional to enrollees of the organization; and (ii) furnishes, on average, at least 20 hours per week of patient care services. For these MA-affiliated eligible professionals, the Secretary would determine the incentive payments which should be similar to the payments that would have been available to the professionals under FFS.

To avoid duplication of payments, if an eligible professional is both an MA-affiliated professional and eligible for the maximum payment under the fee-for-service program (FFS), the payment incentive would be made only under FFS. Otherwise, the incentive payment would be made to the plan. The Secretary would develop a process to ensure that duplicate payments are not made. A qualifying MA organization would specify a year (not earlier than 2011) that would be treated as the first payment year for all eligible professionals with respect to the MA organization.

In applying the applicable percentage payment adjustment to MA-affiliated eligible professionals, instead of the payment adjustment being an applicable percent of the fee schedule amount for a year, the payment adjustment to the payment to the MA organization would be a proportional amount based on the payment adjustment applicable to FFS providers and the fraction of the organization's eligible professionals who are not meaningfully using EHRs.

SENATE BILL

The Senate bill is mostly the same as the House bill, but with the following exceptions. The Senate bill does not provide for any incentive payments to eligible professionals who first adopt EHR in 2014 or in subsequent years but does provide a greater incentive for early adoption of EHR, with payments of $18,000 if the first payment year under the EHR incentive program is 2011 or 2012.

Certain rural eligible providers would receive larger incentive payments in the Senate bill. The incentive payment would be increased by 25% if the provider predominantly serves beneficiaries in a rural area designated as a health professional shortage area.

Under the Senate bill, the Secretary would also be given the authority to deem providers who satisfy state requirements for demonstrating meaningful use of EHR technology as meeting the criteria for meaningful use under the Medicare EHR incentive program. No similar authority or provision is included in the House bill.

The incentive adjustment (penalty) would begin a year earlier in 2015 under the Senate bill as opposed to 2016 in the House bill. The schedule of reductions over time in the applicable percentage also reflects this difference, so that the applicable percent under the Senate bill would be 99% in 2015, 98% in 2016, and 97% in 2017.

With respect to the application of the incentive payment program to managed care organizations, the Senate bill differs from the House bill in two areas. First, the Senate bill applies a slightly different requirement to determine an eligible professional. Under the Senate bill, a professional who furnishes at least 75% (vs. 80% in the House bill) of his or her professional services to enrollees of the managed care organization and who also met the additional criteria noted above would be eligible for this incentive program. Second, the Senate bill includes a cap on large managed care organizations that limits incentive payments to no more than 5,000 eligible professionals of the organization in recognition of economies of scale in such organizations. This difference is also reflected in the payment adjustment penalty calculation in the Senate bill.

The Senate bill would require that the names, business addresses, and business phone numbers of each qualifying managed care organization and the associated eligible professionals receiving EHR incentive payments be posted on the CMS website in an easily understandable format.

Finally, the Senate bill would require the HHS Secretary to provide assistance to eligible professionals, Medicaid providers, and eligible hospitals located in rural or other medically underserved areas to successfully choose, implement, and use certified EHR technology. To the extent practicable, the assistance would be through entities that have expertise in this area.

CONFERENCE AGREEMENT

With regard to eligible professionals, the conference agreement includes provisions from the House and Senate bills.

The conference agreement provides eligible professionals who show meaningful use of an EHR in 2011 or 2012 with incentive payments of $18,000 in the first year; provides no payment incentives after 2016; and does not provide incentive payments to eligible professionals who first adopt an EHR in 2015 or subsequent years.

Incentive payments would be increased by 10% if the provider predominately serves beneficiaries in any area designated as a health professional shortage area. The conference agreement mirrors the Senate bill in that payment adjustments for eligible professionals not demonstrating meaningful use of an EHR would begin in 2015.

The conference agreement, like the House and Senate-passed bills, prohibits payments to hospital-based professionals (because such professionals are generally expected to use the EHR system of that hospital). This policy does not disqualify otherwise eligible professionals merely on the basis of some association or business relationship with a hospital. Common examples of such arrangements include professionals who are employed by a hospital to work in an ambulatory care clinic or billing arrangements in which physicians submit claims to Medicare together with hospitals or other entities. The change in the conference agreement clarifies that this test will be based on the setting in which a provider furnishes services rather than any billing or employment arrangement between a provider and hospital or other provider entity.

For MA organizations, the conference agreement reflects the Senate bill with the following exceptions. The agreement requires MA-affiliated professionals to provide 80 percent of their Medicare services to the enrollees of the qualifying MA organization and removes the payment incentive cap on eligible professionals affiliated with health maintenance organizations. It also extends the language of limitations on review for eligible professionals to professionals eligible under the managed care section and makes several technical corrections.

In addition, the conference report requires the Secretary to report to Congress on methods of making payment incentives and adjustments with respect to eligible professionals who 1) contract with one or more MA organizations or with intermediary organizations that contracts with one or more MA organizations and 2) are not eligible for incentive payments under this legislation. The report is due to Congress within 120 days of enactment and shall include recommendations for legislation as appropriate. The agreement reflects the Congress's intent to provide payment incentives and adjustments towards the meaningful use of certified EHRs with respect to all physicians who treat Medicare patients without regard to practice organization.

INCENTIVES FOR HOSPITALS. (HOUSE BILL SEC. 4312; SENATE BILL SEC. 4202; CONFERENCE AGREEMENT SEC. 4102)

CURRENT LAW

Medicare pays acute care hospitals using a prospectively determined payment for each discharge. These payment rates are increased annually by an update factor that is established, in part, by the projected increase in the hospital market basket (MB) index. However, starting in FY2007, hospitals that do not submit required quality data will have the applicable MB percentage reduced by two percentage points. The reduction would apply for that year and would not be taken into account in subsequent years. Currently, Medicare's payments to acute care hospitals under the inpatient prospective payment system (IPPS) are not affected by the adoption of EHR technology. Critical access hospitals (CAHs) receive cost-plus reimbursement under Medicare. Under current law, Medicare reimburses CAHs at 101% of their Medicare costs. These reimbursements include payments for Medicare's share of CAH expenditures on health IT, plus an additional 1%.

HOUSE BILL

The bill would establish incentives, starting in FY2011, within Medicare's IPPS for eligible hospitals that are meaningful EHR users. Generally, these hospitals would receive diminishing additional payments over a four-year period. Starting in FY2016, eligible hospitals that do not become meaningful EHR users could receive lower payments because of reductions to their annual MB updates.

Incentive payments. Subject to certain limitations, each qualified hospital would receive an incentive payment calculated as the sum of a base amount ($2 million) added to its discharge related payment, which would then be multiplied by its Medicare's share. These payments would be reduced over a four-year transition period. A qualified hospital would receive $200 for each discharge paid under the inpatient prospective payment system (IPPS) starting with its 1,150th discharge through its 23,000th discharge.

A hospital's Medicare share would be calculated according to a specified formula. The numerator would equal inpatient bed days attributable to individuals for whom a Part A payment may be made, either under traditional Medicare or for those who are enrolled in Medicare Advantage (MA) organizations. The denominator would equal the total number of inpatient bed days in the hospital adjusted by a hospital's share of charges attributed to charity care. Specifically, the hospital's total days would be multiplied by a fraction calculated by dividing the hospital's total charges minus its charges attributed to charity care by its total charges. If a hospital's charge data on charity care is not available, the Secretary would be required to use the hospital's uncompensated care data which may be adjusted to eliminate bad debt. If hospital data to construct the charity care factor is unavailable, the fraction would be set at one. If hospital data necessary to include MA days is not available, that component of the formula would be set at zero.

The legislation establishes a four-year incentive payment transition schedule. A hospital that is a meaningful EHR user would receive the full amount of the incentive payment in its first payment year; 75% of the amount in its second payment year; 50% of the amount in its third payment year; and finally, 25% of the amount in its fourth payment year. The first payment year for a meaningful EHR user would be FY2011 or, alternatively, the first fiscal year for which an eligible hospital would qualify for an incentive payment. Hospitals that first qualify for the incentive payments after FY2013, would receive incentive payments on the transition schedule as if their first payment year is FY2013. Hospitals that become meaningful EHR users after FY2015 would not receive incentive payments. The incentive payments may be made as a single consolidated payment or may be made as periodic payments, as determined by the Secretary.

Meaningful use. An eligible hospital would be treated as a meaningful EHR user if it demonstrates that it uses certified EHR technology in a meaningful manner and provides for the electronic exchange of health information (in accordance with applicable legal standards) to improve the quality of care. A hospital would satisfy the demonstration requirements through an attestation; the submission of appropriately coded claims; a survey response; EHR reporting on certain measures; or other means specified by the Secretary.

Clinical quality measures. EHR measures would include clinical quality measures and other measures selected by the Secretary. Prior to implementation, the measures would be published in the Federal Register and subject to public comment. The electronic reporting of the clinical quality measures would not be required unless the Secretary has the capacity to accept the information electronically, which may be on a pilot basis. When establishing the measures, the Secretary shall provide preference to clinical quality measures that have been selected for the Reporting Hospital Quality Data for Annual Payment Update program (RHQDAPU) established at 1886(b)(3)(B)(viii) of the Social Security Act or that have been endorsed by the entity with a contract with the Secretary under Sec. 1890(a), which is currently the National Quality Forum. The Secretary shall seek to avoid redundant measures or duplicative reporting. Not withstanding restrictions placed on the use and disclosure of Medicare Part D information, the Secretary would be able to use data regarding drug claims.

Miscellaneous. There would be no administrative or judicial review of the determination of any incentive payment or payment update adjustment (described subsequently), including, the determination of a meaningful EHR user, the determination of the measures, or the determination of an exception to the payment update adjustment.

The Secretary would post listings of the eligible hospitals that are meaningful EHR users or that are subject to the penalty and other relevant data on the CMS website. Hospitals would have the opportunity to review the other relevant data prior to the data being made publicly available.

Penalties. Starting in FY2016, eligible IPPS hospitals that do not submit the required quality data would be subject to a 25% reduction in their annual update, rather than the 2 percentage point reduction under current law. Those hospitals that are not meaningful EHR users would be subject to a reduction in their annual MB update for the remaining three-quarters of the update. This reduction would be implemented over a three-year period. In FY2016, one-quarter of the update will be at risk for quality reporting and one-quarter at risk for meaningful use of EHR. In FY2017, one-quarter of the update will be at risk for quality reporting and one-half will be at risk for meaningful use of EHR. In FY2018 and subsequent years, one-quarter of the update will be at risk for quality reporting and three-quarters will be at risk for meaningful use of EHR. These reductions would apply only to the fiscal year involved and would not be taken into account in subsequent fiscal years. Starting in FY2016, payments to acute care hospitals that are not meaningful EHR users in a state operating under a Medicare waiver under section 1814(b)(3) of the Social Security Act would be subject to comparable aggregate reductions. The state would be required to report its payment adjustment methodology to the Secretary.

Hardship exemption. The Secretary would be able to exempt certain IPPS hospitals from these payment adjustments for a fiscal year if the Secretary determines that requiring a hospital to be a meaningful EHR user during that year would result in significant hardship, such as a hospital in a rural area without adequate Internet access. Such determinations would be subject to annual renewal. In no case would a hospital be granted an exemption for more than five years.

Medicare Advantage. In general, Medicare incentives created under this section are not available to Medicare Advantage (MA) plans and the payments made under this section are exempt from the benchmark determinations. However, payment incentives and penalties would be established for certain qualifying MA organizations to ensure maximum capture of relevant data relating to Medicare beneficiaries. An eligible hospital would be one that is under common corporate governance with a qualifying MA organization and serves enrollees in an MA plan offered by the organization. The Secretary would be required to determine incentive payment amounts similar to the estimated amount in the aggregate that would be paid if the hospital services had been payable under Part A as described above. The Secretary would be required to avoid duplicative EHR incentive payments to hospitals. If an eligible hospital under Medicare Part C was also eligible for EHR incentive payments under Medicare Part A, and for which at least 33% of hospital discharges (or bed days) were covered under Medicare Part A, the EHR incentive payment would only be made under Part A and not Part C. If fewer than 33% of discharges are covered under Part A, the Secretary would be required to develop a process to ensure that duplicative payments were not made and to collect data from MA organizations to ensure against duplicative payments.

If one or more eligible hospitals under a common corporate governance with a qualifying MA Health Maintenance Organization are not meaningful EHR users, the incentive payment to the organization would be reduced by a specified percentage. The percentage is defined as 100% minus the product of (a) the percentage point reduction to the payment update for the period described above and (b) the Medicare hospital expenditure proportion. This hospital expenditure proportion is defined as the Secretary's estimate of the portion of expenditures under Parts A and B that are not attributable to this part, that are attributable to expenditures for inpatient hospital services. The Secretary would be required to apply the payment adjustment based on a methodology specified by the Secretary, taking into account the proportion of eligible hospitals or discharges from eligible hospitals that are not meaningful EHR users for the period.

SENATE BILL

The Senate bill is largely the same as the House bill, but with the following differences. First, instead of a fixed amount per discharge, a qualified hospital would receive $200 per discharge for the 1,150th through the 9,200th discharge, $100 per discharge for the 9,201st through the 13,800th discharge, and $60 per discharge for the 13,801st through the 23,000th discharge. Second, the Senate bill would include CAHs as eligible hospitals, and limit the total amount of payments to a CAH for all payment years to $1.5 million. CAHs would continue to also receive their cost-plus reimbursement available under current law. Third, the penalties would begin a year earlier in FY2015; in the House bill the penalties begin in FY2016. Fourth, beginning in FY2015, a CAH that is not a meaningful EHR user would have its Medicare reimbursement rate as a percentage of its Medicare costs reduced to the following: FY2015, 100.66%; FY2016, 100.33%; FY2017 and each subsequent fiscal year, 100%. The Secretary would be permitted, on a case-by-case basis, to exempt a CAH from the penalties due to significant hardship. Finally, the Senate bill would require that the names, business addresses, and business phone numbers of each qualifying MA organization receiving EHR incentive payments be posted on the CMS website in an easily understandable format.

CONFERENCE AGREEMENT

The Conference Agreement follows the House bill, but with the following differences. First, the Conference agreement includes bonus payments for CAHs that are meaningful users of EHR technology. These bonus payments are capped at an enhanced Medicare share of 101 percent of those reasonable costs that are normally subject to depreciation and that are for the purchase of certified EHR. The enhanced Medicare share will equal the Medicare share calculated for 1886(d) hospitals, for EHR bonuses, including an adjustment for charity care, plus an additional 20 percentage points, except that the Medicare share may not exceed 100 percent. CAHs that are meaningful users of EHR technology will be able to expense these costs in a single payment year and receive prompt interim payments, rather than receiving reimbursement over a multi-year depreciation schedule. Beginning in 2011, if a CAH is a meaningful EHR user, they are eligible for four consecutive years of these bonuses, regardless of the year they meet the meaningful user standard, except that a CAH cannot get bonuses after 2015, similar to the bonus timeframe for a 1886(d) hospital. CAHs will continue to receive cost-plus reimbursement for their remaining costs, such as for ongoing maintenance or other costs that are not subject to depreciation. This cost-plus reimbursement continues beyond the bonus period, consistent with current law. Normal cost reporting rules would apply for the purchase of certified EHR technology until the CAH becomes a meaningful EHR user.μ CAHs are eligible for the same hardship exemption that is available to 1886(d) hospitals. Second, the conference agreement adopts the Senate's penalty schedule for both 1886(d) hospitals and CAHs. Third, the conference agreement includes the Senate provision requiring CMS to post information about qualifying MA hospitals on the website. Fourth, the conference agreement clarifies which provisions are subject to limitations on review for hospitals and extends appropriate limitations to CAHs and MA hospitals.

TREATMENT OF PAYMENTS AND SAVINGS; IMPLEMENTATION FUNDING. (HOUSE BILL SEC. 4313; SENATE BILL SEC. 4203; CONFERENCE AGREEMENT SEC. 4103)

CURRENT LAW

Physician and outpatient services provided under Medicare Part B are financed through a combination of beneficiary premiums, deductibles, and federal general revenues. In general, Part B beneficiary premiums are set to equal 25% of estimated program costs for the aged, with federal general revenues accounting for the remainder. The Part B premium fluctuates along with total Part B expenditures.

Absent specific legislation to exempt premiums from policy effects, the recent growth in expenditures for physician services, led by the increase in imaging and diagnostic services, generally results in premium increases to cover the beneficiaries 25% share of total expenditures. While an individual's Social Security payment cannot decrease from one year to the next as a result of an increase in the Part B premium (except for those subject to the income-related premium), current law does permit the entire cost-of-living (COLA) increase to be consumed by Medicare premium increases.

MIPPA established the Medicare Improvement Fund (MIF), available to the Secretary to make improvements under the original fee-for-service program under parts A and B for Medicare beneficiaries.

For FY2009 through FY2013, the Secretary of Health and Human Services would transfer $140 million from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to the CMS Program Management Account. The amounts drawn from the funds would be in the same proportion as for Medicare managed care payments (Medicare Advantage), that is, in a proportion that reflects the relative weight that benefits under part A and under part B represent of the actuarial value of the total benefits.

HOUSE BILL

The House bill would exempt spending under this title from the annual amount of Medicare physician expenditures used to calculate the Part B premium; beneficiaries would be held harmless from potential premium increases due to the increased Part B expenditures that result from this added payment. Further, the bill would authorize the transfer of funds from the Treasury to the Supplementary Medical Insurance (Part B) Trust Fund to cover the amount of EHR payment incentives that would otherwise be offset by Part B premiums.

The bill would modify the purposes of the Medicare Improvement Fund by allowing the monies to be used to adjust Medicare part B payments to protect against projected shortfalls due to any increase in the conversion factor used to calculate the Medicare Part B fee schedule.

The amount in the fund in FY2014, after taking into account the transfer directed by this section, would be modified to be $22.29 billion. For FY2020 and each subsequent fiscal year, the amount in the fund would be the Secretary's estimate, as of July 1 of the fiscal year, of the aggregate reduction in Medicare expenditures directly resulting from the penalties imposed as a result of various Medicare providers not using HIT in a meaningful fashion.

To implement the provisions in and amendments made by this section, $60 million for each of FY2009 through FY2015 and $30 million for each succeeding fiscal year through FY2019 would be appropriated to the Secretary for the CMS Program Management Account. The amounts appropriated would be available until expended.

SENATE BILL

The premium hold-harmless provisions in the Senate bill are identical to those in the House. However, the Senate bill does not include the provisions regarding the Medicare Improvement Fund including the transfers of aggregate reductions resulting from the penalties into the MIF. The two bills also differ in the funding amounts to CMS for implementation. Whereas the House bill would appropriate $60 million for each of FY2009–FY2015 and $30 million for FY2016 through FY2019, the Senate bill would appropriate $100 million for each of FY2009–FY2015 and $45 million for FY2016 through FY2018.

CONFERENCE AGREEMENT

The conference agreement includes the premium hold-harmless, as well as changes contained in the House bill to the Medicare Improvement Fund. The agreement also appropriates $100 million in FY2009–FY2015 and $45 million in FY 2016.

STUDY ON APPLICATION OF HIT PAYMENT INCENTIVES FOR PROVIDERS NOT RECEIVING OTHER INCENTIVE PAYMENTS. (HOUSE BILL SEC. 4314; SENATE BILL SEC. 4205; CONFERENCE AGREEMENT SEC. 4104)

CURRENT LAW

No current law.

HOUSE BILL

The House bill would require the Secretary to conduct a study to determine whether payment incentives to implement and use qualified HIT should be made available to health care providers who are receiving minimal or no payment incentives or other funding under this Act, including from Medicare or Medicaid, or any other funding. These health care providers could include skilled nursing facilities, home health agencies, hospice programs, laboratories, federally qualified health centers, and non-physician professionals.

The study would include an examination of the following: (1) the adoption rates of qualified HIT by such health care providers; (2) the clinical utility of HIT by such health care providers; (3) whether the services furnished by such health care providers are appropriate for or would benefit from the use of such technology; (4) the extent to which such health care providers work in settings that might otherwise receive an incentive payment or other funding under this Act, Medicare or Medicaid, or otherwise; (5) the potential costs and the potential benefits of making payment incentives and other funding available to such health care providers; and (6) any other issues the Secretary deems to be appropriate. The Secretary would be required to submit a report to Congress on the findings and conclusions of the study by June 30, 2010.

SENATE BILL

Same provision.

CONFERENCE AGREEMENT

The conference report includes the study contained in the House and Senate bills on providing incentive payments to encourage use of health IT to providers who are receiving minimal or no payment incentives or other funding under this Act. It also includes a study in Section 4206 of the Senate bill on the availability of open source health IT systems.

STUDY ON AVAILABILITY OF OPEN SOURCE HEALTH INFORMATION TECHNOLOGY SYSTEMS. (SENATE BILL SEC. 4206)

CURRENT LAW

No provision.

HOUSE BILL

No provision.

SENATE BILL

The Senate bill would the Secretary, in consultation with other federal agencies, to study and report to Congress by October 1, 2010, on the availability of open source HIT systems to safety net providers.

CONFERENCE AGREEMENT

This study is included in Section 4104 of the conference agreement.

Part III—Medicaid Funding

MEDICAID PROVIDER HIT ADOPTION AND OPERATION PAYMENTS; IMPLEMENTATION FUNDING. (HOUSE BILL SEC. 4321; SENATE BILL SEC. 4211; CONFERENCE AGREEMENT SEC. 4201)

CURRENT LAW

The federal government pays a share of every state's spending on Medicaid services and program administration. The federal match for administrative expenditures does not vary by state and is generally 50%, but certain functions receive a higher amount. Section 1903(a)(3) of the Social Security Act authorizes a 90% match for expenditures attributable to the design, development, or installation of mechanized claims processing and information retrieval systems—referred to as Medicaid Management Information Systems (MMISs)—and a 75% match for the operation of MMISs that are approved by the Secretary of Health and Human Services (HHS). A 50% match is available for non-approved MMISs under Section 1903(a)(7). In order to receive payments under Section 1903(a) for the use of automated data systems in the administration of their Medicaid programs, states are required under Section 1903(r) to have an MMIS that meets specified requirements and that the Secretary has found (among other things) is compatible with the claims processing and information retrieval systems used in the administration of the Medicare program.

State expenditures to encourage the purchase, adoption, and use of electronic health records do not receive federal financial participation, nor do State expenditures for the operation and maintenance of such systems.

HOUSE BILL

The House Bill would amend Title XIX of the Social Security Act to authorize a 100% Federal match for a portion of payments to encourage the adoption of EHR technology (including support services and maintenance) to certain Medicaid providers who meet certain requirements. The state must prove to the Secretary that allowable costs are paid directly to the provider without any deduction or rebate; that the provider is responsible for payment of the EHR technology costs not provided for; and, that for costs not associated with purchase and initial implementation, the provider certifies meaningful use of the EHR technology. Finally, the certified EHR technology should be compatible with state or Federal administrative management systems.

Eligible providers would include physicians, nurse mid-wives, and nurse practitioners who are not hospital-based, and who have patient volume of at least 30% attributable to Medicaid patients. In order to qualify as a Medicaid provider, the professional would have to waive any right to Medicare EHR incentive payments for professionals detailed in the bill. This group of providers would be eligible for a payment equal to 85% of their net allowable technology costs. However, the allowable costs for the purchase and initial implementation of EHR technology cannot exceed $25,000 or include costs over a period of more than 5 years. Annual allowable costs not associated with initial implementation or purchase of the EHR technology could not exceed $10,000 per year or be made over a period of more than 5 years. Aggregate allowable costs for these eligible professionals, after application of the 85% adjustment, could not exceed $63,750.

Acute care hospitals with at least 10% Medicaid patient volume would be eligible for payments, as would children's hospitals of any Medicaid patient volume. Payments to hospitals would be limited to amounts analogous to those specified for eligible hospitals in Medicare in Section 4312. The payment limit for such hospitals is calculated as a base amount plus an amount related to the total number of discharges for such a hospital. The hospital's patient share attributable to Medicaid is then multiplied by that amount to calculate the limit of the payment an eligible hospital can receive. Unlike the Medicare hospital amount, the Medicaid hospital amount in the House bill is available, subject to State administration, without restriction as to the schedule of payments over time. That amount may not exceed the total amount described above.

Rural health clinics and Federally-Qualified Health Centers with at least 30% patient volume attributable to Medicaid patients would also be eligible for a payment for the costs of adoption and use of certified EHR technology, limited to amounts to be determined by the Secretary.

In counting towards patient volume thresholds, patients in Medicaid managed care plans are to be counted equivalently to other individuals in Medicaid in all circumstances. Individuals enrolled in optional Medicaid expansion programs financed through title XXI of the Social Security Act also must be counted.

Because the payments to eligible professionals would be sufficient to cover most or all of the costs of acquiring and operating a certified EHR, providers eligible under for both Medicare and Medicaid payments are required to choose one. The Secretary would be required to ensure that eligible professionals do not receive payments from both Medicare and Medicaid. The Secretary would also be instructed to attempt to avoid duplicative requirements for Federal and state governments to demonstrate meaningful use of EHR technology under Medicaid and Medicare, and may deem demonstration of meaningful use of certified EHRs in Medicare to be sufficient for demonstration of meaningful use of such technology in Medicaid.

By contrast, hospital limitations for Medicare and Medicaid are assessed on a proportional basis depending upon a hospital's patient volume from each payer, so hospitals could receive funding from both sources.

The House bill would authorize a 90% Federal match for payment to the states for administrative expenses related to EHR technology payments. In order for a state to receive the match it must show that: it is using the funds provided for these purposes to administer these systems including tracking of meaningful use by providers; conducting adequate oversight of meaningful use of the systems; and pursuing initiatives to encourage the adoption of certified EHR technology to promote health care quality and the appropriate exchange of information.

The House bill would appropriate $40 million for each of FY2009 through FY2015 and $20 million for each succeeding fiscal year through FY2019 to the Centers for Medicare & Medicaid Services for the costs of administering the provisions of this section.

SENATE BILL

The Senate bill is very similar to the House bill, with the following differences. First, in measuring meaningful use, which may include the reporting of clinical quality measures, a State would be required to ensure that populations with unique needs, such as children, are appropriately addressed. Second, rural health clinics and Federally-Qualified Health Centers that have at least 30% of their patient volume attributable to Medicaid patients would face a

somewhat higher required contribution to the costs of adoption and use of certified EHRs. Finally, the Senate bill would require that the Secretary submit a report to Congress no later than July 1, 2012, that details the process developed to ensure coordination of the different health information technology program payments.

CONFERENCE AGREEMENT

The Conference agreement mirrors both the House-passed and Senate-passed bills. Across all eligible provider categories, the conference agreement provides Medicaid incentives towards the use of certified EHR technology based on a provider's involvement in the Medicaid program or other care for the uninsured and low-income populations. In addition to payment incentives for eligible professionals and hospitals contained in both bills, the agreement also provides for expanded funding to pediatricians, federally qualified health clinics (FQHCs), rural health clinics (RHCs), and physician assistants in physician assistant-led rural health clinics.

Specifically, eligible pediatricians with 20 to 30 percent patient volume attributable to patients receiving assistance through Medicaid would be eligible to receive up to two-thirds of the amount of eligible professionals with 30 percent patient volume attributable to such individuals (approximately $42,500 over a period of six years).

Federally qualified health centers and rural health clinics would be able to count additional patients towards the 30 percent qualifying threshold for Medicaid payments, including Medicaid patients; individuals receiving assistance through the Children's Health Insurance Program; individuals receiving charity care; and individuals receiving care for which payment is made on a sliding scale basis according to a patient's ability to pay. In addition, FQHCs and RHCs would be paid an amount for the adoption and use of certified EHRs proportional to the number of eligible professionals practicing predominantly in such settings according to the payment amounts determined for other eligible professionals (typically, up to $63,750 in federal contributions over a period of six years).

Additionally, the conference agreement provides that physician assistants practicing in RHCs and FQHCs that are led by physician assistants may receive Medicaid payments related to certified EHRs, provided that the facility meets the 30% facility threshold described above.

Like both the House-passed and Senate-passed bills, the conference agreement provides for up to $63,750 in federal contributions towards the adoption, implementation, upgrade, maintenance, and operation of certified EHR technology for eligible professionals. Up to 85% of $25,000, or $21,250, subject to a cap on average allowable costs, would be provided to eligible professionals to aid in adopting, implementing, and upgrading certified EHR systems. And up to 85% of $10,000, or $8,500, would be provided to eligible professionals for purposes of operation and maintenance of such systems over a period of up to 5 years.

Payments to hospitals would be limited to amounts analogous to those specified for eligible hospitals in Medicare in Section 4102. The payment limit for such hospitals is calculated as a base amount plus an amount related to the total number of discharges for such a hospital. The hospital's patient share attributable to Medicaid is then multiplied by that amount to calculate the limit of the payment an eligible hospital can receive. Relative to both the House and Senate-passed bills, the conference agreement provides additional specificity on the spending limitations for eligible hospitals in Medicaid. States may not pay more than 50% of the aggregate amount to a hospital in any year, and must spread payments to hospitals out over at least three years (contingent on demonstration of meaningful use of certified electronic health records).

Like both the House-passed and Senate-passed bills, the conference agreement prohibits payments to hospital-based professionals (because such professionals are generally expected to use the EHR system of that hospital). This policy does not disqualify otherwise eligible professionals merely on the basis of some association or business relationship with a hospital. Common examples of such arrangements include professionals who are employed by a hospital to work in an ambulatory care clinic or billing arrangements in which physicians submit claims to Medicare together with hospitals or other entities. The conference agreement clarifies that this test will be based on the setting in which a provider furnishes services rather than any billing or employment arrangement between a provider and hospital or other provider entity.

The agreement requires coordination of payments to eligible professionals with Medicare payments under sections 1848(o) and 1853(l) in order to assure no duplication of funding. The provision requires that such coordination include, to the extent practicable, a data matching process between State Medicaid agencies and the CMS using national provider numbers. The Congress intends that such process be used to identify providers who have received funding from either Medicare or Medicaid so as to prevent such providers from accessing incentives in the other program.

MEDICAID NURSING HOME GRANT PROGRAM. (HOUSE BILL SEC. 4322)

CURRENT LAW

No provision.

HOUSE BILL

The House bill would authorize the appropriation of $600, to remain available until expended, for the Secretary to establish a Medicaid grant program for the purpose of making incentive payments, through States, to nursing facilities to encourage the meaningful use of certified EHR technology in nursing facilities. The program would require nursing facilities to engage in quality improvement programs in addition to demonstrating meaningful use of certified EHR technology. The Secretary would be authorized to award grants to not more than 10 states. Incentive payments would cover up to 90% of a facility's EHR adoption and operation costs.

SENATE BILL

No provision.

CONFERENCE AGREEMENT

No provision.

Subtitle E—Miscellaneous Medicare Provisions

MORATORIA ON CERTAIN MEDICARE REGULATIONS. (HOUSE BILL SEC. 4501; SENATE BILL SEC. 4204; CONFERENCE AGREEMENT SEC. 4301)

(a) Delay in phase out of Medicare hospice budget neutrality adjustment factor during Fiscal Year 2009

CURRENT LAW

The prospective payment methodology for hospice was established in 1983. This prospective payment system (PPS) pays hospices according to the general type of care provided to a beneficiary on a daily basis. This rate attempts to adjust for geographic differences through a wage index adjustment. The current hospice wage index methodology was implemented in 1997 through the rulemaking process. The hospice wage index is updated annually and based upon the most current hospital wage data and any changes to the Office of Management and Budget's (OMB) Metropolitan Statistical Areas (MSA) definitions. Prior to this date, the wage adjustment used a hospice wage index based upon 1981 hospital data collected by the Bureau of Labor Statistics (BLS). The change in 1997 was intended to improve the data used to account for disparities in geographic location and improve accuracy, reliability, and equity of Medicare payments to hospices across the country.

When the data source used to adjust hospice payments for differences in the cost of labor across geographic area was changed in 1997 from the BLS data to the hospital wage data, a budget neutrality adjustment factor (BNAF) was instituted as part of the payment system. The BNAF prevents participating hospices from experiencing reductions in total payments as a result of the wage data change. The BNAF increases payments to those hospices that would otherwise experience a payment reduction by boosting hospice payments to these providers by amounts that would make overall payments budget neutral to the levels they would have received had the BLS based wage adjustment data been used. On August 8, 2008, in a final rule, published by HHS, the BNAF would be phased-out over three years, beginning with a 25% reduction in FY2009, an additional 50% reduction (totaling 75%) in FY2010, and a final 100%, or elimination, in FY2011. The phase-out of the BNAF went into effect on October 1, 2008.

HOUSE BILL

The House bill would require that the Secretary not phase-out or eliminate the budget neutrality adjustment factor before October 1, 2009. The hospice wage index used for FY2009 would be recomputed as if there had been no reduction in the budget neutrality factor.

SENATE BILL

No provision.

CONFERENCE AGREEMENT

The Conference Agreement recedes to the House provision. The Conferees do not anticipate extending this provision as they expect the hospice community to seek a permanent fix in the annual rulemaking cycle for Medicare hospice payments.

(b) Non-application of phased-out Indirect Medical Education (IME) adjustment factor for Fiscal Year 2009

CURRENT LAW

Medicare sets separate per discharge payment rates to cover the costs for depreciation, interest, rent and other property-related expenses in acute care hospitals. Due to a regulatory change implemented by the Center for Medicare and Medicaid Services (CMS), Medicare's indirect medical education (IME) adjustment in its capital inpatient prospective payment system (IPPS) is scheduled to be phased out over a 2-year period starting in FY2009. In FY2009, teaching hospitals will receive half of the IME adjustment in Medicare's capital IPPS; in FY2010 and in subsequent years, the capital IME adjustment will be eliminated.

HOUSE BILL

The FY2009 adjustment to 50% of the capital IME adjustment would not be implemented. Medicare payments would be recomputed for discharges after October 1, 2008. The elimination of capital IME in FY2010 would not be affected. To implement this provision, $2 million would be transferred from Medicare's Federal Hospital Insurance Trust Fund into the CMS Program Management Account for FY2009.

SENATE BILL

The Senate bill includes the same IME adjustment provision, but without implementation funding.

CONFERENCE AGREEMENT

The Conference Agreement recedes to the House provision. The Conferees do not anticipate extending this provision as they expect the hospital community to seek a permanent fix in the annual IPPS rulemaking cycle.

LONG-TERM CARE HOSPITAL TECHNICAL CORRECTIONS. (HOUSE BILL SEC. 4502; CONFERENCE AGREEMENT SEC. 4302)

CURRENT LAW

Long-term care hospitals (LTCHs) are generally defined as hospitals that have an average Medicare inpatient length of stay greater than 25 days. LTCHs are designed to provide extended medical and rehabilitative care for patients who are clinically complex and have multiple acute or chronic conditions.

Starting October 1, 2004, CMS established limits on the number of discharged Medicare patients that an LTCH hospital-within-hospital (HwH) or satellite LTCH could admit from its co-located host hospital. In general, CMS applied a payment adjustment for discharges in excess of a 25% threshold that an LTCH HwH or satellite admitted from its co-located host hospital. After that threshold had been reached, generally, the LTCH would receive a lower payment for subsequent patient admissions that had been discharged from the host hospital. The adjustment was not applied to ''grandfathered'' HwHs or ''grandfathered'' LTCH satellites. Beginning in rate year 2008, CMS extended the 25% threshold payment adjustment for discharges from co-located host hospitals to grandfathered HwHs and LTCH satellite facilities. CMS also extended the 25% threshold payment adjustment to LTCH discharges admitted from hospitals with which the LTCH or satellite facility was not co-located, also referred to as freestanding LTCHs. The regulatory policy setting forth the payment adjustment policy for referrals from co-located hospitals is in 42 CFR 412.534. The regulatory policy setting forth the payment adjustment policy for referrals from non-co-located hospitals is in 42 CFR 412.536.

The Medicare, Medicaid and SCHIP Extension Act of 2007 (MMSEA) provided for a three-year delay for grandfathered LTCH HwHs of the 25% threshold for discharges admitted from a co-located host (42 CFR 412.534). MMSEA also provided for a three-year delay for grandfathered LTCH HwHs and freestanding LTCHs of the 25% threshold payment adjustment for referrals from non-co-located hospitals (42 CFR 412.536). These provisions in MMSEA became effective for cost reporting periods beginning on or after December 29, 2007.

MMSEA also increased the patient percentage thresholds from 25% to 50% for certain LTCH HwH and non-grandfathered satellite discharges admitted from a co-located hospital (CFR 412.534), and from 50% to 75% for certain LTCH HwH and satellite discharges admitted from a co-located rural, MSA-dominant, or urban single hospital for a three-year period. These provisions were effective for cost reporting periods beginning on or after December 29, 2007.

MMSEA provided a three-year moratorium on new LTCHs or satellite LTCHs, with exceptions for an LTCH that, as of the date of enactment: (1) began its qualifying payment period as an LTCH; (2) had binding written agreements and had expended a certain percent of estimated cost or dollar amount for the purpose of construction, renovation, lease or demolition; and, (3) had an approved certificate of need from a State where one is required.

HOUSE BILL

The House bill would align the start date of the three-year delay in the implementation of the 25% patient threshold adjustment for referrals from non-co-located facilities for freestanding LTCHs and grandfathered HwHs with the original effective date for the phase-in of this regulatory policy. This new effective date is July 1, 2007. The bill also would align the start date of the three-year delay in the implementation of the 25% patient threshold for referrals from co-located hospitals with the original effective date for the phase-in of this regulatory policy (at 42 CFR 412.534(g)). The new effective date is October 1, 2007. µFor grandfathered LTCH satellite facilities, the effective date is July 1, 2007.

The bill would clarify that the 3-year delay from the 25% threshold policy for referrals from non-co-located facilities applies to LTCH or LTCH satellites that are co-located with an entity that is a provider-based, off-campus location of a subsection (d) hospital which did not provide 1886(d) services at the off-campus location.µ It also clarifies that grandfathered satellite facilities receive the same relief as non-grandfathered satellites from 42 CFR 412.534 pertaining to applicable patient percentage thresholds.

The bill would clarify that the exception from the LTCH moratorium applies to LTCHs with certificates of need for bed expansions prior to date of enactment but no earlier than April 1, 2005.

SENATE BILL

No provision.

CONFERENCE AGREEMENT

The Conference Agreement recedes to the House provision.

TITLE V—STATE FISCAL RELIEF

SEC. 5000. PURPOSES (SEC. 5000 OF THE SENATE BILL)

CURRENT LAW

No provision.

HOUSE BILL

No provision.

SENATE BILL

The Senate bill sets forth the purposes of the State Fiscal Relief title as: (1) to provide fiscal relief to states in a period of economic downturn, and (2) to protect and maintain state Medicaid programs during a period of economic downturn, including by helping to avert cuts to provider payment rates and benefits or services, and to prevent constrictions of income eligibility requirements for such programs, but not to promote increases in such requirements.

CONFERENCE AGREEMENT

The conference agreement follows the Senate bill.

SEC. 5001. TEMPORARY INCREASE OF MEDICAID FMAP (SEC. 5001 OF THE HOUSE BILL; SEC. 5001 OF THE SENATE BILL)

CURRENT LAW

The federal medical assistance percentage (FMAP) is the rate at which states are reimbursed by the federal government for most Medicaid service expenditures. It is based on a formula that provides higher reimbursement to states with lower per capita incomes relative to the national average (and vice versa); it has a statutory minimum of 50% and maximum of 83%. Exceptions to the FMAP formula have been made for certain states and situations. For example, the District of Columbia's Medicaid FMAP is set in statute at 70%, and the territories have FMAPs set at 50% (they are also subject to federal spending caps). During the last economic downturn under the Jobs and Growth Tax Relief Reconciliation Act of 2003 (P.L. 108–27), all states received a temporary increase in Medicaid FMAPs for the last two quarters of FY2003 and the first three quarters of FY2004 as part of a fiscal relief package. In addition to Medicaid, the FMAP is used in determining the federal share of certain other programs (e.g., foster care and adoption assistance under Title IV–E of the Social Security Act) and serves as the basis for calculating an enhanced FMAP that applies to the Children's Health Insurance Program.

HOUSE BILL

The House bill provides a temporary adjustment FMAP during a recession adjustment period that begins with the first quarter of FY2009 and runs through the first quarter of FY2011, The House provision would hold all states harmless from any scheduled decline in their regular FMAPs, provide all states with an across-the-board increase of 4.9 percentage points, and provide high unemployment states with an additional increase. It would also allow each territory to choose between an FMAP increase of 4.9 percentage points along with a 10% increase in its spending cap, or its regular FMAP along with a 20% increase in its spending cap. It is estimated that the House provision would provide about half of its spending via the hold harmless and across-the-board increases, and about half via the unemployment-related increase which is targeted to the states hit hardest by job loss.

States would be evaluated on a quarterly basis for the additional unemployment-related FMAP increase, which would equal a percentage reduction in the state share. The percentage reduction would be applied to the state share after the hold harmless increase and before the 4.9 percentage point increase. For example, after applying the 4.9 point increase provided to all states, a state with a regular FMAP of 50% (state share of 50%) would have an FMAP of 54.90%. If the state share were further reduced by 6%, the state would receive an additional FMAP increase of 3 points (50 * 0.06 = 3). The state's total FMAP increase would be 7.9 points (4.9 + 3 = 7.9), providing an FMAP of 57.90%.

The additional unemployment-related FMAP increase would be based on a state's unemployment rate in the most recent 3-month period for which data are available (except for the first two and last two quarters of the recession adjustment period, for which the 3-month period would be specified) compared to its lowest unemployment rate in any 3-month period beginning on or after January 1, 2006. The criteria would be as follows:

- unemployment rate increase of at least 1.5 but less than 2.5 percentage points = 6% reduction in state share;

• unemployment rate increase of at least 2.5 but less than 3.5 percentage points = 12% reduction in state share; and

• unemployment rate increase of at least 3.5 percentage points = 14% reduction in state share.

If a state qualifies for the additional unemployment-related FMAP increase and later has a decrease in its unemployment rate, its percentage reduction in state share could not decrease until the fourth quarter of FY2010 (for most states, this corresponds with the first quarter of SFY2011). If a state qualifies for the additional unemployment-related FMAP increase and later has an increase in its unemployment rate, its percentage reduction in state share could increase.

The full amount of the temporary FMAP increase would only apply to Medicaid (excluding disproportionate share hospital payments). A portion of the temporary FMAP increase (hold harmless plus 4.9 percentage points) would apply to Title IV–E foster care and adoption assistance. States would be required to maintain their Medicaid eligibility standards, methodologies, and procedures as in effect on July 1, 2008, in order to be eligible for the increase. They would be prohibited from depositing or crediting the additional federal funds paid as a result of the temporary FMAP increase to any reserve or rainy day fund. States would also be required to ensure that local governments do not pay a larger percentage of the state's nonfederal Medicaid expenditures than otherwise would have been required on September 30, 2008.

SENATE BILL

Similar to the House provision, the Senate provision would hold all states harmless from any decline in their regular FMAPs. However, it would provide a larger across-the-board increase of 7.6 percentage points and a smaller unemployment-related increase. It would apply the 7.6 percentage point increase and raise the territories' spending caps in the territories by 15.2%. It is estimated that the Senate provision would provide about 80% of its spending via the hold harmless and across-the-board increases, and about 20% via the unemployment-related increase.

As in the House provision, the Senate provision would calculate the unemployment-related increase as a percentage reduction in the state share. However, the percentage reduction would be applied to the state share after both the hold harmless increase and the across-the-board increase of 7.6 percentage points. The Senate provision would evaluate states based on the same unemployment data, except that it would not specify the three-month period to be used for the first two and last two quarters of the temporary FMAP increase. The criteria would be as follows: unemployment rate increase of at least 1.5 but less than 2.5 percentage points = 2.5% reduction in state share; increase of at least 2.5 but less than 3.5 percentage points = 4.5% reduction; increase of at least 3.5 percentage points = 6.5% reduction. Like the House provision, a state's percentage reduction could increase over time as its unemployment rate increases, but it would not be allowed to decrease until the last quarter of FY2010.

Unlike the House provision, the Senate provision would not apply the temporary FMAP increase to expenditures for individuals who are eligible for Medicaid because of an increase in a state's income eligibility standards above what was in effect on July 1, 2008. It would also prohibit states from receiving the temporary increase if they are not in compliance with existing requirements for prompt payment of health care providers under Medicaid and would extend this requirement to nursing facilities. States would be required to report to the Secretary of HHS on their compliance with such requirements. Otherwise, the Senate provision is similar to the House provision.

CONFERENCE AGREEMENT

The conference agreement follows the Senate bill with modifications. The across-the-board increase in FMAP would be 6.2 percentage points. The reductions in state share for states with increases in unemployment rates would be 5.5%, 8.5%, and 11.5%. These percent reductions would be applied against the state share after the hold harmless reduction and after an across-the-board increase of 3.1 percentage points. Each territory would be allowed to choose between an FMAP increase of 6.2 percentage points along with a 15% increase in its spending cap, or its regular FMAP along with a 30% increase in its spending cap. It is estimated that the conference agreement would provide about 65% of its spending via the hold harmless and across-the-board increases, and about 35% via the unemployment-related increase.

The conference agreement would also prohibit states from receiving the temporary increase if they are not in compliance with existing requirements for prompt payment of practitioners under Medicaid and would extend this requirement to nursing facilities and hospitals. States would be required to report to the Secretary of HHS on their compliance with such requirements.

SEC. 5001(0(2). COMPLIANCE WITH PROMPT PAY REQUIREMENTS (SEC. 3304 OF THE SENATE BILL)

CURRENT LAW

Under SSA Sec. 1902(a)(37)(A) states are to reimburse providers for services within 30 days of the receipt of a reimbursement claim. State Medicaid programs are to reimburse providers for 90% of claims submitted for payment within 30 days of receipt of the claim. Medicaid also is to process and pay 99% of claims within 90 days from the date of receipt of such claims. These requirements allow states additional time to process claims that are inaccurate, incomplete, or otherwise can not be processed in a timely manner.

HOUSE BILL

No provision.

SENATE BILL

Under this provision, for states to qualify for the temporary enhanced FMAP funding under section 5001, states would have to meet current prompt payment requirements under section 1902(a)(37)(A), as well as a temporary extension of those requirements to nursing facilities, which are not currently subject to the prompt pay requirements in title XIX.

CONFERENCE AGREEMENT

The conference agreement follows the Senate bill with modifications to the reporting requirements, to temporarily extend application of the prompt pay requirements to hospitals, and to provide a grace period before states become ineligible for increased FMAP as a result of failure to comply with the requirements as relate to nursing facilities and hospitals.

SEC. 5002. TEMPORARY INCREASE IN DSH ALLOTMENTS DURING RECESSION (SEC. 5006 OF THE HOUSE BILL; SEC. 5002 OF THE SENATE BILL)

CURRENT LAW

Medicaid law requires that states make. Medicaid payment adjustments for hospitals that serve a disproportionate share of low-income patients with special needs. Payments to these hospitals known as disproportionate share hospital (DSH) payments, are specifically defined in Medicaid law. They are subject to aggregate annual state-specific limits on federal financial participation. States are required to provide an annual report to the Secretary describing the payment adjustments made to each DSH hospital.

HOUSE BILL

This provision would increase states' FY2009 annual Disproportionate Share Hospital (DSH) allotments by 2.5% above the allotment they would have received in FY2009 under current law. In addition, states' DSH allotments in FY2010 would be equal to the FY2009 DSH allotment (with the adjustment) increased by 2.5%. After FY2010, states' annual DSH allotments would be determined as under current law. If, under current law, states' annual DSH allotments are higher in either FY 2009 or FY 2010 than they would have been with the 2.5% adjustment, then states would receive the higher DSH allotments without the recession adjustment.

SENATE BILL

Under this provision, states that reported to the Health and Human Services Secretary, as of August 31, 2009, FY2006 total (federal and state) DSH allotments of less than 3% of the state's total state plan medical assistance expenditures would receive special DSH allotments established under the Medicare Modernization Act of 2003 (MMA, P.L. 108–391). This new provision may affect the number of states that are determined to be low-DSH states since the provision would rely on a different base year than that used under MMA. Under this provision, low-DSH states would receive the following revised DSH allotments:

• for FY2009, the DSH allotment would be the FY2008 DSH allotment increased by 16%;

• for FY2010, the DSH allotment would be the FY2009 DSH allotment increased by 16%;

• for the first quarter of FY2011(through December 31, 2010), the DSH allotment would be ¼ of the DSH allotment for FY2010 increased by 16%;

• for the remainder of FY2011 (January 1, 2011-September 30, 2011), the DSH allotment would be ¾ of the FY2010 DSH allotment for each qualified state without the changes contained in this provision;

• for FY2012, qualified states' DSH allotments would be FY2010 DSH allotment (as if this provision had not been enacted);

• for FY2013 and subsequent years, qualified states would receive the DSH allotment for the previous fiscal year with an inflation adjustment, as described in the Social Security Act (SSA), Section 1923(f)(5).

CONFERENCE AGREEMENT

The conference agreement follows the House provision.

SEC. 5003. MORATORIA ON CERTAIN MEDICAID FINAL REGULATIONS (SEC. 5002 OF THE HOUSE BILL; SEC. 5002 OF THE SENATE BILL)

CURRENT LAW

In 2007 and 2008, the Centers for Medicare and Medicaid Services (CMS) issued seven Medicaid regulations that generated controversy during the 110th Congress. To address concerns with the impact of the regulations, Congress passed a law that imposed moratoria on six of the Medicaid regulations until April 1, 2009 (excluding the rule on outpatient hospital facility and clinic services). The seven Medicaid regulations covered the following Medicaid areas:

• Graduate Medical Education,

- Cost Limit for Public Providers,
- Rehabilitation Services,
- Targeted Case Management,
- School-Based Services,
- Provider Taxes, and
- Outpatient Hospital Services.

HOUSE BILL

This provision would extend the moratoria on the first six regulations beyond April 1, 2009, when the current moratoria expire, to July 1, 2009. The regulations covered under the extension would include: (1) Graduate Medical Education, (2) Cost Limit for Public Providers, (3) Rehabilitative Services, (4) Targeted Case Management, (5) School-Based Services, and (6) Provider Taxes. In addition, this provision would specifically prohibit the Health and Human Services Secretary from taking any action until after June 30, 2009 (through regulation, regulatory guidance, use of federal payment audit procedures, or other administrative action, policy, or practice, including Medical Assistance Manual transmittal or state Medicaid director letter) to implement a final regulation covering Outpatient Hospital facility services.

SENATE BILL

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the House bill with a modification limiting the application of the moratoria to the four regulations that have been published as final: (1) Targeted Case Management, (2) School-Based Services, (3) Provider Taxes, and (4) Outpatient Hospital Services. The conference agreement also states the sense of the Congress that the Secretary of HHS should not promulgate as final the proposed regulations relating to Graduate Medical Education, Cost Limit for Public Providers, and Rehabilitative Services.

SEC. 5004. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) (SEC. 5003 OF THE HOUSE BILL; SEC. 3101 OF THE SENATE BILL)

CURRENT LAW

States are required to continue Medicaid benefits for certain low-income families who would otherwise lose coverage because of changes in their income. This continuation is called transitional medical assistance (TMA). Federal law permanently requires four months of TMA for families who lose Medicaid eligibility due to increased child or spousal support collections, as well as those who lose eligibility due to an increase in earned income or hours of employment. However, Congress expanded work-related TMA under Section 1925 of the Social Security Act in 1988, requiring states to provide at least six, and up to 12, months of coverage. Since 2001, these work-related TMA requirements have been funded by a series of short-term extensions, most recently through June 30, 2009.

To qualify for work-related TMA under Section 1925, a family must have received Medicaid in at least three of the six months preceding the month in which eligibility is lost and have a dependent child in the home. During the initial 6-month period of TMA, states must provide the same benefits the family was receiving, although this requirement may be met by paying a family's premiums, deductibles, coinsurance, and similar costs for employer-based health coverage. An additional 6-month extension of TMA (for a total of up to 12 months) is available for families who continue to have a dependent child in the home, who meet reporting requirements, and whose average gross monthly earnings (less work-related child care costs) are below 185% of the federal poverty line. States may impose a premium, limit the scope of benefits, and use an alternative service delivery system during the second six months of TMA.

HOUSE BILL

The provision would extend work-related TMA under Section 1925 for 18 months through December 31, 2010. The provision also would give States the flexibility to extend an initial eligibility period of 12 months of Medicaid coverage to families transitioning from welfare to work, in which case the additional 6-month extension would not apply. The House bill also gives states the option of waiving the requirement that a family must have received Medicaid in at least three of the last six months in order to qualify.

Under the House provision, states would be required to collect and submit to the Secretary of Health and Human Services (and make publicly available) information on average monthly enrollment and participation rates for adults and children under work-related TMA; states would also be required to collect and submit information on the number and percentage of children who become ineligible for work-related TMA, but who continue to be eligible under another Medicaid eligibility category or who are enrolled in the Children's Health Insurance Program.

SENATE BILL

The Senate bill is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House and Senate bills.

SEC. 5005. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM (SEC. 3201 OF THE SENATE BILL)

CURRENT LAW

Certain low-income individuals who are aged or have disabilities, as defined under the Supplemental Security Income (SSI) program, and who are eligible for Medicare, are also eligible to have their Medicare Part B premiums paid for by Medicaid under the Medicare Savings Program (MSP). Eligible groups include Qualified Medicare Beneficiaries (QMBs), Specified Low-Income Medicare Beneficiaries (SLMBs), and Qualifying Individuals (QIs). QMBs have incomes no greater than 100% of the federal poverty level (FPL) and assets no greater than $4,000 for an individual and $6,000 for a couple. SLMBs meet QMB criteria, except that their incomes are greater than 100% of FPL but do not exceed 120% FPL. QIs meet the QMB criteria, except that their income is between 120% and 135% of FPL. Further, they are not otherwise eligible for Medicaid. The QI program is currently slated to terminate December 2009.

In general, Medicaid payments are shared between federal and state governments according to a matching formula. Unlike the QMB and SLMB programs, the QI program is paid 100% by the federal government from the Part B Trust fund. The total amount of federal QI spending is limited each year and allocated among the states. States are required to cover only the number of people that would bring their annual spending on these population groups to their allocation levels. For the period beginning on January 1, 2009 and ending on September 30, 2009, the total allocation amount for all states was $350 million. For the period that begins on October 1, 2009 and ends on December 31, 2009, the total allocation is $150 million.

HOUSE BILL

No provision.

SENATE BILL

This provision would extend the QI program an additional year from December 2009 to December 2010. It establishes specific funding limits:

- from January 1, 2010, through September 30, 2010, the total allocation amount would be $412.5 million, and
- from October 1, 2010, through December 31, 2010, the total allocation amount would be $150 million.

CONFERENCE AGREEMENT

The conference agreement follows the Senate bill.

SEC. 5006(A), (B), (C). PROTECTIONS FOR INDIANS UNDER MEDICAID AND CHIP (SEC. 5004 OF THE HOUSE BILL; SEC. 3301 OF THE SENATE BILL)

CURRENT LAW

Premiums and Cost Sharing. In Medicaid, premiums and enrollment fees generally are prohibited for most beneficiaries. Nominal premiums and enrollment fees specified in regulations may be imposed on selected groups (e.g., medically needy, certain families qualifying for transitional Medicaid, pregnant women and infants with income over 150% FPL). Premiums and enrollment fees can exceed these nominal amounts for other selected groups (e.g., certain workers with disabilities and individuals covered under Section 1115 demonstrations).

Service-related cost-sharing (e.g., deductibles, copayments, co-insurance) is prohibited for selected groups (e.g., children under 18, pregnant women) and for selected benefits (e.g., hospice care, emergency services, family planning services and supplies). For most other groups and services, nominal cost-sharing amounts specified in regulations may be applied at state option. For other selected groups (e.g., workers with disabilities and individuals covered under Section 1115 demonstrations), cost-sharing can exceed nominal amounts.

The Deficit Reduction Act of 2005 (P.L. 109–171) added a new Medicaid state option for alternative premiums and cost-sharing for certain subgroups. Applicable maximum amounts vary by income level (as a percent of the federal poverty level). Special rules apply to prescription drugs and to non-emergency services provided in hospital emergency rooms.

Indians are not explicitly exempted from cost-sharing and premium charges in Medicaid. When an Indian Medicaid beneficiary receives services from a contract health services (CHS) provider, Medicaid pays for the service. Any copayment that Medicaid does not pay must be paid by the Indian Health Service (IHS) or the Tribe from its CHS budget, since the CHS provider may not bill the Indian patient. The practical effect of this is simply to reduce the amount of appropriated funds available for health care from IHS or CHS for Tribes that already lack sufficient resources. CHIP programs are already prohibited from imposing cost-sharing on eligible Indians.

Eligibility Determinations under Medicaid and CHIP. The federal Medicaid statute defines more than 50 eligibility pathways. For some pathways, states are required to apply an assets test. For other pathways, assets tests are a state option. When assets tests apply, some pathways give states flexibility to define specific assets that are to be counted and which can be disregarded. For other pathways, primarily for people qualifying on the basis of having a disability or who are elderly, assets tests are required. States generally follow asset guidelines specified for

the Supplementary Security Income (SSI) program. Medicaid also defines the rules for the counting of certain assets. Under SSI law, several types of assets are excluded, including: (1) any land held in trust by the United States for a member of a federally-recognized tribe, or any land held by an individual Indian or tribe and which can only be sold, transferred, or otherwise disposed of with the approval of other individuals, his or her tribe, or an agency of the federal government; and (2) certain distributions (including land or an interest in land) received by an individual Alaska Native or descendant of an Alaska Native from an Alaska Native Regional and Village Corporation pursuant to the Alaska Native Claims Settlement Act. Most other property is required to be counted. There is no similar provision in current CHIP law.

Estate Recovery. The Omnibus Budget Reconciliation Act of 1993 requires all states to recover ; property and assets of deceased Medicaid beneficiaries for the cost of certain services provided by Medicaid. At a minimum, states must seek recovery for certain services provided, including nursing home care, services provided by an intermediate care facility for the mentally retarded or other similar medical institutions, and Medicaid payments to Medicare for cost-sharing related benefits. The state has discretion to recover further assets to cover the costs for all Medicaid services provided to the beneficiary. The state also has the authority to grant an exemption if the recovery would place undue hardship against the estate. The Secretary specifies the standards for a state hardship waiver for Medicaid estate recovery purposes.

HOUSE BILL

Premiums and Cost Sharing. The provision would specify that no enrollment fee, premium or similar charge, and no deduction, co-payment, cost-sharing, or similar charge shall be imposed against an Indian who receives Medicaid-coverable services or items directly from the Indian Health Service (IHS), an Indian Tribe (IT), Tribal Organization (TO), or Urban Indian Organization (UIO), or through referral under the contract health services (CHS) program. In addition, Medicaid payments due to the IHS, an IT, TO, or UIO, or to a health care provider through referral under the CHS program for providing services to a Medicaid-eligible Indian, could not be reduced by the amount of any enrollment fee, premium or similar charge, as well as any cost-sharing or similar charge that would otherwise be due from an Indian, if such charges were permitted. A rule of construction would specify that nothing in this provision could be construed as restricting the application of any other limitations on the imposition of premiums or cost-sharing that may apply to a Medicaid-enrolled Indian. This language would also add Indians receiving services through Indian entities to the list of individuals exempt from paying premiums or cost-sharing under the DRA option for alternative premiums and cost-sharing under Medicaid. The effective date of this provision would be October 1, 2009.

Eligibility Determinations under Medicaid and CHIP. The provision would prohibit consideration of four different classes of property from resources in determining Medicaid eligibility of an Indian. These classes include: (1) property, including real property and improvements, that is held in trust (subject to federal restrictions or otherwise under the supervision of the Secretary of the Interior), located on a reservation, including any federally recognized Indian Tribes reservation, Pueblo, or Colony, including former reservations in Oklahoma, Alaska Native regions established by the Alaska Native Claims Settlement Act (ANCSA), and Indian allotments on or near a reservation as designated and approved by the Bureau of Indian Affairs; (2) for any federally recognized Tribe not described in the first class, property located within the most recent boundaries of a prior federal reservation; (3) ownership interests in rents, leases, royalties, or usage rights related to natural resources, including extraction of natural resources or harvesting of timber, other plants and plant products, animals, fish, and shellfish, resulting from the exercise of federally protected rights; and (4) ownership interest in or usage rights to items not covered in the previous classes that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional life style according to applicable tribal law or custom. This provision is modeled on the provisions of the Centers for Medicare & Medicaid Services (CMS) State Medicaid Manual that exempt the same type of Indian property from Medicaid estate recovery. The House bill would also apply this new language to CHIP in the same manner in which it applies to Medicaid.

Estate Recovery. The provision would provide that certain income, resources, and property would remain exempt from Medicaid estate recovery if they were exempted under Section 1917(b)(3) of the Social Security Act (allowing the Secretary to specify standards for a state hardship waiver of asset criteria) under instructions regarding Indian tribes and Alaskan Native Villages as of April 1, 2003. The provision also would allow the Secretary to provide for additional estate recovery exemptions for Indians under Medicaid.

SENATE BILL

Same as House bill, except that these provisions would sunset on December 31, 2010. The Senate bill did not specify an effective date for the premiums and cost sharing provision, meaning those provisions would take effect upon enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate bill with modifications for the provisions to be permanently effective July 1, 2009.

SEC. 5006(D). RULES AAPPLICABLE UNDER MEDICAID AND CHIP TO MANAGED CARE ENTITIES WITH RESPECT TO INDIAN ENROLLEES AND INDIAN HEALTH CARE PROVIDERS AND INDIAN MANAGED CARE ENTITIES (SEC. 3302 OF THE SENATE BILL)

CURRENT LAW

Section 1903(m)(1) of Title XIX defines: (1) the term Medicaid managed care organization (MCO), (2) requirements regarding accessibility of services for Medicaid MCO beneficiaries vis-a-vis non-MCO Medicaid beneficiaries within the area served by the MCO; (3) solvency standards in general and specific to different types of organizations; and (4) the duties and functions of the Secretary with respect to the status of an organization as a Medicaid MCO.

Section 1905(t) of Title XIX defines another type of managed care arrangement called primary care case management (PCCM). Under such arrangements, states contract with primary care case managers who are responsible for locating, coordinating and monitoring covered primary care (and other services stipulated in contracts) provided to all individuals enrolled in such PCCM programs.

Title XIX contains a number of additional provisions regarding managed care under Medicaid. Section 1932(a)(5) specifies rules regarding the provision of information about managed care to beneficiaries and potential enrollees. Such information must be in an easily understood form, and must address the following topics: (1) who providers are and where they are located, (2) enrollee rights and responsibilities, (3) grievance and appeal procedures, (4) covered items and services, (5) comparative information for available MCOs regarding benefits, cost-sharing, service area and quality and performance, and (6) information on benefits not covered under managed care arrangements. In addition, Section 1932(d)(2)(B) requires managed care entities to distribute marketing materials to their entire service areas.

Sections 1903(m) and 1932 provide cross-referencing definitions for the term ''Medicaid managed care organization.'' Under Title XIX, section 1932(a)(2)(C) stipulates the rules regarding Indian enrollment in Medicaid managed care. A state may not require an Indian (as defined in Section 4(c) of the Indian Health Care Improvement Act (IHCIA) to enroll in a managed care entity unless the entity is one of the following (and only if such entity is participating under the plan): (1) the IHS, (2) an IHP operated by an Indian tribe or tribal organization pursuant to a contract, grant, cooperative agreement, or compact with the IHS pursuant to the Indian Self-Determination Act, or (3) an urban IHP operated by a UI0 pursuant to a grant or contract with the IHS pursuant to Title V of IHCIA.

In general, Federally Qualified Health Centers (FQHCs) are paid on a per visit basis, using a prospective payment system that takes into account costs incurred and changes in the scope of services provided. Per visit payment rates are also adjusted annually by the Medicare Economic Index applicable to primary care services. When an FQHC is a participating provider with a Medicaid managed care entity (MCE), the state must make supplemental payments to the center in an amount equal to any difference between the rate paid by the MCE and the per visit amount determined under the prospective payment system.

HOUSE BILL

No provision.

SENATE BILL

Under this provision, Medicaid managed care contracts with Managed Care Entities (MCEs) and Primary Care Case Management (PCCMs) companies would be required to meet certain conditions relating to access for Indian Medicaid beneficiaries in order to receive Medicaid payments, including:

MCEs and PCCMs would need to demonstrate that the number of participating Indian health care providers was sufficient to ensure timely access to covered Medicaid managed care services for eligible enrollees, and

MCEs and PCCMs would need to agree to pay Indian health care providers (IHPs) at rates equal to the rates negotiated between these organizations and the provider involved, or, if such a rate has not been negotiated, at a rate that is not less than the level and amount of payment which the MCE or PCCM would make for services rendered by a participating non-Indian health care provider.

In addition, this provision would specify that MCEs and PCCMs must agree to make prompt payment, as required under Medicaid

rules for all providers, to participating Indian health care providers, and states would be prohibited from waiving requirements relating to assurance that payments are consistent with efficiency, economy, and quality.

Further, this provision would apply special payment provisions to certain Indian health care providers that are Federally Qualified Health Centers (FQHCs). For non-participating Indian FQHCs that provide covered Medicaid managed care services to Indian MCE enrollees, the MCE must pay a rate equal to the payment that would apply to a participating non-Indian FQHC. When payments to such participating and non-participating providers by an MCE for services rendered to an Indian enrollee with the MCE are less than the rate under the state plan, the state must pay such providers the difference between the rate and the MCE payment. Likewise, if the amount, paid to a non-FQHC Indian provider (whether or not the provider participates with the MCE) is less than the rate that applies under the state plan, the state must pay the difference between the applicable rate and the amount paid by MCEs. Under this provision, Indian Medicaid MCEs would be permitted to restrict enrollment to Indians and to members of specific tribes in the same manner as IHPs may restrict the delivery of services to such Indians and tribal members.

Finally, the provision would apply specific sections affecting Medicaid to the CHIP program, including (1) Section 1932(a)(2)(C) in current law regarding enrollment of Indians in Medicaid managed care (e.g., states cannot require Indians to enroll in a MCE unless the entity is the IHS, certain IHPs operated by tribes or tribal organizations, or certain urban IHPs operated by Urban Indian Organizations (UIOs), and (2) the new Section 1932(h) as described above.

CONFERENCE AGREEMENT

The conference agreement follows the Senate bill with a modification deleting the sunset date clarifying that Indian Medicaid MCEs would be permitted to restrict enrollment to Indians but not to members of specific tribes, and clarifying access standards in states where there are no Indian providers. The provision would be effective July 1, 2009.

SEC. 5006(e). CONSULTATION ON MEDICAID, CHIP, AND OTHER HEALTH CARE PROGRAMS FUNDED UNDER THE SOCIAL SECURITY ACT INVOLVING INDIAN HEALTH PROGRAMS AND URBAN INDIAN ORGANIZATIONS (SEC. 5005 OF THE HOUSE BILL; SEC. 3303 OF THE SENATE BILL)

CURRENT LAW

There are no provisions in current Medicaid or CHIP statutes regarding a Tribal Technical Advisory Group (TTAG) within the Centers for Medicare and Medicaid Services (CMS), the federal agency that oversees the Medicare, Medicaid and CHIP programs. CMS currently maintains a TTAG for consultation on matters relating to Indian health care, but it is not codified in law.

HOUSE BILL

The provision would require the Secretary to maintain within CMS a Tribal TAG, previously established in accordance with requirements of a charter dated September 30, 2003. The provision also would require that the TAG include a representative of the UI0s and IHS. The UI0 representative would be deemed an elected official of a tribal government for the purposes of applying Section 204(b) of the Unfunded Mandates Reform Act of 1995, which exempts elected tribal officials from the Federal Advisory Committee Act for certain meetings with federal officials.

The provision would also require states in which one or more IHPs or UI0s provide health services to establish a process for obtaining advice on a regular, on-going basis from designees of IHPs and UI0s regarding Medicaid law and its direct effects on those entities. This process must include seeking advice prior to submission of state Medicaid plan amendments, waiver requests or proposed demonstrations likely to directly affect Indians, IHPs, or UI0s. This process may include appointment of an advisory panel and of a designee of IHPs and UI0s to the Medicaid medical care advisory committee advising the state on its state Medicaid plan. The provision would also apply this new language to CHIP in the same manner in which it applies to Medicaid. Finally, the provision would prohibit construing these amendments as superseding existing advisory committees, working groups, guidance or other advisory procedures established by the Secretary or any state with respect to the provision of health care to Indians.

SENATE BILL

This provision is similar to the House provision. Both versions would require the Secretary to maintain within CMS a Tribal Technical Advisory Group (TTAG), previously established in accordance with requirements of a charter dated September 30, 2003. The provision also would require that the TTAG include a IHS representative. Unlike the House bill, however, under this provision in S.Amdt. 570, the TTAG also would include a representative of a national urban Indian Health organization, rather than a representative of the UI0s. The non-application of Federal Advisory Committee Act (FACA) would still hold for a representative of a national UIO.

CONFERENCE AGREEMENT

The conference agreement follows the Senate bill with a modification deleting the sunset date. The provision would be effective July 1, 2009.

SEC. 5007. FUNDING FOR OVERSIGHT AND IMPLEMENTATION (SEC. 5004 OF THE SENATE BILL)

CURRENT LAW

The Office of Inspector General (OIG) of the Department of Health and Human Services is responsible for ensuring program integrity of over 300 programs in the Department, including the Medicaid program. The OIG's program integrity activities are funded through a combination of discretionary appropriations and mandatory funding through the Health Care Fraud and Abuse Control Program. The Centers for Medicare & Medicaid Services (CMS) in the Department of Health and Human Services administers the Medicaid program at the federal level. These administrative activities are funded through discretionary appropriations.

HOUSE BILL

No provision.

SENATE BILL

Under this provision, the Health and Human Services Office of the Inspector General (HHS OIG) is to receive $31.25 million to ensure the proper expenditure of federal Medicaid funds. These funds are appropriated from any money in the Treasury not otherwise appropriated and are available throughout the recession period (defined as October 1, 2008 through December 31, 2010). Amounts appropriated under this provision would be available until September 30, 2012, without further appropriation, and would be in addition to any other amounts appropriated or made available to HHS OIG.

CONFERENCE AGREEMENT

The conference agreement follows the Senate bill with a modification. The funds for the HHSOIG would be appropriated in FY2009 and would be available for expenditure until September 30, 2011. The conference agreement would also appropriate $5 million in FY2009 to CMS for the implementation and oversight of the state fiscal relief provisions relating to Medicaid. These funds would remain available until expended.

SEC. 5008. GAO STUDY AND REPORT REGARDING STATE NEEDS DURING PERIODS OF NATIONAL ECONOMIC DOWNTURN (SEC. 5005 OF THE SENATE BILL)

CURRENT LAW

No provision.

HOUSE BILL

No provision.

SENATE BILL

Under this provision, the Comptroller General of the United States, would study the current (as of the date of enactment of the legislation) economic recession as well as previous national economic downturns since 1974. GAO would develop recommendations to address states' needs during economic recessions, including the past and projected effects of temporary increases in the federal medical assistance percentage (FMAP) during these recessions. By April 1, 2011, GAO would submit a report to appropriate congressional committees that would include the following:

Recommendations for modifying the national economic downturn assistance formula for temporary Medicaid FMAP adjustments (a ''countercyclical FMAP,'' as described in GAO report number, GAO–07–97), to improve the effectiveness of the countercyclical FMAP for addressing states' needs during national economic downturns:

- what improvements are needed to identify factors to begin and end the application of a countercyclical FMAP;
- how to adjust the amount of a countercyclical FMAP to account for state and regional variations; and
- how a countercyclical FMAP could be adjusted to better account for actual Medicaid costs incurred by states during economic recessions.
- Analysis of the impact on states of recessions, including declines in private health insurance benefits coverage; declines in state revenues; and maintenance and growth of caseloads under Medicaid, CHIP, or any other publicly funded programs that provide health benefits coverage to state residents.

CONFERENCE AGREEMENT

The conference agreement follows the Senate bill.

PAYMENT OF MEDICARE LIABILITY TO STATES AS A RESULT OF THE SPECIAL DISABILITY WORKLOAD PROJECT (SEC. 5003 OF THE SENATE BILL)

CURRENT LAW

No provision.

HOUSE BILL

No provision.

SENATE BILL

Under this provision, within three months after enactment of this law, the Secretary, in consultation with the Commissioner of Social Security, would negotiate an agreement on a payment amount to be made to each state for the Medicare Special Disability Workload (SDW) project. Payments

to states would be subject to certain conditions:

- states would waive the right to file or be a part of any civil action in any federal or state court where payment was sought for liability related to the Medicare SDW project;
- states would release the federal government from any further claims for reimbursement of state expenditures arising from the SDW project;
- states that are parties to civil actions in any federal or state court seeking reimbursement for the SDW project, would be ineligible to receive payment under this provision while such action is pending or if it is resolved in a state's favor.

In negotiating with states, the Secretary and SSA Commissioner would use the most recent federal data available, including estimates, to determine the amount of payment to be offered to each state that elects to enter into an agreement with the Secretary. The payment methodology would consist of the following factors:

- the number of SDW cases that were eligible for benefits under Medicare and the month when these cases initially became eligible;
- the applicable non-federal share of Medicaid expenditures made by states during the period these cases were eligible; and
- other factors determined appropriate by the Secretary and the SSA Commissioner in consultation with states.

However, as a condition of payment under a negotiated agreement for SDW cases, states would not be required to submit individual paid Medicaid claims data.

To make payments to states for the SDW project, $3 billion would be appropriated for FY2009 from money in the treasury not otherwise appropriated. Aggregate payments to states could not exceed $3 billion. Payments to states would be provided within four months from the date of enactment of ARRA.

An SDW case would be defined as an individual determined by the SSA Commissioner to have been eligible for benefits under Title II of the SSA for a period during which such benefits were not provided to the individual and who was, during all or part of such period, enrolled in Medicaid.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

DIVISION B

TITLE VI—BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM

HOUSE BILL

Section 6001 of the House bill directs the National Telecommunications and Information Administration (''NTIA'') to develop and maintain a broadband inventory map of the United States that identifies and depicts broadband service availability and capability and directs the NTIA to make the map accessible on the NTIA's website no later than 2 years after the date of enactment of this Act. It authorizes the creation of grant programs for the deployment of wireless and wireline broadband infrastructure to be administered by the NTIA. It also authorizes a state to submit a priority report to the NTIA that identifies the geographic areas within that state that have greatest need for new or additional telecommunications infrastructure. A state may not identify areas encompassing more than 20% of that state's population.

Section 6002 of the House bill authorizes the NTIA to award wireless deployment grants and broadband deployment grants to eligible entities for the non-recurring costs of deploying broadband infrastructure in qualified urban, suburban, and rural areas. Section 6002 directs the NTIA to seek to distribute wireless grants, to the extent possible, so that 25% of the available funds go to ''unserved areas'' for basic wireless voice services and 75% to ''underserved areas'' for advanced wireless broadband services. It also directs that the NTIA shall seek to distribute broadband deployment grants, to the extent possible, so that 25% of the available funds go to ''unserved areas'' for basic broadband services and 75% to ''underserved areas'' for advanced broadband services. Section 6002 directs the NTIA to establish certain grant requirements, including that grant recipients are not unjustly enriched by the program, adhere to the FCC's August 5, 2005, broadband internet policy statement, operate networks on an open access basis, and adhere to a build out schedule.

Section 6002 of the House bill sets forth the requirements of the grant application and grant selection criteria. The NTIA is required to consider certain public policy goals (e.g., public safety benefits and enhancement of computer ownership or literacy) before awarding grants. It requires the NTIA to coordinate with the FCC and to consult with other agencies as necessary. Section 6002 requires the NTIA to submit an annual report to Congress assessing the impact of the grants on the policy objectives and criteria contained in this Section and grants the NTIA authority to prescribe rules as necessary to implement this Section. Section 6002 also contains definitions of terms used in this Section, and directs the FCC to develop definitions for the terms unserved, underserved, and open access.

Section 6002 defines ''basic broadband service'' as a service delivering data to the end user at a speed of at least 5 megabits per second downstream and 1 megabit per second upstream. The term ''advanced broadband service'' means a service capable of delivering at least 45 megabits per second downstream and 15 megabits per second upstream. The term advanced wireless broadband service means a service capable of delivering at least 3 megabits downstream and 1 megabit upstream.

Section 6003 of the House bill requires the FCC to, not later than one year after the date of enactment of this section, develop and submit to Congress a report containing a national broadband plan and specifies what the plan should include.

SENATE BILL

Section 201 of the Senate bill authorizes the NTIA to create a grant program entitled the Broadband Technology Opportunity Program to award competitive grants to State and local governments, nonprofits, and public-private partnerships to: (1) accelerate broadband deployment in unserved and underserved areas and to strategic institutions that are likely to create jobs or provide significant public benefits; (2) increase sustained broadband adoption; and (3) upgrade technology and capacity for public safety entities and at public computing centers, which are a key source of access to the Internet for lower income users, such as libraries and community colleges.

Section 201 gives the NTIA the authority to impose grant conditions with regard to interconnection and nondiscrimination requirements that apply to facilities funded in part by this program, regardless of who operates those facilities.

Section 201 also (1) imposes a 20 percent match requirement for grants, which may be satisfied by the grant applicant or any third-party partnering with the grant applicant, and may be waived only under special circumstances; (2) requires specific commitments from grantees on scheduled progress for meeting the goals of the grant; (3) requires that grant applications show that the proposed broadband deployment would not occur during the grant period without this Federal investment; (4) requires quarterly reporting by any entity receiving funds regarding how funds are spent and progress meeting the schedule, as well as quarterly reporting to Congress by Federal agencies making grants regarding how funds are being spent; (5) requires strong public transparency regarding how funds are spent under the program and grantees' progress fulfilling specific commitments to deploy facilities, increase broadband adoption or deploy computer infrastructure; and (6) empowers the NTIA to revoke funding in any case of misspending, and to recapture funds in certain circumstances.

CONFERENCE AGREEMENT

Summary

The Conference substitute retains the general structure and language of the Senate bill, while incorporating a series of amendments related to the priorities of the House.

Section 6001. Section 6001 establishes the Broadband Technology Opportunities Program within the NTIA. The Conferees intend that the NTIA has discretion in selecting the grant recipients that will best achieve the broad objectives of the program. The Conferees also intend that the NTIA select grant recipients that it judges will best meet the broadband access needs of the area to be served, whether by a wireless provider, a wireline provider, or any provider offering to construct last-mile, middle-mile, or long haul facilities. The Conferees intend that the NTIA award grants serving all parts of the country, including rural, suburban, and urban areas. The Conferees intend that the NTIA seek to ensure, to the extent practicable, that grant funds be used to assist infrastructure investments that would not otherwise be made by the entity applying, or, secondarily, that might not be made as quickly.

Part of the program is directed towards competitive grants for innovative programs to encourage sustainable adoption of broadband service in particular by vulnerable populations. The Conferees note the success of such programs in several States, and hope that these grantees will be involved in aggregating demand, ensuring community involvement, and fostering useful technology applications, thereby stimulating economic growth and job creation.

Eligible Entities. The Conference substitute creates a new, broad definition of entities that are eligible to receive grants. It is the intent of the Conferees that, consistent with the public interest and purposes of this section, as many entities as possible be eligible to apply for a competitive grant, including wireless carriers, wireline carriers, backhaul providers, satellite carriers, public private partnerships, and tower companies.

Grant Distribution Considerations and Broadband Speeds. The Conference substitute inserts a new Section 6001(h) that incorporates several of the grant distribution considerations from the House bill. In particular, new Section 6001(h)(3) requires the NTIA to consider whether a grant applicant is a socially and economically disadvantaged small business, as defined under the Small Business Act.

New Section 6001(h)(2)(*Bb*) also requires the NTIA to consider whether an application will

result in the greatest possible broadband speeds being delivered to consumers. While the House bill had included specific speed thresholds that an applicant must have met to be eligible for a grant, the substitute requires only that the NTIA consider the speeds that would be delivered to consumers in awarding grants. The Conferees are mindful that a specific speed threshold could have the unintended result of thwarting broadband deployment in certain areas. The Conferees are also mindful that the construction of broadband facilities capable of delivering next-generation broadband speeds is likely to result in greater job creation and job preservation than projects centered on current-generation broadband speeds. Therefore, the Conferees instruct the NTIA to seek to fund, to the extent practicable, projects that provide the highest possible, next-generation broadband speeds to consumers.

Broadband Policy Statement. The Conference substitute inserts the House language that requires grant recipients to adhere to the principles contained in the Federal Communications Commission's Broadband Policy Statement.

National Broadband Plan. The Conference substitute adopts the House language on the creation of a national broadband plan, with some minor modifications.

Federal/State Cooperation. Section 6001(c) directs the NTIA to consult with States on: (1) the identification of unserved and underserved areas within their borders; and (2) the allocation of grants funds to projects affecting each State. The Conferees recognize that States have resources and a familiarity with local economic, demographic, and market conditions that could contribute to the success of the broadband grant program. States are encouraged to coalesce stakeholders and partners, assess community needs, aggregate demand for services, and evaluate demand for technical assistance. The Conferees therefore expect and intend that the NTIA, at its discretion, will seek advice and assistance from the States in reviewing grant applications, as long as the NTIA retains the sole authority to approve the awards. The Conferees further intend that the NTIA will, in its discretion, assist the States in post-grant monitoring to ensure that recipients comply fully with the terms and conditions of their grants.

Definitions. The substitute does not define such terms as ''unserved area'' ''underserved areas'' and ''broadband.'' The Conferees instruct the NTIA to coordinate its understanding of these terms with the FCC, so that the NTIA may benefit from the FCC's considerable expertise in these matters. In defining ''broadband service,'' the Conferees intend that the NTIA take into consideration the technical differences between wireless and wireline networks, and consider the actual speeds that broadband networks are able to deliver to consumers under a variety of circumstances.

TITLE VII—LIMITS ON EXECUTIVE COMPENSATION

A. Executive Compensation Oversight (Secs. 6001 to 6006 of the Senate Amendment and Sec. 7001 of the Conference Agreement)

PRESENT LAW

An employer generally may deduct reasonable compensation for personal services as an ordinary and necessary business expense. Section 162(m) (relating to remuneration expenses for certain executives that are in excess of $1 million) and section 280G (relating to excess parachute payments) provide explicit limitations on the deductibility of certain compensation expenses in the case of corporate employers, and section 4999 imposes an additional tax of 20 percent on the recipient of an excess parachute payment. The Emergency Economic Stabilization Act of 2008 (''EESA'') limits the amount of payments that may be deducted as reasonable compensation by certain financial institutions (''TARP recipients'') that receive financial assistance from the United States pursuant to the troubled asset relief program (''TARP'') established under EESA by modifying the section 162(m) and section 280G limits. EESA also provided non-tax rules relating to the compensation that is payable by such a financial institution (the ''TARP executive compensation rules'').

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision modifies and expands the present law non-tax TARP executive compensation rules. The modifications include: (1) expanding the requirement of recovery of a bonus, retention award, or incentive compensation paid to a senior executive officer based on statements of earnings, revenues, gains, or other criteria that are found to be materially inaccurate to the next 20 most highly compensated employees of a TARP recipient; (2) expanding the prohibition on the payment of golden parachute payments from senior executive officers to the next five most highly compensated employees of the TARP recipient, and defining the term ''golden parachute payment'' as any payment to a senior executive officer for departure from a company for any reason, except for payments for services performed or benefits accrued; and (3) prohibiting a TARP recipient from paying or accruing any bonus, retention award, or incentive compensation to at least the 25 most highly compensated employees; and (4) prohibiting any compensation plan that would encourage manipulation of the reported earnings of a TARP recipient to enhance the compensation of any of its employees. The provision also provides rules relating to the compensation committees of TARP recipients, nonbinding shareholder votes on executive compensation payable by a TARP recipient, and the adoption by TARP recipients of policies regarding luxury expenditures such as entertainment, aviation, and office renovation expenses.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with several modifications. Among the modifications are (1) a rule that provides that financial assistance under TARP is not treated as outstanding for a period in which the United States only holds warrants to purchase common stock of the TARP recipient; (2) rules that phase-in the restriction on bonuses, retention awards, and other incentive compensation by the amount of financial assistance received by the entity receiving TARP assistance, and that permit compensation to be paid in the form of restricted stock; and (3) and a directive to the Secretary of the Treasury to review compensation paid to senior executive officers and the next 20 most highly compensated employees of an entity receiving TARP assistance before the date of enactment to determine whether such payments were inconsistent with the provision, the TARP, or public interest.

TAX COMPLEXITY ANALYSIS

Section 4022(b) of the Internal Revenue Service Reform and Restructuring Act of 1998 (the ''IRS Reform Act'') requires the staff of the Joint Committee on Taxation (in consultation with the Internal Revenue Service and the Treasury Department) to provide a tax complexity analysis. The complexity analysis is required for all legislation reported by the Senate Committee on Finance, the House Committee on Ways and Means, or any committee of conference if the legislation includes a provision that directly or indirectly amends the Internal Revenue Code and has widespread applicability to individuals or small businesses. For each such provision identified by the staff of the Joint Committee on Taxation a summary description of the provision is provided along with an estimate of the number and type of affected taxpayers, and a discussion regarding the relevant complexity and administrative issues.

Following the analysis of the staff of the Joint Committee on Taxation are the comments of the IRS and Treasury regarding each of the provisions included in the complexity analysis.

1. Make Work Pay Credit

SUMMARY DESCRIPTION OF THE PROVISION

The provision creates a refundable tax credit for taxable years beginning in 2009 and 2010 equal to the lesser of (1) 6.2 percent of an individual's earned income or (2) $400 ($800 in the case of a joint return). The credit is phased out at a rate of two percent of the eligible individual's modified adjusted gross income above $75,000 ($150,000 in the case of a joint return).

NUMBER OF AFFECTED TAXPAYERS

It is estimated that the provision will affect in excess of 100 million individual tax returns.

DISCUSSION

The provision will require additional paperwork for taxpayers and additional processing burdens for IRS. It is expected that taxpayers will need to complete additional worksheets and or forms to compute the amount of the credit. Taxpayers may also wish to adjust their income tax withholding by filing the appropriate forms before the end of 2009. The IRS is anticipated to revise income tax withholding schedules and publish new schedules. These revised income tax withholding schedules should be designed to reduce taxpayers' income tax withheld for each remaining pay period in the remainder of 2009 so that the full benefit of the provision is reflected in the income tax withholding schedules during the balance of 2009.

2. Extension of Alternative Minimum Tax Relief for Individuals

SUMMARY DESCRIPTION OF THE PROVISION

The provision increases the individual AMT exemption amount for taxable years beginning in 2009 to $70,950 in the case of married individuals filing a joint return and surviving spouses; $46,700 in the case of other unmarried individuals; and $35,475 in the case of married individuals filing separate returns. In addition, for taxable years beginning in 2009, the provision allows an individual to offset the entire regular tax liability and alternative minimum tax liability by the nonrefundable personal credits.

NUMBER OF AFFECTED TAXPAYERS

It is estimated that the provision will affect approximately 25 million individual tax returns.

DISCUSSION

Many individuals will not have to compute their alternative minimum tax and file the IRS forms relating to that tax.

3. SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED DURING 2009

SUMMARY DESCRIPTION OF THE PROVISION

The provision extends the additional first-year depreciation deduction for one year, generally through 2009 (through 2010 for certain longer-lived and transportation property).

NUMBER OF AFFECTED TAXPAYERS

It is estimated that more than 10 percent of small businesses will be affected by the provision.

DISCUSSION

It is not anticipated that small businesses will have to keep additional records due to this provision, nor will additional regulatory guidance be necessary to implement this provision. It is not anticipated that the provision will result in an increase in disputes between small businesses and the IRS. However, small businesses will have to perform additional analysis to determine whether property qualifies for the provision. In addition, for qualified property, small businesses will be required to perform additional calculations to determine the proper amount of allowable depreciation. Complexity may also be increased because the provision is temporary. For example, different tax treatment will apply for identical equipment based on the acquisition and placed in service date. Further, the Secretary of the Treasury is expected to have to make appropriate revisions to the applicable depreciation tax forms.

4. PREMIUM ASSISTANCE FOR COBRA BENEFITS

SUMMARY DESCRIPTION OF THE PROVISION

The provision reimburses employers providing COBRA continuation health coverage to employees to the extent of 65 percent of the premium amount for up to nine months and requires the eligible individual to pay 35 percent of the premium. The program is mandatory for employers required to offer COBRA continuation health coverage. Eligible individuals must have a qualifying event between September 1, 2008 and December 31, 2009, and must have been terminated involuntarily. Firms providing COBRA benefits will be able to allow those electing COBRA to choose from other insurance options at the time of the qualifying event, and firms will be able to contribute to the individual portion of the premium. Lastly, the benefit phases out for single taxpayers with modified adjusted gross incomes between $125,000 and $145,000 ($250,000 and $290,000 for joint filers) for the taxable year.

Employers will pay reduced payroll taxes in the aggregate amount of 65 percent of the premium for all individuals who opt into the provision, or, if COBRA subsidy exceeds payroll taxes, employers will be reimbursed directly through a program established by the Department of Treasury. COBRA continuation health coverage for this purpose includes not only coverage that applies to private, nongovernmental employers with 20 or more employees but also coverage rules that apply to Federal and State and local governmental employers pursuant to Federal law, and to State law mandates that apply to small employers (employers with less than 20 employees) and other employers not covered by Federal law, provided that such State law mandates require an employer or other entity to offer comparable continuation health coverage. The social security trust fund is held harmless from payroll tax offsets that are permitted under the program.

NUMBER OF AFFECTED TAXPAYERS

It is estimated that more than 10 percent of small businesses will be affected by the provision.

DISCUSSION

This provision will require additional processing by the IRS in three areas; accounting, income eligibility and provision enforcement. First, for all firms with eligible employees, the firm must deduct that amount from their payroll taxes, so IRS must be aware of the number of employees eligible for the reimbursement and the average monthly premium at the firm to properly assess the amount of the deduction from payroll taxes. The Department of Treasury must then transfer the appropriate amount of funds back into the social security trust fund. All employers bound by COBRA or COBRA-type legislation described above, and who terminate individuals from employment between September 1, 2008, and December 31, 2009, are affected by this provision. In addition, firms are permitted to collect full premiums from individuals for 60 days in accordance with their current premium billing cycles, but must then credit back the difference in later payments or if later payments are insufficient to credit back all funds, the employer will submit payment to the individual. The IRS must also distinguish between the 65 percent of subsidy contribution mandated and any optional firm contribution to the remaining 35 percent of premium.

Second, the income eligibility provision in the bill limits eligibility for the modified adjusted gross income limit of the provision phasing out between $125,000 and $145,000 for single filers ($250,000 and $290,000 for joint filers) for the taxable year. While individuals may waive the subsidy if they believe their earnings will exceed the limit, if an individual accepts the subsidy and earns over the limit the individual will be responsible for paying the subsidy back to Treasury. For married individuals filing separately, if any family member is over the single modified adjusted gross income limit of $125,000, the entire non-subsidized portion (this accounts for the phase out) must be repaid. This clause requires IRS to match the incomes of spouses filing separately and determine if the modified adjusted gross income of either spouse disqualifies both for the subsidy received. Children not claimed as dependents, however, who are still on family plans have their incomes excluded from this limitation.

Third, the IRS must create rules and regulations to prevent fraud and abuse of this provision. For example, taxpayers may be required to provide evidence of eligibility for the subsidy including evidence of involuntary separation from work, which can include attestation from the former employer or certification from state unemployment insurance agencies. If a premium assistance eligible individual becomes eligible for other group coverage while receiving premium assistance, that individual must forfeit the subsidy or face a penalty and the IRS must attempt to prevent individuals from claiming the subsidy while eligible for other group coverage either through a spouse or through a new employer.

COMPLIANCE WITH CLAUSE 9 OF RULE XXI (EARMARKS)

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, neither this conference report nor the accompanying joint statement of managers contains any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

DAVID OBEY,
CHARLES RANGEL,
HENRY WAXMAN,
Managers on the Part of the House.

DANIEL K. INOUYE,
MAX BAUCUS,
HARRY REID,
Managers on the Part of the Senate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 26 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0001

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PERLMUTTER) at 12 o'clock and 1 minute a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1, AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Mr. POLIS of Colorado, from the Committee on Rules, submitted a privileged report (Rept. No. 111–17) on the resolution (H. Res. 168) providing for consideration of the conference report to accompany the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ISRAEL) to revise and extend their remarks and include extraneous material:)

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. ROE of Tennessee) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today and February 13.

Mr. PENCE, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. ROE of Tennessee, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. VELÁZQUEZ, for 5 minutes, today.

ADJOURNMENT

Mr. POLIS of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 2 minutes a.m.), the House adjourned until today, Friday, February 13, 2009, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

569. A letter from the Deputy Under Secretary for Acquisition and Technology, Department of Defense, transmitting a report identifying each extension of a contract period to a total of more than 10 years that was granted under 10 U.S.C. 2304a(f) for the Department's task and delivery order contracts during fiscal year 2008, pursuant to Public Law 108-375, section 813; to the Committee on Armed Services.

570. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting notification that the Department complies with the guidelines of the No FEAR Act; to the Committee on Oversight and Government Reform.

571. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting notification that the Administration is in compliance with the Government in Sunshine Act for calendar year 2008; to the Committee on Oversight and Government Reform.

572. A letter from the Chairman, International Trade Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period April 1, 2008 through September 30, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

573. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Saftey Zone; Flagler Museum New Year's Eve Celebration fireworks display, West Palm Beach, Florida [Docket No.: USCG-2008-1120] (RIN: 1625-AA00) received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

574. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No.: FAA-2008-0558; Directorate Identifier 2007-NM-365-AD; Amendment 39-15783; AD 2009-01-04] (RIN: 2120-AA64) received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

575. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2008-0540; Directorate Identifier 2008-NM-031-AD; Amendment 39-15786; AD 2009-01-07] (RIN: 2120-AA64) received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

576. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 2B and 2B1 Turboshaft Engines [Docket No.: FAA-2008-0935; Directorate Identifier 2008-NE-28-AD; Amendment 39-15790; AD 2009-01-11] (RIN: 2120-AA64) received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

577. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600,-700,-700C, -800 and -900 Series Airplanes [Docket No.: FAA-2007-28283; Directorate Identifier 2006-NM-254-AD; Amendment 39-15780; AD 2009-01-02] (RIN: 2120-AA64) received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

578. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Polskie Zaklady Lotnicze Spolka zo.o Model PZL M26 01 Airplanes [Docket No.: FAA-2009-0010; Directorate Identifier 2009-CE-001-AD; Amendment 39-15792; AD 2009-02-02] (RIN: 2120-AA64) received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

579. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No.: FAA-2008-1083; Directorate Identifier 2008-NM-130-AD; Amendment 39-15782; AD 2009-01-03] (RIN: 2120-AA64) received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

580. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines IO, (L)IO, TIO, (L)TIO, AEIO, AIO, IGO, IVO, and HIO Series Reciprocating Engines, Teledyne Continental Motors (TCM) LTSIO-360-RB and TSIO-360-RB Reciprocating Engines, and Superior Air Parts, Inc. IO-360 Series Reciprocating Engines with certain Precision Airmotive LLC RSA-5 and RSA-10 Series, and Bendix RSA-5 and RSA-10 Series, Fuel Injection Servos [Docket No.: FAA-2008-0420; Directorate Identifier 2008-NE-10-AD; Amendment 39-15793; AD 2009-02-03] (RIN: 2120-AA64) received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

581. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes; CL-600-2D15 (Regional Jet Series 705) Airplanes; and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2008-0625; Directorate Identifier 2008-NM-069-AD; Amendment 39-15789; AD 2009-01-10] (RIN: 2120-AA64) received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

582. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Treatment of Corporations Whose Instruments Are Acquired by the Treasury Department Under Certain Programs Pursuant to the Emergency Economic Stabilization Act of 2008 [Notice 2009-14] received February 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBEY: Committee of Conference. Conference report on H.R. 1. A bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes (Rept. 111–16). Ordered to be printed.

Ms. SLAUGHTER: Committee on Rules. House Resolution 168. Resolution providing for consideration of the conference report to accompany the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes (Rept. 111–17). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RAHALL (for himself, Mr. BOUCHER, and Mr. HOLDEN):

H.R. 1010. A bill to amend the Black Lung Benefits Act to provide equity to certain survivors with regards to claims under that Act; to the Committee on Education and Labor.

By Mr. GENE GREEN of Texas (for himself and Mr. TIM MURPHY of Pennsylvania):

H.R. 1011. A bill to amend the Public Health Service Act with respect to mental health services; to the Committee on Energy and Commerce.

By Mr. COLE (for himself, Mr. FRANKS of Arizona, Mr. BURTON of Indiana, Mr. SAM JOHNSON of Texas, Ms. FALLIN, Mr. WAMP, Mr. PITTS, Mrs. SCHMIDT, Mr. HENSARLING, Mr. BISHOP of Utah, Mr. GINGREY of Georgia, Mr. AKIN, Mr. WESTMORELAND, Mr. LAMBORN, Mr. PENCE, Mr. BROUN of Georgia, Mr. KLINE of Minnesota, Mr. GARRETT of New Jersey, Mr. FLEMING, Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Mr. BROWN of South Carolina, Mr. HUNTER, Mr. TIM MURPHY of Pennsylvania, Mr. CONAWAY, and Mrs. BACHMANN):

H.R. 1012. A bill to prohibit the use of funds available to the Department of Defense to transfer enemy combatants detained by the United States at Naval Station, Guantanamo Bay, Cuba, to the United States, or to construct facilities for such enemy combatants at such locations; to the Committee on Armed Services.

By Mr. CUMMINGS:

H.R. 1013. A bill to direct the Secretary of Transportation to establish and carry out a hazardous materials cooperative research program; to the Committee on Science and Technology.

By Mr. GOHMERT (for himself, Mr. FRANKS of Arizona, Mr. SENSENBRENNER, Mr. BROUN of Georgia, Mr.

PAUL, Mr. LAMBORN, Mrs. LUMMIS, Mr. HENSARLING, Mr. BARTLETT, Mr. BURTON of Indiana, and Mr. HARPER):

H.R. 1014. A bill to amend the Internal Revenue Code of 1986 to tax bona fide residents of the District of Columbia in the same manner as bona fide residents of possessions of the United States; to the Committee on Ways and Means.

By Mr. GOHMERT (for himself, Mr. SMITH of Texas, Mr. CULBERSON, Mr. ROHRABACHER, Mr. FRANKS of Arizona, Mr. CHAFFETZ, and Mr. COBLE):

H.R. 1015. A bill to provide for the retrocession of the District of Columbia to Maryland, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER (for himself, Mr. MICHAUD, Ms. HERSETH SANDLIN, Mr. MITCHELL, Mr. HALL of New York, Mr. MCNERNEY, Mr. WALZ, Mr. HARE, Mrs. TAUSCHER, Mr. HODES, and Mr. SESTAK):

H.R. 1016. A bill to amend title 38, United States Code, to provide advance appropriations authority for certain medical care accounts of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 1017. A bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services; to the Committee on Veterans' Affairs.

By Mr. RAHALL (for himself and Mr. GRIJALVA):

H.R. 1018. A bill to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes; to the Committee on Natural Resources.

By Mr. CONYERS (for himself, Mr. BOUCHER, Mr. SENSENBRENNER, and Mr. JORDAN of Ohio):

H.R. 1019. A bill to prohibit discrimination in State taxation of multichannel video programming distribution services; to the Committee on the Judiciary.

By Mr. JOHNSON of Georgia (for himself, Mr. MILLER of North Carolina, Ms. SCHAKOWSKY, Mr. BISHOP of Georgia, Ms. LEE of California, Mr. LOEBSACK, Mr. NADLER of New York, Mr. CHANDLER, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SCOTT of Virginia, Mr. PASTOR of Arizona, Mr. LATOURETTE, Mr. DOGGETT, Mr. CONYERS, Mr. DELAHUNT, Mr. STUPAK, Ms. WASSERMAN SCHULTZ, Ms. MCCOLLUM, Mr. COURTNEY, Ms. BALDWIN, Mr. DEFAZIO, Mrs. LOWEY, Mr. HIGGINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GUTIERREZ, Mr. BRALEY of Iowa, Mr. MARKEY of Massachusetts, Mrs. MALONEY, Mr. WATT, Mr. CARSON of Indiana, Mr. GEORGE MILLER of California, Ms. JACKSON-LEE of Texas, Mr. BOSWELL, Mr. SKELTON, Mr. BARROW, Mr. STARK, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 1020. A bill to amend chapter 1 of title 9 of United States Code with respect to arbitration; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas (for himself and Mr. BURGESS):

H.R. 1021. A bill to improve research, diagnosis, and treatment of musculoskeletal diseases, conditions, and injuries, to conduct a longitudinal study on aging, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself and Mrs. BONO MACK):

H.R. 1022. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself, Mr. GINGREY of Georgia, Mr. AKIN, Mr. FRANKS of Arizona, Ms. FALLIN, and Mrs. BLACKBURN):

H.R. 1023. A bill to establish a commission to recommend the elimination or realignment of Federal agencies that are duplicative or perform functions that would be more efficient on a non-Federal level, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER of New York (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. BALDWIN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CAPUANO, Mr. CARSON of Indiana, Mr. COURTNEY, Mr. CROWLEY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Mr. DOYLE, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MICHAUD, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. PASCRELL, Mr. PAYNE, Ms. PINGREE of Maine, Mr. POLIS of Colorado, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHERMAN, Ms. SUTTON, Mrs. TAUSCHER, Ms. TSONGAS, Mr. TIERNEY, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. WAXMAN, Mr. WELCH, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. HARE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SPEIER, Mr. SCHIFF, and Mr. STARK):

H.R. 1024. A bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships; to the Committee on the Judiciary.

By Mr. BECERRA:

H.R. 1025. A bill to amend the Internal Revenue Code of 1986 to provide for residents of Puerto Rico who participate in cafeteria plans under the Puerto Rican tax laws an exclusion from employment taxes which is comparable to the exclusion that applies to cafeteria plans under such Code; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. AKIN, Mrs. BACHMANN, Mr. BARTLETT, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Ms. FALLIN, Mr. FORTENBERRY, Ms. FOXX, Mr. GINGREY of Georgia, Mr. HENSARLING, Mr. HOEKSTRA, Mr. SAM JOHNSON of Texas, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. LAMBORN, Mrs. LUMMIS, Mr. MCCAUL, Mr. MCKEON, Mr. OLSON, Mr. PITTS, Mr. PRICE of Georgia, Mr. ROONEY, Mr. SCALISE, Mrs. SCHMIDT, Mr. WAMP, Mr. WESTMORELAND, Mr. BOEHNER, Mr. BILBRAY, Mr. FRANKS of Arizona, Mr. CALVERT, and Mr. CHAFFETZ):

H.R. 1026. A bill to amend the procedures regarding military recruiter access to secondary school student recruiting information; to the Committee on Education and Labor, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POSEY (for himself and Mr. BRIGHT):

H.R. 1027. A bill to exempt second-hand sellers of certain products from the lead content and certification requirements of the Consumer Product Safety Improvement Act of 2008; to the Committee on Energy and Commerce.

By Ms. ROYBAL-ALLARD (for herself, Mrs. BONO MACK, Ms. DELAURO, and Mr. WAMP):

H.R. 1028. A bill to provide additional support for the efforts of community coalitions, health care providers, parents, and others to prevent and reduce underage drinking, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HILL:

H.R. 1029. A bill to amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas (for himself, Mrs. CAPPS, Mr. INSLEE, Mr. KING of New York, Mr. MURPHY of Connecticut, Mr. OLVER, Mr. PRICE of

North Carolina, Mr. RYAN of Ohio, and Mr. TIERNEY):

H.R. 1030. A bill to direct the Secretary of Health and Human Services to encourage research and carry out an educational campaign with respect to pulmonary hypertension, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURGESS:

H.R. 1031. A bill to promote a better health information system; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mrs. BONO MACK, Mr. ABERCROMBIE, Mr. BACA, Ms. BALDWIN, Ms. BEAN, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BISHOP of New York, Ms. BORDALLO, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mrs. CAPITO, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAURO, Mr. LINCOLN DIAZ-BALART of Florida, Ms. EDWARDS of Maryland, Mrs. EMERSON, Mr. ENGEL, Ms. ESHOO, Mr. FORTENBERRY, Mr. FRANK of Massachusetts, Mr. GERLACH, Ms. GIFFORDS, Mr. GONZALEZ, Mr. GORDON of Tennessee, Ms. GRANGER, Mr. GRAVES, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Ms. HARMAN, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. ISRAEL, Mr. ISSA, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK of Michigan, Ms. LEE of California, Mr. LEVIN, Mr. LIPINSKI, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MARSHALL, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHUGH, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. PASCRELL, Ms. PINGREE of Maine, Mr. PLATTS, Mr. RADANOVICH, Mr. REYES, Mr. ROGERS of Alabama, Ms. ROS-LEHTINEN, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mrs. SCHMIDT, Ms. SCHWARTZ, Mr. SERRANO, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SIRES, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. STARK, Ms. SUTTON, Mrs. TAUSCHER, Mr. TAYLOR, Mr. TIERNEY, Ms. TSONGAS, Mr. VAN HOLLEN, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Mr. WHITFIELD, Ms. WOOLSEY, Mr. WU, Mr. MICHAUD, Mr. PRICE of North Carolina, and Mrs. BLACKBURN):

H.R. 1032. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women; to the Committee on Energy and Commerce.

By Mr. COHEN (for himself and Mr. ISSA):

H.R. 1033. A bill to amend the Immigration and Nationality Act with respect to temporary admission of nonimmigrant aliens to the United States for the purpose of receiving medical treatment, and for other purposes; to the Committee on the Judiciary.

By Mr. FORBES:

H.R. 1034. A bill to amend title 36, United States Code, to designate the Honor and Remember Flag created by Honor and Remember, Inc., as an official symbol to recognize and honor members of the Armed Forces who died in the line of duty, and for other purposes; to the Committee on the Judiciary.

By Mr. GRIJALVA (for himself, Mr. RAHALL, Mr. PASTOR of Arizona, Mr. MITCHELL, Mrs. KIRKPATRICK of Arizona, and Ms. GIFFORDS):

H.R. 1035. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself, Mr. HARE, Mr. MICHAUD, Mr. SESTAK, and Mr. FILNER):

H.R. 1036. A bill to amend title 38, United States Code, to establish the position of Director of Physical Therapy Service within the Veterans Health Administration and to establish a fellowship program for physical therapists in the areas of geriatrics, amputee rehabilitation, polytrauma care, and rehabilitation research; to the Committee on Veterans' Affairs.

By Ms. HERSETH SANDLIN (for herself and Mr. GRIJALVA):

H.R. 1037. A bill to direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code; to the Committee on Veterans' Affairs.

By Ms. HIRONO (for herself, Mr. ABERCROMBIE, Ms. BALDWIN, Ms. EDWARDS of Maryland, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HINCHEY, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Ms. SLAUGHTER, and Mr. TAYLOR):

H.R. 1038. A bill to amend part B of title XVIII of the Social Security Act to provide coverage for the shingles vaccine under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. REICHERT, Mr. ROSKAM, and Mr. BOUSTANY):

H.R. 1039. A bill to encourage and enhance the adoption of interoperable health information technology to improve health care quality, reduce medical errors, and increase the efficiency of care; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H.R. 1040. A bill to amend the Internal Revenue Code of 1986 to provide taxpayers a flat tax alternative to the current income tax system; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MELANCON:

H.R. 1041. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. MILLER of Florida (for himself, Mr. ROONEY, Mr. WILSON of South Carolina, Mr. CRENSHAW, Mr. WESTMORELAND, Mr. CALVERT, Mr. COLE, and Mr. FRANKS of Arizona):

H.R. 1042. A bill to prohibit the provision of medical treatment to enemy combatants detained by the United States at Naval Station, Guantanamo Bay, Cuba, in the same facility as a member of the Armed Forces or Department of Veterans Affairs medical facility; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California:

H.R. 1043. A bill to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, and for other purposes; to the Committee on Natural Resources.

By Mr. GEORGE MILLER of California:

H.R. 1044. A bill to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 1045. A bill to amend the District of Columbia Home Rule Act to eliminate all Federally-imposed mandates over the local budget process and financial management of the District of Columbia and the borrowing of money by the District of Columbia; to the Committee on Oversight and Government Reform.

By Mr. PUTNAM (for himself and Mr. PLATTS):

H.R. 1046. A bill to ensure the effective implementation of children's product safety standards under the Consumer Product Safety Improvement Act of 2008; to the Committee on Energy and Commerce.

By Mr. SESTAK (for himself and Ms. ROS-LEHTINEN):

H.R. 1047. A bill to amend the National and Community Service Act of 1990 to establish the Silver Scholarship program to encourage increased volunteer work by seniors; to the Committee on Education and Labor.

By Mr. SIRES (for himself, Mr. HARE, Mr. WILSON of Ohio, Mr. FRANK of Massachusetts, and Mr. MEEK of Florida):

H.R. 1048. A bill to improve the Operating Fund for public housing of the Department of Housing and Urban Development, and for other purposes; to the Committee on Financial Services.

By Mr. STUPAK:

H.R. 1049. A bill to prohibit the sale of kitchen ranges or ovens which do not include

a design, bracket, or other device which complies with an applicable consensus product safety standard intended to prevent the product from tipping; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself and Mr. WAMP):

H.R. 1050. A bill to amend title 18, United States Code, to prohibit human cloning; to the Committee on the Judiciary.

By Mr. TANNER:

H.R. 1051. A bill to amend title XVIII of the Social Security Act to extend and improve protections for sole community hospitals under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. TAUSCHER (for herself, Mr. COURTNEY, Mr. ABERCROMBIE, Mr. LOEBSACK, Mr. WALZ, Mr. MCGOVERN, Ms. HARMAN, Mr. SMITH of Washington, Mr. HINCHEY, Mr. CARNAHAN, Ms. WASSERMAN SCHULTZ, Ms. WOOLSEY, Mr. HALL of New York, Ms. BORDALLO, Ms. SHEA-PORTER, Ms. GIFFORDS, Mr. JOHNSON of Georgia, Mr. BRADY of Pennsylvania, Mr. LORETTA SANCHEZ of California, Ms. TSONGAS, Mr. HONDA, Ms. SCHAKOWSKY, Mr. HOLT, Mr. MASSA, Mr. BLUMENAUER, and Mr. JONES):

H.R. 1052. A bill to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom; to the Committee on Armed Services.

By Mr. WITTMAN:

H.R. 1053. A bill to require the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 1054. A bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date the polar bear was determined to be a threatened species under the Endangered Species Act of 1973; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 1055. A bill to amend the Marine Mammal Protection Act of 1972 to allow the importation of polar bear trophies taken in sport hunts in Canada; to the Committee on Natural Resources.

By Mr. SCHOCK (for himself, Mr. SHIMKUS, Mr. AKIN, Ms. BEAN, Mr. DAVIS of Illinois, Mr. GUTHRIE, Mr. JACKSON of Illinois, Mr. KIRK, Mr. LAMBORN, Mr. LIPINSKI, Mr. LUETKEMEYER, Mr. MANZULLO, Mr. RUSH, and Ms. SCHAKOWSKY):

H.J. Res. 22. A joint resolution requiring the President to issue each year a proclamation recognizing the anniversary of the birth of President Abraham Lincoln, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. FRANKS of Arizona (for himself, Mr. MARSHALL, Mr. AKIN, Mr. BROUN of Georgia, Mr. WILSON of South Carolina, Mr. BARTLETT, Mr. COLE, Mr. LOBIONDO, Mr. NEUGEBAUER, Mr. CONAWAY, Mr. GINGREY of Georgia, Mr. LAMBORN, and Mr. THORNBERRY):

H.J. Res. 23. A joint resolution supporting a base defense budget that at the very minimum matches 4 percent of gross domestic product; to the Committee on Armed Services.

By Ms. MATSUI (for herself, Mr. BECERRA, and Mr. SAM JOHNSON of Texas):

H.J. Res. 24. A joint resolution providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. GENE GREEN of Texas (for himself, Mr. CONAWAY, Mr. AKIN, Mr. ALEXANDER, Mr. ALTMIRE, Mr. ARCURI, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. BARROW, Ms. BEAN, Mr. BERRY, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mr. BLUNT, Mr. BONNER, Mr. BOOZMAN, Mr. BOSWELL, Mr. BOYD, Mr. BRADY of Texas, Mr. BRIGHT, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mrs. CAPITO, Mr. CAPUANO, Mr. CARTER, Mr. CLAY, Mr. COLE, Mr. CUELLAR, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DAVIS of Tennessee, Mr. DENT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DICKS, Mr. EDWARDS of Texas, Mr. ELLSWORTH, Mr. FLEMING, Mr. FORTENBERRY, Ms. FOXX, Mr. GERLACH, Mr. GINGREY of Georgia, Ms. GRANGER, Mr. GRAVES, Mr. GRIFFITH, Mr. GUTHRIE, Mr. HALL of Texas, Mr. HARE, Mr. HASTINGS of Washington, Ms. HERSETH SANDLIN, Mr. HILL, Mr. HOEKSTRA, Mr. HUNTER, Ms. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JONES, Mr. KLINE of Minnesota, Mr. LARSEN of Washington, Mr. LATOURETTE, Mr. LATTA, Mr. LEE of New York, Mr. LOBIONDO, Mr. LOEBSACK, Mr. LUETKEMEYER, Mrs. LUMMIS, Mr. MANZULLO, Mrs. MCCARTHY of New York, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCHENRY, Mr. MCHUGH, Mr. MCINTYRE, Mrs. MCMORRIS RODGERS, Mr. MICHAUD, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MORAN of Kansas, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NUNES, Mr. PALLONE, Mr. PASCRELL, Mr. PITTS, Mr. POE of Texas, Mr. PRICE of Georgia, Mr. RAHALL, Mr. REYES, Mr. ROGERS of Alabama, Mr. ROSS, Mr. SCHOCK, Mr. SESSIONS, Ms. SHEA-PORTER, Mr. SHULER, Mr. SHUSTER, Mr. SIMPSON, Mr. SOUDER, Mr. SPRATT, Mr. STUPAK, Mr. SULLIVAN, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. THOMPSON of California, Mr. TIAHRT, Mr. TIBERI, Mr. TURNER, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. SCOTT of Georgia, and Mr. JORDAN of Ohio):

H. Con. Res. 49. Concurrent resolution supporting the Local Radio Freedom Act; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. LEVIN, Mr. BACA, Mrs. MALONEY, Mr. RANGEL, Mr. CROWLEY, Mr. ROE of Tennessee, Mr. SERRANO, Mr. PAYNE, Mr. GRIJALVA, Mr. KISSELL, Mr. MCGOVERN, and Mr. PETERSON):

H. Con. Res. 50. Concurrent resolution honoring and saluting Motown Records of Detroit, Michigan, on its 50th anniversary; to the Committee on Oversight and Government Reform.

By Mr. TIBERI (for himself, Ms. BORDALLO, Mr. CALVERT, Mr. CONNOLLY of Virginia, Mrs. DAHLKEMPER, Mr. EHLERS, Mr. FARR, Mr. GORDON of Tennessee, Mr. HINCHEY, Mr. INGLIS, Mr. MCCOTTER, Mr. PETRI, Mr. POE of Texas, and Mr. TURNER):

H. Con. Res. 51. Concurrent resolution recognizing the 50th anniversary of the signing of the Antarctic Treaty; to the Committee on Foreign Affairs.

By Mrs. CAPPS (for herself, Ms. BALDWIN, Mr. FRANK of Massachusetts, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. SCHAKOWSKY, Mr. NADLER of New York, Ms. DEGETTE, Ms. VELÁZQUEZ, Ms. WOOLSEY, and Mrs. MCCARTHY of New York):

H. Con. Res. 52. Concurrent resolution honoring and remembering the life of Lawrence ''Larry'' King; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Mr. MEEKS of New York):

H. Con. Res. 53. Concurrent resolution recognizing the achievement of parity among African Americans in computer science; to the Committee on Education and Labor.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. MICA, Ms. FALLIN, Mrs. CAPITO, Mr. CAO, and Mr. GUTHRIE):

H. Res. 163. A resolution expressing the sense of the House of Representatives on the need for appropriate accountability and congressional oversight of public buildings and facilities projects; to the Committee on Transportation and Infrastructure.

By Mr. ROYCE (for himself, Ms. ROS-LEHTINEN, and Mr. MANZULLO):

H. Res. 164. A resolution condemning Pakistan's release of nuclear scientist Abdul Qadeer Khan from house arrest; to the Committee on Foreign Affairs.

By Mr. FRANKS of Arizona (for himself and Mr. KING of Iowa):

H. Res. 165. A resolution commemorating the 200th anniversary of the birth of Abraham Lincoln, the 16th President of the United States of America; to the Committee on Oversight and Government Reform.

By Mr. MILLER of Florida (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. MACK, Mr. MARIO DIAZ-BALART of Florida, Mr. ROONEY, Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, Mr. KLEIN of Florida, Mr. MEEK of Florida, Mr. BOYD, Mr. YOUNG of Florida, Mr. BUCHANAN, Ms. KOSMAS, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. STEARNS, Mr. PUTNAM, Mr. WEXLER, Mr. BILIRAKIS, Mr. POSEY, and Mr. MICA):

H. Res. 166. A resolution recognizing the 450th birthday of the settlement of Pensacola, Florida, and encouraging the people of the United States to observe the 450th birthday of the settlement of Pensacola, Florida, and remember how the rich history of Pensacola, Florida, has likewise contributed to the rich history of the United States, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. PASCRELL (for himself and Mr. WILSON of South Carolina):

H. Res. 167. A resolution expressing the sense of the House of Representatives supporting the goals and ideals of Campus Fire Safety Month, and for other purposes; to the Committee on Education and Labor.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

4. The SPEAKER presented a memorial of the House of Representatives of Michigan, relative to House Resolution No. 152 memorializing Congress to provide funding for the partnership program of the United State Census Bureau; to the Committee on Foreign Affairs.

5. Also, a memorial of the House of Representatives of Michigan, relative to House Resolution No. 422 memorializing Congress to reduce the price of traditional passports, by directly lowering the cost to consumers or by offering fully refundable federal income tax deductions to citizens who live in border states; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. DEGETTE:

H.R. 1056. A bill for the relief of Rosa Isela Figueroa Rincon, Miguel Angel Figueroa Rincon, Blanca Azucena Figueroa Rincon, and Nancy Araceli Figueroa Rincon; to the Committee on the Judiciary.

By Mr. HERGER:

H.R. 1057. A bill to authorize the Secretary of the Department in which the Coast Guard is operating to issue a certificate of documentation for operation in the coastwise trade for the vessel MAYA; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. VISCLOSKY, Mr. REHBERG, Ms. ZOE LOFGREN of California, Mr. KILDEE, and Mr. SPACE.

H.R. 23: Mr. HASTINGS of Florida and Mr. MICHAUD.

H.R. 31: Ms. KILPATRICK of Michigan, Mr. MITCHELL, and Ms. SOLIS of California.

H.R. 80: Mr. GRIJALVA, Mr. ISRAEL, Mr. BERMAN, Ms. WOOLSEY, and Mr. LEVIN.

H.R. 103: Mr. WATT.

H.R. 104: Ms. LINDA T. SÁNCHEZ of California.

H.R. 108: Mrs. LUMMIS.

H.R. 111: Mr. SHULER, Mr. MCCAUL, and Ms. SUTTON.

H.R. 144: Mr. LYNCH.

H.R. 156: Mr. STEARNS.

H.R. 157: Mr. GUTIERREZ.

H.R. 179: Mr. MCGOVERN and Mr. SHERMAN.

H.R. 213: Mr. MANZULLO and Mrs. BIGGERT.

H.R. 216: Mr. HARPER.

H.R. 244: Mr. JOHNSON of Illinois.

H.R. 270: Mr. PETERSON and Mr. FRANK of Massachusetts.

H.R. 301: Mr. GARY G. MILLER of California and Mr. SHADEGG.

H.R. 305: Ms. WOOLSEY, Ms. BERKLEY, Mr. PAYNE, Mr. BERMAN, Mr. MCGOVERN, Mr. STARK, Mr. BLUMENAUER, and Mr. LOBIONDO.

H.R. 331: Ms. WOOLSEY.

H.R. 333: Ms. PINGREE of Maine and Mr. OBERSTAR.

H.R. 347: Mr. MCDERMOTT.

H.R. 391: Mr. SMITH of Nebraska.

H.R. 398: Mr. MARKEY of Massachusetts, Mr. FRANK of Massachusetts, Mr. PRICE of North Carolina, and Mr. YARMUTH.

H.R. 404: Mr. CUMMINGS, Ms. MCCOLLUM, and Mr. HARE.

H.R. 460: Mr. GRIJALVA.

H.R. 464: Mr. SCHOCK.

H.R. 468: Mr. GENE GREEN of Texas.

H.R. 484: Mr. LATHAM.

H.R. 515: Ms. BALDWIN, Mr. SPACE, Ms. MCCOLLUM, Ms. FUDGE, Mr. CARNEY, and Mr. GERLACH.

H.R. 527: Mr. BISHOP of New York and Mr. HINCHEY.

H.R. 570: Mr. GEORGE MILLER of California.

H.R. 578: Mr. HONDA.

H.R. 581: Mr. THOMPSON of Pennsylvania.

H.R. 616: Mr. GORDON of Tennessee, Mr. PETERSON, Mr. BARROW, Ms. MARKEY of Colorado, Mr. CARNEY, Mr. STUPAK, Mr. SKELTON, Mr. TERRY, Mr. ROE of Tennessee, and Mr. DEAL of Georgia.

H.R. 622: Mr. WITTMAN, Mr. FLEMING, and Mr. MELANCON.

H.R. 627: Ms. MATSUI, Mr. RAHALL, Mr. DOGGETT, and Mr. NYE.

H.R. 630: Mr. SAM JOHNSON of Texas, Mr. KING of Iowa, Mr. HUNTER, Mr. COLE, Mr. GOHMERT, Ms. FALLIN, Mr. PITTS, Mrs. SCHMIDT, Mr. SCALISE, Mr. GINGREY of Georgia, Mr. AKIN, Mr. HOEKSTRA, Mr. BRADY of Texas, Mr. SULLIVAN, Mr. BROWN of South Carolina, Mr. PENCE, and Mr. BROUN of Georgia.

H.R. 644: Mr. STARK.

H.R. 646: Ms. SCHWARTZ, Mr. OLVER, and Mr. WOLF.

H.R. 655: Mr. SCHRADER and Mr. BLUMENAUER.

H.R. 664: Mr. CHAFFETZ.

H.R. 672: Ms. WOOLSEY.

H.R. 678: Ms. ZOE LOFGREN of California.

H.R. 684: Mr. MICHAUD, Mr. LIPINSKI, and Mr. MURTHA.

H.R. 702: Mr. COHEN.

H.R. 707: Mr. MARIO DIAZ-BALART of Florida, Mr. COBLE, Mr. POSEY, Ms. LORETTA SANCHEZ of California, Mr. MCHENRY, Mr. ALTMIRE, Mr. LATTA, Mr. NYE, and Mr. SPACE.

H.R. 708: Mr. OLSON, Mr. MCHENRY, Mr. PETRI, Mr. MCCOTTER, Mr. FLAKE, Mr. MANZULLO, Mr. RADANOVICH, Mr. MORAN of Kansas, Mr. SOUDER, Mr. BARRETT of South Carolina, and Mr. LATTA.

H.R. 712: Mr. CAPUANO.

H.R. 713: Mr. CAPUANO.

H.R. 734: Mr. PETRI, Mr. OBERSTAR, Ms. HIRONO, Mr. ALEXANDER, Mr. ROHRABACHER, Mr. BRADY of Pennsylvania, Ms. ROS-LEHTINEN, Mr. MELANCON, Mr. KING of Iowa, Mr. WELCH, Mr. PETERSON, and Mr. BERMAN.

H.R. 745: Mr. MCGOVERN and Mrs. SCHMIDT.

H.R. 758: Mr. BLUNT.

H.R. 774: Ms. CLARKE.

H.R. 816: Mr. YOUNG of Florida and Mr. WHITFIELD.

H.R. 858: Mr. DEFAZIO.

H.R. 866: Mr. DANIEL E. LUNGREN of California, Mr. BARTON of Texas, and Mr. OLSON.

H.R. 870: Mr. SMITH of New Jersey.

H.R. 875: Mr. STARK, Ms. NORTON, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 877: Mr. OLSON, Mr. PITTS, Mr. BARTLETT, Mrs. SCHMIDT, Mr. HOEKSTRA, Mrs. LUMMIS, Mr. WESTMORELAND, Mr. BROWN of South Carolina, and Mr. FRANKS of Arizona.

H.R. 878: Mrs. MYRICK.

H.R. 900: Mrs. BACHMANN.

H.R. 906: Mr. COSTA.

H.R. 907: Mr. NUNES.

H.R. 930: Mr. PRICE of North Carolina.

H.R. 939: Ms. GINNY BROWN-WAITE of Florida.

H.R. 968: Mr. PITTS.

H.R. 979: Mr. EDWARDS of Texas.

H.R. 980: Mr. LYNCH, Mr. PAYNE, Mr. CONYERS, Mr. SCHIFF, Mr. MORAN of Virginia, Ms. SHEA-PORTER, and Mr. GONZALEZ.

H.R. 983: Mr. HERGER, Mr. COBLE, Mr. CHAFFETZ, Mr. LAMBORN, and Mr. ROHRABACHER.

H.R. 988: Mr. FRANK of Massachusetts.

H.R. 1003: Mr. PALLONE and Mr. HOLT.

H.R. 1004: Mr. LOBIONDO.

H.R. 1007: Mr. TAYLOR.

H. Con. Res. 20: Ms. ZOE LOFGREN of California.

H. Con. Res. 35: Mr. DRIEHAUS.

H. Con. Res. 40: Mr. STARK.

H. Res. 22: Mr. BISHOP of New York, Mr. ANDREWS, Ms. DEGETTE, Mr. BERMAN, Mr. CLEAVER, Mrs. DAVIS of California, Mr. LOEBSACK, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mr. SCOTT of Virginia, Mr. WATT, and Ms. FUDGE.

H. Res. 47: Mr. BARTON of Texas, Mr. CUELLAR, and Mrs. BONO MACK.

H. Res. 91: Mr. LATOURETTE, Mr. PETRI, Mrs. MILLER of Michigan, Mrs. EMERSON, and Mr. PLATTS.

H. Res. 125: Mr. PITTS and Mr. KING of New York.

H. Res. 132: Mr. COLE.

H. Res. 133: Mr. HINOJOSA, Mr. SERRANO, Mr. MCGOVERN, Mr. HASTINGS of Florida, Mr. BERMAN, Mrs. MALONEY, Mr. FATTAH, Mr. SKELTON, and Mr. ELLISON.

H. Res. 139: Mr. FORTENBERRY, Mr. BRADY of Pennsylvania, and Mrs. HALVORSON.

H. Res. 160: Mr. LANGEVIN, Mr. LOEBSACK, Mr. TIM MURPHY of Pennsylvania, Mr. GRIJALVA, Mr. CONNOLLY of Virginia, and Ms. EDDIE BERNICE JOHNSON of Texas.

EXTENSIONS OF REMARKS

PINELLAS HABITAT FOR HUMANITY DEDICATES 100TH ST. PETERSBURG, FLORIDA HOUSE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. YOUNG of Florida. Madam Speaker, The volunteer spirit is alive and well in our nation and it remains one of our country's core values. Habitat for Humanity is one of the programs that capture that spirit by helping our neighbors in need to achieve the great American dream of home ownership.

Pinellas Habitat for Humanity, the chapter I have the privilege to represent, achieved a milestone last November when it dedicated its 100th St. Petersburg, Florida house. Executive Barbara Inman and her entire staff, her Board of Directors, her Advisory Board, and her volunteer team are to be congratulated on their work even during these most difficult economic times to bring affordable housing to our community.

Norm Bungard, one of St. Petersburg's greatest volunteers and champions of Habitat for Humanity, told me that the program typifies the values of a successful society. These include hard work, which is exemplified by the thousands of hours of sweat equity by volunteers and the new homeowners; community involvement, witnessed by the long list of volunteers who help build and finish the homes; government involvement, evidenced by the city's land donations for the homes; corporate and church sponsorship; and common sense business practices that are the result of countless seminars that ensure owners stay in their homes.

Madam Speaker, the spirit of giving, the commitment to hard work, and the joy of homeownership were all evident as Cynthia Ivey and her daughter Chauncey were given the keys to their first home. This was the result of the Habitat for Humanity network of Pinellas staff, volunteers, and community and corporate sponsors. Join me in congratulating all those who made this such a special milestone day for such a special cause.

HONORING DR. MARY ELLEN BENZIK OF BATTLE CREEK

HON. MARK H. SCHAUER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. SCHAUER. Madam Speaker, I am proud to honor today one of Michigan's finest healthcare professionals, Dr. Mary Ellen Benzik of Battle Creek. Dr. Benzik has been a dedicated member of the healthcare community for over two decades and has served our state with honor and distinction. She has shown extraordinary devotion as an Outstanding Volunteer Teacher and Volunteer Physician, and her efforts have been recognized by the Kalamazoo Center for Medical Studies as well as Calhoun County. Dr. Benzik has promoted clean air for our county and state as a member of the Calhoun County Cancer Control Coalition, and has served on the Battle Creek Community Foundation to supervise healthcare initiatives and funding for our community. She has done all of this as a loving partner with her husband, David, and mother to her two children, Matthew and Elizabeth. Doctor Benzik is a model of community service and well deserves our respect and appreciation for her service.

HONORING MORRIS HONICK

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. INSLEE. Madam Speaker, I rise in honor of an American hero whose service began around the time of the fall of the Nazi Third Reich and lasted until the time that cracks began to appear in the Berlin Wall before it too, fell. That man is Mr. Morris Honick.

Mr. Honick's military career began in a critical time in the history of the World War Two in the West, the Battle of the Atlantic, when the German submarine fleet threatened to strangle American efforts to keep England free. A member of the U.S. Army Air Forces, Mr. Honick served aboard a convoy bound for Liverpool from New York as U-boats stalked them throughout the 17-day crossing, losing 22 of 62 ships but maintaining the Atlantic Alliance.

Mr. Honick continued to serve with the USAAF throughout the Second World War and later with the newly established U.S. Air Force in Korea as well.

After successfully competing for a position at SHAPE, Supreme Headquarters Allied Powers Europe, Mr. Honick quickly stood out, being promoted to Chief of the Historical Section.

The saying is that those who do not remember history are condemned to repeat it and nowhere is there more at stake in remembering history than in military affairs. Mr. Honick, through his writing helped make sure that history would not be forgotten, having written extensively on the history of SHAPE and on NATO-SHAPE affairs. Mr. Honick was also the Command Historian, a key policy function for the NATO Supreme Commander.

Mr. Honick had the distinction of being, at the time of his retirement in 1989, the longest serving member of the staff of SHAPE.

For his service, Mr. Honick was awarded the Efficiency, Honor, Fidelity Medal, with three clasps; the European-Africian-Middle Eastern Campaign Medal, with Anti-Submarine Campaign Battle Star; the World War II Victory Medal; and the National Defense Service Medal.

For his courage, for his long service to our nation and our alliances, I ask my colleagues to join me in honoring Mr. Morris Honick and all war heroes of the past, present, and future.

RECOGNIZING THE 55TH ANNIVERSARY OF THE FIRST AFRICAN AMERICANS TO JOIN THE BALTIMORE CITY FIRE DEPARTMENT

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. CUMMINGS. Madam Speaker, Black History Month allows this nation to pay homage to pioneering African Americans who have enriched our lives through their leadership and courage. Citizens across the globe are familiar with the legacies of Frederick Douglass, Harriet Tubman, Martin Luther King, Jr., Rosa Parks, and now President Barack Obama. However, today I rise to recognize some lesser known, but equally important figures in history: the 41 African American males that integrated the Baltimore City Fire Department in the early 1950's.

On June 19, 1953, the Board of Fire Commissioners voted to hire ''Colored'' firemen. In July, 41 African American men were determined to be eligible to be employed by the fire department. These men were appointed in three classes: 10 were appointed on October 15, 1953; 10 were appointed December 20, 1953, and 21 were appointed February 8, 1954. Just a few days ago, we commemorated the 55th anniversary of the completed integration.

These brave men faced very difficult times. They overcame insurmountable challenges and obstacles in order to become great assets to the Baltimore City Fire Department. All of these men have made exceptional contributions; I will take a moment to highlight a few accomplishments. From the 1954 Class, James Crockett re-wrote the department rules and regulations for the Fire Board, served as President of the Board of Fire Commissioners, and now serves as Commissioner of the Baltimore City Fire Department; Charles R. Thomas Sr. helped to start the first Baltimore City Fire Department, was active in starting the community outreach programs and led the charge to integrating the local labor union; and Herman Williams, Jr. became the first African American to be promoted to pump operator (driver), and is the first and only African American to become Chief of the Baltimore City Fire Department.

Madam Speaker, as we champion the presidency of Barack Obama, we must also remember the trailblazers who opened the door of opportunity to many in significant ways. It is with great admiration that these men who have paved the way for diversity within the Baltimore City Fire Department are recognized.

Class Appointed October 15, 1953

Lee D. Babb
Cicero Baldwin
Ernest H. Barnes
Louis Harden
Earl C. Jones
George C.W. McKnight
Charles T. Miller
Roy Parker
Charles L. Scott
Lindsay Washington, Jr.

Class Appointed December 20, 1953

Harvey Brown
John Butler
Thomas Chambers
John Davis
Randolph Handy
John Johnson
William Nesbit
David Pipken
Edgar Waddell
Ben Wood

Class Appointed February 8, 1954

Theodore Baker
Albert L. Biggers
Harold Borrows
Alfred Boyd
William Brown
Edward R. Bunch Jr
Alfred Clinkscales
James Crockett
Alfred Daniels
James Edwards
Celester A. Hall
Wade Morgan El
John T. Murray
Yeubeart L. Poe
Raymond Purnell
Hilton Roberts
William L. Spicer
Charles R. Thomas
Eugene P. Watson
Herman Williams Jr.
Littleton B. Wyatt

KEEP FAMILIES TOGETHER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. FILNER. Madam Speaker, I rise today to speak about a very important bill that I just re-introduced, the Keeping Families Together Act of 2009 (H.R. 938). This bill would reinstate judicial review to the immigration process, end the practice of automatically detaining productive members of our society for minor crimes they committed years ago and for which they have already served with their sentence, and allow immigrants previously deported to appeal that decision.

This law has allowed stable, long-term families headed by legal immigrants to be torn apart because of minor crimes committed years ago—crimes for which the offender has already served their sentence!

You may recall that a basic legislative attempt to fix this law was passed by the House of Representatives in the 106th Congress, but it was never taken up by the Senate. The time has come to reverse the unfair so-called ''immigration reforms'' instituted by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Please join me in supporting this critical legislation to restore justice to our immigration process, by co-sponsoring the Keeping Families Together Act of 2009.

IN RECOGNITION OF MR. PETER SMYTH AND THE BORDES FAMILY RECEIVING THE 2009 BROADCASTERS OF AMERICA GOLDEN MIKE AWARD

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. LYNCH. Madam Speaker, I rise today in honor of Mr. Peter Smyth and the Bordes Family, for their outstanding dedication to Greater Media of Braintree, Massachusetts, and to mark the great achievement of being presented with the 2009 Broadcasters Foundation of America Golden Mike Award.

Greater Media was co-founded in 1956 by Peter A. Bordes and is one of the last remaining family-owned broadcasting companies in the United States. Now parent company of 23 AM and FM radio stations in the Boston, Charlotte, Detroit, New Jersey and Philadelphia markets, Greater Media continues to be a shining example of good corporate citizenship in the fast paced and ever evolving media industry.

From its beginning, Greater Media has stressed the autonomy of local management, dedication to local community service, and leadership in developing and adapting new technology and services to improve media communications. Greater Media consistently seeks to improve the lives of their listeners and readers, and the communities in which they live.

In 1986, Peter Smyth joined the Greater Media family. In October 2000, Mr. Smyth was named President and Chief Operating Officer, and in March 2002, was promoted to Greater Media's President and Chief Executive Officer. He was named Chairman of the Board in October 2008.

Since his arrival at Greater Media, Mr. Smyth has received such prestigious honors as ''America's Best Broadcaster'' and has been named one of the 40 ''Most Powerful People in Radio'' for eight years. Most recently he was honored with the ''Radio Executive of the Year'' award.

Madam Speaker, I am proud to recognize Mr. Smyth and the Bordes Family for their commitment to excellence in broadcasting and journalism. I applaud their success, and I wish them the best in their future endeavors.

HONORING GEORGE C. WELKER

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. BISHOP of New York. Madam Speaker, I rise today recognize George C. Welker at the close of his 40-year career serving the employees of CWA Local 1108 in Patchogue, New York. His remarkable tenure spans dramatic changes in the telecommunications industry and labor relations in America. Unwavering and undiminished in that time is Mr. Welker's devotion to the members of CWA Local 1108 and his Long Island community.

In 1969, George Welker joined CWA as Steward for his gang of installers at New York Telephone's St. James garage. He rose through the ranks, serving as Chief Steward of Repair, Area Representative and Business Agent, before being elected President of Local 1108 in 1990 and serving until 2008. He was also a member of the Regional Bargaining Committee, participating in the negotiation of four collective bargaining agreements, and served the CWA National Union as chairman of its Finance Committee.

The most significant of Mr. Welker's many achievements at CWA Local 1108 include negotiating the addition of 3,200 temporary employees to Bell Atlantic's regular payroll in 1998, winning an arbitration case that restored the livelihoods of 215 union members who were wrongfully dismissed in 2002, and overseeing Local 1108's successful merger with Local 1110 in 2004.

Madam Speaker, organized labor deserves much of the credit for the rise of America's middle class. The labor movement and its successes are built on the shoulders of leaders like George Welker. He will be sorely missed by the workers of CWA Local 1108, and I join them in thanking him for his service and offering best wishes for a retirement free of grievances.

HONORING LEE ROY MAYHALL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to posthumously honor the life of Lee Roy Mayhall. Mr. Mayhall passed away on January 26, 2009 at the age of seventy-seven, after a long battle with cancer.

Lee Roy Mayhall took great pride in his hometown of Oakhurst, California. He was one of the original founding members of the Citizens on Patrol (COP) program that was launched in 2000. The COP concept began in 1999, with one car and a couple of volunteers. Mr. Mayhall and his wife, Jean, were among those few original volunteers. Within seven years, the small unit expanded into an entire fleet. With the increase in volunteers, they are able to cover the rural communities of Oakhurst, North Fork, Coarsegold, Chowchilla, Eastside Acres and the Madera Ranchos, all in Madera County. During the summer months

the COP volunteers assist the Sheriffs Boat Patrol on Bass Lake.

Mr. and Mrs. Mayhall, along with the dedicated COP volunteers, serve as a second set of eyes and ears for the Sheriff's Department. They served as partners in the programs; together they donated countless hours and money to assist in financing critical training. Mr. and Mrs. Mayhall were honored in 2007 by the Madera County Supervisors for their years of service and dedication to the citizens of Madera County. Mr. Mayhall was also the recipient of the ''Above and Beyond'' award for his outstanding contributions to the community.

Madam Speaker, I invite my colleagues to join me in honoring the life of Lee Roy Mayhall. I wish continued success to Mrs. Mayhall and the COP program.

LET'S BE TRULY COMPASSIONATE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. FILNER. Madam Speaker, I rise today to speak about a very important bill that I just re-introduced, the Visitors Interested in Strengthening America (VISA) Act of 2009 (H.R. 937). The bill would grant humanitarian visa waivers to children and their parents coming across the border for regular medical appointments, or for educational or cultural events.

In the past, the Port Directors at the border had the authority to grant humanitarian visa waivers to certain children and their accompanying parent. Now, children who come without a visa must be turned away. The fee to enter into the United States for 24 hours is an insurmountable amount of money for these poor children and their families. These children pose no threat to our national security. They are merely trying to receive medical treatment or to enjoy a school field trip to one of our nation's numerous tourist attractions.

This legislation does not affect the number of legal or illegal immigrants living in the United States—the children and accompanying adults visit for one day and then return to their homes. It gives Port Directors the authority to use their discretion, and issue waivers to children that pose no security threat to our country.

This is common sense legislation that allows us to cultivate relations with our Mexican neighbors, while keeping those who would do us harm out of our country. I urge my colleagues to join me in support of this critical legislation, by co-sponsoring the VISA Act.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, February 11, 2009, I was unable to cast my votes on H. Con. Res. 47, H. Res. 154, and H.R. 448.

Had I been present for rollcall No. 60, on passing H. Con. Res. 47, Providing for an adjournment or recess of the two Houses, I would have voted ''nay.''

Had I been present for rollcall No. 61, on suspending the rules and passing H. Res. 154, Honoring JOHN D. DINGELL for holding the record as the longest serving member of the House of Representatives, I would have voted ''aye.''

Had I been present for rollcall No. 62, on suspending the rules and passing H.R. 448, the Elder Abuse Victims Act, I would have voted ''aye.''

CELEBRATING FILIPINO AMERICAN HERITAGE MONTH

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. FILNER. Madam Speaker, I rise today to speak about a resolution that I have re-introduced along with Congressmen BILBRAY, HONDA, ISSA, and BOBBY SCOTT, my colleagues in the U.S.-Philippines Friendship Caucus (H. Res. 155). This resolution recognizes Filipino American Heritage Month and celebrates the heritage and culture of Filipino Americans and their immense contributions to our nation.

The Filipino American National Historical Society established Filipino American History Month in 1988 but I was surprised to learn that the House of Representatives has never recognized this month, which is long overdue! We are pleased to honor the Filipino American community and pay tribute to the extraordinary contributions that Filipinos make to this nation. Filipino Americans have been part of the American experience, confronting many difficult challenges while being resolute and steadfast in their cultural heritage.

We honor Filipino Americans, from farm workers to nurses and doctors to the brave and courageous soldiers who fought shoulder-to-shoulder with American servicemen. This country is indebted to the Filipino veterans of World War II for their extraordinary sacrifices. We promise that we will not give up. Equity and recognition for World War II Veterans is a moral imperative.

I invite my colleagues to join with me in honoring the history, culture, and contribution of Filipino Americans in the United States by supporting this important resolution.

A PROCLAMATION HONORING THE 150TH ANNIVERSARY OF THE CENTER UNITED METHODIST CHURCH

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. SPACE. Madam Speaker:

Whereas, Center United Methodist Church was founded in 1858 with 17 members convening at the Pleasant Site School in Cambridge, and

Whereas, originally called the Harmony Methodist Episcopal Church, the congregation grew quickly to more then 200 members and in 1869, prompting the congregation to build its structure on the site where it currently stands, and

Whereas, the Center United Methodist Church operated continuously for 150 years under various names, continuously growing and expanding its congregation and its building to better accommodate its service to the community. The church has been an active community presence, initiating and contributing to numerous religious, community, and international; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the Center United Methodist Church for 150 years of dedicated service to the practice of the Christian faith and to the good works, both local and international, that have given the congregation a wonderful reputation and a sense of pride.

INTRODUCTION OF THE FAIRNESS FOR MILITARY RECRUITERS ACT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. HUNTER. Madam Speaker, today I am introducing the Fairness for Military Recruiters Act, legislation that supports the efforts of our armed forces to recruit talented young Americans from our nation's high schools. This legislation reaffirms and strengthens existing federal law, enacted in 2001 under the No Child Left Behind Act, that provides military recruiters the same access to high school campuses and basic student contact information that is given to institutions of higher education.

Before the enactment of No Child Left Behind, it was reported that nearly 2,000 high schools across the country either banned military recruiters from their campuses or restricted access to student directories. Since then, despite some early opposition from several school boards and administrators, military recruiters have maintained regular and unrestricted access to high schools nationwide.

Under current law, any high school that receives federal education funding must provide military recruiters access to its campus and student directories—the same access that is provided to colleges and universities. At the same time, schools are required to notify parents and students of their right to ''opt-out'' of the program. A request from a parent is all it takes for a student not be contacted or approached directly by a military recruiter.

This is a straightforward, balanced approach to ensuring that students are familiar with the education and career opportunities offered by any one of our military service branches. Military service promotes discipline, self-esteem and a strong work-ethic, and young Americans should not be discouraged from serving their country or simply exploring the benefits of serving in the armed forces.

Of course, there are some school administrators and activist groups that oppose the idea of military recruiters contacting high-

school students. There are even reported cases of these groups, known as ''counter-recruiters,'' attending parent-teacher conferences and loitering outside schools with opt-out forms in hand. Likewise, administrators have creatively interpreted notification and consent requirements in the interest of denying recruiters access to student contact information.

Students and parents should make the decision to opt-out on their own, without influence from activists and administrators with anti-military bias. Families that recognize and honor the commitment of our military to defending the freedom of the American people should not be represented by the small minority of those who actively seek to denigrate our armed forces.

The legislation I am introducing today simply reaffirms current law by protecting the right of parents and students to opt-out while also maintaining military recruiter access to high school campuses and directories. Schools would still be obligated to notify parents and students of their options, ensuring there is a mechanism in place that prevents the contact information of those who wish not to be contacted from being released.

The alternative suggested by some of my colleagues, particularly in anticipation of the upcoming reauthorization of the Elementary and Secondary Education Act, is to create an opt-in process. In other words, military recruiters would be denied access to student information unless parents send in a release authorization form. They question whether the recruitment provision violates a student's right to privacy, even though it is consistent with federal law and court-tested privacy rights. An analysis by the Congressional Research Services also acknowledges this fact, noting that, unlike medical records, the basic information available to recruiters is no different than the information ''typically found in a phone book.''

The legislation specifically prohibits the implementation of an opt-in process and clarifies the notification and consent requirement by placing the personal information and career interests of students firmly in the control of parents. Only parents, legal guardians or students 18 years of age, could make a written request that contact information not be released.

Madam Speaker, our national security continues to hinge on patriotic and talented Americans coming forward and volunteering military service. Restricting recruiter access to high schools would serve to reduce the quality of our armed forces and undoubtedly constrain the ability of students to consider military education and career opportunities.

I urge my colleagues to support this effort as we continue working to strengthen our national security and raise awareness about the education and career benefits provided through military service.

A PROCLAMATION HONORING THE 175TH ANNIVERSARY OF THE FAIRMOUNT PRESBYTERIAN CHURCH

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. SPACE. Madam Speaker:

Whereas, the Fairmount Presbyterian Church was founded in 1833 by the Nickel family and is celebrating its 175th anniversary in Licking Township, Ohio; and

Whereas, the congregation of 25 celebrated that milestone with a special service on September 21st and a recreation of a famous photo of the congregation on the mound next to the church taken in 1923, and

Whereas, the founding of the Fairmount Presbyterian Church occurred when one member of the Nickel family passed the spot of land where it now sits and remarked that it was the ''prettiest place'' he had ever seen. Three years later, the land that serves as the parish's cemetery was donated, creating the Fairmount Cemetary adjacent to the historic church; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the Fairmount Presbyterian Church 175 years of dedication and service to the Licking township community and their continued remembrance of their founding and occupation of what was called the ''prettiest place'' the founder had ever seen.

RESTORING OUR AMERICAN MUSTANGS (ROAM) ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. RAHALL. Madam Speaker, in the 19th Century, it is estimated that as many as 2 million wild horses and burros ranged freely across the American West. Some of them were of noble birth, with blood lines stretching back to the horses which carried Spanish explorers into the New World; all of them were part of the fabric of the romance and the history of the American West.

As wild animals living on public land, management of these horses and burros fell to the Federal government, acting through the Bureau of Land Management, BLM. Unfortunately, many decades of underfunding and inhumane management practices combined to destroy these wild herds, leaving fewer than 25,000 wild horses and burros on public lands by the early 1970s.

Starting in the 1950s, the American public became aware of the cruelty, disease and death suffered by these iconic animals, thanks in large part to the actions of one woman, Mrs. Velma Bronn Johnston—better known by the nickname she earned—Wild Horse Annie. The crusade she started—which included a massive letter-writing campaign and eventually a beloved children's book—culminated in 1971 with enactment of the Wild Free-Roaming Horse and Burro Act. The Act stated clearly that:

> Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands.

While this landmark legislation resulted in significant improvements in the management of these herds, our experience since 1971 has demonstrated that the law was far from perfect. While the Act identified 53 million acres of public land on which these herds could roam freely, the BLM has removed horses and burros from nearly 19 million of those acres for a variety of reasons. Since 1971, more than 200,000 wild horses and burros have been removed from public land and either adopted or placed in long-term holding facilities. Six states have lost their entire population of wild horses and burros. Recently, the BLM announced that a combination of a lack of funding, facilities and options may require the killing of as many as 30,000 healthy wild horses and burros. Clearly, the laws and policies in place since 1971 need updating.

A recent investigation by the Government Accountability Office identified many of the problems plaguing the wild horse and burro program within BLM. This legislation amends the 1971 Act to implement the changes suggested by the GAO.

This legislation would remove outdated limits on the areas where wild horses and burros can roam freely, allowing the BLM flexibility to find additional, suitable acreage. The bill would strengthen the BLM's adoption program, require consistency and accuracy in the management of these herds, allow more public involvement in management decisions, facilitate the creation of sanctuaries for wild horses and burros on public land and place significant new limitations on the authority to remove these animals from the wild. Finally, the legislation would prohibit the killing of healthy wild horses and burros.

Madam Speaker, introduction of this legislation is the beginning, not the end, of this process. There are many stake-holders—here in Congress, in the agencies and among members of the public—who are invested in this issue. I look forward to working with all parties in an effort to craft a final bill that would make Wild Horse Annie proud.

INTRODUCTION OF THE ''STATE VIDEO TAX FAIRNESS ACT OF 2009''

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. CONYERS. Madam Speaker, today I have introduced, along with my Judiciary

Committee colleagues RICK BOUCHER of Virginia, JIM JORDAN of Ohio, and JAMES SENSENBRENNER of Wisconsin, the State Video Tax Fairness Act of 2009. This bipartisan legislation is a consumer-minded effort to prevent States from enacting taxes that may be designed to advantage one form of video transmission over another. This legislation preserves a level playing field between competitors while protecting State revenue prerogatives.

This legislation accomplishes three goals:

First, consumers will benefit from lower prices, because States will impose only fair and nondiscriminatory video transmission taxes, on all providers.

Second, competition will strengthen in the paid television programming industry, because this legislation will ensure that no provider will be unfairly favored by discriminatory tax policies.

Third, States will continue to have the ability to raise revenue, because this legislation does not hinder their ability to do so, as long as they do so in a fair and nondiscriminatory manner.

This legislation incorporates changes adopted by the Subcommittee on Commercial and Administrative Law at markup during the last Congress. Those changes include providing grandfather protection to those States that, as of January 1, 2008, had already enacted video programming tax structures that would violate the new requirement. The six States whose tax structures would be protected are Florida, Kentucky, North Carolina, Ohio, Tennessee, and Utah.

This legislation also includes several technical changes to conform the language to certain State tax laws with respect to the methods by which multichannel video programming distribution services are delivered, and clarifies a tax as discriminatory ''if the net tax rate imposed on one means of providing multichannel video service is higher than the net tax rate imposed on another.''

This legislation ensures that States could not selectively reduce the effective tax rate by imposing the same tax rate on services, but then reimbursing certain costs borne by specific providers, as some States have done.

The State Video Tax Fairness Act of 2009 will give households that pay for television programming service the assurance that they can choose to receive very similar services, such as from cable or satellite providers, without having to wonder whether subscribing to a particular service will entail paying more in taxes than if they had chosen a different service.

I invite my colleagues to join with me and Representatives BOUCHER, JORDAN, and SENSENBRENNER, by cosponsoring the ''State Video Tax Fairness Act of 2009.''

A PROCLAMATION HONORING THE 100TH ANNIVERSARY OF THE JEWETT UNITED METHODIST CHURCH

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. SPACE. Madam Speaker:

Whereas, the Jewett United Methodist Church was founded in 1908 and is celebrating its 100th anniversary in Jewett, Ohio; and

Whereas, the congregation of Quinn Jewett United Methodist Church celebrated this milestone with weekend of events, ceremonies, and services between October 3rd and October 5th, 2008; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the Quinn Chapel African Methodist Episcopal Church for nearly two centuries of dedication and service to the Chillicothe community and their efforts to preach equality and faith among all races and religions throughout the years.

CONGRATULATING ERIN HAMLIN ON WINNING THE 41ST LUGE WORLD CHAMPIONSHIP

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. ARCURI. Madam Speaker, I rise today to recognize an outstanding young athlete, Erin Hamlin, on her victory in the 41st Luge World Championship in Lake Placid, New York on February 6th, 2009.

Erin snapped a twelve-year German winning streak by posting times of 44.113 and 43.985 seconds, a new Lake Placid track record, for a combined time of one minute, 28.098 seconds. She is one of only two U.S. athletes ever to win a luge world crown.

Madam Speaker, I am proud to represent Erin, who was born in New Hartford and raised in Remsen, both in New York's 24th Congressional District. In 1999, at the age of 12, Erin was introduced to the sport of luge through a Verizon/USA Luge Slider Search in Syracuse, New York. After being selected to a development team, she began training in Lake Placid.

Erin earned two Junior National Championship titles and a collection of Junior World Cup medals as a member of the U.S. Junior National Team from 2003 to 2006 and as a competitor on the Junior World Cup Circuit from 2002 to 2005. After making the World Cup Team in the fall of 2005, Erin earned a spot on the 2006 Olympic Team. At the Winter Games in Torino, Italy she slid to a 12th place finish, and was named to the Senior National Team the following season. Erin is also the reigning 2008 Verizon U.S. National Champion.

The accomplishments of Erin and the entire USA Luge team cannot be applauded without commending the efforts of their coaching staff. Senior National Team Head Coach Wolfgang Schaedler, Assistant Coach Klim Gatker, and Team Manager Fred Zimny guided the USA Luge team to victory this year. On behalf of my colleagues in Congress and all of Upstate New York, I wish to congratulate this team on their success and recognition.

Madam Speaker, I urge my colleagues join me in congratulating Erin Hamlin and the entire USA Luge Team, and to support them in their future endeavors as they continue to inspire athletes across the country.

THE 75TH ANNIVERSARY OF THE UNITED STATES EXPORT-IMPORT BANK

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. FRANK of Massachusetts. Madam Speaker, I rise today to recognize the 75th anniversary of the United States Export-Import Bank, chartered by Congress in 1934 with the mission of financing U.S. exports in support of U.S. jobs. The Ex-Im Bank has been an important tool in our effort to preserve and expand American jobs in an era of international competition. In an ideal world, there wouldn't be an Ex-Im Bank. But given the fact that other countries aggressively provide public financing to make their exports more competitive, it would amount to unilateral disarmament not to have a strong and active U.S. Export-Import Bank.

Ex-Im Bank has played an important role in trade finance as a lender of last resort, allowing exports to go forward for projects that would otherwise not get support from private lenders. In support of this mission in recent years, the Bank has launched efforts to support small business exporters, women and minority-owned exporters, and exports in support of development projects in Sub-Saharan Africa.

In the midst of the credit and economic crisis we are now working so hard to resolve, it's particularly important that we have the Ex-Im Bank in place. With consumers in the U.S. pulling back, exports will need to play a leading role in economic recovery. Unfortunately, as in all other areas of private credit, trade financing coming from the private sector has fallen, and as a result, otherwise viable U.S. exports are not able to proceed due to the lack of credit. Ex-Im Bank can and should step in to address this financing gap, just as it did at the time of its Depression-era founding, during the Mexican debt crisis of the early 1980s, and during the Asian crisis of the 1990s. I look forward to working with the Bank to ensure that exporters are adequately financed during this current crisis.

Ex-Im Bank has been able to serve its public mission during times of crisis and in support of underserved areas of trade finance while remaining a good steward of taxpayers' dollars. In its 75 years, the Bank has financed over $400 billion in U.S. exports with a loss rate of under 2 percent. This is a track record that should be noted and I am pleased to do so today.

RECOGNIZING ISRAEL'S RIGHT TO DEFEND ITSELF AGAINST ATTACKS FROM GAZA

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. BERRY. Madam Speaker, the current conflict in Gaza has drawn international attention. Congress must stand in solidarity with

Israel and recognize the operations in Gaza as acts of self defense.

For 8 years, Hamas has conducted rocket and mortar attacks into Israeli communities with increasing intensity and range. Hamas fired without concern for civilian casualties and it is time to put an end to Hamas's attacks.

Israel has had no choice but to take military action in order to protect and defend its people.

A permanent cease-fire must be reached but we must work to create a peace that is ''durable and sustainable'' and that starts with an end to Hamas's attacks on Israel.

We in the United States must continue to stand in support our friend and ally Israel.

A PROCLAMATION HONORING THE 175TH ANNIVERSARY OF THE QUAKER CITY UNITED METHODIST CHURCH

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. SPACE. Madam Speaker:

Whereas, the Quaker City United Methodist Church was founded in 1833 by Edward H. Taylor celebrated its 175th anniversary in Quaker City, Ohio; and

Whereas, the congregation of met in the old cording mill and later in the Odd Fellows Hall for the first 38 years until a new church was erected on West Main street in 1871, and

Whereas, the congregation moved to its current location in 1908 after a campaign to raise money for the building of a church yielded $12,000—$7,000 of it donated by the family of Jesse Lingo, and

Whereas, the church was dedicated in February of 1909 and has remained there ever since, and

Whereas, the congregation of only 28 members has grown to more than 65 and is lead by Pastor Wilbur Bragg; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the Quaker City United Methodist Church on 175 years of dedication and service to the Quaker City community and their continued devotion to the Methodist faith spanning nearly two centuries.

HONORING FIDELITY MANOR SCHOOLS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. GREEN of Texas. Madam Speaker, I rise today to recognize the legacy of Fidelity Manor Schools in the Galena Park Community in my district, for their invaluable education to African-American students for nearly 50 years.

Predating 1955, a building formerly used for white students became an educational institution for African-American students in the Clinton Community, renamed Galena Park in 1936. The building was moved to the Fidelity addition—an area of Clinton named for the Fidelity Shipyard—and became known as the Fidelity School, housing only eight grades and containing one individual who acted as both teacher and principal.

With the growing African-American community Fidelity Manor Schools began to evolve in many ways. Additional classes and teachers were added to meet requirements held by the school district. Fidelity Manor Schools excelled in academics and athletics, winning district and state competitions during its existence.

In 1970 due to desegregation, Fidelity Manor Schools were closed and its students were integrated into the Galena Park School System. Although the Fidelity Manor School buildings were razed in 1986, their history lives on. For its invaluable service to the African-American community and to the Galena Park Community, I extend my deepest gratitude, and honor Fidelity Manor Schools.

TRIBUTE TO MR. RICHARD SHAVER AND THE VOLUNTEERS OF THE HUNGER GARDEN

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. MURTHA. Madam Speaker, I rise today to pay tribute to an individual who has generously donated his land, his money, and his time to feeding thousands of needy individuals and families in Westmoreland County, Pennsylvania.

For nearly fifteen years, Mr. Richard Shaver, of Madison, Pennsylvania, has operated the ''Hunger Garden.'' The garden is 100 percent volunteer driven, planting and harvesting thousands of pounds of vegetables for the Westmoreland County Food Bank every year. Hundreds of volunteers work evenings and weekends producing sweet corn, tomatoes, cabbage, cucumbers, peppers, and zucchini for the food bank and its Operation Fresh Express program, which provides fresh fruits and vegetables to low-income families.

Mr. Shaver served his country in the U.S. Army, built a successful career, and at a time when he could sit back and enjoy the fruits of his labor, he set out to help those in need.

Mr. Shaver says he began growing vegetables for the food bank because, ''Business was good. I went to country clubs, I was even flying my own airplane, but I just didn't feel right. My daughter suggested that maybe I ought to try to help somebody.'' His determination to ''help somebody'' has resulted in the donation of over 145,000 pounds of fresh vegetables over the years, greatly assisting Westmoreland County Food Bank and its service to 6,000 local families.

Madam Speaker, in a struggling economy where millions of Americans have lost their jobs and are struggling to make ends meet, it gives me great pleasure to honor people like Mr. Shaver and the volunteers of the ''Hunger Garden.'' Their extraordinary work and generosity has a tremendous impact on the lives of many, and are an inspiration to us all.

INTRODUCTION OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY AMENDMENTS ACT OF 2009

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. GRIJALVA. Madam Speaker, I am pleased to introduce the Morris K. Udall Scholarship and Excellence in National Environmental Policy Amendments Act of 2009. The Morris K. Udall Foundation is an independent federal agency based in Tucson, Arizona, which operates exceptional educational programs focused on developing leadership on environmental and Native American issues. It also includes the U.S. Institute for Environmental Conflict Resolution, the only program within the federal government focused entirely on preventing, managing and resolving federal environmental conflicts.

The legislation I introduce today would enhance the Foundation's programs and operations, and at the same time honor one of the greatest public servants and conservationists in history, Stewart L. Udall, by adding his name to the Foundation with that of his late brother, Morris K. Udall.

The Udall Foundation was established by Congress in 1992. Initially, the Foundation's mission was to provide educational opportunities for studies related to the environment and Native American tribal policy and health care. In 1998, Congress amended the Udall Foundation's enabling legislation to add a new mission: resolving conflicts related to the environment, natural resources and public lands through services including mediation, facilitation and training. The work of the Udall Foundation has become even more important today, as the nation seeks long-term responses to climate change, sustainable energy supplies, and a sustainable economy for all Americans.

EDUCATION PROGRAMS

Through its education programs, the Udall Foundation identifies and educates tomorrow's leaders in fields that are critical to the energy, climate change and economic issues facing our nation. The programs include:

The premier college scholarship and doctoral fellowship for studies related to the environment and a scholarship for Native Americans studying tribal policy or health care. The Obama Administration has committed to creating five million new jobs by strategically investing $150 billion over the next ten years to catalyze private efforts to build a clean energy future. The 1,000-some Udall Scholar alumni, who are chosen in part for their demonstrated commitment to public service, will clearly be in the forefront of clean energy and climate change response activities both in the private sector and government.

The Native American Congressional Internship program placing gifted undergraduate and graduate students in Congress, the Council on Environmental Quality, and Cabinet offices to learn first-hand how Washington impacts their tribes and communities. My own Washington

office has hosted a Udall Native American intern each summer since I first came to Congress in 2003, and I can testify to the talent and commitment of these interns, many of whom have already gone on to positions of leadership in their tribal communities, government and nonprofit organizations. More than 150 young Native leaders will have completed the Udall Congressional internship through this summer.

Native Nations Institute for Leadership, Management and Policy (NNI), which serves as a self-determination, governance, and economic development resource for tribal nations. Through the impact of its tribal executive leadership program, Indian nations are rebuilding their economies. NNI has three primary program areas: Leadership and Management Training, Strategic and Organizational Development, and Research and Policy Analysis. NNI's activities in these three areas have made it the leading provider of nation-building services and education to the senior leadership of Indian nations and a world-class center for applied research on how indigenous peoples can meet the practical challenges of nation building.

The Parks in Focus program, which connects underserved youth to nature through the art of photography, instilling in them a long-lasting understanding of and appreciation for national parks and other public lands.

THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION

The Udall Foundation includes the U.S. Institute for Environmental Conflict Resolution, the only entity in the federal government dedicated to resolving federal environmental conflicts. The Institute is funded by an annual appropriation from Congress and fees for services. Since its inception in FY 1999, the Institute has been involved in hundreds of conflicts around the country, providing services such as assessment, mediation and facilitation. The Institute also provides leadership on conflict resolution within the federal government and training to federal managers and stakeholders, providing practical hands-on tools to better prevent and manage disputes and engage in collaborative problem-solving. Each year, the Institute engages thousands of stakeholders directly in agreement-seeking processes representing many thousands of constituents. Services are provided by the Institute's small staff, as well as by contracted mediators who are listed on the Institute's national roster of almost 300 conflict resolution professionals.

The U.S. Institute's work is particularly needed right now, given the need for infrastructure projects, natural resource management, and other important priorities with environmental impacts. Major initiatives by the new Administration related to energy policy and climate change most likely will require considerable multi-sector dialogue and consensus building. The Institute has a 10–year track record of facilitating such dialogue, particularly where multiple federal, state, local and tribal governments are involved. The need for Institute services has already been growing, and will continue to grow with these new energy and climate initiatives.

It is appropriate for Congress to provide solid support for the Udall Foundation's important programs through the legislation I introduce today, while simultaneously recognizing the unsurpassed contributions of Stewart L. Udall by adding his name to the Foundation's title. Stewart Udall served in this House of Congress with distinction from 1955, representing an area that included what is now my district, until he was appointed Secretary of the Interior in 1961 by President John F. Kennedy. As Secretary of Interior, Stewart Udall had an unmatched record of environmental leadership, overseeing the creation of 4 national parks, 6 national monuments, 8 national seashores and lakeshores, 9 recreation areas, 20 historic sites, and 56 wildlife refuges. He continued to make substantial contributions to environmental and Native American policy as a lawyer and author following his tenure at Interior.

With the legislation introduced today, the name of the Foundation would change to the Morris K. Udall and Stewart L. Udall Foundation. The legislation also would support the Udall Foundation's important programs into the future by authorizing funding for the education trust fund and the U.S. Institute for Environmental Conflict Resolution in such amounts as Congress determines is necessary.

A PROCLAMATION HONORING THE 200TH ANNIVERSARY OF THE SONORA UNITED METHODIST CHURCH

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. SPACE. Madam Speaker:

Whereas, the Sonora United Methodist Church was founded in 1808 and convened for its first 15 years without a proper church building eventually worshipping in a log structure only as recently as 1823, and

Whereas, the congregation celebrated its 200th anniversary with special services, a potluck dinner, and a performance by the Greater Zanesville Singers on September 21, and

Whereas, the Sonora United Methodist Church operated continuously for 200 years as part of a charge, or cluster of parishes serviced by one pastor, making it part of a larger worshipping community that prided itself in good works and devotion to the Gospel; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the Sonora United Methodist Church for 200 years of service and dedication to southeastern Ohio, the community of churches encompassing the charge and, an adherence to the teachings of Jesus Christ. The congregants, past and present, of Sonora United Methodist Church have exemplified the quality of Christian service to the community and deserve the recognition that comes with such dedication.

A PROCLAMATION HONORING THE 175TH ANNIVERSARY OF STEINER CHEESE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. SPACE. Madam Speaker:

Whereas, Steiner Cheese is the oldest operating cheese maker in southeastern Ohio having celebrated its 175th anniversary this year; and

Whereas, Steiner Cheese was founded by a young Swiss man named Jacob Steiner in 1833. Steiner, who immigrated in search of opportunities in America, brought with him little more than a family bible and an old copper Swiss Cheese kettle, and

Whereas, Mr. Steiner began to make artisan cheeses and word of his cheese making ability spread throughout southeastern Ohio's farming communities reaching dairy farmers and creating a vibrant cheese making industry; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the Steiner Cheese company for 175 years of creating high quality cheeses—keeping true to the tenets of quality handed down by Jacob Steiner. I also commend them on playing an integral role in southeastern Ohio's burgeoning cheese industry and leaving its mark on the economy and people of Zanesville.

HONORING THE HEROIC ACTIONS OF THE PILOT, CREW, AND RESCUERS OF US AIRWAYS FLIGHT 1549

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. RANGEL. Madam Speaker, I rise today to recognize and honor the actions of the pilot, crew, and rescuers who risked their lives to save the passengers of Flight 1549 on January 15, 2009.

US Airways Flight 1549 lost engine power and began to fail shortly after its take off from LaGuardia Airport in Queens, headed to Charlotte, North Carolina. The lives of 155 passengers and crew were at risk. Captain Chesley B. Sullenberger III and First Officer Jeffery B. Skiles acted with immense valor and dexterity to land the plane in the best option available, the Hudson River. The actions of both of these men demonstrate that they were cognizant of the lives on and off of the plane and choose to avoid populated areas. Additionally, the skilful control of the aircraft and decisions made by Sullenberger and Skiles allowed for the effective assistance of flight attendants Shelia Dail, Doreen Welsh, and Donna Dent, to prepare passengers for the impact in a short amount of time. In this time, passengers had to prepare for their landing and from all reports they did so with great discipline and concern for each other. Local ferry boats, official police boats and U.S. Coast Guard craft were incredibly quick in

their response, rescuing passengers and crew from the near freezing water in minutes. Thanks to the heroic efforts of all parties responsible for the passengers of Flight 1549, 155 passengers and crew survived without serious injury.

As a result of the courageous initiatives taken place by these individuals, I urge that the House of Representatives give recognition and credit where it is due by passing the Resolution introduced by our colleague from New York, JOSEPH CROWLEY. In doing so we applaud Captain Chesley B. Sullenberger III, First Officer Jeffrey B. Skiles, flight attendants Doreen Walsh, Donna Dent, and Sheila Dail, rescue boats, and private citizens for their quick thinking, and bravery amongst many other heroic actions demonstrated.

A PROCLAMATION HONORING THE 200TH ANNIVERSARY OF THE FIRST UNITED METHODIST CHURCH OF DOVER

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. SPACE. Madam Speaker:

Whereas, the First United Methodist Church of Dover was founded in 1808 and is celebrating its 200th anniversary this year; and

Whereas, the congregation of First United Methodist Church of Dover began with humble roots, in a series of log cabins in Dover, Ohio, meeting for more than 25 years in the homes of William and Mary Butt, Jacob and Elizabeth Welty, and Christian and Marguerite Deardorff. The congregation slowly grew and in 1833, expanded to a series of community buildings, and

Whereas, the church will celebrate its 200th anniversary with a reenactment of the 1808 founding with present congregants playing the roles of Rev. James Watts, the congregation's first pastor who laid the groundwork for two centuries of faith and dedication to community service, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the First United Methodist Church of Dover for two centuries of dedication and service to the Dover community and recognize their faith in God and determination for worship.

TRIBUTE TO KENNETH P. ANSTAETT

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mrs. SCHMIDT. Madam Speaker, I rise today to honor the life of Kenneth P. Anstaett, a life-long resident of Clermont County who passed away on Wednesday, February 11th. Mr. Anstaett, known by many as Kenny was born on January 28, 1925 in the Ohio River community of Felicity. Kenny later moved and graduated from Owensville High School in 1942.

After the completion of high school, Mr. Anstaett went on to serve our Nation in the United States Army achieving the rank of captain. He served tours in World War II and the Korean War. But Kenny's civic service did not end after his military career. Kenny was later elected to the Batavia Local School Board of Education, twice serving as president. He also served as president of the Batavia Rotary. As a lifelong and active Republican, he founded the Clermont County Young Republican Club with his wife Virginia. He was also an active member in the local chapter of the Veterans of Foreign Wars Post 3954 and American Legion Post 237.

Kenny Anstaett also owned a small business for roughly 50 years, operating a farm service equipment company, a Dodge automobile dealership, and a gasoline service station.

Madam Speaker, my thoughts and prayers go out to Kenneth's lovely wife Virginia, four children, and his many grandchildren and great-grandchildren.

TRIBUTE TO GATEWAY COMMUNITY AND TECHNICAL COLLEGE

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to recognize the achievements of Gateway Community and Technical College.

On December 9, 2008, Gateway Community and Technical College attained Full Regional Accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS) as a Comprehensive Community and Technical College.

With this regional accreditation, Gateway Community and Technical College has attained a longstanding goal of becoming a comprehensive institution.

Over the years, Gateway has distinguished itself through its dedication to the education and workforce development needs of Northern Kentuckians. The institution has maintained a clear mission to higher education and offers the resources, programs and services to accomplish and sustain that mission. The students and faculty deserve recognition for their diligent multi-year efforts that have resulted in the school's recent accreditation.

I applaud Gateway's commitment to excellence in education and their contributions to Kentucky communities. Madam Speaker, please join me in congratulating this Kentucky institution on their recent SACS accreditation.

NEW CO-LEADERSHIP IN ZIMBABWE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize a new leadership body in Zimbabwe, and reaffirm the need for a global commitment to supporting this country on its long road to recovery and stability.

Yesterday, Zimbabwean President Joseph Mugabe swore in his longtime rival Morgan Tsvangirai as Prime Minister. This political marriage was not made in heaven, but in the midst of social unrest, corruption, fuel shortages and unprecedented levels of unemployment, some see this union as a symbol of long-awaited change. Others however, fear that this co-leadership is in name only, and that Mugabe's nearly three decades of oppressive rule have yet to come to an end.

Under the Mugabe regime, voter bribery and intimidation, violence, press censorship and skyrocketing inflation have become all too familiar. Once hailed as the bread basket of Africa, Zimbabwe is now a nation of impoverished millionaires where 10 million dollars buys a loaf of bread if you are lucky, and where the vast majority are forced to make do with a few crumbs. Cholera, a disease that has not plagued the United States in nearly a century has spread to every area of Zimbabwe, and claimed thousands of lives because of contaminated food and water.

The Shona tribe of Zimbabwe has a famous proverb: water that can be spoiled can also be purified. Madame Speaker, yesterday also marked the 19th anniversary of Nelson Rolihlahla Mandela's release after 27 years of unjust imprisonment. His freedom signified the beginning stages of the Apartheid era's demise, and Mandela would spearhead reconciliation and equality as the first fully democratically elected President of South Africa.

Although Zimbabwe's fate under the new Administration is uncertain at best, the fact that Mugabe—a man who said that only God could remove him from office—swore in Morgan Tsvangirai as Prime Minister should not go without notice. Whatever the future brings, two things are clear. Years of mismanagement under the Mugabe regime have spoiled Zimbabwe's economy, markets and the everyday livelihoods of its people. And, years of international cooperation will be needed to purge the corruption and violence from Zimbabwe's government, military and industries.

Madam Speaker, Zimbabwe, other African countries and the rest of the world must work to create the incentives and frameworks that are needed to place and keep Zimbabwe on a path to peace, and sustainable development.

THE HISTORY OF SAYING ''NO'' TO ECONOMIC RESCUE EFFORTS HAS BEEN A DISASTER FOR OUR COUNTRY. JUST ASK HERBERT HOOVER.

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. GEORGE MILLER of California. Madam Speaker, in response to the gravest economic crisis to face our country in generations, Congress is on the verge of approving President Obama's economic recovery package to save or create between three and four million jobs

and put our country on a path toward economic growth. That is a good thing. And it is happening despite the opposition of every one of my Republican colleagues in the House. Their opposition is rooted in the history of saying no to government intervention in times of crisis; they were wrong during the Great Depression and they are wrong today.

The public is being told by critics of this plan, which invests in education, renewable energy, transportation, and health care, that it spends too much money and is not the answer to what ails our economy. The critics say that we would be better off relying on the private sector and tax cuts—the same strategy that got us into this mess in the first place. It was this very same Republican strategy that turned a record budget surplus into a record budget deficit and sent the economy into a nose dive.

When the House approved president Obama's plan last week, not a single Republican in the House of Representatives voted for it. When the Senate approved it this past weekend, only three Republicans there voted for it.

For months now, economists from across the political spectrum have warned Congress and the President that we had to act in a bold and swift manner to rescue the economy. The economy, they said, was literally shutting down.

The housing and banking crises froze the credit markets, sent our economy into a tailspin, and wiped out trillions in personal wealth. Nearly 600,000 Americans lost their jobs in January of this year alone, and 3.6 million Americans have lost their jobs since December of 2007. These numbers are staggering, and they are only going to get worse.

In the face of this crisis, the President called on the nation to heed the advice of the economists and pass his economic recovery plan. It is true, this is a very expensive plan that we will vote on again tomorrow, costing nearly $800 billion over the next two years.

But the economy will lose far more value than that over the same period of time if we do not act. President Obama has said, and I agree, that doing nothing is not an option. Similarly, he has been honest by saying that he cannot promise that this plan alone will turn our economy around.

The plan we will approve tomorrow over the objections of my Republican colleagues is not a silver bullet. Alone, it will not right the wrecked ship that is our economy. However, along with a strong plan to unfreeze the credit markets and help homeowners afford their mortgages, this plan will help rescue the economy and put people back to work.

Unemployment will continue to rise in the near future no matter what we do. That is always the case in a recession. But if we enact this plan, the unemployment rate will not rise as fast. Fewer people will lose their jobs if we act now, and many more people will have economic opportunity ahead when the economy does recover.

Madam Speaker, it is regrettable that despite the evidence of the need to act, the other party has chosen as their response to America's problems to stay the course and just say ''No.'' They are saying in effect, we will not help you. You are on your own.

They do this much like their predecessors did when they faced the Great Depression. The Republicans were wrong then and they are dead wrong now. And the American people should not for a minute be fooled into thinking otherwise.

If people will remember back to the days before President Franklin Delano Roosevelt, a Democrat, rescued the economy from the grips of the Great Depression, President Herbert Hoover looked into the economic abyss and said, don't worry.

For 75 years, Republicans have carried the sad mantle of Hooverism because of their obliviousness to the severity of the coming Depression of the 1930s and the need for government action.

Today, as in the 1920s, Republicans are trying to frame Democrats as wasteful spending interventionists and themselves as guardians of the U.S. Treasury and the private sector.

Not only are they misleading the public and hiding their own record of deficit spending, they are severely misreading the public mood for bold action.

My Republican colleagues, for reasons of antiquated ideology and partisan opportunism, have failed to appreciate the urgency of the situation.

I encourage my colleagues to dust off the book, Crisis of the Old Order, historian Arthur Schlesinger's study of the failures of Hoover leading up to the election of 1932. It is instructive of the mistakes Hoover made then and points to the grave errors the Republicans are making today.

When the country called out for action, the President Obama answered, the Republicans said ''No,'' as reflected by Minority JOHN BOEHNER's instructions to his colleagues to oppose the bill, even as President Obama came to the Capitol to extend his hand and urge their cooperation.

The Minority Whip, ERIC CANTOR of Virginia, said the ''no'' was going to be the Republicans' strategy to the economic crisis. The Republican national spokesman of late, radio host Rush Limbaugh, added to the ''No'' strategy by asserting on air that he wanted President Obama to ''fail.''

From Schlesinger's book, we see that in 1931–32, as the economic crisis was worsening, President Hoover similarly was clueless. ''Nobody is actually starving,'' he said. ''The hoboes are better fed than they have ever been. One hobo in New York got 10 meals in one day.''

Hoover shunned the idea of strong government action, as Obama is calling for today. ''What the country needs is a big laugh,'' he said in 1932. ''If someone could get off a good joke every 10 days, I think our troubles would be over.''

In 1932, Hoover asked Will Rogers to think up a joke that would stop hoarding. He told Rudy Vallee, ''If you can sing a song that would make people forget the Depression, I'll give you a medal.''

And he told Christopher Morley, ''Perhaps what this country needs is a good poem . . . Sometimes a great poem can do more than legislation.''

Compare those comments to what Roosevelt said. ''We need to correct, by drastic means if necessary, the faults in our economic system from which we now suffer . . . The country needs . . . and demands bold, persistent experimentation . . . Above all, try something.''

Hoover declared he wanted ''to solve great problems outside of Government action.'' For the federal government to act would undermine ''the very basis of self-government.''

The Depression, Hoover declared, cannot be solved ''by legislative or executive pronouncement. Economic wounds must be healed by the action of the cells of the economic body.'' Again, suggesting the private sector in all circumstances needs to solve economic crises.

Republicans for generations have stood on the sidelines, and they are doing it again, when the country is calling for their assistance. Tragically, they are deaf to the needs of the American people, they remain locked in ideological indifference and partisan politics, taking as their model the failed Hooverism of the 1930s which let the nation slide into Depression while waiting for poems and songs instead of taking bold action.

They brought nothing but negativism and political posturing to the table when President Obama offered an opportunity to join in a bipartisan effort to rescue the nation.

Their actions are a tragedy. Fortunately, however, my Democratic colleagues in the House and Senate, and a small number of courageous Senate Republicans, have joined President Obama's call to action and will this week answer the pleas from average Americans for help. We will act now, and we will continue to act until we have turned the economy around for the benefit of every American and our nation.

A PROCLAMATION HONORING THE 200TH ANNIVERSARY OF THE CHALFONT METHODIST CHURCH

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. SPACE. Madam Speaker:

Whereas, the Chalfont Methodist Church was founded in 1808 and is celebrating its 200th anniversary in Washington Township, Ohio; and

Whereas, the congregation was started by Mordecai Chalfant, a member of the society in Methodism in 1808 but did not have a church until 1811, and

Whereas, in June of 1970, when the East Ohio Conference of the Methodist Church decided to close the parish due to dwindling membership, the building was turned over to another congregation and scheduled to be demolished, the community came together to form the Chalfant Society, raising money to purchase the building and have it named to the National Register of Historic Buildings; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the Chalfont Methodist Church for two centuries of dedication and service to the Washington township community and their determination to save the church building and continue the good works of the parish.

HONORING BROTHERHOOD OF THE BADGE, INTERNATIONAL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate the accomplishments of Brotherhood of the Badge, International based out of Fresno, California. In the organization's short history, its members have successfully completed two trips to Iraq and Afghanistan to deliver law enforcement equipment to the Iraqi Police Officers.

In November 2003, Mike Harris discovered a cause well worth his time and energy. After hearing about Iraqi civilian police and military forces who were without proper gear and equipment, protecting the American soldiers, Mr. Harris came to the realization that he had to find a way to help. He has been in law enforcement for over thirty years and was well aware of surplus and outdated equipment that every law enforcement agency had acquired over the years. This non-serviceable equipment is a burden to the agencies because it cannot be thrown away. To destroy it is extremely costly, and in previous years the old equipment has been found with criminals after the agencies had donated it to Mexican police.

Mr. Harris had previously been involved in another type of assistance to Iraqi officers; a joint venture to financially assist a wounded officer that had been working with the California National Guard. This gave Mr. Harris a good grasp of the short supply of equipment in Iraq and he came up with the idea to take the surplus supplies and send them to the Iraqi government for their police forces. After working through the Iraq government for a waiver of liability, as well as working with the Fresno City Council, the organization came to fruition. In February 2004, five people, including Mr. Harris, traveled to Iraq and Afghanistan to donate vests, radios, helmets, leather equipment and riot equipment. The Fresno group outfitted five hundred Iraqi police officers.

In the spring of 2006, the Brotherhood of the Badge, International made a second trip to Iraq, this time the mission was different. The team made the trip to personally assess the needs of the civilian Iraqi police forces in the Salah ad-Din Province. This trip was also made at the invitation of General Turner of the U.S. Army's 101st Airborne. The mission of the 101st is to work to help the Iraqis establish the proper local government and police functions that will allow them to function on their own.

Since 2003, the Brotherhood of the Badge, International has gained non-profit status and has established a board that includes members of local law enforcement, the fire department, an elected official and a community volunteer. The organization has sent 20,000 bulletproof vests, thousands of helmets, radios and other protective equipment to Iraq and Afghanistan. Over one hundred law enforcement agencies from across the United States have donated equipment and the group has collected over 2.7 million dollars in private donations for the purchase of new bulletproof vests. U.S. military forces distribute the gear and it is currently being used to protect Iraqi police officers and firefighters.

Madam Speaker, I rise today to commend the Brotherhood of the Badge, International for their commitment to serve law enforcement agencies in Iraq and Afghanistan. I invite my colleagues to join me in wishing the organization many years of continued success.

IN HONOR OF THE LIFE OF FRANCESCO ''KID'' FRATALIA

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. LYNCH. Madam Speaker, I rise today in honor of Francesco "Kid" Fratalia, in recognition of his remarkable life and outstanding career in the boxing ring.

Born in 1926 in his beloved hometown of Citivavecchia, Italy, "Kid" Fratalia, nicknamed by his dear friend Rocky Marciano, began his amateur career in 1939 at age 13. As an amateur welterweight, Fratalia had 81 fights in a 10-year period, during which time he became the regional state champion of Lazio, Italy, from 1946 to 1948, and was selected to represent his country in the Olympic Games. He celebrated the joy and endured the agony of a boxing career that stretched 15 years and spanned 3 decades, included 112 fights, and covered 2 continents.

Fratalia's professional career led him to the United States in 1949, specifically, to Brockton, Massachusetts, where he met and began a lifelong friendship with the legendary Rocky Marciano. More importantly in 1949, he met the love of his life, Gloria Vena, of Roxbury. Within 55 days they married and subsequently raised 6 wonderful children; Ernest, Vincent, Stephen, Francesca, Robert, and Christopher.

"Kid" Fratalia's American experience included noteworthy undercard bouts, once to a Joe Louis main event and twice to Rocky Marciano's main events. He returned to fight in Europe in 1951, and in that year solidified his reputation as a fighter's fighter. But it was to America, his new home, that he returned in 1952, to complete his career and raise his family.

When all was said and done, "Kid" Fratalia battled his way to 92 wins against 14 losses, along with 6 draws. In his 112 amateur and professional fights, one thing was certain: he emptied his bucket every time; there was nothing left when the final bell rang. For "Kid" Fratalia, a true warrior, win, lose or draw, it was about effort and valor in the face of a challenge. In October of 2008, Francesco "Kid" Fratalia was inducted into the Massachusetts Ring 4 Boxing Hall of Fame. Bestowed by his peers, this recognition was an honor that he and his family were deeply proud of, and that he cherished to the end.

The real winners in this remarkable life and career were "Kid's" family and friends, both home and abroad, who were so very proud of him. Hard work, fearless determination, respect for others and unwavering devotion to family was what mattered most to him.

Francesco "Kid" Fratalia was truly a man to be reckoned with, a man to emulate, a man to respect, a man to fear, a father and husband to love, a true friend to count on in time of need and a man of character and uncommon kindness. His gifts of family values and his tireless work ethic truly defined him as a man and will be his lasting legacy.

Francesco "Kid" Fratalia passed away on Tuesday, December 9, 2008. He and his kind spirit will never be forgotten.

Madam Speaker, in closing, I offer this; to "Kid" Fratalia others of his time and era, may you rest in the eternal peace and light of the Almighty. We thank you for making this world a more interesting and better place.

A PROCLAMATION HONORING THE 175TH ANNIVERSARY OF THE FIRST CHURCH OF THE NAZARENE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. SPACE. Madam Speaker:

Whereas, the First Church of the Nazarene was founded in 1833 and celebrated its 175th anniversary with a "Heritage Days" celebration focusing on missions and culminating in an international celebration , and

Whereas, preparations for the celebration began in 2004 with the writing and translation of materials sent to every Nazarene church around the world with an intention that all 1.6 million members of the church will hear the same sermon, and

Whereas, the First Church of the Nazarene has its roots in Methodism and became the First Church of the Nazarene in 1908, and

Whereas, through its missionary activities, the church now includes graduate theological seminaries in North and Central America and Asia-Pacific, liberal arts colleges in Africa, Canada, Korea and the U.S., and

Whereas, the church is affiliated with more than 40 theological schools worldwide and hospitals in Swaziland, India, and New Guinea; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the First Church of the Nazarene for 175 years of service to the community and their continued dedication to international cooperation and learning.

RECOGNIZING THE FOUNDER'S DAY CELEBRATION AT NEW GREATER BETHEL AFRICAN METHODIST EPISCOPAL CHURCH

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. TANNER. Madam Speaker, I rise today to help commemorate the 222nd year since the founding of the African Methodist Episcopal Church. The New Greater Bethel African Methodist Episcopal Church in Jackson, Tennessee—which I am honored to represent in this chamber—is hosting a Founder's Day celebration, beginning today.

Pastor Sabrina Transou and Mr. Parrish Transou Sr. expect to share the event with parishioners from all across the country, including Presiding Prelate, Bishop Vashti Murphy McKenzie, the first female consecrated as Bishop of the African Methodist Episcopal Church. I join Pastor Transou in welcoming Bishop McKenzie and their numerous other guests to West Tennessee.

The names of my dear friends Dr. Wesley McClure, President of Lane College, and Shirlene Mercer, who recently retired as our office's long-time Director of Constituent Services, have been submitted to Bishop McKenzie for the Legendary Award for outstanding service within the community. The award will be presented Friday evening. I also want to take this opportunity to acknowledge all that both of these individuals have done for our community.

Madam Speaker, I ask that you and our colleagues in the House join me in honoring the New Greater Bethel African Methodist as it begins this celebration of the founding of the African Methodist Episcopal Church. Thank you.

SERGEANT JOHN J. SAVAGE, USA

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Ms. GRANGER. Madam Speaker, I rise today to honor the courage of a brave and dedicated hero of the state of Texas and of our nation.

Sergeant John J. Savage was a soldier in the United States Army and a true American hero. John gave his life in the service of his country on December 4, 2008, when an explosives-laden SUV broadsided Sergeant Savage's armored vehicle in Mosul, Iraq.

Assigned to 103rd Engineer Company, 94th Engineer Battalion, Sergeant Savage did his part during a time of war, an action that speaks volumes far greater than words about his character and patriotism.

A native of Weatherford, Texas, John had aspirations for a life in the military from a young age. As stated by his mother, ''He loved the military. It was a lifelong dream of his.''

John had been on active duty in the United States Army for six years. He spent three years stationed in Germany prior to his first deployment to Iraq in 2005 and was then deployed for a second tour in September of 2007.

Sergeant Savage's three-year-old daughter, Nicole, will continue to learn of her father through family and friends. John's father, who is the son of a retired Master Sergeant from the United States Army himself, commented on his own son by stating, ''His family was his number one priority.''

Our thoughts and prayers are with Sergeant Savage's daughter, parents, siblings, and all of his family and friends. His community and nation honor his memory, and we are grateful for his faithful and distinguished service to America.

Sergeant Savage will not be forgotten. His memory lives on through his family and the legacy of selfless service that he so bravely imprinted on our hearts.

THE REINTRODUCTION OF THE SHINGLES PREVENTION ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Ms. HIRONO. Madam Speaker, I rise today to reintroduce the Shingles Prevention Act. I would like to thank NEIL ABERCROMBIE, TAMMY BALDWIN, DONNA EDWARDS, BARNEY FRANK, AL GREEN, RAUL GRIJALVA, MAURICE HINCHEY, JIM MCDERMOTT, JAN SCHAKOWSKY, LOUISE SLAUGHTER, and GENE TAYLOR for joining me as original cosponsors of this bill.

Many of us have had shingles or know of others, especially over the age of 60, who have. In 2006 a new vaccine was created that prevents occurrence of shingles or dramatically reduces the symptoms and pain of shingles. Experts agree that adults over the age of 60 should receive this immunization.

Half of us will experience shingles by the time we are 80. Shingles is a painful skin rash often accompanied by fever, headache, chills, and upset stomach. What is more pressing is that one in five shingles patients will endure post-herpetic neuralgia—severe pain lasting much longer than the rash itself. The pain can be so intolerable that patients are housebound, and there have been cases of suicide from the disease. Shingles is most common among seniors because the immune system wanes with age, making Medicare beneficiaries the best candidates for the vaccine.

Since its development in 2006, the shingles vaccine has been recommended for adults 60 years or older by the Centers for Disease Control. However, current Medicare Part D coverage of the vaccine is insufficient. Not all beneficiaries are enrolled in Part D or another drug prescription plan. More important, seniors are facing high out-of-pocket costs due to a lack of coordination among doctors, pharmacies, and Part D plans. For example, there is no established direct billing method between doctors and plans for Part D vaccines. Because of this, beneficiaries typically must pay the full price up front, which results in out-of-pocket costs that limit access to those that need the vaccine the most—our seniors.

The billing problem, the resulting low utilization of the vaccine, and costly storage requirements are enough to keep many doctors from stocking the vaccine. When doctors do not stock, beneficiaries' only alternative is to obtain the vaccine from pharmacists. But many states do not allow pharmacies to administer Part D vaccines, so the beneficiary has to take the vial from the pharmacy back to the physician's office. Thus, a senior who is thinking about getting vaccinated would have to go first to the doctor's office for a consult, then to the pharmacist, then back to the doctor for the shot.

Not surprisingly, many seniors are not getting immunized against shingles. This low utilization rate contributes to the half a billion dollars of treatment costs per year and, for hundreds of thousands of seniors, many weeks spent suffering from a disease that could have been prevented.

The Shingles Prevention Act will move shingles vaccine coverage to Part B—thus treating it in the same manner as the flu vaccine under Medicare, simplifying the process for physicians and beneficiaries, and lessening the cost burden for our seniors. This is a common sense and cost effective way to increase access to high quality health care for our seniors, and I look forward to working with my colleagues to ensure its passage.

ANNIVERSARY OF DECLARATION OF INDEPENDENCE OF KOSOVO

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. PETERS. Madam Speaker, I rise today to recognize the first anniversary of the declaration of independence of the Republic of Kosovo. February 17, 2008 brought an important measure of clarity and vision to the future of Kosovo—and indeed the entire region—with the resounding declaration by the Kosovar people that Kosovo is an independent republic.

Almost one year to the day, members and supporters of Michigan's Albanian community will gather on February 15 at St. Paul's Catholic Church in Rochester Hills, Michigan to commemorate and celebrate the first anniversary of Kosovo's independence. On that day, I will join Dom Anton Kqira and Honorary General Counsel to Albania Ekrem Bardha, and hundreds more to commemorate this historic occasion.

There, we will honor and recognize the determination and perseverance of the Kosovar people, who under the special leadership of President Ibrahim Rugova forged a path for their own future. We will honor and recognize our own community leaders in Michigan, including Dom Kqira and Counsel General Bardha, who tirelessly pressed for official action to address the crisis in Kosovo and we will honor and recognize those leaders of our own country, President William J. Clinton, Secretary of State Madeleine Albright and General Wesley Clark (Ret.) among others, who took the action in March of 1999 that laid the foundation for Kosovo independence. Finally, we will honor and recognize the countless members of the Albanian Diaspora community who provided shelter, material and moral support to the nearly 800,000 displaced Kosovars during the crisis.

Madam Speaker, as we mark this occasion of the first anniversary of the independence of Kosovo we hold much hope for the future of an independent Kosovo. But, with sober recognition of the work yet ahead, we stand fully committed to meeting every challenge.

CONDOLENCES TO THE SHURRAB FAMILY

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. WELCH. Madam Speaker, I recently heard the tragic story of Amer Shurrab, a young man from Khan Yunis in Gaza. Amer is a recent graduate of Middlebury College, in Vermont.

On Friday, January 16, Amer's brothers, Kassab and Ibrahim, and father, Mohammad, were driving from their farm near the Israeli border to their apartment in Khan Yunis. The three men had waited until the daily three-hour calm designated by the Israeli Defense Forces before beginning their journey. They drove the family's jeep through the city and then, without any warning, the car was fired upon by the IDF.

Kassab, a 28-year-old engineer, was killed almost immediately. His father and Ibrahim, an 18-year-old college student, were wounded but survived the initial barrage of gunfire. When the two tried to crawl to safety, the IDF shot the street around them. An ambulance that they managed to call was turned away blocks from the scene. For the next 20 hours, the two were forced to remain in the jeep.

Amer's father spread the word to the immediate family, and the family did all it could to get help. Family members called Israeli government officials, international aid organizations, and human rights groups, while Amer's father, still stuck in the jeep, managed to get through to local radio stations and BBC Arabic to broadcast his pleas for help live on the air. But no help could get through. In the middle of the night, Ibrahim Shurrab bled to death in his father's arms. When relating his story, Amer repeated one word over and over again to describe what happened to his family: cruel. ''It was just so cruel,'' he repeated.

The Israeli government must conduct a full and open investigation of the circumstances regarding this horrible tragedy. I am not sure what kind of explanation can ever account for such suffering, but those responsible for reportedly denying aid to the injured should be held accountable and punished accordingly.

My heart aches for the Shurrab family and all those who have lost loved ones in the most recent round of violence. I will remember their story and pursue peace in the hope that stories like Amer's not be repeated in the future.

REMEMBERING THE SIX VICTIMS OF THE 1/31/09 AIRPLANE CRASH IN WEST VIRGINIA

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Ms. SCHAKOWSKY. Madam Speaker, I rise tonight to express my condolences to the family and friends of the six Chicago-area residents who were recently killed in an airplane crash in West Virginia.

On January 31, a twin-engine Piper PA–34 plane carrying four members of Chicago's American Polish Aero-Club and two guests crashed in the woods near Kenova, West Virginia. The plane had taken off from Lake in the Hills Airport and was bound for Charlotte, North Carolina and Clearwater, Florida, where the four members of the club were going to view planes for sale. The club was hoping to purchase a plane to pull glider planes, according to President Chester Wojnicki.

The four club members were all licensed pilots, and all four had immigrated to the United States from Poland. Ireneusz Michalowski of Des Plaines, Kazimierz Adamski of Morton Grove, Wesley Dobrzanski of Niles, and Stanley Matras of Chicago shared not only their cultural heritage but also their love of flying. Also aboard the plane were Monika Niemiec, a reporter for a local Polish radio show, and her father Stanley Niemiec, both of Harwood Heights.

The Polish American Aero-Club is, by its own claim, the largest Polish flying club outside of Poland. Its approximately 60 members form a close-knit community of enthusiasts who fly both regular planes and gliders. Like the four members killed in the crash, many of the club's members came to the United States from Poland to seek new opportunities.

During this difficult time, Chicago's Polish American community continues to demonstrate strength and resilience as it celebrates the lives of the victims. About 1,000 mourners came together for a memorial service for the victims, held at St. Constance Catholic Church in Chicago, on February 1.

Madam Speaker, I ask my colleagues to join me tonight in remembering the six men and women who were killed in this tragic crash. I wish to express my sincere condolences to the families and all the friends of the victims. Our entire community has been diminished as a result of this tragedy. On behalf of all the residents of the Ninth District, I extend a hand of friendship and a heart filled with sorrow to all those who knew and loved them.

INTRODUCTION OF THE DISTRICT OF COLUMBIA BUDGET AUTONOMY ACT OF 2009

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Ms. NORTON. Madam Speaker, on February 3, 2009, I intended to introduce my budget autonomy bill. I submitted the following introductory statement for the RECORD on that day. It appears that the wrong bill was attached inadvertently. Today, I correct that mistake by introducing the District of Columbia Budget Autonomy Act of 2009.

As we approach a vote on the D.C. House Voting Rights Act of 2009, it is not too early in the session to begin the next steps necessary to make the residents of the District of Columbia genuinely free and equal citizens. Other than to voting rights, the highest priority for District of Columbia residents in the 111th Congress is their right to control the funds they themselves raise to support their city. Budget control is essential to the right to self-government. Therefore, today, I am introducing the District of Columbia Budget Autonomy Act of 2009 to give the District the right to enact its local budget without annual congressional oversight.

As a practical matter, permitting the city's budget to become law without coming to Congress would have multiple and immediate benefits for both the city and Congress. For the city, a timely budget means: eliminating the uncertainty of the congressional process that has a negative effect of the city's bond rating, which adds unnecessary interest costs for local taxpayers to pick up; significantly increasing the District's ability to make accurate revenue forecasts; and reducing the countless operational problems, large and small, that result because the city's budget cannot be implemented when enacted by the city. Of the many problems that would be eliminated, none is more important than aligning the school year with the typical state government July 1st fiscal year, instead of the congressional fiscal year, which starts in October, after the school year has begun.

Leaving the local enactment to the District would bring benefits to Congress as well. The D.C. budget often has had to come to the floor repeatedly before it passes because of controversial attachments, often of interest only to a few members who use the D.C. appropriations to promote their pet ideological issues. Members then complain about the time and effort spent on the smallest appropriations that affect no other members. No budget autonomy bill can eliminate the possibility of riders because there are countless ways to attach riders, but our bill reduces the likelihood that unrelated riders will hold the city's local budget hostage and sometimes the appropriations process itself.

I am gratified that Congress itself has moved toward the position embodied in this bill. Congressional experience with the District's budget has matured, and neither party has made changes in recent years. At the same time, increasing recognition of the hardship and delays that the annual appropriations process causes has led Congress to begin freeing the city from the congressional appropriations network. In 2006, Congress approved the Mid-year Budget Autonomy bill, offering the first freedom from the federal appropriations process, the most important structural change for the city since passage of the Home Rule Act 36 years ago. As a result, the District can now spend its local funds all year without congressional approval instead of having to return mid-year to become a part of the federal supplemental appropriation in order to spend funds collected since the annual appropriations bill. Moreover, during the past few years, appropriators have responded to our concern about the hardships resulting from delays in enacting the D.C. appropriation. I appreciate our agreement that has allowed the local D.C. budget to be in the first continuing resolution, permitting the city, uniquely, to spend its local funds at the next year's level, even though the budgets for federal agencies are often delayed for months. This approach has ended the lengthy delay of the budget of a big city until an omnibus appropriations bill is filed, often months after October 1st.

There is no risk to the Congress passing the District of Columbia Budget Autonomy Act. By

definition, Congress will retain jurisdiction over the District of Columbia under Article I, Section 8 of the Constitution because the District is not a state. Since, therefore, Congress could in any case make changes in the District's budget and laws at will, it is unnecessary to require a lengthy repetition of the District's budget process here. The redundancy of the congressional appropriations process is its most striking feature, considering that few if any changes in the budget itself are made.

The original Senate version of the Home Rule Act provided for budget autonomy, and 210 years of redundant processing of a local budget and delays occasioned by the extra layer of oversight offer conclusive evidence that the time is overdue to permit the city to enact its local budget, the single most important step the Congress could take to help the District manage the city.

Members of Congress were sent here to do the business of the Nation. They have no reason to be interested in or to become knowledgeable about the many complicated provisions of the local budget of a single city. In good times and in bad, the House and Senate pass the District's budget as is. Our bill takes the Congress in the direction it is moving already based on its own experience. Congressional interference into one of the vital rights to self-government should end this year with enactment of the District of Columbia Budget Autonomy Act.

HONORING THE LIFE AND MEMORY OF CHIRICAHUA APACHE LEADER GOYATHAY, ALSO KNOWN AS GERONIMO, ON THE 100TH ANNIVERSARY OF HIS DEATH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. KILDEE. Madam Speaker, as Democratic Chairman of the House Native American Caucus, it is my distinct honor to join my friend and colleague Congressman RAÚL GRIJALVA in support of H. Res. 132. This resolution honors the life and extraordinary bravery of Geronimo, the great Chiricahua Apache leader, and recognizes the 100th anniversary of his death on February 17, 2009, as a time of reflection and the commencement of healing for the Apache people.

Geronimo, a spiritual and intellectual leader, became recognized as a great military leader by his people because of his courage, determination, and skill. He led his people in a war as the Apache homeland was invaded by citizens and armies first of Mexico, and then the United States. While the Apache people were forcibly removed by the United States and interned at San Carlos, Arizona, Geronimo led some of his people out of captivity and evaded military forces for several years. Upon surrendering to the United States, Geronimo and other Apache prisoners were interned in military prisons in Florida, Alabama and Oklahoma, far from their homeland. Geronimo died on February 17, 1909, and was buried in a military cemetery at Fort Sill, Oklahoma.

The Apache people continue to honor and hold sacred Geronimo's efforts to preserve their traditional way of life and to defend their homeland. While we cannot erase the deplorable history of Indian policy in the United States to terminate tribal nations and their culture, perhaps this resolution will bring about a healing among the Apache people and their children will look back at their history and be proud that the United States paid tribute to Geronimo, a great Apache warrior.

As the San Carlos Apache Tribe and other Apache tribes across the country gather on February 17, 2009, in San Carlos, Arizona to commemorate the 100th anniversary of Geronimo's death, I wish them Godspeed as they begin their journey of spiritual healing.

CELEBRATING ABRAHAM LINCOLN'S 200TH BIRTHDAY

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. KIRK. Madam Speaker, today I rise to celebrate the 200th birthday of our sixteenth president Abraham Lincoln. We celebrate his accomplishments, not only because he helped create our party but most of all we covet his ability to unite us.

As a member who proudly represents the 10th district of Illinois, today we can stand tall and proudly say we are from the Land of Lincoln.

It was Abraham Lincoln who so famously said, ''Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure.''

As tough as it is, our parents faced worse. The Depression, World War II, the Cold War. Americans defeated the British Empire and won the Civil War—all tougher times than these. History teaches us that each generation is tested. This is ours.

If we can learn anything from Lincoln it is that we must never lose hope—for we have faced great adversity in the past and emerged the stronger.

As we look to the future and better days, we must not forget the heroes of our past. Abraham Lincoln failed in business, lost his Senate race, and saved the Union. As we all face setbacks, his life is an example encouraging us to get up from setbacks and work to win even against long odds.

HONORING SENATOR RAYMOND LESNIAK FOR WINNING THE MEMORIAL DE CAEN INTERNATIONAL HUMAN RIGHTS COMPETITION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2009

Mr. HOLT. Madam Speaker, I rise to congratulate New Jersey State Senator Raymond Lesniak on winning the Memorial de Caen International Human Rights Competition. Senator Lesniak's address, entitled ''The Road to Justice and Peace'' was chosen by an international panel of judges over a number of entries from all over the world. In his speech, Senator Lesniak makes the case that the death penalty has failed, gives examples of miscarriages of justice and argues that the death penalty ''serves no penal purpose and commits society to the belief that revenge is preferable to redemption.''

When New Jersey became the first state to abolish the death penalty since the Supreme Court reinstated it in 1976, Senator Lesniak was the prime sponsor and mover of the bill. His passion for justice, combined with his patient, consistent leadership on the issue, had achieved victory for a cause he felt so strongly about.

It was not always the case. Ray Lesniak admits in the Introduction of his book The Road to Abolition: How New Jersey Abolished the Death Penalty, that he was not always a death penalty opponent. Early in his legislative career, the Senator voted to reinstate the death penalty in New Jersey. He tells of how he feared the unpopularity of a vote to abolish and was swayed by the argument that he might be perceived as ''soft on crime''. He gave no thought to the morality of the issue or to the possibility of executing an innocent person. He now says that ''The 20 plus intervening years taught me that public service should not be about seeking approval, glory or fame. Trinkets. They're nothing more than trinkets.''

When Governor Corzine signed the bill abolishing the death penalty in New Jersey, the Sant'Egidio Community, which is at the forefront of the international anti-death penalty movement, arranged for the lighting of the Colosseum in Rome. The edifice that once was the scene of deadly gladiator combat and executions was bathed for 24 hours in golden light celebrating New Jersey's decision to halt executions. A fitting tribute to the work of Senator Raymond Lesniak.

Ray Lesniak is one of the longest serving and most skilled members of the New Jersey Legislature. First elected to the General Assembly in 1977, he has served in the New Jersey Senate since 1983. His legislative career is filled with initiatives that have become law and ideas that have moved our society ahead. His work has been recognized by numerous organizations. In 2002, Senator Lesniak was named ''Humanitarian of the Year'' by Community Access Unlimited for his legislative efforts on behalf of people with disabilities and for providing support to working families and the homeless. In 2003 he was awarded ''Legislator of the Year'' by the Medical Society of New Jersey for working to make health care more affordable and accessible, expanding the PAAD low-cost prescription program to cover more seniors, and expanding cancer and diabetes research and education. He was also honored by the American Cancer Society, the Polish American World and the Department of the Public Defender for his outstanding efforts in the legislature. Ray Lesniak also takes great pride in having been the Grand Marshal of the Pulaski Day Parade in New York City in 2004.

Ray Lesniak is a native of Elizabeth and a life-long New Jersey resident. He was raised

in a political household where his mother, the late Stephanie Lesniak, served as a Democratic County Committeewoman for 30 years. She was his biggest fan and supporter and the inspiration for his career in government until her death in 2003 at the age of 85. She would be proud that her son has won international recognition for his achievements, but not surprised.

When Senator Lesniak accepted the award from the Memorial de Caen, he said he was proud as an American to receive this recognition for the defense of human rights. He is dedicating his first place winnings to The Road to Justice and Peace, the non-profit foundation he formed to advance the abolition of the death penalty around the globe. Ray Lesniak teaches us that a dedicated public servant, who works tirelessly for a goal, can make a difference that has a far effect. I salute Senator Lesniak for his life's work and congratulate him on winning the International Human Rights Competition. His prize winning entry follows:

I come here today not to plead a case for a victim whose fundamental human rights have been violated. But, rather, to plead the case that the death penalty violates the fundamental human rights of mankind. In my country, the United States of America, over 3,000 human beings are awaiting execution, some for a crime they did not commit. I plead the case that the death penalty in the United States, Iraq, Pakistan, Japan, wherever, exposes the innocent to execution, causes more suffering to the family members of murder victims, serves no penal purpose and commits society to the belief that revenge is preferable to redemption.

On December 17, 2007, New Jersey became the first state in the Union to abolish the death penalty since the U.S. Supreme Court reinstated it in 1976. When Governor Jon Corzine signed the legislation I sponsored into law, he also commuted the death sentences of eight human beings. The Community of Sant'Egidio in Rome, Italy, a lay Catholic organization committed to abolishing the death penalty throughout the world, lit up the Roman Colosseum to celebrate this victory for human rights.

How was this victory achieved? First, by demonstrating that the death penalty creates the possibility of executing an innocent human being. One of our founding founders, Benjamin Franklin, quoting the British Jurist William Blackstone, said: ''It's better to let 100 guilty men go free than to imprison an innocent person.'' Yet Governor Corzine and my legislation let no guilty person go free. It merely replaced the death penalty with life without parole, eliminating the possibility of putting to death an innocent human being. Byron Halsey could have been one such human being. On July 9, 2007, Byron walked out of jail a free man after serving 19 years in prison for a most heinous crime: the murder of a seven year old girl and an eight year old boy. Both had been sexually assaulted, the girl was strangled to death, and nails were driven into the boy's head. Halsey, who had a sixth grade education and severe learning disabilities, was interrogated for 30 hours shortly after the children's bodies were discovered. He confessed to the murders and, even though his statement was factually inaccurate as to the location of the bodies and the manner of death, his confession was admitted into evidence in a court of law. The prosecution sought the death penalty.

Halsey was convicted of two counts of felony murder and one count of aggravated sexual assault. He was sentenced to two life terms: narrowly evading the death penalty by the vote of one juror who held out against it during the sentencing portion of his trial.

After spending nearly half his life behind bars, post-trial DNA analysis determined, with scientific certainty, that Byron did not commit the murders. A witness for the prosecution at his trial is now accused of those crimes.

But for the good judgment of that one juror, Mr. Halsey might have been executed, and the real killer would never have been discovered and brought to justice. Stories like Byron's are not uncommon. Since 1973, 130 human beings on death rows throughout the United States have been released from jail for being wrongfully convicted. During that time over 1,100 prisoners were executed. How many of them were innocent? 3,309 remain on death row throughout the U.S. How many of them are innocent? How many of the innocent will be executed?

It could be Troy Davis. He's been imprisoned since 1989 in the State of Georgia for a murder he maintains he did not commit. In one of Davis's numerous appeals, the Chief Justice of the Georgia Supreme Court said, ''In this case, nearly every witness who identified Davis as the shooter at trial has now disclaimed his or her ability to do so reliably. Three persons have stated that Sylvester Coles confessed to being the shooter.'' Coles had testified against Davis at the trial.

On September 23, 2008, less than two hours before Davis was due to be put to death by lethal injection, he received a stay of execution by the U.S. Supreme Court. On October 14 the stay was lifted and the State of Georgia issued an Execution Warrant for October 27. Three days before this execution date, the 11th Circuit Court stayed the execution to consider a new appeal.

Will Troy Davis be the next innocent person saved from execution, or will he be the next innocent person executed? Does the death penalty serve any purpose, other than to do harm to everyone involved, and society in general? Does the death penalty even console the families of murder victims?

Not according to 63 family members of murder victims who stated, in a letter to the New Jersey Legislature: ''We are family members and loved ones of murder victims. We desperately miss the parents, children, siblings, and spouses we have lost. We live with the pain and heartbreak of their absence every day and would do anything to have them back. We have been touched by the criminal justice system in ways we never imagined and would never wish on anyone. Our experience compels us to speak out for change. Though we share different perspectives on the death penalty, every one of us agrees that New Jersey's capital punishment system doesn't work, and that our state is better off without it.''

Or more specifically stated by Vicki Schieber whose daughter, Shannon, was raped and murdered, ''The death penalty is a harmful policy that exacerbates the pain for murdered victims' families.''

Some argue that the death penalty is a deterrent to murder, yet more than a dozen studies published in the past 10 years have been inconclusive on its deterrent effect. In testimony before the Subcommittee on the Constitution, Civil Rights and Property Rights of the United States Senate Judiciary Committee in February 2006, Richard Dieter, Executive Director of the Death Penalty Information Center, testified that states without a death penalty statute have significantly lower murder rates than their counterparts with the death penalty. Mr. Dieter also testified that of the four geographic regions in the U.S., the South, which carries out 80% percent of all executions in the country, has the highest murder rate. Conversely, the Northeast, which implements less than 1 percent of all executions, has the lowest murder rate in the nation.

Even those who believe the death penalty can act as a deterrent admit that existing research has inconclusive results. Professor Erik Lillquist of Seton Hall University School of Law testified that recent econometric studies conclude that the death penalty can act as a deterrent, but only if the death penalty is implemented in a ''sufficient'' number of cases. Conversely, he also maintained that other studies suggest that executions can cause a ''brutalization effect,'' in which the murder rate actually increases.

Professor Lillquist stated: ''It just may be impossible to know what the deterrent or brutalization effect is here . . . at least as an empirical matter—simply because we're never going to have a large enough database that can be removed from the confounding variables, such that we can come to a conclusion. When scientists run studies in general, we try to do it in a controlled environment. You can't do that with murders and the death penalty.''

Jeffrey Fagan, Professor of Law and Public Health, Columbia University and Steven Durlauf, Kenneth J. Arrow Professor of Economics, University of Wisconsin-Madison wrote in a letter to the editor in the Philadelphia Enquirer on November 17, 2007: ''Serious researchers studying the death penalty continue to find that the relationship between executions and homicides is fragile and complex, inconsistent across the states, and highly sensitive to different research strategies. The only scientifically and ethically acceptable conclusion from the complete body of existing social science literature on deterrence and the death penalty is that it's impossible to tell whether deterrent effects are strong or weak, or whether they exist at all.''

The professors concluded: ''Until research survives the rigors of replication and thorough testing of alternative hypotheses and sound impartial peer review, it provides no basis for decisions to take lives.''

While the death penalty inevitably executes the innocent, exacerbates the pain and suffering of families of murder victims and serves no penal purpose, the worse damage it does is to a society that believes it needs to seek revenge over redemption. The need for revenge leads to hate and violence. Redemption opens the door to healing and peace. Revenge slams it shut.

A society that turns its back on redemption commits itself to holding on to anger and a need for vengeance in a quest for fulfillment that can not be met by those destructive emotions. Redemption instead opens the door to the space that asks healing questions in the wake of violence: questions of crime prevention, questions of why some human beings put such a low value on life that they readily take it from others, questions that help us understand how to help those impacted by violence; questions that take a back seat, and are often ignored, when our minds and emotions are filled with a need for revenge.

Thirty-six states and the federal government of the United States still impose the death penalty. The United States has more

human beings in prison and more violence than just about every other civilized country in the world. As long as we continue to choose revenge over redemption, it's likely we will continue to be a leader in the amount of violence and size of our prison population.

It doesn't have to stay that way.

When New Jersey abolished its death penalty, it chose redemption over revenge, healing over hate, peace over war. We need more states and our federal government to make those same choices.

Consider the following headlines which appeared side by side in the New York Times: ''Iraqi Leaders Say the Way Is Clear for the Execution of 'Chemical Ali'.'' The other headline read: ''Bomber at Funeral Kills Dozens in Pakistan.''

Both Iraq and Pakistan have the death penalty. After the announcement setting the execution date for ''Chemical Ali,'' San Jawarno, whose father and other family members were killed in attacks directed by ''Chemical Ali'' said, ''Now my father is resting in peace in his grave because Chemical Ali will be executed.''

The two events, the bombing in Pakistan and the words of the bereaved son whose father was killed, are not unrelated. We must speak up, at every forum, in our homes, our churches, synagogues, mosques and temples, in our legislative bodies, wherever an opportunity exists, to convince political leaders, community leaders, religious leaders, anyone who will listen, that the death penalty has no reason to exist, promotes violence, and brings peace to no one: in the grave or not.

That was to be the end of my plea to abolish the death penalty. Then I read a report from Amnesty International about the 13-year-old girl who was stoned to death in a stadium packed with 1000 spectators in Kismayo, Somalia. Her offense? Islamic militants accused her of adultery after she reported she had been raped by three men. Will this senseless, inhumane killing ever end?

Perhaps. The brutality of the death penalty and of Islamic militants can end, if we speak out against it, wherever it exists, in any shape, in any form.

The death penalty is a random act of brutality. Its application throughout the United States is random, depending on where the murder occurred, the race and economic status of who committed the murder, the race and economic status of the person murdered and, of course, the quality of the legal defense.

I'm proud of the people of the State of New Jersey for electing political leaders who ended this random act of brutality. And I applaud Amnesty International for alerting the good people of the world to the brutality of the Islamic militants in Somalia who stoned to death that poor girl.

No good comes from the death penalty, whether it's imposed by duly elected governments, or by radical, religious fanatics. No good.

The burden of proof in the Court of Public Opinion should be on those advocating for the death penalty. That burden has not been met.

Just ask Byron Halsey. Or Troy Davis. Or, if you could, that 13-year-old girl.

CELEBRATING THE NATION'S MANUFACTURERS' MEETING IN CHATTANOOGA

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 12, 2008

Mr. DAVIS of Tennessee. Madam Speaker, I rise today in honor of an exciting event in Tennessee. Next week, the nation's manufacturing interests will gather in Chattanooga, Tennessee to discuss ways to provide U.S.-built products to support a nuclear energy renaissance. Job growth for electricity generation is already underway in Tennessee at Alstom's Chattanooga facility where 300 new jobs are expected to be added.

I congratulate Chattanooga's city leadership, the Tennessee-based sponsoring manufacturing companies, the National Association of Manufacturers and the American Society of Mechanical Engineers and the Nuclear Energy Institute on their commitment to job growth in the nuclear industry. A single nuclear plant will create as many as 2,400 jobs during construction and 400 to 700 full-time, high-skill positions during its 60-year operating lifetime.

Electric power companies have filed federal permits to build up to 26 new nuclear plants. This list includes the Tennessee Valley Authority whose interests include potentially two new plants at the Bellefonte site in Northern Alabama. Based on statistics from the existing 104 U.S. nuclear power plants, each year, a new reactor will produce about $600 million to federal, state and local governments in tax revenue and by expenditures in the economy for goods, services and labor. A four year construction schedule will also provide a substantial boost to suppliers of commodities and manufacturers of hundreds of components.

Recognizing the need for new electricity generation, especially in our region, TVA and other companies are also evaluating the benefits of new carbon-free electricity. The 104 nuclear power plants operating today in the United States produce three-quarters of our carbon-free electricity. Of the emission-free sources, nuclear energy has the most potential for large-scale expansion.

We face tremendous economic and energy challenges in Tennessee. Residents of Tennessee can benefit from deployment of carbon-free nuclear energy technology that creates jobs and stimulates the U.S. economy. I look forward to the progress in Tennessee's growing energy industry as our great country moves ever closer towards energy independence.

HOUSE OF REPRESENTATIVES—*Friday, February 13, 2009*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 13, 2009.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

To open the Bible, Lord, and just read a few lines offers such consolation. The message may not be advice or command an action. It is just rewarding to know You are not silent. You have words to speak. I simply need to take the time, open the Book, and listen.

If I open my heart and listen intently, I can hear Your love behind every word. I sense Your presence, and it is enough for me. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

VOTE FOR THE STIMULUS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, we learned today that more Americans are applying for jobless benefits. We also learned that, according to Moody's Economy.com, that the measure that is before us may not create as many jobs as we had hoped, perhaps only 2.2 million jobs by the end of 2010, leaving unemployment hovering around 10 percent.

Look, I understand the limitations of this bill, but we have to recognize something: Government spending is stimulative. We have to stimulate our economy. We have to do everything we can right now to try to lift America up.

Now we can debate the details of this bill, and they should be debated, but one thing for sure, we need to pass this stimulus. And we are probably going to have to come back here and pass another stimulus, which I hope will focus on putting millions of people back to work, rebuilding America, rebuilding and building a new energy infrastructure, and making massive investments and moving our health care system in a new direction. Vote for the stimulus.

SAMMY MAHAN: ''OPT ME OUT''

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, this morning I was talking to my friend Sammy Mahan. He is from Baytown, Texas. He is a wrecker driver, and has five wreckers under his service. He was asking me about the stimulus bill. And he said, ''How are we going to pay for it?'' And I said, ''Well, we don't have the money, so we are probably going to have to borrow it maybe from the Chinese. Eventually there is going to be a tax increase.''

And he said, ''How much is it going to cost?'' And I said, ''$790 billion.'' Then he said, ''No. How much is it going to cost me?'' I said, ''It is about $10,000 per family, is what they say.''

Then he said, ''Well, I don't have $10,000; and unlike you government boys, I can't spend money I don't have. So I want you to opt me out of this deal.'' And I said, ''What do you mean, 'opt me out'?'' He replied, ''Give me a form. I want to sign it. You take $10,000 off that $790 billion, and I don't want to pay it because I don't have the money.''

Madam Speaker, I suspect that if most Americans read this bill and they realized how much it was going to cost them personally, they would want to opt out of this deal. We need to come up with a plan, but this isn't the deal. And since people I represent can't opt out, I am going to opt out for them.

And that's just the way it is.

ECONOMIC RECOVERY PACKAGE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, last month the unemployment rate increased from 7.2 percent to 7.6 percent. If these increases continue, we will hit double digits this summer and would reach our highest unemployment number since the Great Depression. But this unemployment number does not tell the complete story.

Last month alone, 731,000 people simply gave up looking for work out of frustration with the lack of employment prospects, and today 13.9 percent of Americans, or more than 21 million of our neighbors, have either given up looking for a job or are working in a job that is no longer full time. These workers are underemployed.

These numbers are a stark reminder of how important it is for us to get these people back to work, and that is why we need to pass the economic recovery package today without delay.

Madam Speaker, we have an opportunity to create or save 3.5 million jobs. Let's do the right thing and get these people back to work.

THE JOBS BILL HAS TURNED INTO A SPENDING BILL

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, a couple of months ago, the talk from congressional leadership was to produce legislation that was about providing jobs for America's families and small businesses, with lots of opportunities for our needed investments.

Sadly, what was supposed to be a jobs bill has turned into a spending bill that is going to provide about a $7.70 tax break for workers while adding $9,400 of debt, plus or minus some, with interest, for each family that is going to have to be paid by our children and grandchildren. I think if you have got one person working in that family, it is going to take a few years of saving up all those tax credits in order to pay for this bill.

Plus, unfortunately, we still never got guarantees that the billions of dollars worth of automobiles, buses, furniture, computers, and everything else here even has to be made in the United States of America. I am not very happy about that, and I don't think Americans should be, either.

RECOVERY AND REINVESTMENT ACT

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Madam Speaker, we just can't ignore the facts. The facts are, we lost 600,000 jobs last month and the prior month and the prior month, and some 3.6 million jobs last year. Banks have failed. We have had a real contraction in the economy. My friends on the Republican side of the aisle, their position is, ''Just say no. We like the status quo.''

We can't afford the status quo anymore, ladies and gentlemen. We must act. This is a time for bold action, and in the Recovery and Reinvestment Act we will maintain or create somewhere between 3 million and 4 million jobs in the construction industry and the energy industry; we will maintain jobs of teachers and firefighters and policemen. We will pass this bill today in the House of Representatives, and I am glad, because in Colorado we need this effort, we need these jobs, and so does the rest of the Nation.

KEEP OUR COMMITMENT TO THE AMERICAN PEOPLE

(Mr. COLE asked and was given permission to address the House for 1 minute.)

Mr. COLE. Madam Speaker, I rise today to ask that we all uphold the honor of the House and keep our commitment to the American people.

Less than 3 days ago, my good friend and colleague, Mr. LEWIS of California, asked this House to instruct our conferees not to record their approval of the conference agreement on the stimulus bill until the text of that agreement had been made available in an electronic, searchable, and downloadable form for at least 48 hours. That motion passed unanimously.

Essentially, we gave our word, the word of the people's House, to all Americans, guaranteeing them that they would have ample opportunity to review this proposed legislation.

This bill was filed last night. It is over 1,000 pages long. And, with the exception of omnibus legislation, it is the largest spending bill this House has ever considered. Madam Speaker, I must confess, I haven't had time to read the legislation; my staff hasn't had time to read the legislation; I doubt my colleagues have had time to read the legislation; and, most importantly, the American people have had no time to read the legislation.

So now, less than 10 hours since we could first see this 1,000-page bill, we are poised to break our commitment to the American people and to pass this legislation with little or no time to even read it.

ECONOMIC RECOVERY PLAN

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, one of the attributes of this economic recovery plan is it is not based on yesterday; it is based on tomorrow.

It is not your grandmother's recovery plan where we just built asphalt and concrete; it is built on the new high-tech green collar jobs that can truly give us a prolonged burst of economic recovery. And that is why, when I vote for this today, I am going to be proud that we are launching a new Apollo clean energy project to give this country the thousands of green collar jobs, to start selling high-tech clean energy products to China, to start making lithium ion batteries so that we can make electric cars right here in America and start selling them across the world. And I hope some of my brethren across the aisle will not vote against research so we can find a way to burn coal cleanly, against research to make electric cars more affordable to Americans, against research to make our houses more efficient.

This is a plan to start an economic energy revolution. We should pass it and be proud of it today.

VOTE ''NO'' ON THE STIMULUS BILL

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Madam Speaker, buried in the stimulus bill that we will be voting on today is a provision that will gut the welfare reform measures that the Congress passed in 1996. The legislation will move us down a path that will take us away from welfare reform that required work, training, and education in exchange for benefits, back to the old system that says to single young women that, as long as you don't get married, don't get a job, and keep having children, that we will continue to subsidize you at taxpayers' expense.

The old system that this legislation moves us to kept generations of American families in poverty, and I urge a ''no'' vote on the stimulus bill.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1, AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Mr. PERLMUTTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 168 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 168

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes. All points of order against consideration of the conference report are waived except those arising under clause 9 of rule XXI. The conference report shall be considered as read. All points of order against the conference report are waived. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) 90 minutes of debate and (2) one motion to recommit if applicable.

POINT OF ORDER

Mr. DREIER. Madam Speaker, I make a point of order against the resolution.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. DREIER. Madam Speaker, I make a point of order against this resolution because the resolution is in violation of section 426(a) of the Congressional Budget Act.

The resolution before us violates the provisions of 426(a) because it contains a waiver of all points of order against the conference report, including a waiver of section 425 of the Congressional Budget Act which prohibits the consideration of a conference report in violation of the Unfunded Mandates Reform Act.

We got this 1,000-page package online after midnight, totally in violation of the 48-hour commitment that was made by every Member to support that period of time during which it could be read; and we have no idea, Madam Speaker, as to whether or not there are in fact unfunded mandates in this measure.

The SPEAKER pro tempore. The gentleman from California makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from California and the gentleman from Colorado each will control 10 minutes of debate on the question of consideration.

After that debate the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from California.

Mr. DREIER. Madam Speaker, let me begin by saying I see my friend from Colorado (Mr. PERLMUTTER) here. It was announced late last night when we were in the Rules Committee that the distinguished Chair of the Committee on Rules, Mrs. SLAUGHTER, would be managing this rule; and I can only surmise that she is not here due to the very tragic news that we got overnight of the loss of 48 lives in the Continental plane crash that took place just outside of Buffalo.

Mr. PERLMUTTER. Will the gentleman yield?

Mr. DREIER. Yes, I am happy to the yield to my friend.

□ 0915

Mr. PERLMUTTER. Yes, the plane crash is why she is not here today. And it is a tragedy that we all feel this morning.

Mr. DREIER. Reclaiming my time, that is exactly what I wanted to say. As we begin this debate, our thoughts and prayers go to all of the victims and the families and Mrs. SLAUGHTER whom I know is dealing with that issue, Madam Speaker.

Let me say, as we now focus on this very, very important debate, we had a unanimous vote here in the House, a unanimous vote, that called for 48 hours to be provided for Members of Congress and the American people to see this measure before we would have a chance to vote on it. We all know, as Speaker PELOSI said yesterday, that this is both transformational and historic. And for that reason, I believe that if we have a measure before us that is historic and transformational, we should comply with the vote that was cast by every single Member who was present at the time saying that 48 hours should be provided. And unfortunately, there was virtually no time provided. We had a copy of the bill placed before us in the Rules Committee very late last night. And it is my understanding that the online measure at that point, which was touted by Members who were in the Rules Committee, actually omitted three sections of the bill and that it was not placed online as we're going to be voting on it today until after midnight; after midnight. So that means earlier this morning is when it was placed online.

Now, Madam Speaker, I have a statement here from our good friend, the distinguished majority leader, Mr. HOYER, who said, ''The House is scheduled to meet at 9 a.m. tomorrow and is expected to proceed directly to consideration of the American Recovery and Reinvestment conference report. The conference report text will be filed this evening, giving Members enough time to review the conference report before voting on it tomorrow afternoon.''

Madam Speaker, the American people are hurting. We are going through one of the most difficult economic challenges that we've faced in modern history. There is no doubt about it. In fact, if one looks at the economic downturn, we suffered in 1991 and 2001 very, very shallow economic recessions. The early 1980s was the last time we faced a challenge as difficult as the one we are in the midst of today. We have put forward a very pro-growth economic package that I know that the American people would be able to support. And I'm convinced, based on the empirical evidence that we have of what took place in 1961 and 1981, it would unleash the potential of the American people, because we are the most productive worker on the face of the Earth. We are the people who are the most innovative in the world. And for us to, in any way, constrain that growth potential is, I believe, wrong.

And what we have before us is a 1,000-page bill. This is 1,000 pages, Madam Speaker. And I'm reminded when Ronald Reagan was delivering a State of the Union message when he held up a document that was just about like this, and he dropped it right there on the lectern. And he said that he would never sign anything like that again. And here we are on Friday the 13th of 2009, we are in the midst of considering a measure following a campaign that promised transparency, disclosure, accountability and hope. And as we listened to the debate last night in the Rules Committee, which went on for quite a while, I have to say that there is a lot of hope involved in this 1,000-page bill. But there are things about it that we know. It is approaching $1 trillion when you take interest in consideration. I know it is $790 billion, but when you take into consideration the interest that will be shouldered, it is a $1 trillion package. We know that.

The hope is that people are saying it is this or nothing else, Madam Speaker, this or nothing else. And I have got to tell you that that is not the case. That is not the case. We, as Republicans, have come forward with a package from our economic stimulus working group which I believe would prevent us from having to deal with anything like this whatsoever. And the point of order that I'm raising, Madam Speaker, has to do with the fact that we don't know what is in here. I don't think that anyone knows whether or not there are unfunded mandates in here that have been imposed on the private sector, on the American people, or on local governments.

And so with that, I would like to, at this juncture, reserve the balance of my time, Madam Speaker.

Mr. PERLMUTTER. Madam Speaker, I yield myself such time as I might consume.

Technically, this point of order is about whether or not to consider the rule and ultimately the underlying bill. But we know what it is really about, and that is about trying to block the bill without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation itself. And that is just plain wrong.

I sincerely hope my colleagues will vote ''yes'' so we can consider this critical legislation today on its merits and not kill it on a procedural motion. We have a long day ahead. Let's not waste any more time on trying to stop this legislation from being debated or enacted. Those who oppose the bill can vote against it on final passage. That is their prerogative. We must consider this rule, and we must pass this conference report for the American Recovery and Reinvestment Act today.

I have the right to close. But in the end, I will urge my colleagues to vote ''yes'' to consider the rule.

And with that, Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, may I inquire how much time is remaining on the debate on the point of order.

The SPEAKER pro tempore. The gentleman from California has 4 minutes remaining.

Mr. DREIER. At this time I would like to yield 1 minute to my good friend from Texas (Mr. POE).

Mr. POE of Texas. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, procedure is important. Procedure rules are important because they are placed there for a reason. This House unanimously voted that there should be 48 hours after a bill is filed before we voted on it. The reason for that is to give us time to read it. It is unconscionable that we would vote on a 1,000-page bill without at least reading the bill. But we didn't get 48 hours. I guess the motion really meant 4 to 8 hours, because that is all we've really received, 4 to 8 hours to decide whether or not to proceed.

We need more time to read the bill. Let's stay here until tomorrow or Sunday or Monday. But let's read the bill, regardless of our position on it, and then we can be knowledgeable to vote on this $1-trillion package one way or the other. The idea that we're going to vote on a bill we haven't read because we didn't get time to do it is absurd, Madam Speaker.

Mr. DREIER. Madam Speaker, I yield myself the balance of my time to say this saddens me greatly. President Obama has come forward and talked about the issue of transparency, disclosure and accountability, and he has talked about hope, and he has talked about change. And we've all been very inspired by the words of President Obama. And we've been inspired by

many of his actions and his effort to reach out and work with us in a bipartisan way to deal with the challenge of getting our economy back on track. It is something that I believe is terrific. It's wonderful. And it's what is needed at this time.

But I will say, Madam Speaker, that as we look at what has been put before us, a 1,000-page bill, and we are told by so many that if we don't vote for this bill, we're choosing to do nothing, in fact, I will say that I did not like it when the President said that there are some out there who want to do nothing. And Madam Speaker, I will say that I know of no Republican, no Democrat, I know of no one in this country who wants to do nothing. Because just the other night when I had a telephone town hall meeting and listened to a number of people, including a small contractor, a small businessman who is a building contractor, having trouble getting access to credit so that he can get to work, I was struck with the fact that he told me, looking at a $1-trillion measure is not only not going to help him, but in fact, it will exacerbate, it will worsen the challenges that he has. We talked about our alternative.

In fact, in this town hall meeting, Madam Speaker, one of my constituents asked me at the outset to support President Obama and his package. And when I began explaining the difficulty with this package and the alternative that we have that is focused on small businesses, entrepreneurs, the self-employed and families across this country, focusing on marginal rate reduction, focusing on encouraging responsibility so that people can gain equity in their homes by incentivizing them to make a greater down payment on that home and to take up the inventory that exists there, as I walked through these provisions, this person who began saying to me that it was imperative that I support this package then said, your alternative makes much more sense.

And so, Madam Speaker, I want to disabuse any of my colleagues of this notion that we want to do nothing. We very much want to work diligently to ensure that we can get our economy back on track. And we have a pro-growth package which is modeled after what John F. Kennedy did in 1961 and what Ronald Reagan did in 1981.

And with that, I yield back the balance of my time.

Mr. PERLMUTTER. Madam Speaker, again I want to urge a ''yes'' vote so that we can consider this rule and consider the legislation today. It is not a time for delay. It is not a time for inaction. For 8 years, we've had continued deferred maintenance, we've had continued problems in the economy to the point we are now required to move forward and move forward in a bold way. That is the purpose of the American Recovery and Reinvestment Act. It has been discussed and debated over the course of the last month in full view of the American people. And it is time to take it up here in the Congress and pass it.

And with that I urge a ''yes'' on the consideration of the rule.

The SPEAKER pro tempore. The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. PERLMUTTER. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded for consideration of the rule is for debate only.

And I yield myself such time as I may consume.

GENERAL LEAVE

Mr. PERLMUTTER. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 168.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. PERLMUTTER. Madam Speaker, America is in a tough spot today. Today we face one of the greatest economic challenges we've seen in the history of this Nation. With this great economic crisis comes great responsibility for this body which is vested to represent the best interests of the American people. Madam Speaker, the Bush administration left us with the worst economy we've faced since World War II. Like President Franklin D. Roosevelt did over 75 years ago, we must build a floor under our economic downward spiral and set America on a new, more prosperous course.

Since this recession began, 3.6 million Americans have lost their jobs. Last month alone, the country lost nearly 600,000 jobs, the equivalent of losing every job in the State of Maine. Even more troubling is the news that our Nation is expected to lose another 3 to 5 million jobs within the next year if we don't take action now. And it must be taken now. In fact, 2008 was the worst year for job loss since 1945, while unemployment has skyrocketed to the highest level in 26 years.

Madam Speaker, Americans are worried. Nothing is on the minds of American workers and families more than the troubled state of our economy.

□ 0930

At dinner tables across this Nation, American families are concerned, not only about our country's economy, but about their own futures and their own well-being. Will they have a job next week? Will they be able to retire when they plan to? Will they be able to afford their mortgage? Can they sell their house? What about the rent and the child's education?

We must act now to turn things around. If nothing is done, our economy will continue its downward spiral, jeopardizing the futures of all Americans.

As President Roosevelt once said, ''In our seeking for economic and political progress, we all go up, or else we all go down.''

And, Madam Speaker, I join my colleagues here today determined to make sure that all Americans go up, each and every one of us. We are here to take swift, bold action to boost our economy and put Americans back to work. Our actions today may determine the prosperity and well-being of Americans for generations to come.

This compromise of the American Recovery and Reinvestment Act is a major victory for the American people. It will help strengthen our economy and help Americans hurt by this recession today, as well as investing in our shared future.

This bill will create and save nearly 4 million jobs, jump-start our economy, and bring the process of transforming it for the 21st century with carefully targeted priority investments. We will also provide immediate direct tax relief to over 95 percent of all Americans.

Madam Speaker, for our future, we will significantly increase clean, renewable energy production, invest in a new smart power grid, put people to work in the short-term, while freeing us from our dependence on foreign oil in the long run.

We'll renovate buildings and homes to make them more energy efficient, and create jobs that can't be sent overseas, while helping to curb global warming at the same time. We will rebuild our crumbling infrastructure and improve our roads, bridges, and schools, and in doing so, we will strengthen our path forward.

We will invest in our health care system, cutting red tape and ensuring broader coverage, while saving countless lives and dollars.

Finally, this legislation will assist those who have been impacted most by this crisis, by increasing food stamp and unemployment benefits, and making it easier for those who lose their jobs to keep their health insurance. These are just a few highlights of this comprehensive bill.

Madam Speaker, the American people are hurting and they demand action. But they are also justifiably concerned about government spending in such difficult times. I want them to know that this bill contains strict transparency and accountability measures. It is open and visible and will be for people to look on the Web for each dollar that is spent. Americans will be able to go on-line to see how their tax dollars are being spent and provide comment.

The bill contains no earmarks, and provides important protections to State whistleblowers who report fraud and abuse.

Furthermore, this legislation does not waste any time. It will immediately help put people to work, maintain their jobs, and begin to stabilize our economy. Just this week the CEO of Google said his company would ''absolutely'' hire new people if we pass this bill.

Additionally, economists and elected officials from across the ideological spectrum have broadly endorsed this bill, and beseech us to pass it, because they agree we need bold action to turn our economy around.

President Roosevelt told us that ''One thing is sure, we have to do something. We have to do the best we know how at the moment. If it doesn't turn out right, we can modify it as we go along.''

Madam Speaker, it took us many years to get into this situation. We know this bill alone will not solve all of our economic woes overnight. We know that the road back to economic stability and prosperity will require hard work over time. But this bill is the right size and scope necessary to truly help us turn things around. I'm proud to say that America has faced great challenges before and turned crisis into opportunity.

This legislation gives us the means to address this crisis immediately, and the opportunity to build the foundation for long-term prosperity. Like it has in the past, the ingenuity of American workers will be the engine of growth and prosperity if we just give them a chance to get back on the job.

I urge my colleagues to support the conference report on the American Recovery and Reinvestment Act and, by doing so, restore confidence, strengthen our economy, and ensure a brighter future for our citizens from coast to coast.

I now reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume to begin by expressing my great appreciation to my friend from Colorado for yielding me the customary 30 minutes.

Let me begin, as I did at the outset of the debate on the unfunded mandate point of order, Madam Speaker, by saying that we are all saddened with the very tragic news that Ms. SLAUGHTER and her constituents have faced with the tragic plane crash which has taken place just outside of Buffalo with, reportedly, 48 people killed, and our thoughts and prayers continue to be with all of them.

Let me say, at the beginning of this, Madam Speaker, I asked my friend who's managing this rule to yield to me, because I find it—I will associate myself with many of the points that he made. I will associate myself with certainly his closing remarks about the ability of the United States of America to take on great challenges that we face.

But, Madam Speaker, to stand here and somehow talk about the great degree of transparency, when we, at midnight, were sitting in the Rules Committee, and the questions being posed to us could not be answered; that we were posing could not be answered, number one. And number two, we had before us a bill that we were told was exactly what the gentleman had said, made available on-line so that the American people could see it, and then I arrived just a few hours later, had come in early this morning to find that the measure was not even available on-line until well after midnight because three sections of the bill were, in fact, missing.

And so, my point is that we all know how much pain there is right now across this country. When you look at the people who have lost their jobs, if you look at people who are losing their homes, if you look at the tragic loss of life that is taking place, I talked to a good friend of mine yesterday who told me that his son's best friend's father had just committed suicide because of the economic downturn that we are facing.

Madam Speaker, we know how personal this is. We know how terrible the situation that we face is. And that's why I believe that the commitment that has been made overwhelmingly, across the board, by Democrats and Republicans alike, that we would spend time deliberating over this issue to ensure that we get it right, that we would work in a bipartisan way, as President Obama repeatedly has promised, from his inaugural address right here on the west front of the Capitol to speech after speech that he's delivered, and through many of his actions.

Now, last night, as we sat approaching midnight in the Rules Committee, my very good friend, the distinguished chair of the Committee on Appropriations was before us, talking about the fact that every single day, since the election, save two, he and members of his staff have been working to try and put this bill together. He referred to the fact that members of his staff, for the second time in a week or two, have gone 2 days without any sleep, working to put this bill together.

We all understand, Madam Speaker, the urgency that is there. No one wants to delay action. No one wants to delay action on this very important bill because of the fact that the American people are hurting.

But we do know this: What we've been able to see in this measure, in fact, goes way beyond the goal that is stated, that being stimulating our economy. We understand that important infrastructure spending cannot only play an important role in creating jobs, but it also can deal with the very important issue of goods movement, ensuring that our constituents are able to move around. We know that the grid and broadband infrastructure development is critical if we are going to remain competitive in this global marketplace. And yet, that is a very small fraction of this nearly $1 trillion measure, Madam Speaker.

Now, as we listened to the testimony that was delivered in the Rules Committee, an exchange took place between the distinguished chair of the Committee on Appropriations and our new Rules Committee colleague, the gentlewoman from North Carolina (Ms. FOXX). And in that exchange, the question that was asked by Ms. FOXX was, how many jobs are going to be created by this measure?

And I congratulate the distinguished chair of the Committee on Appropriations for pointing to the fact that he has no idea how many jobs are going to be created. And he correctly said that we can all find our own economists who support the notion of a certain number of jobs being created.

Now, I will say that the chairman of the Council of Economic Advisers, Christina Romer, under President Obama, has, based on her study, found that the alternative proposal that we Republicans offered would create nearly twice as many jobs in half the amount of time than this package that is before us. So using one of his economists, Madam Speaker, I will say it buttresses our argument to ensure that we put into place our package for commission growth, as opposed to a massive spending bill.

So the chairman of the Committee on Appropriations said he has no idea how many jobs are going to be created.

And what is it that we have before us? We have before us a package that is indicative of what I describe as the ideological baggage of the past. It is nothing but throwing money at the problem, without the kind of oversight that is necessary, without the kind of scrutiny that is necessary.

And as my friend from Texas, Judge POE, said earlier, one of his constituents wants to opt out of this plan because the estimates are that it will cost $10,000 per family. Well, unfortunately, that's not an option that we have before us right now, because this is the measure that people are going to be voting on and I suspect will pass.

I believe that it's a mistake. I believe it's a mistake, and I will tell you who else I believe if he were alive would conclude that it's a mistake. And we've used this quote repeatedly. It first came to my attention by our friend from St. Louis, TODD AKIN, who told me that his 88-year-old father who obviously lived during the time of the Great Depression found this quote. Henry Morgenthau was the Treasury Secretary under Franklin Delano Roosevelt, and he testified before the

House Ways and Means Committee in 1939. And in that testimony, Madam Speaker, the Secretary of the Treasury, under Franklin Roosevelt, obviously, not some right-wing conservative economist, the Treasury Secretary under Franklin Roosevelt said: ''We have tried spending money. We are spending more than we have ever spent, and it does not work. I say, after 8 years of this Roosevelt administration, we have just as much unemployment as when we started, and an enormous debt to boot.''

Now, that was in 1939, Madam Speaker. We are making a mistake if we proceed with this measure. I believe that.

The American economy is going to get stronger because, as I said earlier, we are the most productive, we are the most innovative people on the face of the earth. We're going to get stronger. My fear is that this measure will, in fact, slow the economic recovery that we all would like to see take place soon.

I reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, just two points and then I would like to recognize my friend from Massachusetts (Mr. MCGOVERN).

But I think the really sad story, Mr. DREIER, that you related about the suicide underscores the urgency of this bill and the reason that it needs to be handled without delay.

The second point I wanted to respond to is Christina Romer said that the Republican House analysis is flat wrong in its claim that the House Republican stimulus is much more effective. ''No matter what your analytical assumption,'' she says, ''the plan that the President supports would result in substantially greater job creation than the House Republican plan.''

And with that I would yield 3 minutes to my friend from Massachusetts (Mr. MCGOVERN).

□ 0945

Mr. MCGOVERN. Madam Speaker, on January 20, President Obama and his administration inherited the worst economy since the Great Depression.

A record budget deficit and a worsening economy, an economy that is now losing 600,000 jobs a month, was the result of failed economic policies. For too long, the previous administration allowed the deficit to rise through wasteful spending, including unpaid wars and tax cuts for the wealthiest Americans, while ignoring the challenges facing our economy.

Let me be clear: This economy did not go bad overnight. No, Madam Speaker. It took years of neglect to bring us to this position.

As a result, we are here today, trying to help our economy with a bold and historic recovery package. Economists ranging from conservative to liberal all agree that a recovery package is needed and that such a package must be bold. Any recovery package, they say, must provide a real shot in the arm to the economy, and that is what we have before us today. We have a package that will provide immediate funding to help the economy, but it is also designed to prevent an economic lull like the one we saw a few years after the Great Depression.

Madam Speaker, we have people in our country who are going hungry, and there is money in this package for food stamps—the most effective and immediate stimulus available—and there is money for unemployment. There is money for roads and for bridges and for other important shovel-ready infrastructure programs. Yes, there are targeted tax cuts that will allow middle- and low-income families to receive tax relief during these trying times. Is it perfect? No. This is not the package I would draft if it were solely up to me, but it is the package that came through a bipartisan and open process.

Now, my Republican friends had the opportunity to address this problem. Former President Bush could have acted on these programs before he left office, but he chose not to do so, allowing the recession to worsen. When Republicans decided to put forth an alternative plan, it was simply comprised of the failed policies of yesterday. When economists said there should be money for food stamps, my Republican friends on the other side of the aisle said ''no.''

When economists said there should be money for transportation and infrastructure, my Republican friends said ''no.'' When economists said there should be money for unemployment and for aid to States for school construction, my friends on the other side of the aisle said ''no.''

Madam Speaker, it is not enough to say ''no'' and to simply revert to the failed policies of the past. My friends offered their package. We had a vote and it failed miserably. People have had it with the failed economic policies of George W. Bush. Yet, instead of trying to work with President Obama and this Congress on a real recovery package, they continued to defy the needs of the American people and continued saying ''no.''

Saying ''no'' is easy. Saying ''no'' means you don't have to take responsibility for anything, but that is not what the American people want, and that is not what the American people voted for in the November elections.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PERLMUTTER. I yield the gentleman an additional 30 seconds.

Mr. MCGOVERN. Madam Speaker, the bill before us will save or create more than 3 million jobs, and it will help people put food on their tables and receive health care as they try to make it through this recession.

We need to fix this economy, and Democrats, with or without the Republicans, are going to do what is necessary to help the American people. Enough of politics as usual. We need to move forward. The American people are looking to us for help, and this package provides the help that they need.

I congratulate the Speaker and the leadership and the chairman who worked on this recovery package. I urge my colleagues to support the rule and to support H.R. 1.

Mr. DREIER. Madam Speaker, I yield myself 15 seconds.

As I listen to my good friend from Worcester, I would say, my gosh, we certainly have seen a change in the level of debate around here. It is fascinating to see.

Madam Speaker, as I listen to my friend from Colorado, I have got to tell you that, when I was quoting Dr. Christina Romer, chief of the Council of Economic Advisers, it was her methodology that was used that created twice as many jobs at half the cost.

With that, I am happy to yield 3 minutes to my very hardworking Rules Committee colleague, the gentleman from Miami, Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is not petty when we say that each Member of this House should have the opportunity to read this legislation. We are the people's House. Every Member is elected. We are all cognizant of the great difficulty being suffered by the American people, of the jobs being lost, of the very, very sad stories facing each of our districts. So it is not petty to say that, as the House requested, we should have 48 hours to review this legislation.

With regard to the substance, what we have been able to gauge is in the legislation. I remember when we first started discussing this package and, really, the tone of bipartisanship that was engulfing the Nation at the time. I was pleased because I believed that we would be able to modernize with this legislation. I believed we would see a modernization of the infrastructure—of the roads and bridges—of the United States.

When I saw the first $800 billion bill that was passed on January 28, including $30 billion for shovel-ready infrastructure projects, I thought that was most unsatisfactory, that a great opportunity was being lost. Since we are going to burden the American people with all of this debt, I thought at least we would modernize our infrastructure. I thought, well, maybe when the bill comes back it will be improved, and we will see more of the $800 billion, more than $30 billion within the $800 billion for our roads and bridges and for the modernization of our infrastructure.

When I saw the bill returning and that instead of $30 billion there was $29 billion to modernize our infrastructure,

I realized that this opportunity lost is more than sad, because the American people believed that this was sacrifice for modernization, for higher productivity, for the creation of jobs. That is not what it is.

So, with sadness, I rise not only to oppose the rule but to say that this is an unsatisfactory package and that we can do better. We all believe that we need to act. I hope that we all come to the conclusion that we must, that we can do better.

Mr. PERLMUTTER. Madam Speaker, I would like to yield 3 minutes to the gentlewoman from California (Ms. MATSUI), a member of the Committee on Rules.

Ms. MATSUI. Madam Speaker, it is clear that our economy is in peril. For months, the House of Representatives has been working to develop solutions to revive the job market, to keep people in their homes and to restore faith in the American economy. We have held substantive hearings and markups. We have debated the merits of different proposals. We have listened to nonpartisan expert testimony on what the Federal Government can do to save the jobs we have and to create millions more.

I have listened to and have participated in this debate, and I have weighed the opinions of the experts, but when I consider the package before us today, I think mainly of the people in my district who are suffering.

I think of families in my district who are living on food stamps. I think of seniors who can no longer afford to see a doctor when they're sick. I think of the new mother who has just been laid off and who is not sure if she can pay her mortgage next month.

I think of Francisca Monterjano. Francisca lost most of her 401(k) when the stock market crashed last year. She lined up outside of Raley Field earlier this month, along with thousands of my constituents, eager for part-time work even though she is retired.

Francisca and the rest of my constituents have spoken, Madam Speaker. They have told me clearly:

We need this package. We need the unemployment benefits and the increased access to health care that it represents. We need the nearly 4 million jobs it will save or create. 7,800 of those jobs will be in my district alone, and many of these will be in the clean energy industry that will drive our future economy. We need the public transit and flood protection infrastructure that the bill will provide. We need the investment in primary and secondary education that will help train our children for work in the jobs of the future, and we need the tax relief that this bill contains.

Today's package is a product of compromise and of negotiation. It is not perfect. Yet the state of our economy is too bleak not to act now. Millions of people across our country are suffering too much for this House to shy away from its responsibility to lead. Now is not the time for partisan bickering or for political gain. Now is the time for action, for leadership.

So today, Madam Speaker, I choose to lead by casting my vote in favor of the American Recovery and Reinvestment Act. I urge my colleagues to do the same.

Mr. DREIER. Madam Speaker, at this time, I am happy to yield 1½ minutes to my very distinguished colleague from Tulare, California (Mr. NUNES).

Mr. NUNES. Madam Speaker, this legislation is not about creating jobs. If jobs were the priority of Democrats, leaders would have listened to my pleas to help California.

I had asked Democrat leaders to include a provision that would not have cost one penny. It would have simply brought water to my constituents, and it would have saved 60,000 jobs.

Folks may ask: Why didn't the Democrat leaders put this in? Well, it is because their friends in the radical environmental community have decided that 2-inch minnows are more important than the people in my district. Just listen to a California deputy attorney general who moonlights as a radical environmentalist. Here is what he said about my constituents:

''What parent raises their child to be a farm worker? These kids are the least educated people in America . . . They turn to lives of crime. They go on welfare. They get into drug trafficking, and they join gangs.''

This is pathetic. You are spending $1 trillion, and you will not put in one provision that would create or save 60,000 jobs. This is an insult to my constituents, an absolute insult.

Vote ''no'' on this rule. Vote ''no'' on this bill.

Mr. PERLMUTTER. Madam Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from California has 16 minutes remaining; the gentleman from Colorado has 17½ minutes remaining.

Mr. PERLMUTTER. Madam Speaker, I would like to yield 2 minutes to the gentleman from Colorado (Mr. POLIS), a member of the Committee on Rules.

Mr. POLIS of Colorado. Madam Speaker, I rise in support of the American Recovery and Reinvestment Act of 2009. I want to thank Speaker PELOSI, Chairman OBEY, Chairman MILLER, and all of my colleagues for doing what this crisis demands and for doing what the American people have asked us to do.

This is no ordinary economic downturn. It is a rapid meltdown that threatens the very foundations of our capitalist system. The Bush administration took a record budget surplus and left us the largest deficit in U.S. history. Our national debt has doubled, and the amount we owe to foreign countries has tripled. Five million Americans no longer have health insurance, and 7.6 million families have fallen into poverty. The laundry list of mistakes from the previous administration's failed policies has left us no choice but to take swift and decisive action to tackle these challenges head on.

This landmark legislation represents a new chapter and a new direction for our great Nation. By creating 3.5 million jobs and by investing in our infrastructure—physical and human—we are taking immediate action to restore growth and prosperity to the American people. Americans understand that a healthy environment goes hand in hand with a healthy economy.

This bill gives States and renewable energy producers the tools they need to green our energy infrastructure. It promotes a green workforce, spurs green innovation and invests heavily in our public lands. It does this while creating new and long-lasting jobs that will make our country the economic, scientific and environmental leader that it once was and once again will be.

Madam Speaker, we can and will regain the world's confidence in our economy. We will retain our global competitiveness, and we will, indeed, save capitalism and free enterprise with one of the largest tax cuts ever.

With its robust commitment to our education system, this legislation invests in our children's future and paves the way for generations of success. Education is the only meaningful, long-term investment we can make to stimulate the American economy, and there is no better way to remain the world's leader in innovation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PERLMUTTER. I yield the gentleman an additional 15 seconds.

Mr. POLIS of Colorado. I applaud President Obama and my colleagues in both Chambers for working hard to ensure that education from early childhood through college is an important part of the recovery package.

Again, I applaud the tireless efforts of all those involved in the crafting and in the negotiation of this historic legislation.

□ 1000

Mr. DREIER. Madam Speaker, it's not often that we have the opportunity to hear the brilliance of both DIAZ-BALART brothers in the same debate.

Now I would like to yield 1 minute to our good friend from Miami, the other DIAZ-BALART.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, we clearly need a stimulus bill, a bill that creates jobs. Unfortunately, the only thing that this is going to stimulate is more government bureaucracy and government bureaucrats. This will not help the economy.

Let me add some ammunition.

Only $3 billion, which is one-third of 1 percent to help the job creators to stimulate small businesses. One-third of 1 percent for small businesses that are the job creators? And yet, it's going to add $9,400 for all of our American families in debt; $9,400. Less than 7 percent of the money goes to infrastructure. That's shameful.

You know, this House debated recently the TARP bill to try to cover itself for the embarrassment, the embarrassment and lack of accountability of that TARP bailout bill. This is just the ''Son of TARP.'' We're going to be embarrassed. It's not going to help the economy like it's supposed to, and we're going to read about the scandals.

Please vote this bill down.

Mr. PERLMUTTER. Madam Speaker, I would like to yield to the chairman of the Transportation Committee, the gentleman from Minnesota (Mr. OBERSTAR), 3 minutes.

Mr. OBERSTAR. This bill provides $64.1 billion for transportation and infrastructure investments under the jurisdiction of our committee. What is included in this bill from the jurisdiction of our committee will create and sustain 1.8 million jobs, real jobs, construction jobs, professional journeymen, career apprentice, brick layers, cement finishers, backhoe operators. Real jobs in the U.S. economy for people who will be paying taxes, not being paid unemployment compensation for not working. They will get a working day's wage, and they will pay taxes on it and their companies will pay taxes on it.

We'll generate $322 billion of total economic activity over the next 2 years.

And we are going to ensure that the States, departments of transportation, the municipal metropolitan planning organizations, the individual city and regional and metropolitan area planning organizations, and the transit organizations, and the airport authorities do what they have told this committee they will do: deliver jobs, half of that funding in the first 90 days. And we will hold hearings every 30 days with reports, according to a schedule we've laid out for the State agencies, on delivery of those jobs putting the money under contract.

The Portland Cement Association testified before our committee in January saying 45 companies had 130 million metric tons of Portland cement produced and invested in the marketplace in 2007. Last year it was 95 million metric tons. For this year they project 9 million metric tons. They can ramp up to over 90 million metric tons of cement produced for ready-mix concrete to put people to work in the marketplace.

In the transit sector, over 5,500 options are now on call for the producers who can go from their now 5,000 to over 7,000 transit vehicles ramping up in 30 days. I've been to one of the transit producers in this country, they are ready to move.

And 82 percent of their purchases are U.S. suppliers, all final manufacturers in the United States, and all steel. All cement in our surface transportation program will be made in America, produced in America, invested in America.

We can do this. We will put people to work. We will oversee the implementation of this program, and we will put that on our Web site so the American people will know that this program is working.

Madam Speaker, I am pleased to rise in strong support of the Conference Report on H.R. 1, the ''American Recovery and Reinvestment Act of 2009''.

According to the employment statistics released by the Department of Labor last week, as of January 2009, there are 11.6 million unemployed persons in the U.S., for all sectors of the economy combined. In addition, when part-time and discouraged workers who want full-time jobs are included, the number of unemployed/under-employed workers increases to 22.3 million.

The construction sector has been particularly hard-hit—it has the highest unemployment rate (18.2 percent) of any industrial sector. As of January 2009, there were 1,744,000 unemployed construction workers in the nation.

This bill is urgently needed to put Americans back to work. The infrastructure investments funded by this bill will create good, family-wage jobs—jobs that cannot be outsourced to another country, because the work must be done here in the U.S. on our roads, bridges, transit and rail systems, airports, waterways, wastewater treatment facilities, and Federal buildings.

For more than a year now, I have worked to ensure that infrastructure investment plays a key role in our nation's economic recovery.

I thank Chairman OBEY for working so closely with me in this effort. We consulted extensively on the transportation and infrastructure provisions in the bill. Through his efforts and those of his staff, we were able to retain many of the good provisions in the House bill that were not in the Senate bill, and to develop good compromises where the bills differed. I particularly appreciate the hard work of Beverly Pheto, Staff Director, and Kate Hallahan and David Napoliello of the Transportation Subcommittee.

The legislation before us today does not include everything I had proposed. While I would have preferred increased funding levels, and tighter use-it-or-lose-it deadlines, I do not intend to let ''perfect'' become the enemy of ''good''.

This is a ''good'' bill. It is desperately needed by the American people, and it deserves our support.

This bill provides $64.1 billion for Transportation and Infrastructure Committee infrastructure investments. This funding will create or sustain 1.8 million jobs and generate $322 billion of economic activity. It will get construction workers off the bench and back on the job.

To ensure that the purpose of this legislation is achieved, the Committee on Transportation and Infrastructure will exercise vigorous oversight over the economic recovery funds within its jurisdiction. Federal agencies and grant recipients within our Committee's jurisdiction must understand that ''business as usual'' is not good enough anymore, and they will be held accountable to a high standard. We will insist that States, cities, and transit agencies live up to their assurances that they will be able to have contracts in place in 90 days for a substantial portion of the funding authorized by this bill. We will insist that projects under this bill be new projects, not simply replacements for projects which States were planning to carry out under existing programs. We will insist that Federal agencies expedite the process of approving projects and awarding grants.

With aggressive action by Federal agencies and grant recipients, the infrastructure funds provided by this bill can produce a substantial number of jobs by June, while also improving our deteriorating infrastructure and laying the foundation for our future economic growth.

I thank Speaker PELOSI, Chairman OBEY, Chairman of the Committee on Appropriations, Chairman OLVER, Chairman of the Subcommittee on Transportation, Housing and Urban Development, and Independent Agencies, and our colleagues for working with me and other Members of the Committee on Transportation and Infrastructure throughout the development of this legislation.

I strongly urge my colleagues to join me in supporting the Conference Report on H.R. 1, a true investment in America's future.

Mr. DREIER. Madam Speaker, at this time I am happy to yield 1 minute to our hardworking new colleague from Tequesta, Florida (Mr. ROONEY).

Mr. ROONEY. Madam Speaker, I can't tell you how disappointed I am as a new Member of this body as to the process that we are deliberating here today having only received this bill late last night and now we are voting on it today. What happened to the open and transparent Congress that I promised my constituents and that the President asked us to do when I was elected here not too long ago? The Democrats say that there has been transparency, but we know that this is not true.

What about the backroom deals? What about reaching across party lines? The minority has been left out of the discussion, and the people of my district expect and deserve better. I cannot vote for such a large bill that levies our economic future on the backs of my children.

Where is the help for more take-home pay for Martin County? Thirteen dollars a week? Where is the foreclosure relief for St. Lucie County? It's been cut in half. And what about jobs? I couldn't find one specific job for St. Lucie County which unemployment rates are now rivaling Detroit, Michigan.

The majority says it's their plan or nothing, and we are the party of ''no.''

But we had a plan. It was a good plan. And I sincerely hope in the future we will be able to work together as the people expect us to do.

Mr. PERLMUTTER. Madam Speaker, at this time I would yield 4 minutes to the gentleman from California, the chairman of Education and Labor, Mr. MILLER.

Mr. GEORGE MILLER of California. Madam Speaker and Members of the House, we all know, and the people know, that the American economy is in a crisis. It's not that this bill in and of itself will fix the American economy, but this bill takes a major step to fill in the huge gap, and that is the loss of spending at the local level among our school districts, our water districts, our cities, our counties, and our States. Why is that happening? Because they're hemorrhaging a huge loss. And over the next couple of years, over $2 trillion will be missing in economic activity. This is a bill that's designed to stimulate those local economies.

In the education area, there's $56 billion that's available to local school districts for the rehabilitation, the repair, and the renovation of school buildings so that children will go to school in safe, well-lighted, modern facilities so that they will be green. They can put in new heating, new air conditioning systems, $600 million for new technologies so every school in this country will be connected to the best technology in the world. They will be able to engage in curriculums that now are impossible for them. They can have modern labs. That's the promise of America in this.

And who will do those jobs? Local contractors, heating contractors, electricians, plumbing contractors, building contractors from our local communities who will hire other people in our local communities. That's what will happen with this legislation. That's the promise of this legislation.

It will help school districts from keeping to lay off teachers. In the matter of a few weeks, California will start issuing its advanced pink slips. Hundreds of thousands of teachers across this nation will be in this same situation. Now, school districts will know that they're going to get $13 billion in title I in IDA money that will help them reduce the number of people who will be unemployed if we do nothing.

If we do nothing, unemployment will continue, and we know that it will continue for the next few months. But we're trying to mitigate against the increased unemployment through school construction, through highway construction, making sure the students can stay in college as their families are under pressure because of the loss of jobs, the diminished work hours, the loss of pay. We want to make sure that they can stay there so we provide an additional increase in the Pell Grant.

This is very important to this Nation. It's very important to our students, and it's very important that we have an opportunity to create in this economic crisis a 21st century education plan.

You know, it's just amazing. We always hear that history repeats, and here we see it again. And if you go back and you look at Arthur Schlesinger's study of the failures of the Hoover administration leading up to the elected of 1932, this book, ''Crisis of Old Order,'' we see that today, history is repeating itself.

Today, when this country cries out to help this economy, to help America's families who are unemployed, who are losing income, who are losing jobs, President Obama stepped forth with the American Recovery Act. The Republicans stepped forth with saying ''no.'' That was reflected when Minority Leader JOHN BOEHNER gave instructions to his colleagues to oppose the bill. Even as President Obama was traveling the Hill to meet with them and discuss this bill with them, they decided in advance of that meeting they would say ''no.''

Minority Whip ERIC CANTOR of Virginia has said that ''no'' is going to be the Republican strategy on this economic crises. ''No'' is going to be their strategy, he said.

The Republican national spokesman of late, radio host Rush Limbaugh, added that ''no'' is the strategy by asserting on the air that he wants President Obama to fail. Does he understand if President Obama fails that the American families lose income, they lose their jobs, and the crisis continues? And here we see the repeating of ''no.''

It was President Hoover in the midst of the Depression with his policy that the Federal Government could do nothing to help this Nation, and he was so wrong. He asked Will Rogers to think up a joke that would stop hoarding by the American public. He asked Rudy Vallee, Can you sing a song that would make people forget the Depression? I will give you a medal. He asked Christopher Morley, Perhaps what this country needs is a poem.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PERLMUTTER. Madam Speaker, I yield the gentleman 30 seconds.

Mr. GEORGE MILLER of California. This economic crisis will not be solved by a song, a poem, or a good joke. It will be solved by this Congress going to work with this new President to meet this crisis head on. It will be solved when we provide jobs in this country, when we free up the credit markets, when we force the banks to lend as they should be doing, and we provide this stimulus bill.

All Members of Congress should be very proud to vote ''aye'' on this legislation and yield to the cries and the needs of American families and workers.

Mr. DREIER. Madam Speaker, we share the goal of getting our economy back on track. One of the most compelling stories came from a town hall meeting in the hometown of our great friend, the distinguished chair of the Republican Conference, the gentleman from Columbus, Indiana (Mr. PENCE). I yield him 3 minutes.

Mr. PENCE. I thank the gentleman for yielding and for his kind remarks.

The American people know and House Republicans know our Nation is facing a serious recession. American families are hurting. Many have lost their jobs. Many million more are worried they will be next. House Republicans know that Congress must do something. But it's important that we do the right thing.

As this debate begins today, we just heard moments ago from a distinguished colleague and others that somehow Republicans are about saying ''no.'' Well, let me say with great respect to the gentleman, this is not about saying ''no.'' This is about saying ''yes'' to solutions that will put Americans back to work.

Republicans have brought forward such solutions built on the time honored experience of President John F. Kennedy, of President Ronald Reagan, and the experience of this Nation with the impending recession that followed September 11. We didn't go on a spending spree on Capitol Hill. We didn't offer Americans a $13-a-person tax cut. John F. Kennedy, Ronald Reagan, and this Congress and this government after September 11, under George W. Bush, cut taxes across the board for working families, small businesses, and family farms; and the economy grew.

But what has the majority brought to the floor today? The truth is this stimulus bill will do nothing to stimulate this economy in the long term. The only thing the Democrats' stimulus bill will do is stimulate more government and more debt.

The American people are asking, what's 13 bucks a week going to do to get this economy moving again for the average American? What's $2 billion for community organizing to organizations like ACORN going to do to get Americans from the unemployment line to the factory line or millions to begin rationing health care or to purchase green golf carts going to do to put families back to work in Indiana?

As the gentleman said, I had a town hall meeting Monday, myself, in Indiana. A 13-year-old girl stood up, told me that her dad, raising her and her sister, alone as a single parent had lost half of his hours at work. He'd gone from 40 hours to 24 hours. And she stood up bravely in front of 300 Hoosiers, and she said, Anything in that bill, Congressman, that can help my dad get back to full-time? And I looked

at little Hillary, congratulated her for her courage, and I said, Hillary, because I can't answer ''yes'' to your question that there is anything in this bill that's going to help get your dad back to full time, I can't vote ''yes'' on this bill. And the 300 Hoosiers in that room exploded in agreeing applause.

The American people know what's going on here. The American people know that this administration and this Congress are about to pass a bill that will not grow our economy. It will merely grow our government. We can do better. We must do better. This Congress owes the American people no less.

□ 1015

Mr. PERLMUTTER. Madam Speaker, how much time does each side have remaining?

The SPEAKER pro tempore. The gentleman from Colorado (Mr. PERLMUTTER) has 7¾ minutes remaining, and the gentleman from California (Mr. DREIER) has 11¾ minutes remaining.

Mr. PERLMUTTER. I reserve my time so we can kind of even up.

Mr. DREIER. At this time, Madam Speaker, I'd like to yield 2 minutes to our very dynamic new member of the Rules Committee, the gentlewoman from Grandfather Community, North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague for yielding me time, Madam Speaker.

I'm highly insulted by the comments of the Deputy Attorney General from California that were shared with us a few minutes ago. As a lifetime farmer and a representative of many farmers, this is another indication of the atmosphere of arrogance within the majority party. It's an arrogance also expressed here this morning that only the President of this country can save us. Well, thank you very much, the American people have done very well by themselves over the last 200-plus years, and we haven't needed any President to save us.

The majority says saying ''no'' is easy. Republicans aren't saying ''no'' to the needs of the American people. We have a better alternative that's not being considered. For the majority, spending other people's money is easy. That's what this bill does. It's generational abuse.

Last night, Mr. OBEY said that the bill had been worked out with the White House. So I asked him to show us the accountability the President's been promising, show me how the spending leads to job creation section by section. He could not. I ask you, where's the beef?

Then he said, it's irrelevant what we think about this bill. The first article in the Constitution is about the Congress. It's not irrelevant what we think about this bill. My constituents don't like this bill. I don't like the bill.

I urge my colleagues to vote ''no'' on the rule, vote ''no'' on the bill and say to the majority, we're not going to take your arrogance and we are not going to take your stealing the money from us, our children and our grandchildren.

Mr. PERLMUTTER. I continue to reserve.

Mr. DREIER. Madam Speaker, I was just congratulating Ms. FOXX on her thoughtful statement. At this time, I'm happy to yield 2 minutes to our good friend from Westminster, South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Madam Speaker, I rise in opposition to the rule to this conference report between Democrats to H.R. 1. This backroom-written Democrat spending bill costs too much money, doesn't fix the problem fast enough, and fails to make enough good jobs.

In the long run, Madam Speaker, this bill will cost working families over $1 trillion. After today, each American household will owe $100,000 to pay for government debt. What's even scarier, in this conference report Democrats took what little bit of tax relief was in there away from families and small businesses so they could increase spending on pet projects like $50 million to the National Endowment of the Arts and $300 million for green golf carts.

The Congressional Budget Office has estimated that less than half the money in the Democrat stimulus plan will be spent in the next 2 years. Madam Speaker, folks in South Carolina and across this country are losing their jobs today. American families are struggling to make ends meet and cannot afford to wait 2 years to see a potential improvement in their economy.

The real problem, Madam Speaker, is Democrats have lost their faith in the American people. They don't see what I see. I look at the people back home in South Carolina, and I know that they are the key to moving America forward. The barbershop on the corner, the hardware store down the street, they're the driving force of the economy, not the bureaucrats in Washington.

And it's because of my faith in the American people that I support the House Republican economy recovery plan. This plan allows small businesses, the heart and soul of our economy, to take a tax deduction equal to 20 percent of their income, a deduction that will allow small businesses to hire new employees, to grow. In South Carolina, this plan will create 34,000 jobs more than the Democrat plan and will cost half.

It's my sincere hope that the spending bill fails, and we in Congress can debate a bill that won't put a crushing burden on our children, won't take 2 years to work, and will rely on our small businesses. Vote ''no'' on this plan.

Mr. PERLMUTTER. I'd like, Madam Speaker, to yield 1 minute to my friend from New York, Mr. BISHOP.

Mr. BISHOP of New York. Madam Speaker, let me start by taking this opportunity to commend both the House and Senate conferees on crafting this compromise legislation that will create and preserve nearly 3.5 million jobs here in America and will set our Nation on a course toward economic recovery.

It is imperative that we plug the holes in our job market that lost 600,000 jobs last month alone, and these holes will not be plugged by a strategy of saying ''no'' nor will they be plugged by a strategy of returning to the failed policies of the past, which is all our friends on the other side of the aisle are offering.

Through investing in our infrastructure and investment in our children's education and preserving the ability of our States to provide essential services, this bill will create jobs for millions of Americans, even as we better prepare the next generation for the challenges they will face.

Madam Speaker, I look forward to working with my colleagues on both sides of the aisle to ensure that this historic effort will return our Nation to economic prosperity and provide hope to the millions who have suffered as a result of the failed policies of the past.

Mr. DREIER. Madam Speaker, at this time, I'm happy to yield 1 minute to a former Rules Committee member, the gentleman from Marietta, Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Madam Speaker, I had some prepared remarks, but I'm going to set those aside because I saw an article this morning in The Hill newspaper by Cheri Jacobus, and I think it says it all and I want to quote an excerpt.

''Congress should throw this greasy pile of pork into the grinder. Instead, give every American household a $10,000 stimulus check to spend as we please. With approximately 100 million households nationwide, we hit that magic number of $1 trillion. This, along with a 2-year moratorium on capital gains taxes, will get the economy off life support.

''Instead of condoms, green golf carts, mouse habitats and government-run health care, Americans would spend based on individual priorities, thus spurring competition, resulting in higher-quality goods and services. Good banks succeed; bad banks fail. Well-priced, quality automobiles hit the streets; lemons fade away. Capitalism lives to fight another day and the greatest country on Earth narrowly survives its near-death experience with socialism.''

Mr. PERLMUTTER. At this time, Madam Speaker, I'd like to yield 1½ minutes to the gentlewoman from California, Ms. BARBARA LEE.

Ms. LEE of California. Madam Speaker, let me thank the gentleman for yielding and applaud our Speaker and President Obama and our leadership for a fair and balanced bill.

The disastrous economic policies of the previous administration, including the irresponsible tax cuts for the wealthy, the war in Iraq and a regulated financial services industry, have left our Nation in shambles. Many more people, millions more, are living in poverty, without health insurance, and unemployment is through the roof.

Recognizing this urgency, I established the Congressional Black Caucus Economic Recovery Task Force, chaired by Congressman CLEAVER, to help guide our response to the economic crisis.

Historically, the role of the Congressional Black Caucus has been to act as the conscience of the Congress and ensure that no American is left behind. This is our moral responsibility. That was our overriding goal with this bill, as we sought to create more jobs for more people.

This package will help working families by expanding food stamps, unemployment insurance, and health coverage for the uninsured, and investing in education and job training, infrastructure, foreclosure relief, and assistance.

It's not perfect. It should have been much, much bigger, but it's a critical first step. It reflects our values as a Nation.

Although the American dream has turned into a nightmare for many during this economic crisis, many people, many people have been living this nightmare for years. So we've got to continue to fight on their behalf, and we will.

I urge my colleagues to support this bill.

Mr. DREIER. Madam Speaker, at this time, I'm happy to yield 1 minute to our good friend from Roswell, Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I appreciate my friend for yielding.

Madam Speaker, you really can't be serious. You can't be serious. This would be humorous if it wasn't so sad. Got this at 11 o'clock last night, over 1,000 pages. What's in it? Have you read it? We found $30 million for mice. Got $30 million for mice. You can't be serious. What a joke. $30 million for mice. Does that create jobs?

Imagine what we could do with $30 million, Madam Speaker. Imagine what we could do with $1 trillion, Madam Speaker, if we worked together for real solutions.

We understand that people are hurting, but this majority is only interested in paying off and buying political friends like $2 billion for ACORN and $300 million for golf carts for bureaucrats. What a joke.

But the American people aren't laughing. This bill is selfish because it robs from future generations. It's irresponsible because it won't work. What a joke. The American people aren't laughing.

Mr. PERLMUTTER. Madam Speaker, I yield 1 minute to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, and as she's getting ready, I would say to my friend, Dr. PRICE from Georgia, there's not anything in that bill about mice, $30 million for mice. We talked about it yesterday. It's not in there, and I challenge him.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend.

The Chair will ask Members to refrain from interrupting another in debate after that Member has expressed a refusal to yield.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman from Colorado and the Rules Committee for the heavy lifting, along with the Appropriations Committee and Financial Services Committee, and all of those who have joined the leadership in this heavy responsibility of governance.

I'm proud to be part of the governing party, if you will, the Democratic caucus that has the responsibility of leading this Nation, and we accept the burden and responsibility of making sure that there is a credible answer to America's problems.

Someone needs to talk to the unemployed construction worker or the young woman laid off in the retail industry or retiree who wants to come back to work. This bill is a responsible bill, $64 billion in transportation and infrastructure, 1.8 million jobs; the construction worker back to work; $800 payment for a couple, $400 payment for a single person. It's not $13 a week, as they'd like to say. It's a lump sum that people are desperately in need of.

This is an important and responsible act. We're putting together in my office task forces to ensure that Houston communities get this relief. It's important to vote for this bill. America needs this bill. It's time to answer the call of America. I support the Rules Committee and economic recovery bill.

Mr. DREIER. Madam Speaker, at this time, I'm happy to yield 1 minute to our friend from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

A lot has been said about the process here, and it needs to be said. To receive a bill that's over 1,000 pages at 11 o'clock last night and expect to vote on it with any knowledge of really what's in it today is simply absurd. So the process is wrong, but we need not lose sight of the broader picture here. We know enough about this legislation to know that it is bad legislation. First and foremost, the process is bad, but it's bad legislation.

Now, some will say, well, you're just not a Keynesian, you don't believe in Keynesian economics. Keynes would be embarrassed by this legislation. If you believe in Keynesian economics, then certainly you would spend money in a way that stimulates the economy. I doubt that John Maynard Keynes would believe that $50 million for the National Endowment for the Arts would be stimulative. All that it stimulates is more spending later.

And the problem here is we're creating hundreds of new Federal programs that will continue in perpetuity, that will become a drag on the economy, not bolster it.

Vote against this legislation.

Mr. PERLMUTTER. I'd like to yield 1 minute to my friend from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you very much.

Madam Speaker, this is no joke. To my friends on the other side of this aisle, this is a very serious matter. We've lost 3,673,000 jobs in the last year alone. Madam Speaker, that is 10,000 jobs every day.

Now, what we have here is plain and simple. Our economy has leaks and holes in it all throughout. That's why you've got 1,000 pages there because it's big. Our economy is big.

You say you haven't read it. I would say you have read it. You've come down here and poked holes about it, said this is what's wrong with it and that's what's wrong with it. How do you know that if you haven't read it?

□ 1030

The other point is this, Madam Speaker: last November the people of the United States made a decision and that decision was to put Barack Obama as President, because they wanted a new direction. He has pleaded, he has cajoled, he's gone all across this country asking for help. I say, Madam Speaker, let us give him the help, let us come together, and let us go ahead and pass this bill without delay. The American people are counting on us.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. DREIER. Will the gentleman yield?

I would yield my friend 30 seconds. Has his time expired, Madam Speaker?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Madam Speaker, I yield myself 15 seconds to simply say to my friend, who unfortunately wouldn't yield, we do have a thousand pages here. This was put online after midnight. We all voted in favor of 48 hours—you voted in favor of 48 hours—to allow the American people and our colleagues to see this. We all understand the urgency of this matter. Has my colleague read this? Many of us have been trying to go through it since after midnight in the Rules Committee.

Mr. SCOTT of Georgia. I was up until 3 o'clock this morning reading it. If you had done this, Mr. DREIER, you were here debating it last week——

The SPEAKER pro tempore. The gentleman will suspend.

Mr. DREIER. Two-and-a-half hours, and you went through a thousand pages.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. DREIER. Madam Speaker, at this time I am happy to yield——

The SPEAKER pro tempore. The gentleman will suspend.

The time of the gentleman has expired.

Mr. PERLMUTTER. I would like to inquire how much time remains, Madam Speaker.

The SPEAKER pro tempore. The gentleman from Colorado has 3 minutes remaining. The gentleman from California has 4½ minutes remaining.

Mr. PERLMUTTER. I reserve the balance of my time.

Mr. DREIER. Madam Speaker, at this time I am happy to yield 1 minute to a former Rules Committee member, one of our new appropriators, the gentleman from Moore, Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

Madam Speaker, I rise to oppose the rule and the underlying legislation, H.R. 1. This underlying bill is unfocused, it's bloated, and it's self-defeating. It won't stimulate our economy. It will certainly stimulate growth in the size of government.

The bill fails in four basic areas:

First, its tax cuts are too small, too temporary and simply don't encourage people to purchase products or employers to hire people.

Second, much of the spending in the bill is recurring and will add to the size of government and ultimately slow future growth.

Third, our country is at war and yet nothing in this bill helps those protecting our freedom. And by ignoring legitimate procurement issues, we fail to take a measure that would actually stimulate the economy.

Finally, Madam Speaker, this bill is sold as an infrastructure bill, yet only 7 percent of the spending is actually on infrastructure. We can do better than this. We can have a bipartisan, open process and pass legislation we can all be proud of.

Mr. PERLMUTTER. I would like to yield 1 minute to my friend from Ohio (Mr. BOCCIERI).

Mr. BOCCIERI. Madam Speaker, the United States of America is in a great recession and we will be judged as a United States Government by two measures—by action or inaction.

And I tell my friends on the other side of the aisle who are not going to vote for this measure today, you are walking away from America and Americans in her greatest time of need. I remember as a C–130 pilot flying missions in and out of Iraq how much money we were spending over there to rebuild roads and bridges in Iraq and to make sure every man, woman and child in Iraq had universal health care coverage. You didn't bat an eye to vote for them. You didn't bat an eye to bail out $700 billion for Wall Street. This is about investing in America and Americans in their greatest time of need. We have to be measured by what we're going to do. Are we going to be leaders or are we going to be blockers? Are we going to act or are we not? Are we going to vote for Iraqis or Americans?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members seated in the Chamber will refrain from shouting interjections out during debate, and Members should address their remarks to the Chair.

Mr. DREIER. Madam Speaker, at this time I am happy to yield a minute to my good friend from Tyler, Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, this rule is so cynical. The biggest spending bill in the history of the world and the rule says we can't even have the bill read out loud here on the floor so the American people really know what we're doing to future generations.

And to hear my colleagues across the aisle, Madam Speaker, talk about the jobs, 600,000 jobs being lost in the last month, it breaks my heart for every job. We lost 1200 in east Texas yesterday. Why? Because the hope and the change that people voted for in the President has come to doom and gloom. They have held on to avoid letting their workers go, but now for the last month they've heard the Democratic proposals and what they see is no hope. There's no hope left in this bill. It's not going to help the economy, so they're having to let their workers go. We say yes to the American people. We say no to the atmosphere of arrogance that says the American people are not the solution. They are the solution. Give them a tax holiday. Let them keep their own money and spend it to get the economy going. That's yes to America. That's yes to the American solution.

Mr. PERLMUTTER. Madam Speaker, I would like to yield 30 seconds to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. This is going to be a clear point of demarcation. Eight years of the Bush administration and we lost millions of jobs. Millions of Americans lost their homes, lost their investments. Our schools crumbled. And now as we launch into these 4 and 8 years, we're going to see schools rebuilt, millions put to work, we're going to see the economy turn around, and it starts today.

Now in '93 when we had the Clinton economic plan, not one Republican voted for it in the House or Senate. But we did get 27 million new jobs, we did balance the budget, and pay down the national debt. History has a way of repeating itself.

Mr. DREIER. Madam Speaker, I would like to yield at this point 30 seconds to our good friend from Texas, distinguished secretary of the Republican Conference, Mr. CARTER.

Mr. CARTER. I thank the gentleman.

The President told us that this bill was not going to have any earmarks in it and if it was, he was going to do something about it and I'm proud of him.

I'm concerned about an earmark. An earmark is a Member-directed initiative. We have an earmark for a train from Las Vegas to California. That seems to be one of the earmarks we had. I'm not sure in this 25 feet high bill we've got here that we've still got the mouse, but we had a $30 million earmark for a mouse in California.

I hope you'll veto this bill.

Mr. PERLMUTTER. Madam Speaker, how much time do we each have?

The SPEAKER pro tempore. The gentleman from Colorado has 1½ minutes remaining. The gentleman from California has 2 minutes remaining.

Mr. PERLMUTTER. Madam Speaker, I would like to reserve the balance of my time for closing.

Mr. DREIER. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 2 minutes.

Mr. DREIER. Madam Speaker, I began by reporting to the House of the sad news that I received yesterday when a man telephoned me to say that his young son's best friend's father had just committed suicide because of the economic difficulty their family was facing. We all know how serious this situation is. We have friends who have lost homes, people who have lost jobs, and we all know that it is imperative that we take action and that we take action now, and most important, Madam Speaker, that we do the right thing.

Now I'm going to urge my colleagues to oppose the previous question on this measure. Why? So that we can do what every single Member of this institution on a unanimous recorded vote said they wanted to do on Tuesday, and, that is, say that 48 hours should be provided for Members to look at this bill. The Rules Committee got this package very late last night, around midnight. We were told at that time just before midnight that it was online, available for the American people to see, and, Madam Speaker, it was not. Three sections were missing. Not until well after midnight was this made available. And so any Member who cast a vote in favor of allowing 48 hours for this measure to be considered should vote no on the previous question so that we will provide an amendment to allow for what

everyone said they wanted to in fact take place.

This measure is, as has been reported, a thousand pages, and no one knows what it's going to do, including our friend the chairman of the Appropriations Committee who in his testimony last night before the Rules Committee said he had no idea how many jobs would be created. He had no idea how many jobs would be created, but we have to take action. And, Madam Speaker, we can take action by putting into place a growth-oriented tax package which will in fact get our economy back on track.

I urge my colleagues to vote ''no'' on the previous question.

Mr. PERLMUTTER. Madam Speaker, my friend from California's story about the gentleman who committed suicide underscores the urgency of this matter. This is not a time for delay. This is not a time for inaction. It is a time for action. The President has requested this bill get passed to put America back to work. This bill will maintain or create 3.6 million jobs. We've lost hundreds of thousands of jobs over the course of the last few months. We need to stop that downward spiral and this will do that. It has five major components. First there's construction and reconstruction of our infrastructure. Current jobs, long-term investment. A look to the new energy future, new jobs in science and technology, in health care and in energy. It gives our States a chance to stay on their feet by backfilling some of their losses for teachers and firefighters and policemen and maintenance workers. There is a tax cut for 95 percent of America in this bill. Finally, there is a piece that helps those folks who have been hurt by this downturn with Medicaid and food stamps and unemployment insurance.

This bill is a fantastic step forward. There will be a series of steps that have to be taken and it will take time. But we have faith in the American people. We have faith in this country. We are going to change the direction of this Nation and put 3.5 million people back to work.

I urge a ''yes'' vote on the previous question.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 168 OFFERED BY MR. DREIER OF CALIFORNIA

Strike ''upon adoption of this resolution'' and insert ''not sooner than 10:45 p.m. on the calendar day of February 14, 2009''.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. PERLMUTTER. I yield the back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 234, nays 194, not voting 4, as follows:

[Roll No. 66]

YEAS—234

Abercrombie	Green, Gene	Neal (MA)
Ackerman	Grijalva	Oberstar
Adler (NJ)	Gutierrez	Obey
Andrews	Hall (NY)	Olver
Arcuri	Halvorson	Ortiz
Baca	Hare	Pallone
Baird	Harman	Pascrell
Baldwin	Hastings (FL)	Pastor (AZ)
Barrow	Heinrich	Payne
Bean	Herseth Sandlin	Perlmutter
Becerra	Higgins	Peters
Berkley	Himes	Peterson
Berman	Hinchey	Pingree (ME)
Berry	Hinojosa	Polis (CO)
Bishop (GA)	Hirono	Pomeroy
Bishop (NY)	Hodes	Price (NC)
Blumenauer	Holden	Rahall
Boccieri	Holt	Rangel
Boren	Honda	Reyes
Boswell	Hoyer	Richardson
Boucher	Inslee	Rodriguez
Brady (PA)	Israel	Ross
Braley (IA)	Jackson (IL)	Rothman (NJ)
Brown, Corrine	Jackson-Lee (TX)	Roybal-Allard
Butterfield	Johnson (GA)	Ruppersberger
Capps	Johnson, E. B.	Rush
Capuano	Kagen	Ryan (OH)
Cardoza	Kanjorski	Salazar
Carnahan	Kaptur	Sánchez, Linda T.
Carson (IN)	Kennedy	Sanchez, Loretta
Castor (FL)	Kildee	Sarbanes
Chandler	Kilpatrick (MI)	Schakowsky
Clarke	Kind	Schauer
Clay	Kirkpatrick (AZ)	Schiff
Cleaver	Kissell	Schrader
Clyburn	Klein (FL)	Schwartz
Cohen	Kosmas	Scott (GA)
Connolly (VA)	Kucinich	Scott (VA)
Conyers	Langevin	Serrano
Cooper	Larsen (WA)	Sestak
Costa	Larson (CT)	Shea-Porter
Costello	Lee (CA)	Sherman
Courtney	Levin	Sires
Crowley	Lewis (GA)	Skelton
Cuellar	Lipinski	Slaughter
Cummings	Loebsack	Smith (WA)
Dahlkemper	Lofgren, Zoe	Snyder
Davis (AL)	Lowey	Speier
Davis (CA)	Luján	Spratt
Davis (IL)	Lynch	Stupak
Davis (TN)	Maffei	Sutton
DeFazio	Maloney	Tanner
DeGette	Markey (CO)	Tauscher
Delahunt	Markey (MA)	Teague
DeLauro	Massa	Thompson (CA)
Dicks	Matheson	Thompson (MS)
Dingell	Matsui	Tierney
Doggett	McCarthy (NY)	Titus
Donnelly (IN)	McCollum	Tonko
Doyle	McDermott	Towns
Driehaus	McGovern	Tsongas
Edwards (MD)	McMahon	Van Hollen
Edwards (TX)	McNerney	Velázquez
Ellison	Meek (FL)	Visclosky
Ellsworth	Meeks (NY)	Walz
Engel	Melancon	Wasserman Schultz
Eshoo	Michaud	Waters
Etheridge	Miller (NC)	Watson
Farr	Miller, George	Watt
Fattah	Mollohan	Waxman
Filner	Moore (KS)	Weiner
Foster	Moore (WI)	Welch
Frank (MA)	Moran (VA)	Wexler
Fudge	Murphy (CT)	Wilson (OH)
Giffords	Murphy, Patrick	Woolsey
Gonzalez	Murtha	Wu
Gordon (TN)	Nadler (NY)	Yarmuth
Grayson	Napolitano	
Green, Al		

NAYS—194

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Campbell
Lee (NY)
Solis (CA)
Stark

□ 1107

Messrs. SHADEGG, BLUNT, MARSHALL and McINTYRE changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DREIER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 231, nays 194, not voting 7, as follows:

[Roll No. 67]

YEAS—231

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis (CA)
Space
Speier
Spratt
Stupak
Sutton
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lance
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Campbell
Cao
Israel
Lamborn
Lee (NY)
Radanovich
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1114

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CAO. Madam Speaker, on rollcall No. 67, I was unavoidably detained. Had I been present, I would have voted "nay."

□ 1115

PARLIAMENTARY INQUIRY

Ms. FOXX. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman from North Carolina will state her parliamentary inquiry.

Ms. FOXX. Madam Speaker, on February 10, 2009, the House adopted a motion to instruct conferees on H.R. 1 by a vote of 403 yeas and no nays. That motion directed the managers on the part of the House to withhold their signatures on the final conference agreement until that agreement had been available electronically for at least 48 hours.

Madam Speaker, it is a matter of public record that the three majority House conferees affixed their signatures to the conference agreement while the hard copy had been available for less than 1 hour and the electronic copy was as yet unavailable. In fact, a correct electronic copy was not made available until after midnight last night. So it is uncontroverted that the majority House conferees acted in direct opposition to the unanimous instructions of the House.

Madam Speaker, my inquiry is this: Given that the majority managers on the part of the House ignored the instructions given them by 403 of their colleagues, without a single dissenting vote, what remedy do we have against the managers who disregarded the instruction to make the conference report available for 48 hours?

The SPEAKER pro tempore. Members may illuminate such questions by their remarks in debate.

Ms. FOXX. Madam Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. FOXX. Just to clarify then, there is no point of order or other remedy available to address this flagrant violation of the instructions of the House?

The SPEAKER pro tempore. It is not the province of the Chair to render advisory opinions or rule on questions of order not actually presented.

CONFERENCE REPORT ON H.R. 1, AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Mr. OBEY. Madam Speaker, pursuant to House Resolution 168, I call up the conference report on the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The conference report to accompany the bill (H.R. 1) contains an emergency designation for purposes of pay-as-you-go principles. Accordingly, the Chair must put the question of consideration under clause 10(c)(3) of rule XXI.

The question is, Will the House now consider the conference report?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 232, nays 195, not voting 5, as follows:

[Roll No. 68]

YEAS—232

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Snyder
Solis (CA)
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—195

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cohen
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Campbell
Davis (TN)
Gordon (TN)
Lee (NY)
Stark

□ 1137

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. LEWIS of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. TIERNEY). The gentleman may state his inquiry.

Mr. LEWIS of California. Mr. Speaker, it is my understanding that the rule has allowed for 90 minutes of debate on this $800 billion package; is that correct?

The SPEAKER pro tempore. Ninety minutes is correct.

Does the gentleman have a parliamentary inquiry?

Mr. LEWIS of California. It is my understanding that many Members who wish to debate this matter, thereby, will not be allowed time because of the limited time. I further understand that I am not allowed to ask for an extension of time under the rule; is that correct?

The SPEAKER pro tempore. The Chair cannot anticipate what request will be made.

Mr. LEWIS of California. Then let me further say it is my understanding that an extension of time, which would be the request, can only be made by the gentleman from Wisconsin; is that correct?

The SPEAKER pro tempore. The Chair will deal with the unanimous consent requests as they may occur.

Mr. LEWIS of California. You are forcing me to do that which we really should not have to do.

The SPEAKER pro tempore. Well, the Chair thinks the gentleman can read the rule and can understand it, but if he wishes to proceed, he may go ahead.

Mr. LEWIS of California. I hope the gentleman from Wisconsin will respond, but I would ask unanimous consent that we extend debate time by 1 hour.

The SPEAKER pro tempore. The Chair would look to the gentleman from Wisconsin to propound such a request.

Mr. LEWIS of California. Then let me ask the gentleman from Wisconsin: Would you consider such a request?

Mr. OBEY. If the gentleman would yield, I would simply note the House has already voted on how it intends to proceed, and I see no reason to depart from that.

Mr. LEWIS of California. I believe the gentleman could initiate it by unanimous consent, and he has the authority for that. I urge the gentleman to do so. All of our people want more time.

The SPEAKER pro tempore. Is the gentleman stating a parliamentary inquiry?

Mr. LEWIS of California. I very much appreciate the Speaker for his time.

Mr. OBEY. If the gentleman is asking, would the gentleman yield for a response?

The SPEAKER pro tempore. The gentleman from California no longer seeks recognition.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. Please state the inquiry.

Mr. PRICE of Georgia. Mr. Speaker, earlier this week, the House passed a unanimous motion to instruct which directed the conferees to make the text of this report available for 48 hours before being considered.

Under House rules, what is the effect of a motion to instruct?

The SPEAKER pro tempore. Instructions by the House to its conferees are advisory in nature and are not binding as a limitation on their authority.

Mr. PRICE of Georgia. A further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. PRICE of Georgia. Then a unanimous motion to instruct adopted by this House is not binding at all and, therefore, is of no consequence; is that correct?

The SPEAKER pro tempore. The Chair will repeat: Instructions by the House to its conferees are advisory in nature and are not binding as a limitation on their authority.

Mr. PRICE of Georgia. A further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. PRICE of Georgia. Under House rules, isn't it true that a conference report cannot be made in order and considered on the floor unless it has been available for 3 calendar days?

The SPEAKER pro tempore. This question is hypothetical as any such point of order has been waived.

Mr. PRICE of Georgia. Mr. Speaker, I reserve a point of order under rule XXII, clause 8 whereby the conference report shall not be in order and will be considered as read unless it has been available for 3 calendar days.

The SPEAKER pro tempore. The point of order has been waived.

Mr. PRICE of Georgia. Mr. Speaker, a further inquiry then.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. PRICE of Georgia. Is there an opportunity under the rules to allow for a reading of the over 1,000-page bill that is being considered currently?

The SPEAKER pro tempore. The order of the House provides that the conference report is considered as read.

Mr. PRICE of Georgia. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. PRICE of Georgia. As the ruling of the Chair, as the ruling of the Speaker, it is my understanding then, in having this bill of over 1,000 pages made available to the Members of the House after 11 or 12 o'clock last night, that this is to have been considered read even though it is physically impossible for any Member to have read this bill; is that correct?

The SPEAKER pro tempore. House Resolution 168 provides that the conference report is considered as read.

Mr. PRICE of Georgia. I thank the Speaker.

The SPEAKER pro tempore. Pursuant to House Resolution 168, the conference report is considered read.

(For conference report and statement, see proceedings of the House of February 12, 2009, at page 3887.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 45 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the conference report accompanying H.R. 1, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 10 seconds.

As Senator COCHRAN said, the time for talk is over. It is time to vote. The country needs this package. I urge support. I think we ought to get on with it.

ECONOMIC ANALYSIS OF THE CONFERENCE REPORT ON H.R. 1, THE AMERICAN RECOVERY AND REINVESTMENT ACT

Economists generally agree that the Nation is facing one of the most dire economic crises in our history. Over the past three months 1.8 million jobs have been lost after falling the same amount in the prior ten months. Other economic data also point to an ever-faster sinking U.S. economy:

Unemployment has soared by 4.1 million, an increase of more than 50 percent from 7.5 million to 11.6 million since December 2007 when the recession began.

Full time employment dropped 3.5 million over the last three months, much faster than at any time since the data began in 1967.

Consumer demand for goods fell at an 11 percent rate in the second half of 2008, faster than at any time in the 62 years of data.

Only five months in six decades of data saw lower use of our manufacturing capacity than the 70.2 percent recorded in December.

Exports fell at a 19.7 percent annual rate in the most recent quarter.

Nothing indicates that these trends will not continue unless the federal government acts. While forecasters differ on specifics, many believe that without quick and decisive action the Nation could suffer another 5 million job losses over the coming year.

The U.S. economy is caught in a vicious downward spiral with self-reinforcing declines in spending, sales, jobs, income, profits, government revenues, state and local services, investment, and global trade. The federal government is the only major actor in the U.S. economy with the capacity to stop the downward spiral.

The current downturn looks a lot more like the early stages of the Great Depression than any episode since the 1930s:

Rapid shrinkage in private credit, with crisis in every major financial sector;

The favorite tool of the Federal Reserve (the short term rate to banks) already lowered to virtually zero;

Evaporating household wealth with plunging values of homes and financial assets;

Record high supplies of vacant homes and declines in home values with no end in sight;

The fewest cars sold relative to the population since the 1940s; and

Inflation is verging on negative territory or deflation, a condition that discourages consumption, as people wait to buy at lower prices, and investment, as sales become more

problematic and effective borrowing costs rise. Deflation also undermines monetary policy because interest rates cannot go negative.

Opponents of the American Recovery and Reinvestment Act often argue that ''spending is not stimulus'' because spending by government just reduces spending by others. That argument effectively assumes that total spending in the economy cannot be raised. That would make sense if either (1) we were at full employment or (2) increased government borrowing came from lenders who would otherwise spend the money on U.S. goods and services. Neither condition applies today. We have high rates of unemployed labor and capital equipment. We also find lenders eager to fund federal borrowing rather than to spend, as evidenced by exceptionally low interest rates on U.S. Treasury Bills. These are textbook conditions justifying federal government borrowing to boost the economy.

Some critics of this legislation have misinterpreted Congressional Budget Office (CBO) analysis of the effects of this legislation on jobs and Gross Domestic Product (GDP) over the next ten years. CBO found that bills like those passed in the House and Senate would increase job-years by 3.1 million to 9.0 million over the next six years and would not lower jobs thereafter. CBO also found that GDP would be raised over the next ten years. GDP would be boosted 3 to 10 percent over the next several years. If only this bill is enacted and nothing is done to raise saving, the bill would have a zero to 0.2 percent annual reduction of GDP in the long run.

Other opponents of this legislation have proposed as an alternative measures intended to boost housing production or prices. With 2.9 percent of homes still vacant, half again as much as at any time prior to 2005, we could fritter away hundreds of billions of dollars of additional deficit with a negligible boost to the economy or jobs.

The Congressional Budget Office and private economic forecasters have evaluated various options for boosting national spending from an additional dollar of federal deficit. They have consistently found that the highest ''bang for the buck'' occurs with either direct federal spending or transferring funds to those with tight budget constraints such as cash-strapped households and state and local governments with falling revenues and balanced budget requirements. In contrast, they find that much less additional spending would result from making more money available to those with high incomes or to companies with excess capacity. In recent testimony, CBO Director Elmendorf stated, ''In CBO's judgment, H.R. 1 would provide a substantial boost to economic activity over the next several years relative to what would occur without any legislation.''

The bill's $789 billion price tag sounds large, but it is more likely to be too little than too much. The CBO director has testified that, if nothing is done, our economic output will fall below its potential by close to a trillion dollars this year and next and by another $600 billion in 2011. He noted that this would be the largest gap relative to the size of potential output since the Great Depression. It would represent a loss in Americans' income and output of $2.5 trillion, or about $8,000 per person, that will be lost forever.

The forecasters at the Congressional Budget Office, Moody's Economy.com, Macroeconomic Advisors, and the Obama Administration have all estimated that enactment of this legislation could create or save 3 to 4 million jobs. If we can gainfully employ those millions of people, as opposed to having them be unemployed, they can create a stronger economy for the future by building infrastructure, creating technologies, and improving their education and skills.

The following table summarizes the funding levels in division A of the conference report:

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
(Amounts in thousands)

	House	Senate	Conference	Conference vs. House	Conference vs Senate
TITLE I - AGRICULTURE, NUTRITION, AND RURAL DEVELOPMENT					
DEPARTMENT OF AGRICULTURE					
Office of the Secretary	---	200,000	---	---	-200,000
Office of Inspector General	22,500	22,500	22,500	---	---
Cooperative State Research, Education, and Extension Service, research and education activities	---	50,000	---	---	-50,000
Agriculture buildings and facilities and rental payments	44,000	---	24,000	-20,000	+24,000
Agricultural Research Service:					
Buildings and facilities	209,000	---	176,000	-33,000	+176,000
Farm Service Agency:					
Salaries and expenses	245,000	---	50,000	-195,000	+50,000
Agricultural Credit Insurance Fund Program Account:					
Loan authorizations.					
Farm ownership loans:					
Direct	---	(300,000)	---	---	(-300,000)
Unsubsidized guaranteed	---	(100,000)	---	---	(-100,000)
Subtotal	---	(400,000)	---	---	(-400,000)
Farm operating loans:					
Direct	---	(200,000)	---	---	(-200,000)
Unsubsidized guaranteed	---	(50,000)	---	---	(-50,000)
Subtotal	---	(250,000)	---	---	(-250,000)
Loan subsidies:					
Farm ownership loans:					
Direct	---	17,200	---	---	-17,200
Unsubsidized guaranteed	---	330	---	---	-330
Subtotal	---	(17,530)	---	---	(-17,530)
Farm operating loans:					
Direct	---	23,600	---	---	-23,600
Unsubsidized guaranteed	---	1,300	---	---	-1,300
Subtotal	---	(24,900)	---	---	(-24,900)
Total, Agricultural Credit Insurance Fund Program Account	---	42,430	---	---	-42,430
(Loan authorizations)	---	(850,000)	---	---	(-650,000)
Total, Farm Service Agency	245,000	42,430	50,000	-195,000	+7,570
Natural Resources Conservation Service:					
Watershed and flood prevention operations	350,000	275,000	290,000	-60,000	+15,000
Watershed rehabilitation program	50,000	65,000	50,000	---	-15,000
Total, Natural Resources Conservation Service	400,000	340,000	340,000	-60,000	---
Rural Development Programs					
Rural development salaries and expenses	---	80,000	---	---	-80,000
Rural Community Advancement Program:					
Loan authorizations:					
Rural community facilities direct loans	(1,102,000)	---	---	(-1,102,000)	---
Business and industry guaranteed loans	(2,000,000)	---	---	(-2,000,000)	---
Rural water and waste disposal direct loans	(2,736,000)	---	---	(-2,736,000)	---
Subtotal	(5,838,000)	---	---	(-5,838,000)	---

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(Amounts in thousands)

	House	Senate	Conference	Conference vs. House	Conference vs Senate
Loan subsidies:					
Rural community facilities direct loans	63,000	---	---	-63,000	---
Rural community facilities guaranteed loans	---	---	---	---	---
Rural community facilities grants	137,000	---	---	-137,000	---
Business and industry guaranteed loans	87,000	---	---	-87,000	---
Rural business enterprise grants	13,000	---	---	-13,000	---
Rural water and waste disposal direct loans	400,000	---	---	-400,000	---
Rural water and waste disposal grants	1,100,000	---	---	-1,100,000	---
Subtotal	(1,800,000)	---	---	(-1,800,000)	---
Total, Rural Community Advancement Program	1,800,000	---	---	-1,800,000	---
(Loan authorizations)	(5,838,000)	---	---	(-5,838,000)	---
Rural Housing Service:					
Rural Housing Insurance Fund Program Account.					
Loan authorizations:					
Single family (sec. 502):					
Direct loans	(4,018,000)	(1,000,000)	(1,000,000)	(-3,018,000)	---
Unsubsidized guaranteed loans	(18,111,000)	(10,472,000)	(10,472,000)	(-7,639,000)	---
Subtotal	(22,129,000)	(11,472,000)	(11,472,000)	(-10,657,000)	---
Loan subsidies:					
Single family (sec. 502):					
Direct loans	270,000	67,000	67,000	-203,000	---
Unsubsidized guaranteed loans	230,000	133,000	133,000	-97,000	---
Subtotal	(500,000)	(200,000)	(200,000)	(-300,000)	---
Rural community facilities program account:					
Loan subsidies and grants:					
Direct	---	67,000	67,000	+67,000	---
Guaranteed	---	10,000	---	---	-10,000
Grants	---	50,000	63,000	+63,000	+13,000
Subtotal	---	127,000	130,000	+130,000	+3,000
Total, Rural Housing Service	500,000	327,000	330,000	-170,000	+3,000
(Loan authorizations)	(22,129,000)	(11,472,000)	(11,472,000)	(-10,657,000)	---
Rural Business-Cooperative Service:					
Rural Business Program Account.					
Loan subsidies and grants:					
Guaranteed business and industry subsidy	---	130,000	130,000	+130,000	---
Rural business enterprise grants	---	20,000	20,000	+20,000	---
Subtotal	---	150,000	150,000	+150,000	---
Biorefinery assistance	---	200,000	---	---	-200,000
Rural energy for America program	---	50,000	---	---	-50,000
Total, Rural Business-Cooperative Service	---	400,000	150,000	+150,000	-250,000
Rural Utilities Service:					
Rural water and waste disposal program account:					
Direct loans subsidy	---	412,000	412,000	+412,000	---
Grants	---	963,000	968,000	+968,000	+5,000
Subtotal	---	1,375,000	1,380,000	+1,380,000	+5,000
Distance learning, telemedicine, and broadband program:					
Distance learning and telemedicine loans	---	10,000	---	---	-10,000
Distance learning and telemedicine grants	---	90,000	---	---	-90,000
Broadband subsidies and grants	2,825,000	---	2,500,000	-325,000	+2,500,000
Total, Rural Development Programs	5,125,000	2,282,000	4,360,000	-765,000	+2,078,000
(Loan Authorizations)	(27,967,000)	(11,472,000)	(11,472,000)	(-16,495,000)	---
Food and Nutrition Service					
Child nutrition programs	---	100,000	100,000	+100,000	---
Special supplemental nutrition program for women, infants, and children (WIC)	100,000	120,000	100,000	---	-20,000
Contingency fund	---	380,000	400,000	+400,000	+20,000
Subtotal	100,000	500,000	500,000	+400,000	---

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(Amounts in thousands)

	House	Senate	Conference	Conference vs. House	Conference vs Senate
Emergency food assistance program (emergency)	150,000	150,000	150,000	---	---
Total, Food and nutrition service	250,000	750,000	750,000	+500,000	---
General Provisions					
Supplemental nutrition assistance program benefits increase (H. Sec. 2001)(S. Sec. 102)	4,859,000	8,231,000	4,859,000	---	-3,372,000
FY 2010	6,056,000	4,864,000	6,056,000	---	+1,192,000
FY 2011-2014	9,076,000	3,467,000	9,076,000	---	+5,609,000
Subtotal	(19,991,000)	(16,562,000)	(19,991,000)	---	(+3,429,000)
Afterschool feeding program (Sec. 2002)	15,000	---	---	-15,000	---
FY 2010	38,000	---	---	-38,000	---
FY 2011-2019	673,000	---	---	-673,000	---
Subtotal	(726,000)	---	---	(-726,000)	---
Agricultural disaster assistance (S. Sec 103)	---	806,000	744,000	+744,000	-62,000
Farm Bill administration (S. Sec. 106)	---	4,000	4,000	+4,000	---
FY 2010	---	4,000	4,000	+4,000	---
FY 2011-2019	---	26,000	---	---	-26,000
Subtotal	---	(34,000)	(8,000)	(+8,000)	(-26,000)
Total, General Provisions	20,717,000	17,402,000	20,743,000	+26,000	+3,341,000
FY 2009	(4,874,000)	(9,041,000)	(5,607,000)	(+733,000)	(-3,434,000)
FY 2010	(6,094,000)	(4,868,000)	(6,060,000)	(-34,000)	(+1,192,000)
FY 2011 through FY 2019	(9,749,000)	(3,493,000)	(9,076,000)	(-673,000)	(+5,583,000)
Total, title I	27,012,500	21,088,930	26,465,500	-547,000	+5,376,570
FY 2009	(11,169,500)	(12,727,930)	(11,329,500)	(+160,000)	(-1,398,430)
FY 2010	(6,094,000)	(4,868,000)	(6,060,000)	(-34,000)	(+1,192,000)
FY 2011 through FY 2019	(9,749,000)	(3,493,000)	(9,076,000)	(-673,000)	(+5,583,000)
(Loan Authorizations)	(27,967,000)	(12,122,000)	(11,472,000)	(-16,495,000)	(-650,000)
TITLE II - COMMERCE, JUSTICE, AND SCIENCE					
DEPARTMENT OF COMMERCE					
Bureau of Industry and Security					
Operations and administration	---	20,000	---	---	-20,000
Economic Development Administration					
Economic development assistance programs	250,000	150,000	150,000	-100,000	---
Bureau of the Census					
Periodic censuses and programs	1,000,000	1,000,000	1,000,000	---	---
National Telecommunications and Information Administration					
Salaries and expenses	350,000	350,000	---	-350,000	-350,000
Wireless and broadband deployment grant programs	2,825,000	---	---	-2,825,000	---
Broadband technology opportunities program	---	6,650,000	4,700,000	+4,700,000	-1,950,000
Digital-to-analog converter box program	650,000	650,000	650,000	---	---
Total, National Telecommunications and Information Administration	3,825,000	7,650,000	5,350,000	+1,525,000	-2,300,000
National Institute of Standards and Technology					
Scientific and technical research and services	100,000	168,000	220,000	+120,000	+52,000
Industrial technology services	100,000	---	---	-100,000	---
Technology Innovation Program	(70,000)	---	---	(-70,000)	---
Manufacturing Extension Partnership	(30,000)	---	---	(-30,000)	---
Construction of research facilities	300,000	307,000	360,000	+60,000	+53,000
Total, National Institute of Standards and Technology	500,000	475,000	580,000	+80,000	+105,000

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
(Amounts in thousands)

	House	Senate	Conference	Conference vs. House	Conference vs Senate
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	400,000	377,000	230,000	-170,000	-147,000
Procurement, acquisition and construction	600,000	645,000	600,000	---	-45,000
Total, National Oceanic and Atmospheric Administration	1,000,000	1,022,000	830,000	-170,000	-192,000
Departmental Management					
Office of Inspector General	10,000	6,000	6,000	-4,000	---
Total, Department of Commerce	6,585,000	10,323,000	7,916,000	+1,331,000	-2,407,000
DEPARTMENT OF JUSTICE					
General Administration					
Tactical law enforcement wireless communications	---	100,000	---	---	-100,000
Detention trustee	---	100,000	---	---	-100,000
Office of Inspector General	2,000	2,000	2,000	---	---
Total, General Administration	2,000	202,000	2,000	---	-200,000
United States Marshals Service					
Salaries and expenses	---	50,000	---	---	-50,000
Construction	---	100,000	---	---	-100,000
Total, United States Marshals Service	---	150,000	---	---	-150,000
Federal Bureau of Investigation					
Salaries and expenses	---	75,000	---	---	-75,000
Construction	---	300,000	---	---	-300,000
Total, Federal Bureau of Investigation	---	375,000	---	---	-375,000
Federal Prison System					
Buildings and facilities	---	800,000	---	---	-800,000
State and Local Law Enforcement Activities					
Office on Violence Against Women:					
Prevention and prosecution programs	---	300,000	225,000	+225,000	-75,000
Office of Justice Programs:					
State and local law enforcement assistance	3,000,000	2,190,000	2,765,000	-235,000	+575,000
Community oriented policing services	1,000,000	1,000,000	1,000,000	---	---
Salaries and expenses	---	10,000	10,000	+10,000	---
Total, State and Local Law Enforcement Activities	4,000,000	3,500,000	4,000,000	---	+500,000
Total, Department of Justice	4,002,000	5,027,000	4,002,000	---	-1,025,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION					
Science	400,000	450,000	400,000	---	-50,000
Aeronautics	150,000	200,000	150,000	---	-50,000
Exploration	---	450,000	400,000	+400,000	-50,000
Cross agency support	50,000	200,000	50,000	---	-150,000
Office of Inspector General	2,000	2,000	2,000	---	---
Total, National Aeronautics and Space Administration	602,000	1,302,000	1,002,000	+400,000	-300,000
NATIONAL SCIENCE FOUNDATION					
Research and related activities	2,500,000	1,000,000	2,500,000	---	+1,500,000
Education and human resources	100,000	50,000	100,000	---	+50,000
Major research equipment and facilities construction	400,000	150,000	400,000	---	+250,000
Office of Inspector General	2,000	2,000	2,000	---	---
Total, National Science Foundation	3,002,000	1,202,000	3,002,000	---	+1,800,000
Total, title II	14,191,000	17,854,000	15,922,000	+1,731,000	-1,932,000

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(Amounts in thousands)

	House	Senate	Conference	Conference vs. House	Conference vs Senate
TITLE III - DEFENSE					
DEPARTMENT OF DEFENSE					
Facility Infrastructure Investments, Defense					
Operation and Maintenance, Army	1,490,804	1,169,291	1,474,525	-16,279	+305,234
Operation and Maintenance, Navy	624,380	571,843	657,051	+32,671	+85,208
Operation and Maintenance, Marine Corps	128,499	112,167	113,865	-14,634	+1,698
Operation and Maintenance, Air Force	1,236,810	927,113	1,095,959	-140,851	+168,846
Operation and Maintenance, Army Reserve	110,899	79,543	98,269	-12,630	+18,726
Operation and Maintenance, Navy Reserve	62,162	44,586	55,083	-7,079	+10,497
Operation and Maintenance, Marine Corps Reserve	45,038	32,304	39,909	-5,129	+7,605
Operation and Maintenance, Air Force Reserve	14,881	10,674	13,187	-1,694	+2,513
Operation and Maintenance, Army National Guard	302,700	215,557	266,304	-36,396	+50,747
Operation and Maintenance, Air National Guard	29,169	20,922	25,848	-3,321	+4,926
Total, Facility Infrastructure Investments	4,045,342	3,184,000	3,840,000	-205,342	+656,000
Procurement					
Defense Production Act Purchases	---	100,000	---	---	-100,000
Energy Research and Development, Defense					
Research, Development, Test and Evaluation, Army	87,500	---	75,000	-12,500	+75,000
Research, Development, Test and Evaluation, Navy	87,500	---	75,000	-12,500	+75,000
Research, Development, Test and Evaluation, Air Force	87,500	---	75,000	-12,500	+75,000
Research, Development, Test and Evaluation, Defense-wide	87,500	200,000	75,000	-12,500	-125,000
Total, Energy Research and Development	350,000	200,000	300,000	-50,000	+100,000
Other Department of Defense Programs					
Defense Health Program: Operations and maintenance	454,658	250,000	400,000	-54,658	+150,000
Office of the Inspector General	15,000	15,000	15,000	---	---
Total, Other Department of Defense Programs	469,658	265,000	415,000	-54,658	+150,000
Total, title III	4,865,000	3,749,000	4,555,000	-310,000	+806,000
TITLE IV - ENERGY AND WATER DEVELOPMENT					
DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
Investigations	---	25,000	25,000	+25,000	---
Construction	2,000,000	2,000,000	2,000,000	---	---
Mississippi River and tributaries	250,000	500,000	375,000	+125,000	-125,000
Operation and Maintenance	2,225,000	1,900,000	2,075,000	-150,000	+175,000
Regulatory program	25,000	25,000	25,000	---	---
Formerly utilized sites remedial action program	---	100,000	100,000	+100,000	---
Flood control and coastal emergencies	---	50,000	---	---	-50,000
Total, Department of Defense - Civil	4,500,000	4,600,000	4,600,000	+100,000	---
DEPARTMENT OF THE INTERIOR					
Bureau of Reclamation					
Water and related resources	500,000	1,400,000	1,000,000	+500,000	-400,000
DEPARTMENT OF ENERGY					
Energy Programs					
Energy efficiency and renewable energy	18,500,000	14,398,000	16,800,000	-1,700,000	+2,402,000
Electricity delivery and energy reliability	4,500,000	4,500,000	4,500,000	---	---
Advanced Battery Loan Guarantee Program	1,000,000	---	---	-1,000,000	---
Institutional Loan Guarantee Program	500,000	---	---	-500,000	---
Innovative Technology Loan Guarantee Program	8,000,000	9,000,000	6,000,000	-2,000,000	-3,000,000
Fossil Energy	2,400,000	4,600,000	3,400,000	+1,000,000	-1,200,000
Science	2,000,000	330,000	1,600,000	-400,000	+1,270,000
Advanced Research Projects Agency-Energy	---	---	400,000	+400,000	+400,000
Non-defense environmental cleanup	---	483,000	483,000	+483,000	---

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(Amounts in thousands)

	House	Senate	Conference	Conference vs. House	Conference vs Senate
Uranium enrichment decontamination and decommissioning	---	390,000	390,000	+390,000	---
Office of the Inspector General	15,000	15,000	15,000	---	---
Total, Energy Programs	36,915,000	33,716,000	33,588,000	-3,327,000	-128,000
Atomic Energy Defense Activities					
National Nuclear Security Administration:					
Weapons activities	---	1,000,000	---	---	-1,000,000
Environmental and Other Defense Activities					
Defense environmental cleanup	500,000	5,527,000	5,127,000	+4,627,000	-400,000
Construction, rehabilitation, operation and maintenance: Western Area Power Administration	---	10,000	10,000	+10,000	---
Total,Environmental and Other Defense Activities	500,000	5,537,000	5,137,000	+4,637,000	-400,000
Total, Department of Energy	37,415,000	40,253,000	38,725,000	+1,310,000	-1,528,000
General Provisions					
Western Area Power Administration					
(borrowing authority) (H. Sec. 5004)(S. Sec. 402)	10,000	10,000	10,000	---	---
FY 2010	125,000	125,000	125,000	---	---
FY 2011-2018	3,115,000	3,115,000	3,115,000	---	---
Subtotal	(3,250,000)	(3,250,000)	(3,250,000)	---	---
Bonneville Power Administration (borrowing authority)					
(H. Sec. 5006) (S. Sec. 402) FY 2010	50,000	50,000	50,000	---	---
FY 2011-2018	3,200,000	3,200,000	3,200,000	---	---
Subtotal	(3,250,000)	(3,250,000)	(3,250,000)	---	---
Total, General provisions	6,500,000	6,500,000	6,500,000	---	---
FY 2009	(10,000)	(10,000)	(10,000)	---	---
FY 2010	(175,000)	(175,000)	(175,000)	---	---
FY 2011 through FY 2019	(6,315,000)	(6,315,000)	(6,315,000)	---	---
Total, title IV	48,915,000	52,753,000	50,825,000	+1,910,000	-1,928,000
FY 2009	(42,425,000)	(46,263,000)	(44,335,000)	(+1,910,000)	(-1,928,000)
FY 2010	(175,000)	(175,000)	(175,000)	---	---
FY 2011 through FY 2019	(6,315,000)	(6,315,000)	(6,315,000)	---	---
TITLE V - FINANCIAL SERVICES AND GENERAL GOVERNMENT					
DEPARTMENT OF THE TREASURY					
Departmental Offices					
Treasury Inspector General for Tax Administration	---	7,000	7,000	+7,000	---
Community development financial institutions fund program account	---	250,000	100,000	+100,000	-150,000
Internal Revenue Service					
Health Insurance Tax Credit Administration	---	---	80,000	+80,000	+80,000
Total, Department of the Treasury	---	257,000	187,000	+187,000	-70,000
DISTRICT OF COLUMBIA					
Federal payment to the District of Columbia Water and Sewer Authority	---	125,000	---	---	-125,000
General Services Administration					
Federal Buildings Fund:					
Construction, repairs and alterations	7,700,000	5,548,000	5,550,000	-2,150,000	+2,000
Energy efficient federal motor vehicle fleet procurement	600,000	300,000	300,000	-300,000	---
Office of Inspector General	15,000	7,000	7,000	-8,000	---
Total, General Services Administration	8,315,000	5,855,000	5,857,000	-2,458,000	+2,000
Recovery Act Accountability and Transparency Board	14,000	7,000	84,000	+70,000	+77,000

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(Amounts in thousands)

	House	Senate	Conference	Conference vs. House	Conference vs Senate
Small Business Administration					
Salaries and expenses	---	84,000	69,000	+69,000	-15,000
Office of Inspector General	10,000	10,000	10,000	---	---
Surety bond guarantees revolving fund	---	15,000	15,000	+15,000	---
Business Loans Program Account:					
Direct and guaranteed loans subsidy	426,000	621,000	636,000	+210,000	+15,000
Administrative expenses	4,000	---	---	-4,000	---
Total, Small Business Administration	440,000	730,000	730,000	+290,000	---
Total, title V	8,769,000	6,974,000	6,858,000	-1,911,000	-116,000
TITLE VI - HOMELAND SECURITY					
DEPARTMENT OF HOMELAND SECURITY					
Departmental Management and Operations					
Office of the Under Secretary for Management	---	198,000	200,000	+200,000	+2,000
Office of Inspector General	2,000	5,000	5,000	+3,000	---
Total, Departmental Management and Operations	2,000	203,000	205,000	+203,000	+2,000
U.S. Customs and Border Protection					
Salaries and expenses	100,000	198,000	160,000	+60,000	-38,000
Border security fencing, infrastructure, and technology	---	200,000	100,000	+100,000	-100,000
Construction	150,000	800,000	420,000	+270,000	-380,000
Total, U.S. Customs and Border Protection	250,000	1,198,000	680,000	+430,000	-518,000
Immigration and Customs Enforcement					
Automation modernization	---	27,800	20,000	+20,000	-7,800
Transportation Security Administration					
Aviation security	500,000	1,000,000	1,000,000	+500,000	---
Coast Guard					
Acquisition, construction and improvements	---	450,000	98,000	+98,000	-352,000
Alteration of bridges	150,000	240,400	142,000	-8,000	-98,400
Total, Coast Guard	150,000	690,400	240,000	+90,000	-450,400
Federal Emergency Management Agency					
Management and administration	---	6,000	---	---	-6,000
State and local programs	---	950,000	300,000	+300,000	-650,000
Firefighter assistance grants	---	500,000	210,000	+210,000	-290,000
Emergency food and shelter	200,000	100,000	100,000	-100,000	---
Total, Federal Emergency Management Agency	200,000	1,556,000	610,000	+410,000	-946,000
Federal Law Enforcement Training Center					
Acquisitions, construction, improvements, and related expenses	---	15,000	---	---	-15,000
Total, title VI	1,102,000	4,690,200	2,755,000	+1,653,000	-1,935,200
TITLE VII - INTERIOR AND ENVIRONMENT					
DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	---	135,000	125,000	+125,000	-10,000
Construction	325,000	180,000	180,000	-145,000	---
Wildland fire management	---	15,000	15,000	+15,000	---
Total, Bureau of Land Management	325,000	330,000	320,000	-5,000	-10,000

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(Amounts in thousands)

	House	Senate	Conference	Conference vs. House	Conference vs Senate
U.S. Fish and Wildlife Service					
Resource management	---	165,000	165,000	+165,000	---
Construction	300,000	110,000	115,000	-185,000	+5,000
Total, United States Fish and Wildlife Service	300,000	275,000	280,000	-20,000	+5,000
National Park Service					
Operation of the National Park System	---	158,000	146,000	+146,000	-12,000
Historic Preservation Fund	---	---	---	---	---
(transfer from construction)	(15,000)	---	---	(-15,000)	---
Historically Black Colleges and Universities	---	---	15,000	+15,000	+15,000
Construction	1,700,000	589,000	589,000	-1,111,000	---
Centennial Challenge	100,000	---	---	-100,000	---
Total, National Park Service	1,800,000	747,000	750,000	-1,050,000	+3,000
United States Geological Survey					
Surveys, investigations, and research	200,000	135,000	140,000	-60,000	+5,000
Bureau of Indian Affairs					
Operation of Indian programs	---	40,000	40,000	+40,000	---
Construction	500,000	522,000	450,000	-50,000	-72,000
Indian guaranteed loan program account	---	10,000	10,000	+10,000	---
Total, Bureau of Indian Affairs	500,000	572,000	500,000	---	-72,000
Insular Affairs					
Assistance to Territories	---	62,000	---	---	-62,000
Office of Inspector General	15,000	15,000	15,000	---	---
Central Hazardous Materials Fund	---	20,000	---	---	-20,000
Total, Department of the Interior	3,140,000	2,156,000	2,005,000	-1,135,000	-151,000
ENVIRONMENTAL PROTECTION AGENCY					
Hazardous substance superfund	800,000	600,000	600,000	-200,000	---
Leaking Underground Storage Tank Trust Fund	200,000	200,000	200,000	---	---
State and tribal assistance grants	8,400,000	6,400,000	6,400,000	-2,000,000	---
Office of Inspector General	20,000	---	20,000	---	+20,000
Total, Environmental Protection Agency	9,420,000	7,200,000	7,220,000	-2,200,000	+20,000
DEPARTMENT OF AGRICULTURE					
Forest Service					
Capital improvement and maintenance	650,000	650,000	650,000	---	---
Wildland fire management	850,000	485,000	500,000	-350,000	+15,000
Total, Department of Agriculture	1,500,000	1,135,000	1,150,000	-350,000	+15,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services	---	135,000	85,000	+85,000	-50,000
Indian health facilities	550,000	410,000	415,000	-135,000	+5,000
Total, Indian Health Service	550,000	545,000	500,000	-50,000	-45,000
OTHER RELATED AGENCIES					
Smithsonian Institution					
Facilities capital	150,000	75,000	25,000	-125,000	-50,000

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
(Amounts in thousands)

	House	Senate	Conference	Conference vs. House	Conference vs Senate
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	50,000	---	50,000	---	+50,000
Total, Other Related Agencies	200,000	75,000	75,000	-125,000	---
Total, title VII	14,810,000	11,111,000	10,950,000	-3,860,000	-161,000
TITLE VIII - LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION					
DEPARTMENT OF LABOR					
Employment and Training Administration					
Training and employment services	4,000,000	3,250,000	3,950,000	-50,000	+700,000
Community service employment for older Americans	120,000	120,000	120,000	---	---
State unemployment insurance and employment service operations (trust funds)	500,000	400,000	400,000	-100,000	---
Total, Employment and Training Administration	4,620,000	3,770,000	4,470,000	-150,000	+700,000
Departmental Management					
Salaries and expenses	80,000	---	80,000	---	+80,000
Office of Job Corps	300,000	160,000	250,000	-50,000	+90,000
Office of Inspector General	6,000	3,000	6,000	---	+3,000
Total, Departmental Management	386,000	163,000	336,000	-50,000	+173,000
Total, Department of Labor	5,006,000	3,933,000	4,806,000	-200,000	+873,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Health Resources and Services Administration					
Health resources and services	1,638,000	1,958,000	2,500,000	+862,000	+542,000
FY 2010	550,000	---	---	-550,000	---
Subtotal	(2,188,000)	(1,958,000)	(2,500,000)	(+312,000)	(+542,000)
Centers for Disease Control and Prevention					
Disease control, research, and training	462,000	---	---	-462,000	---
Buildings and facilities	---	412,000	---	---	-412,000
National Institutes of Health					
National Center for Research Resources	1,500,000	300,000	1,300,000	-200,000	+1,000,000
Office of the Director	750,000	9,200,000	8,200,000	+7,450,000	-1,000,000
FY 2010	750,000	---	---	-750,000	---
Subtotal	(1,500,000)	(9,200,000)	(8,200,000)	(+6,700,000)	(-1,000,000)
Buildings and facilities	500,000	500,000	500,000	---	---
Total, National Institutes of Health	3,500,000	10,000,000	10,000,000	+6,500,000	---
FY 2009	(2,750,000)	(10,000,000)	(10,000,000)	(+7,250,000)	---
FY 2010	(750,000)	---	---	(-750,000)	---
Agency for Healthcare Research and Quality					
Healthcare research and quality	1,100,000	1,100,000	1,100,000	---	---
Administration for Children and Families					
Low-income home energy assistance: FY 2010	1,000,000	---	---	-1,000,000	---
Payments to States for the Child Care and Development Block Grant	1,000,000	2,000,000	2,000,000	+1,000,000	---
FY 2010	1,000,000	---	---	-1,000,000	---
Subtotal	(2,000,000)	(2,000,000)	(2,000,000)	---	---

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
(Amounts in thousands)

	House	Senate	Conference	Conference vs. House	Conference vs Senate
Social services block grant	---	400,000	---	---	-400,000
Children and families services programs	1,600,000	1,250,000	3,150,000	+1,550,000	+1,900,000
FY 2010	1,600,000	---	---	-1,600,000	---
Subtotal	(3,200,000)	(1,250,000)	(3,150,000)	(-50,000)	(+1,900,000)
Total, Administration for Children and Families	6,200,000	3,650,000	5,150,000	-1,050,000	+1,500,000
FY 2009	(2,600,000)	(3,650,000)	(5,150,000)	(+2,550,000)	(+1,500,000)
FY 2010	(3,600,000)	---	---	(-3,600,000)	---
Administration on Aging					
Aging services programs	100,000	100,000	100,000	---	---
FY 2010	100,000	---	---	-100,000	---
Subtotal	(200,000)	(100,000)	(100,000)	(-100,000)	---
Office of the Secretary					
Office of the National Coordinator for Health Information Technology	2,000,000	3,000,000	2,000,000	---	-1,000,000
Office of Inspector General	19,000	19,000	17,000	-2,000	-2,000
Public Health and Social Services Emergency Fund	900,000	---	50,000	-850,000	+50,000
Prevention and wellness fund	2,202,100	---	1,000,000	-1,202,100	+1,000,000
FY 2010	797,900	---	---	-797,900	---
Subtotal	(3,000,000)	---	(1,000,000)	(-2,000,000)	(+1,000,000)
Total, Office of the Secretary	5,919,000	3,019,000	3,067,000	-2,852,000	+48,000
FY 2009	(5,121,100)	(3,019,000)	(3,067,000)	(-2,054,100)	(+48,000)
FY 2010	(797,900)	---	---	(-797,900)	---
Total, Department of Health and Human Services	19,569,000	20,239,000	21,917,000	+2,348,000	+1,678,000
FY 2009	(13,771,100)	(20,239,000)	(21,917,000)	(+8,145,900)	(+1,678,000)
FY 2010	(5,797,900)	---	---	(-5,797,900)	---
DEPARTMENT OF EDUCATION					
Education for the disadvantaged	6,500,000	12,400,000	13,000,000	+6,500,000	+600,000
FY 2010	6,500,000	---	---	-6,500,000	---
Subtotal	(13,000,000)	(12,400,000)	(13,000,000)	---	(+600,000)
Impact aid	100,000	---	100,000	---	+100,000
School improvement programs	533,000	1,070,000	720,000	+187,000	-350,000
FY 2010	533,000	---	---	-533,000	---
Subtotal	(1,066,000)	(1,070,000)	(720,000)	(-346,000)	(-350,000)
Innovation and improvement	225,000	---	200,000	-25,000	+200,000
Special education	6,300,000	13,500,000	12,200,000	+5,900,000	-1,300,000
FY 2010	7,300,000	---	---	-7,300,000	---
Subtotal	(13,600,000)	(13,500,000)	(12,200,000)	(-1,400,000)	(-1,300,000)
Rehabilitation services and disability research	350,000	610,000	680,000	+330,000	+70,000
FY 2010	350,000	---	---	-350,000	---
Subtotal	(700,000)	(610,000)	(680,000)	(-20,000)	(+70,000)
Student financial assistance	15,881,000	13,930,000	15,840,000	-41,000	+1,910,000
FY 2010	245,000	---	---	-245,000	---
Subtotal	(16,126,000)	(13,930,000)	(15,840,000)	(-286,000)	(+1,910,000)
Pell Grants--maximum grant (NA)	(4,860)	(4,760)	(4,860)	---	(+100)
Student aid administration	50,000	---	60,000	+10,000	+60,000
Higher education	100,000	50,000	100,000	---	+50,000
Institute of Education Sciences	250,000	---	250,000	---	+250,000
School modernization, renovation, and repair	14,000,000	---	---	-14,000,000	---
Higher education modernization, renovation and repair (Sec. 9302)	6,000,000	---	---	-6,000,000	---
Office of Inspector General	14,000	14,000	14,000	---	---

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
(Amounts in thousands)

	House	Senate	Conference	Conference vs. House	Conference vs Senate
General Provisions					
Mandatory Pell Grants (Sec. 9303)	643,000	---	643,000	---	+643,000
FY 2010	831,000	---	831,000	---	+831,000
Subtotal	(1,474,000)	---	(1,474,000)	---	(+1,474,000)
Increase student loan limits (Sec. 9304)	-730,000	---	---	+730,000	---
FY 2010	-810,000	---	---	+810,000	---
FY 2011-2018	1,510,000	---	---	-1,510,000	---
Subtotal	(-30,000)	---	---	(+30,000)	---
Student lender special allowance (Sec. 9305)	10,000	---	---	-10,000	---
Total, Department of Education	66,685,000	41,574,000	44,638,000	-22,047,000	+3,064,000
FY 2009	(50,226,000)	(41,574,000)	(43,807,000)	(-6,419,000)	(+2,233,000)
FY 2010	(14,949,000)	---	(831,000)	(-14,118,000)	(+831,000)
FY 2011 through FY 2019	(1,510,000)	---	---	(-1,510,000)	---
RELATED AGENCIES					
Corporation for National and Community Service					
Operating expenses	160,000	160,000	160,000	---	---
Office of Inspector General	1,000	1,000	1,000	---	---
National service trust	40,000	40,000	40,000	---	---
Total, Corporation for National and Community Service	201,000	201,000	201,000	---	---
Social Security Administration					
Limitation on administrative expenses	900,000	890,000	1,000,000	+100,000	+110,000
Office of Inspector General	2,000	3,000	2,000	---	-1,000
Total, Social Security Administration	902,000	893,000	1,002,000	+100,000	+109,000
Total, Related Agencies	1,103,000	1,094,000	1,203,000	+100,000	+109,000
Total, title VIII	92,363,000	66,840,000	72,564,000	-19,799,000	+5,724,000
FY 2009	(70,106,100)	(66,840,000)	(71,733,000)	(+1,626,900)	(+4,893,000)
FY 2010	(20,746,900)	---	(831,000)	(-19,915,900)	(+831,000)
FY 2011 through FY 2019	(1,510,000)	---	---	(-1,510,000)	---
TITLE IX - LEGISLATIVE BRANCH					
Government Accountability Office:					
Salaries and expenses	25,000	20,000	25,000	---	+5,000
TITLE X - MILITARY CONSTRUCTION AND VETERANS AFFAIRS					
DEPARTMENT OF DEFENSE					
Military construction, Army	920,000	637,875	180,000	-740,000	-457,875
Military construction, Navy and Marine Corps	350,000	990,092	280,000	-70,000	-710,092
Military construction, Air Force	280,000	871,332	180,000	-100,000	-691,332
Military construction, Defense-Wide	3,750,000	118,560	1,450,000	-2,300,000	+1,331,440
Military construction, Army National Guard	140,000	150,000	50,000	-90,000	-100,000
Military construction, Air National Guard	70,000	110,000	50,000	-20,000	-60,000
Military construction, Army Reserve	100,000	---	---	-100,000	---
Military construction, Navy Reserve	30,000	---	---	-30,000	---
Military construction, Air Force Reserve	60,000	---	---	-60,000	---
Subtotal	5,700,000	2,877,859	2,190,000	-3,510,000	-687,859
Family housing construction, Army	---	34,570	34,507	+34,507	-63
Family housing operation and maintenance, Army	---	3,932	3,932	+3,932	---
Family housing construction, Air Force	---	80,100	80,100	+80,100	---
Family housing operation and maintenance, Air Force	---	16,461	16,461	+16,461	---
Homeowners assistance fund	---	410,973	555,000	+555,000	+144,027
Subtotal	---	546,036	690,000	+690,000	+143,964
Base realignment and closure account 1990	300,000	---	---	-300,000	---
Total, Department of Defense	6,000,000	3,423,895	2,880,000	-3,120,000	-543,895

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
(Amounts in thousands)

	House	Senate	Conference	Conference vs. House	Conference vs Senate
DEPARTMENT OF VETERANS AFFAIRS					
Veterans Health Administration					
Medical support and compliance	---	5,000	---	---	-5,000
Medical facilities	950,000	1,370,459	1,000,000	+50,000	-370,459
Subtotal	950,000	1,375,459	1,000,000	+50,000	-375,459
National Cemetery Administration	50,000	64,961	50,000	---	-14,961
Departmental Administration					
General operating expenses	---	1,125	150,000	+150,000	+148,875
Information technology systems	---	195,000	50,000	+50,000	-145,000
Office of Inspector General	1,000	4,400	1,000	---	-3,400
Construction, major projects	---	1,105,333	---	---	-1,105,333
Construction, minor projects	---	939,836	---	---	-939,836
Grants for construction of State extended care facilities	---	257,986	150,000	+150,000	-107,986
Total, Departmental Administration	1,000	2,503,680	351,000	+350,000	-2,152,680
Total, Department of Veterans Affairs	1,001,000	3,944,100	1,401,000	+400,000	-2,543,100
RELATED AGENCY					
DEPARTMENT OF DEFENSE - CIVIL					
Cemeterial Expenses, Army					
Salaries and expenses	---	60,300	---	---	-60,300
Total, title X	7,001,000	7,428,295	4,281,000	-2,720,000	-3,147,295
TITLE XI - DEPARTMENT OF STATE					
DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	---	90,000	90,000	+90,000	---
Capital investment fund	276,000	228,000	290,000	+14,000	+62,000
(transfer to USAID capital investment fund)	---	---	(38,000)	(+38,000)	(+38,000)
Office of Inspector General	---	1,500	2,000	+2,000	+500
Total, Administration of Foreign Affairs	276,000	319,500	382,000	+106,000	+62,500
International Commissions					
International Boundary and Water Commission, United States and Mexico.					
Construction	224,000	224,000	220,000	-4,000	-4,000
Administration of Foreign Assistance					
Funds Appropriated to the President					
U.S. Agency for International Development					
Capital Investment Fund	---	58,000	---	---	-58,000
(by transfer)	---	---	(38,000)	(+38,000)	(+38,000)
Office of Inspector General	---	500	---	---	-500
Total, U.S. Agency for International Development	---	58,500	---	---	-58,500
Total, title XI	500,000	602,000	602,000	+102,000	---

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
(Amounts in thousands)

	House	Senate	Conference	Conference vs. House	Conference vs Senate
TITLE XII - TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT					
DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Supplemental discretionary grants for a National Surface Transportation system	---	5,500,000	1,500,000	+1,500,000	-4,000,000
Federal Aviation Administration					
Supplemental funding for facilities and equipment	---	200,000	200,000	+200,000	---
Supplemental discretionary grants for airport investment	---	1,100,000	1,100,000	+1,100,000	---
Grants-in-aid for airports	3,000,000	---	---	-3,000,000	---
Total, Federal Aviation Administration	3,000,000	1,300,000	1,300,000	-1,700,000	---
Federal Highway Administration					
Highway infrastructure investment	30,000,000	27,060,000	27,500,000	-2,500,000	+440,000
Federal Railroad Administration					
Capital assistance for high-speed rail and intercity passenger rail service	300,000	250,000	8,000,000	+7,700,000	+7,750,000
Capital and debt service grants to the National Railroad Passenger Corporation	800,000	850,000	1,300,000	+500,000	+450,000
High-speed rail corridor program	---	2,000,000	---	---	-2,000,000
Total, Federal Railroad Administration	1,100,000	3,100,000	9,300,000	+8,200,000	+6,200,000
Federal Transit Administration					
Transit capital assistance	7,500,000	---	6,900,000	-600,000	+6,900,000
Fixed guideway infrastructure investment	2,000,000	---	750,000	-1,250,000	+750,000
Capital investment grants	2,500,000	---	750,000	-1,750,000	+750,000
Supplemental grants for public transit investment	---	8,400,000	---	---	-8,400,000
Total, Federal Transit Administration	12,000,000	8,400,000	8,400,000	-3,600,000	---
Maritime Administration					
Supplemental grants for assistance to small shipyards	---	100,000	100,000	+100,000	---
Office of Inspector General					
Salaries and expenses	20,000	20,000	20,000	---	---
Total, Department of Transportation	46,120,000	45,480,000	48,120,000	+2,000,000	+2,640,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Public and Indian Housing					
Public Housing Capital Fund	5,000,000	5,000,000	4,000,000	-1,000,000	-1,000,000
Native American housing block grants	500,000	510,000	510,000	+10,000	---
Total, Public and Indian Housing	5,500,000	5,510,000	4,510,000	-990,000	-1,000,000
Community Planning and Development					
Community Development Fund	1,000,000	---	1,000,000	---	+1,000,000
Neighborhood Stabilization Program	4,190,000	---	2,000,000	-2,190,000	+2,000,000
Subtotal	(5,190,000)	---	(3,000,000)	(-2,190,000)	(+3,000,000)
HOME investments partnerships program	1,500,000	250,000	---	-1,500,000	-250,000
Gap funding for low income tax credit program	---	2,000,000	2,250,000	+2,250,000	+250,000
Subtotal	(1,500,000)	(2,250,000)	(2,250,000)	(+750,000)	---
Self-help and assisted homeownership opportunity program	10,000	---	---	-10,000	---
Homeless assistance grants	1,500,000	1,500,000	1,500,000	---	---
Total, Community Planning and Development	8,200,000	3,750,000	6,750,000	-1,450,000	+3,000,000

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
(Amounts in thousands)

	House	Senate	Conference	Conference vs. House	Conference vs Senate
Housing Programs					
Assisted housing stability and energy and green retrofit investments	---	2,250,000	2,250,000	+2,250,000	---
Elderly, disabled and Section 8 assisted housing energy retrofit	2,500,000	---	---	-2,500,000	---
Office of Healthy Homes and Lead Hazard Control					
Lead hazard reduction	100,000	100,000	100,000	---	---
Office of Inspector General					
Salaries and expenses	15,000	15,000	15,000	---	---
General Provisions					
GSE conforming loan limits (Sec. 12003)	37,000	---	37,000	---	+37,000
FY 2010	13,000	---	13,000	---	+13,000
Subtotal	50,000	---	50,000	---	+50,000
FHA Hope for Homeowners (S. Sec. 1211)	---	260,000	---	---	-260,000
FY 2010	---	193,000	---	---	-193,000
FY 2011	---	126,000	---	---	-126,000
Subtotal	---	579,000	---	---	-579,000
Total, General Provisions	50,000	579,000	50,000	---	-529,000
FY 2009	37,000	260,000	37,000	---	-223,000
FY 2010	13,000	193,000	13,000	---	-180,000
FY 2011	---	126,000	---	---	-126,000
Total, Department of Housing and Urban Development	16,365,000	12,204,000	13,675,000	-2,690,000	+1,471,000
FY 2009	16,352,000	11,885,000	13,662,000	-2,690,000	+1,777,000
FY 2010	13,000	193,000	13,000	---	-180,000
FY 2011	---	126,000	---	---	-126,000
Total, title XII	62,485,000	57,684,000	61,795,000	-690,000	+4,111,000
FY 2009	(62,472,000)	(57,365,000)	(61,782,000)	(-690,000)	(+4,417,000)
FY 2010	(13,000)	(193,000)	(13,000)	---	(-180,000)
FY 2011	---	(126,000)	---	---	(-126,000)
TITLE XIII - STATE FISCAL STABILIZATION FUND					
DEPARTMENT OF EDUCATION					
State Fiscal Stabilization Fund	39,500,000	39,000,000	53,600,000	+14,100,000	+14,600,000
FY 2010	39,500,000	---	---	-39,500,000	---
Total, title XIII	79,000,000	39,000,000	53,600,000	-25,400,000	+14,600,000
Grand total	361,038,500	289,794,425	311,197,500	-49,841,000	+21,403,075
FY 2009	(276,935,600)	(274,624,425)	(288,727,500)	(+11,791,900)	(+14,103,075)
FY 2010	(66,528,900)	(5,236,000)	(7,079,000)	(-59,449,900)	(+1,843,000)
FY 2011 through FY 2019	(17,574,000)	(9,934,000)	(15,391,000)	(-2,183,000)	(+5,457,000)

Note: Each amount in this Act is designated as *an emergency requirement.*

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, in just a short while, the House will be voting on the President's $790 billion economic stimulus package. It is by far the most expensive piece of legislation ever considered by this legislative body in its more than 200 years. I will be voting ''no'' on this legislation. Over the next few minutes, I would like to share my concerns about this bill as it is currently written.

The President, whom I respect a great deal, is a fine salesman. But as I have said on more than one occasion, facts are stubborn things. The fact is that this stimulus package does more to promote the growth of the Federal Government than it does to create jobs or to stimulate our economy. The fact is there are 104 government programs in this legislation that are being permanently expanded.

□ 1145

This includes 31 new government programs and permanent expansions to 73 existing programs. Taxpayers will pay for these programs well into the future. Of the total funding in this package, $190 billion—or 61 percent—is devoted to increasing the size of government. Only $122 billion—or 39 percent—is for a temporary one-time infusion of money into 98 Federal programs to stimulate the economy.

Again, these are the facts.

The interest on this new spending alone will cost no less than $350 billion. And, if all of the new spending in this bill is carried forward in the future years, Federal nondefense budgets will have to increase by at least 42 percent each year. One more time, these are the facts.

My colleagues, is there anyone in Congress who really believes that this spending can be sustained?

Let's not kid ourselves. When it comes to Washington spending taxpayers' money, a trillion has become the new million.

So how did we get to this point today?

Two nights ago, the President's chief of staff came to Capitol Hill under the cover of darkness and presented the framework of a final deal to Senator REID and Speaker PELOSI. The only negotiation that took place occurred in the middle of the night in several back rooms of the U.S. Capitol between the White House and these two leaders.

There are hundreds of billions of dollars of spending in this legislation, and yet not one member of the House Appropriations Committee—not even Chairman OBEY—was in sight when the final deal was cut.

There are hundreds of billions of dollars of tax provisions in this legislation, and yet not one member of the House Ways and Means committee—not even Chairman RANGEL—was in sight when the final deal was cut.

The purpose of a conference committee is to negotiate differences between competing versions of the House and Senate bills. Amendments are usually offered, debated, and considered. But there were no negotiations between Republicans and Democrats at Wednesday's conference. The negotiations had taken place the night before.

Outside of the Speaker and Senate Majority Leader REID, no one in the Congress has any idea what is really in this legislation. It was filed in the House as it was negotiated—in the darkness of night. And it became available to Members and the public on a Web site at 12:30 a.m. this morning, less than 12 hours ago.

This is precisely why every single Member present on Tuesday, more than 400 Members of the House, voted to have the conference report available 48 hours before House consideration. But the Speaker and the Senate Majority Leader are clearly afraid that the more Members and taxpayers learn about this bill, the more Members will walk away from it.

The House should not vote on the largest spending bill in the history of the United States when no one on either side of the aisle has any real idea of what's in it. There is no doubt that urgent action is needed to stimulate the economy and create jobs. Had the President and congressional leaders focused and put their attention on the real need for job creation, with an emphasis on infrastructure jobs, this package would be sailing through the House and Senate with broad bipartisan support. There are Members on both sides of the aisle who would support reasonable transportation and infrastructure projects as well as reasonable tax reform, but that is not what is before us today.

In the end, funding for roads, highways, flood control measures, and other job creating infrastructure projects were downsized in order to increase the size and scope of government programs.

Mr. Speaker, that's not stimulus. That's not job creation, and it certainly isn't what the country needs or deserves.

I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished chairman of the Ways and Means Committee, Mr. RANGEL.

Mr. RANGEL. Let me thank you for the tremendous job that you and the leadership have done during this historic period in our Nation's history.

There is a common expression that we have in our committees, and that is, ''How is the gentlelady and gentleman recorded?'' You don't have an opportunity to say you were confused, you didn't know what you were doing, or you wish there was another way.

And I gather when you get back home, people will be asking, ''And how were you recorded?''

How were you recorded when you had an opportunity to give some assistance to the working people in this country, where 95 percent of them will be receiving a tax cut so that they will be able to assist them in keeping their kids in school, paying their rents, their mortgages, keeping up their health insurance?

How were you recorded when we said that this Nation should take care of those people who unfortunately lost their job, lost their dignity, lost their health insurance?

Are we going to explain that we thought there was a better idea?

How were we recorded when there comes a time that we're saying that we have to find alternative ways in order to fuel the country's energy needs?

How were we recorded when the bridges and the tunnels and the hospitals and the schools are in trouble, when the mayors and the governors are asking and screaming for help?

How is history going to record what you have done at a time when everyone is screaming out, every economist is asking us to come to our Nation's economic savior?

And how are we recorded when it comes time to make certain that there is hope for those people who are not only jobless but hopeless?

I do hope that people recognize that we're not talking about a Presidential plan, a Republican plan, or a Democratic plan. We're talking about the heart of America, just as patriotic as the flag is, is the energy of people who want to be middle class. Are we going to give them an opportunity or are we going to ask the question how were we recorded because we didn't know what the right thing to do was.

Well, I suggest to you, just as people talk about how they voted in support of Roosevelt, how they went and tried to give assistance not just to the big-time CEOs who were hardly embarrassed and never even inconvenienced—these are people that are our constituents. To put them back to work means that we're helping small businesses out. To put them back to work means that we're talking about their dreams and the aspirations that we have. To restore our schools mean that we're going to, once again, become imaginative, be able to go to the international market with the genius that this great Nation always had.

These are hard times, and we have an opportunity to say how were we recorded and to be proud of our vote, or to try to do the worst thing that any legislator can do, whether it's local, whether it's State, or whether it is a Member of this august body, and that is trying to explain your vote if you don't support this effort.

I think that it's a rough time for the Nation, but we've always responded with ways that we can show that we will persevere and come out of this

stronger than ever. And your kids and your grandkids who know that you've been privileged to serve here, historians are going to look to see one thing that's going to be so important to all of us, and that is, how were you recorded.

So we can't talk about the process, we can't talk about what we wish will happen; but we can talk about how are you recorded in this vote that would long-time be remembered.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBEY. I yield the gentleman 1 minute.

Mr. RANGEL. At this time at the request of the chair, I'd like to yield to the chairlady of the Small Business Committee and thank her for the great work that she has been doing.

Ms. VELAZQUEZ. I thank the gentleman for yielding.

Mr. Speaker, today, small businesses are finally getting their stimulus. It is about time. This act marks the first step towards economic recovery for our country's entrepreneurs. In fact, this bill will result in nearly $21 billion in new investments and lending for small firms and the creation of more than 630,000 new jobs.

In terms of accessing loans from the Small Business Administration, the legislation clearly puts borrower first. It does this by mandating that no funds provided for fee relief can go to lenders unless the SBA has reduced fees charged to borrowers to the maximum extent possible.

Mr. LEWIS of California. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. CAMP), the ranking member of the Ways and Means Committee.

Mr. CAMP. Mr. Speaker, every Member of this House believes we should and must act to get this economy moving again to help struggling families and employers through this global economic crisis. But action for the sake of acting will mean little to families if it is not accompanied with positive results.

This morning we awake to a spate of headlines that the deal made behind closed doors, and what we've still not been able to fully review, given its $1.1 million price tag will do more harm than good.

From the McClatchy News Service: ''Will the stimulus actually stimulate? Economists say no.''

From the Associated Press: ''Analysis: Stimulus won't jump-start the economy.''

From the Congressional Budget Office—and there's a chart behind me that shows it—''This partisan stimulus package ends up harming our economy.''

And, again, while it's clear we must act, we must ensure the action we take actually stimulates the economy and lays the foundation for real sustained job creation in the private sector.

There's a smarter, simpler way to stimulate the economy. It's not by running up the deficit by funding pet projects that are often wasteful. As you well know, we produced an alternative to both the Senate and House versions that would create twice the jobs at half the cost. Let me repeat that. Republicans developed a plan that would create twice the jobs at half the cost. And that isn't my analysis or some conservative think tank. That fact is based on the data and methodology of Dr. Christina Romer, the Chair of the President's Council on Economic Advisers.

Now, I'd be remiss if I didn't point out to my Republican and Democrat colleagues exactly how they were treated in this process. As one of five Members of this House who was appointed to the conference committee, I think it's my obligation to tell you this story.

As I walked from the House to the Senate for our first meeting of the conferees, I passed a press conference being held by the Senate majority leader announcing a final deal that had been struck by Senators and only by Senators. This is the first conference I've ever been on where the press conference announcing the results happened before the actual meeting. So I can understand why Speaker PELOSI was reportedly incensed.

The people's House should not be trampled on. We were frozen out. And as Chairman RANGEL noted, many Democrats were frozen out. But most importantly, the American people were frozen out.

This is what happens when a few select people negotiate behind closed doors. You end up with flawed legislation that better reflects the priorities of a few, rather than those of the entire country.

And under this deal we're bring presented with this morning, the so-called middle class tax cut, the signature tax cut has been reduced to 20 cents an hour for a full-time worker. One of the few provisions to help struggling businesses was more than cut in half by shortening the length of the relief and making thousands of employers ineligible for help.

The work requirements within the historic 1996 Welfare Reform Law—the hallmark legislation of President Clinton and the Republican Congress—has been eroded. And the stealth health provisions will drive up costs and have the government making more health care decisions instead of doctors and patients.

□ 1200

Given the severity of the crisis American families are facing, to conduct the people's business in this fashion may be the grossest violation of our constitutional duties and the oath of office we swore to uphold that I have seen in my 18 years in the House.

Record me as a ''no'' on this legislation.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. This is what is in the recovery package for Michigan families: Creating jobs for 519,000 unemployed in Michigan. I spoke to the electrical workers this morning, 40 percent of whom are unemployed, 2,000 individuals; 50 percent of iron workers, 1,200, are unemployed. This package has $1 billion for Michigan transportation and water infrastructure. This is just one example of the recovery package putting people to work.

For the unemployed, an extension of unemployment benefits to an additional 161,000 unemployed workers and the historic expansion of TAA.

For individuals in Michigan losing health care for the first time, some help to purchase health insurance.

For Michigan schools, $2 billion to help make up for reduced State assistance.

And for the State of Michigan, under immense budget strain, over $2 billion to shore up our Medicaid program.

For the restructuring auto industry, $2 billion in grants to help develop and manufacture advanced batteries here in the U.S., incentives to buy new cars and a tax credit for the purchase of plug-in hybrid electric vehicles.

Families in Michigan and everywhere are fearful for their jobs, for their health care, education, and the stability of their local communities.

For the minority, they say they acknowledge the pain but they have no prescription, only wornout ideology.

I will head home and look families straight in the eye and say the Federal Government is on your side, providing support during this downturn and making key investments for the future.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to HAL ROGERS, the gentleman from Kentucky, and the ranking member of the Homeland Security Subcommittee.

Mr. ROGERS of Kentucky. I want to thank the ranking member for this time.

Mr. Speaker, throughout our country's storied history, we've witnessed some truly extraordinary efforts from the floor of this hallowed Chamber to address our country's most dire needs. We've stood united, setting geographic and party labels aside, to pass legislation that pushed our country forward.

In the aftermath of Pearl Harbor, in the shadow of 9/11, in the wake of numerous natural disasters, this body has traditionally responded by pulling together to produce results for the American people.

But today, Mr. Speaker, sadly, is not one of those extraordinary moments.

Thousands of pages of text, given to us at midnight last night, the Speaker even preventing it from being read to

us by the House Clerk, 90 minutes of debate only—some Members will not even be allowed to speak a word for or against this monstrosity—and $790 billion of spending, the largest bill ever to pass through this body.

Hardly any Member, Republican or Democrat, was allowed to help work and write up this bill. This bill was written by the Speaker of the House, with absolutely no collaboration with the Republican side of the aisle and, frankly, little with even Democrats. The principles of democracy are being compromised here today, now.

The American people deserve better. The Members of this Chamber deserve better. And our Founding Fathers expected better.

At best, all you're going to do here today, Mr. Speaker, is ram through this Congress an ill-conceived, wrongheaded, misdirected spending spree. This bill is not targeted toward creating jobs like we wanted. It's just spending a borrowed trillion dollars that our children, grandkids, even great-grandkids are going to have to pay.

When all is said and done with today, and the balloons are put away and the champagne toasts are over, we will leave a whopping and record-breaking $12.1 trillion debt for our children to try to mop up. Even worse, leading experts tell us more every day, the results of this bill will not jump-start our economy or create real high-wage jobs.

Reject the bill.

Mr. Speaker, they say just the exact opposite. That the inflation this spree will cause will only further our fragile economy. The world markets are bracing for the worst as our nation tries to sell a record level of Treasury notes. At the same time, foreign nations are posting huge deficits of their own and selling their own bonds. This competition only impedes the very businesses you and I want to see grow, prosper and expand.

Mr. Speaker, as a result, I fear that interest rates will soar, inflation will rise, and the value of the dollar will plummet.

The President has spoken correctly of our need for immediate action. However, the American people would be better off with a thoughtful, comprehensive bill that creates jobs by keeping taxes low, incentives for our small businesses to expand, and reigns in wasteful spending. We offered such a bill. It was refused. Instead, we have a hasty product that will actually do our country harm.

Let us rise to the occasion and pass a bill that brings this Chamber together with a plan for genuine stimulus, rather than political gain. I urge rejection of this Conference Report.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding.

Mr. Speaker, jobs, jobs, jobs—that is job number one for this Congress. That is the job that President Obama said is the first order of business this year for this body.

Let me amend that. Not just jobs, jobs, jobs. Good paying jobs, 21st century jobs, jobs that invest in and build America tomorrow for our kids. When you are hemorrhaging 5- to 600,000 jobs a month, that means by the time I finish my remarks, 28 Americans will have lost their job in 2 minutes. Jobs, jobs, jobs. We need to do something now.

President Obama has said we need bold, swift action to move us into 21st century jobs and using the technology of this century. We can't continue to live with 20th century technology.

This bill invests close to $20 billion to help our doctors who today communicate with a more obsolete technology than our kids do every day as they communicate with each other. Today, our children are talking to each other during their breaks in school; yet, most doctors can't communicate with each other about what their patients need.

This bill lets us have our doctors invest in that technology so that while today only one of every 20 doctors' offices uses high technology to communicate with other health providers, within the decade we will have 90 percent of our health care providers, doctors, and hospitals being able to communicate instantaneously. Jobs, jobs, jobs, but for the 21st century and do it now.

We can quibble. We all have proposals. We've all made compromises, but we all know the task is before us today. You want to complain, you want to debate—let's do that. But every day that we don't do something, 20,000 American jobs are lost. Let's move today.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding and want to say, the Republican Party is in absolute agreement. This is about jobs. This is about immediate action. That's why we have offered a plan that gives twice the jobs at half the cost. We believe it should be also debated today, but instead, the Democrats have chosen to pass the largest appropriation bill in the history of the United States.

Now, I don't think they've read it. We all know this bill hasn't been read but by a mere handful of people, but part of this bill actually increases the debt ceiling to $12 trillion. And you know what, if deficit spending worked, we would be in great shape.

Last March, $29 billion to Bear Stearns; in May, $168 million for another stimulus package; in July, $200 billion for Fannie Mae; in September, $85 billion for AIG; in October, $700 billion for Wall Street. My goodness, we would be in great shape if deficit spending stimulus bills like this and bailouts worked.

But instead, what we're doing here today is just one more of the same. This is a bill that has 17 percent tax cuts, a big 20 cents an hour for the workers out there. It has a mere 7 percent in shovel-ready projects, dams, roads, bridges that need to be rebuilt.

But the Democrats have instead decided to increase the Federal Government spending: 31 new Federal programs; $200 billion in phantom earmarks that will be decided where the money is spent by State and local governments, even though the Federal legislative branch should be deciding where Federal money goes; $2 billion for groups like ACORN; $500 billion in a non-earmark bill for the NIH headquarters in Maryland. Isn't that interesting? $600 billion for DTV; $30 million for a rat in San Francisco. Mickey Mouse is going to be envious. He's no longer the mouse with the greatest net worth in California. Now, there's a San Francisco rat that has edged him out.

While people are being foreclosed and unemployed, the Democrats are spending $30 million for a rat.

Mr. OBEY. I yield myself 10 seconds.

I wish the other side would make up their mind whether it's mice or rats, neither of which are in this bill if they will read it. Got it right here. Find it and show it to me. Show it to me. Show it to me.

I now yield 2 minutes to the distinguished gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, this is not the first time America has faced an economic crisis, but it may be the first time that one entire political party will sit on the sidelines with their arms crossed, their fists clenched, and their rhetoric numb to the suffering being experienced by millions of Americans who have lost their jobs through no fault of their own.

The American people are waiting and watching, and we will be judged not by the volume of the rhetoric but by the boldness of our actions. And we have plan, and it's rooted in one fundamental tenet: America once again belongs to Americans.

And this Congress and this President will respond to the needs of the people with programs and promises that can and will get America moving again.

Another 600,000 Americans lost their jobs in January. Overall, 4 million Americans have lost their jobs in the last year, the last year of the Bush administration.

This legislation extends unemployment benefits to keep people with their heads above water while they look for a job, and this legislation provides incentives for States to modernize their unemployment system to meet the demands of the American people in the 21st century.

FDR included unemployment insurance in the New Deal 70 years ago, at a time when women typically stayed at home to raise a family and part-time jobs didn't exist. We are offering a new

deal for a new century. This legislation will help working moms and dads. It will help States make the adjustments that one would like them to make to better respond to their people.

This legislation adds $100 a month to the UI benefit, but before some on the other side jump up and shout ''moral hazard,'' know this. The average UI benefit check does not even reach the poverty level. We offer a helping hand while you offer rhetoric. For instance, every dollar we provide in UI provides $1.64 in economic impact.

I urge you to vote for H.R. 1.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to this agreement. People back home want us to work together to do something to save their jobs, make up their lost savings, and restore the value of their homes.

Quite correctly, Americans are asking for help, and we had—I repeat, Mr. Speaker, had—the opportunity to respond by passing a bill that actually created jobs. Unfortunately, the House-Senate agreement, to the extent that we've been allowed to see its contents, does little to help their cause.

Most of this massive domestic spending will be sucked up by an enlarged government bureaucracy, hiring more Federal and State public workers, not helping small businesses and families survive.

□ 1215

The majority ''markets'' this measure as a transportation infrastructure package. But a mere 17 percent of the funding is directed towards the road, highway, and Army Corps of Engineers programs that would immediately create real jobs.

In fact, H.R. 1 creates over 33 entirely new government programs, at a cost to the taxpayers of over $97 billion, and adds 600,000 new government jobs. And when will Americans see the effects of this spending? Probably not any time soon.

According to the CBO, less than half of the spending in this nonstimulus package will be paid out in the next 2 years. At that rate, an economic recovery will probably outrun most of the spending in this expensive legislation.

And while the agreement does contain some tax relief, it's not targeted to small businesses, which employ half of all of us. And if that weren't enough, the package before us weakens the work requirements of successful welfare programs we enacted years ago. And it may lay the groundwork for a government takeover of American's health care system by creating a Federal bureaucracy that will decide how to ration health care.

Mr. Speaker, Congress had the opportunity to ''jump-start'' our economy, and failed in that responsibility.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Let me first commend the conferees for putting this legislation together and then to remind our friends on the other side that the operative word here today is ''necessary.'' That is the most important word as we move this legislation forward today, ''necessary.''

Mr. RANGEL did a good job negotiating the tax title to provide hundreds of billions of dollars in immediate fiscal stimulus, starting with The Making Work Pay credit, which will cut taxes for 95 percent of all taxpayers, including 2 million families in Massachusetts.

Working families will also benefit from improvements in the child tax credit, the earned income tax credit, and a new higher education tax credit.

Businesses across the country will benefit from bonus depreciation allowance and small business expensing provisions, as well as relief for small and medium-sized businesses with net operating losses. Incidentally, I pushed for a larger number there, as the other side knows. And State and local government will see substantial relief for infrastructure and other critical needs through the Recovery Zone bonds and Build America bonds.

As a former mayor, I was happy to lead and take the lead on changes to the bond rules that will allow cities and towns to borrow at lower costs at a time when credit is tight.

The compromise also includes AMT protection for 26 million American families—70,000 families in my district alone.

Now, we're going to hear criticism from some that this legislation is too much, it's too little; it's too fast or it's too slow. By definition, by definition, fiscal stimulus means spending. And with an economy as great as ours, it needs to be significant.

We did move at a very quick pace, and we needed to. There are 10,000 families a day in America slipping into foreclosure. That's 10,000 families a day. Clearly, the policies of the last 8 years did not work, and we need a change.

I hope support for this legislation will move today.

Mr. LEWIS of California. I yield 3 minutes to the ranking member of the Subcommittee on Appropriations that gets the vast percentage of increase in spending in this bill, the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. I thank the gentleman from California. Today, another Kansan is going to get laid off, and they will struggle to pay their bills. Our economy needs help and our people need help. But this bill isn't help. This bill will only place a drag on our economy because it does nothing to solve the underlying problems that hamper our economy.

The Federal Government has a role to help ensure American workers are free to prosper. But borrowing money for massive government spending is not the answer.

The reality is, this bill, some nearly $800 billion in spending and tax cuts, consists entirely of money we do not have. So how are we going to get this money?

There's only three ways to get it. We can ask the Treasury Department to print more money. But we know from the 1970s that causes inflation. The second is we can raise taxes. We'd have to raise taxes $2,600 per American. And we know that higher taxes create higher unemployment. I'm not interested in raising taxes.

The third way is to borrow money from investors. But our investors here in America don't have the money. We'd have to go to other countries, like the United Arab Emirates or Saudi Arabia, because China and the United Kingdom have their own economic problems. They can't raise the money themselves.

So, to attract this money, we're going to have to raise interest rates, and higher interest rates—some 4 percent, according to the Congressional Budget Office—causes higher credit card rates, higher car loan rates, and higher home mortgage rates.

We are following the legacy of Paul Volcker from the 1970s. Back then, they called it the misery index. During the 1970s, the media added inflation, unemployment, and interest rates together to get the misery index. And it's coming back. Back then, it was 21.98. Today's, it's 7.92.

There's a better plan than the misery index. We could give every American money by giving them a payroll tax holiday for several years. That would be a 10 to 20 percent pay increase for working Americans, and they would know best how to spend the money for their families. With the money they will buy goods or they will save their money or they will invest their money. All of that creates jobs. Because making more money available for new ideas in the marketplace does create jobs.

Vote ''no'' on this legislation. Vote ''no'' to the misery index. This package will get more money to hardworking Americans by giving it directly to them with a payroll tax holiday, because that is the best plan.

We can stop the return to the misery index by getting people back to work, by getting more money in their pocket. Let's go for a payroll tax holiday. Vote ''no.'' Let's go back to conference. Cut the government spending, add back a payroll tax holiday for working Americans, and return the economy to the strength it once had.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank the gentleman for the time to speak in support

of this bill. I thank you for your leadership and for this economic recovery bill, on the issues that are in it, but also on school construction.

I thank Mr. RANGEL, who's been a tireless advocate for investment in our future economy. He and I have been proud to be able to be partners in authorizing the America's Better Classroom Act, which we are finally going to enact into law in this piece of legislation.

For more than 12 years we have been working to improve our Nation's schools and opportunities for the future. The idea that we created, to put the Federal Government into partnership with our local school districts to create private sector jobs and improve schools, was a perfect fit for the needs of our troubled economy. And I am proud that it is included in this final piece of legislation.

I strongly support the conference report for H.R. 1, the American Recovery and Reinvestment Act of 2009, which takes needed steps to restore our economy. This bill provides urgently needed relief to struggling individuals and businesses, and will create or save 3.5 million jobs in this country.

Hundreds of thousands of these jobs will be created by the $25 billion in school construction bond tax credits in this piece of legislation. And they will be created quickly. Hundreds of school building projects have been stalled or delayed in this economic downturn. Chairman RANGEL and I have introduced the ABC Act to help school districts get the funding that they need.

Everything I have achieved in life is due to my educational opportunities, the ones that I was given by my friends and neighbors. I want today's generation to have similar opportunities. High-quality schools, with strong teachers and modern facilities, are the key to the future.

Students can't prepare for the 21st century economy in schools from the 20th century that are crumbling, deteriorated, and overcrowded. In today's economic downturn, we have a chance to change this. I urge your vote on this.

In today's economic downturn, we must give our students every tool we can to compete in the global economy. The new school construction enabled by this bill is a good step in that direction. School construction creates jobs today, and provides the foundation for jobs for the future. I am proud that the tax credits in this bill will give local school districts support to improve their schools and the education they provide.

I urge my colleagues to join me in supporting this conference agreement.

Mr. LEWIS of California. Mr. Speaker, I yield $8.8 billion to the gentleman from Tennessee for 1 minute. That's the cost of the minute I'm yielding him on this bill, to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, we know there's a problem. Republicans have great empathy with the people that are hurting. Our constituents are your constituents. But there's little faith that the Federal Government is going to make things better.

The financial rescue didn't work, the TARP was mismanaged grossly, the auto bailout didn't work. They're looking and seeing home budgets being cut to get through hard times. Local government is being cut, State governments' budgets being cut. But only in Washington can we spend our way into prosperity.

It's an ill-conceived thought. Confidence is lost. It's a wrong approach. If ever there was a massive bill where the devil is in the details, it is this bill. And there are many devils in the details of this bill.

The government is ill-equipped to ramp up and do these things. We're going to be disappointed over time. There's going to be waste, fraud, and abuse everywhere you look.

Just because Republicans spent too much money after September 11th and lost our way on financial matters doesn't mean the Democratic Party should be allowed to wreck our ship of State. This has taken us very quickly down the wrong road. Vote ''no.''

Mr. OBEY. I yield 3 minutes to the distinguished chairman of the Energy and Commerce Committee, Mr. WAXMAN.

Mr. WAXMAN. Mr. Speaker, I am pleased to have the opportunity to speak in favor of this conference report. Our Nation's economy is foundering. We need to respond. We're in a deep and long recession. Our unemployment rate is over 7 percent, and growing. And we urgently need an economic recovery package to set the Nation on the proper course to rebound.

I am pleased the House and the Senate moved rapidly to resolve the differences between the two bills and to get this bill to the President so it can finally take action.

The final conference agreement retains provisions that were passed out of the Committee on Energy and Commerce in January in three critical areas that will accelerate economic recovery and protect American families: Broadband, energy, and health.

The first piece is an investment in expanding broadband Internet access so businesses and households in rural and other underserved areas can link to the global balance economy.

Broadband networks are as important to the Nation's economic success as the postal roads, canals, rail lines, and interstate highways of the past. Unfortunately, the United States has fallen behind other nations in terms of broadband deployment and adoption.

This legislation would authorize approximately $4.7 billion for grants to be administered by the Commerce Department and another $2.5 billion in grants to be administered by the Agriculture Department to put people to work building new broadband infrastructure.

The second piece we're considering is a major investment in the Nation's energy future. The conference agreement will accelerate deployment of smart grid technology throughout the country, offer loan guarantees for renewable energy and transmission projects, and promote energy efficiency throughout the country.

I am pleased that we were able to adopt these provisions. We also will support economic recovery through the creation of thousands of jobs, especially for low- and middle-income Americans, as the Nation dramatically increases the efficiency in which it uses energy and relies upon renewable sources of energy.

And the final and biggest piece involves investments in health. And there are three sections. First, the bill would help people who lose their jobs and have no health insurance. It provides temporary subsidies for COBRA premiums to enable workers who had insurance, to hold on to that insurance.

The bill would protect health insurance for an additional 7 million Americans. It will also provide an 18-month extension of the health insurance program that helps families transitioning from welfare to work to keep their Medicaid coverage.

Second, the bill would provide $19 billion in funding to accelerate the nationwide adoption of health information technology.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBEY. I yield 1 additional minute.

Mr. WAXMAN. This will expedite the development of nationwide health information infrastructure that will enhance real-time communication between providers and improve the coordination of care.

Finally, the bill would provide $87 billion in temporary funding to assist State Medicaid programs facing surges in caseloads and State revenue shortfalls. The bill would provide a temporary increase in the Federal Medicaid matching rate, FMAP. It balances an across-the-board increase of 6.2 percentage points, with an additional increase targeted at those States with high unemployment.

Mr. Speaker, this legislation is necessary to set the course to turn the economy around and deliver on our promise and duty to assist our constituents in this difficult time. I urge my colleagues to approve the conference report.

□ 1230

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the ranking member.

I just want folks to step back for just a second here. You know, last year at the end of the year we spent $700 billion on the TARP. Who knows if it has had any effect. No one knows for sure. This Tuesday, the Secretary of the Treasury said we are going to spend another $2 trillion. Today, we are going to spend $890 billion; with interest, well over another $1 trillion. In another couple weeks, we are going to spend another $400 billion on the omnibus bill. Then there is going to be a war supplement. We are talking about over $4 trillion here in less than 3 months.

This is the most selfish bill I have ever seen generationally. We are saying to our children and grandchildren: We don't care about you, because we just want self-gratification now. We want to feel better today. We can't take any pain ourselves.

Our kids and grandchildren are paying for this, and it is going to limit their opportunities for the future for the next generations.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished dean of the House, the longest-serving Member in the House of Representatives of any Member in history, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. I thank my good friend for yielding time.

As a boy, I was a page in this body during the Depression. My father was a Member of Congress. A third of the Americans were out of work. People were losing their homes and their farms, businesses were closing. Hardship was terrifying. It was the worst economic experience in the history of this country. Let's learn from history, my dear friends and colleagues, and let's do something about this so that it doesn't happen.

Herbert Hoover became the most reviled President in the history of the United States because he didn't do anything about the recession which was coming. Those who have studied that Depression tell us that had Congress acted and had the administration acted with vigor, that the Depression would have been much shorter and much less severe.

We have a chance to learn from that experience and to do something about it, and to see to it that this generation doesn't leave a depression to the next generation. It is not just about spending money; it is about doing something right about a terrifying problem that faces this country. I urge us to learn from history so that we don't repeat it. Support this legislation.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentleman for yielding.

Mr. Speaker, I feel like I went to bed a couple weeks ago and woke up in bizarro-world. We are about to spend over $1 trillion for a stimulus bill which will do little, if anything, to stimulate the economy. What it will stimulate is the growth of government.

I have no doubt that those on the other side of the aisle feel that this is the right thing to do to help the economy, but sincerity does not make something right which is fundamentally wrong, and this bill is fundamentally wrong.

We were just told a few minutes ago that the key word here is ''necessary.''

Millions of dollars for mouse habitat? Yes, it is not specifically put in the bill. What they have done is put in a fund for habitat restoration, which the agency says they will spend up to $30 million on mouse habitat restoration. That is beautiful. Necessary? I don't know.

Fifty million dollars for the NEA. I love the NEA. Necessary in a stimulus bill?

Billions of dollars for a sin express train from Los Angeles to Las Vegas. Necessary? I don't think so.

And, of course, we have got the infamous Frisbee golf course. And if you are going to have a Frisbee golf course, you had better have green golf carts, So we put money in for green golf carts. That is good, too. Necessary? I don't think so.

The list is too long to complete when you look at this bill; but, fundamentally, the problem is the process that created this bill. None of this stuff would have been in here had we gone through a process which allowed Members to have input and debate and so forth on this bill. Instead, this has been created in the Speaker's office, in the President's office, and handed to us and said, ''We have got to pass this bill.''

This process stinks. There is no other word for it. And for the first time in my public life, 4 years on a local city council, 14 years in the Idaho legislature, and 10 years in this body, for the first time in my life I am embarrassed to be a Member of this body.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I am embarrassed, frankly, from the comments I hear from the other side of the aisle about mouse traps, Frisbees, golf carts. The economy is in terrible shape, it is getting worse every day, and we are trying to address it in a bold way. That is what is necessary here, not talking about these trivial things that the other side is bringing up.

At a time when States are facing fiscal problems and more people are in need of health care services, we provide in this bill critical financial assistance so that States can maintain their Medicaid programs, health care. It would provide access to health coverage for those who recently lost their jobs by making COBRA coverage more affordable. And, finally, the package would modernize our Nation's health care system by investing nearly $20 billion in health information technology.

These are the important things that we face right now. People are losing their health care. We are addressing this. We are giving money back to the States. We are helping people with their health care so that they can stay insured.

Mr. Speaker, I appeal to my colleagues on both sides of the aisle, now is the time for bold action. This package is a good package. Vote ''yes.''

Mr. LEWIS of California. Mr. Speaker, could I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from California has 20½ minutes remaining; the gentleman from Wisconsin has 24 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, in 1996, I created the E-Verify program, and I will not idly stand by while a coalition of pro-amnesty groups and their allies in big business kill this program in the dead of night. The American people have repeatedly voiced their support for employment verification; yet, we find that, once again, special interests win out.

While nearly 1 trillion taxpayer dollars are going to be spent in this Reid/Pelosi stimulus plan, there is no assurance that the job it created will go to American workers. Amendments to reauthorize the E-Verify program, which expires on March 6 and requires any entity receiving stimulus funds to participate in E-Verify, both of which had been accepted in the House Appropriations Committee, were stripped out of the bill without discussion or debate.

The one candle in the darkness of this disastrous bill was the reauthorization requirements to use E-Verify. Now, we are left with legislation that places the interests of illegal immigrants above those of hard-working American families and leaves this bill at the foot of future generations.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I want to thank Chairman WAXMAN, Chairman OBEY, and Chairman RANGEL for their hard work on the compromise legislation that we have before us today. In a time when so many Americans are in the grips of economic hardship and despair, now is the time for all of us to come together and act on the part of those who are in need.

Mr. Speaker, our people need jobs. Our people need jobs and our Nation needs jobs. And we need to invest in our infrastructure, invest in our communities, and invest in the next generation of Americans. This package includes all the tools and all the money to make our dream of a better tomorrow for all Americans a reality.

With the passing of the American Recovery and Reinvestment Act, we will act by deeds, not just words. The Bible tells us that a tree will be known by the fruit it bears. This bill has good fruit in it.

Mr. LEWIS of California. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. BARTON), the ranking member of the Energy and Commerce Committee.

Mr. BARTON of Texas. Mr. Speaker, I rise in opposition to this conference report.

I want to start out by talking a little bit about the process. I know that is not very sexy. But when the President and people complain that Republicans are not being bipartisan, they need to know that we haven't been given much of a chance, if any of a chance, to be bipartisan.

As this bill started in the House, there were no hearings in the House of Representatives. There was a markup in Ways and Means and a markup in the Approps Committee and a markup in the Energy and Commerce Committee. The Energy and Commerce Committee that I am on, Mr. WAXMAN, to his credit, had a 12-hour markup, and five Republican amendments were accepted. Three of those were stripped out before the bill came to the floor; one was kept in as is, and one was materially changed.

When we went to conference with the other body, our chairman Mr. WAXMAN was appointed a conferee, as he should have been, because it is about $200 billion of the bill is in the Energy and Commerce jurisdiction; but no Republican, no minority member was appointed. So we had no Republican input into the conference. Of course, that is probably okay, because it really wasn't a conference. There were five House conferees and five Senate conferees. The majority party Members, three on the House and three on the Senate, signed the conference report without anybody actually on the Republican side being given a copy to look at. So it was kind of a done deal.

So on process alone, when the President asks why Republicans tend to be appositive of the bill, it is because we really were not given any input into the finished project.

On the policy, the Energy and Commerce Committee has jurisdiction over energy, over telecommunication, and over health care. The energy section, they took out all the energy grants for things like clean coal technology. They left in a little thing called electricity decoupling; which means, in order to get some of these green energy grants, the Governor of a State has to certify to the Department of Energy's Secretary that they are going to do this decoupling. That means that you can allow the PUC to decouple the price you pay from the amount of electricity that you use. So it is a revenue guarantee for the utility; so as the utility gets the green grant and goes out and educates you on how to use less electricity, you use less electricity, your bill stays the same or goes up. It is the most anticompetitive, anticonsumer, antifree-market piece of legislation I have ever seen on the House floor and it is in this bill.

On health care, my friends on the other side have made a big point of talking about all the things they are doing on health care. Well, you have the health IT grants, which some of that may be good, but do you really need to give every doctor in America $44,000 to switch to electronic records? And, oh, by the way, a lot of that money is not available in 2011, until 2012? I am not sure that is very stimulative of the economy.

We give the States more FMAP money for Medicaid. It doesn't have to be spent on Medicaid. Fifty percent or 65 percent is allocated on the standard formula package, and the rest is allocated on high unemployment. But the once the State gets that Medicaid money, they can use it for other purposes. And, oh, by the way, that is theoretically temporary. But do you really believe that adding $90 billion to the baseline for Medicaid is going to be temporary? It is going to go into the permanent baseline, and it is going to raise the cost over time to the U.S. taxpayer.

I could go on and on, Mr. Speaker. But the point of the subject is those of us on our side, we understand that people are hurting, we understand that we need to do things to help the economy. Shouldn't we start by keeping the people that have a job, let them keep a little bit more of their money by doing some tax cuts? A lot of those got diluted in this bill. Shouldn't we require that, if you are going to spend money, it has a long-term effect, it helps basic infrastructure? This bill doesn't do that. Vote ''no.''

Mr. OBEY. I yield 1 minute to the distinguished gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the distinguished chairman.

Mr. Speaker, 50 years ago a Presidential candidate, John Kennedy, said the following: The Chinese use two brush strokes to write the word ''crisis.'' One brush stroke stands for danger; the other stands for opportunity. In a crisis, be aware of the danger, but recognize the opportunity.

That is what we are doing today. We recognize the full danger that faces America, the greatest danger since the great depression. But we also recognize the opportunity for the people of our great Nation that we love so much, and what we are doing is building for the future: Health care for the unemployed, extension of unemployment benefits for those that find themselves unemployed. The building blocks not only for today, but the opportunities for tomorrow by making investments in technology, broadband, the sciences.

I urge all of my colleagues to consider this opportunity for America.

Mr. Speaker, America has been shaken to its core by an economic disruption unlike anything we've seen since the Great Depression. For too many Americans it seems that nothing is certain or secure—not our jobs, not our homes, not the very businesses our economy stands upon.

Today the American people and people around the world can take heart that our Nation is acting to reverse course and begin the difficult work of rebuilding our economy, our infrastructure, and our confidence in our country's future.

This legislation responds to the pressing needs of today, creating and saving 3.5 million jobs by rebuilding America through new investments in roads, bridges, mass transit, energy efficient buildings, flood control, clean water projects, school construction, and other infrastructure projects. 95 percent of American workers will receive an immediate tax cut to ease the impact of the harsh economic conditions and jumpstart consumer spending on goods and services.

Just as importantly, this final bill makes critical investments in science, technology and innovation which will ensure that our recovery is strong and that the United States continues its leadership in the competitive global economy.

To secure America's technology leadership in the 21st Century we are renewing America's investments in basic science and research, providing $15 billion for scientific research, including $3 billion for the National Science Foundation, $1.6 billion for the Department of Energy's Office of Science, and $10 billion for the National Institutes of Health.

To achieve energy independence, we have invested $30 billion in energy programs such as a new, smart power grid, advanced battery technology, and energy efficiency measures, plus another $20 billion in tax incentives for renewable energy and energy efficiency.

To provide all Americans an 'on-ramp' to the Information Superhighway, we are investing $7 billion for extending broadband services to underserved communities across the country.

Fifty years ago John Kennedy said "the Chinese use two brush strokes to write the word 'crisis.' One brush stroke stands for danger; the other for opportunity. In a crisis, be aware of the danger—but recognize the opportunity."

This economic recovery package is a bill filled with hope and belief—hope that the danger of the current crisis will be averted, new jobs will be created, and old jobs will be restored so that people will once again enjoy the dignity of a day's work, and a belief that we recognize this opportunity to reinvigorate the great innovative spirit of our country that we love so much.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 2 minutes to the partner of our chairman, Mr. OBEY, the gentleman from Wisconsin (Mr. RYAN).

□ 1245

Mr. RYAN of Wisconsin. I thank the gentleman.

Mr. Speaker, the President said, ''We don't want any tired old ideas.'' I

agree. One-time rebate checks, special interest pork and runaway spending, those tired old ideas didn't work in the past administration. They won't work now. This is just more of the same. Both parties have messed this thing up. So the question is, are we going to come together and fix this?

The crown jewel of the American economy is the risk-taker, the entrepreneur, the small businessmen and women, the person who put it all on the line and created jobs. That is the way out. That is not what this bill does. This bill says, let's take money out of the economy and away from the private sector through higher borrowing and higher taxes, ultimately so that government bureaucrats can spend money and try and re-micromanage the economy back to prosperity.

This bill, which will lead to higher costs and higher taxes, will be not a road to prosperity, but a road to stagnation. The priorities are just all wrong. There is more money in this legislation for the National Endowment for the Arts, for the National Endowment for the Arts, than there is to helping small businesses keep and create jobs. We can do better than this.

Mr. Speaker, please, if you want bipartisanship, that means collaboration, working with us. You have all the rights. The majority can do whatever they want. But when you look at the minority's alternative, a plan to create jobs, to help families and small businesses keep and create jobs using the administration's own methodology, you will see that our plan creates twice the jobs for half the cost. This bill sends us on a worldwide borrowing binge. We're going to go out and borrow four times as much money this year than we ever have in the history of this country in a single year. This is not just a road to stagnation, it is a road to stagflation.

Mr. OBEY. I yield 1 minute to the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague.

Mr. Speaker, I rise in strong support of this bill, which will reinvest in America's future and which will create jobs. Do you know that there are still sectors of our economy that are hiring? And one of those is health care. I'm so proud to see that this legislation recognizes the need to educate new nurses, physicians and dentists and responds by investing $500 million for professional education. In 2008, over 27,000 qualified applicants were turned away from nursing schools because we don't have enough faculty to train them. The programs that will be funded through this bill will help train more faculty and also entry-level nursing students so that we can shore up our health care workforce.

If we continue simply at the pace we are today, we will have a shortage of 1 million nurses by the year 2020. This bill makes an excellent investment to alleviate that shortage, to create jobs for nurses, for doctors and for health care professionals.

So I urge my colleagues to vote ''yes.''

Mr. LEWIS of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Nobody knows the pain of a bad economy like us fellow Michiganders, and we're suffering worse than any other State in the Nation. And if this bill even came close to providing hope or a job, I would be for it, but this bill is dangerous. And this is the kind of thing that happens when you rush it and you don't let people in to see it.

Think about it. They do say, listen, it gives credits for hybrid plug-ins. But what they don't tell you is that in this bill, for every dollar the average family saves by going green, the electric companies charge you $1. Your electric bill is going up with this piece of legislation. They say, do you know what? There is business relief in this bill for small businesses. They don't tell you that less than 1 percent of this bill goes to small businesses.

As was said before, we spend more on arts than we do on small business, which is 80 percent of our job providers. They say this bill spends money on roads and bridges. But they don't tell you it is less than 7 percent, and only about $10 billion in the first year over 50 States. That is hardly an investment in our roads and our bridges.

They say there is no mouse in this bill. But there is, sir. What they don't tell you is that in the EPA projects, it cites for sure and for certain they will spend money on the salt marsh habitat for the mouse in San Francisco. Certainly, the Speaker is getting her cheese. The people in Michigan are waiting for theirs. I will tell you this. Do you know what? We spend money in this bill. True enough. And what they don't tell you is that this is one of the most massive, massive transfers of debt to our children in the history of this country. There are lots of IOUs, but not much for jobs in this bill.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I stand in strong support of the economic recovery legislation before us today. We cannot stand idly by like our Republican friends are doing and let our economy sink any further. The cost of inaction is far too great. The American people are hurting, and we're trying to do something about it.

Our Republican friends, unfortunately, are becoming the party of ''no.'' Well, while they are saying ''no,'' we are saying ''yes,'' yes to creating 3½ million jobs, yes to providing tax breaks to the middle class, yes to providing AMT relief, yes to improving our infrastructure to be more energy efficient, yes in providing health care coverage for millions of Americans during this recession, providing an estimated $87 billion in additional Federal matching funds.

This will help States like mine, like New York, maintain their Medicaid programs in the face of massive State budget shortfalls over the next 2 years. We say ''yes'' to reduce our dependence on foreign oil. FMAP funds are important. I have long fought hard for more FMAP funds. The stimulus will provide much-needed relief to our States. We say ''yes'' for energy-efficient programs. Say ''yes'' for this bill. This is a good bill.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BRADY), a member of the committee.

Mr. BRADY of Texas. Thank you, Chairman.

It is sad that this House has imposed a gag rule so that the American public can't hear today what's in this bill. The special interests know what's in this bill. They certainly do. Congress is going to rain billions of dollars of cash across this land, and special interests and lobbyists have big buckets out to catch it.

We all want this President to succeed. We want this economy to get going because people are hurting. But when the economy is drowning, you throw it a life preserver. You don't build a 40-foot yacht for it. This bill is too big. It is too expensive. It is way too slow. And at the end of the day, it is not going to rescue this economy. And at the end of a couple of years, it's middle-class families and small businesses that are going to have to pay for all this cash.

Taxpayers just aren't willing to spend one-quarter of $1 million to trade a new job. They're not willing to spend more money on art than on small businesses. They're not willing to buy Frisbee golf courses and gambling trains. That is a bad use of our dollars. We can do better.

Mr. OBEY. I yield 1 minute to the distinguished gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding.

Let me highlight two issues. First, temporary increases in COBRA, FMAP and DSH coverage, a lifeline for hard-hit families and communities. Mr. WAXMAN played the critical role in the conference on these issues, and constituents in our adjoining congressional districts are very grateful. Harbor-UCLA Medical Center is the only level 1 trauma center near top terror targets, like LAX and the Ports of LA and Long Beach. Without DSH, Harbor will have no surge capacity to treat victims of terror and natural disasters.

Second, energy innovation and efficiency. This is a stimulus bill, and the

smart grid and transportation projects it funds are a jobs engine. It sets the framework for future climate change legislation.

Mr. Chairman, enhanced safety net and clean energy jobs are good reasons to vote ''aye.''

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Speaker, I thank the gentleman for yielding.

So I was at a birthday party for some young kids not too long ago, and everybody is playing the normal games that all little kids play. But there is one kid—and this is typical at every kid's birthday party—that sees the cake and starts scraping the icing off the cake, and he leaves the grubby mess for everybody else. That's exactly what this bill does.

According to the CBO, an entity that everybody pauses and recognizes as authoritative, the CBO says, yeah, you may get a short-term sugar buzz off this. But in 2013, because of the passage of this bill, you're going to have negative growth. From 2013 to 2019, what we're basically going to be foisting on this economy is that grubby, nasty birthday cake without any of the icing. We can do much better than this. I think the President expects us to do much better than this. And I urge a ''no'' vote.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY of Massachusetts. For millions of Americans, after 8 years of laissez-faire economics, they know it is just a fancy word for ''left behind.'' Fixing the economy is not a spectator sport. That's what has been going on for 8 years. And that's what's going on with the Republicans here today.

This bill creates or saves 3.5 million jobs. It provides tax cuts for 95 percent of Americans. It spurs a green jobs revolution. It has health IT that will revolutionize medicine with privacy and security built in that I requested and the majority has placed in this bill. There's more money in this bill after 5 years of cutting the NIH budget, there's a dramatic increase in the NIH budget to find a cure for cancer, for heart disease, for Parkinson's and for Alzheimer's. This is a revolution in health care, in energy and in job creation.

This bill must be passed today and break with the 8 years of laissez-faire, which has hurt every single American family. Vote ''yes'' on this bill.

Today we're responding with determination and bold action to combat the most severe economic crisis our country has faced since the Great Depression.

For years, as hardworking American families struggled to make ends meet and the economy shed millions of jobs, Republicans told us not to worry—we are in the midst of a ''jobless recovery'', they said. But ''jobless recovery'' is an oxymoron, a contradiction in terms, like jumbo shrimp or Salt Lake City nightlife—it just doesn't exist.

The failed ''laissez-faire'' approach of the past 8 years has now been discredited by rising unemployment, loss of confidence in our financial markets, and the economic hardships suffered by families across the country.

For millions of Americans, ''laissez-faire'' is just a fancy name for ''left behind.''

With this economic recovery package, we are taking the bold action that is needed by creating or saving 3-and-a-half million jobs, rebuilding America, making us more globally competitive and energy independent, and transforming our economy.

I say to my Republican friends: ''fixing the economy is not a spectator sport.''

While our country is facing enormous challenges, we also have a once-in-a-generation opportunity to create millions of new jobs, invest in vital priorities, and position our economy for future growth. Today we are seizing this historic opportunity and setting our country on a new direction.

This is about greenbacks and green energy.

This urgently-needed economic recovery package funds infrastructure projects that are ''shovel-ready'', while also supporting future-oriented projects that are ''circuit-ready'': broadband, electronic medical records, smart grid, advanced battery technologies, and other vital priorities.

The massive investments in weatherization, state energy efficiency grants, and federal building efficiency are some of the safest and smartest investments our country can make right now. They put money into the pockets of American workers and pay for themselves in the form of energy savings and lower energy prices. This energy efficiency ''double dividend'' is a proven, reliable phenomenon that our current weak economy must capitalize.

The bill provides $19 billion for a new health IT infrastructure to improve care, lower costs and reduce medical errors. I am pleased that the conference report includes patient privacy safeguards that I have long advocated, including a provision that I offered at the Energy and Commerce Committee markup to ensure that patients' medical records are made unreadable to unauthorized individuals.

This balanced, well-thought out package provides tax relief for 95 percent of Americans and targets investments in key areas to turn around the American economy. I urge my colleagues to vote in favor of H.R. 1, the American Recovery and Reinvestment Act of 2009.

3.5 million jobs created or saved.

Tax cuts for 95 percent of Americans.

Green job revolution.

Health IT, with privacy.

NIH increase—cure Alzheimer's.

Mr. LEWIS of California. Mr. Speaker, I yield to the gentlelady fighting for jobs in Michigan, CANDICE MILLER, for 1 minute.

Mrs. MILLER of Michigan. Mr. Speaker, I come from Macomb County, Michigan, which is the proud home of the Reagan Democrats. And it is a community that has been impacted as much as anybody in this Nation by the economic downturn. And I do not need to be lectured by anyone about the challenges we are facing, because we live with it every single day. I understand. Believe me, I understand.

So when President Obama talked about an economic stimulus plan that was focused on tax cuts or massive infrastructure investment, I was there. But what we are about to vote on today is unrecognizable from what he talked about. Michigan is a State of about 10 million people, and we are the hardest hit, as I said, by this economy. And yet we are expected to get approximately $7 billion from this bill. And apparently the Senate majority leader has earmarked $8 billion for a rail system from Las Vegas to Los Angeles? You have got to be kidding. You have got to be kidding.

As everyone knows, Michigan is dependent on the auto industry, which is on its knees right now. So I was incredibly disappointed to see an $11 billion auto incentive to spur auto sales reduced to $2 billion in the conference report.

Please vote ''no'' against this bill.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Mr. Speaker, I want to thank personally Congressman WAXMAN, Congressman RANGEL, Congressman OBEY and particularly their staffs for their hard work on this important legislation.

Mr. Speaker, no one disputes that we're in an economic crisis. It continues to deepen. Families are hurting. In my home State of North Carolina, more than one-third of our 100 counties are now suffering from double-digit unemployment, including 10 of those counties in the First Congressional District.

Without question, we need to quickly pass this stimulus bill this afternoon which will put people back to work, provide relief for the people who need it the most and make investments in our future. Americans demanded change last November. And we must answer that call today. I urge my colleagues to vote ''yes'' on this conference report.

Mr. LEWIS of California. I reserve the balance of my time.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Thank you, Mr. Chairman.

Mr. Speaker, President Obama understands something that every Vermonter knows, and that is that this economy faces the biggest challenge since the Great Depression. We have a very simple choice in Congress. It is to do nothing, as Herbert Hoover did, or it is to act boldly, as Franklin Roosevelt did.

□ 1300

This bill embraces the philosophy of Franklin Roosevelt that when the

economy is deteriorating, people are losing their jobs, Congress must act to save jobs and rebuild our economy.

This bill is well-balanced and can provide 8,000 jobs in Vermont. It helps our taxpayers, property taxpayers and State taxpayers. It provides a safety net to the people who, through absolutely no fault of their own, lost their jobs. We owe it to them. And it provides investments in the future. Green jobs, health care information technology.

This is essential as a step to start revitalizing our economy and putting it in a growth path for the future.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, people want to know how did we get into this painful economy. Too many of our fellow citizens borrowed too much. They spent too much, and they couldn't pay it back. And now the mistakes of individuals, the Democrats want to force upon us collectively.

Mr. Speaker, you cannot borrow and spend your way into prosperity. Even the Democrats' own Congressional Budget Office says H.R. 1 is the single greatest spending bill in the history of America, will leave us the greatest debt in the history of America, and ultimately, will hurt our economy, leaving a legacy of debt, crushing debt for future generations.

The Republicans want to stimulate the economy by helping small business. The Democrats want to stimulate big government. The Democrats want to spend millions on urban canals. The Republicans want to spend millions on small businesses like Williams Paint and Body, to preserve and grow 21 jobs. Democrats want to spend $300 million to buy government bureaucrats new cars. Republicans want to spend money on Terry Manufacturing, to preserve and secure 20 new jobs. Big government or small business? Choose small business.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. We are coming close to the end of this debate. America and Americans are in trouble. They're hurting. Millions of our constituents are in great pain. They've lost their homes, they've lost their jobs. Their salaries are not keeping up with the costs that confront them.

And so we come here, 435 of us, and five representing the territories and the District of Columbia. We come here to act, to act on their behalf, to try to make a difference, to try to ease the pain that this economy has visited upon them.

Those of us who have been here for many years have heard this debate very often. And I tell my friends, I'm sure that had I been here in 1929 and 1930, I would have heard much the same representation.

And we were told, frankly, in the last of the 1980s, stick with us on this economic program. And it didn't work. And we were told in 2001 and 2003, stick with us on this economic program, and it didn't work.

And like the failed program of the 1920s that brought our economy so low, the failed policies of the early part of this century have brought this economy to the lowest point it has been since the policies of the late 1920s.

And so we hear the debate. We hear the debate about investing in our people. We hear the debate about trying to build up our economy, create jobs. And we hear one argument, do it our way, do it our way and you'll create those jobs. Well, my friends, we did it your way. In 2001, in 2002, in 2003, in 2004, in 2005, 2006, 2007 and in 2008. And we had the worst job performance of any administration since the late 1920s and early 1930s.

I would hope that every Member on this floor, of whatever party, of whatever ideological persuasion, would pray that this bill works; not for political purposes, because if this bill works, we will create those 3½ million jobs. Am I absolutely assured that it will? I am not. I regret that I'm not.

But the best advice and counsel that I have received over the last 5 months that we've been working on this bill, September, October, November, December, January, as we hemorrhaged jobs in this greatest economy on the face of the earth, as a million people lost their jobs over the last 60 days, as 65,000 Americans lost their jobs in 1 day 2 weeks ago. And so America expects us to act.

And none of us can guarantee that we have all the answers. But economist after economist after economist, including one of JOHN MCCAIN's economic advisers, says that we have to act, we have to act with speed, and we have to act substantively, and we have to act with large investment.

On the tax side, in cutting taxes, millions and millions and millions of Americans will receive a tax cut when we pass this bill and President Obama signs it. Millions and millions and millions of people will be helped as they've lost their jobs and can't put food on the table of their families, will be helped by this bill. Millions of families who know that their children are going to have to compete in a global marketplace will be able to send their children to college because of this bill. And in addition to that, we will invest billions of dollars in making sure that we are no longer subject to being held hostage by the oil barons who wish us no good will.

And so, my friends, we come pretty close to the end of this debate. And we ought to vote, not as Republicans, not as Democrats. We ought to vote recognizing the policies that we've been pursuing have not worked, demonstrably, statistically, obviously. There's no argument on that. Millions of people unemployed. Millions lost their jobs under the economic policies we've been pursuing.

And so, yes, President Obama said to the American public, we need to change. This is our moment. We need to move in a new direction. And that's what this bill does.

Some would like to stay on the same path, pursuing the same failed policies. The sign of a good person and a good legislator is to say, I moved in this direction and it didn't work, and so I'll change directions. That's what this bill does.

Every American prays that this bill will work. I think all of us pray that this bill will work. I hope that we come together, not because this bill is perfect, but because it is a substantial investment of America's money in resuscitating its economy that is causing it such great pain.

My friends, it is time for us to act. Vote for this bill to restore, to recover, to invest in a better future for all those who sent us here, hoping that we would act in their best interests and the best interest of their children, their family and their country. I believe voting ''yes'' is doing just that. And I urge my colleagues to do just that.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the newest Member of the House, AARON SCHOCK of Illinois.

Mr. SCHOCK. Mr. Speaker, I had the privilege yesterday of traveling with the President to my hometown of Peoria, Illinois, to visit a company that has made the news recently, Caterpillar Corporation. And during that speech, the President had me stand up in front of the hundreds of my constituents and Caterpillar workers and urged them to call on me to support this bill, and asked them to approach me after his speech to put pressure on me to vote for this bill.

I found it very interesting that after the President finished his speech and I stayed around, not one employee at that facility approached me and asked me to vote for this bill. In fact, I have received over 1,400 phone calls, e-mails and letters from Caterpillar employees alone asking me to oppose this legislation. Why? Because they get it. They know that this bill is not stimulus. They know that this bill will not do anything to create long-term sustained economic growth. This bill is too big to get it wrong.

I hail from a district that once had Everett Dirksen, who is famous for a billion here, a billion there.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of California. I yield the gentleman 30 additional seconds.

Mr. SCHOCK. Everett Dirksen once said, a billion here, a billion there. Unfortunately, ladies and gentlemen,

we're now a trillion here, a trillion there. We cannot afford to get this wrong. It is too important to get it wrong.

My district also had a man by the name of Abraham Lincoln who served in this seat for 2 years. We celebrated his 200th birthday yesterday. I'm reminded of his quote: ''What kills a skunk is the publicity it brings itself.'' Perhaps that is the haste by which this bill is being brought forward.

I urge a ''no'' vote.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, today we stand shoulder to shoulder with President Obama to say to the American people, help is on the way. This package packs a punch where it's needed most: ready-to-go infrastructure projects, tax relief for middle America and small businesses, essential forward-looking investments in areas like clean energy, health IT, scientific research and education, priorities that will create or save millions of jobs in this country.

Now, throughout this debate we've heard from those who, for a variety of reasons, think we should do nothing. While those voices may be sincere, inaction is not an option. Just say no is not an answer to the American people at this time.

And if our colleagues on the other side of the aisle want to define themselves as the party of ''Nobama'' I think that the American people will call them and say it's time for us to work together.

There are also those that say we should do this through tax cuts alone. And they propose substituting a middle class tax cut package with a tax package that once again benefited those who are relatively well off.

We don't need more of the same. We need to put this country to work. I urge adoption of this legislation.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, we just received official scoring of the $792 billion bill at 12:04 p.m. Unfortunately, we didn't receive this critical information until one-third of our very limited debate time was over.

While portions of the bill were scored by CBO earlier, in the case of the appropriations section, 40 percent of this entire package, the Members have not had the benefit of knowing what effects this bill would have. Now that we have this information, let me tell you what the nonpartisan Congressional Budget Office concedes.

In the case of the more than $311 billion in spending, CBO estimates that less than half of this spending will occur over the next 2 years, the time frame that many economists say such spending must occur to have the stimulative effect.

CBO estimates that only 11 percent of the money will spend out this year. It begs the question why has the majority decided to include this in this bill rather than through the regular appropriations process? Why have they decided to create 33 new programs and permanently expand 73 programs?

□ 1315

By growing the Federal Government now in this bill, the majority knows that they have a much better chance of permanently increasing government.

I reserve the balance of my time.

Mr. OBEY. I yield 1 minute to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I rise in support of this economic recovery package—a bold, urgent plan to create American jobs and to move to long-term economic growth. Every day reminds us of why this recovery package is so critical and urgent, and it reminds me of why we serve in this institution.

Last month, the economy lost 600,000 jobs. States are facing major midyear budget shortfalls. They have already begun to furlough employees. This week, we worked with President Obama and with the Senate to create 3.5 million jobs to get our economy moving—putting resources in the hands of people who need relief and who will spend it quickly, giving 95 percent of working Americans an immediate tax cut, expanding the eligibility of the child tax credit, benefiting over 16 million children, $20 billion to increase the food stamp benefit, which will reach 14 million families immediately, putting Americans back to work with $100 billion for building roads, bridges, mass transit, energy-efficient buildings, and clean water projects.

No investments are more critical than those that we make on our human capital. We got this right. Let's get it right today and support this bill.

Mr. LEWIS of California. I continue to reserve the balance of my time.

Mr. OBEY. Could I inquire of the gentleman how many speakers he has remaining?

Mr. LEWIS of California. I believe I have two.

Mr. OBEY. Then I would ask the gentleman to proceed. We have only two left—the Speaker, and I will be closing.

Mr. LEWIS of California. I have been told, since the Speaker wants to close, then our leader ought to precede her, we will have three.

Mr. OBEY. Then I would suggest the gentleman proceed.

Mr. LEWIS of California. Could I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from California has 5 minutes remaining. The gentleman from Wisconsin has 13 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the Republican whip, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, outside the walls of Congress, America is paralyzed by a suffocating crisis of confidence. A virus that began in the credit and housing markets has spread to infect the broader economy. Small businesses are hunkered down. The promise of retaining or of finding a solid job slips further out of reach for America's workers.

With this stimulus package, Congress has a responsibility to re-instill lost confidence, and it has an obligation to focus our efforts like a laser on the creation, preservation and protection of sustainable jobs. That is why the bill we are voting on today represents a fundamental dereliction of duty on the part of this majority. This legislation will not put people to work right away, nor does it contain the time-honored incentives for work, investment, innovation, and job creation that are proven to stimulate growth.

This week, I spoke with a struggling business owner in my district. How could I tell him I am voting for a bill that gives more money to projects like Federal Government cars than it gives to businesses like his. This bill is loaded with wasteful deficit spending on the majority's favorite government programs. We need jobs, not mountains of debt to be paid by our children. We can do better. We proposed a plan on our side that did do better. It created twice as many jobs at half the cost.

Mr. Speaker, I would like to yield 30 seconds to the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Mr. Speaker, I am going to be offering the motion to recommit momentarily, which will be offering to restore the tax credit for car purchases to the full $11.5 billion, which was reported by the Senate to the conference committee. Unfortunately, it was stripped out of there. The Democrats watered down this proposal to $1.6 billion, which will have almost no impact on the auto industry. Of course, my being from Michigan and as we all know, the auto industry is on its knees.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. OBEY. Could I inquire of the gentleman how many speakers he has remaining?

Mr. LEWIS of California. I have one speaker remaining.

Mr. OBEY. Then I would yield 1 minute to the distinguished Speaker of the House.

Ms. PELOSI. Thank you very much, Mr. Speaker.

I thank the gentleman for yielding. I thank him, Mr. OBEY, the distinguished chair of the Appropriations Committee; Mr. RANGEL, the chair of Ways and Means; Mr. WAXMAN, Mr. MILLER, Mr. GORDON, Mr. OBERSTAR, and Ms. VELÁZQUEZ—the chairs of the committees which had the most to do with

putting this legislation together. I thank them for their great work on behalf of the American people.

My colleagues, as we gather here today, the American people are watching and are waiting. They want to see if we can act on their behalf. They want to know if we have heard their pleas. They are concerned about their jobs—whether they can hold them—and those who have lost their jobs are concerned about how they are going to be able to have any economic stability for their families. They are concerned about their health care. They are concerned about putting food on the table.

There is a great deal of apprehension in our country about our economy. What we need now, though, is not fear. We need confidence. We need confidence in our economy, in our markets. We need consumer confidence. We need to do the job for the American people.

Mr. Speaker, a little more than 3 weeks ago, in his very inspirational inaugural address, President Obama pledged ''action—bold and swift—not only to create new jobs but to lay a foundation for growth.'' Today, only a little more than 3 weeks later, Congress is boldly and swiftly delivering on the President's promise of new jobs, new hope and a new direction for the American people.

I said on this floor that the ship of state is difficult to turn. Yet the American people know and historians will judge that this is a remarkable achievement for President Barack Obama. Never before has a President passed his first major economic proposal so boldly and so swiftly.

It is also a remarkable achievement for this Congress that we dubbed 2 years ago the ''New Direction Congress.'' With the extraordinary articulation of the President's vision and our own represented in this legislation, the name ''New Direction Congress'' rings more true now than ever. It is in sharp contrast to the ''do nothing'' approach that some want us to take here, and certainly, it is in very sharp contrast to the approach taken when our country was in big economic trouble leading into the Depression.

My colleague, Mr. MILLER, has already told you some of this, but I want to revisit it.

When President Hoover was faced with the Depression, he said, ''What the country needs is a big laugh,'' he said in 1931. ''If someone could get off a good joke every day, I think our troubles would be over.''

In 1932, Hoover asked Will Rogers to think of a joke that would stop hoarding. He told Rudy Vallee, ''If you could sing a song that will make people forget the Depression, I will give you a medal.'' President Hoover told Christopher Morley, ''Perhaps what this country needs is a good poem . . . Sometimes a good poem can do more than legislation.''

Sometimes it can. But not this legislation.

What President Hoover was saying then was not funny then, and it is not funny now. The American people need action, and they need action now. They have a right, as they listen to this debate, to ask about this legislation: What is in it for me?

After all of the debate, this legislation can be summed up in one word, ''jobs''—new jobs for the 3.6 million Americans who were put out of work since the recession began in December 2007, new jobs and an economy transformed by this legislation's new investments in health, education, science, innovation, and in clean, efficient American energy, new jobs created through modernizing America's roads, bridges, transit systems, and waterways. It is the first such large-scale effort in half a century since the creation of the Interstate Highway System under President Eisenhower. The jobs that the American people care about most—their own—will be dramatically safer the day that President Obama signs this into law.

While we jump-start and then transform our economy for years to come, we must also lift those harmed by the economy we inherit—the workers and families who have been hurt in the recession. What is in it for them?

More than 35 percent of this package will provide direct tax relief to 95 percent of American workers through the Making Work Pay Tax Credit. We provide the most significant expansion of tax cuts for low- and moderate-income Americans ever, which will lift more than 2 million Americans out of poverty.

College will be made more affordable for 7 million American college students who will see an increase in their Pell grants. Four million students will benefit from a new $2,500 American Opportunity Tax Credit that is partially refundable.

We will also help workers and families make ends meet by extending unemployment benefits, COBRA for unemployed workers, by investing in job training and by increasing nutrition assistance. Economists tell us that every dollar invested in food stamps and in unemployment insurance creates $1.73 or $1.63 respectively, making the right thing to do for the American people the right thing to do for the economy. We get the biggest bang for the buck on those initiatives that address the needs of our working families.

The historic scope of this bill is matched by an unprecedented accountability in our tax dollars and transparency so that the American people can see where each dollar is invested and can contact by name those responsible for how those dollars are spent, ensuring a strong result for our economy.

Just yesterday, the President and leaders of Congress came together in the Rotunda of the Capitol to honor the legacy and courage of our Nation's greatest President, Abraham Lincoln. Lincoln's stirring words captured the very heart of our democracy and representative government. A few years after his sole term in the House of Representatives—and aren't we proud to call him ''colleague,'' one who has served in our House—Lincoln offered his thoughts on the aims of government:

''The legitimate object of government is to do for a community of people whatever they need to have done but cannot do at all or cannot do so well for themselves in their separate and individual capacities.'' Abraham Lincoln.

More simply put, we are all in this together.

As you cast your vote today, I think I feel this more than on any occasion when we have had a very important vote, and this vote today is, indeed, historic. When we put our cards in to register our support for this important legislation or not, let us think that our hands are being held and that our hands are being pushed by all of the American people who want us to vote for them—for their health, for the education of their children, for their jobs, for the economic security of their families, for a better future built on innovation, science and technology, and on a future that will give them hope.

Their expectations are high. Our opportunity is great. This legislation helps fulfill the promises that President Obama not only made in his inaugural address but that many of us have been working over the years in a bipartisan way to achieve. I never thought I would see the day when we would have an opportunity so great to do so much for so many people in our country.

I urge a strong and resounding ''yes'' for the American people.

□ 1330

Mr. LEWIS of California. Mr. Speaker, as I prepare to call upon my last speaker, I want to remind my colleagues that according to the Congressional Budget Office, only 11 percent of the appropriations in this bill will be spent by the end of 2009; 47 percent would be spent by fiscal year 2010; 53 percent would not be spent until after October of 2011.

It is my pleasure to call upon, for 1 minute, the Republican leader of the House, JOHN BOEHNER.

Mr. BOEHNER. Mr. Speaker and my colleagues, the American economy needs help. Our neighbors, our friends, our constituents, they're hurting. And there's not a Member in this body on either side of the aisle that doesn't understand that. And I think everyone in this Chamber on both sides of the aisle understands that Congress needs to act

and we need to act now to help American families and help small businesses and to help bring more confidence back to our economy.

The question is, how do you do that?

The President, when he outlined his desires for this bill, summed it up pretty simply when he said, ''This bill needs to be about jobs.'' I don't think there is anybody in this Chamber that disagrees that this bill needs to be about jobs, preserving jobs in America, and helping to create new jobs and helping to get our economy rolling again.

But the bill that was supposed to be about jobs, jobs, jobs has turned into a bill that's all about spending, spending, and spending.

This is disappointing. The American people expect more of us. They expect to have something that's going to work for them. And my opposition to this bill isn't the fact that we're doing a bill—we need to act. But how?

When you look at some of the spending of this bill, it will do nothing about creating jobs in America. Tell me how spending $50 million for some salt marsh mouse in San Francisco is going to help a struggling auto worker in Ohio. Tell me how spending $8 billion in this bill to have a high-speed rail line between Los Angeles and Las Vegas is going to help the construction worker in my district. Or how about the family who called me about the fact that the bread winner in the family's hours are going to be cut from 40 hours to 20 hours. Can't hardly make his payment. What's it do for him? Absolutely nothing.

And so, my concern about this is that we have to have a plan that will work for the American people, work for families, work for small businesses, and help get our economy going again. I don't think this bill does it.

I hope this bill works, I really do, for the good of our country. But my concern is that the plan that's outlined will not do what we want it to do.

That's why Republicans came to the table with what we thought was a better idea, a plan that would create twice as many jobs as the bill that we're debating at exactly half the cost. But our ideas weren't considered. We weren't allowed in the room, we weren't allowed to participate at all. And all of the talk about bipartisanship that we've heard over the last several months went down the drain.

Now, my Democrat colleagues know I know how to be bipartisan, even when we were in the majority. I've worked with many Members on the other side of the aisle to bring bills to this floor that truly were done together. But we would usually start at the beginning of the process.

Not only were we not included at the beginning of the process, we weren't even included at the end of the process.

And it's not about us being excluded. It's about our ideas to help make this economy better, our ideas about how to give American families and small businesses the ability to keep more of what they earn to help their families, to help their businesses, to create more jobs. That's what the American people want. They don't want more spending on a couple hundred million dollars to get the country ready for some national health plan, money that's going to go to the bureaucracy. They want to know how their budgets are going to be helped. And unfortunately, they're not.

If all of that wasn't enough, here we are with 1,100 pages—1,100 pages—not one Member of this body has read. Not one. There may be some staffer over in the Appropriations Committee that read all of this last night—I don't know how you could read 1,100 pages between midnight and now. Not one Member has read this.

What happened to the promise that we're going to let the American people see what's in this bill for 48 hours? But no, we don't have time to do that.

We owe it to the American people to get this bill right. We owe it to American families, we owe it to small businesses, and we owe it to ourselves to get this right so that we can, in fact, help our economy. I don't believe this is the way to do it.

It's disappointing the way this process has worked and the outcome that we've got. And I'm a big believer that we shouldn't come to the floor and talk about process, but bad process leads to bad policy. And that's what we have here, in my view. Bad policy that will drive up, drive up the debt and put all of this cost on the back of our kids and our grandkids and their kids.

I hope it works, but I surely have my doubts.

So I'm going to vote ''no.'' I'm going to vote ''no,'' and I'm going to hope, I'm going to hope that the next time that we get into a major piece of legislation on this floor, that you will include us. You will include our ideas.

I said on the opening day that Republicans would not be the party of ''no,'' that we would be the party of better ideas. And I'm committed to bringing better ideas to the floor, and let's debate those better ideas.

Our tax policy, fast-acting tax policy that helps American families and small businesses does, in fact, create twice as many jobs. Twice as many jobs. Because we want the American people to keep their money to invest in their family and their small business. We're not interested in growing the size of government.

I asked my colleagues yesterday in our conference, ''Think about the first time you ran for Congress.'' The freshman Members, they can remember this because they just did it. For me, it was 18 years ago. But I can tell you what I said 18 years ago: that I would come here to fight for a smaller, less costly, and more accountable Federal Government. This is the epitome—the epitome—of what I came here to stop.

And I don't think there is one Member of Congress who came here to pass an $890 billion bill—if you add interest on it, about $1.1 trillion—of spending to help grow the size of the Federal Government and to do very little to help American families and small businesses.

I'd suggest that you vote ''no.''

Mr. OBEY. Mr. Speaker, could I inquire how many more speakers the gentleman has.

Mr. LEWIS of California. Assuming that you're the last speaker, I'm ready to yield back the balance of my time, and I do yield back.

Mr. OBEY. Mr. Speaker, I yield myself the remainder of the time.

Mr. Speaker, this country faces the greatest crisis that we've seen in terms of our economy since the 1930s. Unemployment is expected by many people to hit 12 percent. We're told if we do nothing, we're likely to see unemployment at least around 12 percent; and we hope that with the passage of this proposal, we can mitigate that disaster to a significant degree.

Why are we in this trouble? Because we have had a virtual collapse and a freeze-up of the financial system and the credit markets; we've had a collapse of the housing sector of the economy and the auto sector of the economy.

In normal circumstances in a normal recession, we are usually led out of that recession by housing and by automobiles. This time, those two sectors are in shambles. They're not going to lead us out of anything for the moment.

The other tool normally available to us is monetary policy in the form of low interest rates through action of the Federal Reserve. We've already fired that bullet.

The only bullet left is fiscal policy. And so what we are trying to do with this bill is to save and create several million jobs, we're trying to help the victims of the recession who are losing their jobs, losing their health, losing their pensions, losing their ability to send their kids to college; and at the same time, we're trying to invest in new portions of the economy through science, technology, new energy initiatives to try to modernize the economy and make it stronger as we come out of this recession, as we most certainly eventually will.

And we are also, despite the objections of some on the minority, trying to put a quite significant amount of money into the health care system. What on earth is wrong with trying to save money in the health care system and at the same time making it more efficient by transferring our medical records to computerized records to reduce errors, and to save money at the same time?

Guess what? This bill isn't perfect. Guess what? I've never seen a perfect bill produced by this or any other legislative body.

You know, the worst thing that people can do in this town is to believe their own baloney. And I think what the likelihood is on this bill, frankly, is that supporters of the bill are inclined to overstate its possibilities and opponents, as we've seen here today, are certainly inclined to trash it.

I was criticized in the Rules Committee last night and again on the floor today because I frankly said, ''I do not know how many jobs this bill is likely to produce.''

What I do know is that the consensus of reputable economists around the country is that this bill will save or create several million jobs. Exactly how many will be determined by history.

Now, the critics say a number of things. They say the bill is too big, and then they announce they're going to produce a recommit motion which adds $9 billion to the cost. That's what I call falling off both sides of the same horse at the same time.

I would suggest that this bill is big, all right, but I'll make you a deal: You show me a smaller problem that we have to confront, and I will be happy to produce a smaller bill.

The fact is, we face, over the next 2½ years, a hole in the economy of approaching $2.5 to $3 trillion.

This is an $800 billion package over 2½ years. That means the annual fiscal thrust without the economic multipliers is about $300 billion. I personally think that it is smaller than it needs to be, but it has been downsized since it left the House to some degree in order to try to pick up Republican support in the Senate, and I understand that.

The critics have another technique: They trash by trivializing. They follow the guidelines laid out by one of the Members of their leadership a few months ago when he said in The Post that the way they ought to deal with the Democratic majority is to behave like a thousand mosquitos inflicting mosquito bites and tormenting the majority.

And so what do they say? They tell us, for instance, that there's an earmark in here for rail under ''high-speed rail.'' The fact is, there is not. All of the funding in that account is discretionary. It will be awarded competitively, and the decisions will be made entirely by the Department of Transportation. And the last time I looked, the new Cabinet Secretary was a Republican.

□ 1345

Secondly, they tell us that we're spending more money on the arts than we are on small business. We're putting $750 million in this bill for small business. There's $50 million in here for the arts. And you know what, there are 5 million people who work in the arts industry, and right now, they've got 12½ percent unemployment. Or are you suggesting that somehow if you work in that field, it isn't real when you lose your job, it isn't real when you lose your mortgage, it isn't real when you lose your health insurance? We're trying to treat people who work in the arts the same way as anybody else.

And then they tell us there are mice, except when they say they're rats. Well, I would simply urge you to read The Mercury News because The Mercury News points out that that is a fallacious attack.

They say that we're spending $30 million on mice. Where did the $30 million figure come from? According to The Mercury News, and I will read this, ''It turns out that $30 million is the total amount that the California Coastal Conservancy, a State agency, recommended more than a month ago to numerous Federal agencies looking for lists of 'shovel ready' projects as part of the stimulus bill planning.'' And the staff director for the minority leader himself told the press yesterday that he had to admit there was no specific reference to any mice or rats in this bill.

There is one place in this budget, however, where you do have mice. It's at NIH. One of the Members of this House told me today, ''I'd be happy to talk about mice because research projects at NIH saved my life''. Cancer research, the research is done on mice. Would you rather have the experimentation done on human beings? I don't think so.

If you look at what this bill does, it provides an $800 tax break for middle American couples. It provides $120 billion in infrastructure to create hundreds of thousands of jobs. It shows some mercy to people who are unemployed by extending and expanding unemployment benefits. It tries to modernize the economy to create new jobs through science and technology. It provides $170 billion to help States avoid catastrophic tax increases that would be counterproductive during this kind of a recession. And it also helps them to avoid drastic cutbacks in education, in law enforcement, so that they don't have to fire cops, they don't have to fire teachers, they don't have to fire prison guards and all of the other people who are paid for out of State budgets. Those are some of the ''terrible'' things the bill does.

Now, this bill does have one problem. It is estimated that it creates about 1 million fewer jobs than it did when it left the House earlier. It does that in an effort to be bipartisan because the President reached out to try to get Republican support in the Senate, and he makes no apology for that and neither do I. But the fact remains, we still have 86 percent of the House bill that we had when the bill left the House. That is a pretty doggone good ratio.

I think we need to appreciate that this bill is the largest change in domestic policy since the 1930s. Think of what has happened.

One month ago, we had a President who insisted on holding up the entire domestic appropriation part of the budget because he wanted to impose $30 billion in cuts in education, in health care, science and the rest. In contrast today, we have a President who is willing to invest $800 billion to attack this recession and to turn this economy into a stronger and better economy for every American, not just the top 10 percent who have benefited by Republican policies.

One month ago, we had a President who resisted raising the minimum wage and resisted providing expanded unemployment insurance. Today, we've got a President who's reversing that policy and says ''Go to it, help those people, they need it.''

And we've also got a President who is willing to put $90 billion into States to preserve our society's ability to see to it that poor families and kids don't get knocked off the Medicaid rolls.

One month ago, we had a President who asked us to pass No Child Left Behind and then for the next 8 years reneged on the promise to provide additional funding to pay for the cost of those mandates. We had a vote today on the issue of mandates. The mother of all mandates has been No Child Left Behind, which I voted for, but I expected the President not to welch on the deal, and financially, he did. This changes that. This reverses that policy.

I would ask Members to vote for this bill. It will change this country for the better.

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to reestablish 30 seconds of my time to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Speaker, it goes without saying that all of us appreciate Members and staff who are willing to work around here. There's no Member in the House who puts in more energy and time and hours than my friend, Chairman OBEY. I do not necessarily have to agree with everything that he might suggest, but in the meantime, you certainly cannot discount his commitment to this effort.

And to the staff on both sides of the aisle who spent endless nights, weekends and otherwise trying to evaluate and work through this package and help each other where we can, I want them all to know that they have our thanks, the entire House's thanks, for that effort.

Mr. OBEY. Would the gentleman yield?

Mr. LEWIS of California. I'd be happy to yield.

Mr. OBEY. Let me simply thank the gentleman for his comments and say that I appreciate the fact that we can debate these issues and still remain personal friends.

And I also want to thank, as the gentleman has, I want to thank profoundly the staff of this committee and all the committees who worked so hard. So often these people go 1 and 2 and 3 days in a row with little or no sleep. That certainly has been the case this week, and I'm profoundly grateful to the staff, certainly on our side of the aisle, especially Beverly Pheto who has become staff director because the White House stole our previous staff director.

Mr. BOYD. Mr. Speaker, I rise today in support of H.R. 1, the American Recovery and Reinvestment Act of 2009.

I want to commend House Leadership and President Barack Obama for ushering this legislation through a tricky process. Though this may not be the perfect bill, we cannot let the perfect be the enemy of the good. Frankly, our economy is in uncharted territory. At a time when unemployment is pushing 7.6 percent and key economic indicators show a downward spiral, Congress has a duty to come together and act on behalf of the people. I worked in conjunction with my Blue Dog colleagues to ensure that the final version of this bill was better than the original House version and was streamlined towards effective spending and tax provisions that are temporary, targeted, and timely.

Stimulative spending including the funding for transportation and education infrastructure projects, job training and workforce development, and critical investments in rural communities like broadband services and wastewater projects will be extremely beneficial to communities in Northwest Florida. The temporary tax provisions, such as the expansion of the Earned Income Tax Credit and the increase of the refundable portion of the child credit, are also critical to bolstering the economy by ensuring that money will quickly get into the hands of Americans who are going to spend it. Additionally, H.R. 1 increases unemployment benefits, provides more funding for food stamps and a one-time payment to recipients of Social Security and veterans receiving disability compensation and pension benefits. Finally, this bill helps small businesses quickly recover costs of new capital investments by extending the bonus depreciation for making investments in plants and equipment. In the end, these combined provisions are our best bet for a shot in the arm of this economy. H.R. 1 will create or save over 8,300 jobs alone in the 2nd district of Florida which I represent and over 200,000 jobs statewide.

Despite the positive aspects of the bill, I do have concerns with the bill and even more serious concerns with our long-term economic problems.

For one, billions of dollars to fix the Alternative Minimum Tax are included in this bill. Though this prevents many middle-class families from tax increases, it does so in the most fiscally irresponsible way possible. It is not justifiable emergency spending. We need a long term, sustainable solution to this problem and I have consistently voted to support a paid-for, offset Alternative Minimum Tax over the years.

Furthermore, I would have chosen a better, more inclusive process in considering this bill. I would have preferred more time to study the major incentives for health information technology, increased federal assistance for higher education programs, and alternative energy investments, even if they are provisions that will make our economy stronger and more innovative. My Blue Dog colleagues and I appreciate the recent commitment of the Leadership of the House to have a return to regular order and process in this body.

I was also concerned that the House voted on this bill before having two days to review the final text. I voted against the Previous Question and the Rule for the bill to make this point.

Finally, I am very concerned about the unprecedented federal deficits and burden to future generations that the levels of spending in this bill will create. We are living in unparalleled economic times with regards to loss of jobs, houses, and credit throughout the country and I firmly believe that only by tackling long-term fiscal issues can we ensure a prosperous nation today, tomorrow, and well into the future. I will continue to work with my colleagues in Congress to balance our annual budgets and address the entitlement spending issue that threatens our future.

I am heartened that President Obama committed to a ''Fiscal Summit'' later this year to tackle the issues of long-term fiscal responsibility. These actions, coupled with a commitment to address the underlying causes in the housing and financial markets at the root of our economies woes, are encouraging.

Despite the concerns I have outlined, I stand in support of H.R. 1 and I will continue to work with fellow elected officials at all levels of government to oversee accountability and transparency during the spending of the stimulus funding provided by this bill.

Mrs. MALONEY. Mr. Speaker, the speed at which both chambers and both parties have come together on this recovery package shows how committed Congress and the Administration are to shoring up our troubled economy.

The landmark legislation that we will pass today will create millions of jobs, provide cut taxes for hard working families, provide basic necessities to families in need and make investments necessary to transform our economy for the 21st Century.

Economists, business leaders, and labor unions across the political spectrum know that decisive action is the only way to jolt our economy out of its intensifying tailspin.

Everyone in the process has compromised, except for House Republicans. It's time for the House Republicans to stop saying ''no'' to everything and start saying ''yes'' to bipartisanship and ''yes'' to recovery.

The current economic crisis requires bold solutions that address the magnitude of our economic woes, and the American Recovery and Reinvestment plan will do just that.

We will blunt the effects of the recession for families by increasing food stamps benefits, expanding unemployment benefits, and preserving health care benefits.

The recovery plan also invests in America's school, roads, bridges, water systems that are in disrepair and creating a drag on our economy.

We have an historic opportunity to make the investments necessary to modernize our public infrastructure, transition to a clean energy economy, and make us more competitive in the future.

Our plan also supports working families by providing a tax cut for 95 percent of workers and their families.

By spreading job creation out over the next couple of years and across a variety of sectors, we will soften the downturn and foster a solid economic recovery.

It's time to get our economy back on track.

Furthermore Mr. Speaker, in writing about the American Reinvestment and Recovery Act, the front page of the Wall Street Journal said it well.

This historic bill will spur road building, give businesses tax breaks, and expand broadband access.

Yes, it will do all that, and so much more. It will help our country avoid a recession so dark and deep that the pain and economic dislocation it would produce for the vast majority of people would be terrible to contemplate.

According to a broad consensus of the brightest minds in the field, this economic stimulus bill will help put Americans back to work now, and get us back to doing what we do best—lighting the way to the future.

It will provide more than $150 billion in public works projects for transportation, energy and technology.

We will begin to develop the clean energy sources and smart transmission lines that the whole world will demand tomorrow.

There is $10 billion for medical research to help America retain its vaunted leadership.

The bill also provides for the urgent needs of today, with $87 billion to help states meet rising Medicaid costs.

There is money to help state unemployment offices that are overwhelmed by the numbers and funds to help those who have been thrown out of a job through no fault of their own, and are struggling desperately to keep health insurance coverage for their families.

And it addresses the three most important issues facing us today. Jobs, jobs, and more jobs. This bill is expected to create about 3.5 million jobs.

The total impact on my state is expected to be the creation of 215,000 jobs with almost 8,000 jobs in my district alone.

Across the country the bill is expected to produce over a million jobs in construction and manufacturing, and 345,000 jobs in professional and business services. And 90 percent of these jobs will be in the private sector.

There is a tax cut for 95 percent of working American and the bill protects millions of middle income taxpayers from having to pay the Alternative Minimum tax in 2009.

The aid that will flow directly to states should also help to ease some of the most painful service cuts that were looming, and may even provide more tax relief.

According to Governor David Paterson, New York state might be able to use some of the federal stimulus funds to avoid some of the 137 business and consumer tax increases now planned for next year.

In the coming days, you will hear 1,001 different opinions about this bill. And I hope you will keep in mind that Congress listened to a wide range of opinions on just what to do to get America working again.

There were many, including Nobel Laureates in the field of Economics who felt we should be spending considerably more. There were some who said we should spend less. And even a few who said we should do nothing. But sitting still and doing nothing was never an option. Inaction is simply not in the American DNA.

Some made a case for spending more on infrastructure while others pushed for bigger tax cuts. But politics is the art of the possible—and tax cuts for the wealthiest Americans are what helped to pave the way to the hole we find ourselves in now.

And our critics must admit that tax cuts alone never built a school, fixed a bridge or paved a road.

With the passage of this bill, our crumbling infrastructure will be repaired, our dependence of foreign oil will begin to be addressed, our healthcare system improved, and our economic well-being restored. This is the plan. This is the time. And ''yes'' is the answer.

Mr. LANGEVIN. Mr. Speaker, I rise in support of the Conference Report to H.R. 1, the American Recovery and Reinvestment Act, which addresses the unprecedented economic crisis we are currently facing. This measure will put our economy back on track and will also transform our economy for the 21st Century through much needed investments in our health care system, infrastructure, education, and energy independence, while saving and creating millions of jobs during the next two years.

We are facing dire economic times. Every week, we are faced with new reports on job losses across our country. In my home state of Rhode Island, we have the country's second highest unemployment rate at ten percent and last December, we were ranked sixth nationally in foreclosure rates. These harsh realities have made it increasingly clear that our economy will face an even sharper downturn if we do not act soon.

The compromise between the House, Senate and White House is not perfect, but it contains the right formula of spending and tax relief to stimulate our economy and increase new job opportunities. With that in mind, I support taking action to rebuild our nation's economy and put Rhode Island families first. H.R. 1 will appropriate spending for transportation and infrastructure upgrades and construction, health care programs, education assistance, housing assistance and energy efficiency upgrades, and includes personal and business tax breaks, tax provisions intended to assist state and local governments, and energy-related tax incentives for a total of $787 billion to be expended over Fiscal Years 2009 and 2010. This measure helps those hit hardest by the economic downturn by extending unemployment benefits, providing job training to get people back to work quickly, increasing food stamp benefits, and extending health benefits.

The recovery plan provides funding to modernize our crumbling roads and bridges, increase transit and rail funding to reduce traffic congestion and gas consumption, and invest in clean water and other environmental restoration projects. These investments will immediately create jobs in my state, as projects will only receive funding if they are ''ready to go'' within 90 days of the enactment of this bill. This legislation also includes additional infrastructure funding that will improve our national security by modernizing our electric grid, upgrading our airport, port, transit and rail security, and updating Department of Defense facilities.

One of the best ways to grow our economy is by investing in our future workforce. The inclusion of robust education initiatives that will build 21st Century classrooms, labs and libraries is also very important to me as we prepare the next generation of workers to support and strengthen our economy. I am pleased that funding to modernize, renovate and repair school buildings is included in the final language. It also contains funding for Title I programs, which serve disadvantaged children, and IDEA, which serves disabled children, ensuring that all children, regardless of where they live or their disability, receive a quality and equal education. Moreover, this level of funding for IDEA increases the Federal share of special education services to its highest level ever and brings much needed relief to school systems. H.R. 1 also provides $15.6 billion for Pell grants, and it is estimated that Rhode Island will receive $97.5 million in aid for 28,217 recipients for an average award for the academic year 2009–10 of $3,456. Investing in our children's education not only has long-term benefits to our economy, but it also delivers on our nation's promise to ensure that all individuals have an equal opportunity to succeed.

Investments in American health care also represent a vital component of our nation's economic recovery and long term fiscal sustainability. This package contains several provisions that will stimulate job growth and improve health care quality and efficiency through $10 billion investments in biomedical research and $19 billion for the further development and implementation of health information technology.

This bill bolsters crucial safety net programs that provide invaluable health and social services to our nation's low-income and disabled citizens with the inclusion of $87 billion in enhanced funding for state Medicaid programs that have been stretched to the breaking point under increased unemployment and skyrocketing health costs. This package also includes a provision to assist recently unemployed individuals and their families by helping them maintain their health coverage through a 65% subsidy for health insurance premiums under COBRA for up to nine months.

One of the greatest challenges we face with this effort is ensuring that we do not repeat the mistakes of the past. This bill makes great strides by investing in the transformation of our national energy policy, which will lead to greater technological advancements in renewable technologies, job creation, and energy independence. Now is the time to make the commitment to our children and our grandchildren that we will leave a safer, cleaner, and healthier environment than we have now. As a co-founder of the Sustainable Energy and Environment Coalition, I fought for several provisions in H.R. 1 that promote energy efficiency and renewable energy production and development, including tax provisions for families and businesses, in addition to funding that will drive the creation of new, ''green-collar'' jobs. More importantly than tax incentives alone, this measure sets forth a long-term energy policy that puts our nation on the path towards energy independence.

Individuals and families will also receive relief through the ''Making work pay'' tax credit, which will provide up to $400 for an individual or $800 for married couples filing jointly. Parents will also benefit from an increase in the earned income tax credit for families with three or more children and the bill allows additional low-income families to receive the child tax credit. The measure will also provide a tax credit up to $8,000 for first time home buyers if they purchase a home between January 1st, 2009 and December 31st, 2009, injecting a much needed financial incentive into the housing market.

I also urge my colleagues to join me in my support for H.R. 1 because it includes unprecedented accountability and strong oversight by creating the Recovery Act Accountability and Transparency Board, which will coordinate and conduct oversight of federal spending under the bill. A public website will also contain the board's reports, show exactly how funds are spent and will list announcements of contract and grant competitions and awards.

Mr. Speaker, it is important to understand that this funding is not a silver bullet, but that our economy will continue to decline without this immediate action. The Recovery package will slow our downward economic trend and allow us to regain our footing as we begin to make much-needed long term investments to transform our economy for the 21st Century. American prosperity depends on individual economic security. It is only when Americans do not have to worry about losing their job, keeping their home or paying their bills that our economy will truly flourish. I am committed to improving the economic outlook for the millions who are struggling, and I will continue working with my colleagues in Congress on this vital and urgent goal.

Mr. MARKEY of Massachusetts. Mr. Speaker, today we're responding with determination and bold action to combat the most severe economic crisis our country has faced since the Great Depression.

For years, as hardworking American families struggled to make ends meet and the economy shed millions of jobs, Republicans told us not to worry—we are in the midst of a ''jobless recovery'', they said. But ''jobless recovery'' is an oxymoron, a contradiction in terms, like jumbo shrimp or Salt Lake City nightlife—it just doesn't exist!

The failed ''laissez-faire'' approach of the past 8 years has now been discredited by rising unemployment, loss of confidence in our financial markets and the economic hardships suffered by families across the country.

For millions of Americans, ''laissez-faire'' is just a fancy name for ''left behind.''

With this economic recovery package, we are taking the bold action that is needed by creating or saving 3-and-a-half million jobs, rebuilding America, making us more globally competitive and energy independent, and transforming our economy.

While our country is facing enormous challenges, we also have a once-in-a-generation opportunity to create millions of new jobs, invest in vital priorities and position our economy for future growth. Today we are seizing this historic opportunity and setting our country on a new direction.

This urgently-needed economic recovery package funds infrastructure projects that are ''shovel-ready'', while also supporting future-oriented projects that are ''circuit-ready'': broadband, electronic medical records, smart grid, advanced battery technologies and other vital priorities.

The massive investments in weatherization, state energy efficiency grants, and federal building efficiency are some of the safest and smartest investments our country can make right now. They put money into the pockets of American workers and pay for themselves in the form of energy savings and lower energy prices. This energy efficiency ''double dividend'' is a proven, reliable phenomenon that our current weak economy must capitalize.

In addition, I am pleased that the conference report will provide $6 billion in new loan guarantees for renewable projects such as solar and wind and for upgrading our nation's transmission system to a smarter electricity grid. Section 1705 of the bill supports a program authorized in the 2007 Energy Independence and Security Act that permits the Department of Energy to issue grants for developing electric power transmission systems, including upgrading and reconductoring projects. This provision would allow for the development of a smart transmission and distribution grid, which would include support for technologies such as underground superconductor transmission cables that can increase the efficiency of our grid and facilitate the delivery of renewable power from the heartland of our country to the hearts of our cities.

The bill provides $19 billion for a new health IT infrastructure to improve care, lower costs and reduce medical errors. I am pleased that the conference report includes patient privacy safeguards that I have long advocated, including a provision that I offered at the Energy and Commerce Committee markup to ensure that patients' medical records are made unreadable to unauthorized individuals.

This balanced, well-thought out package provides tax relief for 95% of Americans and targets investments in key areas to turn around the American economy. I urge my colleagues to vote in favor of H.R. 1, the American Recovery and Reinvestment Act of 2009.

Mr. HERGER. Mr. Speaker, all across the country, Americans are hurting. I held three telephone town halls this week and I heard firsthand how difficult things are for people. These are people willing to work; people looking to keep their small business afloat; people looking to feed their families. But they are not looking for a handout and they know that we can not spend and borrow our way back to prosperity.

Unfortunately, Congressional Democrats have chosen to use this bill to achieve an eight year long wish list. How does billions of dollars for ACORN help a small business owner keep people employed? How will funding for the NEA grow our economy?

Instead of making health care more affordable, they are pushing policies that will quietly set the stage for government takeover of health care, resulting in bureaucrats making decisions for patients and doctors.

Congressional Democrats wrote much of this bill secretly, negotiated it behind closed doors, and released late last night, giving only a few hours to review it. And the reason that they are trying to ram this bill through is simple—it won't stimulate our economy.

That's why we should scrap this bill and pass the alternative measure proposed by House Republicans, one based on fast-acting tax relief for working families and small businesses. We need a bill that will get to the heart of the matter and put our economy back on its feet.

Mr. KANJORSKI. Mr. Speaker, I rise today to offer my thoughts about H.R. 1, the American Recovery and Reinvestment Act.

While the final recovery bill is not perfect, nor does it address all my concerns, I strongly believe that we must take quick action to help Americans who are struggling and help spur job creation. We are in a time of crisis, and doing nothing is not an option. I agree with President Obama—time is of the essence, and we must act quickly to pass a recovery package. Though no bill is perfect, I have reconciled my problems with the initial bill for the sake of helping Americans and the economy.

Just last week, the U.S. Department of Labor announced recent increases in the number of unemployed Americans. These statistics were incredibly troubling. Sadly, they showed a twenty-six year high in unemployment filings. Additionally, part of my own Congressional District in Northeastern Pennsylvania, faces a 7.7 percent unemployment rate, higher than the state and national averages. Clearly the increase in the number of people unemployed in the country and in Northeastern Pennsylvania reflects the need for the federal government to immediately provide greater assistance to those out of work and struggling.

While I wanted the recovery bill to focus more on job creation through infrastructure in the short term, which was the original focus of the bill, it does address these issues to an extent. The bill is estimated to create or save 3.5 million jobs throughout the country, including 143,000 jobs in Pennsylvania and 7,700 jobs in my Congressional District. The bill includes $64 billion for infrastructure development that is estimated to create or sustain 1.8 million jobs nationally and generate $322 billion of economic activity. Additionally, to help individuals get back to work in good jobs, almost $4 billion is allocated for job training programs.

I also previously expressed the need for the recovery package to focus on helping those who are out of work or retired. While many people are struggling, we must help those without jobs feed their families immediately. Though I encourage a larger focus on this for future legislation, this bill extends unemployment insurance through December 2009 and it increases benefit payments by $25 per week, so that jobless workers will now receive $325 per week in tax-free benefits. It also includes a one time $250 payment to retirees, disabled individuals, and for Supplemental Security Income to help more people without jobs.

Finally, I had strongly advocated for the inclusion of a General Revenue Sharing program through an amendment to the recovery package that would provide localities with a needed source of revenue for undertaking job-creating infrastructure projects and maintaining public safety networks. This would be critical to helping localities across the country that are facing significant funding shortfalls as a result of the ongoing economic downturn. While I was disappointed that this amendment was not included in the legislation, I applaud provisions in the current bill that will improve state and local government bonds, allowing states and localities to afford needed infrastructure projects. The recovery package also creates a competitive grant program exclusively for state and local surface transportation projects. Additionally, I will introduce a stand alone General Revenue Sharing bill in the near future.

My strongest objection to the initial recovery package dealt with the fact that many Members, both Democrats and Republicans, were not involved in the discussions on the bill. As I have continued to say, open door policies regarding Congress' legislation are essential. All Members of Congress must have a voice and the opportunity to debate bills, especially the recovery package which is the most significant and certainly the most expensive undertaking in our nation's history. I voiced my concerns to House leadership, and they were noted. I hope these actions will be changed in the future.

Additionally, the public must have an informed voice as well. In order to let the American public truly understand the need for the recovery bill, and other legislation going forward, we need to allow them to fully understand it. I am a firm believer in that we must determine the problem before addressing the possible solutions. We must effectively communicate to the public the full extent of the problems we face so that they also understand why we are taking such action.

I applaud President Obama for his determination and willingness to jump on such a daunting project in his first month in office. While this is not a final solution to our economic problems, as we will likely need another recovery package in the future, it is an important step forward. Fixing our economy will not happen overnight, but I have faith that we will emerge from these tough times stronger than ever.

Mr. MORAN of Kansas. Mr. Speaker, there is not a person in this country that is sheltered from the economic challenges we face. I agree steps should be taken to stabilize the economy and get people to work. However, I feel that the plan presented today is not the right one to boost our beleaguered financial condition.

Spending vast amounts of borrowed money does not work in our households and it does not work in government. These habits are what brought us to this current situation. Individuals, businesses, and especially government have simply borrowed too much. Living beyond our means has consequences. We cannot borrow our way out into prosperity. More importantly, we cannot spend our children's future. It will not work economically and it is wrong morally.

Bundling a large collection of spending projects and calling it a stimulus does not make it stimulative. The purpose of the stimulus should be to spend a dollar in a way that

will create greater than a dollar's worth of economic benefits. Spending a dollar in certain ways that have stimulating effects or reducing tax burdens on workers and small businesses is what we need to be doing.

I will again vote "no." I do so as a taxpayer, a father and a public official entrusted to do the best he can for his fellow Kansans. Political posturing has no place in this debate. We need to get the country moving. Unfortunately, this is the wrong plan that will add billions of dollars of frivolous spending to our national debt without stimulating our economy.

Mr. STARK. Mr. Speaker, in the past few weeks there has been a concerted media campaign to spread misinformation about the Comparative Effectiveness Research (CER) provisions in H.R.1.

To set the record straight, I submit for the RECORD the following summary of the comparative effectiveness research provisions and a list of organizations that have written us in support.

This investment is an important first step in efforts to develop a robust CER program in this Congress. In the near future, I will introduce a comprehensive CER proposal, based on the provisions that previously passed the House in the CHAMP Act, H.R. 3162, in the 110th Congress.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA)

PROVISIONS ON COMPARATIVE EFFECTIVENESS RESEARCH

The conference agreement on H.R. 1 includes provisions to promote and expand research that compares the effectiveness of alternative treatments or strategies for a medical condition.

Doctors today urgently need better evidence to improve the quality of health care that patients receive. Some estimates indicate that less than half of all therapies patients receive are actually supported by firm evidence of effectiveness.

There is widespread agreement on the need for better information on the comparative effectiveness of different interventions for health conditions. In an October 2008 joint editorial, Newt Gingrich, JOHN KERRY and Billy Beane said that ''a health care system that is driven by robust comparative clinical evidence will save lives and money.''

Some of the oldest and most important studies in medicine have been comparative effectiveness studies. For example, the Diabetes Control and Complications Trial revolutionized the treatment of patients with type 1 diabetes. This landmark trial found that aggressive use of insulin to control blood sugar was clearly better than standard care in preventing damage to the eyes, kidneys, and nerves of patients with diabetes.

But more must be done. In December 2008, the Institute of Medicine called for further comparative effectiveness efforts, stating that ''this type of research would provide information that patients and physicians need to make choices that offer them the greatest value, as they define it.'' The National Institutes of Health (NIH) and the Agency for Healthcare Research and Quality (AHRQ) both have planned to expand their research efforts, but these expansions have proceeded slowly due to a lack of funding.

An investment in this research infrastructure will provide doctors and patients with critically important information. Arming physicians with the best available evidence about treatment alternatives and their effects in different patient populations will help doctors and patients make better choices.

SUMMARY OF PROVISIONS

The conference agreement provides $1.1 billion for comparative effectiveness research with $300 million to be administered by AHRQ, $400 million to be administered by NIH, and $400 million to be allocated at the discretion of the Secretary of Health and Human Services. These funds are to be used to accelerate the development and dissemination of comparative effectiveness research. The agreement ensures that the use of these research dollars will be consistent with governmental policies relating to the inclusion of women and minorities in research.

The conference agreement also establishes a Federal Coordinating Council for Comparative Effectiveness Research. The purpose of the Council is to reduce duplication and coordinate these research activities within the federal government. Because its purpose is the coordination of federal research efforts, the Council is made up of representatives of a variety of experts from within the federal agencies. The conference agreement clearly states that the Council cannot mandate coverage, reimbursement, or other policies for any public or private payer.

SUPPORTERS FOR THESE PROVISIONS

Widespread Support for Provisions on Comparative Effectiveness Research. Experts, physicians, legislators, and advocates from across the political spectrum supported provisions in the stimulus package for comparative effectiveness research because this research is crucial.

''The current limited availability of valid data to supplement the physician's clinical experience and professional knowledge . . . makes it difficult to ensure that an effective treatment choice is made.''—Letter to Congress from the American College of Physicians, January 29, 2009

''Opponents—like some drug companies and medical device makers—don't want this research. They fear it will cut the profits they make on ineffective drugs and equipment. But they won't tell you that this research could save your life by giving your doctors better information so they can prescribe the best treatments available to you.''—AARP CEO Bill Novelli, February 10, 2009

''Independent, objective comparative effectiveness research (CER) is urgently needed to improve health care quality and patient outcomes by ensuring consumers always receive the best care.''—Letter to Congress, signed by the Alliance for Better Health Care, (a broad coalition of over 30 organizations representing consumers, employers, health care providers, health plans, pharmacists, researchers, unions, pharmaceutical benefit managers, and others), February 11, 2009

''We are concerned that some believe that comparative effectiveness could lead to the rationing of health care. This is simply not true. The bill would fund independent, objective, comparative effectiveness research that would greatly benefit providers and patients in making informed health care decisions.''—Letter to Congress signed by AARP, AFL-CIO, American College of Physicians, America's Health Insurance Plans, Blue Cross Blue Shield Association, Families USA, National Business Group on Health, National Partnership for Women and Families and joined by Consumers Union, February 12, 2009

''Strong federal support for comparative effectiveness research is vital to both public and private efforts to improve health care quality for patients and to give physicians and other health care providers the independent, objective information they need to identify the best treatments options for their patients.''—Letter to Congress from the National Business Group on Health, February 11, 2009.

LIST OF ORGANIZATIONS SUPPORTING COMPARATIVE EFFECTIVENESS RESEARCH IN H.R. 1

Aetna, Academy of Managed Care Pharmacy, AFL-CIO, Alliance of Community Health Plans, Alliance for Better Healthcare, AARP, American College of Physicians, America's Health Insurance Plans, American Pharmacists Association, American Academy of Family Physicians, American Society of Health-System Pharmacists, Blue Cross Blue Shield Association, Blue Shield of California, Coalition for Health Services Research, Consumers Union, and CVS Caremark.

DiamlerChrysler Corporation, Families USA, Ford Motor Company, General Motors Company, Group Health Cooperative, Honeywell, Kaiser Permanente, Marshfield Clinic, Medco Health Solutions, National Business Group on Health, National Partnership for Women and Families, Pharmaceutical Care Management Association, Prime Therapeutics, Service Employees International Union, The Dow Chemical Company, The Joint Commission, UnitedHealth Group, and Wellpoint, Inc.

Mr. POSEY. Mr. Speaker, we have before us the largest spending bill in the history of the Congress. The price tag on this bill is $800 billion—over $1.1 trillion when you add in the interest needed to fund it. Sadly, this 1200-page bill was completed just a few hours ago in the darkness of night. No one knows what is in the bill. No one has read it. This bill is being rushed to the House floor and to the President before Members of Congress or the American people have an opportunity to even know what is in it.

Just how much is this bill going to cost? How much is a trillion dollars? One way to look at it is that it amounts to deficit spending of over $7,000 for every family in America. Looked at another way, this is enough money to pay for four years of college tuition to a private college for every senior graduating from high school this year and next and still have nearly $150 billion left over.

The non-partisan Congressional Budget Office (CBO) projected a few weeks ago that the federal government will have a $1.2 trillion deficit this year. This amounts to 8.3 percent of the Gross Domestic Product (GDP), which is far higher than the previous record of 5.9 percent set in 1934 at the height of the Great Depression. In 2009, one out of every three dollars that the federal government will spend will be borrowed and our grandchildren will be stuck with the bill. Now, the bill before us—negotiated by Speaker PELOSI, Senate Democrat Leader REID and President Obama—will add another $1.1 trillion to this debt. No country has ever borrowed and spent its way into prosperity, which is what this bill proposes to do. Adding further to this deficit as this bill does is unthinkable.

The non-partisan CBO released an analysis earlier this week finding that the bill may provide a small increase in the nation's economy in the first few years, but then this bill will drag

the economy down for the better part of the decade.

Less than 20 percent of the cost of this bill is associated with tax relief. There is virtually nothing in this bill to stimulate small businesses—the driving force in creating jobs in America. Furthermore, the signature item of the bill—working American tax cut—was the first tax cut put on the chopping block. The final bill will allow the average worker to keep an additional 20 cents an hour ($1.60 per day).

This bill also classifies as a tax cut billions of dollars in payments to those who do not pay federal income taxes. I thought a tax cut was a reduction in someone's taxes not simply a check from the government.

With regard to infrastructure spending, which is what we were all promised would be the focus at the outset of this process, only 17 percent of the funding in the bill is for infrastructure. Less than one of every five dollars will go to job-creating stimulus programs.

Rather than focus on job-creating stimulus and tax relief for small businesses that create new jobs, the final bill written by liberals in the Congress focuses on permanently expanding unaffordable entitlement programs and creating new federal programs under the guise of ''stimulating the economy.'' The bill creates 33 new federal programs at a cost of $90 billion. It also expands 73 existing federal programs at a cost of $92 billion. There will be tremendous pressures in future years to continue funding these $182 billion in new programs at these new higher levels. The bill also spends $123 billion for one-time infusion of spending for 98 existing programs.

This bill includes billions of dollars for the Public Housing Capital Fund. Yet, this fund already has an unspent balance of $7 billion. Also included is $1 billion for Community Development Block Grant program, yet this program currently has $23 billion in unspent funds. Why is the Congress adding spending to these cash rich accounts? If they were serious about stimulating the economy, Congress should simply make them spend the money they already have. Also, troubling is the fact that this bill opens up the federal Treasury coffers to groups like ACORN—a group charged with voter fraud.

Do the provisions relating to the creation of Federal Coordinating Council in health care research move us in the direction of a national health board that would encourage federal policies that determine what medical services Americans can and cannot have? What does that have to do with stimulating the economy? How many tens of billions of dollars more will the welfare law changes end up costing the taxpayers down the road? What will be the long-term unforeseen costs associated with this bill due to the unprecedented deficit spending. Over the coming weeks as the American people have more time to read this bill we will learn more about the provisions and intentions of this bill? Sadly, the bill has been rushed to the floor without giving the Congress or the American people a chance to know what is in it.

Let me also say that I appreciate all of the talk about the need to work together in a bipartisan fashion. While I was pleased that several Republican amendments were adopted when portions of this bill were considered in several Congressional Committees last month, I was deeply disappointed that most of these amendments disappeared from the bill between the time it was passed in committee and when it came to the House floor for a vote. Bipartisanship is supposed to be a two-way street, not simply a demand to show bipartisanship by accepting the Speaker's bill.

The only hand of bipartisanship that has been extended to Republicans in the House has been two opportunities to vote for a bill that we were given no hand in writing. Is that the type of bipartisanship that the American people want and expect? I thought bipartisanship meant working together, having an open deliberative legislative process and combining ideas. That simply was not permitted by the liberal majority.

If we really want to stimulate the economy, we should focus on what actually creates jobs—small businesses. Small businesses create 70 percent of the new jobs in America. Unfortunately, this bill does virtually nothing to help small businesses.

I have voted for and will continue to advocate for an alternative that would produce many more jobs for half the cost. The bill that I voted for lowers the 10 percent tax rate to 5 percent, and the 15 percent tax rate to 10 percent. This would give all taxpaying Americans a tax cut. It leaves money in their pockets that they can use to meet their own family expenses. We provide small business tax relief, including a provision allowing small businesses to write off up to $250,000 in capital expenditures. We extend unemployment benefits through 2009 and we exempt these payments from income taxes. We also include other job-creating provisions and we do so without raising anyone's taxes. I have also cosponsored legislation that would reduce the 28 percent tax rate to 23 percent. This will cut taxes for individual and job-creating small businesses.

Lower taxes, not higher borrowing, spending, and debt, will put our economy back on track. I urge my colleagues to vote for lower taxes and against higher spending and debt.

Mr. HOLT. Mr. Speaker, I rise today in support of the American Recovery and Reinvestment Act of 2009 (H.R. 1). We are told that America is in the midst of the worst economic storm since the Great Depression. Millions of people are hurting across the United States and in my home state of New Jersey, New Jersey's unemployment rate has risen to 7.1 percent from 4.2 percent just a year ago. Our nation's economy is in recession, and we must respond with every tool in our toolbox to put Americans back to work and rebuild our struggling economy. Economists have predicted that the unemployment rate may exceed 12 percent this year.

What to do? We could let the free market continue to spiral downward or we could pass a bill with a smaller price tag, ignoring the lessons learned from Congress's previous attempt at stimulating the economy through rebate sent out in spring of 2008, last year's so-called check in the mail. The time has come for a bold, national response. Economists, business leaders, financial experts, almost everyone says that the federal government—and only the federal government—can inject into the economy a stimulus of sufficient size to make up for the frozen, collapsing economy. The package we are considering today has the potential to create 3.5 million much needed new jobs in the short term.

The American Recovery and Reinvestment Act, is designed to help the United States climb out of the current recession through targeted, job-creating spending, responsible investments in the nation's social safety net to help Americans weather the difficult months ahead, and tax cuts for 95 percent of Americans. Importantly, this bill includes critical investments in research and development, which lay the ground work for innovation and sustainable, long-term economic growth. The political process to this point has been torturous. However, the President, the Speaker, and the Committee chairs have produced promptly what the President has called for and what the country needs. Agreed, not all parts of the bill are going to be equally stimulative. But we want a broad approach; we want our stimulative eggs in various baskets, This Act is huge and hugely important.

The American Recovery and Reinvestment Act would help to put our economy on the right track by quickly creating up to 3.5 million new jobs for Americans suffering during this depression. Some of these jobs, more than 1.2 million, would be created in the construction industry through a strong investment in improving our nation's transportation and water infrastructure. The Act will inject $29 billion to repair our nation's crumbling roads and bridges, including funding for ready-to-go road and bridge modernization projects in my home state of New Jersey. This investment would create 835,000 jobs in the next two years. Additionally, this bill would invest $16.4 billion in public transportation, helping transit agencies such as NJ Transit that are struggling to meet increased demand and $18 billion for clean water, environmental restoration, and flood control projects creating another 375,000 jobs.

H.R. 1 would invest in additional projects that my Central New Jersey constituents refer to as ''green stimulus.'' These investments would create good American jobs that cannot be outsourced, while reducing our reliance on fossil fuels and protecting our environment. These jobs will be the kind of jobs that will be in demand for many years, once the economy gets going again and as we make the transition to a sustainable energy system; as we must and as we surely will. The American Recovery and Reinvestment Act would provide $30 billion to transform the nation's energy transmission, distribution, and production system so they can handle decentralized renewable energy sources. This legislation includes more than $23.2 billion in incentives to promote renewable energy, help low and middle income Americans weatherize their homes, and decrease energy consumption by the federal government. It will also provide $20 billion in tax incentives such as the renewable energy production tax credit, the advanced energy manufacturing tax credit, and the consumer energy-efficiency tax credits.

Responding to the nation's rising unemployment rate, this bill would devote $4 billion to job training programs and would extend unemployment benefits through December 31, 2009, increasing benefits by $25 per week for individuals looking for work.

The current economic downturn has forced painful cuts in services. The American Recovery and Reinvestment Plan would make sound investments in public education. This legislation would provide $13 billion to help disadvantaged students reach high academic standards and $12 billion for special education. While the bill includes a $54 billion state stabilization fund to prevent teacher layoffs and cutbacks in education, I regret that it no longer contains the $20 billion provided in the House version to help states rebuild our nation's crumbling schools. Still, there is much here to cheer for our local school boards and the taxpayers who support the schools through our property taxes. These school bonds can be used for construction.

Additionally, to ensure that families can send their children to college, this bill would increase the maximum Pell Grant by $500, to $5,350 and would help 4 million more students attend college with a new $2,500 college tuition tax credit for families.

What pleases me most is the commitment in this legislation to science. I am deeply gratified that this bill reflects a profound commitment to renewing our nation's innovation infrastructure. Research not merely luxury to be undertaken only in times of economic prosperity. The truth is that scientific research is perhaps the most powerful economic engine, creating jobs in the short-term and building our economy for the long-term.

All together, the recovery package includes nearly $23 billion to support scientific research and facilities, including $3 billion for the National Science Foundation, $2 billion for the Department of Energy's Office of Science, and $10 billion for the National Institutes of Health. There is no doubt that these funds will create jobs. Lab technicians will be hired to carry out projects that previously went unfunded. Electricians will be put to work wiring new laboratory work. And construction workers will begin refurbishing our neglected laboratories and building the facilities that will transform science for the twenty-first century.

Of course, the ideal project is one that keeps on giving, and that is exactly what scientific research does. The innovation and discoveries that come from research form the roots from which our economy grows and prospers. For too long, we have underinvested in science, and we will never know the resulting costs to our prosperity. But we know that science will be the foundation of our nation's future economic vitality. In his inaugural address, President Obama said, ''We will restore science to its rightful place.'' That place is at the very heart of our nation's progress. The American Recovery and Reinvestment Act acknowledges this fact and provides an important first step toward the sustained investment that will prevent the need for future recovery packages.

As American workers lose their jobs, more and more face losing their health insurance coverage as well. Job losses have caused Medicaid and SCHIP rolls rise by 1.0 million, further straining state budgets already stretched thin due to lower tax revenues. This bill would increase temporarily the federal government's contribution to Medicaid, giving New Jersey an additional $2 billion. For workers able to continue their health coverage through COBRA, the bill would subsidize COBRA premiums by 65 percent for nine months. This two-prong approach will provide health care for millions of newly unemployed workers and their families.

In addition to helping families maintain their health insurance coverage, this bill seeks to improve health care quality and its value. This bill would promote Health Information Technology systems, which could help reduce medical errors while lowering administrative costs by accelerating their adoption and usage among doctors and hospitals. This bill provides additional funding for prevention, which improves health at a good value by treating problems at the earliest stage before they become costly health care crises. Finally, this bill includes $1.1 billion for medical research to improve the value of health care spending by identifying the most effective treatments for given health conditions,

The American Recovery and Reinvestment Act would address the struggling economy by putting money back in the pockets of American families, workers, students and businesses through $276.5 billion worth of tax cuts. Ninety-five percent of working Americans would receive a tax cut through a refundable tax credit of up to $400 per worker that will be quickly distributed by reducing tax withholding from workers' paychecks. It would prevent 26 million Americans from getting hit by the Alternative Minimum Tax and lower the taxes of more than 16 million families by increasing the child tax credit and expanding the earned income tax credit.

This bill includes a number of provisions that would help businesses create new jobs in this difficult economy. It would allow businesses to improve cash flow by allowing businesses to write off 90 percent of losses incurred in 2008 and 2009 against taxes assessed over the previous five years. In addition, it would help businesses expand by extending the increased bonus depreciation for businesses making investments in new plants and equipment in 2009. Finally, this legislation would double the amount of money businesses can deduct on their taxes for capital investments and new equipment.

Through this comprehensive approach, we can begin to put the American economy back on the right track. We must approve the American Recovery and Reinvestment Act, and I urge my colleagues to support this legislation.

Mr. BACHUS. Mr. Speaker, we all recognize the need to get the people of our country back to work. Americans are hurting and they are looking to Washington for leadership.

Borrowing and spending got us into this problem, and more borrowing and spending will not solve it. Presidents Kennedy and Reagan cut taxes across-the-board, allowing families and small businesses to decide how to spend their money, instead of government. President Carter used this spending approach, and it didn't work.

This bill will cost every American household at least $7,000. Some constituents have told me, ''I might get a thousand dollars back.'' However, creating $7,000 in debt for $1,000 now is a bad deal at best.

This is twice as big as the New Deal, and that was over ten years. This is one bill. Every dollar in this bill is borrowed, adding more than a trillion dollars to our national debt at a time when we are already overloaded with the financial bailout and our long-term Social Security and Medicare obligations. This spending will ultimately be paid by our children and grandchildren, and that is generational theft.

I desperately wanted to support a bipartisan bill that will help put Americans back to work. But this bill has turned into a grab-bag that will not stimulate anything but government. There's $2 billion in this bill for a wasteful pro-foreclosure program, rewarding partisan action groups like ACORN. In the meantime, my governor, Bob Riley, told me yesterday that health and education programs in small states like Alabama are being shortchanged by billions. The American people deserve better.

The federal government has never been able to borrow and spend our way to prosperity. The strength of our country is the innovation and ingenuity of our people—not our government. When we put capital in their hands, they put it to use, supporting their families, building their businesses, and creating jobs. That is what has always kept our economy going through good times and bad. And I am confident we will be seeing good times again—most likely before much of this trillion dollar bill is actually spent.

The decisions we make today have long-term consequences. Today we are being rushed to make a trillion-dollar decision that will affect every American taxpayer for decades.

As a member of the Republican Economic Working Group, led by Whip CANTOR, we have offered a better plan to help struggling Americans immediately. Our alternative would create twice as many jobs at half the cost through across-the-board tax relief for working American families and small businesses.

We must remember that government has no money of its o to give away. It all comes from the taxpayer.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise with today with great expectations and hope for a brighter economic future.

I rise in support of H.R. 1, the American Recovery and Reinvestment Act also known as the ''Economic Stimulus.'' I want to especially thank our House and Senate conferees for coming together on one of the most important pieces of economic legislation of our time; Congressman OBEY, Congressman RANGEL, Congressman WAXMAN, Congressman LEWIS, Congressman CAMP, Senator REID, Senator INOUYE, Senator BAUCUS, Senator COCHRAN, and Senator GRASSLEY.

INTRODUCTION

Critical times call for critical measures. Over the last 13 months, our economy has lost a total of 3.6 million jobs—and continuing job losses in the next few months are predicted. The national unemployment rate is at 7.6 percent, with the great state of Texas seeing an unemployment rate of 6.0 percent and my district of Houston fairing only slightly better at approximately 6 percent. Right now, those unemployed, which represent over 1 million Texans, await with bated breath to see our pledge to enact change. That change is in the form of this stimulus measure.

''The harvest is past, the summer is ended, and we are not saved'' as is stated in Jeremiah in the Bible. The summer has indeed

ended. This stimulus provides a piece of America's salvation. Spring is on the horizon and today we will have a stimulus!

Our schoolhouses are badly in need of repair and modernization in order for our students to participate in, and be competitive in the global marketplace. Indeed in Texas the number of persons who have obtained graduate education trails the national average by one whole percentage point. It is critical that we encourage our students to attend graduate programs in important subjects such as mathematics, engineering, law, medicine, the building trades, and foreign languages.

The education provisions in this legislation are all about preparing our nation's children for the future. Our students in Houston are not competing with just students in Abilene, San Antonio, Houston and Grand Prairie; the competition is global which is why H.R. 1 must not be delayed!

Our healthcare system needs to be upgraded to allow for more Americans to receive coverage without going bankrupt. Our workforce needs to be retooled to keep up with innovative and new technologies; and our transportation systems need to be expanded. These are only a fraction of the many needs our nation is facing today.

I am proud to say that Congress heard the call of not only Main Street, but of mothers, and children, the working poor, the aged, and the sick. We heard your cry for help and we have done our best to answer that call.

This comprehensive legislation is designed to save and create jobs, get our economy moving again, and transform it for long-term growth and stability. The landmark legislation is the first dramatic new investment in the future since the creation of the interstate highway system a half century ago. It will spend nearly $800 billion and would provide billions in job creation and stimulus in city of Houston, the State of Texas, and the entire country.

HEALTHCARE

This legislation includes a number of provisions that will help aid in the nation's economic recovery, provide badly needed protections for people losing health coverage when they lose employment, and provide temporary assistance to states to preserve critical Medicaid coverage for low income families.

Specifically, in Texas Medicaid recipients will receive $5 million in assistance. Food Stamp Assistance in Texas will increase by $1,812 for each participant under the stimulus.

Other benefits include:

Premium Subsidies for COBRA Continuation Coverage for Unemployed Workers. To help people maintain coverage, the bill provides a 65 percent subsidy for COBRA continuation premiums for up to 9 months for workers and their families who have been involuntarily terminated. The Joint Committee on Taxation estimates that this provision would help 7 million people maintain their health insurance by providing a vital bridge for workers who have been forced out of their jobs in this recession. (Estimated cost $24.7 billion.)

Medicare Payments for Teaching Hospitals. The bill blocks a FY09 Medicare payment reduction to teaching hospitals related to capital payments for indirect medical education (IME). (Estimated cost $191 million.)

Medicare Payments to Hospice. The bill blocks FY09 Medicare payment cut to Hospice providers related to a wage index payment add-on. (Estimated cost $134 million.)

Medicare, Medicaid and SCHIP Payments to Long Term Care Hospitals. The bill makes technical corrections related to Medicare payments for long-term care hospitals. (Estimated cost $13 million.)

Temporary Federal Medical Assistance Percentage Increase. The bill increases FMAP funding for a 27-month period with an across-the-board increase to all states of 6.2 percent. (Estimated cost $86.6 billion.)

Temporary Increase in Disproportionate Share Hospital (DSH) Payments. (Estimated cost $460 million.)

Extension of Moratoria on Medicaid Regulations. The bill extends moratoria on Medicaid regulations for targeted case management, provider taxes, and school-based administration and transportation services through June 30, 2009. (Estimated cost $105 million.)

Extension of Transitional Medical Assistance (TMA). The bill extends TMA to December 31, 2010. (Estimated cost $1.3 billion.)

Extension of the Qualified Individual Program. The bill extends the QIP, which assists certain low-income individuals with Medicare Part B premiums, through December 31, 2010. (Estimated cost $550 million.)

Protections for American Indian Health Care. (Estimated cost $134 million.)

Prompt Payment Requirements for Nursing Facilities and Hospitals. The temporarily provides Medicaid prompt pay requirements to nursing facilities and hospitals. (Estimated cost $680 million.)

Promoting the adoption and use of health information technology. This bill promotes the use of health information technology (health IT), such as electronic health records, to protect identifiable health information from misuse and abuse as the health care sector increases use of health IT. (Estimated savings to the government more than $12 billion.)

$1 billion for prevention and wellness programs to fight preventable diseases and conditions with evidence-based strategies.

$10 billion to conduct biomedical research in areas such as cancer, Alzheimer's, heart disease and stem cells, and to improve NIH facilities.

$1.1 billion to the Agency for Healthcare Research and Quality, NIH and the HHS Office of the Secretary to evaluate the relative effectiveness of different health care services and treatment options.

EDUCATION

There are several key investments to education at the early childhood/Head Start, K–12, and higher education levels. On February 2, 2009, I met with eleven school superintendents and university presidents in my district of Houston, Texas. I convened this meeting to better understand the needs of the students, their families, and the schools administrators. Collectively, they arrived at five distinct priorities: maintaining and increasing Pell Grant monies in order to keep access to higher education affordable; retention of funding for school construction, modernization, and repair; retention of formula funding on school construction; retention of the State Fiscal Stabilization Fund; and no decrease in the amount of funding for Head Start and Early Childhood.

My school superintendents and administrators were concerned about Section 1413 in the Senate amendment which granted the Secretary of Education the authority to waive the maintenance of effort and ''supplement, not supplant'' requirements placed on Title I money. Since the purpose of Title I is to provide additional financial assistance to states and school districts to meet the needs of educating economically disadvantaged children, allowing the waiver of these requirements would have undermined the fundamental purpose of this funding.

In promoting this economic stimulus, President Obama indicated that the government's investments must not only create jobs in the short-term but must spur economic growth and competitiveness in the long-term. Investments in education can accomplish both ends. In fiscal year 2008, states spent over $424 billion on elementary, secondary, and higher education. Elementary, secondary, and higher education represent nearly 40 percent of total state spending and comprise the first, second, or third largest spending categories for almost all states. Federal investment in education is essential to creating a new and retooled workforce.

That is why I am pleased to see a heavy investment in education and workforce training including:

$53.6 billion for the State Fiscal Stabilization Fund, including $39.5 billion to local school districts using existing funding formulas, which can be used for preventing cutbacks, preventing layoffs, school modernization, or other purposes; $5 billion to states as bonus grants for meeting key performance measures in education; and $8.8 billion to states for high priority needs such as public safety and other critical services, which may include education and for modernization, renovation and repairs of public school facilities and institutions of higher education facilities.

$13 billion for Title 1 to help close the achievement gap and enable disadvantaged students to reach their potential.

$12.2 billion for Special Education/IDEA to improve educational outcomes for disabled children. This level of funding will increase the Federal share of special education services to its highest level ever.

$15.6 billion to increase the maximum Pell Grant by $500. This aid will help 7 million students pursue postsecondary education.

$3.95 billion for job training including State formula grants for adult, dislocated worker, and youth programs (including $1.2 billion to create up to 1 million summer jobs for youth).

JOBS/WORKFORCE

As we dive more deeply into a hard hit recession, it is important that this body take aggressive action, along with President Obama, to help right the ship. Our gross domestic product, (GDP) increased the United States budget deficit by 1 percent upon passage of the first stimulus measure in October. That is an astounding number when put into context. In a healthy year , the U.S. economy grows by 3 percent. Nothing resonates as loudly with the American people as being gainfully employed.

The unemployment rate in Texas is 6.0 percent. The National average is at 7.6 percent. The agreement does much in the way of helping Americans put food on their tables while

reeling from the depressed economy and struggling to look for jobs.

Importantly, the agreement would continue to provide up to 33 weeks of extended unemployment benefits through the end of the year, as well as temporarily increase the amount of both regular and extended unemployment benefits by $25 a week. In addition, the legislation would provide up to a total of $7 billion to States modernizing their unemployment programs to provide improved coverage for low-wage, part-time and other workers. The measure would provide temporary emergency funds for States with rising caseloads in their Temporary Assistance for Needy Families program, and temporarily restore child support funding reduced in 2006. Finally, this section of the bill would provide a one-time payment of $250 to recipients of Social Security, Supplemental Security Income, Railroad Retirement benefits, VA disability and pension benefits, as well as to certain local, State and Federal government retirees.

TRANSPORTATION AND INFRASTRUCTURE IMPROVEMENTS

The United States is facing its deepest recession and economic crisis since the Great Depression. Consequently, the goal of this legislation is to strengthen the economy and invest in America's future.

The legislation is intended to create and save jobs. Transportation and infrastructure development play a pivotal role in job creation.

The bill provides $1 billion for Community Development Block Grant programs for community and economic development projects including housing and services for those hit hard by tough economic times.

I am pleased that the Compromise Agreement that we are debating today retains significant amounts of funding for transportation. Specifically, it contains $27.5 billion for highway investments; $8.4 billion for investments in public transportation and $9.3 billion for investments in rail transportation, including Intercity Rail.

Indeed, this is good news for Houston. In the previous version of the bill, there was language that the Federal Transit Authority would give priority to transportation projects that were ready to go, meaning that they would be able to begin construction within 90 days of enactment or those projects would lose the money allowed under the stimulus.

I have been meeting with METRO since December 2008, and it has indicated that it can complete construction of the Northeast and South RAIL lines. METRO has indicated that it only requires $183 million to complete this rail line. I have worked to help METRO complete its rail line for over 20 years.

Houstonians need this infrastructure to relieve congestion and provide adequate public transportation, and an investment means jobs for our constituents through the transportation sector in our communities. Creating this critical infrastructure in Houston will allow Houstonians to work and will provide a tremendous boost to community development and mobility.

I have engaged Chairman OBERSTAR and his staff on the funds that might be made available to METRO. I was pleased that the Chairman indicated that METRO would be able to receive the funds it needs under this stimulus to complete its New Start transit project in Houston, Texas. Such funding is critical for the regional mobility of the citizens of the vast communities in and around the 18th Congressional District of Texas.

Cities around the country are struggling with a backlog of transportation projects and have difficulty in securing federal, state, and local resources in light of the struggling economy. At the same time, we are facing growing unemployment, particularly in our cities.

Houston has $1.5 billion in transit projects that could be under contract within 90 days of enactment of the legislation. Not only do we need this infrastructure to relieve congestion and provide adequate public transportation, but an investment in Houston's New Start Transit Project means jobs for our constituents through the transportation sector in our communities and around the nation.

Other salient provisions of the bill include the following:

Modernize Roads, Bridges, Transit and Waterways: To build a 21st century economy, we must create jobs rebuilding our crumbling roads and bridges, modernizing public buildings, and putting people to work cleaning up our air, water and land.

Prioritizing Clean Water/Flood Control/Environmental Restoration

Provides $18 billion for clean water, flood control, and environmental restoration investments, which will create more than 375,000 jobs.

Experts note that $16 billion in water projects could be quickly obligated.

Modernizing Public Infrastructure, Including To Achieve Major Energy Cost Savings

Provides billions to modernize federal and other public infrastructure with investments that lead to long-term energy cost savings, including about $5 billion to make improvements in DOD facilities, including housing for our troops and about $4.5 billion to make federal office buildings more energy-efficient in order to achieve long-term savings for taxpayers.

INFRASTRUCTURAL IMPROVEMENTS

Modernizing Roads and Bridges

Provides $29 billion for modernizing roads and bridges, which will create 835,000 jobs. This investment creates jobs in the short term while saving commuters time and money in the long term.

Requires states to obligate at least half of the highway/bridge funding within 120 days.

States have over 6,100 projects totaling over $64 billion that could be under contract within 180 days.

Improving Public Transit and Rail

Provides $8.4 billion for investments in transit and $8 billion for investment in high-speed rail. These investments will reduce traffic congestion and our dependence on foreign oil.

Includes funds for new construction of commuter and light rail, modernizing existing transit systems, and purchasing buses and equipment to needed to increase public transportation and improve intermodal and transit facilities.

States have 787 ready-to-go transit projects totaling about $16 billion.

PUBLIC HOUSING

Provides a total of $6.3 billion for increasing energy efficiency in federally-supported housing programs.

Specifically, establishes a new program to upgrade HUD-sponsored low-income housing (elderly, disabled, and Section 8) to increase energy efficiency, including new insulation, windows, and frames.

Also invests in energy efficiency upgrades in public housing, including new windows, furnaces, and insulation to improve living conditions for residents and lower the cost of operating these facilities.

ENERGY AND ENVIRONMENT

Tax Incentives to Spur Energy Savings and Green Jobs

Provides $20 billion in tax incentives for renewable energy and energy efficiency over the next 10 years.

Includes a three-year extension of the production tax credit (PTC) for electricity derived from wind (through 2012) and for electricity derived from biomass, geothermal, hydropower, landfill gas, waste-to-energy, and marine facilities (through 2013).

Provides grants of up to 30 percent of the cost of building a new renewable energy facility to address current renewable energy credit market concerns.

Promotes energy-efficient investments in homes by extending and expanding tax credits through 2010 for purchases such as new furnaces, energy-efficient windows and doors, or insulation.

Provides a tax credit for families that purchase plug-in hybrid vehicles of up to $7,500 to spur the next generation of American cars.

Includes clean renewable energy bonds for State and local governments.

Establishes a new manufacturing investment tax credit for investment in advanced energy facilities, such as facilities that manufacture components for the production of renewable energy, advanced battery technology, and other innovative next-generation green technologies.

SCIENCE AND TECHNOLOGY

Restore science and innovation as the keys to new American-made technology, preventing and treating disease, and tackling urgent national challenges like climate change and dependence on foreign oil. The bill provides $600 million to NASA, including 4400 million to put more scientists to work doing climate change research including Earth science research recommended by the National Academies, satellite sensors that measure solar radiation critical to understanding climate change, and thermal infrared sensors necessary for water management. The bill also includes $150 million for research and development to improve air traffic control and $50 million to repair NASA centers damaged by hurricanes and floods in the last year.

TAX RELIEF

The economic stimulus legislation will help give $13 million more children access to the child tax credit. The use of this credit will likely provide the most immediate stimulus which is the ultimate goal of this package. Trends show that low-to-moderate income families are more likely to spend the stimulus monies and accelerate the much-needed rebound in our economy.

The city of Houston has over 73,000 families below the federal poverty level and a per capita income that is $1,500 dollars below the federal level. The extra boost that the child tax credit provides is in many cases critical to lower income families in my district. Any legislation that would help over 100,000 children in Texas has got to be labeled a winner. Based on estimates from the center on budget and policy priorities, there is a dollar-for-dollar reduction in poverty levels.

OTHER PROVISIONS FOR WORKERS AND FAMILIES

The earned income tax credit provides a tax incentive for families to continue working hard. Because it is refundable, it helps the lower bracket taxpayer, often the ones most in need. The credit has also been modified to be more ''family-friendly.''

The dreaded marriage-penalty has been modified substantially, thereby acknowledging the institution of marriage as opposed to making it a fiscal encumbrance.

TRANSPARENCY AND OVERSIGHT OF FUNDS

The compromise bill beforeus today provides unprecedented oversight, accountability, and transparency to ensure that taxpayer dollars are invested effectively, efficiently, and as quickly as possible to infuse the economy with the strongest stimulus.

Funds are distributed through existing formulas and numerous provisions provide for expedited relief so that much needed funds are invested as quickly as possible into the economy.

The Government Accountability Office and the Inspector General are provided with additional funding for auditing and investigating recovery spending. Moreover, a new Recovery Act Accountability and Transparency Board will coordinate and conduct oversight of recovery spending and provide early warning signs of problems.

WHISTLEBLOWER PROTECTIONS

The act retains significant whistleblower protections. This is something that I care a tremendous amount about and is something that I actively fought to ensure that the language protecting whistleblowers was retained.

As chairwoman of the Subcommittee on Transportation Security and Infrastructure Protection, I urged the conferees to retain the whistleblower language in the bill. This language was included in the bill to encourage government and contract workers to come forward in the face of wrongdoing, fraud and corruption.

Specifically, the language in H.R. 1 provides: ''. . . an employee of any non-federal employee receiving funds made available in this Act may not be discharged, demoted or otherwise discriminated against as a reprisal for disclosing to the Board, an inspector general, the Comptroller General, a member of Congress, or a federal agency head, or their representatives, information that the employee reasonably believes is evidence of . . . a substantial and specific danger to public health and safety . . .''

This language is important because public safety is at stake and the American people need to be reassured that they will be safe and secure while traveling. The function of the whistleblower is in many respects similar to that of a canary in a coal mine. They are there to warn of us of impending dangers.

An historic level of transparency, oversight and accountability will help guarantee taxpayer dollars are spent wisely and ensure that Americans can see the results of their investment. No wasteful spending will be tolerated in this.

In many cases, funds are distributed to existing initiatives with proven track records and with tough accountability measures already in place.

How funds are spent, all announcements of contract and grant competitions and awards, and formula grant allocations must be posted on a special website created by the President. It must also include the names of agency personnel to contact with concerns about infrastructure projects.

Public notice of funding must include a description of the investment funded, the purpose, the total cost, and why recovery dollars should be used. Governors, mayors, or others making funding decisions must personally certify that the investment has been fully vetted and is an appropriate use of taxpayer dollars. This information will also be placed on the internet.

The Council of Economic Advisors must report quarterly on the results for the American economy.

A Recovery Act Accountability and Transparency Board will be created to review management of recovery dollars and provide early warning of problems. The board is made up largely of Inspectors General.

The Government Accountability Office and the Inspectors General are provided additional funding and access for special review of recovery funding.

IN CONCLUSION

As Thomas Wolfe once wrote in his book You Can't Go Home Again, ''We have been lost during the past here in America, but I believe that we shall be found.'' I believe this bill allows America to return to its rightful place and put our economy back on track.

I strongly urge my colleagues to support H.R. 1, ''The American Recovery and Reinvestment Act of 2009'' and get this country moving again. I firmly believe that this bill creates jobs, stimulates the economy, and provides the oil, grease, and machinery to get the economic engine in this great country, operating and churning again. I have faith in our economic system and our country. I know that a brighter day is upon the horizon. I urge my colleagues to support this bill and look forward to real change and direction in this country.

Mr. POE of Texas. Mr. Speaker, the stimulus bill we're voting on today is supposed to stimulate business and create jobs. However, one provision of the bill will do just the opposite. Title II of the Conference Report on H.R. 1, under the Office of Justice Programs, State and Local Law Enforcement Assistance, provides $2 billion in Byrne Justice Assistance Grants (JAG). This funding is frequently used by local government agencies to fund pretrial release for criminal defendants. The problem is that it's at taxpayer expense.

When a defendant is given a pre-trial release bond or personal recognizance bond, he is released on his own recognizance. For example, a bond may be set at $10,000, and the defendant is released on his promise to return based on his ''word'' alone. If the defendant does not return, the sheriff has to go find him. The taxpayers are usually out $10,000 because judgments are seldom obtained from defendants for failure to appear.

On the other hand, when a surety bond is used, the court enters into a contractual agreement with a bonding company. The defendant also makes an agreement with the bonding company, and pays the company 10 percent. Then the defendant is released with the understanding that the bonding company will pay the court $10,000 if the defendant does not show up. Plus the bonding company is obligated to go and look for the defendant if the defendant does not appear in court. This form of free enterprise takes taxpayers off the financial hook.

Mr. Speaker, by allowing taxpayer money to go to pretrial release, the free enterprise system is greatly hindered. Instead of providing jobs, jobs are taken away from the private sector—namely the bonding and insurance community.

As a former judge, I found that defendants released on pretrial bonds seldom reappeared in court. With surety bonds, however, they were much more likely to show up because they had a vested financial interest in appearing. Plus, the bondsman looks for defendants who fail to appear.

During my 22 years as a criminal court judge, I saw how if left alone, the free enterprise system guarantees the best result. By allowing private enterprise to take part in the process, people are held accountable, and taxpayers are protected.

Mr. Speaker, this so-called ''stimulus'' bill will not stimulate the economy with jobs. It will only further stifle the free enterprise system, take jobs, and will leave taxpayers with the bill. This is just one of many examples of flaws in this bill.

Mr. LARSON of Connecticut. Mr. Speaker, 8 years of the Bush Administration's failed policies have left our economy in a deep and cavernous hole. The climb out will be steep. With the strength and courage of President Obama, this Congress and the American people it will be steady. Today we are voting on one bold and historic step out of this hole. The American Recovery and Reinvestment Act offers the short term help and long term solutions that this country needs. It invests quickly in our economy to create or save at least 3.5 million jobs nationally—41,000 in my home state of Connecticut, and provide tax cuts for the middle class. And, it puts us on a path towards economic strength and stability for the future with bold reforms and new priorities.

This legislation makes a critical investment in our country's greatest resource: our children. We are helping local school districts in the short-term with over $53 billion in aid, to keep our teachers in the classroom. We are also making a down-payment on our country's future. With this legislation, we are helping to build the workforce of the future with funding for Head Start programs and Pell Grants, and modernizing our schools to give our students the tools they need to succeed.

The American Recovery and Reinvestment Act recognizes the important role our infrastructure will play in our economic recovery. Our roads and bridges are in serious need of repair and our public transportation desperately needs modernization. The funding

provided in this legislation for infrastructure will create good paying jobs—many within the next few months. It also invests in the transportation of tomorrow with over $8 billion in funding for high speed rail—taking cars off the road, and improving our environment.

With this legislation we will begin to make the tough choices to create a new American energy industry that will create jobs now and decrease our dependence on foreign oil. This investment will help families reduce their energy bills and create ''green jobs'' while advancing American ingenuity and innovation.

Our work will not end when this bill is signed into law. As President Obama has said, it will take time and a lot of hard work to get this economy moving. This President, this Congress and the American people have the courage and fortitude to rebuild and recover. Today we begin that journey.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of the American Recovery and Reinvestment Conference Report.

Two weeks ago, I stood on the House floor and listed the top ten reasons to support this bill. Here we are today and the only thing that has changed is that more Americans are losing their jobs, homes and healthcare. We have to stop the economy from continuing to spiral out of control before it is too late.

Our country is facing the worst economic crisis since the Great Depression—we lost 2.6 million jobs last year—the largest job loss since 1945. In Illinois, the unemployment rate increased by 40 percent in one year. We are seeing job losses at iconic American companies like Kodak and Ford, and at major Illinois companies like Caterpillar.

The American Recovery and Reinvestment Act will help get our economy back on track and put America back to work. The bill will create 3.5 million jobs, cut taxes for working families, rebuild our infrastructure, prevent state and local cuts to crucial services and programs, and invest in the long-term health of our economy.

Under this bill, Illinois will receive billions of dollars and it is estimated that this bill would save or create over 148,000 jobs in Illinois. This bill isn't a hand out to Wall Street fat cats and corporate CEOs; this is a hand up for the American people. The bill helps working families in Illinois, and across the country, by providing income tax credits, making college and health insurance more affordable, giving first-time homebuyers a tax credit and providing assistance to low-income families to make their homes more energy efficient and lower their energy costs.

As President Obama has said, this bill is not perfect, but it provides immediate and targeted relief to American families and will help lead our country out of the greatest economic crisis we have faced since the Great Depression. American families are depending on us to act—not tomorrow, not next week—but today.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of H.R. 1, the American Recovery and Reinvestment Act.

When we return home for our district work period, we do not have to look far to see the impact this recession has had—workers are being laid off, consumer confidence is down, and people are spending less because they have less to spend. Despite my opposition, we voted last year to give $750 billion to Wall Street to try to slow this recession; that did not work. I supported the House version of the American Recovery and Investment Act, and I am supporting the Conference Report because it is time we invest in Main Street, not just Wall Street.

The White House Council of Economic Advisers, along with the Departments of Labor and Commerce have estimated this bill will create nearly 270,000 jobs in my home state of Texas—more than in any other state besides California—and 7,400 of those jobs will be in our 29th Congressional District.

Unlike the $750 billion Troubled Asset Relief Program, this isn't just a bill for white collar workers—the H.R. 1 is a bill for teachers, construction workers, medical professionals, electrical workers and engineers, police and firefighters, as well as those who may not be working because of the dire state of our economy. This bill will create and save jobs by reinvesting in roads, highways, public transportation, schools, education, the electrical grid, health technology and services, communications infrastructure, and numerous other areas of our economy. For the last eight years, too many of these areas have been neglected. Today, we have the opportunity to invest in these areas to stimulate the economy and create jobs to get our economy started back in the right direction.

The bedrock of America's competitiveness is a well-educated and skilled workforce and we must prepare our students for our globalized economy. This bill takes key steps towards ensuring that we do just that. Starting with our youngest generation, H.R. 1 provides $2.1 billion for Head Start and Early Head Start to allow an additional 124,000 children to participate in these programs.

Harris County, where our district lies, serves a combined total of 6,649 Head Start children per year through four direct Head Start grantees. In fact, Houston in 2003 served the lowest percentage of eligible children compared to other cities in Texas.

Harris County is the third most populous county in the nation and in review of the U.S. Department of Health and Human Services Biennial Reports to Congress on Head Start, Los Angeles County served 29,703 eligible children, Cook County served 20,406 children, and the New York boroughs served 24,260. Funding Head Start grantees is based on the number of children under the age of 5 years whose family income is below the federal poverty line.

According to U.S. Census figures for 2005, not only is the poverty rate for Harris County's population under age 5 higher than the national average in 2005 of 21 percent, but Harris County represented the highest percentage of children below the poverty line for all above listed counties. The poverty rates for 2005 are: Los Angeles County 23.8 percent, Cook County 22.5 percent, NYC boroughs 27.3 percent and Harris County 28.7 percent. I look forward to working with the Department of Health and Human Services to address this disparity in funding now that new monies will be available to serve more eligible children.

Additionally, this bill will provide much-needed investments in our elementary and secondary schools including $13 billion for Title I grants to help disadvantaged kids reach high academic standards and $39.5 billion to local school districts that can be used for preventing teacher cutbacks and layoffs and make key investments in things like modernizing our schools.

Finally, this bill will invest in preparing our younger generations for our globalized economy by providing $15.6 billion to increase the maximum Pell Grant by $500. By doing this, we will help seven million students pursue postsecondary education and take the steps they need to get the certification or degree necessary to pursue and keep a job in these difficult times. Additionally, H.R. 1 provides students with a new ''American Opportunity'' tax credit of up to $2,500 of the cost of tuition and related expenses paid during the taxable year. Combined with the increase in the Pell Grant, this tax credit will give our lower and middle income students additional peace of mind in taking on the financial costs of pursuing a college degree or certificate.

Another way to build a 21st century economy is to engage contractors across the nation to create jobs rebuilding our crumbling roads and bridges and building transit and rail lines. The American Recovery and Reinvestment Act will do this by providing funds to modernize our roads and bridges and invest in transit and rail projects to reduce traffic congestion and gas consumption. I strongly supported the inclusion of these funds as this investment would create or sustain more than 2.4 million jobs and $439 billion of economic activity.

I am pleased to see that H.R. 1 provides for $1.5 billion in supplemental discretionary grants that will be awarded to state or local governments or transit agencies on a competitive basis for projects that will have a significant impact on the country, metropolitan area, or region. This bill reads that this money includes in investing in projects already participating in New Starts or those ready for entry into revenue service. While I would like to have seen a lot more money dedicated to these type projects, I am glad that transit agencies will be able to compete for entry into revenue service.

We have two critical transit projects in the greater Houston area, the North and Southeast light rail corridors. Both projects are near completion of the New Starts process in the Federal Transit Administration. While the final details on the projects are being addressed to prepare the projects for entry into Final Design and for Full Funding Grant Agreements, the projects are ready to begin construction in less than 90 days, have environmental clearances, and have received favorable cost effectiveness ratings. By investing in these two projects, work can begin quickly, creating thousands of jobs in a region that suffers not only from the current economic conditions but also from the lasting effects of Hurricane Ike. I look forward to working with the Department of Transportation to see that these two projects receive the attention they deserve.

I am also pleased H.R. 1 includes valuable health related provisions including COBRA subsidies, health IT funding, an FMAP increase, temporary DSH allotments, a temporary extension of transitional Medical Assistance, and funding for community health centers.

However, the final version of the bill does not include the temporary option for states to provide Medicaid coverage to unemployed or uninsured individuals. Instead, H.R. 1 relies on COBRA subsidies to provide health insurance coverage to the unemployed. The House passed version of H.R. 1 gave states the option to provide Medicaid coverage to the unemployed or uninsured and this provision should be in the final version of the bill.

In our district, most individuals work low wage jobs that often do not provide health insurance and therefore they are not eligible for COBRA coverage. This leaves a large portion of individuals without health insurance or access to Medicaid. More and more lower wage individuals, who never had health insurance, are losing their jobs. They are delaying their health care because they cannot afford to go to the doctor and often end up in the emergency room with more costly medical problems because they delay medical care. It makes sense to give states the option to extend Medicaid coverage to these individuals because it saves money in the long run and provides these individuals with health care coverage.

The legislation also makes critical improvements to the smart grid provisions established in the Energy Independence and Security Act of 2007 by eliminating the cap on the allowable number of smart grid demonstration projects and increasing the grant funding available for these efforts. Houston is a leader in moving toward smart grid solutions. Center Point Energy, a leading energy delivery company in Texas, will invest over $600 million in automatic metering systems, or AMS, over the next five years to support smart grid infrastructure. AMS technology is the first step in moving towards an automatic grid which will allow consumers to manage and monitor the electric use in real-time, reduce energy consumption, and improve grid reliability.

I am also pleased with the changes to the Weatherization Assistance Program which will help low-income families make their homes more energy efficient. This will decrease the amount of fossil fuels needed to heat and cool homes, reduce home energy bills and create jobs in the home weatherization industry: a win-win for everyone.

It creates a temporary $6 billion Department of Energy loan guarantee program for renewable energy and electric transmission projects, up to $500 million of which can be used for the development of leading edge biofuels, including biodiesel.

I applaud the inclusion of $4.6 billion in funding for the Army Corps of Engineers, although the Corps needs much more funding to address its backlog of critical projects. While the funding is not distributed to specific projects, it is my hope the Corps will fund worthy projects by the Port of Houston and the Harris County Flood Control District. I also support the $1.2 billion for EPA's nationwide environmental cleanup programs, including Superfund, which I hope can be utilized to clean up the San Jacinto River Waste Pits.

Mr. Speaker, our economy is crumbling, workers are being laid off, people are losing their health insurance, and families are finding it harder and harder to make ends meet. This legislation will start us back on the right track by looking out for those who have been most affected, and by broadly investing is multiple sectors of our economy. We cannot stand by and do nothing, and for those reasons, I urge my colleagues to join me in supporting this legislation.

Mr. WOLF. Mr. Speaker, I rise today in opposition to the conference report to the economic stimulus legislation.

I understand that Americans are hurting. Many have lost their jobs, are unable to pay their mortgage, don't have health insurance and are struggling to make ends meet. Small businesses have especially felt the brunt of the recession.

Congress needs to come together with the president to restore confidence in the economy and create a climate conducive to job growth. But instead of a narrowly focused effort to stimulate the economy through targeted programs to put more money in the hands of taxpayers and create jobs, this massive spending bill—the largest in our Nation's history—creates new programs and bolsters others, many of which have nothing to do with economic recovery. I don't question the urgency of congressional action to stimulate the economy, but I do question the priorities in this package and its price tag.

I have never been more concerned about the future of our country. The unprecedented amount of borrowing and spending in this package will place a tremendous burden of debt on present and future generations. This economic stimulus package was not only an opportunity to look at short-term solutions to help jump-start the economy and assist struggling taxpayers and homeowners, but also a historic opportunity for Congress to address the long-term financial plan for our country.

I have been speaking out for several years about getting mandatory spending under control. Congressman JIM COOPER and I have authored bipartisan legislation, which I first introduced in 2006, to set up a national commission to review our nation's long-term economy, including entitlement spending, discretionary spending and tax policy, and recommend a plan to Congress to get America on a sustainable financial path. The Securing America's Future Economy (SAFE) Act would address this financial crisis and solve it with bipartisanship. The SAFE effort differs from others because it requires an up or down vote in Congress on the commission's proposal, similar to the process for closing military bases enacted in 1988.

As the piece of the budget pie continues to grow to pay for entitlements, spending for discretionary programs shrinks. That means fewer dollars for education, for medical research, for investment in technology, for national security, for transportation, and a myriad of other programs on which Americans rely. Not only is it unacceptable to shoulder our children and grandchildren with a crushing debt burden, I believe it raises serious moral questions. Is it right for one generation to live very well knowing that its debts will be left to be paid for by others?

I reached out to both Democrats and Republicans to push for a bipartisan entitlement reform commission to be considered as part of the stimulus package. The SAFE idea has garnered growing support. I offered the SAFE Commission as an amendment when the stimulus legislation was marked up in the House Appropriations Committee, and again when the Rules Committee decided which amendments would be made in order for consideration on the House floor as a part of House legislative package. I was disappointed that my amendment was not even allowed to be debated by the House.

I am deeply concerned about the divisiveness in Congress and believe that a bipartisan commission may well be the only way to mandate action on long-term budget controls. President Obama has indicated his willingness to reach across the aisle to find bipartisan solutions. I have always believed that working together in a bipartisan manner is what the American people expect of their leaders.

The Congress had the chance in this measure to take a bold step for America's future financial security and instead we are going down the same road of adding to the deficit and national debt with questionable programs that are touted to create jobs and stimulate the economy. We can do better and we must do better—for our children and our grandchildren's future.

Mr. Speaker, I insert with my statement an op-ed from yesterday's Washington Times by Stuart Butler of the Heritage Foundation who understands the urgency of Congress and the administration coming together to stop the financial tsunami that threatens the financial future of our country.

[From the Washington Times, Feb. 12, 2009]

BUTLER: CONGRESS NEEDS COVER TO REFORM ENTITLEMENTS

(By Stuart Butler)

The price tag is stunning. Pegged at nearly $800 billion—a figure that doesn't even include interest payments—the so-called ''stimulus'' bill sets an all-time record for deficit spending by a single bill.

Congress has gotten away with deficit spending in the past, because foreign investors were willing to buy U.S. bonds to cover the debt. But the size of this bill will send our deficits sky-rocketing, to the point where overseas investors may have second thoughts about lending us more.

And that's the good news!

The bad news is there's a far bigger problem threatening to undermine overseas confidence in America's finances. That's the looming fiscal tsunami due to wash over us as baby boomers start retiring in ever-growing numbers and start claiming Social Security and Medicare benefits Congress has promised them. They are promises even the most robust economy could not afford to keep.

Some lawmakers fear that Congress is incapable of addressing this problem, given the way it currently does business. They say the entitlement tsunami needs a very different approach. They are right.

Let's understand the situation. Over the next 10 years, Congress says the stimulus will cost about $800 billion we don't have. In its single most expensive year—2010—Congress will borrow just over $350 billion to create ''energy-efficient visitors centers'' and otherwise ''stimulate'' the economy. That's a lot of money.

But let's look at what Medicare alone must borrow—every year—to cover the gap between what it spends and takes in through premiums and payroll taxes. It's already costing taxpayers almost $200 billion this

year. Within 10 years, yearly borrowing will hit the equivalent of $285 billion in today's economy. In 20 years it will be close to $600 billion, with hundreds of billions more from red-ink saturated Social Security and Medicaid spending.

And we are worrying about a peak of $350 billion for the stimulus?!

Two congressmen, Rep. Frank R. Wolf, Virginia Republican, and Rep. Jim Cooper, Tennessee Democrat, don't believe Congress has the stomach to rein in such staggering shortfalls in these politically sensitive programs.

To give weak-kneed politicians the cover they need, Mr. Wolf and Mr. Cooper propose a bipartisan commission to recommend long-term structural changes in entitlement programs. Commission proposals would be sent to Congress for an up-or-down vote.

Mr. Wolf and Mr. Cooper reckon their commission would get members off the hook of voting line-by-line for unpopular changes. And a bipartisan commission means both parties get the political pain and gain of taking tough action.

Now, we've had budget commissions before. Sometimes they consist of top congressional leaders who meet behind closed doors and produce few real program changes but more real taxes. Or they produce a report that goes nowhere.

But the Wolf-Cooper plan has two stages that may change the political dynamic.

Before the commission even meets to talk turkey, for several months it would hold a national conversation across the country, with town meetings and other ways to gauge public sentiment. Only then would the commission begin its work. Armed with this public support, Mr. Wolf and Mr. Cooper reason, lawmakers could vote ''aye'' with political protection.

This ''public mandate'' stage is modeled after something called the Fiscal Wake-Up Tour. The tour consists of representatives from the Concord Coalition, a budget watchdog group, as well as the Heritage Foundation and the Brookings Institution, together with former U.S. Comptroller General David Walker.

This left-right panel has held dozens of large meetings around the country, talking with tens of thousands of Americans. As a ''made member'' of the tour, I can tell you how Americans are likely to react to a commission seeking their views:

People want the truth about our fiscal future. If they get the facts in a nonpartisan way, first they are stunned and then they want action.

The elderly, as well as young Americans, are willing to support tough steps on Medicare and other programs—if they are first brought into a serious conversation.

And they doubt that more money sent to Washington would be used to avoid future deficits. They are sure it will be spent.

Here's a thought. Let's say President Obama were to back the Wolf-Cooper two-stage commission. Imagine if he and congressional leaders from both parties were to hold their own tour. They would jointly give Americans the full picture of the future tsunami and an honest description of the major options from all sides. And imagine they asked the American people what to do. Then, say, a commission put together a package of reforms based on the people's mandate and sent it to Congress for a vote.

That's the kind of commission report that could work. The kind of change you can believe in.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of the Conference Report for H.R. 1, American Recovery and Reinvestment Act of 2009. This legislation will start to address the most critical needs of our flagging economy by providing relief to struggling individuals and small businesses, while creating and saving 3.5 million jobs across America.

These are challenging times for families in North Carolina and across the nation. Each month it seems that we get more bad news, or hit a new record on an economic indicator. On Friday, the U.S. Department of Labor announced the unemployment rate was at a 34-year high of 7.6 percent. The increase in the last quarter is the largest since the end of World War II. This increase in the jobless rate is hitting every region, and every state, but North Carolina is particularly hard-hit. We are one of the top five states in terms of month-over-month increases, and one of the top three in increases since last year. Here in North Carolina, unemployment is 8.7 percent. In addition to the unemployed, there are many more workers who are seeing their hours and wages cut.

I have heard from North Carolinians from across the Second District about the need for swift action. H.R. 1 addresses the need by making investments in our economy that will produce new jobs while providing tax relief for 95 percent of Americans. With 3.6 million jobs lost in the past year, the 3.5 million jobs created by this bill will put us on track to an economic recovery.

Some of these jobs will be created, and created quickly, by the $25 billion in school construction bond tax credits in this bill which I have worked on with Ways and Means Chairman CHARLIE RANGEL for more than 12 years. The tax credits will create more than 11,000 jobs in North Carolina alone. This funding will allow work to start on stalled and delayed school building projects and address overcrowding and deteriorating schools. The jobs created by making these investments in our future will invigorate our economy today, and provide a strong foundation for the working families of the future. I am proud that the tax credits in this bill will give local school districts support to improve their schools and the education they provide.

As the former Superintendant of Schools in North Carolina, I have a special understanding of the needs of our students, and I am pleased that H.R. 1 includes significant investments in education. In addition to the ABCs Act tax credits, the bill includes $39.5 billion to help schools modernize their facilities and prevent layoffs or cutbacks to essential educational services. It provides $25 billion to support our most vulnerable students through Title I and IDEA, and $4 billion for early childhood education to ensure that kids have the right start on the path to learning. This package also invests in higher education with a new tax credit for individuals seeking a college education and a $500 increase to Pell Grants. We must give the next generation the tools to support learning throughout their lives, to enable them to compete in our 21st Century economy.

To jump start our economy and turn the tide on unemployment, the American Recovery and Reinvestment Act of 2009 makes investments to create or save 3.5 million jobs. At the same time, it provides a down payment on our most important national priorities. H.R. 1 will also get the stagnant economy moving again supporting targeted infrastructure investments to improve bridges and roads, modernize public buildings, and expand mass transit. H.R. 1 also strategically invests in America's ''green sector,'' supporting alternative and environmentally-friendly energy, like the biofuels we grow and produce in North Carolina, and new technology that creates energy from waste products. It also expands energy tax provisions like the Production Tax Credit and Clean Renewable Energy Bonds while providing the funds we need to transform our energy distribution system and weatherize and modernize our homes and public buildings to increase efficiency.

Millions of Americans will see their taxes reduced by H.R. 1, and others will receive support in making purchases that help our economy. More than 95 percent of the nation's taxpayers will see an increase in their take-home pay through the ''Making Work Pay'' tax credit, $400 for individuals and $800 for working families. H.R. 1 will prevent 26 million families from being subjected to the Alternative Minimum Tax. It also includes relief for Americans that will spur our economy by providing an $8,000 tax credit for first-time home-buyers.

In addition, the small businesses that form the backbone of our economy will get relief under the recovery package. H.R. 1 includes bonus depreciation to help them invest in new equipment, loss carry back to help them weather reduced sales, a delay of the 3% withholding tax on payments to businesses that sell goods or services to governments, and a cut in the capital gains tax cut for investors in small businesses who hold stock for more than five years. It also provides incentives for businesses that create new jobs.

For those suffering in the economic downturn, this bill provides temporary support to help struggling families make ends meet and help workers train and find jobs. It extends and improves unemployment benefits, increases food stamps and food support, and provides aid to seniors, disabled veterans, and Social Security recipients. It extends Trade Adjustment Assistance for displaced workers, and extends and improves local job training, job placement, and vocational rehabilitation initiatives. This spending quickly makes its way into the economy, and will help those most in need.

Our country is facing difficult times, and though we have many challenges to meet, this package is a bold step in the right direction. I support H.R. 1, American Recovery and Reinvestment Act of 2009, and I urge my colleagues to join me in voting for its passage.

Mr. OLVER. Mr. Speaker, I rise in strong support of this Economic Recovery bill that will put America back to work and throw a life-line to the millions of people that are struggling to support their families.

In the last four months alone, the economy has lost over 2 million jobs. By the end of 2009, an additional 3–5 million Americans could lose their jobs and without this package, the unemployment rate is likely to rise to 12 percent.

Mr. Speaker, the transportation and housing investments in this bill will create jobs, generate economic growth, and significantly improve our transportation and housing infrastructure.

The bill appropriates over $48 billion for surface transportation and aviation and over $13 billion for housing investment.

Within the $48 billion for transportation over 75 percent of that money will quickly go to the states through existing authorized formula programs for ready to go highway and transit projects. This funding will create over 1 million new jobs.

Among discretionary transportation initiatives, $8 billion is provided for high-speed and intercity passenger rail which is an historic investment in America's future.

The bill invests in the nation's public housing, provides funding to communities hardest hit by the foreclosure crisis to purchase and rehabilitate foreclosed housing, and includes money to fill financing gaps in the Low Income Housing Tax Credit caused by the collapse of the credit market. Together these housing appropriations will yield about 250,000 jobs.

While I believe more must still be done to adequately invest in public transit and to help communities with the growing number of foreclosures, we must not let the perfect be the enemy of the good.

This is a good bill Mr. Speaker and I urge a yes vote.

Mr. SMITH of Texas. Mr. Speaker, in the interests of transparency, because Republicans, the media and the American public were shut out of negotiations, I am suggesting a new name for the American Recovery and Reinvestment Act, this so-called stimulus bill.

Based on what we know, I propose that we call it the Emergency Massive Expansion of Federal Spending to Double Our Budget Deficit by Circumventing the Legislative Process to Roll Back Welfare Reform, Intrude on Individual's Healthcare Decisions, Buy Green Golf Carts When We Don't Know How They Will be Used, Bail Out Fiscally Irresponsible States, But We'll Give People an Average Whopping $13 per week of Tax Relief, So We Hope They Won't Mind, Non-Stimulus, Non-Recovery Act of 2009.

There, I think that does a much better job of describing this bill.

Mr. PAULSEN. Mr. Speaker, we need a stimulus bill that will put people back to work and create jobs. We don't need a big government spending bill that has become a grab bag of special interest spending.

I have several concerns about the bill, but I would like to speak today about a specific issue involving special education funding.

Like most of my colleagues I'm sure, I hear all the time from educators—teachers, parents, superintendents—about special education funding. When the federal government enacted the special ed mandate back in 1974, it promised to provide 40 percent of the funds.

But it has only provided about 17 percent annually, which means local school districts have to make up this shortfall. This is patently unfair to our local school districts.

But now this bill contains a particularly troubling provision that would further exacerbate the problem. The stimulus bill contains restrictions on special education funding that would not provide the needed relief to local schools because it would only allow them to use the funds for specified programs and services—not give local school districts the flexibility they need to make up for the current shortfall in funding. Even worse, the ''maintenance of effort'' provision in the stimulus would force states and local schools to sustain spending in these tight budget times or lose their federal funding.

And the conference report extends this mandate from two years to three years—through 2011.

Mr. Speaker, our teachers play an exceptionally integral role in shaping our children and our Nation's future. They understand the needs of each student—far better than Washington bureaucrats ever will. We need to ensure that our educators are properly equipped and given the proper decision rights in how to make each child succeed.

I believe we should allow local schools more flexibility, and I urge the Secretary of Education to keep that important principle in mind as he implements the ''maintenance of effort'' provision.

Mrs. BIGGERT. Mr. Speaker, I rise today in opposition to the conference report to H.R. 1, the so-called economic stimulus package.

Congressional Democrats crafted this bill behind closed doors and only released all the details to us at midnight last night.

Their plan makes a bad bill worse by reducing tax relief for working families in order to fund more wasteful spending.

Our economy needs a shot of adrenaline, not a load of long-term pet projects.

I believe we need to act now; but we must get it right.

Much of this spending is for worthy projects, but they're not stimulative and should go through the regular appropriations process.

I joined my Republican colleagues and proposed a plan that focuses on letting individuals, families, and small businesses keep more of their hard-earned money through tax relief. It would create 6.2 million jobs at half the cost, and that's using the Obama Administration's own statistical models.

Only 18 percent of conference report is dedicated to lowering federal income taxes. In fact, it provides for even less tax relief than the original House-passed bill. Infrastructure spending, similarly comprises only 17 percent of the discretionary spending in this package—down from $1 billion in the original House bill.

Shovel-ready infrastructure projects and individual tax relief for small businesses should be part of our efforts to boost the economy. But that doesn't mean Congress should use this crisis as an excuse to spend hundreds of billions in taxpayer dollars on 33 new programs that won't have any economic impact in the near-term.

Mr. TANNER. I rise today in support of the American Recovery and Reinvestment Act. I do so with a strong sense of responsibility and a heavy heart.

Throughout my career in this body, I have stood up to champion the cause of fiscal restraint. I have seen the majority in this House change two times; presidents of both parties come and go. In all that time, I have called on the powers that be not to spend more than we can afford, whether it be in the form of excessive spending or unaffordable tax cuts.

This is truly an economic and financial crisis unlike any we have ever seen, and it is forcing tough decisions unlike any we have ever faced. Economists from across the ideological spectrum believe that our nation is in the midst of an economic catastrophe that requires government action. The papers are filled with sobering stories: small and large businesses on the verge of collapse, massive layoffs, historic levels of unemployment and families unable to afford their homes. The numbers are grim: 3.6 million people out of work since this downturn started; in my district alone nearly 6,000 citizens have been laid off in the last 13 months. Eight counties in my district have an unemployment rate of over 10 percent, and all but one county's unemployment rate is considerably above the current national average of 7.2 percent.

Blame for this crisis can be found far and wide: greedy Wall Street giants, irresponsible lenders and consumers, and regulators that were asleep at the switch. I truly believe that without action our economy will get much worse, and our nation will enter a period of hardship not known since the Great Depression. Inaction is simply not an option.

The bill before us is not perfect. It contains spending measures that I believe may have merit but should be vetted through the regular appropriation process. But the perfect cannot be the enemy of the good in these serious times.

This legislation contains critical infrastructure spending that invests in communities, roads, waterways and needed technology upgrades in West Tennessee and across this great country. The stimulus package contains tax provisions that will provide relief for families living on the margins and businesses struggling to meet payroll. Under this legislation, in fact, 95 percent of Tennessean and American taxpayers will receive a tax cut. Most importantly though, it will help create and save 7,900 private sector jobs in my district. By putting people to work, we will put money in the pockets of all Americans to reenergize the economy.

There is no doubt that this bill comes at a cost, one greater than the $787 billion price tag associated with it. Money will be borrowed and interest will have to be paid. Madam Speaker, as a fiscal conservative, that gives me great pause; I would not support this package if I did not believe that our country's future hung in the balance.

So I rise in support of the American Recovery and Reinvestment Act. I know that the recovery will not be immediate, but without this package recovery may not be possible at all.

Mr. SKELTON. Mr. Speaker, it is often said that legislating is the ''art of compromise.'' Today, the House is considering a carefully negotiated economic recovery bill that represents a good balance of tax cuts and spending stimulus to help get our economy back on track and help get people in this country working again.

As a representative of small town Missouri and Chairman of the House Armed Services Committee, I am particularly pleased that the legislation directs needed resources to rural parts of the country and further addresses an

economic downturn that has become a national security threat to the United States.

Over the past year, the Government has taken steps to help reduce the impact of the recession on the American people. Some of those actions have proven helpful, while others must be reviewed and improved. But, economists from across the political spectrum have indicated that further economic stimulus is necessary to help reduce layoffs and create jobs.

Since January, bipartisan consensus has been built around a $789 billion economic recovery bill designed to boost employment and invest in the health, education, and safety of the American people.

This legislation invests heavily in rural priorities, such as boosting funds for rural water programs; for rural highway and infrastructure projects, for school modernization initiatives; for Corps of Engineers projects; for agricultural-based alternative energy development; and for expanding Internet broadband technology. It directs additional funds toward military and VA construction projects and toward streamlining the VA claims process. And, it provides individual and small business tax relief, helps turn our country toward greener energy solutions, and strengthens the safety net for workers who have fallen on hard times.

The economic recovery bill is not perfect. But, sitting on the sidelines, simply watching our economy deteriorate, is simply not an option. Inaction on our part would undercut America's national security and would imperil jobs, savings, farms, and small businesses. We must do what we can to prevent such a tragedy, which is why enacting this legislation is in the best interest of our country.

Mr. STEARNS. Mr. Speaker, I rise today in opposition to this wasteful, unfocused, and massive government-spending bill. It is true that our country is in the middle of a severe economic downturn and economists on both sides of the financial debate agree that the current housing market and lack of available credit are at the root of this problem. Yet, Democrat leaders in the House and Senate decided to strip this legislation of an obviously stimulative $15,000 homebuyer tax credit, in favor of a $5 billion earmark to make federal buildings ''green.'' This is one of many glaring examples that this bill is not about stimulating the economy; it is about expanding the Federal Government in a time of crisis.

I believe White House Chief of Staff Rahm Emanuel characterized this democrat-spending bill best when he said, ''You never want a serious crisis to go to waste. And what I mean by that is an opportunity to do things you think you could not do before.'' In a rush to capitalize on our country's economic situation the other side of the aisle has used fear and pronouncements of imminent catastrophe to fulfill their wants and achieve their goals of government expansion, longstanding liberal spending policies, and political payback.

Many have looked to our economic history to provide guidance during this difficult time, particularly to the New Deal instituted by President Franklin Roosevelt. Looking to the past we discover that Henry Morgenthau, Jr., FDR's Treasury Secretary, gave this quote in May of 1939 during the Great Depression.

''We have tried spending money. We are spending more than we have ever spent before and it does not work. And I have just one interest, and now if I am wrong somebody else can have my job. I want to see this country prosper. I want to see people get a job. I want to see people get enough to eat. We have never made good on our promises. I say after eight years of this administration, we have just as much unemployment as when we started. And enormous debt to boot.''

Unfortunately, what many economists have found at present and in the past is that New Deal principles are stale ideas that do not translate into economic stimulus in the 21st century. To find further confirmation that unfocused infrastructure and public works projects fail to stimulate a recessive economy one need only look to Japan during the 1990s.

Like this country's current situation, Japan in the late 1980s experienced the bursting of a real estate bubble. To combat the economic situation, the Japanese government embarked on a colossal spending spree pouring trillions of taxpayer dollars into wasteful roads, bridges and infrastructure projects. Japan finally came out of its economic tailspin, but many economists contend that it was not infrastructure spending that caused the economy to recover, but rather an intensive cleanup of the banks, and a growing export sector that boosted the country. According to a February 5, 2009, New York Times article, ''Among Japanese citizens, the spending is widely disparaged for having turned the nation into a public-works-based welfare state and making regional economies dependent on Tokyo for jobs. Much of the blame has fallen on the Liberal Democratic Party, which has long used government spending to grease rural vote-buying machines that help keep the party in power.''

For these, and many other reasons, I regret that I cannot support this unprecedented big government grab for citizen reliance on the federal government. History shows that the best way to encourage an economic turnaround, preserve jobs, and spur widespread economic growth, is to ensure that job-creators face a lower tax burden. It is evident that this country needs to lower its corporate and small business tax rates, and provide tax relief to middle-class families. What this country does not need is a scatter shot approach of federal spending that will only increase the debt burden on future generations and create government dependence, while doing nothing to stimulate or create meaningful long-term job growth.

Mr. BOOZMAN. Mr. Speaker, I rise today in opposition to the stimulus package that our colleagues behind closed doors because of the lack of stimulus.

The American people are hurting. Too many jobs have been lost, and too many hard working Americans are worried about their future. Every day I receive calls from Arkansans opposed to Congress recklessly throwing around billions of dollars in an attempt to spend our way out of this crisis by getting more into debt.

The American people do need action; but responsible, focused action that will create jobs and return tax dollars to working Americans immediately. This is the time-proven and fastest way to truly stimulate our economy. We cannot afford nor can our children afford—an $800 billion mistake which gives too little attention to creating and saving jobs and securing our retirement savings. I can't says to the average Arkansan who is fearful he or she will lose their job that this stimulus will save their jobs and help their lives it—so it does not deserve our support.

I urge Congress to work harder and together for a focused, responsible bill that will save and create jobs and protect pensions.

Mr. TERRY, Mr. Speaker, I rise today in opposition to H.R. 1, the American Recovery and Reinvestment Act of 2009.

I come to the floor to oppose this bill reluctantly. When I am home in my District I talk to my neighbors, old school friends, and folks in the coffee shop, they share with me the economic problems they are facing—fellow workers being laid off, difficulty in meeting the house payment because there is now only one wage earner. Small business owners are laying off people due to slow sales especially at car dealerships, retail stores, and restaurants.

The slow down of the U.S. economy has not missed my community—folks are hurting and Congress needs to act in ways that will jump start the housing markets, get credit and lending flowing, increase U.S. exports and provide tax relief so families have more money in their pocket to pay for daily household expenses.

But Mr. Speaker, I have many worries about the massive bill that we have before us today.

I worry there is too much spending in this so-called ''Stimulus'' package. The cost of this bill today is $791 billion. Over time the bill will cost $1.138 trillion. There is too much spending on government programs that should be funded through the normal appropriations process, not in this bill. Under the guise of stimulus, the huge increase in these government programs significantly raises the baseline on which future spending cannot be sustained without large tax increases. This policy could be devastating to our economy and prolong the current economic recession.

I worry that too little of the package goes toward the most effective tools for creating jobs for small business owners, like lower taxes and tax credits. In fact, the only help directed to small business, net operating loss, carryback was reduced by this bill from $1 billion to $2 billion. The home buyer tax credit was reduced from $35 billion to $2 billion; the car tax credit to purchase a new car was reduced from $11.5 billion to $2 billion.

Infrastructure money for roads and bridges was $67 billion, which I appreciate, although my request to add $13 billion for combined sewer operations funds in the infrastructure section fell on deaf ears. Compare this to Senate Majority Leader HARRY REID $8 billion for a high speed train from Las Vegas to Disneyland. The priorities in this bill are wrong.

The small business tax breaks and infrastructure spending make up about $100 billion of the total $791 billion in the bill, but accounts for 2.5 million jobs of the 3.5 million jobs the White House has estimated will be retained or created by H.R. 1.

Mr. Speaker, to state it another way, $691 billion of the spending may retain or create just one million jobs, most of which will be government bureaucrats that populate the big gray buildings in Washington, DC. That does little or nothing for job creation in my District.

I worry that printing nearly a trillion dollars of new money will result in inflation that will create economic problems over the next several

years that will negate any short term gains that might be achieved by this package.

I worry that this additional trillion dollars of new money will create new economic problems by ''crowding out'' private investment dollars that otherwise might be available to stimulate our private sector economy, create new jobs, and grow the economy. Instead, the U.S. government will be sucking up those dollars to pay off its debt. Not to mention the burden this places on our children and grandchildren who will be saddled with the responsibility of paying off that debt.

I am also very frustrated with the non-stimulus liberal policies that found their way into this bill. Two of these policies have earned a lot of attention. First, there is more than $1 billion for ''comparative medical treatment research'' that will be spent by a new panel of non-physicians that reviews the medical treatment decisions of physicians and healthcare professionals. Many feel that this treatment review committee could result in the rationing of treatments of drugs for patients, or even deny medical care to some people, especially seniors. Some have labeled this a form of ''euthanasia.'' While I don't foresee that any time soon, it is very scary.

Another liberal policy that was put in this bill is the reversing of welfare reform, which was the ''Welfare to Work'' program that was enacted on a bipartisan basis in 1996. This legislation will encourage individuals to remain on welfare who would otherwise be given two years to develop skills and training to get a job and move off of the welfare rolls. The roll-back of this program will end up costing the taxpayers more money and reduce a job pool that many employers looked to for entry level hires.

Mr. Speaker, this 1,100 page bill was made available to Members at 10:30 p.m. last night. I suspect the majority of my colleagues, like me, have not had time to read through this bill line for line. We do not know what other policy shenanigans have been tucked into this massive bill.

I am also frustrated that a viable alternative, at least half the cost, was not even considered. The Republican alternative focused on small business owners and manufacturers, tax relief, consumer incentives to purchase new homes and cars and truck, along with infrastructure funding. Economists estimate this alternative would have created over 6 million jobs, twice the jobs at half the cost of the measure before us. But this alternative bill was stiff-armed by the Majority.

Mr. Speaker, it is because of all these worries and frustrations that I am not able to support this package. We could have worked on a bipartisan basis to craft a bill that we could all support. But we were not given a chance to do that. This bill was written behind closed doors by a small group of House Democrats. The American people deserve better from us. I will be voting against this bill.

Mr. STARK. Mr. Speaker, I rise in support of the Conference Report on H.R. 1, the ''American Recovery and Reinvestment Act of 2009.''

The economic challenges we are confronted with are as serious as any we've faced since the Great Depression. There is no doubt that we are paying the price for eight years of unregulated markets, regressive tax breaks, and a lack of investment in the needs of the American people. Now is the time to act boldly to create jobs, strengthen the frayed safety net, begin to fix our health care system, and make long-overdue investments in education, scientific innovation, and infrastructure that will spur our economy forward in the years to come. This legislation achieves all of these goals.

As Chairman of the Ways and Means Health Subcommittee, I am most proud of the health provisions in this legislation.

It is no overstatement to say that the development of an interoperable health information technology system in America will revolutionize medicine. H.R. 1 does just that. In addition to increasing efficiency and reducing unnecessary spending in our medical system, electronic health records will enable doctors to have the information they need—at their fingertips—to best treat their patients.

By building financial incentives into Medicare and Medicaid, and developing new grant programs, the Congressional Budget Office estimates that this bill will encourage 90 percent of physicians in America to adopt standardized health IT and that 70 percent of America's hospitals will do the same. They also calculate that the improvements from this legislation will generate more than $12 billion in savings from federal health programs and reduce health insurance premiums in the private sector as well.

H.R. 1 also makes a substantial investment to expand comparative effectiveness research. Right now, patients with the same diagnosis often receive dramatically different treatment. Medicine is an art, but also must be guided by science. By investing in this research, doctors and other health care providers will be able to obtain unbiased information regarding which procedures, pharmaceuticals, devices and other treatments work best for particular conditions. That way, they can choose the right treatment from options that have been independently evaluated.

If you've heard any controversy about this provision, it's because the pharmaceutical and medical device industries are spending millions of dollars to drum up opposition. They don't want doctors or patients to be able to objectively evaluate the value of their products. The smear campaign of disinformation has also been advanced by conservative ideologues in a cynical effort to foment distrust and discord prior to beginning a national conversation on health care reform. In fact, this research is broadly supported by a wide range of groups representing patients, physicians, health care organizations, unions and others.

H.R. 1 also protects the health care coverage for millions of workers who are losing their jobs because of our economic crisis. COBRA health continuation coverage provides a vital bridge for people to maintain their health benefits when they are between jobs. However, an average family COBRA premium is more than $1000 a month—a financial commitment most unemployed workers can't afford on top of their mortgages and other costs of daily living. By providing a 65 percent subsidy for these premiums for up to 9 months, H.R. 1 will help more than seven million people maintain their health coverage while they seek new employment.

When H.R. 1 is signed into law, the 111th Congress and President Obama will have done more to advance health care in America in less than two months, than was done over the entire two terms of the Bush Administration. We will also have set forth a solid road to move into the debate to guarantee that each and every person in America has affordable, quality health care that can't be taken away.

In addition to the vital health care provisions, H.R. 1 includes essential provisions that will stimulate our economy in the short-term and build a foundation for long-term prosperity. By funding ''shovel-ready'' road, rail, water, school, and energy infrastructure projects we will create millions of new jobs, including more than 7,500 in my district. By bolstering safety net programs such as Unemployment Insurance and Food Stamps we are giving assistance to those hardest hit by the downturn. By investing in all levels of education, science, and clean energy we are setting the stage for economic renewal and the innovation that will drive our economy.

As President Obama has said, we will not get out of this economic mess overnight. But we can take the bold action that the current crisis demands and start the process of rebuilding our economy by passing the legislation before us today.

Mr. KUCINICH. Mr. Speaker, I rise in support of the Conference Report to H.R. 1, the American Recovery and Reinvestment Act, and I ask unanimous consent to revise and extend my remarks.

American families, increasingly out of work and burdened by debt, are spending less, and businesses have drastically reduced their spending as a result.

That leaves only the federal government as the spender of last resort.

This bill is not perfect: it is not nearly large enough to replace the losses in Gross Domestic Product that characterize the current recession. But it lays a foundation of targeted government spending that will create millions of jobs.

It will also strengthen the social safety net so that families who have been hit hard by the economic downturn have the basic levels of resources they need.

The bill also addresses a component crisis of this recession: the spillover effects of large concentrations of foreclosed vacant and abandoned houses on our communities. Neighborhoods are the innocent bystanders in the foreclosure crisis.

As foreclosures and the vacant houses they can create continue at a record pace, the bill provides an additional $2 billion to help our neighborhoods prevent the increased crime and deflated property values that come along with abandoned foreclosed properties.

It will also create jobs, and those jobs will be located in some of the hardest hit areas of the country. Fortunately, those funds are there, after being taken out by the Senate. I would like to thank Speaker PELOSI and conferees for including $2 billion for the Neighborhood Stabilization Program.

Ms. JENKINS. Mr. Speaker, Members of the House are being asked to say to vote for a so-called stimulus package. This comes after having only 10 hours in the dark of night to

read the final language of the 1,000 page report, which itemizes how we are to spend nearly a trillion taxpayer dollars.

Our economy is struggling right now and Kansans are well aware of that fact. Yet, by overwhelming majorities, they are asking me to vote against this package today. Kansans are pleading with Congress to look beyond just tomorrow and look toward what is best for long-term economic recovery. Even the nonpartisan Congressional Budget Office predicted that over the next decade, the extra debt created by this bill will ''crowd out'' private investment and lead to lower GDP. We are about to pass what will be the largest burden that one generation has ever passed on to another. And the non-partisan CBO says it won't even work! This hampers our economy in the long run and burdens our children with even more debt.

My constituents in Kansas are asking for real economic relief, not funding for pet-projects. While the majority continues to claim that this bill contains no earmarks, it still has billions in it to fund ''green'' golf carts, mouse habitats, and other such projects the majority evidently believes is a good use of Kansans' hard-earned tax dollars.

The conference committee, behind closed doors, decided $8 billion for a high-speed railway between Las Vegas and Los Angeles will better stimulate the economy than an additional $200 in the pockets of hard-working families all across our nation. My constituents are the folks who know best how to spend a dollar and stimulate the economy, not a distant federal bureaucracy in Washington.

A real stimulus needs to have a balance of tax relief and targeted investment. The majority is exploiting the current economic downturn to jam through a bill full of irresponsible spending and government expansion.

Mr. PRICE of Georgia. Mr. Speaker, I rise to oppose this non-stimulus package because it is selfish and irresponsible.

It is selfish—because it will burden future generations for years to come with unbelievable debt; trillions of dollars stolen from our children and grandchildren.

It is irresponsible—because it won't work! It will not stimulate the economy. It will not create jobs. It has been shown to be misguided by over 300 prominent economists, including three Nobel Prize winners.

In addition, the process has been an affront to all Americans. Less than 15 hours to read a bill over 1000 pages in length. Less than 2 hours of debate on the floor of the House on the most expensive spending bill in the history of mankind!

This is simply wrong.

Attached are three articles from papers today revealing the folly of this process and product.

[From the Washington Post, Feb. 13, 2009]

DESPITE PLEDGES, PACKAGE HAS SOME PORK

(By Dan Eggen and Ellen Nakashima)

The compromise stimulus bill adopted by House and Senate negotiators this week is not free of spending that benefits specific communities, industries or groups, despite vows by President Obama that the legislation would be kept clear of pet projects, according to lawmakers, legislative aides and anti-tax groups.

The deal provides $8 billion for high-speed rail projects, for example, including money that could benefit a controversial proposal for a magnetic-levitation rail line between Disneyland, in California, and Las Vegas, a project favored by Senate Majority Leader Harry M. Reid (D–Nev.). The 311–mph train could make the trip from Sin City to Tomorrowland in less than two hours, according to backers.

A new alliance of battery companies won $2 billion in grants and loans in the stimulus package to jump-start the domestic lithium ion industry. Filipino veterans, most of whom do not live in the United States, will get $200 million in long-awaited compensation for service in World War II.

The nation's small shipyards also made out well, with $100 million in grant money—a tenfold increase in funding from last year, when the federal Maritime Administration launched the program to benefit yards in places such as Ketchikan, Alaska, and Bayou La Bate, Ala.

None of the items in the sprawling $789 billion package are traditional earmarks—funding for a project inserted by a lawmaker bypassing the normal budgeting process—according to the White House and Democratic leaders. Republicans also killed or reduced a number of projects they considered objectionable, such as $200 million to re-sod the Mall in Washington and money for a new Coast Guard polar icebreaker.

But many Republicans, anti-tax advocates and other critics argue that the final version of the bill is still larded with wasteful spending and dubious initiatives that will do little to create jobs or spur financial markets. The legislation's sheer size and complexity set off a lobbying spectacle over the past few weeks, as diverse interests including pharmaceutical companies, cement firms and manufacturers of energy-saving light bulbs converged on Washington to elbow for their share.

''You have a moving vehicle, and people are trying to pile on and influence it in any way they can,'' said David Merritt, a health policy adviser to the presidential campaign of Sen. John McCain (R-Ariz.) who is now a project director with Newt Gingrich's Center for Health Transformation.

Stimulus advocates say the GOP complaints are overheated and generally focus on projects that Republicans dislike for ideological reasons. Chad Stone, chief economist at the liberal-leaning Center on Budget and Policy Priorities, defended the bill. ''The overwhelming bulk of what is in the package is effective and well-designed stimulus,'' he said.

Money for high-speed rail ballooned during the stimulus debate, from nothing in the House bill to $2 billion in the Senate version and finally $8 billion in the conference report, which was put together by Reid and other Democratic leaders.

Reid spokesman Jon Summers said in a statement that the transportation secretary ''will have complete flexibility as to which program he uses to allocate the funds,'' but he acknowledged that ''the proposed Los Angeles-Las Vegas rail project would be eligible.'' Summers said the rail funding ''was a major priority for President Obama, and Sen. Reid as a conferee supported it.''

One of the biggest targets of GOP complaints was a measure in the Senate version of the bill that did not name a recipient but would have provided $2 billion for ''one or more near zero emissions power plant(s).'' Sen. Tom Coburn (R-Okla.) and other Republicans say the provision was clearly directed at reviving the FutureGen Alliance project, a proposed ''clean coal'' plant in Illinois.

Coburn called the item the ''largest earmark in American history,'' but in the end he was able to claim only a partial victory, as the conference bill still contains $1 billion that could be spent on FutureGen.

Another $800 million is set aside for other carbon-capture projects, and a clause allows the money to go to projects that use petroleum coke instead of coal. That would probably benefit a company called Hydrogen Energy, which is jointly owned by British Petroleum and the multinational mining company Rio Tinto and has plans to build a power plant in California.

A provision introduced by freshman Rep. Larry Kissell (D–N.C.), a former textile industry employee, will require the Transportation Security Administration to purchase uniforms manufactured in the United States; most TSA clothing is currently assembled in Mexico and Honduras from U.S.-made fabric. The cost of the requirement is unclear—the agency spends about $3 million on 12,000 new uniforms each year—but labor and trade groups argue that it will create 21,000 U.S. jobs.

''We view this as a very inexpensive way to create jobs and also stabilize jobs in place,'' said Lloyd Wood of the American Manufacturing Trade Action Coalition.

[From Indystar, Feb. 13, 2009]

ANALYSIS: STIMULUS WON'T JUMP-START ECONOMY

(By Jeannine Aversa)

WASHINGTON.—No, the big stimulus plan won't ''save or create 3.5 million jobs,'' as the president and congressional Democrats claim—at least not this year.

The economy will remain feeble through 2009, analysts warn, and businesses will keep shedding jobs, though not as many as they would have without the $789 billion boost.

The stimulus agreement, heading for final votes in the next day or so, goes to the heart of President Barack Obama's strategy to revive the economy and will go far in shaping how Americans view his economic leadership.

What it won't do is quickly snap the country out of the painful recession, now in its second year.

It should provide some relief, economists say, though some argue it won't plow enough money into the economy to prop it up.

Tax cuts will spur at least some spending by consumers and businesses, and that should help save or create jobs. Aid flowing to cash-squeezed states will prevent some layoffs.

And money for big public works projects, such as bridge and road repairs, and longer-term ventures, such as networks for more high-speed Internet connections, eventually will generate jobs and stir economic activity.

But even with the stimulus, many economists predict a net loss of 2 million, 3 million or even more jobs this year. The recession already had cost 3.6 million jobs through January. The unemployment rate, now at 7.6 percent, the highest in more than 16 years, will probably hit at least 9 percent by next year.

''The stimulus package is not going to turn the economy around right now,'' said William Gale, director of economic studies at the Brookings Institution.

''The best-case scenario is that it mitigates the depth and the severity of the downturn. That's not a bad thing. It's just not the magic bullet that fixes everything.''

Some analysts say the job market won't return to normal health—with unemployment hovering around 5 percent—until as late as 2013.

And the broader economy? No sudden revival there either.

The economy is expected to slide backward for all of 2009—a decline in gross domestic product of more than 1 percent. That may not sound like much, but it would be the first yearly decline since 1991.

''Congress put the minimum charge into the stimulus battery,'' said Brian Bethune, economist at IHS Global Insight. ''We're taking this big chance, turning the key and praying there is enough juice to turn over the economy. We should have juiced it up so much that we are guaranteed that this engine will start'' through a bigger package of tax reductions.

This recession has proved especially stubborn and dangerous. The root causes—housing, credit and financial crises—are the worst since the 1930s and don't lend themselves to quick fixes.

The package includes Obama's signature ''Making Work Pay'' tax credit for 95 percent of workers. But negotiators scaled it back from Obama's campaign promise: to $400 a year for individuals, instead of his $500, and $800 for couples, down from his $1,000.

That equals around an extra $13 a week in most paychecks, and it should show up very quickly after Obama signs the bill. The hope is Americans will then feel more inclined to go out and buy, which would help bolster the economy.

But will recession-shocked consumers, spooked by vanishing jobs, shattered nest eggs, tanking home values and surging foreclosures, actually spend money?

''Chances are people are going to save much or most of the tax cuts because of the climate of uncertainty and doom and gloom,'' Gale said.

Given the severity of the problems, economists said, the bigger the economic revival package the better. Some said it needed to be $1 trillion to make a noticeable difference this year.

Others argued that the package should have been front-loaded with a lot more money—at least $500 billion—in tax cuts, which tend to act more quickly to boost economic activity.

Mark Zandi, chief economist at Moody's Economy.com, estimates the bill will create just more than 2 million jobs by the end of 2010. The problem is, the recession will probably wipe out many more jobs than that. Zandi's prediction: 6.5 million jobs will disappear.

[From the Washington Times, Feb. 13, 2009]

CBO PREDICTS LOWER GDP IN A DECADE

(Stephen Dinan and S.A. Miller)

The Congressional Budget Office says President Obama's giant economic recovery bill will actually hurt Americans' paychecks in the long run, even if the plan's tax cuts start out putting an extra $13 a week in most worker's pockets.

Building on a report issued last week, the Congressional Budget Office, Congress's official scorekeeper, said the flood of spending will boost the economy in the short term and will create new jobs. But over 10 years, extra debt will ''crowd out'' private investment, leading to a lower gross domestic product, which would hurt workers' wages.

''The reduction in GDP is therefore estimated to be reflected in lower wages rather than lower employment, as workers will be less productive because the capital stock is smaller,'' CBO said in a report issued Wednesday night, although it did not say how much damage would be done.

But for now, Alyson Jacobson, 42, said she'll take the $13. She said she'd spur the economy buying haircuts for her four young children when the tax cut kicks in this spring.

''I'll have to save up for two weeks,'' the social worker in Bowie said of the anticipated spending spree. ''It could go into more fruits because fruits are getting so expensive.''

Her husband's pay is expected to get a $13 boost, and the couple could pocket expanded child tax credits under the bill that leaders of the Democrat-led Congress scrambled to finalize Thursday.

The child tax credit will put about $1,000 more in tax credits in the pockets of qualifying families with at least three children. The bill would expand the 15 percent credit to every dollar earned over $3,000 from the current $10,000 threshold.

As for the economy as a whole, CBO said in the short term, it will be better off with spending; but over 10 years, the economy would at best break even and could actually be two-tenths of a percent lower than if Congress did not act.

Republicans, who have fought Mr. Obama's stimulus plan, said numbers confirm their fears.

''This is what happens when one party negotiates behind closed doors—you end up with bad legislation,'' said Rep. Dave Camp of Michigan, the top Republican on the House Ways and Means Committee, which writes tax laws. ''What the Democrats are asking the American people to do is buy a $1.1 trillion-dollar plane that barely gets off the ground before crashing. The ones left inside that wreckage will be the American worker and taxpayer.''

Drew Hammill, spokesman for House Speaker Nancy Pelosi, California Democrat, blamed the bulk of the debt problems on former President George W. Bush and said they know they'll need to take more action to produce good-paying jobs.

''We know the deficits created by the previous administration are going to continue to have an impact on the economy,'' Mr. Hammill said. ''We know that we can't afford not to act with the legislation that has been finalized, and we know there's going to have to be other pieces of legislation to address other economic concerns.''

The CBO report said the new spending would create or save between 800,000 and 2.3 million jobs in 2009 and by 2010 would account for between 1.2 million and 3.6 million jobs.

The White House did not comment on the report. Mr. Obama has predicted that his plan could create or save up to 4 million jobs.

The extra $13 a week will show up in pay this spring when the withholding formula is adjusted. Starting next year, the credit will add about $7.70 per week to individual paychecks.

''It's almost pocket change,'' said Cindy Hockenberry, an accountant and research coordinator with the National Association of Tax Professionals. ''To be quite honest, amounts that small I don't think [taxpayers] are going to feel it.''

The tax relief, including business tax breaks, adds up to $275 billion, or about a third of the $789 billion package. The rest of the money—$515 billion—is spending.

The Jacobsons also could be among the 23 million middle-class families to benefit from a suspension of the alternative minimum tax (AMT), which would otherwise wallop families making as little as $50,000 a year with a 26 percent or 28 percent income tax rate.

The AMT was adopted in 1969 to make tax-sheltered wealthy Americans pay at least some income taxes. But it was not indexed for inflation and, over time, hit middle-income taxpayers if not forestalled by temporary ''patches'' passed annually by Congress. This year's patch was included in the stimulus.

The tax cut—which is supposed to help 95 percent of Americans, including low-income workers who do not earn enough to pay income taxes—would give single workers up to $400 a year and families up to $800.

The tax credit phases out completely for workers earning more than $100,000 a year and couple earning more than $200,000.

Mrs. BACHMANN. Mr. Speaker, at about 10:00 p.m. last nite, the text of the $792-billion so-called ''stimulus'' package was finally made available to Republicans. At 11:00 p.m., this 1073-page package was finally posted online for the public to see it. And, votes are expected by 2:00 p.m. today.

Are Republican legislators really supposed to digest and comprehend the single most transformational piece of legislation that has come through Congress in 16 hours? We do a great disservice to the American people today by rushing this package through.

But, the level of disrespect we show the taxpayers today by this perversion of process is far exceeded by the level of disrespect we show the taxpayer by the substance of this package. As the Los Angeles Times stated in an editorial today, this bill ''serves as a case study for the timeworn notion that haste makes waste.''

Whether by design (The Washington Post did report that ''House Speaker Nancy Pelosi . . . called the legislation 'historic and transformational' for its investments in Democratic social priorities.'') or as a byproduct of the political wrangling to get the bill to the floor, this bill is chock-full of the pet projects and political priorities that lobbyists and lawmakers insisted upon.

But, the bill is supposed to have a single purpose: to stimulate the economy. Congress' one and only criterion for any project or program should have been its ability to help grow the economy and help create jobs. Again, the Los Angeles Times noted that scattered throughout the bill ''are proposals that advance a political agenda more than an economic one.''

Targeted investment in transportation construction is proven to grow the economy and create jobs. The U.S. Department of Transportation reported last year that every $1 billion in federal highway investment, when combined with the required state matching funds, supports 34,779 American jobs. Of that, only about 12,000 are actual construction jobs. The rest are in supplier industries or related economic sectors. That's why Republicans in the House had moved to reprioritize spending in the House bill and triple investments in transportation construction—a motion the majority flatly rejected.

There is a substantial and tangible ripple effect to these investments. Yet, it gets lip service in this bill: $27.5 billion of the $792 billion bill (a mere 3.4% of the total bill) is invested in this proven stimulator.

Tax relief is similarly stimulative. The Republican alternative that was rejected by the majority would have created twice the jobs at half the cost. It would have done so by putting money back into the pockets of those who would use it to create jobs and to keep money cycling through the economy.

Amongst other things, this alternative, which I did support would have:

Reduced the lowest individual tax rates from 15% to 10% and from 10% to 5%. In Minnesota's Sixth Congressional District, 272,306 filers would benefit from the reduction in the 10% bracket alone and 228,926 filers would also benefit from the other rate reduction.

Allowed small businesses to take a tax deduction equal to 20% of their income. Nearly half a million Minnesota small businesses—each employing 500 or fewer employees—would benefit from this.

And, provided a home-buyers credit of $7500 for those who can make a minimum down-payment of 5%.

What's more, Mr. Speaker, this package sets upon the shoulders of generations of Americans a debt that I don't think we can even comprehend. With this so-called stimulus, we raise the government's commitment to addressing this economic downturn over the past year to $9.7 trillion. From the first set of rebate checks passed last February to the bill before us now, $9.7 trillion has been spent or pledged to addressing this recession.

And, all reports indicate that there is more to come. Treasury Secretary Timothy Geithner talked about another $2 trillion for financial service sector bailouts just this week. President Obama's economic advisor, Larry Summers, has talked about additional stimulus and financial service bailouts that will be needed in the months to come. President Obama noted that this is just a leg in a stool when he came before the Republican Conference only a couple of weeks ago.

That's just for what's actually in the bill. A long history of expanding federal budgets has made it clear to the American people that no increase in spending is ever temporary. As the Los Angeles Times noted the $191 billion in increased benefit spending in this package ''expand programs that may be hard to trim after the crisis passes. . . . What's worse, there are no accountability measures attached to those funds. . . .''

An analysis by staff at the House Budget Committee looked at what happens if Congress continues to fund just 19 of the most politically popular programs at their new stimulus levels—programs like Pell Grants, Head Start, food stamps. Over the ten-year period ending in 2019, ''these 19 programs alone would increase federal outlays and tax entitlements by $1.59 trillion.'' (Wall Street Journal, February 12, 2009)

Even before we add in the financial service sector bailout and this ''stimulus'' bill, the American people were looking at the largest budget deficit in modern history for 2009—8.3% of the economy. According to an analysis by the Strategas Group, if you add in this bill and the bailout, ''the deficit could hit nearly $2 trillion, or 13.5% of the U.S. economy.'' The Wall Street Journal rightly calls this ''uncharted territory'' and reminds us that the consequences could mean ''new federal debt in the trillions of dollars over the next few years, which could test the limits America's creditworthiness,'' and could mean that ''the U.S. will become less desirable as a destination for the world's capital.''

With this bill today, Congress isn't helping America to dig itself out of the recessionary hole, we're merely digging it deeper. I cannot support this new direction for the American economy, Mr. Speaker. I stand today on the side of the American taxpayer and will vote to oppose this bill.

Mr. RANGEL. Mr. Speaker, the following letters relate to a matter of jurisdiction with respect to a provision included in the conference agreement to H.R. 1

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, February 13, 2009.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN RANGEL: I write regarding the section entitled ''Grants for Specified Energy Property in Lieu of Tax Credits'' in H.R. 1. Although originally passed by the House of Representatives as a program administered by the Department of Energy, under the conference agreement on this bill, this program will reside at the Department of the Treasury.

I am pleased that the consultation process between our Committees has resulted in an understanding that this grant program will be under the jurisdiction of the Committee on Energy and Commerce despite its administration through the Department of the Treasury.

I would appreciate your response to this letter confirming this understanding with respect to this program. I would also ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of the conference report on the House floor.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, February 13, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN WAXMAN: I write in response to your letter regarding the section entitled ''Grants for Specified Energy Property in Lieu of Tax Credits'' in H.R. 1. Although originally passed by the House of Representatives as a program administered by the Department of Energy, under the conference agreement on this bill, this program will reside at the Department of the Treasury.

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I will submit a copy of our exchange of letters on this matter for inclusion in the Congressional Record during consideration of the conference report on the House floor.

Sincerely,

CHARLES B. RANGEL,
Chairman.

Ms. SCHWARTZ. Mr. Speaker, the economy is in crisis—my constituents in Southeastern Pennsylvania and I see it every day.

Our families are struggling with lost income and lost health insurance—even as the demands on household budgets grow.

Our businesses are struggling with lost consumers, increased costs, and difficulties in accessing capital.

Our state, cities and towns are struggling with shrinking revenues in the face of increased demand for services, aging infrastructure and other obligations.

Today we will take the action essential to provide relief, create jobs, and lay the groundwork for future economic growth.

We will: cut taxes for 95% of American workers; reduce the cost of COBRA health coverage for the unemployed; improve access to capital and stimulate growth; repair infrastructure; invest in new energy sources and energy efficiencies; and drive the innovation that will keep America competitive in the global market place.

I am particularly proud of the major new investment in health information technology that will lead to near universal use of electronic medical records within 10 years—improving the quality and coordination of care, saving lives, and saving costs for patients, employers, and taxpayers.

This recovery package is a smart, timely investment to meet today's challenges and fulfill America's promise.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I want to commend my Chairman, Mr. OBERSTAR, and Chairman OBEY for elevating the importance of Obey infrastructure investment towards the economic recovery of our Nation.

I strongly support the Conference Report to H.R. 1, particularly the infrastructure components, which direct desperately needed funds into our Nation's roads, bridges, transit systems, airports, and water-related infrastructure.

Each $1 billion of Federal funds invested in infrastructure creates or sustains approximately thirty-four thousand jobs and $6.2 billion in economic activity.

The $64 billion dollars for infrastructure investments outlined in the bill will provide a real, tangible benefit to the seven hundred thousand individuals currently unemployed in my state—whether as a paycheck for those responsible for constructing these vital projects, or through increased productivity for small businesses that produce the materials needed for infrastructure projects.

However, unlike other economic recovery proposals, infrastructure investment provides not only a short-term benefit to American families, it also provides a long-term benefit in terms of sustainable and reliable infrastructure, as well as the potential for increased productivity for the Nation's economy through the efficient movement of goods and services.

Finally, infrastructure investment provides one of the only benefits that cannot be shipped off to foreign lands. The direct beneficiaries of domestic infrastructure projects are our towns, our local communities, our constituents.

Mrs. EMERSON. Mr. Speaker, the American economy is in dire straits and our constituents are looking to us to act. This is a moment

when we should be coming together, putting party differences aside, and crafting responsible legislation that will both solve the problem and unite the country. I do not believe H.R. 1 is this legislation.

I am also disappointed that this conference was so small—with only five Members from the House—that it could have been conducted around the dining room table of my house in Cape Girardeau. It was so brief that it could have been over before I had the chance to make coffee for everyone.

Despite the promises of bipartisanship made at the outset, this legislation has been constructed and finished behind closed doors. The motion to instruct conferees we passed here unanimously gave members of this House 48 hours to review the bill before we vote. We got 14.

The American economy is hurting, families in my district in Southern Missouri are hurting, and we are applying a code of priorities here that doesn't fit the crisis we're facing. These funds should go to the people and places with the greatest potential to create jobs and improve the economy. This bill deviates from that mission while better solutions have been largely ignored.

Regarding the contents of the Financial Services portion of the conference report, I am pleased it reduces funding below both the House and Senate levels. However, $6.9 billion for the Financial Services Subcommittee is still too much.

GSA will get $5.5 billion to build and renovate new Federal buildings and ports of entry. However, in fiscal year 2008, GSA received a total appropriation of only $1.4 billion for construction and renovations. This is a huge windfall for an agency that, in my opinion, already has a hard time managing its regular budget.

The Accountability and Transparency Board created by this bill was provided $14 million in the House bill, and $7 million in the Senate bill. The funding for the Board in this conference report mysteriously increases to $84 million. Even though this is called a ''transparency'' board, as the Ranking Member, I do not know how or why the funding increases by 600 percent over the House bill. Maybe these funds are needed, but no one on my side of the aisle knows who asked for this funding or how it will be spent.

Mr. CLYBURN. Mr. Speaker, I rise today in strong support of the American Recovery and Reinvestment Act and I congratulate President Obama, our leadership, all of the committee chairs, and the staffs for crafting this legislation under extraordinary circumstances.

Mr. Speaker, this country is facing the worst recession in its history. Economists across the globe have confirmed this fact stating ''the U.S. recession will be the longest and will worsen without heavy government spending.'' Just last month nearly 600,000 jobs were lost which is the deepest cut in payrolls in 34 years and the jobless rate of 7.6 percent is at its highest level in more than 16 years. Moreover of the top 20 monthly job losses in the history of this country 5 have happened in the last seven months.

Mr. Speaker as a student of history, I have tried to find a moment when our country faced such economic and political uncertainty. And as fate would have it, that moment was yesterday, as we marked the 200 year anniversary of President Abraham Lincoln's birthday and the 100 year anniversary of the NAACP.

As President Lincoln focused his efforts on keeping the Union whole, a great economic and social question loomed. What should the country do with its slaves? President Lincoln felt so strongly about maintaining the Union that he emancipated the slaves but the question of their economic and social well-being remained largely unaddressed.

It took a civil rights movement, Mr. Speaker, led by organizations like the NAACP to highlight the deplorable and inequitable economic conditions freed blacks faced. These conditions lay bare for the world to see in areas like: education, employment, housing, nutrition, and health. And it is these issues, Mr. Speaker, which are addressed in this bill.

For history has taught us that, you cannot pull a country out of recession or move a country forward unless you address these inequities. So while many of my colleagues will talk about all the new technologies and great ideas in this bill, I prefer to focus on the check Dr. Martin Luther King Jr. spoke about in 1963 at the Lincoln Memorial. Where he stated the following:

> In a sense we have come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men, yes, black men as well as white men, would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness.
>
> It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked insufficient funds. But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. So we have come to cash this check—a check that will give us upon demand the riches of freedom and the security of justice.
>
> We have also come to this hallowed spot to remind America of the fierce urgency of now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to lift our nation from the quick sands of racial injustice to the solid rock of brotherhood. Now is the time to make justice a reality for all of God's children.

Mr. Speaker, we have to act now, so that the families in Sumter, South Carolina will have clean water, so that children at J.V. Martin Junior High School in Dillon, South Carolina will no longer have to learn in a 150 year old school, so that a mother in Charleston, South Carolina will not be homeless, so that kids in Columbia, South Carolina will have a summer job, so that a teacher in Anderson Primary School in Williamsburg, South Carolina will not lose their job, and so that family in Florence, South Carolina looking for a way out of this economic recession will not suffer under a Governor's political ideology.

Mr. Speaker, America works when all of America is working and today we are ensuring that this promise of work in America will not be marked ''insufficient funds.''

Mr. BLUMENAUER. Mr. Speaker, I support the American Recovery and Reinvestment Act of 2009. While this legislation is not perfect, it marks a strong response to the economic challenges faced by Oregon's hard-working families and it deserves support. In particular, I would like to highlight several elements of the legislation that are important to Oregonians and to the nation.

This legislation will create 3.5 million jobs and will give 95 percent of American workers an immediate tax cut. The bill also offers significant tax relief to homebuyers, manufacturers, and small businesses.

The legislation provides a significant extension of unemployment benefits, provides aid to Oregon to modernize our unemployment system and expand its coverage, and helps unemployed workers maintain their healthcare coverage.

This legislation puts a down payment on a much-needed investment in roads, bridges, mass transit, energy efficient buildings, flood control, clean water projects, and other infrastructure projects. These efforts will begin rebuilding and renewing America.

The legislation invests in health information technology to modernize our health care system and improve health outcomes. This investment will put people to work and will create a more efficient, effective health care system with fewer deaths, fewer complications, and lower health care costs.

The economic recovery package also represents a leap forward for the nation's clean energy economy. It includes about $37.5 billion in funding for energy programs, almost double the Energy Department's typical entire annual budget, and more than 10 times the amount normally spent on conservation and renewable energy. It also includes about $20 billion in tax incentives for energy efficiency and renewable programs, which I helped design as a member of the Ways and Means Committee.

Oregon is known for the progress that we have made developing a new energy future and for the innovative ways that we approach healthcare, sustainability, and transportation. This legislation will buttress those endeavors, while creating jobs and easing the economic impacts on those already hard hit. So, while I retain concerns about elements of the legislation, I feel strongly that we must seize this opportunity to rescue our economy and transform it to meet the challenges of the twenty-first century.

Mr. CONNOLLY of Virginia. Mr. Speaker, I am pleased that the conferees restored some of the state stabilization dollars previously approved by the House to help soften the financial crunch on local governments and schools. Having just come from the local government ranks—representing Fairfax County, Virginia, which if it were a city would be the nation's 13th largest city with the nation's 12th largest school system—I can tell you our local governments are hemorrhaging in the current economic crisis and are facing steep reductions in staff and services. You see, our state and local government partners do not have the luxury of printing money or enacting continuing

resolutions. By statute they must balance their budgets annually.

While the final number for local and state aid is not as much as we wanted—and significantly less than what is needed—this investment is nonetheless critical to ensuring that our state and local partners are in a position to quickly advance on the investments and initiatives as the dollars begin to flow from this stimulus package. The aid we provide will help prevent layoffs for the very workers who will be carrying out the mission of this historic recovery package.

With respect to education, I and many of my colleagues, continue to be disappointed that the House's original proposal for school construction was not maintained. Some argued that school construction is not a federal responsibility when, in fact, the federal government has supported school renovation and construction in the past expressly for the purpose of creating jobs. During the Great Depression, the Works Progress Administration created hundreds of thousands of new jobs through the construction of 4,383 new schools and the renovation of thousands more in response to the greatest economic crisis of the 20th Century. Thankfully, some flexibility remains within the bill to allow school districts a means to address their growing capital needs and create new jobs.

Current data indicate our economy may contract by as much as $2 trillion during this global crisis. With our action today, the Congress is investing $789 billion to provide some cushion for workers, families and employers. We must do something. We must act. This bill is not the perfect solution, but, in the worst economic meltdown in 80 years, it is about stimulating economic activity, restoring credit flow to consumers and small businesses, financing critical investments that will have continuing returns for generations to come, and restoring the confidence of consumers and investors in our economy.

Mr. REYES. Mr. Speaker, I rise today in support of the conference report accompanying H.R. 1, the American Recovery and Investment Act.

This jobs creation package comes at a critical time for our nation as we face one of the greatest economic crises in our country's history. According to the U.S. Bureau of Labor Statistics, the unemployment rate in my home state of Texas climbed from 4.2 percent in December 2007 to 6 percent in December 2008. The employment situation has grown worse in 2009 as major employers across the country continue to cut tens of thousands of jobs. These dire circumstances require swift and bold action by the Congress to create jobs, jumpstart growth, and transform our economy to compete in the 21st century.

I support the American Recovery and Investment Act because it will help businesses create jobs and will allow families to afford their bills while laying a foundation for future economic growth in key areas like health care, clean energy, education, and infrastructure. This $789 billion compromise package will create or save 3.5 million jobs nationwide over the next two years. This comes down to an estimated 269,000 jobs in Texas and 7,600 jobs in my congressional district. The jobs created will be in a range of industries from education to healthcare, with over 90 percent in the private sector.

The tax cuts in the legislation will place more money in American workers' wallets by providing direct tax relief to 95 percent of workers. This refundable tax credit of up to $400 per person or $800 per couple will provide much needed tax relief and help stimulate our economy.

By offering an additional $100 per month in unemployment insurance benefits, this bill will help the 677,000 workers in Texas who have lost their jobs in this recession as well as provide extended unemployment benefits to an additional 125,000 laid-off Texas workers.

I am particularly pleased that this legislative package will provide funding to modernize schools in Texas. According to preliminary estimates, El Paso-area school districts could receive tens of millions of dollars in funding for renovation projects, Title I grants to help disadvantaged children, and grants for special education. Our schools have been neglected for far too long and this important funding will ensure that our children have the labs, classrooms, and libraries that are necessary to learn and compete in a global economy.

The legislation's huge investment in our nation's roads, bridges, and mass transit systems will greatly assist several projects in my district that have gone without necessary repairs and upgrades for years. By investing in these neglected projects we will create good jobs as well as make much needed improvements to our nation's infrastructure.

Mr. Speaker, I urge my colleagues to vote in favor of this economic recovery bill that will help average Americans, as well as cash-strapped state and local governments, weather this current economic downturn.

Mr. YOUNG of Alaska. Mr. Speaker, it is essential that our Nation's ports have a reliable funding stream for vital projects that are ''ready to go'' in ports around the nation. The Maritime Administration has identified more than $1.5 billion in immediate opportunities to fund ready-to-go port landside projects. Ports are a key component of our national intermodal transportation system. MARAD has conservatively estimated that funding $1.5 billion in ready to go projects will add 80,000 direct and indirect jobs to the economy. These port projects are essential to our ports fulfilling their roles in our national defense, transportation, commerce, and homeland security systems. All other transportation modes, including highways, transit, rail, aviation, and ferries have dedicated funding in the Transportation Infrastructure sections of H.R. 1. Ports do not have such a dedicated source of funding. However, I want to state for the record that ports are eligible for funds in the $1.5 billion discretionary competitive grant funding made available by this bill to the Secretary of Transportation. In addition ports are eligible for funds under the Surface Transportation formula funds made available to States under this bill.

Mr. Speaker, the Secretary of Transportation, working with MARAD, should ensure that ports, like rail, transit, highways and aviation also have a secure stream of funding for much needed ''ready to go'' intermodal infrastructure investments. Ports all over the country, including in my own State, are ready to put thousands of people to work immediately on vital port infrastructure projects.

Mr. Speaker, I know that the entire House, indeed the entire Congress agrees that it won't do much good to have improved highways, rail, and air transportation if our ports are crumbling, overcrowded, and outdated.

Mrs. BLACKBURN. Mr. Speaker, yesterday Republicans were shut out of the Stimulus Conference, and this important legislation was decided in the same shady backroom your constituents voted to close in the last election. Americans are in a serious recession, and we need to act quickly to come to a bipartisan agreement. We don't need to rush this critical legislation through so that Members can jet out of town for their vacations.

We know that immediate and permanent tax breaks stimulate the economy. We know that spending does not. Yet, this backroom deal comes with a $789.5 billion price tag and 9 billion in new spending; tax cuts were sacrificed for new spending! This is no stimulus bill—this is a spending bill. It's time to cancel our vacations, roll up our sleeves and work to bring the real relief that Americans need. I am willing to stay and do real work. I challenge my colleagues to do the same.

Mr. Speaker, by definition, stimulus is to be immediate, focused, and targeted. This ''stimulus bill'' is no stimulus—it's spending.

The House version was packed with pork for projects like: $3 billion for the Prevention and Wellness Fund for immunizations, including $335 million for STD prevention programs; $800 million to make capital grants to Amtrak; and $600 million for GSA to replace a portion of federal motor vehicles with a plug-in.

The Senate Version added: $400 million for a Social Services Block Grant; $125 million for DC sewers; $500 million for NASA exploration activities; $300 million for FBI Construction; $2 billion for FutureGen; $100 million for National School lunch program equipment assistance; and $70 million for energy efficient visitor centers.

Americans know that not all spending is stimulus. If it can't produce a job THIS YEAR—let's not spend it!

Mr. LEWIS of California. Thank you, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 168, the previous question is ordered.

MOTION TO RECOMMIT

Mrs. MILLER of Michigan. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. MILLER of Michigan. In its current form, yes, I do oppose the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Miller of Michigan moves to recommit the conference report on the bill H.R. 1 to the committee of conference with instructions to the managers on the part of the House to—

(1) accept section 1008 of subtitle A of division B of the Senate amendment (relating to above-the-line deduction for interest on indebtedness with respect to the purchases of certain motor vehicles), and

(2) accept section 1009 of subtitle A of division B of the Senate amendment (relating to above-the-line deduction for State sales tax and excise tax on the purchase of certain motor vehicles).

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. MILLER of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on adopting the conference report; and suspending the rules with regard to House Resolution 139, if ordered.

The vote was taken by electronic device, and there were—yeas 186, nays 244, not voting 3, as follows:

[Roll No. 69]

YEAS—186

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—244

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Foster
Frank (MA)
Fudge
Garrett (NJ)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis (CA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—3

Campbell
Clyburn
Lee (NY)

□ 1415

Messrs. SERRANO, ADLER of New Jersey, LARSEN of Washington, Ms. WATSON, Messrs. HINCHEY, PASCRELL, CARDOZA, RUSH, and ELLSWORTH changed their vote from ''yea'' to ''nay.''

Messrs. McKEON, SOUDER, CARNEY, MORAN of Kansas, and YOUNG of Alaska changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 246, nays 183, answered ''present'' 1, not voting 3, as follows:

[Roll No. 70]

YEAS—246

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)

Payne	Schakowsky	Teague
Pelosi	Schauer	Thompson (CA)
Perlmutter	Schiff	Thompson (MS)
Perriello	Schrader	Tierney
Peters	Schwartz	Titus
Pingree (ME)	Scott (GA)	Tonko
Polis (CO)	Scott (VA)	Towns
Pomeroy	Serrano	Tsongas
Price (NC)	Sestak	Van Hollen
Rahall	Shea-Porter	Velázquez
Rangel	Sherman	Visclosky
Reyes	Sires	Walz
Richardson	Skelton	Wasserman Schultz
Rodriguez	Slaughter	
Ross	Smith (WA)	Waters
Rothman (NJ)	Snyder	Watson
Roybal-Allard	Solis (CA)	Watt
Ruppersberger	Space	Waxman
Rush	Speier	Weiner
Ryan (OH)	Spratt	Welch
Salazar	Stark	Wexler
Sánchez, Linda T.	Stupak	Wilson (OH)
	Sutton	Woolsey
Sanchez, Loretta	Tanner	Wu
Sarbanes	Tauscher	Yarmuth

NAYS—183

Aderholt	Frelinghuysen	Murphy, Tim
Akin	Gallegly	Myrick
Alexander	Garrett (NJ)	Neugebauer
Austria	Gerlach	Nunes
Bachmann	Gingrey (GA)	Olson
Bachus	Gohmert	Paul
Barrett (SC)	Goodlatte	Paulsen
Bartlett	Granger	Pence
Barton (TX)	Graves	Peterson
Biggert	Griffith	Petri
Bilbray	Guthrie	Pitts
Bilirakis	Hall (TX)	Platts
Bishop (UT)	Harper	Poe (TX)
Blackburn	Hastings (WA)	Posey
Blunt	Heller	Price (GA)
Boehner	Hensarling	Putnam
Bonner	Herger	Radanovich
Bono Mack	Hoekstra	Rehberg
Boozman	Hunter	Reichert
Boustany	Inglis	Roe (TN)
Brady (TX)	Issa	Rogers (AL)
Bright	Jenkins	Rogers (KY)
Broun (GA)	Johnson (IL)	Rogers (MI)
Brown (SC)	Johnson, Sam	Rohrabacher
Brown-Waite, Ginny	Jones	Rooney
	Jordan (OH)	Ros-Lehtinen
Buchanan	King (IA)	Roskam
Burgess	King (NY)	Royce
Burton (IN)	Kingston	Ryan (WI)
Buyer	Kirk	Scalise
Calvert	Kline (MN)	Schmidt
Camp	Lamborn	Schock
Cantor	Lance	Sensenbrenner
Cao	Latham	Sessions
Capito	LaTourette	Shadegg
Carter	Latta	Shimkus
Cassidy	Lewis (CA)	Shuler
Castle	Linder	Shuster
Chaffetz	LoBiondo	Simpson
Coble	Lucas	Smith (NE)
Coffman (CO)	Luetkemeyer	Smith (NJ)
Cole	Lummis	Smith (TX)
Conaway	Lungren, Daniel E.	Souder
Crenshaw		Stearns
Culberson	Mack	Sullivan
Davis (KY)	Manzullo	Taylor
Deal (GA)	Marchant	Terry
DeFazio	McCarthy (CA)	Thompson (PA)
Dent	McCaul	Thornberry
Diaz-Balart, L.	McClintock	Tiahrt
Diaz-Balart, M.	McCotter	Tiberi
Dreier	McHenry	Turner
Duncan	McHugh	Upton
Ehlers	McKeon	Walden
Emerson	McMorris Rodgers	Wamp
Fallin		Westmoreland
Flake	Mica	Whitfield
Fleming	Miller (FL)	Wilson (SC)
Forbes	Miller (MI)	Wittman
Fortenberry	Miller, Gary	Wolf
Foxx	Minnick	Young (AK)
Franks (AZ)	Moran (KS)	Young (FL)

ANSWERED ''PRESENT''—1

Lipinski

NOT VOTING—3

Campbell Clyburn Lee (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1424

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OFFERING CONDOLENCES TO THE VICTIMS AND GRATITUDE TO THE RESCUE WORKERS OF CONTINENTAL CONNECTION FLIGHT 3407

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, I am certain that everyone knows by now approximately 50 people lost their lives in a tragic plane crash last night in western New York. This crash occurred in the hometown of our colleague, CHRIS LEE, who has left Washington to assist in efforts ongoing in western New York.

I know that the whole House joins Mr. LEE, Mrs. SLAUGHTER, Mr. MASSA, and me in offering our deepest condolences to the loved ones of those killed in this tragic event and in offering tremendous gratitude to the firefighters, emergency personnel, and other first responders who bravely worked through the night and are still working today to deal with this accident.

I would now yield to my western New York colleague, Mrs. SLAUGHTER.

Ms. SLAUGHTER. I appreciate very much your yielding to me.

We have suffered a terrible blow in western New York. I got home last night about midnight to turn on the television to see the suffering of my people, and my heart breaks for Upstate New York. Our worst fears were confirmed when we learned that no one survived that crash, and that one person on the ground was lost. They were less than 5 minutes away from the runway at the airport that might have saved their lives.

It is always a tragedy; and just this week we stood with our colleague Mr. COLE to worry and concern with him for the loss that he had in his district due to the tornado. We appreciate that in western New York we take care of each other, and in the House of Representatives we care very much for each other as well.

The first responders and all the citizens of western New York who rushed to help and all the officials of New York and Washington and the local officials have our thanks and our good wishes. We will do everything that we can to try to ease the pain and to ease the suffering, and hope to God that this does not happen to us again.

MOMENT OF SILENCE

Mr. HIGGINS. Madam Speaker, I ask the House observe a moment of silence for the families and the victims of this tragic event.

□ 1430

RECOGNIZING DALE OAK

(Mr. OBEY asked and was given permission to address the House for 1 minute.)

Mr. OBEY. Mr. Speaker, this is the last time that Dale Oak will be on this floor serving us as a member of the staff of the Appropriations Committee. He has been serving as the chief clerk for the Financial Services Subcommittee. He has served the Appropriations Committee in this House for 14 years, working for both the Republicans and Democrats, as has often been the tradition on the Appropriations Committee. He is leaving, and I simply want to thank him for the service he has given to the Committee and to the House, and wish him all the best in his new endeavor. He has been an incredibly hard worker, and we are all lucky to have public servants like him helping us.

I yield to the gentleman from California.

Mr. LEWIS of California. I very much appreciate our chairman yielding. I, too, want to express our deepest gratitude to Dale Oak and his family for the years and years of work and sacrifice they have put in on our behalf.

As the chairman indicated, Dale has worked on both sides of the aisle in the front office, was very helpful to BILL YOUNG, I know, and to myself, and now to DAVID OBEY.

The people who really deserve our recognition and thanks, however, involve first and foremost Dale's wife, Janet, and their children, Eric and Anna.

Thank you all for your great service. Godspeed.

Mr. OBEY. I yield to the gentleman from New York.

Mr. SERRANO. With the indulgence of the Members, I know we all want to leave and catch a plane or train, but I have been fortunate during the 2 years that I have been chairman of this committee to have Dale Oak as the committee clerk. And I want to wish him all the best and tell the Members that those individuals who work 24/7 into late at night are people like Dale Oak who make us look good and who serve the American people although their name and their work sometimes is not seen on a daily basis.

And so I thank you, Dale, for your service to our country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

COMMEMORATING ABRAHAM LINCOLN ON THE BICENTENNIAL OF HIS BIRTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 139.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 139.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 29, as follows:

[Roll No. 71]

YEAS—403

Abercrombie	Burton (IN)	DeLauro
Aderholt	Butterfield	Dent
Adler (NJ)	Buyer	Diaz-Balart, L.
Akin	Calvert	Dicks
Alexander	Camp	Dingell
Altmire	Cantor	Donnelly (IN)
Andrews	Cao	Dreier
Arcuri	Capito	Driehaus
Austria	Capps	Duncan
Baca	Capuano	Edwards (MD)
Bachmann	Cardoza	Edwards (TX)
Bachus	Carnahan	Ehlers
Baird	Carney	Ellison
Baldwin	Carson (IN)	Ellsworth
Barrett (SC)	Carter	Emerson
Barrow	Cassidy	Engel
Bartlett	Castle	Eshoo
Barton (TX)	Castor (FL)	Etheridge
Bean	Chaffetz	Fallin
Becerra	Chandler	Farr
Berkley	Childers	Fattah
Berry	Clarke	Filner
Biggert	Cleaver	Flake
Bilbray	Coble	Fleming
Bilirakis	Coffman (CO)	Forbes
Bishop (GA)	Cohen	Fortenberry
Bishop (NY)	Cole	Foster
Blackburn	Conaway	Foxx
Blumenauer	Connolly (VA)	Frank (MA)
Boccieri	Conyers	Franks (AZ)
Boehner	Cooper	Frelinghuysen
Bonner	Costa	Fudge
Bono Mack	Courtney	Gallegly
Boozman	Crenshaw	Garrett (NJ)
Boren	Crowley	Gerlach
Boswell	Cuellar	Giffords
Boucher	Culberson	Gingrey (GA)
Boyd	Cummings	Gonzalez
Brady (PA)	Dahlkemper	Goodlatte
Brady (TX)	Davis (AL)	Gordon (TN)
Braley (IA)	Davis (CA)	Granger
Bright	Davis (IL)	Graves
Broun (GA)	Davis (KY)	Grayson
Brown (SC)	Davis (TN)	Green, Al
Brown, Corrine	DeFazio	Green, Gene
Buchanan	DeGette	Griffith
Burgess	Delahunt	Grijalva
Guthrie	Markey (MA)	Roybal-Allard
Gutierrez	Marshall	Royce
Hall (NY)	Massa	Ruppersberger
Hall (TX)	Matheson	Rush
Halvorson	Matsui	Ryan (WI)
Hare	McCarthy (CA)	Salazar
Harman	McCarthy (NY)	Sánchez, Linda T.
Harper	McCaul	Sanchez, Loretta
Hastings (FL)	McClintock	Sarbanes
Hastings (WA)	McCollum	Scalise
Heinrich	McCotter	Schakowsky
Heller	McDermott	Schauer
Hensarling	McGovern	Schiff
Herger	McHenry	Schmidt
Herseth Sandlin	McHugh	Schock
Higgins	McIntyre	Schrader
Hill	McKeon	Schwartz
Himes	McMahon	Scott (GA)
Hinojosa	McMorris Rodgers	Scott (VA)
Hirono	McNerney	Sensenbrenner
Hodes	Meek (FL)	Serrano
Hoekstra	Meeks (NY)	Sessions
Holden	Melancon	Sestak
Holt	Mica	Shea-Porter
Honda	Michaud	Sherman
Hoyer	Miller (FL)	Shimkus
Hunter	Miller (MI)	Shuler
Inglis	Miller (NC)	Shuster
Inslee	Miller, Gary	Simpson
Israel	Miller, George	Sires
Issa	Minnick	Skelton
Jackson (IL)	Mitchell	Slaughter
Jackson-Lee (TX)	Mollohan	Smith (NE)
Jenkins	Moore (KS)	Smith (NJ)
Johnson (GA)	Moore (WI)	Smith (WA)
Johnson (IL)	Moran (KS)	Snyder
Johnson, Sam	Moran (VA)	Solis (CA)
Jones	Murphy (CT)	Souder
Jordan (OH)	Murphy, Patrick	Space
Kagen	Murtha	Speier
Kanjorski	Myrick	Spratt
Kaptur	Nadler (NY)	Stark
Kennedy	Napolitano	Stearns
Kildee	Neal (MA)	Stupak
Kilpatrick (MI)	Neugebauer	Sutton
Kilroy	Nye	Tanner
Kind	Oberstar	Tauscher
King (IA)	Olson	Teague
King (NY)	Olver	Terry
Kingston	Ortiz	Thompson (CA)
Kirk	Pallone	Thompson (MS)
Kirkpatrick (AZ)	Pascrell	Thompson (PA)
Kissell	Pastor (AZ)	Thornberry
Klein (FL)	Paulsen	Tiahrt
Kline (MN)	Payne	Tiberi
Kosmas	Pence	Tierney
Kratovil	Perlmutter	Titus
Kucinich	Perriello	Tonko
Lamborn	Peters	Towns
Lance	Peterson	Tsongas
Langevin	Pingree (ME)	Turner
Larsen (WA)	Pitts	Upton
Larson (CT)	Platts	Van Hollen
Latham	Poe (TX)	Velázquez
LaTourette	Polis (CO)	Visclosky
Latta	Pomeroy	Walden
Lee (CA)	Posey	Walz
Levin	Price (GA)	Wamp
Lewis (CA)	Price (NC)	Wasserman Schultz
Lewis (GA)	Putnam	Waters
Linder	Radanovich	Watson
Lipinski	Rahall	Watt
LoBiondo	Rangel	Waxman
Loebsack	Rehberg	Weiner
Lofgren, Zoe	Reichert	Welch
Lowey	Reyes	Westmoreland
Lucas	Richardson	Wexler
Luetkemeyer	Rodriguez	Whitfield
Luján	Roe (TN)	Wilson (OH)
Lummis	Rogers (AL)	Wilson (SC)
Lungren, Daniel E.	Rogers (KY)	Wittman
Lynch	Rogers (MI)	Wolf
Mack	Rohrabacher	Woolsey
Maffei	Rooney	Wu
Maloney	Ros-Lehtinen	Yarmuth
Manzullo	Roskam	Young (AK)
Markey (CO)	Ross	Young (FL)
	Rothman (NJ)	

NOT VOTING—29

Ackerman	Boustany	Clay
Berman	Brown-Waite, Ginny	Clyburn
Bishop (UT)	Campbell	Costello
Blunt	Deal (GA)	Diaz-Balart, M.
Doggett	Lee (NY)	Petri
Doyle	Marchant	Ryan (OH)
Gohmert	Murphy, Tim	Shadegg
Hinchey	Nunes	Smith (TX)
Johnson, E. B.	Obey	Sullivan
	Paul	Taylor

□ 1440

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHADEGG. Madam Speaker, on rollcall No. 71, had I been present, I would have voted "yea."

Mr. NUNES. Mr. Speaker, on rollcall No. 71, the motion to suspend the rules and agree to H. Res. 139—Commemorating the life and legacy of President Abraham Lincoln on the bicentennial of his birth, had I been present, I would have voted ''yea.''

CONGRATULATING THE PITTSBURGH STEELERS

The SPEAKER pro tempore (Mr. BRIGHT). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 110.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 110.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF AMERICAN HEART MONTH AND NATIONAL WEAR RED DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 112.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 112.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

YVONNE INGRAM-EPHRAIM POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and passing the bill, H.R. 663.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 663.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT TO TUESDAY, FEBRUARY 17, 2009

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that when the House adjourns today on a motion offered pursuant to this order, it adjourn to meet 10 a.m. on Tuesday, February 17, 2009, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 47, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

TAXPAYER FUNDED GET-OUT-OF-JAIL-FREE CARD

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I would like to highlight one component of the so-called stimulus package that is particularly egregious. There is a pile of money for grants for ''pretrial release and pretrial release agencies'' in the stimulus. This is an unacceptable use of taxpayer dollars. Why? Because this program is a criminal bailout. Expanding the budgets of taxpayer-funded pretrial release programs is fiscally irresponsible when the private surety bail industry can be utilized to a greater degree with no expense to taxpayers.

In fact, this provision not only puts taxpayers on the hook for bailing out criminals, it also would squeeze out private-sector solutions, in effect, killing jobs. So much for job creation.

Mr. Speaker, this is a taxpayer-funded get-out-of-jail-free card that will end up costing our economy jobs. It's no wonder we were given only 12 hours to analyze this 1,000-page bill.

□ 1445

OUR COMMITMENT TO SCIENCE

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, what pleases me most about the economic recovery bill that we just passed is the commitment in this legislation to science. I'm deeply gratified that the bill reflects a profound commitment to renewing our Nation's innovation infrastructure. Research is not merely a luxury to be undertaken only in times of prosperity. The truth is that scientific research is perhaps the most powerful economic engine, creating jobs in the short-term and building our economy for the long-term.

Altogether, the recovery package includes nearly $23 billion to support scientific research and facilities, the National Science Foundation, the Department of Energy's Office of Science, the National Institutes of Health. There is no doubt that these funds will create jobs. Lab technicians will be hired to carry out projects previously that went unfunded. Electricians will be put to work wiring new laboratory experiments, and construction workers will begin refurbishing our neglected laboratories and building the facilities that will transform science for the 21st century.

A TRIBUTE TO STAFF SERGEANT JASON E. BURKHOLDER

(Mr. JORDAN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. JORDAN of Ohio. Mr. Speaker, I rise today to honor the life of Staff Sergeant Jason Burkholder, an American hero and a native son of Ohio's Fourth Congressional District who at the age of 27 made the ultimate sacrifice in defense of our Nation on February 8, 2009, in Afghanistan.

Jason graduated from Elida High School in 2000 and joined the United States Marine Corps where he served for 4 years. In December 2004 he enlisted in the Ohio Army National Guard, with whom he served as part of Operation Iraqi Freedom. He later joined the Illinois National Guard in 2008.

Jason was an athlete, a leader, a trusted colleague and a loyal friend. He brought energy and excitement to the lives of others. He was a good son and a loving husband. It was a great privilege to speak with Jason's wife, Amanda, as well as his parents, Bruce and Diane. I pray that they will know the fullness of God's peace.

I was moved by the outpouring of affection for Jason from his friends in Allen County, Ohio and beyond. He had a dramatic impact on the lives of many people.

A marine and a soldier, he fought to promote freedom. He gave his life in defense of his family, community, State and Nation. He made our world safer. He made his family and every American proud. For this, each and every American owes him and his family a great debt of gratitude.

Jason will be deeply missed, but the strength of his character and the courage he demonstrated through his service will live on.

WHY WE VOTED FOR THE ECONOMIC STIMULUS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is very important that we explain the actions that took place on the floor of the House today.

I'd like to, first of all, indicate that I'm glad to have heard that tribute to a very fine individual's sacrifice for this country. And I want you to know that when we think about economic stimulus, we're not leaving out people, we're putting them in.

I think the American people understand that when we lose 598,000 jobs, we need to do something. And so you can imagine my friends on the other side of the aisle, their criticism represents this little red spot. But there has to be much agreement, because the criticism is very narrow.

How can you criticize $4 billion for our veterans? How can you criticize encouraging businesses to invest through working to ensure businesses, increasing capital flows for business through a 5-year NOL; encouraging hiring of veterans and disconnected youth through the work opportunity tax grant. That's what's happening with the stimulus. Encouraging businesses to invest through a bonus depreciation and small business expensing, that's what's in this bill. We believe in small businesses and minority-owned businesses and women-owned businesses. And, yes, we believe that the majority of the American people are for this.

We're going home to take money to our constituency. That's why we voted for the economic stimulus plan.

AMERICANS DESERVE BETTER

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, I rise today to speak about the stimulus bill that was just passed this afternoon, a bill of wasteful spending, a bill that does not directly deal with the economic crisis. Tax cuts for individuals and families have been sacrificed and businesses will not be given the help they need.

But the good news is we're going to buy new cars for government employees, doorbells in Mississippi, and mice protection in San Francisco.

The bill also includes a very scary marker for universal health care, foreshadowing the policy of letting the government decide whether people are too old or too sick to receive treatment.

Americans need a bill that directly affects families and small businesses

now. But it won't come. Even liberal economists predict that the unemployment rate will remain around 8 percent over the next couple of years, and that is a near 25-year high. The nonpartisan CBO is predicting that this plan will hurt the economy. The majority of Americans do not agree with this plan. They deserve better and we can do better.

Mr. Speaker, I pray that God will help America after Congress has passed such an expensive, expansionary and socialist legislation today.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BRIGHT). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PUBLICATION OF THE RULES OF THE SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING, 111TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes.

Mr. MARKEY of Massachusetts. Mr. Speaker, pursuant to the House Rules, I am submitting the Rules of the Select Committee on Energy Independence and Global Warming as well as our list of Members for the 111th Congress.

RULES FOR THE SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING, U.S. HOUSE OF REPRESENTATIVES, 111TH CONGRESS

Rule 1. General Provisions. The Rules of the House are the rules of the Select Committee on Energy Independence and Global Warming (hereinafter ''Committee'') so far as they are applicable.

Rule 2. Time and Place of Meetings.

(a) Regular Meeting Days. The Committee shall meet on the first Tuesday of each month at 10 a.m., for the consideration of any pending business, if the House is in session on that day. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at the earliest practicable opportunity when the House is again in session. The Chairman may, at his discretion, cancel, delay, or defer any meeting required under this section, after consultation with the Ranking Minority Member.

(b) Additional Meetings. The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of Committee business. The Committee shall meet for such purposes pursuant to that call of the Chairman.

(c) Vice Chairman; Presiding Member. The Chairman may designate a member of the majority party to serve as Vice Chairman of the Committee. The Vice Chairman shall preside at any meeting or hearing during the temporary absence of the Chairman. If the Chairman and Vice Chairman are not present at any meeting or hearing, the most senior present member of the majority party shall preside at the meeting or hearing.

(d) Open Meetings and Hearings. Each meeting and hearing of the Committee for the transaction of business shall be open to the public, including to radio, television and still photography coverage, consistent with the provisions of Rule XI of the Rules of the House.

Rule 3. Agenda. The agenda for each Committee meeting other than a hearing, setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the Committee at least 24 hours in advance of such meeting.

Rule 4. Procedure.

(a) Hearings. The date, time, place, and subject matter of any hearing of the Committee shall be announced at least one week in advance of the commencement of such hearing, unless the Chairman, with the concurrence of the Ranking Minority Member, determines in accordance with clause 2(g)(3) of Rule XI of the Rules of the House, that there is good cause to begin the hearing sooner. In such cases, the Chairman shall make the announcement at the earliest possible date.

(b) Meetings. The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House is scheduled to be in session shall be announced at least 24 hours (exclusive of Saturdays, Sundays, and legal holidays, except when the House is in session on such days) in advance of the commencement of such meeting.

(c) Motions. Pursuant to clause 1(a)(2) of rule XI of the Rules of the House, privileged motions to recess from day to day, or recess subject to the call of the Chair (within 24 hours), shall be decided without debate.

(d)(1) Requirements for Testimony. Each witness who is to appear before the Committee shall file with the clerk of the Committee, at least two working days in advance of his or her appearance, sufficient copies, as determined by the Chairman, of a written statement of his or her proposed testimony to provide to members and staff of the Committee, the news media, and the general public. Each witness shall, to the greatest extent practicable, also provide a copy of such written testimony in an electronic format prescribed by the Chairman. Each witness shall limit his or her oral presentation to a brief summary of the testimony. The Chairman, or the presiding member, may waive the requirements of this paragraph or any part thereof.

(2) Additional Requirements for Testimony. To the greatest extent practicable, the written testimony of each witness appearing in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any federal grant (or sub grant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness.

(A) Questioning Witnesses. The right to question witnesses before the Committee shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the Committee present has been recognized once for that purpose. While the Committee is operating under the 5-minute rule for the interrogation of witnesses, the Chairman shall recognize, in order of appearance, members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the Committee.

(B) Questions for the Record. Subject to the Rules of the House, each member may submit to the Chairman additional questions for the record, to be answered by the witnesses who have appeared. Each member shall provide a copy of the questions in an electronic format to the clerk of the Committee no later than ten business days following a hearing. The Chairman shall transmit all questions received from members of the Committee to the appropriate witness and include the transmittal letter and the responses from the witnesses in the hearing record.

(C) Opening Statements. (1) All written opening statements at hearings conducted by the Committee shall be made part of the permanent hearing record.

(2) The Chairman and Ranking Minority Member (or their respective designees) are entitled to deliver a 5 minute opening statement prior to the recognition of the first witness for testimony. Opening statements by other members of the Committee are subject to the discretion of the Chairman.

Rule 5. Waiver of Agenda, Notice, and Opening Statement Requirements. Requirements of rules 3, 4(a)(1), 4(a)(2), and 4(d) may be waived for good cause by the Chairman, with the concurrence of the Ranking Minority Member.

Rule 6. Quorum. Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the Committee. A majority of the members of the Committee shall constitute a quorum when otherwise required by the Rules of the House. For the purposes of taking any action other than those specified in the preceding sentences, one third of the members of the Committee shall constitute a quorum.

Rule 7. Journal. The proceedings of the Committee shall be recorded in a journal which shall, among other things, show those present at each meeting and hearing, and shall include a record of the votes on any question on which a record vote is demanded, a description of the motion, order, or other proposition voted, and the name of each member voting for and each member voting against such motion, order, or proposition, and the names of those members voting present. A copy of the journal shall be furnished to the Ranking Minority Member and made available to the public in a timely fashion.

Rule 8. Committee Professional and Clerical Staff.

(a) Committee staff members are subject to the provisions of clause 9 of Rule X, as well as any written personnel policies the Committee may from time to time adopt. The Chairman shall determine the remuneration of legislative and administrative employees of the Committee.

(b) The Chairman shall appoint, and may remove, the legislative and administrative employees of the Committee not assigned to the minority.

(c) Minority Professional Staff. Professional staff members appointed pursuant to clause 9 of Rule X of the House of Representatives, who are assigned to the Ranking Minority Member, and not to the Chairman, shall be assigned to such Committee business

as the Ranking Minority Member considers advisable.

(d) Additional Staff Appointments. In addition to the professional staff appointed pursuant to clause 9 of Rule X of the House of Representatives, the Chairman shall be entitled to make such appointments to the clerical staff of the Committee as may be provided within the budget approved for such purposes by the Committee. Such appointees shall be assigned to such business of the Committee as the Chairman considers advisable.

Rule 9. Supervision, Duties of Staff.

(a) Committee staff members are subject to the provisions of clause 9(b) of Rule X.

(b) Supervision of Majority Staff. The professional and clerical staff of the Committee not assigned to the minority shall be under the supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(c) Supervision of Minority Staff. The professional and clerical staff assigned to the minority shall be under the supervision and direction of the Ranking Minority Member, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

Rule 10. Committee Expenditures. Copies of each monthly report (prepared by the Chairman of the Committee on House Administration and showing expenditures made during the reporting period and cumulative for the year by the Committee), anticipated expenditures for the projected Committee program, and detailed information on travel, shall be available to each member.

Rule 11. Broadcasting of Committee Hearings. Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of clause 4 of Rule XI of the Rules of the House. The coverage of any hearing or other proceeding of the Committee by television, radio, or still photography shall be under the direct supervision of the Chairman and may be terminated in accordance with the Rules of the House.

Rule 12. Subpoenas. The Committee may authorize and issue a subpoena under clause 2(m) of Rule XI of the House.

Rule 13. Travel of Members and Staff.

(a) Approval of Travel. Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman, in writing, the following: (1) the purpose of the travel; (2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) the location of the event for which the travel is to be made; and (4) the names of members and staff seeking authorization.

(b) Approval of Travel by Minority Members and Staff. In the case of travel by minority party members and minority party professional staff for the purpose set out in paragraph (a), the prior approval, not only of the Chairman but also of the Ranking Minority Member, shall be required. Such prior authorization shall be given by the Chairman only upon the representation by the Ranking Minority Member, in writing, setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

Rule 14. Reports.

(a) Committee reports. Any report printed by the U.S. Government Printing Office that purports to express the views, findings, conclusions or recommendations of the Select Committee must be approved, in a meeting, by a majority of the members in attendance of the Select Committee. Members shall have three days from the time of the approval to submit supplemental, minority or additional views, which will be included as part of the printed report.

(b) Other reports. Any report printed by the U.S. Government Printing Office to be published as a Committee print other than a document described in paragraph (a) of this Rule: (A) shall include on its cover the following statement: ''this document has been printed for informational purposes only and does not represent either findings or recommendations adopted by this Committee.''; and (B) shall not be published following sine die adjournment of Congress, unless approved by the Chairman of the Committee after consultation with the Ranking Minority Member of the Committee.

THE FUTURE FOR AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise today to shine a light on U.S. foreign policy, specifically our military presence in Afghanistan.

President Obama did not ask for this war. He inherited it, along with Iraq, a destabilized Middle East and a weakened American reputation overseas.

Mr. Speaker, President Obama is doing exactly what he said he would. He has called on his top military and diplomatic leaders to develop a plan for the future of Afghanistan. Already he has reached out to Congress to get our input.

That's why this week Congresswomen BARBARA LEE and MAXINE WATERS and I sent a letter to the President outlining congressional priorities regarding Afghanistan. We applauded the President for his strong leadership on an intelligent foreign policy and national security strategy, particularly his emphasis on diplomacy and international partnerships.

We pledged to work with him and work with his administration to implement a foreign policy that stresses cooperation, conflict resolution and humanitarian assistance.

We expressed our support and pleasure over his commitment to bring our troops home from Iraq in 16 months.

Mr. Speaker, this administration has called Afghanistan the central front in the fight against terrorism. So, in an effort to promote better cooperation in our Nation's diplomatic development and military involvement in Afghanistan, our letter to President Obama outlined policy benchmarks which many of us in Congress support and, by the way, most Americans. These benchmarks include a clear authorization of the use of military force be established. Defined goals and objectives and benefits of U.S. involvement in Afghanistan.

We asked that he determine the human and financial resources necessary to carry out the administration's plan and provide us with a time line for the redeployment of troops and military contractors.

The role of the North Atlantic Treaty Organization, NATO; the United Nations, the U.N.; and other international partners must also be clearly delineated.

The immediate humanitary and economic needs of Afghan people must also be met, we told him.

Well, Mr. Speaker, as our national policy for Afghanistan is established, Members of Congress and all Americans anticipate an honest and open discussion about the challenges that lie ahead. And with that, we look forward to working with this administration to advance a responsible and a smart strategy through the Middle East and Central Asia, a path to real peace, and a path to economic security worldwide.

KEEP THE GOVERNMENT OUT OF MEDICAL TREATMENT DECISIONS

(Mr. HERGER asked and was given permission to address the House for 1 minute.)

Mr. HERGER. Mr. Speaker, we just voted on this so-called stimulus bill that wasn't even available for us to see until late last night. It should come as no surprise that in this monumental piece of legislation, there are items in it that could not have survived careful scrutiny in the light of day.

Many of my colleagues have pointed out the wildly extravagant spending and the lack of real job creation and economic recovery in this bill. I fully share those concerns, but I also want to call to attention a little-known provision tucked six pages deep inside this 1,100 page bill. The Democrats are spending $1.1 billion on a new Federal board to conduct health care research. Sounds innocent enough, right?

Unfortunately, this provision is the camel's nose under the tent in the Democrats' quest to have the Federal Government push doctors aside and put Washington in charge of patients' health treatment options. This board, the Federal coordinating Council on Comparative Effectiveness Research, will be comprised of 15 Federal bureaucrats, all appointed by the President. Not a single practicing physician or patient advocate will be allowed to sit on this board.

Mr. Speaker, this is the first step of government-run health care. Despite numerous requests from patient groups, this bill does not include a single protection to ensure that this research will not be used by Medicare, Medicaid, VA, DOD or private health insurance to deny access to needed treatments. The goal of this board is to conduct research that will allow the Federal Government to deny needed health care. Physician groups are very concerned that this board and its research will significantly harm the patient/doctor relationship.

Other governments have been using this research to deny medically necessary care for years. The British Government currently uses similar research to restrict treatment using a formula that divides the cost of the treatment by the number of years the patient is likely to live. Treatments for younger patients are more often approved than treatments for diseases that affect the elderly. For example, in 2006, the British Government used comparative effective research to say that elderly patients with macular degeneration had to wait until they went blind in one eye before they could get a new drug to save the other eye. It took almost 3 years of public protest before the board reversed its decision.

Mr. Speaker, Americans expect better and deserve more. Physicians and patients, not faceless Federal bureaucrats, should be in charge of health care decisions.

Republicans will continue to fight to keep this Federal Government out of our American's medicine cabinets. In the very near future I'll be introducing legislation to protect patients from the misuse of comparative effective research and ensure that seniors continue to have access to medically necessary treatments.

Mr. Speaker, I urge every Member of this House to join me in this effort.

□ 1500

THE STIMULUS BILL—A LOST OPPORTUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. There has been a lot of talk in Washington, D.C. over the last few years about the bridge to nowhere in the last highway bill, an anomaly from a lot of good investment that was in that bill.

But what we have with the passage of this bill today are a lot of tax cuts to nowhere. I never met a tax cut that could build a bridge or that could rebuild 160,000 bridges in our National Highway System that need rebuilding. They are crumbling or falling or they are functionally obsolete. I never met a tax cut that could even fill in a pothole. I never met a tax cut that could build a school.

I went to elementary school in a new post-World War II school. It is still there today, serving future generations of kids. That was money borrowed and money well spent. Money borrowed for tax cuts, ephemeral tax cuts—very small tax cuts—for the average family are not going to rebuild our economy, put us on the path to prosperity and put people back to work.

Three Republican Senators insisted on a lot more tax cuts. They hijacked the bill because of the arcane, obsolete and, in fact, discretionary rules of the Senate. It did not need to be that way. Let's just look at a couple of things they cut.

We had an amendment here on the floor of the House to add $3 billion back to transit. That would have provided for thousands of jobs. Twelve thousand buses are obsolete. There are backlogs of orders for buses sitting on the shelf. There are options that are not funded. That would have put American workers to work in building the buses, and it would have put American workers to work by driving the buses, taking Americans to work and to school. $3 billion was cut from there to make room for tax cuts. There was money cut from highways to go to tax cuts. All of the money to build schools was cut from the bill for tax cuts. The list goes on and on and on. We could have done so much more to rebuild our infrastructure with this bill. We could have done so much more to help our kids get a good education and get safe and new schools and facilities, but they went out the door to tax cuts.

Now, there was one tax cut, actually, that would have helped a business in my district that employs 1,300 people. That tax cut was taken out of the bill. The CEO called me yesterday, saying, ''We'll probably be closing our doors because we're not going to be getting that tax relief.''

Then there is money to help the States with the deficit and with the school budgets—that's great—except it cannot be spent until July. My schools are in crisis now. They're talking about lopping a month off of the school year, and we are being told we cannot spend that money now, that you'll need it for next year. Well, we're in the last 3 months of a 9-month year. That means our cuts are going to be twice as big as they would need to be on an annual basis. We need to have access to that money now, but we won't have access to that money now under this bill.

This bill ultimately is a lost opportunity, and I fear that, when it comes time to do further investments, the borrowing well may have run dry. Who is going to lend us this $800 billion to spend on these sorts of things like tax cuts?

They might lend us money to build a bridge because they know it makes us more productive, and it puts people to work, and it provides returns. They might lend us money for other substantial things. They might lend us money for education, but they're going to lend us money so we can cut taxes.

If they'll lend it to us, we're probably going to borrow it from China or from Japan. We'll think there are not going to be any consequences, and we'll think that maybe we can go back to the well again later when we want to meet real needs and when we want to make real investments. I fear that the well will have run dry. So I voted ''no'' today, and I am proud of that vote.

THE STIMULUS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, today we passed the largest spending bill in the history of the United States. When you add the interest and everything into it, it is going to cost over $1 trillion. I don't think the American people really understand how much $1 trillion is, but it is an awful lot of money.

I want to congratulate my Democrat colleagues on getting this passed. I certainly did not vote for this bill. I think it is going to be very detrimental to the future economy of these United States, and I think it is going to hurt our economy instead of creating the jobs that it was intended to create. So I think we made a big mistake today, but the Democrats got their bill passed, and they're going to get it passed in the Senate. It is going to become law, and every American is going to have to live with it.

One of the things that concerns me is not only the $1 trillion we have spent today but that Mr. Geithner, the Secretary of the Treasury, said the other day that we would have to spend another $1 trillion, $2 trillion or maybe even more to help the financial institutions of this country stay afloat. So we're looking at $2-, $3-, $4-, maybe $5 trillion.

If you will look at this chart, Mr. Speaker, it shows the amount of money that is in circulation. You will see it was pretty consistent at around $1 trillion-plus over the last couple of decades. Then just recently, it shot up like a rocket, and that was before all of this spending that we put through the House today or the amount of money that Mr. Geithner is going to spend. So we are looking at a tremendous increase in the amount of money that is going to be in circulation.

Now, one of the things that helps stave off this inflationary problem is that we have people around the world, other countries, that loan us money. For instance, China right now has loaned us $682 billion. That is what we

owe them. We owe Japan $577 billion. We owe the United Kingdom $360 billion. We owe Brazil $120 billion to $130 billion.

China said just the other day that they were very concerned about loaning us money because they said that they did not think that the currency in the United States would be stable, so the value of their currency would go down. They were calling Mr. Geithner, Secretary Geithner, to say, ''Hey, we want some stability here because the value of the currency in our country is going to be depreciated because of what you're doing.''

Well, a day later, after it was brought up on this floor, they changed their minds and said, ''Well, the only place to loan this money where we have any kind of security is the United States. We are going to continue to loan money.'' So they are going to loan money to us in the billions and in the trillions of dollars, but the kicker is: How much is the interest going to be that they're going to charge? Because that interest is added to the loan that they are giving us on a month-to-month basis. I believe they kicked that interest rate up, so we are going to see an inflationary trend not only in the money they are loaning to us but in the interest that is going to be accumulating.

I know this is an awful lot for my colleagues to digest and for the people across this country who might be paying attention to digest, but let me just say this, Mr. Speaker: It is going to cause an inflationary trend at some point in the future. I think it is going to be earlier rather than later. When that inflationary trend starts, this chart is going to be minuscule to what we are going to see. We are going to see inflation shoot up at a very rapid rate, which means that the value of the dollar that every American has in their bank or in their home is going to be devalued.

That means, if you buy a car for $30,000, it may cost $60,000 or $90,000. If you buy a loaf of bread, it may cost 2 or 3 times as much or more. That is called hyperinflation. This happened back in the 1970s when we had a very similar situation to what we have today. We had double-digit inflation, double-digit unemployment, and they raised the interest rates to 21 percent to stop all of this. That may happen again. If it does, it will put a real hammer on the economy, and it will put more and more and more, thousands and millions of people out of work.

But the problem early on is the inflation that we are going to have to deal with. This is a problem that is very real, and I hope my Democrat colleagues will think ahead and will realize that we have to do something to stifle the growth in government and the spending because we are not going to be able to deal with this inflation as we should, and our kids and our grandkids and the future generations of this country are going to have to pay, not only with inflation, but with higher taxes and with a lower quality of life. That is something we should not have to deal with, Mr. Speaker.

TURKEY'S GENOCIDE HYPOCRISY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. On Saturday, February 7, The Washington Post reported that a Turkish Islamic-oriented human rights group, the Association of Human Rights and Solidarity for Oppressed Peoples, known as Mazlum-Der, initiated a probe to investigate if war crimes and genocide were committed by Israel during the recent Gaza conflict.

I was startled to read that Mazlum-Der plans to investigate 19 Israelis, including Prime Minister Olmert, President Peres, Foreign Minister Tzipi Livni, and Defense Minister Ehud Barak, for orchestrating genocide. For a Nation that for 94 years has practiced widespread genocide denial of the killing of 1.5 million Armenians, hypocrisy runs deep today in Ankara.

Last week, I expressed my concerns regarding Turkey's recent rash of anti-Semitism, but this probe is going too far. Israel did not commit genocide, but this has not stopped Ankara's chief prosecutor from launching this war crimes probe.

The probe out of Turkey will investigate Israel's actions in the Gaza conflict to see if they amount to ''genocide, torture and crimes against humanity.'' If the prosecutor finds evidence against the Israeli leaders, under Turkish law, they can be detained if they enter Turkey.

The absurdity of this probe and of the fact that Turkey is issuing that it must be exposed. Israel did not commit genocide. Israel was not attempting to eliminate the Palestinian people. Israel was protecting itself from the hundreds of bombs Hamas has been shooting into its cities.

Mazlum-Der has no ground to stand on, and Turkey has no ground to stand on. Neither this NGO nor the Turkish Government has ever attempted to discuss the truth of the Armenian genocide, nor has Turkey or Mazlum-Der taken action against the present genocide that continues to rage in Darfur.

While Israelis are defending themselves against constant attacks from Hamas, Mazlum-Der insists this is genocide. How can this organization accuse Israel of committing genocide when it has yet to categorize the thousands of killings in Darfur as genocide?

The Turkish people need to step back and question their skewed understanding of genocide. Look in the mirror. Look at your own history. Come to terms with the fact that 1.5 million Armenians died and that, when contemporary genocides, like Darfur, take place, they should be denounced.

Instead of denouncing it, Turkey's relationship with Sudan is strong. Last year, Turkish President Abdullah Gul warmly welcomed Sudanese President Omar al-Bashir to Ankara. Yet al-Bashir continues to preside over a genocidal regime responsible for the deaths of 300,000 Sudanese people in the Darfur region of the country.

Today, 2.7 million Darfuris have lost their homes since the conflict and now live in internally displaced persons' camps. While all of this happens, President Gul of Turkey has said that the situation in Darfur adds up to a ''humanitarian tragedy'' caused by economic difficulties.

Now, this watering down of state-sponsored government killing is an affront to the thousands who have perished in Darfur. Yet a Turkish organization is investigating genocide in Israel? What hypocrisy.

President Gul greeted the Sudanese leader with a military guard of honor only bestowed on Turkey's closest allies. While the international community fiercely works to contain al-Bashir's government, Turkey embraces it. Both governments have a long history of genocide denial.

Mr. Speaker, the Republic of Turkey has had 94 years to recognize the Armenian genocide perpetrated on their soil in 1915. Like the Sudanese Government, the Turkish Government's state-sponsored ethnic cleansing of the Armenians in the early 20th century left 1.5 million Armenians tortured, murdered and displaced. Yet, to this day, the Republic of Turkey continues to deny the slaughter of the Armenians—instead, launching an absurd investigation into Israel.

If Turkey and its NGOs want to take a stand against genocide, they should not be pointing at Israel, nor should Turkish Prime Minister Erdogan be threatening Israel with comments like these:

''Allah will sooner or later punish those who transgress the rights of innocents.''

Well, if Turkey wants to move closer to the West, it should practice some self-reflection on its own history regarding the Armenian genocide and help to end the genocide in Darfur.

□ 1515

DOES CONGRESS KNOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. You know, the Chamber is empty, the voting is over. But as regards to the stimulus bill that

was in front of us today, I had a request from Greg, who lives in Milford in my district, if I could read a part of his letter to me regarding that bill.

''Dear Congressman McCotter, I spoke with you on WJR Friday morning. I couldn't get out everything I wanted to say because of my frustration. I would love to talk before Congress and the Senate. I would like to talk to them about the deplorable, reprehensible, and egregious waste they are considering with our tax dollars. I'm sorry this is long, but I want them to see what I see. And I want to ask them a few questions.

''You see, I just lost my job. The company I worked for is eliminating 700 sales positions nationwide, about 15 will be affected in Michigan.

''I would like to ask the Congress and Senate if they know what it's like to sit at the dinner table and tell your 11-year-old daughter that she can't get a school yearbook because we need the money to buy groceries. Do they know what it's like to see the tears in your wife's eyes when you tell her the conference call you were just on eliminated your position?

''Do they know what it feels like to tell your father-in-law that the daughter I married and promised to provide for that you just lost your job?

''Do they know what it feels like to return the shirts you just bought for work on clearance, because you really needed new shirts, and now you don't even have a job?

''Do they know that when I told my 7-year-old son we just had to make cuts, and he responded, 'Can we still have our donut on Sunday morning before church?' That's all he said he wanted. I had to tell him we'd try our best.

''Do they know we've made sacrifices but you haven't?

''Do they know what it's like to speak with someone who was in tears over losing their job because they think they will lose their house? How about the always upbeat guy who sounded depressed that he could lose his house because he had just lost his job?

''Do they know what it's like to have another coworker lose their job and are worried their spouse's job could be next?

''Do they know how fearful it is to turn your heat down at night to 59 degrees and 65 in the day when your child is asthmatic and it can flare up from the cold?

''Do they know about the guy I just met whose entire company just took a 20-percent pay cut so they wouldn't have to lay off employees?

''Congressman McCotter, why doesn't the Senate have the guts to reject the pork spending portions of this bill and start over? Why don't you get off your ivory tower, pork barrel, earmarked, pet project behinds and do what we need you to do?''

And Greg finished, ''The wasteful spending they are considering is unconscionable to me. What jobs in the U.S. does that create?''

Earlier today we heard the Speaker ask Members of this body to remember the people at home and feel their hand upon theirs as they cast their vote upon this bill. I did not need to feel the hand upon mine. I felt their pain in my heart because I saw it every day in our Michigan neighborhood, our Michigan community.

And the reality was that the bill before us was a trillion-dollar mistake that will harm working families like Greg, deprive them of hope, and damage our already recessed economy.

So before today's vote, I called Greg and I talked to him. He was as set in his position as he was when he wrote me this letter. And Greg thanked me for voting against it. And the fundamental reason was this: I live in Lavonia, Michigan. I live with people who are suffering. And they sent me here to work for them to try to make things better.

And when I go home, after a vote, to my wife and children, I go home to the people who are suffering as well; and I will have to look them in the eye and tell them whether this trillion-dollar bill helped them or not. And with God as my witness, I will at least be able to tell them the truth that it will not. And I will tell them that we will keep trying until we do right by them.

INDIVIDUALS ARE SUFFERING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Following up on the very thoughtful remarks of my friend, Mr. MCCOTTER, I'd like to say that we all have instance after instance of individuals who have been suffering greatly.

I, this morning, as we opened this debate, talked about a great tragedy, that being the fact that a man called my office saying that his young son's best friend had just informed him that his father had committed suicide. That's clearly the most painful story you can hear of the impact of what we're feeling now with this economic downturn.

It has been absolutely devastating. Friends who've lost their homes, lost their jobs, lost their savings; we are dealing with what obviously is a very, very difficult time. That's the reason that there is such passion on this debate.

Now, I quoted earlier during the debate the words of Henry Morgenthau who was the Secretary of the Treasury under Franklin Delano Roosevelt who, in 1939 after going years through the New Deal, said the following before the House Ways and Means Committee in testimony. He said, ''We have tried spending money. We're spending more than we have ever spent, and it does not work. I say after 8 years of this Roosevelt administration, we have just as much unemployment as when we started, and an enormous debt to boot.''

Now, Mr. Speaker, that is the reason that we feel that we can't just say ''no.'' We know that that is not the panacea that many people believe that it is, and instead we need to focus on what works. And instance after instance, Mr. Speaker, has shown what does work.

In 1961, President John F. Kennedy—and this underscores this great quest for bipartisanship—delivered a speech to the Economic Club of New York—actually it was a year later in 1962. And in that speech, he said ''to increase demand and lift the economy, the federal government's most useful role is not to rush into a program of excessive increases in public expenditures, but to expand the incentives and opportunities for private expenditures.''

Now, those are the words, Mr. Speaker, of Democratic President John F. Kennedy in the early 1960s. He had just brought about broad, across-the-board, marginal rate reduction.

Let me tell you what that brought about, too. It brought about an increase in the flow of revenues to the Federal Treasury. In fact, the top income tax rate was cut from the 90 percent to 70 percent, and revenues to the Federal Government increased by 62 percent. It actually grew revenues to the Treasury by reducing those rates.

Also at that same period of time, tax collections from the top bracket, those in the top bracket, grew by 57 percent, meaning those who had marginal rate reduction at the top end actually paid more in taxes because of the economic growth and that was juxtaposed to tax collections all the way across the board from the Kennedy tax cuts which only grew revenues by only 11 percent.

And then, Mr. Speaker, I was very privileged to come here following the 1980 election, and we had the last serious economic downturn that we faced as a Nation, nearly three decades ago, and Ronald Reagan pursued the same policies that were pursued by John F. Kennedy. He brought about sweeping marginal rate reduction; and Mr. Speaker, that grew the flow of revenues to the flow of Treasury nearly doubling that flow of revenues.

And the share of tax payments by the top ten percent—again, the top 10 percent of wage earners in this country grew from had 48 percent to more than 57 percent. That means those in the top ten percent of income levels actually had an increase of nearly 10 percentage points, nearly 10 percentage points in the flow of revenues that came in from the Federal Treasury—or actually they were paying more in taxes, from 48 percent to 57 percent while the share that

was borne by the top 1 percent—the very rich—grew even more dramatically, 17 percent to nearly 28 percent, thus, the flow of tax payments that came from those people who were the very richest in this country.

That's why, Mr. Speaker, we are arguing that the economic stimulus working group that was put together by Leader BOEHNER and shared by our distinguished whip Mr. CANTOR used these models of proven examples, not the failed policies that were pointed to by Secretary Morgenthau in 1939, but the success following the 1961 cut and the 1981 cut. That's why we're not simply saying ''no,'' Mr. Speaker. We are saying, let's put a positive economic growth package together. We're going to continue to fight on behalf of that.

IF WE WORK TOGETHER, WE CAN PUT AMERICA BACK TO WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, today we took a historic step toward economic recovery, and four financial giants took another important step in announcing that they will impose a moratorium on mortgage foreclosures.

In response to a request from Congress during hearings chaired by Chairman FRANK, CitiGroup, Morgan Stanley, J.P. Morgan, and Bank of America today announced plans to suspend foreclosures for the next few weeks or until the President's new plan is in place.

These actions create breathing space to allow the new administration to develop and the private sector to implement a new plan to reduce foreclosures and to help Americans stay in their homes.

We cannot solve our economic crisis until we solve our housing crisis. And leaders of our financial sector have the ability and responsibility to help lead our recovery.

As a representative from the State of New York, I applaud these New York financial institutions for being the first to step forward and take up this challenge. And I urge all other mortgage institutions to follow their example, to take similar steps to help Americans stay in their home.

Mr. Speaker, I would also like to really underscore the importance of the vote, the historic vote that we had a chance to vote on today. And I cast a ballot to help create 3.5 million new jobs and give tax credits to 95 percent of working Americans. This was a chance to begin to move our country forward by investing in and modernizing our health and education systems, and we can do it in a way that is accountable and transparent, as the legislation required. And as I noted, the private sector is also playing a crucial and important role.

If we work together, we can put America back to work.

Thank you very much.

RUSH TO JUDGMENT ON STIMULUS BILL VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I appreciate your indulgence this afternoon.

Earlier this afternoon, this House passed the single largest spending bill that has ever come across the work activity of this body. There was tepid applause on the other side of the aisle for the passage of this bill, I think in recognition that none of us really know if it will work. Most of us on our side of the aisle don't believe it will work, believe it was the wrong issue to do, the wrong way to address a very serious issue.

Americans all across this country are suffering: people losing their jobs, losing their homes, struggling to make ends meet. All of the things that go on during a recession. These are serious times.

My colleagues have been up here all day stating over and over ad nauseam the lack of consideration given to our ideas on how we could have made this better, the overall lack of consideration considering the substantial size of this particular bill that was given over the last 2 weeks. You hate to use a phrase that's been worn out, but ''rush to judgment'' comes to mind when you look at the activity that went on.

This House voted earlier this week—it was a unanimous vote—which doesn't happen except on post office namings—a unanimous vote that we would have 48 hours to look at this bill, that our constituents would have 48 hours to look at this bill, that America would have a chance to see what we were voting on, and that was unanimous.

And, Mr. Speaker, it's totally within your prerogatives as to when things come to the House. That's one of the wonderful things about being Speaker, and it is great to be Speaker. But I'm disappointed that you didn't honor the wishes, the unanimous wishes of 403 of us, that thought we needed 48 hours to look at this bill.

□ 1530

The real losers in this bill—and there are lots of losers—but the real losers in this bill are our future children, future generations of Americans who will be forever saddled with the debt that is going to be borrowed to pay for this bill. Tucked away in the corner of one of these bills is an increase in the debt limit to $12 trillion. That debt will never get paid back.

I had an interesting exchange with a young fifth grader in Fredericksburg, Texas, last October who asked me the single best question I've ever been asked during a town hall meeting. He said, Mr. Congressman, what's the plan to pay off the national debt? And I was rocked back on my heels because I had never been asked anything that straightforward important, and I had to say, well, young man, there is no plan to pay off the national debt. The money we borrow today is permanent debt. In order to pay debt off, you have to run a surplus. This Federal Government rarely ever runs a surplus, certainly never to the tune of $12 trillion

And so future generations will be paying interest not only on this $800 billion but also the $12 trillion that we've accumulated—and there's plenty of blame to go around for that—for the rest of their lives and the lives of their children and the lives of their children because this debt will not get paid off.

It is a sad day, Mr. Speaker, for the taxpayers and future generations of taxpayers that my generation, the one just ahead of me and the one just behind me, believe in our core that it is an appropriate way to address problems that we're having by taking money that we haven't earned, that has not even yet been earned by our grandkids and working on problems that we need to solve that are important to us. If the problems are important enough that we need to spend money on them, then we clearly ought to be spending our own money on them and not future generations of Americans.

So, Mr. Speaker, just before I yield back, I appreciate the time. I just wanted to express how disappointed I am in the action of the House today in passing a monster of a bill that does not address the jobs that it was supposed to. It simply spends more money and is a legacy, generates higher spending on an annual year-after-year basis because of some of the floors that we've put under many of these problems that we couldn't afford before we did this, and we simply can't afford on a going-forward basis as well.

APPOINTMENT OF MEMBER TO U.S. GROUP OF THE NATO PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 1928a, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the United States Group of the NATO Parliamentary Assembly:

Mr. TANNER, Tennessee, Chairman

THE ECONOMIC STIMULUS BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY of Georgia. Mr. Speaker, it's a pleasure to have the hour—I probably won't take a full hour—but to have the opportunity to speak to my colleagues on both sides of the aisle and, in particular, follow my colleague from Texas, the gentleman who just spoke, the words of wisdom that he expressed, the gentleman, Mr. CONAWAY, who is a certified public accountant, as he described the problems with this bill that was passed on the floor today, Mr. Speaker, and no doubt will be passed by the Senate tomorrow and probably signed into law by President Obama on Monday.

The thing that I want to express, and I think that Mr. CONAWAY and some other speakers on our side of the aisle said as they spoke about this bill, was not that we on the Republican side are opposed to doing something. I mean, we don't want to just do nothing. Although, Mr. Speaker, I firmly believe that doing nothing would be better than the harm that's likely to be inflicted on our economy and, as Mr. CONAWAY said, on our children and grandchildren by the enactment of this legislation where we're spending almost $1.2 trillion when you include the interest on the debt, that putting that burden on the backs of our future generations without an absolute assurance, without an absolute assurance, Mr. Speaker, that those 4 million jobs would be created and that this would jump-start our economy and get us out of this deep recession.

Even with that, I would have some concerns, but Vice President BIDEN just said the other day that he thought that this bill had about a 30 percent chance of failure. Now, you think about that. We're going to take money, Federal money, that we really don't have in the Treasury. We hope that we can sell these bonds and this Federal paper, Treasury notes to people on the open market. Probably some foreign governments like China and others might buy some of this. But if they don't, then it's just simply a matter of running the printing press to come up with this money, and of course, as we all know that weakens our dollar. It leads to inflation. And so I'm not surprised when Vice President JOE BIDEN said, well, look, there was no guarantee, we're doing the best we can. We hope it works, but it's probably got about a 30 percent chance of failure.

For my money, Mr. Speaker, that is too great a chance of failure. It is just not worth that, and that's why I say that, in fact, doing nothing probably would be better. And although we would go through some tough times economically, as we are now, indeed people are suffering, and it may take 2 or 3 years to get out of this recession, but the Republican minority has a plan. We're not just standing in the doorway blocking any kind of meaningful, good legislation. We want something to work. We don't want it to take 3 or 4 years. We want to try to stimulate this.

And that's what our leader said on the floor this afternoon as we debated this issue, and finally, Madam Speaker spoke and our leader BOEHNER spoke, the chairman of the Appropriations Committee on the majority side, Mr. OBEY, spoke. But it's really the words of Mr. BOEHNER I think I would want my colleagues and anybody within shouting distance to remember what he said.

We who voted ''no'' on this bill are fully aware, fully cognizant of the fact that people in every single district in this country, all 435 of them, my 11th of Georgia absolutely—the State of Georgia is facing a $3 billion deficit, and like most States, they have to balance their budget. So times are tough, and as JOHN BOEHNER said, and I would repeat here now, Mr. Speaker, we want to do something.

Unfortunately, the plan that the minority Republican party had was given no opportunity to be presented. There was no subcommittee hearings. There were no full committee hearings. There was no opportunity for amendments to be presented on the floor, so-called at least a modified open rule, where both Republicans and Democrats would have an opportunity to say, you know, we need to change this. There are some good in this bill. I think it's a 1,000-page bill. We had it on the floor earlier. Remember, it was about that high. It's probably six or eight Bibles thick. And within that, yeah, there were some good things but a whole lot of things that are not good, and I will try to speak to some of that as we proceed.

But the idea of shutting out the minority and not letting them speak on behalf of the constituents that they represent, every one of us, 178 Republicans represent about 675,000 people in their respective districts. And quite honestly, 50 very conservative Democrats, they call themselves the Blue Dogs. Many of them are from Southern States, good Members, also representing 675,000 people, and fiscally conservative. They were shut out. They didn't get an opportunity. That's why this vote ended up being—even though the Democratic majority prevailed, the bipartisanship on the vote was on the ''no'' side. That means that every single Republican in this body, Mr. Speaker, all 178 of us voted no, and we were joined by six or eight Democrats who all voted ''no,'' and all for the same reason.

The Republican Members are not all the same on every issue. We have conservative Members on social issues, like myself, and we have some Members who are socially moderate. But what you saw today is the coming together of the Republican minority on one thing that we absolutely always agree on and that we will always stand for and what I think defines us from the majority party. There's a difference. There's no question about it, and that difference is, we on the Republican side, Mr. Speaker, believe in limited Federal Government, and we believe in reduced spending and let the States do what they can for themselves and the people do what they can for themselves. Let them keep more of their own hard-earned money. That means individual employees. It also means employer—these small, mom-and-pop companies.

Most of the jobs in this country, as we all know, are created by those small, mom-and-pop companies, less than, far less than 50 employees. We're not talking about the Microsofts and the Home Depots and the Coca-Colas and the huge companies. We're talking about these small companies that would, if you gave them an opportunity to keep more of their own money—and that's basically what the Republican plan was, Mr. Speaker, as you know, that we felt like in this bill, that there should be some spending, and the amount of spending should be significant on infrastructure projects. After all, that's what was talked about for a month or 6 weeks ahead of time: we are going to put people back to work in this country on repairing bridges, rebuilding roads, putting more money into rapid transit across all 50 of the States.

And each State, Mr. Speaker, was asked to submit a list of projects called shovel ready—shovel-ready projects so that they could start turning dirt within 90 days. I think the bill finally extended to 120 days. We were in favor of that. We are in favor of that. But in this final bill that was passed on the floor of this House today, about 7 percent of the money, about 7, not 70, Mr. Speaker, but 7 percent of the money goes to those infrastructure projects within our States. And I do believe that more money spent on those projects would indeed put people back to work and get the economy going, and I was very much in favor of that.

But the other thing that we felt very strongly about, though, was the opportunity to let people keep more of their own money, and that's why the Republican alternative had a 5 percent cut in the tax rate of everybody who pays taxes, no matter what your income. If you're paying at the 36 percent bracket, you'd pay 31 percent. If you're paying at the 28 percent bracket, you'd pay 23 percent. If you're paying at the 15 percent, 10, and the 10, 5. You get it. Everybody, across-the-board 5 percent cut in their Federal tax burden, and immediately start seeing that money in their paycheck, not going to Uncle Sam.

And also, you know, that the Republican alternative felt very strongly the way to create jobs in this country or to preserve jobs—President Obama said

create 4 million or save 4 million. He's a little vague on that. But if you cut the corporate income tax rate from 35 to 25, and that's in the Republican alternative, the small businessmen and -women who usually pay as individuals, they're not S corporations or C corporations or LLCs or whatever you call it. But that would give them an opportunity, Mr. Speaker, to make more profit, to be able to expand their product line, add on to the size of their building, bring in more people, hire more people and get more people who are earning a paycheck and indeed paying taxes but at a lower rate.

□ 1545

And the final analysis, as we have proven under Presidents Kennedy in 1960, Reagan in 1980, and during the Bush administration in the early 2001, 2000, when you cut taxes and you let people keep more of their money, you do grow jobs. And we did that. Nobody can deny that. They could be critical of a lot of things. And mistakes are always made. And it's easy to be Monday morning quarterbacking.

But, without question, that type of economic philosophy and approach is what increases the Federal revenue because it grows jobs, it expands the job base.

So, these were some of the things that we had proposed but yet never saw the light of day. And it's sad because I truly believe that that would work.

In addition, Mr. Speaker, to the tax cuts, the other things of significance in the Republican alternative was to pledge—indeed, it's law, had we passed it—1 percent reduction. One percent. I know that doesn't sound like a lot but, believe me, up here inside the Beltway it's pretty hard to cut anything. But we were talking about cutting 1 percent of spending across the board, except for our national defense. Preserve the spending on our national defense. Continue to keep this country safe and not pull the rug out from under the men and women who are doing the fighting and the suffering and the dying to keep us safe. But, across the board, every other spending category, 1 percent cut.

These are the kind of things that I wanted to talk about to my colleagues and make sure, on both sides of the aisle, but I am particularly talking to my friends on the majority side so that they do understand and your constituents understand that we're not in the minority hoping for failure, we're not hoping that President Obama is unsuccessful. Nothing could be further from the truth. We want President Obama to be successful. And I hope that he is successful.

But I don't want for some socialized program to be so successful that all of a sudden we get away from a market-driven economy and the democracy that we have all enjoyed and loved and what makes this country unique and wonderful. We don't want a European-type socialism.

And so if you hear someone say, Well, I hope this thing fails, please don't get the idea, my colleagues, that it's directed toward our new President. Of course not. Of course not. But we just want to make sure that our country succeeds in the right way. And this is for our children and our grandchildren.

I wanted to take a moment to paraphrase an article that I read in the newspaper today when I got up early this morning that I was looking at, Mr. Speaker. The Hill, the newspaper that we get daily when we're in session. And Hill and Roll Call and Politico, we all reads these things. There's some fine, fine writers on these newspapers. And this was an article penned by Cheri Jacobus. And here's what she said. I think it really cuts right to the chase in regard to $1 trillion worth of spending. And I'm going to quote just parts of her article:

''Congress should throw this greasy pile of pork into the grinder. Instead,'' instead, ''give every American household a $10,000 stimulus check to spend as we please. With approximately 100 million households nationwide, we hit that magic number of $1 trillion.''

So you give $10,000 to every one of 100 million households, that is spending the $1 trillion. So you spend it in a different way. You give it, Mr. Speaker, to the families. And, along with that, we have a 2-year moratorium on capital gains taxes, and then we will get this economy off life support.''

And I want to point out in the Republican alternative this idea of giving $10,000 to each of 100 million families was not part of it, but the suspension of capital gains tax definitely was. And then you would see the stock market not go down 350 points when something like this passes, you would see it go up 350 points.

So, doing this now, instead of letting the government decide how we spend the $1 trillion. Let the families decide how the $1 trillion are spent. ''Instead of condoms, green golf carts, mouse habitats, and government-run health care, Americans would spend based on individual priorities, thus spurring competition, resulting in higher-quality goods and services. Good banks succeed; bad banks fail. Well-priced, quality automobiles hit the streets; lemons fade away. Capitalism lives to fight another day and the greatest country on earth narrowly survives its near-death experience with socialism.''

She goes on to say, ''So here's a challenge for every Member of Congress.'' Mr. Speaker, that is us, me and you and our colleagues on both sides of the aisle. ''So here's a challenge to every Member of Congress or, more accurately, a dare. Ask your constituents what they would do with $10,000. Compare their list to what is in the stimulus bill. Then see who has the best ideas for spending $1 trillion.

Mr. Speaker, I wanted to use a couple of posters to help my colleagues understand and put in perspective the amount of money we're spending because, you know, $1,000 is a heck of a lot of money to me. You get up to a million, a billion, and a trillion, I don't even know how many zeroes we're talking about. But let's just use this poster to help us.

Sizing up the stimulus. Well, this proposed stimulus, as I said to my colleagues, is $1.2 trillion, if we can focus on this first poster. $1.2 trillion. Now, let's put that in perspective.

Back in the late sixties, and that terrible, terrible time of the Vietnam War. We lost almost 60,000 of our precious men and women in that battle, and $111 billion was spent. Now if you adjust that for inflation in today's dollars, it's $698 billion, compared to $1.2 trillion. That is a few more zeroes.

The invasion of Iraq, inflation adjusted, $597 billion. The money has gone up a little bit now, but it's certainly under $1 trillion. Well under.

Now, let's go back. Let's back to the 1932 to the 1939, 1940 era. The era of the New Deal. $32 billion adjusted for inflation—it's been a long time ago. $500 billion. In comparison, this is the largest spending bill not just in the history, Mr. Speaker, of the United States. I believe, if I am not wrong on this, and I don't think I am, this is the largest spending bill that any government has enacted in the history of the world. In the history of the world.

We're talking about increasing our national debt, not the deficit, but the national debt, which today is about $10.7 trillion, with a T. We're talking about increasing that by 10 percent in one snap of your finger. As soon as President Obama signs this bill into law Monday, all of a sudden we have increased the national debt 10 percent. Up to $12.5 trillion.

How in the world, Mr. Speaker, are we ever going to pay that off? I mean, it's downright depressing, is what it is. Not just scary, but it's downright depressing.

And speaking of that money that was spent on the New Deal, and I know people love to say, Well, FDR was one of our greatest Presidents, and no doubt he was a man of great courage; great personal courage. Overcame tremendous adversity physically and was our President during very difficult times of World War II, and did some wonderful things. And I commend him for that.

But I am not so sure the New Deal was such a good deal. In fact, it may very well have been a raw deal. Let me quote someone who should know better than I, because he was there. He lived through it. He advised President Roosevelt. He was President Roosevelt's Secretary of the Treasury, and his name was Henry Morgenthau.

And listen to what the Secretary of the Treasury under President Roosevelt said to a hearing before the Ways and Means Committee of this House in 1939. And I will quote, ''We have tried spending money. We are spending more than we have ever spent before, and it does not work. I want to see this country prosperous. I want to see people get a job. I want to see people get enough to eat. We have never made good on our promises. I say, after 8 years of this administration, we have just as much unemployment as when we started, and an enormous debt to boot.''

Secretary of Treasury Henry Morgenthau, under President Roosevelt, 1939, some 7 years into the New Deal. That is probably why Vice President BIDEN, Mr. Speaker, said that, Look, this thing has got a 30 percent chance of not being successful. And allowing this recession to be deeper and more prolonged than if we indeed did nothing.

Well, let me ask my colleagues to join with me in looking at a few more posters to just, again, put this spending in perspective. With this amount of money, the $789 billion—and when I say $1.2 trillion, that's the interest over 10 years on the debt. But when you do the math, fairly simple, and you say that you're going to create 4 million jobs, 4 million jobs with this, that means you're spending $275,000 for every job.

That's $275,000 for every job. That's what it's going to cost. And a lot of these jobs are going to pay $30,000, $35,000, maybe even $20,000, $25,000 a year. That is shocking when you think about it. That that much money to create one job, $275,000 worth of spending.

Here's another chart that I think is real instructive that I wanted my colleagues to also look at. Those of you in the back of the Chamber, you may not be able to see this, or the far left or far right, but this says, Can you afford to pay for the Democratic spending bill? At $825 billion, or $789 billion, the economic stimulus plan sailing through Congress would cost each American family, each American family, more than $10,000 on average.

□ 1600

Here is how that price tag compares with the typical family expenses in a year:

Stimulus spending: $10,500.

What the family spends on food, clothing, and health care: $10,400. What the family spends on shelter, whether they are renting or owning their own home: $11,657.

So one-third of their expenditure in a year, that is what it is going to cost them in the final analysis, $10,500, every year, every family, to pay for this $1.1 trillion, $1.2 trillion.

That is why, going back, remember when I said or read the article about, literally, why doesn't the Federal Government just write a $10,000 check and give it to every family, and say: Look, I don't know your situation. You may have a mortgage past due, a car payment past due. You may need to pay down a credit card debt. You may have a child that wants to go back to college and you don't have the tuition for the next semester. Indeed, you may even have a family member that needs an operation or some dental work or something and you can't pay for it, and you can take money out of that $10,000. Or maybe you just simply want to save it for a rainy day. Lord knows, we have got a rainy day now. Or you might, if your situation is such and you think the old clinker of a car is falling apart and we want to buy American, and General Motors or Ford Motor Company has got a great new car that gets good gas mileage and we will go ahead and buy a car, or whatever, a washing machine. And all of a sudden, the economy starts moving. And so this shows it, I think, Mr. Speaker, in a very vivid, vivid way.

Before I finish up, Mr. Speaker, and I didn't want to take the entire hour, but I wanted to talk just a little bit about some of the health care things that are in this bill.

There is money toward moving us as a Nation for complete electronic medical records. I am for that, Mr. Speaker. I think that would be a good thing. I think that would save lives and save money, and I clearly feel that that is something that we want to do. But there are a number of provisions, and I will just mention one that really, really concerns me, and that is this comparative effectiveness commission. Comparative effectiveness, where the Federal Government, and I think $1 billion, if I am not mistaken, I think $1 billion goes into creating this other layer of government bureaucracy called comparative effectiveness that would decide which medical procedures or medications were cost effective and in certain instances will just simply say that, ''Well, we don't think that is cost effective,'' that MRI that mom had in the emergency room last week or the CAT scan or electroencephalogram because a child had a seizure.

To say that it is not effective, who are these bureaucrats that would have the ability to do that? Have they ever had a stethoscope around their neck? Have they ever had a white lab coat on? No. They are just number crunchers, and all of a sudden they are going to come in between you, our constituents, men and women, and your health care provider, your physician, whether it is a pediatrician or obstetrician or general surgeon or a family doctor.

So as we look at this massive bill, what we are seeing is a lot of things in there, Mr. Speaker, that really don't have anything to do with putting people back to work. That 7 percent spending on infrastructure, that ought to be 25 percent of the spending. It ought to be much more than it is. But yet, there are things in there, and I could go through a list of them and it is almost appalling.

I mention that about that health care. It is just trying to set policy in this bill, moving us in a direction that I don't think, I do not think, the American people want. And I think, the American people, my colleagues, remember back in 1993, 1992, under President Clinton, when current Secretary of State Clinton now but first lady at that time was sort of put in charge of trying to develop a single payor national health care system just like they have in the United Kingdom or in Canada or other countries where it doesn't work so well and care is rationed.

My fear, and as you read this bill and you try to read through, the devil is in the details, and you see these things and you see what is happening in the health care provision, it is definitely trying to move us in that direction once again.

So again, our opposition to the bill is not that we don't want to help people and help them right now, that we don't have compassion. Indeed, there is no one more compassionate in this Chamber than the minority leader, Mr. BOEHNER. In fact, many times he is almost to the point of tears, he is so compassionate.

So we just want to look at this thing, as we have, and realize that so much of the money, Mr. Speaker, in this bill is all about pushing an agenda and spending money, some of which may be worthwhile, but it should go through the regular order. That is why we are up here, mainly, to authorize and appropriate spending. That is a major responsibility of the Members of Congress in the House and Senate. And we should do that under regular order. But it is like the chief of staff now, our former colleague here in the House, the chief of staff to President Obama, Rahm Emanuel, the gentleman from Illinois, the same State as the President, said it would be a tragedy to let any crisis go unused, or something to that effect. I am paraphrasing, but it would be a tragedy to let a crisis go to waste. In other words, take a crisis and try to do some good things and put people back to work; but, at the same time, pump all kind of other stuff in there that you have been trying to get passed for years and have not been successful because the majority of the Congress doesn't want it, so you throw it in there as emergency spending and drag it along as we tug at heartstrings.

And that is just not right, Mr. Speaker. That is unfair. It is deceiving the American public, and it is putting a burden on them that I will have no part of. And my colleagues on this side of the aisle, 178 of us, Republicans, and six to eight conservative, fiscally conservative Democrats feel the same way.

I just feel that if we had had an opportunity, Mr. Speaker, if we had had an opportunity to present an alternative, we could do that in a bipartisan way. We don't hate each other, as you know, Mr. Speaker. We respect each other, and in many cases best friends are on opposite sides of the aisle. We can do these things. But somehow this top down, my way or the highway, closed rules, no opportunity to go through committee, we are losing out, and it is not right, because the minority represents, what, 48 percent? A lot of people, a lot of people in this country, Mr. Speaker, elected Republican Members of this House and Senate.

So as I conclude, I just want to the say to all of my colleagues, on the Republican side we voted ''no,'' and we voted no for a very good reason. We have great fear, just as Vice President BIDEN said, that this won't work. And it is not like, well, it just didn't work, and we lost that game and we will play another one. No. This is too big a risk. It puts too big a burden on our future generations, and it has the likelihood of leaving us in this recession for a long time to come.

We had an opportunity. My colleague, my Senate colleague from Georgia, JOHNNY ISAKSON, had an amendment on the Senate side that would give every person, every family that bought a new home a $15,000 tax credit. It passed on the Senate side I think by a voice vote, unanimous consent, everybody. I heard Senator SCHUMER say what a wonderful, wonderful idea that the gentleman from Georgia, Senator JOHNNY ISAKSON, had, because this whole mess started with the downturn of the housing market; and until we get those houses moving and sold, that will get us out of this mess. And the Senate knew it. And yet, when they got to conference committee, what happened? They pulled that amendment out. Pulled that amendment out.

I really believe if that and maybe an opportunity for people to get a fixed-rate mortgage at 4 percent or 5 percent, 30-year fixed rate, let them have that opportunity over the next year or so, the Johnny Isakson amendment, maybe we can pass it as a stand-alone bill. The Republican alternative to this spendulous bill where we emphasize tax cuts and spending cuts and we spend more money on infrastructure, I think if we came back and did that, we would be out of this the recession in 12 months to 18 months.

And so that is why I am here this afternoon, Mr. Speaker, just to share those thoughts with my colleagues. And I hope and pray that President Obama will be successful; but when it is something that I have great fear of hurting the country, taking us down a road that our Founding Fathers never intended us to go, then I am going to stand up and I am going to say, ''No, Mr. President,'' as I did today.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEE of New York (at the request of Mr. BOEHNER) for today on account of helping to coordinate the Federal response and to provide assistance to the families of the victims of the tragic crash of Continental Airlines Flight 3407 in his district.

Mr. CLYBURN (at the request of Mr. HOYER) for today after 1:30 p.m. on account of his daughter's wedding in South Carolina.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. CASSIDY, for 5 minutes, today.

Mr. SCHOCK, for 5 minutes, today.

Mr. HERGER, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

Ms. FOXX, for 5 minutes today.

Mr. FLEMING, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. MARKEY of Massachusetts, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

ADJOURNMENT

Mr. GINGREY of Georgia. Mr. Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until Tuesday, February 17, 2009, at 10 a.m., unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 47, in which case the House shall stand adjourned pursuant to that concurrent resolution.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me god.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

ALABAMA

1. Jo Bonner
2. Bobby Bright
3. Mike Rogers
4. Robert B. Aderholt
5. Parker Griffith
6. Spencer Bachus
7. Artur Davis

ALASKA

At Large, Don Young

AMERICAN SAMOA

Delegate, Eni F.H. Faleomavaega

ARIZONA

1. Ann Kirkpatrick
2. Trent Franks
3. John B. Shadegg
4. Ed Pastor
5. Harry E. Mitchell
6. Jeff Flake
7. Raúl M. Grijalva
8. Gabrielle Giffords

ARKANSAS

1. Marion Berry
2. Vic Snyder
3. John Boozman
4. Mike Ross

CALIFORNIA

1. Mike Thompson
2. Wally Herger
3. Daniel E. Lungren
4. Tom McClintock
5. Doris O. Matsui
6. Lynn C. Woolsey
7. George Miller
8. Nancy Pelosi
9. Barbara Lee
10. Ellen O. Tauscher
11. Jerry McNerney
12. Jackie Speier
13. Fortney Pete Stark
14. Anna G. Eshoo
15. Michael M. Honda
16. Zoe Lofgren
17. Sam Farr
18. Dennis A. Cardoza
19. George Radanovich
20. Jim Costa

21. Devin Nunes
22. Kevin McCarthy
23. Lois Capps
24. Elton Gallegly
25. Howard P. ''Buck'' McKeon
26. David Dreier
27. Brad Sherman
28. Howard L. Berman
29. Adam B. Schiff
30. Henry A. Waxman
31. Xavier Becerra
32. Hilda L. Solis
33. Diane E. Watson
34. Lucille Roybal-Allard
35. Maxine Waters
36. Jane Harman
37. Laura Richardson
38. Grace F. Napolitano
39. Linda T. Sánchez
40. Edward R. Royce
41. Jerry Lewis
42. Gary G. Miller
43. Joe Baca
44. Ken Calvert
45. Mary Bono Mack
46. Dana Rohrabacher
47. Loretta Sanchez
48. John Campbell
49. Darrell E. Issa
50. Brian P. Bilbray
51. Bob Filner
52. Duncan Hunter
53. Susan A. Davis

COLORADO

1. Diana DeGette
2. Jared Polis
3. John T. Salazar
4. Betsy Markey
5. Doug Lamborn
6. Mike Coffman
7. Ed Perlmutter

CONNECTICUT

1. John B. Larson
2. Joe Courtney
3. Rosa L. DeLauro
4. James A. Himes
5. Christopher S. Murphy

DELAWARE

At Large, Michael N. Castle

DISTRICT OF COLUMBIA

Delegate, Eleanor Holmes Norton

FLORIDA

1. Jeff Miller
2. Allen Boyd
3. Corrine Brown
4. Ander Crenshaw
5. Ginny Brown-Waite
6. Cliff Stearns
7. John L. Mica
8. Alan Grayson
9. Gus M. Bilirakis
10. C.W. Bill Young
11. Kathy Castor
12. Adam H. Putnam
13. Vern Buchanan
14. Connie Mack
15. Bill Posey
16. Thomas J. Rooney
17. Kendrick B. Meek
18. Ileana Ros-Lehtinen
19. Robert Wexler
20. Debbie Wasserman Schultz
21. Lincoln Diaz-Balart
22. Ron Klein
23. Alcee L. Hastings
24. Suzanne M. Kosmas
25. Mario Diaz-Balart

GEORGIA

1. Jack Kingston
2. Sanford D. Bishop Jr.
3. Lynn A. Westmoreland
4. Henry C. ''Hank'' Johnson Jr.
5. John Lewis
6. Tom Price
7. John Linder
8. Jim Marshall
9. Nathan Deal
10. Paul C. Broun
11. Phil Gingrey
12. John Barrow
13. David Scott

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Delegate, Madeleine Z. Bordallo

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2. Mazie K. Hirono

IDAHO

1. Walt Minnick
2. Michael K. Simpson

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3. Daniel Lipinski
4. Luis V. Gutierrez
5.
6. Peter J. Roskam
7. Danny K. Davis
8. Melissa L. Bean
9. Janice D. Schakowsky
10. Mark Steven Kirk
11. Deborah L. Halvorson
12. Jerry F. Costello
13. Judy Biggert
14. Bill Foster
15. Timothy V. Johnson
16. Donald A. Manzullo
17. Phil Hare
18. Aaron Schock
19. John Shimkus

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2. Joe Donnelly
3. Mark E. Souder
4. Steve Buyer
5. Dan Burton
6. Mike Pence
7. André Carson
8. Brad Ellsworth
9. Baron P. Hill

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2. David Loebsack
3. Leonard L. Boswell
4. Tom Latham
5. Steve King

KANSAS

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2. Lynn Jenkings
3. Dennis Moore
4. Todd Tiahrt

KENTUCKY

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2. Brett Guthrie
3. John A. Yarmuth
4. Geoff Davis
5. Harold Rogers
6. Ben Chandler

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2. Anh ''Joseph'' Cao
3. Charlie Melancon
4. John Fleming
5. Rodney Alexander
6. Bill Cassidy
7. Charles W. Boustany Jr.

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2. Michael H. Michaud

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3. John P. Sarbanes
4. Donna F. Edwards
5. Steny H. Hoyer
6. Roscoe G. Bartlett
7. Elijah E. Cummings
8. Chris Van Hollen

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2. Richard E. Neal
3. James P. McGovern
4. Barney Frank
5. Niki Tsongas
6. John F. Tierney
7. Edward J. Markey
8. Michael E. Capuano
9. Stephen F. Lynch
10. William D. Delahunt

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2. Peter Hoekstra
3. Vernon J. Ehlers
4. Dave Camp
5. Dale E. Kildee
6. Fred Upton
7. Mark Schauer
8. Mike Rogers
9. Gary C. Peters
10. Candice S. Miller
11. Thaddeus G. McCotter
12. Sander M. Levin
13. Carolyn C. Kilpatrick
14. John Conyers Jr.
15. John D. Dingell

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2. John Kline
3. Erik Paulsen
4. Betty McCollum
5. Keith Ellison
6. Michele Bachmann
7. Collin C. Peterson
8. James L. Oberstar

MISSISSIPPI

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2. Bennie G. Thompson
3. Gregg Harper
4. Gene Taylor

MISSOURI

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2. W. Todd Akin
3. Russ Carnahan
4. Ike Skelton
5. Emanuel Cleaver
6. Sam Graves
7. Roy Blunt
8. Jo Ann Emerson
9. Blaine Luetkemeyer

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At Large, Denny Rehberg

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2. Lee Terry
3. Adrian Smith

NEVADA

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2. Dean Heller
3. Dina Titus

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2. Paul W. Hodes

NEW JERSEY

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2. Frank A. LoBiondo
3. John H. Adler
4. Christopher H. Smith
5. Scott Garrett
6. Frank Pallone Jr.
7. Leonard Lance

8. Bill Pascrell Jr.
9. Steven R. Rothman
10. Donald M. Payne
11. Rodney P. Frelinghuysen
12. Rush D. Holt
13. Albio Sires

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2. Harry Teague
3. Ben Ray Luján

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6. Gregory W. Meeks
7. Joseph Crowley
8. Jerrold Nadler
9. Anthony D. Weiner
10. Edolphus Towns
11. Yvette D. Clarke
12. Nydia M. Velázquez
13. Michael E. McMahon
14. Carolyn B. Maloney
15. Charles B. Rangel
16. José E. Serrano
17. Eliot L. Engel
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19. John J. Hall
20. Kirsten E. Gillibrand*
21. Paul Tonko
22. Maurice D. Hinchey
23. John M. McHugh
24. Michael A. Arcuri
25. Daniel B. Maffei
26. Christopher John Lee
27. Brian Higgins
28. Louise McIntosh Slaughter
29. Eric J.J. Massa

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2. Bob Etheridge
3. Walter B. Jones
4. David E. Price
5. Virginia Foxx
6. Howard Coble
7. Mike McIntyre
8. Larry Kissell
9. Sue Wilkins Myrick
10. Patrick T. McHenry
11. Heath Shuler
12. Melvin L. Watt
13. Brad Miller

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At Large, Earl Pomeroy

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Delegate, Gregorio Sablan

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2. Jean Schmidt
3. Michael R. Turner
4. Jim Jordan
5. Robert E. Latta
6. Charles A. Wilson
7. Steve Austria
8. John A. Boehner
9. Marcy Kaptur
10. Dennis J. Kucinich
11. Marcia L. Fudge
12. Patrick J. Tiberi
13. Betty Sutton
14. Steven C. LaTourette
15. Mary Jo Kilroy
16. John A. Boccieri
17. Tim Ryan
18. Zachary T. Space

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2. Dan Boren
3. Frank D. Lucas
4. Tom Cole
5. Mary Fallin

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2. Greg Walden
3. Earl Blumenauer
4. Peter A. DeFazio
5. Kurt Schrader

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1. Robert A. Brady
2. Chaka Fattah
3. Kathleen A. Dahlkemper
4. Jason Altmire
5. Glenn Thompson
6. Jim Gerlach
7. Joe Sestak
8. Patrick J. Murphy
9. Bill Shuster
10. Christopher P. Carney
11. Paul E. Kanjorski
12. John P. Murtha
13. Allyson Y. Schwartz
14. Michael F. Doyle
15. Charles W. Dent
16. Joseph R. Pitts
17. Tim Holden
18. Tim Murphy
19. Todd Russell Platts

PUERTO RICO

Resident Commissioner, Pedro R. Pierluisi

RHODE ISLAND

1. Patrick J. Kennedy
2. James R. Langevin

SOUTH CAROLINA

1. Henry E. Brown Jr.
2. Joe Wilson
3. J. Gresham Barrett
4. Bob Inglis
5. John M. Spratt Jr.
6. James E. Clyburn

SOUTH DAKOTA

At Large, Stephanie Herseth Sandlin

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2. John J. Duncan Jr.
3. Zach Wamp
4. Lincoln Davis
5. Jim Cooper
6. Bart Gordon
7. Marsha Blackburn
8. John S. Tanner
9. Steve Cohen

TEXAS

1. Louie Gohmert
2. Ted Poe
3. Sam Johnson
4. Ralph M. Hall
5. Jeb Hensarling
6. Joe Barton
7. John Abney Culberson
8. Kevin Brady
9. Al Green
10. Michael T. McCaul
11. K. Michael Conaway
12. Kay Granger
13. Mac Thornberry
14. Ron Paul
15. Rubén Hinojosa
16. Silvestre Reyes
17. Chet Edwards
18. Sheila Jackson-Lee
19. Randy Neugebauer
20. Charles A. Gonzalez
21. Lamar Smith
22. Pete Olson
23. Ciro D. Rodriguez
24. Kenny Marchant
25. Lloyd Doggett
26. Michael C. Burgess
27. Solomon P. Ortiz
28. Henry Cuellar
29. Gene Green
30. Eddie Bernice Johnson
31. John R. Carter
32. Pete Sessions

UTAH

1. Rob Bishop
2. Jim Matheson
3. Jason Chaffetz

VERMONT

At Large, Peter Welch

VIRGIN ISLANDS

Delegate, Donna M. Christensen

VIRGINIA

1. Robert J. Wittman
2. Glenn C. Nye
3. Robert C. ''Bobby'' Scott
4. J. Randy Forbes
5. Thomas S.P. Perriello
6. Bob Goodlatte
7. Eric Cantor
8. James P. Moran
9. Rick Boucher
10. Frank R. Wolf
11. Gerald E. Connolly

WASHINGTON

1. Jay Inslee
2. Rick Larsen
3. Brian Baird
4. Doc Hastings
5. Cathy McMorris Rodgers
6. Norman D. Dicks
7. Jim McDermott
8. David G. Reichert
9. Adam Smith

WEST VIRGINIA

1. Alan B. Mollohan
2. Shelley Moore Capito
3. Nick J. Rahall II

WISCONSIN

1. Paul Ryan
2. Tammy Baldwin
3. Ron Kind
4. Gwen Moore
5. F. James Sensenbrenner Jr.
6. Thomas E. Petri
7. David R. Obey
8. Steve Kagen

WYOMING

At Large, Cynthia M. Lummis

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, John H. Adler, W. Todd Akin, Rodney Alexander, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boccieri, John A. Boehner, Jo Bonner, Mary Bono Mack, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany Jr., Allen Boyd, Bruce L. Braley, Kevin Brady, Robert A. Brady, Bobby Bright, Paul C. Broun, Corrine Brown, Ginny Brown-Waite, Henry E. Brown Jr., Vern Buchanan, Michael C. Burgess, Dan Burton, G.K.

Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Eric Cantor, Anh ''Joseph'' Cao, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, John R. Carter, Bill Cassidy, Michael N. Castle, Kathy Castor, Jason Chaffetz, Ben Chandler, Travis W. Childers, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. Connolly, John Conyers Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Ander Crenshaw, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Kathleen A. Dahlkemper, Artur Davis, Danny K. Davis, Geoff Davis, Lincoln Davis, Susan A. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, Michael F. Doyle, David Dreier, Steve Driehaus, John J. Duncan Jr., Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Eni F.H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Bob Filner, Jeff Flake, John Fleming, J. Randy Forbes, Jeff Fortenberry, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Kirsten E. Gillibrand*, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Charles A. Gonzalez, Bart Gordon, Kay Granger, Sam Graves, Alan Grayson, Al Green, Gene Green, Parker Griffith, Raúl M. Grijalva, Brett Guthrie, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Deborah L. Halvorson, Phil Hare, Jane Harman, Gregg Harper, Alcee L. Hastings, Doc Hastings, Martin Heinrich, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth Sandlin, Brian Higgins, Baron P. Hill, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie K. Hirono, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson Jr., Sheila Jackson-Lee, Lynn Jenkins, Eddie Bernice Johnson, Henry C. ''Hank'' Johnson Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Mary Jo Kilroy, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ann Kirkpatrick, Larry Kissell, Ron Klein, John Kline, Suzanne M. Kosmas, Frank Kratovil Jr., Doug Lamborn, Leonard Lance, James R. Langevin, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher John Lee, Sander M. Levin, Jerry Lewis, John Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Luján, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. ''Buck'' McKeon, Michael E. McMahon, Cathy McMorris Rodgers, Jerry McNerney, Connie Mack, Daniel B. Maffei, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Betsy Markey, Edward J. Markey, Jim Marshall, Eric J.J. Massa, Jim Matheson, Doris O. Matsui, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Walt Minnick, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Tim Murphy, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Devin Nunes, Glenn C. Nye, James L. Oberstar, David R. Obey, John W. Olver, Pete Olson, Solomon P. Ortiz, Frank Pallone Jr., Bill Pascrell Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Nancy Pelosi, Mike Pence, Ed Perlmutter, Thomas S.P. Perriello, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Earl Pomeroy, Bill Posey, David E. Price, Tom Price, Adam H. Putnam, George Radanovich, Nick J. Rahall II, Charles B. Rangel, Denny Rehberg, David G. Reichert, Silvestre Reyes, Laura Richardson, Ciro D. Rodriguez, David P. Roe, Harold Rogers, Mike Rogers (AL–03), Mike Rogers (MI–08), Dana Rohrabacher, Thomas J. Rooney, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Sablan, John T. Salazar, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Scott, Robert C. ''Bobby'' Scott, F. James Sensenbrenner Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Mark Shauer, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, Zachary T. Space, Jackie Speier, John M. Spratt Jr., Bart Stupak, Cliff Stearns, John Sullivan, Betty Sutton, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Harry Teague, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Dina Titus, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Charles A. Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, John A. Yarmuth, C.W. Bill Young, Don Young

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

583. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Truth in Savings [Regulation DD; Docket No. R-1315] received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

584. A letter from the President and CEO, Corporation for Public Broadcasting, transmitting the Corporation's annual report on the provision of service to minority and diverse audiences by public broadcasting and public telecommunications entities, pursuant to 47 U.S.C. 396(m)(2); to the Committee on Energy and Commerce.

585. A letter from the Secretary, Department of Commerce, transmitting the Department's Performance and Accountability Report for fiscal year 2008; to the Committee on Oversight and Government Reform.

586. A letter from the Associate Deputy Secretary, Department of the Interior, transmitting the Department's Fiscal Year 2007 Annual Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 Report, pursuant to Section 203 of the No FEAR Act; to the Committee on Oversight and Government Reform.

587. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's Federal Equal Opportunity Recruitment Program Report for Fiscal Year 2008, pursuant to 5 U.S.C. 7201; to the Committee on Oversight and Government Reform.

588. A letter from the Chief, End. Species Listing Branch, FWS, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Reticulated Flatwoods Salamander; Designation of Critical Habitat for Frosted Flatwoods Salamander and Reticulated Flatwoods Salamander [FWS-R4-ES-2008-0082] [MO 9921050083-B2] (RIN: 1018-AU85) received February 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

589. A letter from the Acting Chief, Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reinstatement of Protections for the Gray Wolf in the Western Great Lakes and Northern Rocky Mountains in Compliance with Court Orders [FWS-R6-ES-2008-008 92220-1113-0000; C6] (RIN: 1018-AW35) received February 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

590. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Mallinckrodt Chemical Co., Destrehan St. Plant, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

591. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Vitro Manufacturing, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

592. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties, pursuant to Public Law 110-53, section 803 (121 Stat. 266, 360); to the Committee on the Judiciary.

593. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report entitled, ''Victims of Trafficking and Violence Protection Act of 2000,'' pursuant to Public Law 106-386; to the Committee on the Judiciary.

594. A letter from the Senior Counsel, Department of Justice, transmitting the Department's final rule — National Motor Vehicle Title Information System (NMVTIS)

[Docket No.: FBI 117; AG Order No. 3042-2009] (RIN: 1110-AA30) received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

595. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Saftey Zone; Allegheny River, Clinton, PA [Docket No.: USCG-2008-1085] (RIN: 1625-AA00) received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

596. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Saftey Zone, Bayfront Park New Year's Eve Celebration, Biscayne Bay, FL [Docket No.: USCG-2008-0984] (RIN: 1625-AA00) received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

597. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2008-0977; Directorate Identifier 2008-NM-124-AD; Amendment 39-15775; AD 2008-26-09] (RIN: 2120-AA64) received Janaury 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

598. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (RRC) AE 3007A Series Turbofan Engines [Docket No. FAA-2008-0975; Directorate Identifier 2008-NE-29-AD; Amendment 39-15772; AD 2008-26-06] (RIN: 2120-AA64) received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

599. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier-Rotax GmbH 914 F Series Reciprocating Engines [Docket No. FAA-2008-0842; Directorate Identifier 2008-NE-24-AD; Amendment 39-15771; AD 2008-26-05] (RIN: 2120-AA64) received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

600. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CT7-8A Turboshaft Engines [Docket No. FAA-2006-24261; Directorate Identifier 2006-NE-12-AD; Amendment 39-15768; AD 2008-26-02] (RIN: 2120-AA64) received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

601. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-200, AT-300, AT-400, AT-500, AT-600, and AT-800 Series Airplanes [Docket No. FAA-2008-1120; Directorate Identifier 2008-CE-064-AD; Amendment 39-15767; AD 2008-26-01] (RIN: 2120-AA64) received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

602. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 560 Airplanes [Docket No. FAA-2008-0903; Directorate Identifier 2008-NM-123-AD; Amendment 39-15770; AD 2008-26-04] (RIN: 2120-AA64) received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

603. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saad Aerosystems Model 340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No.: FAA-2008-1044; Directorate Identifier 2008-NM-095-AD; Amendment 39-15774; AD 2008-26-08] (RIN: 2120-AA64) received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

604. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; and Model DC-8-70F Series Airplanes [Docket No.: FAA-2008-0858; Directorate Identifier 2008-NM-054-AD; Amendment 39-15773; AD 2008-26-07] (RIN: 2120-AA64) Received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

605. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. Models PA-46-350P, PA-46R-350T, and PA-46-500TP Airplanes [Docket No.: FAA-2008-1085; Directorate Identifier 2008-CE-057-AD; Amendment 39-15777; AD 2008-26-11] (RIN: 2120-AA64) received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

606. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company 172, 175, 177, 180, 182, 185, 188, 206, 207, 208, 210, 303, 336, and 337 Series Airplanes [Docket No.: FAA-2008-1328; Directorate Identifier 2008-CE-066-AD; Amendment 39-15776; AD 2008-26-10] (RIN: 2120-AA64) received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

607. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aircraft Industries a.s. (Type Certificate G60EU previously held by LETECKE ZAVODY a.s. and LET Aeronautical Works) Model L 23 Super Blanik Sailplane [Docket No.: FAA-2008-1138; Directorate Identifier 2008-CE-059-AD; Amendment 39-15778; AD 2008-26-12] (RIN: 2120-AA64) received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

608. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; Model DC-8-51, DC-8-52, DC-8-53, and DC-8-55 Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-61, DC-8-62, and DC-8-63 Airplanes; Model DC-8-61F, DC-8-62F, and DC-8-63F Airplanes; Model DC-8-71, DC-8-72, and DC-8-73 Airplanes; and Model DC-8-71F, DC-8-72F, and DC-8-73F Airplanes [Docket No.: FAA-2008-0123; Directorate Identifier 2007-NM-056-AD; Amendment 39-15763; AD 2008-25-05] (RIN: 2120-AA64) Received January 26, 2009, pursuant to 5 U.S.C. to the Committee on Transportation and Infrastructure.

609. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters [Docket No.: FAA-2008-1250; Directorate Identifier 2008-SW-49-AD; Amendment 39-15775; AD 2008-17-51] (RIN: 2120-AA64) received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FRANKS of Arizona (for himself, Mr. BROUN of Georgia, Mr. PENCE, Mr. GOHMERT, Mr. THOMPSON of Pennsylvania, Mr. ALEXANDER, Mr. MCHENRY, Mr. GINGREY of Georgia, Mr. MARCHANT, Mr. LATTA, Mr. NEUGEBAUER, Mr. POSEY, Mr. MCCLINTOCK, Mr. RYAN of Wisconsin, Ms. FALLIN, Mr. PITTS, Mr. HARPER, and Mr. BOUSTANY):

H.R. 1058. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits and tier 1 railroad retirement benefits; to the Committee on Ways and Means.

By Mrs. BLACKBURN (for herself, Mr. TANNER, and Mr. COHEN):

H.R. 1059. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide eligibility for an heir of a deceased homeowner to receive certain housing-related disaster assistance; to the Committee on Transportation and Infrastructure.

By Mr. GONZALEZ:

H.R. 1060. A bill to amend the Internal Revenue Code of 1986 to clarify that a NADBank guarantee is not considered a Federal guarantee for purposes of determining the tax-exempt status of bonds; to the Committee on Ways and Means.

By Mr. DICKS:

H.R. 1061. A bill to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes; to the Committee on Natural Resources.

By Ms. ROS-LEHTINEN (for herself, Mr. MCCOTTER, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. MACK, Mr. ROHRABACHER, Mr. POE of Texas, Mr. INGLIS, Mr. BILIRAKIS, Mr. GALLEGLY, Mr. GOODLATTE, Mr. SAM JOHNSON of Texas, Ms. FOXX, Mrs. MYRICK, Mr. MILLER of Florida, Mr. LAMBORN, Ms. FALLIN, and Mrs. LUMMIS):

H.R. 1062. A bill to amend the Foreign Assistance Act of 1961 to provide for the establishment and implementation of a system to verify that persons who receive United States foreign assistance funds are not affiliated with or do not support foreign terrorist organizations or do not otherwise commit or support acts of international terrorism, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HENSARLING (for himself, Mr. CONAWAY, Mr. GINGREY of Georgia, Mrs. BLACKBURN, Mr. BOEHNER, Mr. CANTOR, and Mr. PENCE):

H.R. 1063. A bill to repeal a requirement with respect to the procurement and acquisition of alternative fuels; to the Committee on Oversight and Government Reform.

By Mr. SCOTT of Virginia (for himself, Mr. CASTLE, Mr. LARSON of Connecticut, Ms. LEE of California, Mr.

LEWIS of Georgia, Mr. CONNOLLY of Virginia, Mr. CAO, Ms. CORRINE BROWN of Florida, Ms. WATSON, Mr. WEINER, Mr. SESTAK, Mr. KENNEDY, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. MCGOVERN, Mr. CUMMINGS, Ms. BORDALLO, Mr. SERRANO, Mr. MARKEY of Massachusetts, Mr. HASTINGS of Florida, Mr. FATTAH, Mr. NADLER of New York, Ms. KILPATRICK of Michigan, Ms. DEGETTE, Mr. HONDA, Ms. SUTTON, Mr. CLAY, Ms. WATERS, Mr. JOHNSON of Georgia, Ms. NORTON, Ms. JACKSON-LEE of Texas, Ms. ZOE LOFGREN of California, Ms. HIRONO, Mrs. CAPPS, Ms. WASSERMAN SCHULTZ, Mr. MCDERMOTT, Ms. WOOLSEY, Mrs. LOWEY, Mr. COHEN, Mr. MEEKS of New York, Mr. ELLISON, Ms. LORETTA SANCHEZ of California, Mr. HINCHEY, Mr. DAVIS of Illinois, Ms. SHEA-PORTER, Mr. SARBANES, Mr. TIERNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BRADY of Pennsylvania, Mr. DAVIS of Alabama, Mr. FALEOMAVAEGA, Ms. CLARKE, Mr. BISHOP of Georgia, Mr. RYAN of Ohio, Mrs. NAPOLITANO, Mr. RUSH, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. STARK, Mr. CARSON of Indiana, Mr. AL GREEN of Texas, Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, Mr. CLEAVER, Mr. HINOJOSA, Mr. WATT, Mr. FILNER, Mr. MILLER of North Carolina, Mr. RUPPERSBERGER, and Mr. RANGEL):

H.R. 1064. A bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, Energy and Commerce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KIRKPATRICK of Arizona:

H.R. 1065. A bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes; to the Committee on Natural Resources.

By Mr. FARR (for himself, Mr. DRIEHAUS, Mr. HONDA, Mr. PETRI, Ms. MCCOLLUM, Ms. KAPTUR, Mr. RAHALL, Mr. OLVER, Mr. WELCH, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. VAN HOLLEN, Mrs. CAPPS, Mr. TIERNEY, Mr. MCDERMOTT, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. VISCLOSKY, Mr. RANGEL, Mr. ETHERIDGE, Mr. PRICE of North Carolina, Mr. CALVERT, Mr. TAYLOR, Mr. ENGEL, Mr. HASTINGS of Florida, Mr. BERRY, Mr. FATTAH, Mr. PIERLUISI, Ms. DELAURO, Mrs. HALVORSON, Mr. MEEKS of New York, Ms. ZOE LOFGREN of California, Mr. PERLMUTTER, Ms. SOLIS of California, Ms. SCHAKOWSKY, Ms. HIRONO, Mr. JACKSON of Illinois, Mr. CONNOLLY of Virginia, Mr. HARE, Mr. TEAGUE, and Mr. KAGEN):

H.R. 1066. A bill to amend the Peace Corps Act to provide continued funding for the Peace Corps, to increase the readjustment allowances for Peace Corps volunteers and volunteer leaders, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HALL of Texas (for himself and Mr. WEXLER):

H.R. 1067. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. WELCH, Ms. SUTTON, Mr. CAPUANO, Mr. WU, Mr. STARK, Ms. DELAURO, and Ms. EDWARDS of Maryland):

H.R. 1068. A bill to amend the Internal Revenue Code of 1986 to impose a tax on certain securities transactions to the extent required to recoup the net cost of the Troubled Asset Relief Program; to the Committee on Ways and Means.

By Mr. CALVERT (for himself, Mr. BILBRAY, Ms. JENKINS, Mr. MILLER of Florida, and Mr. ISSA):

H.R. 1069. A bill to provide for certain requirements related to the closing of the Guantanamo Bay detention facility; to the Committee on Armed Services.

By Mr. JONES:

H.R. 1070. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on the capital loss carryovers of individuals to $10,000; to the Committee on Ways and Means.

By Mr. THOMPSON of Pennsylvania (for himself and Mr. RODRIGUEZ):

H.R. 1071. A bill to prohibit the imposition and collection of tolls on certain highways constructed using Federal funds; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself, Mr. ROYCE, and Mr. SMITH of New Jersey):

H.R. 1072. A bill to prohibit United States contributions to the United Nations for the purpose of paying or reimbursing the legal expenses of United Nations officers or employees charged with malfeasance, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROONEY (for himself, Mr. MILLER of Florida, Mr. POSEY, Mr. STEARNS, Mr. MACK, Mr. MARIO DIAZ-BALART of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. PUTNAM, Mr. YOUNG of Florida, and Mr. MICA):

H.R. 1073. A bill to prohibit the use of funds to transfer individuals detained at Naval Station, Guantanamo Bay, Cuba, to facilities in Florida or to house such individuals at such facilities; to the Committee on Armed Services.

By Mr. SCALISE:

H.R. 1074. A bill to amend chapter 44 of title 18, United States Code, to update certain procedures applicable to commerce in firearms and remove certain Federal restrictions on interstate firearms transactions; to the Committee on the Judiciary.

By Mr. SCALISE (for himself, Mr. ALEXANDER, Mr. BOUSTANY, Mr. CASSIDY, Ms. JACKSON-LEE of Texas, Mr. BRADY of Pennsylvania, Mr. OLSON, Mr. DUNCAN, and Mr. RODRIGUEZ):

H.R. 1075. A bill to amend title 38, United States Code, to expand access to hospital care for veterans in major disaster areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of Texas:

H.R. 1076. A bill to amend title 18, United States Code, to protect youth from exploitation by adults using the Internet, and for other purposes; to the Committee on the Judiciary.

By Mr. ROSS (for himself, Mr. LEWIS of Georgia, and Mr. AKIN):

H.R. 1077. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCURI (for himself, Ms. EDWARDS of Maryland, Mr. KRATOVIL, Mr. ACKERMAN, Mr. BACA, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. CLAY, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DONNELLY of Indiana, Ms. FUDGE, Mr. GRAYSON, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HINCHEY, Mr. HOYER, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. LEWIS of Georgia, Mrs. MCCARTHY of New York, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MASSA, Mr. MATHESON, Mr. MEEKS of New York, Mr. MELANCON, Mr. MORAN of Virginia, Ms. MOORE of Wisconsin, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Ms. NORTON, Mr. PAYNE, Mr. RANGEL, Mr. REYES, Mr. SARBANES, Mr. SCHIFF, Mr. SHULER, Mr. SIRES, Ms. SLAUGHTER, Ms. SUTTON, Mr. TOWNS, Mr. WATT, and Mr. WAXMAN):

H.R. 1078. A bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes; to the Committee on Natural Resources.

By Mr. BAIRD (for himself, Mr. CASTLE, Mr. DEAL of Georgia, Mr. DICKS, Mr. GERLACH, Ms. HARMAN, Ms. KAPTUR, Mr. KIRK, Mr. LATOURETTE, Ms. ZOE LOFGREN of California, Mr. SPACE, Mr. TIERNEY, and Mr. YOUNG of Florida):

H.R. 1079. A bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BORDALLO (for herself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. FARR, Mrs. CHRISTENSEN, and Mr. SABLAN):

H.R. 1080. A bill to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, and for other purposes; to the Committee on Natural Resources.

By Mr. BERRY (for himself and Mrs. EMERSON):

H.R. 1081. A bill to amend the Post-Katrina Emergency Management Reform Act of 2006 to extend the public assistance pilot program through December 31, 2009; to the Committee on Transportation and Infrastructure.

By Mr. BOREN (for himself and Mr. JONES):

H.R. 1082. A bill to prohibit the importation for sale of foreign-made flags of the

United States of America; to the Committee on Ways and Means.

By Mr. BOUCHER (for himself, Mr. GOODLATTE, Mr. DAVIS of Alabama, Mrs. BACHMANN, Ms. HERSETH SANDLIN, Mr. JONES, Mr. SCOTT of Virginia, Mr. JORDAN of Ohio, Mr. WEINER, Mr. PENCE, and Mr. WILSON of South Carolina):

H.R. 1083. A bill to regulate certain State taxation of interstate commerce, and for other purposes; to the Committee on the Judiciary.

By Ms. ESHOO (for herself, Mr. DOYLE, Mr. GEORGE MILLER of California, Ms. SUTTON, Mr. SIRES, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BISHOP of New York, Ms. WATSON, Ms. SCHWARTZ, Ms. ZOE LOFGREN of California, Mr. THOMPSON of California, Ms. MCCOLLUM, Mr. HARE, Mr. HONDA, Mr. CAPUANO, Ms. SPEIER, Mr. GENE GREEN of Texas, Mr. DICKS, Mr. CROWLEY, Ms. LEE of California, and Ms. LORETTA SANCHEZ of California):

H.R. 1084. A bill to require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany; to the Committee on Energy and Commerce.

By Ms. ESHOO (for herself, Mr. ALTMIRE, Mr. LANGEVIN, Ms. SUTTON, and Mr. KILDEE):

H.R. 1085. A bill to impose a limitation on lifetime aggregate limits imposed by health plans; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY of Georgia (for himself, Mrs. BACHMANN, Mr. SESSIONS, Mr. HELLER, Mr. FRELINGHUYSEN, Mr. PITTS, Mr. SHUSTER, Mr. WESTMORELAND, Mr. DENT, Mr. ROSKAM, Mr. PRICE of Georgia, Mr. SCALISE, Mr. COLE, Mr. FRANKS of Arizona, Mr. SAM JOHNSON of Texas, Mr. BURTON of Indiana, Ms. FALLIN, Mr. BARTLETT, Mrs. SCHMIDT, Mr. HENSARLING, Mr. BISHOP of Utah, Mr. SMITH of Texas, Mr. AKIN, Mr. GERLACH, Mr. MACK, Mr. DEAL of Georgia, Mrs. BLACKBURN, Mr. BUCHANAN, Mr. HALL of Texas, Mr. WOLF, Mrs. CAPITO, Mr. RADANOVICH, Mr. LINDER, and Mrs. MCMORRIS RODGERS):

H.R. 1086. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY of Georgia (for himself, Mr. SESSIONS, Mr. SAM JOHNSON of Texas, Mr. BROWN of South Carolina, Mr. AKIN, Mr. SMITH of Texas, Mr. BISHOP of Utah, Mr. HENSARLING, Mrs. SCHMIDT, Mr. BARTLETT, Mr. PITTS, Ms. FALLIN, Mr. BURTON of Indiana, Mr. FLEMING, Mr. COLE, Mr. KING of Iowa, Mr. PRICE of Georgia, and Mr. LAMBORN):

H.R. 1087. A bill to amend the Internal Revenue Code of 1986 to increase the deduction under section 179 for the purchase of qualified health care information technology by medical care providers, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN:

H.R. 1088. A bill to amend title 38, United States Code, to provide for a one-year period for the training of new disabled veterans' outreach program specialists and local veterans' employment representatives by National Veterans' Employment and Training Services Institute; to the Committee on Veterans' Affairs.

By Ms. HERSETH SANDLIN:

H.R. 1089. A bill to amend title 38, United States Code, to provide for the enforcement through the Office of Special Counsel of the employment and unemployment rights of veterans and members of the Armed Forces employed by Federal executive agencies, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HILL:

H.R. 1090. A bill to amend the Internal Revenue Code of 1986 to allow a credit for care packages provided for soldiers in combat zones and a credit for providing volunteer service to military families through the America Supports You program of the Department of Defense; to the Committee on Ways and Means.

By Mr. HONDA (for himself, Mr. PAUL, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. OLVER, Mr. CLEAVER, Ms. BALDWIN, Mr. WAXMAN, Mr. CONYERS, Ms. WOOLSEY, Mr. NADLER of New York, Mrs. CAPPS, Ms. HIRONO, Mr. DEFAZIO, Ms. BERKLEY, Mr. MCGOVERN, Mr. DELAHUNT, Mrs. MALONEY, Mr. KAGEN, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. AL GREEN of Texas, Mr. SIRES, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. STARK, Mr. SERRANO, Mr. WELCH, and Mr. ROTHMAN of New Jersey):

H.R. 1091. A bill to amend the Elementary and Secondary Education Act of 1965 to direct local educational agencies to release secondary school student information to military recruiters if the student's parent provides written consent for the release, and for other purposes; to the Committee on Education and Labor.

By Mr. KAGEN:

H.R. 1092. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to prohibit discrimination in group health coverage and individual health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 1093. A bill to amend title II of the Social Security Act to provide for an increase in the maximum level of fees authorized to be charged by representatives with respect to claims of entitlement to past-due benefits and to require cost-of-living adjustments to such level of authorized fees; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 1094. A bill to ensure that home health agencies can assign the most appropriate skilled service to make the initial assessment visit for home health services for Medicare beneficiaries requiring rehabilitation therapy under a home health plan of care, based upon physician referral; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY:

H.R. 1095. A bill to prohibit any recipient of emergency Federal economic assistance from using such funds for lobbying expenditures or political contributions, to improve transparency, enhance accountability, encourage responsible corporate governance, and for other purposes; to the Committee on Financial Services.

By Mr. MARSHALL (for himself, Mr. DEFAZIO, Mr. BARTLETT, Mr. BARROW, and Mr. TAYLOR):

H.R. 1096. A bill to create an electronic employment eligibility verification system to ensure that all workers in the United States are legally able to work, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1097. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for obtaining transportation worker identification credentials; to the Committee on Ways and Means.

By Mr. PERRIELLO:

H.R. 1098. A bill to amend title 38, United States Code, to increase the amount of educational assistance payable by the Secretary of Veterans Affairs to certain individuals pursuing internships or on-job training; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIRES (for himself, Mr. FRANK of Massachusetts, Mr. MCDERMOTT, and Mr. CAPUANO):

H.R. 1099. A bill to provide for extension of existing and expiring agreements under the Moving-to-Work program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mrs. TAUSCHER:

H.R. 1100. A bill to authorize the Commandant of the Coast Guard to issue regulations that require certain pilots on vessels operating in designated waters to carry and utilize a portable electronic device equipped for navigational purposes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS (for himself, Mr. UPTON, Mr. COHEN, Ms. SCHWARTZ, Mr. HOLT, Ms. ROYBAL-ALLARD, and Mr. PAYNE):

H.R. 1101. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for

consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself, Mr. GEORGE MILLER of California, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CARNAHAN, Mr. CARNEY, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mr. CHANDLER, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COSTELLO, Mr. COURTNEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. DELAHUNT, Mr. DOYLE, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. ENGEL, Mr. ETHERIDGE, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HARE, Mr. HIGGINS, Mr. HINOJOSA, Mr. HOLT, Mr. HONDA, Mr. KAGEN, Ms. KILPATRICK of Michigan, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mr. LYNCH, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCMAHON, Ms. MOORE of Wisconsin, Mr. MURPHY of Connecticut, Mr. TIM MURPHY of Pennsylvania, Mr. ORTIZ, Mr. PALLONE, Mr. POLIS of Colorado, Mr. REYES, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN of New Jersey, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. SESTAK, Mr. SIRES, Mr. STARK, Ms. SUTTON, Mr. TIERNEY, Mr. WEXLER, Mr. WILSON of Ohio, Ms. WOOLSEY, Mr. WU, and Mr. YARMUTH):

H.R. 1102. A bill to require full funding of the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act; to the Committee on Education and Labor, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER (for himself, Mr. ISSA, Mr. ENGEL, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, Mr. BURTON of Indiana, Mr. BOYD, Ms. WASSERMAN SCHULTZ, Mr. ROTHMAN of New Jersey, Mr. KLEIN of Florida, and Mr. PATRICK J. MURPHY of Pennsylvania):

H.R. 1103. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

By Mr. WAXMAN (for himself, Mr. LATOURETTE, and Mr. CANTOR):

H. Con. Res. 54. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. MCINTYRE:

H. Res. 169. A resolution expressing the sense of the House of Representatives that Robert Burns was a true friend of the United States, that his work inspired the citizens of this Nation, as well as his native Scotland, and that the annual celebration of his birth is a tradition that transcends national boundaries, and as a result, should be observed in communities around the world; to the Committee on Foreign Affairs.

By Mr. DEFAZIO (for himself, Mr. WALDEN, Mr. BLUMENAUER, Mr. WU, and Mr. SCHRADER):

H. Res. 170. A resolution recognizing the sesquicentennial of the admission of Oregon into the Union and the contributions of Oregon residents to the economic, social, and cultural development of the United States; to the Committee on Oversight and Government Reform.

By Mr. BERMAN (for himself, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. SMITH of New Jersey, Mr. CARNAHAN, Mr. FORTENBERRY, Mr. ENGEL, Mr. KIRK, and Mr. POMEROY):

H. Res. 171. A resolution expressing the sense of the House of Representatives on the need for constitutional reform in Bosnia and Herzegovina and the importance of sustained United States engagement in partnership with the European Union (EU); to the Committee on Foreign Affairs.

By Mr. BRADY of Pennsylvania:

H. Res. 172. A resolution providing amounts for the expenses of the Committee on House Administration in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Mr. GRAVES (for himself, Mr. RAHALL, Mr. SMITH of New Jersey, and Ms. ZOE LOFGREN of California):

H. Res. 173. A resolution expressing the sense of the House of Representatives that the United States Postal Service should take all appropriate measures to ensure the continuation of its 6-day mail delivery service; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida:

H. Res. 174. A resolution acknowledging the growing threat of anti-Semitism throughout South America, namely in Venezuela, Bolivia, and Argentina; to the Committee on Foreign Affairs.

By Mr. KIRK (for himself, Mr. MCGOVERN, Mr. SHERMAN, Mr. BURTON of Indiana, Mr. FOSTER, Mr. HINCHEY, Mr. WOLF, and Mr. MORAN of Virginia):

H. Res. 175. A resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights; to the Committee on Foreign Affairs.

By Mr. LATTA:

H. Res. 176. A resolution expressing the sense of the House of Representatives that in order to continue aggressive growth in our Nation's telecommunications and technology industries, the United States Government should ''Get Out of the Way and Stay Out of the Way''; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY of Massachusetts (for himself, Mr. SMITH of New Jersey, Mr. DELAHUNT, Mr. BLUMENAUER, Mr. GRIJALVA, and Ms. SHEA-PORTER):

H. Res. 177. A resolution expressing the sense of the House of Representatives concerning membership of the United States in the International Renewable Energy Agency; to the Committee on Foreign Affairs.

By Mr. PASCRELL (for himself, Mr. PLATTS, Mr. GRIJALVA, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. DELAHUNT, Mr. SMITH of New Jersey, Mr. HINCHEY, Mr. CARNEY, Mr. KENNEDY, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Ms. HERSETH SANDLIN, Mrs. NAPOLITANO, Ms. BERKLEY, Ms. BORDALLO, Mr. VAN HOLLEN, Mr. ALTMIRE, Mr. ROSS, Mr. MURTHA, Mr. HOLT, Mr. LOBIONDO, Mr. LAMBORN, Ms. ROS-LEHTINEN, Ms. EDWARDS of Maryland, Mr. BOSWELL, Mr. SNYDER, Mr. TAYLOR, Mr. ROGERS of Alabama, Ms. SUTTON, Mrs. DAVIS of California, Mr. CUMMINGS, Mr. SESTAK, Ms. MCCOLLUM, Mr. NYE, Mr. MARKEY of Massachusetts, Mr. BRADY of Pennsylvania, Mr. HOLDEN, Mrs. MCCARTHY of New York, Mr. CAPUANO, Ms. GIFFORDS, Mrs. CHRISTENSEN, Mr. WALZ, Mr. SPRATT, Mr. HARE, Mr. MICHAUD, Mr. GONZALEZ, Mr. BROWN of South Carolina, Mr. BRALEY of Iowa, Mr. RYAN of Ohio, Mr. ROTHMAN of New Jersey, Mr. SIRES, Mr. CONNOLLY of Virginia, Mrs. EMERSON, Mr. LEWIS of Georgia, Mr. HALL of New York, Mr. DRIEHAUS, Ms. LORETTA SANCHEZ of California, Ms. KAPTUR, Mr. SMITH of Washington, Mr. BISHOP of New York, Mr. LANCE, Mr. RUSH, Mr. BACA, Mr. ROONEY, Mr. ADLER of New Jersey, Mr. SALAZAR, Mr. PETERSON, Mr. STEARNS, Mr. PERRIELLO, Mr. STARK, Mr. MCCOTTER, Mr. ARCURI, and Mr. CONYERS):

H. Res. 178. A resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 3 of rule XII,

6. The SPEAKER presented a memorial of Coldwater, Mississippi, relative to economic stimulus proposals for funding consideration; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. ZOE LOFGREN of California introduced A bill (H.R. 1104) for the relief of Mikael Adrian Christopher Figueroa Alvarez; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Ms. WOOLSEY and Mr. BOOZMAN.

H.R. 24: Mr. BROUN of Georgia and Mr. GOHMERT.

H.R. 31: Mr. DUNCAN, Mr. KIRK, Mrs. MILLER of Michigan, and Ms. ESHOO.

H.R. 44: Mr. CAO.

H.R. 52: Mr. BLUMENAUER, Ms. BORDALLO, Mr. FORTENBERRY, Mr. MORAN of Virginia, Mr. PAYNE, Ms. HIRONO, Mr. EHLERS, Ms. MCCOLLUM, Mr. GRIJALVA, Mr. CALVERT, and Mr. SIRES.

H.R. 81: Mrs. LOWEY.

H.R. 131: Mrs. BIGGERT, Mr. BISHOP of Utah, Mr. ROGERS of Alabama, and Mr. BONNER.

H.R. 147: Mr. NYE, Mr. CARSON of Indiana, Mr. MCGOVERN, Mr. COSTA, Mr. PETERSON, Mr. HASTINGS of Florida, and Mr. ARCURI.

H.R. 164: Ms. GINNY BROWN-WAITE of Florida.

H.R. 175: Mr. INSLEE and Mr. GRIJALVA.

H.R. 211: Mr. PLATTS, Mr. SCHAUER, Mr. MOLLOHAN, Mr. YARMUTH, Mr. BILBRAY, Mr. THOMPSON of Mississippi, Mr. MORAN of Virginia, Mr. ALEXANDER, Mr. DRIEHAUS, Mr. MCGOVERN, Mrs. CAPPS, Mr. GRIJALVA, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. ROSS, Mr. FARR, Ms. MCCOLLUM, Ms. MATSUI, Mr. CARDOZA, Mr. SCHIFF, and Mr. VAN HOLLEN.

H.R. 216: Mr. BOREN.

H.R. 225: Mr. CARNAHAN, Ms. MCCOLLUM, Mr. GENE GREEN of Texas, Mr. TIERNEY, and Mr. PETERS.

H.R. 226: Mr. LATOURETTE and Mr. KING of New York.

H.R. 235: Mr. WALZ, Mr. DAVIS of Kentucky, Mr. CONAWAY, Mr. GERLACH, Mr. SULLIVAN, Mr. BOUCHER, Mr. JOHNSON of Illinois, Mr. CARDOZA, Mr. MILLER of North Carolina, and Mr. ISRAEL.

H.R. 270: Mr. CONNOLLY of Virginia and Mr. SCHIFF.

H.R. 303: Mr. LOBIONDO, Mr. CALVERT, Mr. WALDEN, Mr. PRICE of North Carolina, and Mr. MORAN of Kansas.

H.R. 333: Mr. BOREN and Mr. ARCURI.

H.R. 336: Mr. HASTINGS of Florida.

H.R. 345: Ms. SUTTON, Mr. CONAWAY, Mr. GRIJALVA, Mr. MILLER of North Carolina, Mr. CONNOLLY of Virginia, Mr. DENT, and Mr. WAXMAN.

H.R. 347: Mr. GOODLATTE and Mr. MURPHY of Connecticut.

H.R. 406: Ms. VELÁZQUEZ, MRS. BIGGERT, Mr. KIND, Ms. SHEA-PORTER, Mr. LYNCH, Mr. COSTA, Mr. KENNEDY, and Mr. FATTAH.

H.R. 424: Mr. CALVERT and Mr. BOOZMAN.

H.R. 467: Mr. CONNOLLY of Virginia.

H.R. 470: Mr. SULLIVAN, Mrs. MCMORRIS RODGERS, and Mr. CASSIDY.

H.R. 479: Mr. YOUNG of Florida, Mr. CONNOLLY of Virginia, and Mr. GENE GREEN of Texas.

H.R. 483: Mr. MILLER of North Carolina.

H.R. 510: Mr. MOLLOHAN.

H.R. 557: Mr. COBLE, Mr. LOBIONDO, Mr. Chaffetz, Mr. BISHOP of Utah, Mr. WESTMORELAND, Ms. GINNY BROWN-WAITE of Florida, Mr. GOODLATTE, Mr. BARTLETT, Mr. LINDER, Mr. JONES, Mr. YOUNG of Alaska, Mr. MCCARTHY of California, Mr. CALVERT, and Mr. MICA.

H.R. 560: Mr. AKIN, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BOOZMAN, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. COLE, Mr. CONAWAY, Ms. FALLIN, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. HOEKSTRA, Mr. KING of Iowa, Mr. LAMBORN, Mr. PITTS, Mrs. SCHMIDT, and Mr. WESTMORELAND.

H.R. 564: Mr. STUPAK and Mr. HOLT.

H.R. 574: Mr. STUPAK and Ms. MCCOLLUM.

H.R. 577: Mr. SIRES, Mr. GRAVES, Mr. LOBIONDO, Mr. LARSON of Connecticut, Mr. PAYNE, Mr. HINOJOSA, Ms. NORTON, and Mr. CUMMINGS.

H.R. 578: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 587: Mr. DREIER.

H.R. 593: Mr. ARCURI.

H.R. 599: Mr. ABERCROMBIE and Mr. BARTON of Texas.

H.R. 613: Mr. GORDON of Tennessee, Mr. MARSHALL, Mr. PASTOR of Arizona, Mr. RAHALL, Mrs. EMERSON, Mr. GOHMERT, Mr. BARROW, Mr. CARTER, Mr. JOHNSON of Georgia, Mr. FORTENBERRY, Mr. MICHAUD, Mr. POSEY, Mr. BOREN, Mr. SCHIFF, Mr. ROHRABACHER, and Mr. LATOURETTE.

H.R. 627: Ms. ZOE LOFGREN of California and Mr. STUPAK.

H.R. 630: Mr. MARCHANT and Mr. GOODLATTE.

H.R. 649: Mr. BUCHANAN, Mr. WITTMAN, Mr. SAM JOHNSON of Texas, Mr. COFFMAN of Colorado, Mr. TIM MURPHY of Pennsylvania, and Mr. GOODLATTE.

H.R. 658: Mr. CROWLEY and Mr. MICHAUD.

H.R. 667: Ms. JACKSON-LEE of Texas, Mr. OBERSTAR, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. NEAL of Massachusetts.

H.R. 702: Mr. GENE GREEN of Texas.

H.R. 734: Mr. RYAN of Ohio, Ms. MOORE of Wisconsin, Mr. VAN HOLLEN, Mr. BILIRAKIS, Mr. TAYLOR, and Mr. GRIJALVA.

H.R. 745: Mr. FILNER and Mr. MCDERMOTT.

H.R. 775: Mr. LINCOLN DIAZ-BALART of Florida, Mr. LOBIONDO, Mr. ALEXANDER, Mr. ELLISON, Mr. OBERSTAR, Mr. ABERCROMBIE, Mr. MCHENRY, Mr. MORAN of Kansas, and Mr. PRICE of North Carolina.

H.R. 783: Mr. GOODLATTE.

H.R. 796: Mr. BECERRA.

H.R. 802: Mr. PAUL.

H.R. 819: Mr. FATTAH and Mr. ALTMIRE.

H.R. 824: Mr. MCGOVERN.

H.R. 836: Mr. RODRIGUEZ, Mrs. MYRICK, Mr. KING of New York, Mr. WU, Mr. BUCHANAN, Mr. COBLE, Mr. MARCHANT, Mr. GARRETT of New Jersey, Mr. CULBERSON, Mr. FILNER, Mr. HENSARLING, Mr. PERLMUTTER, Mr. BISHOP of Georgia, Mr. WESTMORELAND, Mrs. BACHMANN, Mr. BLUNT, Mr. DOYLE, Mr. GERLACH, Mr. MILLER of Florida, Mrs. BONO MACK, Mr. WALDEN, Mr. CARDOZA, Mr. MCHENRY, Mr. WILSON of South Carolina, Mr. PAUL, Mr. BRADY of Texas, Mr. LAMBORN, Mr. SPACE, Mr. MICHAUD, Mr. BOOZMAN, Mr. LATTA, Mr. CONAWAY, and Mr. GENE GREEN of Texas.

H.R. 846: Mr. HARE and Mr. CONNOLLY of Virginia.

H.R. 847: Mr. CONNOLLY of Virginia.

H.R. 857: Mr. ARCURI.

H.R. 866: Mr. LINDER and Mr. ALEXANDER.

H.R. 886: Ms. ROS-LEHTINEN, Mr. RYAN of Ohio, Mr. OBERSTAR, and Mr. PIERLUISI.

H.R. 900: Mr. BOOZMAN, Mr. WAMP, and Mr. PENCE.

H.R. 904: Mr. WILSON of Ohio.

H.R. 911: Mr. LOEBSACK, Mr. MEEKS of New York, Mr. BISHOP of New York, Ms. DELAURO, Mr. ANDREWS, and Mr. SCOTT of Virginia.

H.R. 930: Mr. CONNOLLY of Virginia, Mr. VAN HOLLEN, and Mr. PAYNE.

H.R. 958: Mr. HARE, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. ELLISON, Mr. MCGOVERN, Ms. ZOE LOFGREN of California, and Mr. ISRAEL.

H.R. 964: Mr. ROYCE, Mr. BISHOP of Utah, and Mr. CALVERT.

H.R. 968: Mr. LINDER.

H.R. 980: Mr. HINOJOSA, Ms. BEAN, and Mr. SESTAK.

H.R. 981: Mr. OLVER, Mr. JOHNSON of Georgia, Mr. FARR, Mr. FILNER, Mr. DEFAZIO, Mr. GRIJALVA, Ms. LEE of California, Mr. HONDA, Mr. HINCHEY, Ms. BALDWIN, and Ms. WOOLSEY.

H.R. 994: Mr. LINDER.

H.R. 1015: Mr. COLE, Mr. CONAWAY, Mr. LAMBORN, Mrs. LUMMIS, and Mr. GINGREY of Georgia.

H.R. 1024: Ms. DELAURO.

H.R. 1032: Mr. SCALISE, Mr. PASTOR of Arizona, and Ms. LORETTA SANCHEZ of California.

H.R. 1039: Mr. PRICE of Georgia, Mr. GOHMERT, Mr. AKIN, Mr. FRANKS of Arizona, Ms. FOXX, Mr. WESTMORELAND, Mr. BISHOP of Utah, Mr. BARTLETT, Mr. HENSARLING, Mr. PITTS, Mrs. SCHMIDT, Ms. FALLIN, Mr. SHADEGG, Mr. BURTON of Indiana, Mrs. BLACKBURN, Ms. GRANGER, Mr. SESSIONS, Mr. KIRK, Mr. TIAHRT, and Mr. SMITH of Texas.

H.J. Res. 1: Mr. KINGSTON, Mr. LATHAM, Mr. MARCHANT, Mr. MILLER of Florida, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. RYAN of Wisconsin, Mr. SMITH of New Jersey, Mr. TIAHRT, and Mr. YOUNG of Alaska.

H. Con. Res. 14: Ms. SUTTON, Mr. PRICE of North Carolina, and Mr. CONNOLLY of Virginia.

H. Con. Res. 16: Mr. LINDER.

H. Con. Res. 18: Mr. BOREN.

H. Con. Res. 28: Mrs. MALONEY, Mr. BRADY of Pennsylvania, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. FILNER, Mr. MARSHALL, Mr. PETERSON, Mrs. CAPPS, Mr. BURTON of Indiana, Ms. MOORE of Wisconsin, and Mr. GRIJALVA.

H. Con. Res. 36: Mr. CONNOLLY of Virginia.

H. Con. Res. 40: Mr. CONYERS and Mr. MCCOTTER.

H. Con. Res. 50: Ms. WOOLSEY.

H. Con. Res. 52: Mr. FARR, Mr. DAVIS of Illinois, Mr. PAYNE, and Mr. AL GREEN of Texas.

H. Res. 22: Mr. PRICE of North Carolina.

H. Res. 42: Mr. BLUNT, Mr. WOLF, Mr. MCMAHON, Mr. BROUN of Georgia, Mr. KIRK, Mr. LAMBORN, Mr. MARIO DIAZ-BALART of Florida, Mr. LINDER, and Mr. LOBIONDO.

H. Res. 47: Mr. MILLER of North Carolina, Mr. MCCOTTER, and Ms. GINNY BROWN-WAITE of Florida.

H. Res. 68: Mr. BARTON of Texas and Mr. GARY G. MILLER of California.

H. Res. 69: Mr. CONNOLLY of Virginia.

H. Res. 81: Mr. PERRIELLO and Mr. GOODLATTE.

H. Res. 101: Mr. PRICE of North Carolina.

H. Res. 109: Mr. GRIJALVA and Mr. ROYCE.

H. Res. 125: Mr. FRANK of Massachusetts, Mr. BOOZMAN, Mr. LEWIS of California, Mr. WOLF, Ms. ROS-LEHTINEN, Mr. BILBRAY, Mr. COSTELLO, Mr. HERGER, Mr. FRANKS of Arizona, Mr. SOUDER, Mr. SHIMKUS, Mr. FORBES, Mr. MOLLOHAN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SENSENBRENNER, Mr. LAMBORN, Mr. FALEOMAVAEGA, Ms. WATSON, Mr. ADLER of New Jersey, and Mr. POE of Texas.

H. Res. 130: Mr. BAIRD, Mr. LYNCH, Mr. FATTAH, Mr. BRADY of Pennsylvania, and Ms. CLARKE.

H. Res. 164: Mr. FRANKS of Arizona, Mr. MILLER of Florida, Mr. ROHRABACHER, Mr. MCMAHON, and Mr. MARKEY of Massachusetts.

H. Res. 166: Mr. GRAYSON.

SENATE—*Friday, February 13, 2009*

The Senate met at 10 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of power and might, wisdom and justice, through You authority is rightly administered, laws are enacted, and judgment is decreed. Today, assist our Senators with Your spirit of counsel and fortitude. May they always seek the ways of righteousness, justice, and truth as You empower them to lead with honesty and integrity.

Lord, make them so faithful to their calling of public service that Americans may lead tranquil and quiet lives in all godliness and reverence. Give them wisdom to make decisions that will strengthen and prosper our land. We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 13, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks of the leaders, if there be any, there will be a period of morning business with Senators allowed to speak for up to 10 minutes each. That time will be controlled equally until 5 p.m. The two leaders can fix who their designees will be.

We expect to be in a position sometime today to vote on adoption of the conference report to H.R. 1. Our cloakroom has issued an alert to all Senators. Any Senators who want to come and speak, they should at least alert the cloakroom they need some time to do that. We have an order in effect of 10 minutes each. If someone wants to talk longer, fine; we have no problem with that at all. But we do need some idea as to how many people wish to speak on this legislation. There have been a number of speeches given during the last few days about it, but if some want to amplify or add to those remarks, that would be fine.

I have been in close touch with the Republican leader during the last 24 hours, and we are going to do our best to try to come up with a time today.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

TIMING OF VOTE

Mr. MCCONNELL. Let me second the remarks of the majority leader. We have a number of Members, not surprisingly on an issue of this magnitude, who would like to speak—Senator MCCAIN is already here—and we will be doing that during the day. I will get a sense of how many speakers we have, and after that I think we should be able to come to an agreement for a time certain on the vote.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, while the leaders are on the floor, I would like to mention, I hope we will continue to observe the one side speaking and then the other side that we have been going through in the last few days. I think a lot of people have been able to voice their views on this very important issue before the Senate. I reiterate, if my colleagues who would like to speak on this issue would call the cloakroom and also indicate how long they plan to speak, it would help us arrive at a time for a vote today.

The ACTING PRESIDENT pro tempore. Will the Senator suspend?

Mr. MCCAIN. Certainly.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period for the transaction of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each and the time to be equally divided between the leaders or their designees.

STIMULUS PACKAGE

Mr. MCCAIN. Mr. President, I object to the 10-minute time restraint. This is a very difficult issue. We are talking about hundreds of billions of dollars of stimulus. I hope my colleagues on the other side of the aisle would understand that more than 10 minutes may be required for some statements.

Mr. DURBIN. If the Senator will yield, this is a very important matter, and complex, and we are not going to limit the Senator from Arizona. We would like to have rough parity in terms of the time given to both sides of the aisle to explain this matter, but we are not going to limit or even try to limit, under the standing rules, any speech by the other side.

Mr. MCCAIN. I thank my friend. I ask we keep track of the timing on both sides as both sides talk so we can try to make sure there is parity on timing throughout the day. Obviously, it will be dictated by the number of speakers who want to speak on either side, but we should try to preserve parity throughout the day.

I thank the Senator from Illinois.

Mr. DURBIN. I say to Senator MCCAIN, I am sorry to interrupt him again. Could we enter a consent to that effect, that we will divide the time?

Mr. MCCAIN. I would agree with the Senator from Illinois, but I think it is pretty clear there are going to be more speakers on this side than that side. I

would like to have our leader, the Republican leader, agree to that before I could.

Mr. DURBIN. I am informed by the Senate staff that it is already part of the agreement.

Mr. MCCAIN. I thank the Senator from Illinois.

Mr. President, today the Senate will pass a $789 billion bill, $1.1 trillion with interest added in—and we do, when we calculate the costs of these appropriations bills, count in the interest. It is the so-called stimulus bill, and it is under the guise of a bipartisan compromise.

Let me reiterate what I have so often stated during the past 2 weeks: The Nation needs a stimulus bill. The Nation expects the Congress and the President to act in a truly bipartisan manner to address this crisis. But, unfortunately, this measure is not bipartisan. It contains much that is not stimulative and is nothing short—nothing short—of generational theft.

At times of great challenge, history tells us our Nation will work collectively to remedy the problems we face. Working on this measure together was that opportunity. Republicans offered a good-faith alternative to the measure that is before us. Our alternative provided the American taxpayers with a stimulus bill devoid of porkbarrel projects and excessive spending programs that fail to create jobs.

Our bill was not simply to advocate policies we could not otherwise pass; our bill, in fact, was a real stimulus proposal. Instead, partisan legislation was pushed through.

Sadly, when we could be uniting to assist hurting Americans, we have exacerbated our differences and burdened our children and grandchildren with a debt the proportions of which have never been seen before.

Mr. President, before I go too much further, the bill is 1,071 pages. We got it last night, I believe, at 10:20 p.m. That was the first moment a copy was made available. It was not numbered correctly. At 11 p.m. we received notification it had just become available on the House Web site.

Compare the process that we have been through with the Web site that is from the Obama campaign. The Web site of the Obama campaign stated, and I will quote in a second—this is a quote from the Obama Web site:

> End the practice of writing legislation behind closed doors. As President, Barack Obama will restore the American people's trust in their Government by making Government more open and transparent. Obama will work to reform congressional rules to require all legislative sessions, including committee markups and conference committees, to be conducted in public.

What happened in the last few days—law and sausages—it is certainly a long way from the Obama Web site that said:

> Reform congressional rules to require all legislative sessions, including committee markups and conference committees, to be conducted in public.

All day yesterday the media made different reports about the process that was going on, in which, by the way, there was no Republican leadership anywhere in the vicinity.

I recognize this will be greeted as a victory for the administration and the Democrats today. I recognize that, and it is a victory. But I am not sure it is the right kind of victory. I think words which will haunt us for a long period of time were uttered by the Speaker of the House: ''We won, we write the bill.'' ''We won, we write the bill.''

I think on both sides of the last campaign there was a commitment not to use those words: ''We won, we write the bill.'' That commitment was to sit town together in a bipartisan fashion and work together to come up with solutions to the enormous domestic and foreign policy and national security challenges we face. I understand who won. I think I understand it about as well as anybody in this body. I have often said elections have consequences. This is one of the consequences of my side of the aisle losing. But it was not the promise that was made to the American people.

I understand the other side of the aisle—and many in the media—will say: Well, Republicans are recalcitrant. Republicans are trying to block it. Republicans don't want anything.

We had a provision, we had a proposal of over $420 billion. We had a proposal that got 44 votes for a trigger that, once our economy begins to recover and is in recovery, the spending stops. One thing that Milton Friedman said, among many others I have always appreciated, was: Nothing is so permanent as a temporary Government program. There is nothing more permanent than a temporary Government spending program. So I think we had an opportunity and, hopefully, there will be opportunities in the future, to sit down, Republican and Democrat together—and at the beginning, not the end. If you are not in on the takeoff, then you are certainly not going to be in on the landing.

This bill took off with the Speaker of the House saying: We won, we write the bill. That was repeated on several occasions by the President of the United States.

Now, I want to say again, my side of the aisle, for 8 years, did not include the other side of the aisle. We were guilty. We were guilty of not observing the rights and privileges of the minority party. I do not excuse it, nor do I rationalize it. But I do believe that some Members did work in a bipartisan fashion and that times are different. The times are different. The American people spoke.

So yesterday, not the Republican leadership, not the majority of my colleagues sat by while the bill was finally written, and that is why the final legislation here will have three Republican votes, probably, out of all of the Republicans in the House of Representatives and the Senate. It may pick up a couple in the House. But to call this bipartisan is clearly an inaccurate and false description of the legislation that will pass sometime this evening.

So we passed up an opportunity. I hope we will, in the future, since there will be TARP III somewhere—some estimates, $500 billion; some estimates, $1 trillion; no one knows. The Secretary of the Treasury testified the day before yesterday before the Senate. He had no idea. He could give us no clue as to how much the next TARP was going to be. But I hope that will then present us with another opportunity to work together from the beginning, not at the end.

Again, this side of the aisle is not blameless on partisanship. But this was an opportunity for all of us to join together.

USA Today stated in an editorial: Republican opposition seems more like partisan positioning than a sincere effort to reach compromise with the White House at a time of severe economic distress.

I cannot speak for all of my colleagues, but I can, I know, speak for the majority of them. That is a false statement. That is a false statement. Nothing could be further from the truth. Every Senator here wants a reasonable, workable stimulus bill that will help turn our economy around and put people to work. That is why 40 Republican Senators voted for an alternative that sought to fix our housing crisis—remember, it was housing first, and it is housing that is going to restore our economy. The stimulus package has not a lot of it to start with and comes out of the ''conference'' with less—invest in our Nation's infrastructure through effective and restrained spending; put money immediately back in the hands of all Americans through a payroll tax holiday; allow businesses to keep more of their profits to hire new employees, invest in capital, or expand their businesses; finally begin to focus our attention on entitlement reforms; and then, most importantly, put a halt to the spending once our economy turns around. And the total cost of our alternative proposal was about half the cost of this conference report.

There are a couple of cautionary tales. One was a study by John Taylor of Stanford and the Hoover Institution that showed that the last time we gave Americans a paycheck—and that is one of the big parts of this stimulus package, checks of $400 to $800—it had no effect on the economy. It is also a cautionary tale as to what the Japanese did over the last decade, and I am afraid some of this stimulus package repeats that.

We missed an enormous opportunity to rein in excessive spending despite

the support of 44 Senators eager to get our fiscal house in order when our amendment that would have required unobligated funding to be returned to the taxpayer upon two consecutive quarters of economic growth greater than 2 percent of inflation-adjusted GDP was defeated.

We have seen time after time stimulus packages at other times when we were in fiscal difficulty, financial difficulty—not to the degree of this one—but much of the spending has taken place after the economy recovered and contributed enormously to the deficit and consequently putting burdens on future generations of Americans. Why would we not agree that once the economy has recovered, we should proceed on a path to a balanced budget and stop some of these spending programs that are going to be adopted tonight in the way of stimulus? Why wouldn't we bring them to a stop? Could it be that some want these spending programs to be permanent?

I repeat, Milton Friedman said, ''There is nothing so permanent as a temporary Government program,'' and I am sure we will see many of these programs in the stimulus live a long, long life.

In a recent Washington Post op-ed entitled ''$800 billion Mistake,'' Martin Feldstein, an economic professor at Harvard University and president emeritus of the National Bureau of Economic Research, wrote: The fiscal package now before Congress needs to be thoroughly revised. In its current form, it does too little to raise national spending and employment. It would be better for the Senate to delay legislation for a month or even two if that is what it takes to produce a much better bill. We cannot make an $800 billion mistake.

Of course, it is a $1.1 trillion mistake. We cannot make that mistake. By passing this conference report, we are essentially engaging in an act of generational theft. How can anyone ignore the cold hard facts? The current national debt is $10.7 trillion. The 2009 projected deficit is $1.2 trillion. The cost of this stimulus is $1.124 trillion; that is, $789 billion plus interest. The expected omnibus spending bill to fund the Federal Government through September 30, 2009, is $400 billion. The expected supplemental request for the wars in Iraq and Afghanistan the Armed Forces Committee staff estimates at $80 billion. The appropriations bills for 2010 that we will consider this year are untold billions. Tarp I and II are $700 billion, and TARP III is possibly upwards of $1.5 trillion. These numbers are staggering. These numbers are staggering. We have never dealt with numbers such as this, not in the Great Depression, not in any other era in time of our country. Every dollar of spending in this conference report will be added to our national debt, which now stands, as I said, at $10.2 trillion or 70 percent of GDP.

According to the Center for Data Analysis, if Congress borrows the funds for its economic stimulus package—which, of course, it will do—total debt could grow to $13 trillion in fiscal year 2009 or 92 percent of our gross domestic product. By 2010, the total debt could grow to $14 trillion or 95 percent of our GDP. The center further finds that the stimulus package will add about $30,000 in new Federal debt per American household.

Remarkably, while we are on the brink of saddling our children and grandchildren and great grandchildren with this enormous debt load, the conference report before us does little to actually address the core issue that brought us to the point of needing a stimulus bill in the first place, and that is the housing crisis.

I would remind my colleagues that history shows us that if you run up enough debt, the answer to it is to print more money, which is the basis of the currency, which inevitably leads to inflation, which is the greatest enemy of the middle class in America.

I see my colleague from New York who is going to talk on many things, including the terrible tragedy that has taken place in the crash of the airliner in New York. But I also want to, while he is on the floor, strongly disagree with his comment that the American people do not care about little porky projects. Americans care. I can only speak for my constituents in Arizona, who have flooded my office with calls. They care about little porky projects that are to the tune of millions of their tax dollars.

Just yesterday, the National Association of Realtors reported the largest drop in home prices—12.4 percent—since the Association started gathering such data in 1979. Prices declined in almost 9 out of every 10 cities. Despite the fact that this extremely sobering statistic was released yesterday, this bill cuts almost half of the only significant housing provision in the conference report.

This provision, written by Senator ISAKSON, a former real estate agent, and approved by all Republicans and Democrats would have allowed any homeowner to take a nonrepayable tax credit of $15,000 or 10 percent of the purchase price of a house used as a principal residence. Senator ISAKSON argued that such a generous tax credit would help the market recover swiftly. As a real estate agent during the economic crisis of the 1970s, he saw tax credits spur the purchase of many homes, which served to reduce the glut of vacant homes in the market, thereby allowing home values to stabilize, the housing inventory to drop, and the market to recover. We could have achieved a similar result here, I believe. But, instead, it was cut—the only housing provision in the report that was roundly supported by both Republicans and Democrats and millions of potential home buyers. Instead, they decided to cut the tax break to $8 thousand and limit it to only first-time buyers. My belief is that this will not produce any real change to our sagging housing market.

The Congressional Budget Office has estimated that the stimulus bill would create anywhere from 1.3 million to 3.9 million jobs. At $789 billion, 1.3 million jobs would work out to cost $506,923 per job, and for 3.9 million jobs, the cost would be $202,308 per job. If you add the cost of interest to the price tag, it comes to $1 trillion. Every economic estimate I have seen lately falls within the category of 1.3 to 3.9 million jobs. The administration says it could be 4 million or more.

In a new letter from CBO dated February 11 providing a year-by-year analysis of the economic effects of spending of the pending stimulus legislation, CBO finds:

> Beyond 2004 the legislation is estimated to reduce GDP by between 0 and 0.2 percent. The reduction in GDP is therefore estimated to be reflected in lower wages rather than lower employment. The increased debt would tend to reduce the stock of productive private capital. In economic parlance, the debt would ''crowd out'' private investment. Workers will be less productive because the capital stock is smaller. The legislation's long-run impact on output also would depend on whether permanently changed incentives to work are saved. The legislation would not have any significant permanent effects on those incentives.

I know my colleagues are going to say we are going to do other things. And we need to do other things—reform entitlements. We should have, in this legislation, put ourselves on a path to entitlement reform by setting up commissions for both Social Security and Medicare reform, but we did not, just as we should have had a trigger to stop spending and put us on a path to a balanced budget once our economy recovers.

It is unfortunate that even in these difficult economic times, Members of Congress couldn't resist the temptation to lard up this bill with billions of dollars in unnecessary spending that will do nothing to stimulate the economy. What makes this most disturbing, in order to include these questionable provisions in the final measure, the conferees cut some of the few truly important spending provisions that had been included in the House and Senate bills.

For example, I don't understand how, on the one hand, the conferees can cut close to $3 billion from the Senate bill for Department of Defense and veterans hospital and medical facilities and, on the other hand, add funding above either House- or Senate-passed bills for State Department information technology upgrades, totaling $290 million. Information technology may be

worthwhile, but I am dumbfounded as to the conferees' rationale for adding funding for information technology programs that exceeds either Chamber's recommendations and cuts defense and veterans. We all talk about our commitment to veterans. Certainly VA hospital and medical facilities are badly needed, as we found in the scandal of Walter Reed.

Just as egregious, the conference report provides $1 billion for prevention and wellness programs that were previously struck by the Senate and reported to be for smoking cessation programs and STD prevention. Why is this added back in, even though it may be worthy, at the expense of military members, families, and veterans whose funding was cut?

The conference report provides more funding for grants to provide high-speed Internet to Americans, $7.2 billion, than it does for military and veterans affairs construction—again, at the expense of our Nation's bravest and most worthy. The conference report falls short in addressing the needs of our military and veterans who have given so much in support of this country and our democratic values.

Again, these are not tiny, porky amendments. The American people do care what we are talking about. If the American people don't care, then on behalf of the American people, we should take out these little tiny, porky items that will provide questionable stimulative effects.

I have a long list, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXAMPLES OF QUESTIONABLE PROVISIONS IN THE CONFERENCE REPORT—STIMULATIVE?

$200 million to consolidate the DHS headquarters in Washington, DC.

$15 million for historic preservation grants for historically black colleges and universities.

$25 million for the Smithsonian.

$50 million for the National Endowment for the Arts.

$5.55 billion for the Federal Buildings Fund, including $750 million for Federal buildings and U.S. Courthouses; $450 million for the Department of Homeland Security headquarters; $4.5 billion to convert GSA facilities to ''High-Performance green facilities''.

$300 million for new energy efficient vehicles for the Federal government including hybrid vehicles, and electric vehicles, and ''commercially-available, plug-in hybrid vehicles'' which many believe would include golf carts.

$100 million for grants to small shipyards.

$7.2 billion to accelerate broadband deployment in unserved and underserved areas and to strategic institutions, split between the Department of Commerce, to administer $4.7 billion in grants, and the Department of Agriculture, to administer $2.5 billion in grants and loan activity.

$50 million to upgrade the computer systems at the Farm Service Agency.

$50 million for aquaculture producers.

$300 million in grants for a diesel emission reduction program.

$50 million to build biomass plants.

$165 million for U.S. Fish and Wildlife Service fish hatcheries and wildlife refuges.

$25 million for habitat restoration, trails repairs, and the cleanup of abandoned mines on BLM lands.

$140 million for USGS stream gauges, and volcano monitoring systems.

$200 million to repair leaking underground storage tanks under the Leaking Underground Storage Tank Trust Fund.

$85 million to upgrade the computer systems at the Indian Health Service.

$1 billion for the Bureau of the Census, including $250 million for partnership and outreach efforts to minority communities and hard-to-reach populations.

$650 million for digital television converter box coupon program, with $90 million for education and outreach to vulnerable populations.

$230 for operations, research and facilities at the National Oceanic and Atmospheric Administration (NOAA).

$600 million for the procurement, acquisition and construction at the NOAA.

$400 million for science at the National Aeronautics and Space Administration (NASA).

$150 million for aeronautics at NASA.

$2.5 billion for the National Science Foundation (National Science Foundation), of which $300 million is for the Major Research Instrumentation program, and $200 million for academic research facilities modernization.

$400 million for major research equipment and facilities construction at the NSF.

$375 million for Mississippi River and Tributaries.

$2.5 billion for applied research concerning energy efficiency and renewable energy including $800 million for biomass and $400 million for geothermal activities and projects.

$5 billion for the Weatherization Assistance Program.

$2 billion for Advanced Battery Manufacturing grants.

$300 million for the Energy Efficiency Appliance Rebate program and the Energy Star Program.

$3.4 billion for Fossil Energy Research and Development including: $1 billion for fossil energy research and development programs; $800 million for Clean Coal Power Initiative Round III Funding Opportunity Announcement; $1.52 billion Clean Coal Demonstration plants; $50 million for competitive solicitation for site characterization activities in geological formations; $10 million for geologic sequestration training and research grants; $10 million for program direction funding.

$1.6 billion for DOE Science program.

$1.2 billion for summer youth jobs (for individuals up to age 24).

$1.5 billion to provide short term rentals assistance for families who may become homeless.

$2.25 billion to install new windows and furnaces of HUD homes.

$100 million to remove lead-based paint.

$8 billion for high speed rail.

$90 million for additional passport facilities.

$53.6 billion for a State Fiscal Stabilization Fund for education—$14 million for administration, oversight, and evaluation; $5 billion for State Incentive Grants and an Innovation Fund.

$86.6 billion to State Medicaid programs through a temporary increase in the Federal Medical Assistance Percentage.

$1.1 billion for comparative effectiveness research: $300 million for the Agency for Healthcare Research and Quality; $400 million for the NIH; $400 million to be used at the discretion of the Secretary of HHS.

$2 billion for the Office of the National Coordinator for Health Information Technology.

$13 billion for Education for the Disadvantaged: $10 billion for title I formula grants; $3 billion for School Improvement grants.

$720 million for School Improvement Programs: $650 million for Enhancing Education through Technology program; $70 million for Education for the Homeless Children and Youth program.

$10 billion for the National Institutes of Health: $1.3 billion for the National Center for Research Resources; $8.2 billion for the Office of the Director; $500 million for buildings and facilities for Bethesda, MD.

Mr. MCCAIN. Among these are $200 million to consolidate the DHS headquarters in Washington, DC; $15 million for historic preservation of Historically Black Colleges and Universities; $25 million for the Smithsonian; $50 million for the National Endowment for the Arts; $5.55 billion for the Federal Buildings Fund, including $750 million for Federal buildings and U.S. courthouses.

The list goes on: $300 million for new energy-efficient vehicles for the Federal Government; $100 million for grants to small shipyards; $7.2 billion to accelerate broadband deployment in unserved and underserved areas and to strategic institutions. By the way, certainly the Presiding Officer knows we cannot spend within the next year $7.2 billion or anything like it to accelerate broadband deployment because of the nature of the challenge. There is $50 million to upgrade the computer systems at the Farm Service Agency; $50 million for aquaculture producers; $300 million in grants for a diesel emission reduction program; $50 million to build biomass plants; $150 million for USGS stream gauges and volcano monitoring systems; $200 million to repair leaking underground storage tanks under the Leaking Underground Storage Tank Trust Fund; $1 billion for the Bureau of the Census. We will be talking more about this issue. We can't have the census taken from the Department of Commerce and put in the White House. We can't politicize the process of the system. We will be talking more about that later on.

There is $230 million for operation, research, and facilities at the National Oceanic and Atmospheric Administration. You can make arguments for all these programs as worthwhile. You cannot make arguments that they stimulate the economy in a short period. There is $150 million for aeronautics at NASA; $2.5 billion for the National Science Foundation, of which $300 million is for the Major Research Instrumentation Program and $200 million for academic research facilities modernization; $275 million for the Mississippi River and tributaries; $10

million for program direction funding in fossil energy research and development; $1.6 billion for DOE science program; $2.25 billion to install new windows and furnaces in HUD homes; $8 billion for high-speed rail.

The high-speed rail program is very interesting. It started out at $2 billion and now has been raised to $8 billion, a remarkable increase in funding, when we think about it. There are media reports that state this could probably be used for the Las Vegas-Los Angeles high-speed rail. The list goes on.

The fact is, there are also policy provisions. The conference report still includes the protectionist ''Buy American'' provisions that will damage the ability of U.S. corporations to export and create jobs at home. If passage of this bill triggers retaliatory trade action by foreign countries against the United States, Congress will have succeeded in deepening one of the worst recessions of our time.

There is an article in this week's Economist magazine entitled ''The return of economic nationalism, A specter is rising. To bury it again, Barack Obama needs to take the lead.'' It talks about the ''Buy American'' provisions. At the end it states:

Once again, the task of saving the world economy falls to America. Mr. Obama must show that he is ready for it. If he is, he should kill any ''Buy American'' provisions. If he isn't, America and the rest of the world are in deep trouble.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Economist, Feb. 5, 2009]

THE RETURN OF ECONOMIC NATIONALISM

Managing a crisis as complex as this one has so far called for nuance and pragmatism rather than stridency and principle. Should governments prop up credit markets by offering guarantees or creating bad banks? Probably both. What package of fiscal stimulus would be most effective? It varies from one country to the next. Should banks be nationalised? Yes, in some circumstances. Only the foolish and the partisan have rejected (or embraced) any solutions categorically.

But the re-emergence of a spectre from the darkest period of modern history argues for a different, indeed strident, response. Economic nationalism—the urge to keep jobs and capital at home—is both turning the economic crisis into a political one and threatening the world with depression. If it is not buried again forthwith, the consequences will be dire.

DEVIL TAKE THE HINDMOST

Trade encourages specialisation, which brings prosperity; global capital markets, for all their problems, allocate money more efficiently than local ones; economic co-operation encourages confidence and enhance security. Yet despite its obvious benefits, the globalised economy is under threat.

Congress is arguing about a clause in the $800 billion-plus stimulus package that in its most extreme form would press for the use of American materials in public works. Earlier, Tim Geithner, the new treasury secretary, accused China of ''manipulating'' its currency, prompting snarls from Beijing. Around the world, carmakers have lobbied for support (see article), and some have got it. A host of industries, in countries fro India to Ecuador, want help from their governments.

The grip of nationalism is tightest in banking (see article). In France and Britain, politicians pouring taxpayers' money into ailing banks are demanding that the cash be lent at home. Since banks are reducing overall lending, that means repatriating cash. Regulators are thinking nationally too. Switzerland now favours domestic loans by ignoring them in one measure of the capital its banks need to hold; foreign loans count in full.

Governments protect goods and capital largely in order to protect jobs. Around the world, workers are demanding help from the state with increasing panic. British strikers, quoting Gordon Brown's ill-chosen words back at him, are demanding that he provide ''British jobs for British workers'' (see article). In France more than 1m people stayed away from work on January 29th, marching for jobs and wages. In Greece police used tear gas to control farmers calling for even more subsidies.

Three arguments are raised in defence of economic nationalism: that it is justified commercially; that it is justified politically; and that it won't get very far. On the first point, some damaged banks may feel safer retreating to their home markets, where they understand the risks and benefit from scale; but that is a trend which governments should seek to counteract, not to encourage. On the second point, it is reasonable for politicians to want to spend taxpayers' money at home—so long as the costs of doing so are not unacceptably high.

In this case, however, the costs could be enormous. For the third argument—that protectionism will not get very far—is dangerously complacent. True, everybody sensible scoffs at Reed Smoot and Willis Hawley, the lawmakers who in 1930 exacerbated the Depression by raising American tariffs. But reasonable people opposed them at the time, and failed to stop them: 1,028 economists petitioned against their bill. Certainly, global supply-chains are more complex and harder to pick apart than in those days. But when nationalism is on the march, even commercial logic gets trampled underfoot.

The links that bind countries' economies together are under strain. World trade may well shrink this year for the first time since 1982. Net private-sector capital flows to the emerging markets are likely to fall to $165 billion, from a peak of $929 billion in 2007. Even if there were no policies to undermine it, globalisation is suffering its biggest reversal in the modern era.

Politicians know that, with support for open markets low and falling, they must be seen to do something; and policies designed to put something right at home can inadvertently eat away at the global system. An attempt to prop up Ireland's banks last year sucked deposits out of Britain's. American plans to monitor domestic bank lending month by month will encourage lending at home rather than abroad. As countries try to save themselves they endanger each other.

The big question is what America will do. At some moments in this crisis it has shown the way—by agreeing to supply dollars to countries that needed them, and by guaranteeing the contracts of European banks when it rescued a big insurer. But the ''Buy American'' provisions in the stimulus bill are alarmingly nationalistic. They would not even boost American employment in the short run, because—just as with Smoot-Hawley—the inevitable retaliation would destroy more jobs at exporting firms. And the political consequences would be far worse than the economic ones. They would send a disastrous signal to the rest of the world: the champion of open markets is going it alone.

A TIME TO ACT

Barack Obama says that he doesn't like ''Buy American'' (and the provisions have been softened in the Senate's version of the stimulus plan). That's good—but not enough. Mr Obama should veto the entire package unless they are removed. And he must go further, by championing three principles.

The first principle is co-ordination—especially in rescue packages, like the one that helped the rich world's banks last year. Countries' stimulus plans should be built around common principles, even if they differ in the details. Co-ordination is good economics, as well as good politics: combined plans are also more economically potent than national ones.

The second principle is forbearance. Each nation's stimulus plan should embrace open markets, even if some foreigners will benefit. Similarly, financial regulators should leave the re-regulation of cross-border banking until later, at an international level, rather than beggaring their neighbours by grabbing scarce capital, setting targets for domestic lending and drawing up rules with long-term consequences now.

The third principle is multilateralism. The IMF and the development banks should help to meet emerging markets' shortfall in capital. They need the structure and the resources to do so. The World Trade Organisation can help to shore up the trading system if its members pledge to complete the Doha round of trade talks and make good on their promise at last year's G20 meeting to put aside the arsenal of trade sanctions.

When economic conflict seems more likely than ever, what can persuade countries to give up their trade weapons? American leadership is the only chance. The international economic system depends upon a guarantor, prepared to back it during crises. In the 19th century Britain played that part. Nobody did between the wars, and the consequences were disastrous. Partly because of that mistake, America bravely sponsored a new economic order after the second world war.

Once again, the task of saving the world economy falls to America. Mr Obama must show that he is ready for it. If he is, he should kill any ''Buy American'' provisions. If he isn't, America and the rest of the world are in deep trouble.

Mr. MCCAIN. Of course, we know about Davis-Bacon that will inflate the construction costs of the bill by $17 billion. Section 604 requires that only domestic apparel and textile products may be procured by the Department of Homeland Security, unless the Secretary of DHS determines the quality and quantity cannot be procured in the United States at market prices, whatever ''market prices'' means. There is a provision which states that within 45 days of enactment, the Governor of each State shall certify that they will request and use taxpayer funds provided in the bill. It goes on to say that if any of the money provided by this

bill is not accepted by the Governor, then that State's legislature can simply pass a resolution to bypass the Governor and receive those funds. I have never seen a provision such as that in the Congress.

I repeat, if the Governor of a State says his State doesn't need the money, then the State's legislature can simply pass a resolution to bypass the elected Governor of the State and receive the funds. What does that say about States rights and States electing their Governors to lead. It is remarkable. Every Governor in America should be on notice that we may have established a precedent that if you don't want to take taxpayer money, then you can be bypassed by your legislature. It is unconstitutional and should be challenged in court.

It adds a new far-reaching policy with respect to unemployment compensation entitled ''Unemployment Compensation Modernization''—an interesting description. The new policy would allow a person to collect unemployment insurance for leaving his job to care for an immediate family member's illness, any illness or disability as defined by the Secretary of Labor. This provision stems from legislation introduced in the Senate during the 110th Congress that was not approved. Each State would need to amend their unemployment insurance in order to receive a portion of the $7 billion added to the bill for this additional unemployment compensation program. It provides a total waiver of cost savings related to inland waterways projects; 50 percent of the cost is supposed to be carried by private companies that utilize the waterways.

The report establishes the Federal Coordinating Council for comparative effectiveness research. The bill text does not use the term ''clinical'' when referring to comparative effectiveness research, leading to the possibility that the bill does not protect against the research being used to make coverage decisions based on cost-effectiveness rather than clinical effectiveness.

It includes the Health Information Technology for Economic and Clinical Health Act, a massive overhaul of our health IT infrastructure that deserves more consideration.

It is 1,071 pages and a 41-page statement of the managers, a total of 1,492 pages. It was negotiated in a partisan fashion, behind closed doors, in direct contradiction to President Obama's commitments during the campaign. I understand his spokesman yesterday said it was ''an emergency.'' It may have been an emergency, but that was not mentioned during the commitments made by then-candidate Obama.

Among other things, the conference report contains $450 million for Amtrak security grants through the Department of Transportation. It wasn't in the House bill, wasn't in the Senate bill. It duplicates a program that already exists.

I urge my colleagues, when they have a few spare moments, to look at the history of Amtrak, a railroad that was taken over by the Federal Government with the intent to turn it over to the private sector in a short period. We have propped it up with billions and billions of taxpayer dollars, funding that will never become profitable.

A provision recreates the slush fund that was unanimously rejected by both the House and Senate. The slush fund allows agency heads to move money around between programs as they see fit without any real oversight by Congress.

I mentioned high-speed rail. That is $8 billion. The Senate included $2 billion for these programs, and the House didn't include anything. The conference now has added $6 billion. I mentioned earlier the veterans and military construction spending has been cut by over $3 billion below both the House and Senate bills. Of course, the conference report, among many other items, contains $50 million for NEA, a worthwhile endeavor, but I don't see how you can make the argument it creates jobs.

A commitment was made that the spending would be done quickly. The conference agreement drops provisions that require all funds in the bill to be awarded within 30 to 120 days of enactment. Instead, the report allows numerous programs to have 3 years or more to actually begin spending the funding.

I know many of my colleagues, including my friend from Illinois, are here. I don't want to take too much time, as many of my colleagues wish to discuss the legislation. I wish to mention there is $2 billion for a neighborhood stabilization program which could go for money for groups such as ACORN. You could make arguments about whether ACORN should be funded. I do not see how that possibly creates jobs.

I understand this bill will be passed this evening. I hope the next time—maybe with TARP—because there are going to be other issues of enormous consequence that the Congress and the President of the United States will face in the coming weeks and months. I do not believe things are going to get better in the world real soon. We see activities around the world, from the behavior of the Russians to the Iranian testing of a missile, to renewed aggressive rhetoric by North Korea, to others, including developing a strategy for Afghanistan. But there are also enormous economic challenges here at home.

The American people would like us to, and the message they have sent us is, that they want us to sit down and work together. As I said, this bill began with a statement by the Speaker of the House: We won. We write the bill. We need to sit down together before the bill is written, outline the principles, turn those principles we share into concrete legislation, and work together. I hope we never again have a repetition of a bill that has such enormous consequence that would pass through both bodies with literally no Republican support—three Senators out of 178 Members in the House and 40 in the Senate. That is not bipartisanship.

I think we passed up an opportunity this time. I hope the American people will respond again by sending us the message. They want us to address the economic woes we face, but they want us to address them together. This legislation, in my view, is very bad for the economic future of America.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

CONTINENTAL AIRLINES FLIGHT 3407

Mr. SCHUMER. Mr. President, I rise today to honor the lives and the memories of the victims of the tragic crash of Continental Airlines Flight 3407 in Clarence, NY, last night. Our Nation woke up this morning to the deeply saddening news that 50 lives were lost in this inexplicable tragedy, and our hearts, our prayers, and our minds are with the families and friends who lost a loved one, the first responders at the scene, and the residents of Clarence.

I was deeply saddened to hear that one of the victims was Beverly Eckert, whose husband Sean Rooney perished in the tragic events of September 11. I knew Beverly. I worked with her and so admired her fight to make sure another 9/11 never happens again.

Beverly was a national role model who turned tragedy into inspiration. She was traveling to Buffalo for what would have been her husband's 58th birthday, to take part in a presentation of a scholarship award in his memory at Canisius High School. She, and all the victims of this accident, will be greatly missed. Of course, the family members of the other victims, whose names have not been made public yet, will relate in the future episodes of quiet strength and bravery of their loved ones as well.

I spoke with Transportation Secretary Ray LaHood early this morning, and he reassured me that the Department of Transportation is taking quick action to figure out what caused this accident. Secretary LaHood told me the first responders who rushed to the scene immediately last night have been remarkably brave in their efforts to save lives.

To all the brave men and women who risked their lives to protect the families who live in the area of the accident and to the many who are still on the ground fighting the fires that remain, thank you for your service.

I also spoke, this morning, with Congressmen CHRIS LEE and BRIAN HIGGINS, county executive Chris Collins, and Clarence supervisor Scott Bylewski to offer help. I am comforted that everyone at the Federal, State, and local levels stands ready to provide whatever help is needed.

Our thoughts and prayers also go out to the people of Clarence and the entire Buffalo area who were, no doubt, leaving for work and school with very heavy hearts this morning.

As a Senator, I am proud to serve the people of western New York. They are a resilient community, and if there is any comfort to this tragedy, it is in knowing that their outreach to the victims' families will be generous and loving.

Just last month, the world exalted when flight 1549 landed on the Hudson River without a single loss of life. Yet today we are faced with this horrible tragedy. At times such as this, the only thing that helps us is our faith that there is a greater wisdom that, at times such as this, is hard to understand.

Again, I offer my deepest condolences to the victims' families and friends as we continue to learn more about the cause of this tragic accident.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I say to my colleague from New York that all of us join in expressing sympathy and sorrow at the loss of these wonderful Americans. Thank you for your eloquent words. They are deeply appreciated.

Mr. President, I would like to mention to my colleagues that so far we have speaking requests from Senators COBURN, ENZI, ROBERTS, BENNETT, HUTCHISON, BARRASSO, ENSIGN, THUNE, KYL, CORNYN, SESSIONS, and then ALEXANDER, GRASSLEY, BROWNBACK, and GRAHAM. So I would urge my colleagues to come over so we can move forward with this process.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

CONTINENTAL AIRLINES FLIGHT 3407

Mr. DURBIN. Mr. President, I join in saluting my colleague, friend, and roommate—we share a house on Capitol Hill—Senator SCHUMER. I am sure he speaks for Senator GILLIBRAND, as well, in expressing sympathy for the loss that occurred outside the city of Buffalo last night, with the crash of this Continental Airlines flight.

My sympathy goes out to all the families and friends and my admiration to all the first responders. This is a time when communities gather together, become a family, work hard to try to appease the loss but to make certain we are doing everything in our power to lessen the pain these families will feel.

STIMULUS PACKAGE REPORT

Mr. DURBIN. Mr. President, Senator MCCAIN is a friend of mine and someone I respect. We came to the House of Representatives together 27 years ago. He came to the Senate before me, and we have served together for over 12 years. I respect him very much, and I know he speaks from the heart when he addresses this stimulus package. But I would like to take a few moments to reflect on some of the arguments he has made, and at any point in my presentation invite the Senator, if he is nearby, to come join me on the floor to discuss this matter in debate. Sadly, the Senate no longer debates in the old style. We give speeches and many times are like ships passing in the night. So I hope, if he is available—and I know he may not be; he has a busy schedule, too—I hope he will return to the floor, and we can talk about some of the arguments he made, and he can address them directly. In the meantime, I would like to speak to a few of them myself.

Senator MCCAIN argues that spending $790 billion, which the President has suggested for a recovery and reinvestment, is too much money. He argues the bill is too large, there is too much money in this bill. Keep in mind, this money is going to be spent out over a 2-year, maybe 3-year period, most of it on the front end, most of it in the first 18 months, but much of it over a longer period of time. So we are talking about roughly $350 billion to be spent, for example, in the first year, maybe as much as $600 billion or $700 billion by the end of the second year. It is a huge sum of money. It may be the largest bill we have ever considered, certainly the largest stimulus bill we have ever considered, on the floor of the Senate.

But I will tell you that most economists, in looking at this bill, raise the question about whether it is enough, considering the size of the American economy, No. 1. It is an economy that generates more than $14 trillion a year in the production of goods and services. It is an economy that is flat on its back. It is an economy deep in recession, with high unemployment, with businesses failing, with families losing their health insurance, with a lot of misery being spread across the country. The obvious question is: What can we do to change it?

Last year, President George W. Bush saw this coming, and he suggested the way to change it was to offer tax breaks, tax rebates to families. The Democratic Congress said to the Republican President: If this is what you want us to do to try to turn the economy around, we will do it. We enacted bipartisan legislation to give President Bush about $150 billion to send back to families in checks of $300 or $600 in the hopes that would breathe some life back into the economy, cause people to go out and spend more money, buy more goods and services, invigorate businesses, save and create jobs. We did it. We signed up for that approach. It did not work. Mr. President, $150 billion was spent for individual families. There was the $300 or $600 check, which I am sure provided some relief. But at the end of the day, when we took a look at the economy, it continued to cascade downhill. Simply doing $150 billion in tax cuts did not do it.

Then President Bush came to us and said: I need $700 billion. It was a staggering amount of money, but we were told by Secretary Paulson, Secretary of the Treasury, Ben Bernanke, Chairman of the Federal Reserve, and others, that if we did not do it and do it quickly, the economy could go into a crisis which could be felt worldwide.

It was the most sobering meeting I ever attended as a Member of Congress when I heard this, and I felt dutybound to do everything I could to cooperate with the Republican President, to give him the resources he wanted to try to breathe life back into this economy, to get the credit institutions moving forward, and I voted for it. At the end of the day, $350 billion was spent and, I am afraid to say, very little positive occurred. In fact, we are still trying to get an accurate accounting of what happened to that money.

These were the first two attempts by the previous Republican administration; first, a $150 billion tax cut, then a $700 billion TARP funding they called it—the Troubled Asset Relief Program—which the Democrats cooperated in and said: Mr. President, though we are of a different political party, this is a national crisis, and we will work with your best minds to try what we can to turn this economy around.

We debated it, and we changed parts of it. We are expected to. That is what Congress has as a responsibility. But there was no question from the beginning that the Democratic Congress was going to cooperate with the Republican President because we had a national emergency on our hands.

Now comes the new President, President Barack Obama, sworn in a little over 3 weeks ago. The crisis, which we had hoped would have turned, in fact, had worsened. He inherited the worst economic crisis in 75 years. You have to go back to President Franklin Roosevelt and the awful Depression he saw to find another President faced with this kind of an economic challenge. President Obama came to office and said: We have to do something. We have to try to find a solution. We need to put the best minds, the best economists, and the best leaders together to come up with an approach which will stop this recession from growing and getting worse and will turn this economy around. He said, similar to President Bush: I would like the help of both political parties to do it.

Well, it is natural a President would ask for that. Because the crisis that

faces us is not a Democratic crisis or a Republican crisis. Families who do not vote, families who are Independents, families of both political parties are being affected.

President Obama made a presentation of this recovery and reinvestment program, and he estimated the cost to be around $750 to $800 billion. The Senator from Arizona thinks that is an unnecessarily large sum. I might say to the Senator that he knows, as well as I do, that last year the U.S. stock market lost $7 trillion in value. You can see it in the Dow Jones index—now somewhere near 8,000. At one point, it was near 15,000. Mr. President, $7 trillion in lost stock market value is $7 trillion in lost savings and lost retirement plans.

To argue that spending $350 billion to try to stop this slide is overspending, overlooks the obvious. With $7 trillion lost in stock market value, to do nothing, to allow this to continue, is to run the risk that even more value will be lost and the dreams and plans of families across America will have to be changed.

There is something else we know as well. Because of the state of the economy, we have what the economists call the paradox of thrift. If you look to your near future for your family, and you are worried about your job or your wife's job or your children, you are likely to say: We better be careful. We shouldn't make big purchases now until things are pretty clear. Put more money in savings and hold back a little. Be thrifty. That is a natural reaction. It is a defensive mechanism when people see a troubling economy. Although it makes sense on an individual family basis, it creates in the overall economy exactly the opposite of what we need. What we need is more confidence and people stepping forward and saying, I think we are through this; I think we will be through this soon, and I need to make some purchases that I have held off making. As they buy things, they create more economic activity, businesses flourish, and jobs are created and saved. So as people are thrifty in an economy and hold back, it deepens the recession. Deflation is what they call it. This year we will lose $1 trillion in spending in America. We estimate that families holding back, consumers holding back will spend $1 trillion less. Remember, our overall economy is about $14 trillion, so that represents about 7 percent of our economy which will contract because of fear, concern about our future.

What President Obama has said is at this moment we need to inject money into this economy. We need to show the American people we can save and create jobs. We need to have more economic activity so that businesses will survive, and we need to see our way through this crisis. That is what he has come forward with. So the critics of President Obama's plan have no alternative. They are not proposing anything that will stimulate this economy to this measure. They offered a plan which I think was at least thoughtful in one respect which tried to address the housing crisis, but it didn't come close to investing the money in this economy that we need to try to turn it around. So I say to my friends on the Republican side: If you can't come up with a viable alternative, if you can't come up with a solution, then being critical of President Obama's plan doesn't have much credibility. You need to acknowledge we have a problem and work with us to try to solve it.

It is interesting too that there is this argument on the Republican side—and I heard it from the Senator from Arizona—that this is too much money. If we don't do something, if the recession continues and gets worse, here is what happens: Fewer people are working, fewer dollars are collected for income tax, fewer dollars are being spent, less sales tax is collected, values of real estate continue to go down, property tax receipts go down, and we find that the receipts and revenues of the Government start getting fewer and constricted. At the same time, the demands for government services go up. Unemployed people need a helping hand. They need a hand to feed their families and keep them together. They need a hand to provide some kind of health insurance. So the demands for government services go up and revenues go down, and it is a perfect recipe for deficit.

It is no surprise—and I think this chart, if I am not mistaken, shows it—across America 46 States are now facing budget deficits, and it could get worse. It shows a cumulative budget deficit of $350 billion through 2011. So failing to respond to this situation will mean even deeper deficits. To argue that spending about $790 billion now will add to the deficit is to ignore the obvious. Doing nothing and allowing the recession to occur and get worse will give us deficits not only this year but for years to come, not to mention the suffering that families and businesses will go through in the process.

If I came to Senator MCCAIN and said to him: I know of your interest in national defense. You are a war hero from Vietnam and I respect you so much for it, and I know you have focused on Americans' national security more than any other issue. If I told you there was a threat to America, whatever it might be, and that we had better prepare ourselves to defend ourselves, would you stop and say first tell me how much it costs, or would you first say keep America safe, that is our first obligation; we will talk about the cost later? I expect that would be his reaction. It might be my reaction as well—it probably would be my reaction as well. So here, when we face a national economic crisis, for any Senator to stand up and say, You know, there is only a limited amount of money we can spend on this, is to ignore the fact that if you don't make the right investment and turn this economy around, we will pay dearly for years to come.

Now, there was also talk about the way this bill was written. It is true that much of the negotiation for this bill occurred behind closed doors, but there was a conference committee, which is a rarity on Capitol Hill, where Members of both political parties came forward to talk about the bill. Why did so much of it happen outside of the conference committee? Well, it reflects the reality of how business is done most of the time here on Capitol Hill. I know it needs to get better, Senator MCCAIN does, and I am sure President Obama agrees, but this is what we came down to. This is the dilemma we came down to: President Obama reached out to House Republicans and Senate Republicans and said join me in writing this bill, and only three stepped up. Three Republican Senators said we will join you in writing the bill. They have played a major role, those three Republicans, in writing this bill. They have changed priorities in spending. They have eliminated some programs. They have pushed forward with more money in some areas and less in others. They have made a profound difference in the bill because they started with the premise that if we can bring this bill to a point where they can accept it, they would vote for it. Now, that is not an unreasonable thing to ask.

If someone wants to sit down and amend the bill and change the bill, the obvious question is—and at the end of the day we are successful and make the changes you asked for—will you help us pass the bill? For many Republicans, the answer has been: No; we want it both ways. We want to change this bill, but we are never going to vote for it.

I recall an amendment offered by a Republican Senator from Iowa in the Senate Finance Committee which added $70 billion in costs to this bill for a tax cut I personally approve of but wasn't in the original bill. So he added $70 billion in costs to the bill and then came to the floor and said I can't vote for this bill because it costs too much. Now, wait a minute. You can't have it both ways. You can't add to the cost of the bill in the committee and then come to the floor and say I can't vote for the bill because it costs too much. It happened.

Another Senator on the floor offered what I thought was a valuable idea. It needed some changes here and there but a valuable idea: Create tax incentives for people to buy homes. I like it. I believe we have improved it in this bill, but it was at least a sound idea to start moving the housing market forward. Well, it turns out that Senator as

well added between $11 billion and $30 billion to the cost of the bill with his amendment which was adopted, and then said I can't vote for the bill; it costs too much. Again, you can't have it both ways. If many Republican Senators wonder why they aren't in the room talking about the ultimate bill, it is because they have already made a public pronouncement that no matter what you do to the bill, we are not going to vote for it. How much time should we spend talking to those Senators? We are never going to pass a bill if we spend our time agreeing to amendments they like so they can vote against the bill. That is the case, unfortunately, too many times.

There is also this notion Senator MCCAIN raised that Speaker PELOSI said, We won the election; we wrote the bill. Well, I can tell my colleagues the American people did speak on November 4 and there was a decision in the election, but President Obama could not have reached out more to try to bring in Republicans in the House and Senate to help write this bill. Three stepped forward. Those three were in on the negotiations. Those three had a profound impact on the bill. I respect them very much; the two Senators from Maine, OLYMPIA SNOWE and SUSAN COLLINS, and the Senator from Pennsylvania, ARLEN SPECTER. If you would ask them today: Did you influence this bill, the answer is obvious. They did. They made a big impact on this bill because they were prepared to sit down and work with us and said, If we can find an agreement, we will vote for it. So, in fact, we did win the election, but we know we need the help of both political parties to solve our Nation's problems, and we are trying our best.

Senator MCCAIN also raised questions about the cost per job. If you take the overall cost of the bill—$790 billion, roughly—and the projected increase in jobs—anywhere from 1 million to 3.9 million—he does simple math and comes to the conclusion that we are spending too much money for each job we are creating. What the Senator did not note was that about a third of this bill goes to tax cuts to everyone. It isn't in the creation of a single job, but in trying to help all families—at least those in income categories that we characterize as middle-income families, working families—so that is about a third of the bill.

The second thing he didn't acknowledge was the money spent in creating a job has to be looked at in the long term. If you create a job for a worker in Illinois and that worker ends up getting paid $50,000 a year, that worker is going to take his or her paycheck and spend it. In spending that paycheck, it is going to put more money back into the economy. At the shops and stores they go to there will be receipts, profits, more people working, and the people who are working there will take their paychecks and go on and spend them as well. It is the so-called multiplier effect which I am sure the Senator from Arizona is well aware of. So to assign the value of each job as being $100,000, $200,000, whatever the cost is, is to overlook the fact that that money, through the workers, is spent and respent time and again. That is what helps us rebuild the economy.

We also had some criticism from the Senator from Arizona about the ''Buy American'' provisions. I have to tell my colleagues something. I respect him, because I know he believes this in his heart of hearts. I certainly do not stand here and endorse isolationism, protectionism, or economic nationalism, but shouldn't our priority with America's tax dollars be in putting Americans to work, creating good-paying jobs right here at home, buying as many goods and services within our economy as we can?

Senator DORGAN of North Dakota offered an amendment which was a very thoughtful amendment and it said: We are going to buy American, but whatever we do will be consistent with our international trade agreements. That is a reasonable approach. I think as far as we can go under existing law and treaties, we need to try to help American families get back on their feet and Americans back to work. There is nothing unreasonable about that. I think it may go a little too far with this economist's article and others who argue we are getting back into some era of protectionism. Senator DORGAN's amendment I think was a thoughtful one and will help us address that issue.

There was also some concern about Governors. I can tell my colleagues why there is a provision in this bill relative to the power of Governors. We have this amazing situation where there are literally Governors—only a handful—across the Nation who are saying we don't want the money. We don't need the money for our States. I don't know why you are going to force us to take this money.

Well, that is their political point of view. Most States are having trouble. So what we said at the outset is we want Governors to request the funds. Literally billions of dollars will be coming to their States and they should request it. That is not unreasonable. We went on to say that if your Governor doesn't request the funds, doesn't ask for the funds to help people in their States, that the legislature in each State can do it. Why did we put that in there? Because some of the money will not go through the Governor's office, but will go directly, for example, to school districts. Take an example in my State. In my hometown of Springfield, IL, the school district there will get additional funds for IDEA. That is the Federal program that provides money to school districts so they can educate and help children with special needs. It is an expensive commitment and it is one the Federal Government has not done its share of over the years. That money would go to the school district to help them meet their needs for teachers and classrooms, and it would also suppress the need to raise property taxes which no one wants. Also, money will go to the schools in my hometown that have a larger percentage of disadvantaged kids, kids from low-income families. It is called title I. That money is coming from the Federal Government down to my local school district. Well, the Governor in my State is going to accept the funds, I can assure my colleagues, but what if we were in a State where the Governor said we don't need this money. I don't know why Washington did it. I am not going to sign up and ask for it. There ought to be a way that school district can still benefit even if the Governor sees it differently, and that is the reason for the provision Senator MCCAIN raised.

Senator MCCAIN also said that bill was done in a partisan fashion, behind closed doors. I can tell you the Republican Senators who were engaged in this process on the Senate side made it as bipartisan as possible. They were involved—all three of them—in very detailed discussions about what was included in the bill. Yes, it is true, some were discussions behind closed doors, but, ultimately, this bill is public for those interested in reading and carefully looking through it, and they should. That is part of the process.

I might add, there is more to follow. This bill has no earmarks in it. There is no specific project that is appropriated funds in this bill. That was our promise. There is increased funding in all the agencies receiving more funds for oversight so the inspectors general can keep an eye on the money being spent. There will be an accountability and transparency board to coordinate and provide regular reports to Congress. We are going to have a recovery Web site where people across America can follow the expenditures of these funds, so they can see what is happening nationally and in their States.

I think it also is going to protect State and local whistleblowers. These are tax dollars collected for people who work hard for them. These dollars should be spent in a responsible way, with transparency.

Senator MCCAIN also spoke about Amtrak. Senator MCCAIN is on the record for a long time against Amtrak. Again, I respect his position but disagree with it completely. We found in Illinois and across the Nation when the price of gasoline went over $4, millions of Americans rediscovered, or discovered for the first time, Amtrak. You need a reservation to get on a train in Illinois because they are packed with people who realize it is a lot cheaper to use the train. Of course, in using a

train, there is less traffic congestion and less pollution. Ultimately, expanding Amtrak—even high-speed rail, which is part of this—is part of the future. Senator MCCAIN sees it differently. I respect him for that, but I think the investment in Amtrak is money well spent, jobs right here in America building tracks, expanding Amtrak service, and providing train service that will benefit our country for a long time to come.

I might say, as well, to my friend from Arizona that this bill, though he and his fellow Senators may vote against it, is going to create or save 70,000 jobs in Arizona over the next 2 years. It will provide a tax cut of up to $800 for more than 2 million workers and their families in the State of Arizona—a tax cut they will greatly appreciate, I am sure. And 75,000 Arizona families will now be eligible, under this bill, to deduct college education expenses for their kids in a way to give them a helping hand so the kids can stay in college, get their degrees, and go on to be employed profitably and successfully in their lives. It is going to provide additional money for the unemployed in Arizona of $100 a month and give them a helping hand in paying for health insurance.

So whether the Senators voted for this or not, there are benefits coming directly to their States, which most people would agree are important. It will provide funding sufficient to modernize at least 193 schools in Arizona so the children will have laboratories and libraries and modern classrooms for the 21st century. Money will be invested in renewable energy so we will have less dependence upon foreign oil. We are going to move toward the computerization of health records in every State, including Arizona, Illinois, and Virginia, because we believe that means doctors can do a better job. They can see the background of a patient when making a diagnosis. It means there are fewer medical errors. Though that was criticized as being part of the bill, I think it is money well spent.

If we are talking about health care reform, we need to modernize the way we capture and hold health records. Also, the Veterans' Administration's system already has computerized records. It is the way to go. This bill moves America in that direction. This bill, when it comes to the VA, has $1.2 billion for VA hospital and medical facility construction and improvements. Money that otherwise would not have been spent on the VA will be spent because of the stimulus bill. There is $2.3 billion for Department of Defense facilities such as housing, hospitals, and childcare centers. There is $555 million to expand the DOD homeowners assistance program. There is $150 million that will be used for more personnel to process disability claims—something we need in Illinois, and I bet other States need as well.

These are things I think are critically important to put spending in this economy, to breathe life into it, to create and save up to 3 million or 4 million jobs, to try to stem the tide of this recession.

Again, at the end of the day, we may only have three Republican Senators voting for it, but unless we stand and act together, we are not going to solve this problem.

When President Bush needed help last year with his economic stimulus plan, we stood together, Democrats and Republicans, and gave it to him—first, the $150 billion in tax cuts and then the President's request for the so-called TARP funds of $700 billion. We gave the President the bipartisan support he wanted, even though some of us may have questioned whether it was exactly the right thing to do. We knew we had to act together.

Now there is a different mood. President Obama's plan is facing a different standard by some of the Senators on the other side of the aisle. I think we need to jumpstart this economy and not only bring us to recovery but reinvest in this economy so we have less dependence on foreign oil, better sources of energy that don't pollute the environment, modernize our health care system, modernize our school system, prepare it for the 21st century, and do all these things by creating jobs in America. That is what this is all about. That is why it is so critically important.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, as we come to the final vote on the stimulus package, I express my great regret that I am going to be unable to vote for it because we clearly need a stimulus package that works. The economy is in serious trouble, and we need to do the very best we can to restore confidence in our economy and in our future.

Indeed, confidence is the basic issue. Confidence is what it is all about. We have had glimpses that have led us to believe some sense of confidence could be restored. Unfortunately, in my view, we have squandered the opportunity.

Let me put it in context. Let's go back to the time when President Obama was newly inaugurated and people were looking forward to the stimulus package and the activity with respect to banks and what would happen in the financial industry. If I can quote from an editorial that appeared in the Wall Street Journal over the weekend of February 7 and 8, they were talking about the gamble that the stimulus package represents. This is what they had to say:

> The biggest gamble with this stimulus is what it means if the economy doesn't recover. Monetary policy is already as stimulative as it can safely get, and the Obama administration is set to announce its big financial fix on Monday.

That Monday was the Monday of this week, Mr. President. It goes on to say:

> Stocks rallied Friday on expectations of the latter, despite the job loss report, with big bank stocks leading the way. If done right, this will help reduce risk aversion and gradually restore financial confidence.

Again, confidence is what we need to get the economy going in the right direction. Continuing to quote:

> We hope it does, because the size and waste of the stimulus means we won't have much ammunition left. The spending will take the U.S. budget deficit up to some 12 percent of GDP, about double the peak of the 1980s and into uncharted territory. The tragedy of the Obama stimulus is that we are getting so little for all that money.

What did they mean when they talked about getting so little? Picking out a few examples, again quoting from the Wall Street Journal on the same day and an editorial on that issue, they point out:

> The Milwaukee public school system, for example, would receive $88.6 million over two years for new construction projects under the House version of the stimulus—even though the district currently has 15 vacant school buildings and declining enrollment. Between 1990 and 2008, inflation-adjusted MPS spending rose by 35 percent, per-pupil spending increased by 36 percent and state aid grew by 58 percent. Over the same period, enrollment fell by a percentage point and is projected to continue falling, leaving the system with enough excess capacity for 22,000 students.

Yet they are going to receive $88.6 million to build new capacity. Do the schools they represent have difficult conditions? Back to the editorial and quoting:

> In general, MPS facilities have been described by school officials as being in good to better-than-good condition—

Reports the Milwaukee Journal Sentinel—

> the kind of situations that create urgent needs for renovation or new construction in some cities have not been on the priority list for MPS officials in recent years.

So we are going to spend money to build Milwaukee schools and they don't have students to fill them. That is the kind of thing the Wall Street Journal was talking about.

Let's look at what happened this week. Now, I go not to an American publication but to the Economist, printed in Great Britain, which has perhaps a more objective view than a publication focused on American politics:

> There was a chance that this week would mark a turning point in an ever-deepening global slump, as Barack Obama produced the two main parts of his rescue plan. The first, and most argued-over, was a big fiscal boost.

They are referring to the stimulus package.

> The second, and more important, part of the rescue was team Obama's scheme for fixing the financial mess. . . .

They refer there to the unveiling of the program that Secretary Geithner gave us on Tuesday of this week. They go on to describe the situation:

America cannot rescue the world economy alone. But this double offensive by its biggest economy could potentially have broken the spiral of uncertainty and gloom that is gripping investors, producers and consumers across the globe.

Again, Mr. President, they are pointing out that we have a significant crisis of confidence. They say it applies to investors, producers, and consumers. Then they gave their judgment:

Alas, that opportunity was squandered. Mr. Obama ceded control of the stimulus to the fractious congressional Democrats, allowing a plan that should have had broad support from both parties to become a divisive partisan battle. More serious still was Mr. Geithner's financial-rescue blueprint which, though touted as a bold departure from the incrementalism and uncertainty that plagued the Bush administration's Wall Street fixes, in fact looked depressingly like his predecessor's efforts: timid, incomplete and short on detail. Despite talk of trillion-dollar sums, stock markets tumbled. Far from boosting confidence, Mr. Obama seems at sea.

These are comments not of an American publication, or of a Republican or Democratic partisan, but the comments of an objective observer from overseas. They go on:

The fiscal stimulus plan has some obvious flaws. Too much of the boost to demand is backloaded to 2010 and beyond. The compromise bill is larded with spending determined more by Democrat lawmakers' pet projects than by the efficiency with which the economy will be boosted.

I will give you an example that fits that category. Quoting from the Wall Street Journal of today:

An obscure Commerce Department office with a $19 million budget and fewer than 20 grant officers would end up in charge of $7 billion in grants to expand Internet access in rural areas.

Mr. President, you have had executive responsibility at the State level. I have had executive responsibility in the private sector. Think for a moment about the workings of this situation. There is an office with 20 employees administering a $19 million budget that is going to receive, under this stimulus package, a check for $7 billion and then being told: Spend it wisely in expanding Internet access in rural areas.

Mr. President, $7 billion does not get spent by 20 people overwhelmed by the task. It does not get spent expanding Internet access in rural areas without careful studies and an intelligent plan laid out.

That is an example of what ''The Economist'' is talking about when they say, and I go back to their quote:

The bill is larded with spending determined more by Democrat lawmakers' pet projects than by the efficiency with which the economy will be boosted.

They go on to talk about more details of the stimulus plan, as well as the Geithner plan, but they summarize it this way under the heading, ''A great failure of nerve.'' They say:

How serious is this setback? One interpretation is that Mr. Obama's crew mismanaged expectations—that they promised a plan and came up with a concept. If so, that is a big mistake. Managing expectations is part of building confidence and when so much about these rescues is superhumanly complex, it is unforgivable to bungle the easy bit.

More worrying still is the chance that Mr. Geithner's vagueness comes from doubt about what to do, a reluctance to take tough decisions, and a timidity about asking Congress for enough cash. That is an alarming prospect.

I wish I could support this stimulus package. I am more than happy to reach out to the administration and do whatever I can to help solve this problem because our country is in serious difficulty and the world, as a whole, is in even more.

I regret, in the words of ''The Economist,'' that this is an opportunity that has been squandered. I hope in the coming weeks we can do something to regain the opportunity and regain the momentum we need in order to get to where we need to be.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, like my colleague from Utah, I too wish I had something I could vote for, something I believe would stimulate the economy, would get the job done. But on this package, based on its size, based on its magnitude, and based on what I believe are fundamental flaws in it, like my colleague, I will also need to vote no.

The other day I was on a local radio station in Casper, WY, KTWO, ''Brian Scott in the Morning.'' Brian said: How do we know, how are we going to judge the success or failure of this bill? And I said, because this is statewide in Wyoming: Ultimately the people of America will judge the success or failure of this bill. If the people believe the Government is working for them, then it is going to be a success. But if, on the other hand, the people of America believe they are working for the Government because of the debt and they feel burdened by this package through increased taxes, through inflation, through less buying power, through more Government regulations, then people will judge this a failure. I want it to work. I want something that is going to make a difference in the lives of the people of Wyoming and the people of America.

Brian then specifically said: How will it work? How is the program actually going to work?

That is where I have to turn to the headlines and the sort of things Senator BENNETT was talking about because I don't think anyone knows. The Members of this body don't know. The Members of the House don't know. The program is much too big. As Alice Rivlin, the former adviser to Senator Bill Clinton said, we should go with something half the size. Take a look and do the emergency spending now, and then let these other programs, whether it is energy, environment, education, health care—let's discuss those in a deliberate manner.

But the headlines from the Washington Post say, ''Trim to Stimulus Carves Into Goals For Job Creation.'' Are we not trying to create jobs? Isn't that what this is supposed to be all about? Not these backed-up projects people have had as their pet projects for years.

Another headline, same page: ''Despite Pledges, Package Has Some Pork.'' ''Sifting Through Details of the Deal,'' as the Members of this body are still waiting for the copies to come to the floor.

Investors Business Daily: ''Stimulus Bill Funds Programs Deemed 'Ineffective' by [Office of Management and Budget].'' Page 1 headline: ''Stimulus Bill Funds Programs Deemed 'Ineffective' by the [Office of Management and Budget].'' Then why are those programs still here? That was yesterday's Investors Business Daily.

Today's headline: ''$789.5 Bill Stimulus Coming, But Will It Revive Economy?''

We are going to spend all of this money, and every dollar we spend that does not actually work to contribute to reviving the economy is an extra dollar our children and their children are going to owe to foreign nations because we did not have the self-control to limit our spending now.

And then the front page of the Wall Street Journal today, the big question: ''Next Challenge on Stimulus: Spending All That Money.''

Senator BENNETT talked about a very expensive proposal that is going to be spent, and the Wall Street Journal said it would probably take them about 8 years. By then, this economy is going to have changed dramatically.

This ''Next Challenge on Stimulus: Spending All That Money'' talks about the Department of Energy. What does it have to say?

[Department of Energy] is going to have to dramatically change how it does business if it hopes to push all this money out the door. . . .They are going to need more people, more oversight and more freedom to waive regulations.

If they are going to spend all this money in a timely manner, because that is what this program is supposed to be—timely, temporary, and targeted—if they are going to be able to spend this money in a timely manner, they are going to have to waive regulations.

We will see how they do. This is the Department of Energy that has a history of delays and of letting costs spiral during the delay process. And that is today's Wall Street Journal.

Is there waste in this program? Absolutely. I think the people of Wyoming get it right. I have had telephone townhall meetings. I have been home every weekend for the past three weekends. But the Powell Tribune in Powell, WY, has a headline that says: ''Stimulus: Take time to get it right.''

If you live in Powell, WY, and you write for the paper in Powell, WY, you are not one to ever want to quote the New York Times. Yet in this editorial they do. They talk about the New York Times. They said: A New York Times editorial said, ''A bill that is merely better than nothing won't be nearly good enough.''

''A bill that is merely better than nothing won't be good enough. The economy is too fragile. And the numbers are too huge.''

What I think we should do is people should, once the bills get to their desks, pack them up, take them home with them, read them on the plane, read them in the car, read them on the train, read them as they go home, and then talk with people about what is in the bill, and then come back and vote on it. Then I think this Senate and the House would know what the people of America would say. Take the time to get it right. This bill is too big. It spends too much. The cost is too great. The risk is too high. And for somebody from Wyoming, it seems to me as though we are firing all our bullets at once, spending close to $1 trillion on a package that we don't know whether it is going to work, and if additional help is needed, we will have run out of ammunition.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent to be recognized for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, today we will pass an economic recovery bill designed to create and save jobs. There are many reasons our economy is in trouble. One can point to the housing bubble and bust, failure to properly regulate financial markets, two wars that we have not paid for, and a global credit crunch. But whatever the causes for our economic crisis, a common thread running through the fabric of our economy is energy. I believe that a decade of shortsighted energy policies and missed opportunities has contributed to the economic crisis we face today.

I also believe a way out of this crisis can be found if we develop a smart energy policy. That is what I want to talk about today.

Investments in energy technology, energy conservation, and sustainable energy will be an important part of the path to economic recovery. We need to get on that path soon. One way we can move forward is to pass legislation establishing a national renewable electricity standard, which is known as an RES. This week, I am joining Senator TOM UDALL from New Mexico in introducing such a bill.

Establishing a national renewable electricity standard is a goal I have been striving to achieve for many years. In 1997, as a Colorado State legislator, I introduced several bills designed to advance renewable energy, including a State renewable portfolio standard. While my bills were voted down in committee and never reached the full House floor, my work in the Colorado House laid a path for action.

In 2004, as a Member of the House of Representatives, I traveled across Colorado with our then-State House Speaker, Republican Lola Spradley, campaigning for the Nation's first statewide RES ballot measure.

Despite well-publicized objections from Colorado's electricity providers, Colorado voters approved amendment 37, which required 10 percent renewable energy production for our State by the year 2015. After we easily reached that goal within a few years, the Colorado legislature increased this RES to 20 percent by the year 2020, this time with the support of those very electricity providers who opposed the measure initially because they came to realize the bottom line benefits of utilizing renewable sources of energy.

I have continued this work at the Federal level since being elected to the House of Representatives. In 2003, again along with my cousin TOM UDALL, I introduced a bill to create a national RES. This bill became the basis for a measure we passed out of the House in 2007. This measure would have created an RES of 15 percent by the year 2020 for our entire Nation.

Unfortunately, this amendment did not make it through the Senate. It failed by one vote and was not included in the 2007 Energy bill. But now thankfully, under the leadership of Energy and Natural Resources Committee Chairman JEFF BINGAMAN, and with the growing support of a number of new Senators, we will have opportunities in this Congress to again pursue a national RES.

Early this week, Chairman BINGAMAN held a hearing on his draft language for an RES of 20 percent by the year 2020. I would like to thank Chairman BINGAMAN for holding this important hearing and for his leadership on this issue. I look forward to working with him to get a strong bill through the committee, through both Houses of Congress, and to the President's desk.

My desire to win this fight and to help the chairman is why I joined with Senator TOM UDALL to introduce this Udall-Udall RES bill that would require 25 percent of our electricity produced from renewable energy sources by 2025. RES is important for many reasons. As demand for energy continues to grow in this country, we need to make sure we continue to have affordable and reliable electricity supplies.

As demand for energy continues to grow in this country, we need to make sure that we continue to have affordable and reliable supplies. And, most importantly, as we move to more competition in the delivery of electricity, we must make sure consumers and the environment are protected. So it makes sense to put incentives in place to ensure that less polluting and environmentally responsible sources of energy can find their way into the marketplace. That is what a renewable electricity standard, or RES, would help to do.

Not least, our bill would reduce air pollution from dirty fossil fuel powerplants that threaten public health and our climate.

But this bill is also about addressing two of the greatest challenges facing our country—national security and economic growth. With almost all of the new electricity generation during the last decade fueled by natural gas, our domestic supply cannot sustain our needs.

Just think, Iran, Russia, and Qatar together hold 58 percent of the world's natural gas reserves. As demand for power continues to grow, we should not be forced to rely on these unstable regions to sustain our economy, nor do we have to.

The best way to decrease our vulnerability and dependence on foreign energy sources is to diversify our energy portfolio.

Half of the States in our great Union have already figured this out and have made the commitment to producing a percentage of their electricity using renewable energy.

But all of our States will benefit from a national standard, which will lower natural gas costs nationwide, create new economies of scale in manufacturing and installation, and offer greater predictability to long-term investors. By reducing the cost of new clean technologies and making them more available, as a national RES would do, it would help restrain natural gas price increases.

This bill will spur economic development with billions of dollars in new capital investment and new tax revenues for local communities, as well as millions of dollars in new lease payments for farmers and rural landowners.

For those not yet convinced of the benefits of an RES, I would ask them to look at what has happened in Colorado. Vestas, a major wind turbine supplier, identified our State RES as a determining factor in locating 2,500 jobs in Colorado for its wind turbine manufacturing headquarters. Additionally,

Colorado Governor Bill Ritter has estimated that just the solar component of the RES has brought 1,500 new solar jobs to Colorado.

Now, Mr. President, some have argued that a national RES would burden some regions of the country at the expense of other regions. I would argue the opposite. A national RES would, in fact, create public benefits for all.

The bill's definition of ''renewables'' is broad, including biomass such as cellulosic organic materials; plant or algal matter from agricultural crops, crop byproducts, or landscape waste; gasified animal waste and landfill gas, otherwise known as biogas; and all kinds of crop-based liquid fuels. The definition includes incremental hydropower; solar and solar water heating; wind; ocean, ocean thermal, and tidal; geothermal; and distributed generation. Every State has one or more of these resources.

Further, the argument that the Southeast would be disadvantaged by a national RES—that the Southeast has no renewable resources—has been shown to be inaccurate. In fact, the Southeast is one of the regions of the country that would see the most benefit from this proposal. According to the Department of Energy's Energy Information Administration, the technology that does best under a national RES is biomass. Already, 2,500 megawatts of generation come from biomass in the Southeast, and much of the waste from pulp and paper mills has yet to be used for generating electricity.

In summary, a national renewable electricity standard will reduce harmful air and water pollution, provide a sustainable, secure energy supply now, and create new investment, income and jobs in communities all over our country. That is why I look forward to working closely with my colleagues in the Senate to ensure the adoption of a national renewable electricity standard.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum, and if it is necessary, to be fair to the other side, I will take it out of the time I have over here, or equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, on Friday the 13th, there is superstition that says we shouldn't be walking under ladders, we should avoid black cats crossing our paths, and certainly you wouldn't purposely break mirrors, would you. But since this is the first significant piece of legislation in this Congress, and under our new President, we ought to take a look in the legislative mirror at what we are doing when we vote here today.

If you look at the developments of this legislation, you will see some patterns. No. 1, House Democrats put together their priorities and drove their priorities through the House of Representatives. They didn't pretend to take any Republican input and they left out 11 of their own Members in the House of Representatives, as we saw from the 11 Democrats who voted against it. In the Senate, Republicans were consulted, and that is a very positive thing, but we were never invited to the negotiating table.

We saw this pattern repeat itself at committee levels and on the floor here and, of course, the most obvious one, at the conference stage. When Republicans offered ideas, generally they were rejected. There were a few exceptions, and the chart behind me will show what those few exceptions were.

The chart deals with one of the improvements—the alternative minimum tax. This is 2006 return data, so it might understate its impact, but you can see that every State would add up to about 20 million for the year 2006. If the 2008 patch were not passed, it would probably add up to 23 million, 24 million middle-class Americans who would be hit if we didn't do something on the alternative minimum tax. Each one of us can look at our own individual State. But you can see that there are high percentages of middle-class people who would be hit by the alternative minimum tax. That needs to be done.

I heard detracting remarks on whether we ought to do that in a stimulus package. It is not as stimulative as some parts of it. I think I heard some figures from the other side that it might be 2 cents on the dollar—or $1.02 of stimulus as opposed to other places where, as with food stamps, you might get a $3 or $4 return on the investment from a stimulus. But it needs to be there for the simple reason that in each of the last 2 years, we have waited a long period of time to do it, and it has created problems for the IRS to do their form work when you do the alternative minimum tax in November.

I pushed this amendment, an extension of the alternative minimum tax patch. I thank the conferees for retaining it in conference. Many in the Democratic leadership—most particularly the senior Senator from Illinois—argued that I should support the package based upon that amendment alone. I agree with my friend from Illinois that the package was improved with that amendment. I also point out that all these families in his State—and you can look at Illinois, where there is a fabulous number of middle-income taxpayers, 909,000 right now, before this bill is signed by the President—would be obligated to pay that alternative minimum tax. In my State of Iowa, it is a large number; not quite that big.

We need to point out that all the families from his State and families from my State will get a tax cut averaging $2,300 due to the amendment. We on this side pushed for that.

I do not get what the senior Senator from Illinois was saying. I only heard him say it last night because I was on the floor at that particular time. I don't get why he doesn't accept the improvements based on merits alone and not whether it has anything to do with who supports this bill or who does not. Why he feels the need to continue to criticize me by name for improving the bill is beyond my comprehension.

Now, instead of repeatedly criticizing me by name, I hope the senior Senator from Illinois would listen to what I have to say and reflect on it. We do not need to be partisan, cutout cartoon characters. We can actually engage in some real debate. In that vein, many on my side could probably support the conference agreement before us, with more improvements such as the one the senior Senator from Illinois has criticized me for offering, the alternative minimum tax. President Obama could get the 80 votes he wanted and still have a stimulus bill.

But on this side we will supply those additional votes, maybe pushing the total to 80, only if we believe the bill as a whole would improve the economy. To that end, House and Senate Republicans offered amendments in committee and on the floor to improve this bill the following ways. I have about four examples.

No. 1: to tie the spending of this bill to the period in which the economy is sagging. That was Senator MCCAIN's trigger amendment. If Senator MCCAIN had prevailed, taxpayers would know their tax dollars would be protected once the economy recovered. It was a good, fiscally responsible idea. It was rejected largely along party-line votes.

No. 2 example: to ensure that the huge amount of State aid money, almost $87 billion for Medicaid alone, was used by the States to prevent tax increases or cuts in important services. We had amendments to do that. The amendments required States to maintain their efforts on keeping taxes low and not cutting services. That was rejected largely along party lines.

Another example was to build on the individual tax relief in the package. On this side, we offered amendments to expand the relief in amount and by the number of taxpayers. Those amendments also were largely rejected along party lines.

The last example: we tried to divert some of the over $1 trillion in this bill—that is $1 trillion when interest on this debt is included—to home mortgages and housing problems. We offered

amendments to do that. Senator ISAKSON prevailed with his amendment to provide a robust tax credit for home purchases. How was that amendment received in the conference committee? The answer is it was dumped and new social spending, the priority of a lot of House Democrats, was added back.

These are just a few examples. I would like to remind my colleagues that we would cut back the cost of the bill. Ask Senator MCCAIN. I am sure he will explain, in detail, the large amounts of money that could be saved.

The true test is in the press reports. They note the conference report is not too far off from the basic plans laid out by the Democratic leadership. The bottom line is the basic outlines of the plan did not move all that much between what was originally passed in the House, originally passed in the Senate, and what comes out of conference. It goes back to my basic point—to be bipartisan you have to have a real offer to negotiate and a sincere objective to entertain each other's point of view. There is no better evidence of that kind of pattern than the record Senator BAUCUS and I have established in the committee, the Finance Committee, during the years I chaired the committee and during the years he has chaired the committee.

I yield the floor.

I suggest the absence of a quorum and ask the time be divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, this is 10 minutes for morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. SESSIONS. I ask to be notified after 5 minutes.

Mr. President, I truly believe the legislation before us is a historic piece of legislation. It is a piece of legislation that changes the course the United States has steered throughout its history, by moving us rather significantly and precipitously toward a European model of an economy. The Government's share of GDP has historically been about 20 percent for the last 34 years, up and down, 17, 21, 22. One score—when you put all the stimulus money, all the bank money and all the bailout money and what we may expect to see in the future—one score indicated that it could reach 39 percent. In 1 year, we go from 21 or so percent of GDP to 39 percent of GDP. They say this is a temporary stimulus package. But it is not a temporary stimulus package. It has all kinds of permanent expenditures, creates new Government programs, and spends more money on things such as IDEA, special education—$14 billion on that existing program. Does anybody think we are going to reduce that in the future by any significant degree?

This bill funds program after program that will be increased in size, and the Government spending will then account for a larger percentage of our economy.

As George Will wrote—he is frequently, I think, thoughtful and wise—recently:

> If this is not a matter that ought to be politically discussed, what is?

So we want to be nonpartisan, bipartisan, and work together. But if you realize that we are undertaking an expenditure, the largest in the history of the Republic, the largest in the history of any nation in the world, in one fell swoop, and if you believe that is going to move us significantly in a way that alters the historic principle of this Nation that believes in limited Government, then you need to be here talking about it and opposing it and voting against it.

I think it is pretty clear. I know a lot of my colleagues on the other side of the aisle, a lot of new Senators who came in recently, they are uneasy about this legislation. But they have been led along, I am afraid, by the leadership and some of the others and listened to the Siren songs and are going along with this legislation.

I do not think, in years to come, they are going to be that proud of it. I just don't think so. I wish that some way, even in these last moments, we could stop this train, go back and look at a piece of legislation that might be better. The House proposed legislation. Senator THUNE offered it here. Some folks have taken a look at Christina Romer's work. She is the Obama administration's top economic adviser.

She put a model out on how to evaluate a stimulus-type legislation last year. They believe their legislation, following her model of what creates jobs, following her analysis, would create twice as many jobs at half the cost and not create so many permanent Government bureaucracies and programs that are going to absorb more and more of America's wealth.

I think this is a big deal, and I do not like the process. The bill got out in the middle of the night, and now we are supposed to vote today. There is hardly time to read it. It is $1 billion per page, 700, 800 pages, maybe more in there, and almost $1 billion per page. If you add up the minutes between now and the time we will be voting, it is almost $1 billion a minute. One professor at Hillsdale College notes that this represents—$789 billion is almost equal to all the currency in circulation in America today. It is a stunning piece of legislation.

I want to repeat something that I have spoken about before. In my view, there was a deliberate plan that was hatched to create a perception that something would be done in this legislation that would require any business that obtained money out of this program, any contractor, to use the Government E-Verify Program. All you have to do with this program is punch into the computer the Social Security number of the people who seek employment and have it checked by the Department of Homeland Security. And we are finding that a considerable number of potential new hires—not too many but a considerable number—are here illegally. Now, let me ask my colleagues, is it the desire of the Members of this body that the stimulus money to create jobs—that those jobs should be given to people illegally in the country? People who are here lawfully, green card holders or temporary workers, if they are lawfully here, they can have a job under the program. I am not objecting to that. But the Government has a computer system, and 2,000 businesses a week are signing up to use it voluntarily. Nobody has required them to do that. Those businesses are finding that some of the people who apply are not here legally, and they are not hiring them, as a good citizen company should do. They are not supposed to hire illegals—in fact, it is a criminal offense if they knowingly hire people who are in the country illegally. So why would we not do that? Why?

The PRESIDING OFFICER. The Senator has used 5 minutes of his time.

Mr. SESSIONS. I thank the Chair.

Why would we not include this simple requirement? Well, let me tell you, the American people want us to do it, overwhelmingly, and I think the leaders of this body know that. So a clever plan was hatched. I began to get the feel for it when I began to offer this amendment. Three or four times I offered the amendment. Many amendments were voted on on the floor during this debate. The leadership was most proud of that: Oh, we had a lot of votes. But some did not get voted on. This was one that did not. Why? It passed the House last year. One part of my amendment was passed on a floor vote of 407 to 2 to extend the E-Verify Program, which is set to expire in March. The other part was accepted in the Appropriations Committee, without objection, and that part would say that if you get a contract under this jobs bill, you would use E-Verify. So the House passed it. It was in their bill. All but 11 Democrats voted for the overall bill, so they voted for the E-Verify provision. And I am sure that the Republicans and the 11 Democrats, had they been asked to vote on just this provision, would have voted for it too. So it was virtually unanimous in the House.

So I kept pushing it here, and if it had passed here, using the same language our House colleagues used, it

would have—absent skullduggery, which sometimes happens—been in the final bill because it would have been in the House bill and the Senate bill and become law.

So the House Members are most proud. They voted for it. They voted with their constituents. They voted for common sense. They voted for American jobs. And they are proud of themselves.

The Senate, however, did not get to vote on it—sorry, JEFF, we just couldn't find time to get your vote. We had all the other votes, but we did not have time for yours.

No Senator is now on record as having voted against E-Verify. But just as I predicted, they went to conference and they got with Speaker PELOSI and Majority Leader REID, who control the conference—both of them pick the conferees; a majority of Democrats on both the House and Senate side, and they had the power to write the bill as they chose—and lo and behold, surprise, they took it out. They did not want it in from the beginning. They systematically maneuvered around to get a plan to take it out, and they think they can pass the bill without it, and perhaps they will. And who is to lose? Low-skilled, honest, decent American workers out looking for a job.

Let me tell you about E-Verify. Doris Meissner, who is the former head of the Immigration Service under President Clinton, in a report last week, February 2009, said this:

Mandatory—

That is what we are doing, requiring these companies to use E-Verify, not mandatory now—

employer verification must be at the center of legislation to combat illegal immigration . . . the E-Verify system provides a valuable tool for employers who are trying to comply with the law. E-Verify also provides an opportunity to determine the best electronic means—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. She goes on to say that:

E-Verify also provides the best opportunity to determine the best electronic means to implement verification requirements. The administration—

She is talking about the Obama administration—

should support reauthorization of E-Verify and expand the program.

Alexander Aleinkoff, a Clinton administration official, called it a ''myth'' that there is ''little or no competition between undocumented workers and American workers.''

And I would say, I am disappointed. I am not surprised, I could see how this was headed for the last week or so. I hoped it was not so. I raised openly my concern with the majority leader and the bill managers that this would happen, and I am now seeing it happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, today all over the country, millions of Americans went to work unsure whether they would bring home a paycheck or a pink slip. Today, millions of Americans got up, put on their suit, left the house, not go to work, but for another interview, another visit to the unemployment office, another spot in the long hiring line. Today, millions of Americans will have that late-night session at the kitchen table trying to figure out how they are going to make ends meet on their stressed family budget. And today, millions of Americans worried how they could afford it if a child or an elderly parent were to get sick. In my home State of Rhode Island, where the unemployment rate is the highest it has been in decades, the second highest in the country, I hear stories like this over and over again.

This past Sunday, I had one of our community dinners that we hold. This one was at the Tri-City Elks Lodge in Warwick. More than 200 people came from all over the State to talk to me about their struggles to afford health care in this economy. From them all, the message was the same: We are trying to get by, but times are tough and we feel the deck is stacked against us so we just can't make ends meet. What can you do to help?

Our economy, our country, is in crisis. Americans are urging us to take action now, before things get worse, before it is too late. So this week, the Senate took action. It was not easy, it is not perfect, and it will not be cheap. But it was the right thing to do. The bill we passed on Tuesday will create or save 12,000 jobs just in Rhode Island over the next 2 years. Many of those jobs will come from new investments in Rhode Islands's infrastructure, including millions for road and bridge repair, to improve drinking water and sewer systems, and to help families weatherize their homes and cut their energy bills.

The recovery plan will provide a refundable tax credit, a downpayment on the middle-class tax cut President Obama promised this country. That credit will reach 470,000 Rhode Island workers and families, giving as much as $800 worth of breathing room in a family's budget in this year when every little bit counts.

I am also proud that the recovery bill will provide a one-time $250 payment to those living on Social Security or SSDI. In the Ocean State, we know that for vulnerable seniors, that little bit of extra help from the Federal Government can make the difference between housing and homelessness, between health and sickness. Approximately 138,000 Rhode Islanders receive Social Security, so this bill will mean more than $34 million into Rhode Island's economy for Rhode Island seniors and those who are disabled.

The recovery plan will send an additional $100 a month in unemployment insurance benefits to 86,000 Rhode Island workers who have lost their jobs, and it will provide extended unemployment benefits to an additional 17,000 laid-off Rhode Island workers.

The bill we passed does not stop there. It increases Pell grants so people who cannot find work can go to college, improve their skills, and come back into the workforce better trained, and in better days. It increases funding for food stamps, for Head Start and other early childhood education programs, and for Medicaid—all to help struggling families just weather this storm.

It includes $18 billion in Medicare and Medicaid incentives to build health information infrastructure to improve the quality and safety and efficiency of our health care system.

The bill we passed will put people back to work. It will jump-start our faltering economy, and it will support struggling families. It is not a perfect bill, but at this moment, in this crisis, it is necessary.

We tried to do this together with our Republican friends. President Obama reached out his hand in unprecedented ways. George Bush never once came to the Senate to talk to us, to Senate Democrats. President Obama traveled to Congress to meet with the House Republicans; he came over here to meet with the Senate Republicans; he did individual calls and meetings. Three Republican Senators, Senators SNOWE and COLLINS of Maine and the distinguished ranking member of our Judiciary Committee, Senator SPECTER, heard his call, put their country first, and helped us pass this bill. I do not agree with all of the compromises that they required, but without them, we might have had no bill at all.

But from the vast majority of Republicans in Congress, from every Republican Member of the House of Representatives, what did President Obama get for his pains? They slapped away his hand of friendship, and they gloated about it, saying, ''The goose egg you laid on the President's desk, [the goose egg meaning zero Republican votes in the House of Representatives] was just beautiful.''

They claimed—hold your horses here—to take inspiration from the Taliban. They said their boycott of President Obama's bill was a political shot in the arm going forward.

And their party leader said this:

You and I know that in the history of mankind and womankind, government—federal, state or local—has never created one job.

I guess his history book ended at the chapter on Herbert Hoover. Mr. Steele,

read on; read the next chapter about Franklin Delano Roosevelt and the Works Progress Administration and the Citizens Conservation Corps and how the Government got us out of the Great Depression.

Another measure of whether our Republican friends are being fair is to look at the arguments they have made. Do they make sense?

''We should do housing first.'' We have heard that one. Well, fixing the housing market is, indeed, important. But actions speak louder than words, and while the Republicans' words call for action, their actions spell obstruction. They still resist the single most important and effective thing we can do to stem foreclosures, which is Senator DURBIN's bill to allow bankruptcy courts to modify mortgages on principal residences, the only loans that don't have this authority in all loans in our country.

And when we tried to address the housing crisis only a few months ago, they stopped all those bills, refused to allow us to move forward because they said expanding—remember this—oil drilling was more important and we had to do that first. It's the number one issue facing the American public.

Look where we are now and how important oil drilling is in our crisis. If we had done housing first, can you not see the signs here saying: Jobs first? I fear our friends would rather move the goalposts than move legislation.

''It is full of spending, and it is too big.'' Yes, it is full of spending. The recession of consumer spending and business spending is what is draining the economy. The whole idea is to counterbalance the loss of that spending with Government spending. And you know what? It is probably not enough. Our economy has already lost more than 3.6 million jobs since the peak of the business cycle in December 2007, and 11.6 million Americans are currently looking for work. A report last month estimated that in the absence of this legislation, we could lose another 3 to 4 million jobs. This legislation will create or preserve 3 to 4 million jobs. 11.6 million Americans out of work. This accomplishes the first necessary step of stopping the bleeding. But more, I suspect, will be required to cure the patient. Realistically, the danger that this bill is too small is worse than the danger that it is too big.

''The bill doesn't all create jobs.'' Well that is true. But let's look at two examples of provisions that don't create jobs—Pell grants and Medicaid. The Pell grant money lets people step out of the market for jobs at a time when it is highly stressed, train up, improve their skills, and move back in in better times. Isn't that smart? Doesn't that make sense for the country?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WHITEHOUSE. I ask unanimous consent to speak for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. The health care spending will protect precarious State budgets and protect people's health care as they ride out the storm. Isn't that the decent thing to do as this storm hits American families?

Another argument: ''Some of it isn't soon enough.'' Well health information technology, for instance, will take a while to ramp up, but it is necessary infrastructure to avert the $35 trillion health care calamity now bearing down on us. It has to be done sooner or later. The recession will almost certainly be here 2 years from now, and if it does take a little while to do, isn't that all the more reason to start now?

And then there are the—what I call the ''oh, please'' arguments. The party that ran up nearly $8 trillion in debt under George Bush—now that Barack Obama has been elected, and now in the one time of crisis when every respectable economist is saying this is the time for deficit spending—now suddenly gets religion about deficit spending? If this weren't so serious, it would practically be funny.

Finally this: If our opponents cared about jobs and putting people to work quickly with effective, valuable infrastructure, why such widespread opposition to the $20 billion for school repair and construction? This money could have put contractors to work on school repairs, green renovation, weatherization, and conservation measures. It would have made schools cleaner and greener. It would have lowered local fuel budgets, and it would have reduced dependence on foreign oil. What does opposition to that tell you?

And what did they argue for? Here is a golden oldie: Reduced corporate tax rates. How many companies do you think are out there reporting big, taxable profits in this economy?

On even brief consideration, the Republican arguments against the bill don't hold water. It is instant replay of the same, tired, flawed ideology that put us in this mess in the first place. Barack Obama did not ask for this mess. He inherited this mess. Barack Obama would rather have come into a budget surplus, a growing economy, and a trajectory to a debt-free America, like George Bush and Dick Cheney did. But that is not what they left him. And now he's the guy who has to dig us out of their mess. In simple decency, you would think the least one could ask is that the party whose President made the mess not slap away Barack Obama's hand of friendship. ''I am sorry, but I won't help you clean up my mess unless you do it my way.''

After weeks to ventilate their arguments, our friends now have an opportunity to show that when all is said and done, they care more about moving the country forward than scoring political points. Now we have the chance to come together and pass this bill and send to it President Obama's desk so we can begin to restore confidence and hope to our country.

I hope—I hope—our Republican friends will join us. There is too much at stake to do nothing.

I thank the presiding officer, I thank distinguished Senator from Texas for her courtesy in yielding me additional time.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to speak against the bill coming from the House shortly. We have had a chance to look at this bill for the last few hours. There is much in it that is different from what passed the Senate. Some of it is different from what passed the House as well.

I wish to address a few points that have been made. It is somewhat misleading to talk about the Republican input in the way it is being described. First, the bill was written without any Republican input. It was written in the House of Representatives by Democrats. There were no amendments allowed. The committees were not allowed to exercise their jurisdiction on the bill there. It came to the Senate. I was on the Appropriations Committee which passed the spending part of the bill. Amendments were discouraged. The meeting lasted a couple hours. The same thing happened on the Finance Committee, which is the tax part of the bill. There were no amendments that were hammered out. There was not an amendment process where we gave and took. To say Republicans had a chance to have input is disingenuous.

I respect the President of the United States for coming and talking to Republicans. He talked to the Republican Senators and House Members. That is good. There is nothing bad about that because he is a smart and civilized man whom we all respect. We want the President to work with Congress as we go forward. But talking should include taking ideas and shaping them into something on which we could all say we had a part. If I could support half this bill, I would be inclined to look at it in a way that maybe I would be able to support. But let's look at what this bill is.

It has a total cost of $787 billion. The spending portion is $580 billion. With interest, the cost of the bill is going to be about a trillion dollars. I take the cost of a trillion dollars, and borrowing that money from the future, very seriously. We ought to spend some time before we spend $1 trillion in a bill that is going to be off the budget and is not in any projected budget we have seen. It is going to add almost $1 trillion to the deficit. Is it going to succeed? I hope it does. But let's talk about what is in the bill.

Eleven percent of the spending in this bill will occur this year. The purpose of a stimulus bill is to stimulate the economy quickly. We are talking about almost $1 trillion and 11 percent is spent this year. A stimulus bill should inject money into the economy that will cause jobs to be either produced or kept, that will produce spending so there will be something for people to make and retailers to sell. After we have that stimulus, which we hope would be in the private sector and therefore permanent, then we are going to have to deal with the deficit in years 3 through 10, so we don't have an upside down situation where we have so much debt that either our foreign investors will not buy our debt or, if they do, the risk is so high that they increase the interest rate, which then becomes an inflationary problem. This is not a stimulus package when 11 percent is spent in the first year.

Eighteen percent of this conference report is dedicated to tax relief. I believe tax relief has been proven again and again to spur the economy. President Kennedy gave tax relief, and it spurred the economy and increased revenue. President Reagan, tax relief, and it increased revenue. President Bush, in 2001 and 2003, when we were having a rough time in the economy, the tax cuts gave us the largest increase in revenue in the history of America.

People scoff at tax relief as part of a stimulus package. How can they scoff, when it has been proven again and again to work? In this conference report, 18 percent is tax relief. It is not even tax relief that will spur the economy. The tax relief is the Making Work Pay Credit which is going to be approximately $7.65 per week in tax relief for a worker. That is going to be limited to $400 a worker.

Speaking of what has been tested, last year, when we became concerned that the economy was beginning to lag, we passed a $600 tax credit. Every economist I have read says it did nothing. It did not spur the economy. It did not help our financial situation at all. That was $600 per person last year. This is going to be $400 per person, and it is going to be strung out in such small amounts in a person's paycheck, they are not going to go out and spend money which is what you want in a stimulus package. The stimulus provides $1.10 a day in tax relief to workers, while saddling every American family with $9,400 in added debt.

The home buyer credit the Senate added, which tries to correct the fundamental problem that started this whole economic downturn—housing—is all but eliminated from the conference committee report. We have an $8,000 credit for first-time home buyers. Now, I support this because it will be some credit for a first-time home buyer to go out and buy a home. But the Senate provision was $15,000 for any home buyer. So we had the capability to give every home buyer that $15,000 tax credit so we would move inventory and allow homebuilders to start building again, which would create jobs. That was changed in the conference report.

The conference drastically reduced the auto purchase deduction which would have spurred our struggling auto industry and provided relief to dealers all across the country. I have a great sympathy for auto dealers. When we were taking up the automobile manufacturing bailout, I was very concerned about not only the manufacturers but also the dealers because the dealers could not help what was happening in the auto manufacturing industry. They had nothing to do with the manufacturing, but the dealers and the families who are supported by dealers were being hit again and again and again because their buyers could not get credit and they could not buy cars.

So we should have dealt in this bill with housing and credit. Those are the two things that caused this financial downturn, and so I hoped the first things we would deal with in this package would be housing and credit, and I hope eventually we will.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, 17 percent of the discretionary spending in this package is for infrastructure items. Now, infrastructure is what we should be spending money on because infrastructure is jobs. Infrastructure is American jobs. In this bill, we do not have enough in infrastructure spending.

Mr. President, we should keep in mind that the money in this bill isn't temporary. There are concerns that it will be permanent. It is likely that those funds will be extended well beyond the short window that we claim to be acting in. And in that case, according to The Heritage Foundation, the total cost of the bill comes to $3.27 trillion over 10 years.

This is not the bill we should be passing right now. This bill did not even have the signature of one Republican on the conference committee. We do not expect to have dominated the conference committee or the Senate or the House production of a bill, but to have no Republican support cannot under any circumstances be declared bipartisan. Mr. President, 3 Republicans out of the Republican contingent is just not bipartisan.

Let me add, in a couple of minutes, what we are for. I am for stimulus. We all know we need stimulus.

I would like tax cuts that would spur spending, not tax cuts that would be dribbled out in such small amounts that no one would feel they could go out and buy something. Tax cuts that would spur spending would be in the form of a card, such as the converter box cards that were sent in the mail, that would be for specific purposes—maybe it would be home improvements, maybe it would be weatherization. Specific purposes would require spending. It would be a card that people would know they could spend, and it would make a difference in jumpstarting the economy.

Tax cuts that would spur hiring. It was sort of said on the other side that we do not need corporate rate deductions because no one is making a profit. Well, let's do something that would allow corporations to make a profit because that is when they hire people, when they are making a profit.

How about a tax credit for hiring people? That might make a difference. How about spending on infrastructure? How about more than 17 percent of $1 trillion going for infrastructure? That would be jobs today for people building bridges, building highways, building things that would clearly be job creation.

I had an amendment which never made it to the floor that said that military construction should be moved up from the Department of Defense 5-year plan to 3 years. Military construction is money we know we are going to spend. The Department of Defense has a 5-year plan. They know exactly what their priorities are. We normally take it 1 year at a time. Why not take the 5-year plan and bring it up and do it in 2 or 3 years? Because we know it would be American jobs. We know it is money we are going to spend anyway. It would be stimulative, and it would be the right kind of spending. Instead, the conference cut the military spending in this bill from what passed in the Senate. The conference cut our military spending for hospitals and for Veterans' Administration hospitals to increase the quality and access to health care for our veterans. What kind of priority is that? And they are increasing spending to save a mouse in San Francisco that might be endangered.

This is not a package we can be proud to give to the American people and say: It is worth tightening our belts to do this because it will make a difference. But we can be for something. We do not say we should have everything we propose. There are other good ideas on the other side. We acknowledge that. But this is not the right bill for the American people, and I urge my colleagues to please consider their positions and let us do this right: tax cuts to spur spending, tax cuts to spur the opportunity for corporations and businesses to hire people, spending on infrastructure, more in military construction. That would be a bill we could support.

Mr. President, I thank you and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. ENZI. Thank you, Mr. President.

Mr. President, I, too, want to speak about the conference committee report. I did not think it was possible, but after waiting until late last night to finally receive the text of this trillion-dollar economic bailout legislation, the Speaker of the House and the majority leader took a bad bill and made it worse.

Fix housing first. The housing market is where the problems began, and it is where they will end. Fix housing first. So what did the negotiators between the House and the Senate do? Amazingly, Democratic leadership managed to remove one of the provisions that would really do some good and help address housing. Stripped from the conference report is Senator ISAKSON's home buyers tax credit extension amendment. Expanding that successful tax credit program—we know from the 1990s—would have addressed the source of our economic crisis—housing—and would help bring tentative homeowners back into the market. There are over 3.5 million homes on the market right now and no buyers. Instead of including this provision, the conferees replaced it with more wasteful Government spending. They have used our last bullet. They have maxed out the Federal credit card. Every drop has been taken out of the well, and they have spent this one-time money on expenses that will go on and on—and that is the real problem—on and on with money we do not have for things we do not need.

I have listened to the Democratic leadership speak on this legislation over the past day or so and have been surprised as they described it as bipartisan compromise legislation. I have been a Member of the Senate for 12 years, and in my experience, finding only three Members of the minority party to support legislation and only involving them at the end of the process is not bipartisan. It is not bipartisan in the slightest.

I am disappointed that we have reached this point. When we first began discussing this legislation, President Obama asked for change. He asked for a bipartisan economic stimulus measure, something that could garner as many as 80 votes. I wanted to see that as well. I wanted to see legislation that both parties could support because the economic crisis we are in is not a partisan problem. Unfortunately, the legislation we have before us is partisan, and it reads like a list of bundled liberal priorities that could not gain support individually. How do I know? It is a wish list that could not be passed for the last 20 years because they could not find the money.

Democratic leaders, even at the exclusion of other Democrats, wrote a bill, brought it to the floor, and then negotiated with Republicans they thought they could pick off. Several saw what was happening and dropped out. They picked three off by asking what it would take to get them to vote for the Democratic bill and making a few changes. It was not a bill made by both parties.

President Obama turned the drafting of this bill over to the Speaker of the House and other Democratic leaders who did not consult Republicans and even said: We won the election, we get to write the bill. Then the President went out on the campaign trail to stump for a plan crafted solely by Democratic leaders in the House and Senate. He complained that he reached out to Republicans but they did not reach back. Reaching out cannot just be an afterthought.

The supporters are using the politics of fear. Fear mongering adds to the problem.

I was not part of the initial ''gang of eight'' Republican Senators who were handpicked to work with Senator BEN NELSON and the majority leader on a ''compromise'' ''stimulus'' bill. I would note, however, that five of the eight Republicans quickly saw how superficial the compromise was going and bowed out.

I nevertheless offered and supported ways to improve the bill that was put forward by some of my colleagues. I am not just talking about amendments you saw on the floor that would reduce the price. Those were simply efforts to salvage something out of the wreck. I suggested removing a number of things that did not make sense—policies backed by Republicans and policies backed by Democrats. I always recognize that both sides have to have things left out to be fair. I also backed moving the bill forward in several understandable pieces so we could bring the American public along.

I offered amendments that sought to improve several parts of the bill, including a change that would make sure the billions of taxpayer dollars spent to pay for health information technology would go toward items that will actually work in the real world. This was a real bipartisan effort which enjoyed broad support among both Republicans and Democrats. In fact, I did get an amendment adopted that was just technical changes, and that was difficult to do. I think it has been ripped out now too. But the bill will not work without those.

Unfortunately, it, along with my efforts to try to protect patients from Government bureaucrats rationing their access to health care, was largely ignored. As a result, I have strong concerns that this stimulus bill will likely backfire on patients and providers, resulting in more harm than any good we are likely to see from its ill-conceived and misguided efforts.

We are going to do health care reform this year. Partisan pieces do not have to be rushed through as ''stimulus.'' We do not have to legislate on a spending bill.

This massive bill contains short-term and long-term spending, and I advocated moving forward with the short-term spending immediately. I advocated for addressing the housing crisis and the jobs crisis right now. I suggested that after we dealt with those pieces of legislation, we should work together on the long-term items, not jam them in with no time for debate. Some of those items in this bill are important, but they should be dealt with in a separate measure going through the normal legislative process where we can have the time for real debate about our Nation's priorities.

I am not happy about deficit spending in these bailouts. I realize something is wrong with our economy, and we need to take steps to fix it. I worked to create a bill that efficiently used taxpayer money to improve the housing market and put people back to work. The ''compromise'' we are forced to take or leave is so far off the mark and full of pork that it is obscene. I will not support spending money we do not have for projects we do not need. I will support legitimate efforts put forward by either party that could help our country out of this economic mess.

I have been very critical of this bill and other bailout bills passed last year, and time is showing I made the right decisions opposing those bailouts. I would support an economic stimulus package if only it lived up to the President's own threshold of being targeted, timely, and temporary. I am leery of spending one-time money on programs that will have to continue. These will be continuing payments on our maxed-out credit card. But this bill does not fit with the President's words, and Democratic leadership has made no real effort to make it conform.

This bill is both bad in content and in process. It includes wasteful spending, including $2 billion for groups like ACORN and $1.3 billion for Amtrak. Funding that was stripped from the Senate version for sexually transmitted disease prevention was included in the conference report.

As is typical in Washington, programs that were Members' pet projects saw ridiculous increases in the conference. The Senate bill provided $2 billion for the High-Speed Rail Corridor Program. The House bill included no funding for the program. How did we compromise that? How much did the conference provide? It provided $8 billion. This is compromise according to Congress. Both the House and the Senate version of the bill included $200 million for ''Transportation Electrification''—both bills, House and Senate—$200 million for transportation electrification. Logically, one would

then expect that the conference would provide $200 million, but logic flies out the window around here when you come inside the beltway. The conference provided $400 million—double what either body suggested.

I know how to do more than talk about bipartisanship. I have built a career on it without compromising my principles. Take a closer look and we will see bipartisan isn't about compromise; it is about establishing common ground and finding a third way. First you sit down together with principles each side can agree on. That is probably about 80 percent of any issue. Then you identify the 20 percent you were never able to agree on and either leave that out or preferably find a new way both sides can agree on—one that hasn't already been down in the weeds and washed for years and years. After you have the principles, you work on the details, keeping what you can agree on and throwing out what you can't, until you have legislation that is for and from both sides, from the beginning. That didn't happen here.

Talk is cheap, but the latest economic bill pushed through by a majority and three Republican Senators is not. And if this is the description of bipartisan support, then the House, with every Republican and 11 Democrats voting no, must be bipartisan opposition. This legislation is the single most expensive bill in the history of the United States and it is being sold to the American people as a ''compromise.'' Buyer beware.

Mr. President, I reserve the balance of the time, I yield the floor, and I suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I rise this afternoon to speak about the agreement that was reached a day or so ago by conferees on the American Recovery and Reinvestment Act and the inclusion of two priorities of mine in particular.

Before I give the substance of my remarks, let me commend the leadership of the Senate and the House as well as the Members on both sides of the so-called political divide in this Chamber and elsewhere who helped put this together. I know there were many who obviously did not want this bill to pass and who have spoken against it. Most, I believe, feel that inaction is unacceptable. We may have significant disagreements about what should have been included in this package—whether it is stimulative enough; whether the size of the package itself will provide the necessary jolt to our economy to have us moving in a better direction than the one we are obviously in. I happen to believe we are doing the right thing by doing this. I don't take any great joy or pleasure in the fact we are doing it, any more than I did when we had the vote last fall on the emergency economic stabilization effort. That was no great moment of joy either.

Normally when we pass legislation, we are directly helping some group or helping the country in some way. These efforts obviously help, but they help us get out of a mess we are in, one that, in my view, could have been avoided. This was not a natural disaster that occurred in our country; this was a manmade disaster—inattention, misfeasance, malfeasance that allowed this country to watch the greatest economy in the history of mankind evaporate in the pockets of many overnight. Job losses—20,000 a day—with our fellow citizens finding themselves without an income. Nine thousand to ten thousand homes a day are foreclosing in our country. Retirements are evaporating within minutes. People who have spent years accumulating, to be able to enjoy the latter years of their lives in some peace and comfort and security, knowing they can take care of themselves and their loved ones as they step out of the workforce and enjoy a well-deserved period of retirement, are now in jeopardy. People may have to stay at work, if they can find work, at an older age in our country.

So while I am pleased this bill is going through and pleased that my State will be the beneficiary of some help at this particular hour, I don't take any great pleasure in this moment at all; quite the contrary. It saddens me that it has come to this. So with that as a framework, I wish to share some thoughts about what is in this bill and why I think it can be of some help to get us moving in the right direction.

Most Americans I think are aware now that our economy has been in a recession for the last 14 months or so and has impacted every State differently. My State of Connecticut is no exception. While the effects of the recession took a bit longer to hit my State than others, economists believe Connecticut may take longer to recover for a variety of unique reasons, including the kinds of jobs we provide and the like. We have lost about 125,000 jobs in my State. Close to 20,000 homes have been foreclosed on. One of my cities alone, the city of Bridgeport, has had 1,100 foreclosures—one city, 1,100 foreclosures. That means our efforts to get our economy moving in this bill are going to be important to families all across the country, and certainly my State is no exception.

We are addressing many priorities with this economic recovery package, providing urgent help to communities who are struggling in the midst of this recession while making a downpayment on long-term needs as the new President, President Obama, has articulated in Indiana, in Florida, and in Illinois, where he has spoken in townhall meetings about this over the last several days, as he did in his first nationally televised press conference. At a time when layoffs are increasing the rolls of the uninsured, this bill provides $24 billion in health care premium assistance to 7 million unemployed workers. I can't begin to tell my colleagues how important that is.

I have held two townhall meetings in my State in the last two weeks on health care. I had one at 8:30 on a Monday morning, which is a dreadful time to hold a townhall meeting, obviously. We anticipated maybe 75 people might show up at the small community college on the banks of the Connecticut River outside of Hartford. Well, 700 people showed up at 8:30 in the morning to talk about health care and to talk about what they are going through. The discussion was supposed to be about coverage. Specifically, we had three themes: one on coverage, one on costs, and one on prevention. But the conversation was far beyond the issue of coverage. Seven hundred people showing up at 8:30 in the morning. These are people who either didn't have coverage—most had coverage, but couldn't afford the 42-percent increase in premiums they have seen in the last 6 years.

Then, last Saturday at Western Connecticut State University at 2:30 on a Saturday afternoon—not exactly, again, an optimum time for a townhall meeting—500 people showed up to express their views and to listen to some professionals in the field talk about what they thought ought to be included in a comprehensive universal health care program, one I hope that will be charting a course and moving forward very quickly. I know my great friend from Montana, the chairman of the Finance Committee, MAX BAUCUS, is already deeply involved. Senator TED KENNEDY has been a champion of this issue for decades. While he is struggling with his own health issues, he is on the phone every day, talking to everybody, and he wants his committee to be deeply involved in this effort as well.

But in the midst of it, until that gets done, more and more people—the 20,000 a day who lose their jobs—if they had health care are losing that as well. So the fact that we are providing $26 billion to help out unemployed workers at a time such as this, I think most Americans—most; not all, but most Americans—would say that is the right thing for our country to do for hard-working people who, through no fault of their own, may find themselves on an unemployment line today, tomorrow, or

next week, to know of the fear and fright that you may have a health care crisis with you or your family and all of a sudden don't have the capacity to deal with it.

These people didn't lose their jobs because of something they did wrong and should not be put in a position where their ability to take care of their families regarding their health care needs will be disregarded.

To ensure that people have safe, affordable shelter during these tough economic times, there is a $4 billion downpayment on an estimated $30 billion backlog for capital repair needs in public housing. A lot of people are falling behind out there. That will put people to work, and that is the major goal here.

As we see families struggling to make ends meet, I am proud and pleased that people in Connecticut will receive over a billion dollars in Medicaid assistance. Every State in the country and every Governor has asked for assistance in this area. We have a program called the HUSKY Program—our Medicaid Program. It is strongly supported across the political spectrum. This assistance will help out in that area.

I am glad we were able to include assistance for our fire first responders. Fire departments in my State are reporting they are turning down awarded what they call SAFER grants—funds used to put additional people on these rigs. You ought to have at least four people in a rig when going out to deal with these fires and problems they have to face. Those numbers are dwindling. This bill provides assistance and support for first responders. I am pleased to say that is the case.

We included $8.8 billion in stabilization funds to States to provide for public safety and other critical services. That was a change—a welcome one.

Across our State, from city to town, communities faced with budget deficits are crunching the numbers to maintain critical education, police, firefighter jobs, and services.

In East Hartford, CT, the town was forced to lay off 8 municipal employees and eliminate 11 positions that were vacant or will be vacant because of retirements—including firefighters and police officers.

The city of Stamford was counting on $500,000 in State assistance that was eliminated in the State budget in the last several days for the city's $16 million overhaul of their police and fire radio systems, and that interoperability will get help.

The communities of Farmington and Colchester are trying to replace decade-old fire engines.

These stabilization funds will help communities in my State, and others across the country, to prevent layoffs of first responders, firefighters and police officers, which are so critical to the well-being of our communities.

Our communities' safety must not get left behind during this economic downturn. While the comprehensive economic recovery package before us today will provide critical support for a broad range of additional needs, there are three issues I want to focus on today.

First, I wish to highlight an amendment I authored to restrict executive compensation and bonuses. I have to thank the majority leader, his staff, and others, for making its inclusion a priority. On executive compensation, let me say that when the American people wake up in the morning and see some institution just received billions of dollars and you have a headline that 700 employees received income in excess of a million dollars, people ask themselves: What are you thinking of?

The idea that we continue to pour billions of dollars into institutions that are still awarding their employees massive amounts of income is infuriating—and that hardly describes the reaction of the American people. This is about trying to save an economy in our country, with 20,000 people losing their jobs every day. I promise you that the overwhelming majority of these people are making nothing like a million dollars a year or $500,000 a year. They are earning $40,000, 50,000 to raise a family of four. When they see their tax dollars going out the door and into institutions that are then, in some cases, not lending but are hoarding and doing other things, I cannot begin to describe the anger we hear. Then we turn around and say to that taxpayer that we need to have them step up and do more because the economy needs assistance. The American public really reacts to this.

If you have hope of convincing the public we are on the right track—I see my colleague from Alaska, and I know she has time constraints.

I am digressing from the text, but, again, I find it incredible that people are calling up and bellowing about this, how upset they are that we have asked for some constraints in this area. Do they have any idea what is going on? I am mesmerized that people are calling up and bellowing because somehow they are going to be asked to be restrained from providing these exorbitant incomes for some people.

This country is hurting. This is the deepest financial crisis we have had in many years in America, and they are worried about their pay. Our system of economy is at risk these days, and we will be judged by history as to whether we can respond intelligently to it. To be preoccupied over whether someone is going to get a bonus of—whatever it is, is misplaced energy and attention. It is stunning that the very people in the communities who are directly involved in this and the conception are the ones calling about that issue.

The stories we have seen in recent weeks about CEOs giving themselves bonuses and spa vacations on the taxpayer dime after they have been rescued by the taxpayer infuriate the public, and they ought to.

Families in Connecticut have lost everything as a result of this financial crisis. They don't have jobs, health care, their retirement, and they may have lost their homes. When they hear about the complaints coming out of these towers of financial success—about pay cuts—after all these people have gone through, they deserve better than having to put up with the behavior from some of the most fortunate among us, who have made many of the decisions that got us into this crisis.

I have said again and again that if your institution is receiving funds through TARP and at the same time paying out lucrative bonuses, we should look at every possible legal means to have that money come back and ban the practice outright for high-paid executives going forward.

As a result of the inclusion of this language in the legislation, it will prohibit bonuses to the 25 most highly paid employees of the large companies that receive TARP funding—and severely limit other performance-based bonuses as well. It will empower the Treasury Secretary to get back bonuses or compensation paid to an executive at these companies based on false earnings reports or anything else later found to be materially inaccurate or misrepresentative of what was occurring. It will also give shareholders the right to vote on executive pay at these firms. And it will strictly prohibit golden parachutes to senior executives of companies that receive taxpayer help. Because of this bill, we now will provide far more safeguards than exist today—measuring whether executive compensation plans pose risk to the financial health of the company and preventing the manipulation of earnings reports.

The President told the world a few weeks ago that a new era of responsibility had begun—it is time our executives in those companies understood that message.

The second issue I wish to discuss is transit. The bill dedicates some $8.4 billion to transit issues. Connecticut alone will receive $137 million, which will meet many important needs, reducing congestion in our State. Route 95 through Connecticut and other arteries of transport are under tremendous congestion. Transit assistance and support is long overdue. This bill provides that needed assistance.

The American Public Transit Association has said that $48 billion worth of transit projects are to be completed over the next 2 years; therefore, jobs will be created, putting people back to work. That is valuable not only in the

short term but for the long-term economic growth in investments for transit. That is not only about being shovel-ready, it is also future ready. Ridership is already at record levels. Traffic congestion in metropolitan areas is getting worse, and our population is going to grow by another 50 percent by 2050.

I am pleased that the legislation includes $100 million to establish and implement a program to provide assistance to transit agencies to become more energy efficient as well. This is a very important part of this bill. There are a number of other provisions that provide that kind of assistance.

Public transit saves over 4 billion gallons of gasoline annually and reduces carbon emissions by some 37 million metric tons a year—that is the equivalent to the electricity used by almost 5 million households. The need to repair our highways, roads and bridges is obvious, and I am pleased the bill includes $302 million in highway funds for my State of Connecticut.

But the most effective way to reduce congestion is to provide transportation options that take cars off the road. Investing in transit creates jobs, it addresses climate change and reduces our dependence on foreign oil, and makes our economy competitive in the 21st century.

Third is an area where I think we fell short in this bill—the failure to include the amendment I offered with Senator MARTINEZ of Florida, which would require the administration to use $50 billion of the TARP money to attack the root cause of the economic crisis: foreclosure. It would have gone a long way toward dealing with the safe harbor so we can avoid the kind of litigation that may slow down some of these workouts. That was a mistake. We are trying to get to the root cause of the problem, the foreclosure issue. Senator MARTINEZ had a very good idea that was adopted unanimously, and it had no cost of any measurable amount. I don't understand why it was taken out, but it is gone. That will create problems in terms of addressing the foreclosure issue. Clearly, we wanted the $50 billion used for foreclosure prevention.

In 2001, this body approved $1.3 trillion in tax cuts at a time when unemployment was 4 percent and our economy was in fairly good shape. Today, with an unemployment rate of 7.6 percent and headed upward and as many as 8 million foreclosures potentially on the horizon, we are dedicating $800 billion to jump-starting our economy. Meanwhile, nearly 10,000 families enter into foreclosure every day, as I mentioned earlier. In December alone, there were 2,000 foreclosures in Connecticut. Other States, such as California, Arizona, Nevada, and Florida, have many more than we do. Eight million homes are underwater, with mortgages that exceed the value of their homes.

Perhaps the most important step we could have taken in this bill is to require Treasury to spend some of the TARP money Congress previously released to modify home loans. By providing the Treasury with the authority and funds in this bill to design and implement a loan modification program in consultation with FDIC, HUD, and the Federal Reserve, we could have ensured we would help nearly 2 million families.

Some 16,000 families in my State of Connecticut would have avoided losing their home, moving them out of these unaffordable, exploding and often predatory mortgages that are strangling our economy and into mortgages they can afford.

While I am disappointed we didn't codify this requirement into law, I am pleased that the Treasury Secretary has pledged to dedicate at least $50 billion to preventing foreclosures—and I believe that is in no small part due to the strong support this body expressed for this amendment last week.

Quite frankly, that is a step which should have been taken months ago in the previous administration. There was no interest in it despite the fact that expert after expert warned that unless you get to the bottom of the residential mortgage market, the economic crisis will persist. They are right. I hope we will see a change in direction and resources committed to the underlying problem of our economic issues.

While we will hold this administration's feet to the fire, I believe they recognize that unless we act now to stop foreclosures and put a tourniquet on the crisis, the hemorrhaging will get worse—the number of layoffs will increase, more businesses will shutter their doors, and more Americans will suffer.

With this bill, we begin to get our economy moving again. This is not a moment of great joy, as I said. We should not have had to have been in this moment to talk about this, but we are here. While I know many have said they are going to vote against this, I think they bear a responsibility of having offered some alternative ideas because just saying no is not enough, in my view. That is the conclusion of almost every economist who has analyzed this issue over the last number of weeks and months.

Again, I commend the efforts of Senator REID, the majority leader, NANCY PELOSI, and the efforts made by SUSAN COLLINS and OLYMPIA SNOWE and ARLEN SPECTER, who have agreed to work with us and come up with this package. We would not be at this point without them. I appreciate their efforts.

Lastly, some of my colleagues are concerned that some of their amendments were dropped as well. Senator SESSIONS mentioned one, the E-Verify Program. E-Verify is currently authorized through March. When we take up the omnibus spending bill in 2 weeks, I am told it will include a provision to extend that until September 30, 2009. This is a program that, when fully funded, will be operational for hires funded by the stimulus bill for companies participating in the program.

I see my friend and colleague from Alaska, who I know wants to express her thoughts on this.

I thank those who put this together. We need to get back on our feet again. Obviously, unleashing the clogged-up credit market is a critical issue, but also providing that jolt this stimulus package will provide is also necessary if we are going to complete the effort to do what we can to improve the economic conditions in our country. For those reasons, I will be supportive of the bill.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I wish to acknowledge the remarks of my colleague from Connecticut and thank him for his efforts to focus on the housing issues that face this Nation right now. As he has mentioned, if we are not able to get to the root cause, which is the housing debacle and the failures we have seen, all our good efforts may not be successful.

I thank him for his efforts in that regard. I know we will continue working on this issue together with the administration. It is essential we focus on the housing piece.

Later this afternoon or this evening, we are going to be voting on the conference report to accompany the American Recovery and Reinvestment Act. I was one of those 37 Senators who voted against this bill earlier this week. I would like to take a few minutes this afternoon to speak to some of the reasons why I was unable and why I will be unwilling to support the conference report when it comes before us later.

My principal concern in voting against the Senate measure at the time was the scope of the spending. It is not just the scope of what we have in front of us with this particular bill, this package of $790 billion. There was an article in the Washington Post on Wednesday that had a chart that outlined all of what we have been spending in the past year.

The header is: ''It Adds Up.'' ''The Federal Government has committed at least $7.8 trillion in loans, investments, in guarantees since the beginning of 2008.'' The funding coming from the Federal Reserve is at $3.8 trillion; from the FDIC, $1.22 trillion; from the Treasury, this includes the TARP moneys we authorized back in October, $771 billion; the joint programs that include the guarantees of Bank of America and

Citigroup, $419 billion; and then in the ''Other'' category, it includes not only the programs Fannie and Freddie at $200 billion, but then at the bottom we have the Senate bill for the current stimulus package at that time coming in at $838 billion.

It is almost inconceivable what we are talking about in terms of the outlays we are putting forward.

The cost of this stimulus package before us, as everyone in America knows, is $790 billion, but when we account for the interest, which we need to do—that is part of the bill—the cost increases to more than $1 trillion; it is about $1.2 trillion. So add this in to the outline of what I have laid out, and the cost to America is considerable.

Where do we get this money? From where do we get it? We don't just tell the Treasury to turn the printing presses on full bore: let's go, let's print the money. No, we have to borrow. We sell Treasury bills. We sell debt. Who buys it? People such as the Chinese and others from outside this country.

It is not just cranking up the presses and printing more money. We will be paying for this legislation. My children will be paying for it. We have a responsibility to make sure what we spend is spent wisely.

The focus of this stimulus, of course, is the job creation. Even if it actually creates the 4 million jobs the White House once promised, then those jobs, if you piece it all out—do the math—these jobs come at a cost of about $300,000 apiece. What we are seeing now is probably not 4 million jobs. Even the most optimistic economists are now estimating what we are looking at would create or save less than 2.5 million jobs.

I noted the comments of the Senator from Connecticut about the need to fix housing first, and I strongly agree with that approach. But this afternoon, I wish to speak to another issue.

As the ranking member of the Committee on Energy and Natural Resources, I wish to spend some time on another aspect of the bill. This is an area where millions of new jobs are promised, and that is in the area of energy. There is absolutely no doubt we must facilitate the development of renewable resources, increase our energy efficiency, and pursue the many innovative solutions to the challenges we face when it comes to how we consume, how we use, and how we create energy.

I am not satisfied with the energy provisions that are contained in this measure. I am not satisfied that they are timely, that they are targeted, and that they are temporary. By adopting this conference report, we are missing out on some significant opportunities that could revive our economy and improve our energy security at little or, hopefully, no cost to our taxpayers.

When it comes to criticisms, there is plenty of room to be critical. One of my first criticisms this afternoon is not necessarily the items that are included in the stimulus but perhaps some of the items that were left out. Simply put, this package makes no effort to increase domestic production of our traditional resources, such as oil and natural gas. What we have done is focused on the new technologies, to the total exclusion of those tried-and-true technologies. I think this creates this false dilemma. It says clean energy is the only viable option for energy development and job creation when, in fact, it might not be the most effective option at this time when we are trying to pursue jobs and get the country strong again.

Consider the benefits that could be brought about by greater production of oil and gas in this country. One recent study outlines that the full development of domestic oil and gas resources could generate up to $1.7 trillion in revenues for the Federal Government and create as many as 161,000 new jobs by 2030.

The revenues from the production could be used to provide a tremendous downpayment on the long-term strength and security of our Nation. Instead, as a result of what we will be doing today, American taxpayers are ultimately going to be paying $1.2 trillion because of the decisions we are making.

Setting aside my concerns about the priorities, it is very uncertain the funds that are provided by this bill can be spent in a rational and cost-effective way. Perhaps the best example of this is within the Department of Energy. It is set to receive roughly $45 billion in the conference report we are looking at now. DOE's total budget for fiscal year 2008 was $24 billion. Assuming the Department receives similar funding through fiscal year 2009 appropriations—and we are going to be debating that after this recess break—DOE will receive almost triple its historic level of funding in less than 3 months. What we have is an unprecedented level of spending within the Department.

CBO is concerned about how we spend this out as well. They determined the Department would only be able to spend 24 percent of its funding before the 2-year deadline. The Energy Department, along with so many of the other departments we are dealing with, simply does not have the time to gear up and properly spend, with a level of accountability, so much money over such a short period.

The question then needs to be asked: Will this level of funding become the new baseline for the Department? If it does, we will have significantly expanded Federal spending at a time of unprecedented Federal deficits. If it does not become part of the baseline, then that crashing sound we will hear is going to be the gears that are grinding back down as funding returns to normal. I suggest such wild swings in funding are disruptive and one of the most ineffective ways to spend our taxpayers' dollars.

The stimulus, by giving Government agencies completely unprecedented amounts of money for sometimes nonexistent programs, also sets up near perfect conditions for waste, fraud, and abuse. This is exactly what the American taxpayers do not want to see. For example, $3.2 billion is provided for block grant programs for energy efficiency. The conference report provides $400 million for a competitive grant system that does not currently exist and for which there is no administrative process.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Ms. MURKOWSKI. I ask unanimous consent for an additional 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, making matters worse, it provides an additional $3.1 billion to State energy programs but imposes conditions on receiving funds that are currently met by only a handful of States.

Another example I wish to leave you with is the smart grid. We agree this is very important. There is $4.5 billion for the smart grid. This was authorized at $100 million in the 2007 Energy bill. It has received zero funding to date. Is it possible to expect we can ramp up to $4.5 billion in 2 years in a rational way? We don't even have the standards in place for the interoperability framework.

I don't think the American taxpayer is concerned so much about how much we spend, so long as we do it responsibly and with accountability.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MURKOWSKI. My concern is we have not done this with this stimulus package.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. WICKER. Mr. President, as Members can see from the debate we have had today and throughout the past couple weeks, almost everyone in this Senate and in the House of Representatives agrees on the need for Congress to be working with our new President on a stimulus plan to jump-start the economy.

We have people in our home States who are hurting. There were 600,000 jobs lost last month across our country. These facts underscore the need for something to be done to strengthen our economy. So we are all in agreement on that basic premise.

There is a great deal of good will out there in the country for our new President. I commend President Obama for making the economy his main focus. I

also commend him for publicly stating Democrats do not have a monopoly on good ideas. The President said: Republicans have good ideas also. And he wanted to include them in his stimulus plan.

That is not what happened when House Democrats met behind closed doors several days ago to write this bill. It is not what has happened throughout the process.

Republicans responded to the President's call. We came forward. We came to this floor. We talked to our constituents back home. We stood before every television camera that would film us. We talked with every journalist we could find. We have discussed our ideas with the American people.

We presented ideas that I believe could have turned this economy around. Our ideas focused, first, on getting the housing market out of the gutter. The housing problem is what got us where we currently are, and it should be where we begin in turning our economy around.

Also, we proposed real tax relief for America's working people and for those people who create over half the jobs in this country, our Nation's small businesses.

Additionally, our plan called for targeted infrastructure investments with clear economic development purposes, in addition to putting an emphasis on legitimate Government priorities, such as early investment in military equipment and facilities, items we know will be funded in the future but would create increased jobs quickly if we focused on them now.

Just as importantly, the Republican idea I supported would have stimulated our economy at half the cost of the plan we are considering today, and that is not just my opinion, that is the opinion of a lot of very well-considered Democrats in this town.

Three days ago, the Senate cast one of the most expensive votes in the history of the United States of America. That $835 billion bill, which actually costs $1.2 trillion-plus when we add the cost of interest, has been given, at best, a small haircut. The bill before us is being presented to the American people today at a cost of $789 billion, still in the neighborhood of $1.1 trillion to $1.2 trillion, when one adds the cost of debt service.

In order to reach the current number, this so-called compromise cut much of the tax relief geared toward job creation and stimulating the housing market in order to keep in place spending for slow, unending, and nonjob-creating government programs. As the Washington Post reported yesterday morning, this final product ''claims many coauthors, including house liberals who saw a rare opportunity to secure new social spending.'' And take advantage of that opportunity they did indeed.

It now appears the majority leadership in the House and Senate have taken a bad bill and made it worse. Two popular items, one Republican and one Democratic, added to the Senate bill on the floor have been dropped from the final version and replaced with weaker alternatives that are less likely to work to stimulate home sales and automobile sales.

The first is the Isakson amendment, which was so widely agreed upon in this Chamber that it was approved by a voice vote. It went right to the housing problem. It would have provided a $15,000 tax credit to all home buyers, a concept which has worked in the past. Yet the final conference report before us reverts back to the House-passed proposal, providing much less money—an $8,000 credit—and limiting the provision to first-time home buyers. We need to encourage home buying by every American who is creditworthy, and this provision doesn't get the job done.

The Mikulski amendment, offered by our Democratic colleague from Maryland, also had wide bipartisan support. It passed this Chamber by a vote of 71 to 26. It has been dropped in favor of a weakened alternative. The plan now allows new car buyers to deduct from their Federal taxes the sales tax they paid on a new car. But the Mikulski provision that would have also allowed them to deduct interest on their car loans was stripped. The Mikulski amendment would have helped struggling U.S. automakers and auto dealers get buyers in the showrooms, it would have helped move cars off their lots, and helped protect the endangered automobile industry jobs. Like the Isakson amendment, it was unfortunately removed from this final package.

So while the conferees tinkered around the edges—making the bill worse in some ways—we stand here today debating a bill that will add over $1 trillion to the national credit card. I have said it before in this debate, and I will say it one more time: A trillion dollars is a terrible thing to waste. But that is exactly what this bill does. This bill is full of bad decisions that will take Americans decades to pay for.

Much has been made during this debate—by me and by many of my colleagues—about how much $1 trillion is, and I think we have established well that this is a staggering amount of money. Again, this is the most expensive piece of legislation ever passed in the history of our Republic.

Last September, Congress approved the $700 billion Wall Street bailout. That came on top of approximately $200-plus billion earlier in the year in the form of rebate checks. I think the American people have the right to ask: of that $200 billion and then the $700 billion—and that is almost $1 trillion right there, and certainly more than $1 trillion when you add the debt service, as I have already pointed out—what did we get? What did the taxpayers, the American public, get for that unbelievable expenditure of taxpayer funds last year? A worsened economy is what we have gotten. We certainly didn't get the economic boost that was promised.

In an editorial yesterday in the Wall Street Journal, it was noted that the Congressional Budget Office estimates the 2009 deficit will reach 8.3 percent of the economy—a number that does not include the stimulus or the TARP bailout funds. We know that after this is enacted—and it does appear that the proponents of this conference report have the votes to move it to the President's desk—another very expensive financial package will be forthcoming from the administration in a matter of days. So what does this mean for people across America? Each household now owes more than $100,000 to pay for the debt we already have, not including the additional debt that is coming.

Senators need to ask themselves, when is enough enough? When will we begin making hard choices?

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. WICKER. Mr. President, I ask unanimous consent to consume about 30 seconds more.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. We need to ask ourselves in the Senate: When is enough enough? When will we begin making hard choices between what will truly work to stimulate this economy and what we wish to have but which will not work to get the job done?

Americans expect us to get this right and to take the time necessary to make sure we get this right. This bill fails to hit that mark. I will vote no because we simply cannot afford again to make a mistake of this magnitude.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Montana.

Mr. BAUCUS. Mr. President, President John F. Kennedy said:

> There are risks and costs to a program of action. But they are far less than the long-range risks and costs of comfortable inaction.

President Kennedy's observation applied well to the economic policies of the late 1920s and 1930s. When we look back at the late 1920s and early 1930s, we wonder what our leaders must have been thinking. With the benefit of hindsight, we see that they should have acted more forcefully. We see they should have used the tools of government to increase the demand for goods and services in the economy. By failing to act to spur demand, our leaders prolonged the Great Depression. By seeking to balance the budget in the face of economic decline, our leaders only worsened that decline.

President Kennedy's adage about action applies as well again to the economic policies of our time. Yes, there

are risks and costs to the bold program of action we recommend today. But those risks are far less than the long-range risks and costs of failing to act forcefully.

Since this recession began, 3.6 million Americans have already lost their jobs, and job loss is accelerating. In each of the last 3 months, more than half a million American workers lost their jobs. Economists warn that the worst is yet to come.

Last month, before the latest bad news, the Congressional Budget Office—a nonpartisan professional organization—said:

> Under an assumption that current laws and policies regarding Federal spending and taxation remain the same, CBO forecasts . . . an unemployment rate that will exceed 9 percent early in the year 2010.

Those are the costs of inaction. The costs of inaction will be paid with millions—millions—more lost jobs. The costs of inaction will be paid by the heartache of millions of families plunged into economic hardship.

And so, with the leadership of our new President, we have sought to act forcefully. We have put together this $787 billion package designed to help bring our economy back. We have assembled this package, designed to create and save jobs.

The day before yesterday, the Congressional Budget Office said it will work. The Congressional Budget Office—again, a nonpartisan professional organization—said:

> The legislation would increase employment by . . . 1.2 million to 3.6 million by the fourth quarter of 2010.

That is an objective observation done by professional analysts. The administration agrees. The administration projects the legislation before us will create or save 3½ million jobs.

That is what this debate is about. It is about creating or saving millions of jobs. It is about acting forcefully to avoid yet more hardship. It is about avoiding the far greater risks and costs of comfortable inaction.

The history of the 1920s and 1930s teaches us what we must do. The history of the Great Depression teaches us the costs of delay. This recession is the economic test of our generation. Responding to it with forceful action is our duty. Let us not be found wanting.

So let us not find comfort in ''no'' votes and the blocking of action. Rather, let us rise to the challenge of our generation and let us finally send this jobs bill to the President's desk to become law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, this is a bittersweet day for a lot of us, I know a lot of Americans. A lot of Americans have called in expressing their opinions, sent thousands of e-mails and letters. If my colleagues' offices are anything like mine, mine have been 80 to 90 percent against this bill.

Folks are saying: Slow down. Let's see what is in it. We know about unintended consequences. Let's not spend all this money unless we know what we are doing. Folks have expressed concern that we seem, as politicians for the last 2 years, to have been talking down the economy—holding press conferences in the very worst areas of our country and saying this is what is happening everywhere, and every day saying it is going to get worse, it is going to get worse. What businessman would expand his business, or what businesswoman would go out and invest her life savings to start a new business if what they were hearing from Washington every day is: It is terrible; it is going to get worse. I am afraid we have done our part in creating a bad economy.

Clearly, there is a difference in philosophy, and I have to respect what the President and the Democratic majority have said: They won the election, they get to do it their way now. But I think some of us believe—and if you look at history, there are a lot of facts behind us—that when the economy slows down and there is a need to get more money in the economy, the fastest and quickest way to do it is to stop taking so much out in taxes. Some say on the other side: Well, tax cuts are an old idea. But tax cuts are related to individual freedom, people making their own decisions about how money is invested; leaving profits in the hands of thousands of small businesses so they can use that money to hire people and grow their businesses. Because that is where all the jobs are created.

Government doesn't create jobs. It may hire someone, but they have to take that money to pay that person from the private sector, from businesses that are actually creating the wealth.

We have talked about so much data in this very short debate. People have talked about the Great Depression. It is pretty clear that we tried getting out of the Great Depression for about 10 years by spending and adding new government programs, and it didn't work. In the 1960s, though, the economy grew after President Kennedy cut taxes. Our economy sagged again during the big spending days of Lyndon Johnson. In the 1970s, we tried to get out of a recession, or grow our economy, with heavy spending and new government programs and huge deficits and ended up in recession again. The 1980s were the boom years, when Reagan and Margaret Thatcher and others around the world realized that freedom does work. Free markets do create prosperity.

We have seen countries, such as the Soviet Union, change from their old centralized government approach to some free market principles and grow out of a lot of their problems. We have talked about Japan during this debate. They had a lost decade. They kept their taxes the highest in the world and they tried to spend their way out of a recession. It didn't work. They lost a lot of time, a lot of money, and a lot of opportunity.

There is a big difference in philosophy that we should debate. But why the rush? I think the consternation I hear from the American people now more than anything else is, if this is the biggest spending bill in history, why are we trying to rush it through? Why does it have to be on the President's desk Monday morning? Why are we going to vote on a bill that not one of us have finished reading at this point? We just have had it today in any kind of searchable format on the Internet. Yet we are going to vote on it before we leave today. It seems we are afraid there might be some good news coming out of the economy in different sectors and the panic could subside long enough that maybe Congress doesn't feel we have to do something, even if we do not know what it is.

It seems we are rushing such an incredible spending bill. I talked to one of my sons last night and said: You might get $400, spread out in $17 increments. The bad news is you will probably end up owing $10,000 or more because of this one bill. He didn't seem to think it was that good a deal.

I know the other side won and that makes it bittersweet, in a way, because I feel like a lot of us have been standing for what the American people are calling and telling us about. We know if we let the people who are earning it and hiring people keep the money, we would stimulate our economy.

There are other things we can do, other than tax cuts as well. As to energy, at a time when we know that by opening our own energy reserves, drilling for our own oil and natural gas, we could stop the flow of American dollars overseas and create lots of jobs here, this very week this new administration delayed the planning of opening our own reserves by another 6 months. What are we waiting for, gas prices to go up to $3 or $4? Why delay something that could help the economy?

If we only allowed States to take the money we are already spending for education and allow students to take that to any school of their choice, it would attract literally billions of dollars—probably hundreds of billions of dollars of private sector investment in education to create all kinds of new choices for students that might actually prepare them to compete in the global economy. But what we are doing is more Government spending with the old Government model, and it is not going to create new jobs.

Even in health care, there is something in this bill that will help subsidize people's health care with COBRA when they lose their jobs. But we will

not allow that same subsidy to apply if the same person wants to apply a less expensive policy of their own choosing that they can keep more than just a few months. We will support something that is Government, but we will not help people live free and make their own choices. Certainly, it is bittersweet.

But the news is not all bad today. I think the American people have resigned themselves to the fact that they are going to lose this battle, but they have gotten more informed and more engaged and outraged. I think they have seen if they call, if they e-mail, if they stand and express their opinions, they have a chance to turn around this move by our Government toward a more socialistic style of economy and culture to one that is more like the freedom Americans have always known and loved.

Freedom is not an ideology; it works. When we let people take advantage of opportunities and direct their own spending and start their own businesses, that creates jobs. We cannot do that artificially, by taking money from one person and giving it to another, which we are doing a trillion times in the bill we are talking about.

I think Americans are watching what is going on today. They are going to wonder why we voted on a bill that is not even on our desk, that we have not read yet, that they have not been able to search—as the President promised during his campaign, that he would not sign any bill unless it had been on the Internet for at least 5 days so the American people could know what we are doing here. We promised in these Chambers that we would not bring a bill to the floor unless it was on the Internet for people to see before we voted on it. We are breaking all those promises with this bill today.

The American people may have lost this one, but they have raised their voices and they have seen what is going on a little bit better than they have seen it before. I think they are going to win the final battle against this big Government approach to every problem that comes up, against this idea that every time there is a problem out across America, that we throw up our hands and say we have to do something, even if it is wrong, even if we had not read it, even if it is $1 trillion; we have to do something so the people back home will think we are doing something. Wasting this kind of money and putting this kind of debt burden on the next generation is inexcusable and intolerable and the American people are starting to figure it out.

They may lose this vote today, but the American people will win that final battle for freedom when they continue the fight they have started this week.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. NELSON of Florida. Mr. President, it is good to see you in the chair. You are a great addition to the Senate, being a distinguished new Senator from Delaware. What a pleasure.

Although we are in an emergency condition, I almost wish this vote this afternoon were taking place a week from now, after the Presidents Day recess, so Senators who have voiced opposition—and I take them at their word and I certainly respect their right to disagree, and I respect them. Almost all the Senators in this Chamber know how much this Senator enjoys them personally. But I almost wish this vote were being taken a week and a half from now, after the recess, after Senators have gone home to their States and looked into the eyes of their people and understood the pain and the anguish that is going on across America and how much people are depending on us, the Government, to stop the downward spiral of our economy; and to try to get it righted and going back up the other way.

In the meantime, as that attempt is being made—and it is going to take some time. We hear every economist in the world say it is going to be at least a year, if not 2 or 3 years. In the meantime, our people are hurting. We hear, every day, these stories.

This Senator is going to scores of townhall meetings all across Florida next week. I know what I am going to hear. It is what I have been hearing every weekend when I go home. It is these horror stories, these impossible economic stories of people who have worked hard and played by the rules and done everything right and they lose their job, they lose their home, they get upside-down in an economic condition and they do not have any hope. It is almost as if I wish this final passage vote were not coming so Senators who have expressed an opinion about voting against this legislation could listen to them. Fortunately, there will be a vast majority of at least 60 in this Chamber, with not all the Senators present today because I don't think the health of Senator KENNEDY is going to allow him to return to the Chamber—so at least 60 of the Senators are going to be voting for it.

But there will be a substantial number, at least 37 in this Senate, who will vote against it. If they could hear the stories, they would understand why there is $120 billion in this bill in investments in infrastructure and science; and $14 billion for health and $106 billion for education and training and energy—$30 billion in energy infrastructure; and helping with direct economic help to those hit hardest by the economy, of $24 billion; and helping law enforcement, $7.8 billion.

My State is one of the States that has been the hardest hit. We are second only to California in the total number of foreclosures of homes. You wonder, why did the President go to Fort Myers earlier in the week? The Fort Myers area is the highest foreclosure rate area in the entire country, and for people who are getting laid off there, there is no economic opportunity for them to find another job. Out of this stimulus bill, just this bill, with the spending and the tax cuts, some $10 billion is going to go to my State. It is going to be for roadbuilding, it is going to be for health care, it is going to be for classrooms and teachers, it is going to be for food stamps, it is going to be for unemployment compensation, it is going to be for Medicaid. Look at the human face. Our people are hurting and they need help.

Of that amount that is going to Florida, $4.3 billion is going to help people who have lost their jobs to keep their health insurance. Can you imagine the trauma of a breadwinner who loses the job—and that is traumatic enough—not to be able to afford health insurance for his family, especially if there is a traumatic injury in that family? That amount of $4.3 billion going to Florida is going to provide health care for the poor. This is what I am talking about. This is compassionate assistance in an economic downward spiral that only the Government can provide.

Specifically, in Florida, this bill is going to create or save 206,000 jobs. Nationwide it is going to be somewhere between 3 million and 4 million jobs it is going to create or save. Over 1 million jobs have already been lost since the first of last year. But there are several million more that are going to be lost in this country if we do not do anything. So this stimulus bill is designed to create 3 million to 4 million jobs that will, in fact, take up that slack of what otherwise would have been lost and has been lost.

This bill is going to provide $800 for a family. That is going to provide almost 7 million workers and their families, just in the State of Florida—7 million are going to be eligible for the making work pay tax cut of up to $800. Just in Florida, this bill is going to make 195,000 families eligible for a new tax credit to make college affordable. That is almost 200,000 in Florida alone able to have the tax credit for college.

For those out of work who are getting unemployment insurance benefits, there is going to be an additional $100 in my State, to 761,000 people—761,000 workers in Florida who have lost their jobs in this recession are going to get a little bit more help in unemployment compensation.

In addition, what this bill is going to do for my State of Florida is, it is going to give funding sufficient to modernize 485 schools so our children are going to have labs and classrooms and libraries that they need to get ready to compete globally in the 21st century.

Then, in addition, this legislation is going to help transform our economy

in our State, in Florida alone, by doubling the renewable energy generating capacity over the next 3 years. It is going to create enough renewable energy in Florida to power 6 million homes.

We are going to be able to computerize every American's health record in 5 years, and look what that is going to save Floridians. We are going to be able to enact significant——

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent for 30 additional seconds. I will complete my thought.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. We are going to provide the most significant expansion in tax cuts for low- and moderate-income households ever. That is going to occur right in the State of Florida. We are going to increase the investment in roads and bridges and mass transit. We need all of this in Florida. This is stimulus. This is providing jobs. This is helping people in need. This is the right thing to do for Florida.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, the bill we are considering now was made available to us at 11 p.m. last night, long after the Senate was out of session. This is it. Now, I daresay that I doubt any of my colleagues have read this bill. I have not, I confess. Yet we are going to be voting on it in about 3 hours. We have relied on our staff to tell us what is in this bill, and we found some very interesting things.

There are changes from when the bill passed the Senate. My colleagues need to know what some of these changes are. I would note, by the way, that the middle-of-the-night, behind-closed-doors way this legislation was created is a far cry from what the President requested of us and promised on his Web site. He talks about ending the practice of writing legislation behind closed doors. He says: By making these practices public, the American people will be able to hold their leaders accountable for wasteful spending, and lawmakers won't be able to slip favors for lobbyists into bills at the last minute.

Well, would that it were. So, unfortunately, it looks as though a lot of favors were inserted for a lot of folks. I don't know whether it was because lobbyists requested it, but there are sure a lot of things that relate to specific Members and specific States. And, as I said, many of these items were not even included in the Senate-passed bill. Let me mention a couple because they are matters that have been in the media a great deal.

I think we have all heard discussed the fact that when Republicans raised the fact that ACORN could receive money from the neighborhood stabilization fund, this was a provision that the other side, the Democrats, said: Well, we will take that out. And, indeed, they removed the words ''neighborhood stabilization fund'' as a subheading. Then they just lumped that funding under the community development fund.

Bottom line is, they took out three words. The money can still be spent, including for ACORN; same thing for the billion dollars for a new prevention and wellness fund. This was in earlier committee reports that indicated it could be spent for things such as STD testing and prevention and smoking cessation. There was a lot of commentary about that in the media, and folks made fun of it. So the assumption was that has come out. No, it turns out there is still very clearly flexibility to use the funds for these kinds of things.

Let me mention two or three others: $50 million for the National Endowment of the Arts, $500 million for Social Security Administration disability backlog, $60 million for Student Aid Administration, $50 million for the Compassion Capital Fund. There is $450 million for Amtrak security grants, which was not in either the House bill or the Senate bill. They simply put it in this legislation.

All of these items were new from when the Senate passed the bill. There is also $53.6 billion for a fund labeled ''Fiscal Stabilization Fund.'' In looking to figure out what the Fiscal Stabilization Fund is, we find it is really nothing more than a discretionary slush fund for States to use.

Now, the Senate has cut the fund from $79 billion. They cut that down to $39 billion. Some of our Members were proud that was accomplished. All of the Democrats voted for that. But it turns out in the conference—of course not the public conference; that was merely for show. But when the Members went behind closed doors, they tucked all of the money back in—added about $14 billion, I should say, back into the slush fund. But what is $14 billion when we are talking about $1 trillion?

There is an article today in the Washington Post that includes a story titled, ''Despite Pledges, the Package Has Some Pork.'' It begins:

> The compromise stimulus bill adopted by the House and Senate negotiators this week is not free of spending that benefits specific communities, industries or groups, despite vows by President Obama that the legislation would be kept clear of pet projects, according to lawmakers, legislative aides and anti-tax groups.

Included in the pork called out by the Washington Post is $8 billion, $8 billion for high-speed rail projects, for a MagLev rail line between Los Angeles and Las Vegas, and other things. I mean, I had mentioned this before, the money for Filipino veterans, I think a very worthy cause except they are from the Philippines, and it does not create jobs in America.

There is money for the Nation's small shipyards. I wonder why the big shipyards were not adequately represented? And I mentioned before the $1 billion for a powerplant in Mattoon, IL. These are what we call earmarks. These are especially for a specific Member's congressional district or State. They may be good spending, some of them may even create jobs, but they violate what the President talked about when he talked about special projects put in these bills.

The bottom line is, this legislation continues to spend money in a wasteful way that our constituents strongly oppose.

Now, the Coburn amendment was adopted to reflect our constituents' concerns. We voted for that amendment, 73 to 24. We are in favor of ending wasteful Washington spending, we said. Specifically, the amendment prohibited funds from being used for a casino or other gambling establishment, aquarium, zoo, golf course, swimming pool, stadium, community park, museum, theater, art center, and highway beautification project. And that is where we thought it ended. But not so. In this group of negotiators who met behind closed doors for at least a couple of nights, it turns out that a lot of these things have crept back into the bill.

So now section 1604 of the conference report includes part of the funding limitation from the Coburn amendment but drops its applications to museums, stadiums, art centers, theaters, parks, or highway beautification projects. So a lot of the good that we thought we had accomplished, it turns out, does not carry at the end of the day.

The end result of this is, the CBO scores the long-term consequences of the spending in this bill not to be $800 billion, as has been discussed, or even $1 trillion when you add in the interest. But, as you know, the Congressional Budget Office, nonpartisan, scores for 10 years what is the cost the real cost, over a 10-year period.

They say the cost will jump to $3.27 trillion. So when we are talking about the $800 billion stimulus bill, let's understand it is really a $3.27 trillion bill.

Now, there are a couple of other interesting things about this. It is not temporary. There are 31 new programs totaling $97 billion, in fact, 31 percent of all of the appropriations. It expands 73 programs by $92 billion. These should be part of the regular appropriations process.

It is interesting that while the Congressional Budget Office confirmed the bill might provide a short-term boost to the gross domestic product in the next few years, the added debt burden and crowding out of private investment will actually become a net drag on economic growth and wages by 2014. That

means a lower standard of living for all of us.

This is fascinating to me. The Congressional Budget Office forecasts that the time period where economic growth is boosted, 2009 and 2010, is the same timeframe when 98 percent of the tax cuts are disbursed. But between 2011 and 2019, when only 2 percent of the tax cuts are left, you have over half of the spending in the bill, and yet the bill actually reduces economic growth. Let me repeat that. This is from the Congressional Budget Office. Their forecast is that economic growth will be boosted in the years 2009 and 2010. I talked about it like a sugar high for kids. That is when 98 percent of the tax cuts are disbursed.

We like to say tax cuts can do a lot of good here. Our Democratic friends say: All you want to do is talk about tax cuts. We think tax cuts would really help. So the period where 98 percent of the tax cuts are disbursed, but less than half of the spending is where you have the economic growth.

Then in 2011 to 2019, when there is only 2 percent of the tax cuts and over half of the spending, you actually have reduced economic growth. That is why Republicans have been emphasizing tax cuts. It is interesting the actual incremental tax cuts represent only 20 percent of the overall size of the bill, and we do not know all of the exact totals in the bill. But an analysis of the earlier passed House version would result in 22 million families getting a check back from the IRS that is bigger than what they paid in both payroll and income taxes combined.

So when we say, well, this goes to folks who do not pay income taxes, our friends on the other side said: Yes, but they pay payroll taxes. Yes. Combine the two. The check they get back, in 22 million cases, is still more than the combination combined.

There are so many other concerns that we have expressed with this package. We talked about the fact that small businesses create 80 percent of the jobs in the country. So you would think this bill would contain all kinds of things to help small businesses create more jobs.

Well, we looked in vain. It turns out that about one-half of 1 percent of this package is dedicated to helping small businesses produce jobs, one-half of one percent. In fact, only $7 billion total is provided for all business incentives combined, and one of the key features relating to net operating losses that passed the Senate was taken out of the conference report.

There are other provisions that will expand the cost dearly. If you look closely in this package you will find a $17 billion tax, in effect, on Government spending because we included a requirement that the Davis-Bacon prevailing wage rules must apply to most of the spending in the bill. That adds a cost of $17 billion because of the requirements of Davis-Bacon. There are provisions that expand welfare dependents. It reduces or eliminates current work requirements for welfare and will obviously or ultimately lead to less work and more poverty.

There is even a provision relating to unemployment benefits that allow people to leave a job to care for a family member and then collect employment insurance compensation. Now, States, interestingly, have to amend their State laws in order to take advantage of this provision.

We really missed an opportunity to create private sector jobs through trade. Yet that is the area where the——

The PRESIDING OFFICER. The Senator has used his time.

Mr. KYL. I ask unanimous consent for 30 additional seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. The United States has actually only had a positive growth in our gross domestic product by virtue of our exports. This is another area, sadly, that has been missing from this legislation. At the end of the day, this is not the right way to spend $1 trillion, gambling on our future and certainly not providing that we will stimulate economic growth.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I believe I am scheduled for 5 minutes.

The PRESIDING OFFICER. There is no order, but the Senator is recognized.

Mr. CARDIN. If the Chair would advise me when 5 minutes has been used, I would appreciate it.

The PRESIDING OFFICER. The Chair will so note.

Mr. CARDIN. It is interesting my friend from Arizona mentioned small business, because this morning on my way into the Capitol—I go home every night to Baltimore—I had a meeting with small business leaders in Prince George's County. We noticed this a couple days ago. The room was overflowing. These small business owners want us to take action to help them. Minority businesses, women-owned businesses, veterans' businesses—they want to see bold action because they are hurting. Their businesses are hurting. They are having a difficult time getting credit. They are using their credit cards for credit because they can't get SBA loans and credit from banks.

In this legislation, there is help for small business procurement from the Federal Government. There are provisions in this legislation that will make it easier for them to get 7(a) loans and 504 loans by eliminating the cost so it would be less expensive for small businesses.

The bottom line is that the American people are looking for us to take bold action, to give our new President the tools he needs to get our economy back on track.

In Maryland we have lost jobs, as has the rest of the country. Nationwide we have lost over 600,000 jobs last month, over a million jobs in the last 2 months. Foreclosures are at record numbers. Businesses are closing their doors. Consumer confidence is at an all-time low. We need to take action.

The American Recovery and Reinvestment Act will create jobs. In my State, it is estimated to be 66,000. It will provide tax relief for 2.2 million Marylanders of $800. It will provide for the American opportunity tax credit for 253,000 Marylanders which will help them pay for college education. It will increase unemployment insurance for 242,000 Marylanders who are on unemployment by $100 a month. It will help modernize 138 schools in my State.

Nationwide we will double the renewable energy capacity of America. We will computerize medical records which will make it safer for patients and less expensive. We will build roads and bridges, the most expansive public infrastructure efforts literally since President Eisenhower.

I am pleased that the final bill includes the Mikulski amendment that will help auto sales by allowing taxpayers to deduct the cost of the sales tax. I am appreciative that the committee included an amendment I offered with Senator ENSIGN to expand the homeowners credit for first-time home buyers, introduced last year to make it a true credit of $7,500 and to extend that through November of this year. That will help home sales. It was the housing market that triggered the current recession. That is an important issue. It will restore consumer confidence in home buyers. I am pleased to see that was included.

I am pleased to see the amendment I offered for small business, for surety bonds to make it easier for small businesses to get surety bonds, increasing the limit from 2 million to 5 million for construction companies to get help from SBA to get the surety bonds so they can get part of this procurement.

This underlying bill provides for significant opportunities to create jobs now in which small businesses will participate and be the driving engine for creation of new jobs in our country. That is how it should be. We need to take action in order to expand job opportunity now and make the type of investments so America can compete in the future. There is accountability. There is transparency in this legislation.

I have confidence that we will pull out of this recession. America will continue its economic strength. But let us give the tools to President Obama that he needs so we can answer that person who talked to me this morning, the small business owner who has to use

personal credit cards in order to get a loan to keep the business open, because he can't get a loan from the bank even though he is creditworthy. We need to provide the type of economic stimulus to our economy to create the type of jobs now to fill the void to make sure America can compete in the future.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mr. ROBERTS. Mr. President, if the Chair could let me know when I have about a minute remaining, I would appreciate it.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. ROBERTS. Mr. President, our economy needs a stimulus; there is no question about it. Senator CARDIN certainly illustrated that in his remarks. Americans are worried, very worried about job security and how they will support their families and stay in their homes if they lose their jobs. The Senator mentioned businesses in Maryland. I know businesses in Kansas are the same way. All over the country, our Nation's businesses are struggling. Not a day seems to pass without another major U.S. employer announcing stunning layoffs. However, this conference report—this didn't get here until 12 last night. You talk about transparency. I defy any Senator to say he has been through every page of this in terms of transparency.

This conference report is a missed opportunity. We had an opportunity to provide pro-growth policies that put money directly into the pockets of families and businesses. When they have more money in their pocket, they can spend it as they see fit rather than handing the money over to the Government to redistribute elsewhere. Instead the conference report further reduces the tax relief that will go to workers from $500 to $400 per individual, from $1,000 to $800 per couple. Estimates are that this tax relief will add about $13 more per week in the worker's paycheck this year. Next year it will add only about $8 a week. How will $8 a week stimulate the economy? It won't even buy a family of four dinner at McDonald's off the dollar menu. They will probably have to split the hamburger.

We also had an opportunity to fix housing first—that is the Gordian knot of what faces us in terms of an economic stimulus—to address the core problem in our economy. Unfortunately, our colleagues across the aisle rejected meaningful housing relief during Senate debate. Now the conference report dramatically cuts the tax relief to encourage qualified home buyers to purchase a home, one of the very few things in the stimulus that would have done us some good.

Most Americans are clearly opposed to the spending in this bill. A bill negotiated in a back-room deal without the transparency we were promised by the new administration. A bill that increases spending at the expense of putting money directly in the pockets of families and businesses.

This bill remains a honey pot for too many special interests. It reinforces a growing and dangerous mindset that the Government—not private enterprise, personal responsibility and hard work—is the creator of wealth and prosperity. It reinforces for individuals, businesses, and State and local governments that the Federal Government is the source for funding for—the honey pot—for whatever they need.

I have here the ''Berenstein Bears,'' a little book I read to first, second, and third graders. It should have been required reading prior to the stimulus. ''The Trouble With Money, With the Berenstein Bears.'' Open the book and it reads: When little bears spend every nickel and penny, the trouble with money is they never have any. And then after learning their lesson, the cub asked Momma bear: What about the money we earned?

You earned it and it is yours, said Momma.

No more, not with this conference report. It borrows money for programs that, in many cases, should be funded by local or State investments and that won't create jobs now, such as $300 million for new cars for Federal employees. The problem with $300 million for new cars is that somebody is going to drive them. Rather than focusing on practical and comprehensive approaches to fixing housing first, this bill diverts Federal funds to controversial and politically skewed groups that will do nothing to address interest rates, availability of credit, or declining home values that are at the root of the housing and mortgage crisis.

Two infrastructure provisions have miraculously grown during this conference. First, the Senate bill provided the highest level of funding for Amtrak at $850 million. The House had $800 million. The conference report includes $1.3 billion for the rail company. Does this mean Amtrak will stop in Dodge City, KS at some time other than 4 a.m. which they do today?

Second, the high speed rail earmark that is not an earmark, that received $2 billion in the Senate bill and zero in the House, has somehow grown by 400 percent overnight. I know some of my colleagues will come up and say this is not an earmark to the tune of $8 billion in taxpayer money. But press reports have already questioned this definition since it appears the rail link between Los Angeles and Las Vegas will be the major beneficiary. I guess they hit the jackpot.

I want to be clear as well that the health care provisions in this bill are not stimulative. Instead they represent major policy changes that should have gone through the regular order.

The most egregious example of this stealth maneuvering is $1.1 billion for the establishment of a new Federal board to conduct comparative effectiveness research. The majority is aiming, bluntly put, for research that justifies restricting access for Medicare patients to medical treatments that the Government deems to be not cost effective. That is an extremely dangerous path to be on. One need look no further than Canada and the United Kingdom for examples of comparative effectiveness research being used to deny access for treatments for breast cancer, Alzheimer's disease, rheumatoid arthritis, and much more.

I also want to highlight the inequitable increases to Federal Medicaid funding for States. I have heard arguments from my friends from States that reap large windfalls under the regular Medicaid formula as well as under the special bonus formula in this bill. But you cannot tell me with a straight face that the State of New York deserves $12.2 billion more than the State of Kansas.

Under this bill, the State of Kansas is estimated to receive an additional $450 million, while the State of New York will receive an additional $12.65 billion. That is nearly 28 times more than what my State will receive. When CBO estimates that total enrollment-driven State Medicaid increases are only expected to be $10.8 billion, well anything more than that is an earmark in my book.

So I want everyone to understand the State of New York is getting an earmark that is 28 times what the State of Kansas is getting, 23 times what the State of Iowa is getting, and 41 times what the State of Nebraska is getting. That is not fair.

Americans do not want us to place greater debt on future generations by supporting a bill that doesn't provide the right incentives to stimulate the economy and create private sector jobs. The American public does not want the Government determining what is and what is not a beneficial health care treatment.

This is not our finest hour as a Congress. We had a real opportunity to stimulate our economy, create jobs, and put money back in families' wallets through common sense tax relief.

There is an old story that says you can't kill a frog by dropping him in boiling water. He reacts so quickly to the sudden heat that he jumps out before he is hurt. But if you put him in cold water and warm it up gradually, he never decides to jump until it is too late. He is cooked. Men are just as foolish.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. ROBERTS. I thank the Chair.

If you take away their freedom overnight, you have a violent revolution on your hands. But steal it from them

gradually under the guise of security or stimulus or recovery, and you can paralyze an entire generation. I think we failed on that front. We are not stimulating the economy. We are creating a nanny state based upon a new form of American socialism. The lure of that is especially dangerous, as many people I would have never suspected will be coming to Washington, coming to the honey pot, not doing things for themselves at home but coming to Washington expecting some kind of a stimulus or money or grant. That is not right. It tears at the fabric of what America is all about.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I do not have much time, so I cannot take the liberty I would normally take to build on the metaphor offered by my dear friend from Kansas about this frog in the hot water. But I will say briefly that I see this legislation, this conference report, as essentially being a prod to the American economy, which is kind of like a lethargic frog right now, not moving very far, and when this bill passes and is signed by President Obama, that American frog is going to go jumping positively all over the landscape.

Now, having gotten that out of my system, may I say that you have to judge this bill not just on its face or as a matter of theory but in reality, in the context of the world we live in now. The fact is, without belaboring it, because we are living it, we are going through in this country the most severe economic emergency since the depression of the 1930s, and it is happening in a way that is unprecedented. It is not like the 1930s. So we are working very hard to figure out a way to get us out of it.

What is the reality? Hundreds of thousands of jobs lost every month, people laid off, hundreds of people every month; the market going down; the value of people's homes dropping more than $4 trillion in the last year; the stock market dropping somewhere around $8 trillion; confidence sapped in our economy; no credit from the banks.

So this is not a perfect piece of legislation. I do not believe I have ever seen one in my 20 years in the Senate. But this is a very strong piece of legislation. I will say, bottom line, I am confident that passage of the American Recovery and Reinvestment Act, which is before us from the conference committee, will be the turnaround of the American economy. It will stop the slide of our economy. It will protect and create millions of jobs. It is that strong and that urgent.

I said from the beginning that I thought this so-called stimulus package should be as big and clean and quick as possible. Big because the problem is so big that the economists I have talked to—left, right, center—say: Don't do what Japan did when it, through a similar crisis, kind of gave a little, it did not work, and gave a little more. Give it a big investment. I think this bill does that.

Clean. Yes, there was some stuff in it at the beginning that, in my opinion, was not as directly related to job creation or economic recovery as it could have been, should have been. That is why I worked with the bipartisan group of centrists, and I think we ended up cutting out $110 billion, a lot of programs. The bill is as clean as possible, as it could be.

Quick. That is most important. You cannot legislate in the middle of an emergency in a way that is as lethargic as that frog I described in the beginning. The American people need help. This bill will provide them help.

I want to make two quick points. There is a lot of spending in this bill, and some people are rightfully worried about whether we can spend this much money this quickly and do it without waste or fraud. I want to say on behalf of Senator COLLINS, who is the ranking member of the Homeland Security and Governmental Affairs Committee, and myself, we have responsibility for the oversight of Government spending generally. We take that seriously. We intend to oversee aggressively the carrying out of this economic stimulus package. We are going to begin with a hearing in our committee on March 5 to examine how the Federal Government will account for the billions of dollars that will be spent over the next 2 years, with a focus on ensuring that measures are taken to prevent cost overruns, that strict oversight of contractor performance is in place, that grant conditions are met, and that fraud is promptly prosecuted.

Speed in distributing money, as I said, is critically important, but we cannot repeat the kinds of mistakes that occurred in support of Iraqi reconstruction projects or in the aftermath of Hurricane Katrina where money rushed out the door with little accountability and too many billions of taxpayer dollars were wasted.

This bill, on its face, gets off to a good start in that direction. It includes $200 million in additional funding for our inspectors general to hire experienced auditors and investigators to police the spending under this program. It creates a Recovery Accountability and Transparency Board, headed by a Presidential appointee and composed of at least 10 inspectors general from the departments and agencies that have jurisdiction over the recovery package.

The bill adds protections for whistleblowers who work for State or local governments or private contractors, who generally have no protection against retaliation, if they disclose waste or fraud in the spending of these stimulus funds. A special Web site called recovery.gov will provide transparency by posting information about spending, including grants, contracts, and all oversight activities, so that any American will be able to report on waste, fraud, or abuse when they see it. But our committee is going to police this, working with this board, and stick with it to do our best to make sure every taxpayer dollar is spent efficiently.

Final point: I cosponsored, with Senator ISAKSON, a proposal to create a home buyer tax credit of $15,000 to help stimulate the home-buying sector of our economy, raise home values, along with the $50 billion the Secretary of the Treasury has to use to prevent foreclosures and modify delinquent mortgages. Unfortunately, the conference committee determined that our proposal was too expensive to fund. It ended up coming in at over $35 billion. But there was a good compromise to create an $8,000 first-time home buyer tax credit, with no recapture—in other words, you do not have to pay it back—and it can be used until the end of this year, December 1, 2009. As I said, it is raised to $8,000. This is no small incentive. In fact, the estimates are that this credit will cost us $6.6 billion. But what that means is, I think hundreds of thousands of people who want to buy a home will get this special incentive—an $8,000 tax credit—to buy that home. That will raise the values of homes generally and get this economy of ours moving again.

Bottom line, we are in an emergency. This bill is as big and unprecedented as the emergency. As I said before, I believe we will look back at the passage of this bill and say: This is where the American economy began to turn around and work its way out of the great recession of 2008 and 2009.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Texas is recognized.

Mr. CORNYN. Thank you, Mr. President.

Mr. President, the administration and many of my colleagues have argued that we cannot rely upon the same strategies that got us into this mess to get us out of it, and I wholeheartedly agree. I am voting against this stimulus bill because I believe it replicates a failed strategy.

Some of my colleagues have claimed that a ''nay'' vote on the bill means we are for doing nothing. I want to correct that misimpression. That is just not true. We all understand the economy is in crisis. This week, the president of the Federal Reserve Bank in Dallas said that my State—which had been doing well relative to the rest of the country in job growth and from an economic standpoint—is now officially in recession, which confirmed what small

businesses have been telling me for weeks. None of us disputes we are in a crisis. Some of us disagree about what we ought to do in order to get out of this crisis.

I believe a stimulus bill would have been a good idea if it had been focused on the right priorities. That, I believe, was President Obama's original vision. The administration said it wanted a bill that was timely, targeted, and temporary when it came to the spending that is contained in it. I daresay that if this bill had reflected President Obama's priorities, it might well then have received the 80 votes he said he wished it could receive, if it had truly been the product of bipartisan collaboration and cooperation. But it was not.

The fact is, we never saw the bill the President said he wanted. We saw instead that Speaker PELOSI and Democrats in the House essentially wrote the bill themselves and really redefined the word ''stimulus'' to mean nearly anything they wanted in a bill which they knew they could pass because they knew this was an emergency, there was not adequate time to scrutinize the spending and projects, so they knew this was a moving vehicle, and they took every opportunity to load it up with a lot that is certainly not targeted, timely, or temporary and thus breached with the vision President Obama had said he envisioned for the bill.

That is the reason why this bill will receive very little support on this side of the aisle. In fact, out of 535 Members of Congress, I would be surprised if there are more than 3 on this side of the aisle who will support this bill because it was essentially written by the leadership in the House and the leadership in the Senate and without Republican contributions. Indeed, every amendment that was offered, with only rare exception, was rejected upon party-line votes—both in the Finance Committee, on which I serve, and here on the floor. That is not bipartisan. If, in fact, this bill had been produced by a bipartisan process, I have every conviction it could well receive an overwhelming vote on both sides of the aisle in this body. But this was a failed opportunity, I believe.

Many of the programs in this bill are, in fact, wasteful and unnecessary. These are earmarks in all but name only: golf carts, art projects, company cars, and new buildings for Federal employees. And these are only some of the spending plans that we know are contained in this 1,100-page bill which, as the Senator from Kansas pointed out, we did not get a copy of until roughly midnight last night—without enough time for Senators to actually read every line, to discuss it and deliberate on it and to make sure we understand what is in it and that we are not simply wasting taxpayer money. The fact is, we will not have even had 24 hours to look at the conference report before being required to vote on it later today, a report negotiated in secret, behind closed doors, and which seemed to be briefed to reporters and leaked to the press before many Members of Congress actually got a chance to look at it, but we are told: Don't worry. Trust us.

The people in my State of Texas were promised many benefits under this bill, at least $10 billion of direct spending and aid to our State, according to the Democratic policy committee—$10 billion. Well, that is one reason some of my constituents are saying: Senator CORNYN, we want some of that even if we understand your point that in order to get it, my State's share of the cost of this bill will roughly include $90 billion, including interest. Mr. President, $10 billion for $90 billion in debt? That does not strike me as a great bargain. Now, I am not an accountant, and I am not sure the Democratic policy committee's numbers are accurate. I just cannot vouch for them. But accumulating $90 billion in debt to receive about $10 billion in benefits does not strike me as a good deal. And I suspect the deal is not much better for any of our other States.

The math does not work on a national scale either. Even if this bill does ''create or preserve'' up to 4 million jobs, that means we are paying about $300,000 per job—$300,000—which is more than five times the median household income in the country.

Now, if we are going to do this, why don't we just give the money directly to the people through lower taxes, letting them keep more of what they earn? They would create and preserve far more jobs than the Government is going to be able to do and we would not be in the process of picking political winners and losers in the process.

But now the tax relief in this bill is even weaker tea than it was before, averaging only about $8 a week, according to some accounts—hardly stimulative. The simple truth is, Government is inefficient at creating jobs, and this morning the Wall Street Journal explained some of the reasons why.

Many Federal agencies, such as the Department of Energy, simply do not have the capacity to spend all of this money as quickly as Congress is appropriating it through this bill. I expect the same is true for many State and local governments. But the fact is, we in Congress have simply not taken the time to find out. Instead, we are determined to turn up the water pressure across all levels of government without thinking about which pipes will burst and whether they can handle the load.

Nobody knows what will happen once this bill is actually implemented. I appreciate the distinguished Senator from Connecticut saying he and the ranking member on the Homeland Security and Governmental Affairs Committee are going to do extensive oversight. But I would suggest, the time to do our due diligence is before passing the legislation, before spending the money, not after it is already spent, when Government does not have the capacity to deal with it.

And then there is this: The Congressional Budget Office estimates that this so-called stimulus bill will actually reduce growth of gross domestic product over the next 10 years. Because as the CBO says, it will actually—because of such enormous direct Government spending, it will crowd out private investment in the economy and actually hurt the economy, rather than help it as its proponents have promised. That means many millions of our children will have fewer opportunities as they enter the workforce, even as they inherit more and more public debt than any generation in history.

The tragedy of this $1 trillion bill is it ignores hard-learned lessons. We cannot spend our way to prosperity. During the Bush administration over the last 8 years, we spent a lot of money. We strengthened our homeland defenses, we delivered a prescription drug benefit under Medicare, and we increased Federal support for education. Yet all that additional spending—for the war on terror, for homeland defense, prescription drugs, and education—did not protect us from a recession.

In last year's stimulus package, we sent out rebate checks. Remember that was about a year ago where we sent out cash to taxpayers ostensibly as a rebate which, in fact, represented a redistribution of money from people who did pay income taxes to people who don't. You know what. It had virtually zero effect in terms of stimulus. Now we are going to do it all over again, this time under the guise of refundable tax credits, again sending money to people who don't pay income taxes from people who do pay income taxes in a vast redistribution of wealth and replicating the failed example of the stimulus package we passed a year ago.

Now, I understand these are unprecedented economic times. I understand even the smartest people in the world have a hard time knowing what we should do, but shouldn't we at least prevent repeating mistakes we know don't work? I don't think it takes a rocket scientist or a master of the universe to know that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. Mr. President, I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, it is not as though my colleagues are just complaining about the bill on the floor. We offered a constructive alternative to fix housing first that got us into this mess and which, I believe, if we had listened to some constructive suggestions

on this side, would help lead us out of it. We also know that letting people keep more of what they earn exerts a much greater multiplier effect in terms of the economy than does direct Government spending. Finally, the idea that we can spend money we don't have on things we can't afford simply defies logic.

I am sorry this is a missed opportunity, both for bipartisanship and an opportunity to actually solve a real problem confronting the American people. I believe there are better ideas available, and those ideas remain available if we simply have the will to embrace them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I am honored to be here to speak in favor of the economic recovery plan.

Yesterday we celebrated Abraham Lincoln's 200th birthday. As I sat there and listened to the historians talk about Abraham Lincoln's life, there was one thing that stood out to me and that is the importance of timing. They talked about when he was there in those very dark days of the Civil War, that he had to make a decision. He had to make a decision about whether he was going to sign the Emancipation Proclamation, freeing the slaves. He thought about it for awhile. He knew if he did it at one time, it would be too early, and if he waited too long, it would be bad. Finally, he signed it. The Historian said yesterday it is very possible that if he had done it 6 months earlier, we would have lost a number of States that wouldn't have been with us; and if he had done it 6 months later, we would have lost the momentum that propelled us forward to win the Civil War. It reminded me again that timing is everything and that timing matters.

This is a time to take action with our economic crisis. This is the time. With each passing day, we get more bad news: another round of layoffs, dropping consumer confidence, increasing debt. Last month, we learned the United States had lost 598,000 jobs in just 1 month—the month of January. As the President pointed out, that is basically equivalent to the total number of jobs in the State of Maine. That happened in 1 month in the United States of America.

In my home State of Minnesota, the unemployment rate rose to 6.9 percent last month. That is the highest it has been in 20 years. The national unemployment rate is now at 7.6 percent. It is across the board. Great companies in my State such as Target and Best Buy and Ameriprise are trying everything to do the right thing, but they still are having to lay off employees.

Behind all these numbers and statistics are real families. They are not just a number, such as 598,000; they are real families, people whom I have spoken to across our State; moms and dads who put their kids to sleep and then sit at the kitchen table with their heads in their hands thinking: How are we going to make it? A woman wrote me saying she got a little inheritance from her father. She was going to use it for her daughter's wedding and now she had to spend it on her own retirement because it got blown in the stock market.

As we prepare to vote on this bill, it is important to remember how we got there. Our economic crisis is a result of bad decisions on Wall Street, a result of greed, as well as the result of a failed economic policy for 8 years. There is a diner that used to be down the street from me in Minnesota. It was a motorcycle diner called Betty's Bikes and Buns. There would always be a bunch of motorcycles parked in front. There was a sign in the window that said: ''Betty's Bikes and Buns: Where lies become legends.''

Look at the past 8 years. We were told by the past administration they would create jobs. Just last month—the last month of the past administration—we lost 8,000 jobs. They told us they would restore fiscal responsibility. Well, we went from the largest budget surplus left by the Clinton administration to a record-high budget deficit left by the Bush administration. They told us they would reduce that deficit. They didn't do it. ''Where lies become legends.''

The people of this country in this last election said they had enough of lies, they had enough of legends, and they wanted to see change. They wanted to put a President in who was going to tell them the truth and not sugarcoat it, not make a bunch of promises and not keep them. If we are going to get out of this crisis, we are not going to be able to rely on the ideas that got us here, as some on the other side have argued. We need a new direction and that is what this bill offers. It is not a perfect bill, but it is the first step to jolting this economy back in the right direction.

The American Recovery and Reinvestment Act will jump-start our economy in the near term by creating jobs, but it is also going to give the people of this country something to show for their money. The legislation provides economic assistance aimed directly at Main Street. It provides economic relief to working families, small businesses, and seniors. It gives critical support to States and communities so they can ensure a safety net for families hurt by the economic downturn, and it will save or create 3.5 million jobs.

In my State of Minnesota, the projections are that this bill will create 66,000 jobs. A recent analysis concluded that the economic recovery bill could create as many as 91,000 jobs in Minnesota by 2010. Additionally, it will provide a tax cut to 95 percent of working families and offer additional unemployment benefits to so many of the people in our State who have lost their jobs.

This legislation will put Americans back to work building bridges, building roads, building schools. That is what this legislation is about. The legislation invests $116 billion in infrastructure, in science, roads, bridges, highways, and transit systems. The Federal Highway Administration estimates that for every $1 billion of highway spending, it creates nearly 35,000 jobs. We know a little bit about the need to invest in infrastructure in my State. We had a bridge that fell down right in the middle of the Mississippi River, 6 blocks from my house. As I said that day, a bridge shouldn't fall down in the middle of America. Not a six-lane highway, not a bridge 6 blocks from my house, not a bridge that my daughter travels as she rides with me and my husband every day when we go to work or go visit our friends. It shouldn't have happened.

The Federal Highway Administration estimates that more than 25 percent of the Nation's 600,000 bridges are either structurally deficient or functionally obsolete. That is the good thing about this bill. It gives us immediate short-term jobs, as well as giving us something to show for it, so that years later, when this economy is running again, we will have the bridges that will take the goods to market, the good highways, and the good rail.

This plan will also create jobs by investing $43 billion in homegrown renewable energy, creating new energy jobs across the country. As I have traveled across my State, I have seen the possibilities. I have seen the little solar panel factories. I have seen the wind turbine farms. When we had the information technology revolution—the IT revolution—it created jobs. A lot of those jobs were for people who had graduate degrees and Ph.D.s and they had to be in certain parts of the country. That is what is great about this energy technology revolution—the ET revolution. We have had experts testify before our environmental committee, and they have told us the ET revolution will create not just those Ph.D. jobs and those graduate student jobs, they will create jobs for working people, building those wind turbines, working on those solar panels, putting in those lines for that electricity grid. It is jobs across the demographic spectrum of this country. It is green-helmet jobs, not just Ph.D. jobs.

Finally, I wish to highlight the $7 billion this plan contains for broadband for Internet and for telecommunications infrastructure. When President Roosevelt, back in 1935, looked at this country, he knew there was a problem. Only 12 percent of American farms had electricity. There we were in the middle of the Depression and only 12 percent of American farms had electricity.

Now, what did he do? Did he put his head in the sand and say: Well, times are bad, we are not going to do anything? No. He said: Let's invest in some jobs, and let's invest in making things better for people so we can get this economy moving again. You know what. Fifteen years later because of rural electrification, we had about 75 percent of the farms with electricity. We went from 12 percent to 75 percent in 15 years. That is what Government action will do when it is done right.

Focusing now on the present day, in so many counties in my State we have Internet service, but it is either too slow or too expensive. This country has gone from fourth in the industrialized world for Internet service subscribership to 15th in just 8 years. How are we going to compete with countries such as Japan and India if we are going downhill, if we are nosediving when it comes to Internet service? This bill puts over $7 billion in infrastructure for Internet. In these tough economic times, broadband Internet deployment creates jobs, not only direct creation of jobs in the technology sector but also the creation of even more indirect employment opportunities by increasing access to the Internet. I want these jobs to go to Thief River Falls, MN, or to Lanesboro, MN, instead of over to India and to Japan. I want them to be in our country.

This recovery plan offers an economic one-two punch, including tax cuts that will promote more consumer and business spending by providing relief to middle-class families, small businesses, and seniors. Second, Federal spending that will create jobs and strengthen the economy with investments in transportation, renewable energy, and high-speed Internet.

The American people are tired of the lies and legends of the last 8 years.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent for 30 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, they want action. They want the truth. We literally can't afford to wait any longer to pass something.

As President Obama recently said, the time for talk is over. The time for action is now. If we don't act, a bad situation will become dramatically worse. This is our time. This is our opportunity. Let's get this passed today.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, the moment of truth is almost here, the time when we will all have to cast our votes. I submit this is a sad day for our country, for the American taxpayer, and it is a sad day for future generations, who will be left paying for this trillion dollar spending bill.

The American people are hurting and they are demanding action. Unfortunately, Congress has failed the American people and lost an incredible opportunity to empower small business owners, fix our housing crisis, and turn our economy around. So many things could have been done with this legislation that could have meaningfully led to job creation and economic stimulus.

In the few short hours that the final bill has been available, it is clear that the Democratic leadership has turned a deaf ear to the American taxpayer.

The final spending bill still includes spending on wasteful Government projects that have outraged taxpayers across the country. The final bill includes: tax benefits for golf carts, electric motorcycles, and ATVs; $300 million for Federal employee company cars; $1 billion for ACORN-eligible block grants; $50 million for arts endowment; $165 million for fish hatcheries; $1 billion for the census.

Instead of mouse habitats, electric golf carts, and fish barriers, Congress should have focused on serious proposals to address the housing crisis and create jobs through small business tax relief.

There were a number of opportunities. I view this as the question of what could have been. A number of amendments that were offered last week would have addressed this crisis with respect to housing and job creation and getting the economy back on a path to a recovery. Senators MCCAIN and MARTINEZ and other Republican Senators offered an alternative proposal that would have cut wasteful Government spending and focused on targeted investments and tax relief.

This proposal was a well thought out and fiscally responsible proposal. It included a commonsense provision that would have cut off new spending after two consecutive quarters of economic growth greater than 2 percent of inflation-adjusted GDP.

The alternative plan would have invested about $45 billion in transportation infrastructure, $17 billion in defense facilities and resetting our combat forces. This targeted spending would have rehabilitated our military facilities and equipment while creating jobs over the next 9 months—important tax relief that would have put money back into the hands of average middle-income families in this country and incentives for small businesses to create jobs, hire employees, and purchase equipment.

What is unbelievable and, in my view, a major flaw in the Democratic stimulus bill is this simple fact: The bill we will be voting on spends $6 billion on Federal buildings and only $3 billion on small business tax relief. Small businesses create most of the jobs in our economy—three-quarters to 80 percent of the jobs in this country. We ought to be figuring how can we get that economic engine going again so small businesses are making those investments. As I said before, this bill contains $6 billion for Federal buildings and only $3 billion for small business tax relief—a small, minuscule amount. One-third of 1 percent of the final stimulus bill is going to small business tax relief.

In terms of the way the bill breaks down, 27 percent of the entire almost trillion dollar bill is in tax relief in some form, or tax provisions. Many would argue that it was meaningful tax relief. There are a lot of better ways to deliver tax relief. The rest is in the area of spending. Forty-seven percent of that spending doesn't occur in 2009 or 2010. Only 11.3 percent will be spent in 2009, which means one thing—there is a lot of spending in the bill that cannot be characterized as stimulus. In other words, it is spending that will go on and on for years to come. What is remarkable about it—the late President Ronald Reagan once said that the closest thing to immortality on this planet is a Government program.

There is a letter out from the CBO in response to a question posed by a House Member regarding some spending in the bill: What would happen to the 20 most popular Government programs that are funded in this bill if, in fact, at the end of the 2 years the funding doesn't terminate? In other words, a lot of this spending will go on and on over time. What CBO found was the total cost of the bill, if those programs are expended—bear in mind that these are popular items on which it will be difficult to turn off the spigot. If the spending continues past that 2-year window, the cost of this explodes to $3.27 trillion. The interest alone is $744 billion. So it will be $3.27 trillion for much of the spending in this bill if it continues beyond the 2-year window.

As I said, according to CBO, only 47 percent of the spending part of the bill gets spent in 2009 and 2010. There are so many better ways this could have been done. We offered amendments last week. I mentioned the McCain amendment. I offered an alternative focused on tax relief for middle-income families and small businesses, which, according to the methodology developed by the President's own economist, Christina Romer, would have created twice as many jobs at half the cost—6.2 million jobs—and the cost of this amendment voted down last week was about $440 billion or, in rough terms, half of what we are looking at in the bill we are voting on today.

The last amendment I offered last week, toward the end of the debate, would have taken the total amount. I don't agree that we ought to spend this amount of money. I think it is stealing from future generations. If we are going to do it, the question is, should Washington spend it or should the American people? I took the total

amount and divided it by every tax filer in the country—182 million people who file a tax return in this country—and we could have given a rebate of $5,403 to a single filer and to a couple filing jointly, $10,486—if we take the total amount of the bill and divide it among the taxpayers in this country. I would be willing to bet that the American people would much rather have that check than have money going to Washington, DC, to spend on these new programs, many of which will create obligations and liabilities for generations to come.

I think we have missed a golden opportunity here. I think we have created a whole new realm of spending that will go on for some time into the future. It is not fair to our children and grandchildren. The Federal Government needs to learn to live within its means. I can tell you as somebody who comes from the prairies, when the prairie pioneers settled South Dakota and places such as that, they understood a basic principle or ethic, which was that they were going to have to sacrifice so their children and grandchildren and future generations could have a better life.

What we have done with this bill is turn that very ethic entirely on its head. What we are asking future generations to do is sacrifice by handing them a trillion dollar debt so that we here and now can have a better life, and we cannot live up to the obligations we have to pay our bills on time.

It is a sad day; it is unfortunate. This could have been much different. There could have been more input from our side. It is a bill heavy on spending, not only temporary but spending that will continue to go on for some time into the future and create obligations down the road. If this is correct and the CBO response in this letter is accurate, if these programs continue to be funded and don't terminate at the end of the 2-year period, there will be $3.27 trillion in liabilities that we are creating today by voting for this legislation. It is not fair to our children and grandchildren and to the future generations who will bear the cost of the fact that we cannot live within our means and cannot come up with a way to fund an economic recovery plan that creates jobs and helps stimulate the economy and gets this recovery underway in a fashion that is fiscally responsible.

I regret that I will be voting no on this bill. I urge my colleagues in the Senate to do the same.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, this is the largest spending bill ever to be voted on. It will probably be passed by this body. It has been done in the most rushed fashion that we have ever done a spending bill. It is the least bipartisan ever. Not a single Republican in the House voted for this bill; nine Democrats voted against it.

Unfortunately, in conference, the bad parts of the bill got bigger and the good parts got smaller. We are left with a spending bill of gigantic proportions and a stimulus package that is small, by any measure.

I will point out a few historical numbers. We have had stimulus packages in the past, and we have needed them. We need one now. We have never, in the history of the Republic, had a stimulus package over the size of 1½ percent of GDP. That is the biggest we have ever done in the history of the Republic. This stimulus spending bill is 5.5 percent of the GDP of the entire country. It is huge—more than three times larger than any we have ever done.

To give perspective, we did a stimulus package in 2008 in the amount of $152 billion. This is $800 billion. In 2001, it was $38 billion. That seems small by today's standards. This one is 5½ percent of GDP. If you look at the actual tax cuts, there are things in the tax cuts I think are good. There are other things in spending I think are good, but they should not be in a stimulus bill. They should go through the regular order in a spending package.

We will have the omnibus spending bill after the break. That will be hundreds of billions of dollars, and people can measure that. But the tax cut piece of this bill that is probably going to be stimulative—and I would support as being stimulative—is a total of $76 billion, which is 9.6 percent of the bill. Many of the tax cuts in the bill are actually spending through the Tax Code or an AMT fix that will not be stimulative, which most people regarded as that will be fixed and they are not going to alter economic activity based on that. You are left with $76 billion in tax cuts that would be stimulative. As I said, there are things in there I like. I congratulate the majority on some of those tax cuts that are in it—the issue on first-time home buyers. We have done that in Washington, DC. It was helpful in stimulating the housing market here. I think it will stimulate the market across the country. Wind energy is in here that will help our Plains States—the Senator from South Dakota, myself, and many others. This will help in wind energy, a key growth area for us. I am supportive of that. I think that is important. We got a piece in here about deductibility of State taxes on purchases of new automobiles in 2009. That will have a stimulative effect. I think it will be small. There is bonus depreciation for a big industry in my State, aircraft, that will have a stimulative effect. It will be positive. All of those I support and I applaud the majority side for that.

The sum total of those altogether is less than 10 percent of the whole package. Instead, we are left with this gargantuan spending bill that is 5½ percent of the economy, which we cannot afford. It will not be stimulative. It will a be highly speculative Government bubble that we are creating.

At the end of the day, the last and biggest number in this whole bill is a number of $12 trillion. That is in the bill and that is what we are growing, what we are setting the debt limit of the country at in this bill. We are raising it to $12 trillion. That is in the bill. The reason we are raising that debt limit to $12 trillion—you guessed it—it is headed that way. We are getting closer with this bill.

We have come to a very big speculative bubble on housing and consumer credit and a number of other things as well. This speculative bubble led to a lot of housing being built, cars being purchased, and all was fine. But then the bubble burst. Now we are trying to substitute that with a Government speculative bubble. We are going to spend all this Government money and in a speculative, highly leveraged nature, because 100 percent of this is borrowed. That is somehow going to stimulate the economy. It is going to leave that big, massive hole in it.

I am deeply concerned about what this is going to do both in the present and in the near-term future. I hope we can do better. There is a great possibility that we can do better. I think we should.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009—CONFERENCE REPORT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the conference report to accompany H.R. 1, the American Recovery and Reinvestment Act, with the time until 5:30 for debate, with the time divided as follows: the majority controlling 30 minutes and the remaining time under the control of the Republican leader or his designee; that a budget point of order be in order and if raised against the conference report, then a motion to waive the applicable point of order be considered made; that at 5:30 p.m. the Senate then vote on the motion to waive the point of order; further, that the vote on the waiver of the point of order count as a vote on adoption of the conference report, with a 60-vote threshold; that no further points of order be in order during the pendency of the conference report; and that upon adoption of the conference report, the motion to reconsider be laid on the table, with no further intervening action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I wish to publicly express my appreciation for the thoughtful time certainty on this by the Republicans. As they know, we have a couple issues on our side, one is a death and one is the health of one of our Members. They have been very thoughtful and understanding of our situation. For that I will always be grateful.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I would like to propound a unanimous consent request for speakers on our side.

I ask unanimous consent that the following Republican speakers be recognized for up to 7 minutes each: CHAMBLISS, GRAHAM, ENSIGN, ALEXANDER, SHELBY, HATCH, MCCAIN, SESSIONS, and that Senator COBURN be recognized for up to 30 minutes.

Mr. ENSIGN. Reserving the right to object, is it in that order——

Mr. MCCONNELL. No.

Mr. ENSIGN: Or is it just total time?

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the conference report.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings at page 3887 of the RECORD of February 12, 2009.)

The PRESIDING OFFICER. Who yields time on the conference report?

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I ask that I be recognized for 7 minutes and be informed when I have used 6 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRAHAM. Mr. President, this debate is coming to an end, and it never really started. We are bringing a conclusion to a process that will spend $1.1 trillion over the next 10 years, and there has never been a thoughtful discussion between the parties to figure out how we can get there from here.

The Republican alternative was $440 billion, I believe. It had tax cuts. It had spending on unemployment benefits extension, food stamp extension. It had a $35 billion, $45 billion amount of spending for infrastructure, shovel-ready jobs. It was an alternative that also had a trigger that said that once the economy got back on its feet and we had two quarters of positive GDP growth, any unspent funds would be frozen, and we would look at trying to get back to a balanced budget situation. In other words, it had a slowdown provision. There is nothing in this bill that is going to slow down spending.

The compromise that has been reached—$440 billion was the Republican alternative—we are going to settle on a bill of about $787 billion-plus that received no Republican votes in the House. I think they lost seven or eight Democrats in the House. Apparently, they are going to pick up three Republicans in the Senate.

I would argue that if the shoe were on the other foot, if Republicans were in charge and we lost more Republicans than we picked up Democrats, that would be a lead story. So the idea that this is bipartisan does not meet any realistic test of bipartisanship, and that is a loss. Mr. President, $1.1 trillion unfocused over 10 years, in terms of job creation, is a huge loss to the next generation of Americans who are going to pay this bill.

We had a chance to start over early on in this administration. The attitude that started this process in the House, ''We won, we write the bill,'' never changed. It came to the Senate. We spent 1 hour 40 minutes marking up this bill. We have had a handful of Republican amendments accepted. I am not saying our version is the right way completely. I am saying the difference between $440 billion and $787 billion and $819 billion, the House version, is not $787 billion.

There has never been a real effort to try to find common ground. The percentage of this bill that is tax cuts is 27 percent of $787 billion; 27 percent of the amount is for tax relief. A $400 rebate check is a great part of the tax provision. Last year, we gave people $500 tax rebates. That did not stimulate the economy. The $400 will not.

What stimulates the economy is cutting taxes for consumers as well as business. As Senator THUNE from South Dakota said about 75 percent of the jobs in America are created by small business. If your goal is to stimulate the economy and create new jobs, one test of this bill would be how much did you do for small business.

Less than $3 billion in the entire package is directed to small business. I would argue that if 75 percent of the jobs come from the small business sector and only $3 billion of the money is allocated for small business relief, we missed this thing by a country mile.

This bill started out of the House as a ''We won, we write the bill'' spending package that never had a focus on job creation. There are so many things in this bill unrelated to creating a job in the next 18 months that it is, in my opinion, a failure as a stimulus package.

Of the $580 billion of this bill that is appropriated—about 53 percent of it is appropriated—only 11 percent of that money hits the economy in the first year. Fifty-three percent of the appropriated funds are not spent until after 2 years from now.

So the goal I had working with our Democratic colleagues and the White House was to try to create as many jobs as possible by stimulating the economy through a combination of tax cuts and spending that would create jobs in the near term and, yes, help people who have lost a job. We have failed miserably in that endeavor, in my opinion. We have run up the cost of this bill, and every dollar that is wasted in the stimulus package that does not create a job is one less dollar to jump-start housing and banking.

To my colleagues, you all know this one fact. We will never get out of this economic mess until we deal with the banking problem and the housing problem. We have wasted a lot of money in this bill that could have gone to banking and housing. There will be a request in the future, mark my words. The TARP funds left to deal with banking and housing of $315 billion are not nearly enough to deal with the toxic assets that cripple the ability to lend, not nearly enough, in my opinion, to deal with the foreclosures that are coming in waves in this country.

The stimulus package is important, but it was, in my opinion, the least-effective measure to jump-start the economy. We put all the money in the thing that works the least, and we designed it in a fashion where it will work hardly at all. This is a blown opportunity to come together in a bipartisan fashion to deal with banking and housing. We put all our resources upfront in a stimulus package that has very little to do with creating jobs and a lot to do with growing Government.

The PRESIDING OFFICER. The Senator has used 6 minutes.

Mr. GRAHAM. Mr. President, we have created more Government, new Government than we created jobs. We lost the spirit of bipartisanship we were yearning for. It is going to be hard for us to come back to the American people after this monstrosity of a bill is understood in the next couple weeks and ask for more money in housing and banking.

I am disappointed in the process. I am disappointed in the final substance of the bill. We spent $1 trillion in about 2 weeks, with very little discussion.

Finally, America wants this Congress and this new administration to be smart and work together. We are not being smart, and we sure as heck haven't worked together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I claim the 7 minutes that is part of the unanimous consent agreement.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ENSIGN. Mr. President, the scope of this legislation is enormous and endangers our country's future economic health.

Currently, the U.S. debt burden is huge, but it is going to rise to 54 percent of the economy in just the next 2 years. That is before we take into account this omnibus spending bill that is still to come before the Congress, another round of TARP, and approximately $1 trillion that we have in the bill before us today. When we add the Children's Health Insurance Program that was passed, TARP, a supplemental, the omnibus bill, we will add an additional $2 trillion to our national debt. That means higher taxes for our children, our grandchildren, and actually just in a few years for almost all Americans.

We have been borrowing against future generations. Keep in mind that we have a $60 trillion debt out there in Social Security, Medicare, Medicaid, and other entitlement programs. That money has to be paid someday.

We have to ask ourselves: What will the credit markets around the world think? What will they think about the idea of the United States being actually solvent? The previous administration, as we heard from the other side, spent money like crazy. I am not going to defend them. I was one of the people fighting against a lot of that spending.

The spending that is before us today is unprecedented. Unfortunately, in the so-called stimulus bill, only about 25 percent of the bill is in true tax relief. A lot of it is disguised as tax relief, but it is just spending. Not all tax relief is equal when it comes to stimulating the economy. Unfortunately, some of the tax relief in this bill that was actually good was stripped out of the bill.

Today, as a percentage of GDP, Government spending last year was around 21 percent. This year, it is going to be close to 30 percent. The historical average over the last 40 years is around 20.6 percent. If we continue to add and add, in not too many years, it is heading toward 40 percent. This amounts to the Europeanization of the United States. Why is this? The government takes up a large percentage of the budgets of Europe's economies. These are more socialist-type economies, and that is the percentage of their gross domestic product they spend on government.

Let's consider the cost of this bill. If we count everything that is going to expire in the stimulus and say it is not going to expire over the next 10 years, the true cost of this bill is somewhere around $3 trillion. We have to ask ourselves: When was the last time a Federal program was cut or was discontinued? That does not happen around here. Once we put something in place, it seems to be in place forever.

The assumptions in the bill that the spending put in place is actually going to go away in 2 years seems a little ridiculous to me. That is why we actually should be honest about the true cost of this bill.

According to CBO, all the stimulus spending will do little to help our long-term economic growth. It will help some in the short term but not in the long term. We have to think about not just short term. Too many companies in America were thinking short term. We have to think long term as well for our, once again, children and grandchildren.

We did not even receive this 1,100-page bill until 11 p.m. last night. Thanks to all my staff, and the Republican Policy Committee staff. They spent most of the night and today going through this bill. There is no way everybody is going to know everything that is in this bill because of the difficulty of trying to go through an 1,100-page bill in less than 24 hours.

We need to look at history. Japan, in the 1990s, gave us valuable lessons about not what to do. They spent $6.3 trillion. Unfortunately, they spent it building a lot of bridges to nowhere, roads to nowhere.

We heard we need a lot of infrastructure spending in this country. If this bill had only answered that call. This bill has very little to do with infrastructure. Only a small percentage of this bill actually deals with infrastructure. That is unfortunate. Japan also failed to address the underlying problems in their banking system. Japan created zombie banks. These are banks that should have failed but were not allowed to. Japan also suffered from a bad course of monetary policy. While the parallels may not be exactly the same between Japan and the U.S., we may be headed in the same direction. That is why a lot of us are afraid that this stimulus bill before us today is actually not going to cure our economic woes.

The housing industry is what brought this whole economy down. We understand that. The American people in my State of Nevada know it was the housing crisis that brought the economy down. So if we don't fix housing, how are we going to fix the economy? The underlying problem with the patient here is the housing problem.

I had an amendment that actually would have gone a long way toward fixing housing. My amendment had three components. The first was that Americans would have been able to get a much lower interest rate—somewhere between 4 to 4.5 percent. About 40 million American households would have qualified for it. It would have given the average American household about $450 per month more for their budget. This was permanent, though, it wasn't just a one-time check. This was a 30-year fixed interest rate. That actually would have helped stimulate the economy.

The second part of the amendment was that we took a provision from Senator ISAKSON.

Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. The second part of the amendment would have given a $15,000 tax credit to buy homes. That would have helped to stimulate the housing market. Unfortunately, in this bill, that was dramatically cut down. And the third part was to help those houses underwater.

This spending bill that is before us could have been made so much better if we had sat down in a bipartisan fashion—not as Republicans, not as Democrats, but as Americans. I hope we learn from the way this bill was done that it is not the way we need to fix some of the major problems the country will face in the future. I hope we can actually sit down in a bipartisan fashion.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, may I be informed when 6 minutes of my 7 minutes has expired?

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. ALEXANDER. I thank the Chair.

Mr. President, here is what we know of the so-called stimulus bill.

This bill will give American workers $8 a week in their paychecks in exchange for passing along a $1 trillion debt to our grandchildren. The entire New Deal, in today's dollars, cost only half of what this bill costs.

We know that if we were to spend $1 million a day, every day since Jesus Christ was born, we would still spend less money than the cost of this bill.

We know that if you were to add the cost of this bill to the national debt that we already have, it would cost each American household more than $100,000 to pay off our country's debt.

We know that in the bill there is $50 million that could be used to save red-bellied harvest mice in the San Francisco area, something that Speaker PELOSI has supported.

We know that in the bill there is $8 billion for a levitating train from Disneyland to Las Vegas that the majority leader is very interested in.

We also know that people are hurting. That we need to do something to help the economy. And that something includes a real stimulus bill. But we know this is not the right approach.

Mostly, this is spending, not stimulus. Most of the spending in the bill does not come soon enough to help create jobs quickly. Most of the tax cuts in the bill—such as the $8 per week for working families—are welcome but not stimulative.

We know this is a lot of money. An example of how much money is that it

took us until about 1980, from the beginning of our Republic, to accumulate a debt that equals the amount of this bill. Or to look at it another way: The entire annual Federal budget in the early 1980s was about the amount we are spending in this bill.

We know this is not temporary. Even though stimulus bills, as defined by Speaker PELOSI, are to be timely, temporary, and targeted, this is not. We know that because of the mandatory spending it adds to the long-term budget. We know that because the Senate rejected Senator MCCAIN's amendment which said that after two consecutive quarters of economic growth above 2 percent, the new spending would stop. So this bill is not temporary.

We know we are bailing out States with much more money than they need. In my State of Tennessee, it had a $900 million dollar shortfall. That is a lot of money for our State. But our legislature and Governor are handling that, with some pain. Yet we are giving Tennessee almost $4 billion, as if we had the money to spend.

We know we are not seriously thinking about how much spending is too much spending in Washington, and how much debt is too much debt. We know that we establish policies in this bill—huge policies in education, energy, and health—in 2 weeks, without careful consideration that deserve enormous consideration.

I used to be Secretary of the U.S. Department of Education. Its budget today is about $68 billion. We are adding $40 billion a year to that Department for the next 2 years. Does that mean we are completely satisfied with what is happening in kindergarten through the 12th grade? If we are to add $40 billion a year, should we not be asking what can we do differently to reward outstanding teachers, to add charter schools, to offer parents more choices for afterschool programs for their children? Surely, we can have a debate about education, or energy, or health care if we are going to spend that much new money.

We know there has been a lack of bipartisanship. The refrain seems to be: We won the election; we'll write the bill. That was not the tone of the election. That was not what we looked forward to on the Republican side of the aisle.

We know what we should have done instead. We know we shouldn't have spent the whole piggy bank on a spending bill that doesn't include much stimulus. We know that we should have reserved as many of those scarce dollars as we could to focus on fixing housing first and making sure that we don't underestimate the difficulty we have in getting toxic assets out of the financial institutions in this country so they can start lending again and on Main Street we can start doing business again. We know those are the things we should have done instead.

This bill doesn't pass muster with truth in labeling. It claims not to have earmarks, although that levitating train from Las Vegas to Disneyland looks a lot like an earmark.

We know that the two provisions in the bill that seemed to do the most to help were cut by the conference report in substantial ways. I am speaking of Senator ISAKSON's $15,000 tax credit for home buyers who would buy homes in the next year, which was gutted. And Senator MIKULSKI's and Senator BROWNBACK's effort to give encouragement to automobile and truck buyers all over America to revive the automobile industry.

We know that if we are to add $87 billion over 2 years to Medicaid for the States that we may be making the program so rich that we will never be able to decide what to do about it when we have our national health care debate. We are preempting that discussion without very much debate.

I know what bipartisanship is. I have participated in it. When I was Governor of Tennessee, I worked with a Democratic legislature. We became the first State to pay teachers more for teaching well. I said what I thought we ought to do and the Democratic speaker said what he thought we ought to do. We sat down together.

The PRESIDING OFFICER. The Senator has spoken for 6 minutes.

Mr. ALEXANDER. I thank the Chair.

We took some of Speaker McWherter's ideas and some of my ideas. We came to a conclusion and we together announced the result.

President Bush and the Congress did the same thing with No Child Left Behind when President Bush working with Senator KENNEDY and Representative MILLER. Senator BINGAMAN and Senator Domenici gave us a good example with the energy bill. Seventy of us cosponsored the America Competes Act. And the Gang of 14 helped keep the Senate functioning and produced good Supreme Court nominees.

I am disappointed that we have not risen to the occasion. This bill should have been easy to do in a bipartisan way. I hope that this is not a symbol of what is to come with more difficult pieces of legislation, like health care, climate change, and entitlements.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, during the last 18 months, our economy has been crippled by an unprecedented financial crisis. What began simply as rising defaults on subprime mortgages has rapidly evolved into the greatest economic storm since the Great Depression.

Shackled by mounting losses on mortgage-backed securities and falling home prices, our banking system has retracted from normal lending. Starved of financing, our economy is rapidly deteriorating, while millions of Americans face unemployment.

Unfortunately, we have watched two succeeding administrations—the Bush administration and now, I fear, the Obama administration—propose plans to revitalize our economy that have failed to live up to expectations.

We are now told that the solution to the current crisis lies in this stimulus bill before the Senate. Proponents claim that this bill will jump-start the economy and reinvigorate private commercial activity. I disagree.

This bill has been poorly conceived and hastily crafted. First, the immediate impact of this bill is far too small. According to the Congressional Budget Office, only 12 percent of the discretionary spending in this bill takes place in the year 2009. Secondly, this bill is not targeted to maximize its impact. It simply funds, I believe, a wish list of government programs rather than focusing on creating jobs and bolstering the incomes of all Americans.

Finally, I fear that the supporters of this bill have been resting far too heavily on their Keynesian ideological crutch rather than devising good policy here.

We are told that Professor Keynes said that government spending was the key to restoring long-term economic growth. We need to remember that Professor Keynes' views evolved a great deal over time. He was continually changing his opinions when confronted with new facts and circumstances. His famed ''general theory'' of employment, interest, and money was borne of his concern that the old policy prescriptions were not working.

Because his thinking was always changing, Keynes was often criticized for being inconsistent. He famously replied:

When the facts change, I change my mind. What do you do?

I believe we need a solution that fits the facts and circumstances of our times, just as Keynes sought to provide a solution to address those of the United Kingdom at one time.

Our solution, I believe, needs to focus on restoring our banking system. Unless our banking system is nurtured back to health, our economy will remain crippled, and much of what is in this stimulus bill, I believe, will have been wasted.

It is worth remembering that the first thing Franklin Roosevelt did upon becoming President of the United States was address the Nation's banking crisis, long before he embarked on the New Deal spending programs. Another example I believe we should keep in mind is the experience of Japan during their so-called lost decade. You will recall that during the 1990s, the Japanese experienced a banking crisis as

well. Rather than deal with their zombie banks, Japanese policymakers enacted numerous stimulus bills. And despite those spending sprees, the Japanese economy continued to stagnate as they increased Japan's debt-to-GDP ratio from 60 percent to a staggering 180 percent today.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of economists, including several Nobel Prize winners.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Burton Abrams, Univ. of Delaware; Douglas Adie, Ohio University; Ryan Amacher, Univ. of Texas at Arlington; J.J. Arias, Georgia College & State University; Howard Baetjer, Jr., Towson University; Stacie Beck, Univ. of Delaware; Don Bellante, Univ. of South Florida; James Bennett, George Mason University; Bruce Benson, Florida State University; Sanjai Bhagat, Univ. of Colorado at Boulder; Mark Bils, Univ. of Rochester; Alberto Bisin, New York University; Walter Block, Loyola University New Orleans; Cecil Bohanon, Ball State University; Michele Boldrin, Washington University in St. Louis; Donald Booth, Chapman University; Michael Bordo, Rutgers University; Samuel Bostaph, Univ. of Dallas; Scott Bradford, Brigham Young University; Genevieve Briand, Eastern Washington University.

George Brower, Moravian College; James Buchanan, Nobel laureate; Richard Burdekin, Claremont McKenna College; Henry Butler, Northwestern University; William Butos, Trinity College; Peter Calcagno, College of Charleston; Bryan Caplan, George Mason University; Art Carden, Rhodes College; James Cardon, Brigham Young University; Dustin Chambers, Salisbury University; Emily Chamlee-Wright, Beloit College; V.V. Chari, Univ. of Minnesota; Barry Chiswick, Univ. of Illinois at Chicago; Lawrence Cima, John Carroll University; J.R. Clark, Univ. of Tennessee at Chattanooga; Gian Luca Clementi, New York University; R. Morris Coats, Nicholls State University; John Cochran, Metropolitan State College; John Cochrane, Univ. of Chicago; John Cogan, Hoover Institution, Stanford University.

John Coleman, Duke University; Boyd Collier, Tarleton State University; Robert Collinge, Univ. of Texas at San Antonio; Lee Coppock, Univ. of Virginia; Mario Crucini, Vanderbilt University; Christopher Culp, Univ. of Chicago; Kirby Cundiff, Northeastern State University; Antony Davies, Duquesne University; John Dawson, Appalachian State University; Clarence Deitsch, Ball State University; Arthur Diamond, Jr., Univ. of Nebraska at Omaha; John Dobra, Univ. of Nevada, Reno; James Dorn, Towson University; Christopher Douglas, Univ. of Michigan, Flint; Floyd Duncan, Virginia Military Institute; Francis Egan, Trinity College; John Egger, Towson University; Kenneth Elzinga, Univ. of Virginia; Paul Evans, Ohio State University; Eugene Fama, Univ. of Chicago.

W. Ken Farr, Georgia College & State University; Hartmut Fischer, Univ. of San Francisco; Fred Foldvary, Santa Clara University; Murray Frank, Univ. of Minnesota; Peter Frank, Wingate University; Timothy Fuerst, Bowling Green State University; B. Delworth Gardner, Brigham Young University; John Garen, Univ. of Kentucky; Rick Geddes, Cornell University; Aaron Gellman, Northwestern University; William Gerdes, Clarke College; Michael Gibbs, Univ. of Chicago; Stephan Gohmann, Univ. of Louisville; Rodolfo Gonzalez, San Jose State University; Richard Gordon, Penn State University; Peter Gordon, Univ. of Southern California; Ernie Goss, Creighton University; Paul Gregory, Univ. of Houston; Earl Grinols, Baylor University; Daniel Gropper, Auburn University.

R.W. Hafer, Southern Illinois University, Edwardsville; Arthur Hall, Univ. of Kansas; Steve Hanke, Johns Hopkins; Stephen Happel, Arizona State University; Frank Hefner, College of Charleston; Ronald Heiner, George Mason University; David Henderson, Hoover Institution, Stanford University; Robert Herren, North Dakota State University; Gailen Hite, Columbia University; Steven Horwitz, St. Lawrence University; John Howe, Univ. of Missouri, Columbia; Jeffrey Hummel, San Jose State University; Bruce Hutchinson, Univ. of Tennessee at Chattanooga; Brian Jacobsen, Wisconsin Lutheran College; Jason Johnston, Univ. of Pennsylvania; Boyan Jovanovic, New York University; Jonathan Karpoff, Univ. of Washington; Barry Keating, Univ. of Notre Dame; Naveen Khanna, Michigan State University; Nicholas Kiefer, Cornell University.

Daniel Klein, George Mason University; Paul Koch, Univ. of Kansas; Narayana Kocherlakota, Univ. of Minnesota; Marek Kolar, Delta College; Roger Koppl, Fairleigh Dickinson University; Kishore Kulkarni, Metropolitan State College of Denver; Deepak Lal, UCLA; George Langelett, South Dakota State University; James Larriviere, Spring Hill College; Robert Lawson, Auburn University; John Levendis, Loyola University New Orleans; David Levine, Washington University in St. Louis; Peter Lewin, Univ. of Texas at Dallas; Dean Lillard, Cornell University; Zheng Liu, Emory University; Alan Lockard, Binghampton University; Edward Lopez, San Jose State University; John Lunn, Hope College; Glenn MacDonald, Washington University in St. Louis; Michael Marlow, California Polytechnic State University.

Deryl Martin, Tennessee Tech University; Dale Matcheck, Northwood University; Deirdre McCloskey, Univ. of Illinois, Chicago; John McDermott, Univ. of South Carolina; Joseph McGarrity, Univ. of Central Arkansas; Roger Meiners, Univ. of Texas at Arlington; Allan Meltzer, Carnegie Mellon University; John Merrifield, Univ. of Texas at San Antonio; James Miller III, George Mason University; Jeffrey Miron, Harvard University; Thomas Moeller, Texas Christian University; John Moorhouse, Wake Forest University; Andrea Moro, Vanderbilt University; Andrew Morriss, Univ. of Illinois at Urbana-Champaign; Michael Munger, Duke University; Kevin Murphy, Univ. of Southern California; Richard Muth, Emory University; Charles Nelson, Univ. of Washington; Seth Norton, Wheaton College; Lee Ohanian, Univ. of California, Los Angeles.

Lydia Ortega, San Jose State University; Evan Osborne, Wright State University; Randall Parker, East Carolina University; Donald Parsons, George Washington University; Sam Peltzman, Univ. of Chicago; Mark Perry, Univ. of Michigan, Flint; Christopher Phelan, Univ. of Minnesota; Gordon Phillips, Univ. of Maryland; Michael Pippenger, Univ. of Alaska, Fairbanks; Tomasz Piskorski, Columbia University; Brennan Platt, Brigham Young University; Joseph Pomykala, Towson University; William Poole, Univ. of Delaware; Barry Poulson, Univ. of Colorado at Boulder; Benjamin Powell, Suffolk University; Edward Prescott, Nobel laureate; Gary Quinlivan, Saint Vincent College; Reza Ramazani, Saint Michael's College; Adriano Rampini, Duke University; Eric Rasmusen, Indiana University.

Mario Rizzo, New York University; Richard Roll, Univ. of California, Los Angeles; Robert Rossana, Wayne State University; James Roumasset, Univ. of Hawaii at Manoa; John Rowe, Univ. of South Florida; Charles Rowley, George Mason University; Juan Rubio-Ramirez, Duke University; Roy Ruffin, Univ. of Houston; Kevin Salyer, Univ. of California, Davis; Pavel Savor, Univ. of Pennsylvania; Ronald Schmidt, Univ. of Rochester; Carlos Seiglie, Rutgers University; William Shughart II, Univ. of Mississippi; Charles Skipton, Univ. of Tampa; James Smith, Western Carolina University; Vernon Smith, Nobel laureate; Lawrence Southwick, Jr., Univ. at Buffalo; Dean Stansel, Florida Gulf Coast University; Houston Stokes, Univ. of Illinois at Chicago; Brian Strow, Western Kentucky University; Shirley Svorny, California State University, Northridge.

John Tatom, Indiana State University; Wade Thomas, State University of New York at Oneonta; Henry Thompson, Auburn University; Alex Tokarev, The King's College; Edward Tower, Duke University; Leo Troy, Rutgers University; David Tuerck, Suffolk University; Charlotte Twight, Boise State University; Kamal Upadhyaya, Univ. of New Haven; Charles Upton, Kent State University; T. Norman Van Cott, Ball State University; Richard Vedder, Ohio University; Richard Wagner, George Mason University; Douglas M. Walker, College of Charleston; Douglas O. Walker, Regent University; Christopher Westley, Jacksonville State University; Lawrence White, Univ. of Missouri at St. Louis; Walter Williams, George Mason University; Doug Wills, Univ. of Washington Tacoma; Dennis Wilson, Western Kentucky University; Gary Wolfram, Hillsdale College; Huizhong Zhou, Western Michigan University.

Mr. SHELBY. Mr. President, all these economists agree that government spending is not the way to improve economic performance.

Over the past year, I have repeatedly called for an extensive examination of the origins of this economic crisis and of the potential solutions. So far, the majority has refused. In the absence of any analysis or detailed information, they have chosen time and again to solve the crisis by throwing money at it. I believe this is laying the groundwork for a much greater economic catastrophe.

It took until 1982 for our publicly held debt to cross the $1 trillion mark. In the 27 short years since, we have amassed a debt 10 times that amount. Now we are about to vote on a measure that will, in a single year, add to the national debt what it took nearly 200 years to accumulate.

I fear this is a day we will come to regret, not only because I believe the stimulus bill will not work but because it will mark the day when our generation decided we were not capable of enduring the consequences of our own actions, and therefore future generations

must shoulder the burden we could not find the courage to bear ourselves.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise this afternoon to talk about the economic recovery package, a package that will create jobs, put money in the pockets of the middle class, and strengthen our investment—three extremely worthy and necessary goals. It is a package that will turn our economy around—and Lord knows we need it.

Let me say, I have heard much talk from the other side claiming they are against this package because it increases the budget deficit and the national debt too much. For instance, I heard my good friend from Arizona this morning talking about generational theft. There is one surprising thing: When we talked about $1 trillion for the war in Iraq, all told, we never heard about generational theft. When President Bush talked about $2 trillion of tax cuts, mainly for the wealthy, did we ever hear the words ''generational theft''? Did we ever hear we should not do tax cuts for the wealthy or fund the war in Iraq because it was generational theft? Because it would increase the deficit? No, we didn't. I am not commenting on whether those two actions were worthy, but we certainly did not hear any qualms from the other side.

The GOP was a borrow-and-spend party for each of the 8 years President Bush was in office. They doubled the national debt in 8 years and by some estimates added $30 trillion to future liabilities over 8 years. Our friends on the other side of the aisle simply have no credibility when it comes to the issues of deficits and debt because, until 3 months ago, they didn't give a hoot about it. Only now, when there are Government programs for education and health care and transportation, do we hear about Government debt. But we never hear about it when it comes to funding wars overseas, like Iraq, or when it comes to tax cuts for the wealthy—that is perfectly OK. Where were our colleagues on the other side of the aisle for the last 8 years as the debt skyrocketed, as generational theft occurred? Where was my good friend from Arizona, who talked about this earlier today when I was on the floor?

Mr. COBURN. Will the Senator yield?

Mr. SCHUMER. I will only yield, since I have only 5 minutes, on the Senator's time.

Mr. COBURN. I will be happy to yield myself the time. The Senator paints with an awfully broad brush. I have been in this Senate for 4 years. He knows very well that I voted against most appropriations bills. I talked about the debt in almost every speech I have given. So I hope we would talk about individuals rather than a group because it is not necessarily representative of all on my side.

Mr. SCHUMER. Reclaiming my time, I think my colleague from Oklahoma makes a fair point. There have been occasional Members, such as the Senator from Oklahoma, the Senator from Ohio, the Senator from Maine, Ms. SNOWE, who have talked repeatedly about increasing the debt. But by and large, the speakers we have heard this morning and this afternoon and the votes we have seen from the other side of the aisle, both under George Bush and now—we didn't hear much talk about generational debt.

Mr. SANDERS. Will my colleague yield?

Mr. SCHUMER. I am happy to yield on my colleague's time since I only have 3 minute left.

Mr. SANDERS. Sure. Does my friend recall that for many years under President Bush, the Republican leadership told us how imperative it was to repeal the estate tax, which would cost this Nation $1 trillion over a 10-year period? Mr. President, $1 trillion—and who were the beneficiaries of that tax break? The top three-tenths of 1 percent.

We are spending $800 billion, including tax breaks for the middle class, rebuilding this country. What does my friend think about $1 trillion for the top three-tenths of 1 percent as opposed to putting money into the middle-class and working families?

Mr. SCHUMER. I thank my friend from Vermont, and, reclaiming my time, he is exactly right. Let's look at it this way: Does anyone really believe that if a Republican President had helped construct a stimulus package with $800 billion of tax cuts, that we would hear talk about generational debt and that we would hear talk about not voting for the bill because it increased the national debt? Obviously not.

Despite the claims to the contrary, the issue that most—not all—Republicans have with this package is not that it is too big. Oh, no; that is a Trojan horse. The issue is plain and simple that they did not like investments—they do not like the Government to spend money on education and schools, they don't like the Federal Government to spend money on helping people with their health care, they don't like the Government to spend money on transportation, helping rebuild our roads and bridges, or spending money on changing our energy policy so we are not dependent on foreign oil. Oh, no. It is OK to spend money on the military—something I usually support—it is OK to spend money on tax cuts for the very wealthy but not to help the middle class with health care and education and transportation.

That is why we took the majority. That is why we will stay in the majority, because the average middle-class person knows. They do not want a profligate government. They do not want a government that wastes money—absolutely not. But I think they want a government that is there for them and makes their lives a little better. They know that all the hue and cry of generational theft and increasing the national debt is only coming because this stimulus package helps the middle class with smart Government programs on education and health care and transportation. It is that simple.

My colleagues, this package is very much needed. Without it, we could end up in a Great Depression, as the deflationary spiral goes down. To talk just ''no,'' as so many on the other side do, is reminiscent of Herbert Hoover. Back in 1930, there was a recession about the level of this one, and Herbert Hoover said, ''Do nothing.'' The recession became a depression.

God forbid that happens now. President Obama is struggling mightily to prevent it from happening. He should have broad support from both sides of the aisle because, simply, this package is a mixture of spending and tax cuts—I think it is 56–44; because this package has accepted major amendments from the Republican side, the largest of all from the Senator from Iowa—a reduction in the alternative minimum tax, something I have long supported. So this is a balanced package.

The horror the other side shows when the Government will get itself involved to help the middle class results in only getting three Republican votes. What more do my colleagues want us to do? Do they want a package just of tax cuts only, no help for health care, no help for education, no help for transportation? Do they want a package that is aimed and skewed at the wealthiest among us who are those who least need the help? We have let them offer amendments. We have accepted a good number of those amendments. Yet we have three votes.

We want to be bipartisan, and we understand that each side mistrusts the other. But I say to my friends, we have reached out, we have accepted suggestions, we have put many tax cuts in this proposal that might not get a majority support on our side alone in an effort to reach out even though we think there are better ways to stimulate the economy.

When we meet you halfway, don't give us the back of your hand and say it is not bipartisan. Don't say: It has to be all our way or 90 percent our way before we will vote with you. Don't let the hard-right base of this Republican Party keep a stranglehold on you and

prevent us from marching forward together, because the country needs better. The country needs more. The country does need bipartisanship, but more important even than bipartisanship, as very important as that is, it needs help. It needs help to get this economy out of the mess, to create and preserve 3 to 4 million jobs, to put money in the pockets of the middle class, and to rebuild an infrastructure that is aging and will hurt our economy long after, God willing, this recession is over.

To my colleagues, please, on the next bill—it is too late for this one—rethink the attitude. We are trying. You have had amendments and amendments. A good number have been accepted. Republican input, albeit from three, has been large in this package. Join us. We want you to. We are not going to insist on a bill that is 100 percent spending just as you should not insist on a bill that is 100 percent tax cuts. We are not going to insist on a bill that only invests in the things we care about. We will meet you part of the way. But don't give us the back of your hand because we have made real efforts and we know the arguments about debt and generational theft ring hollow because you didn't make those arguments once in the last 8 years when the deficit ballooned—a few did—when the deficit ballooned because of spending on the Iraq war and spending on tax cuts, largely for the highest income people in America.

I hope we pass this package. It is not perfect. I would draw it differently. My colleague from Vermont would draw it differently than I would. But it is a lot better than sitting here arguing and doing nothing. The country is in tough shape. We have had the most difficult economic time since the Great Depression. It requires concerted and smart action that President Obama has outlined. Please join us and help us move this country away from the difficult times we are now in.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, as I understand it, I have 7 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. Mr. President, I enjoyed listening to my colleague from New York, as I always do. I was very interested in Senator SCHUMER saying that they have met us halfway. The first two bills out of this administration have been the C.H.I.P. bill—that was completely put together by Democrats without any input at all from Republicans and especially from people like me who wrote the original CHIP bill. The second bill was a stimulus package that was put together with no real impetus and no real help from the Republicans or any of us from this side. If you watched the process, it was basically we were told: Take it or leave it. When it finally passed by a narrow vote on this floor, by really 1, it immediately went into a conference where basically Republican ideas were not really considered. We were left out of negotiating this bill.

I cannot help but paraphrase one of the leaders of the White House who said: We Democrats love crises. Why? Because then we can pass legislation we would never otherwise get through the Congress of the United States or through the elected representatives of the people in the two bodies in the Congress.

I am outraged by the amount of government expansion that is contained in this bill. The Majority Democrats have seized this opportunity to put all kinds of programs in here that are not stimulus, some of which may be very valid in the regular appropriations process, but many of which are not stimulus, and are eating funds that should be going to help pull us out of these difficult times. The legislation clearly states that the funds appropriated in this bill should be for emergency uses, yet there is plenty in this legislation that is not imminent.

I have to say that when my friend from New York, Senator SCHUMER, talks about tax relief they put in this bill, it is not true tax relief. When you start calling it a ''Make Work Pay'' tax credit, where they give refundable tax credits to people who do not pay income taxes, that is not a tax cut. It is not even tax relief. It is a cost to everybody else who works and pays income taxes, and it is not going to produce any jobs.

Now, I am not against helping those who do not pay income taxes. I am not against helping people who are out of work. But, let's call it what it is—spending. And let us not put this in a stimulus bill, which is supposed to be effective immediately. Those provisions will not be effective for 2 or 3 years from now.

I have been in the Congress 33 years this year. There has not been one day in my 33 years in the Senate where the fiscal conservatives point of view has been in the majority, not one day. We have won some battles because of great Presidential leadership or just plain gutsy leadership by the conservative Republicans, fiscal conservative Republicans. But, the Congress has been run by the more liberal left Democrats and a few Republicans who will side with them on these issues. This has created too much spending.

One of the Senators on the floor yesterday said, how can we take advice from people who ran us into bankruptcy over the last 8 years?

Well, Congress has exceeded the President's budget 20 times in the past 28 years. And it has always been because of the liberal left along with a few liberal Republicans to make a majority in the Senate.

Since President Reagan, Congress has exceeded the President's budget every year except the years when President Clinton was in the White House. Now, why did we match President Clinton's budget when he was in the White House? It was the first time you had a Republican Congress, and a President who agreed to a lower budget.

Today, the government spending as a percentage of gross domestic product is moving towards 40 percent. That is government spending as a percentage of GDP that is more in line with Europe. 40 to 50 percent spending of GDP is where Europe is. We are going through the ''Europeanization'' of the United States of America.

We have always had to give in to the left, because they have always been too many liberal people and a few Republicans who support liberal spending. This has led to threats to our principles of freedom, self-reliance, and market-driven prosperity.

An example is how our government is taking over the financial sector. Why are managers and shareholders of failed financial institutions not first in line to bear the consequences of their mistaken actions? Why are we not following the principles of a free market society?

The economy has been stronger than the Democrats have been portraying it during those Republican years and during the Bush years, in particular. Democrats keep blaming the current economic decline on the failed economic policies of the past 8 years. But the economy grew each year over the past 8 years. We have only seen a decline in GDP over the past 6 months under which both Houses being controlled by Democrats. Do not miss the point. Over all of these years, we have had a liberal control of spending in the Congress, and you cannot blame President George W. Bush for that. He could have vetoed more, I have got to admit that, but the spending came from the left.

We are headed toward Government spending being 40 to 50 percent of our gross domestic product. And since the bailouts started last year, we have only added nearly $2 trillion to our national debt. That did not happen when Republicans were in control of the Congress. The financial rescue package with $700 billion and more for AIG and other banks, we are beginning to wonder when the spending will end.

I was amazed that in the last election, the Democrats, who had voted for the financial rescue legislation, went out and chewed up a few Republicans who also voted for that legislation. Even though most of the Democrats voted for it, they chewed Republicans up for voting for it and defeated them at the polls—talk about hypocrisy.

We have seen very little success for our money, but even worse, we have

used it to save management and shareholders of big banks, even as homeowners were forced into default and Main Street businesses faced bankruptcy. Now we have a stimulus package of $787 billion.

While there is bipartisan concern over the economy, this is a partisan plan. This stimulus bill will explode the size of Government. Why? Because the more you explode it, the more you get people dependent upon the almighty Federal Government. The liberals who have been running us into bankruptcy over all of these years will put us even more into debt.

I think conservatives need to be more alert. If these provisions are made permanent, and there will be a massive attempt to make these permanent, the expansion of Government is going to be enormous. I do not know what you call it other than socialism.

Do not get me wrong. I am for a stimulus bill that would work, that would help homeowners, that would strengthen research and development, that would cut corporate and small business tax rates so that they can employ more people, that would move farther and farther toward creating jobs. That would be effective.

However, this bill does not do that. I hope our colleagues will vote against it. We have to stand up on something, and this is a bill we should stand up on.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. I wish to be recognized for a unanimous consent request. I understood under the current unanimous consent we are going back and forth. I would ask that Senator SANDERS be recognized up to 5 minutes, then Senator COBURN be recognized for up to 30 minutes, and then I be recognized for up to 7 minutes, and if a Democrat comes in and wants to speak between Senator COBURN and myself that they be allowed to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, my sense of history is a little bit different than my good friend from Utah. I was under the recollection that George W. Bush was President for the last 8 years. My recollection was that the Republicans controlled the House and the Senate for 6 of those 8 years. My recollection is that during the last 8 years, 6 million Americans slipped out of the middle class and went into poverty. My recollection is that median family income for middle-class working families declined by over $2,000. My recollection is that, yes, the wealthiest people in the country did very well under President Bush but that ordinary people struggled to keep their heads above water.

The bill we are addressing this evening is not perfect. I would have written it differently. I suspect everyone here would have written it differently. But what it does do is that in the midst of the greatest economic crisis this country has faced since the Great Depression, what we do is begin to address the unmet needs of the American people and we begin marching forward to create the millions of jobs this country desperately needs.

Most importantly, we begin the process of moving America in a very different direction so that, in fact, this country does not fall into a great depression from which it would take us years and years and tremendous human suffering to dig our way out.

What this legislation does is says that after years of neglect, let us create millions of good-paying jobs by rebuilding our crumbling infrastructure. In the State of Vermont, our bridges need work, our roads need work, our water systems need work. That is true all over this country.

Let us put people to work rebuilding our crumbling infrastructure. That is what this legislation does. For decades now, people have been saying what a terrible shame it is, how silly it is that we import every single year hundreds of billions of dollars of oil from foreign countries. How silly it is. Well, finally we are beginning to address that absurdity. We are saying now and we are investing in energy efficiency, we are investing in wind, solar, geothermal, biomass, sustainable energy.

Let's end the talk of moving us into a new energy direction. Let's invest in those areas so that America, in fact, can become energy independent. My Republican friends over the years have said what we need to do is give tax breaks to the wealthiest people in this country. In fact, right now, today, despite the fact that we have the most unequal distribution of wealth and income of any country, the Republican leadership today says, let's repeal the estate tax.

Do you know that if we did as the Republicans wanted and repealed the estate tax completely, we would provide $1 trillion in tax breaks to the wealthiest three-tenths of 1 percent, millionaires and billionaires all? Not one person in the middle class would gain one nickel from that effort. It is one trillion dollars for the three-tenths of 1 percent.

Then they come to the floor of the Senate and they say, what a terrible thing, you are investing $800 billion rebuilding America, creating 3.5 million jobs, giving millions of middle-class and working-class Americans tax breaks. What a bad idea that is. You should do not that. We should not invest $800 billion rebuilding America. We should give $1 trillion to the top three-tenths of 1 percent. That is the contrast in terms of how they want to go and how many of us want to go.

What this bill does is not only begin the process of rebuilding our infrastructure, not only begin the process of moving us away from fossil fuel and foreign oil, what we also understand is that middle-class families cannot afford to send their kids to college. So we are putting a significant sum of money in and expanding the Pell grant program.

This bill understands that in these hard economic times, when millions of our fellow Americans have lost their jobs, hunger in America is a real problem. So we are putting money in for food stamps. We are putting money into energy, homeless shelters so that those among us, those least able among us, are protected.

Working-class and middle-class families cannot afford childcare. We are putting billions into helping them get the childcare they need, the Head Start they need, and creating jobs in that area as well.

This is an 800-page bill. It is not perfect. Everyone knows that. But this bill begins the process——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANDERS. Of moving the country in the right direction. It should be supported.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I ask unanimous consent that the Senator from Nebraska be recognized next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I thank my friend from Oklahoma for the courtesy of extending 5 minutes of his time on the front end of his time, so I will not be going between Senator COBURN and Senator CHAMBLISS.

Our Nation's economy is in trouble. Over the course of America's history our economy has been in trouble before but rarely this much. Job losses in my State of Nebraska and across the Nation are climbing, and the recession that began some 13 months ago is accelerating.

Of the 3.6 million who have lost their jobs, nearly half received a pink slip in the last 3 months. Everyone in Congress knows we need to act, and to act soon, to try to stop our economy's downward slide, and to ease the increasing hardship felt by millions of American families, business owners, workers, students, and seniors.

The time is now to begin turning this recession toward recovery. Congress cannot wait another 3 or 6 months to see if economic conditions worsen. By then it could be too late and we could be in a depression which it could take years to overcome. Now is the time to provide the tools the American people will use, with creativity and drive, to rebuild the economy and return us to prosperity.

The $789 billion economic recovery plan before us providing jobs creation

and tax cuts for millions of Americans has the best chance to do that, I believe. It is timely. This plan is a vast improvement over the first proposal considered several weeks ago.

In the Senate, we faced a reality that any economic recovery plan would require at least 60 votes to overrule a filibuster attempt and win passage. So I and a number of colleagues came together to work across the political aisle with a shared goal: Scrub as much pork, nonstimulative spending, and fat as possible from the bill to focus it sharply on saving and creating millions of jobs. The group I dubbed the ''jobs squad'' included my friend Senator SUSAN COLLINS of Maine and five other Republicans and some 15 Senators in my own party. I thank each of them for their contributions to making the bill better and for helping Congress respond to a national economy in crisis.

This legislation before us is also targeted. There has been a lot of criticism of the final bill before us, and I agree it is not perfect. One criticism I have heard is that it will leave just $13 to $15 in people's pockets per week. To many hard-working Americans, that is somewhere between $700 and $800 a year, money they can use to pay electric or gas bills, buy food or medicine, provide clothes for their children, take a bit of the stress out of their lives.

Let's look back a moment to recent history. In 2003, under the previous administration, Congress approved a major tax cut bill that included $20 billion in economic stimulus for States. Senator COLLINS and I coauthored the provision to help States cope with the loss of State revenues tied to the tax cuts. The $20 billion in State aid was a one-time boost designed to end when it would likely no longer be needed. Eighteen months after the tax cut bill passed, the aid to the States ceased. We have safeguards in the current economic recovery bill that will shut off spending in a similar timeframe. And 78 percent of the spending in this bill will be completed by the fall of 2010, overcoming the old wives' tale that this money will only be spent at the end of the legislation.

This legislation clearly is temporary. As I said, it is not perfect, but it has the support of such major organizations as the National Association of Manufacturers, the U.S. Chamber of Commerce, and, in my State, the Omaha Chamber of Commerce, and others. Members of these groups will be able to use money from this legislation quickly to hire new workers, tackle infrastructure needs nationwide, expand their businesses, and begin to get our economy moving again. The bill will have a major impact on States across the Nation as well. For example, my State of Nebraska stands to receive a total of $1 billion from the recovery plan. Nebraska's K–12 school districts will receive about $236 million to prevent cutbacks, teacher layoffs, to modernize schools, and for other purposes. For State flexibility money, Nebraska will receive about $52 million to help rebuild vital educational and other State infrastructure. It can also be used to help State government provide services and avoid layoffs of critical employees such as State troopers and public safety officers. Nebraska is estimated to receive another $310 million in additional Medicaid assistance, preserving needed health coverage for low-income Nebraskans who will feel the economic downturn more than many others.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. NELSON of Nebraska. I thank the Senator from Oklahoma for the time. I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have been sitting here for about an hour. I have to think the American people are pretty sick of what they have been hearing. We heard the Senator from New York talk about how bad the Republicans were. We heard the Senator from Utah talk in Hobson fashion. It doesn't come anywhere close to solving the problem. I think we ought to have a discussion about how we got here. How do we find ourselves in the mess we are in? I think we can look at history.

There was a great historian named Alexander Tytler. He looked at the ancient Greeks and looked at what happened to them as they fell. He said this about republics. He said: All republics fail. They fail as soon as the people figure out they can vote themselves money from the public treasury.

There is no question we are in hard times. There is no question we need to do a stimulus package. There is no question the Federal Government has the power to make a big difference in a lot of people's lives who are hurting right now. I don't think it would be fair to say that there is anybody in this Chamber who doesn't want to try to accomplish that. The difference is, how do you do it? In doing so, what kind of problems do you create?

The way we got here is abandoning this little booklet. If you read article I, section 8 of the Constitution and then read what the Founders had to say about article I, section 8, it is called the enumerated powers. They were very clear in the role of the Federal Government. We are in trouble today, this Nation is in trouble today—not something we can't get out of, we can; not something that the American spirit won't overcome—because we let the politicians abandon the very clear rules and wisdom that was given to us by a unique, almost ordained group of individuals over 200 years ago who saw a vision and said: How do we keep this?

When we abandon this book, as we have and as we did, and we get into trouble, it is important to recognize what we did wrong, if we are going to try to fix it.

The other thing I am tired of hearing about—and I think the American people are too—this isn't a Bush, Clinton, or Obama thing. This is a Congress thing. No President can spend money without us allowing it to happen. I almost laughed when I heard the claims on the Senate floor from both sides about the trouble we are in and how we got there and deficits and the Senator from Vermont and his claim of a trillion dollars.

I think the CBO cost on that was $60 billion on estate taxes. But the idea that we would put a blame on anybody other than ourselves, the truth of that is, go look at the votes on appropriations bills for the last 8 years. It is nearly 100 percent on one side and almost 95 percent on this side of people voting to spend money we didn't have for things we didn't need.

It is important the American people, as they see us trying to work through a process, No. 1, reject any partisanship they will hear. When somebody starts being partisan, turn the TV off because what it means is, they don't have anything substantive to talk about if they are pointing their finger at somebody else.

The second question we ought to ask is, is what we are doing going to fix the problem? Here is the problem. The problem goes back to this. We set up two agencies, Fannie Mae and Freddie Mac, to socialize the risk for homeownership, a total violation of what is in this book. It is a total violation. Then we said: Maybe we can help people a little more, so let's go to subprime mortgages and let's bonus the people who work at the GSEs, Fannie Mae and Freddie Mac. The more subprime mortgages they take, the more money they make.

If I remember, one former leader of Fannie Mae made $140 million because we bought mortgages he knew people weren't going to be able to pay for, but the incentive was there, in a quasi government-owned agency, to do something that is outside of the enumerated powers of the Constitution.

So as we abandon principles, the best way for us to solve the problems in front of us is to go back and look at the principles.

The other concern is, do we have the potential to make things worse? Nobody has talked about that today. Does what we are doing have a potential downside? You can't talk to one economist who doesn't say yes. As a matter of fact, by CBO's own score, 10 years from now this will either have zero effect or anywhere from a minus 2 to a plus three-tenths effect on the economy. The reason for that is we are going to borrow so much money, as we

do in this bill, we are going to crowd out private investment. The Government is going to have all the money, and people will not be able to borrow money to invest in new ideas which create opportunity, which create jobs, which create increased standards of living.

So going back, how did we get here and what is the real problem for us to create a stimulus bill right now, before we have a way to solve the housing and mortgage crisis—because the bank problem wouldn't be there if the mortgage and housing crisis wasn't there, for us to fix those first before we do this and for us to have a plan to do that—as a physician, one of the things I notice is, if somebody comes into the emergency room with chest pain, it is one of three or four things. Either they have an esophageal spasm or their esophagus is irritated or they have terrible reflux where the fluid from the stomach acid is burning the esophagus or they are having angina, heart pain, due to lack of blood supply. If you treat the symptoms, you can make that angina go away, but they still have a vascular abnormality around the heart that could kill them.

My worry with this bill is that we are treating symptoms. We are not treating the disease. We are arguing, partisan arguing: Was this a bipartisan bill, wasn't it a bipartisan bill; you did this over the last 8 years, you did this. We need the country thinking forward, not backward. The guide for that has to be the Constitution, which every Member of this body is sworn to uphold but violates daily. We are in this trouble because the Congress put us in this trouble. The blame lies solely here.

Let me talk about the bill for a minute. This is the bill. I won't pick it up and wave it around for fear I would be called into account of using theatrics. But do the American people realize nobody who is going to vote on this bill has read it? There is $727 million worth of spending on every page of this bill. That is what it averages out. So not counting interest, we have a less than $800 billion bill that had 30 amendments in the Senate before it went to conference. We hear they are accepted. Some of them were accepted. We voted on one unanimously, and it got thrown out in conference, just a simple little thing like maybe we ought to make sure that contracting is competitively bid. Now the language reads we ought to try to do that, but we will not make sure that happens.

I brought along with me, thanks to somebody down in the Senate gift shop, this little green item. It is called a thimble. In Oklahoma, we have a statement for that kind of thinking. It is called ''there is not any more commonsense than what can fit in a thimble.'' So when we take out something that is agreed to unanimously in the Senate to mandate competitive bidding so even if we are wasting money, we waste it efficiently, you have to wonder what is going on.

Let me tell you what is going on. This is a massive bill. Supposedly, it doesn't have any earmarks, which is laughable, if you have been around here any period of time.

The conference did clean it up so you can't truly find out where the earmarking is. You could find it out a little bit before it went to conference. Now you can't pinpoint it all. But we are going to move from earmarking to a concept called ''phone marking.'' It is a new concept. It is more powerful than earmarking. Phone marking is this: This bill gets signed, $500 billion of it is going to be disbursed through the agencies. Guess what is the first thing that is going to happen after President Obama signs this bill. Members of Congress and Senators are going to be on the phone saying: I want this money spent here and here and here, and if you don't, in your appropriations next year, you are going to suffer.

That is exactly what will happen with the money in this bill. Everybody who works inside Washington knows exactly that will be what happens.

We have heard talk about the earmarks. I won't try to repeat some of the things that are in this bill. But I will talk about one. We have a private company that was developed. It has spent several million dollars developing a railroad from California to Las Vegas.

Do you know what this bill does? It wipes them out. They invested private capital to develop a railway. In excess of $10 million has already been invested in that, and with the wisp of one earmark, we are going to bankrupt people who invested their life savings to try to do something good because the Government is now going to do it through an earmark and going to try to accomplish something that has only been done in one country and not effectively. It costs $100 million a mile to build a maglev train, and we are not going to see any of that money spent for 4 or 5 years because the technology is not here.

That aside, there also was an amendment that truly would have done something to fix the real problem: housing—the Isakson amendment, with a $15,000 tax credit, if you are buying a primary residence, whether it is a foreclosed home or a new one. It would have done something magnificent in terms of lessening the crisis in housing.

What did we do? Out. It had an overwhelming vote in the Senate, but it is out. How do you explain that? What is going on here? What is going on here is the initiation of what Alexander Tytler talked about: the failure of a republic. And it is about short-term politically, expedient thinking to the benefit of politicians, instead of what is the best right thing we can do for our country.

The very claim that Senator MCCAIN did not offer a substantive bill that would have significantly increased the number of jobs created, at a significantly lower cost, as scored by CBO and as scored by outside economists, is a spurious claim.

Another thing that got added into the bill is the most dangerous precedent for health care in this country we have ever seen. We are now, with this bill, embracing Great Britain's health care system. What we are saying is that we are going to allow the Government in the future to decide what care you will get. It is called comparative effectiveness, and it is going to be based on cost, not clinical outcomes. We are going to abandon the knowledge of physicians, the experience they have with their patients, the 8 to 12 years of additional training they have and the lives that have been dedicated to improving the health of their patients. We are going to abandon that to a bureaucracy where the Government says: We know best.

We are going to do that because we cannot afford Medicare in the future, and we are going to say, just like England says, if you only get 1 more year of life, then the most we can spend on you is $49,000. If you are 75 years of age and you are a Medicare patient and you fall and break your hip, we are sorry, we are not going to do it because it is not cost-effective.

The first leg of you losing a doctor-patient relationship and the freedom to have health care decisions made by you and your caregiver is buried within this bill and will kill health care in America as far as its quality. You will get access—you will get to wait just like Canada and England do—but you will kill the quality and will kill medical innovation in this country. This country leads the world. Mr. President, 7 out of every 10 major breakthroughs in medicine occur in this country. And the reason? It does not mean we have a good system now. It needs to be improved.

Here is the theory as I have observed it in the 10 years I have been in Congress: Never do what is best when you can do what is safe. That is how it operates in Washington and throughout the Federal agencies. They are risk averse, just like the politicians are risk averse to challenging priorities in this bill, that we ought to have priorities to spend the money for what would get the most jobs, the most economic benefit.

I had an amendment that was adopted. It had 73 or 74 votes. It got watered down and divided in conference because a lot of special interest groups said: Oh, no. You can't do that. So what did we do? They are not a priority as far as what we should be doing right now. As a matter of fact, 80 percent of—most of the groups that were complaining about it get their funds from private

sources. The best way to get them funded back up is getting private sources moving again in terms of the economy. But what did we do? We chose the politically expedient path. Again, it was not often thought of—political expediency—by the people who created this country who risked their lives and their fortunes to make sure we have the freedom we have today. But yet we are abandoning that.

It comes back to: What is our heritage as a nation? What is the heritage we as a nation have been brought forward with? I will tell you what I think it is. I think the heritage we have is that one generation was willing to make hard choices and hard sacrifices so the generation that followed would have greater opportunity—greater opportunity—a higher standard of living, more freedom, more liberty.

What have we done? We are going in reverse. What we have been doing for the last 10 to 15 years in this country, what we have been saying is we will take it now. Kids, you lump it. As an example of that, if you look at 2008, the Federal Government spent $25,000 per household of your money. A good portion of it—a third of it—was borrowed. But we spent $25,000 as a Federal government per household. With this bill, we are going to spend $38,000 per family—just with this one bill. And we are hurrying it up. We have to get it done right now because there are CODELs, trips, and junkets waiting for Members to go on, including the Speaker of the House.

So we have a bill that nobody has read, that has some real questions about whether it is going to be stimulative, that has taken out good financial controls such as competitive bidding, taken out listing priorities, and we are going to vote on it tonight, with nobody ever having read it. That is about as bad as the partisan bickering we have heard.

Does it serve us well to hurry and do something when we do not know what we are doing? Now, there are some staff members who know some of what is in here. But there is not one person who knows the full extent. Mark my words, within a month, we will be back in here passing a bill to do all the corrections to this bill that we do not have right and correct at this time. That is how sloppy we do our work. So it is not only sloppy in terms of our effort, it is sloppy in terms of our theory.

I would also add we are going to move from $2,000 per family in interest costs to $4,817 per family this next year. Now, in my State, the average family income is below what the Federal Government is going to spend with this bill. In my State, average family income is under $36,000. Yet we are going to spend $38,000 this next year per family in this country, and we are going to justify we had to do it to get us out of trouble. And we are going to do it because we did not fix the real problem, we are treating the symptoms. We are all going to feel good, and we are all going to take the invite of the Senator from New York to come on over and join us.

The fact is, my oath as a Senator should disallow me from ever voting for this bill. Anybody who votes for this bill will be violating their oath to this Constitution. America demands something be done. They are right. We need to do something. Should we do it sloppily? Should we do it without focus? Should we do it without temperance? And should we do it in a timely manner to make sure we are not treating the symptoms as reflux or esophageal spasm, but we actually go in and take the clot or the plaque out of the artery that surrounds the heart? Isn't that what we should be doing? Shouldn't we be fixing the real problem?

While we are at it, we ought to be fixing us because we are the cocommitters of the real problem. Shouldn't we all be thinking long-term rather than short-term political benefit? Shouldn't we be realizing what is expected of us?

I would hope Americans tonight, if they have children, will go and look into the eyes of their children. There is something you see in children in this country that is very different than when you look in the eyes of some starving African child or some Third World country child. What you see, when you look into those beautiful brown, blue, green or hazel eyes, is hope.

I think about my four grandkids and the one who is on the way. When I look in their eyes, I see hope. Then contrast that with the pictures you have seen of the despair and look of no hope of the kids around the world who have not had the opportunity of this country. What we are doing is we are stealing some of that hope tonight from our children.

If you do not have a young child but you have one who has grown up, think back to that picture you have on the wall and look into those eyes and say: Do you want to steal that hope? Because that is what we are doing. We are limiting their liberty economically. We are limiting their freedom to be the best and brightest and have the greatest potential that any society has ever offered their youngest citizens. That is what we are doing with this bill.

I will close with this and reserve the remainder of my time. There was a President we had who made a statement that was fairly popular, but it has great application right now. He said: Freedom is a precious thing. It is a precious thing. It is never guaranteed. It is not ours by inheritance. It has to be fought for and maintained and won by every generation.

As we embrace this bill, we are selling out the heritage of our country. We are denying the hope and joy in those young eyes and we are limiting the freedom our children will enjoy. We can do better. We must do better for this country. Our country needs statesmen who will sacrifice themselves for the best interests of the country rather than the best interests of their party or the best interests of their political career.

Freedom is precious. We are going to take a bit of it away tonight. It is going to go away, and you will see a little decrease in the glimmer of those children as they contemplate and we contemplate their future.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Who yields time?

The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I think I have 7 minutes under the consent. Will you let me know when I have a minute remaining, please.

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. CHAMBLISS. Mr. President, I rise to speak in opposition to this bill, and I do so somewhat reluctantly because I do not think there is an individual who is a Member of this Senate who does not agree that something needs to be done.

We are in a financial crisis in this country today. We are in not just a financial industry crisis but every household has their own financial crisis they are looking at. We have folks out of work. We have folks who are looking at their homes being foreclosed, some of whom are even still working. We have real issues that need to be dealt with. The question becomes: How do we solve this problem? How do we, as policymakers, act in a responsible way to address this crisis?

There are three real issues that need to be addressed, in my opinion. First of all, the issue that got us into the crisis mode we are in is the housing industry. The housing industry crisis started years and years ago. I could go all the way back to the Carter administration and talk about bills that were passed by this body that started the ball rolling. It steamrolled in subsequent administrations and came to a head last summer and last fall, when we saw foreclosures reach an alltime high, and they have gotten higher ever since. We saw the financial sector of our economy collapse. But that does not do us any good to talk about that.

We have to deal with the cards we have in our hand today, and we have to look forward. But let us make no mistake about it, if we do not fix the housing crisis this country is in, all the hundreds of billions of dollars and trillions of dollars we have obligated and are about to obligate are not going to be spent in the correct manner because we have to fix the housing market. We have too many households in America

that are upside down. Upside down means the home they have now is worth less than what they owe on it. Those particular households all across America are struggling right now with the decision of whether they are going to continue to make their house payment or whether they are going to just let the foreclosure proceed so they don't have to make a payment on a house that is worth significantly less than what it was when they bought it.

There was a provision we debated on the floor of this body last week called the Isakson amendment. My colleague from Georgia introduced that amendment which would have allowed a $15,000 tax credit to anyone who buys a home in the next 12 months. That $15,000 tax credit would have gone a long way towards incentivizing individuals to buy homes and take these houses that have been foreclosed on out of the inventory of the financial institutions across this country and allowed our developers to get back to work. It would have taken those developers now in their own partially developed—or in some instances totally developed—subdivisions and given them the opportunity to get back into the marketplace with credit being freed up and continue to develop those subdivisions and build houses and put carpenters back to work and plumbers back to work and folks who lay carpet back to work. That is the kind of stimulus that needs to be done to get the housing industry back on track.

Unfortunately, during the conference that took place over the last several days, starting, I think, at midnight the other night, from what I hear, and concluding maybe at midnight the next night, that provision was taken out.

So with this bill, as we see it on the Senate floor today, the Isakson amendment has been so watered down that it is meaningless. It is not going to be an incentive on the part of anyone to buy a home.

Now, we don't have one single provision in this bill that is going to be voted on, on the floor of the Senate tonight, that is going to really stimulate and invigorate the housing sector of our economy.

Secondly, there was another amendment I thought was a pretty good amendment. I didn't know about it until we got the bill on the Senate floor, but it was a Democratic amendment by Senator MIKULSKI from Maryland. Her amendment basically said: Look, you are not going to stimulate the automobile industry by writing checks to Detroit. The way you stimulate the automobile industry is to put people in the showrooms around America. I am trying to buy a car right now, and I was particularly interested in what she had to say because what her amendment did was to allow an individual who bought a car and financed that car to deduct the interest paid on that loan at the end of the year off of their income taxes. Pretty good idea. For somebody who is in the market for an automobile, that may have been the final thing that put them over the top. Unfortunately, that particular amendment, too, has been so watered down that it is meaningless. It is not going to do one thing to incentivize or stimulate an individual to go out and buy a car today.

The next issue that needed to be addressed is job security and job creation. Are there provisions in this bill that seek to create jobs? You bet there are. Out of $789 billion, I would hope some of those billions of dollars would do that. Certainly, with respect to part of that money that is going to infrastructure projects, to build roads, to build highways, to do waterworks projects, there are going to be jobs created by that, and I have an appreciation for that fact. However, the fact is, it falls way short when it comes to looking at the percentage of spending that is allocated in this bill to infrastructure projects. It is minuscule—minuscule—compared to the total amount of $789 billion that has been allocated, and when you add the interest, the $1.2 trillion that we are going to obligate tonight if this bill does, in fact, pass.

There is a way we could have addressed job stabilization and job creation. In the McCain amendment that was on the Senate floor, there was a provision in that amendment that said we can incentivize the small business community—which is the heart and soul of the job creation sector of our economy—we can incentivize that small business community to grow their business.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAMBLISS. Do I not have a minute left?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAMBLISS. I am sorry, I thought you were going to let me know when I had 1 minute left.

I ask unanimous consent for 1 additional minute.

Mr. DURBIN. Mr. President, reserving the right to object, I ask unanimous consent for 1 additional minute to Senator INOUYE of Hawaii.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, the fact is, that amendment should have passed. It didn't pass. That would have gone a long way toward stabilizing and creating jobs in this market.

The third part of this is that we need to be compassionate. We need to extend unemployment benefits. That is an appropriate part of spending but, again, minuscule compared to what is being spent here.

This total amount of $789 billion which translates into $1.2 trillion has to be paid back. The Lord has blessed my wife and I with four grandchildren, two of whom we have had for about 10 and 12 years, and two of whom were just born about 60 hours ago. It is those grandchildren of mine and the children and grandchildren of everybody in this Senate and all across America who bear the responsibility of paying this money back. When we spend money, we are obligated to spend it judiciously and responsibly. This expenditure of $1.2 trillion is not going to stimulate this economy, and this bill ought to be defeated.

Mr. President, I yield the floor.

SOCIOECONOMIC PROCUREMENT PROGRAMS

Ms. MURKOWSKI. It is my understanding that the language in section 1610 that reads ''is otherwise authorized by statute to be entered into without regard to the above referenced statutes'' is intended to ensure that existing Federal procurement laws applicable to programs that allow for set-asides and direct-award procurements for service-disabled veteran-owned businesses, minority-owned businesses, tribal enterprises, women-owned businesses, HUB Zone qualified businesses and other entities covered through SBA programs, as well as, for example, the Javits-Wagner-O'Day Act Program, remain fully applicable to contracts initiated under this Act, is that correct?

Mr. INOUYE. The Senator is correct. Nothing in this act overturns or changes the existing procurement laws for the SBA or similar programs or the Javits-Wagner-O'Day Act. Since approximately 80 percent of the jobs in the United States are created by small businesses and since one of the main purposes of the American Recovery and Reinvestment Act of 2009 is to get people back to work as soon as possible, the intent of this stimulus package is that small businesses, including those participating in SBA programs, will be able to participate in spending programs contained in the bill so long as the contracts are awarded following existing Federal law for competitive and direct award procurements.

Ms. MURKOWSKI. I thank the Senator for this clarification.

SMALL FREIGHT RAILROAD PROJECTS

Mr. SPECTER. Mr. President, I seek recognition to clarify a provision in the American Recovery and Reinvestment Act. It is my view that our national transportation policy should promote a balance between the highway and rail freight shipment modes. In promoting this concept of modal balance, I have particular interest in the well-being of the 500 short lines and regional railroads of America. I am advised that these railroads operate 50,000 miles of line, nearly 20 percent of the entire system. They connect communities and entire rural regions of the country to the mainline rail network.

These carriers provide essential economic and environmental benefits primarily in rural regions of the country, including those in my State.

Pennsylvania has 54 small railroads that operate over 3,000 miles of line. It is estimated that if these railroads are abandoned, Pennsylvania highway users would sustain additional pavement damage of $87 million annually. This alone, in addition to the documented environmental and congestion relief benefits of freight rail, is a notable public benefit to highway users. In 2007, Congress enacted Public Law 110–140, the Energy Act of 2007, and chapter 223 created a new program of capital grants to class II and III railroads to preserve this essential service. I believe that this provides an authorization and public interest justification for funding small rail projects with stimulus appropriations.

There are two programs within the American Recovery and Reinvestment Act that are of particular applicability. They are both adopted from the Senate version of the bill. First, the Senate bill included a $5.5 billion discretionary program that could be used for highway, transit, as well as freight and passenger rail projects. The conference report funds this at $1.5 billion. There is a threshold that the projects must be between $20 million and $500 million. I am informed that this is too high a threshold for most short line rail projects. Fortunately, the conference report stipulates that the Secretary may waive the requirement for smaller cities and regions. It is my understanding that these investments may include short-line railroad projects that meet public benefit tests such as those stipulated in the Energy Act of 2007 and provide a benefit to highway users. Second, the conference report includes $27.5 billion for highways and surface transportation infrastructure. The conference report explicitly states that grants may be for passenger and freight rail transportation projects. The flexibility criteria states that a project must be eligible under Section 133 of title 23 601(a)(8) which reads in part ''for a public freight rail facility or a private facility providing public benefit for highway users.'' My understanding is that short line rail projects that ''provide a benefit to highway users'' are be eligible for this funding.

I would ask the distinguished chair of the Transportation, Housing and Urban Development and Related Agencies Appropriations Subcommittee if I am correct in my understanding that the Secretary may waive the $20 million minimum requirement under the discretionary grant program and that short line and other freight rail projects that provide a benefit to highway users are eligible under the $27.5 billion highway infrastructure investment.

Mrs. MURRAY. Mr. President, yes, the Senator from Pennsylvania's understanding is correct. The conference report does give the Secretary of Transportation authority to waive the minimum grant size under the discretionary grant program for the purpose of funding significant projects in smaller cities, regions or States. Additionally, funds provided for investment in highway infrastructure maybe be used for passenger and freight rail transportation and port infrastructure projects.

Mr. SPECTER. I thank the Chairman.

ECONOMICALLY DISTRESSED COMMUNITIES

Mr. WARNER. Mr. President, I rise to engage my colleague, the chair of the Environment and Public Works Committee, in a colloquy. The Reinvestment Act we are passing today provides a unique opportunity for some of our most economically distressed communities to connect to our Nation's transportation network. We have ''shovel ready'' projects that are in need of funds. As the chair knows, these Federal funds have enormous potential to help complete work on projects and help bring jobs and economic development to our communities. I ask my colleague, in helping to draft this legislation, is it her intention to ensure that projects already under development in distressed communities receive full consideration under the law?

Mrs. BOXER. Projects in economically distressed communities are a high priority in this legislation and those projects should be addressed on an expeditious basis under applicable Federal requirements.

Mr. DURBIN. Mr. President, our Nation is in a serious recession. The American recovery and reinvestment conference report that we now have before us will help create or maintain 3.5 million jobs.

The question before my colleagues is this: Will we act together to reinvigorate our economy, turn the tide on this recession, and create those 3.5 million jobs, or will we say no?

When we cast our vote today, we are not choosing between the bill we personally would have written and the bill before us. The choice before us today is between the bill we have before us and doing nothing. And we simply cannot afford to do nothing.

The recession is the most pressing threat to our national security.

I have spoken often on the floor over the past several weeks about the alarming job losses that continue to escalate each day. That alone should be enough to convince my fellow Senators we must act.

Yesterday, we heard a new argument for action. President Obama's top intelligence advisor, Director of National Intelligence Dennis Blair, told us yesterday that the deteriorating global economy is now the greatest threat to America's national security—a security threat more grave even than terrorism.

He said:

> Roughly a quarter of the countries in the world have already experienced low-level instability such as government changes because of the current slowdown.

Director Blair said that the most immediate fallout from the worldwide economic decline for the United States will be ''allies and friends not being able to fully meet their defense and humanitarian obligations.''

We have a bill before us that is ready to be sent to the President's desk. What could any of us be waiting for? The global economy will only recover if the largest economy in the world—ours—begins to recover. That is what this bill is designed to do.

The bill provides a long list of critical investments. The powerful investments in America contained in this package are too numerous to list, but here are a few highlights:

On infrastructure, the conference report includes a critical $8 billion investment for our intercity passenger rail system. This funding will take us a long way toward the goal of transforming our national transportation system, including rail service for many people in my home State of Illinois who want to ride the trains today but simply can't find a seat on our overcrowded trains.

The conference report invests $4.7 billion in extending broadband access to underserved areas, so that all American families and businesses can benefit from the technology of the 21st century. These investments will create good-paying jobs here in America. And all Americans will benefit from stronger transportation and telecommunication systems in this country.

In the area of tax cuts, 95 percent of all working families in America will receive a tax cut of up to $800. Mr. President, 26 million families will be shielded from paying additional alternative minimum tax payments for 2009. Small businesses will benefit from new tax provisions related to expensing, net operating loss carrybacks, and capital gains. These tax cuts will help American families keep food on the table and will help many small businesses stay in business and weather the storm of this economic downturn.

On education, Pell Grants will be increased by up to $500 per student so that more students can stay in school even as the finances of their families deteriorate. Illinois students will receive over $650 million from this national investment in their future.

A new American Opportunity Tax Credit will provide eligible students with up to $2,500 to help with tuition and expenses. Over 150,000 students in Illinois will benefit.

Some argue that we shouldn't be investing in education because it isn't ''stimulative.'' I disagree. What is the

impact on the economy if students all over the country have to drop out of school because their families can no longer afford the cost of higher education? How does that help turn around our economy and sustain our economic strength over time? An investment in those students pays off now, and it pays off again later, as they emerge from school better prepared to participate in a renewed economy.

On health care, out-of-work Americans trying desperately to maintain the health care coverage they received from their former employer will receive help from the Government with their COBRA payments. The Government will pay 65 percent of COBRA premiums for up to 9 months while these individuals look for work.

States will receive more Medicaid funds to help low-income children and their families keep their Medicaid coverage. My home State of Illinois, for example, will receive $2.9 billion over 2 years.

It is critical that families receive this modest but vital help as they try to stay afloat and desperately look for new jobs. Providing insurance against the costs of health emergencies is a fundamental way to help struggling families, and it produces an immediate, stimulative effect as the fund flows.

Voting no is the real generational theft. Now, some of my colleagues on the other side of the aisle have claimed that this bill amounts to ''generational theft.'' My answer is this: We are stealing from our children's future if we fail to act today. If we don't act, we are stealing from millions of children the one thing that is more important than anything else: hope.

We are trying to save or create 3.5 million jobs with this bill. Those jobs aren't just numbers on a page; they represent real lives—real fathers and mothers who either can or cannot make ends meet for their little ones.

Are we not stealing hope from our children if we tell millions of parents that they have to go home to their kids and explain that there is no more money coming in to put food on the table?

Are we not stealing hope from millions of children if we take away the security of being able to sleep in their own bedrooms each night, if we stand aside as they are thrown out on the street when the banks come to take away the keys to their homes?

Are we not stealing hope from our children if there is not enough money to allow them to go to college because all of the money that might have been saved needs to be used now to keep the family from going bankrupt?

This bill commits generational theft?

We have been told by economists across the political spectrum that today's economic malaise is greater than anything we have experienced since the Great Depression. We have been warned of the potential for a decade of more lost growth.

What is the cost to our children, if they inherit an economy from us that is stuck in reverse or neutral for years and years? If we have a way out of this crisis and we fail to act, isn't that the real generational theft?

Voting no today steals hope from our children. Voting no today steals economic growth from our children. Voting no today steals a more secure future from millions of children.

That is the theft we commit today if we fail to send this recovery bill to the President's desk.

Mr. GRASSLEY. Mr. President, I would like to speak on concerns I have with the Medicaid and welfare provisions in the conference agreement we will be voting on shortly.

This bill would provide an $87 billion slush fund for the States.

As I have said on the Senate floor numerous times during this debate, States don't need $87 billion for their Medicaid Programs.

The Congressional Budget Office analyzed an amendment I wrote to target funds just for enrollment-driven increases in Medicaid spending. The nonpartisan Congressional Budget Office gave us the answer for how much it would cost to provide federal funding for the additional Medicaid enrollment caused by the economic downturn. And that cost is not $87 billion; it is 1.8 billion.

The remaining $75 billion in this bill goes to helping States fill in their deficits. Giving States almost eight times what they need for enrollment-driven Medicaid does not meet the definition of targeted in my book.

Now, we will hear that this $87 billion Medicaid slush fund for States is necessary to avoid tax increases at the State and local level. We will also hear that vital State services will be cut unless the Federal Government cuts this big blank check to the States. But when asked to tie the taxpayer dollars to guarantees that the States will not raise taxes or cut services, we have been turned back by Members on the other side.

I heard some folks on the other side of the aisle claim the formula for distributing the funds better targets relief to the States that need it most by using unemployment rates in the formula.

Using unemployment makes sense to target—there is nothing wrong with that. But it doesn't work if you then funnel the money for the States through Medicaid.

Let me explain. Every State has a different sized Medicaid program—some States have bigger Medicaid Programs and some have smaller ones.

By using Medicaid to distribute the 87 billion, the formula in the bill necessarily biases the funds towards States with large Medicaid Programs, like California, Illinois, Massachusetts and New York.

Now we'll hear that those States need more because they have larger Medicaid Programs. But remember it only takes $10.8 billion to pay for enrollment-driven Medicaid spending increases.

So States like California, Illinois, Massachusetts and New York get favored treatment and everyone else gets short-changed.

Simply put, this way of targeting misses the target. The formula in this bill clearly fails the targeting test of the three Ts.

This bill also undermines key principles of welfare reform. While it makes sense to provide a safety net for families that have lost their jobs, this bill moves welfare policy in the wrong direction.

The historic Welfare Reform law signed by President Clinton already has a built-in mechanism to help states during an economic downturn. That law provides welfare contingency funds for States in economic need.

But rather than make the existing contingency fund more accessible to States, this bill creates a new fund that includes policies that are not consistent with the principles of meaningful welfare reform.

For the first times since the abolishment of the aid to families with dependent children program, this new fund gives States financial incentives for expanding their welfare caseloads. Rather than encourage States to reduce their welfare rolls, this provision rewards States for enrolling families on welfare.

This bill also relieves States of the responsibility to engage able-bodied adults on welfare in work training, work experience programs or education.

It makes no sense to promote policies that encourage States to expand their welfare rolls while loosening requirements on States to provide work training, work experience programs or education. At this critical time, these job training activities are even more important than ever.

These changes will not stimulate the economy nor will they lead to productive jobs. In fact, these policies could trap families in deep and persistent poverty.

Mr. President, that is clearly not what we should be doing in this bill and it is another reason why I am unable to support the legislation.

Mr. President, I am back again to speak about some provisions that are buried deep within this stimulus bill that was put together behind closed doors without input from the minority. I know this was done behind closed doors because I was a conferee to the negotiations and I wasn't even in the room.

Now, I have always been a strong advocate of opening up Government,

making it more transparent, making it more accountable, and shedding some sunlight on how the Government works for the people. So, in that vain, I am here today to shed some light on provisions hidden away in the conference report that will actually hurt transparency and accountability of taxpayer dollars.

Inspectors general are the front line against fraud, waste, and abuse of taxpayer dollars at Federal agencies. They are independent from the Federal agencies they oversee and are independent from Congress. They are the watchdogs that are responsible for sifting through all the budgets and expenditures by conducting audits, performing program evaluations, investigating allegations of wrongdoing, and working closely with whistleblowers to uncover the truth. Inspectors general point out problems that need to be fixed and save taxpayers billions of dollars a year. They are integral to any effort to stamp out waste and deter fraud and abuse. So, I was pleased to see that they weren't forgotten in the bill and were given some more resources to oversee the billions in new spending. However, tucked away in this bill is a provision that threatens to micromanage these independent watchdogs in a manner that is contrary to not only the spirit and intent of the Inspectors General Act of 1978, but the 31 years of results these dedicated fraud fighters have worked to achieve.

I will point my colleagues to division A, page 465 of the conference report. There, section 1527 is, ironically titled, ''Independence of Inspectors General.'' Great title, something you would think you would like to support. If you keep reading, it states that ''nothing in this subtitle shall affect the independent authority of an inspector general to determine whether to conduct an audit or investigation of covered funds.'' Again, a nice statement that reinforces the fact that we want inspectors general to be independent, but, unfortunately, the provision doesn't stop there.

If you read a little further you will find that the bill gives a new entity, the ''Recovery Accountability and Transparency Board'' the authority to, request ''that an inspector general conduct or refrain from conducting an audit or investigation.'' It goes on further to say that if an IG objects to being told what to do and acts independently—as we expect them to—he or she must submit a report to that board, the agency they oversee, and to Congress within 30 days.

Now, I don't know about everyone else around here, but that sounds to me like a lot of redtape for an independent watchdog to go about doing their job. In fact, it is fitting that the acronym for this board is RAT, because that is what I smell here.

But, most importantly, this provision strikes right at the heart of any inspectors' general independence. It appears to me that the majority that crafted this bill, isn't all that interested in transparency and accountability. Let me say it loud and clear: I don't like this one bit and from the chatter I hear, the IGs don't like it either—especially if it involves a criminal investigation.

Now, some of my colleagues will say this isn't too burdensome and that it will help coordinate the work of inspectors general. Others say that the new board will contain IGs who will have input so it won't stifle investigations. Both of these arguments lack merit when you peel the onion back.

Any new limitation on the independence of inspectors general is dangerous. Here, even though an inspector general is allowed to buck the new board and continue an investigation they are told not to do, he or she must then put together a report for that board, the agency that is being investigated, and Congress, all within 30 days. This will take resources away from investigating and auditing fraud, and turn a truly independent IG into a report writer.

As to the argument about the makeup of the new board, it is true that inspectors general will make up the bulk of the board. However, it will be chaired by either: the Deputy Director of the Office of Management and Budget, a Presidential appointee confirmed by the Senate, or any other individual subject to Senate confirmation. So, based upon this model, you could have a situation where the President appoints a sitting Cabinet Secretary to oversee the board that oversees the inspectors general that oversee the agency run by the Secretary in charge of the board. I don't want to even try to imagine the scenario where the head of the board is a private sector corporate figurehead of a company that has a financial conflict stemming from the fact that the company receives stimulus money. The system this bill creates is not only unworkable; it is loaded with potential for conflicts of interest that are simply mind blowing.

I also question the need for yet another board full of Government officials. Why do we need yet another Government entity? The inspectors general have worked cooperatively for years via the President's Council for Integrity and Efficiency, PCIE, and the Executive Councils for Integrity and Efficiency, ECIE, which are made up of inspectors general. These entities were recently rolled into the Council of the Inspectors General on Integrity and Efficiency, CIGIE, by the Inspector General Reform Act of 2008. This new board created by the stimulus bill will simply duplicate already existing efforts in addition to hindering the independence of inspectors general.

We have repeatedly recognized the need for independent IGs and we unanimously passed the Inspector General Reform Act of 2008 that was signed into law by President Bush last October. That law was passed because Congress and the IGs recognized that changes were needed to strengthen the independence of inspectors general. It included simple, straightforward reforms such as ensuring each inspector general had access to independent legal advice free and clear of agency influence. It seems to me we all agreed independence was needed for IGs so long as it occurred when there was a Republican President. I hate to think that there is some conspiracy here, but when we have all backed the independence of IGs in the past, you have to question the change of direction buried deep within this bill.

This is a dangerous provision that will hamper oversight, restrict transparency, and damage the independence of inspectors general. It works against the pledge of transparency and accountability that President Obama has advocated for and puts another layer of bureaucracy between taxpayers and the truth about how the hundreds of billions of dollars are spent.

Mr. President, I would like to talk about an immigration provision that was included in the final conference report, as well as a couple that were not.

First, the good news. I was pleased to hear that the conference report retained the Sanders-Grassley amendment to ensure businesses that receive TARP funds go through a very rigorous hiring process before employing new H–1B visa holders. Hiring American workers for limited available jobs should be a top priority for businesses taking taxpayer money through the TARP program. With the unemployment rate at 7.2 percent, there is no need for companies to hire foreign workers through the H–1B program—particularly in the banking industry. According to an AP article, the banking industry requested more than 21,800 visas for foreign guest workers over the last 6 years. At least 100,000 workers were laid off in the banking industry in the past few months. Now that many qualified American bank employees are unemployed, banks who want to hire workers shouldn't have a hard time finding what they need from an American workforce.

The Sanders-Grassley language requires that a company receiving TARP funds and applying for workers under the H–1B process must operate as an ''H–1B dependent company.'' This means they will still be able to hire H–1B visa holders, but must comply with the H–1B dependent employer rules which include attesting to actively recruiting American workers; not displacing American workers with H–1B visa holders; and not replacing laid off American workers with foreign workers. This restriction would last for 2 years.

So this amendment would ensure that TARP recipients comply with

strict hiring standards in order not to displace qualified American workers. The bottom line is that if banks are going to be getting TARP money—American taxpayer money then they need to be hiring American workers. While I support the H–1B program, it needs to be used in the way it was intended and not to replace qualified American workers. This amendment helps to ensure that taxpayer money going to assist companies get back on their feet also helps American workers keep and/or get jobs.

Now, the bad news. I am extremely disappointed that the final bill doesn't include some very important E-verify provisions. The House passed stimulus bill included language to extend the E-verify program, a program that allows employers to verify the social security numbers and legal status of newly hired employees. The E-verify process has been an extremely successful program for employers. In addition, the House passed stimulus bill included language that would have made it mandatory for companies receiving TARP funds to use the E-verify system when hiring new employees. These two provisions passed the House with broad bipartisan support.

Here on the Senate side, my friend Senator SESSIONS filed several amendments to extend E-verify and require TARP recipients to use E-verify. I fully supported those amendments. Unfortunately, the good Senator from Alabama was blocked from offering his amendments to the Senate bill—even though, if given the chance, I am sure that his amendments would have passed with the same overwhelming vote as the House amendments.

I was ready to support the House E-verify provisions in conference. As we all know, Republican conferees were shut out from any negotiation of this conference report. But we were extremely hopeful that the provisions were going to be retained, because of strong bipartisan support on both sides of Capitol Hill.

So I was really surprised to hear that House leadership stripped E-verify completely from the conference report. Many people supported these provisions and understood their importance. These E-verify provisions would have helped stimulate the economy by preserving jobs for a legal workforce, so it is outrageous that they were not included in the final conference agreement. The American taxpayer is spending nearly a trillion dollars to spur the economy. It's not much to ask that the companies receiving hard earned taxpayer dollars actually make sure they are employing legal workers. The exclusion of both the E-verify reauthorization and the requirement that companies getting TARP money have to use the E-verify program is truly a colossal failure on the part of our congressional leadership to stimulate the economy and ensure that jobs go to legal workers.

The fight is not over. I am a strong believer in the E-verify program. I will continue to work with my colleagues to make sure that this important program is reauthorized and utilized by as many employers as possible.

Mr. BINGAMAN. Mr. President, section 405 of division A of this conference report involves an amendment to section 1304 of the Energy Independence and Security Act of 2007, which is under the jurisdiction of the Committee on Energy and Natural Resources, of which I am the chair. It is a provision that deals with the standards and protocols that will be used in Smart Grid demonstration projects. With respect to these demonstration projects, the conference report states that the Secretary of Energy ''shall require as a condition of receiving funding under this subsection that demonstration projects utilize open protocols and standards (including Internet-based protocols and standards) if available and appropriate.'' This is a clarification of language originally passed by the House of Representatives on the subject. It makes clear that all protocols and standards used by Smart Grid demonstration projects must be open. Some of those open protocols and standards may involve sending information over the Internet. Others may use other means of data transfer. The parenthetical inclusion of Internet-based protocols and standards under the requirement for open standards means nothing more than that to the extent that an open standard uses the Internet, it is still an open standard, but (1) the universe of open standards and protocols is not considered to be limited to only those which use the Internet, and (2) the mere use of the Internet would not cause a standard to meet the criterion of being open if it were not otherwise an open standard. There is no intent in this language to discriminate for or against any given open protocol or standard, or to promote any one technology solution over another, so long as they are available and considered to be appropriate by the Secretary of Energy. The Senate expects the Secretary to conduct the process of making awards under this authority in a way that ensures there is no discrimination for or against any open protocol and standard that is otherwise available and appropriate.

Ms. CANTWELL. Mr. President, the Senate tonight will send to the President the American Recovery and Reinvestment Act. I think this legislation is a first step not only in turning the economy around in the short term, but also in laying the groundwork for rebuilding and growing it over the near and longterm. But we need to do much more.

I think it is important to lay down a marker right now that our job on rebuilding this economy is not finished. We must continue to focus on making the right kind of investments, ones that help us realize our maximum economic potential and ones that update our economic engines for the 21st century and beyond. To do this, we must make a commitment to invest in our capacity to innovate and in our capability to commercialize new technologies and discoveries.

I have worked with many of my colleagues, especially Chairman BAUCUS and Senator HATCH, on bolstering the incentives that support our country's research capabilities.

For example, I have long been a supporter of making the R&D tax credit permanent. I continue to believe that we have done ourselves a tragic disservice by failing to provide long-term predictability to the very businesses that are driving economic growth and are at the frontline of every innovation and discovery that moves us forward as a society.

We all know that if the high-wage jobs of the future are going to be created in the United States we have to make the necessary investments in intellectual infrastructure to keep American business competitive in the global economy.

Investing in America's intellectual infrastructure is key to economic growth and instrumental in spurring entrepreneurial innovation and job creation. It is just as important as our commitment to physical infrastructure.

Yet, thousands of companies employing U.S. workers in cutting-edge, research-oriented industries such as biotechnology, high technology, and clean technology are suffering from the same fate that has affected our U.S. manufacturing companies. Without credit markets properly functioning and with little to no investment from the equity markets or venture capital, this next generation of job creators will shrink and become less competitive in the global economy if we do not take action.

Economic analysis tells us that because R&D doesn't produce fast cash it is often a target when times are rough and companies need to reduce costs. It is in our collective interest as a country to help companies take a different path during this economic downturn and find ways to help innovative companies sustain and increase their R&D spending now so they are better positioned to succeed when economic conditions turn around.

I will ask to have printed in the RECORD a letter from 11 technology-oriented, R&D-dependent trade associations such as the Biotechnology Industry Organization, BIO, the Advanced Medical Technology Association, AdvaMed, and others—that represent companies employing hundreds of thousands of U.S. workers reliant on

our commitment to intellectual infrastructure.

This letter was recently sent to all members of the Senate Finance Committee and outlines an approach that would allow small businesses to accelerate their use of accumulated net operating losses, NOLs, if they invest in U.S.-based research and development.

Expanding incentives to encourage more R&D activity in the United States will be essential to the American innovators who are developing the technologies of the future.

We must commit to considering new and thoughtful legislative approaches like this one that can truly move us forward in creating the high-quality, high-paying jobs of this century, and I look forward to working with my colleagues on these issues.

Mr. President, I ask unanimous consent that the letter to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

JANUARY 15, 2009.

Hon. MAX BAUCUS,
Chairman, Senate Finance Committee, Washington, DC.
Hon. CHARLES B. RANGEL,
Chairman, House Ways and Means Committee, Washington, DC.
Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Finance Committee, Washington, DC.
Hon. DAVE CAMP,
Ranking Member, House Ways and Means Committee Washington, DC.

DEAR CHAIRMAN BAUCUS, RANKING MEMBER GRASSLEY, CHAIRMAN RANGEL, AND RANKING MEMBER CAMP: The thousands of companies represented by our organizations, and the U.S. workers they employ, are key drivers of the innovation that enables America to compete in today's global marketplace. As such, we respectfully request Congress take action in the upcoming economic recovery package to invest in America's intellectual infrastructure to support and create the high-quality, high-paying jobs of the 21st century.

Specifically, we ask that you support efforts to spur U.S.-based research and development (R&D) during the economic downturn by allowing small businesses to elect a one-time accelerated use, at a discount, of a portion of their accumulated net operating losses (NOLs) in exchange for giving up the future tax benefits associated with those losses. This proposal, if enacted, will help America's cutting-edge companies weather a difficult storm at a time when the U.S. capital markets are largely frozen to many of our nation's most innovative businesses. Further, this proposal will help to ensure that U.S.-based R&D by smaller firms does not drastically decline or disappear as America's capital markets recover from the current financial crisis. Failure by Congress to move quickly to enact this temporary proposal could result in a sharp decline in R&D on cutting-edge technologies (many of which are in fields where the U.S. is currently the global leader) and additional job losses.

Investing in America's intellectual infrastructure is key to economic growth and instrumental in spurring entrepreneurial innovation and job creation. Innovative, research-intensive industries enhance America's living standards while creating high-quality, high-paying jobs. American innovation is increasingly challenged by more rigorous global competition and the future of the American economy depends on critical investments today to lay the groundwork for the breakthroughs of tomorrow. Without investment in these fields, the U.S. will find it more difficult to compete in a 21st century global economy.

We respectfully urge you to invest in America's intellectual infrastructure by including a proposal to accelerate the utilization of NOLs in the upcoming economic recovery and reinvestment legislation. We thank you for your consideration of this request and we look forward to working with you to get our economy moving again in a way that protects and creates the high-paying jobs associated with America's innovation economy.

Sincerely,

James C. Greenwood, President and CEO. Biotechnology Industry Organization; Stephen J. Ubl, President and CEO, Advanced Medical Technology Association; Mark G. Heesen, President, National Venture Capital Association; Mark B. Leahey, President and CEO, Medical Device Manufacturers Association; Jonathan Zuck, President, Association for Competitive Technology.

Marianne Hudson, Executive Director, Angel Capital Association; Patricia Glaza, Executive Director and CEO, Clean Technology and Sustainable Industries Organization; Sean Murdock, Executive Director, NanoBusiness Alliance; Zack Lynch, Executive Director, Neurotechnology Industry Organization; Bretton Alexander, President, Personal Spaceflight Federation; F. Mark Modzelewski, Founder and President, Water Innovations Alliance.

Mr. LEAHY. Mr. President, today, the Congress considers critical legislation to renew America's promise of prosperity and security for all of its citizens. I am pleased that the greatly needed relief provided in the American Recovery And Reinvestment Act includes an investment in health information technology that takes meaningful steps to protect the privacy of all Americans.

I have long held the view that American innovation can—and should—play a vital role in revitalizing our economy and in improving our Nation's health care system. That is why I have worked so hard with the lead sponsors of this bill to makes sure that privacy was addressed at the outset, as our Nation moves towards a national health information technology system.

I commend the lead sponsors of this legislation in the House and Senate, Majority Leader REID, and Speaker PELOSI for making sure that the economic recovery package includes meaningful privacy safeguards for electronic health records. I also commend the many stakeholders, including, the Center for Democracy & Technology, the Vermont Information Technology Leaders, Inc., Consumers Union, the American Civil Liberties Union and Microsoft, that have advocated tirelessly for meaningful health IT privacy protections in this legislation.

The privacy protections in this legislation are essential to a successful national health IT system. Without adequate safeguards to protect health privacy, many Americans would simply not seek the medical treatment that they need for fear that their sensitive health information will be disclosed without their consent. Likewise, health care providers who perceive the privacy risks associated with health IT systems as inconsistent with their professional obligations would avoid participating in a national health IT system.

The economic recovery package includes several of my recommendations to better protect Americans' health information privacy. First, the provisions give each and every American the right to access his or her own electronic health records, and the right to timely notice of data breaches involving their health information. The recovery package also imposes critical restrictions on the sale of sensitive health data and on the use of Americans' health data for marketing purposes. Lastly, the legislation makes sure that the Secretary of the Department of Health and Human Services receives input from individuals with specific expertise in health information privacy and security, as the Secretary develops a national health information technology system.

These and many other privacy safeguards in the bill will help tackle the difficult, but essential task of ensuring meaningful health information privacy for all Americans. But, we can—and should—do more. There is much more to be done to ensure that Americans have greater control over their own electronic health records. Another critical issue is the use of new technologies to better secure sensitive health records, so that data breaches involving health and other sensitive personal data do not occur in the first place.

Yesterday, we celebrated the bicentennial of the birth of our Nation's 16th President—Abraham Lincoln—who once remarked that ''you cannot escape the responsibility for tomorrow by evading it today.'' We all have a responsibility to ensure quality health care that is both efficient and respectful of all Americans' privacy rights. I am pleased that the Congress acted to address the issue of health information privacy at the outset of the ambitious effort to fully digitize America's health records during the next 5 years. During the months and years ahead, Congress must build upon this early privacy success with more work on health information privacy on behalf of all Americans.

Mr. LEVIN. Mr. President, the American people are counting on us to act to stabilize and revitalize the economy, and passage of the American Recovery and Reinvestment Act is an essential part of that effort. I am encouraged by how promptly the Senate and House have been able to reach a compromise

on this critical legislation. I support final passage because it will create jobs and make investments to bolster our economy in both the short and long-term.

The Nation is in a deep recession and the situation is particularly dire in Michigan where the unemployment rate is the highest in the country. The Bush policy, still supported apparently by all but three Republicans, was a failure. It provided repeated tax cuts to the wealthy with the hope that some of it would trickle down to help those who really need it.

The legislation before us will provide tax breaks to our working families. It will provide a tax cut to 3.9 million Michigan workers, and allow over 120,000 Michigan families to benefit from a tax credit to make college more affordable. This legislation will also create or save 3.5 million jobs over the next 2 years, including jobs in health care, clean energy and construction. It will also strengthen the social safety net by increasing unemployment insurance benefits by $100 a month for over 1 million Michigan workers.

That is why it is so important that we take aggressive action now.

Job creation must be our No. 1 priority as we work to turn the economy around, and jobs are the focus of this conference report. Shovel-ready infrastructure projects are the most immediate way to create jobs and get the economy moving quickly. The recovery plan includes $48 billion in funding for ready-to-go road, bridge, rail and other projects to immediately and directly create jobs. This legislation is expected to provide Michigan with approximately $1 billion dollars in highway and transit formula funds, allowing for significant repairs to roads and bridges and purchases of buses for our public transit authorities. There is additional funding which will hopefully result in investments in the Midwest High-Speed Rail corridor, and improvements to Amtrak that can help bring commuter rail to Michigan.

I am hopeful the Army Corps will direct a significant portion of the $4 billion toward the Great Lakes to address the backlog of ready-to-go projects and maintain this vital maritime highway of the Midwest.

I am also hopeful that the EPA will direct a portion of its funds for cleaning up contaminated sediment under the Great Lakes Legacy Program. One report concluded that there is a 2½ to 1 ratio of return on a Federal investment on restoring the Great Lakes.

The recovery package also contains $6 billion in funding for water infrastructure. These projects immediately create jobs and play a critical role in protecting public health, improving the environment, and creating a sustainable and strong economic climate in which commerce can thrive. Specifically, Michigan is slated to receive more than $150 million to address wastewater projects, and $70 million to upgrade water mains, leaking pipes, and water treatment plants. These job-creating water infrastructure projects will address current needs in Michigan, while investing in upgrades that will prepare us for years to come. In addition, this legislation contains $200 million for environmental infrastructure that the Army Corps would manage. In Michigan, this funding could be used to address combined sewer overflows, which dump harmful pollutants into the Great Lakes.

Additionally, the conference committee legislation contains $750 million for the National Park Service, NPS. The NPS has a significant backlog of deferred maintenance projects that can be started within the next 18 months which will create jobs and help restore and enhance our national treasures. Michigan's four National Park units and the North Country National Scenic Trail have significant funding needs, and a number of projects have been delayed for years. I am hopeful that the NPS will direct a sizable portion of the $750 million included in the package to address the significant needs of Michigan's parks and trails.

I am pleased that the $100 million for brownfields competitive grants can be awarded for both cleanup and site assessment projects. I asked the conferees to expand the flexibility for these grants so that more Michigan communities could benefit from this funding, and I am pleased that the final bill contains this broader language.

The funding in the conference report will create jobs by making smart investments in technology and modernization efforts that will continue to pay dividends by helping us compete in the global economy. I am especially pleased the bill includes $2 billion in grants to encourage companies to invest in the development and production of advanced batteries and battery systems, which will fuel the energy-efficient vehicles of the future and make it more likely they will be produced in U.S. factories. In so doing, the conferees have adopted the Senate approach of focusing exclusively on grant funding rather than loan guarantees, which I believe will go much further in providing American manufacturers the resources and support they need to manufacture these batteries in U.S. facilities. This funding is critical because battery manufacturers and other manufacturers are deciding now where to locate their production facilities, and we cannot afford to lose those facilities and the associated jobs to other countries that are willing to offer greater financial incentives than we are.

I am also pleased that the conference report includes significant measures to expand the American market for advanced technology vehicles. It will make these vehicles more affordable for consumers by increasing the availability of consumer tax credits for plug-in hybrid vehicles. Instead of making the tax credit available only for a total of 250,000 vehicles as is in current law, the conference report will make these tax credits available to consumers who purchase the first 200,000 plug-in hybrid vehicles sold by each manufacturer. Taking this important step will help America get to the goal set forth by President Obama of putting 1 million plug-in hybrid vehicles on the road by 2015. I am pleased that the conference report also includes some funding for Federal agencies to aggressively lease alternative energy vehicles—such as hybrid vehicles—to support a wide variety of agency missions. Government leasing of these vehicles will help stimulate production of these vehicles. We cannot just preach about the need to produce these vehicles. We must lead the way in purchasing them, even though their up-front cost is greater.

The conference report also makes a clarification in the Tax Code to prevent an unintended tax consequence that would have hurt auto companies and others receiving TARP funds. This clarification will limit section 382 of the Tax Code in instances where a change in corporate control is the result of restructuring required by the Government pursuant to a TARP agreement. This maintains the clear intent of 382 while preventing unintended results that would have hurt these companies at the very time the Government is stepping in to help.

This legislation also helps those who have lost their jobs by including important measures that will help States modernize their current unemployment insurance programs and includes administrative dollars and funds to incentivize States to do this. For my home State of Michigan this means they will receive more than $90 million straight away. This plan will also provide a further extension of unemployment benefits which will help the more than 400,000 unemployed workers in Michigan who are unable to find a job in these hard economic times and the, on average, 13,000 individuals whose unemployment benefit will expire this month alone. Additionally, it will provide an additional $100 per month in unemployment benefits, pumping money directly into depressed economic areas and exempts the first $2,400 unemployment benefits from income tax, meaning more of these funds can go to recipients and help grow the economy.

The bill provides funding for important job training in new and expanding fields, as well as funding to enhance and expand education initiatives aimed at ensuring that our next generation of Americans is able to meet the challenges of a global economy. Specifically, it includes $53.6 billion for the

State Fiscal Stabilization Fund, including $40.6 billion to local school districts using existing funding formulas, which can be used for preventing cutbacks, teacher layoffs, or other purposes; $5 billion to States as bonus grants for meeting key performance measures in education; and $8.8 billion to States for high-priority needs such as public safety and other critical services, which may include modernization, renovation and repairs of public school facilities and institutions of higher education facilities.

The bill includes $3.95 billion for job training including State formula grants for adult, dislocated worker, and youth programs, including $1.2 billion to create up to 1 million summer jobs for youth. The training and employment needs of workers will also be met through dislocated worker national emergency grants, new competitive grants for worker training in high growth and emergency industry sectors, with priority consideration to training for ''green'' jobs, including preparing workers for activities supported by other economic recovery funds, such as retrofitting of buildings, green construction, and the production of renewable electric power.

It includes $13 billion for title 1 to help close the achievement gap and enable disadvantaged students to reach their potential; $12.2 billion for special education/IDEA to improve educational outcomes for disabled children. This level of funding will increase the Federal share of special education services to its highest level since the inception of the program. Finally, the bill provides $15.6 billion to increase the maximum Pell grant by $500, which will help 7 million students pursue postsecondary education. Further, the bill includes $2.1 billion for the Head Start and Early Head Start to allow additional children to participate in this proven program, which provides development, educational, health, nutritional, social and other activities that prepare children to succeed in school.

The tax provisions in this legislation will create a refundable tax credit of $400 for working individuals and $800 for working families, covering 95 percent of working families. Taxpayers can receive this benefit through a reduction in the amount of tax that is withheld from their paychecks, or through claiming the credit on their tax returns. This will mean direct and immediate relief for nearly 4 million Michigan workers and their families. The legislation also expands the child tax credit and the earned-income tax credit to ensure that more low-income families get the full benefit. There is also a new, partially refundable $2,500 tax credit that will help make 4 years of college more affordable for an estimated 121,000 families in Michigan. For many struggling families, these targeted tax cuts will help them make ends meet in these tough times. Putting extra money in families' pockets will offer an immediate boost to the economy.

Together, the provisions in this bill offer significant hope for our Nation's economic future. Still, a comprehensive economic recovery effort is balanced on a three-legged stool consisting of creating jobs, unfreezing credit markets, and addressing the housing crisis, including reduction in the flood of foreclosures.

As the housing crisis worsens, I will continue to urge Treasury to move quickly to implement a loan modification program to help prevent avoidable foreclosures. While much still remains to be done with respect to ending the crisis in our financial sector, the financial stability outline put forth by Treasury Secretary Tim Geithner this week outlined some new approaches so that recipients of the so-called TARP funds will cooperate with mortgage foreclosure mitigation programs and provide reports of how the Federal loans are used and will expand their lending. This is a positive step in the right direction toward resuming the flow of credit, but Congress must continue to exercise stringent oversight of the TARP program and we must work to reform our financial system to restore commonsense regulation of this industry.

This legislation represents a significant and essential step in stabilizing our economy. The infrastructure projects will create Michigan jobs, the tax provisions will help Michigan families and the investments in technology and modernization will pay dividends for years to come. While there are major challenges before us that we must address in order to end this recession, passage of the Economic Recovery and Reinvestment Act will give us some urgently needed momentum.

Mr. AKAKA. Mr. President, I support the conference report for H.R. 1, the American Recovery and Reinvestment Act. This vital legislation will create jobs, ensure that States can continue to provide essential health and social services, improve education, and assist veterans.

This legislation will create jobs by encouraging innovation for the development of clean energy and strengthening our Nation's infrastructure. Additionally, the legislation includes funding for the Economic Development Administration to create additional economic opportunities.

Our States are confronted with declining revenue while citizens have increasing health care and social service needs. This bill will provide funding to States so that they can continue to provide health care coverage and essential social services that will help our constituents in this great time of need. States must be good stewards of these resources and utilize them for their intended purposes. This recovery bill will also provide relief to workers and families hardest hit by the economic recession.

In order to ensure that we have a well-educated workforce both now and in the future, I am pleased to support the provisions included in the American Recovery and Reinvestment Act designed to increase and support educational opportunities for our country's children as well as provide much needed resources and infrastructure improvements for educators nationwide. The establishment of a State Fiscal Stabilization Fund will help schools suffering during this difficult economic time to retain teachers and continue programs vital to helping students achieve their academic potential. I also applaud the inclusion of $100 million for impact aid. Due to the significant military presence in Hawaii, these funds are vitally important to Hawaii's public schools.

I have been working, along with other members of the Veterans' Affairs Committee, to advocate for the needs of veterans in the context of this recovery and reinvestment bill and am pleased that the conference report includes funding that will benefit VA and the veterans it serves.

Although I wanted the final agreement to include more of the Senate's shovel-ready projects to improve health care and other services veterans receive from VA, I am grateful the conference report includes more than a billion dollars in immediate funding that will create jobs while improving services for veterans.

The conference report also includes $50 million to make key improvements to Veterans Benefit Administration IT systems and $150 million to provide a temporary increase in claims processing staff.

In addition, there is $50 million included in the conference report that is intended for VA's National Cemetery Administration. This funding will be used to provide much needed cemetery infrastructure support and repair and investment in VA's National Shrine Initiative. I believe the funding will help meet our obligation to provide final resting places for veterans and honor their service.

As helpful as this infusion of funding will be, more resources are needed. I remind all of my colleagues that these funds only begin to address existing, unmet needs. When it is time to begin work on the new budget, we must provide a robust VA appropriation to meet the new fiscal year's costs.

I am glad that the conference report retains a provision to make sure that certain veterans facing financial hardship in this time of uncertainty receive an economic recovery payment. I will continue to work with my colleagues to secure additional resources for VA.

I commend my colleague, Senator INOUYE, for his ongoing advocacy on behalf of the Filipino veterans of World War II. This conference report contains an authorization for a lump sum payment for funds that were appropriated last session for these veterans.

I look forward to having the conference report signed into law quickly so that we can begin our economic recovery and assist our citizens in need.

Mrs. FEINSTEIN. Mr. President, I rise today to offer my support for the American Recovery and Reinvestment Act of 2009.

Our economy is in dire straits. And urgent action is required to get the economy moving and reverse the alarming trend of job loss that is currently plaguing our cities.

This Nation is in the grip of the most serious recession in more than seven decades. American families are increasingly facing tough choices as economic indicators tumble across the board.

Bad news has fallen like a row of dominoes. Our current economic situation is a result of many different problems, all developing at the same time. The major factors: The collapse of the subprime housing market sent shockwaves through the financial sector of the American economy. This was the direct result of a scheme in which poorly underwritten loans promoted by unregulated mortgage brokers and lenders were sliced, diced, securitized and spread all over, with severe consequences that are global in scope. Unregulated markets schemes like this were a fertile breeding ground for greed and fraud. The Enron scandal of the late 1990s was a smaller-scale precursor, costing taxpayers billions of dollars and ending in the collapse of the energy giant, as well as the loss of hundreds of millions of dollars in Enron investments held by more than 50 mutual funds and insurance companies.

Enormous State deficits have deepened with the combined effects of rampant foreclosures and plummeting property values which have significantly cut into revenues. And local governments, trying to maximize returns for taxpayers with investments in firms like Lehman Brothers, have lost their money. They are looking to the State for help, and the State is looking to the Federal Government for help.

The financial sector is currently held aloft by a lifeline from the federal government. Main Street is also looking to Washington to provide an injection of financial stability.

There are many different vectors of this economic crisis. But there is only one sure solution. And that is the infusion of large amounts of capital into the marketplace from the only place with the capacity to do so, which is the Federal Government.

It is time to give the American people some good news for a change. It is estimated that the bill could help sustain and create up to 3.5 million jobs over the next 2 years—with 396,000 in California alone.

The bill before us is far from perfect. But we need to give the President the flexibility and resources he needs to create jobs and revive our ailing economy.

This bill will not meet every need, and some difficult choices have been made in order to move it forward with the 60 votes it needed to secure passage in the Senate.

But faced with a choice of taking action to confront this crisis, or simply dithering away as families lose their jobs, their homes and their hope, I think the choice is clear: We must support this economic recovery package.

President Obama inherited an unprecedented fiscal mess when he took office last month: National debt: $10.7 trillion; this year's budget deficit: $1.2 trillion, projected; GDP: Fell by 3.8 percent last quarter 4th quarter 2008, the worst showing in 26 years; unemployment is skyrocketing: 7.6 percent nationwide. Since the recession started in December 2007, 3.6 million jobs have been lost. More than 598,000 jobs were lost in January. Economists say 3 million more could be lost by the end of this year.

In California we have a 9.3 percent unemployment rate, Dec. 2008. There are at least 1.7 million unemployed workers in California. We have the fourth highest foreclosure rate in the Nation. There were 837,665 foreclosures filed in 2008 up 110 percent from 2007. State budget deficit has reached $42 billion. This has real and serious implications.

The Governor has had to halt public infrastructure projects. Public employees are being furloughed and local governments are planning to slash the critical services upon which taxpayers depend.

The bill before us will not solve every problem, but it will provide funding for critical investments that will create jobs and get our economy moving again.

First, transportation: $29 billion for highways and bridges. California's share by formula will be at least $2.6 billion; $8.4 billion for public transit—i.e., subway, bus, and light rail projects. California's share by formula will be $1 billion; $1.3 billion for Airport capital improvements, funding allocated by competition; and $9.3 billion for intercity passenger rail, including $8 billion targeted at building high speed rail funding allocated by competition.

In total, the bill provides roughly $50 billion for transportation. These projects will not only modernize the corridors used to transport passengers and goods that move across America, they are also a critical part of the jobs creation goal of this package.

Experts estimate that between 27,000 to 37,000 jobs are created for every $1 billion invested in transportation projects. So an estimated 1.5 million jobs could be generated by transportation projects funded in this bill.

Second, water. We have a huge water infrastructure problem in this country. The Government Accountability Office and EPA report that the nation faces a $300–500 billion water and wastewater funding gap over the next 20 years. That is why it is so important that this bill includes a substantial investment in water infrastructure:

Army Corps of Engineers: $4.6 billion for construction, maintenance, etc., that will create 37,000 direct jobs and 102,000 indirect jobs; clean water and drinking water state revolving Funds: $6 billion. California would receive $444 million; Bureau of Reclamation: $1 billion, including $126 million for title XVI Water Recycling and Reuse Projects.

The U.S. Department of Commerce Bureau of Economic Analysis estimates that for each additional job created in the water and sewer industries, 3.68 jobs are created in all industries.

So, investing in these projects will help create millions of jobs here at home, and better protect human health and the environment. This is a vital investment.

Third, housing.

It is widely recognized that the roots of this economic recession were in the bursting of the housing bubble. Last year, there were more than 830,000 foreclosures filed in California alone, an increase of more than 100 percent over 2007.

So it is important that the bill makes a major commitment to stabilizing the housing market—and to helping hardworking Americans avoid the devastating loss of their homes through foreclosure.

The bill provides a public housing capital fund of $4 billion to help local public housing agencies address a $32 billion backlog in capital needs. California's share by formula will be $118.5 million; home investment: $2.25 billion for State and local governments to acquire, construct, and rehab affordable housing.

It is critical that Congress do whatever we can to help restore and foster the American dream of home ownership—and this bill is part of that effort.

Fourth, the bill also boosts funding for our Nation's health care and education systems and provides increases for other safety nets, including:

$87 billion for Medicaid. California will receive an estimated $10 billion; $13 billion for title I education; $12.2 billion for special education; $2.1 billion for Head Start and Early Head Start; $20 billion for additional food stamps benefits; and an additional $100 per month in unemployment insurance benefits.

Finally, Energy.

This legislation makes a serious down payment towards our permanent shift away from fossil fuels and towards a more sustainable energy system.

The bill invests in efficiency, providing $5 billion to weatherize the homes of low income individuals through the Weatherization Assistance Program.

It also establishes a tax credit for 30 percent of the cost to homeowners that weatherize their own homes, and provides cities with $3.2 billion in block grants to assist them with building codes, efficiency improvements to their own facilities, and renewable energy projects.

These efforts will help us realize the goal of weatherizing millions of homes.

It invests in a ''smart grid,'' putting $4.5 billion into an effort to improve electricity delivery through technology.

The legislation will allow WAPA to build new powerlines, to deliver renewable electricity to California consumers who would otherwise continue to depend on coal power.

And finally, this legislation establishes a grant program at DOE and expands a loan guarantee program.

These two steps will help capital intensive wind, solar, geothermal, and cellulosic biofuels projects move forward even at a time when financing capital projects has become all but impossible.

Bottom line: these are all investments that will either provide an immediate benefit to local economies by adding jobs or will help shore up the safety net for Americans who have been hit by the crisis.

This is a very welcome sum of investment in States that are facing grim scenarios today.

One headline in the Monterey Herald recently asked whether the ''Golden State is rusting.''

But the truth is, California is not alone in suffering these consequences. Every State in the Union is feeling the painful effects of this downturn, and every State needs this injection of investment at this critical time.

President Obama has stated clearly that this economic recovery package is the tool he needs to get our economy back on track and move this country forward.

The millions of people who are losing their jobs and their homes have no use for partisan bickering. Re-enacting Washington's usual ideological battles won't stop any companies from downsizing, free up any credit for businesses in need, or put food on the table of a family in need.

Candidly, I would have written a very different bill than the one before us. And there are some aspects of this bill that I would still like to change—I would have liked to see more job-creating infrastructure projects and fewer costly tax cuts.

But despite the imperfections in this bill, I believe we must recognize the enormous task at hand by providing the president with the resources he needs to get the job done.

This bill is a major part of that effort, and it should be approved.

Ms. SNOWE. Mr. President, I rise on this occasion to speak on the economic stimulus conference report that is before this chamber—at a time when we face the longest and deepest recession since World War II, and a moment of economic peril not seen since the days of the Great Depression almost 80 years ago.

There has been a great deal of healthy and vigorous debate about this stimulus package—here in the Congress and certainly throughout America—and rightfully so, given the magnitude of the legislation we have deliberated upon over the past few weeks. And let me say, I well recognize this process got off to a less than stellar start.

And yet, especially given that people look to the Senate to temper the passions of politics—to provide an institutional check that ensures all voices are heard and considered—should we have allowed that inauspicious beginning to establish a permanent detour from ultimately passing an economic stimulus package that economists from across the political spectrum have said is urgently required?

I believe the answer to that question is no. And in that light, I extend my gratitude to Majority Leader REID for bringing us together in forging the much improved package we consider today. I thank Chairman BAUCUS and Ranking Member GRASSLEY of the Senate Committee on Finance, Chairman INOUYE and Ranking Member COCHRAN of the Senate Committee on Appropriations, as well as Senators COLLINS, SPECTER, NELSON, and LIEBERMAN for their yeoman leadership in yielding this consensus-based solution. I also thank those who argued against this package—because, frankly, I agreed with a number of their arguments, and ultimately the concerns expressed have helped to improve this final product.

Indeed, we lost 3.6 million jobs since the onset of the recession, the most since 1945. The Department of Labor has reported the number of people receiving unemployment benefits has reached 4.8 million, an all-time high since record keeping began in 1967—and that doesn't include the nearly 1.7 million getting benefits through an extension last summer. At the end of January, we learned that the economy shrank at its fastest pace in nearly 27 years in the fourth quarter of 2008. Our gross national product dropped at a 3.8 percent annual rate, worst since 1982.

And with more than 11 million jobless Americans today, inaction has, frankly, never been a viable option. In fact, economist Mark Zandi of Moody's Economy.com—who advised both Presidential candidates McCain and Obama, I might add—projects an even higher unemployment rate of a remarkable 11.1 percent—should we fail to pass a vigorous economic stimulus package. That is 11.1 percent—and that is unacceptable. We cannot stand on the sidelines.

That is why I have said from the outset—as I stated on the Senate floor at the beginning of last week—that I wanted to support a stimulus package. But at the same time as I also said, I could not support just any package. The fact is, we are confronting a multidimensional crisis that requires a multidimensional approach, and we can ill afford to get it wrong.

Our approach must be successful, as it must also go hand-in-hand with monetary policy to ensure that vital credit—that is the lifeblood of our economy—is flowing to American individuals and businesses.

Already Congress passed a rescue plan for financial institutions, but the lending expected to free up our credit markets has yet to take effect. Already, the Treasury Department has issued a second component to the rescue plan, which I might add is regrettably long on aspirations and short on details. And already the Federal Reserve has essentially exhausted its options to improve the economy through monetary policy, having reduced interest rates to zero—something else that hasn't happened since the 1930s—and lent more than $1 trillion to stabilize the financial and credit markets. So, as I said during the mark-up in the Senate Finance Committee, we ought to remember that for us, in crafting fiscal policy to meet this historic challenge, there are no ''do-overs.''

That is why I have said repeatedly that this isn't about how much we label as ''tax relief' and how much we label as ''spending.'' Rather, in the final analysis, it's been about the merits of the individual measures in this legislation, and whether the totality of a package can deliver job creation and assistance to those who have been displaced—because both elements are essential to turning the economic tide and aligning our nation for a more prosperous future. In short, the challenge has been to fashion a measure that meets the ''what works'' test.

Critical to that test is whether a stimulus measure is timely, targeted, temporary, and achieves the critical equilibrium of creating jobs and assisting those displaced by this economic crisis through no fault of their own. There has been widespread agreement, even from the harshest critics of this bill, that economic stimulus must meet this standard. That is exactly what a Washington Post editorial called for when it advocated a focused stimulus

as the most viable approach. And after a week of intense, bicameral negotiations and compromises, this economic stimulus package—while not what everyone may have wanted—while not everything I would have wanted—meets that threshold.

It has not been easy arriving at this point. At the beginning of deliberations on the floor and throughout the amendment process, I was deeply concerned this bill more closely resembled omnibus legislation rather than emergency stimulus legislation. Indeed, as the Senate considered and adopted amendments on the floor, this package had actually ballooned to $920 billion. Let me repeat that—$920 billion.

Let's look at the House-passed bill. The House bill was voted out at $819 billion. And then the Senate bill ultimately passed at $838 billion. But now, with our efforts over the past week, this package has emerged as a $787.2 billion conference report that is not only more narrowly tailored toward stimulus, but actually has a lower overall cost than either the House-passed bill at $819 billion or the Senate-passed bill at $838 billion. And that is no insignificant achievement.

At the same time, the package isn't only right—it is right sized. As the President has stated, we will lose $2 trillion in consumer demand this year and next—demand, I might add, that must be ''backfilled'' in our economy with a substantial investment in both tax relief and targeted, effective expenditures that will create jobs. The fact is, given the monumental level of this recession, we can't just be throwing pebbles in the pond. Rather, we require the ripple effect of a boulder—while at the same time ensuring that this is not an open-ended passport to spending in perpetuity.

I know that there are those who criticize the top-line number on this package. And given this legislation is deficit-financed, the cost and the stimulative affect of each of the elements of this bill should be of concern to all of us. I said on the floor at the beginning of this process that we cannot overload this bill with items that are not within the strictures of stimulus. We must ensure that programs that may well be worthwhile policy but not economic stimulus are not considered in this package, and instead are vetted through the budget and regular legislative process. We cannot, under the auspices of stimulus legislation—open the door to permanent spending that exceeds the life and purpose of what is before us today.

But in terms of the actual size of the package, let's consider for a moment the economic stimulus packages passed in 2001 and in 2003—and compare the cost of those measures with the cost of this package, and the economic conditions at those times, with the far worse economic conditions of now.

In June 2001, when the economy was in recession as well, we responded with a $1.35 trillion package. In the quarter when that bill passed, the economy grew by 1.2 percent, and unemployment was at 4.5 percent. In 2003, we passed a bill that was essentially a trillion dollar package masquerading as a $350 billion bill. During the spring of 2003, when that bill passed, the economy grew by 3.5 percent and unemployment was at 6.1 percent.

Fast forward to today with this $787 billion package on the floor. The economy shrank at an annual rate of 0.5 percent in the third quarter of 2008, and 3.8 percent in the fourth quarter of 2008. The unemployment rate is currently at 7.6 percent. Furthermore, over the past 13 months alone, as I mentioned earlier, the economy has lost 3.6 million jobs. By comparison, we lost a total of 2.7 million total jobs in the 2001 recession. The bottom line is this package is not by any means outsized for the times—it is right-sized.

When we began our deliberations in the Senate, the spending in the Senate package reached $366 billion. Fortunately, through our bipartisan efforts, we were able to trim that spending by an additional $55 billion in nonstimulative items. Today, this package contains a total of $286.5 billion in tax provisions, $311 billion in discretionary spending appropriations, and $192.4 billion in nondiscretionary spending items more narrowly focused on job creation and assistance to those displaced.

On the spending side of the ledger, we demonstrated our commitment to job creation by investing in infrastructure. For example, the compromise accelerated the timeline for spending out 50 percent of the money for roads and bridges from 180 days to 120 days—with the remaining 50 percent required to be obligated within one year—to further frontload the stimulative effect. Right now, the U.S. Conference of Mayors has a list of nearly 19,000 shovel-ready projects nationally, totaling almost $150 billion. Moreover, the Federal Highway Administration projects that for every one billion dollars spent, 28,500 jobs are created, and with the 7.5 billion contained in this Conference Report for highways alone. That is 783,750 jobs just for roads and bridges.

We included $40 billion for enhancing unemployment insurance as CBO said last year that the cost-effectiveness of such a policy for stimulative effect is ''large''. . . the length of time for impact is ''short''. . . and recently, Moody's Economy.com estimated that every dollar spent on unemployment benefits generates $1.63 in near term GDP. I thank Chairman BAUCUS for including in this conference report my provision to exclude the first $2,400 of unemployment benefits from taxation, to further maximize the provision's stimulative impact. And as increasing food stamps is also among the most immediate and effective stimulative steps we can take—we provided $19.9 billion to do just that.

I am also particularly pleased, as ranking member of the Small Business Committee, that we included such critical job-creation funding as $730 million for the Small Business Administration's lending programs. This spending is targeted toward increasing access to capital and lowering the cost of capital for our Nation's small businesses that have created fully two-thirds of America's net new jobs, that created or retained 770,000 jobs in FY 2008 alone, and will unquestionably be at the forefront of leading us out of this crisis. The bill contains many of Chair LANDRIEU's and my priorities, such as ones to slash fees for SBA borrowers and reduce them for lenders; increase funding for the microloan program; and a new program targeted toward small businesses struggling to make loan payments.

Additionally, on the spending side we provided vital Medicaid assistance to the states—and I have heard the arguments against it. But does anyone seriously believe that with 45 states currently experiencing a shortfall and a projected, combined budgetary gap of $350 billion over the next 2 years won't have a profound impact on our national economy, as States grapple with raising taxes or slashing spending to balance their budgets?

We also included $28 billion for adoption of Heath Information Technology by health care providers. This would not only actually result in an eventual $10 billion in savings, but also improvements in care and costs, while creating an additional 40,000 jobs that will endure. As we grapple with the gravity of our economic circumstances, doesn't it make sense to simultaneously create transformational, well-paying jobs that, rather than looking to the past, will endure and ensure that America is competitive in the global economy of the 21st century?

As I mentioned earlier, this package also contains more than $286 billion in tax relief—with many provisions I was proud to ensure were included as a member of the Senate Finance Committee—that will directly result in job creation and retention, and bolster our economy.

The President's signature making work pay tax credit, which the President agreed to trim in this conference report, will provide additional money in every paycheck to more than 95 percent of working families in the United States, which Mark Zandi has said will be ''particularly effective, as the benefit will go to lower income households . . . that are much more likely to spend any tax benefit they receive.''

I am pleased to have helped retain in this legislation relief from the alternative minimum tax as it will not only

boost the value of the making work pay credit but will also ensure that around 30 million Americans won't be ensnared by this onerous levy. We increase eligibility for the extraordinarily successful refundable portion of the child tax credit that I originally spearheaded to reach low-income families earning between $3,000 and $9,667 a year. I have heard the arguments before against refundability, but this program reaches people who may not earn enough to have federal tax liability but who work and contribute local taxes and payroll taxes and will, therefore, get additional money into the pockets of those most likely to spend it.

When it comes to tax relief and America's greatest job generators, our Nation's 27.2 million small businesses, this package contains provisions I authored to help them sustain operations and employees. This includes enhanced section 179 expensing for 2009, allowing small businesses throughout the Nation to invest up to $250,000 in plant and equipment that they can deduct immediately, instead of depreciate over a period of 5, 7, or more years.

The conference report also contains a provision to extend to 5 years the carryback period of net operating losses for small businesses with up to $15 million in gross receipts which will help small businesses sustain operations with a cash infusion during these trying times. This modification was the result of a last-minute negotiation, and I very much appreciate the personal efforts of Chairman BAUCUS.

This agreed-upon measure makes a welcomed, commonsense change to reduce to 90 percent the requirement that small business owners prepay 110 percent of their previous year's tax liability. The purpose of quarterly prepayments is to ensure that the Government gets every penny owed. Because of the recession and the credit crunch, the overpayment of quarterly income taxes by America's small business owners is unnecessary, because few businesses are experiencing 10 percent growth, and harmful because it drains vital cash flow away from an ongoing business.

The conference report also retains a provision I joined Senators LINCOLN and HATCH in spearheading to lessen the impact of the built-in gains tax on small businesses. This change is absolutely essential at a time in which our Nation's credit markets remain frozen and small businesses are struggling to meet their financing requirements. This provision will benefit up to 900 small businesses in my home state of Maine and hundreds of thousands across the country.

We must not neglect our Nation's distressed and rural communities. This conference report rightly recognizes that imperative by including an additional $1.5 billion in each 2008 and 2009 allocation authority for the new markets tax credit. And my understanding is that the Community Development Financial Institutions Fund, which administers the incentive, can allocate the augmented 2008 credit authority within 90 days, which will create 11,000 permanent jobs and 35,000 construction jobs.

This agreement also contains tax credits for renewable energy that I have long fought for that will create more than 89,000 jobs. Frankly, if we had not dithered last year and opted to pass the extension of the renewable tax credits at the beginning of 2008, we would have already been on the road to creating 100,000 new jobs. I know in my home State, there are a number of wind farm projects, for example, that could be ready to move forward right now.

I am also pleased that the stimulus bill contains a provision I helped to draft that will allow base communities across the Nation that have been significantly affected by a closure or realignment to qualify for vital recovery zone economic development bonds.

Finally, I am pleased this bill includes a provision I wrote to expand the definition of ''manufacturing'' as it pertains to the small-issue Industrial Development bond, or IDB, program to include the creation of ''intangible'' property. For example, this would allow the bonds to be used to benefit companies that manufacture software and biotechnology products by helping them get the financing necessary to assist their operations in innovating and create new jobs. Knowledge-based businesses have been at the forefront of this innovation that has bolstered the economy over the long-term. For example, science parks have helped lead the technological revolution and have created more than 300,000 high-paying science and technology jobs, along with another 450,000 indirect jobs for a total of 750,000 jobs.

There will be those who say the cost of this package is too much, and others will say it is too little. Some will say it should have higher levels of tax relief, others that we should focus almost entirely on spending. There are 535 Members between the House and the Senate who all have their own legitimately held beliefs about this legislation. There are millions of Americans with their own, differing views, questions, concerns, and expectations.

At the end of the day, I must return to my own evaluation—again, shared by so many across the political spectrum—that inaction is not an option and, frankly, time is of the essence. I also return to my standard for evaluating a stimulus: Is it sufficiently focused on creating jobs and assisting those who have been displaced. In that light, this package deserves to be passed now and signed into law. It is supported by organizations such as the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Institute of Building Sciences, because they also believe it will create jobs. On balance, this is the right approach at the right time that offers us the best course for economic recovery and, therefore, I will be supporting this conference report.

SALES TAX

Mr. CARPER. Mr. President, I rise for the purpose of entering into a colloquy with the senior senator from Montana regarding the car purchase tax credit introduced by Sen. MIKULSKI and included in this conference report.

Mr. Chairman, my home State of Delaware does not have a State sales tax, which this provision addresses. However, a ''document fee'' of 3.75 percent is collected when a new vehicle is sold in Delaware. This fee is the equivalent of a State sales tax, although it is not called that term.

Alaska, Montana, Hawaii, Oregon and New Hampshire lack State sales taxes. Instead, these States levy fees and/or taxes or allow local governments to levy fees or taxes on new vehicles. For example, in your home State of Montana, there is a county option tax on vehicles. In New Hampshire, towns and cities can collect fees on motor vehicles. Hawaii levies a four-percent excise tax on goods, which includes automobiles. This tax is passed along to Hawaiian new car purchasers.

As the purpose of the Mikulski amendment is to encourage Americans to purchase new automobiles, is it the chairman's understanding that it is the intent of Congress that the document fee in Delaware is the functional equivalent of a State sales tax?

Mr. BAUCUS. The Senator is correct. In fact, IRS currently counts vehicle registration fees based on a vehicle's value as a personal property tax, which is deductible. This is true even if the State calls the fee a ''registration fee'' or a ''vehicle use fee.'' In Montana, new passenger vehicles are subject to a $217 fee, as well as a county option tax-based on the value of the vehicle. The same standard should apply to Section 1008.

Mr. CARPER. I thank the Senator. Additionally, in lieu of paying States sales taxes or in the case of Delaware, a document fee, is it the intent of Congress that the motor vehicle registration fees on new vehicles collected by State or local governments in Alaska, New Hampshire, Oregon, Hawaii and Montana qualify for a deduction as defined under section 1008?

Mr. BAUCUS. Yes, that is correct.

Mr. CARPER. I thank the Senator and yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I wish to proceed on my leader time.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, across the country Americans are struggling with a very bad economy. Every day we hear more heartbreaking stories about foreclosures and lost jobs. The situation is serious. It appears to be getting worse. It was in the midst of this scenario that our new President took office. As did all of us, the President wanted to do all he could to help the economy. So he asked Congress to put together a stimulus bill aimed at preventing as much future damage as possible.

From the very start, Republicans supported the idea of a stimulus. All of us, Democrat and Republican, thought it was important and necessary. The question was, what kind of stimulus? What would it look like? What would it cost? Who would it help? Where would it go? Most importantly, would it work?

These are important questions, particularly when the economists tell us that a bad stimulus is worse than no stimulus at all. As the President's top economist, Larry Summers has written:

> Poorly provided fiscal stimulus can have worse side effects than the disease that is to be cured.

These questions naturally lead to another: How do we measure whether a stimulus will work? Well, according to Summers, it is a fairly simple three-point test. First, in order to be effective, a fiscal stimulus must be timely; second, it must be targeted; and, third, it must be clearly and credibly temporary. So using the standard outlined by the President's own top economist, Republicans have asked: Is this bill timely? Is it targeted? Is it temporary?

The answer, I have regretfully concluded, is a resounding no. This bill fails on all three points. This means, in my view, that congressional Democrats have put together a stimulus that by Democrats' own standards is likely to fail. Yet, with interest, this bill is expected to cost taxpayers $1.1 trillion.

So the question now is, what can the taxpayers expect for their money? Well, at a time when millions are struggling to hold on to their homes and jobs, Democrats in the name of stimulus want taxpayers to cover the cost of golf carts, electric motorcycles, and ATVs; $300 million for new government cars; $1 billion for ACORN-eligible block grants; $50 million for out-of-work artists; $165 million to maintain and build fish hatcheries—$165 million for fish hatcheries; $1 billion for the Census. I defy anyone to explain to me how $1 billion for the Census will stimulate the U.S. economy.

So a stimulus bill that was supposed to be timely, targeted, and temporary is none of the above. This means Congress is about to approve a stimulus that is unlikely to have much stimulative effect.

That is why an analysis by the Congressional Budget Office actually predicted a potential sustained economic decline—decline—as a direct result of this bill. That is why I can't support it.

This is one of the most expensive pieces of legislation Congress has ever approved. Including interest, as I have said, it is expected to cost $1.1 trillion. To put that figure in perspective, consider this: If you spent $1 million a day every day since Jesus was born, you still wouldn't have spent $1 trillion. This is an extraordinary sum of money. It deserves an extraordinary level of scrutiny.

Yet even based on the ordinary standards of evaluation, it easily fails the test. Even if the bill were timely, targeted, and temporary, we would still have to look at the pricetag in the context of all the other spending we are all soon going to be asked to consider. The American people need to remember this stimulus is just one piece of the Democrats' overall spending plan.

Soon we will be asked to consider $50 billion for housing and unspecified hundreds of billions of dollars—possibly even another trillion—for troubled banks. We will also soon be voting on a $400 billion Omnibus appropriations bill that will bring the total discretionary spending for this fiscal year to $1 trillion for the first time in American history.

This isn't Monopoly money. It is real. It adds up. It has to be paid back by our children and their children, and the American people still don't have the facts about the total cost.

We need to tell the American people the whole story. If Americans can't be assured these programs they are paying for will work, they should at least be told what they are going to cost.

Even the Democrats admit this bill is a $1 trillion risk. Today—this very day—the Democratic majority leader of the House asked his members to pray: ''Pray that this bill works.'' Why? Because, as he said, he is not sure that it will. I can't take that big of a risk on this big of a commitment of the American people's money.

I know everyone believes their efforts will help strengthen the economy and create jobs. No one should doubt that. Everyone is trying to do the right thing. My concern is not the motivation behind these efforts but the wisdom—the wisdom—of these efforts.

This bill has been roundly criticized for being loaded with wasteful spending and hundreds of billions of dollars in permanent—permanent—Government expansion. Our plan would have reduced monthly mortgage payments and made it easier to buy a home. Workers would have been able to keep more of what they earn. It is also about half the cost of the Democratic plan.

Every Member of Congress, Republican and Democrat, wants the economy to recover. The question is, which plan would work? In my view, it is highly unlikely this one will. I can't take that big of a risk with other people's money. I will vote against it, and I urge my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, the American Recovery and Reinvestment Act, I believe, is a good bill. It is not perfect. It may have imperfections, but I believe it deserves our support.

Many compromises were made, and the final compromises that we made in conference were very difficult. There is no doubt those of us on this side of the aisle had to make some very difficult decisions and some painful cuts to programs that I personally believe would have been of great benefit to the American people. But in the end, I remain convinced we have gained far more than we have lost, and this bill is essential in beginning the task of turning our economy around.

The American Recovery and Reinvestment Act will create more than 3.5 million jobs. This is nothing to sniff at. It will provide tax cuts for working families, aid to our States, and will allow us to invest in our future by rebuilding our roads, schools, and mass transit systems.

As chairman of the Appropriations Committee, I know that the $311 billion in appropriated funds that are contained in this bill will make a difference as we confront the economic crisis. For example, the funds will prevent layoffs of State employees, will allow for increased funding for education, health care initiatives, improved energy efficiency, and many other vital investments.

With this large influx of Federal funding now headed to our States, including my home State of Hawaii, it is essential that each State has a plan of action in place to ensure that these resources are invested quickly and responsibly, and in the right places. In Hawaii, for example, we have established working groups of State and local officials and community leaders to identify priorities that will have the most effective and timely economic impact in local communities throughout the State.

Before concluding my remarks, I want to take a moment to thank the Members and staff of the Appropriations Committee for all of their dedication and hard work in taking this bill from conception to completed legislation in a matter of a few months. On our committee, we have 12 subcommittees, each of which was involved in this bill. It is the subcommittees, the chairmen and ranking members who, along with their subcommittee clerks and staff, are the people who have carried the load on this bill. I believe that the Senate owes them its gratitude.

At this time, I wish to inform the Senate that division A of the conference report on H.R. 1 does not contain any congressionally directed

spending items as defined in rule XLIV of the Standing Rules of the Senate.

There is no quick fix or easy answer to this grave economic crisis, but I am confident this plan will begin to put America on the road to recovery.

I believe the American Recovery and Reinvestment Act of 2009 is the right medicine for what ails our economy. It will not fix our problems overnight, but it will begin the process. We face some tough times in the coming year, but this legislation will have an impact. It will help millions of Americans, directly and indirectly and, most importantly, it will give America confidence that we can overcome this crisis.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent to be recognized for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I want to say something at the conclusion of the debate. I have spoken a number of times and have had my say, but this is not a normal bill. This is the largest expenditure in the history of this Republic, or of any nation in the history of the world. Some have said—and we heard this from the Administration—that they want to remake the economy. A press person asked me today: What do you think happened to bipartisanship?

I said, well, I don't know if I can hold hands and walk down the road to socialism. I don't want to walk down the road together to say our heritage of limited Government and lower taxes and individual freedom and responsibility ought to be altered.

What I am concerned about, at my deepest level, is that this step, as huge as it is, is only one of many that we are going to see. We had the Wall Street bailout of $700 billion. We hear there may be another $500 billion coming on housing and that kind of thing, because there's not much housing benefit in this.

This endangers our heritage. It is not a little bitty matter. I am proud of my colleagues who have said no. I believe it is the right vote and I hope and pray that yet it might fail.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona is recognized.

Mr. MCCAIN. How much time remains on both sides?

The PRESIDING OFFICER. The proponents of the legislation have 3½ minutes, and the opponents have 8½ minutes.

Mr. MCCAIN. What is the disposition of the Senator from Illinois?

Mr. DURBIN. Mr. President, I believe we have 3 minutes and a few seconds and I will use that time.

Mr. MCCAIN. Would the Senator wish to go now or wait for me?

Mr. DURBIN. I defer to the Senator from Arizona.

Mr. MCCAIN. I thank the Senator.

Mr. President, we are, obviously, about to vote affirmatively on the legislation before us. I want to say that I think the debate has been good and respectful. I congratulate the Members on the other side of the aisle and the President for their success in achieving the timetable that they laid out for the passage of this legislation.

I point out that the allegation that this is a bipartisan piece of legislation is simply not accurate. A total of three Republican Members in the entire Congress will be voting for this bill—only three. That is not a bipartisan approach, by any measure.

I think there are some hard facts we should not ignore as we address and dispose of this issue and move on to others. I remind my colleagues that the current national debt is $10.7 trillion. The 2009 projected deficit is another $1.2 trillion. The cost of this legislation before us is $1.124 trillion; that is, $789 billion plus interest. The expected omnibus spending bill, which will be coming shortly, is roughly $400 billion. The expected supplemental request for Afghanistan and Iraq will be an additional $80 billion. We will be addressing appropriations bills for 2010 that will be over a trillion dollars. We are already spending $700 billion on TARP I and II. And estimates, according to the media, are that TARP III will be somewhere around $1.5 trillion.

We are on a spending spree of unprecedented and historic proportions. We are committing what some of us have called generational theft because we are laying this debt on our children and our grandchildren.

My colleagues—and the Senator from Illinois who has been here constantly and has argued his side effectively—will point out that Republicans did the same thing. I agree, and Republicans were punished in the last election for doing so.

What grieves me the most about this process we have been through is that it started out with a phrase by the Speaker of the House that ''we won, we wrote the bill.'' I think I understand the lesson. That is the process that it has been through, without Republican involvement and without Republican negotiations, which I think are necessary to achieve the consensus that is necessary when we are addressing an issue of this magnitude.

This has not been a bipartisan effort. The other side will emerge victorious in a few minutes, but we have to face additional challenges. I mentioned TARP III—$1.5 trillion—and the expected war supplemental request. There are all of these new challenges—not to mention national security challenges and policy challenges.

I think I understand the message from the 2008 election. I think I understand it very well. That message is that the American people don't want business as usual. They do want us to sit down together. We want to be in on the takeoff, so that we can be in on the landing. We want to work together with the other side.

This is not the example that I think the American people want us to exercise as we address the enormous challenges. We need a stimulus package, we need to address the war in Afghanistan, and we need to provide for the much-needed services to Americans as revenues decline with a bad economy.

I end my remarks and yield back the balance of my time by saying again: Congratulations to those who will succeed in passing this legislation. The next time—and it will be soon, because I understand there will be an omnibus appropriations bill, TARP III and others—let us sit down and negotiate and work together. When we come out with a solution and legislation, we can tell the American people that we learned the lesson but, most importantly, we will reflect their wishes that we have worked together to address some of the most difficult challenges of anyone's lifetime.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I have listened to the critics of this legislation. What would they have us do? They would have us do nothing. What they offer is one-half of this bill, in the hopes that that might do it. We tried that. I say to the critics of the bill that we tried their tax cuts last year under President Bush, and they didn't work. We tried their TARP under President Bush, and it didn't work as well as we had hoped.

Now we are asking for a chance. This President, President Obama, inherited the worst economic crisis in 75 years. He is showing leadership, and he came with a solution and offered it to the Republicans and said sit down with us, work with us together. Only three Republicans out of all those elected on Capitol Hill would do so. This President made direct overtures to bring in Republicans, to try to find a solution to these problems, and they refused to do so. Many of the same Republicans—not the Senator from Arizona—who have spoken earlier supported amendments to this, adding to the cost of this package $70 billion in the Finance Committee, up to $30 billion on the floor; and after their amendments were adopted, they said, of course, we cannot vote for the bill because it costs too much—after they added some $100 billion in costs to the bill.

They cannot have it both ways. They cannot ask us, as Democrats, to stand with President Bush when he tried to

solve it and then walk out the door when we face this crisis under President Obama. We have invited the Republicans to join us, and three stepped forward. I salute them for their courage in doing so. I hope more will do that in the future.

A lot of the arguments are about the impact on the next generation. Consider the impact on the next generation of Americans if their parents lose a job. Consider the impact on kids in the next generation if their home is foreclosed upon. Consider the impact on the next generation if they are forced out of college because their parents cannot pay the bills. In this bill, we address each of those issues, providing tax relief to working families, creating up to 4 million jobs, giving people a chance to stay in their homes and trying to help them pay for a college education. Yes, we have our eye on the next generation.

What we are doing in the bill is trying to give a lifeline to our economy for those who are suffering in Arizona, Illinois, Colorado, and all across this country. This is a serious effort to find a solution. We have tried to work together. It is a transparent approach with full accountability, and we will do our best to pass it and turn this economy around and give America the new day it deserves.

I yield the floor.

The PRESIDING OFFICER. (Mrs. HAGAN). All time has expired.

Mr. MCCAIN. Madam President, in keeping with the previous unanimous consent agreement, I believe this point of order and final passage are both combined in one vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. Madam President, pursuant to section 204(a) of the 2008 budget resolution, S. Con. Res. 21, of the 110th Congress, I raise a point of order against the emergency designation in section 5(a) of the conference report.

The PRESIDING OFFICER. Under the previous order, a motion to waive the applicable point of order is considered made.

The question is agreeing to the motion.

Mr. DURBIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) was absent.

The yeas and nays resulted—yeas 60, nays 38, as follows:

[Rollcall Vote Nos. 63, 64 Leg.]

YEAS—60

Akaka	Bayh	Bennet
Baucus	Begich	Bingaman
Boxer	Inouye	Nelson (NE)
Brown	Johnson	Pryor
Burris	Kaufman	Reed
Byrd	Kerry	Reid
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Sanders
Carper	Landrieu	Schumer
Casey	Lautenberg	Shaheen
Collins	Leahy	Snowe
Conrad	Levin	Specter
Dodd	Lieberman	Stabenow
Dorgan	Lincoln	Tester
Durbin	McCaskill	Udall (CO)
Feingold	Menendez	Udall (NM)
Feinstein	Merkley	Warner
Gillibrand	Mikulski	Webb
Hagan	Murray	Whitehouse
Harkin	Nelson (FL)	Wyden

NAYS—38

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Voinovich
Cornyn	Kyl	Wicker
Crapo	Lugar	

NOT VOTING—1

Kennedy

The PRESIDING OFFICER (Mr. DURBIN.) On this vote, the yeas are 60, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion to waive section 204(a)(5)(A) of S. Con. Res. 21 regarding emergency legislation is agreed to. As a result, the point of order falls.

Pursuant to the previous order which imposed a 60-vote threshold for the adoption of this conference report, this vote also constitutes the vote on the adoption of the conference report.

Pursuant to that order, the conference report to accompany H.R. 1 is agreed to, and the motion to reconsider that vote is considered made and laid upon the table.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY, Mr. President, yesterday I spoke about how the trade adjustment assistance provisions in the conference report represent the one shining example of bipartisanship in this mammoth legislation. It's unfortunate that the overall conference report wasn't the product of a similarly bipartisan process, but that missed opportunity should not detract from the tremendous bipartisan effort that my colleagues and our staffs undertook to bring about this significant achievement in reforming and reauthorizing our trade adjustment assistance programs. I want to take a moment to note for the record my appreciation to those who have worked so hard to produce this good compromise legislation on trade adjustment assistance.

I will begin by thanking my colleagues on the House Ways and Means Committee, Chairman RANGEL and Ranking Member CAMP. Our bicameral negotiations over the last 6 weeks have been intensive, and at times difficult but always professional and constructive. Chairman RANGEL was ably advised by Tim Reif and Viji Rangaswami, his respective staff director and deputy staff director on the trade subcommittee, as well as Alex Perkins, international trade counsel to the chairman, and Indivar Dutta-Gupta, adviser to the chairman on the professional staff of the subcommittee on income security and family support. Congressman CAMP was ably advised by his chief trade counsel, Angela Ellard, as well as David Thomas, international trade counsel to the ranking member.

Of course I must thank my partner on the Finance Committee, Chairman BAUCUS, with whom I have been actively overseeing the operation of our trade adjustment assistance programs since the last time we implemented reforms in 2002. We have been negotiating over this legislation since April of last year, so this is the culmination of a lot of effort by our two staffs. My thanks begin with his staff director, Russ Sullivan, and extend to Demetrios Marantis, his chief international trade counsel, and the rest of his trade team, particularly Hun Quach, Ayesha Khanna, and Darci Vetter, as well as Amber Cottle, Chelsea Thomas, and Janis Lazda. I would also like to thank Liz Fowler and Neleen Eisinger from his health staff, and Anya Landau French, formerly of his trade staff.

On my staff I want to thank first my staff director on the Finance Committee, Kolan Davis, and my deputy staff director and chief tax counsel, Mark Prater, for their wise counsel in managing the legislative processes that have led to today's achievement. I also want to thank my chief international trade counsel, Stephen Schaefer, who has spearheaded my oversight of trade adjustment assistance since 2003 and led my negotiating effort these many months, as well as David Ross, my international trade counsel, who played an integral role in the negotiations that produced today's compromise. In addition, I want to thank David Johanson, my international trade counsel and agricultural trade specialist, for his role in negotiating a reform of the trade adjustment assistance for farmers program, and Claudia Bridgeford Poteet, my international trade policy advisor, for her advice and support. Additional members of my staff that merit special recognition include Mark Hayes, my chief health counsel, and Andrew McKechnie, also on my health staff, as well as Kristin Bass and Colette Desmarais, formerly

of my health staff. I also want to thank Chris Condeluci, my tax and benefits counsel, as well as Lacee Oliver, an intern on my Finance Committee staff, and John Kalitka, a former detail to my Finance Committee trade staff from the Department of Commerce, for their work on trade adjustment assistance.

Our work has been supported by the substantial efforts of dedicated professionals at the Department of Labor, and my appreciation there begins with Erin Fitzgerald in the Division of Trade Adjustment Assistance, as well as Mark Morin and Lois Zuckerman in the Office of the Solicitor, and Erica Cantor, the administrator of the Office of National Response. I also want to thank Mason Bishop, Blake Hanlon, and Geoffrey Burr, formerly of the Department of Labor, as well as Justin McCarthy and John Bailey, formerly on the White House staff of the previous administration.

I mentioned that Chairman BAUCUS and I have been engaged in joint oversight of the trade adjustment assistance programs since 2002, and our oversight has included requesting a series of reports from the Government Accountability Office to examine various aspects of the operation of these programs. Among current and former personnel at the Government Accountability Office who merit special recognition for their hard work are Sigurd Nilsen, Dianne Blank, Lorin Obler, and Wayne Sylvia.

Finally, I want to acknowledge the tremendous effort of our House and Senate legislative counsels to deliver timely drafts and constructive critiques of proposed legislative provisions. On the House side I want to thank Sandra Strokoff and Mark Synnes, and here in the Senate I want to thank our experts on customs and international trade law, Polly Craighill and Margaret Roth-Warren.

As you can see, today's achievement is the result of the dedication, hard work, and commitment of many individuals. It is the culmination of years of effort, and I am confident that the result will serve to benefit American workers in Iowa and across the United States for years to come.

Mr. COCHRAN. Mr. President, although I voted against the motion to waive the Congressional Budget Act on the conference report to accompany H.R. 1, the so-called stimulus bill, and on the adoption of the conference report to H.R. 1, I must acknowledge the courtesies and thoughtful leadership of the Appropriations Committee by the distinguished Senator from Hawaii, Mr. INOUYE.

He carried out his responsibilities as chairman of our committee in a fair minded way that reflected credit on the Senate.

This legislation was written by our committee, but in many respects it reflected the attitude and interests of the other body. The bill in my opinion creates too many new programs and policies that will have a major impact on the Federal budget for years to come.

Our Nation faces an economic emergency, but a health information program is not an emergency and should not have been included in this bill. Upgrading the elective grid is not an emergency and neither is improving our Nation's scientific capacity, but they should have been considered in the President's budget request and through a deliberative congressional process.

There are many things like this that should not have been included in this bill.

The process has been anything but deliberative.

MORNING BUSINESS

Mr. REID. Mr. President, I ask we now go to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING JOE BURKE

Mr. DURBIN. Mr. President, today I would like to recognize Mr. Joseph ''Joe'' Burke for his 33 years of service with the U.S. Capitol Police.

Joe was raised and educated in Pennsylvania and Virginia. He attended Moravia College in Pennsylvania and graduated with a degree in criminal justice. Joe's studies didn't occupy all his time while at Moravia; he was an extremely talented baseball player and tried out for the Pittsburgh Pirates.

After choosing a career in law enforcement, Joe joined the U.S. Capitol Police on December 8, 1975. He served in several positions within the department before finding his true calling—the Containment and Emergency Response Team, CERT, in 1981.

Joe was among the original members of CERT upon its inception in 1981. The tryouts for CERT were strenuous; held at the FBI Academy, they consisted of shooting drills, running an obstacle course and jumping into a pool with a rubber gun before swimming the length of the pool. The Unit started with three five-man teams that train twice a month. This modest beginning has grown into the CERT we see today—a highly trained, full-time tactical team.

Over the years, Joe has remained committed to serving the congressional community. He has served during several challenging periods for the Capitol Police including the tragic shooting at the Capitol, the attacks on September 11, 2001, and the anthrax mailings. Joe's experience was invaluable during big events, too—the state funerals of Presidents Reagan and Ford, demonstrations, eight Presidential Inaugurations and numerous State of the Union Addresses.

Joe Burke's experience and service have helped CERT become a SWAT team that ranks among the top teams in the country. He is responsible for many of the programs currently used by the Capitol Police to train CERT personnel.

Joe has been recognized for his leadership and efforts to develop an enhanced and professional tactical team and for his work with area teams to develop response and coverage capabilities across the region.

Mr. President, Joe Burke retired from the U.S. Capitol Police on January 3, 2009. I would like to thank him for his years of service to the congressional community and ask that my colleagues join me in wishing Joe well in his retirement.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP RULES OF PROCEDURE

Ms. LANDRIEU. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. Today, February 13, 2009, the Committee on Small Business and Entrepreneurship held a business meeting during which the members of the committee unanimously adopted rules to govern the procedures of the committee. Consistent with Standing Rule XXVI, I am submitting for printing in the CONGRESSIONAL RECORD a copy of the rules of the Senate Committee on Small Business and Entrepreneurship for the 111th Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES FOR THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP —111TH CONGRESS

GENERAL

All applicable provisions of the Standing Rules of the Senate, the Senate Resolutions, and the Legislative Reorganization Acts of 1946 and of 1970 (as amended), shall govern the Committee.

MEETINGS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chair. All other meetings may be called by the Chair as he or she deems necessary, on 5 business days notice where practicable. If at least three Members of the Committee desire the Chair to call a special meeting, they may file in the office of the Committee a written request therefore, addressed to the Chair. Immediately thereafter, the Clerk of the Committee shall notify the Chair of such request. If, within 3 calendar days after the filing of such request, the Chair fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special

Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chair is not present at any regular, additional or special meeting, such member of the Committee as the Chair shall designate shall preside.

(b) It shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless thirty written copies of such amendment have been delivered to the Clerk of the Committee at least 2 business days prior to the meeting. This subsection may be waived by agreement of the Chair and Ranking Member or by a majority vote of the members of the Committee.

QUORUMS

(a) (1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term ''routine business'' includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments, and steps in an investigation including, but not limited to, authorizing the issuance of a subpoena.

(3) In hearings, whether in public or closed session, a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(b) Proxies will be permitted in voting upon the business of the Committee. A Member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, or through oral or written personal instructions to a Member of the Committee or staff. Proxies shall in no case be counted for establishing a quorum.

NOMINATIONS

In considering a nomination, the Committee shall conduct an investigation or review of the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. In any hearings on the nomination, the nominee shall be called to testify under oath on all matters relating to his or her nomination for office. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis.

HEARINGS, SUBPOENAS, & LEGAL COUNSEL

(a) (1) The Chair of the Committee may initiate a hearing of the Committee on his or her authority or upon his or her approval of a request by any Member of the Committee. If such request is by the Ranking Member, a decision shall be communicated to the Ranking Member within 7 business days. Written notice of all hearings, including the title, a description of the hearing, and a tentative witness list shall be given at least 5 business days in advance, where practicable, to all Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chair and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting, but must be in writing.

(b) (1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact.

(2) The Chair and Ranking Member shall be empowered to call an equal number of witnesses to a Committee hearing. Such number shall exclude any Administration witness unless such witness would be the sole hearing witness, in which case the Ranking Member shall be entitled to invite one witness. The preceding two sentences shall not apply when a witness appears as the nominee. Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chair or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least two business days in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chair and the Ranking Minority Member.

(c) Any witness summoned to a public or closed hearing may be accompanied by counsel of his or her own choosing, who shall be permitted while the witness is testifying to advise the witness of his or her legal rights. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(d) Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, and other materials may be authorized by the Chair with the consent of the Ranking Minority Member or by the consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting, but must be in writing. The Chair may subpoena attendance or production without the consent of the Ranking Minority Member when the Chair has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours of being notified of the intended subpoena, excluding Saturdays, Sundays, and holidays. Subpoenas shall be issued by the Chair or by the Member of the Committee designated by him or her. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents, records, and other materials shall identify the papers or materials required to be produced with as much particularity as is practicable.

(e) The Chair shall rule on any objections or assertions of privilege as to testimony or evidence in response to subpoenas or questions of Committee Members and staff in hearings.

CONFIDENTIAL INFORMATION

(a) No confidential testimony taken by, or confidential material presented to, the Committee in executive session, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members. Other confidential material or testimony submitted to the Committee may be disclosed if authorized by the Chair with the consent of the Ranking Member.

(b) Persons asserting confidentiality of documents or materials submitted to the Committee offices shall clearly designate them as such on their face. Designation of submissions as confidential does not prevent their use in furtherance of Committee business.

MEDIA & BROADCASTING

(a) At the discretion of the Chair, public meetings of the Committee may be televised, broadcasted, or recorded in whole or in part by a member of the Senate Press Gallery or an employee of the Senate. Any such person wishing to televise, broadcast, or record a Committee meeting must request approval of the Chair by submitting a written request to the Committee Office by 5 p.m. the day before the meeting. Notice of televised or broadcasted hearings shall be provided to the Ranking Minority Member as soon as practicable.

(b) During public meetings of the Committee, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of Committee members or staff on the dais, or with the orderly process of the meeting.

SUBCOMMITTEES

The Committee shall not have standing subcommittees.

AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determined at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Mr. DODD. Mr. President, I rise today to honor and celebrate the 100th anniversary of the National Association of the Advancement of Colored People—the NAACP—and thank my colleagues for unanimously adopting H. Con. Res. 35, introduced by my friend, Congressman AL GREEN, of Texas. I was honored to introduce companion legislation in the Senate.

Yesterday we were reminded once again of the historic nature of the work the NAACP has done over the last century as our Nation's first African-American President came to the United States Capitol to pay tribute to President Abraham Lincoln on his 200th birthday.

When we reflect on how far we have come in this country, we must acknowledge the crucial role the NAACP has played in making so many of those steps possible.

Founded on February 12, 1909, in New York City by a small multiracial group of activists that included Ida Wells-Barnett and W.E.B. Dubois, the NAACP spent decades working to eliminate discrimination in schools and throughout our society at the grassroots. Nearly a half century later, it would make itself known to the world with one of our Nation's greatest legal victories, the Supreme Court case Brown v. Board of Education.

In 1955, the Secretary of the NAACP's Montgomery, AL, branch suffered humiliation and unwarranted arrest for refusing to give up her front seat on a segregated bus in Montgomery, AL. Rosa Parks' simple yet powerful action would ignite the largest civil rights

grassroots movement in the history of this country, reminding us once again of the difference that even one American can make to change the course of history.

The NAACP also played an essential role in ensuring the passage of the Civil Rights Acts of 1957, 1960, and 1964.

Though the right to vote was declared to be a basic human right under the U.S. Constitution, persons of color, especially African Americans, were historically—and shamefully—denied this fundamental right. The NAACP played a substantial role pushing for the passage of the Voting Rights Act of 1965, partnering with the likes of Cesar Chavez.

While the NAACP's political work is extraordinary, its community service efforts deserve recognition as well. In 2005, it created the Disaster Relief Fund to provide assistance for Hurricane Katrina victims in Louisiana, Texas, Mississippi, Florida, and Alabama at a time when they needed it most.

As President Obama said, ''A nation cannot prosper long when it favors only the prosperous.'' The NAACP has reminded us of those words for a century.

For all this achievement symbolizes to Americans and the world, the NAACP still recognizes the importance of remaining vigilant in our fight for equality, never allowing the past to be forgotten. I am honored that it has supported the passage of the Emmett Till Unsolved Civil Rights Crime Act that I introduced last Congress, in commemoration of the unspeakably brutal and unjustified murder of an African-American youth, ensuring that criminals of the unsolved hate crimes of the civil rights struggle are brought to justice and that its victims can finally find peace. And I am pleased that this legislation has become law.

Much progress has been made in the lives of persons of color because of the NAACP and its tireless, life-risking, and never-ending work.

As Thurgood Marshall, who a dozen years after arguing Brown v. the Board of Education before the Supreme Court would become the first African American to serve on our nation's highest court, said:

In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute.

Today, the U.S. Senate and House of Representatives return that tribute to the NAACP and everyone who has been associated with its achievements and advocacy for this last century.

May its work to ensure equality for all American citizens continue as each of us in this institution and across our country commit to diminishing its necessity.

FINANCIAL FRAUD HEARING

Mr. KAUFMAN. Mr. President, I want to bring my colleagues' attention to an important hearing held this past Wednesday by the Judiciary Committee. We have been focused on the economy over the past few weeks, and particularly on the recovery bill that will soon start saving and creating jobs.

But there are more steps we need to take to restart our economy. One step is to renew confidence in our markets, by cracking down on the kind of criminal behavior that has contributed to our current crisis. I am talking about fraud in our financial markets.

On Wednesday, Chairman LEAHY convened a Judiciary Committee hearing on financial fraud. We heard testimony from John Pistole, Deputy Director of the FBI; Rita Glavin, Acting Assistant Attorney General for the Criminal Division; and Neil Barofsky, Special Inspector General for the Trouble Assets Relief Program.

I will ask to include in the RECORD, following my remarks, three articles reporting on the hearing.

Two things became clear at the hearing: First, that the Justice Department's Criminal Division, the FBI and the Special Inspector General are deadly serious about finding and prosecuting financial fraud.

FBI Deputy Director Pistole told the committee that the agency is investigating 530 open corporate fraud investigations, including 38 directly related to the current financial crisis. He said the total number of fraud investigations has nearly doubled, from 881 in fiscal year 2006 to 1,600 in fiscal year 2008.

Second, we learned that Federal law enforcement needs additional resources to do so effectively.

According to Deputy Director Pistole ''The increasing mortgage, corporate fraud and financial institution failure case inventory is straining the FBI's limited white collar crime resources.''

The FBI's very necessary shift of resources to counterterrorism efforts has had a significant impact on its ability to investigate sophisticated financial crime.

Currently, the FBI has only 240 agents investigating complex financial fraud.

During the savings and loan crisis in the 1980s, the FBI had more than 1,000 agents investigating financial fraud connected to that scandal.

Mr. President, it is clear we need to scale up dramatically the number and training of FBI agents investigating financial fraud, because the financial meltdown of 2008 is much bigger than the savings and loan crisis.

That is why I was proud to join with Chairman LEAHY and Senator GRASSLEY to introduce S.386, the Fraud Enforcement and Recovery Act of 2009.

Mr. President, I look forward to working with Chairman LEAHY and Senator GRASSLEY to pass this important legislation, and I applaud them for their leadership.

Mr. President, I ask unanimous consent to have the three articles to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From CQ Today, Feb. 11, 2009]

SPIKE IN FRAUD INVESTIGATIONS TAXING LAW ENFORCEMENT RESOURCES, OFFICIALS TESTIFY

(By Seth Stern)

More resources are needed to combat financial fraud, which has soared amid the meltdown of financial markets, officials told lawmakers Wednesday.

FBI Deputy Director John Pistole told the Senate Judiciary Committee that the agency is investigating 530 open corporate fraud investigations, including 38 directly related to the current financial crisis. He said the total number of fraud investigations has nearly doubled, from 881 in fiscal 2006 to 1,600 in fiscal 2008.

''The increasing mortgage, corporate fraud and financial institution failure case inventory is straining the FBI's limited white-collar crime resources,'' Pistole said in his written testimony to the committee.

Others noted that the problem was likely to worsen as criminals target funds from the financial bailout (PL 110–343) and the economic stimulus measure being considered by a House-Senate conference (HR 1).

''We stand on the precipice of the largest infusion of government funds over the shortest period of time in our nation's history,'' testified Neil M. Barofsky, the special inspector general for the Troubled Assets Relief Program. ''Unfortunately, our history teaches us that spending so much money in such a short period of time will inevitably draw those seeking to profit criminally.''

Patrick J. Leahy, D-Vt., the Judiciary Committee chairman, and Charles E. Grassley, R-Iowa, have introduced legislation (S 386) to extend federal fraud laws to cover more mortgage lenders and funds expended under the financial bailout and authorize the hiring of additional federal prosecutors and FBI agents.

''If we don't address this head-on, we'll have a hard time chasing taxpayer money,'' Grassley said.

Pistole said the scale of the potential fraud dwarfs the savings and loan crisis of the 1980s. He said 240 FBI agents are currently involved in investigating mortgage fraud, as opposed to the 1,000 agents and forensic experts who investigated the savings and loan crisis.

''More must be done to protect our country and our economy from those who attempt to enrich themselves,'' Pistole said.

''We're going to see demands on law enforcement really increase'' with the stimulus package and financial bailout, Rita M. Glavin, the acting assistant attorney general of the Justice Department's Criminal Division, told the panel.

[From Newsday, Feb. 12, 2009]

RISE IN FRAUD CASES IS ''STRAINING'' FBI

The economic crisis has sparked an increase in criminal fraud, including an ''exponential rise'' in mortgage scams that is straining the FBI's resources, a leader of the agency said.

The Federal Bureau of Investigation has more than 1,800 open investigations into mortgage fraud, more than double the number in fiscal 2006, Deputy FBI Director John Pistole told a U.S. Senate hearing yesterday in Washington.

The FBI also has more than 530 open corporate fraud investigations, including 38 linked to the financial crisis, he said.

''The increasing mortgage, corporate fraud and financial institution failure case inventory is straining the FBI's limited white-collar crime resources,'' Pistole said in prepared testimony.

Yesterday's Senate Judiciary Committee hearing focused on whether there should be beefed-up enforcement to cope with the economic decline. The panel's chairman, Sen. Patrick Leahy (D–Vt.), is pushing legislation to authorize funds to hire fraud prosecutors and investigators. The bill, backed by the Justice Department, also would strengthen financial crime laws.

The 38 corporate cases linked to the financial crisis have the potential to be as complex as that of Enron Corp., which collapsed in 2001. The cases involve companies that ''everybody knows about,'' Pistole said without naming them, and include possible manipulation of financial statements, accounting fraud and insider trading, he said.

The FBI has reassigned some agents from terrorism cases to financial crimes.

The government's $700-billion Troubled Asset Relief Program and the proposed economic stimulus legislation likely will result in increased criminal activity, Neil Barofsky, special inspector general of the TARP program, said in prepared testimony.

FBI PROBES 530 CORPORATE FRAUD CASES

(By Devlin Barrett)

(WASHINGTON)—The FBI is conducting more than 500 investigations of corporate fraud amid the financial meltdown, FBI Deputy Director John Pistole told the Senate Judiciary Committee on Wednesday.

Investigators are tackling an even bigger mountain of mortgage fraud cases in which hundreds of millions of dollars may have been swindled from the system, he told lawmakers.

Pistole says there are 530 active corporate fraud investigations, and 38 of them involve some of the biggest names in corporate finance in cases directly related to the current economic crisis. Additionally, the FBI has more than 1,800 mortgage fraud investigations, more than double the number of such cases just two years ago.

There are so many mortgage fraud cases to investigate, he said, that the bureau is not focusing on individual purchasers, but industry professionals generating fraud schemes that could total as much as hundreds of millions of dollars. ''It is a matter of lawyers, brokers or real estate professionals that are systematically trying to defraud the system,'' Pistole said.

Agents have even seen some instances of organized crime getting involved in mortgage fraud, he said.

Also appearing before the committee was Neil Barofsky, the watchdog of the government's $700 billion Wall Street rescue package passed last year.

Senate Democrats are urging more spending to expand the ranks of the FBI's financial fraud investigators.

After the 2001 terror attacks, about 2,000 FBI agents were moved to counterterrorism work, and Pistole said they are considering moving some of them back to buttress antifraud efforts.

Senate Judiciary Committee Chairman Patrick Leahy, D-Vt., urged the FBI and the Justice Department to put people who have committed mortgage fraud behind bars. ''Most people are honest,'' Leahy said. ''The ones who are not honest in this field are creating economic havoc and I want to make sure that we're able to go after them. ''I want to see people prosecuted . . . Frankly, I want to see them go to jail,'' he said.

Barofsky, who was appointed the inspector general of the ongoing financial bailout plan, suggested the best way to clean up mortgage fraud is to pursue licensed professionals in the industry, and make examples of them. ''They have the most to lose, they're the most likely to flip, and they make the best examples,'' said Barofsky, a former federal prosecutor in New York.

HEART FOR WOMEN ACT

Ms. MURKOWSKI. Mr. President, I rise today to share my thoughts as the lead cosponsor on the Heart for Women Act, introduced by Senator STABENOW and myself along with 21 original cosponsors. Heart disease, stroke, and other cardiovascular diseases are critically important health issues that combined, are the No. 1 cause of death in all American women, taking the life of one female nearly every minute. The Heart for Women Act will decrease the burden of heart disease in women, which coupled with stroke will claim the lives of nearly half a million women in America in 2008; this is more than all deaths from breast, cervical, and lung cancers combined.

A new study shows that while in young men under age 45, the heart disease death rate is declining, the rate in young women has actually increased and is now at its highest level since 1987. We cannot idly sit back and allow more of us to become part of these statistics, so to address heart disease mortality and these significant disparities between men and women, Senator STABENOW and I have introduced The HEART for Women Act.

Our legislation, the HEART for Women Act, does three things: First, it provides the public with better information about safe and effective treatments for women by requiring drug safety information to be stratified by sex, race, and ethnicity. This information will help doctors, researchers, and patients better understand why certain treatments work better in men than in women. Second, this legislation expands the WISEWOMAN Program that provides free heart disease and stroke prevention screening to low-income, uninsured women. This program has been incredibly successful throughout the U.S. three out of four women screened by this program had at least one risk factor for heart disease and stroke. The HEART for Women Act also raises awareness among health care providers about the risk for heart disease and stroke. A 2004 survey found that less than 20 percent of physicians were aware that more women than men die each year from cardiovascular diseases.

After all this, there is some good news—a USA Today article from January 2008 points out that heart disease deaths rates fell among women by almost 27 percent between 1999 and 2005; however, researchers estimate that epidemics of diabetes and obesity could threaten these gains.

I encourage my colleagues to join us and support women's heart health. Passage of this legislation will ensure that providers have greater access to lifesaving drugs and screening services to prevent the rise of cardiovascular disease in women.

PANETTA CONFIRMATION

Mr. FEINGOLD. Mr. President, I support the confirmation of Leon Panetta to be Director of the CIA. His integrity and independence, his managerial skills, his broad experience in both the executive and legislative branches, and his testimony during his confirmation hearing suggest he is exactly the kind of CIA Director our country needs right now.

First, his statements, in his meeting with me and at his confirmation hearing, provide assurances that he will put CIA activities squarely within the law and refocus the brave and dedicated professionals of the Agency on what they do best, and on what we need them for the most. Not only did he express his commitment to ending an illegal and ineffective interrogation and detention program, but he clearly indicated that the CIA would not conduct extraordinary renditions to secret detentions. Congressman Panetta also committed to ending the Bush administration's practice of using ''Gang of Eight'' briefings to evade its legal responsibility to brief the full congressional intelligence committees, thereby thwarting oversight. And he assured me that the CIA would cooperate with the Department of Justice as the Department reviews interrogation, detention, rendition and other matters that raise legal questions. These statements, along with his previous condemnations of torture and of warrantless surveillance of Americans, suggest a personal commitment to the law and to our Constitution that will be needed as the CIA faces the challenges ahead.

I have long been concerned that intelligence resources have not been sufficiently allocated toward long-term and emerging threats in places like Africa, and was pleased that Congressman Panetta testified that he shares these concerns. More importantly, he has committed to conducting a review of CIA operations and resources in light of these concerns and to working closely with the committee in the course of that review. Finally, he testified that he agrees with the goal of developing strategies that integrate clandestine collection with the information obtained openly by our government, particularly through diplomatic collection. Last year, the Senate Intelligence

Committee passed legislation creating an independent Commission to make recommendations on how to achieve this integration and Congressman Panetta has committed to working with me on that legislation. These commitments give me confidence that Congressman Panetta will work to refocus the CIA on its central mission of protecting our national security.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I am a working class American male, fighting to maintain a standard of living which will enable me to provide for myself and my family. I find it difficult to imagine why we would continue as a country to be held host to foreign oil.

I find that prices of everything are rising because of the cost of shipping, and some members of Congress I hear think this is a good thing? Sir, I am pleased that you would want to hear from us, but realistically I am less than convinced that much will be done by a body of people who seem so unwilling and unable to work together as the current Congress appears.

I used to be optimistic that one voice could make a difference and now have resigned myself to believe that by and large those who sit in the ''hallowed halls of Congress'' care only for their power and position and nothing for us as citizens. The price of groceries continues to rise, the price of fuel driving everything higher, shippers cannot afford to transport goods, and I find the future bleak. How long before the trucking industry, the shipping industry, railways and airlines stop because no one can afford to pay the cost?

Foodstuffs such as corn are now being grown for fuel, driving those prices higher and yet no relief is felt at the pump. It seems clear to me that two things must happen; first we must become energy independent, drilling within our own borders, and second finding alternative forms of energy to prevent this from happening. Please use whatever powers of persuasion you possess to convince your fellow Senators to listen and feel the crunch that is crippling our nation!

ALBERT.

My wife and I were born in Idaho (I in Kellogg and my wife in Pocatello) and I work at the INL although I am currently on assignment at the Yucca Mountain Project.

How Do Gas Prices Impact Us and the Nation

I am 67 and my wife is 63 and, with the high cost of gas, we are afraid to retire. These were supposed to be the ''golden years'' and they are far from that. It is driving up the cost of food and other items that must be shipped by truck and is killing the auto industry. Because of all of these cost increases and the uncertainties it is creating in our economy, the stock market is also dropping and pulling down what retirement investments that we have. Although health care and other issues are also on our mind, I fear that high gas prices are dragging our country to its knees and it is spreading in all directions. They use to say that if we lost Vietnam, it would have the domino effect and we would lose all of that part of Asia.

Well, high gas prices are definitely causing a domino effect, and as people travel less it impacts everyone who support the travel industry. Look what it is doing to the airline industry. The impact of high gas prices is spreading everywhere. I wonder how long it will take to get beyond this mess. Should I plan to retire at 70 or maybe I should think about 75?

WHAT TO DO ABOUT GAS PRICES

The country is now looking toward nuclear power and that is great. Wind and solar power might help a little, but they cannot produce enough. And drilling for more oil in new locations could also help. But these are all long-term solutions that cannot help today. I think what makes us frustrated is that the oil companies are making record profits and they aren't doing anything to help the country. It is sort of like their attitude is to take the money and run. So if you want to do something in the short term, you need to deal with them now. Congress needs to look into how much they pay their CEOs and put a cap on that amount. When a CEO makes 100 or 1,000 times more than the President or you, Mike as a Senator, something is wrong. Congress also needs to look into what they are doing with these record profits. They claim that they are doing more exploration but we as the public cannot see this. They should be forced to make public what they are doing with the profits. I do not see them building any new refineries. They should be forced to do that. But you see, why would they want to build new refineries when they have created a shortage that makes money for them. We are asking the Saudis to pump more oil but we do not ask our own oil companies to build more refineries. Congress needs to ''get into their rice bowl'' as they. And if the oil companies do not want to be part of this, Congress should tax their profits beyond a certain point and use the money to supplement gas prices. In the past during times of war, Congress has created excess profit taxes to take the profit out of war and they should do that now. We are in a domestic war and it is killing our country. Or Congress should look at their profits and set gas prices for them. Set regular gas, for example, at $3.00 per gallon and the next year if their profits are still beyond reason, drop it down to $2.50 per gallon.

Thanks for working on this issue Mike. My wife and I are worried for our country. We do not know where all of this is going, but it does not look good.

JIM.

We, as a Nation, have been irresponsible in allowing ourselves to be dependent upon foreign sources for our energy needs. And now, we are all paying the painful price. It is ignorant to believe that we can just purchase all our energy from other countries and in doing so, save the environment. We have some of the strictest standards in place in the United States to prevent damage to the environment, and yet we allow other countries without those standards to pollute the environment in the production of our energy. This is burying our heads in the sand.

We have vastly improved our technologies since the early 1980s when the bans on offshore drilling were put into effect. We would not expect to see the same problems we had in the past if we were to resume that drilling today. We also need to address the fact that we have not built any new refineries in this country, and that is a necessary piece to our energy needs puzzle. We have vast resources of oil reserves that are untouched, mostly due to the cries of the environmentalists, who are using their hearts instead of their minds to raise their objections.

I have a dear friend who is an independent trucker out of Pennsylvania, who has been doing a long-haul run from there to the Northwest for over 10 years now. He has been watching his profits be reduced by thousands of dollars per run, a reduction that he is not able to simply pass along. After almost 25 years of trucking, he is now contemplating something else for the future. What will we, as a nation, do if enough of our truckers quit due to the rising fuel costs? We do not have enough alternatives in place to move our goods, and without moving our goods, our economy will collapse. We, individually, understand the impact on our family budgets for energy increases, but we have not yet begun to feel the entire impact that will trickle down to our level.

We need to develop our own energy. We need to allow more drilling. We need to allow refineries to be built. We need to allow nuclear power plants to be built. We need to develop such things as wind energy and tap waste sources such as landfills for methane gas. We need permanent tax incentives for the installation and use of renewables such as solar and wind. We need to develop a usable hydrogen power. And that should just be the start.

Yes, the increase in fuel has cost me and is hampering my lifestyle. But I fear that, if the current prices become permanent, then the costs to me will be so much greater than they are today, and that is unacceptable.

Thank you for your time in reading this.

MONICA.

In September 2007 my husband changed jobs due to a long commute and high gas prices. He had been travelling from Weston, Idaho, to Promontory, Utah (132 miles round trip), and had done so for the last sixteen years. In September, he took a new job in Logan, Utah, which was half the commute. However, in the exchange, he also took a $4.50/hr cut in pay. We were okay because of the shorter commute and we were saving in gas. Now, with the higher, much higher fuel prices, we not only have lost the fuel savings but still have the cut in wages. It is getting very difficult to make ends meet. High fuel costs are affecting every aspect of our lives—food, utilities, etc. We are supportive of drilling America's own oil so we are not reliant on outside sources. Speed limits could

also be reduced and enforced. We drive small fuel-efficient vehicles, unlike many who are driving large trucks and SUVs. Americans need to wake up. Farmers in our area are really struggling. Fuel prices are making it very difficult to plant and harvest crops. We just need some relief. We appreciate your asking our input and support your efforts in getting the people of Idaho and America some relief.

RICHARD AND CHRISTY, *Weston.*

We need to start drilling now.

I am an Idaho resident and, because of work, commute weekly from Idaho to Washington. The fuel costs are affecting me by not only personal use of my cars but also air fare and food for my farm animals and us.

There is so much oil out there in the US, i.e., shale oil, oil from coal, onshore and offshore oil. Until the new technology comes out for autos and electrical energy we need to use the fuel that we have instead of punishing the people of this country—by listening to the eco terror people, green peace and the others. They are the ones that created the problem plus the new socialist democrats. Who are taking our freedoms away? Oh, one more thing the man caused global warming is a fraud it is natural climate changes. Look at the past.

THOMAS.

I do not have much to say but this. I work as a restaurant manager and I see firsthand the domino effect of the energy/gas crisis. Restaurants are the first to view the troubled economy. Our sales are down, not saying how much. Food cost is rising. People are not coming out to eat. My Team Members are getting hours cut and not making enough money to even survive, let alone put gas in their tanks. My staff is the first hit by any economy issue and our sales have dropped drastically. My restaurant and its staff members who are in a crisis state. Someone needs to do something.

BRANDY, *Boise.*

To Whom It May Concern:

I ride my bike almost everywhere I go so my gas price is $0/gallon. Also, my pollution impact is minimal as is my road impact, and my health is excellent.

MIKE, *Boise.*

Thank you for the opportunity to provide input on this critical input. I am employed as an Environmental Engineer at the Idaho National Laboratory—Materials Fuels Complex—a nuclear fuels research facility.

Impacts—to name a few:

Greatly reduced discretionary travel and spending

Marked increase in cost of food and consumables

Recent need to reduce percentage of income saved for retirement and college tuition for our children.

Huge increase in cost associated with heating home (Rocky Mountain Power) and irrigate my property.

Enormous cost increase in corn feed and fertilizer

Inability to afford herbicides necessary to combat noxious weeds on property

Decreased property values of vacation home in Island Park Idaho—given drastically reduced numbers of vacation visitors to Fremont Co. since gas and diesel have gone sky high.

The high fuel costs have created an atmosphere in virtually all commodities that the producer can falsely claim that their higher prices charged are merely a result of higher energy costs.

Suggested Actions:

Build infrastructure in U.S.—new, strategically located refineries,—this is not just a crude oil problem, and our refineries are antiquated.

Provide incentives to oil and gas companies to expand exploration—lower their corporate tax.

Prohibit reinstatement of wind†fall profits taxes.

Eliminate overly burdensome environmental/permitting hurdles for petroleum exploration, siting and operation of oil refineries, extraction/processing of oil shale, oils sands, etc.

Target drastically higher dollars for University research of petroleum exploration, extraction, and refining technologies.

DEVELOP ANWR AND ALL OFFSHORE RESOURCES

Develop natural gas distribution infrastructure—to gain access to the huge natural gas reserves in North America.

Never sign up to the Law of the Sea Treaty.

Reject Cap and Trade.

Sign on to No global warming (hoax) treaties or initiatives.

Play economic hardball with China and India, whom subsidize their citizens' use of petroleum products.

Firmly commandeer Iraq's oil reserves as partial compensation for the loss of life and financial burden of the Iraq war.

Thank you for the opportunity. P.S.—the U.S. is not too dependent upon fossil fuels; we are not using what we have on U.S. and adjacent soil wisely, or at all.

PAUL, *Idaho Falls.*

I really appreciate your efforts to help out the public. I work as a receptionist at St Alphonsus. Many patients are canceling their appointments primarily because they cannot afford to drive, even if it is 5 miles away. The public is not happy because of the gas prices.

My fiancé and I just moved closer to where I work. If we did not I would not be able to afford the gas to come to work. The rising gas prices are making the gap bigger between the rich and the poor. Something does need to be done quickly. The greed needs to come to an end and the government is the only force here in the United States big enough to help out the public.

Thanks for understanding,

MEGAN, *Boise*

Years ago I was pleased to be able to wait on your wife as she drove thru the MPCU teller window in Idaho Falls. With her in the Suburban were a passel of kids. Now I also have a few children, and these days with energy costs skyrocketing beyond the means of many families I think it is important to speak up. I think twice every time I drive my van because of the costs. We normally visit my family in Idaho Falls four times per year and this year will only be able to reasonably afford two times, and a major component of that decision is the cost of fuel. My husband is an engineer and drives approximately 20 miles round trip to work every day. He and another co worker commute to save fuel. We have not had as much disposable income as heating, cooling and fuel prices have climbed at an astonishing pace. We have stopped eating as much meat because of the cost of it. I water down the milk to make it go further. We fortunately live far below our means, but many families are not as fortunate as we are. One of my dear friends works in 30 miles away, and drives there from Moscow every day. With a long daily commute, and with higher prices looming on the horizon who knows what this winter will bring. She said that if it goes up much more she will not make enough money to justify the driving.

I am not asking for the government to fix this. The American people are resilient, and the government's micromanagement of energy opportunities has only led us to higher prices. You can bet if the oil companies are penalized for their comparatively tiny per gallon profit, prices will continue to climb.

What I propose is for government to get out of the way. Pave the road to energy independence with reduced regulation and open opportunity for exploration of all energy sources. We should pursue coal to oil, nuclear, wind, methane, natural gas and every other type of fuel, with the goal of being energy independent. If the government will just be reasonable, we could do all these things. I appreciate your service, and your request for stories. Thank you for remembering that you are there in our place, remind the others that they are too.

EMILY, *Moscow.*

First I must say that I am a retired federal employee with 34 years of service. As you know living on a fixed income is not easy at best, but with the cost of gas going up that is affecting EVERYTHING. I have cut back on all non essential driving—even to travel 50 miles to see my elderly parents (80 & 78) once a week to help them out. I have cut back on how often I mow the lawn to once every 2 weeks. I do not own any recreation toys such as campers, 4-wheelers, boats or motorcycles so cannot cut any RV usages. There will be very limited vacation trips this summer. . . . Maybe to take my grandsons camping.

I can remember back prior to the 70's gas scare when the government had more controls on the oil companies and gas was much more reasonable and there was still exploration being done by the oil companies. Now without controls these companies are having record net profits (enough to lower the cost of gas close to $1.00 a gallon), why is this happening? Also the stock market futures on oil dictate price increases before the crude is even bought, but the drops in crude never seem to get passed on to consumers at the same rate as the increases . . . again why is this?

There was a march protesting the petroleum prices here in Lewiston a couple of weeks ago . . . what else can the people do to get thru to our government?

Thank you for the opportunity to voice my frustrations.

Sincerely,

BOB.

We must do all we can to mitigate the energy crisis gripping this nation. We can and must become energy independent on natural gas in America. We have the resources here to achieve this. Start drilling. Prices are on track to double by this winter. However, the brutal truth is that the neo-American Bolshevik socialist left in this country will tie this nation up in the courts for years to prevent this and force their agenda on this nation. They are arrogantly smug about their ability to control us now. And well they should be. They have been trained by some of the finest Marxist professors anywhere in the world today, right here in the USA. In the end, our epitaph will read that we destroyed ourselves with the very freedoms

that made us the envy of the free world. May almighty God forgive us for what we have allowed to happen to this grand experiment in human freedom.

RANDY.

ADDITIONAL STATEMENTS

REMEMBERING WILLIAM H. ''MO'' MARUMOTO

● Mr. AKAKA. Mr. President, I wish to express my deepest condolences and warmest aloha to the family and friends of William H. ''Mo'' Marumoto, who passed away last November.

Mr. Marumoto was an inspiration to all of those who came in contact with him. Those who knew him well knew of his selflessness and commitment to the public good.

During World War II, Mr. Marumoto and his family spent 3 years in the Gila River internment camp in Arizona. This experience did little to deter Mr. Marumoto's pursuit of excellence and service to his country. He served as student body president of his high school, Santa Ana High School, and later graduated from Whittier College.

His remarkable career spanned over five decades. He arrived in Washington, DC, in 1969 to serve as assistant to the secretary of the Department of Health, Education and Welfare, responsible for recruiting senior executives for the Office of Education. A year later, Mr. Marumoto became the first Asian American to serve at the executive level in the White House as an aide to President Richard Nixon responsible for filling Cabinet and sub-Cabinet level positions.

In 1973, he founded The Interface Group Ltd., a Washington, DC-based executive search firm which specialized in placing women and minorities in senior executive positions. He is fondly remembered for his efforts to ensure diversity within the most senior levels of government.

He was a remarkable leader as president and CEO of the Asian Pacific American Institute for Congressional Studies and received numerous national professional awards for his work in higher education, fundraising, direct mail, events management, and publications.

My thoughts and prayers go out to Mo's loved ones. He will be deeply missed and his generosity will forever be remembered. May he rest in peace.●

TRIBUTE TO C. EDWARD BROWN

● Mr. GRASSLEY. Mr. President, I wish to recognize a fellow Iowan, C. Edward ''Ed'' Brown, FACHE, on his election as the chair of the board of directors of the American Medical Group Association.

Mr. Brown has had a distinguished career in health care in Iowa where he has served for the last 15 years as chief executive officer of the Iowa Clinic, a multispecialty group practice in Des Moines. Ed has a long list of achievements in delivering cutting edge, quality focused health care to the benefit of Iowans, and his achievements include the Iowa Clinic's adoption of electronic medical records and information technology systems. He holds a master's degree in health administration from Washington University in St. Louis, and he is a fellow of the American College of Healthcare Executives with over 25 years of experience in executive and senior levels of health care management.

As the head of the American Medical Group Association, Ed's vision and management skills will be put to good use in leading an organization that represents some of the Nation's highest quality and most prestigious health care delivery systems. It is wonderful to see someone with such a distinguished health care record in Iowa recognized at the national level as a dedicated leader who is committed to improving health care at such an important time for our Nation's health care system.

Ed's voice will be a valuable contribution to the health care debate in 2009 in Washington, and I congratulate him on this new chairmanship.●

ZULUS 100TH BIRTHDAY

● Ms. LANDRIEU. Mr. President, this month America reflects on a series of notable birthdays and anniversaries, including President Abraham Lincoln turning 200, and the NAACP celebrating its centennial.

In Louisiana, we are honoring a special birthday that is unique to our State. The famous Zulu Social Aid & Pleasure Club will enjoy its 100th year.

The Zulus have a special place in Louisiana's history, which is as colorful as the signature Zulu decorative coconuts. For 100 years they have been an integral part of our Mardi Gras festivities and New Orleans culture. Dubbing themselves ''the everyman club,'' the Zulu Social Aid & Pleasure club is composed of African-American men from all walks of life.

While there are several stories about how the Zulus first came about, we know they made their first appearance in the Mardi Gras parade in 1909 when William Story led the Zulus as King.

That year the group wore raggedy pants and had a Jubilee-singing quartet in front of and behind King Story.

Just 6 years later, the Zulus used their first float. It was rather modestly decorated with palmetto leaves and moss. Of course, this first float gave rise to the more lavishly decorated Zulu floats that we are accustomed to seeing today.

Since 1916, the Zulus have given the first official Mardi Gras toast to King and Queen Zulu at the Geddes and Moss Funeral Home on Washington Avenue.

Since 1910, the Zulus have been famous for the Zulu Coconut, often called the ''Golden Nugget,'' which they throw from floats during Mardi Gras parades. The tradition developed, and they began scraping and painting the coconuts—now an indelible part of New Orleans Mardi Gras culture.

In January, I was honored to receive from Zulu president Charles Hamilton, Jr., a special Zulu coconut as gift for President Obama. Mr. Hamilton traveled to Washington by train to hand deliver the gift, which I hope to present to the President very soon. It was hand-painted by Gretna artist Keith Eccles and incorporates Mardi Gras colors and themes with the distinctive red, white and blue of Washington, DC. Mr. Hamilton has said that he wanted to give President Obama a piece of New Orleans and Zulu history. I can't think of a better representation.

In addition to the Zulu coconut, the Zulus' contribution to New Orleans is well-documented. The group proudly participates in the Adopt-A-School program and contributes to Southern University's scholarship fund. The Zulus also give Christmas baskets to needy families each holiday season.

Over the years, many famous Louisianians have taken part in the Zulu tradition. In 1949, Louis Armstrong was King Zulu. And in 1988, New Orleans native Desiree Rogers—now the White House social secretary for President Obama—served as Zulu Queen.

This year, that proud tradition will be carried on by Zulu King Tyrone Mathieu, Sr., and Zulu Queen Sheila Barnes Mathieu.

I congratulate the many generations of Zulus who have left their mark on Mardi Gras and our great city of New Orleans. I ask the Senate to join me in wishing the Zulus a happy 100th birthday—and all the best in the next 100 years.●

MESSAGES FROM THE HOUSE

At 10:08 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 35. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 100th anniversary.

At 3:31 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and

science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

At 5:52 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 663. An act to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the ''Yvonne Ingram-Ephraim Post Office Building''.

The message also announced that pursuant to 22 U.S.C. 1928a, and the order of the House of January 6, 2009, the Speaker appoints the following Member of the House of Representatives to the United States Group of the NATO Parliamentary Assembly: Mr. TANNER of Tennessee, Chairman.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 663. An act to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the ''Yvonne Ingram-Ephraim Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–754. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Credit Union Service Organizations'' (RIN3133-AD20) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–755. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation AA, Regulation DD and Regulation Z'' ((Docket No. R-1314)(Docket No. R-1315)(Docket No. R-1286)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–756. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Unlicensed Operation in the TV Broadcast Bands; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band'' ((FCC 08-260)(ET Docket No. 04-186)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–757. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to Salt River (Va Shly'ay Akimel), Maricopa County, Arizona; to the Committee on Environment and Public Works.

EC–758. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to Island Creek, West Virginia; to the Committee on Environment and Public Works.

EC–759. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to Salt River (Rio Salado Oeste), Arizona; to the Committee on Environment and Public Works.

EC–760. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to Santa Cruz River, Arizona; to the Committee on Environment and Public Works.

EC–761. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to Tamiami Trail, Florida; to the Committee on Environment and Public Works.

EC–762. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to Liberty State Park, New Jersey; to the Committee on Environment and Public Works.

EC–763. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation'' (FRL-8773-2) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Environment and Public Works.

EC–764. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation'' (FRL-8773-3) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Environment and Public Works.

EC–765. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuels and Fuel Additives: Gasoline and Diesel Fuel Test Methods'' (FRL-8771-6) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Environment and Public Works.

EC–766. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries'' (FRL-8768-2) received in the Office of the President of the Senate on January 29, 2009; to the Committee on Environment and Public Works.

EC–767. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Section 36 First-Time Homebuyer Credit Between Taxpayers Who Are Not Married'' (Notice 2009-12) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Finance.

EC–768. A communication from the Director, Defense Security Cooperation Agency, transmitting, pursuant to law, a report relative to Section 25(a)(6) of the Arms Export Control Act; to the Committee on Foreign Relations.

EC–769. A communication from the Acting General Counsel, Peace Corps, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Director of Peace Corps, received in the Office of the President of the Senate on January 29, 2009; to the Committee on Foreign Relations.

EC–770. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-709, ''Firearms Registration Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–771. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-709, ''14W and the YMCA Anthony Bowen Project Real Property Tax Exemption and Real Property Tax Relief Temporary Act of 2009'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–772. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-710, ''The Urban Institute Real Property Tax Abatement Temporary Act of 2009'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–773. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-711, ''Get DC Residents Training for Jobs Now Temporary Act of 2009'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–774. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-712, ''GPS Anti-Tampering Temporary Act of 2009'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–775. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-713, ''Equitable Parking Meter Rates Temporary Amendment Act of 2009'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–776. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-714, ''Taxi Zone Operating Hours Temporary Amendment Act of 2009'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–777. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-715, ''Reimbursable Details Clarification Temporary Act of 2009'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–778. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-716, ''Uniform Child Abduction Prevention Act of 2008'' received in the Office of the President of the Senate on February 9,

2009; to the Committee on Homeland Security and Governmental Affairs.

EC–779. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-717, ''Local Rent Supplement Program Second Temporary Amendment Act of 2009'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–780. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-718, ''HPAP Temporary Act of 2009'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–781. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-719, ''Employment of Returning Veteran's Tax Credit Temporary Act of 2009'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–782. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-720, ''Public Service Commission Holdover Temporary Amendment Act of 2009'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–783. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-721, ''District Employee Protection Temporary Act of 2009'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–784. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-722, ''Lead-Hazard Prevention and Elimination Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–785. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-723, ''Paramedic and Emergency Medical Technician Transition Amendment Act of 2008'' received in the Office of the President of the Senate on February 9, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–786. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a vacancy in the position of Principal Deputy Director of National Intelligence, received in the Office of the President of the Senate on January 29, 2009; to the Select Committee on Intelligence.

EC–787. A communication from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Reorganization of Regulations on Control of Employment of Aliens'' (RIN1125-AA64) received in the Office of the President of the Senate on February 9, 2009; to the Committee on the Judiciary.

EC–788. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of (2) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–789. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs; Final Rule'' (RIN2501-AD16) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–790. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Interactive Data for Mutual Fund Risk/Return Summary'' (RIN3235-AK13) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–791. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area and Safety Zone, Chicago Sanitary and Ship Canal, Romeoville, IL'' ((RIN1625-AA11)(Docket No. USCG-2008-1247)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–792. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Gasco Regulated Navigation Area, Willamette River, Portland, OR'' ((RIN1625-AA11)(Docket No. USCG-2008-0112)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–793. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Willamette River, Portland, OR, Schedule Change'' ((RIN1625-AA09)(Docket No. USCG-2008-0721)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–794. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''McCormick & Baxter Regulated Navigation Area, Willamette River, Portland, OR'' ((RIN1625-AA11)(Docket No. USCG-2008-0121)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–795. A communication from the Project Counsel, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Consolidation of Merchant Mariner Qualification Credentials'' ((RIN1625-AB02)(Docket No. USCG-2006-24371)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–796. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2009-16) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Finance.

EC–797. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Leaking Underground Storage Tank Remediation Reimbursement Program'' (LMSB-4-1108-054) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Finance.

EC–798. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application of Section 367 to a Section 351 Exchange Resulting from a Transaction Described in Section 304(a)(1); Treatment of Gain Recognized under Section 301(c)(3) for Purposes of Section 1248'' (RIN1545-BI42) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Finance.

EC–799. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Administrative Review of a Determination That an Authorized Recipient Has Failed to Safeguard Tax Returns or Return Information'' (RIN1545-BF21) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Finance.

EC–800. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Gain Recognition Agreements with Respect to Certain Transfers of Stock or Securities by United States Persons to Foreign Corporations'' (RIN1545-BG09) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Finance.

EC–801. A communication from the Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Part 4022) received in the Office of the President of the Senate on February 13, 2009; to the Committee on Health, Education, Labor, and Pensions.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–7. A resolution adopted by the Senate of the State of New Jersey memorializing Congress to protect the automobile industry and expand national infrastructure projects and related industries; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION NO. 37

Whereas, a number of specialists have warned that the collapse of the national economy could occur if certain stop-gap and long-term actions are not implemented to overcome the problems facing the automotive and machine tool sectors of our economy; and

Whereas, the loss of the physical capabilities of the automotive industry, especially its tool sector, could mean the end of America's status as a leading world economic power; and

Whereas, while it is in the best interests of our national security to have a strong, vibrant manufacturing and industrial sector, capable of producing the necessary machinery and technology to defend the citizens of the United States and protect our interests abroad, our manufacturing and industrial sector has experienced a dramatic reduction in capacity and production over the last several decades; and

Whereas, government has an obligation to promote economic activity through the creation of new capital investment, which will result in the expansion of employment opportunities and help jump-start long-term capital investment by private investors.; and

Whereas, as government leaders, we must ensure the continued viability of our automotive and machine tool industries, which is a vital element of the State and federal economy; and

Whereas, diversification of the productive potential of the automotive and machine tool industries into a broader sector of production, coupled with a shift into the domain of essential capital goods and economic infrastructure, such as the repair, expansion, and improvement of our national railway systems, and the development of other urgently needed infrastructure projects, will save existing manufacturing jobs and create large new areas of employment in infrastructure and manufacturing for our citizenry in a manner comparable to the best of the New Deal programs that rescued the nation and the world from the ravages of the Great Depression; and

Whereas, the impact of this intervention will be to provide thousands of productive jobs in the state of New Jersey, repair our infrastructure, and create at least ten million jobs nationally, thus restoring our tax base and increasing the standard of living. Now, therefore, be it

Resolved by the Senate of the State of New Jersey:

1. The Senate of the State of New Jersey respectfully memorializes the Congress of the United States to intervene on behalf of national economic interests to ensure that the productive potential of the automobile industry, with its featured technology and machine tool capability, be protected.

2. The Senate of the State of New Jersey respectfully memorializes the Congress of the United States to intervene to vastly expand the construction and maintenance of infrastructure projects and related industries.

3. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to each member of New Jersey's congressional delegation and to the Speaker and Clerk of the United States House of Representatives, Washington, D.C. and the President and Secretary of the United States Senate, Washington, D.C.

POM–8. A resolution adopted by the Senate of the State of Michigan memorializing the Congress to assist Michigan in rebuilding the State's economy, in light of Michigan's high rate of unemployment and pressures on the State's Unemployment Trust Fund; to the Committee on Finance.

SENATE RESOLUTION NO. 232

Whereas, our nation is facing an economic crisis, the depth and breath of which has not been seen in decades. With Michigan's historic connection to the automotive industry, the Great Lakes State's economic struggles have been a precursor to the nation's economic maelstrom. Michigan has the nation's highest unemployment rate and has lost 538,000 jobs since 2000. Clearly, federal assistance is necessary to help Michigan restart its economic engine and help drive the national economy back to full recovery. Given the severity of Michigan's economic downturn, the state should be given priority when distributing stimulus dollars to spur economic growth in our country; and

Whereas, indeed, Michigan is now at a tipping point between economic despair and recovery. Technological innovation and business reforms and efficiencies adopted in response to Michigan's ''one-state recession'' are already paying dividends. However, the national economy and numerous federal policies have continued to negatively impact our state's ability to pull itself up by its bootstraps. Chief among these are Michigan's longtime status as a donor state for federal highway funding dollars and the relative lack of federal public works and defense investment in this state; and

Whereas, Congress could be of great assistance in our state's economic redevelopment efforts, in particular, temporarily suspending the federal match for highway infrastructure investment, improving the state's share of federal highway funding so Michigan is no longer a donor state, and giving greater weight to Michigan firms in contracting would provide an immediate stimulus to our stagnant state economy. Moreover, longer term efforts such as creating tax-free state economic recovery zones; reducing taxation on innovation, production, and investment; allowing states to designate certain areas of the state as exempt from federal corporate taxes capped at $1 billion per year; enhancing investment tax credit availability; and targeting federal infrastructure investment to those states with the highest rates of unemployment would help provide economic stability where it is needed the most; now, therefore, be it

Resolved by the Senate, that we hereby memorialize the Congress of the United States to assist Michigan in rebuilding the state's economy, in light of unemployment and pressures on the state's Unemployment Trust Fund; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–9. A report from a law enforcement office relative to the Open Government Sunset Review Act; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. LANDRIEU, from the Committee on Small Business and Entrepreneurship, without amendment:

S. Res. 50. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself and Mr. GRASSLEY):

S. 434. A bill to amend title XIX of the Social Security Act to improve the State plan amendment option for providing home and community-based services under the Medicaid program, and for other purposes; to the Committee on Finance.

By Mr. CASEY (for himself and Ms. SNOWE):

S. 435. A bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives; to the Committee on the Judiciary.

By Mr. CORNYN:

S. 436. A bill to amend title 18, United States Code, to protect youth from exploitation by adults using the Internet, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. WYDEN, Mr. CRAPO, Mr. MARTINEZ, and Ms. LANDRIEU):

S. 437. A bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases; to the Committee on Finance.

By Mr. WHITEHOUSE:

S. 438. A bill to provide for the voluntary development by States of qualifying best practices for health care and to encourage such voluntary development by amending titles XVIII and XIX of the Social Security Act to provide differential rates of payment favoring treatment provided consistent with qualifying best practices under the Medicare and Medicaid programs, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:

S. 439. A bill to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian-owned business enterprises, to stimulate the development of the private sector of Indian tribal economies, and for other purposes; to the Committee on Indian Affairs.

By Mr. SPECTER (for himself and Mr. LEAHY):

S. 440. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with civil claim awards; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself, Mr. FEINGOLD, Mr. LEAHY, Mr. SANDERS, Mr. TESTER, and Ms. STABENOW):

S. 441. A bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the cost of care in the health care system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself and Ms. SNOWE):

S. 442. A bill to impose a limitation on lifetime aggregate limits imposed by health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 443. A bill to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes; to the Committee on Indian Affairs.

By Mr. WHITEHOUSE:

S. 444. A bill to provide for the establishment of a health information technology and

privacy system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself, Ms. LANDRIEU, Mr. CARPER, Mr. KERRY, Mrs. MCCASKILL, and Mr. COCHRAN):

S. 445. A bill to provide appropriate protection to attorney-client privileged communications and attorney work product; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. GRASSLEY, Mr. DURBIN, Mr. SCHUMER, Mr. FEINGOLD, and Mr. CORNYN):

S. 446. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 447. A bill to amend the Commodity Exchange Act to prevent excessive price speculation with respect to energy and agricultural commodities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER (for himself, Mr. SCHUMER, Mr. LUGAR, and Mr. GRAHAM):

S. 448. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. LIEBERMAN, and Mr. SCHUMER):

S. 449. A bill to protect free speech; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Ms. STABENOW, Mr. TESTER, Mr. CONRAD, Mr. JOHNSON, and Mr. SCHUMER):

S. 450. A bill to understand and comprehensively address the oral health problems associated with methamphetamine use; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 49. A resolution to express the sense of the Senate regarding the importance of public diplomacy; to the Committee on Foreign Relations.

By Ms. LANDRIEU:

S. Res. 50. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship; from the Committee on Small Business and Entrepreneurship; to the Committee on Rules and Administration.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. DURBIN, and Mr. WHITEHOUSE):

S. Con. Res. 7. A concurrent resolution honoring and remembering the life of Lawrence ''Larry'' King; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 259

At the request of Mr. BOND, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 259, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 311

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 311, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 332

At the request of Mrs. FEINSTEIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 358

At the request of Mr. CORNYN, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oregon (Mr. WYDEN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 358, a bill to ensure the safety of members of the United States Armed Forces while using expeditionary facilities, infrastructure, and equipment supporting United States military operations overseas.

S. 421

At the request of Mr. SPECTER, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Oregon (Mr. WYDEN), the Senator from Kansas (Mr. ROBERTS) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 421, a bill to impose a temporary moratorium on the phase out of the Medicare hospice budget neutrality adjustment factor.

S. 427

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 427, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. 433

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 433, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Mr. GRASSLEY):

S. 434. A bill to amend title XIX of the Social Security Act to improve the State plan amendment option for providing home and community-based services under the Medicaid program, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, every day millions of Americans are faced with significant challenges when it comes to meeting their own personal needs or caring for a loved one who needs substantial support. Many elderly Americans and individuals of all ages with disabilities need long-term services and supports, such as assistance with dressing, bathing, preparing meals, and managing chronic conditions. They prefer to live and work in their community, and it is time that the Federal Government and states act as better partners to provide improved access to home and community-based long-term care services, HCBS.

The Medicaid program, administered by the States but jointly financed with the Federal Government, is our nation's largest payer for long-term care services. Medicaid spends about $100 billion per year on long-term services. Despite recognizing that per person spending is much lower in community settings, and that people generally prefer community services, Medicaid still spends 61 percent of its long-term services spending in institutional settings. This disparity is due, in large part, to a strong access and payment bias in the program for institutional care.

Where Medicaid does offer HCBS, it is often in short supply, with more than 280,000 Medicaid beneficiaries on waiting lists for HCBS waiver services. Further, eligibility for HCBS waiver services requires beneficiaries to already have a very significant level of disability before gaining access, and they must meet a level of functional need that qualifies them for a nursing home. This not only contributes to the unmet needs of those in the community but it also prevents states from providing services that can help prevent beneficiaries from one day requiring high-cost institutional care. While institutionalized care may be an appropriate choice for some, it should be just that: a choice that individuals and families are allowed to make about the most appropriate setting for their own care.

The result of Medicaid's ''institutional bias'' is that, according to the Georgetown Health Policy Institute, ''one in five persons living in the community with a need for assistance from others has unmet needs, endangering their health and demeaning their quality of life.'' This is simply unacceptable.

The lack of long-term care options available to families has a significant impact on their lives. Many of my constituents are affected, as are countless Americans across the country. Take

the parents living in Newton who continue to wait for their physically disabled daughter, Julia, to have the opportunity to live independently. Julia is a young adult and instead of starting out on her own, she must watch as her peers move away and begin their independent lives—something she yearns to do as well. Growing up, Julia was able to attend Newton schools and keep a similar schedule to other children in the community but now has limited social interaction, as there is no other option but to live at home with her parents. Julia's parents are her full time caregivers and would like to see her able to live in an environment more conducive to both her needs and their own. Community-based care or home-based care in an apartment she could share with a roommate are options Julia and her parents would mutually benefit from. As the opportunities for the future grow for her peers, Julia's options continue to shrink because housing and home-based supports for adults with disabilities are limited at best. I have heard many stories similar to that of Julia, which emphasizes the urgency in which HCBS is needed. In addition to individual lives being put on hold, entire families must deal with the consequences of inadequate services available to their family members.

Access to HCBS affects individuals in all stages of life, including Americans dealing with conditions such as Alzheimer's. Take Ann Bowers and Jay Sweatman for example. Without access to HCBS services, Jay, who suffers from early onset Alzheimer's, was forced to first move into assisted living and then a nursing home. By the time Jay was approved for HCBS it was too late and he was no longer able to live independently. Ann had worked tirelessly to coordinate her husband's care and get additional HCBS support but the process was so difficult that by the time help came, it was simply too late. This is just one case of many where early HCBS intervention would have not only saved time, money, and stress for family members, but would have made a significant impact on the quality of life and personal independence for Jay and Ann.

Today I am introducing, with my colleague from the Finance Committee, Senator GRASSLEY, the Empowered at Home Act, a bill that increases access to home and community-based services by giving states new tools and incentives to make these services more available to those in need. It has four basic parts.

First, it will improve the Medicaid HCBS State Plan Amendment Option by giving states more flexibility in determining eligibility for which services they can offer under the program, which will create greater options for individuals in need of long-term supports. In return we ask that states no longer cap enrollment and that services be offered throughout the entire state.

Second, the bill ensures that the same spousal impoverishment protections offered for new nursing home beneficiaries will be in place for those opting for home and community-based services. In addition, low-income recipients of home and community-based services will be able to keep more of their assets when they become eligible for Medicaid, allowing them to stay in their community as long as possible.

Third, the Empowered at Home Act addresses the financial needs of spouses and family members caring for a loved one by offering tax-related provisions to support family caregivers and promotes the purchase of meaningful private long-term care insurance.

Finally, the bill seeks to improve the overall quality of home and community-based services available by providing grants for states to invest in organizations and systems that can help to ensure a sufficient supply of high quality workers, promote health, and transform home and community-based care to be more consumer-centered.

I want to say a word about the Community Choice Act, legislation long-championed by Senator HARKIN that would make HCBS a mandatory benefit in Medicaid. I am a strong supporter and co-sponsor of this landmark legislation, and look forward to working for its enactment as soon as possible. The legislation I am introducing today seeks to supplement—not supplant—the Community Choice Act by increasing access to HCBS for those who are disabled but not at a sufficient level of need to qualify for nursing home services. These two complimentary bills will finally make HCBS a right while vastly improving HCBS availability to vulnerable citizens of varying levels of disability.

I would also like to thank a number of organizations who have been integral to the development of the Empowered at Home Act and who have endorsed it today, including the National Council on Aging, the American Association of Retired Persons, AARP, the Arc of the United States, United Cerebral Palsy, the American Association of Homes and Services for the Aging, the Alzheimer's Association, the National Association of Area Agencies on Aging, the American Geriatrics Society, ANCOR, the Trust for America's Health, and SEIU.

Improving access to a range of long-term care services for the elderly and Americans of all ages with disabilities is an issue that must not stray from our Nation's health care priorities. I believe this legislation can move forward in a bi-partisan manner to dramatically improve access to high-quality home and community-based care for the millions of Americans who are not receiving the significant supports and services they need.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague Senator KERRY today to re-introduce the Empowered at Home Act for the 111th Congress. This bill is a continuation of efforts that I undertook in 2005 and again in 2008 to improve access to home and community based services for those needing long-term care. This is an important piece of legislation that continues our efforts to make cost-effective home and community based care options more available to those who need it.

In 2005, I introduced the Improving Long-term Care Choices Act with Senator BAYH. That legislation set forth a series of proposals aimed at improving the accessibility of long-term care insurance and promoting awareness about the protection that long-term care insurance can offer. It also sought to broaden the availability of the types of long-term care services such as home and community-based care, which many people prefer to institutional care.

The year 2005 ended up being a very important year for health policy as it relates to Americans who need extensive care. In the Deficit Reduction Act of 2005, Congress passed into law the Family Opportunity Act, the Money Follows the Person initiative, and many critical pieces of the Improving Long-term Care Choices Act. With the bill I am re-introducing today with Senator KERRY, I hope to set us on the path to completing the work we started in 2005 and continued in 2008.

Making our long-term care system more efficient is a critical goal as we consider the future of health care. There are more than 35 million Americans, roughly 12 percent of the U.S. population, over the age of 65. This number is expected to increase dramatically over the next few decades as the baby boomers age and life expectancy increases. According to the U.S. Administration on Aging, by the year 2030, there will be more than 70 million elderly persons in the United States. As the U.S. population ages, more and more Americans will require long-term care services.

The need for long-term care will also be affected by the number of individuals under the age of 65 who may require a lifetime of care. Currently, almost half of all Americans who need long-term care services are individuals with disabilities under the age of 65. This number includes over 5 million working-age adults and approximately 400,000 children.

Long-term care for elderly and disabled individuals, including care at home and in nursing homes, represents almost 40 percent of Medicaid expenditures. Contrary to general assumptions, it is Medicaid, not Medicare that pays for the largest portion of long-term care for the elderly. Over 65 percent of Medicaid long-term care expenditures support elderly and disabled

individuals in nursing facilities and institutions. Although most people who need long-term care prefer to remain at home, Medicaid spending for long-term care remains heavily weighted toward institutional care.

Section 6086 of the Deficit Reduction Act of 2005, DRA, P.L. 109–171, was based on the Improving Long-term Care Choices Act. The DRA provision authorized a new optional benefit under Medicaid that allows states to extend home and community-based services to Medicaid beneficiaries under the section 1915(i) Home and Community-Based Services State Option. Under this authority, states can offer Medicaid-covered home and community-based services under a state's Medicaid plan without obtaining a section 1915(c) home and community-based waiver. Eligibility for these section 1915(i) services may be extended only to Medicaid beneficiaries already enrolled in the program whose income does not exceed 150 percent of the Federal poverty level.

To date, only one State, my own state of Iowa, has sought to take advantage of the provision authorized through the DRA. While we had hoped far more states would participate, we know that the relatively low income cap, 150 percent, in the DRA provision creates an administrative complexity that has not made the option appealing for states.

The bill we are re-introducing today mirrors the one we introduced in 2008 during the 110th Congress. In this bill, the income eligibility standard would be raised for access to covered services under section 1915(i) to persons who qualify for Medicaid because their income does not exceed a specified level established by the state up to 300 percent of the maximum Supplemental Security Income, SSI, payment applicable to a person living at home. This will significantly increase the number of people eligible for these services. States will be able to align their institutional and home and community-based care income eligibility levels.

The bill would also establish two new optional eligibility pathways into Medicaid. These groups would be eligible for section 1915(i) home and community-based services as well as services offered under a state's broader Medicaid program. Under this bill, states with an approved 1915(k) state plan amendment would have the option to extend Medicaid eligibility to individuals: who are not otherwise eligible for medical assistance; whose income does not exceed 300 percent of the supplemental security income benefit rate; and who would satisfy state-established needs-based criteria based upon a state's determination that the provision of home and community-based services would reasonably be expected to prevent, delay, or decrease the need for institutionalized care. Under this new eligibility pathway, states could choose to either limit Medicaid benefits to those home and community-based services offered under section 1915(k) or allow eligibles to access services available under a state's broader Medicaid program in addition to the 1915(k) benefits. These changes will give the states the option of exploring the use of an interventional use of home and community-based services. If states have the flexibility to provide the benefit as contemplated in the bill, they can try to delay the need for institutional care and keep people in their homes longer.

As the number of Americans reaching retirement age grows proportionally larger, ultimately the number of Americans needing more extensive care will grow. Many of these Americans will look to Medicaid for assistance. States need more tools to provide numerous options to people in need so that they can stay in their own homes as long as possible.

The cost of providing long-term care in an institutional setting is far more expensive care than providing care in the home. States will benefit from having options before them that allow them to keep people appropriately in home settings longer. The more States learn how to use those tools, the more States and ultimately the Federal taxpayer will benefit from reduced costs for institutional care.

I am also pleased that this bill will include key provisions from S. 2337, the Long-Term Care Affordability and Security Act of 2007. The bill includes important tax provisions that I introduced in previous Congresses as well, the Improving Long-term Care Choices Act of 2005, introduced in the 109th Congress.

Research shows that the elderly population will nearly double by 2030. By 2050, the population of those aged 85 and older will have grown by more than 300 percent. Research also shows that the average age at which individuals need long-term care services, such as home health care or a private room at a nursing home, is 75. Currently, the average annual cost for a private room at a nursing home is more than $75,000. This cost is expected to be in excess of $140,000 by 2030.

Based on these facts, we can see that our nation needs to prepare its citizens for the challenges they may face in old-age. One way to prepare for these challenges is by encouraging more Americans to obtain long-term care insurance coverage. To date, only 10 percent of seniors have long-term care insurance policies, and only 7 percent of all private-sector employees are offered long-term care insurance as a voluntary benefit.

Under current law, employees may pay for certain health-related benefits, which may include health insurance premiums, co-pays, and disability or life insurance, on a pre-tax basis under cafeteria plans and flexible spending arrangements, FSAs. Essentially, an employee may elect to reduce his or her annual salary to pay for these benefits, and the employee doesn't pay taxes on the amounts used to pay these costs. Employees, however, are explicitly prohibited from paying for the cost of long-term care insurance coverage tax-free.

Our bill would allow employers, for the first time, to offer qualified long-term care insurance to employees under FSAs and cafeteria plans. This means employees would be permitted to pay for qualified long-term care insurance premiums on a tax-free basis. This would make it easier for employees to purchase long-term care insurance, which many find unaffordable. This should also encourage younger individuals to purchase long-term care insurance. The younger the person is at the time the long-care insurance contract is purchased, the lower the insurance premium.

Our bill also allows an individual taxpayer to deduct the cost of their long-term care insurance policy. In other words, the individual can reduce their gross income by the premiums that they pay for a long-term care policy, and therefore, pay less in taxes. This tax benefit for long-term care insurance should encourage more individuals to purchase these policies. It certainly makes a policy more affordable, especially for younger individuals. This would allow a middle-aged taxpayer to start planning for the future now.

Finally a provision that is included in our bill that I am really pleased with is one that provides a tax credit to long-term caregivers. Long-term caregivers could include the taxpayer him- or herself. Senator KERRY and I recognize that these taxpayers—who have long-term care needs, yet are taking care of themselves—should be provided extra assistance. Also, taxpayers taking care of a family member with long-term care needs would also be eligible for the tax credit. These taxpayers should be given a helping hand. As our population continues to age, the least that we can do is provide a tax benefit for these struggling individuals.

By Mr. SPECTER (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. WYDEN, Mr. CRAPO, Mr. MARTINEZ, and Ms. LANDRIEU):

S. 437. A bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases; to the Committee on Finance.

Mr. SPECTER. Mr. President, I seek recognition to introduce legislation to amend Section 162 of the Internal Revenue Code to permit attorneys to deduct expenses and court costs incurred on behalf of contingency fee clients as

an ordinary and necessary business expense in the year such expenses are sustained. I introduced the same legislation in the 110th Congress, and the bill attracted bipartisan support. My bill simply clarifies the law to make certain that attorneys who take on contingency fee cases are able to enjoy the same tax benefits as virtually every other small business in the country.

Contingency agreements between attorneys and clients are very common in personal injury, medical malpractice, product liability, Social Security disability, workers compensation, civil liberties, and employment cases. Under these agreements, an attorney pays all out-of-pocket costs associated with a case before any conclusion to the case. Such expenses include costs for expert witnesses, depositions, medical records, and court fees. Contingency agreements have numerous benefits to clients; in particular, indigent individuals who might otherwise be unable to afford legal services.

The obvious benefit to clients of contingency fee arrangements is that they do not have to incur out-of-pocket expenses for attorneys' fees. This may be particularly valuable to clients who do not have the ability to pay attorneys by the hour to advance their case. The arrangement also benefits the client by effectively spreading the risk of litigation. An hourly-rate payment agreement requires the client to assume all of the risk because the attorneys' fees are a sunk cost. However, under a contingent-fee arrangement, the attorney shares that risk and is only paid a fee if he wins the case or obtains a settlement.

Currently, the Internal Revenue Service, IRS, treats expenses and court costs on behalf of contingency clients as loans to the client. As a result, the IRS does not permit any deduction by the attorney until the litigation is resolved, sometimes many years after the attorney has incurred the expenses on behalf of their client. The IRS treats the expenses and court costs as a loan despite the fact that no interest is charged and the lawyer only recoups costs if the case is won or settled. Not only is the IRS's position illogical, but it is contrary to a ruling by the United States Court of Appeals for the 9th Circuit.

In Boccardo v. Commissioner, 56 F.3d 1016, 9t Cir. 1995, the 9th Circuit held that because the firm had a ''gross fee'' contract with the client, the firm incurred ordinary and necessary business expenses in the payment of costs and charges in connection with its clients' litigation. Consequently, litigation costs such as filing fees, witness fees, travel expenses, and medical consultation fees were deductible as ordinary and necessary business expenses in the year the costs were incurred on behalf of the clients. In a ''gross fee'' contract, the client is only obligated to pay their attorney a percentage of the amount recovered and is not expressly responsible for specific repayment of costs. While the Boccardo court contrasted ''gross fee'' contracts with ''net fee'' contracts, such a distinction is trivial for tax purposes. In both agreements, the attorney takes a considerable business risk to incur significant costs on behalf of a client and only recoups the expenses if a recovery is won.

Despite the Boccardo court's ruling in favor of attorneys, the IRS continues to treat the out-of-pocket costs related to contingency fee cases as loans. Lawyers who make the decision to deduct these costs are exposed to potential audit and litigation. Over the past 13 years, taxpayers have had to proceed at their own peril—Ninth Circuit taxpayers risk a conflict with the IRS on this matter despite the case law, and taxpayers outside of the Ninth Circuit have no guidance at all since they cannot directly rely on Boccardo.

My bill reverses an unfair IRS position by treating these businesses the same as all other small businesses. It does so by allowing attorneys with contingency fee clients to deduct their expenses and costs in the year that they are paid. My legislation does not give attorneys anything above and beyond that which is currently enjoyed by virtually every other small business in our country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION OF ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.

(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

''(q) ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.—There shall be allowed as a deduction under this section any expenses and court costs paid or incurred by an attorney the repayment of which is contingent on a recovery by judgment or settlement in the action to which such expenses and costs relate. Such deduction shall be allowed in the taxable year in which such expenses and costs are paid or incurred by the taxpayer.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses and costs paid or incurred after the date of the enactment of this Act, in taxable years beginning after such date.

By Mr. INOUYE:

S. 439. A bill to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian-owned business enterprises, to stimulate the development of the private sector of Indian tribal economies, and for other purposes; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I rise today to introduce a bill to establish an Indian Development Finance Corporation as an independent, Federally-chartered corporation that is modeled after the family of Development Banks established by the World Bank in lesser-developed countries around the world.

Mr. President, in my more than 30 years of service on the U.S. Senate Committee on Indian Affairs, I have visited many Indian communities and Alaska Native villages, and I have seen that in many parts of Indian country, there are economic and social conditions that are as dire as those conditions found in the so-called ''lesser developed countries'' around the world. And although we have seen some economic success in recent years across Native America as a result of the Indian Gaming Regulatory Act, most Indian tribes and Native villages are not engaged in the conduct of gaming, nor have tribal governments found the means to overcome the challenges associated with their remote locations from populations centers and market places that serve the commercially-successful tribal gambling operations.

In those rurally-isolated areas, there is real potential to succeed in developing viable local economies based on agricultural and fishery resources, and the development of the vast energy resources that are located on Indian lands. What these Native communities need is the type of development financing services that the World Bank has successfully established—institutions empowered to make small, leveraged capital investments and economic infrastructure development to support tailored industrial programs, internet-based communication services, national and international trade agreements, and economic research capabilities. An Indian Development Finance Corporation could provide these kinds of services through a network of centers that would be based in Indian Country.

Under this bill, the Corporation would be authorized to issue 500,000 shares of common stock at $50 per share to every Tribal Nation in Indian Country and Alaska. The Corporation would be managed by a Board elected by the Tribal shareholders and the Board would be charged with hiring a President and a team of managers as well as set operating policies. Seed capital would be injected into the Indian Development Finance Corporation (IDFC) by the U.S. Treasury in exchange for the issuance of capital stock. Initially, $20 million in start-up funds would be invested and after the

majority of common stock was purchased by tribes, another $80 million would be authorized.

I believe that the IDFC can take advantage of opportunities to integrate the economic stimulus activities soon to be created by the American Recovery and Reinvestment Act, and. I am confident that there will be support forthcoming from those tribal governments and Alaska Native corporations that have the resources to invest in the economic infrastructure initiatives that will be established by the IDFC in this period of our greatest need.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Indian Development Finance Corporation Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—Congress finds that—

(1) a special relationship has existed between the United States and Indian tribes, which is recognized in clause 3 of section 8 of article I of the Constitution of the United States;

(2) pursuant to laws, treaties, and administrative authority, Congress has implemented activities to fulfill the responsibility of the United States for the protection and preservation of Indian tribes and tribal resources;

(3) despite the availability of abundant natural resources on Indian land and a rich cultural legacy that places great value on self-determination, self-reliance, and independence, Indians and Alaska Natives experience poverty and unemployment, together with associated incidences of social pathology, to an extent unequaled by any other group in the United States;

(4)(A) the reasons for that poverty and unemployment have been widely studied and documented by Congress, the Government Accountability Office, the Department of the Interior, private academic institutions, and Indian tribes; and

(B) the studies described in subparagraph (A) have consistently identified as fundamental obstacles to balanced economic growth and progress by Indians and Alaska Natives—

(i) the very limited availability of long-term development capital and sources of financial credit necessary to support in Indian country the development of a private sector economy comprised of Indian-owned business enterprises;

(ii) the lack of effective control by Indians over their own land and resources; and

(iii) the scarcity of experienced Indian managers and technicians;

(5) previous efforts by the Federal Government directed at stimulating Indian economic development through the provision of grants, direct loans, loan guarantees, and interest subsidies have fallen far short of objectives due to—

(A) inadequate funds;

(B) lack of coordination;

(C) arbitrary project selection criteria;

(D) politicization of the delivery system; and

(E) other inefficiencies characteristic of a system of publicly administered financial intermediation; and

(6) the experience acquired by multilateral lending institutions among ''lesser-developed countries'' has demonstrated the value and necessity of development financial institutions in achieving economic growth in underdeveloped economies and societies that are strikingly similar to Indian and Alaska Native communities in relation to matters such as—

(A) control over natural resource management;

(B) the absence of experienced, indigenous managers and technicians; and

(C) the availability of long-term development capital and private sources of financial credit.

(b) POLICY.—It is the policy of the United States that, in fulfillment of the special and long-standing responsibility of the United States to Indian tribes, the United States should provide assistance to Indians in efforts to break free from the devastating effects of extreme poverty and unemployment and achieve lasting economic self-sufficiency through the development of the private sector of tribal economies by establishing a federally chartered, mixed-ownership development financing institution to provide a broad range of financial intermediary services (including working capital, direct loans, loan guarantees, and project development assistance) using the proven efficiencies of the private market mode of operation.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' means the Board of Directors of the Corporation.

(2) CORPORATION.—The term ''Corporation'' means the Indian Development Finance Corporation established by section 101(a).

(3) INDIAN.—The term ''Indian'' means an individual who is a member of an Indian tribe.

(4) INDIAN BUSINESS ENTERPRISE.—

(A) IN GENERAL.—The term ''Indian business enterprise'' means any commercial, industrial, or business entity—

(i) at least 51 percent of which is owned by 1 or more Indian tribes;

(ii) that produces or provides goods, services, or facilities on a for-profit basis;

(iii) that is chartered or controlled by an Indian tribe or tribal organization that is a [shareholder/member] of the Corporation;

(iv) the principal place of business of which is located within or adjacent to the boundaries of a reservation; and

(v) the principal business activities of which, in addition to the production of a stream of income, as determined by the Corporation—

(I) are directly beneficial to an Indian tribe; and

(II) contribute to the economy of that Indian tribe.

(B) INCLUSION.—The term ''Indian business enterprise'' includes any subsidiary entity owned and controlled by an entity described in subparagraph (A).

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) RESERVATION.—The term ''reservation'' has the meaning given the term in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) TRIBAL ORGANIZATION.—The term ''tribal organization'' means—

(A) the governing body of an Indian tribe; and

(B) any entity established, controlled, or owned by such a governing body.

TITLE I—INDIAN DEVELOPMENT FINANCE CORPORATION

SEC. 101. ESTABLISHMENT OF CORPORATION.

(a) IN GENERAL.—There is established a corporation, to be known as the ''Indian Development Finance Corporation''.

(b) POWERS OF CONGRESS.—Congress shall have the sole authority—

(1) to amend the charter of the Corporation; and

(2) to terminate the Corporation.

SEC. 102. DUTIES AND POWERS.

(a) DUTIES.—The Corporation shall—

(1) provide development capital through financial services under section 103;

(2) encourage the development of new and existing Indian business enterprises eligible to receive assistance from the Corporation by providing, and coordinating the availability of—

(A) long-term capital and working capital;

(B) loans, loan guarantees, and other forms of specialized credit; and

(C) technical and managerial assistance and training;

(3) maintain broad-based control of the Corporation relative to the voting shareholders of the Corporation;

(4) encourage active participation in the Corporation by Indian tribes through ownership of equity securities of the Corporation; and

(5) otherwise assist in strengthening Indian tribal economies through the development of Indian business enterprises.

(b) POWERS.—In carrying out this Act, the Corporation may—

(1) adopt and alter a corporate seal, which shall be judicially noticed;

(2)(A) enter into agreements and contracts with individuals, Indian tribes, and private or governmental entities; and

(B) make payments or advance payments under those agreements and contracts without regard to section 3324 of title 31, United States Code, except that the Corporation shall provide financial assistance only in accordance with this Act;

(3) with respect to any real, personal, or mixed property (or any interest in such property)—

(A) lease, purchase, accept gifts or donations of, or otherwise acquire the property;

(B) own, hold, improve, use, or otherwise deal in or with the property; and

(C) sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of the property;

(4)(A) sue and be sued in corporate name;

(B) complain and defend in any court of competent jurisdiction; and

(C) represent itself, or contract for representation, in any judicial, legal, or other proceeding;

(5)(A) with the approval of the department or agency concerned, make use of the services, facilities, and property of any board, commission, independent establishment, or Federal department or agency in carrying out this Act; and

(B) pay for that use, with the payments to be credited to the applicable appropriation that incurred the expense;

(6) use the United States mails on the same terms and conditions as a Federal department or agency;

(7) obtain insurance or make other provisions against losses;

(8) participate with 1 or more other financial institutions, agencies, instrumentalities, trusts, or foundations in loans or guarantees provided under this Act on such terms as may be agreed on;

(9) accept guarantees from other agencies for which loans made by the Corporation may be eligible;

(10) establish, as soon as practicable, regional offices to more efficiently serve the widely disbursed Indian population;

(11) buy and sell—

(A) obligations of, or instruments insured by, the Federal Government; and

(B) securities backed by the full faith and credit of any Federal department or agency;

(12) make such investments as the Board determines to be appropriate;

(13) establish such offices within the Corporation as are necessary, including—

(A) project development;

(B) project evaluation and auditing;

(C) fiscal management;

(D) research and development; and

(E) such other activities as are authorized by the Board; and

(14) exercise all other authority necessarily or reasonably relating to the establishment of the Corporation to carry out this Act.

SEC. 103. LOANS AND OBLIGATIONS.

(a) IN GENERAL.—The Corporation may—

(1) make loans or commitments for loans to any Indian business enterprise; and

(2) purchase, insure, or discount any obligation of an Indian business enterprise, if the Indian business enterprise meets the requirements of subsection (b).

(b) REQUIREMENTS.—An Indian business enterprise meets the requirements of this subsection if the Corporation determines that—

(1) the Indian business enterprise has or will have—

(A) a sound organizational and financial structure;

(B) income in excess of the operating costs of the Indian business enterprise;

(C) assets in excess of the obligations of the Indian business enterprise; and

(D) a reasonable expectation of continuing demand for—

(i) the products, goods, commodities, or services of the Indian business enterprise; or

(ii) the facilities of the Indian business enterprise; and

(2) the loan or obligation proposed to be purchased, insured, or discounted will be fully repayable by the Indian business enterprise in accordance with the terms and conditions of the loan or obligation.

(c) TERMS, RATES, AND CHARGES.—

(1) IN GENERAL.—In establishing the terms, rates, and charges for a loan provided under this section, the Corporation, to the maximum extent practicable, shall seek to provide the type of credit needed by the applicable Indian business enterprise at the lowest reasonable cost and on a sound business basis, taking into consideration—

(A) the cost of money to the Corporation;

(B) the necessary reserve and expenses of the Corporation; and

(C) the technical and other assistance attributable to loans made available by the Corporation under this section.

(2) INTEREST RATES.—The terms of a loan under this subsection may provide for an interest rate that varies from time to time during the repayment period of the loan in accordance with the interest rates being charged by the Corporation for new loans during those periods.

(d) ADVANCING AND RELOANING.—A loan provided under this section may be advanced or reloaned by the Corporation to any member or shareholder of the Corporation for the development of an individually owned business on or adjacent to a reservation, in accordance with the bylaws of the Corporation.

(e) LOAN GUARANTEES.—

(1) IN GENERAL.—The Corporation may guarantee any part of the principal or interest of a loan that is provided—

(A) by a State-chartered or federally chartered lending institution to an Indian business enterprise that meets the requirements of subsection (b); and

(B) in accordance with such terms and conditions (including the rate of interest) as would be permissible if the loan was a direct loan provided by the Corporation.

(2) CHARGES.—The Corporation may impose a charge for a loan guarantee provided under this subsection.

(3) LIMITATION.—The Corporation shall not provide a loan guarantee under this subsection if the income to the lender from the applicable loan is excludable from the gross income of the lender for purposes of chapter 1 of the Internal Revenue Code of 1986.

(4) ASSIGNABILITY.—A loan guarantee under this subsection shall be assignable to the extent provided in the contract for the loan guarantee.

(5) INCONTESTABILITY.—A loan guarantee under this subsection shall be incontestable, except in any case of fraud or misrepresentation of which the holder of the loan had actual knowledge at the time the holder acquired the loan.

(6) PURCHASE OF GUARANTEED LOANS.—

(A) IN GENERAL.—In lieu of requiring the original lender to service a loan guaranteed under this subsection until final maturity or liquidation, the Corporation may purchase the guaranteed loan without penalty, if the Corporation determines that—

(i) the purchase would not be detrimental to the interests of the Corporation;

(ii) liquidation of the guaranteed loan would—

(I) result in the insolvency of the borrower; or

(II) deprive the borrower of an asset essential to continued operation; and

(iii)(I) the guaranteed loan will be repayable on revision of the rates, terms, payment periods, or other conditions of the loan, consistent with loans made by the Corporation under subsection (a)(1); but

(II) the lender or other holder of the guaranteed loan is unwilling to make such a revision.

(B) AMOUNT.—The amount paid by the Corporation to purchase a loan under subparagraph (A) shall not exceed an amount equal to the sum of—

(i) the balance of the principal of the loan; and

(ii) the amount of interest accrued on the loan as of the date of purchase.

(f) PURCHASES OF EQUITY AND OWNERSHIP; SUPERVISION AND PARTICIPATION.—

(1) PURCHASES OF EQUITY AND OWNERSHIP.—For purposes of providing long-term capital and working capital to Indian business enterprises, the Corporation may purchase, or make commitments to purchase, any portion of the equity or ownership interest in the Indian business enterprise if the Corporation determines, after a full and complete appraisal of all project and business plans associated with the investment, that the investment will not expose the Corporation to any unreasonable business risk, taking into consideration applicable development finance standards, as applied to Indian economic development in light of the socioeconomic, political, and legal conditions unique to reservations.

(2) SUPERVISION AND PARTICIPATION.—The Corporation may supervise or participate in the management of an Indian business enterprise in which an investment has been made under paragraph (1), in accordance with such terms and conditions as are agreed to by the Corporation and the Indian business enterprise, including the assumption of a directorship in the corporate body of the Indian business enterprise by an officer of the Corporation.

SEC. 104. BOARD OF DIRECTORS.

(a) MEMBERSHIP.—The Corporation shall be headed by a board of directors, to be composed of 21 members, of whom—

(1) 1 shall be a Federal official, to be appointed by the Secretary;

(2) 19 shall be representatives of the shareholders of the Corporation, to be appointed by the Secretary—

(A) based on consultation with, and recommendations from, Indian tribes;

(B) in accordance with subsection (b); and

(C) taking take into consideration the experience of a representative regarding—

(i) private business enterprises; and

(ii) development or commercial financing; and

(3) 1 shall be the president of the Corporation.

(b) APPOINTMENT OF SHAREHOLDER REPRESENTATIVES.—The initial members of the Board appointed under subsection (a)(2) shall be appointed by the Secretary, based on recommendations from Indian tribal leaders.

(c) TERMS OF SHAREHOLDER REPRESENTATIVES.—The terms of service of the initial members of the Board appointed under subsection (a)(2) shall terminate at the beginning of the first annual meeting of shareholders of the Corporation held as soon as practicable after the date on which subscriptions have been paid for at least 10 percent of the common stock of the Corporation initially offered for sale to Indian tribes under section 201(b).

(d) VACANCIES.—

(1) IN GENERAL.—Subject to paragraph (2), a vacancy on the Board resulting from the resignation or removal of a member of the Board shall be filled by the Board in accordance with the bylaws of the Corporation.

(2) TERM.—The term of service of a member of the Board appointed under paragraph (1) shall terminate at the beginning of the next annual shareholder meeting of the Corporation occurring after the date of appointment.

(e) REMOVAL.—A member of the Board may be removed from office by the Board only for—

(1) neglect of duty; or

(2) malfeasance in office.

(f) ADMINISTRATIVE DUTIES.—

(1) CHAIRPERSON AND VICE-CHAIRPERSON.—The Board shall annually elect from among the members of the Board described in [subsection (a)(2)] a chairperson and vice-chairperson.

(2) POLICIES AND MANAGEMENT.—The Board shall—

(A) establish the policies of the Corporation; and

(B) supervise the management of the Corporation.

(3) BYLAWS.—The Board shall adopt and amend, as necessary, such bylaws as are necessary for the proper management and function of the Corporation.

(4) MEETINGS.—

(A) IN GENERAL.—The Board shall meet at the call of the chairperson of the Board, in accordance with the bylaws of the Corporation, not less frequently than once each quarter.

(B) PRIVATE EXECUTIVE SESSIONS.—The Board may meet in a private executive session if the matter involved at the meeting may impinge on the right of privacy of an individual.

(g) MEMBER APPOINTED BY SECRETARY.—The member of the Board appointed by the Secretary under subsection (a)(1) shall—

(1) have 20 percent of the share of votes cast at each annual shareholder meeting; and

(2) be overruled only by ⅔ majority vote at a regular meeting of the Board with respect to any matter regarding—

(A) a request by the Board of capital under subsection (b)(3)(B) or (c)(2)(B) of section 201;

(B) borrowing by the Corporation of any amount in excess of $10,000,000;

(C) a loan or investment made by the Corporation in excess of $10,000,000; or

(D) a change to an investment or credit policy of the Corporation.

(h) COMPENSATION.—

(1) NON-GOVERNMENTAL EMPLOYEES.—A member of the Board who is not otherwise employed by the Federal Government or a State government shall receive compensation at a rate equal to the daily rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day, including traveling time, during which the member carries out a duty as a member of the Board.

(2) GOVERNMENTAL EMPLOYEES.—A member of the Board who is an officer or employee of the Federal Government or a State government shall serve without additional compensation.

(3) TRAVEL AND OTHER EXPENSES.—Each member of the Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred by the member in carrying out a duty as a member of the Board.

SEC. 105. PRESIDENT OF CORPORATION.

(a) APPOINTMENT.—The Board shall appoint a president of the Corporation.

(b) DUTIES AND POWERS.—The president shall—

(1) serve as the chief executive officer of the Corporation; and

(2) subject to the direction of the Board and the general supervision of the chairperson, carry out the policies and functions of the Corporation;

(3) manage the personnel and activities of the Corporation; and

(4) on approval of the Board, appoint and fix the compensation and duties of such officers and employees as may be necessary for the efficient administration of the Corporation, without regard to—

(A) the provisions of title 5, United States Code, governing appointments in the competitive service; or

(B) chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

SEC. 106. ANNUAL SHAREHOLDER MEETINGS.

(a) MEETINGS.—

(1) IN GENERAL.—The Corporation shall hold meetings of the shareholders of the Corporation not less frequently than once each year.

(2) OPENNESS.—A shareholder meeting under this section shall be held open to the public.

(3) NOTICE.—The Corporation shall provide to each shareholder of the Corporation a notice of each shareholder meeting under this section by not later than 30 days before the date of the meeting.

(b) ACTIVITIES.—

(1) CORPORATION.—At a shareholder meeting under this section, the Corporation—

(A) shall provide to shareholders a report describing—

(i) the activities of the Corporation during the preceding calendar year; and

(ii) the financial condition of the Corporation as in effect on the date of the meeting; and

(B) may present to the shareholders proposals for future action and other matters of general concern to shareholders and Indian business enterprises eligible to receive services of the Corporation.

(2) SHAREHOLDERS.—At a shareholder meeting under this section, a shareholder of the Corporation may—

(A) present a motion or resolution relating to any matter within the scope of this Act; and

(B) participate in any discussion relating to such a matter or any other matter on the agenda of the meeting.

(c) VOTING.—Each Indian tribe that is a member of the Corporation may vote the common stock of the Indian tribe regarding—

(1) any matter on the agenda of a meeting under this section; or

(2) any other matter relating to the election of a member of the Board.

SEC. 107. ANNUAL REPORTS; DEVELOPMENT PLAN.

(a) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the Board shall submit to the appropriate committees of Congress a report describing—

(A) the activities of the Corporation during the preceding calendar year; and

(B) the capital and financial condition of the Corporation as in effect on the date of submission of the report.

(2) INCLUSION.—Each report under paragraph (1) shall include recommendations for legislation to improve the services of the Corporation.

(b) DEVELOPMENT PLAN.—Not later than 1 year after the date of enactment of this Act, the Corporation shall submit to Congress a comprehensive, 5-year organizational development plan that includes—

(1) financial projections for the Corporation;

(2) a description of the corporate structure and locations of the Corporation; and

(3) operational guidelines for the Corporation, particularly regarding the coordinating relationship the Corporation has, or plans to have, with Federal domestic assistance programs that allocate financial resources and services to Indian tribes and reservations for economic and business development purposes.

TITLE II—CAPITALIZATION

SEC. 201. ISSUANCE OF STOCK.

(a) ISSUANCE.—

(1) IN GENERAL.—The Corporation may issue shares of stock in the Corporation, in such quantity and of such class as the Board determines to be appropriate, in accordance with this section.

(2) REQUIREMENT.—A share of stock under paragraph (1) may be issued to, and held by, only—

(A) an Indian tribe; or

(B) the Federal Government.

(3) REDEMPTION AND REPURCHASE.—The Corporation may redeem or repurchase a share of stock issued pursuant to paragraph (1) [at a price to be determined by the Board].

(b) INITIAL OFFERING OF COMMON STOCK.—

(1) IN GENERAL.—The Corporation shall make an initial offering of common stock of the Corporation to Indian tribes under this section—

(A) in a quantity of not less than 500,000 shares; and

(B) at a price of not less than $50 per share.

(2) FORM OF PAYMENT.—Of the price paid by an Indian tribe for a share of stock of the Corporation under this subsection—

(A) 20 percent shall be provided in cash or cash-equivalent securities; and

(B) 80 percent shall provided in the form of a legally binding financial commitment that is—

(i) available at the request of the Board to meet the obligations of the Corporation; but

(ii) not available for any lending activity or administrative expenses of the Corporation.

(c) SUBSCRIPTION BY SECRETARY FOR SHARES OF CAPITAL STOCK.—

(1) IN GENERAL.—The Secretary may subscribe for not more than 2,000,000 shares of capital stock of the Corporation.

(2) PAYMENTS.—

(A) INITIAL PERIOD.—Not later than 2 years after the date of enactment of this Act, the Secretary shall pay to the Corporation for subscription for capital stock under paragraph (1) not less than $20,000,000.

(B) SUBSEQUENT PERIOD.—

(i) IN GENERAL.—Beginning in fiscal year 2012, the Secretary shall pay to the Corporation for subscription for capital stock under paragraph (1)—

(I) $80,000,000; or

(II) such lesser amount as the Board may request, in accordance with clause (ii).

(ii) REQUESTS BY BOARD.—The amount of a request by the Board under clause (i)(II) shall be determined jointly by the Secretary and the Board based on an assessment of the need of the Corporation, taking into consideration a risk analysis of the investment and credit policies and practices of the Corporation.

(iii) LIMITATIONS.—A payment under this subparagraph—

(I) shall be subject to the availability of appropriations;

(II) shall be provided only as needed to meet the obligations of the Corporation; and

(III) shall not be available for any lending activity or administrative expenses of the Corporation.

(3) REQUIREMENTS.—A share of capital stock subscribed for by the Secretary under this subsection—

(A) shall be valued at not less than $50 per share;

(B) shall be nonvoting stock;

(C) shall not accrue dividends; and

(D) shall not be transferred to any individual or entity other than the Corporation.

(d) EXEMPTED SECURITIES.—A share of stock, and any other security or instrument, issued by the Corporation shall be considered

to be an exempted security for purposes of the laws (including regulations) administered by the Securities and Exchange Commission.

SEC. 202. BORROWING AUTHORITY.

(a) ISSUANCE OF OBLIGATIONS.—The Corporation may issue such bonds, notes, and other obligations at such times, bearing interest at such rates, and containing such terms and conditions as the Board, in consultation with the Secretary of the Treasury, determines to be appropriate.

(b) AMOUNT OF OBLIGATIONS.—The aggregate amount of the obligations issued pursuant to subsection (a) shall not exceed an amount equal to the sum of—

(1) the product obtained by multiplying—

(A) the sum of—

(i) the paid-in capital of the Corporation; and

(ii) the retained earnings and profits of the Corporation; and

(B) 10; and

(2) the sum of the book values of—

(A) the capital subject to request of the Board represented by the total commitments of Indian tribal shareholders under section 201(b)(2)(B); and

(B) the amount paid by the Secretary under section 201(c)(2).

(c) SALE OF OBLIGATIONS.—An obligation of the Corporation under subsection (a) may be—

(1) issued through an agent by negotiation, offer, bid, syndicate sale, or otherwise; and

(2) completed by book entry, wire transfer, or any other appropriate method.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL OPERATIONAL EXPENSES.—There are authorized to be appropriated—

(1) $2,000,000 for fiscal year 2009 to carry out this Act;

(2) $2,500,000 for each of fiscal years 2010 through 2014 to carry out project development activities under this Act; and

(3) such sums as are necessary to carry out this Act (other than subparagraphs (A) and (B) of section 201(c)(2)) for each of fiscal years 2010 through 2014.

(b) PAID-IN CAPITAL STOCK.—There are authorized to be appropriated—

(1) for each of fiscal years 2010 and 2011, $10,000,000 to carry out section 201(c)(2)(A); and

(2) for fiscal year 2011 and each fiscal year thereafter, $80,000,000 to carry out section 201(c)(2)(B).

By Mr. SPECTER (for himself and Mr. LEAHY):

S. 440. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with civil claim awards; to the Committee on Finance.

Mr. SPECTER. Mr. President, I seek recognition to introduce legislation to amend Section 62(a)(20) of the Internal Revenue Code to allow taxpayers to subtract from their taxable gross income the attorneys' fees and court costs paid by the taxpayer in connection with an award or settlement of monetary damages in a civil claim. Such a deduction is commonly referred to as an ''above-the-line'' deduction.

Under current law, there is an inequity in the tax code that results in the double taxation of attorneys' fees and costs in certain circumstances. In addition, attorneys' fees paid by individuals in recovering a taxable award in certain civil claims are only deductible as miscellaneous itemized deductions. As such, they are subject to a reduction equal to two percent of the individual's adjusted gross income and subject to a complete disallowance when calculating the alternative minimum tax. Consequently, many plaintiffs end up incurring significant tax liability beyond the amount they actually bring home after winning or settling a case.

Congress partially corrected the problem in 2004, when we passed, and President Bush signed, the American Jobs Creation Act of 2004, Jobs Act. The Jobs Act allows an above-the-line deduction for amounts attributable to attorneys' fees and costs received by individuals based on claims brought under certain statutes, including the False Claims Act, 1862(b)(3)(A) of the Social Security Act, or unlawful discrimination claims. Prior to enactment of the Jobs Act, the Internal Revenue Code already excluded from income awards arising out of claims relating to physical injury and sickness. However, attorneys' fees paid in the pursuit and collection of punitive awards, awards for libel, slander, or other awards in cases not involving a physical injury or a claim of discrimination are still not subtracted from gross income.

In 2005, the United States Supreme Court added further confusion to the issue. In *Commissioner* v. *Banks*, 543 U.S. 426 (2005), the Court attempted to resolve a circuit split on the Federal income tax treatment of attorneys' fees. In an 8–0 opinion, the Court held that when a litigant's recovery constitutes income, the litigant's income includes the portion of the recovery paid to the attorney as a contingent fee. Consequently, for those claims not excluded from gross income in the Jobs Act, attorneys' fees are subjected to double taxation; subjected to a reduction equal to two percent of the individual's adjusted gross income when listed as a miscellaneous itemized deduction; and subjected to a complete disallowance when calculating the alternative minimum tax.

My legislation corrects the problem by permitting taxpayers to subtract from their taxable gross income the attorneys' fees and court costs paid by the taxpayer in connection with an award or settlement of monetary damages in all civil claims. The legislation would ensure more uniform treatment of contingency fees in all types of litigation, not just the limited categories of litigation as specified in the Jobs Act. Importantly, this change does not affect the requirement that attorneys pay federal income tax on legal fees they receive. The legislation does eliminate the inequity of the client also paying taxes on attorneys' fees despite not receiving the funds under the terms of a contingency fee contract.

I encourage my colleagues to join me in this effort to bring fairness to the tax code.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ABOVE-THE-LINE DEDUCTION FOR ATTORNEY FEES AND COSTS IN CONNECTION WITH CIVIL CLAIM AWARDS.

(a) IN GENERAL.—Paragraph (20) of section 62(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(20) COSTS INVOLVING CIVIL CASES.—Any deduction allowable under this chapter for attorney fees and court costs paid by, or on behalf of, the taxpayer in connection with any action involving a civil claim. The preceding sentence shall not apply to any deduction in excess of the amount includible in the taxpayer's gross income for the taxable year on account of a judgment or settlement (whether by suit or agreement and whether as lump sum or periodic payments) resulting from such claim.''.

(b) CONFORMING AMENDMENT.—Section 62 of the Internal Revenue Code of 1986 is amended by striking subsection (e).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fees and costs paid after the date of the enactment of this Act with respect to any judgment or settlement occurring after such date.

Mr. LEAHY. Mr. President, I am pleased to join Senator SPECTER in the introduction of two bills, S. 437 and S. 440, that will correct inconsistencies and provide fairness to lawyers and their clients under the Federal Tax Code.

Currently, attorneys who take on contingency fee cases, and advance their clients funds for court costs, witnesses, or other expenses, cannot deduct these expenses as ordinary business expenses at the time they are made. Instead, attorneys who advance these costs may not take a deduction until the case for which they are advanced is resolved. In most cases this is a timeframe of several years. This results in an attorney carrying the burden of these costs from year to year until the case is resolved. For many small law firms or solo practitioners, this is a significant burden.

Where attorneys are advancing costs to clients so that those clients may pursue their rights in court, they deserve to be treated as any other small business owner. This disparate treatment is inequitable and correcting it will make legal representation more easily provided by attorneys and more available to clients.

The other bill we introduce today helps clients who have been awarded

funds through a contingency fee arrangement. Under current tax law, punitive damages awards and awards to a plaintiff resulting from certain claims are subject to Federal taxation for the entire amount of the award, even if the plaintiff then uses a portion to satisfy a contingency fee agreement. The result is that the portion of an award to a plaintiff in a contingency fee arrangement that then goes to an attorney is taxed twice—once through the plaintiff and again through the attorney.

This legislation will allow a plaintiff who has recovered an award to take an above the line deduction for the portion of his or her award that will be transmitted to the attorney who provided the representation. This is a commonsense solution and where an individual has suffered an injury and will rely on his or her award it is sound policy to reduce this unnecessary and duplicative tax burden.

Neither of these bills gives any special treatment to attorneys or their clients. Rather, in combination, they will help attorneys provide more representation to clients who by virtue of their financial or other circumstances must enter a contingency fee arrangement, and will allow a greater amount of funds recovered to be put to use by the individual for whose benefit they were awarded.

I thank Senator SPECTER for introducing this legislation and I hope all Senators will join us in supporting these sensible corrections to our Tax Code.

By Mr. DORGAN (for himself and Ms. SNOWE):

S. 442. A bill to impose a limitation on lifetime aggregate limits imposed by health plans; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I join today with Senator DORGAN to address the growing problem of beneficiaries who exceed their lifetime cap on health care coverage. Today, many Americans responsibly purchase a health plan to cover themselves and their loved ones in case of illness. Tragically, some of these individuals become stricken by illness that is extremely expensive to treat, and too often exceeds their policy's lifetime cap provision. After doing all you can to act responsibly and avoid becoming a burden on society, an overly restrictive lifetime cap on benefits can cause one to go bankrupt—and ultimately shifts costs to public programs such as Medicaid.

We have seen that even beneficiaries who acquire health insurance with seemingly hefty lifetime caps have found that the high cost of modern treatments—combined with medical inflation which exceeds the consumer price index by two to threefold—has greatly deflated the true value of the lifetime cap. The legislation offered today addresses this issue by setting a higher minimum cap. It has been estimated the cost of this improved protection—spread over many insurance purchasers—will increase premiums by approximately $8 per year. This reinforces the principle of insurance—spreading high risks over many purchasers—in order to assure adequate protection should a protracted and expensive illness befall an individual. This bill will also assure that costs are not inappropriately shifted onto the government programs, such as Medicaid—where taxpayers will feel the brunt of financial responsibility for costly treatment.

As I work with my colleagues and the administration to grapple with how to make health care more affordable to the millions of Americans struggling to pay their premiums, coinsurance and copays—raising the floor on lifetime caps will provide the immediate financial relief to families so that they will have access to health care should a costly, chronic disease occur.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 443. A bill to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes; to the Committee on Indian Affairs.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hoh Indian Tribe Safe Homelands Act''.

SEC. 2. FINDINGS.

(a) FINDINGS.—Congress finds the following:

(1) The Hoh Indian Reservation, located along the Hoh River and the Pacific Ocean in a remote section of Jefferson County, Washington, is the homeland of the Hoh Indian Tribe, a federally recognized Indian tribe.

(2) Established by Executive Order in 1893, the Reservation is approximately one square mile, but its habitable acreage has been reduced over time due to storm surges, repeated flooding and erosion, and lack of river dredging.

(3) Due to its location along the river and ocean and frequent torrential rains, 90 percent of the Reservation is located within a flood zone and, in fact, has flooded repeatedly over the last five years. In addition, 100 percent of the Reservation is within a tsunami zone, leaving most of the Reservation unfit for safe occupation.

(4) The Tribe has repeatedly suffered from serious flood and wind damage to homes, tribal buildings, and utility infrastructure that have caused significant damage and resulted in critical safety and environmental hazards.

(5) Federal agencies such as the Bureau of Indian Affairs, the Department of Housing and Urban Development, and the Federal Emergency Management Agency have limited authority to assist the Tribe with housing and other improvements and services due to the dangerous and unsustainable location of the Reservation.

(6) The Tribe has purchased from private owners near the Reservation approximately 260 acres of land in order to move key infrastructure out of the flood zone.

(7) In addition, the State of Washington's Department of Natural Resources has transferred ownership of 160 acres of land to the Tribe.

(8) An approximately 37 acre parcel of logged land, administered by the National Park Service, lies between the current Reservation land and those lands acquired by the Tribe, and the only road accessing the Reservation crosses this parcel.

(9) Together, the lands described in paragraphs 6, 7, and 8 would constitute a contiguous parcel for the Reservation and would create a safe area for members of the Tribe to live and rebuild their community.

SEC. 3. DEFINITIONS.

For the purposes of this Act——

(1) the term ''Federal land'' mean the Federal lands described in section 4(c)(2);

(2) the term ''Reservation'' means the reservation of the Hoh Indian Tribe;

(3) the term ''Secretary'' means the Secretary of the Interior; and

(4) the term ''Tribe'' means the Hoh Indian Tribe, a federally recognized Indian tribe.

SEC. 4. TRANSFER OF LANDS TO BE HELD IN TRUST AS PART OF THE TRIBE'S RESERVATION; PLACEMENT OF OTHER LAND INTO TRUST.

(a) IN GENERAL.—The Secretary shall transfer to the Tribe all right, title, and interest of the United States in and to the Federal land. Such land shall be held in trust by the United States for the benefit of the Tribe. Such land shall be excluded from the boundaries of Olympic National Park. At the request of the Tribe, at the time of transfer of the Federal land, the Secretary shall also place into trust for the benefit of the Tribe the non-Federal land owned by the Tribe and described in subsection (c)(1).

(b) RESERVATION.—Land taken into trust for the Tribe pursuant to subsection (a) shall be part of the Reservation.

(c) DESCRIPTION OF LANDS.—The land to be transferred and held in trust under subsection (a) is the land generally depicted on the map titled ''H.R. _____ Hoh Indian Tribe Safe Homelands Act'', and dated _____ and further described as—

(1) the non-Federal land owned by the Hoh Tribe; and

(2) the Federal land administered by the National Park Service, located in Section 20, Township 26N, Range 13W, W.M. South of the Hoh River.

(d) AVAILABILITY OF MAP.—Not later than 120 days after the completion of the land transfer of Federal land under this section, the Secretary shall make the map available to the appropriate agency officials and congressional committees. The map shall be available for public inspection in the appropriate offices of the Secretary.

(e) CONGRESSIONAL INTENT.—It is the intent of Congress that—

(1) the condition of the Federal land at the time of the transfer under this section should be preserved and protected;

(2) that the natural environment existing on the Federal land at the time of the transfer under this section should not be altered, except as described in this Act; and

(3) the Tribe and the National Park Service shall work cooperatively on issues of mutual concern related to this Act.

SEC. 5. PRESERVATION OF EXISTING CONDITION OF FEDERAL LAND; TERMS OF CONSERVATION AND USE IN CONNECTION WITH LAND TRANSFER.

(a) RESTRICTIONS ON USE.—The use of the Federal land transferred pursuant to section 4 is subject to the following conditions:

(1) No commercial, residential, industrial, or other buildings or structures shall be placed on the Federal land being transferred and placed into trust. The existing road may be maintained or improved, but no major improvements or road construction shall occur on the lands.

(2) In order to maintain its use as a natural wildlife corridor and to provide for protection of existing resources, no logging or hunting shall be allowed on the land.

(3) The Tribe may authorize tribal members to engage in ceremonial and other treaty uses of these lands and existing tribal treaty rights are not diminished by this Act.

(4) The Tribe shall survey the boundaries of the Federal land and submit the survey to the National Park Service for review and concurrence.

(b) COOPERATIVE EFFORTS.—Congress urges the Secretary and the Tribe to enter into written agreements on the following:

(1) Upon completion of the Tribe's proposed emergency fire response building, Congress urges the parties to work toward mutual aid agreements.

(2) The National Park Service and the Tribe shall work collaboratively to provide opportunities for the public to learn more about the culture and traditions of the Tribe.

(3) The land may be used for the development of a multi-purpose, non-motorized trail from Highway 101 to the Pacific Ocean. The parties agree to work cooperatively in the development and placement of such trail.

SEC. 6. HOH INDIAN RESERVATION.

All lands taken into trust by the United States under this Act shall be a part of the Hoh Indian Reservation.

SEC. 7. GAMING PROHIBITION.

No land taken into trust for the benefit of the Hoh Indian Tribe under this Act shall be considered Indian lands for the purpose of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

By Mr. SPECTER (for himself, Ms. LANDRIEU, Mr. CARPER, Mr. KERRY, Mrs. MCCASKILL, and Mr. COCHRAN):

S. 445. A bill to provide appropriate protection to attorney-client privileged communications and attorney work product; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition today to reintroduce the Attorney-Client Privilege Protection Act of 2009, which is nearly identical to S. 3217, a bill I introduced in July of 2008 under the same name. This legislation continues to address the Department of Justice's corporate prosecution guidelines. Those guidelines, last revised by Deputy Attorney General Mark Filip in August 2008, erode the attorney-client relationship by allowing prosecutors to continue considering the provision of privileged information in order for corporations to receive cooperation credit.

To their credit, the Filip guidelines preclude prosecutors from asking for privilege waivers in nearly all circumstances. However, as evidenced by the numerous versions of the Justice Department's corporate prosecution guidelines over the past decade, the Filip reforms cannot be trusted to remain static. Moreover, unlike Federal law—which requires the assent of both houses and the President's signature or a super-majority in Congress—the Filip guidelines are subject to unilateral executive branch modification. Therefore, to avoid a recurrence of prosecutorial abuses and attorney-client privilege waiver demands, legislation is necessary.

Like my previous bills, this bill will protect the sanctity of the attorney-client relationship by statutorily prohibiting Federal prosecutors and investigators across the executive branch from requesting waiver of attorney-client privilege and attorney work product protections in corporate investigations. The bill would similarly prohibit the government from conditioning charging decisions or any adverse treatment on an organization's payment of employee legal fees, invocation of the attorney-client privilege, or agreement to a joint defense agreement.

The bill makes many subtle improvements over earlier iterations, including defining ''organization'' to make clear that continuing criminal enterprises and terrorist organizations will not benefit from the bill's protections. The bill also clarifies language that the Department of Justice had previously criticized as ambiguous. The bill further makes clear in its findings that its prohibition on informal privilege waiver demands is far from unprecedented. The bill states: ''Congress recognized that law enforcement can effectively investigate without attorney-client privileged information when it banned Attorney General demands for privileged materials in the Racketeer Influenced and Corrupt Organizations Act. See 18 U.S.C. §1968(c)(2).''

Though an improvement over past guidelines, there is no need to wait to see how the Filip guidelines will operate in practice. There is similarly no need to wait for another Department of Justice or executive branch reform that will likely fall short and become the sixth policy in the last 10 years. Any such internal reform may prove fleeting and might not address the privilege waiver policies of other government agencies that refer matters to the Department of Justice, thus allowing in through the window what isn't allowed through the door.

As I said when I introduced my first bill on this subject, the right to counsel is too important to be passed over for prosecutorial convenience or Executive Branch whimsy. It has been engrained in American jurisprudence since the 18th century when the Bill of Rights was adopted. The 6th Amendment is a fundamental right afforded to individuals charged with a crime and guarantees proper representation by counsel throughout a prosecution. However, the right to counsel is largely ineffective unless the confidential communications made by a client to his or her lawyer are protected by law. As the Supreme Court observed in Upjohn Co. v. United States, ''the attorney-client privilege is the oldest of the privileges for confidential communications known to the common law.'' When the Upjohn Court affirmed that attorney-client privilege protections apply to corporate internal legal dialogue, the Court manifested in the law the importance of the attorney-client privilege in encouraging full and frank communication between attorneys and their clients, as well as the broader public interests the privilege serves in fostering the observance of law and the administration of justice. The Upjohn Court also made clear that the value of legal advice and advocacy depends on the lawyer having been fully informed by the client.

In addition to the importance of the right to counsel, it is also fundamental that the Government has the burden of investigating and proving its own case. Privilege waiver tends to transfer this burden to the organization under investigation. As a former prosecutor, I am well aware of the enormous power and tools a prosecutor has at his or her disposal. The prosecutor has enough power without the coercive tools of the privilege waiver, whether that waiver policy is embodied in the Holder, Thompson, McCallum, McNulty, or Filip memorandum.

As in my prior bills designed to protect the attorney-client privilege, this bill amends title 18 of the United States Code by adding a new section, §3014, that would prohibit any agent or attorney of the U.S. Government in any criminal or civil case to demand or request the disclosure of any communication protected by the attorney-client privilege or attorney work product. The bill would also prohibit government lawyers and agents from basing any charge or adverse treatment on whether an organization pays attorneys' fees for its employees or signs a joint defense agreement.

This legislation is needed to ensure that constitutional protections of the attorney-client relationship are preserved in Federal prosecutions and investigations.

By Mr. SPECTER (for himself, Mr. GRASSLEY, Mr. DURBIN, Mr. SCHUMER, Mr. FEINGOLD, and Mr. CORNYN):

S. 446. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, once more I seek recognition to introduce

legislation that will give the public greater access to our Supreme Court. This bill requires the High Court to permit television coverage of its open sessions unless it decides by a majority vote of the Justices that allowing such coverage in a particular case would violate the due process rights of one or more of the parties involved in the matter.

The purpose of this legislation is to open the Supreme Court doors so that more Americans can see the process by which the Court reaches critical decisions of law that affect this country and everyday Americans. The Supreme Court makes pronouncements on Constitutional and Federal law that have a direct impact on the rights of Americans. Those rights would be substantially enhanced by televising the oral arguments of the Court so that the public can see and hear the issues presented to the Court. With this information, the public would have insight into key issues and be better equipped to understand the impact of and reasons for the Court's decisions.

In a very fundamental sense, televising the Supreme Court has been implicitly recognized—perhaps even sanctioned—in a 1980 decision by the Supreme Court of the United States entitled Richmond Newspapers v. Virginia. In this case, the Court noted that a public trial belongs not only to the accused but to the public and the press as well and recognized that people now acquire information on court procedures chiefly through the print and electronic media.

That decision, in referencing the electronic media, appears to anticipate televising court proceedings, although I do not mean to suggest that the Supreme Court is in agreement with this legislation. I should note that the Court could, on its own initiative, televise its proceedings but has chosen not to do so. This presents, in my view, the necessity for legislating on this subject.

When I argued the case of the Navy Yard, Dalton v. Specter, back in 1994, the Court proceedings were illustrated by an artist's drawings—some of which now hang in my office. Today, the public gets a substantial portion, if not most, of its information from television and the internet. While many court proceedings are broadcast routinely on television, the public has little access to the most important and highest court in this country. Although the internet has made the Court's transcripts, and even more recently, audio recordings, more widely accessible, the public is still deprived of the real time transmission of audio and video feeds from the Court. I believe it is vital for the public to see, as well as to hear, the arguments made before the Court and the interplay among the justices. I think the American people will gain a greater respect for the way in which our High Court functions if they are able to see oral arguments.

Justice Felix Frankfurter perhaps anticipated the day when Supreme Court arguments would be televised when he said that he longed for a day when: ''The news media would cover the Supreme Court as thoroughly as it did the World Series, since the public confidence in the judiciary hinges on the public's perception of it, and that perception necessarily hinges on the media's portrayal of the legal system.''

When I spoke in favor of this legislation in September of 2000, I said, ''I do not expect a rush to judgment on this very complex proposition, but I do believe the day will come when the Supreme Court of the United States will be televised. That day will come, and it will be decisively in the public interest so the public will know the magnitude of what the Court is deciding and its role in our democratic process.'' I have continued to reiterate those sentiments in September of 2005 and in January of 2007 when I re-introduced identical bills. Today, I continue to support this legislation because I believe that it is crucial to the public's awareness of Supreme Court proceedings and their impact on the daily lives of all Americans.

I pause to note that it was not until 1955 that the Supreme Court, under the leadership of Chief Justice Warren, first began permitting audio recordings of oral arguments. Between 1955 and 1993, there were apparently over 5,000 recorded arguments before the Supreme Court. That roughly translates to an average of about 132 arguments annually. But audio recordings are simply ill suited to capture the nuance of oral arguments and the sustained attention of the American citizenry. Nor is it any response that people who wish to see open sessions of the Supreme Court should come to the Capital and attend oral arguments. For, according to one source: ''Several million people each year visit Washington, D.C., and many thousands tour the White House and the Capitol. But few have the chance to sit in the Supreme Court chamber and witness an entire oral argument. Most tourists are given just three minutes before they are shuttled out and a new group shuttled in. In cases that attract headlines, seats for the public are scarce and waiting lines are long. And the Court sits in open session less than two hundred hours each year. Television cameras and radio microphones are still banned from the chamber, and only a few hundred people at most can actually witness oral arguments. Protected by a marble wall from public access, the Supreme Court has long been the least understood of the three branches of our Federal Government.''

In light of the increasing public desire for information, it seems untenable to continue excluding cameras from the courtroom of the Nation's highest court. As one legal commentator observes: ''An effective and legitimate way to satisfy America's curiosity about the Supreme Court's holdings, Justices, and modus operandi is to permit broadcast coverage of oral arguments and decision announcements from the courtroom itself.''

Televised court proceedings better enable the public to understand the role of the Supreme Court and its impact on the key decisions of the day. Not only has the Supreme Court invalidated Congressional decisions where there was, in the views of many, simply a difference of opinion as to what is preferable public policy, but the Court determines novel issues such as whether AIDS is a disability under the Americans with Disabilities Act, whether Congress can ban obscenity from the Internet, and whether states can impose term limits upon members of Congress. The current Court, like its predecessors, hands down decisions which vitally affect the lives and liberties of all Americans. Since the Court's historic 1803 decision, Marbury v. Madison, the Supreme Court has the final authority on issues of enormous importance from birth to death. In Roe v. Wade, 1973, the Court affirmed a Constitutional right to abortion in this country and struck down state statutes banning or severely restricting abortion during the first two trimesters on the grounds that they violated a right to privacy inherent in the Due Process Clause of the Fourteenth Amendment. In the case of Washington v. Glucksberg, 1997, the court refused to create a similar right to assisted suicide. Here the Court held that the Due Process Clause does not recognize a liberty interest that includes a right to commit suicide with another's assistance.

In the Seventies, the Court first struck down then upheld state statutes imposing the death penalty for certain crimes. In Furman v. Georgia, 1972, the Court struck down Georgia's death penalty statute under the cruel and unusual punishment clause of the Eighth Amendment and stated that no death penalty law could pass constitutional muster unless it took aggravating and mitigating circumstances into account. This decision led Georgia and many States to amend their death penalty statutes and, four years later, in Gregg v. Georgia, 1976, the Supreme Court upheld Georgia's amended death penalty statute.

Over the years, the Court has also played a major role in issues of war and peace. In its opinion in Scott v. Sandford, 1857—better known as the Dred Scott decision—the Supreme Court held that Dred Scott, a slave who had been taken into ''free'' territory by his owner, was nevertheless still a slave.

The Court further held that Congress lacked the power to abolish slavery in

certain territories, thereby invalidating the careful balance that had been worked out between the North and the South on the issue. Historians have noted that this opinion fanned the flames that led to the Civil War.

The Supreme Court has also ensured adherence to the Constitution during more recent conflicts. Prominent opponents of the Vietnam War repeatedly petitioned the Court to declare the Presidential action unconstitutional on the grounds that Congress had never given the President a declaration of war. The Court decided to leave this conflict in the political arena and repeatedly refused to grant writs of certiorari to hear these cases. This prompted Justice Douglas, sometimes accompanied by Justices Stewart and Harlan, to take the unusual step of writing lengthy dissents to the denials of cert.

In New York Times Co. v. United States, 1971—the so called ''Pentagon Papers'' case—the Court refused to grant the government prior restraint to prevent the New York Times from publishing leaked Defense Department documents which revealed damaging information about the Johnson Administration and the war effort. The publication of these documents by the New York Times is believed to have helped move public opinion against the war.

In its landmark civil rights opinions, the Supreme Court took the lead in effecting needed social change, helping us to address fundamental questions about our society in the courts rather than in the streets. In Brown v. Board of Education, the Court struck down the principle of ''separate but equal'' education for blacks and whites and integrated public education in this country. This case was then followed by a series of civil rights cases which enforced the concept of integration and full equality for all citizens of this country, including Gamer v. Louisiana, 1961, Burton v. Wilmington Parking Authority, 1961, and Peterson v. City of Greenville, 1963.

In recent years Marbury, Dred Scott, Furman, New York Times, and Roe, familiar names in the lexicon of lawyerly discussions concerning watershed Supreme Court precedents, have been joined with similarly important cases like Hamdi, Rasul, Roper, and Boumediene—all cases that affect fundamental individual rights. In Hamdi v. Rumsfeld, 2004, the Court concluded that although Congress authorized the detention of combatants, due process demands that a citizen held in the United States as an enemy combatant be given a meaningful opportunity to contest the factual basis for that detention before a neutral decisionmaker. The Court reaffirmed the nation's commitment to constitutional principles even during times of war and uncertainty. Similarly, in Rasul v. Bush, 2004, the Court held that the Federal habeas statute gave district courts jurisdiction to hear challenges of aliens held at Guantanamo Bay, Cuba in the U.S. War on Terrorism. In Roper v. Simmons, a 2005 case, the Court held that executions of individuals who were under 18 years of age at the time of their capital crimes is prohibited by Eighth and Fourteenth Amendments. In Boumediene v. Bush, 2008, the Court held that, subsequent to Hamdan v. Rumsfeld and regardless of Congress' attempts to strip federal courts of jurisdiction to consider pending habeas corpus petitions from Guantanamo detainees, the detainees nonetheless were not barred from seeking the writ and procedures under the Detainee Treatment Act were not an adequate substitute for it.

When deciding issues of such great national import, the Supreme Court is rarely unanimous. In fact, a large number of seminal Supreme Court decisions, such as Boumediene, have been reached through a vote of 5–4. Such a close margin reveals that these decisions are far from foregone conclusions distilled from the meaning of the Constitution, reason and the application of legal precedents. On the contrary, these major Supreme Court opinions embody critical decisions reached on the basis of the preferences and views of each individual justice. In a case that is decided by a vote of 5–4, an individual justice has the power by his or her vote to change the law of the land.

Since the beginning of its October 2005 term when Chief Justice Roberts first began hearing cases, the Supreme Court has issued 45 decisions with a 5–4 split, not including the current October 2008 term, in which I understand there are additional 5–4 decisions within the few cases that have already been decided. It has also issued six 5–3 decisions in which one justice recused. Finally, it has issued a rare 5–2 decision in which Chief Justice Roberts and Justice Alito took no part, and in the October 2007 term, two 4–4 ties. In sum, since the beginning of its October 2005 term and not counting the current term, the Supreme Court has issued 52 decisions establishing the law of the land in which only 5 justices explicitly concurred. Many of these narrow majorities occur in decisions involving the Court's interpretation of our Constitution—a sometimes divisive endeavor on the Court. I will not discuss all 52 thinly decided cases but will describe a few to illustrate my point about the importance of the Court and its decisions in the lives of Americans.

The first 5–4 split decision, decided on January 11, 2006, was Brown v. Sanders. In this case the Court considered ''the circumstances in which an invalidated sentencing factor will render a death sentence unconstitutional by reason of its adding an improper element to the aggravation scale in the jury's weighing process.'' A majority of the Court held that henceforth in death penalty cases, an invalidated sentencing factor will render the sentence unconstitutional by reason of its adding an improper element to the aggravation scale unless one of the other sentencing factors enables the sentencer to give aggravating weight to the same facts and circumstances. The majority opinion was authored by Justice Scalia and joined by Chief Justice Roberts and Justices O'Connor, Kennedy and Thomas. Justice Stevens filed a dissenting opinion in which Justice Souter joined. Similarly, Justice Breyer filed a dissenting opinion in which Justice Ginsburg joined.

In November 2006, the Supreme Court decided Ayers v. Belmontes, a capital murder case in which the Belmontes contended that California law and the trial court's instructions precluded the jury from considering his forward looking mitigation evidence suggesting he could lead a constructive life while incarcerated. In Ayers the Supreme Court found the Ninth Circuit erred in holding that the jury was precluded by jury instructions from considering mitigation evidence. Justice Kennedy authored the majority opinion while Justice Stevens wrote a dissent joined by three other justices.

Other 5–4 split decisions since October 2005 include United States v. Gonzalez-Lopez, concerning whether a defendant's Sixth Amendment right to counsel was violated when a district court refused to grant his paid lawyer permission to represent him based upon some past ethical violation by the lawyer, June 26, 2006; LULAC v. Perry, deciding whether the 2004 Texas redistricting violated provisions of the Voting Rights Act, June 28, 2006; Kansas v. Marsh, concerning the Eighth and Fourteenth Amendments in a capital murder case in which the defense argued that a Kansas statute established an unconstitutional presumption in favor of the death sentence when aggravating and mitigating factors were in equipoise, April 25, 2006; Clark v. Arizona, a capital murder case involving the constitutionality of an Arizona Supreme Court precedent governing the admissibility of evidence to support an insanity defense, June 29, 2006; Garcetti v. Ceballos, a case holding that when public employees make statements pursuant to their official duties they are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline, May 30, 2006; and District of Columbia v. Heller, June 26, 2008, which found that Washington, D.C.'s gun laws were unconstitutionally restrictive of rights afforded under the Second Amendment.

The justices have split 5–3 six times since October 2005.

In Georgia v. Randolph, March 22, 2006, a 5–3 majority of the Supreme Court held that a physically present

co-occupant's stated refusal to permit a warrantless entry and search rendered the search unreasonable and invalid as to that occupant. Justice Souter authored the majority opinion. Justice Stevens filed a concurring opinion as did Justice Breyer. The Chief Justice authored a dissent joined by Justice Scalia. Moreover, Justice Scalia issued his own dissent as did Justice Thomas. In Randolph, there were six opinions in all from a Court that only has nine justices. One can only imagine the spirited debate and interplay of ideas, facial expressions and gestures that occurred in oral arguments. Audio recordings are simply inadequate to capture all of the nuance that only cameras could capture and convey.

In House v. Bell, a 5–3 opinion authored by Justice Kennedy, June 12, 2006, the Supreme Court held that because House had made the stringent showing required by the actual innocence exception to judicially-established procedural default rules, he could challenge his conviction even after exhausting his regular appeals. Justice Alito took no part in considering or deciding the House case. It bears noting, however, that if one justice had been on the other side of this decision it would have resulted in a 4–4 tie and, ultimately, led to affirming the lower court's denial of House's post-conviction habeas petitions due to a procedural default.

In Hamdan v. Rumsfeld, a 5–3 decision in which Chief Justice Roberts took no part, the Supreme Court held that Hamdan could challenge his detention and the jurisdiction of the President's military commissions to try him despite recent enactment of the Detainee Treatment Act. A thin majority of the justices supported the decision despite knowledge that the DTA explicitly provides ''no court . . . shall have jurisdiction to hear or consider . . . an application for . . . habeas corpus filed by . . . an alien detained . . . at Guantanamo Bay.'' In deciding the merits, the Court went on to hold that the President lacked authority to establish a military commission to try Hamdan or others without enabling legislation passed by both houses of Congress and enacted into law. This case was one of a handful of recent cases in which the Supreme Court released audiotapes of oral arguments almost immediately after they occurred. Yet it would have been vastly preferable to watch the parties' advocates grapple with the legal issues as the justices peppered them with jurisdictional, constitutional and merits-related questions from the High Court's bench.

In another fascinating 5–3 case, Jones v. Flowers, April 26, 2006, the Supreme Court considered whether, when notice of a tax sale is mailed to the owner and returned undelivered, the government must take additional reasonable steps to provide notice before taking the owner's property. In an opinion by Chief Justice Roberts, the Court held that where the Arkansas Commissioner of State Lands had mailed Jones a certified letter and it had been returned unclaimed, the Commissioner had to take additional reasonable steps to provide Jones notice. Justices Thomas, Scalia and Kennedy dissented and Justice Alito took no part in the decision.

Though Jones v. Flowers involved the Due Process Clause of the Fourteenth Amendment, not the Takings Clause of Fifth Amendment, one could draw interesting analogies to the Court's controversial 2005 decision in Kelo v. City of New London. In Kelo, a majority of the justices held that a city's exercise of eminent domain power in furtherance of a privately initiated economic development plan satisfied the Constitution's Fifth Amendment ''public use'' requirement despite the absence of any blight. Four justices dissented in Kelo and public opinion turned sharply against the decision immediately after it was issued.

It's possible, though merely speculative, that the public ire aimed at Kelo informed what became a majority of justices in Jones v. Flowers. In a passage by Chief Justice Roberts, the Court notes, ''when a letter is returned by the post office, the sender will ordinarily attempt to resend it, if it is practicable to do so. This is especially true when, as here, the subject matter of the letter concerns such an important and irreversible prospect as the loss of a house.''

Not only lawyers but all homeowners could benefit from knowing how the Court grapples with legal issues governing the rights to their houses. My legislation creates the opportunity for all interested Americans to watch the Court in action in cases like these. From his perch on the High Court one justice has been heard to contend that most Americans could care less about the arcane legal issues argued before the Court. But as elected representatives of the people we must endeavor to view America from a bottoms-up, rather than a top-down perspective.

Regardless of one's view concerning the merits of these decisions, it is clear that they frequently have a profound effect on the interplay between the government, on the one hand, and the individual on the other. So, it is with these watershed decisions in mind that I introduce legislation designed to make the Supreme Court less esoteric and more accessible to common men and women who are so clearly affected by its decisions.

Given the enormous significance of each vote cast by each justice on the Supreme Court, televising the proceedings of the Supreme Court will allow sunlight to shine brightly on these proceedings and ensure greater public awareness and scrutiny.

In a democracy, the workings of the government at all levels should be open to public view. With respect to oral arguments, the more openness and the more real the opportunity for public observation the greater the understanding and trust. As the Supreme Court observed in the 1986 case of Press-Enterprise Co. v. Superior Court, ''People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.''

It was in this spirit that the House of Representatives opened its deliberations to meaningful public observation by allowing C–SPAN to begin televising debates in the House chamber in 1979. The Senate followed the House's lead in 1986 by voting to allow television coverage of the Senate floor.

Beyond this general policy preference for openness, however, there is a strong argument that the Constitution requires that television cameras be permitted in the Supreme Court.

It is well established that the Constitution guarantees access to judicial proceedings to the press and the public. In 1980, the Supreme Court relied on this tradition when it held in Richmond Newspapers v. Virginia that the right of a public trial belongs not just to the accused, but to the public and the press as well. The Court noted that such openness has ''long been recognized as an indisputable attribute of an Anglo-American trial.''

Recognizing that in modern society most people cannot physically attend trials, the Court specifically addressed the need for access by members of the media: ''Instead of acquiring information about trials by first hand observation or by word of mouth from those who attended, people now acquire it chiefly through the print and electronic media. In a sense, this validates the media claim of acting as surrogates for the public. [Media presence} contributes to public understanding of the rule of law and to comprehension of the functioning of the entire criminal justice system.''

To be sure, a strong argument can be made that forbidding television cameras in the court, while permitting access to print and other media, constitutes an impermissible discrimination against one type of media over another. In recent years, the Supreme Court and lower courts have repeatedly held that differential treatment of different media is impermissible under the First Amendment absent an overriding governmental interest. For example, in 1983 the Court invalidated discriminatory tax schemes imposed only upon certain types of media in Minneapolis Star & Tribune Co. v. Minnesota Commissioner of Revenue. In the 1977 case of ABC v. Cuomo, the Second Circuit rejected the contention by the two candidates for mayor of New

York that they could exclude some members of the media from their campaign headquarters by providing access through invitation only. The Court wrote that: ''Once there is a public function, public comment, and participation by some of the media, the First Amendment requires equal access to all of the media or the rights of the First Amendment would no longer be tenable.''

However, in the 1965 case of Estes v. Texas, the Supreme Court rejected the argument that the denial of television coverage of trials violates the equal protection clause. In the same opinion, the Court held that the presence of television cameras in the Court had violated a Texas defendant's right to due process. Subsequent opinions have cast serious doubt upon the continuing relevance of both prongs of the Estes opinion.

In its 1981 opinion in Chandler v. Florida, the court recognized that Estes must be read narrowly in light of the state of television technology at that time. The television coverage of Estes' 1962 trial required cumbersome equipment, numerous additional microphones, yards of new cables, distracting lighting, and numerous technicians present in the courtroom. In contrast, the court noted, television coverage in 1980 can be achieved through the presence of one or two discreetly placed cameras without making any perceptible change in the atmosphere of the courtroom. Accordingly, the Court held that, despite Estes, the presence of television cameras in a Florida trial was not a violation of the rights of the defendants in that case. By the same logic, the holding in Estes that exclusion of television cameras from the courts did not violate the equal protection clause must be revisited in light of the dramatically different nature of television coverage today.

Given the strength of these arguments, it is not surprising that over the last two decades there has been a rapidly growing acceptance of cameras in American courtrooms which has reached almost every court except for the Supreme Court itself.

On September 6, 2000, the Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts held a hearing titled ''Allowing Cameras and Electronic Media in the Courtroom.'' The primary focus of the hearing was Senate bill S. 721, legislation introduced by Senators GRASSLEY and SCHUMER that would give Federal judges the discretion to allow television coverage of court proceedings. One of the witnesses at the hearing, the late Judge Edward R. Becker, then-Chief Judge U.S. Court of Appeals for the Third Circuit, spoke in opposition to the legislation and the presence of television cameras in the courtroom. The remaining five witnesses, however, including a Federal judge, a State judge, a law professor and other legal experts, all testified in favor of the legislation. They argued that cameras in the courts would not disrupt proceedings but would provide the kind of accountability and access that is fundamental to our system of government.

On November 9, 2005, the Judiciary Committee held a hearing to address whether Federal court proceedings should be televised generally and to consider S. 1768, my earlier version of this bill, and S. 829, Senator GRASSLEY's ''Sunshine in the Courtroom Act of 2005.'' During the November 9 hearing, most witnesses spoke favorably of cameras in the courts, particularly at the appellate level. Among the witnesses favorably disposed toward the cameras were Peter Irons, author of May It Please the Court, Seth Berlin, a First Amendment expert at a local firm, Brian Lamb, founder of C–SPAN, Henry Schleif of Court TV Networks, and Barbara Cochran of the Radio-Television News Directors Association and Foundation.

The notable exception was the Honorable Judge Jan DuBois of the Eastern District of Pennsylvania, who testified on behalf of the Judicial Conference. Judge DuBois warned of problems particularly at the trial level, where witnesses who appear uncomfortable because of cameras might seem less credible to jurors. I note, however, that appellate courts do not appear susceptible to this criticism because there are no witnesses or jurors present for appellate arguments.

The Judiciary Committee considered and passed both bills on March 30, 2006. The Committee vote to report S. 1768 was 12–6, and the bill was placed on the Senate Legislative Calendar. Unfortunately, due to the press of other business neither bill was allotted time on the Senate Floor. Again, in the 110th Congress, I introduced this legislation, and it was reported out of the Judiciary Committee by a vote of 11–7.

During their confirmation hearings over the past two years, Chief Justice John Roberts stated he would keep an open mind on the issue and Justice Alito stated that as a circuit judge he unsuccessfully voted, in the minority, to permit televised open proceedings in the Third Circuit. I applaud the fact the new Chief Justice has taken steps to make the Court more open and to ensure the timely publication of audio recordings of the arguments as well as the written transcripts.

In my judgment, Congress, with the concurrence of the President, or overriding his veto, has the authority to require the Supreme Court to televise its proceedings. Such a conclusion is not free from doubt and is highly likely to be tested with the Supreme Court, as usual, having the final word. As I see it, there is clearly no constitutional prohibition against such legislation.

Article 3 of the Constitution states that the judicial power of the United States shall be vested ''in one Supreme Court and such inferior Courts as the Congress may from time to time ordain and establish.'' While the Constitution specifically creates the Supreme Court, it left it to Congress to determine how the Court would operate. For example, it was Congress that fixed the number of justices on the Supreme Court at nine. Likewise, it was Congress that decided that any six of these justices are sufficient to constitute a quorum of the Court. It was Congress that decided that the term of the Court shall commence on the first Monday in October of each year, and it was Congress that determined the procedures to be followed whenever the Chief Justice is unable to perform the duties of his office.

Beyond such basic structural and operational matters, Congress also controls more substantive aspects of the Supreme Court. Most importantly, it is Congress that in effect determines the appellate jurisdiction of the Supreme Court. Although the Constitution itself sets out the original jurisdiction of the Court, it provides that appellate jurisdiction exists ''with such exceptions and under such regulations as the Congress shall make.''

Some objections have been raised to televised proceedings of the Supreme Court on the ground that it would subject justices to undue security risks. My own view is such concerns are vastly overstated. Well-known members of Congress walk on a regular basis in public view in the Capitol complex. Other very well-known personalities, presidents, vice presidents, cabinet officers, all are on public view with even incumbent presidents exposed to risks as they mingle with the public. Such risks are minimal in my view given the relatively minor ensure that Supreme Court justices would undertake through television appearances. Also, any concerns could be mitigated by focusing only on the attorneys presenting arguments. There is no requirement that the justices permit the cameras to focus on the bench.

As I explained earlier, the Supreme Court could, of course, permit television through its own rule but has decided not to do so. Congress should be circumspect and even hesitant to impose a rule mandating the televising of Supreme Court proceedings and should do so only in the face of compelling public policy reasons. The Supreme Court has such a dominant role in key decision-making functions that their proceedings ought to be better known to the public; and, in the absence of Court rule, public policy would be best served by enactment of legislation requiring the televising of Supreme Court proceedings.

This legislation embodies sound policy and will prove valuable to the all Americans. I urge my colleagues to support this bill.

By Mr. LEVIN:

S. 447. A bill to amend the Commodity Exchange Act to prevent excessive price speculation with respect to energy and agricultural commodities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEVIN. Mr. President, over the past couple of years energy prices have taken the American people on an unpredictable, expensive, and damaging roller coaster ride. In early 2007, a barrel of crude oil cost about $50. Over the course of the year, the price rose steeply, nearly doubling by the end of the year to almost $100 per barrel. Oil prices continued to soar through the first half of 2008, peaking at nearly $150 per barrel in July. Then, over the next few months, oil prices crashed back down to $35 per barrel, a drop of over $110 per barrel.

These huge price swings can't be explained by simple changes in supply and demand. Even taking into account the recession now plaguing our country and the world economy, many market analysts believe that it was a stampede of speculators into the crude oil futures market that first drove prices far higher than justified by global supply and demand, and now an exodus of those same speculators has driven prices much lower than justified by supply and demand.

Like crude oil, the natural gas, gasoline, and heating oil markets have also seen large price changes. The prices are way up, they're way down, they're unpredictable—making it impossible for many businesses and consumers to plan for and afford energy costs and related goods and services.

Unpredictable energy prices continue to take a tremendous toll on millions of American consumers and businesses. Unless we act to protect our energy markets from excessive speculation and price manipulation, the American economy will continue to be vulnerable to wild price swings affecting the prices of transportation, food, manufacturing and everything in between, endangering the economic security of our people, our businesses, and our nation.

Congress should act now to help tame rampant speculation and reinvigorate supply and demand as market forces.

That is why I am re-introducing legislation today that is nearly identical to the legislation I and others introduced near the end of the last Congress that provides strong and workable measures to prevent excessive speculation and price manipulation in U.S. energy and agricultural markets. It will close the loopholes in our commodities laws that now impede the policing of U.S. energy trades on foreign exchanges and in the unregulated over-the-counter market. It will ensure that large commodity traders cannot use these markets to hide from CFTC oversight or avoid limits on speculation. It will strengthen disclosure, oversight, and enforcement in U.S. energy markets, restoring the financial oversight that is crucial to protect American consumers, American businesses, and the U.S. economy from further energy shocks.

This legislation, which addresses commodity markets, is one important piece of the broader reform effort needed to repair our financial regulatory system, stop abusive practices, and put the cop back on the beat in all of our markets.

Specifically, this particular legislation would make four sets of changes.

First, it would require the CFTC to set limits on the holdings of traders in all of the energy futures contracts traded on regulated exchanges to prevent traders from engaging in excessive speculation or price manipulation. Since we closed the Enron loophole last year all futures contracts must be traded in regulated markets.

Second, it would close the ''London loophole'' by giving the CFTC the same authority to police traders in the United States who trade U.S. futures contracts on a foreign exchange and by requiring foreign exchanges that want to install trading terminals in the United States to impose comparable limits on speculative trading as the CFTC imposes on domestic exchanges to prevent excessive speculation and price manipulation.

Third, it would close the ''swaps loophole'' by requiring traders in the over-the-counter energy markets to report large trades to the CFTC, and it would authorize the CFTC to set limits on trading in the presently unregulated over-the-counter markets to prevent excessive speculation and price manipulation.

Finally, it would require the CFTC to revise the standards that allow traders who use futures markets to hedge their holdings to exceed the speculation limits that apply to everyone else.

My Permanent Subcommittee on Investigations has shown that one key factor in price spikes of energy is increased speculation in the energy markets. Traders are now trading millions of contracts for future delivery of oil, creating a demand for paper contracts that gets translated into increases in prices and increasing price volatility.

Much of this increase in trading of futures has been due to speculators who are not in the oil business but who are buying and selling oil futures contracts in the hope of making a profit from changing prices. According to the CFTC's data, the number of futures and options contracts held by speculators grew from around 100,000 contracts in 2001, which was 20 percent of the total number of outstanding contracts, to almost 1.2 million contracts last fall, representing almost 40 percent of the outstanding futures and options contracts in oil on NYMEX. Even these statistics understate the increase in speculation, since the CFTC data classifies futures trading involving index funds as commercial trading rather than speculation, and the CFTC classifies all traders in commercial firms as commercial traders, regardless of whether any particular trader in that firm may, in fact, be speculating.

Basic economic theory tells us that the greater the demand there is to buy futures contracts for the delivery of a commodity, the higher the price will be for those futures contracts.

Not surprisingly, therefore, massive speculation that the price of oil will increase, together with massive purchases of futures contracts in pursuit of that belief, have, in fact, helped increase the price of oil to a level far above the price justified by the traditional forces of supply and demand.

In June 2006, I released a Subcommittee report, The Role of Market Speculation in Rising Oil and Gas Prices: A Need to Put a Cop on the Beat. This report found that the traditional forces of supply and demand didn't account for sustained price increases and price volatility in the oil and gasoline markets. The report concluded that, in 2006, a growing number of trades of contracts for future delivery of oil occurred without regulatory oversight and that market speculation had contributed to rising oil and gasoline prices, perhaps accounting for $20 out of a then-priced $70 barrel of oil.

Oil industry executives and experts arrived at similar conclusions. As oil prices neared $100 in late 2007, the President and CEO of Marathon Oil said, ''$100 oil isn't justified by the physical demand in the market. It has to be speculation on the futures market that is fueling this.'' At about the same time, Mr. Fadel Gheit, oil analyst for Oppenheimer and Company described the oil market as ''a farce.'' ''The speculators have seized control and it's basically a free-for-all, a global gambling hall, and it won't shut down unless and until responsible governments step in.'' In January of 2008, when oil first hit $100 per barrel, Mr. Tim Evans, oil analyst for Citigroup, wrote: ''[T]he larger supply and demand fundamentals do not support a further rise and are, in fact, more consistent with lower price levels.'' At a joint hearing on the effects of speculation my Subcommittee held in late 2007, Dr. Edward Krapels, a financial market analyst, testified: ''Of course financial trading, speculation affects the price of oil because it affects the price of everything we trade. . . . It would be amazing if oil somehow escaped this effect.'' Dr. Krapels added that as a result of this speculation ''there is a bubble in oil prices.''

Last summer, the Presidents and CEOs of major U.S. airlines described the disastrous effects of rampant speculation on the airline industry. The

CEOs stated: ''normal market forces are being dangerously amplified by poorly regulated market speculation.'' The CEOs wrote: ''For airlines, ultra-expensive fuel means thousands of lost jobs and severe reductions in air service to both large and small communities.''

To rein in this rampant speculation, the first step to take is to put a cop back on the beat in all our energy markets to prevent excessive speculation, price manipulation, and trading abuses.

With respect to the commodity futures markets, the legislation we are introducing today requires the CFTC to establish limits on the amount of futures contracts any trader can hold. Currently, the CFTC allows the futures exchanges themselves to set these limits. This bill would require the CFTC to set those limits to prevent excessive speculation and price manipulation. It would preserve, however, the exchanges' obligation and ability to police their traders to ensure they remain below these limits.

This legislation would also require the CFTC to conduct a rulemaking to review and revise the criteria for allowing traders who are using the futures market to hedge their risks in a commodity to acquire holdings in excess of the limits on holdings for speculators.

Another step is to give the CFTC authority to prevent excessive speculation in the over-the-counter markets. In 2007, my Subcommittee issued a report on the effects of speculation in the energy markets entitled, Excessive Speculation in the Natural Gas Market. This investigation showed that speculation by a single hedge fund named Amaranth distorted natural gas prices during the summer of 2006 and drove up prices for average consumers. The report demonstrated how Amaranth had shifted its speculative activity to unregulated markets, under the ''Enron loophole,'' to avoid the restrictions and oversight in the regulated markets, and how Amaranth's trading in the unregulated markets contributed to price increases.

Following this investigation, I introduced a bill, S. 2058, to close the Enron loophole and regulate the un-regulated electronic energy markets. Working with Senators FEINSTEIN and SNOWE, and with the members of the Agriculture Committee in a bipartisan effort, we included an amendment to close the Enron loophole in the farm bill, which Congress passed last year.

The legislation to close the Enron loophole placed over-the-counter, OTC, electronic exchanges under CFTC regulation. However, this legislation did not address the separate issue of trading in the rest of the OTC market, which includes bilateral trades through voice brokers, swap dealers, and direct party-to-party negotiations. In order to ensure there is a cop on the beat in all of the energy commodity markets, we need to address the rest of the OTC market as well.

A large portion of this OTC market consists of the trading of swaps relating to the price of a commodity. Generally, commodity swaps are contracts between two parties where one party pays a fixed price to another party in return for some type of payment at a future time depending on the price of a commodity. Because some of these swap instruments look very much like futures contracts—except that they do not call for the actual delivery of the commodity—there is concern that the price of these swaps that are traded in the unregulated OTC market could affect the price of the very similar futures contracts traded on the regulated futures markets. We don't yet know for sure that this is the case, or that it is not, because we don't have any access to comprehensive data or reporting on the trading of these swaps in the OTC market.

The legislation introduced today includes provisions to give the CFTC oversight authority to stop excessive speculation in the over-the-counter market. These provisions represent a practical, workable approach that will enable the CFTC to obtain key information about the OTC market to enable it to prevent excessive speculation and price manipulation.

Under these provisions, the CFTC will have the authority to ensure that traders cannot avoid the CFTC reporting requirements by trading swaps in the unregulated OTC market instead of regulated exchanges. It will enable the CFTC to act, such as by requiring reductions in holdings of futures contracts or swaps, against traders with large positions in order to prevent excessive speculation or price manipulation regardless of whether the trader's position is on an exchange or in the OTC market.

This bill also gives the CFTC the authority to establish position limits in the over-the-counter market for energy and agricultural commodities in order to prevent excessive speculation and price manipulation. The CFTC needs this authority to ensure that large traders are not using the over-the-counter markets to evade the position limits in the futures markets.

The ''London loophole'' allowed crude oil traders in the U.S. to avoid the position limits that apply to trading on U.S. futures exchanges by directing their trades onto the ICE Futures Exchange in London.

In the last Congress, after I and others introduced legislation to close the London loophole that is similar to the legislation we are now introducing, the CFTC imposed more stringent requirements upon the ICE Futures Exchange's operations in the United States—for the first time requiring the London exchange to impose and enforce comparable position limits in order to be allowed to keep its trading terminals in the United States. This is the very action our legislation called for. However, the current CFTC position limits apply only to the nearest futures contract. Our legislation will ensure that foreign exchanges with trading terminals in the U.S. will apply position limits to other futures contracts once the CFTC establishes those limits for U.S. exchanges.

Although the CFTC has taken these important steps that will go a long way towards closing the London loophole, Congress should still pass this legislation to make sure the London loophole stays closed. The legislation would put the conditions the CFTC has imposed upon the London exchange into statute, and ensure that the CFTC has clear authority to take action against any U.S. trader who is manipulating the price of a commodity or excessively speculating through the London exchange, including requiring that trader to reduce positions.

The legislation also provides authorization for the CFTC to hire an additional 100 employees to oversee the commodity markets it regulates. The CFTC has been understaffed and underfunded for years. This authorization is a necessary first step to reinvigorate the agency's oversight and enforcement capabilities.

In summary, the legislation I am introducing today will give the CFTC ability to police all of our energy commodity markets to prevent excessive speculation and price manipulation. This legislation is necessary to close the loopholes in current law that permit speculators in commodity markets to avoid trading limits designed to prevent the type of excessive speculation that has been contributing to high energy and other commodity prices. I hope my colleagues will support this legislation.

Mr. President, I ask unanimous consent that the text of the bill and support material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Prevent Excessive Speculation Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITIONS OF ENERGY AND AGRICULTURAL COMMODITY.

(a) DEFINITION OF ENERGY COMMODITY.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (13) through (34) as paragraphs (14) through (35), respectively; and

(2) by inserting after paragraph (12) the following:

''(13) ENERGY COMMODITY.—The term 'energy commodity' means—

''(A) crude oil;

''(B) natural gas;

''(C) coal;

''(D) gasoline, heating oil, diesel fuel, and any other source of energy derived from coal, crude oil, or natural gas;

''(E) electricity;

''(F) ethanol and any other fuel derived from a renewable biomass;

''(G) any commodity that results from the management of air emissions, including but not limited to greenhouse gases, sulfur dioxide, and nitrogen oxides; and

''(H) any other substance that is used as a source of energy, as the Commission, in its discretion, deems appropriate.''.

(b) DEFINITION OF AGRICULTURAL COMMODITY.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (1) through (35) as paragraphs (2) through (36), respectively; and

(2) by inserting a new paragraph (1) as follows:

''(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means any commodity specifically described in paragraph (5).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 2(c)(2)(B)(i)(II)(cc) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)(cc)) is amended—

(A) in subitem (AA), by striking ''section 1a(20)'' and inserting ''section 1a(21)''; and

(B) in subitem (BB), by striking ''section 1a(20)'' and inserting ''section 1a(21)''.

(2) Section 13106(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by striking ''section 1a(32)'' and inserting ''section 1a''.

(3) Section 402 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27) is amended—

(A) in subsection (a)(7), by striking ''section 1a(20)'' and inserting ''section 1a''; and

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking ''section 1a(33)'' and inserting ''section 1a''; and

(ii) in paragraph (2)(D), by striking ''section 1a(13)'' and inserting ''section 1a''.

SEC. 3. SPECULATIVE LIMITS AND TRANSPARENCY OF OFF-SHORE TRADING.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

''(e) FOREIGN BOARDS OF TRADE.—

''(1) IN GENERAL.—The Commission may not permit a foreign board of trade to provide to the members of the foreign board of trade or other participants located in the United States, or otherwise subject to the jurisdiction of the Commission, direct access to the electronic trading and order matching system of the foreign board of trade with respect to an agreement, contract, or transaction in an energy commodity that settles against any price (including the daily or final settlement price) of one or more contracts listed for trading on a registered entity, unless—

''(A) the foreign board of trade—

''(i) makes public daily trading information regarding the agreement, contract, or transaction that is comparable to the daily trading information published by the registered entity for the one or more contracts against which the agreement, contract or transaction traded on the foreign board of trade settles; and

''(ii) promptly notifies the Commission of any change regarding—

''(I) the information that the foreign board of trade will make publicly available;

''(II) the position limits and position accountability provisions that the foreign board of trade will adopt and enforce;

''(III) the position reductions required to prevent manipulation; and

''(IV) any other area of interest expressed by the Commission to the foreign board of trade; and

''(B) the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade)—

''(i) adopts position limits or position accountability provisions for the agreement, contract, or transaction that are comparable to the position limits or position accountability provisions adopted by the registered entity for the one or more contracts against which the agreement, contract or transaction traded on foreign board of trade settles;

''(ii) has the authority to require or direct market participants to limit, reduce, or liquidate any position the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade) determines to be necessary to prevent or reduce the threat of price manipulation, excessive speculation, price distortion, or disruption of delivery or the cash settlement process; and

''(iii) provides information to the Commission that is comparable to the information that the Commission determines to be necessary to publish the commitments of traders report of the Commission for the one or more contracts against which the agreement, contract or transaction traded on the foreign board of trade settles.

''(2) EXISTING FOREIGN BOARDS OF TRADE.—Paragraph (1) shall not be effective with respect to any agreement, contract, or transaction in an energy commodity executed on a foreign board of trade to which the Commission had granted direct access permission prior to the date of enactment of this subsection until the date that is 180 days after the date of enactment of this subsection.

''(3) EXISTING CONTRACTS.—No contract of sale of a commodity for future delivery traded or executed on or through the facilities of a board of trade, exchange or market located outside the United States for purposes of subsection (a) shall be void, voidable or unenforceable and no party to such contract shall be entitled to rescind or recover any payments made with respect to such contract based upon the failure of the foreign board of trade to comply with any provision of this Act.''.

SEC. 4. AUTHORITY OF COMMODITY FUTURES TRADING COMMISSION WITH RESPECT TO CERTAIN TRADERS.

(a) IN GENERAL.—

(1) RESTRICTION OF FUTURES TRADING TO CONTRACT MARKETS OR DERIVATIVES TRANSACTION EXECUTION FACILITIES.—Section 4(b) of the Commodity Exchange Act (7 U.S.C. 6(b)) is amended by inserting after the first sentence the following: ''The Commission may adopt rules and regulations requiring the maintenance of books and records by any person that is located within the United States (including the territories and possessions of the United States) or that enters trades directly into the trade matching system of a foreign board of trade from the United States (including the territories and possessions of the United States).''

(2) COMMISSION AUTHORITY OVER TRADERS.—Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

''(e) The Commission shall have authority under this Act to require or direct a person located in the United States, or otherwise subject to the jurisdiction of the Commission, to limit, reduce, or liquidate any position on a foreign board of trade to prevent or reduce the threat of price manipulation, excessive speculation, price distortion, or disruption of delivery or the cash settlement process with respect to any contract listed for trading on a registered entity.

''(f) CONSULTATION.—Before taking any action under subsection (e), the Commission shall consult with the appropriate—

''(1) foreign board of trade; and

''(2) foreign futures authority.''.

(3) VIOLATIONS.—Section 9(a) of the Commodity Exchange Act (7 U.S.C. 13(a)) is amended by inserting ''(including any person trading on a foreign board of trade)'' after ''Any person'' each place it appears.

(4) EFFECT.—No amendment made by this subsection limits any of the otherwise applicable authorities of the Commodity Futures Trading Commission.

SEC. 5. WORKING GROUP OF INTERNATIONAL REGULATORS.

Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) (as amended by section 4(a)(2)(B)) is amended by adding at the end the following:

''(g) WORKING GROUP OF INTERNATIONAL REGULATORS.—Not later than 90 days after the date of enactment of this subsection, the Commission shall invite regulators of foreign boards of trade to participate in a working group of international regulators to develop uniform international reporting and regulatory standards to ensure the protection of the energy and agricultural futures markets from excessive speculation, manipulation, and other trading practices that may pose systemic risks to energy and agricultural futures markets, countries, and consumers.''.

SEC. 6. POSITION LIMITS FOR ENERGY AND AGRICULTURAL COMMODITIES.

Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding after and below the end the following:

''(2) In accordance with the standards set forth in paragraph (1) of this subsection and consistent with the good faith exception cited in subsection (b)(2), with respect to energy and agricultural commodities, the Commission, within 90 days after the date of the enactment of this paragraph, shall issue a proposed rule, and within 180 days after issuance of such proposed rule shall adopt a final rule, after notice and an opportunity for public comment, to establish limits on the amount of positions that may be held by any person with respect to contracts of sale for future delivery or with respect to options

on such contracts or commodities traded on or subject to the rules of a contract market or derivatives transaction execution facility, or on an electronic trading facility with respect to a significant price discovery contract.

''(3) In establishing the limits required in paragraph (2), the Commission shall set limits—

''(A) on the number of positions that may be held by any person for the spot month, each other month, and the aggregate number of positions that may be held by any person for all months;

''(B) to the maximum extent practicable, in its discretion—

''(i) to diminish, eliminate, or prevent excessive speculation;

''(ii) to deter and prevent market manipulation, squeezes, and corners;

''(iii) to ensure sufficient market liquidity; and

''(iv) to ensure that the price discovery function of the underlying cash market is not distorted or disrupted.

''(4) In addition to the position limits for energy and agricultural commodities that the Commission establishes under paragraph (2), the Commission may require or permit a contract market, derivatives transaction execution facility, or electronic trading facility with respect to a significant price discovery contract, to establish and enforce position accountability, as the Commission determines may be necessary and appropriate to accomplish the objectives set forth in paragraph (3)(B), provided that the number of positions that may be authorized under position accountability may not exceed the position limits established under paragraph (2).

''(5) Nothing in this section shall require the Commission to revise any position limit for an agricultural commodity that is in effect on the date of enactment of this Act.''.

SEC. 7. OVER-THE-COUNTER TRANSACTIONS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:

''(j) OVER-THE-COUNTER TRANSACTIONS.—

''(1) DEFINITIONS.—In this subsection:

''(A) COVERED PERSON.—The term 'covered person' means a person that enters into an over-the-counter transaction that is required to be reported under paragraph (3)(C).

''(B) OVER-THE-COUNTER TRANSACTION.—The term 'over-the-counter transaction' means a contract, agreement, or transaction in an energy or agricultural commodity that is—

''(i) entered into only between persons that are eligible contract participants at the time the persons enter into the agreement, contract, or transaction;

''(ii) not entered into on a trading facility; and

''(iii) not a sale of any cash commodity for delivery.

''(2) AUTHORITY IN MAJOR MARKET DISTURBANCES.—

''(A) IN GENERAL.—In the case of a major market disturbance, as determined by the Commission, the Commission may require any trader subject to the reporting requirements described in paragraph (3) to take such action as the Commission considers to be necessary to maintain or restore orderly trading in any contract listed for trading on a registered entity, including—

''(i) the liquidation of any futures contract; and

''(ii) the fixing of any limit that may apply to a market position involving any over-the-counter transaction acquired in good faith before the date of the determination of the Commission.

''(B) MAJOR MARKET DISTURBANCE.—The term 'major market disturbance' means any disturbance in a commodity market that disrupts the liquidity and price discovery function of that market from accurately reflecting the forces of supply and demand for a commodity, including—

''(i) a threatened or actual market manipulation or corner;

''(ii) excessive speculation; and

''(iii) any action of the United States or a foreign government that affects a commodity.

''(C) The term 'market disturbance' shall be interpreted in a manner consistent with section 8a(9).

''(D) JUDICIAL REVIEW.—Any action taken by the Commission under subparagraph (A) shall be subject to judicial review carried out in accordance with section 8a(9).

''(3) REPORTING; RECORDKEEPING.—

''(A) IN GENERAL.—The Commission shall require each covered person to submit to the Commission a report—

''(i) at such time and in such manner as the Commission determines to be appropriate; and

''(ii) containing the information required under subparagraph (B) to assist the Commission in detecting and preventing potential price manipulation of, or excessive speculation in, any contract listed for trading on a registered entity.

''(B) CONTENTS OF REPORT.—A report required under subparagraph (A) shall contain—

''(i) information describing large trading positions of the covered person obtained through one or more over-the-counter transactions that involve—

''(I) substantial quantities of a commodity in the cash market; or

''(II) substantial positions, investments, or trades in agreements or contracts relating to the commodity; and

''(ii) any other information relating to over-the-counter transactions required to be reported under subparagraph (C) carried out by the covered person that the Commission determines to be necessary to accomplish the purposes described in subparagraph (A).

''(C) OVER-THE-COUNTER TRANSACTIONS TO BE REPORTED.—

''(i) IN GENERAL.—The Commission shall identify each large over-the-counter transaction or class of large over-the-counter transactions the reporting of which the Commission determines to be appropriate to assist the Commission in detecting and preventing potential price manipulation of, or excessive speculation in, any contract listed for trading on a registered entity.

''(ii) MANDATORY FACTORS FOR DETERMINATIONS.—

''(I) IN GENERAL.—In carrying out a determination under clause (i), the Commission shall consider the extent to which each factor described in subclause (II) applies.

''(II) FACTORS.—The factors required for carrying out a determination under clause (i) include whether—

''(aa) a standardized agreement is used to execute the over-the-counter transaction;

''(bb) the over-the-counter transaction settles against any price (including the daily or final settlement price) of one or more contracts listed for trading on a registered entity;

''(cc) the price of the over-the-counter transaction is reported to a third party, published, or otherwise disseminated;

''(dd) the price of the over-the-counter transaction is referenced in any other transaction;

''(ee) there is a significant volume of the over-the-counter transaction or class of over-the-counter transactions; and

''(ff) there is any other factor that the Commission determines to be appropriate.

''(iii) PERIODIC REVIEW.—The Commission shall periodically conduct a review, but not less than once every 2 years, to determine whether to initiate a rulemaking to include any additional transactions or classes of transactions or to exclude any transactions or classes of transactions from the reporting requirements of this paragraph.

''(D) ALTERNATE REPORTING.—The Commission may permit any report required to be reported under paragraph (A) by—

''(i) a member of a derivatives clearing organization; or

''(ii) only one of the persons entering into the transaction, provided that each person entering into the transaction or transactions has notified the Commission, in the manner specified by the Commission, that one of the persons to the transaction or transactions has assumed, on behalf of the other person to the transaction, the legal obligations for such other person to submit reports under this section, including liabilities for failure to file such reports in accordance with the Commission's regulations. Any notification provided under this paragraph shall be effective in imposing such legal obligations and liabilities upon such person.

''(E) RECORDKEEPING.—The Commission, by rule, shall require each covered person—

''(i) in accordance with section 4i, to maintain such records as directed by the Commission for a period of 5 years, or longer, if directed by the Commission; and

''(ii) to provide such records upon request to the Commission or the Department of Justice.

''(4) POSITION LIMITS FOR OVER-THE-COUNTER TRANSACTIONS.—Upon review of the information reported to the Commission under paragraph (3), or following a major market disturbance as determined by the Commission under paragraph (2), the Commission may establish, after due notice and opportunity for hearing, by rule, regulation, or order, such limits on the amount of trading in over-the-counter transactions as the Commission determines are necessary and appropriate to accomplish one or more of the following objectives with respect to any contract listed for trading on a registered entity—

''(A) diminish, eliminate, or prevent excessive speculation;

''(B) deter and prevent market manipulation, squeezes, and corners;

''(C) ensure sufficient market liquidity; and

''(D) ensure that the price discovery function of the underlying cash market is not distorted or disrupted.

''(5) PROTECTION OF PROPRIETARY INFORMATION.—In carrying out this subsection, the Commission may not—

''(A) require the publication of any proprietary information;

''(B) prohibit the commercial sale or licensing of any proprietary information; and

''(C) except as provided in section 8, publicly disclose any information relating to any market position, business transaction, trade secret, or name of any customer of a covered person.

''(6) APPLICABILITY.—Notwithstanding subsections (g) and (h), and any exemption issued by the Commission for any energy or agricultural commodity, each over-the-counter transaction shall be subject to this subsection.

''(7) SAVINGS CLAUSE.—Nothing in this subsection modifies or alters—

''(A) the guidance of the Commission; or

''(B) any applicable requirements with respect the disclosure of proprietary information.

''(8) BONA FIDE HEDGING TRANSACTION REVIEW.—

''(A) IN GENERAL.—The Commission shall review and revise the definition of bona fide hedging transaction in subsection (c) of Section 4a of the Commodity Exchange Act (7 U.S.C 2(h)(2)(A)) as the Commission determines is necessary and appropriate to ensure that the commodity markets effectively perform their risk management and price discovery functions.''.

SEC. 8. INDEX TRADERS AND SWAP DEALERS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) (as amended by section 3) is amended by adding at the end the following:

''(f) INDEX TRADERS AND SWAP DEALERS.—Not later than 60 days after the date of enactment of this subsection, the Commission shall—

''(1) routinely require detailed reporting from index traders and swap dealers in markets under the jurisdiction of the Commission;

''(2) reclassify the types of traders for regulatory and reporting purposes to distinguish between index traders and swaps dealers; and

''(3) review the trading practices for index traders in markets under the jurisdiction of the Commission—

''(A) to ensure that index trading is not adversely impacting the price discovery process; and

''(B) to determine whether different practices or regulations should be implemented.''.

SEC. 9. DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN ENERGY AND AGRICULTURAL MARKETS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) (as amended by section 8) is amended by adding at the end the following:

''(g) DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN ENERGY AND AGRICULTURAL MARKETS.—The Commission shall disaggregate and make public monthly—

''(1) the number of positions and total value of index funds and other passive, long-only positions in energy and agricultural markets; and

''(2) data on speculative positions relative to bona fide physical hedgers in those markets.''.

SEC. 10. ADDITIONAL COMMODITY FUTURES TRADING COMMISSION EMPLOYEES FOR IMPROVED ENFORCEMENT.

Section 2(a)(7) of the Commodity Exchange Act (7 U.S.C. 2(a)(7)) is amended by adding at the end the following:

''(D) ADDITIONAL EMPLOYEES.—As soon as practicable after the date of enactment of this subparagraph, the Commission shall appoint at least 100 full-time employees (in addition to the employees employed by the Commission as of the date of enactment of this subparagraph)—

''(i) to increase the public transparency of operations in energy futures markets;

''(ii) to improve the enforcement of this Act in those markets; and

''(iii) to carry out such other duties as are prescribed by the Commission.''.

LEVIN PREVENT EXCESSIVE SPECULATION ACT

BILL SUMMARY

The Prevent Excessive Speculation Act would:

Authorize Speculation Limits for all Energy and Agricultural Commodities. Direct CFTC to impose position limits on energy and agricultural futures contracts to prevent excessive speculation and manipulation and to ensure sufficient market liquidity.

Authorize CFTC to permit exchanges to impose and enforce accountability levels that are lower than CFTC-established speculation limits.

Close London Loophole by Regulating Offshore Traders and Increasing Transparency of Offshore Trades. Prohibit a foreign exchange from operating in the United States unless it imposes comparable speculation limits and reporting requirements as apply to U.S. exchanges.

Provide CFTC with same enforcement authority over U.S. traders on foreign exchanges as it has over traders on U.S. exchanges, including authority to require traders to reduce their holdings to prevent excessive speculation or manipulation.

Require CFTC to invite non-U.S. regulators to form an international working group to develop uniform regulatory and reporting requirements to protect futures markets from excessive speculation and manipulation.

Close the Swaps Loophole and Regulate Over-the-Counter Transactions. Authorize CFTC to impose speculation limits on OTC transactions to protect the integrity of prices in the futures markets and cash markets.

Require large OTC trades that affect futures prices to be reported to CFTC. Allow one party to a transaction to authorize the other party to file the report. Require CFTC periodic review of reporting requirements to ensure key trades are covered.

Direct CFTC to revise bona fide hedge exemption to ensure regulation of all speculators, and strengthen data analysis and transparency of swap dealer and index trading.

Clarify definition of OTC transactions to exclude spot market transactions.

Protect Both Energy and Agriculture Commodities. Cover trades in crude oil, natural gas, gasoline, heating oil, coal, propane, electricity, other petroleum products and sources of energy from fossil fuels, as well as ethanol, biofuels, emission allowances for greenhouse gases, SO_2, NO_x, and other air emissions.

Cover trades in agricultural commodities listed in the Commodity Exchange Act.

Strengthen CFTC Oversight. Authorize CFTC to hire 100 new personnel to oversee markets.

Direct CFTC to issue proposed rules within 90 days and final rules within 180 days.

By Mr. SPECTER (for himself, Mr. SCHUMER, Mr. LUGAR, and Mr. GRAHAM):

S. 448. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I sought recognition to introduce the Free Flow of Information Act of 2009. I am honored to be joined in my efforts by Senators SCHUMER, LUGAR and GRAHAM, who are original cosponsors. Some 242 years ago, on January 16, 1767, Thomas Jefferson remarked in a letter to Col. Edward Carrington, ''Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.'' We take our free press for granted because it is so ingrained in our history. But we need only look at free press movements in fledgling democracies to appreciate how sometimes fragile and easily chilled freedom of press truly is.

The Free Flow of Information Act protects the public interest by ensuring an informed citizenry. In the past three years the Department of Justice has provided inconsistent numbers of subpoenaed journalists to the Judiciary Committee. We know from the public record, however, that at least 19 journalists have been subpoenaed by federal and special prosecutors for confidential source information since 2001 claim. Among them are Judith Miller, Matt Cooper, Tim Russert, Lance Williams, Mark Fainaru-Wada, and Philip Shenon. We also know 4 journalists have been imprisoned at the request either of the DoJ, U.S. Attorneys, or special prosecutors since 2000. Josh Wolf, Judith Miller, Jim Taricani, Vanessa Leggett. Collectively, these journalists have spent over 19 months imprisoned. Journalists who are not jailed for failing to comply with subpoenas still suffer the prospect of being held in contempt. Several have suffered this fate: Toni Locy, James Stewart, Walter Pincus, Jim Taricani.

In addition to the subpoenas from special prosecutors mentioned above, more than a dozen reporters have received subpoenas in civil suits, such as the Wen Ho Lee and Hatfill privacy lawsuits against the government. A preliminary report on the 2007 Media Subpoena Survey conducted by Professor RonNell Andersen Jones at the Law College Foundation at the University of Arizona states: 761 responding news organizations reported receiving a total of 3,602 subpoenas seeking information or material relating to newsgathering activities in calendar year 2006. Of these, 335 were subpoenas arising out of proceedings that took place in a federal forum. Sixty-four percent of responding newsroom leaders believe the frequency of media subpoenas to be greater than it was five years ago. Fifty percent of the media companies believe the risk of their own organization receiving a subpoena is greater than it was five years ago, while only 5 percent believe the risk to be less.

This bipartisan legislation would establish a qualified reporters' privilege protecting them from being compelled to identify confidential source information. The bill seeks to reconcile reporters' need to maintain confidentiality, in order to ensure that sources will speak openly and freely with the media, with the public's right to effective law enforcement and fair trials. The situation in the United States today is that journalists are subject to

a compulsory process to disclose confidential informants—at least in Federal courts. At the State level, there are many laws providing qualified privileges for journalists. Prior versions of this bill garnered the support of numerous bipartisan cosponsors, as well as 39 media organizations, including the Washington Post, The Hearst Corporation, Time Warner, ABC Inc., CBS, CNN, The New York Times Company, and National Public Radio.

In 2005 I cosponsored two prior bills and was principle author of yet another. In the 110th Congress, I introduced S. 1035 the Free Flow of Information Act of 2007, along with Senator SCHUMER, and Senators LUGAR, GRAHAM, and DODD other senators to join as cosponsors were Senators LEAHY, JOHNSON, BOXER, KLOBUCHAR, Salazar, Obama, Clinton, Dole, MURRAY, LANDRIEU, WEBB, TESTER, LIEBERMAN, DURBIN, BAUCUS, and LAUTENBERG. On October 4, 2007, the Committee on the Judiciary favorably reported S.2035 out of committee by a 15–4 vote, which marked the first time a reporters' privilege bill had ever passed out of the Senate Judiciary Committee.

On March 6, 2008, I, along with Senator LEAHY, sent a letter to Majority Leader REID and Minority Leader MCCONNELL asking that S. 2035 receive floor time for full Senate consideration. They answered our call. On July 30, 2008, the Senate entertained a cloture vote on the motion to proceed to the measure that failed by a vote of 51–43. Nonetheless, the bill continues to enjoy broad bipartisan support—including the pledged support of former Senator, now—President Barack Obama. I urge all of my colleagues to join me in passing the Free Flow of Information Act of 2009, its high time we stop jailing or holding in contempt reporters who, in good faith, protect their confidential sources even in the face of a government subpoena.

There has been a growing consensus that we need to establish a Federal journalists' privilege to protect the integrity of the news gathering process, a process that depends on the free flow of information between journalists and whistleblowers, as well as other confidential sources.

Under my chairmanship, the Judiciary Committee held three separate hearings on this issue at which we heard from 20 witnesses, including prominent journalists like William Safire and Judith Miller, current and former Federal prosecutors, including former Deputy Attorney General Paul McNulty, and First Amendment scholars.

These witnesses demonstrated that there are two vital, competing concerns at stake. On one hand, reporters cite the need to maintain confidentiality in order to ensure that sources will speak openly and freely with the news media. The renowned William Safire, former columnist for the New York Times, testified that ''the essence of news gathering is this: if you don't have sources you trust and who trust you, then you don't have a solid story—and the public suffers for it.'' Reporter Matthew Cooper of Time Magazine said this to the Judiciary Committee: ''As someone who relies on confidential sources all the time, I simply could not do my job reporting stories big and small without being able to speak with officials under varying degrees of anonymity.''

On the other hand, the public has a right to effective law enforcement and fair trials. Our judicial system needs access to information in order to prosecute crime and to guarantee fair administration of the law for plaintiffs and defendants alike. As a Justice Department representative told the Committee, prosecutors need to ''maintain the ability, in certain vitally important circumstances, to obtain information identifying a source when a paramount interest is at stake. For example, obtaining source information may be the only available means of preventing a murder, locating a kidnapped child, or identifying a serial arsonist.''

As Federal courts have considered these competing interests, they adopted rules that went in several different directions. Rather than a clear, uniform standard for deciding claims of journalist privilege, the Federal courts currently observe a ''crazy quilt'' of different judicial standards.

The confusion began 36 years ago, when the Supreme Court decided Branzburg v. Hayes. The Court held that the press' First Amendment right to publish information does not include a right to keep information secret from a grand jury investigating a criminal matter. The Supreme Court also held that the common law did not exempt reporters from the duty of every citizen to provide information to a grand jury.

The Court reasoned that just as newspapers and journalists are subject to the same laws and restrictions as other citizens, they are also subject to the same duty to provide information to a court as other citizens. However, Justice Powell, who joined the 5–4 majority, wrote a separate concurrence in which he explained that the Court's holding was not an invitation for the Government to harass journalists. If a journalist could show that the grand jury investigation was being conducted in bad faith, the journalist could ask the court to quash the subpoena. Justice Powell indicated that courts might assess such claims on a case-by-case basis by balancing the freedom of the press against the obligation to give testimony relevant to criminal conduct.

In attempting to apply Justice Powell's concurring opinion, Federal courts have split on the question of when a journalist is required to testify. In more than three decades since Branzburg, the Federal courts are split in at least three ways in their approaches to Federal criminal and civil cases.

With respect to Federal criminal cases, five circuits apply Branzburg so as to not allow journalists to withhold information absent governmental bad faith. Four other circuits recognize a qualified privilege, which requires courts to balance the freedom of the press against the obligation to provide testimony on a case-by-case basis. The law in the District of Columbia Circuit is unsettled.

With respect to Federal civil cases, 9 of the 12 circuits apply a balancing test when deciding whether journalists must disclose confidential sources. One circuit affords journalists no privilege in any context. Two other circuits have yet to decide whether journalists have any privilege in civil cases. Meanwhile, 49 States plus the District of Columbia have recognized some form of reporters' privilege within their own jurisdictions. Thirty-one States plus the District of Columbia have passed some form of reporter's shield statute, and 18 States have recognized a privilege at common law.

There is little wonder that there is a growing consensus concerning the need for a uniform journalists' privilege in Federal courts. This system must be simplified.

Today, we move toward resolving this problem by introducing the Free Flow of Information Act of 2009. The purpose of this bill is to guarantee the flow of information to the public through a free and active press, while protecting the public's right to effective law enforcement and individuals' rights to the fair administration of justice.

The bill provides a qualified privilege for reporters to withhold from Federal courts, prosecutors, and other Federal entities, confidential source information and documents and materials obtained or created under a promise of confidentiality. However, the bill recognizes that, in certain instances, the public's interest in law enforcement and fair trials outweighs a source's interest in remaining anonymous through the reporter's assertion of a privilege. Therefore, it allows courts to require disclosure where certain criteria are met.

Under the legislation, in most criminal investigations and prosecutions, the Federal entity seeking the reporter's source information must show that there are reasonable grounds to believe that a crime has occurred, and that the reporter's information is essential to the prosecution or defense. In criminal investigations and prosecutions of leaks of classified information, the Federal entity seeking disclosure must additionally show that the leak caused

significant, clear, and articulable harm to national security. In noncriminal actions, the Federal entity seeking source information must show that the reporter's information is essential to the resolution of the matter.

In all cases and investigations, the Federal entity must demonstrate that nondisclosure would be contrary to the public interest. In other words, the court must balance the governmental need for the information against the public interest in newsgathering and the free flow of information.

Further, the bill ensures that Federal Government entities do not engage in ''fishing expeditions'' for a reporter's information. The information a reporter reveals must, to the extent possible, be limited to verifying published information and describing the surrounding circumstances. The information must also be narrowly tailored to avoid compelling a reporter to reveal peripheral or speculative information.

Finally, the Free Flow of Information Act adds layers of safeguards for the public. Reporters are not allowed to withhold information if a Federal court concludes that the information is needed for the defense of our Nation's security, as long as it outweighs the public interest in newsgathering and maintains the free flow of information to citizens, or to prevent an act of terrorism. Similarly, journalists may not withhold information reasonably necessary to stop a kidnapping or a crime that could lead to death or physical injury. Also, the bill ensures that both crime victims and criminal defendants will have a fair hearing in court. Under this bill, a journalist who is an eyewitness to a crime or tort or takes part in a crime or tort may not withhold that information on grounds of the qualified privilege. Journalists should not be permitted to hide from the law by writing a story and then claiming a reporter's privilege.

It is time for Congress to clear up the ambiguities journalists and the Federal judicial system face in balancing the protections journalists need in providing confidential information to the public with the ability of the courts to conduct fair and accurate trials. I urge my colleagues to support this legislation and help create a fair and efficient means to serve journalists and the news media, prosecutors and the courts, and most importantly the public interest on both ends of the spectrum.

By Mr. SPECTER (for himself, Mr. LIEBERMAN, and Mr. SCHUMER):

S. 449. A bill to protect free speech; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President. I am introducing the Free Speech Protection Act of 2009 to address a serious challenge to one of the most basic protections in our Constitution. American journalists and academics must have the freedom to investigate, write, speak, and publish about matters of public importance, limited only by the legal standards laid out in our First Amendment jurisprudence, including precedents such as New York Times v. Sullivan. Despite the protection for free speech under our own law, the rights of the American public, and of American journalists who share information with the public, are being threatened by the forum shopping of libel suits to foreign courts with less robust protections for free speech.

These suits are filed in, and entertained by, foreign courts, despite the fact that the challenged speech or writing is written in the United States by U.S. journalists, and is published or disseminated primarily in the United States. The plaintiff in these cases may have no particular connection to the country in which the suit is filed. Nevertheless, the U.S. journalists or publications who are named as defendants in these suits must deal with the expense, inconvenience and distress of being sued in foreign courts, even though their conduct is protected by the First Amendment.

An example of why the legislation is necessary is found in litigation involving Dr. Rachel Ehrenfeld, a U.S. citizen and Director of the American Center for Democracy, whose articles have appeared in the Wall Street Journal, the National Review, and the Los Angeles Times. She has been a scholar with Columbia University, the University of New York School of Law, and Johns Hopkins, and has testified before Congress. Dr. Ehrenfeld's 2003 book, ''Funding Evil: How Terrorism is Financed and How to Stop It'', which was published solely in the United States by a U.S. publisher, alleged that a Saudi Arabian subject and his family financially supported Al Qaeda in the years preceding the attacks of September 11. He sued Ehrenfeld for libel in England, although only 23 books were sold there. Why? Because under English law, it is not necessary for a libel plaintiff to prove falsity or actual malice as is required in the United States.

Dr. Ehrenfeld did not appear, and the English court entered a default judgment for damages, an injunction against publication in the United Kingdom, a ''declaration of falsity'', and an order that she and her publisher print a correction and an apology.

Dr. Ehrenfeld sought to shield herself with a declaration from both federal and state courts that her book did not create liability under American law, but jurisdictional barriers prevented both the Federal and New York State courts from acting. Reacting to this problem, the Governor of New York, on May 1, 2008, signed into law the ''Libel Terrorism Protection Act.'' Congress must now take similar action. I note that the person who sued Dr. Ehrenfeld has filed dozens of lawsuits in England, and there is a real danger that other American writers and researchers will be afraid to address this crucial subject of terror funding and other important matters. Other countries should be free to have their own libel law, but so too should the United States. Venues that have become magnets for defamation plaintiffs from around the world permit those who want to intimidate our journalists to succeed in doing so. The stakes are high. The United Nations in 2008 noted the importance of free speech and a free press, and the threat that libel tourism poses to the world.

Following the New York example, the legislation my co-sponsors and I introduce today confers jurisdiction on federal courts to bar enforcement of foreign libel judgments if the material at issue would not constitute libel under U.S. law. Significantly, it also deters foreign suits in the first place by permitting American defendants to countersue from the moment papers are served on them. Damages available in the countersuit include the amount at issue in the foreign libel suit as well as treble damages if the foreign suit is part of a scheme to suppress a U.S. person's first amendment rights.

This deterrent mechanism is critical because those who bring these foreign libel suits are more interested in intimidating the authors than in actually collecting damages. They know that even if a foreign judgment cannot be enforced in the United States, the cost of defending the suit and the penalty for taking a default judgment can have a chilling effect on American writers and publishers. In particular, under English law a contempt citation may issue against authors or publishers who fail to satisfy default judgments, pursuant to which their property may be seized and they may be imprisoned. What is worse, defendants can no longer skirt the consequences merely by avoiding contact with England. Under recent European Commission regulations, default judgments for monetary claims are enforceable in all EU countries except Denmark.

The potentially severe ramifications of a default judgment make clear that merely barring enforcement of a foreign libel judgment in U.S. courts is entirely insufficient particularly for publishers with European offices. While it is important to bar enforcement, in the words of a New York Times editorial, that does ''not go as far as it could.''

I often remark that the Senate is the world's greatest deliberative body and all the facts and arguments ought to be examined before it acts. Accordingly, I must address a letter in opposition to this bill from a prominent British libel lawyer and explain why his arguments are unpersuasive.

He notes that a ''U.S. citizen . . . knocked down by the negligent driving'' of a London taxi driver is ''just as

entitled as any British citizen'' to sue in England for damages. Why should a U.S. citizen ''not be entitled on the same basis, like any other UK citizen, to sue for damages to his reputation?'' The answer, of course, is that the analogy is inapt. In that hypothetical, the plaintiff sues the defendant in the defendant's jurisdiction for a harm committed and suffered there, an injury that is universally recognized as a tort. By contrast, the plaintiff in a foreign libel action purposely avoids suing in the jurisdiction where the defendant journalist writes and publishes, a jurisdiction where the material is not libelous. The proper analogy would be if the injured American had sued the taxi driver in the United States instead of England because the driver's conduct would not constitute negligence under English law. That hardly seems fair play. Our bill is designed specifically to prevent such forum shopping.

That essay also asks whether ''legislators will extend their intervention'' to commercial matters such as contracts and debts and warns that such extension could trigger ''retaliatory action on the part of UK legislators.'' Actually, such extension has already happened, but at the hands of British legislators not American ones. In the antitrust context, British law bars enforcement of foreign judgments for treble damages such as those awarded by U.S. courts. In addition, it allows a British corporation, against whom a judgment for treble damages was entered in a foreign court, to recover from the plaintiff any excess over actual damages. In any event, this bill is confined to the narrow area of core First Amendment rights.

''Perhaps of most significance'' he continues in his letter, is that to his knowledge ''very few of these claims have actually come before UK courts.'' But it is the chilling effect and the mere threat of litigation that suffices to silence authors; there is no need to try the cases. In 2004, fear of a lawsuit forced Random House UK to cancel publication of ''House of Bush, House of Saud,'' a best seller in the U.S. that was written by an American author. Similarly, in 2007, the threat of a lawsuit compelled Cambridge University Press to apologize and destroy all available copies of ''Alms for Jihad,'' a book on terrorism funding by American authors. Indeed, an October 2008 study reported in The Guardian found that ''[m]edia companies are becoming less willing to fight defamation court cases all the way to a verdict. . . . With the burden of proof effectively resting on the defendant'' and attorneys' fees paid by the loser, defendants ''are forced to enter into settlement negotiations.''

Numerous organizations have endorsed the bill we offer today, including the ACLU and the Anti-Defamation League, as well as numerous journalists and publishers groups. Op-eds and editorials supporting our efforts have run in national papers, including the New York Times on September 15, 2008 and the New York Sun on July 28, 2008. Also drawing attention to the issue was an op-ed Senator LIEBERMAN and I penned that ran in the Wall Street Journal on July 14, 2008.

Freedom of speech, freedom of the press, freedom of expression of ideas, opinions, and research, and freedom of exchange of information are all essential to the functioning of a democracy. They are also essential in the fight against terrorism.

I thank Senators LIEBERMAN and SCHUMER, as well as Congressman PETE KING and his cosponsors for working with me on this important bill.

By Mr. BAUCUS (for himself, Ms. STABENOW, Mr. TESTER, Mr. CONRAD, Mr. JOHNSON, and Mr. SCHUMER):

S. 450. A bill to understand and comprehensively address the oral health problems associated with methamphetamine use; to the Committee on Health, Education, Labor, and Pensions.

Mr. BAUCUS. Mr. President, I rise today to re-introduce the Meth Mouth Prevention and Community Recovery Act in the 111th Congress.

In December 2007, the U.S. Department of Justice's National Drug Intelligence Center, NDIC, reported the increasing availability of high-purity methamphetamine throughout the country and the expansion of methamphetamine networks. According to the 2005 National Survey on Drug Use and Health, NSDUH, an estimated 10.4 million Americans aged 12 or older used methamphetamine at least once in their lifetimes for nonmedical reasons, representing 4.3 percent of the U.S. population in that age group. Its use has been destructive to individual people, families and communities in our nation. Lung disease, fatal heart attacks, mental illness and decaying teeth have been implicated with its prevalent use.

Dental problems are common among drug users. Many do not care for their teeth regularly and most do not see a dentist often. But methamphetamine seems to be taking a unique and horrific toll inside its user's mouths.

In those populated areas where its use is highly concentrated, more and more dentists are encountering patients with a distinct, painful and often debilitating pattern of oral decay. The condition, known as ''meth mouth'', is characterized by teeth that are blackened, stained, rotting and crumbling or falling apart. Some believe meth mouth is caused by the drug's acidic nature, its ability to dry the mouth, the tendency of users to grind and clench their teeth and a drug-induced craving for sugary drinks. Often the damage is so severe that extraction is the only viable treatment option.

The Meth Mouth Prevention and Community Recovery Act authorizes funding for local, school-based initiatives to educate primary and elementary school students about the dangers of methamphetamine usage. It will also provide for enhanced research and professional training in substance use disorders, oral health and the provision of dental care.

The bill I am putting forth here today will begin to address our Nation's need to better understand and educate our population along helping the dental health providers treat the oral disease originating from this drug's abuse. The studies funded and treatment offered here will begin to stem the tide on this terrible affliction.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the ''Meth Mouth Prevention and Community Recovery Act''.

(b) PURPOSES.—The purposes of this Act are—

(1) to investigate and report on all aspects of meth mouth, including its causes, public health impact, innovative models for its prevention, and new and improved methods for its treatment;

(2) to ensure dentists and allied dental personnel are able to recognize the signs of substance abuse in their patients, discuss the nature of addiction as it relates to oral health and dental care, and facilitate appropriate help for patients (and family members of patients) who are affected by a substance use disorder;

(3) to determine whether, how, and to what degree educating youth about meth mouth is an effective strategy for preventing or reducing the prevalence of methamphetamine use; and

(4) to underscore the many ways that dentists and other oral health professionals can contribute to the general health of their patients, their communities, and the country as a whole.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE III—SUBSTANCE ABUSE EDUCATION FOR DENTAL PROFESSIONALS

TITLE I—EVIDENCE–BASED PREVENTION

SEC. 101. FINDINGS; PURPOSE; DEFINITIONS.

(a) FINDINGS.—The Congress finds as follows:

(1) According to the Substance Abuse and Mental Health Services Administration, first-time methamphetamine use is most likely to occur between the ages of 18 and 25. Prevention efforts must therefore begin during the teen years.

(2) Most young people do not realize that methamphetamine use can quickly leave their teeth blackened, stained, rotting, and crumbling or falling apart and that the treatment options are often limited.

(3) By educating youth about meth mouth, oral health advocates can play a substantial role in helping to prevent first-time methamphetamine use.

(b) PURPOSE.—The purpose of this title is to provide for a number of projects to evaluate whether, how, and to what degree educating youth about meth mouth is an effective strategy for preventing or reducing methamphetamine use.

(c) DEFINITIONS.—In this title:

(1) ANTI-DRUG COALITION.—The term ''anti-drug coalition'' has the meaning given to the term ''eligible coalition'' in section 1023 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1523).

(2) DENTAL ORGANIZATION.—The term ''dental organization'' means a group of persons organized to represent the art and science of dentistry or who are otherwise associated for the primary purpose of advancing the public's oral health.

(3) DIRECTOR.—The term ''Director'' means the Director of the Center for Substance Abuse Prevention.

(4) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms ''elementary school'' and ''secondary school'' have the meanings given to such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) INDIAN; INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ''Indian'', ''Indian tribe'', and ''tribal organization'' have the meanings given to such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) METH MOUTH.—The term ''meth mouth'' means a distinct and often severe pattern of oral decay that is commonly associated with methamphetamine use.

(7) SUBSTANCE USE DISORDER.—The term ''substance use disorder'' means any harmful pattern of alcohol or drug use that leads to clinically significant impairment in physical, psychological, interpersonal, or vocational functioning.

(8) YOUTH.—The term ''youth'' has the meaning given to such term in section 1023 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1523).

SEC. 102. METHAMPHETAMINE PREVENTION DEMONSTRATION PROJECTS.

(a) IN GENERAL.—In carrying out section 519E of the Public Health Service Act (42 U.S.C. 290bb–25e), the Director of the Center for Substance Abuse Prevention shall make grants to public and private nonprofit entities to enable such entities to determine whether, how, and to what degree educating youth about meth mouth is an effective strategy for preventing or reducing methamphetamine use.

(b) USE OF FUNDS.—

(1) MANDATORY USES.—Amounts awarded under this title shall be used for projects that focus on, or include specific information about, the oral health risks associated with methamphetamine use.

(2) AUTHORIZED USES.—Amounts awarded under this title may be used—

(A) to develop or acquire instructional aids to enhance the teaching and learning process (including audiovisual items, computer-based multimedia, supplemental print material, and similar resources);

(B) to develop or acquire promotional items to be used for display or distribution on school campuses (including posters, flyers, brochures, pamphlets, message-based apparel, buttons, stickers, and similar items);

(C) to facilitate or directly furnish school-based instruction concerning the oral health risks associated with methamphetamine use;

(D) to train State and local health officials, health professionals, members of anti-drug coalitions, parents, and others how to carry messages about the oral health risks associated with methamphetamine use to youth; and

(E) to support other activities deemed appropriate by the Director.

(c) GRANT ELIGIBILITY.—

(1) APPLICATION.—To be eligible for grants under this title, an entity shall prepare and submit an application at such time, in such manner, and containing such information as the Director may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall include—

(A) a description of the objectives to be attained;

(B) a description of the manner in which the grant funds will be used; and

(C) a plan for evaluating the project's success using methods that are evidence-based.

(3) PREFERENCE.—In awarding grants under this title, the Director shall give preference to applicants that intend to—

(A) collaborate with one or more dental organizations;

(B) partner with one or more anti-drug coalitions; and

(C) coordinate their activities with one or more national, State, or local methamphetamine prevention campaigns or oral health promotion initiatives.

(d) LIMITATIONS.—

(1) GRANT AMOUNTS.—The amount of an award under this title may not exceed $50,000 per grantee.

(2) DURATION.—The Director shall award grants under this title for a period not to exceed 3 years.

(e) EVALUATION AND DISSEMINATION.—The Director shall collect and widely disseminate information about the effectiveness of the demonstration projects assisted under this title.

SEC. 103. EDUCATION FOR AMERICAN INDIAN AND ALASKA NATIVE CHILDREN.

Not less than 5 percent of the funds appropriated pursuant to section 104 for a fiscal year shall be awarded to Indian tribes and tribal organizations for the purpose of educating Indian youth about the oral health risks associated with methamphetamine use.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the purpose of carrying out this title $1,000,000 for each of fiscal years 2010 through 2012. Amounts authorized to be appropriated under this section are in addition to any other amounts authorized to be appropriated for such purpose.

TITLE II—METH MOUTH RESEARCH INVESTMENT ACT

SEC. 201. FINDINGS; PURPOSE; DEFINITIONS.

(a) FINDINGS.—The Congress finds as follows:

(1) As the number of regular methamphetamine users has increased, so has a peculiar set of dental problems linked to the drug. The condition (known as ''meth mouth'') develops rapidly and is attributed to the drug's acidic nature, its ability to dry the mouth, the tendency of users to grind and clench their teeth, and a drug-induced craving for sugar-laden soft drinks.

(2) Meth mouth is regarded by many as an anecdotal phenomenon. Few peer-reviewed studies have been published that examine its causes, its physical effects, its prevalence, or its public health costs.

(3) Enhanced research would help to identify the prevalence and scope of meth mouth. Such research would also help determine how substances of abuse can damage the teeth and other oral tissues, and offer the possibility of developing new and improved prevention, harm-reduction, and cost management strategies.

(b) PURPOSE.—The purpose of this title is to provide for enhanced research examining all aspects of meth mouth, including its causes, its public health impact, innovative models for its prevention, and new and improved methods for its treatment.

(c) DEFINITIONS.—In this title:

(1) CLINICAL RESEARCH; HEALTH SERVICES RESEARCH.—The terms ''clinical research'' and ''health services research'' shall have the meanings given to such terms in section 409 of the Public Health Service Act (42 U.S.C. 284d).

(2) INDIAN; INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ''Indian'', ''Indian tribe'', and ''tribal organization'' shall have the meanings given to such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) METH MOUTH.—The term ''meth mouth'' means a distinct and often severe pattern of oral decay that is commonly associated with methamphetamine use.

(4) PUBLIC HEALTH RESEARCH.—The term ''public health research'' means research that focuses on population-based health measures.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(6) SUBSTANCE USE DISORDER.—The term ''substance use disorder'' means any harmful pattern of alcohol or drug use that leads to clinically significant impairment in physical, psychological, interpersonal, or vocational functioning.

SEC. 202. RESEARCH ON SUBSTANCE ABUSE, ORAL HEALTH, AND DENTAL CARE.

(a) EXPANSION OF ACTIVITY.—In carrying out part A of title III of the Public Health Service Act (42 U.S.C. 241 et seq.), the Secretary shall expand and intensify the clinical research, health services research, and public health research on associations between substance use disorders, oral health, and the provision of dental care.

(b) ADMINISTRATION.—In carrying out subsection (a), the Secretary—

(1) may enter into contracts or agreements with other Federal agencies, including inter-agency agreements, to delegate authority for the execution of grants and for such other activities as may be necessary to carry out this section;

(2) may carry out this section directly or through grants or cooperative agreements with State, local, and territorial units of

government, Indian tribes, and tribal organizations, or other public or nonprofit private entities; and

(3) may request and use such information, data, and reports from any Federal, State, local, or private entity as may be required to carry out this section, with the consent of such entity.

SEC. 203. STUDY OF METHAMPHETAMINE-RELATED ORAL HEALTH COSTS.

(a) IN GENERAL.—In carrying out section 202, the Secretary shall conduct a study to determine whether, how, and to what degree methamphetamine use affects the demand for (and provision of) dental care. The study shall account for both genders, all racial and ethnic groups (and subgroups), and persons of all ages and from all geographic areas as appropriate for the scientific goals of the research.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish a special report detailing the results of the study described in subsection (a), with findings that address—

(1) the prevalence and severity of oral health problems believed to be associated with methamphetamine use;

(2) the criteria most commonly used to determine whether a patient's oral health problems are associated with methamphetamine use;

(3) the therapies most commonly used to treat patients with meth mouth;

(4) the clinical prognosis for patients who received care for meth mouth; and

(5) the financial impact of meth mouth on publicly financed dental programs.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the purpose of carrying out this title, $200,000 for each of fiscal years 2010 through 2012. Amounts authorized to be appropriated under this section are in addition to any other amounts authorized to be appropriated for such purpose.

TITLE III—SUBSTANCE ABUSE EDUCATION FOR DENTAL PROFESSIONALS

SEC. 301. FINDINGS; PURPOSE; DEFINITIONS.

(a) FINDINGS.—The Congress finds as follows:

(1) The use of certain therapeutic agents in dental treatment can jeopardize the health and affect the relapse potential of patients with substance use disorders.

(2) Screening patients for substance abuse is not a common practice among dentists, according to several peer-reviewed articles published in the ''Journal of the American Dental Association''. Limited time, inadequate training, and the potential for alienating patients are among the reasons often cited.

(3) Dentists receive little formal education and training in screening patients for substance abuse, discussing the nature of addiction as it relates to oral health and dental care, and facilitating appropriate help for patients, and family members of patients, who are affected by a substance use disorder.

(4) The American Dental Association maintains that dentists should be knowledgeable about substance use disorders in order to safely administer and prescribe controlled substances and other medications. The American Dental Association further recommends that dentists become familiar with their community's substance abuse treatment resources and be able to make referrals when indicated.

(5) Training can greatly increase the degree to which dentists, allied dental personnel, and other health professionals can screen patients for substance abuse, discuss the nature of addiction as it relates to oral health and dental care, and facilitate appropriate help for patients, and family members of patients, who are affected by a substance use disorder.

(b) PURPOSE.—The purpose of this title is to provide for enhanced training and technical assistance to ensure that dentists and allied dental personnel are able to recognize the signs of substance abuse in their patients, discuss the nature of addiction as it relates to oral health and dental care, and facilitate appropriate help for patients, and family members of patients, who are affected by a substance use disorder.

(c) DEFINITIONS.—For the purposes of this title:

(1) ALLIED DENTAL PERSONNEL.—The term ''allied dental personnel'' means individuals who assist the dentist in the provision of oral health care services to patients, including dental assistants, dental hygienists, and dental laboratory technicians who are employed in dental offices or other patient care facilities.

(2) CONTINUING EDUCATION.—The term ''continuing education'' means extracurricular learning activities (including classes, lecture series, conferences, workshops, seminars, correspondence courses, and other programs) whose purpose is to incorporate the latest advances in science, clinical, and professional knowledge into the practice of health care (and whose completion is often a condition of professional licensing).

(3) CONTINUING EDUCATION CREDIT.—The term ''continuing education credit'' means a unit of study that is used to officially certify or recognize the successful completion of an activity that is consistent with professional standards for continuing education.

SEC. 302. SUBSTANCE ABUSE TRAINING FOR DENTAL PROFESSIONALS.

(a) IN GENERAL.—In carrying out title V of the Public Health Service Act (42 U.S.C. 290 et seq.), the Administrator of the Substance Abuse and Mental Health Services Administration shall support training and offer technical assistance to ensure that dentists and allied dental personnel are prepared to—

(1) recognize signs of alcohol or drug addiction in their patients and the family members of their patients;

(2) discuss the nature of substance abuse as it relates to their area of expertise;

(3) understand how certain dental therapies can affect the relapse potential of substance dependent patients; and

(4) help those affected by a substance use disorder to find appropriate treatment for their condition.

(b) CONTINUING EDUCATION CREDITS.—The Administrator of the Substance Abuse and Mental Health Services Administration may collaborate with professional accrediting bodies—

(1) to develop and support substance abuse training courses for oral health professionals; and

(2) to encourage that the activities described in paragraph (1) be recognized for continuing education purposes.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the purpose of carrying out this title, $500,000 for each of fiscal years 2010 through 2012. Amounts authorized to be appropriated under this section are in addition to any other amounts authorized to be appropriated for such purpose.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 49—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE IMPORTANCE OF PUBLIC DIPLOMACY

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 49

Whereas public diplomacy is the conduct of foreign relations directly with the average citizen of a country, rather than with officials of a country's foreign ministry;

Whereas public diplomacy is commonly conducted through people-to-people exchanges in which experts, authors, artists, educators and students interact with their peers in other countries;

Whereas effective public diplomacy promotes free and unfiltered access to information about the United States through books, newspapers, periodicals, and the Internet;

Whereas public diplomacy requires a willingness to discuss all aspects of society, search for common values, foster a long-term bilateral relationship based on mutual respect, and recognize that certain areas of disagreement may remain unresolved on a short term basis;

Whereas a BBC World Service poll published in February 2009 that involved 13,000 respondents in 21 countries found that while 40 percent of the respondents had a positive view of the United States, 43 percent had a negative view of the United States;

Whereas Freedom House's 2008 Global Press Freedom report notes that 123 countries (66 percent of the world's countries and 80 percent of the world's population) have a press that is classified as ''Not Free'' or ''Partly Free'';

Whereas the Government of the United Kingdom, of France, and of Germany run stand-alone public diplomacy facilities throughout the world, which are known as the British Council, the Alliance Francaise, and the Goethe Institute, respectively;

Whereas these government-run facilities teach the national languages of their respective countries, offer libraries, newspapers, and periodicals, sponsor public lecture and film series that engage local audiences in dialogues that foster better understandings between these countries and create an environment promoting greater trust and openness;

Whereas the United States has historically operated similar facilities, known as American Centers, which—

(1) offered classes in English, extensive libraries housing collections of American literature, history, economics, business, and social studies, and reading rooms offering the latest American newspapers, periodicals, and academic journals;

(2) hosted visiting American speakers and scholars on these topics; and

(3) ran United States film series on topics related to American values;

Whereas in societies in which freedom of speech, freedom of the press, or local investment in education were minimal, American Centers provided vital outposts of information for citizens throughout the world, giving many of them their only exposure to uncensored information about the United States;

Whereas this need for uncensored information about the United States has accelerated as more foreign governments have restricted

Internet access or blocked Web sites viewed as hostile to their political regimes;

Whereas following the end of the Cold War and the attacks on United States embassies in Kenya and Tanzania, budgetary and security pressures resulted in the drastic downsizing or closure of most of the American Centers;

Whereas beginning in 1999, American Centers began to be renamed Information Resource Centers and relocated primarily inside United States embassy compounds;

Whereas of the 177 Information Resource Centers operating in February 2009, 87, or 49 percent, operate on a ''By Appointment Only'' basis and 18, or 11 percent, do not permit any public access;

Whereas Information Resource Centers located outside United States embassy compounds receive significantly more visitors than those inside such compounds, including twice the number of visitors in Africa, 6 times more visitors in the Middle East, and 22 times more visitors in Asia;

Whereas Iran has increased the number of similar Iranian facilities, known as Iranian Cultural Centers, to about 60 throughout the world: Now, therefore, be it

Resolved, That—

(1) the Secretary of State should initiate a reexamination of the public diplomacy platform strategy of the United States with a goal of reestablishing publicly accessible American Centers;

(2) after taking into account relevant security considerations, the Secretary of State should consider placing United States public diplomacy facilities at locations conducive to maximizing their use, consistent with the authority given to the Secretary under section 606(a)(2)(B) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(2)(B)) to waive certain requirements of that Act.

SENATE RESOLUTION 50—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. LANDRIEU submitted the following resolution; from the Committee on Small Business and Entrepreneurship; which was referred to the Committee on Rules and Administration:

S. RES. 50

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2009, through September 30, 2009, and October 1, 2009, through September 30, 2010, and October 1, 2010, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expense of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $1,693,240, of which amount—

(1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $2,976,370, of which amount—

(1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, organizations thereof (as authorized by section 292(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $1,267,330, of which amount—

(1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee may report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009, October 1, 2009, through September 30, 2010, and October 1, 2010, through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE CONCURRENT RESOLUTION 7—HONORING AND REMEMBERING THE LIFE OF LAWRENCE ''LARRY'' KING

Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. DURBIN, and Mr. WHITEHOUSE) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 7

Whereas Larry King was a 15-year-old boy from Oxnard, California who was shot by a fellow student during English class on February 12, 2008 and died in the hospital 2 days later;

Whereas the police classified the murder as a hate crime;

Whereas in 2008, more than 150 vigils were held across the Nation in Larry's memory, and more than 18,000 students from more than 6,500 middle and high schools came together to commemorate his death;

Whereas one year later, vigils continue to be organized to call for an end to violence, bullying, and harassment in schools in the United States;

Whereas in 2007, 85 percent of lesbian, gay, bisexual, and transgender students were verbally harassed at school because of their sexual orientation, and more than 20 percent of those students were physically assaulted because of their sexual orientation;

Whereas the Gay, Lesbian, and Straight Education Network's 2007 National School Climate Survey showed that when students are harassed or assaulted at school, they find it difficult to focus on their school work, their grades drop, and they attend school less often; and

Whereas schools should be a place where all children can learn and grow in a safe environment, free from bullying and harassment: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors and remembers the life of Lawrence ''Larry'' King;

(2) condemns all hate crimes; and

(3) calls on the Federal Government, States, localities, schools, and the people of the United States to take immediate steps to stop bullying and harassment in the Nation's schools.

Mrs. FEINSTEIN. Mr. President, I rise to introduce a resolution to honor the memory of Lawrence ''Larry'' King, a 15-year-old boy who was shot and killed at a California junior high school on this day last year.

Larry's story is a tragic and is a poignant reminder of why it is so important to stop bullying and violence in our schools.

Larry King was a spirited boy who grew up in Oxnard, California.

At the age of 10, he told the other kids at school that he was gay, and many of them teased and taunted him as a result. At his first school, the bullying became so harsh that his parents had to transfer him to a different school. But the transfer seemed like a good one, and although Larry still endured teasing, he made some very close friends.

Near the beginning of last year, Larry decided to change the way he dressed. He started wearing girls' accessories, makeup, and a pair of high heels that he bought for himself at Target.

In February, he asked one of his male classmates to be his Valentine. The boys exchanged heated words, and the

next morning Larry came to school dressed plainly and looking nervous and out of sorts.

He had English as his first class and he sat with the other students, including the boy he had asked to be his Valentine. The class was in the school's computer lab and the students sat typing up their papers.

At 8:30 a.m., the other boy stood up and fatally shot Larry. He had hidden a handgun in his bag, which he took out, and simply stood up silently and shot Larry twice in the back of the head. Larry died in the hospital two days later.

This act of violence is shocking and devastated his parents, and the Oxnard community.

I strongly oppose hate crimes of all kinds. When victims are targeted because of who they are—because of their race, their religion, their sexual orientation, or national origin—the harm runs very deep.

Hate crimes can cause lengthy emotional trauma; they can make people afraid to express their identities; and they are deeply divisive and can tear our communities apart.

Hate crimes and bullying in schools can cause even deeper harm.

According to a School Climate Survey in 2007, over 85 percent of gay, lesbian, bisexual, and transgender students were verbally harassed at school. And more than 20 percent of these students had been physically assaulted.

The survey also found that when children were bullied or harassed, they attended school less and their grades began to drop.

This bullying and violence has to stop. I am introducing this resolution today to commemorate the life of this young boy and to draw attention to the need for increased efforts to end bullying and violence in our schools. Schools should be safe places where children can learn and grow, free from harassment or any threat of physical attack.

I also want to take this opportunity to urge my colleagues to pass hate crimes legislation this year so that our federal law will be clear that crimes based on a person's sexual orientation, gender identity, or disability are crimes of hate and must be vigorously prosecuted because of the great harm that they cause to our communities.

I urge my colleagues to support this resolution.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate, off the Senate floor, during a roll call vote on February 13, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2009—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, ordinarily I would ask consent to proceed to legislation, especially S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives, but I know there is an objection; therefore, I will not ask consent. But in view of an objection that would be lodged against the proceeding, I now move to proceed to Calendar No. 23, S. 160, and I send a cloture motion to the desk.

The PRESIDING OFFICER. Under rule XXII, the clerk will report the motion to invoke cloture on the motion to proceed to S. 160, the District of Columbia House Voting Rights Act of 2009.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 160, the District of Columbia House Voting Rights Act of 2009.

Harry Reid, Joseph I. Lieberman, Richard Durbin, Charles E. Schumer, Christopher J. Dodd, Benjamin L. Cardin, Edward E. Kaufman, Mark Udall, Daniel K. Inouye, Michael F. Bennet, Mary L. Landrieu, Mark L. Pryor, Sheldon Whitehouse, Roland W. Burris, Patty Murray, Bernard Sanders, Thomas R. Carper.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion.

The PRESIDING OFFICER. The leader has that right. The motion is withdrawn.

Mr. REID. I now ask unanimous consent that the cloture vote occur at 11 a.m. on Tuesday, February 24; that if cloture is invoked on the motion, then all postcloture time be considered yielded back, the motion to proceed be agreed to, and the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF HILDA L. SOLIS TO BE SECRETARY OF LABOR

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to executive session to consider the nomination of Calendar No. 18, Hilda L. Solis, of California, to be Secretary of Labor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The legislative clerk read the nomination of Hilda L. Solis, of California, to be Secretary of Labor.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Hilda L. Solis, of California, to be Secretary of Labor.

Harry Reid, Christopher J. Dodd, Richard Durbin, Charles E. Schumer, Benjamin L. Cardin, Edward E. Kaufman, Joseph I. Lieberman, Mark Udall, Daniel K. Inouye, Michael F. Bennet, Mary L. Landrieu, Mark L. Pryor, Sheldon Whitehouse, Roland W. Burris, Patty Murray, Jack Reed, Blanche L. Lincoln, Bernard Sanders.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the following Senators as members of the Commission on Security and Cooperation in Europe, Helsinki, during the 111th Congress: the Honorable RICHARD BURR of North Carolina and the Honorable ROGER WICKER of Mississippi.

100TH ANNIVERSARY OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 35.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 35) honoring and praising the National Association for the Advancement of Colored People on the occasion of its 100th anniversary.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 35) was agreed to.

The preamble was agreed to.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 47.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 47) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I now ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 47) was agreed to, as follows:

H. CON. RES. 47

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, February 12, 2009, through Monday, February 16, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, February 23, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, February 13, 2009, through Friday, February 20, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 2 p.m. on Monday, February 23, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

PROGRAM

Mr. REID. Mr. President, when we get back on that Monday, a week from this Monday, we are going to have Washington's Farewell Address. It will be read by Senator JOHANNS of Nebraska. It alternates back and forth between Democrats and Republicans. This is the time for the Republicans to read the address. There will be no votes on Monday as a result of the agreement we reached just a minute ago on this unanimous consent request.

On the 24th, at 11 a.m., there will be a cloture vote on the motion to proceed to the DC House Voting Rights Act. If cloture is invoked on the motion to proceed, postcloture time will be yielded back, and the Senate will proceed to the bill. There will be immediately another cloture vote on the nomination of HILDA SOLIS to be President Obama's Secretary of Labor.

I anticipate that after the luncheons we have every week with our caucuses, we will reach an agreement for a time certain for a vote on the confirmation of the nomination of HILDA SOLIS.

Everyone is reminded that President Obama will address a joint session of Congress Tuesday evening at 9 p.m. in the House Chamber. Members of the Senate will gather on the Senate floor at 8:30 p.m. and proceed to the House.

On Wednesday, February 25, the DC voting rights bill will be up, be open to debate and amendments. We hope to complete this bill by the end of the week.

I would recognize that the House is going to take up, the week we get back, the omnibus appropriations bill.

Friday, February 26, is an announced no-vote day.

ORDERS FOR MONDAY, FEBRUARY 23, 2009

Mr. REID. So, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned under the provisions of H. Con. Res. 47 until 2 p.m. on Monday, February 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senator from Nebraska, Mr. JOHANNS, be recognized to read Washington's Farewell Address; further, that following the address, the Senate resume consideration of the motion to proceed to S. 160, the District of Columbia House Voting Rights Act of 2009.

A TEAM EFFORT

Mr. REID. Mr. President, just in closing, it has been a long, hard several weeks for our valiant staff, and there is not any way anyone could suggest well enough the enormous contributions they make to making this body flourish the way it does.

We have gotten a tremendous amount of work done this first working period of this Congress. We should be proud of what we have done. We have passed the most sweeping environmental bill in more than 25 years. We have passed the discrimination bill, the Lilly Ledbetter bill, which is an important piece of legislation for women all over America. We passed the Children's Health Insurance Program, which allow millions of American children to have health insurance coverage that they would not have ordinarily. And we just passed this bill to help our struggling economy. So I think the American people should see that we have worked together on a bipartisan basis to accomplish a lot.

We are so fortunate to have our new President. It is a pleasure to work with him. I have had, this past couple of weeks, the ability to visit with him firsthand in legislative combat.

They are competent. I am so impressed. The President's chief of staff Rahm Emanuel—we could not have done this without his assistance, guidance, and directness.

We had the head of the Office of Management and Budget, Peter Orszag, who I called personally last night to tell him that I know he is not a longtime person involved in politics, but he is a natural. He is a brilliant man. He has a degree from Princeton. He has a Ph.D. from the London School of Economics. I am very impressed with this man, who I did not know other than to say hello to, but I have gotten to know him well because we have spent days together in the last short period of time.

The President's representative up here, who we will deal with all the time, Phil Schiliro, has done a really wonderful job.

Rob Nabors, who was the longtime staff assistant, director of the Appropriations Committee for Chairman OBEY, has been magnificent in his work for the White House, working as Peter Orszag's assistant.

There are a lot of people who allowed us to get to where we are, and I appreciate very much their help. It was a real long, hard pull.

The Presiding Officer, my dear friend, the senior Senator from the State of Illinois, who came to Washington with me in 1982, has been invaluable during this very difficult time working on this bill.

Senator SCHUMER of New York, of course, works with me and Senator DURBIN on all the things we do.

And the final point of that legislative team is PATTY MURRAY. She is such a contributor to this Senate. I have such respect for her. She has such a soft touch, but she is as strong as anybody in the Senate.

I am not going to go through the entire list of people. Many, many worked hard.

The chairman of the Appropriations Committee, Senator INOUYE, is a hero in many different ways. He is a Member of the Senate who has had the Congressional Medal of Honor awarded to him for his valiant efforts in World War II.

The chairman of the Finance Committee, Senator BAUCUS, was involved in this from the very beginning and did such a great job.

My personal staff has spent longer hours than I have put in. My chief of staff Gary Myrick is very quiet but such a help to me and the Senate; Randy Devalk, everyone in the Senate depends on him. He is a wealth of knowledge, a fountain of legislative information, and he has just been, really, a remarkably good person.

Mr. President, I am sure I have left off people, but this piece of legislation, I am so happy we were able to get it done.

I will never, ever forget the valiancy of those three brave Republicans who broke from the pack and stood alone to tell America that we needed to do something with our economy which needed help: Senator SNOWE from Maine, and Senator COLLINS from Maine, Senator SPECTER from Pennsylvania. But for them we would not be where we are.

Senator INOUYE was masterful in what he did. Senator BAUCUS was tremendous in the Finance Committee, and his staff. Senator BAUCUS's staff was really very good, led by Russ Sullivan, who we depend on—all of us—for his knowledge. He is a CPA. He has been a feature in the Senate for a long time and he was so very important.

I did not mention a person we have come to depend on in the Senate—all of us—because he has been the chief person on the Appropriations Committee for Senator BYRD, and that is Chuck Kieffer, who was with us all the time, as was Senator INOUYE's chief clerk on the Appropriations Committee, Charlie Houy.

Now, as I said, I am sure I have missed a few people because this was, really, a big team effort.

In my own mind, this piece of legislation is the most important piece of legislation I have worked on for the country. The country is in trouble, and we are so fortunate we were able to get it passed. It is going to give this country a shot in the arm. My State of Nevada needs this so very much. We are going to have a number of meetings in Nevada next week to talk about all the good that will flow to Nevada as a result of its passage.

As usual, Lula Davis is so important to how we function here. She is the person who tells us how we can move forward on things. She is invaluable to every Democratic Senator, and especially to me.

As I announced earlier, Mr. President, the next vote will occur at 11 a.m., Tuesday, February 24. That vote will be on the motion to invoke cloture on the motion to proceed to the District of Columbia House voting rights legislation.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 23, 2009, AT 2 P.M.

Mr. REID. So, Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

The PRESIDING OFFICER. Without objection, the foregoing requests are all agreed to.

Thereupon, the Senate, at 11:03 p.m., adjourned until Monday, February 23, 2009, at 2 p.m.

EXTENSIONS OF REMARKS

IN HONOR OF IBEW'S 100TH ANNIVERSARY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Ms. PELOSI. Madam Speaker, on February 21, 2009 San Franciscans will celebrate the 100th anniversary of the International Brotherhood of Electrical Workers (IBEW) Local 6. Local 6 has a proud history of providing labor and services to the citizens of San Francisco; with electrical lighting and power systems for more than 125 years and communications systems for more than 150 years.

Electrical workers were the pioneers who changed the face of society. Recognizing the need for unity, fair compensation and safe working conditions, they organized and affiliated with other electrical workers and were chartered by IBEW on February 21, 1895 and newly chartered on February 21, 1909. From helping to rebuild our fire-ravaged city after the 1906 Earthquake to developing San Francisco's infrastructure, including schools, hospitals, civic buildings, bridges and transportation, the Bay Area would not be the magnificent area it is today without Local 6.

In our more recent history, Local 6 played an integral role in building the Bay Area Rapid Transit system (BART), seismic retrofitting of City Hall, relocation of the main pubic library building, the new municipal court and federal buildings, Pacific Bell Park, University of California's development of Mission Bay, and they have made high-tech switching facilities and modern communication systems available for use.

This is a great opportunity to recognize all the brave men and women who struggled and sacrificed so that we can enjoy the quality and life and standard of living that we have come to cherish.

I pledge to continue to fight in Congress for economic opportunity, good jobs and good opportunities for America's working men and women. I will work with President Obama and Secretary of Labor Hilda Solis to ensure fair wages, safe workplaces and job training for working Americans. I join my constituents and all those in the San Francisco Bay Area to salute Local 6's success and unrelenting commitment to working Americans and to look forward to a bright future.

TRIBUTE TO SUSAN RITSCHEL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of San Clemente, California, are exceptional. San Clemente has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Susan Ritschel is one of these individuals. On February 19, 2009, the San Clemente Chamber of Commerce will honor Susan as the ''2008 Citizen of the Year.''

I've known Susan for several years and can attest to all that she does for the community of San Clemente. Susan served on the San Clemente Planning Commission as Commissioner after which she served on the San Clemente City Council for two terms and was mayor of the city. Susan is a former president of the Orange County Division of the League of California Cities and a board member and chair of the San Diego Regional Water Quality Control Board and was the Orange County planning commissioner.

Susan's accomplishments in 2008 are extraordinary. She was the honorary chair of the Capital Campaign for the new Dorothy Visser Senior Center in San Clemente. I was honored to join Susan for a short leg of her 1,000 miles to raise funds for the Senior Center. She also planned and held a major fundraiser entitled ''Cruising to our Destination'' as well as oversaw and coordinated outreach to foundations. Susan's passion for helping seniors in our community was the driving force in gathering support for the Dorothy Visser Senior Center from legislators at all levels as well as businesses, service clubs and other entities. Susan developed and implemented a Capital Campaign, which raised over 2.1 million dollars in pledges and payments to meet the Campaign goal.

In short, there is nothing Susan cannot do once she puts her mind to it. Susan Ritschel is a model citizen and in 2008 she worked untiringly to improve the lives of San Clemente seniors. She is held in high esteem by the city of San Clemente, the business community and the many people that she impacts everyday in a positive way.

Susan's tireless passion for community service has contributed immensely to the betterment of the community of San Clemente, California, and especially to the senior community. I am proud to call Susan a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she receives the much-deserved ''2008 Citizen of the Year'' Award.

TRIBUTE TO RICHARD SHER

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise today to honor veteran broadcaster Richard Sher who is retiring from WJZ Television after 33 years.

Richard had a remarkable run in television news and worked as a news anchor and reporter in Baltimore. He anchored the popular political talk show ''Square-Off'' and co-hosted the morning talk show ''People Are Talking'' with then up-and-comer Oprah Winfrey.

In 2006, he graced the silver screen and played himself in the movie Man of the Year featuring Robin Williams. In his stories, Richard had the ability to capture the true heart of the people and places that make Baltimore so unique.

Richard is home grown Baltimore. He went to St. Paul's School and received bachelor's and master's degrees from the University of Maryland at College Park.

Richard began his broadcasting career as a radio disc jockey for WEAM in Arlington, Virginia. He moved to Baltimore to become a News Director for WCBM and made the move to television news a short time later when he joined WJZ in 1975.

Madam Speaker, it is with great pride that I congratulate Richard Sher on his exemplary career as a journalist in Baltimore. I wish him well in his much deserved retirement.

HONORING THE DISTINGUISHED SERVICE OF MARY ATSMA-CAMERON

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. COSTA. Madam Speaker, I rise today to recognize, before my esteemed colleagues, an exceptional woman whose contributions to the California dairy industry epitomize the tenacious spirit of industriousness and persistence found often in our Agricultural communities across this country. I would like to recognize Mary Atsma-Cameron, who on February 10th, 2009 was awarded the ''2009 Outstanding Dairy Producer of the Year'' award by Western Dairy Business magazine at the World Ag Expo in Tulare, California.

This indeed is a great honor. In an industry predominated by male ownership, Mary has distinguished herself as a force to contend with. According to her own words, ''I'm a 'dairyman' and I say that because I've always worked like a dairyman, right alongside the men. I don't ask for special favors because I'm

a woman.'' Mary has been in the dairy business now for 53 years and can still be found engaged in the day to day operations of the business; from driving tractor to managing the finances, purchasing feed and/or even assisting in ''pulling'' calves for cows struggling to deliver. Mary estimates that she has assisted in over 1,000 calf deliveries to date.

Not only has Mary Atsma-Cameron been an excellent hands-on ''dairyman'', Mary has also been a very active spokesperson and advocate for the dairy industry. Those who know Mary best, confirm that she is passionate and outspoken when it comes to dairy issues. Mary can be found continually urging local, state and federal officials concerning policy decisions affecting all dairy producers. From efforts to expanding the school milk programs to addressing supply management issues, Mary has a lengthy resume of involvement. Mary is a member of Kings County Dairywomen serving as president in 1981–82. She was a member of the National Dairy Board from 1994–2000 and was reappointed in 2003 where she continues to serve. Mary was the first, and thus far, the only woman director to serve on the Board of Western United Dairymen Association. She has also served as secretary of Dairy Management Inc., and as director of Dairy Council of California from 1992–2004. Mary is presently on the board of directors for the Kings County Farm Bureau. Her awards include Kings County 2001 Agriculturalist of the year, the 2003 Woman of Distinction award by Soroptomist International of Hanford, CA and the 2003 Common Threads Honoree by California State University of Fresno.

Mary is truly a remarkable woman; always persistent, always engaged. Mary is definitely the sort of advocate that the dairy industry needs on its side. So I congratulate Mary Atsma-Cameron today on the receipt of this distinguished honor and to commend her before you, my colleagues, for her on-going contributions the dairy industry of California, indeed, the nation.

HONORING THE LIFE OF LOTTIE FOX

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. CHILDERS. Madam Speaker, I rise today with deep sadness by the passing away of such a wonderful, spiritual, gentle, native Mississippian, Mrs. Lottie Fox. Mrs. Fox just celebrated, remarkably, her 104th birthday on Thursday, February 5, 2009. She was the oldest of fifteen siblings.

Lottie was dutiful and diligent and contributed tirelessly as an agricultural farmer to her native Calhoun County community for several years. Upon her retirement from farming, she made Water Valley, Mississippi, her home for over 30 years.

Lottie was a devoted wife, mother, grandmother, great-grandmother and great-great grandmother. She is survived by her daughters, Opeal Trice; Ella Harris; Army Woodward; Bernice Minor; Molly Simmons; Dolly Fant; Catherine Brown; Rudy Swift; her son, Willie Fox and Step-daughters; Ella Coleman and Lela Doolittle. Lottie is also survived by 47 grandchildren, 69 great-grandchildren and 14 great-great grandchildren. Lottie was also a proud and devout member of Everdale Baptist Church.

Madam Speaker, with distinct honor and pride, I along with the citizens of both Yalobusha and Calhoun County, sadly mourn the death of such an inspirational Mississippian, as the 104 year old, Mrs. Lottie Fox. I want to personally thank her for her contributions. Her memory will live on.

HONORING THE MEMORY OF GILBERT ROBERT CRAFT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. BONNER. Madam Speaker, the city of Citronelle and the state of Alabama recently lost a dear friend, and I rise today to honor Gilbert Robert Craft and pay tribute to his memory.

Known to his many friends as ''Bobby,'' he was a lifelong resident of Citronelle. He graduated from Citronelle High School and Spring Hill College. He also served in the U.S. Army and attained the rank of captain.

Bobby began his career in public service in 1968 when he was elected to the Citronelle Town Council. In 1970, he was appointed to Citronelle's Utility Board, which later became South Alabama Utilities. He served as chairman from 1972 until 1984 when he was named executive director, a position he held for more than 39 years. Under Bobby's leadership, the local utility company encompassing one municipality grew to become one of the most respected utilities in the South, expanding into Semmes, west Mobile County, and at one time, southern Mobile County.

In honor of his service and unwavering devotion to his city, Bobby was twice named Citronelle's Citizen of the Year. He was the owner of two companies, Craft Auto Parts and Craft Oil Company, and was a devoted member of St. Thomas Aquinas Catholic Church where he was a member for more than 70 years.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout south Alabama. Gilbert Robert Craft will be dearly missed by his family—his wife, Patricia; his children, Gilbert Robert Craft Jr. and his wife Deena, Patricia D'Nette Fagan, and Matthew Reed Craft and his wife Kirsten; his five grandchildren, Tiffani Marie Craft, Joshua Robert Craft, Blakely Danelle Fagan, Reed Alexander Craft, and Raleigh Connell Craft; and his three brothers, Joseph P. Craft, James B. Craft, and William M. Craft—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

INTRODUCTION OF THE TAX RELIEF FOR TRANSPORTATION WORKERS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Tax Relief for Transportation Workers Act. This legislation helps those who work in the port industry cope with the costs of complying with Congress's mandate that all those working on a port obtain a Transportation Worker Identity Card, TWIC. The Tax Relief for Transportation Workers Act provides a tax credit to workers who pay the costs of obtaining TWICs. The credit is refundable against both income and payroll tax liabilities.

When Congress created the TWIC requirement, it placed the burden of paying the cost of obtaining the card on individual workers. Imposing the costs of obtaining TWICs on port workers has several negative economic impacts that Congress should help mitigate by making the cost associated with obtaining a TWIC tax deductible. According to the Department of Homeland Security, a port worker will have to pay between $100 and $132 to obtain a card. The worker will also have to pay a $60 fee for every card that is lost or damaged. Even those employers whose employers pay the substantial costs of obtaining TWICs for their workforce are adversely affected by the TWIC requirement, as the money employers pay for TWICs is money that cannot go into increasing their workers' salaries. The costs of the TWIC requirement may also cause some employers to refrain from hiring new employees.

Ironically, many of the employees whose employers are unable to pay the TWIC are part-time or temporary workers at the lower end of the income scale. Obviously, the TWIC requirement hits these workers the hardest. According to Recana, an employer of port workers in my district, the fee will have a ''significant impact'' on port workers.

Unless Congress acts to relieve some of the economic burden the TWIC requirement places on those who work in the port industry, the damage done could reach beyond the port employers and employees to harm businesses that depend on a strong American port industry. This could be very harmful to both interstate and international trade.

Regardless of what one thinks of the merits of the TWIC card, it is simply not right for Congress to make the port industry bear all the costs of TWIC. I therefore urge my colleagues to stand up for those who perform vital tasks at America's ports by cosponsoring the Tax Relief for Transportation Workers Act.

CALL FOR CONGRESSIONAL INVESTIGATION INTO WHITE HOUSE POLITICIZATION OF THE CENSUS BUREAU

HON. MARSHA BLACKBURN

OF

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mrs. BLACKBURN. Madam Speaker, yesterday we learned of two important developments as the White House plans to grab control of the day-to-day management of the U.S. Census Bureau: (1) The U.S. Senate's chief committee on government oversight scheduled its first hearing of the year to investigate the matter; (2) Senator GREGG withdrew his name for the consideration of the Commerce Secretary position, citing ''irreconcilable difference'' with the President on the future of the U.S. Census.

These developments solidify what we already know: a political grab of the Census will jeopardize the non-partisan operations of the Bureau, and potentially disrupt the completion of a competent, reliable census.

My Republican colleagues on the Energy and Commerce Committee unanimously joined my call for an oversight hearing in the House. The Senate has heard our call. What do House Democrats have to hide? Americans deserve a non-partisan and accurate census, not one driven by partisan politics. Let's hold a hearing and ensure that we give them that.

RECOGNIZING THE FOUNDING OF THE BOY SCOUTS OF AMERICA

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. DAVIS of Illinois. Madam Speaker, I wish to take a moment to acknowledge the 99th anniversary of the founding of the Boy Scouts of America. This organization, which was incorporated on February 8th, 1910, under the laws of the District of Columbia, has long been the largest youth organization in the nation and has done well in producing responsible citizens of strong character.

The Boy Scouts of America was rapid in its initial growth; only two years after its founding, Boy Scout troops were established in every state. Time and time again the Boy Scouts of America has proven its commitment to our nation, with initiatives such as, ''Every Scout Feed a Soldier'' and ''A Good Turn for America''. The past 99 years have seen more than 112 million youth bear the traditions of excellence rooted in the history of the Boy Scouts of America.

In the Chicagoland Area, Scouting is as prevalent of a force as it has always been. Currently, nearly 10,000 youth are actively involved in the Scouting program of our local council. In addition, through the Chicago Area Council's involvement in Learning for Life Programs, over 35,000 additional youth are immersed as well in the principles of scouting. Combining the two programs, nearly one in every seven youth in Chicago is in someway involved in the Scouting program.

I am sure that the spirit of Scouting is present in this very body, as it has been in the past. A survey conducted by the Boy Scouts of America revealed that nearly 60 percent of the membership of the 110th Congress had at some point participated in Scouting.

I am grateful that the twin pillars of the Scout Oath and Scout Law have served to shape the character of both young men and women of all ages, colors, codes, and creeds. With the continued contributions of the Boy Scouts of America and organizations like it, we can be sure that our youth are developing into good citizens.

IN SUPPORT OF RESTORING THE WHITE HOUSE OFFICE OF CONSUMER AFFAIRS

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Ms. WASSERMAN SCHULTZ. Madam Speaker, over the past eight years, American consumer safety has taken a back seat to the special interests. As a result, many Americans have been exposed to dangerous toys for their children, hazardous household products for their families and even contaminated food, resulting in illness. Now is the time to support consumer advocates across the country by encouraging the new administration to restore the White House Office of Consumer Affairs.

Our country gave the government a clear mandate for change in November. Without question, a new focus on consumer safety should be part of this change. Under President Clinton, consumers had an effective advocate with a long record of commitment to protecting consumers in Ann Brown, former Chairwoman of the U.S. Consumer Product Safety Commission. Unfortunately, staff cutbacks suffered by the Food and Drug Administration and the U.S. Consumer Product Safety Commission have undermined effective efforts to protect consumers.

While bipartisan legislation has attempted to address these challenges, it is clear that more progress is required. We must act now. Americans should have confidence that the products they use are safe and will not pose any dangers to them or their families. The new Administration can make significant progress toward this goal by restoring the Office of Consumer Affairs to its rightful place in the Executive Branch. I strongly encourage President Obama's administration to do so, and I echo the New York Times and their call to action.

The editorial follows.

[From the New York Times, Jan. 4, 2009]

A VOICE FOR THE CONSUMER

The time has come to give the American consumer a much stronger voice in Washington. President-elect Barack Obama has already named what amounts to an energy and environmental czar in the White House, and America's beleaguered consumers deserve no less.

Mr. Obama should restore the White House Office of Consumer Affairs, which vanished during the Clinton years, and appoint a director who has both the president's ear and the authority to rebuild the consumer protection agencies that were undercut or hollowed out by the fiercely anti-regulatory Bush administration.

There is no shortage of agencies ostensibly designed to protect consumers. But without an emergency like killer spinach or lead in children's toys, the Bush administration has mostly failed to hear customers' complaints. The consumer safety net is simply far too weak.

The Food and Drug Administration has suffered cutbacks in expert personnel, and still relies too heavily on industry to police itself. Credit-card holders who have been subject to all kinds of Dickensian tricks and traps were finally told by the Federal Reserve that relief is in sight—in 2011. Not so long ago, there was only one official toy tester at the Consumer Product Safety Commission, and oversight generally was so weak that Congress was forced to step in with new protections, which still could be strengthened.

It will be up to the Obama administration to bring these agencies back to life. In part this means restoring the morale of government workers who have too often been stymied by the anti-regulators at the top. It will also mean stronger consumer protection policies and hiring more skilled people. It will mean giving one official responsibility for coordinating the entire apparatus.

Presidents Johnson and Carter both recognized the need for a strong person to do that job. Both chose Esther Peterson, who during about eight years in office pushed for then-radical ideas like nutritional labeling on food and truth in advertising. As the Reagan anti-government era began, the consumer protection job steadily lost clout until it was shuttered in the late 1990s.

During his campaign, Mr. Obama promised consumers that he would help them get a fairer deal. As the victims of lead toys and predatory lenders can attest, they certainly need one. Restoring the Office of Consumer Affairs and appointing a director as strong and capable as Mrs. Peterson would be an encouraging first step.

LONG-TERM SOLUTION FOR LONG-TERM CARE

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. PUTNAM. Madam Speaker, with an ever aging population, most families at one point or another are forced to make a decision regarding the future of a loved one who needs assistance with everyday living. These decisions are made upon few available options and are very costly- many find themselves struggling between the high price of nursing homes or informal family care. The financial and emotional burden on families is vast and action such as the ''Long-term Care Retirement and Security Act of 2009'' must be taken.

Long-term care is a variety of services that includes medical and non-medical care to people who have a chronic disability or illness. This form of care may be provided at home, in the community, in assisted living or in nursing homes. While long-term care is often used for the elderly, it is important to remember that it could be needed at any age.

It is important to note that families who choose to care for their loved ones are left responsible for otherwise costly services because Medicare does not pay for long-term care. Adult children or grandchildren are cited as the main care givers to the elderly population. According to research conducted by the American Association of Retired People (AARP), two-thirds of older people with disabilities relied solely on ''informal'' help; approximately 75% of which was unpaid care from friends and family. The AARP Public Policy Institute reported that the annual economic value of unpaid long-term care in the United States is approximately $354 billion, based upon an estimation that 34 million adults provided some type of long-term care in 2006.

It is time to address the growing needs of our aging population and motivate younger generations to take the necessary steps toward insuring their long-term care needs. For this reason, I have reintroduced the Long-term Care and Retirement Security Act, H.R. 897.

This legislation would encourage individuals to plan for their own long-term care needs by amending the Internal Revenue Code to allow a tax deduction for eligible long-term care insurance premiums for a taxpayer and the taxpayer's spouse and dependents. This legislation would also establish an applicable tax credit for eligible caregivers caring for individuals with long-term care needs, multiplied by the number of individuals receiving care. The Long-term Care and Retirement Security Act would also permit long-term care insurance to be included in employee benefit cafeteria plans and flexible spending arrangements, resulting in more active employees participating in long-term care policies. Finally, this long overdue measure would establish consumer protections based on the National Association of Insurance Commissioners' recommendations for qualified long-term care policies.

It is my hope that this legislation will encourage more Americans to take personal responsibility for their long-term care needs through these incentives and help families afford long-term care insurance.

TRIBUTE TO MARTHA PUTNEY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to pay tribute and honor the life and legacy of Martha S. Putney, of Washington D.C. Mrs. Putney passed away December 11, 2008, at age 92.

Mrs. Putney was one of the first black women to serve in the Women's Army Corps during World War II. She is also a renowned historian and made strong contributions to the African American history literature.

Martha Settle was born in Norristown, Pa. She attended Howard University in Washington D.C. from which she earned a bachelor's degree in 1939 and a master's degree in history in 1940.

Martha encountered racial barriers when trying to start a teaching career. Unable to find a job, she entered the government's War Manpower Commission as a statistical clerk. In 1943 she was one of the first black women to join the Women's Army Corps, then less than a year old. In the Army, she experienced segregation and racial discrimination.

In 1946, Martha Putney left the women's Army Corps with the rank of first lieutenant. She married William M. Putney in 1948. She eventually began her dreamed teaching career after earning a doctorate in European history from the University of Pennsylvania in 1955. She became a history teacher at Bowie State College in Maryland, where she chaired the history and geography department until 1974. She then taught at Howard University in Washington D.C. until 1983.

Dr. Putney wrote ''Black Sailors: Afro-American Merchant Seamen and Whalemen Prior to the Civil War,'' in 1987 and ''When the Nation Was in Need: Blacks in the Women's Army Corps During World War II'' in 1992. She also published a number of scholarly articles on African American history.

Madam Speaker, Mrs. Putney was an outstanding mother, soldier, teacher and author. I know the Members of the House will join me in expressing our sincere condolences to Mrs. Putney's son, William M. Putney Jr. On behalf of Congress, I thank Mrs. Putney for her great contributions to our nation and for her role in educating our children.

HONORING THE MEMORY OF THE MR. ROBERT C. PETTY SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. BONNER. Madam Speaker, the city of Mobile and indeed the entire state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Robert C. Petty Sr. was a musical legend in Mobile.

As the senior member of Mobile's Excelsior Band, Mr. Petty spent more than 50 years with the band, performing its Dixieland and conventional jazz in local Mardi Gras parades, at many Mobile weddings, and other special city events.

Anyone who knew Mr. Petty knew he loved playing the trombone. In addition to the Excelsior Band, which has marched the streets of downtown Mobile for over 100 years, he had been the lead trombonist with the E.B. Coleman Orchestra and the C.T. Jazz Ensemble. He was a longtime member and former president of the Musicians Federation Union as well as a veteran of the U.S. Army, where he also played in the band.

Mr. Petty was a 1937 graduate of Dunbar High School and received his Bachelor of Science degree in history from Morehouse College in 1950. While he was at Morehouse, he played the trombone and was awarded the Morehouse Service ''M'' in band for his outstanding performance. Mr. Petty was also a retiree of the U.S. Postal Service.

Madam Speaker, the Excelsior Band—and Mobile Mardi Gras—will not be the same, and I ask my colleagues to join me in remembering this talented man. Robert C. Petty Sr. will be deeply missed by his family—his wife of more than 50 years, Gloria; his seven children, Phyllis McArthur, Robert Petty Jr., Cynthia Taylor, Sharon Kuttner, Minda ''Carol'' Petty, Kenneth Petty, and Wendell Petty; his 14 grandchildren, and his two great-grandchildren—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

HONORING MAJOR SHELIA FLOWERS FOR HER PROMOTION TO LIEUTENANT COLONEL IN THE UNITED STATES ARMY RESERVE

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to honor a fellow Georgian, Major Shelia Flowers. Major Flowers hails from Robersonville, North Carolina. In 1987, she graduated from North Carolina Agricultural and Technical State University with a bachelor's degree in Business Administration. After graduating, she was commissioned a Second Lieutenant and attended the Adjutant General Officer Basic Course at Fort Benjamin Harrison, Indiana.

Major Flowers has held numerous challenging positions throughout her 21 years of service in the Army Reserve. Her assignments as a drilling reservist have included: (1) Serving as a Civil Affairs Officer with the 407th Civil Affairs Company at Fort Snelling, Minnesota; (2) Platoon Leader with the 342nd Adjutant General Postal Company in Rome, Georgia; (3) and a Lanes Training Observer Controller with the 1st Battalion of the 347th Regiment located at Fort Gillem, Georgia. While in her last drilling assignment, Major Flowers earned a Master of Science degree in Conflict Resolution from Kennesaw State University.

In 2003, she was mobilized in support of Operation Noble Eagle/Enduring Freedom and has spent the last six years of her career on active duty. Her parent command is the U.S. Army Reserve Command Headquarters at Ft. McPherson, Georgia. While mobilized to active duty, she served in the G–1 Directorate in support of Operation Noble Eagle as a Crisis Action Team Leader, Equal Opportunity Officer, Sexual Assault Prevention and Response Program Manager, and Staff Action Officer.

Major Flowers was assigned to directly support Operation Enduring Freedom upon her transfer to OARDEC in November 2007. She has performed myriad tasks with ease including ARB Case Research Officer, CRO, Lead Case Research Officer, and Tribunal Recorder.

Major Flowers' professional military education includes the Adjutant General Officer Advance Course, Combined Arms and Services Staff School, and Command and General Staff College. She has applied to the Naval War College. Her military decorations include the Meritorious Service Medal, Army Commendation Medal and the Army Achievement Medal.

In keeping with one of the tenets that sustains the Reserve Component, Major Flowers serves her community as a member of a 100 year old service organization, the Alpha Kappa Alpha Sorority. She is an 18-year employee of Lockheed Martin Corporation. She is married to LTC Eric Flowers, who is currently deployed to the Horn of Africa, and they have one daughter.

Major Shelia Flowers is being promoted to Lieutenant Colonel today, and I would like to extend her my congratulations on the floor of the United States Congress and thank her for an exemplary record of service to our nation. The United States—and my home state of Georgia—are proud of Lieutenant Colonel Flowers' commendable professional competence, sound judgment, and total dedication to duty. She has reflected great credit upon herself and upholds the highest traditions of the United States Army Reserve. I wish Shelia and her husband all the best in their future endeavors, and I thank them once again for their leadership in serving our nation.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Ms. GRANGER. Madam Speaker, on rollcall No. 57, I was absent from the House. Had I been present, I would have voted ''nay.''

HONORING THE MEMORY OF ALABAMA STATE SENATOR W.H. ''PAT'' LINDSEY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. BONNER. Madam Speaker, the state of Alabama recently lost a dear friend, and I rise today to honor Alabama State Senator W.H. ''Pat'' Lindsey and pay tribute to his memory.

Considered by many to be a living legend in Alabama politics, Sen. Lindsey was one of the most powerful members of the Alabama Senate. At the time of this death, he held the second longest active tenure in the state Senate.

Born in Meridian, Mississippi, Sen. Lindsey graduated from Choctaw County High School, where he was a five-year letterman in football, basketball, and baseball. He received his Bachelor of Science degree in geology from the University of Alabama. He served in the U.S. Army and Army Reserves from 1958 until 1963 and in the Alabama Army National Guard's 156th Military Police Battalion from 1963 until he retired with the rank of captain in 1972. In 1963, he graduated from the University of Alabama School of Law and, just three years later, was elected to the Alabama Senate and served two terms until 1974.

Sen. Lindsey returned to the Alabama Senate in 1990 and was reelected in 1994, 1998, 2002, and 2006. He was a longtime member of the Senate Judiciary Committee and was well known for questioning his fellow lawmakers on how their bills would affect everyday people. With his background in geology, Sen. Lindsey was regarded by his colleagues as an expert on oil and natural gas exploration and was often sought out by his colleagues for his advice on related legislation.

Described by the Choctaw Sun-Advocate as a ''champion of education,'' Sen. Lindsey was well-known for his ''staunch support, both financial and otherwise, of K–12 and the college level education.'' He played a key role in securing funds for the construction of the library and adult education center at Alabama Southern Community College in Gilbertown. At the opening of the W.H. ''Pat'' Lindsey Library and Adult Education Community Center in March of 2005, Sen. Lindsey told the crowd, ''There are two things that I have a passion for: kids playing ball and libraries. I've had other things named for me in other places, but this means more because this is home.''

Beginning in 1993, Sen. Lindsey served for 12 years on the board of trustees of the University of South Alabama and, in that capacity, he was instrumental in helping to improve the university's academic and healthcare missions. He was a member of the Alabama Bar Association, the American Bar Association, the Choctaw County Chamber of Commerce, and the University of Alabama Alumni Association. Sen. Lindsey had also represented both the Choctaw County Commission and the town of Butler as chief legal counsel since 1965.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout Alabama. Senator W.H. ''Pat'' Lindsey will be dearly missed by his family—his son, Patrick Lindsey; his daughter, Lori Champion and her husband Jamey; his sister, Kay Kimbrough; and his two grandchildren, Kate and Sophie—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

CREATING AWARENESS ABOUT HEART DISEASE

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, In an effort to create awareness about an issue that hits close to home, I want to share with you that February 7–14th is National Congenital Heart Defect Awareness Week.

It is a little known fact that the number of children affected by heart disease is higher than those affected by Autism or Down Syndrome. According to the March of Dimes, congenital heart defect is the number one birth defect. In the U.S. alone, more than 25,000 babies are born each year with a defect, many of which are undetected and life threatening.

Chances are that you or someone you know, including my family, has been affected by a similar circumstance. Although it is a difficult and fearful process, there are a lot of families in our community who have been through it and are willing to offer their support. In South Florida, we are fortunate to have the Holtz Children's Hospital, where our son Cristian was treated for a serious heart condition, among other incredible hospitals. While good medical care is critical, it is also important to have a strong support group. Hospitals often offer guidance in getting families in touch, and there is also the Angel's Pediatric Heart House, which focuses on helping the entire family cope with the diagnosis. Families affected by heart disease do not have to feel alone, because they are not.

OREGON'S NATIVE AMERICANS DURING THE SESQUICENTENNIAL ANNIVERSARY OF OREGON

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. WU. Madam Speaker, on February 14, 2009 we will mark the 150th anniversary of Oregon's admission to the Union. We have much to reflect upon and celebrate since Oregon became the 33rd state. As we commemorate this occasion, I would like to highlight the role of Indian tribes in Oregon.

We must not forget the original inhabitants of what we now call Oregon. Native Americans have been living in this region for well over 12,000 years. During this time tribes developed strong cultures and economies, many of which were well documented first via oral histories, and later by white settlers. Many of the tribes were formally recognized by the United States when treaties were signed in 1855, four years before Oregon became a state.

We must not attempt to overlook the loss of lives, culture, and well-being that tribes have experienced during the last several hundred years. However, what we can do, and must do, is remember and celebrate the first Oregonians; their history before Oregon; and their cultural, economic, and political contributions during the last 150 years.

Nine federally recognized tribes exist in Oregon. Each tribe has its own history that is interwoven with the history of Oregon. Today many tribes are experiencing economic development and cultural revitalization through self-determination. For others, more work needs to be done. Poverty in Indian country continues to be greater than in the rest of the United States. But as we move into the next 150 years of Oregon's history, it is my hope that the federal government, the state of Oregon, and the tribes can work together to improve the lives of tribal members and others in their communities.

So on the occasion of Oregon's sesquicentennial, I recognize the Indian tribes for their historical, cultural, political, and economic contributions to the state of Oregon.

CONGRATULATING GEORGE WERNETH ON THE OCCASION OF HIS RETIREMENT FROM MOBILE'S PRESS-REGISTER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. BONNER. Madam Speaker, it is with both pride and pleasure that I rise today to honor George Werneth on the occasion of his retirement from Mobile's Press-Register.

Over the course of his career, George has played an influential role in honoring the service and actions of our nation's servicemen and women. After nearly four decades of reporting issues ranging from maritime operations to military news, George has become the trusted voice for the news of Alabama's veterans.

In honor of his efforts, George was recently made an honorary member of the Marine Corps League at the American Legion Post 88 in Mobile. One of George's latest accomplishments was a series of stories he wrote profiling a veteran from Eight Mile, Alabama, who struggled to receive disability care after having been ''waterboarded'' in a 1975 Navy survival course. Due in large part to George's spotlight highlighting the oversight, the veteran soon received his benefits.

Madam Speaker, George Werneth's distinguished career in journalism has provided a great service to the people of southwest Alabama, and I know his colleagues, family, and friends join with me in praising him for his years of hard work.

George will surely enjoy the well deserved time he now has to spend with family and loved ones. On behalf of a grateful community, I wish him the best of luck in all his future endeavors.

INTRODUCTION OF THE ILLEGAL, UNREPORTED, AND UNREGULATED FISHING ENFORCEMENT ENHANCEMENT ACT OF 2009

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Ms. BORDALLO. Madam Speaker, today I have introduced a bill to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated (IUU) fishing. The difficulties of managing fish stocks that migrate across political boundaries are exacerbated by the increased fishing power now available as a result of modern technology. While the United States is recognized for its commitment to domestic fisheries conservation and as an international voice in science-based ocean conservation, the failure of other nations to adopt similar approaches has both economic and conservation implications for U.S. industry and management. Additional action is needed from Congress if we are to be successful in combating IUU fishing and the depletion of fish stocks worldwide.

Recent reports have documented that IUU fishing accounts for between 11 and 19 percent of the reported global fish catch, or $10–25 billion in gross revenues each year (MRAG, 2005, Sumaila et al., 2006 and Agnew et al., 2008). This undermines the United States' conservation focused approach to fisheries management and the efforts of its fishermen, and has implications for sustainable international fisheries that benefit the world's marine ecosystems. Unsustainable fishing practices by foreign fishing fleets adversely affect stocks that migrate between the U.S. Exclusive Economic Zone (EEZ) and the high seas. This problem can be particularly acute in places like Guam, where the EEZ is vast, and where the United States Coast Guard, despite its best efforts, will never have sufficient resources to patrol all of our waters.

There are many ways to address the issue of IUU fishing, including depriving fishers of the economic benefits of illegal fishing, increasing leverage on nations to effectively monitor and control their fishing vessels, and building capacity for enforcement and good governance in developing countries, all of which were addressed with the 2006 reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The January 13th release of the National Oceanic and Atmospheric Administration's (NOAA) biennial report to Congress of identified IUU nations was a positive first step in addressing IUU fishing. Notwithstanding these and other efforts by NOAA, the Department of State, and the United States Coast Guard, further enforcement authorities could enhance the ability of these agencies to address IUU fishing.

The ''Illegal, Unreported, Unregulated Fishing Enforcement Enhancement Act of 2009'', which I have introduced today, will further enhance the enforcement authority of NOAA and the United States Coast Guard to regulate IUU fishing. This bill would amend the High Seas Driftnet Fishing Moratorium Protection Act (HSDFMPA) and other international and regional fishery management organization (RFMO) agreements to incorporate in them the civil penalties, permit sanctions, criminal offenses, civil forfeitures and enforcement sections of the MSA. It would also strengthen the enforcement authority of NOAA and the United States Coast Guard to inspect conveyances, facilities, and records involving the storage, processing, transport and trade of fish and fish products, and to detain fish and fish products for up to five days while an investigation is ongoing.

In addition, this bill makes technical adjustments to allow NOAA to more effectively carry out current IUU identification mandates, including extending the duration of time of identification of violators from the preceding two years to the preceding three years. This bill also broadens data sharing authority to enable NOAA to share information with foreign governments and to clarify that all information it collects may be shared with international organizations and foreign governments, particularly for the purposes of conducting enforcement. These amendments promote the conservation and sound management of fish stocks internationally and in a manner that is consistent with the expectations placed on U.S. fishermen.

Finally, this bill would establish an international cooperation and assistance program to provide funding and technical expertise to other nations to help them address IUU fishing. It authorizes $5 million annually from 2010 to 2015 to carry out this program oriented towards establishing a coordinated and effective global system to combat IUU fishing.

IUU fishermen are ''free riders'' who benefit unfairly from the sacrifices made by U.S. fishermen and others for the sake of proper fisheries conservation and management. I look forward to working with my colleagues on both sides of the aisle to advance this important bill through the legislative process.

HONORING RALPH GRANT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Ms. LEE of California. Madam Speaker, I rise today to honor the extraordinary life of Mr. Ralph Grant. An Oakland icon, loving father, husband, friend, and compassionate soul, he will be dearly missed by all who knew him. Ralph passed away on February 2, 2009.

Ralph was my accountant but, more importantly, he was my friend; he was my brother. Like many, I could totally trust him with my private business and I benefitted from his ''tough love.'' As his client, he gave me solid advice on my personal matters. My former company, the W.C. Parish Co., Inc., survived many ups and downs thanks to Ralph's genius, his patience and his wise counsel.

Mr. Grant was a graduate of McClymonds High School in Oakland, CA. His educational experiences included earning both his Bachelor of Arts (Accounting) and Masters of Business Administration (MBA) degrees from San Francisco State University, and his Doctor of Jurisprudence (JD) degree from Golden Gate University.

Mr. Grant's professional accomplishments are extremely impressive and span the areas of law, accounting, taxation, investment banking, real estate, and professorship. Mr. Grant was a J.D. as well as a CPA. He founded Grant & Smith, LLP, a certified public accounting and management-consulting firm, located in Oakland, California which has serviced the San Francisco Bay Area for over thirty years.

Prior to establishing Grant & Smith, LLP, Mr. Grant's professional experiences included five years as an Internal Revenue Service Agent with the United States Treasury Department, and three years as an instructor in taxation and small business management at San Francisco State University. He was also a real estate broker, an officer of RVS Realty & Mortgage Corporation, and a member of RVS Investment Advisors of California, LLC, a registered investment advisory firm.

Mr. Grant was licensed with the California State Bar, the California State Board of Accountancy, the Supreme Court of the State of California, the United States Tax Court, California Department of Insurance, and the California Department of Real Estate. Mr. Grant also passed the Series 7 and 66 examinations.

Mr. Grant's organizational affiliations included memberships with the National Association of Black Accountants, American Institute of Certified Public Accountants, California

Society of Certified Public Accountants and Charles Houston Bar Association. Mr. Grant was elected to and served as the 2004–2005 Western Region Representative and San Francisco Bay Area Chapter Director for the National Association of Black Accountants Division of Firms.

With all of these professional accomplishments, Mr. Grant's deep commitment to the community was unparalleled. Mr. Grant was a philanthropist who cared deeply about youth and education. He regularly provided volunteer services as a board member to entrepreneurial and youth focused not-for profit organizations such as the Marcus Foster Educational Institute, Oakland African American Chamber of Commerce, Eddie Walker Memorial Scholarship Fund, Donald McCullum Youth Court and the Oakland Private Industry Council. With all of these activities, one of Mr. Grant's favorite pursuits was coaching in the Oakland Metropolitan Babe Ruth Baseball League, and he often joked that this occupied his ''spare time.''

Several years ago I had the opportunity to work with Ralph to take the team to Cuba. My official duties prevented me from going, but Ralph and I enjoyed many conversations about his experience in Cuba. He was truly a Renaissance man who had dreams and worked to make them come true.

Ralph showed us how to live life to its fullest and he showed us how to die with dignity and with grace. For that we are deeply grateful. Although we will miss him in our daily lives, his spirit will be kept alive by embracing his mantle of service, mentorship, strength, commitment and compassion.

Today, California's 9th Congressional District salutes Ralph Grant, honoring his incredible life and inspiring legacy. We thank his family for sharing this amazing human being with us, especially his wife, Gloria Grant, his two children, Casey Grant and Kimberley Henderson, his son-in-law Lee Henderson, and a host of additional family members and friends. May the Grace of God reassure his family that his soul is resting in eternal peace.

TRIBUTE ON THE 100TH YEAR PASSING OF GOYATHLAY

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. GRIJALVA. Madam Speaker, I rise today to commemorate the 100th year passing of Goyathlay.

Goyathalay or Goyaalé, also known as Geronimo, was a Chiricahua Apache leader that leader that led the Apache people through some of the roughest times they would experience.

Goyathlay is a strong figure in the history of the Apache people. He was considered by many a great spiritual and intellectual leader and is recognized throughout the country as a military leader during the late 1800s.

On this anniversary Apache Tribes from Arizona, New Mexico, and Oklahoma will join in San Carlos, Arizona to begin a healing process.

Next week's gathering will be a search for answers for some and a healing for others.

For all present it will be a reflection of what the Apache people endured and the strength that lies within them. The Apache have overcome great adversity, but they are strong as a culture, as a people and in what their future holds.

The Apache people are working to connect families, tribal members, and communities that were separated while Goyathlay was alive.

Goyathlay was a strong believer in the sovereignty of his nation, a struggle he had regularly with the representatives of the US Government at the time that did not understand the Apache ways or homelands.

Madam Speaker, I would hope that our country has learned and corrected its ways since the passing of Goyathlay. That we as a nation commit to ensuring families are kept together, not separated. And that we as a nation do not negate the culture and tradition of others.

I believe that we all join with the Apache people in working to find answers and heal.

I commend the Apache people for their strength and work in uniting. We must care for our elders and provide them peace. We must remind our children of our past and educate them to pursue a just future of respect and to not allow atrocities to occur anywhere.

RECOGNIZING THE LIFE AND PUBLIC SERVICE OF JUAN LUJAN PANGELINAN

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Ms. BORDALLO. Madam Speaker, I rise today to honor the life and service of Juan Lujan Pangelinan, who passed away on January 23, 2009. Juan was a dedicated public servant who served as a Commissioner of Agana Heights, an elected position now called Mayor.

Juan was born on May 18, 1922 to Francisco Borja and Natividad Lujan Pangelinan in Anigua, a district of Hagatna, Guam's capitol. Experience he gained working with his family businesses in Sumay, the pre-war economic center of Guam, paved the way for his entrepreneurial spirit and establishment of his own commercial ventures after World War II.

He co-founded Kotla's Store, and as one of the island's first village retail stores, Kotla's Store prospered for over forty years as a community corner store and laundromat. He established the ''Villa Kotla'' where many of his family members reside today. He was known for using his personal resources to help families in his village during their time of need.

For his commitment to his village, the community of Agana Heights elected Juan as Guam's first write-in village commissioner in 1952 and re-elected him to four consecutive four-year terms. As the elected leader of his village, Juan avidly involved himself in various community organizations. He founded the Agana Heights Drum and Bugle Corps, Majorettes and Armed Drill Team to provide the youth of the village the spirit and pride of community. In the aftermath of the devastation of Super typhoon Karen in 1962 Juan helped in finding shelters for families whose homes were destroyed.

Juan's community spirit extended beyond his village as a member of the Helping Hands of Guam, the Young Men's League of Guam, the Agana Heights Holy Name Society, and the Agana Heights Association. Juan retired after thirty years of dedicated public service to our island community.

With a passion for family genealogy, Juan published two books, Familian Kotla and Familian Haniu and began working on Familian Lujan and Familian Untalan. Today, these genealogies provide accurate histories, not only of the families of which Juan Pangelinan was a part of, but also of the communities of Agana, Agana Heights, Anigua, Sumay and other villages on Guam.

My thoughts and prayers are with his surviving siblings Sister Mary Alma, RSM, and Luisa and Antonio, his children, Frank, Toni, Tita, Loling, John, Gerianne, and Joseph and his grand children and great grand children. We honor his life's work as a civic leader and his contributions to our community. Most of all, he will be remembered by many as a generous and giving man. We are grateful for his public service and we will miss him dearly.

LEE V. CHARLTON PRESENTED WITH THE MARTIN LUTHER KING JR. DISTINGUISHED SERVICE AWARD

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. FRANK of Massachusetts. Madam Speaker, while I very much enjoyed attending the Democratic Retreat and found it very valuable, it did have one downside for me: It meant that I had to miss the ceremony held at the Public Library in New Bedford on Saturday, February 7th, recognizing Lee V. Charlton for the great work he has performed on behalf of equality for all in Southeastern Massachusetts, and indeed for all that he has done in a wide variety of ways to improve the quality of life in the Greater New Bedford area.

In recognition of his leadership role, including his longtime presidency of the New Bedford branch of the NAACP, his work in the YMCA, his efforts on behalf of United Front Housing, the leadership he has shown in our community action agency, People Acting in Community Endeavors, and many other areas, he was presented with the Martin Luther King Jr. Distinguished Service Award by Bridgewater State College at this year's Martin Luther King Breakfast. I very much regret the fact that the Inauguration of our new President also kept me from attending that event, because I would very much have liked to have been there to pay a very well-deserved tribute to Lee Charlton. As a Member of Congress representing New Bedford since 1993, I have benefitted enormously from Lee Charlton's commitment, wisdom and thoughtful approach to public policy.

Madam Speaker, as a dedicated public servant, serving as plant engineer at New

Bedford High School and the Greater New Bedford Regional Vocational Technical High School, and as a citizen activist, Lee Charlton has been a source of strength on whom others have relied.

It is entirely fitting that he was given the Martin Luther King Award, and that the people of his home city of New Bedford honored him on February 7th. Lee Charlton is an example of the kind of citizenship we should be promoting and I ask that the information about Mr. Charlton and the award he won be printed here.

THE MARTIN LUTHER KING JR. DISTINGUISHED SERVICE AWARD

MR. LEE V. CHARLTON

Mr. Charlton has been president of the New Bedford branch of the National Association for the Advancement of Colored People (NAACP) since 1983, He has also held office on the regional level, representing 20 NAACP branches in Massachusetts, New Hampshire, Maine, Rhode Island and Vermont.

His affiliations are numerous as he has served on boards of directors for the Greater New Bedford YMCA, the Salvation Army of New Bedford, United Front Housing, South Shore Minority Business Circle, People Acting in Community Endeavors, New Bedford Historical Society, South Center Community Development Corp. and New Bedford Economic Development Council, among many others.

Prior to his retirement, he was plant engineer at both New Bedford High School and later at Greater New Bedford Regional Vocational Technical High School. Previously, he was employed with IBM and at the Job Corps Center of New Bedford. He served for eight years in the United States Air Force in civil engineering in the field of steam engineering, HVAC and plumbing.

He has earned numerous professional and community awards in recognition and appreciation of his service and contributions, especially in the arena of social justice.

A native of West Virginia, he is the husband of Francisca (Britto) Charlton. They have two children, Kenneth L. Charlton, and Karen L. Charlton, and a great-grandchild, Lee V. Charlton II. Mr. Charlton is a graduate of Huntington High School in Huntington, WVa, the Steam Engineering/Utilitiesman School of the United States Air Force and the United States Navy in Oxnard, CA; Customer Engineering School at IBM in Boston; and the Refrigeration/Air Conditioning Services Engineers in Boston.

LEE V. CHARLTON

Lee V. Charlton was born in Coalwood, West Virginia, the son and grandson of bituminous coal miners. Charlton attended all-black segregated schools until 1956 when he transferred from Frederick Douglass High School to his neighborhood school, the predominantly white, Huntington High School in Huntington, West Virginia. Charlton made local history by being the first African to show up and play for the school's football team. While stationed in at Keno Air Force Station in Klamath Falls, Oregon, Charlton and two other airmen from Kingsley Field requested the assistance of the local NAACP. The Klamath Falls Branch of the NAACP met in private homes and was at least 60% white. The Klamath Falls Branch inspired Charlton to ''pay back the support whenever possible.'' Charlton was quoted as saying ''because the NAACP and the state of Oregon upheld my civil rights, while the military denied three career airmen the right to wear their military uniforms to the discrimination hearing. I will forever grateful and indebted to the cause of the NAACP.

Charlton's expressed indebtedness to the NAACP proved to be no idle declaration. Charlton served as 2nd Vice and 1st Vice President from 1978–1982. In 1983 Lee V. Charlton began the first of twelve consecutive terms of President of the New Bedford Branch, twenty four years of stellar leadership to the organization that he held so dear to his heart. In addition to service to the New Bedford Branch, he has served in numerous capacities with the NAACP New England Area Conference of Branches. This including being elected three times as 1st Vice President to NEAC/NAACP. His contributions and impact have been realized throughout the region. During those twenty four years Charlton served with distinction, raising the stature, stability, and accomplishments for and through the Branch.

In 1996, Lee Charlton joined with former City Councilor, George Rogers to move the City of New Bedford to pay proper tribute to one its greatest historical figures, the slave abolitionist, feminist, and champion of universal human rights, Frederick Douglass, who formerly lived in New Bedford. Charlton and Rogers were instrumental in getting a marvelous monument to Frederick Douglass erected in front of City Hall. More than erecting the monument, the effort served to bring greater attention and awareness of people of New Bedford to the historical contributions of New Bedford's people of color. To enhance his effectiveness as President of the NAACP Carlton has volunteered to serve on many community executive boards or Committees. The following is a partial list: Chairman; New Bedford Title I Parents Advisory Council, Moby Dick Boy Scouts/OLOA Church; Chairman, webelo Leader, Scoutmaster, Executive Boards; SouthCoast YMCA, Salvation Army, People Acting in Community Endeavors (PACE), United Front Homes Board of Directors, New Bedford Economic Development Council, Cooperator Compass Bank, Garden Of Peace (Boston), New Bedford District Wide School Improvement Council, South Central Community Development Corporation, First Vice President; South Shore Minority Business Circle.

TRIBUTE TO DOMINICAN HERITAGE MONTH ON THE 165TH ANNIVERSARY OF THE INDEPENDENCE OF THE DOMINICAN REPUBLIC

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. RANGEL. Madam Speaker, today I join with the hundreds of thousands of Dominican residents of my congressional district and across our Nation to commemorate February 27th, the 165th anniversary of the Dominican Republic's Day of Independence. This celebration comes at the tail end of Dominican Heritage Month.

Dominican Heritage Month gives us the opportunity to acknowledge and applaud the economic, cultural, and social contributions Dominican Americans have made to this great nation. Dominicans living in our shores have been motivated by the value of hard work and the bonds of family—the same pillars of our society that have built this great Nation for over 230 years.

It also gives us an opportunity to consider the many Dominican achievements, on the island and in the United States. Many of our hemisphere's first institutions were established on the shores of Quisqueya, including the first cathedral and the oldest university.

Since the initial wave of Dominican migration in the 1960s to the most recent arrivals of today, Dominicans have worked hard to contribute to our national identity, educating us all on their culture and traditions and enriching the quality of our shared futures. Their contributions can also be found in every facet of U.S. life—from the many baseball stars in our national pastime, to fashion legend Oscar de la Renta to the thousands of professionals that do battle as soldiers, doctors, lawyers, journalists, educators, and public servants.

This past year, the Dominican community and I shared the loss of our fallen soldier, Army SGT Jose E. Ulloa, who lost his life tragically in Sadr City on August 9, 2008, in support of Operation Iraqi Freedom. We also shared the grief of Hurricanes Gustav and Hanna, the deadliest storms of the 2008 hurricane season, along with hurricanes Ike and Fay responsible for approximately 14 deaths and the displacement of more than 20,000 people in the Dominican Republic.

The Dominican people are known to triumph in the face of tragedy. They first began their campaign for the independence of the Dominican Republic in 1831 under the leadership of Juan Pablo Duarte, who formed a secret society named The Trinity. Thirteen years later, he succeeded in commanding a decisive uprising, which resulted in independence for the Dominican Republic. After the long and hard campaign for freedom had ended, a ceremonial musket shot fired on February 27, 1844, marked the Dominican Republic's first official Independence Day.

Madam Speaker, I ask that you and my distinguished colleagues join me in marking this celebration of not just the independence and triumphs of the Dominican people, but also the invaluable impact that this small island nation has had on our country and the world.

HONORING THE LIFE AND ACHIEVEMENTS OF JOSEPH C. MURPHY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Ms. BORDALLO. Madam Speaker, I rise today to honor the life and achievements of Joseph C. Murphy, who passed away on February 5, 2009. Joe will be remembered as a former editor of the Pacific Daily News and as a sharp-witted columnist.

Joe was born on February 23, 1927, in Appleton, Wisconsin. At the age of 17 he joined the United States Navy and spent a year in combat during World War II. He returned home to finish high school and later obtained a degree in journalism from the University of Wisconsin at Madison. After graduation, Joe worked as a reporter, editor and columnist in

Wisconsin, Oregon, and California before moving to Guam in 1965.

Joe was the editor of the Guam Daily News, the precursor to the Pacific Daily News, a Gannett newspaper. He wrote an insightful column called ''Pipe Dreams'' which made us laugh, think and debate. His writings were observations and musing on island life, our unique community, and local politics.

Over the years he developed the concept of ''OOG'', ''Only On Guam'', a phrase that became synonymous with island life and oddities about our community. His humorous OOG anecdotes were later consolidated into two publications, Guam Is a Four Letter Word and Son of a Four Letter Word.

Joe loved Guam and his columns often urged our community and our leaders to tackle the challenges of a developing island. He often wrote retrospective pieces where he observed the progress and changes that our island has undergone since his arrival forty four years ago.

My thoughts and prayers are with his wife Marion, their children, Colleen, Maureen, Shannon, Kerry, Tim, Erin, Megan, and Joey and their extended family and friends. We honor his life's work as a journalist and his contributions to our community. Most of all, he will be remembered by many as a gifted writer who had an enormous impact in our island community. We are grateful for his contributions and we will miss him dearly.

RECOGNIZING THE FOOD BANK OF CENTRAL AND EASTERN NORTH CAROLINA

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. BUTTERFIELD. Madam Speaker, I rise to recognize the dedication and labors of the people at Greenville branch of the Food Bank of Central and Eastern North Carolina. The Greenville branch of the Food Bank has distributed more than 50 million pounds of food to people in 10 counties since 1999. While this reflects a tremendous amount of success and effort, it also highlights the intensity of hunger facing families in eastern North Carolina.

The Food Bank of Central and Eastern North Carolina was established in 1980 to provide food to people at risk of hunger in 34 counties in central and eastern North Carolina. In 2006–07, the Food Bank distributed over 32.6 million pounds of food through 870 partner agencies including soup kitchens, food pantries, shelters and afterschool programs for children.

Nearly 30 percent of the people served by the Food Bank's network are children, and another 18 percent are elderly. Thirty-eight percent of the families served are the ''working poor''—people who work hard and still have to choose between eating and other basic necessities such as medicine and housing.

Even before this severe economic downturn, families were struggling to put food on the table. And as the crisis deepens, it is intensifying the struggle for millions of Americans to keep from going hungry.

Food banks across the country are seeing appreciable increases in requests at a time when the U.S. Department of Agriculture reports that more than one in ten American households are struggling to get enough food.

In the nation with the safest, most abundant food supply in the world, it is unconscionable that so many people go hungry. There is a moral obligation and a necessary responsibility we have as Americans to ensure a strong country for future generations. I am proud that the good people at the Food Bank of Central and Eastern North Carolina have answered that call.

Madam Speaker, today I ask that my colleagues join me in celebrating and acknowledging the efforts of the Food Bank of Central and Eastern North Carolina, which embodies the essence of what we believe in: local citizens and businesses pulling together to help solve a local problem.

THE INTRODUCTION OF THE KEEP OUR PACT ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. VAN HOLLEN. Madam Speaker, it is with a sense of urgency that I reintroduce the Keep Our Promises to America's Children and Teachers Act at the beginning of the 111th Congress.

I offer the Keep Our PACT Act today to help meet the aspirations of our nation's school children—and to help provide all of their teachers and schools with the resources they need to help them achieve those aspirations. Additionally, I offer this bill as a reminder to those of us in government of the importance of keeping our promises and of truly making education a priority.

Put simply, the Keep Our PACT Act would put Congress on a fiscally responsible path to fully funding the No Child Left Behind Act and the Individuals with Disabilities Act—on a mandatory basis, once and for all.

Madam Speaker, since 2002, Title I of NCLB—the funding that goes to our highest-need students—has been funded at $54.7 billion below its authorized level. Currently, approximately 4.3 million students are not getting the extra Title I help they were promised.

Furthermore, since IDEA's reauthorization in 2004, IDEA Part B has been funded at $20.3 billion below its authorized level and funding has never reached even half of the 40 percent average per pupil expenditure the government originally promised states more than 30 years ago.

We need to keep our commitments to education, support our schools and provide all of our students with resources they need to succeed.

Madam Speaker, once again I am proud to make the Keep Our PACT Act the very first piece of legislation I introduce this Congress. Additionally, I want to thank my colleagues joining me as original cosponsors on this bill today. We pledge to stand for the fundamental values this bill represents and invite Members from both sides of the aisle to embrace those values and get this bill passed.

TRIBUTE TO OFFICER JASON D. VIA

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. AUSTRIA. Madam Speaker, I rise today to congratulate Officer Jason D. Via, who was named the 2008 Springfield Police Patrolman's Association Patrolman of the Year.

Officer Jason D. Via began his career with the Springfield Police Division on November 17, 2003. After completing his recruit training, he was assigned to the uniform patrol, where he continues to serve today. He is an extremely dependable, well respected officer who is a person his fellow officers and citizens can rely upon. Jason was nominated for the Patrolman of the Year Award for 2008 because of these exceptional traits.

During 2008, Officer Via was selected to participate in the Safe Streets Task Force with three other officers. During his service in the Task Force, he took a subject who was arrested for trying to solicit another officer and turned this person into a confidential informant. Using this information, he was able to make several arrests of street-level drug dealers. From these arrests, he was able to ''flip'' some of them and arrest several suppliers.

Upon making his last arrest, he seized over seven ounces of crack cocaine, as well as at least $5,000 in cash. Due to his diligence and hard work, approximately nine mid-level dealers and suppliers were arrested, making our streets safer.

For these reasons Officer Via deserves our gratitude and special thanks.

INTRODUCTION OF A RESOLUTION CONCERNING MEMBERSHIP OF THE UNITED STATES IN THE INTERNATIONAL RENEWABLE ENERGY AGENCY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. MARKEY. Madam Speaker, I am introducing a resolution expressing the sense of the House of Representatives that the United States seek membership in the International Renewable Energy Agency because our energy security, the health of our planet, and the strength of our economy have reached a critical juncture. With volatile energy prices, emissions of heat-trapping gases continuing to climb to dangerous levels, and the U.S. economy in turmoil, two things have become clear. First, a fundamental change is needed in the way we generate and use energy here at home. Secondly, the rest of the world must be also part of this new energy future. The resolution I am introducing today calls for the United States to seek membership in the International Renewable Energy Agency (IRENA) to address both of these challenges.

On January 26, 2009, 75 countries signed the statute to establish IRENA, marking a promising step towards international collaboration and mitigating climate change. This collaboration was a good start, but the urgency of

global warming and our dependence on fossil fuels require that we take the lead in the permanent international agency to drive the development and deployment of renewable energy in all countries, including ours. The United States still has a chance to be a founding member of the body if it signs on by April 30th of this year. As a founding member country, the United States would be eligible to nominate a Director General and bid to host the IRENA headquarters on American territory.

Despite the enormous strides renewable energy and energy efficiency technologies have made over the last several years, hurdles remain to major and rapid scale-up on the level needed to meet the world's need for energy while also addressing global warming. IRENA is the first international organization to focus solely on renewable energy and include a broad constituency of industrialized and developing countries. It will provide the institutional support needed to address the technological, financial, informational, and policy barriers that keep renewable energy and energy efficiency technologies from reaching their full potential.

Renewable energy has the potential to reduce global warming pollution while also creating millions of green jobs, reducing our dependence on foreign sources of energy, and spurring the technological development that will fuel the global economy over the coming century.

In 2007, new investment in clean energy technology worldwide increased 60 percent over 2006, but vast markets remain untapped and not included in the green economy. Over the next two decades, greenhouse gas emissions from developing countries are projected to grow at more than twice the rate of those in developed countries. Encouraging growth of renewable energy in developing countries reduces the extent and likelihood that these economies will follow a carbon-intensive, fossil energy development path. It also opens a valuable market for the clean energy companies that developed economies will rely on for growth over the coming century, a market that American businesses and American workers can benefit from. The International Renewable Energy Agency will have the independence, credibility, and expertise necessary to assist governments at the national, state, and local level implement renewable energy policies and projects.

Other international energy agencies were formed to address narrow problems. The International Energy Agency (IEA): oil security and fuel supply disruptions. The International Atomic Energy Agency (IAEA): nuclear proliferation and safety. With the aid of institutional support, these energy resources became foundations of modern economies. An International Renewable Energy Agency is needed to support the unique problems facing renewable energy: marketplace failures, political inertia, and information gaps. Our membership in the organization will allow us to help shape the direction of this agency. To this end, IRENA will:

Support governments in drafting policies and programs for the promotion of renewable energy and energy efficiency measures.

Assist governments in conducting studies that analyze the potential of renewable energies and the appropriateness of different technologies.

Provide long-term projections and scenarios based on existing data and policy in order to identify opportunities as well as gaps, barriers, and failures in markets and policies.

Organize training programs, information campaigns, and courses for civil servants, scientists, businesses, and non-government organizations.

Supply curriculum for schools and universities on relevant renewable energy topics.

Work with financial institutions to support innovative financing mechanisms for renewable energy projects.

Develop international norms and quality standards.

Gather and disseminate data, statistics, and reports on renewable energy deployment, policy approaches, and technology development.

The status quo is not working for America or the planet. The environmental, energy, and economic problems we are facing are largely due to a failed energy policy. The International Renewable Energy Agency represents an opportunity for America to change its energy path and confront global warming while reestablishing its leadership role and reputation in the international community.

HONORING THE LIFE AND PUBLIC SERVICE OF ALFRED SAN NICOLAS FLORES

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Ms. BORDALLO. Madam Speaker, I rise today to honor the life and service of Alfred San Nicolas Flores, a former Guam Senator who passed away on February 6, 2009 at the age of 93. Alfred, known as ''Davy Crockett'' to family and friends, was devoted to his community and will be remembered for his public service and his love of farming.

Born on June 20, 1916 to Jose Duenas Flores and Rafaela San Nicolas, Alfred was raised by his step-mother Margarita Flores in the village of Inarajan. He became a Lancheru, or ''rancher,'' farming his family's land and raising cattle. He later established the Flores Poultry Farm which became a major supplier of fresh eggs to Guam's civilian and military communities.

Alfred entered public service, first as an Assemblyman in the Guam Congress, and later as a six term Senator in the Guam Legislature. He promoted agriculture by establishing a special water rate for farmers and establishing a crop insurance program. He also authored legislation to create low and moderate income housing subdivisions. In 1976 he was elected to the office of Commissioner (Mayor) of Inarajan. Senator Flores was a founding member of the Democratic Party of Guam and he was known for his fiery campaign speeches.

Alfred Flores served on the Selective Service Board, the Guam Housing and Urban Renewal Authority Board of Directors, the Guam Farmers Cooperative Association, and the Soil and Water Conservation District. He was active in his village church, St. Joseph's Parish in Inarajan. He also mentored young men by volunteering with the Boy Scouts of America.

Senator Alfred Flores was a dedicated public servant who made many lasting contributions to our community. He was recognized later in life as a Master Lancheru for his contributions to preserving traditional farming. My heartfelt condolences are with his wife Ester, their children Lucille, May, Fred, and Roy and his extended family and friends. He will be dearly missed.

DAUGHTERS OF THE AMERICAN REVOLUTION CELEBRATE LINCOLN'S 200TH BIRTHDAY

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize the efforts of the Esther Reed Chapter of the Daughters of the American Revolution. In honor of the 200th anniversary of the birthday our Sixteenth President these women will conduct a wreath laying ceremony at the base of a statue of President Lincoln in downtown Spokane, WA.

This 12-foot bronze statue was dedicated in Spokane on November 11, 1930 before a crowd of 40,000 people and depicts the Sixteenth President as Commander in Chief reviewing the Union Army. This statue is a valued part of the landscape of Spokane and acts as a steady reminder of the trials our country has faced and our ability to overcome them.

As part of their long and continuing efforts to preserve and celebrate our history, the Esther Reed Chapter of Daughters of the American Revolution has organized a week long celebration to honor this great man. The celebrations will include several lectures by prominent Lincoln historians, a concert, and an ongoing art show featuring Lincoln-related works.

Madam Speaker, I believe the dedication shown by the Daughters of the American Revolution and their ongoing efforts to celebrate our leaders and history is worthy of recognition before this body. I invite my fellow members in joining with me to honor a past president's birthday and the efforts by the Daughters of the American Revolution to observe it.

ABILITYONE, FORMERLY JAVITS-WAGNER-O'DAY, PROGRAM

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Ms. FOXX. Mr. Speaker, for the past 70 years the AbilityOne formerly Javits-Wagner-O'Day (ABILITYONE) Program has empowered Americans who are blind or severely disabled by providing them with a diverse set of employment opportunities. Today over 40,000 disabled Americans are realizing their potential by working in their local communities across the country under this program. These Americans are proud to provide federal and military customers with a wide array of SKILCRAFT

and other ABILITYONE products and services. The ABILITYONE Program prides itself on delivering high quality products and services at a competitive price in the most convenient way possible.

Some of the product categories offered by the ABILITYONE program include office supplies, military specific, safety, maintenance, repair, medical-surgical, janitorial-sanitation, and customization. The services that are provided to the federal and military customer include but aren't limited to call center and switchboard operation, military base and federal office building supply centers, CD-Rom duplication-replication, data entry, document imaging and grounds care. I rise today in support of the AbilityOne Program and the opportunities it provides for an underemployed population of hard working Americans. Furthermore, I urge my colleagues to purchase SKILCRAFT and ABILITYONE products from the House-Senate Stationary stores not only because of their quality and value, but also because of the socioeconomic benefits that can come from supporting the program. By purchasing these products and using these services we are enabling more disabled Americans to have the opportunity to become taxpayers.

Today in Winston Salem, North Carolina 156 blind Americans are employed under the ABILITYONE Program and are producing high quality items or services for us. The ABILITYONE Program is administered by the Presidentially-appointed Committee for Purchase From People Who Are Blind or Severely Disabled, with much assistance from National Industries for the Blind (NIB) and NISH, which serves people with a wide range of disabilities. More than 650 local nonprofit agencies associated with NIB and NISH employ people who are blind or disabled to produce the quality products and offer the services authorized for sale to the federal government under the ABILITYONE Program.

The ABILITYONE Program is a great illustration of a successful partnership that has the ability to continuously grow with the changing procurement environment within the federal government. This is a Program that works for America.

PERSONAL EXPLANATION

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Ms. WASSERMAN SCHULTZ. Madam Speaker, on Tuesday, February 10, 2009, I missed Rollcall Vote 55, Supporting the goals and ideals of National Girls and Women in Sports Day, because I was attending to official events in my home state of Florida. If present, I would have voted ''aye.''

RECOGNIZING THE LIFE AND SERVICE OF MONIQUE YVE'TTE PORTUSACH-CEPEDA

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Ms. BORDALLO. Madam Speaker, I rise today to recognize and honor the life and service of Monique Portusach-Cepeda, a dedicated community leader who continually gave back to the people of Guam. Monique passed away on January 3, 2009 after a battle with cancer. She is survived by her husband, Nathaniel Fejeran Ulloa, her mother Frances Portusach Hudgens, and her father Anthony Calvo Cepeda.

Monique graduated from George Washington High School as valedictorian in 1996. Monique enrolled in Brown University in Providence, Rhode Island and in 2001 graduated with a degree in American Civilization and Bio-Medical Community Health. While at Brown University, Monique was awarded the President Harry S. Truman Fellowship before continuing her education at Harvard University. In 2002, Monique graduated from Harvard University with a Master's Degree in Public Policy. Monique was also selected as a Presidential Management Fellow, a program for individuals dedicated to promoting sound policy and programming in government agencies.

Monique worked with the Social Security Administration on Guam as a Federal Disability Examiner where she helped residents of Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa through the disability claims process. She continued to give back to her community through participation in organizations such as Youth for Youth, Democrats for a Better America, and Young Government Leaders. Monique was also a representative for the San Diego area to the Pacific Asian Advisory Council.

My prayers are with Monique's family and friends whose hearts she so deeply touched. Her contributions towards our island community will be remembered and honored always.

HONORING COACH GENE PINGATORE OF ST. JOSEPH HIGH SCHOOL ON HIS RECORD-BREAKING 827TH WIN IN ILLINOIS

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. LIPINSKI. Madam Speaker, I rise today to honor Coach Gene Pingatore for his outstanding and inspirational career as head coach of the St. Joseph High School boys basketball team in Westchester, Illinois, as well as to recognize his achievement as the all-time winningest boy's basketball coach in Illinois high school history.

Always considered one of the most fabled coaches in the storied history of Illinois basketball, Coach Pingatore's legacy reached a new level on January 16th, 2009 when his St. Joseph's squad faced Carmel Catholic High School. Their 49–26 victory gave Pingatore his record-breaking 827th win as a head basketball coach in Illinois.

What especially sets Gene Pingatore apart, however, is not his incredible record but rather his winning philosophy and his perseverance. His legendary program was not built overnight. In 1969–1970, Pingatore only managed three wins in his first season as a coach. The next year St. Joseph's managed seven wins, and Coach Pingatore only enjoyed 3 winning seasons in his first 7 seasons. Coming through that difficult stretch, however, Pingatore's work ethic and undeniable coaching ability spawned a dynasty. Since 1976, St. Joseph's has only suffered once losing season.

Only two other coaches in Illinois men's basketball history have passed the elusive 800 win barrier. Even before setting the all-time wins mark, Pingatore's outstanding accomplishments were recognized by the East Suburban Catholic Conference as they made him a member of their inaugural Hall of Fame class in 2006.

Madam Speaker, I rise to honor Gene Pingatore for the positive role model that he is to the young men of St. Joseph High School and for his continuing commitment to excellence from his players, both on and off the court. As the Representative of the 3rd District of Illinois, I would like to say that we are proud to be home to the state's winningest coach, in every sense of the word.

THE INTRODUCTION OF THE ''BUSINESS ACTIVITY TAX SIMPLIFICATION ACT''

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. GOODLATTE. Madam Speaker, I rise today in strong support of the Business Activity Tax Simplification Act. I joined my good friend RICK BOUCHER of Virginia to introduce this legislation in order to provide a ''bright line'' test to clarify state and local authority to collect business activity taxes from out-of-state entities.

Many states and some local governments levy corporate income, franchise and other taxes on out-of-state companies that conduct business activities within their jurisdictions. While providing revenue for states, these taxes also serve to pay for the privilege of doing business in a state.

However, with the growth of the Internet, companies are increasingly able to conduct transactions without the constraint of geopolitical boundaries. The growth of the high tech industry and interstate business-to-business and business-to-consumer transactions raises questions over where multi-state companies should be required to pay corporate income and other business activity taxes.

Over the past several years, a growing number of jurisdictions have sought to collect business activity taxes from businesses located in other states, even though those businesses receive no appreciable benefits from the taxing jurisdiction and even though the Supreme Court has ruled that the Constitution

prohibits a state from imposing taxes on businesses that lack substantial connections to the state. This has led to unfairness and uncertainty, generated contentious, widespread litigation, and hindered business expansion, as businesses shy away from expanding their presence in other states for fear of exposure to unfair tax burdens.

In order for businesses to continue to become more efficient and expand the scope of their goods and services, it is imperative that clear and easily navigable rules be set forth regarding when an out-of-state business is obliged to pay business activity taxes to a state. Otherwise, the confusion surrounding these taxes will have a chilling effect on e-commerce, interstate commerce generally, and the entire economy as tax burdens, compliance costs, litigation, and uncertainty escalate.

Previous actions by the Supreme Court and Congress have laid the groundwork for a clear, concise and modern ''bright line'' rule in this area. In the landmark case of Quill Corp. v. North Dakota, the Supreme Court declared that a state cannot impose a tax on an out-of-state business unless that business has a ''substantial nexus'' with the taxing state. However, the Court did not define what constituted a ''substantial nexus'' for purposes of imposing business activity taxes.

In addition, fifty years ago, Congress passed legislation to prohibit jurisdictions from taxing the income of out-of-state corporations whose in-state presence was nominal. Public Law 86–272 set clear, uniform standards for when states could and could not impose such taxes on out-of-state businesses when the businesses' activities involved the solicitation of orders for sales. However, like the economy of its time, the scope of Public Law 86–272 was limited to tangible personal property. Our nation's economy has changed dramatically over the past fifty years, and this outdated statute needs to be modernized.

The Business Activity Tax Simplification Act of 2008 both modernizes and provides clarity to an outdated and ambiguous tax environment. First, the legislation updates the protections in P.L. 86–272. This legislation reflects the changing nature of our economy by expanding the scope of the protections in P.L. 86–272 from just tangible personal property to include intangible property and services.

In addition, our legislation sets forth clear, specific standards to govern when businesses should be obliged to pay business activity taxes to a state. Specifically, the legislation establishes a ''physical presence'' test such that an out-of-state company must have a physical presence in a state before the state can impose corporate net income taxes and other types of business activity taxes.

In our current, challenging economic times, it is especially important to eliminate artificial, government-imposed barriers to small businesses. Small businesses are crucial to our economy and account for a significant majority of new product ideas and innovation. Small businesses are also central to the American dream of self-improvement and individual achievement, which is why it is so vital that Congress enact legislation that reduces the tax burdens that hinder small businesses and ultimately overall economic growth and job creation.

Unfortunately, small businesses are often the hardest hit when aggressive states and localities impose excessive tax burdens on out-of-state companies. These businesses do not have the resources to hire the teams of lawyers that many large corporations devote to tax compliance, and they are more likely to halt expansion to avoid uncertain tax obligations and litigation expenses.

The clarity that the Business Activity Tax Simplification Act will bring will ensure fairness, minimize litigation, and create the kind of legally certain and stable business climate that frees up funds for small businesses to make investments, expand interstate commerce, grow the economy and create new jobs.

At the same time, this legislation will protect the ability of states to ensure that they are fairly compensated when they provide services to businesses that do have physical presences in the state.

I urge my colleagues to support this important legislation.

IN RECOGNITION OF SHERIFF MARGARET MIMS AND SUPERVISOR JUDY CASE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. COSTA. Madam Speaker, I rise today to recognize Fresno County Sheriff Margaret Mims and County Supervisor Judy Case for their heroic actions taken on Wednesday February 11, 2009, to save the life of a heart attack victim in the Capitol South Metro stop.

When Sheriff Mims and Supervisor Case came upon the victim who had collapsed on the floor of the Metro station, they immediately leapt into action by organizing an emergency response from the surrounding onlookers. Sheriff Mims who is trained in first aid and Supervisor Chase, a registered nurse, then began giving chest compressions and breaths to the victim for fifteen minutes until paramedics arrived. Their heroic efforts were captured by Fresno news stations as well as The Fresno Bee and McClatchy newspapers.

While the life-saving actions of Sheriff Mims and Supervisor Chase were both courageous and heroic, they were not unfamiliar—in both their careers, they have never hesitated to help those in need. While the victim remains anonymous to them, Margaret and Judy have touched the life of an individual in a most profound way and I commend them for it.

HONORING COMMANDER CONSTANTINE TSOUKATOS OF OAK LAWN, ILLINOIS

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. LIPINSKI. Madam Speaker, I rise today to honor Commander Constantine Tsoukatos on the occasion of his promotion to Commander of the 314th Maintenance Operations Squadron.

Commander Tsoukatos was raised by his parents Helen and Emanuel Tsoukatos in Oak Lawn, IL. In Oak Lawn, Constantine attended Richards High School, before moving on to the University of Illinois where he studied Engineering Mechanics. Upon receiving his Bachelor's degree, Constantine continued his schooling and obtained his Master's degree in Human Resource Development from Webster University in 1999.

Constantine began his service in 1997 when he was commissioned as a second lieutenant following Officer Training School. Serving as an aircraft maintenance officer, he has held a variety of flightline and backshop positions. His first tour began at Scott AFB, on the C–9 Aircraft. Commander Tsoukatos then taught in the Reserve Officer Training Corps as an Assistant Professor of Aerospace Studies at Detachment 560, Manhattan College in Bronx, New York, where he also served as the Commandant of Cadets. He was next stationed at Osan AB, ROK, serving both as maintenance flight commander and then as the A–10 AMU IOC. Commander Tsoukatos spent the following 3 years at RAF Mildenhall with the 100th Air Refueling Wing, before moving to his current position within HQ AFMC in June of 2006.

Commander Tsoukatos has been recognized previously with the following commendations: the Meritorious Service Medal, the Air Force Commendation Medal with two oak leaf clusters, the Air Force Outstanding Unit Award with three oak leaf clusters, the National Defense Service Medal, the Global War on Terrorism Service Medal, and the Korean Defense Service Medal.

Aside from his military service to our nation, Commander Tsoukatos is dedicated to his family as a loving father and husband. He and his wife, Jazmin, have two sons, Manuel and Joaquin and one daughter, Gabriela.

Today, I ask my colleagues to join me in recognizing the outstanding service and achievements of Commander Constantine Tsoukatos. We acknowledge his accomplishments and express our gratitude for his dedicated service.

CONGRATULATING HAMILTON STEPHENS WINTER

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. ALEXANDER. Madam Speaker, I rise today to congratulate Hamilton Stephens Winters, who was recognized as the Overall Middle School Student of the Year by the Ouachita Parish School System.

Hamilton was nominated by his school, West Ridge Middle, to compete in the annual competition.

It is always outstanding to see the diligence with which the young students of Louisiana work to better their schools and communities. I have the highest confidence that Hamilton will succeed in whatever endeavor he pursues.

Earning this recognition is a tremendous honor, and I am grateful the 5th Congressional District can list Hamilton among our own.

I ask my colleagues to join me in congratulating Hamilton Stephens Winters for receiving this remarkable recognition.

RECOGNIZING LAYTON ROY FAIRCHILD, SR.

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. WITTMAN. Madam Speaker, I rise today to recognize Layton Roy Fairchild, Sr., of Spotsylvania, Virginia on his achievements and contributions to his community. Mr. Fairchild was born March 22, 1927 to the late master carpenter Alfred Linwood Fairchild and homemaker Rose Anna Lewis Fairchild. He is part of the second generation of Fairchilds born in Spotsylvania. His father, Alfred Linwood Fairchild, was the second individual and first generation Fairchild born in Spotsylvania, and the first to remain in the county, start a family and a very successful carpentry business.

Mr. Fairchild is a U.S. Army veteran of World War II. While on duty in Japan, he was the captain of the baseball team that traveled the country playing against native teams in an effort to develop goodwill after the bombing of Hiroshima and Nagasaki.

Mr. Fairchild worked for 33 years at FMC, the largest industry employer in Fredericksburg, Virginia. For the first 15 years, he was a machine operator. He was promoted in 1957 to control lacquer operator-inspector. During his more than 30 years at the FMC plant, he worked all three shifts. After his shift, regardless of which shift it was, he would come home and farm. Many days his wife brought his meals out to the field for him to eat while he was on his tractor.

He started his own business, Fairchild Trucking Inc. in 1975. For more than 30 years, he provided employment and benefits for county citizens. Showing appreciation for his two longest working employees, he recently purchased two 24-ton trucks for each to use to earn a living on their own.

Mr. Fairchild was the first mortgage lender to numerous individuals and families who were unable to receive traditional financing, allowing them to purchase and maintain a home of their own. His belief was that honest people with limited opportunities could indeed thrive if they had help.

He is very active in his local church, Sylvannah Baptist Church, in Spotsylvania. One example of his philanthropy is the brick enclosure of the church's cemetery. It was designed, constructed and donated in honor of his parents.

Mr. Fairchild married the former Bertha Pratt in 1945 and together they had four daughters and one son. Mr. and Mrs. Fairchild are also the foster parents of three boys they raised and provided for as their own.

Madam Speaker, I ask you to join me and countless others as we recognize the many contributions of Layton Roy Fairchild, Sr.

HONORING THE CENTENNIAL ANNIVERSARY OF EAST NORRITON TOWNSHIP

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor an outstanding southeastern Pennsylvania municipality celebrating its centennial anniversary.

East Norriton Township, Montgomery County, is a 6.1-square mile municipality that was established on March 9, 1909. However, East Norriton's roots can be traced back to the early days of the Commonwealth of Pennsylvania.

The vast tract where East Norriton is located was one of William Penn's early manors known as Williamstadt. The Township's long history includes a direct connection to America's courageous fight for independence. George Washington visited his wounded troops at Bartle Bartleson's Tavern along Germantown Pike during the Revolutionary War, according to historians.

As the region grew, a number of additional municipalities did as well. Eventually, East Norriton was formally incorporated in 1909 when it was carved out of the larger municipality known as Norriton Township.

Residents have been commemorating the 100th anniversary with events throughout the past year and will continue their celebration on Friday, February 20, 2009 with a Centennial Celebration Dinner.

Madam Speaker, I ask that my colleagues join me today in congratulating the Township on its momentous anniversary and extending best wishes for continuing prosperity, harmony and quality of life.

TRIBUTE TO PRIVATE FELIX LONGORIA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. BACA. Madam Speaker, I stand here today to honor the 60th Anniversary of WWII Private Felix Longoria, the first Mexican American to be buried at the Arlington National Cemetery in Washington, DC.

Private Felix Z. Longoria was drafted into the United States Army on November 11, 1944, at the age of 25 from Three Rivers, Texas.

While on a voluntary patrol on June 1945, Private Longoria was killed in action by a Japanese sniper in Cagayan Valley, Luzon, Philippines. He posthumously received the Purple Heart, the Bronze Star, the Good Conduct Medal, and the Combat Infantryman Badge for his service and sacrifice.

Sadly in 1945, when the remains of Private Longoria were finally identified and returned back to the United States, Beatrice Longoria, the widow of Private Felix Longoria, was turned away and unable to hold a funeral service for her deceased husband at a private funeral home in Three Rivers, Texas. At the time, the city of Three Rivers' sole cemetery was divided by a barbed wire fence, into two sections, one for whites and another for non-whites.

This act of discrimination moved Beatrice Longoria to contact Dr. Hector P. Garcia a surgeon general of the area, and the founder of the newly created American GI Forum.

Dr. Hector P. Garcia sent out seventeen telegrams to elected and government officials, which stated "the denial was a direct contradiction of those same principles for which this American soldier made the supreme sacrifice in giving his life for his country, and for the same people who deny him the last funeral rites deserving of any American hero regardless of his origin".

Just recently founded during that time on March 26, 1948, the American GI Forum and its founder, Dr. Hector P. Garcia launched a civil rights movement to help the Longoria family.

Then a junior United States Senator, Lyndon B. Johnson, on January 11, 1949, sent a telegram to Dr. Hector P. Garcia that read ". . . I have today made arrangements to have Felix Longoria buried with full military honors in Arlington National Cemetery here in Washington where, the honored dead of our nation' war rest. . .This injustice and prejudice is deplorable. I am happy to have a part seeing that this Texas hero is laid to rest with the honor and dignity his services deserve".

Thanks to the AGIF, Dr. Garcia and Senator Johnson, Private Felix Longoria became the first Mexican American serviceman to be awarded this honor. On February 16, 1949, Private Felix Longoria was given a full military burial with honors in Arlington National Cemetery. The Longoria family was joined at the service by United States Senator Lyndon B. Johnson, Lady Bird Johnson, Congressman John Lyle and President Harry Truman's' military aide, General Harry H. Vaughan.

The work and legacy of the late Dr. Hector P. Garcia and the American GI Forum that he founded, still continues to this day, in the name of all Veterans and Hispanics in the United States.

February 16, 2009 marks the 60th anniversary of the burial of Private Felix Longoria, the first Mexican American servicemen to be awarded this honor. On this day, I encourage all Americans to remember the great sacrifices made by our American heroes in all the conflicts in the history of the United States.

IN THAT MOMENT

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Ms. WATSON. Madam Speaker, to commemorate the heroism of the Captain and crew of US Airways Flight 1549, as well as the emergency personnel of the New York fire and police departments, Congresswoman DIANE E. WATSON would like to submit this poem to the CONGRESSIONAL RECORD.

This poem is dedicated to the valor and heroism of Captain Chesley B. Sullenberger III;

First Officer Jeffrey B. Skiles; flight attendants Sheila Dail, Doreen Welsh, and Donna Dent; the fine men and women of the New York fire and police Departments; the Coast Guard; ferry boat captains; and the citizens of New York.

IN THAT MOMENT

In . . .
In that moment . . .
When who lives or dies!
But, to see another sunrise . . .
All in their hand's which lies . . .
All of those most precious lives . . .
Whose loved ones, upon them rely
Who will be left to cry . . .
When high above, up in those blue skies . . .
With just seconds to react . . .
Just moments from the black . . .
With eminent death approaching, the facts . . .
With only a few choices . . .
Listening, to their most inner voices . . .
A lifetime of training . . .
All for this one moment counting . . .
With the time to live or die, so waning
Most precious moments in time which lie . . .
Now remaining . . .
Determining, who lives and dies . . .
With but no room for error . . .
As born, all in this moment such heroes . . .
While, all around them crisis looms . . .
As they must keep their cool . . . as their fine hearts must swoon . . .
While, against all odds . . . they give to this our world this jewel . . .
This gift, which will now forever over our hearts so rule . . .
This moment, when they stood strong . . . with hearts full . . .
Full of courage and might, to win the day . . . to win that night . . .
To carry with us until we grow old . . .
As God was with them on that day, in this miracle on 48th street in so many ways . . .
On A Wings of A Dove, as he helped bring them down so safe . . .
As City, once again must unite . . .
Police Officers, Firefighters, Citizens, Coast Guard, Ferry Boat Captains bringing the light . . .
As the echoes of a past were all heard in their hearts that night . . .
A Gotham City, with Gotham Hearts . . . as on this day, all did their part . . .
And what child will be born?
Who might save the world, or upon it such great things unfurled . . .
Because of that moment!
And what loves will be worn? Given that second chance now to now continue on . . .
For only a future knows . . .
From these moments as time will tell us . . . will show . . .
When in that moment . . . Quiet Heroes so . . .
We would discover, the true meaning of that word heroes . . . our new lovers . . .
Bless them, bless them all . . .
For each and everyday, our lives on them so depend so all . . .
For we will long remember . . .
This winter day, all in the embers . . . of our hearts . . .
When, in the moment of truth . . .
A Magnificent Captain and Crew gave us the proof . . .
That miracles do come true . . .
And how courage can come shining through . . .
In That Moment . . .

HONORING EASTERN MICHIGAN UNIVERSITY AS A RECIPIENT OF THE 2008 COMMUNITY ENGAGEMENT CLASSIFICATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. DINGELL. Madam Speaker, I rise today to honor Eastern Michigan University for being selected by the Carnegie Foundation for the Advancement of Teaching to receive its 2008 Community Engagement Classification.

The Carnegie Foundation for the Advancement of Teaching, founded by Andrew Carnegie in 1905, is a highly regarded, independent higher education policy and research center. Of the 217 institutions who declared an interest in applying for the classification, Eastern Michigan University was one of the select few institutions to receive this high distinction.

As an institution receiving this Carnegie classification, EMU is recognized as a national model for community engaged campuses. Eastern Michigan University has always promoted and supported involvement in the community and this is evident in their mission, as they seek to ''extend our commitment beyond our campus boundaries to the wider community through service initiatives and partnerships of mutual interest addressing local, regional, national, and international opportunities and challenges.''

Eastern Michigan University and its students reach out a helping hand to the community in so many different ways, from fundraising for Habitat for Humanity, Relay for Life, and St. Jude's Hospital to the students' partnerships with Ypsilanti Meals on Wheels, S.O.S. community services, and Upward Bound. Even with all their academic commitments, students at EMU still managed to provide over 38,000 volunteer hours in the community through VISION and student organizations. This is a testament to the great students and community outreach programs at Eastern Michigan University.

Madam Speaker, the Carnegie Foundation of Advancement of Teaching has bestowed its 2008 Community Engagement Classification upon Eastern Michigan University because of its remarkable work to interact with, aid and improve its surrounding community. This is a tremendous honor and it speaks to the fine character and great dedication of the university's faculty, administration, and students. EMU truly serves as a model for community engagement between this nation's higher education institutes and their respective communities. I ask that you and all of my colleagues join me in congratulating EMU on this remarkable accomplishment.

THE INTRODUCTION OF THE YOUTH PROMISE ACT

HON. ROBERT C. ''BOBBY'' SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. SCOTT of Virginia. Madam Speaker, I rise today, along with the gentleman from Delaware, Mr. CASTLE, to introduce the ''Youth Prison Reduction through Mentoring, Intervention, Support and Education Act'', or ''Youth PROMISE Act,'' a bill we believe will greatly reduce crime and its associated costs and losses. Companion legislation to this bill is also being filed today in the Senate by Senator CASEY of Pennsylvania, and Senator SNOWE of Maine.

The Youth PROMISE Act implements the best policy recommendations from crime policy makers, researchers, practitioners, analysts, and law enforcement officials from across the political spectrum concerning evidence- and research-based strategies to reduce gang violence and crime. Under the Youth PROMISE Act, communities facing the greatest youth gang and crime challenges will be able to enact a comprehensive response to prevention and intervention of youth violence through a coordinated response that includes the active involvement of representatives from law enforcement, court services, schools, social services, health and mental health providers, foster care providers, Boys and Girls Clubs and other community-based service organizations, including faith-based organizations. These key players will form a council to develop a comprehensive plan for implementing evidence-based prevention and intervention strategies. These strategies will be targeted at young people who are involved, or at risk of becoming involved, in gangs or the juvenile or criminal justice system to redirect them toward productive and law-abiding alternatives. The Youth PROMISE Act will also enhance state and local law enforcement efforts regarding youth and gang violence.

Title I: Federal Coordination of Local and Tribal Juvenile Justice Information and Efforts. Sec. 101 creates a PROMISE Advisory Panel. This Panel will assist the Office of Juvenile Justice and Delinquency Prevention in selecting PROMISE community grantees. The Panel will also develop standards for the evaluation of juvenile delinquency and criminal street gang activity prevention and intervention approaches carried out under the PROMISE Act. Sec. 102 provides for specific data collection in each designated geographic area to assess the needs and existing resources for juvenile delinquency and criminal street gang activity prevention and intervention. This data will then facilitate the strategic geographic allocation of resources provided under the Act to areas of greatest need for assistance.

Title II: PROMISE Grants. Sec. 201 establishes grants to enable local and tribal communities, via PROMISE Coordinating Councils, PCCs, Sec. 202, to conduct an objective assessment, Sec. 203, regarding juvenile delinquency and criminal street gang activity and resource needs and strengths in the community. Based upon the assessment, the PCCs then will develop plans that include a broad array of evidence-based prevention and intervention programs. These programs will be responsive to the needs and strengths of the community, account for the community's cultural and linguistic needs, and utilize approaches that have been proven to be effective in reducing involvement in or continuing involvement in delinquent conduct or criminal street gang activity. The PCCs can then apply for federal funds, on the basis of greatest

need, to implement their PROMISE plans, Sec. 211–213. Title II also provides for national evaluation of PROMISE programs and activities, Sec. 222, based on performance standards developed by the PROMISE Advisory Panel.

Title III: PROMISE Research Center. Sec. 301 establishes a National Research Center for Proven Juvenile Justice Practices. This Center will collect and disseminate information to PROMISE Coordinating Councils and the public on current research and other information about evidence-based and promising practices related to juvenile delinquency and criminal street gang activity and intervention. Sec. 302 provides for regional academic research partners to assist PCCs in developing their assessments and plans.

Title IV: Youth-Oriented Policing Services. Sec. 402 provides, within the office of Community Oriented Policing Services, for the hiring and training of Youth Oriented Policing, YOPS, officers to address juvenile delinquency and criminal street gang activity in coordination with PCCs and other local youth services organizations. Sec. 403 also establishes a Center for Youth Oriented Policing, which will be responsible for identification, development and dissemination of information related to strategic policing practices and technologies to law enforcement agencies related to youth.

Title V: Enhancing Federal Support of Local Law Enforcement—Mynisha's Law. Mynisha's Law provides appropriate federal coordination and collaboration by requiring the placement of an interagency task force—consisting of representatives from the Departments of Justice, Labor, Education, HUD and HHS—to prevent and address gang activity in specific designated high intensity gang areas. The interagency task force would be responsible for identifying and coordinating access to federal gang prevention resources, such as afterschool programs, Job Corp programs, and low income affordable housing.

Sec. 511 authorizes the COPS Office to make grants to local and tribal governments with a PROMISE Council to develop community-based programs that provide crime prevention, research, and intervention services designed for gang members and at-risk youth. Sec. 522 authorizes the Attorney General, in consultation with the Secretary of Health and Human Services to award grants to partnerships between a state mental health authority and one or more local public or private entities to prevent or alleviate the effects of youth violence in urban communities with a high or increasing incidence of such violence by providing violence-prevention education, mentoring, counseling, and mental health services to children and adolescents. Priority is given to grant applicants that agree to use the grant in communities that lack the resources to address youth violence.

Title VI: Precaution Act. To coordinate the volumes of data and research on crime prevention and intervention, this Title creates a national commission on crime prevention and intervention strategies to identify those programs that are most ready for replication around the country, and to provide guidance in a direct and accessible format to state and local law enforcement on how to implement those strategies. The commission also would identify those promising areas of crime prevention and intervention programming that would benefit from further research and development, and would report to federal, state, and local law enforcement on the outcomes of a grant program administered by the National Institute of Justice to pilot programs in these areas and test their effectiveness. The use of this information would ensure that the criminal justice community is investing its limited resources in the most cost-effective way possible.

Title VII: Additional Improvements to Juvenile Justice. Sec. 701 provides additional improvements to current laws affecting juvenile delinquency and criminal street gang activity, including support for youth victim and witness protection programs. Sec. 702 provides for an expansion of the Mentoring Initiatives program for system-involved youth. And Sec. 703 calls for a study on adolescent development and the effectiveness of juvenile sentences in the Federal system.

During my more than 30 years of public service, I have learned that when it comes to crime policy, we have a choice—we can reduce crime or we can play politics. For far too long, Congress has chosen to play politics by enacting so-called ''tough on crime'' slogans such as ''three strikes and you're out'' , ''mandatory minimum sentencing'', ''life without parole'', ''abolish parole'' or ''you do the adult crime, you do the adult time''. My personal favorite is ''no cable TV.'' You can imagine the cable guy disconnecting the cable and then waiting for the crime rate to drop. As appealing as these policies may sound, their impacts range from a negligible reduction in crime to an increase in crime.

However, over the past two decades, we continued to enact slogan-based sentencing policies. As a result, the United States now has the highest average incarceration rate of any nation in the world. At over 700 persons incarcerated for every 100,000 in the population, the U.S. far exceeds the world average incarceration rate of about 100 per 100,000. Russia is the next closest in rate of incarceration with about 600 per 100,000 citizens. Every other major incarcerator is much below that. Among countries most comparable to the U.S., Great Britain is 146 per 100,000, Australia is 126, Canada is 107, Germany is 95, France is 85, and Japan is 62. India, the world's largest Democracy, is 36 per 100,000 and China, the world's largest country by population, is 118 per 100,000. Since 1970, the number of individuals incarcerated in the U.S. has risen from approximately 300,000 to over 2 million.

All this increase in incarceration does not come for free. Since 1982, the cost of incarceration in this country has risen from $9 billion annually to over $65 billion a year.

And the U.S. has some of the world's most severe punishments for crime, including for juveniles. Of the more than 2400 juveniles now serving sentences of life without parole, all are in the U.S. Some were given their sentence as first-time offenders under circumstances such as being a passenger in a car from which there was a drive-by shooting.

The impact of all this focus on tough law enforcement approaches falls disproportionately on minorities, particularly Blacks and Hispanics. While the average incarceration rate in the United States is 7 times the international average, for Blacks the average rate is over 2200 per 100,000, and the rate in some jurisdictions exceeds 4,000 per 100,000 Blacks, a rate 40 times the international average. For Black boys being born today, the Sentencing Project estimates that one in every three will end up incarcerated in their lifetime without an appropriate intervention. These children are on what the Children's Defense Fund has described as a ''cradle-to-prison pipeline.''

Despite all of our concentration on being tough on crime, the problem persists and reports suggest that it is growing in some jurisdictions. While nothing in the Youth PROMISE Act eliminates any of the current tough on crime laws, and while it is understood that law enforcement will still continue to enforce those laws, research and analysis, as well as common sense, tells us that no matter how tough we are on the people we prosecute today, unless we are addressing the underlying reasons for their developing into serious criminals, nothing will change. The next wave of offenders will simply replace the ones we take out and the crimes continue. So, just continuing to be ''tough'' will have little long term impact on crime.

There is now overwhelming evidence to show that it is entirely feasible to move children from a cradle to prison pipeline to a cradle to college, or jobs, pipeline. All the credible research and evidence shows that a continuum of evidenced-based prevention and intervention programs for youth identified as being at risk of involvement in delinquent behavior, and those already involved, will greatly reduce crime and save much more than they cost when compared to the avoided law enforcement and social welfare expenditures. There are programs for teen pregnancy prevention, pre-natal care, new parent training, nurse home visits, Head Start, quality education, after-school programs, Summer recreation and jobs, guaranteed college scholarships, and job-training that have been scientifically proven to cost-effectively reduce crime. And the research reveals that these programs are most effective when provided in the context of a coordinated, collaborative local strategy involving law enforcement, social services and other local public and private entities working with children identified as at risk of involvement in the criminal justice system. This is what the Youth PROMISE Act provides for.

Aside from reducing crime and providing better results in the lives of our youth, many of these programs funded under the Youth PROMISE Act will save more money than they cost. The state of Pennsylvania implemented in 100 communities across the state a process very similar to the one provided for in the Youth PROMISE Act. The state found that it saved, on average, $5 for every $1 spent during the study period.

The bill is supported by 69 original co-sponsors. A coalition of over 200 national, state and local organizations, listed below, supported the Youth PROMISE Act last Congress, and we expect that list to continue to grow this Congress. We know how to reduce crime and we know that we can do it in a way that saves much more money that it costs. Our children,

victims of crime, taxpayers and our economy can no longer afford for us to delay adoption of the Youth PROMISE Act. So, I ask my colleagues to join me in passing and this bill and seeing to it that it is quickly enacted into law.

ORGANIZATIONS SUPPORTING THE YOUTH PROMISE ACT

NATIONAL ORGANIZATIONS

Alliance for Children and Families
American Civil Liberties Union (ACLU)
American Correctional Association
American Council of Chief Defenders
American Federation of School Administrators, AFL-CIO
American Federation of Teachers (AFT)
American Jewish Congress
American Psychological Association
Asian American Justice Center
ASPIRA, Inc.
Bazelon Center for Mental Health Law
Campaign for Youth Justice
Catholic Charities USA
Center for Children's Law and Policy
Child Welfare League of America
Children's Defense Fund
Citizens United for the Rehabilitation of Errants (CURE), International
Coalition for Juvenile Justice
Coalition on Human Needs
Correctional Education Association
Council for Educators of At-Risk and Delinquent Youth
Council for Opportunity in Education
Council of Juvenile Correctional Administrators (CJCA)
Covenant House International Headquarters
Federal CURE
Fight Crime: Invest in Kids
Girls Inc.
Human Rights Watch
Immigrant Justice Network
Institute for Community Peace
International Community Corrections Association
Justice Policy Institute
Juvenile Justice Trainers Association
Legal Action Center
Lutheran Immigration and Refugee Service
Mennonite Central Committee Washington Office
Mental Health America
Mexican American Legal Defense & Educational Fund (MALDEF)
National Advocacy Center of the Sisters of the Good Shepherd
National African-American Drug Policy Coalition, Inc.
National Alliance to End Homelessness
National Alliance for Faith and Justice
National Association for the Advancement of Colored People (NAACP)
National Association of Blacks in Criminal Justice
National Association of Criminal Defense Lawyers
National Association of Juvenile Correctional Agencies
National Association of Secondary School Principals
National Black Caucus of Local Elected Officials (NBC–LEO)
National Black Police Association
National Center for Youth Law
National Consortium of TASC (Treatment Accountability for Safer Communities) Programs
National Council for Community Behavioral Health
National Council of La Raza
National Council on Crime and Delinquency
National Council on Educating Black Children
National Council for Urban (Gang) Peace, Justice and Empowerment
National Education Association
National Federation of Families for Children's Mental Health
National Head Start Association
National Hire Network
National Immigration Project of the National Lawyers Guild
National Juvenile Defender Center
National Juvenile Detention Association
National Juvenile Justice Network
National Network for Youth
National Organization of Concerned Black Men, Inc.
National Partnership for Juvenile Services
National Parent Teacher Association (PTA)
National Trust for the Development of African-American Men
National Urban League
National Women's Law Center
Penal Reform International
Presbyterian Church (USA), Washington Office
Prison Legal News
Prisons Foundation
Southeast Asia Resource Action Center
Southern Poverty Law Center
The Academy of Criminal Justice Sciences, Public Policy Section
The Rebecca Project for Human Rights
The School Social Work Association of America
The Sentencing Project
Therapeutic Communities of America (TCA)
Time Dollar Youth Court
TimeBanks USA
Unitarian Universalist Association of Congregations
United Church of Christ, Justice and Witness Ministries
United Methodist Church, General Board of Church and Society
United Neighborhood Centers of America
VOICES for America's Children
W. Haywood Burns Institute
Washington Office on Latin America
World Vision
Youth Law Center
Youth Matter America

STATE ORGANIZATIONS

ACLU of Illinois (IL)
ACLU of North Carolina (NC)
ACLU of Ohio (OH)
Action for Children North Carolina (NC)
Advocates for Children and Youth (MD)
Alabama Youth Justice Coalition
Alston Wilkes Society (SC)
Archdiocese of Los Angeles, Office of Restorative Justice (CA)
Asian Law Caucus (CA)
ATTIC Correctional Services, Inc. (WI)
Barrios Unidos—Santa Cruz Chapter (CA)
Barrios Unidos—Virginia Chapter (VA)
CASA of Maryland, Inc. (MD)
Center for Community Alternatives (NY)
Central American Legal Assistance (NY)
Chicago Area Project (IL)
Children's Action Alliance (AZ)
Children's Campaign, Inc. (FL)
Citizens for Juvenile Justice (MA)
Columbia Heights Shaw Family Collaborative (DC)
Connecticut Juvenile Justice Alliance (CT)
Contra Costa County Public Defender's Office (CA)
Correctional Association of New York (NY)
Council for Children's Rights (NC)
DC Alliance of Youth Advocates (DC)
DC NAACP Youth Council (DC)
Delaware Center for Justice (DE)
Equal Justice Initiative (AL)
Facilitating Leadership in Youth (FLY) (DC)
Faith Communities for Families and Children (CA)
Families & Allies of Virginia's Youth (VA)
Families & Friends of La.'s Incarcerated Children (LA)
Families Moving Forward (CT)
Florida Public Defender Association, Inc. (FL)
Florida Public Defender, Fourth Judicial Circuit (FL)
Florida Families for Fair Sentences (FL)
Franklin County Public Defender (OH)
Fusion Partnerships, Inc. (MD)
Hispanic Urban Minority Alcoholism and Drug Abuse Outreach Program (OH)
Homies Unidos (CA)
H.O.P.E., Inc (KS)
Identity, Inc. (MD)
John Howard Association of Illinois (IL)
JustChildren (VA)
Justice for DC Youth (DC)
Juvenile Justice Center of Suffolk University Law School (NY)
Juvenile Justice Coalition (OH)
Juvenile Justice Initiative of Illinois (IL)
Juvenile Justice Project of Louisiana (LA)
Kansas CURE (KS)
L.A. Youth Justice Coalition (CA)
Latin American Youth Center (DC)
Leaders in Community Alternatives, Inc. (CA)
Life Pieces to Masterpieces, Inc. (DC)
Law Office of Anthony J. Keber (MA)
Maryland Juvenile Justice Coalition (MD)
Maryland Office of the Public Defender (MD)
Mental Health Association in Pennsylvania (PA)
Michigan Council on Crime and Delinquency (MI)
Mid-Atlantic Juvenile Defender Center, Juvenile Law and Policy Clinic, University of Richmond School of Law (VA)
Midwest Juvenile Defender Center (IL)
Minnesota Juvenile Justice Coalition (MN)
Mississippi CURE (MS)
Mississippi Youth Justice Project (MS)
New Hampshire Association of Criminal Defense Lawyers (NH)
New Jersey Association on Correction (NJ)
New Mexico Council on Crime and Delinquency (NM)
New Mexico Criminal Defense Lawyers Association (NM)
Pacific Juvenile Defender Center (CA)
Parents Who Care Coalition (SD)
Parents, Youth, Children and Family Training Institute (AL)
Partnership for Safety and Justice (OR)
Puerto Rico Association of Criminal Defense Lawyers (PR)
Public Justice Center (MD)
PTA of Illinois (IL)
Southern Juvenile Defender Center (AL)
Texas Criminal Justice Coalition (TX)
The Fortune Society (NY)
The Law Offices of Public Defender Bennett H. Brummer (Miami-Dade Public Defender's Office) (FL)
The Pendulum Foundation (CO)
The Poor People's Alliance, Connecticut Chapter (CT)
The S.T.O.P. Family Investment Center at Oakmont North (VA)
Southern Poverty Law Center (AL)
Tennessee Commission on Children and Youth (TN)
UNC Juvenile Justice Clinic, University of North Carolina at Chapel Hill School of Law (NC)

United Church of Christ, Justice and Witness Ministries (OH)
Virginia Coalition for Juvenile Justice (VA)
Virginia Commonwealth University School of Education (VA)
Virginia Commonwealth University Center for School-Community Collaboration (VA)
Virginia C.U.R.E. (VA)
VOICES for Alabama's Children (AL)
VOICES for Children in Nebraska (NE)
VOICES for Ohio's Children (OH)
Washington Association of Criminal Defense Lawyers (WA)
Washington Defender Association (WA)
Washington Defender Association's Immigration Project (WA)
Youth Advocate Programs, Inc. (PA)
Youth Advocacy Project of the Committee for Public Counsel Services (MA)
Young America Works Public Charter School (DC)

ELECTED OFFICIALS AND ACADEMICS

Donna M. Bishop, Northeastern University (MA)
Susan J. Carstens, Psy.D., L.P. Juvenile Specialist, Crystal Police Dept. (MN)
The Honorable Toni Harp, Connecticut State Senator
The Honorable Alice L. Bordsen, North Carolina State Representatives
Jolanta Juszkiewicz, Ph.D., American University (D.C.)
The Honorable Kelvin Roldán, Connecticut State Representative
Tony Roshan Samara, George Mason University (VA)
Earle Williams, Psy.D. Hampton University, (VA)
Aaron Kupchik, Ph.D., University of Delaware

HONORING THE LIFE AND MEMORY OF CHIRICAHUA APACHE LEADER GOYATHLAY, ALSO KNOWN AS GERONIMO, ON THE 100TH ANNIVERSARY OF HIS DEATH

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. COLE. Madam Speaker, as the Republican Co-Chair of the Native American Caucus and as the only enrolled tribal member in Congress, I rise today in recognition of the 100th Anniversary of the passing of a Native American hero, Goyathlay, more commonly known as Geronimo.

Born into one of the most dangerous eras in Native American history in 1829, this Apache leader devoted his life to leading his people both spiritually and militarily. Though outnumbered and less armed, Goyathlay valiantly and successfully fought both Mexican and American troops in order to maintain the independence of his own people for decades. Even when his own wife and children were killed by attacking soldiers, his resolve never ended to keep his people free and safe.

In 1886, when the United States government launched an expedition to capture Goyathlay, he never rested. Constantly moving, and exhausted, he demonstrated true leadership and resolve by and preventing his band of Apaches from resigning their sovereignty to the United States government. When Goyathlay and his band were finally captured, they were moved as prisoners of war to several different bases in Florida, Alabama and Oklahoma. Finally, Goyathlay was transferred to Ft. Sill in Lawton, Oklahoma were he is buried today.

On this 100th Anniversary of his death, it is my sincerest hope, that his descendants might find healing and peace as they heal from the tragedies suffered by their ancestors. Today, Goyathlay can serve as an example for all of Indian Country. Though the United States policy toward Indian Country has drastically improved since the time of Goyathlay, the fight for tribal sovereignty is far from over. His strong dedication to this principle as well as his determined leadership is truly inspirational for all those fighting for Native Americans today.

Again, Madam Speaker, I am proud to speak today to honor one of the greatest Native American heroes in history. As the San Carols Apache Tribe and others throughout Indian Country gather to honor the life of this great leader, I wish them all the best and hope that this anniversary is a marker of healing for the Apaches and all Native peoples.

202ND ANNIVERSARY OF THE WESTERN STAR

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mrs. SCHMIDT. Madam Speaker, I rise today to honor the oldest weekly newspaper in Ohio. The Western Star, published in Lebanon, Ohio is celebrating its 202nd anniversary today. This newspaper also holds the proud record of being the second oldest newspaper of any kind to be published in Ohio, and the oldest newspaper bearing its original name west of the Appalachian Mountains.

The Newspaper was first published on February 13, 1807 by John McLean, a former member of this great body. Mr. Mclean also served our nation as United States Postmaster General, and an Associate Justice on the Ohio and United States Supreme Courts.

Currently, the paper is owned and published by Cox Communications, which was founded by James Middleton Cox, who also served as a Member of this House.

Madam Speaker, The Western Star is an award winning weekly newspaper that exemplifies the ideal of a free press, one of this nation's greatest rights. Today, I ask my colleagues to join me in recognizing the 202 year tradition of the Western Star and in wishing the newspaper continued success in the future.

TRIBUTE TO THE DAUGHTERS OF SUNSET

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mrs. EMERSON. Madam Speaker, I rise today to commend the Daughters of Sunset, an active group of leaders in Sikeston, Missouri, devoted to the improvement of our community. The Daughters of Sunset were founded in 1984, and this year they celebrate their 25th anniversary.

In southern Missouri, we are very fortunate to have many organizations that serve their neighbors and create opportunities for young Americans. One of the cornerstones of the Daughters of Sunset is a scholarship program that enables young people in Sikeston to achieve the dream of attending college. It's truly a program that opens doors to talented students that would never be available to them otherwise. Even better, the recipients of the Daughters of Sunset scholarship often take the lesson of this local support to heart; they stay in southern Missouri to put their educations to work and give back to the community that sent them to college.

The philosophy of the Daughters of Sunset is grounded in community service. They seek out opportunities to recognize the service of others, and they are recognized throughout the community as a reliable friend to any neighbor in need of a helping hand.

We are fortunate to have the Daughters of Sunset in Sikeston, and I am very proud to congratulate them on 25 years of service to the Eighth Congressional District and to commend them to the U.S. House of Representatives for all of their good works.

TRIBUTE TO MRS. EDITH LOVELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. TOWNS. Madam Speaker, on February 8, 2009, Mrs. Edith Lovell, a resident of Brooklyn, New York, celebrated her 105th birthday. She was born on February 8, 1904 in Barbados, West Indies. She migrated to the United States in 1924 and resided with family in Harlem. A few years later, she married Samuel Lovell and relocated to Brooklyn, New York.

Mrs. Lovell is the mother of the late Muriel Lovell Sealy and the mother of Dr. Alvin Lovell. She has three grandchildren, Angela Graham and Kelley Sealy and Alison Lovell; two great grandchildren, Philip and Amanda Graham; one great great granddaughter, Angelique; nephews, nieces and cousins, including New York State Supreme Court Justice Valerie Brathwaite Nelson.

She enjoys reading, history, the company of family and friends and participating in lively social and political discussions. She was a strong supporter of Barack Obama during the recent campaign and was proud to witness the historic occasion and celebrated his Inauguration as the 44th President of the United States.

Mrs. Lovell was an avid gardener until recently; she was the recipient of the 2003 Award for the Greenest Block in Brooklyn.

As we celebrate the various events honoring African Americans during the month of February, I truly believe we should include the name of Ms. Edith Lovell. I am proud to join the United States Congress and our nation in honoring this great trailblazer.

TRIBUTE TO LIBBY GREER

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. BOYD. Madam Speaker, I rise today with mixed emotions to pay tribute to my departing Chief of Staff, Libby Greer. Libby has spent the last 7½ years with my office, where she has served as my trusted advisor, my right arm, and my friend.

As people who know her will tell you, Libby has a knowledge of policy and a political acumen that have made her a compelling force. She has been a steadfast leader in both my office and within the Blue Dogs, while serving as a mentor to countless folks. Her contribution to my public service and commitment to the people of North Florida have made a lasting impression from Washington, D.C. all the way down to Florida.

It is with immense gratitude that I thank Libby for her years of service and friendship. Words simply cannot express how much she has meant to me, to my family, and to my public service efforts for the past 7½ years. Today, I join my wife, Cissy, in wishing her much happiness and the best of luck in this new chapter of her life.

IN CELEBRATION OF THE 50TH ANNIVERSARY OF MONROE/LENAWEE COUNTY AFL–CIO CENTRAL LABOR COUNCIL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. DINGELL. Madam Speaker. I rise today to honor the 50th anniversary of the Monroe/Lenawee County AFL–CIO Central Labor Council (CLC). On January 28, 1959, nine local unions from the American Federation of Labor, known as the Monroe Central Labor Union, and sixteen local unions from the Congress of Industrial Organizations, known as the Monroe County CIO Industrial Union Council, held a merger convention in the historic Philip Murray Building in downtown Monroe, Michigan.

The purpose of this convention was to dissolve their Charters of the Monroe Central Labor Union and the Monroe County CIO Industrial Union Council and adopt a new constitution under which the two organizations would merge and form one new organization. On February 9, 1959, the National AFL–CIO granted a charter to the Monroe County AFL–CIO Central Labor Council

The Central Labor Council has worked for 50 years to secure a united action of union Locals to protect, maintain and advance the interest of all working people. These efforts include building support and advocacy for worker friendly legislation, furthering the acceptance of collective bargaining in the workplace and educating the general public on the importance of the American Labor Movement. The CLC's commitment to the betterment of their community has never waivered, and their unselfish willingness to lead by example has undoubtedly contributed to a higher standard of living for—not only union members, but for all people in Monroe, Lenawee, and the surrounding communities.

The Monroe County AFL–CIO Central Labor Council mission statement has not strayed from its original purpose and remains committed to education, organizing, mobilizing and creating activities for the common good and welfare of their community.

Madam Speaker, I ask that my colleagues rise and join me in commending the Monroe/Lenawee County AFL–CIO Central Labor Council on 50 years of advocacy for workers and tremendous service to the community.

HONORING THE 250TH ANNIVERSARY OF AMHERST, MASSACHUSETTS

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. OLVER. Madam Speaker, I rise today to celebrate the founding of Amherst, Massachusetts 250 years ago on February 13, 1759. The following history provided by the Amherst Historical Society paints a fascinating picture of a town I have been honored to represent my entire legislative career.

Two hundred fifty years ago, a section of Hadley, Massachusetts became the district of Amherst when local men petitioned the government of Massachusetts Bay to incorporate Hadley's Second Precinct (as Amherst was officially called) as a district which could hold town meetings and govern itself. On February 13, 1759, a bill was passed and the royal governor, Thomas Pownall, named the new district ''Amherst'' to honor his friend General Jeffery Amherst, who had recently led a successful military expedition against the French in Canada.

Hadley famers, who had been grazing their cattle on Amherst lands since the late 1600s, called this land by many names—Hadley Farms, East Farms, Hadley Outer Commons, East Hadley, New Swamp, and even Foote's Folly Swamp. Hadley farmers didn't think much of Amherst's soil as compared with the richer soils closer to the Connecticut River, but the Amherst land was fertile enough and, during a brief peaceful period in the late 1720s, a few farmers ventured to establish Amherst homesteads.

In the 1750s, more farms sprang up and the population of ''East Hadley'' topped that of the original settlement, but inhabitants were still required to travel to Hadley to conduct town business and pay taxes, for which they received little in return. This led, naturally, to the locals desire to govern themselves.

But Amherst's history goes back much farther. About 1,000 years ago, native peoples who lived and fanned all over Southern New England, including the area that became Amherst, met regularly at sites along the Connecticut River for fishing, feasting, and socializing. The Norwottucks, one of those groups, traveled through Amherst and probably set up temporary campsites along the Fort and Mill Rivers. They used two major trails, a path that later became Bay Road and one in the area of Pulpit Hill and East Leverett Roads.

The beginnings of the town we know today were not only built by those original farmers from Hadley and surrounding communities but by Africans who were brought here as slaves, torn from their homelands and families. Up through the 1770s, slaves were bought, sold, leased, and traded in Amherst. They worked on their owners' houses and farms and were always subject to being sold away from their families. During this same period, several free blacks also lived in Amherst.

Today, descendants from every group representing Amherst's ''First Comers'' can be found living in town and throughout the Connecticut River Valley.

What distinguished Amherst from other Connecticut Valley farming towns was an early interest in education. Between 1814 and 1821, Amherst citizens established both Amherst Academy and Amherst College. As early as 1847, Massachusetts citizens began thinking about the need for agricultural education, which paved the way for the founding of the Massachusetts Agricultural College in Amherst in 1863. In this same period, Amherst boasted small-scale manufacturing (and later large-scale hat factories) but without a large, powerful river, manufacturing never blossomed as it did in other Massachusetts communities. Amherst remained an agricultural and educational community.

It was the establishment of the University of Massachusetts in 1947 and its post-World War II expansion, the opening of Hampshire College in 1970, and the attendant population increase and development boom that threatened Amherst's small town character and natural beauty. Citizens responded with local laws to preserve agricultural land and to limit development. By the late 1960s, the town was noted for being progressive and socially conscious, with outspoken citizens bringing national and international issues to the local level. This independent spirit, combined with good schools, open spaces, and a vibrant intellectual life, has made Amherst a magnet for newcomers.

There are also other Amhersts: a home to immigrants from all over the world; a place where machinists and shop owners work and goods are made and sold; a place where people struggle to make ends meet amid social services spread then; and a town caught between residents' high expectations for schools and services and a tax base largely funded by property tax on private residences. Slightly more than half of Amherst's land is in use by the colleges and university or remains under conservation or agricultural restriction. Townspeople watch and wait as the resolutions to these economic issues evolve and define Amherst's future.

Once again, I am proud and honored to represent this town rich in history and community. Please join me in congratulating the Town of Amherst as it celebrates its 250th Founders Day.

TRIBUTE TO TRUMAN BENEDICT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of San Clemente, California are exceptional. San Clemente has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Truman Benedict is one of these individuals. On February 19, 2009, the San Clemente Chamber of Commerce will honor Truman with their ''Outstanding Lifetime Achievement Award.''

Truman Benedict moved to San Clemente in 1949, along with his wife Betty. A credentialed teacher educated at Whittier College in Los Angeles, Truman first began teaching seventh graders at Las Palmas. A Superintendent who had originally come to the ''village,'' as San Clemente was known, in 1944, selected Truman for the job of seventh grade teacher.

While renting a place on Avenida Pelayo, Truman continued for five years to teach at Las Palmas School where he worked for $180 a month. Truman Benedict became Principal of Las Palmas School, and in 1956 was named Superintendent of the San Clemente Elementary School District, which included Las Palmas and Concordia schools.

In 1965 when the Capistrano Unified School District, encompassing San Juan Capistrano, Capistrano Beach and San Clemente, was formed, Truman was named Assistant Superintendent in charge of curriculum and the certifying of teaching personnel. He eventually became Superintendent, then Deputy Superintendent of the district. From there Truman went on to serve as a San Clemente City Councilman, City Mayor and member of and volunteer for many civic groups.

Teaching came natural to Truman Benedict. As the smallest person in Los Angeles to ever play varsity basketball, Truman expected a lot of himself, and said that he was inspired by teachers who expected a lot out of him in return. Truman became a teacher because he enjoyed school and working with kids. It follows that in his career he was most often called upon to handle the older and brightest children.

In addition to his distinguished career as an educator and public servant, Truman is also a patriot; he served four years in the U.S. Armed Forces as P38 pilot. He was married to his wife Betty for 45 years until she passed away. Truman and Betty have two daughters, Sally and Nancy, and four grandchildren. The Truman Benedict School is named after him and Truman was named the 1990 San Clemente Citizen of the Year.

Truman's tireless passion for community service and education has contributed immensely to the betterment of the community of San Clemente, California. I am proud to call Truman a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives the ''Outstanding Lifetime Achievement Award.''

IN REMEMBRANCE OF TOM CLIFFORD, PRESIDENT EMERITUS OF THE UNIVERSITY OF NORTH DAKOTA

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. POMEROY. Madam Speaker, Tom Clifford was the most influential leader of the University of North Dakota in its entire history. I feel fortunate that he was president during my years there. I had the opportunity to work with him as a student senator, state legislator and member of the U.S. Congress. He was one of the finest people I've ever known.

Tom Clifford was a giant in every aspect of his life, from his service as a decorated Marine Corps veteran during World War II to his lasting legacy at the University of North Dakota.

During his 21-year tenure at the helm of UND, President Clifford oversaw a period of tremendous growth, in everything from enrollment—from 8,400 to more than 12,000 students—to research grants and contracts—from $6.4 million to $40 million—to evolving the university through the amazing growth of the aerospace program and the Center for Innovation.

Tom Clifford's influence extended far beyond education. When it came to diversifying the region's economy and creating new high paying jobs and rewarding careers, Tom Clifford was viewed by all parties as North Dakota's ''wise man.'' His counsel was often sought and freely given. His creative contribution will live on in our region through the new opportunities he helped grow.

Tom Clifford never stopped being an excellent athlete and the number one fan of the Fighting Sioux. When I was a student he was the best handball player at the university—turning back challengers decades younger than he was.

One particularly fond memory I cherish came from a trip I took with Tom to the NCAA Division H national championship in Alabama in 2001. The Fighting Sioux slugged it out for 4 quarters but trailed by 4 points with time almost done. The Sioux connected on a short pass, but suddenly the runner broke free and scampered nearly 80 yards for the winning touchdown. Although Tom was seated in the president's box along side the president and a few boisterous alumni from the other team, Tom didn't shout or say much, but his deep grin and twinkling eyes revealed the thorough happiness and pride he felt.

With Tom Clifford it was never about the talking. It was all about getting the job done successfully. He lived long. He lived well, and his own success created in turn generations of success in the lives of his students and the ongoing economic activity he helped create in our region.

President Tom Clifford was one of the greatest North Dakotans we have ever known. I am proud to have been his friend, and I will never forget his sterling example of integrity and strong leadership.

RECOGNIZING THE ACCOMPLISHMENTS OF CLAUDIA S. KNOTT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the accomplishments of Ms. Claudia ''Scottie'' Knott, who will retire from the Defense Logistics Agency, Fort Belvoir, Virginia, on March 1, 2009. Ms. Knott's distinguished government career spans 31 years, and her record of achievement during this period reflects greatly upon herself and upon the organizations with which she has served.

Ms. Knott has served as DLA's Senior Procurement Executive/Component Acquisition Executive (SPE/CAE) since 2001. Under this position Ms. Knott was responsible for the development, application, and oversight of DLA acquisition, policy, plans, programs, functional systems and operations. She has overall acquisition management responsibilities for the Agency including an annual Agency acquisition program exceeding $38 billion.

Born in Petersburg, Virginia, Ms. Knott has followed a wide-ranging career of increasing responsibility culminating in her appointment as Director of Acquisition Management. In 1978, she entered the Federal service as a program assistant for the Department of Agriculture and in 1981 was selected into the Defense Logistics Agency Intern Program. In 1993 she was accepted into the Industrial College of the Armed Forces (ICAF), Defense Acquisition University. After ICAF Ms. Knott went to work for the Assistant Deputy Under Secretary of Defense (Acquisition Reform/Electronic Commerce). In 1997, Ms. Knott became the Assistant Executive Director, Procurement at the Defense Logistics Agency.

In 2003, Ms. Knott was selected by the Director, Defense Logistics Agency, to be the Deputy Director, Logistics Operations. As the deputy, she was responsible for DLA's supply, distribution and reutilization and marketing business areas which resulted in over $30 billion in sales and services to the United States military and federal customers. Ms. Knott served as the Deputy Director, Logistics Operations until her appointment to Director, Acquisition Management in 2007, a principal staff code in DLA, as part of a reorganization to elevate contracting and contract management.

Ms. Knott attended Florida Institute of Technology, Chapman College and the National Defense University and is the recipient of numerous special achievement and performance awards including the Distinguished Civilian Service Award in September 2008. Ms. Knott was selected as one of the Federal Computer Week Top 100 IT Professionals in 1999 and 2001. She is an honorary lifetime faculty member of the Army Logistics Management College. Ms. Knott has also received the Vice President's ''Hammer Award'' for business reengineering in 1996 and has been confirmed into the Distinguished Order of Saint Martin, the patron saint of Logistics.

Madam Speaker, I wish to commend Ms. Claudia S. Knott on her retirement from Federal civil service. She epitomizes the dedication and professionalism that make our Federal government a model all over the world.

A TRIBUTE TO A.V. JONES, JR.

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. NEUGEBAUER. Madam Speaker, I would like to take this time to recognize A.V. Jones, Jr. for his dedication to the West Central Texas Municipal Water District. A.V. retired last year after 46 years of continuous service to the District, which includes the cities of Abilene, Albany, Anton, and Breckenridge.

A.V. Jones, Jr. was born in Wichita Falls, Texas in 1932 and moved shortly after to Albany, Texas, where he has lived ever since. After graduating from Oklahoma University with a Bachelors of Science in Petroleum Geology, A.V. settled in Albany with his wife, Pat. They have two children, Patti Holloway of Abilene, Texas and K.C. Jones of Albany, Texas.

A.V. joined the West Central Texas Municipal Water District in 1962. During his nearly half-century of service, A.V. served twice as President of the District. Under his leadership, the District oversaw and completed the construction of the Hubbard Creek Reservoir and its pumping system and pipeline that provides water to the District's four member cities. A.V. worked to maintain and preserve the Hubbard Creek Reservoir as a secure long-term water source for the District by exploring and pursuing alternate sources for the cities.

A successful entrepreneur in the oil and gas industry, A.V. and his family founded several oil and gas exploration companies. He is a Vice President of the Texas Oil and Gas Association, is on the Board of Directors of the American Petroleum Institute, and is a past President of the Independent Petroleum Association of America. Moreover, A.V. is a former President of the Board of Trustees of the Albany Independent School District.

A.V. brought his spirit of leadership and his knack for success from the oil and gas industry to the Water District. As a Director and Officer, A.V. had a profound impact on reaching the District's goal of providing a safe and reliable source of water through the management of existing resources and the pursuit of additional sources of water.

Many people in West Texas can attribute the running water in their homes to the hard work and commitment of A.V. Jones. Those in District 19, including myself, would like to thank him for a job well-done and extend to him our best wishes for his future endeavors.

IN REMEMBRANCE OF DON ALEXANDER

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. POMEROY. Madam Speaker, I rise today to remember a good man and a great American, the Honorable Donald C. Alexander. Don's recent passing was a great loss to those who loved him and to our Nation as a whole. He was a man of dignity and integrity whose brilliance was exceeded only by his kindness and generosity of spirit.

Don is perhaps best remembered for his distinguished tenure as head of the Internal Revenue Service (IRS) in the 1970s. Don always stood firmly on the side of right, and famously resisted President Nixon's attempts to use the IRS to persecute his political enemies. This was utterly in character for Don—he hated injustice in any form, and fought against it his entire adult life. He was a dedicated public servant, and served on numerous Federal commissions, including the Martin Luther King, Jr., Federal Holiday Commission.

Don never bragged about his distinguished military service, but he was a true American patriot who loved his country deeply. He was a twice-decorated veteran of World War II who served in Europe as a forward artillery observer and received the Silver Star and the Bronze Star.

Don was an honors graduate of Yale and Harvard Law School and one of the smartest tax lawyers our country has ever seen. His wise counsel on tax policy was sought by Members of Congress across the political spectrum, including myself. Don believed that the tax code could be an instrument of justice, and worked his entire adult life to make it more simple and more fair for every American.

Don never quit trying to make this country better. He came to work every day well into his eighties. His thorough knowledge of the tax code on a technical level, the legislature process on a practical level, and the context of the times on a historic level made his counsel and guidance second to none.

In addition to his many professional accomplishments, Don was a loyal and loving friend. He was the consummate gentleman, and his unstinting generosity and courtesy were widely admired. Don had a sharp wit, a ready charm, and a perpetual twinkle in his eye. He was always humble, kind, and loving to those around him. He will be dearly missed, but never forgotten.

BIPARTISAN RESOLUTION CONDEMNING IRAN'S PERSECUTION OF BAHA'IS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

''In Germany, they first came for the gypsies, and I didn't speak up because I wasn't a gypsy. Then they came for the Bolsheviks, and I didn't speak up because I wasn't a Bolshevik. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics. I didn't speak up then because I was a Protestant. Then they came for me, and there was no one left to speak up.''

—Martin Niemoller, a Lutheran pastor arrested by the Gestapo in 1937.

Mr. KIRK. Madam Speaker, then they came for the Baha'is.

The Baha'i Faith is the youngest of the world's independent monotheistic religions. Founded in Iran in 1844, it now claims more than 5 million adherents in 236 countries and territories. Gathering worshipers from nearly every national, ethnic and religious background, the Baha'is preach tolerance, diversity and equality.

To an Islamic dictatorship that denies its people basic political and human rights, this religion founded in Iran on the tenets of religious tolerance remains an anathema to the Supreme Leader. And the world is standing by as Iran's state-sponsored persecution of its Baha'i minority nears its final stages.

In 2006, Iran's Armed Forces Command Headquarters ordered the Ministry of Information, the Revolutionary Guard, and the Police Force to identify members of the Baha'i Faith in Iran and monitor their activities.

In that same year, we saw the largest roundup of Baha'is since the 1980s. The Iranian Interior Ministry ordered provincial officials to ''cautiously and carefully monitor and manage'' all Baha'i social activities. The Central Security Office of Iran's Ministry of Science, Research and Technology ordered 81 Iranian universities to expel any student discovered to be a Baha'i.

In 2007, the situation worsened. More than two-thirds of the Baha'is enrolled in universities were expelled once identified as Baha'is. Police entered Baha'i homes and businesses to collect details on family members.

Twenty-live industries were ordered to deny licenses to Baha'is. Employers were pressured to fire Baha'i employees and banks were instructed to refuse loans to Baha'i-owned businesses. Baha'i cemeteries were destroyed.

In November 2007, three Baha'i youths were detained for educating underprivileged children.

The following month, the Iranian Parliament published a draft Islamic penal code, requiring the death penalty for all ''apostates''—a term applied to Baha'is and any convert away from Islam.

On May 14. 2008, seven members of Iran's national Baha'i coordinating group were arrested. This is reminiscent of the mass disappearance and assumed murder of all the members of the National Spiritual Assembly of the Baha'is of Iran in August, 1980.

On August 1, 2008, the U.S. House of Representatives passed H. Res. 1008, condemning the persecution of Baha'is in Iran and calling for the immediate release of all Baha'is imprisoned solely on the basis of their religion.

Our bipartisan voice bought the Baha'i leadership some time—but it appears only 6 months.

This week, the Government of Iran charged the seven Baha'i leaders with ''espionage for Israel, insulting religious sanctities and propaganda against the Islamic republic.'' Deputy Tehran Prosecutor Hassan Haddad declared, ''The charges against seven defendants in the case of the illegal Baha'i group were examined . . . and the case will be sent to the revolutionary court next week.''

It is time for the international community to act.

Today, along with my colleagues JIM MCGOVERN and BRAD SHERMAN, I am introducing a bipartisan resolution calling on the

Government of Iran to immediately release the seven Baha'i leaders and all others imprisoned solely the basis of their religion.

I urge President Obama and Secretary Clinton, in concert with the international community, to publicly condemn Iran's persecution of its religious minorities and demand the release of these seven community leaders.

PERSONAL EXPLANATION

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. LEE of New York. Madam Speaker, I regret that I do not have the opportunity to participate in today's debate due to the need to be back in my district. I sincerely appreciate the Members of the House engaging in a moment of silence to honor the memory of those who lost their lives in last night's tragic accident in Clarence, NY.

America's current economic crisis has hit western New York hard, and from the outset of this debate, I have expressed the need for a timely, fiscally responsible recovery plan that provides the economy with the jumpstart it needs to create jobs.

This new Washington spending plan simply fails to meet this common-sense standard of economic growth. It is far more focused on growing Washington than it is on stimulating job creation and had I been present I would have voted no.

In many ways, this spending bill is inferior to its predecessor. It creates nearly just as many and expands more government programs while severely limiting tax relief for small businesses, which create most of our economy's new jobs. In fact, for every one dollar this spending bill devotes to small-business tax relief, Washington gets to keep more than 32 dollars for itself to create new government programs.

Creating jobs in western New York has been at the top of my ''to-do'' list since before I ran for Congress, when I was helping run a family manufacturing business.

That's why I helped craft a timely, fiscally responsible economic recovery plan that creates twice the jobs at half the cost of this Washington spending bill. Additionally, my recovery plan creates 184,000 more jobs for New Yorkers than this spending bill.

The plan I helped put together spurs job creation right now by providing relief for 100 percent of income taxpayers, preserving ''net operating loss carryback'' reforms that help small business weather tough economic times, and implementing a tax deduction equal to 20 percent of income for those small businesses with 500 or fewer employees.

Washington's refusal to reform its spending habits and focus its efforts on job creation puts significant taxpayer dollars at risk. In fact, the massive spending in this plan is enough to create budget deficits 2.5 times the size of President George W. Bush's deficits over the same 8-year period.

EXPRESSING GROWING CONCERN WITH THE RECENT RISE IN ANTI-SEMITISM IN SOUTH AMERICA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution expressing growing concerns about the recent rise of anti-Semitism in South America, and the accompanying acts of violence and hatred against members of the Jewish community there.

Throughout my life, and throughout my tenure in Congress, I have always condemned the unconscionable spread of anti-Semitism wherever it has raised its ugly head. There is never an excuse to single out members of the Jewish community for attack, to destroy their sacred property, to boycott their businesses, or to perpetuate physical harm.

From Asia to Africa to Europe to the Middle East, too many leaders have too often used anti-Semitism to deflect attention from their own failings, or to stir up their domestic populations for political gain.

We see the pernicious tidings of anti-Semitism, this time in South America. In Venezuela, Bolivia and Argentina, Jewish communities in recent weeks and months have been the subject of vicious attacks, verbal abuse, and government-supported expressions of extreme intolerance and intimidation. My resolution highlights some of these recent attacks, including the January 30th assault on the Tiferet Israel synagogue in Caracas, Venezuela, in which armed men using tear gas violently ransacked this house of worship.

While I am pleased that eleven suspects have been arrested, I am disturbed to learn that a majority of these men are police officers. Indeed, the Venezuelan government of late has fostered a climate of hatred, openly questioning the loyalties of Venezuela's Jewish community, and using recent events in Israel to score cheap political points by assailing members of the Jewish community.

Madam Speaker, I could tell a similar story about events in Bolivia and Argentina, where Jewish children have arrived at their schools to find swastikas painted on walls and graffiti admonishing Jews to leave the country.

These attacks are not isolated incidents of a few bad apples, but rather reflect the systematic use of violence and intimidation in the place of dialogue and debate. Anti-Semitism is not a legitimate form of public protest. It never has been and it never will be. We cannot, in good conscience, allow these acts of hatred to go unnoticed and unreported. I ask my colleagues to support this resolution to condemn these acts of violence and to encourage the Venezuelan, Bolivian, and Argentinean governments to take all necessary steps to ensure that anti-Semitism is not tolerated in South America.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Ms. GRANGER. Madam Speaker, on rollcall Nos. 54, 55, 56, 58, and 59, I was absent from the House. Had I been present, I would have voted ''yea.''

THE INTRODUCTION OF THE ''BUSINESS ACTIVITY TAX SIMPLIFICATION ACT''

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 13, 2009

Mr. BOUCHER. Mr. Speaker, I rise to introduce the Business Activity Tax Simplification Act of 2009, a measure with far-reaching consequences for businesses throughout our nation.

Traditionally, states and localities have levied corporate income, franchise and other taxes only on those businesses that have a physical presence in the taxing jurisdiction. The growth of the Internet and interstate business transactions has made it possible for businesses to conduct transactions without the constraints of geopolitical boundaries. As a result, recently some states have attempted to expand their tax base by assessing business activity taxes against out-of-state companies that have customers but no property or employees in the taxing state. Both large and small companies are facing an increasingly unpredictable tax environment for businesses, which hinders business expansion and threatens the continued development of e-commerce.

The legislation we are introducing today, which I am pleased to champion with my colleague and good friend Mr. GOODLATTE—as well as Mr. ARTUR DAVIS, Ms. BACHMANN, Ms. HERSETH-SANDLIN, Mr. JONES, Mr. BOBBY SCOTT, Mr. JORDAN, Mr. WEINER, Mr. PENCE and Mr. JOE WILSON—will bring certainty to today's increasingly chaotic tax environment for businesses by clarifying that the states cannot attempt to tax the income of a company that has no physical presence within the taxing state's borders.

Our legislation sets forth clear, specific standards to govern when businesses should be obliged to pay business activity taxes to a state. Generally, a business must use employees or services in a state for more than 15 days in a calendar year before it is liable to pay business activity taxes to that jurisdiction.

The Business Activity Tax Simplification Act also modernizes legislation which Congress enacted 50 years ago that set clear, uniform standards for when states could tax out-of-state businesses for the solicitation of orders for sales. Like the economy of its time, the scope of Public Law 86–272 was limited to income taxes on tangible personal property. Our nation's economy has changed dramatically over the past half-century, and this outdated statute needs to be modernized to apply

equally to the sale of intangible property and services, and to other business activity taxes.

I want to emphasize that the Business Activity Tax Simplification Act does not diminish the ability of states and localities to collect tax revenue. Rather, it rationalizes and makes more predictable the process of doing so.

The lack of clarity in current law has led to sometimes absurd results. A collection agent with the New Jersey Department of Taxation stopped a refrigerated truck on the New Jersey turnpike, loaded with product belonging to Smithfield Foods, a company headquartered in my state of Virginia. The agent held the truck and its driver for several hours and demanded that, to release the truck, Smithfield had to wire $150,000 immediately to the New Jersey Department of Taxation. The agent claimed that he had the right to hold the truck and its contents because Smithfield had failed properly to file New Jersey tax returns.

Smithfield informed the New Jersey agent that his claim was unfounded. It explained that Public Law 86–272 protected it from New Jersey income taxation because it only engaged in solicitation in New Jersey and had no physical operations in the state. The agent refused to accept this explanation; however, he finally agreed to release the truck and its driver in return for $8,000.

Smithfield appealed this aggressive and incorrect application of Public Law 86–272 to the New Jersey State tax commissioner. Ultimately, New Jersey accepted Smithfield's contention that it has no physical presence in the state and is not subject to New Jersey income tax. It issued Smithfield a refund and an apology for its roadside justice system, but not before Smithfield had invested much time and expense in resolving a situation which should not have arisen under current law. Our measure will help avoid such scenarios in the future by clarifying the physical presence standard embodied in Public Law 86–272.

New Jersey has used similar tactics against out-of-state companies selling intangible goods to its residents, a situation not covered by 86–272. It has argued that a mom-and-pop South Carolina software company with no physical presence in any states other than South Carolina and Georgia, owes a minimum of $600 per year in corporate income taxes and fees based only on the sale of licensed software to a New Jersey entity, and that the company would owe such tax every year that its software was in use in the state, even for those years in which the company had no income from any customer in New Jersey.

The Louisiana Department of Revenue has threatened to assess business activity taxes on several out-of-state companies based merely on the fact that they broadcast programming into the state, arguing that the companies are exploiting the Louisiana market because the programming is seen or heard by individuals in Louisiana.

Several states attempt to assess business activity taxes on out-of-state credit card companies based on the fact that their customers reside in the taxing jurisdiction and on arguments that the credit card company has engaged in the ''substantial privilege of carrying on business'' in the state.

The Business Activity Tax Simplification Act offers Members the opportunity to put an end to nonsensical situations like these. In doing so, we will provide certainty to both U.S. businesses and to states, thereby fostering economic growth and development. I thank Mr. GOODLATTE and the original cosponsors of the Business Activity Tax Simplification Act for their support, and I urge each of my colleagues to assist us in enacting this much needed bipartisan legislation.